Worthing
BOROUGH COUNCIL

Portland House
Richmond Road
Worthing BN11 1LF

APPLICATION NO. WB/10/0489/WBR3

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988 (AS AMENDED)

Mr J Lee
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24 Britton Street
London
EC1M 5UA

PROPOSAL: Application under Regulation 3 for the construction of new swimming and health and fitness facilities for the public of Worthing. The facilities will include a cafe, competition pool, diving/learner pool, leisure pools with wet changing areas, a health and fitness suite with dry changing facilities, and flexible studio spaces and ancillary support spaces, provision of additional 72 surface car parking spaces and alterations to access.

LOCATION : The Aquarena Brighton Road Worthing

DATE REGISTERED 16th June 2010

APPLICANT : Worthing Borough Council

WORTHING BOROUGH COUNCIL, under the above Act and Order, gives you notice that its decision upon your application described above and in plans which accompanied the application, or as subsequently amended prior to consideration, is to

GRANT PERMISSION subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

   Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

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[redacted]

Dated : 14th October 2010

Executive Head of Planning,
Regeneration and Wellbeing

Note: Your attention is drawn to the notes and information overleaf.

2. No development shall take place until details of the front boundary wall and railings have been submitted to and approved in writing by the Local Planning Authority. The new leisure facility shall not be occupied until the approved wall and railings have has been erected.

   Reason: In the interests of amenity.

3. The new leisure facility shall not be open to the public until provision for car parking has been made within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such provision shall thereafter be retained and shall be used only for the parking of cars.

   Reason: To ensure that adequate provision is made for the parking of vehicles clear of adjacent highways.

4. The building shall not be occupied until the crossing between the boundary of the site and the adjoining carriageway has been laid out and constructed to a specification to be agreed in writing with the Local Planning Authority.

   Reason: In the interests of highway safety.

5. The new leisure facility shall not be open to the public until space has been laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority for the loading and unloading of vehicles and the parking of delivery vehicles clear of the public highway. Such space as may be agreed shall not thereafter be used for any purpose other than for the purposes for which it is provided.

   Reason: In the interests of highway safety.

6. The new leisure facility shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority to prevent surface water discharging onto the public highway.

   Reason: In the interests of highway safety.

7. The new leisure facility shall not be occupied until all existing access(es) to the site (other than the access(es) hereby approved) have been stopped up permanently and obliterated and new pavement areas/kerbs provided.

   Reason: In the interests of highway safety.

8. No construction work shall be carried out on the site unless and until there is available within the site, provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the building operations on the site. Details of such provision shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The facilities as may be agreed shall be provided and retained throughout the entire period of construction work on the site.

   Reason: In the interests of highway safety and visual amenity.

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9. No development shall be carried out on the site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, to accommodate all temporary contractor's buildings, plant and stacks of materials associated with the development. Such provision as may be agreed shall be retained for these purposes throughout the entire period of construction work on the site.

   Reason: In the interests of highway safety and visual amenity.

10. No development shall take place unless and until a scheme for the suppression of dust during demolition and construction has been submitted to and agreed in writing by the Local Planning Authority. The scheme as may be agreed shall be implemented throughout the entire course of demolition and construction unless otherwise agreed in writing by the Local Planning Authority.

    Reason: To safeguard the amenities of the occupiers of neighbouring properties.

11. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Bank or Public Holidays. On all other days such work shall only be implemented between the hours of 8.00 a.m. and 6.00 p.m. inclusive, unless otherwise agreed in writing by the Local Planning Authority.

    Reason: To safeguard the amenities of the occupiers of neighbouring properties.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as subsequently amended), the building shall not be extended or altered in any way unless permission is granted by the Local Planning Authority in an application on that behalf.

    Reason: In the interests of visual amenity.

13. The premises shall not be open for trade or business except between the hours of 6.00 am and 12 midnight Mondays to Sundays.

    Reason: To safeguard the amenities of the occupiers of neighbouring properties.

14. No external lighting or floodlighting shall be installed or used without the prior approval, in writing, of the Local Planning Authority.

    Reason: To safeguard the amenities of the occupiers of neighbouring properties.

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15. The use hereby permitted shall not be carried on unless and until a means of ventilation for the extraction and disposal of cooking odours has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties.

16. A noise assessment of fixed plant shall be carried out prior to the commencement of development and submitted to and agreed in writing with the Local Planning Authority. The development shall then proceed in accordance with any recommendations of the report in relation to installation of any fixed plant and noise insulation measures.

Reason: To safeguard the amenities of the occupiers of nearby properties.

17. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, (including the blue edged land – Beach House Grounds), and details of any to be retained, together with measures for their protection during the course of development within the application site and Beach House Grounds. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping shall be provided prior to the occupation of the development hereby permitted.

Reason: In the interests of amenity and of the environment of the development.

18. The existing trees, bushes and hedges shall be retained and protected, in a manner to be agreed in writing with the Local Planning Authority before the development commences, for the duration of the development. They shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period, shall be replaced in the following planting season with trees of such size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that vegetation which is important to the visual amenity and for the environment of the area is retained.

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19. No development, including site works of any description, shall take place on the site unless and until all the existing trees, bushes and hedges to be retained on the site have been protected by a fence in accordance with details which shall be approved in writing by the Local Planning Authority. The fence as agreed shall be erected around each tree (or group of vegetation) at a radius from the bole or boles of 5 metres (or such distance as may be agreed in writing by the Local Planning Authority). Within the areas so fenced off, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored within such areas. If any trenches for services are required in the fenced off areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25 millimetres or more shall be left unsevered.

    Reason: To ensure that vegetation which is important to the visual amenity and for the environment of the area is retained.

20. The development hereby permitted shall not commence unless and until a schedule and samples of materials and finishes to be used for the external walls and roof of the proposed building have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be completed fully in accordance with the agreed materials.

    Reason: In the interests of visual amenity.

21. The premises shall be used only as swimming and health and fitness facility including a cafe, and for no other purpose, including any other purpose in Use Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

    Reason: Other uses within this Use Class may result in car parking problems and/or result in a loss of amenity, or may not be acceptable in policy terms.

22. Before any plant or machinery is used on the premises, it shall be enclosed with sound insulating material and mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

    Reason: To safeguard the amenities of the occupiers of the dwellings.

23. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority. The leisure facility shall not be occupied until all drainage works have been carried out and completed in accordance with such details as may be approved by the Local Planning Authority.

    Reason: To ensure that the proposed development is satisfactorily drained.

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24. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is of archaeological significance and it should be recorded by excavation before it is destroyed by development.

25. The development hereby approved shall meet the Building Research Establishments Environmental Assessment Method (BREEAM) rating "very good" and precise details of the sustainability measures to be incorporated into the building shall be submitted to and agreed, in writing, with the Local Planning Authority prior to the commencement of the development.

Reason: To accord with the terms of the application to ensure a sustainable development.

26. Notwithstanding the submitted details, before the development is open to the public, a Travel Plan to reduce dependency on the private car shall be submitted to and approved, in writing, by the Local Planning Authority and thereafter be implemented and monitored. The Travel Plan should include clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement.

Reason: The draft Travel Plan submitted with the application is not considered acceptable in terms of setting out clear measures and targets to encourage more sustainable modes of transport or an appropriate monitoring and review regime. A robust Travel Plan is required to ensure a sustainable development and to reduce the impact of the development on the local highway network.

27. The Travel Plan required under Condition 26 shall be implemented with the specific measures including the provision of secure cycle parking, information to staff and visitors about public transport, walking and cycling access to the site and other approved measures being provided in accordance with the timescales set out in the approved Travel Plan.

Reason: To ensure the delivery of the Travel Plan measures to secure a sustainable development.

28. Prior to the commencement of development, precise details of the demolition and making good of the remaining sections of raised walkway, including details of replacement hand-rails, shall be submitted to and approved, in writing, by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the approved details.

Reason: In the interests of visual amenity.

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29. Before commencement of any works on site details of a scheme to intercept grease in the drainage serving the food preparation and dish-washing areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include proposals for regular emptying and disposal of the grease by a registered contractor to a licensed waste facility. The scheme approved should be implemented prior to the first operation of the development and retained thereafter.

Reason: To prevent the pollution of ground water.

30. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority (LPA)), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:

1) A preliminary risk assessment which has identified:
- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the LPA. The scheme shall be implemented as approved.

Reason: To ensure that any sources of contamination associated with the current and historic land uses are fully characterised and assessed, with remediation where required to protect impact to controlled waters. This planning condition is necessary to ensure the development to complies with the principles of Planning Policy Statement 23 – "Planning and Pollution Control" (PPS23) and Policy RES 9 of the Worthing Borough Council Local Plan.

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31. A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the LPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

    Reason: To ensure that any remediation, if deemed necessary, is satisfactorily completed. This planning condition is necessary to ensure the development complies with the principles of Planning Policy Statement 23 – "Planning and Pollution Control" (PPS23) and Policy RES 9 of the Worthing Borough Council Local Plan.

