

Planning Committee

Date: Wednesday 4 February 2015

Time: 6:30pm

Venue: Gordon Room, Worthing Town Hall, Chapel Road, Worthing

Committee Membership: Councillors Joan Bradley (Chairman), Vicky Vaughan (Vice-Chair), Michael Cloake; Edward Crouch, James Doyle, Diane Guest, Kevin Jenkins and Hazel Thorpe

NOTE:

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail heather.kingston@adur-worthing.gov.uk before noon on Tuesday 3 February 2015.

Agenda

Part A

1. Declarations of Interest / Substitute Members

Members and Officers are invited to make any declarations of disclosable pecuniary interests that they may have in relation to any items on this Agenda. The declaration should refer both to the nature of the interest as well as its existence.

Members and Officers may seek advice upon any relevant interest from the Monitoring Officer prior to the meeting.

Any substitute members should declare their substitution.

2. Confirmation of Minutes

To approve the minutes of the Planning Committee meeting of the Committee held on 7 January 2015, which have been emailed to Members.

3. Items Raised Under Urgency Provisions

To consider any items the Chair of the meeting considers urgent.

4. Planning Applications

To consider the report by the Director for Customer Services, attached as Item 4.

5. Public Question Time

To receive any questions from Members of the public in accordance with Council Procedure Rule 11.2

(**Note:** Public Question Time will last for a maximum of 30 minutes)

Part B – Not for publication – Exempt Information Reports

None

For Democratic Services enquiries relating to this meeting please contact:

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For Legal Services enquiries relating to this meeting please contact:

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Duration of the Meeting: Four hours after the commencement of the meeting the Chairperson will require the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.



Planning Committee
4 February 2015

Agenda Item 4

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWD/1277/14 Recommendation – Approve

Site: 64 Sea Lane, Worthing

Proposal: Demolition of single storey side extension and change of use of ground floor from chiropractic (use class D1) to form a single dwelling and the construction of 3 x two storey dwellings, including construction of new vehicular access, alterations to the existing vehicular access, associated works and landscaping (including felling of TPO trees).

2

Application Number: AWD/0815/14 Recommendation – Approve

Site: Queens Lodge Guest House, 2 Queens Road, Worthing

Proposal: Change of use from (use class C1) guest house to house of multiple occupation (10 rooms).

3

Application Number: AWD/1581/14 Recommendation – Approve

Site: Land at 6-8 West Avenue, Worthing

Proposal: Demolition of existing dwellings (6-8 West Avenue) and redevelopment to provide 4 no. 4-bedroom plus 3 no. 3-bedroom townhouses and 2 no. 2-bedroom flats (9 dwellings in total) with 16 no. parking spaces/garages (amendment to AWD/1465/12 for revisions to external materials).

4

**Application Number: AWD/1412/14 Recommendation – Refuse
& Enforcement Report**

Site: 15 Wyke Avenue, Worthing

Proposal: Retrospective application for trellis fixed to existing front garden wall on north/east boundaries.

5

Application Number: AWDM/0798/14 Recommendation – Approve

Site: 11 Church Way, Worthing

Proposal: Retention of 1.6m high boundary fence along eastern boundary (retrospective).

6

**Application Number: AWDM/1448/14 Recommendation – Approve
& AWDM/1449/14**

Site: Busy Bees Playgroup, The Old Palace, Glebe Road, Worthing

Proposal: Application to re-surface play area with 40mm all-weather play surface in Eggshell colour and Listed Building Consent.

7

Application Number: AWDM/1461/14 Recommendation – Approve

Site: Tamara Guest House, 19 Alexandra Road, Worthing

Proposal: Change of use from Bed and Breakfast to Class C3 single dwellinghouse.

8

**Application Number: AWDM/0713/14 Recommendation – Approve
& AWDM/0714/14**

Site: Rose Cottage, 202 Salvington Road, Worthing

Proposal: Demolition of existing conservatory and erection of attached 2-bedroom dwelling on north side and associated alterations to existing cottage and Listed Building Consent.

9

Application Number: AWDM/1310/14 Recommendation – Approve

Site: Sea Lane Café, Marine Crescent, Worthing

Proposal: Covered seating area to south elevation.

10

Application Number: AWDM/0018/15 Recommendation – Refuse

Site: 30 Beaumont Road, Worthing

Proposal: Application for consent under Worthing Tree Preservation Order No.21 of 1975 to fell one Sycamore tree T1.

11

Application Number: AWD/1425/14 Recommendation – Approve

Site: Kiosk 2 Chalet, Beach Parade, Worthing

Proposal: Single-storey extension to north elevation of Coast Cafe to provide additional seating and new kitchen.

12

Application Number: AWD/0048/15 Recommendation – Delegate for approval subject to the expiry of the consultation period on 12 February

Site: Worthing Leisure Centre, Shaftesbury Avenue, Worthing

Proposal: Extend existing car park on eastern boundary to provide 22 extra parking spaces with associated gates and realignment of fencing. Provision of 20 cycle parking spaces to south of leisure centre.

Application Number: AWDM/1277/14

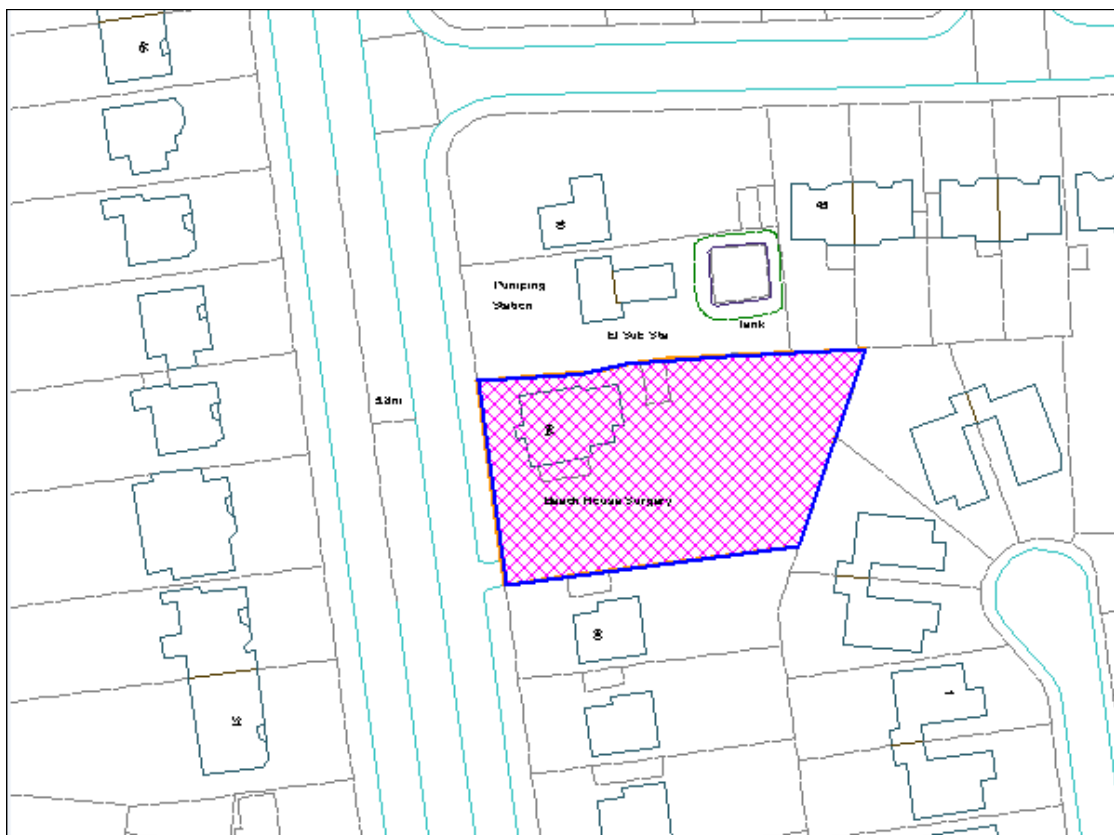
Recommendation – Approve

Site: 64 Sea Lane Worthing West Sussex BN12 4PY

Proposal: Demolition of single storey side extension and change of use of ground floor from chiropractic (use class D1) to form a single dwelling and the construction of 3 x two storey dwellings including construction of new vehicular access, alterations to the existing vehicular access, associated works and landscaping (including felling of TPO trees).

Applicant: J W Stratton Ltd
Case Officer: Peter Devonport

Ward: Goring



Not to Scale

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Introduction

Consideration of this application was deferred at the 7th of January meeting of this Committee in the interests of transparency and fairness following requests from affected neighbours and in recognition of the level of public interest in the application.

The full draft minutes are set out elsewhere on the agenda.

In the interim, the report has been updated and corrected as necessary.

Site and Surrounds

The plot is located in a pleasant and leafy, inter war, outer suburb within the Goring Hall estate area. The area is characterised by a mix of large detached and semi-detached houses, in generally deep plots and on a common, set-back, building line. The older art deco influenced styles are more prevalent to the north, generally featuring hipped roofs and, often, flat roofed elements, white rendered walls and critical windows whilst later brick faced and occasionally gabled roofed houses tend to predominate to the south.

The site comprises the distinguished large Victorian detached villa known as Beach House at the front (west) and sitting forward of its neighbours and its grounds to the rear (east) and side (south). Later additions to the house are a modern conservatory on the southern side and a detached hipped roofed garage to the rear. The house contains typical period features with pitched roof, shed windows, white rendered walls and drops down to single storey at the rear. It is identified as a Local Interest Building.

Beach House was occupied, latterly, as a GP surgery and now as a chiropractor and the landscaped grounds are principally used for car parking. There are semi mature trees and shrubs close to the southern, eastern and northern boundaries, generally of limited intrinsic value.

The site is rectangular and essentially flat and 0.153 hectares in size.

Vehicular access is from the southern end of the site off Sea Lane but there are two separate pedestrian entrances to the north. There are no on-street parking restrictions.

Sea Lane is a dual carriageway with extensive mature tree planting along its wide soft landscaped central reservation, though mainly large shrubs directly opposite the site, as well as in the front gardens of the adjacent houses. The highway itself is designated as an Environmental Area of Special Character. The street frontage of the plot is marked by a low flint wall (with piers by the entrances) and generous planting. This includes two Judas trees, covered by TPOs and a pine tree.

To the north is a pumping station with the main works disguised as an inter-war two storey detached house typical of the area with hipped roofs and faced in render and brick. This is set back in the site. The common boundary here is a 1.5 tall, flint and brick wall, rising to 3 metres at the back.

To the south is 60 Sea Lane, a detached brick-faced, inter war house which has added a two storey extension on its northern side, the ground floor of which incorporates an integral garage and a single storey extension at the rear. The facing flank of the house contains a door and window to the garage/utility room. The common boundary is formed by a low brick wall and hedge/planting at the very front; and 1.8 m tall timber fence and planting, including several trees/shrubs by the garden.

To the east are the back gardens of the 1950s bungalows of Nos 9 and 10 Sandown Close. The bungalows are situated at the head of a cul de sac and are arranged at angles to the site. No 9 is the closer (between 7 and 9 metres to the common boundary) and principally faces west towards the site with its bay to the lounge, separate bedroom window and French doors to its conservatory and patios all so orientated. A window serving a bedroom in the loft also faces westwards. A 1.8 ms timber fence marks the boundary with the site, supplemented by one small shed in the SW corner and a much larger (6 ms long) pitched roof shed just off the NW part of the boundary.

No 10's main orientation is north and has just added a sun room extension. Its flank windows mainly serve non habitable rooms. The boundary is marked by a 1.8 ms tall fence with planting behind.

The Proposal

The current scheme has evolved through pre and post-submission negotiations.

The scheme is to demolish the single storey rear extension, side conservatory and detached garage and convert the Beach House to a 4 bedroom house. Three new detached house would be built in the grounds – a 3 bed detached, two storey house at the front (plot 2) sitting to the south of Beach House and set forward of No 60, and, also, a pair of four bed houses at the rear (plots 3 and 4). Vehicular access would be re-sited to the centre of the site between Beach House and plot 2 and run in a straight line to form a central courtyard for parking and turning at the back.

Each house is provided with two parking spaces in the form of tandem undercroft parking for plots 2, 3 and 4 and open parking on the north side of the courtyard for Beach House. All have back gardens and plot 2 and Beach House have sizeable front gardens. The access and courtyard are paved.

All the new houses face westwards to Sea Lane. They are described as pavilion houses in a contemporary architectural style and appear to be influenced by the International movement in their simple, cuboid form and clean lines. They all feature flat roofs and piloti style columns with undercroft and ribbon windows and plots 2 and 3 also corner windows. Plot 3, additionally, incorporates a cuboid oriel window at the front and an angled oriel at the rear. They are faced principally in render, plots 3 and 4 having mainly brick ground floors with some limited use of timber panelling and anodised metal framing.

All the new houses contain solar panels on their roofs

Many of the existing trees and shrubs are removed, including one of the Judas trees which is the subject of a Tree Preservation Order and a pine tree at the front. However, several are retained including the southernmost preserved Judas tree and the cherry and holm oaks trees outside Beach House and by the NE boundary next to No 10 Sandown Close. Additionally, extensive replacement planting is proposed comprising a sweet gum at the front; a stilted beech hedgerow and 3 semi mature beech trees on the eastern boundary with No 9 Sandown Close and additional tree screen on the southern boundary with No 60.

The application is supported by a Design and Access Statement, Planning Statement, arboricultural statement, ecological survey and landscaping strategy.

Planning History

WB/224/89 Outline application for the erection of 13 x one-bedroom and 8 x two-bedroom sheltered flats. 64 Sea Lane. Refused 1989

WB/90/0580 Outline application for the erection of one detached house with garage. Plot south of 64 Sea Lane. Refused 1990

WB/91/0620; Change of use from single dwelling to doctors surgery together with ground floor extension and alterations to implement the use. 64 Sea lane Approved 1991

WB/02/01091/FULL: Change of use from a Doctors surgery to a single dwelling house approved 2002

WB/03/00562/FULL: Conversion, extension and alterations to form seven self-contained flats with car parking and associated site works. Approved 2003.

WB/08/0235/FULL Variation of Condition No. 1 of WB/03/00562/FULL to extend development period for another three years for refurbishment of existing Victorian house (currently used as a Doctor's surgery) with new wing extension forming 7 no. self-contained flats. Approved 2008

11/0277/FULL Application for a new planning permission to replace an extant planning permission (WB/08/0235/FULL) in order to extend the time limit for implementation for refurbishment of existing Victorian house (currently used as a doctors surgery) with new wing extension forming 7 number self-contained flats. Withdrawn 2011

Extract from Applicant's supporting statements

Design, Form, Appearance and Layout

The NPPF attaches great importance to the design of the built environment (paragraph 56). Good design is seen as a key aspect of sustainable development.

Planning permission has already been granted for a total of seven flats at the site which included the provision of a large two storey 'wing' extension to the existing Victorian property, which was proposed to extend significantly to the rear and side of the dwelling and in close proximity to the southern boundary.

The current proposals for the site have been developed following a close analysis of the planning history and the opportunities and constraints of the site and the surroundings.

The site area is significantly larger than the adjacent or surrounding plots of land. Most surrounding dwellings are located centrally within the site area with only a small distance at either side to the site boundary. The existing Victorian property is situated within the northwest corner of the site with a significant amount of land

located to the side (south) and rear (east). The rear boundary extends beyond the rear boundary of other properties in the area.

The existing Victorian dwelling is traditional in character, with some architectural merit however it has been unsympathetically extended throughout its history. The planning permission for seven flats would result in a further addition which arguably would not lead to an enhancement to the original character of the property by virtue of the significant width and bulky two storey form of the proposed 'wing' extension which would extend across the full width of the site and in close proximity to the southern boundary.

The previous planning permission resulted in a much denser form of residential development on the site, with a density of around 46 dwellings per hectare (46 dph) a development footprint (Gross External Area) of 427m² and a Gross Internal Area of 788.5m². In comparison, the proposed four dwellings result in a density of 26 dph, a GEA of 364.3m² and a GIA of 623.6m². As such, although the numbers of dwellings will increase on the site, the form of development is much more spacious and of a higher overall design quality than the previous scheme. For ease of reference, these figures are tabulated below:

Floor Area Comparison between the Approved Scheme and the Proposed Scheme 2003 Consented Scheme (approx.)	2014 Proposed Scheme	Difference	
Total Gross External Area (i.e. footprint)	427sqm	364.3sqm	62.7sqm
Total Gross Internal Area (all floors)	788.5sqm	623.6sqm	164.9sqm

Within the existing curtilage there is a significant amount of hardstanding which provides car parking for the existing property; this is located to the side/rear of the existing dwelling. A large rear car parking area also formed part of the previous planning permission for the site. The proposals present an opportunity to offer significant environmental improvements at the site derived from the removal of this inefficient hardstanding parking area and the comprehensive redevelopment of the site which is supported by a high quality soft landscaping scheme to encourage wildlife and general biodiversity within the site.

As such there is considered to be an opportunity to provide a more efficient use of the land in this location in a manner which would enhance the street scene, the character of the existing property and the surroundings.

Plot 1 (The existing property)

It is proposed to remove the existing single storey additions that have been constructed to the side and rear of the property in order to restore the existing dwelling to its original form.

The existing dwelling is a period property with traditional proportions and a symmetrical appearance with two large bay windows to the side elevation. The existing glazed conservatory that has been constructed to the side of the dwelling is considered to conceal the traditional bay windows and detract from the character and appearance of the property.

Single storey pitched roof additions have been constructed to the rear of the property. These extensions are not considered to complement the character of the traditional Victorian property, owing to their modern pitched roofs and the relationship of the roofs to the rear elevation.

Their removal would be beneficial to the character and appearance of the existing dwelling and would take the opportunity available for improving the character and quality of the property as encouraged by paragraph 64 of the NPPF.

Plot 2

As discussed above, there is a visual gap that currently exists between the existing dwelling and No. 60 Sea Lane which is not akin to the general rhythm of the street scene along this part of Sea Lane. The existing property consists of a Victorian period dwelling, whilst No. 60 Sea Lane is a more modern addition.

As such the space to the side of the existing property and the differing design approaches to the north and south of this land are considered to lend itself well to a contemporary design approach. This presents the opportunity to clearly preserve the character and appearance of both properties whilst offering a high quality design solution in its own right.

Plot 2 is a clear response to the neighbouring dwellings and is the mother to the two pavilions at the rear. The materials, placement and scale respond to the context. The simplicity of the plan combined with an interlocking three-dimensional geometry, has produced a rich internal spatial sequence where sunlight penetrates into every corner of the building.

Plot 3 and 4

A linear approach has been adopted for plots 3 and 4 which allows the buildings to become 'groundscrapers' therefore minimising the visual impact of the dwellings owing to their low overall height. This approach also allows the façade to be maximised to open up to the private rear gardens.

As with Plot 2, the detailed design of these properties situated to the rear of the site takes into account the amenities of neighbouring properties through the design of openings, heights and layout.

Consultations

Environmental Health Officer

Potentially contaminated land condition required.

Highway Authority

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Local Development should be considered to be advice only, with respect to this planning application.

West Sussex County Council was consulted previously on Highway Matters for this location under planning application no. AWDM/0227/11 to which no objections were raised.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

The proposal is for 4 dwelling units with access onto Sea Lane via a new access point. From an inspection of the plans alone, there is no apparent visibility issue at the point of access onto Sea Lane, which is a classified 30mph dual carriageway. The proposal has had supporting evidence submitted in the form of swept paths for each of the parking areas and the Highway Authority accepts these as evidence those vehicles can enter and exit using a forward gear.

The most recently available verified accident records reveal there have been no personal injury accidents in the vicinity of the existing point of access, indicating a low risk of highway safety issues with this proposal.

There are no anticipated Highway safety concerns with this proposal, subject to the following conditions.

CONDITIONS

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

Representations

45 representations have been received objecting to the application and subsequent revisions from local residents, principally from Sea Lane but also Sandown Close and Nutley Drive/Close.

- The design of this development is not at all in keeping with the area. Not one property that inhabits this side of sea lane is built over three floors. I feel that this development is totally out of balance with the character of Sea Lane. There are no other residences in the road that marry in with this and it will appear completely out of place in a wonderful residential street full of 1930's charm and style. Even the Pumping Station has been designed to blend in with the surrounding houses. The existing house and garden are an asset to the area.
- I recognise their link with the Art Deco which does feature in the architecture along and around the road, but those "ice-cube" carbuncles are not in keeping with the bay-windowed, soft-edged, rounded grace of the 1930s examples that make Sea Lane one of the nicest streets in the town.
- The revised proposed buildings are still totally out of character with neighbouring properties with their flat roofs and cuboid and box like appearance - in fact they are downright ugly and it would be like having a development of glazed town centre car park or bunkers plonked in what is a very nice plot totally detracting from the history and character of Beach House,
- The scheme is not dissimilar to the recently refused scheme at 30 Marine Drive.
- The removal of mature trees to be replaced with ugly and "futuristic" buildings should not be allowed, as this would have a detrimental effect on the ambience and character of Sea Lane.
- The house at the North end of Sea Lane has been stated as a precedent. However that building which cannot be seen from the roadside was already in existence - it was not a new-build. The other house at the South end of Sea Lane and quoted as a precedent for a 3 storey building is still in keeping with other properties in the area.
- I think the design for the two front houses is okay, the contemporary house is not in keeping with other properties in Sea Lane but this is not necessarily a bad thing, although I believe it is too high and should be reduced in height.
- Plot 2 - objection to height and design. The proposal is for a 3 floor house, with a flat roof and white rendering which is out of keeping with neighbouring houses in the locality. Neighbouring houses have 2 floors, pitched tile and external brick walls. The proposal would detract from the visual amenity of the locality.
- Plot 2 - position. The proposal is for a detached house with a west facing elevation in front of the building line of the neighbouring houses (60-52 Sea Lane) in the locality. Maintaining this building line was an important consideration when approving the planning applications for neighbouring houses (60-56 Sea Lane). The proposal would detract from the visual amenity of the locality.
- Plots 3 & 4 - objection to design. The proposal is for 2 houses with a flat roof and white rendering which is out of keeping with neighbouring houses in

- the locality. Neighbouring houses have 2 floors, pitched tile and external brick walls. The proposal would detract from the visual amenity of the locality.
- Plots 1-4 density of houses. The proposal is for a 4 detached houses on the 64 Sea Lane site. This density of properties and occupancy is out of keeping with the neighbouring properties and locality. The proposal would detract from the visual amenity of the locality and represent an overdevelopment of the site.
 - Beach House is a treasured house to those of us who live in the area. It is an example of "old Goring" and should be preserved along with its fine flint wall and important trees. It was built deliberately to have seaward view and this would be replaced by view of a blank, brutalist rendered wall. It is one of the oldest properties in Sea Lane once owned by Sir Victor Johnson. Each time I walk past the house, I get great pleasure from looking at this beautiful house and imagining life along the lane in 1887 - you might think that's sentimental rubbish but I believe holding onto that historical charm is worth fighting for.
 - If Beach House was being developed into a lovely family home again, that would be a different story - preserving it for the enjoyment of families who will see their quality of life uplifted by living in such a glorious home in a beautiful tree-lined home, minutes from our beach and greensward. I would be happy for the existing property to be developed into two houses fronting onto Sea Lane with back gardens just as the other existing dwellings in Sea Lane do.
 - I love walking around Goring and catching sight of the odd piece of flint wall that still stands from the Goring Hall estate. The walls around Beach House and the section within the gardens are beautiful. Will these be destroyed as part of the development?
 - I understood that the front of the Houses in Sea Lane have not been allowed to make alterations over the years in an attempt to preserve the original concept of the road, this development doesn't fit with that at all and I hope the council will not permit it.
 - If profit is what life is all about, why do we love natural beauty so much?
 - I am sure the development company are keen to squeeze in the max dwellings possible for financial gain, but I do not feel building in the garden is correct, either environmentally or socially. The new houses are crammed into a very small area.
 - This will be an overdevelopment in atone already blighted by the effects of over development. There are no other plots in Sea Lane with 4 properties on. If the plans are approved it would set a precedence for 3 storey buildings and overdevelopment within the local area, changing the character of Goring. There is serious cramming in these proposals. I recognise that this is probably about profit but do these developers (local aren't they?) ever consider the impact that these overdeveloped small-plots have on current residents?
 - This also has a danger of setting a precedence for future bright eyed builders thinking of making a quick buck!! This has already happened within the close vicinity of beautiful detached houses being demolished and fancy over priced flats being erected. This is not why people move to this area, they move here for the beautiful detached houses and space between them, not crammed in rabbit hutches.
 - While Worthing loses more residences, the properties built are unobtainable to them, mostly built with London's requirements or retirement villas for the

wealthy older home owners increasing pressure already at breaking point on surgeries, hospitals and police.

- Block out light and view from the rear
- Sandown Close residents must be in depression at the thought of losing natural light and privacy. The house next door (60 Sea Lane?) must be equally distraught at his loss of light and the possible overshadowing by this seemingly selfish and perhaps greedy proposal.
- The real danger here is that this would set a precedent for future planning proposals in the area. Overpriced, rapidly-built flats appearing on what was once a beautiful detached property with beautiful gardens. Will Sea Lane be filled with these kinds of developments? Probably - with cars double-parked along the roads and people reminiscing about those times when we could take a walk and be completely at peace along a tree-lined street displaying lovely houses and gardens, reminders of "old Goring" and eventually arriving at our beautiful and unspoilt beach and greensward.
- I am aware the council is keen to provide housing stock but I feel the proposed development is not in keeping with the neighbourhood and is unfair on current occupiers
- I am not happy with the idea of creating a cul de sac road off of Sea Lane to serve this development as the cars in and out will create additional noise in the surrounding gardens, bearing in mind the cars will be driving into an area where the existing houses have bedrooms and private gardens. More traffic will egress from the plot onto what is becoming a busy, fast and noisy road. Insufficient parking.
- Impact on privacy of garden and home at 10 Sandown close from North easterly buildings and also noise & light impacts issues on my property. All of the existing houses in Sea Lane are built near the road with a large garden at the rear giving distance & privacy to the property whose boundary is at the bottom of the garden. The proposed plans do not do this. There have recently been a lot of beautiful mature trees removed from 64 Sea Lane. Thus already altering the landscape. Having recently moved to this area I personally do not want the loss of the trees, light, downland views and peace and quiet in the back garden
- Harm to privacy and natural light of 9 Sandown Close and small garden
- I haven't received any letters from the council about these plans for 64 Sea Lane & found out from a neighbour.
- Trees of considerable age were felled several weeks ago and the proposal to fell an additional beautiful ornamental tree on the west side of the existing property is disgraceful.
- What about the trees? I believe that some of these are preserved - especially the locally renowned Judas Tree. I trust that these will remain? If they don't, then surely any preservation order is worth nothing. I may have to consider setting up my tent too - in the grounds - as a peaceful protest. TPOs are there for a good reason and not for the inconvenience of developers or residents. Loss of trees is pure vandalism and contravenes DOE guidance on purpose of TPOs. Loss of plants which form part of the lungs of the area. The TPOs were placed in the trees in response to a refused 1989 application.
- Given the number of mature trees on the site I am concerned that an arboricultural report is not included and in my opinion the application should not have been validated without one, refer to question 15 on the application

form. The purpose of such a report is to show how the retained trees will be protected during development and after without causing damage to them.

- The trees to the back of the plot are to be used to create privacy. There is no guarantee that they will not be felled in the future. We also have concerns with regards to being overlooked given the fact several trees that occupied the garden at 64 Sea Lane have already been felled.
- 60 Sea Lane; object to revised development on the grounds that the plot 2 would still block light to the window at the rear of our kitchen, there is over development of the site as compared to neighbouring gardens in Sea Lane, would cause loss of privacy and noise to us (as one of the neighbouring properties) especially during the evenings and at weekends when the site is now very quiet, would cause loss of evening sun during summer months in our rear garden and would cause TPO trees to be removed thereby making us wonder what the point of applying TPOs to trees is in the first place. Further, I cannot see any reference to what the height of the panels on the roof will do to raise the height of the properties. Again, we ask that this development goes to a full planning meeting rather than being railroaded through by planning officers who, as stated in the paperwork, have already given advice to the architects on what they think is acceptable and would be passed! We would also ask how the designers of the properties are allowed to keep changing their minds over the plans and adapting the plans to what they think the neighbours would want when they are clearly not going to have to live next door to them! Our question is - does this mean that the designers of the proposed new properties are being given advice from the planning department informing them of what is acceptable
- Noise, dust and disturbance whilst it is being built
- The revisions make no difference.
- Concrete causes problems for surface water drainage
- The decision to retain the existing Victorian building as a single dwelling is very pleasing and should be commended. Unfortunately the remaining buildings have been designed and located in a thoroughly unsatisfactory manner.
- The application shows images of other buildings in the locality that have been built using similar box-like designs in order to support the application. It is true there are a small number of similar designs nearby, but none of those shown are immediately visible in Sea Lane.
- The design of the other three box buildings may be modern but the style is such that it neither matches nor complements existing properties nearby. The rear located buildings are not dissimilar to Portakabins on stilts.
- I appreciate there is a shortage of housing in the South East, but this application appears to cram too much into one site and is unsympathetic to the area.
- I believe the application should be rejected and would prefer to see an application that incorporated modern features and building materials using a locally sympathetic design and layout.

The Ilex Conservation Group has also objected:

With respect we strongly object to the proposals in the application for the below reasons and wish the planning committee to take account and have due regard of our objections.

