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**Minutes of a meeting of the
Adur Planning Committee
23 October 2023
at 6.30 pm**

Councillor Carol Albury (Chair)
Councillor Joe Pannell (Vice-Chair)

Councillor Jeremy Gardner
Councillor Vee Barton
Councillor Jim Funnell
*Councillor Dan Flower

Councillor Gabe Crisp
Councillor Andy McGregor
*Councillor Carol O'Neal

*Absent

Officers: Head of Planning and Development, Senior Lawyer and Democratic Services Officer

ADC-PC/41/23-24 Substitute Members

Councillor Jude Harvey substituted for Councillor Carol O'Neal.

ADC-PC/42/23-24 Declarations of Interest

There were no declarations of interest.

ADC-PC/43/23-24 Public Question Time

There were no pre-submitted Public Questions.

ADC-PC/44/23-24 Members Questions

There were no pre-submitted Members Questions.

ADC-PC/45/23-24 Confirmation of Minutes

RESOLVED, that the minutes of the Planning Committee meeting held on **2 October 2023** be confirmed as a correct record and that they be signed by the Chair.

ADC-PC/46/23-24 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions.

ADC-PC/47/23-24 Planning Applications

The planning application was considered, see attached appendix.

The meeting ended at 7.24 pm

Chair

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Application Number:	AWDM/1024/23	Recommendation - APPROVE
Site:	Land East Of 1 To 11 Mercury House, Ham Road Shoreham-by-Sea, West Sussex	
Proposal:	Erection of two blocks of development ranging in height between 3 - 9 storeys comprising 159 residential units comprising a mix of 1-bed, 2- bed and 3-bed units (including a minimum of 30% of affordable housing), commercial (Class E) floorspace at ground floor, and associated parking and landscaping. Application to Vary Conditions 1 of previously approved AWDM/1450/21 (approved drawings).	
Applicant:	The Hyde Group	Ward: St. Mary's
Agent:	ECE Planning	
Case Officer:	Stephen Cantwell	

The Head of Planning and Development outlined the report, highlighting the key changes to the previously approved application, that had been made specifically to retain the mature Poplar tree in the south west corner of the site.

As a result of these changes the number of affordable rented units had decreased but there had also been a corresponding increase in the number of shared ownership units. The application was policy compliant, delivering 30% affordable with the emphasis being on rented accommodation in line with the local plan. The slight change to the housing mix related to the additional affordable housing being delivered, post planning, utilising Homes England funding. The applicant remained committed to deliver 100% affordable housing as a strategic partner of Homes England.

Members queried why there had been a change in the levels of affordable rented and shared ownership. The Officer explained that this was primarily due to the reduction of rented units in Block B to save the tree (the relocated units would be in the Block containing shared ownership units).

Members also noted that the parking spaces on the site were to be 2.5m x 5m and asked if the EV charging points were within the spaces, effectively making them smaller. The Officer clarified that the charging points would be outside of the defined spaces.

Other concerns were raised by Members regarding the impact of the construction works on local residents, particularly the levels of dust generated and especially

considering that other construction sites would be occurring in the same area at the same time. The Officer confirmed that the construction management plan would deal with dust suppression and that a Developers Forum was planned to discuss how the contractors could work in tandem to reduce the impact of the construction on local residents.

There were two registered speakers, the planning agent and the applicant, giving representations in support of the application.

Members had questions for the speakers regarding the levels of social rented units and shared ownership units. With regards to the shared ownership units, Members asked which body would decide the annual maintenance fee and if it would be kept to an affordable level moving forward.

The speakers confirmed that there would be 53 socially rented units and 106 shared ownership units, potentially housing 470 people. Service charges would be calculated and set by Hyde approx 12 months before completion of the development and then reviewed annually. The speaker confirmed that they intended to try and keep them at an affordable level.

During debate members recognised that a great deal of time and effort had been put in by all concerned with the application to retain the tree. Some members still felt that the development was not a favourable one, considering it overdevelopment of the area and likely to overstretch the local infrastructure, but it was noted that the applicant had already been granted permission with the previous application and that this amended one, with the retention of the tree, was a favourable option.

