From: Marie O'Keeffe <marie.o'keeffe@adur-worthing.gov.uk> on behalf of Marie O'Keeffe
Sent: 10 January 2022 15:49
To: RT1@planninginspectorate.gov.uk
Subject: APP/Y3805/W/21/3280432
Attachments: appeal statement letter.docx

Good afternoon

please find attached a letter in response to the appellant's statement together with a list of suggested conditions.

Kind regards.

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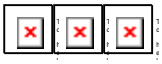

ADUR & WORTHING
COUNCILS

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our reference: AWDM/1996/20
Please ask for: Marie O'Keeffe
Email: planning@adur-worthing.gov.uk
Date: 10.1.2022

Dear Sir/Madam

APP/Y3805/W/21/3280432 – Land r/o 35-37 High Street Shoreham, BN43 5DD

This letter comprises a brief response to the appellant's case. No further statement will be submitted. It includes a list of conditions the Council would wish to see applied to any permission should the appeal be allowed.

Housing Supply

We are still awaiting publication of the Government's 2021 Housing Delivery Test and so the appellant's summary of the Council's current housing supply situation is largely accurate.

However, the Local Plan trajectory demonstrates that, when measured against the Local Plan delivery target, the shortfall can be addressed later in the plan period. Commitments are predicted to increase significantly in 2023/24.

In support of this it is of note that completions 1st April 2020 - 31st March 2021 were 229 gross and 208 net.

For information on Adur Council's latest 5 Year Land Supply see: https://www.adur-worthing.gov.uk/media/Media,159550,smxx.pdf though the base date for this is 1st April 2020.

Neighbour amenity

The appellant has acknowledged the Council's difficulty in fully assessing the impact on outlook from the existing flats above 35-37 High Street due to access issues around the pandemic. The photos supplied of views from each flat and the superimposed impact shadings are helpful.

Flats affected will have their primary south facing outlook significantly curtailed by the proximity and scale of the proposed building. Their alternative east or west facing outlook is poor across rooftops, including plant and roof terraces of flats above other High Street premises or the pub flank wall, within even closer proximity.

Flat 2

Flat 2 is at first floor level. Three quarters of this flats southerly outlook and view of the River Adur will be obscured.

Flat 3

Flat 3 is at first floor level. Half of this flats southerly outlook and view of the River Adur will be obscured.

Flat 4

Flat 4 is at first floor level and is single aspect only with only two south facing windows. One of these windows will lose its southerly outlook and view of the River Adur.

Flat 6

Flat 6 is at second floor level and one of its two south facing windows will lose its southerly outlook. However, is acknowledged that the photos submitted in the appellant's statement point to an acceptable outlook from the east facing windows, towards the footbridge and over the pub roofs and one other south facing window.

Flat 7

Flat 7 is at second floor level. However, the impact on outlook is more significant than the impact on flat 6. The submitted photos indicate that the majority of the south aspect will be lost and view of the River Adur will be curtailed between the proposed building edge and the existing building to the west, Town Quay. Otherwise west facing views are across rooftops only.

Flat 8

This flat is at second floor above flat 4 and also single aspect. However, its elevated position helps and outlook is less affected than in the case of flat 4.

Para 130 (f) requires development to achieve 'a high standard of amenity for existing and future users'. The residential amenity, outlook, of some existing flats above 35-37 High Street will be harmed and the proposed building will be overbearing to those residents, particularly at first floor as the proposed building is less than 6 metres from windows in some cases. For this reason the proposal is also contrary to adopted Adur plan policy 15.

It is noted that the proposal is BRE compliant but in most cases daylight to each flat is reduced.

On this basis the Inspector is respectfully requested to DISMISS the appeal.

Suggested conditions

1. 3 years
2. Approved Plans
3. No construction works shall progress beyond slab/foundation stage until details and samples of facing materials and finishes to be used in the construction of the external walls, roofs, windows, doors and balconies of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Thereafter the development shall only be carried out in accordance with the approved details.

   Reason: In the interest of visual amenity having regard to policies 15, 16 and 17 of the Adur Local Plan.

