



# ADUR DISTRICT COUNCIL

26 November 2021

Adur Planning Committee	
Date:	6 December 2021
Time:	7.00 pm
Venue:	QEII Room, Shoreham Centre, Shoreham-by-Sea

**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 3 December 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 2 December 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 8 November 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 - 46)**

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

### **7. Planning Appeals**

None to report.

### **8. Adur TPO 2 of 2021 - Southwick Cemetery Downsway Southwick (Pages 47 - 50)**

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

## **Part B - Not for publication - Exempt Information Reports**

None.

**Recording of this meeting**

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

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Katy McMullan Democratic Services Officer 01903 221006 <a href="mailto:katy.mcmullan@adur-worthing.gov.uk">katy.mcmullan@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  
6 December 2021

Agenda Item 6

Ward: ALL

Key Decision: No

### Report by the Director for Economy

#### Planning Applications

**1**

**Application Number:** AWDM/1732/21      **Recommendation – Approve**

**Site:** Seaside Primary School, Freshbrook Road, Lancing

**Proposal:** Construction of a new sports hall with dry changing rooms, sports storage, accessible WC, and plant room, open air-source heat pump enclosure, and minor modifications to the existing footpath.

**2**

**Application Number:** AWDM/1327/21      **Recommendation – Approve**

**Site:** The Schooner, 146 Albion Street, Southwick

**Proposal:** Change of use from public house to a single dwelling

**3**

**Application Number:** AWDM/1846/21      **Recommendation – Approve**

**Site:** 18 Southdown Road, Shoreham-By-Sea

**Proposal:** Proposed garden room. Application to vary Condition 1 (approved plans) and Condition 3 (materials) of approved AWDM/1761/20 to allow use of concrete cladding to garden room, insertion of window to south elevation and reversal of roof pitch

**4**

**Application Number: AWDM/1179/21 & Recommendation – Approve  
AWDM/1180/21**

**Site: 9 The Street, Shoreham-By-Sea, West Sussex**

**Proposal: Single storey building to south to provide a kitchen and bedroom with a shower room with glazed link to connect the new and existing buildings (planning permission and listed building consent)**

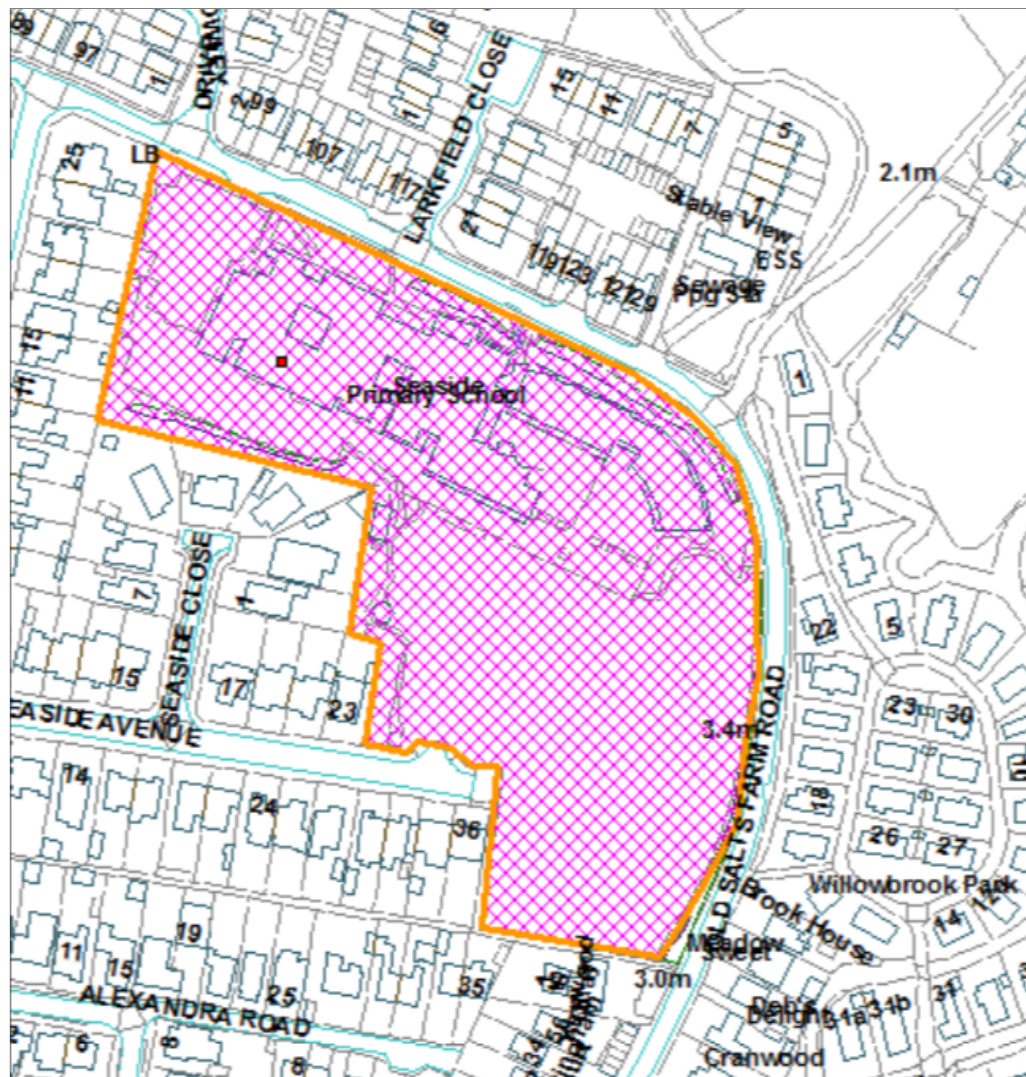
**5**

**Application Number: AWDM/1877/21 Recommendation – Approve**

**Site: Groundsman's Shed Lancing Manor, Manor Road, Lancing**

**Proposal: Change of use from groundsman's shed to workshop with storage area and quiet room for social, educational and recreational activities.**

Application Number:	AWDM/1732/21	Recommendation - Approve
Site:	Seaside Primary School, Freshbrook Road, Lancing	
Proposal:	Construction of a new sports hall with dry changing rooms, sports storage, accessible WC, and plant room, open air-source heat pump enclosure, and minor modifications to the existing footpath.	
Applicant:	New Horizons Academy Trust	Ward: Widewater
Agent:	Melissa Hitchcock - Burns Guthrie and Partners	
Case Officer:	Peter Barnett	



**Not to Scale**

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## Proposal, Site and Surroundings

The application relates to Seaside Primary School which has an entrance off Freshbrook Road but which also backs onto residential properties in Seaside Road, Seaside Close and Seaside Avenue. It is proposed to construct a sports hall on the school playing field close to the western boundary with Seaside Close. The playing field slopes down from west to east and the hall will be located on the higher ground to the west.

The Design and Access Statement sets out the background and reasoning behind the proposal. It states that there is an educational need for the facility. In 2014 the school was increased from a 2FE school of 420 to a 3FE school with up to a maximum of 630 pupils. The school has 21 classes of children who each need 2 hours of dedicated Physical Education a week as determined by the National Curriculum. In fine weather the pupils can use the playing field but during the Autumn and Spring Terms the provision for PE is greatly reduced due to inclement weather. The use of the school hall for PE is further affected by its use as a lunch hall.

The proposed hall will enable all pupils to have *“at least 2 hours of PE a week all year round and this will in other ways free up the hall space at certain times of the year for events such as school nativities and visiting curriculum providers, such as the Planetarium or Rainbow Theatre. It will not impact negatively on any of our existing sports pitches or tracks and will enable PE equipment to be stored near the activities that will take place on the school field.”*

The location for the hall has been selected as it is close to pupil circulation routes and the heart of the school, is a relatively ‘flat’ site which will make construction easier, an existing ramp access can be utilised and existing pitches on the playing field will not be adversely affected.

An alternative location was considered further east, at the bottom of the slope and closer to Old Salts Farm Road, but it was discounted due to sloping ground, with a fall of 1.25m across the site which would affect construction, a poor site shape would affect the building arrangement, it would be potentially more prominent and had less easy access for Junior School pupils and staff.

The building will provide a sports hall together with ancillary accommodation comprising foyer/lobby, accessible toilet, 2 dry changing rooms each for 15 pupils, a store for sports hall and outdoor activity equipment, a dedicated mat store and a plant room. Gross internal floor area is 284.6 square metres with the hall being 180 square metres. The D&A Statement sets out the design brief:

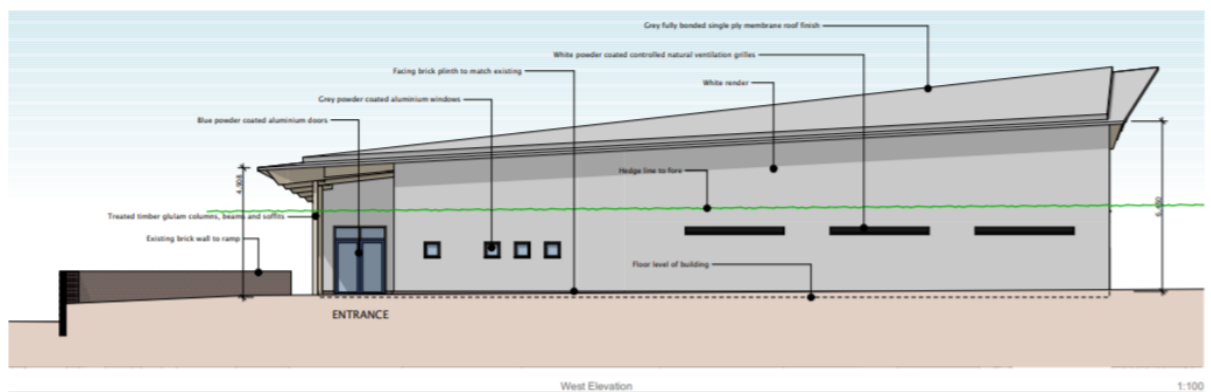
*“The client confirmed that the building should have a pitched roof rather than flat to obviate potential problems associated with flat roof construction. With a minimum height of 4.5m clear height required, this means that inevitably some elements of the roof will need to be higher to achieve roof falls. The form of the roof, with a diagonal arranged sloping ridge means that the highest point on the roof is at the south east corner, furthest away from neighbouring properties. However, in the light of concerns*



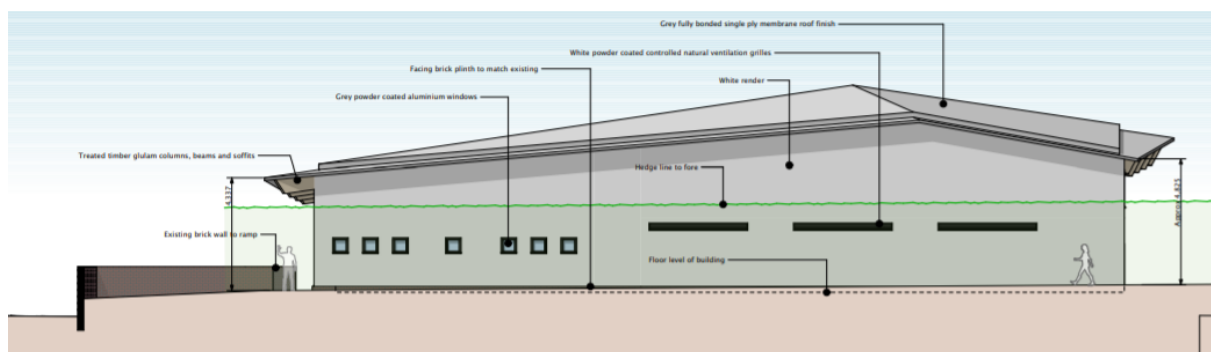
*by neighbours (at pre-planning stage), the design for this application has been changed. It has been possible to reduce the pitch on the ridge from 8 degrees to 6 degrees, pivoted about the 4.5m height at the north end of the sports hall. This has reduced the height at the highest point by approximately 1 metre and is now 8.7m above adjacent ground level."*

The application has been further amended following the initial round of public consultation in an attempt to address concerns raised.

