



ADUR DISTRICT COUNCIL

23 September 2022

Adur Planning Committee	
Date:	3 October 2022
Time:	7.00 pm
Venue:	QEII Room, Shoreham Centre, Shoreham-by-Sea

Committee Membership: Councillors Carol Albury (Chair), Jeremy Gardner, Carol O'Neal, Vee Barton, Mandy Buxton, Dan Flower, Jim Funnell, Joe Pannell (Adur Vice-Chairman) and Julian Shinn

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 before **noon on Friday 30 September 2022**.

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 29th September 2022.

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.

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

4. **Confirmation of Minutes**

To approve the minutes of the Planning Committee meeting held on 5 September 2022, 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 3 - 36)

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

7. **Brief for Review of Western Harbour Arm, Shoreham Harbour** (Pages 37 - 50)

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

8. **Planning Appeals**

None to report.

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 katy.mcmullan@adur-worthing.gov.uk	Caroline Parry Senior Lawyer & Deputy Monitoring Officer 01903 221081 Caroline.perry@adur-worthing.gov.uk

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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Planning Committee
3 October 2022

ADUR DISTRICT
COUNCIL

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: **AWDM/1230/22** Recommendation – **APPROVE**, subject to s106

Site: **Ashcroft, 100 Kingston Lane, Shoreham-by-sea**

Proposal: **Demolition of the existing main building, retention of the existing bungalows and construction of a new three-storey residential building with ancillary works**

2

Application Number: **AWDM/1633/21** Recommendation – **APPROVE**

Site: **The Old Town Hall, 142 Albion Street, Southwick**

Proposal: **Erection of a new three storey office building, with ground floor parking under.**

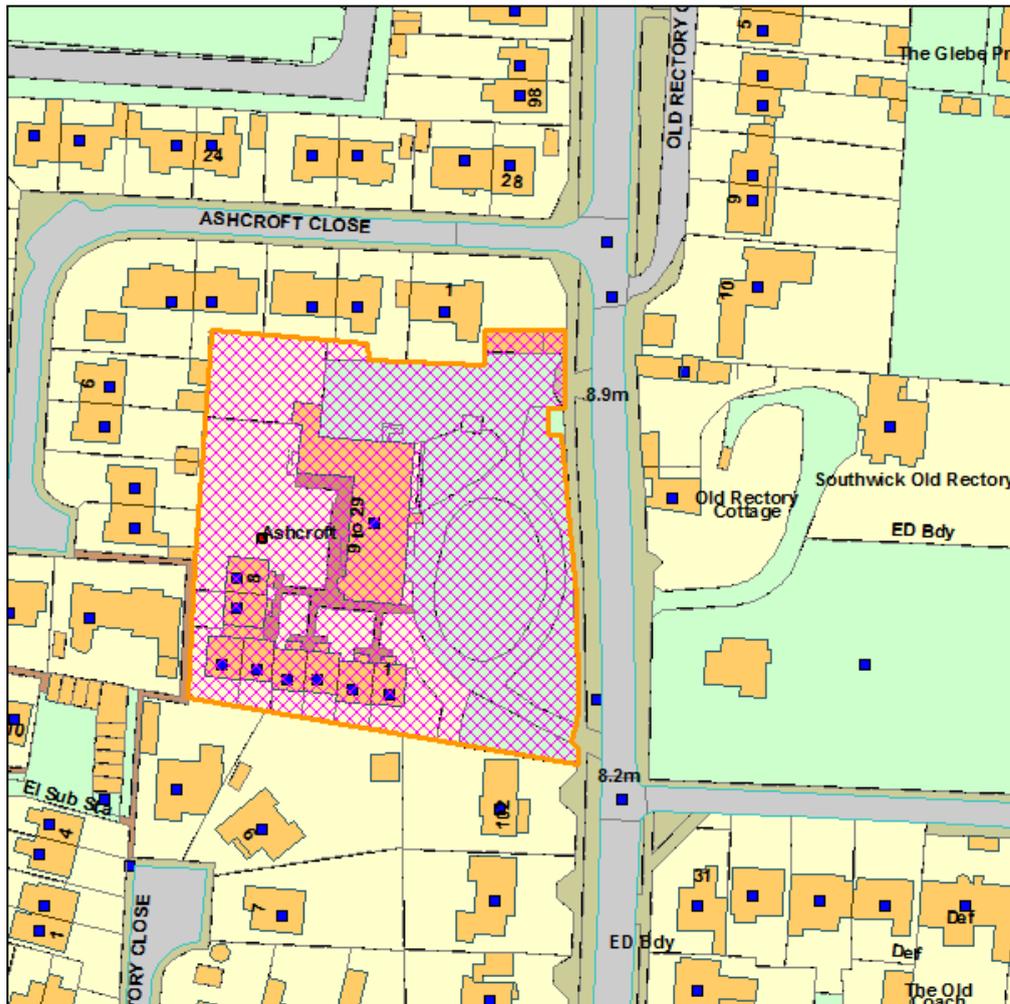
3

Application Number: **AWDM//0123/22** Recommendation – **APPROVE**

Site: **20 Lancing Close, Lancing, West Sussex, BN15 9NJ**

Proposal: **Application for consent under Adur Tree Preservation Order No. 13.53/1/01 (L) of 2001 to pollard at 14 to 16 metres to above previous points Poplar trees T3, T4, T5 and T6.**

Application Number:	AWDM/1230/22	Recommendation - APPROVE, subject to s106
Site:	Ashcroft, 100 Kingston Lane, Shoreham-by-sea	
Proposal:	Demolition of the existing main building, retention of the existing bungalows and construction of a new three-storey residential building with ancillary works	
Applicant:	Adur and Worthing Councils	Ward: Southwick Green
Agent:	Lewis & Co Planning	
Case Officer:	Peter Barnett	



Not to Scale

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Proposal, Site and Surroundings

The application site is located on the western side of Kingston Lane, between Ashcroft Close and Rectory Road/Rectory Close. The site is approximately 0.6 hectares and is a Council sheltered housing site, comprising Ashcroft House and eight bungalows within the grounds. The main 3 storey block (2 floors plus rooms in the roof) has been vacant since 2020 for health and safety reasons.

The development proposal seeks full planning permission for the retention and refurbishment of eight existing bungalows on the south and west boundaries and the demolition of the main building and construction of a new 3 storey building comprising 44 x 1 bedroom units (a net increase of 23 units) for persons over the age of 55. The total number of units including the bungalows would be 52. The building would continue to be managed by Adur District Council and residents would be existing Council tenants or nominated from the Council's housing register.

The site has two existing access points onto Kingston Lane, both along the eastern boundary of the site (south and north access points). 21 parking spaces are to be provided. The main building (Ashcroft House) is currently set back from the road with a large area of the site occupied by a turning circle/driveway to the front of the property.

The site lies outside of any Conservation Area but the Southwick Conservation Area boundary lies immediately opposite the site on the eastern side of Kingston Lane. There are also two listed buildings (Old Rectory and Old Rectory Cottage) in close proximity to the east.

There are a substantial number of trees around the site, particularly along the Kingston Road frontage.

Neighbouring residential properties comprise bungalows to the north and west in Ashcroft Close and to the south in Rectory Close. There are two storey dwellings immediately to the south of the site fronting Kingston Road. The listed Old Rectory Cottage to the east is a two storey building close to the pavement on the opposite side of Kingston Road.

A mix of red and grey brick is proposed with a grey slate roof tile. Soldier course brickwork and projecting brickwork is proposed to add texture and interest.



A comprehensive consultation exercise was carried out with residents prior to the submission of the application, including an exhibition of the plans in March 2022.

The application is supported by a Planning Statement, Design and Access Statement, Heritage Impact Assessment, Noise Assessment, Contaminated Land Assessment, Air Quality Assessment, Preliminary Ecological Appraisal and Bat Survey Report, Daylight, Sunlight and Overshadowing Assessment, Energy Statement, Arboricultural Impact Assessment, Statement of Community Involvement, Sustainable Drainage Assessment and a Transport Statement.

Consultations

West Sussex County Council: No objection from a transport/highways aspect subject to conditions relating to vehicle parking and turning, cycle parking, construction management and a section 106 Obligation requiring contribution of £22,649 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

Comments as follows:

Access and Visibility: The site gains access from Kingston Lane which is a classified 'C' road restricted by 30mph speed limit. There are no parking restrictions along Kingston Lane. As part of the development proposals the two existing access points onto Kingston Lane will be retained and serve different aspects of the scheme. The northern access serves the parking bays used by the residents of the redeveloped main block and the southern access will serve the parking bays used by the residents of the bungalows along with staff and visitors of the development. Visibility splays of 2.4m x 43m are achievable along both directions of the two site accesses, which is demonstrated within the Transport Statement. This is in

accordance with the Manual for Streets guidance for a posted speed of 30mph speed limit. Pedestrian intervisibility of 2m x 2m is achievable at both the accesses for safe usage of footways. There is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Parking Arrangements

WSCC Car Parking Guidance and 2011 Census data have been interrogated to determine the level of parking requirement for the proposed development. A total of 21 car parking spaces are provided on site to development split between the northern part of the site (15 spaces) and the southern part of the site (6 spaces).

Due to the development being used as a sheltered house, parking provision for 10 nos. mobility scooters are provided within the main building.

Safe and secure cycle parking provision for 8 nos. bicycles are made within 4 Sheffield stands.

Trip Generation and Highway Impact

With regards to the estimated levels of trip generation by the proposed development the LHA appreciates the intensification of site access with a net increase of 3 two-way vehicle movements during the AM and PM peak hours and 47 two-way movements throughout the day. These trips are split between the two car parks.

Stage 1 Road Safety Audit

The vehicular and pedestrian access points of the both the accessed have been reviewed as part of an independent Stage 1 Road Safety Audit (RSA). The problems raised during the RSA have been resolved.

