



ADUR DISTRICT  
C O U N C I L

29 October 2021

<b>Adur Planning Committee</b>	
<b>Date:</b>	<b>8 November 2021</b>
<b>Time:</b>	<b>7.00 pm</b>
<b>Venue:</b>	<b>QEII Room, Shoreham Centre, Shoreham-by-Sea</b>

**Committee Membership:** Councillors Carol Albury (Chair), Stephen Chipp (Vice-Chairman), Dave Collins, Tania Edwards, Jeremy Gardner, Paul Mansfield, Steve Neocleous and Carol O'Neal

**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 **Friday 5 November 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 **Thursday 4 November 2021**.

Where relevant notice of a question has not been given, the person presiding may either choose to give a response at the meeting or respond by undertaking to provide a written response within three working days.

Questions should be submitted to Democratic Services – [democratic.services@adur-worthing.gov.uk](mailto: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 4 October 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 - 54)

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

### 7. Planning Appeals

None to report.

## Part B - Not for publication - Exempt Information Reports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>	Solomon Agutu Senior Lawyer & Deputy Monitoring Officer 01903 221045 <a href="mailto:solomon.agutu@adur-worthing.gov.uk">solomon.agutu@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  
COUNCIL

Planning Committee  
8 November 2021

Agenda Item 6

Ward: ALL

Key Decision: No

## Report by the Director for Economy

### Planning Applications

**1**

**Application Number: AWDM/1154/21      Recommendation – Approve**

**Site:            Land Opposite 269 To 287 Old Shoreham Road, Southwick  
(Former Eastbrook Allotments site)**

**Proposal:    Erection of extension to south and west of existing Garden Centre, providing Internal Retail Area, Warehouse and associated Goods Delivery Yard. Extension and landscaping of External Retail Area to west of Garden Centre including new security fencing to Western boundary. Demolition of existing frost canopies and erection of new semi-enclosed glass roof frost canopy. Diversion of existing Public Right of Way. Creation of new vehicle access from Old Shoreham Road. Internal alterations including relocation of Offices and replacement of existing Goods Lift**

**2**

**Application Number: AWDM/1032/21      Recommendation – Approve**

**Site:            Land Opposite 269 To 287 Old Shoreham Road, Southwick  
(Former Eastbrook Allotments site)**

**Proposal:    Proposed redevelopment of the former allotment site to create a new purpose built Car Showroom and service centre, with associated sales display space and 103 staff and customer car parking spaces. Formation of new public footpath to connect to existing footpath on east boundary.**

**3**

**Application Number: AWDM/2044/20**

**Recommendation – GRANT subject to the completion of a Deed of Variation to the original Section 106 agreement and an amendment to the proposed opening hours**

**Site: Former Riverbank Business Centre, 39 Old Shoreham Road, Shoreham-By-Sea (Ropetackle North)**

**Proposal: Application to vary Condition Number 26 of previously approved AWDM/0935/13. Amendment: retail store to be utilised as a convenience store to be open for trade or business other than between the hours of 6.00 am and 11.00 pm on a 7 day per week basis, including Public Holidays.**

**4**

**Application Number: AWDM/1801/21**

**Recommendation – GRANT subject to the completion of a Deed of Variation to the original Section 106 agreement and an amendment to the proposed opening hours**

**Site: Former Riverbank Business Centre, 39 Old Shoreham Road, Shoreham-By-Sea (Ropetackle North)**

**Proposal: Application to Vary Condition 26 of previously approved AWDM/0935/13. Amendment: to allow the retail store to be used as a convenience store to allow for extended opening hours from 6am to 11pm seven days a week (including bank holidays).**

**5**

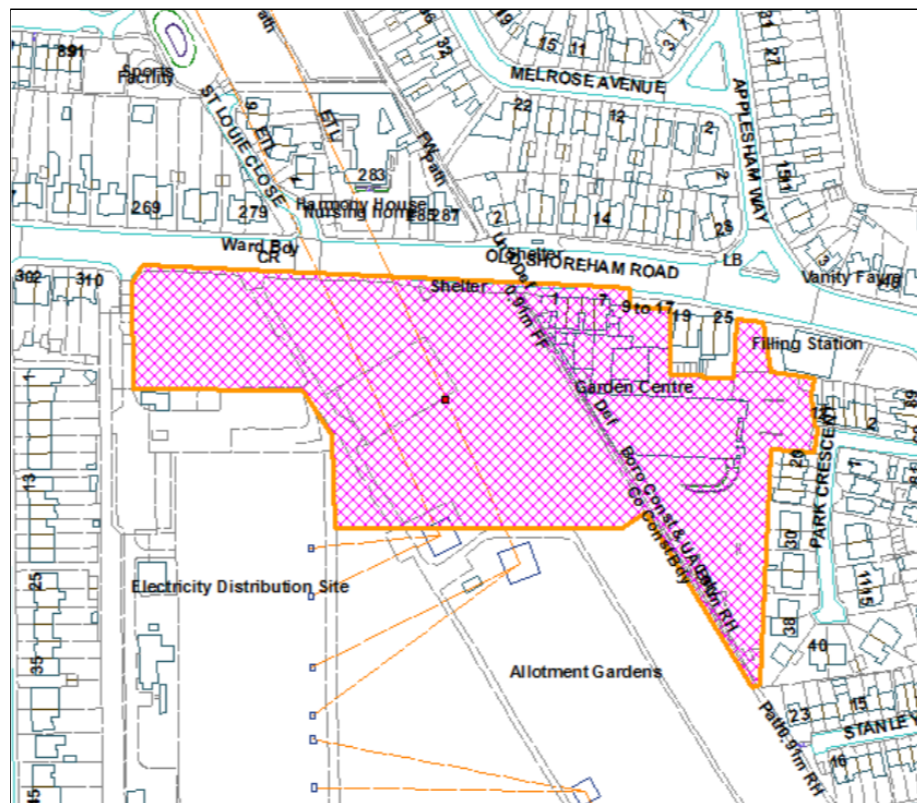
**Application Number: AWDM/1063/21**

**Recommendation – APPROVE**

**Site: Garage Site Off Avon Close And West Of 19 Sylvan Road, Sompting**

**Proposal: Demolition of garage blocks and construction of 6 dwellings (4 x 2 storey dwellings and 2 x single storey bungalows) with access off Sylvan Road and Avon Close**

Application Number:	AWDM/1154/21	Recommendation - Approve
Site:	Land Opposite 269 To 287 Old Shoreham Road, Southwick (Former Eastbrook Allotments site)	
Proposal:	Erection of extension to south and west of existing Garden Centre, providing Internal Retail Area, Warehouse and associated Goods Delivery Yard. Extension and landscaping of External Retail Area to west of Garden Centre including new security fencing to Western boundary. Demolition of existing frost canopies and erection of new semi-enclosed glass roof frost canopy. Diversion of existing Public Right of Way. Creation of new vehicle access from Old Shoreham Road. Internal alterations including relocation of Offices and replacement of existing Goods Lift	
Applicant:	Tate Bros Limited	Ward: Eastbrook
Agent:	Rodway Planning Consultancy Limited	
Case Officer:	Peter Barnett	



**Not to Scale**

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## **Site and Surroundings**

The application relates to a site on the boundary with Brighton and Hove City Council and East Sussex known as Mayberry Garden Centre, located to the south of the A270, Old Shoreham Road. The site consists of a garden centre (within Brighton) and former allotment sites with a Public Right of Way (PROW) running between (both within Adur). The site area measures approximately 1.68 hectares in size. As the site straddles the boundary, applications have been submitted to both Adur and Brighton Councils.

The site adjoins the A270 Old Shoreham Road to the north, a mixture of residential and commercial buildings to the east and the Eastbrook allotments to the south. Further to the south west is a large electricity substation, with cables feeding into overhead pylons. A brick structure, housing electrical equipment, bounds the western part of the site immediately to the south. Beyond this point, there are residential properties along Hadrian Avenue.

The Garden Centre site is relatively level throughout the retail areas, with the car park sloping away from the Garden Centre to the rear, with a steeply sloped area providing access to the lower ground storage area. The Public Right of Way (PROW) that bisects the site, runs North to South from Old Shoreham Road to Manor Hall Road and on to Fishersgate Train Station. The footpath continues North on the Northern side of Old Shoreham Road up to Mile Oak Road and beyond.

The application should be read in conjunction with a separate application for a new car showroom on land immediately to the west which is reported elsewhere on this agenda (AWDM/1032/21).

## **Proposal**

It is proposed to extend the garden centre at its western end to create additional internal retail space and a dedicated 'goods in' warehouse to the south. The extension will be 25m wide at its widest point at its southern end, narrowing to 8.7m wide at its northern end. The existing offices and small storage area on the upper ground floor within the Garden Centre will be relocated within the warehouse space and would provide additional internal retail space. Externally, the existing open air retail space will be extended towards the former Eastbrook Allotments to the west; where the 'goods in' yard and access to the warehouse will also be accommodated, with a new vehicular access from Old Shoreham Road. The proposal will remove delivery vehicles from the existing customer car park and improve the flow of stock through the garden centre. The proposal also includes an expanded external retail area. In total, 2197.8m<sup>2</sup> new floorspace will be created.

In order to accommodate the extension of the garden centre, the Public Right of Way has to be diverted and a new route is shown diverting the footpath westwards before returning northwards to Old Shoreham Road.



This application is supported by the following documents:

- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Contamination Report
- In Situ Infiltration Test Report
- Sustainability Statement
- Energy Statement
- Noise Impact Assessment
- Air Quality Assessment
- Economic Impact Report
- Flood Risk Assessment and Suds Assessment
- Transport Assessment
- Landscape Appraisal
- Preliminary Ecological Appraisal
- Reptile Survey 2019
- Headline Socio-Economic Impact Report

## **Consultations**

***West Sussex County Council:*** The **Transport Planner** comments:

Access - In terms of the new access from Old Shoreham Road this has been dealt with and commented on under planning reference AWDM/1032/21 for the car showroom application. This new access is located just within the administrative boundary of West Sussex County Council (WSSCC). As part of the car showroom application, access to the new garden centre delivery yard was also considered, with tracking of large delivery vehicles being assessed and the new access being assessed also to be used for this use. The LHA raised no concerns to the new access from Old Shoreham Road. Currently and as noted on our site visit, delivery vehicles enter the garden centre's main car park to access the current goods yard. The separation of this activity from the main garden centre access and the customer car park would be an improvement and would lead to a reduction at this access point in HGV movements. This access is not located in the administrative boundary of WSSCC, and it is expected that the Highways Team from Brighton & Hove City Council will provide comments on this proposal and access arrangements. Access to the garden centre for staff/customers will remain unchanged, using the existing and established access off Old Shoreham Road.

Vehicle Trips & the Highway Network - Although the site falls within Brighton & Hove, the related trips to and from the site use Old Shoreham Road which also extends into the County of West Sussex. As such the LHA have reviewed the detail in section 5 of the Transport Statement in relation to Development Impact. As the proposal seeks to increase the retail offer of the existing garden centre and provide a more attractive shopping environment, as well as to address existing on-site storage provision and inefficient delivery arrangements, to include a new separate access and goods yard for deliveries, is it not expected that there would be a significant material change in the traffic generation to/from the site once completed. Table 5.1 and 5.2 in the Transport Statement also indicate a clear reduction in the overall delivery vehicle trips.

