



Communities Directorate

8 January 2015

## **Adur Planning Committee**

**Date: Monday 19 January 2015**

**Time: 7:00pm**

**Venue: Council Chamber, Civic Centre, Ham Road, Shoreham-by-Sea**

**Committee Membership:** Councillors Brian Boggis (Chairman), Peter Metcalfe (Vice-Chairman), Carol Albury, Brian Coomber, David Donaldson, Emma Evans, Geoff Patmore and Ben Stride

### **NOTE:**

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail [heather.kingston@adur-worthing.gov.uk](mailto:heather.kingston@adur-worthing.gov.uk) **before noon on Friday 16 January 2015.**

## **Agenda**

### **PART A**

#### **1. Declarations of Interest / Substitute Members**

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

Members and Officers may seek advice upon any relevant interest from the Monitoring Officer prior to the meeting.

Any substitute members should declare their substitution.

**2. Confirmation of Minutes**

To approve the minutes of the Planning Committee held on 24 November 2014 which have been emailed to Members.

**3. Items Raised Under Urgency Provisions**

To consider any items the Chair of the meeting considers urgent.

**4. Planning Applications**

Reports by the Director for Customer Services, attached as Item 4.

**5. Public Question Time**

To receive any questions from Members of the public in accordance with Council Procedure Rule 11.2

**(Note:** Public Question Time will last for a maximum of 30 minutes)

**PART B – Not for Publication – Exempt Information Reports**

None

For Democratic Services enquiries relating to this meeting please contact:

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For Legal Services enquiries relating to this meeting please contact:

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**Duration of the Meeting:** Four hours after the commencement of the meeting the Chairperson will require the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

**Report by the Director for the Economy**

**Planning Applications**

**1**

**Application Number: AWDM/1340/14                      Recommendation – Approve**

**Site:                      Southlands Hospital, Upper Shoreham Road, Shoreham by  
Sea, West Sussex BN43 6TQ**

**Proposal: Outline application (including details of access) for the  
demolition of all existing redundant buildings and structures  
(including Harness Block) and the erection of up to 106  
dwellings with associated landscaping and amenity space,  
car parking and formation of new vehicular access to Upper  
Shoreham Road.**

**2**

**Application Number: AWDM/    Recommendation – Refuse**

**Site:                      Unit 9, Chartwell Business Centre, 42 Chartwell Road,  
Lancing Business Park, Lancing West Sussex BN15 8FB**

**Proposal: Change of use from Class B2 Industrial to gymnastics  
facilities (D2)**

**3**

**Application Number: AWDM/1560/14                      Recommendation – Temporary  
Approve for 5 years**

**Site:                      Old Fort, Forthaven, Shoreham by Sea, West Sussex**

**Proposal: Retention of WWII style Nissen hut and food hut to be used  
as education facility in connection with Scheduled Ancient  
Monument (5 year permission) (retrospective).**

**4**

**Application Number: AWDM/1721/14**

**Recommendation – Approve**

**Site: 7 Hardy Close, Shoreham by Sea, West Sussex BN43 5SA**

**Proposal: Replacement of existing balustrade to existing balcony on front (west) elevation with strengthened clear reinforced glass and marine grade stainless steel posts (Re-submission of AWDM/0113/14)**

**5**

**Application Number: AWDM/1603/14**

**Recommendation – Approve**

**Site: 5 Hardy Close, Shoreham by Sea, West Sussex BN43 5SA**

**Proposal: Replace existing first-floor steel balustrade to bedroom with glass balustrade on front (south) elevation.**

Application Number: AWDM/1340/14

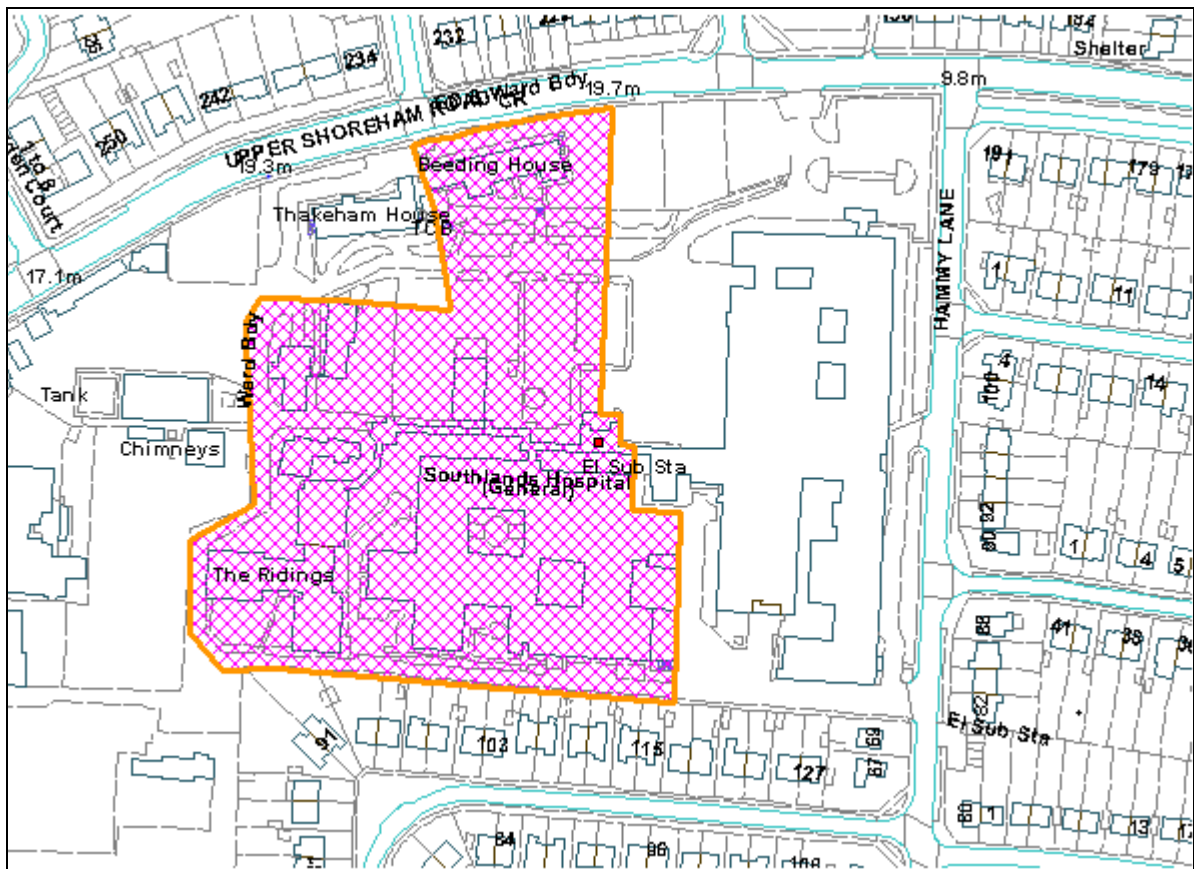
Recommendation – APPROVE,  
subject to S106

Site: Southlands Hospital, Upper Shoreham Road  
Shoreham-By-Sea, West Sussex, BN43 6TQ

Proposal: Outline application (including details of access) for the demolition of all existing redundant buildings and structures (including Harness Block) and the erection of up to 106 dwellings with associated landscaping and amenity space, car parking and formation of new vehicular access to Upper Shoreham Road.

Applicant: Western Sussex Hospitals NHS Trust      Ward: Southlands

Case Officer: Peter Barnett



Not to Scale

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## **Proposal, Site and Surroundings**

The site (2.19ha) forms part of the wider Southlands Hospital site and comprises several hospital buildings and a car park. It includes the main hospital building, known as the Harness Block, a substantial 4 storey building located on the southern half of the site. This part of the hospital complex has been declared surplus to requirements by the NHS Trust and it is proposed to redevelop the site for residential purposes.

To the east lies the remaining part of the hospital complex, comprising mainly single storey buildings and structures. This provides outpatient services only, with other services having been transferred elsewhere. Access to the retained site is from the existing access on Upper Shoreham Road, with a secondary (emergency) access off Hammy Lane.

To the south there are bungalows in Crown Road, to the north the site is bounded by Upper Shoreham Road, containing bungalows and houses. To the west, there is the new residential development known as Orchard Gate which contains houses and flats up to 4 storeys in height. On the northern western boundary of the site lies Thakeham House (Northbourne Medical Centre) a 2 storey building with accommodation within the roof space which has recently undergone extensive refurbishment.

The application is in outline form only with all matters reserved apart from means of access. The NHS Trust is seeking to gain approval in outline form with a view to putting the land up for sale early in the New Year. The final layout and design of the proposed houses will therefore be subject of a detailed application in the future once a developer has bought the site.

