



**ADUR DISTRICT
COUNCIL**

**Planning Committee
26 March 2018**

**Agenda Item 5
Ward: ALL**

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/0098/18 Recommendation – Approve

Site: Land South Of Units 1 To 7 Lady Bee Industrial Park, Albion Street, Southwick

Proposal: Erection of 14 commercial units in three blocks for use classes B1 (business) and B8 (storage or distribution) with associated car parking, cycle storage and landscaping.

2

Application Number: AWDM/0107/18 Recommendation – Approve

Site: 2 Southwick Square, Southwick

Proposal: Change of use from retail (A1) to micropub (A4).

3

Application Number: AWDM/0234/18 Recommendation – Approve

Site: 20 Manor Road, Lancing

Proposal: Application for consent under Adur Tree Preservation Order 162/3/73 (L) to reduce height and spread by up to 2 - 3 metres one Chestnut tree T2.

4

Application Number: AWDM/1901/17

Recommendation – Approve

Site: 20 Manor Road, Lancing

Proposal: Section 211 Notice under the Town and Country Planning Act 1990 to fell and replace Purple Leaf Plum tree in front of property in North Lancing Conservation Area.

Application Number: AWDM/0098/18

Recommendation – APPROVE

Site: Land South Of Units 1 To 7 Lady Bee Industrial Park, Albion Street, Southwick

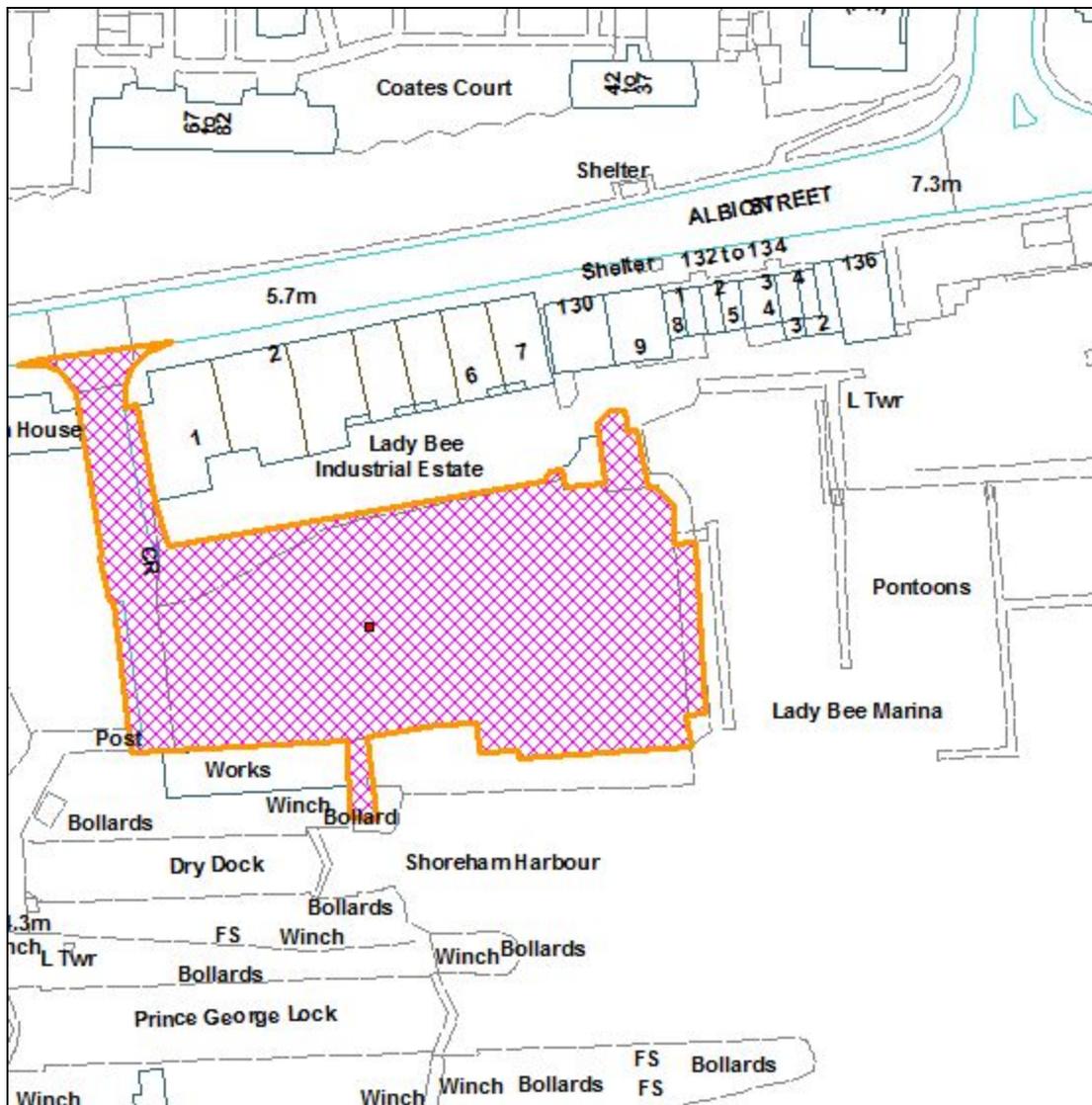
Proposal: Erection of 14 commercial units in three blocks for use classes B1 (business) and B8 (storage or distribution) with associated car parking, cycle storage and landscaping.

Applicant: Shoreham Port Authority

Ward: Eastbrook

Case

Officer: Peter Barnett



Not to Scale

Proposal, Site and Surroundings

The site lies within Shoreham Port to the south of the A259 (Albion Street) and is bounded by single storey light industrial units (Lady Bee Industrial Estate) and associated car park to the north. A jetty is directly adjacent to the site with other mooring facilities associated with Lady Bee Marina to the east (within a stretch of water known as The Canal). A dockside with mooring facilities and a workshop building associated with a dry dock is located to the south. The 3 storey Shoreham Port Authority offices and car park are located directly to the west.

The main site area is accessed from Albion Street via an access road between the Shoreham Port Authority office building and the light industrial units to the north, with the access road entering the western part of the site.

The site measures 0.4ha and the land is on slightly higher ground than its surroundings. It comprises open land which is used for informal car parking at the present time.

The application is proposing the redevelopment of the land to provide 1275sqm of B1/B8 employment floorspace in three blocks running north/south across the site (total of 14 units).

