

**Planning Committee
27 March 2019**

Agenda Item 5

Ward: ALL

Key Decision: Yes / No



**WORTHING BOROUGH
COUNCIL**

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/0089/19

Recommendation – Approve

Site: Foreshore East Of Beach Inspectors Office, The Promenade, Worthing

Proposal: Erection of 46 metre high observation wheel with 36 gondolas each holding 6 persons and associated structural base, wheel platform, access ramps, payment booth, photo booth and welfare facilities to operate from March to November (and at the same time each year until 2021) between 1000 and 2200 hours.

Proposal

This application seeks full permission for the erection of a 46 metre high observation wheel with 36 gondolas each holding 6 persons and associated structural base, wheel platform, access ramps, payment booth, photo booth and welfare facilities. The wheel is proposed to operate from March to November between 1000 and 2200 hours (although it is understood that these hours would be reduced at quieter times) until 2021.

The application is accompanied by the following supporting information:

i) Design and Access Statement (DAS)

The DAS states that the proposed Worthing Observation Wheel is to be located partially on the promenade on Marine Parade and opposite Montague Place, adjacent to the Millennium Basket. It is further stated that the wheel and accompanying equipment would be positioned to maintain a minimum 6m wide clear pedestrian access along the promenade. The supports will site partially on the promenade with the majority sitting on the pebble beach. The footprint of the observation wheel including the structural bases measures 24m x 20m overall. The baseplate or Wheel Platform measures 19m x 18.6m this accommodates the access and egress ramps, providing five points of entry and exit to the Gondolas. Also, on the platform is the Ticket booth, Photo booth plus other welfare facilities. The platform would be secured on three sides with a 2m high vertical open bar galvanized steel fence. At the front of the structure, a 1.1m high vertical open bar pedestrian control fencing would be installed to control and manage access and egress.

It is further outlined that the wheel is driven by electric motors which are powered by a 3-phase supply obtained from the Electricity Supply Box on the promenade. Rotational power is transferred to the observation wheel via rubber tyres running on a steel rail. The noise generated by this action is stated to be equivalent to that of an electric car running on a tarmac road.

The proposal does not include the playing of any music or the use of a PA system. The Lighting proposed for the wheel is for functional use only and will not be flashing.

The structural frame, Gondolas and all ancillary facilities on the platform are either painted using colour Ral 9010 (off white) or coloured GRP Ral 9010. The ramps and platform itself are specially design non-slip aluminium tread plate. All fencing is to be galvanized steel open vertical bar to allow unrestricted view.

The Observation Wheel completes a maximum of 4 revolutions off peak and a minimum of 2 revolutions during peak times, guaranteeing a minimum 10-minute experience.

Users will have a 360° view of the surrounding area from a height of 46m, which means on a clear day a view of up to ten miles is available which would give a clear view of the nearest large town of Brighton.

ii) Economic Impact Assessment

The applicant makes reference to the Council's Economic Strategy and Seafront Investment Plan (SIP) in this part of the supporting information. It begins by stating that Worthing saw a business growth rate of 17% between 2010 and 2016 and then goes on to say:

The town is seeking ways to reinvigorate existing and develop new opportunities for growth. As part of this, the SIP recognises the rich cultural heritage that is embodied in existing structures and the range of activities provided therein. It also recognises that these are in need of significant investment in order to enable revitalisation and strengthen the visitor economy.

The visitor economy is identified as an area for growth and development by making more effective use of the 'place, identity and cultural offer' to increase its attractiveness

The seafront is identified as the town's strongest natural asset for both residents and visitors alike. However, visual markers and signposts to the seafront are identified as in need of improvement. Additionally, visitors to the town lack a 'sense of arrival'

Access to the seafront is inhibited by the domination of motor vehicle usage and parking, which serves to sever a sense of connection between the seafront and the town centre

Proposals for improvements have been identified that will facilitate a 'sense of arrival' and improved pedestrian experience in relation to moving from the rail station through the town centre and to the seafront.

The installation and erection of WOW will be undertaken by specialist contractors from within the county and further afield. The Piling & Foundation Contractor Murray Andrews is based in West Sussex who will be on site for one-two weeks at the beginning of the construction phase. The wheel structure is fabricated By Lamberink in Holland and installed and commissioned by specialists from Lamberink and De Koning Leisure Group Ltd. The Crane Operators are Southern Carnes & Access Ltd based in West Sussex.

Other local specialist consultants already appointed as a result of this application include Land Surveyors SE Surveying based in Brighton and Ecology, Heritage and Visual Impact Assessors Lizard based in Worthing.

In conclusion, whilst no new jobs will be created in the local area during the installation phase of WOW, existing businesses in the area (and further afield) will benefit from activity generated in WOW's planning and installation phases.

The number of visitors to WOW is estimated to be in the region of 100,000. This is based on the Applicant's experience of providing observation wheels in other areas.

As a result WOW will generate a council revenue of £100,000.00 with an additional commission expected to be in the region of £80,000.00, thus a total expected council revenue of £180,000.00, per annum.

Beneficial relationships

Given the geographic relationships between seafront attractions in terms of their proximity, it is envisaged that other businesses will benefit from the presence and use of WOW. This is supported by the findings of Caernarfon CYF, some of whose business traders reported an 'upswing' (not quantified) in trade during the operation of the Ferris wheel in the area (Cyffro Caernarfon CYF, Evaluation Report, Big Wheel, 2006). Additional information as to the economic benefits to a local economy (Dudley) suggests that businesses reported as much as 30% increase in trade during the operation of a wheel (Statement, Mr C Wilkinson, Dudley MBC).

