P x R 2/7/07
- delegated authority given to decide as per rec.

Application Number: ADC/0255/07 Recommendation - Pending

Site: **Britannia Avenue (part of former Sussex Wharf) Harbour Way, Shoreham-By-Sea**

Proposal: **Two and three-storey Class B1 offices and workshops (in substitution for offices, workshops, doctors surgery and pharmacy previously approved under SU/56/03) with parking and relocation of terrace of 3 houses**

The Application

The application relates to the part of the Sussex Wharf development site intended for 'employment' purposes and lies adjacent to Harbour Way, to the east of the Harbour House live-work units where the access road to be known as Britannia Way has recently been constructed, and to the rear of an electricity substation on the corner.

The original scheme, approved in 2004 (SU/56/03), comprised a doctors' surgery and pharmacy as well as Class B1 office and workshop units. The present proposal involves substituting wholly offices for the office building which included the surgery. The office building including the pharmacy is proposed to be replaced with a terrace of 3 houses; the houses would be relocated from a site on the east side which, to compensate, would now become offices.

The proposal totals approximately 2,600sqm of floorspace which, it is estimated, should enable creation of about 200 jobs. The previously approved plans showed approximately 2,700sqm including the surgery and pharmacy.

As now proposed, on the west side of Britannia Way, to the rear of Harbour House and its parking area, would be a two-storey building (maximum 355sqm) with a similar building behind (max 530sqm) plus 16 parking spaces. These would be suitable for Class B1 workshop use. On the east side of Britannia Way, would be a long three-storey office building (1,200sqm) with 24 parking spaces behind accessed off a new road (Joseph Walk). To the rear of this, also accessed off the latter road, would be a smaller three-storey office building (500sqm). This would lie opposite a terrace of new houses to the north (currently nearing completion) and would adjoin garages to the east (completed) and south, behind the houses to be built on the Harbour Way frontage and the houses (completed) on the frontage of the new road to the east (Sea Spray Avenue). The proposed materials are predominantly rendered walls (to be painted white, terracotta and brown) with mono-pitched standing seam metal roofs (at a very shallow angle). There would be small areas of colour-coated metal cladding on the walls. The plans show 4 units comprised in the largest block (each having three floors) whereas the smaller three-storey block to the east is shown to comprise 4 units (2 on the ground

floor with 2 above, each having 2 floors). The 5 two-storey units on the west side are shown having the flexibility of having only a single floor level, depending on the occupiers needs.

On the previously approved plans, the office building including the doctors' surgery on the ground floor was to have been a three-storey building of contemporary modern design with mainly brick walls (with small areas of metal cladding and timber boarding) and a shallow-pitched standing seam metal roof. Its gross floor was 1,310sqm. The adjacent office building (with pharmacy on the groundfloor) was also three-storey with indicative rendered walls (with some timber and metal cladding) and a metal roof (exact materials to be approved). The floorspace was 550sqm. The three-storey office building opposite was similar in design and 490sqm. To the rear of this was a block of 3 two-storey workshop units with gabled roofs with rendered walls, timber boarding and a standing seam metal roof (350sqm). A total of 31 car parking spaces were shown.

Consultations and Representations

County Transport Planning Services: Comments awaited.

Environment Agency: Objects because the application has been submitted without a Flood Risk Assessment (FRA), contrary to advice in PPS25, commenting that the flood risks resulting from the development are therefore unknown. The Agency state that a sequential test and exception test should also be applied. The applicants have commissioned an FRA and the Environment Agency should be reconsulted if it is proposed to grant permission.

Director of Services: The EHO has no objection subject to restricting hours of use and requiring details of any air conditioning units.

Third Parties: 4 letters/e-mail have been received from No's 100 & 108 Harbour Way, 9 Harbour House and 20 Winterton Way.

The resident of 100 Harbour Way (opposite) questions why more offices are needed when others nearby remain vacant; considers the proposed materials out of keeping – they should have brick walls like the houses and flats, not cladding; that landscaping is inadequate; that more traffic congestion would be created; and questions what restrictions would be put on usage and operational hours.

The resident of 108 Harbour Way (opposite) states that they bought their house because of its proximity to a proposed surgery and pharmacy and are outraged that it is now proposed to change this to a commercial block which would cause noise and disturbance.

The occupier of 9 Harbour House states he is generally in favour of new offices and workshops but feels there is a serious shortage of parking provision. Also, that the layout is such that it would encourage people to park

in the existing car park belonging to Harbour House which would cause distress to the rightful users.