Sustainable Transport Accessibility

Well-lit footways are present along both sides of Kingston Lane which are conducive to walking and connect onto a wider footway network. Bus stops are located along Rectory Road, within 200m distance and Southwick train station is within 800m distance from the site providing connectivity to wider transport network. Therefore, the site is considered sustainable.

Conclusion

In conclusion, the Local Highway Authority (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 (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

LLFA: No comments

Adur & Worthing Councils: The *Environmental Health* officer has no objections in principle. The assessment for the air source heat pumps is acceptable. There are

no contaminated land issues. Recommend a CMP condition for demolition and construction and the Demolition Notice informative

Tree and Landscape Officer considers that the most important trees will be retained and protected, the use of a No Dig surface near the older Acer T10 should help. The east of the building will be approximately 8 metres from the WSCC street trees, which may need some cooperation from them to allow dappled light to pass.

The **Engineer** has the following comments: Flood risk- The application is within flood zone 1, and is adjacent to an area shown to be at risk from surface water flooding. Surface water drainage should be carefully controlled.

Surface water drainage- the application includes a surface water drainage strategy which includes the results of winter infiltration testing and winter groundwater monitoring. The strategy indicates it is proposed to discharge surface water via shallow infiltration features, which we support in principle. There are no public surface water sewers in this area so it is critical that an infiltration scheme is delivered here. At detailed design we will require:

1. All pipes to be labelled with diameter and fall.
2. Evidence to be submitted that incoming connections to infiltration features are above the 1 in 10 year plus 45% cc event water level.
3. Full network calculations to demonstrate an adequately designed network and that the low points within this network do not suffer from exceedance which would pose an offsite risk or risk to the proposed dwellings.
4. Full construction detail drawings.
5. An impermeable areas drawing.
7. An exceedance flows plan.
8. Evidence that proposals are possible considering tree root protection zones.
9. Evidence that the proposals will not be negatively impacted by existing or proposed tree roots.
10. A fully detailed management and maintenance document.

The information submitted is sufficient to have some confidence that a policy compliant drainage design should be achievable. If you are minded to approve this application please do NOT list the strategy or drainage layout as approved and please apply conditions to secure the required detail.

Design and Conservation Architect: Ashcroft House was built as a small country manor house with generous grounds c.1848-73. Although it continued in this domestic use until the late twentieth century, it was then purchased and converted into flats by the Council in 1979. Unfortunately the extensive modern alterations and extensions to this building have resulted in little to no historic interest remaining. Donald Insall Associates' Heritage Impact Assessment explains the extent of these changes in detail.

The Southwick Conservation Area borders the east side of Ashcroft House on the opposite side of Kingston Lane. Ashcroft House is set well back from the road, shielded behind trees and dense planting and is only visible in glimpsed views, so it currently makes a very limited contribution to the setting of the adjacent conservation area.

A comparison of Ashcroft House's footprint with the proposed new building via the 1:500 block plans shows the new scheme to be ambitious in its site coverage. Inevitably the proposed building will sit much closer to Kingston Lane and the Southwick Conservation Area. Due to the narrow planting areas proposed, the new building will be very visible in the street scene. However, the architect's have striven to break down the new street frontage into three main sections with differing details and materials. This together with a proposed brick and flint, boundary wall, should help to mitigate the impact of the proposals. In order to try to maintain the verdant characteristic currently found in this section of Kingston Lane, the area immediately adjacent to the proposed boundary wall should be carefully soft landscaped with new planting.

Southern Water: Our investigations indicate that Southern Water can facilitate foul sewerage run off disposal and water supply to service the proposed development. We request that should this planning application receive planning approval, the following condition is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water

Adur District Conservation Advisory Group: Approve

Representations

Objection from occupier of 6 Ashcroft Close:

- We will be overlooked in our home and also the garden - affects our privacy
- Affects security as open space at the end of our garden where car park spaces and a road will be.
- Noise, disturbance and traffic smells from the car park spaces at the bottom of our garden
- In order to help the above situation I request a 3m high bungaroosh at the bottom of our garden.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 1,2,3,15,16,17,18,19,20,21, 22, 28, 29, 30, 31, 33, 34, 35, 36

'Supplementary Planning Guidance' comprising: Development Management

Standard No.1 'Space Around New Dwellings and Flats'

Sustainable Energy SPD (August 2019)

Adur Planning and Climate Change Checklist (June 2021)

Planning Contributions for Infrastructure Provision (ADC 2013)

Design Bulletin No.1 'Trees and Landscaping' (ADC 1996)

WSCC Guidance on Parking at New Developments (Sept 2020).

National Planning Policy Framework (July 2021)

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

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

Circular 11/95 'The Use of Conditions in Planning Permissions' (DoE 1995)

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 existing building has some local interest and its demolition has only been considered after initial investigations found that it was not viable to retain and convert it. In order to comply with fire regulations a significant reduction in the number of units would have been required while the cost of conversion was prohibitive.

The Council's Housing Team has provided the following statement in support of the application:

"Platform 2: Thriving People and Communities of the Councils' 'Platform for Places' outlines the Councils' objective to tackle the challenge of insufficient supply of housing.

Adur District Council's Local Plan (published in 2017) concludes that the scale of affordable housing need is 'substantial'. There are 756 households currently on the Housing Register, 158 of which are 'older households'.

Within its Housing Strategy (2020-2023), Adur & Worthing Council has recognised the need to increase the supply of affordable housing provided in the district, and has plans to deliver 1,400 affordable homes by 2025. To help meet the need, the Councils' 'Pathways to Affordable Homes' (approved by JSC on 30th March 2021) outlines Adur District Council's intention to self-deliver a minimum of 200 homes by 2025.

Improving the levels of Affordable Housing Supply is Priority 3 of Adur & Worthing Council's Housing Strategy, committing the Councils to increasing access to housing that they can afford, for people of all ages.

Adur & Worthing Councils undertook a Strategic Housing Market Assessment in June 2020. The population of people aged 65+ is expected to increase by 29% over the next 15 years, from 15,000 to 19,500, as residents age and others move into the area. 15% of single elderly people live in accommodation which is socially-rented.

Given the ageing population and higher levels of disability and health problems amongst older people there is likely to be an increased requirement for specialist housing options moving forward. As social housing tenants age, many will need to move from existing, conventional accommodation to housing with support (approximately 12.5% of those aged 75+).

Added to this, the Councils' 'And Then... Bouncing Back in Post-Pandemic Adur & Worthing' identifies the likely additional need for social housing following the pandemic, and the need to explore other ways to access funding and skills needed to bring forward new homes."

It is clear then that there is an urgent need to provide more Council-owned purpose-built accommodation for the elderly in Adur. A new build development will enable the provision of higher quality, more sustainable dwellings.

Visual amenity, character and impact on setting of heritage assets

The existing building sits back from the site boundary with Kingston Road by approximately 30m and is well screened by extensive vegetation and tree cover along the frontage. The proposal will bring the new building much closer to the eastern boundary (approximately only 4m at its closest point and up to 9m elsewhere). Most of the vegetation along the frontage is to be removed, leaving only existing street trees outside of the site and three within the site close to the boundary. A new low front boundary wall of flint with metal railings is proposed which the applicants consider would make a better contribution to the setting of the conservation area than heavily planted areas along that boundary.

This will clearly result in a significant visual change for the street scene, exacerbated by the wider frontage of the building compared with existing (approximately 20m wider).

The building has its greatest bulk in the south eastern wing where there are double banked corridors (rooms on both sides). The front of the building has a wing projecting perpendicular at its northern end to link with another wing running along part of the western boundary. The southern part of the site contains the bungalows to be retained, with a landscaped garden proposed between the bungalows and the new building.

The building will be three storeys with pitched roofs and areas of flat roof. It will be slightly taller than the existing building with a proposed ridge height of 12.15m compared with the existing building 11.46m. The ridge height reduces to 11.57m where it is closer to Kingston Lane and the front of the building steps back at its northern end which, together with the flat roofed 'breaks' in the roofline and front balconies, helps to break up the mass of the building when seen from the street.



The Heritage Statement submitted with the application concludes that:

“it is considered that the proposed demolition and replacement of Ashcroft House would preserve and, in some aspects, enhance the setting of the adjacent designated heritage assets – principally the immediate setting of the Grade- II listed Old Rectory Cottage and the Southwick Conservation Area. This is because the existing positive characteristics the site makes to their setting would be preserved, and the proposed new building and landscape would be of a better design than the existing, which would visibly enhance their setting. Indeed, the reinstatement of a flint boundary wall and provision of improved gates would be a clear enhancement that would reinstate the historic character of Kingston Lane, as well as enhance their setting.”

Nevertheless, it is acknowledged that there will be some impact on the setting of the Conservation Area and Listed building resulting from the change in character of the Lane at this point. The semi-rural nature of the Lane will be affected by the removal of the frontage vegetation and the proximity of the new building to the frontage, causing some harm, albeit less than substantial harm. Paragraph 200 of the NPPF states that:

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”

Paragraph 202 goes on to state:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

In this case it is acknowledged that there will be less than substantial harm to the heritage assets but it is considered that this harm is outweighed by the public benefits of the proposal, which are the provision of 44 new sheltered housing units for which there is a recognised need locally. The new building is also arguably of better design and architectural quality than the existing building.

The final details of the landscaping scheme can be reserved for future approval but there is scope to increase new planting along the frontage in order to soften the appearance of the building and views into the site from Kingston Lane. The applicant has been asked to relocate the ramped access at the centre of the building, moving it back from the frontage to enable more space to be provided for hedge planting behind the railings. Their response is awaited. A bin collection store is also shown on the frontage but this will be behind the boundary wall which is raised to 1.7m high at that point and will therefore be hidden from the street.

Residential amenity - for proposed dwellings

The schedule of accommodation shows the provision of 44no. 1 bed flats with a floor area each of 54-56m² which accords with the nationally described space standard. The flats will be specifically designed to enable flexible layouts that can accommodate wheelchair users and older persons.

