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| **Application Number:** | **AWDM/0785/24** | **Recommendation - REFUSE** |
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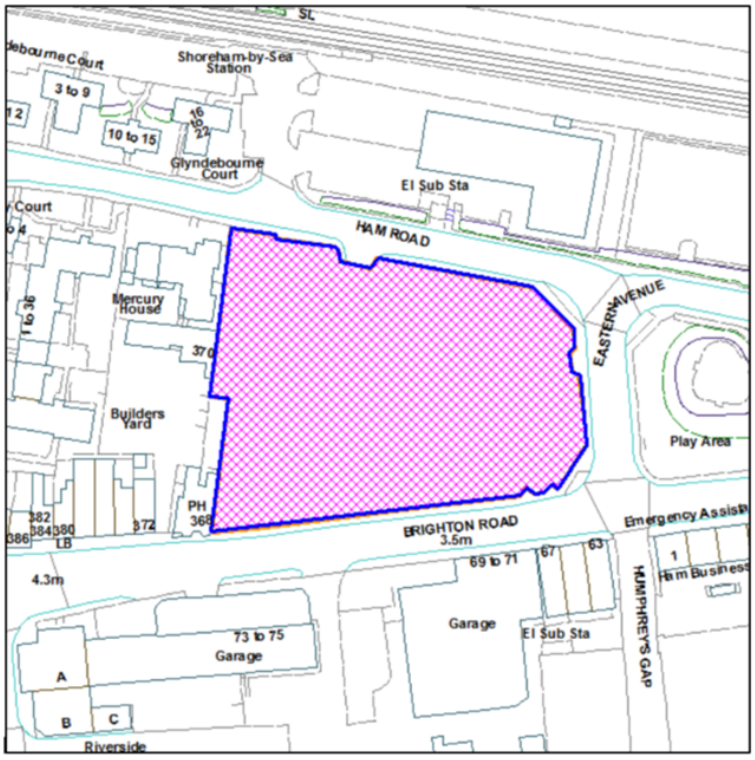
| **Site:** | **Land East Of 1 To 11 Mercury House, Ham Road Shoreham-by-Sea, West Sussex** | |
| | | |
| **Proposal:** | **Application to vary condition 1, of previously approved AWDM/1450/21 (as amended by AWDM/1024/23) to incorporate amendment of roof design for the 8-9 storey tower section of block b to replace approved pitched roof with a flat roof.**<br><br>**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 (approved drawings).** | |
| | | |
| 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

The application relates to the site of the demolished Adur Civic Centre, at the prominent road junction of Brighton Road, Ham Road and Eastern Avenue with a frontage onto each street. The site is currently undergoing redevelopment to construct the two approved apartment blocks, providing 159 apartments and ground floor commercial spaces.

This application proposes to change the design of the roof of the 8-9 storey conjoined-tower section on one of these blocks 'Block B, which fronts onto Eastern Avenue, opposite the Ham. The change would substitute the approved pitched roofs with flat roofs. The images below show the comparison, with the approved roofline as a faint red line.

The change has been requested in order to allow for a greater number of solar panels to be included in the development. A more detailed explanation is given later in this report. The proposal does not change the amount of flats or commercial space.




**East Elevation towards Eastern Avenue and the Ham**




**West Elevation (towards internal courtyard)**

## Relevant Planning History

**AWDM/0873/24 :** Alternative landscape design, including use of containers for

planting along site frontages (in order to accommodate underground drainage attenuation tanks), also provision of electricity substation within central courtyard, with associated changes to landscaping. **Application Pending**

**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**

***West Sussex County Council Highways Authority*** No Objection

***Network Rail:*** No Objection

***Southern Water:*** No Objection

***South Downs National Park Authority*** ' No Comment'

***UK Power Networks:*** Comment as follows:

The applicant should contact UK Power Networks to identify the location of existing high power cables.

**Representations**

8 objections following public consultation. These include comments by AREA (Adur Residents Environmental Action). Two of the objections are against the principle of the development already approved rather than the specific roof design change proposed here.

