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## PLANNING STATEMENT

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**IN RELATION TO:**

***‘Proposed development to extend and enhance existing Garden Centre. Diversion of existing footpath & associated landscape improvements’***

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**Mayberry Garden Centre, Old Shoreham Road, Portslade, Brighton, BN41 1SP**

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**May 2021**



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## 1.0 INTRODUCTION

- 1.1 This application is submitted on behalf of Tates Bros Limited. It seeks planning permission to extend and enhance the existing Garden Centre, known as Mayberry Garden Centre, Old Shoreham Road. The garden centre proposals also include diverting a Public Right of Way (PROW), which bisects the site south to north.
- 1.2 This Planning Statement is submitted in support of the above planning application. The statement describes the site, its surroundings and the proposal itself. The Planning Policy background is considered along with an assessment of the proposal in light of the relevant policies and all other material planning considerations.
- 1.3 This statement should be read in conjunction with the package of plans and Design and Access Statement, which have been prepared by Folkes Architects.
- 1.4 Also accompanying this submission are the following technical documents:-
- Statement of Community Involvement; prepared by Folkes Architects;
  - Landscape Appraisal/ Study, prepared by Ramsey & Co Landscape Architecture;
  - Contamination Report, prepared by Ashdown Site Investigation Limited;
  - Preliminary Ecological Appraisal, prepared by The Ecology Partnership;
  - Badger Survey 2019 -2020, prepared by The Ecology Partnership;
  - Reptile Survey 2019, prepared by The Ecology Partnership;
  - In Situ Infiltration Test Report, prepared by Ashdown Site Investigation Limited;
  - Sustainability Statement, prepared by C80 solutions;
  - Noise Impact Assessment, prepared by Acoustic Associates Sussex Ltd;
  - Air Quality Assessment, prepared by Phlorum;
  - Headline Socio-Economic Impact Report, prepared by Marshall Regen;
  - Flood Risk Assessment and Suds Assessment, prepared by motion;
  - Transport Assessment, prepared by motion.



## 2.0 SITE CIRCUMSTANCES

- 2.1 The application site, known as Mayberry Garden Centre, is located to the south of the A270, Old Shoreham Road, Portslade. As detailed at **fig 1** below, the site includes the garden centre, and the eastern third of the allotment sites, including the Public Right of Way (PROW).
- 2.2 The site area measures approximately 1.68 hectares in size. It comprises a mixture of buildings, open air plants sales areas, car parking and open scrubland.



**Fig 1.** Aerial site location plan, showing the application site outlined in red  
(taken from Folkes Architects DAS)



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- 2.3 The site adjoins the A259 Shoreham Road to the north, a mixture of residential and commercial buildings to the east and the Eastbrook allotments to the south side. Further to the south west is a large electricity substation, with cables feeding into overhead pylons. A brick structure, housing electrical equipment bounds the western part of the site immediately to the south. Beyond this point, there are residential properties along Hadrian Avenue.
- 2.4 Eastbrook allotments are relatively level, with a very gentle slope north to south. The Garden Centre site is relatively level throughout the retail areas, with the car park sloping away from the Garden Centre, with a steeply sloped area providing access to the lower ground storage area.
- 2.5 The power cable pylons are a prominent feature on the skyline, with the cables running North to South that create a corridor of restricted development opportunities due to the inherent electromagnetic fields of the high voltage cables.
- 2.6 A Public Right of Way (PRoW) bisects the site, running North to South from Old Shoreham Road to Manor Hall Road and on to Fishersgate Train Station. The footpath continues North on the Northern side of Old Shoreham Road up to Mile Oak Road and beyond. **The line of the footpath also forms the administrative boundary between Adur District Council to the West and Brighton & Hove City Council to the East, but falls within the control of West Sussex County Council.**
- 2.7 In terms of site designations, the application site is located within the defined built up area, where the principle of new development is accepted subject to other policies in the plan. As detailed above, the site lies within the administrative boundaries of both Adur District and Brighton & Hove City Council. Part of the site is also subject to **Policy 12** of the Adur Local Plan and the Eastbrook Allotments Development Brief (2015). To our knowledge, no other constraints or restrictions relate to the site.



### 3.0 PLANNING POLICY

(i) National Planning Policy Framework (NPPF)

- 3.1 The National Planning Policy Framework (NPPF) was originally published in 2012, with a revised version published in July 2018. A further updated version of the NPPF was published in February 2019, comprising only minor alterations to the 2018 publication.
- 3.2 The NPPF confirms that planning law, as set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, requires that applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 3.3 The focus of the revised NPPF continues to be achieving sustainable development. The NPPF clarifies that *“at a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs”* (taken from Resolution 42/187 of the United Nations). However, at paragraph 8, the Framework sets out that in planning terms, and in order to achieve sustainable development there are *“three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)”*. These objectives are economic, social and environmental. The economic objective is to *“help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure...”*.





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- 3.4 At Paragraph 9, it states that these objectives *“should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area”* (paragraph 9).
- 3.5 Paragraph 11 is an important element of the NPPF. It states that: *“Plans and decisions should apply a presumption in favour of sustainable development... For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.*
- 3.6 Paragraph 12 confirms that *“the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”*
- 3.7 Section 4 of the Plan refers to Decision Making. At paragraph 38 of the Framework, it sets out that *“Local planning authorities should approach decisions on proposed*



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*development in a positive and creative way. They should... work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. **Decision-makers at every level should seek to approve applications for sustainable development where possible.***

- 3.8 Section 6 relates to building a strong, competitive economy. Paragraph 80 states that *“planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential”.*
- 3.9 Section 9 discusses sustainable transport, including the need to support opportunities, and give priority to walking, cycling and public transport, in addition to creating places that are safe, accessible, address the needs of people with disabilities, and are designed to enable charging of plug-in and other ultra-low emission vehicles.
- 3.10 Paragraph 105 sets out that *“Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.”*
- 3.11 Paragraph 108 confirms that the main considerations in transport terms when determining specific planning applications is that proposals should provide: *“a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from*



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*the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

- 3.12 At paragraph 109 the Framework also confirms that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 3.13 Section 12 relates to Achieving well-designed places, noting at paragraph 84 that *“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...”*
- 3.14 Further parts of the Framework that are of particular note include Section 14, which relates to matters of climate change, and flooding.

(ii) Local Planning Policy

- 3.15 **As detailed above, the site lies within the administrative boundaries of both Adur District and Brighton & Hove City Council.**
- Adur Local Plan, 2017
- 3.16 The Adur Local Plan was adopted at a meeting of Adur Full Council on 14th December 2017. According to Adur District Councils Local Plan Proposals Map, the site lies within the defined built up area. The site is also partially identified as being part of the *‘Eastbrook Development Opportunities’* area, as depicted by a yellow outline at **Fig 2**.





Fig 2. Extract from the Council's Interactive Policies Map

3.17 The following policies are considered to be of relevance to this planning proposal:-

3.18 **Policy 1** (Sustainable Development), notes that *“when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”*.

