| Application Number: | AWDM/1633/21 | Recommendation - APPROVE |
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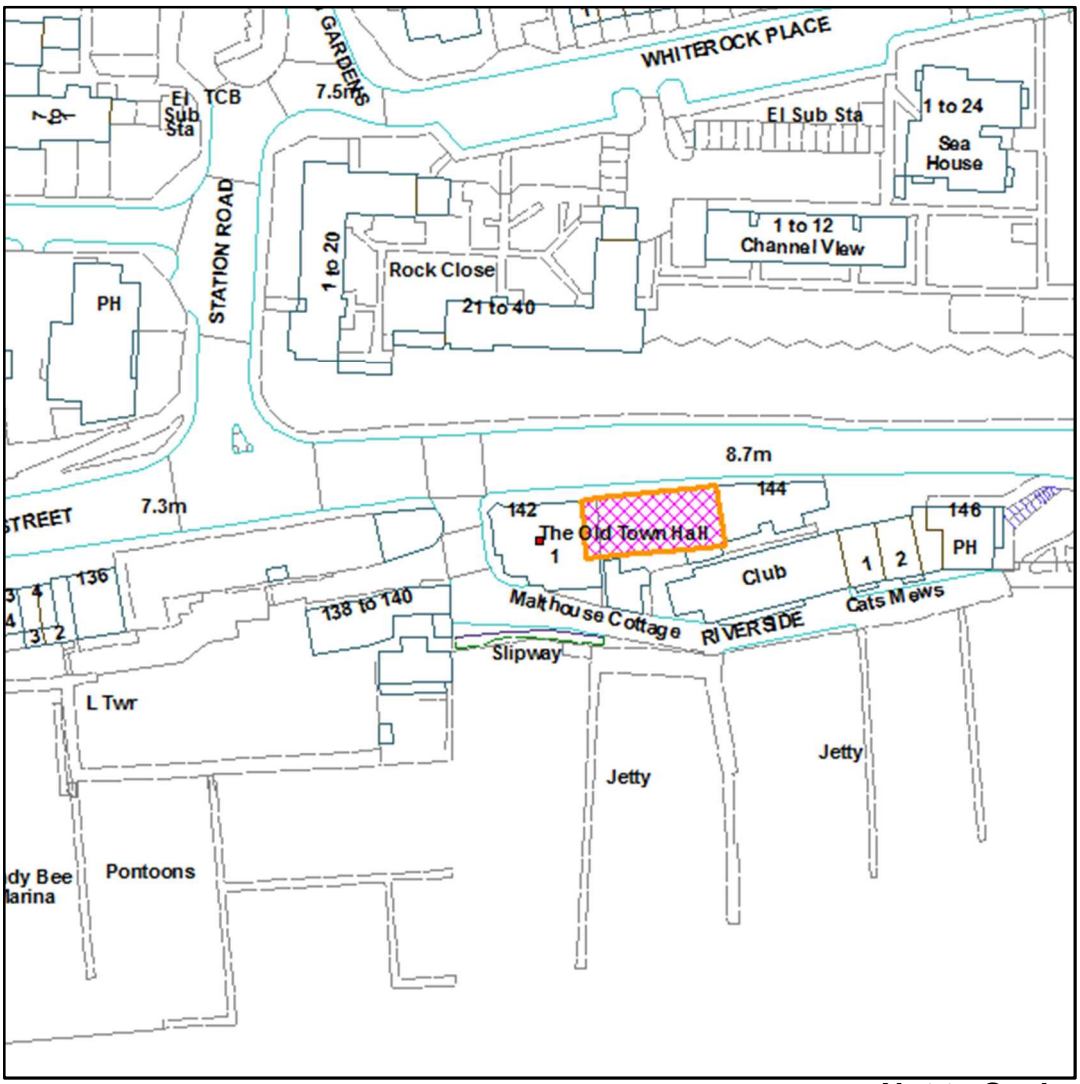
| | | |
| Site: | The Old Town Hall, 142 Albion Street, Southwick | |
| | | |
| Proposal: | Erection of a new three storey office building, with ground floor parking under. | |
| | | |
| Applicant: | Hall Homes Ltd | Ward: Eastbrook |
| Agent: | Turner Associates | |
| Case Officer: | Peter Barnett | |




**Not to Scale**

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**Proposal, Site and Surroundings**

The application relates to the car park which serves the Old Town Hall on Albion Street. The site lies within the Southwick Riverside Conservation Area. The Old Town Hall to the west was formerly in office use but has been granted approval to be converted into flats. To the east is 144 Albion Street, a former commercial premises (occupied by Arrow Tyres) which also has a current application for redevelopment (AWDM/2289/21). Directly to the south, on lower ground, is Malthouse Cottage, a residential property. Adjacent to Malthouse Cottage to the east is the Grade II listed Sussex Yacht Club building.