Other Matters - As the site sits within Brighton & Hove City Councils boundary such matters as car parking provision, electrical vehicle charging, cycle parking, access and trip generation we assume would be reviewed by the Highways Team at Brighton & Hove City Council. In terms of the PROW diversion the proposals have been sent onto our PROW team here at WSCC to provide any comments they wish to make, but we understand that this will be dealt with via a Section 257 under the Town and Country Planning Act by the Local Planning Authority (LPA). Based on the submitted detail the Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network in West Sussex, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

***West Sussex Public Rights of Way:***

Having reviewed the information supplied, due to the proposal to build directly on the legal line of Public Footpath 14So, a legal diversion Order will be required, possibly through diversion onto the lines indicated on the applicant's plans. In order to secure such a diversion, an Order would need to be made by (Adur & Worthing Council) as the local planning authority, who could make such an Order under the Town & Country Planning Act 1990 section 257. The WSCC PROW Team will be a formal consultee as part of this diversion Order application process and its prior agreement to a specification will be required before lending formal support to any diversion proposal. Development affecting the currently recorded legal line of the Public Footpath 14So must not begin until and unless the path has been formally accommodated else an offence is being committed and may invalidate any diversion Order procedure. Where it will be necessary to permanently divert or extinguish a path 'to enable development to take place' by means of a Public Path Order (PPO) the WSCC PROW Team is not able to grant a temporary path closure as a precursor to a PPO. In such circumstances, WSCC PROW Team will only consider an application for a temporary path closure once the Local Planning Authority has made and confirmed a PPO. Please note it is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

***Adur & Worthing Councils:*** The ***Environmental Health*** officer has made the following comments:

Noise A Noise Impact Assessment (Garden Centre Extension) (Date: 23/10/2020 Project: J2993) has been submitted with this application. This demonstrates that the proposed use will have no significant impact on the nearest noise sensitive properties. The assessment was specifically undertaken during the period 08:00hrs - 18:00hrs. As the noise assessment has only considered the impact of noise between these hours I would recommend a condition restricting deliveries/collections to/from the Garden Centre between 08:00hrs - 18:00hrs only.

Contaminated Land A Combined Geotechnical and Quantitative Ground Contamination Risk 2 Assessment (R14559 Jan 2021) has been submitted in support of this application. The ground investigation did not identify any concentrations of potential contaminants that would be considered to pose an unacceptable risk to end users of the site or to controlled waters beneath the site. I would advise that the Discovery Strategy recommended in Section 6.8 of the Quantitative Ground Contamination Risk Assessment is conditioned.

Air Quality An Air Quality Assessment (10224.S dated May 2021) has been submitted in support of this development and the neighbouring development (AWDM/1032/21). This assessment found that the proposed development is not expected to introduce new receptors into an area of existing poor air quality, nor is it anticipated to significantly impact local air quality. An emission mitigation calculation has been undertaken and a detailed emissions mitigation statement which includes a schedule of costs for each mitigation type has been provided separately under the planning application for the neighbouring development. Please could compliance with the AQ Assessment and Emission Mitigation Assessment (incl. the Emission Mitigation Statement) be conditioned.

Given the proximity of this development to existing residential dwellings I would also recommend the following conditions: Hours of Construction, External Lighting, Construction Management Plan

The **Drainage Engineer** has made the following comments:

Flood risk- The application is within flood zone 1, it does include a small area shown to be at risk from surface water flooding. We therefore have no objections on flood risk grounds.

Surface water drainage- the application includes a substantial increase in impermeable area. The SuDS strategy submitted appears to be for the adjacent application. It states that infiltration will be used, this is acceptable in principle. However, the infiltration tests were all completed in the summer and were not compliant with BRE DG 365. Furthermore no winter groundwater monitoring has been completed and testing was not completed at depths of proposed soakaways. Latest FEH rainfall data, and factors of safety must be 2 applied to design. If you are minded to approve this application please ensure that the surface water drainage strategy is NOT listed as approved and apply conditions to ensure the site is adequately drained and does not increase flood risk elsewhere

## **Representations**

None received

## **Relevant Planning Policies and Guidance**

Adur Local Plan 2017 Policies 1, 2, 4, 12, 15, 18, 19, 27, 28, 29, 30, 31, 34, 36  
Eastbrook Allotments Development Brief (ADC 2015)  
Sustainable Energy SPD (August 2019)  
Planning Contributions for Infrastructure Provision (ADC 2013)  
WSCC Guidance on Parking at New Developments (Sept 2020).

## Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that 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 site is subject to Policy 12 of the Adur Local Plan which states:

*“The “Former Eastbrook Allotments Development Brief” identifies potential alternative uses/development opportunities for land at Eastbrook Allotments, Manor Hall Road Former Market Garden and the former Manor Hall Nursery in Southwick and any proposed development should be in accordance with this document.”*

The Development Brief explains that the site was released in 2005 by the Secretary of State for the purpose of “business development” and the remaining functional allotments to the south of the site were retained and consolidated as part of the release of land for business development.

The Brief states that:

*“The site must be developed for purposes of ‘Business Development’ in line with the conditions imposed by the Secretary of State in 2005 when releasing the land for development. This could include*

### Employment / Business Use

*The site has good access to the main road network and there is a continued demand for a range of business premises to accommodate growth in the sub-region, particularly from small and medium business enterprises (SMEs) owing to a lack of quality business space which is a constraint to business growth. Such development would help meet wider strategic objectives and provide increased job opportunities for local people. Any business activity would need to be compatible with neighbouring residential uses.*

*B1/B8 (offices, research & development and light industry/warehousing) uses would be appropriate in this location taking into consideration the constraints of the site. This site provides an opportunity for such business uses in Shoreham Harbour considering relocation to help facilitate the regeneration of the Harbour. However, B2*

*(general industry) uses are deemed too invasive in this residential area in this instance and are not considered appropriate.*

*There may also be some scope for small-scale office floorspace, subject to overcoming the constraints identified earlier in the Development Brief. Certain D1 uses, such as the provision of training and education opportunities would be welcome in conjunction with business use, to help improve levels of deprivation in the area. Another opportunity for the site is in relation to strengthening the eco-tech sector in the area, as part of the Greater Brighton City Region City Deal (which includes Adur District). To keep in line with the City Deal objectives, this sector would also be supported here.*

### *Retail*

*New businesses and the existing residential area could benefit from the extension of the local parade along the Old Shoreham Road frontage. Appropriate development could include small-scale non-residential uses at ground floor level, such as A1/A2/A3 or B1 to provide day to day needs. Larger forms of retail or leisure uses would not be appropriate in this out of town location.*

### *Public Footpath*

*There is an opportunity through the existing public footpath to create an improved green infrastructure link from the coast to the South Downs National Park (SDNP) on the eastern boundary of Site 1 and Site 3. This existing footpath could be enhanced to establish an improved Green Infrastructure corridor and there is also the potential to extend the width to allow for both pedestrian access and a cycle lane and to be upgraded to a bridleway.*

*This will help to provide sustainable transport links from the coast to the South Downs and will help provide links with the existing network, including the Sussex Border Path, a bridleway to the north, which then leads to both the South Downs Way and the Monarch's Way, both national trails. Improved lighting would also be beneficial to the area, to improve perceptions of safety. Again this could be achieved through either a Section 106 agreement or through a Community Infrastructure Levy arising from any business development on Site 1 or housing on Site 2."*

The proposal does not strictly accord with the aims of the Development Brief in that it does not propose a B1/B8 Class business use or small scale retail expansion of the parade. However, it would represent an expansion of an existing retail use and it is noted that there are site constraints in the form of the overhead power lines that limit the redevelopment opportunities for the site.

The Socio-Economic Statement submitted with the application suggests that the proposal "will provide additional economic impact on top of the Garden centre's existing jobs and contribution to the local economy". It goes on to note that "if combined with the forthcoming planning application for the new car showroom on the adjacent Eastbrook Allotments sites, the additional economic impact would be:-

- £7.17 million capital investment;
- 3,535 sq.m of new commercial business space;
- Create 60 FTE local jobs and a further 11 FTE construction jobs;

- *Net additional salary spend in the local economy of £437,760;*
- *Additional business rates contribution of £136,967;*
- *Annual economic impact of £764,387 and £7.64 million over a ten-year period”*

The report also identifies other benefits, including removing deliveries from the existing car park to the benefit of existing neighbours, road safety improvements as a result of the new access, improvements to the existing footpath and the provision of long term viability for the garden centre, safeguarding and enhancing local employment.

On balance, taking into account the constraints caused by the pylons and the economic benefits outlined above, it is considered that the proposal represents a reasonable use of the site. It is therefore considered to be acceptable in principle.

### ***Visual amenity***

The existing garden centre warehouse building is screened from Old Shoreham Road by the existing parade of shops, the majority of which forms part of the garden centre itself, including the coffee shop in the centre of the parade. The proposed extension will project west and south of the existing building, across the existing footpath and beyond the end of the parade, set back approximately 45m or so from the road. It will match the height of the existing building. The Design and Access Statement states:

*“The roof is to be finished with insulated metal panel panels of a profile and colour to match the existing, with ridge line rooflights to maximise the levels of daylight within the internal volumes. The eaves are to be finished with a polyester powder coated aluminium fascia system to match the existing. The external walls are to be finished with horizontal timber effect fibre cement cladding boards which provide a robust finish to the external envelope, which would require minimal maintenance.”*

The proposal also includes the extension of the outdoor sales area and frost canopies over which will be similar in height to the existing canopies.

From the north and west the extension will be viewed across the proposed car showroom on the adjoining site with the delivery yard to the garden centre also due west of the proposed extension. The development will be partly screened by proposed planting alongside the diverted footpath. Further planting is proposed to the south as a buffer to the retained allotments.

It is considered that, with the setback from the road, the proposed car showroom development in the foreground and new landscaping around the diverted footpath, the development will not cause visual harm to the area.

### ***Residential amenity and Noise***

The expansion of the garden centre brings it further from the nearest residential properties to the east within Brighton and Hove. Dwellings within Adur to the north and west are some distance from the extension (approximately 84m to the north and over 200m to the west) and are not anticipated to be adversely affected by the

extension.

The new access for deliveries will bring more activity to the western side of the building with the new access off Old Shoreham Road closer to those dwellings which are directly opposite the site. A Noise Impact Assessment has been submitted which demonstrates that the proposed use will have no significant impact on the nearest dwellings and the Environmental Health Officer is satisfied with these findings. It is recommended that deliveries/collections to/from the Garden Centre are restricted to between 08:00hrs - 18:00hrs only.

Subject to this condition, it is considered that the proposal will have an acceptable impact on residential amenity.

### ***Air Quality***

An Air Quality Assessment has been submitted in support of this development and the neighbouring development. It has found that the proposed development is not expected to introduce new receptors into an area of existing poor air quality, nor is it anticipated to significantly impact local air quality. An emission mitigation calculation has been undertaken and a detailed emissions mitigation statement which includes a schedule of costs for each mitigation type has also been provided. Mitigation measures include providing electric vehicle charging points in excess of the minimum requirements set out by WSCC.

There are no Environmental Health objections on air quality grounds.

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

Vehicular access to the development is in the form of a simple priority junction with pedestrian refuge and will also provide access for the proposed car showroom on the adjacent former allotments site (AWDM/1032/21). With regard to parking, no change to customer parking provision is proposed as part of the application. A total of 100 car parking spaces will be available for the garden centre with 10% of bays to have active EV charging provision, with an additional 10% provided with passive provision. The proposals also include secure cycle parking for staff and visitors.

WSCC Highways have not raised any concerns with regard to the new access from Old Shoreham Road in safety terms. The separation of deliveries from the main garden centre access and the customer car park would be an improvement and would lead to a reduction at the existing access point (within Brighton and Hove) in HGV movements.

The proposal is not expected to result in a significant material change in the traffic generation to/from the site while the Transport Statement indicates a clear reduction in the overall delivery vehicle trips.

Overall, there are no highway objections to the proposal.