Firstly, the proposed development is in no way whatsoever in keeping compared with other properties in Sea Lane or any other property in the general vicinity of the Sea Lane Goring residential area. The design and the appearance are over-bearing and out-of-scale in terms of general appearance and character to Sea Lane and also Goring Hall properties. Therefore, the proposed development would have an adverse impact on the residential amenity and public view of all properties and have a wider and greater and substantial impact on the wellbeing of the neighbourhood.

Secondly, relating to the effect of the development on Preservation/ Conservation Areas' and the clear fact that a Preservation Order protects trees on the development area. There is a clear legal duty here not to allow unacceptably high density and overdevelopment of residential areas especially if it involves loss of garden land or the open aspect of the neighbourhood for bird and other wild life. We wish to point out that 64 SEA LANE is such a property with such feature aspects and contains unique tree aspects which are protected and whose destruction must surely be unacceptable as it runs counter to the very preservation order issued upon the trees to protect them against such proposed development in the first place.

Thirdly, this type of high density development of existing residential areas within existing settlements compared to the size of the house as originally built and is not in keeping with the our countries National Planning Policy Framework Strategy. That is, the desirability of preserving and enhancing the holistic character and appearance of the whole Sea Lane Goring Hall neighbourhood for existing residents and for future generations, for perpetuity.

We have viewed the proposals for this application and raise our objections as follows on the grounds of overdevelopment, scale, design, visual impact, loss of open aspect and overall adverse effect on the residential amenity:-

No 64 Sea Lane, formerly known as the Beach House Surgery is a local interest building identified on the Borough's approved list and contributes to the character of the local area. As such we are pleased that the proposals return the building envelope to an approximation of the original construction. As a local interest building, however, we consider that the setting, including landscaping, is extremely important in order to complement and enhance the building. The proposals, including the removal of trees subject to a TPO, detract from this setting.

Buildings of the age of 64 Sea Lane and older tend to be located closer to the highway boundary than later additions; indeed some may be adjacent to the pavement such as 201 Goring Road. The main development of Sea Lane took place from the mid-1930s and the building line set then and followed after is further from the highway than 64 Sea Lane and the proposal for Plot 2. We consider that all new construction in Sea Lane should conform to the later building line.

Plot 2, consisting of a three storey cuboid design property is out of character with the predominantly two storey pitched roof properties in Sea Lane and the Goring Hall estate in general and is discordant and detrimental to the local visual amenity. It does not respect local context and street pattern. We also believe that its proximity to No 60 Sea Lane will result in overlooking, loss of privacy and loss of light to that property.

In a similar way, Plots 3 and 4 are an unacceptable increase in plot density, are visually obtrusive, give an impression of an overcrowded site when viewed from Sea Lane and in design bear no relationship to the existing buildings in Sea Lane and Goring Hall. The addition of Plots 3 and 4 provide a courtyard or mews development where there is no immediate local precedent but which, if approved, must lead to further pressure on local garden land for similar projects.

The area in and around Sea Lane gains much of its ambience from the open aspect afforded by the central tree line and the space around properties. This is even more pronounced in the area around the proposed development with large corner plots and the space and placement of the pumping station, together with the site of No 64. The loss of this open aspect of the neighbourhood and loss of existing views from neighbouring properties would adversely affect the residential amenity of local and neighbouring owners.

We believe that, for four bedroom properties, the car parking provisions for Plots 2, 3 and 4 are inadequate in that they require the cars to be parked in line. In practice, people are averse to this type of layout and for convenience will park where either car may be readily moved. In this instance, that means in the road adding to the hazards for motorists, pedestrians and cyclists. In addition, the traffic movements stated for the current use of the building are theoretical assumptions. To have real meaning, we believe that the actual movements should be observed over a number of different periods.

Earlier in this letter the loss of trees is noted. Although mention of an arboriculture report is made in the supporting statement, we are surprised that a full report is not included in the submission documentation in which we would expect the identity of trees to be retained and protected. We are also given to understand that rare plants from British Columbia have been planted by a former owner and again, we would expect the landscaping proposals to identify these and their proposed future on the site.

Revisions

Since our earlier letters of objection and comment on the planning application and design statement, it seems that the proposals have been amended and further drawings added on the Planning website.

We note that the top floor of Plot 2 has now been omitted resulting in a two storey building which in this setting of predominantly two storey properties is a far preferable option. However, our comments and concerns regarding the design and placement of this and Plots 3 and 4, together with our remaining objections to the scheme including plot density still remain.

In our earlier correspondence we raised our doubts as to the adequacy of the parking provisions and our belief that in general use only one space for each plot would be taken for parking, the road being used for any further requirement. Now that the drawings include sweep path analyses, we believe that our fears are confirmed by the extremely tight manoeuvres required to use these spaces as shown in the various analyses. The revised drawings still do not show the effect of the roof mounted solar panels on any of the elevations.

Design and Access Statement

Under site description, the statement mentions the bungalows behind the site and uses these to example "a plethora of architectural styles". Development affecting these bungalows is important to them but the architectural styles should relate to the main street view in Sea Lane.

Regarding public transport, the statement refers to the site being near to Goring railway station. This is a brisk 15 minute walk away — not unreasonable but we would not class that as near.

We would disagree with the statement of a "density commensurate with the overall local area" when considering Sea Lane. This may be true of the wider area when taking flats developments within a 10 to 15 minute walking distance but not of the general density in Sea Lane.

The statement considers "some successful local examples of infill development on constrained sites, most notably at 130 Sea Lane behind the Mulberry public house." This property, not visible from Sea Lane at all and only partially visible from other locations, was the conversion of an existing garage block with workshop or storage over which at one time belonged to the Mulberry public house rather than a new infill property. The conversion retained the overall form of the garage block.

The statement mentions the approved scheme for 7 flats which it describes as "a large bulk of building is incongruous within the context of Sea Lane". Although we agree that the building would be large, we consider the design to be far more sympathetic to the site and neighbourhood than that drawn in these current proposals.

The statement promotes "quality examples of modern pavilion houses". We consider that in the right setting, these may be a useful addition to the housing stock but Sea Lane is not the right setting. We note that the examples given are either stand-alone large properties set in generous grounds or are part of a seemingly large development of similar styled properties. As such they would not necessarily prove as incongruous in their setting as they would in Sea Lane.

Regarding the relevance of "local" examples:-

130 Sea Lane, we have already commented on above regarding its history of conversion and current relevance- to the Sea Lane street scene:

Sea Lane House, Kingston Gorse. This Bauhaus inspired property, although having pavilion influences is also softened by the addition of curved balconies, sits on a

large corner plot largely screened by trees and is as much renowned for its original custom interior fittings as its external envelope. It could also not be regarded as local to the Goring Hall estate.

Vista Mare. This new development also has the benefit of curves to lessen the impact of what could otherwise be regarded by some as a rather brutal exterior. In design it does sit comfortably with some of the other large developments on this part of the sea front but this should really be viewed against the legacy of overly large and ugly apartment developments from earlier decades. Sea Lane is predominantly two storey pitched roof housing.

A Hesketh Estates property in Sea Lane. These and similar larger properties in Sea Lane do have a proportion of flat roofs over the curved front bays which are a particular design feature but the main roofed portion of these houses is conventional tiled and pitched. The example shown appears at some time to have been extended over the garage and has an infilled porch. The remaining elevations to these properties have more regular proportions to their glazing. The rendered finish is relieved by flashing, plinths and render detail which, when picked out in a contrasting colour, softens and adds interest to what otherwise could be a rather stark exterior.

1 Sea Lane. This is given as an "example of a prominent 2.5 storey house". Until recently, this was of a more conventional design but sadly the roof was remodelled under permitted development rights, compounded by the regrettable approval of the high level balcony which again was initially decided to be within permitted development. We do not consider this and its continuing piecemeal development to be a desirable adaption of the local housing stock and do not consider that the addition of dormers and what was originally described a "Juliet balcony" at that level to be a precedent for three-storey development in Sea Lane or, indeed, in the Goring Hall estate as a whole.

In the design development section, emphasis has been made on attempting to fit the maximum units to the site rather than to provide something sympathetic to either the original No 64 or to later neighbouring buildings. This is most evident from the use of the most horrendous photographic example of a pitched roof property when seeking to discount pitched roofs.

Section 4 proposes that the development will be "very well integrated with its immediate surroundings and appropriate for its setting, particularly relevant where relating the proposals to the neighbouring buildings". This is, naturally, a matter of opinion depending upon whether the proposals are being promoted or the status quo sought. We believe, however, that the development will not integrate at all with its surroundings, is not appropriate for its setting and will not relate in any way to the neighbouring buildings save for the rendered finish.

Regarding layout, as we have mentioned before, we consider that the placement of Plot 2 is too far forward of the existing building line for the majority of Sea Lane. We consider that Plots 2 and 3 with their forward projecting upper floors are overbearing in their feeling of movement towards Sea Lane, in their bulk viewed from the angled space between the pumping station and site and in their west elevations together with No 64 and Plot 2 forming a nearly solid wall when viewed from the street.

Section 6, commenting on scale refers to the site's "individual identity" and "prominent visual references" which emphasises our concerns that the development will stand out rather than integrate with the local neighbourhood.

Under appearance, the statement proposes that the dwellings have been influenced by the historic developments in the locality and that overall the houses compliment their surroundings. We would dispute this but also note that the elevations, street views and architects views do not show the solar panels proposed except on the roof plans. Unless they are laid flat, these panels will no doubt be visible above the roof lines so raising the apparent heights of the dwellings given in the application documents.

It is noted that lighting will be designed to limit impact. There is no doubt, however, that there will be an impact on the neighbours and street scene much above that from the current use of No 64. We believe that before any approvals are considered, this should be thoroughly explored and agreed in order to reduce this possible nuisance.

There appears to be a discrepancy regarding shared vehicular and pedestrian access which the statement notes to be 4.5m whereas the drawings indicate 5.65m. We would hope that the drawings show the correct width and take precedence over the written dimension in the statement.

The conclusion that the proposed design "protects fully the amenities of existing and future residents and would lead to an enhancement of the visual character and appearance of the immediate area" we wholly disagree with for the reasons laid out in the preceding paragraphs and in our earlier letter of objection.

We believe that there may be a case for a second detached property to be built within the confines of the site of No 64 Sea Lane but also that to achieve an acceptable solution, a more sympathetic design should be introduced taking into account the comments from the local neighbourhood.

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; and 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 issues raised by this proposal are:-

- The principle of residential development including loss of community facility, housing need, dwelling mix and density

- Impact on amenity of neighbours and amenity of new dwelling occupiers
- Quality of the design and impact on local character and townscape
- Parking and access arrangements
- Other environmental impacts

The Planning Acts require the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Core Strategy, including Worthing Saved Local Plan policies, comprises the Development Plan here but the Government has accorded the National Planning Policy Framework considerable status as a material consideration which can outweigh the Development Plan's provisions where such plan policies are out of date; or silent on the relevant matter or at variance with the National Planning Policy Framework.

The Council's self-assessment of the Core Strategy's Conformity with the National Planning Policy Framework demonstrated that, in many respects, the Council's key Development Plan conforms closely to the key aims and objectives of the Framework. However, it is acknowledged that in response to the requirements of the Framework and informed by local evidence it is clear that the Council needs to assess the housing delivery strategy set out in the current Development Plan. Work is currently being progressed to address this.

As such the proposal should be principally assessed against saved Worthing Local Plan Policies H18; BE25, TR9, and RES7, Core Strategy Policies 7, 8, 9, 11, 13, 14, 15, 16, 17 and 19; the National Planning Policy Framework and allied Practice Guidance; Worthing Borough Council Supplementary Planning Document on residential space standards and residential development in accordance with the above.

The principle of residential redevelopment including loss of community facility, housing need, dwelling mix and density

As a community facility, the loss of the chiropractors currently operating from Beach House is regrettable and is resisted under Core Strategy policy 11 in circumstances where there is an unmet need. However, it is noted that the property was in residential use up to relatively recently and the principle of re-conversion to residential use was accepted under the recent 2008 planning permission. The surgery previously operating from the premises has subsequently relocated to Sea Place and it is reported that the current incumbent chiropractor's lease expires in December 2014 and that the clinic intends to relocate within the locality and has sought to identify and agree terms with more suitable premises. On this basis the loss of premises is acceptable.

Turning to the principle of residential use, the development of this windfall site would make a welcome, if small, contribution to the town housing provision and play its part in helping sustain economic recovery. However, given the small size of the proposal, it is not critical to the delivery of the Core Strategy's current housing targets, even against the background of the proposed Plan Review.

The broad location is acceptable in an established residential suburb within the urban area, albeit peripheral, and supported by necessary infrastructure.

The development itself is on part greenfield land (i.e. soft landscaped parts of the grounds), and part on brownfield element (i.e. Beach House and garage and hard surfaced car parks).

The principle of development on the brownfield land element plainly accords with planning policy which assigns such sustainably located land as a priority for residential development.

By the same token, clearly, the greenfield land is also sustainably located but the acceptability of the loss of this area also hinges on the importance of the land in question as an environmental resource/green infrastructure. Here it is noted that the grounds do form part of a moderately large stretch of green space composed of domestic gardens but these have no special scenic, strategic or special wildlife value. Importantly, a large area of soft landscaping would remain and the continuity of the stretch not significantly diminished. Whilst a number of mature trees covered by Tree Preservation Order trees are to be felled, this is compensated for by replacement planting. The adjacent Environmental Area of Special Character is not directly affected.

The principle of residential development was, of course, accepted in 2008 under Planning permission WB/08/0235/FULL, and, though this consent has expired, it is still material.

These factors all point towards the principle of residential development on part greenfield land here being acceptable.

The form and mix of the development accords with Core Strategy Policy 8 which lends support for provision of additional dwellings where they comprise limited infilling by predominantly family housing within suburban areas. The fact that the scheme would enjoy a strong public frontage and is designed as a small cul de sac rather than a wholly backland development also conforms with the preferred approach of the Residential Development Supplementary Planning Document.

The density is low at 26 dwellings per hectare but the development still makes efficient use of the site in terms of site coverage and habitable rooms and is at /close to the margins of acceptability in its present form. A more dense development would be out of keeping with the character of the area.

The proposal meets the requirements of adopted Supplementary Planning Document on residential space standards in terms of floorspace and garden size.

As such, the proposal conforms with the adopted spatial strategy and meets the broad tests for sustainable development in the National Planning Policy Framework (National Planning Policy Framework) and accordingly, otherwise, enjoys the presumption in favour of such development in the National Planning Policy Framework.

However, the acceptability of any particular scheme depends upon its specific circumstances, which are considered below.

Quality of the design and impact on the character and appearance of the area

This is an attractive residential suburb with its own character derived for the most part, from the scale, layout and greenness of the suburb and prevailing period, domestic, architectural style, though it is not entirely homogenous.

Nonetheless, this part of Sea Lane is not a Conservation Area, nor Beach House statutorily listed. The only relevant special designations are; firstly, the dual carriageway and verge of Sea Lane which is a designated an Environmental Area of Special Character under Saved Local Plan Policy BE25; secondly, Beach House's designation as a non-statutory, Local Interest Building; and, thirdly, the Tree Preservation Orders on the property. These designations have due weight but, in the main, the proposal falls to be assessed under Core Strategy policy 16 and the National Planning Policy Framework.

In terms of layout/form, the proposed small courtyard/cul de sac is untypical of the immediate area but is an established suburban form which is appropriate for this shaped site and integrates well into the pattern and character of development. A strong street frontage is maintained, and, whilst it would be preferable to stagger plot 2 slightly behind Beach House and less forward of No 60, the building line is generally respected.

Importantly, the distinguished Beach House (Heritage Asset) is retained as the signature building on the site. Indeed, the unsympathetic side conservatory is removed and the decorative flank bays fully exposed, creating added visual interest. Adequate breathing space around the building is kept and the attractive front flint wall retained.

Following negotiations to remove the third storey to plot 2 and still further reduction in the height of the parapet, the scale, footprint and spacing of the new houses is sympathetic to the streetscene. Views to plots 3 and 4 at the rear are more limited but the central vista formed by the access road is successfully closed by these houses and with a welcome flourish in the form of the cuboid oriel window to plot 3.

The rear courtyard is not cramped, and, together with the vehicular access, laid out in attractive block paving and helps domesticize the scene.

Whilst several trees and bushes are lost overall, the verdant character of the forecourt is, nonetheless, kept by retention of many of the key trees, and new and replacement planting. The loss of the preserved trees is regrettable but their public amenity value is not so great that it outweighs the aggregate benefits.

Although adjacent to an Environmental Area of Special Character, it is clear from the description of the Sea Lane designation in Appendix 6 of the Local Plan, that its designation as a *Street of character (is) limited in area to highway width (and its) character stems solely from dual carriageway alignment with retained mature trees which flanked original lane and formed original boundary of Goring Hall estate.* As such, whilst Saved Local Plan Policy BE25 indicates *All development within an*

Environmental Area of Special Character, as shown on the Proposals Map, will be required to reflect the particular character of the area concerned. Development which would adversely affect existing features which contribute to that character will not be permitted. No adverse effect would result from the relatively minor proposed works to the actual highway. Nor would the character of the plot's street frontage be changed to the extent that it affected the setting of the Environmental Area of Special Character.

To this extent, the layout and scale display a sense of place and contribute to the character of the area.

Although contemporary, the architectural style of the new houses is inspired by the interwar, International style, exemplified by Le Corbusier's Villa Savoye. This is clearly at odds with much of the prevailing, domestic style in the suburb and deeply unpopular with the many objectors. However, the style has its own aesthetic merit and can honestly draw upon elements of local vernacular in the art deco features a number of nearby houses possess as well as the precedents, not too far away, of other modernist-inspired new residential developments such as Vista Mare at Western Drive; Aurora at Eirene Ave; and Blue Waters Ferring. The detailing to plot 2 has been refined following negotiations.

In the context of the site and the proposed layout and with the signature Beach House retained, this style is not considered incompatible with the character of the area. Indeed, through its quiet and uncomplicated form and generally sympathetic palette, it would complement and offset Beach House, adding surprise and interest. Arguably, it would enrich the street scene. The setting and architectural value of Beach House as a Heritage Asset would not be harmed.

The sustainable construction is welcome and the solar panels on the roof would not be obtrusive due to their siting and height and the new dwellings' parapets.

It is important to note that, though planning policy seeks to reinforce local distinctiveness and following the local vernacular can often be critical to this, Core Strategy policy 16 indicates that *where appropriate, innovative or contemporary design will be welcomed*. Likewise, The National Planning Policy Framework advises that; *Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles*.

This is underlined by the recent experience of the scheme to remodel a hipped roof art deco villa in a very prominent location nearby (30 Marine Drive) in a cuboid contemporary, modernist style not dissimilar in many ways to the current application, albeit on the seafront. This was allowed on appeal, the Inspector commenting;

There is no doubt that it would be striking and decidedly contemporary. It would break away from the more traditional dwellings which predominate on the Goring Hall Estate. However, the area is not a Conservation Area nor is it protected by any bespoke local policy and I have come to the view that the scheme would not harm the character of the area but would enliven it. There are a number of less traditional

house designs along the Goring and Worthing seafront (or close thereto) including various modernist and art deco style buildings. Seeing contemporary flat roofed properties in conjunction with pitched roof properties is becoming more common and in fact this particular development would be seen in part against the two storey flat-roofed element of no.4 Arlington Avenue. Whilst it is proper to seek to promote or reinforce local distinctiveness, in this case the diversity of house designs (which include houses with flat roof elements) and the fact that distinctiveness is often gleaned from interesting individual villas along or near seafronts leads me to conclude that this particularly innovative scheme should not be stifled.

The impact on the amenities of neighbouring occupiers

The site is not large but the scheme has been sensitively designed to try and minimise impacts.

The three properties most potentially affected are the house at No 60 Sea Lane to the south and the bungalows at 9 and 10 Sandown Close to the east.

Whilst Plot 2 sits forward of No 60, the nearest part of plot 2 is actually single storey and the ground floor of No 60 is, at this point, a garage and the only north facing window in the, otherwise blank, northern flank of No 60 serves the garage/utility area. Plot 2 is also north of No 60 and set back from No 60 by over 2 ms. There are no windows in the facing southern flank of Plot 2 serving habitable rooms, except a small section of wrap around window at first floor level. However, given the primary west aspect of the bedroom served by this window, its distance from the front bedroom windows of No 60 and the oblique angle of any such views, the impact is considered to be negligible.

Plot 3 is adjacent to the back garden of No 60 but the closest element is single storey and set off the common boundary by around 2 ms whilst the two storey element is set back around 7 ms. There are no windows in the south facing elevation of Plot 3, and, although a couple of existing trees close to the boundary would be felled, replacement screen planting is proposed. The parking area for plot 3 is on the north side of this house and in undercroft form, and so, remote from No 60.

In these circumstances, no unacceptable harm to the outlook, privacy or natural light or quiet of No 60 would result

Plot 3 drops down to single storey at the rear and this part is just under 7 ms from the common boundary with 9 Sandown Close at its nearest point and around 15 ms from the bungalow itself. The upper storey of plot 3 is set back further and a separation distance of between 16.5 and 21ms is achieved between it and the bungalow. There are east facing windows on the upper floor of plot 3. However, the closest window has, by negotiation, been angled away to look NW, away from the sensitive areas of the garden and bungalow and views to the garden from the other upper floor windows would be effectively screened by No 9's large shed located next to the common boundary. The current boundary trees/shrubs would be lost but replaced with screen planting in the form of a hedge and 3 semi mature trees.

No unacceptable impact on privacy, natural light or quiet for No 9 would ensue. Some loss of outlook would certainly occur until the screen planting had fully established, even given the relatively low height of plot 3 for a two storey building (at around 12 ms), white render finish of plot 2 and the fact that plot's footprint/orientation means its falls way from No 9. On balance, however, this is acceptable. The screen planting may be secured by condition. This will need to recognise that after 10 years or so the new trees will begin to outgrow the site and the new beech hedge will have grown to the extent that it provides all the necessary screening.

The impact on No 10 Sandown Close would be still less as a result of the separation distance of 21 ms at the closest; the orientation of No 9 and its layout and fenestration and the retention of the existing screen planting.

Parking and access arrangements

The site is in an outer suburb but reasonably sustainably located, less than 500 ms to the Mulberry Neighbourhood Shopping centre and a similar distance to nursery and primary schools and church and is served by bus No 8 and the seafront is around 300ms away.

The vehicular access is slightly re-sited but the Highway Authority raises no objections. At two spaces per dwelling, the parking provision is adequate to meet demand, bearing in mind the long street frontage provides space for additional visitor parking as necessary. The parking spaces themselves are tight but satisfactory. Cycle parking may be customised to meet future occupiers own requirements.

Other environmental impacts

The loss of several trees is regrettable but unavoidable given the basic scheme concept. However, replacement planting at the front would help compensate for the loss of one of the Judas trees and the pine tree, whilst the trees lost at the rear are of indifferent quality or dead, unprotected in themselves and replaced by new planting.

The site is not in a flood risk area and sustainable drainage may be secured by condition.

A land contamination condition is required.

Comparisons with previous schemes

Whilst the test of the current application is whether it is acceptable in itself, comparisons with the 2008 (lapsed) consented scheme for 7 flats are inevitable.

Both the site coverage and the overall gross floorspace were larger in the previous scheme. In terms of perception of scale of development, it is noted that the previous scheme was arranged as a short terrace, doglegging from the rear of Beach House and across almost the full width of the site – a form untypical of the area. The southern end of the terrace accordingly was sited alongside much of the

garden of No 60. The previously consented scheme was also taller as a result of the hipped roof form and ran its service road along the boundary with No 60. Its large car parking area (11 spaces), was sited adjacent to the rear gardens of Nos 9 and 10 Sandown Close. The previous scheme was in period style to blend in with Beach House and the terrace set back to try and minimise impacts on its setting, though it was physically attached. The previous scheme provided 7 x one bedroom (each with study).

Conclusions

The principle of residential development has long been established here and the loss of the chiropractors is acceptable. The proposal makes efficient use of this reasonably sustainably sited site and meets a recognised need for family housing. The scale and layout is respectful of local character, and, whilst the architectural style contrasts with much of the local vernacular, it would complement the townscape. Some neighbour amenity impact is inevitable but, on balance, the scheme is acceptable. Access and parking are satisfactory.

Recommendation

Grant planning permission subject to the following conditions

1. Implement within 3 years
2. Built in accordance with approved
3. No new windows in flank or rear elevation upper floors or roof of new dwellings and proposed upper floor flank windows to be obscure glazed
4. No development until site management plan approved including siting of plant, materials and parking; dust suppression; and site waste disposal.
5. No dwelling hereby occupied until the allied garden and parking areas have been provided.
6. No dwelling occupied unless and until surface water drainage details agreed and implemented.
7. The vehicular access to be surfaced, designed, laid out and constructed with visibility splays; sight lines turning areas and lighting in accordance with agreed plans before any new dwelling is occupied.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as subsequently amended), no dwelling shall be extended or altered in any way or new outbuilding erected over 5 cubic metres in size.
9. Compliance with ecological protection plan.
10. No occupation unless and until agreed details of boundary and hard landscaping plans implemented and agreed details soft landscaping implemented within first planting season after first occupation and retained trees protected and landscaping retained and replaced as necessary.
11. Approve facing materials and architectural details prior to implementation and build in accordance with approval.
12. Agree details of siting and design of domestic waste storage and access for refuse collection vehicles and provision thereof.
13. No construction works outside of 8am to 6pm Monday to Friday and 9am to 1pm Saturday and no working on public holidays
14. Approve details of lighting

15. Land contamination study/remediation as required agreed prior to commencement of development and implemented.

Background Papers

Observations of the Environmental Health Officer
Observations by the Highway Authority
Representations by Members of the public

4th February 2015

Application Number: AWDM/0815/14

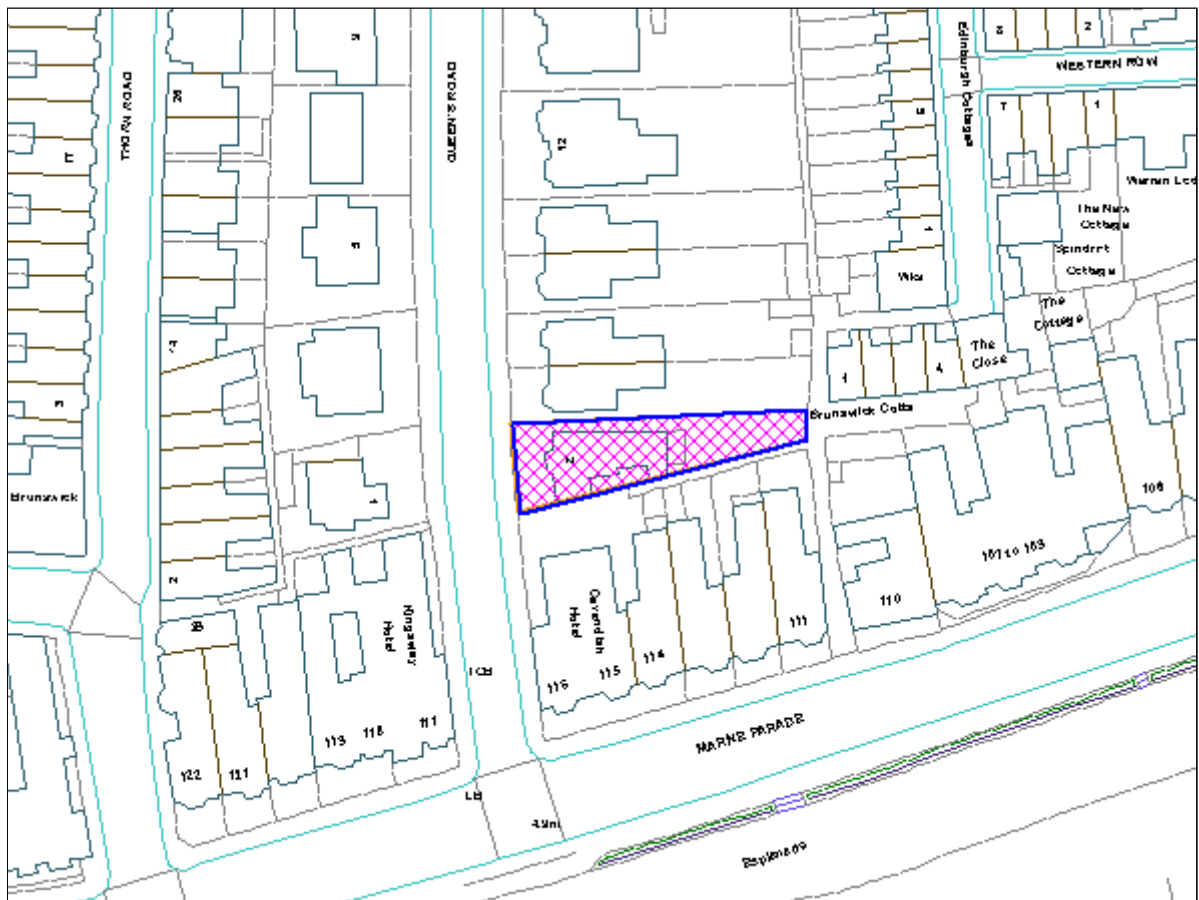
Recommendation – Approve

Site: Queens Lodge Guest House, 2 Queens Road, Worthing, West Sussex BN11 3LX

Proposal: Change of use from (use class C1) guest house to house of multiple occupation (10 rooms)

Applicant: Carley Houston
Case Officer: Peter Devonport

Ward: Heene



Not to Scale

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Introduction

This application was considered at the Committee's meeting of 10.12.14 where it was deferred *to seek additional evidence regarding the number of HMOs in Heene ward; to seek the views of Sussex Police, including statistics for any crime related to HMO's in the area, and re-consult Community Safety on the basis of any additional information submitted.*

The minutes of the meeting record the events and discussion as follows:

The Planning Services Manager advised there had been further representations with a supplementary letter stating the applicant had no experience with Houses in Multiple Occupation (HMOs) and did not live locally. There was also a third letter of support received stating accepting this proposal was better than another empty property.

