Development Management - Delegated Officer Report

Application Number: AWDM/2289/21 **Recommendation – Approve**

Site: 144 Albion Street, Southwick

Proposal: Demolition of existing building and construction of new three storey building comprising a ground floor commercial unit with four flats (2no. 1 bed and 2no. 2 bed) above with 2nd floor balcony on the south elevation; 2 no. car parking spaces and 8no. cycle spaces

Date of site visit: 17 March 2022

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a vacant part two storey/part single storey building within the Riverside Conservation Area, fronting the A259 Albion Street. It was formerly in use as a tyre fitters and repair garage (Arrow Tyres) but the use ceased in June 2021.

The car park to the Old Town Hall is immediately to the west and there is a current application for the construction of a three storey office building on that site which is reported elsewhere on this agenda (AWDM/1633/21). Directly to the south, on lower ground, is the Grade II listed Sussex Yacht Club building. Further south west is Malthouse Cottage, a residential property. The former Schooner pub sits to the east.

The application proposes to demolish the existing building and to construct a three storey building. It will have a commercial Class E unit of 50sqm on the ground floor, together with a parking area for two vehicles, cycle and bin store. On the upper floors 4no. flats are proposed (2 x 2 bed flats on the first floor, 2 x 1 bed flats on the second floor). The building will be accessed from its east side, via a forecourt between the site and the Schooner.

It will have four pitched roof gables at the front with a hipped roof at the rear containing four small lead clad dormers. A small 2nd floor balcony is proposed for one of the flats. Three of the front four gables will project from the building slightly and will have a painted render finish, with facing brickwork on the other non-projecting gable. Tiles or a natural slate roof is proposed. There will be a central section of flat roof, hidden by the slope of the roof, where rooftop PV panels are proposed. The building will have a ridge height of 8.9m.

The application is supported by a Design, Access and Heritage Statement, Energy & Sustainability Strategy, Noise Impact Assessment and Flood Risk and Drainage

Assessment.

Relevant Planning History

SW/59/87 - Application For Conservation Area Consent For The Demolition Of Existing Tyre Services Premises (To Facilitate Redevelopment With 9 Flats & Offices) - application withdrawn

AWDM/1633/21 - Erection of a new three storey office building, with ground floor parking under (on the adjacent site, the former Town Hall car park) - approved

Consultations

West Sussex County Council: The **Highways Authority**: Access and Visibility The applicant proposes to utilise the existing vehicular access on Albion Street for this development. From inspection of local mapping, there are no apparent visibility issues with the existing point of access on to the maintained highway. The LHA does not anticipate that the proposed development would give rise to a significant material intensification of movements, when compared with that of the existing use.
Parking and Turning The applicant proposes three car parking spaces for this development. From inspection of the plans, the parking bays are suitably sized, and the existing parking forecourt can be utilised to turn and exit on to Albion Street in a forward gear. Under WSCC Parking Standards, the combined commercial/residential parking demand for a development of this size would be nine car parking spaces. Consequently, any overspill parking would have to be accommodated on-street. There are comprehensive parking restrictions in place on Albion Street prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that this development would result in a detrimental highway safety impact, nor give rise to a parking capacity issue. The LPA may wish to consider the potential impacts on on-street parking from an amenity point of view. Weight is given to the fact the site is situated in a sustainable location, and the provision of eight cycle parking spaces will promote the use of sustainable transport methods. In the interests of sustainability and as a result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Adur Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.
Sustainability The site is situated in a sustainable location within walking distance of local services and amenities. Cycling is a viable option for travel in the local area. The site is also well connected by public transport, with regular Coastliner services available from nearby bus stops on Albion Street. Southwick Train Station is located approximately 300m northwest of the site. Conclusion The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.
Conditions: Car and cycle parking, EV charging spaces

WSCC HIghways comments on amended plans: The amended plans include a revised scheme – of which the overall parking demand will now work out to be 8 parking spaces. As mentioned in the LHAs previous comments, whilst the LHA does not anticipate that the proposed shortfall in parking would result in a highway safety or capacity issue, the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view. On-site turning has been demonstrated to the satisfaction of the LHA.
All other comments pertaining to access, parking and sustainability remain valid in the LHAs previous consultation response.

