Lewis & Co Planning
town planning consultants

2 Port Hall Road Brighton BN1 5PD
T 01273 413700
E admin@lewisplanning.co.uk
W www.lewisplanning.co.uk

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

09 February 2022

Dear Sirs

Appeal by:	**Moretons Investments**
Site Address:	**Land to the rear of 35 - 37 High Street, Shoreham-By-Sea, BN43 5DD**
Reference:	**APP/Y3805/W/21/3280432**

This letter responds to the representations made by Milliken and Company on behalf of the Crown and Anchor Pub – which is located to the east of the appeal site.

The subheadings and numbering used below repeat those in the Milliken and Company letter for ease of reference.

1. <u>Noise and Disturbance</u>

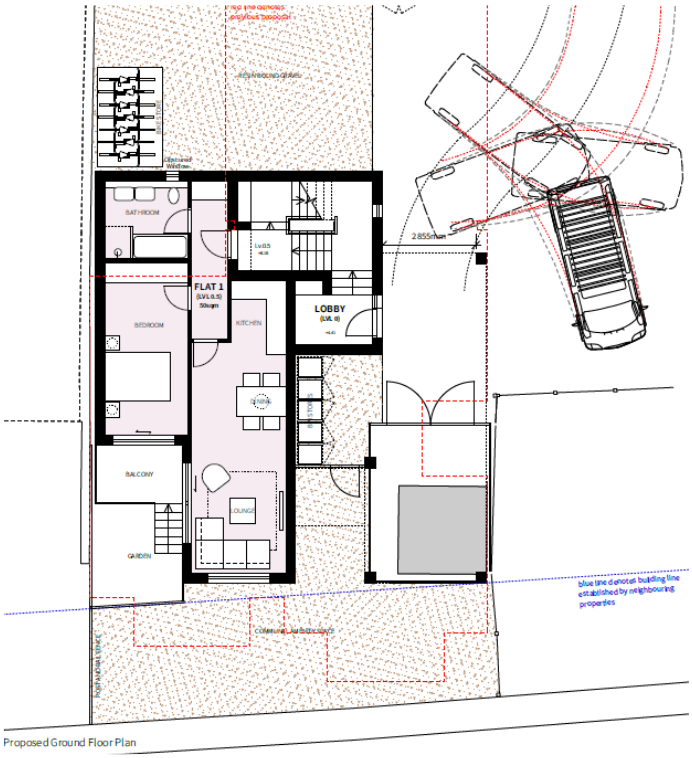
The scheme will not prejudice the operation of the pub's garden. This is for numerous reasons:

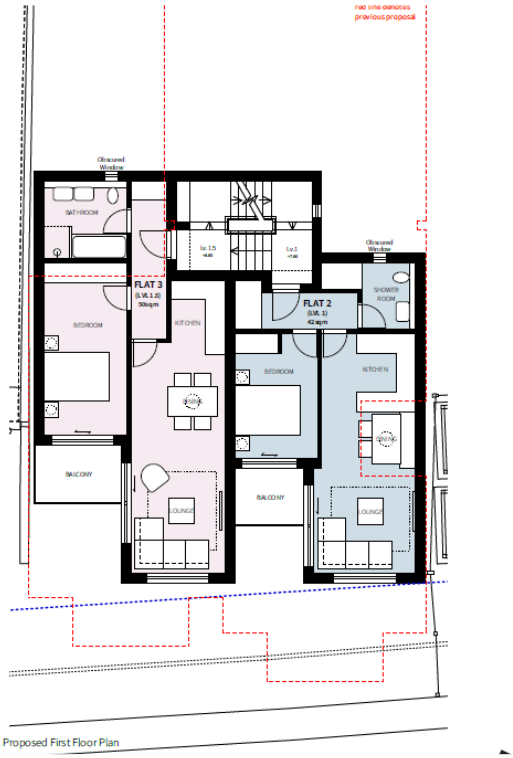
a. Note that the Council's environmental health team has raised no objections to the scheme – as confirmed in the case officer report for the planning application:

> **Environmental Health:**
>
> Comments on revised scheme:
>
> *'Much better use of the space and we no longer run the risk of the previously proposed study being used as a bedroom. The balcony is screened by the building from the pub garden so no concerns there.'*
>
> *'The AQ report looks ok, the contribution for AQ mitigation is proposed in the S106 agreement. I would condition the glazing and MVHR ventilation proposed in the Acoustic report.'*