32. Prior to the commencement of development the applicant shall submit for approval details of the site access supported by a stage 1/2 safety audit and designers response. Thereafter, the development shall proceed in accordance with the approved plans including any recommendations of the Safety Audit process.

    Reason: In the interests of highway safety.

33. Prior to the commencement of development, a construction management and phasing plan shall be submitted to and approved, in writing, by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the approved plan.

    Reason: To control the development in detail.

REASON FOR APPROVAL

In determining this application, the Planning Committee felt that the provision of a replacement swimming pool on the seafront adjacent to the Aquarena would accord with the original Masterplan, subsequent Seafront Strategy and emerging Core Strategy policy. It was also felt that the siting of the pool on this edge of centre site in a sustainable location would accord with Central Government advice contained within PPS4.

The design of the pool building has been reviewed following a design competition by the Regional Design Panel and has been considered to be of an exceptional design quality which would create a unique leisure destination and be a landmark structure on the seafront. Whilst due regard was given to the loss of formal play provision including the paddling pool and Peter Pan's playground it was considered that the replacement leisure facility together with the scope for further replacement leisure facilities within Beach House Grounds, would compensate for their loss. In this respect, it was noted that it would be important that the development of the adjoining Aquarena site secured the provision of replacement facilities ideally including a wet play or splash pad facility.

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The pool architects masterplanning exercise for the re-development of the existing Aquarena site demonstrates that the pool would not prejudice this site coming forward but any scheme would need to have regard to the pool design and layout. The pool would set a high benchmark for design quality for any development on the adjoining site.

The Planning Committee was satisfied that the building, by virtue of its design, scale and massing would preserve the character and setting of the adjoining listed building, Beach House, and the Farncombe Road Conservation Area and therefore complied with saved Local Plan Policy BE1 (Design Quality) and guidance in PPS5 – Planning for the Historic Environment. The redevelopment of the existing Aquarena was considered to provide an opportunity to enhance the setting of the adjoining Conservation Area. The loss of part of the locally listed raised walkway was not considered significant provided that care is taken regarding the design and treatment of the remaining structures. The ability to open up views to and from Beach House was seen as a positive enhancement of the setting of Beach House. Amended plans have sought to address concerns about the loss of trees and the impact of parking on the setting of the Listed Building. In this respect, the retention of trees and additional planting in response to concerns from English Heritage would help to preserve the setting of the building and help to recreate the original landscaped setting of Beach House. This would also help to screen views of the new pool building when viewed from Beach House Grounds. The provision of a new wall and railings along the road frontage would help screen existing parking areas and enhance the presence of the listed building in the streetscene.

A number of concerns have been raised regarding the level of car parking proposed for the new facility. The Transport Assessment (TA) acknowledges that the development would generate additional traffic compared to the existing facility; however, the development would only provide 58 spaces, 10 less then provided for by the existing Aquarena and these are to be located adjacent to the existing public car park. However, the Committee had regard to the fact that overall there would be approximately 125 spaces adjacent to the new facility and the maximum parking standard for this type of development would be 138. Furthermore, the maximum standard does not have regard to the edge of town centre location of the facility and the application proposes the implementation of a detailed Travel Plan. The Committee recognised that it would be important to manage these spaces to ensure that they would be used by patrons of the new facility; however, due regard was given to the significant amount of other parking in the area, namely 644 public off-street parking spaces with 0.5 km of the site and a further 1233 public off-street spaces within 1.3 km of the site. On this basis, it was considered that a refusal of planning permission on grounds of lack of parking could not be justified subject to conditions requiring the implementation of a Travel Plan and the development would comply with saved Local Plan Policy TR9.

The Planning Committee also had regard to the impact of the development on the amenities of adjoining residents, notably in Beach House. The supporting statements with the application included details of a "right to light" assessment and given the distance of the building from the nearest neighbours it was not considered that the building by virtue of its bulk, scale and massing would cause an unacceptable loss of light or overbearing effect.

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Planning conditions have been imposed to ensure that the use of plant and equipment would not cause unacceptable noise nuisance. In addition the car parking immediately adjacent to the building was specifically reduced to not only retain mature trees but also to respond to concerns about the impact of vehicle movements affecting the ground floor flat in Beach House. The Planning Committee considered therefore that the development would comply with the requirements of Saved Local Plan Policy H18 – "Amenity of Residents".

This information is only intended as a summary of the reasons for grant of planning permission. For further details on the decision please see the application report which is available from the Planning Reception at Portland House, Richmond Road, Worthing.