3.19 **Policy 2** sets out the Council's Spatial Strategy, stating that *“up to 2032 the delivery of new development in Adur will be managed as follows:*



*Development within the Built Up Area Boundaries (defined on the Policies Map) of Lancing, Sompting, Shoreham-by-Sea, Southwick and Fishersgate will be permitted subject to compliance with other policies in the development plan....”.*

3.20 **Policy 4** (Planning for Economic Growth) states that “to facilitate regeneration and ensure a sustainable economy, a minimum of 41,000 square metres of land will be allocated for appropriate employment generating uses in Adur up to 2032 at the following locations:

- *Shoreham Airport (a minimum of 15,000sqm);*
- *New Monks Farm (a minimum of 10,000sqm);*
- *Shoreham Harbour Regeneration Area (a minimum of 16,000sqm within Adur).*

*These allocations will provide a range of employment sites in terms of locations and sizes, and provision will be made within these allocations for a range of accommodation types.*

*Further economic development at the site to the north of the airport, currently occupied by Ricardo, will be supported subject to other policies in this Plan.*

*In addition to the above provision, additional employment floorspace will also be achieved through redevelopment, intensification and change of use to employment. The majority of this floorspace will be provided within the town centres and the main existing employment areas.*

*Outside of designated employment areas, where new development for, or extensions to B1, B2 and B8 uses is proposed, such applications will only be permitted where it is demonstrated they will not have an unacceptable impact on adjacent residential properties and they comply with other policies in this Plan.*



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*Criteria for the identification and provision of new employment floorspace will include the need to provide a variety of new business premises including small and medium sized premises, the need to meet the modern needs of businesses in terms of floorspace, security, quality of environment, good access and services, and ensuring there are no conflicts with neighbouring uses”.*

- 3.21 **Policy 12** relates to Southwick and Fishersgate. It 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 (nonresidential institutions) uses will also be permitted where they would not have an adverse impact on the vitality and viability of the town centre.*

*Environmental enhancements in Southwick Square will be supported. Traffic management measures to minimise the impact of HGVs on residential areas will be implemented and the use of agreed lorry routes will be promoted.*

*The “Former Eastbrook Allotments Development Brief” identifies potential alternative uses/development opportunities for land at Eastbrook Allotments, Manor Hall Road Former Market Garden and the former Manor Hall Nursery in Southwick and any proposed development should be in accordance with this document”.*

- 3.22 The following policies are also considered to be of relevance to our proposal:-

- **Policy 15** (Quality of the Built Environment and Public Realm);
- **Policy 18** (Sustainable Design);
- **Policy 19** (Decentralised Energy and Standalone Energy Schemes);
- **Policy 27** (Retail, Town Centres and Local Parades);
- **Policy 28** (Transport and Connectivity);
- **Policy 29** (Delivering Infrastructure);
- **Policy 30** (Green Infrastructure);
- **Policy 31** (Biodiversity);



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- **Policy 34** (Pollution and Contamination); and
  - **Policy 36** (Flood Risk and Sustainable Drainage).
- Eastbrook Allotments Development Brief, October 2015

3.23 This document states that *“the site must be developed for purposes of ‘Business Development’ in line with the conditions imposed by the Secretary of State in 2005 when releasing the land for development. This could include:*

***Employment / Business Use***

*The site has good access to the main road network and there is a continued demand for a range of business premises to accommodate growth in the sub-region, particularly from small and medium business enterprises (SMEs) owing to a lack of quality business space which is a constraint to business growth. Such development would help meet wider strategic objectives and provide increased job opportunities for local people. Any business activity would need to be compatible with neighbouring residential uses.*

*B1/B8 (offices, research & development and light industry/warehousing) uses would be appropriate in this location taking into consideration the constraints of the site. This site provides an opportunity for such business uses in Shoreham Harbour considering relocation to help facilitate the regeneration of the Harbour. However, B2 (general industry) uses are deemed too invasive in this residential area in this instance and are not considered appropriate.*

*There may also be some scope for small-scale office floorspace, subject to overcoming the constraints identified earlier in the Development Brief. Certain D1 uses, such as the provision of training and education opportunities would be welcome in conjunction with business use, to help improve levels of deprivation in the area. Another opportunity for the site is in relation to strengthening the eco-tech sector in the area, as part of the Greater Brighton City Region City Deal (which*

*includes Adur District). To keep in line with the City Deal objectives, this sector would also be supported here.*

### **Retail**

*New businesses and the existing residential area could benefit from the extension of the local parade along the Old Shoreham Road frontage. Appropriate development could include small-scale non-residential uses at ground floor level, such as A1/A2/A3 or B1 to provide day to day needs. Larger forms of retail or leisure uses would not be appropriate in this out of town location...”*

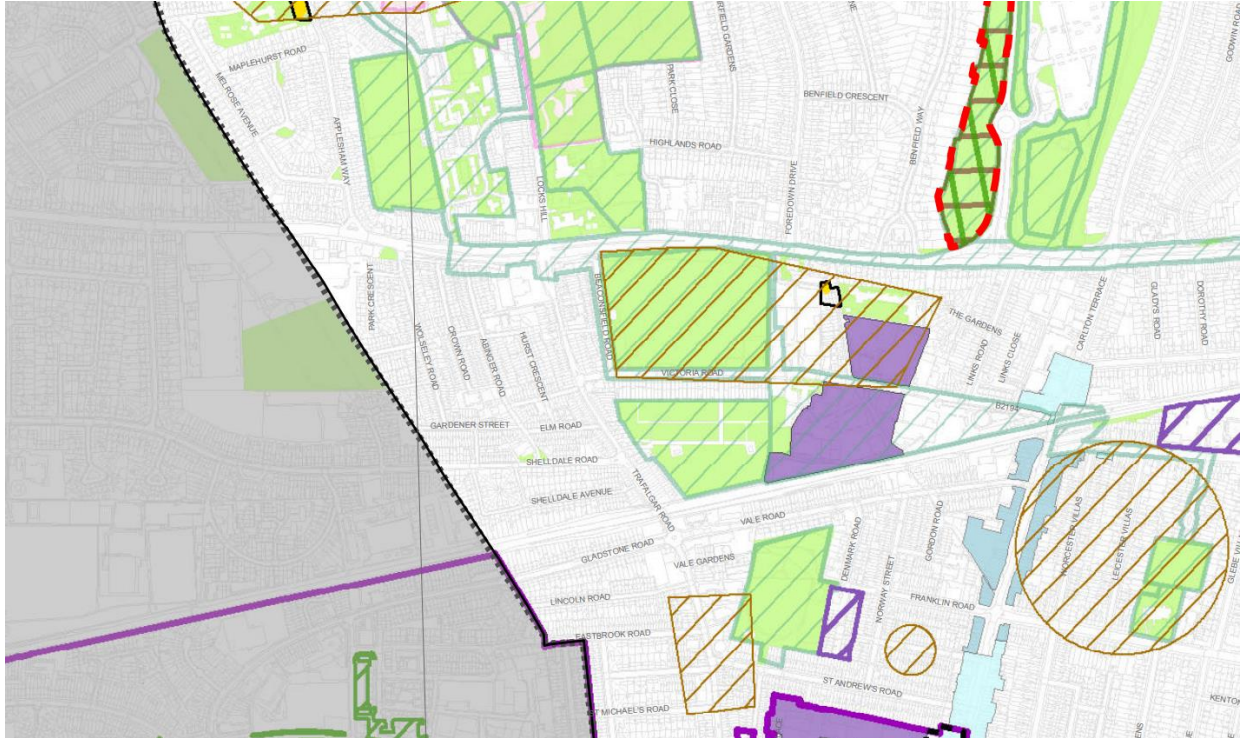
- Brighton and Hove City Council

3.24 The Brighton and Hove City Council’s Development Plan was fully adopted in March 2016. This plan identifies the site as being within the defined built up area boundary (refer to **fig 3**).





