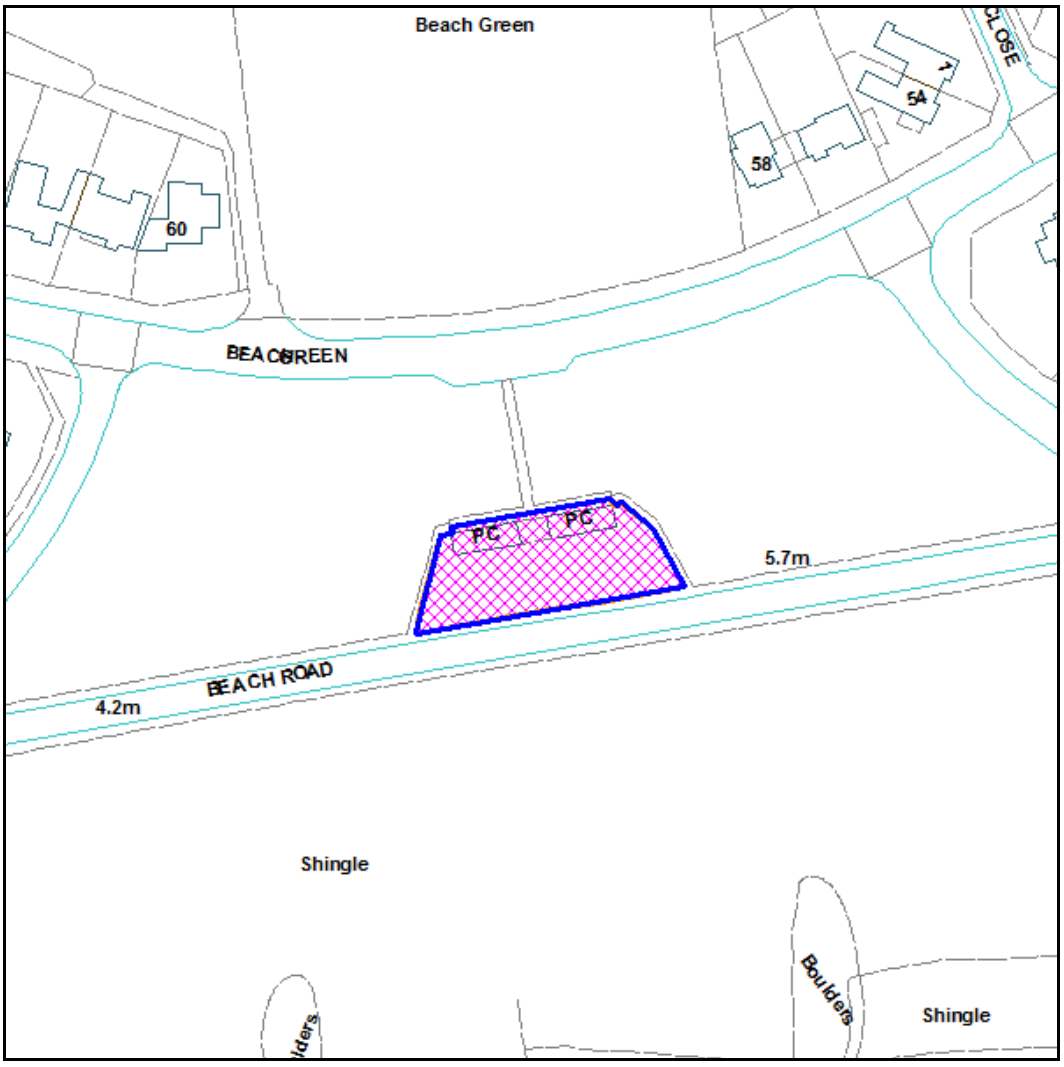
Application Number: AWDM/1135/19 Recommendation – APPROVE

Site: Public Conveniences Beach Green, Shoreham-By-Sea

Proposal: Demolition of existing toilet block and construction of a building over three floors comprising multipurpose space at lower ground floor with cafe/restaurant above and covered roof terrace

Applicant: Boxpark Developments Limited Ward: Marine
Case Officer: James Appleton



Not to Scale

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The application site is owned by Adur District Council and, therefore, this application has to be determined by Planning Committee rather than by Officers under delegated powers. Whilst, there will be a separate lease entered into with the Council, if planning permission is granted for the development, this is not relevant to the determination of the planning application. As with all planning applications submitted to the Planning Authority, the application has to be considered on its planning merits having regard to policies of the Development Plan and all material planning considerations.

Site and Surroundings

The application site includes the large flat roof toilet and storage building located on the south side of Shoreham Beach Green. The site is bounded by two existing footpaths which lead up to a dis-used section of road Beach Road). The land rises to the south with a bund adjacent to the road. The dis-used section of road forms part of the national cycle route and there is a locked gate/barrier at either end of the road.

The existing toilet block measures approximately 33 metres in length and the site has an overall area of 810 square metres. Beach Green is an open grassed area used as informal recreation space. There are two other footpaths which connect the toilet block with the zebra crossing and bus stop in Beach Green road.

To the north of the site is a further area of open space incorporating a playground and, to the east of this playground, is Beach Green Car Park. To the east and west of the site are residential properties predominantly chalet style and two storey dwellings. To the south of the site are a line of beach huts constructed on the shingle beach. The beach is designated as a Local Nature Reserve (LNR).

Proposal

The application proposes the demolition of the existing toilet block and the erection of a new café/restaurant incorporating replacement public toilets and community space. The building provides accommodation over 3 floors with the ground floor incorporating a kiosk/bar and communal area, changing rooms, male and female toilets, an accessible shower and a cellar and bin storage area. The first floor projects over the ground floor on the north elevation providing a covered forecourt. An external tap and showers are provided on the west elevation of the building.

The first floor would be built close to the level of the road to the south of the site. The first floor would incorporate the café/restaurant kitchen, storage, an accessible toilet and storage. The café/restaurant area would have a central bar area and the plans indicate covers for 94 with a further 36 covers on a paved terraced area. Parking for 24 bicycles is provided on the flat roof of the bin store. Access to the upper floor is provided by via an internal staircase and lift. On the third floor a roof terrace is proposed on a section of the roof with a small preparation kitchen, an enclosed plant room adjacent to the

staircase/lift. Tables and benches are indicated on the terrace indicating space for a further 96 covers.

The building has been designed as a split level development making use of the existing contours and earth bund to the south of the site. This will result in some cut and fill engineering operations as the ground floor is cut into the slope providing direct access from Beach Green with the first floor level with Beach Road to the south of the site.

In terms of the proposed materials, the Architect has chosen robust materials to withstand the harsh coastal environment. The ground floor is formed out of timber board shuttered concrete with Corten steel being used to clad the first floor and the enclosed staircase and lift at second floor level. Corten steel is effectively rusted steel and has an orange appearance. At first floor level, there is a long glazed window to the first floor café and the terrace is to be enclosed by 2.2 metre high powder coated aluminium framed glass screens. The terrace would also have a steel frame with a retractable waterproof awning.

Supporting Statements

The planning application includes a number of supporting statements and reports and these are summarised below:

Planning Statement

The planning statement assesses the scheme in connection with relevant national and Local Plan policy and concludes that,

"The applicant has engaged in pre-application discussion with ADC prior to lodging this application. The feedback was generally positive and the level of detail expected to accompany such an application agreed early on in the process. Further pre-application with local communities and groups was also embraced and is explained further in the Statement of Community Engagement.

The application is lodged having addressed all the relevant adopted planning policy as well as the NPPF where material to the issues raised.

With regards visual impact and design the building is proposed at a height that generally fits in with its surroundings and positively contributes to the character and use of the green space.

Issues around noise and disturbance from the use are addressed in a submitted Acoustic Assessment and concerns raised by the local community with regards parking is fully dealt with as part of the Transport Study. Ecology and biodiversity is addressed in a Preliminary Ecological Study and the project aspires to be 'sustainable development' in that it scores a 'Very Good' rating as part of its BREEAM Pre-Assessment.

The scheme meets adopted policy but also delivers on the aspirations of emergent policy in the form of a Neighbourhood Plan."

Design and Access Statement

In support of the application a Design and Access Statement has been submitted, the following extracts deal with the design and layout:

"The client's ambition for the site is to deliver contemporary architecture that recognises its specific context on Shoreham Beach Green.

The aim is not just to safeguard the provision & management of toilet facilities but to significantly upgrade the quality of the facilities and provide a brand new, high quality and well managed community and cafe space on the Shoreham beachfront.

The proposals are for a new building that will deliver toilet facilities to the public, a multifunction space available for community use and a beach side café and restaurant with a roof terrace to allow views to the sea and to the river Adur with the South Downs beyond.

The proposed building is positioned on the central axis of the green and is designed to sit into the slope and take advantage of the views to the north and south of the site. To enhance those views a roof terrace is proposed that will allow customers of this beachside café views to the sea as well as views of the river Adur.

The building has been set into the existing slope, with a depth to allow both upper and lower ground floors to enjoy direct external access, giving entrances to all of the proposed facilities.

The building form expresses its relatively simple structure and the desire to have a series of levels with pedestrian access. The roof has deliberately been kept flat to allow customer access up to this level and minimise extraneous embellishment.

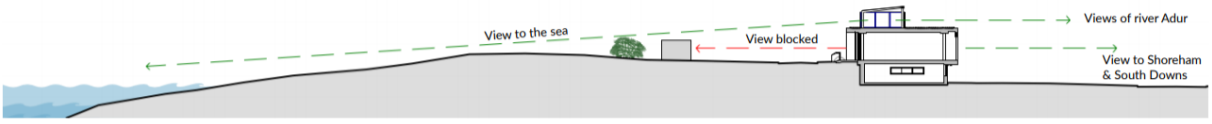
The café level is conceived as a picture frame for the views, framing the view to the north and blocking views to the residential properties to east and west.

The lower ground floor forms a solid and robust plinth to the café, with a long slot window cut into the west elevation to allow natural daylight into the space that will be available for public hire.

In order to service the roof terrace, an enclosure for stairs, lift and servery is proposed. This has been set at the eastern end of the building to allow views of the setting sun to be retained throughout the afternoon and evening.

To make the most of the roof terrace in this exposed seaside location, 2.2m high glazed screens and retractable waterproof awnings are indicated, allowing the view to be retained whilst protecting customers from wind and rain.

A single storey cellar and bin storage area is provided on the lower ground floor level, at the eastern end of the building. This is set into the slope, with the roof forming a bike park, accessible directly from the cycle route.



Site Section Diagram



North Elevation

MATERIALITY

The proposed palette of materials has been selected with the severe marine environment in mind.

A solid base is proposed in the form of timber board shuttered concrete. Corten Steel is to form the cladding for the upper ground floor café, a nod to the beach side location and similar to the East Beach Café in Littlehampton amongst others.

The roof top enclosure is to be clad in a mesh version of the rusted metal, keeping the tone of the building the same, but visually lighter. This type of material was used on a recent modern house on South Street, Lewes. The terrace is to be enclosed by 2.2m high powder coated aluminium framed glass screens. These are to form a continuous barrier without gaps to prevent the wind whistling through. The pergola powder-coated steel frame is to provide structure for the retractable waterproof awnings.

LAYOUT

The lower ground floor is proposed to accommodate new toilet facilities, room for community hire as well as ancillary plant room, bar and bin stores. The upper ground floor contains the café space, kitchen and an accessible WC, whilst the roof level has an outdoor roof terrace with access stair, servery and an outdoor plant area.

The toilets on the lower ground floor are for shared public and café customer use. It was decided to share these facilities to ensure that there is a vested interest for the café operator to monitor and care for the toilets.

For the male toilets, two pans and a trough urinal for five people are proposed. Six pans are proposed for the female WCs. Under BS6465, this provision caters for 300 people. In addition to this, a unisex accessible WC is located on the upper ground floor.

LANDSCAPING
The proposals will require cutting into the existing slope in some areas and filling of other areas.

The proposed contours will tie into the existing contours of the slope at the perimeter of the site but will be adjusted to suit the new building. The aim is to minimise the need for import or export of soil to the site.

