Development Management - Delegated Officer Report

Application Number: AWDM/0801/21 Recommendation – Approve

Site: 81 Brighton Road, Shoreham-By-Sea

Proposal: Change of Use of part of ground floor commercial unit to Dental Practice (Use Class E)

Date of site visit: 10 June 2021

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to part of the ground floor of the new building still under construction on the site of the former Parcelforce building on the south side of Brighton Road (now known as Mariner Point). Permission was granted in 2013 for a mixed residential and commercial building and at that time the whole of the ground floor (1348sqm) was anticipated to be used a single retail unit by a supermarket operator (AWDM/0501/12).

Permission was subsequently in 2019 for a change of use of the western half of the ground floor (659sqm) from A1 to D2 to enable it to be occupied by a gym. However, that use has not been implemented and the current proposal is to use 520sqm, in the western half of the ground floor, as a dental practice (Class E).

The applicant currently operates from smaller premises in Southdown Road but has outgrown them and requires more space. The site will allow for "*a reception area, two patient facilities, three offices, a treatment coordination room, a store room, a CBCT-room, seven surgeries, central sterilization area, a sizable staff room and good-sized staff facilities*."

Relevant Planning History

AWDM/0501/12 - Demolition of existing warehouse to facilitate new mixed-use development of 132 dwellings (Use Class C3) (comprising 32 x 1-bed flats, 87 x 2-bed flats and 13 x 3-bed flats of which 27% are affordable units), a 1265sqm foodstore (Use Class A1) and 121sqm of ancillary commercial floorspace (Use Classes A1, A2, A3, A5 and B1) in a 5-7 storey building with 150 parking spaces plus cycle spaces at basement level and at the front of the site, new vehicular access to serve the foodstore from Brighton Road, access to residential units via Surry Hard, improvements to the existing river wall, public hard and boathouse and new landscaping.

AWDM/0670/19 - Change of Use of part of ground floor from retail (A1 Class Use) to Gym (D2 Class Use) with 17 parking spaces

Consultations

West Sussex County Council: The **Highways Authority** has no objection.

Vehicular Access

Access to the site will be utilised via the existing access arrangement onto Brighton Road also shared with other uses on site. Visibility splays at the access point appear sufficient for the posted speed limit. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Vehicle Movements

The area subject to this application is currently vacant A1/A3 use approved under the original application AWDM/0501/12. The dental practice is to be relocated from its existing location within Shoreham. Given the relocation and the existing use of the site being approved commercial unit, the proposal is not anticipated to result in a material intensification of use onto Brighton Road or the wider road network.

Car Parking and Sustainability

The supporting documents state that 13 parking spaces will be allocated to this development. WSCC Car Parking Standard for E class use (formerly D1 use) is site specific based on the needs.

The planning document states that 19 staff will be employed. The floor plan indicates 7 surgery units for patients. Therefore, if everyone was to travel by car, the demand would be double of that proposed. However, it is appreciated that the site is located in a sustainable location, within short walking distance to bus stops and Shoreham Train Station. Brighton Road is an A-classified road subject to comprehensive parking restrictions prohibiting vehicles to park at places that are detrimental to the highway safety. New Road, which is parallel to Brighton Road, operates with no on-street parking restrictions. Furthermore, the Car Park on Tarmount Lane can accommodate further parking for staff or patients. Given the above, the LHA would not anticipate that the proposal would result in a highways safety issue, however the Local Planning Authority (LPA) may wish to assess any implications on on-street parking from an amenity perspective. The LPA should be satisfied, having regard to the planning history on site, that it is reasonable and required to secure the parking allocation under this approval.

The proposed site plan demonstrates bike parking and these details are acceptable.

Other Matters

The Design and access statement states that ‘Outside the practice we aim to have signage on the busy A259, not only for patients to find us but also to make potential new patients aware of where we are.’ However the applicant has since confirmed via email to the LPA that no signage is proposed.’ The applicant should be aware that signs within land classified as public highway are not permitted.

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.

Recommend conditions to secure car and cycle parking

Adur and Worthing Councils: The **Environmental Health** Officer has no objection. Will need to see where the external plant that will be necessary for the surgery will be sited. But if it is in the car park at the rear of the unit then this should be ok. The building has robust concrete flooring to the residential above.

Environment Agency: We request that the following condition be attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.
Condition
The development shall be carried out in accordance with the submitted Flood Risk Assessment (issue no 1, project number 42285, dated March 2012, by Dixon Hurst Kemp Ltd) and the following mitigation measures it details:
Finished floor levels shall be set no lower than 5.57 metres above Ordnance Datum (AOD).
This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.
The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Representations

2 letters of support received from the occupiers of Flat 31 and 128 Mariner Point:

I would be in support of this application if we, the residents of Mariner Point, could be registered as NHS patients as a priority of the practice. This would ensure that the ground floor space would be a community asset to Shoreham as well as being a commercial operation.

Relevant Planning Policies

Adur Local Plan 2017 Policies 1, 8, 15, 27, 28, 33, 34, 36
National Planning Policy Framework (February 2019)

Planning Assessment

Principle

The ground floor of the building has permission to be used for commercial purposes, predominantly A1 retail with smaller commercial units at the rear to be used for a mix of A1, A2, A3 and B1(a) uses. At the time of the planning permission for the redevelopment of the site it was envisaged that the bulk of the ground floor would be used by a supermarket operator but no interest has been shown in such a use as evidenced in a brief report from Warwick Baker Estate Agent submitted with the previous application for the gym. The report stated that the ground floor had been marketed since March 2017 but had not

been successfully sold or let due to a lack of parking, which is considered to be "*substantially below that of the retailers' requirements*."

The report advised that the only serious interest had been from the current applicants and a medical practice, who were considering renting the other half of the building.

The site does not lie within the defined town centre boundary and the partial loss of retail space is not considered to result in harm to the viability of the town centre. A non residential use would be retained at the site, ensuring that the development remains as mixed use.

Since the permission was granted in 2012 the Use Classes Order has been revised to incorporate many A and B uses within a new Class E, which also includes medical uses (formerly D1) such as that now proposed. There is no objection in principle to the use in this location.

Visual amenity

There is no external change to the building proposed as part of this application.

Residential amenity

The site sits underneath residential flats and a commercial use has already been approved here, for A1 retail. A change to a 24 hour gym has also been approved but not implemented. The proposed dental practice is not expected to result in harmful noise disturbance in this context particularly as business hours will be limited to 8am to 6pm Monday to Friday and 8.30am to 2pm on Saturdays.

The Environmental Health Officer (EHO) has not objected to the application. While there are residents directly above the site, the building is a new construction and should have better sound insulation than a converted building.

Parking and Access

13 parking spaces are to be allocated to the proposed dental practice, located at the front of the building. There are no highway objections to the proposal in view of the sustainable location of the site and proximity to a bus stop and public car park.

Flood Risk

The site will be protected from flooding following the provision of flood defence works as required by AWDM/0501/12. The Council is aware of inadequacies in the works carried out to date however, but action is being taken to rectify these issues. The EA has no objection subject to the finished floor level being set no lower than 5.57 metres above Ordnance Datum (AOD), in accordance with the submitted FRA.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Dental practice only and for no other purpose in Class E
4. Car and cycle parking to be provided and allocated prior to commencement of use
5. No external plant to be installed without prior written approval of LPA
6. Floor level to be no lower than 5.57mAOD in accordance with FRA

Is recommendation contrary to letter(s) of representation? 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: Peter Barnett Date: 28 June 2021

Authorised by: Gary Peck Date: 30 June 2021