



ADUR DISTRICT
C O U N C I L

28 February 2020

Adur Planning Committee	
Date:	9 March 2020
Time:	7.00 pm
Venue:	QEII Room, Shoreham Centre, Shoreham-by-Sea

Committee Membership: Councillors Carol Albury (Chair), Pat Beresford (Vice-Chairman), David Balfe, Stephen Chipp, Brian Coomber, Lee Cowen, Joss Loader 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 6 March 2020.

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 Monday 10 February 2020, 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 (Pages 1 - 76)

To consider a report 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 Thursday 5 March 2020.

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)

7. Public Engagement with the Planning Process (Pages 77 - 102)

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

Part B - Not for publication - Exempt Information Reports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 Lawyer 01903 221050 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
C O U N C I L

Planning Committee
9th March 2020
Agenda Item 5
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 55 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 roofslopes. AMENDED PLANS received and REVISED DESCRIPTION - increase in total number of flats to 55 (4no. on the ground floor and 1no. on the fifth floor) and reduction in car parking from 50 to 31 spaces.

2

Application Number: AWDM/1924/19 Recommendation – Approve

Site: 43 High Street, Shoreham by Sea

Proposal: Demolition of existing single storey rear extension and construction of 3.5 storey rear extension to provide extended ground floor retail floorspace, plus 2no. studio flats at first floor level, one flat including rear balcony. Conversion of the second floor and roof space of existing building to provide a further 2no. one bedroom flats with dormer windows to rear, one flat including rear balcony at second floor level. New shopfront to include separate access to proposed flats. Storage for flats to be included at ground floor level. Restoration of front elevation of existing building including new sash windows. (Revisions - revised balcony design and introduction of photovoltaic panels onto roof of rear link addition).

3

Application Number: AWDM/0032/20 **Recommendation – Approve**

Site: **Brighton And Hove Albion Training Ground, 60 Mash Barn Lane, Lancing**

Proposal: **Application for Variation of Condition 1 (approved plans) to AWDM/0236/19 for amendments to fenestration of the Training Centre, reduced plant louvre screen on the roof of the Training Centre, addition of a stair enclosure to the roof of the Training Centre; reduced height of link between Training Centre and indoor pitch, various minor amendments to fenestration of the Club Hub, and increased height of the plant louvres to roof of Club Hub. Amendment to approved fencing details on eastern boundary and provision of additional landscaping.**

4

Application Number: AWDM/1674/19 **Recommendation – Approve**

Site: **Manor Road Service Station, 96 Manor Road, Lancing**

Proposal: **Variation of condition 11 of AWDM/1528/18 to increase opening hours to be 0600 - 2400 (midnight) 7 days a week.**

5

Application Number: AWDM/0121/20 **Recommendation – Approve**

Site: **Manor Road Service Station, 96 Manor Road, Lancing**

Proposal: **Application for variation of condition no. 08 of previously approved AWDM/0663/19. Amendment: Signage to be illuminated between the hours of 06.00am and 12.00 midnight every day.**

6

Application Number: AWDM/0008/20 **Recommendation – Approve**

Site: **Block 1 To 20 Rock Close, Whiterock Place, Southwick**

Proposal: **Adur Reg 3 application for replacement UPVC windows and doors to Blocks 1-20 and 21-40 with replacement balconies, fascia boards and soffits.**

7

Application Number: AWDM/0059/20

Recommendation – Approve

Site: Locks Court, Grange Road, Southwick

Proposal: Adur Reg 3 application for replacement UPVC windows/doors and balconies.

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 55 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. AMENDED PLANS received and REVISED DESCRIPTION - increase in total number of flats to 55 (4no. on ground floor and 1no. on fifth floor) and reduction in car parking from 50 to 31 spaces.

Applicant: Adur Homes
Case Officer: Peter Barnett

Ward: Southwick Green



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.

Subsequently, at its meeting on 5th August 2019, the Committee was advised that the Council intended to build 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 permission was resolved to be granted for the 50 affordable units, subject to completion of a s106 Agreement.

Since then, the Council has been looking at increasing the number of units in order to make the most efficient use of land. This has been largely achieved through better use of the undercroft area and a reduction in the amount of land taken up by car parking as a result of the change to 100% affordable units. The original report to Committee has been updated to reflect these changes and is set out below.

Proposal, Site and Surroundings

The application relates to a recently demolished former terrace of 6 houses (17-27), a detached house (11) (also demolished) 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. The site of Nos 11-27 is 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, as amended, proposes to construct a total of 55 affordable flats. These are to be provided within two new buildings of contemporary design of between

4-6 storeys in height, which will accommodate 49 flats. A further 6 flats are to be provided within the retained semi-detached buildings (7-9) which are to be extended and refurbished. The flats will have the following mix:

- 24 one bed flats
- 31 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 and to provide land for future road widening in order to accommodate a cycle lane on the south side of Albion Street. Each block has separate pedestrian access and there is a shared central vehicular access to the 31 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.

The amended plans have made better use of the undercroft by reducing the parking and extending the ground floor footprint further north, whilst reconfiguring the layout. In the eastern block the original plans showed just one flat with a large bike store at the rear and a refuse store on the frontage. This has been amended to provide 3no. flats across the frontage with the bin and bike store moved to the rear, alongside a large plant room, which are all separated from the flats by a corridor. Repositioned parking spaces are provided along the west side of the bin store.

The western block also had just one flat on the ground floor originally and this has been amended to provide 3no. flats. A previously proposed bin and bike store has been moved to the rear to enable 2no flats to be provided on the frontage with a third flat at the rear.

Finally, on the fifth floor, a previously proposed 3 bed flat has been split into 2no. flats (1 x 1bed and 1 x 2 bed).

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.

Comments on amended plans: *The proposals will result in a small increase in units from 50 units to 55. No highway concerns would be raised with this small increase in units. The comments and conditions from our previous consultation response can be applied as before.*

Section 106 contributions have been amended as there is no longer a requirement for contributions other than towards TAD for a 100% affordable development. Amended figure: £72, 520.

The **County Archaeologist** *has no objection subject to suitable heritage asset mitigation measures (written scheme of investigation).*

In terms of archaeological impact, the previous proposals would have involved ground excavations almost wholly within the footprints of existing nos. 11-27 Albion Street, considered to be disturbed ground. Therefore West Sussex County Council considered that the previous proposals would involve little new archaeological impact and did not merit archaeological mitigation measures (West Sussex County Council response to consultation, AWDM/0954/18, 9/8/2018).

However in the revised proposals, new ground reduction to the rear of the existing houses would also be carried out within large parts of the existing back gardens. Here, ancient archaeological features, if present, are much more likely to survive largely intact and to be vulnerable to new damage from new foundation and services excavations.

It will be important to ensure that within the now proposed larger footprint of development, the archaeological impact of new excavations for construction and landscaping will be mitigated in proportion to the severity of that impact.

For this purpose, it is recommended that any archaeological features present on the site will be adequately investigated and recorded, before their reduction or removal during new landscaping.

The **Local Lead Flood Authority** (WSCC) *has no objection. The site is at low risk from surface water and ground water flooding. The Sustainable Drainage Strategy included with this application state that permeable paving and below ground attenuation with a controlled discharge to the main sewer would be used to control the surface water runoff from the site.*

As indicated by the District Drainage Engineer, infiltration testing should be carried out to assess whether or not infiltration can be incorporated into the surface water drainage designs.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles. 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.

The maintenance and management of the SUDs system should be 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.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

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 NO_x emission rate of less than 40 mg/kWh of dry NO_x (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.

Comments on amended plans: *I have no objections to the amended plans.*

The front of the property is South facing and contains a lot of glass; it is also exposed to high noise levels and therefore is at risk of overheating. I note from the committee report that the full acoustic assessment has yet to be done but I would recommend that ProPG be followed along with the ANC AVO guidance attached.

You refer to mechanical ventilation being provided in the report; I would recommend this with the air intake being at roof level so cleaner external air can be brought into the building. This will address some of the air quality concerns.

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.*

Comments on amended plans: *I would refer you to my previous comments made in 2018 and restate that the Private Sector Housing team of Adur & Worthing Councils have identified that some aspects of the development may result in hazards that require action under the Housing Act 2004. Typical hazards can include 'inner' rooms (where the only means of escape in the case of fire is through another risk room i.e. bedroom, living room, kitchen, etc.) or where there are inadequate windows or outlook from habitable rooms.*

Compliance with Building Regulations will not necessarily address the hazards identified and you should contact the Private Sector Housing team to confirm that the layout of the property is acceptable prior to commencing the development in order to avoid the need for any formal intervention or the requirement of retrospective works.

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 its 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.*

Comments on Amended Plans: *We would like to just make sure that the refuse service vehicle bay indicated on the plan is wide enough to ensure that the refuse/recycling vehicle is not blocking/obstructing the road. Our vehicle dimensions are as follows: overall length 9.225m x width 2.55m.*

Due to the length of time it will take the crews to empty the number of bins required for the development, it would be prudent to have a space wide and long enough so as to minimize the possibilities of an incident while the crews are carrying out their duties.

Further Comments following receipt of amended plan increasing the length of the service vehicle bay: *We have reviewed the response from the developer and we are happy with the amendments made. I appreciate it cannot be made any wider for the reasons detailed and, whilst the developer is correct with regards to when we start collection, early in the morning, this block may not be serviced at this time of day, it's depending on routing and such.*

We will have to make the arrangements for this to be emptied at a quieter time to minimise the potential disruption.

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.

Comments on amended plans: Flood risk- *The application is within flood zone 1, and is not shown as being at risk from surface water flooding. I therefore have no objections to the application on flood risk grounds.*

Surface water drainage- *the submitted surface water drainage strategy supplied states that infiltration will not be used, yet no infiltration testing has been completed to support the assumption that the ground is not suitable for infiltration. Infiltration tests must be completed, and the hierarchy for sustainable drainage followed.*

If you are minded to approve this application please apply the following conditions to ensure that the site is adequately drained and does not increase flood risk elsewhere:

“Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme 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 / No part of the extended 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.”

and the accompanying informative:

“Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements are available on the following webpage <https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms>. A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions”

and the following conditions to ensure that the drainage is adequate throughout the design lifetime:

“Development shall not 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.”

“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 independent engineer that confirms

that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.”

*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 can facilitate foul and surface water (a surface water flows no greater than 31 l/s can be accommodated at manhole reference TQ23048950) disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:*

A formal application for connection to the public sewerage system is required in order to service this development.

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."

Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent: A formal application for connection to the water supply is required in order to service this development.

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.

Network Rail: Due to the close proximity of the proposed development to Network Rail land, Network Rail strongly recommends the developer contacts Network Rail's Asset Protection team prior to any works commencing on site, with a view to entering into an Asset Protection Agreement to enable approval of detailed works.

Representations

Original Plans: 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

Amended Plans: Letter of objection received from the occupier of 5 Albion Street:

- Parking has been reduced from 1 space per unit to just 31 spaces in total, while increasing the number of flats
- Will lead to parking problems and a fight for spaces

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)
Sustainable Energy SPD (August 2019)
Shoreham Harbour Joint Area Action Plan 2019 Policies CA6, SH1, SH4, SH5, SH6, SH7, SH8, SH9
West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003)
West Sussex 'Guidance on Parking at New Developments' and 'Parking Demand Calculator' (WSCC 2019)
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 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. The Government has also introduced the Housing Delivery Test (HDT) against which housing delivery is now measured. Adur has failed the HDT which means that we now have to apply a 20% buffer to our five year housing land supply calculation. The most recent land supply monitoring position is up to April 2018 which demonstrates a 4.9 year supply of deliverable sites and therefore cannot demonstrate an up to date housing land 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 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 55 affordable flats (100%).

Permission has already been resolved to be granted for 50 flats and there is no objection in principle therefore to the proposal subject to consideration of the impact of the additional 5 flats on 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 in 2018 for development at Free Wharf which proposes buildings of 4-9 storeys in height. The redevelopment of other sites along the Western Harbour Arm to the west of this site is also likely to involve building heights greater than that proposed here. The redevelopment of 79-81 Brighton Road (former Parcelforce site) is almost complete 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.

The amended scheme subject of this report will not result in any change to the height of the buildings. The main change will be on the ground floor with the introduction of more glazing on the frontage, due to the additional flats, which will have an acceptable visual impact. The changes at the rear will not be visible from the public realm and, in any case, are limited to the undercroft of the approved building.

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. While parking is reduced, this is beneath the building and does not result in changes to the external area at the rear.

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 55 affordable dwellings, 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 JAAP, Policy CA7 states that *“Developments should be set back sufficiently from the A259 corridor in agreement with the highways and planning authorities, 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 to ensure that residents are protected from noise and air quality impacts.”

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. Agreement has been reached with WSCC to include this “Highway Dedication Land” within the s106.

An updated Transport Statement has been submitted which advises that 31 parking spaces are to be provided, a reduction of 19 from that previously proposed. In order to justify this reduction the transport consultants have analysed census data from 2011 to determine mean car ownership in Southwick Green. They have found that:

“2011 census data for all flats (regardless of size and tenure) is 0.71 cars per flat. The data can be interrogated further into the category of ‘shared ownership, rented and living rent-free’ to represent affordable dwellings. The 2011 census data has also been analysed in terms of number of rooms in the flats with 1-3 rooms representing a 1-bedroomed flat and, 4 rooms representing a 2-bedroomed flat. This would give the following level of cars for the proposed 55 units based on the 2011 census data:

*■ 1-3 Rooms (1-bedroom): 24 units * 0.49 cars/unit = 12 cars*

*■ 4 rooms (2-bedrooms): 31 units * 0.65 cars/unit = 20 cars*

This means that the proposed 55 units will likely have 32 vehicles requiring parking. As the proposed development provides 31 parking spaces this should be sufficient for the demand created by the new development.

It is also worth noting that 6 of the units are being created by refurbishing 2 existing residential houses which prior to renovation did not have any off-street parking provided. This suggests that the parking provision provided should be sufficient for the proposed development.”

2no. wheelchair accessible parking bays are included plus a bay for a car club to encourage car sharing in the interests of sustainability.

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.

Cycle parking will also be provided in line with WSCC standards. West Sussex Highways have no objection to the revised parking provision on site. A sustainable transport contribution of £72, 520 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).

A refuse service vehicle bay is shown as being included on Albion Street to enable the refuse vehicles to pull in and not obstruct the road during waste collections.

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 and the Council's Engineer is satisfied subject to an appropriate drainage condition.

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 westernmost new build 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.

A series of daylight/sunlight assessments showing the impact of the development during each of the four seasons were submitted with the original application submission. 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 50-59m²
- 2 bed flats 64-72m² (with a few at 87m²)

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). 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.

The introduction of additional flats on the ground floor has resulted in close overlooking between bedrooms at a distance of just 9.5m, separated by the access road. In order to overcome any loss of privacy, high level windows with defensible planting is proposed to be used.

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. A Noise Report has been submitted which identifies noise levels at the front of the site as being 'High Risk' for both daytime and night-time periods, from road traffic noise in particular, with 'Medium Risk at the rear from railway noise. There is also industrial noise from Montgomery Motors and Dudmans. The building design will therefore need to incorporate appropriate building constructions and ventilation strategies to provide noise and thermal comfort. Windows at the front will need to be closed to meet recommended internal noise levels with mechanical cooling and ventilation incorporated (MVHR).