West Sussex Fire and Rescue: Evidence is required to show that all parts inside all residential apartments are within 45 metres of a fire appliance in accordance with Approved Document B Volume 1 2019 Edition B5 section 13. This is to be measured along the hose lay route, not in a direct line or arc measurement. Any areas not within the 45 metre distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS4854 standards.

Adur and Worthing Councils: Public Health: Please could the proposed planning class use of the ground floor commercial unit be confirmed?
{This has since been confirmed as Class E}

External Noise A Noise Impact Assessment (ref. 488/LewisPlanning/144AlbionSt /Noise, Dated March 2022) has been submitted with this application. This report is not considered satisfactory. This assessment does not appear to have considered all potential noise sources which could impact this development. To the south of the proposed development site is Sussex Yacht Club which I believe is licensed to sell alcohol and have live and recorded music between the hours of 11:00hrs - 00:30hrs on all days. This noise source should be considered. Only a very short time period has been monitored on the southern facade at approximately the same time on two week days. To get an accurate reflection of noise from the port and associated commercial/industrial activities, a longer time period should be monitored at different times of the day and night. Photos 1 and 2 show the noise monitoring positions. Photo 1 shows the sound level meter is positioned inside the building next to an open window. Although this would give an indicative sound level, I am afraid this is not considered to be representative of an external noise monitoring position. This measurement should be taken externally, 1m from the facade. Photo 2 shows the external noise monitoring position on the northern facade. A facade correction of 3dB has been used in the report. However, the microphone appears to be close to two facades. I would query whether 3dB is the correct correction factor, I believe a 1/4 sphere correction would be appropriate for this position. The nighttime LAmax measurements were taken over 15 min reference periods. The Planning Noise Advisory Document: Sussex 2021 advises the following: Consideration should be had to the influence of individual LA max levels which should be obtained by measurement using short 5 or 1 minute periods as agreed with the LPA. As a minimum we would expect 5 min reference periods to gain a more accurate reflection of the number of LAmax incidents likely to exceed internal guideline levels. Please can the noise monitoring results be provided in table form? Clarification is required for the LAmax calculations: How has the figure of 69.2dB LAmax been calculated? Will the proposed glazing be sufficient to ensure guideline LAmax levels are not exceeded? 2 The report confirms that external noise levels prohibit the opening of windows and suggests the addition of mechanical ventilation. No further details concerning the ventilation

strategy to prevent overheating have been provided. I would recommend a CIBSE's TM59 assessment of overheating should be undertaken as part of the ventilation strategy. The proposed elevations indicate the second floor dwellings are within the roof space. The structure of the roof may be less robust compared to masonry walls of the first floor dwellings so may provide less attenuation. This does not appear to have been considered in the report.
I would advise a condition for the submission of a scheme for protecting the proposed noise sensitive development from external noise.

The plans do not show any external plant but, depending upon the use of the ground floor commercial unit, external plant may be required. Suggest condition for attenuating all external fixed plant.

Internal Noise As a commercial unit is proposed beneath residential I would recommend a condition requiring submission of a scheme for protecting the first floor residential unit above the commercial unit

The stacking of rooms types between the first and second floors is poor with a lounge positioned above a bedroom. This is likely to result in loss of amenity and noise complaints. I would advise the applicant to consider changing the layout of the rooms to ensure similar rooms are stacked
.
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

Construction Management Plan condition recommended

If this is considered to be a major application I would advise an air quality condition

Contaminated Land The previous use of this site as a tyre fitters and repair garage is considered to be potentially contaminative activity. As ground works are involved as part of this application I would recommend a contaminated land condition

Public Health Comments on Amended Noise Assessment:This is more realistic, please can we condition the MVHR and glazing.

