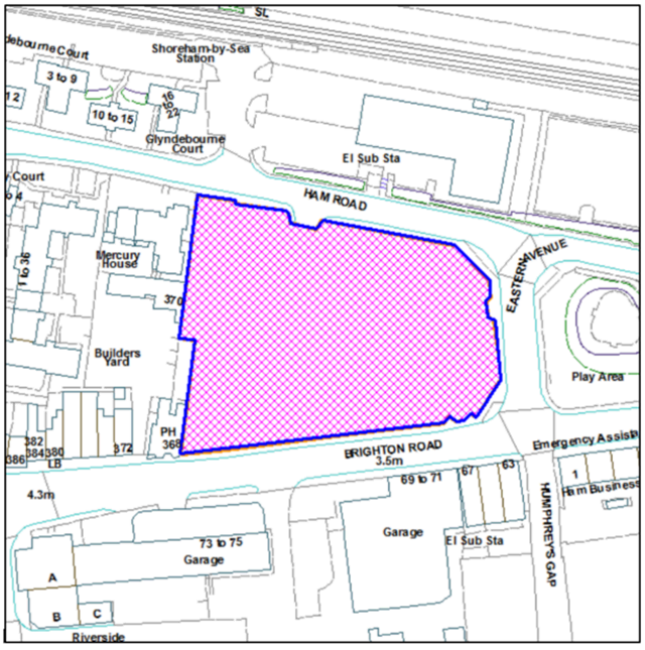
Application Number:	**AWDM/0873/24**	**Recommendation - APPROVE, subject to consultation response**
Site:	**Land East Of 1 To 11 Mercury House, Ham Road Shoreham-by-Sea, West Sussex**	
Proposal:	**Application to Vary Condition 27 of previously approved AWDM/1024/23 and AWDM/1450/21.** **Amendment comprising: Alternative landscape design, including use of containers for planting along site frontages (in order to accomodate underground drainage attenuation tanks), also provision of electricity substation within central courtyard, with associated changes to landscaping.** **Original description (as previously amended by AWDM/1024/23) : erection of two blocks of development ranging in height between 3 - 9 storeys comprising 159 residential units comprising a mix of 1-bed, 2- bed and 3-bed units (including a minimum of 30% of affordable housing), commercial (class e) floorspace at ground floor, and associated parking and landscaping. Application to vary conditions 1 of previously approved AWDM/1450/21**	
Applicant:	The Hyde Group	Ward: St. Mary's
Agent:	HGP Architects	
Case Officer: Stephen Cantwell		