Full details of noise and ventilation proposals will be reserved by condition, as requested by the Environmental Health Officer.

Affordable Housing

The development now provides for 55 affordable units with 49 units in the new build blocks to be a mixture of social rented and affordable rented. The larger block to the east will be for social rent (32 units) with the smaller block to the west for affordable rent (17 units). The refurbished houses will be converted into 6 units of temporary accommodation.

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, as per the requirements of the Energy SPD.

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 units of temporary accommodation, rather than private flats as originally proposed. 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 were subsequently received which removed 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.

Sustainable Development and the NPPF

The NPPF was adopted in 2012, and revised in February 2019. 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 55 new homes in a District with an identified need for over 5,600.

- The delivery of 100 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 £72,250 to be spent on cycle route improvements on the A259 in accordance with the Shoreham Harbour Transport Strategy (2016-2031) and the dedication of highway land for future cycle route provision,

APPROVE:-

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Noise protection, including MVHR and means to reduce overheating
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. Development should not commence until finalised detailed foul and 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.
11. 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.
12. 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.
13. 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).
14. Samples and schedule of materials.
15. Strip of land to be reserved as highway for provision of future cycleway
16. Side living room window to House 9-02 to be obscure glazed and non-opening below 1.7m

17. 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.
18. Cycle parking
19. Vehicular access
20. 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.
21. Water consumption
22. Refuse storage
23. All dwellings hereby approved shall be occupied at all times as affordable rented homes as defined by the NPPF.
24. Archaeological written scheme of investigation

9th March 2020

Application Number: AWDM/1924/19

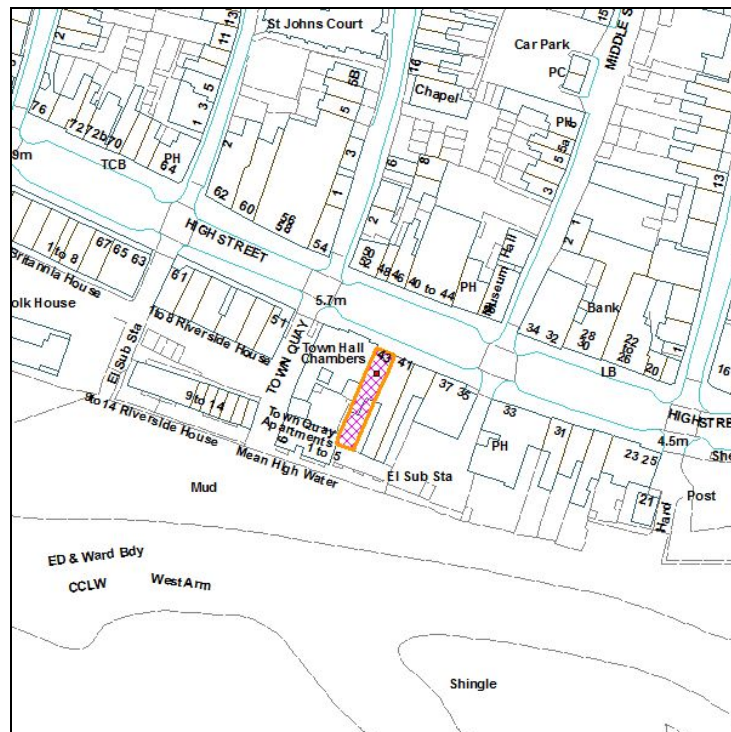
Recommendation – APPROVE

Site: 43 High Street, Shoreham

Proposal: Demolition of existing single storey rear extension and construction of 3.5 storey rear extension to provide extended ground floor retail floorspace, plus 2no. studio flats at first floor level, one flat including rear balcony. Conversion of second floor and roof space of existing building to provide a further 2no. one bedroom flats with dormer windows to rear, one flat including rear balcony at second floor level. New shopfront to include separate access to proposed flats. Storage for flats to be included at ground floor level. Restoration of front elevation of existing building including new sash windows. ((Revisions - revised balcony design and introduction of photovoltaic panels onto roof of rear link addition))

Applicant: Mr and Mrs Woolf
Case Officer: M. O'Keeffe

Ward: St Mary's



Not to Scale

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Proposal, Site and Surroundings

This application relates to a mid-terraced, three storey building on the south side of Shoreham High Street within the town centre and Shoreham conservation area. This area is made up of shops, restaurants and other commercial uses with residential above in most cases. The High Street is heavily trafficked and is an identified Air Quality Management Area. The site is also within the Shoreham Heat Network area.

The rear site boundary faces the river but does not extend to the riverside walkway. Nos. 39-41 to the east, Tosca's restaurant, own most of the land bounding the riverside walkway. This walkway is also within the conservation area.

On the site at ground floor is a soon to be vacant betting office and there is a vacant two bedroom maisonette on the two upper floors accessed from a rear staircase. The building has a shallow pitched roof behind a front parapet, typical to the terrace in which it sits. Tosca's, to the east, is a double fronted restaurant also with a maisonette on the upper floors (no. 41) with rear access. Tosca's restaurant is in the process of being extended along the riverside walkway to create a two storey link detached addition with upper floor dining space and storage beneath. Due to the drop in ground level from front to back High Street dining space is at raised ground floor level at the rear. The large flat roof area at 41 has extensive ventilation across it as well as a detached outbuilding used by staff for storage purposes, lockers etc. Further east, at No. 39 are two flats on the upper floors with a two storey (1st and 2nd floor extension to create living rooms with balconies overlooking the river, to each flat. Beyond the terrace to the east is the Crown and Anchor pub with beer garden to rear.

To the west is the Grade II listed Old Town Hall. It has a 2 storey façade and is used as a restaurant on the ground floor with office accommodation above over 2 floors. At the rear is The Annexe, a later 4 storey extension to the old Town Hall. This flat roofed and used as office accommodation. There is also a 2 storey flat roof rear extension to the listed building closer to the site boundary.

In the mid 1980's planning permission was approved for a further extension to provide a four storey block of flats fronting the river, with garaging at ground floor, Town Quay Apartments. One of the garages is now office space.

Planning permission is sought to extend the roof of the original building with a rear dormer and to convert the existing upper floors into two flats. The existing ground floor rear extension is to be demolished and replaced with a three storey rear extension with a dormer roof extension to create a larger commercial unit and a further two flats with balconies. Principal access to the flats will be from the front with the introduction of a separate entrance into a new shopfront. Secondary access will also be available from the rear where refuse storage and individual storage for each flat is also provided. New timber sash windows together with replacement timber sash windows in the front elevation are proposed together with a new timber shopfront.

This application follows a refusal in October last year for a larger development to create 6 flats, AWDM/1152/19 refers.

This original application was accompanied by a Heritage Statement, Acoustic Report, Air Quality Impact Report, Flood Risk Assessment and an Overheating Assessment. In late January an Energy Statement was submitted which recommended the introduction of photo voltaic panels on the roof of the link extension. Otherwise the revised plans received correctly plot the development in relation to neighbouring developments and revise the design of the balconies to square them off to minimize intrusion.

This application has been called to committee by Councillor Collins.

Relevant Planning History

AWDM/1152/19 - Demolition of existing single storey rear extension and construction of four storey rear extension to provide extended ground floor retail floorspace plus 3no. studio flats with rear balconies. Conversion of upper floors of existing building to provide a further 3no. studio flats including extension to existing roof to form mansard roof with dormer windows to front. New shopfront to include separate access to proposed flats. Storage for flats to be included at ground floor level. Restoration of front elevation of existing building including new sash windows. Refused 8.10.19

SU/382/77 – Galvanised steel stair and balustrade to provide access to first floor flat. Granted 13.10.77

Consultations

West Sussex County Council Highways:

The LHA were consulted on a similar application at this site for the demolition of rear extension and construction of four storey rear extension to expand existing retail space on ground floor and provide a total of 6 flats to upper levels. The LHA raised no highway safety concerns however the application was refused on separate grounds by the LPA.

No vehicular access currently serves the property and no alterations to this arrangement are proposed. As such, the applicant proposes a nil parking provision for the proposed dwellings.

Under the WSCC Car Parking Guidance (adopted August 2019), four car parking spaces may be provided for the proposal. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detriment to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking from an amenity point of view.

The LHA appreciate the sustainable nature of the site, within close proximity of a variety of local shops and services, including bus stops and Shoreham-by-Sea train station. The LHA would anticipate a minimum of 2 communal cycle storage spaces for a development of this size and location. The plans indicate that the proposed storage units for each dwelling would provide sufficient space for the storage of one cycle per dwelling. However, it is acknowledged that the applicant intends to market the proposed dwellings towards disabled residents. The LPA should consider whether it is appropriate to condition secure and covered cycle storage in the event that the dwellings are not marketed towards disabled residents.

No highway safety concerns would be anticipated as result of the proposed extension to retail floor space or extensions to provide a net total of three additional flats.

As there is currently retail use to the ground floor and one (albeit vacant) flat on the first and second floor, I imagine that this has been/is being serviced by refuse vehicles currently – I am unclear whether it is currently served by the Local Authority waste collection, or a private company. As stated in the D&A Statement, should the Local Authority not wish to collect waste from this site due to distance, a private company could be employed to do so. As the D&A statement states, private companies currently service other businesses within High Street, therefore I would not have any highway safety concerns regarding this.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

In terms of a construction management plan, I would advise that the following be added as a condition.

Construction plant and materials

No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

Environmental Health

I am satisfied that the glazing and ventilation schemes to protect the development from noise and overheating are sufficient, and I would ask that any permission be subject to these schemes being implemented.

Ventilation is being provided by a HVAC (Heating, Ventilation and Air Conditioning) system. Noise from the new fixed building service plant, which will include external plant associated with this system has been covered in the acoustic report.

"At this stage in the design of the Development, specific fixed building services plant details are not sufficiently developed to undertake noise predictions to determine the significance of the likely effects (e.g. the type, number and configuration of plant are not known). Consequently, suitable plant noise emission limits have been set based on surveyed background (LA90) noise levels and the plant noise requirements of AWC. The aim of this is to control fixed building services plant to an acceptable level as not to prejudice the noise climate and amenity of local people living and working in the area."

The noise limits for this plant are set out in Section 6 of the acoustic report.

As discussed you would like to ensure that this plant is sympathetically located and I would need to know that once the location has been agreed with yourself that the above noise limits can be achieved.

Should we ask for this information now or do you think a suitably worded condition would be better. Depending on the positioning and the number of units required, it may be necessary to provide an enclosure to mitigate the noise. Knowing the positioning is vital to assessing and mitigating the noise impact from this plant.

Technical Services

'Flood risk- The application is within flood zone 3. All residential units are proposed above maximum predicted flood levels. I therefore have no objection to the proposed development.

Surface water drainage- the application will not increase impermeable area, I therefore have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations. If a new discharge through the flood defences is required consent must first be obtained from the Environment Agency.'

Planning Policy

Latest comments

'Securing the air source heat pump through condition is a solution. The heating hierarchy in the energy SPD would give preference to a communal system over individual pumps. However, either should demonstrate a saving in CO2 over individual gas boilers.'

Initial comments

'The energy statement doesn't follow the format suggested in the SPD. I have completed the table from the template and attached for your information. I have arrived at slightly different percentage reductions from the submitted statement.

Step 2: There is a 3% reduction on a baseline scheme compliant with building regulations. This submitted statement states that there is a 4% reduction, but this does not match the consumption and CO2 emissions figures provided. The SPD strongly encourages development to achieve a 19% reduction on the baseline scheme through energy efficiency measures. The proposed development does not meet this.

Step 3: There is no reduction in energy consumption or CO2 emissions from energy efficient supply (heating). The heating system has not been selected in accordance with the heating and cooling hierarchy in the SPD. Individual gas boilers are the least preferred option for both the system and technology. As there is no existing heat network, the most appropriate selection would be building wide heating and air source heat pumps. This option has not been adequately investigated in the statement. No evidence of the noise assessment or the need for acoustic screening has been submitted.

Step 5: The proposed solar PV will meet 11% of predicted energy demands (after energy efficiency measures). This slightly exceeds the policy requirement of 10%. The statement does not include the additional information listed on p.42 of the SPD for solar PV. This information should be provided and details agreed before any work commences.

In summary:

- There are a number of calculation errors in the statement which should be corrected.*
- There is a modest improvement on building regulations through fabric energy efficiency.*
- There is no improvement through energy efficient supply. The proposed conventional gas boilers are not consistent with the heating hierarchy in the SPD. Further information should be requested to justify not installing air source heat pumps.*
- The proposed solar PV will meet 11% of predicted energy demand of the scheme (after efficiency measures). This is compliant with Policy 19 of the local plan. However further information should be requested (as set out on p.42 of the SPD).'*

Environment Agency

*'We have reviewed the application and have **no objection** to the proposed development as submitted.*

Advice to Local Planning Authority/Applicant

Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods

<http://www.planningportal.gov.uk/uploads/odpm/400000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings:

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

Flood warning and emergency response

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The [planning practice guidance](#) (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a [design flood](#) and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.
For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

Council's Emergency Planner: No objection

Southern Water Services:

'It appears that the developer is intending to build over to a public foul sewer which is crossing the site. Building over a "public sewer" is not normally permitted by Southern Water.

However, under certain circumstances building over a sewer may be allowed. The conditions associated with the build over to a sewer are contained in Southern Water guidance notes which are available at: www.southernwater.co.uk. A formal application to build close/over to the sewer will required to be submitted by the applicant.

In order to protect public sewers, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect the public sewers.

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link

<https://beta.southernwater.co.uk/infrastructure-charges>.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.'

Adur District Conservation Advisory Group: 'No objection.'

Representations

Six objections received, 5 from Town Quay Apartments and one from the freeholder of No. 41, summarized as follows:

- Latest elevation plans showing old town hall inaccurate and misleading in the Town Hall's scale.
- Cramped, too tall, overdominant, overbearing
- Harmful to listed old Town Hall
- No parking
- Likely congestion in the High Street during the build and afterward
- Loss of privacy, noise and disturbance from proposed balconies. Balconies should not project beyond the wall of the Town Hall extension.
- Noise from the Crown and Anchor pub garden will be unneighbourly for future occupiers
- Poor air quality for future occupiers. Air conditioning will not fully overcome air pollution problem. Development is likely to increase the air pollution problem.
- Existing problems with the sewers, not addressed.
- Tree in rear yard must be retained. Only tree between the two bridges on this side of the river and home to birds and enjoyed by residents.
- Front flats only have windows that face the most polluted street in West Sussex
- Described as for wheelchair uses but bedrooms accessible by spiral stair? Bins and storage via steps?
- Proposed bins located outside flat 1 Town Quay spoiling view and resulting in likely nuisance from noise and smells.
- Rubbish will have to be collected by a private contractor at a cost. What if tenants refuse to pay?
- Harm to No. 41, boxed in, loss of light to terrace. Staircase window will overlook terrace at 41

Councillor Arnold supports Town Quay objections: *'I struggle to see any real material change from the previous application. I could never support such an overly ambitious amount of residential overdevelopment in such a small space. Additionally, my objections are still there regarding the width of any emergency vehicle access around the back to tackle fire/emergency around the back of the potential new properties.'*

One letter of support received from East Meadway:

'This reduced scheme will enhance this section of the main road. With new shopfronts being installed to some existing units on the south side this new frontage can only improve this section.'

'There are too many empty units at present and regeneration is required in the near future.'

