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Minutes of a meeting of the Adur Planning Committee 2 September 2024 at 6.30 pm

Councillor Dan Flower (Chair)
Councillor Andrew Harvey (Vice-Chair)

Councillor Carol Albury
Councillor Carolyn Fuhrmann
Councillor Pauline Higgins
Councillor Nigel Jenner

Councillor Gerry Thompson
Councillor Julia Watts
Councillor Andy McGregor

Officers: Interim Head of Planning & Development, Interim Planning Services Manager, Principal Planning Officer, Senior Lawyer and Democratic Services Officer

ADC-PC/32/24-25 Substitute Members

There were no substitute members.

ADC-PC/33/24-25 Declarations of Interest

Councillor Andy McGregor declared an interest with regards to application AWDM/0748/24 as he was a member of the yacht club. He stated he would absent himself from the room for this item.

ADC-PC/34/24-25 Public Question Time

There was one pre-submitted Public Question -

I would like to ask the committee to, either directly or via the wider council, to request that the Government uses the proposed Planning and Infrastructure Bill (as announced in the King's Speech - <https://www.gov.uk/government/speeches/the-kings-speech-2024>) to amend the law to ensure that there is no ambiguity regarding the planning status of houseboats, where they are either 'like for like replacement' or 'on-site construction'.

The Interim Head of Planning and Development replied -

I agree with the speaker, the planning law for houseboats is ambiguous. There are no national rules for them so we could all benefit from greater clarity. Regarding when we are able to lobby the government on this point, we do have the planning bill out now which has a specific set of questions for us to answer which, unsurprisingly, doesn't include houseboats but I suspect, following on from that, there may be changes to the General Permitted Development Order and at that point we could ask for greater clarity for houseboats to be included specifically.

There was one non-pre-submitted Public Question (on behalf of AREA) -

The Panattoni building on the airfield now has a large 'To Let' sign displayed on it. AREA understands that this would need planning permission, particularly as it is facing a conservation area. Has planning permission already been granted for the sign?

The Interim Head of Planning and Development replied -
I think it would be advertisement consent, rather than planning permission, if it was needed. We were made aware of this complaint late last week and I have a meeting at the airport next week. I will raise this issue at that meeting and report back if any permissions are required.

ADC-PC/35/24-25 Members Questions

There were no pre-submitted Members Questions.

ADC-PC/36/24-25 Confirmation of Minutes

RESOLVED, that the minutes of the Planning Committee meeting held on **5 August 2024** be confirmed as a correct record and that they be signed by the Chair.

ADC-PC/37/24-25 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions.

ADC-PC/38/24-25 Planning Applications

The planning applications were considered, see attached appendix.

ADC-PC/39/24-25 Proposed Response to National Planning Framework Report

The Committee noted the report and proposed consultation response, and agreed to forward any comments to the Joint Strategic Committee.

ADC-PC/40/24-25 Appeals Update

This item was deferred until the next Planning Committee meeting due to lack of time.

The meeting ended at 10.54 pm

Chair

Application Number:	AWDM/0970/23	
Site:	42 Brighton Road, Lancing	
Proposal:	Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north. Application to Vary Condition 1 (approved plans) of previously approved AWDM/0923/21. Amendments: Increase in height of house by 0.85m, addition of first floor balconies to front elevation, addition of lightwells to front. Increase in height to garage block by 0.37m; addition of cladding to garden room	
Applicant:	Mr Bernard	
Agent:	Mr Paul Smith - Domus Architecture Ltd	
Case Officer:	Peter Barnett	

The Principal Planning Officer presented the report explaining that this application was linked with application AWDM/0163/24 and so would be considered simultaneously. He explained the history of the applications clarifying that they were both previously considered at the committees on 4th March 2024 and on 1st July 2024. He explained that there had since been an amendment of condition 16, which now included the requirement for a timetable for the garden work.

The Officer clarified for Members that the property could not be occupied until the changes to the front balcony windows had been completed and it would be possible to amend condition 15 to prescribe that no future occupier could change the windows to access the balcony.