The application is accompanied by a number of illustrative drawings, including a layout and elevations, to give an idea of the number of dwellings that could be accommodated within the site. Following negotiations with the applicants, the number of units that is proposed has been reduced from 113 to 106. A new vehicular access is to be constructed from Upper Shoreham Road. All of the existing buildings are to be demolished.

An indicative mix of houses and flats has been suggested, as follows:

16 x 2 bed houses

30 x 3 bed houses

14 x 4 bed houses

Total houses 60

14 x 1 bed flats

32 x 2 bed flats

Total flats 46

The layout plan shows the proposed new entrance being formed off Upper Shoreham Road approximately 55m west of the existing hospital entrance. The access road would serve the proposed development as well as the car park to Thakeham House, which is to be maintained. The illustrative layout indicates a pair of 4 storey flat-roofed apartment blocks on the Upper Shoreham Road frontage, adjacent to Thakeham House, with another such block on the western boundary, south of the Thakeham House car park. The remainder of the development is shown as terraced and semi-detached houses served by a loop access road.

Two small areas of public open space are shown to the north and south of a central housing area within the loop of the access road. A children's play area is shown in the south western corner of the site, set around the only preserved tree within the site, a sweet chestnut.

## Consultations

**West Sussex County Council:** No objection from a **transport/highways** aspect subject to conditions including requirement for submission of a Travel Plan and a need for a TRO to restrict parking in the vicinity of the proposed access. Comments that the site is well located for access by sustainable means of transport. In accordance with the WSCC Transport Assessment Methodology (TAM), junction capacity is required where the development will lead to an increase of 30 or more movements in the peak hour. This threshold is triggered at the site access junction. As movements disperse both to the east and west from the site access this threshold is not triggered elsewhere on the network. The proposed development is not considered to have a material impact on the operation on the wider network.

The site access has been assessed using the Priority Intersection Capacity and Delay modelling software. The Highway Authority is satisfied that a robust assessment has been undertaken. The outputs indicate that the junction will operate well within theoretical capacity in all tested scenarios, including a 2019 future year scenario with the inclusion of the development, medical centre and hospital traffic flows.

Access to the site is proposed through the introduction of a new priority junction from Upper Shoreham Road with an associated right hand turn lane. The centre hatching that currently ends to the west of New Barn Road and to the east of Greenways Crescent shall be extended to provide the right turn provision for the new site access, as well as the introduction of right turn provision for Greenways Crescent. A visibility splay of 43m has been identified in both directions from a setback of 3m, although visibility extends further in practice. The proposed arrangements have been reviewed by the WSCC Senior Implementation Engineer who is satisfied with the arrangement subject to a detailed design to be progressed through a Section 278 Agreement.

A Road Safety Audit: Stage 1 has been undertaken on the proposed site arrangements. Two problems have been identified relating to the presence of parked vehicles adjacent to the hatched area and the provision of pedestrian visibility splays at the site access. The Designer Response indicates that the problems are accepted and will be addressed in accordance with Auditor recommendations. To resolve problem 2.1 a parking restriction will need to be explored and will require the creation of a Traffic Regulation Order (TRO). The TRO would be subject to a formal public consultation and parking restrictions are considered essential to make the access arrangements acceptable from a safety perspective. The Developer would be expected to meet the costs associated with preparing, making and confirming the TRO, and provision should be made within the S106 Agreement for a contribution of £5,500 for the Highway Authority to undertake the TRO consultation process. In the event that the TRO is unsuccessful the Applicant would need to consider alternative schemes of off-site highway works to address problem 2.1 which would need to be agreed by the Highway Authority

**Comments on amended plans** - I've had to make some assumptions on the mix of the affordable/market housing. I've assumed that the 20% affordable applies to each category and that there wouldn't be any weighting to provide a greater number of smaller properties with the larger houses retained as market housing. I've also assumed that while the spaces are allocated to the flats, they are not necessarily allocated to specific properties so that they could be used flexibly.

In summary, the flats will generate a demand for 31 parking spaces for residents and a further 9 spaces for visitors. The houses would generate a demand for 15 unallocated spaces. The strategy results in a very slight under provision which may lead to some occasional on-street parking by visitors in the evening when demand is at its highest. I wouldn't consider the impact to be severe but would suggest that the internal road widths are kept to a minimum of 4.8m to ensure sufficient space for refuse vehicles/delivery vans to pass any parked vehicles.

**WSSC S106 Requirements** – An initial figure of £521,166 for developer contributions has been calculated by West Sussex County Council, based on 106 dwellings, with a net decrease of 109 parking spaces. This figure is not exact however as the actual breakdown and mix of the affordable housing units is not known. Consequently, the discount for education contributions as a result of the affordable housing provision has not been applied.

At this stage, the required contributions have been identified as follows:

Primary Education - £193, 869  
Secondary Education - £208,662  
6<sup>th</sup> Form Education - £48, 880  
Libraries - £26,272  
Fire and Rescue - £2,483



Total Access Demand (TAD) - £41,000

**WSSC Ecology** – No objection subject to full implementation of survey recommendations

**WSSC Archaeology** - No objection is raised on archaeological grounds to the proposals, subject to suitable archaeological safeguards, to be provided for through the use of an appropriate planning condition (staged programme of archaeological investigation and recording in advance of new construction and landscaping works).

**Adur & Worthing Councils:** The **Environmental Health Officer (Air Quality)** states that the application includes an Air Quality Assessment prepared by Air Quality Consultants dated September 2014. The assessment correctly identifies the site as lying within 1km of an AQMA. The operational phase impacts for NO<sub>2</sub> are assessed to be low/imperceptible using the Sussex Guidance, which is similar to the conclusions reached in the report. The impacts for PM<sub>10</sub> and PM<sub>2.5</sub> are also assessed as low/imperceptible.

The purpose of the Sussex Air Quality & Mitigation guidance is firstly to encourage the maximum emission reduction options within developments and secondly to support local measures/initiatives designed to try to improve air quality or support local services through contribution. The emissions mitigation calculation in Section 7 is welcomed and follows the methodology within the Sussex Guidance. The calculation puts a monetary value to the health damage likely to be associated with a development and the calculated value is then used to determine appropriate mitigation.

The emissions mitigation calculation here is £17,273.75. The assessment suggests this can be spent on measures within the scheme or paid via a section 106 agreement to Adur DC. I recommend mitigation comprises a combination of the two.

The exact terms of any section 106 agreement can be decided when the detailed application is forthcoming. However I suggest the following is incorporated into any agreement: at least £5,000 towards a car club (for Adur); at least £2,000 towards continued air quality monitoring; financial support for improvements to cycle and walking paths.

In terms of on-site mitigation, I recommend that eV charge points are installed into each garage on the site. These need to be 32A rated and only cost a few hundred pounds each (note standard 13A supplies are not sufficient) and are cheaper and easier to install during development rather than as a later add-on. These would not only help encourage the uptake of electric vehicles for residents, but also increase the environmental credentials of the development. For 14 garages this is approximately £3,000. Consideration should also be given to charge points in communal parking areas and designation of parking spaces for low emission vehicles.

The Environmental Health Officer (Noise) has no objections in principle to the development, however, I agree with the acoustic report conclusions that the acoustic scheme should be reviewed once the specific room size and construction details are available.

My main concern is the plant noise which if possible I would like to see attenuated at source, so the amenity of the gardens can be protected in the vicinity of the plant. The alternative is a 13ft wall and acoustic protection to the bedrooms.

Please can a condition be added to the outline permission requiring further acoustic review of the noise protection schemes once the final construction plans are available and for a review of the plant noise to see how, if possible, this can be attenuated. Details of these assessments should be provided to and agreed by the planning department prior to commencement of the development.

The **Waste Services** Officer states that most of these properties are going to receive a standard service with 2 x 140L wheeled bins. However, I will need more details on what is proposed for the block of flats adjacent to Upper Shoreham Road and a tracking diagram showing that our vehicles can manoeuvre around the site. Our vehicles are 10.1m long.

The **Engineer** states that the drainage provided will be designed with no additional storage capacity. Whilst the figures seem to support this approach he would be happier to see oversized pipework installed across the site with down-stream discharges reduced in an attempt to attenuate on site in order to reduce even further the runoff from the site which will further assist with downstream issues that currently exist or may develop in the future.

The **Trees and Landscape Officer** accepts that several reasonable sized trees will be lost as part of the development. However he considers that the Sycamore trees T4 and T5 should be retained as they form part of a cohesive group of similar trees to the south eastern side of Thakeham House. The proposed felling of these trees is to provide car parking: some consideration could be given to incorporate the trees into a parking area.

With regard to the trees along the frontage, he has some concerns over possible future resident pressure on the retained trees, but he does not consider that any damage or disruption to the roots of the trees is likely to occur during construction works. This being due to the fact that a substantial construction already exists between the site and the trees, and that the trees are growing on a higher ground level.

