

## ADDENDUM REPORTS

<b>Application Number:</b>	<b>AWDM/1962/22</b>	<b>Recommendation - Approve subject to a s.106 Agreement, the receipt of additional information and outstanding consultee responses</b>
<b>Site:</b>	<b>Land At Former 5 Brighton Road, Shoreham-By-Sea</b>	
<b>Proposal:</b>	<b>Proposed mixed-use re-development between 3 and 8 storeys comprising 21 townhouses, mixed-use apartment block of 24 flats, commercial unit, riverside walk, play area, landscaping, and parking (with revised design and provision of on-site affordable housing)</b>	
<b>Applicant:</b>	<b>Cayuga 011 LLP</b>	<b>Ward: Southwick Green</b>
<b>Agent:</b>	<b>Lewis and Co Planning SE Ltd</b>	
<b>Case Officer:</b>	<b>Stephen Cantwell</b>	

### Updated Information

1. Highway Contributions: These remain as at September 2022 [as listed in summary of response in main report]
2. Parking plan: an amended version showing possible further driveway spaces of 2.4 x 4.8m and a clear area for services and emergency vehicles has been received and is acceptable to the Highway Authority.

*[Officer comment: the amended parking plan, which is included at the end of this addendum Item report) shows 10 no additional tandem driveway spaces, which are 2.4 x 4.8m, and 6no. which are slightly below this. If the 10no. were included, this would increase the total to 54no. which is closer to the parking demand for PBZ4 of between 81 and 85 spaces and slightly more than the Census Data would indicate for houses. As pointed out in the Committee report, this would affect the landscape character of the courtyard, but in mitigation, most spaces are not forward of the tree and shrub planters in front of each driveway.*

*In practice, it is unlikely that a planning condition could seek to reasonably and enforceably prevent the parking scenario of additional spaces in this inward-looking courtyard, and so it is likely that the parking as shown would occur. However, it is important that the keep-clear area, which is required for service and emergency vehicles and which is visible from the site entrance, is kept clear at all times (the drawing currently shows two cars here -*

*although these are only included as a key, a revised drawing removing these has been requested). Accordingly it is recommended that draft planning condition 18 be amended as below in italics.*

*'18. No part of the development shall be occupied until the vehicle parking and manoeuvring spaces, including the keep clear area serving that part (including associated visitor/unallocated parking and car club space) has been constructed and provided in accordance with the approved details. Once provided the spaces shall thereafter be permanently retained at all times for their designated purpose and that the keep permanently clear area is kept clear of vehicles and any obstructions. ]*

3. Car Club: The applicant proposes that the car club vehicle would be provided within either two months of first occupation or occupation of 50% of the dwellings unless otherwise agreed by the Council.
4. Cycle Parking: 3 cycle stands have been included at café as requested by the Highway Authority.
5. Affordable Housing: These shared ownership homes will comprise *apartments* (Correction: not including one house as stated in the report):
  - a. F1 – 2 Bed / 3 Person – 63.2sqm apartment
  - b. F5 – 2 Bed / 3 Person – 63.2sqm apartment
  - c. F9 – 1 Bed / 2 Person – 51sqm apartment
  - d. F13 - 1 Bed / 2 Person – 51sqm apartment
  - e. F17 –1 Bed / 2 Person – 51sqm apartment

These will be provided on the first occupation of the apartment block. The Heads of Terms timing shown on the Heads of Terms Table 4 to be amended at point 7, as follows:

~~'Timing: On first occupation of the apartment block and One affordable house on occupation of 50% of the terraced houses'~~

The applicant has confirmed that if the Committee considers a contribution towards the provision of off site affordable housing would be more appropriate then the s106 can allow for this alternative. In this case a contribution of £427k could be made available to assist the Council to deliver potentially rented rather than shared ownership affordable housing.

6. Air Source Heat Pumps (ASHPs):
  - a. 300% more efficient means that the technology generates more (heat) energy than it consumes (electricity). ASHPs are often more inefficient in retrofits, but can maximise efficiency in new builds where underfloor

heating can be fitted throughout and allow heat to be distributed efficiently.

- b. Each unit (flat or house) has its own heat pump unit, which is basically a hot water cylinder with an integrated ASHP on top. The ASHP draws air from the flat itself, helping recirculate the air and the only thing on the outside of the building is a bathroom extra sized grill for each unit. There is no equipment or anything else located outside.

