



ADUR DISTRICT  
COUNCIL

Planning Committee  
7 December 2020  
Agenda Item 6  
Ward: ALL

Key Decision: Yes / No

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/1719/20**

**Recommendation – APPROVE,  
subject to Deed of Variation**

**Site: Land At 7 to 27 Albion Street, Southwick**

**Proposal: Application for minor material amendments to vary Condition 1 of previously approved AWDM/0954/18. Amendments: Reduction in glazing to north and south elevations and replacement with glazed-spandrel elements and additional brickwork; revisions to balconies and framing detail to front elevation; removal of framing elements to balconies on north elevation; change to brick colour on top floor, change from concrete to brick on ground floor.**

**2**

**Application Number: AWDM/1217/20**

**Recommendation – APPROVE**

**Site: Development site At 85 To 89 Brighton Road, Lancing**

**Proposal: Demolition of the existing care home and associated buildings at 85-87 Brighton Road along with the dwelling at 89 Brighton Road and the erection of a new three storey plus basement (C2 use) care home, associated parking and residents' gardens.**

**3**

**Application Number: AWDM/1544/20**

**Recommendation – REFUSE**

**Site: 66 Wembley Avenue, Lancing**

**Proposal: Proposed first floor extension to rear (west) elevation and 1 no. dormer to front (east) elevation.**

**4**

**Application Number: AWDM/1578/20**

**Recommendation – REFUSE**

**Site: 14 Southdown Road, Southwick**

**Proposal: Application for consent under Adur Tree Preservation Order  
Ref: 13.53/1/05/SW to fell and replace one Macrocarpa Tree  
T1.**

Application Number: AWDM/1719/20

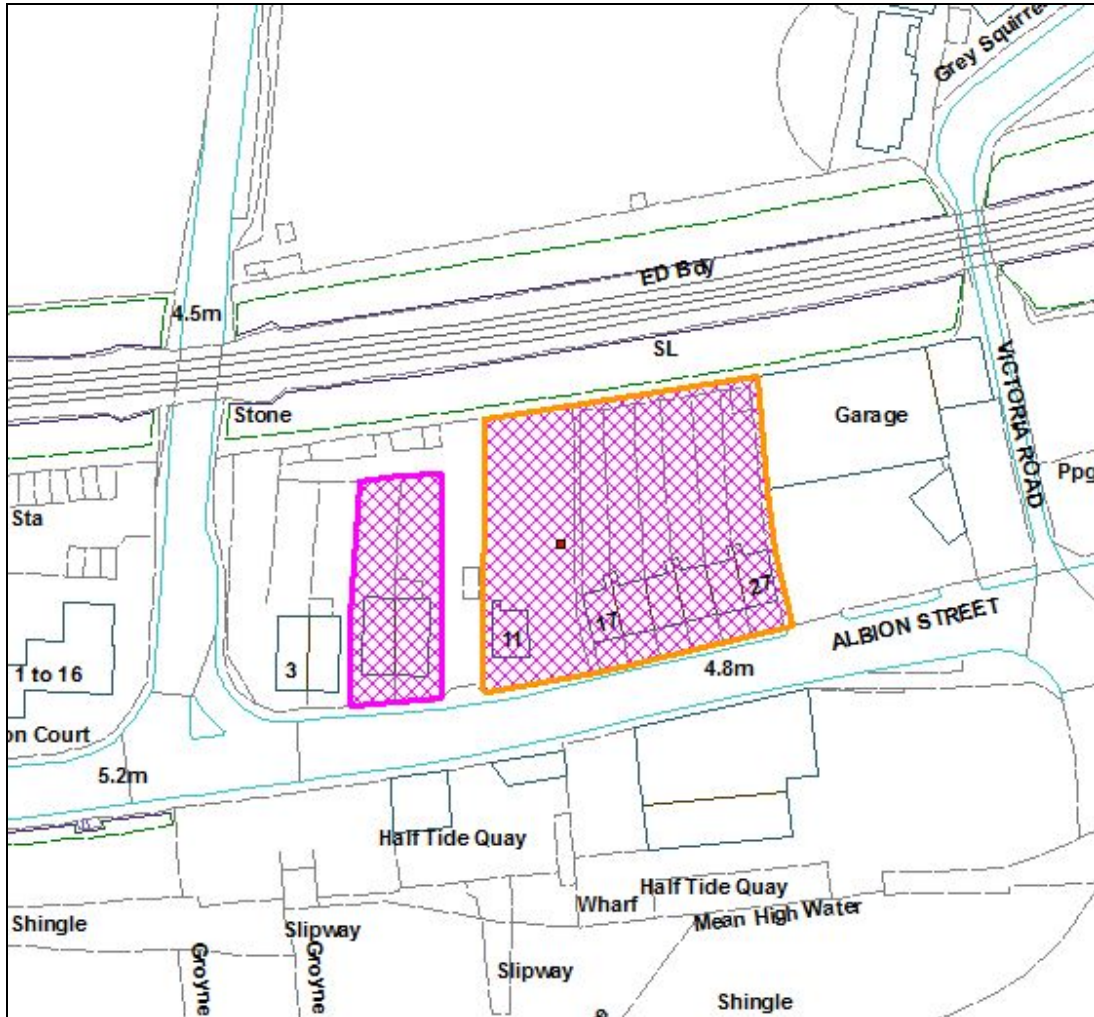
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Applicant: Adur Homes  
Case Officer: Peter Barnett

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 permission was resolved to be granted for the 50 affordable units, subject to completion of a s106 Agreement.

At the Committee meeting on 9 March 2020 the Committee was advised of an intention to increase the number of units to 55 in order to make the most efficient use of land. This was 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. An extension was also proposed on the fifth floor where a previously proposed 3 bed flat was split into 2no. flats. Permission was granted and finally issued on 5 May 2020 following completion of the s106 Agreement.

## **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 original Committee report described the proposal as follows:

*“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.”*

This application proposes a number of external changes following reconsideration of the build costs and overheating impact of large amounts of glazing on the front (southern) elevation.

At the front, some of the clear-glazed windows are to be replaced with spandrel-glazing elements (opaque glazing) to reduce heat-gain. The balcony design has been amended by aligning them between floors and to accord with the revised glazing pattern.