The **Parks Manager** advises that he would rather see the LAP not built at this site and to instead push for S106 developer contributions to be spent at Buckingham Park Play Area instead. The play area of a LAP does not really serve the community that well and Buckingham Park is a Neighbourhood Class park and can accommodate a wide

range of children's' play already, organised sports and informal football, tennis and has a café and parking. He suggests it would be better to carry out improvements to Buckingham Park's play area. A LAP built at the Western Hospitals NHS site would only cater for small children with no provision envisaged for children who are older or outgrow the proposed LAP. Additionally there is a tree right in the middle of the play area, a large mature *Macrocarpa*, which would dominate the site and make it a shady area. The species is not particularly noted for branch drop but can fail at weak forks and in strong winds and in this respect it may not be prudent to locate play equipment directly beneath the crown.

The two small areas of open space are likely to be used as kick about areas adjacent to properties and boundary fences and in all likelihood would need to be planted up to alleviate nuisances going forward. He suggests the funding for these areas are diverted into s106 contributions for Buckingham Park and the developer allocates alternative use for the land.

A commuted sum of £50,000 would be appropriate.

***Environment Agency:*** No objection subject to conditions relating to contaminated land and no piling or penetrative foundation design due to risk to groundwater. Require further assessment into risk to groundwater, particularly from Energy Centre.

***Southern Water Services:*** Water mains and foul and surface water sewer cross the site. Measures must be taken to divert/protect public water supply main. Inadequate capacity in surface water disposal network. Alternative method of disposal needed. Inadequate capacity to provide water supply. Details of water infrastructure needed.

***Sussex Police:*** Disappointed that there is no mention of crime prevention measures in the D&A Statement. Play area only overlooked by 3 dwellings and surveillance obscured by visitor parking.

## **Representations**

26 letters of objection received:-

- Loss of valuable hospital and health services in Adur
- Nearest in-patient facilities will be at Worthing or Chichester
- Not in the best interests of the sick and ill of Adur to have to travel long distances for care
- Beeding House could be retained and used to provide beds for patients or part of site should be used for building a smaller 'cottage' hospital instead
- There is a shortage of beds
- Once the hospital is lost there is little chance of replacing it
- Lack of infrastructure, including roads, schools, services
- Overlooking to Crown Road

- Increased pressure on overcrowded roads, increased traffic and parking in layby opposite entrance
- Increased risk to safety
- Access will result in car lights directly facing houses opposite
- Increased flooding risk
- Loss of wildlife, including badgers
- Residents have already suffered 4 years of construction on adjacent site. Concerned at further noise, dust and pollution, loss of light, overlooking
- 4 storey flat-roofed block on frontage is out of character – all properties currently fronting road are lower and have pitched roofs
- 4 storey block will overlook houses opposite
- Owners of Thakeham House would like secure boundary with their site
- Development must not compromise privacy for their patients
- 4 storey block proposed will obscure the work carried out to TH to maintain its sympathetic character
- Access to TH for patients on foot and by car should be maintained during construction

**Amended Plans** – 5 letters of objection received:

- Loss of light and overlooking from apartment blocks
- Very difficult to turn right onto Upper Shoreham Road from the south side of the road
- Increased traffic and risk of accident
- Traffic calming required
- Lack of parking
- Insufficient schooling places locally
- Loss of valuable health and community facility
- There will be no land available for a replacement facility when the need arises in the future
- Concern at opening up pedestrian and cycle access in south west corner to link with Orchard Gate
- Design of apartment blocks facing Upper Shoreham Road should be sympathetic to Thakeham House
- Children's' play area is in the wrong place
- Increased risk of flooding
- Increased pressure on sewage system
- Flint wall should be continued and extended around boundary properties
- Impact on existing residents from construction noise

Any further representations will be reported at the meeting.

**Relevant Planning Policies and Guidance**

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH2, AH3, AH5, AR5, AR6, AB25, AB27

Proposed Submission Adur Local Plan

'Supplementary Planning Guidance' comprising: Development Control Standard No.2 'Space Around New Dwellings and Flats'

'Good Practice Guidance Note: Internal Space Standards for New Homes' (ADC 2010)

Design Bulletin No.1 'Trees and Landscaping' (ADC 1996)

West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003)

West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSCC 2010)

The Provision of Service Infrastructure Related to New Development in West Sussex – Part 1 (WSCC 1999)

National Planning Policy Framework (March 2012)

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides 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.

### **Planning Assessment**

#### ***Principle***

The site lies within the built up area of Shoreham and is not allocated for any particular use. It has been declared surplus to the requirements of the NHS Trust and its redevelopment for residential purposes is not considered to be unacceptable in principle. The provision of over 100 dwellings on this site would help towards meeting Adur's Objectively Assessed Housing Needs as identified in the Proposed Submission Local Plan.

The loss of the hospital has caused some concern locally, but the NHS Trust has declared the land and buildings to be surplus. On this basis, it is not for the Local Planning Authority to question the disposal of the land. There will be some medical facilities in the immediate vicinity with the retention of Thakeham House. The NHS Trust also hopes to provide some additional medical services on the retained Southlands site.

### ***Density, character and appearance***

As originally submitted the illustrative layout indicated a reasonable layout but there were concerns with some aspects of it, in particular the scale and design of the block of flats on the northern boundary fronting Upper Shoreham Road. Following discussions with the applicants amended plans have been received breaking up the block into a pair of smaller buildings with a recessed upper floor. The buildings are also shown sited further back from the road, in line with Thakeham House to the west. The car parking area to the south of the buildings has been reconfigured to reduce the extent of hardsurfacing. While the final design and layout is for future consideration, the revisions to the illustrative layout have resulted in a reduction in the number of units by 7 to 106.

The 4 storey scale of the buildings on the frontage was a concern. The amended plans have retained 4 storeys but their design and siting further back from the road will help to reduce their visual impact. Furthermore, the buildings are shown as being sited some 3m below the level of Upper Shoreham Road resulting in the impression of a smaller building when viewed from the road. The indicative drawings show the buildings would be approximately 1m lower than the ridge of Thakeham House. The final design will be a matter for future consideration but the amended plans do indicate that a building of this scale could be successfully accommodated in this location without serious harm to the visual amenities of Upper Shoreham Road.

There were concerns with the location of car parking within the development, which tends to dominate the layout, particularly to the south of the flats on the northern boundary where 32 spaces were shown with little landscaping to break up the mass of hardsurfacing. The amended layout now shows 18 spaces in two smaller areas with more space for landscaping. Car parking also dominates the frontages of each house, with no rear parking courtyards and no breaking up of parking with planting. Visitors' parking spaces have been reduced in number to enable more public open space to be provided to the north and south of the central loop. While an improvement, any future detailed application will be expected to give more thought to improving the parking layout and reducing its prominence in the development.

The number of units proposed is 106, which equates to a density of development of approximately 48 dwellings per hectare (dph). This compares with the Orchard Gate development which had a density of 53 dph.

### ***Residential amenity - existing occupiers***

The block of flats fronting Upper Shoreham Road will face towards the houses on the opposite side of the road, at a distance of approximately 40m. Windows to the flats will face the fronts of those houses opposite and it is not considered that any adverse loss of privacy or overlooking will occur.

To the south, the proposed houses will face the rear of bungalows in Crown Road, some of which have rooms in the roof. The layout indicates that a 22m separation distance can be achieved which will avoid adverse overlooking. It should also be noted that the bungalows are currently overlooked by the 4-storey Harness Block.

To the west, the new houses and flats in Orchard Gate should not be adversely affected. The proposed 4-storey block of flats in the north-west corner of the site was originally shown as being close to nearest 4-storey block in Orchard Gate. It has now been moved further east within the site to increase the separation distance to 22m and overlooking at that distance would be at an oblique angle.

### ***Residential amenity – proposed occupiers***

The layout indicates that most of the houses will achieve acceptable standards in terms of external amenity space and distance to neighbouring dwellings.

The nearest house to the proposed block of flats on the western boundary also has the potential to be overlooked although this can be overcome through design, such as removing windows in the nearest flats on that side. A distance of 7m is shown between the flats and the nearest dwelling, which has increased from that shown on the original plans. This is considered to be sufficient to prevent adverse loss of light or overbearing impacts.

There is the potential for noise disturbance from the retained hospital plant adjacent to the south east corner of the site, which is operational for 24 hours a day. The applicants' noise report recommends that steps are taken to reduce plant noise levels. Other means of reducing noise, it is suggested, could include the provision of a solid wall 4m high on the boundary to act as an acoustic barrier. The flats facing Upper Shoreham Road could suffer from road traffic noise and appropriate glazing and ventilation is recommended for those units. The final details to solve both of these issues will be secured by condition.

