**Planning Committee**
**5th December 2016**

**Agenda Item 4**

**Ward:** ALL

**Key Decision:** ~~Yes~~ / No

**Report by the Director for Economy**

**Planning Applications**

**1**
**Application Number: AWDM/1006/16** **Recommendation – DELEGATE for APPROVAL subject to resolution of outstanding matters**

**Site:** **Riverbank Business Centre, 39 Old Shoreham Road, Shoreham by Sea, West Sussex**

**Proposal:** **Reserved matters pursuant to outline planning permission AWDM/0935/13 dated 16.06.2015 for the comprehensive, mixed use development of general industrial land at the Riverbank Business Centre and nos. 12-18 Old Shoreham Road - including reserved matters relating to details of appearance, layout, scale and landscaping for the delivery of 120 new dwellings (use class C3), retail store (use class A1), cafe (use class A3).**

**2**
**Application Number: AWDM/1306/16** **Recommendation – Approve**

**Site:** **Land Adjacent Malthouse Cottage, Old Shoreham Road, Lancing, West Sussex**

**Proposal:** **Extension to car park for Lancing Manor Leisure Centre.**

**3**
**Application Number: AWDM/1521/16** **Recommendation – Approve**

**Site:** **32 Old Fort Road, Shoreham by Sea, West Sussex BN43 5RJ**

**Proposal:** **Replacement front (north) boundary wall and gates with rendered piers and cedar boards to a maximum height of 1.8m (part retrospective).**

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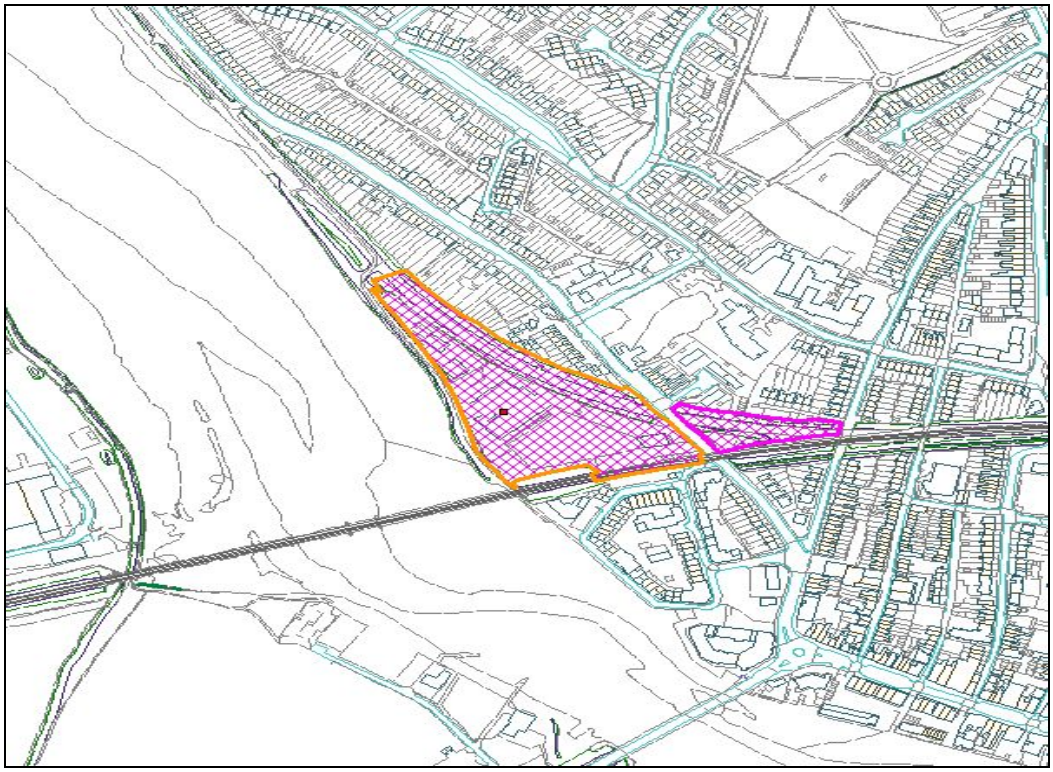
Applicant: Hyde Housing Ward: St. Nicolas
Case Officer: Gary Peck



**Not to Scale**

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**Proposal**

This application seeks reserved matters approval in respect of appearance, layout, scale and landscaping for the erection of 120 dwellings, a retail store and café. The application follows the outline planning permission granted in 2015 for a wider redevelopment scheme that in addition to the above elements also included a hotel, offices and B1 uses.

The applicant states the reserved matters are being submitted in two phases and that the reserved matters relating to the remaining commercial uses and hotel will be submitted at a later stage as Phase 2. The applicant considers that this two-staged approach allows the redevelopment of the application site to progress as soon as possible. The development of Phase 1, it is stated, will facilitate the demolition of existing buildings (which has already taken place) and the clean-up of the land, and development of 120 new homes as soon as possible to address acute local need. It will also facilitate greater public access to the River which is currently subject to engineering/improvement works being undertaken by the Environment Agency, further to the granting of planning permission for the Adur Tidal Walls scheme. The applicant also considers that once Phase 1 is complete, it will set a catalyst for the standard and quality expected for Phase 2 which is likely to bolster demand in attracting a high quality hotel and office occupier to Shoreham.

The phased approach means that that the south eastern corner of the main site and the smaller triangular element to the east of Old Shoreham Road are both not part of the current application. The area which forms the subject of this application is given as 1.89 hectares.

The outline planning permission for the application site (ref: AWDM/0935/13) therefore established the principle of development in terms of approved land uses and details relating to access and a flood defence wall. Matters relating to scale, layout, appearance and landscaping are reserved for determination under this application. The applicant states that while it is acknowledged that the principles for the development were set out at the outline stage, these were indicative principles only. The outline permission did, though, establish a generic masterplan for the development that illustrated an indicative distribution of land uses across the site.

With particular regard to the hotel, the applicant states:

*Since the Applicant's acquisition of the Site in July 2015, every effort has been made to secure a suitable future hotel and commercial occupier at the Site – in line with the approved uses pursuant to the outline planning permission. However, due to a number of reasons there has been limited demand, primarily due to the current condition of the Site which renders it challenging to attract a high-quality end user. Some interest was received from a budget hotel operator, but we believe it is important to attract the highest quality end-user possible for both the Hotel and commercial element so as to achieve the overall ambition to regenerate this important site that is prominent to its river setting and town centre frontage. Simultaneously, there is an acute housing need*

*(five year supply) that needs to be addressed the wider Brighton/Shoreham Area and the Site represents 66% of a single year's housing supply. It is therefore essential to progress and not delay the creation of new homes. Further, by clearing the Site and progressing a high quality scheme on the residential element, it will serve to attract footfall and expenditure (underpinning the commercial viability of future premises) and establishing a quality of design/development that will set precedent and act as a catalyst to secure a higher calibre of occupier for the hotel and the commercial space.*

The applicant further states that for completeness, '*the location of the hotel and commercial uses is included on the submitted Ground Floor Layout Plan / Phasing Plan for illustrative purposes only so as to clearly demonstrate that the proposals in no way prejudice the future completion of the Site. Indeed...a high quality 60-bed hotel with parking and access would form a key prominent part of the Site in the future facing passing traffic on Old Shoreham Road, in addition to future commercial uses on the opposite side of Old Shoreham Road*.'

The applicant has provided the following information in respect of the proposed layout:

*The proposed development comprises a layout which is broadly consistent with the Illustrative Layout approved under the outline planning consent. The layout comprises two distinct development parcels of continuous built form, which when combined deliver 120 residential units, retail store, and river front café with ancillary gallery space/flexible community use. The development is arranged along a new vehicle and pedestrian access route through the Site, providing direct linkages to the River Adur, with continuous built form on either side. This is in accordance with the approved indicative Layout plan with Means of Access for the outline planning permission (Drawing no: 0135_OPP_15). The majority of the townhouses are located along the western boundary of the Site, with frontage onto the River Adur ('Riverside Housing'; residential Plots 35-56) maximising views and aspect to the river. The dwellings on the river are also broken at various points, to provide connection to the existing riverside walk (which is currently being upgraded by the EA) back through the development. Townhouses are also proposed along the southern boundary of the Site (residential Plots 1-10) with frontages onto the new access road through the development. The main apartment blocks are located to the north-west ('Apartment Block 2') and south-west corners of the Site ('Apartment Block 1') anchoring either side of the Riverside townhouses, whilst providing a defined focal point/edge at either end of this prominent location along the river – entirely consistent with that proposed in the outline application, approved illustrative masterplan (Drawing nos: 0135_OPP_13 Rev C) and DAS.*

*Apartment Block 1 incorporates the proposed ground floor café and ancillary gallery space, extending to 320 sq.m fronting onto the River to provide a new focal point for use and enjoyment of residents and visitors to the area. This is important as it will benefit from footfall both through the Site and from either side of the newly upgraded and extended Riverside Walk, achieving a key aspiration of the outline application; providing a new "destination" attraction for this part of Shoreham. A mixed-use apartment block ('Apartment Block 3'; comprising residential Plots 109-120) is also*

*proposed in the eastern portion of the Site, adjacent to Old Shoreham Road – comprising 380 sq.m of ground floor retail space with residential accommodation above. This helps to create a clear entrance point for the development, whilst enhancing the street scene and creating an active commercial frontage at Old Shoreham Road towards Shoreham town centre. It is noted that the location of the ground floor retail unit has been re-located to the opposite side of Old Shoreham Road (within the main site), diverting from the illustrative location for this at the area known as nos. 12-18 Old Shoreham Road (as highlighted within the Indicative Masterplan/Block Diagram pursuant to the outline planning permission (drawing no: 0135_OPP_13_Rev C). This is proposed in order to accommodate specific convenience retailer needs regarding the requirement for car parking and servicing at the front of the retail store (accessed at grade level) to ensure the efficient and safer delivery of goods to the retail unit and parking for visitors. It is noted, that the site on the opposite side of Old Shoreham Road (nos. 12-18) is isolated and has limited space for car parking and servicing for a retail unit. As such, this part of the site is better suited to offices. The proposed location for the ground floor retail unit further north along Old Shoreham Road will also ensure safer access between the retail and office uses; minimising any potential vehicle conflict. A residential apartment Block 4 (comprising Plots 81-85) is proposed adjacent to the main pedestrian access point to the Riverside Walk (within the northwest portion of the Site). This is proposed in response to pre-application discussions with A&WC Officers during the design evolution of the proposals.*

*A series of Mews houses infill the remainder of the Site (Plots 77-80 and 86-108) providing articulation and distinctive character through the development, towards the existing Railway embankment. It is proposed, that the existing Railway embankment will be enhanced to provide a green "landscaped buffer" between the new scheme and the rear of existing residential properties located on Old Shoreham Road ensuring a distance of at least 21 metres between directly facing properties that prevents overlooking due to the raised topography. It is proposed that the green landscaped buffer will extend from the north-west corner of the Site, along the existing boundary to Apartment Block 3.*

The 120 residential units proposed comprise a mix of 2, 3 and 4 bedroom units. There would be 61 units and 59 apartments.

