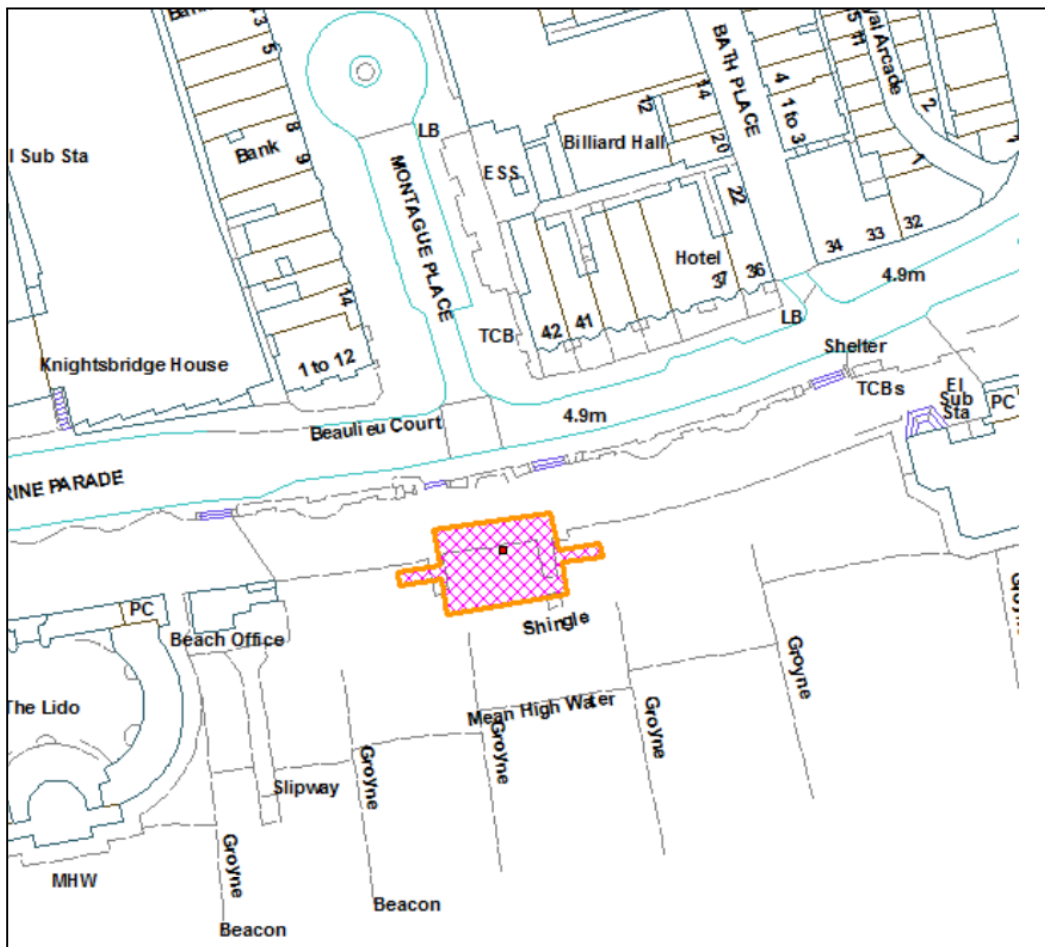


|                     |   |                          |
|---------------------|---|--------------------------|
| Application Number: | AWDM/0745/24  | Recommendation - APPROVE |
| Site:               | Foreshore East Of Beach Inspectors Office,<br>The Promenade, Worthing   |                          |
| Proposal:           | Erection of a Ferris Wheel (retrospective). Application to Vary Condition 1 (Approved Plans) of previously approved AWDM/0752/21 to amend the height from 33 metre high observation to a 44 metre high observation wheel until November 2024. |                          |
| Applicant:          | Mrs Sheridan Wesley, City Observations Limited  | Ward: Central            |
| Agent:              | N/A   |                          |
| Case Officer:       | Gary Peck   |                          |



**Not to Scale**

## **Proposal, Site and Surroundings**

Planning permission was granted in 2021 (AWDM/0752/21) for the erection of a 33 metre high observation wheel. The permission was valid until November of this year, but the wheel was removed some time ago. A previous permission was granted in 2019 for a 46 metre observation wheel (AWDM/0089/19) and allowed for the wheel to be erected during March to November of the years 2019-2021, although again it was removed prior to the expiry of the permission.

