Development Control – Delegated Officer Report

Application Number: AWDM/0114/23 Recommendation – APPROVE

Site: Kingston Wharf, Brighton Road, Shoreham-by-Sea, West Sussex, BN43 6RN

Proposal: Application for a Non-Material Amendment to previously approved AWDM/0511/21: Amendment: proposed changes to the substations including raised substation, planting proposals and proposed railings.

Date of site visit: Various

Neighbours consulted: A site notice was put up. No representations were received.

Additional neighbour notifications: None

Comments received from statutory consultees:

Environment Agency *"As this application concerns only the raising of the two substations, we have no objection to the non-material amendment."*

West Sussex County Council: *"No objection is raised to the application. The railings would be 1.42m above the promenade shared use route and conform to LTN1/20 standards"*

Site and Surroundings
The site is located within the Western Harbour Arm of Shoreham Harbour, a wider site allocation within the Adur Local Plan 2017 (Adur Local Plan Policy 8) which allows for 1100 new dwellings and 1200sqm employment floorspace over the plan period to 2032. It extends to some 1.6 hectares and comprises brownfield land previously occupied by a builder's merchant and aggregate-bagging plant.

The southern border is with the River Adur formed by sheet piling, and the A259 Brighton Road runs along the northern boundary, with a roadside footpath of varying width. To the north of this are commercial units with Victo-Edwardian terraced houses further east, facing Kingston Village Green and beach. To the west of the site is a large industrial waste and scrap metal yard 'EMR Shoreham'. To the east is the former Howard Kent Removals site which has been cleared.

Approved scheme
Planning permission was granted by the Council in July 2020 (AWDM/1480/20) for a proposal involving the mixed-use redevelopment comprised of three blocks of residential dwellings (4 to 8 storeys) and mixed-

use business centre (office, storage and cafe uses) - incorporating riverside walk, landscaping and ancillary car and cycle parking.

This was then amended in 2021 as a ‘minor material amendment’ under Section 73 of the Town and Country Planning Act for a revised scheme incorporating a reduction of building heights and raising of basement to mitigate risk of flooding; provision of steps from podium gardens to riverside walk, alterations to windows detailing, alterations to basement car parking layout and alterations to internal building cores to meet fire strategy compliance. It is this scheme (AWDM/0511/21) which is the planning permission for which further amendments are sought.

Proposed amendments
A non-material amendment is sought to alter the height and design of two electricity substations within the development. The effect is to raise them on a podium above the potential flood level, by around 1 metre from ground level. In each case a new staircase will lead up to the podium from ground level in a recessed position back from the A259 which passes to the north of the development site.

The first substation is on the eastern side of the development adjacent to the neighbouring Howard Kent site. The podium is to be landscaped on the front elevation of the substation allowing for future plant growth without compromising access or ventilation through doors and louvres. The proposed soft landscaping to the front of the substation consists of - 3x Sarcococca confusa @10l (evergreen) approx mature height 1.5m - 3x Geranium Rozanne underplanting @2l 500mm soil depth minimum 300mm topsoil. The substation itself has a similar utilitarian design to that which was approved but is now shown as being in green with various functional louvres expected in development of this nature. The surrounding railings will otherwise reflect other railings within the landscaped development facing the A259.

The second substation is located in between building A and building B facing the road. It has a similar brick faced, flat roofed appearance to the approved substation in this location. The fenestration has been changed from multiple vertical doors to two new doors facing the front to two doors. The podium in this case would not be landscaped but there would be a concrete access platform and stairs surrounded by railings, similar in appearance to the surrounding development. The rear of the substation would have two small louvred openings.

The plans were subsequently amended following correspondence with the applicant. This indicated that some of the railings would be galvanized and also provided additional detailed drawings showing the design of the proposed development, particularly the railings.

Representations:
None received

Relevant Planning Policies
Adur Local Plan 2017 (Adur Local Plan Policy 8)
National Planning Policy Framework, 2021
National Planning Practice Guidance (NPPG)

Planning Assessment
Section 96A of the Act allows a non-material amendment to be made via application. There is no statutory definition of 'non-material', which depends on the nature and context of a particular development. The NPPG advises regard to the effect of the change, together with any previous changes made under s.96A. They must also take into account any representations made by anyone notified, within the notification period.

Although this is not an application for planning permission and therefore s.38 (6) of the Planning Act 2004 does not apply it is material to consider the extent to which the proposed amendments comply with the Development Plan policies

Appearance
In each case the raising of the substation is surrounded by landscaping on a raised floor level and the effect of this change is to raise the floor level of the substation in line with that of the surrounding approved landscaping. The use of similar railings and the proposed planting around the substation would help assimilate the development into its surroundings. The additional height associated with the substation would be very limited and insignificant in the context of the surrounding approved development. In this context the changes would not materially impact on the appearance of the approved development.

The applicant has amended the plans prior to determination to provide 1:20 drawings of the railings and to confirm that they will be painted black in terms of their appearance. In the case of the eastern substation these railings will be galvanised in line with the technical requirements of the utility provider. They are considered to be consistent in terms of their appearance with the remainder of the development and would set an acceptable precedent for railing design within the wider development, which will come forward in response to other planning conditions on the original planning application.

Overall there would be no significant impact on the appearance of the development, the changes can be regarded as non material in this respect.

Amenity
The separation distance is sufficient to avoid any material impact on the amenity of existing or future occupants of surrounding buildings.

Highways
The raised substation would be set back from the A259 in each case. It would not have any material impact on highways issues.

Flood Risk
The amendment has been bought forward to address possible issues arising from the flood risk associated with the site but the increased raising of the land in the form of the raised podium associated with each substation would not have any material impact on this, taking into account the very small scale of development proposed.

Conclusion

The proposed amendment is due to functional requirements for this important utility provision. Visual impacts have been reconciled by design and where possible, planting as far as functionally possible. It is considered to be non-material in nature and would not have any adverse impact on visual & residential amenities or the functioning of the site. It is therefore acceptable.

Recommendation: **APPROVE**

Informative

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Is recommendation contrary to letter(s) of representation? N

Case Officer:	Neil Holdsworth	Date:	23/03/2023
Authorised by:	Stephen Cantwell	Date:	06/04/2023