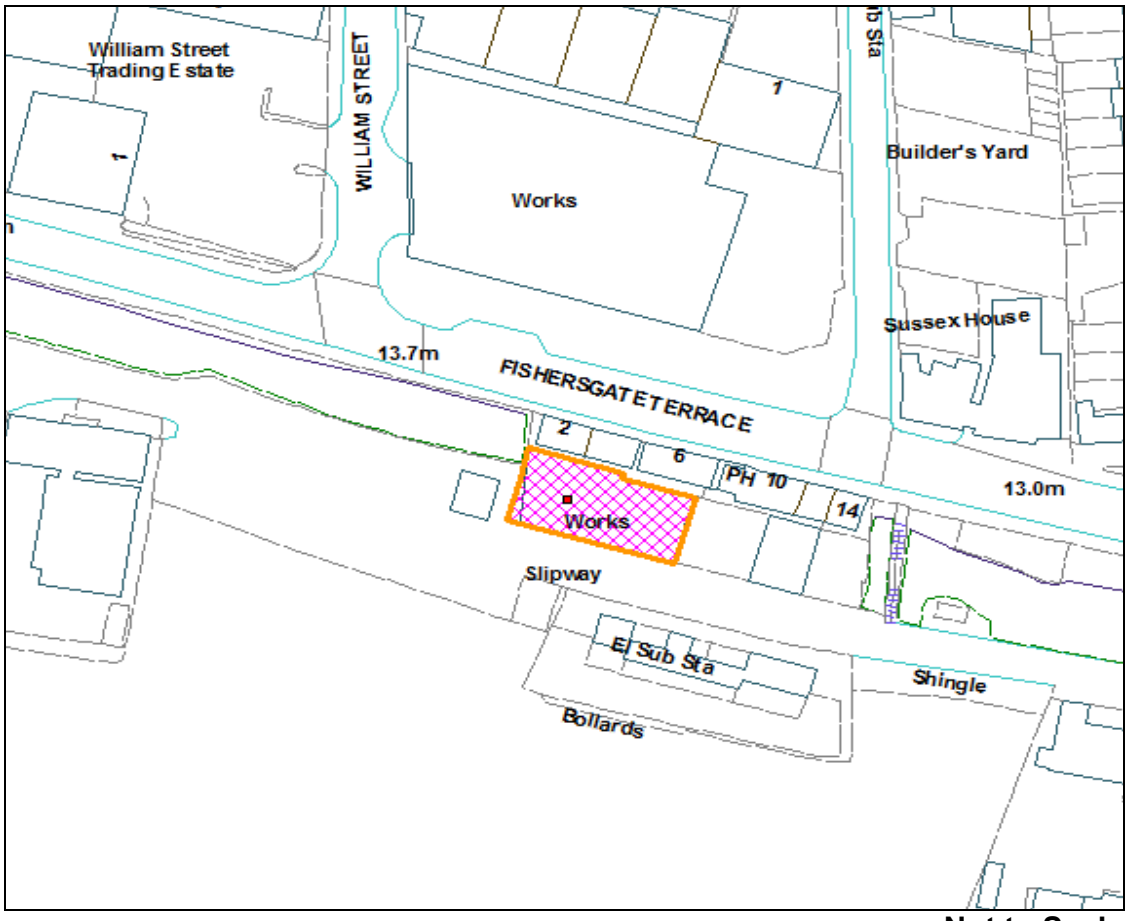
1

Application Number: AWDM/1220/17 **Recommendation – REFUSE**

Site: **4 Waterside Road, Southwick**

Proposal: **Outline planning application with all matters reserved for 5 no. three-storey commercial units for workshop and office use (Use Class B1) with parking on ground floor to replace existing workshops.**

Applicant: Mr Richard Howell Ward: Eastbrook
Case Officer: Peter Barnett



Not to Scale

Reproduced from OS Mapping with the permission of HMSO © Crown Copyright Licence number LA100024321

Proposal, Site and Surroundings

The site is located within Shoreham Harbour, close to the fuel terminal in Fishersgate. It comprises a narrow strip of land on the north side of the access road to the fuel terminal

(Waterside Road) which is occupied by 4no. pitched roof industrial buildings, in use as Class B2 shop fitting workshops. The site sits at the base of a tall retaining wall (in excess of 9m high) which supports dwellings in Fishersgate Terrace to the north above. To the south there are moorings for a number of fishing boats and an electricity substation. The applicant owns a small area on the opposite side of the road, adjacent to the substation, which is used for vehicle turning and manoeuvring.

Immediately to the east there is an undeveloped area with a further industrial building used for car repairs beyond that. To the west there is an open area used for parking with the Local Fuels oil terminal at the end of the road.

