



# ADUR DISTRICT COUNCIL

25 March 2021

Adur Planning Committee	
<b>Date:</b>	<b>6 April 2021</b>
<b>Time:</b>	<b>7.00 pm</b>
<b>Venue:</b>	<b>Remote Meeting via Zoom</b>

**Committee Membership:** Councillors Carol Albury (Chair), Kevin Boram, Stephen Chipp (Vice-Chairman), Brian Coomber, Lee Cowen, Joss Loader and Paul Mansfield

**NOTE:**

Anyone wishing to speak at this meeting, on a planning application before the Committee, should register by telephone (01903 221006) or e-mail

[democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk) before noon on Thursday 1 April 2021.

## Agenda

### Part A

#### 1. Substitute Members

Any substitute members should declare their substitution.

#### 2. Declarations of Interest

Members and Officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

Members and Officers may seek advice upon any relevant interest from the Monitoring Officer prior to the meeting.

### **3. Public Question Time**

So as to provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by midday on Wednesday 31 March 2021.

Where meetings are held remotely, no question will be permitted from the public unless such notice has been given.

Questions should be submitted to Democratic Services -  
democratic.services@adur-worthing.gov.uk

(Note: Public Question Time will last for a maximum of 30 minutes)

### **4. Confirmation of Minutes**

To approve the minutes of the Planning Committee meetings of the Committee held on 8 March 2021, which have been emailed to Members.

### **5. Items Raised Under Urgency Provisions**

To consider any items the Chair of the meeting considers urgent.

### **6. Planning Applications (Pages 1 - 52)**

To consider the reports by the Director for the Economy, attached as Item 6.

a) Addendum (Pages 53 - 56)

### **7. Open Space Standards (Pages 57 - 70)**

To consider a report by the Director for the Economy, attached as Item 7.

### **8. Appeal Performance (Pages 71 - 80)**

To consider a report by the Director for the Economy, attached as Item 8.

## **Part B - Not for publication - Exempt Information Reports**

None.

#### **Recording of this meeting**

Please note that this meeting is being live streamed and a recording of the meeting will be available to view on the Council's website. This meeting will be available to view on our website for one year and will be deleted after that period. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer 01903 221006 <a href="mailto:heather.kingston@adur-worthing.gov.uk">heather.kingston@adur-worthing.gov.uk</a>	Sally Drury-Smith Lawyer 01903 221086 <a href="mailto:sally.drury-smith@adur-worthing.gov.uk">sally.drury-smith@adur-worthing.gov.uk</a>

**Duration of the Meeting:** Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

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ADUR DISTRICT  
C O U N C I L

Planning Committee  
6th April 2021

Agenda Item 6

Ward: ALL

Key Decision: Yes / No

## Report by the Director for Economy

### Planning Applications

**1**

**Application Number:** AWDM/2139/20 **Recommendation – Approve**

**Site:** The Pilot, Station Road, Southwick

**Proposal:** Demolition of existing building and construction of a new six storey building containing 34 one & two bedroom flats; 70sqm ground floor commercial space (Class E); 21no. parking spaces (18no. within a new basement); access ramp; cycle and bin stores and associated landscaping.

**2**

**Application Number:** AWDM/1999/20 **Recommendation – Approve**

**Site:** Land South of 17 To 19 Victoria Road, Shoreham-by-Sea

**Proposal:** Construction of pitched roof detached 2 bedroom dwellinghouse over two storeys with rooms in roof, with dormer to south elevation, including 2no. parking spaces and bin and bike storage. (Amended resubmission of AWDM/0989/20) (AMENDED PLANS received setting building back by 0.4m, reducing height by 0.4m and removing side extension).

**Application Number:** AWD/2139/20

**Recommendation - Approve**

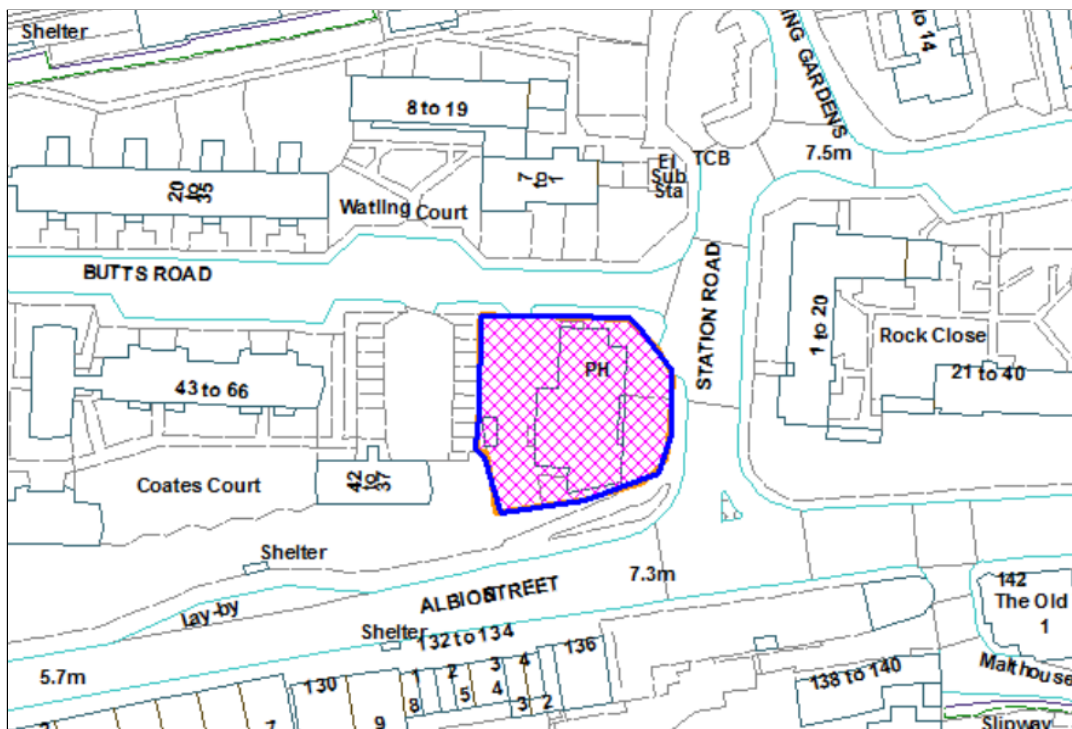
**Site:** The Pilot, Station Road, Southwick, BN42 4AE

**Proposal:** Demolition of existing building and construction of a new six storey building containing 34 one & two bedroom flats; 70sqm ground floor commercial space (Class E); 21no. parking spaces (18no. within a new basement); access ramp; cycle and bin stores and associated landscaping.

**Applicant:** Mr P Hudson - Pilot Developments Southern Ltd  
Ward: Eastbrook

**Agent:** Mr Rob Meynell - JDRM Architectural Design LLP

**Case Officer:** Mr Stephen Cantwell



**Not to Scale**

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## Site and Surroundings

The application site is located within the Shoreham Harbour Regeneration Area which is a wider site allocation within the Adur Local Plan 2017 (Adur Local Plan Policy 8) which is identified as a broad location for change and regeneration. It is identified as being within the Fishersgate & Southwick character area of the Regeneration Area.

The application site comprises a former public house 'The Pilot' (which closed in 2010) with associated car park. It is approx 0.11ha in area and a broadly square in shape site. It is located on the western side of the traffic light-controlled junction of Station Road with Albion Street (A259) and has three frontages onto Albion Street, Station Road and Butts Road. The building is two-storeys with a pitched roof and single storey extensions at its northern and southern ends, wrapping around the rear. The ground floor of the building is currently occupied by a charity shop with first floor residential above.

The site has 2 vehicular access points, one from Butts Road in the north-west corner of the site which serves its rear car park and one from Station Road to the north-east corner, adjoining the road junction with Butts Road.

The existing building dates from 1963 as part of a comprehensive redevelopment during the late 1950's/early 1960's. There are 4-storey pitch-roofed red-brick blocks of flats to the east and north (Rock Close and Watling Court) and smaller 3-storey buff-brick blocks to the west (Coates Close). To the western end of Butts Road, are taller residential buildings one of these being 7 storeys in height. The existing building is prominent at the road junction but is of no particular architectural merit. Southwick Station is a short distance (approx 70m) to the north of the site, beyond which is the Southwick local shopping centre, Southwick Square (approx 250m away).

The southern site boundary is set back from the A259 by a grassed verge and two separate pavement routes. This area is identified as a green corridor in the Shoreham Harbour Joint Area Action Plan. On the opposite (south side) of Albion Street are commercial riverside premises of one and two-storeys which back on to the Lady Bee Wharf and the harbour which includes an employment allocation for 4000m<sup>2</sup> of new employment floor space (Policy CA5 - Allocation Southwick Waterfront).



**Figure 1 - Aerial View**

In respect of heritage assets, the Southwick (Riverside) Conservation Area is located approx 70m to the south west beyond Albion Street which contains three non-designated heritage assets identified as the Old Town Hall. This shares a direct visual relationship with the site, Schooner Public House and Malthouse Cottage, and a Grade II Listed Building identified as the Royal Sussex Yacht Club Boat Store. The main Southwick Conservation area is located 150m to the north-west beyond the railway.

The site is of low ecological value with very little vegetation. In terms of landscape designations, the South Downs National Park is located approx. 1.57km away to the north beyond the A27. The site is within Flood Zone 1 (lowest risk of flooding) according to Environment Agency Flood Mapping.

The site is within an Health and Safety Executive (HSE) Outer Consultation Zones which control types of development close to riverside sites where hazardous substances are handled.

## **Proposal**

The scheme proposes a predominantly residential block consisting of 34 no. apartments (5 x studio, 9 x 1 bed and 20 x 2 bed) and a ground floor commercial unit (70m<sup>2</sup>) to be used as a cafe (class E). Affordable housing provision would comprise 30% of the total, of which 75% would be social rented and the remaining would be 25%. Market and affordable homes would share a common access. All would comply with part M4(2) (accessible and adaptable homes).

As illustrated further below, the block would be 6 storeys in height. The top floor would be set back and the side blocks being tiered down to 4 storeys. The elevations show external balconies, curved glazing and external materials which include white and grey brickwork for most floors and metal-seam cladding to top floors. New soft landscaping would be provided around the building. Bin and secure cycle storage. The frontage to the Albion Street and Station Road would be landscaped with a small outdoor seating area for the proposed cafe. The landscaping would incorporate drainage features (swales).

Off-road parking provision for 21 car parking spaces would comprise 18 basement spaces, served via a ramp access from Butts Road, and a further 3 at ground floor level next to the ramp. All of these would have electric charging points. Provision would be made for a car club/car sharing space and a disabled space within the 21 spaces. A total of 32 cycle storage space would be provided comprising 22 secure spaces for residents, 6 for visitors to the dwellings and 4 for visitors and staff to the commercial unit.

Further detail of the components of the scheme including sustainable energy measures are discussed further below.

## **Relevant Planning History**

ADC/0277/10 - Redevelopment with four-storey block of 14 two-bedroom flats with 5 car parking spaces and 14 cycle spaces (outline with all matters reserved)

**Application Withdrawn** (due to HSE restriction in place at that time in relation to a maximum density of 40 dph for new housing with the consultation zone for a fertiliser

storage facility on the south-side of the harbour - these restrictions are no longer applicable).

AWDM/0203/11 - Redevelopment of public house with four-storey building comprising Class A1 retail shop use with ancillary storage on ground floor, additional storage and offices on first floor, and 2 three-bedroom flats on each of the second and third floors (Outline with all detailed matters reserved).

**Approved 05/10/2011.** (Unimplemented)

AWDM/0719/11 - Change of use from public house (Class A4) to Class D1 (Church/Place of Worship with ancillary internet cafe, snack bar/cafe, and residential flat on first floor)

**Approved 16/12/2011.**

## **Consultations**

### ***West Sussex County Council:***

WSCC Highways: No objection subject to conditions to secure Construction Management Plan and Travel plan. The following clarification is provided:

- Access - proposed access to basement car parking in similar position to existing access from Butts Road. 3 car parking spaces also provided for visitors at ground floor level. All spaces are accessible. Access arrangements are acceptable.
- Traffic Generation - proposal would generate 14 two-way vehicular trips in AM peak hour and 22 two-way trips in PM peak, and taking into account commercial space limited at 70 sqm, this would have an acceptable impact on the highway.
- Accessibility - site has good access to sustainable modes of transport including bus stop and train station (providing links to wider employment), as well town centre and other facilities being located within walking distance. Car sharing scheme proposed to give residents further choice of travel elements.
- Parking and Layout - Proposal has 21 car parking spaces (3 visitor spaces). TA suggests 43% of trips by car from future occupiers, 34% by walking and 19% by public transport. TA concludes car usage will account for less than half of all journeys from the site and as such fewer parking spaces will be necessary due to lower car ownership and lower anticipated car usage. 32 cycle parking spaces proposed comprising 22 secure spaces for residents, 6 for residents visitors spaces and 4 spaces outside the commercial unit for customer and staff use. The level of provision is considered acceptable to meet the needs of the development.
- Proposed Albion Street/A259 Cycleway - following the receipt of further information, the proposal would not impact on the proposed cycle route. Appropriate frontage landscaping should be ensured to avoid impinging on the implementation of the future cycle route.

*Lead Local Flood Authority:* No objection subject to satisfactory information to meet the requirements of the Borough Drainage Engineer (comments further below). The following clarification is also provided:

- Flood risk summary - the site is at low risk of surface and groundwater flooding
- SUDS - proposal includes green roof, permeable paving and swales with a

restricted discharge to the main sewer which would be used to control the surface water runoff from the site. Surface water pumping stations are not considered sustainable and should only be used where there is no other practicable method of surface water drainage. Alternative solutions to pumping should be ruled out before this is considered.

*Education:* Comments are awaited in respect of financial contributions towards education provision. Updates to be provided.

*Libraries:* Comments are awaited in respect of financial contributions towards the improvement of local libraries. Updates to be provided.

*Fire and Rescue:* Comments are awaited in respect of financial contributions to mitigate the impact of the proposal on local fire and rescue infrastructure. Updates to be provided.

*Total Access Demand (Contribution):* This is based on total access to and from a development. An Infrastructure Contribution is required in respect of each occupant as they would be more likely to use the road infrastructure. The final contribution would go towards local highways improvement schemes. Updates to be provided.

#### ***Adur & Worthing Councils:***

*Borough Drainage Engineer:* Following the receipt of additional information - No objection subject to conditions securing details of surface water drainage system, appropriate maintenance and management strategy, and post completion certification. The following clarification is provided:

- Flood risk - Site is with flood zone 1 and shown to not be at risk from surface water flooding.
- Surface water drainage - proposed strategy includes use of permeable paving and swales, blue roof and tree pits. Based on the additional information provided, it is demonstrated that a pump would be required for the basement element of the scheme.

*Environmental Health Officer (Public Health):* Request overheating assessment and clarification over noise mitigation measures for the balconies and garden areas, and type of foundation design proposed. Updates to be provided.

Planning conditions recommended to secure air quality mitigation measures, contaminated land assessment, details of hours of operation for the commercial use, construction management plan and informative notes in relation to undertaking demolition works under s80 of the Building Act 1984.

*Environmental Health (Private Sector Housing):* No objection

*Landscape Officer:* Following the receipt of revised soft landscaping plans, no objection.

*Fire Safety Officer:* No objection. Informative fire strategy guidance provided.

*Design and Conservation Officer:* No objection

*Waste Services:* No comments received

*Parks and Leisure Team:* Comments awaited. Updates to be provided.

***External Consultees:***

*Adur District Conservation Advisory Group:* Objection on the following grounds:

- Recognise the applicant has complied with the relevant regulations currently prevailing in order to create the smallest footprint possible in order to minimise the impact of the climate change situation.
- Considerable concern regarding the height which will dominate the area.
- Adverse impact on daylight for occupiers of the block of flats located immediately to the rear of the proposed property - similar example at Mariners Point where existing properties directly opposite on the North of A.295 lost approx. 85% day/sunlight during early Autumn through to the late Spring months - investigation into such serious overshadowing impacting on the neighbouring block to the rear of this proposal should be undertaken.
- In light of above, no more than 5 storeys recommended - to offset the loss of the 6th floor, consider the ground floor being used for residential units in place of "commercial" use if, as the proposed café could impact on the viability of similar businesses in Southwick Square nearby.
- Design of this large building is impressive but differs greatly to those properties located within the immediate area & will dominate which does raise the question in terms of its market ability.
- Taking all matters into account, members unanimously felt that this application should be refused.

Following the receipt of amended plans:

- ADCAG's previous comments still apply.

***Southern Water Services:*** No objection subject to conditions securing details of surface and foul water drainage. Guidance provided on undertaking works to local drainage infrastructure.

***Sussex Police:*** No objection. Guidance provided on the licensing process if alcohol is proposed to be served in the cafe including ensuring appropriate hours of operation to avoid disturbance to the residential occupiers above and nearby and recommendations on table service only (alcohol served with food). Guidance provided on secured by design crime prevention measures including appropriate access control, post boxes, intruder alarms, secure bin and cycle storage, suitable lighting and landscaping that allows sufficient visibility for security. With regards to the basement car parking, advice should also be sought from Sussex Police Counter Terrorist Security advisers.