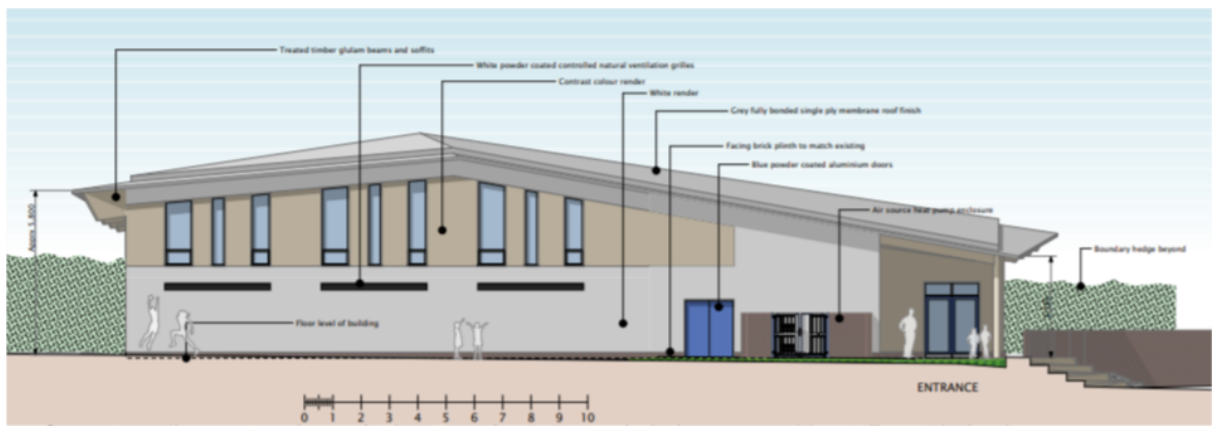
The entrance has been relocated to the east side of the building away from neighbouring residents, the building has been moved 2.5m further away from the western boundary and the roof design has been reconfigured so that it drops down at its southern end rather than continue to rise up to a high point.



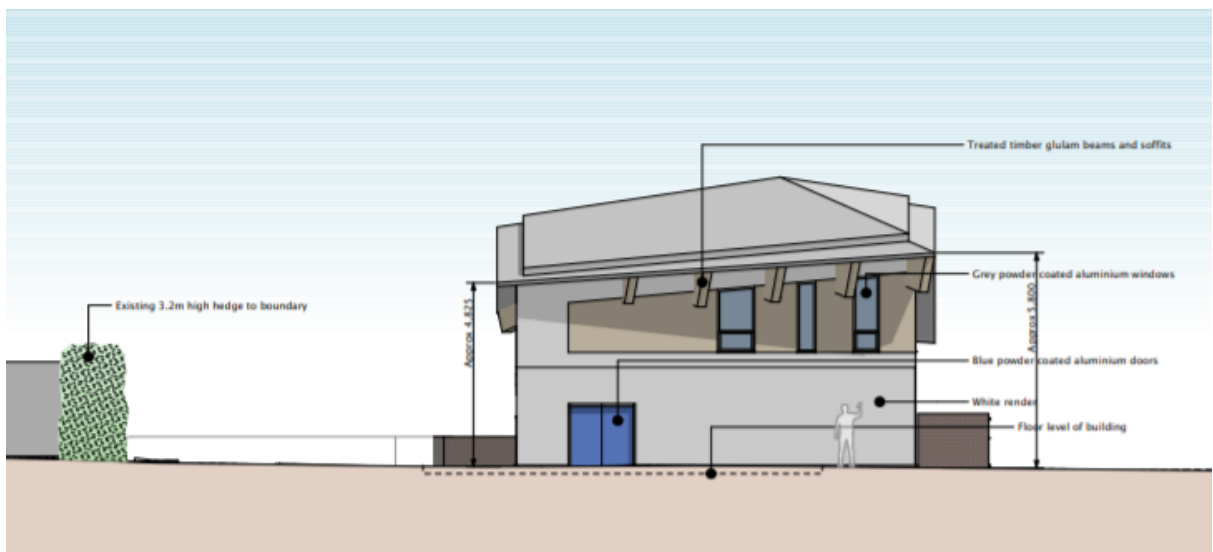
Original Plan West Elevation



Amended Plan West Elevation facing Seaside Close



East Elevation



South Elevation



## Site Plan

The building has an irregular roof shape and measures 7.7m high at its highest point, with an eaves height of 4.8m in the SW corner, 4.3m in the NW corner, 3.6m in the NE corner and 5.8m in the SE corner. It is 31m long and 10.7m wide. The original plans showed a building 30m long, 10.7m wide and 8.7m high.

With regard to its design, the D&A Statement states:

*“Design intent is to provide a building that is ‘light’ in appearance to reduce visual impact. Render has been used in a number of locations in the existing school extensions and this finish is proposed for this project. Roof material will be light grey membrane. The dynamic form of the roof is reflected in the incorporation of a contrast render panel which integrates the hall fenestration. Our objective in the design has been to create a quality interesting design in form and appearance. Facias, soffits and rainwater goods will be white. Windows and external doors will be double glazed aluminium. To mitigate intrusive impact the building ‘turns its back’ on adjacent residential properties. There are no windows that would be overlooking residences to the west, to ensure that privacy of adjacent rear gardens is maintained. The windows on the west elevation are restricted to small windows to one changing room and an accessible WC below the height of the boundary hedge. These provide natural ventilation only and all glazing to these windows will be obscure glass. Hall opening windows will be limited to the east and south elevations.”*

The application is supported by a Design and Access Statement, Flood Risk Assessment and Drainage Strategy, Noise Impact Assessment, Energy Statement and Indoor Environment Assessment.

The application has been called in by Cllr McGregor.

### **Relevant Planning History**

ADC/0159/07 Enlargement and re-modelling of school including extensions on east side and enlarged car park (WSCC Reg 3 application)

AWDM/1017/13 New single storey extension providing new teaching wing comprising 7 no. classrooms, 2 no. group rooms, and extension to the main hall and other ancillary works and accommodation.(West Sussex County Council Consultation)

### **Consultations**

**West Sussex County Council:** No objection from a transport/highways aspect subject to conditions requiring a Construction Management Plan. Comments that this proposal will not affect pupil numbers or staff levels. There are also no proposed changes to access or parking / servicing arrangements. Apart from the construction phase this development is not expected to attract any additional vehicular trip to or from the school access or on the highway network. The LHA would raise no objection to the application but would advise a Construction Management Plan is submitted to make sure safe and suitable access is adhered to throughout the construction phase. The Local Highway Authority (LHA) 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.

**Adur & Worthing Councils:** The **Environmental Health** officer has the following comments. A Noise Impact Assessment (Ref: 5343\_002R\_1-0\_JE dated August 2021) has been submitted in support of this application. This assessment considers the impact of noise from the air source heat pumps located to the east of the proposed sports hall and also noise break out from the hall when in use. I am satisfied that noise from the air source heat pumps should not affect amenity of the nearest noise sensitive properties, but I would recommend a condition limiting their hours of use to between 06:00hrs - 18:00hrs Monday - Friday. With no use during the weekends. I would also recommend that the units are mounted on anti-vibration mounts. To ensure compliance with the levels specified within the Noise Impact Assessment I would also recommend the following condition:

The cumulative noise level from the air source heat pumps hereby permitted shall comply with the levels specified within the Noise Impact Assessment ( Ref: 5343\_002R\_1-0\_JE dated August 2021). A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant shall be maintained in accordance with manufacturers 2 guidance and any future plant shall also meet the specified levels within the approved scheme.

With reference to the assessment of noise break out from the hall I would like some further information: Is there a reason why the louvres are positioned on this western facade? Could they be moved to a different facade further from noise sensitive

receptors? The assessment uses measured sound levels within a typical school swimming pool to represent activity noise levels within the hall. This is a reasonable basis to assess vocal noise. However, I assume that music will also be played within the hall, this has not been considered within the assessment. Please could this be considered?

**Subsequent Comments:** The consultant has confirmed that the noise assessment allows for a reasonable level of amplified music as well as vocal noise. The applicant has also confirmed that the sports hall will not be used for events or in general playing amplified music. I would like to set a maximum boundary noise level condition which will be easier for the school to monitor than a noise level at the facade of the nearest property. Please could the applicant provide the modelled noise break out from the hall so the level at the boundary with 2 Seaside Close can be confirmed?

It is noted that no response has been given for my query about the ventilation louvres. Could those on the western facade be moved to the southern facade to minimise noise break out along the western facade further?

The **Engineer:** Flood risk- The application is within flood zone 1, and is not shown to be in an area at risk of surface water flooding. We therefore have no objections on flood risk grounds. Surface water drainage- the application includes a surface water drainage strategy which indicates that it is proposed to discharge surface water to soakaway, this is acceptable in principle. It should be noted that there are no public surface water sewers in the vicinity. Surface water must not discharge to the foul sewer. If you are minded to approve the application we request that the drainage strategy/ FRA is NOT listed as approved, and that the standard drainage conditions are applied to ensure that flood risk is not increased elsewhere.

**Environment Agency:** No objection

**Sport England:** No objection

**Subsequent Comments:** We understand the proposed sports hall building has been moved slightly further to the east towards the grass playing pitches and the proposed entrance to the building has been reconfigured. Sport England is satisfied that the amendments do not result in a change that would cause us to alter our previous assessment. Therefore we do not object to the proposal as amended.

**West Sussex Fire and Rescue Service:** There is a requirement for an additional fire hydrant. Currently the nearest Hydrant to the proposed new sports hall is 260 metres away. The supply of water for firefighting for a commercial premises should be within 90 metres. Evidence will also be required to show that Fire Service vehicle access meets with requirements

**Lancing Parish Council:** Concerns were raised over the proposed location and height of the new sports hall by residents, along with the potential increase in noise and traffic associated with the use of the building. While there was support for schools offering a full range of facilities, it was felt this was a step too far in an already difficult location. These comments and concerns were supported by

## Members

**Comments on Amended Plans:** The council considers that the application has not altered significantly and reinforces its previous objection due to the overdevelopment of the site

## Representations

Original Plans: 19 letters of objection received from residents in Seaside Close, Seaside Road and Seaside Avenue plus objection from Cllr Ann Bridges (Widewater):

- Why does the building need to be so tall (8.75m) when it only needs to achieve an internal floor to ceiling height of 4.5m?
- A simpler roof form would result in a lower building
- Building will be substantially taller than adjacent bungalows
- Loss of amenity, privacy and light
- School has grown significantly over the years
- Alternative location identified by the school, closer to Freshbrook Road, would be better as it is further from residential properties, does not affect existing pitches, lower ground level would reduce visual impact
- Position identified is too close to dwellings and will encourage more traffic into cul de sac
- Existing hedges not owned by the school so cannot be relied upon to provide long term screen
- Building is too tall and too close to bungalows in Seaside Close
- Hall could be rented out in the evenings and at weekends causing noise disturbance and increased traffic congestion in Seaside Avenue
- Inconsiderate development
- Building out of proportion with its neighbours
- Why choose to site the building on the highest part of the school field and at the closest point to neighbours?
- Inaccurate noise assessment - a sports hall is far noisier than a swimming pool
- No guarantee that the hall will not be used by outside groups in the future
- Poor level of public consultation prior to this application being submitted including inaccurate and misleading plans
- Building is less than 22m from the rear of nearest bungalow (No.2 Seaside Close), contrary to Council's guidelines
- Entrance to hall should be moved to other side, away from residential boundary
- Building looks like an industrial warehouse
- A primary school doesn't need a hall of such height
- Why not site it where the tarmac playground of the Infant school currently exists?