The resident of Winterton Way states the only compensation for having the development was the local doctors surgery proposal and questions what the justification is for not having it and why it is not needed.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005): LOC1, NE1, NE5-6, NE11, ERA1, ERA4-5, DEV1-5
Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AP3, AP7, AB27, AT12, ACS4
Adur Development Plan – Submission Core Strategy 2006-26 (ADC 2007): R1, E1-2, , CI1-2, T3-4, ENV2-5, ENV10
Revised West Sussex Parking Standards & Transport Contributions Methodology (WSCC 2003 & ADC 2004)
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPG4 'Industrial and Commercial Development and Small Firms' (DoE 1992)
PPG13 'Transport' (DTLR 2001)
PPS25 'Planning and Flood Risk' (ODPM 2006)
Shoreham Maritime – Vision to Reality (for ADC & Ptnrs 1999)

Planning Assessment

Policies

Sussex Wharf is shown for port-related employment purposes in the Local Plan but its redevelopment with 290 dwellings, 17 employment units , a surgery, pharmacy and shop was approved in 2004 as a 'departure' from the Local Plan after the Secretary of State did not wish to intervene. The development was considered to accord with the Shoreham Maritime Strategy. The Strategy referred to 5,000sqm of employment floorspace but the Committee agreed to only seek half this amount which is approximately what was finally approved (2,700sqm).

The employment units were required to be constructed prior to occupation of the dwellings by condition 3 of the permission and a clause in the section 106 legal agreement but these have been contravened.

Policy E1 of the Submission Core Strategy aims to protect employment sites in order to balance employment with housing and create balanced communities and to ensure a range of job opportunities. E2 states that sufficient employment floorspace will be provided to meet the needs of the District up to 2026 and areas will be zoned to promote the attraction of high quality businesses and identify space for low-cost employment uses.

Policy DEV1, entitled high quality development, states that development should not be permitted unless the construction, layout, scale, appearance and landscaping are of high quality taking into account the need to, amongst

other things, integrate with and where possible enhance adjoining land uses and minimise conflicts between land uses and activities; have regard to context including site characteristics, townscape/streetscape, views into and out of the site and building styles/materials; give high priority to pedestrians and reduce dominance of cars; create a high quality socially-inclusive adaptable environment; protect and enhance biodiversity; ensure energy efficiency; and meet the needs of service providers.

Policy DEV4 states (amongst other things) that development should not be permitted unless the travel needs it generates are met; it achieves safe and convenient access by a choice of means of travel; it encourages and enables an increase in walking and cycling; and the number and impact of motorised journeys is minimised. DEV5 states that "Development should not be permitted unless the level of parking is compatible with the need to avoid environmental or safety problems and the need is to encourage walking, cycling and the use of passenger transport where this is or can be a realistic alternative". The explanatory text refers to a transport contributions methodology.

Amount and type of employment development proposed

As stated above, new mixed use development is an essential component of the creation of sustainable balanced communities, which is a key Government objective.

The overall amount of 'employment' floorspace proposed has been reduced by 100sqm to approximately 2,600sqm. However, as the Committee previously agreed to seek only half the 5,000sqm referred to in the Shoreham Maritime Vision for this site, it is considered that this reduced amount is acceptable.

With regard to the type of development proposed, the loss of the proposed doctors' surgery and pharmacy is regrettable as it would have served a useful community purpose. However, in the absence of it being needed by any doctor and no plan or funding by the Adur, Arun & Worthing Primary Care Trust for a doctor's surgery in the Shoreham Beach area, it is not a viable proposal. The applicant has sent a copy of a letter from the PCT stating that their draft Strategic Service Development Plan does not support the development of a surgery on Shoreham Beach and comenting that the site in question is not wel-placed for the majority of patients living on Shoreham Beach let alone in the main town. Consequently, it is not considered that there is any sound planning reason to refuse the present application for substitution of offices for the surgery and pharmacy.

The other changes to the proposals, increasing the amount of floorspace suitable for small Class B1 workshop use rather than office use, seems appropriate given that there appears to be stronger demand for such units locally.

Access and parking

The proposed access arrangements are essentially the same as previously permitted and are considered acceptable.

The amount of parking proposed is increased from 31 car/van spaces to 40 on the present application and thus the ratio to the amount of floorspace is increased from approximately one space per 87sqm to one space per 65sqm. The original provision was very low and it is considered that the current proposal is satisfactory. An occupier of Harbour House has referred to problems of unauthorised persons associated with the new development parking in their communal parking area on the west side of Britannia Way. However, the layout in this respect is identical to that previously approved, showing the existing long dropped kerb to this neighbouring existing parking area.

