



Report by the Executive Head of Planning, Regeneration and Wellbeing

Planning Applications

The Committee is requested to consider the following planning applications in accordance with the power contained within **section 70** of the **Town and Country Planning Act 1990** which states:-

(1) Where an application is made to a local planning authority for planning permission—

(a) subject to sections 91 and 92 (time limits), they may grant planning permission, either unconditionally or subject to such conditions as they think fit; or

(b) they may refuse planning permission.

(2) In dealing with such an application the authority shall have regard to-

(a) the provisions of the development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations,

and

Section 38 (6) of the **Planning and Compulsory Purchase Act 2004** which states:-

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

1

**Application Number: AWDM/0501/12 Recommendation – APPROVE
subject to section 106 Obligation**

**Site: 79 - 81 Brighton Road, Shoreham-By-Sea, West Sussex
BN43 6RE**

Proposal: Demolition of existing warehouse to facilitate new mixed-use development of 132 dwellings (Use Class C3) (comprising 32 x 1-bed flats, 87 x 2-bed flats and 13 x 3-bed flats of which 27% are affordable units), a 1265sqm foodstore (Use Class A1) and 121sqm of ancillary commercial floorspace (Use Classes A1, A2, A3, A5 and B1) in a 5-7 storey building with 150 parking spaces plus cycle spaces at basement level and at the front of the site, new vehicular access to serve the foodstore from Brighton Road, access to residential units via Surry Hard, improvements to the existing river wall, public hard and boathouse and new landscaping.

2

Application Number: AWDM/1515/12 Recommendation – APPROVE

Site: 28A Brighton Road, Lancing, West Sussex

Proposal: Change of use and alterations to partially-built building from permitted use as two restaurants with manager's flat above to ground floor cafe and water sports centre with 8-bed hostel and 3 flats above (2x 2 bed and 1x 3 bed)

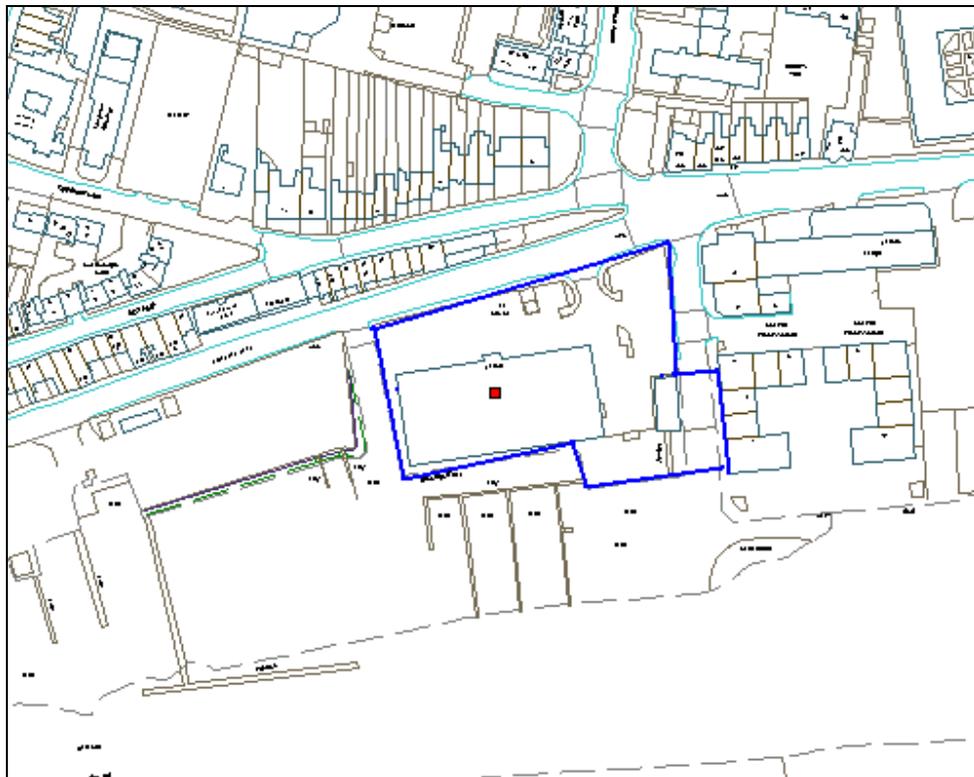
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Applicant: W N Developments Ltd
Case Officer: Peter Barnett

Ward: St Marys



Not to Scale

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The Site

The application relates to the former Parcelforce warehouse building on the south side of Brighton Road. The building has been used as a roller disco on a temporary basis since August 2011.

The site has an area of 0.7ha and is bounded by Brighton Road (A259) to the north onto which it has an existing access; by the Surry Hard to the east which is used to access the Riverside Business Centre and the Surry Boat Yard; by the river to the south, where there are a number of houseboats moored; and by Tarmount Hard to the west with the Sussex Yacht Club beyond. Both slipways on either side of the site have silted up and are currently unusable.

The site has a line of preserved sycamore trees along the frontage behind a low brick wall. A tarmac car park surrounds the warehouse to the north and east. There is also an electricity substation within the front car park.

The site lies outside but adjoins the eastern boundary of the Conservation Area. It is located at the western end of an area used primarily for business and commercial purposes but lies directly opposite residential areas to the north of the A259 and to the south of the river. Houseboats are moored directly south of the site at Surry Boat Yard.

Planning History

Planning permission was granted originally in November 2007 for a four storey 78 bedroom hotel (3,360sqm) set behind a parking area (34 spaces) facing the A259 with 79 flats in three attached six storey buildings stepping up at the rear, facing the river (ADC/0088/07). 627sqm of commercial floorspace (comprising 3 units shown as A1 retail, A3 restaurant and a gym) was also proposed on the ground floor on the south side fronting the river. A condition attached to this permission restricted the retail floorspace to non-food only.

The hotel was shown with a slightly curved 'concave' face to the A259, with three floors of accommodation supported on piers, and with the ground floor largely open apart from the glazed reception area, (and the commercial units at either end). The three rear buildings were almost triangular in floor plan, radiating from the rear of the hotel and pointing towards the river.

The car park in front of the hotel was to be raised up above the present ground level (to a level of 1.1m above road level, with a retaining wall alongside the pavement) and be served by a central access from the A259 (west of the existing access which would be closed).

The buildings would be constructed above a proposed basement car park (110 spaces) which would be accessed by a ramp off the road serving Surry Hard (and the Riverside Business Centre to the east). The ground level of the site would be raised approximately 2m above road level further to the rear and a replacement river wall provided at a height of 5.7m (1.9m higher than existing).

A footbridge was proposed (to run from the grass bank separating the A259 from New Road) over the A259 and into the east side of the building, primarily in order to overcome flood risk objections by providing a dry means of escape.

This permission was subsequently renewed in November 2011 (ADC/0215/10) and remains extant until November 2014. The highest part of the approved building would be 20.8m high (24.5m AOD).

The Application

The application is proposing to demolish the warehouse and redevelop the site with a mixed-use development comprising the following:

- 132 dwellings
- 1,265sqm foodstore
- 121sqm ancillary commercial
- 48 parking spaces for the foodstore
- 102 parking spaces within the basement to serve the residential units

The residential units comprise:

96 private and 36 affordable units, consisting of 24 x 1-bed, 63 x 2-bed and 9 x 3-bed private units and 8 x 1-bed, 24 x 2-bed and 4 x 3-bed affordable units (shared ownership).

The building largely follows the template of the approved scheme but there are a number of differences. It would be 5 storeys in height fronting Brighton Road, rising to 7 storeys on the river frontage. The ground floor foodstore would have a glazed frontage with four floors of residential projecting over the ground floor supported by piers. Undercroft car parking would be provided beneath the residential accommodation at the front to serve the foodstore only. Servicing of the store would be from the eastern end, via Surry Hard which is to be infilled and replaced with a stepped quay.

The vehicle access arrangements would be as approved but the parking area would be raised to 0.3m above the road level (4.03m AOD), which is the same level as the proposed ground floor of the building. The basement would contain the residential car and cycle parking and plant rooms plus storage for the residents. Cars would enter and exit via a ramp from Surry Hard.

The front of the building would have a linear form rather than the previously approved concave face and would be positioned closer to the road. The mass of the building would be broken up with balconies and a variety of external materials, comprising white and green render panels, blue engineering brick, timber boarding, aluminium windows and timber louvred screens. Following concerns at the lack of articulation on the Brighton Road elevation, the applicant has agreed to amend the design to more closely reflect the design approach of the extant scheme. To this end, three timber decking sections at fifth floor level are to be increased in depth to reach the front edge of the building, effectively continuing the line of the three distinct triangular elements at the rear of the building, with projecting white rendered 'fins' helping to break up the length of the front elevation into distinctive elements. To provide privacy and protection to the front terraces a glazed or light timber screen may be placed on top of the 'fins'. The extant scheme also ensured that the front elevation had a strong symmetry and focus to the principal entrance and the current scheme architect has been requested to reconsider the architectural approach to recreate this approach.

The rear of the building would consist of three distinct triangular elements projecting from the rear of the building and pointing towards the river. This reflects the design approach previously approved on the site. Between each 'finger' the roof of the ground floor foodstore would be visible and this is proposed to be a 'green' roof. The use of photovoltaic solar panels is proposed for the flat roofs on the south side of the building at seventh floor level (maximum opportunities for solar gain).

The building would measure 23.93m AOD (20.23m above road level) and is slightly below the height of the approved building (24.5m AOD, 20.8m above road level). It would have a width of 89m and overall depth of 43m. From Brighton Road the front elevation would be 14.6m high and stepping up incrementally to its maximum height approximately 19m back (south). The front of the building would be 10m from the road at the western end and 16m away at the eastern end. This compares with the existing warehouse which is 20m from the road at its western end and 27m away at its eastern end and is approximately 2m closer to the road than the previously approved scheme.

The applicant proposes improvements to Surry Boat yard as part of the development. The boat yard building is to be refurbished with new toilet and shower facilities provided for the houseboat occupiers, as before.

The previous dry access evacuation route via the proposed footbridge is no longer a requirement of the Environment Agency provided there is a safe refuge within the proposed building. A new flood defence wall to a height of 5.57m AOD is proposed along the river and western site boundary with flood gates at access points within the structure (basement car park, delivery areas and pedestrian walkways). The existing front boundary wall will be realigned and strengthened with a demountable flood barrier system fitted at the main access to prevent water ingress from Brighton Road.

Consultations and Representations

West Sussex County Council: The **Highway Authority** has advised that it has no objection in principle to the development and access proposals subject to further details being submitted and approved, as follows:

- Preliminary design for the proposed pedestrian crossing
- Preliminary design for all other aspects of the proposed road layout and highway accesses
- Design commentary highlighting departures from DMRB (Design Manual for Roads and Bridges) standards
- New road safety audit and designer's response to cover the preliminary designs.