At the rear the north elevation has been simplified by removing the framing element altogether in order to reduce construction costs. It was also considered that the framing to the north was less important, being on the least visible side of the building, where it faces the railway embankment.

An enlargement of the top floor of the building was previously approved and, with the reduction in framing on the north elevation, a change of colour is proposed to the top floor element. It is proposed that it will be finished in a grey brick compared to the buff of the original approval, in order to provide more of a contrast and to tie in with the grey framing proposed for the front.

The final minor change to both north and south elevations is to propose the change of concrete cladding to grey brick, on the ground floor storeys of both Blocks 1 and 2 as brick is considered to be a more pleasing finish.

## **Consultations**

**West Sussex County Council:** Based on the information submitted there would not be any changes to the previously advised highway comments. The changes as part of this application appear to be predominantly to the design and not affect previously agreed highway comments

The **Technical Services** Officer has no objection to the proposed changes. We would like to take this opportunity to remind the applicant of the need for winter groundwater monitoring and winter infiltration testing to inform their surface water drainage design.

## **Representations**

None received

## **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 (WSSC 2003)

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

Permission has already been granted for 55 flats and there is no objection in principle therefore to the proposal subject to consideration of the impact of the external changes on the overall design, form and appearance of the development.

### ***Design, Form, Appearance and Density***

The amendments are material, in that they alter the appearance of the proposed building, but they are not considered to compromise the overall character and design of the scheme. The reduction in the amount of glazing on the southern elevation is a necessary change in order to protect future residents from overheating. The use of spandrel glazing is considered to be an acceptable alternative which does not result in a 'solid' appearance and therefore maintains the original design concept.

The accompanying changes to the balconies and their relationship with the windows is also considered to be an acceptable amendment.

The biggest change is to the rear elevation where the framing element is to be removed. The original concept was to have a consistent design across the whole building but the framing element will be an expensive detail to construct and it was considered that to remove the framing from the rear elevation would be an acceptable cost-saving without compromising the appearance of the building in its principal views from the south. The rear of the building will face the railway embankment and will not be as widely visible as the front. Views of the rear will be possible from the Conservation Area to the north but these are more distant views which will be partly screened by the embankment and trees. While the rear elevation is plainer as a result of this change, it is still considered to have an acceptable appearance overall, with its staggered projections helping to break up the mass of the elevation.

The other change is to the top floor, where a change in material is proposed. The use of a grey brick will tie in with the grey framing proposed for the front of the building and will provide a good contrast with the buff brick used elsewhere, helping to add interest to views of the side elevation in particular.

The final change from concrete to brick on the ground floor is also acceptable in visual terms.

Overall, the changes are considered to be acceptable as they will preserve the character and the original design concept of the building and continue to result in a striking development providing much needed affordable housing in the area.

### **Recommendation**

Subject to completion of a satisfactory Deed of Variation to the original section 106 Obligation

### **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. To be carried out in accordance with Construction Method Statement as previously approved
7. To be carried out in accordance with contaminated land remediation strategy previously approved
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<sub>x</sub> emission rate of less than 40 mg/kWh of dry NO<sub>x</sub> (at 0% O<sub>2</sub>).
14. Samples and schedule of materials.
15. Strip of land to be reserved as highway for provision of future cycleway
16. 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.
17. Cycle parking
18. Vehicular access
19. 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.
20. Water consumption
21. Refuse storage
22. All dwellings hereby approved shall be occupied at all times as affordable rented homes as defined by the NPPF.
23. Archaeological written scheme of investigation

7<sup>th</sup> December 2020

Application Number: AWDM/1217/20

Recommendation – APPROVE

Site: Development Site At 85 To 89 Brighton Road, Lancing

Proposal: Demolition of the existing care home and associated buildings at 85-87 Brighton Road along with the dwelling at 89 Brighton Road and the erection of a new three storey plus basement (C2 use) care home, associated parking and residents' gardens.

Applicant: Vesta Care Homes Ltd.  
Case  
Officer: Peter Barnett

Ward: Churchill



Not to Scale

## Proposal, Site and Surroundings

The site is approximately 0.26 hectares in size and comprises the existing Mount Hermon care home at 85-87 Brighton Road as well as the buildings at 87A and 89 Brighton Road. The existing care home is accommodated in a two-storey pitched roof building with some accommodation at roof level. There is a large two-storey extension to the rear as well as a single storey garage block adjacent to the northern boundary. There is car parking both at the front of the care home (adjacent to Brighton Road) and to the rear, the latter being served by the private road that runs between the site and the neighbouring property at no. 83 Brighton Road (Cavatina Lodge).

No. 87A Brighton Road is a former dwelling house currently occupied for storage in connection with the existing care home. No. 89 Brighton Road is a two-storey dwelling that sits directly at the roundabout junction.

It is proposed to demolish all of the buildings within the site and to construct a three storey contemporary building to provide a new 66-bedroom care home (Use Class C2). The home will be registered with the Care Quality Commission (CQC) and will provide 24-hour support and care for the frail elderly, meeting a full range of residential, nursing and dementia care needs. The applicants anticipate that when fully occupied the facility could employ up to 40 members of staff split between full and part time roles. 6 to 10 members of staff will be employed on a full time basis working over 30 hours per week.

The Planning Statement submitted with the application describes the proposal as follows:

*“The building will be predominantly three storeys in height together with a part basement level. The articulation of the elevations, together with the treatment of the roof form and the use of a varied palette of high-quality materials, allow for the building to read as a series of distinct elements, thereby breaking up the overall mass.*

*The positioning and orientation of the building within the site allows for new garden and landscape spaces to be created and serves to respect the amenity of neighbouring occupiers.*

*Access to the site will be from Brighton Road via two of the existing site entrances, with the access adjacent to the pedestrian crossing being closed off. The access points will serve a total of 10 car parking spaces and will be provided to the front (6 spaces) and side (4 spaces) of the care home, plus one delivery /ambulance space to the rear.*

*High quality landscaped spaces will be provided throughout the scheme providing an important amenity space for prospective residents and complementing the setting of the building.”*

The building will be flat roofed but with taller pitched roof gable features at either end and centrally to create a varied roof profile and to add visual interest. White render and red coloured standing seam zinc cladding are proposed for these projecting gable features and elsewhere on the building, plus light grey brickwork.