Relevant Planning Policies and Guidance

Adur Local Plan 2017, 2, 11, 15, 16, 17, 18, 20, 22, 33, 34, 35 and 36

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

Sustainable Energy SPD (August 2019)

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

Planning Contributions for Infrastructure Provision (ADC 2013)

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

Design Bulletin No.2 'Shopfronts' (ADC 1996)

Design Bulletin No.4 'Shopfront Security' (ADC 1996)

Shoreham Harbour Joint Area Action Plan 2019

'A Strategy for Shoreham Renaissance' (ADC 2006)

West Sussex 'Guidance on Parking at New Developments' and 'Parking Demand Calculator' (WSCC 2019)

National Planning Policy Framework (February 2019)

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

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

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

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) 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 principle of development can be supported as this is a brown field site in Shoreham town centre. Of primary consideration are the impacts of the proposals on the adjoining Listed Building and wider conservation area, neighbour amenity, highways and waste management, future occupiers living conditions, the sewer system and the single tree within the site.

The previous application was refused for the following reasons:

1. The scale, design and proximity of the proposed extensions will be harmful to the setting of the adjacent listed building and to the appearance of Shoreham Conservation Area. The application is therefore contrary to policies 15, 16 and

- 17 of the Adur Local Plan and the relevant paragraphs of the National Planning Policy Framework.
2. The development provides cramped and substandard accommodation and fails to provide cycle parking or accessible refuse storage resulting in an unsatisfactory living environment for future occupiers. It is therefore contrary to policy 20 of the Adur Local Plan, the Technical Housing Standards 2015 - DCLG, and the National Planning Policy Framework.
 3. The scale, height, proximity and design of the proposal will have an unacceptable impact on adjoining occupiers due to an overbearing impact, overlooking, loss of outlook and loss of light. The proposal is therefore contrary to policy 15 of the Adur Local Plan and the National Planning Policy Framework.
 4. The application fails to demonstrate that future occupiers will not be exposed to poor air quality, excessive noise or overheating, to their detriment. The development is therefore contrary to policies 15 and 34 of the Adur Local Plan and the National Planning Policy Framework.

Listed Building/Conservation Area

The proposal has been reduced in scale since the refusal last Autumn. In terms of the original building the main roof is no longer to be replaced with a mansard. Instead a rear dormer extension set well within the roofspace is proposed and a rear rooflight. From the High Street the appearance of the building will not change greatly. The proposed changes to the windows and shopfront to timber will enhance the appearance of the frontage. Sash window infills in the 'blind' windows will have a neutral impact. The rear dormer in the original roofslope is modest relative to the overall scale of the roof and is therefore acceptable.

The scale of the main rear extension has been reduced. It is 2.1 metres less deep. The roof has a more traditional pitch and includes a rear dormer set within it. It is no longer mansarded and does not include a roof level balcony. The reduced depth still abuts the boundary with the listed building, Chambers restaurant, but extends only 1.6 metres beyond its extended two storey rear wall. This proximity is considered to be acceptable. The extended rear elevation of the listed building is of less significance to its listing and the revised proposal will cause less than significant harm. On balance the benefit of creating these additional flats outweighs any harm caused.

From a conservation viewpoint the High Street frontage will be improved with the alterations to the shopfront and timber sash window replacements. Otherwise the front elevation will be unchanged. At the rear of this terrace various additions, of differing scale and design have been added. The riverside walkway has been enhanced with the sea defence alterations. It is considered that this extension will enhance the appearance of this rear elevation and give the site a more appropriate 'frontage' adjoining the improved riverside.

Residential amenity – effect on existing dwellings

Above Chambers restaurant are offices. A small dining terrace in an elevated position on the boundary with the site will be enclosed on its east side by the extension. It is not considered that this is sufficient reason to withhold planning permission.

No. 41, to the east, has a flat at first and second floor level. This flat has a small rear porch extension at first floor rear and a detached outbuilding on the flat roof immediately outside this rear porch extension. At first floor level the flat has a bathroom window closest to the site boundary and a kitchen window beyond with their 'front' door between the two. The second floor window is to a bedroom with a living room and bedroom facing the High Street on the respective floors.

The proposal will extend 10.5 metres from the original rear wall of No. 41. The extension will reduce the light received to these rooms, especially afternoon sun and at the scale involved will be overbearing. However, the kitchen and bathroom windows are obstructed by the porch and outbuilding already. The second floor window will continue to receive light and outlook from the east and south. The flat roof itself is in part used as a roof terrace for the residential occupiers of 41a. Their outlook and light from the south and east will not be affected. The proposed three storey extension does not extend the full depth of this terrace and so afternoon sun can still be received to part of it. No flank windows are proposed in the addition and so no overlooking will occur.

No. 39, further east, has been extended with a much more modest two storey rear extension (first and second floors) to extend the living rooms of both flats. This extension also includes rear balconies. The rear flat roof at 39 is used as a roof terrace.

The extension proposed will be 7 metres deeper than the upper floors at No. 39, excluding the balconies. 5.5 metres separates the site to 39. It is not considered that at this distance an overbearing impact will occur. Adequate light and outlook will continue to be received from the south and east and over the roof of the extension proposed.

Town Quay Apartments have a riverside frontage and are arranged in an 'L' shape around a courtyard behind the listed building. All residential accommodation is at first to third floor level with garaging at ground floor, other than 1 garage which is now occupied as an office.

The upper floors of the proposed extension will extend 1.6 metres beyond the extended rear wall of the old Town Hall. The main rear wall will be 3 metres behind east facing bedroom windows in Town Quay and 10 metres from them. Proposed balconies will also not be directly in front of them. These balconies have been revised to be square to ensure the obscure glazed end panels are effective in limiting opportunities for overlooking. Also at Town Quay there are bathroom and landing

windows facing north 6 metres off the shared boundary. Living rooms in Town Quay face the water.

In the east wall of Town Quay on the site boundary are kitchen windows. The upper floors and balconies are at least 8 metres back from these windows. Flat 1 is at first floor level and its kitchen window is in the side wall which faces the end of the site. This area is shown to be the bin storage area for the development and for secondary access purposes to storage areas for each flat. There are already 4 bins stored in this rear yard. Some additional disturbance may occur to residents of the flats at Town Quay due to the proximity of this secondary entrance and bin storage area but it is not expected to be excessive as only three additional units of accommodation are being created. In this mixed town centre, urban environment some noise is to be expected. A small roof could be added to the nearest bins if odour was likely to be a nuisance.

Residential amenity – for proposed dwellings

The first floor flats are studio flats with shower rooms. Each has a floor area of 38 sqm which meets the minimum floorspace required by the DCLG's technical housing standards of 2015. The one bedroom maisonettes, 2nd floor accommodation and roofspace flats, all also comply with the relevant minimum floorspace standard of 58 sqm. Each unit has built in storage with additional storage for each flat shown in the rear yard.

The site is within an Air Quality Management Area and the High Street has been identified by DEFRA as an area severely affected by traffic noise. The rear of the development, overlooking the river, is affected by mechanical noise from the kitchen extract and ventilation systems of the neighbouring commercial units and from customers of the Crown and Anchor pub using the beer garden.

The Environmental Health Officer has advised that he is satisfied with the glazing and ventilation schemes to protect the development from air pollution, noise and overheating.

The proposed ventilation system is a HVAC (Heating, Ventilation and Air Conditioning) system. Noise from the new fixed building service plant, which will include external plant associated with this system, has been covered in the acoustic report and noise limits set. However, the specifics of this plant, including location, are unknown at this stage. It will have to be located to achieve the standards set in the report to avoid nuisance to future occupiers and residential neighbours. It will also need to be sympathetically located to avoid any aesthetic impact, notwithstanding the existing plant on the rear of this terrace. Details of the plant are covered by a pre-commencement condition agreed by the applicant.

Sustainable and resource efficient buildings

The site falls within the Shoreham Heat Network area and as such an Energy Statement is required for this development in accordance with the Supplementary Planning Document adopted in August 2019. An oversight at validation stage meant

this study was only requested over the Christmas period and received at the end of January.

An assessment of the study concludes that it does not follow the format of the SPD. It also does not achieve a minimum 19% reduction on the baseline scheme through energy efficiency measures. The study reports a 4% reduction. Planning Policy's assessment of it is that it is actually only a 3% reduction, compliant with Building Regulations.

Having initially not set any reduction in energy consumption or CO2 emissions from energy efficient supply (heating) the applicant has subsequently given a commitment to using an Air Source Heat Pump, communal or individual, for heating instead of gas boilers. A communal system would be preferred. Again a pre-commencement condition to secure the specific details of this system is recommended having been agreed with the applicant.

The proposed solar PV will meet 11% of predicted energy demands (after energy efficiency measures) which slightly exceeds the SPD requirement of 10%. They are shown to be located on the flat roof of the rear link extension. In this position they are unlikely to be very visible to immediate neighbours or from distant views.

Highways

The site does not provide car parking. The absence of car parking is not significant as this site is in a highly sustainable location with bus routes east and west outside the site and the train station within in easy walking distance. Cycle parking could be provided in the individual rear stores. Fewer cars in an AQMA is preferable where good alternative transport links exist.

Highways are not objecting to the refuse arrangement proposed this time. They advise that if the Local Authority refuses to collect from the site a private company will do so. They do wish to see a construction management plan to minimise disruption to neighbours, neighbouring businesses and the highway network.

Flood risk

The Environment Agency has confirmed they have no objection to the proposal. All residential accommodation is at least at first floor level.

Tree

A tree in the rear yard will be lost as a result of this development. Town Quay residents are keen to see it retained. It is not a protected tree and of no special merit otherwise. Its loss is regrettable but not a justification to withhold planning permission in this case.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Samples of Materials
4. Details of all new windows including new shopfront
5. Compliance with air quality statement, acoustic statement and overheating assessment
6. Details of all plant associated with ventilation/pv's – siting, appearance, noise outputs
7. Details of air source heat pump/s
8. Construction management plan
9. Details to protect public sewer
10. Details of roof for bin enclosure
11. Details of balconies and screens.

9th March 2020

Application Number: AWDM/0032/20

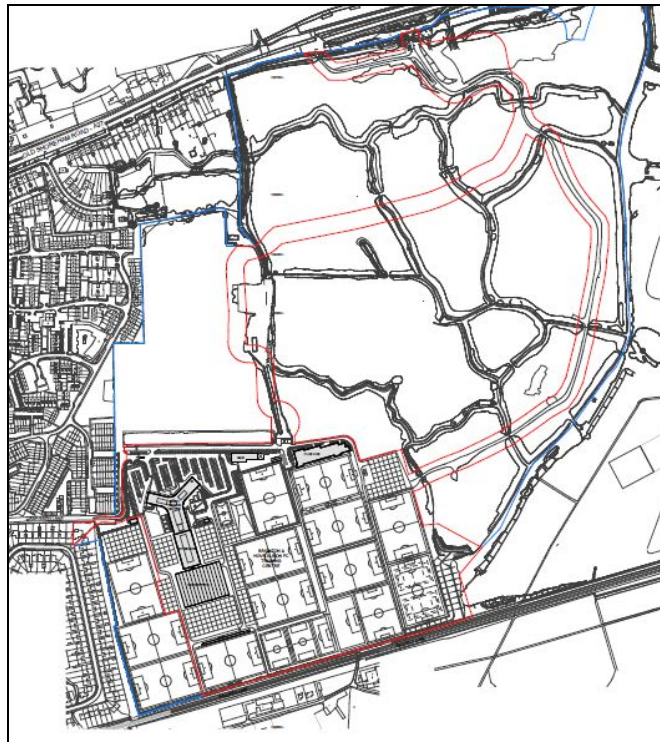
Recommendation – APPROVE

Site: Brighton And Hove Albion Training Ground, 60 Mash Barn Lane, Lancing

Proposal: Application for Variation of Condition 1 (approved plans) to AWDM/0236/19 for amendments to fenestration of the Training Centre, reduced plant louvre screen on the roof of the Training Centre, addition of a stair enclosure to the roof of the Training Centre; reduced height of link between Training Centre and indoor pitch, various minor amendments to fenestration of the Club Hub, and increased height of the plant louvres to roof of Club Hub. Amendment to approved fencing details on eastern boundary and provision of additional landscaping.

Applicant: The Community Stadium Ltd
Case Officer: Peter Barnett

Ward: Mash Barn



Not to Scale

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Proposal, Site and Surroundings

The application relates to land comprising the grounds of the Brighton & Hove Albion FC Training Ground on the eastern edge of Lancing. Permission was granted last year for the reconfiguration and extension of the Training Ground including an extension to existing Training Centre building, the erection of a new single storey 'Club Hub' building to include women's and girls' changing rooms, community changing rooms and pitchside seating for parents/coaches, the formation of an additional three pitches and training grid, reconfiguration of existing pitches including relocation of indoor pitch, showpitch, spectator stand, floodlighting and camera tower, plus the provision of an additional 51 parking spaces, provision of a temporary construction haul road from the A27, and hard and soft landscaping (AWDM/0236/19).

Work is well underway and this application is seeking permission for a number of amendments which will require a variation of the approved plans listed under Condition 1 of that 2019 permission.

The amendments are:

- Minor alterations to the fenestration of the Training Centre extension
- Reduction in size of enclosed plant area on the roof of the Training Centre extension
- Addition of a stair enclosure to roof access on the Training Centre extension
- Reduction in height of ground floor link between the Training Centre and relocated Indoor Pitch
- Minor alterations to the fenestration of the Club Hub building
- Rationalization of the roof space of the Club Hub, resulting in a reduction in the number of air handling units but an increase in their height and a subsequent increase in the height of the enclosed plant area on the roof of the Club Hub
- Reduction in height of the approved fencing on the eastern boundary from 3.6m high weld mesh fencing to 2m high close boarded fencing plus provision of additional tree planting to soften appearance of fence

Relevant Planning History

AWDM/0205/12 – Construction of a training ground and football academy for Brighton and Hove Albion Football Club with access from Mash Barn Lane, comprising 11 outdoor pitches (2 of which are floodlit), external training grids, a Y-shaped 2 storey building to house changing rooms, associated offices, medical facilities, gym, catering and leisure facilities, a grounds maintenance building, security lodge, half-sized indoor training pitch and small sub-station/boiler house/refuse and recycling structure, plus 303 car parking spaces, 25-30 cycle spaces, coach parking, on-site access roads, security fencing and landscaping around the site.

AWDM/0205/13 – Construction of 3no. additional football pitches (1 x grass, 2 x artificial) and relocation of reed bed on land to east of approved training ground.

Continuation of acoustic fencing on northern boundary plus fencing and landscaping to site boundary.

AWDM/0171/14 - Installation of floodlighting to previously approved northernmost community pitch (amendment to planning permission AWDM/0205/13 for construction of 3 No. additional football pitches (1 x grass, 2 x artificial), relocation of reed bed, extension of fencing and landscaping to site boundary)

AWDM/0277/14 – Application for a minor material amendment to permission reference AWDM/0205/12 to enable replacement of half-sized academy pitch with a futsal (5 a side) pitch, 3G surface and running hill (max. height 2.5m)

AWDM1716/15 - Construction of spectator stand to accommodate a total of 500 people (to include 6 wheelchair and helper positions) and camera tower.