The ground floor flats will have a patio while upper floor flats will have a balcony. A new communal landscaped garden will also be provided.

Overall, the standard of amenity for future residents will be much improved.

Residential amenity - effect on existing dwellings

The new building will have a larger footprint and site coverage than the existing, coming much closer to the front (East) boundary. The nearest dwelling is The Old Rectory Cottage which sits hard against the pavement on the opposite side of Kingston Lane, approximately 19.4m from the closest part of the proposed new flats. The Old Rectory Cottage is Grade II listed and has a single window at both ground and first floor in its side elevation which faces the street. At the distance involved, and with the road and pavement in between, partly screened by existing deciduous street trees, the impact on privacy, outlook and light to the Cottage is not considered to be harmful.

To the north, there are bungalows in Ashcroft Close, one of which has rooms in the roof served by a rear dormer. The bungalows will be 17.57m from the nearest part of the building compared with around 24m currently. While closer, the part of the building nearest to the bungalows is a largely blank end gable containing only 1no. small bedroom window on each floor, the top window being fitted with obscured glass. The end flats do not have a balcony close to the edge of the building on the west elevation to further reduce the impact. The nearest balcony will be over 21m away from the rear of the bungalows to the north and will face west.

The main part of the north elevation contains a communal walkway on each level with the flats themselves some 24m from the rear of the nearest bungalows. This is similar to the existing situation in terms of separation distance but there is an improvement in that there is a reduction in the amount of openings facing north, despite the deeper footprint and wider elevation of building proposed.

To the west, the bungalows in Ashcroft Close are in a staggered line, with the closest pair (8 & 9) being 25m from the rear wall of the new building and 23.7m from the front edge of the balconies. The next pair to the north (6 & 7) are further away, at 32m. The building is largely 38m from those bungalows at present. The reduction in separation distance will have some impact, with the rear to rear distance less than that specified in the Council's DM Standard No.1 where 28m from a three storey building is recommended. There is some tree cover on the boundary which will help to some extent but it is acknowledged that there will be non compliance with separation distances to this pair of bungalows. However, on balance, when the benefits of the scheme are taken into account overall, this breach of standards is not considered to be so significant or cause such harm in this case as to warrant refusal.



The impact on the existing bungalows within the site and those neighbouring dwellings to the south is considered to be acceptable. The nearest house, 102 Kingston Lane, abuts the site to the south but has no principal windows in the side elevation facing the site. The bulk of the new building is being brought forward and will project beyond the front of 102. However, the distance of 15m, the lack of principal side windows and its northern orientation relative to 102, means that the impact on residential amenity from the building itself will not be harmful.

The existing access will be re-used and 6no. new parking spaces are shown along the southern boundary with 102 Kingston Lane. Some new landscaping is proposed to soften the impact and to replace existing overgrown low level vegetation while mature existing trees are also shown to be retained. Due to the lack of habitable rooms in 102 closest to the boundary, these new spaces are not considered to result in harm or disturbance.

New spaces are also shown on the western boundary at the rear of 6 Ashcroft Close. No landscaping is currently shown in this location but the applicant has agreed to provide some planting which can be agreed by condition. The method of hard boundary treatment can also be agreed by condition but it is likely that the existing closeboard fence will be retained to provide protection from noise from these 5no. parking spaces.

A daylight and sunlight assessment has been carried out and the results submitted which show that overall the development will meet BRE guidance for all neighbouring dwellings outside of the site, with there being only a negligible impact on their daylight and sunlight. Within the site, there will be a minor adverse effect on one window at 8 Ashcroft. All other windows at that property will be unaffected and the overall impact is not considered to be sufficiently detrimental to amenity to warrant refusal.

A noise assessment has also been carried out in respect of the 4no. air source heat pumps to be located in the existing Stables Building on the northern boundary adjacent to 1 Ashcroft Close. The assessment has found that noise levels from all pumps operating simultaneously will be well below existing background noise levels to not cause disturbance.

Overall, while the development is a more intensive use of the site with greater site coverage and with some increased impact upon residential amenity, such impact has been minimised as far as possible without compromising the delivery of 44 units of much needed sheltered housing. It is not considered that the proposal will cause serious harm to existing residents and this is borne out by there being only 1 letter of objection received in response to the application.

Trees

The site has a reasonable level of tree cover currently, predominantly around the site boundaries. A Tree Survey and Report has been submitted which identifies the trees considered to be worthy of retention. Due to the siting of the new building further forward in the site, much of the vegetation on the eastern boundary is to be removed. A mature Sycamore on the southern boundary is to be retained and the proposed parking spaces in that area shall be subject to a no-dig construction technique in order to protect the existing ground levels and existing tree roots. Similarly, mature trees (Holm Oak/Ash) on the North and West boundaries are also to be retained and will be subject to the same careful construction and protection methods.

The loss of the frontage vegetation will open up the site and will have quite a significant visual impact, resulting in the new building being more prominent in the

street scene than the current building. However, new landscaping is to be provided within the site, with the lost shrub vegetation along the front boundary replaced with a new landscaped area along the entire frontage. Mature trees within the street will be retained to help provide further softening.

Open Space

Accessibility and parking

A Transport Statement has been submitted which confirms that the two existing accesses at either end of the site frontage are to be retained and reused. The existing internal link road is to be removed and new access roads built into the site to serve car parking to the north and south of the new building.

21 parking spaces exist and 21 reconfigured spaces are now proposed (15 spaces to the north, 6 spaces to the south). This equates to 0.4 spaces per unit. The Adur and Worthing Sheltered Housing Team have provided information relating to the level of parking observed at other sites within the district as well as historic parking observed at the existing site. They have found that roughly only a third of residents/households own a car on the sheltered housing schemes within the district, which means parking equates on average to 0.33 spaces per unit. They have also advised that currently just 3 residents living in the 8 bungalows own a car and 10 residents historically owned cars out of 21 residents in the main block when it was operational. Sheltered housing schemes traditionally have a low demand for car parking and this has been used to justify the proposed provision.

In addition, the site is considered to be in a sustainable location as there are bus stops along Rectory Road, within 200m distance, and Southwick train station is within 800m distance from the site.

Provision for storage of up to 10 mobility scooters is also being made within the development.

The development will see an increase in the number of vehicle trips due to the increase in the number of flats, with a net increase of 3 two-way vehicle movements during the AM and PM peak hours and 47 two-way movements throughout the day. This shows that peak hour movements will not increase significantly and there are no highway concerns with the proposal overall.

Flood risk and drainage

The site is not at flood risk but is adjacent to an area shown to be at risk from surface water flooding. The initial drainage strategy includes the results of winter infiltration testing and winter groundwater monitoring. It indicates that it is proposed to discharge surface water via shallow infiltration features and this approach is supported by the Council's Technical Services team. Full details can be reserved by condition.

Sustainability

An Energy Statement was submitted with the application which demonstrates a 55% reduction in CO2 emissions through various measures such as improved building fabric performance, no gas boilers and the use of communal air source heat pumps in a separate plant room located on the northern boundary. 40% of all parking spaces are to contain electric vehicle charging facilities.

The energy strategy meets the current Local Plan policy requirement and the Planning and Climate Change Checklist which encourages a minimum 31% reduction in carbon emissions for all new build housing.

Air Quality

An Air Quality Assessment has been submitted which has found that there will be no significant impact on air quality arising from the development. A mitigation package exceeding the calculated total of £6,541 is to be provided on site through the provision of electric vehicle charging points and air source heat pumps

Contaminated land

A contaminated land report has been provided with a Preliminary Risk Assessment . It has identified a potential location of concern from a sample of made ground showing unacceptable concentrations of arsenic. The sample location is in an area proposed as an access road into the site where no pathways or soft landscaped areas are present/close and the made ground should be removed prior to construction of the access road. On this basis, the impacted soils are likely to be removed and further remediation is unlikely to be necessary. This can be controlled by way of condition.

An asbestos survey and management strategy has also been recommended as a precautionary measure and it is understood that this has now been completed in advance of demolition.

Ecology and biodiversity

A preliminary ecological assessment has been carried out which recommended that targeted bat surveys should be undertaken. This has been carried out and no roost was found within the building.

A precautionary approach to site clearance is advised to minimise impacts on potential species such as badgers and reptiles but the potential for such species is considered to be low to negligible

Ecological enhancement measures are proposed in the form of new tree and shrub planting to compensate for that being lost, hedgehog and wildlife friendly pathways, nest boxes for birds and artificial roosts for bats.