*English Heritage:* No comments - refer to specialist local heritage advisors

*Environment Agency:* No comments received

*Adur Homes:* No comments received

*Network Rail:* No comments received

## **Neighbour Representations**

None received

## **Relevant Planning Policies and Guidance**

Adur Local Plan 2017:

- 2 (Spatial Strategy)
- 3 (Housing Provision)
- 4 (Planning for Economic Growth)
- 8 (Shoreham Harbour Regeneration Area)
- 15 (Quality of the Built Environment and Public Realm)
- 16 (A Strategic Approach to the Historic Environment)
- 17 (The Historic Environment)
- 18 (Sustainable Design) - 110 litres/person day water
- 19 (Decentralised Energy and Standalone Energy Schemes)
- 20 (Housing Mix and Quality)
- 21 (Affordable Housing)
- 22 (Density)
- 25 (Protecting and Enhancing Existing Employment Site and Premises)
- 26 (The Visitor Economy)
- 28 (Transport and Connectivity)
- 29 (Delivering Infrastructure)
- 30 (Green Infrastructure)
- 31 (Biodiversity)
- 32 (Open Space, Recreation and Leisure)
- 33 (Planning for Sustainable Communities)
- 34 (Pollution and Contamination)
- 35 (Water Quality and Protection)
- 36 (Flood Risk and Sustainable Drainage)

Shoreham Harbour Joint Area Action Plan (2019):

- SH1 (Climate change, energy and sustainable building)
- SH3 (Economy and Employment)
- SH4 (Housing and community)
- SH5 (Sustainable travel)
- SH6 (Flood risk and sustainable drainage)
- SH7 (Natural environment, biodiversity and green infrastructure)
- SH8 (Recreation and Leisure)
- SH9 (Place making and design quality)
- SH10 (Infrastructure Requirements)
- CA5: Fishersgate and Southwick
- Character Area Proposal - Map 10

## **Supplementary Planning Documents, Guidance and Evidence Documents**

- National Planning Policy Framework or NPPF (CLG 2019)
- Planning Practice Guidance (CLG 2014-present)
- Sustainable Energy SPD (August 2019)
- Guidance on Parking at New Developments, May 2019 (WSCC, August 2019)



'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats';  
Technical Housing Standards – Nationally Described Space Standard (CLG 2015)  
Planning Contributions for Infrastructure Provision SPD (2013)  
The Shoreham Harbour Transport Strategy (October 2016)  
Shoreham Harbour Heat Network Study (2015)  
Shoreham Harbour Flood Risk Management Guide SPD (2015)  
The Shoreham Harbour Streetscape Guide (2012)  
A Strategy for Shoreham Renaissance (2006)

Adur Local Plan (2017)

In accordance with NPPF, Adur Local Plan Policy 1 supports the principle of development which is sustainable in terms of meeting economic social and environmental objectives, including: the right types of development with provision of infrastructure; sufficient number and type of homes in well-designed environments and the protection and enhancement of existing built environments, minimising energy needs and pollution and adapting to climate change.

Policy 2 identifies Shoreham Harbour as a focus for development to facilitate regeneration through delivery of a mixture of uses including housing which will be delivered through a Joint Area Action Plan (JAAP). Policy 3 identifies a minimum district housing requirement over the Plan period of 3,718 new homes (an average of 177 new homes a year) with a minimum of 1,100 of these new homes being delivered as part of the Shoreham Harbour Regeneration Area Western Arm (within Adur). The site is to the east of the western arm allocation.

Policy 4 seeks the provision of 41,000m<sup>2</sup> of new employment generating floor space of which 16000m<sup>2</sup> should be provided with the Shoreham Harbour Regeneration Area falling (within Adur).

Policy 8, considered in more detail further below, requires proposals to be determined in accordance with the JAAP and identifies key priorities for the different areas of the regeneration area. As described under JAAP policy CA5 below, it falls within the 'Fishergate and Southwick' Character area which seeks to:

- To designate Southwick Waterfront as a strategic employment area.
- To support the comprehensive redevelopment of Southwick Waterfront to accommodate a mix of new and improved employment uses (classes B1, B2 and B8).
- To safeguard and develop port operational areas to accommodate new and relocated port uses with limited land reclamation and a new access road (within the port boundary) in line with the Port Masterplan.
- To support the comprehensive reconfiguration of Lady Bee Marina.
- To address deprivation through partnership working with Action Eastbrook Partnership and local service providers.
- To improve sustainable transport links with surrounding communities.
- To support improvements to local community facilities, including enhancing Fishergate recreation ground.
- To enhance biodiversity by creating and improving habitats and improved

green infrastructure links, including landscape enhancements to social housing estates.

The supporting text to policy indicates, the aims of the plan for Shoreham Harbour over the next 15 - 20 years include the need to maximise the potential of Shoreham Harbour for the benefit of existing and future residents, businesses, Port users and visitors through a long term regeneration strategy, and to deliver a series of appropriately located, high quality, sustainable, mixed-use developments including new housing, employment space, leisure opportunities, improved public realm and associated infrastructure including flood defences and measures to encourage the use of sustainable transport (para 2.93).

It further recognises there is an opportunity to bring underused sites back into active use for new employment and housing developments, raise the quality of community spaces and improve waterfront access (para 2.92). The policy sets out a range of applicable environmental criteria to achieve these aims.

#### Shoreham Harbour Joint Area Action Plan, 2019 (JAAP)

The JAAP was approved in October 2019. It contains topic-based policies SH1-9 which shape standards of development, such as high quality design, flood defence, sustainability, transport, employment, spaces and nature. The application site falls within the wider regeneration area and is subject to an area based policy CA5 'Fishersgate and Southwick' Character Area where one of the area priorities is to support improvements to the local housing estates and community facilities, including landscape improvements to the frontage of the housing estates. More detailed points are considered under the individual subheadings in the Planning Assessment section below.

#### National Planning Policy Framework -NPPF (2019)

The Framework describes the overarching objectives, with sustainable development contributing towards net gains across economic, social and environmental objectives and indicates, amongst other guidance:

- that decision-makers should approve proposals that accord with an up-to-date development plan without delay (para 11(c)),
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (para 11(d)),
- recognise government objectives of significantly boosting the supply of new homes (para 59),
- requires authorities to support the development of small and medium sized windfall sites and give great weight to the benefits of using suitable sites within existing settlements for homes (para 68),
- supports for the development of homes suitable for first time buyers and

- renters (para 71),
- planning decisions should support economic growth (para 80),
- 'planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard (para 93),
- proposals should make efficient use of land and deliver development that meets identified housing needs (para 122) and ensures provision of appropriate infrastructure, and
- requires great weight to be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area (para 131).

### **Approach to decision making**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Similarly Section 72 subsection (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a comparable requirement relating to Conservation areas and provides "In the exercise, with respect to any buildings or other land in a conservation area.....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

### **Publicity**

The application has been publicised in accordance with the legal requirements of the Town and Country Planning (Development Management Procedure) Order 2015, and the Council's Statement of Community Involvement. This has involved the display of site notices, notification letters sent to neighbours, and a notice being displayed in local newspapers.

### **Environmental Screening**

The application has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, which concluded that the proposed development is not "EIA development" and therefore an

Environmental Statement is not required. This conclusion does not override the need to consider matters of environmental importance such as air quality, energy, impact, appearance and impact on existing neighbours and future residents, which are relevant considerations in the determination of this application and considered in the planning assessment below.

## **Planning Assessment**

### ***Principle of development***

The proposal relates to the redevelopment of brownfield land within the built up area boundary, as a 'windfall' site, which falls within the wider Shoreham Harbour Regeneration Area which is a focus for development to facilitate regeneration through the delivery of a mixture of uses including housing and commercial uses having regard to the provisions of Adur Plan Policies 2, 3, 4 and 8, Shoreham Joint Area Action Plan policies SH3 and SH4 and the National Planning Policy Framework.

The proposals would provide 34 new homes at a density of 300 dwellings/ha within a sustainable location which ensures the efficient use of land whilst contributing to the district's overall housing delivery target in seeking to achieve and thereafter maintain a 5-year housing land supply. The latest NPPF compliant housing calculation shows a 4.8 year housing supply as such the provision of much needed housing must be afforded significant weight.

The proposal would involve the loss of the former public house, used most recently for retail purposes as a charity shop. Under Local Plan Policy 33 there is a requirement that community facilities, including pubs should be retained or replaced, therefore the proposal would incorporate ground floor space for a new cafe. This is considered to be a reasonable approach, given that the public house has been out of use for several years and that a small cafe could serve both local residents and nearby businesses. The JAPP policy SH3 supports small ancillary uses of this type within the regeneration area. Because of its modest size and location, it is unlikely to harm the function of the local shopping parade at Southwick Square to the north.

It is also of some relevance that the unimplemented 2011 planning permission (AWDM/0203/11) for redevelopment was for a mixture of retail use with residential above.

For these reasons, the proposed use is considered acceptable in principle subject to the detailed considerations set out further below.

### ***Sustainability & Energy***

In accordance with the provisions of Adur Local Plan Policies 18, 19, 28 and to reduce carbon emissions for all major developments, proposals should incorporate renewable and low carbon energy production equipment to meet at least 10% of predicted energy requirements. In this regard, the proposal would provide:

- The use of 34no. solar photovoltaic panels to meet 11.7% of the predicted energy requirements;
- Residential Internal water use to be to be less than 110 litres/person/day;

- Commercial water use to meet BREEAM 'Very Good' Standards as a minimum;
- The incorporation of electric vehicle charging points;

In addition, in accordance with the JAPP Policy SH1, the proposal would make provision for the following approach:

- Provision of a communal heating system with provision for connection to the future district heating network (the plant room sited towards to the front of the site at basement level to allow for ease of connection);
- 34no. roof-mounted photovoltaic panels, aforementioned;
- Heating and cooling based on the heating and cooling hierarchy (e.g. mechanical ventilation and heat recovery system, linked to noise insulation);
- Water use will be less than Building Regulations Part G requirements;

### Energy and District Heating System

Future connection to the Shoreham Harbour District Heating Scheme would be ensured by the provision of a communal heating system using Air Source Heat Pumps (ASHP), rather than individual gas or electric boilers. This system would be designed to link to the district system when constructed. The proposed basement would contain a plant room to connect to the underground pipe infrastructure which would potentially be located along the site frontage. Each new apartment would be fitted with a Heat Interface Unit (HIU) which measures the amount of heated water used to heat the apartments. A Legal Agreement can require future access and liaison to achieve the connection.

The overall approach for the proposal has been to adopt and follow the national energy hierarchy (Lean, Clean, Green): The following passive and active design measures are estimated to contribute to a 72.26% reduction in CO2 emissions above minimum standards. This includes the use of low and zero carbon technologies achieving an estimated on-site energy generation of 11.7% of the site's energy use.

- ☐ Building orientation maximise internal daylighting, passive solar gain, natural ventilation to commercial unit
- ☐ Thermal comfort managed through building mass, low emissivity glazing (which helps minimize the amount of infrared and ultraviolet light that comes through the glass), internal blinds, overhanging balconies to provide solar shading
- ☐ Energy efficient building fabric
- ☐ Low energy LED internal & external lighting
- ☐ Balanced mechanical ventilation with heat recovery system (MVHR) for the apartments.
- ☐ Air Source Heat Pump (ASHP) system for heating & cooling
- ☐ Smart energy control systems to reduce energy waste
- ☐ BREEAM 'Excellent' rating
- ☐ Green and blue roofs
- ☐ 21no high speed car charging points (all car parking spaces)

Subject to planning conditions to secure the final details of the above measures, the proposal would accord with the sustainability objectives of Adur Local Plan Policies 18, 19, 28, Shoreham Harbour Joint Area Action Plan Policy SH1 and the NPPF.

### ***Housing - Mix and Affordable Housing***

The Adur Local Plan Policy 20 seeks a range of dwelling types including flats and family-sized homes of 2 and 3 bedrooms. All should meet the optional higher Building Regulations Standard M4 (2) for Accessible and Adaptable dwellings and an amount to meet Standard M4 (3) Category 3: Wheelchair Accessible Standards, dependent on identified need. Policy 21 indicates 30% percent of all homes in major developments should be affordable housing, with a preferred mix of tenure 75% social/affordable rented housing and 25% intermediate housing.

The proposal would provide a mixture of one and two bedroom units which would contribute towards meeting local housing needs. Although the proposal would not include 3 bedroom flats, partly due to the difficulty of providing sufficient outdoor space for these, it allows for a high density development to be achieved.

All flats would meet required internal space standards and achieve the M4(2) standard for accessible and adaptable dwellings, with a proportion of M4(3) for wheel-chair accessible standards to be secured through the imposition of planning conditions.

The proposal would provide 30% affordable homes (10 units) of which 75% would be social/affordable housing and 25% would be intermediate in accordance with the provisions of policy 21. The Housing Manager's comments are awaited and will be reported at the meeting.

### ***Design and Form (Scale, Layout and Appearance)***

Policies SH9 & CA5 of the JAPP refer to the design of new development. Development should be designed to reflect the character of the marine environment and should be sensitive to views of the waterfront, surrounding landscape and historic features. All development proposals must demonstrate a high standard of design that enhances the visual quality of the environment and should take into account considerations such as the use of high quality building materials, architectural design and detailing, ensuring suitable scale and massing in relation to housing type and local context.

Policy SH8 adds that the provision of multi-functional open space is seen as essential in creating a pleasant environment. Development should provide on-site open space with regard to the needs arising from the scale and type of development, although provision towards appropriate off-site provision will be considered where it is not possible to meet this.

Under the emerging Shoreham Harbour Green Infrastructure Strategy open space, green corridors and other landscaping should also provide net gains in biodiversity, for example new vegetated shingle, drainage related habitat and bat and bird boxes. It should mitigate biodiversity impacts including indirect ones. Planting must be salt tolerant and suitable for coastal environments, trees must be hardy and securely supported against high winds. JAAP Policy CA5 (Map 10) further supports the

provision of green corridors and enhanced green infrastructure along the Albion Street (A259) frontage.

### Layout

As illustrated below, the site is a prominent but somewhat constrained site with three frontages to Butts Road, Station Road and Albion Street, and a boundary neighbouring flats to the west. At its prominent southern corner frontage with Albion Street/Station Road, the building would be set back and slightly angled. The proposal would incorporate green space to the frontages which seeks to maintain green corridors and provide enhanced infrastructure in accordance with JAAP Policies CA5 (Map 10).

To the north the proposed layout would reuse the existing vehicular access at the Butts Road frontage. This would serve a new access ramp to a basement car park. The proposed northern elevation would comprise four storeys close-up to the Butts Road footway. To address this relationship, as set out further below under 'appearance', the applicant has provided recently revised elevations with increased architectural detailing.

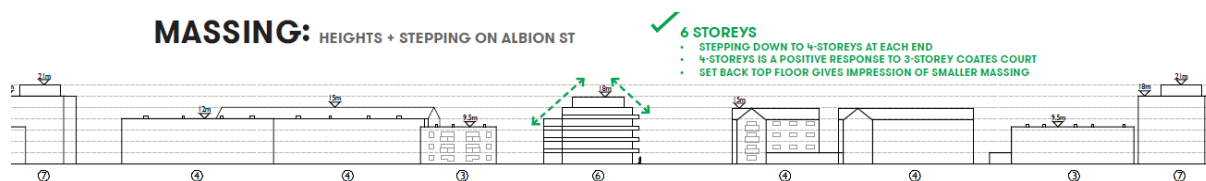
The proposed layout makes efficient use of external space to accommodate the basement access ramp, surface car parking, cycle storage, landscaping, external amenity space, patio areas, balconies, pedestrian footways, entrances and bin stores. The internal arrangement would provide satisfactory living space for future occupiers in accordance with internal space standards. At the ground floor, additional plans have been provided to demonstrate how the proposed cafe could be laid out internally to provide a workable arrangement.



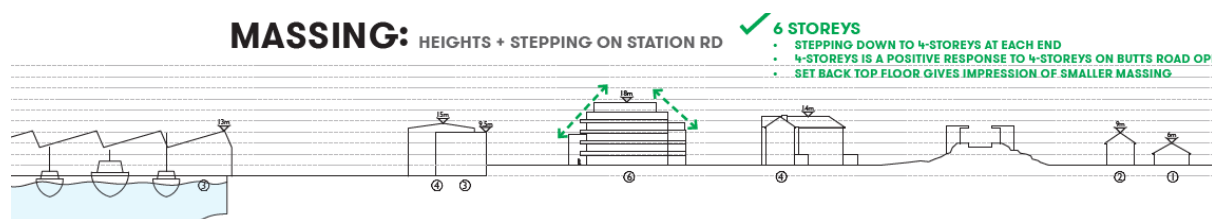
### Scale

The six storey building (approx 18m in height) would introduce a much greater scale of development into this prominent corner. As illustrated in the image below would be taller than the neighbouring flats to the east and west which are typically 3-4 storey (9.5m to 15m), although lower than the tallest 7-storey (21m) block in Butts Road to the west.