Private Sector Housing:The bathrooms of the second floor flats appear to be directly over the second bedrooms of the first floor flats. Whilst it is accepted that building regulations have standards for noise transmission, the location of a non-sympathetic use over a sleeping area is likely to give rise to conflict through normal domestic use

Technical Services: Flood risk- The application is within flood zone 1, and is adjacent to areas at risk from surface water flooding. Surface water drainage- no evidence has been submitted to evidence that in principle a policy compliant surface water drainage system can be provided. It is noted that the application form states it is proposed to discharge surface water to existing water course. We assume the applicant means the River Adur. The site does not directly bound the River Adur so it is unclear how it is proposed to discharge to the Adur. It should be noted that any proposals to discharge to the River Adur via a new outfall will require permission from the Environment

Agency. Any proposals to discharge to the Adur should also be accompanied by evidence to demonstrate that no on site flooding will occur during tidally locked conditions. We wish to raise an OBJECTION AND REQUEST FURTHER INFORMATION is supplied prior to determination. Insufficient evidence has been submitted to demonstrate that a policy compliant design can be achieved. Further information is required prior to determination as it is not clear that drainage can be secured via conditions. In order to overcome our objection please can the applicant submit a revised surface water drainage strategy which addresses the following: 1. A surface water drainage strategy which includes high level calculations and layouts showing areas for storage and proposed discharge location. 2. If discharge is to the River Adur we will expect to see calculations with: a) a 30 year climate change rainfall event combined with a 2121 MHWS tide, to demonstrate no flooding; b) a 100 year climate change rainfall event combined with a 2121 MHWS tide, to demonstrate flooding on site is safely managed and does not increase flood risk elsewhere; and c) a 2 year climate change rainfall rainfall event combined with a 2121 200 year tide, to demonstrate flooding on site is safely managed and does not increase flood risk elsewhere. Please re-consult Technical Services for further comments once further information has been supplied or should you decide to determine the application prior to the submission of further information.

Technical Services Second Consultation: A surface water drainage strategy has now been supplied. The strategy proposes to form a new surface water route to the harbour basin. It is not clear how this will be secured as the majority of this pipeline is outside of the red line boundary. The strategy does not propose to provide any attenuation, and does not detail the proposed pipe size or levels. The strategy states that tidal locking will not be a problem due to the proposed discharge location behind lock gates. However, the strategy has not evidenced:
- that a gravity connection to the harbour basin, above the standard water level within the basin will be achievable.
- that the invert level of the proposed discharge point will be above 1 in 200 year water levels within the basin or that the basin is protected from extreme river adur levels.
-that the invert level of the proposed discharge point will be above 2121 MHWS or that the basin controls and the future management of these will ensure that the basin will not be subject to MHWS in 2121.
- the the pipe sizing will be adequate to drain the site for all rainfall events up to and including the 1 in 100 year plus 40% climate change event.
In summary the surface water drainage strategy has failed to evidence that there is suitable space on site to ensure that the development will not be at risk from flooding and will not increase flood risk elsewhere.
As a result of the above we maintain our objection to this application. Insufficient evidence has been submitted to demonstrate that a policy compliant design can be achieved. Further information is required prior to determination as it is not clear that drainage can be secured via conditions.
In order to overcome our objection please can the applicant submit a revised surface water drainage strategy which addresses the following:
1. A surface water drainage strategy which includes high level calculations and layouts showing areas for storage and proposed discharge location.
2. Evidence of guarantees that the basin will be managed for the lifetime of development to ensure that it will not be inundated as a result of sea level rise, and will not be subject to MHWS in 2121 or 1 in 200 year River Adur flood levels in 2121.
3. If point 2 cannot be demonstrated, then we will expect to see calculations with:

a) a 30 year climate change rainfall event combined with a 2121 MHWS tide, to demonstrate no flooding;
b) a 100 year climate change rainfall event combined with a 2121 MHWS tide, to demonstrate flooding on site is safely managed and does not increase flood risk elsewhere; and
c) a 2 year climate change rainfall rainfall event combined with a 2121 200 year tide, to demonstrate flooding on site is safely managed and does not increase flood risk elsewhere.
Please re-consult Technical Services for further comments once further information has been supplied or should you decide to determine the application prior to the submission of further information.