It is proposed to reinstate grass to the landscaped banks, in keeping with the rest of the green. Planting to both the banks and roof terrace will be carefully considered to ensure non-invasive species are specified, for the protection of the local nature reserve on the shingle. Specifications will follow the guide agreed at a meeting with Friends of Shoreham Beach - as set out in the appendix to the Preliminary Ecological Appraisal by Phlorum."

Acoustic Report

"Area background sound levels were measured with a class 1 sound level meter between 13th May and 22nd May 2019 inclusive, and included a weekend to ensure that any variation in the soundscape was sufficiently understood and captured.

The background sound levels were extracted from the dataset for the times when the new café/restaurant is anticipated to be open and running, ie 07:00 hours to 23:00 hours. In reviewing the time history plots for both background and ambient sound levels, it was noted that there was a decline in the soundscape from 19:00 onwards. Accordingly, the evening period (19:00-23:00 hours) was assessed to determine the most representative and frequently occurring background sound level as being 45 dB LA90, 15minutes. 45dB LA90,15minutes was used to calculate maximum noise levels for kitchen plant/external extract systems.

Whilst exact models and types of plant are not known at the time of writing, it is anticipated that the new premises will benefit from two kitchen extraction systems located towards to the Eastern/Southern part of the building. Having measured the background sound levels and being aware of the distance to the nearest residential properties, the sound power level and/or the sound pressure levels not to be exceeded may be determined. The process of reverse engineering has identified that the single kitchen extract/discharge units must not exceed a sound pressure level of 77 dB measured at 1m.

A worst-case scenario of both people noise from the upper terrace and kitchen extract systems has also been considered and compared specifically against a lowered internal threshold inside a living area (daytime). Given that people noise is not continuous and

steady/anonymous, the internal BS8233:2014 value has been lowered by 5dB to provide a lower threshold to be met.

With 72 individuals on the external roof terrace, and kitchen plant operating, the predicted highest noise impact on residents is 29.9 dB(A), which would constitute 17.9 dB(A) internally, significantly below the 30dB(A) reduced criteria for internal daytime levels.

With regards to BREEAM scoring and consideration of POL05 and HEA05, two points may be considered for both the BS4142:2014 assessment and the likely internal ambient sound levels.

The robust modelling indicates that the site is capable of being operated as a café/restaurant with opening hours from 07:00 to 23:00 hours and assuming the implementation of mitigation measures listed in section 8, it is considered that planning permission would not likely be refused on noise grounds."

BREEAM Report

In support of the application a BREEAM pre-assessment report has been prepared by XDA Consulting Ltd to demonstrate the sustainability of the Shoreham Beach Café scheme. The report states that the scheme has been reviewed against the BREEAM New Construction 2018: Retail (shell and core) criteria and concludes that a 'Very Good' rating can be achieved by the scheme and there is the potential for the score to be increased "*during design development to provide a comfortable buffer to ensure the rating is maintained."*

Ecological Report

"A site survey was undertaken at Shoreham Green on the 28th May 2019. The habitats on site include a building (toilet block) and associated hardstanding (paths), planted beds and semi-improved grassland. The surveyed area was approximately 0.2 hectares.

The site is within the South Downs Biosphere reserve. It also borders Shoreham Beach LNR on its southern edge. Both these areas have a statutory designation. However, the site does not support any features that contribute to these nationally designated areas.

The site was not considered to support any breeding protected species, although it may provide commuting and foraging opportunities for birds, bats and badgers.

A precautionary approach in respect of commuting badgers and reptiles is considered sufficient to minimise any potential adverse impacts on these species groups.

It has been recommended that the site is enhanced by installing bird boxes."

Transport Statement

The Transport Statement concludes that,

"It is not considered that the proposed development will be a traffic generator in its own right, as it is likely that the vast majority of customers will already be visiting Shoreham Beach. Furthermore, a number of pass by trips that could occur are likely to be undertaken on foot or by cycle, which will not have any adverse impact on the local highway network. Accordingly, any trips are likely to be linked trips or journeys undertaken by a sustainable mode of transport. Only a very small number of trips, such as deliveries and staff could be solely to the new facilities. Staff vehicles can be accommodated in the nearby car park and deliveries are permissible from the Bus Stop layby or single yellow lines, which provides access direct to the site. The proposed development is directly beside NCN2 and includes an appropriate level of on-site cycle parking, which will encourage sustainable modes of travel to the cafe. On this basis, taking all relevant information into consideration, including the adequate provision of off-site parking and minimal daily traffic movements, it is considered that the proposed development will not have a severe impact on highway capacity or safety. Accordingly, the proposal fully complies with both local and national policy objectives and should not be refused on transport grounds."

Flood Risk Assessment

The Flood Risk Assessment (FRA) concludes that,

"With reference to the Environment Agency (EA) Flood Map for Planning, the proposed development is located within Flood Zone 3. The proposed development is considered 'Less Vulnerable' under the National Planning Policy Framework (NPPF) The site is covered by Policy 4d15 of the Beachy Head to Selsey Bill Shoreline Management Plan (2006). For the short, medium and long-term, the management policy of 'Hold the Line' is proposed. This means that the existing level of protection provided by the defences will be maintained and upgraded in the future. For the purposes of this FRA, the 2070 flood level has been considered due to the commercial lifetime of the proposed development. For the purposes of planning commercial developments have a 65-year lifetime. Further Floor levels may not need to be raised for other types of development where buildings can be designed to be floodable e.g. Less Vulnerable. The EA has provided defended and undefended tidal modelled flood levels for the site from the Arun to Adur Flood Model (2012). In a 2070, 1:200 year defended flood event(4.48mAOD) the site could experience maximum flood depths of 1.59m, given a minimum site elevation of 2.89mAOD. As flood depths on site may be significant in this event, it is recommended that flood resilience measures are incorporated into the construction to allow quick recovery in the aftermath of a flood event. Should the lifetime of the proposed development be longer than anticipated (beyond 2070), climate change guidelines for the year 2115 should be considered. In a 2115, 1:200 year defended flood event (5.09mAOD) the site could experience maximum flood depths of 2.20m, given a minimum site elevation of 2.89mAOD. The site is not currently considered to

benefit from formal EA defences to a 1 in 200-year standard of protection. The site however could be considered to somewhat benefit from tidal defences with a lower standard of protection. To the south of site, the coastal defences along Shoreham Beach offer a 1 in 100- year standard of protection. To the north of site, the defences along the River Adur/Shoreham Harbour, currently offer a standard of protection of 1 in 50-years, with a planned upgraded to a 1-in-300-year standard of protection in the 'Shoreham Adur Tidal Walls' scheme.

Following the guidelines contained within the NPPF and given that;

- *The proposed lies within an area where the long-term policy for the coastline is 'Hold the Line';*
- *Flood resilience measures are recommended at lower ground floor level to allow fast recovery following a flood event;*
- *Flood Warning Procedures are implemented,*

the proposed development is considered to be suitable assuming appropriate mitigation (including adequate warning procedures) can be maintained for the lifetime of the development."

Sustainable Drainage

In response to concerns from the Council's Technical Services Team, the applicant has provided an indicative drainage proposal with the following supporting statement,

"We have reviewed the requirements for the below ground surface water drainage for the above site based on the hierarchy of SUDS solutions available as per standard practice. The hierarchy being as follows:-

1. *The use of soakaways on the site to allow the surface water to naturally permeate into the ground.*
2. *If a soakaway is not viable, the use of attenuation tanks to control the flow rate into the main sewer.*
3. *If a soakaway or attenuation tank is not viable, directly connect the new runs into the existing sewer.*

Using the above references, please see below our preliminary conclusion to date with regards to the below ground drainage strategy for the surface water disposal: -

1. *The type of strata for the site is suitable for a soakaway as confirmed by the site investigation report. The ground water recorded in the boreholes from the SI report were at a 3.3m depth for DS102 and at a 5m depth in CP101, this is due to the steep slope of the sight and location of the boreholes. Based on the depth of ground water, future heights of ground water due to high tides, the contours of the site, position of the new building and possible location of a new soakaway, it is*

concluded that to use a soakaway for the disposal of the surface water is not feasible.

2. *The second option is to use an attenuation tank for the surface water based on the surface area of the roof. Due to the contours of the site, it is proposed that two attenuation tanks can be located at the lower part of the site one on each side of the building, the outflow to the main sewer can then be limited to suit the water authorities requirements, please see attached a preliminary mark-up identifying these potential locations. This is subject to detailed design and discussions with the local authority and water authority.*

3. *This option is not considered."*

Statement of Community Involvement

This report sets out the key pre-application consultation with stakeholders and the local community and how the scheme has been amended to take into account comments received. The report refers to the key meetings taking place as follows:

28th May 2019 - Stakeholder Meeting at the Harbour Club
04th June 2019 - Public Consultation event at the Harbour Club
21st June 2019 - 2nd Public Consultation event at Beach Dreams Festival
03rd July 2019 - Presentation of Consultee responses at the Harbour Club.

Response to Representations

*"**Parking***

A large proportion of comments from residents are in relation to parking and this was also a common theme emerging from the 'face to face' meetings with the local community. The application was accompanied by a professionally prepared Transport Assessment and this has now been the subject of comments from WSCC Transportation Team....

My own conclusion is that the fears of local residents are recognised, and have been debated in the various meetings with local groups and nearby neighbours, both the submitted TA and the response from WSCC accept the issue of combined trips and a high probability of many visitors being sufficiently local they have no need to drive. The practical reality here is that additional on-street parking to any significant level is highly unlikely and the operator can waypoint available 'pay and display' as well as other transport modes and parking as part of any website promotion with a map of the venue including the location of the car-park. BDL as the applicant are very supportive of resident proposals to introduce controlled parking zones to address residents parking concerns and direct visitor traffic to the car park.

On the basis of the advice before you I would suggest the issue of parking has been adequately resolved and does not therefore prevent a recommendation that permission be granted subject to conditions.

Highway Safety

In addition to parking the issue of 'highway safety' has been raised. In some respects the issues are linked as it seems clear many make reference to what is seen as an increase in on-street parking giving rise to dangerous road conditions with pedestrians crossing between parked cars.

In taking a view on this issue as Local Planning Authority it seems clear that the spectre of any highway safety issues, which are understandable points made by many local residents, is a scenario not endorsed by WSCC or the applicants own Transport Consultant. On this basis I hope you agree that 'highway safety' around this scheme is within acceptable bounds and not a reason to withhold planning permission.

Noise and Disturbance

Noise generation is also a regular point made in the submissions opposing the proposed development. This was consistently flagged by local residents particularly with the use operating later into the evening (after 7pm) when general background noise is predictably lower than in the day. This issue was given some considerable weight and prompted the applicant to commission a detailed technical assessment prepared by a well-respected local firm of specialists dated 5th July 2019.

The proposed hours of operation are relevant to any assessment of noise impact and the proposed opening hours are 07:00 to 23:00 hours. It is on this basis the noise assessment was undertaken. It is also worthy of note that following on from concerns expressed through pre-submission public engagement a glass screen was added at the top deck level as can be seen on the submitted plans.

Residents were particularly concerned by the noise associated with customers arriving and departing the premises along with noise from the top floor level which is more open to the elements. Original plans showed tables and chairs on the northern side of the building which have now been removed and instead located on the southern side facing the sea where noise sensitivity is notably lower.....

Some of the responses refer to the potential for all customers to leave the premises at 'exactly the same time' as part of an 11pm closure. This is a highly unlikely scenario as customers to most restaurants arrive and leave at different times and it is not logistically possible for all customers to pay the bill and depart at the same time.

This technical report has been scrutinised by in-house experts within Adur DC and I hope the feedback suggests the findings of the report are robust and a reasonable assessment of the facts and a low probability of excessive noise. The applicant will also

need to apply for a license which will deal with the operational side of the business and set out specific conditions for the site to achieve the Licensing Act objectives. One objective is to ensure any licensee 'does not cause public nuisance' of which noise nuisance to nearby properties is a core part and in that sense planning considerations overlap with licensing but this separate legislation provides added comfort to objectors on the issue of noise.

Design: Overdevelopment

Having read through the letters of objection many make reference to 'overdevelopment' and suggest instead a new building no larger than that currently on-site.

