



ADUR DISTRICT
C O U N C I L

26 July 2019

Adur Planning Committee	
Date:	5 August 2019
Time:	7.00 pm
Venue:	QEII Room, Shoreham Centre, Shoreham-by-Sea

Committee Membership: Councillors Carol Albury (Chair), Pat Beresford (Vice-Chairman), Les Alden, Stephen Chipp, Brian Coomber, Dave Collins, Lee Cowen and Paul Mansfield

NOTE:

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail democratic.services@adur-worthing.gov.uk before noon on Friday 2 August 2019.

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. Confirmation of Minutes

To approve the minutes of the Planning Committee meetings of the Committee held on 1 July 2019, which have been emailed to Members.

4. Items Raised Under Urgency Provisions

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

5. Planning Applications

To consider the reports by the Director for the Economy, attached as Item 5.

6. 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

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)

Part B - Not for publication - Exempt Information Reports

None.

Recording of this meeting

The Council will be voice recording the meeting, including public question time. The recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@worthing.gov.uk	Louise Mathie Senior Laywer 01903 221086 Louise.mathie@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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**ADUR DISTRICT
COUNCIL**

**Planning Committee
5 August 2019**

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/0954/18 Recommendation – Approve

Site: Land at 7 to 27 Albion Street, Southwick

Proposal: Demolition of 11-27 Albion Street and redevelopment to provide a total of 50 affordable flats within two blocks of 4-6 storeys in height (plus undercroft car parking to the rear and landscaping) and the refurbishment of 7-9 Albion Street (to provide 6 flats within the existing building), including dormers to east and west roof slopes.

2

Application Number: AWDM/0720/19 Recommendation – Refuse

Site: 29 Kings Walk, Shoreham by Sea

Proposal: Demolition of detached bungalow and erection of 1no. three bedroom detached dwelling and 1no. four bedroom detached dwelling, set over three floors with South facing balconies at first floor level (AMENDED PLAN received showing proposed houses moved closer to road)

3

Application Number: AWDM/1606/18 Recommendation – Approve

Site: Ocean View Business Park, Gardner Road, Southwick

Proposal: Erection of 7no. industrial units for Use Classes B1 (business) and B8 (storage or distribution) on east side of site with associated parking and refuse storage.

4

Application Number: AWDM/0906/19

Recommendation – Approve

Site: 412 Upper Shoreham Road, Shoreham by Sea

Proposal: Proposed single-storey detached outbuilding comprising gym, sunroom and store to rear garden.

Application Number: AWDM/0954/18 Recommendation – APPROVE

Site: Land At 7 To 27 Albion Street, Southwick

Proposal: Demolition of 11-27 Albion Street and redevelopment to provide a total of 50 flats comprising 15 affordable flats and 35 market flats within two blocks of 4-6 storeys in height (plus undercroft car parking to the rear and landscaping) and the refurbishment of 7-9 Albion Street (to provide 6 flats within the existing building), including dormers to east and west roofslopes.

Applicant: Adur and Worthing Councils and Ward: Southwick Green
 Albion Street Developments
Case Officer: Peter Barnett



Not to Scale

Background

At its meeting on the 5th November 2018 the Committee resolved to grant planning permission for the above development subject to a legal agreement seeking to secure affordable housing (30%) and development contributions towards cycle route improvements on the A259, education, libraries and Fire and Rescue. At the time, the development was proposing both market housing and 15 social rent apartments. The previous Committee report is attached for information.

Since then the Council has investigated the opportunity of building out all 50 units as affordable housing. This has been possible following the Government's relaxation of the borrowing capital on Councils' Housing Revenue Account and the scope for funding from Homes England (HE). The previous development also involved a potential partnership with a private sector partner but this is not now being pursued. The applicant is now solely Adur District Council and re-consultations have been undertaken with the County Council regarding development contributions.

Consultations

West Sussex County Council has confirmed that, provided the development is restricted to all affordable rented housing, there will not be any requirement for development contributions for education, libraries and Fire and Rescue as occupiers will be from the Councils existing waiting list (drawn from existing residents in the District) and, therefore, there would not be any additional burden on these WSCC services.

The County Council has also re-confirmed that there is no objection from a **transport/highways** aspect subject to the previous agreed transport contribution. This will now be slightly higher than before as the 2019/20 cost multiplier has been used (now £77,980 whereas previously it was £76,465).

Representations

As attached Report.

Planning Assessment

There have been no changes to the scheme since the last Committee report other than the commitment by Adur Homes to now redevelop the site for affordable rented accommodation. A condition is proposed to ensure that the dwellings can only be occupied as affordable rented accommodation.

Recommendation

Subject to completion of a satisfactory section 106 Planning Obligation undertaking to pay the contribution of £77,980 to be spent on cycle route improvements on the A259 in accordance with the Shoreham Harbour Transport Strategy (2016-2031).

APPROVE:-

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Noise protection
4. Sound testing between floors
5. Working hours
6. Construction Method Statement
7. Contaminated land
8. Fencing and walls
9. Landscaping and tree protection
10. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development
11. Construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority in consultation with Southern Water
12. Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.
13. Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.
14. Information regarding the potential coastal species must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The reason for this condition would be to comply with policies SH6 clause 14, and SH7 clauses 5 and 6.
15. The use hereby permitted shall not be carried on unless and until details of all operational phase air quality mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The mitigation shall be equal to a value of £15,889.20 as identified in the emissions mitigation assessment contained within Chapter 8 of the Air Quality Assessment dated August 2018 and provided as part of the application.
16. The use hereby permitted shall not be carried on unless and until an air quality impact assessment of the proposed centralised energy facility has been submitted to and approved in writing by the Local Planning Authority. All

- boilers and/or CHP plant installed on site shall have a NOx emission rate of less than 40 mg/kWh of dry NOx (at 0% O2).
17. Samples and schedule of materials.
 18. Strip of land to be reserved as highway for provision of future cycleway
 19. Side living room window to House 9-02 to be obscure glazed and non-opening below 1.7m
 20. 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.
 21. No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.
 22. All dwellings hereby approved shall be occupied at all times as affordable rented homes as defined by the NPPF.

5th August 2019

Application Number: AWDM/0954/18

Recommendation – APPROVE

Site: Land At 7 To 27 Albion Street, Southwick

Proposal: Demolition of 11-27 Albion Street and redevelopment to provide a total of 50 flats comprising 15 affordable flats and 35 market flats within two blocks of 4-6 storeys in height (plus undercroft car parking to the rear and landscaping) and the refurbishment of 7-9 Albion Street (to provide 6 flats within the existing building), including dormers to east and west roof slopes.

Applicant: Adur and Worthing Councils and Albion Street Developments

Ward: Southwick Green

Case Officer: Peter Barnett



Not to Scale

Proposal, Site and Surroundings

The application relates to a terrace of 6 houses (17-27), a detached house (11) and a semi-detached pair of dwellings (7-9) on the north side of Albion Street close to its junction with Kingston Lane. The site is in two parcels divided by a strip of land the ownership of which is unknown. Nos 11-27 are Council owned.

The site fronts Brighton Road, the A259, which is a busy main arterial route into Shoreham from the east. Within the vicinity of the application site Brighton Road has a mixed character. There is a three storey block of flats to the west (Jevington Court), on the opposite side of Kingston Lane, with two storey dwellings beyond. To the immediate west is 3 and 5 Albion Street, a semi-detached pair of two storey dwellings with rooms in the roof. To the east characterised by industrial sheds, areas of open storage, large retail units to the east is Montgomery Motors, a car repair premises within single storey industrial buildings with an open forecourt. The lorry park and Grange Industrial Estate are further east.

The site fronts Shoreham Harbour with a Jetski/watersports hire business on the south side of the road. Dudmans Yard sits opposite 17-27 Albion Street. The site is bounded to the north by the railway embankment with Sussex Croquet Club on the other side of the railway line, within the Conservation Area.

The application proposes to demolish the terraced houses and the detached house within the eastern parcel and to construct 44 flats within two buildings of contemporary design of between 4-6 storeys in height. The smaller of the two buildings is to accommodate 15 affordable flats. A further 6 flats are to be provided within the retained semi-detached buildings (7-9) which are to be extended and refurbished. 50 flats are to be provided in total (30% affordable) in the following mix:

- 27 one bed flats
- 22 two bed flats
- 1 three bed flat.

The affordable flats are to be provided in the following mix:

- 9 one bed flats
- 6 two bed flats.

The buildings will front Brighton Road but are set back between 2.3m and 3.5m to enable the provision of a 'greening strip' of new landscape planting. Each block has separate pedestrian access and there is a shared central vehicular access to the 50 space car park at the rear of the site. The access runs underneath an overhang at first floor and much of the parking is itself positioned at ground level below the overhanging building.

Background

This site was subject of a Joint Strategic Committee report in November 2016 where Members agreed to support, in principle, a land deal whereby a developer would commit to build out a scheme which would incorporate 15 affordable homes on the basis that this would be the quickest and most cost effective delivery method to replace the current poor quality housing stock with new affordable homes to help meet current housing needs in the District. The intention is that all 15 affordable apartments would be provided as rented units.

The site is owned by the Council with the exception of two unregistered strips of land. The Council is proposing to enter into a land deal with the developer whereby they would secure the land necessary to build the market units in exchange for funding to enable the Council to build the 15 affordable apartments. The Council would retain the freehold of the land for the affordable housing including the associated car parking

The existing Council buildings previously provided emergency hostel accommodation but have since been vacated and boarded up. The proposed development will contribute towards the Council's identified housing supply as well as securing 30% affordable housing for affordable rent.

Consultations

West Sussex County Council: No objection from a **transport/highways** aspect.

Comment that the proposals are supported by way of a Transport Statement (TS). The proposed development is for 50 residential apartments to be constructed in two apartment blocks with 7 and 9 Albion Street being maintained but redeveloped as apartments. In total there will be 27 one bedroom, 22 two bedroom and 1 three bedroom flats. Access will be directly on to Albion Street via crossovers. The proposals will be accessed from Albion Street which is classified as part of the A259 and subject to a 30 mph speed limit in this location. Comments on Access, Sustainability and Capacity have been considered in our response to the LHA on the 17th August 2018.