Permission is sought to demolish the existing industrial buildings and to construct new buildings for B1/B2 purposes. The application is in outline only with all matters (access, appearance, landscaping, layout and scale) reserved for future consideration. The application is seeking permission for the principle of the use only. However, the application is accompanied by detailed plans indicating a terrace of 5no. 3 storey buildings with parking only on the ground floor and two floors of office/workshop space above. The elevation drawings indicate that the buildings will be 3 storeys high and flat roofed, abutting the retaining wall. The applicant has advised that the development is necessary as a means of reinforcing the wall and thereby protecting the dwellings above.

The plans indicate that three parking spaces would be provided for each unit.

Relevant Planning History

AWDM/1504/16 - Outline planning application with all matters reserved for 5 no. three-storey live/work units with parking to front to replace existing workshops – application withdrawn

Consultations

West Sussex County Council: 1st Response: No objection from a transport/highways aspect. Advise that submitted plans show that three cars can be accommodated per unit on the ground floor. To count toward parking provision the space should be at least 6m by 6m. The width of the units is shy of this however two spaces in tandem could still be accommodated with additional space on the frontage.

No detrimental highway safety or capacity impact on to the nearby publically maintained highway (Wellington Road) is anticipated. Details of access works and parking would be expected at reserved matters stage.

Further comments that WSCC as the Local Highway Authority (LHA) assessed the application on the basis of any highway safety or capacity impact on the nearby publically maintained road. Waterside Road is privately maintained and therefore our comments are limited. It is worth noting the junction of Waterside Road with the A259 is

actually within the jurisdiction of East Sussex County Council / Brighton & Hove – therefore any comments relating to impact on this junction should be sought from them, as the LHA.

With regard to increased parking and blocking of the private access road we do not consider this would cause a safety concern on the nearby publically maintained highway. We have previously assessed the proposed parking arrangements as suitable for the proposed scheme. If any inconsiderate overspill parking blocks the through-route of traffic this could be dealt with as an offence under Section 22 Road Traffic Act 1988 (leaving vehicles in a dangerous position on the road including verge) and Section 137 Highways Act 1980 (wilful obstruction of the free passage along a highway). Both of these acts are enforceable by Sussex Police.

2nd Response: West Sussex County Council, in its capacity as the Local Highway Authority (LHA), have been re-consulted on proposals for 5 x commercial units with parking on the ground floor. The site is accessed via the privately maintained Waterside Road and previously no concern was raised regard impact on the nearest publicly maintained highway.

Amended plans indicate that an area to the east of the building for additional parking is proposed. The LHA does not raise transport grounds to resist the application. It is understood that the application is outline with all matters reserved. Details of access, car and bicycle parking would be expected at reserved matters stage.

As per previous comments the junction of Waterside Road with the A259 is within the jurisdiction of East Sussex County Council / Brighton & Hove –therefore any comments relating to impact on this junction should be sought from them, as the LHA.

3rd Response (following inclusion of access for consideration): Considering the road is privately maintained and access with public highway is not within West Sussex, previous comments would still stand.

I would however advise that car and bicycle parking is secured via conditioned, as per the plan.

Adur & Worthing Councils: The ***Environmental Health*** officer has no objections in principle. The design of the building will have to achieve the internal noise levels for office space as set out in BS8233:2014. The site should be sheltered from most of the traffic noise from above but the applicant should consider any industrial noise in the area.

Full contaminated land condition is required.

The ***Waste Services*** Officer notes that no provision has been made for waste collection and storage on site. How does the developer anticipate waste collections should be carried out?

2nd response following receipt of plan showing provision of 100ltr wheelie bins for each unit: Given that these are for business use it is probably sensible to allow for that kind of capacity although what is actually required will depend on the nature of the occupying businesses. No further comments from me.

The ***Engineer*** has no objections

The **Shoreham Harbour Regeneration** Officer objects. The proposal is likely to lead to increased parking on Waterside Road, both during construction and operation of the proposed development. This could constrain the operations of Shoreham Port.

Permission for residential development has previously been sought. If the Council is minded to approve this application, it is strongly recommended that a condition removing permitted development rights for change of use to residential is imposed.

Environment Agency: No objections. The site is located within tidal Flood Zone 3 of our Flood Map. This indicates land with a high probability (1 in 200 year) of flooding from the sea, in accordance with the national Planning Practice Guidance (PPG)

The FRA states that the proposed finished floor levels for the first floor of the commercial units will be set at 7.53m AOD, which is above the 1 in 200 year tidal flood level for the year 2115 of 5.4m AOD.

The ground floor will be used for workshop/ garaging use, and flood resilience measures are proposed to limit damage and improve the ability of business to resume following any flood event.

