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Minutes of a meeting of the
Adur Planning Committee
7 June 2021
at 7.00 pm

Councillor Carol Albury (Chair)
Councillor Stephen Chipp (Vice-Chairman)

Councillor Dave Collins
Councillor Tania Edwards
Councillor Jeremy Gardner

Councillor Paul Mansfield
Councillor Steve Neocleous
Councillor Carol O'Neal

**Absent

ADC-PC/1/21-22 Substitute Members

There were no substitute Members.

ADC-PC/2/21-22 Declarations of Interest

There were no declarations of interest.

ADC-PC/3/21-22 Public Question Time

There were no questions raised under Public Question Time.

ADC-PC/4/21-22 Confirmation of Minutes

RESOLVED, that the minutes of the Planning Committee meeting held on 6 April 2021 be confirmed as a correct record and that they be signed by the Chairman.

ADC-PC/5/21-22 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions.

ADC-PC/6/21-22 Planning Applications

The planning applications were considered, see attached appendix.

ADC-PC/7/21-22 Planning Appeals

There were none to report.

The Chairman closed the meeting at 8.10 pm, having commenced at 7.00 pm.

Chairman

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Application Number: AWDM/0558/21	
Site:	Free Wharf, Brighton Road, Shoreham-By-Sea
Proposal:	Application to Vary Condition 1 of previously approved AWDM/1497/17. Amendment: Change location of part of the basement under block G and H and redistributing to area under block A.

The Head of Planning and Development began his presentation by showing an aerial view of the site, to the east of Frosts car showroom, and Members were advised works had proceeded to build out the scheme.

The proposal was to relocate part of the previously approved basement area, containing 54 parking spaces, from under blocks G1/G2 and H to the area under block A at the south-west part of the site, and Members were shown various plans to assist their consideration of the application.

The Officer advised one of the issues raised had been pedestrian accessibility of the amended proposed basement parking for residents of the first phase. However, the agents had advised that block A would not previously have had access to basement parking, and given the short distances between the three frontage blocks and parking to the rear, they had not felt it would be an inconvenience. Members were reminded it was a sustainable location and the developer was keen to promote and encourage alternative modes of transport, with good bus and train services closeby.

Members were advised that subject to the signing of a Deed of Variation and resolving surface water drainage issues, Officers had no objection to the proposal and recommended planning permission be granted.

Some Members raised queries with the Officer for clarification, and these were answered in turn to their satisfaction.

The Head of Planning and Development read out a representation from the agent who had been unable to attend the meeting.

During debate, Members were keen to see the scheme progressed; were content with the proposed changes; and therefore voted unanimously to agree to the Officer's recommendation.

Decision

The Planning Committee agreed to delegate authority to the Head of Planning and Development to **GRANT** planning permission, subject to surface water drainage issues being resolved (if not, an additional condition would be imposed), together

with the following conditions:-

- 1) Completion of a s.106 Deed of Variation to ensure that the development as varied remains subject to obligations previously as required;
- 2) In the event that the S106 legal agreement has not been completed by 7 December 2021 or an extension of time has not been agreed between the Authority and applicant The Head of Planning and Development shall have delegated authority to REFUSE planning permission for lack of the provisions required under these obligations, and
- 3) Subject to the following conditions, with delegated authority to the Head of Planning and Development to amend, as required, to address relevant technical issues:-

Planning Conditions

01. The development hereby permitted shall be carried out in accordance with the approved plans

Reason: For the avoidance of doubt and in the interests of proper planning.

02. The development hereby permitted shall begin before the 9 April 2023.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

03. The development shall be carried out in accordance with the details of the enabling works approved by the Local Planning Authority on 15 November 2018 (approved documentation listed under application reference AWDM/1497/17) unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development is satisfactorily provided with required infrastructure in accordance with paragraph 156 of the National Planning Policy Framework.

04. The development shall be carried out in accordance with the archaeological scheme of investigation approved by the Local Planning Authority on 15 November 2018 (approved documentation listed under application reference AWDM/1497/17) unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure appropriate investigation and recording of archaeological heritage assets on the site prior to commencement of new building works. Policy: National Planning Policy Framework paragraphs 135, 141; Adur Local Plan 2017 Policy 16.

05. The development shall be carried out in accordance with the Construction

Management Plan (in relation to enabling works) approved by the Local Planning Authority on 15 November 2018 (approved documentation listed under application reference AWDM/1497/17) unless otherwise approved in writing by the local planning authority.

Reason: In the interests of highway safety and the amenities of the area.

