Development Management – Delegated Officer Report

Application Number: AWDM/0116/24 Recommendation: Approve

Site: Land Opposite 269 To 287 Old Shoreham Road, Southwick

Proposal: Erection of extension to south and west of existing Garden Centre, providing Internal Retail Area, Warehouse and associated Goods Delivery Yard. Extension and landscaping of External Retail Area to west of Garden Centre including new security fencing to Western boundary. Demolition of existing frost canopies and erection of new semi-enclosed glass roof frost canopy. Diversion of existing Public Right of Way. Creation of new vehicle access from Old Shoreham Road. Internal alterations including relocation of Offices and replacement of existing Goods Lift. Application to vary AWDM/1154/21 Condition no.01 - approved drawings to alter the proposed frost canopy arrangement and amend the fenestration to the approved extension

Date of Site Visit: Visited in connection with AWDM/1154/21

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

The application relates to a site on the boundary with Brighton and Hove City Council and East Sussex known as Mayberry Garden Centre, located to the south of the A270, Old Shoreham Road. The site consists of a garden centre (within Brighton) and the former Eastbrook allotment site with a Public Right of Way (PROW) running between (within Adur).

Planning permission was granted in April 2022 for an extension to the garden centre at its western end to create additional internal retail space and a dedicated ‘goods in’ warehouse to the south (AWDM/1154/21). On the west side of the garden centre an open air retail space was proposed and, in order to accommodate the extension of the garden centre, the Public Right of Way has to be diverted and a new route is shown diverting the footpath westwards before returning northwards to Old Shoreham Road.

As the site straddles the boundary, applications were submitted to both Adur and Brighton Councils.

The application was submitted in conjunction with a separate application for a new car showroom on land immediately to the west (AWDM/1032/21).

This application proposes minor material amendments to the frost canopy arrangement and fenestration to the extension. The main change is the addition of a frost canopy on the west end of the extension, over the open retail area. It will abut the edge of the diverted footpath. A minor change to the canopies on the north elevation is also proposed, with existing canopies now retained in addition to new ones added.

Planning History:

As above

Consultations:

West Sussex County Council: The Highways Authority has not commented. Previous comments were “Based on the submitted detail the Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in ‘severe’ cumulative impacts on the operation of the highway network in West Sussex, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.”

Rights of Way: It appears the intention is to divert the existing line of the footpath. It is important that this is addressed clearly as part of any planning application, most commonly under s.257 of the Town and Country Planning Act.
Having said that the footpath has dual classification and is actually classed as an E-Road therefore falls within the maintenance and management regime of WSCC's Highways department therefore more detailed consultation will be required with them as will manage and maintain this route in the future.
Due to WSCC PRoW teams interest in the route however I would very much appreciate us being kept informed on how this application and subsequent diversion application progresses as we will need to be consultees and approve any future surface provision on the line of the footpath. (*Note - the diversion order has already been complete*d)

Drainage: No change to drainage or flood risk and therefore recommend approval

Southern Water: Please see the attached extract from Southern Water records showing the approximate position of our existing combined sewer, foul sewer and surface water sewers within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Representations

None received

Relevant Planning Policies

Adur Local Plan 2017 Policies 1, 2, 4, 12, 15, 18, 19, 27, 28, 29, 30, 31, 34, 36
Eastbrook Allotments Development Brief (ADC 2015)
Sustainable Energy SPD (August 2019)
Planning Contributions for Infrastructure Provision (ADC 2013)
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (Dec 2023)

Planning Assessment

Principle

Permission has been granted for the development and this application seeks only a minor material amendment. It is not necessary therefore to revisit the principle of the development which is already considered to be acceptable.

Visual amenity

The existing garden centre warehouse building is screened from Old Shoreham Road by the existing parade of shops, the majority of which forms part of the garden centre itself, including the coffee shop in the centre of the parade. The proposed extension will project west and south of the existing building, across the existing footpath and beyond the end of the parade, set back approximately 45m or so from the road. It will match the height of the existing building.

The new frost canopies to the west of the building will be visible from the footpath. They will have curved roofs, much lower than the height of the garden centre itself, and they will not be unduly harmful in visual terms. The development will be partly screened by proposed planting alongside the diverted footpath.

It is considered that, with the setback from the road, the proposed car showroom development in the foreground and new landscaping around the diverted footpath, the development, as amended, will not cause visual harm to the area.

Residential amenity

The expansion of the garden centre brings it further from the nearest residential properties to the east within Brighton and Hove. Dwellings within Adur to the north

and west are some distance from the extension (approximately 84m to the north and over 200m to the west) and are not anticipated to be adversely affected by the extension. The changes to the frost canopies and fenestration will not have an impact on residential amenity.

The new access for deliveries will bring more activity to the western side of the building with the new access off Old Shoreham Road closer to those dwellings which are directly opposite the site. A Noise Impact Assessment was previously submitted which demonstrated that the proposed use will have no significant impact on the nearest dwellings and the Environmental Health Officer was satisfied with those findings. It is recommended that deliveries/collections to/from the Garden Centre are restricted to between 08:00hrs - 18:00hrs only.

Subject to this condition, it is considered that the proposal will have an acceptable impact on residential amenity.

Air Quality

An Air Quality Assessment was previously submitted in support of this development and the neighbouring development. It found that the proposed development is not expected to introduce new receptors into an area of existing poor air quality, nor is it anticipated to significantly impact local air quality. An emission mitigation calculation has been undertaken and a detailed emissions mitigation statement which includes a schedule of costs for each mitigation type has also been provided. Mitigation measures include providing electric vehicle charging points in excess of the minimum requirements set out by WSCC.

There are no Environmental Health objections on air quality grounds.