Amended Plans: 14 letters of objection received

- Original objections remain as amended plans have not addressed original concerns

- Much lower roof could be achieved in order to gain 4.5m internal height
- Taller than surrounding properties
- Excessive height
- Height has increased at roof intersection
- Highest point directly in front of rear windows of 2 and 3 Seaside Close
- Out of keeping
- Increased traffic
- Building should be moved to eastern boundary
- Poor effort from school to liaise with neighbours about this proposal
- Residents' concerns have not been addressed
- Amendments do not go far enough
- Seaside Avenue should not be used for site access
- Moving building 2.5m eastwards now makes it more visible from Seaside Avenue
- Building has increased in length by 1m
- Why not sink it into the ground?
- Residents would not be allowed to extend their homes to this height
- Taller than existing school buildings
- More like a warehouse than a sports hall
- Could be moved further away and reduced in height

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

Adur Local Plan 2017 policies 15,18,19,33

Sustainable Energy SPD (August 2019)

Adur Planning and Climate Change Checklist (June 2021)

WSCC 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***

Policy 33 of the Adur Local Plan states that the Council will protect, and support improvements to, social and community facilities, including education facilities.

The proposed sports hall would meet an educational need and, as such, there is no

objection in principle to the proposal.

### ***Visual amenity***

The sports hall will sit close to the western boundary approximately 95m from Old Salts Farm Road. The ground level is higher at that point than the road but at the distance involved it is not considered that it would be unduly intrusive or dominant. Many of the objections from residents query why the building cannot be located on the lower ground, closer to the road and further from residential dwellings in Seaside Close and Seaside Avenue. The applicants have explained their reason for discounting that as an option which is set out earlier in this report. There is no doubt that a building positioned on the lower ground would have a much greater impact on the street scene due to its proximity to the road.

The building has a contemporary design with a roof shape which has been designed to rise up to its highest point above the sports hall but which is lower at each end, particularly at the north end where the building contains changing rooms, storage and plant which do not need as much floor ceiling to height as the main hall. The hall needs to be a minimum 4.5m high internally but the building rises to 7.7m tall at its highest point and this has been questioned in the objections as being unnecessary and excessively tall. It is the equivalent of a two storey house and is taller than the bungalows which abut the site to the east and south.

The amended roof design has attempted to reduce its impact by reaching a peak height towards the middle of the building and dropping down at either end, as opposed to continually rising to a peak at the southern end on the original plan. While it remains a relatively tall structure it is considered that its position close to the existing school buildings and set back from the road (both from Old Salts Farm Road and Seaside Avenue) reduces its impact sufficiently and it will not cause undue visual harm to the area.

### ***Residential amenity***

The main residents to be affected are those in the bungalows in Seaside Close to the west and Seaside Avenue to the south. As amended, the building is 12m from the western boundary and 6.7m from the southern boundary. 2 Seaside Close is the most affected being directly behind the proposed hall at a distance of approximately 18.9m from its ground floor extension and 27.6m from its upper floor dormer window. That property currently has a tall hedge along its boundary with the school which does provide a reasonable screen. It is outside of the applicant's control though and its retention cannot be secured by condition. The owner of 2 Seaside Close has suggested that he might wish to remove the hedge in the future but that would be their choice and the application should be assessed in the light of the existing site conditions.

At 18.9m, the building would be nearer than the 22m separation distance required for new homes. However, that distance is set to avoid harmful overlooking between properties, and if there is no conflict in that respect, then buildings are often located in closer proximity in the urban area. In this case the hall will have no windows other than at low level and these can be required to be obscure glazed. As such, no



harmful loss of privacy will occur.

At 18.9m the building will also not result in loss of light for the residents in Seaside Close as the hall does not fall within a 25 degree line measured from the nearest windows at No. 2. There would be no loss of outlook from ground floor windows at No.2 because of the existing hedge screen but at first floor outlook across the school playing field would be affected. As to what extent this could be considered to be harmful is the main consideration here.

The hall would be a long structure and would rise to a height of 7.7m. It will be a tall structure and the concerns of residents are understood. The alternative would be a flat roof or a domed or pitched roof. The applicants do not wish to have a flat roofed hall and the addition of a traditional pitch would result in a bulkier roof across its entire length.

There will be some reduction in outlook from the rear dormer windows of 2 Seaside Close but at 18.9m it is not considered that this would be to such an extent as to warrant refusal. The distance between the rear of 2 Seaside Close and the sports hall is considered sufficient to avoid a harmful overbearing impact on the occupiers of that bungalow.

To the south, 23 Seaside Avenue had previously directly faced the southern end of the building, where the roof was at its highest point, at a distance of approximately 19.5m. The amended plans have moved the building eastwards by 2.5m and lowered its height at the southern end, the result of which is to reduce the impact on the occupiers of No. 23 as they no longer directly face the end of the building as it is offset to the east. The lower roof reduces the mass of the building while high level openings will not result in overlooking. An emergency access door can be required by condition to remain closed except in emergencies, to prevent noise disturbance.

The main entrance has been relocated to the east side of the building, away from residential boundaries, and the building itself will provide a noise screen from the school playing field. Ventilation grilles are shown on the western elevation and the Council's Environmental Health Officer has queried whether these can be relocated to minimise noise breakout. The applicant's response is awaited.

Two air source heat pumps are proposed on the eastern side of the building (away from residential boundaries) which could potentially operate from as early as 06:00 hours and would typically operate during cooler months until approximately 18:00. The report states "*The plant room itself will contain low noise emission plant such as electric immersion heater, water storage vessel and control equipment; all of which will be enclosed behind louvered doors. For the purpose of this acoustic assessment, only noise arising from the operation of the ASHPs is being assessed, as these will be the only significant source of plant noise.*" the results of the noise assessment have found that the predicted plant sound emission levels are significantly below the background level and, as such, will not cause noise disturbance to nearby residents.

With regard to noise breakout from activities within the hall the report concludes that this "*would be low and would not have any more influence on the ambient acoustic*

*environment than the existing sports field already has.”* The applicant has also confirmed that the sports hall will not be used for events or playing amplified music and a maximum noise level at the boundary condition is proposed to be imposed by the EHO. Overall, noise from the hall is not expected to be harmful or cause a loss of amenity to residents.

On balance, it is considered that the amendments to alter the roof shape and the moving of the building further east are sufficient to overcome previous concerns and, while still a tall building at its highest point, overall the proposed sports hall is not considered to cause harm by way of noise, loss of light, outlook or privacy. As such, the proposal is considered to be acceptable in residential amenity terms.

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

Residents in Seaside Avenue in particular have expressed concern at increased traffic using the cul-de-sac and causing increased congestion and disturbance. However, the applicant has confirmed that the hall will serve existing pupils at the school and will not be used outside of school hours or offered to outside groups. As such, there are no changes to existing parking arrangements and the proposal will not generate any additional vehicular trips to or from the school access or on local roads.

The use of the building can be controlled by condition to protect residential amenity and, in the absence of an objection from the local highway authority, it is not considered that there are reasonable or sustainable reasons to refuse the application on traffic or highway grounds.

A Construction Management Plan shall be required by condition to ensure there are controls over site access and deliveries, hours of working, etc in the interests of minimising the impact on residents.

### ***Sustainability***

The building will have a sustainable design and will be energy and water efficient. A ‘fabric-first design approach will minimise heat loss while 2 air source heat pumps will provide a sustainable heat source, resulting in a reduction of 13.96% of CO2 emissions, in accordance with Policies 18 and 19 of the Local Plan.

### **Conclusion**

The concerns of residents are noted and the application has been amended to attempt to address those concerns, although it is evident that the concerns remain. However, your officers feel it difficult to justify a refusal on the amended scheme and when balanced against the clear benefits to the school that the facility will provide, it is considered the application can be supported.

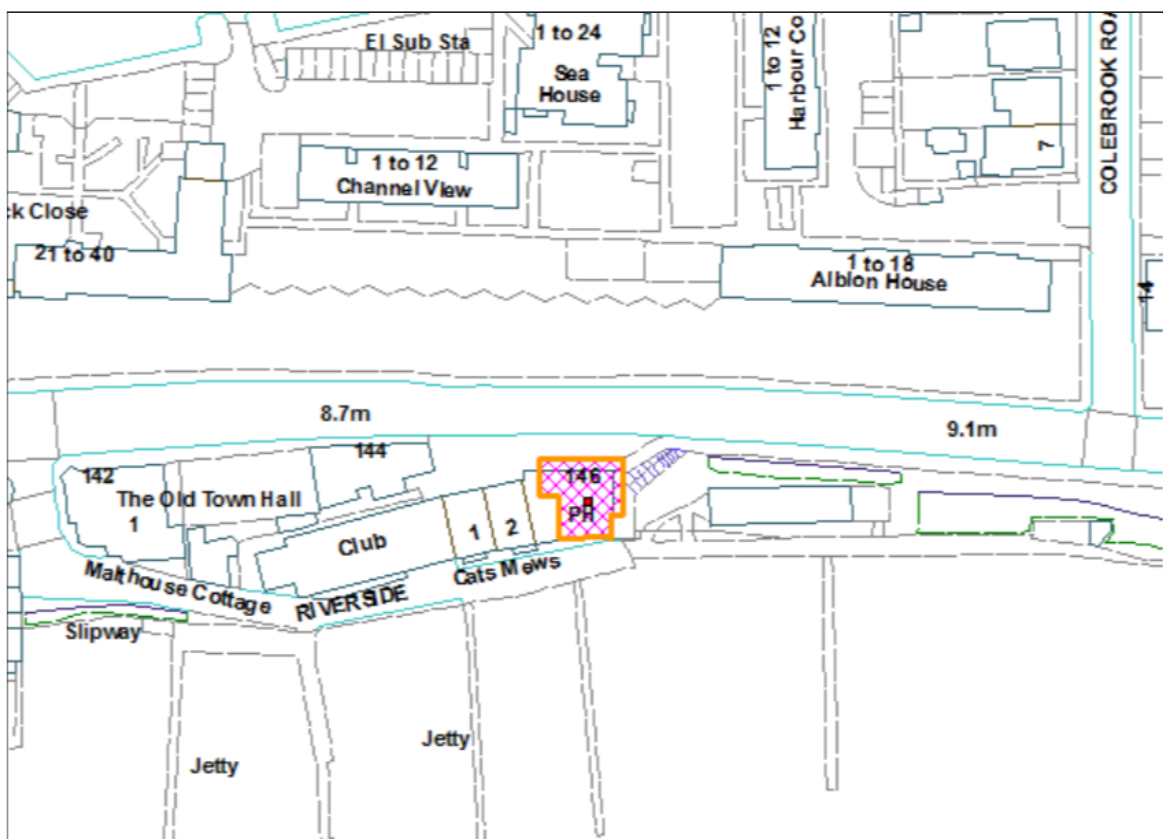
## **Recommendation**

### **Approve**

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

1. Approved Plans
2. Standard Time Limit
3. Construction Management Plan
4. The sports hall hereby approved shall not be used outside of the hours of 7.30am -6pm Monday to Friday during school term time.
5. The development shall be carried out in full accordance with the Noise Impact Assessment by Anderson Acoustics dated November 2021
6. Drainage 1
7. Drainage 2
8. Materials
9. No external lighting or floodlighting shall be installed except in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
10. The development shall be carried out in full accordance with the Energy Statement by Delta Green dated 28th July 2021
11. The windows in the west elevation of the building hereby permitted shall at all times be glazed with obscured glass.
12. The door in the south elevation of the building hereby permitted shall remain closed except in emergencies and shall not be used for general access or ventilation.
13. Fire hydrant to be provided