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**Fig 3.** Extract from Brighton & Hove City Council.  
West Area – adopted Policy Map, 2020

3.25 The following policies are considered to be of relevance:-

3.26 **Policy SS1** relates to a Presumption in Favour of Sustainable Development, noting that *“when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”*.

3.27 **Policy CP3** relates to Employment Land. It states that *“sufficient employment sites and premises will be safeguarded in order to meet the needs of the city to 2030 to support job creation, the needs of modern business and the attractiveness of the city as a business location”*.



- 3.28 **Policy CP4** is a general policy, which refers to Retail Provision. The policy states that *“Brighton & Hove’s hierarchy of shopping centres will be maintained and enhanced by encouraging a range of facilities and uses, consistent with the scale and function of the centre, to meet people’s day-to-day needs, whilst preserving the predominance of A1 use classes”*.
- 3.29 **Policy CP9** relates to Sustainable Transport; *“the council will work with partners, stakeholders and communities to provide an integrated, safe and sustainable transport system that will accommodate new development; support the city’s role as a subregional service and employment hub; and improve accessibility”*.
- 3.30 **Policy CP10** relates to Biodiversity. It states that the *“council will develop programmes and strategies which aim to conserve, restore and enhance biodiversity and promote improved access”*.
- 3.31 Finally, **Policy CP11** refers to Managing Flood Risk; *“the council will seek to manage and reduce flood risk and any potential adverse effects on people or property in Brighton & Hove, in accordance with the findings of the Strategic Flood Risk Assessment (SFRA)”*.

#### Neighbourhood Plan

- 3.32 To our knowledge, the application site is located outside of any neighbourhood plan area at this time.



## 4.0 PLANNING HISTORY AND PRE-APPLICATION ENQUIRY

(i) Planning History

4.1 According to the Council's online planning records, the application site does not appear to have any planning history.

(ii) Pre-application Enquiry

4.2 A pre application enquiry to consider redevelopment of the application site was submitted to Adur Council for consideration under **ref: PREAPP/0123/20**.

4.3 The Council acknowledged that *"the main constraint affecting the site is the pylons and overhead cables which limit the siting and height of any development"*. They went on to note that *"this suggests that the majority of the site is unsuitable for buildings and you have proposed a car display and parking area only, plus open extension to the garden centre retail area. A showroom and service building is limited to the westernmost part of the site frontage. The proposed uses appear to be a mixture of A1, B2 and sui generis activities. The expansion of the garden centre would be contrary to the aims of the Brief which seeks to avoid large scale retail uses in this location. The car showroom and display area, while sui generis, would also be of a retail nature. These uses would not be in accordance with the requirements of the Brief"*.

4.4 The Council note that up to 35 jobs would be created plus an additional 12 full time and 13 part time arising from the extension of the garden centre.

4.5 Following discussions with the Councils Economy and Skills Officer, the issue of employment opportunities was highlighted; *"I am assuming despite their pre app, they have considered the potential knock on effects of the pandemic e.g. higher unemployment, lower disposable income, all of which potentially could affect the car market/retail market. As we come out the other side of the pandemic, employment opportunities will be critical"*.



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- 4.6 The Council noted that these were *“interesting comments and worth bearing in mind. It could be argued that there is more need to promote B1/B8 employment uses if the retail market is affected by the pandemic. The changing attitudes to car use in light of the climate crisis should also be a factor to consider”*. They went on to state that *“taking into account the constraints on the site and the potential number of new jobs that would be created (subject to further information), there could be some merits to the proposal”*.
- 4.7 Finally, the Council made reference to the proposed footpath diversion, noting that *“the application also proposes to divert the existing footpath which runs between the garden centre and the site. It is a well-used path, providing access to Fishersgate railway station. I note that you have sought separate pre-application advice from West Sussex County Council and I would hope that this will include advice from the Public Rights of Way Officer. My initial view is that the diversion will make the path, which is a direct access to the National Park slightly longer which may provoke objections from walking groups. The Council is also preparing a Green Infrastructure Strategy which is looking at opportunities to improve green corridor routes to the South Downs and other areas of open space. Whilst the new route may be slightly less convenient this could be compensated by improvements to its overall amenity and width, however, this does not appear to have been considered in the layout plans and the new route also includes a tight corner which may have safety/visibility implications and which may affect some users’ ability to negotiate the path. Access to the proposed goods yard will also cross the path which affects its attractiveness as a route”*.