Regarding the garden levels the Officer explained that the applicant had agreed to lower the mid section by 0.4metre and add a hedge while on the higher level closest to the house a strip of ground adjacent to the boundary would be lowered by 1m with a 1.5m high fence erected to reduce overlooking.

There were three registered speakers who gave representations in objection to both these applications. They raised concerns that the property that had been built at number 42 had not been built in accordance with the plans approved and in particular that condition 10 of those plans had been breached. Condition 10 had required details of proposed ground levels to be submitted before works began and this had not happened. They stressed that this had had a hugely negative effect on them due to issues of loss of privacy, overlooking and overbearing development. They confirmed for Members that the ideal solution from their position was that the garden levels should be returned to their original levels.

There was one registered Ward Councillor who spoke in objection to the application. She explained how following the last meeting, in which it was promised that the level along the back would be reduced by a metre, the next day she had witnessed a large amount of soil being delivered to the property.

During debate the committee agreed that, since the levels of the garden had been raised again since the last meeting, now suggesting a drop of a metre was not sufficient. The Members also recognised that the garden levels had been raised without permission (at risk), and so it was strongly felt that the ground levels of the garden should be returned to their original levels. Members were of a mind to approve application AWDM/0970/23, regarding the changes to the house, but were concerned that once those works were completed the occupants would want to move in. The Officer suggested that there could be alternative wording for condition 16 dictating that the property should not be occupied until ground levels of the garden were changed in accordance with the members decision on application AWDM/0163/24.

There was a proposal to approve AWDM/0970/23 with an amended condition 16 as above. This was seconded and voted in favour of unanimously.

Decision - APPROVE subject to the following conditions and condition 15 amended to specify maximum width of restricted opening at 100mm. Revised wording for Condition 16 due to refusal of AWDM/0163/24.

1. Approved Plans.
2. Car parking to be provided.
3. Cycle parking to be provided.
4. EV charging to be provided.
5. Drainage scheme to be implemented as approved.
6. Construction Management Plan to be adhered to at all times.
7. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: Flood Risk Assessment Prepared by Ambiental 42 Brighton Road, Lancing, BN15 8JB July 2021 6339) and the following mitigation measures it details:-
Sleeping accommodation is to be located on the ground floor and above.
These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.
The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
8. Removal of PD Class A, AA, B.
9. Balcony screens to be installed prior to first use.

10. Obscure glaze side windows.
11. Noise assessment for guest accommodation to be completed prior to occupation.
12. To be carried out in accordance with previously approved energy statement and water efficiency statement.
13. Garage and guest accommodation to be used ancillary to dwelling.
14. No access to planted flat roof areas at first floor at front of dwelling at any time other than for maintenance.
15. The house shall not be occupied until the patio doors at first floor level at the front of the house have been replaced with fixed glazed panels and side opening lights with a restricted opening of 100mm, in accordance with the details shown on drawing no.A2-03 Rev. O received 26th April 2024, and they shall not subsequently be altered in any way.
16. Within one month of the date of this permission plans shall be submitted to the local planning authority for its written approval showing a reduction in the ground levels of the rear garden and an associated landscaping scheme, plus details of a retaining wall to the front garden boundary with No. 44 Brighton Road, to reduce the impact on the occupiers of No.44 Brighton Road to an acceptable level. The plans and scheme shall include a timetable for the implementation of the works. The works shall be carried out in accordance with the approved plans, scheme and timetable and completed prior to the occupation of the dwelling. Written notice must be given to the local planning authority to confirm that the garden works and landscaping have been completed in accordance with the approved plans, scheme and timetable prior to the occupation of the dwelling and the local planning authority must be permitted access to the development within 28 days of receipt of the written notice to check that the works have been completed in accordance with the approved plans. The dwelling is not to be occupied until the local planning authority has confirmed in writing that the garden works and landscaping have been completed in accordance with the approved plans, such confirmation to be provided within 14 days of the local planning authority's inspection of the development.