The proposed mix would be 37 x 3 bed houses, 22 x 4 bed houses, 12 x 1 bed flats, 47 x 2 bed flats and 2 x 3 bed flats. Affordable housing would be provided at a proportion of 22% or a commuted sum of £2.2million provided in accordance with the legal agreement completed under the outline permission.

With regard to storey heights, the supporting information states:

*In line with the indicative parameters set out in the accompanying DAS for the outline permission, the proposed development establishes height at key focal nodes along the western boundary of the Site, with aspect onto the River Adur. This includes six storeys in the south-west corner at the junction with the existing railway bridge*

*comprising Apartment Block 1; and four storeys in the north-west corner comprising Apartment Block 2. Apartment Block 3 extends to four storeys, fronting Old Shoreham Road creating a defined entrance to the development. The Apartment Blocks have been designed to include stepping and setbacks, creating a degree of variation to the building frontage. The Riverside town housing in-between Apartment Blocks 1 and 2, extends to four storeys in height (including roof level), stepping down to three storeys in the centre of the Site – comprising the residential housing fronting either side of the new access road including Apartment Block 4. The massing of the development is focused within the apartment buildings, and corresponds to existing development heights to the south of the railway line, and within the immediate locality of the Site. The variation in height across the development, breaks up the form and massing, in addition to the separation of the development blocks created by the new access road and pedestrian links to the river, in-between the riverside housing. The proposed height of each of the development blocks is consistent with the maximum building heights set out within the accompanying DAS of the outline planning permission.*

The appearance of the housing is described as follows:

*As set out within the Design and Access Statement submitted in support of this RMA submission, the proposals have been designed to provide a high quality scheme, which enhances this prominent riverside location, whilst creating a distinctive development which corresponds to the character of the surrounding area. The development is finished in a varying brick palette, with subtle changes in material colour to provide visual interest and articulation. The Riverside town houses incorporates large, clear windows to the rear elevation, with defensible space in front to create a soft and active frontage onto the existing riverside walk and River Adur beyond. The Riverside housing is elevated on stilts, with under croft garages. A light facing brick is proposed to complement the riverside setting, with darker panelling at roof level. Clear glazing at ground floor level of Apartment Block 1 is also proposed to create a continuous active frontage along the river, with a light brick finish to the upper floors. This is reflected in Apartment Block 2 in the north-west corner of the Site. The mews housing is similar in finish, with the use of strong regular windows to create distinction through the development, with garages provided at ground floor level to provide a change in character and scale. The proposed design and appearance of the development is broadly consistent with the indicative principles set out in the accompanying DAS for the outline planning permission in terms of a varied roofscape and clearly terminated apartment blocks and commercial elements which are finished in a contemporary style to reflect the change in character to the north of the railway bridge. The finish of the proposals also complements the existing site surroundings in relating to form, siting, and scaling.*

Car parking is outlined in the following supporting information:

*All of the residential units have on-site car parking comprising under-croft garages for the town and mews houses, providing 2 car parking spaces per dwelling; and 1:1 car parking for the apartments, assessed at ground floor level. In total, 180 car parking spaces are provided for the residential units, in line with A&WC's Parking Standards.*

*The proposals also factor in 16 car parking spaces for the retail unit, accessed at grade level from Old Shoreham Road. Given the highly accessible nature of the Site and in anticipating the high level of pedestrian footfall to the café/ancillary gallery space by local people and visitors from the existing Riverside walk, no car parking is proposed for the riverfront café/ancillary gallery space. The RMA proposals are designed to provide two secure bin stores for each of the residential houses, stored within the garage space and accessed from ground floor level. The garages have been designed to allow for easy manoeuvring and turning when the car is in the under croft. Communal bin stores are also provided for use of each of the residential apartment Blocks located adjacent to each of the residential cores. Two single bin stores are provided for the retail and café units, which are also accessed at ground floor level. Secure cycle parking is provided throughout the development with each of the garages for the residential houses designed to accommodate 2 cycle spaces per plot. Secure cycle storage is also provided for residents living within each of the residential apartment Blocks.*

In respect of the non-residential parts of the proposal, the applicant states:

*The proposals also deliver a total of 380 sq.m of retail space at ground floor level of Apartment Block 3, and a 320 sq.m café with ancillary gallery space/a flexible community use at ground floor level of Apartment Block 1 It is proposed that the ancillary gallery space will offer space for local artists to display their works and potential hire for community/cultural events but to protect the amenity of local residents will only open at the same hours as the café. The ancillary gallery space will also only be assessed via the café to protect amenity. It is proposed that the hours of operation for the gallery will be controlled by way of a planning condition. The ancillary gallery space complements the café use and is highly appropriate in this location, given the Site's prominent situation fronting the River Adur and on the edge of Shoreham town centre. The proposed commercial uses will create a number of new jobs and will bolster the local economy.*

The supporting information concludes:

*In accordance with the outline planning consent, the RMA submission will provide 120 residential units, retail store and café with ancillary gallery space. The proposed development will provide a good variety and mix of housing including 61 apartments. The proposed development will also provide 59 houses, of which all will be provided as family-sized units with 3 or more bedrooms. The proposals will assist with the delivery of high quality new homes within the Borough – greatly assisting A&WC with their new housing target for the delivery of 3, 609 dwellings (180 dwellings per annum) to 2031, at a key brownfield regeneration site, specifically earmarked for development. The retail store and the café will provide local employment opportunities and jobs whilst increasing footfall and expenditure in this important area of Shoreham. The delivery of a high-quality scheme as part of Phase 1 will bolster the opportunity to attract a high-quality hotel and commercial occupier for development to be delivered under Phase 2 – acting as a catalyst for future investment into the town centre and wider Adur District.*

*The proposals seek to increase the permeability through the Site and along the River Adur frontage, enhancing pedestrian access to the existing Riverside walk and improving this important riverside setting on the approach to Shoreham town centre. The proposals also meet residential amenity and design standards in line with both 'saved' policies of the Adur Local Plan (2007) and draft A&WC Local Plan Policies (2014; with amendments 2016).*

*Car parking is proposed in accordance with A&WC standards and comprises of secure, private garages and under-croft car parking. Surface car parking for the retail unit is also provided, accessed from Old Shoreham Road.*

*The proposals will deliver a high quality solution to a vacant and under utilised site that has a prominent riverside location on the edge of Shoreham Town Centre. It will physically regenerate this important site providing high quality new homes and new employment opportunities, whilst acting as a benchmark and future catalyst for the wider regeneration of the Site and the area.*

**Site and Surroundings**

The application site comprises two parcels of land. The main site, which is the focus of this application, is a triangular parcel of land on the west side of Old Shoreham Road north of the railway which passes to the south on a raised embankment below which are disused railway arches previously occupied by small businesses. This site is 1.89 hectares and previously accommodated a number of buildings used for light and general industrial uses as well as used car sales and repair.

Along the river edge, to the west of the application site, is a riverside walkway which was previously separated from the application site by fencing which has recently been removed in association with the Environment Agency works. The site is enclosed by a disused railway embankment along the north eastern boundary, which is within the site, beyond which are residential properties in Old Shoreham Road.

The character and proximity of the nearest properties in Old Shoreham Road to the applications site varies. Properties in Bridges Bank are close to the boundary of the southern portion of the eastern part of the site and are 3 storey with their upper floor windows visible from within the application site, most noticeably from number 14. Numbers 1, 2, 12 and 13 are close to the edge of the application site, almost adjacent at their nearest point.

Further to the north there is a much greater distance to the residential properties in Old Shoreham Road, with rear gardens typically being in excess of 30 metres in length. As the properties here are 2 storey, together with their set back, there is a far more open and undeveloped nature close to the northern extent of the site.

At the southern end, the existing Ropetackle development, to the south of the railway line, provides a far different context as it is set at a raised level and is up to five storeys in height. There is a far more urban feel to this end of the site.

On the opposite side of Old Shoreham Road is a smaller triangular site, 12-18 Old Shoreham Road, which is also part of the wider redevelopment site but for which no reserved matters details are submitted with this application. It is 0.8 hectares and has previously been used for storing caravans and as a car wash.

**Relevant Planning History**

AWDM/0935/13 - Outline planning permission (including approval of details of access) was granted in June 2015 for redevelopment of general industrial land for a mixed use scheme with up to 120 new dwellings (Use Class C3), hotel (Use Class C1), offices and light industrial (Use Class B1), retail (Use Class A1), financial and professional services (Use Class A2) and cafe (Use Class A3), with associated roadways, parking and flood defence wall (site includes Riverbank Business Centre and 12-18 Old Shoreham Road).

**Consultations**

**Environment Agency**

No objection

**Southern Water**

No objection but comment that there is insufficient capacity within the existing foul sewerage system to accommodate the proposed development flows.

**Technical Services**

With Regards Fluvial (River flooding).

As a flood defence is proposed as part of the planning application, we would not object to this development on that basis. However, as we understand it the cost of this defence may be a stumbling block to the development. There are two options – either the tidal defence constructed as part of the development, or it is built by the Environment Agency as part of the Adur Tidal Walls scheme.

We understand that the Environment Agency have estimated that the cost of the wall will be circa £800k. They have also indicated that they consider the developers' indicative design pile section to be too light and that the pile is not surface treated, but do not give any idea of the section or treatment that they consider appropriate.

Based upon the current rate of progress with the Adur Tidal Wall we would suggest that despite possible cost savings waiting for the EA to construct their wall the developer will probably be better of protecting the site himself.

This is because of the EA CONDITION 1

The development hereby permitted shall not be occupied until the necessary flood defences are complete.

With the current rate of progress on design by the EA the site is unlikely to be protected much before 2015/16, and this date may slip again due to funding constraints, this may well be an unacceptable delay to the developer.

Finished floor levels for the proposed development have been confirmed by the EA at no lower than 5.4 m above Ordnance Datum (AOD).

With Regards Pluvial (Surface Water flooding). We have three conditions:

1. In the absence of any ground investigation details or drainage details in support of the application we request that should approval for this development be granted it be conditional such that 'no development approved by this permission shall commence until full details for the sizing and location of soakaways has been approved by the Planning Authority. Soakage tests in accordance with BRE Digest 365 (1991) would be required to be undertaken on the proposed site to meet this requirement, to ascertain the sizes of the soakaways required for the new impermeable roofs and road areas.

2. In the absence of any correspondence with Southern Water, the Environment Agency, or WSCC in their role of LLFA, we request that should approval for this development be granted it be conditional such that 'no development approved by this permission shall commence until the outcome of an application to the LLFA for approval to culvert or divert the ditch (even though the ditch is actually part of the Southern Water sewer system) has been received by the Planning Authority'.

3. In the absence of any ground investigation details or drainage details in support of the application we request that should approval for this development be granted it be conditional such that 'no development approved by this permission shall commence until full details for the disposal of surface water has been approved by the Planning Authority.

   Details of the surface water drainage system, which shall not include discharge to the River Adur by means of pumping, should consider tide locking for the site area, and shall also consider and provide for storage of surface waters originating off site that would normally be contained within the open ditch or within the site boundaries during periods of tide locking.

**West Sussex County Council Highways**

Summary
West Sussex County Council (WSCC), in its capacity as the Local Highway Authority (LHA), has been consulted on the reserved matters application AWDM/1006/16. Outline permission, including the resolution of access matters, has been consented through permission AWDM/0935/13. The current application focuses on the internal site layout, landscaping, scale and density of Phase 1.

