

## **Planning Committee Addendum 2nd March 2022**

### **Application AWDM/1450/21. Land East of 1 To 11 Mercury House, Ham Road, Shoreham**

#### ***Additional Information***

##### **Housing**

The applicant has stated that the proposal does not include any wheelchair-user M4(3) as this is not a policy requirement and the lack of ground floor units make this provision harder to achieve.

In relation to the affordable housing the applicant states that,

Nomination rights for affordable rented homes provided on the Homes England (HE) strategic funding (HESP) are unlikely to be achievable via the s.106 Agreement as this would undermine HESP funding

Occupiers of the shared ownership homes, by definition and Government legislation, cannot be second homes owners. Details are online at <https://www.gov.uk/shared-ownership-scheme/who-can-apply>.

This also sets out the equity percentage of open market value for shared ownership properties. The applicant has indicated that typically this would be 25%.

##### **Highways and Parking**

Although no comparative information on parking rates are available from the applicant's (Hyde Housing) other schemes, it agrees to a Car Park Management Plan. It would offer car parking spaces to the larger properties first on a first come first served basis. Spaces will be issued under annual licence, for the occupiers to renew this. If spaces are not reapplied for they will be offered to other residents. Hyde is also in early discussions with other local developers about provision of a local car-club hub to reduce car ownership.

Th agrees that a Commercial Travel Plan would be secured under a planning condition.

The Highway Authority has confirmed that part of the requested £223k highway contribution could be used for Real Time Passenger Information at nearby bus stops, although with care to ensure that this does not overlap with similar funds to be deployed from developments in the Shoreham Harbour JAPP area.

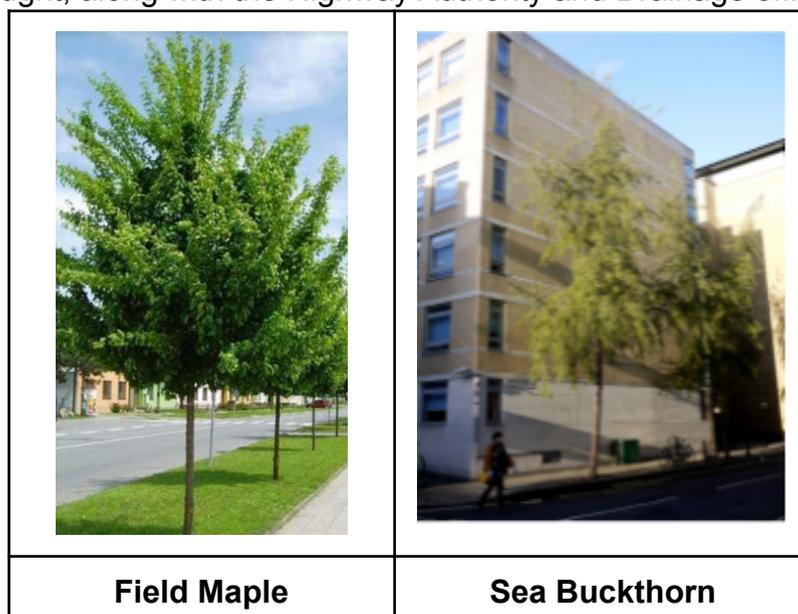
## Heating

A non-communal electric 'dry' system is proposed with an electric panel heater system for each apartment. This will contribute to the 31% reduction of CO2 above Building Regulations, which can be controlled by planning conditions. The applicant comments that Local Plan Policy 19 of the does not require schemes outside the Shoreham Harbour Regeneration (JAPP) area to be network ready but to join networks 'where they exist' or identify opportunities for the expansion of heating networks. With the very limited time available to agree a heating strategy time to obtain Homes England funding for the development and current absence of a local network, they consider that the non-communal system is reasonable, given the CO2 performance it is expected to achieve and which could be verified by planning conditions.

## Trees, Drainage & Highway

The applicant has considered the relationship between trees and drainage. It notes that new drainage on the site, including along its frontage, is likely to be private and therefore not subject to Southern Water Guidance. Notwithstanding this, having reviewed the Guidance, two tree species are suggested: Option 1 Field Maple (*Acer campestre*), which can attain 10-12m height and 6m spread after 25 years, or Option 2 Sea Buckthorn (*Hippophae salicifolia*) which can attain 8-10m height and 3m spread after 25 years and which requires less soil. The applicant prefers the field maple option. A root protection barrier is proposed also to protect the drains.

The Highway Authority, which has recently advised that distance from the carriageway will depend on the type of tree and future growth and crown spread. The Council's Tree Officer has advised that either option could be accepted. Comments have been sought, along with the Highway Authority and Drainage officer.



Regarding drainage the applicant comments that this will be subject to detailed design and located as close to the proposed buildings as possible (i.e. away from proposed trees).

### **Environmental Health (Noise & Overheating)**

Following receipt of an overheating assessment the Environmental Health officer concludes that a planning condition can be used to determine the extent and specification of mechanical ventilation alongside acoustic insulation. Information regarding noise levels within the internal courtyard (away from noise sources) will be needed to when these details are submitted to assess whether natural ventilation will be acceptable for some windows (rooms).

### **Air Quality Contribution**

The applicant comments that the £23,060 mitigation value identified by the updated air quality assessment, would be met by the car club provision. As such they have requested that this should not be included in the S106 agreement.