This would clearly not work given the quantum of commercial space would not viably fund the re-provided public provision (toilets, clean water outlet for beach hut users) and new community provisions (external showers and multi-use space). It is also fair to say that the applicant is anxious to find a high calibre occupier and this would not be achievable with a reduced floorspace.

The site sits at a centre point of the Beach Green open space itself a sizeable amount of land which also reads as part of a wider open space to the north of the highway. It is equi-distant from housing and does not read as any established site frontage where height and scale are of greater relevance. In short, the site location offers considerable freedom to accommodate a larger building than that currently on site, not least as a result of the site's topography a Lower Ground Floor only directly accessible from the north and an Upper Ground Level access from the roadway on the coast side of the building. The development accommodates a roof terrace to allow views across the beach to the sea.

Design Quality

Aside from complaints around overdevelopment some objectors are opposed to the design per se with a few even suggesting that the use of shipping containers is inappropriate. This latter point tends to suggest the misleading information anonymously distributed has clearly given the impression that the proposal is for a 'BoxPark' style container development. It also seems to suggest that at least some of those opposing the design have not viewed the proposed plans which include no such feature.

To be clear the applicant is 'Boxpark Developments' but this particular product is a high quality café/restaurant that will be occupied by a restaurant use – it is not a conventional Boxpark despite the efforts of some anonymous participants to suggest it is.

.....The design as tabled uses robust materials and is high quality architecture with an eye to the marine environment in which it forms a part. It is unashamedly commercial in its appearance as it needs to be and has to attract a high calibre restaurant operator, be durable against vandalism and the elements whilst providing shelter both internally and externally for customers to enjoy the bucolic aspects that the site offers.

Overlooking/Privacy Concerns

The proposed building has no side facing windows or openings on its east facing side and only a small width of gallery area to the west. The main outlook is south over the sea or north towards the green. Given separation distances are, for the most part, in excess of 90m it is not considered that the use of the building will give rise to any issue of overlooking or loss of privacy.

Other Matters

The above issues around parking, transport, noise and overdevelopment/design comprise the most consistently raised issues by neighbours and those contributors that live remote from the site. However, a number of other issues are flagged and addressed below:

Litter: Concerns include that the use will result in an increase in litter local to the site but also spilling onto the beach. However, the aim of this project is to secure a high quality restaurant occupier and it is in the interests of the occupier to curtail and control litter in the first instance but to also ensure the immediate locale is cleared of any litter arising from the operation of the use.

Ecology: Some concerns are expressed that the scheme might cause harm to the ecological value of the vegetated shingle and protected beach to the south. As part of the pre-submission consultation 'Friends of Shoreham Beach' worked constructively with the applicant to safeguard against such an eventuality. A meeting was held on 1st July at which these issues were discussed and the notes of the meeting included on the Planning Register. The mitigation measures proposed (litter and recycling) along with pathways through to the beach and potential new signage are all considered measures that satisfactory address this issue.

Loss of Park: The scheme does utilise and area of land south of the current footprint of the toilet block and in that sense does involve the loss of less usable current open space. However, it does represent a qualitative improvement on the public facilities available, offers greater surveillance of the open space and a focal point to ensure it is better used as part of a hub for the wider community.

Light Impact: At present no detailed lighting scheme is available and the application is not accompanied by any proposals for illuminated signage as this will inevitably follow the grant of planning permission. However, a 'Lighting Strategy' could reasonably form a requirement of any planning conditions. This would ensure the right balance between safe lighting to facilitate the use at the same time as prevent any light source having any impact on the amenity of neighbours.

Competition: Some participants suggest the scheme will not work and a successful operator will not be found whilst others suggest the new café/restaurant would put other

nearby similar facilities out of business. Competition between restauranteurs is not a planning matter and, whilst the point is noted, it is not the role of the town planning service to safeguard any particular restaurant business."

Relevant Planning History

There is no relevant planning history to the site. It is noted, however, that the Council has sought to secure a developer for this site on two occasions and public consultation has also been undertaken in connection with proposed schemes.

Consultations

The ***West Sussex County Council Highways Authority*** comments as follows,
"This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Strategic Planning should be considered to be advice only, with respect to this planning application.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

Summary
This proposal is for the demolition of an existing toilet block and erection of a three-storey building comprising of multi-purpose (D2 use) space, restaurant and roof terrace (A3 use). The site is located on Beach Green, a C-classified road subject to a speed limit of 30 mph.

This application has been supported by a Transport Statement conducted by Reeves Transport Planning.

Access
No vehicular access is associated with this development. An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals 4 recorded collisions within the vicinity of the site. However, these collisions were not attributed to road layout. Therefore there is no evidence to suggest the nearby road network is operating unsafely or that the proposal would exacerbate an existing safety concern.

Parking and capacity
No vehicular parking spaces are proposed to serve this development. 24 cycle parking stands are proposed as a part of this development, to promote the use of alternative modes of transport to the site.

WSCC Parking Standards (August 2019) for A3 use requires 1 parking space per 5sqm of public area and 2 spaces per bar for staff parking. Furthermore, 1 space per 22sqm is required for D2 use. The LHA calculated that approximately 75 parking spaces would be expected for a development of this size. Weight is given to the fact that a number of users of the café would likely be visitors to the beach and nearby children's park as well; as such there would be a number of linked trips to the site. There is likely to be a percentage of trips that will be specifically undertaken to visit the café/restaurant however based upon the floor space and proposed use class, the LHA do not anticipate that the proposal would result in a severe material increase in vehicular movements. Weight is given to the fact that this development is proposed to be primarily a local community facility, as such it is anticipated that there will be a number of shared, diverted and local trips to the site that would be occurring as result of the beach location. It is also anticipated that due to the local nature of the proposal, a number of visitors to the proposed usewould be local residents of Shoreham and users walking or cycling and classed as 'pass by' trips. The LHA does not anticipate that a large proportion of the visitors to the site would be users who have specifically diverted to Shoreham for the purpose of visiting the D2 or A3 use of the site. The LHA anticipate that requirement for parking could be accommodated within the existing Adur District Council Pay and Display Car Park to the northwest of the site.

For cycle parking, 1 space is required per 25 sqm of A3 floor space and 1 space per 4 members of staff, totalling to a demand of 27 cycle spaces. The applicant is therefore advised to increase the amount of cycle parking spaces to meet the anticipated demand, as a minimum. Details of this can be secured via condition. The site benefits from being connected to the National Cycle Network Route 2, which runs adjacent to the site; this is a 361mile cycle route along the south coast linking Dover with St Austell and provides further opportunities for connections on the wider network.

The LHA acknowledges that the site is situated close to Beach Green Public Car Park and within walking distance of Riverside Public Car Park. Bus stops at Beach Green offer services in Shoreham every 70 minutes. Shoreham High Street is an approximate 9 minute walk from the site, offering more regular, varied connections. Shoreham train station is located within 1.3km of the site. In addition, the existing pedestrian footways are street lit and well linked to the surrounding area, further increasing the sustainability of the site. As such, the LHA anticipates that the applicant has promoted sustainable modes of transport that are available within the vicinity and that the proposal would not result in a capacity issue on the surrounding road network.

The LHA acknowledge residents' concerns that the proposal could result in additional on-street parking. Although on street parking may occur at times, the LHA does not anticipate that all available on street parking would be used, given the available alternatives. Whilst on-street parking is limited in the immediate vicinity, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be detrimental to highway safety. Junction protection is present at the major junctions on the network. The LHA does not consider that the highway safety would be

detrimentally affected through the proposed nil car parking provision. The Planning Authority may wish to consider the potential impacts of this development on on-street parking from an amenity point of view.

Conclusion
The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal."

The LHA concludes that, if the LPA is minded to approve the application, it recommends conditions requiring the provision of covered and secure cycle parking and the submission of a Construction Management Plan.

The Highway Authority was re-consulted to undertake a site visit and assess some of the concerns raised by local residents.

Reconsultation Response

"Context
This proposal is for the demolition of an existing toilet block and erection of a three-storey building comprising of multi-purpose (D2 Use) space, restaurant and roof terrace (A3 Use). The site is located on Beach Green, a C-classified road subject to a speed limit of 30 mph.

WSCC in its role as Local Highway Authority (LHA) previously submitted comments for this application, dated 16/08/2019, raising no objections. A number of representations have been made in respect of highways matters. Following this, the LHA have undertaken a site visit on 09/09/2019. The following provides additional comments to address the points raised through the representations and clarify the assessment undertaken.

It should be noted that national planning policy, the National Planning Policy Framework (NPPF), identifies in paragraph 109 that development should only be resisted on transport grounds when the residual impact is considered "severe" or there would be an unacceptable impact upon highway safety.

Parking Availability and Illegal Parking
Many representations highlighted the potential issue of parking availability and illegal parking. An officer on-site confirmed that at the time of the site visit, roads exhibited regular vehicular movements but were not densely trafficked. Vehicles appeared to be travelling at the posted speed limit.

The nearby roads have parking restrictions to prevent parking at the accesses onto Beach green.

Much of Beach Green and nearby roads are protected by double and single yellow line parking restrictions. Beach Green has parking restrictions, with no parking Monday-Saturday 8AM-6PM on both sides of the carriageway to the front of the site. The bus stop has a separate restriction for no stopping 7AM-7PM except buses.

Adjoining roads such as Kings Walk have season restrictions in place between April 1st and September 30th which prohibits weekend parking between 8am and 6pm.

Whilst the roads do benefit from parking restrictions, any potential parking in breach of these restrictions could be dealt with as a parking offence and any illegal parking which causes an obstruction of the highway could be enforced by Sussex Police.

RTPI for the adjacent bus stop
We are still awaiting confirmation from colleagues regarding whether a Real-Time Information Sign would be appropriate in this location and will provide confirmation in due course.

Provision for disabled parking close to the facility

As a nil car parking provision is proposed, the LHA would not insist on disabled parking on-site. However, an assessment would be undertaken to assess the accessibility of the site for disabled users. An officer has undertaken a site visit and confirmed that there are disabled parking opportunities within close proximity of the site.

The car park located northwest of the site appears to be the best option for disabled parking opportunities. A zebra crossing at Beach Green will assist with access from the car park to the site. However, the existing footways within the site itself on the green are quite narrow and therefore it would be beneficial to have these widened to allow for improved access. Ideally the footpath within the site should be 2m wide.

Disabled parking can also be found at Riverside Car Park, 0.3 miles to the east of the site, an approximate 7-minute walk. This car park is open 24 hours a day. The footway is linked with tactile paved crossing points and joins up with the zebra crossing point to the north of the site. Blue Badge Holders are also able to park for up to 3 hours on single and double yellow where loading restrictions are not in force and providing that the vehicle is not causing an obstruction. Therefore, there are considered to be sufficient opportunities in the local area for disabled visitors to the development to park without formal on-site disabled car parking being provided.

Provision for lorries and the use of the bus layby
The LHA would not accept loading or unloading from a bus stop and the applicant is requested to demonstrate where this would take place from. The green is encircled by a raised grassy bank, meaning deliveries may be awkward if taken from the roadside. It may be beneficial for the applicant to state where deliveries are to be accommodated and this could be to the east of the bus stop, with hardstanding and a footpath leading

from this area to the site. The applicant should provide further details of the proposed servicing arrangements.

EV charging at Riverside Car Park
Given the applicant is not proposing any on-site car parking WSCC have not specifically asked for any electric vehicle charging provision as part of this development. Adur District Council are the proprietor of Riverside Car Park and should the applicant wish to provide electric vehicle charging provision in this car park, it would be for Adur District Council to take a view on this.

Emerging LCWIP upgrade to the NCN route
WSCC do not consider that the need to upgrade the surface of the NCN route that runs to the south of the development site would be Community Infrastructure Levy (CIL) compliant.

Conclusion
The LHA requests the following from the applicant:

- *Details of servicing such as areas of hardstanding for lorries and associated footpath links*
- *Existing footpaths to be widened"*

Adur & Worthing Councils:

The ***Technical Services*** Officer comments that,
The site lies in flood zone 3, but I consider that the proposed development would be acceptable in this location.

However, despite the application form stating that SUD s will be incorporated on this development no details are provided or eluded too. Therefore, as there is insufficient information for me to comment upon I have to object to this application.

Please obtain drainage proposal details, and can it be confirmed whether or not a lift pit will be required.