Application Number:	AWDM/0163/24	Recommendation - APPROVE
Site:	42 Brighton Road, Lancing	
Proposal:	Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north. Application to Vary Condition 1 (approved plans) of previously approved AWDM/0923/21. Amendments: Lowering of ground level on upper terrace adjacent to the eastern boundary by 1m and erection of 1.5m high fence; lowering of lower garden level by 0.4m	
Applicant:	Mr Mario Bernard	Ward: Widewater
Agent:	Domus Architecture Ltd	
Case Officer:	Peter Barnett	

Presentation, speakers and debate as for AWDM/0970/23.

There was a proposal put forward to refuse on grounds that levels are too high and it would adversely affect the impact on the neighbouring property. This was seconded and voted in favour of unanimously.

The Interim Head of Planning & Development advised the Committee that they should also vote to instruct him to approach the Head of Legal Services with regards to the enforcement action process. This was also proposed, seconded and voted in favour of unanimously.

Decision - REFUSE - for the following reason:

The rear garden levels as built are excessively high in relation to neighbouring gardens resulting in an overbearing development which causes overlooking, loss of privacy and a harmful loss of amenity for the occupiers of 44 Brighton Road, contrary to policy 15 of the Adur Local Plan

Application Number:	AWDM/0748/24	Recommendation - APPROVE
Site:	Sussex Yacht Club, 85 - 89 Brighton Road, Shoreham-by-Sea	
Proposal:	Construction of flood defence wall, and flood gate across former Tarmount Hard, provision of pedestrian and cycle path and public realm improvements following demolition of yacht club (subject of separate application). Application to Vary Condition 1 (approved plans) of previously approved AWDM/1695/18. Amendment: 12m wide double swing gate replaced with single 12m sliding gate, addition of 3m wide pedestrian gate east of the sliding gate, Flint panelling has been revised to accommodate new 3m gate. New pedestrian gate at the West End and gate for Tarmount Hard is reduced in width to 1.22m. Increase in wall height from 2m to 2.2m and inclusion of railings above the gates, increased thickness of the wall from 400mm to 500mm. The verge to the north of the proposed wall has been increased to 3m in width.	
Applicant:	Adur & Worthing Councils	Ward: St Mary's
Agent:	Mr Chris Locke - Henry Adams	
Case Officer:	Peter Barnett	

The Principal Planning Officer presented the report explaining this application was seeking some amendments to an already approved and commenced development. Also, there had been two additional representations, one supporting the objections of the Mariners Point Association and one from Shoreham-by-cycle expressing an opinion that the cycle lane needs to be widened by 0.5 metres due to its proximity to the flood wall.

The Officer clarified for Members that the cycle lane would be three metres wide, a metre wider than the minimum specified in the guidelines, and that it was to be a shared cycle and pedestrian lane. He also explained that if West Sussex County Council should deem the byway to be in a different location then the entrance would have to be moved.

There were two registered speakers who gave representations in objection to the application. They raised concerns regarding the proposed 3m wide access to the byway as they considered that the line of Stows Gap was in a different location.

There were three registered speakers who gave representations in support of the application.

During debate members acknowledged that they were looking to amend something that has already been approved and concurred that it was a reasonable amendment. A proposal to approve was forwarded, seconded and voted in favour of unanimously.

Decision: APPROVE - subject to conditions:-

1. Approved Plans
2. Prior to the construction of any part of the flood defence installations (other than percolation tests and enabling substructure installations (excluding drainage) for the flood defence wall) a schedule and samples of materials and finishes to be used for the wall shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule. Prior to the commencement of the flint panels a sample of flintwork indicating the colour, texture and pointing style of the mortar, shall be constructed on the site and inspected and approved in writing by the Local Planning Authority. Thereafter, the wall shall be constructed in accordance with the agreed sample panel which shall be retained on site until the development has been completed
3. Vehicular access serving the yacht club shall be constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Visibility splays of 2.4 metres by 43 metres shall be provided at the vehicular access onto Brighton Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.
4. The existing vehicular access serving the yacht club onto Brighton Road shall be physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
5. Prior to the construction of any part of the flood defence installations (other than percolation tests and enabling substructure installations (excluding drainage) for the flood defence wall) a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority.
6. Prior to the construction of any part of the flood defence installations (other than percolation tests and enabling substructure installations (excluding drainage) for the flood defence wall) details of the future ownership, maintenance, operation and management of the floodgates shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Application Number:	AWDM/1391/23	Recommendation - APPROVE
Site:	Mariner Point, 83 Brighton Road, Shoreham-by-Sea	
Proposal:	Change of use of part of ground floor to Class E (24 hour gym)	
Applicant:	Mr Massimo Petretta	Ward: St Mary's
Agent:	Mr Anthony Phebey	
Case Officer:	Peter Barnett	