Technical Services Third Consultation: The drainage details are sufficient. I would suggest they provide us with an updated drainage plan showing the outfall they are connecting into together with relevant correspondence that Shoreham Port have agreed to this proposal.

Technical Services Fourth Consultation: I can confirm I am happy with the surface water proposals

Southern Water: In determining the application, we ask that the Planning Authority take into account the provisions of Paragraphs 180, 182 and 183 of the National Planning Policy Framework (NPPF) regarding the proposed location of development in relation to existing uses that may be a source of pollution (in terms of odour). We apply a precautionary buffer zone for any development located within 500 metres of the boundary of a WWTW. The proposed development is located approximately 250 metres from the Shoreham Wastewater Treatment Works, and as such we have applied this requirement to our planning consultation response. Due to the potential odour nuisance from a Wastewater Treatment Works, no sensitive development should be located within the 1.5 OdU odour contour of the WWTW. An Odour Assessment will need to be carried out by a specialist consultant employed by the developer to a specification that will need to be agreed in advance with Southern Water to identify and agree the 1.5 OdU contour

ADCAG: This property (locally known as the Arrow Building) lies within the Riverside Conservation Area in which the Royal Sussex Yacht Club boat store South of the site is the only listed building. This building has a unique historical character since it is an historic building dating back at least 150 years. Originally it was a forge serving not only local residents but also traffic on the coast road & was run by the landlord of the Schooner Inn. There are no other forge buildings surviving in the area thus this building is a vital part of the complex of historic buildings comprising of the Schooner Inn, the Maltings & Southwick Town Hall. Notwithstanding this, members feel that the building itself is unattractive & is set beside an empty site which is likely to be developed any time soon. As far as can be seen, members were unable to ascertain what parking facilities are being made to cater for visitors to the g/f units of the building & would like assurance that such facilities are included together with incorporation of the highest carbon emission status. Meanwhile, this Group has informally approached the Southwick Society regarding the historical aspect of the Arrow building in order that its history could be incorporated within that Society's small museum located in the Southwick Community Centre & would ask the advice of Adur's own conservation officers for any comments/advice thereon

ADCAG comments on amended plans: It is felt that the neighbouring Schooner Inn is challenging/refusing the use of their forecourt for vehicular access to the proposed development which is contrary to the declaration of site ownership which the applicant submitted with the application. It is felt that without the use of this area the scheme will require redesigning with a smaller footprint. If this point is clarified members would then propose approve

Shoreham Port Authority: No objection but raise concerns regarding foul and surface water drainage and noise from port operations

Representations

4 representations received:

Malthouse Cottage: There is an inconsistency in the plans which, for clarity, needs to be resolved. The rooflight on the west elevation is lower down the roof slope on the West Elevation plan (TA/1383/17) than on the Site Plan (TA/1383/A). It would be better if the rooflight is positioned as per the Site Plan (ie further up the roof slope) to prevent any potential overlooking of Malthouse Cottage at height from the second floor kitchen. Can this please be secured.
If approved, the commercial unit should be conditioned so that it is authorised for office or professional service use only (not, for example, for a creche or indoor sports use which would be allowed under the Class E use class, and which could cause noise and disturbance, extra traffic generation and would not be appropriate in this location on the A259).
The site is in the Southwick Conservation Area. The design (particularly the public front elevation) is bland and 'anywhere' architecture. and displays little sensitivity to the conservation area context. The plans show the proposed development on the adjacent Old Town Hall car park, which has not been approved (AWDM/1633/21). As this building is not there and has no permission, it should not form part of the street scene or have any bearing on this application. We have objected to that application on the car park which is directly behind us.

11 Channel View: This building is the last of the old blacksmiths in Southwick and is of historic importance.
Increased traffic and noise.