37 car parking spaces are proposed plus a cycle store for 24 bicycles. Improved pedestrian and cycle access is proposed plus landscaping.

Design and Layout

The Planning Statement submitted with the application describes the buildings as follows:

“The design of the commercial units are considered to be contemporary in design featuring a saw tooth metal roof form also featuring a standing seam which envelopes the facades of the units on southern and northern elevations. Metal diamond cladding is proposed on the eastern and western facades.

Fenestration is proposed on the northern pitches of the roof to provide a high quality light into the units. Further fenestration on all facades is proposed as illustrated within the elevation plans.



The units all feature roller shutter doors for access whilst the eastern elevation of Units 11 – 14 feature sliding doors and a greater degree of glazing to make the most of the views of the marina.”

The north-south orientation of the buildings and the roof profile maximizes natural daylight and ventilation and enables PV panels to be installed on all buildings. Each unit will have an open plan ground floor with a mezzanine level at first floor over 50% of the ground floor plan. The buildings will have double height space and have been designed to enable a flexible usage. The units will vary in size from 74sqm to 108sqm. They will vary in height from 8.9m (block 1), 9.5m (block 2) and 9.3m (block 3).

The Design and Access Statement explains that the architectural approach to the building has been influenced by its location and by existing industrial buildings within the port. The proposed cladding will be diamond shaped and metallic while the roof profile will give the impression of the rise and fall of a wave. The overall result will be a clean and crisp appearance which is *“reflective of the industrial vernacular, whilst creating a more contemporary design response.”*

Relevant Planning History

SW/82/01 - New Commercial Berth; Associated Land Reclamation & Development of Units for Class B1'Business' & B8'Storage Use with Parking & Re-Alignment of Moorings & Refurb Slipway – approved and part implemented by virtue of the land reclamation and raising of the land

SW/42/03 - Vary Conditions 3, 5, 7, 13, 14, 17 & 18 of SW/82/01 to Enable Berth & Land

Reclamation/Realignment of Moorings Prior to Submitting Further Details - approved and part implemented by virtue of the land reclamation and raising of the land

The permission was for 1,483sqm of business floorspace in a mix of single and two storey buildings.

Consultations

West Sussex County Council: No objection from a **transport/highways** aspect. Comments that car and cycle parking is in line with WSCC parking standards. The site is also well located in close proximity to Southwick Train station (180m), and local bus services, including the coastliner 700 service from Portsmouth to Brighton.

The expected trip generation from the site has been analysed using the TRICS, a national database which validates assumptions about the transport impacts of new developments. The database has provided evidence of the potential for an additional 28 two way journeys in the morning and afternoon peak hours. This would equate to 14 vehicles in and out during these busier periods.

WSCC has its own policies on the impacts of developments on the highway network and any trips generated under 30 movements would not generate any need for junction improvements. As such the development is not considered to create any highway capacity impact which would require any off site highway improvements. However; a TAD sustainable transport contribution is likely to be sought.

A construction management plan should be submitted to the LPA prior to any commencement of works to ensure the highway is managed.

Therefore considering the details above the site provides an excellent opportunity for this type of development which is in line with NPPF guidance for a sustainable development whilst not generating any adverse impacts on the highway network.

The **Lead Local Flood Authority** has no objection. Current mapping shows that the majority of the proposed site is at low risk from surface water flooding although higher risk is shown to the west of the site in particular on the access into the site. Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed. Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.

The FRA for this application proposes that permeable paving with a discharge to the canal would be used to control the surface water from this development. Subject to EA approval/permit this method would, in principle, meet the requirements of the NPPF and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning

Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Adur & Worthing Councils: The **Environmental Health** officer has no objection but has requested the full contaminated land condition.

In terms of **air quality** the EHO recommends that the mitigation for the construction phase, proposed on pages 22 and 23 of the submitted Air Quality Assessment, is incorporated into any permission granted, perhaps through the Construction Management Plan.

The assessment includes an emissions damage cost calculation on page 30 to the value of £9,688. He does not agree with the conclusion "that this cost would be more than offset by operational measures that are inherent to the scheme, such as the planned cycle storage on site ". This value should be used for meaningful mitigation in addition to a cycle storage scheme. A commitment to meaningful mitigation to this value should therefore be secured by condition.

The **Engineer** has no objection subject to details of surface water drainage disposal. Comments that the Environment Agency's indicative floodplain map shows that the site is primarily in Flood Zone 1 and the site area is less than 1 ha. However, the EA's map shows that the site is surrounded by land within flood zones 2 and 3 which may encroach onto very small parts of the site area, but the latest plans do not show buildings at these points. The site access appears prone to surface water flooding according to the latest EA predictions. He has no knowledge if the site or access has experienced any form of previous flooding.

Ground water is unlikely to be an issue this close to open water, and it is noted than no basements are proposed.

The proposals within the Flood Risk Assessment for dealing with surface water and Foul water discharges would appear appropriate.

The **Shoreham Harbour Regeneration** team has no objection. While the BREEAM "very good" rating does not exactly accord with SH1 clause 9, this is considered acceptable on balance due to the further sustainability benefits that would be provided from the public access and planting.

It may be appropriate to include a planning condition that specifies the coastal species of planting to be used, to better accord with policy SH6 clause 14. The wording of such a condition should state that Information regarding the potential coastal species

must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

Environment Agency: No objections subject to condition requiring development to be carried out in accordance with submitted Flood Risk Assessment.

Southern Water: Require condition seeking details of foul and surface water drainage and usual informatives relating to sewers.

Representations

None received

Relevant Planning Policies and Guidance

Adur Local Plan 2017 policies 1, 2, 4, 8, 15, 18, 25, 28, 29, 30, 34, 35, 36

Planning Contributions for Infrastructure Provision (ADC 2013)

Proposed Submission Shoreham Harbour Joint Area Action Plan 2017 Policies CA5, SH1, SH3, SH5, SH6, SH7, SH8, SH9

Shoreham Harbour Interim Planning Guidance (ADC & Ptnrs 2011)

Shoreham Waterside North Interim Planning Guidance (for ADC & Ptnrs 2000)

'A Strategy for Shoreham Renaissance' (ADC 2006)

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

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 Shoreham Harbour Regeneration Area, specifically Character Area 5 (Southwick Waterfront and Fishersgate) as set out in the Joint Area Action Plan (JAAP) and Policy 8 of the Adur Local Plan. The area priorities include the designation of Southwick Waterfront as a strategic employment area and the comprehensive redevelopment of the area to accommodate a mix of new and improved employment uses (classes B1, B2 and B8).