The development is estimated to generate 85 vehicle trips in the AM peak hour and 140 vehicle trips in the PM peak hour. This is a net increase of 46 and 64 vehicle trips respectively over the former use as a Parcelforce distribution warehouse. Trip generation at these levels does not justify the installation of traffic signal control at the junction of Brighton Road/New Road/Surry Hard.

Access to parking for the proposed flats would be via the Surry Hard and access to the foodstore would be via a modified existing site entrance on Brighton Road. The applicant proposes to modify the existing central hatching and right turn lanes at the existing site entrance on Brighton Road and to maintain the existing junction layout at Brighton Road/New Road/Surry Hard. Kerb build-outs and white lining amendments are proposed at the Surry Hard junction to improve visibility to the east along Brighton Road. A controlled pedestrian crossing is proposed on Brighton Road, located between the foodstore entrance and Surry Hard.

The applicant has provided a road safety audit and a designer's response to the highway proposals. It is considered necessary that the road safety auditor should comment on the proposals for build-outs at Surry Hard and the proposed Puffin crossing.

The County Council has no issue with the concept of a crossing in this area. However, it has some concerns with the concept drawing, which would need addressing at the detailed design stage. The crossing would be a Puffin not Pelican. It is unlikely that, at road safety audit stage, the island on a straight across crossing would be acceptable as it would encourage people to stop in the middle of the road. The designer would need to ensure that visibility of the signal heads was acceptable, particularly with reference to the offside heads. It is likely that any potential problem at this site can be worked out.

The County Council uses the highway design standards contained in the Design Manual for Roads & Bridges when considering highway designs on an 'A' class road. There is a departure from standards on the 'x' distances for the junctions, and the rest of the right turn lanes are not compliant with TD42. TD42/95 para 7.8 states that the 'x'

distance should be 9m minimum for a ghost island junction. It is possible to depart to 4.5m and then to 2.4m for simple junctions (junction without right turn lanes). We can allow a departure from 9m, but the County Council has concerns with departing as far as 2.4m unless the existing is worse still. The designer should make his own case to justify the departure from 9m to a lesser 'x' distance which should comment on shyness of give way lines, driver eye to bumper lengths, and the difficulty for drivers on the major road to avoid protruding vehicles if the right turn lane is occupied.

The existing and proposed layouts are not in accordance with TD42/95 because the waiting position in the Surry Hard right turning lane stops short of the extension of the eastern kerbline of Surry Hard. - i.e the mandatory 10m "turning length" is not provided. This places vehicles in conflict with right turners into New Road. To accord with the standards the length of the turning lane needs to be extended; however this would further impinge on the right turners into New Road and the decision to do this or not will require careful consideration.

A departures from standard report will need to be submitted to the County Council for approval.

A Travel Plan will be required.

Conditions are recommended to be imposed on any planning permission. Financial contributions of £107,500 (Total Access Demand) and £168,329 (other infrastructure) are required consisting of £62,060 primary education; £66,796 (secondary education); £15,647 (6th form education); £21,570 (libraries) and £2,257 (fire and rescue).

Adur District Council: The **Environmental Health Manager** has no objection. He recommends that all flats with views of the Brighton Road be provided with a scheme to protect them from traffic noise. This will include all homes on the Western, Northern and Eastern façades of the development. The applicant should include a forced air ventilation system for all of these homes to ensure that ventilation can be provided without compromising the property's sound insulation. This scheme if used by the residents should also protect them from any noise, dust or fumes that may be generated from the Surry Yacht Club. In addition, as the delivery bay for the retail units are below homes on the Eastern façade, he requests that a condition be placed on any permission restricting delivery times. Consideration should also be given to how noise from reversing alarms of delivery vehicles in this area will be controlled.

In terms of **air quality**, the site lies within the Adur DC Air Quality Management Area (AQMA) No.1. The submitted report concludes that impacts on air quality (NO₂ and PM₁₀) from the development for the predicted year (2017) will be negligible. Whilst predicted concentrations may be 'negligible,' concentrations are nevertheless predicted to increase at all the receptors modelled, albeit by a very small amount. Any development here will increase traffic over current levels in and around the development (and AQMA) and therefore result in an increase in traffic related pollutants, however small these may be predicted to be. Traffic through the AQMA is

already at a virtual standstill for long periods through the day and any development of this scale within the AQMA will only add to the number of vehicles using the A259 and add to the congestion. The development proposes 100 parking spaces for occupiers of the residential part of the development. Additionally, trips will be generated by visitors and employees to the 10,000 square feet of commercial space. The report makes no mention or assessment of the cumulative impacts of this development and others in the immediate vicinity, which could result in larger magnitude increases in pollutants and the AQMA being sustained for longer, thereby exposing local residents to longer term health issues. Since the report was produced schemes have been suggested for developments at the site of Frosts and the Civic Centre.

The Officer is disappointed that the report proposes no mitigation whatsoever. Mitigation is the key to delivering sustainable air quality improvements in this area. For an application of this scale at this location, he would expect to see low emission mitigation options offered. Mitigation including a car club, low emission car pool, electric vehicle charging points, support for low emission buses, safe walking and cycling routes, etc. should be considered. Key to good air quality is the use and promotion of alternatives to car use and conventional-engine vehicles. The provision of good public transport links, safe walking and cycling routes and the infrastructure for alternative-fuelled vehicles are all important in delivering improvements to air quality. This is a theme promoted by West Sussex County Council in LTP3, where they state that new schemes should increase the use of sustainable modes of travel. Alternative fuel vehicles should also be encouraged. Whilst electric vehicle ownership is currently low, the number of models coming onto the market is increasing and ownership is predicted to rise in the coming years. The provision of public electric vehicle charging points is therefore important, so too is the infrastructure (i.e. the electricity supply cabling) for the provision of future public charging points. Such infrastructure should be incorporated into the development. He welcomes provision of an suitable alternative bus stop close to the development, however the applicants should also be considering sponsoring/supporting a low emission bus service rather than a traditional diesel bus service. Clearly the impacts of any development should be closely monitored, particularly a development of this magnitude at such a sensitive location. The air quality assessment makes no mention of any follow-up studies to confirm a "negligible" impacts on local air quality. The applicants should also contribute towards the costs of on-going continuous monitoring in the vicinity of the development (within the AQMA), for the pollutants NO₂ and PM₁₀, so as to confirm their impact is "negligible". The National Planning Policy Framework 2012 (NPPF) states that "Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan". The air quality action plan (AQAP) for Adur consists of various measures such as coastal fastway for buses, Travelwise transport awareness, business travel plans, county-wide public car share database, local information, etc.

He is pleased to see the inclusion of a travel plan for the development and would encourage the developers to include the Council in any discussions with WSCC on this matter. The travel plan should incorporate electric vehicle charging points and its

associated infrastructure, the provision of cycle paths/routes and safe walking routes, a car club, the promotion of alternatives to car use and low emission public transport options. Deals could be offered to residents and visitors to encourage the use of public transport, such as discounted tickets

He notes that following discussions with WSCC Highways, a pedestrian crossing is proposed. This will have the effect of slowing the flow of traffic along the A259, and have a knock-on effect on traffic flows through the AQMA. The scenario of a pedestrian crossing slowing traffic flows will not have been assessed in the air quality assessment and I recommend that the model inputs are changed to reflect the likely reduction in traffic speeds along the A259 (and therefore passing the identified receptors).

The **Contaminated Land Officer** recommends that a full contaminated land condition is imposed.

The **Waste Strategy Manager** has no objection

The **Housing Strategy Manager** would prefer to see rented units included to meet the housing needs of the district but accepts that a scheme of 100% shared ownership is justified through the viability assessment.

The Planning Policy Officer has made the following comments: The site falls within the boundary of the Shoreham Harbour Regeneration project. This project aims to encourage the redevelopment of former industrial sites along this stretch of waterfront for residential, business, leisure and ancillary retail uses. The proposed development is reflective of the Strategic Vision and Priorities for the regeneration of the harbour as set out in the Interim Planning Guidance (IPG) (August 2011). As such the change of use to residential is supported and aligns with the long term planning strategy for the area.

Joint Area Action Plan

A Joint Area Action Plan (JAAP) is in the process of being prepared and is likely to allocate this area for mixed use (residential, B1 business, leisure/tourism, ancillary retail uses). A Development Brief (as part of the JAAP) is being prepared for the Western Harbour Arm. This will identify guiding planning principles for the area and is currently being consulted on. Informed by stakeholder and community consultation, the development brief will deal with issues relevant to this application such as acceptable heights, flood defence requirements, protection of strategic views and site capacities. This proposal is in advance of the finalisation of this brief due to be completed April/May this year.

Sustainability

The Shoreham Harbour regeneration project aims to promote the highest levels of sustainability within new developments. The submitted Sustainability and Energy Statement states that the proposed development will meet a Code for Sustainable Homes level 3 through using passive design solutions, thermal insulation and air tightness levels (higher than current building regulations), installation of energy and

water efficient appliances, combination boilers in each dwelling and 1m² of PV panels per bedroom.

Unfortunately, the policy section of this document does not mention the IPG, which clearly states that the Sustainability Statement should identify to what extent proposals are in line with the Eco-towns supplement to PPS1 including how they reach a minimum of Code for Sustainable Homes (CSH) Level 4. Although the Sustainability Statement goes some way to identifying how the development will be sustainable, it does not meet these high levels as set out in the IPG. Draft Policy 18: 'Sustainable Design' of the emerging Adur Local Plan also seeks CSH level 4 on all new residential development and BREEAM 'Very Good' on non-residential. In addition, WH11: Energy of the draft Development Brief for the Western Harbour Arm seeks CSH level 4 for residential and BREEAM 'excellent' for non-residential new development.

Slipway Improvements

One of the objectives of the regeneration project is to improve the access to the water through the improvement of and provision of new public slipways. Lessons learnt through previous developments have shown that the slipways into the Adur have to meet certain specifications in order to actually be useable in practice, especially for medium to larger sized vessels.

The amended application includes a proposal to block up the slipway at Surry Hard replacing it with a quayside. A separate application will be submitted for Tarmount Hard. It is noted that the proposed quayside will provide public access allowing vessels to be moored during favourable tide conditions. Given the lack of useable slipways in the district and the removal of possibly two slipways as part of this application, provision of or contributions towards a useable public slipway off-site should be considered when determining this application.

Flood Risk

The submitted Flood Risk Assessment (FRA) does not appear to provide all of the required information needed to assess whether the development will impact on flood risk elsewhere. Paragraph 102 of the National Planning Policy Framework states that for sites where the Exceptions Test is required to be passed, applicants must provide a site-specific flood risk assessment that demonstrates:

'that the development will be safe for its lifetime taking account of the vulnerability of its users, *without increasing flood risk elsewhere*, and, where possible, will reduce flood risk overall.'