57 Middle Road: SAFETY ISSUES - Pedestrian Safety The application correctly says access to Southwick, public transport and amenity, is within walking distance. However, pedestrians doing this safely is not considered in the application. The A259 is a busy carriageway used by heavy goods vehicles en route from Shoreham Harbour. Proposal drawing TA1383/18 shows buildings, incl. commercial unit, adjacent to the A259 with extremely narrow pavement space appearing only wide enough for a single person on foot. Consequently, safe pedestrian access to the proposed development would not be achieved.
Parking provision is limited. Therefore, there would be an extra burden of parking along Colebrook Road or Whiterock Place. Residents and customers as pedestrians should not be obliged to step onto the A259 carriageway. An improved layout is needed to comply with NPPF Paragraph 110, possibly positioning buildings further back from the A259.

Risking Highway Safety - Access and Egress As noted above, NPPF Paragraph 110 lays down the requirement for safe and suitable access to the site. The site is adjacent to the busy A259. Vehicles emerging or reversing from the proposed parking spaces would be hazardous, compromising road safety. The south road Riverside exit onto the A259 west of the former Southwick Town Hall is a known safety black spot, where collisions have occurred. In its present form, refusal of the application is fitting until such time as the scheme is modified to meet the requirement of NPPF Paragraph 110 in the interests of safety.

Southwick Society: First, we feel that the proposal seems in keeping with the surroundings. It would appear that an application is also in for development of the site to the west, next to the old town hall, and the two applications appear to be brick buildings of similar style, which should match in quite well with the town hall and give a coordinated look along the three sites. This would actually be an improvement on the overall site as it stands.
We note that traffic noise could be a problem for the occupants of the flats and great care must be taken to minimise traffic noise. Parking seems to be adequate and provision should be made for electrical car charging. The proposed development does not seem likely to cause much change to the high traffic density on this road.
Second, we wish to draw to your attention that the building to be demolished, formerly 'Arrow Tyres', is an historic building dating back at least 150 years. Originally it was a forge serving not only local people but traffic on the coast road and was run by the landlord of the Schooner. There are no other forge buildings surviving in the area. Whilst we do not see how this admittedly unattractive building could be saved, we would like to suggest that there could be some mention on the site of its historic background, possibly a plaque.

Amended Plans: Letters of objection received from the occupier of 57 Middle Road and The Schooner:

Even with the modified layout the safety issues already raised remain. To become compliant with National Planning Policy Framework (NPPF) 2021 Paragraph 110, access and egress, improved access provision is needed

In general we are in support of this development but, as outlined by the previously attached Land Registry Plan, we wish to highlight that the forecourt/carpark is entirely our land and we do not permit the use of the cars to manoeuvre over our land to access 144 Albion Street.
As the proposed development is to demolish the current building entirely, a car access point should be created directly from the road as it is unnecessary to have access via our carpark when it can be avoided. Or alternatively the footprint of the building should be reduced as per the suggestion of the Conservation committee.

Relevant Planning Policies and Guidance
Adur Local Plan 2017 Policies 3, 4,15, 17, 18, 19, 20, 22, 28, 34, 35, 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)
Southwick Conservation Area Character Appraisal & Management Strategy (ADC 2009)

Shoreham Harbour Joint Area Action Plan 2019
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (July 2021)

Planning Assessment

Principle

The site is not allocated for any particular use in the Adur Local Plan. The site falls within the Shoreham Harbour Regeneration Area (Character Area 5) and is subject to policies in the Joint Area Action Plan (JAAP), particularly CA5, which designates Southwick Waterfront as an area for new mixed use development. There is support for the redevelopment of sites within the area to deliver high quality, modern employment floorspace. Other policies in the JAAP require energy efficient and sustainable development (SH1), sustainable travel (SH5) and an enhancement of green infrastructure by providing a green corridor along the A259 (SH7).

Policy SH9 relates to place making and design quality. High standards of architectural design and detailing is required, as is a suitable scale and massing in relation to local context.

It is considered that the redevelopment of the site for mixed commercial and residential development would comply with the aims of the JAAP and is acceptable in principle.