Request for Further Information

There is a policy and design standard for the cycle facility along the A259. West Sussex County Council (WSCC) has been part of the Shoreham Harbour Regeneration Partnership which has prepared the Shoreham Harbour Joint Area Action Plan (JAAP) which was submitted to the Secretary of State for public examination on 31 May.

In the LHA's response from the 17th August 2018 it was difficult to ascertain the annotations and dimensions of the proposed site layout. It was requested that the applicant must clearly demonstrate that their proposed scheme does not preclude the

A259 cycle way proposals from being delivered. After some dialogue with case officers a formal meeting between parties was ascertained as the best way forward.

Summary of Meeting

The meeting between the LHA, AWC and their consultants was held on Wednesday 10th October 2018. At the meeting options for a way forward were discussed and it was agreed that a 'highways land hatch' with a 1.2 metre and 1.0 metre set back could be accepted by the LHA.

A strip of land, in front of the part of the site to be the private residential block development, with a depth off 1.2m from back of pavement shall be set aside, and a strip of land, in front of the affordable housing block of 1.0m shall be set aside. This land strip will be treated as shown on the existing planning drawings, with planting, however WSCC and/or ADC will have the right in the future to use that land without further consultation with a third party owner as part of their road widening proposals. Drawing number 1538_PA_010 has been provided to clearly set out the demise of the land set aside for the highway improvement scheme. This arrangement has no effect on the location, size or arrangement of the buildings. The LHA would advise this can be secured via a Section 106 Agreement with AWC.

Conclusion

Having considered the above the LHA would not raise an objection to the application. The proposals would not be considered to have a 'Severe' residual impact in line with Paragraph 109 of the National Planning Policy Framework (NPPF). Any approval of planning permission would be subject to the following conditions:

Car parking space (details approved)

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

Reason: To provide car-parking space for the use

Travel Plan (to be approved)

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

Reason: To encourage and promote sustainable transport.

Section 106 Obligation required to secure £7,959 towards the reconfiguration of the library space to increase family use at Southwick Library, £76,465 to be spent on cycle route improvements on the A259 in accordance with the Shoreham Harbour Transport Strategy (2016-2031) and £650 towards the supply and installation of additional fire safety equipment to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Southwick.

The **Local Lead Flood Authority** (WSCC) comments that no FRA/Drainage Strategy has been included with this application. The application form suggests that Sustainable Drainage System/Soakaway/Main sewer will be used to drain the surface water from this site. Plans show permeable paving being used for part of the car park.

Further information is required to clarify the drainage arrangements and ensure the requirements of the NPPF, PPG and associated guidance documents are met.

As indicated by the Adur & Worthing Councils Drainage Engineer, infiltration testing should be carried out to assess the best way for infiltration to be incorporated into the surface water drainage designs.

Following the SuDS hierarchy and the spirit of SuDS implementation, betterment for surface water systems on the new developments should be sought. This could include retention at source through green roofs, permeable paving and swales prior to disposal to reduce peak flows. SuDS landscaping, could significantly improve the local green infrastructure provision and biodiversity impact of the developments whilst having surface water benefits too.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Adur & Worthing Councils: The **Environmental Health** officer (**Air Quality**) comments as follows:

I must first raise some concern about the close proximity of the proposed development to the A259. Good design for minimal air quality impacts suggests maximising the distance between the carriageway (the source of pollutants) and proposed receptors.

The air quality assessment screens out an operational impact assessment as the number of associated traffic movements is stated to be below the IAQM threshold. The transport assessment states that the proposed development would be adding 9 additional trips in the AM peak and 11 additional trips in the PM peak. This is relatively low. The site incorporates 50 parking spaces.

Interestingly the report notes that a centralised energy facility is to be provided, but details are yet to be finalised. The report recommends that an air quality impact

assessment will be required which I concur with. I note a commitment to low NOx boilers and CHP.

An emissions mitigation assessment has also been completed. This concludes that the damage cost associated with the development will be £15,889.20. However, no further mention of this figure is made, nor any related mitigation proposed. The development should incorporate mitigation to this value.

A number of mitigation measures for the construction phase are proposed in Chapter 9. Whilst a number of these are good practice, some are rather vague and need more detail.

As a result I recommend conditions are attached to any permission granted as follows.

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction - HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's.
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the control of dust emissions from the site (to include roads and stockpiles),
- a commitment to no burning on site,
- the erection and maintenance of security hoarding,
- demolition procedures,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction.

2. The use hereby permitted shall not be carried on unless and until details of all operational phase air quality mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The mitigation shall be equal to a value of £15,889.20 as identified in the emissions mitigation assessment contained within Chapter 8 of the Air Quality Assessment dated August 2018 and provided as part of the application.

3. The use hereby permitted shall not be carried on unless and until an air quality impact assessment of the proposed centralised energy facility has been submitted to and approved in writing by the Local Planning Authority. All boilers and/or CHP plant installed on site shall have a NOx emission rate of less than 40 mg/kWh of dry NOx (at 0% O2).

The **Environmental Health Officer (Public Health)** has made the following comments:

Noise - the site is located between the railway, a busy main road and a garage, all of which have potential to negatively affect the residential amenity of the occupiers. I would recommend the following condition;

Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from noise and vibration from the road, railway and garage has been submitted to and approved by the local planning authority. The scheme should also include a strategy to prevent overheating. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. Following approval and completion of the scheme, tests shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential units from noise.

I also have concerns about noise transmission between some of the kitchen/lounges and bedrooms. A number of kitchen/lounges are positioned directly above, below and adjacent to bedrooms. These dissimilar rooms positioned in this way are likely to lead to loss of amenity and noise complaints.

I would advise the reconfiguration of the rooms so similar room types are positioned adjacent to each other in accordance with ProPG guidance. If this is not possible then sound insulation testing should be carried out between all dissimilar rooms to confirm compliance with Approved Document E specifications before occupation.

As this site is in close proximity to existing residential dwellings I have concerns about the resulting noise and dust associated with the demolition and construction works. I would recommend the following conditions.

All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times.

Monday Friday

08:00 18:00 Hours

Saturday 09:00 13:00 Hours

Sundays and Bank Holidays no work permitted.

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

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

The developer may also wish to liaise with the aggregate company on the south side of the road, opposite the site in order to prevent the new occupiers being affected by dust from the site. Complaints have been received about this site in the past so it may be beneficial to work with the site owners with a view to raising the hoardings around the site and particularly around aggregate storage areas.

The **Environmental Health Officer (Contaminated Land)** advises that the full contaminated land condition is required.

The **Environmental Health Officer (Private Sector Housing)** has no overall objection, but notes that many of the flats have a layout whereby bedrooms effectively open onto an open-plan corridor/living room/kitchen effectively making them inner rooms. This can be easily resolved by installing a door between the corridor and the living room/kitchen.

The **Waste Services** Officer comments that the issue seems to be one of access to the bin area. Although there is an access road it is not clear whether the height of the overhanging building will provide enough height room to allow one of our trucks to reverse into the access road. With an estimated 14 x 11000 bins it will mean our truck blocking the main road for long periods which will cause traffic issues also pulling large wheelie bins that length will be an issue.

The **Engineer** advises that the site lies in flood zone 1 and is unaffected by predicted surface water flooding.

The application form states that surface water will be disposed of using sustainable drainage but does not explain what this entails and soakaways, and that parking areas

will be tarmacked. However the Design and Access statement refers to Terram Truckpaving porous Pavers.

There are no details of the proposed drainage provided but looking at the Proposed First Floor Site Plan DRG 1538 PA 011, there is ample space to site either soakaways or blanket drainage under the car park.

I note that no 17 is currently unoccupied, as there is inadequate and contradictory information provided can I ask that the applicants undertake an infiltration test in the garden of 17 as soon as possible and that the results from that be used to improve the information provided for me to consider.

The **Tree and Landscape** Officer advises that even if 3 car parking spaces were lost to preserve the trees, they would be very close to the building. I consider that instead the selected trees be removed and consideration be given to planting of at least 2 or 3 Extra Heavy Standards to infill the tree group to the northwest of the car park, possibly losing one parking space - between the retained T13 and the removed T10.

The **Shoreham Harbour Regeneration** Team has made the following comments:

The site is located within the Shoreham Harbour regeneration area. It is contained within the Harbour Mouth Character Area. The site fronts a priority corridor and is within an area identified for re-use.

Visual Amenity

The drawing "Proposed South Facing Elevation" showed a fourth floor balcony which would overlook the residential dwellings to be refurbished. The drawings have since been amended; windows have been shown to be removed from the side of the refurbished dwellings which would prevent overlooking from the balcony. This demonstrates that there would be no amenity issues in line with the last bullet point of SH9 clause 5.

Sustainability

An Energy Statement has now been produced and complies with Policy SH1 clause 2. The statement confirms that the development would incorporate water conservation measures to limit water use to 110 litres per person per day through low water consumption fittings. This complies with SH1 clause 9.

The statement provides information for the following renewable energy measures:

Centralised communal heating and hot water systems:

The statement acknowledges that the proposed energy centre would be located 300m from Albion Street and could serve the Albion Street apartments, and due to this each block is designed for future connection. This complies with SH1 clause 6.

10% of energy requirements through PV panels:

Photo-voltaic panels will be mounted on the roof of each block and orientated to the south, which is demonstrated on Schematic roof layouts, and SAP calculations determine the quantity of photo-voltaic panels required to offset the predicted energy consumption by 10%. This complies with SH1 Clause 4.

Flood risk and Drainage

The subject site is identified in the Adur Strategic Flood Risk Assessment as being susceptible to surface water flooding.

A Sustainable Drainage Statement has now been submitted. This states that the surface water run-off from the development would be managed using cellular storage wrapped in an impermeable geomembrane, and pervious pavements were applicable. This complies with SH6 clause 13.

The statement confirms that the site is outside of flood zones 2 and 3. As such, there is no conflict with Policy SH6 clause 4.

Ecology and Air Quality

A green corridor would be located to the south elevation of the development fronting the A259, incorporating trees and landscape planting. After discussions with West Sussex County Council, a one meter strip of land would be reserved for the potential cycle scheme. While this would affect the greening of the frontage, this would represent an improvement when compared to the small front gardens of the existing site. This would comply with SH7 clauses 2, 3, 6, and 8.

