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TP REF No.
WB / /

MIXED USE DEVELOPMENT
LAND AT SEA PLACE/EIRENE ROAD WORTHING

Consent No. WB/06/1121/FULL

STATEMENT TO REMOVE CONDITIONS 34 + 36

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Copy of original consent

INTRODUCTION

The original planning approval (WB/06/1121/FULL) for the mixed use scheme on the site at the junction of Eirene Road and Sea Place in Goring-on-Sea contains two conditions, nos 34 and 36, for the provision of a small kiosk and a public WC respectively (see copy of original consent in Appendix A). In negotiations with Worthing Borough Council and local residents regarding the content of the development, the WC was included as a replacement for an existing facility on site, and the kiosk, for the sale of snacks etc.. on the seafront, as an additional public facility. The WC was originally shown contained within the Health Centre, and the kiosk within the new Yacht Club building.

It has been a considerable amount of time since this was agreed, however, and since then economic and social conditions have changed, as have the views of both the Council and the occupants of the development regarding the appropriateness of these facilities. Commercial and social conditions now render these facilities unviable and, in the case of the WC, undesirable.

This statement therefore sets out the argument for omitting these facilities from the development and consequently removing the relevant conditions from the current planning consent.

REVISED CONSENT WB/09/0537/FULL

The Health Centre has always been a key element of the development. It is identified as one of the principal uses in the original Development Brief for the site and will provide an important public facility for the area as well as being a significant element in the commercial viability of the development. The approved scheme had to be designed before a specific user could be identified, however, and the detailed brief was therefore unknown. This was also at a time prior to the recent economic downturn. Since obtaining consent, with uncertainty regarding both private and public funding, it has proven extremely difficult to find an occupant for the Health Centre . Nonetheless a health provider was found but, in order for them to take out a lease on the building, the design needed to be revised in order to comply exactly with their specific requirements.

In 2009, therefore, an application was made, and consent granted, for a revised design for the Health Centre. As part of this re-design the public WC was omitted from within the building, as mixed demises were not acceptable. The WC therefore does not currently have a specific location identified on the site.

THE PROPOSAL

There are a number of reasons for omitting the WC and kiosk from the development.

The original Development Brief, January 2005, for the site sets out the requirements for the uses on the site as follows:

"The focus of the development brief is on the provision of leisure, healthcare and residential facilities. The adopted Local Plan policy CT5 allows for the development of the site for residential and marine recreation and training with related ancillary uses and car parking."

Neither replacing the existing public WC's, nor providing any form of retail was required by the Brief, and they were not included in the original competition winning design. In fact, in para. 4.1.5 the Development Brief states :

" Developers are required to retain existing buildings...with the exception of the WC block"

The expectation within the Brief, therefore, was that the WC facility would be removed. The WC and kiosk were only included within the proposed design of the development under pressure from local objectors. There is therefore no planning reason for their inclusion in the final scheme.

The inclusion of the public WC has been troublesome since its inception. As described above it can't be included in the Health Centre and, in any case, is no longer included in the approved scheme. To enforce its inclusion would affect the viability of the Health Centre itself.

The alternatives, to include it elsewhere such as within the Yacht Club or the undercroft of the residential courtyard block, are equally difficult.

The Yacht Club are as opposed as the Health Centre operators to including any public facility within their building. The yacht club have an existing building on site and this is being replaced at the developers cost as part of the Section 106 agreement. There are no public facilities currently located in the existing yacht club building. The inclusion of public facilities, either the WC or the kiosk, within the new building is regarded as an additional liability, security risk, management problem and cost to the club which it doesn't have at the moment. Unsurprisingly they don't want this additional burden and see no reason why they should have to bear it. Negotiations on this point have already taken considerable time and cost and, should it become a legal issue, centring on the terms of the club's lease agreement, it will potentially delay the project and greatly increase the costs still further. The building is already being provided free to the club at a significant capital cost to the developer and any further delays or costs could affect the financial viability of the whole scheme.

Locating the WC in the undercroft car park of the residential courtyard block, as well as affecting the desirability and consequent sales values of the flats, has practical problems. The level of the undercroft is set below the external ground level. Disabled access would therefore require long ramps. These would affect the parking provision within the car park, as well as creating a long and awkward route to the WC. Such an awkward access is likely to deter the public from using the facility. Furthermore, including such a facility in an unsupervised semi-underground area would also generate further security and social problems, and it is this which is the main argument against providing such facilities at all, irrespective of their location.

The public WC's in the area have in recent times become a focus for various forms of anti-social behaviour. This is undesirable in itself and also deters the general public from using them for their

intended purpose. This in turn, makes them useless as a public facility. Management and maintenance costs are also increased at a time when public spending is being cut and local authorities are already having to reduce costs. Providing such a new facility at this time, therefore, is contrary to both economic and social good sense.