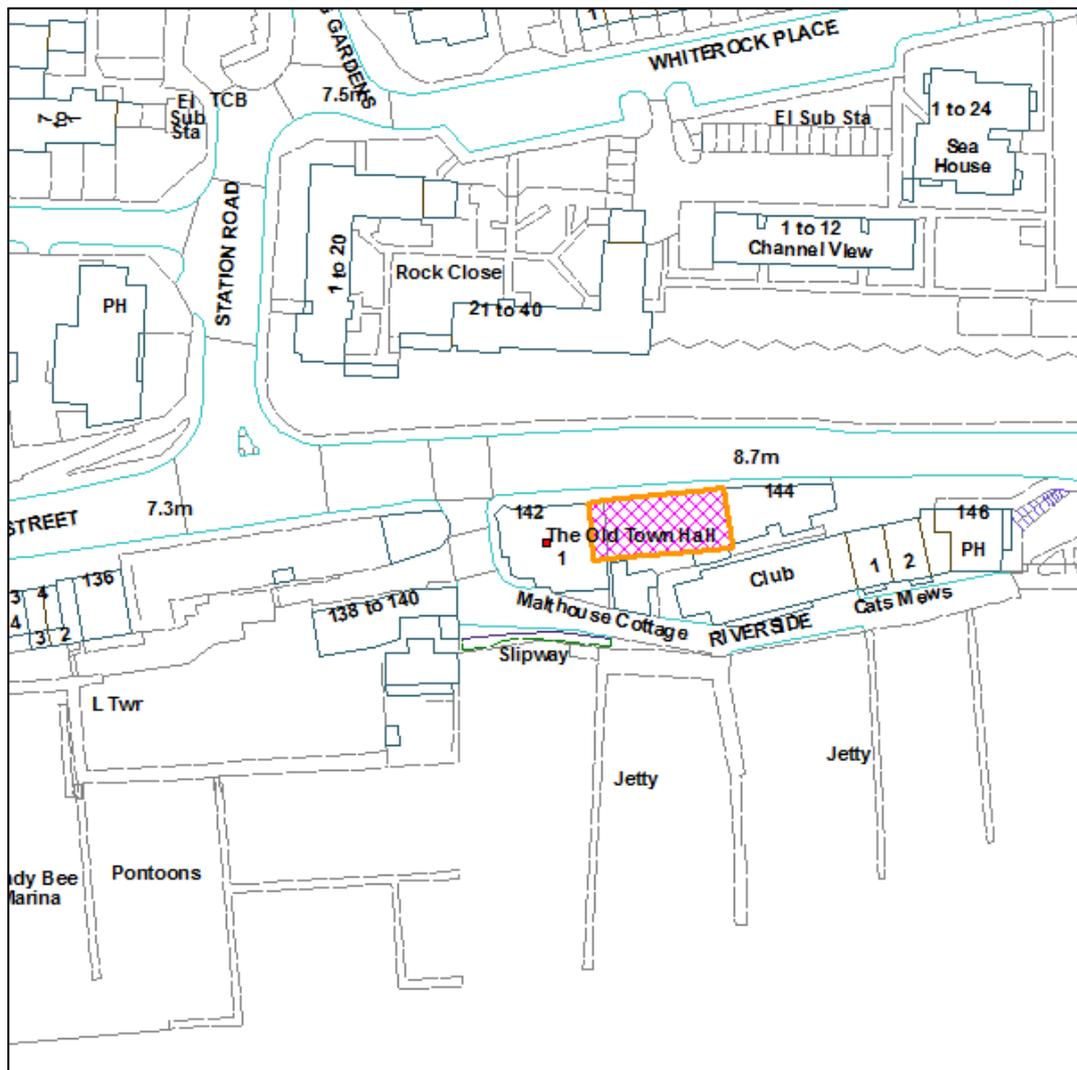
Recommendation

Grant permission subject to completion of a s106 Agreement to secure a highways contribution of £22,649.

and subject to the following conditions:

1. Approved Plans
2. Standard time limit
3. Landscaping to be approved
4. Vehicle parking and turning to be provided
5. Cycle parking to be provided
6. Construction management plan to be submitted
7. Tree protection to be provided in accordance with submitted details
8. Drainage details to be agreed
9. Samples of external materials to be approved
10. Ecological enhancement measures to be provided as detailed in application
11. Sustainability measures to be provided as detailed in application
12. Waste storage provision as per submitted details
13. Boundary treatment details to be submitted and approved
14. Sample panel of flint wall to be constructed on site
15. Occupancy to be limited to persons of 55 years and older

Application Number:	AWDM/1633/21	Recommendation - APPROVE
Site:	The Old Town Hall, 142 Albion Street, Southwick	
Proposal:	Erection of a new three storey office building, with ground floor parking under.	
Applicant:	Hall Homes Ltd	Ward: Eastbrook
Agent:	Turner Associates	
Case Officer:	Peter Barnett	



Not to Scale

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Proposal, Site and Surroundings

The application relates to the car park which serves the Old Town Hall on Albion Street. The site lies within the Southwick Riverside Conservation Area. The Old Town Hall to the west was formerly in office use but has been granted approval to be converted into flats. To the east is 144 Albion Street, a former commercial premises (occupied by Arrow Tyres) which also has a current application for redevelopment (AWDM/2289/21). Directly to the south, on lower ground, is Malthouse Cottage, a residential property. Adjacent to Malthouse Cottage to the east is the Grade II listed Sussex Yacht Club building.

The application proposes to construct a three storey office building. It will have a car park on the ground floor with 6no. offices above on two floors, totalling 230sqm. The building has three projecting gabled bays at the front with steeply pitched roofs. Two of the bays will have a brickwork finish with the middle bay shown as having a coloured render finish. Tiles or a natural slate roof is proposed. At the rear it will have a hipped roof with hipped tiled dormer windows set into the roof eaves. There will be a narrow central section of flat roof, hidden by the slope of the roof, where rooftop PV panels are proposed.

The building will have a ridge height of 9m with the projecting gables increasing its height to 9.3m at those points.

The application is supported by a Design and Access Statement, Energy & Sustainability Statement, Transport Report and Heritage Statement.

Relevant Planning History

SW/62/85 - Outline Application For Erection Of Three Storey Building To Form 2 Two Bedroom Flats And 6 One Bedroom Flats - This application was refused for a number of reasons including:

1. The proposed development, due to its scale, height and siting relative to adjacent buildings, would over dominate the surrounding properties and would be detrimental to the visual amenities and character of the Conservation Area within which the site is located and adversely affect the setting of a listed building and other buildings of townscape value.
2. The proposed development would result in unacceptable loss of light, overlooking and general detriment to the residential amenities of the adjacent dwelling to the south.

Other reasons related to likely noise disturbance for future residents from traffic noise, the loss of car parking associated with the Old Town Hall and inadequate access and parking for the development itself.

SW/42/86 - Outline Application For Two-Storey Office Building - approved

SW/60/87 - Outline Application For Redevelopment With 7 Two-Bedroom Flats, 2 One- Bedroom Flats & Offices - withdrawn

SW/113/88 - Outline Application For 3 Storey Office Block (With Parking Beneath) - withdrawn

SW/46/98 - Extension Of Offices At First And Second Floor Levels On East Side (With Parking Beneath) - refused for 2 reasons:

- lack of parking
- unsympathetic design, harmful to existing building and Conservation Area

NOTICE/0011/17 - Old Town Hall - Application for permitted development for prior approval for change of use from offices Use Class B1a set out over three floor to Use Class C3, 6 residential units - Prior Approval Granted

AWDM/0877/20 - Old Town Hall - Conversion of existing offices to form 6no. flats (1 x one bedroom and 5no. x two bedroom); proposed hipped roof rear extension to 2nd floor with inset balcony; flat roofed rear extension over part of existing 1st floor terrace with new glazed balustrade; cantilevered balcony to ground floor rear elevation; alterations to ground floor rear windows to form juliet balconies; rooflights to front, PV panels to rear, 10no. parking spaces and covered cycle store building on land to east - approved

AWDM/2289/21 - 144 Albion Street - Demolition of existing building and construction of new three storey building comprising a ground floor commercial unit with four flats (2no. 1 bed and 2no. 2 bed) above with balconies on the south elevation; 2 no. car parking spaces and 8no. cycle spaces - still under consideration

Consultations

West Sussex County Council: The Highways Authority: No objection. Access and Visibility The site does have an existing vehicular access onto Albion Street, no modifications are proposed to the existing access arrangements. The access is considered to be of sufficient geometry to accommodate the anticipated level of vehicular activity. Sightlines along Albion Street from the existing point are considered acceptable. A review of the access onto Albion Street indicates that, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the access and local highway network are operating unsafely.

Capacity Traffic flow information has been provided within the applicants TS. This information considers the permitted and proposed uses. The traffic flow generation is based upon the use of TRICS. TRICS is a database containing surveys of other completed and occupied developments. The database can be refined to use comparably located site uses to forecast potential traffic generation. The TRICS data indicates that the proposal, and approved residential use, will generate circa 17 fewer trips over the course of the day, and a minimum of three trips in the AM and PM peak hours when compared with the site's historic use. From a capacity perspective we are satisfied the proposal will not have a severe residual impact.

Parking The proposed parking is considered acceptable. The proposal reconfigures the car parking area to provide eight spaces with one each allocated to the flats and two to the office space, which suggests an overspill of no more than seven vehicles.

The LHA consider it unlikely that any overspill parking will have an effect that can be defined as unacceptable or severe, especially when considering the site's historic use and level of overspill parking that it created. There are legal mechanisms for action to be taken to discourage this behaviour, enforced by either Civil Enforcement Officers or the Police. Parking on the footway can be considered to be a wilful obstruction of the free passage of a highway, contrary to section 137 of the Highways Act 1980. There are also some links to the Highways Act 1835 (section 32), Town Police Clauses Act 1837 (section 28) and the Road Vehicle (Construction and Use) Regulations 1986 (SI 1986/1038), which have been used successfully in proceedings brought about against drivers parking on footways.

Sustainability The submitted TS does suggest that persons using the site could arrive on foot, cycle, bus, train or by car. The site is in a sustainable location with a wide range of amenities within a 10- minute walk. It also has a good level of accessibility to public transport modes, as a regular bus service and Southwick Rail Station are both within a short walk.

Conclusion The LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 108), and that there are no transport grounds to resist the proposal.

Recommend the following condition:

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Adur and Worthing Councils: Public Health: No objection

Private Sector Housing: No comment

Technical Services: Flood risk- The application is within flood zone 1, and is not shown to be in an area at risk of surface water flooding. Flood zone 2 and 3 are located in close proximity to the site. We therefore have no objections on flood risk grounds.

Surface water drainage- the design and access statement states that surface water drainage will be served by the existing system and routed to the public sewer. This is not acceptable, there are no public surface water sewers in close proximity to the site. Redevelopment of brownfield sites must follow the hierarchy for sustainable drainage. If attenuated discharge is required we would expect that investigations are completed to establish if a new connection discharging to the Canal is achievable. Substantial reductions in runoff rate will be required, and we would suggest a rate of 2l/s should be applied. We request a condition is applied to ensure that the site is adequately drained and does not increase flood risk elsewhere

Subsequent comments: The drainage layout appears to show surface water drainage will be served by the existing system and routed to the public sewer. This is not acceptable, there are no public surface water sewers in close proximity to the site. Redevelopment of brownfield sites must follow the hierarchy for sustainable drainage. If attenuated discharge is required we would expect that investigations are

completed to establish if a new connection discharging to the Canal is achievable. Please supply results of winter groundwater monitoring and winter infiltration testing to justify that infiltration is not achievable. If attenuation is required please provide evidence of investigations into connection to the Canal. If attenuation is required, please provide calculations.