There is no evidence in the FRA to suggest that by defending the area around the proposed site there will be no impact on flood risk in surrounding locality. However, it is noted that the Environment Agency has raised no objection to the scheme in this respect.

Streetscape Guidance

A Streetscape Guidance document has recently been adopted by the Council for the Harbour area. The applicants should ensure that any street furniture and landscaping is reflective of the quality and style proposed within the guidance.

Building Heights

The application is for a 5/7 storey development. Section WH9 (p53) of The Western Harbour Arm Development Brief (currently subject to community consultation) is generally proposing heights of 4 storeys along the riverfront stretch unless certain criteria can be met as set out under WH9. The heights as proposed in the application are therefore taller than those that are likely to be promoted through the Development Brief and future Joint Area Action Plan. The Development Brief states that a proposed waterfront pedestrian and cycle route as well as the street environment of the A259 'will only be successful if an intimate scale of development is established'.

Regeneration

The Council's regeneration team are in the process of preparing a Developer's Charter which will assist in securing the benefits of new development for local businesses. If the timing is appropriate, the use of this charter is recommended as a condition.

Conclusion

In determining this application and in setting appropriate conditions, it is essential that consideration to slipway improvements, achieving greater sustainability standards and the suitability of building heights are fully taken into account.

The Council's **Engineers** state that they have no objection subject to receipt of further details of the proposed demountable flood barrier at the Brighton Road entrance, the proposed flood gates, foul sewerage and emergency plan.

Environment Agency: No objection to the revised FRA. The applicants are now intending a wall (between 0.5-0.6m high) along the A259 with a demountable flood barrier across the parking entrance. We think that this will be sufficient to prevent flooding from the A259 for the short term at least. Given ground levels are around 3.7-3.8m AOD this would give a height of at least 4.2m AOD. The open sea surge tide for Shoreham at today's date is 4.3m AOD so this would give something like a 1 in 200 year SOP not taking climate change into account. It would be prudent to insist on self operating gates at the Surry Hard side.

Southern Water: There is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The development would increase flows to the public sewerage system and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Details of foul and surface water sewerage disposal should be sought by condition.

Shoreham Port Authority: No objection in principle. Surry Hard is a public hard and worthy of protection as such. It is not a slipway. The steepness of the slope shown on the drawings makes the intended use hazardous and it would be better served by installing steps so that vessels could be boarded safely at various states of the tide. Steps could be fitted with a flood gate at the top.

Third Parties:

Original Plans: 43 letters of objection received from occupiers of 8 The Kestrels, 14 Queens Place, 11 & 137 Greenacres, 72 & 87 Buckingham Road, 21 High Street, Unit A, 77 Brighton Road, 5 John Street, 298 Upper Shoreham Road, 13 Church Street, Sussex Yacht Club, 27, 37, 49, 53, 56, 57, 58 New Road, 11b, 13b, 49 & 53 Riverside Road, 27 Middle Street, 22, 26 & 28 Pashley Court, 79 Greenways Crescent, 2 Lower Beach Road, 7 Downsway, 60 Hillrise Avenue, Sompting, 37 Riverbank, 41 Adur Drive, 4 Sussex Court & 6 North Point, 10 King John Court, Emerald Quay, 226 Brighton Road and Shoreham Beach Residents Association plus NJL Consulting on behalf of the Co Operative Group and the Shoreham Society raising the following concerns:-

- Height, scale, bulk and design of building is completely out of character with the modest scale and form of existing buildings in Shoreham
- 4 storeys is the maximum that should be permitted
- This scale of development is more appropriate in London than Shoreham
- Overdevelopment
- Poor, bland, unimaginative, box-like design
- Height will detract visually from church tower of St Mary de Haura
- Visually harmful to residents on south side of river, obscuring views of town and Downs
- Increased number of vehicles using Surry Hard and potential conflict with existing businesses
- Increased traffic onto congested A259
- Site cannot support this many dwellings
- Infrastructure cannot cope
- Increased pollution, noise, disturbance
- Inadequate parking provision will worsen parking problems
- Loss of light and privacy
- Nearer to road than existing warehouse and will be an overbearing and dominant building
- Will set a precedent for further tall buildings in Shoreham
- Will block views of the sea/river
- How will residents of the boatyard be affected?
- Loss of slipway
- Angle of ramp to slipway is too steep
- Lack of parking to serve users of slipway
- Lack of sustainable energy features

- Shoreham does not need another supermarket
- Redevelopment of the site needs to be considered in light of proposals for Frosts and Civic Centre sites and not in isolation
- Will building be able to withstand heavy rain, strong coastal winds and flooding?
- Harmful to Conservation Area and to views into and out of Conservation Area
- Will adversely affect setting of listed buildings
- Scheme lacks access to the waterside
- Previous privacy screens on approved scheme have been omitted
- Drawings lack detail
- Lack of air quality survey
- Very few jobs will be created
- This is a missed opportunity and should have made wider community provision such as a roller rink, skate ramp, gym/sports facility, riverside park
- Loss of trees
- Yacht Club is semi-industrial with boats being repaired and maintained all year round. Noise from Yard may affect residents whose balconies face towards the Yard
- This has to be the worst application in the history of Shoreham and it will ruin character of Shoreham town centre
- Flats are too small and an impractical shape
- Are ceilings high enough?
- Inadequate ventilation through building
- Lack of green space and too much hard surface
- No electrical car charging points provided
- Applicant has failed to demonstrate compliance with sequential sites retail assessment
- Applicant has underestimated retail impact of development upon Shoreham town centre
- Proposal will have negative impact upon vitality of Shoreham town centre
- Fallback position in extant permission is for non-food sales and is therefore significantly different to the current scheme
- Unsustainable development
- Will building withstand earth tremors?

2 letters of support received from the occupiers of 24 Buckingham Road and 5 Ravens Road stating that the coast needs some modern development and not just factories

Amended Plans: 30 letters of objection received from occupiers of 7 Downsway, 6 Beach Road, 43, 49, 51 & 57 Riverside Road, 27, 31, 36, 53 & 58 New Road, 298 Upper Shoreham Road, Flat 31, St Nicholas Place, Emerald Quay, 11 Greenacres, 21 High Street, 5 John Street, 1, 6 & 7 North Point, Emerald Quay, Sussex Yacht Club, 54 Brighton Road, 36 Riverbank, Shoreham Slipways Group, 67 Beach Green, 3 Sussex Court, Emerald Quay and Shoreham Beach Residents Association, plus NJL Consulting on behalf of the Co Operative Group and the Shoreham Society, plus 1 from an unspecified address reiterating previous objections and raising the following:

- Retail floorspace is still more than twice that in the original approval
- Height of 7 storeys does not comply with need to adhere to previous approved 6 storey height
- Reduction in height is insignificant
- Front elevation is not broken up with mixed heights and constitutes a return to 1960s brutalism architecture
- Presence of houseboats is not acknowledged on plans
- Affordable housing requirements have been ignored
- More beneficial use of land should be considered, such as hotel
- Lack of parking for slipway users
- S106 contribution should be paid towards providing slipway facilities elsewhere in the town
- Lack of detail about proposed improvements to Tarmount Hard
- Remove affordable housing and reduce height by two storeys
- Have flooding problems been resolved in light of predicted climate change?
- Applicant has failed to respond adequately to initial objections over retail assessment

Sussex Yacht Club comments that:

‘..it is fully in support of the aims and objectives of the Shoreham Slipways Group. We recognise the tight financial viability of the development of the Parcelforce site and are grateful for any landscaping improvements that the Developers feel they can contribute to the public hards adjacent to each side of their site. The Club does not feel that a slipway at either end is viable due to flood defence concerns, proximity to an "A" class road and the lack of satisfactory parking and turning space. We have communicated this to the developers through their appointed agent, Stephen Sexton at two meetings we have had with them, the latest in mid December 2012.

We do consider that the in-filling of both hards to road level combined with a stepped quay would provide the aesthetic that the developers seek at the least cost, would give the best opportunity for inclusion of the site into a riverside walk for pedestrian and cyclist use and would provide the best route to protect the surrounding area from flooding through what are currently two weak areas in the river defences. The quay would provide the opportunity for a large number of river users to tie up and enjoy the shops and attractions within walking distance and certainly, given the use we have from visitors to our moorings in the river for just this purpose, it would be well utilised once known.’

Retail Consultants on behalf of the Co-op have raised the following concerns:

“Having undertaken a review of the applicant’s supporting documentation, we have reached the following conclusions:

- *The proposed development fails to meet one or more of the sequential sites assessment criteria outlined within the Practice Guidance on need, impact and the sequential approach.*
- *The applicant has failed to consider the Council's Civic Centre as part of their sequential site assessment.*
- *The applicant has underestimated the overall influence this development will have upon the immediate surrounding areas of the site, including Shoreham town centre.*
- *The applicant's catchment area is unrealistic, and the store will be dependent upon expenditure currently being spent with Shoreham town centre.*
- *The applicant has failed to assess the impact upon the town centre and its assertion that no significant adverse impacts will arise has no evidenced justification.*
- *The proposed development fails to accord with Policy AB14 of the Local Plan, which seeks to maintain and enhance the vitality of Shoreham town centre.*
- *The proposed development will undermine existing investment within Shoreham town centre.*
- *The Adur District Council Retail Study Update has not identified any immediate convenience capacity for the size of the foodstore proposed.*
- *The 'fallback' planning permission on the application site does not permit the sale of food items and therefore cannot be considered a material consideration for the retail aspects of this application.*
- *The proposal does not represent 'sustainable development' and will not result in 'sustainable economic growth'"*

Relevant Planning Policies and Guidance

The South East Plan 2006-2026 (GOSE 2009): SCT1, SCT5-6, SP3, CC6-7, H1-2, H5, BE1-2

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AG3, AP4, AB1, AB3-4, AB16, AB23, AB25-27, AB30, AB32, AT1, AT10, AH2-3, AH5, AR16 and Appendix 11 'Supplementary Planning Guidance' comprising:-

Development Control Standard No.2 "Space Around New Dwellings and Flats"

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

Interim Supplementary Planning Guidance on Affordable Housing (ADC 2004)

Revised West Sussex Parking Standards & Transport Contributions Methodology (WSCC 2003, amended 2010)

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

Design Bulletin 'Trees and Landscaping' (ADC 1996)

National Planning Policy Framework (DCLG 2012)

Shoreham Harbour Interim Planning Guidance (2011)

Draft Development Brief for Western Harbour Arm (2013)

Adur Retail Study (2009)

Retail Report for Adur's Town Centres (2012)

Planning Assessment

Policies

The site lies within the Town Centre Inset Plan in the Adur District Local Plan but is not identified for any particular use or development. It lies outside of but adjoining the eastern boundary of the Conservation Area. The site has been vacant (with the exception of the temporary roller disco use) and unsightly for a number of years. Its redevelopment is desirable and in principle a mixed use scheme such as proposed is generally acceptable, subject to more detailed consideration.