The application proposes to construct a three storey office building. It will have a car park on the ground floor with 6no. offices above on two floors, totalling 230sqm. The building has three projecting gabled bays at the front with steeply pitched roofs. Two of the bays will have a brickwork finish with the middle bay shown as having a coloured render finish. Tiles or a natural slate roof is proposed. At the rear it will have a hipped roof with hipped tiled dormer windows set into the roof eaves. There will be a narrow 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 9m with the projecting gables increasing its height to 9.3m at those points.

The application is supported by a Design and Access Statement, Energy & Sustainability Statement, Transport Report and Heritage Statement.

**Relevant Planning History**

SW/62/85 - Outline Application For Erection Of Three Storey Building To Form 2 Two Bedroom Flats And 6 One Bedroom Flats - This application was refused for a number of reasons including:

1. The proposed development, due to its scale, height and siting relative to adjacent buildings, would over dominate the surrounding properties and would be detrimental to the visual amenities and character of the Conservation Area within which the site is located and adversely affect the setting of a listed building and other buildings of townscape value.
2. The proposed development would result in unacceptable loss of light, overlooking and general detriment to the residential amenities of the adjacent dwelling to the south.

Other reasons related to likely noise disturbance for future residents from traffic noise, the loss of car parking associated with the Old Town Hall and inadequate access and parking for the development itself.

SW/42/86 - Outline Application For Two-Storey Office Building - approved

SW/60/87 - Outline Application For Redevelopment With 7 Two-Bedroom Flats, 2 One- Bedroom Flats & Offices - withdrawn

SW/113/88 - Outline Application For 3 Storey Office Block (With Parking Beneath) -

withdrawn

SW/46/98 - Extension Of Offices At First And Second Floor Levels On East Side (With Parking Beneath) - refused for 2 reasons:

- lack of parking
- unsympathetic design, harmful to existing building and Conservation Area

NOTICE/0011/17 - Old Town Hall - Application for permitted development for prior approval for change of use from offices Use Class B1a set out over three floor to Use Class C3, 6 residential units - Prior Approval Granted

AWDM/0877/20 - Old Town Hall - Conversion of existing offices to form 6no. flats (1 x one bedroom and 5no. x two bedroom); proposed hipped roof rear extension to 2nd floor with inset balcony; flat roofed rear extension over part of existing 1st floor terrace with new glazed balustrade; cantilevered balcony to ground floor rear elevation; alterations to ground floor rear windows to form juliet balconies; rooflights to front, PV panels to rear, 10no. parking spaces and covered cycle store building on land to east - approved

AWDM/2289/21 - 144 Albion Street - 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 balconies on the south elevation; 2 no. car parking spaces and 8no. cycle spaces - still under consideration

**Consultations**

**West Sussex County Council**: **The Highways Authority**: No objection. Access and Visibility The site does have an existing vehicular access onto Albion Street, no modifications are proposed to the existing access arrangements. The access is considered to be of sufficient geometry to accommodate the anticipated level of vehicular activity. Sightlines along Albion Street from the existing point are considered acceptable. A review of the access onto Albion Street indicates that, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the access and local highway network are operating unsafely.
Capacity Traffic flow information has been provided within the applicants TS. This information considers the permitted and proposed uses. The traffic flow generation is based upon the use of TRICS. TRICS is a database containing surveys of other completed and occupied developments. The database can be refined to use comparably located site uses to forecast potential traffic generation. The TRICS data indicates that the proposal, and approved residential use, will generate circa 17 fewer trips over the course of the day, and a minimum of three trips in the AM and PM peak hours when compared with the site's historic use. From a capacity perspective we are satisfied the proposal will not have a severe residual impact.

Parking The proposed parking is considered acceptable. The proposal reconfigures the car parking area to provide eight spaces with one each allocated to the flats and two to the office space, which suggests an overspill of no more than seven vehicles. The LHA consider it unlikely that any overspill parking will have an effect that can be defined as unacceptable or severe, especially when considering the site's historic use and level of overspill parking that it created. There are legal mechanisms for action to

be taken to discourage this behaviour, enforced by either Civil Enforcement Officers or the Police. Parking on the footway can be considered to be a wilful obstruction of the free passage of a highway, contrary to section 137 of the Highways Act 1980. There are also some links to the Highways Act 1835 (section 32), Town Police Clauses Act 1837 (section 28) and the Road Vehicle (Construction and Use) Regulations 1986 (SI 1986/1038), which have been used successfully in proceedings brought about against drivers parking on footways.