The Planning Services Manager gave a brief outline of this application to the Members advising the property sat on the western fringe of the town centre and close to the seafront in a mixed residential area. The property was mostly vacant currently with just one occupying part of the property.

There were further representations received from:

Ward Councillor: Councillor Paul High

Objector: Sally Haggis

Supporter: Carly Houston

Courtney Marshall

Dominic Hyde

The Members discussed the proposal, with some concerned at having another multi occupancy property in an area where it was perceived to be deprived. There was also limited parking and they felt there was a saturation with this type of property.

However, the Officer felt the impact of the loss of the premises on the town's visitor economy would be marginal with the property failing to attract any offers in the two and half years it had been marketed. It was agreed this would be a large HMO but the character of the proposed HMO was not considered to be significantly different to the historical use of the property and could be more neighbourly than a guest house.

After due consideration, the Members decided to overturn the Officer's recommendation for approval and defer for the Officers to further research and provide evidence on the need for HMOs.

The additional information has been obtained and the report has been updated accordingly.

Site and Surroundings

This is a detached Victorian house subsequently extended and altered for various private hotel/HMO (House in Multiple Occupation) and institutional uses since at least the 1970s and latterly used as a guest house annexe to the diagonally opposite Kingsway Hotel.

The property is suited on the western fringe of the town centre and very close to the seafront in a mixed residential area, comprising older large houses converted to flats; some family houses, and, at the southern end by the seafront, visitor accommodation. The Victorian and Edwardian houses which predominate along Queens Road are characterful and attractive and the seafront architecture is particularly striking, grand in scale being three and half storeys tall and rendered in white with period features.

Queens Lodge is a distinguished building of three floors with period features including front and side gables bays rendered walls and not dissimilar to its neighbours to the north. Its last authorised use in 2000 was as a house with 3 bedrooms let for B&B. It appears to have been run as such but latterly also in association with the adjacent Kingsway Hotel. The applicants report it ceased trading as B&B in February 2014. Currently, it is only partly occupied by, it is understood, contractors employed by The Kingsway Hotel.

Vendor details report that internally, the property is laid out to provide six guest bedrooms/areas all of which benefit from a sink basin although one of the rooms has an en-suite shower room. The guest bedroom/areas are arranged over first and second floors. The ground floor is laid out to provide two living areas (front and rear). The rear ground-floor flat benefits from its own kitchen and conservatory with access to the rear garden.

Its forecourt is open and a hardstanding provides parking for up to 5 cars.

The entrance is from Queens Road.

The internal layout is labyrinthine but predominantly served by a corridors/stairs along its north flank. A single storey flat roofed side extension has been added on the south flank and it appears a two storey flat roof extension at the rear. A side passage runs to the north adjacent to the converted neighbouring house. A solid wall variously supplemented in parts by taller trellising runs along its length. There is a reasonably sized rear garden, overgrown, which is enclosed by substantial walls and fences and a twitten at the rear.

The property is mostly vacant currently, just one guest occupying part of the property.

To the south is the former Cavendish Hotel, now vacant and the subject of development pressure. This tall building contains windows in the facing elevation on all floors and is close by.

To the north is a converted Victorian house with garden flat. It's facing elevation contains windows on all floors but the garden flat is screened partly by a trellis and wall.

To the rear, beyond the twitten (east), is the flank of Brunswick cottages which contains at least one facing window.

A Conservation Area runs to the south and either side of the property.

Proposal

The proposal is to convert the building to a 10 room HMO. All will have en-suite rooms but share two kitchens, one on the ground floor and the other on the first floor. The accommodation is arranged as four bedsits on each of the lower floors and two in the attic.

No external changes are shown, save provision of a waste bin and cycle store (unspecified capacity) by the north boundary just in the rear garden.

Internal changes are restricted to rationalising existing space.

Space for 4 cars is shown in the forecourt. The rear garden is communal but landscaping is unspecified.

The application is supported by a brief marketing statement.

The applicant indicates that they are in close discussion with the H.M.O. officer and the Housing officer to clarify her target tenants and they will likely be people in their 40's to 50's who cannot afford their own flat with its associated costs but want to live in good accommodation in a shared house situation.

She intends to look for tenants who wish to settle there and stay long term, which I trust will allay your fears of it being more of an hostel type of environment.

Supporting Statement

Following on from the planning committee on the 10th of December 2014, I would like to clarify a few points and also address some concerns that were raised at the meeting.

MY POSITION AS THE APPLICANT

There was confusion over who the applicant was. Ward Councillor, Paul High was incorrect in thinking that the applicant was the current owner, Courtney Marshall. To confirm I am not the current owner of the property, however I have agreed to buy it (via Michael Jones Estate Agents) and I have entered into a legal agreement with the owner, whereby if/when my planning application is approved, I will complete on the purchase. I am a full-time property investor (investing since 2009) and have a portfolio of properties that I predominantly manage myself (including 3 HMOs) My intention with 2 Queens Road is to refurbish it to substantially improve the standard and professionally manage it as a fully licensed & regulated HMO. All rooms will be en-suite, which in my experience helps to avoid issues, as tenants are not sharing washing & toilet facilities. This also encourages tenants to settle longer. My purpose is to provide good quality, well managed accommodation to people who simply can't afford to live in a flat on their own along with all the associated costs that come with it.

TENANT TYPE

The tenants are likely to be single people in their 40s or 50s. This age range is my preference as a landlord as the tenants are generally quieter, easier to manage and stay longer. However I do not intend to discriminate and if I feel a tenant is suitable but falls outside this age range, I would still consider them for a tenancy. The importance is in choosing the right tenants, regardless of age, nationality or social status. All tenants are fully vetted and only offered tenancies if deemed suitable. I can confirm this will not be a student house.

ALTERNATIVE USES OF THE BUILDING

I would ask the committee to consider what alternative uses the building could have if not granted the change of use to a licensed & regulated HMO, which, in my view, is the best use for this property.

FAMILY HOME – To convert this building to a single dwelling family home would require extensive refurbishment works and change of use planning permission– This is a very large commercial building and does not lend itself to being a single family home. There are a number of large family homes available on the market in very good condition. There is also less demand for large houses so they often take a long time to sell.

CONVERSION TO FLATS –It is not financially viable to convert the building into flats. Taking into account, the cost of purchase, cost of conversion and the end value of the development, there is no profit to be made. This is further evidenced by the fact that the property remained on the market for approx 2 years with the only genuine offers from investors who wanted to convert it to an HMO.

GUEST HOUSE – The property would need a very extensive renovation to bring it to a standard that could compete with other B&Bs and hotels in Worthing. I believe this makes it financially unviable. As stated by the agent, there was no interest or offers from buyers who wanted to run it as a Guest House. It was noted in the planning officers report that there is dwindling demand for Guest Houses due to the introduction of more desirable hotels.

TEMPORARY/EMERGENCY ACCOMMODATION - In my opinion, this is the only conceivable usage for this building if it is not given planning permission to be an HMO. The building's current Guest House status and usage history would likely mean it could legally be used as such without the need for planning permission. Whilst this would not be my first choice, it is an option I would consider and consult with the Council on if my application is refused.

CONCERN OVER CONCENTRATION OF HMOS IN THE AREA

Worthing does not have a planning policy on the concentration of HMOs. However, please note that other Councils who have adopted an Article 4 direction to control this, usually state that there is only considered to be an over concentration if 10% or more of all dwellings (including flats) within a 100m radius are C4 HMOs. There are no licensed HMOs within 100m of 2 Queens Road. I believe there are currently only 31 licensed HMOs in the whole of Worthing & Adur.

Planning History

00/00368/FULL: Change of use of part of property from a single dwelling to a guesthouse (three bedrooms) granted conditional consent in June 2000.

99/00658/FULL: Change of use from residential care home to a single dwelling house

99/00101/FULL: Change of use from Night Shelter and Hostel to a Residential Care Home for five residents for a temporary period permitted in 1999.

Consultations

Environmental Health Officer

The proposed layout and use of the property will make it a House in Multiple Occupation, subject to Part 2 of the Housing Act 2004 i.e. mandatory licensing. Subsequently, the owner will need to apply to the Council for a licence, and must be a 'fit and proper person' i.e. have no relevant criminal offences. We (Environmental Health) will inspect the property to ensure it is free from serious hazards and complies with the additional standards required for all HMOs before a licence is issued. The property can be licensed for a maximum of 5 years at which point a new licence will need to be applied for. A licence is not transferable so anybody else wishing to run the property would be obliged to apply for a new licence. Breach of licence conditions can result in a licence being revoked and the Council placing an Interim Management Order upon the property, whereupon they or their appointed agent will take control of the property and collect rent. The same is true if the Council refuses to grant a licence.

The Council is required to maintain a Public Register of all licensed HMOs which includes address details for the person operating the HMO.

All HMOs fall under the Management of Houses in Multiple Occupation (England) Regulations 2006 which specifies a number of duties, including a requirement to provide sufficient waste disposal facilities for the dwelling. Failure to comply with the Management Regs is an offence that can result in prosecution.

The applicant, Ms Carly Houston has contacted me to discuss the HMO requirements and the suitability of this property as an HMO, and I inspected the premises prior to her purchase. Her submitted plans reflects the advice given and on paper appears to provide a sensible layout. Further support will be available from the Private Sector Housing Team as needed. I believe that Ms Houston is well-intentioned and intends to comply with the legislation, and I am optimistic that the property will be managed properly. It is my experience that well managed and maintained properties tend to have fewer problems with tenants, such as antisocial behaviour.

I have no objection to planning permission being granted and believe that there are sufficient legislative controls to ensure that the property is maintained.

Supplementary comments

1. *Any further comments you may have on the points raised by concerned neighbours*

- I do not have any data to be able to evidence the extent of antisocial behaviour in HMOs, and therefore cannot prove or disprove whether such behaviour is increasing in HMOs.*

However, where people are living in higher density and sharing facilities then I agree that there is an increased likelihood of antisocial behaviour occurring. The existence of this problem is evidenced by the provisions of the Housing Act 2004

which allow a local authority to introduce selective or additional licensing of HMOs (not just those that fall under the mandatory licensing description) in areas where there is evidence of persistent ASB problems, or where there is evidence that a significant number of HMOs in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public. The Department is always reviewing the merit of implementing additional or selective licensing within our area. This has to be signed off by the Secretary of State and is subject to public consultation, so would require evidence as well as public support and member support.

It is worth noting that where an HMO is licensed, it is subject to certain conditions. One such condition stipulates that landlords must supply to the occupiers of the house a written statement of the terms on which they occupy it i.e. Assured Short-hold Tenancy agreement. This gives the landlords power to evict tenants that do not comply with the terms of their tenancy agreement, which will usually include a clause about not being a nuisance to neighbours.

- It is not fair or accurate to assume that “The type of people that are normally living in such accommodation tend to be those that have no concerns for neighbours or what noise their own visitors”. Many people on low incomes are obliged to live in this type of accommodation as it all they can afford. I have encountered landlords who market their properties to single professional people who seek this accommodation and look for high-end, quality accommodation.*

It is therefore important that these properties are maintained so as to be free of serious hazards, the adequate number of facilities for the proposed number of households are provided, and crucially, that that they are managed well to reduce the risk of problems arising. These are things that the Private Sector Housing Team enforce.

- It is a requirement of both The Management of Houses in Multiple Occupation (England) Regulations 2006 and the mandatory licencing regime that there is suitable and adequate provision made for refuse storage and disposal.*

2. The views of the Police on the proposal and relevant crime statistics

No comments.

3. Information on any Local Action Teams or similar crime and disorder initiatives instigated by the Police in the vicinity , their remit and whether these include the Queens Road area and any issue with HMOs identified .

I am advised that the LAT covers the West End of town which is defined as the area between Crescent Road to the east, Heene Road to the west, Shelley Road to the north and the seafront to the south.

No complaints of crime and disorder regarding any one HMO have been brought to my attention and so I cannot offer any comment in respect of this matter.

4. *Information on the number of HMOs in the area and the borough and relevant trends.*

A desk top search on the HMOs recorded on the Environmental Health database indicates there are a total of 151 known HMOs within the boundary of the LAT. The total number of known HMOs across Adur and Worthing is recorded as 800.

This indicates a high concentration of HMOs in a relatively small area, but it is worth noting that only 40 of these properties are bedsits/shared houses, the properties most commonly associated as HMOs, with the remaining 111 properties being buildings that were converted into self-contained flats prior to 1991 (referred to as section 257 HMOs, these properties being defined by S.257 of the Housing Act 2004.) Focusing on the true HMOs, out of the 40 in this area, 10 of them are subject to mandatory licensing and have been duly licensed by this Authority. The condition of these properties varies, much the same as it does between owner-occupied properties, and so we use our legislative powers to ensure that these properties are at least free from serious hazards.

5. *Information on any need such HMOs meet*

There is an increasing demand for lower cost accommodation. In January 2012 eligibility for the single-room rate of Local Housing Allowance changed so single people under 35 years of age are now only eligible for the shared accommodation people on low incomes have to find affordable accommodation, which will normally be bedsits or shared houses. This type of accommodation is necessary.

6. *Information on our ability or otherwise to manage HMOs under non planning legislation*

HMOs are subject to the following legislation:

Housing Act 2004

Part 1 Housing Conditions – enables the LA to serve notices to address housing conditions where necessary.

Part 2 Licensing of houses in multiple occupation – specifies those properties that are subject to mandatory licensing must apply for a licence. These are essentially all properties that are three storeys or more and have 5 or more occupants living as more than two households. There must be sharing of basic amenities – toilet, personal washing facilities, and/or cooking facilities.

The Local Authority can grant a licence for a maximum period of 5 years, at which point a new licence must be applied for. A licence is granted to the owner, who must be a fit and proper person, and is not transferable i.e. a new owner/manager would need to apply for a new licence.

Operating a licensable HMO without a licence is an offence within a maximum penalty of £20,000 upon conviction.

This property would be subject to the requirements of Part 2.

The Management of Houses in Multiple Occupation (England) Regulations 2006

These regulations apply to all HMOs, not just those that require a licence, and cover various things that a person managing an HMO must do. These pertain to maintenance of the property and fixtures, such as the gas supply, electricity supply and water supply. It also includes a section that occupiers of the HMO must comply with.

Failure to comply with these regulations is an offence, with a maximum penalty of £5000 upon conviction.

Environmental Protection Act 1990

Section 79 specifies certain actions/events that may be statutory nuisance. Of particular interest is likely to be section 79 (g) which covers noise emitted from a premises so as to be prejudicial to health or a nuisance. If the Local Authority is satisfied that a statutory nuisance is occurring then it is obliged to serve an abatement notice upon the person responsible for the nuisance. Failure to comply with an abatement notice is an offence with a maximum penalty of £5000 upon conviction.

7. Whether the HMO is likely to pose a threat to local character amenity and law and order in the neighbourhood

No comments.

Any further comments you may have on the points raised by concerned neighbours

The owner/applicant Mrs Carly Houston has engaged with this Department prior to her purchase of the property. This is always encouraging, as it indicates a willingness and/or desire to comply with the legislation. She has taken on comments made by me relating to the layout, as well as consideration to sound insulation where changes are made

I have no reason to believe that Mrs Houston will not manage the property in a satisfactory way, however if problems did arise then I believe that we have sufficient legislative powers to ensure the issues are dealt with.

Tourism Officer

Consideration of the assessment criteria set out in the Sustainable Economy SPD would apply to the potential loss of this visitor accommodation so I'd like to see that be applied.

Highway Authority

This proposal seeks the change of use of a guest house to a 10 bed HMO. The site is located on Queens Road, Worthing, which is an unclassified road in a sustainable location within Worthing. The site is served by 4 car parking spaces which are to remain and serve the HMO.

It would be difficult to substantiate that a significant intensification of use would be occurring as a result of this application and therefore no highways concerns would be raised to the principle of this development.

With regard to vehicle parking the latest WSCC standard for a guest house would be 1 space per bedroom including staff bedrooms. From inspection of the plans provided it would be judged that the existing situation presents a slight under provision of vehicle parking by one space. For a HMO WSCC would advise that 0.5 spaces per bedroom so again there will be a slight under provision of one space. As this under provision does seem to be an existing situation and having regard for the sustainable nature of the site no concern would be raised.

On the proposed block plan the applicant has marked an area for cycle storage in the garden area of the site. This provision should be secure and covered. With regard to capacity, I would advise that communal storage for a 10 bed HMO the provision should be large enough to store 5 cycles. I would ask that plans and details of which be secured via condition.

No highway safety concerns would be raised.

Drainage Engineer

Site is in an area susceptible to surface water flooding, it lies partially in flood zone 3 and wholly in flood zone 2.

The existing property and front garden are also shown flooded on the Environment Agency historic data flood map, though that must predate me as I have no record of the area flooding

The revised Flood Risk Assessment is acceptable.

Community Safety

This area is not causing us any issues at present and is not an area for it.

I would really encourage the type of clientele that the applicant wants to attract as I think this would be beneficial to the area.

Supplementary comments:

The Local Action Team was set up by the Joint Action Group – this is a sub group of the Safer Communities Partnership (a statutory partnership brought together to reduce Crime & Disorder – formerly known as CDRPs). The area covered is not specific but is the area known as the West End of Town so is in real terms the area from Crescent Road (East) to Heene Road (West) and from the Seafront to Shelley Road (North).

The LAT was set up to tackle the crime and disorder issues in the area – most prolific was the drug dealing but there were also concerns about CCTV coverage, street drinking, the infighting between some of residents (mainly eastern European

groups) as well as the poor quality housing/ density and the types of people that that attracts.

Notes from the last meeting ...show.. there are clear issues with drugs and associated ASB – HMOs are an issue in the sense that there is a concentration of housing that is deemed poor.

Further to Allan Lowe's letter, please find below my comments:

- *The Local Action Team (a task and finish group) has primarily been set up to deal with the prolific dealing of drugs in the area, but has also raised issues around the general feel of the area as unsafe and not a place to live long term. The group is made up of Police, Council, Residents and Local Businesses in the area and there is concern that due to the amount of HMOs and seemingly poor quality housing available that the community is very transient, isn't attracting the "right" clientele who are invested in the area and want to stay.*
- *The LAT are trying to address the toxic issues that attract people to the area e.g. the telephone boxes, the cheap housing and for sale/ to let boards to name just a few.*
- *Residents feel that there is too much housing available and that there is not sufficient space/ resources to use another building for this purpose. There is also a lack of parking in the area.*
- *Environmental Health are looking at an area where there has been ASB issues that would benefit from a Responsible Landlord Scheme, and this area been identified as a suitable location.*
- *Some HMOs have been troublesome in recent times, mainly due to the nature of the placements. This has been of particular issue when care leavers/ independent living schemes have used HMO's and there has been little to no supervision for those who are very vulnerable/ unfamiliar with living without supervision.*
- *This area is particularly dense with HMOs and converted houses offered as flats.*

Environment Agency

The revised FRA states that the finished floor level of the existing and proposed is 4.94mAOD. This is above the predicted flood level for most flooding scenarios which include the presence of flood defences.

Normally we would expect new residential development to have finished floor levels set above the modelled 1 in 200 year undefended flood level for the year 2115. In this worst case scenario, a maximum of 300mm of internal flooding is possible.

However we recognise this is a change of use from one which already has a residential element. Therefore we have no objection to the proposed development.

Police Crime Prevention Officer/Inspector Lowe

From my perspective:

- *We have no formal objections to the presence of this new HMO. There is no evidence to suggest the presence will lead to an increase in crime and disorder, although our experience suggests some HMOs can be problematic and are not always desirable. However, this will very much depend on those who eventually occupy the building.*
- *Due to its proximity to Worthing Town Centre, Heene Ward suffers a level of anti-social behaviour*
- *incidents above most other Wards in Adur & Worthing. Up to 30/11/2014 it was showing a percentage -of 6.1% ASB incidents out of the 26 wards on A&W. It is the second highest ward across A&W for ASB with Central being the highest with 24.2%. The next highest in Worthing is Castle with 5.9% and the lowest is Offington with 2.3%. The proportion of crime is similar. (If further crime figures are required they can be obtained through the website "police.uk". Alternatively, the council's Safer Communities Team should be able to assist.)*
- *There is a Local Action Team in place which is addressing the general nature of the area and that includes Anti-Social Behaviour and the general negative feel in that part of the town. Queens Road is part of that area. It is part of the Safer Communities Partnership "Joint Action Group". Again, we have no strong evidence to suggest the HMO will lead the area to deteriorate further so, again, are not objecting on these grounds. However, we do have concerns about the wider issues in that area including impact of the street community and unlawful drug use/supply.*

From a crime prevention perspective I would like to direct your attention to Secured by Design New Homes 2014 document, annex B. Here you will find pertinent crime prevention / security advice for Homes of Multiple Occupancy (HMO) and student accommodation.

Representations

Six objections have been received from Marine View Hotel 111 Marine Parade; Flat 8, 112 Marine Parade; 19 Queens Park Terrace; owner of flat 2 Cavendish Court, Marine Parade; Flat 3, 4 Queens Road and 4 Queens Road.

- a) This will lead to a downgrade of the area which is trying to become a better area and already has its problems
- b) I believe that having multi occupancy in an area where there is limited parking is very short sighted. People with permits cannot park already.
- c) There is an increase in unsociable behaviour from multi occupancy dwellings close by and I feel this application if granted will be detrimental to the area for it could attract the wrong type of people to the area. With the new build being completed just along the road which is a very good addition to Marine Parade we do not need multi occupancy dwellings.

- d) There is an already diminishing number of hotels in the area. I feel the loss of yet another would be a deficit to Worthing as a tourist destination at a time when the local economy needs more visitors.
- e) The type of people that are normally living in such accommodation tend to be those that have no concerns for neighbours or what noise their own visitors may cause in the area. The Cavendish when still open was used in a very similar way and I was fully aware that people with criminal histories were housed there, fully aware also that they were still committing crime in the area.
- f) The rubbish disposal facilities being inadequate for such a densely populated building.
- g) There has been a great deal of work in Queens Road over recent years, with the majority of the large old houses now converted into flats. I don't object to redevelopment of this property per se, but the creation of an HMO with 10 new dwellings in such a small, space-restricted community seems excessive and unreasonable.
- h) Such a high number of new dwellings in this area will increase the population density in an already busy neighbourhood and will have a negative effect on the residential amenity and character of the neighbourhood with an inevitable increase in noise and disturbance.
- i) Concerns over ability of the applicant to manage the HMO if lacks experience, remote living and busy lifestyle.
- j) Concerns over uncertainties as to who the tenants will be.

One representation in support has been received stating this will avoid yet another run down and empty business/hotel.

Planning Appraisal

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; and

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.

The main issues for consideration are:-

- i) The loss of a tourist and principle of conversion to HMO
- ii) The impact on the amenities of future and neighbouring occupiers including anti-social behaviour.
- iii) Impact on access and parking.
- iv) Other environmental impacts

As such the proposal should be principally assessed against saved Worthing Local Plan Policies H18; TR9 and RES7 and Core Strategy Policies 5, 15 and 16, and The National Planning Policy Framework; The Adur and Worthing Hotel and Visitor Accommodation Futures Study (Dec 2013) and Adur and Worthing Tourism vision Action Plan and Supplementary Planning Document (SPD) Sustainable Economy.

Principle of loss of tourist accommodation and conversion to HMO

Core Strategy Policy 5 recognises an important role for the tourism/visitor economy in the town as part of a wider town centre and seafront renaissance and this is underlined by the Adur and Worthing Tourism vision Action Plan. To this end this policy resists the loss of visitor accommodation unless it can be demonstrated that such accommodation is unviable; is the only way of improving the accommodation and the alternative uses contribute towards the visitor/tourist economy. This is underlined by the detailed tests set out in Sustainable Economy SPD.

The National Planning Policy Framework is silent on tourism in seaside locations but as economic development is generally supportive. Its lack of clear direction indicates that Core Strategy Policy 5 should be given full weight.

The loss of tourist accommodation as proposed would run contrary to the Core Strategy, not the least because the premises are advantageously located in a popular tourism district, close to the seaside, town centre and other visitor accommodation.

However, the premises have only operated as tourism accommodation since 2000 and their contribution to the town's offer has been relatively limited. In this respect, the authorised guest house use is restricted to just 3 bedrooms in what is otherwise a house. For the past decade and despite being marketed as separate accommodation, the actual use of the whole property has been, in part, as spill-over and other accommodation in association with the adjacent Kingsway Hotel. The quality of the accommodation provided currently is certainly not high (several rooms lack en-suites) and the property appears rundown and in need of upgrade. Indeed, the character is more akin to an HMO than a quality B&B and the applicant reports that the B&B has proven to be unviable.

The impact of the loss of the premises on the town's offer and visitor economy would be marginal and must itself be seen against a background of recent restructuring of the sector in the locality with the closure of the adjacent Cavendish Hotel and proposed opening of a Premier Inn at the former Beach Hotel.

Submitted marketing information is scant and has excluded use of the specialist agents normally required. Nonetheless, the failure to attract any offers in the two and half years it has been marketed (apart from the current HMO proposal) does support the view that the continued use as tourism accommodation is unlikely to be viable.

The notional loss of the authorised residential accommodation would be difficult to resist as this effectively ceased over 10 years ago; was intrinsically tied up with the guest house and is likely to no longer be the lawful use of the relevant part of the house.

Turning to the proposed use as an HMO, there are no Development Plan policies directly governing provision of such accommodation. In these circumstances the National Planning Policy Framework advises that proposals should be supported unless *any adverse impacts of doing so would significantly and demonstrably*

outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Historically, planning practice has been to protect good quality HMO/bedsit accommodation where it exists, but to generally discourage extensive new market provision in favour of self-contained flats or studios (including, where suitable, family accommodation in recognition of established housing priorities), or, where appropriate, socially managed institutional provision. In this case the marketing evidence supports the applicant's statement that self-containment as flats or conversion to a house is not viable.

That said, it is recognised that HMOs/bedsits do meet a rising market demand for low cost, basic residential accommodation. The cost of accessing home ownership; the shortage of social housing to rent; economic hardship and the state of the economy, together with changes to the housing benefit system have all contributed to increased demand for this type of lower quality accommodation. Certainly, such accommodation has been and continues to be important for many of the poorest and most vulnerable in society. The demand for such accommodation in and around the town centre is evidenced by the increased registration of HMOs by Environmental Health Officer and granting of recent planning permissions at 2-4 Southey Road and is expressly recognised as such in the Environmental Health Officer's updated comments.

The impact on the amenities of future and neighbouring occupiers including anti-social behaviour

The proposal involves no significant external physical works and so issues such as overlooking between neighbouring properties would remain unaffected (the one north facing window serves a bathroom and the south facing windows largely look out onto the vacant Cavendish hotel, whereas Brunswick the cottages to the east are 23 ms away).

The main potential for impact would be the way in which the accommodation was used.

Certainly, this would be a large HMO. However, the planning history indicates that, with the exception of a very brief spell between 1999 and 2000, the whole of the property has been in continuous non-residential use from the mid twentieth century onwards, firstly as a hotel, then a HMO and from 1990 to 1999 as a night shelter hostel and briefly afterwards as a care home, before converting to a guest house in 2000.

The intensity and character of the proposed HMO use is not considered to be significantly different to the historical use of the property and would in many ways be more neighbourly than use as a night shelter and even a guest house.

Nonetheless, concerns are understood over potential impacts upon the predominantly residential character of the northern part of Queens Road through anti-social behaviour problems and changes to social balance. Further information and the views of the Police/Community Safety Officer and the Environmental Health Officer have been sought accordingly. These are recorded in full elsewhere in the

report and draw, to a significant degree, on the experience and aims of the Local Action Team which covers The West End of town (within which the site sits) as part of the Safer Communities Partnership "Joint Action Group".

The Police accept that Heene Ward suffers a level of anti-social behaviour, second to only Central Ward. They indicate the Local Action Team is addressing the general nature of the area (including Anti-Social Behaviour and its general negative feel). Whilst they do have concerns about the wider issues, including impact of the street community and unlawful drug use/supply, they report no formal objections to the presence of this new HMO. This is upon the basis that there is no evidence to suggest the new HMO will lead to an increase in crime and disorder, although their experience suggests some HMOs can be problematic and are not always desirable. However, this very much depends on those who eventually occupy the building. That said, reference is made to Guidance on designing out crime in HMOs through the Secure By Design scheme which discourages HMOs of more than 6 bedrooms. Undoubtedly, this is sensible advice but in the absence of any compelling evidence of crime problems directly related to HMOs, this would not justify refusal.

The updated comments of the Community Safety Officer and Environmental Health Officer generally echo this view. The Community Safety Officer explains the Local Action Team was set up to tackle the crime and disorder issues in the area, primarily drug dealing but there were also concerns including the poor quality housing/ density and the types of people that that attracts. HMOs are an issue in the sense that there is a concentration of housing that is deemed poor and that the community is very transient. Some HMOs have been troublesome in recent times, mainly due to the nature of the placements. This has been of particular issue when care leavers/ independent living schemes have used HMO's and there has been little to no supervision for those who are very vulnerable/ unfamiliar with living without supervision.