## 5.0 THE PROPOSAL

5.1 This planning application seeks permission to extend and enhance the existing Mayberry Garden Centre.

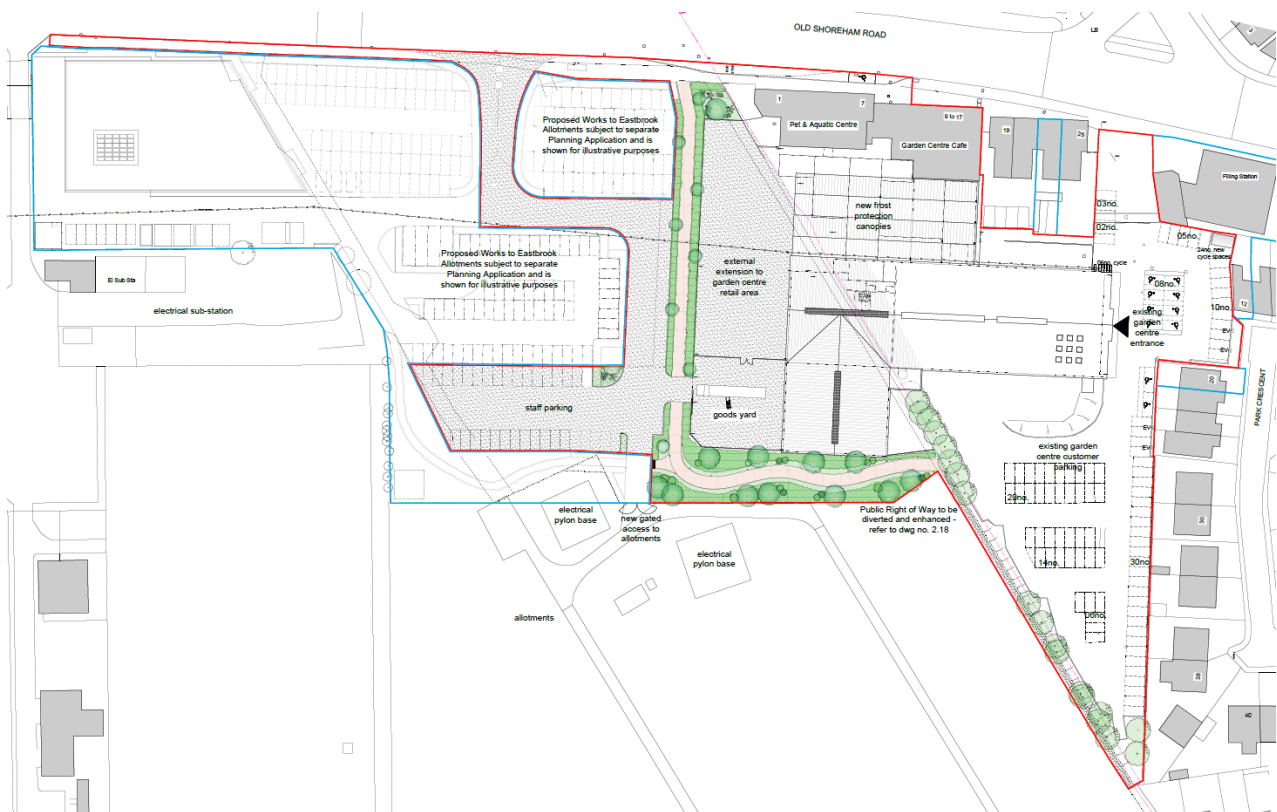


Fig 4. Extract from proposed Site Layout Plan

- 5.2 The development proposals would involve an extension to the western end of the existing steel framed Garden Centre to create additional internal retail space and dedicated 'goods in' warehouse to the south.
- 5.3 As part of the proposal, the existing offices and small storage area on the upper ground floor within the Garden Centre will be relocated within the warehouse space and would provide additional internal retail space.





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- 5.4 Externally, the open air retail space will be extended towards the Eastbrook Allotments to the west; where the 'goods in' yard and access to the warehouse will also be accommodated. The yard is able to accommodate an articulated lorry. The project will relocate the 'goods in' thereby eliminating delivery vehicles from the customer car park and improve the flow of stock through the garden centre. It will also include an expanded external retail area. The proposals do not include any works to the existing Café or Pet Shop.
- 5.5 The garden centre proposals also include diverting a Public Right of Way which bisects the site south to north.
- 5.6 The existing and proposed floor area schedule is set out below.

**Existing Internal Floor Areas**

Existing Internal Floor Areas	Size in m <sup>2</sup>
Retail Floor Areas	1167.8m <sup>2</sup>
Customer Toilets	24.6m <sup>2</sup>
Offices/ Staffroom/ Toilets	94.5m <sup>2</sup>
Store/ Vertical Circulation	101m <sup>2</sup>
Lower Ground Store	1173.1m <sup>2</sup>
<b>Overall Total:</b>	<b>2561m<sup>2</sup></b>
<b>Existing External Areas</b>	
External Retail Space	1137m <sup>2</sup>
Storage Area (upper gd)	239m <sup>2</sup>
Storage Area (lowed gd)	464m <sup>2</sup>
<b>Overall Total:</b>	<b>1840m<sup>2</sup></b>



**Proposed Floor Area Schedule**

<b>Proposed Floor Areas</b>	<b>Size in m<sup>2</sup></b>
Retail Area/ Customer Toilets	1735.4m <sup>2</sup>
Offices/ Staffroom/ Toilets	129.6 <sup>2</sup>
Warehouse	457.4m <sup>2</sup>
Lower Ground Store	1201m <sup>2</sup>
<b>Overall Total:</b>	<b>3111.4<sup>2</sup></b>
<b>Proposed External Areas</b>	
Glass House	317.7m <sup>2</sup>
Goods in Yard	490m <sup>2</sup>
External Retail Area	2066.7m <sup>2</sup>
Storage Area (upper gd)	239m <sup>2</sup>
Storage Area (lower gd)	464m <sup>2</sup>
<b>Overall Total:</b>	<b>3577.4m<sup>2</sup></b>
<b>Total additional floor area:</b>	<b>2197.8m<sup>2</sup></b>

5.7 Finally, a new junction off Old Shoreham Road is proposed as part of the development proposals.



## 6. PLANNING ASSESSMENT

6.1 This planning application seeks permission to extend and enhance the existing Mayberry Garden Centre. This will comprise of an extension to the upper ground floor to create additional internal retail floor space, relocation of the offices and staff welfare facilities to the new warehouse/ goods in area. The garden centre proposals also include diverting a Public Right of Way, which bisects the site south to north.

- **Garden Centre Expansion**

- (i) Principle

6.2 The DAS that accompanies this planning application provides an overview of the development proposals, noting that *“the Garden Centre is owned and operated by Tates of Sussex who are a well-known throughout East and West Sussex, with 4 Garden Centres located in Newhaven, Hassocks and Portslade with the most recent site in Dial Post having recently opening its newly extended and refurbished café and restaurant.*

*The Mayberry Garden Centre is currently the smallest of the Centres and provides a wide range of popular gardening and plant products alongside the Pet & Aquatics shop and coffee shop.*

*This application proposes the extension of both the indoor and outdoor retail areas to provide much needed additional sales area. As part of the scheme the stock delivery process is to be addressed as currently deliveries are made in smaller vans from the Hassocks store, which increases the amount of vehicle movements to and from the site. The scheme proposes a new warehouse and ‘goods in’ which would be able to accommodate larger delivery vehicles, therefore simplifying the day to day operations of the Garden Centre.*

*To the west of the garden centre there is an area of open scrub land which has previously been used as allotments, and is still called ‘Eastbrook Allotments’. The allotments site has stood vacant for several years following the release of the site in 2005 by the Secretary of State for the purpose of ‘business development’. The*



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*site has subsequently been incorporated into the Adur District Council's Local Plan and the Eastbrook Allotments Development Brief (2015), and the land is consequently identified by the Council for employment generating development".*

- 6.3 In terms of planning policies it is noted that there is significant support for new economic development.
- 6.4 The NPPF (February 2019) includes at Section 6 (entitled 'Building a strong, competitive economy') that *"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"* (para 80).
- 6.5 At the local level, the Adur Local Plan (2017) applies. The Council's Proposals Map (refer to **Fig 2**) confirms that the site lies in the Built up Area boundary. **Policy 2** confirms that *"Development within the Built Up Area Boundaries... will be permitted subject to compliance with other policies in the development plan."*
- 6.6 **Policy 4** relates to economic growth in the District. It states that *"additional employment floorspace will also be achieved through redevelopment, intensification and change of use to employment. The majority of this floorspace will be provided within the town centres and the main existing employment areas. Outside of designated employment areas, where new development for, or extensions to B1, B2 and B8 uses is proposed, such applications will only be permitted where it is demonstrated they will not have an unacceptable impact on adjacent residential properties and they comply with other policies in this Plan. Criteria for the identification and provision of new employment floorspace will include the need to provide a variety of new business premises including small and medium sized premises, the need to meet the modern needs of businesses in terms of floorspace,*



*security, quality of environment, good access and services, and ensuring there are no conflicts with neighbouring uses.”*

- 6.7 The site lies within the defined built up area boundary for both Adur District Council and Brighton and Hove City Council, where the principle of new development is accepted. In addition, Adur District Council’s Proposals Map (refer to **Fig 2**) identifies part of the site as being part of the ‘Eastbrook Development Opportunities’ area. **Policy 12** states *“The “Former Eastbrook Allotments Development Brief” identifies potential alternative uses/development opportunities for land at Eastbrook Allotments, Manor Hall Road Former Market Garden and the former Manor Hall Nursery in Southwick and any proposed development should be in accordance with this document.”*
- 6.8 Adur Council’s Development Brief identifies this site as part of land at Eastbrook Allotments, Southwick, (south of the A270, adjoining the border with Brighton & Hove City) for business development (B1 and B8 uses) and/or training and education facilities.
- 6.9 It is acknowledged that generally a garden centre is classified as ‘Use Class A1’.
- 6.10 Although the Council’s Development Brief sets out a preference for alternative uses for this site, the proposal would merely be seeking a extension and expansion to an existing and established use, which will have clear economic benefits for the surrounding area.
- 6.11 It is our view that the extension and enhancement to the existing garden centre would be a welcome addition. It would generate significant levels of employment, and would not give rise to unneighbourly impacts. Given the sustainable location of the site, and that acceptable highway solutions have been designed, we consider





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that the proposed extension is of a scale and form that would be entirely acceptable in planning terms, and warrants the support of the local authority.

