WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Adur & Worthing Councils (AWC) - The Local Planning Authority (LPA) Planning officer: Gary Peck
FROM:	West Sussex County Council (WSCC) – The Local Highway Authority (LHA) - Consultee to the LPA Planning officer: Emma Avis
DATE:	4th April 2023
LOCATION:	Land East Of 3 Salt Marsh Road Shoreham-by-sea West Sussex
SUBJECT:	AWDM/0240/23 Erection of a mixed-use building comprised of ground floor commercial space (Use Class E) and 34 new apartments
DATE OF SITE VISIT:	6th October 2022
RECOMMENDATION:	Advice/ More Information
S106 CONTRIBUTION TOTAL:	

Section 1 – Report Introduction/ Site background

1.1 The LHA have been consulted on the above application after our previous comments on the AWDM/1314/22 application for the same site. The planning documents seem very similar in terms of access and parking, no new highway information has been provided on the planning portal.

1.2 The LHA has been contacted directly by the Development team to address our concerns raised with the previous application under an appeal that is currently running alongside this new application for the site. The LHA has provided comments back to the Development team via email with regards to the outstanding highway matters for the appeal at the end of May, this has been copied to the LPA. As this new live planning application doesn't provide anything new to the previous application or the appeal documents received so far the LHA have pasted below the points that have been raised with the development team via email.

1.3 The following relates to the outstanding matters for the site for the appealed application AWDM/1314/22 and this new application AWDM/0240/23. The red ink is the LHA's response to the raised points by the development team (in black text).

Afternoon Joseph/Steeve,

Please find below our response to the raised points in red.

We have also reviewed the newly submitted planning application (AWDM/0204/23) and would respond with exactly the same comments as below. None of the matters detailed below have been confirmed, clarified or designed out in the new planning application. We will await a Highways Technical Note and revised plans to this email in relation to the appeal, which I suggest is also submitted to support the new live planning application that currently doesn't address any of the points that were raised with the previous application that were outstanding, that is currently being appealed for non-determination. We will then be able to provide full comments on the live application and further comments on the appeal case.

Dear all,

I'm aware that there have been various email chains about this application and potential highways considerations in the past. The application is now subject to a non-determination appeal and the Hearing is scheduled for May. The Council's planning committee agreed a recommendation to contest the appeal, including on highways grounds *"if not resolved prior to the Appeal Hearing"*. The second putative reason for refusal is written as follows:

"It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed commercial unit can be adequately serviced without detriment to the highway safety of the area or that the under provision of parking to serve the proposed development can be adequately mitigated without adversely affecting the amenities of existing and future residents. The proposal therefore fails to comply with policy 28 of the Adur District Local Plan 2017 and guidance contained within the National Planning Policy Framework."

It is clearly in everyone's interests to resolve these matters at the earliest opportunity as this is an allocated site for mixed use development. As far as I can tell there remain three outstanding queries from the LHA (Emma, please advise if I have misinterpreted):

1) How parking abuse by delivery vehicles on the bin store set down area will be prevented – **Parking/stopping of any vehicle (delivery vehicles/refuse vehicles/customer/staff/residents & visitor vehicles) in this area outside the main pedestrian access route to the site as a whole and the commercial unit. This area needs to be protected as the 'gateway' for pedestrians into the site as a whole, especially now given the current development proposals and the intention in the Planning Statement that highlights this area as the 'gateway' to The Waterfront development.**
2) How the commercial unit will be managed in terms of deliveries **– The LHA have asked on a few occasions now about how the commercial unit/ the development proposed will be serviced. With our concern being vehicles stopping just within the site entrance off of the A283 and opposite the entrance to the right to the convenience store, leading to congestion right at the entrance of this site.**
3) How parking in relation to the commercial unit will be accommodated

In terms of matter (1) this was never the design intent of this area. We have incorporated additional planting beds **(1 planter is shown on the revised drawing with application AWDM/0240/23)** within this

area to prevent vehicle access onto the pavement on the resubmission application (see attached) and could enter this ground floor plan option to the Inspectorate as a late document if all parties were supportive of this? **The original TS and follow on Transport Technical Note was not clear on what this area was for, how it would be managed, or what mitigation was going to be designed in to make this area pedestrian friendly and safe for all. This is the main point into the site for pedestrians from the A283, before the shared surface area follows. It's fairly poorly designed considering the amount of footfall this route could have once the site is fully developed and fully operational. There is no transition into the shared surface from the footway provision by means of a dropped kerb and tactile paving to allow all pedestrians to transition onto the shared surface at the end of the footway that feeds into the site on the southern side of the bell mouth. Only provision to cross the mouth of the bell mouth. This may allow users to transition onto the shared surface but it would be right at the point where vehicles will be entering the site, meaning pedestrians being put in direct conflict with turning vehicles, especially as the users most likely to use the dropped kerb and tactile paving would be those using pushchairs, wheelchairs/ mobility scooters or pedestrians with partial or no sight. I noticed nothing new on this matter has been provided with the new planning application other than the previous Transport documents and a revised plan that shows one planter in this location. A very simple design change of this area would resolve this issue and address the above concerns. Something that we as the Local Highway Authority would have brought up at Pre Application stage if Highways pre application advice was sought, but it was not sought on this application.**