An Air Quality Assessment has now been submitted which has concluded that the air quality effects from the development would not be significant. This is in line with SH7 clauses 13 and 15, though may need to be further controlled with suitable conditions regarding mitigation measures.

Recommendation

Owing to the above considerations, the application is considered acceptable and the Shoreham Harbour Regeneration Team recommends approval, subject to the following conditions:

Conditions

Information regarding the potential coastal species must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The reason for this condition is to comply with policies SH6 clause 14, and SH7 clauses 5 and 6.

While the proposed extensive sedum green roofs are welcomed, it is advised that any green roof should meet minimum standards published by the Green Roof Organisation (GRO, 2014)². The reason for this condition is to comply with policies SH7 clauses 3 and 8.

Southern Water: *Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the*

existing public sewer network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

Request conditions: "Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

"Construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority in consultation with Southern Water.

Alternatively, the developer can discharge foul and surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul and surface water systems. The applicant will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul and surface water flows will be no greater than the existing contributing flows.

Also request following condition: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

The **Head of Housing** supports the application and indicates that the proposed development would be a cost effective way of delivering new affordable rented accommodation to help meet Adur's significant housing need.

Representations

1 letter received from the occupier of 5 Albion Street:

- Concerned that there may be inadequate parking provision
- Would like boundary wall constructed/reinstated to protect No.5 from noise
- Flat roofs at rear of 7-9 Albion Street should not be accessible/used as terrace
- Is 7-9 Albion Street structurally capable of accommodating additional load/accommodation?
- Preferable to redevelop numbers 3 and 5 Albion Street too

2 letters of objection received from the occupier of 8 Spinnals Grove and from an unspecified address:

- Spinnals Grove backs onto the croquet club which abuts this development
- Concerned about height of the building which will be well above the trees and will have a significant impact on outlook
- Loss of privacy from balconies
- High buildings in the Conservation Area are not appropriate
- Will detract from scale and character of existing area
- Out of proportion with rest of sea front

Relevant Planning Policies and Guidance

Adur Local Plan 2017 policies 2, 3, 8, 11, 15, 18, 20, 21, 22, 28, 29, 30, 31, 34, 35, 36
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats';

Planning Contributions for Infrastructure Provision (ADC 2013)

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

Proposed Submission Shoreham Harbour Joint Area Action Plan 2018 Policies CA6, SH1, SH4, SH5, SH6, SH7, SH8, SH9

West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003)

West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSCC 2010)

National Planning Policy Framework (July 2018)

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

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

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

Planning Assessment

Principle

The site is not allocated within the Adur Local Plan but it has come forward for redevelopment as a windfall site, being located within the built up area boundary where Policy 2 of the Local Plan states that development will be permitted subject to compliance with other policies in the development plan.

The Local Plan sets out a target of 3718 new homes for Adur until 2032 as a minimum requirement. It is against this minimum housing requirement that the District's five year housing land supply position is assessed annually. The most recent land supply position was published in the December 2017 Adur District Annual Monitoring Report which demonstrates a 6.3 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

The site is within the Shoreham Harbour Regeneration Area (Policy 8 of the Adur Local Plan) and Character Area 6 Harbour Mouth of the JAAP.

The principle of residential redevelopment of the site is acceptable and is in keeping with the development principles set out in the Adur Local Plan and the emerging JAAP. By redeveloping the site at a higher density this accords with the advice contained in the revised NPPF. The development will also result in the provision of 15 affordable flats (30%). As the Council owns the land, the affordable housing will be 100% rented units (normal policy requirement would be 75% rented and 25% shared ownership). Ideally the Council (Adur Homes) would like to deliver social rented rather than affordable rent but this would be dependent on the overall finances of the project and would be resolved at a later date.

There is no objection in principle therefore to the proposal subject to consideration of the following:

- Design, Form and Appearance
- Parking, Access and Sustainable Transport
- Flood Risk & Drainage
- Air Quality
- Impact on Amenity

Design, Form, Appearance and Density

Adur Local Plan Policy 15, "Quality of the Built Environment and Public Realm", sets out that the Council expects development to be of high architectural quality and respect and enhance the site and prevailing character of the area. It then goes on to set out more details in terms of expectations for achieving a high standard of design. Of note is the requirement to:

"Enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping and layout of the development. Include a layout and design which take account of the potential users of the site."

In relation to height, the site lies outside of the Western Harbour Arm Character Area but paragraph 4.7.69 of the JAAP (which relates to the Western Harbour Arm) is considered to be of relevance in that it notes that buildings of up to 5 storeys are appropriate fronting onto Brighton Road and the River Adur, with the potential to step

up away from the frontages. In this case the building would be 5 storeys in height with a 6th storey set back from the road frontage.

Materials and Appearance

The NPPF advises that:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.” (para 130)

It goes on to state that:

“In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.” (para 131).

The proposal utilises a bold design which is very different from the scale, form and layout of existing development in the area. The buildings are in two blocks, the westernmost being the affordable housing and the eastern block containing the private units. The design and palette of materials is consistent across both buildings however in order to create an integrated design across the site and to avoid a lowering of standards between the private and affordable units.

The buildings are generally five storeys high with a six storey element set back from the frontage before stepping down to five storeys at either end. The fifth storey is also set back from the edge of the building at the western end and more so at the eastern end.

The design of the building includes framing elements projecting from the building which surround windows, balconies and terraces and are a sculptural feature, framing views of the sea from within the building as well as giving it a strong character.

The proposed materials comprise grey brick with a contrasting lighter brick, particularly on sections of the side elevations to break up the mass of the building. The balconies are to have a copper patina and weathered copper finish. PV panels and a sedum roof are proposed for the flat roofed areas. The front elevation will contain large areas of glazing with the side elevations broken up with window openings. These openings are to be angled to prevent overlooking and will have coloured side screens to add further interest.

The materials are not especially characteristic of the immediate area, although Jevington Court is constructed of a light brown brick such as is proposed on parts of

the building, while the grey brick reflects the tone of the commercial garage to the east. However, the architect is deliberately aiming for a contemporary landmark building which does not recreate the form and materials seen elsewhere and it is considered that such an approach can be supported here in view of the mixed character and generally poor design quality of surrounding residential development.

Bulk, Mass and Scale

As already mentioned, the buildings are generally five storeys high with a six storey element set back from the frontage before stepping down to five storeys at either end. The fifth storey is also set back from the edge of the building at the western end and more so at the eastern end. In height terms, the building will range from 11m (up to third floor level), 14m (fourth floor) to an overall height of 16.8m (fifth floor). This compares with 8.3m for 7-9 Albion Street (equivalent of second floor height) and 11.2m for Jevington Court.

It is recognised that the proposal is for buildings of a significantly greater height, mass and scale than is currently evident in the immediate vicinity. However, permission was granted earlier this year for development at Free Wharf which proposes buildings of 4-9 storeys in height. Applications are likely to be received next year for the redevelopment of the Howard Kent site and Kingston Wharf to the west of this site which are also likely to involve building heights greater than that proposed here. The redevelopment of 79-81 Brighton Road (former Parcellforce site) is well under construction at a height of 5-7 storeys.

While the bulk and mass of the buildings will be substantial the architecture introduces a number of elements to the design to break up the massing, such as a stepped appearance to the buildings as they rise towards the centre of the site, use of contrasting materials, the presence of balconies and glazing across the frontage and the use of the sculptural frames.

It is considered that while the bulk and massing of the building are significant, the design's detailing will lead to a successful and striking development that can be supported.

Landscaping

Policy 15: Quality of the Built Environment and Public Realm sets out the Local Plan's expectations for landscape and public realm. It states:

"Opportunities will be taken to improve the public realm through new development, transport schemes or regeneration schemes. These will aim to improve the quality, accessibility and legibility of public streets and spaces."

Policy SH8: Recreation and Leisure and Policy SH9: Place making and design quality of the JAAP, provides more detailed guidance for development. Policy SH8 states:

“Development proposals will be required to provide high quality multifunctional public open space / green infrastructure on site. The type and quantity of open space will be determined by the scale and type of development, the identified needs of the area local standards and the Shoreham Harbour Green Infrastructure Strategy.

The proposal aims to provide planting along the frontage in order to develop the green corridor concept for the A259 and to soften the appearance of the buildings from street level. This would represent a significant enhancement of the streetscape from the current situation.

There are a large number of mature trees at the rear of the site and some of these will need to be felled in order to accommodate the buildings and car park. However, new planting is proposed along the northern boundary and significant tree cover will remain towards the eastern part of the site to help provide a ‘green’ backdrop to the development.

The parking area is shown as being block paving for the parking spaces and resin bonded gravel for the circulation areas. No landscaping is shown to break up the parking area but much of it will be ‘hidden’ beneath the building itself and such planting is not necessary.

Setting of Conservation Area

The Kingston Buci Conservation Area lies immediately to the north of the site, beyond the railway line but also includes a small area of land south of the railway bridge at the southern end of Kingston Lane, to the west of the site. The development is entirely outside of the Conservation Area but, because of its height, it will be visible from within the Conservation Area. The NPPF requires proposals affecting heritage assets and their setting to take account of:

- “a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

Paragraph 196 states that:

“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 public views the upper four floors will be visible from Kingston Lane, albeit partly obscured by the railway embankment and existing trees within the site and along the Lane itself. More limited views will also be possible from Victoria Road to the north

east, although that road is outside of the Conservation Area. The clearest views will be from the Sussex County Croquet and Tennis Club directly to the north. This is not a public open space and views will again be partly softened by existing vegetation.

The development will introduce a substantially taller building into the area than currently exists but the rear of the building has as much architectural interest as the front and views of it from within the Conservation Area will largely be distant and oblique. The development will not affect views into the Conservation Area. On balance, taking into account the public benefits of the proposal, including the provision of 50 dwellings of which 15 are affordable units, it is considered that any harm to the Conservation Area will not be so significant as to warrant refusal.

Parking, Access and Sustainable Transport

Paragraph 108 of the NPPF states that planning decisions should ensure that

“a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”

Paragraph 109 advises that

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 110 then goes on to advise that:

“Within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use

Adur Local Plan Policy 8 on Shoreham Harbour identifies that “A Transport Strategy for Shoreham Harbour has been produced to mitigate impacts on the highway network and to promote sustainable travel behaviours. Development in this location should contribute to the delivery of measures identified in the Transport Strategy.” All developments in this area are therefore required to contribute to the improvements identified in this strategy to mitigate development along Brighton Road as a whole.