Employment

The operation of the wheel will require 20 staff – 5 full-time and 15 part-time. Of the 5 full-time staff, 2-3 will be provided by the Applicant, thus 2-3 full-time and 15 part-time jobs will be made available to the local economy. Recruitment and training will be provided by the Applicant.

The effect of the increased footfall in the immediate area and throughout the town and the visitors staying longer to enjoy the attraction of WOW will no doubt have a positive, beneficial economic impact on local business and therefore potential for further employment opportunities in the hospitality and retail sectors.

Conclusions

WOW supports the Adur and Worthing Councils' Economic Strategy 2018-2023:

- Provides an assured revenue stream to Worthing Council*
- Provides direct employment in Worthing*
- Will provide an increase in trade for other businesses and potential employment opportunities.*

WOW also supports the Worthing Seafront Investment Plan:

- Provides a clear line of sight to the seafront*
- Facilitates a 'sense of arrival' to the town*
- Enhances the attractiveness of the seafront*
- Adds to the existing visitor experience offer*

iii) Wave Forces

Following a request for further information on this point, the applicant responded that the platform is structurally supported on piles down the substrate below beach level. Extensive sensitivity testing has been carried out as part of the modelling. It is stated that the beach and shingle ridges in the area form an integral part of the defences and that the 200 year flood levels are 0.96 metres below the structure platform, while the Arun to Adur Flood Modelling estimated a 0.5% annual probability event wave crest height of 5.689 metres which is below the 6.01 metre

crest level of the defences and structure platform. As the majority of the support structure is significantly below the shingle defences, it will not be subject to wave action forces.

As has been explained in the consultation response section below, the information submitted has been sent to an independent consultant for verification.

iv) Flood Risk Assessment (FRA)

Executive Summary

Scope and Background

In considering the proposals the FRA states that the following key principles have therefore been applied:

- Identification of flood risks.
- Protection of users of the new development.
- No increased flood risk to third parties.

Consultations

The Environment Agency (EA) has been consulted to inform the preparation of this report. They have provided a series of more detailed flood maps and modelled data was supplied.

Adur & Worthing Councils, West Sussex County Council and Southern Water Ltd were also consulted concerning flood risk.

All relevant consultees have confirmed that there is a Negligible to Low risk of flooding to this site from all sources except Tidal, which is designated as Low risk by the Environment Agency.

Flood Risk

The site is shown on the Environment Agency's (EA) website Flood Zone Mapping as being in Flood Zone 3 (PPG Table 1).

The observation wheel is in an undefended Tidal Flood Zone 3 but the promenade is shown within a Low risk of flooding due to the sea defences; annual probability of flooding of between 0.5% and 0.1% from the sea.

As the proposed development is raised above the shingle defences on structural supports it is above the normal tidal flood levels for the lifetime of the development. The wave height study provided by the EA shows the current 200 year event wave heights to be below the top of the current defences. The support structure may be subject to wave action.

Over the lifetime of the development it is assumed that the wave height will increase in line with the predicted sea level rise of 0.2m. It is predicted that wave action will

not overtop the sea defences and affect the exposed support structure where it is below the current defence level of 6.01m AOD.

There are no other significant flood risks to the site.

Mitigation

Design

Site falls will be arranged to allow reasonably level access for occupants and visitors and allowing the site to be free-draining in case of local ponding at times of heavy rainfall. Floor levels of the platform should be set as high as possible above the Promenade level giving regard to necessary access for the less-able.

The development will not result in a reduction in flood plain storage compared to the existing situation.

The site is considered to be at Low Risk of flooding. It is recommended that the minimum finished floor levels for the platform should be set at a minimum of 150mm above the promenade height to allow for the potential increase wave height for the lifetime of the development. Within the design, consideration should also be given to the potential for wave borne debris being thrown against the lower areas of the development.

The development will also require a mains electricity supply, which will require protection from sea spray.

Other issues include the potential for any loose outside furniture being pushed against the structure during an extreme event, and for airborne spray to create slippery surfaces.

The observation wheel will be closed during the winter season.

Access

The promenade is raised above the potential flood levels, but the adjacent roadway Marine Parade could be inundated during the lifetime of the development. Consideration should be given to developing an evacuation plan and registering for any flood warning system that is available.

A statement submitted in addition to the Flood Risk Assessment also states:

The LK Group Flood Risk Assessment indicates that the Finished Floor level of the Platform for the wheel should be a minimum of 150mm above the promenade ground level. The Promenade level is on average at a level of 5.52 and the proposed finished level for the platform is 6.15. making it 630mm above the Promenade.

The Staff operating the Wheel will be registered to receive Met Office weather data to their mobile devices. There are procedures and checks in relation to all weather

conditions which the staff are fully aware of and the necessary actions that are to be undertaken. On notification of a severe weather warning the staff will undertake a closedown procedure which is the same as that adopted at the end of each day. The wheel will remain closed until the severe weather warning is lifted.

v) Ground Investigation Report

Executive summary:

This states that the Giant Wheel Company Ltd is proposing the erection of a 46m Ferris wheel along Worthing promenade, between Worthing Pier and Worthing Lido.

Geology

The Geological Map of the area shows the site to be underlain by the Lewes Nodular Chalk Formation, which typically comprise hard to very hard nodular chalks and hardgrounds with interbedded soft to medium hard chalks and marls. Superficial Deposits of Storm Beach Deposits are shown to overlie the solid geology of the area, these typically comprise bank-like gravel, rarely sandy.

Field Investigation

In order to confirm the underlying ground conditions at the site, field investigations comprising 2No. Cable Percussive boreholes and 4No. In-situ Plate Load Tests at ground level were undertaken on the 29th and 30th of November 2018. Due to adverse weather conditions on the 29th of November a reduced scope of 1No. Cable Percussive borehole and 4No. In-situ Plate Load Tests was undertaken.