Visual amenity and heritage impact

One of the main considerations is the visual impact of the proposal upon the Conservation Area, listed yacht club and other surrounding buildings. The Southwick Conservation Area Appraisal states that:

"*The 'Riverside' part of the conservation area is located adjacent to Albion Street which is the main road for this part of the south coast. The quality of this environment is relatively poor due to the busy traffic and large gaps in the development.*
Recommendations:
• *Support the sympathetic redevelopment of the two existing gaps in the development*"

While not currently a gap site, the existing building, with its single storey wing on the east side, does not particularly enhance the area and it is not included in the list of notable buildings which make a positive contribution to the Conservation Area. While the comments of ADCAG and the Southwick Society are noted with regard to the history of the building it is considered that its redevelopment is acceptable provided the replacement building is seen to enhance the area.

The building will be 9.1m tall and 20m wide, leaving a gap of 1.5m to the proposed development on the adjacent Old Town Hall car park to the west. To the east, the rear of 1 and 2 Catts Mews on the lower ground fronting the canal basin is visible, set back from the A259, with parking spaces related to the former Schooner pub in front. The

listed yacht club building is not readily visible currently from the A259 and the proposed development will have a neutral impact in views of that building from the A259.

It is considered that the scale of the building is sympathetic to its setting and, when viewed alongside the proposed development on the Town Hall car park, the pair of buildings form a cohesive whole, with similar design styles, colour scheme and scale, thereby enhancing views of the Conservation Area from the A259.

The scale and design of the building has been amended during the course of the application to reduce its ridge height and simplify its form so that it does not compete with the listed yacht club building to the south and is no taller than the approved building on the site immediately to the west (former Town Hall car park).

When viewed from the south, from the lower ground at Riverside and from across the basin, the building will appear in scale with neighbouring buildings on the higher ground behind. It will be very visible above the roof of the listed yacht club building but it should be noted that the existing Arrow Tyres building is also currently visible above the roof of the listed building. The simplified roof form helps to reduce any competition with the sawtooth roof of the yacht club.

The new building will not have a harmful impact on the setting of the yacht club as views of the yacht club building will remain unrestricted as it sits on lower ground in front of the proposed building.

Residential amenity - for proposed dwellings

The proposed flats are shown as having a floor area of 44 and 47 sqm for the 1 bed flats and 61 and 66 sqm for the 2 bed flats. These areas meet the nationally described space standards for 1 person 1 bed flats and 3 person 2 bed flats.

Noise from road traffic is a concern, as is possible disturbance from the yacht club which is licensed to sell alcohol and have live and recorded music. Noise from the port may also cause disturbance. A Noise Impact Assessment was submitted with the application but was found to have not considered all of these potential noise sources and an amended assessment was subsequently submitted.

The report recommends that attenuation is provided for both the north and south sides of the building through the use of acoustic glazing and mechanical ventilation (MVHR). The EHO is satisfied with these findings and has no objection subject to conditions to secure the attenuation measures.

No external amenity space is provided (other than a small south-facing balcony for one of the top floor flats). The site has limited space around it making the provision of a garden unrealistic. However, the site is in close proximity to the beach (accessible over the lock gates close by to the west) and Southwick Green so there are opportunities to enjoy open space close to the development. New development on a tight urban site does always provide opportunities to comply with external amenity standards and it is considered that, overall, the development will result in an acceptable standard of amenity for future residents.

Residential amenity - effect on existing dwellings

There are no existing or proposed residential dwellings immediately adjoining the site to the east and west. The Schooner pub has recently been granted permission for conversion to a single dwelling (AWDM/1327/21), but is 18m to the east and is not adversely affected by this proposal. To the south east, dwellings at Catts Mews sit on the lower level and there are rooflights on the rear roofslope. There are no proposed openings on the east elevation, other than a high level rooflight. One small balcony is proposed for the rear elevation, plus glazed juliette balconies at first floor, but the angle of view towards the rooflights at Catts Mews is considered to be sufficiently oblique to not cause a loss of privacy.

