

Worthing Planning Committee

Date:	Wednesday 26 August 2015
Time:	6:30pm
Venue:	Gordon Room, Worthing Town Hall, Chapel Road, Worthing

Committee Membership: Councillors Kevin Jenkins (Chairman), Vicky Vaughan (Vice-Chair), Noel Atkins, Edward Crouch, James Doyle, Diane Guest, Nigel Morgan, and Paul Yallop

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 25 August 2015.

Agenda

Part A

1. Declarations of Interest / Substitute Members

Members and Officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

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

Any substitute members should declare their substitution.

2. Confirmation of Minutes

To approve the minutes of the Planning Committee meeting of the Committee held on Wednesday 22 July 2015, which have been emailed to Members.

3. Items Raised Under Urgency Provisions

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

4. Planning Applications

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

- | | | | |
|-----|-----------------------|-----|-------------------------------------------|
| 4.1 | 18 Hayling Rise | 4.2 | Land south of 1-8 Field Place (FP) Parade |
| 4.3 | Land 84-92 Heene Road | 4.4 | 20 Sompting Road |
| 4.5 | Land north of Tesco | 4.6 | 10 Barn Close |
| 4.7 | Bowling Green, FP | 4.8 | Pond Lane Recreation Ground |

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. Public Speaking at Worthing Planning Committees

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Part B - Not for publication - Exempt Information Reports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:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk	Caroline Perry Solicitor 01903 221086 caroline.perry@adur-worthing.gov.uk

Duration of the Meeting: Four hours after the commencement of the meeting the Chairperson will adjourn 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
26 August 2015

Agenda Item 4

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/0811/15 Recommendation – Refuse

Site: 18 Hayling Rise, Worthing, West Sussex, BN13 3AL

Proposal: Ground floor infill extension and complete first floor extension with 2 dormers to south elevation, 2 dormers to west elevation and, 1 dormer to north and east elevation

2

Application Number: AWDM/0844/15 Recommendation – Delegate authority to Director of Economy to approve subject to the outcome of negotiations on development contributions secured by a legal agreement

Site: Land South of 1-8 Field Place Parade, The Causeway, Worthing, West Sussex

Proposal: Mixed Use redevelopment of the Former Lloyds PLC Banking Hall Site, comprising 81 apartments (Use Class C3) and a 611 sq.m flexible commercial space (Use Classes A1, A2, A3, D1 and B1) arranged as part 5, part 6 and part single storey block around courtyard, together with associated works to access roads, including Field Place Parade, provision of 86 parking spaces, landscaping and including the partial demolition and refurbishment of the existing multi-storey car park

3

Application Number: AWDM/0680/15 Recommendation – Delegate authority to the Director of Economy to approve subject to legal agreement

Site: Land At 84-92 Heene Road, Worthing, West Sussex

Proposal: Variation of Conditions 1 and 4 of WB/11/0107/FULL to allow the substitution of a ground floor 1-bedroom apartment instead of the permitted Fitness Suite; amendments to fenestration; provision of 3no. extra parking spaces.

4

Application Number: AWDM/0798/15 Recommendation – Approve

Site: 20 Sompting Road, Worthing, West Sussex, BN14 9EP

Proposal: Change of Use from an office (B1 Use Class) to a Chapel of Life with associated function room (Sui Generis Use Class)

5

Application Number: AWDM/0936/15 Recommendation – Approve

Site: Land North Of Tesco Store, Fulbeck Way, Worthing, West Sussex

Proposal: Application for approval of Reserved Matters pursuant to planning permission AWDM/0270/14 relating to access, appearance, landscaping, layout and scale of Class A3 restaurant/cafe and Class A1 (retail) /Class A3 (restaurant/cafe) units

6

Application Number: AWDM/0792/15 Recommendation – Approve

Site: 10 Barn Close, Worthing, West Sussex

Proposal: Single-storey bungalow attached to south side elevation

7

Application Number: AWDM/1015/15 Recommendation – Approve subject to the receipt of details regarding the provision of landscaping to reduce the impact on neighbouring properties

Site: Bowling Green (south-eastern), Field Place, The Boulevard, Worthing

Proposal: Change of Use from sports play surface (bowling green) to car park with 53 parking bays

8

Application Number: AWDM/1043/15 Recommendation – Approve

Site: Pond Lane Recreation Ground, Pond Lane, Worthing, West Sussex

Proposal: Two 'Durrington Community Cycle Project' signs on flint barn.