The current application seeks permission for a 44 metre high wheel to be erected until November of this year (therefore the same period as previously applied for). The application is retrospective as the wheel has already been erected.

The application site is within the Conservation Area and in close proximity to a number of listed buildings including the Pier, Lido and those within Montague Place.

## **Relevant Planning History**

Planning permission was granted in 2019 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 to operate from March to November (and at the same time each year until 2021) between 1000 and 2200 hours (AWDM/0089/19).

Planning permission was granted in 2021 for the retrospective erection of a ferris wheel of 33 metres in height, with the consent valid until November 2024 (AWDM/0752/21)

## **Consultations**

### **Assistant Director Place and Economy**

In reference to the planning application referenced AWDM/0745/24 we write in support of this application. Worthing's Promenade has a full events diary for 2024; including regular markets, fun runs and other participative events, supported by a full range of concessions, operated by local businesses.

The large Coastal Observation Wheel, alongside other attractions between Steyne Gardens and the seafront, such as More Radio Live 2024, The Carousel and Bonfire Night fireworks will further enhance the area's appeal for residents and tourists alike. The wheel will also put Worthing on the map as a key destination further encouraging visitors to our town and thus boosting the local economy.

### **West Sussex County Highways**

The application will result in a small increase to the height of the observation wheel from 33 to 44 metres. The LHA acknowledges the site's 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 a 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 “Giant 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.

## Conclusion

Having regard for the previous two applications 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 115), and that there are no transport grounds to resist the proposal.

## National Highways

No objection

## Worthing Society

We note the applicant applied to Worthing Borough Council to vary Condition 1 (Approved Plans) of previously approved AWD/0752/21 to amend the height from 33-metre high observation to a 44-metre high observation point by installing a new ‘Giant Wheel’. We consider it is perhaps unfortunate that this is a retrospective application. Near residents, whose amenity is a relevant consideration, appear not to have received prior notification of the increased height before the installation took place.

In summary, and for future reference, we question whether the increased height is strictly necessary. The new Giant Ferris Wheel does appear rather more oppressive than previously when viewed from Montague Place.

## Environmental Health

No adverse comments.

## Planning Policy

We note the application is for an increase in height and as such we have no comments to make.

## WSP (Council Drainage Consultant)

Following a review of the submitted information, we have noted no change to drainage or flood risk and therefore would recommend the approval of the application.

## Representations

3 letters of objection have been received on the following grounds:

- The erection of a Ferris Wheel in front of the block will be extremely invasive, negatively impacting the residents. The proposal to increase the height of the wheel to 44 metres will result in a significant loss of privacy and natural light to the flats. In addition, there will be an increase in noise pollution. The Ferris Wheel will result in members of the public gazing directly into my mother's home, throughout the day and well into the night. My mother is extremely distressed at the prospect of this higher wheel.
- View and privacy will be completely obstructed. The view was obstructed with the previous wheel and this one is stated to be 11 metres higher. Significant distress due to the diminished view, noise pollution day and night, light pollution and lack of privacy.
- The additional footfall and noise created by a Ferris Wheel of this magnitude is not suitable so close to residential property. The Council has shown disregard for residents in both the lack of consultation and the significantly larger size of the structure that it is considering.
- The charm and attraction of Worthing lies in its human scale, approachable, safe waters and relative tranquility compared to the nearby city of Brighton. Previous wheels were neither wanted nor a financial success. The imposition of them on the town and the proximity to flats appears to signify unreasonable decision-making.

### **Relevant Planning Policies and Guidance**

Worthing Local Plan 2020-2036:

Policies DM5 Quality of the Built Environment, DM6 Public Realm, DM7 Open Space, Recreation and Leisure; DM8 Delivering Infrastructure, DM20 Flood Risk and Sustainable Drainage, DM23 Strategic Approach To The Historic Environment and DM24 The Historic Environment are among those relevant to the determination of the application.

Adur and Worthing Economic Strategy 2018-2023

Worthing Borough Council: Worthing Seafront Investment Plan

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

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

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that 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

For Listed Buildings and Conservation Areas

Section 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

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**

The main issue in the determination of the application is whether the proposed alterations to the previous permissions are materially different from the previous permission sufficient to justify a different decision to those previously made. The existence of a previous permission is a material consideration in the determination of any subsequent applications.

