Development Management – Delegated Officer Report

Application Number: AWDM/0478/24 Recommendation: APPROVE

Site: Free Whard, Brighton Road, Shoreham-By-Sea, West Sussex

Proposal: Application for a Non-Material Amendment to previously approved AWDM/1497/17 and AWDM/1315/22 Blocks E & F 2nd Staircase amendment to serve all levels inline with latest Fire Safety Guidance

Date of Site Visit: Original case officer visited when considering original applications.

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings and Planning History

This riverside site comprises approximately 2.95ha located to the south of the A259 Brighton Road and 350m to the east of the heart of the town centre. It is located within the Shoreham Harbour Regeneration Area as defined by the adopted Joint Area Action Plan, 2019 (JAAP) and forms part of the Western Harbour Arm (WHA), of approximately 1.4km between Kingston Beach in the east, up to (but not including) Riverside Business Centre in the West.

The site has a road frontage of 140m at its eastern end, where the first phase of the Free Wharf redevelopment, approved in 2018 (AWDM/1497/17), is currently under construction. This comprises two 6-8 storey blocks known as blocks G & H, containing 137 apartments and 782 sqm ground floor commercial space at the road frontage and two vehicular accesses from Brighton Road.

A further six blocks (A-F) forming part of the 2018 permission will comprise Phases 2 & 3 of the development, bringing the total to 548 apartments and 2163 sqm ground floor commercial space. These blocks are along a riverside frontage of approximately 295m and located behind the Phase 1 blocks and the Ham Business Centre, Kwik-Fit and Car Wash. They will be accessed by a combination of three accesses, two accesses in the Phase 1 frontage to Brighton Road and one via Humphrey's Gap in the west.

In March and June 2021 amendments to the 2018 permission were agreed by the Committee under three planning references (AWDM/1952/20; AWDM/2037/20 & AWDM/0558/21). These made minor design changes to the appearance of Phase 1, and changes to its heating and parking arrangements. Some commercial space in Phase 1 was redeployed to provide 8no. of the total 548 apartments.

Following this consent was granted under AWDM/1315/22 to vary conditions changing the number of homes, parking, commercial floor space, and design and construction changes.

The current application is for a non material amendment to the previously approved AWDM/1497/17 and AWDM/1315/22. It was required to provide additional staircases to Blocks E and F to comply with requirements of the Health and Safety Executive for fire safety to the top floor flats.

The supporting documentation gives the background on this requirement. “The Housing Secretary confirmed in July 2023 the government will require two staircases in all new residential high-rises taller than 18m for future designs. The proposal here therefore is to extend the Phase 2 Blocks E and F 2nd staircase to be extended to the upper level to ensure there are 2 no. staircases for all residential levels.”

Representations: - N/A

Consultation: -

Health and Safety Executive

HSE acknowledges further information provided by the applicant, in response to HSE’s previous substantive response, and the supplementary information therein, including:

• In relation to paragraphs 1.6 to 1.10 of the previous substantive response regarding the floor area of Blocks E and F and inclusion of a second fire-fighting shaft, the applicant clarifies: “The floor area for Level 6 in both Block E and Block F has been reduced to less than 900m2 therefore the provision of an additional firefighting shaft is no longer applicable. All areas on the floor plan are within 60m of the dry rising main outlet within the firefighting stair therefore it is considered the requirements of the Building Regulations are met. Updated plans and floor areas to be issued by the Architect to the HSE for their review to demonstrate the reduced floor area”.

The above response is noted, and it will be for the applicant to demonstrate compliance at later regulatory stages.

Relevant Planning Policies

Adur Local Plan - 2017

Shoreham Harbour Joint Area Action Plan - 2019 (JAAP)

Sustainable Energy SPD (August 2019)

Adur Planning and Climate Change Checklist (June 2021)

Planning Contributions for Infrastructure Provision (ADC 2013)

WSCC Guidance on Parking at New Developments 2019 (Sept 2020).

'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats';

National Planning Policy Framework - July 2021 (NPPF)

Technical Housing Standards – nationally described space standard (DCLG 2015)

Planning Assessment

Section 96A of the Act allows a non-material amendment to be made to an existing planning permission via an application procedure. There is no statutory definition of 'non-material'. This is because it is so dependent on the context of a particular scheme - what may be non materials in one context may be material in another. In order to grant an application a local planning authority must be satisfied that the amendments sought are non-material.