The site investigation has revealed a layer of Made Ground comprising asphalt over gravelly clay and clayey gravel of typically chalk and flint to a depth of 1.70m bgl. The Made Ground was underlain by Superficial Storm Beach Deposits comprising medium dense slightly sandy gravel of flint encountered to a depth of 5.40m bgl. The Superficial

Deposits were underlain by the chalk bedrock recovered as dense to very dense gravel of chalk and flint to the maximum investigated depth of 10.00m. Groundwater was encountered within BH01 at a depth of 2.30m.

Engineering Recommendations

Foundation and Floor Slab Solution

Due to the nature of the development and underlying exclusion zone around the Southern Water sewer, a combination of piles and a surface skid will be required for the development. The southern support legs and base of the Ferris Wheel should be supported on CFA piles embedded into the underlying Lewes Nodular Chalk. For a 450mm diameter pile a safe working load of 400kN can be used. The Lewes Nodular Chalk Formation was encountered at a depth of c.5.40m bgl.

Due to the exclusion zone around the Southern Water sewer, located parallel with the promenade, piles cannot be used in this area. Therefore the support legs are proposed to be placed directly on the asphalt surface via a skid to evenly distribute the weight. Plate bearing tests confirmed a safe bearing capacity of 150kN/m² for the asphalt surface.

From the shear box testing a resistance angle of 47.3° within the superficial Storm Beach Deposits can be used for design purposes. Based on CIRIA C574 an effective angle of friction of between 29 and 34° (remoulded) and 31 and 42°(intact) can be assumed.

Earthworks

A Class 1B/2B classification should be adopted for general granular/cohesive fill materials for any proposed earthworks at the site.

Plate Bearing Tests

Two of the tests were undertaken at the top of the asphalt to determine the feasibility of placing the Ferris wheel support legs directly onto the asphalt surface. Maximum loadings of between 490 and 515kN/m² gave a typical settlement of between 0.96 and 2.60mm on the asphalt surface. A safe bearing capacity of 150kN/m² should be used for the asphalt surface.

Buried Concrete

All buried concrete should, as a minimum, conform to Class AC-1s of BRE Special Digest 1 for foundations within the superficial Storm Beach Deposits.

A method statement setting out details of contract information, plant and equipment, site personnel, safety, ground conditions and piling methods and controls has also been submitted.

vi) Transport Statement

A full transport statement has been submitted with the application, the summary and conclusions of which state:

The application site, identified by Adur and Worthing Councils, is within a highly accessible town centre located amongst other seafront attractions and Worthing high street with excellent sustainable travel opportunities available to visitors.

The Worthing Observation Wheel will operate between 1000 – 2200 hours, 7 days a week between March and November. The attraction is expected to attract 100,000 visitors over this 9 month period.

The Worthing Observation Wheel will have negligible impact on the local highway network as a high level of visitors to the attraction would be expected to be part of the overall visitor footfall to the seafront area and town centre as the development is likely to generate linked trips with other visitor attractions and leisure activities.

As well as sustainable travel mode options, there are a number of car parking facilities within the site's vicinity. A mix of council and non-council off-street and multi storey car parks provide over 1000 spaces within 500m radius of the proposed site. There is also a high level of short stay on-street parking within 250m radius of the site, providing parking spaces for cars, buses and motorcycles.

This Transport Statement has demonstrated that the proposed leisure development is highly accessible by non-car modes and would have a negligible impact on the local highway network. We therefore encourage West Sussex County Council to look favourably upon this development from a highway's perspective.

vii) Landscape and Visual Character Assessment

The statement concludes It is considered that whilst the Scheme would limit the present focus upon the surrounding Grade II Listed Buildings of The Lido and The Pier within the South Street Conservation Area, that the form, function and delight of the WOW would be uniquely suited to the location, both respecting and providing some enhancement to the appearance and character of the seafront environment. The curved form, structure and colour is considered to fit the values of the location, reflecting the distinctive curvilinear form and pale colour of the Pavilion Theatre and The Lido and the structural elements of The Pier, whilst introducing a new feature into the seafront townscape. The temporal nature of the Observation Wheel at three years, with the historic associations of the form and function with festivals and regeneration is considered to reflect the character of the seafront in this location as a place for pleasure and focus adjacent to the town for visitors to the seafront...

...The nature of the WOW is to be notable, introducing novel perceptual qualities associated with the height and form of the wheel. Despite the high magnitude of change within a landscape of high sensitivity the form, function and delight of the WOW, coupled with its temporary presence as a temporal event within the Worthing seafront townscape is considered by LLD to result in a Negligible Effect on landscape character in general...

... Within the localised area of the Promenade where the ground based apparatus would be located, there is likely to be a high magnitude of change across a limited area, which is considered to result in a Minor Adverse Effect on the limited contribution of this location to the qualities of the Conservation Area and the wider setting of The Lido (Grade II Listed Building)...