Application Number:	AWDM/1327/21	Recommendation - Approve
Site:	The Schooner, 146 Albion Street, Southwick	
Proposal:	Change of use from public house to a single dwelling	
Applicant:	Mr Stephen McWilliams	Ward: Eastbrook
Agent:	Mr Rex Adams	
Case Officer:	Peter Barnett	



**Not to Scale**

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### Proposal, Site and Surroundings

The Schooner Pub sits on the south side of the A259 overlooking the Lady Bee Marina and Shoreham Harbour, within the Southwick Riverside Conservation Area. It is 4 storeys high, there being a sharp drop in levels between the road and the Harbourside below. There are pedestrian steps to the east of the pub. The ground (entrance level), lower ground and basement levels are all associated with the public house. The first floor provides residential accommodation for the current owners (the applicants).

It is proposed to convert the entire building into a single dwelling for use by the applicant's family. No external alterations are proposed. The proposed floor plan shows a gym and storage room in the basement, a lounge, TV room and small shower room on the lower ground floor, main living area to include 2 bedrooms, kitchen and dining spaces on the ground floor, and 4 bedrooms on the first floor.

The application is supported by a statement which explains that it is no longer viable to run the building as a pub. It states:

*"The applicants have owned the property since 2014. Despite investing large sums of money, the public house has struggled to make a profit and in fact has made substantial losses which would have been worse had the applicants taken anything other than a basic income from the business. This is substantiated by a letter from the applicant's accountants, appended to this statement. The public house ran as a restaurant/pub providing 100 covers. However, there are only seven on-site car parking spaces making visiting from outside the locale a problem. The location of the public house, on the south side of the busy A259 trunk road with its narrow footpath and limited crossing, lack of outside seating away from the road and no children's play area, made it a somewhat unsafe and undesirable destination for the community of Southwick and Portslade. The applicants, in an attempt to raise the profile and increase sales, outsourced the hospitality marketing aspect to a specialist company. These included daily meal deals and entertainment evenings. Unfortunately, these were rewarded with limited support by the community."*

The pub has been closed since the start of the Covid pandemic in March 2020. The statement points out that there are 5 alternative establishments within a 1 mile radius of the Schooner and that the community will therefore continue to be well served should this pub close.

## **Consultations**

**West Sussex County Council: Highways:** The proposed use as a single dwelling would be considered less intensive in vehicular terms compared to that of a public house with a flat above. Therefore, in principle the proposal would be considered acceptable in highways terms. The application form details that 4 car parking spaces will be retained. These have not been demonstrated with any clarity on the proposed plans. Any existing adjacent parking also seems to be outside the red edge on the location and block plan. The Local Planning Authority and Applicant should be aware that WSCC is currently in the process of undertaking a feasibility design study for a cycle scheme that passes in front of the site. While it does not appear that the proposed works will affect these potential future works it is difficult to be certain of this without the proposed parking arrangements being clearly demonstrated. The dwelling should be afforded a secure and covered cycle parking provision in the interest of sustainability. Details of which can be secured via condition if not provided prior to determination. It would be requested that clarification over the proposed car parking arrangements are provided prior to determination. Please raise with the applicant and re-consult.

**Adur & Worthing Councils:** The **Environmental Health** officer (Private Sector Housing): No objections on PSH grounds in principle, but the ground floor bedrooms can only be accessed through the open plan kitchen/living space and so they are inner rooms. The risk can be mitigated by ensuring that the bedroom windows comply with fire escape window requirements.

**Public Health:** We are going to need an acoustic assessment and noise mitigation scheme for this development.

The **Engineer:** Flood risk- The application is directly adjacent to an area in flood zone 3. It would be good to know floor levels relative to ordnance datum to be able to provide any meaningful comments on flood risk. Surface water drainage- the application includes no/minor increase in impermeable area. Due to the scale and location of development we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

**Planning Policy (initial comments):** The applicant states that the location of the public house is “unsafe and undesirable” due to being on the south side of the A259 with “limited crossing”, and inaccessible due to the lack of parking. The site is 120m from the crossing at the Station Road junction and is around 250m from Southwick railway station. It is not, therefore, considered that these arguments are valid. The proposed development does not comply with national and local planning policies.

- The proposal would result in the loss of a community facility
- The applicant has not provided evidence to demonstrate that there is no demand for the public house in the area
- The applicant has not provided evidence that the public house has been marketed for a reasonable period of time
- The applicant has provided a list of food and drink venues. However it has not been demonstrated that there is alternative provision available locally that is accessible, and at least equivalent in terms of quality.

As such, there is a policy objection to this proposal on the basis of Policy 33 of the Adur Local Plan 2017.

**Subsequent Comments following receipt of applicant’s report on alternative local provision:** We would accept that the applicant has provided sufficient evidence of alternative local provision, and the proposal is therefore compliant with Policy 33.

**Adur District Conservation Advisory Group:** Approve

**Shoreham Port Authority:** The Schooner Inn stands at the edge of Lady Bee Marina and faces the port canal, the approach to the lock gates and operational terminals on the south side of the canal. This is a very active location at the heart of a busy operational port. Despite our efforts to be a good neighbour to existing residential communities, the running of a port does create disturbance, making this an inappropriate location for the expansion of residential unit numbers. The location is also a focus for strategic employment growth and the development of port leisure

uses in the Joint Area Action Plan. Conversion of the pub into a residential unit would increase the residential population. Furthermore, permission gives the opportunity for use of the building as an HMO or for future conversion into flats. We therefore object to this application.

**HSE:** Do not advise against

## **Representations**

11 letters of objection received, including from CAMRA:

- There are so few pubs left in Southwick
- It is the only quality historic pub left
- Work appears to have already started
- Schooner has always been popular
- Contrary to planning policy
- There has been no meaningful marketing of the Schooner as a going concern - it has never reopened in a meaningful way after lockdown so it cannot be shown that the pub is not viable.
- The pub was under consideration by the CAMRA Committee for inclusion in the 2022 Good Beer Guide - there are no pubs of equivalent quality in the vicinity
- The conversion provides no social and community facility.
- Lower ground floor had already been closed off, reducing usable floorspace
- The pub is important historically and part of Southwick's heritage
- It has architectural merit
- A change of ownership would enable it to be relaunched
- No public benefit to conversion to a private dwelling
- If current owners cannot afford to run the pub then the opportunity to do so should be given to someone else
- Incomparable location
- Twin bars, Victorian interiors are unique
- Bicentenary of the pub is next year (2022)
- Pub is integral to the port and harbour
- Lack of parking to serve a dwelling

Letter of objection received from the **Southwick Society**:

1. The Schooner is almost 200 years old and has been a well used and locally valued public house for all that time, other than when the current owners have chosen to keep it closed.
2. The building is an important part of the local community, the local historic heritage and the character of the conservation area in Southwick.
3. Change of use would result in the loss of an important local community facility, public house and meeting place.
4. It is understood that paragraph 84 of the National Planning Policy Framework states that planning decisions should enable the retention and development of accessible local services and community facilities such as meeting places and public houses.
5. It is also understood that policy 33 of the Adur Local Plan 2017 states, amongst other things, that development which would result in the loss of existing social or

community facilities will only be permitted where, It can be shown that there is no demand for the facility within the area and the premises have been marketed for a reasonable period of time, or There is alternative provision available locally that is accessible and at least equivalent in terms of quality, or The proposed development would provide an alternative social and community facility.

6. We would refute the applicant's assertion that the location of the pub is "unsafe and undesirable" because of its position on the south side of the A259 and with "limited crossing" and lack of parking. The pub is only a very short distance from the controlled crossing at Station Road and it is possible to park cars nearby. There are pubs and restaurants on the south side of the A259 in Shoreham and these appear to trade successfully, there is no evidence that people are unwilling to cross the road.

7. In our opinion the proposal would result in the loss of a community facility.

8. We do not believe that the applicant has demonstrated that there is no local demand for a public house. Nor are we aware of any evidence that the pub has been marketed for a reasonable time.

9. In our opinion there is no reasonable equivalent accessible, alternative provision which is equivalent in quality available in the area. We do not accept that the venues quoted constitute an acceptable alternative.

For all these reasons we submit that the proposal does not comply with relevant national and local planning policies and should therefore be refused.

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

Adur Local Plan 2017 Policy 12, 15, 17, 18, 20, 33

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

Southwick Conservation Area Character Appraisal and Management Strategy (2009)

Sustainable Energy SPD (August 2019)

Shoreham Harbour Joint Area Action Plan 2019 Policies SH1, SH4, SH5, SH9, CA5

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 most relevant policy in the determination of the application is policy 33 of the Adur Local Plan states:

*“The Council will protect, and support improvements to, social and community facilities. Development which would result in the loss of existing social or community facilities will only be permitted where:*

*It can be demonstrated there is no demand for the facility within the area and the premises have been marketed for a reasonable period of time;*

*or*

*There is alternative provision available locally that is accessible, and at least equivalent in terms of quality;*

*or*

*The proposed development would provide an alternative social and community facility.”*

The policy requires only one of the three criteria to be met before a community facility can be lost as it states “or” rather than “and” after each criterion.

The applicant was asked to provide further information in support of the application and he has submitted a more detailed background statement plus a report on alternative local provision.

The background statement is detailed and explains that the applicant is the 8th landlord in 12 years at the pub. The pub was marketed for a significant period of time by Fleurets in 2013 and the applicant was the only interested party that put a bid in that intended to continue to run it as a pub. It is explained that they have *“invested a huge amount of time, energy and money into reinstalling a working commercial kitchen, offering a daily kitchen service and relaunching the pub entirely. This required significant initial investment particularly setting up the kitchen, redecorating, relaunching the business and hiring a full team of staff.”* Unfortunately, in the 8 years since taking over, the pub has run at a loss. In 2018 approximately £25,000 was invested into a business relaunch, including working with a specialist pub and restaurant marketing consultancy firm who helped create a new website, and *“managed Google ads and analytics driven activities, weekly email campaigns, tailored social media content, a loyalty scheme, events, special theme nights and promotions. In addition to the specialist venue marketers, we also regularly advertised in local publications, delivered leaflets to 2,500 homes in the Southwick vicinity, advertised on multiple large AO posters outside the pub with daily promotions. We also enlisted local specialist company “Restaurants Brighton” to promote our venue across Sussex since 2015.”*

Despite such investment and meal offers and other activity themed nights, it is stated the pub has remained quiet with few diners or drinkers.