Having reviewed both the Planning Statement and the Design and Access Statement, no reference has been made whether the Applicant intends to offer the internal roads for adoption. Therefore, any comment made on the layout is for advice purposes only. It should be noted that, should the internal layout be offered for adoption, there is no guarantee that adoption would occur or whether the layout satisfies adoptable highway specification. If it is the intention to offer any internal roads for adoption, the Applicant should provide detail on the extent of the area to be offered and a Design Audit (including internal junction visibility splays, geometry, service margins and tracking).

The LHA have been unable to locate a standalone general arrangement Site Plan, and appendix A2 of the Planning Statement is not available for viewing on the online planning file. Therefore, the assessment has been undertaken utilising various arrangements presented in the Design and Access Statement; it should be noted that none of these drawings are transport specific arrangements, and the detail of the document is lost when adjusting the size of the drawings.

The following recommendations are made:

- Further consideration be given to the location of the retail access, as the proximity of the proposed access to the main site access could result in conflict upon the highway, a result of sudden stopping on the A283.
- The parking strategy is reviewed, and provided for, utilising the WSCC Parking Demand Calculator. The current strategy does not appear to provide sufficient supply to cater for the demand generated by the proposed development.

Layout

The internal road layout broadly accords with the illustrative layout presented as part of the outline permission. The original layout was subject to a tracking exercise to establish that larger vehicles, such as refuse freighters, could manoeuvre through the site. The one key change is that the retail provision has been relocated from the northern side of the A283, to a parcel of land at the entrance to the bulk of the development, so of the A283. The access to the 16 parking spaces that are proposed is immediately upon entering the site from the A283. The Stage 1 Road Safety Audit, undertaken on the site access arrangements submitted and permitted as part of the outline submission, would not have taken the position of this access into account. The

Audit was undertaken on a layout arrangement that did not have an access at this location.

The proximity of this access close to the main site access could lead to obstruction of the public highway. Vehicles waiting to turn right into the retail car park may have to wait to let oncoming traffic pass, or be presented by a small queue of vehicles waiting at the site access to exit onto the A283. This would obstruct other vehicles entering the site, which in turn could lead to sudden stopping on the A283 and the possibility of rear-shunt collisions. In addition, vehicles turning out of the retail car park access onto the main development spine road may obstruct any large vehicles entering the site, such as refuse or servicing vehicles.

There appears to be segregated footway provision upon immediately entering the site, until just passed the retail provision. The remainder of the site seems to be provided for in a shared use carriageway. Whilst this is an approach promoted by Manual for Streets, given the relatively straight alignment of the road through the site, there may not be sufficient speed control.

There does not appear to be any cycle/mobility impaired access directly onto the cycle/pedestrian route fronting the riverside; each of the three accesses appear to contain at least a small flight of steps to address the level distance.

Carriageway widths appear to be circa 5.5m throughout the site, which is in accordance with MfS guidance. Should on-carriageway parking occur, the layout should be able to accommodate without obstruction to flow of traffic through the site. However, given the number of direct accesses to dwellings across the site, there is little limited opportunity for on-street parking to occur.

Visibility of a minimum of 2.4 x 25m at internal site junctions should be provided, to provide sufficient stopping distance for speeds up to 20mph. This should be clear of any objects that full obstruct the presence of a vehicle – i.e. bushes, low canopy trees, walls etc.

Parking

The proposed parking provision associated with the retail element is consistent with WSCC Parking Standards.

The LHA utilise the Parking Demand Calculator (PDC) to establish the anticipated demand associated with development proposals, utilising Census data. The Applicant has proposed circa 180 spaces (2 spaces per house and 1 space per flat). Whilst it has not been possible to locate a specific breakdown of the tenures of each property, the PDC indicates that this will lead to an additional demand for 42 spaces of parking. This consists of 18 unallocated parking spaces for resident use, and a further 24 spaces for visitor use. There appears to be limited visitor space within the proposed layout, consisting of 2 spaces towards the south east of the site. As a result, it is likely that overspill car parking would occur. This may be retained on-carriageway within the

site or, given the limited opportunity afforded for this to occur, this parking may occur outside the site – particularly parking associated with visitors.

It is recommended that the Applicant review the parking arrangements in accordance with the PDC. The figures may be subject to variation depending on the tenure mix utilised.

Safe and secure parking for cyclists is provided for within either a communal cycle store or within garages.

**Natural England**

Natural England responded to the outline application for the above development in a letter dated 27 November 2013. This letter stated that Natural England did not object to the development subject to mitigation measures being secured to ensure that impacts on the adjacent Adur Estuary Site of Special Scientific Interest (SSSI) were avoided or minimised. For ease of reference, these measures are:

A permanent fence between the river walkway and the SSSI, for at least the length of the development, to prohibit access (by people and dogs) on to the mudflats/saltmarsh to avoid bird disturbance and trampling. The fence needs to be erected before the development is occupied, and the detailed design of this fencing should be approved by Natural England prior to discharging the condition.

No new access routes or boat ramps within the SSSI to ensure there is no increase in users accessing the mudflats associated with this development.

The retention and/or planting of suitable scrub, where appropriate, along the river walk to ensure the minimisation of visual disturbance of river walk users to wintering waders.

The preparation of a lighting strategy that shall avoid illuminating the river to avoid disturbance to the SSSI.

A Noise Management Scheme shall be prepared which details measures to avoid and mitigate for noise disturbance to birds using the SSSI during demolition, earthworks and construction activities. This should include measures such as timing of noisy activities outside of the overwintering period.

A Dust Management Scheme should be prepared which follows best practice to ensure that there is no impact to the SSSI from increased dust deposition.

A surface water drainage strategy shall be prepared to ensure that there will be not additional surface water run-off entering the River Adur from this development which could increase scouring of the mudflats. Measures such as permeable paving, swales and green roofs could be further considered as suitable options for onsite flood attenuation.

This reserved matters consultation contains information relating to the last of these mitigation measures: a Drainage Strategy Report (June 2016) is submitted. This Report sets out how surface water run-off will be managed by a tanked permeable paving system prior to discharging, via a flow control, through the existing outfall to the River Adur. Tables 4.1 and 4.2 detail the pre- and post-development run-off rates, and show that rates and volumes of discharge increase post-development. The submitted Report does not show whether this increase in flow rates and volume would lead to increased scour on the mudflats of the SSSI. However, we welcome the informative attached to the outline permission for the development (AWDM/0935/13) which states that the detailed design of the outfall should consider the need to include scour protection.

**Network Rail**

After reviewing the information provided it is apparent that the application includes the construction of a tunnel over the operational railway.

In order for this to take place the applicant will be required to obtain the relevant permissions and clearance from the Network Rail Property team prior to the commencement of any works. The applicant is also strongly encouraged to contact our Asset Protection Team at AssetProtectionSussex@networkrail.co.uk and agree to an Asset Protection Agreement as soon as possible. More information can also be obtained from our website at www.networkrail.co.uk/aspx/1538.aspx.

**Sussex Police**

Comment that the residential development creates good active frontages. It is difficult to provide advice on the retail units when the end user is not known. Concern regarding the number of dedicated parking spaces to serve the café/gallery.

**Environmental Health**

Full contamination condition required.

**Shoreham Society**

Express grave concerns as the main flat block has increased in scale from 4 to 8 storeys representing an unacceptable increase in height. The developer's strategy appears to be to show an acceptable scheme at public consultation and then put a different scheme in at the application stage. The Society considers that the site should provide a transition from the very urban architectural context of the main Ropetackle development to the south, to which this development should be subordinate, to the more rural and picturesque setting of the riverside going north to the Toll Bridge with small scale existing housing around it on Old Shoreham Road. The application should be re-submitted based on the outline planning permission.

**Representations**

14 letters of objection have been received on the following grounds;

- Loss of railway embankment behind 1 Bridges Bank will result in an adverse impact. Embankment should remain as a buffer.
- Increased height of proposed flats shown at the public consultation stage will adversely affect the character of the area
- Development is higher than the existing Ropetackle site
- Increased traffic on already congested roads
- Train services are already at capacity
- Loss of privacy through overlooking
- Loss of trees/vegetation
- Development would be on the flood plain
- Concern about future plans for the open ditch that runs through the site
- Lack of information regarding flat block 2
- There is an adverse effect on the residential amenity at our property 14 Bridges Bank, by reason of overlooking and loss of privacy. This overlooking and loss of privacy will be experienced most severely by us from use of the Bedroom 2 Juliet Balcony in plots 77-80 and from use of the rear gardens in plots 77-80. Overlooking and loss of privacy can be mitigated by the use of frosted glass in the Bedroom 2 Juliet Balcony doors.
- The raising of the road suggested by the developer at the front of the site is not a possibility
- Plans for Phase 2 are unclear
- Overlooking from balconies from the flats at the northern end of the site
- Lack of segregation between cyclists and pedestrians on the riverbank footpath
- Loss of view to the river and airfield
- Overbearing impact of the development
- Entry and exit to the site should be northbound only.

**Relevant Planning Policies and Guidance**

National Planning Policy Framework (CLG 2012)

Adur Local Plan 1996 saved policies: AG1, AG3, AP4, AB1, AB16, AB25, AB27, AB30, AB32, AT10, AT11, AH2, AH3, AH5, AE2, AE4, AS3, AR5, AR6, AR20

Adur Submission Local Plan Draft Policy 11 Shoreham-by Sea

Development Control Standard No.2 “Space around New Dwellings and Flats” - Appendix11 of Local Plan (Adur District Council 1996)

‘Good Practice Guidance Note: Internal Space Standards for New Homes’ (Adur District Council 2010)
Interim Supplementary Planning Guidance on Affordable Housing (Adur District Council 2004)

Revised West Sussex Parking Standards & Transport Contributions Methodology (West Sussex County Council 2003 (amended 2010)

'The Provision of Service Infrastructure related to New Development in West Sussex - Part 1'(West Sussex County Council 1999)

Design Bulletin 'Trees and Landscaping' (Adur District Council 1996)

Planning Practice Guidance (CLG 2014)

**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

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**

The principle of development has been established via the outline planning application which was submitted with only access for formal determination. Matters of appearance, landscaping layout and scale were reserved for future consideration and hence have come forward under this application.

Members will recall from the outline permission that details of appearance, layout and scale were submitted with the outline application but as such those details would have been of illustrative nature only, albeit it is the applicant's contention that the details now formally submitted as part of this application do not significantly depart from those illustrative details.

As described above, it is now intended that the development of the site is delivered in 2 phases with the element of the site on the eastern side of Old Shoreham Road and the southeast corner of the main site forming phase 2 of the proposal.

Your Officers note that the overall number of 120 dwellings is to be provided within the first phase, yet the indicative masterplan submitted at the outline stage included residential elements within both parts of the site now excluded from the first phase of the development. This means that the residential element is now being provided in a smaller area than was previously intended although this is offset partly by the proposed relocation of the office and industrial uses to the eastern side of Old Shoreham Road whereas previously they were to be provided on the main site. The

relocation of the office/commercial uses is the main difference between the current proposal and the outline scheme in layout terms given the remaining element, the hotel, will still be located towards the entrance to the site in the south eastern corner of the development.