If a pre-commencement condition is to be avoided full details in accordance with our checklist must be supplied. Alternatively, the condition as previously requested should be applied.

Southern Water: The developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect/divert the public water supply main.

ADCAG: Members feel that the energy rating aspects/CO2 aspects should be submitted prior to any decision bearing in mind the carbon zero deadlines

Representations

1 objection received from the occupiers of Malthouse Cottage:

The proposed building would give rise to overlooking and loss of privacy to Malthouse Cottage and its small private garden space, which is directly behind the boundary wall to the site. Overlooking would occur from the first and second floor windows on the south elevation, which would be positioned only 2.75m from the boundary wall and would directly overlook Malthouse Cottage and its garden. Curiously, only the west windows in the south elevation are annotated as being 'obscure glazed', with the others being plain glass. At the least all windows in the south elevation should be obscure glazed, but even then there can be no assurance that obscure glazing will be retained in perpetuity.

Overdevelopment. High site coverage (close to 100% of the site) with little open space. From Malthouse Cottage, this three storey building would span the length of our small garden, at only 2.75m from the boundary. It would therefore have an unneighbourly, overbearing effect on us

Lack of parking. When AWDM/0877/20 (conversion to 6 flats of adjacent Old Town Hall) was approved, a condition was imposed that parking provision be provided presumably on the current application site. Now 8 spaces are said to be allocated for the approved flats and only 2 spaces for the proposed 324 sq m of new office floorspace. In addition, spaces 4 and 8 on the current ground floor plan (TA1329/11) would not be easily accessible (due to the position of the adjacent boundary wall and internal columns supporting the building) and would probably not be used for that reason. The parking position is somewhat confusing, with the overlap between parking for the approved flats and parking for the offices on the same site. Overall, the parking shortfall for the offices and approved flats would cause overspill parking, with pressure for parking and additional congestion on nearby roads

A previous application SW/46/98 for 'Extension of Offices at First And Second Floor Levels On East Side (With Parking Beneath)' to the Old Town Hall was refused in

Sept 1998 on the same site. No details are available to view online of this application, but it seems highly likely that that proposal had strong similarities to the current proposal, being three-storey offices with parking beneath. Equally, the reasons for refusal of that application could well apply to the current application. The current application should therefore address the reasons for refusal of SW/46/98 if it's to be deemed acceptable.

The site is in the Southwick Conservation Area. The design (particularly the public front elevation) is bland and 'anywhere' architecture and displays little sensitivity to the conservation area context.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 4, 15, 17, 18, 19, 28, 34, 35, 36
Sustainable Energy SPD (August 2019)
Adur Planning and Climate Change Checklist (June 2021)
Southwick Conservation Area Character Appraisal & Management Strategy (ADC 2009)
Shoreham Harbour Joint Area Action Plan 2019
WSSCC 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.

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 site is not allocated for any particular use in the Adur Local Plan. The site falls within the Shoreham Harbour Regeneration Area (Character Area 5) and is subject to policies in the Joint Area Action Plan (JAAP), particularly CA5, which designates Southwick Waterfront as an area for new mixed use development. There is support for the redevelopment of sites within the area to deliver high quality, modern employment floorspace. Other policies in the JAAP require energy efficient and sustainable development (SH1), sustainable travel (SH5) and an enhancement of

green infrastructure by providing a green corridor along the A259 (SH7).

Policy SH9 relates to place making and design quality. High standards of architectural design and detailing is required, as is a suitable scale and massing in relation to local context.

It is considered that the use of the car park for commercial development, in this case office space, would comply with the aims of the JAAP and is acceptable in principle.

Visual amenity and heritage impact

One of the main considerations is the visual impact of the proposal upon the Conservation Area, the listed yacht club and the notable Old Town Hall and other surrounding buildings. The Southwick Conservation Area Appraisal states that:

“The ‘Riverside’ part of the conservation area is located adjacent to Albion Street which is the main road for this part of the south coast. The quality of this environment is relatively poor due to the busy traffic and large gaps in the development.

Recommendations:

- *Support the sympathetic redevelopment of the two existing gaps in the development”*

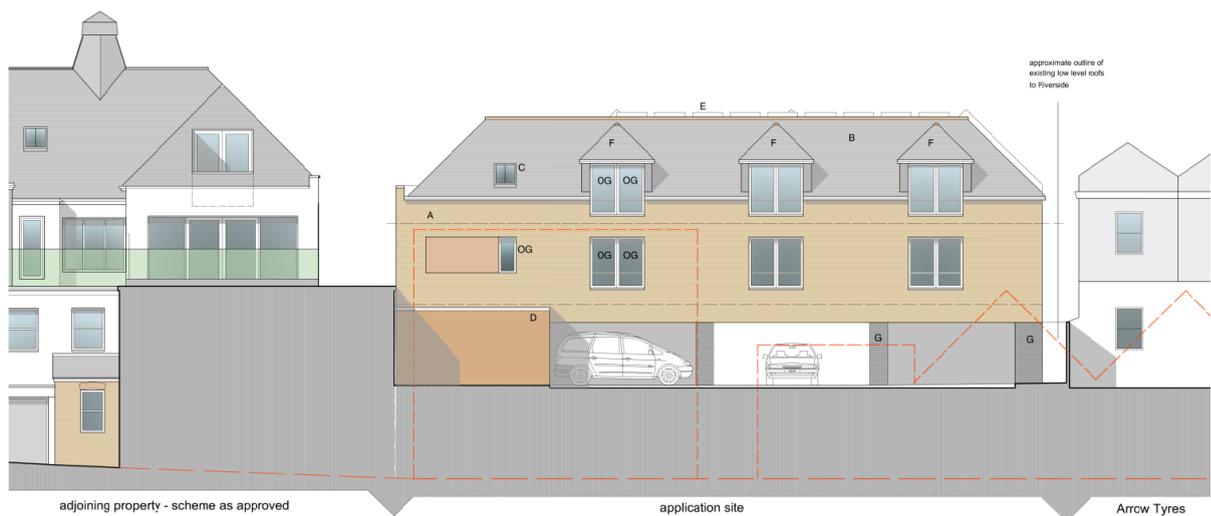
The building will be 9m tall and 21.4m wide, leaving a gap of 2.5m to the Old Town Hall. To the east, a gap of 1.1m is currently shown to the Arrow Tyres building but the proposed plans for that site shows this gap increasing slightly to 1.5m. It is considered that the scale of the building is sympathetic to its setting and will not dominate the Old Town Hall, being approximately 1.8m lower than the ridge of that building and leaving sufficient gaps to either side so as not to completely fill the space. It is worth noting that the previously refused scheme in 1985 showed a much larger building of 24m width, which was attached to the side of the Old Town Hall, and significantly taller at 10.5m high.

Since that decision in 1985 there have been various other applications which have been refused or withdrawn, including one in 1998 which is referred to by the objector. While no details can be found of that proposal, the description referred to it being an extension to the town hall which was of unsympathetic design. For the reasons stated earlier, it is considered that the current proposal is sufficiently different in that it is detached and has a sympathetic design and scale which respects the existing town hall building. Furthermore, the current application needs to be assessed on its own merits against current Local Plan policies, the NPPF and the Southwick Conservation Area Character Appraisal & Management Strategy which have all been published since the previous decisions.

The design and use of sympathetic materials respects the Conservation Area and it is considered that the building will sit comfortably next to the Old Town Hall and enhance the Conservation Area by filling in the current unsightly gap in the frontage.



When viewed from the south, from the lower ground at Riverside and from across the basin, the building will appear in scale with neighbouring buildings. While it will be visible above the roof of the listed yacht club building it will not appear overly dominant, with a similar eaves line to the Old Town Hall, lower ridge and modest dormers. It is also offset from the listed building and not all of the proposed building sits directly behind it. The proposal is therefore not considered to cause harm to the existing heritage assets.



Residential amenity - effect on existing dwellings

The properties most affected by this development are Malthouse Cottage to the south, the proposed new flats in the Old Town Hall to the west and the potential new residents on the site to the east.

Malthouse Cottage sits at a lower level, immediately adjacent to the southern boundary of the site, which is formed by a flint wall. It has a largely blank rear elevation with a solid door giving access to a small courtyard garden which sits between the house and the flint wall. There is also a small east facing window on a rear projection which faces over the garden. There are also openings below the level of the wall.

The main bulk of the proposed office building would be sited 2.6m from the boundary wall. A ground floor projection will abut the wall on the south west end but will sit below the top of the wall. The ground floor parking area is also shown abutting the wall but will be uncovered at that point.

The rear elevation of the building is shown with windows at first floor and roof level and the westernmost of these are currently shown as being obscure glazed. The applicant has subsequently confirmed that he is happy for all of the windows to be obscured if necessary.

The proposed building appears to be slightly further from the rear boundary than was the case in the 1985 application but it remains the case that it will be a tall building within 2.6m of the boundary and the impact on the occupiers of Malthouse Cottage therefore requires careful assessment.

With the rear windows being obscured (being non residential spaces this would be acceptable) any potential impact in terms of overlooking would be removed. The rear garden of Malthouse Cottage already receives limited light due to it being due north of the house, narrow and below the flint wall. There would be no loss of sunlight arising from this proposal. Daylight would be affected but consideration must be given to how much or little daylight the garden already receives. No daylight or sunlight assessment has been submitted with the application but the proposed building would be to the north, set off the boundary wall by 2.6m. While tall it would have an eaves height of 6.2m with the roof pitching away beyond that. Malthouse Cottage has its principal openings on the south and west and they are unaffected by this proposal. The proposed building is lower than the previous proposal and has less coverage across the site. While it is understood why the earlier proposal was unacceptable, the current application is not considered to be so harmful to the residential amenities of the occupiers of Malthouse Cottage and, on balance, the proposal is considered to have an acceptable impact.

