From:	NEW West 2
Sent:	13 November 2023 13:02
To:	East 2
Subject:	FW: Planning Inspectorate APP/Y3805/W/23/3323554: 11a West Street, BN43 5WF
Attachments:	Collis L - 956869 - INTERESTED PARTY_(ATTACHMENT) - Planning Inspectorate - objection - 11 West Street.pdf

From: Simon Bareham <simon.bareham@lewisplanning.co.uk>
Sent: 13 November 2023 12:57
To: NEW West 2 <west2@planninginspectorate.gov.uk>
Subject: RE: Planning Inspectorate APP/Y3805/W/23/3323554: 11a West Street, BN43 5WF

Dear Sirs

Thank you for your email enclosing an objection letter from the neighbour (see attached).

With regard to the 4 main matters raised in the letter, please note the following (subheadings below are the same as used in the resident's letter):

Overdevelopment

Whether or not the building has been in active use in recent years is not particularly relevant to the current application. The existing building is clearly in existence, and the proposed conversion works result in a reductio in building mass – as confirmed at paragraph 4.1 of the Lewis and Co Planning appeal statement. As noted at 6.6 of the Lewis and Co Planning appeal statement, the Council's own Conservation Advisory Group have been supportive of the proposals/similar proposals – which is indicative that the proposed development is correctly scaled.

With regard to the amount of garden space, please see comments at paragraphs 6.12 to 6.20 of the Lewis and Co Planning appeal statement, which confirms that the site provides sufficient outside space for existing and future residents.

Access/Disability Access

The access has been historically used for a number of purposes, including access to the vacant building when in use as a night club. Clearly the access can be used by multiple persons. With regard to disability access, the scheme will need to comply with building regulations – and so this is a matter covered under separate legislation.

Asbestos/Demolition

As confirmed by the Council – asbestos is a matter that can be controlled by appropriately worded planning conditions. The proposed development should be seen as a positive as it will involve the removal of asbestos.

The potential damage to a flint wall within a conservation area which could alter character

The application drawings show the retention of the flint wall. On the assumption that the appeal is allowed, development will have to be in accordance with the approved drawings. Notwithstanding this, if the Inspector wanted to add an additional condition specially referring to the retention of the wall, our client would not have any objection.

Thank you for providing us with details of third party comments – as per the attached – and an opportunity to respond. We trust the above response will be taken in to account when the appeal is determined.

Kind regards

Simon Bareham
Director

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Sent: Monday, November 6, 2023 12:54 PM
To: Simon Bareham <simon.bareham@lewisplanning.co.uk>
Subject: Planning Inspectorate APP/Y3805/W/23/3323554: 11a West Street, BN43 5WF

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DPC:76616c646f72



Dear Planning Inspectorate

Re: Appeal 3323554
Planning application: 11 West Street, BN43 5WF
Adur and Worthing District Council reference: AWDM/1846/22

I live immediately next door (south side) to the proposed development at number 11. I have some objections to the proposed development which I have set out below. To summarise, key concerns include:

- Overdevelopment of a residential property in a conservation area
- Odd access, with compromised disability access
- No clear plan for removal of extensive asbestos on site
- Potential damage to historic flint wall during demolition of the outbuilding

1. Overdevelopment

It should be clear to anyone looking at number 11 West Street that the current residential property was designed as a family home. Therefore, to build two residential properties in the back garden is not in keeping with such an old property in the heart of Shoreham-by-Sea's conservation area. To do so would jeopardise the current residential property's future use as a family home.

The proposed development would be an overdevelopment of this site both because of a reduction in outside space at number 11, and because of the rather odd flats which would be uncomfortably and rather oddly sandwiched into the outside space at the rear of the property. In short, a lovely family home would be compromised by lack of outdoor space, and the proximity of residential properties to the rear of number 11 – just metres away.

Whilst it is the case that there is a large, dilapidated outbuilding / warehouse in the garden at number 11, in the 20 years that I have lived in my home (immediately next door to number 11), it has not been in use. Therefore, I don't consider it to be developed land, as it has been out of use for the entirety of this time and sat falling into disrepair.

The outbuilding has not been in use since at least 1985, over 38 years ago. This is noted in comments by ADWC, but also is something confirmed to me verbally from the former owner of my home, who I purchased the property from in 2002. I recently met with her socially and she was saddened to hear of the death of our former neighbour at number 11, and went on to describe the building being empty many years before I moved here. She also spoke of her concerns, approx three decades ago, about the building's deterioration, that it being neglected, and it had fallen into disrepair.
Essentially, the outbuilding at number 11 has been abandoned as it has not been in use and has been left to deteriorate. This abandonment occurred several decades ago.

This application is looking to change the use of the outbuilding in the garden at number 11 to residential. This would not be appropriate for a character property in a conservation area. Given the length of time that the outbuilding has been out of use, the building could, and should, be categorised as being in "nil use" due to the length of time it has sat empty and its abandonment. Not only has it been out of use, it has not been maintained and it has fallen into complete disrepair.

The Adur Local Plan is in place for good reason, and I understand the reasons AWDC refused it, and agree with their view.

2. **Access / disability access**

The access to the proposed new properties in the garden at number 11 would solely be through a narrow side alleyway which it is clear was designed to be secondary access to number 11, rather than a main entrance.