Shoreham Harbour Regeneration and Joint Area Action Plan

The site lies within the Shoreham Harbour Regeneration Area, and is identified as a 'Strategic Development Area' (i.e. a regionally-significant growth point) in the South East Plan. Work is progressing on producing a Joint Area Action Plan (JAAP) for the wider harbour area and interim planning guidance was produced in 2011 which sets out the key priorities for the redevelopment of Shoreham Harbour. Its aim is to create a high-quality, exemplar sustainable development with a mix of uses. One of the key priorities is to ensure that development makes the most of the areas coastal and waterfront location, including designing new development so that it complements the existing built environment of Shoreham town centre, enhances the appearance of and access to the river and is appropriate to its setting.

The draft development brief for the Western Harbour Arm (which includes the application site), although having limited weight at the moment, also provides guidance on the objectives to be carried through to the Joint Area Action Plan, which it is hoped to be adopted in 2014.

The guiding principles include a maximum height of 4 storeys in general. Proposals for taller buildings will be required to demonstrate that the scale and height is appropriate and incorporates high quality design without harming views of the town, and in particular local landmarks such as the dominance of St Mary de Haura on the skyline. Proposals will be expected to be sustainable, reducing energy use and achieving Code for Sustainable Homes Level 4 or higher. The retention and refurbishment of public hard and slipways is encouraged where viable and practical. The Brief recognises that some sites may be challenging from a viability and deliverability perspective.

Density, character and visual amenity

The development as approved is at a density of approximately 158 dwellings per hectare (dph), including the part of the site occupied by the hotel and car park. The current scheme (132 dwellings on 0.7ha) represents a higher density of approximately

189 dph. This is considerably higher than the density of the flats in Surry Street and would result in one of the highest residential densities in Shoreham.

The scale and height of the building would also be very different to anything that currently exists in the town. The flats on the opposite side of the river at Emerald Quay are 4 storeys high by comparison.

However, the approved scheme, which remains extant and capable of implementation, was for a 4-6 storey building of 24.5m height AOD. This proposal is for a 5-7 storey building of 23.93m height AOD so actually represents a slight reduction (of 0.57m) when compared with the current permission.

The site occupies a prominent position, being on the A259 and riverside at the eastern approach to the town. While outside of the Conservation Area it will have a significant effect on its setting. The existing warehouse building is of poor quality appearance and its removal to facilitate a redevelopment of the site would clearly be desirable and beneficial. The existing character of the area is diverse, ranging from 19th century houses to blocks of flats erected in the 1960s and 1970s, plus a large open area for yacht storage, a car showroom/garage premises and a modern development of small business units. There is a pair of Grade II listed houses at the east end of New Road, facing the site. The existing warehouse building is 7m high when viewed from Brighton Road (8.5m high to the ridge) which equates to approximately 10.9m AOD (12.4m AOD to ridge).

The traditional built form in Shoreham is small scale but there are large blocks of flats of varying flat-roofed designs. The current scheme reflects the design approach of the approved scheme with the stepped height, the three 'fingers' at the rear and the 'hovering' appearance of the accommodation at the front of the building over the ground floor commercial use. There are differences in appearance, such as a more regimented front (north) elevation rather than a slightly curved façade as previously approved. The height at the front is five storeys (18.53m AOD) rather than four (17.6m AOD) which does present slightly more bulk and mass and less of a stepped increase in height when viewed from Brighton Road than approved. However, the side of the building, where the full seven storey form would be readily apparent, has been broken up with balconies as before.

To address concerns at the bulk and lack of articulation to break up the expanse of the front elevation, amended plans are expected to show projecting design elements and better coherence in design approach with the continuation of the rear 'finger' elements through to the front of the building, which follows the approach shown in the approved extant scheme.

From Brighton Road the car park to serve the foodstore would provide a hard edge to the development. The existing low wall along the frontage would be raised to 0.6m high and would be extended around the site frontage to prevent water ingress in a flood event (see relevant section later in this report). The existing line of preserved

sycamore trees are to be removed, as previously agreed, but they are to be replaced with Silver Birch and hedging to provide some relief from the built form.

The effect on the townscape of the historic centre of Shoreham, focussing on the Grade I listed church of St Mary de Haura, was previously considered. The tower of the church forms the centrepiece of the town and care needs to be applied to ensure that the overall scale and especially the height of new buildings in and around central Shoreham does not upset the skyline, especially in key views towards and out of the centre. The approved scheme was considered to not 'overtop' the height of the church tower (which stands at 24m, or 31m AOD). However, the greater mass of the approved building would make it a very prominent feature when viewed across the river.

Computer-generated images of the current development have been provided which emphasise the scale and mass of the currently proposed building. The higher part of the development fronting the river, at 7 storeys, would be a substantial built form which in some respects would dominate this section of the riverfront and would compete with views of the church from certain vantage points. The applicant commissioned a Heritage Impact Assessment (HIA) and this accepted that views of the development from the opposite side of the River Adur would change 'significantly'; however, it concluded that the central focus of the town provided by the Church Tower would be 'unaffected'. The HIA considered that the development would provide a 'clearer definition of the eastern extent of the town' in a similar way to the Ropetackle development at the western end of the town. This argument is certainly one that has some merit and in approving the original development it was accepted that the redevelopment of the site would create a 'gateway' into the more historic town centre. Overall it is considered that the redevelopment of an unattractive industrial building would positively enhance the townscape quality of this fringe town centre site and enhance the setting of the adjoining Conservation Area.

The principle of an architecturally-striking development of this scale on this site has already been established and it is not considered that the differences between the approved scheme and the current proposal are significant in terms of scale, design or footprint. While emerging policy guidance for the waterfront and Harbour area recommends a lower height, the extant permission in this case is a material consideration which justifies an exception to the guidance. It should not be seen, however, as setting a precedent for other redevelopment schemes along the Western Arm.

Residential amenity – effect on existing dwellings

The houseboats at Surry Boatyard would be most affected and they would be clearly overlooked by the proposed flats and riverside walkway. However, this was the case with the approved scheme and this proposal is not considered to worsen that relationship. To the north, residents in New Road were not previously considered to be adversely affected by the development, despite the height of the proposed building. A

distance of 20m would exist between existing dwellings in New Road (the rear of which face Brighton Road) and the proposed flats. This is closer than the previous scheme by approximately 2m, but it is considered that such a distance is still sufficient to prevent harmful loss of light, outlook or privacy to residents on the opposite side of the road, particularly as the highest part of the building is lower than the approved scheme. This is expected to be confirmed by a revised daylight and sunlight analysis.

Residential amenity – for residents of proposed flats

With regard to the standard of amenity for the occupiers of the proposed flats, compromises were made previously which is inevitable for such a high density of residential units. Nevertheless, the design achieves minimum distances of 18m between facing principal windows, with the mutual overlooking impact reduced by use of angles and screens.

Internally the one-bedroom flats range from 51sqm to 62.5sqm, the two-bedroom flats from 67.8sqm to 72sqm and the three-bedroom flats from 96.2sqm to 99.4sqm. This is an improvement on the previous scheme and accords with the Council's Good Practice Guidance Note: Internal Space Standards for New Homes.

Externally, amenity space comprises private terraces ranging from 6.7sqm to 16.5sqm generally. On the fifth floor, larger terraces to serve six north facing flats are proposed measuring 35.1sqm and 44.1sqm. Three communal terraces of 188.5sqm each to serve each 'finger' at sixth floor level are also proposed. The smaller terraces do not meet the external amenity space standard of 20sqm per flat but there is the proposed waterfront access at the south side of the building and, on balance, it is considered that the amenity standard is acceptable for such a high density development where some flexibility can be expected.

A scheme for the protection of the flats from traffic noise along the Brighton Road and from the working boat yard to the west is required by condition.

Access

The foodstore only is to be accessed by customers via a new central access on the road frontage. Residential traffic plus service and refuse vehicles will access the site via the existing access serving the business centre off Surry Hard. Modifications are proposed to the existing central hatching and right turn lane at this entrance. A puffin crossing is proposed on Brighton Road between both proposed accesses.

The development is estimated to generate 85 vehicle trips in the morning peak hour and 140 vehicle trips in the evening peak hour (compared with 39 and 76 respectively for the former Parcelforce use). West Sussex County Council (WSSCC) is satisfied that significant works to the Surry Hard junction is not justified on highway capacity or safety grounds and has no objection to the overall access proposals for the site.

However, they require further details of the pedestrian crossing and the access and road layouts, including an amendment to the turning lane, plus a commentary to support the departure from normal standards and a road safety audit and designer's response. These are awaited.

Parking

The site is a short distance from Shoreham town centre and is considered to be in a highly sustainable location close to facilities, bus routes and the railway station. Access by means other than the private car can be expected and the proposed pedestrian crossing on Brighton Road will assist with access on foot.

A total of 108 resident car parking spaces, 48 customer spaces for the foodstore and 152 bicycle spaces are to be provided. Electric vehicle charging points are recommended by both WSCC and the Environmental Health Manager and final details of their number and position are to be reserved by condition. The applicant has indicated that a single charging point could be provided in the retail car park with a further two in the basement. This would help meet sustainable travel aims and help to reduce the impact on air quality.

Public access to the waterfront including public hards/boatyard improvements

The access road on the east side of the site (to Surry Hard) is a public right of way on foot and non-motorised vehicles, as is the access to Tarmount Hard to the west. Surry Hard is to be filled in to enable access to the enhanced boat yard. The hard would therefore be lost and replaced with a stepped quay to allow access to the river. There are objections from the Shoreham Slipways Group to the loss of this slipway. However, the Port Authority has previously advised that there are no public rights to actually launch boats from this hard. They have stated their preference for a stepped quay and the plans were amended to reflect this.

To offset the 'loss' of the Surry Hard, the applicant is proposing to clear and 'improve' the Tarmount Hard to the west. This requires the agreement of the yacht club (which it is understood has been obtained in principle) and will be the subject of a separate planning application in the future. In order to ensure that these improvement works go ahead, they would need to be secured as part of a legal agreement to accompany any permission on the Parcelforce site. Discussions with both the Yacht Club and the Slipways Group have identified a number of constraints on Tarmount Hard which would restrict its use as a slipway including the poor access to the A259 and the lack of space for parking and turning of trailers. Any improvements are more likely to improve its current appearance and provide greater flood resilience rather than provide an improved slipway. Nevertheless, as indicated by the Yacht Club there would be some benefit in retaining access to the River possibly with another stepped quay. Clearly further negotiations are required to resolve the final design of any alterations to Tarmount Hard. However, there does seem a consensus of opinion between the Slipways Group, the Yacht Club and the Port Authority that steps running

at 90 degrees to the river and the provision of mooring rings might be the best solution to encourage visitors to the town and this suggestion has been put to the developer to consider.