The application is for a mix of B1 and B8 uses within modern business units and, as such, it complies with the requirements of Policy 8 and the JAAP. Furthermore, the development does not affect port operational areas, the dry dock or the future reconfiguration of the Lady Bee Marina and includes improved pedestrian access and the introduction of soft landscaping, which are all requirements of the JAAP.

Visual amenity

The buildings are arranged in three blocks, orientated on a north-south alignment. They have been designed with a saw tooth roof profile which, together with the spacing between the blocks, helps to break up the scale and massing of the development. The proposed external materials are quite muted in terms of colour, with a mix of grey/blue cladding, zinc roof, dark grey brick and timber. The overall finish is considered to be reflective of the colours and tones of the existing industrial buildings on the Port and will not appear out of character.

The scale of the buildings is also considered to be in keeping with the scale of the larger warehouse buildings on the south side of the Canal. Their height will be markedly taller than the low rise units to the north and south (existing buildings approximately 4.94m to the ridge, proposed buildings a maximum of 9.5m high to the ridge). However, as stated earlier, the roof profile helps to break up the massing while the height will be broadly similar to that of Nautilus House, the Port office building to the north west (8.9m to parapet).

From the north, the proposed buildings will be set back from the A259 by at least 35m and will be on lower ground, partly screened by the existing buildings alongside the A259. While the roofs will be visible, it is not considered that they will appear out of scale or character or result in visual harm to the amenities of the area.

From the north east and east, views of the site are possible across Lady Bee Marina and the east elevation of Block 3 has therefore been designed to “act as a shop front to the development”, as described in the applicants D & A Statement, with larger windows, sliding timber doors and the use of ‘fish scales’ shingle cladding. It is considered that the east elevation provides a positive view of the development and will enhance views from across the Marina.

From the south, the buildings will be prominent in views from the lock gates as one approaches from the seafront. The north and south end elevations have less visual interest than the sides of the buildings and there was concern that they may appear rather plain in what is the most open view of the buildings. The applicants have responded by stating that:

“only filtered views of a full southern elevation would be possible from the southern side of the lock gates and the most southerly set of lock gates themselves. The shed adjacent to the Dry Dock screens a large part of this view. Furthermore, it is our view that in most instances the southern elevation would be seen in addition to eastern /

western elevations and thus would not be seen in isolation. This is especially true of what we consider to be the most important view of the southern side of the site from the access point to the lock gates (to the south west of the site). Clearly from this view, the primary elevation is the western elevation with secondary views of the southern elevation.”

These arguments have been considered carefully and, overall, the appearance of the buildings is considered to be acceptable.

Residential amenity

The site lies within an industrial port location but there are blocks of residential flats (3-6 storeys) on the north side of the A259. However, these are at least 60m from the site and, while views of the proposed buildings will be possible from the upper floors, the distance is such that they will not cause a harmful loss of light or outlook.

Noise from the buildings should not be harmful as the units are to be in B1 or B8 use rather than general industrial B2 use. Furthermore, the nearest flats are separated from the site by the busy A259 and by the existing industrial buildings fronting the A259. For these reasons, the development is not expected to result in a loss of residential amenity.

Accessibility, parking and air quality

The site is in a sustainable location, being 350m from Southwick railway station and with bus stops on the A259 to the immediate north of the site. The site is also adjacent to the National Cycle Route 2. The development proposes to provide 37 car parking spaces and 38 cycle parking spaces (24 in a covered store for employees plus 14 open visitor spaces). Additional pedestrian facilities are proposed in the form of a footway along the north and east boundaries of the site plus four separate sets of stairs providing direct access to the site from the north. Pedestrian crossings are also proposed via dropped kerbs across the access to the units to the north and across the site access road.

A Transport Statement accompanied the application and it states that:

“the site will generate a maximum of only 28 additional 2-way journeys in the AM peak and an additional 29 2-way journeys in the PM peak the impact to the site access and surrounding road network will be minimal and no further analysis or modelling will be required.”

The development will be accessed as existing from the west side of the site via the access road off the A259. No objection has been raised from a highway safety point of view. West Sussex County Council has confirmed that the car and cycle parking provision meets WSCC parking standards. WSCC has advised that a sustainable transport contribution (TAD) of £43,534 is generated by this application, to be spent on

upgrading bus stops in the vicinity of the site. The applicants' agent has queried the amount and also whether any payment is necessary in this case. He has stated:

“Regarding the TAD contributions, we are still strongly of the view that any contribution would be unnecessary to make the development acceptable in planning terms ... we remain of the view that the site is extremely sustainably located. WSCC has not given any justification for why the contribution is necessary to make the application acceptable in planning terms and I provide again the consultation response from WSCC below:

‘considering the details above the site provides an excellent opportunity for this type of development which is in line with NPPF guidance for a sustainable development whilst not generating any adverse impacts on the highway network’.

Notwithstanding our view that the scheme would not meet the tests for a planning obligation, we also do not think that the request for a contribution is CIL regulations compliant since WSCC has failed to identify a specific and costed scheme to be funded. The s106 would need to clarify a specific proposal and their response is simply too vague and could be easily challenged. The CIL regulations are clear that tariff style contributions as sought by WSCC are not acceptable or appropriate and must be apportioned to specific costed projects to prevent issues with pooling of funds.

The applicant has agreed to electric vehicle charging points, has sought to maximise pedestrian and cycle accessibility and flows through the site (including providing for an enhanced pedestrian access through to the lock gates) and as a trust port will continue to consider future pedestrian and cycle improvements within the wider area as part of their involvement in the Shoreham Harbour Regeneration Partnership.”

In their view they consider that minimal traffic impacts would occur as result of this development (as acknowledged by WSCC themselves) and that the site is in a sustainable location. They do not agree that the requirement for a financial contribution is fairly and reasonably related in scale and kind and is not necessary to make the development acceptable in planning terms. They consider that the request fails to meet the tests for planning obligations.

At the time of writing this matter had not been resolved and any update will be reported at the meeting. Your Officers consider that a contribution is justified, as there will be traffic impacts arising from the development, but that a compromise figure should be sought in this case, taking into account the site's sustainable location and the measures included in the development as outlined above.