To the west, there are limited openings in the east elevation of the Old Town Hall. The proposed flats that are affected are a ground floor flat with two window openings serving a bedroom and kitchen. Light will be affected to these rooms but the principal outlook and light to the living area of this flat is from the front (north) and, on balance, the impact is not so harmful as to warrant refusal.

There is only a single, obscure glazed side window at first floor serving a living area with its principal outlook to the south so there are no concerns over the impact to that flat. At second floor (roof level) there are secondary rooflights to an open plan living/kitchen area with main outlook to front and rear. Again, there are no concerns about the impact on the amenity for this flat.

To the east, the proposed development shows only one rooflight on its west elevation facing the site and there are no concerns about the impact on that development, should it be approved.

Accessibility and parking

The car park currently serves the Old Town Hall and the plans for the conversion of

that building to flats show the provision of 10 parking spaces to serve the 6 flats proposed (AWDM/0877/20) plus cycle storage .

The current application will build over the car park and provide 8 parking spaces, 6 of which are to be used by the proposed residents of the flats in the Old Town Hall (the sites are in the same ownership) with 2 allocated to the office space. 8 cycle parking spaces are also to be provided. A Transport Statement submitted with the application explains that the combined residential and office uses would generate a demand for 13 parking spaces, meaning there would be a shortfall of 5 spaces.

The site is in a very sustainable location, being very close to the Southwick Railway Station and bus stops on the A259. There is limited parking capacity on local streets and WSCC Highways consider it unlikely that any overspill parking will have an effect that can be defined as unacceptable or severe, especially when considering the site's historic use and level of overspill parking that it created.

The development will re-use the existing vehicular access onto Albion Street and there are no highway safety concerns with this arrangement. The proposed A259 cycle route will run past the front of the site but WSCC has confirmed that there is no requirement for any additional land beyond the highway boundary to be set aside for the cycle scheme at this point as the proposed route will involve realignment of the carriageway to the north instead. The proposal is therefore considered to be acceptable in highway safety, access and parking terms.

Flood risk and Drainage

The applicant has advised that surface water is proposed to drain to an existing public sewer. The Council's Engineer has advised that this is not acceptable, as there are no public surface water sewers in close proximity to the site. A pre-commencement condition has been requested to ensure that a satisfactory surface water drainage scheme is provided.

Energy and Sustainability

An Energy and Sustainability Statement has been submitted with the application. It explains that it is intended that the development achieves a BREEAM Excellent rating in accordance with Policy SH1 of the JAAP. In terms of energy efficiency the development is proposing air source heat pumps for heating the building.

A conduit for the Shoreham District Heat Network supply pipework is to be accommodated within the ground floor construction for future connection. Electric vehicle charging is proposed in the undercroft parking area.

Solar PV panels are being considered for the roof and these are shown on the submitted plans as sitting above the ridge but not projecting to a significant extent. Final details of the panels can be reserved by condition.

Overall, the proposal is considered to provide a good level of sustainability and energy efficiency.

Contaminated land

The site is adjacent to a former tyre fitter and repair garage and is potentially contaminated. A condition is recommended to ensure that any contamination is investigated and dealt with prior to commencement of development.

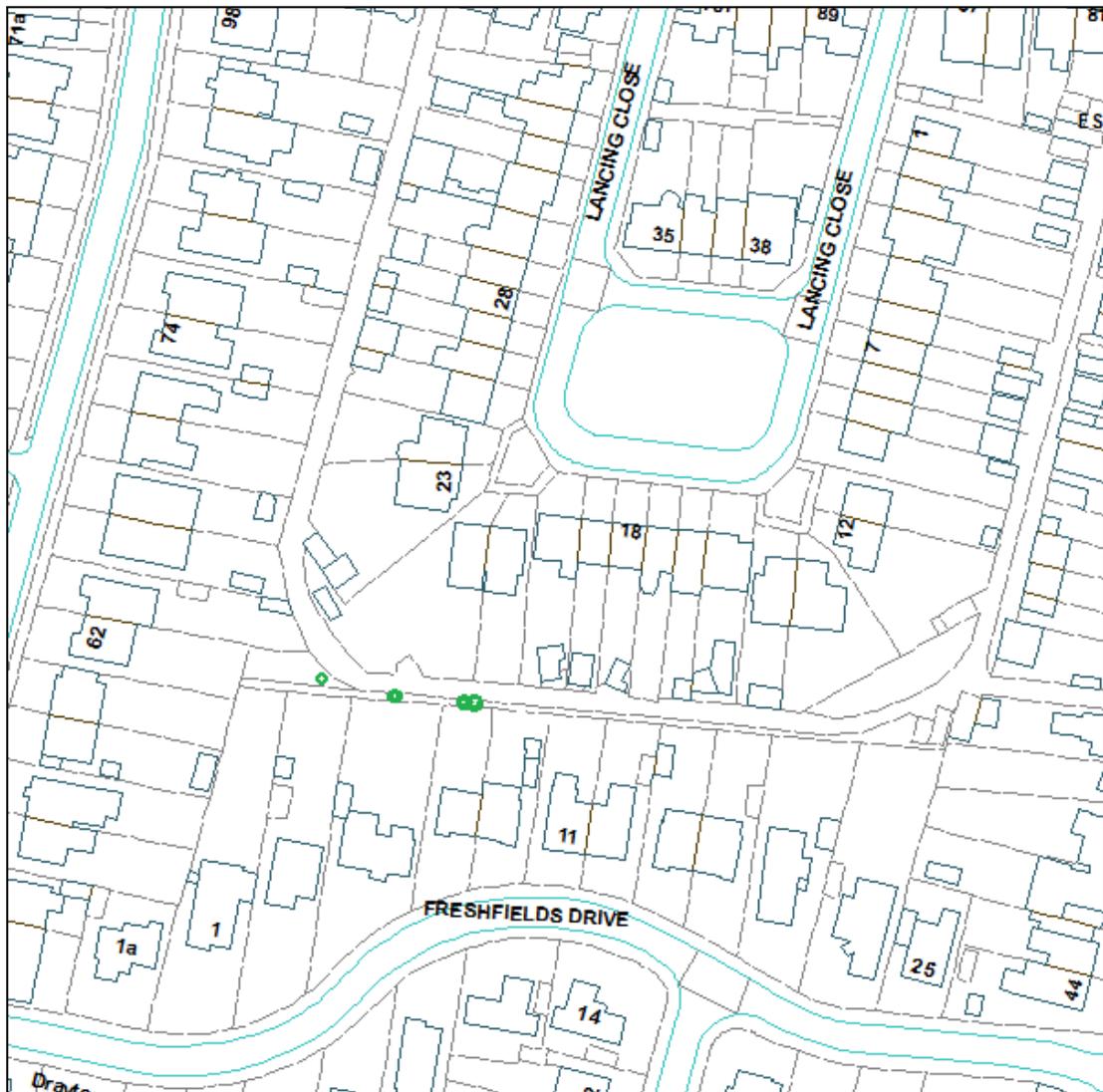
Recommendation

Approve

Subject to conditions:-

1. Standard time limit
2. Contaminated Land
3. External materials to be approved
4. Rear windows to be obscure glazed
5. Construction Management Plan to include control over hours of construction
6. Surface water drainage scheme to be submitted and approved prior to commencement
7. Class E (g) (i) use only and no other purpose
8. Car parking to be provided with EV charging spaces
9. Cycle parking to be provided
10. Development to achieve BREEAM Excellent standard and to include provision for future District Heating Network, in accordance with details to be provided.
11. Details of solar panels and location of air source heat pumps to be submitted and approved
12. Details of measures to protect public water supply main to be provided and agreed with Southern Water

Application Number:	AWDM/0123/22	Recommendation - APPROVE
Site:	20 Lancing Close, Lancing, West Sussex, BN15 9NJ	
Proposal:	Application for consent under Adur Tree Preservation Order No. 13.53/1/01 (L) of 2001 to pollard at 14 to 16 metres to above previous points Poplar trees T3, T4, T5 and T6.	
Applicant:	Mrs Ruth Nicol	Ward: Manor
Agent:	Mr Stephen Duance South Coast Tree Care Ltd	
Case Officer:	Jeremy Sergeant	



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This application was deferred at the March meeting of the Committee as Members considered they had not received justification for the proposed works as had also been requested under the previous application. Members requested that the applicant attend the committee to explain the justification for the amount of works proposed. It is understood that the applicant will address the Committee at the meeting.

Proposal, Site and Surroundings

The application refers to four large tall Poplar trees growing in the rear access way between Lancing Close and Freshfields Drive. The trees are a prominent part of the street scene and make a contribution to the character and visual amenities of the area.

Consent is sought to pollard at 16 metres to above previous points Poplar trees T3, T4, T5 and T6, amended to 2 metres higher than application AWDM/0478/21 which the Planning Committee deferred.

The reasons for the works are primarily in the interests of safety, light issues and amenity value.

Relevant Planning History

2001: Adur Tree Preservation order Number 13.53/1/01/L of 2001 made on 30/01/2001.

2011: Application for consent under Adur Tree Preservation Order No. 13.53/1/01 (L) of 2001 to Reduce 3 limbs of 2 poplar trees (subject to TPO 13.53/01/01/L)

2011: Reduce limb of Poplar tree at rear of 21 and 22 Lancing Close back to boundary fence line (subject to TPO 13.53/1/01/L)

2021: Application for consent under Adur Tree Preservation Order No. 13.53/1/01 (L) of 2001 to pollard at 14 metres to previous points Poplar trees T3, T4, T5 and T6. Deferred.

Consultations

None.