Not to Scale

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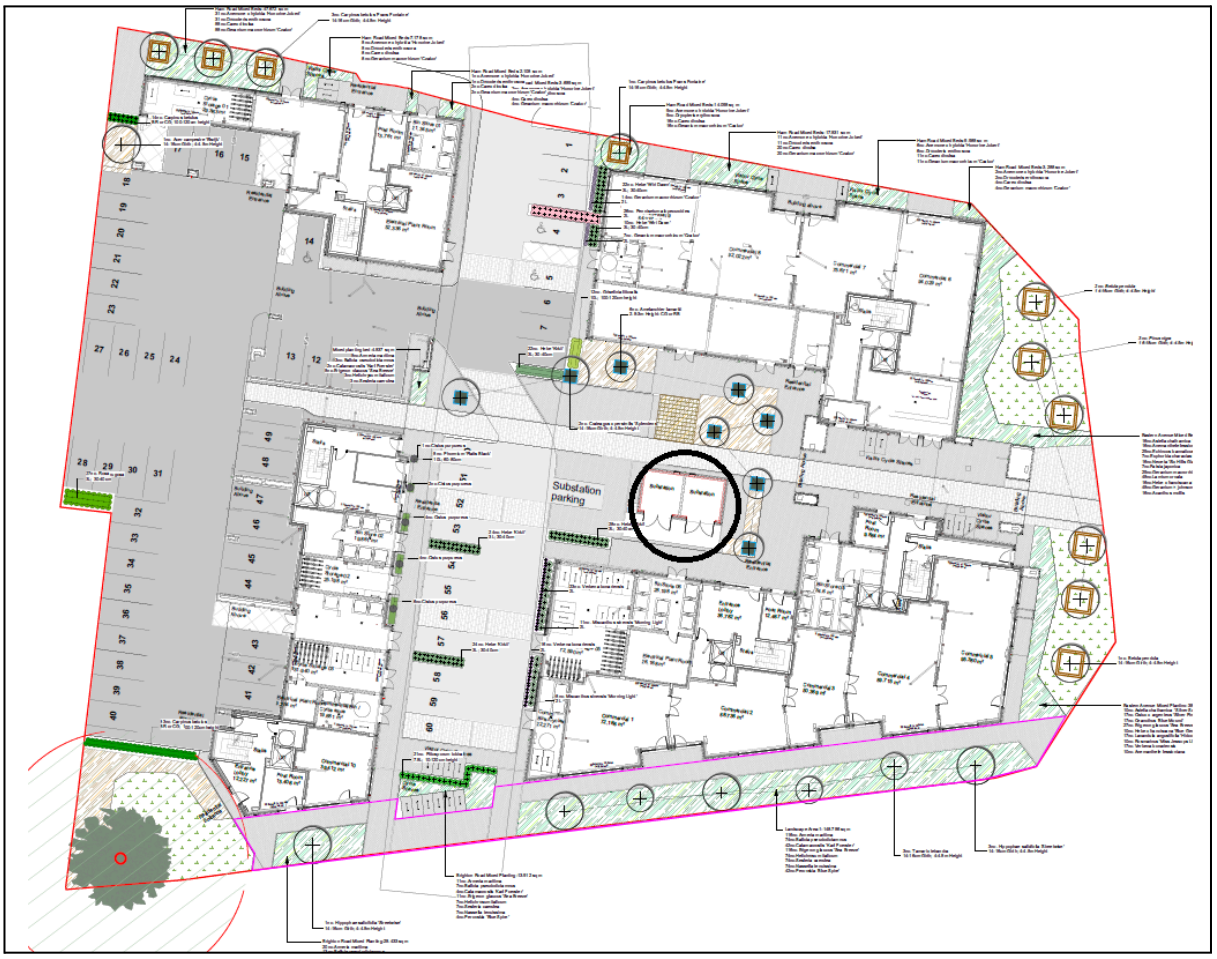
Site, Surroundings And Background To The Application

As with application AWDM/07824 on this agenda, this application relates to the site of the demolished Adur Civic Centre, at the prominent road junction of Brighton Road, Ham Road and Eastern Avenue.

This application, recently amended (21st August), seeks variation of approved drawings, including the landscaping requirements of condition 27, in order to include an electricity substation in the internal courtyard also to containerise new tree planting at the site frontage.

The recent amendment now limits the containerisation of trees to the Eastern Avenue frontage. Planting along Brighton Road would be direct into the ground, as previously approved.



Proposed Layout - to show sub-station (circled in centre) and trees (circled at perimeter)

Relevant Planning History

AWDM/0785/24 : Application to vary condition 1, of previously approved AWDM/1450/21 (as amended by AWDM/1024/23) to incorporate amendment of roof design for the 8-9 storey tower section of block b to replace approved pitched roof with a flat roof. **Application Pending (on this agenda)**

AWDM/1759/23 : Non-material amendments: Projecting bay windows to Block A removed to Parapet height adjustment Additional louvres included above commercial windows Window spandrel panels removed and replaced with recessed brickwork for improved acoustic and thermal robustness. Ground floor ancillary door positions revised to suit Fire Strategy compliance **Application Pending**

AWDM/1024/3 : Application to Vary Conditions 1 of previously approved AWDM/1450/21 (approved drawings). [This application Block A at the west of the site, to retain the existing poplar tree in Brighton Road, and included some minor design changes to both blocks] **Approved 8th December 2023**

