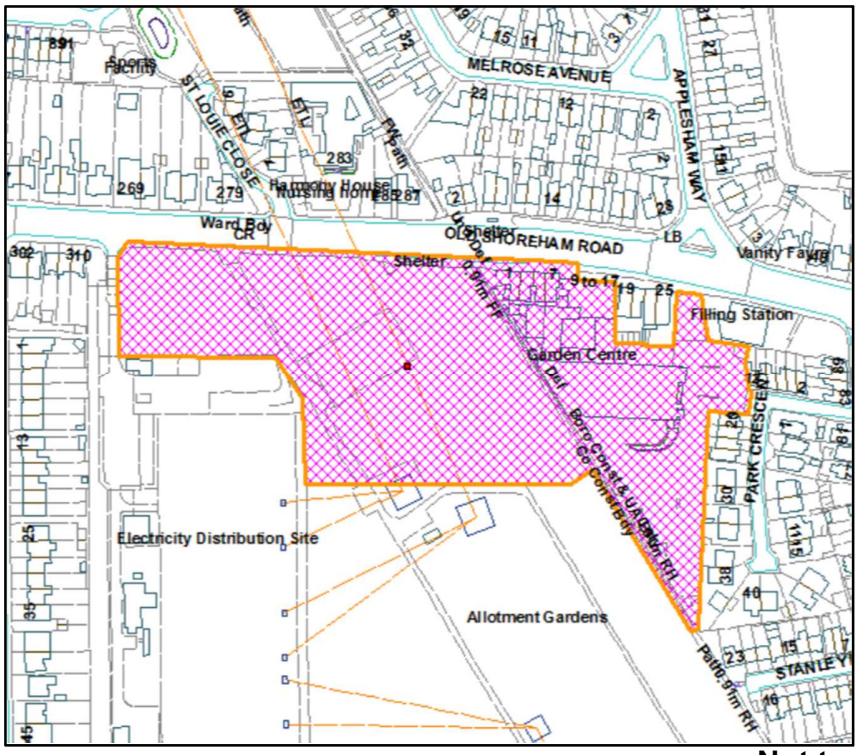
Application Number:	**AWDM/1154/21**	**Recommendation - Approve**
Site:	**Land Opposite 269 To 287 Old Shoreham Road, Southwick (Former Eastbrook Allotments site)**	
Proposal:	**Erection of extension to south and west of existing Garden Centre, providing Internal Retail Area, Warehouse and associated Goods Delivery Yard. Extension and landscaping of External Retail Area to west of Garden Centre including new security fencing to Western boundary. Demolition of existing frost canopies and erection of new semi-enclosed glass roof frost canopy. Diversion of existing Public Right of Way. Creation of new vehicle access from Old Shoreham Road. Internal alterations including relocation of Offices and replacement of existing Goods Lift**	
Applicant:	Tate Bros Limited	Ward: Eastbrook
Agent:	Rodway Planning Consultancy Limited	
Case Officer:	Peter Barnett	



Not to Scale

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Site and Surroundings

The application relates to a site on the boundary with Brighton and Hove City Council and East Sussex known as Mayberry Garden Centre, located to the south of the A270, Old Shoreham Road. The site consists of a garden centre (within Brighton) and former allotment sites with a Public Right of Way (PROW) running between (both within Adur). The site area measures approximately 1.68 hectares in size. As the site straddles the boundary, applications have been submitted to both Adur and Brighton Councils.

The site adjoins the A270 Old Shoreham Road to the north, a mixture of residential and commercial buildings to the east and the Eastbrook allotments to the south. Further to the south west is a large electricity substation, with cables feeding into overhead pylons. A brick structure, housing electrical equipment, bounds the western part of the site immediately to the south. Beyond this point, there are residential properties along Hadrian Avenue.

The Garden Centre site is relatively level throughout the retail areas, with the car park sloping away from the Garden Centre to the rear, with a steeply sloped area providing access to the lower ground storage area. The Public Right of Way (PRoW) that bisects the site, runs North to South from Old Shoreham Road to Manor Hall Road and on to Fishersgate Train Station. The footpath continues North on the Northern side of Old Shoreham Road up to Mile Oak Road and beyond.

The application should be read in conjunction with a separate application for a new car showroom on land immediately to the west which is reported elsewhere on this agenda (AWDM/1032/21).