### **Open Space**

The applicant questions the open space contribution requested and comments that other schemes in the Western Harbour Arm have only contributed much smaller off site contributions. If the Council is applying new standards it would be useful if developer contributions guidance is updated.

### **Ground Floor / Commercial Frontages - Amendment**

The applicant is willing to review and amend the designs, subject to guidance from the Council under delegated authority.

### **Percent for Art**

The applicant has agreed to provision of £30,000 for the provision of art, although it has asked that this be on-site. Officers suggest that the ability for provision to be off-site should also be built into an art strategy to be agreed.

### **Fire Safety**

An updated Fire Statement has been prepared in response to the HSE comments. This refers to the detailed design of smoke shafts, to direct smoke away from air vents. It confirms that scissor stairs are not proposed and that balconies will be

designed as non-combustible to accord with National Standards. Confirmation has been sought from the HSE as to whether it wishes to consider the amended statement.

The West Sussex Fire Service has confirmed that suitable hydrant points can be provided close to site boundaries, to meet distance requirements, and that they will liaise with Southern Water regarding their adoption .

### **Updated County contributions**

The County Council has requested the following amended contributions for 159 flats:

Primary Education	£91,513
Secondary Education	£98,493
6th Form Education	£23,072
Libraries	£40,455
Fire & Rescue	£3,125
Highways	£223,127
Traffic Reg' Order	£7,500
Travel Plan Audit/Promote	£3,500
<b>Total</b>	<b>£490,785</b>

### ***Additional Representations:***

15 additional objections received between 22nd - 28th February, including one by Adur Residents Environmental Action (AREA) as follows:

- Height should not exceed 5-6 storeys as in nearby Harbourside JAPP area.
- Design unsympathetic to gateway and Conservation Area' setting
- Parking contributes to local underprovision of 300 spaces including Focus, Frosts and Mannings redevelopments
- Air pollution - local levels exceed limits; what would s.106 money be used for?
- Loss of tree and carbon capture, not mitigated byu saplings
- Sewer upgrade needed. Drainage matters should be determined before approval
- Unresolved issues are numerous and should not be delegated.

Other representations partly overlap AREA objections or those previously received. Additional points refer to:

- parking pressure in streets north of the railway when Focus building was opened and may be increased by the proposals.

- Intervening rail-side vegetation to the rear of Gordon Road will not mitigate visual impact and it may be lost in any event by current planning application for new storage units there; this should be considered holistically.
- Low levels of parking do not reflect car reliance for regular shopping trips
- Car dependence will continue after cars become electric.
- Height should not exceed St Mary De Haura Church
- Character of Shoreham is disappearing. Less dense and more fitting design in recent Ham Road development
- Parking area should be relocated close to Duke of Wellington, to increase distance to new flats and safeguard music venue

Petition to retain poplar tree now includes 1300 signatures from BN postcodes and regular patrons of the Duke of Wellington pub, among 2500+ overall.

*'We would like to protect the poplar tree next to the Duke of Wellington from being felled to make room for new flats. It important to the area to retain this tree as there are not many on the A259 Brighton Road Shoreham. The A259 has heavy good vehicles, bus, cars going along 24/7. The air quality is very poor along this stretch of road. The government says we need to improve air quality and plant more trees. So why should we fell the only one along this stretch of road. Please help save this tree which we need in the area very much. Removal of the Poplar tree from the land East Of 1 To 11 Mercury House Ham Road Shoreham-By-Sea West Sussex'*

**Correction** (shown in strike-through and red font)

### **Condition 27. Acoustic Insulation & Ventilation**

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

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

have been submitted to and approved in writing by the Local Planning Authority.

**B.** Neither of the blocks of flats hereby approved shall be respectively occupied until written professional verification by a suitably qualified person, has been submitted to and approved in writing by the Local Planning Authority, to confirm that these detailed measures **in A above** have been fully and effectively implemented, including a sound-test and air-change test for each respective block of flats to demonstrate that the approved acoustic specifications and air change rates have

been met ~~and air test to demonstrate~~. The verification document shall include any proposed and timetabled remedial measures if these **sound reduction and air change** ~~carbon reductions and water usage~~ rates have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

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

*Reason: To protect residents from noise, vibration and overheating in accordance with Policies 15 & 34 of the Adur Local Plan 2017 and the NPPF 2021.*

## **Planning Assessment**

The additional information has confirmed that energy and carbon emissions targets can be fully met by the proposal, even if this is without connection to a future district heating system. The recommended condition number 25 can settle details. The overheating information is acceptable to the Environmental Health officer, with use of planning condition no. 27, as corrected, to determine the precise specification and extent of use of this as part of overall noise insulation.

The applicant has confirmed that amended plans can be provided for ground floor frontages. This can be sought under delegated authority. The use of a design code under condition 5 can ensure that future occupiers work to a co-ordinated design approach thereafter.

The amended contribution amounts for County matters can be included in the s.106 Agreement together with the £30k provision for art. A contribution for open space is to be settled but it is considered that a figure of approximately £85k would be reasonable, taking a balanced view of the proximity of the Ham open space, previous contributions in other local developments such as the Mannings & Kingston Wharf and the Council's Open Space guidance and calculator. The response from the NHS Care Commissioning Group is awaited regarding its likely required contribution.

Further comments may be received from the HSE upon the updated Fire Statement recently forward to it. This can be progressed under delegated authority, along with comments from the drainage and highway officers regarding trees and drainage.

END