### ***Footpath diversion***

The application shows the diversion of the existing public right of way which runs in a north-south direction on the County and administrative boundary, due west of the garden centre. The existing path is narrow, approximately 1m wide, and is bordered by 2m high mesh fencing to both sides.

The extension of the garden centre will necessitate the footpath being diverted approximately 7 metres to the west of the existing point. It will then lead south from the A270 between the extended garden centre site (to the east) and parking associated with the proposed new car showroom (to the west) (see AWDM/1032/21) and turn east to connect back to the existing path to the south of the garden centre building.

The new route will comprise a 3 metre wide path with soft verges either side, between 1.5 and 2 metres in width along the north-south section, with more extensive green space along the east-west section. The perimeter of the garden centre will be enclosed by a mesh fence, similar to the existing arrangement, but the boundary with the proposed car showroom site will remain open.

The new footpath design avoids tight right angled corners and a narrow path instead providing a wider, flowing route with natural surveillance and good forward visibility. It will also be lit.

The section of the footpath to be diverted measures approximately 105 metres in length while the new route measures about 160 metres in length, an increase in length of around 55 metres. Part of the path will also be crossed by the proposed new access to the delivery yard and there is the potential for conflict with footpath users. However, the submitted Transport Assessment anticipates that vehicle movements will be low with vehicles also travelling at low speeds. The delivery yard access is located on a straight section of the path, with good visibility in both directions.

Despite the introduction of the vehicle crossover of the path the proposed new route will create an improved link from the Coast to the South Downs National Park as identified in the Eastbrook Allotments Development Brief.

It is considered, on balance, that the enhancements to the existing footpath in terms of increased width, openness, landscaping and improved natural surveillance offset the inconvenience of the increased length of the path and the introduction of the vehicle crossover. The Rights of Way team at West Sussex have not raised any concerns with the proposal.

### ***Flood risk***

The site is at low risk of flooding, being within flood zone 1. The proposal includes a substantial increase in impermeable area and the submitted SuDS strategy states that infiltration will be used which is acceptable in principle. However, the Council's Drainage Engineer points out that the infiltration tests were completed in the summer and no winter groundwater monitoring has been undertaken. She has recommended



this be secured by condition to ensure that the final surface water drainage proposals are acceptable.

### ***Sustainable development***

The development is proposing some energy efficiency and sustainability measures such as PV panels, but the applicant has explained that energy efficiency will not be as viable to achieve as for the new-build car showroom on the adjoining site, where a 27% reduction in CO2 is expected.

The applicant has explained that it is *“financially unviable to undertake a complete refurbishment of the thermal elements of the scheme in order to reduce the operational energy use of the building, especially noting that the main volume of the extension is open to the storey and half retail area, therefore making any reduction in CO2 levels beyond those previously calculated unattainable.”*

Furthermore, *“The main volume of the southern extension is an unheated warehouse space, therefore, improvements are not possible within this space.”*

A 10% reduction in CO2 emissions will be possible through the use of PV panels and it is considered that, taken together, the two developments will achieve a reasonable overall standard of energy efficiency.

### ***Contaminated land***

The submitted contaminated land report does not identify any concentrations of potential contaminants that would be considered to pose an unacceptable risk to end users of the site or to controlled waters beneath the site. The recommendations of the report with regard to mitigation are to be required to be implemented by condition.

### ***Ecology and biodiversity***

A Preliminary Ecological Appraisal has been submitted. It found that the site was dominated by cut grassland and weeds with some scattered immature trees and shrubs. None of the trees on site were considered to have roosting bat potential and the site offers little in the way of foraging and commuting habitat for bats. A Badger Survey was carried out which confirms that there is a Badger Settle on site, which is likely a 'main settle'. It states that:

*“It is highly recommended that the on-site settle is retained within the proposals, with a minimum 20m buffer zone around it where development cannot take place. If this is not possible, a mitigation licence from Natural England will be required to close the settle. In addition, a new artificial settle will need to be created elsewhere on site before the closure can take place. If the new settle is being made, it is recommended that it be made within the smallest field in the southwest corner of the site. It is considered that a buffer along the southern boundary would be the most suitable area for retention of badger foraging habitat. The retained habitat can be enhanced to provide additional foraging opportunities such as fruit tree planting, and grassland management to increase the abundance of earthworms and pond creation”.*

The application is also accompanied by a detailed Reptile Survey, which confirms that *“reptile surveys undertaken in September 2019 identified an ‘exceptional’ population of both slow worms and common lizards on site. No evidence of other reptile species was found but the possibility cannot be ruled out.”*

A suitable off-site receptor area will need to be identified and agreed with the LPA as part of the pre-commencement conditions so that the reptiles can be translocated. An ecological management plan will be required.

## **Recommendation**

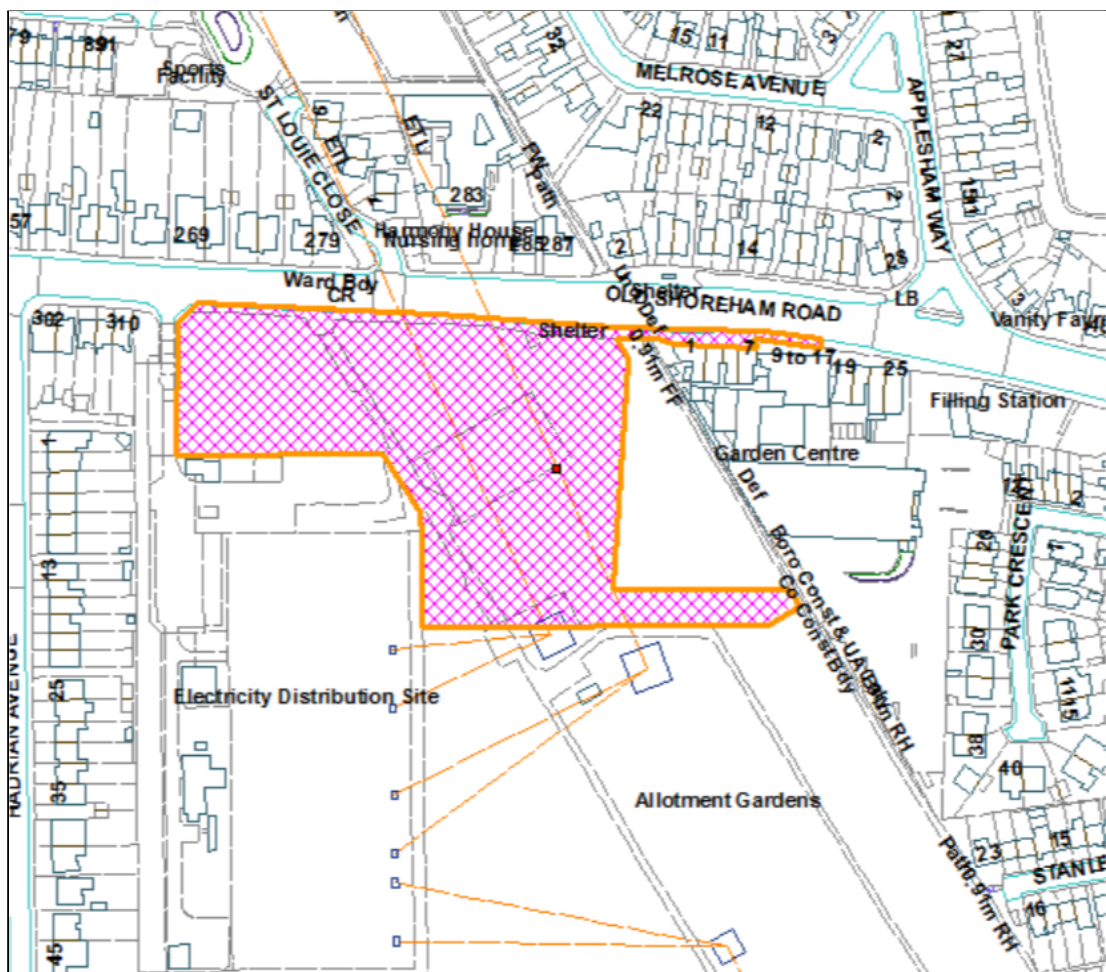
**Approve, subject to receipt and consideration of comments from Brighton and Hove City Council, and to the following conditions:-**

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

1. Approved Plans
2. Standard 3 year time limit
3. Construction Management Plan
4. Car parking
5. Cycle parking
6. Travel Plan
7. Precautionary contaminated land
8. Compliance with the AQ Assessment and Emission Mitigation Assessment
9. Hours of construction
10. External lighting
11. The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers
12. Construction of the development shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water
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. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity

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. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
15. Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity
16. External materials
17. Hard and soft landscaping
18. Boundary treatment
19. Sustainability
20. Noise mitigation in the form of a 1.8m noise barrier along the western boundary. and a barrier around the jetwash station to be provided
21. No development until Ecological Management Plan submitted to include details of reptile translocation and mitigation of impact on badgers
22. Hours of opening
23. Waste provision

Application Number:	AWDM/1032/21	Recommendation - Approve
Site:	Land Opposite 269 To 287 Old Shoreham Road, Southwick (Former Eastbrook Allotments site)	
Proposal:	Proposed redevelopment of the former allotment site to create a new purpose built Car Showroom and service centre, with associated sales display space and 103 staff and customer car parking spaces. Formation of new public footpath to connect to existing footpath on east boundary.	
Applicant:	Tate Bros Limited	Ward: Eastbrook
Agent:	Rodway Planning Consultancy Limited	
Case Officer:	Peter Barnett	



**Not to Scale**

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## **Site and Surroundings**

The application site measures approximately 1.28 hectares and is part of the former Eastbrook Allotments site which is now vacant and overgrown. It was previously owned by Brighton and Hove City Council but is now owned by the applicant.

The land is relatively level as a whole, with a very gentle slope from north to south. The site adjoins the A270 Old Shoreham Road to the north where there are houses on the opposite side of the road. To the east there is a public footpath running SE to NW which forms the boundary with Brighton and Hove and East Sussex. On the other side of the footpath is Mayberry Garden Centre. There are allotments which are in use to the south.

To the south of the western part of the site is a large electricity substation, with cables feeding into overhead pylons which run across the site and the allotments to the south. A brick structure for housing electrical equipment bounds the western part of the site immediately to the south. Further west there are residential properties along Hadrian Avenue.

## **Proposal**

It is proposed to redevelop the site to create a new 1,765 sq m Car Showroom and service centre with associated sales display space and customer parking. The proposed car showroom will be positioned to the north west corner of the site and measures 8.6m high. It is two storeys high but with only a small amount of first floor accommodation, comprising a staff locker room, meeting room, tool store and comms room. It is flat roofed and the overall height and mass has been determined by the use of the building, which includes the need to service large vans and motorhomes and accommodate a vehicle lift.

A secure trade waste bin store, covered hand car wash bay and a mechanical gantry car wash are also proposed to the south of the building. Due to the restrictions created by the overhead pylons, the central part of the site has been designated for customer and staff parking with a large sales display area for 130 vehicles to the east of the showroom on the site frontage.

A new site access road is proposed from Old Shoreham Road which is also intended to serve a new goods/service yard associated with the adjacent garden centre, which is subject of a separate planning application (AWDM/1154/21).

The application also includes a proposal to divert the existing footpath through part of the site as a result of the proposed extension to the garden centre, the subject of AWDM/1154/21.