The building has a reduced massing at its western end to mitigate any impact on No.83 (Cavatina Lodge). At its eastern end it will 'turn the corner' and face the roundabout junction at the bottom of South Street. The gable feature at this end has been reduced in height from that shown in the original submission in order to be more consistent with the height of the Beach Green Hotel to the north. While reduced, it still provides a strong feature and focal point at this prominent junction, as envisaged in the original design.

The site lies within a mixed area facing Beach Green. To the north-east, beyond 89 Brighton Road, is the Beach Green Hotel which is arranged over three storeys to the road frontage and with single and two storey extensions to the rear. Permission was previously granted for a substantial redevelopment of the hotel but this permission has lapsed (AWDM/0721/17).

Beyond the Beach Green Hotel, along South Street, are commercial and residential properties and a new block of contemporary 4 storey apartments (Sunbeam).

To the west, adjacent to 85 Brighton Road, is a three-storey guest house (Cavatina Lodge) which is separated from the subject site by a private driveway providing access to a block of garages to the rear. It then leads to a footpath linking with Chester Avenue to the north. At the rear of the site is 22a Chester Avenue, a chalet bungalow with rooms in the roof.

The application is supported by a Design and Access Statement, Planning Statement, Transport Statement, Air Quality Assessment, Energy Strategy Report, Drainage Strategy, Noise Impact Assessment, Contaminated Land Assessment and a Daylight, Sunlight and Overshadowing Assessment.

The application is for Major development, comprising 3438sqm gross new floorspace.

### **Relevant Planning History**

AWDM/1749/14 – Demolition of flats (Nos. 87A and B) and construction of two-storey extension (13 additional bedrooms) to nursing home at Nos. 85/87 Brighton Road

AWDM/0916/17 - Application for minor material amendment to approved application AWDM/1749/14 (for demolition of flats (Nos. 87A and B) and construction of two-storey extension) including construction of dormer windows to front roofslope, lift shaft extension at rear and new design for stair enclosure to side.

### **Consultations**

**West Sussex County Council:** The **Highway Authority** has no objection but requires the following before giving final assent to the proposal:

- a road safety audit log consistent with Table F.4 of highways standard GG 119
- demonstration on a drawing of the visibility available at the two site entrances.

The authority does not object to the principle of the proposed use.

A detailed analysis has been carried out of the estimated vehicle trip generation of the new care home using the Trip Rate Information Computer System (TRICS). The following output is shown in table 6 of the transport statement (TS) submitted with the application:

The authority agrees with the TS that these traffic figures are unlikely to have a significant effect on highway capacity or safety in the locality.

Concern was expressed by the authority at an early stage that efforts should be made to attain more vehicle parking on the site, consistent with the size of the development. Considerable effort has been made within the TS to justify the provision of ten car parking spaces. This included estimates of parking accumulation throughout the day within the current and proposed uses. Given the modest traffic generation of the site and the nature of the proposal, the authority does not see any reason to query the ten spaces. In paragraph 3.11 of the TS it is stated that Brighton Road has no traffic regulation orders nearby and we assume that this is an oversight.

Parking for bicycles is proposed with the details required by condition.

Considerable weight is placed in the TS on the availability of walking, cycling, bus and train facilities near the site, together with the provision of a green travel plan (TP). These are assumed to damp down the demand for car travel to and from the site. We agree that there are ample opportunities for both staff and visitors to travel by means other than the private car. Tables 1 in the TS & TP severely underestimate the service frequency of bus 700 and we assume that this is an oversight. The travel plan itself should contain more detail on the wide variety of travel initiatives available in West Sussex. Further information can be found on the Travel & Public Transport pages of the County Council's website. The final plan should also include a named travel plan coordinator for the development. A planning condition is suggested to cover these matters.

A road safety audit was included in the planning submission. The audit includes comments on the site accesses and frontage parking. The TS has agreed the actions recommended by the audit team and the highway authority does not defer. All tracking drawings suggested by the audit have been included in the TS and do not highlight specific problems with vehicle access, although we note that some vehicle turning on land outside the applicant's control may be necessary.

The Lead Local Flood Authority has advised that current surface water mapping shows that the proposed site is at low risk from surface water flooding but at high risk from groundwater flooding. There are no records of surface water flooding within the confines of the proposed site. The Drainage Strategy and SuDS Appraisal for this application propose that sustainable drainage techniques (green roof, permeable paving and possible soakaway) would be used to control the surface water run-off from this development. While we did not object to this application, following the drainage hierarchy, the disposal of surface water via infiltration/soakaways should be

shown to have been fully investigated, in conjunction with the District Drainage Engineer.

**West Sussex Fire and Rescue Service:** No objection subject to the provision of an additional fire hydrant. Currently the nearest hydrant is 125 metres away. The supply of water for firefighting for commercial premises should be within 90 metres.

**Adur & Worthing Councils:** The **Environmental Health** Officer advises that the area of development has been identified by DEFRA as an area severely affected by traffic noise, a high risk site for noise under Pro PG, yet the applicant's acoustician is using noise data obtained from a planning application in Lancaster, a medium risk site for noise under ProPG, and applying it here. As a result the noise affecting the development has been underestimated and the proposed noise mitigation is lacking.

In addition, the South facing living units fronting the Brighton Road will be required to keep windows closed to achieve good internal noise levels and yet no separate overheating assessment has been undertaken or considered when proposing the noise mitigation and ventilation schemes. We must remember this development is for elderly residents who are vulnerable to extremes in temperature. I would refer the applicant to Acoustics Ventilation and Overheating, Residential Design Guide Version 1 January 2020.

Recent applications along Brighton Road in Lancing have reported daytime levels of 72dB(A) 16hr and 65dB(A) 8hr with typical maximum noise levels of 80dB(A) regularly recorded at night. The applicant's acoustician is using 65dB(A) 16hr and 54dB(A) 8hr and has not provided Lmax data.

I would advise that this current application be put on hold until the relevant assessments discussed above have been completed. Under ProPG the acoustic environment should determine the final design of the development that the applicant is seeking permission for.

I have no objections to the application in principle and should permission be granted at a later date I would recommend the following conditions and informatives.