The Council's EHO has advised that meaningful mitigation should be provided, in addition to the proposed cycle storage on site, in order to offset any potential emissions generated by the development. The applicants have expressed their willingness to provide electric vehicle charging points within the development and this can be secured by condition.

Flood Risk and Drainage

The site is on raised land and as a result it falls within Flood Zone 1, with the exception of the vehicular access which is within Flood Zones 2 and 3. A Flood Risk Assessment was submitted with the application which concludes that the development will be safe from flood risk as finished floor levels are proposed to be raised by 300mm above the climate change flood level, with floor levels set at 5m AOD.

The Environment Agency has no objections to the proposal provided the floor levels are set at that specified height.

The Council's Drainage Engineer, the Local Lead Flood Authority and Southern Water all have no objection subject to the details of surface water and foul sewerage disposal being submitted and agreed prior to commencement.

Sustainable and resource efficient buildings

Policy 18 of the Local Plan requires all non-domestic floorspace to achieve a minimum BREEAM 'Very Good' with a specific focus on water efficiency. Policy SH1 of the JAAP requires all new commercial buildings to meet the BREEAM 'excellent' standard.

The application is accompanied by a Sustainability Report which advises that the BREEAM pre-assessment scores the scheme as 64.0% achieving a Very Good rating only. The Council's Shoreham Harbour Regeneration Team has considered this conflict with the JAAP and acknowledge that *"this represents a robust "very good" rating as the minimum "very good" score is 55%. The completed scheme would provide other benefits regarding sustainability which are improvements when compared to the current site. These include the pedestrian crossings and the landscape planting."* It should also be noted that the JAAP is not adopted whereas the Adur Local Plan policy is. Overall, it is considered that the development should achieve an acceptable standard of sustainability.

Among the measures to be incorporated are reduced water usage and the use of PV panels on the roof, with the roof designed to maximise PV provision. Consideration was given to whether the site would benefit from communal heating but the development was not considered to sufficiently large enough to make such a scheme practical or viable.

Contaminated land

The site is potentially contaminated as result of previous use of the land associated with shipbuilding and boat storage. A Preliminary Ground Contamination Risk Assessment Report was submitted with the application which concludes that: *"Complete pollutant linkages are considered to be present. It is therefore recommended that an intrusive ground investigation should be undertaken to allow a*

quantitative assessment to be made of the risks posed to end users and controlled waters.”

This will be required by planning condition.

Recommendation

Subject to completion of a satisfactory section 106 Obligation undertaking to pay a sustainable transport contribution to offset the traffic impacts of the development, the final amount of which is to be agreed with the applicants, **APPROVE:-**

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Construction Management Plan
4. Contaminated land
5. Landscaping details
6. Foul and surface water drainage
7. To be carried out in accordance with FRA
8. Details of maintenance and management of SuDs
9. Cycle parking
10. Car parking and turning space
11. Electric vehicle charging points to be provided
12. Samples of materials to be submitted and approved
13. Waste storage provision
14. Use for B1 & B8 only
15. No outside storage
16. No outside working
17. No external lighting unless agreed
18. No roof plant
19. Hours of working – 7am -11pm
20. Shall be constructed to BREEAM Very Good standard as specified in the approved pre-assessment document

26th March 2018

Application Number: AWDM/0107/18

Recommendation – APPROVE

Site: 2 Southwick Square, Southwick

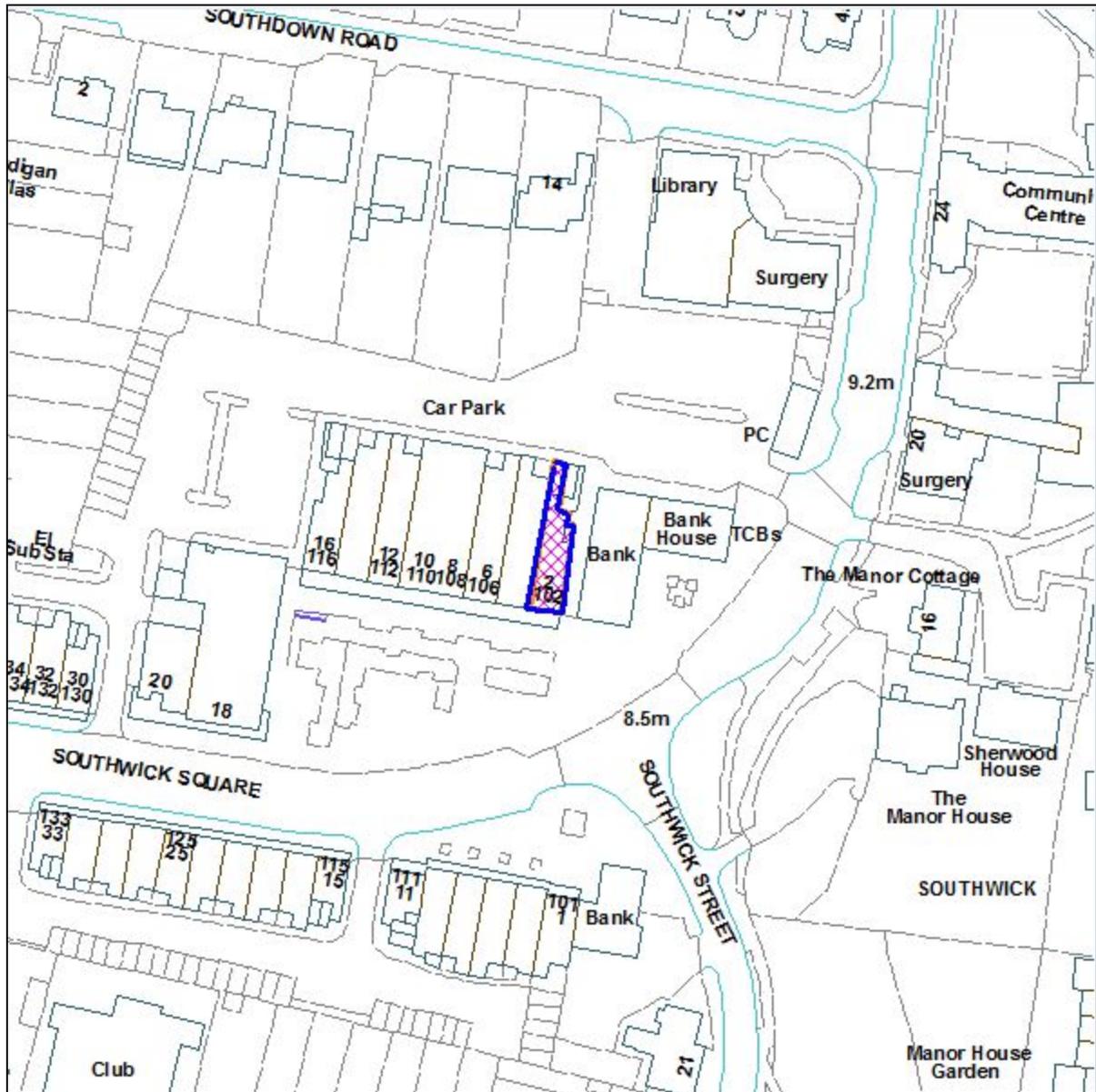
Proposal: Change of use from retail (A1) to micropub (A4).