The Environmental Health Officer's updated comments confirm that there appears to be only 40 true HMOs (i.e. bedsits/shared houses) in the Local Action Team area. This is in the order of 2% of dwellings in the Local Action Team area and clearly represents a relatively low level of geographical concentration, whatever appearances. The Environmental Health Officer takes the view that there is no evidence of increased densities of HMOs leading to a greater level of anti-social behaviour occurring.

The abiding view remains that the risk of antisocial behaviour problems relates directly to the quality of the management. The Environmental Health Officer repeats that, in this case, the applicant has discussed the proposal with officers prior to purchase of the property and this indicates a willingness and/or desire to comply with the legislation. In this vein, the applicant has taken on board comments relating to the layout, and sound insulation. He sees no reason to believe that the applicant will not manage the property in a satisfactory way.

The supplementary supporting statement by the applicant appears to also give some reassurance in the face of previously voiced concerns by objectors. This indicates she is an experienced full-time property and investor and predominately manages her portfolio herself. Her intention is to refurbish the property and professionally manage it as a fully licensed & regulated HMO, with all rooms en-

suite. She explains tenants are likely to be single people in their 40s or 50s and all tenants will be fully vetted and only offered tenancies if deemed suitable. She confirms this will not be a student house.

Turning to the regulation of HMOs under other legislation, the comments of the Environmental Health Officer explain in detail the safeguards available under other legislation including Parts 1 and 2 of The Housing Act 2004; The Management of Houses in Multiple Occupation (England) Regulations 2006; and Section 79 of The Environmental Protection Act 1990. Indeed, because the property is three storeys, the more onerous mandatory licensing requirements of Part 2 of the Housing Act apply. This suggests such controls are adequate but he does further advise that there are powers under the same Act for Councils to introduce selective or additional licensing of HMOs in areas where there is evidence of persistent anti-social behaviour problems or allied ineffective management of HMOs. The case for such is subject to ongoing review.

In terms of planning controls, whilst some metropolitan authorities have plan policies governing *studentification* of certain neighbourhoods where problems related to character/ crime and disorder/ access to housing arise, the Council has no Development Plan policies which specifically seek regulation of HMOs and other uses such as care homes/hostels and facilities for vulnerable groups on such grounds. It may be appropriate to review the case for such (and any case for any allied Development Order to remove current permitted Development Rights which allow any house to convert to an HMO of 6 bedsits or less without the need for any planning application) in the forthcoming Core Strategy Review process but current indications of densities offer limited support for this.

That said, the neighbour amenity, including anti-social behaviour, is a legitimate concern on all applications and is subject to the general tests of saved Worthing Local Plan Policy H18 and The National Planning Policy Framework. However, from the above it is apparent that there is no compelling evidence of existing problems which would likely be unacceptably exacerbated by the proposal. Accordingly, a refusal along these lines would not be justifiable. Nor would it normally be appropriate to control such matters as type of tenants, especially given the controls available under other legislation, and it is noted that use as a hostel would require a planning application in any event.

The property provides an acceptable quality of accommodation in itself and also benefits from a garden.

Impact on access and parking

The site is sustainably located close to the town centre, public transport and local facilities.

Parking demand from an HMO in such circumstances is likely to be less than the standards prescribe and the four spaces in the forecourt are adequate. On-street parking is, in any event, regulated by the yellow lines outside and the Controlled Parking Zone.

Cycle parking in the rear garden may be secured by condition.

The Highway Authority raises no objections.

Other Environmental issues

The site is in a recognised flood risk area and the applicant has submitted a Flood Risk Assessment. This recognises the building and residential use is long established and no changes to the physical envelope or drainage are proposed. It recommends increased flood resilience/resistance measures, including use of flood proof materials in the fit out and electrics, boilers, chemical & fuel storage, should be at least 300mm above 5.24m AOD. The Drainage officer and Environment Agency consider this to be acceptable.

Conclusions

The loss of the tourist accommodation is regrettable but acceptable given its size, quality and history and lack of viability. An HMO is not out of step with the history of the property's use and the Environmental Health Officer is satisfied that the accommodation is adequate and there are satisfactory regulatory controls to avoid harm to neighbours. Neither the Police nor Community Safety Officer raise specific objections and there is no compelling evidence of existing anti-social behaviour problems which would likely be unacceptably exacerbated by the proposal. Access and parking are acceptable and the Flood Risk Assessment is approved.

Recommendation

Approve subject to the following conditions:-

1. Three years to implement use.
2. Implement in accordance with approved plans.
3. Fit out in accordance with Flood Risk Assessment recommendations.
4. No new windows in upper floor of north elevation.
5. Agree and provide cycle parking and domestic waste storage

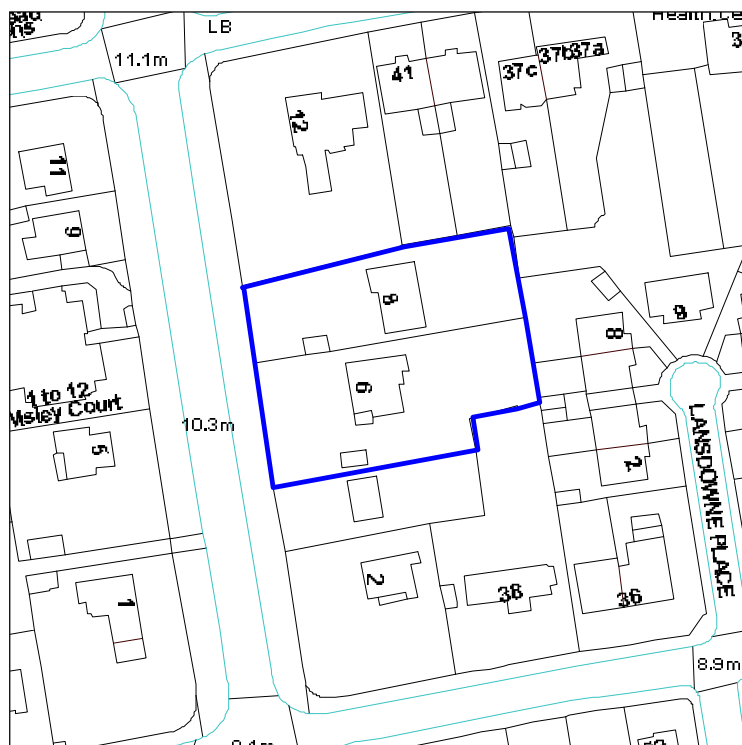
4th February 2015

Application Number: AWDM/1581/14

Recommendation – APPROVE

Site: Land At 6-8 West Avenue Worthing West Sussex**Proposal: Demolition of existing dwellings (6-8 West Avenue) and redevelopment to provide 4 no. 4-bedroom plus 3 no. 3-bedroom townhouses and 2 no. 2-bedroom flats (9 dwellings in total) with 16 no. parking spaces/garages (amendment to AWDM/1465/12 for revisions to external materials)**Applicant: Hargreaves
Case Officer: Jo Morin

Ward: Marine

**Not to Scale**

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Site and Surroundings

The site lies on the eastern side of West Avenue approximately 50 metres south of the junction with Mill Road. It currently consists of 2 detached houses which have been unoccupied for some years and are in a poor condition. Planning permission was allowed on appeal in 2014 for the demolition of the existing buildings and the erection of 7 houses and 2 flats subject to a S106 securing affordable housing and transport contributions (AWDM/1465/12 refers).

The site is subject to 2 TPO's, No.5 of 1986 covering 2 pine trees and a flowering crab to the south of No.6 and No.61 of 1995 covering 3 atlas cedars and a holm oak tree in the front garden of No.8.

The site adjoins the Mill Road Conservation Area to the north.

To the north is Bodium House (10 West Avenue) a 2½-storey modern flat building erected in the grounds of a detached Edwardian villa, 12 West Avenue, in 2007. The latter was converted into flats (Camber House) at the same time. Also to the north, the site adjoins 37, 39 and 41 Mill Road; all comprise character buildings which contribute positively to the character of the Mill Road Conservation Area.

To the east, the site adjoins the rear of properties in Lansdowne Place, a cul-de-sac of terraced and semi-detached houses accessed from Lansdowne Road. To the south is 4 West Avenue, a detached house dating from the 1920's. The south-east corner of the site adjoins the rear garden of 38 Lansdowne Road.

The site is bounded at the front by a flint wall with red brick dressings; a characteristic feature of the road which continues to the north and south of the site. A footpath and tarmac verge some 6 metres wide adjoin the site between the boundary wall and the carriageway.

Proposal

Permission is sought under S.73 for minor alterations to the approved scheme comprising:-

- The omission of render and decorative timber boarding on the rear elevation and substitution with brickwork;
- The use of brick cills beneath the windows on the rear elevation set within brickwork instead of reconstituted stone;
- The omission of finial ridge tiles at the ends of the individual elements of roof ridges.

Other differences identified on the submitted drawings compared to the approved drawings, but not specifically referred to by the applicant, include:-

- Alteration to the appearance of the paired windows on the front elevation by substitution of a weaker mullion detail;
- Omission of rendered moulding detail to first-floor window heads on front elevation;
- Omission of decorative lead window cill treatment beneath windows in the front elevation set within tile-hanging;
- The omission of first-floor tile-hanging to the north side of Plot 6 and substitution with brickwork.

The application is supported by a Statement which states:-

“By its nature, light coloured render becomes dirty and discoloured over time. This material requires an ongoing commitment to cleaning and maintenance by the owners/occupiers to avoid a progressive deterioration in appearance. Such a commitment is likely to be more readily accepted in respect of street-facing elevations. However, where as in this case substantial areas of render would be at the rear and not prominent in street-facing public views, it is likely that of inclination to undertake costly regular maintenance (cleaning and repainting) would result in

progressive deterioration in appearance over time, harmful to the character of the locality.”

A letter has been submitted by a local estate agent stating that the prospect of increased maintenance liability in this regard is likely to be off-putting to prospective purchasers and have a tendency to depress realisable sale prices. It is therefore proposed to omit the areas of render from the rear of the building and replace with brickwork.

A further element to the application is the change to the National Planning Practice Guidance introduced by the government last November which states that affordable housing and tariff-style contributions should not be sought on residential development sites of 10 units or less, and which have a gross floor space of no more than 1,000sqm. Since such contributions were previously secured on the previous application, the new government guidance now needs to be taken into account as well.

Planning History

Planning permission was refused in May 2013 under the Council’s scheme of delegation for the demolition of the existing dwellings and redevelopment to provide 7 houses and 2 flats on the ground:-

“The necessary financial contribution comprising a commuted sum towards the provision of affordable housing off-site would not be made in full in line with the local policy approach which has been consistently applied since the adoption of the Core Strategy in 2011 and no evidence has been provided that the viability of the proposed development would be adversely affected by the cumulative impact of infrastructural demands generated by the development such as may justify a more flexible approach. The proposed development therefore conflicts with policy 10 of the adopted Worthing Core Strategy.”

The sole point at issue was whether the financial contribution which the development should make to affordable house should be calculated on the basis of net or gross housing gain. The appeal Inspector determined that the Council’s approach of using gross rather than net housing for the calculation of contributions was consistent with the Development Plan and the NPPF. The appeal was therefore allowed on the basis of a S106 securing an affordable housing contribution of £75,300 and a County Council Transport contribution of £15,000.

Planning permission was granted in 2007 for the demolition of the existing houses and erection of 2 blocks of 8 no. 1 and 2-bedrooms flat (16 units in total) served by a new access from West Avenue and 20 parking spaces (WB/07/0067/FULL refers). The permission lapsed in 2010.

An earlier application for demolition of the existing houses and erection of 2 blocks of 8 no. 1 and 2-bedroom houses was refused (WB/06/1077/FULL refers) owing to concerns about the site layout and the potential adverse effects of the development on the preserved trees on the site.

Consultations

West Sussex County Council: The Highway Authority originally raised no objection and requested a sum of £15,550 towards transport infrastructure.

Since the change to national planning policy made by the amendment to the NPPG on 28 November 2014, the Highway Authority has confirmed that in this instance a transport contribution (TAD) is no longer sought.

Representations No third party representations have been received.

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 7, 8, 9, 10, 16 and 17.

Worthing Local Plan (WBC 2003) (saved policies): RES7, TR9, H18

Supplementary Planning Document 'Space Standards' (WBC 2012)

Supplementary Planning Guidance 'Outdoor Recreation Space' (WBC 2001)

Supplementary Planning Guidance 'Parking Standards and Transport Contributions' (WBC 2005)

West Sussex Parking Standards and Transport Contributions Methodology (WSSCC 2003)

West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSSCC 2010)

The Provision of Service Infrastructure Related to New Development in West Sussex – Part 1 (WSSCC 1999)

National Planning Practice Guidance (2013)

National Planning Policy Framework (2012)

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; and 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

Principle

The Planning Acts require the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case whilst the extant permission granted AWDM/1465/12 is a material consideration of substantial weight, the application must also be assessed in relation to the current national and local policy context including any changes made since the appeal was allowed in March 2014.

The Core Strategy, including Worthing Saved Local Plan policies, comprises the relevant Development Plan, but the Government has accorded the National

Planning Policy Framework considerable status as a material consideration which can outweigh the Development Plan's provisions where such plan policies are out of date; or at variance with the National Planning Policy Framework.

In this case, the main considerations relate to: (i) the effects of the proposed elevation alterations on the design quality of the development, and (ii) whether in the light of the recent change to Government planning policy guidance made by the amendment to NPPG on 28 November 2014, the affordable housing and transport contributions previously secured by a S106 obligation remain applicable to the current application.

Design and appearance and the effect on the character of the surrounding area

Core Strategy policy 16 expects all new development to demonstrate good architectural quality, landscape design and use of materials that take account of local, physical, historical and environmental characteristics of the area. In particular, it states that new development should display a good quality of architectural composition and detailing as well as respond positively to important aspects of local character, exploiting all reasonable opportunities for enhancement.

The development as approved takes its design cue from the larger scale Edwardian dwellings which make up the adjoining Mill Road Conservation Area, consisting of 2 terraced blocks primarily with a 2-storey eaves height, with some 3-storey gabled elements and rooms in the roof served by dormers. The siting of the blocks has largely been influenced by the existing mature preserved trees on the frontage of No.8, with the southern block (plots 1-6) sited closer to the edge of the highway – roughly aligned with the front of Bodium House (No.10 West Avenue) and the northern block (plots 7-9) set further back into the site. Both blocks front onto a private drive served by a single new access off West Avenue, positioned towards the south of the frontage. The access drive traverses the site from south-west to north-east, with the 2 terraced blocks separated by a spur leading to a garage courtyard to the rear (east).

The southern block is articulated by 2 conjoined building masses sited at an angle and punctuated by projecting gables. The larger mass to the south (comprising Flats 1 and 2) is formed by the wider gable and taller ridge height of this element, having greater stature within the streetscene compared to the northern element (plots 3-6) which angle back into the site. The northernmost block (plots 7-9) seeks to replicate the scale and massing of a large villa, with a central gable feature and asymmetric roof form.

All of the trees subject to TPO No.61 of 1995 in the front garden of No.8 would be retained within an area of communal open space which provides the setting for the development.

The stated above, the earlier submission made in 2012 was refused solely in respect of the financial contributions sought. It was considered the proposal represented a successful design response to the redevelopment of this site, in-keeping with the scale, stature and quality of buildings which make up the adjoining Conservation Area, and creating a distinctive 'sense of place' afforded by the

retention of the mature landscaping on the frontage. Articulation of the buildings using good quality materials and traditional forms of architectural detailing was integral to the overall design quality of scheme, comprising external walls in red/orange stock brick with tile-hung and rendered elements incorporating 'mock Tudor' decorative boarding to the front and rear gables; plain clay roof tiles with bonnet hips and finial ridge tiles and exposed rafter feet. Importantly, these details were considered to contribute to the sense of place created by the development and its assimilation into the surrounding built environment, particularly in relation to the adjoining Conservation Area, where such features and detailing are typical of the buildings from which its identity and character is derived.

The current proposal seeks to omit the render and 'mock Tudor' boarding from the rear elevations (with brick window cills in place of reconstituted stone). Whilst this would have no material impact in public views of the buildings from the street, it will be clearly apparent in private views, most particularly from properties in Lansdowne Place to the rear (east) and from the Conservation Area to the north.

The use of a different palette of materials on the various elements of the buildings (in this case both render and tile-hanging) is not only characteristic of similar detailing on buildings within the adjoining Conservation Area, but breaks up the visual 'mass' of the building. The omission of the render and associated traditional detailing from the rear of the building therefore results not only a singularly less attractive building in views from this direction, but also alters the perception of its scale for those neighbours having the most direct view.

It is interesting that the concerns over the maintenance liability of incorporating render to the rear elevations of the buildings were not expressed by the applicant at the time of the earlier application.

No particular reason has been given for the omission of the finial ridge tiles, or for the other changes shown on the submitted drawings to the window design and detailing, and omission of tile-hanging to part of the north elevation, other than that these elements would be barely discernible in public views of the building. Nor would they, it is claimed, individually or collectively, result in the development exhibiting an unsatisfactory standard of design or appearance. The applicant's agent states that the development will continue to be of a suitably high quality, complementary to the character of the locality.

It is accepted that individually the proposed changes only affect what might be considered minor features of the overall design. Even so, it is worth pointing out that apparently subtle changes, such as omitting the heavier central mullion from the paired windows in favour of more slender framing, will nevertheless alter the proportions of these windows, resulting in a less successful interpretation of a traditional Edwardian style. Cumulatively, the effect of the proposed changes will result in a less satisfactory quality of overall design and architectural composition than would otherwise have been achieved and therefore will not fully meet the aspirations of Core Strategy policy 16 to "respond positively to the important aspect of local character, exploiting *all* reasonable opportunities for enhancement".

It is noted the applicant has not suggested that the financial burden imposed by the design detailing as approved threatens the overall viability of the development, and

it must be assumed that the outcome of the recent Government pronouncement removing any requirement for affordable housing or 'tariff-based' financial contributions for this scale of development (as discussed below), would mean that this is even less likely to be the case. Although the current proposal is disappointing, and indeed extremely frustrating given the applicant's involvement in the design process for this scheme from the outset, officers consider the resulting development would still demonstrate a satisfactory standard of design, using good quality materials, taking account of and responding to its distinctive verdant setting and the most important elements of the local character in the context of its location adjoining the Conservation Area.

Contributions

The amount of affordable housing contribution applicable to the development was considered in depth by the earlier appeal with the Inspector determining that the calculation based on the gross dwelling gain of 9 units was consistent with the adopted Development Plan policy and the NPPF. A revised draft S106 Unilateral Undertaking accompanied the current application submission, setting out an affordable housing contribution of £75,300 and a County Council Transport (TAD) contribution of £15,000, in accordance with the amounts decided by the appeal.

Since then, an amendment to National Planning Practice Guidance was made on 28 November 2014 which states that affordable housing and tariff-style contributions should not be sought on residential development sites of 10 units or less, and which have a gross floor space of no more than 1,000sqm. The applicant's agent has stated that as the development is in respect of 9 residential units with a total floor space of 848.1sqm, the development is beneath the threshold set out by national policy and neither (affordable housing or TAD) contribution should now be sought.

Although initially there was some debate as to whether individual local planning authorities would necessarily be bound in their decision-making by a change to national planning guidance, where local circumstances based on robust evidence would support an alternative approach, the consensus now seems to be that the amendment to National Planning Practice Guidance (NPPG) amounts to a change in national planning policy. As a consequence, the requirement for an affordable housing contribution in respect of the proposed development as set out in CS policy 10, even though under-pinned by robust evidence and supported at the recent appeal, is now out-of-step with Government planning policy.

Although, it has recently been reported that an application has been made by others local authorities to legally challenge the legitimacy of this change to national planning policy, the Council's legal advice is that refusal of the current application on the basis of failure to make a contribution in accordance with CS policy 10 would be unlikely to be supported at appeal (with the associated risk of an award of costs being made against the Council).

The above revision to policy also means that, where the threshold applies, planning obligations should not be sought to contribute to pooled 'funding' pots intended to fund the provision of general infrastructure in the wider area (i.e. 'tariff-style'

contributions). Following on from this, the County Council have stated a TAD contribution is no longer sought in this instance.

The loss of the affordable housing and TAD contributions is clearly extremely frustrating but, as in all applications, regard has to be had to government policy in determining the current proposal. Officers have investigated in some detail whether there is justification to still require the contributions, but having regard to recent legal advice, both internally and via West Sussex County Council, reluctantly conclude that there are no grounds to justify refusal of the application on this basis and accordingly approval of the application is recommended.

Recommendation

APPROVE subject to conditions:-

1. 3 year time limit from 3 March 2014 Standard 3 year time limit
2. Implementation of screen and/or boundary walls and fences, including details of making good of boundary wall fronting West Avenue, to be carried out in accordance with the details agreed under AWDM/1465/12 prior to first occupation of any dwelling unless otherwise approved in writing.
3. No other development shall commence until the proposed vehicular access to the development from West Avenue has been construction in accordance with the approved drawing.
4. Close existing vehicle accesses prior to first occupation
5. Provide visibility splays shown on approved drawing prior to first occupation
6. Implementation of access road, vehicle parking, and turning shown on the approved drawing in accordance with surface materials agreed under AWDM/1465/12 and prior to first occupation unless otherwise agreed in writing
7. Agree and implement secure covered cycle storage prior to first occupation
8. Implement surface water drainage in accordance with details agreed under AWDM/1465/12 unless otherwise agreed
9. Hours of construction between 08.00 and 18.00 hours Monday-Friday and 08.00 and 08.00 hours on Saturday
10. Implement hard and soft landscaping scheme agreed under AWDM/1465/12 within first planting and seeding season following occupation of completion of the development unless otherwise agreed
11. Protect existing trees during construction as agreed under AWDM/1465/12 unless otherwise agreed
12. Implement development in accordance with materials and samples agreed unless AWDM/1465/12 unless otherwise agreed
13. Obscure-glaze window in north elevation of Plot 6 and non-opening below 1.7m of the floor of the room
14. Agree and implement refuse and re-cycling enclosures
15. Implement Construction Method Statement as agreed under AWDM/1465/12 unless otherwise agreed
16. No external lighting of communal areas unless agreed in writing
17. Approved plans

4th February 2015

Application Number: AWDM/1412/14

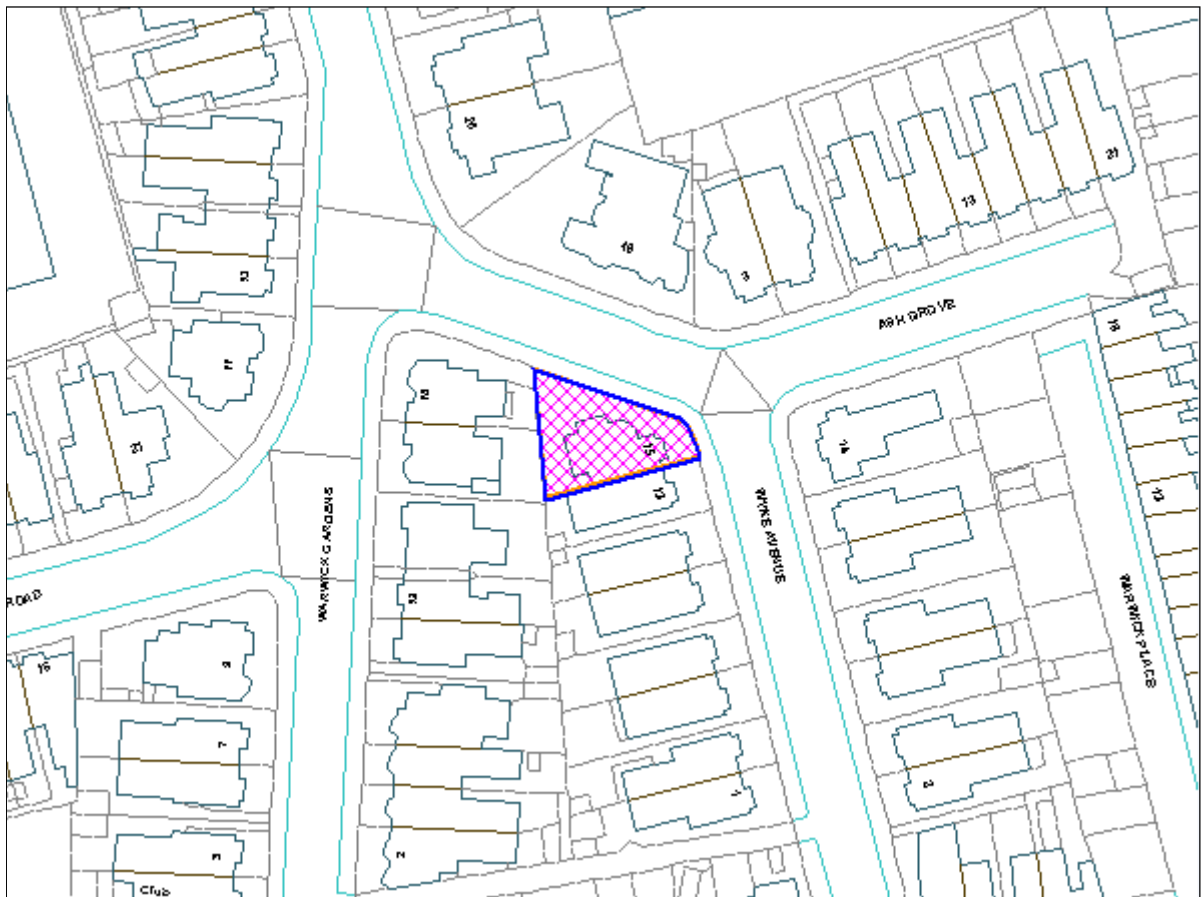
Recommendation – REFUSE

Site: 15 Wyke Avenue, Worthing, West Sussex

Proposal: Retrospective application for trellis fixed to existing front garden wall on north/east boundaries

Applicant: Mr Jamie Dobson
Case Officer: Gary Peck

Ward: Central



Not to Scale

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Members resolved to refuse permission for this application at the January meeting. Following the meeting, Cllr Roberts expressed concern that he was limited to 2 minutes speaking time whereas, in fact, speaking time for members is at the Chair's discretion. Officers also wish to clarify the extent of the Article 4 direction relating to the property. The applicant has also submitted additional information for consideration. Having regard to these combined factors, it is felt appropriate to bring the application back to the Committee for member's further consideration.

Proposal, Site and Surroundings

This application seeks retrospective permission for the retention of a wooden trellis style fence attached to the top of an existing brick, stone and flint front boundary wall. The existing brick and stone wall is approximately 0.95 metres in height and the trellis fence 1 metre, making 1.95 metres in total. A solid close boarded fence has also been erected along the boundary with the neighbouring property to the south, 11 Wyke Avenue.

The application site is located within the Warwick Gardens Conservation Area where there is also an Article 4 Direction in place which removes permitted development rights for the erection of any new fences or walls that front the highway. Since the trellis fence fronts a highway and together with the brick wall exceeds 1 metre, it would require planning permission in any case. The close boarded fence that has been erected to the southern boundary of the property to 11 Wyke Avenue (and which does not form part of this application) is not therefore covered by the Article 4 direction and is subject to normal permitted development restrictions in that it should not exceed 2 metres in height nor should be more than 1 metre in height at its point nearest to the highway.

Members will recall at the last meeting that the applicant had suggested that an artificial hedge could be fixed to the fence but members did not feel that this would be an appropriate solution. As the decision was not issued following the meeting, the applicant has taken the opportunity to suggest an alternative planting solution:

'We propose introducing a climbing plant called trachelospermum jasminoides ('jasminoides') across the entire length and width of the linear trellis.

Jasminoides is an evergreen climber which has rich dark leaves that turn bronze in the winter and produces pure white fragrant flowers in mid to late summer.

The plant is ideally suited to its location on the Sussex coast and with the protection of the front garden wall and trellis should thrive without going out of control and needing constant maintenance or being intrusive on the highway.

We propose to plant 11 high quality mature jasminoides in well prepared fertile free draining soil at approximately 2 metre intervals across the whole length of the trellis. The plants will be c180cm high and trained into the trellis. This will have an immediate, 'softening' impact on how the trellis will look as leaves will very much be visible from the highway.

The jasminoides will become denser over time with significant growth over the next 12-18 months reaching full maturity in c5 years. At this stage the plants will cover the trellis completely thus creating a green screen much like a hedge. I have attached photographs of the plant at various stages of maturity.

We believe this to be a suitable solution; the desire for planting to be in keeping with the local street scene is achieved and we maintain a safe and secure area for our children.'

As explained at the last meeting, the application site is on a prominent corner site on the western side of Wyke Avenue and the southern side of Ash Grove and within

the Warwick Gardens Conservation Area which contains generally Edwardian dwellings. Wyke Avenue consists largely of 2 storey semi-detached houses while Ash Grove has terraced properties at its eastern end and semi-detached and a single detached property closer to the application site.

The area is characterised by low walls to the front of the properties and in the immediate vicinity there have not been any fences constructed above these walls with any further boundary treatment most commonly provided by the planting of hedging some of which is a little overgrown on other properties.

Relevant Planning History

There is no planning history relevant to the determination of the application.

Consultations

Following the receipt of the additional information submitted by the applicant, the Arboricultural Officer has commented:

‘Unsure if it is very fast growing, but it is an evergreen, and should be hardy enough to survive in this part of the country. The plant will provide year round interest as the leaves change colour in winter, it has profuse flowers and is strongly scented. As a climber it will suit the purpose, the amount of cover provided and how quickly will probably depend on the plant size and numbers. Generally I would say it is a good choice, as fast growing climbers can quickly become a nuisance.’