Accessibility and parking

Vehicular access to the development is in the form of a simple priority junction with pedestrian refuge and will also provide access for the proposed car showroom on the adjacent former allotments site (AWDM/1032/21). With regard to parking, no change to customer parking provision is proposed as part of the application. A total of 100 car parking spaces will be available for the garden centre with 10% of bays to have active EV charging provision, with an additional 10% provided with passive provision. The proposals also include secure cycle parking for staff and visitors.

WSCC Highways have not raised any concerns with regard to the new access from Old Shoreham Road in safety terms. The separation of deliveries from the main garden centre access and the customer car park would be an improvement and would lead to a reduction at the existing access point (within Brighton and Hove) in HGV movements.

The proposal is not expected to result in a significant material change in the traffic generation to/from the site while the Transport Statement indicates a clear reduction in the overall delivery vehicle trips.

Overall, there are no highway objections to the proposal.

Footpath diversion

The application shows the diversion of the existing public right of way which runs in a north-south direction on the County and administrative boundary, due west of the garden centre. The existing path is narrow, approximately 1m wide, and is bordered by 2m high mesh fencing to both sides.

The extension of the garden centre will necessitate the footpath being diverted approximately 7 metres to the west of the existing point. It will then lead south from the A270 between the extended garden centre site (to the east) and parking associated with the proposed new car showroom (to the west) (see AWDM/1032/21) and turn east to connect back to the existing path to the south of the garden centre building.

The new route will comprise a 3 metre wide path with soft verges either side, between 1.5 and 2 metres in width along the north-south section, with more extensive green space along the east-west section. The perimeter of the garden centre will be enclosed by a mesh fence, similar to the existing arrangement, but the boundary with the proposed car showroom site will remain open.

The new footpath design avoids tight right angled corners and a narrow path instead providing a wider, flowing route with natural surveillance and good forward visibility. It will also be lit.

The section of the footpath to be diverted measures approximately 105 metres in length while the new route measures about 160 metres in length, an increase in length of around 55 metres. Part of the path will also be crossed by the proposed new access to the delivery yard and there is the potential for conflict with footpath users. However, the submitted Transport Assessment anticipates that vehicle movements will be low with vehicles also travelling at low speeds. The delivery yard access is located on a straight section of the path, with good visibility in both directions.

Despite the introduction of the vehicle crossover of the path the proposed new route will create an improved link from the Coast to the South Downs National Park as identified in the Eastbrook Allotments Development Brief.

It is considered, on balance, that the enhancements to the existing footpath in terms of increased width, openness, landscaping and improved natural surveillance offset the inconvenience of the increased length of the path and the introduction of the vehicle crossover.

The Diversion Order was confirmed in May 2023. The alterations proposed in this application do not affect the line of the footpath.

Flood risk

The site is at low risk of flooding, being within flood zone 1. The surface water drainage strategy has been approved as part of the pre-commencement details.

Sustainable development

The development is proposing some energy efficiency and sustainability measures such as PV panels, but the applicant has explained that energy efficiency will not be as viable to achieve as for the new-build car showroom on the adjoining site, where a 27% reduction in CO2 is expected.

The applicant has explained that it is “financially unviable to undertake a complete refurbishment of the thermal elements of the scheme in order to reduce the operational energy use of the building, especially noting that the main volume of the extension is open to the storey and half retail area, therefore making any reduction in CO2 levels beyond those previously calculated unattainable.”

Furthermore, “The main volume of the southern extension is an unheated warehouse space, therefore, improvements are not possible within this space.”

A 10% reduction in CO2 emissions will be possible through the use of PV panels and it is considered that, taken together, the two developments will achieve a reasonable overall standard of energy efficiency.

Contaminated land

The previously submitted contaminated land report does not identify any concentrations of potential contaminants that would be considered to pose an unacceptable risk to end users of the site or to controlled waters beneath the site. The recommendations of the report with regard to mitigation are to be required to be implemented by condition.

Ecology and biodiversity

A Preliminary Ecological Appraisal was previously submitted. It found that the site was dominated by cut grassland and weeds with some scattered immature trees and shrubs. None of the trees on site were considered to have roosting bat potential and the site offers little in the way of foraging and commuting habitat for bats. A Badger Survey was carried out which confirms that there is a Badger Sett on site, which is likely a 'main sett'. It states that:

"It is highly recommended that the on-site sett is retained within the proposals, with a minimum 20m buffer zone around it where development cannot take place. If this is not possible, a mitigation licence from Natural England will be required to close the sett. In addition, a new artificial sett will need to be created elsewhere on site before the closure can take place. If the new sett is being made, it is recommended that it be made within the smallest field in the southwest corner of the site. It is considered that a buffer along the southern boundary would be the most suitable area for retention of badger foraging habitat. The retained habitat can be enhanced to provide additional foraging opportunities such as fruit tree planting, and grassland management to increase the abundance of earthworms and pond creation".

The application is also accompanied by a detailed Reptile Survey, which confirms that "reptile surveys undertaken in September 2019 identified an 'exceptional' population of both slow worms and common lizards on site. No evidence of other reptile species was found but the possibility cannot be ruled out."

A suitable off-site receptor area will need to be identified and agreed with the LPA as part of the pre-commencement conditions so that the reptiles can be translocated. An ecological management plan has been approved as part of the pre-commencement details.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Construction Management Plan
4. Car parking
5. Cycle parking
6. Travel Plan
7. Precautionary contaminated land
8. Hours of construction
9. External lighting

10. The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers
11. Drainage
12. Drainage maintenance
13. Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity
14. External materials
15. Hard and soft landscaping
16. Boundary treatment
17. Sustainability
18. Air quality
19. Ecology

Is recommendation contrary to letter(s) of representation N

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Case Officer: Peter Barnett Date: 28 February 2024

Authorised by: Gary Peck Date: 28 February 2024