The yacht club is a non residential use and the other nearest dwelling is Malthouse Cottage to the south west. No balcony is proposed for the end gable furthest to the west and the only opening on the west elevation are two high level rooflights. Malthouse Cottage is considered to be sufficiently distant therefore to to not be adversely affected by this proposal.

Accessibility and parking

Two undercroft parking spaces with EV charging are shown on the ground floor plus eight cycle spaces. Vehicles will access the site as existing from the east across a forecourt and the parking spaces are for the commercial unit only, with no car parking for the flats. The owners of The Schooner claim that the applicants do not have a right of access across the forecourt which is in their ownership. The applicants have provided evidence which suggests that they do in fact have a right of access. This is ultimately a private matter and does not affect consideration of the current application. Should access not be achievable as shown then a revised application will be required.

There is limited parking capacity on local streets and WSCC Highways has advised that while there is no highway objection to the potential shortfall of 6 spaces, the amenity impacts of this shortfall on street parking should be considered. The site is in a very sustainable location, being very close to the Southwick Railway Station and bus stops on the A259. Given its location and the opportunity for alternative travel means, it is not anticipated that any overspill parking will have an effect that can be defined as unacceptable or severe and it is not considered that a reason for refusal on this ground can be sustained. As with the development on the car park site to the west, details of measures to discourage parking from taking place on the pavement should be required by condition.

With regard to the representation raising concerns about the pavement width in front of the site, the building will not be any closer to the highway than the existing building, thereby retaining the existing pavement width. While it is narrow, no concerns have been expressed by WSCC Highways on safety grounds.

The development will re-use the existing vehicular access onto Albion Street and there are no highway safety concerns with this arrangement. The proposed A259 cycle route will run past the front of the site but WSCC has confirmed that there is no requirement for any additional land beyond the highway boundary to be set aside for the cycle scheme at this point as the proposed route will involve realignment of the carriageway to the north instead. The proposal is therefore considered to be acceptable in highway

safety, access and parking terms.

Flood risk and drainage

A new surface water drainage system is to be installed, depositing run off into the harbour basin. Foul water will drain via the existing public foul sewer in Riverside.

After seeking further details, the Council's Engineer is satisfied with the proposals.

Sustainability

An Energy and Sustainability Strategy has been submitted. It sets out a number of energy efficiency measures that are proposed, including use of an air source heat pump for the flats, solar PV panels on the roof and water efficient methods to reduce total water consumption per person per day to below 100L. Provision should be made for connection to a future District Heating Network and this can be required by condition.

Overall, CO2 reduction is around 54% for residential areas and 17% for commercial areas and the development is considered to be sufficiently sustainable.

Contaminated land

The previous use of this site as a tyre fitters and repair garage is considered to be potentially contaminative activity and a contaminated land condition is recommended.

Other Issues

Southern Water's comments relating to odour from the nearby wastewater treatment plant are noted. However, in light of the new flats approved at the Old Town Hall site and the residential use approved at the Schooner recently it is considered unreasonable to resist this application on this ground.

Recommendation

Approve

Subject to conditions:-

1. Approved Plans
2. Standard time limit
3. Contaminated Land
4. External materials to be approved
5. Construction Management Plan to include control over hours of construction
6. Surface water drainage scheme to be submitted and approved prior to commencement
7. Class E (g) (i) use only for commercial unit and no other purpose
8. Car and cycle parking to be provided with EV charging spaces and include measures to prevent parking on the pavement
9. Development to accord with Energy and Sustainability Strategy with details of solar panels and location of air source heat pumps to be submitted and

approved

10. Provision shall be made for connection to a future District Heating Network, in accordance with details to be provided and approved by the Local Planning Authority.
11. Recommendations of noise assessment to be fully implemented with details of glazing and MVHR system to be submitted and approved

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.

Case Officer: Peter Barnett Date: 30 November 2022

Authorised by: Gary Peck Date: 30 November 2022