Applicant: C Warner

Ward: Southwick Green

Case

Officer: M.O’Keeffe



Not to Scale

Proposal, Site and Surroundings

This application relates to a vacant retail shop in a primary retail frontage in Southwick Town Centre. It is in the ownership of the local authority. It is an end of terrace unit on the north side of Southwick Square. Carters electrical store and Kamson chemists are to the west with the Co-op store beyond these. To the east is a public footpath beyond which is Barclays Bank which has two floors of offices above.

This parade of shops are set back behind overhanging front canopies and have two floors of residential accommodation above. The shop is 18 metres in depth (excluding WCs) and 5.3 metres wide. The flats sit above the canopies and for about the first 5 metres of the depth of the shops only. They are accessed from a rear staircase behind the application site and have a deep platform frontage, at least 13 metres in depth, which extends to the road at the back of the site. This parade of shops is set back from the road behind a formalized planting and seating area. To the rear of the site is a small yard with access to a rear road and public car park.

Planning permission is sought for change of use to a micro pub. The applicant intends to sell beer and gin only, largely locally sourced. No primary cooking is proposed on site but cold food such as sausage rolls and sandwiches may be sold. As advised on site the opening hours sought are Noon until 11pm Monday to Thursday, Noon until 11.30pm on Fridays and Saturdays and Noon until 8pm on Sundays. The applicant advises that he may not open on Sundays or Mondays. A recent License application saw licensing hours of 11am to 11.30pm 7 days a week granted with the sale of alcohol up to 11pm.

Internal alterations to the vacant unit include the creation of a 2nd WC in the space of the existing kitchen. The creation of a new kitchen/office. The installation of a fixed bar at the back of the main shop area and the installation of a window into the beer storage area.

The site is not in a conservation area and the building is not listed.

Extract from Applicant's supporting Statement:

'Our clients aim is to source 95% of what they sell from within a 30 mile area around the site. The micropub is a family business, run by a husband, wife and son team and employing local people from the local community. The applicants do not intend to carry out any brewing on-site.

Employment on site can be summarised as follows:-

Full time: 2 (potentially increasing to 4 persons)

Part time: 3 (potentially increasing to 3 persons).

Although hours of operation are currently not confirmed, our client's licencing application is to operate each day from 12.00 – 23.00, with a 23.30 close. This is

in-line with the other traditional existing pubs that are situated local to the application site.

5.0 OVERVIEW OF A MICROPUB

Following the demise of the local/traditional pub over the last 5 years (which are commonly being replaced by the pub/dinner/restaurant), with the support of the Campaign For Real Ale (CAMRA) there has been the creation of 'micropubs'. A micropub differs from a traditional public house in several ways.

- 1) Most just serve real ale and real cider in the traditional manner straight from the cask.*
- 2) Micropubs sell selected spirits such as high-end Gins, but no shots, cocktails or alcho-pops.*
- 3) The opening hours are shorter with the main clientele being the more mature adult drinker who is looking for locally produced products. This enables the proprietor to support both local businesses and give the loyal customers the service and product they want.*
- 4) Micropubs don't sell food other than traditional bar snacks, and maybe sausage rolls, scotch egg, and similar hand-held products. The focus is squarely on good quality beverages.*
- 5) Micropubs attract a steady following of people from both local and out of area drinkers looking to try new micropubs and beers.*
- 6) The emphasis is on the beer/cider available and the constant changing list of beers a micropub serve giving the customer reason to keep returning.*
- 7) Micropubs have increasingly found themselves becoming the hub of the community with all walks of life, ages and both male and females feeling comfortable to come in alone and have a quite drink and a chat with likeminded people or just read a book.*
- 8) All Micropubs are true "free houses" enabling them to buy direct from the local breweries and thus cutting down on the huge mark ups the pub cos add to the tied pubs. Micropubs can buy from any brewer anywhere in the UK.*

A micropub is a football free zone most of the time. There are no pool tables or fruit machines either. Some Micropubs do have a bar billiards table, again trying to help save the traditional pub games from old.

The micropub customer base is very large as it encompasses both young and old drinkers alike. With the two biggest growths in the drinks industry for the last 6 years being real ale and real cider. Many of the new breweries are what are called "microbreweries" which are just small batch producers who sell if possible to the nearest Micropub. Without the micropubs the microbreweries would never make it to

full scale, albeit small, breweries. If you were to google Sussex microbreweries you would find a long list of them; and one of the country's most popular and vocal breweries is Sussex based Burning Sky, who are just 4 years old.

Most micropub customers could be more classed as wine tasters rather than drinkers in so much as they are more likely to try half of all available beers/ciders per visit then sit and hold one pint per hour. Micropubs do not tend to attract younger drinkers (aged 18 – 25 years). The reason for this is that they simply do not stock or sell Shots, lager, or any other products that will appeal to this group.

A Micropub is a simple but well proven concept which needs far less capital to set up and run. Micropubs use shops rather than big old-fashioned pubs. Inside the shop a chiller room is built around 3 x 2 meters in size, which replaces the need for a cellar. Inside the chiller room is a chiller unit which keeps the beer in casks at the correct temperature. The customer can view the casks through a window and the product is served direct from the cask to the glass in the same way it was always done before pumps came along. This makes the product more natural, which adds to the popularity.'