After receiving further details of the proposed planting, the Arboricultural Officer further commented:

‘...although I cannot find any specific details on the proposed plant, the description seems reasonable. Plants of up to 1.8 metres would be about the largest available from normal suppliers, the spacing does seem adequate for the size of plant, and an estimate of full coverage within five years does not seem to be over ambitious. I think the details of the proposed planting are arcuate, and assuming all the plants survive will make an acceptable screen / hedge.’

Representations

7 letters of objection have been received (5 from residents in Wyke Avenue, 1 in Ash Grove and a former member of the Conservation Area Advisory Committee) on the following grounds:

- fence is not in keeping with the area
- is an eyesore
- loss of light to adjoining neighbour
- does not provide security or privacy anyway as gate and driveway left unsecure
- abrupt and harsh when compared to surrounds
- contravenes Conservation Area policy

23 letters of support have been received (3 from residents in Wyke Avenue, 6 from other addresses in Worthing, and others from Emsworth, East Molesey, Surbiton, Croydon (2), Newton Abbot, Waterlooville, Epsom, Hastings, London (2), New Malden and Woodmansterne) on the following grounds:

- fence is much tidier than hedging in the area and does not obstruct the highway
- fence has no adverse impact upon the character of the area
- is well constructed
- prevents litter
- innovative design
- ugly developments in the vicinity at the Thai Restaurant at the entrance to Wyke Avenue have been ignored
- litter and bottles have been propped up against the fence which otherwise would have been thrown into the garden.

Relevant Planning Policies and Guidance

Saved Local Plan policies (WBC 2003): H16, H18

Worthing Core Strategy (WBC 2011): 16

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

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; and 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.

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.

Planning Assessment

It is considered that the main issues in the determination of the application are the effect of the proposal upon the character of the Warwick Gardens Conservation Area and the amenities of neighbouring properties and whether there are any material considerations that override normal planning policy considerations.

The Council's Conservation Area guide to the Warwick Gardens Conservation Area states:

Warwick Gardens Conservation Area is a small area of Edwardian dwellings which are of good quality and largely unspoilt. The buildings are not grand, but they exhibit numerous features of Edwardian house design in a consistent group. Edwardian domestic architecture evolved from a more formal Victorian style. Typically the Edwardian buildings are characterised by ornamental brickwork and tiling, ornate gables, finials, turrets, balconies and bays, and a use of stained and etched glazing. All the buildings in the Conservation Area are of the same very narrow period except No. 16 Wyke Avenue. None have been extensively redeveloped, and many original features are still evident. Important characteristics of these streets are:

- a rigid building line
- two-storey dwellings, either semi-detached or terraced, (although 41-47 Warwick Gardens have three-storeys)
- pitched natural slate roofs
- brick elevations
- brick and boulder flint boundary walls

The guide goes on to say that future enhancement should include:

- Maintain, and reinstate where necessary, the brick and field flint boundary walls and the plain brick walls (e.g. the brown brick wall at the east end of Ash Grove).
- Maintain the lime trees in the pavement. Plant more of similar type and manage them to achieve the same grown-out-pollard effect.
- Retain the tree screening the garage at the east end of Ash Grove - or demolish the garage.
- Encourage frontage planting.

It is evident from the guide above that the area is considered as relatively unspoilt and that the existing boundary walls form part of the character. It is also noted that frontage planting is encouraged by the guide as an enhancement. The unspoilt nature of the area is perhaps evidence by the fact that there have been very few recent planning applications in the Wyke Avenue/Ash Grove area with the vast majority of those that have been received relating to required tree works which require permission because of the site's location within the Conservation Area.

It is quite clear, therefore, that the fence is not a typical feature in the area. The majority of the surrounding properties, especially the terraces to the east in Ash Grove, have completely open frontages with low walls in front, typical of this style of Edwardian property. Where frontages are enclosed, this has been done by hedging and while it is acknowledged, as stated in some of the representations in support of the application, that some of the hedging is slightly overgrown, the over-riding impression is that such hedging contributes to the visual character of the area as acknowledged by the Conservation Area guide. It is not considered that any overgrown hedging, the adverse effects, if any, of which are to overhang the pavement which is a responsibility of the County Council, could act as a justification for erecting fencing in its place.

In light of the character of the area, the fence is considered unacceptable in visual terms. The application site is prominently located on the corner of Wyke Avenue and Ash Grove. From the eastern end of Ash Grove it effectively frames the vista at

the end of the street in a westerly direction where otherwise low walls, trees and hedging dominate. It is also visible from a southerly direction partly because of the nature of the close boarded fence that has been erected on the southern boundary with number 11 which is also considered to be visually unacceptable. However, the Article 4 direction only relates to the fences which front the highway or open spaces and therefore a fence of 2 metres in height, lowering to 1 metre where it meets the highway can be lawfully constructed. The fence does not form part of the application but, as explained in the separate enforcement report relating to the site, little of it exceeds the permitted development tolerances and what could be removed under enforcement action would have little visual benefit.

Your Officers conclude that in policy terms the trellis fence is unacceptable.

The applicant, in his supporting information accompanying the application has stated that the location in the town is a busy cut through and it has been a regular occurrence to find litter, bottles and even on occasion drugs and syringes in the front garden. The applicant has 4 young children and considers that their safety is his priority. The contractor carrying out the works advised that the works did not require planning permission. The applicant, in any case, feels that the trellis adds character and is sympathetic to the area.

The problems that the applicant cites can be considered as material considerations to the determination of the application and should be taken into account. While your officers have sympathy to his concerns, it is noted that no other of the properties in the area have felt the necessity to address such problems in a similar way by the erection of the fence. Certainly, were the argument to be accepted on such a basis then it would act as a precedent for similar proposals in the surrounding area, the cumulative effect of which would be to irrevocably impact upon the character of the Conservation Area to its detriment. Moreover, the nature of the fence and how it has been erected does not provide complete enclosure in any case as there is still a central low gate to the property and there is a driveway serving the property, which remains open to the road, but it is also possible to view the front garden beyond it at this point. Given the harm to the Conservation Area identified above, therefore, it is not considered that there are any material considerations that could enable a different conclusion to be reached.

The applicant previously offered to provide an artificial hedge to screen the fence which officers and members did not feel was an acceptable solution.

The applicant has now proposed planting an evergreen climber, Jasminoides, to seek to screen the fenced. As mentioned in the description of the surrounding area, some other properties in the area have hedging to their front boundary, albeit not to screen a fence, but nonetheless an attractive hedge that screened the fence could be an acceptable solution to resolve the problem.

The Arboricultural Officer considers that the proposed species and planting details are potentially acceptable although pointing out that it will take some time to reach full maturity. Until this situation is achieved, the fence is still likely to cause harm to the Conservation Area and the success of the planting will depend on a number of factors including its maintenance. Clearly, the planting would have to be pretty impressive to sufficiently screen the fence and there remains the possibility that in

time the planting could die. It is possible to grant the current application subject to planting details being approved and such planting being satisfactorily maintained but in practice this may be difficult to enforce against if there is a perceived breach of the condition. Your officers also feel that this does not overcome the unacceptable nature of the fence in the first instance – if the fence had not have been constructed then free standing planting that may not take as long to have matured could have been planted without wider adverse effect to the character of the area.

In conclusion, it is still considered that the fence adversely affects the character of the Conservation Area and accordingly is unacceptable. However, having regard to the planting situation suggested by the applicant and comments from members at the last meeting, an alternative solution may be to hold any enforcement action to remove the fence in abeyance while the planting is established. The Arboricultural Officer is unsure as to how fast the plant will grow (and indeed suggests that fast growing plants can often cause their own problems) and to that end the visual harm of the fence will appear to remain during the initial phase of planting. Nonetheless, if the planting does in time prove suitable, then it may be a possible compromise between the applicant's needs and preserving the character of the Conservation Area. This potential course of action is outlined further in the enforcement report which also forms part of the agenda.

Recommendation

To **REFUSE** planning permission for the following reason:

The fence, by virtue of its design, size and location on the corner of Wyke Avenue and Ash Grove, adversely affects the character of the Warwick Gardens Conservation Area and the amenities of the neighbouring property to the south. The proposal therefore conflicts with guidance within the National Planning Policy Framework, Planning Practice Guidance, saved policy H18 of the Worthing Local Plan and policy 16 of the Worthing Core Strategy.

4th February 2015

15 Wyke Avenue, Worthing

Planning Enforcement Report

Unauthorised erection of a fence at 15 Wyke Avenue

1. **CURRENT SITUATION**

- 1.1 Members will be aware of the current application (AWDM/1412/14) to retain an unauthorised fence at 15 Wyke Avenue which appears elsewhere on this agenda. The application only relates to the front trellis fence, but there is also a close boarded fence to the side boundary which exceeds 1 metre at the point it meets the highway, and therefore requires planning permission.
- 1.2 Members resolved to refuse planning permission for the submitted application at the January meeting of the Committee but for the reasons set out in the planning application report, it has been brought back to Committee for reconsideration. In any event, no resolution was taken in respect of any enforcement action regarding the fence.

2. **PLANNING ASSESSMENT**

- 2.1 The planning application report sets out that Members had previously resolved to refuse planning permission at its last meeting. In response to some of the comments at Committee expressing the view that a compromise solution should be sought, the applicant now proposes a form of evergreen climbing planting which in time would extend over the fence.
- 2.2 The planning application report maintains the refusal recommendation but recognises that, in time, the proposed planting may reduce the visual impact of the fence to an acceptable degree. Whether this is the case depends on a number of factors and it may well be that after the initial planting has taken place, it may be necessary for example to further bolster the planting, review the spacing it has been planted at, or replace any planting that has died.
- 2.3 If the planting fails, then the unacceptable impact of the fence upon the Conservation Area will of course remain. Nonetheless, the applicant has tried to put forward an alternative suggestion and in the light of Member's comments at the last meeting, it seems appropriate to hold any enforcement action in abeyance pending the planting which if successful could then form the basis of a revised application submitted for consideration.
- 2.4 It is likely that after a maximum period of 1 year, an accurate assessment could be made of the success or otherwise of the planting scheme and whether there is a necessity to pursue enforcement action in respect of the potential removal of the fence. It is therefore considered that, in this specific circumstance, and if Members again resolve to refuse planning permission, that any enforcement action is held in abeyance for a year.

- 2.5 With regard to the close boarded fence to the side boundary, it clearly adversely affects the amenity of the immediate neighbour particularly as it replaced a much lower wall. However, on inspection of the Article 4 direction, it is apparent that the close boarded fence is not covered by any restriction imposed by the Direction. The fence is therefore subject to normal permitted development rights and therefore should not exceed 2 metres in height or 1 metre where it meets the highway. The latter restriction is the relevant one in consideration of this case and as such Members would need to consider whether this section of the fence (for the last metre or so reduce in height).
- 2.6 The fence is behind, and meets, a front pillar, which exceeds 1 metre, on the boundary of the property and therefore in practice the fence could only be reduced to the height of the coping stone on the pillar itself. The effect of such a reduction would be slight and, therefore, the expediency of taking enforcement action to secure such a reduction is questionable, especially in advance of any action on the trellis fencing as outlined above. Planning law seeks to ensure that any enforcement action is proportionate and in that regard, enforcement action to secure removal of what in practice would be a small portion of fencing, would appear disproportionate and not expedient in view of the limited harm caused.

4. COMMENTS OF THE HEAD OF LEGAL SERVICES

Section 172(1) Town and Country Planning Act 1990 (as amended) states that a Local Planning Authority may issue an enforcement notice where it appears to them:-

- (a) that there has been a breach of planning control; and
- (b) it is expedient to issue an enforcement notice, having regard to the provisions of the development plan and to any other material considerations.

Section 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990 states in exercising any functions under the Town and Country Planning Act 1990, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 207 National Planning Policy Framework reiterates that enforcement action is discretionary, and local planning authorities should act proportionately in responding to breaches of planning control.

Paragraph: 003 Reference ID: 17b-003-20140306 Planning Practice Guidance states “The provisions of the [European Convention on Human Rights such as Article 1 of the First Protocol, Article 8 and Article 14](#) are relevant when considering enforcement action. There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control.”

Paragraph: 005 Reference ID: 17b-005-20140306 Planning Practice Guidance states:

“Effective enforcement is important to:

- tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
- maintain the integrity of the decision-making process;
- help ensure that public acceptance of the decision-making process is maintained.”

5. OTHER IMPLICATIONS

- 5.1 There are no significant direct race relations, equal opportunity, environmental or community safety implications arising in this report.

6. CONCLUSION

- 6.1 It is evident that Members felt a solution should be sought if possible. In the absence of any proposal to reduce the height of the fence, the potential for visual harm remains. However, the proposed planting scheme may, in time, screen the fence sufficiently to reduce the level of harm to the street scene. Having regard to the need to ensure that enforcement action is only taken as a large resort, it is considered that any action should be held in abeyance for 12 months so that a full assessment of whether the proposed planting represents an acceptable solution can be made.

7. RECOMMENDATION

THAT, FOR THE REASONS SET OUT ABOVE, IT IS CONSIDERED THAT ENFORCEMENT ACTION REQUIRING REMOVAL OF THE FENCE BE HELD IN ABEYANCE FOR 12 MONTHS SO THAT THE PROPOSED PLANTING SCHEME CAN BE IMPLEMENTED. IT IS ALSO CONSIDERED THAT IT IS NOT EXPEDIENT TO PURSUE ENFORCEMENT ACTION TO REMOVE THAT PART OF THE SIDE FENCE WHICH EXCEEDS PERMITTED DEVELOPMENT RIGHTS.

Application Number: AWDM/0798/14

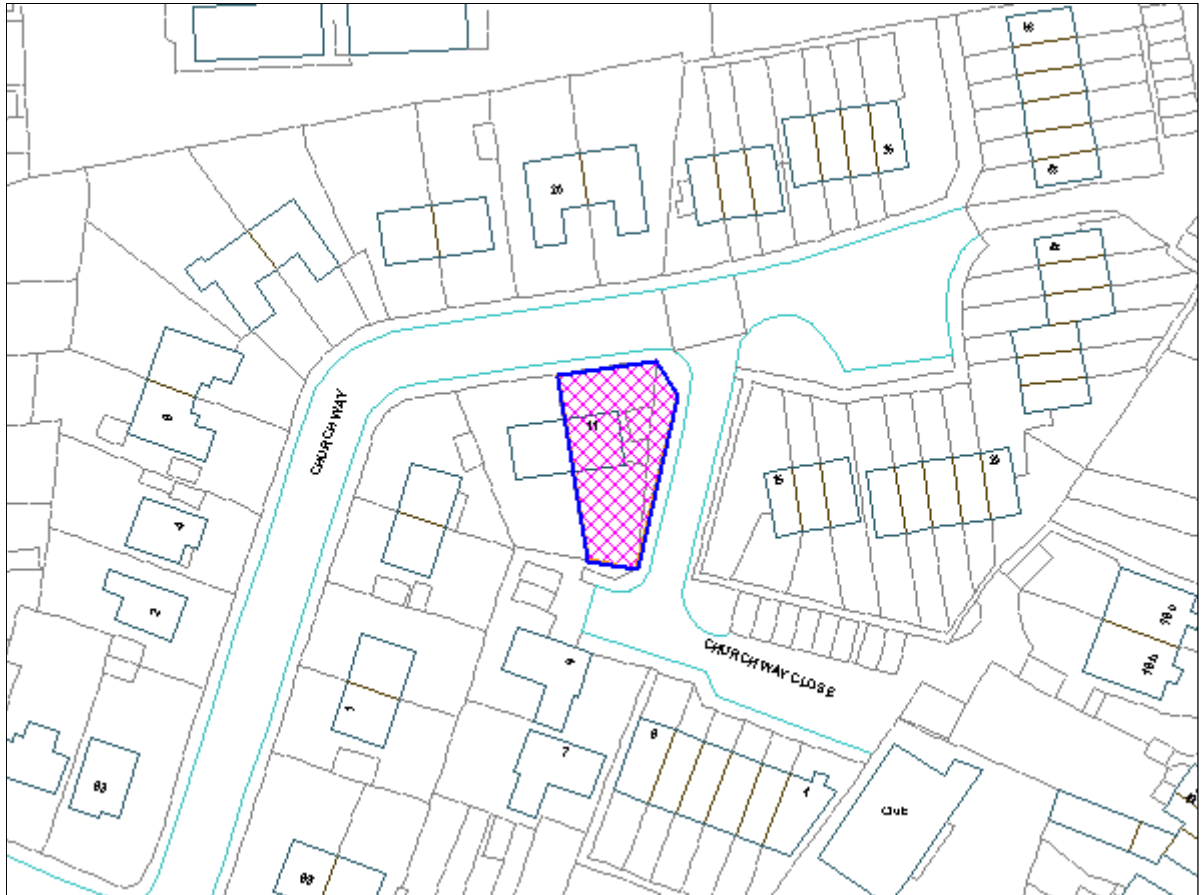
Recommendation – Approve

Site: 11 Church Way, Worthing, West Sussex BN13 1HD

Proposal: Retention of 1.6 m high boundary fence along eastern boundary (retrospective).

Applicant: Mr Daniel Pumphrey
Case Officer: Marie O'Keeffe

Ward: Tarring



Not to Scale

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This application was deferred from the last meeting at the request of a resident to allow more time to respond.

Site and Surroundings

This application relates to an extended chalet style house on the corner of Church Way and Church Way Close.

The property is not in a conservation area and is not a listed building. There are no protected trees on the site.

Until the autumn of 2012 the site had a flat roofed garage at the side and a brick wall parallel with Church Way Close beyond which was a narrowing grass verge

with a tree and some shrubbery up to the back edge of the footpath. The garage and wall were demolished and a new fence erected along the edge of the footpath incorporating this grass verge into the curtilage of the site.

Since the fence was erected a side extension has been built, allowed under appeal. This extension is built in part on land formerly part of the grass verge.

The land is owned by the applicant, bought in August 2012, but is currently defined as public highway.

Proposal

Planning permission is sought to retain the fence in its current position.

Planning History

AWDM/1335/12 – Part two storey/part single storey side extension (to replace existing garage). Refused 5.12.12, Appeal Allowed 3.3.13

91/0433 – Replacement attached garage, detached garage and rear dormer. Granted 23.7.91

Consultations

Highways: Initially objected to the fence on the grounds that the land is publicly maintainable highway.

The Highway Authority's latest comments (to the applicant and copied to the Borough Council, are as follows:

We note the extension has planning permission, however the fence does not and is still on public highway. We do not dispute that you own the land.

I do not believe it is in the public interest at this time to insist on the removal of the fence and consider the public is best served by suitably raising no objection to the extinguishment of the highway rights over this land, particularly as there are no highway safety implications to this resolution.

A stopping up order can be applied for as the removal of the highway status is necessary to enable a planning permission to be implemented.

For your information I have spoken with Marie O'Keeffe at Worthing and Adur Borough Council Planning to confirm the above.

This way we do not have any on-going unsuitable maintenance issues in this area.'

Representations

Two objections from Church Way Close residents received summarised as follows:

- The extension and fence encroach onto County Council land,

- This land was formerly used by local children to play on, a community asset
- An established cherry tree has been removed,
- How was planning permission granted for an extension which encroaches onto land not in the ownership of the applicant?
- This land was one of the few green spaces in our area and formed a pleasant entry to the Close,
- Why can they land grab like this, where will it end?
- The extension and fence should be removed.

One letter of support from a Church Way Close resident who lives opposite the site stating that '*the fence has improved the street outlook considerably.*'

Prior to the last meeting this resident wrote again supporting the proposal as follows:

- Church Way has many different house designs and sizes;
- Because Church Way Close is quite secluded prior to the fence being erected, and for the first 17 years I lived here, the land in question had been used many times as a dumping ground for various items of rubbish, some large. The former owner of No. 11 and I used to clear the rubbish to discourage further dumping. Other neighbours didn't help.
- The land was neglected and often overgrown with weeds and brambles which I from time to time cut down. The cherry tree was diseased.
- An ugly roughly built 8ft wall with DIY concrete blocks formerly enclosed the garden – a real eyesore.
- Since the installation of the new fence (which is not dissimilar to other fences used in this area) the overall aspect of this access road has been improved considerably into a normal, clean, tidy and pleasant road.
- In the 18 months to 2 years that the fence has been in place my quality of life has improved. 11 Church Way is no longer a neglected home but a sympathetically enlarged, visually pleasing home with a neat and tidy fence which improves the outlook for all neighbours around here.

Planning Appraisal

The Committee may grant planning permission for development carried out before the date of the application in accordance with Section 73A of the Town and Country Planning Act 1990 (as amended).

Save that the development will have already commenced, this is a conventional planning application, and the Committee should consider the planning circumstances existing at the time of the decision 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; and

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.

The main issues for consideration are whether the erection of this fence is harmful to highway safety and whether its loss, and the loss of the tree, is harmful to the appearance of the area.

As such the proposal should be principally assessed against saved Worthing Local Plan Policies H18 and TR9 and Core Strategy Policy 16, and The National Planning Policy Framework.

Highway Safety

The Highway Authority has confirmed that the position and height of the fence is not having any highway safety implications, consequently there is no planning highway objection this proposal. The Highway Authority has also confirmed that they are prepared to extinguish any highway rights over the land and have advised the applicant to apply for the necessary stopping up order.

Visual Amenity

The fence encloses land which previously formed a modest green sweep into Church Way Close. The planning inspector in allowing the appeal for the side extension, now built, allowed the extension to be built, in part, on this land. It would not therefore be possible to return the land to its former state even if the fence were to be removed. The fence itself is a solid and suitably domestic construction which steps down to a lower height as it curves around the front boundary. It is an acceptable addition to the streetscene. The loss of the cherry tree is regrettable but as this land is owned by the applicant, is not in a conservation area and the tree was not protected by a Tree Preservation Order its removal could not have been prevented.

Conclusions

In light of the previous appeal decision allowing an extension to be constructed and there being no objection from the County Council regarding the incorporation of the land into the curtilage of 11 Church Way Close as it is not considered harmful to highway safety, your officers must conclude that there is no sustainable planning objection to the retention of the fence and accordingly the application is recommended for approval.

Recommendation

Approve subject to the following condition:-

1. Approved plans

4th February 2015

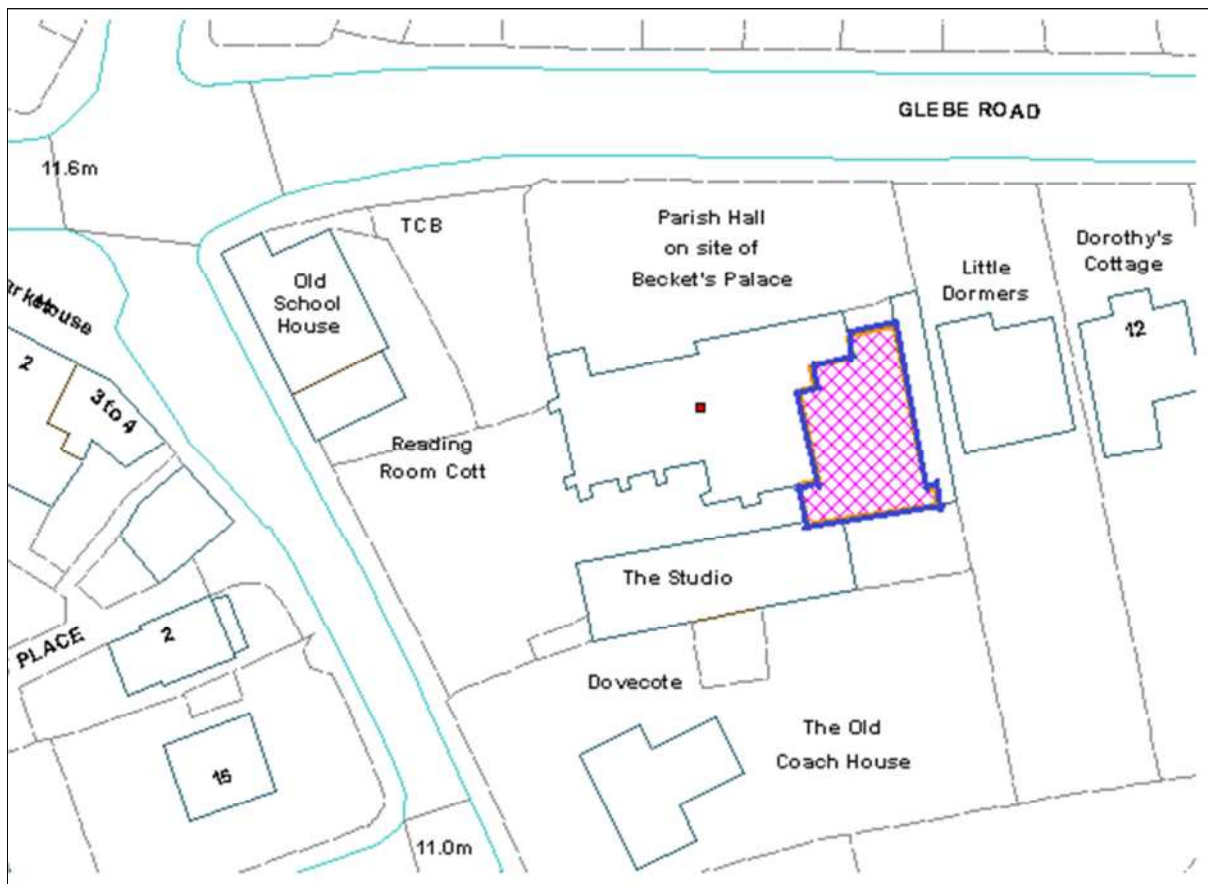
Application Numbers:

AWDM/1448/14 &
AWDM/1449/14

Recommendation – APPROVE

Site: Busy Bees Playgroup, The Old Palace, Glebe Road, Worthing**Proposal: Application to re-surface play area with 40mm all-weather play surface in Eggshell colour**Applicant: The Management Committee,
The Old Palace

Case Officer: Rebecca Tier

**Not to Scale**

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Site and Surroundings

The application site comprises an outdoor courtyard area which is used as a playing area in conjunction with the Busy Bees playgroup. The courtyard area is located within the grounds of The Old Palace which comprises a Grade I Listed Building and is also located within the West Tarring Conservation Area. The play area is surrounded by walls of the neighbouring buildings on all sides, abutting the flint, rubble and stone wall of the original Old Palace building to the west, a modern single-storey glazed link addition to the north, the flint/brick wall of an attached single-storey outbuilding to the east and the brick wall of a modern single-storey

outbuilding to the south. To the south there is also a single-storey flint outbuilding which is used as a dance studio.

The site is accessed from Glebe Road to the north through a five bar timber gate which is attached to the southerly wall of The Old Palace. The courtyard area has been surfaced in tarmac which has faded to a light grey and has fallen apart in areas to the south. Two mats incorporating imitation grass have been placed adjacent to the northerly glazed link to provide a temporary play area surface for the playgroup.

The Old Palace is a historic flint and rubble building which has had a later single storey glazed addition to the east. The building is described in further detail in its listing below:

SOUTH STREET 1. 5406 (East Side) West Tarring The Old Palace TQ 1304 SW 15/58 11.10.49. 12. Remains of a C13 house with C15 hall, built on the site of Archbishop Becket's Palace. Converted into the Rectory at the Reformation and since the erection of the modern Rectory used as the Parish Hall. T-shaped flint and rubble building with stone quoins and frames to windows and doors. Gable at east end. South and west sides have buttresses. C15 2-light cinquefoil headed windows with stone mullions and transoms. C13 lancet window in south wing. Horsham stone slate roof, the upper portion renewed with red tiles.

Proposal

The application seeks planning permission and listed building consent to overlay the existing tarmac play area with an all-weather 'Wetpour' play surface which will increase the ground level by 40mm.

Since the original application submission a set of amended plans have been submitted which have reduced the area to be re-surfaced to 86.7 square metres and set it back 1 metre so that the new surface does not abut the easterly flint and rubble wall of the original part of the Listed Building. The colour of the 'Wetpour' surface has also changed from black to Eggshell (4) colour as shown on the 'Wetpour' colour specification submitted with the application.

'Wetpour' is a two course wetpour safer surface which is able to absorb the impact of a falling child, reducing the risk of serious injury. The top 15mm comprises a mixture of high strength EPDM rubber granules bound together with polyurethane. The bottom course is made up of soft, resilient rubber shred, which is again mixed with polyurethane binder.

Relevant Planning History

None relevant

Consultations

English Heritage wishes to make no comment on the proposal and has confirmed that these applications should be determined in accordance with national and local policy guidance, and on the basis of the Council's expert conservation advice.

Adur & Worthing Councils:

The ***Environmental Health*** Officer has raised no adverse comments in relation to this proposal.

The ***Conservation Area Advisory Committee*** have raised concern regarding raising the paving level by 40mm against the existing building and consequent implications for the fabric of the Listed Building.

The ***Design & Conservation Architect*** has advised that there are concerns regarding the raising of the ground floor level by 40mm adjacent to the original historic part of the Grade I Listed Building. He also agreed with Case Officer's view that the black colour of the play area surface would appear dark and quite oppressive when viewed against the flint, stone and brick walls of the surrounding buildings and that a lighter colour surface would appear more sympathetic with the surrounding walls of the Listed Building.

The Design & Conservation Architect has therefore recommended setting the new surface back from the easterly wall of the listed building by 1 metre in line with the recessed wall of the Dance Studio building to the south and changing the colour of the 'Wetpour' surface from black to Eggshell (4) colour as shown on the 'Wetpour' specification sheet submitted with the application.