Application Number: AWDM/0811/15

Recommendation –Refuse

Site: 18 Hayling Rise Worthing West Sussex BN13 3AL

Proposal: Ground floor infill extension and complete first floor extension with 2 dormers to south elevation, 2 dormers to west elevation and, 1 dormer to north and east elevation

Applicant: Mr B Sahota
Case Officer: Peter Devonport

Ward: Salvington



Not to Scale

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The Site

The property is located in the mainly inter and early post war, attractive and leafy, low density residential suburb of High Salvington, on the lower southern slopes of the South Downs.

The site is triangular shaped and sits on the corner of Hayling Rise which runs north/south and Foxley Lane which is oriented west/east. At this point the ground slopes in both these directions. The property dates back to 1959 and is a very

modest, detached, two bed bungalow (55 sq ms gross internal floor area) with kitchen/diner/lounge and until recently a small very lightweight rear (east) lean-to. It is L shaped and situated at the back of the site, close to the eastern boundary and orientated towards the west. Floor levels are slightly raised to the east and south due to the terrain and the front pedestrian access, situated in the apex of the L is served by several steps. The bungalow has a pitched shallow roof with gables and windows serving habitable rooms on all elevations. It is faced in brick with a tiled roof. A detached, flat roofed single garage, broadly level with the bungalow, abuts the northern boundary and is served by the vehicular access also running flush with the boundary. There is a large hardstanding with parking for three or more cars. The main garden is to the front (west) and south is laid to lawn and is screened by a substantial hedge.

To the north, on the higher ground, are mainly detached bungalows facing west and on a similar, set back, building line. They are generally characterised by hipped roofs and faced in brick/white render with clay tiles roofs. No 20 immediately to the north unusually features a gabled roof. This property is set back from the common boundary with No 18 by over 2 ms. It has added a single storey solid rear extension and beyond this a conservatory. There are facing flank windows in the original side gable, one of which serves a habitable room and in the conservatory. The common boundary is formed by a 1.8 ms solid timber fence, supplemented by some shrub planting and the application property's existing garage. Another bungalow, No 22, but this time with living accommodation in its converted loft, is to the north of No 20 and includes one window and at least one rooflight in its south facing elevation, serving habitable rooms.

To the east is No 36 Foxley Lane part of a group of larger, houses or chalet bungalows, also on a common, set-back, building line and facing south. No 36 is a full two storey house, with hipped roof and front gable and faced in brick with tiled roof and 6 to 9 metres off the common boundary with No 18. There are windows serving habitable rooms in its facing elevation but these are secondary. The common boundary is a substantial hedge, supplemented by some medium sized trees.

Directly opposite the site in Hayling Rise are a couple of hipped roof houses but elsewhere and along Foxley Lane, hipped and gabled roof bungalows (many with converted lofts) predominate, excepting the new housing development on the corner of Hayling Rise and Woodland Ave, over 100 ms to the north.

There is no other relevant planning history.

Proposal

The proposal is to enlarge and upgrade the existing bungalow by infilling the gap in the L and building an additional storey throughout to form a four bed chalet house.

The application has been called in at the request of a Ward Councillor.

There has been no pre- application discussion.

The remodelled house has a square footprint and flattened pyramidal roof. It faces west and incorporates half dormers in all elevations but the largest feature dormers face south (with Juliet balconies and replicated on the ground floor windows) and, to a lesser extent, west. The upper floor windows in the north and east elevations all serve non habitable rooms and are to be obscure glazed. Partly by design and partly due to the ground levels, the eaves are raised to between 4.5 and 5.5 ms. A partly open shallow pitched porch is added at the front (west). The house is faced in cement boarding at first floor throughout, the existing ground floor brickwork retained, supplemented by render on the infill, with cement interlocking tiles on the roof.

