Expiry Date - 02/03/2011

# Development Control – Delegated Officer Report

**Application Number: ADC/0470/10** **Recommendation – Permit Application**

**Site:** **South Wharf House Hancock Way Shoreham-by-Sea West Sussex**

**Proposal:** **Change of use of ground floor from 4 Class B1 offices to 4 two-bedroom flats (with associated internal alterations)**

## The Application

The application relates to South Wharf House, a detached 3 storey building which was originally granted planning permission in 1997 to be used as offices as part of a larger residential development, on the north side of Harbour Way. Permission was subsequently granted on appeal to convert the upper floors into 8 x 2-bed flats, retaining the ground floor as 4 office units (ADC/0399/07).

Permission is now sought to convert the remaining office units into 4 x 2-bed flats. The units are vacant, having never been fully fitted out or occupied.

## Consultations and Representations

### Consultations/Comments

**West Sussex County Council** - The Transport Planning Officer has no highway objection. The proposed parking allocation is considered acceptable for the development. As the proposal is situated in a sustainable location it is not anticipated that there should always be a reliance on the use of the private car.

Cycle parking should be included however; this must be secure, covered and be capable of storing at least one cycle per bedroom of the proposed flats. The actual details of the cycle parking facilities should be submitted to and approved by the Local Planning Authority (LPA). To accommodate cycle parking it would be recommended that any cycle store should have minimum dimensions of 2m x 1m.

**Adur District Council** – The Environmental Health Officer has no objection

**Environment Agency** – No objection provided the measures as detailed in the Flood Risk Assessment (FRA) submitted with the application are

implemented and secured by way of a planning condition on any planning permission.

**Third Parties**

No representations received

## Relevant Planning Policies and Guidance

The South East Plan (GOSE 2009): SCT1-7, RE3, H1-5, NRM4
Adopted Adur District Local Plan 1993 – 2006 (ADC 1996): AG1, AE8, AE9,
PPS1 'Delivering Sustainable Development (ODPM 2005)
PPS3 'Housing' (DCLG 2006)
PPS4 'Planning for Sustainable Economic Growth' (DCLG 2009)
PPS25 'Planning and Flood Risk' (ODPM 2006)

## Planning Assessment

**Policies**

The South East Plan (the rescindment of which has been overturned by a recent High Court judgement) sets out the long term spatial planning framework for the region with the aim of achieving more sustainable development, protecting the environment and combating climate change. states that it is important that local planning authorities have up-to-date reviews of employment land to enable a careful assessment of the needs of the local economy. Policy RE3 requires local authorities to undertake a review of employment land allocations and, in combination with market intelligence, to provide for a range of sites and premises that meet more general needs in locations that are, among other criteria, accessible to the existing and proposed labour supply. Where land is not suitable for employment purposes, alternative allocations may need to be made and the original land reallocated to alternative use.

Policy AG1 is a general policy which defines the built up area boundary for development purposes, which the site falls within. Policies AE8 and AE9 makes provision for development on the south wharf which is not port-related if wider benefits may be secured as a result.

PPS4 'Planning for Sustainable Economic Development' reiterates the need for sufficient employment land to be provided and emphasises the need for evidence, including economic evidence for plan making and decision making.

PPS25 'Development and Flood Risk' seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding. It requires a Flood Risk Assessment

to be carried out to assess the risks of all forms of flooding to the development itself and flood risk to others and how these risks will be managed. Future users of any development must not be placed in danger from flood hazards and should remain safe throughout the lifetime of the plan or proposed development.

**Loss of employment space**

The issues to be considered with this application were considered in detail at the appeal against the refusal of ADC/0399/07 in 2008. The Inspector acknowledged the Council's "informal" policy to retain the level of B1 use in order to retain a mixed use development. However, he found that there was no demonstrable lack of other B1 employment sites around Shoreham and found there was "inadequate reason to withhold permission for a conversion of the majority of the premises to residential use." He added that "there would still be about 240sqm of B1 space within the building which could accommodate some local demand."

This application proposes to remove all business floorspace and in some ways this could be seen as being contrary to the Inspector's conclusions in 2008 where he seemed satisfied that some employment provision would remain and thereby some element of mixed use.

However, since the appeal decision in 2008, planning permission has been resolved to be granted to replace offices and workshops with dwellings at Britannia Avenue, to the east of the site (ADC/0326/10). The current applicants have submitted a Marketing Report which states that the premises were widely advertised for more than 12 months but with little interest. The feedback received was that the offices were too far from the main commercial thoroughfare to be viable. This supports the evidence submitted with ADC/0326/10 and at the 2008 appeal. There is clearly a shift away from mixed development on Shoreham Beach due to its relatively remote location and poor accessibility.

While the proposal will result in there being no employment use in the previous mixed use development, it is considered that it would be difficult to justify its retention at an appeal, bearing in mind the previous decisions and current marketing evidence.

**Flood Risk**

The other main consideration at the 2008 appeal was the issue of flood risk. The site lies within Zone 3a where there is a high probability of flooding and a presumption against vulnerable uses, such as dwellings, being located there. The land around the site will not flood until 2081 when the existing river walls are predicted to be over-topped by a surge tide if they are not improved. The building itself would not flood however, as its ground floor level is 5.2m and the predicted flood level in 2115 is 5.1m.

The appeal Inspector concluded that the residents of upper floor flats would be safe as flood waters would be expected to recede within 2 hours and residents could remain in their homes for that short period without harm. However, they would be cut off from the 'mainland' as the road in and out of the Beach area would flood which would be unsatisfactory. However, there was a reasonable likelihood that the Environment Agency would implement a scheme to raise the tidal walls before 2020 which would alleviate any flood risk associated with access to Shoreham Beach in general. On balance, the Inspector concluded that the flood risk effects for the site and access route are unlikely to arise in practice.

The applicants' latest Flood Risk Assessment reiterates the previous findings, including that the building will remain safe during a flood, and that the EA's flood warning system will allow occupiers sufficient time to evacuate should they wish to do so.

The Environment Agency has no objection to the proposal based on the submitted FRA.

**Visual amenity and character**

The proposal will have no impact on the external appearance of the building.

**Residential amenity**

The addition of flour flats rather than four offices will have little impact on the residents of the existing upper floor flats or adjoining dwellings. No external amenity space is available but this was not considered to be an issue at the 2008 appeal. Public open space exists on the beachfront and there are children's play facilities at Anchor Close to the west.

In terms of noise, the flats would have no windows facing the industrial units to the east of the site and would be adequately protected from noise disturbance.

Bin stores, vehicle and cycle parking facilities are available as per the original approval for offices and there are no highway or amenity concerns arising from the proposal.

## Recommendation

APPROVE for reason that:-

2PPi

Subject to:

1. C1Ci

2. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated November 2010 and the following mitigation measures detailed within the FRA, namely that finished floor levels are set no lower than 5.2 m above Ordnance Datum (AOD).
   Reason - To reduce the risk of flooding to the proposed development and future occupants having regard to PPS25.
3. The flats hereby approved shall not be occupied until details of the emergency flood risk evacuation plan approved under planning permission reference ADC/0399/07 have been made available to future occupants.
   Reason – To ensure the safety of future occupants in the event of a flood having regard to PPS25
4. This permission relates to the following approved amended plans:
   Proposed Floor Plans and Elevations (drawing no. M09-093-002) date stamped received 5 January 2011
   Reason– For the avoidance of doubt and in the interests of proper planning

Case Officer Peter Barnett Date 15 February 2011