...For short distance receptors to the north within Liverpool Gardens, upon the Promenade immediately to the east and adjacent to the Site, and to the west of The Lido a Minor Adverse Effect is considered to result... For visual receptors upon the Promenade adjacent to the ground apparatus associated with the Wheel operation, this is due to the additional visual clutter which would be introduced at ground level into the South Street Conservation Area, alongside of that already present from the Beach Office for the Foreshore Team and beach safety patrol vehicles parked to the east. It is recommended that provided the ground apparatus is finished in white or comparably muted tones that this effect would be limited. For visual receptors upon the Promenade at short distance to the west of The Lido, the more subtle

relationships between the respective rooflines of The Lido and the Pavillion Theatre would be disrupted... For visual receptors relaxing within or walking through Liverpool Gardens adjacent to the (Grade II Listed) Desert Quartet Sculptures, the introduction of the spokes and pods of the wheel into the open space over the sea beyond Montague Place would flatten the lines of perspective from the adjacent built form, which otherwise continue to a vanishing point above the horizon line at sea. This would result in a more flat plane being introduced into the view than at present, which would foreshorten the existing context afforded by the more open column of sky and limit the visual context currently afforded by this to the (Grade II Listed) Dame Elisabeth Frink Desert Quartet Sculptures and the (Grade II Listed) 1-12, Liverpool Terrace. The effect would be limited by the Schemes three year timespan.*

Site and Surroundings

The proposed wheel would be located between the Pier and the Lido, partly on the Promenade and partly on the beach, opposite Montague Place which, given its open nature, means that the wheel would also be clearly visible from Liverpool Terrace which is higher than the application site due to the rising ground to the north. The application site is within the South Street Conservation Area which extends along the promenade and includes the Pier and the Lido, both of which are listed as are a number of buildings in Montague Place, and Liverpool Terrace.

While there are mixed business and tourist uses nearby, residential properties are also close to the application site including Knightsbridge House and Beaulieu Court are across the road to the north west, the latter containing ground floor and 5 storeys above, and is almost the same height of Knightsbridge House. To the north east are 3 storey buildings in mixed use on the northern side of Marine Parade.

Relevant Planning History

None relevant to the determination of the application

Consultations

i) Historic England

Thank you for your letter of 13th February 2019 regarding the above application for planning permission. As a proposal affecting the setting of grade II listed structures and for a development which is less than 1,000 square metres in a conservation area, the application does not meet the statutory criteria for Historic England to need to be consulted. We therefore assume that this consultation is a special request for our advice. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

South Street conservation area is made up of South Street with Chapel Road to the north as the central north-south axis of Worthing town centre. To the western edge of the area, Liverpool Terrace stands relatively high with a significant steep change

of level across Liverpool Gardens dropping from west to east. The remaining land within the conservation area generally slopes gently down to the seafront where there is an esplanade and shingle beach with sea defences.

Worthing experienced rapid expansion in the late 18th century and the first decade of the 19th century when it gained a reputation as a fashionable genteel seaside resort. The resort facilities seen today were developed in the 1860s with the construction of the pier in 1862 (grade II listed) and a seafront esplanade in 1867. The pier area became the focus of entertainment facilities in the town, which in the 20th century were increased with the provision of entertainment facilities. The Kursaal multi-purpose entertainment complex (now The Dome, grade II* listed) was constructed on the seafront in 1911 and included a cinema, roller skating rink, and stage. In the mid-1920s the seafront acquired two further landmark entertainment buildings in the Lido (1925, grade II listed) and the Pier North Pavilion (1926, part of the grade II listed structure). This cemented the seafront as the focus of seaside tourism in Worthing. It is this streetscape including the above mentioned listed buildings that today form part of the special architectural and historic interest of the South Street conservation area, contributing to its character and significance.

The proposed Worthing Observation Wheel is to be located partially on the promenade on Marine Parade and opposite Montague Place. The wheel is proposed to be 46 metres high with 36 gondolas each holding 6 persons, with associated structural base, wheel platform, access ramps, payment booth and welfare facilities. The application stipulates the wheel will operate between March and November until 2021.

The proposed location of the wheel is in an area characterised by businesses like cafes, ice cream parlours, amusement arcades, gift shops and hotels. We note that Worthing seafront is one of the town's greatest assets and is a primary focus for attracting visitors. With this in mind we additionally note the Worthing Seafront Investment Plan and the Councils focus on delivering a strategy to revitalise and renew the town's seafront.

The application provides a number of views showing the visual impact of the wheel on the surrounding area. In our view it is likely to cause a low level of harm to the setting and therefore significance of the grade II* listed Dome Cinema and 'Desert Quartet' sculptures with supporting Loggia at the Montague Shopping Centre, which are the closest designated heritage assets, to which we are a statutory consultee.

The wheel's impact on the South Street Conservation Area and other surrounding Conservation Areas, as well as the setting of the nearby grade II listed buildings is a matter for your council. In our view however it is unlikely to cause a high level of harm. We would suggest that reference be made to our published advice Historic Environment Good practice Advice in Planning: Note 3 The Setting of Heritage Assets in assessing the application.

In summary we do not think that the addition of the proposed observation wheel will cause a high level of harm to the significance of the grade II* listed buildings through changes to their setting. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm

should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF 196). Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (NPPF 200).

Recommendation

Historic England has no objection to the application on heritage grounds.

Your authority should be satisfied that the application meets the advice contained in paragraphs 192-194, 196 and 200 of the National Planning Policy Framework.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

ii) Conservation Area Advisory Committee

Objection. The proposal is acceptable in principle but this is considered the wrong location and should be east of the pier. This proposed feature will not preserve or enhance the Conservation Area. Concerns are raised regarding possible congestion, noise and light pollution.

iii) Worthing Society

The Worthing Society supports the idea of bringing an Observation Wheel to Worthing. It should help regenerate the town centre by attracting visitors and residents to this area. It will also provide another leisure facility for Worthing which is very welcome.

HOWEVER we object to the location that has been chosen on the grounds that it could adversely impact a significant number of local residents who live opposite the proposed wheel, particularly those people living in Beaulieu Court and 36 - 42 Marine Parade.