In order to blend with this range of heights, the proposal has been designed with an inset top floor across its main frontage, also with lower shoulders tiering-down to 4 storeys. It is considered that this articulated form helps to avoid the risk of appearing sheer in height or jarring in the streetscene. It would also provide a strong definition to this corner, and the visually spacious road junction position would help to avoid a cramped appearance.



***Albion Street Building Heights***



***Station Street Building Heights***

It is also noted that while no specific building heights are identified for this area in the JAPP policy (CA5), elsewhere in the JAAP building heights of up to five storeys are generally considered acceptable on the A259 road frontage at Western Harbour (to the west of Fishersgate), with a greater height stepping back from the road. It is noted that planning permission for a similar scale of 4-6 storeys, was granted in 2019 at 11-27 Albion Street, approx 500 m to the west of the site, comprising 50 flats with undercroft parking (11). This lends further support to the scale of the current proposal.

### ***Appearance***

Illustrative images of the scheme are provided below:





***Illustrative Elevations to Albion Street (looking west)***



***Proposed Cafe entrance***



***View from Albion Street (looking east)***





***View from the Butts Road (looking south)***



***View from the Southwick Station entrance (looking south)***

The proposal would introduce a contemporary form of development, with a distinctive curved corner frontage, which acknowledges coastal architecture of the inter-war period; a characteristic which has re-emerged in other recent developments along the A259 further to the east, and has been recently- approved for the Free Wharf redevelopment closer to Shoreham. By comparison with the existing building, which has little architectural merit, the proposal would provide a more distinctive landmark to this prominent corner.

The proposed tiering of floors and recessed top floors would give visual interest, as well as alleviating the overall mass. External materials would add further variety by using mid-grey brickwork for the ground floor plinth, lighter/white brick for upper

floors and convex metal profile sections in gold/bronze finish for the top floor.

Long runs of balconies around the site frontage would incorporate slender railings, backed up by glazed screens (for wind protection). These provide a distinctive appearance, the detailed execution of which could be controlled by planning conditions, including large scale drawing details and cross sections. At ground level the site frontage would include a variety of soft and hard landscaping which would further improve the appearance of the scheme.

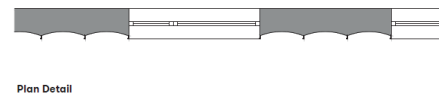
Images of these materials and details are below.

## 2 - Materials for Top Floor

A vertical standing seam cladding with 'fluted' concave panels to reflect corrugated materiality embedded within the working coastal environment and heritage. The material is sheet metal and is therefore easily manipulated, intended to be Anodised Aluminium.



Elevation Detail



Plan Detail



Examples of Material - Regency Gold 1 and 2



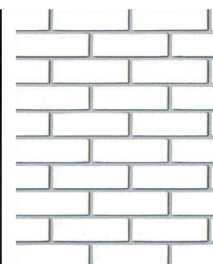
Typical Visual of Top Floor

## External Materials - Top Floor Metal Cladding

### 3 - Brick Materials

The majority of the building is brick. A darker 'plinth' anchors the building to the floor with grey multi brickwork and light grey mortar - this offers a rich characterful area of the building with a more tactile relationship to the street-scene. This band is broken up by soft landscaping.

The upper floors have smooth white facing brick with light grey mortar. Subtle details such as brickwork laid vertically to define floorplates is employed. The primary elevations will achieve a crisp finish with this approach.



Smooth white brick with light grey mortar

Caxton Super White by Taylor  
Maxwell with bucket handle mortar



Grey Multi brick with light grey mortar

BEA Nevada brick by The Bespoke Brick  
Company with bucket handle mortar

Precedent shown of BEA Nevada grey multi  
brickwork is Weardale Road by 31/4 Architects

## Brick types

**Elevation Detail 1:20**



**Section Detail 1:20**



### ***Balcony Design***

Whilst the overall composition would clearly contrast with the surrounding 1950-60s flats, the design approach is considered to represent a visual improvement to this prominent corner location.

At the northern side of the site, there are concerns that the utilitarian appearance of the proposed basement access ramp, hemmed-in by the limited space along the site frontage would create a relatively poor street frontage, along with its attendant entry barrier. There is little space for compensatory landscaping here and the backdrop of the large rear mass of the proposed building and any boundary fences seen from Butts Road adds to concerns that the appearance will be rather congested. The large northern elevation seen from the railway station environs also lacks the softening effect of the curves used elsewhere in the main elevation.

In response, the applicant has provided revised elevational detailing of the northern elevation. This includes false window reveals, decorative brickwork and inset metal panels to upper floors, which help to provide visual interest and break up the overall mass. This is considered to be largely successful in terms of views from the station area, although the concerns regarding views from Butts Road are only partially reduced.

### ***Conclusion on design and form***

Whilst concerns remain concerning the northern side of the site, the wider view of the proposal from other vantages, particularly the southern corner, are considered to be largely successful which would provide interest and distinctiveness, in accordance with the provisions of local plan policies 8 and 15, JAAP Policies CA5 and SH9 and the provisions of the NPPF.

### ***Wider Landscape and Visual Impact***

The application is supported by a Landscape and Visual Impact Assessment (LVIA) which demonstrates that overall there would be a 'Moderate Significance' effect, from some localised viewpoints. It indicates that the proposal would have a positive relationship with Southwick that is not incongruous with the existing settlement



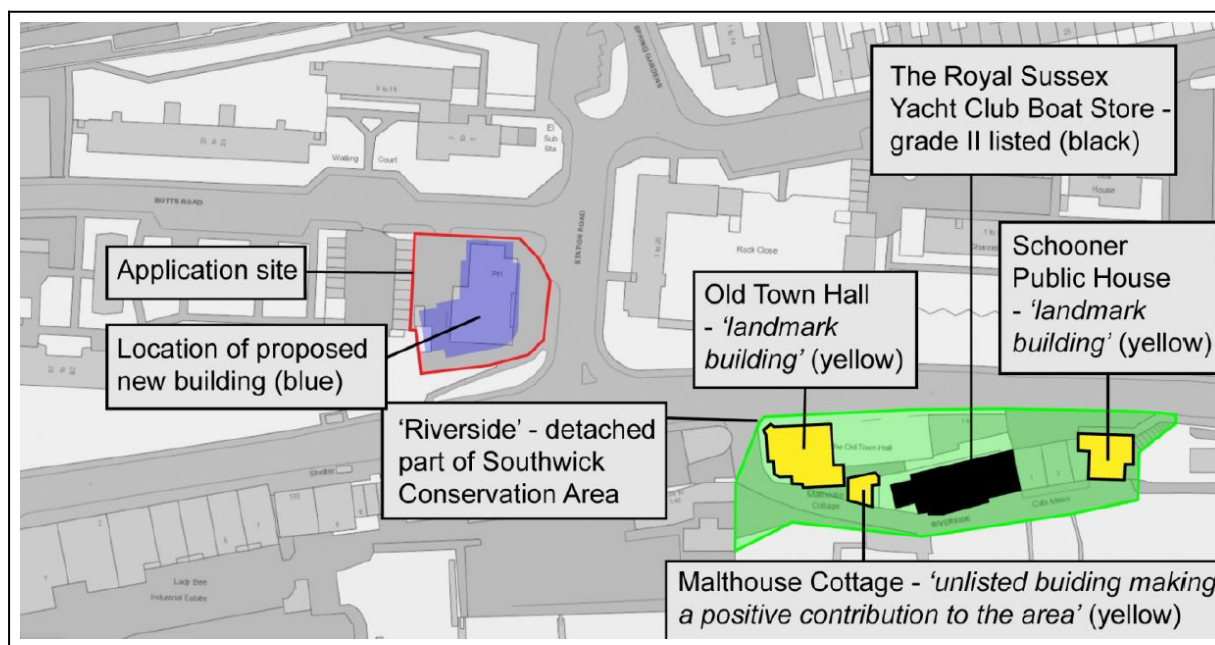
pattern. By adding a new focal point it could enhance the sense of place serving as a gateway between the A259 and Southwick centre to the north. The addition of visually significant vegetation and architectural features by contrast with the lack of these in the existing building and grounds would contribute positively to the locality which is on the border between townscape and seascape settings.

## Heritage

Policy 16 of the Local Plan states that where development affects any heritage asset it must be of a high quality, respecting its context and demonstrating a strong sense of place. Policy 17 also requires that development should not adversely affect the setting of a listed building, conservation area, archaeological feature or scheduled ancient monument.

Nationally, the NPPF (paragraphs 189 -196) require consideration of heritage assets and the impact of development proposals upon these, including their setting. Where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of a proposal.

As illustrated below, the main nearby heritage assets comprise the Southwick (Riverside) Conservation Area located approx 70m to the south-west beyond Albion Street and associated listed buildings. The conservation area also contains three non-designated heritage assets identified as the Old Town Hall, on the south east corner of the Albion Street/Station road junction, opposite the site, which shares a direct visual relationship with it. Also relevant are Schooner Public House and Malthouse Cottage, and a Grade II Listed Building identified as the Royal Sussex Yacht Club Boat Store which faces into the harbour (see location plan below).



The site is within the setting of the Southwick (Riverside) conservation area and two of the three non-designated heritage assets, the Old Town Hall and Schooner Public House which are described as 'attractive landmark buildings on edges' within the conservation area appraisal which can be seen from the site along Albion Street. The site is not considered to be within the setting of the Grade II Listed Royal Sussex Yacht Club Boat Store which faces into the harbour.

The contribution that the present-day site makes to the setting of the conservation area is considered to be negative. It comprises a two-storey building built, extended in multiple phases after the clearance of the previous residential dwellings in the area in the 1950-60s. It has no evident heritage significance or architectural merit with a utilitarian form and mixed material palette of materials which do not contribute positively to the setting of the conservation area.

The redevelopment of the site to provide a contemporary, higher , with more considered and varied but coherent architectural form, is considered to represent an improvement to the setting of the conservation area and its listed and unlisted buildings. Whilst it would be markedly taller, taking into account the separation distances, it would not overshadow or overpower the conservation area and its historic buildings.

Overall, the proposed changes would have a beneficial impact upon the setting of the Riverside area of the Southwick Conservation Area, listed buildings and the non-designated heritage assets of the Old Town Hall, and The Schooner public house.

The beneficial effect on the setting of the heritage assets would lead to an enhancement of their level of heritage significance by improving the surroundings from which they are experienced. The proposed development is therefore considered to accord with the heritage provisions of Adur Local Plan policies 16, 17, JAPP Policy SH9, the NPPF and and the 1990 Planning (Listed Buildings and Conservation Areas) Act.

### ***Archaeology***

Although the site is considered probably to be of low archaeological value and unlikely to require archaeological mitigation measures, the comments of the County Archaeologist are awaited and an update will be given.

### ***Landscaping and Biodiversity***

The existing site is of low ecological value and due to the distances from other areas of ecological interest such as the Adur SSSI, Marine Conservation Zones and other nature conservation interests at Shoreham Beach and Widewater Lagoon, the development is considered unlikely to harm any features of ecological value within the site or locality. The provision of the new landscaped frontages and the introduction of green roofs and swales, would provide a net biodiversity enhancement overall.

Following the receipt of amended plans, the Councils Landscape Officer considers the landscaping specification to be suitable for this coastal environment. The finer details of which, including maintenance, can be resolved through the imposition of planning conditions.

## ***Highways, Access & Parking***

### *Access*

The existing vehicular access is to Butts Road and serves the existing car park to the rear of the public house. The proposal would include vehicular access in a similar position to the existing with a new ramp down to 18 basement parking spaces. Adjacent to the ramp access would be 3 surface car parking spaces also accessed from Butts Road. Supporting information demonstrates that all spaces are accessible to the satisfaction of the highway officer. Accident data has also been provided to demonstrate no accidents have occurred in association with the site access.

The proposal would generate 14 two-way vehicular trips in AM peak hour and 22 two-way trips in PM peak, which is considered to have an acceptable impact on the local highway.

### *Accessibility and Sustainable Transport*

The site has good access to sustainable modes of transport including bus stop and railway; providing links to wider employment, as well the town centre and suburban shops and services in Southwick centre to the north. A travel plan would be secured to encourage alternative travel modes to private car use. In addition, a car club and car sharing scheme is being promoted to give residents further choice of travel elements, the scope of which are being agreed with the Highways Authority. Updates to be provided.

### *Parking provision*

The proposal would provide 21 car parking spaces, including 3 visitor spaces giving a ratio of 0.6 spaces per flat. The supporting Transport Assessment (TA) suggests that 43% of trips by future occupiers would be undertaken by car; 34% by walking and 19% by public transport. It concludes that car usage would account for less than half of all journeys from the site and as such fewer parking spaces would be necessary due to lower car ownership and lower anticipated car usage. A total of 32 cycle parking spaces proposed comprising 22 secure spaces for residents, 6 for residents visitors spaces and 4 spaces outside the commercial unit for customer and staff use.

Given the sustainable transport options, including the addition of a car club, it is considered that the ratio of parking spaces is sufficient to strike a fairly reasonable balance between parking provision and restraint in order to encourage alternative sustainable modes of travel. WSCC Highways have carefully considered the off-road car and cycling provision, taking into account the sites location, and consider it is sufficient to meet the needs of the development and therefore acceptable.

### *Proposed Albion Street/A259 Cycleway and Local Transport Improvements*

The proposal would not impact on the proposed cycle route (illustrated below), this has been confirmed following receipt of further information. Proposed landscape planting would be outside the protected (orange) lines shown.



Further information is awaited from the County Highway officer regarding any financial contributions required towards the delivery of highways improvements identified within the local plan and JAAP. These may include contributions towards the proposed cycle route, other Albion Street junction enhancements, bus stop improvements or improved pedestrian and cycle crossing points. An update will be provided.

For these reasons, the proposal would not have an adverse impact on the local highways infrastructure in terms of access, traffic generation and highway safety and incorporates satisfactory provision for sustainable transport measures to encourage non car based modes of transport.

### ***Residential & Neighbouring Amenity***

#### ***Future occupiers - internal amenity space and daylight:***

In terms of proposed internal amenity space, The Nationally Described Space Standards set out the range of internal space needed for new homes. The space standards indicate minimum flat sizes of 37–58sqm for one bedroom units and 61-79sqm for two bedroom units. All of the proposed units would exceed these standards.

The proposal is also supported by an internal daylight analysis which demonstrates subject to the appropriate design of elements such as window sizes and balconies that good overall levels of daylight, in accordance with BRE minimum requirements, would be achievable within the proposed accommodation in the interests of ensuring a good quality living environment.



### *Future occupiers - external amenity space:*

In respect of external amenity space, the proposal provides, through the use of private balconies, ground floor terrace and communal open space approx 634sqm (private amenity 37sqm and communal space 257sqm). This is slightly below the Council's Guidance set out within the 'Space around New dwellings and Flats', which indicates the provision of 20sqm should be made per apartment, equating to a total of 680sqm across the scheme. In addition to this slight shortfall, the outdoor space on the northern side of the building would be in the shadow of the building itself, and prone to vehicular noise associated with the use of the adjoining ramp to the basement car park.

This shortcoming is partly due to the high density nature of the development and partly due to the constrained nature of the site, close to three roads, including the busy A259. As such even a lowering of density may not provide a significant improvement. However, it is noted that public open space such as Southwick Green and Park (approx 300m to the north-west) and Southwick Square Gardens (approx 250m to the north), are within a short walking distance of the site, as such the amount and quality of external amenity space, whilst not ideal, is considered on-balance, acceptable.

Comments from the Parks & Open Space officer are currently awaited which is likely to indicate the need for financial contributions towards the improvement of local open space and recreation facilities as discussed further below.

### *Future occupiers - Noise Environment*

A supporting Noise Impact Assessment has been provided, which includes a range of measures such as enhanced double glazing. This will lessen noise impacts on future residents from a range of sources including existing road traffic. Planning conditions would secure these measures and appropriate associated ventilation, which is likely to include a Mechanical Ventilation and Heat Recovery System. Further clarification has been sought from the applicant as to whether an overheating assessment has been undertaken, also whether any further noise mitigation measures can be secured for the external private amenity space. Any noise risks associated with the type of foundation design are also awaited. An update will be given.

Details of the acoustic performance of other potential noise or vibration sources is also required, including the lift housings and any insulation between this and adjoining flats. Mitigation measures via soundproofing, can also be secured via required by planning condition.

To ensure the use of the cafe would not create undue noise and disturbance to the occupiers of the residential apartments above, following consultation with the Environmental Health Officer, it is recommended that the hours of operation should be controlled by planning conditions. The details of which are to be agreed but it is envisaged the hours of operation are likely to be 8.00am to 8.00pm Monday to Saturday and 10.00am to 17.00pm on Sundays and bank holidays.

## **Existing occupiers - Amenity**

Adur Local Plan Policy 15 and JAAP Policy SH9 requires that development should not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight or outlook.