6.12 We note that Adur District Council raised some concerns about compliance with the aims of the Brief or **policy 12** of the Local Plan at the time of the pre-application being considered; however it remains our view that given the site constraints, this planning proposal would make the most efficient use of the site. A detailed need assessment has been carried out below, which in our view provides strong justification to support the development proposals.

(ii) Need Assessment

6.13 This application is accompanied by a 'Headline Socio-Economic Impact Report', which has been prepared by Marshall Regen. This assessment sets out a socio-economic policy context, a forecast economic impact for the construction and operational phase and a summary of the proposed scheme's other benefits.

6.14 The report acknowledges that *"the proposed expansion of the Garden centre will provide **additional** economic impact on top of the Garden centres existing jobs and contribution to the local economy"*. It goes on to note that *"if combined with the forthcoming planning application for the new car showroom on the adjacent Eastbrook Allotments sites, the **additional** economic impact would be:-*

- *£7.17 million capital investment;*
- *3,535 sq.m of new commercial business space;*
- *Create 60 FTE local jobs and a further 11 FTE construction jobs;*
- *Net additional salary spend in the local economy of £437,760;*
- *Additional business rates contribution of £136,967;*
- *Annual economic impact of £764,387 and £7.64 million over a ten-year period"*.

6.15 The following are other benefits, which have also been identified:-



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- *“The garden centre is unlikely to survive in the long term without additional space being made available as the delivery space is not fit for purpose and some zones such as plant sales areas are too small to remain viable long term.*
- *Deliveries will be transferred to the new site so there will be a significant benefit to the existing neighbours adjoining the current car park through reduced traffic.*
- *Road safety improvements as currently heavy goods sometimes have to be unloaded at the entrance of the site during busy periods and over areas of heavy pedestrian traffic and cars visiting and leaving.*
- *It would reduce the number of vehicle movements substantially to and from the site as the Applicant currently takes many direct loads to Hassocks and bring in one or two pallets at a time.*
- *It would provide a local facility for people to buy a wider range of plants and garden sundries locally rather than have to travel to our main centre at Hassocks for a full plant and product range.*
- *The proposals will secure the long term viability of the garden centre and provision of employment in the area.*
- *New lighting into the amended footpath which is currently subject to drug taking at night behind the garden centre with needles thrown over the fence onto the Applicant’s site.*
- *It would release the allotment land for a beneficial use while, at the same time to safeguard local employment.*

**Sustainability Benefits**

- *Green buffer area to the south of the site to create a new foraging environment for the relocated badger sett, plus it will be designed to support slow worms and common lizards as they are very much present on the site and surrounding area.*
- *All surface water is to be discharged via SUDs drainage system, with a potential for rain water harvesting tank for grey water re-use within the car show room.*



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- *As part of the planning application the Applicant is preparing Energy Statements to prove the Local Authorities 10% renewable energy policy”.*

6.16 The report draws the following conclusions in relation to the development proposals:-

*“The expansion of the Mayberry Garden Centre, Old Shoreham Road, Hove will provide significant positive economic impact to the local economy.*

*It will safeguard local jobs and, in the construction phase, provide new jobs and skills and apprentice opportunities. The £2.06 million of private sector capital investment, on an existing brownfield site will deliver 1,770 sq.m of new commercial business space and 25 FTE local jobs. The project firmly aligns with regional and local economic development strategic priorities including:*

- Coast to Capital LEP’s Strategic Economic Plan*
- Greater Brighton Devolution Prospectus*
- Coastal West Sussex Economic Plan*
- Brighton & Hove Economic Strategy*
- West Sussex Plan and the Economic Growth Plan*
- Adur Economic Strategy*

*The project will also deliver a range of other transport and sustainability benefits both enhancing the quality of life for local residents and the environment.*

*In summary, the successful delivery of the project will help contribute towards the employment and commercial space requirements in Brighton & Hove and Adur. Its local economic impact estimated at £3.33 million, over a ten-year period, will make a significant contribution to these economies. If combined with the forthcoming planning application for the new car showroom on the adjacent Eastbrook Allotments sites, the **additional** economic impact would be £7.64 million over a ten-year period”.*

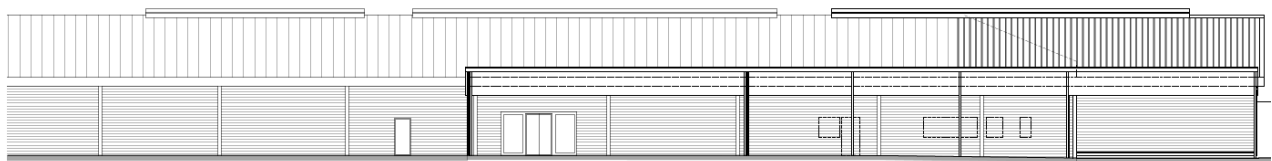


6.17 It is clear that there will be clear economic benefits as a result of the planning proposals, which weighs heavily in favour of the proposal. In addition, the report also identifies a number of environmental benefits that would result from the scheme. It is clear that the proposal would be in accordance with guidance contained within the NPPF and **policies 4 and 12** of the Adur Local Plan and **policies CP3 and CP4** of the Brighton and Hove City Council's Development Plan.

(iii) Visual Amenities

6.18 The application site comprises an existing and established garden centre. It adjoins the A259 Shoreham Road to the north, a mixture of residential and commercial buildings to the east and the Eastbrook allotments to the south side.

6.19 Great care and consideration has been paid to the extension and expansion of the existing garden centre. The proposed warehouse, which projects southwards from the existing Garden Centre building has been designed to match the scale and massing of the existing building, particularly in terms of the eaves and ridge levels. In addition, the proposed frost canopies would not exceed the height of the existing frost canopies.