In response to the sketch proposal submitted by the applicant, the Council's Principal Engineer states that,

"The principal is sound; however, the detail needs to be explained still.

If the designer intents to use the grates purely for attenuation and not for soakaway purposes the grated structures need to have an impermeable membrane / barrier to ensure water tightness together with a protected geotextile to prevent punctures of the membrane. I would also like to see a inline slit traps prior to the discharge into these structures

If the designer intents the grated structures to be used soakaways then they need to be at least 5 m away from the building.

At the moment, I need more information before I can accept these proposals."

The ***Planning Policy Manager*** comments that,
"With regards to the principle of development, the site lies within the Built-Up Area Boundary, and within an area of open space. Policy 32 of the ALP resists loss of open space unless one of three criteria are met, which is not the case in this instance. However, the increase in land take appears minimal in proportion to the size of the open space, and does not appear likely to restrict the ability of the space to be used for recreational purposes. Furthermore, the inclusion of community space, showers and toilets as part of the proposed development will provide improved amenities. As such, in this particular instance, there is no policy objection on these grounds.

Policy 33: Planning for Sustainable Communities also supports improvements to social and community facilities (which would be enhanced by this development through the provision of community meeting space).

You will be aware that in 2014 Adur District Council designated the Shoreham Beach Neighbourhood Forum and Shoreham Beach Neighbourhood Area; a neighbourhood plan is in the early stages of preparation. Although the document is still at a very early stage of its development, please be aware that the regeneration of Beach Green and the inclusion of a cafe/community facilities at this location, are referred to in early drafts and supported by early (non-statutory) consultation exercises, as referred to in the applicant's Planning Statement.

This proposal is also consistent with Policy 11: Shoreham By Sea of the ALP which states: "Areas including Beach Green, the Riverside car park and parts of the river frontage (on Shoreham Beach) will be improved through new landscape, signage and street furniture. Opportunities to improve footpaths and cycleways will also be taken."

The Planning Statement accompanying this proposal has referred to the achievement of BREEAM 'Very Good' standard, which is consistent with the requirements of Policy 18.

I note provision of cycle parking spaces is to be provided, which is consistent with Policy 28 Transport and Connectivity.

Given the above, there is no policy objection to this proposal."

The ***Environmental Health*** Officer comments that,
"The development is intended to provide a cafe and community space for Shoreham Beach and in normal circumstances, and having regard to the acoustic assessment that accompanies the application; I do not anticipate that such use would have any detrimental noise impact on the surrounding community.

It is possible that the ground floor community area could be used as a function room. In such circumstances, my main concern would be music noise and noise from people leaving the venue in high spirit. Noise escaping from the building can easily be controlled, however, controlling the noise people make outside the venue when they leave is more difficult. The best solution in such circumstances would be to manage the risk of this occurring late at night. Thus, the impact of customers leaving the venue should be mitigated by conditioning the proposed hours, allowing some exceptions for Christmas and New Year.

I have no objections to the application in principle, subject to the following conditions being attached to any permission.

The premises shall only be open for the public between the hours of 07:00hrs until 23:00hrs, Monday to Saturday and 07:00hrs to 22:00hrs on Sundays and Bank Holidays, with the exception to Christmas Eve and New Year, where the public shall vacate the premises no later than 00:30hrs.

Only unobtrusive background music shall be provided for the upstairs terrace. For this purpose the music noise level shall not exceed 75dB (LAeq15min) at any internal perimeter of the terrace. i.e inside the glass screening on the roof terrace.

When amplified live or recorded music is played in the ground floor community room; windows and the external entrance, except for emergency evacuation, shall be kept closed. Access and egress to the room at these times shall be through the lobbied area serving the toilets and stairwell to the upper floors.

When amplified or live music is played in the first floor cafe area, all windows shall be kept closed.

Details of the kitchen extraction plant, including odour abatement and noise levels shall be provided and agreed by the local planning authority prior to installation.

Where windows need to be kept closed for the purpose of noise control, alternative ventilation details shall be provided and agreed with the local planning authority."

In response to the applicants concerns about preventing windows being opened (to ensure natural ventilation and compliance with BREEAM standards) **Environmental Health have raised the following additional comments:**

As a result of deregulatory changes that have amended the 2003 Licensing Act, no licence is required for the playing of live or recorded music during the hours of 08.00 and 23.00, so long as there is an alcohol licence in place. It was for this reason I suggested conditions on any planning permission to prevent disturbance from licensable activity. However, I can see how these conditions could be problematic for non-licensable activities such as a keep fit class where the instructor may want to play music whilst having doors and windows open for ventilation on a warm day.

Keeping windows and doors closed is a simple way to contain music noise inside the building, and I am still of the view that if there were to be a function in the ground floor community room in the evening, then these doors and windows should be kept closed. After all, it would not be an issue keeping them closed if the outside weather was inclement. However, it would make sense to condition any permission differently for this purpose. We discussed a noise management plan, which was considered in the applicant's acoustic report. I can confirm that I would be happy to address noise concerns through a noise management plan and the following proposed condition would work:

12. Prior to the occupation of the building a Noise Management Plan shall be submitted to and approved in writing with the LPA detailing the proposed use of the terrace and the use of the ground and first floor areas (with particular emphasis on amplified and or live music) and set appropriate maximum noise levels inside the building. Thereafter, the premises shall only be occupied in accordance with the approved Plan.

When producing the noise plan, the aim should be to prevent nuisance. Having an arbitrary noise level would not necessarily work. For example, the background noise level monitored and produced in the applicants acoustic report is 45dB(A). This is the LA90 measurement used to determine background noise levels. Whereas the ambient noise for the area monitored and produced in the report is 57dB(A) , this is a LAeq measurement taken over 16hrs. Having a condition that music levels should not exceed background would not be enforceable; as you can see the existing ambient noise level already exceeds the background level, and therefore you would not be able to measure any breach of such a condition.

The most appropriate design criteria would be for any amplified sound (including music and speech), to be inaudible within any nearby noise sensitive premises with or without one or more windows open. For this purpose, the music noise level would have to be set so that its contribution at the nearest residential premises was 10dB(A) below the existing background level. Alternatively Noise Rating Curves can be used. A NR Curve of 25 can be used for music noise thresholds; the single figure rating takes in to account the frequency content of the music which may be more appropriate, particularly for low frequency bass noise.

Reference is made to research commissioned by the Department for Environment, Food and Rural Affairs (Davies et al, 2005) "Noise from Pubs and Clubs". It is stated "that the use of NR Curve design criteria is commonly used by consultants". It is further stated "that the use of appropriate NR Curve criteria enables noise mitigation measures to be specified". It is with this in mind that I put this recommendation forward.

The ***Head of Place and Economy*** comments that,
"In response to your letter dated 22nd August 2019 regarding the proposals for a multi-purpose space and café / restaurant at Shoreham Beach Green, I thought it useful to provide the local economic context.

Shoreham-By-Sea, and specifically those areas that have the potential to interact with the town centre, are becoming increasingly important. Beach Green has been identified for improvements; the change from a toilet block to an economically active facility will certainly accomplish this. In particular the multi-use element provides a number of community and economic opportunities.

The economic benefits of this development, on this site, will see a jobs gain whilst wider benefits include supporting existing cycle infrastructure. The demographic shift sees a younger, family orientated, market coming into Shoreham who will demand greater provision. Again, this development will provide a 'quality of life' offer. Finally, in coastal communities, the tourism sector is a key component; this facility has the potential to also contribute to attracting visitors to the area.

Based on the factors above I have no objection to this development."

The ***Parks Manager*** comments that,
"Trees and Landscaping
The area that this proposed development and the surrounding location is connected to the wider LNR status of the area. This obviously comes with a need to sensitively manage the landscape and surrounding area due to the nature of the fauna and flora within the natural environment.

I am in support of the project in principle provided there are a few measures put in place to protect the area; Strict management of vehicle movements, management of waste and other aspects of the built environment that could have a negative impact on the surrounding areas if not managed tightly. This would also fall to all subcontractors within this remit of the build. To explore opportunities further with the ecologist that we have already spoken to re landscape designs outside the front of the building to ensure that it complements the surrounding fauna and flora and does not have a negative impact on the sensitive nature of the surrounding area."

I note the footprint of the proposed cafe/restaurant is bigger than the existing toilet block and would therefore result in the loss of existing open space.

I do not consider that the loss is significant as it includes part of the embankment to the south of the building that has limited recreational value. Furthermore, as the proposal includes community space and toilet facilities to serve users of the Beach, any loss would be compensated by enhancing facilities for community and leisure purposes."

The ***Environment Agency*** comments that,
*"We have **no objection** to the proposed development as submitted. However we would*

recommend that the flood resilience measures identified within Section 7.6 of the Flood Risk Assessment (FRA) be implemented, and the applicants as per 7.8 of the FRA register with the Environment Agency's flood warning service, so as appropriate actions and measures can be undertaken in advance of any potential flood event.

Advice to LPA
We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The planning practice guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG."

Southern Water Services comment that,
"Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link https://beta.southernwater.co.uk/infrastructure-charges

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that

the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
- Specify the responsibilities of each party for the implementation of the SUDS scheme.
- Specify a timetable for implementation.

- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), www.southernwater.co.uk or by email at developerservices@southernwater.co.uk"

Representations

A total of 278 objections have been received on the following grounds:

(i) <u>Design, Scale and Massing</u>

- The original brief from the Council stated - 'any prospective developer/operator should strive to protect and enhance the Green's natural beauty and resources.' And 'the design should reflect its coastal setting and the surrounding environment'.

  This design proposal fails on these requirements. It is does not fit in with the local environment, it is far too large, the construction and cladding materials proposed have no local connection or sympathy with the beach location.

- Whilst, I think the development of the toilet block is a good idea, the scale and character of this development is not appropriate for Shoreham Beach.

- The design is ugly in my opinion and out of character with the beautiful environment of the beach.

- A lower scale café in keeping with the local environment would be very welcome but this development is too large.

- The assertion that the building has to be the height it is on the advice of the Environment Agency and the Police is flawed as, in the case of the Environment Agency, the advice is that the ground floor of the proposed building should be resilient (high up sockets etc) not that the building has to have multiple floors. The advice the Police have given regarding anti-social behavior has not been released by Boxpark, however, it seems improbable that the Police would mandate a three-story building of this design, nor that a design company with the accolades that Boxpark proudly quote couldn't think of ways to prevent anti-social behavior around a lower building.

- The statement that the building needs to have sea and Downs views in order to attract the right tenants (to be commercially viable) is not evidenced and was clearly not the case when other local beach cafés such as Ikea, Widewater or Carats Café at the Port are concerned. A developer will want these views but there is no demonstration of the need for them.

- The design does not appear to address how access to the cellar and refuse store will be achieved from the back of house areas without staff having to go outside in all weathers and uncontrolled external environment.

- Vertical distribution of food and beverage between kitchens, back of house and customer areas, does not appear to have been accommodated and that it would be a safety issue should staff be carrying anything up or down the main staircase.

- A closed building is far too large for the area, it is 30% larger than The Perch in Lancing which has a lot more space around it and is set back much further from the road and with ample parking.

- Residents do not want this ugly building on Shoreham Beach, a unique area of natural beauty.

- The proposed development will have a detrimental effect on the residents of the area.

- The height of the building should not exceed the existing height on the grounds of overdevelopment and due to the height will overlook nearby homes and will be able to visibly see into first floor bedrooms.

- The height of the building will reduce the natural light to the green causing any surviving plant life to die.

- The proposed materials are industrial in style and do not blend in with the neighbouring residences.

- The sheer size and scale of the building and the proposed materials will certainly not integrate into the landscape and this will be clearly in contravention of the Adur Local Plan. Under 'Quality of the Built Environment and Public Realm', the Adur Local Plan states that new developments should be well designed and integrated into the landscape and townscape and contribute positively to Adur's character and distinctiveness.

- The top floor is exposed and will not be useful for a significant period every year. This would then require full enclosure which will change the external appearance in a negative way.

- Surely the Council cannot think that the design reflects its costal setting and surrounding environment. It is, as its name says, an ugly box (Boxpark).