Sustainability The submitted TS does suggest that persons using the site could arrive on foot, cycle, bus, train or by car. The site is in a sustainable location with a wide range of amenities within a 10- minute walk. It also has a good level of accessibility to public transport modes, as a regular bus service and Southwick Rail Station are both within a short walk.

Conclusion The LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 108), and that there are no transport grounds to resist the proposal.

Recommend the following condition:
No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

**Adur and Worthing Councils**: **Public Health**: No objection

**Private Sector Housing**: No comment

**Technical Services**: Flood risk- The application is within flood zone 1, and is not shown to be in an area at risk of surface water flooding. Flood zone 2 and 3 are located in close proximity to the site. We therefore have no objections on flood risk grounds.
Surface water drainage- the design and access statement states that surface water drainage will be served by the existing system and routed to the public sewer. This is not acceptable, there are no public surface water sewers in close proximity to the site. Redevelopment of brownfield sites must follow the hierarchy for sustainable drainage. If attenuated discharge is required we would expect that investigations are completed to establish if a new connection discharging to the Canal is achievable. Substantial reductions in runoff rate will be required, and we would suggest a rate of 2l/s should be applied. We request a condition is applied to ensure that the site is adequately drained and does not increase flood risk elsewhere

Subsequent comments: The drainage layout appears to show surface water drainage will be served by the existing system and routed to the public sewer. This is not acceptable, there are no public surface water sewers in close proximity to the site. Redevelopment of brownfield sites must follow the hierarchy for sustainable drainage. If attenuated discharge is required we would expect that investigations are completed to establish if a new connection discharging to the Canal is achievable.
Please supply results of winter groundwater monitoring and winter infiltration testing to justify that infiltration is not achievable. If attenuation is required please provide evidence of investigations into connection to the Canal. If attenuation is required, please provide calculations.

If a pre-commencement condition is to be avoided full details in accordance with our checklist must be supplied. Alternatively, the condition as previously requested should be applied.

**Southern Water**: The developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect/divert the public water supply main.

**ADCAG**: Members feel that the energy rating aspects/CO2 aspects should be submitted prior to any decision bearing in mind the carbon zero deadlines

**Representations**

1 objection received from the occupiers of Malthouse Cottage:

The proposed building would give rise to overlooking and loss of privacy to Malthouse Cottage and its small private garden space, which is directly behind the boundary wall to the site. Overlooking would occur from the first and second floor windows on the south elevation, which would be positioned only 2.75m from the boundary wall and would directly overlook Malthouse Cottage and its garden. Curiously, only the west windows in the south elevation are annotated as being 'obscure glazed', with the others being plain glass. At the least all windows in the south elevation should be obscure glazed, but even then there can be no assurance that obscure glazing will be retained in perpetuity.

Overdevelopment. High site coverage (close to 100% of the site) with little open space. From Malthouse Cottage, this three storey building would span the length of our small garden, at only 2.75m from the boundary. It would therefore have an unneighbourly, overbearing effect on us

Lack of parking. When AWDM/0877/20 (conversion to 6 flats of adjacent Old Town Hall) was approved, a condition was imposed that parking provision be provided presumably on the current application site. Now 8 spaces are said to be allocated for the approved flats and only 2 spaces for the proposed 324 sq m of new office floorspace. In addition, spaces 4 and 8 on the current ground floor plan (TA1329/11) would not be easily accessible (due to the position of the adjacent boundary wall and internal columns supporting the building) and would probably not be used for that reason. The parking position is somewhat confusing, with the overlap between parking for the approved flats and parking for the offices on the same site. Overall, the parking shortfall for the offices and approved flats would cause overspill parking, with pressure for parking and additional congestion on nearby roads

A previous application SW/46/98 for 'Extension of Offices at First And Second Floor Levels On East Side (With Parking Beneath)' to the Old Town Hall was refused in Sept 1998 on the same site. No details are available to view online of this application, but it seems highly likely that that proposal had strong similarities to the current proposal, being three-storey offices with parking beneath. Equally, the reasons for refusal of that application could well apply to the current application. The current application should therefore address the reasons for refusal of SW/46/98 if it's to be deemed acceptable.

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.