The applicant argues that the pub “is too remote from the community” being cut-off by the A259. The pub has no outside drinking space and a lack of parking.

To support residential use of the building the applicant has advised that they would look to *“utilise the existing large terrace at the front of the building facing the A259, by securely but discreetly fencing it off to ensure safety and would include hedges & plantation that absorb noise and pollution from the road.”*

They would also consider installing a balcony facing the waterside on the ground level of the building and/or lower ground level and/or *“modifying the existing flat roof space accessed from the first floor to make a terrace/balcony enclosed by panelling to ensure safety”* or *“modifying the “lean to”/sunroom extension on the East of the ground floor level to make it a balcony in keeping with other balconies at Cat Mews.”*

The applicant has confirmed that no recent marketing has taken place and that they are opposed to carrying it out. They consider that the high turnover of landlords and challenges of the site mean that it is not a viable business location and they *“would not wish to put another person(s) in this predicament for their efforts to fail and lose savings/get into debt. It is more than likely that within time the tenants would be unable to meet the rental commitments and renege on payments and we would have to seize the building back and return to the same situation.”* The cost of marketing is also prohibitive.

They also advise that their growing family has lived at the site for 8 years and is very settled in the community. They are concerned that *“In order to market this particular pub and generate interest post-COVID it would require a lease with very unfavourable terms of no premium, a significant rent-free period, less annual rental income across the full term and more than that the deposit would be reduced. Ultimately this would be making us homeless as we would have to move out of our existing family home above the pub to allow new landlords to move in. We simply don’t have the funds to finance such a move and a tenant agreement wouldn’t provide that.”*

They have also provided a report outlining the alternative provision available locally. These are the New Port Arms at the Lady Bee Marina, The Cricketers on the Green, Southwick Beer Engine at Southwick Square, The Ship Inn on Southwick Street and The Romans on Manor Hall Road. There are also licensed restaurants at La Tavola, Carats Cafe, Rajah Indian restaurant and The Port Kitchen (due to open in Spring 2022).

The Schooner sits in a prominent location on the edge of the Conservation Area overlooking the Marina and the sea. It is identified in the Southwick Conservation Area Character Appraisal and Management Strategy as a building which makes a positive contribution to the area and is an attractive landmark building on the edge of the Conservation Area. It is one of just three buildings which front Albion Street that remain of what was the major shopping and service corridor in the 19th and early 20th century. These factors would appear to make the pub quite unique in local interest terms but given the policy requirements of policy 33, your officers consider on balance it may be difficult to argue at appeal that it provides a markedly different food and drink offer to other pubs in the area, most notably, the nearby New Port Arms occupies a similar Harbourside location and is considered to have a similar quality to the Schooner.

Using the New Port Arms as an example of nearby alternative provision does lessen the applicant's argument that the location of the premises prevents the potential successful operation of a public house in this location, nor has the applicant's assertion been tested via a marketing exercise, however as stated above this is not a requirement of the adopted policy in the Local Plan.

Together with the other pubs within walking distance it is considered that there is alternative provision available locally that is accessible, and at least equivalent in terms of quality, and that, on balance, the requirements of Policy 33 have been satisfied.

### ***Residential amenity - for proposed dwelling***

The conversion of the pub to a 6 bedroom single dwelling over 4 floors with no garden is not the most efficient alternative use of the building. However, if the principle of the loss of the pub is accepted then there is no policy objection to its conversion to a single dwelling. The lack of outdoor space does conflict with Development Management Standard No.1 'Space Around New Dwellings and Flats'. The applicant has stated that the front deck would serve as an outdoor space but this sits close to the A259 and would not be an ideal location for a private, quiet garden space. The applicant has referred to erecting a fence screen but it is not considered that this would be desirable in visual terms. The alternative suggestions of providing balconies/terraces at the side/rear are noted and this is a possibility. However, there are also visual impact considerations for the building and the Conservation Area and, as no details have been provided as part of this application, this has not been considered further. It is recommended that permitted development rights are removed to enable control to be exercised over future changes to the building.

The site is in close proximity to the beach (accessible over the lock gates close by to the west) and Southwick Green so there are opportunities to enjoy open space close to the development. Converting an existing building does not always provide opportunities to comply with external amenity standards and it is considered that, overall, the development will result in an acceptable standard of amenity for future residents.

The proximity of the building to the A259 and port also has noise implications and, notwithstanding that the first floor is already in residential use, a noise assessment will be required, as requested by Public Health. This can be secured by condition. It should be noted that there are existing dwellings within this Riverside location, including Catts Mews and Malthouse Cottage. Permission has also recently been granted to convert the Old Town Hall into flats. The recently approved development immediately to the east on the site of the former Nautical Training Corps building is for uses which can be carried out in a residential area without detriment to its amenity (formerly B1, now E(g) and storage B8)). Conflict with Port uses is not a concern therefore.

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

The application advises that 4 car parking spaces will be retained but these have not been demonstrated with any clarity on the proposed plans and further detail has been requested. Members will be updated at the meeting.

The site does lie in a sustainable location, close to bus stops and a railway station, and there is space for bicycle storage within the building.

### ***Flood Risk***

The site lies adjacent to, but outside of, Flood Zone 3. The proposed floor plans show no sleeping accommodation in the basement or lower ground floor and there are no flood risk concerns as a result.

### **Conclusion**

This is evidently a balanced case and often applications for pub closures pass with little public response which is not the case in this instance. Certainly, the loss of this pub would appear to have a greater impact than others that have been lost in the town in the past. While it is not considered to have been proven that there is no demand for a pub in this location, this is not a requirement of the relevant planning policy in the Local Plan which instead requires suitable alternative provision to be demonstrated. In this respect, the proximity of the New Port Arms, which offers a similarly unique experience as The Schooner did previously, can be taken to provide such suitable provision and on balance the application can therefore be supported.

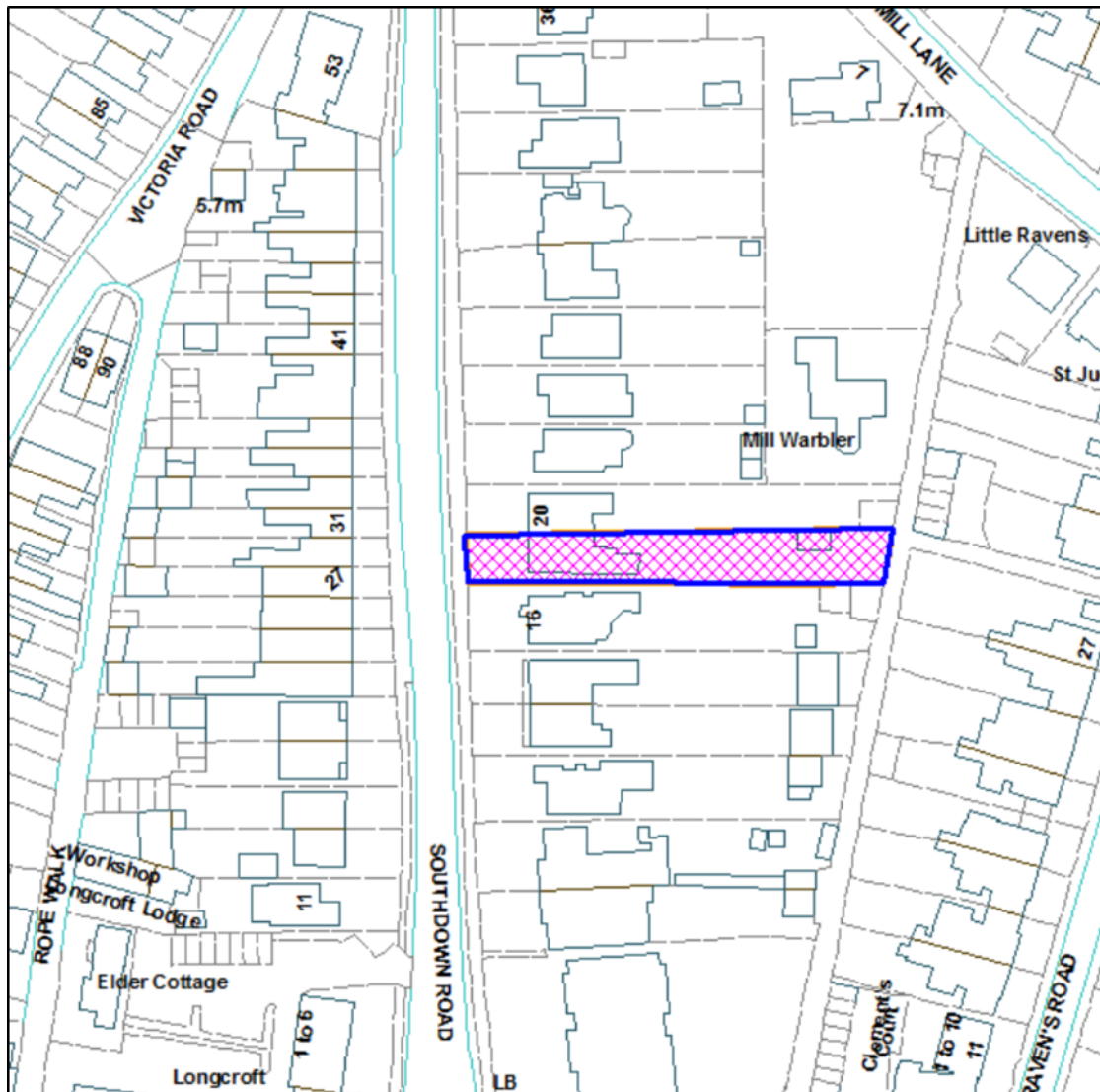
### **Recommendation**

#### **Approve**

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

1. Approved Plans
2. Standard time limit
3. Removal of PD rights Part 1 Class A-D, Part 2 Class A, Part 3 Class L
4. No sleeping accommodation in basement or lower ground floor
5. Noise assessment prior to commencement and mitigation to be implemented prior to occupation

Application Number:	AWDM/1846/21	Recommendation - Approve
Site:	18 Southdown Road, Shoreham-By-Sea	
Proposal:	Proposed garden room. Application to vary Condition 1 (approved plans) and Condition 3 (materials) of approved AWDM/1761/20 to allow use of concrete cladding to garden room, insertion of window to south elevation and reversal of roof pitch	
Applicant:	Mr Anthony Rathbone	Ward: St Nicolas
Agent:		
Case Officer:	Eve Hearsey	



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## **Proposal, Site and Surroundings**

18 Southdown Road, Shoreham is a semi-detached dwelling and has a long rear garden measuring some 9.5m wide x 45m in length from the rear of the dwelling to the rear boundary. The garden room, the subject of this application, is positioned some 28m from the rear of the dwelling and 10m from the rear boundary.

There is a rear vehicular access behind the properties in Southdown Road and Raven's Road, which is accessed from gaps off Raven's Road together with Mill Lane to the north. The access is a private access and mainly unmade up, and measures approx. 3.5m wide along its main length.

The proposal is to amend the previous approval for the garden room by using a change of external cladding; provide an additional window in the south elevation; and to alter the pitch of the roof from having the fall to be onto the rear garden of the application site in lieu of onto the neighbouring property no. 20.

The site is within the Shoreham Conservation Area.