In general layout terms, the remainder of the proposal is of similar nature to that shown at the outline stage with a 'main street' accessing the site from the Old Shoreham Road and running east-west towards the south western corner of the site where it turns north to become a 'river street' that runs behind the main row of houses fronting the river. As previously, the proposed café/gallery would be sited in the south western corner of the site.

The indicative scheme at the outline stage showed a separate cul-de-sac running north from the main street culminating in a mews development. The layout of this road has altered now so turns in a north westerly direction and provides an alternative link through from the main street to the river street. This has led to a slight reorientation of some of the proposed dwellings.

The proposed retail store was previously shown to be adjacent to Old Shoreham Road, but is now set back with parking in front which is understood to be one of the proposed operator's requirements.

Maximum building heights and storeys, albeit still indicative, were presented at the outline stage. Those relevant to the current proposal include the retail store with residential above close to the entrance of the site (now referred to as Block 3) at 12.4 metres and 4 storeys, the café/gallery with residential above in the south eastern corner of the site (Block 1) rising to a maximum of 20.8 metres and 7 storeys. The proposed apartment block at the northern end of the site (Block 2) would also be at 12.4 metres and 4 storeys.

The vast majority of the housing shown at the outline stage would be 3 storeys plus roof, with heights varying between 11.2 and 12.2 metres except for the previously indicated mews development which would be 2 storeys plus roof at a height of 9.4 metres.

**Block 1**

Block 1 would be located in the south western corner of the site and would be the tallest building on the site – the indicative maximum height of 20.8 metres is maintained in the current submission and the building would be a 7 storey building (6 storeys when viewed from the riverside). The southern part of the application site relates far more to the existing urban centre of Shoreham particularly given that the existing Ropetackle development sits in close proximity on the other side of the railway line.

As the existing Ropetackle development varies between 3 and 5 storeys in height, Block 1 will clearly be higher than existing development to the south and therefore

represents a significant building proposal that will be seen as a focal point when approaching Shoreham from the west as indeed does the existing Ropetackle development.

Concern has been raised that this block has been raised significantly in height since the public consultation stage although it appears quite clear that a 7 storey building was envisaged at the outline stage and there is not an increase in the indicative height of the building proposed. Nonetheless, such details were indicative and the granting of outline permission does not mean that permission has already been granted for the proposed building.

The nature of the application site, with the clear transition between a definite relationship with the urban centre at the southern point and the more rural aspect at the northern end would certainly suggest that the south western corner of the site is that which should be used most intensively. Given the proximity of the river and quite attractive views across the more open landscape around the airport, it is equally natural that a development in this location should look to optimise such views.

In neighbour amenity terms but also the relationship between buildings, the railway line gives a sufficient visual break to accommodate a building of the scale proposed. At the closest point, there would be about 30 metres between the proposed building and the nearest, Bowline Point, within the existing Ropetackle development to the south.

It is also important to consider the proposed building in connection with the proposed dwellings immediately to the north. An alternative approach could be for a generally higher development across the whole of the western site frontage to the river. However, in light of the transition between urban and rural elements referred to above, it is not considered that such a scale of development would be appropriate. It is accepted that an approach which provides a focal point in the corner of the site but then a generally lower scale of development across the site frontage relates better to the overall context of the site.

The provision of a café and gallery is also considered important in providing an amenity for both residents and non-residents of the new development alike in a similar fashion to the existing Ropetackle development. The proximity to the public footpath along the river and the fact that the development site sits in between the river and the town centre means that functionally it is a site that the public may well pass through and therefore it is important that a facility is provided that will act as a public amenity and take advantage of the views that the river provides.

In terms of materials, stone walling, bronze cladding and a light facing brick are proposed which will complement the existing Ropetackle development but also provide a more contemporary feel to the development. Accordingly, your Officers feel that a building of the scale and design proposed could be successfully accommodated in the development.

**River Street/river frontage housing**

Leading north from Block 1 is the main row of housing that will front the River Adur. The front of these properties would face inwards to the site with the rear facing the river providing a terrace and external decking area. There is a terrace between block 1 and the southernmost extent of these units which provides a visual break. 11 dwellings, identical in design, are provided before another gap which provides steps to the river walk. Another 11 dwellings of the same house type are then to the north leading to block 2 which is described in further detail later in the report.

The officer report into the details submitted at the outline stage stated:

*The river terrace is deliberately conceived and illustrated as a light and less than imposing row of buildings with river facades which are deeply recessed and formed from light materials of timbered louvres and glass to capture the soft rural river outlook.*

The current proposal reflects the general design approach above, although the previous description at the outline stage of these properties as 3 storey + roof does not appear to reflect the finished design which is more akin to 4 stories and indeed the dwellings are almost a metre higher, at 13 metres, than indicated at the outline stage. Because of the raised nature of the river walk, the lower floor will largely be screened from distant views.

Your Officers do not consider the increased height of the proposed dwellings will adversely affect the visual character of the development given that the design remains appropriate to its riverside setting. These comments need to be read in conjunction with those regarding Block 2 below.

**Block 2**

Block 2 is the northern apartment block and represents the further extent of the development in a northern direction at the point where the site is the narrowest.

The officer report at the outline stage stated:

*The Local Planning Authority at pre-application stage has encouraged the applicant to adopt a different design philosophy to Ropetackle South in order to reflect its more rural setting and to create a softer and less urban edge to the built up area…at either end* [the locations of Blocks 1 and 2] *a deviation of expression is allowed to make a final statement and act as convenient bookends which are slightly taller in complementary but not matching materials.*

The indicative scheme at the outline stage suggested a building of 4 storeys in height with an indicative ridge height of 12.4 metres.

The proposed building is now 5 storeys in height and appears to be almost 15 metres at its tallest point. The design also appears to have changed quite substantially from the illustrative scheme submitted at the outline stage which showed a curved building at the northern point reflecting the narrowing nature of the site at its northern end.

The increased height of this apartment building is of some concern to your Officers. As already stated, the northern end of the site is markedly more rural than the southern end. The alignment of Old Shoreham Road largely runs away from the application site as it progresses in a northerly direction meaning that the existing properties on the western side of the road have rear gardens around 35 metres in length with the railway embankment beyond, thus giving a substantial separation between the existing houses and the application site. Moreover, the dwellings in this location are all 2 storey in height compared to the 3 storey dwellings in Bridges Bank that are considerably closer to the application site at the southern end. The contrast is, therefore, marked between the northern and southern ends of the site and while the more urban feel to the south can be used as a justification for Block 1, it is equally felt that the far more rural/open nature of the surroundings of the northern end should inform both the design and scale of the buildings at that point of the site.

As presently proposed, the 4 storey run of riverfront dwellings meets a 2 storey element at the southern end of Block 2 which rises to 3 storeys and then again to 5 at its highest point. Whilst, there is some logic in creating 'bookends' terminating the line of the riverfront pitched roof dwellings, the overall height of the northern apartment block is of some concern. In this respect the increase in height of the dwellings fronting the river has given rise to a greater increase in height of Block 2. This concern is exacerbated by a change in design of the proposed building which instead of the curved approach shown at the outline stage, is now a squarer building more reflecting the style of the taller building at the southern end of the site.

Your Officers did not feel that these changes to the indicative outline sketch provided an appropriate edge to the development given its more semi-rural character and accordingly the applicant's agent was contacted to see if the scale of this apartment Block could be amended.

The agent responded:

*…The scale and design of the Northern Apartment Block has been carefully considered throughout the planning application process; with a number of design workshops undertaken with A&WC to discuss this aspect of the scheme…This has resulted in a number of changes to this apartment block throughout the application process, in direct response to comments received from A&WC (as detailed in e-mail received from A&WC on the 30 June 2016; confirming that the proposals for the Northern Apartment Block are acceptable). In this regard, it was agreed that the Northern Apartment Block should be designed as a "bookend" feature – anchoring the development to the Southern Apartment Block along the River Adur (in line with the "indicative" principles of the outline planning permission). As I stressed above, the previous scheme was illustrative and never had to test building envelopes in detail.*

*We have stressed and agreed with A&WDC that in order to comply with National Space Standards, the Northern Block would need to be designed at least one storey higher than the adjoining riverside town houses. The current proposals respond to this, comprising a ground plus four storey building with the top floor only containing two flats with aspect over the River. This also creates the bookend effect, which is important as viewed from the River/opposing side of the river. The top floor does not extend over the whole building footprint, and greater stepping is incorporated to create articulation between the adjoining town houses – re-establishing the "illustrative" views that accompanied the outline applications aspirations of creating a "bookend" building, at this important River frontage.*

*It is noted that the proposed Northern Apartment Block is only marginally taller than the "indicative" figure cited within the outline planning permission (by circa 1 metre – which is less than 10% and well within what is usually considered by officers and Inspectors to be an acceptable tolerance when determining applications and appeals for reserved matters against outline schemes) – albeit it is important to note that no max height was set with "Scale reserved" for detailed design stage (the "current Reserved Matters proposals"). Thus, the proposals for the Northern Apartment Block, (and indeed the current Reserved Matters application) should be considered on its own merits; considered entirely appropriate in relation to the urban setting of the Site. Indeed, this was originally recognised in the DAS for the outline application, which advocated that the Northern Block should be considered a bookend to the development – in providing a visual balance and natural transition point towards the urban, Shoreham town centre. Notably, the DAS for the outline application states that the Site is a "key edge-of-centre regeneration site that marks an arrival point to the town centre from the north." In this regard, the proposals for the Northern Apartment Block represent both an entrance to the scheme when approached from the north and a visual termination when viewed from the south. Existing trees will screen the development, whilst complementing the architectural form and scale of the Southern Apartment Block…Simply put, we are prepared to defend this as it clearly accords with the principles of the outline permission, is justified in design terms and is well within an acceptable tolerance of the height of the illustrative scheme. It is essential to achieve the "big brother, little brother" relationship and to our design concept for the river frontage aspect of our scheme, that there is an aesthetic consistency between the bookend apartments. You have accepted that the design and aesthetic of the southern apartment block is successful and it is essential that this aesthetic is reflected in the Northern Apartment Block. Our Client is of the view that it is nonsensical to suggest that we should be applying aesthetic sketched at the outline stage to the design for the Northern Apartment Block.*

In considering the proposal, it is important to stress that Officers are not seeking the applicant to replicate the design advocated for the northern apartment block in the outline scheme. The main concern relates to the overall scale of this apartment block given its more sensitive location and open views to the National Park and Lancing College. This building would be a dominant feature when viewed from the Downs Link footpath and there is concern that it would have an urbanising effect. There is no objection on design grounds as the building does complement the higher

contemporary design of Block I at the southern end of the site. However, just removing the top floor would have an adverse impact on the overall design approach and require a more fundamental design review of this block and its relationship with the adjoining townhouses.

The applicant is concerned about making significant changes to the scheme at this stage and feels that its design approach is appropriate. Nevertheless, the applicant is prepared to re-assess the landscaping proposed adjacent to Block 2 and help to soften the impact of this building when viewed from north of the site. If Members consider this part of the proposal to be acceptable than it is considered that it would be necessary to require significant landscape mitigation to address your Officers concerns.