In assessing applications for a non-materials amendment the Government's National Planning Practice Guidance states that the Local Planning Authority must have 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, provided they are received within 14 days of notification.

Assessment

The principal issue is whether the proposal is non-material in nature and that the changes are not of consequence, significance or substance.

The changes proposed are additional structures on each of the blocks in question to house the staircases. On Block E this is an extension to the existing top floor and on Block F this is a stand alone structure on the roof. There will be no increased height as a result. The structures will be inconspicuous in relation to the entire block, they will be in materials to match the top floor with glazing in line with the existing windows on the building.

These additions are unavoidable and have been designed in the most appropriate way to not create visual harm to the existing building or surrounding locality. These will not be to the detriment of residential amenity. The changes are therefore in this case considered to be non material.

Recommendation

APPROVE the non-material amendments in accordance with the following approved plans. For avoidance of doubt these plans comprise: -

3117-ACA-E-ZZ-DR-A-2903 P01 - Building E GA Elevations 14th February 2024
3117-ACA-F-ZZ-DR-A-2904 P01 - Building F GA Elevations 14th February 2024
3117-ACA-E-00-DR-A-1900 P01 - 14th February 2024
3117-ACA-E-01-DR-A-1901 P01 - 14th February 2024
3117-ACA-E-02-DR-A-1902 P01 - 14th February 2024
3117-ACA-E-03-DR-A-1903 P01 - 14th February 2024
3117-ACA-E-04-DR-A-1904 P01 - 14th February 2024
3117-ACA-E-05-DR-A-1905 P01 - 14th February 2024
3117-ACA-E-06-DR-A-1906 P01 - 14th February 2024
3117-ACA-E-07-DR-A-1907 P01 - 14th February 2024
3117-ACA-E-08-DR-A-1908 P01 - 14h February 2024
3117-ACA-E-09-DR-A-1909 P01 - 14th February 2024
3117-ACA-F-00-DR-A-1900 P01 - 14th February 2024
3117-ACA-F-01-DR-A-1901 P01 - 14th February 2024
3117-ACA-F-02-DR-A-1902 P01 - 14th February 2024
3117-ACA-F-03-DR-A-1903 P01 - 14th February 2024
3117-ACA-F-04-DR-A-1904 P01 - 14th February 2024
3117-ACA-F-05-DR-A-1905 P01 - 14th February 2024
3117-ACA-F-06-DR-A-1906 P01 - 14th February 2024
3117-ACA-F-07-DR-A-1907 P01 - 14th February 2024
3117-ACA-F-08-DR-A-1908 P01 - 14th February 2024
3117-ACA-ZZ-06-DR-A-1906 P07 SITE WIDE LEVEL 06 GA PLAN - 14th February 2024
3117-ACA-ZZ-07-DR-A-1907 P07 SITE WIDE LEVEL 07 GA PLAN - 14th February 2024
3117-ACA-ZZ-08-DR-A-1908 P07 SITE WIDE LEVEL 08 GA PLAN - 14th February 2024
3117-ACA-ZZ-09-DR-A-1909 P07 SITE WIDE ROOF PLAN - 14th February 2024
3117-ACA-ZZ-ZZ-DR-A-2901 P05 SITE WIDE ELEVATIONS COMPARISONS - RIVERFRONT - 14th February 2024

Existing planning planning permissions AWDM/1497/17 and AWDM/1315/22 still stand and that the conditions imposed upon it continue to apply to the development except that the above plans can be substituted for: -

BLOCK E L00 FIRE STRATEGY PLAN DR-A-1400 C01 - 5th June 2024
BLOCK E L01 FIRE STRATEGY PLAN DR-A-1401 C01 - 5th June 2024
BLOCK E L02 FIRE STRATEGY PLAN DR-A-1402 C01 - 5th June 2024
BLOCK E L03 FIRE STRATEGY PLAN DR-A-1403 C01 - 5th June 2024
BLOCK E L04 FIRE STRATEGY PLAN DR-A-1404 C01 - 5th June 2024
BLOCK E L05 FIRE STRATEGY PLAN DR-A-1405 C01 -5th June 2024
BLOCK E L06 FIRE STRATEGY PLAN DR-A-1406 C01 - 5th June 2024
BLOCK E L07 FIRE STRATEGY PLAN DR-A-1407 C01 - 5th June 2024
BLOCK E L08 FIRE STRATEGY PLAN DR-A-1408 C01 - 5th June 2024
BLOCK E R09 FIRE STRATEGY PLAN DR-A-1409 C01 - 5th June 2024
PHASE 2 BASEMENT FIRE STRATEGY PLAN DR-A-1430 C01 - 5th June 2024
BLOCK F L00 FIRE STRATEGY PLAN DR-A-1410 C01 - 5th June 2024
BLOCK F L01 FIRE STRATEGY PLAN DR-A-1411 C01 - 5th June 2024
BLOCK F L02 FIRE STRATEGY PLAN DR-A-1412 C01 - 5th June 2024