*(Officer comment: Condition 6 c) can be amended to require details as follows: 'Any external plant, including utility cabinets, or heat pumps or other plant their location, size, design, materials, colours and finish and any associated ducting'.*

7. Renewable Energy: 38% of the energy demand will be met through onsite renewables, (reference: Step 5 of the submitted energy statement)
8. Fire Safety: In response to the County Fire & Rescue Service (FRS), the applicant has replied that the Fire Statement, submitted with the application, confirms that automatic suppression/sprinklers will be installed in all buildings. The FRS has been asked for an updated comment.
9. Acoustic Ventilation: The impact on the design of the building, including window sizes, has been assessed through the Acoustic Report and further controlled by Conditions 37 and 38.

*[Officer comment: the Acoustic Report observes that glazing specifications will be set once further detailed calculations have been undertaken under planning condition, and that window sizes will not change at this stage, therefore no impact on external design. The comments of the Environmental Health officer are awaited, to confirm whether this position is agreed]*

10. Sunlight & Daylight - updated consultant's advice received:

The applicant's Daylight consultant advises that visible skyline values of the amended scheme upon neighbours in Brighton Road, remains greater than Vertical Sky Component (VSC) of 27%, which is defined as 'good' by National guidance from the Building Research Establishment (BRE).

Regarding daylight at the closest of the approved residential blocks at Kingston Wharf, the Daylight consultant refers to BRE guidance that allows for 'mirror-image' developments in areas under regeneration. This states that buildings which are of a similar size and equal distance away from their shared boundary, as in the case of the proposed apartment block and that of Kingston Wharf, are considered satisfactory in terms of light.

## 11. Heads of Terms for s.106

The applicant has requested:

- a. 15: deletion of requirement to maintain acoustic glazing and ventilation, which they consider is more appropriate to condition implementation and,
- b. 18: Observes that payment triggers would be: Commencement and First Occupation

*(Officer comments: 15. Whilst use of a condition may suffice in theory, the ongoing importance of adherence to acoustic glazing and ventilation may be of heightened importance here, given the proximity to the A259. An undetected breach of condition of 10 years or more may not be enforceable, whereas inclusion in a s.106 for any further owners/freeholder, will provide a firmer basis for longer-term enforceability. The advice of the Environmental Health officer will inform whether the significance of risk would support use of a planning condition rather than s.106 Agreement.*

*18. Payment triggers may be needed for events other than commencement and first occupation. This would be determined as drafting of the s106 progresses)*

## Consultee Responses

### **WSCC Planning** - No Objection

Agrees that the Primary Education contribution is not required in this instance.

### **Technical Services Officer** ( Drainage): No Objection

The flood risk assessment and calculations are satisfactory, and details received are now acceptable.

### **WSCC Highways** No Objection

1. Contributions-correct as of September 2022
2. Roadside kerb - this will be realigned by the Highway Authority.
3. A bus shelter with real time information - will be provided via the financial contribution to be provided towards sustainable transport improvements within the JAAP area.
4. Car Parking- the recent plan reviewed (drawing 1545 PA 046) as requested and no concerns raised to spaces shown with dimensions of 2.4 by 4.8 metres accepted.

5. Car Share [Car Club] the applicant should confirm and liaise with the WSCC Travel Plan officer

### **WSCC Rights Of Way No Objection**

No objection to a tarmac surface for FP3556. We would need to see and approve the specification. As there is a shared pedestrian-cycle route linking to this, signage requesting cyclists to dismount would be necessary. A temporary path closure as part of any work.

**[Officer comment:** *This is covered by the recommended 106 Agreement (Table 4 (3)) and draft condition 16 can be amended as follows (italics)*

*16...plans, details and construction specification showing the proposed surfacing works, and details of signage for Right of Way no. FP3556 have been submitted to and approved in writing by the Local Planning Authority in liaison with the County Rights of Way Authority and shall be fully implemented prior to the occupation of the development hereby approved.’]*

**Health & Safety Executive (HSE)** - Request Internal Changes and Information. Internal staircases to be separated from each other and with separate access to the basement. Information concerning fire rating of external materials, including walls and balconies to satisfy risk of facade fire-spread. Also, confirmation that fire hydrants are served by a suitable water supply.