This approach is also set out within the JAAP. Policy SH5 clause 1 states that new development in the regeneration area must demonstrate how it intends to reduce the need to travel by car and should help to deliver sustainable transport improvements as identified in the Shoreham Harbour Transport Strategy.

Policy SH5 clause 4 states that developments will be required to contribute towards the delivery of transport infrastructure which reduces congestion and increases the use of sustainable transport modes. Specific measures are identified in the Shoreham Harbour Transport Strategy including junction capacity improvements, improvements to bus and rail infrastructure and better cycling and pedestrian routes and facilities.

Within the proposed modifications for the JAAP, a main modification is included as MM14, concerning the provision of a cycle facility. It states that: *'Developments should be set back sufficiently from the A259 corridor to provide space for a high-quality segregated cycle route which provides stepped separation from road vehicles and pedestrian facilities, to deliver green infrastructure improvements, and to prevent a canyoning effect and to ensure that residents are protected from noise and air quality impacts in agreement with the highways and planning authorities.'*

WSCC has commissioned a consultant to undertake the Shoreham Area Sustainable Transport Package Study, which is currently producing feasibility level designs for a high quality cycle facility which it is envisaged will eventually link Shoreham Adur Ferry Bridge with Hove Lagoon along the A259. It is envisaged that once complete, this will be designated part of National Cycle Network route 2 that is a long distance cycle route linking Dover to St Austell.

WSCC consider that there is the potential to provide land within this development and the applicants have subsequently agreed to reserve a strip of land across the site frontage to enable road widening and the provision of a cycle route on the south side of the A259 at some future date. This strip will be 1m wide measured from the back edge of the pavement in front of the affordable block and 1.2m wide in front of the private block. It will be planted to provide a green strip, but WSCC and/or ADC will have the right in the future to use that land without further consultation with a third party owner as part of their road widening proposals.

This arrangement has no effect on the location, size or arrangement of the buildings but does impact on the setting of the building and the amenities of future occupiers. The strip will leave a gap of just 1.4m to the ground floor living room window of the closest flat in the affordable block and 1.68m to the ground floor terrace and 3.5m to the living room window in the closest ground floor private flat, which is undesirable from an acoustic protection, privacy and air quality point of view and is likely to lead to inadequate living conditions. The provision of land for road widening will also remove land available for new tree planting. This would therefore conflict with the JAAP modification outlined above. On the plus side, the land would be available for acquisition to enable the provision of the segregated cycle route. This accords with the greater emphasis given to cycling and walking in the revised NPPF. In time, it

may be that an alternative to the provision of this strip of land across the site will be found, such as acquiring additional land on the south side of the A259.

The applicants have submitted a Transport Statement which advises that 50 parking spaces are to be provided on a 1-for-1 basis.

The site is well connected in terms of public transport with frequent bus and train services available with bus stops being located within metres of the development (directly in front of the site) and the nearest train station being located 10 minutes' walk away. Well-maintained footways are available on both sides of Albion Street. Within the TS swept path analysis has been used to demonstrate that the car park accesses are easily accessible by cars.

Parking provision is in line with West Sussex County Council (WSSCC) standards and sufficient levels of cycle parking have also been provided in line with WSSCC standards. A sustainable transport contribution of £76,465 is required as a result of this development, to be spent on cycle route improvements on the A259 in accordance with the Shoreham Harbour Transport Strategy (2016-2031). While the land may not be able to be provided, at least the development will contribute financially towards the future provision of the cycleway, in accordance with Development Plan policies.

Flood Risk and Drainage

The subject site is identified in the Adur Strategic Flood Risk Assessment as being susceptible to surface water flooding. The application is supported by a Sustainable Drainage Statement which states that the surface water run-off from the development would be managed using cellular storage wrapped in an impermeable geomembrane, and pervious pavements were applicable. This complies with SH6 clause 13. The Statement also confirms that the site is outside of flood zones 2 and 3. As such, there is no conflict with Policy SH6 clause 4 or Local Plan policy 36.

Air Quality

Policy 35: Pollution and Contamination of the Adur Local sets out the need for air quality assessments to support development proposals where necessary. In addition, paragraphs 2.4.11 to 2.4.12 and 3.7.21 to 3.7.24 of the JAAP confirm that there is an Air Quality Management Area (AQMA) in Southwick on the A270 between Kingston Lane and Southview Close and Shoreham High Street.

The Air Quality Assessment submitted with the application concludes that the air quality effects from the development would not be significant.

The Council's Environmental Health Officer has expressed concern at the proximity of the development to the highway. This distance would be further reduced should the road widening come forward, as discussed earlier in this report. However, it is not considered to be viable or feasible to push the buildings further into the site as it would

impact more greatly on trees and neighbouring amenity and is likely to result in the loss of several units which would make the scheme unviable.

An emissions mitigation assessment has also been completed which concludes that the damage cost associated with the development will be £15,889.20. As part of any mitigation, the EHO is seeking at least 10% of the parking spaces to contain electric vehicle chargers, as per the forthcoming WSCC parking standard, although he would like to see 20% ideally (this could be in the form of 10% provision+ 10% electric vehicle ready, i.e. spaces are provided with an electricity connection rated at least 32A and capable of taking 7kW charge points). This can be dealt with by condition.

Impact on Residential Amenity

Residential Amenity for Neighbouring Homes

The site has residential properties to the west only. Numbers 3-5 Albion Street are not considered to be adversely affected by the proposals. The new buildings will be separated from the refurbished houses at 7-9 Albion Street by approximately 11m, a gap being left due to a strip of land between the buildings, the ownership of which is unknown. A large number of windows are shown on the west elevation of the new affordable block, many of which will serve bedrooms and living areas and which have the potential to overlook the refurbished flats and their amenity space to the west. A large balcony is proposed to run around the South West corner of the building at fourth floor level which also has the potential to be unneighbourly. However, the scheme has been amended with the introduction of angled windows to reduce direct overlooking. The refurbished block to the west has also been amended to remove the proposed dormer windows so that there are only ground floor windows on the east side of the refurbished block. No direct window-to-window overlooking will occur other than a side living room window in the refurbished block facing the bedroom window of a ground floor flat in the affordable block. The flat in the refurbished block also has rear facing windows and the side window can therefore be required to be obscure glazed.

The affordable block will project deep into the site at the rear, some 34m from the road and approximately 15m beyond the rear of 7-9 Albion Street at a height of 11m, rising to just under 14m but stepped in from the edge of the building. The building has the potential to be rather overbearing and could adversely affect light to 7-9. It fails to meet the '45 degree rule' used for assessing the impact on light of development on neighbouring buildings.

The applicant has submitted a series of daylight/sunlight assessments showing the impact of the development during each of the four seasons. Being directly to the east of the affected dwellings the greatest impact is early morning, with significant light loss at 8am during most months other than summer equinox. However, as the sun moves round to the south and west during the day there is clearly no impact on sunlight to the neighbouring properties. The main openings to the flats are at the front and rear, with

no openings at first floor on the east side, although a side bedroom window at ground floor will be affected to some extent.

On balance, it is considered that, while there will be an impact on light to 7-9 Albion Street, the impact is mitigated by the separation distance between the buildings, the orientation of the new building to the east of 7-9 and the affected building being converted to flats within the ownership of the developer. 3-9 Albion Street also have the potential to be redeveloped in the future as part of a comprehensive scheme.

Residential Amenity for Proposed Occupiers

The proposed flats generally have floor areas as follows:

- 1 bed flats 51m² – 54m²
- 2 bed flats 68m² (with a few at 87m²)
- 3 bed flat 100m²

The National Housing Standards recommend 50m² for a 1 bed 2 person flat and 70m² for a 2 bed 4 person flat. The 2 bed flats would therefore fall just short of this standard for 2 bed flats but would exceed the requirements for a 2 bed 3 person flat (61m²). The 3 bed flat meets the required standard. On balance, the flats are considered to be of adequate size and will provide a good standard of living area.

There was initial concern at the potential for overlooking between the two new blocks as there will be a separation distance of just 2.75m and 5.5m at their narrowest points. This has been overcome by the introduction of angled windows which face north or south to reduce direct overlooking. The angle will also help to increase light into the affected rooms, which are bedrooms.

No external amenity space will be available for the flats with the rear of the building taken up with car parking while the front of the building comprises only a narrow strip of land which is to be used for landscaping and/or future road widening. However, the flats do enjoy small balcony areas to ensure some private amenity space for each occupier. The site is also located very close to Kingston Beach and is a short walk from Southwick Green. The refurbished flats at 7-9 Albion Street will enjoy a shared rear garden area. On balance, the amount of external amenity space is considered to be adequate.

Noise

The site is situated between a busy road (A259) and the railway line. To the east is an operational car repair garage. The applicants have submitted a preliminary acoustic statement which confirms that their acoustic strategy will consider noise impact from those sources as well as from any noise generating equipment associated with the development itself. The report states:

“Noise measurements conducted on a nearby development site situated on the A259 road indicated that road traffic noise levels are in the order of 71 dB LAeq,T during the daytime, falling to 66 dB LAeq,T during the night-time. Maximum event noise levels were measured to be between 84-88 dB LAm_{ax},F. Noise levels are expected to be of similar level on the proposed site.

In order to provide suitable internal noise conditions, as per BS 8233 and Local Authority requirements, against road traffic noise levels in this order it is expected that acoustic laminated glazing will be necessary. If ventilators are required, these are likely to need an acoustic performance rating for sound reduction.

With regard to the railway and garage the report indicates that measurements will be carried out at a later stage. It advises that *“In order to avoid vibration noise impact on the development it is advised that the massing of the buildings is set back at least 20 meters from the nearside railway track.”* The submitted plans show that the building will be at least 22m from the edge of the track.

With regard to the garage site, *“walls, fencing or building massing should be proposed in order to screen the noise impact from the Garage operation.”* The plans currently show a large number of window openings on the east elevation facing the garage site which could suffer from noise disturbance. These have been reduced in number and revised to be angled to orientate north or south, rather than towards the garage site. These amendments will also help to prevent any prejudicial impact on the adjoining site should it come forward for residential development in the future.

Mechanical ventilation is likely to be necessary in order not to rely solely on open windows for ventilation. Full details will be reserved by condition, as requested by the Environmental Health Officer.