Relevant Planning History

Various for replacement shopfront and adverts over the years.

Consultations

Adur & Worthing Councils: The **Environmental Health** officer:

'The supporting statement cites the licence application for the premises which suggests that they are looking for opening hours until 11:30pm. The licence application also states that they are looking to accommodate up to 70 patrons.

I am aware that planning and licensing are totally separate regimes and should be considered on their own merits. Planning looks at the suitability of that land use whereas licensing is intended to regulate that land use. Looking at the suitability of the proposed land use I would point out that there is insufficient toilet provision for up to 70 patrons. I have attached the legal requirements for toilet provision to this representation. Based on the toilet provision it would be necessary to limit patrons unless toilet provision is increased.

I also have concerns that noise from the use may impact residents in the flats above, particularly late in the evening. I would require that the current sound insulation between the commercial and residential property is assessed and if necessary improved. This can be done by condition. Hours of use will have to be considered if the condition below cannot be met but I will leave this open to negotiation when we have all the facts. In such an event it could be that other conditions such as; the prohibition of music, live or amplified, would be appropriate.

Air con looks OK.

A sound insulation scheme shall be submitted to protect the residential property above the proposed drinking establishment. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). Following implementation of the insulation scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out has achieved the minimum airborne sound insulation criteria. The use of the development shall not commence until test results, demonstrating the minimum sound insulation criteria has been achieved, has been submitted to and approved by the local planning authority. Where it is not possible to reach this level of sound insulation then the hours of use for the establishment shall be curtailed to.

'The applicant is having the sound insulation upgraded and if the subsequent tests demonstrate that he has met the higher noise attenuation requested then I would have no problem permitting the hours he has requested in his licence. Which would be sales of alcohol until 11pm and the premises being closed to the public by 11:30pm which would allow 30 minutes drinking up time. I would have no problem with adding 30 minutes after closing time to allow staff to cash up, wash glasses and undertake any other necessary tidying.

He has not requested any entertainment in his licence application, that said changes to licensing legislation means he would not need a licence for recorded or live music upto 11pm given the customer capacity of the premises. I would condition music in case any future occupier of the premises has different ideas. The condition should only permit unobtrusive background music. If customers have to raise voices to be heard over the music then it is not background. Let me have a chat with Nadeem and I can set a noise level for any background music for you.'

West Sussex County Council:

'This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

The change of use from a shop (A1 use) to a Micropub (A4 use) will attract custom at differing times of day to the existing use.

Summary

The proposal is to change the use of this site from an A1 shop use to an A4 Micropub use. Previously permitted uses at this site also include a mixed use A3 (restaurant café) A4 (Drinking establishment) and A5 (hot food) who's license operated on a similar scale to the proposed. This previous use was permitted 4 years ago and functioned with no known or recorded highways safety concerns.

Access and Parking

Deliveries are anticipated to be small and regular and the existing servicing area at the back of the shop can accommodate these as has served the other commercial uses.

Customers are anticipated to be travelling to the pub on foot using the large pedestrian precinct fronting this unit. Parking is available in the public car park to the rear; this currently operates on a Pay and Display arrangement. On street parking is available on the network surrounding the shopping area, parking restrictions are enforced along Southwick Square which restricts parking to an hour maximum between the hours of 8am and 6pm and disabled parking is also available in the vicinity. These restrictions would apply too to staff working at the Micropub, there are sustainable alternatives however to the use of a car in the vicinity of the site. The application form states that there is the opportunity for 4 full time and 3 part time staff to be working at this location, the LPA may wish to monitor any overspill parking generated by this use on the wider network however the LHA does not anticipate this would alter materially over previous uses at the site.

Sustainability

The site is sustainably located in an existing commercial area within Southwick. The site is also located within walking distance of Southwick train station which offers services to Portsmouth, Brighton and London. Furthermore the site is located on several bus routes including the 60 and 46 bus routes to Portslade, Hove and Brighton.

Capacity

It is considered that many trips may be combined trips for use of the commercial shopping units and the Micropub which would not give a material rise to vehicular movements in this location. It is not anticipated that this change of use would generate a severe increase in vehicular movements to this location.

Conclusion

Based on this consideration, the LHA raises no objections to the proposal for the change of use to a Micropub.'

The **Waste Services** Officer: No objection.

Planning Policy comments:

'The site lies within Southwick town centre and Southwick Square's primary retail frontage; as such policies 27 and 12 apply.

Policy 27 supports town centre uses within the Southwick town centre boundary subject to compliance with other policies.

Policy 12 allows A4 uses where they would not have an adverse impact on the vitality and viability of Southwick town centre. The proposed use is likely to attract users to

the centre, particularly in the evening, therefore extending the hours of activity in the retail centre. I understand also that the unit is currently vacant.

Policy 15 refers to the need for development not to have an unacceptable impact on adjacent properties, and the need to create a safe and secure environment.

As long as you are satisfied that these requirements are met, there is no policy objection to the principle of change of use.'

Estates:

'From an estates management point of view, the Property Team does not have any objections to the application.

The proposed change of use should help to enhance the offer on the parade, provide more footfall for the shops and help the evening trades, such as Tosca and Ali Baba. Furthermore, the neighbour's and Environmental Health dept's comments are noted and we shall work with the prospective tenant on these points when working through lease negotiations.'

Representations

Representation from resident above.

'We live in the flat directly above the premises and have a young baby. We are concerned about noise late in the evening impacting on our little ones sleep. We found there was some noise when the travel agent was in business (the sound of voices and phones ringing) but as that was only during the day it was less of an issue. While we don't have an objection to the micro pub itself, we wondered if it would be possible to amend the opening hours so that the micro pub closed earlier in the evening, reducing the amount of late night noise that would be occurring.'

One letter from a Brighton resident supporting the provision of a quality micro pub for Southwick.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 policies 1, 2, 12, 15 and 27

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

National Planning Policy Framework (March 2012)

Circular 11/95 'The Use of Conditions in Planning Permissions' (DoE 1995)

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 principle of change of use is acceptable where it will not harm the vitality or viability of the town centre or cause harm to residential amenity.

Vitality/Viability

This vacant unit is within a primary retail frontage of Southwick town centre. Policy 12 of the Adur Local Plan states that:

'Within the primary frontage of Southwick town centre (as shown on the Policies Map), A1 (shop) uses will be supported. A2 (financial and professional services), A3 (food and drink), A4 (drinking establishments), A5 (hot food takeaways) and appropriate D1 (non-residential institutions) uses will also be permitted where they would not have an adverse impact on the vitality and viability of the town centre.'