Representations

3 representations received from nearby neighbours in objection. The objections are similar to those previously submitted, claiming the works would be damaging to birds and wildlife, with much emphasis on nesting season. It is also claimed that reducing the height of the trees would affect the amenity of the area. Other remarks are concerning the location of the trees in regards to the application address, the effect of the works on "Climate Change" and the need for the trees to be assessed.

Relevant Planning Policies and Guidance

Adur Local Plan 2017

Design Bulletin No.1 'Trees and Landscaping' (ADC 1996)

National Planning Policy Framework (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

The trees are part of a row of large tall Poplar trees that run from east to west along the rear access way to properties in Lancing Close, adjacent to the boundaries with properties in Freshfields Drive, with tree T6 being inline but in the rear garden of 62 Elms Drive. The trees are prominent to the area, and can be seen from many views. The trees are:

Poplar tree T3

The Poplar tree T3 is to the east of the four Poplars, opposite the southwest corner of the rear garden of 21 Lancing Close. The tree has a large diameter single stem to 6 metres where it then divides into two. The north stem has been reduced at 14 metres, with the south stem persisting to 12, where it then begins to divide. The main crown is dense and wide spread with some slightly over extended laterals, and a heavy insurgence of Ivy that is being managed.

Poplar tree T4

This tree is located within 2 to 3 metres of tree T3 on slightly raised ground to the south of the access way behind Lancing Close. The tree has a large diameter single stem that begins to arch over from 14 metres and mostly persists to the top of the crown. Side stems to the north have been reduced at 12 to 14 metres. The main crown is dense and wide spread partially intertwined with T3, and has the remains of thick ivy growth in the lower sections.

Poplar tree T5

The Poplar tree T5 is the furthest west of the trees within the access way, located to the rear of 22 Lancing Close. The tree has a large diameter single stem to 8 metres where it then begins to divide. The main stem is clear to 4 metres where several large secondary stems emerge. The northern side of the tree has been heavily pruned at 12 metres on its northern side. The main crown is dense and wide spread with some over extended laterals.

Poplar tree T6

This tree is in line with the other trees but fenced off to be included within the rear garden of 62 Elms Drive. The tree has a large diameter single stem to 3 metres, where it then divides into three large secondary stems that each mostly persist to the top. The main crown is dense and wide spread with some remains of thick Ivy.

The proposed works to all four trees are to initiate new pollards at 16 metres, where appropriate reduce to 2 metres above previous points and carry associated works, including reduction in radial spread.

The works are to contain the size and spread of the trees, allowing for more manageable re-growth at a suitable height. The works are proposed so as to prevent the trees from becoming “overgrown” by making excessive weight on the relatively slender stems and limbs. This is a recognised trait of Poplar trees, that if left to grow will often have large breaks, which in turn can cause tear back, where bark is lost and live wood exposed. The works would be conditioned to be carried out to British Standards for Tree Works and will result, in time, to the trees having a similar appearance to the Poplar tree T1 which is to the eastern end of the group close to 13 Lancing Close.

It is considered that the works will have a material impact in relation to the overall size, spread and crown form of the trees and a significant amount of change will take place. However the works are conditioned to be carried out to the relevant British Standards, and an Advisory Note is issued with all consented tree works ensuring that the relevant wildlife requirements are adhered to. The works are, however, considered necessary to preserve the trees by reducing the possibility of damaging failure due to tall and wide spread over laden stems and limbs. In the long term the works will not have adversely affected their appearance, amenity value, or contribution to the character of the area.

The alternative is not to carry out any works, and allow the trees to continue growing as they are but this will risk future failure of the trees. Given that the works are considered acceptable in amenity terms and will contribute to the longevity of the trees, it is considered that the application is acceptable.

Recommendation

Grant permission subject to the following conditions:-

1. Approved Plans.
2. The proposed works, hereby permitted, shall be restricted to those specified in the application only unless otherwise agreed in writing with the Local Planning Authority and carried out within two years from the date of consent and in accordance with the British Standard BS 3998: 2010 Tree Work.

Reason: In the interest of visual amenity.

3 October 2022

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

Peter Barnett

Principal Planning Officer

Town Hall

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peter.barnett@adur-worthing.gov.uk

Jeremy Sergeant

Senior Tree and Landscape Officer

Town Hall

01273 263477

jeremy.sergeant@adur-worthing.gov.uk

Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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



ADUR DISTRICT
C O U N C I L

Adur Planning Committee
3 October 2022

Ward: All

Brief for Review of Western Harbour Arm, Shoreham Harbour

Report by the Director of Economy

1.0 Summary

1.1 This report presents a brief (attached as Appendix 1) for an early review of development coming forward at the Western Harbour Arm as part of the Shoreham Harbour Regeneration Area. The review is to address concerns regarding the overall quantum and density of development coming forward and the level of supporting infrastructure. The review will include an analysis of undeveloped sites and how a revised 'place-based' approach is taken to the regeneration of the area to help inform the update of the Adur Local Plan.

2.0 Background

2.1 The Adur Local Plan (adopted 2017) allocated a broad area for development and specific sites at the Western Harbour Arm (see map at Appendix 2). The Shoreham Harbour Joint Area Action Plan 2019 (prepared jointly with Brighton and Hove City Council and West Sussex County Council) provided a more detailed policy framework and allocations for the wider Shoreham Harbour Regeneration Area (including that part which lies within Brighton and Hove City Council).

2.2 Both the Adur Local Plan and JAAP allocate sites at the Western Harbour Arm for a minimum of 1100 dwellings (as well as 16,000 sqm of employment floorspace). Developments are bringing forward schemes at higher densities than previously predicted (driven in part by the need to ensure viability); while these are compliant with planning policy they are resulting in higher dwelling numbers than previously anticipated.

- 2.3 Infrastructure requirements for the Western Harbour Arm were set out in the Adur Infrastructure Delivery Plan 2016 which accompanied the Adur Local Plan. However there are some concerns regarding the degree and timing of infrastructure provision these developments are bringing forward, and whether increased levels of development require a re-appraisal of infrastructure needs.
- 2.4 The review also provides an opportunity to consider the implications of higher densities and the implications of this in terms of visual impact on the wider townscape, delivery of open space and overall 'place shaping' objectives.
- 2.5 It will also be important that the review of the Western Harbour Arm is set in the context of an increasing housing requirement for the District and a need to look robustly at all opportunities to meet our future housing needs.

3.0 Proposals

- 3.1 A brief is attached at Appendix 1 to set out a pathway for this review process, which takes the form of two key elements:
- 3.2 **Part 1:** an internal analysis and review of permissions granted to date setting out what has been granted permission so far; what infrastructure has been secured, and any differences from adopted policy. This will also need to take into account the changing viability context since the adoption of the Adur Local Plan. It will also incorporate 'scenario modelling' of those sites within the WHA which are not currently being promoted/ progressed through the planning system. These scenarios will be undertaken at various densities to assess potential dwelling numbers and associated infrastructure implications. Liaison will be undertaken with these landowners to ascertain their intentions for these sites. The brief sets out the particular infrastructure types which will be addressed.
- 3.2 **Part 2** - a 'place-making' and design-based consideration of the remaining Western Harbour Arm sites. This will include an assessment of the visual implications of higher density forms of development (taking into account existing evidence relating to tall buildings), and will consider whether additional design guidance would be beneficial.
- 3.3 It is proposed that a Design Code could be developed to ensure the delivery of a high quality, vibrant thriving neighbourhood with a clear sense of place, expanding on the objectives and policies set out in the JAAP. The design code approach would be carried out using the national design code methodology

and would involve public participation. This would also provide an opportunity to consider alternative provision of facilities on-site.

- 3.3 The scope of the review is set out on page 2 of the attached brief. It is important to note that the review cannot require existing planning permissions to be amended. The outcomes of the review will be used to inform emerging planning policy as appropriate. The Design Code work could also, potentially, be integrated into a guide for future developments within the Western Harbour Arm area.

4.0 Timescales and Resources

- 3.4 Part 1 of the review will inform the update of the Adur Local Plan and would be undertaken by the Planning Policy team, and integrated with a wider infrastructure assessment for the Adur Local Plan Review. There is scope to provide some external assistance and a Project Manager is looking to be appointed to assist the Part 2 work. This work would also need to appoint consultants who specialise in masterplanning and urban design as well public engagement.

- 3.5 The updated Adur Local Plan will provide an opportunity to progress any updates or revisions to planning policy emerging for this review. Timescales for the Local Plan are currently under review, as will be dependent on evidence based studies including transport. However it is anticipated that a report relating to Part 1 of the review (infrastructure) can be published in advance of a draft Adur Local Plan.

4.0 Legal

- 4.1 The review will help to inform the statutory review of the Adur Local Plan which will be the subject of public consultation and will need to accord with relevant National Planning policy and legislation.

5.0 Financial implications

- 5.1 It is intended to meet the costs for Part 1 out of existing budgets. However, there will be a need to seek a Local Plan budget for next financial year to cover Consultants costs for the Design Code work and other evidence based studies for the wider Local Plan review. The cost of the additional consultants will be established following the completion of the Part 1 work.

5.2 This will be considered as part of the budget setting process for 2023/24. Given the one-off nature of this expenditure the option remains to fund these costs from reserves if the cost pressure cannot be accommodated from within the 2023/24 budget.

6.0 **Recommendation**

6.1 It is recommended that:

- i) Members review the brief attached at Appendix 1 and for any comments to be forwarded to the Cabinet Member for Regeneration.

Local Government Act 1972

Background Papers:

Adur Local Plan 2017

Shoreham Harbour Joint Area Action Plan 2019

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Schedule of Other Matters

1.0 Council Priority

- 1.1 Platforms For Our Places: Links to 1.10 Planning and Land Use supporting Prosperous Places, and the other platforms.

2.0 Specific Action Plans

- 2.1 The Adur Local Plan 2017 and Shoreham Harbour Joint Area Action Plan 2019 form the Council's development strategy for the Western Harbour Arm, and with the relevant West Sussex Waste and Minerals Plans, for the development plan for that same area.

