

Application Number	AWDM/1450/21	
Recommendation - Delegate to the Head of Planning and Development to approve subject to resolving outstanding issues relating to amended plans for the ground floor, the energy strategy for the site, additional drainage information open space requirements, response to HSE and the signing of a s111/s106 agreement incorporating the Heads of Terms set out in in Table 7 above and subject to the following condition.		
Site:	Land East Of 1 To 11 Mercury House, Ham Road, Shoreham-By-Sea	
Proposal:	Erection of two blocks of development ranging in height between 3 - 9 storeys comprising 159 residential units comprising a mix of 1-bed, 2- bed and 3-bed units (including a minimum of 30% affordable housing), commercial (Class E) floorspace at ground floor, and associated parking and landscaping.	
Applicant:	The Hyde Group	Ward: St Mary's
Agent:	ECE Planning Limited	
Case Officer:	Stephen Cantwell	

The Head of Planning & Development delivered his presentation explaining that since publication of the agenda there had been an Addendum which he would be referring to during his presentation.

The Officer drew attention to the mature poplar tree within the proposed development site and clarified that there had been a petition of over 2500 signatures to retain the tree. Also, the Council's Landscape Officer had noted the condition of the tree and has stated that a Tree Preservation Order would be justified in amenity terms. The council hadn't pursued a TPO because of the live planning application and the officer recognised that the question of the tree would be a key consideration for the committee.

The Officer explained that Planning had received a further 15 representations since publication of the report and comments from AREA which were summarised in the Addendum report.

During his presentation the Officer covered aspects including parking provisions, a proposed cycle lane, energy solutions, development contributions and commercial floor space. He explained how, in response to local concern, the proposed development had been lowered in height and the amount of commercial floor space had been reduced. In addition, a revised landscaping strategy proposed 25 replacement trees and appropriate provision had been made to accommodate these

trees without being affected by drainage. This had resulted in the need for a revised drainage strategy which would be covered in the conditions.

The impact of the proposed development on the neighbouring public house was also covered in detail within the presentation. The Officer stated that there had been considerable discussion with the Council's Environmental Health Officers and they had secured mitigation to reduce the impact of any potential complaints from new residents in relation to activities of the public house. Environmental Health Officers felt that the situation was robust providing there was appropriate mechanical cooling installed, particularly in the flats that were adjacent to the public house, the A259 and the Southern aspect. The officer explained that the applicants had agreed to a unilateral covenant that would, through that means, seek to prevent any future residents complaining about the lawful activities of the public house.

Affordable housing was addressed within the presentation and the Officer clarified that the applicant had submitted a policy compliant scheme, meaning 30% of the 159 dwellings would meet the policy requirements for affordable housing. Of that 30%, 75 % would be social rent and 25% would be shared ownership. Although not a legal requirement, the applicant had also sought to enter into a strategic partnership with Homes England which would, after planning permission was granted, secure necessary funding to supply 100% affordable housing.

In reply to questions from the Committee with regards to retaining the poplar tree, the Officer clarified that if the tree were retained the impact on the development would be the loss of 5 flats and some of the commercial floor space. The Officer also explained that the arboricultural report estimated the tree to have a further 10 - 30 years life expectancy.

The Committee had queries regarding the development's parking allocations, in addition to needs of surrounding developments for parking, and their effect on the surrounding area. These were addressed by the Officer who clarified that all applicants were required to undertake a transport assessment analysis of their needs and the cumulative impact of developments were taken into account through the local plan and transport study.

Further questions were put forward by the committee surrounding the positioning of the affordable housing, wheelchair user M4(3) (a higher mobility standard), cycle routes, ultimate appearance of the development and health and safety aspects which were all addressed by the Officer. He also clarified that the minimum height of the 25 trees to be planted could be covered by the landscaping condition.

There were 5 registered objectors and a Ward Councillor who delivered representations which included issues surrounding the impact on the public house,

parking issues, drainage, flooding, building size and massing, noise pollution and the issues of retaining the poplar tree.

There were 3 representations from Registered supporters, one being read out in his absence. These explained how they had listened to concerns of local representatives and addressed issues of parking, energy, the proposed cycle path, affordable homes and the adjacent public house.

Adjournment for 11 minutes at 9 pm

The chair invited any further questions from the committee before debate.

Questions were asked regarding what details were delegated to Officers by the committee if the application was approved. The Officer explained that under delegation Officers could issue permission if the legal agreement was signed as set out in the report. If any of the elements were not either conditioned to the satisfaction of officers or negotiated in the legal agreement it would come back to committee.

The Head of Planning & Development read out the revised recommendation.

To delegate to the Head of Planning to approve, subject to -

- Drainage Strategy to be amended to relate to updated calculations and to take into account tree varieties and planting assessments to avoid conflict.
- Satisfactory comments from HSE in respect of the amended fire statement.
- The signing of a S106 / S111 agreement which is incorporating the heads of terms set out in the report. To clarify:-
 - I. The Open Space contribution of £85,000 is for off site improvements of play equipment and potential additional planting on Ham recreation.
 - II. The Health contribution is £114,000.
 - III. There is an Arts contribution or on site provision up to the value of £30,000
 - IV. The County Council contributions are in the order of £490,000. There is a requirement to have a slight discount for land value for land given up for the cycle path and there is also the cost of the trees to be maintained within the highway verge to be addressed.
 - V. There is a revised energy statement to be submitted which picks up their commitment not to use gas boilers and, as a result of their changed approach for electric, condition 26 in relation to the district heat network then falls away.
 - VI. The additional clause of the legal agreement that there is a unilateral undertaking to impose a covenant in relation to

dealing with complaints regarding the lawful activities of the Duke of Wellington public house including as a live music entertainment venue

During debate a motion was proposed to defer until a number of outstanding issues were resolved, such as a nature conservation survey, more information about water retention from the tree planting and foul water flooding and an updated drainage strategy. This motion was seconded and voted upon, the outcome being 4 in favour and 4 against. The chair then used his casting vote and the motion to defer was rejected.

The meeting was adjourned at 9.45 pm to clear the gallery due to a disruption. The meeting reconvened at 9.48 pm.

A motion to delegate to the Head of Planning to approve the application was proposed which was seconded and voted upon, the outcome being 4 in favour and 4 against. The Chair then used his casting vote and the motion was approved to **Delegate to the Head of Planning and Development to approve subject to:**

- Drainage Strategy to be amended to relate to updated calculations and to take into account tree varieties and planting arrangements to avoid conflict.
- Satisfactory comments from HSE in respect of the amended Fire Statement
- Signing of a s111/s106 agreement incorporating the Heads of Terms set out in in Table 7 above and including:
 - Open Space £85k
 - Health £114k
 - Art £30k
 - Amended County Contributions as in the report addendum (minus the land value associated with the cyclepath)
 - A clause requiring the applicant to enter into a unilateral agreement to covenant the site to ensure that future residents cannot object to the use of the adjoining public house on the basis that the pub keeps to its licence conditions.
- and subject to the conditions in the report, addendum and the following amendments:- removal of condition 26 relating to District Heat Network and replace with a condition requiring the submission of a revised energy statement.