Development Management – Delegated Officer Report

Application Number: AWDM/1863/22 **Recommendation: Approve**

Site: **Land South Of 35 To 37, High Street, Shoreham-by-sea**

Proposal: **Proposed 2no. one bedroom and 2no. two bedroom apartments set over three storeys with South facing balconies**

Date of Site Visit: January 26th 2023

Neighbours Checked: **Y**

Additional neighbour notification: **N**

Proposal, Site and Surroundings:

This application relates to the former car park of Ladbrokes on the south side of the High Street adjoining the River Adur. The High Street is the busy A259 and as a consequence is within the Shoreham Air Quality Management Area. Vehicle access to the site is shared with the Crown and Anchor pub. Land slopes down to the river from the High Street.

To the east is the Crown and Anchor pub which fronts the High Street and has a beer garden adjoining the river. This pub garden was recently extended westwards into the car park area such that it now immediately abuts the eastern boundary of the site.

To the west is Tosca's restaurant, a double fronted restaurant with two floors of flats over it. Tosca's restaurant has been extended southwards to abut the river walkway boundary.

35-37 High Street is a more recent infill building over three floors. Offices on the upper floors have recently been converted into 8 studio flats under Prior Approval. The current site did not form part of that application but is in the same ownership.

The site is in the heart of both Shoreham town centre and the Shoreham conservation area. It is also in Flood Zone 3.

The Crown and Anchor Pub is not a listed building but is identified in the local plan as a positive indicator building. The Old Town Hall, to the west, is a listed building as is 23-25 High Street, to the east. The Marlipins Museum on the opposite side of the High Street is a Grade II* Listed building and Scheduled Ancient Monument.

Planning permission is sought to erect a detached 3 storey building to provide 4no. flats, comprising 2no. 1 bed and 2no. 2 bed flats. The ground floor includes a communal entrance, cycle storage and bin storage. No car parking is provided. The upper floors are to be built over an electricity substation in the SE corner of the site.

The application follows a previous dismissed appeal on the site. The Inspector concluded that the proposed building would be too close to the rear of 35/37 High Street (about 6m) and would have an overbearing effect on the occupiers of the flats therein.

The current application has amended the scale and design of the proposal to move the building further away from the rear of 35/37, primarily by reducing the depth of the east wing, and reducing its height.

The building has a dual gable presentation to the river and is lower on the east side. It is lower than the buildings fronting the High Street. It includes south facing balconies and a small garden and terrace for the ground floor flat.

A mix of painted render, brick and flint are proposed for the materials with aluminium windows and doors and galvanised painted steelwork for the balconies. The dual gables are treated differently in terms of materials, with the western most gable in brickwork and the easternmost in render.

During the course of the application the appearance of the west elevation has been amended to add a more textured finish to break up its mass. The roof height of the building has been lowered and improved with a double gable rather than including a flat roof on the east wing. A stronger visual split between the east and west wings has been achieved by stepping back the link section.

Planning History:

AWDM/0634/20 - Proposed 7no. one bedroom apartments in 2-4 storey building with south facing balconies and PV panels to East elevation. Withdrawn.

AWDM/1996/20 - Proposed 5no. 1-bed apartments set over 3 storey building with south facing balconies and PV panels to East elevation with refuse and cycle storage areas - refused and appeal dismissed.

Consultations:

West Sussex County Council: The Highways Authority has no objection. The site is served by an existing vehicular access on High Street, and no alterations to

this arrangement are proposed. The plans have demonstrated that there is suitable room on-site for a small van, such as a delivery van, to turn on-site and exit in a forward gear.
There does not appear to be space for larger vehicles, (e.g a refuse vehicle), to turn on-site and as such, may have to reverse out on to the maintained highway – however, this is likely the existing arrangement.
An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposals would exacerbate an existing safety concern.
An existing private car park with provision for six car parking spaces will be lost as part of the proposals. No additional vehicular parking will be provided for the development. The WSCC Car Parking Demand Calculator indicates that a development of this size and location would require at least five car parking spaces. Therefore, any overspill parking from both the proposed development and loss of existing private car park would have to be accommodated on-street.
Whilst on-street parking is limited in the area, there are comprehensive parking restrictions in place on the nearby road network prohibiting vehicles from parking in places that would be detrimental to highway safety. The LHA does not anticipate that the proposed development would lead to a detrimental highway safety impact, nor give rise to a parking capacity issue in this location. However, the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.
The site is situated in a sustainable location within walking/cycle distance of local services and amenities. The proposals include six cycle parking spaces, which will help promote the use of sustainable methods of travel. The site is also well connected by public transport, with regular bus services available from High Street. Shoreham-By-Sea Train Station is located approximately 500m northeast of the site.
Recommend cycle parking condition.

Adur and Worthing Councils: Public Health:I am generally satisfied with the acoustic design and the overheating assessment. I would recommend that you condition the noise mitigation and ventilation proposals set out in the acoustic report.Also recommend condition to control working hours.

My only concern is that they are building over the electrical substation and they should ensure that they do not create a structural pathway for low frequency noise. This is raised by UK Power Networks in their representation and may be covered by separate agreement with UK Power Networks and the developer. However I would check this. If necessary, it could be that there is a technical fix by acoustically isolating the supporting structures for the flats above the substations and if so this will need to be part of the final design**.**

If the residents are sitting on the balcony, then they will hear the people in the beer garden but this would be considered a character of the area. The pub noise will not affect the internal dwellings themselves if used as designed. They have MVHR and acoustic glazing so there is no need to open windows for ventilation, they should be able to use their homes without any unreasonable disturbance if used as designed.

The area of glazing is not huge on the Southern facade, so ADO overheating assessment should suffice, the residents can install blinds if need be. However the continuous mechanical ventilation with a summer bypass if sited in the ceiling will remove warm air from the room as it rises and replace it with cooler outside air, in the evening and night when there is greater difference between internal and external temperatures, I would expect the ventilation system to create a convection current in the rooms, and it is this air movement that helps with thermal comfort.

Private Sector Housing: No objection

Drainage: *Previous advice on AWDM/1996/20*: Flood risk- The application is within flood zone 3, the site is shown to not be at risk from surface water flooding. The applicant may need to obtain a flood risk activity permit for their proposals due to their proximity to the River Adur.

Surface water drainage- the application does not include details of proposed means of surface water drainage. We would like to highlight that infiltration should be investigated. However, if it is found that discharge to a water body is required we would note that attenuation should be provided to ensure that there is adequate storage when outfalls are tidally locked. Water from the roof could be directly discharged "over the wall" unattenuated, however hard surfaced areas would require attenuation. Groundwater monitoring should be completed to evidence that the surface water drainage design adequately considers flotation. If you are minded to approve this application please apply conditions to ensure the development is adequately drained and does not increase flood risk elsewhere.

Southern Water: Standard advice issued

Environment Agency: No objection subject to compliance with FRA

ADCAG: Approve

UK Power Networks: Proposed development is close to our substation and applicants should liaise with UKPN to ensure that appropriate protective measures and mitigation solutions are agreed. Guidelines state that the distance between a dwelling of two or more storeys with living or bedroom windows overlooking a distribution substation should be a minimum of 7m if the transformer has a GRP surround. Noise is mainly airborne. Vibration is also possible.

Representations

5 letters of objection received from 39, 41A High Street, 4 Town Quay Apartments, plus 3 Church Hill (Brighton) and 1a The Pantiles (Tunbridge Wells) on behalf of Shepherd Neame Ltd/Crown and Anchor:

- How is it safe to build over a substation?
- Building is effectively 4 storeys high
- Building extends up to river wall
- Ugly and large
- Parking problems will be worsened
- Lack of infrastructure
- Increased pollution
- Too close to beer garden
- Lack of noise survey for busy periods of pub, i.e. during summer months
- Likely to cause noise disturbance to future residents and affect operation of pub, to detriment of its viability
- Problems with shared access with pub
- Concern that flats will be used as temporary accommodation with troublesome tenants
- Building will overshadow pub garden, impacting on business
- Lack of parking may lead to vehicles blocking access to pub

Relevant Planning Policies

Adur Local Plan 2017 Policies 1, 2, 3, 11, 15, 16, 17, 18, 19, 20, 22, 25, 26, 27, 33, 34, 35 and 36.
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'
Sustainable Energy SPD (August 2019)
Adur Planning and Climate Change Checklist (June 2021)
Shoreham by Sea Conservation Area Character Appraisal & Management Strategy (ADC 2008)
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (July 2021)
Technical Housing Standards – nationally described space standard (DCLG 2015)

Planning Assessment

Principle

The principle of development can be supported as it proposes development on a brownfield site within the town centre boundary. For consideration is the impact of the proposals on the character and appearance of the conservation area and

adjoining buildings of interest. Design and the impacts of the development on neighbour amenity, future occupiers' living conditions, the highway network, flood risk, drainage and energy matters must also be considered.

Visual amenity and impact on Conservation Area

The proposal has an asymmetric appearance with the east wing appearing narrower and lower and with different external facing materials. Both wings sit well below the ridge line of the frontage building and that of Town Quay to the west.

The scale and setting of the building are considered to be respectful of the character of this riverside location within the conservation area. 'Backland' buildings already front the river in this location and this proposal would fill a gap along this stretch of the riverfront. It maintains views down the access road from the High Street to the river whilst not dominating views from the other side of the river nor from the Norfolk Bridge or footbridge. It is less prominent than the Town Quay development and does not project as close to the river as that building.

The overall design with its double gabled presentation and differing heights and depths of elements, together with the proposed mixed palette of materials including, brick, render, flint work and slate is also expected to break up the overall mass of the building.

PV panels are proposed on the east roofslope of the west wing, final details can be secured by condition.

The statutorily listed buildings are well removed from the site and their settings will not be harmed. With the subordinate element on the east side it is also not considered that the setting of the Crown and Anchor pub will be significantly harmed. The character of the conservation area will be preserved.

Policy 11 of the Local Plan states:

Opportunities to improve pedestrian/ cycle access along the urban water front/river will be taken where feasible...
... The setting of the River Adur will be protected and opportunities taken through new development and other measures to improve public access to and along the river (where consistent with this aim) and open up views to it. New development adjacent to the river must respect its location and character. Sites on the waterfront will provide new and improved access to the water including a new waterside cycle and walkway, and slipways where appropriate, in conjunction with flood defence works where necessary.

Policy 15 of the Local Plan states:

Opportunities will be taken to improve the public realm through new development, transport schemes or regeneration schemes. These will aim to improve the quality, accessibility and legibility of public streets and spaces.

Until the applicant bought this site it was possible to walk along the riverside and rejoin the High Street either to the west of Town Quay or up the shared site access. The recent tidal walls works improved the pedestrian walkway and included a flint faced wall to enhance the appearance. The applicant fenced off the footpath within the site and has declined to consider this policy aspiration in their proposal. This element of the proposal does not respect the riverside location though it is acknowledged that this part of the walkway is short and probably not well traversed by the general public.

Residential amenity - impact on neighbouring properties

The building is only 1.2m away from the back wall of the frontage building (35-37 High Street) and studio flats above it at its closest point. However, this element of the building is single storey only and is in front of a blank wall at ground floor with first and second floor windows at 35/37 set further back in a recess and unaffected by the ground floor element of the proposal.

The main part of the west wing of the building is 14.2m from those recessed windows and the only openings facing north are stairwell windows which can be required to be obscure glazed. In the main part of 35/37 there are upper floor windows which are not recessed and would be too close if the proposed building was a regular block shape. To overcome the sense of enclosure and overbearing impact, the east wing of the building is set further away and there is a 14m separation distance to those windows. There are no openings proposed in the north elevation of the east wing.

At the previous appeal, the Inspector concluded that the development would have an unacceptable effect on the living conditions in terms of outlook for the occupiers of the flats above 35/37 High Street. The Inspector considered that a minimum 14m between a principal window and a ‘solid obstruction’ in the form of a two storey structure should be achieved, as recommended in the Council’s DM Standard. At that time, the closest part of the building would have been just 6.2m away. The current scheme now achieves the 14m minimum separation.

The Design and Access statement has considered overshadowing and explains that the volume of the building is set away from residential windows and is reduced at its eastern end, presenting a narrower flank elevation and lower roof profile to reduce the impact on the beer garden. The Inspector stated that there was “an absence of harm” to the public house in the case of the previous scheme and there is no reason to consider otherwise this time.

The proposed development has overcome the previous concerns with regard to the impact on the residential amenity of the occupiers of the flats to the north.

The new building is also tight to the boundary with the extensions at Tosca's restaurant. The flats above Tosca's do not extend very far out from the original back wall and they are not considered to be adversely affected.

Town Quay to the west is 16.5 metres from the flank wall which includes two balconies. In this town centre location this relationship is not considered unreasonable or likely to lead to significant overlooking. The flank wall itself does not include windows.

The brewery and landlord of the Crown and Anchor pub are concerned that a building of the scale proposed and proximity will threaten the viability of the pub as pub activity is likely to cause a noise nuisance to occupiers through live music and beer garden activity. The building is proposed hard up against the extended beer garden.

Two small windows have been introduced into the east side elevation serving a kitchen area rather than sleeping accommodation. Triple glazing and MVHR are proposed for the flats. The proposed balconies will project beyond the building but Environmental Health Officers have not expressed any noise concerns, stating:

"If the residents are sitting on the balcony, then they will hear the people in the beer garden but this would be considered a character of the area. The pub noise will not affect the internal dwellings themselves if used as designed. They have MVHR and acoustic glazing so there is no need to open windows for ventilation, they should be able to use their homes without any unreasonable disturbance if used as designed."

Residential amenity - proposed occupants

The flats have 1 or 2 bedrooms, with floor areas of 37m2, 41m2, 64m2 and 65m2. . They all meet the minimum floorspace standards as set out in the national technical guidance. Each flat has either a private balcony or a small private garden.

Noise surveys were undertaken in November 2019 over a 9 day period to measure external noise levels. The pub has a late licence on Fridays and Saturdays and an amplified music licence. It is recognised that noise levels at this time would have been lower than during summer months when doors and windows are open and the pub garden would be busier. Nonetheless the advice from Environmental Health is that they are satisfied with the acoustic report submitted and the proposed glazing specifications and MVHR details outlined within it. This development is conditioned to be built in accordance with the acoustic report.

The site sits behind buildings fronting High Street and is therefore somewhat shielded from the worst of the air pollution in the Air Quality Management Area. The air quality report submitted concludes that the site is suitable for residential development without the need for air quality mitigation measures.

Parking and access

No car parking is provided for this development. The site is just off the High Street within easy walking distance of a number of bus routes and the local train station. It is in a highly sustainable location. Cycle storage is shown. While concerns have been expressed about the potential for cars to obstruct access to the pub, the Highway Authority has not expressed any concerns, stating that there are comprehensive parking restrictions in place on the nearby road network prohibiting vehicles from parking in places that would be detrimental to highway safety.

Waste storage

Refuse storage for the ground floor frontage use (Ladbrokes) is maintained at the rear of their premises. Refuse storage for the flats above Ladbrokes is inside the lobby on the High Street frontage. Covered refuse storage for the proposed flats is accessed on the east side of the building.

The pub stores its refuse alongside its building in the access road. It is anticipated that refuse collection will occur in the way it currently does for the pub with refuse vehicles backing down the access road.

Flood risk and drainage

The site is within flood zone 3 and finished floor levels are to be set at least 300mm above the modelled 1:200 year flood level in 2115, meaning that the minimum floor level for the living accommodation will be 6.1m AOD. The Environment Agency has confirmed their satisfaction with the submitted FRA and has required a relevant condition.

The Council's drainage engineer has previously specified two pre-commencement conditions to deal with surface water drainage design and maintenance.

Sustainability

The design will use a 'fabric first' approach to provide good insulation to reduce energy demand, in compliance with Part L of the Building Regs. 8 no. PV panels are proposed on the east roofslope in order to reduce CO2 emissions by more than the required 10%.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. The development shall be carried out in accordance with the submitted Flood Risk Assessment ('FRA') (dated November 2022, ref: 89595-Stickland-HighSt v3, by Unda Consulting Limited) and the following mitigation measures it details:
   Finished floor levels for the apartment accommodation shall be set no lower than 6.10m above Ordnance Datum (AOD) (as per section 6.3 of the FRA and drawing no: 19117A-P-101-B).
   This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development
4. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.
5. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity
6. Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall

strictly adhere to and implement the recommendations contained within the manual

7. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.
   Monday - Friday 08:00 - 18:00 Hours
   Saturday 09:00 - 13:00 Hours
   Sundays and Bank Holidays no work permitted
   Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.
8. CMP
9. The development hereby permitted shall be carried out in full accordance with the recommendations of the Acoustic report dated December 2022 and all works which form part of the approved scheme shall be completed before the permitted dwelling is occupied.
10. Sustainability and energy efficiency measures to be fully completed prior to occupation.
11. PV panels to be installed in accordance with details to be submitted and agreed.
12. Details of external materials, including textured brickwork, windows, doors and balcony details to be submitted and approved
13. Details of construction over the substation to be submitted and approved to avoid vibration
14. Waste storage to be provided as approved
15. Windows on north elevation to be obscure glazed and non openable
16. Boundary fence details
17. Landscaping

Is recommendation contrary to letter(s) of representation Y

- The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- UKPN advice

- Southern water advice
- Surface water drainage

Case Officer: Peter Barnett Date: 28 June 2023

Authorised by: Gary Peck Date: 28 June 2023