Comments are summarised as follows:

- A flat roof will look worse than a pitched roof and would appear more brutal.
- The change would not preserve or develop the character and identity of Shoreham. It will undermine the perception of development being sympathetic to the area and public realm, contrary to Local plan Policy 15 and NPPF.
- Pitched roof is a key feature. A flat roof would no longer create a 'gateway building' to the town.

- The pitched roof slightly mitigates the large scale and mass of the building
- If the expected maintenance of PV panels in an exposed location will pose 'significant risk', then the location of the PV panels must be changed or (regrettably) the number of PV panels be reduced,
- No additional flats should be allowed as a consequence of the proposed change, which would place further pressure on infrastructure.
- Any financial savings to the developer is unlikely to be passed onto the local community.

**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**

The reason for the proposed roof design changes is due to the additional renewable energy efficiency and CO2 reduction, which could be produced by the potential increase in space for the installation of solar panels on the proposed flat roofs by comparison with the pitched roof. This is said to amount to a 30% reduction in energy costs, giving an annual saving of approximately £320 per apartment.

The differences are summarised below in the application as Scenarios 1 (approved) & 2 (proposed). These include images of the respective roof-plans, showing the solar panels as ranks of blue. The tower roof is circled in light blue in each case.

> ***Scenario 1*** *– Pitched roof design option. This offers limited viable roof space for Photovoltaic (PV) panels due to large north-facing area, but increased operational efficiency of PV panels due to the 35° inclination of the roof. A baseline Energy*

*Performance Certificate (EPC) B-rating can be achieved throughout the block.*



**Scenario 1 - Approved Roof-plan**

***Scenario 2*** *– Flat roof design option. This offers a significant amount of roof space for PV panels, but slightly reduced operational efficiency of PV panels in arrangement of 10° inclination to avoid overshading. A baseline EPC A-rating can be achieved throughout the block.*




**Scenario 2 - Proposed Roof-plan**

In consideration of the applicant's submission, it is important to reflect upon the requirement of planning policy. The Adur Local Plan Policy 19 requires that developments should assess opportunities for low carbon and renewable energy. It contains a requirement that all major developments such as this one, shall incorporate renewable/low carbon energy production equipment to provide at least 10% of predicted energy requirements.

The recently revised National Guidance (NPPF, December 2023 - paras 160-164) reaffirms adherence to Local policy requirements. It also refers to area-wide strategies to maximise the development of renewable energy sources, albeit this does not refer explicitly to maximisation of individual sites.

The approved development achieves energy efficiency in two ways. Firstly the energy efficient fabric of the approved buildings is estimated to provide a CO2 saving of 9.8% below the baseline of Building Regulations. Secondly, and of direct relevance to this application, the approved array of solar panels in the approved scenario one, produces an estimated 10.9% of renewable energy, which slightly exceeds the minimum 10% target of Policy 19.

The current application seeks to provide the best energy and cost scenario for the future residents. In CO2 terms, the submitted Energy Assessment indicates an improvement of 34% between the two scenarios, although it is unclear what the percentage improvement is above the 10% required under Policy 19.

However, it does not appear to be the case that the requested flat roof scenario is due

to a risk that the pitched roof scenario would cause the development to fall below the 10% minimum of policy 19, despite the narrow margin for error in the approved scenario of 10.9%.

In terms of policy, it does not appear that the proposal is necessary to meet the policy requirement but it would bring a benefit in terms of additional CO2 reduction and reduced costs to occupiers of the new apartments, at least 30 percent of which are required as affordable homes under the terms of the planning permission.

Turning to the design consideration, Policy 5 requires designs which are of high architectural quality and add to local distinctiveness. In this respect the pitched roofs are considered to contribute to the design character of this prominent frontage, and are likely to be visible against the skyline over distances, particularly to the east in the approach to Shoreham and elsewhere Brighton Road, including the edge of the Conservation Area in New Road.