### ***Trees***

There is only one preserved tree on the site which is to be retained and is shown as being located within a proposed play area. Most other trees within the site are to be felled and the Tree and Landscape Officer has suggested that the Sycamore trees T4 and T5 should be retained as they form part of a cohesive group of similar trees to the south eastern side of Thakeham House. It is considered that this could be achieved in any future layout, particularly as the amount of car parking to be provided in that location is insensitively designed and is need of revision. There is an attractive Holm Oak in the centre of the site, which is growing in a raised contained bed in front of the Harness Block, but this will need to be felled to accommodate the layout as shown. It is not considered to be worthy of protection but if a future layout can accommodate the tree it would be an enhancement of the overall scheme.

A group of Sycamore trees on the site frontage, to the north of Beeding House, are shown as being retained which will help provide some softening of views into the site from Upper Shoreham Road. The proposed new flats in this location have been shown as being moved further from the road which will reduce the likelihood of damage being caused to these trees although there is some concern at possible future pressure to fell the trees from residents of the proposed flats. Overall, however, the proposal is considered to be acceptable in terms of its impact on existing trees.

Full landscaping details will be reserved for future consideration.

### **Access**

The only aspect of this layout which is for consideration with this application is the means of access. This is shown as being from Upper Shoreham Road. It will involve the loss of a section of flint wall and it has been queried whether access could have been achieved through the Orchard Gate development. However, there is no guarantee that the landowner will allow use of their land and there is more certainty in providing an access on land in the control of the applicant.

The proposed access will be largely equidistant between Greenways Crescent and New Barn Road and will take the form of a priority junction with a ghost island right turn lane to prevent traffic turning into the site from obstructing the road.

West Sussex Highways have no objection to the proposed access in this location. The Road Safety Audit has identified potential problems relating to the presence of parked vehicles adjacent to the hatched area and the provision of pedestrian visibility splays at the site access. These can be resolved through a revised design, which can be required by condition, and through the creation of a Traffic Regulation Order (TRO) to prevent cars parking on the road in that location.

### ***Play area and Public Open Space***

The illustrative layout currently shows the play area tucked away in the south west corner of the site, centred around the preserved tree. It is not considered that this is the best position for the play area, with relatively poor natural surveillance and it being some distance from houses on the east side of the site. The applicants have suggested that it would be available to residents in the adjoining Orchard Gate development and its location on the western boundary is therefore appropriate. However, the Council's Parks Manager considers that it would be preferable to omit the play area from the development altogether and to receive contributions from the developer instead to be put towards Buckingham Park play area.

Public open space is shown to the north and south the access loop in the centre of the site. This was originally shown as being rather narrow strips of land with car parking eating into the available space and was not particularly desirable. The amended plans have decreased the amount of parking and show the open space as now being more



of a feature. However, the Parks Manager anticipates that these areas could lead to nuisance from ball games against properties and boundary fences and suggests that they are also removed from the layout, with funding for these areas being diverted to Buckingham Park. Their removal from the development would potentially enable additional housing units to be provided in those areas.

### ***Flood risk and drainage***

The site is not at risk of flooding. Southern Water considers that there is adequate capacity in the foul sewage system, but that there is insufficient capacity in the surface water system. Full drainage details are reserved for future consideration.

### ***Affordable housing and S106 requirements***

The National Planning Policy Framework advises that the issue of viability can be important where planning obligations or other costs are being introduced. In these cases decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth. Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible.

As originally submitted, the applicant argued that it was not viable to provide affordable housing and infrastructure contributions to the required amount. The Trust argued that it required a capital receipt of at least £2.9m to make the redevelopment of the site worthwhile. The submitted viability appraisal has been independently reviewed and their approach and figures have been questioned.

Following discussions, the applicant has now reduced its requirement to £2.3m and now offer a revised S106 package which comprises 20% affordable housing (based on a tenure mix of 60% affordable rent and 40% shared ownership) and financial contributions of £325,000. This is less than the full S106 requirements, which are likely to be in the region of £521,000 and 30% affordable housing but, in order to make the scheme viable, the revised offer is a significant improvement on the original submission and is considered to be acceptable.

The applicant has also confirmed that the sale of the land is to facilitate improvements to the retained hospital site. In this respect the Trust has recently approved a Strategic Outline Case which details the improvements to the retained buildings including a new Ophthalmology unit.

The County Council's comments on the revised financial contribution is awaited and Members will be updated at the meeting. It is clear that the County Council's normal requirements for education cannot be met and this will be of considerable concern to the County Council given the pressure on local schools. However, it is considered that there are exceptional circumstances in this instance that would justify accepting a reduced financial contribution. The Trust has committed to invest the capital receipt

from the development to enhance health care provision for Adur residents and this is clearly a material consideration in this case. Officers are currently negotiating with the County Council on how best to prioritise the more limited financial contribution between different County and District services.

### ***Sustainable and resource efficient buildings***

It is considered that a development of this scale should incorporate energy efficient and sustainable measures equivalent to Level 4 of the Code for Sustainable Homes, in accordance with policy 19 of the Proposed Submission Adur Local Plan. There should be particular focus on water efficiency. The applicant has been asked to comment on whether this requirement would affect the overall viability of the project.

### ***Ecology and biodiversity***

The applicants have submitted an Ecological Habitat Survey and Bat Survey which predicts that there will not be any adverse impact on protected species. The recommendations of the Bat Survey can be secured by condition.

### **Recommendation**

Subject to completion of a satisfactory section 106 Obligation undertaking to provide 20% affordable housing (based on a tenure mix of 60% affordable rent and 40% shared ownership) and financial contributions of £325,000

### **APPROVE**

#### **Subject to Conditions:-**

1. Details of appearance, landscaping, layout and scale to be submitted
2. Approved plans
3. Access to be constructed in accordance with approved drawing
4. Pedestrian visibility splays to be provided at access
5. Visibility splays at access to be provided
6. Construction Management Plan to be provided, including hours of work
7. Travel Plan
8. Traffic Regulation Order required to restrict parking in the vicinity of the proposed access onto Upper Shoreham Road before work commences
9. Parking spaces to be provided in accordance with drawings to be submitted
10. Internal roads to be a minimum 4.8m wide to ensure sufficient space for refuse/delivery vehicles to pass any parked vehicles
11. Trees to be retained to be protected during course of development
12. Bat survey recommendations to be implemented in full
13. Full foul and surface water drainage details to be submitted and approved
14. Water infrastructure plans to be submitted and approved
15. Contamination assessment required

16. Verification of completion of remediation works to be submitted
17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.
18. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details
19. Installation of electric vehicle charge points in each garage and communal parking areas
20. Protection of dwellings from noise prior to occupation, including reduction in plant noise levels
21. Written scheme of archaeology investigation to be submitted and approved
22. Removal of PD rights under Classes A-E
23. To be built to equivalent of Level 4 of Code for Sustainable Homes

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19<sup>th</sup> January 2015



Application Number: AWDM/1644/14

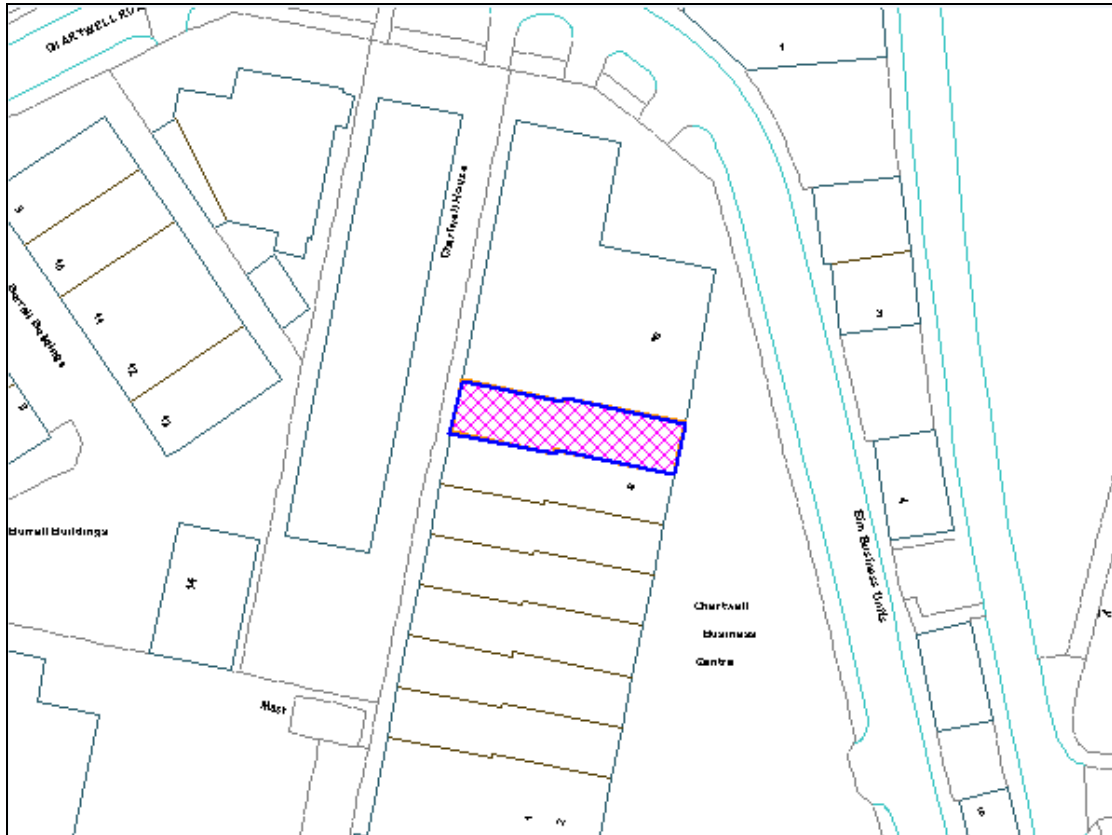
Recommendation – REFUSE

Site: Unit 9 Chartwell Business Centre, 42 Chartwell Road, Lancing Business Park, Lancing, West Sussex BN15 8FB