- If a building of this scale is constructed, there is likely to be a prolonged period of disturbance with construction vehicles, mess, dust, mud, potential vandalism and other consequential nuisance for the whole surrounding area.

- The proposed building is too dominant in this residential area and brutal in form without any thought to a sensitive design appropriate for this important location.

- The building really does not fit with the surrounding properties and area as houses and beach huts in the area are mostly white or light in colour. This development is to be clad in a dark wood and being so large it will not fit in, a lighter cladding and smaller size would seem much more appropriate.

- The design is too harsh and angular with the side elevations having the appearance of a container ship, the rust cladding effect simply serving to reinforce this notion.

- It is understood that the design is similar to one previously used by Boxpark in an urban location and so it would seem the cost expediency of a rehash design has been given preference over visual compatibility with the beach environment.

- The graphical illustration of the proposed structure almost certainly intends to flatter the proposed structure but it shows an edifice in which the stark steel girders and concrete blocks is characteristic of the early 1960s, totally lacking in imagination and with no attempt to provide a modicum of charm or elegance.

- The building should have curves, particularly the roof line. This colour should reflect the quality of the light that made Shoreham Beach an artists' colony, it should not be blocking that light. The squareness of the design does not reflect or enhance the coastal setting.

- In 2018, Adur Council refused permission of the development of nine houses on Firle Road on the grounds of scale, siting and design. These grounds could be used to resist the current proposal to ensure consistency and decision making.

- The brutalist industrial box-like concrete and rusted metal would be out of keeping with the local nature reserve destroying the only greenspace on and the profile of Shoreham Beach.

- The location deserves something truly unique and attractive to the area similar to the café designed by Thomas Heatherwick in Littlehampton.

- The proposal would conflict with the Local Plan and the NPPF in that it proposes a town centre use in an out of town location and no sequential test has been undertaken to assess the scope for this development to be accommodated in a town centre location.

(ii) <u>Sustainability</u>

- Boxpark has not made mention of the use of solar panels or a living green roof nor are they suggesting the use of grey water run-off.

- The building is not sustainable or of sufficient quality. It is stated the building will be erected in six months. It will not be built using any of the now standard sustainability elements, namely solar panels, heat pump thermal installations, plastics non-use policy or the use of high grade building materials necessary to withstand the punishing weather elements given its proposed location. In short it will be built to a price to achieve financial viability not longevity or interrelation into the local public realm.

- The development should surely strive to be carbon neutral, particularly given that the Council has recently signed up to the climate change emergency.

(iii) Highway, Parking and Access

- The assumption that the majority of customers will cycle or walk to the café is naive.

- Parking is already an issue on the surrounding roads, Beach Road and Kings Walk are often grid locked at busy times.
- Where would disabled drivers park?
- Delivery lorries parking in the bus stop, where do the buses stop?

- Whilst the application argues that the development will not generate additional traffic movements or parking requirements, this was not the case when permission was granted for the family pub restaurant, The Longshore, which complied with Local Authority standards.

- The proposed A3 and D2 Use Class would generate a maximum parking provision for customers of 131 spaces and 12 for staff, a total of 143 spaces. Comparison has been made with the public car park adjacent to The Perch which, whilst of a similar area is laid out as an efficient parking layout and has suitable surface and access to The Perch restaurant café. In contrast, the Beach Green car park is unsurfaced and is not laid out and, therefore, is unlikely to provide a similar number of space or provide suitable safe and appropriate facility close enough to the development to avoid alternative street parking to be sought by customers.

- There is no provision in Beach Green car park for disabled bays (5% of total) or provision of ducting for future charging points (20% of spaces).

- The pedestrian access from the car park through the vehicle entrance barrier towards the development is without the benefit of pavement along its entire length so cannot be claimed to be a safe route, especially for disabled customers due to conflict with car movements.

- Beach Green car park and the route and from is not lit and does not have CCTV so use at night constitutes a safety risk for customers and staff leaving the premises at night.

- The cycle racks are shown as bein uncovered. This is not suitable for long term use by staff and customers staying for any period of time, nor does it comply with BREEAM requirements which will also require lighting to be provided.

- It has been assumed that use of the bus stop for disabled access and service vehicles will be allowed but there is no indication as to how this will be controlled by the applicant or, indeed, how the commercial vehicles will achieve turning access to this bus stop.

- There is no realistic assessment of traffic generation because of the applicant's assumption of shared trips. Although this is unlikely to be correct should the extensive café restaurant covers indicated be used by customers.

- In view of the limitations of Beach Green car park, the proposal would conflict with the Local Authority's Policy relating to access requirements for development (Policy T14).

- The application does not indicate how Biffa bins and glass waste will be collected from the development. There is a gradient from Roadside to sell a bin store that would make this arduous and dangerous.

- There is no mention of the expected servicing, either by way of Quantum or timing. It might be expected that cellar deliveries to developments such as this might be once a week by either HGV or 12 metre ridged vehicle with further food deliveries of say three per week, although the storage area adjacent to the kitchen appears very small. With potential conflict with customers and the extended trolley route over paving is unsuitable and unsafe for staff.

- It is ridiculous to assume that up to 200 customers and 25 staff will not make demands on local parking and traffic that the residential area will not be able to support.

- Parking is already a considerable problem on the beach with parked cars on pavements and the grass in River Close, even on double yellow lines, especially in the summer. Riverside car park might be available but I know from experience that visitors to the beach would rather park in residential streets if they can.

- The so-called Traffic Survey provides no evidence that extra car journeys will occur which for a 7.00am to 11.00pm, 7 day a week, all year round restaurant seems improbable.

- The Traffic Survey is misleading on the availability of bus services. There is only one service that runs every 70 minutes and it does not run at all on Sundays and it stops early teatime. The Transport report commissioned by the developer is distinctly lacking in thoroughness.

- Parking problems on the beach have caused the bus to back up and divert and lorries have had to do the same.

- The new Traffic Regulation Order, soon to come into operation, will exacerbate the problems for side roads in the vicinity of the site.

- Traffic flow on to and off the beach is already an issue at certain times of the day and speed restrictions are frequently ignored.

- With increased parking on pavements, accidents are likely as residents can often not see clearly when exiting their driveways.

- Residential parking in the area is already out of control with cars readily parking on the pavements either side of Beach Road approaching Beach Green and then beyond. Visibility for all vehicles, pedestrians and cyclists is restricted and the problem becomes far worse at the weekends and during the Spring and Summer months.

- There has been no real attempt to manage the parking situation on Shoreham Beach.

- There are several car parks on Shoreham Beach but, even on the busiest days, these are only ever partially full, why would anyone want to pay for parking when they can park for free on a pavement or a yellow line.

- There is only one Zebra crossing to the location with more visitors crossing the main access road. This can become dangerous, even more so when cars are parked on pavements blocking the view for both pedestrians and other road users. The Traffic Survey is flawed as it contains no survey of likely travel approaches, provides no evidence to back up the assertion that there will be no extra car journeys and make misleading claims about the public transport accessibility.

- The Traffic Survey makes an unfounded claim to the effect that, because the public car park on the beach is under utilised, there will be no additional parking burden on the local roads. This demonstrates a lack of knowledge of the area as the reasons why the public car park is underused is because visitors prefer free and, in some cases, illegal parking to paying the charges.

- The Traffic Survey is a totally unrealistic cycle distance calculation. The thirteen-minute travel time area is achievable only on a road bike at significant speed (16mph). As a distance that people are prepared to cycle to go to a restaurant, it is totally unrealistic. The walking calculation, based on the distance, is based on the distance that commuters walk not those engaged in leisure activities.

(iv) <u>Overdevelopment</u>

- At the current proposed size and opening hours this restaurant / event facility could seriously impact Shoreham's established outlets, which are already experiencing tough trading conditions.

- Conversely, this building appears commercially too large, who would be responsible should it remain empty and the developer ceases trading?

- Would the council be forced to allow it to become residential, or split use as the Perch?

- There is not a need for community space; there is a choice of halls/rooms available in Shoreham. Is this being used to increase the footprint?

- The three storey structure, 10 metres high and 849 square metres floorspace, would be higher that all other houses and buildings in the area and represent an overdevelopment of the site.

- The development is out of proportion and will dominate the open green space which is valued by residents, beach hut owners and visitors for its peaceful naturalness next to the local nature reserve.

- Shoreham Beach is a quiet residential area with a few small shops, restaurants and cafes some distance away at Ferry Road and West Beach, none are near the size or scale of the proposed development and would therefore be disproportionate to place a business of this scale in the middle of this tiny space and residential area.

- The proposal is 60% bigger thank the current largest restaurant in Shoreham and 30% larger than The Perch and is clearly an events' venue to commercially benefit the few at the expense of the many.

(v) <u>Noise Disturbance and Smell Nuisance</u>

- The size and opening hours give reason for concern from excessive noise. The opening hours allow evening 'organised events', closing time would produce noise problems for those around the Green and car park.

- The proposed opening hours from 7.00am to 11.00pm weekdays and 7.00am to 10.00pm on Sundays and Bank Holidays are totally inappropriate and result in noise and disruption day and night.

- There would be significant disturbance from customers leaving the restaurant after closing time.

- The area is currently very quiet so that any noise from the green, even conversations late at night, can be heard from adjoining properties.

- With the prevailing wind, noise and disturbance from the roof terrace would be carried a long way into the beach and cause disturbance to a number of residential properties. The Committee should be aware that a two storey

extension to The Bluebird Café at Ferring was recently, unanimously, rejected by Arun on the basis it would be out of keeping with and detrimental to the rural character of the locality and the appearance of the coastline.

- There are no other beach cafés (Sea lane or The Perch) which operate daily opening hours until 10.00am to 11.00pm and there is no reason why this should be agreed for Shoreham Beach. The proposed café restaurant catering for over 200 people with a bar and music facilities would be entirely out of character with the area and create unwelcome noise during its duration and almost certainly noisy disturbance by people going home from it by car or on foot late in the evening.

- The Beach Dreams Fest was referred to, an event which takes place once a year. This is not an appropriate precedent or basis for granting possible nuisance over 365 days a year between 7.00am and 11.00pm.

- There is no information or reference to how noise from within the development will be controlled and if there are to be restrictions on any amplified sound that will conflict with the current peaceful beach environment. There is potential noise disturbance from the extract and ventilation systems that will be necessary for the large kitchen areas.

- No provision has been made or suggested to control noisy delivery and collection from the development which will impact on local residents.

- No music should be played inside or outside of the building.

- The plant room on the room should be enclosed not just positioned behind mesh as it will be vulnerable from salt erosion.

- The Noise Survey and subsequent predictions about noise impact are not accurate and must be questioned further.

- The Noise Survey is flawed; it assumes that the maximum noise impact will be upon residents who are inside their houses without giving any justification as to why residents will be inside at a time when diners would want to be on the roof terrace. Secondly, it assumes that at 11.00pm is an acceptable time for external noise to occur without any consideration of the residential nature of the location. Thirdly, the report assumes a 15db drop in noise from outside to inside of houses through open windows which does not take into account that many local houses have patio door style openings.

- There is no assessment of the impact of the noise of visitors entering and leaving.

- The inevitability of fried food and cooking smells contaminating the adjacent beach is significant and there is an absence of details of any suitable systems being proposed. Details of carbon filtration should be required by condition.

(vi) Privacy

- The proposal would directly overlook adjoining residents' bedrooms being at the same level.

- There are safeguarding concerns as there are many children living in adjoining houses and there are safeguarding concerns.

- This is a very unneighbourly form of development which would be intrusive to local residents.

- The roof terrace looks straight into upper floors in the surrounding houses, including vulnerable adult residents close to the site.

- The developers state that the terrace has been designed to prevent overlooking where possible, acknowledging that there will be a loss of privacy for all the surrounding homes.

(vii) Other points of objection include:

- Light Pollution
- Increased litter and pollution
- Lack of detail regarding the collection of waste
- The bike area is not covered and would be a security risk.

A Petition signed by 91 residents has been submitted setting out objections to the development on the following grounds:

- Design: scale, appearance, materials, character
- Proposed operating hours
- Safeguarding issues
- Planning policies
- Highway safety, traffic and parking
- Noise, disturbance and smells
- Overlooking, loss of privacy
- An acceptable alternative would be a smaller two storey café, daytime opening, a known and trusted operator, less intrusive design, greater consideration to safeguarding and environmental impacts and clear provision to address neighbour impacts.