AWDM/0759/16 - Formation of a landscaped bund (north of training ground) and provision of an access (for maintenance vehicles only) to the Ground Maintenance Building and Community Pitch from Mash Barn Lane (with access for construction traffic to be from A27)

AWDM/0236/19 - Reconfiguration and extension of Training Ground including extension to existing Training Centre building, erection of a new single storey 'Club Hub' building to include women's and girls' changing rooms, community changing rooms and pitchside seating for parents/coaches, formation of an additional three pitches and training grid, reconfiguration of existing pitches including relocation of indoor pitch, showpitch, spectator stand, floodlighting and camera tower, provision of additional 51 parking spaces, provision of a temporary construction haul road from the A27, plus hard and soft landscaping.

Consultations

Adur & Worthing Councils: The *Environmental Health* officer has no objections

Lancing Parish Council: No objection

Representations

None received

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 5, 13, 14, 15, 18, 28, 30, 31, 32, 33, 34, 35, 36

National Planning Policy Framework (February 2019)

Sustainable Energy SPD (August 2019)

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

West Sussex 'Guidance on Parking at New Developments' and 'Parking Demand Calculator' (WSCC 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

The main consideration with the proposed alterations is their impact on the visual amenities of the locality.

The majority of the amendments are minor and could even be described as non-material as they are not likely to have a material impact on residential or visual amenities. The main change in wider visual terms relates to the increased height of the roof plant and the louvre screens on the Club Hub building and the change from weld mesh fence to closeboard on the eastern boundary.

The Club Hub is on the northern boundary of the Training Ground and, as approved, it was to be 5.2m high with a parapet around the flat roof which largely screened the roof plant. The latest plans maintain the height and parapet of the building but the louvred screen around the roof plant now rises 1.9m above the parapet for a length of 36m and width of 12.5m. The louvres will be aluminium and grey in colour which will match the grey colour used elsewhere on the building (which is a mix of white and grey render).

The Club Hub will present a considerable length (94m) of built form along the northern edge of the site which will be prominent in views from the National Park to the north and east. The roof plant louvres will add to that prominence but will cover only part of the roof and will not increase height across the full length of the building. Furthermore, work has commenced on the implementation of the New Monks Farm development immediately to the north which will have a much more significant impact in the wider landscape. When seen in the context of that development, the increase in height of the roof plant is not considered to have a significant adverse impact on the landscape character of the area or the setting of the National Park.

The change to the fence will provide more privacy to the site which would otherwise be exposed in views from the proposed country park to the east. In order to soften its appearance, the fence will be screened by additional tree and hedge planting along the boundary. This change is considered to be acceptable.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Materials as per agreed details
4. Foul sewerage facility to be provided prior to first use of extended training centre or club hub in accordance with approved details
5. Suds maintenance as per approved details
6. All operations associated with the development hereby permitted shall be carried out and completed in accordance with the approved Archaeological Mitigation Strategy and Statement of Significance and with the approved Written Scheme of Investigation for Archaeological Excavation and Monitoring under Archaeological Supervision and Control, unless otherwise agreed in writing by the County Planning Authority.
7. Fencing to be erected before new pitches are first brought into use
8. Approved parking spaces to be provided prior to first use of club hub
9. Construction access from A27 only. This access not to be used once facility is open.
10. To be constructed in accordance with approved Construction Management Plan
11. The use of the football pitches hereby approved shall be limited to between the hours of 9am until 10pm every day
12. Landscaping to be provided in accordance with plans within first planting season following completion of the works
13. Floodlighting shall be limited to Pitch Nos 4, 11 and 13 as shown on drawing no. 18827-KSS-ZZ-ZO-DR-A-9004 rev P1 received 14 February 2019 and the floodlights shall be switched off between the hours of 10.15pm and 9am every day and all other external lighting at the facility shall be switched off between 11pm and 7.30am, with the exception of security lighting. Floodlighting of the showpitch (Pitch 4) shall only be switched on during matches watched by spectators with tickets which shall be limited to a maximum of 25 times per season (1 July - 30 June) as specified in condition x.
14. No public address or sound amplification system to be installed or used
15. Hours of work for construction 8am to 6pm Mondays to Saturdays
16. At no time shall the facility be used in connection with any park-and-ride scheme
17. The training facility and club hub hereby approved shall not be open other than between the hours of 7.30am and 11pm every day
18. The development hereby approved shall incorporate renewable energy technology in the form of air source heat pumps and PV panels in accordance with details to be submitted to and approved in writing by the local planning authority before construction above slab level. The development hereby permitted shall not be occupied unless and until a BREEAM Design State Certificate and a BRE-issued Post-Construction Review Certificate confirming

- that the development has achieved a BREEAM rating of 'Very Good' has been submitted to the Local Planning Authority.
19. No part of the development hereby permitted shall be occupied until an updated Travel Plan has been approved in writing by the local planning authority and implemented. The Travel Plan shall demonstrate that either TRICS SAM surveys have been conducted (and if so what progress towards the target has been made) or that TRICS SAM surveys will now be commissioned. It shall also include arrangements for monitoring and effective enforcement with any necessary new measures or interventions implemented accordingly.
 20. All matches on the showpitch with over 100 spectators shall be ticket only and booked in advance with no sale of tickets on the day at the Training Ground. The number of ticketed spectators watching any match shall be limited to a maximum of 500. The number of matches watched by spectators with tickets shall be limited to a maximum of 25 per season (1 July - 30 June), with a minimum of 10 of these matches to be completed before 4pm on the day of the match, with the number of matches to be played in the first season or part thereof following completion of the construction of the stand to be worked out on a pro-rata basis and agreed in writing with the local planning authority prior to first use of the stand. Details of the number and dates of ticketed matches, the times they were played and the number of spectators that attended shall be made available to the local planning authority on request.
 21. The rear door panels on the camera tower hereby permitted shall be closed at all times other than when hoisting equipment to and from the tower
 22. Before the stand hereby approved is first used, details of the proposed arrangements for managing parking demand during ticketed matches shall be submitted and approved by the local planning authority in consultation with West Sussex County Council Highways and the agreed details shall be incorporated into the previously approved Travel Plan for the facility. Such details shall also include the proposed method for advising spectators and visitors to adhere to speed limits and to respect the amenity of neighbours when entering and leaving the facility.
 23. Pitch 13 as identified on drawing no. 18827-KSS-ZZ-ZO-DR-A-9004 rev P1 received 14 February 2019 shall be reserved for community use.
 24. Evidence of biodiversity gain to be submitted before construction above slab level and thereafter implemented
 25. The development hereby approved shall not be brought into use until an updated Community Use Agreement has been submitted to and approved in writing by the LPA in consultation with Sport England

9th March 2020

Application Number: AWDM/1674

Recommendation – APPROVE

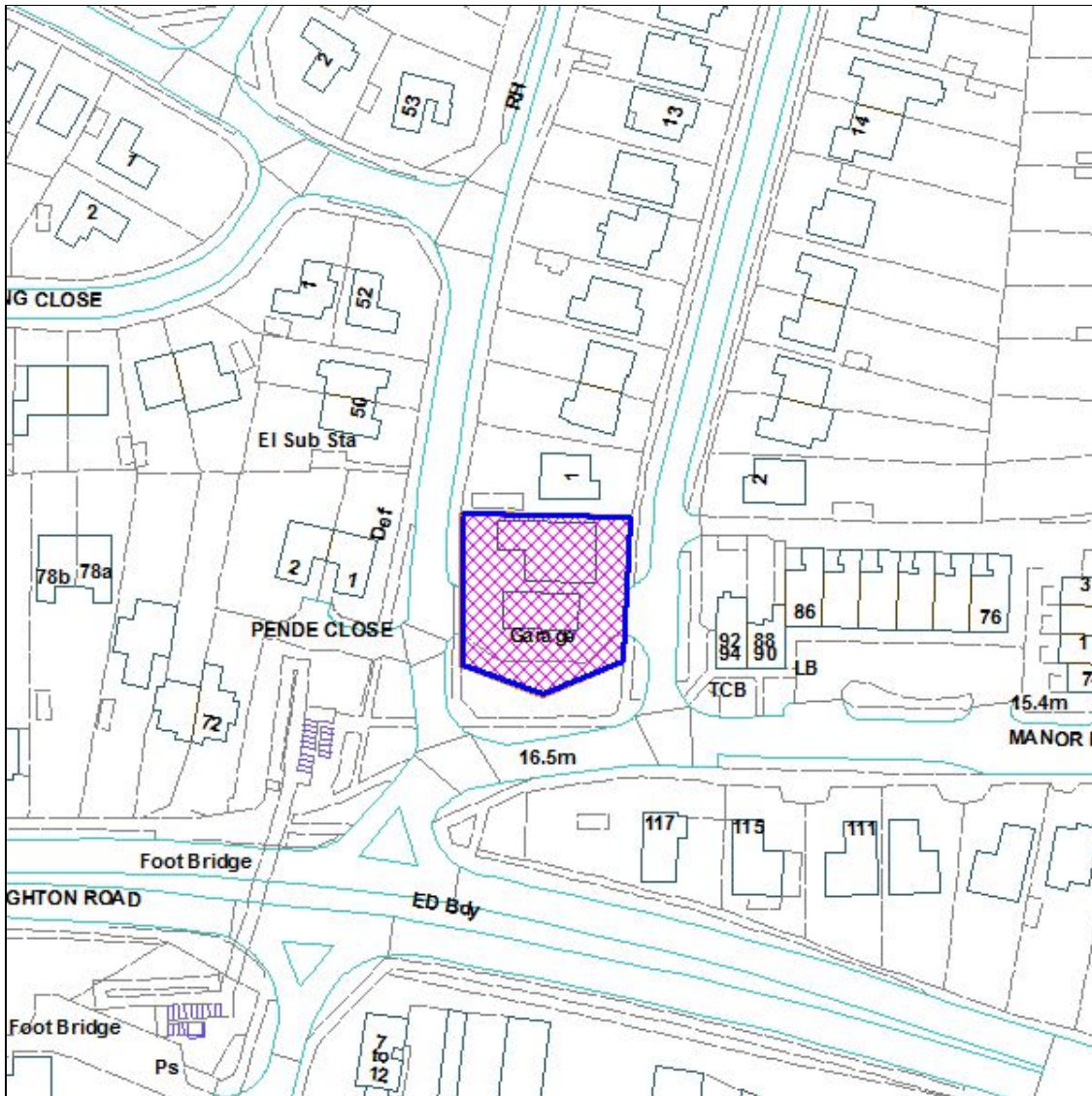
Site: Manor Road Service Station, 96 Manor Road, Lancing,

Proposal: Variation of condition 11 of AWDM/1528/18 to increase opening hours to be 0600 – 0000 (midnight), 7 days a week.

Applicant: Mr Subramaniam Nanthakumar

Ward: Manor

Case Officer: Eve Hearsey



Not to Scale

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Site, Surroundings and Proposal:

The site is positioned at a corner junction with Manor Road to the south; Upper Boundstone Lane to the west; and Lynchmere Avenue to the east. The A27 main trunk road (Upper Brighton Road) is accessed to the south west of the site positioned approx. 25m distant.

The Service Station is within a residential area, with the side wall of no. 1 Lynchmere Avenue (a bungalow) being approx. 4m from the back wall of the Service Station building. Other residential properties which are in close proximity to the Service Station are some 22 – 27m distant with the dwelling opposite the site in Manor Road, being some 43m from the Service Station building. The parade of shops to the east of the site starting at no.'s 92 and 94 Manor Road, are approx. 18m distant. Other than the aforementioned parade of shops which are two storey in height, the near surrounding residential area, generally comprises bungalows and 1 ½ storey dwellings.

The existing Service Station garage and shop has recently been enlarged under planning permission (AWDM/1528/18) with a greater site apron area; additional pumps; and extended shop. The site also includes a jet wash together with parking at the front of the site. The ingress and egress of the petrol station has also been formalized with vehicles entering at the east off of Lynchmere Avenue and exiting at the west side of the site onto Upper Boundstone Lane, this to encourage drivers to join the A27, and not to 'rat run' along Manor Road.

Further, advertisement consent has been gained for various illuminated and non-illuminated signs. The most notable of which is an illuminated double sided flag totem to the front of the site, and a green lit canopy sign wrapping around 3 sides of the new canopy over the new pump layout.

The application seeks permission to vary condition no. 11 of planning permission AWDM/1528/18 in order to extend the opening hours from a 14 hour day on Monday to Saturday (6 days) and a 12 hour day on Sunday to enable it to remain open 18 hours a day, 7 days a week. The condition of that approval stated:-

“No working, trade or business whatsoever (including arrival, reception or despatch of deliveries) shall take place on the premises except between the hours of:-

*0700 – 2100 on Mondays to Saturdays inclusive;
0800 – 2000 on Sundays*

Reason: In the interests of amenity having regard to policies 15 and 34 of the Adur Local Plan.”

The current application seeks to increase opening hours to be 0600 – 0000 (midnight), 7 days a week.

Relevant Planning History:

AWDM/0663/19 Application for advertisement consent for Installation of 1no. Double Sided Internally Illuminated Flag Sign; 2no. Non-illuminated Fascia Shop Signs; 3 no. LED lit Canopy Fascia Signs; together with various other non-illuminated signs within the site. **Granted Consent 23.07.2019**

AWDM/0300/19 Application to vary condition 11 of approved AWDM/1528/18 to vary opening hours to 0600 to 2300 for every day of the week **Withdrawn 05.06.2019**

AWDM/1528/18 Conversion of the first floor flat to office and store for shop below, ground floor front/side (south/west) extension to existing shop with ramp and disabled access toilet. Front south, east and west side elevations to be clad in oak boarding, new multi hose fuel dispensers with new concrete paving. New canopy on 4no. new columns. Existing storage tanks decommissioned and new double skin tanks installed. Relocation of existing jet wash with air/water and vacuum unit to south east corner. Increased parking area to front of site and bin store to north west corner. **Approved 25.01.2019**

ADC/0102/08 Relocation of jet wash system to south of forecourt and erection of screen wall **Approved 14.04.2008**

L/85/95 Variation of condition 4 of permission L/63/92 to enable continuation of existing opening hours of 7 a.m. to 10 p.m. Mondays to Saturdays and 8 a.m. to 10 p.m. Sundays. **Approved 18.08.1992**

Representations:

Cllr Carson Albury:

As Councillor for the area concerned, I have been contacted by a number of residents on this matter. It is felt that opening hours between 0600 and 2300 would be sufficient for this business.

This is a quiet residential area and the residents feel that longer hours would disrupt the character of the area.