We consider that the proposals are appropriate in this location, and have no objections to the proposals.

Southern Water: There is a public surface water sewer crossing the site. The exact position of the surface water sewer must be determined on site by the applicant before the layout of the proposed development is finalised. Recommend following condition:

"*The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development*."

Also recommend condition requiring details of foul and surface water sewerage disposal.

Health and Safety Executive: Do not advise against the proposed development provided there are no more than 100 occupants in any individual building.

Representations

2 objections received from Shoreham Port Authority and from DMH Stallard on behalf of Shoreham Port Authority on the following grounds:

- Waterside Road is a private road owned by the Port and provides access to several other businesses, including Shoreham Oil Terminal to the west of the site
- Road is regularly accessed by large vehicles carrying heavy loads (including combustible fuel)
- Will significantly increase the number of vehicles accessing Waterside Road
- Vehicles will reverse out on to the access road and is dangerous and fails to demonstrate that adequate consideration has been given to safety, contrary to policy SH2 of the emerging JAAP
- If ground floor parking areas are converted to additional business space this will lead to parking along Waterside Road, restricting flow of traffic and causing a safety issue
- Chevron parking is unlikely to used in this way and will result in fewer parking spaces than shown
- Turning area lies outside of the applicant's control and cannot be relied upon in perpetuity
- Local Fuels have expressed concern at the narrow congested single lane access. Further impact on the access could cause Local Fuels to lose contracts and adversely affect their business
- Application fails to provide any information about the sustainability of the proposed building or any renewable energy technologies, or EV charging points, contrary to policies 8 and 18 of the Adur Local Plan and JAAP policy SH1
- Fails to provide any environmental or ecological benefits
- During the construction phase, the single access road (Waterside Road) will be blocked for long periods. This will have very serious commercial implications for the operators of Shoreham Oil Terminal and the fishing community at Nicholson's Wharf, for whom this is the only access.
- Will obstruct fuel tanker movement and access for emergency vehicles
- Will jeopardise existing businesses
- Once complete the access road will be impacted by additional parked cars and deliveries associated with the new commercial units
- Difficulties passing along this route will impede the expansion of port operational activities in the area, in conflict with the aims of the JAAP
- Commercial growth will be prevented
- Cars parked in tight formation will have to manoeuvre regularly in order to park and exit the units
- It is an unsafe scheme will lead to traffic accidents involving cars and fuel tankers
- Storing waste internally seems unusual
- Development will compromise commercial operations and curtail growth of Shoreham Port
- Does not constitute sustainable development and would cause significant harm, outweighing any benefits of the development

Objection received on behalf of Nicholsons Wharf Fishermen:

- Has any thought been given to the 15 fishing businesses who need 24 hour access to the boats with equipment and supplies?
- Where will all workmen and deliveries park? The road is narrow and in use 24 hours a day.
- Parking layout and numbers are unrealistic
- Overdevelopment

Objection received from Local Fuel plc:

- Fuel terminal imports refined petroleum products by ship, store several million litres at a time and deliver this product by road tankers which enter and exit site via Waterside Road.
- If granted, the current occupancy of 4 Waterside Road would increase from around 10 people to around 50 workers.
- Gross intensification and would lead to unacceptable increase in the number of people likely to be affected in the event of a major incident at the fuel terminal.
- Existing business at the site already causes significant disruption on the narrow access road. Deliveries block the road, preventing access to the fuel terminal and impeding visibility
- Proposed parking would be very tight and likely to result in cars parking on the small forecourt area or the access road
- No provision of access for disabled, including parking bays, toilets of access to other floors.
- Means of escape are inadequate.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 2, 4, 8, 15, 18, 19, 25, 28, 29, 30, 34, 35, 36
Planning Contributions for Infrastructure Provision (ADC 2013)
Proposed Submission Shoreham Harbour Joint Area Action Plan May 2018 Policy CA5, SH1, SH2, SH3, SH5, SH6, SH7, SH9
Shoreham Harbour Interim Planning Guidance (ADC & Ptnrs 2011)
Shoreham Waterside North Interim Planning Guidance (for ADC & Ptnrs 2000)
West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003)
West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSCC 2010)
National Planning Policy Framework (March 2012)
Shoreham Port Masterplan

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and
Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The site lies within the Shoreham Harbour Regeneration Area which is covered by the Proposed Submission Shoreham Harbour Joint Area Action Plan (JAAP). This contains a long-term vision, objectives and strategy for the Harbour area. The site falls specifically within Character Area 5 (Fishersgate and Southwick) and one of the area priorities is "*to safeguard and develop port operational areas to accommodate new and relocated port uses with limited land reclamation and a new access road (within the port boundary) in line with the Port Masterplan*." Furthermore, port operational areas should be safeguarded for future commercial port operations. Policy SH2 states that "*New development within the harbour area should not conflict or unreasonably constrain the day to day operations and workings of the port and port-related uses*" and "*Proposals in the vicinity of port operational areas should give careful consideration to health and safety implications in relation to access to the waterfront and to the security of moorings and storage areas. Security and safety implications should be considered at the outset and discussed with Shoreham Port Authority at an early opportunity*."