68 letters of support have been received on the grounds that,

- the proposal would benefit the local economy.
- it is not too large – a smaller development would not be a destination and would fall into disuse.
- the current toilet block is disgusting now as it was 45 years ago and it is about time it was redeveloped.
- this is an opportunity to provide much needed public facilities and an attractive facility for the growing population to enjoy.
- the crisp contemporary design and materials selected will work given the size of the green. There are plenty of homes on the foreshore of a similar height.
- the location is ideal to encourage people out of their cars and walk or cycle from town.
- any concerns relating to hours of use and noise can surely be controlled by condition and via licensing.
- the venue would be a fabulous addition to the Shoreham Beach Community.
- there is a lack of family friendly facilities on Shoreham Beach. Having better changing and toilet facilities as well as a quality restaurant/café is much needed.
- the proposal would link well with the broadwalk extension and sea activities, and also deter some of the anti-social behavior that occurs in the area.
- parking would not be an issue as there is a suitable sized car park opposite.

Beach Residents' Association comments that it,
"broadly welcomes the redevelopment of the old toilet block on Beach Green with a new café and community space, but we understand the concerns and anxieties of residents particularly those in the immediate vicinity. We urge the developer to make some changes to the plans in the interests of being a good and respectful neighbour. We have the following suggestions and comments regarding this planning application: -

Café and Community Space
A planning condition should be imposed to prevent the operation of permitted changes under the UCO & GPDO, such that (1) the cafe element is to be used for Class A3 purposes and for no other purpose, and the community space is to be used for the stated purpose and no other use, including any other use within Class D2.

It is noted that no hours of operation restrictions are contemplated for the community space (according to the application forms). If this space is let for private gatherings such as wedding celebrations then restrictions should be imposed on late evening use to protect local residential amenity. It is noteworthy that this element of the proposed use is not assessed in the submitted noise report. Potential exists of course for users of the community facility to access outside areas, further justifying the imposition of hours of operation restrictions across the application site and not just the building. The Planning Statement indicates that there will be an ability to hire the space from 9am - 5pm in the winter and 9am - 9pm in the summer, matching the existing WC opening hours. Any permission should be conditioned accordingly.

We would like a maximum noise level stipulated in the planning conditions measured at the nearest residential receptor. We would like to see an enclosed rather than open plant room on the top level to minimise noise and disturbance to neighbours.

Toilets
We are concerned that there are safeguarding issues in that the design for the proposed toilets does not have separate entrances for men and women and furthermore that there are no alternative means of escape in the event of an emergency. It appears that the changing rooms next to the toilets on the ground floor could not be used without walking through the community space which will be inconvenient. We would like to see an amendment in the plans to address these issues.

We expect public toilets to be provided throughout the demolition and construction phase, with no break in service.

Parking and access
Inevitably there will be some extra traffic resulting from the scheme and a proportion of visitors to the café are likely to arrive by car. We would like to see a parking voucher scheme or similar agreed with the council and the developer on behalf of the operator so that the Beach Green carpark is used by patrons rather than them parking on residential roads causing traffic issues and inconvenience to neighbours. The council should incentivise patrons to park in the designated car park by lowering the currently high parking charges so that it is more convenient to park there than not.

We suggest that the developer offers to pay for an information board showing bus times to help their customers access the café by public transport.

Boundaries
We seek assurances that the boundaries in the planning permission will not be breached and that the same boundary is stipulated in the lease."

Worthing & Adur Chamber of Commerce comments that,
"As President of the Worthing and Adur Chamber of Commerce, I am writing in support of the application that will see the demolition of an existing structure and the creation of a multipurpose space, café, with an associated covered roof space on the Beach Green in Shoreham.

As the 'business voice' for the local area we welcome inward investment and support developing business. We ensure that businesses have their say when it comes to change and investment in the area. We support those prepared to make a positive difference in the local economy. The Chamber of Commerce works in partnership to ensure the benefits of commercial development are delivered, enhancing the area economically and to provide a better skilled workforce, better employment and business opportunities across the area. The Chamber will hope to see local procurement prioritised.

We believe that the application for the Shoreham Beach café should be recommended for approval.

The scheme will also add to the wider coastal area's appeal by linking the existing café/ restaurant seafront provisions, adding to the like of the Perch, Littlehampton's East Beach café and the developing West Wittering café. The proposed development will provide better facilities for water sports enthusiasts, a focus for the coastal West Sussex area. It will also offer stops for cyclists whilst enhancing the existing cycle route set out by Sustrans along the coastline.

We strongly believe that the proposals for Shoreham BeachBox will substantially raise the profile of and strengthen the position of Shoreham as a high-quality business destination.

With the above in mind, the Worthing and Adur Chamber of Commerce endorses the benefits that the proposed development will bring to the area and therefore we are happy to support this application."

Coastal West Sussex comments that,
"As Chairman of the Coastal West Sussex Economic Partnership, I am writing in support of the application that will see the demolition of an existing structure and the creation of a multipurpose space, café with an associated covered roof space on the Beach Green in Shoreham.

With a focus on the 'larger than local' issues that impact on our coastal economy, the Coastal West Sussex Economic Partnership is a business led partnership bringing together senior leaders from industry, education and the public sector to take action and use its individual and collective talents to make a difference in the local economy.

As part of the Coastal West Sussex Partnership's drive to provide a better skilled workforce, better connected coast and better employment and enterprise opportunities across the coastal area, we believe that the application for the Shoreham Beach café should be recommended for approval.

The changes in and around Shoreham by Sea have shaped Shoreham into what it is now; the application for the beach café will enhance the existing offering by providing much better facilities for both residents and visitors to the area.

The scheme will also add to the wider coastal areas appeal by linking the existing café/ restaurant seafront provisions, adding to the like of the Perch, Littlehampton's East Beach café and the developing West Wittering café. The proposed café will provide better facilities for water sports enthusiasts, where the coastal West Sussex area is becoming much greater attraction, and offer stops for cyclists, enhancing the existing cycle route set out by Sustrans along the coastline.

The multi-use element of the scheme provides an opportunity for the building to be multifaceted in its approach to future operations with potential for much greater engagement for water sports activities, cycle links, fitness activities, growth in the education of the natural foreshore as well as the provision of a high-class restaurant café which will be an attraction to visitors itself. Enhancing the natural offering for the coastal West Sussex area will have a positive impact on the economic prosperity for the area.

It is determined that the economic benefits for the area will be directly increased by local employment opportunities as well as the associated benefits from other local companies. The changing demographic shift in Shoreham sees a younger, more family orientated market coming into the area who will demand greater and more varied provision of leisure and business activities. With the above in mind, the Coastal West Sussex Partnership endorses the benefits that the proposed development will bring to the area and therefore I am really happy to support this application and look forward to hearing about its progress."

Relevant Planning Policies and Guidance

Adopted Local Plan 2017 including Policies,

Policy 13: Adurs Countryside and Coast: *"Development to support informal recreation uses on the coast will normally be permitted subject to:*

i) built facilities being located within the adjacent Built Up Area …."

Policy 15: - Quality of the Built Environment and Public Realm:

"Development should be of a high architectural quality and respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing siting, layout density, height, size, scale, materials, detailed design features and landscaping."

Policy 18: - Sustainable Design

"Non domestic floorspace must achieve a minimum standard of BREEAM 'Very Good' with a specific focus on water efficiency"

Policy 27: – Retail, Town Centres and Local Parades

"New development for town centre uses outside of the town centre boundary …… will be assessed in accordance with the NPPF sequential test."

Policy 28: – Transport and Connectivity

Policy 30: - Green Infrastructure

Policy 31: - Biodiversity

Policy 32: - Open Space, Recreation and Leisure

"The loss of existing open space, or sports and recreation buildings/facilities will be resisted unless:

i) The development is for alternative sports and recreational provision ……"

Policy 33: - Planning for Sustainable Communities - *"The Council will protect and support improvements to social and community facilities."*

Policy 34: - Pollution and Contamination

Policy 36: - Flood Risk and Sustainable Drainage - *"New development …… must include some form of Sustainable Drainage System (SuDS)."*

Emerging Neighbourhood Plan

"Overall, our community engagement work has provided clear evidence that local residents need and want more than just a public toilet incorporated in the café building. There is substantial support for a community hub with the following elements:

Café

- *Cater for a range of residents (particularly young and elderly people)*
- *Reasonably priced*
- *Healthy eating options*
- *Not too loud (both sound and visually)*
- *Ability for parents to watch over children playing on the green*
- *Nice to have: high enough to provide views of the sea and The Downs, if it can be designed in a sensitive way that is in proportion and not overbearing*
- *Any products sold via a kiosk should be sensitive to the local environment, i.e. minimal packaging which is fully biodegradable and 'wildlife-friendly'.*
- *Refuse and recycling bins must be seagull-resistant and conveniently placed to minimise the impact on the local nature reserve and marine environment.*

The provision of facilities to accommodate additional toilets for events Showers, lockers and changing rooms

- *Encourage staff to cycle instead of drive*
- *Encourage watersport enthusiasts to use these facilities instead of needing a van parked on the side of the road*
- *Flexible meeting space for community groups*

- *An area with removable partitions, integrated into the cafe operations as much as possible - not just a separate locked room, not used as a storage or junk room.*

Sustainable building design

- *Aim to achieve the maximum feasible generation of renewable energy and the highest possible levels of energy and water efficiency and waste management.*

Transport

- *Improved pedestrian and scooter/ skate /cycle lane. Secure scooter and cycle-parking to minimise motorised traffic to the venue.*
- *Assessment of public transport impacts and provision for pick-up drop-off area for taxis etc.*
- *Pedestrian crossing improvements from the north side of Beach Green (parking & playground area).”*

The policies of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are also relevant to the determination of this application.

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

The main issues to be addressed in assessing this proposal are:

i) The principle of development including compliance with the Development Plan and National Planning Guidance;
ii) The design, scale and massing of the scheme and its impact on the character and visual amenities of the locality;
iii) Residential amenity;
iv) Parking and Highway Safety
v) Sustainability;
vi) Ecology; and
vii) Drainage.

i) <u>The Principle of Development including compliance with the Development Plan and National Planning Guidance</u>

The site is not allocated for development in the adopted Local Plan, however, the preamble to Policy 11 Shoreham-by-Sea refers to the potential for environmental enhancements at Shoreham Beach and Policy 11 states that,

"Throughout Shoreham-by-Sea, improvements to open space and the local environment will be carried out (some of which will be secured through funding associated with regeneration of Shoreham Harbour). Areas including Beach Green, the Riverside Car Park and parts of the river frontage (on Shoreham Beach) will be improved through new landscaping, signage and street furniture. Opportunities to improve footpaths and cycleways will also be taken."

The Local Plan refers to the emerging Neighbourhood Plan on Shoreham Beach and this is particularly relevant as the Council was aware that the Neighbourhood Plan was considering specific policies relating to Beach Green. There is some emerging policy support for the proposal, particularly in terms of incorporating community space, facilities to support the Beach as well as specific guidance about the form and scale of the building. The emerging policy indicates that the community engagement has provided clear evidence of the need for the scheme to incorporate a community hub. Whilst the Plan has little weight in view of its very early stage in plan preparation it is a material consideration.

Other policies in the Plan also support the principle of improved community facilities as well as facilities to support the recreational use of the beach. The site lies within the built-up area and Policy 13 indicates that built facilities that support informal recreation uses on the coast will normally be permitted.

Generally, the representations have indicated support for the principle of a café and replacement toilets, however, it has been the scale of the development that has caused concerns. The size of the proposed restaurant could raise potential conflicts with adopted Local Plan policy in relation to a town centre use being built in an out of centre location (policy 27) and the loss of public open space (policy 32) and these matters are addressed below.

<u>Town Centre Policy</u>

National planning guidance contained in the NPPF stresses the importance of planning policies and decision making supporting the role that town centres play at the heart of local communities and that they should take a positive approach to their growth, management and adaption. Paragraph 86 of the NPPF states that Local planning authorities should apply a *sequential test* to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available

within a reasonable period) should out of centre sites be considered. This guidance is reflected in policy 27 of the Local Plan.