The Slipways Group still considers that an opportunity has been lost to provide a suitable slipway on site and that the developer, at least, provide a contribution towards the provision of a new slipway elsewhere in the town. Whilst, the desire of the Slipways Group to seek to provide a new and useable slipway is appreciated, it is not considered to be essential or directly necessary as a consequence of this development. In this respect there is some doubt as to whether Surry Hard is a slipway and improvements to Tarmount Hard would at least provide some visual enhancement, possibly additional mooring areas and flood resilience. Furthermore, in view of the marginal viability of the scheme (see section below), if Members considered that a contribution towards an alternative slipway would be appropriate in this case this would further reduce the level of contributions that could be secured to deal with other important infrastructure improvements.

Public access to the waterfront is provided from both the east and west sides. From the west, access would be via the central access around to the west side of the building to the 'waterside park' and the small retail/café units at ground floor. It would then be possible to continue along to Surry Hard via a path between the basement car park access ramp and the retail delivery area. This will have a flood gate to protect the waterside park from flooding but it will only be shut during a flood event, thereby ensuring waterside access which can link to possible future developments on both sides in accordance with the Shoreham Harbour IPG and saved policy AT10 of the Adur District Local Plan. It is understood that access would be for both pedestrians and cyclists.

With regard to the boatyard, a new car park is to be provided together with a new toilet and shower block, within an enclosed yard. A new boat house is also to be constructed adjacent to the proposed waterside park measuring 18m long, 7.5m wide and 6m high, finished in white timber cladding with a zinc roof. This building will be sited immediately adjacent to the east side of the easternmost 'finger' at the rear of the main building and will provide a poor outlook for residents in the three first floor flats which will face onto the boat house. However, this is also in the same position as previously approved.

Affordable Housing and Viability

The development includes 36 affordable housing units in the form of shared ownership units within the front part of the building facing Brighton Road. This represents 27% of the total dwellings to be provided. The previous scheme secured 31% affordable housing (24 units), comprising 16 for social rent to be provided off-site, and 8 shared ownership on site. The Council's Social Housing Enabling Manager has been seeking social rented units in line with the Council's recently approved Housing Strategy. In this respect the Council would normally expect any development to incorporate 60%

rented units and 40% shared ownership to reflect the housing need within the District. However, the developer has provided a viability assessment which demonstrates that the scheme would not be viable with such a mix.

The District Valuer has provided an independent assessment of the viability report and concurs that the scheme requires the shared ownership units in order to be viable. While not ideal in terms of providing those units most needed in the District, the proposal is nevertheless considered to offer benefits in terms of providing 36 affordable units on site, rather than only 8 on site previously. Clearly there is a viability issue that is influencing in part the number and mix of units to be provided and it is considered that the proposed affordable housing is acceptable for this reason. One option could be to reduce the overall percentage to try and incorporate some rented units, however, on balance it is considered more beneficial to secure as many units as possible even if these are all shared ownership.

Flood Risk

The site lies within zone 3a, where there is a high probability of flooding. The ground level of the site is 4.03m AOD. This compares with a predicted 1 in 200 year flood level of 5.27m AOD for the year 2115. This means that without raising the existing ground, the site would flood to a depth of 1.47m.

Government advice in the form of the Technical Guidance to the National Planning Policy Framework states that in areas at risk of flooding, sites should be allocated for development on the basis of a sequential test with preference given to sites in zone 1 (low probability), followed by zone 2 (medium probability) and then 3a. If it is not possible to deliver sufficient development sites in zones of lower probability of flooding and there are wider sustainable development reasons to ensure continuing development, as in Adur, an 'Exception Test' must be applied. Both elements of the test must be met, namely:-

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared: and
- A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The site was subject of a sequential and exception test as part of the approved application ADC/0215/10 and failed to identify any appropriate or available sites in the area with a lower probability of flooding. Consequently, the applicants need to demonstrate through a Flood Risk Assessment that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and

- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning ; and it gives priority to the use of sustainable drainage systems.

The previous requirement for a safe escape route has been withdrawn and the applicant has confirmed that the Environment Agency's flood warning service would provide occupants with adequate notice of a flood event, with safe refuge and access within the building itself for the duration of a flood event.

In order to reduce the flood risk to the development, a new flood wall will be constructed along the river and western site boundary behind the existing sheet pile wall at a height of 5.57m AOD, 300mm above the 1 in 200 year flood level of 5.27m AOD. In addition, an external wall will be provided on the eastern side of the site which also forms part of the building structure along Surry Hard. Several flood gates will be installed at access points within the structure on the east side (basement car park, vehicle delivery areas and pedestrians walkway) and the existing front boundary wall will be re-aligned and strengthened and the main access to the ground level car park will be fitted with a demountable flood barrier.

The ground floor of the building will contain the commercial units only, set at the existing ground level of 4.03m AOD. It will be protected from flooding by the improvements to the flood wall. Residential units will be at least 7.73m AOD, well above the predicted flood levels. The previous requirement for a safe escape route (bridge) has been withdrawn and the applicant has confirmed that the Environment Agency's flood warning service will provide occupants with adequate notice of a flood event, with safe refuge and access within the building itself for the duration of a flood event. It would be important to ensure that a Management Company was in place to deal with the management and maintenance of the flood gates, flood defence wall and public realm areas and this can be a requirement of the s106 agreement required in connection with this development.

The Environment Agency and Council's Engineers are satisfied with this approach, subject to further details of the flood wall design and method of construction and details of the barriers and flood gates being submitted and approved. These matters can be dealt with by imposing suitably worded conditions.

Retail and Viability

The site lies within the town centre inset plan in the current local plan but this does not define the limit of the town centre boundary. However, a recent study carried out by consultants on behalf of the Council has concluded that the town centre is too extensive and comprises areas that are either not predominantly occupied by main town centre uses or not well connected to the retail area, or both. The application site is physically separated from the town centre by the A259 which forms a barrier to

pedestrian movements and the study recommends that it is excluded from the town centre boundary in the forthcoming Local Plan.

A retail statement was submitted with the application which concludes that the site is an edge-of-centre location. The proposed foodstore (1265sqm) is to be occupied by an unnamed national supermarket operator trading as a convenience store. The National Planning Policy Framework sets a default threshold of 2500sqm for requiring assessments of retail impact to be carried out for main town centre uses that are not in an existing centre. Consequently, at 1,265sqm, no retail impact assessment is necessary on this occasion.

However, a Sequential Test must be applied. The applicant states that it has assessed a number of alternative locations within Shoreham but conclude that none are sequentially preferable, available, suitable or viable. The sites assessed included St Mary's Church Hall, Norfolk House, 84 High Street, 62-64 New Road, Ropetackle North and Civic Centre site.

The applicant has argued that the proposed foodstore is likely to draw much of its trade from the local catchment and is primarily for the convenience of the new residents of their development. The site is within 150 metres of the town centre. The applicant states that it would not be commercially viable for a national operator to take a smaller store. The District Valuer has assessed the viability report submitted by the applicants and is satisfied that a food retail scheme based on £15 per sq ft element is necessary in viability terms to ensure deliverability of the development. The applicants' original assessment which indicated that they could only achieve £10 per sq ft was challenged and subsequently amended.

There have been objections to the food retail element of the proposal, including from the Co-Op, challenging the retail assessment carried out by the applicant. However, your Officers are satisfied that there are no sequentially preferable sites in Shoreham and given the size of the store proposed below the threshold requiring a retail impact assessment, it is not considered that there are any sustainable reasons for refusal based on retail impact. The concerns of the Co-Op are appreciated as the size of the store proposed is likely to be a 'top up' convenience store which would compete more directly with the Co-Op stores than other town centre shops. However, the applicant argues that the lack of any alternatives to the Co-Op creates a *'qualitative deficiency in the town centre and that the proposed development would enhance consumer choice and enhance further the town centre's vitality and viability by creating competition'*.

Whilst, there would be potentially an impact on the Co-Op town centre stores it is not considered that this would be so significant that a refusal of permission could be justified. In addition, although there may be some concerns about the increase in retail floorspace on the site, the viability assessment demonstrates its importance to the overall viability of the scheme and the regeneration benefits of the scheme would override any residual retail concerns.

Infrastructure Contributions and Viability

Under the adopted SPG, 'The Provision of Service Infrastructure related to New Development in West Sussex,' the contributions required in connection with this development are £107,500 for sustainable transport improvements, £144,503 for education provision, £21,570 for libraries and £2,257 for fire and rescue. The total contribution is £275,829. In addition, there is a requirement to provide air quality monitoring (£3,000) and incorporate an element of public art (the applicant has offered £5,000).

The Planning Statement considered that the additional costs with the development should be offset from the contributions sought by WSCC. These include repairs to the river wall and the refurbishment and improvement of the facilities at Surry Boat Yard. At the submission stage of the application the developer is therefore seeking to contribute only £70,000 towards education (rather than £144,503) and £50,220 towards transport improvements (rather than £107,500). Since that time the applicant has reviewed its viability assessment and is now prepared to offer the following contributions:

Development Contribution	Cost
Transport	£ 50,220
Education	£ 144,503
Public Art	£ 5,000
Air Quality Monitoring	£ 3,000
Town Centre Improvements	£ 40,058
Other	£ 118,277
Total	£ 361,058

A number of the above costs would normally be regarded as development costs such as the public realm improvements around the site. However, they have been taken into account as part of the overall viability assessment. The applicant is working on a draft s106 agreement and has been requested to provide a breakdown of the 'Town Centre Improvements' and 'other' contributions set out above. At present it appears that the applicant is prepared to meet the full education contribution but not the full transport requirement or the request for a contribution towards libraries. The County Council has also been requested to comment on the balance of priorities given that the applicant could not meet all the various infrastructure improvements normally required to offset the impact of a development of this scale. Members will be updated at the meeting.

Sustainable and resource efficient buildings

The Shoreham Harbour regeneration project aims to promote the highest levels of sustainability within new developments. The submitted Sustainability and Energy

Statement states that the proposed development will meet a Code for Sustainable Homes level 3 through using passive design solutions, thermal insulation and air tightness levels (higher than current building regulations), installation of energy and water efficient appliances, combination boilers in each dwelling and 1m² of PV panels per bedroom.