Representations

No letters of representation have been received.

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policies 11, 15 & 16
Worthing Local Plan (WBC 2003) (saved policies): RES7, SC8 & H18
National Planning Policy Framework

Planning Assessment

Principle

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 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.

The main issues for consideration are:-

- i) The impact of the proposal on the historic fabric and character of the Grade I Listed Building

- ii) The impact on the character and appearance of the West Tarring Conservation Area
- iii) The impact on the amenities of neighbouring residential occupiers
- iv) The impact on drainage

The Historic Fabric & Character of the Listed Building

These applications seek planning permission and listed building consent to overlay an existing tarmac play area within the courtyard of The Old Palace with an all-weather 'Wetpour' play surface which would raise the existing ground level by 40mm. The courtyard is currently tarmac and is used as an outside play area by the playgroup which resides in The Old Palace. The 'Wetpour' surface is designed to absorb the impact of a falling child and is therefore proposed to prevent injury to children using the outdoor play area. Whilst there are obvious health and safety benefits associated with the new 'Wetpour' surface, the courtyard area is located adjacent to The Old Palace, a Grade I Listed Building and therefore it is necessary to fully assess the impact of proposed surface on the historic fabric, setting and appearance of the heritage asset.

Core Strategy Policy 16 states:

“Throughout the borough all new development will be expected to demonstrate good quality architectural and landscape design and use of materials that take account of local physical, historical and environmental characteristics of the area. In particular, new development should display a good quality of architectural composition and detailing as well as respond positively to the important aspects of local character, exploiting all reasonable opportunities for enhancement. Where appropriate, innovative and contemporary design solutions will be encouraged.”

The National Planning Policy Framework (NPPF) states that *“when determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.”*

The NPPF also 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 securing its optimum viable use.”*

In order to maintain and preserve the historic character of Listed Buildings for future generations, it is important that they remain in use and where possible adaptable for modern day uses and their associated functions, this should not however compromise the historic fabric or setting of the Listed Building. The Old Palace provides a centre for a mixture of modern community related uses within the local area and this includes the play school which uses the courtyard as an outside

playing area. The 'Wetpour' surface is a mixture of high strength rubber granules and polyurethane designed to absorb the impact of a falling child and is therefore proposed to prevent injury to children using the existing play school. The proposed surface would comprise a modern material and finish adjacent to the Grade I Listed Building. However, it is worthy of note that the existing surface is modern tarmac which is damaged in places and has been surfaced over the concrete base. The granular appearance of the 'Wetpour' surface would therefore not compromise any historic ground surfacing within the existing courtyard.

The original set of plans submitted with the application showed that the new surface would abut the easterly flint, rubble and stone wall of original section of The Old Palace and would therefore adversely affect the historic fabric and original wall of the Listed Building. To the north, east and south the proposed surface would abut the walls of later single storey additions and outbuildings attached to the original part of the building to the east and therefore the impact would not be harmful to the historic fabric of the Listed Building on these sides. Following the comments received from the Conservation Area Advisory Committee and subsequent advice sought from the Council's Design & Conservation Architect, Officers suggested setting back the proposed surface from the easterly wall of the Listed Building by 1 metre to sit in line with the recessed wall of the dance studio building to the south and therefore lessen the impact on the original historic part of the Listed Building. Amended plans have now been submitted in this respect and the setting back of the surface by 1 metre from the original flint and rubble wall of the Listed Building would ensure that the historic wall and fabric of the building would not be compromised by the proposed re-surfacing.

The 'Wetpour' surface was originally proposed to be black as shown on the 'Wetpour' colour specification sheet submitted with the application. When visiting the site the Case Officer considered that a lighter colour would appear more sympathetic with the flint, rubble, stone and brick walls of the surrounding buildings. It was considered that the black colour would have appeared dark and oppressive particularly when viewed against the lighter flint and rubble walls of the original building. It was therefore suggested that the Eggshell (4) colour shown on the 'Wetpour' colour specification may be more appropriate to the setting of the Listed Building and the Agent has subsequently agreed to this amendment.

Following the submission of the amended plans, it is considered that the proposed re-surfacing of the courtyard would not adversely impact on the historic fabric or setting of the Grade I Listed Building and would provide a safer playing surface for the children's playgroup.

The Character and Appearance of the West Tarring Conservation Area

The courtyard is surrounded on nearly all sides by buildings and therefore views into this area from the surrounding roads are somewhat restricted, however partial views of this area are possible from South Street to the west between The Old Palace and the Dance Studio. This area is set back some distance from South Street and the surface in front of the courtyard is tarmac. It is therefore considered that the proposed 'Wetpour' surface would cause no harm to the historic character and appearance of the Conservation Area.

Residential amenity

The courtyard is currently used as an outside play area in conjunction with the play group and the use would not change as a result of this proposal. The nearest neighbouring residential properties are located beyond The Old Palace and Dance Studio buildings to the east and south. It is not therefore envisaged that the proposed re-surfacing of the courtyard would have any impact on the amenities of neighbouring residential occupiers.

Drainage

There is an existing drain run which currently runs through the courtyard area. The Agent has confirmed that the existing drainage will be retained with the new play surface going either side of the existing drain run. This will ensure that any surface water will continue to be drained from the site; however the existing drain run would need to be raised to the same level as the surface in order to ensure there would be no trip hazard for the children playing in the outdoor courtyard.

Recommendation

AWDM/1448/14 (Planning permission)

APPROVE subject to conditions:

1. Standard Planning 3 Year Time Limit
2. Implement in accordance with approved plans
3. The external colour of the 'Wetpour' surface hereby permitted shall, prior to commencement of its use, be completed to match the Eggshell (4) colour on the 'Wetpour' Colour Specification Sheet submitted to the Council on the 1st December 2014.

Reason: In the interests of visual amenity and to comply with policy 16 of the Worthing Core Strategy.

Informative

1. Proactive Statement – Approve following amendments

AWDM/1449/14 (Listed Building Consent)

APPROVE subject to conditions:

1. LB 3 Year Standard Time Limit
2. Implement in accordance with approved plans
3. The external colour of the 'Wetpour' surface hereby permitted shall, prior to commencement of its use, be completed to match the Eggshell (4) colour on the 'Wetpour' Colour Specification Sheet submitted to the Council on the 1st December 2014.

Reason: In the interests of visual amenity and to comply with policy 16 of the Worthing Core Strategy.

4. Protection of LB from damage

Informative

1. Proactive Statement – Approve following amendments

4th February 2015

Application Number: AWDM/1461/14

Recommendation – APPROVE

Site: Tamara Guest House, 19 Alexandra Road, Worthing

Proposal: Change of use from Bed and Breakfast to Class C3 single dwelling house

Applicant: Mr David McGaw

Ward: Selden

Case Officer: Rebecca Tier



Not to Scale

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Site and Surroundings

The application site is located on the westerly side of Alexandra Road and comprises a two storey mid-terrace property located within a row of six Edwardian terrace properties. The property is located close to the sea front in a residential inner suburb and close to the town centre where historically a number of guest houses have been clustered.

The rows of Edwardian terrace properties predominantly have either been converted to form multiple flats or comprise single residential dwellings. No.21 (Glenhill) and 19 Alexandra Road (Tamara Guest House) are the only remaining pair of Guest Houses within the road.

The building which originally formed a single residential family dwelling has been used as a private Guest House with owner's accommodation by the Applicants since the early nineties. With the exception of the communal dining room the ground floor of the building is predominantly used as private residential accommodation by the Applicants and this includes a bedroom, lounge, kitchen, utility room and shower room and toilet. The first floor has four guest bedrooms which are served by one bathroom with WC and one toilet. There is also one first floor bedroom located at the rear which is used in conjunction with the private residential accommodation occupied by the applicants.

The property has a small paved garden located to the rear with pedestrian access from the paved footpath to the west.

There is no on-site parking available to the property and parking on the road is controlled by way of resident permit parking only between 10-11am and 2-3pm Monday –Saturday.

Proposal

The application seeks planning permission to change the use of the existing building which comprises a mix of Class C3 residential accommodation and Class C1 B&B guest accommodation to a single dwelling within Class C3. The internal layout of the building would remain the same as existing, providing a six bedroom dwelling house. There would be no external changes to the building.

Key extracts from Supporting Statements

"The application is submitted purely to request the change of use/status of the above property from a Bed & Breakfast to a dwelling house. No internal or external building work is requested or required, therefore, as I understand it, the criteria of judgement is based on Planning Policy T2 (Loss of Visitor Accommodation)."

Medical Condition

"I am retired from my occupation and suffer a condition known as Coronary Vessel Spasm and need regular medication, my wife who is 2 years beyond retirement age, has ceased running the Bed & Breakfast. The reason for the application is that we can no longer financially or physically run and maintain the property; we wish to sell the property in order to move to a smaller, single dwelling.

Criteria 1: Proof of Marketing for Sale

It is not possible to comply with this criteria as we cannot continue to run the B&B as a going concern due to health reasons, retirement and finances. This will make the selling of the property, as an attractive business venture, increasingly difficult.

Criteria 2: Non-Viability

It is unlikely that the property will sell as a viable B&B as it is an outdated property. The property has only one bathroom and no en-suite facilities; it has therefore been running with three to four guests for the past few years so as to avoid overcrowding. Most guests, these days, have an expectation of modern en-suite facilities, installing them would render the rooms small and limit the accommodation

fee that could be charged. We have limited on street parking which is also a cause of concern and annoyance to other residents in the street.

These problems will need to be addressed by prospective buyers at a cost. We bought the property as a dwelling house in 1992, at the time it had been re-possessed by the Abbey National Building Society as a failed business venture as a guest house and then multiple occupancy. We obtained the full mortgage based on my salary along as the property then and now does not come under the criteria of being business rated and all utility bills are domestic. The property was in a poor state of repair both internally and externally and was an eyesore; my salary has helped to finance alterations and maintenance during our time here. We opened in 1994 but the income gained from the B&B acted as a supplementary income for my wife, however, the income has never been sufficient to provide a living economy for a couple or family and any prospective buyer will need a substantial independent income. Accounts for the last five trading years are enclosed.

I understand and support the Council's need to protect visitor accommodation but I am sure that the loss, or continued loss, of an outdated B&B with capacity for 6 guests maximum, a restriction imposed on the property by Worthing District Council to safeguard the amenities of adjoining residential properties, is not going to be detrimental to the vibrant town of Worthing. There are more viable establishments open or due to open in Worthing which offer modern facilities at competitive prices to meet visitor expectations.

I strongly feel that converting 19 Alexandra Road to its original status as a dwelling house will improve the area and relieve some of the parking problems and also reduce the amount of larger commercial vehicles associated with the likely clientele of the B&B."

Relevant Planning History

Retrospective planning permission was granted in 1985 for change of use from a single family dwelling house to a guest house with owners living accommodation (WB/523/85 refers).

Consultations

West Sussex County Council: No objection from a highways perspective as it is anticipated that the building would see a less intensive use as a C3 dwelling house. Although no provision for parking is available, the Highway Officer states no intensification of vehicular activity to the site is envisaged and the site is within a sustainable location with good access to local transport facilities.

Adur & Worthing Councils:

The **Tourism Development & Marketing** Officer has confirmed that whilst she has some sympathy with the applicant she would like to see more evidence in relation to the marketing of the property as outlined in the Council's SPD.

Representations

No letters of representation have been received in response to the public consultation of this application.

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policies 5, 7 and 8
Worthing Local Plan (WBC 2003): Saved Policies H18; TR9 and RES7
Supplementary Planning Document 'Sustainable Economy' (WBC 2012)
Adur and Worthing Hotel and Visitor Accommodation Futures Study (Dec 2013)
Adur and Worthing Hotel and Visitor Accommodation Futures Study (Dec 2013)
Adur and Worthing Tourism Vision Action Plan
Local Development Framework

Planning Assessment

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 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.

The main issues for consideration are:-

- i) The loss of a guest house and impact on the visitor economy, together with personal circumstances, and principle of residential use.
- ii) The impact on the amenities of future and neighbouring occupiers.
- iii) Impact on access and parking.

As such the proposal should be principally assessed against saved Worthing Local Plan Policies H18; TR9 and RES7 and Core Strategy Policies 5, 7 and 8 and The National Planning Policy Framework; The Adur and Worthing Hotel and Visitor Accommodation Futures Study (Dec 2013) and Adur and Worthing Tourism vision Action Plan and Supplementary Planning Document Sustainable Economy.

The loss of a guest house and impact on the visitor economy and principle of residential use as single family house

The starting point for any assessment of the loss of such a guest house as tourism/visitor accommodation is the policy framework.

Core Strategy Policy 5 recognises an important role for the tourism/visitor economy in the town as part of a wider town centre and seafront renaissance and this is underlined by the Adur and Worthing Tourism vision Action Plan. The Core Strategy reports that studies show that there is a strong market demand for budget hotels and good quality guesthouses/B&B's and supporting existing visitor accommodation by repositioning and upgrading the offer will be critical to the future

success and development of this sector. To this end Policy 5 resists the loss of visitor accommodation unless it can be demonstrated that such accommodation is unviable; is the only way of improving the accommodation and the alternative uses contribute towards the visitor/tourist economy.

The National Planning Policy Framework is silent on tourism in seaside locations but as economic development is generally supportive. Its lack of clear direction indicates that Core Strategy Policy 5 should be given full weight.

Certainly, the loss of the guest house as proposed would run contrary to the Core Strategy, not the least because the premises is a long established, guesthouse with good facilities, advantageously located in a popular tourism district, close to the seaside, town centre and other visitor accommodation and facilities. The effect would be to further erode the town's stock of good quality visitor accommodation, with attendant harm to the town's image, tourism function and broader town centre and seafront economic regeneration objectives. It would also thin further the established cluster of guest house and B&Bs in the neighbourhood and impact to some degree on the local economy from lost spending by guests on meals out, entertainments etc. The proposal does however follow recently granted conversion of Park House Guest House, 4 St Georges Road to a single dwelling (AWDM/0982/14), Olinda Guest House, 199 Brighton Road to residential use (AWDM/0838/13); Blair House, 11 St Georges Rd to flats (WB/10/771/FULL); and conversion of Tudor Guest House in Windsor Road to a house (WB/0936/FULL refers). In the knowledge of a number of similar establishments voicing their interest in converting to residential use, any unjustified loss could also set a harmful precedent which may be difficult to resist.

That said Core Strategy Policy 5 and allied Supplementary Planning Document makes clear that the loss of such guest houses may still be allowed where they are demonstrated to be unviable in business terms. Moreover, the Committee has entertained departures from the policy even where such a case has not been fully demonstrated, where personal circumstances have tipped the balance. This was the case with Park House, Blair House and Tudor Guest House above.

The applicants have run the business for ten years and did succeed in turning round what was formerly a struggling concern and significantly upgraded the property in the process. However, the Guest House still only provides four guest rooms two of which are very small. Each room has a small basin, yet guests have to share one bathroom on the first floor and the applicants have advised that as a result of this the Guest House has been running with three to four guests over the past few years so as to avoid overcrowding. It is anticipated that most guests have an expectation of modern en-suite facilities when looking for visitor accommodation and the applicant has confirmed that installing en-suite bathrooms would render the rooms small and limit the accommodation fee that could be charged. Any proposed upgrading to incorporate en-suite facilities and modernise the visitor accommodation would therefore require changes to the internal layout, a reduction in the guest rooms provided and additional investment by any future buyer.

The demand for this Guest House is relatively unknown as disappointingly no marketing of the property as a Guest House has been undertaken. Within their supporting statement the Applicant confirms that it is not possible to continue to run

the B&B as a going concern due to health reasons, retirement and finance and as a result of this they ceased business in September 2014 and have been keen to sell and move quickly from the property. The Applicant explains in further detail that he suffers 'Coronary Vessel Spasm' and needs regular medication, and both himself and his wife are now retired. Having read the supporting statement the Council's Tourism Officer sympathises with the Applicant's situation yet considers that further marketing evidence of the property at a Guest House would still be required in line with the Sustainable Economy SPD.

The applicants have submitted the last five years of business accounts and the occupancy data for the Guest House from the 6th January 2014 to 8th September 2014 after which they ceased trading. The occupancy data submitted shows that the Guest House only achieved 55% occupancy at its highest point for one week in June 2014 and the remainder of the year the occupancy rates were significantly lower. The accounts submitted show that the overheads and expenses to run the business took a significant proportion of the small amount of net profit gained each year. The Council's Tourism Officer has been asked to provide further comment on the viability of the existing Guest House business based on the last five years of accounts provided. The additional comments received from the Tourism Officer will be reported verbally at the Committee Meeting.

As a case for departing from Core Strategy Policies 5, the evidence of unprofitability and occupancy, whilst illuminating in itself of current finances, only covers a limited period. However, having studied recently approved planning applications for changes of use of B&Bs to residential use in the surrounding roads, it is clear that the experience of the several B&Bs who have faltered consistently over recent years suggests the picture is not uniformly optimistic and the current business appears to be struggling.

The personal circumstances of the proprietor and the hardship that may ensue should the application fail, can be a material consideration, though one to be exercised with caution. It is clear that running a B&B is a very demanding task in this very competitive and cost-sensitive market for anyone, yet is especially challenging for a retired couple one of which has a medical condition.

The other consideration that needs to be taken into consideration in this assessment is the return of the property to residential use. In terms of policy, this would, otherwise, be welcomed as the property is sustainably located in a residential suburb. Furthermore, the Core Strategy in Policy 9 and supported by the Strategic Housing Market Assessment has indicated the need for family housing in the town and the conversion to a large family house would therefore be welcome. The proposal would also contribute towards local housing targets

Taking all this information into account, the case presented is nevertheless short of demonstrating that no B&B business could be successful here and is contrary to established policy. However, in view of the existing condition and layout of the property, the investment required to bring it up to modern visitor accommodation standards with en-suite facilities and in the knowledge of the applicant's personal circumstances, a flexible approach to the policy could be justified. This is not without precedent. The benefits that would accrue from a return to a family residential use also weigh in the balance.

The impact on the amenities of future and neighbouring occupiers and visual amenity

The building is located between another Guest House to the north, two flats in 14 St Georges Road to the west and four flats within the attached property to the south. It is considered that the proposed change of use would provide a less intensive use as a six bedroom dwelling which would likely be occupied by a single family. The proposal would include no physical alterations, extensions or the insertion of any new windows and therefore the proposal would have no adverse impact on the amenities of the occupiers of neighbouring properties.

The rear garden serving the dwelling would measure approximately 40.7sqm and would be relatively small in relation to the six bedrooms provided, however the size of some of the bedrooms are particularly small and it is likely that some of the internal walls on the first floor would be knocked down to provide larger bedrooms. Whilst this leaves the property with substandard outdoor amenity space in terms of the Council's 'Space Standards' SPD, it is acknowledged that that many of the dwellings within the road and the surrounding roads are served by similar sized rear amenity spaces and therefore would be consistent with surrounding residential development.

Impact on access and parking

The site is sustainably located, close to the town centre and seafront. Parking demand is expected to be no greater and probably less than use as a guest house and there is adequate on-street parking which is located within a Controlled Parking Zone.

Recommendation

APPROVE subject to the following conditions:-

1. Standard 3 Time Limit
2. Implement in accordance with approved drawings
3. Remove Permitted Development rights for roof, extensions and outbuildings in garden.

4th February 2015

Application Number: AWDM/0713/14

Recommendation – APPROVE

Site: Rose Cottage 202 Salvington Road Worthing West Sussex

Proposal: Demolition of existing conservatory and erection of attached 2-bedroom dwelling on north side and associated alterations to existing cottage

Application Number: AWDM/0714/14

Recommendation – APPROVE

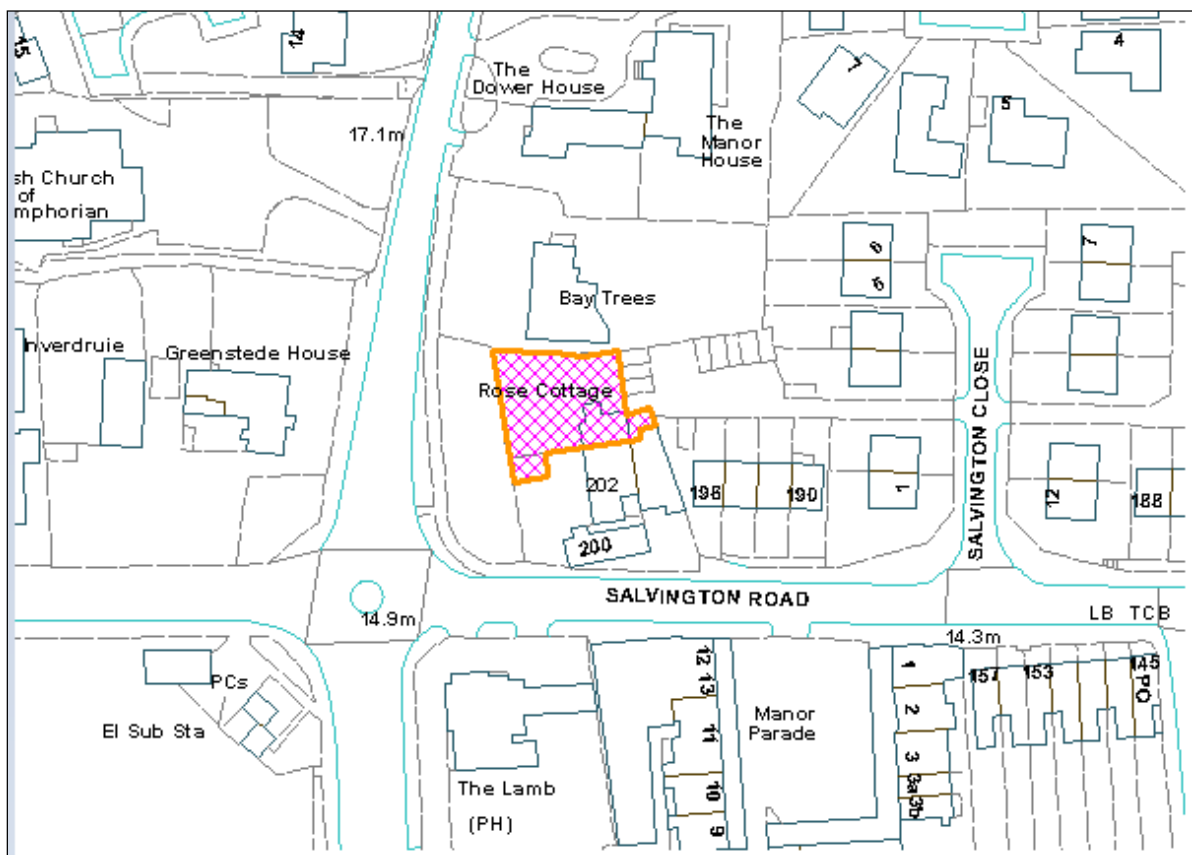
Site: Rose Cottage 202 Salvington Road Worthing West Sussex

Proposal: Listed Building Consent for Demolition of existing conservatory and erection of attached 2-bedroom dwelling on north side and associated alterations to existing cottage

Applicant: Mr Andrew Overington

Ward: Salvington

Case Officer: Jo Morin

**Not to Scale**

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Site and Surroundings

The application property comprises a 2-bedroom dwelling comprising the northern part of a Grade II Listed building located on the north side of Salvington Road, close

to its junction with Durrington Hill. The dwelling has no direct road frontage and relies on vehicle and pedestrian access via shared, paved courtyard off Salvington Road. The dwelling curtilage, consisting of a soft-landscaped garden, extends to the north and west of the terrace, enclosed by a tall flint wall which is Grade II Listed in its own right. A small, enclosed yard adjoins the rear (east) of the dwelling (to which there is presently no access either from the dwelling itself or its external curtilage).

The application property comprises a later addition (c.1808) to the original flint building which dates in part from 1723. The external walls are rendered, under clay-tiled, dual ridged and pitched roofs with gables to the north side. There is a single-storey lean-to element on the north side. A timber-framed conservatory has been added to the east side of the north elevation (for which there are no planning records). The remainder of the listed building now comprises a single dwelling house 'The Old School House' (202a). It adjoins a single-storey dwelling fronting Salvington Road (200), formerly used by the Overington family as workshop buildings and historically the site of a forge. The frontage building is not listed. Attached to the east of the listed building is a single-storey flint-faced and gabled-fronted dwelling with rooms in the roof, 198 Salvington Road. The latter dates from the early 20th century and was converted in 1996 from a storage building used in conjunction with the above-mentioned workshops.

Adjoining the site to the west is a new pair of flint-faced, 2-storey semi-detached dwellings fronting Durrington Hill (WB/10/0665 refers). To the north, fronting Durrington Hill on slightly higher ground is a detached 2-storey house 'Baytrees', dating from the 1950's. Adjoining the site to the east is a garage compound serving nearby houses in Salvington Road (Nos. 190-196) and Salvington Close.

The application site and above-mentioned neighbouring properties (except the garage compound) are located within the Durrington Conservation Area.

Proposal

The 2 applications covered by this report are for planning permission and listed building consent for the demolition of the existing single-storey lean-to and (unauthorised) conservatory and erection of a 2-bedroom dwelling attached to the north side of the listed terrace, and associated alterations to the existing cottage (Rose Cottage).

As originally submitted, the proposed new dwelling extended 7.5m northwards, excavated into the adjacent raised garden, with pitched and gabled-ended roofs continuing the dual ridged form of the existing terrace. The new dwelling would be flint-faced with brick quoins, plain clay roof tiles, and with timber windows and doors. A new chimney with exposed chimney breast would be added to the north side. The alterations to Rose Cottage include a new door into the rear yard on the east side and the creation a new flat roof section into the central valley between the existing dual ridges to create more headroom internally at the top of the stairs. The flat roof section would be continued into the roof form of the proposed new dwelling, stopping short of the north end to create a gabled-end appearance similar to the existing. The submitted drawings show provision of 2 parking bays side-by-side within the shared courtyard accessed from Salvington Road. One parking space each would be available for the existing cottage and the proposed new dwelling.

The application submissions are accompanied by a Design and Access and Heritage Statement.

The applications have been called into Committee by a local councillor.

Relevant Planning History

Earlier applications for planning permission and listed building consent for the erection of an extension to enlarge Rose Cottage plus the creation of an attached 2-bedroom end-of-terrace dwelling (AWDM/1279/13 and AWDM/1280/13 refer) were withdrawn by the applicant following concerns raised by the Council's Conservation Architect in consultation with English Heritage. At that time, English Heritage commented:-

“Rose Cottage and its attached neighbour, The Old School House, form a charming group along the former old smithy near the crossroads at the centre of the Durrington Conservation Area. The original building was erected in the early 18th century as a single dwelling faced in knapped flintwork with red brick dressings. In the early 19th century a bay was added at each end giving the building the appearance of a small terrace. Rose Cottage is the small left hand bay and unlike the rest of the building is faced in render rather than flintwork. The building, while having the appearance of a small terrace was not consciously designed as a formal composition in this sense, and while its organic growth has resulted in an aesthetically pleasing building in the local vernacular, significance is also derived from the historic values of the building, as a record of the former agricultural associations of this area. The building is listed under one description at grade II.

The proposal seeks to demolish an existing lean-to and conservatory and extend the building to provide a new two-bedroom house as well as providing a two-storey extension to enable better access to the first-floor of Rose Cottage. The nature of the proposals are not of a magnitude that would under normal circumstances require involvement from English Heritage, however, we have been asked to provide an opinion at the special request of the local planning authority.

We consider that the formation of one small new dwelling at the northern end would not substantially alter the overall character of the building, and would, if appropriately detailed, represent another phase in the natural development that has occurred at this site by replicating the rhythm of the later bays. We therefore have some concerns that the 'link' element between Rose Cottage and the new unit would disrupt this rhythm, which would be further exaggerated by the series of oddly spaced doors as well as overly extending the building. We would advise that this element is omitted.

If the local authority is minded to grant consent for the new building we recommend as required by paragraphs 131 and 137 of the NPPF that enhancements to the significance of the site are achieved by seeking improvements to the appearance of the rear of Rose Cottage and to the existing boundary treatment along the frontage. We also strongly emphasise the need for the new unit to blend in with the rest of the terrace and therefore that high quality detailing and materials are used. In this respect we recommend conditions are applied to ensure timber casements to match

the existing, use of handmade plain clay tiles and suitable brick dressings, a sample panel of the proposed new flintwork to be approved to ensure this matches the existing in terms of its pattern and in relation to the colour and texture of the mortar.”

Consultations

West Sussex County Council: The Highway Authority has no objection, commenting:-

“West Sussex County Council was consulted previously on Highway Matters for this location under planning application AWDM/1279/13 to which no objections were raised.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

The proposal is for the creation of a new dwelling with access onto Salvington Road via an existing access point. From an inspection of the plans alone, there is no apparent visibility issue at the point of access onto Salvington Road. Whilst the number of parking spaces contained within the application site is unchanged, it would be anticipated that there would be a small increase in movements and parking at the location. However, the site is located in a sustainable area, and there are also good public transport links reducing reliance on the motor vehicle. It is also assumed that the new dwelling will acquire rights to cross third party land to access the public highway.

There are no anticipated highway safety issues with this proposal.”

A condition to secure covered cycle parking to serve the development is suggested.

Adur & Worthing Councils: The Contaminated Land Officer recommends the full contamination condition.

Worthing Conservation Advisory Committee: An objection was raised in respect of the application as initially submitted owing to concerns over the extent of development and the width of the frontage. The Committee commented that a narrower frontage similar to the adjacent dwelling would be more suitable.

