Development Management – Delegated Officer Report

Application Number: AWDM/1842/22 Recommendation: APPROVE

Site: 27 Salt Marsh Road, Shoreham-by-Sea

Proposal: Partial change of use from Use Class E (cafe/restaurant) to create a smaller Use Class E unit (cafe/restaurant) alongside 2no Use Class C3 apartments.

Date of Site Visit: 20 March

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

This application seeks full permission for the partial change of use from Use Class E (cafe/restaurant) to create a smaller Use Class E unit (cafe/restaurant) with the remainder becoming 2 x Class C apartments. The application is accompanied by a marketing statement which outlines that the unit has been marketed for a number of years but a tenant has not been found and hence the unit remains unoccupied. The cafe unit was completed as a shell of 320 square metres. The proposed café unit would be 63 square metres with an external terrace and overall there would be 24 covers alongside a serving/takeaway counter, kitchen and shared bathroom.

The residential units created as a result of the reduction of the cafe would comprise a 2-bedroom apartment and a 3-bedroom apartment. The proposed units would be 118 and 122 square metres therefore well exceeding national minimum space standards.

The submitted Planning Statement comments that the commercial/employment element could be restricted to specific uses within Use Class E or could be left as a flexible unit under Use Class E, with permitted uses including café/restaurant, retail, offices, health/fitness and professional services.

The application site is at the western end of Salt Marsh Road in the block known as Kittiwake Court. The river and riverbank footpath are immediately beyond.

Planning History:

Outline planning permission was granted in 2015 for the intended mixed use Ropetackle North development followed by Reserved Matters approval in 2017. The

part of the site which forms this application was intended to be a waterfront cafe/restaurant.

Consultations:

West Sussex County Council

This application seeks the partial change of use from café/restaurant (Class E) to create a smaller Class E unit with two apartments (Class C3). The site is located on Salt Marsh Road, an unadopted road – as such, these comments should be considered as advice only.

No alterations are proposed to the site access arrangements. The proposed development is not anticipated to give rise to a material intensification of movements to or from the site.

No vehicular parking is to be provided for the proposed residential units. The WSCC Car Parking Demand Calculator indicates that the proposed residential use would require four car parking spaces. As such, vehicular parking would have to be accommodated on-street.

The LHA does not anticipate that the nil car parking provision would lead to a highway safety or parking capacity issue in this instance, given that the existing larger Class E unit would likely generate a higher parking demand than what is proposed. Weight is given to the fact that the site is situated in a sustainable location within walking/cycle distance of local services, amenities, and public transport links.

The LHA would request that secure cycle parking provision be provided for the residential units, if there is space within the site to do so, to promote the use of alternative modes of transport.

In summary, 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 111), and that there are no transport grounds to resist the proposal.

Southern Water

No objection

Environment Agency

No objection

Network Rail

No objection

Environmental Health

No objection

Representations

Cllr Gabe Crisp

I am in full support of this proposal. In addition to two further dwellings, finally the residents of Waterfront will start to see the realisation of the mixed use development they bought into. A small cafe with a riverside terrace is appropriate for this very popular route. Many local people use this to and from the High street from Old Shoreham (and further afield via Downs Link and Old Toll bridge). The design is sympathetic to the rest of the estate. However, the issue of the disabled lift remains of concern. It is possible for people with impaired mobility to access the cafe and terrace using the lift from within the private road part of the Waterfront. However, passers by , along the riverside path, must use the steps. This lack of access should be remedied to ensure compliance with acceptable current standards of accessibility for wheelchair users and those on mobility scooters. This is an opportunity to improve access for the residents of the Waterfront estate who cannot currently get to the river. This omission has been of great concern since the development was first proposed.

14 letters of support received on the following grounds:

- original plan not workable as premises too large
- this proposal gives an adequate solution to the problem
- eyesore of the boarded up building needs to be rectified immediately
- cafe was the reason we bought into the development and so would be pleased to see it go ahead

3 representations neither objecting or supporting the application but noting there is no allocated parking and that deliveries need to be clarified, and questioning whether a cafe is a good idea

Relevant Planning Policies

Policy 2 Spatial Strategy Policy 3 Housing Provision Policy 4 Planning for Economic Growth Policy 11 Shoreham-by-Sea Policy 18 Sustainable Design Policy 20 Housing Mix and Quality Policy 28 Transport and Connectivity

National Planning Policy Framework (July 2021)
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

The main issues in the determination of the application are whether the principle of development is acceptable and the effect of the proposal upon the character and appearance of the area and the amenities of neighbouring properties.

When considered at the outline and reserved matters stage, it was anticipated that the overall development would be mixed use containing employment uses, a hotel, a retail shop and this cafe unit. It is regrettable that little of this has transpired as yet. Most notably, the retail unit has been completed but despite a permission and, at the time, a named occupier, remains unoccupied. This suggests that market conditions are proving difficult to find occupiers of premises and in respect of this application site, it has remained unoccupied since the development was constructed and its boarded up nature rather detracts from the rest of the estate. The proposed development will result in a substantial reduction in the internal size of the cafe, although the external terrace will remain. It is noted that the majority of the representations received are supportive of this solution with some of the comments stating that the size of the originally proposed unit was unrealistic. Although part of the supporting statement submitted with the application suggests that permission could be granted for a flexible Class E use, it is similarly noted that many of the representations of support appear to be on the basis that the cafe is retained. In this respect, it is considered that the proposed use as a cafe should remain as it was explicitly mentioned in the outline consent. There were no conditions imposed upon the then A3 use at either the outline or reserved matters stage.

Although the reduction in size of the cafe unit is regrettable, given the length of time that has elapsed since construction of the development took place, even allowing for the pandemic, it seems unlikely that the unit will be occupied as anticipated. Moreover, given the continuing housing need in the District, the provision of 2 additional residential units cannot be considered unacceptable in itself. Accordingly, if this revised solution presents the best opportunity for the occupation of the premises as well as providing additional accommodation, it is considered that the principle of development is acceptable.

The proposal will largely use the existing window openings of the existing building and hence is not anticipated to cause an adverse impact upon the amenities of neighbouring residential properties. The reduction in the size of the commercial unit is similarly unlikely to increase the impact of the commercial use upon neighbouring properties.

The concerns about disabled access to the cafe have been raised with the applicant and he has confirmed that the difference in levels between the cafe and the riverside path would mean that it would be impossible to construct a ramp of the appropriate gradient within the land owned by the applicant. In any event the ramp could compromise the effectiveness of the flood defence wall built by the EA and the path along the river is not indicated as a public right of way on the WSCC Definitive Map. However, the applicant has confirmed that the lift within the development can be used by the public which would allow for public access to the elevated cafe. This can be secured by condition.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Restriction to Use Class E(b)
4. The access to the lift serving the development hereby approved shall be kept clear at all times

Is recommendation contrary to letter(s) of representation Y/N

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Case Officer: Gary Peck Date: 9 May 2023

Authorised by: James Appleton Date: 12 May 2023