Policy 8 of the Adur Local Plan mirrors the aims of the JAAP and states that "*New development at the harbour will be expected to meet high standards of environmental efficiency and a Sustainability Statement will be required as supporting information to accompany all development proposals in the parts of the Shoreham Harbour Regeneration Area within Adur*."

In this case, the application is in outline only and detailed design is not for consideration here. Should the development be considered acceptable in principle, the subsequent reserved matters application will be expected to be accompanied by a sustainability statement.

The redevelopment of the site for business purposes raises a number of issues which are discussed in more detail below but it is considered that the site is suitable for business use in principle.

Visual amenity

The application is in outline form only so the submitted plans are indicative only. They show a three storey flat roofed building with glazed areas and recessed balconies on the first and second floors. The side elevations are shown as being blank. A building of this scale would not look out of place in this location, particularly against the backdrop of the tall retaining wall that exists, and it is not considered that such a building would have a harmful impact in visual terms, subject to final design details.

The building appears to fill most of the site with a narrow strip of land left at the front of the site which the applicant has suggested could be used for forecourt parking. Following concerns about insufficient parking being provided, an area to the east of the proposed building has subsequently been included which is shown as providing parking for 8 vehicles.

The plans also indicate that space would exist on the ground floor for waste storage and cycle parking. However, there are concerns that there would be insufficient space remaining on the site for servicing or deliveries to take place without blocking the access road. The narrow forecourt would not be wide enough to accommodate larger delivery vehicles or refuse vehicles and it is likely that these would be forced to park on the access road, resulting in obstruction. It is not considered that a smaller building would necessarily enable more space to be provided for servicing and parking without intruding onto the access road.

Residential amenity

The building would immediately abut the rear of dwellings in Fishersgate Terrace. However, those dwellings are at a higher level and the proposed building would be screened from view by the retaining wall. The top of the building is indicated as being below the top of the retaining wall and no loss of light or outlook will occur. The use of the building would be as offices within Class B1 and no adverse impact through noise or smell would be expected.

Accessibility and parking

As discussed above, the main consideration in respect of this application relates to parking and access. While it would appear that adequate parking provision can be secured it is not certain that access and deliveries to and from the building can take place without obstruction of the narrow access road in front of the site. Any obstruction of the road (which is not public highway) is likely to have a detrimental impact on the movement of lorries to and from the fuel terminal to the west of the site. It would be very difficult to prevent parking from overspilling onto the road or for delivery vehicles to block the road. The plans also show a turning area on the opposite side of the road, meaning vehicles will be regularly crossing the road to manoueuvre. The submitted site plan shows parking provision for the proposed B1 units but does not include a delivery area. Problems are also likely to occur during the construction period.

While the road is not public highway, it is considered that the potential adverse impact that would arise as a result of this development on other users of the road would "conflict or unreasonably constrain the day to day operations and workings of the port and port-related uses" in conflict with the aims of the emerging JAAP policy SH2. For this reason, it is not considered that the application can be supported.

Flood risk

The site is located within an area at risk of flooding. The submitted FRA states that the proposed finished floor levels for the first floor of the commercial units will be set at 7.53m AOD, which is above the 1 in 200 year tidal flood level for the year 2115 of 5.4m AOD.

The ground floor will be used for workshop/ garaging use, and flood resilience measures are proposed to limit damage and improve the ability of business to resume following any flood event.

As such, there are no flood risk concerns.

Sustainable and resource efficient buildings

Policy 18 of the Adur Local Plan requires all non-domestic floorspace to achieve a minimum standard of BREEAM 'Very Good' and evidence will be expected at the design stage and on completion of the development that this standard has been achieved.

As this application is at outline stage only, with design reserved, it is considered that, while such information is desirable, it does not need to be submitted at this stage. Similarly, information about renewable energy technologies, or EV charging points, can also be required at the reserved matters stage and can be secured by condition should outline permission be granted.

Recommendation

REFUSE for the reason:

The proximity of the proposed development to Waterside Road is likely to result in associated vehicles obstructing the access road leading to conflict with other users or constraint of the day to day operations and workings of the port and port-related uses, contrary to Policy 8 of the Adur Local Plan and emerging policy SH2 of the JAAP.

7th October 2019