**Representations:** 3 additional objections (from 3 residents in Brighton Road)

- Overshadows lighthouse and Green. Impact on prominence of listed lighthouse due to overdevelopment
- Previous oversize unchanged in new application. Huge refinement still needed
- Four and more storeys double height of existing terraced houses to north, causing overshadowing and with blank facade to road and loss of privacy
- Lack of amenity space for new residents
- Visibility and safety concerns at road access.
- Parking is already well used by visitors to the Green & Beach, proposal will worsen inadequate parking for existing houses, low car usage is unrealistic
- No permeability towards river
- No in-principle objection but concerns regarding light, privacy, including rear garden form proposed tower; height contravenes tall Buildings Study; Height of eastern terrace should be reduced and tower block to 6 storeys, to create graduated appearance with Kingston Wharf; concern for fast traffic speeds and collisions at access; lack of parking will add pressure to on-street parking and parking at Beach, including RNLI parking.

## Planning Assessment

The provision of on site affordable housing is often preferable to off site provision and is encouraged in the adopted Local Plan. However, balanced against this is the fact that only shared ownership is being offered which is less effective at meeting the Districts acute housing need for rented accommodation (either social or at Local Housing Allowance (LHA) rent levels). In this case Members may consider that a contribution of £427k would be more beneficial and assist Adur Homes deliver more rented accommodation on some of its under-utilised land (i.e garage sites). The s106 can be amended to allow for this alternative approach.

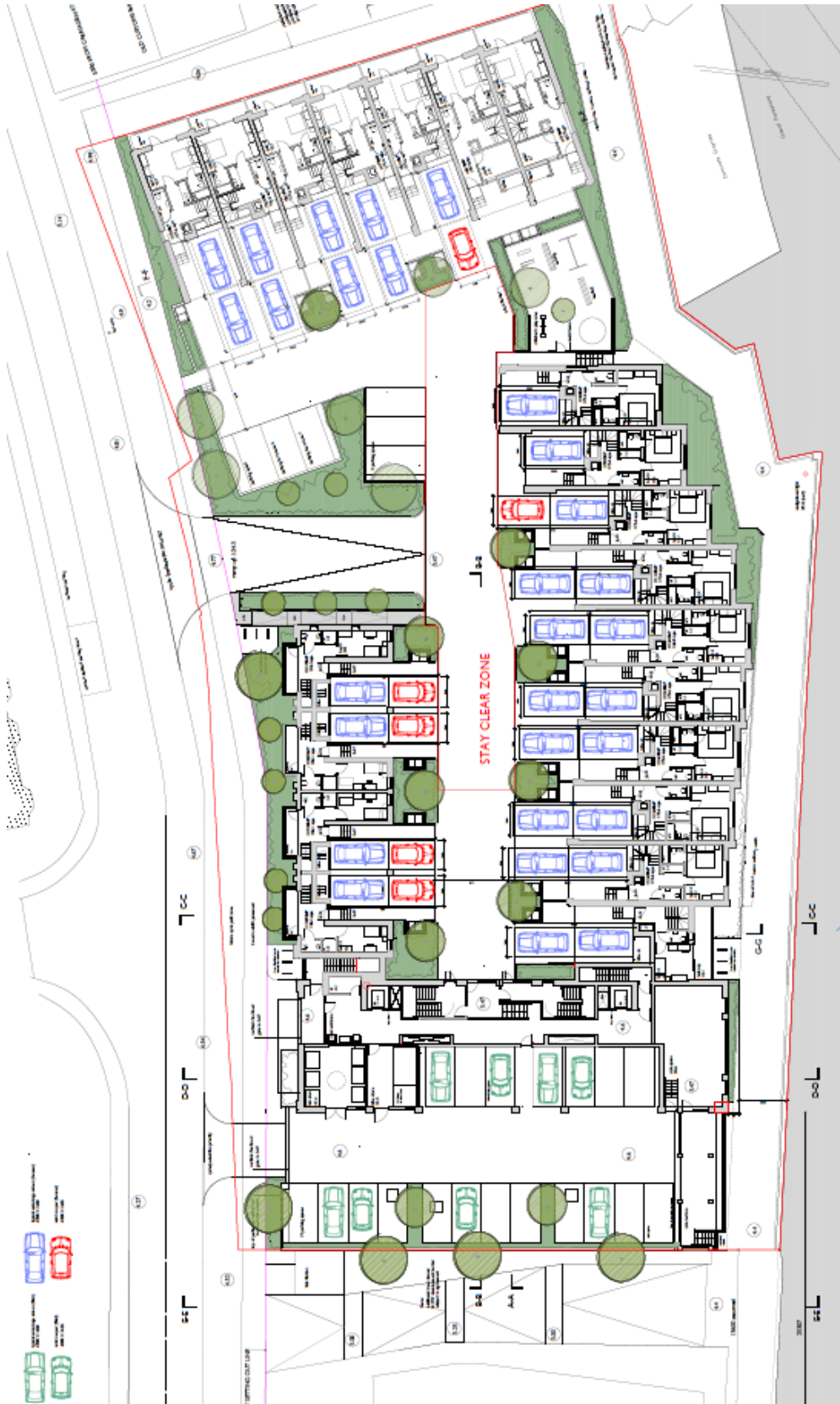
The applicant has confirmed that the proposed heat pumps for the flats on the scheme would be suitable for future connection to a District Heat Network. The type of heat pump involved would not involve any external pump as it effectively reuses exhaust air from within the flat and the only external alteration is a larger grill for each unit.