**Proposed dwellings located centrally within site**

The dwellings within the site will generally have less impact upon the wider surroundings since they will be screened by the development to the edges of the application site. The row of dwellings towards the corner of the main street and river street for example, appear uncontroversial. The main issue, therefore, in respect of the remaining dwellings is the effect upon the neighbouring properties that border the site to the east, primarily those in Bridges Bank which are clearly visible from the application site.

At the outline stage, the officer report stated:

*The closest block to existing properties would be the north facing block of three terraced houses at the northern end of 'river street' behind Bridges Bank in Old Shoreham Road. Nos. 14 and 15 Bridges Bank have rear elevations which look towards the side of the proposed block which can be designed without flank windows to avoid overlooking. However, the proposed block would only be some 14.5 metres away and is at a higher level and such a relationship is unlikely to be acceptable but is not for formal determination at this stage and would have to be carefully considered at reserved matters stage if included in the layout for approval. There is similar concern at the impact upon no. 13 Bridges Bank.*

The current proposal has re-orientated the dwellings in question so that they now face east-west rather than north south (and comprise a block of 4 rather than 3 dwellings. The advantage of this reorientation is that the separation distance has increased from the 14.5 metres referred to above to just under 22 metres at the closest point and that a greater section of the embankment can be retained for landscaping purposes. The disadvantage is that the proposed dwellings are now facing 14 and 15 Bridges Bank rather than having a side facing relationship. As stated above, the proposed dwellings would be at a higher level than the neighbouring properties and would be 3 storey in height, although the lower storey would be largely screened from the rear by the embankment. The proposed dwellings in this row and a further row to the south east are the lower mews style development envisaged at the outline stage and are just over 11metres in height.

Your Officers note that the occupier of 14 Bridges Bank considers that the indicative scheme, despite being closer to his property is preferable to the reorientation now proposed.

Supplementary Planning Guidance in Development Control Standard No 2 states: *A distance of 22m is the minimum required between facing principal windows in order to retain sufficient privacy. For developments over 2 storeys in height this distance will need to be increased*.

The proposal therefore just meets the minimum standard for 2 storey dwellings but given that this a 3 storey dwelling, containing a Juliet balcony at second floor level with a difference in land level, it is quite possible that there would be an adverse impact upon neighbouring properties by way of overlooking. The applicant's agent has responded that the distance exceeds the Council's standard of 21 metres (which is incorrect taking into account the above guidance) but that in any case there will be substantial landscaping by way of a green buffer on the railway embankment.

Your Officers consider that this is a matter of concern which, given the wider layout of the site, cannot be resolved easily by any re-siting of these plots. However, the retention of the embankment in its entirety at this point may give the opportunity for an adequate green buffer which will be important in any case in providing a landscaped backdrop to the proposal.

It is noted that the applicant's agent has already made contact with numbers 1 and 2 Bridges Bank where there is a slightly greater distance (about 24 metres) between the proposed row of 8 mews dwellings located further to the south east and the properties that border the site and have submitted amended plans showing greater mitigation to those properties. Unfortunately, the agent was not aware of the objection from 14 Bridges Bank (as the letter was incorrectly indexed on the website) so had not made the same contact with the occupier of this particular property. It is considered that if permission is granted for the overall scheme, then this particular aspect is delegated to Officers to resolve in consultation with the agent and nearest occupiers.

**Central block of flats (referred to as Block 4)**

Although not annotated specifically as block 4 on the layout plans, the proposed block of flats which separates the mews dwellings is referred to as such on some of the supporting information. This block of flats is important in visual terms as although is located internally within the application site, it will be visible through the gap between the two groups of riverfront dwellings and hence will be visible from the west.

Because of the alignment of the site at this point, it is felt that this block is sufficiently distant from the site boundary (about 24 metres at its closest point, but 35 metres at its farthest) for there to be no adverse impact upon surrounding neighbouring properties. The main concern regarding this building is that its design appears somewhat governed by the necessity to site within two blocks of lower mews buildings

which accordingly gives the roof a rather truncated appearance and somewhat large dormers containing Juliet balconies within the roofslope itself. On the rear roofslope are irregularly shaped and spaced flat roofed dormers which appear somewhat at odds with the rest of the development. It is considered that some design amendments may need to be considered to improve the visual appearance of the building.

**Block 3 - Retail with residential above**

The location of the retail block with residential above was shown at the outline stage as fronting Old Shoreham Road but is now set back from the road with parking for the retail unit in front. The officer report at the outline stage considered that this part of the proposal would help improve the street scene in the area and in some respects it is disappointing that the immediate frontage of the site will contain car parking rather than what is a well-designed building using the light brick, stone and zinc cladding in a similar fashion to the taller block in the south west corner of the site. However, there is the potential for some landscaping at the front of the site and on the assumption that phase 2 of the development goes ahead, it appears likely that the proposed hotel will be located close to the site frontage on the western side of Old Shoreham Road and similarly the office/industrial uses sited close to the road on the eastern side. Both should provide a strong street frontage.

The setting back of the building does give at a greater separation to the residential properties across Old Shoreham Road, but also alters the relationship with numbers 1 and 2 Bridges Bank both by the re-siting of the building and also the consequential relocation of parking serving the residential units to a position close to the boundary.

The distance between the building and 1 and 2 Bridges Bank is about 25 metres at a slightly oblique angle and therefore is considered to be acceptable, although the projecting balconies on the nearest proposed properties on the northern side of the building have been amended to Juliet balconies since a projecting balcony could allow more direct overlooking by occupants using them. The agent has also stated that after consultation with the occupiers of 1 and 2 Bridges Bank, additional mitigation measures including the erection of a 2.3 metre brick wall as improved separation from the residential parking area.

This element of the site will be subject to some visual change as the existing embankment will be removed at this point. Your officers did express some concern as to how the termination of the embankment will be achieved although as with other matters, such details can be secured via a landscaping condition. In general, the removal of the brick walling which used to support the bridge (the bridge itself having been removed long ago) will open up the area as the retention of high brick walls close to the roadside has detracted from the character of the area.

**Highways & Access**

A consequence of the re-siting of the retail block has meant that while the overall access point to the site remains unchanged, there is an alteration in parking arrangements close to the entrance of the site.

The Highways Officer has commented:

*The one key change is that the retail provision has been relocated from the northern side of the A283, to a parcel of land at the entrance to the bulk of the development, so of the A283. The access to the 16 parking spaces that are proposed is immediately upon entering the site from the A283. The Stage 1 Road Safety Audit, undertaken on the site access arrangements submitted and permitted as part of the outline submission, would not have taken the position of this access into account. The Audit was undertaken on a layout arrangement that did not have an access at this location.*

*The proximity of this access close to the main site access could lead to obstruction of the public highway. Vehicles waiting to turn right into the retail car park may have to wait to let oncoming traffic pass, or be presented by a small queue of vehicles waiting at the site access to exit onto the A283. This would obstruct other vehicles entering the site, which in turn could lead to sudden stopping on the A283 and the possibility of rear-shunt collisions. In addition, vehicles turning out of the retail car park access onto the main development spine road may obstruct any large vehicles entering the site, such as refuse or servicing vehicles.*

The applicant's agent has responded:

*Hyde's Highway's Consultant is currently reviewing the location of the access to the retail car park (albeit, it is considered that this is sufficiently located in relation to the main site access). Notwithstanding, it is highlighted that the proposals to re-locate the retail unit have been part of the proposals since June 2016, following the outcome of a pre-application design workshop with A&WC officers, where it was agreed that there were tangible benefits in setting this back from Old Shoreham Road (as detailed at Paragraph 1.15 of the submitted Planning Statement). This approach was then taken forward as part of the Reserved Matters planning application; as submitted on the 29 June 2016. It is noted, that no comments were received from A&WC regarding the access to the retail unit, either pre-or post-submission of the application (including at a series of design workshops held on the 23rd February 2016; 01st March 2016; 19 April 2016; 10 June 2016; 20 June 2016; and 13th September 2016. Thus, it is extremely disappointing that we have only just been issued with comments from the Highways Authority on this element of the scheme. A response will be provided in advance of the December committee date, but I would stress that given the delay in receiving this response (5 months) it would only be fair to report the scheme to committee and as necessary provide a supplementary report once Highways have responded on our updated proposal.*

At the time of writing this report, the further information from the applicant is still awaited and this matter will need to be satisfactorily addressed before permission can be granted. Although it is regrettable that there was a delay in receiving the consultation response from the County Council, equally it would have been open to the applicant to update the previous highways information when the application was submitted given that the relocation of the retail parking is a material change when compared to the outline permission.

Likewise with regard to parking provision, the Highways Officer commented:

*The LHA utilise the Parking Demand Calculator (PDC) to establish the anticipated demand associated with development proposals, utilising Census data. The Applicant has proposed circa 180 spaces (2 spaces per house and 1 space per flat). Whilst it has not been possible to locate a specific breakdown of the tenures of each property, the PDC indicates that this will lead to an additional demand for 42 spaces of parking. This consists of 18 unallocated parking spaces for resident use, and a further 24 spaces for visitor use. There appears to be limited visitor space within the proposed layout, consisting of 2 spaces towards the south east of the site. As a result, it is likely that overspill car parking would occur. This may be retained on-carriageway within the site or, given the limited opportunity afforded for this to occur, this parking may occur outside the site – particularly parking associated with visitors.*

*It is recommended that the Applicant review the parking arrangements in accordance with the PDC. The figures may be subject to variation depending on the tenure mix utilised.*

The applicant responded:

*It is noted that the proposals deliver a total of 226 car parking spaces, considered entirely appropriate for the Site, its sub-urban context, and proximity to public transport links. This was discussed and agreed with A&WC officers during pre-application discussions. Our Transport consultants will provide a robust justification for this in the coming days which I would be grateful if you could forward to the County immediately.*

At the time of writing, the transport consultants response had not been received and again this matter will need to be resolved satisfactorily before any decision is issued.

**Other matters – provision of pedestrian crossing, Old Shoreham Road**

The legal agreement completed under the outline permission included a requirement for a payment of £100,000 towards enhancements and surfacing of the cycle path to the west of the site and a contribution towards mitigation works at the Norfolk Bridge roundabout and if funds permit and at the discretion of the County Council a controlled pedestrian crossing to serve the development.

The payments would be received in two stages, prior to the occupation of the 40$^{th}$ and 80$^{th}$ dwellings of the development with £50,000 being paid at each stage. The

applicant's estimate that if permission were granted these payments would be made in 2020 and 2021.

However, following a meeting held on 21 October attended by the MP, Leader of the Council, Headmaster of Swiss Gardens School, local residents and the applicant it became apparent that all parties are most keen to see a pedestrian crossing on Old Shoreham Road.

The requirements for the surfacing of the cycle path have been overtaken somewhat by the granting of the Tidal Walls permission which means that the works will be undertaken by the Environment Agency. As such, therefore, it is likely that the contribution would not be used to any great extent to improve the cycle path and that given the wishes of local people, it would be better used towards a pedestrian crossing.

The applicant has confirmed that they are happy to undertake a deed of variation to the Section 106 agreement to allow the payment to be used for a crossing and also that the whole sum is made payable upon the commencement of development (therefore far sooner than would be the case at present). Alternatively, the applicant may be willing to undertake the works themselves provided appropriate provisions were made in the deed of variation for the necessary authority to sign off the technical design and safety audit in a manner which would not delay the programme of development and provided the costs did not exceed the £100,000 index linked. The deed of variation would be undertaken following the issuing of the decision if the application is successful.