Proposal: Change of use from Class B2 Industrial to gymnastics facilities (D2)

Applicant: Miss Katy Hodgson  
Case Officer: Lawrence Simmons

Ward: Churchill



Not to Scale

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**Proposal, Site and Surroundings**

The application relates to a light industrial unit within the Chartwell Business Centre on Lancing Business Park which is currently unoccupied. The applicants, Wickers Gym, currently occupy unit 10 following a successful change of use application in 2008 and wish to provide an enlarged gym. The proposal would result in a floor area of approximately 866 square metres increasing the space from 513 square metres by converting an additional 353 square metres. Opening hours are shown as 09.00 to

21.00 hrs Mondays to Fridays, 09.00 to 18.00 on Saturdays and Sundays. A marketing report has been supplied with the application setting out that there has been seven years of advertisement for letting space on the development.

### **Relevant site history**

ADC/0255/06 - Sub-division of existing industrial building into 13 self-contained light industrial/warehouse units (Class B1/B8) with associated elevation alterations – Refused.

ADC/0480/06 - Alterations to convert factory into 11 units for Class B1/B8 (business/storage) purposes - Permitted.

### **Consultations**

#### ***Adur and Worthing Councils:***

#### **The Planning Policy Manager comments:-**

##### National Planning Policy Framework

The NPPF states that “where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits”.

##### Adopted Adur Local Plan 1996

The site is located within Lancing Business Park which is subject to policies AE2 and AE4 of the Adur Local Plan which support B1 and B2 uses (as well as B8 uses where a development is comprised of a mix of B class uses). The policy does not support any other uses at Lancing Business Park.

##### Proposed Submission Adur Local Plan 2014

Policy 26 of the Proposed Submission Adur Local Plan protects Lancing Business Park for B1, B2 and B8 uses and allows no flexibility for other uses.

Please note that the Proposed Submission Adur Local Plan has now been published and should therefore be accorded some degree of weight in decisions on planning applications.

##### Adur Employment Land Review 2011

The Adur Employment Land Review 2014 specifically recommends that “planning policy should support continued employment use of the Lancing Business Park, and progressive development for B1, B2 and B8 use”.

Although policies AE2 and AE4 of the adopted Adur Local Plan are relatively permissive policies, they have been used successfully since 1996 to restrict non-B class uses at the various business parks in the District. In addition, the emerging Local Plan also seeks to resist non-B class uses at Lancing Business Park.

The NPPF states that “where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits”. Lancing Business Park is a successful business area with a low-level of vacancies so it is highly unlikely that there is no reasonable prospect of using the site for B2 uses.

Unit 7 has recently gained planning permission for a D2 use and should permission be granted for this proposal, Unit 8 is unlikely to be very attractive to any potential B class use occupiers given that there would be gymnasiums on either side of the unit. The cumulative impact would be that a number of high quality business units on one of the district’s most important business parks would be used for non B class uses and would also be likely to provide significantly less jobs than B2 uses. Additionally, such permissions set an undesirable precedent that will make it more difficult to resist other non B class uses at Lancing Business Park in the future.

As a result of the above, planning policy would not support this planning application.

**The Senior Environmental Health Officer** has no objection.

**West Sussex County Council:** The Highway Authority raises no objection commenting:-

*“The proposal to change the use of the existing B2 industrial unit to D2 use as part of a planned increase to the adjacent Gymnastic club at Chartwell Road has been considered by WSCC as the Local Highway Authority. WSCC raise no objection subject to any conditions attached.*

*The club currently employs 14 coaches and operates on a daily basis, including weekends, offering gymnastics sessions to adults and children within the area. The expansion of the club will require 4 additional coaching staff, to allow the club to expand into unit 10. The additional 353sqm will create enough space for the club to buy in specialist gymnastic equipment to help its members develop their skills.*

*The application states there are 75 existing parking spaces. WSCC maximum car parking standards for D2 use is 1 space for every 22sqm which equates to 40 spaces, which the existing provision exceeds. The club currently has 900 members. It is unclear from the application if new memberships will be created as a result of the expansion, but it is not considered this would create a material impact on the highway network.*

*Cycle parking has not been included in the application and should be provided, in a safe and secure area to encourage sustainable travel to/from the site.”*

Conditions are recommended to secure car and cycle parking to serve the development, and a Construction Management Plan or Statement.

**Lancing Parish Council:** No objection

## **Representations**

Letters of support received from:

- the local Member of Parliament
- The British Gymnastics Regional Development Officer
- the Landlord of the Chartwell Business Centre
- the club gymnast
- four former users of the facility

An objection has been received from the Chairman of Lancing Business Park on the grounds that the change of use is against what the Business Park represents. The change of use would be a valuable loss of commercial/employment space and the Business Park is seeking to ensure that units within the Park stay in industrial use. It is also considered that the proposal will result excess traffic entering the one way system and that there are a lack of parking spaces at the site.

## **Relevant Planning Policies**

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AE2, AE4

Proposed Submission Adur Local Plan (2014) Policy 26

National Planning Policy Framework (CLG 2012)

The Committee should consider the planning application in accordance with Section 70 of the Town and Country Planning Act 1990 (as amended) that provides 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.

## **Planning Assessment**

### **Principle**

The site is located within Chartwell Business Centre, Lancing which is subject to policies AE2 and AE4 of the Adur Local Plan which support B1 and B2 uses (as well as B8 uses where a development is comprised of a mix of uses). The policy does not support any other uses. Policy 26 of the Proposed Submission Adur Local Plan also protects Lancing Business Park for B1, B2 and B8 uses with no positive policy provision for other uses. This policy now has material weight in decision-making as it has recently been approved by the Council for submission to the Planning Inspectorate.



The NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

The application is accompanied by a marketing report from commercial agents. This does not relate specifically to the unit subject to this application but rather covers the wider development's marketing history over the past 7 years. The letter does refer to interest expressed by another gym operator. The estate contains Wickers Gym (at Unit 10) and a go-karting facility elsewhere which the marketing report argues has set a precedent for non-industrial uses.

However, the Council's Planning Policy Officer strongly objects to the proposal and considers that the unit should be retained for industrial purposes, in accordance with the saved policies of the Local Plan and in compliance with the emerging Plan. The previous permissions for non-industrial uses should be seen as exceptions and do not set a precedent, particularly in view of the strong policy support for retaining industrial uses on this estate. It should be noted especially that the previous permission for the Wickers Gym on the same was a relocation of an existing successful gym from another unit on the estate – the vacated unit reverted to business use (ADC/0305/10).

As such, therefore, the proposal is for an additional non-industrial use and quite clearly conflicts with existing and emerging Local Plan policy. Members may wish to take into account that the proposed user already occupies the neighbouring unit and is a successful facility and that an exception to policy could be made on that basis, possibly by restricting the use of the unit for occupation by the current applicants. However, the recent permission for a gym, which has no current presence on the estate, at unit 7 would mean any restrictive condition is hard to justify. This recent permission, along with the use proposed under this application, is likely, in turn, to make unit 8, which would be in between the D2 uses, harder let to let for industrial use.

Regard has been had to the representations in support of the proposal but while the principle the provision of further sporting and recreational facilities in the District is accepted, Local Plan policies require this to be in appropriate locations. There is an acknowledged lack of business floorspace in the District and overall, on balance, the loss of business space is considered to outweigh the need for the expansion of the gym in this instance.