### Recommendation **(Amended to):**

**To approve and delegate authority to the Head of Planning and Development to grant planning permission subject to**

- i) **The receipt of amended parking plans *(to remove erroneous key)*;**
- ~~ii) **The receipt of a satisfactory updated Daylight & Sunlight Assessment amended parking plans;**~~
- ii) **The receipt of satisfactory comments from ~~Technical Services regarding drainage,~~ the HSE concerning Fire Safety and the Environmental Health officer concerning acoustic performance and overheating and ~~County Highway & Rights of Way Authorities regarding kerb realignment in Brighton Road and the surfacing of footpath FP 3556;~~**
- iii) **The completion of a s106 agreement securing on-site affordable housing and the development contributions set out in the report *and recommended in the addendum* other than minor variations agreed in consultation with the Chair of Planning Committee; and,**
- iv) **Subject to the following planning conditions *(including amendments to condition 6, 16 & 18 as recommended in the addendum)***

# Amended Parking Plan - 5 Brighton Road (AWDM/1962/22)



<b>Application Number:</b>	<b>AWDM/1314/22</b>	<b>Recommendation - To contest the appeal against the non-determination of the application within the statutory timeframe</b>
<b>Site:</b>		
<b>Land East Of 3 Salt Marsh Road, Shoreham-by-Sea</b>		
<b>Proposal:</b>		
<b>Proposed mixed use building set over 5no. floors comprised of ground floor commercial space (Use Class E) and 34 new apartments</b>		
<b>Applicant:</b>		
<b>Cross Stone (Shoreham)</b>		<b>Ward: St Nicolas</b>
<b>Agent:</b>		
<b>Mr Joseph Pearson, Lewis and Co Planning SE Ltd</b>		
<b>Case Officer:</b>		
<b>Gary Peck</b>		

### **Additional Supporting Information**

The applicant's agent expresses surprise at the number of refusal reasons and the concerns about the height, scale, bulk and massing of the scheme given the previous outline approval on the site. The agent refers to the fact that their appeal will be dealt with by way of an Informal Hearing on the 23rd May but his client would rather have a constructive dialogue with the Council about this scheme and resolve any outstanding matters or revisions outside the appeals process. A fresh application has been submitted but is, as yet, validated.

The Agent also comments that,

*The second reason for refusal appears to be based on several incorrect assumptions from the local highway authority. Firstly, they incorrectly assumed that references to the formal parking 'forecourt' to the north of the building were a reference to the section of pavement immediately adjacent to the commercial building rather than the actual formal parking forecourt to the north of it (this reference was only made in a superseded version of the Transport Statement so I am unsure why this comment has been reiterated in their updated comments). Secondly, they have incorrectly read the approved plans and access arrangements from the extant outline planning permission, which we addressed in detail at paragraphs 6.13 and 6.14 of our Appeal Statement. The secondary (southern) access and parking approved under AWDM/0935/13 served the proposed office units within the railway arches and not the proposed hotel (which had a ramped parking area accessed from the main access and below the building as proposed under this application). I can see where the confusion arises but the Transport Statement for AWDM/0935/13 approval clearly assesses the junction capacity for*