**Relevant Planning Policies and Guidance**

Adur Local Plan 2017 Policies 4, 15, 17, 18, 19, 28, 34, 35, 36
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)

**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.

Section 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

**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 use of the car park for commercial development, in this case office space, 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, the listed yacht club and the notable Old Town Hall 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*"

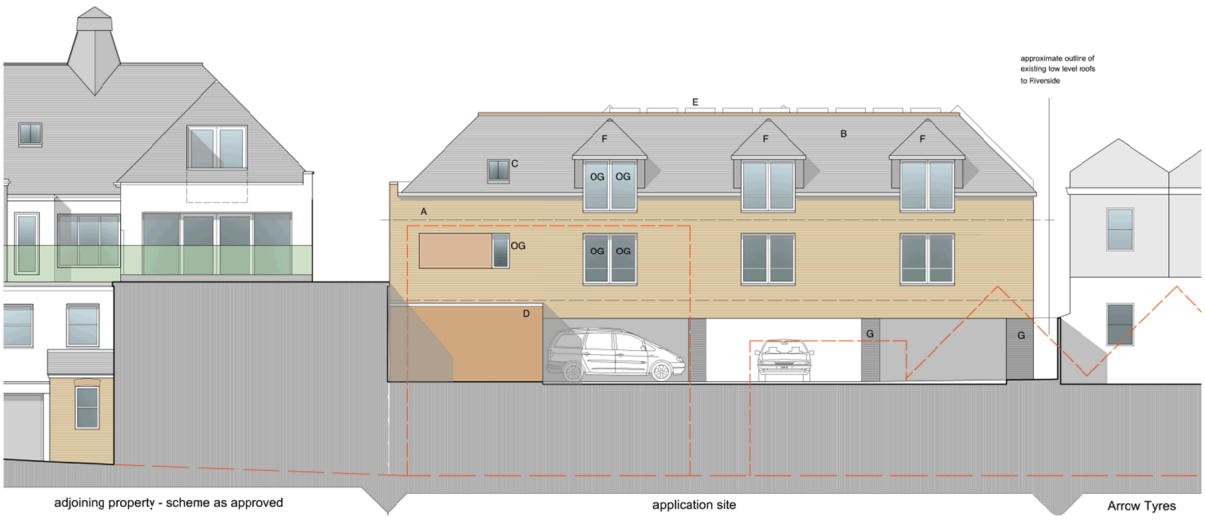
The building will be 9m tall and 21.4m wide, leaving a gap of 2.5m to the Old Town Hall. To the east, a gap of 1.1m is currently shown to the Arrow Tyres building but the proposed plans for that site shows this gap increasing slightly to 1.5m. It is considered that the scale of the building is sympathetic to its setting and will not dominate the Old Town Hall, being approximately 1.8m lower than the ridge of that building and leaving sufficient gaps to either side so as not to completely fill the space. It is worth noting that the previously refused scheme in 1985 showed a much larger building of 24m width, which was attached to the side of the Old Town Hall, and significantly taller at 10.5m high.

Since that decision in 1985 there have been various other applications which have been refused or withdrawn, including one in 1998 which is referred to by the objector. While no details can be found of that proposal, the description referred to it being an extension to the town hall which was of unsympathetic design. For the reasons stated earlier, it is considered that the current proposal is sufficiently different in that it is detached and has a sympathetic design and scale which respects the existing town hall building. Furthermore, the current application needs to be assessed on its own merits against current Local Plan policies, the NPPF and the Southwick Conservation Area Character Appraisal & Management Strategy which have all been published since the previous decisions.

The design and use of sympathetic materials respects the Conservation Area and it is considered that the building will sit comfortably next to the Old Town Hall and enhance the Conservation Area by filling in the current unsightly gap in the frontage.



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. While it will be visible above the roof of the listed yacht club building it will not appear overly dominant, with a similar eaves line to the Old Town Hall, lower ridge and modest dormers. It is also offset from the listed building and not all of the proposed building sits directly behind it. The proposal is therefore not considered to cause harm to the existing heritage assets.




***Residential amenity - effect on existing dwellings***

The properties most affected by this development are Malthouse Cottage to the south, the proposed new flats in the Old Town Hall to the west and the potential new residents on the site to the east.

Malthouse Cottage sits at a lower level, immediately adjacent to the southern boundary of the site, which is formed by a flint wall. It has a largely blank rear elevation with a solid door giving access to a small courtyard garden which sits between the house and the flint wall. There is also a small east facing window on a rear projection which faces over the garden. There are also openings below the level of the wall.

The main bulk of the proposed office building would be sited 2.6m from the boundary wall. A ground floor projection will abut the wall on the south west end but will sit below the top of the wall. The ground floor parking area is also shown abutting the wall but will be uncovered at that point.