This application is supported by the following documents:

- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Contamination Report
- Preliminary Ecological Appraisal

- Reptile Survey 2019
- In Situ Infiltration Test Report
- Sustainability Statement
- Noise Impact Assessment
- Air Quality Assessment
- Headline Socio-Economic Impact Report
- Flood Risk Assessment and Suds Assessment
- Transport Assessment

## Consultations

**West Sussex County Council:** The proposal formed part of a Pre-Application Highways advice request back in March 2020. A site meeting took place prior to lockdown between the LHA and the Transport Consultants. The now submitted proposal has a very similar access design and related highway works package as discussed at pre application stage. The application is for a new car showroom and service centre (1,765 sqm), there will be external sales display areas, staff parking, customer parking and space for the storage of some vehicles awaiting parts for repair or valeting. It is also proposed that the delivery and servicing arrangements for the adjacent Mayberry Garden Centre will also access via the proposed new junction, instead of using the existing access to the garden centre.

### Trip Generation

In terms of assessing trip generation the LHA established at the Pre Application stage that the likely levels of traffic during the peak hours 8-9am and 5-6pm would not exceed 30 two way movements in the hour, as such no further assessments of local junctions or the local highway network were required to be carried out for the full planning stage. The Transport Assessment (TA) has established some baseline traffic flow data from a nearby WSCC fixed ATC point. The data is from January 2020 (pre covid). This identifies the level of traffic carried on Old Shoreham Road in both directions during the peak hours and across the day (7am – 7pm) Monday to Friday. It also shows baseline data for the peak hour on Saturday 1-2pm and the daily flows. The TRICS database has been used to determine likely trip generation for the proposal. The LHA are satisfied that the site selection parameters are as comparable as they can be for the site. Any show room sites that did not also have a servicing element to them have been removed from the data, to give a better match to the proposal and more accurate traffic figures. Section 5 in the TA indicates under table 5.1 the likely trips in the Am and PM peak hours and also across the whole day. 24 two-way movements are expected in the AM peak hour and 19 in the PM peak hour. The LHA assessed the network when it's at its busiest to determine likely impact for a worst-case scenario. The TA mentions that there were no comparable data for sites on a Saturday, so the applicant has indicated that visits to showrooms at weekends are normal around 20-25% higher than weekday trips. However the LHA base a highway assessment on the peak AM and PM hours during the week when the network is at its busiest, so the LHA would expect lower traffic flows overall on a Saturday and would not expect the trips to materially affect the junction or the local highway network in such a way as to cause a severe capacity impact.

As the proposed new access from Old Shoreham Road will also serve the existing adjacent garden centre for servicing and delivery vehicles going forward, details of

the expected trips for these vehicles have been provided under section 5.9 of the TA. As there was no existing data and no data surveys were being accepted due to the covid pandemic, with reduced levels of trips to and from the site, the garden centre owner has provided a breakdown of existing and future deliveries per week based on experience of running the garden centre. Due to limited storage at the garden centre stock was kept at another site in Hassocks and transported on smaller vehicles to the garden centre when required; however there is another application in for the extension of the garden centre and storage areas which will mean these existing trips between the two sites will significantly reduce. Table 5.3 gives an overview of the expected deliveries in the low and high seasons and a breakdown of the expected vehicles carrying these out. There is no breakdown of how these movements will be spread across the day, the TA indicates that delivery trips are expected to be lower as they will not be shifting stock between the two sites and deliveries will be managed to take place outside of the peak hours.

In terms of vehicle trips on the highway network as a result of this proposal the LHA are satisfied that the proposal will not result in 'severe' cumulative impacts on the operation of the highway network that would be contrary to the National Planning Policy Framework (paragraph 109).

#### Personal Injury Accident (PIA) data

The TA has identified a number of PIA incidents in the local vicinity of the proposed site access along Old Shoreham Road. 30 incidents over a 5-year period are detailed in the TA. The TA has reviewed the type of incidents and causes. The LHA are satisfied that there are no road design or road safety issues related to the cause of these incidents. It is also not expected that the addition of the proposed new junction would have a detrimental effect on the safe operation of the highway network.

#### Access/ Visibility & Tracking Diagrams

Access will be off Old Shoreham road in the form of a new simple priority junction, with footways on both sides leading into the site and a pedestrian refuge. The principles of access were agreed with the LHA under the Pre-Application advice request. The access has been designed to accommodate the largest vehicles expected to enter the site, such as car transporters and articulated lorries delivering to the garden centre storage area. The access has been designed in such a way to prevent the over running of footways and opposing traffic lanes on Old Shoreham Road.

In order to provide the site access the bus stop/lay-by needs to be shifted back. This will mean it moving out of the West Sussex County boundary to just within the Brighton & Hove boundary. Internal discussions have been held at WSCC with regards to this shift and no overriding concerns have been raised; however, all works related to this will need to be completed and paid for by the developer and done in consultation with the bus operator and Brighton & Hove Council. Given that the bus stop/lay-by will be located in Brighton & Hove any design should be run past the Transport Team at Brighton & Hove Council.

Visibility splays from a 2.4m setback by 120m in each direction have been shown, this is in-line with the expected visibility sightline standards as set out in DMRB for a

road with a 40mph speed limit. As noted on the site visit and within the TA the bus stop will at times obscure visibility slightly, given the context of the urban area this is not expected to raise a safety concern and has not been highlighted in the Stage 1 Road Safety Audit.

In terms of the tracking diagrams the LHA are generally happy with the access arrangements; however, drawing no:1907047-TK13 Rev C shows the car transporter crossing the line to the 2nd lane of the westbound carriageway. Given the frequency of car transporter trips leaving the site and that these are likely not to be in the peak hour it's not considered that an excessive radi/access width would be required for everyday use, this was also not highlighted as an issue on the RSA.

### Parking

Section 4.20 and 4.21 details the proposed parking provision set out for the site. Whilst there are no parking standards for this type of development the LHA will consider parking allocation put forward by the Developer on the basis of the developments needs. Removing the display area parking from the overall parking allocation the LHA would raise no concerns to the level of parking being proposed, there appears adequate space for customers and staff, there is not expected to be any over spill parking onto the highway (Old Shoreham Road). Measures should be put in place to prevent parking taking place on the access road to aid in the free flow of vehicles, especially larger delivery vehicles to the showroom or garden centre storage area.

Electrical vehicle charging is also being provided at an acceptable level for active spaces (30%), with all remaining customer/staff spaces being ducted to provide passive spaces.

8 secure cycle parking spaces and staff changing facilities/lockers are being provided, this seems a reasonable allocation based on the detailed census data contained within the TA.

### Accessibility

In terms of site accessibility, the site is well situated to provide alternative forms of travel other than the private motor vehicle for staff and customers. The site has good access via footway provision in the local area, good access to bus stops with frequent services and access to Fishergate station to the north and Portslade station to the south east.

### Travel Plan

In terms of a Travel Plan a simpler Travel Plan Statement would be required for this application, this is required for sites between 1,500 – 2,500 sqm. This can be secured by way of a condition. As from 1st April 2021 there is now a charge for the Monitoring of Travel Plans and this will need to be secured in a s106 agreement, the fee for this site would be £1,500.

The Local Highway Authority does not consider that the 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 a Construction Management Plan, car and cycle parking and a Travel Plan

**West Sussex Public Rights of Way:** Looking at the proposed plans it appears that the existing line of public footpath (14So) runs through the centre of the site in question. The development does not accommodate the existing line of the footpath and refers to it needing to be diverted. In principle WSCC's PROW team do not object to that but the applicant would need to apply for a diversion under s.257 of the Town and Country Planning Act as part of the planning process to achieve this. Details on this will be available from the local planning authority. As part of this process WSCC will be a consultee and will set out the necessary requirements from the highway authority perspective as part of any consultation process.

It is important to note that during any construction works the footpath may have to be closed for the purpose of protecting the safety of lawful path users whilst works are taking place. Details on this can be sought from WSCC's PROW team and there is a cost but it is also important to note that the existing legal line will need to be closed and re-opened on its same line before any s.257 diversion is ready to be confirmed prior to the legal line being changed. Advice on this process can be acquired through discussions with both the local planning authority and WSCC's PROW team.

As part of these works WSCC's PROW team would look for the surface of the footpath to be improved due to the potential additional use this development may bring to it. Discussions would need to take place with the PROW team at WSCC to agree widths, surface specification and timescales prior to any works taking place. If any damage is done to the footpath as part of these works then it is important to note that any reinstatement must be done by the landowner to the same or better standard than existed before and specifications must be agreed with WSCC's PROW team prior to any works taking place.

As part of the works there should be no drainage outfall onto the surface of the footpath and any drainage works related to the development that may impact the footpath in the short or long term must be approved by WSCC's PROW team prior to works taking place.

**Local Lead Flood Authority:** Current surface water mapping shows that the proposed site is at low risk from surface water flooding.

The area of the proposed development is shown to be at moderate risk from groundwater flooding based on current mapping.

The FRA included with this application proposes that permeable paving and soakaways would be used to control the surface water runoff from the site. As per the District Drainage Engineer comments, further groundwater monitoring information should be provided. All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles. The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs. Please note

that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

**Adur & Worthing Councils:** The *Environmental Health* officer has made the following comments.

The hours of operation have not been provided on the Application form, are these known?

Noise: A Noise Impact Assessment (Car Showroom and Garage Complex) (Date: 15/10/2020 Project: J2993) has been submitted in support of this application. This assessment has considered noise from the proposed uses of the garage and the car wash/valet area.

The assessment demonstrates that the rating noise level of these uses is below the existing background level so there should be no significant negative impact on amenity. However, I do have a couple of queries for which I would like clarification.

The location of the background noise monitoring is relatively close to the road, the open garage bays extend approximately 20m further from the road where the background noise level is likely to be lower and I believe would provide a more representative receptor background noise level, particularly for the rear of the properties. As the background noise level is the basis for the BS4142 assessment it is important that it is accurate and truly reflects the current levels at the receptor.

The assessment does not seem to have considered the noise from increased vehicle movements or noise from deliveries.

Air Quality: An Air Quality Assessment ( 10224.S dated May 2021) has been submitted in support of this development. This assessment found that the proposed development is not expected to introduce new receptors into an area of existing poor air quality, nor is it anticipated to significantly impact local air quality. An emission mitigation calculation has been undertaken however a detailed emissions mitigation statement which includes a schedule of costs for each mitigation type as detailed in Table 3 of *Air quality and emissions mitigation guidance for Sussex (2020)* has not been included.

Please could this detailed Emission Mitigation Statement be provided.

Contaminated Land: A Preliminary Ground Contamination Risk Assessment Report (R14367 Sep 2020) and A Combined Geotechnical and Quantitative Ground Contamination Risk Assessment (R14559 Jan 2021) have been submitted in support of this application. The ground investigation did not identify any concentrations of the identified potential contaminants that would be considered to pose an unacceptable risk to end users of the site or to controlled waters beneath the site. I recommend the Discovery Strategy recommended in Section 6.8 of the Quantitative Ground Contamination Risk Assessment is conditioned.

**Further comments following receipt of details of emissions mitigation:**

I can confirm that the Emission Mitigation Statement is acceptable. Please could compliance with the AQ Assessment and Emission Mitigation Assessment (incl. the

above Emission Mitigation Statement) be conditioned? Also condition hours of construction, external lighting, construction management plan

The **Drainage Engineer** has made the following comments:

Flood risk- The application is within flood zone 1, and is not shown to be at risk from surface water flooding. We therefore have no objections on flood risk grounds.

Surface water drainage- the application includes a substantial increase in impermeable area. The SuDS strategy submitted states that infiltration will be used, this is acceptable in principle. However, the infiltration tests were all completed in the summer and were not compliant with BRE DG 365. Furthermore no winter groundwater monitoring has been completed and testing was not completed at depths of proposed soakaways. Latest FEH rainfall data, and factors of safety must be applied to design.

Recommend conditions

**Southern Water:** In order to protect public sewers, Southern Water requests that if consent is granted, the following condition is attached to the planning permission:

“The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers.”