Preparatory works in the form of trenches have begun outlining the footprint of the infill extension to the bungalow but works ceased.

A complementary, parallel application (AWDM/0938/15) to rebuild an enlarged double garage adjacent to the northern boundary and attached to the remodelled chalet house has since been withdrawn. It is understood the owner is now pursuing this under Permitted Development powers and a substantial start has been made to this effect. No plans have been submitted but it appears that so far the works are not inconsistent with the tolerances allowed and involve enlarging the existing structure, in a manner not too dissimilar from the withdrawn application scheme, except that the garage is now proposed to be entirely detached.

The former lean-to has also been removed and construction started on a new rear conservatory which runs most of the width of the house, has a shallow mono-pitched with eaves 2.9 ms above ground level and around half a metre off the eastern boundary. This is presented as Permitted Development in supplementary supporting documents and shown for information purposes only.

Representations

Objections have been received from 20, 22, 24, 24A, 26, 29, 31 and 33 Hayling Rise; 31, 36 and 37 Foxley Lane; 25 Woodland Ave and High Salvington Residents' Association as follows:-

20 Hayling Rise

In discussion with the new owner of the above property, he assured us that it was NOT planned to increase the height of the existing roof line, but the submitted plans clearly show it is intended to more than double the height!

We are naturally very concerned that this increase in height together with 2 new windows (to the North) would overlook our property (which is very close) and would result in significant loss of our privacy and light! In fact, these 2 windows would overlook our living/dining area, our study and our en-suite.

Although there are no dimensions given on the plans, it is clear that there is an intention to increase the living area by more than 150% (i.e. 2.5 times the existing) which is significant over development and together with the huge increase in the height of the roof, is totally out of keeping with the other properties in Hayling Rise. Albeit several have loft conversions NONE have gone above the original roof line!

The proposed building would dwarf our bungalow, and be over bearing, thus losing our privacy and the sunny and light aspect particularly in our living/dining area, en-suite and our study which is in continual use.

We purchased our bungalow only last year because the property has complete privacy as does the rear garden. It is a lovely sunny and light property, again, as does the rear garden. If this proposed building goes ahead we shall have loss of natural light in our study and will have to have artificial lighting at all times!

One final point, from the plans it shows that by 'squaring' the 'L' shaped bungalow, for which he has already commenced building the foundations, the resultant new corner would exceed the building line in Hayling Rise!

22 Hayling Rise

Having carefully studied the application and supporting plans, I wish to object most strongly to what is being proposed. My reasons are as follows:

- 1) The existing property is a small 2-bedroom bungalow on a very limited triangular site, albeit with a long frontage to Hayling Rise and Foxley Lane. As existing, the bungalow is very much in keeping with other adjacent and nearby bungalows. The proposed development would totally transform this small bungalow (well suited to its limited site) into a four bedroomed house, with large dormer style windows on all four elevations, totally out of keeping with the area.*
- 2) Many of the original bungalows in the immediate area (and elsewhere in High Salvington and Findon Valley) have been altered or slightly enlarged, but without exception these alterations have been achieved by way of incorporating traditional dormer windows or roof lights, without raising the original roof ridge line. This ensures the overall street scene is preserved. What is proposed to the subject property will very substantially raise the roof line and overall impact of this existing corner property; ~changing a small bungalow into a quite large house.*
- 3) The proposed in-fill of the existing south west corner will result in development beyond the existing, established building line. This would set a dangerous precedent.*
- 4) I am also concerned that the proposed development, by virtue of its size and positioning on this corner site, will result in lack of privacy as far as my property is concerned. This is a serious matter and unacceptable having regard to the general existing development in the locality.
It is requested that the Planning Authority refuse this application and in that connection I request this letter of objection be taken into account when a decision is made.*

24A Hayling Rise

- 1. Whilst accepting the proposed planning application would be on the same footprint as the present building, (apart from the extension to the lounge and porch areas), I feel that the addition of an extra floor would detract from the original aesthetic and architectural designs and layout of the east side of Hayling Rise.*

2. *Concern is expressed regarding the loss of privacy and reduction of light to adjoining properties especially the single storey bungalow of No. 20 Hayling Rise.*
3. *The present property is on a small corner plot and has parking commensurate with a two bedroom bungalow. The plans show an increase from two to four bedrooms and concern is expressed regarding the future provision of on-site parking or will parking for this property spill out onto the road?*
4. *Should this application be accepted then I feel this could be the thin edge of the wedge of future plans wishing to replicate extending from single storey properties to houses. Surely this would diminish the original design concept of properties on Hayling Rise.*

26 Hayling Rise

The proposed development at 18 Hayling Rise is the conversion of a single storied two bed-roomed bungalow into a two story three bed. This will sit at odds with the character of the lower reaches of Hayling Rise [west]. Bungalows are the architectural landscape.

The geography of Hayling Rise is that it falls to the A27 thus architects have respected this fact by designing homes as if raked seating. This is very obvious to the casual viewer of 28 Hayling Rise to number 2.

AWDM/0811/15 flies in the face of this street composition.

And yet: Council saw fit to approve the Sycamore House development at 32 Hayling Rise in May 2007 [WB/07/0170]. Granted this site lent itself to a grander structure that proposed at 18 but Council might be mindful to see Sycamore House as a precedent.

If Council were so disposed I would ask that the restrictions placed upon the developer of Sycamore House be applied to no. 18, in a desire to be even handed, namely:

- 1: *That no development shall be carried out on the site unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority to reduce the height as viewed from the South by reducing elevations to prevent 18 Hayling Rise appearing unduly tall and discordant in the street scene.*
- 2: *The development's northern elevation overlooks neighbouring property. It is proposed to configure this elevation with two windows; one at the head of the stairs i.e. on a landing, the other in a bathroom. To protect the amenities and privacy of the future occupiers of 18 Hayling Rise and the occupiers of the residential property at 20 Hayling Rise, I urge that both windows be frosted to the correct standard.*

29 Hayling Rise

I am concerned that the plans show roof level being raised, which will have an effect on reducing light on other properties and overlooking. All other similar properties that have been extended in Hayling Rise have been built within their existing rooflines.

31 Hayling Rise

I believe the proposed development of 18 Hayling Rise, which at the moment is a small single storey 2 bedroom bungalow, into a 2 storey 4 bedroom house to be an overdevelopment of the site and totally out of character & appearance to the surrounding area. The proposal increases the properties height at least 2 fold along with a dormers in the new roof space.

The proposed house would overlook several neighbouring properties, including mine, these have until now been private and not overlooked due to the properties being of the same height and any extensions being confined to their existing roof spaces. The other consequence of the proposed increase in height of this development is of course the loss of light to neighbouring properties.

In addition the ground floor infill appears to be forward of the current building line on the east side of Hayling Rise. There are no houses in this section of Hayling Rise as the character and design of the area is such that the properties fall away towards the south in line with the hill.

Highway safety is already being compromised with the current owners having several cars and large vans, these are parked on Hayling Rise extremely close to the junction with Foxley Lane. This causes a hazard when turning out of Foxley Lane due a lack of ability to see oncoming traffic on Hayling Rise, this road being a bus route. In addition the vehicles are being parked on the grass verge. Currently, in this vicinity, people park off the road on their own property in keeping with the character of the area.

Building works have already commenced with foundations being dug and other works undertaken. Whilst I realise this is not in contravention of any planning law it does not fill me with any confidence that the developer or owner have any regard for Planning or Building Regulations let alone the sensitivities of their neighbours.

I also have not seen a planning notice posted near the property, which I thought should have been present.

Given the points expressed above I urge you to reject this plan and not allow a house to be built, but to keep any development to a 'chalet style' dwelling with no increase in height of roof line in keeping with all other properties in the immediate area.

33 Hayling Rise

1. *The proposed new south west corner to the property appears to extend it beyond the line of other neighbouring properties on the east side of Hayling Rise.*
2. *The introduction of this new size (total floor space) of the property appears as over-development, when taking into account the general density of housing in this location. "Large house, tiny garden", making it more densely packed.*
3. *The new roof line appears to have the ability to block out light from its immediate neighbour, "20 Hayling Rise". This will reduce the ability of the owners "20 Hayling Rise" to generate electricity via Solar PV, should they choose. This will reduce the ability of Worthing Borough to encourage Solar PV.*
4. *We are concerned that this new roof line will block the early morning winter sunlight from our own solar panels, reducing their effectiveness and contribution to carbon reduction.*
5. *We are also concerned that building appears to have already started, with concrete footings now in place - 06/07/2015 - in the south west corner. As far as we understood it, permission needs to be granted beforehand.*

25 Woodland Avenue

1. *Design is out of keeping with the rest of the properties in the vicinity and would be aesthetically displeasing to the eye.*
2. *Parking outside of number 18 would and already does make it dangerous for those cars wishing to turn out of Foxley Lane into Hayling Rise; this proposed increase in property size heightens the prospect of cars being parked on Hayling rise and not on the property. Property owners in Hayling Rise park on their land!*
3. *This would be an over-development of the already small plot size.*
4. *The invasion of privacy to number 18's near neighbours is crucial and will inevitably lessen these properties values!*
5. *Inevitably, a property of this size will invite more noise in an otherwise quiet area.*

31 Foxley Lane

We were very surprised to see a large scale development of a bungalow which is situated very close to where we live. The area of development is exclusively bungalows and chalet bungalows. Having enquired into the proposed development plans we were disappointed to find that the dwelling is to be developed into a two storey house. This is completely out of character with the surrounding buildings and seems completely out of proportion with the existing roof lines of the neighbouring properties. Whilst walking past we have also noticed that the building works are taking place immediately on the boundary lines of the adjoining premises, this cannot be right. We note the plans include windows which will look on to the

neighbouring properties, and walls which will block residents' light .We can only imagine the huge amount of distress that this is causing to the residents of these properties and beyond. Please do not under estimate the impact of large, out of character developments have on the wider residents of High Salvington.

High Salvington Residents' Association

I am the planning liaison committee member for the High Salvington Residents' Association and am authorised to object to this application which MUST be considered in conjunction with the related application AWDM/0938/15. The application is to convert a modest 2 bedroomed bungalow into a 2 storey 4 bedroomed house. The "related application" is to replace the existing detached single garage with an attached double garage with additional domestic accommodation.

The Design is overbearing to number 20 Hayling Rise, adversely changing outlook, privacy and light. It will dominate the corner of Hayling Rise and Foxley Lane and will impact adversely on the street scene in Hayling Rise where bungalows/chalet bungalows built southwards from the junction with Newling Way are a deliberately planned architectural feature enhancing the hill as it slopes towards the sea.

There are presently 4 to 5 vehicles parked daily on the plot at 18 or on the adjacent kerb side. This creates a hazard for vehicles moving between Foxley Lane and Hayling Rise and for the bus going down Hayling towards the A27.

The WBC Core Strategy and Saved provisions require the Council to protect the character of individual buildings and of neighbourhoods. The application and "related application" are out of keeping with the character of this road and neighbourhood. If approved a precedent may be set encouraging further inappropriate conversions in this stretch of Hayling.

Number 18 is on a small triangular plot wedged into the corner of Hayling Rise and Foxley Lane. The enlargement of the present footprint, the addition of an attached new enlarged garage, the considerably heightened roof together constitute significant overdevelopment of the site itself and in the wider context of the corner area.

Number 20 Hayling Rise will be especially adversely impacted by the proposed development. The new roof height will virtually block all natural light to the study and ensuite.

The outlook from number 20 will be adversely affected on the southern and eastern sides. Privacy in the ensuite, dining room/conservatory and garden of number 20 will be adversely compromised.

Occupation of the enlarged house and garage right on the boundary of 20 Hayling, and immediately behind the hedge of 36 Foxley Lane is likely to raise noise levels unacceptably for this quiet residential neighbourhood.

Planning Appraisal

Section 70 of the Town and Country Planning Act 1990 (as amended) 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 requires the decision to be made in accordance with the Development Plan unless material considerations indicate otherwise.

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

The Council's self-assessment of the Core Strategy's Conformity with the National Planning Policy Framework demonstrated that, in many respects, the Council's key Development Plan conforms closely to the key aims and objectives of the Framework.

The main issues raised by the application are;

- The principle of upgrading the housing stock and its facilities by means of remodeling the bungalow.
- The quality of the design and impact on the character and appearance of the area.
- The impact on the amenity of neighbouring occupiers.
- Access and parking
- Other environmental impacts

As such the proposal should be assessed principally against Core Strategy Policy 16; Saved Worthing Local Plan Policies H16, H18 and TR9 and National Planning Policy Framework and allied Practice Guidance and Supplementary Planning Guidance Extending or altering your Home

The principle of upgrading the housing stock and facilities by means of remodeling the house

The proposals enlarge and modernise this untypically small bungalow and enhance the town's stock of good sized family houses with gardens.

Whilst the alterations and extensions are extensive and the appearance of the bungalow transformed, much of the structural original building fabric remains and this is strictly speaking a householder application.

To this extent, the proposal makes effective and efficient use of the existing stock within the urban boundary and in a sustainable manner. The principle is accordingly welcomed.

However, the acceptability of the actuality is dependent upon its wider environmental impacts as assessed below.

The quality of the design and impact on the character and appearance of the existing property and area

The remodelling of the bungalow respects the building line.

The principal concern with the bungalow remodelling is its form, height and design. Despite efforts to keep the height down by truncating the pyramid roof, the remodelled dwelling would appear noticeably and incongruously taller than the bungalow to the north and at variance with the characteristic stepped arrangement of the bungalows as they follow the gradient of the hill downwards. The tall eaves compound the discord created. It is recognized that the full two storey house at No 36 in Foxley Lane stands to the east and a couple of houses face the site to the west. However, in townscape terms the bungalow at No 18 manifestly relates to the modest bungalows which prevail on Hayling Rise both to the north and south and feature on the opposing corner of Foxley Lane and Hayling Rise immediately to the south.

The truncated pyramidal roof and tall eaves are themselves rather contrived and awkward features and uncharacteristic of Hayling Rise. They lend the house a displeasing appearance. This is compounded by the array of dormers and the large size of the western and southern dormers in particular, which lend the new dwelling a top heavy appearance. Apart from the southern elevation, the fenestration pattern is somewhat disordered and the front western elevation particularly unbalanced as a composition. The incoherence is aggravated still further by uncharacteristic and awkward palette of facing materials. The prominence of the site on the corner means that these design shortcomings will be particularly evident from the street.

The above concerns are underlined by the objections received from neighbours.

The proposed enlarged garage and conservatory are only likely to accentuate such impacts but, of course, cannot in themselves be resisted if built as Permitted Development.

The impact on the amenity of neighbouring occupiers

The closest neighbours are at No 20 immediately to the north and 36 Foxley Lane immediately to the east.

No overlooking would occur due to the obscure glazing of the relevant upper floor windows if the opening parts were no lower than 1.7 metres above finished floor levels and given the boundary treatment and separation distances at ground floor level.

The concerns raised by the neighbours are noted and some loss of outlook would certainly occur for No 20 from the remodelled house in terms of views of the sky (rather than horizon), especially from the rear garden and conservatory. Additionally, there is the concern that, given the proximity of the north corner of the remodelled house and its situation to the south of the neighbouring bungalow and its size, some loss of natural light could also occur to the south facing study of No 20. Unfortunately no technical assessment has been submitted to definitively assess the natural light impact on this room. At the same time, it is noted that the remodelled bungalow does edge away from this neighbour; the study is not a main living room and the remodelled bungalow is on slightly lower ground. The above concerns are underlined by the objections received from neighbours. On balance, in combination with the visual impacts of the proposal outlined above, these amenity concerns materially aggravate the visual harm caused.

However, the effect on No. 22 is insufficient to justify refusal here, regardless.

Because of the separation distances, boundary treatments, topography and form of the proposed new works, no unacceptable harm to No 36 or any other property would occur in terms of natural light and outlook.