- Full contaminated land condition as the area of development is a former brickfield.
- A Demolition and Construction Management Plan condition, to include hours of demolition/construction and deliveries, traffic management, dust control, material and waste handling, management of the Highway etc...
- A condition confirming the agreed acoustic and ventilation design.
- Nadeem has asked that the applicant follows the Sussex AQ Guidance so the relevant AQ condition needs to be applied.
- A demolition notice informative.

**Further Comments following receipt of noise report** – the new proposed glazing performance specified in Table 5.2 of the new report seems more realistic, based on the noise environment. Three ventilation options have been provided in the report, but given the coastal position of the development the South facing orientation of rooms facing the noise source and the fact that windows will be required to be kept closed to achieve the required noise standards; I would recommend the ADF System 4 for those rooms affected by the traffic noise. I would ask that a condition be applied to any permission specifying the glazing set out in table 5.2 and requiring Mechanical Ventilation with Heat Recovery and summer bypass for all of the affected rooms.

The **Engineer** has the following comments on flood risk and surface water drainage:

Flood risk- The application is within flood zone 1, the site is shown as not being at risk from surface water flooding. It is anticipated that seasonal groundwater levels may be high. We therefore have significant concerns regarding the proposals for a basement here.

Surface water drainage- the proposals are for a large building to be constructed. There are no watercourses or public surface water sewers nearby. Therefore it is evident that infiltration should be utilised here if possible to keep water out of the foul sewer. The undeveloped space available is very small when 5m easement to building and the highway is taken into account. Significant flat roof expanses are proposed, we would recommend that the use of green and blue roofs is further considered, in tandem with the use of infiltration.

We would like to place a HOLDING OBJECTION on this application until a sufficiently considered and evidenced surface water drainage strategy is submitted and the risk posed by groundwater flooding are also adequately assessed. This must be supported by winter groundwater monitoring and winter infiltration testing. We would recommend that the applicant gets in contact with us at the earliest opportunity to discuss the duration, details and extent of this monitoring.

It is essential to establish if there is adequate space for surface water drainage prior to agreement of site layout. Drainage should be a fundamental consideration in design. Failure to secure a robustly evidenced implementable drainage strategy at this stage will likely unduly prejudice the drainage design and result in proposals failing to meet policy requirements.

**Subsequent Comments:** The Engineer advises that she has gone back to the applicant asking for a strategy plan for drainage option 2 and a groundwater reading at the next spring tide. Hopefully once this information is provided she will be able to remove her holding objection and leave details to our standard conditions. An update will be provided at the meeting.

The **Trees and Landscape** Officer has no concerns regarding trees for this proposal, and considers the landscape Strategy to be acceptable.

**Southern Water:** No objection subject to details of foul and surface water drainage being reserved by condition

**Lancing Parish Council:** No objection

## **Representations**

**Original Plans:** 6 representations received from the owner/occupiers of 81 Brighton Road, Cavatina Guest House, 83 Brighton Road, 14, 22, 22A, 24 Chester Avenue:

- Concern at impact on adjacent guest house business with the noise, dust and heavy lorries going up and down the twitten at the side of the property. The twitten is already in a very bad state of repair and this is the only way to get to the back of the house and garage.
- The introduction of heavy vehicles along the private road will break up the surface of the access which was originally paid for by the owners of the garages to the specification 'Cars and Light Vans Only' because of drainage to the area.
- Health concerns about cement and concrete dust.
- Traffic disruption to the A259, increased traffic, air pollution
- Disruption and danger of use of unadopted private road and link to the seafront via Chester Avenue, which is a major pedestrian thoroughfare
- Increased use of private road due to proposed parking and ambulance access at rear
- Inadequate parking provision will lead to cars parking in Chester Avenue
- Large scale redevelopment, overdevelopment
- Dominant and bulky building
- Loss of sea view
- Out of scale
- Loss of light
- Overlooking
- Inappropriate location for a large care home
- Safety of patients at risk
- Where will delivery vehicles park?
- Would wish to see existing boundary wall to rear retained

**Amended Plans:** To be reported

## **Relevant Planning Policies and Guidance**

Adur Local Plan 2017 Policies 9, 15, 18, 28, 30, 33, 34, 35, 36

Sustainable Energy SPD (August 2019)

Lancing Vision 2012

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

National Planning Policy Framework (February 2019)

## **Relevant Legislation**

The Committee should consider the planning application in accordance with: Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions,



or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

## **Planning Assessment**

### ***Principle***

The application proposes the demolition and redevelopment of a care home to provide enhanced care facilities for the elderly, particularly those suffering with dementia. Policy 33 of the Local Plan supports the provision of improved social and community facilities, including healthcare facilities.

The proposal involves the loss of one dwelling but Policy 20 of the Local Plan state that:

*“In order to protect the existing residential stock, proposals which result in the loss of dwellings to non-residential use will not be supported. An exception may be made if the loss would facilitate the provision of a community facility.”*

Furthermore, Policy 20 states

*“New residential development for older people, including specialist retirement accommodation and registered care homes, in both affordable and market tenures in accessible locations within the Built Up Area will be supported.”*

Consequently, while there will be a net loss of one dwelling (two, if you include the property at 87A Brighton Road which is already in use as storage in connection with the existing care home and which has previously received permission to be demolished as part of an earlier extension proposal), the development will provide an additional 36 care bedrooms over the existing. Overall, the proposal is considered to offer valuable care facilities and there is no objection therefore to the principle of this development.

The main considerations will be the visual impact of the new building, the impact on residential amenity and parking and access.

### ***Density, character and appearance***

The existing care home and dwelling on the site have a traditional appearance with a roof height that is largely consistent with neighbouring buildings. The proposal will replace the buildings with a continuous mass of built form, some 58m in width. The increased mass, height and contemporary form of the building will have a significant impact on the street scene. However, such development may be acceptable if it is considered to be *“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”* as required by Policy 15 of the Adur Local Plan.

A height comparison plan submitted with the application shows that the new building will be lower than existing at its western end and reasonably consistent with the height of the existing care home building. The main difference in height was at the eastern end (other than the projecting gable elements) where it increased by 0.5m over 87A Brighton Road and, more significantly, by 3.5m over 89 Brighton Road.

Your officers were concerned at the scale of the building at the eastern end and its proximity to the boundary with the hotel to the north. The ridge height of the end gable would have been 1.5metres higher than that of the hotel and would have been overly dominant in the street scene on this prominent corner. Following discussions with the applicant, the gable has been reduced in height to be the same as that of the hotel. It has also been brought off the boundary with the hotel, with a lower, recessed flat roof element introduced, similar to that proposed at the western end.

It is considered that with these design changes the proposal will have an acceptable impact on the street scene and in longer views from Beach Green and the A259. The contemporary form and use of materials will complement the Sunbeam development recently completed in South Street and will enhance this important corner site, providing a striking development at the gateway to the beach and South Street.

### ***Residential amenity – for proposed occupiers***

The proposed residents will have a new landscaped garden and the care home facility will provide facilities such as a communal lounge/dining room with views across to the sea and balconies at first and second floors. Minimum bedroom size will be 15m<sup>2</sup> but there are a variety of room sizes and facilities.

Due to the proximity of the site to Brighton Road, a noise survey has been carried out and the recommendations put forward in the noise report will need to be secured by condition. These include the provision of robust glazing on the frontage and mechanical ventilation. The Environmental Health Officer agrees with the recommendations and has requested a condition specifying the glazing set out in the report and requiring Mechanical Ventilation with Heat Recovery and summer bypass for all of the affected rooms.

### ***Residential amenity – effect on existing dwellings***

The proposed building will present a greater mass of built form than existing but consideration has been given to its impact on neighbouring occupiers.

To the west, Cavatina Lodge is a three storey dwelling in use as a guest house. It has windows facing the site within a dormer on the roof slope and within the side wall. The property is separated from the site by an access road to garages at the rear and the new building will be approximately 7m from the side of Cavatina Lodge. The height comparison plan shows that the new building will be lower than the existing at its closest point to the western boundary, being a flat-roofed two storey element, only just above the eaves height of Cavatina Lodge. It is considered that the separation and height of the building at this point results in an acceptable relationship with Cavatina Lodge.

To the rear the nearest affected property is 22A Chester Avenue, a chalet bungalow with a dormer in the rear roof slope overlooking the site. The new building is generally over 40m from the rear of 22A but there is a 14m wide three storey projection at the rear which is closer at 28m, in accordance with the Council's guidance on separation distances for 3 storey buildings, but it does reduce to 27m to the rear of the conservatory on the ground floor of 22A. However, it should be noted that there are only 2 windows on the upper floors within that element, both of which have been designed to be angled away from 22A and which serve corridors only. While the residents of 22A may lose some distant views due to the mass of the building and the closing of existing gaps between buildings, the separation distances involved ensure that there will not be any harm caused by overlooking or loss of light or outlook.

To the east, the site adjoins the Beach Green Hotel and the increased spacing and reduced bulk to the boundary following the submission of the amended plans will help to improve the relationship between the buildings. The increased spacing also helps in distant views for the dwellings at the rear.

### ***Accessibility and parking***

The development will provide 10 car parking spaces at the front and side of the building including 2 disabled bays, and an ambulance bay at the rear, plus cycle parking. Two access points off Brighton Road will be retained with a third closed up.

A Transport Statement (TS) and Travel Plan have been submitted with the application. It is acknowledged that the proposed parking provision will be less than expected for a development of this size and type. However, the TS advises that:

*“The site is located in a highly sustainable location with both staff and visitors having access to significant pedestrian and cycle infrastructure surrounding the site together with frequent bus and rail services that operate early morning to late at night. Staff will have excellent travel choices resulting in less private car travel and therefore reduced parking demand.”*

The TS includes a parking demand survey which predicts that the maximum number of spaces that will be required on a typical day is 14. During the majority of the day there are only 4 periods where the projected parking demand will be in excess of the 10 spaces provided (9am-10am and between 1pm and 4pm).

The TS goes on to advise that:

*“Parking on site will be set aside for management of the facility; with spaces specifically identified for members of staff. No other staff members will be permitted to park on site apart from any staff members that have mobility issues; these will use the disabled bays provided. All other staff will be required to commute to site via sustainable means and a package of measures are provided within the accompanying Travel Plan to facilitate this.*

*All other spaces are allocated for visitors although due to the location of the site it is anticipated that a high percentage of visitors will be able to travel via sustainable means. Located a short walk from the site is Lancing Beach car park which has*

*capacity for up to 200 spaces and only charges £1.50 per day. This car park could be used by visitors who are unable to travel by any other means by car or indeed any staff member that is unable to travel sustainably.”*

A Road Safety Audit has also been carried out in respect of the site accesses and frontage parking and West Sussex Highway Authority has agreed with the proposed actions. They have also considered the TS and agree that the estimated traffic figures are unlikely to have a significant effect on highway capacity or safety in the locality. They have also accepted the parking provision on the site and have not raised an objection to the proposal, subject to conditions to secure the Travel Plan, a Construction Management Plan, access and parking.

Residents have expressed concern at the use of the access road for the ambulance bay and for parking cars along the west side of the care home. The road links with a footpath which is a popular access route between Chester Avenue and the beach. However, it is not considered that the occasional use of the road by an ambulance and for access to 3 parking bays is likely to cause an increased safety risk to pedestrians. The access road is already in use by cars using the garages at the rear of Cavatina Lodge and the relatively low level of increased activity is not considered to be sufficient to raise safety or amenity concerns.

Concerns have also been raised about the possible disruption to users of the footpath during construction. Final construction management details will be reserved by condition in order to minimize any inconvenience.

### ***Sustainable and resource efficient buildings***

The application is supported by an Energy Strategy Report which states that the development proposes to include renewable energy technologies, namely Combined Heat and Power (CHP) and Air Source Heat Pumps (ASHP) in order to reduce carbon emissions. The report estimates that both these technologies would amount to an 11.25% saving of overall energy use. This would accord with the Council's Energy SPD and Policy 19 of the Local Plan which specify a minimum 10% predicted energy demand from renewable sources.

Other sustainability measures include:-

- Rainwater harvesting for use in the gardens.
- Permeable paving / SUDs.
- Extensive Green Roof.
- Consideration and review of sustainable sourced materials.
- The salvage/re-use of materials from both the exterior/interior of the demolished building.

Policy 19 of the Local Plan requires all new non-domestic development to achieve a BREEAM Very Good rating and the applicant has confirmed that the building will achieve that rating. This can be secured by condition.