### **Accessibility and parking**

The parking provision is shown to be unchanged on the application form from the existing (albeit this appears to rely on spaces not specifically allocated to the subject unit) although it seems likely that the extended floorspace would result in a greater number of movements to and from the site. With regard to highways and parking considerations however, the response from the County Council Highways officer must

be afforded due weight and therefore there can be no justification for sustaining an objection on these grounds.

### **Recommendation**

**REFUSE** for the reason:-

The Local Planning Authority is not satisfied that no effective demand exists or is likely to exist in the future to use the building for employment generating activities. Consequently, the proposed change of use of the unit to a non-business (Use Class B1, B2, B8) use would reduce the number of available business units and is likely to have a detrimental impact on the local economy in the longer term, contrary to saved policies AE2 and AE4 of the Adur District Local Plan, Policy 26 of the Submission Adur Local Plan 2014 and the relevant paragraphs of the National Planning Policy Framework which seek to support sustainable economic growth.

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19<sup>th</sup> January 2015

Application Number: AWDM/1560/14

Recommendation – Temporary approval for 5 years

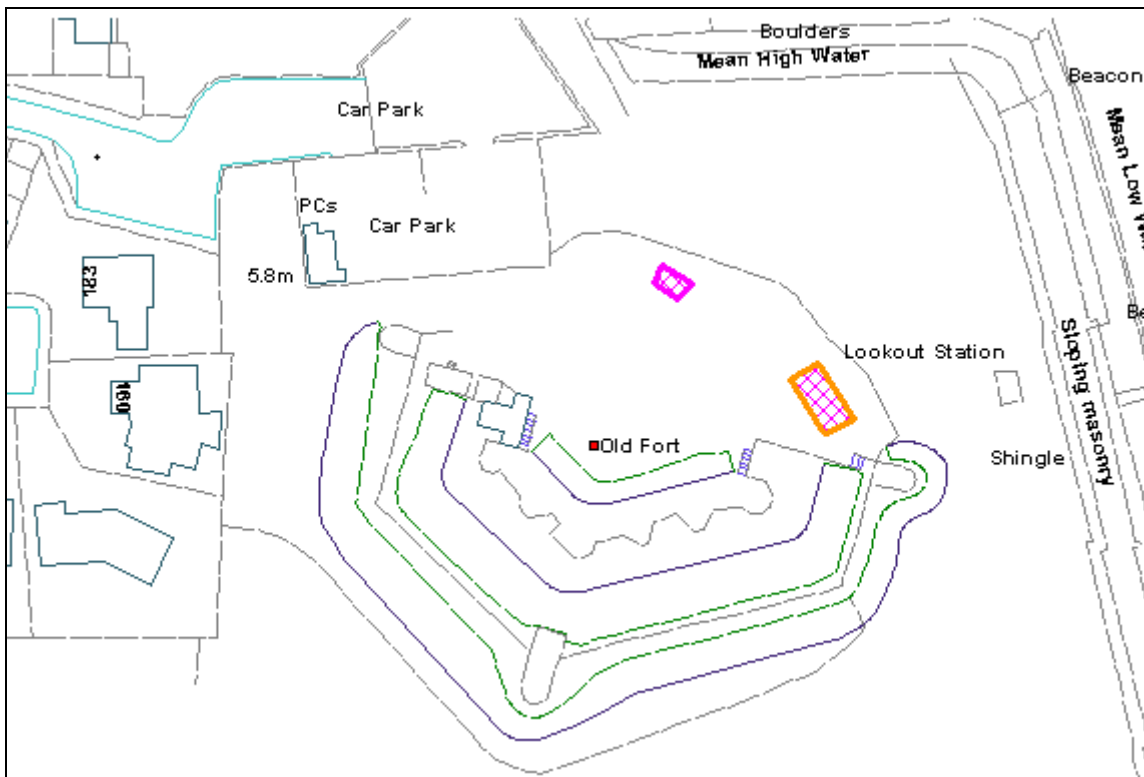
Site: Old Fort, Forthaven, Shoreham-By-Sea, West Sussex

Proposal: Retention of WWII style Nissen hut and food hut to be used as education facility in connection with Scheduled Ancient Monument (5 year permission) (retrospective).

Applicant: Mr Tim Hague

Ward: Marine

Case Officer: Peter Barnett



Not to Scale

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### Proposal, Site and Surroundings

This application relates to Shoreham Fort, a Scheduled Ancient Monument located at the eastern end of Shoreham Beach adjacent to the Harbour entrance. It was built in 1857 as a response to the escalating fear of invasion by France. The fort was also in use during the Second World War when, amongst other modifications, three Nissen huts (tunnel-shaped sheds of corrugated steel) were erected to billet troops. They were removed in the 1950s, leaving the concrete bases that they were built on.

In 2013, a Nissen hut was donated to the Friends of Shoreham Fort for use as secure, dry, internal education space for schools and visiting groups. The hut was erected on the site in March 2014, together with a small food hut.

This application seeks retrospective permission to retain these structures, on a temporary basis only for five years.

## **Consultations**

**English Heritage:** The huts are harmful to the heritage significance of Shoreham Fort because they obstruct key views and appreciation of the morphology of the Victorian Fort. The national heritage significance of the fort lies in its Victorian design and purpose, not in its later use during the Second World War. However, we recognise that the buildings provide facilities for the valuable educational work that the Friends of Shoreham Fort do and we would wish them to continue this work and establish better facilities in the medium term.

Therefore, we do not object to a five year permission but the buildings should be taken down after five years if they are no longer necessary for educational use, or if a better long-term solution can be found. Scheduled monument consent has been granted for the retention of the buildings until 1 October 2019.

**West Sussex County Council:** The **Archaeological Officer** has no objection to a temporary 5 year permission to retain the buildings as there have been no excavations and their emplacement has caused no direct impact on the fabric of the scheduled fort. Further intrusion of new structures upon the monument should not be permitted in future, or there will be a danger of cluttering the site and so reversing the benefits to the monument arising from the enhancements to date.

**Adur & Worthing Councils:** The **Shoreham Harbour Regeneration Officer** has no objection. Strategic Objective 9 of the Draft Shoreham Harbour Joint Area Action Plan (2014) includes the protection and enhancement of the area's historic assets, including the Scheduled Monument at Shoreham Fort. Policy JAAP 10 supports the comprehensive restoration of the Fort. Paragraph 2.9.2 notes that various plans have been considered for the fort, which have highlighted local interest for a facility that could be used for educational purposes.

The Nissen hut is situated in close proximity to Shoreham Fort and therefore does impact on the setting of this Scheduled Monument. However, this impact should be weighed against the educational benefits of retaining the hut. The Partnership is supportive of the educational activities carried out by the Friends of Shoreham Fort. Given that the application is for a temporary permission for 5 years, the Partnership would urge that the application to retain the hut as an education facility is approved.

## **Representations**

None received

## **Relevant Planning Policies and Guidance**

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AB1  
National Planning Policy Framework (CLG 2012)

## **Relevant Legislation**

The Committee may grant planning permission for development carried out before the date of the application in accordance with Section 73A of the Town and Country Planning Act 1990 (as amended).

Save that the development will have already commenced, this is a conventional planning application, and the Committee should consider the planning circumstances existing at the time of the decision in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides 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.

## **Planning Assessment**

### ***Principle***

The site is a Scheduled Ancient Monument (SAM) and any development should not detract from the significance of this heritage asset.

### ***Visual amenity and impact on Scheduled Ancient Monument***

The buildings are very prominent and could be considered to contrast adversely with the architectural form of the Victorian fort and as such detract from the setting of the SAM. Both buildings have, however, been sited on existing hardstandings to the north east of the fort, with the Nissen hut very close to the original remaining walls of the fort.

Responses from consultees, including English Heritage, support the retention of the structures for a temporary period. English Heritage has stated that they recognise that the buildings provide facilities for the valuable educational work that the Friends of Shoreham Fort do and they would wish them to continue this work, but with the hope

that they will establish better and more appropriate facilities in the medium term. This view is shared by the Shoreham Harbour Regeneration Team.

On balance, therefore, it is considered that temporary five year permission can be granted exceptionally, because of the educational benefits of retaining the buildings, but it is hoped that the Friends of Shoreham Fort will find a better long term solution by the end of that period. The permission should run until 1 October 2019 to be consistent with the scheduled monument consent granted by English Heritage.