The previous permission was granted subject to a section 106 Agreement requiring a contribution to sustainable transport improvements. Owing to the fact that the present application is only for a revised design, slightly reducing the floorspace, no further contribution is considered to be required.

Residential amenity

It is considered that the effects of the revised proposals on the residential amenities of the new houses and flats and upon the existing live-work units at Harbour House would not be greatly dissimilar from the previously approved proposals.

Most affected would be the terrace of 3 two-storey houses (nearing completion) on the north side of Joseph Walk which would now have the end of a three-storey office building on the opposite side of the road, instead of a terrace of 3 two-storey houses. The separation distance is 12m. Although the office building would be to the south, its end elevation is quite narrow, so it is not considered that it would have an unacceptably overbearing impact or cause excessive overshadowing. The office windows would face towards the back of the other office building and towards the rear of the houses to the east which are 26m away and separated from the site by garages. It is not considered that there would be unacceptable overlooking or loss of outlook to these houses. The southern end elevation would face the houses proposed to the south, 21m away.

The change from offices to a building suitable for Class B1 workshop use on the west side of the road would not have any greater effect on Harbour House than the original scheme. The proposed front building would now be lower than previously approved. Class B1 'business' use is, by definition, use which can be carried on in a residential area without giving rise to detriment to the amenity of the area by reason of noise, dust, vibration, odour, etc.

Appearance

Although the elevational design has been changed, it remains in a contemporary style. The main material for the walls would now be coloured rendering (some walls being terracotta, others brown and others white) whereas previously the walls of the largest building were brick but others were rendered. Previously, the contrasting panels were partly of timber and partly metal cladding; now the contrasting panels are solely of coloured metal cladding and mainly for the part of the walls just beneath the roofs. It is considered that the revised design and materials are satisfactory.

Flood Risk

The site is within a flood risk area. The Environment Agency (EA) has objected because the application is not accompanied by a Flood Risk Assessment (FRA). The application is only for the redesign of a development approved in 2004 in respect of which the EA were satisfied with the FRA undertaken at that time, and is adjoined by new houses currently under construction at the floor level agreed by the EA in 2004. The houses are a more vulnerable form of development than the proposed employment units.

However, under the latest Government guidance in PPS25, an FRA is required and the applicants have now commissioned one, although they comment that raising the floor level of the employment units above the houses is unworkable. Reconsultation with the Environment Agency will take place in an attempt to resolve the issue. However, because the application falls in the 'major' category, if the EA do not withdraw their objection and the Council were minded to approve the application, the Secretary of State must be formally notified under the Town & Country Planning (Flooding) (England) Direction 2007 and given the opportunity to 'call in' the application for his own decision.

Recommendation

A. Subject to receipt of a satisfactory Flood Risk Assessment and withdrawal of the Environment Agency's objection by 24 July 2007, APPROVE for the reason:-

The proposed development is within the built-up area and would help meet the need for additional employment provision and economic and environmental regeneration without detracting from the local urban environment. It can take place without resulting in unacceptable detriment to the amenities of neighbouring properties, without detraction from highway safety and without unacceptable flood risk. It would consequently not conflict with the relevant policies of the Adur District Local Plan (AG1, AP3, AP7, AT12) and the West Sussex Structure Plan (LOC1, NE1, NE5-6, CH1, ERA1, ERA4, DEV1, DEV4-5).

Subject to:-

1. C1Ci (Standard time limit)
2. C7Ci (Details of any walls/fences to be submitted and approved)

3. C8Gii (Details of parking construction to be submitted and approved)
4. C9N (Temporary provision for contractors vehicles, plant, etc)
5. C9S (Temporary wheel-cleaning facility)
6. C10Di (No outside storage or display)
7. C10Dii (No external working)
8. C11Aii (Landscaping scheme and replacement of trees that die)
9. C12Aii (Details of external materials)
10. C18K (Provision for waste storage)
11. C18N (Drainage details)
12. C18S (Clean uncontaminated fill only)
13. C18T (Piling details)
14. C10B (restrict hours of wkg.).....

B. In the event that a satisfactory Flood Risk Assessment is not submitted and the objection of the Environment Agency is not withdrawn by 24 July 2007 (the date that the statutory period for determining the application expires), that the application be REFUSED on the ground that:-

1. The site is within an area identified as at risk of tidal flooding and, in the absence of a satisfactory Flood Risk Assessment, as required by PPS25, the LPA is not satisfied that the proposed development would not be at unacceptable risk of flooding.

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