Affordable Housing

The development will provide for 15 affordable units which equates to 30% of the total, in accordance with policy 21 of the Adur Local Plan. All of the units will be affordable rented with the following mix:

9 one bed flats and 6 two bed flats.

The Council's Housing Manager is happy with this mix.

Contaminated land

The application is accompanied by an initial contaminated land investigation which identified low levels of contaminants and which recommends various measures for dealing with them. Final details, including the requirement for verification of works carried out, can be reserved by condition.

Sustainability and Renewable Energy

An Energy Statement has been submitted which confirms that the development would incorporate water conservation measures to limit water use to 110 litres per person per day through low water consumption fittings, in accordance with Development Plan policies.

The statement confirms that the development will incorporate a centralised communal heating and hot water system and will be designed in order to connect to any future district heating system.

Photo-voltaic panels will be mounted on the roof of each block and orientated to the south to offset the predicted energy consumption by 10%.

A sedum roof is proposed on the flat roof sections of the buildings.

Refurbishment of 7-9

This aspect of the development is relatively minor, involving the refurbishment and conversion of the pair of semi-detached dwellings to form 6 private flats. The original plans showed the provision of new dormer windows on the east and west roofslopes which was not considered to be visually successful. Amended plans have since been received which remove the dormers, with the additional accommodation now provided within the roof by extending across to infill the gap between the existing pitched roofs, which is considered to be more successful in visual terms.

Parking for the flats will be provided within the car park for the new buildings.

Floor areas for the refurbished building meet the national minimum standards.

Drainage

The Council's Engineer had raised some concerns about the proposal for connecting surface water to the public sewer but has since accepted that the necessary infiltration tests can be undertaken as a requirement of a planning condition rather than delaying the determination of the planning application.

Sustainable Development and the NPPF

The NPPF was adopted in 2012, and revised in July this year. At its heart is the presumption in favour of sustainable development for both plan-making and decision-taking. For decision taking this means approving development proposals that accord with the up-to-date development plan without delay, and where the development plan is absent, or relevant policies are out of date, granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed,

or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

As is set out above, it is considered that the application scheme accords with the relevant policies of the up to date development plan when read as a whole. As such, having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, and paragraph 11 of the Framework, planning permission should be granted without delay.

It is considered that the proposed development would generate significant economic, social and environmental benefits and that there are no adverse impacts that would significantly and demonstrably outweigh the benefit, in accordance with Paragraph 8 of the NPPF.

Economic Benefits

- The creation of construction jobs in Adur District for the duration of the development
- The creation of other jobs in supply chain and wider construction related activities;
- It will lead to additional household expenditure in the local area as a result of the increased living and working populations

Social Benefits

- The delivery of 50 new homes in a District with an identified need for over 5,600.
- The delivery of 15 affordable housing units in a District with a strong demand for such housing.

Environmental Benefits

- Protecting and enhancing the natural, built and historic environment by developing on a site with no specific environmental or heritage designations, and in a way that will cause no unacceptable harm to the wider landscape and significance of heritage assets or their setting.
- sustainability measures/green roof

Conclusion

In coming to a recommendation it is necessary to assess the application in light of the whole plan policy framework both locally and nationally, and come to a view as to whether the proposals contribute to the proper planning and sustainable development of the area.

The regeneration of Shoreham Harbour has been a long held ambition for Adur District Council. A concerted effort has been led through the Shoreham Harbour Regeneration Project to develop a planning framework for the area. The redevelopment of this site accords with the aims of the Joint Area Action Plan.

The studies and assessment carried out on the site confirm that there are no physical or environmental constraints that would prevent residential development or lead to an

unacceptable effect in economic, social or environmental terms (the three dimensions to sustainability set out in the National Planning Policy Framework).

The application site is in a sustainable location, located within suitable walking distance of the services and facilities located within Southwick. The site is well connected with a bus service immediately in front of the site, and Southwick Railway Station a short walk away. The need to address the current housing crisis has prompted the Government to support higher densities and taller buildings in highly sustainable locations such as this.

It is considered that the proposed scheme provides significant economic, social and environmental benefits which demonstrably outweigh any negative effects of the proposed development. There are no policies within the Framework which indicate that development should be restricted.

It is considered that the proposal accords with the relevant policies of the Development Plan when read as a whole. The proposed development would make a useful contribution to the Council's housing delivery and will secure 15 affordable flats to be constructed by the applicant and

Having regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 14 of the National Planning Policy Framework, it is recommended that planning permission should be granted.

Recommendation

Subject to completion of a satisfactory section 106 Obligation undertaking to pay the contribution of £7,959 towards the reconfiguration of the library space at Southwick Library, £76,465 to be spent on cycle route improvements on the A259 in accordance with the Shoreham Harbour Transport Strategy (2016-2031) and £650 towards the supply and installation of additional fire safety equipment and a requirement to deliver the 15 affordable rented apartments (or via a separate legal agreement/land deal).

APPROVE:-

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Noise protection
4. Sound testing between floors
5. Working hours
6. Construction Method Statement
7. Contaminated land
8. Fencing and walls
9. Landscaping and tree protection

10. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development
11. Construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority in consultation with Southern Water
12. Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.
13. Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.
14. Information regarding the potential coastal species must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The reason for this condition would be to comply with policies SH6 clause 14, and SH7 clauses 5 and 6.
15. The use hereby permitted shall not be carried on unless and until details of all operational phase air quality mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The mitigation shall be equal to a value of £15,889.20 as identified in the emissions mitigation assessment contained within Chapter 8 of the Air Quality Assessment dated August 2018 and provided as part of the application.
16. The use hereby permitted shall not be carried on unless and until an air quality impact assessment of the proposed centralised energy facility has been submitted to and approved in writing by the Local Planning Authority. All boilers and/or CHP plant installed on site shall have a NO_x emission rate of less than 40 mg/kWh of dry NO_x (at 0% O₂).
17. Samples and schedule of materials.
18. Strip of land to be reserved as highway for provision of future cycleway
19. Side living room window to House 9-02 to be obscure glazed and non-opening below 1.7m
20. 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.
21. No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance

with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

5th November 2018

Application Number: AWDM/0720/19

Recommendation – REFUSE

Site: 29 Kings Walk, Shoreham-By-Sea

Proposal: Demolition of detached bungalow and erection of 1no. three bedroom detached dwelling and 1no. four bedroom detached dwelling, set over three floors with South facing balconies at first floor level

Applicant: Mr & Mrs Huxtable And Dier
Case Officer: Peter Barnett

Ward: Marine



Not to Scale

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Consideration of this application was deferred at the previous Adur Planning Committee on 1 July to enable a site inspection to be carried out by Members. The report has also been updated to include two additional representations which had not been reported previously.

Proposal, Site and Surroundings

The application site comprises a detached hipped roof bungalow with rooms in the roof served by front and rear dormers, and which sits between two storey dwellings on Kings Walk on a plot 20m wide. It is set further back into the site than its neighbours. At the rear there is a two storey dwelling in Havenside with bungalows either side, one of which has rooms in the roof served by a rear dormer.

The application proposes to demolish the existing bungalow on the site and erect a pair of detached three storey dwellings, with the top floor of accommodation provided within the roof. The buildings will have a gable end at the front containing glazed doors and a Juliet balcony, with a hipped roof at the rear. The top of the building will be flat roofed, with a pitched roofslope on the sides, containing a dormer window with angled side walls on the 'inner' roofslope of each building.

Both dwellings will have integral garages and front balconies at first floor at the front. Plot 1 would have 3 bedrooms with a kitchen and living room at first floor level. Plot 2 would have 4 bedrooms with a living room at first floor and kitchen at ground floor. Neither house would have living accommodation on the ground floor, although Plot 1 would have a study and day room at that level. They would be 8.4m high at their highest point with an eaves height of 5m. They are to be finished in a mixture of brickwork, render and cladding with a tiled roof, Plot 1 having a rendered finish on the ground floor at the front and Plot 2 a brickwork finish.

The buildings will be brought forward and will be staggered. Plot 1 will be level with the front wall of No.28 to the west; Plot 2 will project marginally in front of No.30 to the east.

Relevant Planning History

AWDM/1302/15 - Erection of 2no. three-storey detached houses with associated parking and turning to replace existing bungalow - withdrawn.

AWDM/1080/16 - Erection of 2no. three-storey detached houses with associated parking and turning to replace existing bungalow and annex accommodation – refused and dismissed on appeal.

The Inspector felt that the proposed dwellings would not be sympathetic to the surrounding area. The dwellings in Kings Walk were identified as having a predominant hipped roof form and a two storey scale. However, no harm was identified in terms of overlooking of neighbouring properties, including those in Havenside to the rear.

Consultations

West Sussex County Council – The **Highways** Officer has no objections subject to conditions to secure car and cycle parking. The Officer advises that the garage for Plot 1 does not meet the minimum internal specifications and cannot be counted towards parking provision for the dwelling.

Adequate space exists on site and on street without causing a detriment to highway safety.

Adur & Worthing Councils – The **Environmental Health** Officer has no objection but requests an informative advising to contact EH for demolition and to advise of PFA.

The **Private Sector Housing** Officer has requested that an informative is placed on any permission to advise of actionable hazards under the Housing Act.

The **Drainage Engineer** recommends surface water disposal details are reserved by condition.

Southern Water – Requests usual informatives

Environment Agency – No objection subject to condition requiring all sleeping accommodation to be located on the first floor and above.

Representations

Original Plans - 9 letters of objection received from the occupiers of 6, 8, 10, 12, 14 Havenside plus 28, 30, 39 Kings Walk, 2 Mardyke:

- Previous objections and reasons for refusal remain relevant
- Design and appearance out of keeping with the character of properties in the area
- Roof heights will not match
- Style will not reflect size and shape of existing detached homes along Kings Walk
- Three storey building is not in keeping
- Overlooking, loss of privacy
- Loss of light
- Insufficient headroom on top floor – do not wish to see future increase in height at building stage so design must be rejected now or subject to a maximum height restriction
- Dispute points in Planning Statement
- Better design but could set precedent for similar developments which will eventually change the appearance and character of the area
- Increased noise

- Would be pleased to see current mess on site cleared up and are happy to co-operate with any reasonable plan
- Shape of the roof is better but dwellings have moved closer to Havenside than previous scheme and will be more intrusive
- Too large for site and area
- No other plot in Kings Walk has two large properties on it
- Overdevelopment
- Cramped
- Eaves height still higher than those of neighbouring properties
- Setting back of houses will cause significant loss of light and overlooking to rear of 30 Kings Walk
- The site is a disgrace with building rubbish everywhere
- Flank and rear elevations are visually bold and stark and add to perceived mass and visual dominance of the proposed buildings
- Overbearing

Amended Plan showing revised position of dwellings on site - 4 letters of objection received from the occupiers of 28, 30 Kings Walk, 10 Havenside, 2 Mardyke:

- To revert to the original rejected position on site seems ridiculous given the grounds of rejection
- Loss of amenity and overlooking effect on No.28 are considerably worse than with the buildings further back
- The position is well forward of the property lines of Nos 28 and 30
- Moving houses forward makes no major difference and previous objections still stand
- Houses are still 3 storeys which will overlook neighbours
- Overdevelopment
- Site is not large enough to result in redevelopment at a higher density
- Contrary to emerging Shoreham Beach Neighbourhood Plan
- Houses will have less frontage than others in Kings Walk
- Out of character
- Overlooking of No.30 Kings Walk from proposed balcony on Plot 2 and from windows on the third storey as they will be in front of No.30
- Loss of light to front rooms of No.30
- Plot 2 will be overly dominant

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policy 15, 18, 20, 22, 28, 36

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

National Planning Policy Framework (February 2019)

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

Relevant Legislation

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

Planning Assessment

Principle

The proposal comprises new housing development located within the built up area and can be supported in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the site and its surroundings.

The Adur Local Plan 2017 defines a housing supply target of 177 dwellings per annum which can be achieved through a combination of strategic allocations, completions, existing commitments and windfall sites such as this.

Section 12 of the NPPF stresses the importance of achieving well-designed places and Paragraph 130 advises that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

Visual amenity

The existing bungalow sits within a considerably wider plot than its neighbours. It also has a lower roof height and sits deeper into the site. Its demolition and replacement with a larger building, or pair of buildings, is considered to be acceptable in principle given the size of the plot and the character of development along Kings Walk, which consists predominantly of 2 storey dwellings.

The main consideration is whether the scale and form of the proposed dwellings is in keeping with the overall street scene. Previous applications in 2015 and 2016 proposed a more contemporary form of development but it was not considered that the development would be in keeping with the form and scale of development in Kings Walk, which is generally quite traditional in nature, with pitched tiled roofs and a largely consistent eaves height. In dismissing an appeal in 2017 the Inspector wrote:

"There are many examples of similar (contemporary) properties along the south side of Brighton Road between Lancing and Shoreham, but none within Kings Walk itself. The sail form of the roof would be incongruous with the predominant building form of

hipped roofs and thus the proposed dwellings would not reinforce local distinctiveness.”

The current application has revised the design of the proposed dwellings to more closely reflect the predominant two storey form in the street, but with a second floor within the roof. They will have a front gable with Juliet balcony, a dormer and rooflights to the side and a hipped roof with rooflights at the rear. The window within the front gable at second floor reflects the design of 39 Kings Walk which has a two storey pitched roof form and does not appear out of place within the street scene.

However, that building has a fully pitched roof and lower eaves than the dwellings proposed here. In order to keep the height of the dwellings consistent with those of their neighbours at Nos 28 and 30 a crown roof has been used in the design (i.e. a roof which has side slopes which are divided by a flat roofed element). The architect has attempted to disguise the flat roof through the use of half round tiles around the edge of the roof. Nevertheless, the dwellings have an awkward appearance at odds with the fully pitched roofs and central ridge form of the majority of dwellings in the street. The higher eaves further emphasise that the form of the dwellings does not successfully assimilate with the surroundings. The design is considered to be contrived and does not reflect the predominant pitched roof form of buildings in the street. The proposed dwellings would therefore be out of keeping and visually harmful to the area.

Residential amenity – impact on neighbours

The proposed buildings have been brought forward from the position of the existing bungalow on the site and are no closer to the rear than the previous scheme. Plot 1 will be 16.9m from the rear boundary while Plot 2 will be 16.2m away. The nearest property at the rear is 8 Havenside which has a very short rear garden of only 5.3m, which has been reduced further following the construction of a conservatory which leaves a distance of only 2.9m to the boundary. The distance between the proposed 2 storey buildings to the conservatory is therefore about 19m-20m at its closest point. This is less than the 22m distance required by the Council’s DM Standard No.1. However, this distance was considered by the Inspector at the previous appeal and she stated:

“the proposed dwellings would be positioned further forward in the plot than the existing house, so that there would be about 20 metres separation between them and the nearest properties on Havenside. This would be adequate to avoid any unacceptable overlooking of these neighbouring properties, even taking into account the greater height of the house.”

She went on to state:

“the outlook from first floor windows in properties to the north would be altered as the development would have a greater height and width, but as the dwellings would be

much further away than the existing house the harm would not be so great as to make the development unacceptable in this respect.”

She also found there would be insufficient harm to the side windows of Nos 28 and 30 Kings Walk “*to warrant dismissal on this matter alone.*”

The current proposal has even less impact on neighbours due to its more sympathetic form and an objection on residential amenity grounds is not considered to be sustainable.

Residential amenity – proposed occupiers

The proposed dwellings comfortably exceed the minimum national housing standards for 3 and 4 bedroom houses and the Council’s minimum external amenity space standards.

Flood Risk

The application is accompanied by a Flood Risk Assessment which identifies that the site falls within flood zones 1, 2 and 3 but that the actual dwelling itself is within flood zone 1 and 2. The proposed dwellings would also be within flood zone 1 with only a very limited amount of Plot 2 falling within Flood Zone 2. All sleeping accommodation will be on the upper floors. This is the same as with the previous application when no flood risk concerns were raised. The application suggests that that the development will incorporate flood mitigation measures and will adopt flood warning procedures.

As such, there are no flood risk concerns with the development and the Environment Agency has not raised an objection.

Parking and Access

The site currently has 2 vehicular crossovers and these will be utilised to serve the proposed dwellings. Each dwelling will have an integral garage and 2 parking spaces in front of each of the buildings. It should be noted that the garage to Plot 1 does not meet the minimum internal specifications and cannot be counted towards parking provision for the dwelling. Nevertheless, sufficient parking is considered to be provided to serve the development

There are no highway safety concerns with the development.

Recommendation

REFUSE for the reason:-

1. The proposed dwellings, as a result of their design and form, incorporating a crown roof and higher eaves, do not relate sympathetically with neighbouring dwellings and the existing predominant character of Kings Walk, to the detriment

of the visual amenities and residential environment of the area. The proposal therefore conflicts with Policy 15 of the Adur Local Plan and the relevant policies of the National Planning Policy Framework relating to good design.

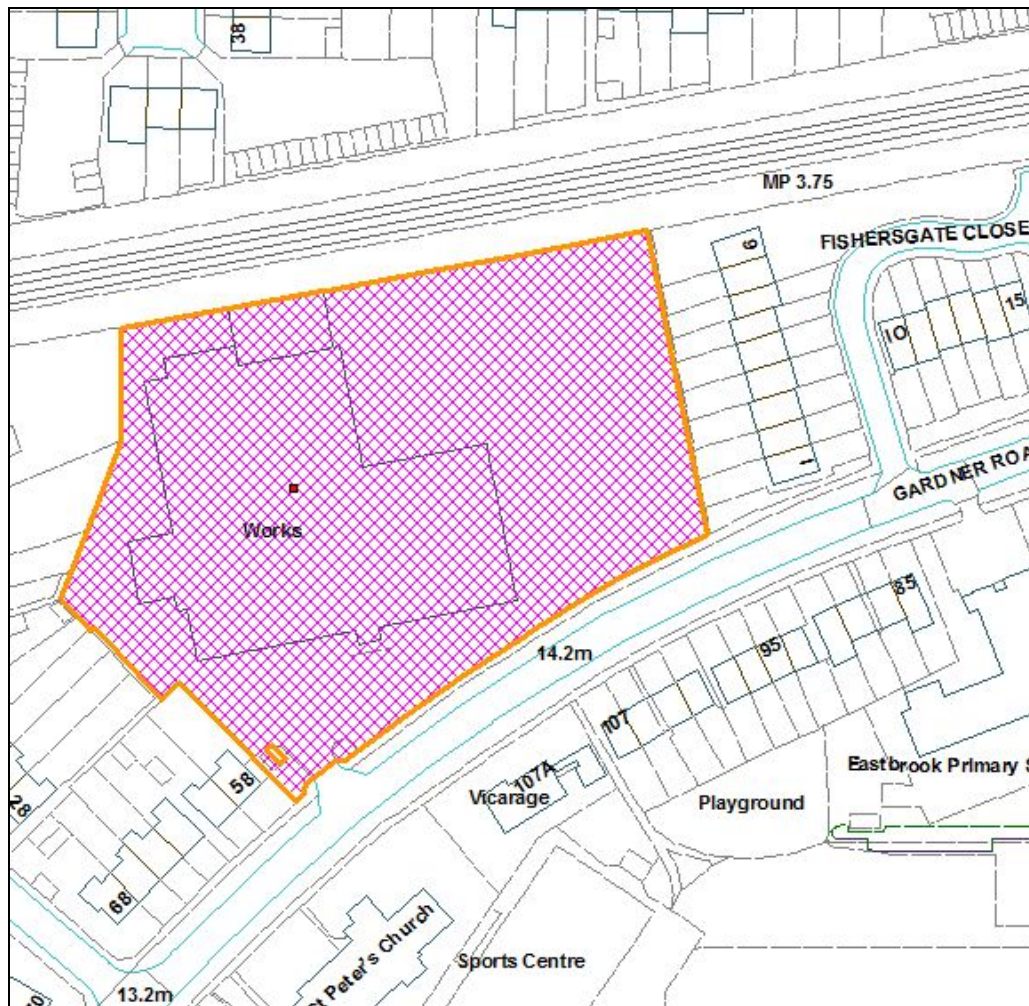
5th August 2019

Application Number: AWDM/1606/18 Recommendation – APPROVE

Site: Ocean View Business Park, Gardner Road, Southwick

Proposal: Erection of 7no. industrial units for Use Classes B1 (business) and B8 (storage or distribution) on east side of site with associated parking and refuse storage.