The proposed café/restaurant is a town centre use and as the site is not specifically allocated for development, it could be argued that a sequential assessment is required. However, it is not considered that this is necessary in this case as already mentioned there is Local Plan and emerging policy support for the development. A need has been identified for improved community facilities on the beach and the café/restaurant is specifically located to benefit users of the beach and national cycle route. As a result, it is not a development that could be located in a town centre location.

The coastline, as a location, has been the focus for investment and improving facilities along Adur's coastline has specific policy support. The development of the Perch at Lancing and the current proposal for a new two storey restaurant on Worthing seafront provide examples of similar developments either built or proposed to enhance the recreational offer along the south coast.

The town centre first policy is an important principle and one that is supported by Local Plan policy but your Officers do not feel that this proposal would undermine the vitality and viability of the town centre or direct investment away, given the particular locational requirements of the development (to serve the beach and local community). As the proposal also provides restaurant use at night this could be argued to compete with other town centre restaurants. However, the development has to be considered in its entirety and the restaurant use will help to support the overall viability of the project and help to deliver replacement toilets and community facilities reducing the financial burden on the Council. This is also a relevant consideration and interestingly is reflected in some of the concerns from local residents about the overall viability of the project.

Members will recall that there were concerns about the half built restaurant at Beach Green, Lancing and its impact on the appearance of the seafront. Whilst, the development was completed, this was only after a revised proposal which incorporated residential flats above the café/restaurant and gym. It is important that the development is viable particularly given the provision of public and community facilities and this is a relevant consideration in determining this application and assessing the overall planning merits of the case.

Loss of Open Space

The footprint of the proposed building is larger than the existing structure and therefore the proposal would result in the loss of some open space defined as amenity greenspace. The recreational value of this area of open space is not particularly great as it forms part of the slope and bund along Beach Road. Furthermore the ground floor of the building is providing replacement toilet facilities, community space and shower facilities for users of the beach. The proposal is supported by the Parks Manager.

The 2014 Open Space, Sport and Recreational Strategy identified that Beach Green has high value and high quality as amenity greenspace; albeit that overall in the Ward there is a surplus of amenity greenspace compared to other Wards and accepted standards. This strategy is currently being reviewed across Adur and Worthing.

In line with policy 32 of the adopted Local Plan a loss of open space can be justified if the development is for alternative sports and recreational provision, the need for which clearly outweighs the loss. In this case, there are considered to be sufficient grounds to justify the loss of open space. The Neighbourhood Plan identifies a need for community space and the replacement building would ensure the provision of public toilets and showers at no financial cost to the Council. It would be important to ensure that planning conditions are imposed to ensure the provision and retention of these public facilities.

ii) <u>The Design, Scale and Massing of the Scheme and its Impact on the Character and Visual Amenities of the Locality</u>

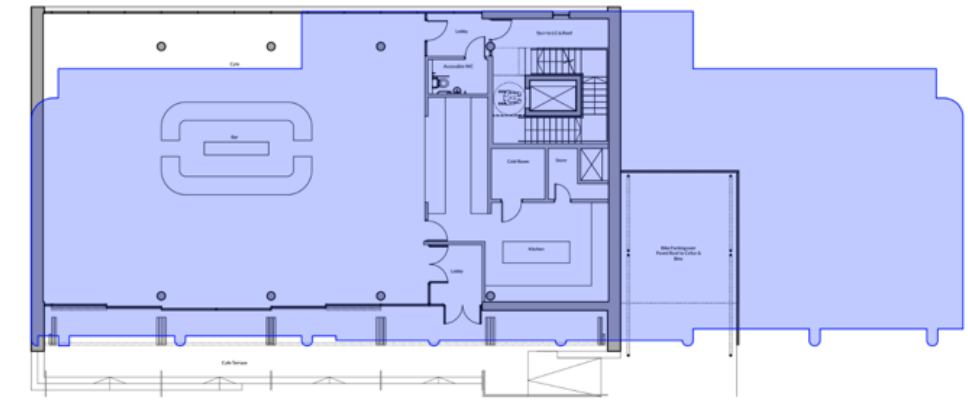
As indicated previously, the main concern about the proposed development is its overall size, scale, height and design. The design has clearly been influenced to maximize the opportunity for both sea views and views to the Downs. The building would appear two storey from Beach Road but three storey when viewed from the north. However, the roof terrace is set in from the first floor and represents a small section of the overall roof space (approximately 12% of the roof area). The remainder of the roof is to be left with a pebbled natural finish. There is scope for the pebbled roof to be planted to recreate vegetated shingle and the applicant has been requested to explore this as part of the landscaping condition.

As the submitted cross sections illustrate, the building at its highest point would be higher (approximately 600mm) than adjoining properties. It will clearly be a bold and prominent structure in this part of the beach, but your Officers do not consider that it would be overbearing to adjoining properties or the rest of Beach Green. In this respect, the proposed building would be 83 metres away from the nearest property and there is still a significant amount of recreational space around the proposed building and to the north of Beach Green Road.

There has been concern that the applicants partly justify the design approach by responding to concerns from the Police about anti-social behavior and the requirements of the Environment Agency (EA). Whilst the Police have not commented on the application policy 15 of the Local Plan states that development should have regard to reducing crime and it is accepted that a number of flat roof single storey buildings across Adur and Worthing are prone to vandalism. Whilst, it is accepted that the EA issues could be resolved by ensuring flood resilient measures are deployed at ground floor level, the clear design motivation is to provide elevated views to the sea and Downs and there is no objection, in principle, to this as an objective for the scheme. Indeed the desire to maximize sea views has greatly influenced a number of the

designs of replacement dwellings on the Beach with two storey dwellings being replaced by three storey developments.

There has been concern about the size of the proposed café and restaurant compared to other seafront cafes and restaurants. Whilst, this has generally related to the number of covers, a number of representations have compared the proposal with The Perch at Lancing Beach Green. By way of a comparison in height and scale the applicant has provided a comparison which helps to put the scale of the proposal into context. The café/restaurant is smaller but the scheme incorporates a gym as well as flats at first floor level.



2 Overlay of Cafe Level Plans
1:100 @ A1



1 Overlay of North Elevations
1:100 @ A1

The use of Corten steel has provoked much criticism. However, your Officers consider that the proposed material is appropriate given the exposed coastal location of the site and the fact that it will not require maintenance and not deteriorate like other materials in this harsh marine environment. Extensive use of reinforced steel sheeting for the Adur Tidal Walls Project has clearly been a design reference and the material has been used in other exposed coastal locations, notably for the café at East Beach in Littlehampton designed by Thomas Heatherwick.

Whilst, the building may not have the design quality of East Beach café the design is of high quality and its robust relatively simple form will stand up to the harsh marine environment and provide an attractive addition to the coastline.

A number of representations have argued that the design approach is contrary to the Local Plan (policy 15) and emerging Neighbourhood Plan policy for the site as it is out of character with the area and is not *designed in a sensitive way that is in proportion and not overbearing.* Policy 15 of the Local Plan states that new development should, *enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping and layout of the development.* Given that the Beach is a predominantly residential area any design for a new commercial undertaking is likely to follow different design principles. Whilst design is a subjective matter it is considered that there is scope for a building of very different architectural form, design and materials to other residential properties in the area. Members will be aware that the Beach has evolved over many years and it is difficult to identify a prevailing character and may new developments have sought to use innovative and more sustainable building materials. This is reflected in the emerging Design Code supporting the Neighbourhood Plan.

iii) Residential Amenity

Overlooking

As indicated previously, the building is located some considerable distance away from residential properties and is not considered that there would be any loss of amenity given the distances involved. The raised terrace has clearly been designed to maximize views to the west and the setting sun in the evenings but this is the only section where there could be any potential for overlooking. The distance between this western terrace and the closest residential property is 83 metres and at this distance no objection could be raised on overlooking grounds. Members will be aware that the Councils policy seeks to ensure that a minimum of 21 metres is allowed between two storey dwellings to avoid overlooking.

Noise and Disturbance

Given the size of the café/restaurant, concerns of local residents about noise and disturbance are understood and there have been a number of discussions between your Officers and the Environmental Health team about how best to control activities within the building to avoid noise nuisance to adjoining properties. Whilst, some consideration was given to limiting the use of the roof terrace in the evenings, the Environmental Health Officer, having regard to the acoustic report and the design of the roof terrace area, feels that so long as amplified music is controlled there is no need to restrict the use of the roof terrace and this could be used up to 11.00pm. The applicant comments that they are seeking some flexibility with opening hours but the actual hours will be determined once the operator of the café/restaurant is known.

Many residents have questioned why the site should be open in the evenings, particularly if this is primarily to serve users on the beach and for dog walkers etc using

the coastal path. The proposal does, however, seek to serve not only users of the beach and users of the costal path but also provide a restaurant destination during the evenings. The overall viability of the project is a relevant planning consideration and it is not considered that there is any planning objection in principle to the development that seeks to provide service to the local community during the day but also to provide a facility for restaurant use in the evenings. Whilst, many residents refer to other beach cafes that close at 7.00pm, many of these also open in the evenings, East Beach café in Littlehampton being one such example and many of the quoted other seafront café/restaurants also have functions and evening activities.

There are some concerns about noise generated from the community space and the restaurant particularly at night and the discussions with Environmental Health have been in connection with seeking to control noise levels to protect residential amenity. The acoustic report recommends a Noise Management Plan for the use of the roof terrace and Environmental Health have suggested that this should cover the whole building. This is recommended as a planning condition and this will provide an opportunity to restrict noise from activities within the building to protect adjoining residential properties. A condition is also proposed to require details of any kitchen or extraction/ventilation systems to ensure that the development does not cause any smell nuisance to adjoining properties. This condition would also seek to restrict noise levels as recommended in the submitted acoustic report.

As the building is located away from street lighting a condition is also recommended that it would be important to control external lighting so that nuisance is not caused to adjoining properties. A condition is therefore recommended that no external lighting is added unless otherwise agreed with the Council.

There are also a number of concerns expressed by local residents about the noise associated with people leaving the restaurant late at night. In view of the size of the café/restaurant, these concerns are understood and the location of parking away from the building will mean that restaurant users are walking some distance to get to their cars and there is the potential for some noise disturbance.

As with other restaurants and public houses it will be important that the operator seeks to encourage users of the building to leave quietly and respect their neighbours. The planning consultant refers to other pubs and restaurants on Shoreham Beach in particular the Harbour Club which opens until late at night - 1.30 am and where there are residential properties much closer. The difference in this case is that this is introducing a commercial activity into an area where there has previously been little noise and the concern about the remoteness of parking away from the building is different to other establishments within Shoreham Beach. Nevertheless, it is not considered that groups of people walking away from the restaurant in the evening would create any significant noise disturbance and certainly would not be a justification to seek to limit the hours of use or seek to refuse planning permission.

iv) Parking and Highway Safety

It is acknowledged that there are existing parking issues on the Beach during the summer months as it is a popular destination for local residents to enjoy the beach. This is clearly why the Council has had a lot of interest for building a beach front café/restaurant.

The initial Highway Authority response was a desktop study and your Officers felt a more detailed assessment was required and, in particular, to respond to some of the key issues raised by local residents and stakeholders.

Members are aware of the advice in the NPPF that development should only be *"prevented or refused on Highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

Following a further review of the scheme, the Highway Authority has confirmed that it has no objection to the proposal. It does state that the issue of increased parking on surrounding roads might be an amenity issue but the proposal would not impact on highway safety or cause a severe impact on the road network.

In terms of parking during the day it is likely, as indicated by the Transport Assessment, that a significant number of customers would be using the facilities that are already on the beach or have been able to walk or cycle. It is accepted that the use of the community space at the same time as the café/restaurant could increase vehicle movements, however, it would be hoped that local community groups using the space by the very nature would be local and would be able to encourage alternative modes of transport.

Many residents have complained about the lack of parking enforcement on Shoreham Beach generally but particularly around Beach Green. Whilst, it is acknowledged this is a problem, it would be very difficult to resist the proposal based on a potential for increased illegal parking. Whilst, the Highway Authority has referred to the Police taking action against illegal parking, it would be unrealistic that the Police could address the extent of problems and this is a wider parking enforcement issue.