Representations

A representation has been received from the freeholder of the parking/turning area commenting that the parking for Rose Cottage consists of 2 allocated tandem spaces adjacent to the listed wall and these are non-transferable. It is understood the existing conservatory has never had consent. Observations made by the applicant in respect of planning in the area some time ago have been conveniently ignored including concerns about highways, no turning circle, need for a traffic audit, overdevelopment and modern building in a Conservation Area.

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 7, 8, 9, 16, 17

Worthing Local Plan (WBC 2003) (saved policies): RES7, H18, TR9

Supplementary Planning Document 'Space Standards' (WBC 2012)

Supplementary Planning Document 'Guide to Residential Development' (WBC 2013)

West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSCC 2010)

National Planning Policy Framework (2012)

National Planning Practice Guidance (2015)

The Committee should consider the planning application AWDM/0713/14 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; and 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.

The Committee should consider the application for Listed Building Consent AWDM/0714/14 in accordance with:-

Section 16 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Planning Assessment

Principle

The Planning Acts require the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Core Strategy, including Worthing Saved Local Plan policies, comprises the Development Plan here but the Government has accorded the National Planning Policy Framework considerable status as a material consideration which can outweigh the Development Plan's provisions where such plan policies are out of date; or silent on the relevant matter or at variance with the National Planning Policy Framework.

The Council's self-assessment of the Core Strategy's Conformity with the National Planning Policy Framework demonstrated that, in many respects, the Council's key Development Plan conforms closely to the key aims and objectives of the Framework. However, it is acknowledged that in response to the requirements of the Framework and informed by local evidence it is clear that the Council needs to

assess the housing delivery strategy set out in the current Development Plan. Work is currently being progressed to address this.

As such the proposal should be principally assessed against saved Worthing Local Plan Policies RES7, H18, TR9; Core Strategy Policies 7, 8, 9, 16, 17; the National Planning Policy Framework and allied Practice Guidance; and Worthing Borough Council Supplementary Planning Documents 'Space Standards' and 'Guide to Residential Development' in accordance with the above.

CS8 seeks to deliver a wide choice of high quality homes to address the needs of the community. It allows only limited infilling within suburban areas which will primarily consist of family houses. This policy approach was informed by the Strategic Housing Market Assessment (SHMA, 2008), and the need to retain and increase the supply of family housing in the Borough has since been supported by the SHMA Up-date (2012). The 'Guide to Residential Development' SPD (2013) states that a family home is generally considered to be a 3(+) bedroom house with a suitable layout and level of internal space together with accessible usable amenity space to meet family needs.

The proposal would not strictly comply with policy CS8 in as much that it would not provide a family house. However, the above SPD (2013) states that there may be circumstances where a larger 2 bed dwelling would still provide for family accommodation and may be acceptable in certain situations (paragraph 4.11). To this end, regard should be given to the proposed layout and adherence to internal and external space standards, as well as the integration of the development within the historic context of the surrounding built environment, the effect on the residential amenities of neighbouring occupiers and highway safety considerations.

Design and the Effect on the Conservation Area and Listed Buildings

The NPPF sees good design as indivisible from good planning and seeks to ensure that planning decisions realise developments that improve the overall quality of an area, make a positive contribution to local distinctiveness by insisting on good design (paragraph 58). Paragraph 131 of the NPPF emphasizes that in determining applications local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. It encourages local planning authorities to take opportunities for new development within the setting of heritage assets to enhance or better reveal their significance (paragraph 137).

Having regard to the advice of English Heritage in respect of the earlier withdrawn applications, it is considered that there is scope to add an attached new dwelling as part of an organic evolution of the existing listed 'terrace'. However, as initially submitted, officers considered the scale of the proposed new dwelling to be over-large in as much that it did not replicate the very modest proportions of the existing incremental 'bays' added to north and south of the original 18th century building, and did not therefore follow the advice of English Heritage that any new dwelling should replicate the existing rhythm of development.

Amended drawings have been received reducing the width of the main front element of the new dwelling (comprising the western gable) to 5 metres (a reduction of 2.5 metres), and the eastern gabled element to 6.5 metres (a reduction of 1

metre). The proportions of the front element and position of the proposed front door and fenestration within this elevation now more closely resemble those of Rose Cottage, whilst the staggering of the gabled elements to the north is consistent with the existing stepped form and asymmetric appearance of Rose Cottage on the north side. Replication of the existing rhythm is reinforced by the inclusion of the chimney and exposed breast (to accommodate a wood-burning stove) on the north side of the western element. The applicant's Design & Access Statement confirms the external walls would be flint to match the existing buildings with handmade clay roof tiles and timber casement windows. The Council's Conservation Architect is supportive of the amended proposals subject to conditions requiring the profile of the chimney stack to reflect the more decorative shaping of that existing at Rose Cottage, plus the inclusion of 'pots', and the treatment of the 'shoulders' on the flanks of the breast to be agreed, in addition to conditions to secure the use of high quality materials and agree the detailed design of doors and windows.

The amended plans also show the pedestrian access path serving the new dwelling re-positioned from its previous alignment alongside the western site boundary, to form a continuation of the access path in front of Rose Cottage. Although the path would as a result pass directly in front of the main living room window of Rose Cottage, it would avoid any disturbance of the listed flint wall forming the boundary with 2 and 4 Durrington Hill.

The amended drawings show new picket fencing to replace the existing unsightly (albeit long-standing) timber panel-fencing which currently separates the shared courtyard from the private garden of Rose Cottage. The existing garden area would be sub-divided by picket fencing to provide the existing and proposed dwellings with their own private amenity space. A low, picket style is considered consistent with the 'rustic' character of the historic terrace and subject to agreement of its detailed design and external finish as a condition of planning and listed building consent, would enhance the setting of the Listed Building as sought in the earlier comments made by English Heritage.

With regard to the internal and external alterations to Rose Cottage, the insertion of a section of flat roof is intended to remedy an existing precarious situation at the top of the stairs where due to the position of the central roof valley, headroom is only 1.64 metres high. The proposed alteration, involving cutting the existing roof rafters, will improve safety and access to the first-floor accommodation of Rose Cottage and is supported by the Council's Conservation Architect. Other alterations comprise forming a new door in the east elevation from the kitchen to the walled rear yard (with a new kitchen layout to accommodate the door), and altering a door to an under stairs cupboard, to which there is no objection on Listed Building grounds subject to agreement of the precise details as a condition of Listed Building Consent.

[With regard to the comment made by the third party concerning the existing unauthorised conservatory; it is apparent that this predominantly glazed, timber-framed structure has been in place on the north side of Rose Cottage for a number of years. However, owing to the listed status of the cottage it has not assumed lawfulness or exemption from enforcement action through the passage of time. Although the pseudo-Victorian style and form of the conservatory is at odds with the

historic character of Rose Cottage, it is not a large or unduly conspicuous addition and has not resulted in any permanent harm to the fabric of the Listed Building.]

Residential amenity – for the existing and proposed dwelling

The amended plans show the proposed 2-bedroom dwelling as consisting of a living/dining/kitchen area on the ground-floor, a double and single bedroom plus bathroom on the first-floor. It would have a gross internal floor area of 69sqm which is 8sqm below the Council's minimum standard for a 2-bedroom dwelling of 77sqm as set out in the 'Space Standards' SPD. The larger bedroom would meet the minimum standard of 12sqm for a double room and the smaller bedroom would meet the minimum standard of 7sqm for a single bedroom. The rooms are regular-shaped and all the habitable rooms would be provided with good levels of natural daylight and an outlook to either the north or west. The bathroom would be served by a window in the east elevation providing natural daylight and ventilation. The new dwelling would be provided with an L-shaped garden wrapping round the north and west, over 100sqm in area and considerably in excess of the minimum standard of 50sqm for a 2-bedroom terraced house.

The existing ground-floor of Rose Cottage would be reduced in area owing to the demolition of the lean-to on the north side (and existing unauthorised conservatory). As a consequence, the gross internal floor area would be reduced to 72sqm, which is 5sqm below the Council's minimum standard of 77sqm for a 2-bedroom dwelling. The existing first-floor layout and arrangement of accommodation would be unaltered other than that the bathroom window in the north elevation would be blocked up. A new extractor fan is shown ducting to the east elevation. Details of the extractor outlet will need to be agreed as a condition of the Listed Building Consent.

A private garden in excess of 50sqm in area and enclosed by picket fencing would be retained for the existing dwelling on the west side of the shared pedestrian access (serving both Rose Cottage and the new dwelling). In addition, access would be created to a rear yard (approximately 20sqm in area) which is currently inaccessible. The latter is enclosed on one side by a low brick walling adjoining the neighbouring garage compound (serving dwellings in Salvington Road and Salvington Close) and by low timber fencing enclosing a similar small yard to the rear of 198 Salvington Road. The respective yard areas are both overlooked at close quarters by surrounding windows in Rose Cottage, The 'Old School House' and 198 Salvington Road such as to be of only limited value as amenity space. Nevertheless, the creation of direct access to the existing yard is desirable, if only enable access for maintenance and to facilitate the area being kept tidy.

Residential amenity – effect on existing dwellings

The dwellings most affected by the proposed development are 198 and 202a (The Old School House) Salvington Road, 2 and 4 Durrington Hill and 'Baytrees'.

Nos. 2 and 4 Durrington Hill are located to the west of the application site, separated from the curtilage of Rose Cottage by the Listed flint wall. The most affected property would be the northern half of the pair, No.4. There would be a distance of approximately 16 metres between the front (west) elevation of the

proposed new dwelling and the rear of No.4. This is no less than the separation distance that currently exists between the front of Rose Cottage and the rear of No.2. Moreover, No.2 and 4 have been deliberately designed omitting first-floor window openings in the rear (east) elevation (other than rooflights). Ground-floor openings are screened from view by the height of the Listed wall such that it is considered no loss of amenity for the occupiers would arise (in terms of daylight, outlook or privacy), despite the resulting closer than usual proximity of buildings to each other.

'Baytrees' comprises a detached 2-storey dwelling occupying a spacious plot on higher ground to the north. It has been extended on the south side by an attached single-storey double garage, and to the side and rear by a taller single-storey addition undertaken in a distinctive, contemporary style comprising a sun room. The latter extends close to the common boundary with high level glazing all along the south side. There would be a minimum distance of only 4 metres between the first-floor window (serving a bedroom) in the north side of the proposed dwelling and the sun room at 'Baytrees'. The proposed window in question would overlook the large mono-pitched roof form of the extension but would not facilitate views into the sun room. Four small first-floor windows in the south side of the original dwelling, which appear to be of a secondary nature, are off-set from the proposed dwelling at a distance of approximately 11 metres. Consequently, it is considered overlooking from the window in the north elevation of the proposed new dwelling would not result in an unacceptable loss of privacy for the occupiers of 'Baytrees', such as to warrant a restriction on clear glazing.

The rear of 198 Salvington Road is already enclosed by the Listed terrace, which extends some 8 metres further northward on its west side. The existing sense of enclosure would be heightened by the continuation of the existing terrace form 6.5 metres northward to create the attached dwelling. However, the effect on daylight to ground and first-floor windows in the north elevation would not be significantly worse than currently exists. The introduction of a door in the rear of Rose Cottage facilitating access to the existing rear yard has the potential be unneighbourly through increased activity and overlooking. However, the rear windows of No.198 and fenced enclosure to the rear of this property are already overlooked at close quarters by windows in the east side of The Old School House and Rose Cottage. Consequently it is considered there would be no serious harm to privacy of No.198. That said, a gate (or fence) to prevent access from the rear yard of Rose Cottage to the area directly in front of an existing ground floor window in the east side of The Old School House is considered pertinent, and this could be dealt with as a condition of planning permission.

The Old School House would not be physically affected by the proposed new dwelling which would be sited to the north of Rose Cottage. The dwelling would result in a more intensive use of the shared courtyard and associated comings and goings. However, the pedestrian access serving Rose Cottage and the proposed new dwelling does not pass directly in front of the windows in the front (west) of The Old School House, and it is considered the additional degree of activity generated by a small 2-bedroom dwelling would not detract from the amenities of the occupiers.

Accessibility and parking

In terms of sustainability the site is located within a medium density residential suburb within close walking distance of shops at Manor Parade and with reasonable walking distance of a broad range of community facilities and services in Durrington Lane and Salvington Road. It is located on a bus route linking Durrington with Worthing town centre.

The existing parking provision comprising 2 bays within the adjoining courtyard would be shared between Rose Cottage and the proposed new dwelling utilising the existing access arrangement of Salvington Road. No objection to this level of parking has been raised by the Highway Authority. With regard to the comments of the third party, the applicant has submitted a copy of a Land Registry Deed dated 2012 showing allocation of 2 parking spaces side by side. Confirmation is awaited that this legal document is up-to-date. However, this appears largely to be a matter between the applicant and the other interested party and can be addressed in planning terms by a condition requiring provision of 1 independently accessible off-street parking space to be provided for the existing and proposed dwelling, in addition to a condition to secure provision for cycle storage.

Conclusion

It is considered the creation of an attached 2-bedroom dwelling as amended would form another stage in the evolution of this Listed 'terrace' that can take place without harm to its historic significance and would also be well integrated with the grain and character of more recent nearby developments which reinforce the identity of the Conservation Area, which derives from the rural origins of the original group. Neither the existing dwelling as altered, nor the proposed new dwelling would meet the Council's internal space standards for a 2-bedroom dwelling. However, the modest scale, form, proportions and detailed design of the proposed new dwelling has primarily been influenced by the overriding importance of replicating rhythm of the 'bays' forming part of the Listed 'terrace'. However, officers are satisfied that a satisfactory standard of housing would be provided that would meet the requirements of a small family and contribute towards meeting the wider housing needs of the community.

Recommendation

AWDM/0713/14

APPROVE subject to Conditions:-

1. Standard time limit
2. Approved plans
3. Provide and retain independently accessible parking spaces (1 each) to serve Rose Cottage and new dwelling
4. Agree and provide secure cycle storage for new dwelling
5. Agree and implement Construction Management Statement
6. Limit hours of construction to between 08.00 and 18.00 Mon-Fri and between 08.00 and 13.00 hrs on Saturdays
7. Agree and implement screen walls/fences and means of enclosure

8. Agree hard and soft landscaping scheme
9. Agree and implement surface water drainage
10. Agree schedule and samples of materials
11. Agree sample flint panel on site and implement
12. Agree and implement architectural details including chimney stack, pots and 'shoulders', timber windows and doors (including Rose Cottage)
13. No aerials, dishes, cables, soil pipes, meter boxes, flues or vents on front (west) elevation
14. Remove 'pd' rights for external alterations, extensions and garden buildings
15. Full contamination condition

AWDM/0714/14

GRANT LISTED BUILDING CONSENT subject to Conditions:-

1. Standard time limit
2. Approved plans
3. Protect Listed building during construction
4. Agree and implement Construction Management Plan
5. Limit hours of construction to between 08.00 and 18.00 Mon-Fri and between 08.00 and 13.00 hrs on Saturdays
6. Agree and implement screen walls and fences (including to rear yard of Rose Cottage)
7. Agree schedule and samples of materials
8. Agree sample flint panel on site and implement
9. Agree and implement architectural details including chimney stack, pots and 'shoulders', timber windows and doors (including Rose Cottage)
10. Agree specification and precise details of internal alterations to Rose Cottage
11. Agree details of extract outlet to bathroom of Rose Cottage

4th February 2015

Application Number: AWDM/1310/14

Recommendation – APPROVE

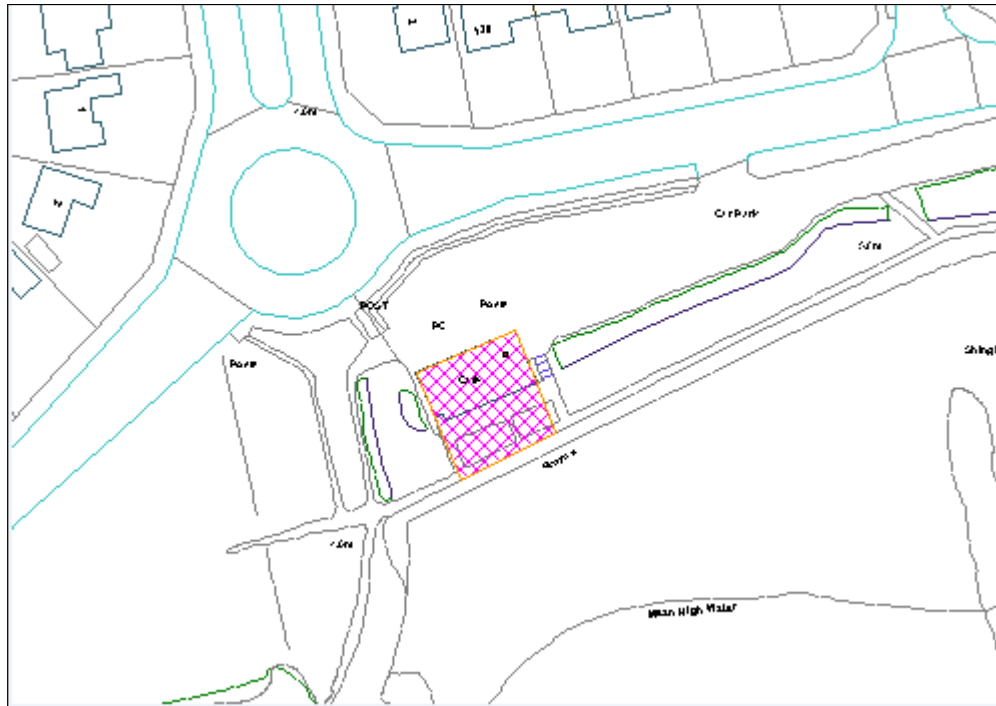
Site: Sea Lane Café, Marine Crescent, Worthing

Proposal: Covered seating area to south elevation

Applicant: Mr Peter Attwood

Ward: Goring

Case Officer: Matthew Porter



Not to Scale

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Proposal, Site and Surroundings

The application site is a modern two-storey exterior clad building on the seafront promenade, next to the Greensward. It is occupied by a popular café business. There is a paved area in front of it. Currently, tables and chairs are placed out on this paving.

The proposal is to extend the café building over most of this paving by way of a glazed aluminium powder coated frame structure (colour grey). This will be used as seating for customers. It will be at a lower level than the existing café finished floor level.

The site falls within Flood Zone 3, the highest tidal flood risk category.

Relevant Planning History

00/00065/FULL

Extension to café to provide additional seating area, storage and roof lights together with new ramp for disabled access

Refused 14-03-2000

05/1315/FULL

Erection of a retractable awning and replacement windows to south elevation
Grant Conditional Consent 24-01-2006

Consultations (summarised)

West Sussex County Council highways raises *no concern as the proposal does not affect the boundary of the public highway and will not significantly intensify traffic movements to the site*

Representations (summarised)

Letter of support received from occupier of No. 17 Oakland Court, Goring Street:-

Used café for over 25 years. Travelled 45 miles to visit. Had excellent choice of first-class food. The café is a prize jewel in Worthing's crown. The only down side is that it has steps to enter, the staff take orders from customers unable to negotiate these steps. Fine in summer, but in winter, much more, is needed. Since 2000 multiple applications have been made, surely a compromise should have been found by now. Sea Lane Café brings a wealth of visitors from all over the South.

Objection received from The Ilex Conservation Group on the grounds of loss of visual amenity to the local area, lack of detail and risk of vandalism:-.

Application is not for a covered seating area but a fully enclosed conservatory type extension. This to be built on that area of the greensward that was excluded from village green status as "a paved/grassed siting out area to the south and west of the café"

Approval has already been given for the current retractable awning to provide some weather protection. Also note in 2000 part of a refused application included a disabled ramp. This proposal seeks a large glazed extension at a raised level which would affect the open aspect when viewed along the coastal path and would sit uncomfortable with both the setting of the greensward and the existing building.

Drawing shows the basic structure but in such an exposed location the frame for the conservatory would need to be substantial to safely cope with the wind loads. The means of securing of glazing in order to resist wind loads and suction should be considered. These details will have a great effect on the appearance on the structure and they should be developed in advance of proper appreciation of these proposals.

A fully glazed conservatory structure with shielded elevations at night and a ready supply of adjacent stones would encourage vandalism.

Relevant Planning Policies and Guidance

Worthing Core Strategy: Policies 3, 5, 6 11, 14, 16
Worthing Local Plan: RES7, CT3, H18

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; and 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

Principle

The seafront promenade is distinctive to Goring, and is enjoyed by visitors and residents. The current outdoor seating is popular in the summer time. However its exposed location discourages people to sit out during inclement weather.

The café owner is seeking to upgrade the premises by increasing the amount of customer seating. Such investment in the town's tourist/leisure industry in a seafront location is supported, in principle, by Core Strategy policies 3 and 5.

This small enlargement of the café would not undermine the retail hierarchy of the town, district and local centres, so accords with the borough's retail strategy set out in Policy 6.

Visual amenity

The immediate area around Sea Lane Café makes for a pleasant seaside environment. Recognition of its special qualities is reflected in Saved Worthing Local Plan policy CT3, which requires new development along the seafront to respect and, where possible, enhance its appearance and character.

In 2000 Members declined to permit a disabled ramp on the café building. The siting and design of it was felt to be an unnecessary intrusion into the greensward area, to the west of the café.

Turning to the current proposal, officers do not believe the instinctive character of the greensward would be harmed by it.

The scale, height, and massing of the enlarged cafe would respect the seafront environment; its open setting, positioned away from nearby properties, allows for a larger building without it being inappropriate to its location.

Although a fairly utilitarian structure its aluminium frame, low ridge, and transoms closely aligned to the existing café windows, means the extension will read as a subservient, lightweight sunroom. It would appear relatively balanced as its mullions are evenly proportioned, with reasonably central doors.

Given its function and exposed location, its architectural design is acceptable.

Looking east from the Greensward lawn, Tamarisk trees along the lawn's eastern edge would filter views of the majority of the extension. Looking west, the enlarged building would not protrude intrusively forward, leaving space between it and the concrete promenade path. The building's frontage would continue to face the beach.

Accordingly, the orientation, layout and siting of the enlarged building has been designed to have regard to existing sea views, and would be appropriate in relation to spaces and outlook to the sea.

Residential amenity

The building is well away from neighbouring properties so as to avoid resultant harm onto the living conditions by way of overbearing and overshadowing, loss of privacy, and/or noise and disturbance from customers

Accessibility and parking

Most people arrive to the café by foot or bike, having used the promenade. The café benefits from an adjacent car park. There is ample opportunity for on-street parking in surrounding streets, if required.

The extension will deliberately be at a lower level than the existing café finished floor level. This will improve access for those that have difficulty negotiating the existing steps.

Flood Risk

The existing café building has an elevated finished floor level.

The finished level of the proposed extension will be level with the ground. If the area were inundated, the flood water could be swept away as the current arrangement with the paved area.

This situation will put human health at no worse risk than at present, and there would be no material exacerbation of flood risk as a consequence of this development.

Conclusion

The proposal before Members reflects efforts between officers and the applicant to secure an acceptable scheme.

Other designs were discussed, including a marquee and timber clad extension, but these were not felt appropriate by the café owner. He argues the existing awning is not suitable for use in high winds.

This is an opportunity to support local business investment, without harm arising onto those qualities of the seafront environment which makes it special.

Recommendation

APPROVE

Subject to Conditions:-

1. Standard time limit
2. Approved plans

4th February 2015

Application Number: AWDM/0018/15

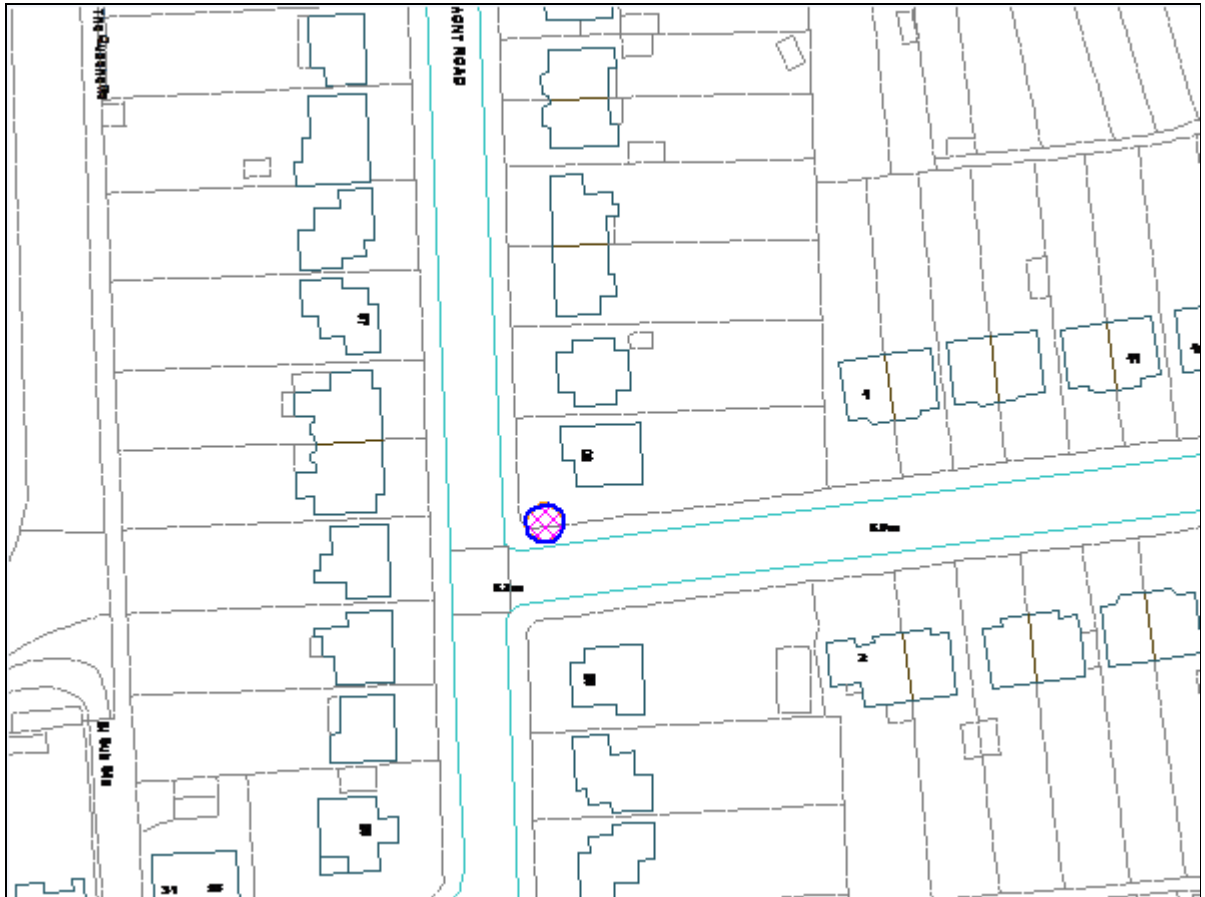
Recommendation – Refuse

Site: 30 Beaumont Road, Worthing

Proposal: Application for consent under Worthing Tree Preservation Order No.21 of 1975 to fell one Sycamore tree T1

Applicant: Mr Mark Tate
Case Officer: Jeremy Sergeant

Ward: Broadwater



Not to Scale

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Proposal, Site and Surroundings

The application refers to a single large mature Sycamore tree in the front garden of 30 Beaumont Road. The tree is prominent to the area and can be seen from many views.

Consent is sought to fell and replace the tree.

The reasons for the works are primarily in the interests of abating alleged nuisance.

The application has been called in by a ward councillor.

Relevant Planning History

- 1975: Worthing Tree Preservation order Number 21 of 1975 confirmed on 10th February 1976.
- 1979: Application to lop 1 Sycamore tree in south-west corner of site subject to Worthing Tree Preservation Order 21/75. 30 Beaumont Road. Refused.
- 2007: Application for consent under Worthing Tree Preservation Order No. 21 of 1975 for 25% crown reduction and removal of one large limb on the north eastern side to one Sycamore tree (T1). Refused.
- 2011: Application to crown lift to 5 metres (5.5 metres over the highway), reduce longest branches over house by up to 1.5 metres, remove dead and crossing branches, remove unhealthy 6" diameter stem in centre and thin 'cluttered' area of canopy by 10% on one Sycamore (T1).
- 2012: T1 Sycamore in garden of 30 Beaumont Road close to corner of Beaumont Road and Sheridan Road: Reductions and shaping by 2 metres to growth points.
- 2014: Application for consent under Worthing Tree Preservation Order No.21 of 1975 to fell one Sycamore tree T1. Refused, Appeal Dismissed.

Consultations

None

Representations

4 representations of support received, from nearby residents on the grounds that there is nuisance from falling leaves, and seeds and that the tree may cause damage to foul water drainage, and that the tree is unsafe, due to its height.

Applications in connection with carrying out works on trees that are protected by TPOs

The Committee should consider the Town and Country Planning (Tree Preservation) (England) Regulations 2012 that provides the application may be granted either unconditionally or subject to relevant conditions, or refused.

Planning Assessment

The principal issue raised by this application is the impact of loss of the tree in terms of public amenity balanced against any harm the tree may cause.

As such the proposal should be principally considered in the context of Worthing Core Strategy 2006-2026 (WBC 2011): Policy 16; Worthing Local Plan (WBC 2003) (saved policies): H18; National Planning Policy Framework and Practice Guidance; Circular 04/07 'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000)

The tree is a large, attractive, mature tree growing in the front garden of the property, adjacent to the junction of Beaumont Road and Sheridan Road. It is tall mature, with two main stems at ground level which divide into four at one metre

above ground level. The stems break at 8 – 9 metres, to form an elegant, mostly upright high crown.