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

Requests that the following condition is attached to the consent: “Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”

**Highways England:** No objection

**Brighton & Hove City Council:** To be reported.

## **Representations**

4 letters of support received:

- The new access for the garden centre deliveries will be a big improvement for neighbouring properties and the new facilities will enhance this area of Portslade where we live.
- The garden centre is very local for me and has good facilities. Support the application as it gives employment opportunities in Portslade.
- Improvement to footpath

## **Relevant Planning Policies and Guidance**

Adur Local Plan 2017 Policies 1, 2, 4, 12, 15, 18, 19, 27, 28, 29, 30, 31, 34, 36

Eastbrook Allotments Development Brief (ADC 2015)

Sustainable Energy SPD (August 2019)

Planning and Climate Change Checklist (ADC June 2021)

Planning Contributions for Infrastructure Provision (ADC 2013)

WSSC Guidance on Parking at New Developments (Sept 2020).  
National Planning Policy Framework (July 2021)

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that 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 site is subject to Policy 12 of the Adur Local Plan which states:

*“The “Former Eastbrook Allotments Development Brief” identifies potential alternative uses/development opportunities for land at Eastbrook Allotments, Manor Hall Road Former Market Garden and the former Manor Hall Nursery in Southwick and any proposed development should be in accordance with this document.”*

The Development Brief explains that the site was released in 2005 by the Secretary of State for the purpose of “business development” and the remaining functional allotments to the south of the site were retained and consolidated as part of the release of land for business development.

The Brief states that:

*“The site must be developed for purposes of ‘Business Development’ in line with the conditions imposed by the Secretary of State in 2005 when releasing the land for development. This could include*

### **Employment / Business Use**

*The site has good access to the main road network and there is a continued demand for a range of business premises to accommodate growth in the sub-region, particularly from small and medium business enterprises (SMEs) owing to a lack of quality business space which is a constraint to business growth. Such development would help meet wider strategic objectives and provide increased job opportunities for local people. Any business activity would need to be compatible with neighbouring residential uses.*

*B1/B8 (offices, research & development and light industry/warehousing) uses would be appropriate in this location taking into consideration the constraints of the site. This site provides an opportunity for such business uses in Shoreham Harbour*

*considering relocation to help facilitate the regeneration of the Harbour. However, B2 (general industry) uses are deemed too invasive in this residential area in this instance and are not considered appropriate.*

*There may also be some scope for small-scale office floorspace, subject to overcoming the constraints identified earlier in the Development Brief. Certain D1 uses, such as the provision of training and education opportunities would be welcome in conjunction with business use, to help improve levels of deprivation in the area. Another opportunity for the site is in relation to strengthening the eco-tech sector in the area, as part of the Greater Brighton City Region City Deal (which includes Adur District). To keep in line with the City Deal objectives, this sector would also be supported here.*

### Retail

*New businesses and the existing residential area could benefit from the extension of the local parade along the Old Shoreham Road frontage. Appropriate development could include small-scale non-residential uses at ground floor level, such as A1/A2/A3 or B1 to provide day to day needs. Larger forms of retail or leisure uses would not be appropriate in this out of town location.*

### Public Footpath

*There is an opportunity through the existing public footpath to create an improved green infrastructure link from the coast to the South Downs National Park (SDNP) on the eastern boundary of Site 1 and Site 3. This existing footpath could be enhanced to establish an improved Green Infrastructure corridor and there is also the potential to extend the width to allow for both pedestrian access and a cycle lane and to be upgraded to a bridleway.*

*This will help to provide sustainable transport links from the coast to the South Downs and will help provide links with the existing network, including the Sussex Border Path, a bridleway to the north, which then leads to both the South Downs Way and the Monarch's Way, both national trails. Improved lighting would also be beneficial to the area, to improve perceptions of safety. Again this could be achieved through either a Section 106 agreement or through a Community Infrastructure Levy arising from any business development on Site 1 or housing on Site 2."*

The proposal does not strictly accord with the aims of the Development Brief in that it does not propose a B1/B8 Class business use (car showrooms are generally classified as a sui generis use). However, the site constraints are prohibitive and prevent much of the site from being occupied by buildings which lends it to more of an open storage use such as that proposed.

The Socio-Economic Statement submitted with the application suggests that the proposal represents a substantial investment in Adur with 1,765sqm of new business floorspace, 35 FTE local jobs and 8 FTE construction jobs, as well as generating salary spend in the local economy.

On balance, taking into account the constraints caused by the pylons, it is considered that the proposal represents a reasonable use of the site which will have other benefits as set out later in the report. It is therefore considered to be

acceptable in principle.

### **Visual amenity**

The nature of a car showroom and sales display area is that much of the site will be taken up with car parking, with two thirds of the frontage used for open display. This will not present a particularly interesting or dynamic frontage. A 1.8m wide landscape strip is shown along the frontage which the Design and Access Statement describes as containing:

*“a low level brickwork wall with low level planting and hedgerow to soften the impact on the street scene as well as providing an attractive demarcation of the site.”* Final details will need to be secured by condition. The applicant has additionally been asked to consider planting trees to provide a more substantial screen which will more effectively soften the appearance of the site from the street and help provide biodiversity and overall sustainability of the proposed development. Members will be updated at the meeting.

The site has a frontage of approximately 150m with the proposed building at the western end, with a width of about 40m facing the road. The D&A Statement explains the design concept:

*“The design of the proposed scheme has been influenced by the site constraints in the north western corner of the allotment site, namely the deep Southern Water drainage run and a subterranean electrical cable running along the existing access track. The plan form influence by the site constraints created a splayed eastern glazed wall which forms the principal elevation of the car showroom and forming a strong ‘frontage’ to the building, and therefore a sense of entrance for customers.*

*The large open plan car sales area is surrounded with glazing all three sides, with the fourth side being formed by the sales offices and administration offices. A centrally located service desk provides access into the workshop and parts store to the rear of the building. The service centre to the western side of the building is accessed via dedicated roller shutter doors along the western elevation, with a larger, hanger type doorway located on the southern elevation to provide access for larger vans and motorhomes.*

*The proposals have been designed in consideration of their immediate context, specifically in relation to the plan position and heights of the adjacent buildings. The building has been designed with a flat roof in order to reduce the overall height and massing of the showroom, with the proposed parapet height set 450mm lower than the adjacent ridge height of no.310 Old Shoreham Road. The overall proposals do not greatly alter the street scene as the majority of the proposal is open carpark and landscaping, with the proposed built form located to the western end of the street scene. The overall height and massing of the showroom were derived from the intended use of the building, and in particular the activities within the service workshop. As the intention is to be able to service large vans and motorhomes, the height of the workshop was dictated by the heights of a motorhome and a vehicle lift. The space required for the offices and the showroom were determined via discussions with the car manufacturers franchise designers, whilst being driven by*

*the plan form derived from the site constraints. The external cladding, curtain walling, and roller shutter doors have also influenced the scale of the development by utilising standard products and sizes to rationalise the construction processes.”*

In terms of materials, the D&A Statement explains:

*“the materials choices are more industrial with insulated Kingspan panelling on the walls, finished with polyester powder coated aluminium in either Mirco-ribbed ‘silver’ (RAL9006) panels or smooth finished in anodised black. These colours have been specified in line with the car manufacturers marketing requirements. The eastern third of the building has been designed as glazed curtain walling which will provide a transparent façade and reduce the visual massing of the proposals. The flat roof, which is to comprise a living green roof and photovoltaic panelling, has been designed to overhang the northern, eastern and southern elevations to create a shadow line on the buildings façade and break up the massing of the proposals.”*

The building will have an industrial appearance at odds with the residential form to the north, east and west. However, the site currently has an open, undeveloped appearance, dominated by large pylons, overhead power lines and the electricity substation. The development of the site in the manner proposed will partially screen the substation and provide more visual interest in this stretch of the road. It is relevant to note that the site is allocated for business development and a line of business units could have also provided a fairly stark frontage compared with the present open appearance. It is considered that, with the more robust planting referred to above, this will be an acceptable development in visual terms.

### ***Residential amenity and Noise***

A Noise Assessment has been submitted which takes into account possible noise from the service centre and car wash. It found that existing background noise levels from vehicular traffic on the Old Shoreham Road are likely to be higher than noise levels associated with the proposed use. It concludes that:

*“the noise rating level, for a busy hour, will be 8dB below the background noise level. This demonstrates that the noise impact would be low. In this case due to the high residual and background sound levels achieving a rating level at least 5dB below background would be recommended.”*

Mitigation is recommended in the form of a 1.8m noise barrier along the western boundary. A barrier around the jetwash station is also recommended. Such measures can be conditioned as part of any approval.

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

Vehicular access to the development is proposed from a new access off Old Shoreham Road. It is in the form of a simple priority junction with pedestrian refuge and will also provide access for service vehicles to the adjacent garden centre, which is subject of a separate planning application (AWDM/1154/21).

The Transport Statement (TS) advises:

*“In order to accommodate the new site access, the existing layby which currently accommodates a bus stop, several parking spaces and a marked disabled parking bay, will be shortened and re-aligned so that it will only accommodate the bus stop (with bus cage) and disabled parking bay. The re-aligned lay-by is located outside the existing Mayberry Garden Centre frontage on Old Shoreham Road, with the bus stop and shelter repositioned to the west of the existing buildings and into Brighton and Hove City Council.”*

A total of 103 car parking bays are proposed, consisting of 64 spaces for customers, 5 spaces for blue badge holders and 34 spaces for staff. An additional 7 spaces are provided within the service area and 4 spaces are identified for parking motor-homes. It is intended that 33% of bays will benefit from active electric vehicle charging provision, with all remaining spaces provided with passive provision.

The TS advises that:

*“The Applicant estimates around 50-60 parking spaces will be required to be associated with the workshop, for example allowing 30-40 customer bookings per day, with 20-30 vehicles waiting for parts. The remainder of spaces (circa 14) will be for customers to the car showroom, including customers making enquiries, collecting new vehicles, trading cars in and taking test drives for example. Given the status of Old Shoreham Road and existing restrictions in place on the public highway locally, it is important that sufficient parking is provided within the site. The proposed parking area is intended only for use by staff and visitors associated with the car showroom and service centre only. The site access will be gated to prevent unauthorised access outside operational hours.”*

8 cycle spaces are proposed with staff changing/locker facilities available within the building.

In terms of vehicular activity, the TS estimates that the proposals will result in *“approximately 24 vehicle movements during the weekday morning peak hour and 19 in the afternoon peak hour. There will be approximately 242 vehicle movements across a typical weekday. It is also evident that movements by HGVs will occur outside peak periods, with 4 daily movements by such vehicles typically anticipated.”*

It goes on to state:

*“the increase in traffic on Old Shoreham Road equates to circa 1% in each direction. On this basis, it is considered the proposals will not result in a material increase in traffic on the adjoining local highway network, namely Old Shoreham Road.”*

The site is in a sustainable location with good access to footway provision in the local area, bus stops with frequent services and access to Fishergate station to the north and Portslade station to the south east. A simple Travel Plan statement is required and this can be secured by condition.

Overall, West Sussex Highways are satisfied that the proposal will not result in 'severe' cumulative impacts on the operation of the highway network that would be



contrary to the National Planning Policy Framework (paragraph 109).

### ***Footpath diversion***

The application shows the diversion of the existing public right of way to the east of the site which is proposed as a result of the extension to the garden centre (see AWDM/1154/21) and this aspect is considered in more detail in that report. Part of the diverted footpath will run through the southern end of the site.

The Rights of Way team at West Sussex have advised that they do not object subject to a diversion order being made.