The development is bounded by existing blocks of flats on three sides (Coates Court to the west, Watling Court to the north beyond Butts Road and Rock Close to west beyond Station Street). The closest of these blocks, Coates Court is approximately 12.5m from the western edge of the development, with a 'side to side' relationship. The facing (east) elevation of Coates Court contains kitchen windows. To address the risk of loss of privacy, any proposed upper floor windows of the proposed development should, as far as possible, be obscure glazed and top opening only/fixed shut. This can be ensured via planning condition.

The existing residential developments to the north (Watling Court) and east (Rock Close) are located 22m and 27m away and across the road from the proposed development, and seen across within the context of the public realm, as such the proposal would not harm their privacy in terms of overlooking. In addition, taking into account separation distances from other residential properties nearby, the residential amenity of the occupiers of those properties would not be significantly affected.

To address any concerns over overshadowing/loss of light to the eastern elevational windows on Coates Court, the applicant has provided some overshadowing analysis as illustrated below to demonstrate there would be only a minimal impact.

### **Basic Guiding Principles of Massing + Shadow - COATES COURT VIEW**

The below massing of the 6-storey scheme shows an average shadow from Spring-time at 6am. An early morning is the only time the proposed building casts any shadow in the westerly direction toward Coates Court. There is minimal impact on the east facing windows on Coates Court (believed to be kitchens) which at such an early time of day, is perceived to have no adverse impact to living conditions.

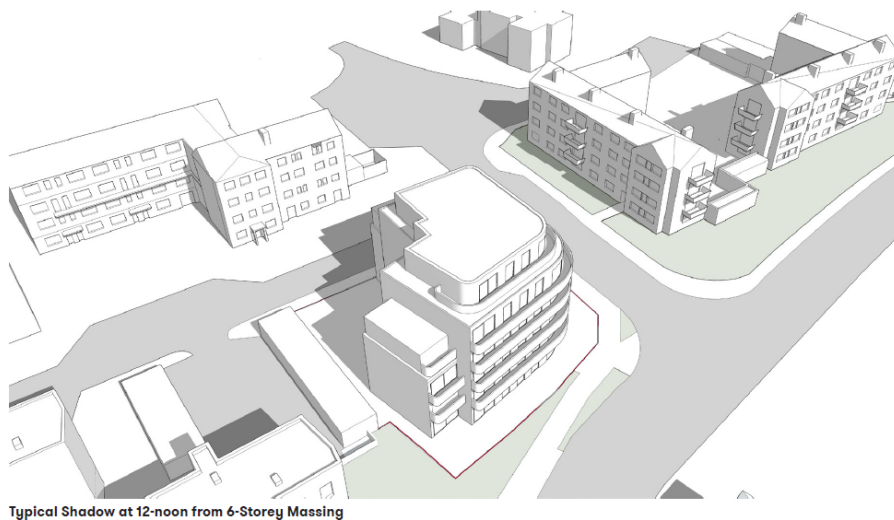


Typical Shadow at 6am from 6-Storey Massing

Overshadowing analysis has also been undertaken to show the potential impact on the Watling Court located approx 22m to the north of the site as illustrated below, which shows no significant overshadowing.

#### Basic Guiding Principles of Massing + Shadow

The below massing of the 6-storey scheme shows an average shadow from Spring-time at 12-noon. It can clearly be seen that its shadow does not impact the block of flats to the rear on Butts Road.



Typical Shadow at 12-noon from 6-Storey Massing

The proposed cafe is modest in size and subject to controls on the hours of operation and odour control, it is unlikely to harm neighbouring amenity through noise, disturbance or odour.

To protect the neighbouring amenities from environmental impacts associated with the construction process, planning conditions can be attached to secure the implementation of construction environmental management plan (CEMP), including control of noise, dust and fumes, external lighting; also to manage hours of work.

#### ***Nearby commercial neighbours***

There are a number of commercial uses along the A259 Albion Street to the south. It is unlikely that the proposed development would adversely impact upon these. The provision of noise insulation in the development, secured through planning conditions, would limit the risk of perceived nuisance from existing businesses, by future residents of the development.

#### ***Lighting (including impact on Navigational Lighting)***

Subject to implementation of an appropriate external lighting strategy, the details of which can be secured via planning condition, the proposal is unlikely to affect neighbouring residential amenity by way of increased light pollution. Given the separation of the site from the harbour area by the well lit A259 and intervening development, it is also unlikely that harbour navigation would be affected.

#### ***Open Space***

Policy 32 of the Adur Local Plan requires the provision of an amount of open space on major development sites in accordance with the Council's adopted standards. Policy SH8 of the JAPP also refers to a need for multi-functional open space as an essential component in creating a pleasant harbourside environment. Further detail is given in the Infrastructure SPD, 2013, including appropriate provisions towards children's play, public open space and outdoor facilities. More recent evidence within the Adur and Worthing Open Space Study 2019, indicates that there is currently a

shortfall in Childrens and Youth Play Space, and Amenity Green Space the East Brook Ward.

Whilst it is preferable to provide open space on site, both policies allow for the consideration of appropriate off-site provision where it is not possible to meet requirements on site. Given the constrained space on-site, it is considered that off-site provision should be secured via a financial contribution to improve other recreational facilities within the locality, potentially at Fishersgate Recreation Park. This is under discussion with the Parks Officer and can be secured through a legal agreement. An update will be given at the meeting.

### ***Drainage and Flood risk***

#### ***Flood Risk***

The site is located within flood zone 1, an area with low probability of flooding. Ground levels across the site are more than 1.5 m above the estimated extreme tidal levels, including allowance for sea-level rise to 2115. As such the site is at very low risk from rivers and the sea. Flooding from other potential sources, including surface water, groundwater and artificial water bodies, has also been assessed and the site is found to be at low or negligible risk.

#### ***Drainage***

The proposed strategy incorporates the use of permeable paving, swales, a blue roof and tree pits to assist with surface water storage. Further information has been provided to demonstrate that a pump would be required for the basement ramp.

The Borough Drainage Engineer raises no objection subject to conditions securing details of surface water drainage system, appropriate maintenance and management strategy, and post completion certification. For these reasons, the proposal would not increase the risk of flooding within the site or locality.

### ***Other issues***

#### ***Safety:***

The site lies within an Hazardous Substance Outer Consultation Zone. An online consultation has been undertaken with the Health and Safety Executive who have raised no objection.

The Fire Safety Advisor has reviewed the proposal and raises no objection following the receipt of amended plans. Informative guidance would be attached to any planning approval provided to assist the applicant in the further technical fire safety design.

The Police have provided guidance on incorporating crime prevention measures including appropriate access control, post boxes, intruder alarms, secure bin and cycle storage, suitable lighting and landscaping that allows sufficient visibility for security. These matters can be addressed by the imposition of planning conditions, for example the lighting strategy, and informative guidance notes. Further comments are awaited from Police Security Advisers in respect of the proposed basement car

park. An access control system including roller shutters is likely to be required to manage access.

The Police have also provided further guidance on the operation of the cafe if alcohol is served. This would be subject to a separator licensing process but informative guidance can be included within any planning approval.

#### Health:

Ensuring sufficient health facilities to support proposed development is a relevant infrastructure consideration under National and Local Policies. The Adur Infrastructure SPD advises that it may be appropriate to negotiate a contribution in relation to major developments. Comments are awaited from West Sussex Clinical Commissioning Group and an update will be given as to whether a contribution is required in this case.

#### *Land Contamination and Remediation:*

The application is supported by a phase 1 contamination report which indicates that earlier uses of the site present a risk of contamination in relation to metals, hydrocarbons and asbestos. There is also potential for hazardous gas due to deep made ground near to the site and therefore a hazardous gas risk assessment should be undertaken. The Environmental Health Officer raises no objections subject to conditions to secure further investigations and remediation.

#### *Air quality:*

The proposal is supported by an Air Quality Assessment which notes that the application is 2.3km from the Shoreham Air Quality Management Area (AQMA). The Brighton and Hove AQMA is located 1.3km to the east. The assessment demonstrates that subject to appropriate mitigation measures being imposed, the proposal would not significantly impact air quality, neither during the construction, nor post occupation. It also observes that air pollutant concentrations at the proposed development would be below the relevant air quality objectives and that the site is suitable for its proposed uses.

The Council's Environmental Health Officer raises no objection subject to £11,937 being secured towards local air quality mitigation measures in accordance with the Sussex Air Quality Mitigation Guidance on which the assessment is based. The previously mentioned construction management plan (CEMP) includes a dust management strategy and measures to limit emissions may be added, (such as from idling construction plant when not in use). The provision of EV charging also contributes to provision for cleaner future transport.

With these mitigations, the proposal is considered acceptable in accordance with Local Plan Policy 34, Sussex Air Quality Mitigation Guidance and NPPF.

#### Recycling and refuse:

The ground floor of the scheme includes an accessible internal communal refuse/bin storage area of sufficient capacity to meet the recycling and refuse needs of the development.

## **Summary**

Sustainable development as described in the NPPF and in local policies, seeks a combination of benefits, Economic, Social and Environmental. The Social and economic benefit of providing 34 new homes, including a proportion of affordable homes, is afforded particular weight under the NPPF, where provision in the District is currently slightly below a 5 year housing supply. In this context the reduced commercial floorspace in the proposed development, compared with the existing former public house / retail use might be afforded lesser weight; in any event, the modest cafe space is considered a reasonable component of a mixed redevelopment, in accordance with JAPP policy SH3.

In environmental terms, the proposal would replace the existing building, which makes little contribution to the area, with one of superior quality and distinctive, contemporary design. Its high density approach would make efficient use of brownfield land, close to good public transport connections.

There are some drawbacks, chiefly at the northern side of the site, where the appearance of the ramped area in particular, alongside and against the backdrop of the tall building and boundaries could appear congested, making little positive contribution to the appearance of Butts Road and railway station environs. The outdoor spaces for future residents are also loomed-over here. However, given the design strength of the other facades and challenges of designing for a three-fronted site, these localised impacts must be weighed alongside the wider benefits of the proposal.

From the principal southern frontage and corner, the proposal would enhance the character and appearance of this prominent location and area including the setting of conservation area and landmark buildings/heritage assets contained within it. This accords with the regeneration aims of the JAAP.

In further consideration of sustainable development approach to renewable energy and efficient building design respond to climate change and air quality concerns, together with water management modest provisions for biodiversity.

In consideration of these matters the overall planning balance is considered to fall in favour of the proposal. Relevant planning obligations are summarised in Table 2 below for inclusion in a legal agreement. Some matters require further discussion in particular local highway works, open space, and county infrastructure (education, libraries and fire and rescue). Whilst an update will be given to the Committee, it may be that delegated authority will also be requested to conclude these matters.

For these reasons, the proposed development is considered to comply with the provisions of the development plan and NPPF which support the approval of sustainable development.

## **Recommendation**

It is recommended that the decision to grant planning permission be delegated to the Head of Planning and Development subject to:

- i) the receipt of satisfactory additional information referred to in this report;

ii) satisfactory comments of consultees including the Parks Officer, Housing Manager and WSCC Strategic Planning (re: financial contributions towards local infrastructure).

iii) the completion of a planning obligation (s106) covering the matters set out in Table 2 below and subject to the following planning conditions (and any further appropriate conditions):

*\*Asterisk denotes 'pre-commencement' conditions. Some matters such as the submission of materials, are to be settled 'before works above ground or slab level'*

### **Subject to conditions (including):-**

#### **General**

1. Approved Plans
2. Time limit – 3 years.
3. Materials including samples, to be submitted and approved.
4. The submission and approval of plans for detailed elements (including balconies and associated glazing screens, windows, external doors, roof capping, metal cladding detailing to elevations) at a scale of 1:20 plans to ensure high quality design, and implementation.
5. Hard and soft landscaping details including biodiversity measures and maintenance
6. Means of Enclosure gates or barriers to be submitted, approved and provided; Permitted Development restriction for future means of enclosure.

#### **Use**

7. Commercial unit - Use as a café only. No Permitted Development change.
8. Commercial unit (cafe) - Hours of use
9. Affordable housing units - details of the specific allocation of units within the scheme.

#### **Highways & Access**

10. Provide access, paths, parking, manoeuvring and servicing space including and electronic vehicle charging points (details of connection points and charge rating to be approved) with 100% cabling.
11. Engineering specification details for access, ramp and basement parking/manoeuvring areas to ensure robust design.
12. Details of barrier/door to basement parking entrance and entry control to be

approved.

13. Cycle parking - to be submitted and agreed
14. Travel Plan – to be submitted and agreed
15. Level thresholds for wheelchair access and details of units that comply with M4(3) for wheel chair accessible standards
16. Details of secured by design access provisions
17. Provide and retain refuse stores.

### **Drainage**

18. Foul and Surface Drainage details - to be approved in consultation with Southern Water\*.
19. Drainage\*:
  - i) Sustainable surface water drainage to be approved, details of measures to avoid pollution and details of appropriate maintenance and management strategy, and post completion certification.
  - ii) Verification report/details of implemented surface water drainage, pre-occupation.\*

### **Remediation & Groundwater**

20. Land contamination investigation\*, remediation scheme and verification (where relevant).

### **Sustainability**

21. Communal Heating – details and implementation and retention of plant rooms and infrastructure to allow subsequent connection to district heating system
22. Solar Panels – details and implementation; non-reflective so far as possible.
23. Building standards to include BREEAM Excellent and incorporation of insulation and energy/water efficiency measures
24. Green and blue roofs - details and implementation

### **Amenity**

25. Noise - Acoustic specifications, including acoustic glazing and means of ventilation.
26. Noise & Vibration – Specifications for plant, including lift mechanism and acoustic insulation



27. Noise & odour - Details of any future air moving plant to be approved, including any required for the proposed cafe.
28. Lighting – Details to be approved.
29. Provisions for communal aerial/antennae no other external aerials other than behind and not above parapet without further approval
30. Signage – no signage above ground floor level or forward of building façade without approval
31. Construction Environment Management Plan, including hours of construction work and minimising of pollution and nuisance. Include schedule of responsibilities and relevant legislation.
32. Secure air quality mitigation measures
33. Above ground floor windows to western elevation facing Coates Court (within 12.5m of the eastern elevation of Coats Court) shall be obscure glazed and top opening only/fixed shut.
34. Roof top areas shall not be used as external amenity space

**Table 2: Matters for s.106 Agreement.**

No.	Matter	Note
1	Affordable Housing	30% provision with 75% social / affordable rented (based on Local Housing Allowance) and 25%: intermediate tenures
2	Highway Provisions	Financial contribution if required towards local highways improvements.
3	County Infrastructure (non-highway)	Financial contributions for: <ol style="list-style-type: none"> <li>i. Education (primary) £tbc</li> <li>ii. Education (secondary) £tbc</li> <li>iii. Education (six form) £tbc</li> <li>iv. Libraries £tbc</li> <li>v. Fire and Rescue £tbc</li> </ol>

<b>4</b>	Open Space	Financial contribution [£tbc] for open space / recreation space/ improvement.
<b>5</b>	District Heating	Provisions for connection to Shoreham Harbour District Heating System when available.
<b>6</b>	Air Quality Mitigation	Financial contribution [equivalent to £11,937] for air quality mitigation measures and monitoring.
<b>7</b>	Site Management	<p>Management &amp; Maintenance of:</p> <ol style="list-style-type: none"> <li>1. Site management plan – incl. car and cycle storage;</li> <li>2. On-site heating system and future district heating system elements on site;</li> <li>3. Surface water drainage – management &amp; maintenance strategy</li> <li>4. Bin stores and bins;</li> <li>5. Planting and communal areas, including watering and pruning;</li> <li>6. Any noise attenuation measures.</li> </ol>