Lancing Parish Council: Objects to the planning application

- That the application to increase opening hours to 0600 – 0000 (midnight) 7 days a week is excessive and therefore be recommended for refusal
- It was agreed that the preferred opening times be, as follows:
 - Monday to Saturday – existing opening times with a latest closing time of 2300; and

- o Sunday – existing opening time with a latest closing time of 2100

12 Objection Letters received from: 92 Manor Road; 8 Griffiths Avenue; 1, 3, 6 Lynchmere Avenue; 27, 34 Firlle Road; 115, 117 Manor Road; 18 The Street, 14 Steyning Close, 29 St James Avenue

- There is no need to be open till midnight
- This would interfere with the peace and quiet of local residents
- Object on the grounds of noise and light pollution
- The current hours of use are sufficient
- Will greatly impact my family and me as we live directly opposite the petrol station
- Constant noise from the delivery trucks loading and unloading deliveries
- This is a residential area and no need or place for a 24 hour use for the petrol filling station
- Not fair to the residents to have increased noise, light and traffic in the area at night time
- There is a 24 hour garage 4 miles away at Tesco, Holmbush, so no need to have one in North Lancing
- Would set a precedent
- Cars and deliveries arriving at all hours
- Devalue our property
- No consideration for the pavements and grass verges
- Disturbance into the area
- Sounds carry a long way in the quiet hours of the night
- Not in agreement with the 24 hour use in a residential area
- The business is already breaking its planning conditions – several times it has been open before 0700 – their delivery lorries have been arriving on a Sunday at 0600 – reversing onto the forecourt with beepers going – unloading of the cages making a huge amount of noise at that time on a Sunday morning disturbing the residents – they have churned up the grass verge in Lynchmere Avenue
- At present they have an alcohol license – surely this would be affected if the 24 hours was approved as this could entice groups of undesirable people to hang around in the area
- A lot of shoplifting has taken place and could increase if open through the night
- It will impact my business
- Residential area is no place for a 24 hour petrol station
- Sound travels at night and will cause disruption to sleep
- All other businesses are closed by 0900 in the evening and the garage should comply with this as originally agreed
- As the garage is not located on the A27 it would not get the passing trade
- Live on the east side of the garage and only have the noise of one of those air con fans, I feel sorry for those on the west side where there is about 8 of them
- The staff park on the street not in the garage
- Will attract anti- social behaviour
- 24 hour shop is not needed and will cause noise problems to local residents

- Many near misses between cars exiting the A27 under the footbridge & vehicles entering or exiting the garage forecourt
- Concerned that heavy goods vehicles as well as cars using this station to refuel at all hours would add to the amount of noise let alone the impact of this on our surrounding roads with the constant through traffic
- The Council should block the submission of constant applications being submitted on this site.
- Already an issue with lights shining into all our rooms from the floodlights; canopy lights; totem sign lights & car headlights
- All street lighting is extinguished around midnight every night so I will have the lights from the petrol station forecourt glaring every night into our properties
- Lights blaring all night for the few potential users is a total waste of energy and will cause light pollution and annoyance to the residents
- Light pollution and annoyance to the residents
- The green canopy lights are so bright they are an intrusion
- I work shifts for an ambulance company and live opposite the garage. The vehicles going in and out overnight plus the light pollution from the canopy would be detrimental to my sleep
- Light in the evening and early morning are extremely bright, there are flood lights from the jet wash that shine into my home, along with the store lights and the lights from the pump stands which are bright green

Consultation Responses

Highways England:

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the A27.

Further to our response to application AWDM/1528/18, we have reviewed the above proposal and are satisfied that it will not materially affect the safety, reliability and/or operation of the SRN (the tests set out in DfT Circular 2/2013 para 10 and DCLG NPPF para 32). Therefore we do not offer any objections or requirements relating to the above proposal.

WSCC Highways:

No highways objection. The site has existing highways access points and no changes are proposed which would require any works to the highway. Trips to the site will already be on the network and as such would not create any capacity issues.

Footways link the site to the surrounding residential area for use of the shop.

Environmental Health:

1st consultation 18.11.2019

Environmental Health would want to ensure that noise created by late night sales do not impact on nearby residential property and the supporting acoustic assessment

does not consider this. For example what are the maximum noise levels created as car doors are closed etc. and could this affect sleep?

At present there is insufficient information to make an informed decision on this application and I would have to object to the application as it stands.

2nd Consultation 29.11.2019

Have looked at the updated acoustic report and would have to agree with the consultants conclusions and therefore there would be no EH objections to the proposal on noise grounds.

If residents have windows open at night then some noise may be audible, however, these events would pale into insignificance when compared against the maximum noise events they would already hear from the nearby A27 in the same circumstances. If residents keep windows closed, as is expected, then noise from the extended opening would be within the recommended guidelines.

The predicted sales throughout the night are low, with the bulk of these additional sales anticipated between 6am to 7pm at which time the existing ambient noise level in the locality is already on the rise to daytime levels.

3rd consultation 13.01.2020

There are no adverse EH comments for this amended application.

ADCAG: Recommend refusal.

- The site is close to the 'North Lancing Conservation Area'
- A conservation area is established not only to protect the heritage assets located therein but to objectively work towards creating and maintaining the peace and tranquillity of such an area for its residents and users.
- This is extremely difficult to achieve due to the Manor Road being used as a traffic rat run.
- While the site is not within the Conservation Area, there is concern that the extended hours will create additional eastbound traffic during the additional opening hours.
- In an effort to try to preserve as much as possible the aims of the designated Conservation Area, members recommend Refusal of this application which is located in a predominantly residential area.

Relevant Planning Policies

Adur Local Plan 2017: Policies 15, 25, 28, 34
National Planning Policy Framework (CLG 2018)
National Planning Practice Guidance 2018

Planning Assessment

Residential amenity

The applicants have submitted an Acoustic report which concludes that planning permission for overnight opening at the fuel site should not be withheld on noise grounds.

The Acoustic Report advises that *“Background and ambient sound levels have been measured on site between 20th September 2019 and 27th September 2019 using a Castle Svantek Mirus class one sound level meter at a location as close as possible to the nearest residential properties at the first floor on Lynchmere Avenue, Lancing.*

Predictions provided by the client (applicant), for the vehicle movements, hour per hour over the night time period for both fuel sales and kiosk visits. The Sound Exposure Level (SEL) measurements were made of the vehicles arriving and departing the site to ensure that accurate data was held and using a period with lower background sound levels. The SEL data was applied to the client’s predictions for overnight operations and compared against the measured ambient sound levels.

The report goes on to say that - *“the predicted arrival and departure of vehicles are not likely to cause any rise in the measured ambient sound levels at the residential receptor locations. The short-term elevated sound levels from activities such as vehicle door slams have also been considered as part of the assessment and will not adversely impact the nearest noise sensitive premises.*

The report concludes that *“Considering the measured sound levels on the site, the proximity to the fast flowing A27, Manor Road, Upper Boundstone Lane and Lynchmere Avenue, it is shown that overnight operation of the fuel site will not cause a rise in ambient sound levels. Accordingly, planning permission for overnight opening at the fuel site should not be withheld on noise grounds.”*

The predicted uses per hour for the overnight period for petrol and non-food sales has been estimated based on data for the client’s similar sized store/site in Surrey (Eashing).

The Council’s Environmental Health Officer has been consulted on this application and has considered the Acoustic Report. Based on its findings, he has not objected. He considers that:

“If residents have windows open at night then some noise may be audible, however, these events would pale into insignificance when compared against the maximum noise events they would already hear from the nearby A27 in the same circumstances. If residents keep windows closed, as is expected, then noise from the extended opening would be within the recommended guidelines.

The predicted sales throughout the night are low, with the bulk of these additional sales anticipated between 6am to 7pm at which time the existing ambient noise level in the locality is already on the rise to daytime levels.”

While there is some sympathy with the concerns of local residents, the lack of a technical objection from Environmental Health means that there are no sustainable noise grounds on which to refuse this application.

The current application is not applying to vary/remove the advertisement conditions, therefore the advertisement consent will also need to be amended (subject to a separate application which is also on this agenda) should the application to vary the planning permission be approved.

As Environmental Health have not raised any objections to the proposed increase in the hours of use of the petrol station, (the illuminated advertisements are covered by separate legislation), it is considered reasonable to approve the application applied for subject to conditions.

Exclusions of use

Notwithstanding the above it is judicious to exclude certain aspects of the approved use from any forthcoming permission to extend the hours of the use to midnight, namely:-

- Collection and deliveries relating to the shop or the petrol filling station;
- The Jet wash;
- The use of the Air, Water and Vacuum;

In order to separate the operable uses outside the earlier approved hours, it is therefore reasonable to condition the extended hours to be only for the sale of petrol and the sale of goods from the convenience store. While all other operations continue as per condition 11 of the existing planning permission AWDM/1528/18

Recommendation

APPROVE subject to the following conditions:-

1. Approved plans
2. Standard time limit
3. Working hours
4. No open storage
5. Ancillary first floor use
6. HE surface water
7. Car parking spaces

9th March 2020

Application Number: AWDM/0121/20

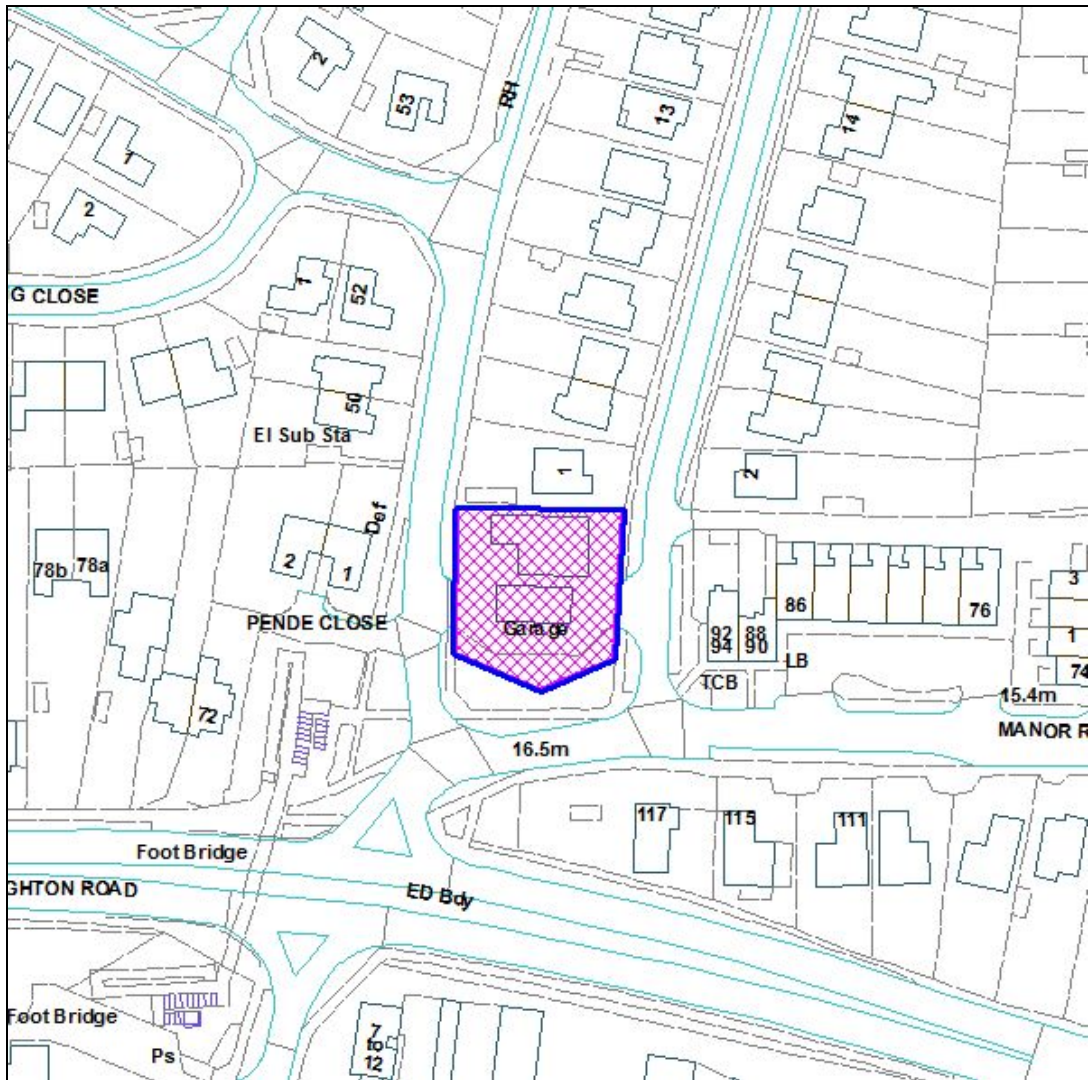
Recommendation – APPROVE

Site: Manor Road Service Station, 96 Manor Road, Lancing

Proposal: Application for variation of condition no. 18 of previously approved AWDM/0663/19. Amendment: Signage to be illuminated between the hours of 0600am and 0000 (midnight) every day.

Applicant: Mr Subramaniam Nanthakumar
Case Officer: Eve Hearsey

Ward: Manor Ward



Not to Scale

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Site, Surroundings and Proposal:

The application relates to an existing Service Station with associated shop which has recently been extended with a larger canopy, 2no. additional pumps; an extension to the existing shop; and relocation of the existing jet wash.

There was also an Advertisement Consent application to update the advertisements at the petrol filling station.

The illuminated signs consisted of:-

1. 1no. double-sided internally illuminated flag sign measuring 4.96m high x 1.6m wide x 400mm deep. Positioned on the east side of the site frontage. The illuminated sign section will measure 3.58m high and positioned on a pole. The bottom of the flag sign will thereby be some 1.38m above ground level. The illumination of the flag sign will be of various luminosity levels, with the bottom section being 80 cd/m²; the next bar being 200 cd/m²; then 55 cd/m² and finally the highest section will be 300 cdm² for the BP logo at the top of the sign;
2. 1no.externally illuminated shop fascia sign measuring 18.6m x 600mm high x 60mm deep. The illumination will be via a full length LED trough light of 280cdm². The trough light source will protrude 300mm from the building;
3. 3no. fascia canopy signs above the pumps, with an internally illuminated LED line and logo. Each of the Canopy fascia signs will measure 15m in length;

The non-illuminated signs consisted of:-

1. Shop window graphics;
2. 1no. non-illuminated shop fascia to the west elevation of the shop measuring 5.075m x 600mm x 60mm;
3. 1no. non-illuminated shop fascia to the east elevation of the shop measuring 5.625m x 600mm x 60mm;
4. Wall fixed sign measuring 1.25m x 1m x 30mm deep;
5. Various wall panels measuring approx. 600mm x 900mm

Relevant Planning History:

AWDM/0663/19 Application for advertisement consent for installation of 1no. Double sided internally illuminated flag sign; 2no. non-illuminated fascia shop signs; 3no. LED lit canopy fascia signs; together with various other non-illuminated signs within the site. **Granted Consent 23.07.2019**

AWDM/1528/18 Conversion of the first floor flat to office and store for shop below, ground floor front/side (south/west) extension to existing shop with ramp and disabled access toilet. Front south, east and west side elevations to be clad in oak boarding, new multi hose fuel dispensers with new concrete paving, new canopy on 4no. new columns. Existing storage tanks decommissioned and new double skin tanks installed. Relocation of existing jet-wash with air/water and vacuum unit to south east corner.

Increased parking area to front of site and bin store to north-west corner. **Approved**
25.01.2019

Representations:

Lancing Parish Council: Objection on the following grounds:

- Light Pollution; and
- Negative Visual Impact;

Consultation Responses:

WSCC Highways:

The application relates to the variation of condition 18 to illuminate signage between the hours of 6am and 12am

WSCC do not consider the proposal to have any significant material highway safety or capacity issues. No objection is raised.

Relevant Planning Policies

Adur Local Plan 2017: Policies 15

National Planning Policy Framework (2019)

National Planning Practice Guidance

Relevant Legislation

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) made pursuant to section 220 of the Town and Country Planning Act 1990 (as amended) provide that the Committee should consider the application having regard to: the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

Factors relevant to amenity include the general characteristics of the locality including the presence of any feature of historic, architectural, cultural or similar interest. In considering amenity, the Committee may, if it thinks fit, disregard any advertisement displayed.