### ***Flood risk***

The site is at low risk of flooding, being within flood zone 1. The proposal includes a substantial increase in impermeable area and the submitted SuDS strategy states that infiltration will be used which is acceptable in principle. However, the Council's Drainage Engineer points out that the infiltration tests were completed in the summer and no winter groundwater monitoring has been undertaken. She has recommended this be secured by condition to ensure that the final surface water drainage proposals are acceptable.

### ***Sustainable development***

An Energy Statement has been submitted which advises that the development will achieve a 27% reduction in carbon emissions through the use of an air source heat pump and PV array on the showroom building. The Sustainability Statement also identifies a number of other sustainable construction measures and the development overall is considered to generally accord with Local Plan policies and the Council's Planning and Climate Change Checklist which seeks to mitigate the impact that new development has on climate change.

The Local Plan does, however, require that non-domestic floorspace must achieve a minimum standard of BREEAM 'Very Good' with a specific focus on water efficiency. The Agent has been asked to confirm whether the development would meet this particular element of the Plan.

### ***Contaminated land***

The submitted contaminated report advises that a ground survey did not identify any potential contaminants that would be considered to pose an unacceptable risk to end users of the site or to controlled waters beneath the site. A precautionary condition is recommended.

### ***Air Quality***

An Air Quality Assessment has been submitted in support of this development. It found that the proposed development is not expected to introduce new receptors into an area of existing poor air quality, nor is it anticipated to significantly impact local air quality. It will implement a suitable level of mitigation measures to comply with the

requirements of the Sussex Air Quality guidance. The Council's Environmental Health Officer is satisfied with the measures.

### ***Ecology and biodiversity***

A Preliminary Ecological Appraisal has been submitted. It found that the site was dominated by cut grassland and weeds with some scattered immature trees and shrubs. None of the trees on site were considered to have roosting bat potential and the site offers little in the way of foraging and commuting habitat for bats. A Badger Survey was carried out which confirms that there is a Badger Settle on site, which is likely a 'main sett'. It states that:

*"it is highly recommended that the on-site sett is retained within the proposals, with a minimum 20m buffer zone around it where development cannot take place. If this is not possible, a mitigation licence from Natural England will be required to close the sett. In addition, a new artificial sett will need to be created elsewhere on site before the closure can take place. If the new sett is being made, it is recommended that it be made within the smallest field in the southwest corner of the site. It is considered that a buffer along the southern boundary would be the most suitable area for retention of badger foraging habitat. The retained habitat can be enhanced to provide additional foraging opportunities such as fruit tree planting, and grassland management to increase the abundance of earthworms and pond creation".*

The application is also accompanied by a detailed Reptile Survey, which confirms that *"reptile surveys undertaken in September 2019 identified an 'exceptional' population of both slow worms and common lizards on site. No evidence of other reptile species was found but the possibility cannot be ruled out."*

A suitable off-site receptor area will need to be identified and agreed with the LPA as part of the pre-commencement conditions so that the reptiles can be translocated. An ecological management plan will be required.

### **Recommendation**

**Approve, subject to receipt and consideration of comments from Brighton and Hove City Council, and to the following conditions:-**

1. Approved Plans
2. Standard 3 year time limit
3. Construction Management Plan
4. Car parking
5. Cycle parking
6. Travel Plan
7. Precautionary contaminated land
8. Compliance with the AQ Assessment and Emission Mitigation Assessment
9. Hours of construction
10. External lighting
11. The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers

12. Construction of the development shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water
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. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity
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. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
15. Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity
16. External materials
17. Hard and soft landscaping
18. Boundary treatment
19. Sustainability
20. Noise mitigation in the form of a 1.8m noise barrier along the western boundary. and a barrier around the jetwash station to be provided
21. No development until Ecological Management Plan submitted to include details of reptile translocation and mitigation of impact on badgers
22. Hours of opening
23. Waste provision

Application Number:	AWDM/2044/20	Recommendation - GRANT subject to conditions.
Site:	Former Riverbank Business Centre 39 Old Shoreham Road, Shoreham-By-Sea (Ropetackle North)	
Proposal:	Application to vary Condition Number 26 of previously approved AWDM/0935/13. Amendment: retail store to be utilised as a convenience store to be open for trade or business other than between the hours of 6.00 am and 11.00 pm on a 7 day per week basis, including Public Holidays.	
Applicant:	One Stop Stores Ltd	Ward: St Nicolas
Agent:	Mr Pierre Langlois	
Case Officer:	Gary Peck	



**Not to Scale**

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## **Proposal, Site and Surroundings**

This application seeks permission for a variation of condition 26 of the original outline planning permission for the Ropetackle North development. It relates to the proposed retail store close to the entrance of the site.

The relevant condition states:

*The class A1 retail store hereby approved shall not be open for trade or business other than between the hours of 8.00 am and 6.00 pm on Mondays to Saturdays and between 10.00 am and 4.00 pm on Sundays and Public Holidays.*

Although the majority of the remainder of the development is now complete and the retail store has been constructed in accordance with the permission, it has not yet been occupied.

The retail store fronts Old Shoreham Road with a parking area between it and the road. It is part of a block containing residential units immediately above and to the side and rear.

This application was originally submitted in December 2020, before the adjoining residential units were occupied but could not be determined until a Deed of Variation was completed updating the original Section 106 agreement. While this proposal itself does not affect the provisions of the legal agreement, case law has established that where a new permission is granted on a development site, the Section 106 agreement must be updated to reflect that a subsequent permission has been granted.

While this application was specifically submitted by One Stop Stores Ltd, an identical application was submitted, with no named end user, in September 2021 and appears elsewhere on this agenda.

## **Relevant Planning History**

Outline planning permission was granted in 2015 for the redevelopment of the Ropetackle North site and the condition which is the subject of the application formed part of that permission (AWDM/0935/13). Reserved Matters approval was granted in 2017 (AWDM/1006/16) and construction of the development, which is now substantially complete, commenced soon after.

An identical application submitted in September by a different applicant appears elsewhere on the agenda.

## **Consultations**

**Environmental Health:** No objection

The site has planning permission for retail use previously permitted under planning application AWDM/0935/13. This application is to vary condition 26 which restricted the hours/days of operation. The new proposed operation hours are 6am – 11pm 7

days a week and including Public Holidays. The LHA would not expect this change in operation hours/days to give rise to any highway safety or capacity concern.

### **West Sussex Highways**

The site has planning permission for retail use previously permitted under planning application AWDM/0935/13. This application is to vary condition 26 which restricted the hours/days of operation. The new proposed operation hours are 6am – 11pm 7 days a week and including Public Holidays. The LHA would not expect this change in operation hours/days to give rise to any highway safety or capacity concern.

### **Sussex Police**

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Adur & Worthing district being average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should always be considered.

I have had the opportunity to examine the details within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments. I direct the applicant or their agent to our website at [www.securedbydesign.com](http://www.securedbydesign.com) where the Secured by Design (SBD) Commercial Development 2015 Version 2 document can be found. This is a comprehensive document that encapsulates both commercial developments where the public have no formal access, e.g. factory or office buildings, and those where public access is integral to the commercial use such as retail premises, leisure centres and public buildings. This document will be able to provide the applicant with in-depth crime prevention advice pertinent to the design and layout.

My only concern with this application is that of the amenity of the surrounding residential community who may be adversely affected by high numbers of footfall early in the morning and late into the night 7 days a week.

### **Representations**

None received - members are requested to note that the application was received prior to the occupation of the adjoining residential units and that a number of representations have been received in respect of the subsequent proposal submitted once a number of surrounding properties had been occupied.

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

Adur Local Plan 2017

Policy 11 - Shoreham by Sea

Policy 15 - Quality of the Built Environment and the Public Realm

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that 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**

The principle of the development was established by the grant of the outline permission which included provision for the use of the unit for retail unit. The main issue is therefore the effect of the extended hours upon the amenities of neighbouring residential properties.

The redevelopment of the Ropetackle North site was intended as a mixed use development of which a retail store was considered an important aspect. The outline permission restricted the hours of use of the unit although at that point no end user had been identified.

One Stop Stores expressed an interest in occupying the unit but stated that the restricted opening hours did not align with their normal opening hours and hence submitted this application at the end of 2020.

While no representations were submitted in respect of this application, your officers are conscious that this was because there were few residents occupying the site at the time of its submission and a number have now expressed concerns as recorded in the other application which appears on the agenda.

It was always intended that the Ropetackle North development would be mixed use and the retail store was an important part of such an aspiration. Your officers recognise that the opening hours may be a deterrent to a potential occupier occupying the unit which is located on a visible part of the development since it fronts Old Shoreham Road.

Although it is stated that the opening hours do not align with the business requirements of the applicant, it is noted that the One Stop store next to Shoreham Station has previously advertised opening hours of 0700 to 2300 (therefore opening an hour later than proposed here) while the One Stop website specifies a closing time of 2200 hours (and hence closing an hour than is proposed here). It could be argued that a store close to a station with more early morning and late night footfall, as well as being close to restaurants and pubs, is better placed to be open for longer than a store further away from many such facilities, albeit the site is still close to the

town centre and other late night uses. The store at Sompting is also stated to close at 2200 hours.

It is therefore considered that the currently proposed opening hours are excessive in that they exceed comparable opening hours on arguably more suitable sites and that a reduction of an hour in both opening and closing times would be appropriate. It is understood that the applicant is willing to agree to an amendment to the application on that basis.

A number of objections have been raised in respect of parking issues but in the absence of any objection from the Highways Authority, it would seem difficult to substantiate these. Most particularly, it is considered that many of the concerns are applicable to whenever the retail unit would be operational, the principle of which has been established by the outline permission. The early morning and later evening hours which are the specific subject of this application are unlikely to materially impact the concerns expressed, some of which, in respect of potential parking in resident's spaces for example, would seem more likely to occur during the already permitted hours and would need to be resolved by the estate management.

The concerns in respect of noise are noted and in light of the additional hours proposed, it would seem appropriate to impose an additional condition requiring a management plan outlining any mitigation measures to be undertaken to reduce any impact from noise as well as delivery times.

Subject to the above amendment in respect of hours of opening and an additional condition relating to noise mitigation, it is considered that the proposal offers an opportunity to ensure that the retail unit would be occupied which is considered to be of benefit to nearby residents.

## **Recommendation**

### **APPROVE**

**Subject to amending the description of the application to 0700 to 2200 hours and the following conditions:**

1. Approved Plans.
2. Opening hours restricted to 0700 to 2200 hours
3. Submission of Management Plan in respect of noise mitigation for the proposed use and deliveries.
4. Re-imposing any conditions of the outline permission that remain applicable to the development.



<b>Application Number:</b>	<b>AWDM/1801/21</b>	<b>Recommendation - GRANT subject to condition reducing the proposed hours of use.</b>
<b>Site:</b>	<b>Former Riverbank Business Centre 39 Old Shoreham Road, Shoreham-By-Sea (Ropetackle North)</b>	
<b>Proposal:</b>	<b>Application to Vary Condition 26 of previously approved AWDM/0935/13. Amendment: to allow the retail store to be used as a convenience store to allow for extended opening hours from 6am to 11pm seven days a week (including bank holidays).</b>	
<b>Applicant:</b>	<b>Mr Philip Holdcroft, Landmark Estates</b>	<b>Ward: St Nicolas</b>
<b>Agent:</b>	<b>As above</b>	
<b>Case Officer:</b>	<b>Gary Peck</b>	

Map as per application AWDM/2044/20

### **Proposal, Site and Surroundings**

This application seeks permission for a variation of condition 26 of the original outline planning permission for the Ropetackle North development. It relates to the proposed retail store close to the entrance of the site.