However, the IPG requires a minimum of Code for Sustainable Homes Level 4. The statement refers to 1m² of PV panels per bedroom and this is to be provided in the form of 73 panels with an area of 3.4sqm, equating to 248.2sqm of panels to serve 245 bedrooms. The panels are now shown on the flat roofs at seventh floor level on the rear (south side) of the building. This revised siting is considered to be an improvement. Other sustainability measures have been sought to further improve the sustainability credentials of the development but the applicants do not wish to incorporate them, other than the provision of green roofs on the retail units on the waterfront.

It is disappointing that such a significant and prominent development falls short on sustainability but it must be remembered that there is an extant permission on the site which would deliver a 'Very Good' rating under the former BRE guidance (equivalent to Code 3). This 'fallback' position makes it more difficult to insist on a higher rating on this occasion. The applicant has indicated that meeting Code 4 would have a financial impact on the overall scheme viability but that steps would be taken to meet some of the requirements of Code 4 particularly in relation to thermal insulation.

Recommendation

Subject to the receipt of revised plans improving the design of the development and satisfying the requirements of the Highway Authority, and completion of a section 106 Obligation to secure the agreed development contributions, the on site affordable housing and securing works to upgrade Tarmount Hard.

APPROVE for the reason:-

The principle of an architecturally-striking development of this scale on this site has already been established and it is not considered that the differences between the approved scheme and the current proposal are significant in terms of scale, design or footprint. The development is within the built-up area and would help meet the need for additional housing without detracting from the existing local urban environment, including the adjoining Conservation Area and listed buildings. It can take place without resulting in unacceptable detriment to the amenities of neighbouring properties, without detracting from highway safety and without unacceptable risk from flooding. It would consequently not conflict with the relevant saved policies of the Adur District Local Plan (AG1, AH2, AH5, AB3-4, AB11, AB23, AB25-27).

Subject to:-

1. 5 year time limit
2. Approved Plans
3. Details of boundary treatment
4. Car and cycle spaces and public footpath along riverside to be constructed prior to occupation of buildings and retained thereafter
5. Turning spaces to be provided
6. Highway works, accesses and visibility to be provided and retained
7. Existing access to be closed
8. Existing public rights of way to remain undisturbed unless and until legally stopped up or diverted
9. Temporary provision of contractors' materials, etc
10. Temporary wheel cleaning facility
11. Landscaping scheme including replacement trees
12. Existing trees shall not be removed until a contract for the redevelopment has been secured
13. Samples of external materials to be submitted and approved
14. Archaeological investigation required
15. No external lighting or floodlighting
16. Restriction of opening hours 8am – 11pm
17. Restriction on delivery hours and reversing vehicle alarms
18. No extract ventilation systems to be installed without consent
19. Commercial floorspace use restricted to A1, A2, A3, A5 and B1.
20. Protection measures for flats from traffic noise and noise from boat yard
21. Details of electric car charging points
22. No individual external aerials
23. Waste storage provision
24. Foul and Surface Water Drainage details to be submitted prior to development commencing
25. Ground contamination investigation
26. Method statements for piling/flood defence works
27. On-site renewable provision
28. Flood Risk Emergency Management Plan details
29. Development to be carried out in accordance with submitted FRA
30. Details of flood barriers and gates to be approved
31. No signage to be displayed without advertisement consent

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Informative: Formal agreement with Southern Water required to provide necessary sewerage infrastructure and for connection to water supply and on-site mains.

4th March 2013

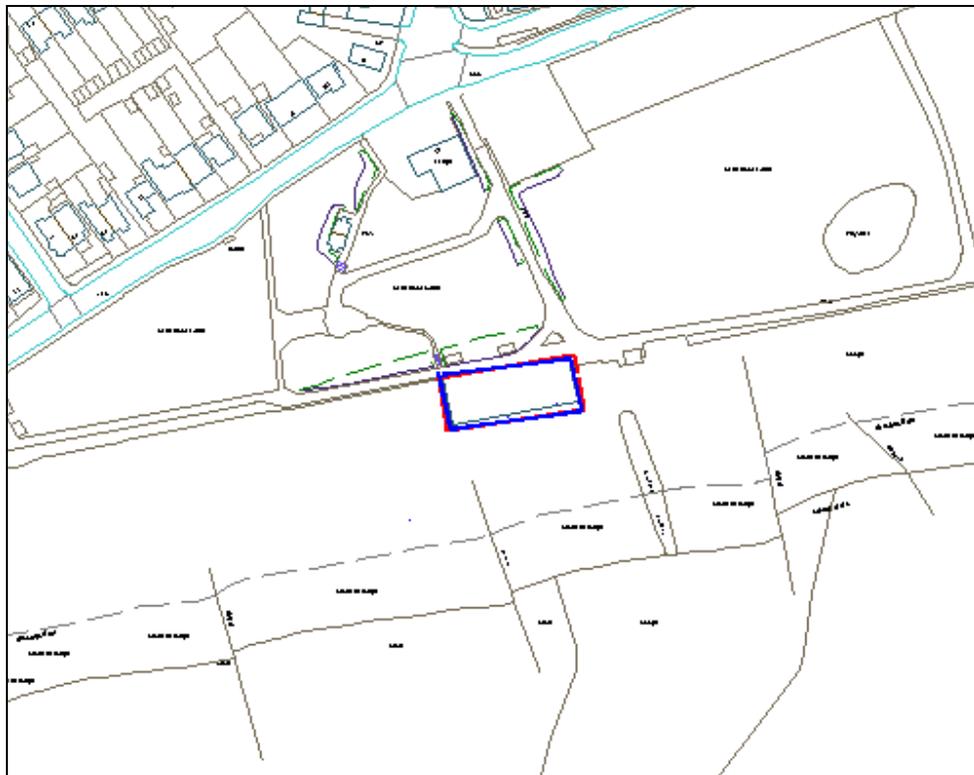
Application Number: AWDM/1515/12 Recommendation – APPROVE

Site: 28A Brighton Road, Lancing, West Sussex

Proposal: Change of use and alterations to partially-built building from permitted use as two restaurants with manager's flat above to ground floor cafe and water sports centre with 8-bed hostel and 3 flats above (2x 2 bed and 1x 3 bed)

Applicant: Mr Alex Hole
Case Officer: Peter Barnett

Ward: Churchill



Not to Scale

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The Application

The application relates to the incomplete building being erected initially under permission L/235/04 for use as a restaurant/bar with function rooms and a first-floor flat and AWDM/0108/09 for the subsequent change of use to two restaurants on the ground floor and first floor with a 1-bed manager's flat on first floor. The building is currently an unfinished shell which occupies the site of the former Murphy's Bar and attached amusement arcade (previously called the Mermaid cafe and amusements).

The building occupies the full extent of the plot and the proposal includes the provision of a 2m wide walkway around the building on a narrow strip of the shingle beach to be leased from the Parish Council (as previously approved).

The proposal seeks to amend the design of the building from that approved in order to improve and upgrade its appearance and its visual impact. The application also proposes a change to the use of the building to provide the following mix of uses:

Ground Floor – Café and watersports centre

First Floor – 8 bed hostel and 3 flats, comprising 2 x 2 bed apartments and 1 x 3 bed apartment

The apartments are intended to be carbon neutral with their entire energy demand offset by photovoltaic panels integrated within the curved roof. These panels will also offset a significant amount of energy consumed by other uses of the building.

The existing building is solid with no openings at the rear or sides. As approved, openings were shown as being introduced at the rear but the current scheme is proposing more extensive glazing on the sides and rear plus on the whole of the southern (sea-facing) elevation. The ground floor is to be brought in at the front and rear which enables the roof to provide more of an overhang. A balcony is to be provided at first floor across the entire southern elevation to serve the proposed flats.

The ground floor enclosed volume will be reduced by 121sqm from 674sqm to 553sqm which results in greater emphasis of the profile of the curved roof. Parts of the first floor will also be brought in to provide shading and reduce overheating. The first floor area will be reduced from 509sqm to 457sqm.

Consultations and Representations

West Sussex County Council: The **Transport Planning Officer** states that the access to this site joins the A259 at the mini-roundabout junction at South Street. It is narrow but has adequate visibility. However, due to its narrow width, he would not wish to see an intensification of use.

On the basis of the floor spaces quoted above he would anticipate vehicular parking demand to be around 65 spaces. Clearly these are not available within the site. A parking provision for two vehicles has been demonstrated on the plan provided and it is indicated in the Design and Access Statement that one will be allocated to the watersports centre and the other will be allocated to the residential flats. A short walk from the site, there is a public car park which can accommodate approximately 200 spaces. He considers that customers would use this car park in practice. He questioned whether the car park is to be open during the proposed hours of opening for the site? If it is not, then there maybe a parking issue.

Secure and covered cycle parking for three cycles would be considered appropriate for the residential aspect of this application; these have been demonstrated on the plan provided. A cycle parking provision for the A3 floor space and watersports centre should also be provided. It is noted in the design and access statement that there is an existing cycle parking provision but it is unclear how many cycles this provides for?

It is important that there is space for deliveries to take place and for service vehicle to be able to turn. This however would have also been the case at the site with its previous use as the Mermaid Café.

The legal line of Public Footpath 2054 runs immediately north of the site parallel with the shore. The applicant must ensure that development does not extend into the path width and that public access remains safely and conveniently available at all times across the entire path width during any works.

Beginning east of the site and running north to Brighton Road is Public Footpath 2056, along which it is presumed that construction and future delivery traffic will flow. The public highway right is solely for pedestrian access so the applicant must ensure that a private right exists before taking vehicles along this route – it would be an offence without the proper consent. Assuming that such consent is granted, the applicant must be aware that pedestrians have priority at all times; and that the applicant will be liable for any damage or deterioration to the existing path surface as a result of their vehicular use – any future remedial works will need the prior consent of WSCC PROW.

On the basis that vehicular access for customers will not be along the footpath and that customers will utilise the nearby car-parks no concern would be raised from the highways authority. The applicants should however clarify that they, and the occupiers of the site once completed, will have private access rights to the site as access to the public highway has not been edged red on the plans provided. Confirmation that the nearby car park is open during proposed opening hours of the site is also advised, along with confirmation of quantity of the existing cycle provision.

Subsequent Highway Comments: The applicant has supplied a title deed detailing a right of access from 28A Brighton Road to the main Lancing Road.

The applicant has confirmed that the public car park to the north east of the site can accommodate 200 vehicles and is open all day all year round, with charging operating between May and September. The parish council have commented that they could not guarantee this facility to operate in the future, however this is the same of any development that relies on the use of privately owned parking facilities.

The Highways Authority did previously have concerns that the proposed garage parking provision, which was originally proposed to serve one of the residential flats and the water sports centre, would be in direct conflict with pedestrian and cyclist movements along the adjacent cycle path. However, they would be satisfied with the

retention of the garage for a maximum of one vehicle only as an appropriate level of pedestrian visibility can be achieved. They consider that this application would be difficult to resist on highways grounds.