For matter (2), we have discussed several times with the LPA the inclusion of a condition restricting the Use Class E unit to certain uses within Use Class E (in particular, excluding those that might attract larger delivery requirements or high-volumes of visitor trips). It would be helpful to agree what uses should be excluded so that this can be proposed within the suggested conditions ahead of the appeal hearing? The applicant has suggested only permitting 'non-food retail' alongside other non-retail uses, to limit the volume of deliveries that would be required (the applicant is also the freeholder for the convenience store unit directly to the north) as well as removing any others the LPA/LHA deems to be unsupportable. We would also support the inclusion of a "Service Management Plan" condition suggested in their 6th January 2023 response on the basis that the end user is not yet known and therefore these requirements cannot yet be fully anticipated (a similar condition was included on the Phase 1 permission). We would expect this condition to be required *prior to the occupation of the commercial unit*. **– This is a matter for you to discuss with your transport consultant and something that would have also formed part of a Highway Pre application request, if this was sought. As a consultee to the LPA we can only assess what has been submitted as part of the planning application. In reality any commercial space is going to have some form of refuse and delivery provision associated with it, all we are saying is that somewhere safe away from the main access point needs to be shown to accommodate for this. As we previously said to Reeves Transport Planning, we would not expect a very large delivery vehicle/bay given the size of the unit, but we would expect to see something on the plan that could be approved to show that no stopping in the location of the main access onto the A283 and the access to the convenience store in the opposite block could happen, to ensure the safe free flow of movement at the main access point into the whole site, so that loading/unloading vehicles and parking is not able to take place in this location so close to the main access point in the road, which could cause congestion leading to a safety issue. In terms of a Service Management Plan we would be happy to support this condition being added and for it to be for prior to occupation for once the occupier is known; however provision still needs to be at least**

shown on the planning drawings at this stage. At the moment there is no provision and the only likely place for a vehicle to stop is just within the access outside the commercial unit in the road.

Finally, for matter 3, we would expect the restrictions on uses within Use Class E outlined above to also reduce the likelihood of significant additional parking demand arising from the commercial use without a further planning consent and would be happy to remove any uses within Use Class E that would be considered to generate a higher parking demand that cannot be supported. It was previously agreed under earlier applications that the sustainable location of the site would mean that any parking impacts from the Use Class E café unit (320m^2) within Phase 1 would not be significant and any residual parking requirement could be accommodated within the unallocated parking areas within the site. All the houses on Salt Marsh Road already benefit from 2 parking spaces per unit, with parking areas for the apartments also provided at a 1:1 ratio. The proposed 175m^2 Class E unit within the appeal proposals is more sustainably located than the café, and is a smaller unit. Where any private vehicle trips to the commercial use are required, the unit is located directly adjacent to a significant number of unallocated parking spaces – including eight on the southern side of Salt Marsh Road and a further five on the opposite side (excluding the convenience retail parking). Demand from the commercial use is likely to be greater at times when the residential demand for these spaces is lower. **– The LHA have asked a few times and so far been told parking will be 'within the Waterfront estate', which isn't exactly helpful or demonstrating that parking has been seriously considered or that it meets any guidance. The parking outside the co-op is already accounted for as part of that application/provision to support that use and the flats above in that block. The 5 bay spaces to the left of the opposite block are visitor parking spaces and not within the redline boundary of this application, even if the freehold of these spaces is owned by the same owner they are provision for the site as a whole and are not necessarily available to claim as spaces for over spill resident parking or commercial space parking by this proposal. This commercial unit no matter what the end user will likely have some staff/visitors and customers and at present no provision has been made for them in terms of parking. If no further provision is proposed then it needs to be demonstrated that any 'available' spaces that are not already accounted for as part of the co-op, the opposite flats, the visitor bays to the side of the opposite unit and the 8 visitor spaces outside this development is provision enough to account for the low residential provision with the application and no provision of any kind for the commercial space. One way this could be addressed is to survey the site as a whole over a few week day late evenings/ early mornings and a weekend, to see what parking capacity is actually available on the site in real terms.**

We are also mindful of the LHA's advice in their 6th January 2023 response that there is no highway safety concern arising from the proposed parking levels and would query whether these concerns amount to any policy conflict and/or a significant and demonstrable adverse effect in the planning balance that would justify a refusal on these grounds. **– In terms of planning policy the existing access into the development is considered safe, but given the level of heavy objection to parking issues already on the site, no provision dedicated to the commercial unit and the under provision for the residential development, alongside no provision for loading/unloading away from the site access area, these could all combine to obstruct the main development site access route which would lead to a combined safety risk. Included in this is our concerns highlighted above with regards to the main**

pedestrian route into the site from the A283 and it's transition into the existing shared surface area. As we have said previously in our last email with some minor adjustments to the area outside the commercial unit to make it more pedestrian friendly and to also include a small set back loading/unloading bay somewhere this could address concerns in relation to the congestion of the access at the front of the site. I terms of parking this is a private roadway/estate and the LHA have no jurisdiction over it, but when it involves the access potentially becoming congested and that leading to a safety concern for vehicles and pedestrians entering/exiting from the A283 then it does become a highway safety issue, it also then goes against the NPPF paragraph 110 point (b) which states - it should be ensured that safe and suitable access to the site can be achieved for all users. In respect of the outline/reserved matters application on the site, plenty more parking was provided for under the hotel and in the area that is currently used as a vehicle sales forecourt, which ultimately took away the focus of parking and servicing vehicles obstructing the main access that is the case with this application.

1.4 As per the email to the development team the LHA will await further information to support the application and address the raised matters, then we will be able to provide further comments.

Emma Avis (MCIHT)
County Highways - Planning