**Fig 5. Proposed north elevation**



**Fig 6. Proposed east elevation**



- 6.20 With regards to appearance, the DAS that accompanies this planning application notes that the “*scheme has been designed to reflect and respect the existing levels and form of the surrounding area, taking into account the plan position of the structures as well as their respective heights within the site.*”

*The materials have been chosen mainly for their visual appearance in providing a continuity of appearance, as well as being cost effective.*

*The roof is to be finished with insulated metal panel panels of a profile and colour to match the existing, with ridge line rooflights to maximise the levels of daylight within the internal volumes. The eaves are to be finished with polyester powder coated aluminium fascia system to match the existing.*

*The external walls are to be finished with horizontal timber affect fibre cement cladding boards which provide a robust finish to the external envelope, which would require minimal maintenance”.*

- 6.21 Given the context of the site and surrounding area, it is our view that the proposal would represent an appropriate amount of built form, which would result in a high quality development, which would appear as a natural extension to the existing Garden Centre and would in no way detract from the character and appearance of the surrounding area in accordance with guidance contained within the NPPF and **Policy 15** of the Adur Local Plan and **policies CP3 and CP4** of the Brighton and Hove City Council’s Development Plan

#### Residential Amenity

- 6.22 The surrounding area is mixed use, with no residential properties immediately adjoining the site. Further, the proposal would merely involve the expansion of an existing use. As such, it is our view that the proposal would not cause demonstrable harm to the residential amenities of any property by way of overbearing effect, loss of privacy or loss of light. The proposal would be in accordance with **Policy 15 of the Adur Local Plan.**





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- 6.23 This planning application is accompanied by a Noise impact Assessment. This report notes that the *“Noise levels have been measured where the proposed development will be built. The dominant source of noise affecting the development is created by vehicular traffic on the Old Shoreham Road...A commercial noise assessment has been completed, in accordance with BS4142, which calculated that the noise rating level, for a busy delivery hour, will be 24dB below the background noise level. This demonstrates that the noise impact would be at worst low. In this case due to the high residual and background sound levels achieving a rating level at least 5dB below background would be recommended”*.
- 6.24 No mitigation measures have been recommended, with the report noting that *“the design itself helps reduce noise levels incident to the nearest noise sensitive receptors”*.
- 6.25 Taking all of the above into consideration, it is our view that the proposal would not cause demonstrable harm by way of unacceptable noise or disturbance and would be compliant with guidance contained within the NPPF, the Adur Local Plan and the Brighton and Hove City Council’s Development Plan.

(iv) Air Quality

- 6.26 This planning application is accompanied by an Air Quality Assessment, prepared by Phlorum. This report draws the following conclusions:-
- *“...The proposal is to extend the existing Mayberry Garden Centre, construct a new car showroom (B1/B8 land use class) and car parking facility under the existing overhead power lines.*
  - *Current background pollutant concentrations and local air quality monitoring results from the wider area suggest that whilst air quality within the surrounding*



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*Air Quality Management Area is often poor, background pollution concentrations across the site are likely to be below the relevant UK Air Quality Strategy standard concentrations.*

- *During construction, adopting appropriate mitigation measures should prevent any significant air quality effects on the surrounding area.*
- *The proposed development is not expected to introduce new receptors into an area of existing poor air quality, nor is it anticipated to significantly impact local air quality.*
- *To mitigate for future emissions and offset potential 'emissions costs', the development will include several mitigation measures, including electric vehicle charging points, green infrastructure and cycle storage facilities. Should more be required to offset the 'emissions cost' calculated within this report, recommendations are listed in Section 7.*
- *The proposed development is expected to comply with all relevant local and national air quality policy. As such, air quality should not pose any significant obstacles to the planning process”.*

6.27 Our client would be happy to carry out the required mitigation measures and for conditions to be imposed accordingly, if the Councils considers them to be both reasonable and necessary.

(v) Flood Risk

6.28 This application is accompanied by a Flood Risk Assessment and SuDS Assessment, which has been prepared by Motion. This report has drawn the following conclusions in relation to the development proposals:-

- *“The application site is greater than one hectare (1.8 ha) and is currently a combination of greenfield and brownfield development.*
- *The EA Flood Maps shows that the entirety of the site is located within Flood Zone 1, having a very low risk of flooding from the rivers or seas.*



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- *The development site is also considered to be at very low risk of flooding from sewers, groundwater and artificial sources.*
- *The proposed development will increase the amount of hardstanding areas on site due to the new commercial area and associated access road. Therefore, without mitigation there will be an increase in surface water runoff as a result of the development of the site.*
- *The QBar Greenfield runoff rate for the entire site showing a result of 0.32 l/s or 0.18 l/s/ha.*
- *A proposed drainage strategy will be put in place that will include; permeable paving with an overflow to lined soakaways, access roads and service areas that drain to an oil interceptor prior to discharging to lined soakaways and contaminated run-off from the car wash area being contained and connected to the combined sewer via a separate foul drainage system.*
- *The additional surface water run-off from the proposed development impermeable areas will not result in an increase in the pre-development surface water run-off rate from the site, as the proposed drainage system will infiltrate into the ground via permeable paving or lined soakaways. Therefore, there will be no increased flood risk as a result for the development.*
- *The SuDS features will also improve water quality on site as contaminated run-off passing through the permeable paving will be treated to remove silts, sediment and hydrocarbon through the process of filtration. Contaminated run-off from the access road and service areas will be collected by a drainage system which includes gullies with sumps and catchpits that will remove silts, sediments and hydrocarbons by the process of settlement. In addition, run-off from these areas will pass through an oil interceptor to treated run-off prior to discharge to soakaway. Contaminated run-off discharges from the car wash will be contained in the area of the car wash and will drain to a separate foul system which will discharge to the existing combined sewer.*
- *The proposed drainage strategy has been designed to cater for the 1 in 100 + 40% CC event in accordance with the requirements of the LLFA, the EA as well as the NPPF.*



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- *This FRA demonstrates that the flood risk for the proposed development can be managed on site without increasing the risk to any neighbouring developments or downstream areas, and therefore fulfils the requirements of the PPG and NPPF”.*

6.29 It is clear that the application site, which is located within Flood Zone 1 is suitable for the development proposed and would be fully compliant with guidance contained within the NPPF and **Policy 36** of the Adur Local Plan and guidance contains within the Brighton and Hove City Council’s Development Plan.

(vi) Contamination

6.30 The planning application is accompanied by a Phase 1 and Phase 2 Contamination Report, which has been prepared by Ashdown Site investigation. It notes that the *“Preliminary Ground Contamination Risk Assessment concluded that complete pollutant linkages were present and that a ground investigation was required to assess the level of risk posed. The assessment noted that the eastern part of the site had only recently (circa 2010) been redeveloped as a garden centre from its previous use as a garage. As no structural alterations, bar the provision of new frost canopies, are proposed for this area, and as the maximum level of risk in this part of the site was considered to be “very low”, investigation in this area was not considered to be warranted. It concluded that investigation works should be targeted at the central and western parts of the site, specifically those proposed areas of decorative planting around the car parking lots”.*

6.31 Sample of made ground from exploratory holes in these areas were tested for concentrations of heavy metals, polycyclic aromatic hydrocarbon (PAH) compounds, petroleum hydrocarbons and volatile organic compounds (VOCs). The samples were also screened for asbestos. The report confirms that none of the concentrations of compounds *“within the shallow soils are considered to pose an unacceptable risk to end users or controlled waters beneath the site”.*



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6.32 The proposal is acceptable from a contamination perspective and our client would be happy for any mitigation measures to be secured via condition, if the Council considers this to be necessary.

(vii) Access and Parking

6.33 The application is accompanied by a Transport Assessment, which has been prepared by Motion. The application proposals have been subject to pre-application discussions with West Sussex County Council (WSCC) and Brighton and Hove City Council (BHCC) as the relevant highway authorities. A separate pre-application process has been completed with Adur District Council on wider planning matters.

6.34 The Transport Assessment confirms that *“the proposed access is in the form of a simple priority junction with pedestrian refuge and has been designed to accommodate the largest vehicle anticipated to require access. It also includes footways leading into the site on both sides of the access”*. This access is also included within a separate planning application, relating to the provision of a car showroom on the adjacent former allotments site.