AWDM/1450/21: Erection of two blocks of development ranging in height between 3 - 9 storeys comprising 159 residential units comprising a mix of 1-bed, 2- bed and 3-bed units (including a minimum of 30% of affordable housing), commercial (Class E) floor-space at ground floor, and associated parking and landscaping.
Approved 24th April 2023

Consultations (Note: comments on the amended plan of 21st August awaited)

West Sussex County Council Highways Authority No Objection.
Trees within planters would require a licence to the developer or management company as part of a separate 9s.278) Highway Agreement.

Tree officer. Requested amended plan - comments are awaited on this.

County Lead local Flood Authority ' No objection

South East Power Networks: No response

Representations

One letter from AREA (Adur Residents Environmental Action):

'Landscaping: AREA endorse the changes to the chosen landscaping although it is disappointing that all planting must now be in containers, which will restrict the growth of the trees. This will also involve additional upkeep and attention. Can it be confirmed that at no point will the cost of the maintenance of the landscaping be passed on to the residents?

We ask that the planting of 3 pinus nigra trees be reconsidered. According to the RHS these trees grow 20-55 m high and the spread is 6-12 m. So, unless the landscapers have found a dwarf variety; this option is too large for containers. The RHS suggests sophora microphylla as a good evergreen choice for containers, height 10 m, spread 6m.

Substation: Why has it taken so long for the developer to include electric substations? Have they only just realised that they need them? AREA object to this amendment. The courtyard where Hyde proposes to locate the substation, is the only outdoor area with seating and a small area for children to play. By locating the

substations there, they have considerably reduced the space for seating and play.

JAAP SH8; JAAP 4.7.32 states that developments will be required to provide public open spaces and green infrastructure on site. NPPF states that developments should promote healthy lifestyles and open spaces. This development was passed in spite of failing to meet these requirements and now wants to reduce what little open space and play area there was.

Hyde will likely state that children can access the skate park but that does not take into account crossing a busy road and then playing in a polluted space at a junction with long queues of idling car engines, often on 3 sides. The mental and physical health of the residents of this development should be of serious consideration.'

Relevant Planning Policies and Guidance
Adur Local Plan 2017: Relevant policies include 1, 15, 16, 17, 18, 19, 29
National Planning Policy Framework - NPPF (December 2023)
Sustainable Energy SPD (August 2019)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended), which 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.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) states: indicates In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Planning Assessment

Substation

The proposed substation building in the central courtyard is required both for the power supply to serve both the apartments and commercial spaces and also the 23no. electric vehicle (EV) charging spaces, which comprise approximately 40

percent of spaces.