A more sensible alternative is to encourage local businesses which already possess toilet facilities, such as the cafe further west along the coast path, to allow their use by the public. In this way supervision is increased due to the presence of other activities and more people, and maintenance costs are kept down. It is understood that there is already an informal view within the Council that this is a preferred policy.

Similarly, providing a small retail kiosk in an obscure location at a time when public spending is low and small businesses are closing down throughout the country, even in good retail locations, seems inadvisable at best. Neither of the operators of the only buildings in which it could be located want to have it, and would therefore be unlikely to make any effort to lease or run it, even if a tenant could be found. The likelihood is that it will remain closed and simply act as a magnet for vandalism or other anti-social behaviour, resulting in an additional liability rather than a useful public facility. It would be better, as with the WC, to concentrate the business on existing local facilities which will directly benefit them as well as avoiding the creation of new problems.

SUMMARY

In summary the reasons for removing the Public WC and kiosk facilities from the existing consent are:

- They are not included within the original Planning Brief for the site
- They are not included within the current consent for the Health Centre
- Their inclusion could affect the financial viability of the development
- Their inclusion would attract anti-social behaviour
- Their inclusion would create additional costs and management
- There is no demonstrable need that cannot be provided better in existing facilities

On this basis we request that Conditions 34 and 36 be removed from the current consent.

APPENDIX A

Original Consent No. WB/06/1121/FULL

Worthing
BOROUGH COUNCIL

Awarded for excellence

Portland House
Richmond Road
Worthing BN11 1LF

APPLICATION NO: ~~WB/06/1121/FULL~~

Biscoe + Stanton Architects	
AB	TB
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Action	TB
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File	1524/16

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT PROCEDURE ORDER 1995

Biscoe And Stanton
5 St.John's Place
London
EC1M 4NP

PROPOSAL: Application for a mixed use development comprising 117 residential units, a health centre and a yacht club with associated parking, road access and landscaping.

LOCATION : Land Bounded By Sea Place To The West, Eirene Road To The North, Eirene Avenue To The East And Including Land South East Corner Of Dinghy Park And 14 Sea Place (Baloos)

DATE REGISTERED 23rd October 2006

APPLICANT : Bellwinch Homes Ltd

WORTHING BOROUGH COUNCIL, under the above Act and Order, gives you notice that its decision upon your application described above and in Drawing Nos. P4.01 D, P4.02 D, P4.03 C, P4.04 D, P4.05 D, P4.06 C, P4.07 D, P4.08 D, P4.09 E, P4.10 D, P4.12 A, P4.13, P4.15 A, P4.20 C, P4.21 D, P4.22 D, P4.23 D, P4.24 D, P4.25 D, P4.26 B and P4.30 E, which accompanied the application, or as subsequently amended prior to consideration, is to

GRANT PERMISSION subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

cont.....

Dated : 5th February 2009

Executive Head of Planning,
Regeneration and Wellbeing

Note: Your attention is drawn to the notes and information overleaf.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as subsequently amended), no gate, fence, wall or other means of enclosure shall be erected or constructed in front of the forwardmost part of the proposed building which fronts any highway unless permission is granted by the Local Planning Authority in an application on that behalf.

   Reason: To safeguard the character and visual amenities of the area.

3. No development shall take place until details of the screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until such screen walls or fences as may be agreed have been erected.

   Reason: In the interests of amenity.

4. No dwelling shall be occupied until the parking spaces and garages shown on the approved plans have been provided and constructed. The parking facilities and garages so provided shall not thereafter be used for any purpose other than the parking and garaging of vehicles.

   Reason: To ensure that adequate provision is made for parking vehicles clear of the highway.

5. The development hereby permitted shall not commence until details of the materials to be used for surfacing the car parking facilities have been submitted to and agreed in writing by the Local Planning Authority. The car parking and associated areas shall then be surfaced only in accordance with such details as may be agreed.

   Reason: In the interests of visual amenity.

6. Secure cycle parking facilities shall be provided within the curtilage of the site, precise details of which, including their number and siting, shall be agreed in writing with the Local Planning Authority prior to the commencement of the works. Such agreed facilities shall be provided on site prior to the flats hereby approved being occupied.

   Reason: To encourage and provide for a non car mode of transport to and from the site.

7. The building shall not be occupied until the crossing between the boundary of the site and the adjoining carriageway has been laid out and constructed to a specification to be agreed in writing with the Local Planning Authority.

   Reason: In the interests of highway safety.

cont.....

8. The development shall not be occupied until space has been laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority for the loading and unloading of vehicles and the parking of delivery vehicles clear of the public highway. Such space as may be agreed shall not thereafter be used for any purpose other than for the purposes for which it is provided.

   Reason: In the interests of highway safety.