Factors relevant to public safety include the safety of persons using any highway, railway, waterway, dock, harbour, or aerodrome; whether the advertisement display is likely to obscure or hinder the ready interpretation of a traffic sign or any security device.

Express consent for the display of advertisements may not contain any limitation or restriction relating to the subject matter, content or design, unless necessary in the interests of amenity or public safety.

Planning Assessment

The use of the newly installed signage is acceptable in principle subject to the key considerations of the effects on amenity and public safety as laid down within the Advertisement Regulations.

Amenity

There are now more advertisements on the Service Station as remodelled by the 2018 consent, and include illuminated and non-illuminated advertisements. The illuminated double sided flag sign and the illuminated canopy fascia's with the green strip are the most prominent and dominant on the site as they are at the front of the site and raised up in comparison to the street and surroundings. Indeed, the site is raised up from the pavement at the front of the site by approx. 1m, making the Service Station prominent within the street scene.

The Service Station is within a residential area and there is a nearby Conservation Area. The effect of the advertisements onto the Conservation Area is also a factor for consideration in the determination of the advertisement application.

The advertisements are existing and were previously considered to be acceptable from an amenity point of view. The increase in the hours of their illumination has the potential to increase the visual impact of the signs, particularly as the increase will be later into the evening during hours of darkness. However, they will be switched off at the close of the working day of the Service Station at midnight, ensuring that there is no intrusive illumination from midnight until 6am. On balance, it is not considered that the increased hours of illumination will have an adverse impact on the visual amenities of the area, given the proximity of the A27.

Public Safety

The factors relevant to public safety include such matters as the safety of persons using any highway, and or whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of any traffic sign. Highways England, who are the responsible body for the A27 trunk road, have been consulted and have not responded. WSCC Highways are responsible for roads other than the A27, have raised no objections to the extension of hours of the advertisements.

APPROVE subject to the following conditions:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- 4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
- 6. This consent shall expire at the end of the period of 5 years beginning with whichever is the earlier of (a) the date of commencement of the display or (b) 6 months from the date of this consent.
- 7. Approved plans
- 8. The illuminated signs hereby granted consent shall be turned off outside of the approved working hours, i.e. there shall be no illumination of the signs whatsoever except between the hours of:- 0600 – 00.00 (Midnight) Monday to Sunday inclusive.
- 9. The signs shall not display any moving, or apparently moving, images.
- 10. The green canopy strip light shall be turned off at 22.00 daily and not put back on until 0600 the following day.

9th March 2020

Application Number: AWDM/0008/20

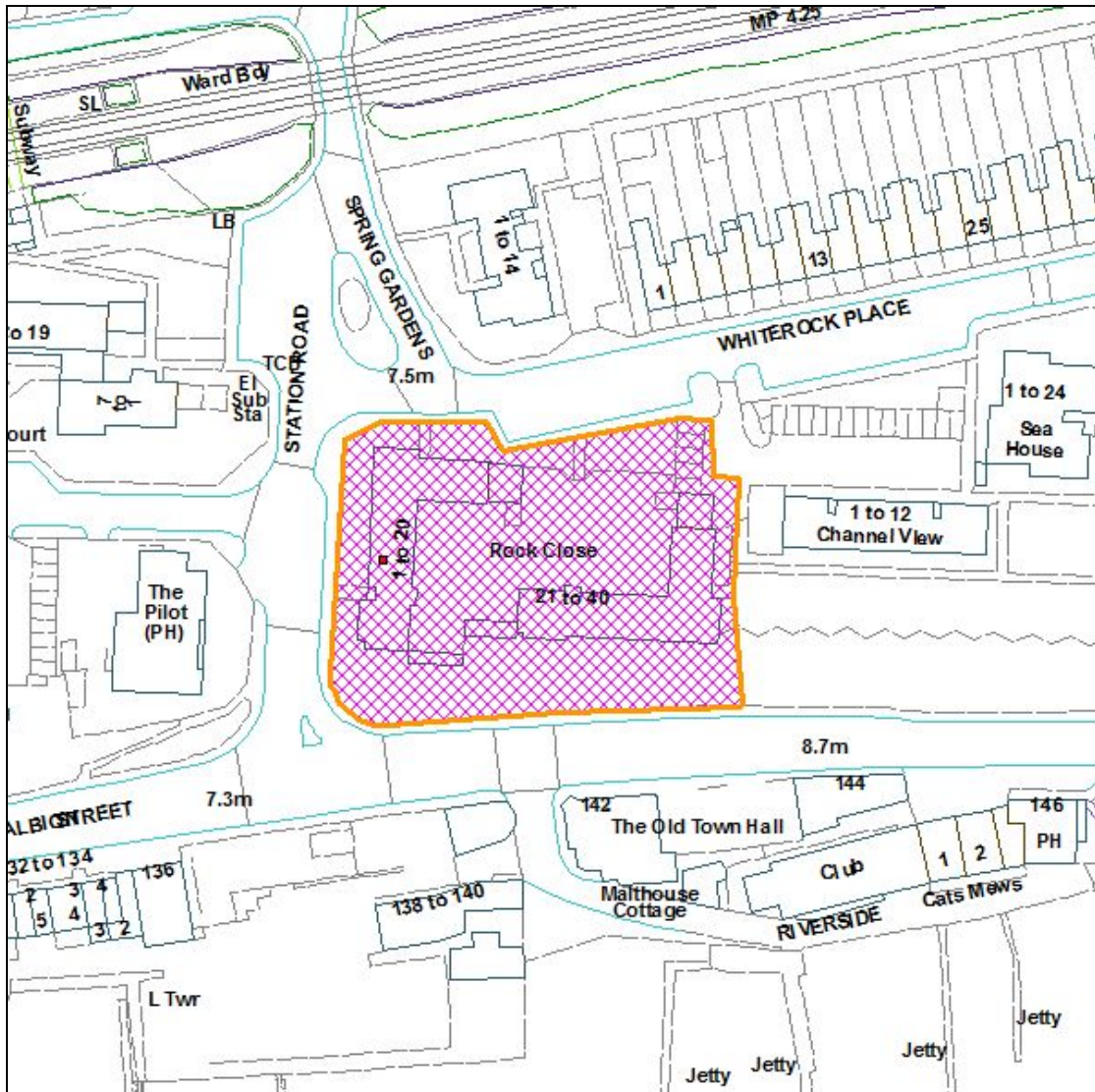
Recommendation – APPROVE

Site: Block 1 To 20 Rock Close, Whiterock Place, Southwick

Proposal: Adur Reg 3 application for replacement UPVC windows and doors to Blocks 1-20 and 21-40 with replacement balconies, fascia boards and soffits

Applicant: Adur District Council
Case Officer: Peter Barnett

Ward: Eastbrook



Not to Scale

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Proposal, Site and Surroundings

This application is made under Regulation 3 of the Town and Country Planning General Regulations 1992, for development by Adur District Council to carry out works on land owned by the Council.

The site comprises Rock Close, two 4 storey L-shaped blocks of flats located between the A259 (Albion Street) and Whiterock Place, close to Southwick railway station.

It is proposed to renovate the buildings by replacing the existing windows and doors, fascias and soffits and balconies. The windows are generally being replaced on a like-for-like basis, with UPVC frames, although louvred windows are being installed in communal areas on the north elevation of the western block (Flats 1 to 20) and the east elevation of the eastern block (Flats 21 to 40).

The existing balconies are individual and cantilevered, projecting from the face of the building with no visible support, and are only present in the centre of the west elevation and on the southern end elevation of Flats 1 to 20 and in the centre of southern elevation and western end elevation of Flats 21 to 40. The balconies are to be replaced with stacked steel balconies on vertical support posts.

The applicant's agent has submitted the following statement in support of the application:

"Following stock condition surveys, the two blocks at Rock Close were identified as needing major repair. Historically works to this block have been undertaken on a more responsive and sporadic basis but this has proven unsuccessful in keeping the blocks in a good state of repair.

The buildings are in a very exposed location within 500m of the coast and are subjected to an aggressive marine environment which has led to early deterioration of structural elements. Other key elements of maintenance works required includes internal and external redecoration, replacement of defective windows, new main entrance doorsets, replacement flooring and water hygiene works.

In 2018, the Council undertook structural investigations and chemical testing of the block highlighting a range of structural defects including but not limited to carbonated and chlorinated concrete elements such as balconies and window surrounds, defective lintels, unstable brickwork, corroded wall ties and areas of highly eroded mortar joints and a very weak mix of mortar.

In 2018, fire risk assessments were carried out identifying risks in the existing building construction, separate to this contract opportunity a flat entrance door replacement programme has commenced and additional measures are included in the specification for this tender to reduce the risk and impact in the event of fire. These measures include replacement intake and store cupboard doors with FD30s doors, filling

breaches in compartmentation, installing emergency lighting, flat fire alarms, upgrading the paint to class 0 and the installation of AOVs and louvres.”

In 2019, extensive investigations into dampness have been undertaken and works have been specified to attempt to improve the living conditions of the residents and resolve dampness including but not limited to replacement of blown double glazed windows with new sealed double glazed PVCu windows, clearing and removal of debris from the cavities.

In view of the above, the Council wants to undertake full refurbishment of the blocks and leave the blocks in a well maintained and sound condition on completion.”

Consultations

None

Representations

None received

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policy 15
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

The proposed alterations will improve the conditions for the residents as well improving ventilation and fire safety in communal areas with the installation of louvered windows. The replacements windows, fascias and soffits will also improve the appearance of the buildings.

The replacement balconies will have a greater visual impact, replacing individual balconies with a larger steel structure and supports. However, the balconies only serve a limited number of flats and will not have a harmful visual impact overall.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. External materials as specified

9th March 2020

Application Number: AWDM/0059/20

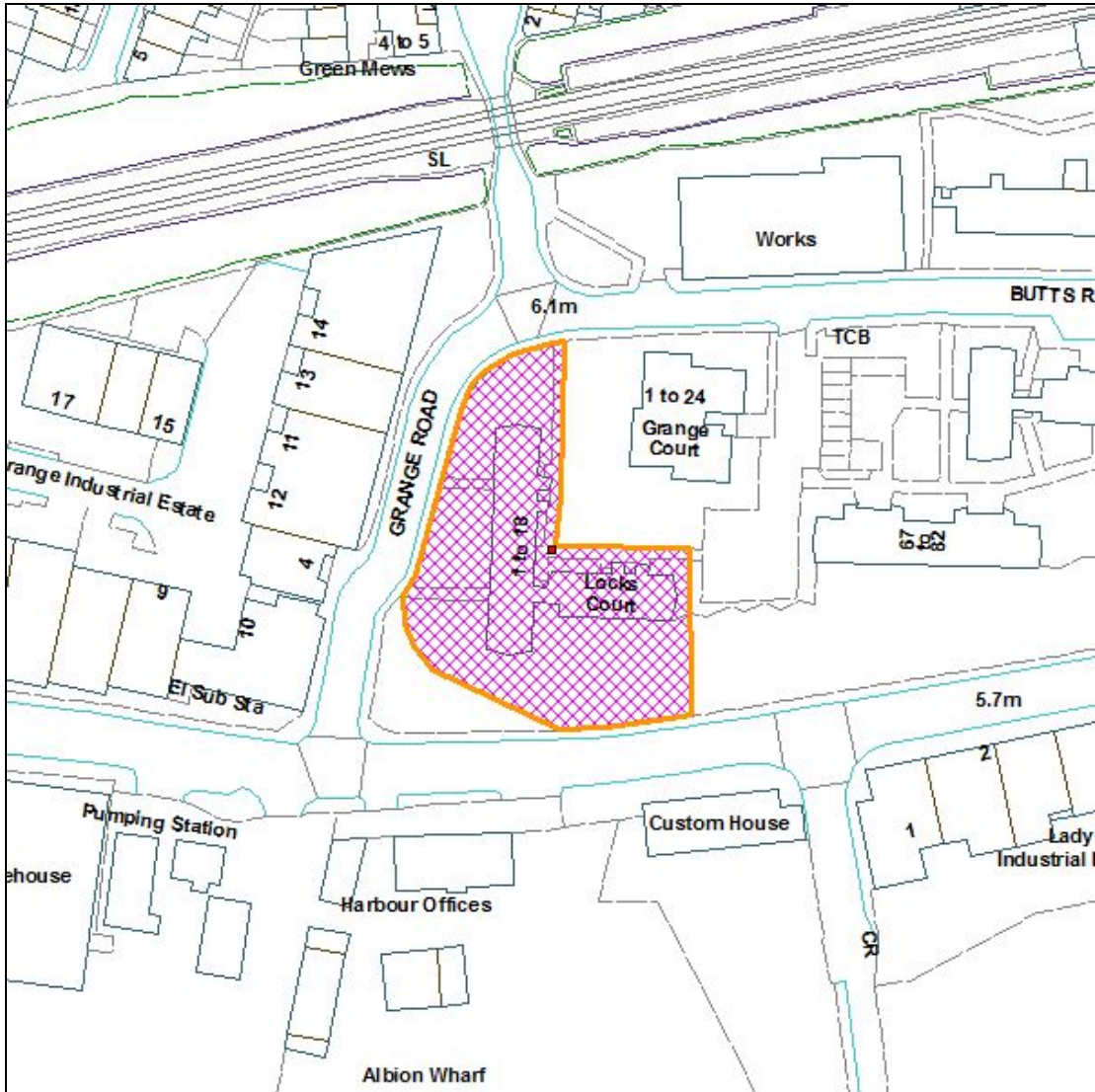
Recommendation – APPROVE

Site: Locks Court, Grange Road, Southwick

Proposal: Adur Reg 3 application for replacement UPVC windows/doors and balconies

Applicant: Adur District Council
Case Officer: Peter Barnett

Ward: Eastbrook



Not to Scale

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Proposal, Site and Surroundings

This application is made under Regulation 3 of the Town and Country Planning General Regulations 1992, for development by Adur District Council to carry out works on land owned by the Council.

The site comprises Locks Court, a 3 storey L-shaped block of flats located between the A259 (Albion Street) and Grange Road.

It is proposed to renovate the building by replacing the existing windows, doors and balconies. The windows and doors are being replaced on a like-for-like basis, with UPVC frames.

The existing balconies are individual and cantilevered, projecting from the face of the building with no visible support, and are present on the south and west elevations. The balconies are to be replaced with stacked steel balconies on vertical support posts.

The applicant's agent has submitted the following statement in support of the application:

“Following stock condition surveys, 1 - 18 Locks Court, Southwick, was identified as needing major repair. Historically works to this block have been undertaken on a more responsive and sporadic basis but this has proven unsuccessful in keeping the block in a good state of repair.

This project is the external and internal refurbishment of Locks Court, a three-storey block of flats located close to the seafront in Southwick. The works include but are not limited to brickwork repairs, replacement wall ties, replacement balconies, replacement windows and doors and fire upgrade works.

The Council wants to undertake full refurbishment of the block and leave the block in a well maintained and sound condition on completion.”

Consultations

None

Representations

None received

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policy 15
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

The proposed alterations will improve the conditions for the residents as well improving the appearance of the building.