With regard to service and deliver vehicles visiting the site; no overriding concerns were raised to this aspect of the proposal in the previously approved scheme. It would therefore be difficult to resist the latest proposal on this basis.

Concerns have been raised locally regarding the security of Beach Green. The applicant has proposed to install a rising bollard approximately 25 metres along F.P.2056 south of Brighton Road to ensure security. While no highway safety concerns would be raised to this aspect of the proposal the works on the public right of way would require the consent of WSCC Public Rights of Way. The applicant would be required to contact WSCC Public Rights of Way to obtain formal approval from the highway authority for the installation of a rising bollard onto F.P.2056.

From inspection of the latest plan a location to the east of the site on Beach Green has been identified for an additional 8 cycle parking spaces. This area falls outside the red edging on the location plan provided and would therefore require the consent of the land owner, believed to be the Parish Council. However no concern would be raised to this provision in principle and 8 spaces would be considered appropriate to serve the café, hostel and water sports aspect of the proposal. The cycle parking provision should be secure and covered, the full details of which should be submitted to and approved by the LPA.

Adur District Council: The **Environmental Health Officer** has no objection but states that details of the kitchen extract and odour abatement for the café should be submitted as there are proposed residential properties above. Details of any other plant proposed that could cause noise such as air conditioning, should also be submitted.

Given the proximity of the proposed apartments to the café, it would be advisable to provide these residences with whole house ventilation systems. This will allow occupiers to close windows to keep the noise out from customers sitting outside the café below, particularly if the commercial unit has a licence for music and alcohol. Such a system will also help as the apartments are exposed to the wind directly from the sea and if you only have sliding doors for ventilation, what happens when it is too windy to have these doors open? Given the steel roof and the South facing aspect the properties will become very hot in the summer and such ventilation will help with thermal comfort in the summer and can be connected to the heating system for the winter.

Hours of use restrictions are recommended on the café, perhaps 7:00am to 11:00pm. The **Planning Policy Officer** objects to the application. The proposed development lies outside of (but adjacent to) the defined built up area boundary of the District. Policy AG1 of the adopted Adur Local Plan applies, which distinguishes between the

countryside and coastal beaches where there is a general presumption against development, and the built up area where the presumption is to permit development.

The proposal for leisure uses at ground floor level and the hostel accommodation at first floor level is considered acceptable in terms of the wider regeneration benefits for Lancing expressed in the Lancing Vision document. However, the introduction of additional residential accommodation at first floor level contravenes policy and would set an undesirable precedent for residential development outside of the built up area on the coastal beaches.

The applicant makes reference to para 55 of the National Planning Policy Framework and Local Plan policies AC1 and AR2(means AR7?) in the Design and Access Statement submitted as part of the application. The proposed development is not in a rural location or in the defined countryside; it is on a coastal beach outside of the defined built up area and therefore these policies are not applicable.

The **Regeneration Officer** objects and states that the proposal does not fit within the guidance set out in the Lancing Vision.

The **Emergency Planning Officer** has no objection subject to provision of appropriate flood resilience measures.

Environment Agency: No objection in principle to the proposal as submitted. However, given the highly vulnerable location, they do not consider the components of this proposal ideal and they recommend that the following points are considered carefully when coming to a decision:

- If sufficient resilience has been proposed to protect the development from wave over-topping and wind blown debris.
- There is no safe access/egress from the development. The only access would be via the beach or across the very low lying Beach Green. During storm conditions, neither option could be considered safe. In the absence of safe access/egress an emergency plan should be submitted as part of the planning application. This enables an informed decision to be made as to whether future occupants will be safe.

They also mention that they will strongly resist any future proposals which encroach onto the shingle beach defence any further than existing.

Lancing Parish Council: Whilst it is understood that it was in everyone's interest to see the building developed after so many years of it standing dormant it was felt that it could not support the application in its present form. Whilst the introduction of a café and water sports centre was supported, the main contention was the residency issue and that if the Council conceded on this important matter then this could likely set precedents which would be contrary to the ambitions of the community as a whole in re-generating Lancing by prejudicing the adopted Lancing Vision.

After discussion Committee resolved by a majority of eight to one, with one abstention to **object** to the application on the following grounds:-

- The use of the building as a multi residency all year round
- Access issues across Beach Green and the legality of allowing access to the site and the use of a footway by vehicles
- Public safety if vehicles are allowed to use the footpath to gain access in greater numbers and frequencies
- Access/egress via the roundabout at the junction of the A259 & South Street would create a danger
- The security of the Beach Green would be jeopardised if many persons were allowed access.
- Car parking issues – the council own the car park and could not guarantee its continued existence in future.
- The overdevelopment of the site

Third Parties

6 letters/emails of objection received from the occupiers of 11 The Haven, Brighton Road, 93 Brighton Road, 3 Grand Avenue, 10 Shopsdam Road, Lancing and 25 Hazeldene Meads, Brighton plus an unspecified address:

- Overdevelopment in terms of residential use
- Providing vehicular access to the residents could make the green vulnerable to travellers
- Where would vehicular access be from? Existing access adjacent to SE Tyres is blocked, while access via Beach Green car park will result in cars driving along busy footpath/cycleway.
- Current car park is at full capacity and there is no alternative on-road parking available
- No lighting or pathways from car park to building
- Beach defences need reinforcing annually and it seems dangerous to make alternative use of an area of beach adjacent to the building
- Access from roundabout is a footpath and should not be blocked by parked cars
- Will set a precedent for other changes to residential use
- Sea Lane Café in Goring and Seaside Café in Littlehampton prove that non-residential proposals can be hugely profitable attractions
- Residential use will be isolated
- Building should be demolished rather than turned into exclusive beach-side residence
- It should provide services to the public only
- Vehicles should not be allowed access so close to the beach
- This is a commercial building and not residential
- Proposal has not been thought out

- Watersports facility must be properly managed and be open and inclusive
- Water sports are not allowed in the immediate vicinity of the building and are limited to an area 0.5 miles to the east
- Will impact on cycle lane users
- Management and zoning of water sports in Lancing as a whole needs reconsidering
- Kite surfing is a very dangerous sport
- There was a kite surfing fatality 2 years ago
- Inadequate space available for conflicting water sports participants

25 letters/emails of support received from the occupiers of 18b (2 emails), 128A & 249 Brighton Road, 1 Birch Close, 63 Beachcroft Place, 16 Third Avenue, 2 Cecil Road (2 letters), 1 The Herons, Old Salts Farm Road, 7 Monks Avenue, 42 Ingleside Crescent, 24 Elm Grove, 11 The Paddocks, 27 Wenceling Cottages, 61 Sompting Road, Lancing; 23 Osborne Close, Sompting; 89 Downside, Shoreham-by-Sea; 11 Cross Road & 55 Southwick Street, Southwick; 26 Longlands, Worthing; 3 Frederick Gardens, Brighton, High Beech, Steyning and Lancing Sailing Club:-

- This will be a great asset for Lancing
- Would make a very attractive venue and fantastic resource for locals and visitors
- Will help to reverse decline in Lancing and revitalise Beach Green
- Design looks great and well thought out
- Café and watersports centre would be a great addition to the beach front
- Will encourage healthier activities for Lancing residents and increase community spirit
- Existing building is unattractive and foreboding.
- Residential use will give it life throughout all hours and aid regeneration, plus add security
- Council should encourage new business, employment and leisure facilities
- Building cannot be allowed to remain an eyesore
- This needs to happen quickly and not be delayed further
- There is ample car parking nearby
- Have to be financially realistic and accept residential use
- There are already homes along the sea front not far from the site
- This venture has received almost unanimous support on Lancing Regeneration Community Facebook page
- Sailing Club looking to strengthen links with the planned businesses
- Cyclists should dismount by the building and this should be enforced.
- Traffic serving the building will be at a low level and should not cause safety problems

2 emails received neither objecting to nor supporting the application from the occupiers of 16 The Grovelands, Lancing and 25 Hazeldene Meads, Brighton:-

- Will there be restrictions on noise pollution? Would not want there to be parties on the balconies which could spread to the beach and green.
- Loud music from the residential accommodation would spoil tranquillity of the beach
- Should restrict all vehicles except for deliveries
- Vehicles close to building introduce hazard for walkers, cyclists
- Representation regarding extent of support on Facebook page is misleading
- Opinions are mixed regarding this application
- How will 3 flats aid the regeneration of Lancing?

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993–2006 (ADC 1996) (saved policies): AG1, AR2, AR12

South East Plan (GOSE 2009): CC1, CC2, CC3, CC4, CC6, BE1, TSR1, TSR5, SCT1, SCT2

Lancing Village Vision 2012

National Planning Policy Framework

Planning Assessment

Policies

The site is located just outside but adjacent to the built-up area boundary as defined in the Local Plan (which runs along the seafront path). In the Local Plan, the site is included within the Beach Green and beach area subject to policies AR2 and AR12. AR2 states that non-recreation uses of recreation areas will not be permitted and the Council will encourage their continued use for public open space purposes. AR12 states that improvements to facilities at Lancing Beach and Beach Green will normally be permitted subject to sea defence, local access and environmental considerations.

Lancing Vision is a document which sets out the regeneration aims for Lancing. It has been prepared by Lancing Parish Council in partnership with Adur District Council and has been subject to extensive public and stakeholder consultation. The Vision seeks to establish Lancing as a vibrant village, an exciting seaside visitor destination and a place that provides for the needs of the community. One of the core recommendations is to “establish a lively seaside destination on South Street and Beach Green, with places to eat, drink, relax, play and enjoy outdoor and watersports activities.”

In respect of Beach Green, the aim is to provide a gateway building or buildings which draw people onto the green. The Vision states that there should be no residential uses outside the built up area as this is not a use that supports the objective for a leisure zone and it would set an undesirable precedent for future development on the green.

With regard specifically to the building subject of this application, the Vision identifies the removal of the existing building as the preferred option. However, the feedback

from consultation was that the majority of respondents wanted to see the building retained and improved, including the provision of glazing to enable views through the building to the sea. If it is to stay, the building must be refurbished to the highest design and architectural quality.

Principle of development

Although outside the defined built-up area, the principle of what amounted in effect to a new building on this site was accepted, in 2005, and reinforced in 2009 with the subsequent permission, as a replacement of the previous derelict premises. It was seen as adding to the attraction and modernising the image of Lancing seafront and not conflicting with policies AR2 or AR12. However, the building has not been completed and has an unsightly appearance in a very prominent location on the seafront. The improvement to the external appearance of the building is therefore considered essential and in that respect the proposal is acceptable in principle.