3.0 Sustainability Issues

- 3.1 The review will provide an opportunity to assess how well developments are meeting sustainability policies in the Adur Local Plan 2017 and Shoreham Harbour Joint Area Action Plan.

4.0 Equality Issues

- 4.1 No issues identified

5.0 Community Safety Issues (Section 17)

- 5.1 No issues identified

6.0 Human Rights Issues

- 6.1 No issues identified

7.0 Reputation

- 7.1 The review is, in part, responding to concerns raised by the community.

8.0 Consultations

8.1 Both the Adur Local Plan 2017 and Shoreham Harbour Joint Area Action Plan were subject to several stages of public consultation, as part of the statutory development plan process. It is likely that Part 2 of the review will also involve an element of public participation as part of the Design Code process.

9.0 Risk Assessment

9.1 The review is not a statutory requirement

10.0 Health & Safety Issues

10.1 None identified

11.0 Procurement Strategy

11.1 The strategy will be followed in securing additional support as indicated at paragraph 3.4 of the report

12.0 Partnership Working

12.1 The review will require engagement with infrastructure providers.

Updated Brief: Review/ Analysis of Western Harbour Arm September 2022

Project Summary

To undertake an analysis and review of development coming forward at the Western Harbour Arm part of the Shoreham Harbour Regeneration Area (with specific reference to topics listed below) to inform the update of the Adur Local Plan.

Background: Why is this needed?

This review has been launched in response to:

- Success in terms of progression of schemes but with developments coming forward at higher densities than predicted. As a result the overall number of dwellings delivered across the JAAP area could significantly exceed the minimum figure allocated in the Adur Local Plan (ALP) and Shoreham Harbour Joint Area Action Plan (JAAP).
- This has resulted in concerns from the local community and District Councillors about the lack of infrastructure improvements coming forward with recently approved developments and that,
 - i) insufficient infrastructure would be delivered to mitigate the impact of increased levels of development (including impacts on congestion/transport/air quality and services health and education) and,
 - ii) that increased densities would not accord with the JAAP in terms of layout, open space and place making.
- Changes in national/ local policy since adoption of JAAP/ ALP (eg transport)
- To inform the review and update of the Adur Local Plan

Objectives:

The factors indicated above give rise to need for a 'sense check' as to:

- whether previous infrastructure requirements are still appropriate given policy changes/level of development; and if not, to determine the updated requirements and means of delivery.
- Implications of higher dwelling numbers (and resulting higher developments) on sense of place, visual impact, place shaping, delivery of open space etc.

- To inform refreshed planning guidance, ensuring that individual developments are contributing to delivering the vision to transform the regeneration area into a vibrant, thriving waterside destination; and the area priorities for the Western Harbour Arm, including:
 - The comprehensive redevelopment to become an exemplar sustainable mixed use area.
 - High quality building design, townscape and public realm
 - Maximising the intensification and redevelopment opportunities
- To inform policies within the emerging Adur Local Plan.

Scope

- 1) This project focuses on the Western Harbour Arm allocation as set out in the Shoreham Harbour Joint Area Action Plan 2019. This process will not review the Shoreham Harbour Joint Area Action Plan 2019 itself; this will remain the development plan for the area (together with the Adur Local Plan and relevant Waste and Minerals Plans). Any necessary policy changes can be integrated into the emerging ALP update.
- 2) The following forms of infrastructure do not require specific consideration as part of the SH Review project or report:
 - Public art
 - Heat network -this is being addressed through a separate process.
 - Sustainability matters
 - Fire and Rescue
 - Libraries

However these matters will be addressed via the update of the Adur Local Plan and associated Infrastructure Delivery Plan.

- 3) Geographical scope: The review relates to those developments within the allocated Western Harbour Arm area; it does not relate to those developments nearby, or adjacent to but outside the allocation. (For example Adur Civic Centre). However where relevant, developments nearby will be taken into account in assessing dwelling numbers where this will influence infrastructure provision - eg school catchment areas, parking etc. Furthermore the review does not relate to any part of the Shoreham Harbour Regeneration Area which lies within Brighton and Hove City.
- 4) The review cannot require existing planning permissions to be amended.
- 5) The findings or recommendations of the review do not in themselves constitute planning policy, but may inform emerging planning policy.

Approach:

Part 1: Internal Analysis and Review

- This will commence with a review and analysis of permissions granted to date, setting out what has been granted permission so far; what infrastructure has been secured, and any differences from adopted policy.
- An assessment of mitigations as set out in the Adur Infrastructure Delivery Plan 2016 will be undertaken to consider whether these are still appropriate and/or deliverable, given the potentially higher number of dwellings that may be secured, or changes in policy. Are alternative mitigations required? If so, what are these and how can they be delivered?
- The issue of viability, and how this is affecting development also needs to be addressed. This should include impact of changing viability on development with permission; implications for emerging development, and implications for key areas of infrastructure (eg impact on affordable housing delivery).
- This stage will incorporate scenario-modelling of those sites within the WHA which are not currently being promoted/ progressed through the planning system. These scenarios will be undertaken at various densities to assess potential dwelling numbers and associated infrastructure implications. Liaison will be undertaken with these landowners to ascertain their intentions for these sites.

The review will focus on these particular areas of infrastructure provision:

- Wastewater/water distribution
- Health
- Education
- Open space (review and recommendations)
- Transport and parking (part 1)
- Air quality

As a result it will be necessary to engage with the stakeholder organisations responsible for the relevant infrastructure.

Part 2 Place-making and design.

- A design code will be developed in order to ensure that the Council's approach to planning for the Western Harbour Arm will deliver the vision and objectives of the JAAP. The code will ensure that developments will contribute to the plan's ambition to create a high quality, vibrant, thriving neighbourhood with a strong sense of place.
- This will include an assessment of the visual implications of higher levels of development (see scenario modelling referred to in part 1), utilising national design code methodology and integrating public participation.

- It will incorporate assessment of potential options for delivering open space on-site and the resultant implications, including reduced dwelling numbers and delivery of collective infrastructure including the flood wall in the vicinity.
- This stage will need to address, where relevant, the implications of any alternative mitigations identified in Part 1 that may require location on the Western harbour Arm - eg primary school, given needs arising from the WHA and other major development (where these can be identified at this time) in the catchment area .
- This element of work can explore whether guidance on building heights or other design factors would be beneficial in influencing developments coming forward at the Western Harbour Arm.

This work will also need to take account of the existing evidence base for Shoreham Harbour Regeneration, including the Tall Buildings Study.

Governance

This is to be determined, however could potentially involve Adur Project Board, Informal Cabinet, Shoreham Harbour Leaders Board, Adur Planning Committee, Adur Local Plan Members Working Group.

Regular progress update meetings will be held with the Executive Member for Regeneration

Outcomes:

Part 1

Report (full details set out in Appendix 1) set out findings of analysis and 'fact check'; conclusions relating to infrastructure - recommendations for any changes to agreed mitigations and/or confirmation from relevant stakeholder that previously agreed mitigations remain appropriate. These will be integrated into the update of Adur Infrastructure Delivery Plan as relevant. Where appropriate, requirements can be addressed by policy within the emerging Adur Local Plan update.

Part 2:

The design code will set out simple, concise illustrated design requirements, providing a framework for creating healthy, safe, green, environmentally responsive, sustainable and distinctive places, with a consistent and high-quality standard of design. These will be developed collaboratively through public participation, and will expand on the place making objectives and policies in the JAAP.

Design Code work could result in assessment of various options (and recommendations) for alternative provision of facilities (eg open space/ primary school) on-site within the WHA; also a set of recommendations in terms of design and place-making. These findings can be integrated

into the ALP update as relevant, and/or agreed as an informal guide for future developments within the allocation.

Timescales

Stage 1 Report was initially agreed to be completed by Christmas 2022. However integration of the project into wider ALP review work will require ALP elements to be undertaken sooner than expected (such as site screening/ assessment) in order to determine sites/ scale of development likely to be progressed via the Adur Local Plan update. As such this will push back the final report. Furthermore where additional evidence is required the timescales will be dependent on these.

As an example, that part of the transport work which requires modelling and assessment requirements and integration with the wider geographical area will be dependent on the timescales for the ALP Transport Study (currently with National Highways for agreement of the methodology). However 'freestanding' elements of the Stage 1 report could be released as appropriate, such as the analysis of permissions to date;

Stage 2 - A project brief etc can be developed concurrently with part one. However actual commencement of Design Code work will require certain key information (and relevant decisions) to feed into the process. It is proposed that an essential part of developing the brief for Stage 2 should identify this relevant information and determine appropriate timescales.

End.

Appendix 1 Part 1 report format

1. **Introduction, purpose and methodology**
2. **Vision** (as set out in JAAP and ALP)
3. **Constraints and abnormals:** contamination, flood risk, viability - footprint (developable area excluding riverside walkway and cycle lane)
4. **Collective infrastructure** - flood defence, riverside walkway and A259 cycle route (impact on viability and developable area). Benefits, issues with delivery? How can these be overcome?
5. **Commercial/retail floorspace.**What are current policy requirements, what has been given consent so far? Given changes to use Class E what other uses may therefore be located here? Could a different approach be taken?
6. **Review of Permissions to date** (and those in system)
7. **Future scenarios** (density based scenarios on remaining sites)
8. **Infrastructure delivery - priority areas for consideration**
 - For each topic:
 - **A)Expected requirements at 'minimum 1100' (as at 2016 in IDP, ALP and JAAP). Actual contributions secured so far; are the identified mitigations still appropriate from a *policy* point of view?**
 - **b)Test scenarios and requirements arising from these?**
 - To cover the following:
 - Wastewater, water distribution - capacity issues?**
 - Health - use of s106s, capacity, delivery**
 - Education - use of s106s, capacity delivery**
 - Open space***
 - Transport and parking***
 - Air quality**
- 8 **Conclusions and Recommendations**

What are the implications arising from the above analysis?

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