There are no pubs or wine bars in Southwick Town Centre other than Tosca's at first floor level to the south. This proposal would not harm the vitality or viability of the town centre. It would encourage more activity into the evening and as a consequence potentially increase both.

Neighbour amenity

This parade of shops has two floors of residential accommodation above it, eight flats in total each one over two floors. The front part of each flat oversails the front of the ground floor and sits above the front canopy. The remainder of the flat then extends approximately 6 metres back over the first part of the shop leaving 12 metres of the shop unit with nothing above it.

Advice from Environmental Health is that subject to appropriate sound insulation between the ground and first floor internal noise from a micro pub in this location should not cause harm to the residential amenity of those living above. Tests carried out on the ceiling recently found there to be no insulation to speak of currently. The applicant has confirmed he is willing to provide an acoustic ceiling to meet the required standard but at not inconsiderable cost.

There is a recognised potential conflict between residential uses and drinking establishments (Class A4) which can give rise to noise and disturbance through late night activity as well as anti-social behaviour. In this case, while the application site is in a row of A-class uses, it does have residential accommodation above it. The proposed micro-pub concept is aimed at a specialist market and the nature of the use clearly differs from the pubs which typically dominate town centres. Given the proximity of residential properties, it is not considered that later opening hours could be justified at this stage and that a condition should be imposed to restrict the opening hours, notwithstanding those stipulated on the approved license. Sound attenuation can and will be improved between the unit and the flat over. This, along with additional conditions, will ensure activity within the micro pub does not lead to harm to residential occupiers upstairs. Because the micro pub at its busiest could accommodate up to 50 people there is potential for noise and disturbance from customers entering and leaving the establishment. As such it is considered appropriate to restrict opening hours to 10pm Sunday to Thursday and 10.30pm on Fridays and Saturdays (including drinking up time). This is after all a town centre location and neighbours should expect a greater level of activity at night than in a strictly residential area.

It would be open to the applicant to apply to submit an application to vary the condition in time but I would suggest not for at least 12 months from opening to allow neighbours to fully understand the likely noise impacts. .

On site the applicant advised that only one air conditioning unit is now proposed and that this on the rear elevation where an old one used to be positioned. This is a long distance from any of the neighbouring residents and will not be harmful.

The site has a small rear yard which is also well removed from the flats above. This could be used to accommodate smokers if required.

The applicant is planning to have two unisex toilets. This combined with the amount of floorspace involved limits the maximum number of covers to approximately 50 patrons.

The proposed floorplan does show a small bar area, which amounts to less than 10% of the available floorspace but it is believed that most customers will be seated when drinking. The applicant has been asked for a floorplan to demonstrate the likely maximum number of covers available.

Conclusion

The principle of a micro pub in this location is acceptable subject to no residential harm being caused. The recommended closing times for Fridays, Saturdays and Sundays are later than other micro pubs but as this is a town centre location and given Environmental Health's comments it is considered acceptable in this instance. The applicant states that restricting closing times, particularly on Fridays and Saturdays will make his business unviable and the unit will stay empty.

Recommendation:

APPROVE subject to the following conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Prior to opening as a micro pub a sound insulation scheme shall be submitted in writing to the Local Planning Authority for approval to protect the residential property above the proposed drinking establishment. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). After installation and prior to opening as a micro pub the insulation scheme shall be tested to demonstrate that the attenuation measures carried out has achieved the minimum airborne sound insulation criteria. Such measures shall be maintained at all times thereafter.
4. The micro-pub hereby permitted shall only be open for trade and business between 11.30 and 22.00 hours on Monday to Thursday, 11.30 to 22.30 hours on Fridays and Saturdays and 11.30 to 20.00 hours on Sundays (including drink up time).
5. There shall be no preparation/cooking/heating-up of hot or cold food on the premises. Only cold food shall be served to customers on the premises.
6. There shall be no live or amplified music played on the premises at any time.
7. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only as a micro-pub as described in the supporting material submitted with the application and for no other purpose within Use Class A4 of the Town and Country Planning (Use Classes) Order 1987 or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification, except by grant of a separate planning permission by the local planning authority.
8. There shall be no tables or chairs in connection with the approved use of the building on the front forecourt of the premises.
9. No more than 49 customers (covers) on site at any time.
10. No amplified music audible above background noise level (level to be stipulated).