The previous permission allowed a smaller wheel of 33 metres to be in situ until November of this year. In this respect, it is considered that the principle of development has already been established. The difference between the current wheel and that which was the subject of the previous permission is the increased height of 11 metres. However, the original permission, in 2019, was for an observation wheel at the site of 46 metres (2 metres higher than the current proposal). It is not considered there has been any material change in circumstances relating to the site since the grant of that permission.

In terms of national planning policy, it could be argued that greater support is given to developments such as this given, for example, the period for temporary installations without planning permission was 28 days prior to the pandemic which was subsequently extended to 56 days by the government. Part of the rationale behind this change was to assist town centres in their recovery from the pandemic and it is considered that such an objective remains central to national planning policy. In any case, this has always been an objective of the Council both prior to and after the pandemic as outlined during the consideration of the previous applications.

The effect upon neighbouring properties has been assessed during previous applications. There is no right to a view under planning law and therefore the application could not be resisted on this basis. The primarily open nature of the wheel and its location across the Promenade from nearest properties is not considered to cause an adverse impact through overshadowing.

While the potential loss of privacy is an understandable concern of nearby residents, the distance to the nearest facing windows exceeds the Council's normal overlooking standards but, in any case, the users of the wheel in practice are more likely to focus on views of the sea and longer distance views that the height of the wheel provides. Your Officers are not aware of any complaints of overlooking raised outside of the planning consultation process and given the transitory nature of the operation of the wheel, it is not considered that an objection could be reasonably sustained on this basis.

The site is located within the Conservation Area and in close proximity to listed buildings and non-designated heritage assets. Whilst the height of the structure could be said to cause some limited harm to nearby heritage assets, your Officers have previously concluded that the benefits of the wheel in terms of bringing visitor activity to the town centre and seafront outweigh such harm and accordingly the application is considered to be acceptable.

## **Recommendation**

### **APPROVE**

#### **Subject to Conditions:-**

1. Approved Plans.
2. The development hereby permitted shall only operate until 30th November 2024.

**Reason:** *Having regard to policies 5 and 16 of the Worthing Core Strategy and that permission would not be granted on a permanent basis for such development which is proposed on a temporary basis.*

3. Light Intrusion into residential windows shall not exceed 10 Lux between 07:00 and 22:00 hours and 2 Lux between 22.00 and 07.00 hours, measured as Vertical illuminance (EV) normal to glazing. The Sky Glow (Upward Light Ratio) shall not exceed 5.0%

**Reason:** *In the interests of the amenity of neighbouring residents in accordance with policy DM5 of the Worthing Local Plan.*

4. The observation wheel hereby permitted shall only be operated between the hours of 1000-2200 hours and at no other time.

**Reason:** *In the interests of amenity having regard to policy DM5 of the Worthing Local Plan.*

5. No public address or other sound amplification system shall be installed or used on the site at any time.

**Reason:** *To safeguard the amenities of the occupiers of neighbouring properties having regard to policy DM5 of the Worthing Local Plan.*

6. The Observation Wheel hereby permitted shall at all times be operated in accordance with the submitted Fabbri Giant Wheel Manual received 11 June 2024 unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** *To ensure satisfactory management of the facility in the interests of amenity in accordance with DM5 of the Worthing Local Plan.*

7. The foundation construction of the wheel hereby permitted shall be maintained in accordance with the details submitted to the Council's Technical Services department in February 2019 and with any further details as subsequently agreed in writing with the Council.

**Reason:** *To ensure the safe operation of the wheel.*

8. Not later than 3 months before the final cessation of the use hereby permitted, a scheme of work shall be submitted outlining all materials etc to be removed and details of the restoration of the promenade/beach. The approved details shall then be implemented in accordance with a timescale to be agreed in writing with the Local Planning Authority.

**Reason:** *In the interests of visual amenity and to ensure the site is restored to an acceptable condition in accordance with DM5 of the Worthing Local Plan.*

9. Noise emissions from all plant and machinery associated with the operation of the wheel shall be limited to a level not exceeding 50dB LAeq, 1 hr between 07.00 - 22.00 and 45dB LAeq, 5 mins between 23.00 - 07.00, measured at the boundary of any residential property on Marine Parade. Where extraneous ambient noise precludes direct measurement then measurement shall be taken at a point closer to the wheel and a subsequent calculation be made to determine the noise levels at any residential property on Marine Parade.

**Reason:** *In the interests of the amenities of neighbouring properties in accordance with policy DM5 of the Worthing Local Plan.*