**Conclusion**

The application site is a key brownfield site providing additional new homes in the town and upon the implementation of phase 2 will also provide an Hotel and much needed additional office and light industrial floorspace. The site has now been cleared and works in connection with the Adur Tidal Walls scheme commenced and both of which emphasise the necessity for the site to now be developed.

Overall, the development of the site will offer significant benefits to the town and accordingly approval is recommended. However, in your Officer’s view there are still some issues to resolve before permission can finally be granted. The northern block needs very careful attention because of its sensitive location and at present your Officers are not convinced that the proposal put forward represents the optimum solution for the site. It is also considered that further consideration be given to the relationship of plots 77-80 to 14 Bridges Bank and there is a need for some design improvements to the central flat block.

Finally, it is clear that matters relating to the retail access and parking have not been resolved to the satisfaction of the Highways Authority and while, given the outline consent, it is likely that these matters can be resolved upon the submission of further

information, at present such information is still awaited and therefore permission should not be granted until agreement with the Highways Authority is reached.

**Recommendation**

To delegate the reserved matters application for **APPROVAL** to the Head of Planning and Development subject to the resolution of the outstanding issues set out above and the completion of a Deed of Variation to secure funding for the pedestrian crossing at an early stage of the development.

**Subject to Conditions:-**

01 Approved Drawings.
02 Materials.
03 Obscure Glazing.
04 No development approved by this permission shall commence until full details for the sizing and location of soakaways have been approved by the Local Planning Authority.
05 No development approved by this permission shall commence until the outcome of an application to the LLFA for approval to culvert or divert the ditch (even though the ditch is actually part of the Southern Water sewer system) has been received by the Planning Authority'.

*For member's information the following conditions were imposed at the outline stage and remain applicable to the development:*

01. Details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Application for the approval of the reserved matters shall be made to the local planning authority not later than (three) years from the date of this permission.

The development hereby permitted shall not begin later than (two) years from the date of approval of the last of the reserved matters to be approved.

**Reason**: *To enable the Local Planning Authority to control the development in detail and to comply with section 92 of the Town and Country Planning Act 1990.*

02. The development hereby permitted shall be carried out in accordance with the following approved plans:-

Drawing no.0135 OPP 01B
Drawing no.0135 OPP 15
Drawing no.0135 OPP 22

**Reason**: *For the avoidance of doubt and in the interests of proper planning.*

03. The development hereby permitted shall not be occupied until the necessary flood defences are complete and no development approved by this planning permission will take place until such time as a scheme for the construction and maintenance of the flood defences has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within that scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

**Reason**: *To reduce the risk of flooding to the proposed development and future users. The site is currently at risk from a 1 in 20 year flood (with existing defences). The proposed flood defence reduces this risk to less than a 1 in 200 year flood over the next 100 years. In addition, the wall will also reduce the level of flood risk to other properties behind the development.*

04. No development shall commence until the vehicular accesses serving the development have been constructed in accordance with the approved planning drawings. No part of the development shall be first occupied until visibility splays of 2.4 metres by 47 metres have been provided at the proposed site vehicular access onto Old Shoreham Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

**Reason**: *In the interests of road safety.*

05. No part of the development shall be first occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority to prevent surface water draining onto the public highway.

**Reason**: *In the interests of road safety.*

06. No development shall commence until full details of the boundary treatments including gates, fences, walls or other means of enclosure have been submitted to and agreed in writing by the Local Planning Authority. The boundary treatments shall then be erected before occupation and only in accordance with such details and retained as agreed.

**Reason**: *In the interests of visual amenity.*

07. No development shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping which shall include indications of all existing trees and

hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out within any phase in the first planting and seeding seasons following the occupation of the buildings or the completion of each phase of the development, whichever is the sooner. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping shall be provided prior to the occupation of each phase of the development hereby permitted.

**Reason**: *In the interests of visual amenity and the environment.*

08. No development, demolition or alterations to buildings shall take place until details indicating how suitable provision will be made for protected species and their habitats have been submitted to and approved by the Local Planning Authority in writing and such provision shall be made, where appropriate, before development commences and thereafter shall be retained and maintained in accordance with the approved details.

**Reason**: *To safeguard the ecology of the area and in the interests of protected species as listed under the Wildlife and Countryside Act 1981 (as amended) to ensure that a habitat remains for them during and after development.*

09. No development shall commence until an Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority to show how the ecology of the surrounding area will be safeguarded during the construction period.

**Reason**: *To safeguard the ecology of the area and in the interests of protected species as listed under the Wildlife and Countryside Act 1981 (as amended) to ensure that a habitat remains for them during and after development.*

10. Prior to the commencement or works on-site and in accordance with the Reptile Report, (March 2013) reptiles will be trapped, translocated and excluded from the development site under the supervision of the Ecological Clerk of Works. Receptor site treatment and all timings of works pertaining to the reptile mitigation shall be undertaken only in strict accordance with details therein; all on-going maintenance and monitoring and shall be implemented only in accordance with the details as described in the Reptile Management Plan, (April 2013) (Appendix B of the Reptile Report that forms Appendix D of the submitted Ecological Appraisal March 2013) and under the supervision of an Ecological Clerk of Works unless otherwise approved in writing by the Local Planning Authority.

**Reason**: *In the interest of protecting and conserving the ecological quality of the area in accordance NPPF paragraph 118.*

11. Prior to development commencing a bat and bird sensitive lighting scheme will be submitted and approved in writing by the Local Planning Authority in order to control light emissions and spillage from the development will onto the River Adur SSSI. Thereafter only lighting approved under the scheme shall be implemented within the development unless otherwise agreed in writing by the Local Planning Authority.

    **Reason**: *In the interest of protecting and conserving the ecological quality of the area in accordance NPPF paragraph 118 and to avoid all unnecessary impact from lighting on statutory protected sites and species.*

12. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the drainage scheme shall be implemented as approved.

    **Reason**: *The site lies above Tidal Flat Deposits and Newhaven Chalk Formation which are designated as Secondary A and Principal Aquifers respectively. Contamination may be present at the site as a result of its historical uses such as a dry cleaning works, metals works and engineering works. Any contamination present may pose a risk to groundwater underlying the site and potable supplies.*

    National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

13. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul water has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the drainage scheme shall be implemented as approved.

    **Reason**: *The site lies above Tidal Flat Deposits and Newhaven Chalk Formation which are designated as Secondary A and Principal Aquifers respectively. Contamination may be present at the site as a result of its historical uses such as a dry cleaning works, metals works and engineering works. Any contamination present may pose a risk to groundwater underlying the site and potable supplies.*

    National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put

at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

14. No development shall take place until a remediation strategy, which includes the following components to deal with the risks associated with contamination of the site, have been submitted to and approved in writing by the Local Planning Authority:

a) A preliminary risk assessment which has identified all previous uses potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

e) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and received written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

f) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

**Reason**: *The site lies above Tidal Flat Deposits and Newhaven Chalk Formation which are designated as Secondary A and Principal Aquifers respectively. Contamination may be present at the site as a result of its historical uses such as a dry cleaning works, metals works and engineering works. Any contamination present may pose a risk to groundwater underlying the site and potable supplies.*

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

15. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2013 and the following mitigation measures detailed within the FRA:

    a) Finished floor levels are set no lower than 5.4 m above Ordnance Datum (AOD).
    b) Details of the surface water drainage scheme to include attenuation for periods of tide locking.

    **Reason**: *To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.*

16. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

    - the anticipated number, frequency and types of vehicles used during construction,
    - the method of access and routing of vehicles during construction,
    - the parking of vehicles by site operatives and visitors,

- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of 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),
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
- details of public engagement both prior to and during construction works
- construction times between the hours of 080 and 1800 on Mondays to Saturdays with no Sundays or Bank Holidays working

**Reason**: *In the interests of highway safety and the amenities of the area.*

17. No dwelling shall be occupied unless and until written confirmation from an accredited assessor has been received by the Local Planning Authority to demonstrate that the dwellings have been designed and built to achieve at least Level 3 of the Government's Sustainable Homes Code or the equivalent of any successor.

**Reason**: *To ensure the development optimises the potential for sustainable design in accordance with Core Strategy Policy 17 and the National Planning Policy Framework.*

18. Before the development is occupied the Downs Link Coastal footpath shall be improved, including surfacing and fencing works, in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.

**Reason**: *To improve the strategic and sustainable links between the site, the town centre and the South Downs whilst also protecting the river from trespass and harm to the local wildlife.*

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 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.

**Reason**: *To encourage and promote sustainable transport.*

20. The development shall not be occupied until the parking spaces, access and turning areas shown on the approved plans have been provided in accordance with construction details to be submitted to and approved in writing by the Local Planning Authority. The areas of land so provided shall not thereafter be used for any purpose other than parking, access and turning of vehicles.

**Reason**: *To ensure adequate provision for parking and turning clear of the highway in the interests of highway safety.*

21. The development shall not be occupied until cycle parking has been provided in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

**Reason**: *To encourage and provide a non-car mode of transport to and from the site.*

22. The development shall not be occupied unless or until provision for refuse collection from all units on the site has been made in accordance with details to be agreed in writing with the Local Planning Authority.

**Reason**: *To ensure the satisfactory provision of facilities in the interests of hygiene, visual amenity and highway safety.*

23. No extraction or other air handling plant or externally sited machinery shall be installed on any building within the development without the written approval of the Local Planning Authority.

**Reason**: *In the interests of residential amenity and to protect the appearance of the buildings.*

24. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

**Reason**: *To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.*

25. Each residential property located within the NEC yellow contour band shown on Figure 5.2: PPG 24 Noise Contours - Night of the above report shall have a whole house ventilation system installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and implemented fully in accordance with the approved details before each of the residential units so identified is occupied.

**Reason**: *To ensure that those properties most affected by road and rail noise are appropriately insulated and ventilated to provide an acceptable living environment for the occupiers.*

26. The class A1 retail store hereby approved shall not be open for trade or business other than between the hours of 8.00 am and 6.00 pm on Mondays to

Saturdays and between 10.00 am and 4.00 pm on Sundays and Public Holidays.

**Reason**: *To protect the residential amenities of the area.*

27. No working, trade or business (including loading/unloading of vehicles) shall take place within or in relation to the railway arches or the A2 and B1 offices hereby approved except between the hours of 8.00 am and 6.00 pm on Mondays to Saturdays inclusive and at no time on Sundays or Public Holidays.

**Reason**: *To protect the residential amenities of the area.*

**Informatives / Notes to Applicant**

01. The exact position of the water mains and surface water sewer must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the public surface water sewer and water main so long as this would result in no unacceptable loss of hydraulic capacity and the work is carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

02. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served and the potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

03. Southern Water requires the applicant/developer to enter a formal agreement to provide the necessary sewerage infrastructure required to service this development and to do so he should contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

04. Southern Water requires the applicant/developer to make a formal application for a connection to the public surface water sewer to service this development and to do so he should contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

05. Under Section 278 Agreement of the 1980 Highways Act and works within the highway the applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

06. The following comments should be considered when preparing more detailed schemes for the flood wall:
- AZ12 seems to be quite light and if the pile is untreated the design life needs to be established
- On section 1 a ditch has been created between the existing bank and the sheet pile but no reason is given for this and it is going to accumulate water and litter and additional drainage may be required to accommodate this.