## **Recommendation**

### **APPROVE**

#### **Subject to Conditions:-**

1. Temporary permission expiring 1 October 2019
2. Approved plans

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19<sup>th</sup> January 2015

Application Number: AWDM/1721/14

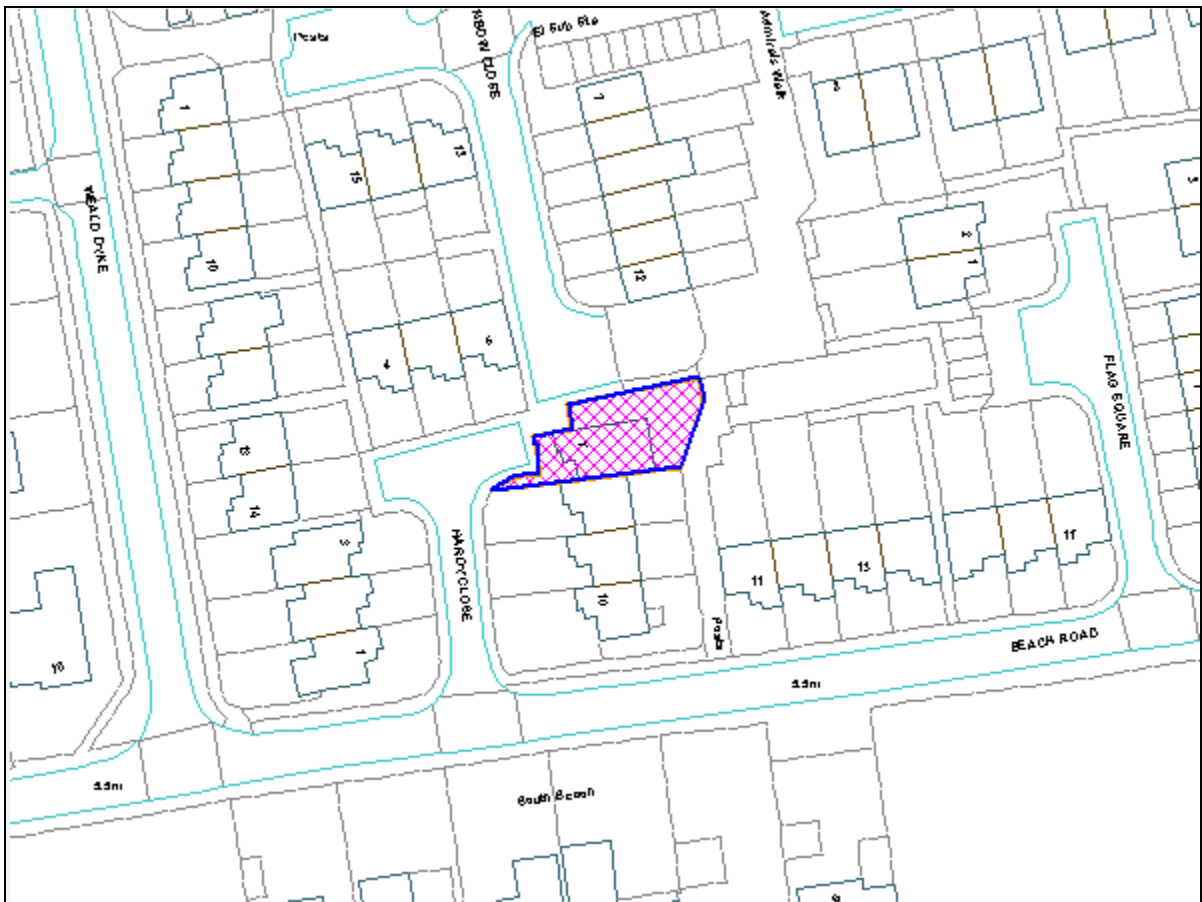
Recommendation – APPROVE

Site: 7 Hardy Close, Shoreham-by-Sea, West Sussex BN43 5SA

Proposal: Replacement of existing balustrade to existing balcony on front (west) elevation with strengthened clear reinforced glass and marine grade stainless steel posts (Re-submission of AWDM/0113/14)

Applicant: Mr Brian Thomas  
Case Officer: Gary Peck

Ward: Marine



Not to Scale

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**Proposal, Site and Surroundings**

This application seeks full permission for the replacement of a balustrade to a balcony on the front, western elevation (which has been removed) with strengthened clear reinforced glass and marine grade stainless steel posts. A previous application

(refused and dismissed at appeal) was submitted under reference AWDM/0113/14 and proposed opaque glass instead of the clear glass now proposed.

The application site comprises an end-of terrace house at the north-eastern end of Hardy Close, a small cul-de-sac off Beach Road. The properties in Hardy Close have a generally uniform appearance with metal railings on the balconies in the remainder of the road, but the property which is the subject of this application has removed its balcony.

A footpath leads through to Benbow Close to the north where a block of 3 storey properties, numbers 7-12 are clearly visible. The occupier of 12 Benbow Close recently secured permission for a stainless steel framed and glass panelled balcony and applications for similar proposal for numbers 7, 8, 9 & 10 are currently being considered by Officers.

### **Relevant Planning History**

Planning permission was refused and an appeal dismissed for a replacement balustrade to existing balcony on the front elevation in 2014 (AWDM/0113/14).

### **Consultations**

None undertaken

### **Representations**

None received

### **Relevant Planning Policies and Guidance**

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH7 and Appendix 11 'Supplementary Planning Guidance' comprising:  
Development Control Standard No.3 'Extensions and Alterations to Dwellings'

Adur Submission Local Plan: Policy 15 'Quality of the Built Environment and Public Realm'

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides 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.

## **Planning Assessment**

The key issue in the determination of this application is the impact upon the character and appearance of the area having regard to the previous appeal decision and subsequent decisions in close proximity to the application site.

The previous application was submitted in January 2014 (AWDM/01113/14) and only differed from the current application in its proposed use of opaque glass rather than clear glass as is proposed under the current application. The previous balcony with metal railings had been removed at the time of the proposal.

The application was refused for the following reason:

The proposal, by reason of its design and use of materials, would be out of keeping with the existing architectural form of the balconies in the rest of the terrace. It would be detrimental to the locally distinctive qualities of the street scene by disrupting the visual cohesion and uniformity of the terraces within it. If permitted, the local planning authority would find it difficult to resist similar proposals related to the other properties in the cul-de-sac, the cumulative effect of which would be to harm the character and appearance of the area. The proposal is therefore contrary to saved Adur District Local Plan Policy AH7 and the relevant planning policies set out in the National Planning Policy Framework.

The refusal was supported at appeal by the Inspector who made the following comments in coming to her decision:

'Hardy Close is a cul-de-sac characterised by short terraces of two-storey properties with a uniform design. Each house has a pitched roof and an integral flat roof garage that projects beyond the front elevation on which is a small terrace enclosed by lightweight open railings. These common features provide a strong sense of rhythm and uniformity to the street scene.

The properties date from the 1960s and the materials used in the construction of the balconies are therefore approaching the end of their useful life. This is partially as a consequence of the exposed position of the area, which is in close proximity to the sea. The proposal seeks to replace the existing metal railings with stainless steel posts and opaque glass panels.

In the context of the consistent design and appearance of the existing balconies, the introduction of a different style and materials would be highly visible from the remainder of the street. The use of opaque panels would introduce a sense of

enclosure to the balcony, increasing its visual prominence in relation to the host property and the surrounding area. In my view this would appear incongruous and would be disruptive to the repetitive features that characterise this residential estate. On my site visit I saw that in some places other balconies have been replaced. The introduction of new elements such as thicker posts, different materials and even modest changes to the height of the panels has affected the appearance of individual buildings with adverse consequences for the terraces as a whole.

I appreciate that the appellant intends the replacement balustrade to have the same dimensions as the original and wishes to make use of materials that may be more able to withstand the elements in this exposed location. However, the illustrations submitted with the application did not satisfy me that the overall appearance of the balcony would replicate the existing design with its closely spaced railings. It would therefore fail to integrate effectively into the street scene.

I therefore conclude that the proposed replacement balcony would be harmful to the character and appearance of the host property and the surrounding area.'

Members are reminded that previous appeal decisions are material considerations that should be taken into account in future applications of relevance.

Given the Inspector's comments, therefore, the Council would be entitled to take the view that, notwithstanding the alteration from opaque to clear glass, the revised proposal does not overcome the issues previously outlined by the Inspector and in that case it would be appropriate to refuse permission for the application.

However, as outlined in the report to Committee in November 2014 regarding the application in Benbow Close, the issue of replacement balconies on Shoreham Beach has become an increasingly prominent issue over recent months. There is no doubt that there are a number of balconies of similar design to that proposed across the Beach as a whole, and given the design of the Adur Ferry Bridge, a glass balcony with stainless steel supports is not to be considered to be out of context of the area. It can be argued, though, that the prevailing character of Hardy Close remains of metal balconies.

The application site, though, is to the north east corner of Hardy Close where there is a clear view through to properties in Benbow Close, the nearest of which is number 12 where members considered in November that a replacement glass balcony was acceptable to replace the existing metal railings, even though the other 5 properties in the row of properties had metal railings. If implemented, the balcony will clearly be visible when standing in front of 7 Hardy Close. Moreover, another 4 of the remaining 5 houses in that row have applied for planning permission subsequently and those applications are currently under consideration by Officers. If permitted, and a precedent has been established by the previous decision in Benbow Close, then these properties will also add a further context of replacement glass balconies to the general character of the area.