The current door to the alleyway which leads to the garden at number is relatively narrow, and whilst it may be navigable by wheelchair, any user or a larger mobility scooter would struggle to navigate the alleyway in order to reach the entrance of the property.

3. **Asbestos / demolition**

AWDC note that:

"If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer."

Yet we already know that there is significant asbestos in the building. The late former owner of the property verbally communicated to me that there was extensive asbestos in the building, and the new owner has spoken about the presence of asbestos in a conversation with me about their plans too.

Whilst the developer has undertaken some exploratory work to confirm the presence of asbestos, they have unfortunately not shared documents about the extent of the asbestos in the building with residents when asked I asked for these. As the developer does not live at number 11, and will not be resident during any demolition of the outbuilding, the immediate health risks this presents for nearby properties is not something that will affect them personally.

Furthermore, the ADWC document notes that were demolition to go ahead that they would propose work times between 8am-6pm Monday – Friday, and on Saturdays between 9am-1pm. This is of significant concern as a near neighbour. With asbestos being known to stay airborne for up to 72 hour after being disturbed, this would render the use of my garden impossible during demolition.

As someone with a chronic health condition, access to outside space is essential for my health and wellbeing. I need greater clarity about demolition in advance of planning approval for demolition being granted. The unwillingness of the developer to share the findings from their investigatory work into the scale of asbestos in the building is a concern. I am also concerned about the asbestos removal impacting on use of my garden because I have a dog who needs access to the space every day.

On the original application form the developer ticked 'no' in relation to contaminated land, and in the Design and Access, Heritage and Planning Statement submitted by the applicant there is no mention of asbestos either. This feels entirely misleading, and heightens my anxiety about the plans and that any demolition of the building and rebuilding would be handled with the care needed.

In the Adur Local Plan it states that:

> 4.116 All potentially contaminated land[32] should be remediated prior to development and/or during construction to a level appropriate to its proposed use. In order to achieve this investigations and assessments of all sites situated on or in close proximity to potentially contaminated land will be required in conjunction with relevant development proposals. The purpose of these investigations and assessments is to ascertain whether the land poses potential risk to human health and the environment and if necessary, outline remedial measures and future monitoring to mitigate and monitor the risk.

Having looked at asbestos legislation, along with details the Health and Safety Executive's website – my understanding of proper process in relation to asbestos removal is that the Control of Asbestos Regulations 2006 (SI 2006/2739) (CAR) is relevant, and that this requires non-domestic building owners and occupiers to identify where asbestos is present in every building and have a documented plan to control the risks to health presented by that asbestos.

Given that it is well documented breathing in high levels of asbestos fibres can increase the likelihood of someone getting an asbestos-related disease, eg mesothelium and asbestos related lung cancer, and with the Health and Safety Executive estimating that inhaling fibres and later dying from an asbestos-related disease is around 4,000 deaths per year – I am anxious that any asbestos removal is done properly. Asbestos when not airborne it does not pose a risk, but during demolition this can and will occur and any risks need to be mitigated accordingly. The lack of acknowledgement about the presence of asbestos leads me to be concerned about this aspect of the plans.

4. The potential damage to a flint wall within a conservation area which could alter character

The Design and Access, Heritage and Planning Statement submitted by the applicant states that: *"It would respect and enhance the character of the conservation area."* I have concerns that if the historic flint wall which the derelict building sits on top of, is destroyed or damaged during demolition the development will not have adhered to its aim to respect and enhance the character of the conservation area. It is therefore important that provision is made within any planning decision to ensure that a condition of any development includes the retention of this wall. I am not yet confident that the applicant has committed to this.

The flint boundary wall likely dates back in excess of 150 / 200 years, and would pre date the time when my home was converted from a flint barn to a residential dwelling circa 1900 by quite some time.

It will be complicated and difficult to demolish the existing building without damaging this historic wall which sits within a conservation area. Although I appreciate that any demolition of the building will create this same problem, the loss of the wall, or significant damage, would alter not only the character of my garden but result in the loss of something referred to in the Old Shoreham Conservation Area Appraisal 2021 as a '*unifying feature of the conservation area'* with similar being said about flint walls being intrinsic to the character of the area in local planning documents relating central Shoreham locations – eg the Shoreham by Sea Conservation Area Character Appraisal and Management Strategy, where it is noted that:

"Where buildings are set back from the road frontage, and on side/rear boundaries, flint is the most common material used as a boundary treatment. Flint walls have been used to enclose the church grounds, residential houses, cottages and flats and the railway line. Notable features of the area are the classic roughcast walls consisting of a mix of nodules of sea flint, old brick pieces, coarse lime and sea sand (also known as 'bungaroosh'). These are typical of the Sussex coast. There are many examples of this type of wall around the town, including variations using more finely modulated sea flint or constructed using the "shuttered" technique."

It is a material planning consideration for the effect on listing buildings and conservation areas to be considered, and it is therefore important that those considering this application build in protections to ensure that this wall is retained during any redevelopment of the building to the rear of number 11 West Street. As mentioned, I am not yet satisfied that the developer has committed to preservation of the wall, and omissions in the documents they have submitted in relation to the presence of asbestos are misleading – which further impacts my concerns that they will take due care.

I hope that the Planning Inspectorate considers these points when making a decision. In short, from the information the developer has submitted to date, I think that AWDC was correct in its decision to refuse this application.