Applicant: Sinnis International (UK) Ltd Ward: Eastbrook
Case Officer: Peter Barnett



Not to Scale

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Proposal, Site and Surroundings

The application relates to the Ocean View Business Park (formerly known as Nynex House), a large two storey building which is currently in use as motorcycle assembly

and distribution centre, with ancillary offices and showroom/shop. The business also carries out servicing, MOTs and repairs of motorcycles.

Also within the building is a gym which has recently been granted temporary 3 year permission.

To the east of the building is a large car park and this application proposes to construct, as amended, 7no. business units for light industrial (Class B1) or storage (Class B8) use. The units have been broken up to provide two pairs and a block of three units on the eastern boundary of the site, adjacent to the rear gardens of terraced houses in Fishersgate Close.

Each unit measures 6m wide, 14m long and 7m high with a low pitched roof. The front of the units would have a roller shutter door plus personnel door and high level windows. A door and ground floor windows are proposed at the rear. The buildings are to be finished externally in brick and profiled steel cladding. No decision has been made on the colour of the cladding but there is a suggestion that it could be uniform or each unit could be treated differently to provide visual interest.

A 2.5m high acoustic fence is proposed on the boundary with the houses to the rear. A substantial container grown tree is proposed to each rear yard in order to provide some visual relief and softening of the appearance of the buildings.

Between units 4 and 5 a refuse and recycling area is proposed while cycle parking is proposed between units 2 and 3. 18 car parking spaces are to be provided in front of the units. The plans also show a new lorry turning area on site and lorry loading bay towards the northern boundary of the site.

The site abuts the railway line to the north with houses beyond in Old Barn Way. To the east are houses in Fishersgate Close, with houses also on the opposite side of Gardner Road to the south. To the west there are further houses in Eastbrook Way although these are some distance from the site of the proposed units and are separated from them by the existing building on the site.

Relevant Planning History

AWDM/0981/15 - Application for a Lawful Development Certificate for proposed use of Nynex House for a mix of B1 (business) and B8 (storage) uses with ancillary showroom – approved

AWDM/1673/15 - Part change of use from mixed Use Classes B1 (business) and B8 (storage or distribution) to mixed Use Classes B1 and B8 in addition to part internal change of use to MOT testing of applicants' own motorcycles (formerly Nynex House) - approved

AWDM/0101/16 - Change of use of part of site to Sui Generis vehicle rental, provision of palisade fencing, profiled steel sheet vehicle wash and vacuum canopy and 2 portacabins for office and driver rest area – approved

AWDM/0773/16 - Variation of Condition 2 of AWDM/1673/15 to allow for general MOT testing limited to a maximum of 10 motorcycles and scooters per day – approved

AWDM/1705/16 - Erection of detached outbuilding to east of main building to be used as paint spray booth – approved

AWDM/0392/19 - Retrospective change of use of part of the first floor to boxing gym (Use Class D2) for a temporary period of 3 years – approved

Consultations

West Sussex County Council: No objection from a transport/highways aspect subject to conditions to secure car and cycle parking, turning space, a construction management plan and servicing management plan.

Comments that, based on WSCC car parking standards for the existing use classes, the number of car parking spaces required are 60 parking spaces, and would generate in the region of 155 vehicle movements per day (vmpd).

The applicant has stated that the site does not generate as much car parking as the standards suggest and currently has no designated lorry parking area.

The existing and proposed uses together would create a parking demand of 51 spaces, and 2 lorry spaces, with a trip rate of 155 vmpd. As such a decrease in the number of spaces from 130 to 68 car parking spaces (18 for the new units) is considered acceptable. WSCC are satisfied the new proposal can fit within the site productively and is not considered to cause any highway capacity issues.

The site was previously in use as a telecommunications building with a large number of trips associated with this. The transport note suggests this would have been in the region of 200 trips per day by employees using vans. The proposals are much lower than this. No highway capacity issues are raised.

Attention has been drawn by local residents, whose views on the use of lorries and motorbikes are that the site does not accommodate these well. Anecdotal evidence suggests lorry parking on the grass verge outside the site on the public highway. As such WSCC want to ensure that the site can accommodate the anticipated lorry parking from the proposed uses. The provision of 1 lorry parking space in line with WSCC maximum parking standards has been included into the car parking layout, this has been included based on the known need for this type of parking. The re-submitted details show there to be enough width at the access for a lorry to enter, and swept path diagrams provide evidence this can turn on site to exit in forward gear.

Adur & Worthing Councils: The **Environmental Health** officer recommends imposition of the full contaminated land condition.

There is no EH objection in principle.

It is not clear whether there will be any mechanical services and external plant to the units and he recommends a condition to ensure noise levels and any proposed mitigation is acceptable and agreed before installation.

He also recommends setting hours of use for the units given the proximity to the residential property. He recommends 8am until 6pm Monday to Friday and 8am to 1pm Saturday; with no use on Sundays or Bank holidays.

The **Engineer** comments that the proposed site lies in flood zone 1 and is unaffected by modelled surface water flooding.

The application form is left unticked for surface water disposal, but the site is currently all impermeable. The erection of three areas of impermeable roof will not change runoff quantities.

Some roof drainage could be directed to water butts for watering of the proposed new container grown trees, this could be seen as a positive reduction to the drainage situation. Therefore I would suggest that the rest of the drainage is left "as existing".

The **Planning Policy** Manager has no objection. Comments that there are no site-specific allocations relating to this site; however other policies of the Adur Local Plan 2017 apply:

- Policy 4 - supports economic development; this proposal would contribute to the provision of a range of employment units, through intensification of an existing site.
- Policy 8 relates to Shoreham Harbour Regeneration Area
- I note that this proposed development lies adjacent to housing. Any adverse impacts through loss of amenity (policy 15) or noise (Policy 34) would be a concern. However I note that the supporting statement refers to an acoustic fence and that the development is some distance from the homes themselves, backing onto their gardens.
- Loss of parking - Policy 28. The proposal seeks to develop an area of underused parking (although I am not clear how much parking is required for users of Ocean View itself, and how much will remain). Policy 28 seeks appropriate levels of car and cycle parking having regard to WSCC guidance. I note the site is near rail and bus stops. However we would need to be satisfied that the proposed provision of parking, plus loss of existing spaces, does not have an adverse impact on on-street parking, given the potential need for staff parking and business deliveries.
- Policy 25; conversion of B class floorspace to other uses resisted. However in this instance, it appears that an underused parking area is being redeveloped to create additional 'active' B class floorspace, therefore facilitating the site's use by, potentially, a number of other companies. As such, I have no concerns in relation to this policy.
- In short I have no concerns regarding the principle of development of the site for B class uses; however amenity, noise and parking need to be satisfactorily addressed to ensure there is no conflict with policies 15, 28 and 34.

Southern Water: Recommends condition to require agreement with Southern Water to divert /protect the public water supply main.

Network Rail: The developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Representations

Original Plans: 12 letters received from the occupiers of 2, 4 Fishersgate Close, 60, 78, 91, 99, 107, 115, 117 Gardner Road, 48, 50 Old Barn Way plus petition containing 57 signatures objecting on the following grounds:

- Loss of outlook
- Loss of light
- Loss of privacy
- Increased noise
- Adverse impact on residents in Fishersgate Close
- Too close to rear gardens
- Height and proximity of building to neighbouring dwellings would be overbearing
- Overdevelopment of site
- Already suffer from motorcycle revving and steady flow of cars, vans and lorries
- Speeding motorcycles
- Concerned at delivery vehicles blocking driveways
- Increased traffic
- Already a gym, motor bike training school, motor bike shop, garage repairs and second-hand car dealer on site
- Increased pollution
- Not the right place for this type of industry
- Better to build houses
- Activity should be limited to business hours only

Amended Plans: 5 letters received from the occupiers of 2 Fishersgate Close, 60, 70, 99 Gardner Road, 58 Old Barn Way plus petition containing 65 signatures objecting on the following grounds:

- Application lacks detail
- Site already at full capacity
- Will be an eyesore
- Loss of view/outlook
- On the Wheel is not just a motorbike shop and garage/MOT – it is a distribution centre for boxed motorbikes
- Increased traffic and noise in residential area with schools close by
- Activity should be limited to business hours only

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 4, 8, 15, 25, 28, 34

Proposed Submission Shoreham Harbour Joint Area Action Plan May 2018

West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003)

National Planning Policy Framework (February 2019)

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

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

Planning Assessment

Principle

The site is not identified for any particular use in the Local Plan. However, it is an existing employment site and Policy 25 of the Adur Local Plan seeks to protect and enhance existing employment sites and premises. The supporting text acknowledges that *“there are few readily-available and unconstrained sites in Adur to provide new employment floorspace.”* Policy 4 supports economic growth within the District. It states that:

“outside of designated employment areas, where new development for, or extensions to B1, B2 and B8 uses is proposed, such applications will only be permitted where it is demonstrated that they will not have an unacceptable impact on adjacent residential properties and they comply with other policies in this Plan.”

The proposal will make more efficient use of an under-used area of car parking and will result in 7 new B1/B8 units. There is no objection therefore to the principle of the development, subject to consideration of amenity and highway impacts.

Visual amenity

The site is currently open and very visible from Gardner Road. The east side of the site contains hardsurfaced car parking with no landscaping. The proposed units will have a typical industrial appearance with metal cladding at the upper level. Final details of the cladding and its colour can be reserved by condition. The plans have been amended during the course of the application to break up what was originally shown as being a continuous building. It is now proposed to be separated into three blocks, with refuse and bike storage located between the blocks rather than at the southern end adjacent to the road as originally proposed. Soft landscaping is shown at the southern end and at the rear of the buildings.

Overall, the amended scheme is considered to have an acceptable visual impact in the context of the existing two storey building on the site.

Residential amenity

The main impact of the development will be on the occupiers of the nine terraced houses in Fishersgate Close to the east. Those houses are in a staggered line and have rear gardens of between 11m and 13m depth. The proposed industrial units will be between 13.5m and 15.5m from the rear elevation of the houses (closer at the northern end of the terrace than the southern end). The units are shown as being set off the eastern boundary between 2.5m - 3m and a new 2.5m high fence is shown as being erected on the boundary to offer some noise protection and screening for the residents. Container planted trees are also proposed to soften the outlook.