6th April 2021

Application Number: AWDM/1999/20

Recommendation - Approve

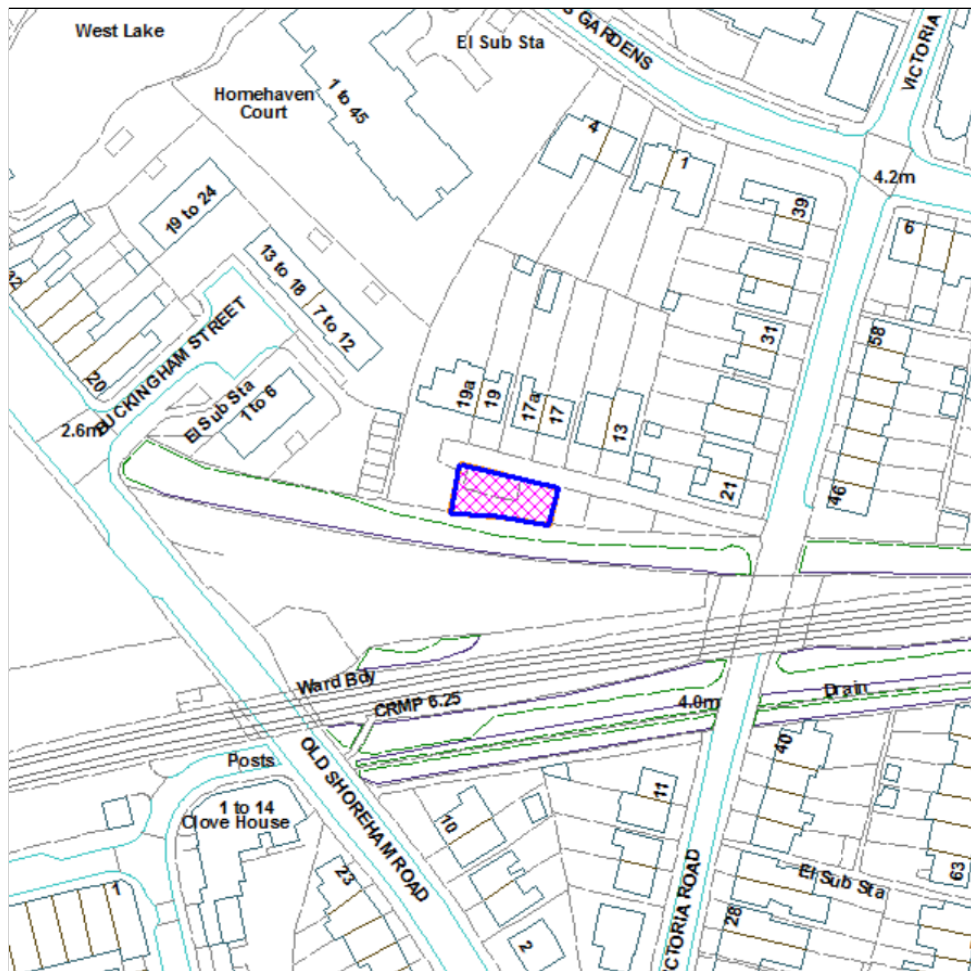
Site: Land South Of 17 To 19 Victoria Road, Shoreham-By-Sea

Proposal: Construction of pitched roof detached 2 bedroom dwellinghouse over two storeys with rooms in roof, with dormer to south elevation, including 2no. parking spaces and bin and bike storage. (Amended resubmission of AWDM/0989/20)

Applicant: Mr & Mrs Abbott Ward: St. Nicolas

Agent: Mr Stewart Nicholson

Case Officer: Peter Barnett



Not to Scale

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## **Proposal, Site and Surroundings**

The site relates to a site of 190sqm on the south side of a private road/cul-de-sac, off Victoria Road. It is overgrown and unused other than for the parking of cars. To the south there is an embankment of a disused railway line, with the main South Coast Railway line beyond, separated by an area of land which forms part of the Riverside development off Old Shoreham Road.

The cul-de-sac contains 3 pairs of semi-detached houses on its north side. There is a semi-detached pair on the north side of the access onto Victoria Road with a railway bridge to the south where the road narrows. To the west of the site there is a block of garages serving three storey blocks of flats beyond.

This application follows the refusal of a previous scheme for the construction of a house on the site at the October Planning Committee (AWDM/0989/20). The application was refused for the following reason:

*The proposed development by virtue of its siting, design, form and massing would result in a discordant development which would be out of keeping with the character of the immediately surrounding development. The proposal therefore fails to comply with policy 15 of the Adur Local Plan 2017 and guidance contained within the National Planning Policy Framework.*

The current application seeks permission for a revised scheme. The overtly contemporary form and use of materials of the refused scheme has been replaced with a more traditional two storey form with pitched tiled roof and white rendered walls. All front facing windows serve non habitable rooms or stairwells and are to be obscure glazed. The house has a two storey form but with a room in the roof served by a rear dormer. The garden is to be to the east side as before with parking spaces for 2 vehicles at the east end of the garden.

The house is to be set on a raised plinth, 300mm above ground level for flood protection reasons, and will be, as amended, 8.3m high to the ridge and 5.4m high to the eaves. It will be 6m wide. The front of the building will be 11m from the first floor front of the house opposite and 10.3m from the ground floor bay window.

This compares with a height of 7m for the previous scheme which was 7.4m wide due to the butterfly roof design then proposed. That previous design brought the house to within 9.7m of the first floor of the house opposite at the closest point of the chamfered roof.

## **Relevant Planning History**

SU/204/56 – 10 garages - refused

SU/404/79 - Outline Application for construction of 3 Garages and Bungalow 2 Bedroom - refused

SU/63/94 - Detached Dwelling (Outline) – refused on grounds of overdevelopment, deficient standard of residential amenity, harm to neighbouring amenity, parking problems, highway safety concerns

AWDM/0989/20 - Construction of two-storey detached 2 bedroom dwellinghouse, with balcony to east, including 2no. parking spaces and bin and bike storage - refused.

## **Consultations**

**West Sussex County Council:** The **Highways Authority** has no objection. The new proposal seeks amendments to the previously refused planning application AWDM/0989/20. These amendments are not anticipated to generate an impact on the highway. As a result, the LHA's previous comments still stand and are set below for reference.

### Site Background

The proposal is for the construction of a 2-bedroom dwelling with 2 parking spaces and bike storage. The application site is located on Victoria Road a privately owned road, the nearest publicly maintained highway is Victoria Road a low trafficked, 'C' classified road subject to a 30-mph speed limit. As a result, the Local Highways Authority (LHA) will refer to Manual for Streets (MfS) as guidance.

### Access

An established access point will serve the proposed dwelling and currently serves 4+ dwellings. No changes to the access are proposed. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there has been a recorded injury collision within the vicinity of the site; Sussex Police do not however consider this the result of the presence of the existing access or road layout. Therefore, there is no evidence to suggest that the existing access is currently operating unsafely. With all the above considered, the LHA would not anticipate that the proposal would generate a highways safety concern at the existing access.

### Vehicle Parking and Cycle Parking

Under WSCC Car Parking Guidance (adopted August 2019), the LHA would expect that 2 parking spaces would be enough for a development of this size and location. For the LHA and MfS to consider parking spaces towards the provision of a site they must first meet the minimum requirements of:

Single bay parking space or carport - 2.4 x 4.8 metres,

Single garage space - 3 x 6 metres,

Single parallel parking space - 2 metres (obstruction free i.e. fence) or 2.4 metres x 6,

Disabled Bay parking - 2.4 x 4.8 metres with a 1.2 metre hatched area located to the side.

Disabled Tandem parking - 2.4 x 6.6 metres

With the above guidance, the LHA provides the following comments.

The applicant proposes a parking provision of ## spaces for the new dwelling(s).

These are in the arrangement of:

2 unallocated Bay parking space(s),

The dimensions of the space(s) are,

Bay Parking Spaces – Measures 4.8 x 4.8 metres,

For the LHA to consider bay parking spaces towards the parking provision of the site they must first measure 2.4 x 4.8 metres (as per MfS guidance). The applicant has demonstrated such. As a result, the LHA would consider the parking spaces to provide a provision of 2 spaces.

From inspection of these findings the LHA provide the following comments.

The above findings show that under WSCC and MfS Guidance the development will provide 2 parking spaces towards the provision of the site. This is in line with the minimum recommendation made by the PDC. The applicant proposes that cycle parking will be located within a garden shed. This conforms to requirements set out by Manual for Streets (MfS) and WSSC guidance for covered, lockable storage.

To summarise the LHA raises no concerns over the Parking.

#### Electric Vehicle (EV) Parking

In the interests of sustainability and as a result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Adur Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via a suitably worded condition which is advised below.

#### Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Recommend conditions to secure electric vehicle charging points, car and cycle parking.

**Adur and Worthing Councils:** The **Environmental Health Officer (Private Sector Housing)** has no objection.

**Public Health** has made the following comments:

### Noise

It is noted that no acoustic assessment has been submitted with this application. However, the Noise Assessment (A3933/N/001 dated 27.04.20) submitted in support of the previous application (AWDM/0989/20) has been used as the basis for the comments below.

This Noise Assessment (A3933/N/001 dated 27.04.20) is a thorough report which, due to Covid-19 restrictions, has used noise data from surrounding development sites together with recent rail timetables etc to predict noise levels on the development site. However, it is noted that the recommended mitigation is based on the former layout of the property (AWDM/0989/20) which was over two floors. The current application includes an additional bedroom in the roof space. I would like section 5.3 of the Noise Assessment to be amended to include this additional room in the roof. The noise levels from the railway could potentially be higher at this height due to reduced barrier effect of the embankment. In addition, the roof structure of a loft conversion is less robust and will result in higher internal noise levels which could negatively affect amenity.

I would recommend the following condition:

*Construction work shall not commence until the Noise Assessment (A3933/N/001 dated 27.04.20) has been updated to reflect the amended layout of the proposed property and ensure this noise sensitive development is protected from external noise. The updated scheme should be submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines, achieve the indoor ambient noise levels for dwellings specified in BS8233:2014 and have regard to the principles contained within ProPG: Planning & Noise – New Residential Development. The scheme should include full details of glazing and shall include mechanical MVHR ventilation. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.*

Also recommends conditions relating to control of any external plant, vibration, contamination, dust and hours of construction

**Technical Services:** Flood risk- The application is within flood zone 2, the site is not shown as being at risk from surface water flooding. A FRA should be submitted as part of this application and the Environment Agency should be consulted. The site is not at risk of flooding in the defended scenario. The FRA provided as part of the previous application proposed finished floor levels of 4.65m AOD yet the block plans show FFLs of 4.3m AOD, we would prefer these to be set higher, above predicted undefended flood elevations.

Surface water drainage - the proposed development is small in scale and not in an area at risk of surface water flooding. The FRA submitted as part of the previous application indicated that it was proposed to use infiltration as a means of surface water drainage, please can the applicant confirm if this is still the case. The parking spaces must be fully permeable. Surface water drainage design must be designed



and constructed in accordance with building regulations. Surface water must not be disposed of to the foul sewer.

**Trees and Landscape:** If the recommendations of the Arboricultural report are used there are no concerns.

**Southern Water:** request usual informatives

**Environment Agency:** This site is in Flood Zone 2, and just outside Flood Zone 3. The application falls within the scope of our flood risk standing advice (FRSA)

**Network Rail:** Due to the proximity of the proposed dwelling to Network Rail's land and the operational railway, Network Rail strongly recommend the developer complies with the requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

## Representations

3 letters of objection received from the occupiers of 15 and 19A Victoria Road and from Planning Consultants on behalf of the residents of 13, 15, 17, 17A and 19A Victoria Road summarised as follows:

The proposed dwelling would:

- Fail to address the reasons for refusal of the previous application AWDM/0989/20;
- Create substantial harm to the amenities of No 19 Victoria Road through loss of light and outlook;
- Exacerbate an already unsatisfactory highway safety and parking situation;
- Not meet the criteria of Local Plan Policy 15;
- It should be noted that the proposed section B-B drawing incorrectly shows the relationship between the proposed house and No 19, as it omits the bay window of No 19, which protrudes some 800 mm from the front façade, narrowing the gap between the buildings. In addition, the north-east perspective view drawing gives an entirely false sense of spaciousness around the house, omitting the north boundary to the narrow drive (*NB This has subsequently been amended to show the bay window*);
- The previous application was refused on the grounds that the siting, design, form and massing of the proposed dwelling was discordant and out of keeping with the character of the surrounding development. The current proposal has exactly the same footprint and siting as the previous scheme and is both materially taller (8.5 m as opposed to 7.0 metres above natural ground level) and larger, in terms of gross internal area (117 sq metres as opposed to 102 sq metres). The design, however, is more traditional;
- The proposal may be for a more traditionally designed house, but the siting is no less discordant and out of character than that of the refused scheme. The narrow private road has three pairs of semi-detached houses facing south towards the former railway embankment. The introduction of a detached house, set at right angles to the existing dwellings but with a flank elevation less than 10 metres from them, would be wholly out of character and discordant. The consultation response from Technical Services requests that the building be set higher than as proposed, although it is already taller than the adjacent existing houses. The fact that the design of the building is now more traditional in appearance does not mitigate the previously identified

harm arising from its siting and layout, especially given the greater scale and height of the building now proposed;

- The proposed house is sited immediately in front of No 19 Victoria Road, less than 10 metres from its main, south facing, living room window. No 19 currently enjoys a light and open outlook and the proposed change would radically alter this, replacing it with a large building at close quarters and creating a strong sense of enclosure where there was previously openness. Were No 19 not owned by the Applicant, no doubt there would be vociferous objection from its occupants. The Officer's Report concerning the previous application comments that a similar close arrangement as proposed is found elsewhere in the area, including in West Street nearby. However, that is an entirely different, historic pattern. It certainly does not provide any kind of precedent for placing a new building squarely in front of, and at close quarters to, an existing one in the manner proposed here;
- In addition, the proposed house's garden would be directly overlooked by the upper floor windows of Nos 17a and 17. The proposed garden wall would not mitigate this due to the close proximity of the windows and garden;
- The feedback from Highways, in respect of the previous application, noted that the private drive serves '4+' dwellings. In fact, it provides vehicular access for seven dwellings at present, eight as proposed, with parking in the front gardens of Nos 13 to 19a, and to the rear of No 21. Parking is only possible in these spaces because the land on the south side of the private road is open and manoeuvring vehicles can over-sail it. Enclosure of a significant section of the lane would lead to parking difficulties for Nos 19, 17a and 17. In addition, it is questionable how useable the spaces would be for the proposed dwelling. The ground floor plan shows cars with a length of less than 4 metres, whereas the average length of a family car is 4.5 metres. Were the cars shown to scale it would immediately be obvious how difficult it would be to manoeuvre into these spaces from a drive that is only 3.5 metres wide. Swept path analysis should be requested to demonstrate that it would be possible;
- Whilst the Highways Authority did not object to the previous application, it remains the case that access from the private lane onto Victoria Road is dangerous. Exiting the lane is literally an act of faith as there is no visibility available to the south until after a car has crossed the pavement and is protruding into the highway. That presents a significant danger, particularly given the use of the road by children accessing Swiss Gardens Primary School nearby;
- The first criterion of Policy 15 of the Adur Local Plan requires development to enhance the local environment, with particular attention paid to form, height, materials, density, scale, orientation, landscaping and layout. The scale, orientation and layout issues identified have been shown to materially harm existing character and cannot be said to enhance it. The fourth criterion of Policy 15 requires development to make a positive contribution to the sense of place, local character and distinctiveness of an area and to not have an unacceptable impact on adjacent properties, particularly dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space. Here the severe impact upon the outlook of No 19 clearly breaches the latter part of this criterion and the discordant layout and orientation cannot reasonably be said to make a positive contribution to local character;
- Regardless of whether the Highways Authority objects to the proposal, the narrow and constrained access clearly does not represent a safe access as required by Policy 15, criterion 6. Similarly, the difficulties that the proposed

- dwelling would cause for existing parking arrangements and the inaccessibility of the parking spaces for the proposed dwelling would not meet criterion 7;
- The practicalities of constructing the proposed dwelling are a material consideration. Vehicles any bigger than a large van would struggle to access the private drive from Victoria Road. Loading and unloading equipment and materials in Victoria Road risks conflicts with pedestrians, in particular school children, accessing Swiss Gardens Primary School just 100 metres to the north. Such construction vehicles as could gain access would not be able to turn on-site, necessitating backing out into the road;
  - In addition, it is unclear how the proposed dwelling could be constructed without significant disruption and inconvenience to adjacent dwellings, in particular blocking access. Construction within the bounds of the site would present a further challenge, given the close proximity of the building to the site boundaries. While details of how the construction would proceed could be dealt with by way of a condition requiring a Construction Management Plan to be agreed, this would only be appropriate where there was a reasonable prospect of a satisfactory plan being devised. That is demonstrably not the case here;
  - The application form describes the site as hardstanding/wasteland/brownfield. However, it does not meet the definition of brownfield land set out within the NPPF and no additional weight, as previously claimed, attaches to development of a 'non-brownfield' site;
  - The application site is fundamentally unsuited to development with a new dwelling. The location would create intolerable amenity issues for existing residents and exacerbate existing highway safety and parking issues. The proposed design, being larger than that previously refused, does not address nor overcome the previous reasons for refusal. The proposal is demonstrably at odds with the criteria of Local Plan Policy 15 and should therefore be refused;
  - The entire site between Swiss Gardens and the railway line was originally agricultural land until becoming part of the parkland surrounding the Victorian era pleasures grounds known as the Swiss Gardens;
  - Following refusal of a planning application for garages in 1958 the land opposite numbers 13 to 19a was sold to a number of those house owners with a covenant requiring it to be maintained, effectively, as residential garden/lawn;
  - It was maintained in that fashion until the family of the applicant dumped building rubble in plastic sacks and more recently cut all over-hanging trees and shrubs and left the brash etc piled on the plot since when brambles have grown over the brash;
  - Consequently visiting Council Planning Officers or Planning Committee Councillors may think this is 'waste ground' whereas that situation has been created by neglect and it could easily be restored to domestic lawn, although we quite like it in its overgrown state as a haven for birds, butterflies and other wildlife;
  - This narrow road is already in a poor state of repair and there are pot holes and areas where the surface is crumbling away. With no drainage in place, large puddles form after rainfall and there is also no lighting making it difficult to navigate on foot in the dark. My concern is that a construction of this nature will bring heavy machinery to the site and will rapidly accelerate the degeneration of this road making it more dangerous especially for residents on foot. Who would be held responsible for any damage caused?