### ***Flood Risk and Drainage***

The application is supported by a Drainage Strategy which advises:

*“The proposed development will not result in any increase in impermeable area but will allow for removal of existing impermeable surfacing to be replaced with permeable surfaces such as within the car park areas.*

*The building consisted of a mixture of pitched and flat roof areas. The rear flat roof is proposed as a green roof of 115m<sup>2</sup> which will see runoff controlled mimicking natural processes whilst also providing enhanced thermal properties reducing the buildings energy consumption. The main method of drainage for the site is proposed via infiltration.”*

There are two drainage options set out in the drainage report and our Engineer has requested further ground water monitoring information before finalising her comments on the proposal. It is hoped that these will be reported at the meeting.

## **Recommendation**

### **APPROVE Subject to Conditions:-**

1. Approved Plans
2. Standard 3 year time limit
3. Materials
4. Access
5. Access closure
6. Cycle parking
7. Vehicle parking and turning
8. CMP
9. Travel Plan
10. Provision of fire hydrant
11. Contaminated land
12. Details of acoustic and ventilation design
13. Foul and surface water drainage details to be submitted and approved
14. Independent assessment to be carried out to ensure building meets BREEAM Very Good rating/ minimum 10% predicted energy demand from renewable sources to be secured as per submitted details
15. Drainage details to be agreed
16. Acoustic protection and ventilation details to be submitted and agreed
17. Landscaping
18. Boundary treatment
19. Ecology enhancement measures

Application Number: AWDM/1544/20

Recommendation – REFUSE

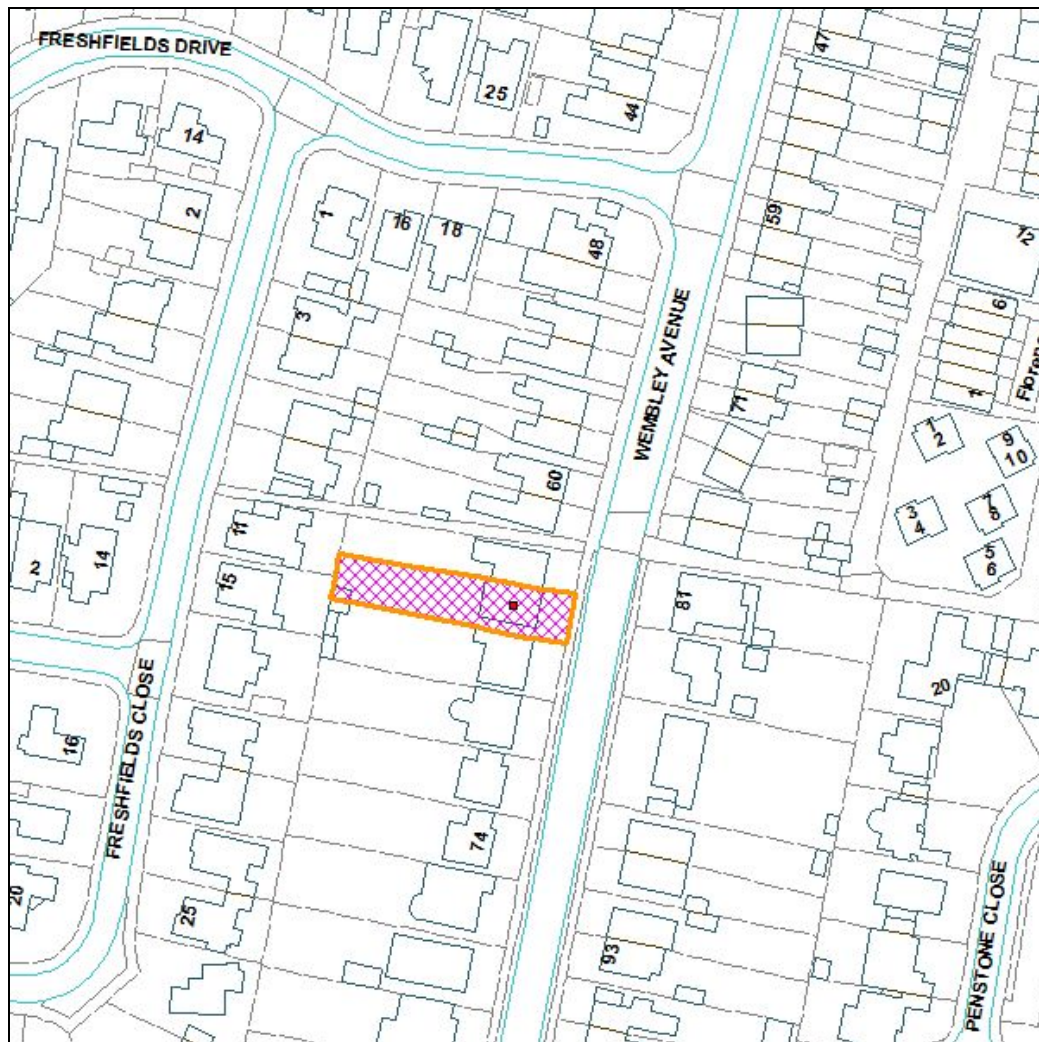
Site: 66 Wembley Avenue, Lancing, West Sussex

Proposal: Proposed first floor extension to rear (west) elevation and 1 no. dormer to front (east) elevation.

Applicant: Mr Simon Johnson and Miss Rachel Dyer

Ward: Churchill

Case Officer: Hannah Barker



Not to Scale

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### Proposal, Site and Surroundings

The application relates to a semi-detached bungalow on the west side of Wembley Avenue Lancing. There is off street parking to the frontage with a single storey extension to the rear and a rear flat roof dormer. The bungalow currently has four bedrooms, two at ground floor and two within the roof space. Consent is sought for a

rear first floor extension above the existing single storey extension to extend from the existing rear dormer and connect with the existing roof space. In addition a front flat roof dormer is proposed. This will provide three bedrooms, a study and a shower room on the first floor.

The first floor projection will follow the same height as the existing dormer, projecting in line with the ground floor extension. There will be a set in from the boundary of the attached bungalow of 1.5 metres. The ground floor projection is 3.2 metres and the first floor projection is 3.9 metres. Although the bungalow is currently brick and tile the submitted plans show the extension to be finished with render and the front dormer is shown to have white cladding.