**Block B Core B2 - East Bay Elevation**
Pitched Roof (Currently Approved)




**Block B Core B2 - East Bay Elevation**
Proposed Flat Roof Option



**Block B - East Elevation**
Pitched Roof (Currently Approved)



**Block B - East Elevation**
Proposed Flat Roof Option

Looking back to design evolution in 2020, the Coastal West Sussex Design Review Panel commented on an earlier pre-application design below as follows:




**2020 Pre-application design**

> *" 3.2. As suggested at the previous design review, the eastern elevation can be used as a marker in the approach to Shoreham, but this must be legible and cohesive. The balance of form and function and cohesiveness through design needs delicate resolution. This still needs more work, there have been some positive developments with this revised proposal.*
>
> *3.3. A simpler approach to the elevation was discussed. The scale of these elements of the façade need further consideration and their impact on views to the site. The current design has a number of elements on the façade that don't necessarily relate to the plan. With a better resolution of the massing, the materials and design flourishes, such as how the tower element and 'beach huts' interact, should become more coherent."* (Coastal West Sussex Design Review Panel, 1st April 2020)

The Panel comments gave rise to the existing approved design, which used pitched roofs for the central towers in order to provide design coherency and consistency between the smaller pitched roof at floors 5-6 ('the 'beach huts'). Although there are flat roof sections within the 'architectural language' of the development, as noted by the applicant, there is concern that the use of a flat roof for this tallest element would leave the beach hut elements rather orphaned and arbitrary in appearance.

Furthermore, whilst it would reduce the overall height, it would remove the tapering heart of the building, which evokes pitched roof buildings elsewhere in the town and would change the proportions of the tower and the perceived overall mass of the new building.

In consideration of policies, now including NPPF 2023, the proposal is likely to appear less distinctive and of lesser design quality contrary to NPPF para 135. The NPPF also states:... '*Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme'* (NPPF, 2023 - para 140)

In terms of heritage, the extent of the change perceived from Conservation Areas would be limited to views from Ham Road and New Road. These are seen with other intervening buildings in the foreground (please see image below as one approximate example). From here the distinctiveness and quality of the development may be

reduced to a degree which in heritage terms is likely to be ‘less than substantial but, contrary to Local Plan policy 16; also contrary to NPPF paras 164 & 208 (where other public benefits, such as CO2 and energy improvements are not considered to be outweighing).



**Visibility from Brighton Road**
**(near new Road Conservation Area (approved design only)**

**Planning Balance and Conclusion**

In summary, the advantage of the proposal in energy and CO2 terms is an important consideration, which is supported by the general thrust of national guidance to maximise opportunities for renewable energy. Whilst the approved roof and arrangement of solar panels is calculated to achieve the required minimum of 10% renewable energy to serve the development, it is by a fairly narrow margin (10.9%), and the proposal would give a better margin. The proposal is also likely to provide the benefit of an energy-cost reduction to future occupiers of the many affordable homes in this new development.

However, these benefits must be considered alongside other impacts, which in this case are considered to be the weakening of the design, its distinctiveness and its relationship to its surroundings, contrary to Policy 15. The Design Panel advice of 2020 saw the building a ‘marker’ in the approach to Shoreham and called for design cohesion and coherence. The proposal is considered to run contrary to this and to the guidance in NPPF, 2023. For these reasons the balance of merits is considered to fall against approval of the proposal.

**Recommendation: Refusal**

**Reasons for refusal**

The proposal would diminish the design quality and distinctiveness of the approved development, which is situated in an important location in the approach to and outlook from Shoreham, including the edge of the adjoining conservation area. It is acknowledged that there are potential benefits in terms of CO2 reduction and improved sustainable energy and cost associated with the development, but these are not considered to outweigh the impacts in design impact and in heritage terms. This is considered to be contrary to Policies 15 & 16 of the Adur Local Plan 2017 and the NPPF 2024, especially paras 135, 140, 164 and 208