- I require 24 hour access in and out of 19a as I often have to take my elderly grandma to appointments. With limited parking on the site and in the surrounding streets I worry that contractors or deliveries will block access to and from my home. There are no passing places so anyone needing to move a vehicle will have to reverse onto Victoria Road. This is a blind turning onto a busy street and the safety concerns have been raised many times.

Subsequent objection received from Planning Consultants on behalf of the residents of 13, 15, 17, 17A and 19A Victoria Road and from the occupiers of 13 and 21 Victoria Road following receipt of amended plans and a response to the objections from the applicants' agent:

- Reiterate previous objections
- These changes do not alter residents' concerns that this location is unsuitable in principle for an additional dwelling
- It should be noted that despite the reduction in height, the dwelling remains over 1 metre taller than the refused scheme.
- Far from being speculative or baseless, the objections regarding highways and parking matters derive from residents' day to day experiences and represent very real concerns
- The private road is in extremely poor condition and space is limited. it is not an area suitable to build another house as there is scant room.
- It seems to be a blatant disregard to the people who have objected previously & our raised & ongoing concerns of the destruction of the tiny area by a building totally out of character & design with existing buildings.
- Wildlife, noise, extra traffic in & out of an already hazardous entrance way, parking issues & availability for existing residents for maneuverability within the small enclosed road. Dangerous use of an unadopted road, & an existing increase on sewage(via our rear gardens), drainage of water.

### **Relevant Planning Policies and Guidance**

Adur Local Plan 2017 policies 2, 3, 15, 18, 20, 22, 28, 34, 34, 36

'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'

West Sussex 'Guidance on Parking at New Developments' and 'Parking Demand Calculator' (WSCC 2019)

National Planning Policy Framework (February 2019)

Technical Housing Standards – nationally described space standard (DCLG 2015)

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the

decision to be made in accordance with the development plan unless material considerations indicate otherwise.

## **Planning Assessment**

### ***Principle***

The proposal will increase the existing housing stock located within the built up area and can be supported in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers, the effect on the character and appearance of the area, parking and highway safety.

### ***Visual amenity and character***

The proposed building will be different in form and character to those opposite. However, following the previous refusal and the Committee's objections to its design being out of keeping with the character of the area, the current application is seeking a more traditional form of two storey house with pitched roof, to reflect the houses opposite. It will not be an exact replica of the design of those houses and will continue to have a contemporary feel, but it is considered that its design is less discordant than previously proposed and is more in keeping with the form of houses in the street. It will face the street, with its entrance on the north side, and will have its narrower elevation facing the houses opposite (6m wide compared with a flank of 9m).

Its position on the south side of the private road will continue to be unique. However, as before, it is not considered that this is a reason in itself to warrant a refusal of the application in principle.

Paragraph 130 of the NPPF states:

*"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."*

Para 131 states:

*"In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."*

The proposed building will be taller than the previous proposal, primarily because that design included a butterfly roof rather than the more traditional pitched roof now proposed, which helped to keep its height down. However, while the current proposal is higher, the height to eaves is lower at 5.4m and the house is narrower in width overall and projects less far forward than the previous scheme (the roof oversailed the front wall in that scheme by approximately 1m).

While a taller building, it is still considered that the proposed dwelling is of a modest size (8.3m high, 5.4m to eaves, 107sqm, 2 bedrooms) which makes good use of the land. It provides a reasonable amount of amenity space (80sqm) and, while abutting the embankment on its southern side, it is not considered to be overly cramped. It

will be marginally taller than the houses opposite, which are around 8m in height, but it will have a shallower roof pitch. It will be glimpsed in views from the entrance to the cul-de-sac but will not have a significant street presence in the wider area. Landscaping and existing vegetation can also help to screen and soften its visual impact.

Victoria Road is a narrow road and the houses to the north will face the side of the new house at a distance of 10.3m to ground floor windows and 11m to first floor windows, which is a greater separation than the previous proposal due to the removal of the oversailing roof and the stepping back of the front of the building. While introducing new development opposite the existing houses where there was previously none, it is not considered that the new dwelling would have a harmful visual impact.

It is acknowledged that it will introduce a building to the south side of the road where there is currently no other development, resulting in a diminution of the sense of openness and vegetation in the street scene. However, it is not considered that a house in this location would cause unacceptable harm to the established character of the street overall. Of the 20m frontage of development, only 6m will comprise the house itself, thereby ensuring that an open aspect will be retained for the majority of the houses opposite and for the street in general. On balance, it is considered that this proposal is an acceptable addition to the street scene.

### ***Residential amenity – for proposed dwellings***

The proposed dwelling has a floor area of 107sqm which comfortably exceeds the national minimum standard for a 2 bed dwelling (which is between 70-79sqm). The amenity space comprises 80sqm garden area which is a little short of the 85sqm specified in the Council's SPD for small detached dwellings. Despite this minor shortfall, it is considered that the proposal provides a good standard of accommodation and amenity space for future occupiers.

The garden may be overlooked by the houses to the north but overlooking of neighbouring rear gardens from existing first floor windows is commonplace. Private areas can be created within the garden through careful landscaping.

### ***Residential amenity – effect on existing dwellings***

The proposed dwelling will be on the opposite side of the road to the established dwellings in the street, which lie to the north of the site. The dwelling will sit directly opposite 19 Victoria Road which is in the same ownership as the applicants. It will have a north-south orientation so that the front of the house will face the houses to the north at a distance of approximately 10.3m to ground floor and 11m to first floor. None of the windows on the front elevation will serve habitable rooms and they are to be obscure glazed to prevent overlooking.

The east elevation contains the dwelling's main outlook and this will be towards the entrance to the cul de sac. The windows will not therefore directly face the existing houses, with the nearest window being an obscure glazed bathroom window. The only other first floor windows serve a bedroom and what is shown as a home office.

The height of the dwelling is 8.3m at the ridge which is taller than the previous scheme. However, from 5.4m the roof pitches away from the houses opposite such that the very front of the proposed building will actually be lower than the previous

design (which had a maximum height of 7m with no pitched roof) and there will be no adverse loss of light to the houses opposite. This has been demonstrated by way of a 25 degree line drawn from the middle of the ground floor bay window opposite, which oversails the roof and is therefore considered to meet BRE guidelines in terms of daylight and sunlight. Overall, it is not considered that the proposed building will result in a harmful loss of privacy, light or outlook for neighbouring occupiers.

### ***Trees***

The site abuts a former railway embankment and there are a number of trees close to the site. The previous application was supported by an arboricultural report which advised that no trees needed to be felled in order to carry out this development but that some cutting back and crown lifting was recommended. Tree protection measures including barriers and 'no-dig' areas were also recommended. The current proposal is no different in terms of its proximity to the trees and the report's conclusions recommendations remain the same here.

The proximity of the trees to the proposed house may lead to pressure to prune or remove the trees in the future as they may cause overshadowing. However, the design of the dwelling minimizes openings facing the embankment and has the main outlook towards the east. The proposed dormer on the rear roofslope facing the trees is mainly to achieve head height and the bedroom is also served by an east facing window so will enjoy adequate light and outlook. While some overshadowing will occur, it is not considered that this will be to the detriment of the amenities of future occupiers. A suitable condition will be imposed to ensure that tree protection measures are in place both during and after construction.

### ***Accessibility and parking***

One of the main concerns amongst residents is highway safety at the junction of the access to the cul-de-sac with Victoria Road. An earlier application from 1994 was refused due to highway safety concerns and the same concerns have been raised again by residents.

However, since that application was refused, Victoria Road has been closed off to through traffic at its southern end and traffic volumes along the road have reduced. While visibility at the access is hindered by walls on either side, West Sussex Highways has advised that this will encourage drivers to emerge more cautiously. Drivers tend to 'edge out' into a slow, low trafficked road, such as this one. This practice encourages drivers approaching the junction to slow if they see a car bonnet and not the driver. The road at this location also benefits from a narrowing by the bridge close to the entrance and the presence of on street parking, which are considered by Manual for Streets as helping to reduce road speeds further.

While a new dwelling will lead to an increase in traffic movements, West Sussex has advised that it does not constitute a material intensification in the use of the access. As 7 dwellings use the access already, generating an anticipated 14 trips a day, the addition of one dwelling with the possibility of generating 2 extra trips is not considered a material intensification, which would need to be at least a 50% increase over existing.

Two parking spaces are to be provided on the site, which accords with the County's Parking Demand Calculator. One of the spaces is to be provided with a charging



point for an electric vehicle. The Highway Authority is satisfied with the size of the parking spaces.

Objections have been raised to the loss of this land which has been used for parking and turning of vehicles previously. However, the land is privately owned and there is not believed to be any right for other residents to use the land for turning. It is understood that refuse vehicles do not currently access the cul-de-sac and instead stop in Victoria Road and the crew walk down the cul-de-sac to collect the bins. This arrangement would not be affected by one additional dwelling.

While the concerns of residents are understandable, for the reasons set out above it is not considered that a highway safety or parking objection can be sustained in this case.

### ***Flood risk***

The application is within flood zone 2 but the site is not at risk of flooding following completion of the Tidal Walls scheme. The FRA submitted with the previous application proposes, as a precautionary measure, that the ground floor level of the dwelling unit will be set 0.3m above the ambient ground level of 4.35m AOD, i.e. at 4.65m AOD. It states that no flood mitigation measures are needed or proposed. While the Council's Engineer would prefer these to be set higher, above predicted undefended flood elevations, the Environment Agency has not objected and has referred to their standing advice.

### ***Sustainable and resource efficient buildings***

The Design and Access Statement also includes a sustainability statement. It advises that the building's orientation maximises potential for natural light and ventilation while the use of materials minimises the need for future maintenance. High levels of insulation and energy efficiency measures will result in a 19% CO2 reduction against Part L of the Building Regulations. Measures to reduce water usage will be incorporated. PV panels are proposed for the flat roof and there will be a charging point for an electric vehicle.

### **Recommendation**

#### **Approve Subject to conditions:-**

1. Approved Plans
2. Standard 3 year time limit
3. No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority
4. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall always thereafter be kept for their designated purpose.

5. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan.
6. Construction work shall not commence until the Noise Assessment (A3933/N/001 dated 27.04.20) has been updated to reflect the amended layout of the proposed property and ensure this noise sensitive development is protected from external noise. The updated scheme should be submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines, achieve the indoor ambient noise levels for dwellings specified in BS8233:2014 and have regard to the principles contained within ProPG: Planning & Noise – New Residential Development. The scheme should include full details of glazing and shall include mechanical MVHR ventilation. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.
7. No external plant shall be installed unless and until a scheme has been submitted to and approved by the local planning authority for attenuating all external fixed plant. The scheme shall have regard to the principles of BS 4142:2014+A1:2019 and ensure there is no detrimental impact to the nearest residential dwellings. A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant shall be maintained in accordance with manufacturer's guidance and any future plant shall also meet the specified levels within the approved scheme.
8. The vibration dose value (VDV) shall not exceed the 'low probability of adverse comment' level contained within BS6472:2008 inside the nearest property. A test or prediction of the noise levels and a test or estimation of the expected vibration environment to demonstrate compliance with the levels shall be undertaken within 3 months of the development being implemented.
9. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
  - (1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
  - (2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - (3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full

details of the remediation measures required and how they are to be undertaken.

- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

10. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank Holidays no work permitted.

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

11. Construction Management Plan
12. Foul and surface water drainage
13. External materials
14. Details of PV panels
15. Waste storage to be provided
16. Tree protection in accordance with arboricultural report
17. Landscaping
18. Windows on north elevation to be obscure glazed and non opening below 1.7m

## 19. Removal of PD rights

6th April 2021

### **Local Government Act 1972**

#### **Background Papers:**

As referred to in individual application reports

#### **Contact Officers:**

Stephen Cantwell  
Principal Planning Officer (Major Development)  
Portland House  
01903 221274  
[stephen.cantwell@adur-worthing.gov.uk](mailto:stephen.cantwell@adur-worthing.gov.uk)

Peter Barnett  
Principal Planning Officer (Development Management)  
Portland House  
01903 221310  
[peter.barnett@adur-worthing.gov.uk](mailto:peter.barnett@adur-worthing.gov.uk)

## **Schedule of other matters**

### **1.0 Council Priority**

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
  - to promote a clean, green and sustainable environment
  - to support and improve the local economy
  - to work in partnerships to promote health and wellbeing in our communities
  - to ensure value for money and low Council Tax

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

### **5.0 Community Safety Issues (Section 17)**

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

### **7.0 Reputation**

- 7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

### **8.0 Consultations**

- 8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

### **9.0 Risk Assessment**

9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

## **14.0 Financial implications**

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.

## **ADDENDUM TO PLANNING COMMITTEE AGENDA** **MEETING DATE - 6 April 2021**

The following agenda items have the following updates to the original Committee reports.

### **AWDM/2139/20: The Pilot, Station Road, Southwick, BN42 4AE**

**PROPOSAL:** Demolition of existing building and construction of a new six storey building containing 34 one & two bedroom flats; 70sqm ground floor commercial space (Class E); 21no. parking spaces (18no. within a new basement); access ramp; cycle and bin stores and associated landscaping.

### **Clarification for the Officer report**

At para 1, page 25, insert the following updated text (indicated in bold):

*‘...the proposal provides, through the use of private balconies, ground floor terrace and communal open space approx 634sqm (private amenity **377sqm** and communal space 257sqm)...’*

### **Additional Consultation Responses:**

*WSSC Strategic Planning* - Request financial contributions as follows:

- Education - £49,095 (Primary (£21,072), Secondary (£22,680), 6th Form (£5313))
- Libraries - £8,448
- Fire and Rescue - £653
- Total Access Demand - £43,307

*WSSC Highways* - No objection subject to Total Access Demand contribution of £43,307 (which can also go towards local cycleway schemes identified with the local plan and JAAP) and a travel plan being secured which includes provision for the promotion of car club and car sharing schemes.

*WSSC Archaeology* - Comments awaited.

### *Adur and Worthing*

- *Environmental Health (Public Health)* - No objection
- *Parks and Leisure* - No objection subject to suitable financial contributions being secured towards open space improvements within the locality.
- *Housing* - No objection subject to AH units being mixed within the scheme (i.e. not segregated)
- *Shoreham Harbour Regeneration Manager* - No objection

*West Sussex Clinical Commissioning Group* - No objection subject to £30,320 being secured towards local (primary) healthcare provision.

*Sussex Police Security Advisors* - No comments received.



## Officer Comments:

### *WSCC Archaeology*

Whilst comments are awaited from WSCC Archaeology, a planning condition can be imposed to secure a written scheme of archaeological investigation to mitigate any archaeological impacts where required.

### *Noise Environment*

Following the receipt of additional information your Environmental Health Officer is satisfied that concerns relating to overheating and foundation design can be addressed through planning conditions requiring details of an overheating assessment and foundation design to be provided. In relation to the external amenity space, the balconies will now include solid fixed glazed screens behind the balcony railings to help improve the noise environment for future occupiers.

### *Open Space*

A financial contribution is required to meet the Councils Open Space requirements off site, which would be spent on enhancing Fishersgate Recreation Ground or Kingston Beach. The amount of financial contribution is currently under discussion.

### *Public Art Provision*

In accordance with the provisions of the Planning Contributions for Infrastructure SPD Policy 'Per cent for Art', Adur Local Plan Policies 15 and 29 and the JAAP, a financial contribution (potentially 1-5% of the build cost) shall be secured towards Public Art within the locality and this is currently being agreed with officers.