BLOCK F L03 FIRE STRATEGY PLAN DR-A-1413 C01 - 5th June 2024
BLOCK F L04 FIRE STRATEGY PLAN DR-A-1414 C01 - 5th June 2024
BLOCK F L05 FIRE STRATEGY PLAN DR-A-1415 C01 - 5th June 2024
BLOCK F L06 FIRE STRATEGY PLAN DR-A-1416 C01 - 5th June 2024
BLOCK F L07 FIRE STRATEGY PLAN DR-A-1417 C01 - 5th June 2024
BLOCK F R08 FIRE STRATEGY PLAN DR-A-1418 C01 - 5th June 2024
HSE SUBSTANTIVE RESPONSE COMMENTS/LETTER OF-000717-LET-01 - 5th June 2024
BUILDING E ELEVATIONS DR-A-2903 P03 - 2nd August 2024
BUILDING F ELEVATIONS DR-A-2904 P03 - 2nd August 2024
SUPPORTING LETTER 3117_PL-01 - 10th April 2024
PHASE 1 EXISTING SITE LOCATION PLAN DR-0001 T20 -10th April 2024
BLOCK E L00 GA DR-A-1900 P01 - 10th April 2024
BLOCK E L01 GA DR-A-1901 P01 -10th April 2024
BLOCK E L02 GA DR-A-1902 P01 - 10th April 2024
BLOCK E L03 GA DR-A-1903 P01 - 10th April 2024
BLOCK E L04 GA DR-A-1904 P01 - 10th April 2024
BLOCK E L05 GA DR-A-1905 P01 - 10th April 2024
BLOCK E L06 GA DR-A-1906 P01 - 10th April 2024
BLOCK E L07 GA DR-A-1907 P01 - 10th April 2024
BLOCK E L07 GA DR-A-1907 P02 - 10th April 2024
BLOCK E L08 GA DR-A-1908 P01 - 10th April 2024
BLOCK E L08 GA DR-A-1908 P02 - 10th April 2024
BLOCK E R09 GA DR-A-1909 P01 - 10th April 2024
BLOCK E R09 GA DR-A-1909 P02 - 10th April 2024
BLOCK F L00 GA DR-A-1900 P01 - 10th April 2024
BLOCK F L01 GA DR-A-1901 P01 - 10th April 2024
BLOCK F L02 GA DR-A-1902 P01 - 10th April 2024
BLOCK F L03 GA DR-A-1903 P01 - 10th April 2024
BLOCK F L04 GA DR-A-1904 P01 - 10th April 2024
BLOCK F L05 GA DR-A-1905 P01 - 10th April 2024
BLOCK F L06 GA DR-A-1906 P01 - 10th April 2024
BLOCK F L06 GA DR-A-1906 P02 - 10th April 2024
BLOCK F L07 GA DR-A-1907 P01 - 10th April 2024
BLOCK F L07 GA DR-A-1907 P02 - 10th April 2024
BLOCK F R08 GA DR-A-1908 P01 - 10th April 2024
BLOCK F R08 GA DR-A-1908 P02 - 10th April 2024

SITE WIDE L06 GA DR-A-1906 P08 - 10th April 2024
SITE WIDE L07 G DR-A-1907 P08 - 10th April 2024
SITE WIDE L08 GA DR-A-1908 P08 - 10th April 2024
SITE WIDE L09 GA DR-A-1909 P08 - 10th April 2024
SITE WIDE ELEVATION COMPARISON - RIVERFRONT DR-A-2901 P05 - 10th April 2024
SITE WIDE ELEVATION COMPARISON - RIVERFRONT DR-A-2901 P06 - 10th April 2024

Case Officer: Hannah Barker Date: 23rd September 2024

Authorised by: Date: