

Planning Committee

Date: Wednesday 4 March 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 March 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 held on 4 February 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 a report by the Director for the Economy, 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)

6. Enforcement Report

To consider the report by the Director for the Economy, attached as Item 6.

Part B – Not for publication – Exempt Information Reports

None

For Democratic 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
4th March 2015

Agenda Item 4
Ward: ALL

Key Decision: ~~Yes~~ / No

Report by the Director for the Economy

Planning Applications

1

Application Number: AWDM/1727/14 Recommendation – Approve

Site: 341 Goring Road, Worthing, West Sussex BN12 4NX

Proposal: Demolition of a workshop on former Caffyns VW site and the erection of 17no. dwellings comprising 9no. two-bedroom houses, 6no. three-bedroom houses and 2no. two-bedroom flats (30% of which will be provided as affordable housing) with associated parking and landscaping (part of building on road frontage to be retained).

2

Application Number: AWDM/0060/15 Recommendation – Grant Advertisement Consent

Site: Toby Carvery, 39 Goring Road, Worthing, West Sussex BN12 4AS

Proposal: Advertisement Consent for replacement illuminated signage (re-submission of AWDM/1327/14).

3

Application Number: AWDM/1791/14 Recommendation – Approve

Site: Glaxo Smithkline, Southdownview Way, Worthing, West Sussex BN14 8QH

Proposal: Provision of new contractors workshop building with associated welfare facilities close to buildings 19, 19A and 19E

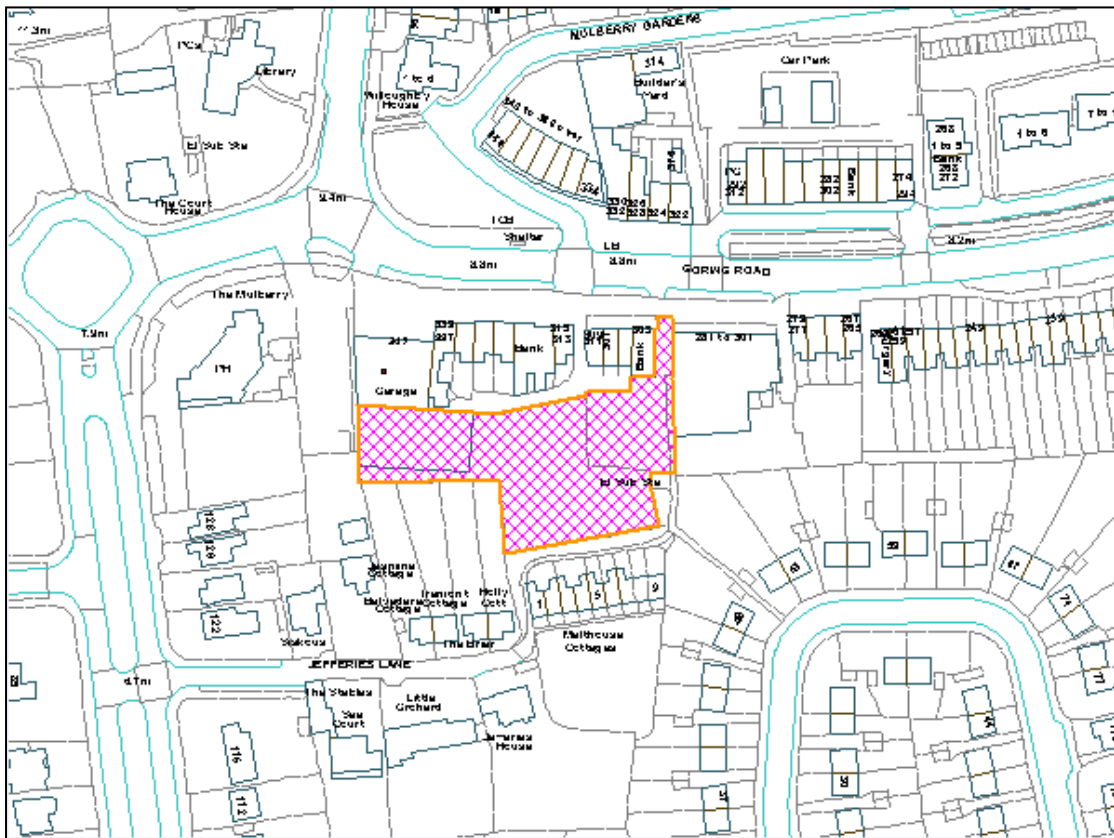
Application Number: AWDM/1727/14

Recommendation – APPROVE

Site: 341 Goring Road, Worthing, West Sussex BN12 4NX

Proposal: Demolition of a workshop on former Caffyns VW site and the erection of 17no. dwellings comprising 9no. two-bedroom houses, 6no. three-bedroom houses and 2no. two-bedroom flats (30% of which will be provided as affordable housing) with associated parking and landscaping (part of building on road frontage to be retained).

Applicant: Mr Charles Wiggins, Wilmington Homes
 Ward: Goring
 Case Officer: Paul Pennicott

**Not to Scale**

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Site and surroundings

The site lies to the south of Goring Road behind commercial premises within the Mulberry Neighbourhood shopping centre. A large part of the site was previously used for parking predominantly in relation to the Caffyns VW car showroom building at Mulberry Corner which is now vacant. The showroom does not form part of this application. There is likely to follow a separate application to change the use of these premises. The remainder of the application site on the east side is also used for private parking in relation to the adjacent commercial and residential premises. Two narrow vehicular accesses serve this site but only the eastern one, adjacent to

the public footpath, is under the control of the applicant and only this access forms part of the application proposals.

The application site is approximately 0.29 hectare in size. There is very little vegetation within the site apart from a row of small sycamores at the eastern end. There are however a number of notable trees around the boundary, particularly some at the western end which are protected by a Tree Preservation Order. The site is largely hard surfaced and was used as a service yard for staff and visitor car parking. The existing tall gabled workshop at the western end of the site would be demolished.

To the south of the site are residential properties which back onto the application site. These comprise two pairs of semi-detached cottages in Jefferies Lane to the south west and nine terraced two storey properties with very short rear gardens, known as Malthouse Cottages, to the south.

The Goring Conservation Area forms the western and southern boundaries of the application site.

The proposal

The scheme involves the demolition of a workshop on the former Caffyns site and the erection of 17 dwellings comprising 9no. two-bedroom houses, 6no. three-bedroom houses and 2no. two-bedroom flats (30% of which will be provided as affordable housing).

Vehicular and pedestrian access would be via the existing narrow access in the north east corner of the site adjacent to the public footpath.

The layout comprises 17 residential units in the form of 15 terraced two and two and a half storey houses with gardens and 2 apartments on the first floor of the proposed parking barn which would contain 8 parking spaces. Overall 23 spaces would be provided within the development. The site is 0.29 hectare and so the density would be 57 dwellings per hectare. The layout creates four distinct types of residential unit set within three distinct character areas.

The first character area on the east side is formed around the existing eastern entrance area which, due to legal interests and rights of third parties, is still required to facilitate access and parking spaces for some neighbouring uses. Therefore 5 spaces are proposed centrally within this area and they would help to form an island around which vehicles would access and exit the site. An office parking area is also identified behind the buildings on the north side. This area would also contain the refuse collection point.

To the south would be a row of 4 rendered and slate roofed cottages with chimneys and flat roofed canopies over the front doors. The front gardens would be enclosed by a low wall.

To the west would be the second character area based on an enclosed courtyard served by two gateways. The 6 matching terraced houses would be on three floors with the top floors served by dormer windows. They would be constructed in brick with ground floor tiled entrance canopies.

Opposite would be an industrial or workshop style car barn for 8 vehicles formed in a matching brick to the terraced houses in the courtyard. There would be a double leaf entrance door to serve the two flats above. The flank walls would each contain a projecting first floor window.

At the far western end would be a two storey terrace in the style of 5 almshouses with small front gardens enclosed by walls and railings. They would have chimneys and would be constructed in brick and tile but a different and contrasting brick to the one used for the courtyard. In front of the almshouses would be a self-contained and well landscaped parking area for 10 cars comprising 5 allocated and 5 visitor spaces.

A submitted tenure plan shows the two apartments and the two most eastern plots as affordable units with the next terrace unit as a single shared ownership unit. The remainder of the houses are identified as open market housing.

Supporting statements

The applicant has submitted a number of supporting statements which are summarised below:

i) Design and Access Statement

This statement describes the site and refers to it as being brownfield within a sustainable location close to shops and services. It explains the evolution of the scheme following pre-application advice from Officers. The scheme originally assumed a very contemporary architectural form which Officers considered did not pay due regard to some of the heritage assets around the site such as the neighbouring listed cottages and the adjacent conservation area.

It refers to the attributes of the scheme such as:

- The sense of enclosure to reduce the impact
- The hierarchy within the scheme
- Careful integration of architectural features and selection of materials
- Creation of character and visual interest
- The orientation of dwellings to maximise solar gain
- Accessible parking areas with good natural surveillance
- Retention of existing mature planting along the western and southern boundaries

It describes the layout and house design and means of access. The report concludes that the scheme will create a high quality and well designed residential development which would provide a significant and sustainable community benefit for the future.

ii) Planning Statement

The statement describes the proposals, addresses the planning policies and assesses the principle of development, the housing, design, historic setting, transport, the natural environment and the amenities of neighbouring properties.

It concludes:

- There is a significant demand for more housing which is greater than the figure put forward in the Council's adopted Core Strategy 2011,
- the design has been developed in response to the surrounding character and adjacent conservation area,
- it is within a sustainable location, the development potential of the site has been optimised as required by the National Planning Policy Framework, the proposed development of 17 dwellings will provide 5 units as affordable which represents 30 per cent of affordable housing in accordance with Policy 10 of the Worthing Core Strategy. The submitted tenure plan shows that there would be 2 two-bedroom houses and 2 two-bedroom apartments as affordable and one middle terrace two-bedroom house as a shared ownership unit.

iii) Employment

An employment statement has been submitted in support of the application which concludes:

Collectively, the relocation of the Caffyns business to the Northbrook College site and the increased employment benefits resulting from that move are significant material considerations in this planning application. Caffyns relocated specifically to grow their business and there is a net increase in overall employment provision as a result. Furthermore, whilst the planning application for the change of use of the former showroom to a retail convenience store is still awaited, this will result in a significant level of on-site employment and also additional related benefits to the local economy, particularly The Mulberry parade.

The benefits of much needed 17 residential housing units in this location is entirely consistent with the requirements of national planning policy which requires a significant boost in housing supply. Coupled with an overall net gain in employment, it is considered that in economic terms this is a significantly positive reuse of the former service area and car storage area.

Following receipt of this statement and a request from the Policy Manager for further justification for the loss of employment, a letter from the commercial agent was received explaining the measures he had taken to sell the site. He states that a full comprehensive marketing campaign started in September 2013 which included both local and national advertising and which ran for about 6 months. He says that the majority of enquiries were from developers with only a handful of commercial occupier interest. The property was offered either whole or split for sale or to let through on site advertising boards, web sites and local and national newspapers and journals. He lists names of major retailers who enquired about the premises and gives their reasons for not pursuing the interest, including concern over access for larger vehicles.

In addition the applicant has submitted a further statement which concludes:

In summary, the planning application proposes significant social and economic benefits through the delivery of 17 urgently needed residential dwellings (including affordable) and the positive reuse of otherwise ancillary/redundant and

contaminated land. In the overall context of the former and current Caffyns sites it will facilitate the retention of a viable employment generating use on-site and a significant overall gain in employment numbers. This makes a compelling case for approval of this application.

The overall aim of Policy CS4 and the Council's Supplementary Planning Document is to protect employment opportunities. The employment numbers in relation to the Caffyns sites are as follows:

Former Caffyns Showroom, Goring Road – 31 jobs

New Caffyns Site, Northbrook College - 40 jobs

Approximate employment numbers through new retail convenience use at Former Caffyns Showroom - 25 jobs

On this basis, there would be an overall gain of 34 jobs through the retention and reuse of the former showroom for retail purposes. The relocation of Caffyns has immediately resulted in a gain of 9 jobs with the capability of increasing in the future.

Appropriateness of former showroom for Future Retail/Employment Use

The site is a sui generis use and therefore any change of use requires planning permission from Worthing Council. The Council has absolute control over any potential future uses in this regard and we categorically disagree with the Planning Policy statements in relation to a lack of certainty or control over replacement uses for the showroom building on Goring Road. There is categorically no need and no reason why the Council cannot grant planning permission for the residential redevelopment as it currently stands and this would not compromise the future employment use of the former car showroom. There is no basis for withholding or delaying the grant of planning permission on this basis.

The showroom lies outside but adjacent to the Mulberry Neighbourhood Centre designation and is in a valuable location for retail based uses as demonstrated by the marketing evidence. The evidence from Michael Jones Estate Agents clarifies that significant interest has been shown in the showroom part of the site from retailers but that most had no use for the rear yard and workshop; indeed most failed to pursue any serious interest because of the rear yard/workshop. None of the surrounding retail premises have substantial rear yard areas such as that at the former showroom site and it is common for the retail or other employment generating uses in this area to be accessed and serviced at the front of the premises. It is acknowledged that the access to the site is not optimum for the movement of large commercial vehicles and offers little use to commercial users with larger vehicles.

The attached letter from Michael Jones & Co clarifies that lease terms have just been agreed for convenience store use of the front former showroom (following a competitive process which indicates the value of the front of the site for retail/employment use). It is likely that a planning application for change of use to a convenience store will be submitted shortly with adequate parking and access to the front of the premises off Goring Road and no requirement for the rear workshop and yard. Indeed should the application site not be granted planning permission for residential development it would be reasonable to assume that the retailer might

review their own options for the former showroom. With such uncertainty about the future use of the workshop/yard it could have a detrimental effect on employment opportunities at the front of the site.

The former showroom benefits from dedicated parking and vehicular access to Goring Road which is not available to many retail premises in the surrounding area. It is entirely suitable for use by a retail use such as a convenience store allowing on site turning/manoeuvring/parking and space for commercial deliveries.

Redundancy of the ancillary workshop/rear yard area

Each element of Policy CS4 is addressed in turn below.

- The site, with or without adaptation, would not be capable of accommodating an acceptable employment development.*

The site fulfilled an ancillary function to the former showroom and is laid out predominantly as a rear yard area for parking and storage of cars with the workshop building situated to the rear of the former showroom. The marketing exercise demonstrated that the site is not viable for business reuse in its current form and is not a viable redevelopment opportunity for commercial development. The site is extremely limited in how it could be adapted due to its current nature as a workshop and a large yard area. The only opportunity to positively reuse the site would be through its redevelopment, although commercial /employment generating users would find this unviable for a range of reasons including lack of market, location in retail/residential area, potential conflicts with residential uses, poor vehicular access to the site and primarily the overall lack of funding or business case for employment generating uses such as office or light industrial.

Significantly, the site has a number of contamination issues that need to be remediated before it can be redeveloped or reused. The Reports prepared by Delta Simons and already submitted with this application demonstrate that testing has identified hydrocarbons within the groundwater and that detailed works will need to be carried out to remediate (Remediation Method Strategy and Verification). The costs of the remediation works will exceed £100,000. These would significantly constrain both the immediate re-use or any commercial redevelopment of the site for anything other than the proposed residential use.

- No effective demand exists or is likely to exist in the future to use the land or buildings for employment generating activities. Consideration should include the length of time the property has remained vacant, the attempts made to sell/let it and the demand for the size and type of employment premises in the area.*

The marketing exercise demonstrated that the only opportunity to positively reuse the site would be through redevelopment and commercial or employment generating users would find it unviable to redevelop for the reasons given above but primarily the lack of market for employment uses, the lack of a suitable business case or funding for such proposals and the poor access for larger vehicles.

The condition of the property and the works required to make it suitable for an employment use, either through refurbishment or redevelopment, would be

uneconomic. The workshop fulfilled the specific role of servicing the needs of the Caffyns showroom and is therefore extremely limited in its scope to attract different types of employment uses. Redevelopment and commercial or employment generating users would find it unviable to redevelop as set out above. The contamination remediation works required at the site detrimentally affect the viability of continued or alternative commercial uses.

- The loss of a small proportion of floorspace would lead to a significant upgrade of the remaining employment floorspace.*

Conversely the redevelopment of the larger rear yard and workshop for much needed housing would help facilitate a smaller more fit for purpose retail (or employment generating) use fronting Goring Road. The marketing exercise showed interest from retail users for the former showroom only, the rear yard and workshop not being required.

- The existing use conflicts with neighbouring uses.*

On-going or alternative industrial uses at the site would potentially conflict with surrounding residential properties to the west, east and south which is a constraint to more noise or pollutant generating employment uses.

- Justification for Residential Development*

Caffyns sold the former showroom and ancillary facilities as a freehold sale to help fund the relocation to the Northbrook College site, as acknowledged in the Council's Planning Policy Comments. The Northbrook College site has also been purchased by Caffyns on a freehold basis with funds from the sale of the Goring Road site.

The process is a logical one that has facilitated an enhanced Caffyns operation with more employment and training opportunities than could be accommodated at Goring Road. It will deliver much needed housing (including affordable) and also retain a similar level of employment at the retained former showroom (former Caffyns employed 31; a convenience store retail use could employ approximately 25). The delivery of residential development at the planning application site is key to delivering significant social gains through much needed housing delivery and also economic gains through the overall increase in employment. The overall net gain in employment is approximately 34 jobs which makes a compelling case for approval of the planning application.

We do not agree with the balancing exercise that is suggested in the Planning Policy Comments of 26 January 2015. The National Planning Policy Framework (NPPF) seeks to significantly boost the supply of new housing nationally. The core planning principles at paragraph 17 also include the need to:

'..encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value' and 'promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas'.

Paragraph 51 states that local planning authorities should normally approve planning applications for change to residential use and any associated development

from commercial buildings where there is an identified need for additional housing in that area, provided that there are no strong economic reasons why such development would be inappropriate.

There is significant social and economic justification for the proposed residential redevelopment of the ancillary rear yard/workshop and the retention of the employment generating former showroom fronting Goring Road which carries significant weight in terms of the NPPF. The overall employment gains and the facilitation of the relocation of the Caffyns business to the Northbrook College site are equally significant. The position taken by Planning Policy would only in theory carry weight in economic terms but could actually compromise future users of the entire site by burdening retailers with the rear yard/workshop by failing to recognise that the rear yard/workshop has no viable use in its own right. The costly contamination remediation work makes the site even less viable for continued commercial use or redevelopment with the significant costs of these urgently required works.

The lack of 5 year housing land supply in the Borough, the need to robustly address Objectively Assessed Needs (OAN) and the immediate requirement for a review of the Core Strategy demonstrate the weight that should be apportioned to residential development at the application site. The site has shown to be no longer required and is redundant for its ancillary function. Coupled with the overall employment gains from the current proposals and the Caffyns relocation the proposal fully meet the aims and objectives of Policy CS4 and the SPD.

Overall, the case for compliance with planning policy is compelling and it is requested that Officers report the application to Planning Committee for approval without further delay.

iv) Transport Statement

The Transport Statement considers the highway and transportation planning implications for the redevelopment. It refers to transport policy, describes the accessibility of the site, compares the levels of existing traffic from the current lawful usage with the proposed usage, evaluates parking, servicing and delivery arrangements and concludes the following:

- (i) The development proposal is consistent with the aims of national and local transport policies, such that the proposed development is located in a sustainable location, with good access to a variety of sustainable modes, and would not have a detrimental impact upon the highway network;
- (ii) The site is well located to encourage alternative modes of travel, benefiting from proximity to rail services and good pedestrian links, supporting both commuting and leisure journeys;
- (iii) In terms of traffic generation, the proposal would result in a reduction of 55 daily two-way vehicle movements from the eastern access road.
- (iv) The proposed level of parking is considered appropriate for the range of residential units proposed on site;

- (v) The proposed access improvements, by way of a shared surface, would improve safety and the operation of the access road; and
- (vi) The proposed servicing arrangements are appropriate and adequate for the development and can be undertaken safely within the site.

The Stage 1 Road Safety Audit raised the following points:

- i) Improved visibility at junction of access and service road
- i) Shared surface access results in loss of pedestrian footway
- ii) No dropped kerb across the access
- iii) Provision of reflective bollards at the entrance
- iv) Available carriageway width for a fire tender and access across the service area
- v) Priority access sign for entering vehicles
- vi) Reduction of footpath guardrail

v) Environmental Report

The report concludes:

The Site is currently a vacant car salesroom and garage site with a car parking area. The majority of the Site is covered in hardstanding comprising tarmac or block paving. The proposed development is to comprise the retention of the northern half of the Site's car salesroom as a convenience store, with the southern half of the building demolished and the area combined with the parking area for the development of residential properties, and associated car parking and infrastructure.

On the basis of the investigation completed, the Site is not considered to pose a risk to human health, due to the depth of the contamination below ground level, however the contamination identified in the groundwater is considered to pose a potentially unacceptable risk to the wider environment, principally the off-Site Principal Aquifer. As such, it is recommended that further investigation works and a DQRA is completed for the Site. The purpose of this is to better delineate the identified contamination, as well as to provide remedial target values, to determine any requirements for remediation.

vi) Environmental Assessment

Remediation proposals

In order to mitigate the potential significant pollutant linkages to controlled waters outlined in Section 7.1 it is considered that the following remediation and mitigation measures will be suitable to reduce the impact:

- Removal of the interceptor in the existing garage building during the demolition phase, as well as removal and appropriate disposal of any contaminated soils also encountered during the excavation works;
- Source removal during redevelopment works, removing any previously unidentified contaminated soil based on a hotspot protocol;
- Enhanced natural attenuation to confirm that ongoing biodegradation is occurring and is suitable for reducing contaminant concentrations;

- Installation of hydrocarbon impermeable gas membranes during the construction of plots 13 to 20, as identified on the proposed development plan;
- Installation of hydrocarbon resistant water supply and service pipework (if required by the relevant water authority following remediation);
- Installation of a clean soil cover system for any landscaped areas and private gardens; and
- Validation works during the removal of the interceptor, to confirm the condition of the soils left in-situ.

Approval of the proposed outline remediation scheme should be sought from the Local Authority and the EA, with full details provided in a Detailed Remediation Method Statement following consultation. Confirmation of the requirements or otherwise for upgraded potable water pipes should also be sought from the local Water Company.

Alternative remedial methods such as “pump and treat” of the groundwater or chemical injection are also considered possibilities for effective remediation. Whilst more costly, these have the potential for a significant reduction in the levels of contamination at the Site.

vii) Drainage Strategy

The report concludes:

- The site is located in Flood Zone 1 and is at low risk of flooding from all sources.
- The surface water drainage system for the proposed development will be sustainable incorporating infiltration techniques where possible.
- The design of the surface water drainage system for the proposed development will include an allowance for climate change, and will be designed for a 1 in 100 year +30% critical event.
- Due to a decrease in the impermeable area following the development, there will be a reduction in the rate and volume of run-off.
- A maintenance regime should be established to ensure the long-term effectiveness of the surface water drainage system.
- The foul drainage from the site will be discharged to the public foul sewer in Goring Road.
- The flood risk on and off of the site will remain unchanged.
- An assessment of the flood risk concludes that the site is suitable to be developed in accordance with the planning application that this document supports, providing the surface water drainage strategy and any recommended mitigation measures herein are implemented.

viii) Arboricultural Impact Statement

The report identifies the trees within the site and those close to the boundary which would be affected by the proposals. It categorises the trees according to their quality in accordance with BS 5837:2012 Trees in relation to design, demolition and Construction. The report concludes that one tree and one group of trees which are category u and of low value would be removed but would not be detrimental to

the wider landscape or the visual amenity of the area and therefore no mitigation is necessary.

ix) Ecology Survey

The report concludes:

The site is not considered to have potential for supporting any protected species and does not support BAP habitat or notable habitats. The site is considered to be of negligible ecological value.

x) Draft Heads of Terms (included in Planning Statement)

The statement lists the following contributions but these are not quantified and are dependent upon responses from third parties. More details of the draft S106 will be provided at the Committee meeting.

- Provision of 30 per cent affordable housing on site
- Open space and recreation
- Community facilities
- Children and young people services
- Library services
- Fire and rescue
- School provision
- Highways and transport

Consultations

West Sussex County Council as the **Local Highway Authority** comments as follows:

The proposal is supported by way of a Transport Statement (TS) Stage 1 Road Safety Audit (RSA) and TRICS data.

The site is currently vacant however it was until recently occupied by Caffyns Volkswagen (VW) dealership. The previous use would therefore be a material consideration in terms of traffic movements for this application.

The development would be serviced via the eastern access road, which is approximately 2.8m wide and includes a narrow 1.4m wide footway which runs along the eastern edge of the road. This access is onto Goring Road (A259) which in this location is subject to a 30 mph speed limit.

The TS provided in support of this application does estimate potential vehicular trip generation arising from this proposal. These estimates are based upon TRICS data. The Highway Authority acknowledges that TRICS is based upon developments of a larger scale compared with the current development. However the sites used are still considered to be comparable in terms of planning use class and location to that proposed. As such the trip rate generated still provides a useful indication of likely trip generation from the new dwellings. Based on this data it is recognised that this proposal would result in a less intensive use of the existing access compared with the previous use class.

The RSA raises 6 problems with the proposed access and layout arrangements. A revised access arrangement has been proposed, which is shown in the accompanying drawings. A shared surface layout is proposed for the length of the access and incorporating a short ramp, at the entrance.

Problem 3.1- Given the less intensive use of the access WSCC would concur with the Designers proposals.

Problem 3.2 WSCC would concur with the Designers response. The existing footway is narrow and would not meet standards, it is therefore considered that a shared surface would help to keep vehicle speeds down.

Problem 3.3 includes Tactile Paving and WSCC would be satisfied that this is acceptable given the shared surface.

Problem 3.4 includes the implementation of reflective bollards on the build out. It is considered that the build out of the lighting part of the scheme can be considered at the detailed design stage.

Problem 3.6 has been addressed and the sign will be located further within the site.

Problem 3.7 has reinstated the pedestrian barrier as recommended.

A total of 17 car parking spaces will be provided on site. This provision has been considered against the WSCC Parking Demand Calculator. The proposed provision does exceed the requirement generated by way of the PDC. Given the sites sustainable location the application of one parking space per dwelling is considered acceptable.

Refuse collection will take place from within the site. The waste collection authority should be consulted to obtain their views on the suitability of this arrangement from their point of view. Within the appendices there has been a swept path analysis provided showing how a larger vehicle including a refuse vehicle can safely turn within the site.

The TS does consider access to services by other non-car modes. Goring and Durrington train stations and retail centres are within reasonable walking and cycling distance. There are continuous footways for pedestrians and whilst cyclists would have to use the carriageway in some areas, traffic conditions are not considered such to dissuade trips by this mode. Residents would have a realistic means to travel other than by the private car.

The County Council therefore concludes that there is no highways objection to the application subject to the imposition of conditions relating to the provision of car parking, a construction management plan, cycle parking and that the recommendations of the Safety Audit are incorporated into the scheme.

In respect of **financial contributions**, the County Council request contributions towards education, libraries, fire and rescue and transport infrastructure totalling in excess of £114,000

The comments of the **Planning Policy Manager** are as follows:

The site is 0.29ha in area and comprises a vacant workshop previously used in conjunction with the former Caffyns car showrooms and the ancillary car parking area. The proposal is for the development of 17 dwellings 9 x 2 bed house, 6 x 3 bed houses and 2 x 2 bed flats. The statement submitted with application indicates that the wider site will incorporate a retail store in the location of the redundant Caffyns showroom but this will be the subject of a separate application (and therefore not controlled through this application).

The redundant showroom is situated within the core area of the Mulberry Neighbourhood centre.

The site is located in a sustainable location and is in close proximity to existing residential uses and the local amenities and services of the Mulberry Neighbourhood centre.

Key Issues / Policies

The key issues for this site relate to the loss of employment generating floorspace and the delivery of residential units.

Employment

The key policy is CS policy 4 Protecting employment opportunities. This policy affords a strong protection of employment generating uses within key employment locations but also seeks to ensure that those sites located outside key employment areas, that offer an employment generating opportunity, are also afforded some protection. The intention of the policy is to ensure that those sites and premises that can continue to offer much needed viable employment opportunities are retained in the local economy. The Council has produced an SPD – Sustainable Economy, which seeks to guide developers in addressing this policy. Where an existing use becomes redundant the applicant is expected to consider whether other employment generating uses can viably be accommodated before considering non employment generating uses.

In this instance no evidence has been submitted as to why the site would not be suitable for an alternative employment generating use . In the absence of such evidence it is difficult to fully assess the individual economic merits of this part of the site. However, the application has to be seen in its wider context. The former car showroom had outgrown its location on the Goring Site and the owners were looking for suitable purpose built premises. The applicants indicated that the only suitable location in Worthing was the Northbrook College site (CS AOC 11). The application for the new premises was approved and the company has now relocated to the new site. Part of the justification for this application was that the proposal would help maintain a local business within the borough but also increase employment opportunities including much needed apprenticeships. It was suggested at that time that there would be a need to use some of the existing site for residential use to help fund the relocation and new build at the new site.

The current proposal divides the site up with the rear of the site comprising the former workshop and car storage areas that were ancillary to the main car

showroom use being the subject of this application for residential development. The applicants have indicated that a future application will be submitted for the remainder of the site which comprises the former car showroom, for the conversion of the premises to retail supermarket (although the applications are not formally linked and there is no control to ensure that this site comes forward for retail as part of this application)). The applicants argue that if you take the site as a whole (including the former showroom) there will still be an employment generating use on the site but with the addition of residential which is required to help fund the relocation which in turn helps maintain and expand an existing employment generating use at the Northbrook site.

Housing

The proposal seeks to provide 17 units of varying sizes, types and tenure. Of the 17 units 12 are indicated as private market housing with 5 units defined as being affordable housing units.

CS policies 7 and 8 seeks to meet the variety of housing needs across the borough and CS Policy 10 seeks to ensure that borough's affordable housing needs are met. The proposal appears to accord with these policies by providing the identified housing need and type and meets the requirements by providing 30% on site affordable housing i.e. 5 units 4 at affordable rent and 1 shared ownership. Consideration will need to be given to the Councils SPD on residential design and internal space standards.

Summary

This application only deals with part of the former showroom site and there is no formal link between this application and the proposed future application on the remainder of the site where the proposal is for an employment generation 'retail' use. Therefore, in terms of the whole of the former site an employment generating use will remain with the provision of additional residential. However, that said more information could have been submitted to justify why the residential element of the scheme is required and how this supports the retention and expansion of an existing local business and why alternative employment generating uses were not fully explored. In addition, whilst the applicants refer to the retaining of an employment generating use on the remainder of the site this is not part of this application and there is no certainty that this will happen.

In terms of the residential development the Council acknowledges the comments made by the applicant in respect of the requirements of the NPPF in terms of housing and the requirement for an Objectively Assessed Need (OAN) and the need for a five year supply of deliverable sites. As they correctly point out the Council has undertaken a number of studies to help identify Worthing's OAN and has undertaken work to identify the available supply of sites with further work being undertaken. It is acknowledged that the current studies indicate an OAN that is significantly higher than the Core Strategy target number and that whilst the emerging numbers have not been tested or moderated against constraints they are sufficiently significant to have prompted the need for a full plan review which is currently underway. That said the Council has always taken a proactive and positive approach to appropriate new residential development whilst balancing the land use needs of other uses to achieve sustainable development and with each site

considered on its merit. Whilst the NPPF is encouraging of the delivery of new residential development the identified housing need does not necessarily override the policy position and the need to retain employment land.

To fully comply with policy CS 4 and the SPD the applicants should submit additional information indicating why this part of the site is not suitable for an independent employment generating use. In addition we need to be satisfied that any future retail use of the remaining part of the site (the showroom) will not be disadvantaged by the loss of this part of the site. However, if we are satisfied that there is no viable employment generating use for this part of the site and/or that there is a justification of the need for a residential element as part of a package of wider economic benefit then the proposal can be supported from a policy perspective.

The Housing Officer comments that 30% equates to 5 units from which he would expect 3 x 2 bed houses and 2 x 3 bed houses in line with the make up of the scheme, preferably all at affordable rent.

The Arboricultural Officer considers the impact on the existing trees to be reasonable and adds the following comments:

The works to TPO trees T18 and T3 (on applicants plan) are to sever Ivy, which does not need permission.

Also proposed are the following TPO works,:

TPO Sycamore and Ash trees of group G20 (on applicants plan) = Reduce radial spread by up to 1 metre to clear building during demolition.

TPO Sycamore tree T1 (on applicants plan) = Reduce radial spread by up to 1 metre to clear building during demolition.

The only condition required for the above works are to be carried out to British Standard BS 3998: 2010 Tree Work

The location of the buildings in relation to the trees appears to be reasonable the closest trees that may have future issues are those of group G6 – 3 Holly trees, and a single Cherry tree T8, these are trees in a Conservation Area, but not currently protected. In both cases they are small trees unlikely to create problems of shade etc.

I do think that there is potential for future resident pressure to carry out works to trees T4 and T5, two Leyland cypress. However there are no plans to carry out any initial works to these trees, indicating that they are a reasonable distance from the proposed properties.

The remaining tree works are;

*G6 and G7 two groups of Holly trees - reduce radial spread to boundary
T8 Cherry Reduce radial spread by up to 1.5 -2 metres on North side (over site)*

The only condition required for the above works are to be carried out to British Standard BS 3998: 2010 Tree Work

The proposal is also to fell 6 Sycamores in the centre of the development and to fell one poor condition Elder to the southeast can be supported as these trees are of low value.

The comments of the **Crime Prevention Design Advisor for Sussex Police** are awaited

The Environment Agency raises no objection subject to the imposition of conditions requiring the identification of any contamination of the land and the submission of a remediation strategy if so, surface water drainage and that piling should only take place if agreed in advance with the Local Planning Authority.

The comments of **Southern Water** are awaited

The Council's Drainage Engineer comments as follows:

The existing hard surface according to the Drainage Strategy drains to soakaways, the post construction hard surface is less than the existing so it is quite feasible to construct soakaways on the site to serve the development proposed.

Therefore I suggest that you condition the surface water to say:-

In the absence of full ground investigation details and full drainage details in support of the application although the applicant has stated his intention to utilise soakaways, we request that should approval for this development be granted it be conditional such that 'no development approved by this permission shall commence until full details for the disposal of surface water has been approved by the Planning Authority'

Additional soakage tests in accordance with BRE Digest 365 (1991) may be required to be undertaken on the proposed site to meet this requirement, to ascertain the size of the soakaways required for the new impermeable roof areas and or hard standing areas.

The Environmental Health Officer raised some small queries with the submitted reports and recommends a minimum clean soil depth for gardens over a textile membrane to protect gardens from any residual contamination or health risks for occupiers so she recommends a remediation condition and a precautionary land contamination condition with future monitoring to take place.

The Direct Services Manager appreciates that the site is difficult in terms of refuse and recycling collection and recognises that the developer has gone some way towards meeting the Council's needs within the confines of the site but the collection point is more than twice the 25 m distance that the Council would normally allow the handling of bins. Added to this is the fact that there is difficulty stopping a vehicle near to the entrance of the site which could add significantly to the distance away from the bins. He concludes that unless there are significant changes to the design and a new collection point found then he cannot support the application.

Following these comments he took a closer look at the site and comments:

It would appear that we currently access the site by reversing the truck in and this has the effect of holding up traffic and blocking the service road while we do so. It isn't a manoeuvre that we are happy with as a safe working practice and is subject to an ongoing risk assessment with regard to its suitability. The present arrangement is one that has been imposed upon us but is an unofficial one & could be altered at any time to ensure that we manage the risk. Effectively what we are being asked to do here is put this unofficial work practice onto an official footing to service 17 additional properties above and beyond the couple of businesses and flats we currently service.

If we are to make this work our ideal solution would be to drive the vehicle into one of the entrances and out of the other. I know the western entrance is not part of the application and that might make it difficult to achieve but this would be far less of a risk to our crews, traffic on Goring Road and users of the parking area on site. We have to be mindful that if we are servicing 17 sets of bins that will take some time and backing into the eastern entrance will cause an obstruction for the whole time that the vehicle is on site.

If this arrangement cannot be achieved I think the next best solution would be to put in some parking restrictions and/ or bollards at the entrance of the service road where it meets the main Goring Road carriageway. It would also be helpful to increase the width of the dropped kerb. This will reduce the risk of the lorry not being able to reverse down the road between the buildings.

Finally, I think the proposed solution of separate bins for each address rather than shared communal facilities is probably the right one here to minimise poor waste management practices and create a centralised dumping ground. If each property were to have its own bin it would make life easier for householders to contain their rubbish and not have to carry it lengthy distances.

Representations:

4 letters of representation have been received from members of the public who make the following points:

- The proposed access is only 2.8 metres wide and too narrow for two way traffic. It is at the intersection of the public footpath and service road to the shops and A259 where there is a pedestrian crossing which will cause congestion.
- There is concern for the safety of children going to Goring School and elderly residents who will use the narrow and busy access. There is already conflict between pedestrians and vehicles in the area.
- It will be impossible for removal vehicles, refuse vehicles and fire appliances to enter the site. The western access should be used.
- The lack of on-site parking will create more parking pressures within the service road.

The Conservation Area Advisory Committee states that it has no adverse design comments but it has reservations as to the small dwelling volumes and the parking and access provisions.

The Ilex Conservation Group makes the following points:

- A good effort has been in the design made to integrate with the area and make use of redundant space whilst maximising the provision of dwellings
- 22 spaces is below the WSCC guidance of 25 for the site but the applicant suggests the occupiers will have less cars, be employed locally and will walk, cycle or use public transport. However, occupiers of smaller units may drive commercial units and park close by.
- There are various architectural details such as chimneys, porches, roof vent and end bay windows which add character to what could otherwise appear as bland rows of houses and could be conditioned to make sure that they are built
- The site abuts the conservation area and the detailed specification and materials will greatly impact upon the quality and the setting of the development and should therefore be identified specifically before permission is granted or be subject to samples being submitted afterwards.
- This development may result in 80 more residents who would put pressure upon local infrastructure including schools, medical, transport, water, foul drainage and environmental services.

A letter on behalf of occupier of the premises adjacent to the access, Sussex Audiology, sets out the planning history of the site, planning policy considerations and grounds for objection as follows:

- Access is dangerous because it is only wide enough for one vehicle and is shared with pedestrians. Bins would have to be collected in the service road which is too far for residents to wheel their bins. The second entrance should be included within the scheme to provide safe ingress and egress for the development.
- The number of car parking spaces will be inadequate for family town houses which will house families and require at least two spaces.
- It would be an overdevelopment in terms of plot sizes. The flats would have no amenity space at all. It would be a harsh environment with so much hard surfacing resulting in a car dominant scheme.
- The flats would be poorly designed for maintenance because they will be too close to the boundaries for long term maintenance and construction without access from the neighbouring landowner.

Relevant planning history

The only application of relevance is AWDM/0325/14 for 10 garages and 7 parking spaces on the eastern part of the site which was not part of the Caffyns ownership. Permission was granted on 12 May 2014. The site has been temporarily fenced off and taken out of use for parking before this application was submitted.

It should also be noted that the Caffyns VW dealership has relocated to the surplus Northbrook College land in Littlehampton Road following the grant of planning permission for application AWDM/0521/12 on 13 September 2012.

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

National Planning Policy Framework (2012)

Worthing Core Strategy 2006-2026 (WBC 2011): Policies 3, 5, 10, 11, 12, 15, 16, 17, 18, and 19

Worthing Local Plan (WBC 2003) (saved policies): RES7, RES9, CT3, TR9, H18, Supplementary Planning Guidance 'Parking Standards and Transport Contributions' (WBC 2005)

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)

Supplementary Planning Document 'Space Standards' (WBC 2012)

Parking Demand Calculator' (WSCC 2010)

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

Circular 11/95 'The Use of Conditions in Planning Permissions' (DOE 1995)

Planning Assessment

The application raises issues of principle, policy, viability and detail which are addressed below:

Principle of residential development and loss of potential employment floorspace

The main concern is the loss of employment and the policy to consider is Policy 4 of the Core Strategy which seeks to protect employment opportunities. This policy gives strong protection of employment generating uses within key employment locations but also seeks to ensure that those sites located outside key employment areas that offer an employment generating opportunity, are also afforded some protection. The Council has produced an SPD – Sustainable Economy, which advises that where an existing use becomes redundant the applicant is expected to consider whether other employment generating uses can viably be accommodated before considering non employment generating uses. The applicant has belatedly submitted a letter from one of the two commercial estate agents appointed to sell the site. He states that a full comprehensive local and national marketing campaign commenced at the start of September 2013 with a mixed response from named large retailers but also and predominantly from developers. The commercial interests did not all require the large ancillary workshop and there was some concern at the restricted access for large vehicles to the rear of the premises.

The applicant has provided employment statements which refer to the overall benefits of the reuse and redevelopment of the whole Goring Road site. Firstly, Caffyns has successfully relocated to larger new premises in Durrington at

Northbrook College which has resulted in an increase from 31 jobs at the old Goring site to 40 jobs at the new Durrington site with the potential for further expansion added to the benefits and opportunities for training from being adjacent to Northbrook College. The applicant confirms that the old showroom has now been let to a retailer who is expected to provide 25 jobs so overall the number of employees for the previous Caffyns occupation and the new retail use would not be that dissimilar. The application for the change of use of the showroom to retail should be submitted before the Committee meeting but, on this basis, there is no objection to the loss of employment on this site.

In terms of residential and the principle of housing, this appears to be the most suitable use in terms of access and amenity, both of which are discussed in the following sections.

Indeed, the lack of homes is also an important consideration although not an overriding case in itself on this site. The Assessment of Housing Needs Study in 2014 identified the range of housing need in Worthing to be between 500 and 600 homes per annum and predominantly family homes, with only approximately 200 homes per annum being currently built.

Worthing Core Strategy Policy 10 also requires a mix of affordable housing including social rent and intermediate housing to meet local needs including the provision of 30% affordable housing on sites of 15 or more dwellings. This is being offered on this site with the applicant having clearly identified the 5 units as required on the layout tenure plan.

Financial viability including development infrastructure contributions

Although the applicant has not made a viability case for relaxing the planning contributions due to extraordinary costs of preparing the site, the studies submitted with the application identify the high remediation costs to address the existing ground contamination from the previous usage.

Whilst the applicant has not been in a position to submit the detail of a draft S106 agreement because he is waiting for contributions from consultees to be announced he has nevertheless listed his offered areas of contributions as follows:

- Provision of 30 per cent affordable housing on site
- Open space and recreation
- Community facilities
- Children and young people services
- Library services
- Fire and rescue
- School provision
- Highways and transport

Layout and design

The scheme is based on three character areas. The initial entrance and manoeuvring area is essentially a vehicular space or square which is required to accommodate existing rights of access and parking for current users and neighbours and this is reflected in the parking spaces shown in the south east

corner and to the rear of commercial premises fronting the service area in Goring Road. In the centre of this square there would be four allocated spaces for plots 1-4 and one visitor space. This area is also required to provide a refuse bin collection point as close to the point of vehicle access to the site as possible. This is where some residents will need to bring their wheelie bins on a weekly basis for emptying if their properties are over the regulation distance away. There may be opportunities for enhancing this area with surfacing and demarcation, particularly for the central area and the bin area, as well as some form of enclosure, possibly bollards, to give it some character.

To add to the interest of this area the proposal includes a terrace of four traditional rendered and slate roofed two storey cottages on plots 1-4 to the south. They have been deliberately designed to reflect the character of the listed Malthouse Cottages behind them to give the development an identifiable reference point. These cottages would be simple in form with small enclosed walled front gardens.

The central area of development is characterised by a walled courtyard comprising a terrace of six townhouses and an industrial style building containing eight covered parking spaces with two apartments above accessed from a central porched doorway. The buildings would be constructed in matching brick and tiles and are, once again, designed to traditional terraced forms with traditional doors, mono pitch canopies and small pane windows. The brick arched industrial style building enjoys the embellishment of projecting first floor projecting bays (as a reminder of first floor loading bays). The offset of this terrace and the roof ridge against the adjacent rendered terrace is a deliberate contrast of traditional styles and materials. Parking is confined to a single covered space for each of these eight residential units and a row of carefully spaced bollards are proposed in front of the houses to avoid obstructive and uncontrolled parking.

Finally, the third area at the western end of the site is self-contained and enclosed by the natural boundaries of the site and the wall of the courtyard. There would be 5 allocated parking spaces plus 5 for visitors around a gravelled surface within soft landscaped boundaries. The style and form of the five terraced houses is based on an almshouse style and scale with gabled entrance canopies and small front gardens enclosed by walls and railings. The layout, materials and architectural style is in contrast to the other two residential areas.

There would therefore be a mixed palette of materials to create character areas focusing on brick, timber and render with slate roofs. The design of the apartment units with parking below, reduces the dominance of cars on the development providing a much more pedestrian oriented proposal..

The poor quality hard and soft landscaping across the site will be replaced with low growing structured planting and resurfacing with paviers. The residential scheme makes efficient use of the site, whilst providing good levels of private and shared public amenity space.

Space standards

In terms of the adopted Space Standards SPD the applicant has produced a schedule for each dwelling. It show that each unit meets or even exceeds the internal floor area standard. However, in respect of garden space three of the

houses exceed the requirement but the remainder range from 74% to 96%. There is no dedicated outside space for the two apartments above the internal parking spaces.

Nevertheless, the guidance is intended to secure a satisfactory standard for residents but it should be applied flexibly on a case by case basis. In this case it is considered that the site is very constrained on all four sides and there is not the opportunity to increase the size of rear gardens without affecting the minimal access, parking and circulatory areas for the scheme. There are great benefits in providing family houses in such an accessible location close to schools, main services and public transport such that the sizes of the gardens, which have sunny positions and are not unreasonably small, should be accepted as an exception in this instance due to the overall wider benefits of the development.

Impact on the amenities of the area

The development would improve the amenities of the surrounding area by replacing a previous quasi industrial use with a major car workshop close to residential properties in Jefferies Lane. The use had limited planning controls and could have formed a precedent for a similar use to come in and occupy the existing premises. The site is well located and appointed for commercial usage on a prominent frontage. The local commercial agent acting for the sale of the site acknowledged that there was commercial interest from some major commercial businesses which had the potential to cause disturbance to neighbours from normal business activity and large vehicle movements.

Now vacant the site is unattractive and detracts from the appearance of the area and the conservation area and has the potential for anti-social activities. The proposed development would in contrast secure the boundaries and prevent unauthorised trespass and access to private properties through natural surveillance from the new houses. The scheme would be of a very high quality with a strong sense of place and identity all of which would considerably improve the amenities of the area. There is good separation between the rear of the proposed and existing houses and no objections have been received on this basis. It is not considered, therefore, that there will be any adverse impact upon the amenities of neighbouring properties.

Finally, it will be important to control the practical construction logistics of the site and so a condition requiring a construction management plan to be approved is recommended. This will control such things as construction times, construction access, deliveries, on site storage, dust, lighting and noise.

Impact upon the conservation area

The Goring Conservation Area boundary is shared with the western and southern boundaries of the application site. The removal of the large and unattractive workshop building would enhance its setting. Its replacement with well designed terraced houses at the western end would be an appropriate and better form of development which overall could still be said to enhance the adjacent conservation area.

In contrast the remainder of the site is open and has been used primarily as operational space for Caffyns' parking and associated activities. The removal of this outside use would benefit the amenities of the area in terms of the reduction in smell, noise and activity. The test is really whether the form and scale of the replacement development would be harmful to the setting of the conservation area. It is clearly the most appropriate use in terms of preserving the amenities of the area. The rear south facing gardens act as a foil and a green break to the conservation area and enable the trees along its boundary to be retained.

The scale of the housing is not too tall and respects the form of the housing in the conservation area to the south.

The NPPF states that account should be taken of sustaining and enhancing the significance of heritage assets and the desirability of new development in making a positive contribution to local character and distinctiveness. A Statement of Heritage Significance is attached to the Planning Statement and it is agreed that the proposals will sustain and enhance the setting of the conservation area.

Transport, access, parking and highway safety

West Sussex County Council as the Highway Authority raises no objection to the proposal. It comments that the site is currently vacant but was until recently occupied by Caffyns Volkswagen (VW) dealership and so the previous use would be a material consideration in terms of traffic movements for this application.

The development would be serviced via the eastern access which is approximately 2.8m wide and includes a narrow 1.4m wide footway which runs along the eastern edge of the road. This access is onto a service road and then the Goring Road (A259) which is subject to a 30 mph speed limit.

Based upon the submitted Transport Statement and TRICS data it is recognised that this proposal would result in a less intensive use of the existing access compared with the previous use class.

The Road Safety Audit identified 6 problems with the proposed access and layout arrangements which a revised access arrangement has addressed. This will result in a shared surface layout for the length of the access incorporating a short ramp at the entrance with tactile paving and reflective bollards, the retention of the pedestrian barrier and a clearly positioned sign which gives priority to vehicles entering the site.

A total of 17 car parking spaces will be provided on site. This provision has been considered against the WSCC Parking Demand Calculator. The proposed provision does exceed the requirement generated by way of the PDC and given the sites sustainable location one parking space per dwelling is considered acceptable. The County Council notes that the site is well connected with various bus routes to the town centre and the nearby railway station of Goring-by-Sea. It is also served by a footpath and cycle lane along Goring Road.

The County Council comments that refuse collection will take place from within the site but the waste collection authority should be consulted to obtain their views on the suitability of this arrangement from their point of view. Within the appendices

there has been a swept path analysis provided showing how a larger vehicle including a refuse vehicle can safely turn within the site.

Following initial concerns, the Borough Council's Direct Services Manager recognised that the current collection from a small number of existing commercial and residential customers within the site would not be made more difficult as a result of the development. He would therefore still have the same issues over access and would probably still make use of the western access (which is not within the control of the applicant) unless it became restricted. He acknowledges that the collection would take longer with the 17 additional households and he would block the eastern access for longer when reversing into it. However, he acknowledges the applicant's offer to contribute £6000 towards a Traffic Regulation Order which would enable yellow lines to be painted and parking restrictions to be enforced at the entrance to the service road from Goring Road. This would remove any parked cars which currently obstruct and stop the refuse truck from reversing into the application site from Goring Road. On this basis he does not object but the offer of the TRO payment should be secured within the S106 agreement.

The TS does consider access to services by other non-car modes. Goring and Durrington train stations and retail centres are within reasonable walking and cycling distance. There are continuous footways for pedestrians and whilst cyclists would have to use the carriageway in some areas, traffic conditions are not considered such to dissuade trips by this mode. Residents would have a realistic means to travel other than by the private car.

The Highway Authority considers that car parking at 1 space per house or flat with 6 unallocated spaces is adequate for the sustainable location adjacent to local facilities and to ensure that on-street parking issues are not exacerbated by the proposed development and is consistent with other local developments. Cycle parking is provided by way of individual garden sheds for the houses with enough room for 2 bicycles.

In terms of construction access there is concern from a highway safety point of view and from an amenity point of view so it is recommended that a construction management man is submitted for approval to control the activities on the site.

The County Council raises no objections subject to the imposition of conditions in relation to parking, a construction management plan, cycle parking and the approval of revised plans in accordance with the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response plus an informative regarding off site highway works.

Trees, landscaping and amenity space

Although the proposals would result in the removal of some trees these are not important specimens and would not be harmful to the character or visual amenities of the area. Six of these trees are small sycamores in the centre of the eastern part of the site and are growing through the wire boundary fence. The other tree to be removed is T15 which is an elder in the south east corner which is not directly affected by the proposals but it is in poor condition and its removal would be in the interests of good management and future considerations.

In terms of the proposed terrace of houses at the western end of the site there is uncertainty as to the nature of the root systems for trees G6 and T8 on the southern boundary and so the arboriculturist's report recommends that he oversees any excavation works in this area which may have to be carried out by hand if necessary to avoid root damage.

In other areas some tree works would be required to facilitate access and demolition at the western end where the most important and largely protected trees are located. Care must be taken not to harm these trees or their roots.

At the end of these western gardens sheds and paths are proposed which will have to be installed in accordance with the stated arboricultural method statement which would be raised up on concrete rafts which would be no lower or closer to the tree roots than the existing hard surface or workshop building. Appropriate root protection areas will be created and protected by hoardings. All works would be overseen by the appointed arboriculturist.

In terms of the proposed landscaping, no detailed plan has been submitted but the potential is greatest at the western end of the site where the setting and design of the car park offer generous opportunities for planting but there are other smaller planting areas shown along the northern boundary and within the front gardens of the rendered cottages. The hard landscaping is intended to be of a high quality with parking areas laid in bonded gravel and block paving..

Enclosed private amenity gardens are provided to all housing plots giving the opportunity for further landscaping.

The Council's Arboriculturist raises no objections to these proposals.

Ecology

The Ecological Survey as part of the Arboricultural Impact Assessment found that the site was of negligible ecological value and does not have the potential to support any protected species. It is considered that the development has the potential to enhance the ecology of the area with substantial new planting and landscaping. The applicant has proposed to install bird boxes within each plot.

Crime and Safety

Crime prevention measures have been provided within the scheme design to achieve a development that responds to the seven key principles of 'Secured by Design'. In particular, the scheme has a single point of vehicular entry which has excellent natural surveillance from a number of the proposed dwellings.

The dwellings all have defensible space, creating a safe feel for residents and visitors. The main pedestrian thoroughfares through the site are also substantially overlooked by a number of dwellings to form active edges. The development has a small number of thoroughfares to dwelling entrances, with private space within the development clearly defined and separated by fencing and /or walls, with blank elevations avoided within the design through the use of secondary windows.

Lighting will be to current British Standards, whilst External lights will be provided to each dwelling, operated by PIR sensors. Front doors and patio doors will have laminate glass and locks to the relevant British Standard, whilst all ground and first floor windows will also have locks to the relevant British Standard.

Parking areas for vehicles within the development have been designed to have natural surveillance from dwellings and to feel safe for homeowners.

Sustainability of construction/development

The applicant has suggested that this would be a very sustainable development in terms of location and construction. The site is conveniently located immediately adjacent to local shops & amenities and near to regular bus services.

Secure cycle storage will be provided for each new dwelling for individual external clothes drying facilities, compost facilities, recycling and refuse wheelie bins will be provided.

Traditional locally-sourced sustainable materials are intended to be used where possible, including local facing brickwork, and complementary slate and roof tiles.

All boilers and appliances within the dwellings will be energy efficient and all units will undergo a full SAP assessment to ensure energy efficiency within the building envelope, meeting the new Building Regulations requirements (equivalent to Code 4 of the Code for Sustainable Homes).

The orientation of buildings and the main kitchen/dining rooms in the dwellings will maximise the potential for daylight, with natural ventilation provided to all habitable rooms. Dual flush toilets and flow restrictor taps will be provided to all bathroom areas to minimise water usage.

Sustainable drainage techniques will be used where possible to fully disperse surface water, including the use of permeable paving and soakaways. Water butts will be placed in rear gardens to encourage the reuse of surface water.

These measures appear to be satisfactory but a Code Level 3 condition is recommended to ensure that they are achieved.

Flooding and drainage

The application site is located within flood zone 1 which is categorised as land with the lowest probability of flooding. The site's current surface is almost entirely impermeable and so the development would reduce the rate and volume of run-off. The scheme includes surface water drainage systems and infiltration techniques to mitigate any collection of surface water on-site. Although a Flood Risk Assessment was not required one was produced and it found that the flood risk both on and off site would remain unchanged.

Site contamination

The site has the potential to be affected by contamination and so an Environment Report was commissioned which concluded that the site would not pose a risk to human health due to the depth of contamination below ground level.

However, the report found that the site is contaminated and sensitive due to the previous uses and the presence of groundwater below the surface. Significantly elevated concentrations of contaminants were not widely identified but elevated concentrations of hydrocarbons were identified at and below groundwater level around the workshop building. There were also elevated concentrations of hydrocarbons and nickel in the groundwater as well as concentrations of semi volatile organic compounds and volatile organic compounds which pose a risk to the wider groundwater environment. For these reasons and because of the proposed residential use with private gardens the site requires careful and comprehensive remediation as well as future monitoring and action plans once developed.

The Council's Environmental Health Technician has raised some queries in relation to the submitted reports and recommends that the minimum topsoil depth is revised to 600mm and a geotextile membrane is placed in garden areas. Furthermore she comments that any soil/material removed from site will probably need to be subject to Waste Acceptance Criteria (WAC) testing.

The Environment Agency raises no objection subject to the imposition of conditions.

Waste management

Domestic waste storage will be in a dedicated area within the rear gardens, with bins being pulled forward to the dedicated refuse and recycling point on collection day.

Construction waste management through demolition and construction will be covered by the construction management plan which will have to be submitted to the Local Planning Authority for approval.

Planning contributions and draft heads of terms

The details of the draft heads of terms for the S106 have not been formally submitted but the applicant has agreed to make contributions in respect of 30 per cent affordable housing on site, open space and recreation, community facilities, children and young people services, library services, fire and rescue, school provision and highways and transport in accordance with the Borough Council's Draft Supplementary Planning Document on Planning Obligations 2014

Recommendation

Subject to completion of a section 106 Obligation securing contributions for outdoor recreation and equipment (£8974.36), education (£80,500), fire and rescue (£368), library service (£4,056), transport (£29,755), TRO (£6000) and 5 units of affordable housing as specified,

APPROVE for the reason:-

1. 5 years to implement
2. Approved plans
3. Materials and finishes to be agreed or as stated on the approved drawings
4. Architectural details as agreed and as stated on the approved drawings
5. Removal of permitted development rights for extensions and external alterations
6. Code level 3 for sustainable homes to be achieved
Boundary treatment and enclosure details to be agreed
7. No means of frontage enclosure apart from that approved without permission
8. Hard and soft landscaping details to be agreed
9. Ecological enhancements such as bird boxes to be agreed
10. Satellite and aerial systems for apartments to be agreed
11. Design of street lighting to be agreed
12. Travel plan for residents
13. Parking spaces and garaging for parking only and provided before occupation
14. Cycle parking facilities to be agreed and provided prior to occupation
15. Surfacing and demarcation of parking and manoeuvring areas to be agreed
16. Waste storage facility to be provided for each dwelling and communal bin collection area to be provided before occupation. Details to be agreed.
17. Construction Management Plan to be agreed prior to commencement
18. Construction hours of 8am – 6pm on Mondays – Saturdays and no Sundays or Bank Holidays
19. Foul drainage details to be agreed
20. In the absence of full ground investigation details and full drainage details no development shall commence until full details for the disposal of surface water have been approved
21. Ground contamination to be identified and remedied to the satisfaction of the Local Planning Authority before development commences There shall be a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan.
22. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy and received written approval. No infiltration of surface water drainage into the ground shall be carried out without the written consent of the Local Planning Authority.
23. Piling or any other foundation designs using penetrative methods shall not be carried out without the written consent of the Local Planning Authority.
24. The tree works and root protection shall be carried out in accordance with the submitted Arboricultural Impact Statement and to the British Standard BS 3998:2010 *Tree Work Safety*
25. No development shall commence until such time as revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Informatives

1. Section 278 Agreement of the 1980 Highways Act - Works within the Highway. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
2. Additional soakage tests in accordance with BRE Digest 365 (1991) may be required to be undertaken on the proposed site to meet this requirement, to ascertain the size of the soakaways required for the new impermeable roof areas and or hard standing areas.

4th March 2015

Application Number: AWDM/0060/15

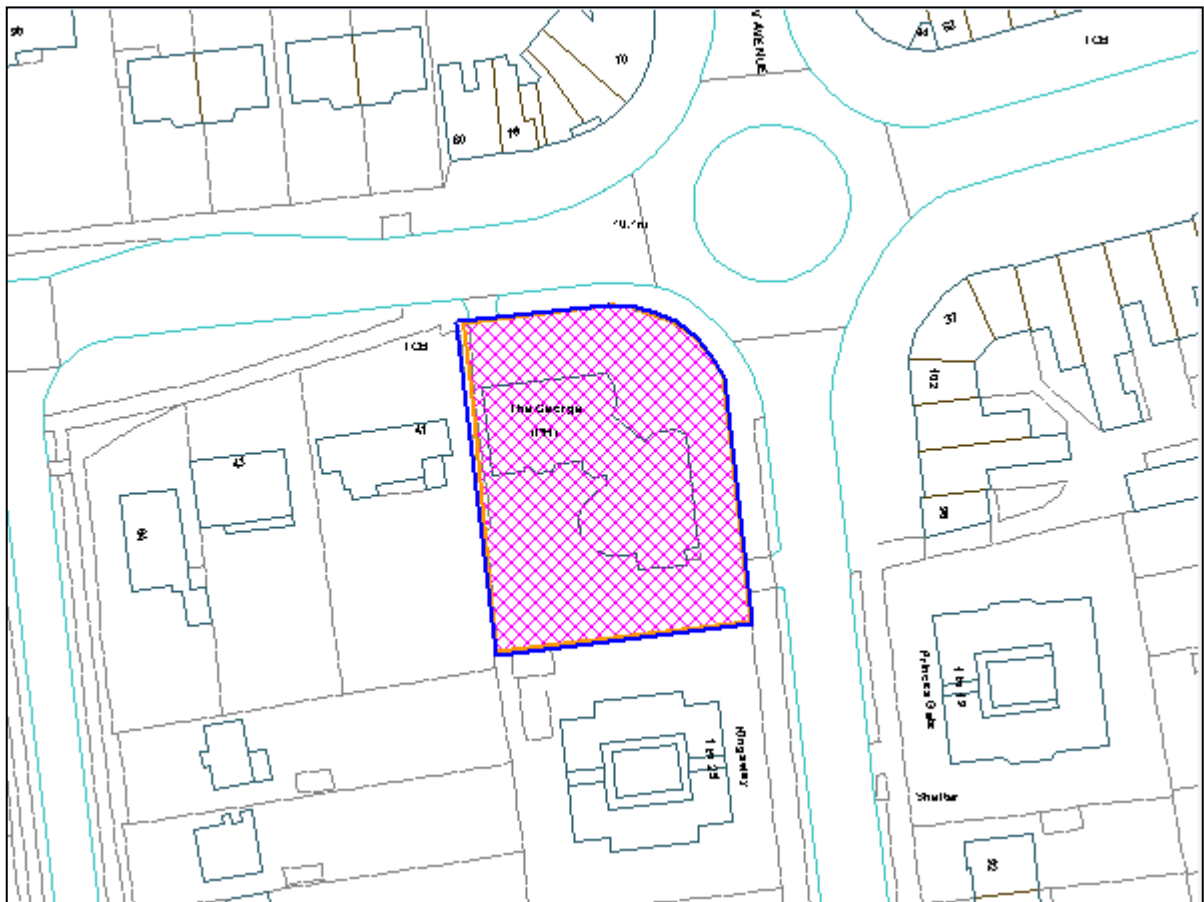
Recommendation – GRANT
advertisement consent

Site: Toby Carvery, 39 Goring Road, Worthing, West Sussex BN12
4AS

Proposal: Advertisement Consent for replacement illuminated signage

Applicant: Mitchells and Butlers PLC
Case Officer: Gary Peck

Ward: Marine



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Proposal, Site and Surroundings

This application seeks advertisement consent for the erection of 2 externally illuminated wall signs 1.06m x 1m entitled 'Toby', 1 wall sign, 0.58m x 1m entitled 'Home of the Roast', 1 free standing sign of 3.45m x 2m on timber clad aluminium posts entitled 'Toby Carvery' and 2 free standing 2m x 2m signs entitled 'Home of the Roast'.

The wall mounted signs have already been erected on the building and a free standing sign to the front of the site has also been erected but to a greater height (4.64m metres) than is currently proposed. The existing sign also has a board entitled 'Worthing' and a board indicating a menu offer, neither of which are part of

this application. The sign is also internally illuminated (although the lighting has now been switched off) which again is not part of the current application as it is now proposed that the sign will be externally trough lit. This sign and the others already erected formed part of an application submitted last year which was refused and therefore the existing signage is unauthorised.

The site comprises a two storey Toby Carvery pub/restaurant situated on the south west corner of the Goring Road and George V Avenue roundabout. The wider area is residential to the west and south with the neighbourhood shopping centre of Goring on the roundabout and to the east along Goring Road. The locally listed parade occupies the north west side of the roundabout directly opposite the application site.

Relevant Planning History

Advertisement consent was refused for 1 x externally illuminated totem sign, 3 x internally illuminated fascia signs, 2 x externally illuminated twin post mounted signs in December 2014 (AWDM/1327/14) on the grounds that the signage, by reason of the excessively scaled, dominant and over-illuminated totem advertisement, causes unacceptable harm to the amenities of the locality and the character of the area and is thereby contrary to saved Local Plan policies (WBC 2003): H18, H16. Worthing Core Strategy (WBC 2011): Policy 16 and the aims of the National Planning Policy Framework (CLG 2012).

Consultations

None received

Representations

2 letters have been received regarding the totem sign that has already been erected, stating that due to its size it is overbearing to the area, encloses a previously open space, is bigger than a previous sign at the site, there are other signs already on the building which are adequate for advertising purposes and because it is lit and close to the roundabout represents a hazard to traffic

Relevant Planning Policies and Guidance

Saved Local Plan policies (WBC 2003): H18

Worthing Core Strategy (WBC 2011): 16

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

The Committee should consider the application for advertisement consent in accordance with:

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) made pursuant to section 220 of the Town and Country Planning Act 1990 (as amended) provide that the Committee should consider the

application having regard to: the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

Factors relevant to amenity include the general characteristics of the locality including the presence of any feature of historic, architectural, cultural or similar interest. In considering amenity, the Committee may, if it thinks fit, disregard any advertisement displayed.

Factors relevant to public safety include the safety of persons using any highway, railway, waterway, dock, harbour, or aerodrome; whether the advertisement display is likely to obscure or hinder the ready interpretation of a traffic sign or any security device.

Express consent for the display of advertisements may not contain any limitation or restriction relating to the subject matter, content or design, unless necessary in the interests of amenity or public safety.

Planning Assessment

There are 3 main components to the proposal: i) the wall mounted signs that have already been erected, ii) the proposed free standing signs that have not yet been erected and iii) the totem sign which has already been erected but is proposed to be amended under this application

The wall mounted signs are relatively modest when set against the large size of the building and are less obtrusive than the signs that were previously located in similar positions which they replace. Accordingly, there is no objection to their retention.

The proposed free standing signs entitled 'Home of the Roast' would be located on the western side close to the northern entrance to the site and on the south eastern side of the site. In both cases, there is an existing sign of similar dimensions and therefore it is not considered there is an objection to their replacement with similar signage.

The current totem sign, however, was considered unacceptable when it was submitted under the previous application at the site in 2014. The sign had already been erected when the application was determined and had already raised concern due to its size and illumination. As with other signage on the site, this sign replaced an existing sign but in this instance is clearly far bigger and more obtrusive.

Following discussions with officers, the current application proposes to reduce the sign in size by 1.2 metres, remove parts of the sign underneath the main Toby Carvery element, and instead of internal illumination serving the sign, it would now be illuminated by an external trough light.

On balance, it is considered that the amendment is acceptable. As stated above, there was an existing sign serving the premises previously and the smaller wall mounted signs now erected appear to give less prominence to signage on the building itself than was previously the case. There is a low brick wall to the front of the site which the sign would sit behind but since the majority of the of the forecourt of the site is given over to car parking, the existence of a sign of an appropriate size

in the proposed location is not considered to adversely affect the visual character of the area. Together with the alteration to external trough lighting rather than internal illumination, it is considered that the revised proposal is acceptable.

Recommendation

To GRANT advertisement consent subject to the following conditions:

Standard advert conditions 1-6 listed below

01. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
02. No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
03. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
04. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
05. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
06. This consent shall expire at the end of the period of 5 years beginning with whichever is the earlier of (a) the date of commencement of the display or (b) 6 months from the date of this consent.
07. Development in accordance with the approved plans
08. The free standing 'Toby Carvery' sign shall be erected no later than 3 months from the date of the permission hereby granted

Reason: To ensure the replacement of the existing unauthorised sign, the retention of which is considered unacceptable, and in the interests of visual amenity in accordance with policy 16 of the Worthing Core Strategy.

4th March 2015

Application Number: AWDM/1791/14

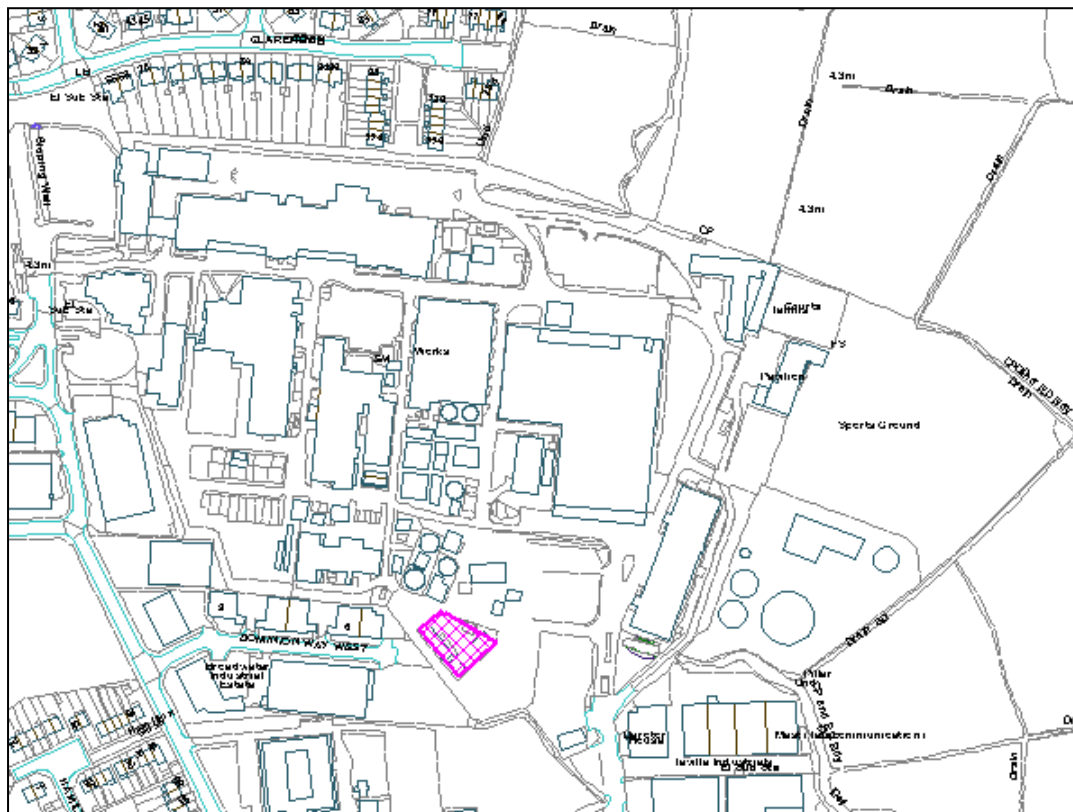
Recommendation – Approve

Site: Glaxo Smithkline, Southdownview Way, Worthing, West Sussex BN14 8QH

Proposal: Provision of new contractors workshop building with associated welfare facilities close to buildings 19, 19A and 19E

Applicant: Mr Jeremy Clarke
Case Officer: Peter Devonport

Ward: Broadwater



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Site and Surroundings:

The site relates to 'Glaxo Smithkline' pharmaceutical research laboratory industrial premises, within East Worthing trading estate. The site comprises a large number of sizeable industrial outbuildings and structures and is located at the end of Dominion Way.

The actual site of the proposed development is situated close to the South west boundary and Dominion Way West and the industrial units fronting this road and LEB offices.

The service entrance to the site is from Dominion Way and parking area is to the south east.

The site currently comprises a contractors' compound on a concrete slab associated with various development works on the site, including portakabin offices, containers, workshops and welfare facilities.

The adjacent south west boundary is marked by a line of trees.

The site is partly on landfill, close to an aquifer and within Flood zone 2 and within a designated industrial estate.

Details of Proposal

The application follows a recent approval of a similar proposal AWDM/0885/14 but in outline form (with all Matters reserved - scale, layout, landscaping, access and design) in September last year by this Committee.

Likewise, the works aim to provide more robust and better quality on-site facilities for construction and design staff engaged in the various projects on site.

The project consolidates on this site many of the various other temporary facilities used for this purpose, including existing compound, area just to the south. The redundant facilities will consequently be removed.

The works are sited on the existing concrete slab within a cluster of existing industrial buildings in the southern part of this large site. A two storey industrial style, shallow roofed building faced in silver metal cladding is proposed. It stands 7.2 ms to the eaves; and 8.3 ms to the ridge and is 20.5 ms wide and 22.5 ms long. Workshops/storage is on the ground floor and canteen and other facilities on the first floor. Overall floorspace is 780 sq ms.

Access would be via existing main gates at the northern end of Dominion Road. The applicant has confirmed that it is not envisaged that no changes to the highway or parking are proposed.

No additional soft landscaping is proposed.

Surface water would run off to existing drainage

The application is supported by a Design and Access Statement incorporating a brief Flood Risk Assessment and site investigation (land contamination) report.

Planning History

There have been many applications on the wider GSK campus, but aside from the outline approval referred to in the previous section, none are considered directly relevant to the determination of the application.

Consultations

The Highway Authority

Commented on the previous scheme that:

The site is located off Dominion Road, Worthing. Dominion Road runs through a large trading estate found on the eastern side of Worthing town centre. Access would be via existing gates at the northern end of Dominion Road. The applicant has confirmed that it is not envisaged that changes to the highway are foreseen.

No objection is raised to the proposal based upon the information supplied, including information on net increases in floorspace and personnel, subject to suitable conditions on parking provision; surface water drainage and construction management plan (which reserves the right to request a Stage 1 Road Safety Audit) and the Local Planning Authority being satisfied that no TAD (transport) development contribution is justified.

The Drainage Officer

The site lies within flood zones 2 and 3, and is affected by surface water flooding, according to the latest EA plans.

I acknowledge and accept the applicant's proposals for surface water disposal.

If you are minded to consider that the development is acceptable under the current planning guidance, then the proposed development should require a full FRA, but if you are minded to give approval for the development then I would be happy to receive a short version of the FRA which sets out evacuation procedures, I don't think anything else would really be needed, they are well versed with requirements on the site.

Environmental Health Officer

No objections, other than request contaminated land condition imposed if any breaking of ground is involved.

Southern Water

Request that should this application receive planning approval, an informative is attached to the consent requiring that a formal application to Southern Water is made for connection to the public sewerage system in order to service the development.

Environment Agency

No objection subject to conditions (included in the recommendation below)

In respect of contamination, it is commented that the foundation proposals for the site are planned to be shallow and therefore we do not have any significant concerns as it presents a low risk to groundwater though we support the requirement for additional monitoring to further assess groundwater contamination for this development and for the wider site area. We also support the requirement for further assessments during demolition and constructions works.

Flood Risk:

The proposal is located in Flood Zone 2 defined by the NPPF as having a medium probability of flooding.

Please note this proposal falls under our Flood Risk Standing Advice for less vulnerable development up to 1ha in Flood Zone 2. Please refer to our FRSA at the following link: <https://www.gov.uk/flood-risk-standing-advice-frsa-for-local-planning-authorities>

Representations

None received.

Planning Assessment:

The main issues raised by this proposal are:-

- Principle of business development
- Impact on amenity
- Impact on appearance and the character of the area
- Impact on the environment, land contamination and flooding
- Impact on access /parking

As such the proposal should be primarily assessed against:
Saved Worthing Local Plan: Policies RES7 and H1
Core Strategy Policies 4, 15, 16 and 17
National Planning Policy Framework and Practice Guidance
Sussex Noise Guidance

Principle of business development

The site sits in a designated and protected industrial estate in the Core Strategy.

The principle of business development is supported within the confines of such a designated, established trading area and would modernise and improve business functions.

The new proposal specifically facilitates recently approved substantial investments in the complex by rationalising space and construction related accommodation, so helping secure the future of the site and local jobs.

It is accordingly welcomed.

No overall increase in floorspace would occur.

The acceptability of such a development was established under the recent consent AWDM/0885/14.

Impact on residential amenity

The new building is remote from any residential dwelling and its impact is, accordingly, negligible.

The separation distance to any industrial neighbour is, likewise, acceptable and the functions to be carried out are compatible with any business neighbours.

Details of any plant required may be reserved by condition.

Impact on appearance and character of the area

The site is within an established industrial area characterised by tall buildings and structures and sits some 50 ms from the nearest boundary and is not excessively large. Whilst it would be visible from some vantage points (despite the screening provided by the said buildings and the boundary planting), it would be acceptable against this background. Its form is utilitarian but satisfactory and fits in with the industrial character of the site.

Impact on environment

The Environmental Health Officer has recommended a land contamination condition in view of the site's history of landfill and construction works and measures to address asbestos risks.

The Environment Agency similarly requires controls to safeguard against land contamination, not least because of the risks to pollution of the aquifer.

The site falls within zone 2 of Flood Risk area but the development is not classed as vulnerable and suitable flood resilience/mitigation measures may be secured by condition - e.g. finished floor levels will be 300 mms above that of the road; materials are low permeability and electrical services are at high level as well evacuation plans.

Drainage is satisfactory.

The applicants are aware of and accept the requirements set out by the Environment Agency/Environmental Health Officer and Southern Water above.

Sustainable design to achieve BREEAM Very Good Standard and any necessary micro renewable energy generation may be secured by condition.

Impact on access /parking

No parking spaces are shown as lost and overall traffic generated on the site would not increase.

Conditions recommend by the Highway Authority to regulate localised impacts are justified i.e. construction management plan.

Recommendation:

Approve, subject to the following conditions:

1. Implement within 3 years.
2. Build in accordance with approved plans.
3. No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority (LPA) shall be submitted to and approved in writing by the LPA. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the LPA. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.
4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.
5. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
6. Comply with Flood Risk Assessment and implement necessary mitigation measures including evacuation plan.
7. Submit and agree construction management plan including dust suppression.
8. Limit construction hours to between 7 am to 6pm.
9. Submit and agree external materials.
10. Details of external plant and machinery.
11. Build to BREEAM Very Good Standard and provide details of necessary micro renewable energy generation.
12. Supply Asbestos Register listing.

Background Papers

Comments of Environment Agency
Comments of Environmental Health Officer
Comments of Highway Authority
Comments of Drainage Officer
Comments of Southern Water

4th March 2015

**Local Government Act 1972
Background Papers:**

As referred to in individual application reports

Contact Officers:

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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

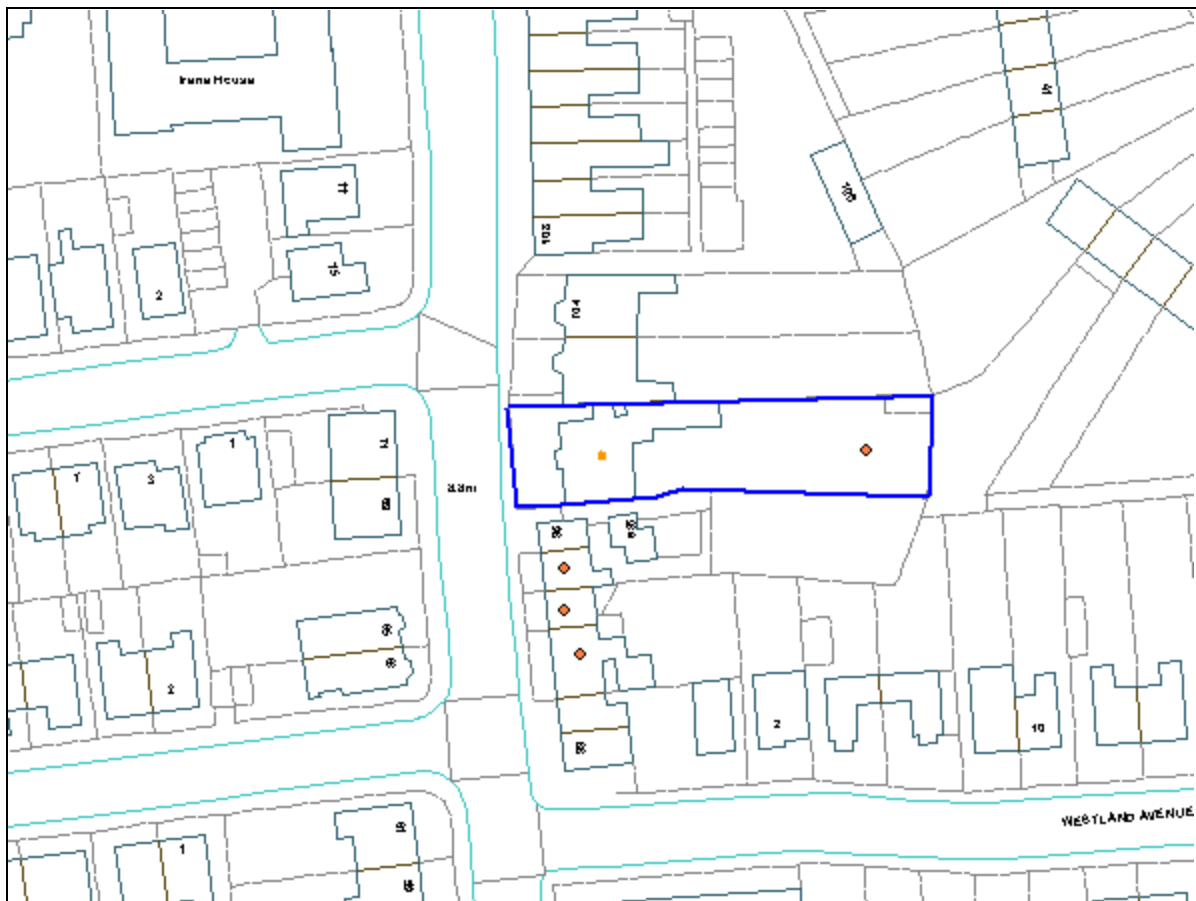
14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account 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.

Report by the Director for the Economy

ENFORCEMENT REPORT

The Folly, rear of 100 South Street, Tarring, Worthing

**Land detrimental to the amenity of the area and request for authorisation of
expenditure for surveyors report**



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1. THE SITE AND THE BREACH OF PLANNING CONTROL

100 South Street, Tarring is a two storey Victorian villa, with central entrance portico and symmetrical ground floor cant bays. In 1893 it was the home of Mr W Osbourne Boyes, a solicitor, who built the 'Folly' at the end of his garden to enjoy the open views across fields to the sea.

The folly is a Grade 2 listed building which is described in the National Heritage List as: -

Folly to rear of No 100 GV II Folly. Early C19 heightened mid C19; altered later C19 and C20. Coursed cobblestone with brick dressings; roof material not visible. A single cell, square on plan, of 2 storeys with basement. Brick quoins to angles and openings, brick band between storeys, eaves cornice and embattled parapet with pitched coping. On lower floors the brick is red, with some blue bricks; on upper floor it is paled and this and the slightly differently-laid cobble indicates that the upper storey is of a different build. Entrance elevation: segmental-arched basement opening; above this, cantilevered stone steps rise to doorway which has C20 stable door below inserted soldier-brick arch window on left. Upper floor has a later, wide, 3-light window with header-brick arch and wooden casements with pointed-arched glazing bars. Rear: a pointed-arched window to ground floor with two 4-pane lights and glazing bars in head; upper storey has segmental-arched casement with pointed-arched window to lower storey; wide 3-light window above as front.

The owners of 100 South Street are reclusive and have not engaged with the Council for many years. The property is not maintained, nor any of the grounds and as such the condition of the folly appears to be deteriorating.

Officers have previously taken enforcement action both under the Town and Country Planning (Listed Buildings and Conservations Areas) Act 1990 and Section 215 of the Town and Country Planning Act. Works were carried out in 2008 in default of a Section 215 notice requiring a car to be removed, vegetation cleared and other improvements made to the front elevation. Works were also carried out at this time to remove overgrown vegetation and to secure and make weather tight the folly.

Recently Officers have received renewed complaints regarding the security and appearance of the property and also suggesting that the folly was being accessed by trespassers and was no longer secure or weather tight. West Sussex Police have carried out a welfare check and confirmed that the residents are well.

Site visits to the property gave Officers cause for concern regarding the appearance of the frontage. The owner occupiers were contacted in this regard and a response was received from a representative who appears to be a medical contact stating that after the front of the property was cleared some years ago, the owners had experienced many acts of vandalism including stone throwing and attempted break ins. Since the plants have been reinstated and grown high enough this behaviour has been thwarted leaving

the owners in much needed peace. The letter states that the male occupier has many health problems including low capacity lungs, heart problems and total kidney failure amongst other things. The letter concludes that if we feel it necessary to take action again then this will impact on his health and financial implications of repairing damage.

Photographs of the current appearance of the frontage will be available at the meeting. The folly is accessible from the rear gardens of adjoining properties which has allowed for a ground level inspection of the folly to be carried out. Officers are concerned that the interior of the structure may not be safe – the wooden floors and ceilings/roof are wet and rotting, cracks have also appeared in the brickwork and merlons have been lost from the rooftop. It may be that scaffold is required therefore to access certain parts of the building. Photographs describing the condition of the folly will also be available at the meeting.

2. COMMENTS OF THE PROPERTY OWNER

Your Officers have written to the owners several times and tried to establish communication with no success other than the response from the representative as summarised above.

All interested parties will have been made aware of the presentation of this report and given the opportunity to make representations to the Committee.

3. PLANNING ASSESSMENT

The Listed Folly

The preservation of this listed folly is considered to be important, it is the only listed folly in Worthing, its design and materials are of significant regard and it is clear that its condition is deteriorating. Your Officers are of the opinion that if this folly is to be preserved, works need to be carried out, whether by the Owners or the Council, to ensure its preservation.

In order to establish what works are necessary your Officers require a report from a qualified surveyor. Whilst Officers are clearly able to identify some of the areas of the building that require improvement, they are not qualified to structurally assess the fabric of the building. The expertise does not exist within the Planning Department to carry out a survey of this building and to make full recommendations as to what works are required and for this reason therefore Officers are seeking the agreement of the Committee to employ external specialists to undertake a survey of the folly and assist in the formulation of a schedule of works.

As with all enforcement cases, and in line with the enforcement concordat, proceedings will begin with a request that the owner carry out the required works voluntarily. Should this request not be fulfilled enforcement powers are available under Section 54 of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) to serve an Urgent Works Notice. This power enables

local authorities to execute any works which appear to them to be urgently necessary for the preservation of a listed building in their area. If the building is occupied, the works may be carried out only to those parts not in use (i.e. the folly). The owner must be given a minimum of seven days' written notice of the intention to carry out works, and the notice must describe the proposed works to be carried out (hence the need to be informed by a survey). Section 55 of the Act allows the costs of the works to be recovered from the owner by the authority who carried out the works. The owner must be served a notice requiring him to pay the expenses of the works. Within 28 days of the service of the notice, the owner may appeal to the Secretary of State by making representations, including that the works are unnecessary or that the amount specified in the notice is unreasonable.

Officers are aware that there are already financial charges, including for the previous works in default registered against this property by Worthing Borough Council and Southern Water. The council tax charge on the property currently stands in excess of £6000. Officers have requested information regarding the charges from Southern Water and any information provided will be reported in a verbal update at the meeting. It may only be possible to recoup further costs should there be sufficient equity in the property.

Alternatively Section 48 of the Act enables local authorities to serve a Repairs Notice on the owner of a listed building specifying those works it considers reasonably necessary for the proper preservation of the building.

If, after a period of not less than two months, it appears that reasonable steps are not being taken for the proper preservation of the listed building, the authority can begin compulsory acquisition proceedings under section 47. It is important to note that serving a Repairs Notice under section 48 does not commit the authority to proceed to compulsory acquisition action under section 47 and the authority can withdraw the Repairs Notice at any time. If the notice is withdrawn, the authority must give notice to the owner of the withdrawal. If compulsory acquisition took place the authority would have to pay compensation.

Access to the folly has historically been made possible from a neighbour's garden and your officers hope that this option would be available again. It has also been suggested by one of the surveyors that some clearance has been undertaken by the neighbouring property on South Street and this may provide sufficient access. It is important to note however that the ability to carry out the survey may be dependent on the goodwill of the neighbours as it is anticipated that access through the property will be refused.

Four quotes have been received to provide such a report at a cost ranging from £430 to £1700 plus VAT. These are appended to this report.

The quotes have all been reviewed by the Design and Conservation Architect who states "my recommendation would be to accept the quote from RBC Surveyors. This quote covers a building survey report, and a schedule of works for remedial works as requested. The works would be as set out in the RICS

standard terms of engagement. The cost at £599 + VAT appears to be reasonable. As we know access is limited and any survey is likely to be visual from ground level”.

Planning Service’s miscellaneous expenditure budget can cover this expenditure. Should the owners choose to do the works voluntarily, or should a notice be served which the owners comply with, it is likely that the expenses incurred in the provision of this report will not be recoverable. Should a notice be served that is not complied with and the Council ends up carrying out any works in default of such a notice this sum could be recovered.

English Heritage do offer grants to Local Authorities for up to 80% of the cost of works such as these. Whilst your officers are unaware as to the likelihood of any such application being granted, or even whether there are currently funds available, this avenue will be investigated.

The appearance of the frontage

Officers are concerned with regard to the current appearance of the frontage but are also mindful of the representation that has been received on behalf of the owner/occupiers. Powers are available under Section 215 of the Town and Country Planning Act 1990 to require the proper maintenance of land that is detrimental to the amenity of an area, indeed this power has been exercised previously at this property. However officers do not consider that the amenity of a part of their area, or of an adjoining area, is sufficiently adversely affected by the condition of this land at this time to warrant the serving of a Section 215 Notice.

4. COMMENTS OF THE DIRECTOR FOR DIGITAL AND RESOURCES

Section 88(2) Planning (Listed Building and Conservation Areas) Act 1990 (the Act) provides that a local planning authority may authorise a person, in writing, at any reasonable time enter land for the purpose of surveying it to ascertain whether any building on the land is being maintained in a proper state of repair; and in connection with a proposal by the authority to make, issue or serve a notice pursuant to Section 54 of the Act (urgent works) or Section 48 (repairs notice); and thereafter to ascertain whether the notice served has been complied with.

Should admission to the land be refused under section 88, a warrant to enter the land may be obtained from the Magistrates’ Court, pursuant to section 88A, which shall be exercised within one month from the date of issue and at a reasonable hour, unless the case is one of urgency.

Section 88B of the Act provides 24 hours’ notice must be given to the occupier of the intended right of entry under Section 88 or 88A.

Should works be carried out by the authority as empowered by the Act, and expenses recovered in accordance with the Act, then the authority shall be

entitled to recover the costs of the surveyor's fees in accordance with Section 36 Local Government Act 1974.

Section 215 Town and Country Planning Act 1990 provides that if it appears to the local planning authority that the amenity of a part of their area, or of an adjoining area, is adversely affected by the condition of land in their area, they may serve on the owner and occupier of the land a notice under this section.

The Contract Standing Orders, 8.4.2 provide for contracts less than £5000, formal competitive quotations are not needed, though it is good practice to obtain at least two quotations before a formal purchase order is issued. Value for money must always be considered.

5. OTHER IMPLICATIONS

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

6. RECOMMENDATION

(i) THAT THE HEAD OF ECONOMIC GROWTH BE AUTHORISED TO SPEND IN THE REGION OF £600 PLUS VAT (FROM THE PLANNING MISCELLANEOUS EXPENDITURE BUDGET) TO OBTAIN A DETAILED REPORT ON THE CONDITION OF THE BUILDING AND WORKS REQUIRED FOR ITS REPARATION.

(ii) THAT THE CONDITION AND APPEARANCE OF THE FRONTAGE OF THE PROPERTY IS MONITORED AND THAT ACTION IS TAKEN UNDER SECTION 215 SHOULD THE AMENITY OF A PART OF THE LOCAL AUTHORITY'S AREA, OR ADJOINING AREA, BECOME ADVERSELY AFFECTED BY THE CONDITION OF THE LAND DUE TO THE FURTHER DETERIORATION OF THE LAND.

4th March 2015

Schedule of other matters

1.0 Council Priority

1.1 To support and contribute to the health, safety and well-being of the area

2.0 Specific Action Plans

2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

3.1 The location at this level in a flood zone is unsustainable.

4.0 Equality Issues

4.1 Matter considered and no issues identified.

5.0 Community Safety Issues (Section 17)

5.1 None in this context.

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 assessment.

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 the above report.

9.0 Risk Assessment

9.1 As referred to in the above report.

10.0 Health & Safety Issues

10.1 As referred to in the above report.

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 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 land owner 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.