*the “residential / hotel / foodstore junction” separately from the “B1 / railway arches access”. These comments seem to be the sole basis for this reason for refusal (as well as being used as justification for the first reason for refusal), which is concerning given the fundamental inaccuracies.*

*Also note the misleading wording at reason 3 in respect of drainage (that “it has not been demonstrated” that an adequate drainage strategy has been provided), when we explicitly addressed all these queries in our updated Drainage Strategy submitted three months ago. The fact that this has failed to elicit any updated response from your Technical Services team in over three months is not a reasonable reason to refuse the application. This suggested reason for refusal will inevitably add to our client’s professional costs at appeal and therefore it’s pretty imperative that officers seek updated advice from your Technical Services officers on this point prior to the Committee.’*

## **Consultation Responses**

**Technical Services** - The main issue is the attenuation tanks as they are still located beneath the proposed building and therefore our previous comments on the 16/08/22 still stand in respect to item 5

*“The location of the proposed attenuation tanks is under the proposed building, this is not supported. As per policy, design must be maintainable and structurally sound allowing for reconstruction of crates within the development lifetime. The crates are also proposed to have a cover depth of only 0.15m, this is a very shallow depth and we query how achievable this is in practice. The scale of development may need to be reduced to ensure a policy compliant surface water drainage design.”*

**WSCC Highways** - Have indicated that they will review the additional information and Members will be updated at the meeting.

<b>Application Number:</b>	<b>AWDM/0018/23</b>	<b>Recommendation - Approve, subject to Deed of Variation</b>
<b>Site:</b>	<b>Shoreham Airport, Cecil Pashley Way, Lancing</b>	
<b>Proposal:</b>	<b>Extension of airport apron, use of spoil to relevel land and relocation of existing grass helicopter landing pad.</b>	
<b>Applicant:</b>	<b>Brighton City Airport Limited</b>	<b>Ward: Mash Barn</b>
<b>Agent:</b>	<b>DMH Stallard LLP</b>	
<b>Case Officer:</b>	<b>Peter Barnett</b>	

### **Additional Supporting Information**

The applicant has now provided a plan showing the proposed revised helicopter training circuit and this is appended to this update report.

The agent has also indicated that the airport would be happy to accept a planning condition restricting the use of the helicopter landing pad to daylight hours only. The agent recommends the following condition:

*“Use of the landing pad will be used during daylight hours only except for 10 days per annum on which it can also be used outside of daylight hours. For the purpose of this condition, daylight hours is defined as the hours of daylight including 30 minutes before sunrise and 30 minutes after sunset.”*

The agent also clarifies that the original S.52 agreement for Shoreham Airport already permits one session of night time training a week and therefore 10 days per annum is significantly below this.

### **Additional Representations**

A letter of objection has been received from AREA raising the following concerns:

*‘Adur Residents Environmental Action request that the above item be removed from the agenda for the March 6 Adur Planning Meeting for the following reasons:*

- *Lack of Notification - Local groups and residents, particularly those negatively affected by the alterations to the Area 3 and Area 4 pads, had no prior notice of this application and only became aware when it was put on the agenda. This is insufficient notice and goes against Adur’s requirement for community consultation.*

- *Lack of Consultation – The Withy Travellers community were not consulted. Their homes will be approximately 500 feet from Helicopter pad 3, which is to be extended and therefore more likely to see an increase in the number of flights. No assurance has been given that flight numbers will not increase.*

*NOISE – Nowhere in this document is there evidence of restricting or monitoring the number of flights. It states that there is no SIGNIFICANT change to noise levels for the Withy community because that section of the flight path will not have changed. As their site is already subjected to considerable road noise any increase is totally undesirable. In the planning application for NMF it was stated that noise levels on the A27 exceeded WHO standards.*

*It is also stated that only 30% of the flights will take off from the new pad 3. How many flights on average are there per week? 30% of what?*