The replacement balconies will have a greater visual impact, replacing individual balconies with a larger steel structure and supports. However, it is not considered that the change will have a harmful visual impact on the building or the wider area.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. External materials as specified

9th March 2020

**Local Government Act 1972
Background Papers:**

As referred to in individual application reports

Contact Officers:

Peter Barnett
Principal Planning Officer
Portland House
01903 221310
peter.barnett@adur-worthing.gov.uk

Marie O'Keeffe
Senior Planning Officer (Development Management)
Portland House
01903 221425
marie.o'keeffe@adur-worthing.gov.uk

Eve Hearsey
Planning Officer (Development Management)
Portland House
01903 221233
eve.hearsey@adur-worthing.gov.uk

Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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



ADUR & WORTHING
COUNCILS

Worthing Borough Council Planning
Committee
26th February 2020
Agenda Item 9

**Adur District Council Planning
Committee
9th March 2020
Agenda Item 7**

Joint Governance Committee
24th March 2020
Agenda Item [...]

Key Decision: No

Ward(s) Affected: All

Public Engagement with the Planning Process

Report by the Monitoring Officer

Executive Summary

1.0 Purpose

- 1.1 It is important that the public has the opportunity to engage with both Councils when exercising their statutory functions relating to being a Local Planning Authority.
- 1.2 This report seeks to update and amend the Council's existing arrangements in respect of public speaking at Planning Committees to ensure appropriate opportunity for public speaking, fairness in the procedure and compliance with the principles of natural justice.
- 1.3 Members are asked to approve the revised Public Speaking Protocols which form part of each Council's Constitution and recommend their adoption to each full Council.

2.0 Recommendations

- 2.1 Worthing Borough Council Planning Committee are asked to consider the report and make any comments to the Joint Governance Committee on 24th March 2020.
- 2.2 Adur District Council Planning Committee are asked to consider the report and make any comments to the Joint Governance Committee on 24th March 2020.
- 2.3 The Joint Governance Committee is asked to take into consideration the comments of the Planning Committee and consider the proposed revised Worthing Borough Council Protocol on Public Speaking and recommend its adoption as part of the Constitution to Worthing Borough Council.
- 2.4 The Joint Governance Committee is asked to take into consideration the comments of the Planning Committee and consider the proposed revised Adur District Council Protocol on Public Speaking and recommend its adoption as part of the Constitution to Adur District Council.
- 2.5 Consider the proposed recommendations for changes to the Scheme of Officer Delegations set out at paragraph 4.3 of the report and recommend their adoption to both Councils.

3.0 Context

- 3.1 It is important that the public have the opportunity to engage with the Council's statutory functions relating to planning, and the Councils encourage such engagement and participation in the process.
- 3.2 The Planning Committees, when considering planning applications, act as the Councils' Regulatory Committees, undertaking a quasi-judicial function. As such it is important that they act in the public interest, in accordance with human rights and equalities legislation and uphold the principles of natural justice and fairness.

To this end, when considering applications for planning permission, it is imperative that the Committee takes account of all relevant factors, and no irrelevant factors, that they come to the decision with an open mind and without bias or predetermination, and that they give equal opportunity to both applicants and their supporters, and to objectors.

3.3 To ensure compliance with such principles the Councils have each adopted a 'Protocol on Public Speaking at Planning Committees'. Each Protocol forms part of each Council's Constitution and has been formally adopted by the Councils.

3.4 As part of the ongoing regular review of our practices and procedures, the Protocols on Public Speaking have been reviewed by Officers and revised versions are proposed.

4.0 Issues for consideration

4.1 Adur District Council - Protocol on Public Speaking at Planning Committee

4.1.1 The proposed amended Protocol is attached to this report as Appendix 1, and with tracked changes for ease of reference at Appendix 2.

4.1.2 The current Protocol is silent about what issues the public may speak upon and it is proposed to be clear in the protocol that they may only speak on matters which are relevant to planning issues. Such provision will assist Members of the Committee in upholding the decision making principle of not taking account of irrelevant matters, as none should be presented to them.

4.1.3 The current Protocol allows objections from the objector, but only from the applicant in certain circumstances. This does not uphold the principles of fairness and it is proposed that public speaking opportunity should be allowed equally to the objector and to the supporters, including the applicant. The current arrangements also cause an inefficiency in the system on some occasions. For example if a planning application is recommended for approval by an Officer and Members are minded to refuse the application the applicant then has a right to speak, but having expected the application to be approved may not be in attendance and/or be prepared to make representation, so currently the Committee defer the application in such circumstances to enable the applicant to speak on the next occasion. This produces a delay and inefficiency in the decision making process and potential duplication of work

as the matter is considered twice. It is proposed that to eliminate this inefficiency and to uphold fairness, public speaking is allowed in all circumstances by both objectors and supports to an application.

4.1.4 Currently the arrangements for objectors to an application to speak are that generally only one is able to speak, on behalf of all objectors, and they must agree between themselves who will speak and collectively represent their views. The objector has a maximum of 3 minutes to make such representations. This presents some practical difficulties as usually the objectors are not known to each other, and often not keen to allow someone else, unknown to them, to speak on their behalf with no confidence that their own views will be properly represented; there is no opportunity for them to exchange views and prepare a collective representation. The current arrangement does not appear to uphold the principles of natural justice as it provides very limited opportunity for public engagement and it is therefore proposed that public speaking rights be extended to enable a maximum of 3 objectors to speak on any application with a maximum of 3 minutes each to make their representations to the Committee.

4.1.5 In addition to the public having a right to speak the current arrangements enable up to a maximum of 2 Ward Councillors to speak, subject to a maximum of one speaking for the application and one speaking against the application; they have up to 3 minutes each to address the Committee. It is proposed that this arrangement be retained. The current protocol also allows, in exceptional circumstances, for the Chairman to allow another Member to speak, if a Ward Councillor does not wish to, again subject to a maximum of one Councillor speaking for the application and one against. It is proposed that the need for exceptional circumstances be removed to allow the Chairman of the Planning Committee more flexibility and discretion to enable another District Councillor to speak in place of the relevant Ward Councillor.

4.1.6 It is proposed that the Protocol be amended to enable the supporters, and applicant, to a planning application, the same public speaking rights as the objectors. Any other arrangement could be seen as unfair and an indication of bias on the part of the Committee.

4.2 Worthing Borough Council - Protocol on Public Speaking at Planning Committee

4.2.1 The proposed amended Protocol is attached to this report as Appendix 3, and with tracked changes for ease of reference at Appendix 4.

- 4.2.2 The current Worthing Borough Council Protocol on Public Speaking at Planning Committee enables two Ward Councillors to speak, or one Ward Councillor and one Councillor from the adjacent Ward, or in exceptional circumstances another Borough Councillor. It is proposed that in the interests of efficiency this is amended to a maximum of two Councillors being able to speak, subject to one speaking for the application and one against, and that it is two Ward Councillors who are able to speak, or any other Councillor in the Ward Councillors place, with the Chairman's permission. Such an arrangement will give greater flexibility to Councillors as to who is best placed to make appropriate representations in respect of a particular application and retain sufficient discretion for the Chairman.
- 4.2.3 The Protocol provides for the length of a Councillor's speech to be at the Chairman's discretion but it is proposed for consistency that each speech is for a maximum of 3 minutes, as is the speech of an objector or supporter; but the Chairman retains overall discretion to allow speeches to be longer where relevant, appropriate and justifiable in the circumstances.
- 4.2.4 It is proposed to also incorporate a clause in the Protocol to enable the Chairperson to waive the Protocol, after consulting with the Committee Members and Legal Advisor, in appropriate circumstances. This would enable the Chairperson to tailor a more suitable public speaking arrangement, for example where an application was exceptionally complex, controversial or attracted high levels of public interest.

4.3 The Joint Officer Scheme of Delegations

- 4.3.1 Paragraph 3.6.5 of the Officer Scheme of Delegations provides the Head of Planning and Development with the authority to determine applications for planning permission. However the delegation shall not be exercised in the following circumstances:
- Applications requiring the Secretary of State to be notified under the Town and Country (Development Plans and Consultations) (Departures) Direction 2009;
 - Applications for development requiring an environmental impact assessment but excluding applications for a screening or scoping opinion in connection with an environmental impact assessment;
 - Applications comprising 'major' development within the meaning of the Town and Country Planning (General Permitted Development) Order;

- Applications for development which conflicts materially with the development plan;
- Applications materially affecting ancient monuments, and sites of special scientific interest;
- Applications made by, on behalf of, jointly with, or promoted by the Council, a Parish Council, West Sussex County Council, or any other Local Authority;
- Where the application has been made by a Member or an Officer;
- Where a Member of the Council not more than 28 days after validation of an application requests otherwise.

4.3.2 It is considered by Officers that 3 of these provisions do not facilitate good, agile, prudent decision making and that efficiency could be gained by making amendments whilst retaining sufficient balance and control.

- It is therefore proposed that the provision of: “Applications comprising ‘major’ development within the meaning of the Town and Country Planning (General Permitted Development) Order”, be amended to, “Applications comprising ‘major’ development within the meaning of the Town and Country Planning (General Permitted Development) Order, other than those where the proposed amendment is minor or non material”.
- It is further proposed that the provision of: “Where the application has been made by a Member or an Officer” is amended to “Where the application has been made by a Member of Adur District Council or Worthing Borough Council, or an Officer of either Council who is either The Chief Executive, a Chief Officer, Deputy Chief Officer, Planning Services Manager or Planning Policy Manager” or work within the Planning and Development Section.
- It is further proposed that the provision of: “Where a Member of the Council, not more than 28 days after validation of an application, requests otherwise” be amended to “Where a Member of the Council not more than 28 days after validation of an application, request otherwise, providing valid planning reasons”.

4.3.3 It is anticipated that these amendments would enable agile, streamlined decision making, whilst still ensuring independence and fairness in the Council's procedures and processes.

5.0 **Engagement and Communication**

5.1 Engagement and Communication has taken place with both the Adur District Council Planning Committee and the Worthing Borough Council Planning Committee. Both Committees have received and considered this report and have been invited to make comments, by way of consultation, to the Joint Governance Committee. The Joint Governance Committee are recommended to take into account any comments from the Planning Committees before determining this matter.

5.2 Engagement and Communication has taken place with the Head of Planning and Development, Democratic Services Officers and Planning lawyers.

6.0 **Financial Implications**

6.1 There are no direct financial implications arising from this proposal.

7.0 **Legal Implications**

7.1 The Council's governance arrangements are set out in their Constitutions; the Protocols on Public Speaking at Planning Committee and the Scheme of Officer Delegations form part of the Constitution. The authority of the Councils is sought to amend the Constitutions, other than in respect of minor or consequential amendments.

Background Papers

- Adur District Council Constitution
- Worthing Borough Council Constitution

Officer Contact Details:-

Susan Sale

Solicitor to the Councils and Monitoring Officer

01903 221119

Susan.sale@adur-worthing.gov.uk

Sustainability & Risk Assessment

1. Economic

Matter considered and no issues identified.

2. Social

2.1 Social Value

It is important that the public have the right to make representations to the Planning Committee when carrying out their quasi-judicial function considering planning applications. It ensures that all relevant factors are presented to the Committee, that the Committee engages with the public in making its decision and enhances public confidence in the democratic process.

2.2 Equality Issues

Matter considered and no issues identified.

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified.

2.4 Human Rights Issues

Providing the public with the opportunity to make representations to this quasi-judicial Committee, when determining planning applications, upholds the principles of the Human Rights Act.

3. Environmental

Matter considered and no issues identified.

4. Governance

Having a Public Speaking Protocol, formally adopted by both Councils, and forming part of their Constitutions, upholds the principles of robust governance arrangements.

PROTOCOL FOR PUBLIC SPEAKING AT PLANNING COMMITTEE ADUR DISTRICT COUNCIL

1.0 INTRODUCTION

Public speaking to object to or support planning applications at Adur District Council's Planning Committee is an established part of the Council's procedure.

2.0 AGENDA ITEM

A Planning Officer will introduce the planning application and display any plans as well as bringing any new matters that have arisen since the agenda was prepared. Members may ask questions of the Planning Officer.

3.0 PUBLIC SPEAKING

3.1 Public speaking at meetings of the Adur District Council Planning Committee shall be allowed in respect of planning applications, including Conservation Area, Listed Building, Tree Preservation Order confirmation and Advertisement Consent Applications.

3.2 Questions, statements and comments made by the public to the Planning Committee must be relevant to planning issues.

3.2.1 Examples of relevant planning issues include:-

- external design, appearance and layout of the development,
- impact on trees and nature conservation or overshadowing and privacy,
- Highway safety,
- Planning Policy and Government Guidance.

3.2.2 Examples of non-relevant planning issues may include:-

- boundary disputes or other property rights,
- loss of property value or loss of a view,
- matters covered by other legislation,
- the applicants' motives, character or reputation.

3.3 Relevant representations will be accepted from Objector(s), Parish Councillor, Ward Councillor(s) and the Applicant or their representative and Supporters.

3.4 Advance notice of the intention to make representations must be provided to Democratic Services Officers, by email at democratic.services@adur-worthing.gov.uk, by noon on the working day prior to the date of the meeting. If

a decision on the application is deferred to a future meeting, the individual having given appropriate notice, will be able to speak when the application is considered by the Committee again, without the need to give further notice of their intention to speak.

If more than the maximum number of speakers give notice of their intention to make representations, those permitted will be taken in order in which their notice was received.

3.5 The order, and time allowed, for speaking at Adur District Council Planning Committee meetings will be as follows:-

		Total time allowed
Objector(s)	Limited to a maximum of three speakers	Limited to 3 minutes per speaker
Parish Councillor	A maximum of one Parish Councillor from the relevant Parish Council	Limited to 3 minutes
Ward Councillor(s)	Subject to a maximum of one Councillor speaking in support of the application and a maximum of one Councillor speaking against the application, limited to: <ul style="list-style-type: none"> • Up to two Ward Councillors, or • With the agreement of the Chairperson, and subject to a maximum of one Ward Councillor wishing to speak, one Ward Councillor and an adjacent Ward Councillor, or • with the agreement of the Chairperson, and subject to no Ward Councillors wishing to speak, a maximum of two Adur District Councillors. 	3 minutes each
Applicant or representative and Supporters	Limited to a maximum of three speakers	Limited to 3 minutes per speaker

There is no right for anyone to speak at a Planning Committee meeting, otherwise than in accordance with the above table. An individual may not speak a second time at a Planning Committee meeting, on the same application.

- 3.6 Speakers may address the Planning Committee Chairperson, but are not permitted to ask questions of other speakers, Officers or Members. Members and Officers can question speakers for clarification purposes only.

4.0 DETERMINATION OF APPLICATION

- 4.1 Following public speaking, Members of the Planning Committee will debate the planning application, involving professional Officers as necessary and appropriate. The debate should be governed by the Rules of Debate within the Council's Procedure Rules.
- 4.2 Members of the Planning Committee may receive legal and other professional advice as required during the Committee meeting.

5.0 MISCELLANEOUS

- 5.1 The Chairperson has the discretion to waive any of the requirements of this Protocol if satisfied on legal and professional advice that it is fair, reasonable and appropriate to do so in the circumstances.
- 5.2 This Protocol is formally adopted by Worthing Borough Council as part of its Constitution. It is to be reviewed at least once every 3 years.

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PROTOCOL FOR PUBLIC SPEAKING AT PLANNING COMMITTEE ADUR DISTRICT COUNCIL

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1.0 INTRODUCTION

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Public speaking to object to or support planning applications at Adur District Council's Planning Committee is an established part of the Council's procedure.