6.35 It goes on to note that *“the application proposals involve diversion of the existing PRoW, which currently runs along the western boundary of the site, following the boundary line between the local authorities. It is intended that the route will be diverted around the western and southern boundaries of the extended garden centre site...The footpath connection with Old Shoreham Road will be relocated approximately 7 metres to the west of the existing point. The diverted route will then lead south from the A270 between the extended garden centre site (to the east) and parking associated a proposed new car showroom (to the west) and turn east to connect back to the existing path to the south of the garden centre building”*.

6.36 With regard to parking, it is noted that *“no material change to customer parking provision is proposed as part of the application. A total of 100 car parking spaces*



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*will be available for the garden centre, including 10 spaces for disabled persons. In terms of provision for electric vehicles, it is intended that 10% of bays will benefit from active provision, with an additional 10% provided with passive provision. Having regard to adopted parking standards introduced in section 2, a maximum of 117 car parking spaces could be provided to serve the extended garden centre. On this basis, it is evident that provision accords with the adopted maximum standards...The proposals include secure cycle parking for 24 staff cycles in the form of double racks located in a sheltered store approximately 30 metres to the north-east of the main entrance to the building. Additional provision for visitors (6 existing Sheffield stands, accommodating 12 cycles) is located close to the main garden centre entrance”.*

- 6.37 The report concludes that *“this Transport Statement has been prepared to accompany a planning application by Tate Brothers Limited for an extension and other modifications to the existing Mayberry Garden Centre, Portslade.*

*The proposals have been subject to pre-application liaison with the relevant planning and highway authorities. This Transport Statement, which has been prepared having regard to relevant guidance and taking account of pre-application discussions, demonstrates that:*

*The proposals accord with national and local policies relevant to transport;*

- The site is accessible by public transport, walking and cycling;*
- A review of personal injury accident information has identified no significant issues associated with the local highway network that are detrimental to the existing standard of road safety;*
- The existing site access from Old Shoreham Road will be retained to serve the existing parking area and a small number of service vehicles;*





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- *Safe and suitable vehicular access to the proposed service yard can be achieved from Old Shoreham Road in accordance with relevant design guidance;*
- *The diverted PRow provides significant enhancements to the nature of this section of footpath in terms of width, openness and natural surveillance, and is considered to accord with wider aspirations of the District Council;*
- *The proposals will formalise existing parking on-site, with no material increase in provision, and appropriate provision is made for car parking, including for disabled persons and electric vehicles, as well as for cycles, having regard to adopted parking standards;*
- *The proposals include appropriate provision for servicing via a separate vehicular access to a new service yard, which will separate customer parking from servicing activity;*
- *It is not anticipated that the proposals will result in a material increase in vehicle movements by staff and customers. Vehicle movements associated with servicing and deliveries will change as a result of the proposals, with larger vehicles used, resulting in fewer movements overall. On this basis, it is considered the proposals will not interfere with the operation of the adjoining highway network.*

*On the basis of the above, it is concluded that the proposals accord with national and local transport policies and can be accommodated without detriment to the safety or operating capacity of local highway or sustainable transport networks. As such, it is considered there is no reason why the proposals should be resisted on traffic or transportation grounds”.*

6.38 It is not considered that the proposal will have any adverse impact on the highway network. The NPPF is clear in advising that proposal should only be refused on highway grounds where the residual impacts of the proposal would be severe. This is not considered to be such a case.



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6.39 The proposal would be in accordance with **Policy 28** of the Adur Local Plan and **Policy CP9** of the Brighton and Hove City Council's Development Plan.

(viii) Biodiversity

6.40 This planning application is accompanied by Preliminary Ecological Appraisal, which has been prepared by The Ecology Partnership. This report draws the following conclusions:-

- *"The site does not lie within or adjacent to any statutory or non-statutory designations. Those in the surrounding area are considered to be a sufficient distance away that the development will not cause any adverse effects. The same conclusion was drawn for nearby priority habitats.*
- *The majority of the habitats on site are common and widespread throughout the local area and the UK as a whole. The site was dominated by cut grassland and ruderal vegetation with some scattered immature trees and shrubs.*
- *None of the trees on site were considered to have roosting bat potential and the site offers little in the way of foraging and commuting habitat for bats. As such, no further species were recommended.*
- *Seven badger holes were found in the centre of the site, which were considered to make up a main sett. Monitoring for at least three weeks has been recommended to determine the status of the sett. Other evidence of badgers on site includes the presence of badger hair outside a hole entrance, mammal paths, push-throughs and a latrine.*
- *The habitats on site were considered suitable for reptiles, particularly with allotments along the southern boundary. A reptile presence/likely absence survey was set up on the same day as the PEA. This will involve seven visits in suitable weather conditions.*
- *Nesting birds may use the trees and shrubs on site. Any vegetation removal should be undertaken outside of the breeding bird season (March-September inclusive) or immediately after a nesting bird check by a suitably qualified ecologist.*



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- *Owing to a lack of suitable habitat and/or connectivity, the site is not considered to be constrained by other protected species, including dormice, great crested newts, otters or water voles.*
- *The impacts of the development could not be assessed at this stage. Once plans have been finalised, an EclA will be required in order to fully assess the impacts of the potential development on protected habitats and species on site and in the local area”.*

6.41 An additional Badger Survey was carried out and accompanies this application. It confirms that there is a Badger Sett on site, which is likely a main sett. It states that *“it is highly recommended that the on-site sett is retained within the proposals, with a minimum 20m buffer zone around it where development cannot take place. If this is not possible, a mitigation licence from Natural England will be required to close the sett. In addition, a new artificial sett will need to be created elsewhere on site before the closure can take place. If the new sett is being made, it is recommended that it be made within the smallest field in the southwest corner of the site.*

*It is considered that a buffer along the southern boundary would be the most suitable area for retention of badger foraging habitat. The retained habitat can be enhanced to provide additional foraging opportunities such as fruit tree planting, and grassland management to increase the abundance of earthworms and pond creation”.*

6.42 The application is also accompanied by a detailed Reptile Survey, which confirms that *“Reptile surveys undertaken in September 2019 identified an ‘exceptional’ population of both slow worms and common lizards on site. No evidence of other reptile species was found but the possibility cannot be ruled out.*

*The plans for the site are yet to be finalised but it appears that the majority of the habitats will be lost. As such, a suitable off-site receptor area will need to be identified and agreed with the LPA as part of the pre-commencement conditions. Once found and prepared, a translocation will then be required on site to clear it of*



*reptiles before sensitive clearance of the site can take place under ecological supervision.*

*It is considered that the recommendations for mitigation will ensure that no individuals will be harmed by the development and that their conservation status will remain unaffected by the development”.*

6.43 We can confirm that our client would be happy to carry out the mitigation measures set out within the ecology reports and would be happy for this to be ensured via condition. We are confident that the proposal will be compliant with guidance contained within the NPPF, **Policy 31** of the Adur Local Plan and **Policy CP10** of the Brighton and Hove City Council’s Development Plan.

▪ **Footpath Diversion**

6.44 An existing Public Right of Way (PRoW), footpath 14So, which currently runs along the western boundary of the site, following the boundary line between Adur District Council and Brighton & Hove City Council; provides a traffic free connection from Old Shoreham Road to Fishergate station to the south. To the north of Old Shoreham Road, the PRoW connects to local residential areas. The proposed works, which have been set out in detail above will require the diversion of this existing Public Right of Way (PROW) to the west of the existing route.