9. The access from the site to the public highway shall be designed, laid out and constructed with visibility splays and sight lines in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development authorised by this permission.

   Reason: In the interests of highway safety.

10. The development shall not be occupied until all existing access(es) to the site (other than the access hereby approved) have been stopped up permanently and obliterated.

    Reason: In the interests of highway safety.

11. No construction work shall be carried out on the site unless and until there is available within the site, provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the building operations on the site. Details of such provision shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The facilities as may be agreed shall be provided and retained throughout the entire period of construction work on the site.

    Reason: In the interests of highway safety and visual amenity.

12. No development shall be carried out on the site unless and until provision is available within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, to accommodate all temporary contractor's buildings, plant and stacks of materials associated with the development. Such provision as may be agreed shall be retained for these purposes throughout the entire period of construction work on the site.

    Reason: In the interests of highway safety and visual amenity.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as subsequently amended), the building shall not be extended or altered in any way unless permission is granted by the Local Planning Authority in an application on that behalf.

    Reason: In the interests of visual amenity and because a more intensive use of the site would be likely to cause congestion on adjacent roads through overflow vehicle parking and/or cause harmful environmental effects.

cont.....

14. No development shall take place unless and until a scheme for the suppression of dust during demolition and construction has been submitted to and agreed in writing by the Local Planning Authority. The scheme as may be agreed shall be implemented throughout the entire course of demolition and construction unless otherwise agreed in writing by the Local Planning Authority.

    Reason: To safeguard the amenities of the occupiers of neighbouring properties.

15. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Bank or Public Holidays. On all other days such work shall only be implemented between the hours of 8.00 a.m. and 6.00 p.m. inclusive.

    Reason: To safeguard the amenities of the occupiers of neighbouring properties.

16. No development shall take place within each phase of the development unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of each phase of the development, whichever is the sooner. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping shall be provided prior to the occupation of each phase of the development hereby permitted.

    Reason: In the interests of amenity and of the environment of the development.

17. The existing trees, bushes and hedges shall be retained and protected, in a manner to be agreed in writing with the Local Planning Authority before the development commences, for the duration of the development. They shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period, shall be replaced in the following planting season with trees of such size and species, unless the Local Planning Authority gives written consent to any variation.

    Reason: To ensure that vegetation which is important to the visual amenity and for the environment of the area is retained.

cont.....

18. No trenches or pipe runs for services or drains shall be cut or laid within 5 metres of the bole of any existing tree which is to be retained on this or adjoining sites.

Reason: To protect tree roots from damage which would be likely to lead to the loss of the tree.

19. No development, including site works of any description, shall take place on the site unless and until all the existing trees, bushes and hedges to be retained on the site have been protected by a fence in accordance with details which shall be approved in writing by the Local Planning Authority. The fence as agreed shall be erected around each tree (or group of vegetation) at a radius from the bole or boles of 5 metres (or such distance as may be agreed in writing by the Local Planning Authority). Within the areas so fenced off, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored within such areas. If any trenches for services are required in the fenced off areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25 millimetres or more shall be left unsevered.

Reason: To ensure that vegetation which is important to the visual amenity and for the environment of the area is retained.

20. The development hereby permitted shall not commence unless and until a schedule of materials and finishes to be used for the external walls and roof of the proposed building have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be completed fully in accordance with the agreed materials.

Reason: In the interests of visual amenity.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or as subsequently amended), the elevations of the buildings hereby permitted shall not be painted other than in a colour as may be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

22. Provision shall be made for combined aerial and satellite or cable television facilities to serve all flats within the development hereby permitted.

Reason: In the interests of visual amenity.

23. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (as amended) no telecommunications equipment shall be installed on the development unless permission is granted by the Local Planning Authority in an application on that behalf.

Reason: In the interests of visual amenity.

cont.....

24. Prior to the commencement of individual buildings/apartment blocks, precise details of all fenestration, doors and other architectural features shall be submitted to and approved in writing with the Local Planning Authority. Thereafter the development shall be built in accordance with the approved details.

Reason: In the interests of visual amenity.

25. Before any of the dwellings hereby permitted are occupied, drying areas and dustbin/recycling enclosures shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the development and the amenities of the area.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as subsequently amended), no part of the roof of the building hereby approved shall be used as a balcony or terrace, nor shall any access be formed to it unless it has been approved by the Local Planning Authority in an application on that behalf.

Reason: To safeguard the amenities of the occupiers of adjoining property.

27. This permission relates to the amended plans submitted on 7th March 2008 and not to the plans originally submitted.

Reason: For the avoidance of doubt and because the scheme as originally submitted was unacceptable to the Local Planning Authority.

28. Before work commences on the development hereby permitted, detailed plans showing access and parking facilities for the disabled shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until these facilities have been provided in accordance with the plans as may be agreed.