## **Relevant Planning History**

SU/10/89/TP/OA: Outline application for a proposed dwelling – refused and appeal dismissed

SU/195/89/TP/OA Outline application for erection of a cottage to rear – refused and appeal dismissed

AWDM/0810/13 Demolish existing garage and construct a single storey replacement building to be used as a 1 bedroom holiday let – refusal and appeal dismissed

AWDM/1761/20 Proposed garden room

## **Consultations**

**Adur District Conservation Advisory Group:** After careful consideration the only point raised by members was re the external cladding, i.e. the concrete panel alternative gives a far less attractive finish than that already existing despite using the same colour. As this will not impact on the street scene we recommend Approve

**WSCC Highways:** The revision has no highway implications and therefore no highway concerns would be raised to this application.

## **Representations**

Letter of support 16 Southdown Road:

The building as it stands looks more than acceptable. Its construction is neat and well-built and in our opinion adds to the outlook in the area. It is considerably better

to look at than some of the other dilapidated structures in other rear gardens and adds a new vibrancy to the view.

Letter of objection 22 Southdown Road:

- Does not enhance the Conservation Area
- The building has been allowed to go ahead despite being too tall
- The building was supposed to have been clad in natural timber and is now clad in a plastic cement shiplap with plastic windows despite not yet having permission to do so
- I understand it is encroaching onto neighbours land
- I understand that the north boundary wall has been upgraded with fire resisting materials
- Why is there no mention of the fire separation in any previous correspondence
- The previous report states that the garden room will not be higher than 2.5m
- The previous report states the cladding would be Siberian Larch
- The building is constructed off a concrete raft which is considerably higher than that which was approved
- The cladding is now cement plastic cladding which adversely affects the visual amenities, the character and appearance of the Conservation Area
- The proposal is contrary to County and Regional Policies
- If the current application was presented to Planning Committee they would not have approved it
- Why and how have you not corrected this planning anomaly

Letter of objection 20 Southdown Road:

- The application of variations is a concern as it is virtually complete
- The changes already made make a mockery of the Planning process
- I assume the radical changes should go before the Planning Committee before the work changes are made
- Fibre cement concrete cladding is already on 3 of the 4 walls
- The window to the south elevation is already in place
- The reversal of the roof pitch is also in place
- No objection to the roof pitch, but do object to the height of the roof from our side being substantially higher than it was before by at least 229mm
- The new concrete base is higher than before
- The new build height should be reduced by 229 – 305mm or moved away from the boundary by 1m
- Variations are a charade
- Contrary to policies
- Previous decision ignored
- Considerable noise and disturbance from the build
- Design and appearance not in keeping with Conservation Area
- Materials
- Loss of privacy from the build
- Loss of light from the new height
- Asked applicant to lay the cladding vertically on our side instead of horizontally, they were only willing to do this if we foot the bill for the new materials and the planning application

- Request my emails and letter are put before the Planning Committee
- Require specific answers to points raised

Letter of representation 25 Ravens Road:

We have no objection to the application other than it could possibly be the forerunner of an application for a change of use to residential accommodation, to which we would object.

We have read the applicants' letter and it would seem most unusual for them not to have realised that the garden room was to be clad in Siberian Larch.

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

Adur Local Plan: Policies 1,15,17

'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings'

National Planning Policy Framework (HCLG 2019)

National Planning Practice Guidance (CLG)

### **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.

Section 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

### **Planning Assessment**

#### **Principle**

The proposal involves new development within the built up area and is therefore acceptable in principle subject to there being no harm to the visual and residential amenities of the locality, including the designated Conservation Area.

Condition 1 of the previous permission required that the development be carried out in accordance with the approved plans

Subsequent to the earlier permission, an additional window has been added into the south elevation of the outbuilding. This window faces onto the garden of the



application site, and will not have any material effect onto the neighbouring property to the south given the over 30m distance from the house at no. 20 to the outbuilding, together with the over 6m separation from the side elevation of the structure to the boundary with no. 20.

The second alteration is the reversal of the roof pitch, namely to allow the fall to be to the applicants land in lieu of onto the neighbouring land. The change has meant that the height of the structure at the boundary with no. 20 will be some 10cm higher than the height of the structure to the garden side of no. 18.

This change of height is considered to be negligible and thereby will not materially impact onto the existing residential amenities of no. 20 by way of any significant loss of light or the creation of any material overshadowing onto that property.

Condition 3 of the previous permission required the external materials and finishes of the development to be in accordance with the application unless otherwise approved in writing by the Local Planning Authority.

The external materials have been changed from the approved Siberian Larch cladding to 'Hardie Plank Soft Green'. The composition of the cladding is shown on their site as being 'Portland cement, sand, cellulose fibre, water, selected additives.'

The material used has a different look to it than Siberian Larch, but it is being used on an outbuilding which is sited more than 28m from the application dwelling, and more than 30m from those raising concerns to the alterations, plus it is a rear garden and thereby will have no material effect on the character or the appearance of the Shoreham Conservation Area or the existing visual amenities of the neighbouring properties.

Members are also requested to note that the previous report for the garden room AWDM/1761/20, which went to Planning Committee in February 2021, stated that the height would be 2.5m, whereas the actual the height proposed was 2.631m (with the width being 5m and the length 6.150m).

The garden room has been constructed at 2.6m in height and thereby conforms to the approved plans. While the concerns of the neighbours who were under the impression that the building would be 2.5m in height is understandable, the difference between the respective heights is some 10cm and is not considered material in planning terms particularly given the distance of over 30m from the dwelling at no. 20 to the garden room. Accordingly, there would be no justification to refuse planning permission on this basis.

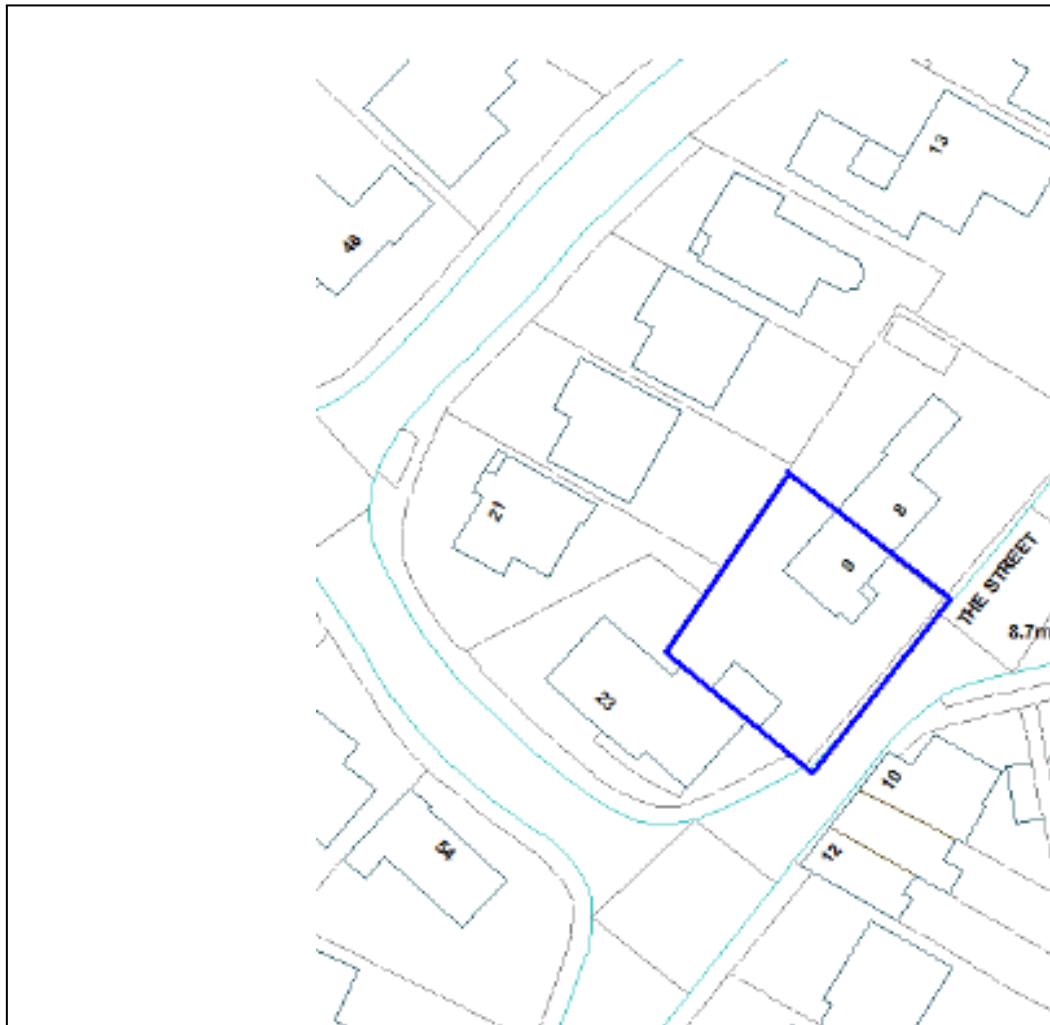
The proposal is therefore considered to be acceptable.

## **Recommendation**

**APPROVE** subject to the following conditions:-

1. Approved plans
2. Building to be used ancillary to the main dwelling and for no other purpose
3. No windows facing no. 20

<b>Application Numbers:</b>	<b>AWDM/1179/21 &amp; AWDM/1180/21</b>	<b>Recommendation - APPROVE</b>
<b>Site:</b>	<b>9 The Street, Shoreham-By-Sea, West Sussex</b>	
<b>Proposal:</b>	<b>Single storey building to south to provide a kitchen and bedroom with a shower room with glazed link to connect the new and existing buildings (planning permission and listed building consent)</b>	
<b>Applicant:</b>	<b>Mr and Mrs Doran</b>	<b>Ward: St Nicolas</b>
<b>Agent:</b>	<b>James Breckell Architects</b>	
<b>Case Officer:</b>	<b>Hannah Barker</b>	



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## **Proposal, Site and Surroundings**

The application site is a Grade II Listed Building which is semi detached and forms half of a thatched cottage which was originally a single property. The main amenity space is to the side on the south side of the building with a shallow section of land to the rear and garden space to the front. The front porch is a later addition to the building.

Ground level reduces from north to south and there is a detached, pitched roof garage building at lower ground level on the southern boundary with parking to the front. The site is located within the Conservation Area and is mainly surrounded by modern style dwellings built in the 1970s, 1930s style properties are to the east. Properties in Lesser Foxholes are directly to the rear with 23 Lesser Foxholes to the south bordering the rear/side boundary of the site.

Planning permission and listed building consent is sought here for a single storey extension to the southern side of the Listed cottage to be connected with a glazed link.

As originally submitted, the proposal showed a single storey extension to the side with the glazed link to the south side of the front porch linking a single storey extension which was set forward of the main cottage, set behind the existing front boundary hedge. The extension provided a kitchen, bedroom and shower room. Officers could not support this original proposal due to the detrimental impact upon the character and appearance of the listed building, the set forward of the extension in close proximity to the host building was considered to be harmful and overly dominant in terms of the architectural and historical character and significance of the building. Following discussions with the case officer and the Council's Architectural and Heritage Advisor amended plans have been submitted which are for consideration here.

The amended plans show the extension set back within the site behind the front elevation of the cottage with the glazed link leading from the existing side entrance of the cottage. The link is greater in width giving a greater separation between the cottage and the extension. The provision remains for a bedroom, shower room and kitchen. The existing garage to the south of the site is to be removed as part of this proposal with the footprint being used to form a shower room and store. The footprint of the building steps in along the southern side/rear boundary. The building is to be of brick and flint construction with a tiled roof. The applicant's agent has submitted a Heritage Statement and Design and Access Statement to accompany the application.