Under the terms of the Water Resources Act 1991, and the Southern Region Byelaws, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 15 metres of the top of the bank/foreshore of the River Adur, designated a 'main river'.

07. The Preliminary Desk Study for Ropetackle North, Shoreham-by-Sea as submitted by Hemsley Orrell Partnership (dated July 2013, ref 13324/03/DS) has been reviewed and the proposals are largely acceptable. However, further risk assessment is required for the site, as the desk study does not include an up-to-date conceptual site model, or identify the potential contaminants associated with the sites former uses and it is requested that an updated risk assessment is provided as per CLR11, Model Procedures for the Management of Land Contamination.

The redevelopment will require further intrusive site investigation and proposals for possible remediation. The Ground Investigation of 2008 highlighted that some areas of the site had significant levels of localised contamination, and therefore an updated site investigation is required, alongside groundwater testing. The site investigation should ascertain contamination levels across the site, due to the potential presence of elevated benzo(a)pyrene levels and hydrocarbon odours as previously discovered by Structural Soils Ltd.

It is recommended that developers should:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Refer to the website at www.environment-agency.gov.uk for more information.
- To the Environment Agency groundwater policies in Groundwater Protection: Principles and Practice, available from the website. This sets out the position for a wide range of activities and developments, including the discharge of liquid effluents, land contamination and drainage.

08. During the detailed design of the proposed surface water, especially the outfall, it may be necessary to include scour protection. This will protect the SSSI from damage resulting from the unrestricted surface water into the Adur.

5th December 2016

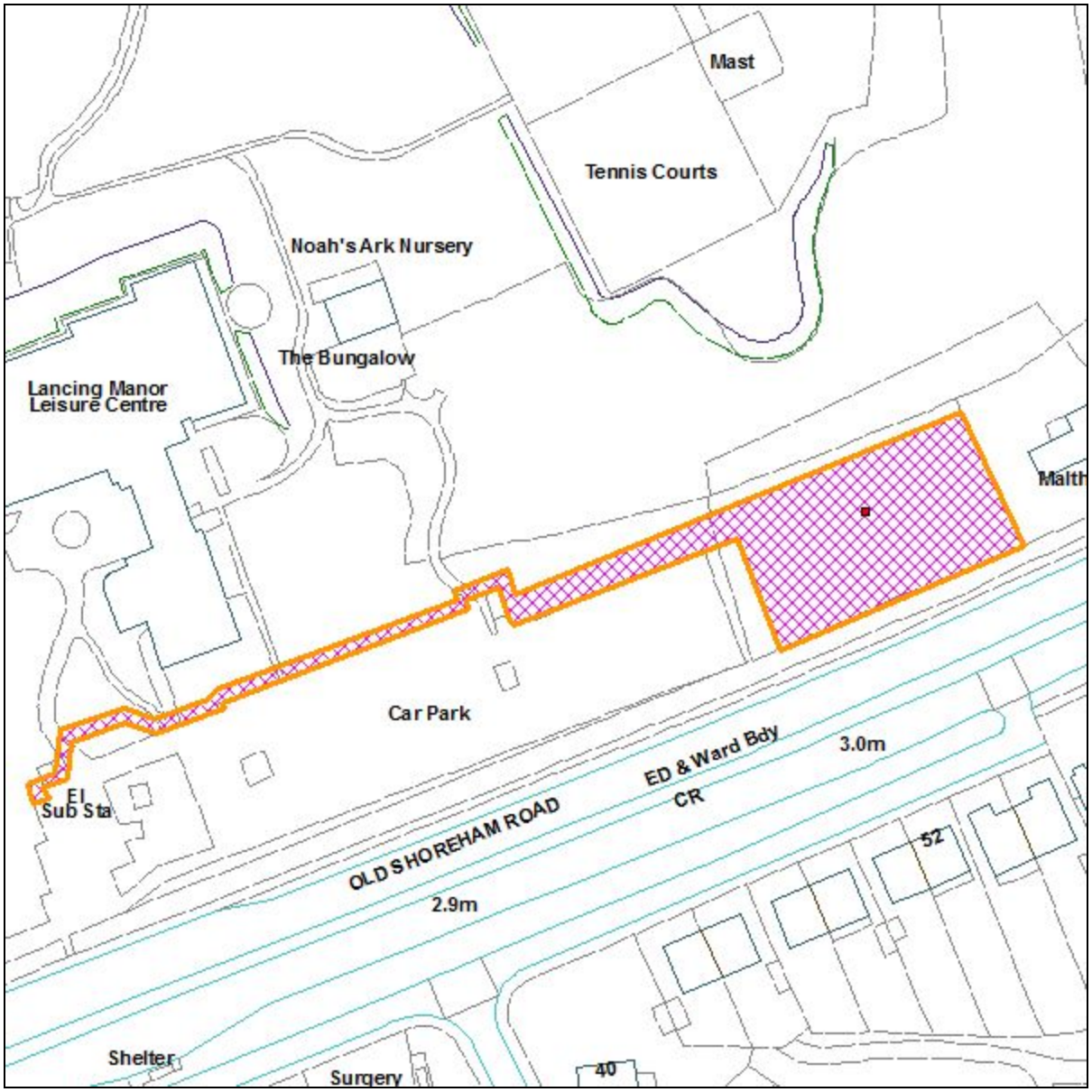
**2**

**Application Number: AWDM/1306/16 Recommendation – APPROVE**

**Site: Land Adjacent Malthouse Cottage, Old Shoreham Road, Lancing**

**Proposal: Extension to car park for Lancing Manor Leisure Centre**

Applicant: Mr Martyn Payne, Adur DC Ward: Manor
Case Officer: Gary Peck




**Not to Scale**

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**Proposal, Site and Surroundings**

This application seeks full permission for an extension to the car park at the Lancing Manor Leisure Centre.

As originally submitted, the application proposed an additional 65 spaces, but following feedback from your Officers has been amended to 49 spaces as a result of the deletion of the proposed spaces along the southern boundary of the application site which would have resulted in the loss of a number of trees. As a result, the proposal now comprises the extension of the car parking spaces on the northern and central parts of the car park by just over 45 metres to the east and an additional row of 6 spaces at the eastern end of the extended car park. A gap of 11.5 metres would be maintained to the boundary with Malthouse Cottage (the separation distance being in excess of 50 metres at present). At present, the application site is bordered by a low flint wall of just under 1 metre and it is proposed to erect a fence of just over 1 height on posts immediately alongside it.

The existing car park is accessed via a long driveway to the west and serves the Leisure Centre which is to the north. The area of the application site contains trees mainly to its southern side and bushes beyond to the north and is generally overgrown. Malthouse Cottage is to the eastern side of this area. The A27 is to the south with residential properties beyond. When the application site is viewed from the south, there is a marked transition from the low hedge that borders the existing car park to the much larger trees that border the application site to the south. The roadside screen ends at Malthouse Cottage where there is a flint wall denoting the southern boundary of the site.

**Relevant Planning History**

Although there have been a number of applications at the Leisure Centre in the past, none are considered directly relevant to the determination of this application.

**Consultations**

***Original Plans***

**Lancing Parish Council**

The Committee RESOLVED to OBJECT to planning application AWDM/1306/16 on the following grounds:-

1. there is no justification with the application as to why the proposal is necessary and a greater consideration should have been given to encourage users of the Leisure Centre to cycle to the venue instead;
2. the proposal is sited too close to Malthouse Cottage which will create a noise nuisance and potential light pollution to that property;

3. the number of trees being felled was considered excessive, contravening ALP Policy AB25;
4. as the site is located in a flood risk area and with the loss of trees, additional flooding may occur and the proposal does not consist of any additional drainage works in accordance with ALP Policy AP4;
5. as the proposal is in a known flood risk area, a flood risk assessment document should accompany the application;
6. the proposed construction of the car park extension is not considered suitable and will contribute to surface water flooding; and
   the overall safety regarding vehicle entry and exit access is concerning.

**West Sussex County Council (Ecology)**

No ecological objection.

Ecological surveys have been completed. The presence of reptiles, breeding birds and nearby badgers has been noted and appropriate mitigation has been proposed by consultant ecologists. The information is complete for planning purposes however the Planning Case Officer may wish to impose a suitably worded condition to secure compliance with the recommendations made within reports and as they affect the methodologies and timing of works impacting on reptiles, breeding birds and badgers.

**West Sussex County Council (Highways)**

Background and Content

The Local Planning Authority (ADC) is applying for planning permission to extend the existing car park to improve the existing facilities at the Leisure Centre. The existing 107 space car park provides parking for the Leisure Centre. At peak times the demand for parking can exceed the current available capacity and overflows on to unformed areas of the grounds and adjacent roads. The car park is accessed off Manor Road to the west of the site and is serviced by an access road running round the southern boundary of the recreation ground. The access road is single lane with passing places. Manor Road is a 'C' class road subject to a 30 mph speed limit.

The proposals would involve extending the existing car par to provide an additional 65 car parking spaces. Given that the proposal does not include any extensions to the site, the proposal is not likely to result in any additional vehicle movements to the site. The LHA would consider this to be a benefit to local amenity and highway safety. The proposed parking areas are constructed with sufficient space to allow parking and turning to take place into each bay. The proposed bays should be designed with dimensions of 2.4 metres by 4.8 metres and 3.3 by 4.8 metres for disabled parking bays.

The LHA have reviewed data supplied to WSCC by Sussex Police over a period of the last 3 years. There have been no recorded injury accidents at the junction with the public highway (Manor Road). There is no evidence to suggest that the existing

access is operating unsafely, or that the proposed would exacerbate an existing safety concern.

The applicant has provided a Construction Management Plan within the supporting information; this provides some clarity on accessing the proposals. All deliveries to the site will utilise the main access off of Manor Road. Site operative and visitors will also be able to park off of the site. The plan does not state specifically the routes that contractors will take to the site and what times of the day deliveries will occur. Deliveries should endeavour to avoid peak network times of 08.00/09.00 and 17.00/18.00. A suitable condition has been suggested to cover a Construction Management Plan.

Conclusion

The LHA does not consider that the proposed would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal. Any approval of planning permission would be subject to conditions.

**Natural England**

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

**Southern Water**

No development or new tree planting should be located within 3 metres either side of the centerline of the public sewer and no new soakaways should be located within 5 metres of a public sewer.

**Environment Agency**

No objection

**Technical Services**

Thank you for the opportunity to comment upon this application, the proposed site lies partially within flood zones 1, 2 and 3, appears to be unaffected by surface water

flooding, and has no history of flooding. However, the A27 immediately to the south of the site, and the Manor Close, Manor Way areas are known to suffer from surface water flooding during the winter months. The area is also known to suffer from high groundwater levels which result in springs issuing along the northern boundary of the A27 and in the rear gardens of properties fronting the Sports ground. Having said that, there are no records of springs emerging within the proposed site boundary.

The applicant has indicated that the area is wholly within flood zone 1 this is incorrect.