A proposal was put forward to approve the application. This was seconded and voted in favour of with a unanimous outcome.

Decision - Approved, subject to conditions:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.
2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
3. Prior to commencement of any works above slab level details and samples of all materials to be used on all external faces of the buildings hereby approved, including windows and doors and roofs, colours, and finishes, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only in accordance with the details thereby approved.
4. Prior to commencement of any works above slab level detailed, large-scale drawings (typically at 1:20 scale and with cross sections) of the following external details shall be submitted to and approved in writing by the Local Planning Authority:
 - i. Windows, doors, and frames,

- ii. Roof intersections, eaves, soffits, and parapets,
- iii. Rainwater goods,
- iv. Balconies, rails, balustrades, and any screens
- v. Grilles, including ventilation grilles
- vi. Typical intersection between brickwork and other materials
- vii Walls, ceilings, and other external surfaces of the undercroft pedestrian path at Block B

Development shall be carried out only in accordance with the details thereby approved.

5. Prior to commencement of any works above slab level a detailed code for the detailed design of commercial frontages and entrances, including materials, signage, fascias and advertisements, shall be submitted to and approved in writing by the Local Planning Authority. All commercial frontages, including any future changes, shall be in accordance with the approved design code unless the Local Planning Authority gives prior written approval for any variation.
6. No part of the development shall be first occupied until such time as the vehicular and pedestrian accesses serving it, (including visibility splays of 2.4 x 43m at the vehicular access), has been completed in accordance with the details shown on the Site Access drawing numbered 10292_200, at Appendix B of the Transport Assessment by GTA Civils, March 2021. The visibility splays shall be kept permanently free of obstructions to visibility above 0.6m height.
7. With the exception of any site clearance works, initial ground drainage and piling construction, no development shall take place until construction details of the vehicular access and manoeuvring, parking areas and footpaths within the site and their surface water drainage, including engineering cross-sections and specifications, and details of the design and surfacing of the public footpath, vehicular crossovers and kerb alignments at the site frontages, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details thereby approved and permanently maintained and retained.
8. Any gate or barrier to the car parking area on the site shall be sited at least 6m back from the edge of the public highway. Details of any gate and of any entry control system (if used), shall first be submitted to and approved in writing by the Local Planning Authority, and this condition shall apply notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town And County Planning (General Permitted Development) Order 2015 as amended, or any Order revoking or re-enacting that Order.
9. No part of the development shall be first occupied until the car parking and associated turning space serving it has been provided in accordance with the approved plans, including identified spaces for wheelchair users, car club vehicles, which shall be marked out and identified on site in accordance with

details of marking out which shall be first submitted to and approved by the Local Planning Authority. The approved spaces shall thereafter be permanently retained for their identified purposes.

10. No part of the development shall be first occupied until live Electric Vehicle Charging spaces have been provided in accordance with plans and details, including number, location, power rating and charge rate, which shall first be submitted to and approved in writing by the Local Planning Authority.
11. No part of the development shall be first occupied until covered and secure cycle parking stores and cycle stands have been provided in accordance with details, including which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter these cycle stores and stands shall be retained at all times for their designated purpose.
12. Accesses to common external areas shall allow for access by wheelchair users, unless any variation to allow for any alternative is first approved in writing by the Local Planning Authority.
13. 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.
14. No commercial unit shall be first occupied until such time as until a Servicing Management Plan for has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Servicing Management Plan.
15. No part of the development shall be first occupied until secure bin stores have been provided in accordance with the approved plans. The bin stores shall thereafter be provided in accordance with the details thereby approved and retained at all times for their designated purpose.
16. Development shall not commence, other than works of site survey and investigation and installation of initial drainage infrastructure connections (excluding foundation works), until full details of the proposed surface water drainage scheme and measures to include the control of pollution (such as use of trapped gullies and/or oil interceptors) have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system

serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

17. No development above slab level shall commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
18. Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by an appropriately qualified engineer that confirms that the scheme was built in accordance with the approved drawings and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.
19. With the exception of site clearance works and installation of initial infrastructure connections (excluding foundation works), no development shall take place until details of the foul drainage have been submitted to and approved in writing by the Local Planning Authority in liaison with Southern Water. Details shall include timing of first occupation of the development which shall 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. No part of the development shall be occupied until the drainage works have been carried out in accordance with the approved details.
20. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
 - (i) The development shall only take place in accordance with the remediation method statement reference A12064/1.0 dated 27 April 2023 unless otherwise approved in writing by the Local Planning Authority.
 - (ii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (i) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any subsequent changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority).

A Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

21. If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development associated with the area of contaminated land shall be carried out until it has been investigated by the developer (unless otherwise agreed in writing with the Local Planning Authority). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.
22. Piling or deep foundation using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
23. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref: 'Flood Risk Assessment Former Adur Civic Centre, Ham Road, Shoreham By Sea', prepared by GTA Civils, dated: October 2020) and the following mitigation measures it details: i. Finished floor levels of the Residential Flats shall be set no lower than 6.50m above Ordnance Datum (AOD) (section 3.7 of the FRA), and ii. Finished floor levels for the commercial spaces are set no lower than 3.85m above Ordnance Datum (AOD) at Block A and 3.70m above Ordnance Datum (AOD) at Block B This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
24. No part of the development shall be first occupied until a Flood Risk Management Plan has been submitted to and approved in writing by the Local Planning Authority. It shall include the ongoing arrangements for the provision, dissemination and updating of flood risk information and means of safe access and escape for occupiers of the site. The Plan thereby approved shall be

implemented upon the first occupation of the development and permanently adhered to unless the Local Planning Authority gives prior written approval for any variation.

25. With the exception of any site clearance works, excavations and drainage works, no development shall take place until an amended strategy for energy, heating and water has been submitted to and approved in writing by the Local Planning Authority, to include:

- i) Energy efficient building fabric and any mechanical ventilation with heat recovery,
- ii) Details of heating
- iii) LED internal & external lighting,
- iv) Efficient water goods and fixtures to achieve a usage of <105L/Person
- v) usage/day.
- vi) Operational waste management.
- vii) Inclusion of renewable energy prediction on site
- viii) Calculations of carbon dioxide reductions achieved by i – vi

B. The development hereby approved shall be implemented in full accordance with the details contained at A (i-vii) above. Written confirmation, including professional verification by a suitably qualified person, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that these measures have been fully implemented and achieved the calculated carbon reductions and efficient water usage. The verification document shall include any proposed and timetabled remedial measures if these carbon reductions and water usage rates have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

26. No development above slab level shall take place until detail measures or systems:

- i) of noise mitigation, including specifications of acoustic insulation and glazing,
- ii) to reduce and minimise risk of overheating of the building (including the air-change rates and acoustic performance specification of any mechanical ventilation system)
- iii) and arrangements for the on-going maintenance of noise mitigation and overheating reduction measures have been submitted to and approved in writing by the Local Planning

Authority.

B. Neither of the blocks of flats hereby approved shall be respectively occupied until written professional verification by a suitably qualified person, has been submitted to and approved in writing by the Local Planning Authority, to confirm that these detailed measures in A above have been fully and effectively implemented, including a sound-test and air-change test for each respective block of flats to demonstrate that the approved acoustic specifications and air change rates have been met. The verification document shall include any proposed and timetabled remedial measures if these sound reduction and air change rates have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

The measures and systems approved under A i) & ii) above shall be permanently maintained to ensure that they continue to meet their approved specifications and remain fit for their purpose, and in accordance with the on-going maintenance arrangements approved under A iii) above.

27. With the exception of any site clearance works or works up to slab level, no development shall take place until a detailed timetabled scheme of hard and soft landscaping in accordance with the submitted Illustrative Landscape Masterplan 2890-LA-01 P5 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- i) landscape planting, including species, size and number or planting densities,
- ii) details of any tree pits, planters or other planting structures,
- iii) details of protection measures to minimise risk of damage to planting or other landscaping elements.
- iv) detailed measures for the enhancement of biodiversity,
- v) ground surfacing materials: type, colour, texture, and finish,
- vi) a maintenance plan to ensure establishment and ongoing management of this detailed scheme of landscaping and biodiversity enhancement measures.