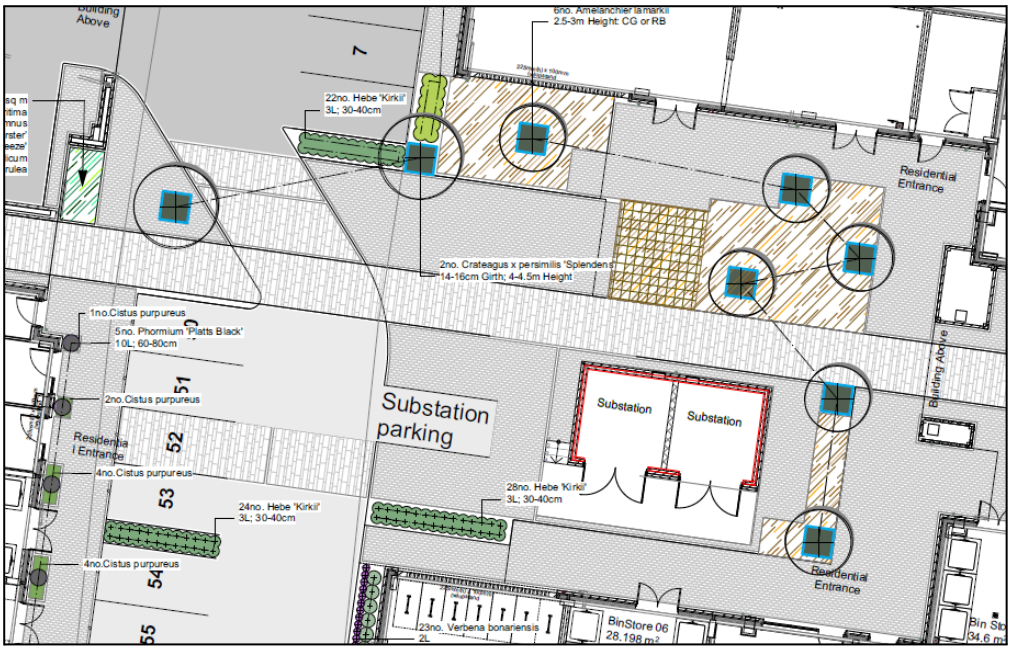
The applicant explains how the need for this free standing sub-station has arisen in the extract (italics) below. In summary, the floor levels required within the approved apartment blocks are inconsistent with the height at which the floor of the substation is required to be set by the approved flood-risk strategy. Therefore a free standing building is needed.

Opportunities for siting this are limited due to a 10m wide sewer easement, which passes through the site (north-south) and precludes permanent structures in that vicinity. Secondly the western part of the site (alongside Block A) comprises car parking and vehicular access, which would be obstructed by any such building. This leaves the central courtyard within the Block B, eastern part of the site, as the only option.

It is noted that internal bin store arrangements within both blocks have been revised. These are in areas either close to, or previously shown for, various mechanical and electrical plant, although this is not said to be a factor in the need for the free standing building.

The applicant's summary is as follows:

> *'We initially located the Substation on the ground floor within Block A, however this would not be possible due to the level of flood protection we are required to install. The Flood Strategy required us to construct the concrete slab up to 5.25mAOD* . We considered this high and entered into a period of successful negotiation with the Electricity District Network Operator (DNO) and reached a mutual agreement to construct up to 4.25mAOD where the flood gates will be installed. We had hoped to lower this further but the floodgates which are acceptable to the DNO only have maximum protection up to 1m in height. We are unable to locate the Substation to the rear of Block A because this would create issues with access to the underpass for future maintenance.*
> [***Officer Note:** 'mAOD' is the height in metres above 'Ordnance Datum', not above ground level. The height of exiting ground level at this site is approximately 3.7mAOD]
>
> *It is important to note that there is a trunk sewer (measuring 1200mm) running through the middle of the development (as shown on the Drainage Layout Drawing No 250). Doc Ref: QMSRev.000 The sewer has a 5m easement to each side which allows sufficient room for maintenance and provides the appropriate level of protection against damage.*
>
> *After careful consideration of all of the above, we have come to the conclusion that the courtyard is the most suitable location for the Substation. We appreciate the location of the substation is very central to the development and we are working alongside the restrictions that are in place to dictate how close we can plant to the Substation but we do not envisage any issues with the desired end result. To further enhance the aesthetic output we propose installing weatherproof wooden handrails to the stairs, resilient to the coastal elements.'*



Courtyard Layout Images: Proposed (upper); Approved (lower)



The Courtyard Layout plans above show the proposed location of the sub station (upper image) and the approved courtyard layout as the lower image.

In terms of location and design, the proposed substation is located at the southern side of the courtyard as a single storey building. This would use facing bricks to match those of the approved Block B. The proposed layout plan above (upper image) shows landscape planting as buff-coloured hatching and green shading. The buff-coloured grid is a grass-crete-type pavior area, planted with wildflower turf. Trees are shown in containers edged in blue.

The lower of these images is the approved plan, including an area of planting to the southern side, much of which would be removed in the proposal.