The attached Cottage No. 8 The Street, Hunters Moon has recently completed a link extension similar in principle to that proposed here. (AWDM/0676/19 and AWDM/0677/19, LBC)

## **Consultations**

**Adur District Conservation Advisory Group:** - Comments on the original application - APPROVE.

**Adur and Worthing Councils:** - Conservation and Design Architect: - Comments in relation to the original submission - I am not convinced that the extent of further living accommodation being sought by the applicants can be accommodated within the curtilage without harm to the setting of the listed building.

Comments in relation to revised plans: The revised scheme relates more sympathetically to the listed building and the set back is necessary here with the increased glazed link. Details in relation to materials and construction will need to be conditioned including bricks, mortar, windows and external doors, clay tiles, soffits and fascias and glazed link.

## **Representations**

Comments received in relation to the original submission:

3 letters of objection received on the following grounds:

- Consideration of impact upon visual setting of listed building.
- The extension should be behind the line of the existing cottage.
- Errors in Design and Access Statement.
- Reliance on the hedge which could die and be removed.
- Should consider other options as set out in D and A Statement.
- Negative impact upon Listed Building and Conservation Area.
- No objection to principle but will affect the historical character of the area irreversibly. Consideration should be given to other options.
- Properties share sewage and water services and no foundations so this should be taken into consideration.
- The property is older than commonly appreciated.

2 letters of support received from owner/occupier of 54 and 23 Lesser Foxholes on the following grounds:

- Pleasing development which is complementary.
- Creates additional living space without impacting the cottage.
- This will allow cottages to remain occupied and maintained.
- High quality plan extension will not be noticeable from any direction.
- The style and materials complement the existing building.
- Will result in improvement to the area.

Comments received in relation to the amended submission: -

2 letters of support received on the following grounds:

- The amended proposal addresses our concerns about the impact of the setting on the listed building. The hedge on the southern and western boundaries should be protected.
- The position of the new annex addresses our previous concerns about the frontage of the listed property and impact on the Conservation Area.

2 letters of objection received from the owner/occupier of no. 23 Lesser Foxholes:

- The documents are inconsistent and amended plans and original plans need to be read together. Documents should be made clear when put before the Council decision making body.
- The proposed extension would be an imposing presence next to our rear garden.
- Loss of early to mid morning light.
- Believe to be contrary to the Rights to Light Act 1959.
- Living area would be very close to the boundary fence and to allow our entire rear garden to be viewed, loss of privacy.
- Too close to the boundary.
- Hedge not as high as the roof.
- Extension size doubles the living space at the property.

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

Adur Local Plan 2017 Policy 15, 16 ,17

'Supplementary Planning Guidance' comprising: Development Management Standard; No.2 'Extensions and Alterations to Dwellings'

Sustainable Energy SPD (August 2019)

Shoreham by Sea Conservation Area Character Appraisal & Management Strategy (ADC 2008)

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.

Section 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

### **Planning Assessment**

#### ***Principle***

The proposal comprises upgrading the existing housing stock located within the built

up area and can be supported in principle. This is a Grade II Listed Building therefore any works must preserve and enhance the architectural character and appearance of the listed building. Works cannot be detrimental to the historic character or fabric of the listed building. The relevant issues therefore are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the dwelling in terms of its listed building status and its impact upon surroundings. Policy 17 of the Adur Local Plan states that for works to be permitted the internal or external appearance or historical character of the building must not be adversely affected. The site is also within the Conservation Area therefore any works must preserve or enhance the Conservation Area.

***Visual amenity and Impact upon the Historical Character and Appearance of the Listed Building and Conservation Area***

The extension has been designed to not compete or conflict with the main building of simple historic form. The concept that the extension is linked but does not dominate the existing building. It is considered that the scheme allows for the substantial additional floor space to be created whilst not impacting upon the historic character and appearance of the listed building.

The principle of setting the extension back from the front elevation of the cottage allows for a subservient appearance, its complementing and not matching materials allow for a unique addition which respects the historic building whilst not creating a replica addition.

The principle of the use of the glazed link is commonly used when extending listed or heritage buildings and allows for separation yet connection and limited interruption to the existing building. In this case the link is long, giving clear division between the original and new. This will allow for a visual separation as the light weight structure will allow light to pass through. A condition is attached to ensure full details of the link are provided prior to construction and that the junctions between this and the listed building are detailed to ensure this concept is realised.

The Copper and Portuguese Laurel hedge to the front of the site and wrapping around to the side does screen the side amenity space of the property heavily with the front of the cottage visible within the street scene. This will screen the development significantly however although the LPA can condition the retainment of the hedge there is no guarantee that it will remain at all times and for the lifetime of the property. Therefore it cannot be used to screen poor design or detrimental development. The previous scheme showed the extension set forward of the listed building and although the heavy screening would not allow for much of this to be visible within the street scene it could become visible in the future and was also in principle harmful to the character of the listed building.

The impact upon the character and appearance of the Conservation Area is also limited in this case. The building has been sympathetically designed; it is subservient and relates to other buildings of traditional design within the Conservation Area reflecting the use of materials within this locality. The set back with glazed link contributes to this limited impact. It will preserve and enhance the Conservation Area. The replacement of the building at the site of the existing garage

will be visible within the street scene; this will be smaller in footprint than existing, yet higher, increasing in height toward the roof of the main extension. This elevation will be visible when approaching the site from the south due to both the limited screening here and the change in levels. Although this will be visible it is set back from the road and the sympathetic design and appearance will result in the preservation of the character of the Conservation Area.

The works are considered to preserve and enhance the historic and architectural fabric of the listed building and preserve and enhance the character and appearance of the Conservation Area. Therefore subject to the conditions set out below the works can be supported.

### ***Residential amenity***

The extension is sited to the side of the listed building. It will be visible from the properties opposite in The Street however due to the setback and screening by the hedge there will not be any adverse impact. To the rear and side of the site are properties in Lesser Foxholes. No. 23 is to the south and 21 and 19 to the rear/west. The dwellings to the rear are approximately 20 metres away and although the extension may be visible it will not result in any adverse impact in terms of loss of light or overbearing impact. Due to the position of the boundary with no 23 to the south the main part of the extension will be adjacent to this property. The ground floor kitchen window will be on the west side toward the boundary fence. This neighbouring property as existing is at a lower level with the garden also below the adjacent application site. The rear of the neighbouring property currently faces towards the side elevation of the application site with the first floor window of the cottage visible. The proposed extension will be positioned to the east of the property. Concerns have been expressed by the occupiers as set out above in terms of the loss of light, privacy and outlook as a result of the extension.

The main windows to be affected are the ground floor kitchen and study windows. The dining room also faces north however it is open plan dual aspect. It is acknowledged that there is limited light to the study as existing due to the position in the corner of the plot, the existing canopy and vegetation. The kitchen window does currently receive light and outlook. It is acknowledged that the proposed extension due to its elevated position, scale and proximity to the boundary will result in some loss of light to the ground floor window and the garden area. The house and garden being on lower ground level and the surrounding vegetation does not give rise to an overly light property as existing. It is noted that some of the morning sun received will be impacted by the proposed building due to its relative position. This loss of light is acknowledged however on balance the significance is not considered such in this case to warrant a refusal. The existing conditions are such that the impact is limited and not overly harmful.

The trees on the boundary are to remain to offer some screening to the adjacent property. The rear kitchen window is to be obscure glazed and non openable as conditioned below to protect the amenities of the adjacent property due to the close proximity of potential noise and activity upon their existing amenity space.



## **Recommendation**

### **Approve**

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

1. Standard Time Limit
2. Approved Plans
3. Rear kitchen window shall be obscure glazed and non opening, No additional windows on west or south side
4. Prior to occupation of the extension hereby permitted the glazed link shall be constructed to join the extension to the main house in accordance with details to be submitted to and approved by the Local Planning Authority to include details of the junction between the glazed link and the listed building and roof construction details.
5. Prior to commencement of works details of the proposed bricks, mortar colour, timber windows (to include opening details) and external doors (to include moulding details), clay tiles including ridge and bonnet hips, finish of triangular roof gablets, soffits and fascias shall be submitted to and approved by the Local Planning Authority. Work shall be carried out in accordance with such details.
6. Hedge to remain and trees to remain.

#### **Is recommendation contrary to letter (s) of representation? Y**

1. Proactive with amendments

Application Number:	AWDM/1877/21	Recommendation - Approve
Site:	Groundsman's Shed Lancing Manor, Manor Road, Lancing	
Proposal:	Change of use from groundsman's shed to workshop with storage area and quiet room for social, educational and recreational activities.	
Applicant:	Men In Sheds Lancing & Sompting	Ward: Manor
Agent:	Mr Andrew Brook	
Case Officer:	Peter Barnett	



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## Proposal, Site and Surroundings

The application relates to a group of buildings at the north end of Manor Park which are owned by the District Council and were previously used for storage of grounds maintenance equipment. There is a hardsurfaced area to the west, accessed from The Street, which is used informally for parking. The site lies to the east of the North Lancing Conservation Area. There are residential dwellings directly to the north at The Moorings.

Permission was granted in 2019 to use the buildings in connection with a community group known as “Men In Sheds” which provides a space for residents to come together to meet up and carry out woodworking with the aim of challenging isolation and improving wellbeing. The use began on the site in August 2021.

The supporting information submitted with the current application explains the purpose of the application:

*“Our taking over the Groundsman’s Building will complement our existing facilities in Manor Park, The Barn and The Garage, to create an integrated facility for our own use and for the use and benefit of the wider community. It will allow The Trustees to implement our ambitious plans to have facilities at our Sheds for twenty-five members who have safe spaces to meet, make friendships and if they wish to work on their own projects or our community projects. The building will have three aspects, a community space, “seating/chill” area and a joint office/I.T. area. We already have funding in place to cover every aspect of our plans.”*

The submitted plan shows that the T-shaped building will have a teaching/workshop/community space at the front with the rear part used as a quiet area/IT ‘suite’ and for storage. The front part will become:

*“a community resource where our project meets and collaborates with our local community. Our thoughts are that the space will provide a teaching area where locals come in and learn how to use tools, work with us, undertake DIY projects and are given guidance and have access to our tools and use them safely. This will be something akin to the TV show “Repair Shop.” We are also at an early stage of working with local PCSOs to have regular (monthly) drop-in sessions where locals can come to speak with the Police service and the PCSOs can brief locals on current matters.”*

The group makes items such as planters, bird boxes, bug houses, bird feeders, bird tables, owl and bat boxes, etc. They also offer a free repair service to residents for items such as benches, seats, tables, chairs, etc. Some items are refurbished and put back into community use at local nursing homes, for example.

The buildings are to be open between 9am and 1.30pm Monday to Friday and 8am-12pm on Saturdays.

Visitors and “Shedders” are instructed to park in the Lancing Leisure Centre car park and walk across to the buildings. They are also encouraged to travel on foot, by bike

and public transport, and there are bus stops nearby. The Men In Sheds van will at times be parked directly outside The Barn.