A reconstructed garage compliant with Permitted Development restrictions of no taller than 2.5 ms would aggravate matters only marginally. The proposed Permitted Development new conservatory does not impact critically either.

Activity from the enlarged house and/or garage (including parking and traffic) would not be so increased as to unacceptably affect the amenity of No. 20.

Little weight would be given to instances where simply the potential for solar panels may be affected by proposed works.

Third party wall impacts are dealt with under the relevant legislation.

Access and parking

Vehicular access is unchanged in the remodelled bungalow application and the property continues to include a substantial hardstanding for parking, irrespective of the garage reconstruction.

Other environmental impacts

There are no protected trees on the site and the substantial hedge would remain.

Surface water drainage may be addressed by condition.

Recommendation

Refuse for the reasons that:-

1. The remodelled house would, by reason of its siting, form, height and design, present a poor composition and appear as a prominent, alien and discordant element in the streetscene and would, additionally, result in the loss of

outlook to the occupiers of No 20 Hayling Rise and it has not been demonstrated that unacceptable loss of natural light would not also occur to the same occupiers. As such it would result in an unacceptable loss of visual amenity and would be detrimental of these neighbours' living conditions. It accordingly conflicts with Core Strategy Policy 16, Saved Worthing Local Plan policies H16 and H18; National Planning Policy Framework and allied Practice Guidance and Supplementary Planning Guidance Extending or altering your Home.

Background Papers

Observations of Members of the public

Application Number: AWDM/0844/15

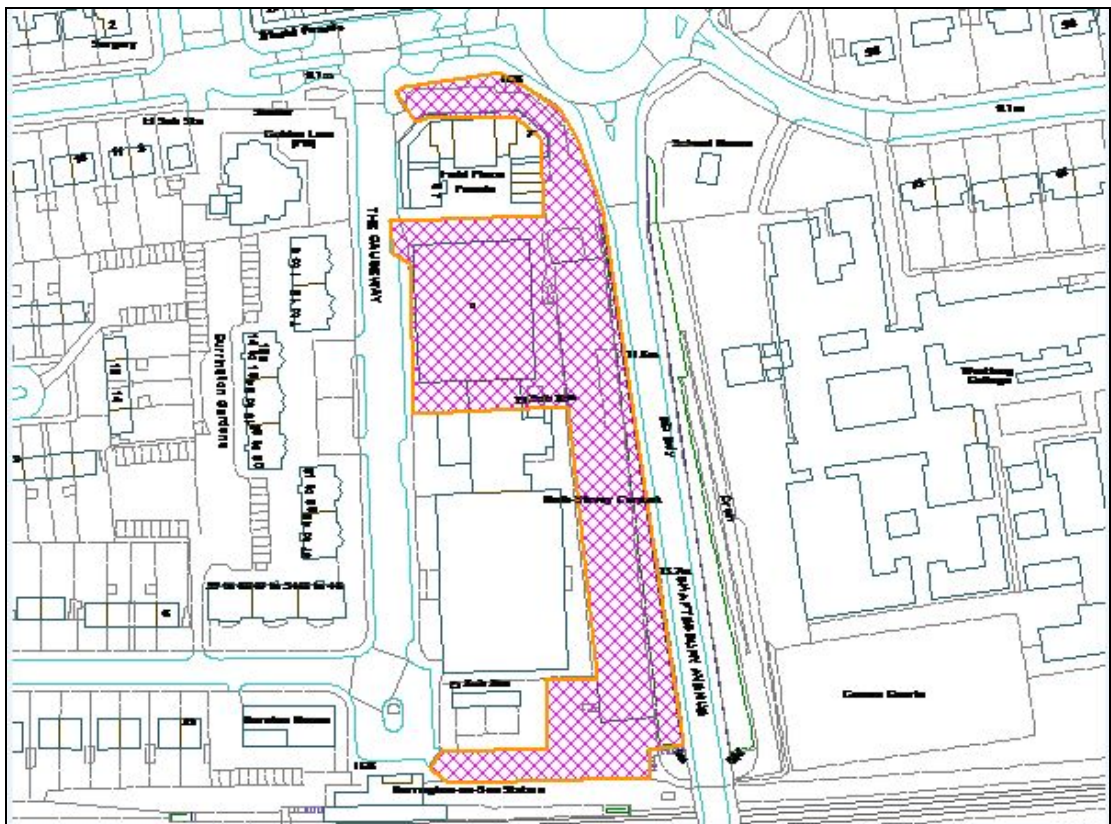
Recommendation – Delegate authority to Director of Economy to approve subject to the outcome of negotiations on development contributions secured by a legal agreement