The applicants have provided information in support of their application. A letter has been submitted by the applicant and in summary states: -

For the last 15 years we have been fostering children and are registered foster parents with Brighton and Hove City Council.

We have 3 children of our own also.

We have applied and have been approved for the additional room's scheme by Brighton and Hove City Council, (Details of which have been submitted with the application.)

The extension proposed will enable us to accommodate another foster child and continue to foster children for the next 10 to 15 years.

**Lancing Parish Council:** - No objection

## **Representations**

3 letters of support have been received from the owner/occupiers of nos. 68, 64 and 83 stating the following: -

- There will be no loss of privacy due to the heavy hedgerow surrounding the rear of the bungalow. It will be in keeping with the area and have no impact on the character of the bungalow.

## **Relevant Planning Policies and Guidance**

Adur Local Plan 2017

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

National Planning Policy Framework (February 2019)

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions,

or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

## **Planning Assessment**

### ***Principle***

The proposal comprises upgrading the existing housing stock located within the built up area and can be supported in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the dwelling and its surroundings. The need for the additional accommodation as stated by the applicants is also a consideration here.

### ***Visual amenity***

Although there will be glimpses of the rear first floor extension to the side of the bungalow visible within the street scene. On the whole the rear extension will not be visible within the street scene. The development will however be visible to the rear from surrounding neighbouring dwellings. In terms of its scale, bulk and design it will be an incongruous and unsympathetic enlargement which will represent poor design and over development. It will be out of character with the existing bungalow by effectively extending the existing dormer over the ground floor extension to form a full first floor addition to a chalet bungalow. Such development is detrimental and would set a precedent for further similar development on other chalet bungalows within the vicinity which would cumulatively be significantly harmful.

To the north is a semi-detached dwelling, no 68. This property has a large two storey flat roof extension to the side. This extension is of poor design and is an example as to why this form of development is harmful. The flat roof bulky, unsympathetic design of the existing development will be adjacent to the proposed development of flat roof development dominating the existing bungalow. The two developments combined will be severely detrimental in character to the existing built form and further similar proposals should therefore be resisted.

The front dormer is modest and is in proportion with the existing roof slope, in terms of the street scene, there are a variety of property styles and therefore such a development would be acceptable.

### ***Residential amenity***

The rear extension will be visible from properties either side and to the rear of the site. The main properties to be affected are those either side, no. 64 to the north the attached bungalow and no. 68 to the south. As stated above the extension will be set in by 1.5 metres from the boundary with the attached bungalow. However being at two storey height this will be imposing to the adjacent occupiers despite the set in. There are patio doors adjacent in a recess and it is considered that the proposed development which is to the south of the development will be unneighbourly in terms



of overbearing impact, due to the height and scale of development. It is noted that the owner/occupiers have made representation in support of the development.

To the south is a semi-detached dwelling house with a large flat roof, two storey side extension. The first floor section of proposed development will extend further to the rear than the rear of the adjacent dwelling, (excluding the conservatory projection.) Due to the spacing between the buildings it is however not considered that any loss of light, privacy or overbearing impact will occur however this will be a large imposing feature when viewed from the neighbouring garden.

### **Other material considerations**

The applicant's requirements for the additional accommodation proposed here are considered here as a material consideration. The reasons for the proposed development have been fully considered in this case, however this does not justify the harm which will occur as a result of the proposed development. Therefore the development cannot be supported here.

### **Recommendation**

**REFUSE** for the reason(s):-

The proposed first floor extension due to its height, bulk and design will result in an incongruous and unsympathetic form of development which will be detrimental to the character and amenities of the local environment. It would set a precedent for further development which would cumulatively have a severely harmful impact thereby conflicting with policy 15 of the Adur Local Plan.

7<sup>th</sup> December 2020

Application Number: AWDM/1578/20

Recommendation – REFUSE

Site Address: 14 Southdown Road Southwick BN42 4FT

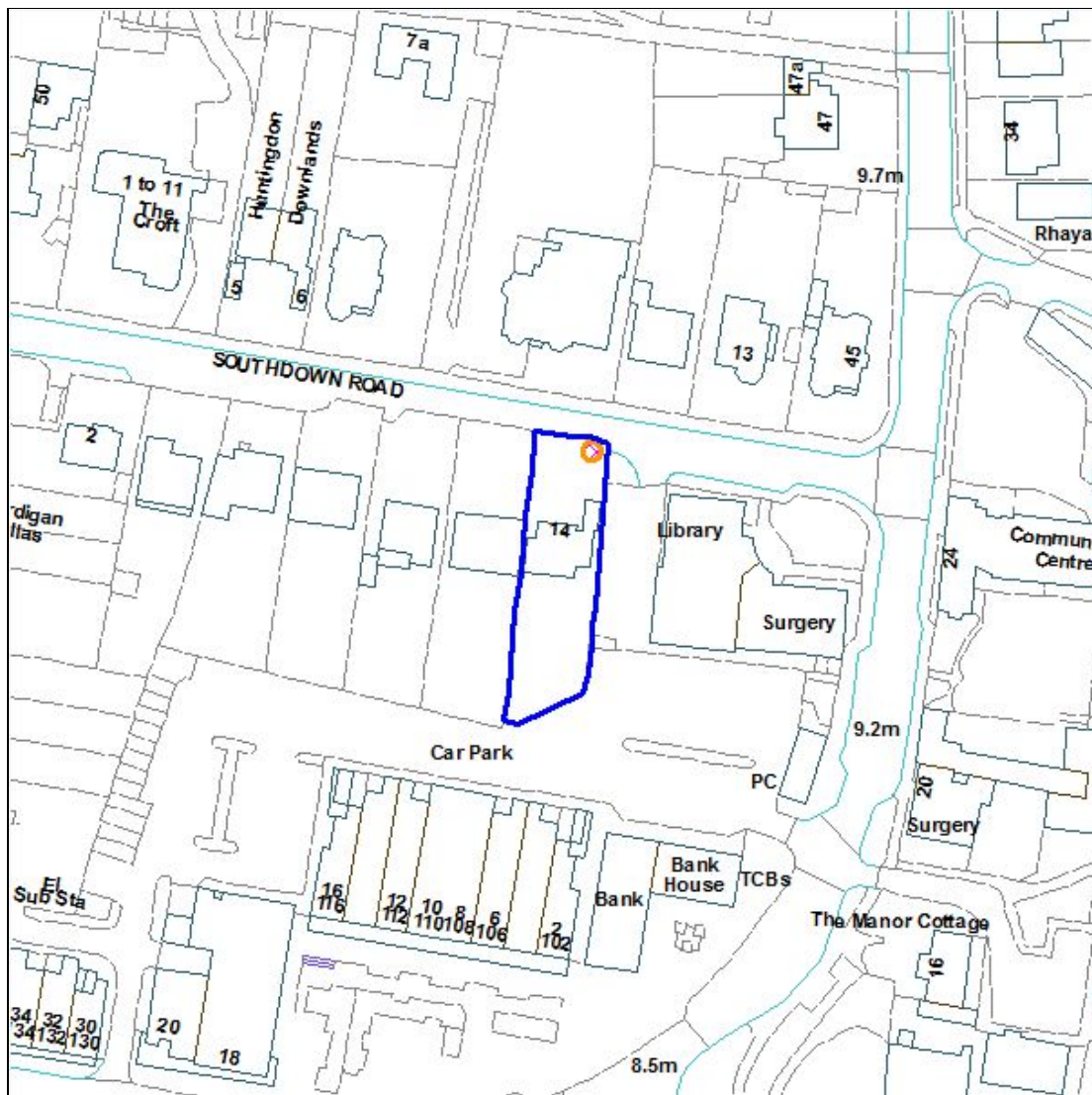
Proposal: Application for consent under Adur Tree Preservation Order Ref: 13.53/1/05/SW to fell and replace one Macrocarpa Tree T1.