## Amended Recommendation

Officer recommendation as set out on pages 30-34 of the committee report with the following updated list of obligations (changes indicated in **bold**) and 4 additional planning conditions (no.35-38):

### Planning Obligations:

No.	Matter	Note
1	Affordable Housing	30% provision with 75% social / affordable rented (based on Local Housing Allowance) and 25%: intermediate tenures <b>Affordable Housing Layout to be approved</b>
2	<b>Highway Provisions</b>	<del>Financial contribution if required towards local highways improvements.</del>

<b>3</b>	County Infrastructure	Financial contributions for: 1. Education (primary) <b>(£21,072)</b> 2. Education (secondary) <b>(£22,680)</b> 3. Education (6th form) <b>(£5,313)</b> 4. Libraries <b>£8,448</b> 5. Fire and Rescue <b>£653</b> <b>6. Total Access Demand - £43,307</b>
<b>4</b>	Open Space	Financial contribution [£tbc] for open space / recreation space/ improvement.
<b>5</b>	District Heating	Provisions for connection to Shoreham Harbour District Heating System when available.
<b>6</b>	Air Quality Mitigation	Financial contribution [equivalent to £11,937] for air quality mitigation measures and monitoring.
<b>7</b>	Site Management	Management & Maintenance of: 1. Site management plan – incl. car and cycle storage; 2. On-site heating system and future district heating system elements on site; 3. Surface water drainage – management & maintenance strategy 4. Bin stores and bins; 5. Planting and communal areas, including watering and pruning; 6. Any noise attenuation measures.
<b>8</b>	Healthcare	<b>Financial contribution of £30,320 towards local healthcare infrastructure.</b>
<b>9</b>	Public Art	<b>Financial contribution of (£tbc) towards public art provision.</b>

Additional Planning Conditions (no.35-38):

**No. 35 - Details of Hydrants/Water supplies for the purposes of fire-fighting.**

**No. 36 - Overheating assessment to be provided.**

**No. 37 - Details of foundation design to be provided**

**No. 38- Provide written scheme of archaeological investigation (where required by WSCC Archaeology)**

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ADUR DISTRICT  
C O U N C I L

Adur Planning Committee

6 April 2021

Agenda Item no. 7

Ward: All

## Open Space Standards for new Developments and off site contribution Calculator

### Report by the Director for the Economy

#### 1.0 Summary

1.1 To assess current provision and identify specific needs (in terms of quality and quantity) in order to accommodate the demands arising from future development growth, Adur & Worthing Councils commissioned a Joint Sport, Leisure and Open Space Study (2019) which comprises of three components:

- [Open Space Study](#)
- [Playing Pitch Strategy](#)
- [Indoor / Built Sports Facility Needs Assessment Report](#)

1.2 This report focuses upon the open space component and to consider adopting the recommended open space standards (minimum provision) for different open space typologies in Adur and Worthing. All reports are key evidence to support the emerging Worthing Local Plan and review of the Adur Local Plan and are available to view on the website:

[\(www.adur-worthing.gov.uk/planning-policy/worthing/worthing-background-studies-and-info/biodiversity-environment/](http://www.adur-worthing.gov.uk/planning-policy/worthing/worthing-background-studies-and-info/biodiversity-environment/)

1.3 A calculator tool (attached at appendix I) has been provided to assess open space needs arising from development proposals and to assist calculating the extent of off site contributions where it is not possible to provide as part of the development. The report explains how this calculator works, and how it will be used as part of the planning process.

1.4 At the same time the Council commissioned an Activity Strategy with the purpose of providing a blueprint for raising levels of physical activity particularly for those inactive within our communities. The Strategy seeks to

maximise the benefits that physical activity can add to health and wellbeing, individual development, nature, community cohesion, education and the local economy. It is intended to report this Strategy and the Sport, Leisure and Open Space Study to a forthcoming Joint Strategic Committee to establish how best to take forward the various recommendations to secure enhanced provision and active lifestyles for the local communities.

## **2.0 Background**

- 2.1 High quality open spaces and opportunities for informal and formal sport and recreation make a valuable contribution to the health and well-being of communities and are also important for climate change resilience, wildlife and biodiversity. Easy, safe and improved access for all residents and visitors to high quality open and natural space is therefore important.

### **Policy Context**

#### *National Policy*

- 2.2 The National Planning Policy Framework (NPPF) recognises the importance of supporting healthy communities as part of the social dimension of sustainable development (see paragraph 8b). Section 8 of the NPPF gives more detailed consideration to the role of open space, sport and recreation provision.
- 2.3 Paragraph 92 a) sets out the need to plan positively for provision and use of community facilities (including sports venues and open space) and to guard against their unnecessary loss. Paragraph 96 highlights the importance that planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Paragraph 97 of the NPPF gives more specific consideration to access to and retention of open space, recreation and sports facilities as well as setting out the framework for the exceptional circumstances when such provisions may be lost.
- 2.4 The National Planning Practice Guidance includes a section on open space, sports and recreation facilities. This recognises the variety of forms of open space, from formal sports pitches to country parks. The multiple benefits of open spaces are recognised, including in terms of health, ecology, landscape character and the setting of built development. It is set out that it is for local planning authorities to assess the need for open space and regard should be had to the duty to cooperate where open spaces serve a wider area.

## *Local Planning Policy Context*

- 2.5 Adur & Worthing Councils previously commissioned a Joint Open Space Study in 2014. The standards identified in this study informed Policy 32: Open Space, Recreation and Leisure of the adopted Adur Local Plan (2017). In recognition of the legal requirement that Local Plans have to be reviewed every 5 years from the date of adoption, Adur District Council will be commencing a review later this year. In order to comply with paragraph 96 of the NPPF (see paragraph 2.3 of this report), it was considered necessary to commission a new up-to-date assessment to inform the review of the Adur Local Plan. Furthermore, Worthing Borough Council is progressing a new Local Plan and therefore it was a timely opportunity to undertake a joint assessment.

### **Open Space Standards**

- 2.6 The Open Space Study sets minimum provision standards for different open space typologies in Adur and Worthing. It must be noted that these standards only cover those parts of Adur and Worthing that lie outside of the South Downs National Park; and that these are the areas covered by our Local Plans. In terms of quantity and access, the local standards are as follows (all quantities are hectares per 1,000 population):

**Table 1: Summary of open space quantity and access standards**

<b>Typology</b>	<b>Quantity standards for existing provision and new provision (ha/1000 population)</b>	<b>Access standard</b>
Allotments	0.20	720 metres or 15 minutes' walk-time
Amenity Green Space (sites >0.15 ha)	0.60	480 metres or 10 minutes' walk-time
Park and Recreation Grounds (public and private combined)	0.80	720 metres or 15 minutes' walk-time
Play Space (Children)	0.06	480 metres or 10 minutes' walk-time
Play Space (Youth)	0.06	720 metres or 15 minutes' walk-time

Accessible Natural Green Space	1.0 (for new provision only)	960 metres or 20 minutes' walk-time and ANGst Standards for accessible natural green space above 20ha
Total for new provision	2.72 ha / 1000	

- 2.7 It should be noted that a key issue for the area is limited land available for new development, given the South Downs National Park to the north, and the English Channel to the south. Therefore, it will be a challenge to achieve these standards everywhere, and the enhancement of existing facilities (including improving access to facilities) will be key to meeting unmet demand.

### **Current supply against the standards**

- 2.8 The tables below show the existing supply of open space for each typology at the study area, local authority, and ward levels. The supply is calculated using the population figures (ONS mid-year 2017 estimates) for each of the geographies and the quantity of open space compared to what the requirements for open space are against the recommended standards. Positive figures show where the study area / local authority area / wards meet the quantity standard for the open space typology, and negative figures (red text) show where there is a shortfall in supply against the quantity standard.
- 2.9 Although these figures highlight where there are shortfalls in supply against the quantity standards and therefore where new provision should be sought, new provision may not be achievable (unless, for example, through new development). These figures can help inform decisions about the form of new open spaces and improvements to existing open spaces, rather than it being imperative that every ward must achieve a '+' number.



**Table 2: Open space supply at the study area level (Adur District and Worthing Borough) against the quantity standards**

Typology	Existing (ha)	Existing (ha / 1000)	Required Provision (ha)	Standard / Required Provision (ha / 1000)	Supply (ha)	Supply (ha / 1000)
Allotments	31.21	0.18	34.67	0.2	-3.46	-0.02
Amenity Greenspace (>0.15ha)	88.22	0.51	104.01	0.6	-15.79	-0.09
Parks & Recreation Ground	138.99	0.8	138.68	0.8	0.31	0.00
Play (Child)	5.36	0.03	10.4	0.06	-5.04	-0.03
Play (Youth)	1.13	0.01	10.4	0.06	-9.27	-0.05

**Table 3: Open space supply at the Adur District level against the quantity standards**

*Table 7.2 a) Open space supply at the Adur District level against the quantity standards*

Typology	Existing (ha)	Existing (ha/1000)	Required Provision (ha)	Standard/ Required Provision (ha/1000)	Supply (ha)	Supply (ha/1000)
Allotments	15.32	0.24	12.74	0.2	2.58	0.04
Amenity Greenspace (>0.15ha)	44.27	0.69	38.23	0.7	6.04	0.09
Parks and Recreation Grounds	48.94	0.77	50.98	0.8	-2.04	-0.03
Play (Child)	2.45	0.04	3.82	0.06	-1.37	-0.02
Play (Youth)	0.62	0.01	3.82	0.06	-3.20	-0.05

**Table 4: Open space supply (ha) at Ward level against the quantity standards**

*Table 7.3 Open space supply (ha) at Ward level against the quantity standards*

Ward	Allotments	Amenity Greenspace	Parks and Recreation Grounds	Play (Child)	Play (Youth)
<b>Adur</b>	<b>2.58</b>	<b>6.04</b>	<b>-2.04</b>	<b>-1.37</b>	<b>-3.2</b>
Buckingham	-0.79	-1.88	11.4	-0.06	-0.21
Churchill	-0.89	-2.15	-2.55	0.04	-0.27
Cokeham	-0.4	-1.88	-3.63	-0.24	-0.27
Eastbrook	3.52	-1.24	2.36	-0.04	-0.1
Hillside	0.83	1.02	-2.32	-0.02	-0.16
Manor	1	-2.66	2.07	-0.11	-0.27
Marine	-0.95	6.57	-2.1	0.03	-0.29
Mash Barn	-0.85	17.78	0.13	-0.02	-0.24
Peverel	-0.86	-2.06	2.92	-0.11	-0.18
Southlands	-0.44	-1.25	-3.07	-0.21	-0.23
Southwick Green	0.03	-0.3	-2.58	-0.21	-0.27
St. Mary's	2.95	-1.69	-2.27	-0.14	-0.22
St. Nicolas	0.15	-1.43	-3.18	-0.2	-0.24
Widewater	-0.74	-2.8	0.78	-0.1	-0.27

2.10 Table 4 shows that open space provision varies across wards and typologies, with some meeting the standards and some falling below e.g. for youth play space there are shortfalls in provision in every Ward within the Study Area. This will be an important consideration when determining the need for on-site open space as part of new development.

2.11 It is important that the supply figures are not considered in isolation, as the access and quality results are equally important. Just because a typology is in sufficient supply, this does not mean it is 'surplus' to requirements, as the access and quantity standards also need to be considered alongside the quantity requirements. There may also be other factors such as a sites nature conservation, historic or cultural value, or its contribution to the Green Infrastructure network which mean it should be protected.

### **Future Need for Open Space**

2.12 The figures for open space requirements are for indicative purposes - the calculations are based on all open space being provided on site (which will not be the reality in some cases, as consideration of the individual development size and proximity to existing open spaces needs to be taken into account).

**Table 5: Open space requirements resulting from housing allocations**

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	<b>Assumed Household Size</b>	<b>Housing Numbers (2018-2036)</b>	<b>Predicted Population Increase (A*B)</b>	<b>Open space requirements against quantity standards (C* quantity standards – See Table 6.6).</b>
Adur	2.27	3,130	7,105	Allotments: 1.42 ha Amenity Greenspace: 4.26 ha Parks & Recreation: 5.68 ha Play (Child): 0.43 ha Play (Youth): 0.43 ha Accessible Natural Greenspace: 7.10 ha
Worthing	2.17	3,764	8,168	Allotments: 1.63 ha Amenity Greenspace: 4.90 ha Parks & Recreation: 6.53 ha Play (Child): 0.49 ha Play (Youth): 0.49 ha Accessible Natural Greenspace: 8.17 ha
Overall Study Area			15,273	Allotments: 3.05 ha Amenity Greenspace: 9.16 ha Parks & Recreation: 12.22 ha Play (Child): 0.92 ha Play (Youth): 0.92 ha Accessible Natural Greenspace: 15.27 ha

## **Developer Contributions**

- 2.13 Schemes of ten plus dwellings will be required to provide on-site open space in accordance with the standards (using the calculator tool). The exceptions to this approach will be where the site or development is not of sufficient size in itself to make the appropriate provision feasible, or where it is preferable to seek contributions to provide or improve open space off-site within the ward or nearby ward to which the development is located. The potential to make off-site provision will be considered on a case by case basis.
- 2.14 Where a development is unable to provide sufficient on-site provision of open space to mitigate the impact of that development, contributions towards the provision or improvement of offsite open space are set out in the Open Space

Study and calculated using the capital cost of provision using the assumption of an average household size of 2.2 persons/household.

- 2.15 A cost calculator has been provided to the Councils (in the form of an excel spreadsheet) so that the on and off-site requirements for open space can be calculated for different sized developments. It provides an example of how costs might be calculated, but site circumstances will also need to be taken into account e.g. topography.

The cost calculator is based on the following assumptions:

- Average household size (2.2 persons/household).
  - The open space quantity standards (see Table 6.6 - Open Space report)
  - The cost of open space per m2 (see Table 8.2, page 97 - Open Space report)
  - Thresholds for on-site provision (see Table 8.5, page 101 - Open Space report)
- 2.16 The cost calculator factors in the number of bedrooms per dwelling. Where the number of bedrooms are not known, the total number of units can be inputted. The same charges apply to both provision of new facilities and the upgrading/improvement of existing facilities (where related to new development), which will normally include at least a net increase in new provision. The Open Space study report provides a screenshot of the cost calculator and a worked example of how to use the cost calculator - see page 98 of the Study.
- 2.17 If it is not feasible to deliver open space on site due to exceptional circumstances e.g. viability or land availability, then the potential to make off site provision will be considered on a case by case basis. The assessment of on site provision and whether it is appropriate to seek off site contributions would be undertaken by the Parks Manager in consultation with Development Management Officers.
- 2.18 It is recognised that there are limited resources within the Parks team to provide this level of assistance during the consideration of planning applications and this has been raised as an issue corporately to resolve to ensure that developments provide the appropriate level of open space provision. Historically both Councils have missed opportunities to secure development contributions to enhance open space provision and sports facilities and your Officers are keen to avoid this happening in the future.

## **Maintenance Contributions**

- 2.19 Where new open space is provided, the developer would be expected to provide the open space and either maintain the open space through a management company, or if the site is to be adopted by either Adur or Worthing then maintenance fees secured by a commuted sum of at least 20 years will be included in the Section 106 legal agreement.
- 2.20 Ideally open space should be adopted by the Councils rather than left to management companies. There are numerous examples of problems with maintenance of open space when left to private management companies and members of the public will still expect to resolve issues in the future or presume that private land is maintained by the relevant local authority.
- 2.21 Whilst, the Council cannot insist on the adoption of these areas, the national volume house builders have now accepted that adoption by the local authority is more appropriate in the long term. Members will be aware that open space proposed in connection with the West Sompting development is to be transferred to the District Council and negotiations regarding an appropriate commuted sum are underway. This application is due to be considered by the Committee in June.
- 2.22 The situation at New Monks Farm was different on the basis that the open space proposed forms part of the overall Sustainable Urban Drainage system (SUDs) and it was agreed that this would be more appropriate to be retained by the developer and a future Management Company.
- 2.23 It is important that in designing new play areas consideration is given to meet the needs of all users including the disabled and looking at more imaginative designs for play areas particularly in urban areas. In securing a commuted sum a replacement cost for play equipment can also be secured.

## **3.0 Open Space Standards**

- 3.1 It is proposed that the recommended open space standards are adopted to address the identified need for open space provision as informed by the up-to-date open space study. Failure to adopt the recommended standards would result in future development not securing open space provision that meets identified needs.

## **4.0 Legal**

- 4.1 S1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation.
- 4.2 The legal tests for when you can use a s106 agreement are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. The tests are that the contributions should be:
- necessary to make the development acceptable in planning terms
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.

## **5.0 Financial implications**

- 5.1 There are longer term cost implications of taking on additional areas of open space and play equipment. The commuted sum period can assist in the medium term but there would need to be additional resources secured within the Parks team to deal with additional maintenance requirements and additional costs beyond the initial 20 year period. Additional s106 contributions can help to fund enhancements of existing provision.

## **6.0 Recommendation**

- 6.1 **That the Committee note the recommended open space standards, and forward any comments to the Executive Member for Regeneration to consider prior to formally adopting the standards.**
- 6.2 **That the cost calculator attached at Appendix I be agreed and adopted for use in calculating needs arising from development proposals; and that the calculator be published on the Councils' website.**

## **Local Government Act 1972**

### **Background Papers:**

Adur and Worthing Open Space Study (2019)  
Adopted Core Strategy 2011  
Emerging Worthing Local Plan 2021

### **Contact Officer:**

Jennifer Ryan  
Senior Planning Policy Officer  
01273 263000

[jennifer.ryan@adur-worthing.gov.uk](mailto:jennifer.ryan@adur-worthing.gov.uk)

## **Schedule of Other Matters**

### **1.0 Council Priority**

#### **1.1 2.4.6 Live Well - Active People and Places- Leisure & Activity Strategy:**

a) Develop and Implement an Open Spaces, Sport and Recreation Strategy building on the outcomes of the consultancy report due by end 2010 and result from our facilities condition survey

Action a) of 2.4.6 has been addressed via the completion and publication of the Joint Sport, Leisure and Open Space Study (2019). The Open Space report forms one part of this element. The open space report also feeds into the emerging Activities Strategy which is an identified priority in the Platforms for Our Places: Going Further 2020 - 2022:

b) Launch and implement our community led Activities Strategy

### **2.0 Specific Action Plans**

2.1 Matter considered and no issues identified.

### **3.0 Sustainability Issues**

3.1 Open space and GI protection, provision and enhancement will play an important part in helping to tackle the climate crisis, with well designed, connected and multifunctional open space providing important functions such as surface water management/flood alleviation, reducing air pollution, reducing heat stress and providing wildlife habitat.