Additionally, and elsewhere for consideration on the agenda, an application has been received for a glass balcony at 5 Hardy Close.

While the comments of the previous Inspector are noted, she herself acknowledged that many of the existing balconies are coming to the end of their useful lives. Indeed, the balcony at the subject property has been removed completely. It would seem apparent that the general preference of occupiers is to replace the metal balconies with glass balconies. It is acknowledged that there will be a discord in symmetry between the older and newer balconies at the outset but over time, it seems likely that the glass design of balcony will become more prevalent. If balconies are going to continue to be replaced, then it is important that a consistent approach taken across the Beach, otherwise as is the case in another nearby road, Weald Dyke, balconies will be replaced with no consistent style at all.

In conclusion, therefore, your Officers consider that taken a wider view regarding the design of balconies across the Beach as a whole, permission could be granted for the proposal, notwithstanding the conflict with the previous appeal decision, and used as a precedent for other similar developments in the future. On balance, therefore, approval is recommended.

### **Recommendation**

To GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
Reason: To comply with Section 97 of the Town and Country Planning Act 1990.
- 2) No development shall be carried out unless and until a schedule of materials and finishes of the proposed balcony has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.  
Reason: In the interests of visual amenity saved policy AG1 or AH2 of the Adur District Local Plan
- 3) The development shall be carried out in accordance with the approved plans

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19<sup>th</sup> January 2015



Application Number: AWDM/1603/14

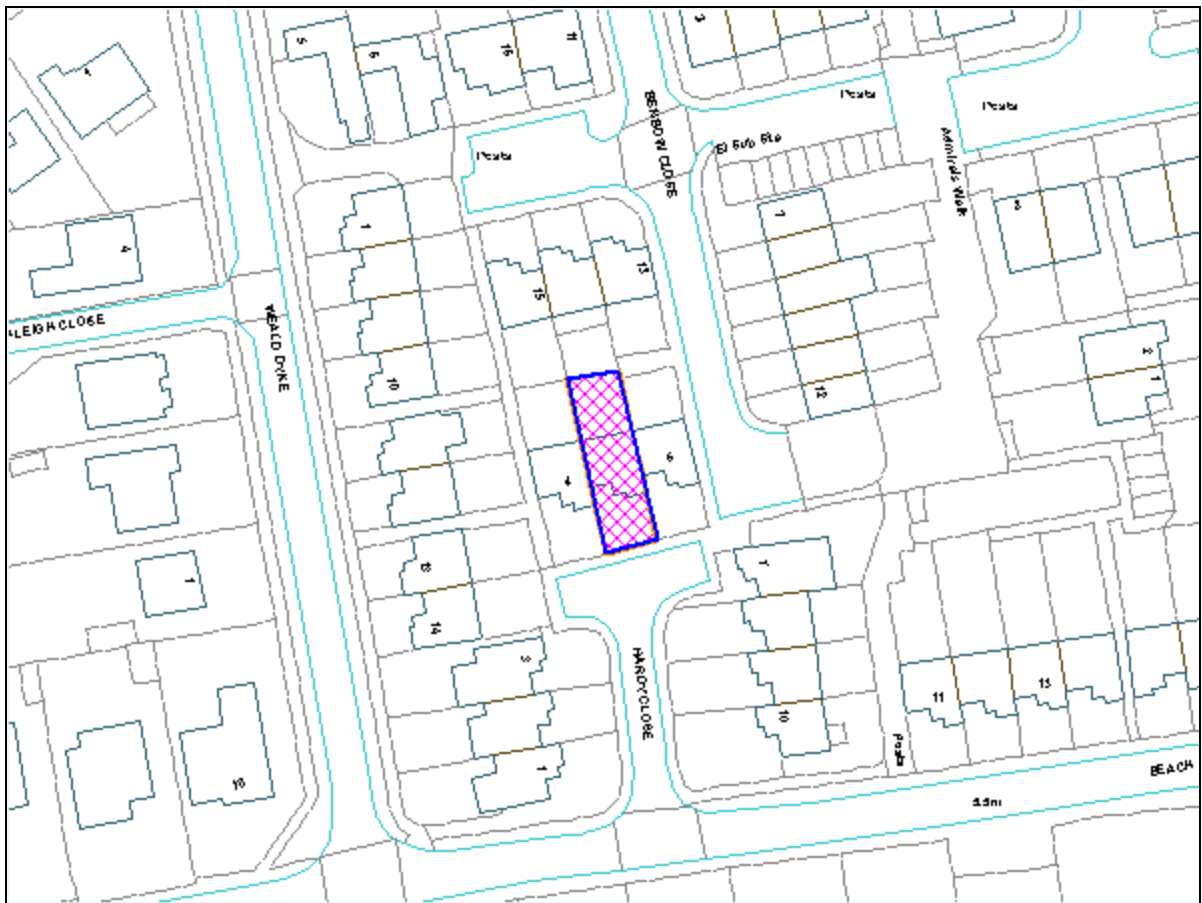
Recommendation – APPROVE

Site: 5 Hardy Close, Shoreham-By-Sea, West Sussex BN43 5SA

Proposal: Replace existing first-floor steel balustrade to bedroom with glass balustrade on front (south) elevation.

Applicant: Mrs Sharon Gibson  
Case Officer: Gary Peck

Ward: Marine



Not to Scale

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### Proposal, Site and Surroundings

This application seeks full planning permission to replace an existing first-floor steel balustrade to bedroom with a glass balustrade on front (south) elevation.

The application site is situated at the northern end of Hardy Close, directly opposite to the road entrance itself and hence is one of the more prominent properties in the street scene. It is the middle of a group of 3 properties of very similar styles.

## **Relevant Planning History**

There is no planning history directly relevant to the consideration of the application. Members are referred, however, to the report relating to the planning application at 7 Hardy Close (reference AWDM/1721/14) which appears elsewhere on this agenda.

## **Consultations**

None undertaken

## **Representations**

1 letter of support has been received stating that the design and materials are more suitable than other existing types used locally. The exterior fabric of the surrounding properties needs updating generally with the original design no longer being fit for purpose. It is stated that not to allow the proposed improvements would be unfair to home owners by imposing retro styling which will impact upon the sustainability and value of the properties.

## **Relevant Planning Policies and Guidance**

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH7 and Appendix 11 'Supplementary Planning Guidance' comprising:  
Development Control Standard No.3 'Extensions and Alterations to Dwellings'

Adur Submission Local Plan: Policy 15 'Quality of the Built Environment and Public Realm'

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides 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.

## **Planning Assessment**

While each application must be determined on its individual merits, it is considered that the relevant planning considerations are set out in the report for application AWDM/1721/14 at 7 Hardy Close, which appears elsewhere on the agenda.

If members are minded to grant permission for the application at 7 Hardy Close, then a precedent would have been set for the replacement of metal railings serving balconies in the Close with a glass balustrade as proposed under this application.

The key issue is whether the existing harmony between properties in Hardy Close, given they are largely of similar design and contain metal balconies, would be disturbed to a degree that would justify the refusal of planning permission if the existing balconies were replaced on an ad hoc basis by individual homeowners. For the reasons set out in the planning assessment relating to the 7 Hardy Close application, your Officers feel that there is likely to be a continuing necessity to replace existing balconies and it is quite clear that the preference of residents is their replacement with glass balconies. Providing that a consistent design approach is adopted as and when such applications are received, then your Officers feel that such applications can be supported as the replacement balconies are well designed and will provide a modern appearance that will ultimately improve the appearance of the wider area.

On balance, therefore, and having regard to the conclusions reached in respect of the application at 7 Hardy Close, it is considered that the application can be supported.

## **Recommendation**

To GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
Reason: To comply with Section 97 of the Town and Country Planning Act 1990.
- 2) No development shall be carried out unless and until a schedule of materials and finishes of the proposed balcony has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.  
Reason: In the interests of visual amenity saved policy AG1 or AH2 of the Adur District Local Plan.
- 3) The development shall be carried out in accordance with the approved plans.

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19<sup>th</sup> January 2015

**Local Government Act 1972  
Background Papers:**

As referred to in individual application reports

**Contact Officers:**

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## **Schedule of other matters**

### **1.0 Council Priority**

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
  - to promote a clean, green and sustainable environment
  - to support and improve the local economy
  - to work in partnerships to promote health and wellbeing in our communities
  - to ensure value for money and low Council Tax

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

### **5.0 Community Safety Issues (Section 17)**

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

### **7.0 Reputation**

- 7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

### **8.0 Consultations**

- 8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

## **9.0 Risk Assessment**

9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

## **14.0 Financial implications**

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.