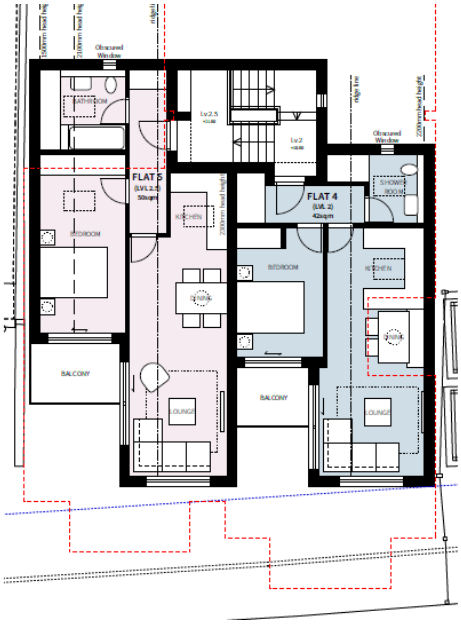
b. The inspector will note that the proposed scheme has no habitable room windows facing towards the pub's garden (see images below, and photograph overleaf for context).

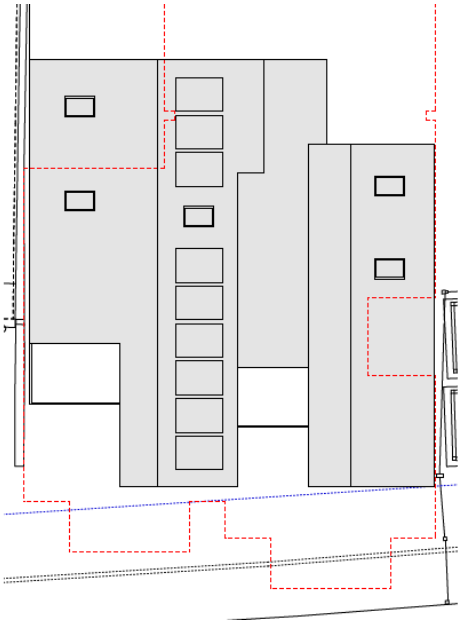
Ground and First Floor Plans:



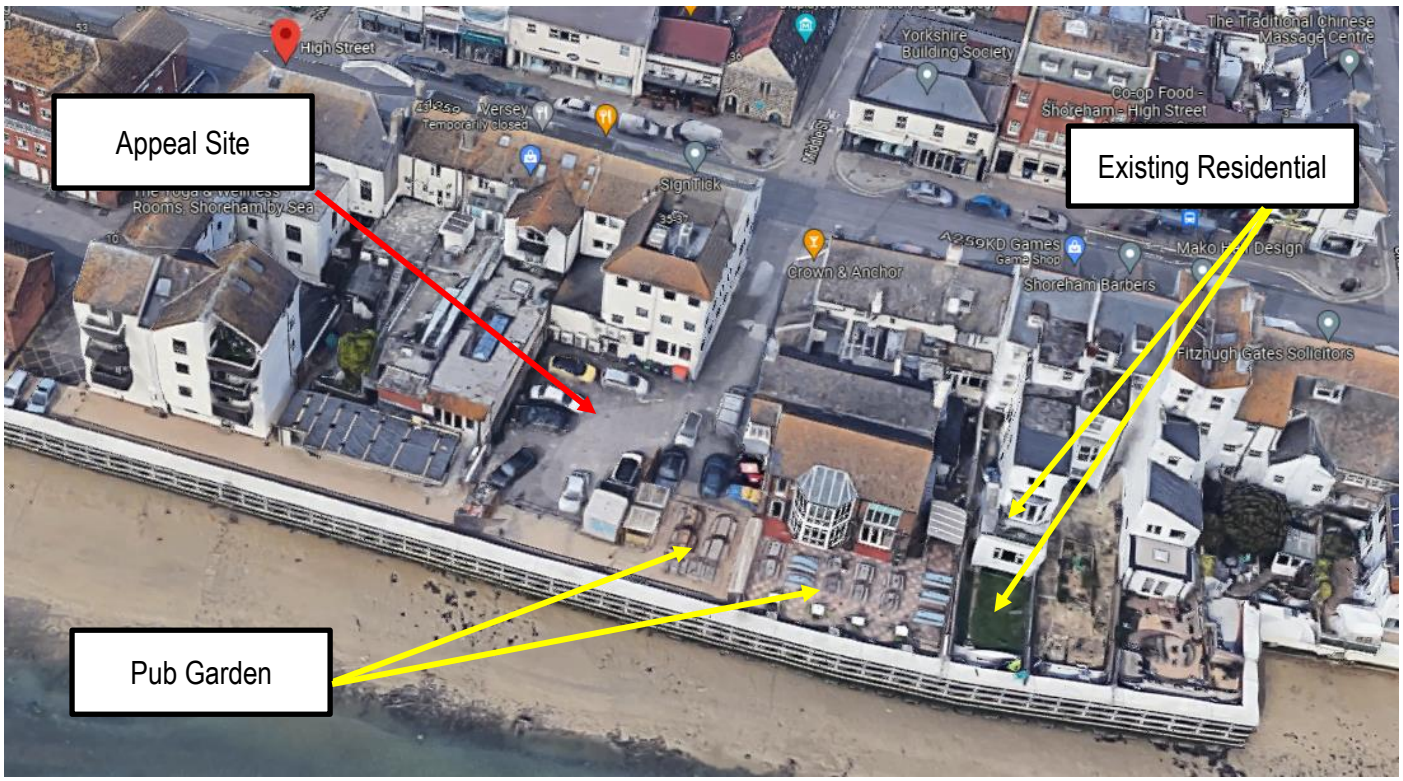


Second Floor Plans:





c. There are already five residential flats immediately to the east of the pub garden at 29A High Street). These were approved (part retrospectively) in 2013 (reference number AWDM/0268/13) and so have been in existence for almost 10 years. We are not aware that the location of these flats (adjacent to the pub's rear garden) has caused any environmental health issues.



d. National Planning Policy also protects the pub through the "agent of change" principle set out in paragraph 187 of the National Planning Policy Framework:

> *"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes*

of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

For the proposed development, the potential for noise complaints is very limited as the scheme has no habitable room windows facing towards the pub garden, and the experience of housing on the east side of the pub (number 29A High Street) confirms that the two uses can happily co-exist. However, if this is a matter that the Inspector remains concerned about, then a planning condition requiring a scheme for sound insulation and alternative means of ventilation (for the proposed flats) can be imposed.

2. <u>Scale of Development</u>

The scheme has been fully assessed with regard to its heritage impact. The case officer report for the planning application states:

"The scale and setting of the building are now considered to be respectful of the character of this riverside location within the conservation area. 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.

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.

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."

3. <u>Shared Access Way</u>

The application site currently comprises a car park. The proposed use will generate less use of the shared accessway than the car park. This would in any case be a private matter between the owners of the pub and the owners of the appeal site.

4. Flood Risk

Flood risk is dealt with in detail in the Flood Risk Assessment that is included in the appeal documents.

Contrary to the assertions made in the Milliken and Co letter, the scheme will reduce the potential for flooding (to the benefit of the public house) as there will be on-site attenuation/storage of surface water (see 6.6.2 of the Flood Risk Assessment):

> 6.6.2. Surface Water Drainage Strategy:
>
> The development will utilise Sustainable Drainage Systems (SuDS) design in accordance with the NPPF for Planning Applications and the drainage hierarchy as follows:
>
> 1. Store rainwater for later use;
> 2. Infiltration techniques;
> 3. Attenuate rainwater by storing in tanks for gradual release;
> 4. Discharge rainwater direct into watercourse;
> 5. Discharge rainwater into surface water sewer;
> 6. Discharge rainwater into a combined sewer;
> 7. Attenuation of rainwater in ponds or open water features with controlled discharge into the local watercourse.
>
> All surface water runoff generated by the proposed development up to 1:100 year rainfall event (plus climate change) will be stored on site, prior to being discharged.
>
> Due to the scale of the development, a full Surface Water Drainage Strategy is not required at this stage of planning.

5. Construction

General noise and disturbance during construction is inevitable and not a reason to refuse planning except under exceptional circumstances. If the Inspector remains concerned about this issue, then a planning condition can be imposed that requires the approval of a Construction Environmental Management Plan (CEMP).

* * *

In summary, the proposed development is very unlikely to have any material impact on the pub garden (as evidenced by housing on the East side of the pub garden that has been in existence for almost 10 years without issue). There will be no habitable rooms facing the pub garden, and existing housing adjacent to the pub garden has not generated any noise complaints.

The Council has not raised any heritage concerns in determining the planning application, and the use of the shared accessway is a private matter between adjoining site owners. The scheme will reduce the potential for surface water flooding (through on-site storage) and construction traffic can be controlled (if necessary) through the approval of a CEMP.

In light of the above, and the main representations set out in our appeal statement, we trust that the appeal will be allowed.

Yours faithfully

LCP

Lewis & Co Planning