Proposal

It is proposed to extend the garden centre at its western end to create additional internal retail space and a dedicated ‘goods in’ warehouse to the south. The extension will be 25m wide at its widest point at its southern end, narrowing to 8.7m wide at its northern end. The existing offices and small storage area on the upper ground floor within the Garden Centre will be relocated within the warehouse space and would provide additional internal retail space. Externally, the existing open air retail space will be extended towards the former Eastbrook Allotments to the west; where the ‘goods in’ yard and access to the warehouse will also be accommodated, with a new vehicular access from Old Shoreham Road. The proposal will remove delivery vehicles from the existing customer car park and improve the flow of stock through the garden centre. The proposal also includes an expanded external retail area. In total, 2197.8m² new floorspace will be created.

In order to accommodate the extension of the garden centre, the Public Right of Way has to be diverted and a new route is shown diverting the footpath westwards before returning northwards to Old Shoreham Road.

This application is supported by the following documents:

- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Contamination Report
- In Situ Infiltration Test Report
- Sustainability Statement
- Energy Statement
- Noise Impact Assessment
- Air Quality Assessment
- Economic Impact Report
- Flood Risk Assessment and Suds Assessment
- Transport Assessment
- Landscape Appraisal
- Preliminary Ecological Appraisal
- Reptile Survey 2019
- Headline Socio-Economic Impact Report

Consultations

West Sussex County Council: The **Transport Planner** comments***:***
Access - In terms of the new access from Old Shoreham Road this has been dealt with and commented on under planning reference AWDM/1032/21 for the car showroom application. This new access is located just within the administrative boundary of West Sussex County Council (WSCC). As part of the car showroom application, access to the new garden centre delivery yard was also considered, with tracking of large delivery vehicles being assessed and the new access being assessed also to be used for this use. The LHA raised no concerns to the new access from Old Shoreham Road. Currently and as noted on our site visit, delivery vehicles enter the garden centre's main car park to access the current goods yard. The separation of this activity from the main garden centre access and the customer car park would be an improvement and would lead to a reduction at this access point in HGV movements. This access is not located in the administrative boundary of WSCC, and it is expected that the Highways Team from Brighton & Hove City Council will provide comments on this proposal and access arrangements. Access to the garden centre for staff/customers will remain unchanged, using the existing and established access off Old Shoreham Road.

Vehicle Trips & the Highway Network - Although the site falls within Brighton & Hove, the related trips to and from the site use Old Shoreham Road which also extends into the County of West Sussex. As such the LHA have reviewed the detail in section 5 of the Transport Statement in relation to Development Impact. As the proposal seeks to increase the retail offer of the existing garden centre and provide a more attractive shopping environment, as well as to address existing on-site storage provision and inefficient delivery arrangements, to include a new separate access and goods yard for deliveries, is it not expected that there would be a significant material change in the traffic generation to/from the site once completed. Table 5.1 and 5.2 in the Transport Statement also indicate a clear reduction in the overall delivery vehicle trips.

Other Matters - As the site sits within Brighton & Hove City Councils boundary such matters as car parking provision, electrical vehicle charging, cycle parking, access and trip generation we assume would be reviewed by the Highways Team at Brighton & Hove City Council. In terms of the PROW diversion the proposals have been sent onto our PROW team here at WSCC to provide any comments they wish to make, but we understand that this will be dealt with via a Section 257 under the Town and Country Planning Act by the Local Planning Authority (LPA). Based on the submitted detail the Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network in West Sussex, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

West Sussex Public Rights of Way:

Having reviewed the information supplied, due to the proposal to build directly on the legal line of Public Footpath 14So, a legal diversion Order will be required, possibly through diversion onto the lines indicated on the applicant's plans. In order to secure such a diversion, an Order would need to be made by (Adur & Worthing Council) as the local planning authority, who could make such an Order under the Town & Country Planning Act 1990 section 257. The WSCC PROW Team will be a formal consultee as part of this diversion Order application process and its prior agreement to a specification will be required before lending formal support to any diversion proposal. Development affecting the currently recorded legal line of the Public Footpath 14So must not begin until and unless the path has been formally accommodated else an offence is being committed and may invalidate any diversion Order procedure. Where it will be necessary to permanently divert or extinguish a path 'to enable development to take place' by means of a Public Path Order (PPO) the WSCC PROW Team is not able to grant a temporary path closure as a precursor to a PPO. In such circumstances, WSCC PROW Team will only consider an application for a temporary path closure once the Local Planning Authority has made and confirmed a PPO. Please note it is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

Adur & Worthing Councils: The ***Environmental Health*** officer has made the following comments:

Noise A Noise Impact Assessment (Garden Centre Extension) (Date: 23/10/2020 Project: J2993) has been submitted with this application. This demonstrates that the proposed use will have no significant impact on the nearest noise sensitive properties. The assessment was specifically undertaken during the period 08:00hrs - 18:00hrs. As the noise assessment has only considered the impact of noise between these hours I would recommend a condition restricting deliveries/collections to/from the Garden Centre between 08:00hrs - 18:00hrs only.
Contaminated Land A Combined Geotechnical and Quantitative Ground Contamination