The relevant condition states:

*The class A1 retail store hereby approved shall not be open for trade or business other than between the hours of 8.00 am and 6.00 pm on Mondays to Saturdays and between 10.00 am and 4.00 pm on Sundays and Public Holidays.*

Although the majority of the remainder of the development is now complete and the retail store has been constructed in accordance with the permission, it has not yet been occupied.

The retail store fronts Old Shoreham Road with a parking area between it and the road. It is part of a block containing residential units immediately above and to the side and rear.

This application was submitted in September, and therefore unlike the identical earlier application which appears elsewhere on the agenda was the subject of consultation of residents as by then the adjoining properties were occupied. Any permission cannot be issued until a Deed of Variation is completed updating the

original Section 106 agreement. While this proposal itself does not affect the provisions of the legal agreement, case law has established that where a new permission is granted on a development site, the Section 106 agreement must be updated to reflect that a subsequent permission has been granted.

While the previous application was specifically submitted by One Stop Stores Ltd, this application does not specify any particular end user.

### **Relevant Planning History**

Outline planning permission was granted in 2015 for the redevelopment of the Ropetackle North site and the condition which is the subject of the application formed part of that permission (AWDM/0935/13). Reserved Matters approval was granted in 2017 (AWDM/1006/16) and construction of the development, which is now substantially complete, commenced soon after.

An identical application submitted in December 2020 by a different applicant appears elsewhere on the agenda.

### **Consultations**

#### **Environmental Health**

Any comments will be reported verbally at the meeting

#### **Sussex Police**

Despite the level of crime and anti-social behaviour in Adur & Worthing district being average when compared with the rest of Sussex, I have no major concerns with the proposals at this location, however, additional measures to mitigate against any identified local crime trends and site specific requirements should always be considered.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments. I refer the applicant to previous correspondence from this office Your Ref: AWDM/2044/20 dated the 16th of December 2020 and Our Ref: LM/ADU/20/08A dated the 17th December 2020 to which all comments remain extant.

I reiterate my comments as made previously in December last year - my only concern with this application from a crime prevention perspective is that of the amenity of the surrounding residential community who may be adversely affected by high numbers of footfall early in the morning and late into the night 7 days a week all year round.

#### **West Sussex Highways**

The Local Highway Authority (LHA) has been consulted regarding the above application for the variation of Condition 26 of approved application AWDM/0935/13, to allow for extended opening hours of retail store.

The site has planning permission for retail use previously permitted under planning application AWDM/0935/13. The new proposed operation hours are 6am – 11pm, 7 days a week and including Public Holidays. The LHA would not expect this change in operation hours/days to give rise to any highway safety or capacity concern.

The proposed use will operate longer opening hours than the existing; however, overall vehicular movements to and from the area are anticipated to be reduced outside of the peak operating hours. In 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 111), and that there are no transport grounds to resist the proposal.

## **Representations**

### **Waterfront Residents and Tenants Association**

I am writing as Interim Chair of the new Waterfront Residents' and Tenants' Association on behalf of the Association and affected residents to strongly object about the proposal to extend the opening hours of the convenience store identified as at the former Riverbank Business Centre, 39 Old Shoreham Road, West Sussex. The proposal seeks to change the existing approved hours from 8am to 6pm Mondays to Saturdays and between 10am to 4 pm on Sundays and Bank Holidays to between 6am to 11pm, seven days a week including Bank Holidays, throughout the year. This being through an application to vary Condition 26 under the approved outline planning application ref. AWDM/0935/13

The Association is not against a convenience store but are extremely concerned about this extension in hours from the original approval because of its detrimental impact on the amenity of the area, every single day of the year.

Adjoining and adjacent occupiers have contacted the Association to say that they object to the proposal for the following reasons:

- (i) it will lead to significant traffic generation and accompanying traffic noise outside of their homes late into the night
- (ii) it will potentially block existing parking spaces and general road access for residents arriving home late, in the absence of any parking control measures or enforcement on the estate
- (iii) it will potentially lead to customers congregating and making noise beyond the 11pm closing time, leading to complaints to the Police and the Council's Environmental Health Department
- (iv) it will create disruption and noise from late and early deliveries and;
- (v) it will lead to the general loss of privacy beyond a reasonable time.

These concerns are well founded relevant planning considerations and are supported by the Association. I am sure that individual residents will make their own concerns known to the Council.

I would hasten to add that the Sussex Police, in their letter of 4th October 2021, ref: LM/ADU/20/08B have also previously expressed concern over this application to

extend these hours with the observation:

'I reiterate my comments as made previously in December last year - my only concern with this application from a crime prevention perspective is that of the amenity of the surrounding residential community who may be adversely affected by high numbers of footfall early in the morning and late into the night 7 days a week all year round'

If the Council is minded to grant permission, it should use this opportunity to ensure that the proposed hours/days of operation are significantly reduced, that the design of any signage is sympathetic to this entrance to the estate and that illumination is such that it does not further harm the amenity of adjoining occupiers.

Finally, it is noted that the owners of the Estate have covenanted under the S106 agreement with West Sussex County Council not to allow the regular use of private roads on the Estate by members of the public other than those on foot or by bicycle. This was to ensure that the Council does not have to adopt this highway. This would imply that access to the shop by car is not possible. Is the Council, as local planning authority, intending to restrict vehicle access through a planning condition to enforce this covenant?

17 letters of objection have been received on the following grounds:

- the proposed opening hours are excessive
- noise and disturbance
- anti social behaviour
- increased traffic
- light pollution
- effect of deliveries
- there has been no consultation from the original developer
- rogue parking is already a problem
- there is no need for a shop

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

Adur Local Plan 2017: Policy 11 - Shoreham by Sea, Policy 15 - Quality of the Built Environment and the Public Realm, Policy 27 - Retail, Town Centres and Local Parades

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that 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**

The principle of the development was established by the grant of the outline permission which included provision for the use of the unit for retail unit. The main issue is therefore the effect of the extended hours upon the amenities of neighbouring residential properties.

The redevelopment of the Ropetackle North site was intended as a mixed use development of which a retail store was considered an important aspect. The outline permission restricted the hours of use of the unit although at that point no end user had been identified.

Unlike the other application relating to this site which appears elsewhere on the agenda, this proposal does not involve a named user. As such, the application from a named user at least allowed comparison with their existing stores so that comparable hours could be considered in the determination of the application. The case for granting the hours as proposed under this application would seem less compelling, therefore, and as with the other proposal it is considered that opening an hour later and closing an hour earlier would appear appropriate. It is understood that the applicant would be willing to agree to such an amendment.

The concerns regarding traffic and parking are considered in the previous report and it is considered that the same conclusions can be reached in respect of this proposal. Similarly, it would also be necessary to impose an additional management plan condition.

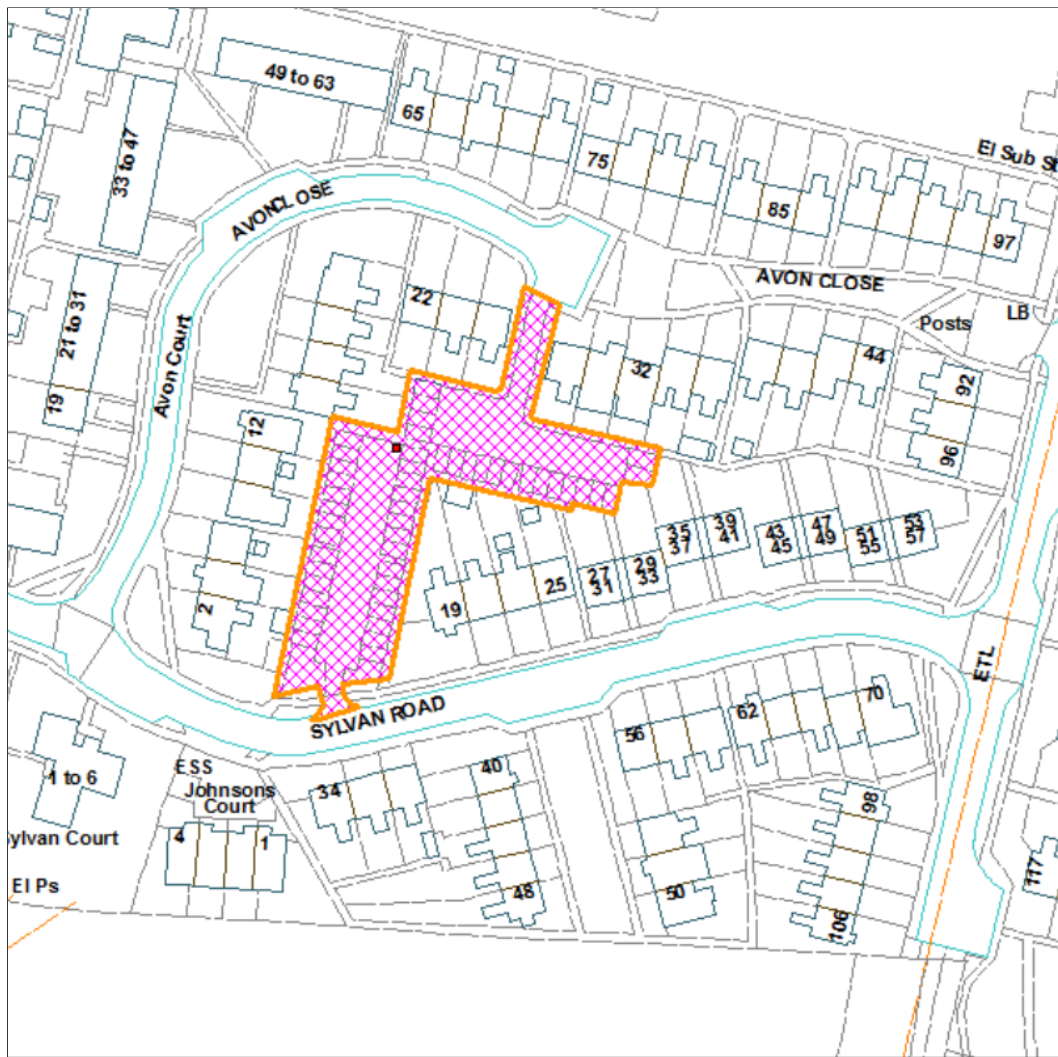
## **Recommendation**

### **APPROVE**

#### **Subject to the following conditions:**

1. Approved Plans
2. Opening hours restricted to 0700 to 2200 hours
3. Submission of Management Plan in respect of noise mitigation for the use and deliveries.
4. Re-imposing any conditions of the outline permission that remain applicable to the development.

Application Number:	AWDM/1063/21	Recommendation - APPROVE
Site:	Garage Site Off Avon Close And West Of 19 Sylvan Road, Sompting	
Proposal:	Demolition of garage blocks and construction of 6 dwellings (4 x 2 storey dwellings and 2 x single storey bungalows) with access off Sylvan Road and Avon Close	
Applicant:	Mr J Lock, Adur DC	Ward: Peverel
Agent:	Neal Robinson, Robinson Escott Planning	
Case Officer:	Gary Peck	



**Not to Scale**

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## **Proposal, Site and Surroundings**

This application seeks full permission for the removal of existing garages and their replacement on the southern part of the site with 6 dwellings comprising 4 x 2 storey houses and 2 x 1 bed bungalows. The proposed dwellings would be 79 square metres and the proposed mono pitched bungalows, 50 square metres.

The proposed dwellings would be arranged in 2 blocks of 3, with a north-south orientation with the respective rear gardens being located adjacent to each other. The bungalows would be to the western side of each block. The main elevational material is brick.

22 car parking spaces would be retained, the majority of which would be located to the north of the proposed dwellings, but 3 would be sited in front of the southern block of 3 units to serve those properties and it is assumed that 3 of the spaces to the north would be reserved for the occupiers of the northern block. There are 49 garages at present.