6.45 The footpath is approximately 1m wide and is currently bordered by 2m high mesh fencing to both sides. It is heavily overgrown, with no artificial lighting, which in our view would likely discourage users, particularly at night time.

6.46 As detailed at **fig 7**, the footpath connection with Old Shoreham Road will be relocated approximately 7 metres to the west of the existing point. The diverted route will then lead south from the A270 between the extended garden centre site (to the east) and parking associated with the proposed new car showroom (to the west) and turn east to connect back to the existing path to the south of the garden centre building.



Fig 7. Public Right of Way Diversion Plan

6.47 The Transport Statement, which accompanies this planning application considers the footpath diversion in detail; noting that *“the existing path is narrow, enclosed, unlit and has poor natural surveillance. The diverted route will comprise a 3 metre wide path with soft verges either side of between 1.5 and 2 metres in width along the north-south section, and greater green space along the east-west section. The*





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*perimeter of the garden centre will be enclosed by a mesh fence, similar to the existing arrangement. The boundary with the car showroom site will remain open. The design of the diverted route has sought to enhance natural surveillance and provide good forward visibility. It is also intended that the section of the diverted footpath will be lit, as will the length of the existing footpath where it runs parallel to the garden centre car park.*

*The section of the footpath to be diverted measures approximately 105 metres in length. The new route measures circa 160 metres. This equates to an increase in length of around 55 metres. Applying an average walking speed of 1.5 metres per second, the additional time taken to walk along this diverted section of footpath equates to 37 seconds, which is not considered to be significant, particularly when taking account of the enhancements proposed to the nature of the route.*

*It is acknowledged that the proposed access to the garden centre service yard will cross the diverted footpath. However, vehicle movements are anticipated to be low (considered in the next section), with vehicles travelling at low speeds. The access is located on a straight section of the path, which affords good visibility.*

*The opportunity to upgrade the existing public footpath to create an improved green infrastructure link from the Coast to the South Downs National park is identified in the Eastbrook Allotments Development Brief, introduced in section 2. Enhancements identified include widening, upgrading the route to a bridleway so it can be used by cycles, lighting and opening up to establish a Green Infrastructure Corridor. It is understood from pre-application liaison that Adur District Council is preparing a Green Infrastructure Strategy. Whilst it is acknowledged that the enhancements to the footpath only relate to a section of a longer PRoW, it is considered the improvements accord with the wider aspirations of the District Council. Further, delivering a wider route along this section opens up the potential for the footpath to be upgraded to a bridleway, subject to land control and relevant process, which could then also be used by cycles”.*



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6.48 It is clear that the proposed footpath diversion will result in significant enhancements to the existing footpath and surrounding area, in terms of increased width, openness and natural surveillance. It is accepted that the proposal will result in a slight increase to the length of the footpath by 55 metres; which equates to an additional walking time along the diverted section of the footpath of approximately 37 seconds. It is our view that this increase in walking time would be negligible and could certainly not be considered significant in any way; particularly when balanced against the above benefits. It is our view that the proposed diversion would represent an acceptable form of development, which be fully complaint with government guidance and Local Level Policy, including the Eastbrook Allotments Development Brief.





## 7. CONCLUSIONS

- 7.1 The site is within the administrative boundaries of both Adur District Council and Brighton and Hove City Council. It lies within the defined built up area boundary for both Adur District Council and Brighton and Hove City Council, where the principle of new development is accepted.
- 7.2 This planning application seeks permission to extend and enhance the existing Mayberry Garden Centre. The garden centre proposals also include diverting a Public Right of Way which bisects the site south to north.
- 7.4 In terms of planning policies it is noted that there is significant support for new economic development.
- 7.5 The NPPF (February 2019) includes at Section 6 (entitled 'Building a strong, competitive economy') that *"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"* (para 80).
- 7.6 **Policy 4** relates to economic growth in the District. It states that *"additional employment floorspace will also be achieved through redevelopment, intensification and change of use to employment. The majority of this floorspace will be provided within the town centres and the main existing employment areas. Outside of designated employment areas, where new development for, or extensions to B1, B2 and B8 uses is proposed, such applications will only be permitted where it is demonstrated they will not have an unacceptable impact on adjacent residential properties and they comply with other policies in this Plan. Criteria for the identification and provision of new employment floorspace will include the need to*



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*provide a variety of new business premises including small and medium sized premises, the need to meet the modern needs of businesses in terms of floorspace, security, quality of environment, good access and services, and ensuring there are no conflicts with neighbouring uses.”*

- 7.7 Adur Council’s Development Brief identifies this site as part of land at Eastbrook Allotments, Southwick, (south of the A270, adjoining the border with Brighton & Hove City) for business development (B1 and B8 uses) and/or training and education facilities.
- 7.8 It is acknowledged that generally a garden centre is classified as ‘Use Class A1’.
- 7.9 Although the Council’s Development Brief sets out a preference for alternative uses for this site, the proposal would merely be seeking an extension and expansion to an existing and established use, which will have clear economic benefits for the surrounding area.
- 7.10 It is our view that the extension and enhancement to the existing garden centre would be a welcome addition. It would generate significant levels of employment, and would not give rise to unneighbourly impacts. Given the sustainable location of the site, and that acceptable highway solutions have been designed, we consider that the proposed extension is of a scale and form that would be entirely acceptable in planning terms, and warrants the support of the local authority.
- 7.11 There will be clear economic benefits as a result of the planning proposals, which weighs heavily in favour of the proposal. In addition, the report also identifies a number of environmental benefits that would result from the scheme. The proposal would be in accordance with guidance contained within the NPPF and **policies 4 and 12** of the Adur Local Plan and **policies CP3 and CP4** of the Brighton and Hove City Council’s Development Plan.



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- 7.12 Due to the established use of the site, together with its unique location, set well away from residential properties, the proposal will not cause any harm to the residential amenities of any properties.
- 7.13 An existing Public Right of Way (PRoW), footpath 14So, which currently runs along the western boundary of the site, following the boundary line between Adur District Council and Brighton & Hove City Council; provides a traffic free connection from Old Shoreham Road to Fishergate station to the south. To the north of Old Shoreham Road, the PRoW connects to local residential areas. The proposed works, which have been set out in detail above will require the diversion of this existing Public Right of Way (PROW) to the west of the existing route.
- 7.14 It is clear that the proposed footpath diversion will result in significant enhancements to the existing footpath and surrounding area, in terms of increased width, openness and natural surveillance. It is accepted that the proposal will result in a slight increase to the length of the footpath by 55 metres; which equates to an additional walking time along the diverted section of the footpath of approximately 37 seconds. It is our view that this increase in walking time would be negligible and could certainly not be considered significant in any way; particularly when balanced against the above benefits. It is our view that the proposed diversion would represent an acceptable form of development, which be fully complaint with government guidance and Local Level Policy, including the Eastbrook's Allotments Development Brief.
- 7.15 The application is supported by a range of technical reports, which demonstrate that the proposal would represent an acceptable form of development. Our client would be happy to carry out the suggested mitigation measures.





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7.16 The proposal meets all the necessary policy requirements, and will represent a high quality development, which will result in clear economic benefits. In our opinion the overwhelming weight of evidence supports the proposal as it is shown to comply with all relevant Development Plan policies.

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May 2021