Phasing Programme

06. Prior to commencement of any works on site, save for those identified as Enabling Works in Condition 03. to 05., a phasing programme shall be submitted to and agreed by the Local Planning Authority. The planning conditions shall be submitted in accordance with that phasing programme.

Reason: To ensure the comprehensive phased development of the site in accordance with the general and site specific policies set out in the Adur District Local Plan 2017 and Joint Area Action Plan.

Pre-Commencement Main Site Works Excluding Enabling Works

07. No development shall take place, excluding Enabling Works, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

08. The development shall be carried out in accordance with the Surface Water Drainage details approved by the Local Planning Authority on 9 April 2020 under application reference AWDM/0255/19 unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy 36 of the Adur Local Plan 2017.

09. The development shall be carried out in accordance with the Foul and Surface Water Drainage details approved by the Local Planning Authority on 16 December 2020 under application reference AWDM/0841/20 unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the proposed development is satisfactorily drained.

10. The development shall be carried out in accordance with the Contamination Assessment (including any remediation schemes) approved by the Local Planning Authority on 9 April 2020 under application reference AWDM/0255/19 unless otherwise approved in writing by the Local Planning Authority, and prior to the first occupation of any part of development affected by any remediation scheme, following completion of measures identified in the approved remediation scheme, a verification report must be submitted to and approved in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 34 of the Adur Local Plan. These details are required prior to commencement in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.

11. The development shall be carried out in accordance with the Foundation Design details approved by the Local Planning Authority on 9 April 2020 under application reference AWDM/0255/19 unless otherwise approved in writing by the local planning authority.

Reason: To prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution in accordance with the National Planning Policy Framework. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

12. No below ground work, apart from the Enabling Works shall take place until the following details shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:

- Details which identify the supply of all space heating and hot water in the buildings.
- Details which identify and safeguard plant room space for the future installation of heat interface equipment, and/or other plant, required for

future connection to a future heat network

- Details of a safeguarded pipe run into, through, and out of the site to connect the plant rooms with the proposed heat network
- A strategy to facilitate the connection of the network to the development; and,
- A strategy to facilitate access to the site and plant rooms for the heat network developer to carry out works required to connect the site to the Shoreham Heat Network, lay underground infrastructure within the roads, footpaths, open space and public areas of the development, and carry out repair and maintenance work to any heat network infrastructure

Reason: To enable the delivery and operation of the planned Shoreham Heat Network having regard to Policies 8 and 19 of the Adur Local Plan and Policy SH1 of the Shoreham Harbour Joint Area Action Plan.

13. The development shall be carried out in accordance with the overarching archaeological scheme of investigation approved by the Local Planning Authority on 14 April 2020 under application reference AWDM/0205/19 unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure appropriate investigation and recording of archaeological heritage assets on the site prior to commencement of new building works. Policy: National Planning Policy Framework paragraphs 135, 141; Adur Local Plan 2017 Policy 16.

14. The development will be required to meet the optional water efficiency requirement of 110 litres per person per day as set out in Part G2 of the Building Regulations. No above ground works, excluding Enabling Works, shall commence until details of the developers approach to meeting this requirement have been submitted to and approved in writing by the Local Planning Authority.

Reason: To comply with Policy 18 of the Adur Local Plan and Policy SH1 of the Proposed Submission Shoreham Harbour Joint Area Action Plan.

15. No above ground works, excluding Enabling Works, shall take place until the following details shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:

- a) particulars and samples of the materials to be used on all external faces of the building;
- b) details of all elevations to show typical details of all external components including details of drainage;
- c) details of the balconies (including 1:20 scale sectional drawing, RAL colour, finish and glazing details) and wind mitigation measures including details of drainage;
- d) details of ground floor elevations including entrances;
- e) details of escape doors, gates, doors bin storage entrance and bicycle storage entrance;
- f) details of soffits, handrails and balustrades;

- g) details of ground level surfaces including materials to be used;
- h) details of external lighting attached to the building including anti-collision lights, lighting to the soffits and lighting to pedestrian routes;
- i) details of plant and ductwork to serve the commercial uses;
- j) details of ventilation and air-conditioning for the commercial uses;

Reason: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with the policy 19 of the Adur Local Plan 2017.

16. Prior to the commencement of any development above ground level, excluding Enabling Works, details of the landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) Details of materials
- b) Street furniture and lighting
- c) Planters, tree pits and planting
- d) A timetable for the implementation of the hard and soft landscaping,
- e) A maintenance plan to ensure establishment of the soft landscaping.

Development shall thereafter be carried out, and the planting maintained, in accordance with the approved details and timetable.