The wheel will be just 40 metres away from the front rooms of these local people. At 46m high it is double the height of the buildings opposite and will therefore tower over the immediate area and all those who live close by. The intrusion of people looking across from the viewing gondola's is likely to be significant. This attraction

will be open until 10.00pm each night (well beyond the hours of daylight), 7 days a week for 9 months of the year for a period of three years. The potential harm likely to be caused to the well-being of those living opposite the Wheel should be an overriding consideration in this project and be carefully assessed. However, it is not mentioned once in the application.

We do not accept the argument that for the 'greater good' some residents will be seen to be treated as 'collateral damage' and despite the severe impact on their lives, the rest of us should reap the benefits. It is not surprising that the hotels and residents of Steyne Gardens objected when the wheel was sited in that location last summer. The same argument applies, as it would for any location that adversely affected the lives of some local people for an extended period.

As a further consideration we note that despite the wheel being sited in the South Street Conservation Area there is no attempt in the Design and Access statement to assess the impact on this important heritage area. We are concerned that the planning policies within the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas Act 1990 are not being adhered to by omitting the statement. Whilst the economic benefits could be substantial in the short term, there would undoubtedly be an effect on the Conservation Area which needs to be fully assessed in the application.

Montague Place is an historic open space which contributes significantly to the Conservation Area. We note that the Conservation Area Appraisal Document (CAAD) describes the listed buildings and openness of the views from Liverpool Gardens to Marine Parade to be of 'major townscape significance.' The presence of the large observation wheel in this location would in our view be over dominant and would overwhelm the openness and traditional sea views enjoyed from Montague Place.

This has all the hallmarks of an application that is being pushed through without due care and attention for those it will impact most. In terms of planning policy it without doubt contravenes Saved Local Plan H18. This states 'development' including changes of use and intensification which would result in an unacceptable loss of amenity for local residents will not be permitted.' If the proposal goes ahead there would undoubtedly be a loss of amenity in terms of privacy, open views and disturbance from the close proximity of lighting on the Wheel.

We also consider it appropriate therefore to mention the Planning Policies which govern development on the seafront area. In particular Saved Policy CT3 (9 Saved) which refers to development being permitted 'if it respects and where possible enhances the appearance and character of the seafront environment and existing sea views.' Strategic Objective 16 of The Draft Local Plan seeks to improve the quality of the public realm within the town centre and along the seafront. It is difficult to see how the Wheel in this position could be compatible with these local planning policies and the Draft Local Plan.

It is also worth pointing out that under the Tall Building Guidance SPD this structure would qualify as a very tall building. The fact that the Observation Wheel has a proposed life span of 3 years and will be open 12 hours a day, 7 days a week for 9

months of the year means that in our view some of the provisions of this guidance should be considered, particularly with regard to quality of life and overlooking.

The applicant should make a thorough assessment of the number of people who will suffer significant overlooking and intrusion to how this can be mitigated (if at all). The council should in our view also look for alternative sites that have less impact on the wellbeing of those living nearby, such as the East Beach, and publish its assessment of the options including the one proposed.

Until these concerns are fully addressed and after much serious consideration we object to this application.

iv) Technical Services – flood risk and drainage

Thank you for the opportunity to comment on this application, the proposed site lies in flood zone 3, is unaffected by predicted surface water flooding and has no history of flooding, but has been eroded and overtopped by wave action in the past. The site is exposed to wind action.

I also note the presence of a 1500 mm diameter concrete foul sewer, which is the main artery sewer from what was the old West Worthing Treatment works, very close to the proposed foundations.

I note that the planning application states no connection to the surface water system – that is acceptable.

I note that the planning application states no drainage connection required for foul water, therefore I suspect the welfare unit comes with a portable toilet is on the far side of the facility and will require regular servicing, thereby vehicle parking is required, and therefore some form of traffic management statement will also be needed, and finally where does the welfare unit get a water supply from.

The FRA is acceptable, and I agree with its conclusions

There is a document entitled Statement on the FRA – this effectively answers my concerns about the site being subject to extreme wind and other meteorological events

Subject to clarification about staff welfare facilities I have no concerns about the installation.

v) Technical Services – Structural Engineer

The information submitted by the applicant has been submitted to an independent consultant and a response is anticipated prior to the meeting.

vi) West Sussex County Council Highways

Introduction

WSCC in its role of Local Highway Authority (LHA) has been consulted on the above proposals. The application is supported by way of a Transport Statement (TS) which provides an assessment of the transport aspects of this application. The LHA have engaged in pre-application advice in relation to the applicants Constriction Management Plan (CMP) prior to the submission of this application.

The site is located along the seafront next to the Worthing Pier and Lido, with other visitor attractions in the local vicinity. The proposed Worthing Observation Wheel will be located over an area of the promenade and beach/shingle. There will be at least 6m wide pedestrian access along the promenade at the location of the wheel. The footprint of the observation wheel, including the structural base measures 24m x 20m overall.

Comments

The LHA acknowledge the sites sustainable travel mode options, there are a number of car parking facilities within the site's vicinity which are accessible. These include a mix of council and non-council off-street and multi storey car parks providing over 1000 spaces within 500m radius of the proposed site. There is also a high level of short stay on-street parking within 250m radius of the site, providing parking spaces for cars, buses and motorcycles.

In terms of trip generation visitors to the site are likely to incorporate visiting the Worthing Observation Wheel when visiting other local facilities. It is therefore accepted that there is the potential for a proportion of linked trips which will be spread across the network. It is therefore accepted that the application would not have a 'Severe' capacity impact on vehicle trips on the immediate highway network in line with Paragraph 108 of the National Planning Policy Framework (NPPF). Finally as part of the TS the CMP that the LHA passed comment on at the pre-application stage has not been submitted in support of this application.