Applicant: Mr Ian Felton

Case Officer: Jeremy Sergeant

Ward: Southwick Green

Officer:



Not to Scale

## **Proposal, Site and Surroundings**

The application refers to a large mature Macrocarpa Tree located near the northeast corner of the front garden adjacent to the carriage way of Southdown Road and the parking area for Southwick Library / Surgery. The tree is a prominent part of the street scene and makes a contribution to the character and visual amenities of the Southwick Conservation Area (although the tree itself is not in the Conservation Area, it is directly adjacent to the boundary of the Conservation Area and hence clearly visible from within it).

Consent is sought to fell and replace the tree. A previous application to fell this tree was considered by the Committee in 2018 and was refused.

The reasons for the works are primarily in the interests of safety, and amenity value.

## **Relevant Planning History**

2005: Adur Tree Preservation order Number 13.53/1/05/SW of 2005 confirmed on 06/02/2006.

2006: Removal of 2 lower limbs of cypress tree (subject to TPO 13.53/1/05/SW)  
Refused

2007: Light pruning of low-growing and broken overhanging limbs of cypress tree (subject to TPO 13.53/1/05/SW) to avoid injury to passers-by.

2010: Remove deadwood of Macrocarpa overhanging library car park (subject to TPO 13.53/1/05/SW).

2018: Application for consent under Adur Tree Preservation Order No. 13.53/1/05/SW to fell one Macrocarpa tree (T1). Refused.

## **Consultations**

None

## **Representations**

None

## **Relevant Planning Policies and Guidance**

Adur Local Plan 2017 Policies 15 and 30

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

National Planning Policy Framework (July 2018)

## **Applications in connection with carrying out works on trees that are protected by TPOs**

The Committee should consider the Town and Country Planning (Tree Preservation) (England) Regulations 2012 that provides the application may be granted either unconditionally or subject to relevant conditions, or refused.

### **Planning Assessment**

The tree was made the subject of a Tree Preservation Order in 2005 when an application was received for the redevelopment to provide a new library and GP surgery (SW/77/05/TP) at the Southwick Library. It was felt that as the tree formed a striking landscape feature within the near area, it should be the subject of a formal Preservation Order. It was noted in the planning assessment at the time that the tree is striking in appearance with low-lying branches overhanging the adjacent landscaped area within the curtilage of the library. The lower branches have since been removed due to damage and /or natural dieback.

The tree has a large diameter single stem from ground level that begins to separate into 5 to 6 stems from 2 metres some being fused, all becoming fully separated from 4 to 6 metres. Each of the stems mostly persists to the top of the high crown, each supporting several areas of deadwood. The main crown is open, slightly sparse and wide spread with some over extended laterals, and several large areas of deadwood exposing sections of defoliated branches and bark damage.

The Councils Senior Tree and Landscape Officer considers that remedial works to remove deadwood and damaged limbs to make the tree safer, have reduced its amenity value and form, and have not prevented its overall decline. The tree has recently lost several significant sized limbs, has several areas of decay, some deep cavities and is unlikely to survive as a prominent feature for more than 10 to 15 years.

However, as was the case when permission was refused in 2018, to fell the tree would cause a significant impact upon the character of the area. It is a prominent and attractive feature from the eastern end of Southdown Road and also clearly visible from the well-used Southwick Street and the car park on the northern side of Southwick Square. It can therefore be considered as a positive addition to the street scene. Policy 30 of the Local Plan states that 'green infrastructure' will be protected and that trees which make a positive contribution to the street scene should be protected.

While concerns regarding the health of the tree must be taken into account, the Tree Officer considers that an alternative suggestion could be to reduce the main crown in height and radial spread, to preserve the denser foliage and reduce weight in the crown. It has not been demonstrated that successful surgery could not be carried out that would retain the tree and accordingly your officers feel that felling of the tree at this point cannot be justified. Accordingly it is recommended that permission is refused.

## **Recommendation**

**REFUSE** permission for the following reason:-

The Macrocarpa tree is a prominent and established feature which makes a positive contribution to the character of the area and adjacent Southwick Conservation Area and its removal would therefore be detrimental to the visual character of the area. It is not considered that a sufficient arboricultural reason has been provided to justify the felling of the tree and accordingly the proposal fails to comply with policies 15 and 30 of the Adur Local Plan 2017.

7<sup>th</sup> December 2020

## **Local Government Act 1972**

### **Background Papers:**

As referred to in individual application reports

### **Contact Officers:**

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## **Schedule of other matters**

### **1.0 Council Priority**

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

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

### **5.0 Community Safety Issues (Section 17)**

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

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

### **7.0 Reputation**

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

### **8.0 Consultations**

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

## **9.0 Risk Assessment**

9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

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

## **14.0 Financial implications**

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