An application to fell the tree on similar grounds to those cited in the current proposal was refused in 2014 and the subsequent appeal dismissed in October last year. The Appeal decision is appended.

The Inspector's decision as the Secretary of State's agent has great weight and would be expected to prevail again unless circumstances had materially changed.

The Inspector's conclusions are reproduced below;

12. I find that the appeal tree has amenity value as a locally prominent specimen in its own right and as part of the general local landscape character. I am satisfied that the proposed felling would have an adverse effect on that character and the visual amenities' of the area.

13. I find that the grounds for felling are not supported by the evidence and do not warrant the proposed works.

14.2 I conclude that the proposed felling of the appeal tree is not warranted on the evidence and I therefore dismiss the appeal.

No significant change in material circumstances has occurred in the 4 months since the appeal decision, including any submission of any further evidence of harm, and the felling of this prominent and attractive tree, which contributes significantly to the pleasant and verdant character of the area, remains unjustified.

However, for completeness, the claims of risk and harm are discussed again below, together with relevant extracts from the Inspector's decision.

Firstly, as a mature tree of more than 60 years old there are some visible cavities and areas of damage etc. However these are no more than would be expected and do not compromise the tree. The main stems have good union between them with no included bark. There is no evidence to suggest that the size and height of the tree make it prone to failure; the tree is healthy with no signs of decline. The Inspector comments *Minor old pruning wounds on the stems suggest the removal of lower branches over the years, particularly to the north and east towards the dwelling at 30 Beaumont Road. Otherwise the tree appears to be in normal health and condition for the species.*

Secondly, prudent management would minimise any risk from instability or branch fall. Indeed, works to achieve a crown reduction in radial spread were approved in 2012 but not implemented and remain the preferred solution for addressing any such fears. The form of the tree lends itself to such treatment and shows the potential for a narrower more columnar structure. The Inspector comments (the tree) *is not unusually tall or unusually exposed and appears to be normally secure in the ground. I am not persuaded on the evidence I have seen that the risk of falling is excessive and unreasonable as to justify felling.*

Thirdly, there are potential practicable and satisfactory remedies to address potential drain damage involving roots (such as the quoted re-sleeving, from a Company called 1st Clearway submitted as part of the application and referred to in the Inspector's decision in para 7). Roots can only enter pipe works that are damaged, the proposed works being a permanent solution, and works that would be required irrespective of the presence of trees.

Fourthly, the Inspector comments *I note references in submission in support of the application to the deterioration of the property from bird excrement, moss and gum, all ascribed to the presence of the appeal tree. I accept that such problems may occur and may be connected to the presence of the appeal tree, but I have not seen evidence to persuade me that these matters are at such an excessive and unreasonable level as to warrant the proposed felling. I accept too that substances falling from the tree including bird excrement and sap may affect pathways and public footpaths. The spatial relationship of the appeal tree to footways is not unusual and does not appear to represent particularly unreasonable risk to users of the footways: I find that the problems of bird excrement and sap are not at such an excessive and unreasonable level so as to warrant felling.*

Finally, the submitted evidence in support of the application does not include any arboricultural information which would justify the removal of the tree.

To conclude, there is no arboricultural reason to fell this Sycamore tree which is a prominent, established feature of the area, in good condition, with high public amenity value. Felling would be unacceptable and identical proposals for such have been refused and dismissed at appeal very recently. As circumstances have not materially changed, the appeal would have no reasonable prospects should another appeal be lodged, and so it would be appropriate to seek to recover any relevant costs in line with Government Practice Guidance.

Recommendation

REFUSE for the reason(s):-

1. The proposed felling of this prominent and attractive tree, which is an established feature of the area and contributes significantly to its pleasant verdant character, would be detrimental to the character and visual amenities of the area. There is no valid arboricultural reason to fell this protected tree.

4th February 2015

Appendix 1; Appeal decision; APP/TPO/Y3805/4040; 17.10.14

The Planning Inspectorate
Appeal Decision
Site visit made on 9 September 2014
by Jonathan Fulcher

An Arboricultural Inspector appointed by the Secretary of State for Communities
and Local Government

Decision date: 17.10.14

Appeal Ref: APP/TPO/Y3805/4040
30 Beaumont Road, Worthing, West Sussex BN14 8HD

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake works to a tree protected by a Tree Preservation Order
- The appeal is made by Mark Tate against the decision of Worthing borough Council.
- The application Ref: AWDM/0445/14 dated 7 April 2014 was refused by notice dated 30 May 2014.
- The proposed work is the felling of one sycamore tree.
- The relevant Tree Preservation Order is the borough Council of Worthing Tree Preservation Order No, 21, 1993 which was confirmed on 10.2.76

Decision

1. I dismiss the appeal.

Main Issues

2. In my view the main issues in this case are:-
 - i) The impact of the proposed felling on the sylvan character of the area and on the visual amenities of the area; and
 - ii) Whether or not there are sufficient grounds for the works as proposed.
3. The tree is a maturing sycamore of about 16m in height (based on a 5m surveyor's staff used as a height reference) with a trunk that divides at about 0.5m to give a crown formed from three main upright stems. Minor old pruning wounds on the stems suggest the removal of lower branches over the years, particularly to the north and east towards the dwelling at 30 Beaumont Road. Otherwise that tree appears to be in normal health and condition for the species. Thy tree stands in the front garden of 30 Beaumont Road about 4.5m from the nearest part of the dwelling and abutting the boundary fence along Sheridan Road.

The area and its character.

4. Beaumont Road is a long straight level residential street in the north east suburbs of Worthing. Properties in the street are a mix of detached and semi-detached houses on their own modest plots with front gardens enclosed by low walls or hedges and some front gardens providing off-street parking. Vegetation is variable, on the street frontages generally limited to low hedges and shrubs in front gardens, with small ornamental species of trees and the occasional larger specimen, with infrequent street trees in the footway. Trees are also visible from time to time over and beyond houses. The level landform gives reasonable views of the appeal tree the length of Beaumont Road but otherwise no long landscape views into or out of the site of the appeal tree and houses form the horizons and limits of view in most directions.

The effects of the proposed felling on amenity

5. The appeal tree is visible from much of Beaumont Road and from part of Sheridan Road. The proximity of the appeal tree to the streets and its size give it a degree of local prominence, and the absence of similar trees nearby also give it individual specimen character. The tree is also part of the tree population in the locality that contributes to the local landscape character. I am satisfied that the appeal tree has local amenity value as a specimen in its own right and as part of the tree population in the local landscape. I do not share the Council's view that the area has a sylvan character - there are to my mind too few trees to give the area the character of woodland. However, I do agree that the appeal tree has amenity value and I find that the proposed felling would have an adverse effect on the local landscape character and on the visual amenities of the area.

Grounds for felling

6. I note references in a submission in support of the application to the deterioration of the property from bird excrement, moss and gum, all ascribed to the presence of the appeal tree. I accept that such problems may occur and may be connected to the presence of the appeal tree, but I have not seen evidence to persuade me that these matters are at such an excessive and unreasonable level as to warrant the proposed felling. I accept too that substances falling from the tree including bird excrement and sap may affect pathways and public footpaths. The spatial relationship of the appeal tree to footways is not unusual and does not appear to represent particularly unreasonable risk to users of the footways: I find that the problems of bird excrement and sap are not at such an excessive and unreasonable level so as to warrant felling.
7. I also note references in the appeal-submissions to drains damaged by root ingress. I have not seen evidence that links the appeal tree directly to such damage. There are potential practicable and satisfactory remedies to drain damage involving roots, such as jetting, re-sleeving and, replacement that do not require the removal of trees. I have not seen evidence to help me understand that felling the appeal tree is the most appropriate way of dealing with the matter of drains damaged by roots.

8. The appeal tree appears to be a normal example of the species, with its multi-stemmed form not unusual for the species and not showing evidence that it represents a significantly greater risk at present than a single stemmed specimen of similar size. I agree that trees may from time to time be struck by lightning but I have not seen evidence to suggest that the appeal tree is particularly vulnerable to this risk so as to warrant felling. Neither have I seen evidence to suggest that the appeal tree is at unusual and significant risk of falling or being uprooted. It is not unusually tall or unusually exposed and appears to be normally secure in the ground. I am not persuaded on the evidence I have seen that the risk of falling is so excessive and unreasonable as to justify felling.
9. I agree that there are trees, some large, associated with the Manor Sports Ground to the west. Trees here are not particularly influential on the street scene in Beaumont Road, and trees in Beaumont Road have their own particular character and landscape contribution. I am satisfied that the appeal tree makes such a contribution to Beaumont Road and that it has amenity value in its own right and is therefore worth retaining unless there is sufficiently pressing evidence to warrant its removal.
10. I have seen a third party representation that suggests that the appeal tree is too tall for its surroundings and that this promotes the fear that it might fail. No tree is immune from the risk of falling if weather conditions are sufficiently extreme and this is not usually a sufficient reason for felling a tree that appears to be normally healthy and stable. I have not seen evidence to help me understand how the appeal tree is too large for its surroundings. As a species, sycamore can become substantial, with exceptional trees reaching mature height of over 30m. The appeal tree is well short of this stature and not likely to achieve it, given its multi-stemmed form. I find that the appeal tree is reasonably well suited to its surroundings.
11. In consideration of the evidence that I have seen, I conclude that I should dismiss this appeal.

Conclusions

12. I find that the appeal tree has amenity value as a locally prominent specimen in its own right and as part of the general local landscape character. I am satisfied that the proposed felling would have an adverse effect on that character and the visual amenities' of the area.
13. I find that the grounds for felling are not supported by the evidence and do not warrant the proposed works.
14. I conclude that the proposed felling of the appeal tree is not warranted on the evidence and I therefore dismiss the appeal.

Jonathan Fulcher
Arboricultural Inspector

Application Number: AWDM/1425/14

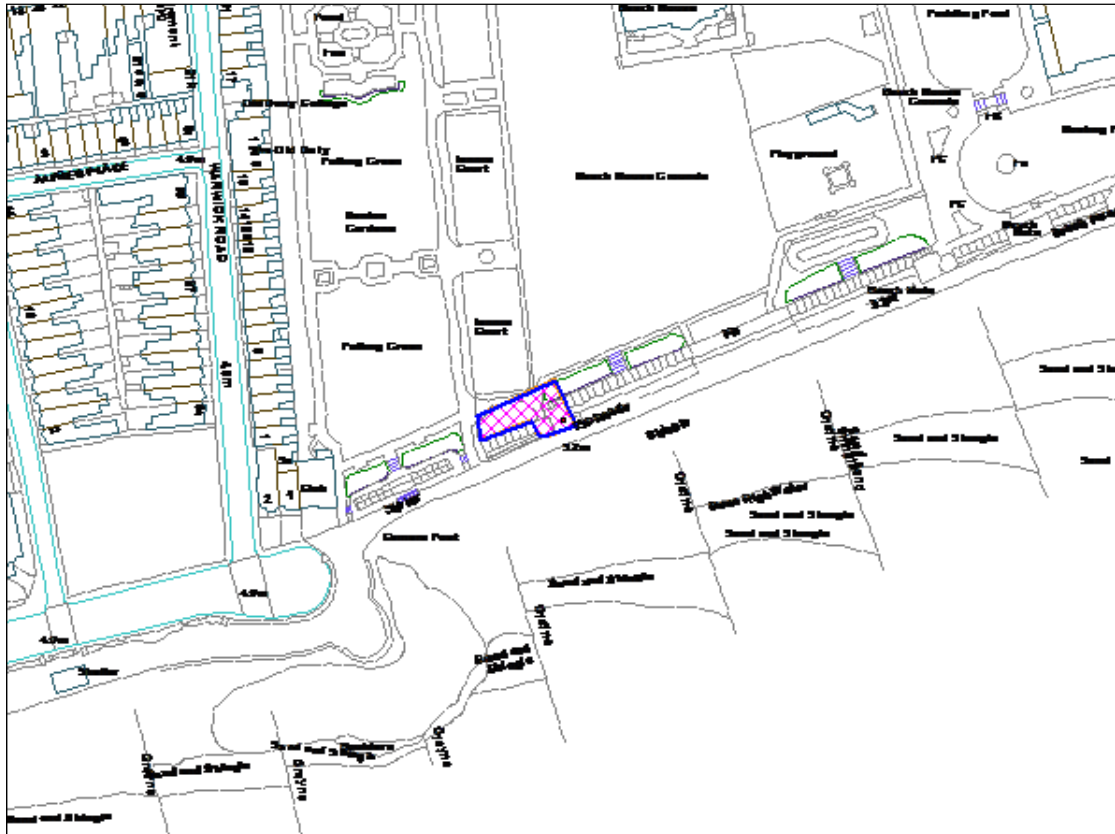
Recommendation – Approve

Site: Kiosk 2 Chalet, Beach Parade, Worthing

Proposal: Single-storey extension to north elevation to Coast Café to provide additional seating and new kitchen

Applicant: Mr Stefan Sykes
Case Officer: Paul Pennicott

Ward: Central



Not to Scale

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Site and surroundings

The Coast Café is owned by the Borough Council but leased to the applicant. It is situated on the beach promenade east of the town centre to the south of and within the grounds of Beach House which is a grade II listed building in Brighton Road. A tall flint wall forms the shared boundary with Denton Gardens and the Steyne Gardens conservation area, to the west. To the east is the new Splash Point swimming pool adjacent to the redundant old Aquarena pool which is the subject of a current application for residential redevelopment. On the north side of the building there are currently a volleyball court and a play area with sand court partly screened by a raised grass bank.

The café is within one of two 2 storey towers linked by the single storey East Beach chalets which are situated under a walkway. This structure is identified in the Worthing Local Interest Study as a building of interest.

The proposal

The proposal is to extend the north side of the café by 5.5 m to form a much larger seating area, a bigger kitchen and 6 toilets with storage. The existing floor area of the café is currently some 102 sq m and would increase to 172 sq m. At the present time there are 22 covers but the proposed layout shows 74 covers when completed. This seating area will include the current tower passage from the promenade to the park which would be filled in and the internal space created would provide 10 covers at the foot of a new stairway to the upper floor.

The café currently employs 4 full time and 7 part time staff which would increase to 7 full time and 12 part time as a result of this extension. The kitchen area would be substantially enlarged from 14 sq m to 54 sq m.

The extension would be single storey and constructed in flint and glass with a raised zinc roof. Two solar panels would be placed within the existing flat roof behind the tiled upstand around the building.

Supporting statements

The application includes a Design and Access Statement which describes the site and its setting, considers the planning policies, details the proposals, explains the construction and use of materials, outlines an energy use strategy and assesses the flood risk.

Consultations

The Environmental Health Officer comments as follows:

Whilst the site lies on the seafront, there are residential properties 70m to the west in Warwick Gardens and 100m to the north at Beach House. Noise from customers using the outdoor terrace could therefore affect residential amenity in the evening. I therefore recommend that a condition be attached to any permission granted stating that the bi-folding doors on the north façade are closed by 23.00 hours.

The Head of Technical Services raises no objection

The Estates Manager raises no objection

Representations

The Worthing Society supports the application

No other representations have been received from local residents or beach chalet occupiers.

Relevant planning history

None

Relevant legislation

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; and 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.

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 Policies 2, 3, 5, 13, 15, 16, 17 and 18 and 19 and Area of Change 1

Saved Worthing Local Plan Policies CT3, H18, RES7, RES9, TR9 and LR5

Worthing Evolution Town Centre and Seafront Masterplan 2006

Seafront Strategy 2007

National Planning Policy Framework

Planning Assessment

Need

The café has been in operation since 2008 and during that time a number of improvements have been made. The ground floor is small and cramped and the kitchen is open behind the bar. Ventilation is poor and the kitchen becomes very hot. It is popular and needs more seating. There is additional seating on the beach deck but the permission has lapsed.

In the first floor of the belvedere is a small bar area served by a small internal standing area and outside there is a small walled area for temporary seating. These first floor areas can only be accessed by the external public steps on the north side of the building which hinders the efficient operation of the café and makes the upper floor only usable for stand-alone events.

More toilets are required for customers. There are no toilets within the café. Patrons have to exit the premises and use the toilets recently created within the adjacent chalet. The extension would provide 5 toilet cubicles including one suitable for wheelchair access and another with baby change facilities. There would be a separate toilet for staff.

Policy

The Core Strategy identifies this area as a Gateway and Area of Change. The Worthing Evolution Town Centre and Seafront Masterplan 2006 included a Seafront Strategy which referred to the upgrading of the refreshment kiosk. The subsequent Seafront Strategy 2007 showed this as part of an Active Beach Zone where it encourages leisure facilities and activity sports as well as the adaption of seafront chalets and creation of a new restaurant/café with upper terrace and viewing area.

The design and its impact upon the local interest building, the listed building and the adjacent conservation area

The building is identified in the Worthing Local Interest Study as a building of interest and although this does not mean that it has to be preserved its architectural heritage is noted as a matter of public record. The promenade, chalet and belvedere walls and columns are constructed from flint in a random cobble. On the north side are red brick walls with a concrete coping. The beach chalets contain critical windows. The upper walkway is enclosed by a white painted steel balustrade. The extension has been designed to fit into its context with the current heritage buildings, Beach House and its wider historic setting. The building would incorporate contemporary design and construction with traditional materials.

The layout integrates the belvedere into the ground floor plan and the currently restricted northern view of the rear elevation would be covered by the extension. It is regrettable to lose the public view of this part but views were limited due to its recessed position at the rear screened by the grassed mound and outdoor leisure facilities recently developed on the north side. However, the shape and form of the exposed belvedere will be very evident internally due to the proposed internal layout. It is therefore recommended that all exposed sides of the belvedere walling should be retained and expressed internally in its natural state and should not be clad or rendered over.

The layout has been carefully conceived to maximise the views through large areas of glass on the south side and the north side to permeate the view between the parkland and the sea whilst the utilitarian elements behind the chalets within the western half of the building would be effectively screened. To achieve maximise views the front window would be enlarged with the small blocked up side windows reinstated. To maximise the light the proposed doorway in the belvedere which faces the sea would be fully glazed. The pedestrian opening on the north side would also be retained internally. Both of these are acceptable in historic terms subject to conditioning the glazing details. On the east side of the belvedere a wide opening would be created to introduce the belvedere seating area into the main café area which is currently covered up. The principle of opening this up is acceptable.

The footprint of the extension falls short of the flint boundary wall of Denton Gardens to the west by some 1.7 metres at its closest point. This helps to retain the setting and integrity of the historic walled boundary and also provides an opportunity for a discrete service yard and bin enclosure behind gates which would be set back.

The building would be extended northwards towards the listed building but in a minimal way forming no significant building incursion into the setting of Beach House and would be significantly screened by the grass bank and intermediate outside activity areas.

The extension has been designed to give maximum exposure to the belvedere which would be clearly seen above the apexes of the winged roof from all vantage points. The lower plain of the central roof area will present even greater exposure to the belvedere structure from a northern viewpoint in Brighton Road. The roof design will also enable important views from the roof terrace to be retained whilst providing a dynamic and lightweight contemporary form on an exposed timber structure

above the glazed and cobbled base. This will follow the lead given by the new contemporary pool and leisure building.

The choice of materials has been carefully considered. The folded zinc roof would provide a traditional appearance from a contemporary material. The walls would be formed in cobbles which would give it the gravity, strength and traditional expression of the existing building and respect its context. It is important to achieve an appropriate type of cobbled finish for which a condition to form a sample panel for approval is recommended.

Sustainability

The building is an important local facility for tourists and residents which does not rely upon access by motorised transport and attracts passing pedestrian and cyclist trade. The building would be constructed to the latest building regulations standards and would considerably improve the efficiency of the current café in terms of energy consumption. The building has been designed to provide maximum natural light and cross ventilation. In addition, solar energy will be utilised with the installation of photovoltaic cells on the flat roof of the adjacent chalets. Further measures can be accommodated such as the use of recycled materials, low energy lighting, low water using appliances and the use of reclaimed heat. It is recommended that a condition is imposed to control the design and placement of the photovoltaic cells to minimise their visual impact. A condition is also recommended to incorporate appropriate sustainable measures into the construction and daily running of the café.

Residential amenity

There are no residential properties very close to the café. Beach House to the north is some 100 metres away and properties to the west in Warwick Road are some 70 metres away. There appear to be no records of recent complaints from special events or daily activities occurring in or around the premises. The Environmental Health Officer comments that as noise from customers on the outside terrace on the north side could affect the residential amenities of the area in the evening the bi-folding doors should be closed by 2300 hours each day and it is recommended that this is controlled by condition. Other controls to protect residential amenities fall under the licensing conditions imposed through Environmental Health.

Flood risk

A flood risk assessment has been submitted with the application. It states that the café is within the Environment Agency's Flood Zone 3 (proximity to potential coastal flooding) but is classified as less vulnerable because of its use. It is within the Council's Flood Risk Zone 3a for tidal flood risk. Beach House Green is delineated as FRA 3a for a potential 1 in 100 year event. The site is not at risk from storm flooding and coastal flooding has never previously occurred on this site. It is actually protected by the highest level of shingle at Splash Point through which surface water drains.

Only a small area of permeable surface would be lost for surface drainage purposes and the existing buildings and shingle bank would form an effective flood barrier to the extended premises on its north side.

In addition measures to protect the building from water inundation are proposed which comprise protection of coastal flood waters up to a level of 700mm using floodshield barriers for all entrances. The Head of Technical Services raises no objection.

Access

The extension will be permeable for users with access from the park to the sea and they would be particularly encouraged by the enlarged south facing window and the fold-back glazed doors on the north side where there will be a ramped access. Unfortunately, this would be a private access available only to patrons of the café whereas the shorter existing public access through the belvedere will be blocked up, but its openness and accessibility has raised security and anti-social behaviour issues in the past. Public access will still be conveniently achieved from the more public approaches through Denton Gardens from the west and beyond the chalets to the east.

Recommendation

APPROVE for the reason:-

The proposed extension accords with the Seafront Strategy and will make the Active Beach Zone a more attractive area for visitors and will encourage greater leisure use. The design is appropriately contemporary whilst having regard to the historical context through the use of traditional vernacular materials.

Subject to Conditions:

1. Standard five years
2. Approved drawing numbers
3. Sustainable design measures to be agreed
4. Glazing details to be agreed
5. Cobbled sample panel to be agreed
6. Details of new internal opening in east side of belvedere to be agreed
7. Retain exposed elevations of belvedere within internal space in an agreed manner.
8. Design and position of photovoltaic cells on roof to be agreed
9. Hard and soft landscaping details to be agreed
10. Flood shield barriers to be provided
11. Doors closed in north elevation by 2300 hours

4th February 2015

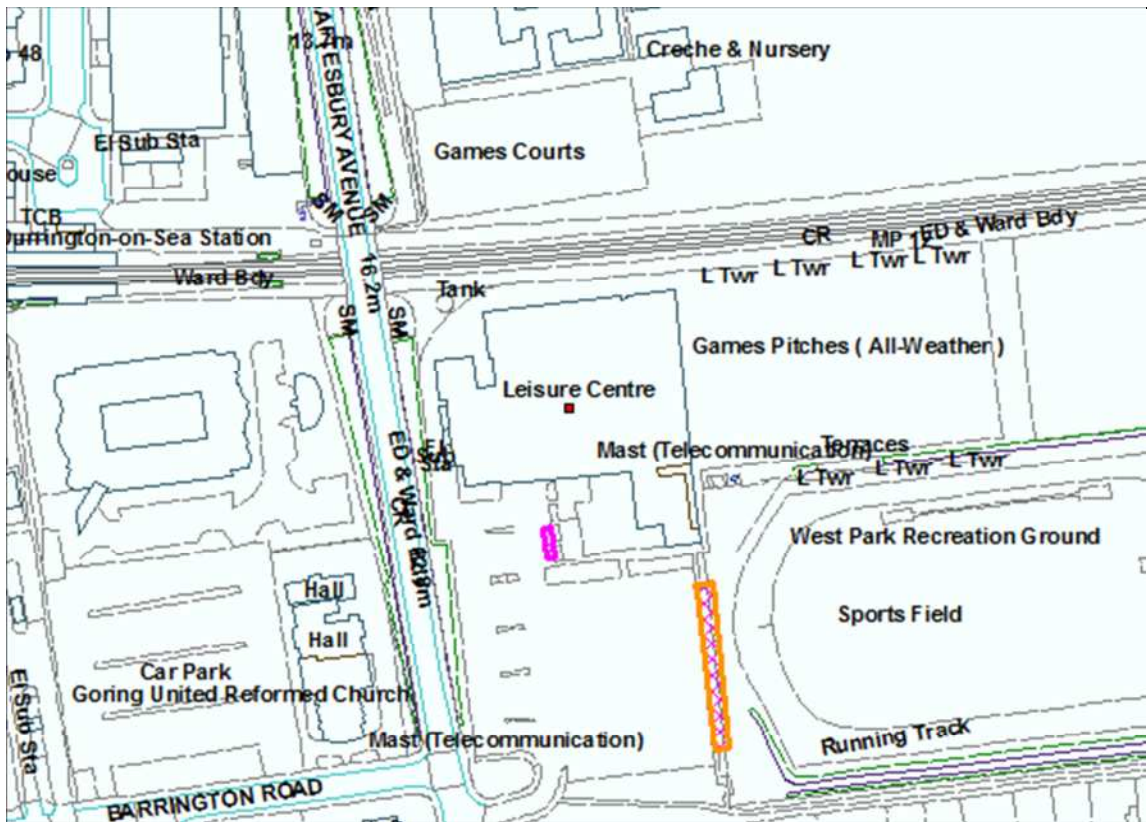
Application Numbers: AWDM/0048/15

Recommendation – Delegate for approval subject to the expiry of the consultation period on 12 February

Site: Worthing Leisure Centre, Shaftesbury Avenue, Worthing

Proposal: Extend existing car park on western boundary to provide 22 extra parking spaces with associated gates and realignment of fencing. Provision of 20 cycle parking spaces to south of leisure centre.

Applicant: Mr Duncan Anderson, Worthing Borough Council
 Case Officer: Gary Peck
 Ward: Marine



Not to Scale

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Proposal, Site and Surroundings

This application, submitted by the Council, seeks full permission for the extension of the existing car park on the eastern side to provide 22 extra parking spaces with associated gates. The existing fence would be realigned to take account of the additional parking. 20 cycle parking spaces would also be provided to the south of the Leisure Centre.

The Leisure Centre is situated on the eastern side of Shaftesbury Avenue with the car parking area to its south. Beyond the existing car park to the east is an athletics track and to the south are properties in Westpark Lane.

Across the road to the west is Barrington Road and Goring United Reformed Church. To the north, the Leisure Centre is bounded by the railway line with Durrington station a short distance to the north-west.

Consultations

Any consultation responses will be reported verbally at the meeting

Representations

Any consultation responses will be reported verbally at the meeting

Relevant Planning History

There is no planning history considered relevant to the determination of the application

Relevant Legislation

The Committee should consider the planning applications 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; and

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.

Relevant Planning Policies and Guidance

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

Worthing Core Strategy (WBC 2011): Policies 11 & 16

Planning Assessment

Principle

Although there is a loss of existing green space on the site, the requirement for the increased parking and cycle parking is as a result of a marked increase in the use of Leisure Centre which had increased its membership to over 9000 in 2014, compared with 1300 in 2005. The completion of the new football centre on the

northern part of the site has improved the range of facilities on offer still further and as a consequence, there is now even more pressure on parking at the site.

The Adur & Worthing Parks Manager, as part of the supporting information submitted with the application, has stated that there is presently a surplus of 1.3 hectares in the area at the moment as demonstrated in the Open Space, Sport and Recreation Facility Report dated March 2014.

As the proposal is therefore directly in relation to provision of leisure facilities in the Borough, it is considered that the principle of the proposal is acceptable.

Visual amenity

The green area which is affected by the proposal equates to about 3 metres between the existing car park and fence which currently separates the car park from the athletics track to the east. A further 3 metres of grass and 3 trees would be lost within the fenced area of the athletics track. The total area lost would be about 320 square metres in an overall site area given as over 74000 square metres and clearly in terms of its overall impact; the loss of the green area would be slight.

Furthermore, it is evident that the green area serves little practical purpose at present, its western section being a narrow strip between the existing car park and fence, while the area to the east within the fenced boundary of the athletics track does not have any functional relationship with the track itself (the area for field events is located elsewhere around the perimeter of the track). While the loss of trees is always regrettable in itself, their current planting in a small group seems to serve little practical benefit and replacement with more evenly spaced trees would seem to offer the opportunity for planting to be evident across the width of the car park rather than one portion of it to its southern end. The replacement planting can be secured by condition.

The cycle spaces will be viewed against the backdrop of the existing Leisure Centre building and will have little impact. A consequential increase in cycle parking seems logical if car parking needs to increase because of greater use of the site and where possible alternatives to the car should be encouraged.

Residential amenity

While there is some loss of green area, when viewed from the residential properties that are close to the site, primarily to the south, the proposal will be seen against the backdrop of the existing large car park and Leisure Centre buildings. It is not considered that the proposal would have any material impact upon the residential amenities of neighbouring properties, therefore.

Recommendation

APPROVE

Subject to Conditions:-

1. Standard time limit

2. Approved Plans
3. Replacement Tree Planting
4. Car park surfacing to match existing

4th February 2015

Local Government Act 1972
Background Papers:

As referred to in individual application reports

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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.