Conclusion

The LHA does not consider that this proposal would have 'severe' impact 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.

vii) Highways England

Referring to the planning application referenced above, received by Highways England on 13 February 2019, in the vicinity of the A27 and A24 that forms part of the strategic road network, notice is hereby given that Highways England's formal recommendation is that we:

a) offer no objection on the basis that we are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network

(the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and DCLG NPPF particularly paragraph 109) in this location and its vicinity.

viii) Environmental Health

In terms of noise, the Design and Access Statement (DAS) states " Rotational power is transferred to the observation wheel via rubber tyres running on a steel rail. The noise generated by this action is equivalent to that of an electric car running on a tarmac road". Whilst not disagreeing with this statement, it needs clarifying as such tyre noise depends on the speed of the car, the faster the car the more noise the tyre creates. The DAS goes on to say no PA or music will be used, which is welcomed. The pods themselves are enclosed so will contain any people noise.

The piling method statement contains no information on the predicted noise and vibration impacts on nearby properties, this needs to be clarified. The construction process, including piling, must follow the principles contained within BS5228: 2009, 'Code of practice for noise and vibration control on construction and open sites'. This could be included as a condition - *"No development shall take place 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 of the methods to control noise and vibration from the construction process and follow the principles contained within BS5228: 2009, 'Code of practice for noise and vibration control on construction and open sites'."*

I recommend the hours of construction be limited to 08:00 - 18:00 Monday to Saturday only in order to reduce the impact on adjacent residents and businesses.

The lighting assessment dated 30.01.2017 and prepared by Performance Lighting contains an isolux contour plan in 2.1.1 - 'Result Overview, Measuring Area 2'. In order to confirm that light will not adversely affect nearby residential amenity this should be overlain onto a map so the levels at building exteriors can be assessed (in the vertical plane). Due to the relative proximity of existing residential premises there is the potential for the development to cause a loss of amenity as a result of light spillage and glare. Due to its position on the seafront the area falls somewhere between Environmental Zone 3 (Small town centre/Medium District Brightness) and 4 (Urban/High District Brightness). If we took the more stringent of these (Zone 3), the following is recommended to be attached as a condition to any permission granted. *"Light Intrusion into residential windows shall not exceed 10 Lux between 07:00 and 21:00 hours and 5 Lux between 21.00 and 07.00 hours, measured as Vertical illuminance (EV) normal to glazing. The Sky Glow (Upward Light Ratio) shall not exceed 5.0%"*

Finally the hours of operation should be restricted to those contained within the application - 10:00 - 22:00 hours.

ix) Southern Water

It appears that the developer is intending to build over/close to a public foul sewer which is crossing the site. Building over a “public sewer” is not normally permitted by Southern Water.

However, under certain circumstances building over a sewer may be allowed. The conditions associated with the buildover/close to a sewer are contained in Southern Water guidance notes which are available at: www.southernwater.co.uk. A formal application to build close to the sewer will required to be submitted by the applicant.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council’s technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk”.

Representations

86 letters of objection have been received. The majority of the objections are from objectors who live in close proximity to the application site and are made on the following grounds:

- the wheel would be overbearing to the surrounding area
- Worthing cannot sustain a wheel with a capacity of 216
- loss of light
- light pollution
- loss of privacy through overlooking from the gondolas
- increased traffic
- adverse impact upon birds and gulls through tree damage in Montague Place
- the proposal would not enhance the Conservation Area
- wheel may be adversely affected by wind
- increased congestion on the promenade
- other sites would be more preferable eg Steyne Gardens, Splashpoint, Brooklands
- increased parking pressure
- out of keeping with the seafront and pier
- loss of uninterrupted views
- destroy the character of the town
- Brighton has more space for a wheel

- last year's wheel ruined Steyne Gardens
- town will be another cheap Blackpool or Southend
- sedate and likeable town would have the feel of a Maplinesque holiday camp
- loss of reputation
- the wheel would cause glare
- this is a Council backed scheme so is already a foregone conclusion
- a commercial imposition on the seafront
- inappropriate impact upon nearby listed buildings and the Conservation Area
- there will be a necessity to excavate into the beach
- Worthing is not a tourist destination
- Worthing is an original seaside town with a strong conservation policy
- Worthing retains age old quality while offering up to date amenities, how could a wheel improve this
- interfere with access to the beach
- could cause the road to collapse
- the view from the end of the pier is sufficient to see the inner yard of the bus station, mobile phone aerials or multi storey car parks
- money should be spent on widening the promenade at Goring
- the Council has already wasted money on beach posts that light up and coloured paint on a car park
- would not have purchased property if known this was going to take place
- add to congestion in Montague Place
- if people want views they can go to the Downs
- money put into tourist attractions ignores other problems in the town

74 letters of support have been received, including from the Chamber of Commerce, Town Centre Initiative, Hospitality Federation, the Lido and the Chatsworth. The majority of the representations are from Worthing residents although relatively few from close proximity to the site. The comments of support have been received on the following grounds:

- proposal will attract visitors and be of great value to Worthing
- will support and promote the seafront by engaging in a unique format
- would be an asset to the town
- would be a great economic benefit when High Streets across the country are struggling
- the town should not be closed for anything but daytime shoppers
- this is a forward thinking and positive idea
- anything that brings people to the seafront is positive
- will put Worthing back on the map as a tourist destination
- grandkids cannot wait for it
- number of empty shops in the town proves more visitors are needed
- will help Worthing compete with other seaside towns
- position of the wheel will allow adequate pedestrian access
- benefits to the town as a whole outweigh any objections
- the Council has a choice of letting the town die or investing in its future
- the space should be used for the benefit of everybody not just a privileged few
- this is a better location than Steyne Gardens