The Principal Planning Officer presented the report and responded to Members queries regarding parking, the noise from the air conditioning units and levels of gym membership. The Officer explained that although the spaces outside the proposed gym were currently used by residents, the spaces were always intended for use by those using the commercial space, whilst residents parking was in the underground car park.

There were two registered speakers giving representations in objection to the application. They raised concerns regarding noise and disturbance especially during the night.

During debate Members acknowledged the residents' anxieties over noise and expressed surprise that the environment agency hadn't raised any concerns. However, they recognised that the space had always been intended for commercial use which could create some level of noise, although they conceded that a 24 hour business was more of a concern. The Officer confirmed that the original planning permission had no restriction on opening hours except to specify that there were to be no deliveries at night. The committee requested that conditions be amended to specify that if noise levels at night were above permitted noise levels, then the Gym's opening hours be curtailed to 0800 - 2200 until they had demonstrated that they had solved those noise issues. In addition Members wished to see an extra condition prohibiting classes to be held on the premises, now and in the future and that the applicant be required to submit a noise management plan.

Members voted to extend the meeting by a further hour.

There was a proposal put forward to accept the Officers recommendation with the amended and additional conditions. This was seconded and voted on with an outcome of eight in favour and one abstention.

Decision: APPROVE - Subject to conditions:-

1. Approved Plans.

2. 3 year time limit.
3. No windows or doors to be kept open.
4. Recommendations in section 7 of the noise report dated 6/2/24 and the noise report relating to the gym acoustic floor system dated 10/7/24 shall be fully implemented (including installation of sprung floor system throughout the gym) prior to use and a test shall be carried out within 1 month of opening to demonstrate a noise level of 50DnT+Ctr in the nearest flats above the gym with the results submitted to the LPA for approval. If noise levels exceed the permitted level then the gym may only operate between the hours of 0800 and 2200 until it can be demonstrated that the noise level is met.
5. Gym use only and for no other purpose.
6. No fitness classes of any kind shall be run at the premises at any time.
7. The use shall commence until the scheme for isolating the windows from the first floor slab is provided and agreed prior to installation.
8. The use shall not commence until an independent stud wall lining has been installed on the party wall with the dental practice in accordance with details to be submitted and approved.
9. Details of the position and type of air conditioning plant, including acoustic specification to be provided and agreed before installation.
10. Existing EV charging points shall at all times remain available to use by residents of Mariner Point and final details of the number and location of car parking spaces to be allocated to gym users shall be submitted and approved prior to use commencing.
11. Details of additional cycle parking facilities to be provided shall be submitted and approved prior to use commencing.
12. The facility hereby approved shall not be used until a Noise Management Plan relating to the use of the facility has been submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall include details of community liaison, complaints procedures, numbers of staff and gym Members and details of method of access and regulation during night time use. The approved Plan shall thereafter be adhered to at all times.

Application Number:	AWDM/0873/24	Recommendation - Approve, subject to consultation response
Site:	Land East Of 1 To 11 Mercury House, Ham Road Shoreham-by-Sea, West Sussex	
Proposal:	<p>Application to Vary Condition 27 of previously approved AWDM/1024/23 and AWDM/1450/21.</p> <p>Amendment comprising: Alternative landscape design, including use of containers for planting along site frontages (in order to accomodate underground drainage attenuation tanks), also provision of electricity substation within central courtyard, with associated changes to landscaping.</p> <p>Original description (as previously amended by AWDM/1024/23) : 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</p>	
Applicant:	The Hyde Group	Ward: St. Mary's
Agent:	HGP Architects	
Case Officer: Stephen Cantwell		