It is acknowledged that Beach Green car park is often not full even when there is considerable on street parking during summer months. This reflects the level of on street parking available on the Beach and the fact that people will generally avoid paying for parking when there is free parking on street available. It should be noted that all day parking charges of £4.00 might deter people wishing to spend the day on the beach, however, the short-term parking charges are low (see below) and would be attractive to those driving to use the café/restaurant.

- up to 30 mins - 50p
- up to 1 hour - 60p
- up to 2 hours - £1.20

- up to 4 hours - £2.50
- All day - £4.00

As a result, the Councils Parking Manager does not consider that there is any reason to reduce these charges for people visiting the new café/restaurant albeit this would be an option for the café/restaurant operator. The only way to reduce on street parking would be introducing a controlled parking zone (CPZ) but these are unpopular unless in very congested town centre locations.

The revised NPPF provides for greater emphasis on walking and cycling and states that applicants should:

a) give **priority first to pedestrian and cycle movements**, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

The application has complied with point a) above by ensuring that it directly serves the south coastal cycle path and provides 24 bike stands. The Highway Authority has requested a further 3 spaces to meet current standards. The applicant is happy to provide 3 additional spaces but has expressed some concern at covering these stands given the exposed nature of the site. The applicant has spoken to local cycle groups and is keen to encourage the site as a cycle hub. It is unfortunate that the condition of the road has deteriorated and, at present, the barriers at both ends of this section of road and the condition of the road makes cycling not particularly easy along this section of the national cycle route.

Your Officers have discussed with WSCC whether the applicant should contribute to the upgrade of the cyclepath. The Highway Authority does not feel this is justified as being proportionate to the scale of development proposed and, as it is in public ownership, the path should be improved using other public funds (or S106 contributions from other developments). A Local Cycling and Walking Improvement Plan (LCWiP) is currently being prepared and this will help to identify key areas for investment and it is anticipated that it will identify this stretch of the national cyclepath for improvement.

In terms of public transport, there is a bus stop outside of the site but the service is poor during the day (once an hour) and the service does not run in the evenings. The suggestion of real time passenger information (RTPI) would assist and the views of the highway authority on this matter are highlighted. Initial discussions indicate that this would not be appropriate given the level of service and WSCC is generally prioritising other more popular and busy routes. Nevertheless, it would be important that the operator promotes bus travel and there is no reason why bus timetables should not be prominently displayed within the cafe/restaurant. A condition securing the provision of a Travel Plan is recommended as this would assist in promoting more sustainable modes of transport to the site.

There has been some criticism of the lack of disabled access to the site and there is some justification for this concern. The location is relatively remote from the public car park and the path from Beach Green road is narrow and not particularly accessible. As the NPPF suggests (point b) there is a need to address the needs of those with disabilities. The footpath falls outside of the application site, however, as Beach Green is owned by the Council a 'Grampian style' condition securing the improvement of this path could be imposed to ensure the improvement is made prior to the occupation of any part of the building. The Highway Authority does not consider that there is a need for dedicated disabled parking closer to the site.

The Highway Authority is understandably concerned about encouraging use of the bus stop for deliveries and the applicant has been discussing with the Council's Property team about the use of Beach Road. The Road is owned by the Council and access is allowed on occasion to Beach Hut owners and is used to access the foreshore. There would be scope to improve a section of this road to allow for deliveries.

At this stage, without details of who would operate the restaurant, the precise number of deliveries is not known. Whilst the Highway Authority has indicated that it would not object if deliveries were made from Beach Green Road, this would not be particularly convenient as there would be a fairly long walk with a trolley of supplies. The Highway Authority would not object to the use of Beach Road and once again the use of a Grampian style condition could ensure details of delivery movements and improvements to the surfacing of Beach Road prior to occupation of the building.

The Neighbourhood Plan suggests parking along Beach Road for Beach Hut owners. Whether this is acceptable or not would depend on the Council assessing how any additional parking would be controlled and it will be important to ensure no conflict occurs with cyclists using this section of disused road.

As no parking is provided by the proposed development and the proposed building is located some distance away from the highway it is not possible to require the provision of electric charging points. However, the Council is currently assessing the scope to provide EV points in public car parks but this is not a requirement for the development.

v) Sustainability

The Local Plan indicates that for non-domestic floorspace there is a requirement to achieve a minimum standard of BREEAM 'Very Good', with a specific focus on water efficiency. The Policy states that developers will be expected to provide certification evidence of the levels for BREEAM at the design stage and on completion of the development. BREEAM stands for the Building Research Establishment Environmental Assessment Method and is an accredited, independent method for assessing the environmental performance of non-domestic development.

The applicant has employed consultants to undertake an initial BREEAM Assessment and this has concluded that the development would be able to meet the 'Very Good' rating set in the Local Plan. The applicant, however, has indicated that the cost of certification is significant and has indicated that he is willing to ensure that the development meets the criteria to achieve the 'Very Good' rating but is not required to carry out the full independent assessment. It is accepted that the independent assessment is a lengthy and costly exercise and, provided that a 'Very Good' rating can be achieved, your Officers consider that this would be acceptable in this case. Members will be aware that a similar approach was taken in connection with the development at the Sussex Yacht Club site and it should be noted that this is not a major development i.e. over 1,000 square metres.

In relation to renewable energy, the BREEAM Assessment states that a separate report has been undertaken and the applicant has been requested to update Committee on this matter. Nevertheless, the Local Plan Policy on the use of renewable energy only relates to major new development and states that there will be an expectation to incorporate renewable/low carbon energy production to provide at least 10% of predicted energy requirements.

vi) Ecology and Biodiversity

The Ecological Appraisal comments that habitats within the proposed development area were assessed as being of only value to wildlife within the local vicinity with potential to support foraging birds and bats. The report sets out various recommendations which can be incorporated into a planning condition. The report concludes that a precautionary approach to habitat clearance should be sufficient to avoid any harm to reptiles and that additional bird nesting provision could be incorporated into the design of the building.

The Ecological Appraisal notes the proximity of the Shoreham Beach Local Nature Reserve and identifies that the reserve supports the internationally scarce habitat of vegetated shingle. In addition to the ecology report, the applicant has met with Friends of Shoreham Beach (FoSB) and, in particular, their Ecologist, to discuss appropriate planting for the boxes on the roof terrace.

The FoSB also suggested a designated pathway onto the beach between the beach huts would be the best way to protect the Nature Reserve. The applicant has raised with the Council the possibility of installing a Boardwalk between Beach Huts to the south of the proposed site which would help to provide easier access onto the beach and also to protect the sensitive vegetated shingle. This would be a worthwhile project but one which will be pursued as a separate matter to the café/restaurant proposal.

Planning Balance

There have been a considerable number of objections to this development from local residents and concerns generally about the scale of the proposed development and adverse environmental and amenity impacts. The principle of replacing the toilets with a smaller café, however, is generally supported.

It is considered that the adverse impacts of the development can be addressed by planning conditions. It does appear that a number of residents have been concerned about the reference to Boxpark given their much larger café/restaurant outlets at Croydon and Wembley. However, this is a very different seafront proposal. At this stage an operator for the Café/restaurant has not been identified but the applicant is talking to local operators and there is no reason to suggest that the facility cannot be managed to address a number of the concerns raised by residents.

Parking is an issue on the Beach but this is an existing problem particularly during summer months. There are no objections from the Highway Authority and with a public car park close-by and the emphasis of NPPF to give first priority to cycling and walking any refusal reason based on parking could not be justified. A travel plan condition would help to encourage more sustainable modes of transport to the site.

The building will be a bold and prominent structure of the site and the proposal clearly seeks to maximise views to the north and south. The provision of replacement public facilities are a relevant and material planning consideration and it is important the commercial elements of the building support future costs of maintaining the community space, toilets and external shower. There is a significant capital cost involved with developing the site and Members will be aware of issues surrounding the initial failed proposal to redevelop the site at Lacing Beach Green.

Whilst, the concerns of local residents are appreciated, overall the planning benefits of the development in terms of replacement public facilities, provisions of community space as well as the local economic benefits of investment, creation of jobs and enhancement to the visitor offer for the Sussex coast justify supporting the proposed development. The benefits for the wider area are highlighted by the positive support for the scheme by the local Chamber of Commerce and Coastal West Sussex Economic Partnership.

Recommendation

The Committee is recommended to **APPROVE** the application subject to the following conditions: -

1. Approved Plans.

2. Standard 3-year time limit.

3. External materials to be submitted to and approved by LPA prior to commencement of the development (excluding the demolition of the existing building).
Reason: To control the development in detail and in the interests of visual amenity.

4. No part of the development shall be first occupied until 27 cycle parking spaces have been provided in accordance with plans submitted to and approved in writing with the LPA.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

5. Construction Management Plan
No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

   - the anticipated number, frequency and types of vehicles used during construction,
   - the method of access and routing of vehicles during construction,
   - the parking of vehicles by site operatives and visitors,
   - the loading and unloading of plant, materials and waste,
   - the storage of plant and materials used in construction of the development,
   - the erection and maintenance of security hoarding,
   - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
   - details of public engagement both prior to and during construction works.

   Reason: In the interests of highway safety and the amenities of the area.

6. Use Class Restrictions. The community space shall only be used in connection with uses falling within use class D1/D2. The café/restaurant and ground floor kiosk in connection with use class A3 and A5.

Reason: To accord with the terms of the application and to control any subsequent proposals for change of use.

7. Prior to the commencement of development (excluding the demolition of the existing building) details of a sustainable urban drainage system (SUDs) shall be submitted to and agreed in writing with the LPA.
Reason: In the interests of securing sustainable drainage and preventing flood risk.

8. The premises shall only be open for the public between the hours of 07:00hrs until 23:00hrs, Monday to Saturday and 07:00hrs to 22:00hrs on Sundays and Bank Holidays, with the exception to Christmas Eve and New Year, where the public shall vacate the premises no later than 00:30hrs.
Reason: In the Interests of residential amenity.

9. No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority and the recommendations of the Plan shall thereafter be implemented and monitored to encourage more sustainable modes of transport to the site.
Reason: To encourage sustainable modes of transport to the site.

10. No external lighting shall be installed on the building without details being first submitted to and approved in writing with the LPA.
Reason: In the interests of residential amenity.

11. The development shall be undertaken in accordance with the recommendations of the submitted Ecology Report and the building shall not be occupied until bird boxes have been installed on the building as specified in the Ecology report.
Reason: To mitigate any adverse impacts on wildlife and to ensure a net gain in biodiversity.

12. Standard Landscaping Condition
Reason: In the interest of visual amenity and to secure a net gain in biodiversity on the site.

13. Details of any kitchen extract and mechanical ventilation system shall be submitted to and approved in writing with the LPA prior to the commencement of development (excluding the demolition of the existing building). The kitchen extract and ventilation systems and in particular any external ductwork or discharge positions must not exceed 85 dB LWA or 77 dB(A) measured at 1 metre.
Reason: In the interests of residential amenity.

14. Prior to the occupation of the building a Noise Management Plan shall be submitted to and approved in writing with the LPA detailing the proposed use of the terrace and the use of the ground and first floor areas (with particular emphasis on amplified and or live music) and shall set appropriate maximum noise levels inside the building. Thereafter the premises shall only be occupied in accordance with the approved Plan.
Reason: In the interests of residential amenity.

15. The public toilets on the ground floor of the building and the external showers shall be open at all times to the public between the minimum hours of 9.00 am and 9.00 pm during the period of 1st April to 30th September in each year and between the minimum hours of 9.00 am and 5.00 pm during the period of 1st October to 31st March in each year. The toilets and external showers shall be maintained in accordance with a management/maintenance plan first submitted to and approved in writing by the LPA prior to the occupation of the building.
Reason: To accord with the terms of the application and to ensure the replacement of public facilities on the site.

16 The development hereby approved shall be constructed to maximise the efficiency of the use of energy, water and materials and to meet the equivalent of the BREEAM Very Good rating in accordance with the BREEAM Pre-assessment Report submitted with the application.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials having regard to the National Planning Policy Framework and policies 1, 15, 18, 20, 31 of the Adur Local Plan.

7TH October 2019