The provision of a café is also appropriate for the beachfront location and reflects the previous use of the site. The watersports centre is also considered to be an appropriate leisure use, taking advantage of the beachfront position and proximity to a popular kite surfing destination. The addition of this use would assist in meeting one of the core recommendations to establish watersports activities.

At first floor, the hostel use would be appropriate as it would link with the watersports centre and café and benefit the overall scheme by providing accommodation for visitors to the watersports centre who wish to go on a weekend or week long kite surfing course. It would accord with Lancing Vision in respect of establishing a lively seaside destination for eating, drinking, relaxing and watersports.

However, it is the private residential use which is controversial as it will result in three dwellings outside of the built up area boundary, contrary to policy AC1. The previous approval contained a manager's flat in what was only a relatively small corner of the first floor. The current proposal is for 3 flats across most of the first floor, with the 8 bed hostel in the north east corner. This is a significant increase and has generated objections from the Planning Policy and Regeneration sections as well as Lancing Parish Council and several local residents.

The applicants were asked to consider changing one or more of the flats to holiday accommodation in order to more closely reflect the aims of Lancing Vision. Such accommodation is considered to relate well to the proposed hostel and watersports centre and could be an attractive destination for holidaymakers. However, the applicant states that it is not viable to proceed with the redevelopment without the 3 flats. A business model has been submitted to support the applicant's claim, stating that the primary restricting factor is the maximum charge per week that a holiday flat could expect to receive in Lancing. This low weekly rental value reduces the potential for the site. The applicant further states that no financial institution would look to fund or finance the scheme based on the current revenue expectations.

From a tourism and leisure perspective the applicant states that they have included the hotel/hostel spaces to bring tourism to the local area. These Hotel rooms for short term visitors would be provided on a subsidised rate to allow this aspect to be included in the scheme and to fulfil this requirement.

Your officers would normally expect to seek an independent evaluation of the viability of the scheme from the District Valuer but the applicants declined to meet those costs. Consequently, an independent viability assessment has not been carried out. However, the business modelling that has been provided does appear to be fairly robust. A decision must therefore be reached on whether three private flats would be acceptable as an exception to Development Plan policies in order to finance the redevelopment of this building. The building is evidently in need of urgent attention to upgrade and enhance its appearance in this prominent beach front location. The café/watersports centre/hostel uses will be an asset to Lancing and the proposed design improvements would result in a much more attractive building which could provide a focal point for beach activities in Lancing, in line with Lancing Vision and the regeneration objectives for Beach Green. There is a danger that if this application is refused the building would sit in its unfinished and unsightly appearance for to the detriment of Beach Green and the Lancing seafront. On Balance, therefore, it is considered that in the interests of achieving the necessary enhancements to the building and securing the ground floor and hostel/hotel uses, permission should be granted for the scheme as submitted, including the residential element. This should not be seen as setting a precedent for future residential uses outside the built up area however the circumstances for this case are unique.

In this respect residential use is being permitted within a previously approved building (in fact the building has less floorspace than before).

The additional residential use would 'enable' the other uses and help ensure that the overall scheme is viable. However, any further reduction of the leisure/recreational uses would not be acceptable.

Visual amenity

In deciding to permit the new building in 2005, it was recognised that it would have a substantial visual impact on account of its scale, contemporary design with 'wave-shaped' roof, and elevated position above Beach Green. However, its lack of completion has resulted in an unsightly structure in a very prominent location which detracts from the beach front.

The changes now proposed would largely retain the scale of the approved building but would introduce a number of significant design changes to enhance its appearance by reducing the solid form and improving the intervisibility to the sea. On the north elevation facing Beach Green, the ground floor glazing would be increased in extent, providing full-height windows and doors. Glazing would be primarily towards the

eastern and western ends of the building which, together with full glazing to the front and on the corners of the building, would provide views through the building. Timber weatherboarding would be introduced in the centre of the ground floor on the north elevation and on the curved soffit. The existing roof finish is to be retained but with roof lights added.

On the south elevation the building will be almost entirely glazed. PV panels will cover the south facing roof, in order to help with achieving Zero Carbon homes. It is hoped that the PV panels would be flush with the curved roof and additional details have been requested on this point. At first floor a glass balustrade will run along the entire front elevation and wrap around the sides in the SE and SW corners. The blockwork is to be finished in white render at the sides with narrow windows installed to break up the elevation.

Overall, the proposed alterations are considered to result in a substantial visual improvement compared to the previously approved scheme which will generally accord with the recommendations in Lancing Vision.

Access and parking

The existing permission is for the subdivision of the building into 2 restaurants, with manager's flat, which would have generated a certain amount of vehicular traffic, including deliveries to the building across Beach Green and the cycleway. The site is in a sustainable location in accessibility terms and also lies very close to the large public car park on Beach Green. There is concern that the increased residential elements (both private and hostel) will result in greater demand for parking and access closer to the building, with cars driving onto the cycleway/footpath or parking on the access road which runs from the A259 to the building between SE Tyres and the car sales plot.

Unlike the previous permission the proposal now includes 1 parking space within an integral garage (originally 2 spaces were shown but this has been reduced to minimise traffic movements across the cyclepath). This is to serve one of the flats in order to achieve 'Lifetime Homes' standard (a wheelchair platform stairlift is to provide access to the first floor for residents). The approved scheme had no on-site parking provision. However, a vehicle can reverse safely over the cyclepath through use of mirrors or CCTV to improve visibility. It should also be noted that the footprint of the building is being reduced slightly and brought back off the cycleway, which will improve inter-visibility between cycleway users and drivers of any vehicle exiting the building. Furthermore, cyclists are supposed to dismount along the area of cycle path immediately behind the building. Limiting the amount of parking to just a single space will help to keep vehicular activity to a very low level which should not conflict with cyclepath users.

With regard to the issue of access from South Street and how that is managed without conflicting with other users of the public right of way or leaving Beach Green

accessible to other vehicles, the applicants are proposing to install a rising bollard at the end of the access road to ensure access is by residents, deliveries and emergency vehicles only. They anticipate up to 4 deliveries a day. The applicant has referred to an easement signed by Lancing Parish Council which allows for deliveries to the building and to a right of way for the occupier of the former bungalow on the site and any successors in title.

WSCC has no objection to the access and delivery proposals as these reflect what was previously agreed. Parking for visitors is available in the Beach Green car park and cycle parking can be provided on the Green, as well as within the building for residents. WSCC has not raised any objection to the application and is satisfied with the provision of one garage space on site.

Residential amenity

The building itself is well separated from residential premises, being 100m from the closest properties which are the Home at No's 85 & 87 Brighton Road which is considered adequate to avoid unacceptable disturbance. Opening hours are specified as being 0800-2330 Monday to Saturday and 0800-2230 on Sundays. The current suggested hours are slightly later than those recommended by the Council's Environmental Health Officer and there is the potential for noise disturbance to the occupiers of the flats caused by the ground floor A3 (café/restaurant) use. The previously approved closing hours for the restaurant are 12 midnight Sunday to Thursday and 1am Friday and Saturday but this would not have resulted in disturbance to residential amenity as the only resident would be the restaurant manager. While it is desirable to maximise the use of the café, particularly in the summer, the proposed opening hours are slightly later than would normally be expected to be reasonable so close to residential units and a closing time of 11pm Monday-Saturday is therefore recommended.

Flood Risk

The site lies within Flood Risk Zone 3a but the Environment Agency has no objection to the development in principle although they state that the components of the development are far from ideal. It requires assurance that sufficient resilience is included to protect the development from wave over-topping and wind blown debris. The submitted plans show the sea wall to the south of the building being extended westwards to protect all of the building, but being lowered in height to 0.55m high to enable café users to enjoy a view of the sea. Gaps are also to be provided within the wall to enable pedestrian access but these can be blocked with temporary boards to in the event of a storm surge. It is considered that further assurance is required though in the light of the Environment Agency's comments to ensure that the building is sufficiently protected from wave over-topping and wind blown debris. Further information is expected from the applicants and will be reported at the meeting.

The other principal concern of the EA relates to the fact that there is no safe

access/egress from the development. The only access would be via the beach or across the very low lying Beach Green. During storm conditions, neither option could be considered safe, making occupiers of the flats and hostel vulnerable. An emergency plan is required to be submitted and this can be secured by condition.

Sustainable Construction

The building's resource efficiency is to be improved with the proposed flats designed to be Zero Carbon Homes, with high levels of insulation and air tightness, mechanical ventilation with heat recovery, energy efficient lighting, reduced water use, an air source heat pump for hot water and heating and photovoltaic panels on the roof to provide enough renewable energy electricity to offset the annual electrical consumption. The café, watersports centre and hostel will also benefit from similar design principles and technology to ensure that the building is sustainable.

Whilst not meeting all the criteria necessary to achieve Code 6 for Sustainable Homes, the scheme will meet the requirements of Code 6 in relation to meeting the energy needs of the development from renewable energy sources and this is another positive aspect of the scheme.

Recommendation

Subject to receipt of further information to satisfy the Environment Agency, APPROVE for reason that:-

The proposed café/watersports centre/hostel uses and the proposed design improvements would result in a much more attractive building which would hopefully provide a focal point for beach activities in Lancing, in line with the Lancing Vision. The residential element of the scheme, while contrary to policy, would help to secure the deliverability of the scheme in the wider interests of achieving the necessary visual enhancements to the building to the benefit of Beach Green. The proposal would not result in unacceptable detriment to the amenities of neighbouring properties or detract from highway safety. It would consequently comply with the relevant policies of the Adur District Local Plan (AR12).

Subject to:-

1. Standard time limit
2. Approved plans
3. Business hours limited to 7am-11pm Mon- Sat and 8am-10.30pm on Sundays and Bank Holidays
4. Permission restricted to A3 café/restaurant use only and D2 watersports centre only with area designated as a Hostel to be used as such under Class C1 only and not to be used as permanent residential accommodation under Class C3.
5. No odour extract system to be installed without approval

6. Prior to its construction, details of the surfacing of the walkway around the building shall be submitted to and approved in writing by the LPA.
7. Provision of cycle parking
8. Vehicular access to building to be limited to resident of one flat and deliveries only
9. Details to be submitted showing method for improving visibility for drivers reversing out onto cycleway
10. Details of external materials, PV panels, balconies to be submitted and approved
11. Flats to meet "Zero Net CO2 Emissions" in accordance with energy category Ene 1 of the Code for Sustainable Homes and no dwelling shall be occupied unless and until it has been inspected and certified as such by an independent and qualified expert and the Certificate has been submitted to the local planning authority.
12. Emergency Plan to be submitted and approved

Informatives:

1. Contact Public Rights of Way to obtain consent for installation of rising bollard
2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

4th March 2013

Local Government Act 1972
Background Papers:

As referred to in individual application reports

Contact Officers:

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Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

- 9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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