Risk 2 Assessment (R14559 Jan 2021) has been submitted in support of this application. The ground investigation did not identify any concentrations of potential contaminants that would be considered to pose an unacceptable risk to end users of the site or to controlled waters beneath the site. I would advise that the Discovery Strategy recommended in Section 6.8 of the Quantitative Ground Contamination Risk Assessment is conditioned.
Air Quality An Air Quality Assessment (10224.S dated May 2021) has been submitted in support of this development and the neighbouring development (AWDM/1032/21). This assessment found that the proposed development is not expected to introduce new receptors into an area of existing poor air quality, nor is it anticipated to significantly impact local air quality. An emission mitigation calculation has been undertaken and a detailed emissions mitigation statement which includes a schedule of costs for each mitigation type has been provided separately under the planning application for the neighbouring development. Please could compliance with the AQ Assessment and Emission Mitigation Assessment (incl. the Emission Mitigation Statement) be conditioned.

Given the proximity of this development to existing residential dwellings I would also recommend the following conditions: Hours of Construction, External Lighting, Construction Management Plan

The **Drainage *Engineer*** has made the following comments:

Flood risk- The application is within flood zone 1, it does include a small area shown to be at risk from surface water flooding. We therefore have no objections on flood risk grounds.

Surface water drainage- the application includes a substantial increase in impermeable area. The SuDS strategy submitted appears to be for the adjacent application. It states that infiltration will be used, this is acceptable in principle. However, the infiltration tests were all completed in the summer and were not compliant with BRE DG 365. Furthermore no winter groundwater monitoring has been completed and testing was not completed at depths of proposed soakaways. Latest FEH rainfall data, and factors of safety must be 2 applied to design. If you are minded to approve this application please ensure that the surface water drainage strategy is NOT listed as approved and apply conditions to ensure the site is adequately drained and does not increase flood risk elsewhere

Representations

None received

Relevant Planning Policies and Guidance

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

National Planning Policy Framework (July 2021)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that 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 site is subject to Policy 12 of the Adur Local Plan which states:

"The "Former Eastbrook Allotments Development Brief" identifies potential alternative uses/development opportunities for land at Eastbrook Allotments, Manor Hall Road Former Market Garden and the former Manor Hall Nursery in Southwick and any proposed development should be in accordance with this document."

The Development Brief explains that the site was released in 2005 by the Secretary of State for the purpose of "business development" and the remaining functional allotments to the south of the site were retained and consolidated as part of the release of land for business development.

The Brief states that:

"*The site must be developed for purposes of 'Business Development' in line with the conditions imposed by the Secretary of State in 2005 when releasing the land for development. This could include*

Employment / Business Use
The site has good access to the main road network and there is a continued demand for a range of business premises to accommodate growth in the sub-region, particularly from small and medium business enterprises (SMEs) owing to a lack of quality business space which is a constraint to business growth. Such development would help meet wider strategic objectives and provide increased job opportunities for local people. Any business activity would need to be compatible with neighbouring residential uses.

B1/B8 (offices, research & development and light industry/warehousing) uses would be appropriate in this location taking into consideration the constraints of the site. This site provides an opportunity for such business uses in Shoreham Harbour considering

relocation to help facilitate the regeneration of the Harbour. However, B2 (general industry) uses are deemed too invasive in this residential area in this instance and are not considered appropriate.

There may also be some scope for small-scale office floorspace, subject to overcoming the constraints identified earlier in the Development Brief. Certain D1 uses, such as the provision of training and education opportunities would be welcome in conjunction with business use, to help improve levels of deprivation in the area. Another opportunity for the site is in relation to strengthening the eco-tech sector in the area, as part of the Greater Brighton City Region City Deal (which includes Adur District). To keep in line with the City Deal objectives, this sector would also be supported here.

Retail
New businesses and the existing residential area could benefit from the extension of the local parade along the Old Shoreham Road frontage. Appropriate development could include small-scale non-residential uses at ground floor level, such as A1/A2/A3 or B1 to provide day to day needs. Larger forms of retail or leisure uses would not be appropriate in this out of town location.

Public Footpath
There is an opportunity through the existing public footpath to create an improved green infrastructure link from the coast to the South Downs National Park (SDNP) on the eastern boundary of Site 1 and Site 3. This existing footpath could be enhanced to establish an improved Green Infrastructure corridor and there is also the potential to extend the width to allow for both pedestrian access and a cycle lane and to be upgraded to a bridleway.