4. The development shall be carried out in accordance with the submitted Flood Risk Assessment (dated December 2020, produced by UNDA) and the following mitigation measure it details:
   Finished floor levels shall be set no lower than 6.10m above Ordnance Datum (AOD).
   This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.
   The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

   Reason: To reduce the risk of flooding to the proposed development and future occupants. The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

5. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

   Reason: To prevent pollution of controlled waters and ensure that the proposed development is adequately drained having regard to the National Planning Policy Framework and policies 35 and 36 of the Adur Local Plan.

6. No development shall commence on site until a Construction Method Statement and Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Method Statement and Plan and shall be adhered to throughout the construction period. The Statement and Plan shall provide for:-
   a) the anticipated number, frequency and types of vehicles used during construction – HGV construction traffic routings shall be designed to minimise journey distance through the AQMA;
   b) the method of access and routing of vehicles during construction;
   c) parking of vehicles of site operatives and visitors;
   d) loading and unloading of plant, materials and waste;
   e) a commitment to no burning of waste material on site;
   f) storage of plant and materials used in constructing the development;
   g) the erection and maintenance of security hoarding;

h) wheel-washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
i) measures to control the emission of dust and dirt during construction;
j) details of public engagement both prior to and during construction works;
k) details of working hours on site.

Reason: To minimise intrusion in the interest of neighbours and the highway network having regard to having regard to policies 15 and 34 of the Adur Local Plan.

7. The development hereby permitted shall not be occupied until provision for communal refuse storage and cycle parking has been provided in accordance with the approved plans and details. The refuse store and cycle parking shall thereafter be retained for use by occupiers of the development.

   Reason: To ensure adequate provision for both is made and retained at all times in accordance with policy 15 of the Adur Local Plan and the National Planning Policy Framework.

8. The development hereby permitted shall not be occupied until the bathroom windows on the north elevation have been fitted with obscured glazing and an opening a minimum 1.7 m off finished floor levels. Such details shall thereafter be retained at all times.

   Reason: In the interest of privacy having regard to policy 15 of the Adur Local Plan.

9. The development hereby permitted shall not be occupied until boundary walls and/or fences have been erected in accordance with details that have been first submitted to and approved in writing by the local planning authority.

   Reason: In the interest of visual amenity having regard to policies 15, 16 and 17 of the Adur Local Plan.

10. All works, which form part of the approved acoustic protection scheme, shall be completed before any part of the development is first occupied. The glazing specifications outlined in the Noise Assessment December 2020 shall be implemented in full and the scheme shall include a MVHR ventilation system, which shall include a summer bypass to prevent overheating. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential units from noise and certification to confirm this shall be provided to the local planning authority prior to the first occupation of the development.

    Reason: In the interest of future occupiers living conditions in accordance with the National Planning Policy Framework and policy 34 of the Adur Local Plan.

11. Immediately following the completion of construction of the surface water drainage system in accordance with the details pursuant to Condition 5 above, the developer shall provide to the local planning authority details of the ‘as-built’ drawings together with a verification report prepared by a suitably qualified person confirming that the scheme has been implemented in accordance with the approved drawing(s) and is fit for purpose. The operational efficacy of the scheme shall subsequently be maintained at all times during the lifetime of the development.

    Reason: To ensure that the proposed development continues to be adequately drained having regard to the National Planning Policy Framework and policies 35 and 36 of the Adur Local Plan.

12. Details of balcony screens for the three balconies on the rear west side of the building shall be submitted for approval in writing to the Local Planning Authority. Such details shall be erected prior to first occupation of any flat and retained thereafter.

    Reason: in the interest of neighbour amenity having regard to policy 15 of the Adur Local Plan.

13. No development shall take place until full details of all hard and soft landscaping works and the proposed times of planting have been approved in writing by the Local Planning Authority and all soft landscape works shall be carried out in accordance with those details and at those times.

    Reason: In the interests of visual amenity and the environment and to comply with policies 15 and 30 of the Adur Local Plan.