Reason: To ensure adequate access provision for disabled persons.

29. The flood defence measures identified in the amended Flood Risk Assessment report accompanying the application shall be implemented prior to the occupation of the development and thereafter retained at all times. In addition, all dwellings and flats shall be constructed with floor levels raised in accordance with the amended Flood Risk Assessment and approved plans.

Reason: The property lies within a protected floodplain and raised floor levels will mitigate the risk of any inundation.

cont.....

30. No development within each phase of the development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding and pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal.

31. No development approved by this permission shall be commenced until a scheme for the flood-proofing of the ground floor of each building/apartment block has been approved by and implemented to the reasonable satisfaction of the Planning Authority.

Reason: To prevent the increased risk of flooding.

32. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment ands harm to human health.

33. Prior to the commencement of the main apartment block, precise details of the gabion walling surrounding the basement car park shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be completed in accordance with the approved plans.

Reason: In the interests of visual amenity.

34. The replacement yacht club hereby approved shall make provision for a kiosk to be used to sell refreshments to the general public as indicated in the approved plans.

Reason: To enhance facilities available to the general public using the beach and greensward for recreational activities.

35. Prior to the occupation of the flats above the Health Centre, an obscure glazed screen shall be provided to the second floor balcony on the south elevation in accordance with details first submitted to and approved in writing with the Local Planning Authority. Thereafter, the screen shall be retained at all times in accordance with the approved details.

Reason: To safeguard the amenities of adjoining residents.

cont.....

36. The development hereby approved shall provide for a replacement public toilet in accordance with the approved plans as part of the health centre or in an alternative location to be agreed in writing with the Local Planning Authority prior to the occupation of the final dwelling. Precise details of the hours of opening of the public toilet and the maintenance arrangements shall be agreed in writing with the Local Planning Authority prior to the occupation of the final dwelling. Thereafter, the toilets shall be provided, opened and maintained in accordance with the approved details and available for use prior to the completion of the development.

Reason: To ensure the provision of appropriate replacement facilities to serve the local community.

REASONS FOR GRANTING PERMISSION

In resolving to grant planning permission for this development, the Committee had regard to the design improvements undertaken, the approved Development Brief for the site and Development Plan Policies set out below. Due regard was taken of the considerable local opposition to the development, however, the Committee was satisfied that the provision of a range of house types and sizes as well as 35 affordable housing units, together with the provision of an urgently required health centre, would represent a significant community benefit. Although concerns with regard to the height of the main apartment block were expressed, the Committee was satisfied overall that the development was of a high design standard and that the proposed development would not appear unduly prominent or out of scale and height with the locality. In this respect, the amendments to the design of the courtyard apartment block reduced the apparent scale and height of the building whilst still ensuring that the development would be a bold and visually exciting development.

In terms of neighbour impact, the Committee was satisfied that the development would not have a significant impact on residential amenities in view of the separation distances involved between existing and proposed dwellings. The relocation of the existing Yacht Club raised concerns in connection with the "loss" of a small area of informal open space, however, the Committee was satisfied that the "loss" of this open space would be more than compensated by the provision of a new public area of open space on the site of the existing Yacht Club. The provision of a refreshment kiosk within the new Yacht Club and a requirement to provide a public toilet would also help address concerns about the loss of facilities for the public enjoying the adjoining beach.

Finally, in relation to flooding, the Committee was satisfied that the applicants had demonstrated that necessary mitigation measures would be in place to address any potential flood risk. Furthermore, the development would meet the exception test set out in PPS25 given that there would be significant community benefits, the development is on previously developed land (brownfield) and would not increase flood risk elsewhere.

The following are the relevant saved Development Plan policies of the Worthing Local Plan 2003 and the West Sussex Structure Plan 2001 – 2016.

cont.....

Saved Worthing Local Plan 2003

BE1 - Design Quality
CT5 - Sea Place/Eirene Road
H18 - Amenity of Residents
LR8 - Provision of Playspace/Outdoor Recreation Space in Housing Schemes
RES12 - Provision of Infrastructure
TR9 - Parking requirements for development

Saved West Sussex Structure Plan 2001 – 2016

DEV1 - High quality development
DEV2 - Mixed Uses
DEV3 - Infrastructure requirements
DEV4 - Travel needs and choices
DEV5 - Parking provision
ERA1 - Making the best use of land
ERA3 - The coast
ERA4 - Flooding and coastal defence
LOC1 - Locational Strategy
NE1 - Level of residential and employment development
NE6 - Coastal regeneration
NE11 - Community facilities and services
NE12 - Leisure, cultural and tourism facilities
NE13 - Transport
NE14 - Walking, cycling and mobility

This information is only intended as a summary of the reasons for grant of planning permission. For further details on the decision please see the application report which is available from the Planning Reception at Portland House, Richmond Road, Worthing.