*The enlarged pad 3 has been brought closer to the Withy site. That in itself will increase noise levels as training flights practice take off and landings. Maintenance of the helicopters will be noisy, testing engines. The Environmental Health officer expressed concern, quite rightly, about noise levels for Phase 2 of NMF and the proposed primary school. Why were no concerns raised about the effects on the Withy community? AREA Committee members have attended meetings on the site and discussion had to be halted as helicopters flew over. The residents have serious safety concerns about low flying helicopters and the children have been terrified that the helicopters would land on their homes.*

*There is lack of clarity on the proposed new flight plan and it is not detailed on the map. If, as stated, the new flight plan will take the helicopters over the former IKEA site then that will affect the Withy community whose site is just across the access road to NMF and the IKEA site.*

*In the summer there are longer daylight hours which means the noise of flights will be over a longer period of time.*

*Under the heading Residential Amenity it states that Area 3 is close to the Travellers' site. There was concern that noise from the proposed helicopter landing pad could cause unacceptable disturbance to residents. Yet NO NOISE ASSESSMENT was undertaken and no consultation carried out.*

*During construction the increase in noise and dust from the HGVs was considered but only in relation to the highway. Once again, effects on the Withy community were ignored. The HGVs will be using the roads which run directly beside their site on 3 sides. Why was no attention paid to the effects on this community?*

*Article 8 of the European Convention on Human Rights includes the necessity for respect for family life and, in Article 1, the non-interference with peaceful enjoyment of private property.*

*This alteration to Areas 3 and 4 will contravene Article 8 in that increased noise levels and pollution will inhibit the peaceful enjoyment of their properties. This*

*raises questions about why greater attention was paid to the needs of the NMF community than to the Travellers' community.*

*This community has already been treated with lack of respect and consideration of their needs. They were moved from their well- established, sheltered site to the new site on a mound of dirt which is exposed to the wind, air pollution and noise, surrounded by 3 roads and ditches with inadequate landscaping and loss of privacy. They have been living in unsafe and unhealthy conditions (ie.mould, dust, noise ) causing considerable stress.*

*In spite of meetings with WSCC councillors and officers and representatives from the construction companies involved, many of the issues after 2 years have not yet been sorted. WSCC is failing to fulfil their duty of care for these residents.*

*This community has suffered enough. They should not be subjected to yet more noise and air pollution. The effects on their health and quality of life must be seriously examined and action taken. It is totally wrong that they were not consulted, that no noise assessment was carried out, that they have been treated with so little respect and concern.*

*AREA would like to see evidence that the relocation and expansion of Pad 3 has been carefully researched and all alternatives have been considered. We also request that there be further clarification and detail regarding flight paths and frequency of flights.*

*AREA reiterates its request that this item be removed from the agenda until Adur fulfils its legal obligation to instigate full consultation with the Withy community and takes action to protect their human rights.'*

## **Updated Planning Assessment**

Unfortunately the residents of New Withy Park were not originally notified of the application as site notices were displayed. The residents were subsequently notified on the 22nd February and the recommendation reflects the fact that the expiry of the consultation period has not expired. In light of the concerns raised by AREA Members may want to defer this item, albeit any letters of representation received after Committee would require this application to be re-considered in any event.

The proposed helicopter training circuit does move closer to New Withy Park and this is currently being considered by the Environmental Health Officer. The applicant's agent has indicated that they would be willing to restrict flying to daytime hours but has requested that night flying be accepted at least 10 times a year. Your Officers have some concerns about how this could be enforced as a planning condition and it would be more effective if this was controlled by way of a legal agreement. The existing s52 agreement already restricts night flying to one session a week and the airport monitors compliance with this and other flight movements. As a Deed of Variation (DoV) is required to allow the

development to take place, the restriction on movements to daylight hours other than 10 sessions a year can be added to the DoV.

The Environmental Health Officer is currently considering the additional information and proposed training circuit and Members will be updated at the meeting.

### **Revised Recommendation**

**APPROVE, to be delegated to the Head of Planning to issue the decision, subject to the satisfactory comments of Environmental Health, the completion of a Deed of Variation allowing the development proposed outside the area of the original terminal buildings and restriction on helicopter movements, and the expiration of the publicity period, subject to the following conditions :-**

As per the Agenda apart from deleting condition 6 as this will be dealt with in the Deed of Variation to the original s52 Agreement.

Proposed Helicopter Training Circuit.