- people using the wheel will not be interested in looking into flats
- town has been dwindling for too long
- will be a wonderful addition to the skyline
- the Council should keep bringing fun and life to the town

Relevant Planning Policies and Guidance

Worthing Core Strategy (WBC 2011): Policies 3, 5, 15 & 16
 Worthing Local Plan Saved Policies CT3, H18
 Adur and Worthing Economic Strategy 2018-2023
 Worthing Borough Council: Worthing Seafront Investment Plan
 Adur & Worthing: Platforms for our Places, 2018

National Planning Policy Framework (CLG 2019)
 Planning Practice Guidance (CLG 2014)

Historic Environment Good Practice Advice in Planning: Note 3 The Setting of Heritage Assets

The Core Strategy, including the saved policies of the Worthing Local Plan, comprises the Development Plan here but the Government has accorded the National Planning Policy Framework (NPPF) considerable status as a material consideration which can outweigh the Development Plan's provisions where there are no relevant development plan policies or the policies which are most important for determining the application are out of date. In such circumstances paragraph 11 of the revised NPPF states that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would demonstrably outweighs the benefits, when assessed against the policies of the NPPF taken as a whole.

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

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

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

As can be seen from the representations received, this application has attracted a high degree of interest with a number of comments received both in opposition and support of the proposal.

Dealing with the principle of development first, national guidance as set out in the NPPF sets out overarching objectives of the planning system, the most relevant to the application being the economic and environmental objectives.

In terms of the representations received, it could be summarized that many of those in favour of the proposal would see the application as meeting the economic objectives as set out in the NPPF while those in objection appear to relate mainly to the environmental objectives.

Beginning with the economic objectives, the NPPF states that the planning system should help build a strong, responsive and competitive economy amongst other matters by encouraging innovation.

The Worthing Core Strategy provides a strategic policy context for the proposal stating that:

Tourism has long been an important part of the local economy. However, Worthing is a highly seasonal and weather dependent visitor destination and according to research it is perceived as being 'outdated' with 'little to do'. It is therefore essential that the negative perceptions of Worthing are combated and that these issues are addressed in a way that helps to overcome seasonality and provides a greater and more vibrant visitor offer... The Local Development Framework will seek to ensure that opportunities are secured for new facilities and that existing facilities which support the boroughs overall tourist offer are protected and, where needed, positive improvements are achieved. The seafront and the activities along it are important visitor attractions and together with the town centre the area provides entertainment, restaurants, bars and shopping that benefit the tourist industry. However, studies have indicated that much of this offer is not achieving its full potential and requires upgrading to play an improved role in attracting more visitors to the town. It is considered that major new cultural/mixed use attractions should take advantage of Worthing's coastal location and provide quality facilities that meet current and future aspirations.

Policy 5 of the Core Strategy states *The retention, upgrading and enhancement of existing visitor attractions and visitor accommodation to meet changing consumer demands will be supported. The Council will support suitable new tourist and leisure facilities, with a particular focus on the town centre and seafront area. The aim is to enhance the visitor offer to support the regeneration of the town and help to reduce seasonality.*

The Seafront Investment Plan, which built on the earlier Seafront Strategy that is referred to in the Core Strategy, while not specifically referring to the current proposal does mention a necessity to invest in 'big ticket' items.

In this strategic policy context, it is considered that the principle of developing an observation wheel on the seafront is clearly acceptable. The Core Strategy emphasizes the importance of tourism to the town, as well as the necessity to improve the offer, which is an objective the wheel can be assumed to fulfill. The supporting information estimates that the visitors to the wheel would be 100,000, consisting of both new and linked trips which would make an important contribution to the economy of the town.

The principle of development is therefore considered acceptable, but in terms of detail, at 46 metres in height, this is quite clearly a significant structure on a site that is within the South Street Conservation Area and in reasonably close proximity to listed buildings. By way of comparison, the observation wheel which was previously located in Brighton was 45 metres and the wheel which was situated in Steyne Gardens last year was 33 metres. The submitted Landscape and Visual Assessment also states that when constructed the tallest building on the Aquarena site would be of a comparable height.

Equally, though, observation wheels are not uncommon features in many towns or cities and a number of them have been located in sensitive areas. Your Officers therefore felt it necessary to consult Historic England on the proposal although it is not an application that falls within their statutory criteria for comment.

Historic England consider the proposal *is likely to cause a low level of harm to the setting and therefore significance of the grade II* listed Dome Cinema and 'Desert Quartet' sculptures with supporting Loggia at the Montague Shopping Centre, which are the closest designated heritage assets*, and while stating that the impact upon the Conservation Area is ultimately a matter for the Council, they also consider that it is *unlikely to cause a high level of harm*. It is of course noted that the Worthing Society and Conservation Area Advisory Committee object to the proposal but in light of the comment above, it is felt that an objection on such basis may be difficult to sustain. Moreover, in any case, the application remains to be assessed against the economic objectives of the NPPF and on balance, plus having regard to the fact that this an application for permission for 9 months of the next 3 years, rather than a permanent proposal, it is considered that the application is acceptable. As also referred to by Historic England, paragraph 196 of the NPPF states that *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*.

Your Officers are of the view that paragraph 196 demonstrates that in light of the above, the application is considered acceptable in terms of its impact upon the visual character of the surrounding area.

The next issue is the impact upon the nearest residential properties, a number of which have objected to the application.

It is perfectly understandable that residents who currently have an unimpeded sea view would raise concern in respect of the proposal while others raised the issue of loss of property value as a result of the potential installation of the wheel. However,

planning law is quite clear that loss of view and loss of property value are not material considerations that can be taken into account in making the decision. Given the nature of an observation wheel as not completely solid, it is not a structure which would cause a loss of light either.