Reason: To protect and enhance the character of the site and the area and to ensure that its appearance is satisfactory.

17. No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

18. No part of the development shall be first occupied until such time as until a Servicing Management Plan has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries associated with the residential and commercial uses.

Once occupied servicing shall be carried out only in accordance with the approved plan.

Reason: To safeguard the operation of the public highway.

19. Prior to the basement car parking being brought into use, a plan shall be submitted to and approved by the Local Planning Authority detailing

measures to incorporate facilities for charging plug-in and other ultra-low emission vehicles that will be provided in the public and private parking areas. The approved plans shall be implemented thereafter.

Reason: In accordance with Paragraph 34 of the National Planning Policy Framework.

20. No part of the development shall be first occupied until such time as the vehicular accesses, including the provision of advanced stop lines at the A259 Eastern Avenue traffic signals, has been constructed in accordance with the details indicatively shown on drawing number 5910-GA-002 revision I.

Reason: In the interests of road safety.

21. No part of the development shall be first occupied until the car parking spaces serving that respective part of the development have been constructed in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use.

22. No part of the development shall be first occupied until details of accommodation arrangements for the parking of all trade and service vehicles relating to both residents, commercial businesses and property maintenance activities within the site have been submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be adhered to in perpetuity.

Reason: In the interests of road safety.

23. No part of the development shall be first occupied until details of a cycle route to Shoreham town centre as indicatively shown on drawing number 5910-GA-005B revision C have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

24. No part of the development shall be first occupied until cycle parking serving that respective part of the development have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

25. The proposed commercial units sharing a party element with residential premises shall be designed and constructed to provide resistance to the transmission of sound. The sound insulation shall be sufficient to ensure that NR25 is not exceeded in the proposed residential premises due to noise from the neighbouring commercial premises and shall be

permanently maintained thereafter.

A test shall be carried out after completion but prior to occupation of the commercial units to show the criterion above have been met and the results shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of the building in accordance with the following policy of the Local Plan Policy 16.

26. The commitments in the approved Energy Strategy and Statement Revision 1 dated 29th September 2017 and, in respect of Phase 1 only (Building G, G1 and H), Revision to Permitted Energy Strategy dated November 2020 provided under application reference AWDM/1952/20, shall be installed prior to the first occupation of the development in accordance with the Phasing Plan under condition 6 and shall be implemented in accordance with the approved strategy and retained as operational thereafter.

Reason: To ensure that the development incorporates renewable energy and contributes to meeting targets to reduce carbon dioxide emissions as set out in the approved Energy and Renewables Statement.

27. Prior to any part of the development coming into use the communal waste and recycling areas as shown on the approved plans will be available for use by residents and arrangements made for waste collection and clearance.

Reason: In the interests of Highway safety and neighbour amenity.

28. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than the above Ordnance Datum (AOD) identified within the FRA and approved drawings.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/ phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: The site is located partially within Flood Zones 3 and 2, according to our Flood Map. These indicate a high (0.5% AEP1) and medium (0.1% AEP) probability of tidal flooding, respectively. The 0.5% AEP (1 in 200 year) tidal flood level, including an allowance for climate change, is shown as 5.25m AOD. Furthermore, due to the close proximity of the site to the foreshore the site in a severe storm scenario will be vulnerable to overtopping, white water flooding and windblown debris. The above condition is therefore required in order to reduce the risk of flooding to the proposed development and future occupants.

29. External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2.

Reason: To safeguard the residential amenities of the local area in accordance with Policy 19 of the Adur Local Plan.

30. Notwithstanding the provision of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any change of use of the following components of the scheme:

- Building D - Restaurant (use Class E(b)) 281 m² GIA
- Building E - Restaurant ((use Class E(b)) 365 m² GIA
- Building F - Restaurant (use Class E(b))) 105 m² GIA; Yacht Facility (sui generis) 88 m² GIA
- Building G&G1 - Office (use Class E(g)(i)) 1,326m² GIA
- Building H – Commercial, Business and Service (use Class E(a)/(b)/(c)/public house, wine bars or drinking establishment (sui generis) GIA 541m²

to any use other than Use Classes as detailed in the Town & Country Planning (Use Classes) Order 2010 (or any Order revoking or re-enacting that Order with or without modification).

Reason: In order that the Local Planning Authority can retain control over further uses which it considers could be harmful to the vitality and viability of the designated centres in accordance with adopted Adur Local Plan 2017.

31. The commercial units shall only be open for trade in accordance with the following:

Class E(a)/E(c) use class between the hours of 07.00 and 23.00 Monday to Saturday and 09:00 to 23:00 on Sunday. Any unit greater than 280 sq.m will comply with the Sunday Trading Act 1994 (or subsequent replacement) on Sundays.