The rear elevation of the building is shown with windows at first floor and roof level and the westernmost of these are currently shown as being obscure glazed. The applicant has subsequently confirmed that he is happy for all of the windows to be obscured if necessary.

The proposed building appears to be slightly further from the rear boundary than was the case in the 1985 application but it remains the case that it will be a tall building within 2.6m of the boundary and the impact on the occupiers of Malthouse Cottage therefore requires careful assessment.

With the rear windows being obscured (being non residential spaces this would be acceptable) any potential impact in terms of overlooking would be removed. The rear garden of Malthouse Cottage already receives limited light due to it being due north of the house, narrow and below the flint wall. There would be no loss of sunlight arising from this proposal. Daylight would be affected but consideration must be given to how much or little daylight the garden already receives. No daylight or sunlight assessment has been submitted with the application but the proposed building would be to the north, set off the boundary wall by 2.6m. While tall it would have an eaves height of 6.2m with the roof pitching away beyond that. Malthouse Cottage has its principal openings on the south and west and they are unaffected by this proposal. The proposed building is lower than the previous proposal and has less coverage across the site. While it is understood why the earlier proposal was unacceptable, the current application is not considered to be so harmful to the residential amenities of the occupiers of Malthouse Cottage and, on balance, the proposal is considered to have an acceptable impact.

To the west, there are limited openings in the east elevation of the Old Town Hall. The proposed flats that are affected are a ground floor flat with two window openings serving a bedroom and kitchen. Light will be affected to these rooms but the principal outlook and light to the living area of this flat is from the front (north) and, on balance, the impact is not so harmful as to warrant refusal.

There is only a single, obscure glazed side window at first floor serving a living area with its principal outlook to the south so there are no concerns over the impact to that flat. At second floor (roof level) there are secondary rooflights to an open plan living/kitchen area with main outlook to front and rear. Again, there are no concerns about the impact on the amenity for this flat.

To the east, the proposed development shows only one rooflight on its west elevation facing the site and there are no concerns about the impact on that development, should it be approved.

***Accessibility and parking***

The car park currently serves the Old Town Hall and the plans for the conversion of that building to flats show the provision of 10 parking spaces to serve the 6 flats proposed (AWDM/0877/20) plus cycle storage .

The current application will build over the car park and provide 8 parking spaces, 6 of which are to be used by the proposed residents of the flats in the Old Town Hall (the sites are in the same ownership) with 2 allocated to the office space. 8 cycle parking spaces are also to be provided. A Transport Statement submitted with the application explains that the combined residential and office uses would generate a demand for 13 parking spaces, meaning there would be a shortfall of 5 spaces.

The site is in a very sustainable location, being very close to the Southwick Railway Station and bus stops on the A259. There is limited parking capacity on local streets and WSCC Highways consider it unlikely that any overspill parking will have an effect that can be defined as unacceptable or severe, especially when considering the site's historic use and level of overspill parking that it created.

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***

The applicant has advised that surface water is proposed to drain to an existing public sewer. The Council's Engineer has advised that this is not acceptable, as there are no public surface water sewers in close proximity to the site. A pre-commencement condition has been requested to ensure that a satisfactory surface water drainage scheme is provided.

***Energy and Sustainability***

An Energy and Sustainability Statement has been submitted with the application. It explains that it is intended that the development achieves a BREEAM Excellent rating in accordance with Policy SH1 of the JAAP. In terms of energy efficiency the development is proposing air source heat pumps for heating the building.

A conduit for the Shoreham District Heat Network supply pipework is to be accommodated within the ground floor construction for future connection. Electric vehicle charging is proposed in the undercroft parking area.

Solar PV panels are being considered for the roof and these are shown on the submitted plans as sitting above the ridge but not projecting to a significant extent. Final details of the panels can be reserved by condition.

Overall, the proposal is considered to provide a good level of sustainability and energy efficiency.

***Contaminated land***

The site is adjacent to a former tyre fitter and repair garage and is potentially contaminated. A condition is recommended to ensure that any contamination is investigated and dealt with prior to commencement of development.

**Recommendation**

**Approve**

**Subject to conditions:-**

1. Standard time limit
2. Contaminated Land
3. External materials to be approved
4. Rear windows to be obscure glazed

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 and no other purpose
8. Car parking to be provided with EV charging spaces
9. Cycle parking to be provided
10. Development to achieve BREEAM Excellent standard and to include provision for future District Heating Network, in accordance with details to be provided.
11. Details of solar panels and location of air source heat pumps to be submitted and approved
12. Details of measures to protect public water supply main to be provided and agreed with Southern Water