Application Number: AWDM/0234/18

Recommendation – APPROVE

Site: 20 Manor Road, Lancing

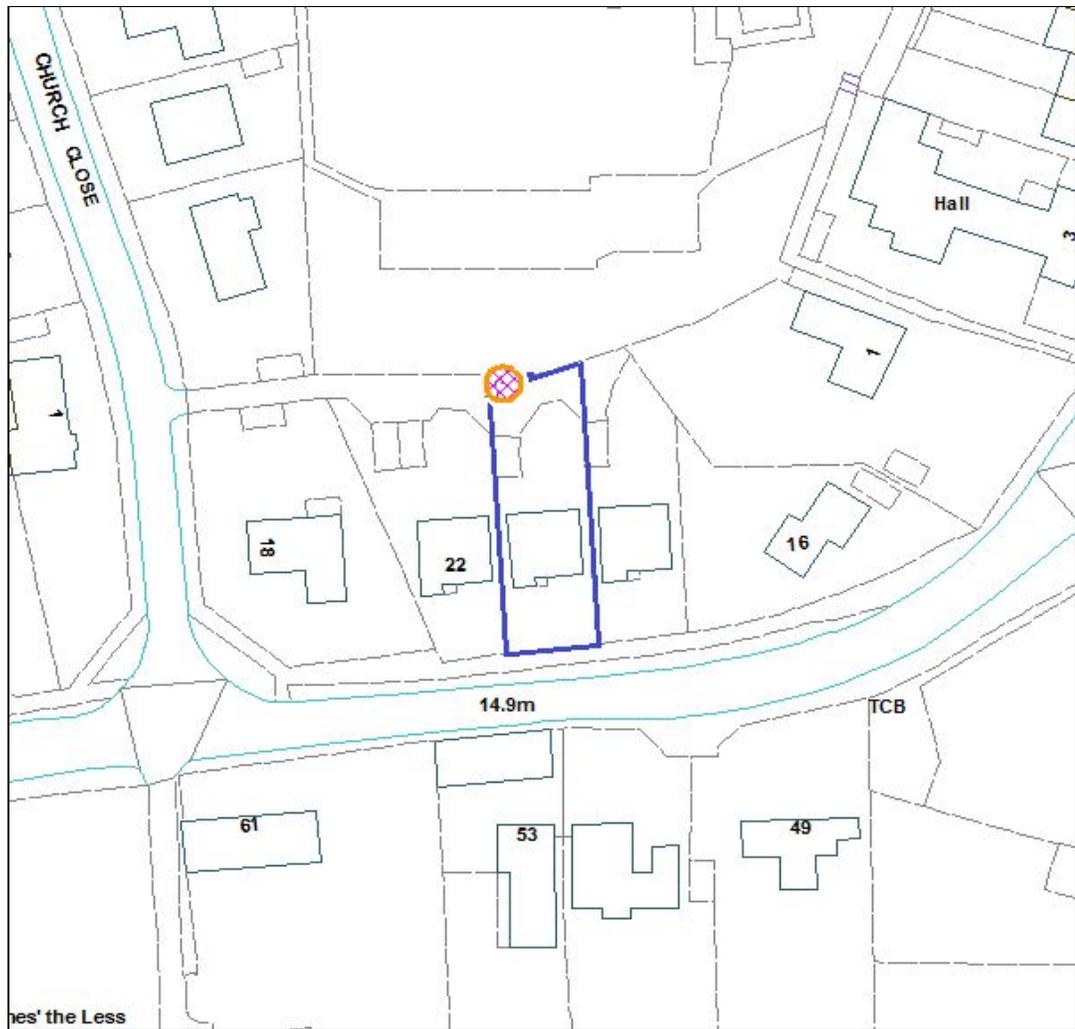
Proposal: Application for consent under Adur Tree Preservation Order 162/3/73 (L) of 1973 to reduce height and spread by up to 2 to 3 metres one Chestnut tree T2.

Applicant: Cllr Brian Boggis

Ward: Manor

Case

Officer: Jeremy Sergeant



Not to Scale

Proposal, Site and Surroundings

This application refers to a large mature Horse Chestnut tree on the northern boundary of the rear access way to 18 to 22 Manor Road, Lancing, adjacent to the grounds of North Lancing Primary School. The tree is a prominent part of the street scene and makes a significant contribution to the character and visual amenities of the North Lancing Conservation Area.

Consent is sought to reduce height and spread of the tree.

The reasons for the works are primarily in the interests of safety, and amenity value.

Relevant Planning History

1973: Adur Tree Preservation Order 162/3/73(L) of 1973.

1975: The North Lancing Conservation Area designated under section 277 of the Town and Country Planning Act 1971, As Amended by the Town and Country Amenities Act 1974, by the Adur District Council on the 28th July 1975.

Consultations

None undertaken

Representations

None received

Relevant Planning Policies and Guidance

Adur Local Plan 2017: Policy 15

Applications in connection with carrying out works on trees that are protected by TPOs

The Committee should consider the Town and Country Planning (Tree Preservation) (England) Regulations 2012 that provides the application may be granted either unconditionally or subject to relevant conditions, or refused.

Planning Assessment

The tree is a large mature tree growing in the rear access way from Church Close. The tree is prominent to the area, and can be seen from many views.

The tree has a large diameter single stem with a slight lean that extends to 3 metres. At 3 metres it becomes twin stemmed, and a large lateral emerges on the southeast

side. The two upright stems persist to 8-9 metres, where they both then divide into several stems. The main crown is dense, wide spread, and slightly top heavy.

The proposed works are to reduce height and spread by up to 2 to 3 metres. The works are to contain the size and spread of the tree.

These works are considered to be relatively minor in relation to the overall size, spread and crown form of the tree and would not significantly or adversely affect its appearance, amenity value, or its contribution to the character of the area.

Recommendation

Grant Consent, subject to the following Conditions:

1. The proposed works, hereby permitted, shall be restricted to those specified in the application only unless otherwise agreed in writing with the Local Planning Authority and carried out within two years from the date of consent and in accordance with the British Standard BS 3998: 2010 Tree Work.

Reason: In the interest of visual amenity.

26th March 2018

Application Number: AWDM/1901/178

Recommendation – APPROVE

Site: 20 Manor Road, Lancing

Proposal: Section 211 Notice under the Town and Country Planning Act 1990 to fell and replace one Purple Leaved Plum in the North Lancing Conservation Area.

Applicant: Cllr Brian Boggis

Ward: Manor

Case

Officer: Jeremy Sergeant



Not to Scale

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Proposal, Site and Surroundings

The application refers to a small to medium sized mature Purple Leaved Plum, near the southeast corner of the front garden adjacent to the eastern boundary. The tree is

a part of the street scene and makes a contribution to the character and visual amenities of the North Lancing Conservation Area.

A Section 211 Notice is required to remove the tree since it is within the Conservation Area. A Notice allows the Council to make a Tree Preservation Order on the tree if it is considered necessary.

The reasons for the works are primarily in the interests of safety, and amenity value.

Relevant Planning History

1975: The North Lancing Conservation Area designated under section 277 of the Town and Country Planning Act 1971, As Amended by the Town and Country Amenities Act 1974, by the Adur District Council on the 28th July 1975.

Consultations

None undertaken

Representations

None received

Relevant Planning Policies and Guidance

Adur Local Plan 2017: Policy 15

Planning Assessment

The tree is a medium sized mature growing in the front garden, in a prominent location to the area, and can be seen from many views.

The tree has large diameter single stem to 2 metres that persists to 1.25 metres, where it then divides into several smaller upright stems. The main crown is dense and mostly compact, with some deadwood present. The main stem has several fruiting bodies from the base up to the north side of the secondary stems. The proposed works are to fell and replace the tree, due to its poor condition.

These works are considered to be large in relation to the overall number of trees and a change will take place. However the effect on the North Lancing Conservation Area will be compensated by the provision of a replacement tree.

Recommendation

Grant Consent: subject to details of the new tree regarding species type and planting location being submitted within 2 years of the existing tree being felled.

Local Government Act 1972
Background Papers:

As referred to in individual application reports

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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.