In consideration of the proposal the need for a supply is accepted, and while it is not explicit in the applicant's statement, they have confirmed verbally that the size of the proposal is that which is needed to provide the amount of energy required and space for servicing.

It is also accepted that flood risk must be catered for in order to ensure safe operation. However, further clarification of the relative levels has been requested, mindful that the ground floor levels specified in the planning permission for Blocks A & B are 3.85mAOD, which is approximately 0.15m above existing ground level. The substation is proposed at 4.2mAOD, approximately 0.5m above ground level.

The location of the proposed sub-station does not affect the immediate outlook of future residents, whose homes and windows would be at first floor and above; there are only commercial and storage uses at ground floor. The main impact is upon the quality and use of the landscaped courtyard.

As can be seen in the two images the planted areas of landscaping have reduced, including the reduction of trees from ten to eight, in order to provide access to substation parking (one has also been removed in order to provide for fire tender access, which has already been approved as part of fire safety details). Trees are also in containers, as explained in the next section of this report. Informal drifts of varied hard surfacing and boulders and benches are also no longer in evidence.

The combined effect of these changes is to reduce opportunities for informal recreation and visual amenity and to an extent, its biodiversity value. In order to mitigate this impact the applicant has been asked to consider whether the following are possible:

1) Amalgamation of the fire tender and sub-station service vehicle spaces, in order to allow more of the approved planting to be retained

2) Reintroduction of informal play opportunities and benches

3) Vertical landscaping, such as frames, logias or wires, to support climbing plants

4) Biodiversity value of the resulting amended plan to be described, including any measures which may enhance this (such as bird boxes and biodiverse planting)

It is hoped that some of these possibilities can be realised. An update will be provided either at the meeting or shortly before this, once the outcome and any amendment is provided. This is intended to assist in the overall planning balance, in which the effect of changes needs to be considered alongside the accepted need.