These details and timetable shall be adhered to throughout the course of development works. All planting, seeding, turfing, biodiversity enhancement measures and ground surfacing comprised in the approved details of landscaping, shall be carried out in accordance with the timetable thereby approved and any vegetation or biodiversity measures or surfacing which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar type, size & species.

28. No development shall be occupied until all boundaries, external enclosures and gates have been completed in full accordance with details which shall first be

submitted to and approved in writing by the Local Planning Authority. Details of gates shall include provision of access for people with disabilities and details of the southern boundary shall include provisions to manage surface water flow.

29. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking or re-enacting that order. No additional means of enclosure shall be erected forward of any part of any façade of the buildings hereby approved facing a public highway, other than those which are shown on the plans hereby approved.
30. A detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development, including measures to:
 - i) avoid any negative impact on railway safety (in consultation with Network Rail), in cases where lighting may be seen from seen from operational railway land, and
 - ii) to provide for the safe use of communal areas within the development, and
 - iii) to minimise light pollution in all cases

Thereafter the lighting shall be provided and maintained in accordance with the approved scheme. No additional external lighting shall be installed in areas which are visible from outside the site without the prior approval in writing of the Local Planning Authority.

31. No development above slab level shall take place until details of secure entrances to buildings, lighting within the site and security for cycle and bin stores have first been submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be implemented and fully adhered to.
32. With the exception of any site clearance works development shall not commence until a survey and plan of existing and proposed site and slab levels, including provision of access for people with disabilities has been submitted to and approved in writing by the Local Planning Authority. Development shall accord with the details thereby approved and thereafter no other raising of levels shall be carried without the prior written approval of the Local Planning Authority.
33. Prior to the occupation of each individual building, details of any external aerial/antenna and / or satellite dish (if any) for that building, shall first be submitted to and approved by the Local Planning Authority. Thereafter no other external aerial/antenna or satellite dish shall be installed on any building in areas which are visible from outside the site, unless details have first been submitted to and approved by the Local Planning Authority.
34. No external fixed plant, or mechanical vent or duct shall be installed until a scheme has first been submitted to and approved in writing by the Local Planning Authority. All plant shall be maintained in accordance with manufacturer's guidance to ensure the levels contained in the aforementioned

Acoustic Assessment are not exceeded and any future plant shall also meet the specified levels within the approved scheme.

35. In the event that the need for additional fire hydrants or other water supply are required as part of the Building Regulations Approval process, the following details shall be submitted:
 1. No works above slab level shall proceed until details showing the proposed location and timetable for installation of fire hydrants or other water supply and their connections to a water feed supply (which is appropriate in terms of both pressure and volume for the purposes of firefighting), shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.
 2. No part of the development shall be first occupied until the fire hydrants / water storage and supply approved under a) above in the approved location (s) to BS 750 standards.
36. 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. Unless otherwise agreed in writing by the Local Planning Authority, the mitigation shall be at least equal to a value of £23,060 as identified in the addendum of January 2022 to the emissions mitigation assessment contained within Section 7 of the Air Quality Impact Assessment produced by Phlorum dated March 2021.
37. Prior to any development above slab level,(or at such other time as shall be first agreed in writing by the Local Planning Authority, details of a scheme for public art shall be submitted to and approved in writing by the Local Planning Authority. This shall include a description of the type and location of art and arrangements for its procurement and implementation, including timing of this. The approved details shall thereafter be adhered to in the development hereby approved.
38. Development shall only take place in accordance with the Construction Management Plan ADUR Civic Centre Shoreham – Reversion 2 dated 26 May 2023 (Pgs. 1-14) which was received by the Local Planning Authority on the 31 May 2023 unless the Local Planning Authority gives prior written approval for any variation.
39. No construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 07:30 and 18.00 on Mondays to Friday and between the hours of 08:00 and 13.00 on Saturday and not at any time on Sundays or Public Holidays.
40. All tree protection works shall be fully implemented in accordance with the Tree Retention and Protection Plan dated 9 June 2023 and Arboricultural Impact Assessment and Method Statement dated 19 July 2023 produced by Lizard Landscape Design and Ecology. Protection and retention of trees shall only be undertaken in accordance with Section 3.0 of the Report, unless otherwise approved in writing by the Local Planning Authority.