3.2 Adur and Worthing Councils will be approaching the management of their open space to provide multifunctional spaces in order to maximise ecosystem services, adapt to climate change and contribute to the Councils' becoming zero carbon by 2030.

### **4.0 Equality Issues**

4.1 The Open Space Report feeds into the emerging Activities Strategy which seeks to encourage inactive people to become physically active which in turn facilitates thriving and connected communities.

## **5.0 Community Safety Issues (Section 17)**

5.1 Matter considered and no issues identified.

## **6.0 Human Rights Issues**

6.1 Matter considered and no issues identified.

## **7.0 Reputation**

7.1 Matter considered and no issues identified.

## **8.0 Consultations**

8.1 The Joint Sport, Leisure and Open Space study has been informed by the Community and Stakeholder Report (2019) where a consultation engagement exercise was conducted at the start of the study to ascertain local stakeholder views about the quality and quantity of existing sport, leisure and open space facilities in Adur and Worthing.

8.2 The preparation of the Joint Sport Leisure and Open Space study has been supported by an internal working group of colleagues from Planning Policy, Parks and Communities.

## **9.0 Risk Assessment**

9.1 Matter considered and no issues identified.

## **10.0 Health & Safety Issues**

10.1 Matter considered and no issues identified.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 The Joint Open Space Study was commissioned by Adur District Council and Worthing Borough Council to ensure a consistent approach in undertaking evidence to inform the preparation of Local Plans.



	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1	Number of dwellings	Enter number	Equivalent people	Open Space requirement	Required msq per person	Cost per msq	Total requirement (msq)	Cost of provision (£)	On site required?	Required quantity on site (msq)	Enter actual provision on site (msq)	Value of provision	Contribution required	Commuted sum required	Annual commuted sum
2	1 bed		0	Allotments	2	22.34	418.00	£9,338	0	None	0	0	£9,338	0	0
3	2 bed		0	Amenity Green Space	6	20.24	1,254.00	£25,381	Y	1,254	1254	25,381	£0	Y	965.58
4	3 bed		0	Parks & Recreation Grounds	8	92.94	1,672.00	£155,396	0	None	0	0	£155,396	0	0
5	4 bed		0	Play Space (Children)	0.6	168.76	125.40	£21,163	0	None	0	0	£21,163	0	0
6	5 bed		0	Play Space (Youth)	0.6	114.34	125.40	£14,338	0	None	0	0	£14,338	0	0
7	Elderley 1 bed		0	Natural Green Space	10	20.24	2,090.00	£42,302	0	None	0	0	£42,302	0	0
8	Elderley 2 bed		0												
9															
10	TOTAL	95	209		27.20		5,685	£267,917		1,254		25,381	£242,536		965.58
11															
12															

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ADUR DISTRICT  
C O U N C I L

**Adur Planning Committee**

**6th April 2021**

**Agenda Item no. 8**

## **Appeal Performance**

### **Report by the Director for the Economy**

#### **1.0 Summary**

- 1.1 This report updates the Planning Committee on recent appeal decisions and appeal performance.

#### **2.0 Background**

- 2.1 A number of national targets are set by the Government to ensure an effective development management service is delivered by all Local Authorities. National league tables are produced in relation to determination times for planning applications and appeal performance.
- 2.2 For appeals Adur and Worthing has a very good appeal performance and this highlights good effective decision making by Officers under delegated powers and by Planning Committees. National Planning Guidance seeks to ensure that planning applications are dealt with having regard to the Development Plan and all relevant material considerations and that planning applications should only be refused where harm can be substantiated.
- 2.3 Where local planning authorities cannot reasonably defend a decision to refuse planning permission there is a risk of costs being awarded against the authority.

#### **3.0 Appeal Performance**

- 3.1 The Planning Inspectorate (PINs) publishes annual performance for all s78 appeals, householder and enforcement appeals. The performance of the Council for 2019/2020 is set out below:

<i>England</i>		<i>April 2019 to March 2020<sup>P</sup></i>							
Local planning authority		s78 planning appeals				Householder appeals			
		number decided	number allowed	split decision	% allowed	number decided	number allowed	split decision	% allowed
Shire Districts									
Adur		2	0	0	0%	6	2	0	33%

3.2 For 2019/20 the performance suggests 100% success rate for s78 appeals and 67% for householder appeals. As a result the Council is in the top quartile for local authority appeal performance in the Country albeit the low number of appeals that are submitted does distort the overall picture.

3.3 Performance figures for the current financial year for appeals (and the determination of planning applications) will be released in May and a further report on overall performance will be submitted to the Committee in June.

3.4 To assist the Planning Committee in reviewing appeal decisions your Officers feel that it would be beneficial to add any decisions received to future agendas as a standing item. Since the New Year we have had 3 appeal decisions, one allowed and two dismissed and these are appended to the report for Members information.

#### 4.0 Recommendation

4.1 To note the report and to seek Members views on whether including appeal decisions received is helpful as a standing agenda item in the future.

#### Local Government Act 1972

##### Background Papers:

Appeal Performance Tables:

[www.gov.uk/government/publications/planning-inspectorate-statistics](http://www.gov.uk/government/publications/planning-inspectorate-statistics)

**Contact Officer: James Appleton**

Head of Planning and Development

01903 221333

james.appleton@adur-worthing.gov.uk



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## Appeal Decision

Site visit made on 11 February 2021

**by John D Allan BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 March 2021.**

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**Appeal Ref: APP/Y3805/D/20/3263485**

**53 Gordon Road, Shoreham-by-Sea, BN43 6WF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Fletcher against the decision of Adur District Council.
  - The application Ref AWDM/1223/20, dated 4 August 2020, was refused by notice dated 29 September 2020.
  - The development proposed is described as the erection of a '*single-storey side extension*'.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey side extension and pitched roof above first floor rear projection at 53 Gordon Road, Shoreham-by-Sea, BN43 6WF in accordance with the terms of the application, Ref AWDM/1223/20, dated 4 August 2020, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg Nos 20798-01 Rev C and 20798-02.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Procedural Matters

2. The description of the development given in my formal decision reflects the description that was given by the Council on their decision notice and which was repeated by the appellant on the appeal form. This reflects the entirety of the proposed works compared with the description that was given on the original application form and used in the banner heading above.
3. The application was amended through the submission of revised plans, which I have relied upon.

## Main Issue

4. The Council has raised no concern regarding the proposed alteration to the roof over the existing first floor projection to the rear of the appeal property. I have no reason to deviate from this position. The main issue therefore is the effect of the proposed single-storey side extension on the living conditions at 55 Gordon Road, with particular regard to visual impact and light.

## Reasons

5. The appeal property is a two-storey, semi-detached dwelling with a two-storey rear outrigger that is mirrored by the attached neighbouring building at No 51. A similar arrangement is repeated by the neighbouring semi-detached pair at Nos 55 and 57. No 53 has an existing infill, lightweight extension to the side of the outrigger. This projects up to and above the side wall that runs along the boundary shared with No 55, to a depth of approximately 4m. The proposal is to replace this with a brick built, lean-to side addition that would project a further approximate 3m, bringing it flush with the rear wall of the outrigger. The new addition would be built off the boundary wall, raising its height by around 850mm, slightly lower than the height of the existing side addition.
6. The Council's officer's report correctly describes the appeal property as a semi-detached dwelling under its heading *Proposal, Site and Surroundings*. However, elsewhere in the report it is described as being attached to No 55, which is incorrect. Furthermore, the Council has relied upon guidance contained within their Supplementary Planning Guidance (SPG): *Development Management Standard No.2 Extensions and Alterations to Dwellings* which states that where dwellings have been built with projecting sections it would not usually be acceptable to build an extension infilling the space between the projection and the boundary with an attached dwelling. Given the detached nature of No 55 with the appeal property, this part of the SPG does not directly apply, although I recognise the objectives of the guidance in seeking to safeguard neighbouring amenities.
7. No 55 is set approximately 1m away from the common boundary with the appeal site. Adjacent to the appeal site at ground floor, No 55 has rear facing patio doors, together with side facing windows and a door in the outrigger. Given the detached relationship between these two properties, the space to the side of the outrigger is larger than would be typical for terraced houses of similar form and layout.
8. The appellant has submitted a Daylight and Sunlight Report dated November 2020 prepared in accordance with the British Research Establishment's *Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice 2011*. The findings of this report have not been challenged by the Council. I note that it too bases its findings on as assumption that Nos 53 and 55 are attached. Notwithstanding, the window arrangements for No 55 are properly considered and it concludes overall that the change to daylight affecting these openings would be unlikely to be noticeable, thereby meeting the BRE guidance. Without substantive evidence from the Council to the contrary, I have no reason to doubt these findings. It also finds that there would be no impact at all on direct sunlight to the rear windows of No 55, which is unsurprising given the orientation of the properties.

9. In my assessment the outlook from the patio doors and the side facing window nearest to these would be little different to the existing arrangement and, given the single-storey eaves height of the building along the boundary, I am not persuaded that the addition would reasonably be seen as overbearing, as suggested by the Council. The additional depth proposed to the side extension would undeniably be a change in the outlook from the neighbour's internal living areas and would impact more upon the aspect from the window positioned at the deepest part of the outrigger. However, given the amount of space that exists to the side of No 55, I am not persuaded that the impact would be significant.
10. Overall, I am satisfied that the proposal would not appear visually intrusive when seen from No 55 or that it would harmfully impact on levels of light. I therefore find no conflict with Policy 15 of the Adur Local Plan 2017 insofar as it seeks to avoid any unacceptable impact on adjacent properties from new development.

### **Conditions**

11. A condition specifying the relevant plans is necessary as this provides certainty. In the interests of maintaining the character and appearance of the area, a condition is required to control the external materials to be used.
12. The Council has suggested some very vague wording to attempt to control further windows or openings and the use of obscure glazing. However, no precise details are given. I consider that it would be very unlikely that any windows would be added to any of the proposed works in positions that would impact neighbouring occupiers, or without having serious consequences for the occupants of the appeal property. I do not consider that any such condition is therefore necessary.

### **Conclusion**

13. For the reasons given, I conclude that there would be no harm to the living conditions at 55 Gordon Road. Accordingly, in the absence of any other conflict with the development plan, the appeal is allowed.

*John D Allan*

INSPECTOR

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## Appeal Decision

Site visit made on 19 January 2021

**by P B Jarvis BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 February 2021.**

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**Appeal Ref: D/4001850**

**1 Lilac Way, Shoreham-by-Sea, BN43 6AW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Ben Roberts against the decision of Adur District Council.
  - The application Ref AWDM/0834/20, dated 4 June 2020, was refused by notice dated 7 August 2020.
  - The development proposed is to remove the existing brick boundary wall which is inside the boundary of property and replace with close boarded wooden fence at boundary including two gates to access street and side of house; to allow more room in garden and access to side/front of property.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect on the character and appearance of the Southlands Conservation Area.

### Reasons

3. The dwelling on the appeal site is a modern three storey semi-detached property. It is located within the Southlands Conservation Area which comprises of a number of former hospital buildings that have been converted to residential properties including East Lodge and The Old Refectory buildings as well as more recent modern residential development. The former hospital buildings are predominantly of brick facings with red tiled roofs. These and the other buildings to the east (including the appeal site) and west are set around a central grassed open space.
4. The flank elevation of the dwelling on the appeal site and side boundary of the rear garden, which is marked by an existing brick wall, face towards this open space. It is located adjacent to the private road that leads to the parking areas serving the adjoining flatted block in East Lodge. The brick boundary wall continues to the north, marking the side garden boundary of the adjoining dwelling to the north. Although these walls are part of the recent modern development they incorporate features, such as the decorative top brick courses and stone bands, that reflect and complement the predominant character of the built forms of the conservation area.
5. As indicated above, the immediate surroundings are dominated by the attractive brick buildings of the former hospital. The conversion works and the adjoining new modern development have been undertaken in a sympathetic

manner that, in particular, reflects the original materials of the former hospital buildings. This provides a uniformity that is a particular characteristic of the conservation area and the street scenes within it.

6. The proposal, involving the removal of the brick boundary wall and its replacement with a timber close boarded fence would not only result in the removal of a feature that contributes positively to the character and appearance of the conservation area but would introduce a feature that would detract from. It would also occupy a more prominent position immediately abutting the side of the private road and, notwithstanding that it would be of high quality, would be inappropriate in this highly prominent position in the conservation area.
7. The appellant has provided examples of existing fencing located around the new estate within the wider locality of the appeal site. However, the majority of these are in locations outside the conservation area and not in the immediate context of the above buildings. There is an existing fence along the rear garden boundary of a property at the western side of the conservation area. This directly adjoins the open space and in the context of its surroundings, it appears as a somewhat jarring feature, being directly adjacent to what appeared to be an original brick boundary wall to the St Giles Church to the west, albeit is screened to an extent by the trees within the open space. Timber panels have also been used to surround the bin storage areas within the development but these are relatively modest features in the context of the overall development. The fencing at the end of the parking area to the north of the site, surrounding the electricity sub stations, looks to have been in place for some time. I do not consider that these provide justification for the proposed fence which would occupy a far more prominent location.
8. Overall, I consider that the proposal would be harmful to the character and appearance of the Southlands Conservation Area. As a result it would conflict with Policies 15 and 17 of the Adur Local Plan (2017) which seek development of a high standard of design and materials within the conservation area so as to respect, preserve and enhance the character and appearance of that area, and the site and its surroundings in general.
9. For the above reasons the proposal would fail to satisfy the duty set out in S72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act, 1990. The proposal would also fail to comply with the National Planning Policy Framework, in particular paragraph 196. In this context the less than substantial harm that arises would not be outweighed by public benefits, the main benefits arising in this instance being associated with the provision of an enlarged garden area that would be a private benefit.

### **Conclusions**

10. I therefore conclude that this appeal should be dismissed.

*P Jarvis*

INSPECTOR



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## Appeal Decision

Site visit made on 19 January 2021

**by P B Jarvis BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 February 2021.**

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**Appeal Ref: D/4001367**

**55 Kingston Lane, Southwick, Brighton BN42 4SJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Jon Lee against the decision of Adur District Council.
  - The application Ref AWD/0583/20, dated 29 February 2020, was refused by notice dated 22 June 2020.
  - The development proposed is a two storey rear extension with second floor wrap around on southern boundary; basement excavation.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect on the character and appearance of the host dwelling and street scene.

### Reasons

3. The two storey dwelling on the appeal site is of individual design being of a symmetrical L shaped form with deep feature windows and constructed of red brick with a tiled hipped roof. The dwellings sits parallel with the side boundaries such that the left hand side of the building is further forward in the plot. A feature porch is located within the 'corner' of the front elevation with a projecting element at first floor level. There is an existing flat roofed rear extension.
4. The dwelling occupies a large plot with close boarded fence and mature trees to the front boundary such that only the upper part of the dwelling is readily visible in the street scene of Kingston Lane. However, the upper part of the dwelling can also be seen above the rear garden fence where it adjoins an area of open space that is located between the three storey flatted blocks in Meadway Court to the south.
5. The proposed extensions would be of flat roofed design with a low 'false' pitched edge. This would appear awkward and unsympathetic viewed against the hipped roof design of the host dwelling. The low false pitch design and lack of set back of the proposed side extension from the main built form of the dwelling would also serve to accentuate the width of the proposed side extension. As a result it would not appear as well-proportioned addition and would unbalance the pleasant symmetry of the existing dwelling.
6. The unsympathetic flat roofed design would continue over the whole of the rear element of the extension where it would be clearly visible from the adjoining

Meadway Court. In this context the proposed extensions would fail to complement the design and appearance of the existing dwelling, resulting in significant additions that would detract from, rather than be subservient and complementary to, the individual design and proportions of the host dwelling.

7. Overall, I consider that the proposals would appear as unsympathetic extensions that would fail to complement the unique and symmetrical design of the host dwelling. As a result it would fail to accord with Policy 15 of the Adur Local Plan (2017) which seeks development of high architectural quality that respects and enhances the character of the site and its surroundings in terms of, amongst other things, proportion, form and detailed design.
8. It would also fail to satisfy the Council's Adopted Development Management Standard No. 2 (Extensions and Alterations to Dwellings) (2017) which provides detailed design guidance to support the above policy and which states that extensions should be designed to closely match the existing dwelling and its proportions and set back so as to appear subordinate.
9. I consider that the proposal would also fail to comply with the National Planning Policy Framework (the Framework), in particular paragraph 127 which seeks to ensure that development adds to the overall quality of the area, is visually attractive and sympathetic to local character.

### **Conclusions**

10. I therefore conclude that this appeal should be dismissed.

*P Jarvis*

INSPECTOR