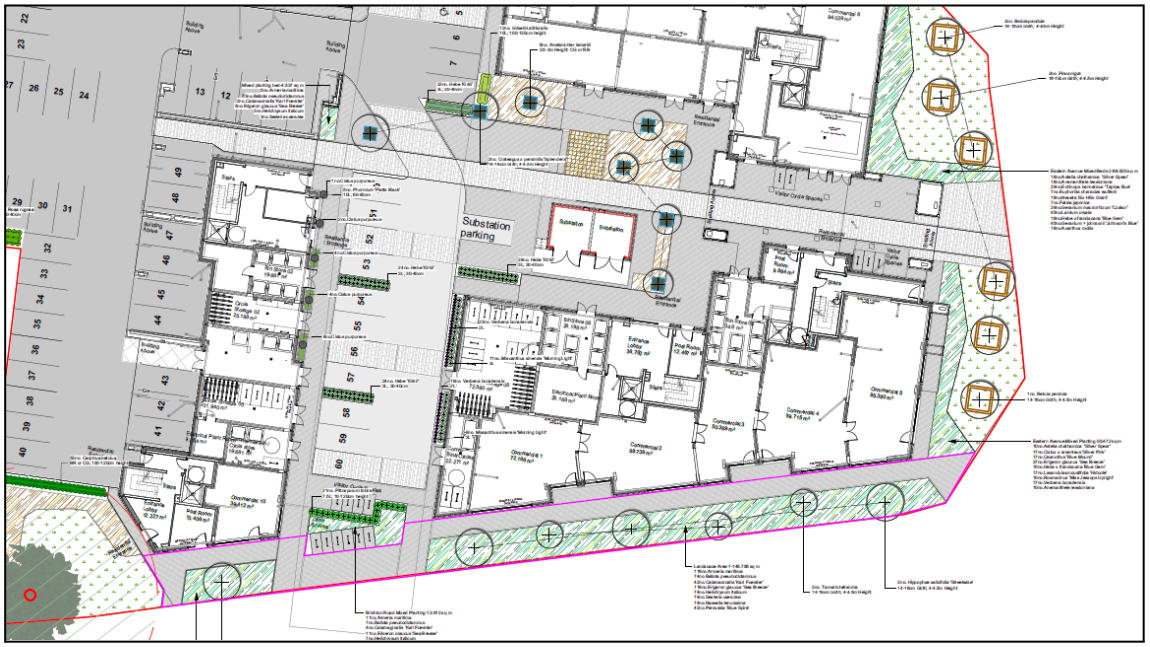
Trees

This application as originally submitted was to containerise all new trees at the site, both within the courtyard and at the site frontages in Eastern Avenue and in Brighton Road. These would be planted in raised planters of treated softwood sleepers planters or powder coated (coloured) aluminium.

The reason for this requested change is to ensure that there is no fixed planting within the sewer easement zone. Of equal importance, it is also to accommodate additional underground surface water storage tanks, which have become necessary since the original planning approval in order to satisfy calculations of climate change flood event capacity. This was identified post-approval with the County Lead Local Flood/Drainage Authority. The presence of these tanks precludes direct planting into the ground at the frontage and courtyard..

As submitted, the application raised concerns that this containerisation would disrupt the pattern of new planting along the north side of Brighton Road. This includes existing trees and new ones to be planted at the southern side of The Ham recreation ground to the east and the now-retained poplar tree at the south west corner of the site frontage. This frontage is also within the setting of the conservation area and listed buildings further west along New Road.

In response, a review of drainage arrangements has led to a recent amended plan (below). This now leaves roadside planting in the ground along Brighton Road, so that this would now be consistent with the Ham and the existing poplar. Other shrub and herbaceous plating is also shown alongside Brighton Road. This assists in amenity and biodiversity value



Amended Plan - Tree Planting in-ground Brighton Road, others containerised.

Comments of the highway and drainage authorities and tree officer are awaited on this change, partly to ensure that this planting remains consistent with plans to realign the road edge as part of the future cycle path for Brighton Road. It is also to ensure that the manner of planting safeguards main drains, for instance this may require the installation of a root barrier in the ground.



New roadside trees & poplar tree from Brighton Road (near New Road Conservation Area)





Trees for Brighton Road: Buckthorn and Tamerix (attain 4-4.5m height)

The two tree varieties for Brighton Road Buckthorn and Tamerix are as previously agreed and are shown above. Trees at the Eastern Avenue frontage would be containerised, these are a mixture of birch and pine. It is noted that comments by AREA recommend against the use of pine here. The tree officer's comments on this are awaited.

In visual terms it is considered that the use of container planting at this frontage is reasonably in keeping with the slightly greater formality of this elevation, which contains the central entrance and tower element.

Updated maintenance details are awaited and it is important that this ensures regular watering and tending/pruning of all trees, particularly those in containers. An update will be given. Whether the Brighton Road trees are to be adopted as part of the

public highway, and maintained by the County Council is also due to be clarified

Planning Balance and Conclusion

The current application arises from needs to meet energy and floodrisk-drainage requirements which have either emerged or become more focused following the grant of planning permission. Whilst the need for the substation is accepted, further explanation has been requested in respect of its location in relation to flood risk and levels. Amendments, where possible, have also been requested to restore some of the landscape and recreation function of the courtyard space. Subject to satisfactory information and amendment, a reasonable balance may be struck.

Tree planting is now considered acceptable, with in-ground planting along Brighton Road and containers at the east frontage and courtyard, in order to accommodate the necessary below-ground water storage tanks. Acceptance is subject to the awaitred responses of drainage, highway consultees and the tree officer, and the provision of satisfactory long-term maintenance arrangements.

Recommendation: Approval, subject to the receipt of amended landscaping and maintenance plans and satisfactory consultee responses also the consideration and any further representations by 5th September.

Conditions

Conditions would be repeated from Planning Permission AWDM/1024/24 but with amendment to the wording of conditions 1 & 27 to refer to the implementation of the amended plans.