This will help to provide sustainable transport links from the coast to the South Downs and will help provide links with the existing network, including the Sussex Border Path, a bridleway to the north, which then leads to both the South Downs Way and the Monarch's Way, both national trails. Improved lighting would also be beneficial to the area, to improve perceptions of safety. Again this could be achieved through either a Section 106 agreement or through a Community Infrastructure Levy arising from any business development on Site 1 or housing on Site 2."

The proposal does not strictly accord with the aims of the Development Brief in that it does not propose a B1/B8 Class business use or small scale retail expansion of the parade. However, it would represent an expansion of an existing retail use and it is noted that there are site constraints in the form of the overhead power lines that limit the redevelopment opportunities for the site.

The Socio-Economic Statement submitted with the application suggests that the proposal "*will provide additional economic impact on top of the Garden centre's existing jobs and contribution to the local economy*". It goes on to note that "*if combined with the forthcoming planning application for the new car showroom on the adjacent Eastbrook Allotments sites, the additional economic impact would be:-*

- *£7.17 million capital investment;*
- *3,535 sq.m of new commercial business space;*

▪ *Create 60 FTE local jobs and a further 11 FTE construction jobs;*
▪ *Net additional salary spend in the local economy of £437,760;*
▪ *Additional business rates contribution of £136,967;*
▪ *Annual economic impact of £764,387 and £7.64 million over a ten-year period"*

The report also identifies other benefits, including removing deliveries from the existing car park to the benefit of existing neighbours, road safety improvements as a result of the new access, improvements to the existing footpath and the provision of long term viability for the garden centre, safeguarding and enhancing local employment.

On balance, taking into account the constraints caused by the pylons and the economic benefits outlined above, it is considered that the proposal represents a reasonable use of the site. It is therefore considered to be acceptable in principle.

Visual amenity

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

"*The roof is to be finished with insulated metal panel panels of a profile and colour to match the existing, with ridge line rooflights to maximise the levels of daylight within the internal volumes. The eaves are to be finished with a polyester powder coated aluminium fascia system to match the existing. The external walls are to be finished with horizontal timber effect fibre cement cladding boards which provide a robust finish to the external envelope, which would require minimal maintenance.*"

The proposal also includes the extension of the outdoor sales area and frost canopies over which will be similar in height to the existing canopies.

From the north and west the extension will be viewed across the proposed car showroom on the adjoining site with the delivery yard to the garden centre also due west of the proposed extension. The development will be partly screened by proposed planting alongside the diverted footpath. Further planting is proposed to the south as a buffer to the retained allotments.

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

Residential amenity and Noise

The expansion of the garden centre brings it further from the nearest residential properties to the east within Brighton and Hove. Dwellings within Adur to the north and west are some distance from the extension (approximately 84m to the north and over 200m to the

west) and are not anticipated to be adversely affected by the extension.

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

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

Air Quality

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

There are no Environmental Health objections on air quality grounds.

Accessibility and parking

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

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

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

Overall, there are no highway objections to the proposal.

Footpath diversion

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

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

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

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

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

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

It is considered, on balance, that the enhancements to the existing footpath in terms of increased width, openness, landscaping and improved natural surveillance offset the inconvenience of the increased length of the path and the introduction of the vehicle crossover. The Rights of Way team at West Sussex have not raised any concerns with the proposal.

Flood risk

The site is at low risk of flooding, being within flood zone 1. The proposal includes a substantial increase in impermeable area and the submitted SuDS strategy states that infiltration will be used which is acceptable in principle. However, the Council's Drainage Engineer points out that the infiltration tests were completed in the summer and no winter

groundwater monitoring has been undertaken. She has recommended this be secured by condition to ensure that the final surface water drainage proposals are acceptable.

Sustainable development

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

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

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

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

Contaminated land

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

Ecology and biodiversity

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

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

*earthworms and pond creatio*n".

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

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

Recommendation

Approve, subject to receipt and consideration of comments from Brighton and Hove City Council, and to the following conditions:-

Subject to conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Construction Management Plan
4. Car parking
5. Cycle parking
6. Travel Plan
7. Precautionary contaminated land
8. Compliance with the AQ Assessment and Emission Mitigation Assessment
9. Hours of construction
10. External lighting
11. The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers
12. Construction of the development shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water
13. 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
14. 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.

15. Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity
16. External materials
17. Hard and soft landscaping
18. Boundary treatment
19. Sustainability
20. Noise mitigation in the form of a 1.8m noise barrier along the western boundary. and a barrier around the jetwash station to be provided
21. No development until Ecological Management Plan submitted to include details of reptile translocation and mitigation of impact on badgers
22. Hours of opening
23. Waste provision