Class E(b)/Public house, wine bars or drinking establishment (sui generis) between the hours of 07.00 and 23.00 Monday to Thursday, 07.00 to 00.00 Friday and Saturday and 09:00 to 23:00 on Sunday. Any unit greater than 280 sq.m will comply with the Sunday Trading Act 1994 (or subsequent replacement) on Sundays.

Use Class E(g)(i) between the hours of 07.00 and 23.00 Monday to Saturday and 09:00 to 18:00 on Sunday. Any unit greater than 280 sq.m will comply with the Sunday Trading Act 1994 (or subsequent replacement) on Sundays.

Yacht Facility (sui generis) use class between the hours of 07.00 and 23.00 Monday to Saturday and 09:00 to 21:00 on Sundays.

Reason: To comply with Adur Local Plan Policy 16, and in accordance with the National Planning Policy Framework.

32. Deliveries to the commercial units shall only be made between the hours of 07.00 and 20.00 Monday to Saturday and 09.00 to 18.00 on Sundays.

Reason: To safeguard the residential amenity of the area in accordance with the Adur Local Plan.

33. Demolition and construction works shall not take place outside 08.00 hours to 18.00 hours Mondays to Fridays and 09.00 hours to 14.30 hours on Saturday. There will be no construction on Sundays or Bank Holidays.

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.

Reason: To safeguard the residential amenity of the area in accordance with Policy 19 of the Adur Local Plan.

Application Number: AWDM/0998/19	
Site:	The Joyful Whippet, Steepdown Road, Sompting
Proposal:	Demolition of existing Public House and construction of a terrace of 4no. 4 bed dwellings, 2no. detached 3 bed chalet bungalows and associated parking

The Head of Planning and Development introduced the report and Members were shown an aerial photograph of the site, various plans and street view photographs to assist in their consideration of the application.

Members were advised the application had been with Officers for some time and the scheme originally submitted had been for a large block of flats which had been considered unacceptable in design terms. During further negotiations the scheme had been amended as detailed above.

The Officer advised the Highway Authority were satisfied with the parking arrangements and Officers felt the revised scheme worked well and would not cause undue overlooking or loss of amenity to adjoining residents.

The recommendation was for approval of the scheme.

There were further representations from an objector and supporter who joined the meeting.

During debate, Members sympathised with the views of the objector and considered the loss of the building, as a public house and community asset, regrettable.

One Member felt the flooding issue had been addressed but requested a thorough survey and archaeological excavation take place before any major building work commenced. The Officer agreed to an additional condition for the requirement of an archaeological watching brief.

In conclusion, Members were happy with the current design and layout and unanimously agreed to approve the application with the additional condition.

Decision

The Planning Committee **APPROVED** the application, subject to an additional condition requiring an archaeological watching brief and the following conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Materials
4. Boundary treatment
5. Landscaping

6. Parking
7. Cycle storage
8. Access closure
9. Water efficiency
10. CMP
11. Noise
12. Hours of work
13. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.
14. Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority.
15. No lighting
16. EV charging spaces
17. Waste storage location and design to be agreed
18. No buildings or structures in communal garden
19. Removal of PD
20. Maintenance plan for open space and requirement for ongoing maintenance and management.
21. Archaeological watching brief.

Application Number: AWDM/0126/21	
Site:	Unit 5, 52 Dolphin Road, Shoreham-By-Sea
Proposal:	Change of use of Units 2-5 from Use Class B1 to food production (Use Class B2) and ancillary offices.

The Head of Planning and Development began his presentation by showing an aerial photograph of the site.

The application was to further enable the expansion of food producers, Higgidy and to assist, Members were shown a number of plans and photographs.

As Officers had raised concerns with the agent in relation to potential subsequent occupiers, an additional condition would be included to restrict the B2 use to food production only.

There were further representations from supporters who both joined the meeting.

Decision

The Planning Committee unanimously **APPROVED** the application, subject to an additional condition restricting the B2 use to food production only, and the following conditions:-

1. Approved Plan
2. Standard 3 year time limit
3. Car parking
4. Travel Plan
5. No extraction or other air handling plant or externally-sited machinery shall be installed until details of the plant and machinery (including details of mounting and noise attenuation measures) have been submitted to and approved in writing by the Local Planning Authority and they shall only be installed in accordance with the approved details. The acoustic attenuation measures shall be completed prior to use and thereafter retained permanently and maintained in good working order.
6. Restrict the B2 use to food production only

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