The first issue to be addressed in planning terms is loss of privacy. The distance from Beaulieu Court to the proposed wheel is about 40 metres at its nearest point while 36-42 Marine Parade, in mixed uses, is slightly nearer. In both cases, therefore, the distances between the gondolas and the nearest residential properties far exceeds the Council's overlooking standard of 21 metres, normally applied for face to face window relationships. Clearly, the relationship between a slow moving gondola at elevation and a residential property is quite different to a more usual back to back housing situation. The outlook to the nearest residential properties is of course open at the moment and there are no comparable structures.

However, the seafront is a public area where tourist development can reasonably be expected. The expanse of seafront is wide and the residential properties nearby are not directly opposite the wheel (hence outlook will be maintained in other directions). Furthermore, users of the wheel will not be at a fixed point since the wheel will be continually moving except when unloading and loading passengers. A consequence of the height of the wheel being higher than the buildings around it, is that much of the north views being seen from the wheel will be over the nearest residential properties and visitors are likely to spend looking more at distant views, assuming they are looking to the north in the first place. Those using the gondolas will also be looking out to the sea to the south and along the coastline to the east and west which will be providing viewing opportunities of as much interest to the north. As such, therefore, any overlooking to the nearest residential properties would be of a somewhat transitory nature. Having regard to this nature of any overlooking, the normal overlooking standard is of some useful relevance in that it is well exceeded by the proposed siting of the wheel and therefore while resident's concerns are understood, it is not considered that having regard to the wider benefits of the scheme, a refusal could be justified on such basis.

A number of residents have also raised concern in respect of noise. It needs to be remembered in the consideration of any planning application that there must be material harm caused as a result of any proposal and to that end your Officers are of the view that given the central location of the site within a busy part of the seafront where there are number of noise generating activities already including bars in the vicinity of the site, that it is unlikely that material harm in respect of additional noise could occur if it is accepted that a certain degree of noise and disturbance is therefore to be reasonably expected in this location. It is stated that there will be no public address system or music played, which can be controlled by condition, and in the absence of any objection from the Environmental Health section it is not considered that a refusal could be justified on noise grounds. Likewise, in respect of lighting, the Environmental Health Officer has also suggested a condition can be imposed.

There is also no objection from the County Council as the Highways Authority for the area. Your Officers agree with the assessment that site is in a sustainable location offering a range of transport opportunities including car parks nearby. It is

generally accepted that a facility of this type in terms of trip generation is likely to incorporate linked trips visiting the Worthing Observation Wheel while also visiting other local facilities. There would not therefore be a severe impact on the highway network and accordingly permission could not be refused on this basis.

Concern has been raised about the stability of the wheel and its ability to withstand strong winds. As such, this is not a planning consideration (the Health and Safety Executive were consulted on the application but did not respond) but in any case the Council's Technical Services Officers are considering the matter given the location of the wheel in particular partly on the beach. An independent consultant has been requested to look at the proposals and it is anticipated their response will be received prior to the meeting.

Conclusion

This application has generated a high level of interest and unusually for the number of representations received there is a not significant difference in number between those objecting to and those supportive of the proposal. A number of issues are quite finely balanced and reasonable arguments made from either perspective. However, a central part of national planning policy, local planning policy and wider corporate objectives are to support the vibrancy of the town and in particular that of the seafront. It is notable that the Town Centre Initiative, Chamber of Commerce and various business owners nearby support the proposal which offers the ability to attract visitors to the town which in turn will help its economic prosperity. While there will be some impact from the proposal, the use is temporary for 3 years and therefore not a permanent installation. There are no objections from the relevant specialist consultees and accordingly, on balance, it is recommended that planning permission is granted.

Recommendation

To **GRANT** permission

Subject to Conditions:-

- 01 Approved Plans.
- 02 Temporary Permission – March to November until 2021 only.
- 03 No development shall take place 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 of the methods to control noise and vibration from the construction process and follow the principles contained within BS5228: 2009, 'Code of practice for noise and vibration control on construction and open sites'."
- 04 Hours of construction be limited to 08:00 - 18:00 Monday to Saturday only in order to reduce the impact on adjacent residents and businesses.
- 05 Light Intrusion into residential windows shall not exceed 10 Lux between 07:00 and 21:00 hours and 5 Lux between 21.00 and 07.00 hours, measured as Vertical illuminance (EV) normal to glazing. The Sky Glow (Upward Light Ratio) shall not exceed 5.0%".

- 06 Hours of operation restricted to those contained within the application - 10:00 - 22:00 hours.
- 07 No music or public address system.
- 08 Wheel Management Plan (to include but not limited to, queue management, litter management, provision of welfare facilities) to be submitted prior to first use of the wheel.
- 09 Details of surfacing, including foundation construction to be submitted prior to first use of the wheel.
- 10 Not later than 3 months before the cessation of the use, all materials etc to be removed and the promenade/beach restored to a condition to be agreed in writing with the LPA via a scheme of work to be submitted and approved.

27th March 2019

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

Gary Peck
Planning Services Manager (Development Management)
Portland House
01903-221406
gary.peck@adur-worthing.gov.uk

Schedule of other matters

1.0 Council Priority

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
 - to promote a clean, green and sustainable environment
 - to support and improve the local economy
 - to work in partnerships to promote health and wellbeing in our communities
 - to ensure value for money and low Council Tax

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

7.0 Reputation

- 7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

8.0 Consultations

- 8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

9.0 Risk Assessment

- 9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

14.0 Financial implications

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.