Despite these measures it is acknowledged that the proposed units will have some impact on the residential amenities of the occupiers of Fishersgate Terrace, where they currently enjoy an open outlook across the car park towards the existing building. This proposal will bring built form much closer and the separation distance is less than the 22m which would be sought between residential dwellings. However, the separation distance of 22m for dwellings is to prevent overlooking and it should be noted that no upper floor windows are proposed for the proposed buildings. Therefore, despite the relative proximity, no loss of privacy will occur.

The architect has demonstrated on the plans that the buildings will not breach the BRE "25 degree test", i.e. no part of the buildings breaches a 25 degree line measured from the centre of the lowest habitable room windows in Fishersgate Terrace and, as such, there is unlikely to be a substantial effect on daylight and sunlight to those houses.

There was initial concern that the continuous line of the buildings would have an oppressive impact on the outlook from the terrace and the architect was asked to

amend the plans to break up the mass of the buildings. The resulting separation of the blocks now provides relief for the residents and enables most dwellings to receive some additional light and outlook in the gaps between the buildings. This is less so for numbers 7-9 Fishersgate Terrace at the northern end where a block of three units is proposed rather than the pairs further south. The applicant was asked to consider removing one more unit to provide three pairs but has declined as they wish to make the most efficient use of the site, providing needed employment space.

Consideration was also given to moving the units further west but this would not be practical as it would impact on the parking and vehicle circulation areas.

With regard to noise, the proposed units will be used for B1 and/or B8 purposes. B1 uses can take place within a residential area without causing disturbance by noise, vibration, smells, etc. There are ground floor openings at the rear of the building but these would be screened by the proposed 2.5m high fence which would offer noise protection for residents.

To the north, residents in Old Barn Way are separated from the site by the railway line and the nearest dwellings will face the end of the units at the distance of approximately 40m, which is considered to be sufficiently distant to not cause adverse impacts. Houses to the west are largely screened by the existing two storey building on the site while to the south the houses opposite the site in Gardner Road will be about 25m from the end unit.

Concern has been expressed by a number of residents, including in a petition with 65 signatures, about current activities on the site in connection with the motorcycle assembly and distribution business. These largely relate to vehicle movements, deliveries taking place from the public highway and noise from motorcycles being tested and driven around the car park. Environmental Health Officers are aware of previous complaints but none have been received in recent months.

The proposed units will screen the car park from the dwellings while the reconfiguration of the car park will make it less likely that motorcycle testing would take place. However, such concerns relate to the existing use of the site and not to the proposed units. The site plan shows a lorry loading area within the site and there is no reason to suggest that future deliveries would not take place within the site. A suitably worded condition can require all deliveries to take place from within the site only. Hours of use can also be controlled and it is suggested that all activity, including deliveries, is limited to between 8am and 6pm Monday to Friday and 8am to 1pm Saturday, with no use on Sundays or Bank Holidays. Further noise control can be secured by requiring details of any mechanical services and plant prior to installation, as suggested by the EHO.

Taking all of the above into consideration, it is not considered that the impact on residential amenity will be sufficiently harmful to warrant refusal.

Accessibility and parking

The site plan indicates 18 parking spaces to serve the 7 units plus a lorry loading area and circulation space. A Transport Statement has been submitted in support of the application. It confirms that 62 parking spaces will be lost as a result of this proposal with 68 spaces retained in total. Capacity studies demonstrate that this is sufficient to serve all existing and proposed uses.

West Sussex Highways Officers have considered the proposal and have no highway concerns. As can be seen from their comments reported above, they are satisfied that the new proposal can fit within the site productively without causing any highway capacity issues.

They note that the site was previously in use as a telecommunications building and there would have been a large number of trips associated with this.

WSCC are also satisfied that the provision of 1 lorry parking space in line with WSCC maximum parking standards has been included into the car parking layout. Despite residents' concerns, there are not considered to be sustainable highway grounds to object to the application.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. External materials
4. No windows above ground floor level in rear elevation
5. Use restricted to B1/B8 only
6. Hours of use including deliveries
7. Construction Management Plan
8. Details of external plant
9. No external storage/stacking
10. No external working
11. Measures to divert public water supply main to be agreed
12. Car parking
13. Cycle parking
14. Parking and turning
15. Servicing management plan
16. Removal of PD for installation of mezzanine
17. Full contaminated land
18. Landscaping
19. Refuse storage
20. Drainage details
21. Erection of fence

Application Number: AWDM/0906/19

Recommendation – APPROVE

Site: 412 Upper Shoreham Road, Shoreham-by-Sea, BN43 5NE

Proposal: Proposed single storey detached outbuilding comprising gym, sunroom and store to rear garden.

Applicant: Mrs. Karolina Fung-On
Case Officer: Eve Hearsey

Ward: St Nicolas Ward



Not to Scale

The application has been called in by Councillor Coomber for consideration by the Planning Committee.

Proposal, Site and Surroundings:

The proposal is for a large single storey detached, timber clad building to be installed at the end of the long rear garden of no. 412 Upper Shoreham Road. The building will measure some 11m on the east elevation x 5.5m on the north elevation and 4m on the south elevation. The height of the outbuilding will be some 3.3m high at the front elevation on its south section and some 3.1m high at the front elevation on its north section, with the rear elevation measuring approx. 2.4m in height.

As there is a rise in the land as it approaches the boundaries with the neighbours 'Byron', (4 Adur Road) and no. 1 Adur Road, approx. 600mm of the land will be removed and restructured to form a lower ground level for the building.

The outbuilding will be positioned 1m from the east boundary with 'Byron', Adur Road, and 1m from the north boundary with no. 1 Adur Road.

The host dwelling itself is a two storey detached property situated on the north side of Upper Shoreham Road, which has a long rear garden of over 40m in length. There are detached dwellings of similar size at either side of the site, both of which have been extended at the rear in part.

Relevant Planning History:

ADC/0066/11: Two storey rear extension (including over existing ground floor extension) Approved 06.04.11

Consultations: Environmental Health: No adverse comments

Representations: Objection from 'Byron', Adur Road and no. 33 Adur Avenue.

- Loss of privacy;
- Loss of light;
- Too close to my boundary;
- Understand as the building is less than 4m in height, if it were to be positioned 2m from my boundary wall it would not need planning permission as it would be 'permitted development';
- If built as 'permitted development' it would, to some small degree, mitigate the noise, loss of light and intrusiveness of the structure;
- However, I would still lose a considerable amount of light;
- 412 has a large garden and the outbuilding could be sited anywhere without impinging on my, or any other, property;
- Concerned that there will be some loss of trees and green space and the possible use of the building for commercial purposes in a residential area;

- Loss of value and loss of view;
- If approved, consideration of the positioning of any outside lighting to prevent light shining into my property;
- Noise from the use of the outbuilding for outside entertainment will impinge on the neighbouring properties;
- Plans show that my wall will be removed and replaced with a fence. This wall is in my ownership and I do not wish it to be removed;
- The removal of land so close to my boundary may result in the destabilisation of the foundations of my wall which could render my wall unstable and unsafe;
- With regard to the amended plans, still consider that the outbuilding is too close to my boundary and will still be intrusive;
- Would still prefer it to be sited in accordance with 'permitted development' criteria;
- Need confirmation that the building is to be ancillary to the domestic use of the house and that no windows will be inserted in the east elevation without planning permission being obtained;
- A green roof would be preferable to the grey ply roof.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policy 15

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

National Planning Policy Framework 2019

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

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

Planning Assessment

Principle

There is no objection in principle to the proposal which provide a single storey detached outbuilding structure within the rear garden. The key concerns are the effects on the residential and visual amenities on the neighbouring properties and the character of the locality.

Visual and Residential Amenities

The application for the outbuilding has been amended to be sited 1m from the boundary with no.1 Adur Road to the north, and 1m from the boundary with 'Byron', Adur Road to the east.

Further, the land, which currently rises to the neighbouring boundaries, will be reduced and levelled, thereby reducing the height of the structure when seen from the neighbouring properties.

The rear elevation of the outbuilding will be approx. 2.2m high from the ground level of the neighbouring garden 'Byron', with the highest front section of the roof being approx. 2.9m. The highest part will be some 6.5m from the boundary wall, which is considered an acceptable distance so as not to result in unacceptable overbearing or overshadowing to that property. Whilst the 2.2m height for the back of the building will be higher than the existing boundary wall for 'Byron' which is approx. 1.5m high, it is worth noting that a 2m fence/wall could be put into position on this boundary without the need for planning permission.

The neighbour has suggested that the use of a 'green' roof for the outbuilding would be possible, however, the roof of the building is shown on the plans as being 'grey single ply', and it is this that the planning authority will be considering in their determination of the application. This material is considered to be an acceptable roof for an outbuilding.

Environmental Health has been consulted with regard to the neighbours' anxieties concerning noise from the gym part of the proposal, and they have responded that they have no adverse comments regarding the use.

Neighbours have also put forward that the use might become a commercial use; however there is no reason to suspect such a possibility. A condition on any permission stating that the use is incidental to the dwellinghouse no. 412 is recommended.

There are no windows indicated on the rear (east) elevation facing 'Byron' or the north elevation facing no. 1. There are windows shown for the west and south elevation, both of which face into the application site only. However, it would be appropriate to

apply a condition to any permission limiting the introduction of any further windows without the permission from the LPA.

There are no trees covered by a tree preservation order within the garden of 412 and the site is not within a Conservation Area.

The erecting of garden lighting within an existing residential garden would not require planning permission. However, should lighting be erected which caused a nuisance with the neighbours, it would be a matter for the Environmental Health department.

In summary, the outbuilding in the position as amended, is not considered to materially affect the existing visual amenities to any of the neighbouring residential properties, particularly no. 1 or 'Byron' within Adur Road, and there will be no adverse overlooking, overshadowing, or overbearing issues affecting the residential amenities of these properties either. Conditions to prevent additional windows; and for it to be incidental to the existing dwellinghouse would be appropriate.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard time limit
3. Materials as plan
4. No additional windows in east or north elevations
5. Incidental to dwellinghouse only

5th August 2019

Local Government Act 1972

Background Papers:

As referred to in individual application reports

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Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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

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