The application site is within the built-up areas as defined by the Local Plan and is described as '*roughly an upside down 'L' shaped parcel of land*'. The application site comprises two garage compounds; one accessed off Avon Close and running from east to west and the second compound running north to south and accessed from Sylvan Road. The site is relatively flat and has two vehicular access points from the existing roads.

To the western boundary are dwellings in Avon Close which would be side on to the proposed dwellings as they sit in an east-west orientation. To the north of the site, beyond the proposed car parking spaces, the properties in Avon Close then sit north-south. To the south east are properties in Sylvan Road which sit at an angle to the application site and Sylvan Road itself is to the south.

## **Relevant Planning History**

None relevant to the determination of the application

## **Consultations**

### **Technical Services - 2nd response:**

Thank you for re-consulting us. The revised strategy submitted is sufficient to remove our holding objection. We expect infiltration to be utilised to its fullest potential.

If you are minded to approve this application please ensure that the surface water drainage strategy and accompanying drawings are NOT listed as approved and conditions are applied.

### **1st response:**

Flood risk- The application is within flood zone 1, the site is also not shown as being at risk from surface water flooding. We therefore have no objections to the proposals from a flood risk perspective.

Surface water drainage- the surface water drainage strategy indicates it is proposed to discharge surface water to soakaway. Infiltration may be possible in this location, but there is potential for seasonally high groundwater levels. The presence of chalk may also increase required offset distances. It is important that winter groundwater monitoring and winter infiltration testing is completed to facilitate the design of drainage and ensure that flood risk is not increased elsewhere.

Given the proposed site layout it is apparent that proposals are tight and require careful consideration. It should also be noted that there is conflict between the proposed site layout and the drainage strategy submitted. We would like to place a holding objection at this time. It is essential to establish if there is adequate space for surface water drainage prior to agreement of site layout. Drainage should be a fundamental consideration in design. Failure to secure a robustly evidenced implementable drainage strategy at this stage will likely unduly prejudice the drainage design and result in proposals failing to meet policy requirements. To overcome this holding objection the applicant should submit: 1. High level calculations to support the drainage strategy layout, with assumptions on infiltration rate and groundwater level clearly defined. 2. High level proposals for an alternative blanket infiltration solution , i.e. drainage connections into a shallow sub-base to the formal permeable paved surface. This is required due to the potential for shallow groundwater at this location. As a result please can the applicant supply high level calculations and supporting strategy level drawings to evidence that a shallow infiltration solution can be achieved with the proposed site layout. 3. Update the proposed layout plan to show permeable surface rather than tarmac. If this information is satisfactorily submitted detailed drainage design can be left to pre-commencement conditions.

### **Southern Water**

#### **1st response:**

The attached plan shows that the proposed development will close to an existing 150 mm foul sewer, which will not be acceptable to Southern Water. The exact position of the foul apparatus must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Members are requested to note that further comments from Southern Water in respect of the amended plans will be reported verbally at the meeting. It is noted that the applicant has commented: *the [updated] Drainage Report confirms that correspondence has been undertaken on [Southern Water's] comments and outlines that whilst Unit 03 property will be within the standard Southern Water public sewer*



*easement, Southern Water have agreed that this is acceptable in principle as sufficient unrestricted access is available on the western side of the sewer.*

## **West Sussex County Council Highways**

The application is for the demolition of the 2 existing garage blocks and the construction of 6 residential dwellings and a car parking area for the displaced parking.

There are currently 49 parking spaces (garages) and the proposal includes the construction of a car parking area for 19 cars (plus an additional 3 car parking spaces fronting the dwellings).

There are 2 existing access points which will remain. The access from Avon Close will serve the car park and will be widened to 4.1 m to allow for 2 vehicles to pass clear of the public highway. The access from Sylvan Road will serve the 3 car parking spaces and is to remain unaltered.

Both access points provide good visibility in excess of 43m which is acceptable to the highway Authority.

Following recommendation from WSCC, a survey of the garages has been undertaken by the applicant to determine usage and the impact the loss of garages may have on parking in the local area. It was found that of the 49 garages 10 were used for parking, 20 for storage with the remainder vacant or of unknown usage. It is also agreed that modern vehicles are generally too large for these garages which are smaller than the current standards. In addition a car parking survey of the local area has been undertaken (to acceptable standards) which found there to be a spare capacity of 82 spaces (minimum). The current on-street capacity along with the 22 car parking spaces which are to be provided along with the limited use of garages currently used for parking, it is not considered that the loss of garage space to be a highway safety issue.

Swept path analysis has been undertaken which shows there are spaces within the parking area for large vehicles to enter, turn and leave in a forward gear. Communal bin stores have been provided to the north and to the south of the site. Cycle parking is to be provided in secure shed in each of the gardens

No highway objection. The Local Highway Authority does not consider that the proposal for 6 dwellings 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.

## **Environmental Health**

No objection

## **Representations**

3 letters of objection have been received on the following grounds:

- there is already inadequate parking in the vicinity and the loss of garaging would further exacerbate this
- loss of light and privacy
- it should be stipulated that the parking spaces should not be for commercial vehicles
- loss of garage would be inconvenient as there are no other storage options available

## **Relevant Planning Policies and Guidance**

Adur Local Plan 2017 Policies 2, 15, 18, 19, 20, 22, 28, 30, 33, 34, 35, 36

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

Sustainable Energy SPD (August 2019)

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) provides that 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**

It is considered that the main issues in the determination of the application are the effect of the proposals upon the visual character of the area, the amenities of neighbouring properties, loss of parking and highway safety..

The application site is within the built-up area as defined by the Local Plan. The site is close to the local shopping parade, school and bus route and considered as a sustainable location for new housing development. The garage complex comprises previously developed land and therefore as a matter of principle, the redevelopment

of the site would be in accordance with government guidance.

In the recent appeal decision at The Haven, Lancing, the Inspector gave weight to the lack of a 5 year housing supply in the District and that the Council had only managed to deliver 48% of the housing requirement during the measurement period of 2017-2020. He concluded that *'...set in this context, the need for housing is urgent and a step change in delivery is required.'*

Given the constraints of the District such as flood risk and proximity to National Park and sea, it is clear, therefore, that a redevelopment of a site such as this should be looked at positively subject to Development Management criteria.

The garages themselves are of little visual merit with a number of them needing repainting and looking as if they are only used intermittently. From Sylvan Road, they relate poorly to the street scene being situated side on and the areas of grass verge in front of them towards the road appear to be used for casual parking. The current layout of the site also includes some passageways between the garages themselves as well as between the garages and neighbouring properties and again cannot be considered an attractive environment. There is a clear opportunity for visual improvement to occur therefore, especially to the Sylvan Road side of the development as the new dwellings would form an active frontage commensurate with the surrounding street scene.

As with the sites for garage redevelopment that the Committee have previously considered, the main constraint is the proximity of neighbouring dwellings, most particularly those to the west in Avon Close and to the south/south east in Sylvan Road.

The dwellings to the west have quite short rear gardens, between 7 and 9 metres from the back of the original dwelling but a number have added rear extensions reducing their amenity space and hence it is important that the new development does not have an overbearing impact. In this respect, during pre-application discussions it was not considered that 2 storey properties on the western side would be appropriate and therefore 2 bungalows are proposed to the western side of the site. This means that the view from the properties would be of a mono pitched single storey roof sloping away from the boundary at the nearest point, set against the profile of the 2 storey dwellings which themselves would be in excess of 10.5 metres away from the rear of the existing properties which is considered to be an acceptable rear facing to side elevation distance.

While there would be an increase in built form when viewed from the Avon Way properties, it should be noted that the single storey garages appear to project slightly higher than the rear fence line and as mentioned above are of little visual merit. Furthermore, while the garages are currently a continuous run, save for a narrow gap, along the rear of the properties, there will now be the back gardens of the new dwellings running alongside the central part of the site, thus reducing the built form in that area and the bungalows will also have side accesses of 1.7 and 1.9 metres respectively to the side boundaries. It is considered, therefore, that the proposal can be accommodated without material harm to the properties to the west.

To the south east of the site, 4 existing dwellings in Sylvan Road sit at an angle to the application site. Their gardens are longer than those in Avon Close (in excess of 19 metres at their longest points) and the relationship with the site more oblique. This suggests that 2 storey dwellings can be accommodated, therefore, acceptably, and again it is noted that the rear gardens of these properties are entirely encircled by the garaging at present. The removal of these are considered to improve the environment of these properties.

In terms of overlooking, there are no first floor windows proposed to the western elevation and only high level windows to the ground floor of the bungalow and therefore there will be no impact upon the properties directly to the west in Avon Close by way of overlooking. As the backs of the proposed dwellings face each other, the main overlooking will be between the new dwellings, but the distance between the rear of the houses meets the Council standard of 22 metres.

The remaining issue, therefore, is the distance to the properties in Sylvan Road. At the nearest point the distance between the small rear addition to number 19 and the new dwellings is about 16 metres, but this is not a direct face to face relationship and ordinarily a distance of this length, which is the closest across the site, is considered acceptable in an urban setting given the oblique angle.

Representations have been received on the impact of the loss of garages in respect of parking. However, the existing garages appear little used for actual parking (a survey suggests only 10 of them area) and the provision of 22 spaces of the remaining northern part of the site would therefore appear more than adequate to cover this. It was evident at the site visit that there is parking pressure in the area, given a number of vehicles were parked on grass verges, but it is not considered that the loss of garages and hence the development will exacerbate this and in any case, government guidance is that planning applications should only be resisted on highways grounds when the impact of the development would be 'severe' which cannot be considered to be the case in this instance in light of the provided parking spaces to the north of the site.

An Energy Statement has been submitted which outlines that the energy strategy for the proposed development scheme has been assessed using the Energy Hierarchy. Following this approach has resulted in an energy efficient scheme that has reduced the CO2 emissions by just over 35% through passive design measures, increasing insulation in the building fabric to reduce heat loss, air source heat pumps, and LED lighting with lighting controls. The new dwellings will achieve a water efficiency standard of no more than 110 litres/person/day as required by Policy 18 of the Adur Local Plan

The proposed development is therefore considered acceptable in all respects and would make effective use of a brownfield site and provide much needed additional affordable housing. It is therefore considered that the application is acceptable.

## **Recommendation**

### **GRANT planning permission subject to the following conditions:**

1. Approved Plans
2. Full Permission
3. 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. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.
4. 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. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
5. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the approved plan. Reason: In the interests of road safety.
6. 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 thereafter be retained at all times for their designated purpose.  
  
Reason: To provide car-parking space for the use.
7. No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the

period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

8. No part of the development shall be first occupied until covered and secure cycle parking spaces 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.

9. The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the sewers, prior to the commencement of the development.
10. No works or development shall take place until full details of all hard and soft landscaping works and the proposed times of planting have been approved in writing by the Local Planning Authority and all soft landscape works shall be carried out in accordance with those details and at those times. Any plants which within a period of five years from the time of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
11. No additional windows shall be installed in the western elevations of the dwellings hereby approved.
12. Approval of Materials.
13. Removal of permitted development rights for any extensions/alterations.
14. Hours of Construction to be limited to 0900 to 1700 hours Monday to Friday, 0900 hours to 1300 hours on Saturday and no working on Sundays or Bank/Public Holidays.

### **Informatives**

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater

monitoring with the Council's Engineers. Further details regarding our requirements are available on the following webpage <https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms>. A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions"

8 November 2021

## **Local Government Act 1972**

### **Background Papers:**

As referred to in individual application reports

### **Contact Officers:**

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## **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.

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