The applicant has acknowledged that reptiles are present in the area; vegetation clearance of the area will therefore have to be time conditioned to allow for this.

The applicant's proposals are to remove overburden and replace this with free draining sub-base and Ecoblock units in order to maintain drainage as present. This is quite feasible, but without a proper site investigation to confirm subsoil types and a soakage test to ascertain the rate of percolation into the subsoil, the design as proposed cannot be confirmed as being acceptable.

Additional to this there is a north south cross fall across the proposed car park, if the subbase is also sloped i.e. same thickness maintained throughout then water could flow north to south, therefore there may be a requirement for east west baffles to be installed in the subbase.

The applicant needs to assess if the use of drainage blocks, with free draining sub-base is viable on this site, therefore in the absence of any ground investigation details, and subbase details based upon the actual site conditions we request that should approval for this car park extension be granted it be conditional such that *'no development approved by this permission shall commence until full design details for the disposal of surface water have been approved by the Planning Authority'*

Soakage tests in accordance with DG 365 (2016), undertaken by an independent drainage consultant should be completed on the proposed site to provide the data to confirm the depth of subbase required to retain the surface water, and to determine if baffles are required, to hold back cross site flows.

Full design calculations should be provided to confirm the subbase thickness required, along with the rainfall calculations with the additional rainfall quantities appropriate for climate changes, as required under planning policy.

**Arboricultural Officer**

I have taken a look and in my opinion the group of trees to the south of the proposed car park, group G2 should be mostly retained forming a linear group that would run up to Millhouse Cottage. Most of these trees are close to the boundary and where there is a gap, possibly new trees could be planted to make a continuous line.

I consider that the existing trees viewed from the main route way of the A27 make a significant contribution to the character of the area, and that an extension of the more formal hedge line would be a reduction in the areas amenity value.

I have no concerns regarding the felling of the trees of G2 that are 3 metres or more north from the boundary, or the trees of group G3.

I think that infilling the line of established trees with fruit trees rather than matching the existing line would be acceptable, but I would not support all of the existing trees being removed and replaced with Fruit trees and /or Hedging.

***Amended Plans***

**Technical Services**

No further comments: outstanding matter can be controlled by condition.

**Environment Agency**

No further comments.

**Arboricultural Officer**

As the existing southern trees are to be retained, and some infill planting carried out where needed, I have no objections to this proposal.

Any further comments from consultees will be reported verbally at the meeting.

**Representations**

The occupier of Malthouse Cottage has objected by way of 3 separate representations;

- Main bedroom and bathroom would look directly out to this area and the proposed development would create an infringement of privacy and loss of security.
- Loss of trees, shrubs and wildlife.
- Necessity for increased lighting to the car park.
- Joy riders already screech around the car park which will be nearer to the property if extended.
- At present the bushes/wildland area is used for anti-social behaviour. By extending the car park and erecting a fence on the western boundary of Malthouse Cottage, this will lead to such behaviour being sited closer to the residential property. The fence should be located immediately to the eastern edge of the car park.
- Disappointed that the amended plans do not address the concerns made above.

**Relevant Planning Policies and Guidance**

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AP9, AB25 & AB27.

Adur Submission Local Plan: Policies 15 & 29

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

**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

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**

The main issues in the determination of the application are the effect of the proposal upon the visual character of the area, the amenities of the neighbouring property to the east, flooding and drainage impacts and highway safety.

As pointed out by the Parish Council in their initial comments, no specific justification has been submitted with the application with regard to the additional spaces proposed but the County Council, as Highway Authority, do comment that at peak times demand for the car park exceeds capacity. Given the nature of the car park, being accessed off a long driveway, this can lead to parking in unmarked areas, the layby on the northern side of the A27 or, if that is full, to require users of the Leisure Centre to park some distance away in Manor Road. It is not considered, therefore, that an objection could be raised in principle to the provision of additional car parking spaces.

The application site currently consists of an overgrown area of trees and bushes between the eastern end of the existing car park and the nearest residential property, Malthouse Cottage. As such, in land use terms it could be considered as somewhat of a ‘dead’ area and an extension to the car park, especially if demand can exceed capacity as identified by the Parish Council, would appear an appropriate use.

As originally proposed, the application sought car parking spaces on the southern boundary of the site which would have resulted in the loss of the trees that are on this boundary and their replacement with a similarly low hedge to that which borders the site to the west. The Arboricultural Officer commented:

*I consider that the existing trees viewed from the main route way of the A27 make a significant contribution to the character of the area, and that an extension of the more formal hedge line would be a reduction in the areas amenity value.*

While there is no objection in principle to additional parking spaces, as outlined above, there was no justification submitted for the amount of additional spaces needed and therefore no over-riding justification for the loss of the trees. As such, therefore, there is no specific requirement for 65 spaces as opposed to the 49 that can be provided if the southern spaces are omitted and the trees retained. It is a matter of fact that the trees are a prominent feature of this part of the A27 being nearer to the roadside than others in the vicinity and hence amended plans were submitted retaining the trees, as well as proposing additional landscaping to supplement the existing tree line. The Arboricultural Officer raises no objection to this change. As a result of the amendments, therefore, it is not considered that any objection is raised on visual amenity grounds.

The remaining issue is therefore the effect upon the nearest property to the east, Malthouse Cottage. At present, the boundary of this property is about 55 metres from the existing car park, being separated from it by the overgrown area. As a result of the proposal, the car park would now 11.5 metres from the boundary.

While clearly a substantial reduction in distance, it is considered that the separation distance of 11.5 metres is sufficient and further landscaping can be investigated as part of a condition. The occupier of Malthouse Cottage raises concern that at present the overgrown area is used as a dumping ground and toilet and this will be brought much closer to the residential property as a result of the extension of the car park.

At present, there is a rather informal border between the edge of the existing car park and the overgrown area which would appear to make it quite easy for individuals to access the area and be out of sight of the car park. The extension to the car park would formalise this arrangement and would give less opportunity for misuse of the area by means of greater natural surveillance, more appropriate landscaping and the construction of a fence adjoining the neighbouring boundary wall. Your officers do not feel therefore that a refusal of the planning application on this basis could be justified and while the neighbour has suggested that the fence be moved forward, it is difficult to see how this could prevent access to the remaining area between the car park and Malthouse Cottage unless the fence was extended completely around the car park. It is therefore considered that the matter is best addressed through a landscaping condition.
The applicant has been made aware of the issue and a note to applicant could also be added requesting that the applicant addresses any anti-social behaviour close to the neighbouring property.

In conclusion, it is considered that the proposal will improve the accessibility to the Leisure Centre and is accordingly recommended for approval.

**Recommendation**

To GRANT planning permission

**Subject to Conditions:-**

01. Full Permission

02. No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.
Reason: To provide car-parking space for the use.

03. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of 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),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

04. No development approved by this permission shall commence until full design details for the disposal of surface water have been approved by the Planning Authority'
Reason: To ensure satisfactory provision for the disposal of surface water

05. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft and hard landscaping, which shall include details of the surfacing of the car park extension hereby permitted, indications of all existing trees and hedgerows on

the land and details of those to be retained, together with measures for their protection in the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

06. Details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. Thereafter, any external lighting shall be maintained in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

**Informatives**

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

5th December 2016

**Application Number: AWDM/1521/16** **Recommendation – APPROVE**

**Site:** **32 Old Fort Road, Shoreham-By-Sea**

**Proposal:** **Replacement front (north) boundary wall and gates with rendered piers and cedar boards to a maximum height of 1.8m (part retrospective)**

Applicant: Mr Andrew Hill Ward: Marine
Case Officer: Peter Barnett




**Not to Scale**

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**Proposal, Site and Surroundings**

The application relates to a detached dwelling on the south side of Old Fort Road. Permission was granted in 2015 for a front extension to the garage, a proposed single storey rear extension and the re-siting and reduction in width of the entrance gates with a corresponding relocation of the crossover (AWDM/0578/15). As part of the implementation of the works to the entrance, the previous brick piers, wall and hedge along the frontage were removed and new piers and boundary wall have begun to be erected. These works fell outside of those covered by the planning permission and a retrospective application has therefore been submitted.

The proposal is to construct a wall to the northern (front) boundary comprising 7 blockwork piers with white painted render finish, 1.7m high topped with painted concrete cappings. 'Hit and miss' cedar boards are to be fitted between the piers. The original metal gates are to be reused. The wall will match the existing boundary wall between the site and 34 Old Fort Road to the east.

No. 34 has recently constructed a similar wall without planning permission to its front boundary but has used 3 larger boards between the piers rather than the smaller boards proposed at the application site. A retrospective application is being sought.

The application has been called in by the local Member for consideration by the Planning Committee.

**Relevant Planning History**

As described above.

**Consultations**

***West Sussex County Council:*** The **Highway** Officer has no objection. Comments that Old Fort Road is a D class residential road subject to 30mph speed restrictions. It is considered that vehicular visibility within this location is sufficient; there are parking restrictions in force to keep on street parking to a minimum and the wide footpath serves to aid in achieving visibility.

**Representations**

1 letter of objection received from the occupier of 116 Old Fort Road:-

- The wall is higher than the standard 1m height for front walls on the Beach.
- Out of character with street scene.

**Relevant Planning Policies and Guidance**

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH7 and Appendix 11 'Supplementary Planning Guidance' comprising: Development Control No.3 'Extensions and Alterations to Dwellings'

National Planning Policy Framework (March 2012)

**Relevant Legislation**

The Committee may grant planning permission for development carried out before the date of the application in accordance with Section 73A of the Town and Country Planning Act 1990 (as amended).

Save that the development will have already commenced, this is a conventional planning application, and the Committee should consider the planning circumstances existing at the time of the decision 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.

***Visual amenity***

Old Fort Road contains a variety of front boundary treatments. The dwellings on the south side of the road are set back from the road by a verge approximately 5m wide. Many properties have low walls along the frontage, some with hedge planting behind. The application site had such a boundary previously, plus wide metal gates between brick piers.

Most walls in the street are not higher than 1m but there are examples of higher boundary features, including at Nos. 58, 74, 109, 120, 124 and 136.

In the case of No.32, the piers are no higher than those that previously existed either side of the entrance gates. These piers have been continued along the frontage but

the height of the wall itself is only 0.66m. The proposed cedar boards to infill the space between the piers will be 'hit and miss' meaning that it will have gaps between the boards to avoid a solid form and to allow planting behind to be seen.

It is considered that, in view of the set back from the road, the maximum height of 1.7m, the re-use of original gates and the use of hit and miss boarding, the visual impact of the proposed wall and gates is acceptable in the street scene and insufficient harm has arisen to warrant refusal of the application.

***Residential amenity***

The proposed wall and gates are not considered to cause any harm to residential amenity.

***Accessibility and parking***

The proposed relocation of the access was previously approved and there are no highway safety concerns with this proposal.

**Recommendation**

**APPROVE**

**Subject to Conditions:-**

1. Approved Plans

Informatives:

Minor Highway Works
The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

Drain Cover
The new manhole cover should be capable of taking vehicular weight and be protected by a skid cover to ensure highway safety upon ingress and egress of the site. The applicant should consult with the appropriate utilities company with regards to joining up to the existing system.

5th December 2016

**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 frontline 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.