The Interim Planning Services Manager presented the report explaining that the increase in size of the underground attenuation tanks now meant that some of the trees on the site would need to be containerised. This application was also seeking approval to add a substation in the courtyard area. The reason for the substation was because the district heating network was now not going ahead and the height required for it meant that it could not be constructed indoors. The Officer confirmed that the trees on the Brighton Road frontage would remain in the ground and Officers wished to make a change to maintenance proposals to make it clear that if they were not adopted by highway maintenance within a specified time period then they would be adopted by the applicant.

There was one speaker who gave a representation on behalf of AREA in objection to the application. She expressed concern regarding the applicant's maintenance plan for the upkeep of the trees, particularly those that were containerised and suggested a reporting system be put in place so that the maintenance of the landscaping could be monitored. AREA also had concerns that the substation was now to be placed in the only open area for the residents.

During debate members recognised that if the position of the substation had been in the original application it may not have been approved. Concerns were raised about the lack of amenity space residents would have access to if this application was approved. The applicant explained to members what other alternatives had been considered and confirmed the intended appearance of the substation. Members discussed the possibility of the applicant putting play equipment on the site and within the park opposite the proposed scheme.

A proposal was put forward to refuse the application on lack of amenity, this was seconded and voted on with an outcome of two in favour, six in objection and one abstention.

The Committee agreed that it should be put on record that as the building had already commenced the options open to them were limited.

There was a second proposal to approve the application with additional conditions regarding landscaping and maintenance plans. This was seconded and voted on with an outcome of seven in favour, one against and one abstention.

Decision - APPROVED - subject to the receipt of amended landscaping and maintenance plans and satisfactory consultee responses also the consideration of any further representations by 5th September.

Conditions

Conditions would be repeated from Planning Permission AWDM/1024/24 but with amendment to the wording of conditions 1 & 27 to refer to the implementation of the amended plans.

Application Number:	AWDM/0785/24	Recommendation - REFUSE
Site:	Land East Of 1 To 11 Mercury House, Ham Road Shoreham-by-Sea, West Sussex	
Proposal:	<p>Application to vary condition 1, of previously approved AWDM/1450/21 (as amended by AWDM/1024/23) to incorporate amendment of roof design for the 8-9 storey tower section of block b to replace approved pitched roof with a flat roof.</p> <p>Original description (as previously amended by AWDM/1024/23) : 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).</p>	
Applicant:	The Hyde Group	Ward: St. Mary's
Agent:	HGP Architects	
Case Officer:	Stephen Cantwell	

Members voted to extend the meeting by a further hour.

The Interim Planning Services Manager presented the report explaining that this application was seeking approval to change the tower features from the pitched roofs agreed on the original permission to flat roofs. This was intended to allow for a greater number of solar panels to be installed..

There was one speaker who gave a representation on behalf of AREA in objection to the application expressing concerns over appearance and doubts regarding the energy efficiency of PV panels on flat roofs.

There was one registered speaker who gave a representation in support of the application. She explained that Hyde had a long term strategy of ensuring that all new social housing should achieve a minimum of EPCA by 2030, and, after receiving the original permission, quickly realised that the PV panels on pitched roof would not provide this.

During debate members discussed that the appearance of these towers was important and there should be other ways of increasing energy efficiency.

There was a proposal to accept the Officer's recommendation to refuse the application. This was seconded and voted on with an outcome of eight in favour of refusal and one abstention.

Decision: REFUSED - Reasons for refusal

The proposal would diminish the design quality and distinctiveness of the approved development, which is situated in an important location in the approach to and outlook from Shoreham, including the edge of the adjoining conservation area. It is acknowledged that there are potential benefits in terms of CO2 reduction and improved sustainable energy and cost associated with the development, but these are not considered to outweigh the impacts in design impact and in heritage terms. This is considered to be contrary to Policies 15 & 16 of the Adur Local Plan 2017 and the NPPF 2024, especially paras 135, 140, 164 and 208