Standard hand and machine tools will be used, common to a domestic environment,

### **Relevant Planning History**

AWDM/0650/17 - Conversion of existing groundsman's stores into coffee shop - refused

AWDM/1842/19 - Regulation 4 application for Change of Use of 'The Barn' currently used for Council storage to a workshop and 'The Garage' to ancillary storage area

### **Consultations**

**West Sussex County Council:** No objection from a transport/highways aspect. Comments that the site is located on The Street, an unclassified road subject to a speed limit of 30mph. The site has extant permission under AWDM/1842/19 for change of use of 'The Barn' currently used for Council storage to a workshop and 'The Garage' to ancillary storage area. 'The Garage' as approved for storage area is subject to this application. This planning permission appears to have been implemented in August 2021. No alterations to the existing site access are proposed. Given the existing use of the site, the proposal is not anticipated to result in a material intensification of use of the access. Although there are parking spaces on site, no designated parking will be provided to the proposed storage and workshop use. Clients are encouraged to car share, walk, or utilise public transport. The LPA are advised to consider the potential impacts of this proposal on on-street parking from an amenity point of view. The LHA would not raise a highway safety concern to the proposed nil parking provision. 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.

**Adur & Worthing Councils: Parks and Foreshore** support the change in use of the building. It will enable it to be brought back into use to provide a valuable community asset. The building will be able to provide better facilities for the local community in the process of its change of use and better service the needs and wants of a wider audience. Value a building being given a purpose that benefits the community through that process.

**Public Health:** No adverse comment

**Sussex Police:** 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. This application pertains to a change of use to repurpose the building as a community resource. From a crime prevention perspective if not already in place - thought should be given to

implementing the following security measures to ensure that the building and contents contained therein are kept safe when not in use. As the building will be housing IT equipment and tools - thought should be given to the fitting of an intruder alarm system. The door to the building should be checked to ensure it is adequate and fit for purpose with the appropriate locking mechanisms. I would also recommend that all tools and IT equipment are property marked. Property marking makes items harder to sell on if stolen thus providing an effective deterrent against theft. Further information on methods of property marking can be found on the Sussex police website under property marking. CCTV and lighting should also be considered.

***Lancing Parish Council:*** No comment

## **Representations**

None received

## **Relevant Planning Policies and Guidance**

Adur Local Plan 2017 Policies 15, 17, 33  
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 requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Section 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

## **Planning Assessment**

### ***Principle***

Leasing public land for commercial enterprise is an accepted practice for the Council's Parks and in this case it will result in redundant buildings being re-used for community purposes.

The application is therefore considered to be acceptable in principle, subject to consideration of amenity and traffic impacts of the proposal and an assessment of whether the use adversely affects the public's enjoyment of the Park.

### ***Visual amenity***

The existing buildings are a mix of brick and flint with unsympathetic corrugated metal roofs. New doors are to be fitted to replace the existing metal garage doors although no details have been provided at this stage. This can be controlled by condition.

It is not anticipated that the proposal will result in harm to the visual amenities of the locality as woodworking activity will be limited to within the buildings, with external working and storage prohibited by condition.

### ***Residential amenity***

The workshop use and increased activity associated with the use may have some impact on the amenities of local residents. However, noise from the workshop is not excessive, with a maximum noise level of 72 decibels predicted, which is equivalent to a vacuum cleaner. The use is one that can take place in a residential area without causing harm through noise, smell, etc. Opening hours will generally be between 9.00am and 1.30pm and the use is expected to be reasonably low-key. A condition is proposed to prevent retail sales from taking place directly from the buildings. There is a maximum of 25 people expected to use the 'sheds' and the proposal is considered to provide a valuable resource which will greatly benefit the wellbeing of a local group of residents without causing harm to residential amenity. There have been no objections received to the application.

The use of the buildings is to be more varied than originally sought back in 2019, with the workshop use complemented by the education and community use now proposed. It will remain low key however and it is proposed to control the use by condition to safeguard against adverse impacts on amenity now or in the future. The buildings are also owned by the Council and they will retain control of any future use on the site.

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

There is an informal car park immediately to the west of the buildings which would be available to the applicants and park users alike. No designated parking is provided however, and there may be some overspill on to the local roads. However, the applicants encourage sustainable travel and car sharing, and ask their members and visitors to park at the nearby leisure centre. It is not anticipated that the proposal will cause traffic or parking problems along The Street or impact on residential amenity.

### **Recommendation**

#### **Approve**

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

1. Approved Plans

2. Standard 3 year time limit
3. No external working or storage shall take place anywhere on the site to which this permission relates and all working shall be confined to within the buildings.
4. No working (including arrival, reception or despatch of deliveries) shall take place on the premises except between the hours of:-  
9.00 am and 4.00 pm on Mondays to Fridays inclusive  
08.30am and 4.00pm on Saturdays  
nor at any time on Sundays or Public Holidays.
5. The premises shall be used as a workshop Class E(g) (iii), for storage (Class B8) and as a meeting place for the local community (Class F2(b)) as set out in the application and for no other purpose within Class E, F or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order with or without modification).
6. There shall be no external alterations to the buildings without the prior written consent of the Local Planning Authority.
7. No retail sales shall take place from the buildings at any time.

6 December 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**

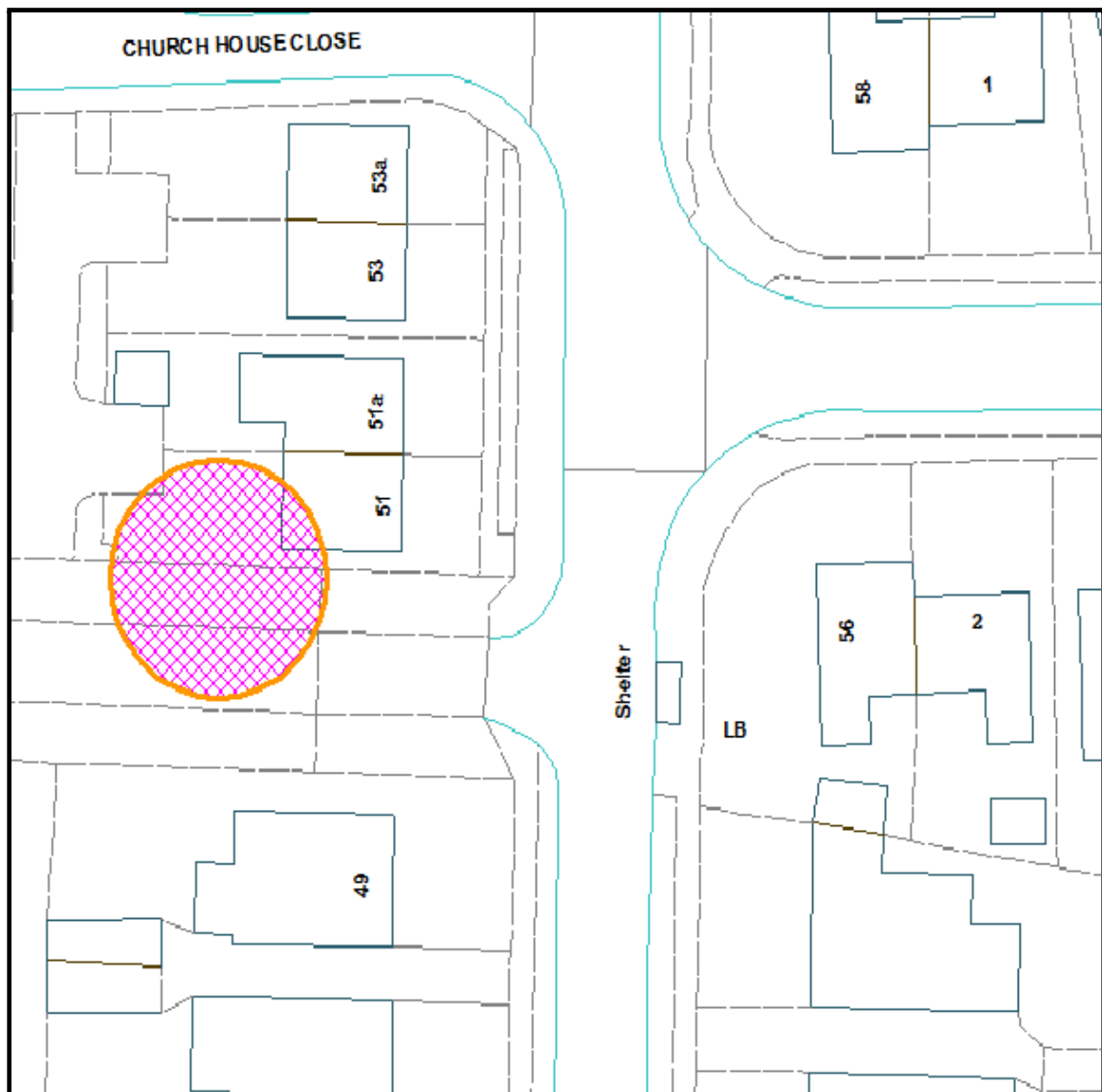
14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account 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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# Agenda Item 8

Agenda item 8

<b>Application Number:</b>	<b>Adur TPO 2 of 2021</b>	<b>Recommendation - Confirm Order</b>
<b>Site:</b>	<b>Southwick Cemetery Downsway Southwick</b>	
<b>Proposal:</b>	<b>New Tree Preservation Order</b>	
<b>Applicant:</b>	<b>Adur District Council</b>	<b>Ward: Hillside</b>
<b>Agent:</b>		
<b>Case Officer:</b>	Jeremy Sergeant	



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## **Proposal, Site and Surroundings**

On the 28th July 2021 a provisional Tree Preservation Order was placed on one Beech tree in the grounds of Southwick Cemetery, Downsway, Southwick .

The order refers to a single Beech tree growing to the north of the main entrance driveway from Downsway, adjacent to the boundary of number 51 Downsway. The TPO was made as the Parks department had concerns that works could be carried out to the tree by owners of the adjacent property or their agents that could disfigure the tree. The tree is a feature of the area, and is considered important to the visual amenity and character of the area that it is maintained appropriately.

## **Relevant Planning History**

2021: Application for consent under Adur Tree Preservation Order No.2 of 2021 to reduce radial spread to north by up to 2 to 3 metres one Beech tree T1.  
Approved.

## **Consultations**

None

## **Representations**

One letter of objection has been received from the owner of 51 Downsway Southwick, on the basis that protecting the tree is unnecessary as there are no works intended that might damage it.

## **Relevant Planning Policies and Guidance**

National Planning Policy Framework (July 2021)

Circular 04/07 'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000)

## **Planning Assessment**

The tree is a large mature Beech growing to the northern side of the driveway of Southwick Cemetery, close to the main entrance gates. The tree is prominent to the area, and can be seen from many views.

The Beech tree T1 has a large diameter single stem to 2 metres, where it then divides into two large stems: the northeast stem dividing at 2.5 metres, with each stem dividing again at 4 metres. The west stem mostly persists to 6 metres, where it also divides into

several stems. The first secondary laterals emerge from 4 metres. The main crown is dense and wide spread. Recent works were given consent to reduce radial spread to north by up to 2 to 3 metres as there were some slightly over extended laterals close to the neighbouring building.

The Tree Preservation Order (TPO) is to ensure that any future works can be controlled by the Local Planning Authority. Members will note that an application was submitted and approved for acceptable works to the tree earlier this year, but if the Order is not confirmed then any future such works could be undertaken without recourse to the Planning Authority. There is no suggestion that the current neighbour has any intention to carry out works detrimental to the long term health of the tree, but a future change in residency could occur and, without the Order, it would remain a risk that detrimental works could be carried out.

Therefore in the interests of local amenity it is recommended that the TPO is confirmed. It is not considered that there are any extra resource implications as a result of the serving of the Order given that the tree is owned by the Council.

### **Recommendation**

That Adur Tree Preservation Order No.2 of 2021 is confirmed.

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