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The following procedure shall be followed at the Planning Committee meetings for the purpose of enabling members of the public to make representations on planning applications. This Protocol supplements the Council Procedure Rules and the two should be read together

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2.0 AGENDA ITEM

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A Planning Officer will introduce the planning application and display any plans as well as bringing any new matters that have arisen since the agenda was prepared. Members may ask questions of the Planning Officer.

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3.0 PUBLIC SPEAKING

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Public speaking at meetings of the Adur District Council Planning Committee shall be allowed in respect of planning applications, including Conservation Area, Listed Building, Tree Preservation Order confirmation and Advertisement Consent Applications.

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Questions, statements and comments made by the public to the Planning Committee must be relevant to planning issues, including external design, appearance and layout of the development, impact on trees and nature conservation or overshadowing and privacy, Highway safety, Planning Policy and Government Guidance. Non relevant planning issues may include boundary disputes or other property rights, loss of property value or loss of a view, matters covered by other legislation, the applicants' motives, character or reputation.

4.0—Relevant representations will be accepted from Objector(s), Parish Councillor(s), Ward Councillor(s) or the Applicant or their representative and Supporters. The right to speak on planning applications is available to objectors, applicants and/or their agents and supporters, Parish Councils and Ward Councillors.

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The applicant (or their representative) has an opportunity to make representations in support of the application, but only if:

- the Officer's recommendation is to refuse; or
- there are Ward Councillors speaking against the application; or

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- ~~there are objectors speaking against the application; or~~
- ~~the Committee are minded to go against the Officer's recommendation for approval.~~

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~~If following consideration of the report and/or any objectors who were allowed to make comments without notice, the Committee is minded to overturn the Planning Officer's recommendation to approve, the application must stand adjourned to the next meeting to provide the opportunity for oral representations to be made.~~

~~Applicants will be notified of any such notice received. Speakers in support of an application may speak only in cases where one or the other parties is being heard at the meeting or where the recommendation is to refuse.~~

~~**2.0**—The rights to speak will apply to all planning applications including Conservation Area, Listed Building, Tree Preservation Order confirmation and Advertisement Consent Applications.~~

~~**3.0**—Advance notice of the intention to make representations must be provided to Democratic Services Officers, by email at democratic.services@adur-worthing.gov.uk, by noon on the working day prior to the date of the meeting. If a decision on the application is deferred to a future meeting, the individual having given appropriate notice, will be able to speak when the application is considered by the Committee again, without the need to give further notice of their intention to speak. The Director for Economy or Head of Planning shall write with details of the arrangements for public speaking to the applicant/agent, objectors and supporters, and the Parish Council who have made written representations, advising them of the date of the meeting when the application is due to be considered. However, where letters of representation are received just before the meeting there may be insufficient time to write. If necessary, in accordance with the principles in paragraph 1.0, the matter may stand adjourned.~~

~~If more than the maximum number of speakers give notice of their intention to make representations, those permitted will be taken in order in which their notice was received.~~

~~The order, and time allowed, for speaking at Adur District Council Planning Committee meetings will be as follows:-~~

~~**4.0**—A Planning Officer will introduce the planning application and display any plans as well as bringing any new matters that have arisen since the agenda was prepared. Members may ask questions of the Planning Officer.~~

~~5.0 Interested parties then have an opportunity to address Members. Objectors are to agree between themselves who addresses the meeting. At the Chairperson's discretion, more than one objector may be allowed to speak within the total permitted time for objectors, but only where new material issues are to be raised. Members of the Committee, through the Chairperson, may ask questions of the objectors only for the purpose of clarifying matters of fact already raised during the objector's presentation.~~

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~~6.0 Where both objectors and the applicant are to speak, the applicant shall follow the objectors. Members of the Committee, through the Chairperson, may ask questions of the applicant only for the purpose of clarifying matters of fact already raised during the applicant's presentation.~~

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~~7.0 Speakers will not have the right to expect other speakers, Officers or Councillors to respond directly to questions at the time they are asked (i.e. no cross-examination of other speakers).~~

~~8.0 Up to two Ward Councillors or, in exceptional circumstances with the agreement of the Chairperson, another Councillor, may address the meeting after any objectors and any Parish Council representative but before the Applicant. One Councillor may speak against the proposal and one in support of it. The Ward Councillors will be allowed a maximum time of 3 minutes each to speak.~~

~~9.0 Members of the Committee may receive legal and other professional advice as necessary during the proceedings.~~

~~10.0 In the interest of efficient despatch of business, the following rules regarding timing will apply:~~

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~~• A total time of 3 minutes shall be allowed for all objectors. Where the Chairperson permits more than one objector to speak, the time will be divided equally between the objectors (unless they come to some other arrangement between themselves).~~

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~~• A total time of 3 minutes shall be allowed for the applicant.~~

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~~• A total time of 3 minutes shall be allowed for the Parish representative.~~

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~~• A total time of 3 minutes shall be allowed for each Ward Councillor.~~

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~~• The total time allowed for public speaking shall be limited to a maximum of 6 minutes per application. In exceptional cases, these timings, and the time allowed for Parish Council and Ward Councillor representations, may be extended at the Chairperson's discretion. However, any extension for the Ward Councillor must be matched with an equal extension for the applicant. An exception may involve an abnormal weight of objections or support or particular complexity.~~

~~11.0 A person wishing to speak at a meeting of the Planning Committee must give advance notice of their intention to do so to the Head of Planning and to Democratic Services Officers. (Applicants may be given the right to speak notwithstanding that they have failed to give the required notice).~~

~~12.0 The Chairperson in consultation with the Committee may waive any of the requirements of this Protocol if satisfied on legal and professional advice that it is appropriate to do so in the circumstances, or in any event to change the order of speakers.~~

~~13.0 The order of speaking at the meetings will be:-~~

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		Total time allowed
Planning Officer: To introduce the application and update the objections, letters of support received.	Not limited	
Objector(s)	Limited to a maximum of three speakers	Limited to 3 minutes per speaker
Parish Councillors Representative	A maximum of one Parish Councillor from the relevant Parish Council	Limited to 3 minutes
Up to 2 Ward Councillors (or 1 Ward Councillor and 1 adjacent Ward Councillor) or a Councillor/Ward Councillor	Subject to a maximum of one Councillor speaking in support of the application and a maximum of one Councillor speaking against the application, limited to: Up to two Ward Councillors, or One Ward Councillor and an adjacent Ward Councillor, or with the agreement of the Chairperson, and subject to the Ward Councillors not wishing to speak, a maximum of two other Adur District Councillors.	3 minutes each
Applicant or agent representative and Supporters	Limited to a maximum of three speakers	Limited to 3 minutes per speaker

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Planning Officer- to deal with any errors of fact which have arisen.		Not limited
The Committee will discuss the planning application, involving the Officers as necessary. There will be no further right for others to speak.		Not limited

There is no right for anyone to speak at a Planning Committee meeting, otherwise than in accordance with the above table. An individual may not speak a second time at a Planning Committee meeting, on the same application.

Speakers may address the Planning Committee Chairperson, but are not permitted to ask questions of other speakers, Officers or Members. Members and Officers can question speakers for clarification purposes only.

4.0 DETERMINATION OF APPLICATION

4.1 Following public speaking, Members of the Planning Committee will debate the planning application, involving professional Officers as necessary and appropriate. The debate should be governed by the Rules of Debate within the Council's Procedure Rules.

4.2 Members of the Planning Committee may receive legal and other professional advice as required during the Committee meeting.

5.0 MISCELLANEOUS

5.1 The Chairperson has the discretion to waive any of the requirements of this Protocol if satisfied on legal and professional advice that it is fair, reasonable and appropriate to do so in the circumstances.

5.2 This Protocol is formally adopted by Worthing Borough Council as part of its Constitution. It is to be reviewed at least once every 3 years.

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PROTOCOL FOR PUBLIC SPEAKING AT PLANNING COMMITTEE WORTHING BOROUGH COUNCIL

1.0 INTRODUCTION

Public speaking to object to or support planning applications at Worthing Borough Council's Planning Committee is an established part of the Council's procedure.

2.0 AGENDA ITEM

A Planning Officer will introduce the planning application and display any plans as well as bringing any new matters that have arisen since the agenda was prepared. Members may ask questions of the Planning Officer.

3.0 PUBLIC SPEAKING

3.1 Public speaking at meetings of the Worthing Borough Council Planning Committee shall be allowed in respect of planning applications, including Conservation Area, Listed Building, Tree Preservation Order confirmation and Advertisement Consent Applications.

3.2 Questions, statements and comments made by the public to the Planning Committee must be relevant to planning issues.

3.2.1 Examples of relevant planning issues include:-

- External design, appearance and layout of the development;
- Impact on trees and nature conservation or overshadowing and privacy;
- Highway safety;
- Planning Policy and Government Guidance.

3.2.2 Examples of non-relevant planning issues may include:-

- Boundary disputes or other property rights;
- Loss of property value or loss of a view;
- Matters covered by other legislation;
- The applicants' motives, character or reputation.

3.3 Relevant representations will be accepted from Objector(s), Ward Councillor(s) and the Applicant or their representative and Supporters.

3.4 Advance notice of the intention to make representations must be provided to Democratic Services Officers, by email at democratic.services@adur-worthing.gov.uk, by noon on the working day prior to the date of the meeting.

If a decision on the application is deferred to a future meeting, the individual having given appropriate notice, will be able to speak when the application is considered by the Committee again, without the need to give further notice of their intention to speak.

If more than the maximum number of speakers give notice of their intention to make representations, those permitted will be taken in order in which their notice was received.

3.5 The order, and time allowed, for speaking at Worthing Borough Council Planning Committee meetings will be as follows:-

		Time Allowed
Objectors	Limited to a maximum of three speakers	Limited to 3 minutes per speaker
Ward Councillors	<p>Subject to a maximum of one Councillor speaking in support of the application and a maximum of one Councillor speaking against the application, limited to:</p> <ul style="list-style-type: none"> • up to two Ward Councillors, or • with the agreement of the Chairperson, and subject to a maximum of one Ward Councillor wishing to speak, one Ward Councillor and an adjacent Ward Councillor, or • with the agreement of the Chairperson, and subject to no Ward Councillors wishing to speak, a maximum of two Worthing Borough Councillors. 	Limited to 3 minutes per speaker.
Applicant or representative and Supporters	Limited to a maximum of three speakers	Limited to 3 minutes per speaker

There is no right for anyone to speak at a Planning Committee meeting, otherwise than in accordance with the above table. An individual may not speak a second time at a Planning Committee meeting, on the same application.

- 3.6 Speakers may address the Planning Committee Chairman, but are not permitted to ask questions of other speakers, Officers or Members. Members and Officers can question speakers for clarification purposes only.

4.0 DETERMINATION OF APPLICATION

- 4.1 Following public speaking, Members of the Planning Committee will debate the planning application, involving professional Officers as necessary and appropriate. The debate should be governed by the Rules of Debate within the Council's Procedure Rules.
- 4.2 Members of the Planning Committee may receive legal and other professional advice as required during the Committee meeting.

5.0 MISCELLANEOUS

- 5.1 The Chairperson has the discretion to waive any of the requirements of this Protocol if satisfied on legal and professional advice that it is fair, reasonable and appropriate to do so in the circumstances.
- 5.2 This Protocol is formally adopted by Worthing Borough Council as part of its Constitution. It is to be reviewed at least once every 3 years.

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PROTOCOL FOR PUBLIC SPEAKING AT PLANNING COMMITTEE
WORTHING BOROUGH COUNCIL

1.0 INTRODUCTION

Public speaking to object to or support planning applications at Worthing Borough Council's Planning Committee is an established part of the Council's procedure.

2.0 AGENDA ITEM

A Planning Officer will introduce the planning application and display any plans as well as bringing any new matters that have arisen since the agenda was prepared. Members may ask questions of the Planning Officer.

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2.03.0 PUBLIC SPEAKING

3.12.4 Public speaking at meetings of the Worthing Borough Council Planning Committee shall be allowed in respect of planning applications, including Conservation Area, Listed Building, Tree Preservation Order confirmation and Advertisement Consent Applications.

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3.2 Questions, statements and comments made by the public to the Planning Committee must be relevant to planning issues.

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23.2.1 Examples of relevant planning issues include:-

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- External design, appearance and layout of the development;
- Impact on trees and nature conservation or overshadowing and privacy;
- Highway safety;
- Planning Policy and Government Guidance.

32.2.23 Examples of non-relevant planning issues may include:-

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- Boundary disputes or other property rights;
- Loss of property value or loss of a view;
- Matters covered by other legislation;
- The applicants' motives, character or reputation.

3.32.4 Relevant representations will be accepted from an objector(s), a Ward Councillor(s) or the Applicant or their representative and Supporters.

3.4 Advance notice of the intention to make representations must be provided to Democratic Services Officers, by email at democratic.services@adur-worthing.gov.uk, by noon on the working day prior to the date of the meeting. If a decision on the application is deferred to a future meeting, the individual having given appropriate notice, will be able to speak when the application is

considered by the Committee again, without the need to give further notice of their intention to speak.

If more than the maximum number of speakers give notice of their intention to make representations, those permitted will be taken in order in which their notice was received.

32.5 The order, and time allowed, for speaking at Worthing Borough Council Planning Committee meetings will be as follows:-

		Time Allowed
Objectors	Limited to a maximum of three speakers	<u>Limited to 32</u> minutes per speaker
Ward Councillors	<p><u>Subject to a maximum of one Councillor speaking in support of the application and a maximum of one Councillor speaking against the application. It is limited to:</u></p> <ul style="list-style-type: none"> • up to two Ward Councillors, or • <u>with the agreement of the Chairperson, and subject to a maximum of one Ward Councillor wishing to speak,</u> one Ward Councillor and an adjacent Ward Councillor (or, • <u>with the agreement of the Chairperson, and subject to no Ward Councillors wishing to speak, a maximum of two Worthing Borough Councillors in exceptional circumstances it is allowed that one or more of these may speak with the agreement of the Chairperson, another Worthing Borough Councillor)</u> 	<u>Limited to 3 minutes per speaker. At the Committee Chairman's discretion</u>
Applicant or representative and Supporters	Limited to a maximum of three speakers	Limited to <u>32</u> minutes per persons speaker
Committee Members	<u>To discuss the planning application, involving the Officers as necessary</u>	<u>No time limit</u>

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There is no right for anyone to speak at a Planning Committee meeting, otherwise than in accordance with the above table. An individual may not speak a second time at a Planning Committee meeting, on the same application.

- 23.6 Speakers may address the Planning Committee Chairman, but are not permitted to ask questions of other speakers, Officers or Members. Members and Officers can question speakers for clarification purposes only.

4.0 DETERMINATION OF APPLICATION

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- 4.1 Following public speaking, Members of the Planning Committee will debate the planning application, involving professional Officers as necessary and appropriate. The debate should be governed by the Rules of Debate within the Council's Procedure Rules.

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- 4.2 Members of the Planning Committee may receive legal and other professional advice as required during the Committee meeting.

5.0 MISCELLANEOUS

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- 5.1 The Chairperson has the discretion to waive any of the requirements of this Protocol if satisfied on legal and professional advice that it is fair, reasonable and appropriate to do so in the circumstances.

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- 5.2 This Protocol is formally adopted by Worthing Borough Council as part of its Constitution. It is to be reviewed at least once every 3 years.

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