Site: Land South Of 1-8 Field Place Parade The Causeway Worthing West Sussex

Proposal: Mixed Use redevelopment of the Former Lloyds PLC Banking Hall Site, comprising 81 apartments (Use Class C3) and a 611 sq.m flexible commercial space (Use Classes A1, A2, A3, D1 and B1) arranged as part 5, part 6 and part single storey block around courtyard, together with associated works to access roads, including Field Place Parade, provision of 86 parking spaces, landscaping and including the partial demolition and refurbishment of the existing multi-storey car park

Applicant: Urbanicity (No 20) LLP
Case Officer: Peter Devonport

Ward: Castle



Not to Scale

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Site and surrounds

The site is located in an established commercial area in the suburb of Durrington. It is just to the north of the railway station and to the south of The Strand Neighbourhood shopping centre, with suburban housing and low rise flats, (mainly from the early post war period) nearby, including opposite. A new residential development of houses faces across Shaftesbury Avenue to the east, on the site of the former Worthing College.

The site comprises the northern part of the former Lloyds Registers offices development, formerly occupied by the two storey banking hall element and now cleared and hoarded off; multi-deck (3 levels) car park (323 spaces) on the east side of the site adjacent to Shaftesbury Avenue; and the highway and verge of Field Place Parade- an adopted road wrapping around this two storey shopping parade with retail on ground floor and 8 flats above.

The former Lloyds tower (9 storeys as built with plant above) sits immediately to the south and a scheme for conversion, refurbishment and extension to provide 10 storeys of apartments (72 flats arranged as 44 x one bed and 28 x two bed flats) is in an advanced state of completion. On site marketing is beginning soon.

The rear of Field Place Parade faces to the northern boundary of the site, across a service yard and access. The flats are set back with narrow terraces/walkways' to the south and include windows to their southern elevation.

The multi deck car park is accessed via Field Place Parade and also from The Causeway adjacent to the railway station. It currently serves the NHS office building beyond the tower (spaces) and local residents (spaces) and is earmarked to serve the converted tower (spaces). There are a number of trees to the east of the car park adjacent to Shaftesbury Avenue which rises at this point to surmount the railway.

Field Place Parade incorporates some echelon parking by the grassed verge outside of the Co-op who are the main retail occupier of the parade. Plentiful on-street parking is also provided in dedicated bays by the Strand Parade by the kerb in The Causeway, The Strand and Chesterfield Road. Parking in The Causeway is subject to one hour waiting restriction to deter commuters.

The application site is irregular in shape and largely flat, save Shaftesbury Avenue as it rises to bridge the railway. It's given size is 0.79 hectares.

The site falls within The Core Strategy's designated Area of Change 10; The Strand, whose stated Development Principles are to *secure investment in new education facilities for Worthing College; To enable the refurbishment of the existing office floorspace at the Lloyds TSB Registrars building, or alternatively a mixed use redevelopment retaining office/employment generating uses in association with residential development.*

Planning History

The Lloyds office tower was approved under WB/985/70 as phase 3 of a larger Lloyds development at the site, including multi deck car park; phase 1 offices to the south and bank (A2) and two storey banking hall offices to the north (phase 2) which is the principal subject of the current application.

The phases were all co-linked and it appears functioned as one business, until phase 1 was sold to West Sussex County Council in the 90s.

The office tower and adjacent bank/offices were vacated by Lloyds in September 2007. The bank/banking hall offices were subsequently occupied by Equiniti (financial services (shares) call-centre/office business) who vacated the premises in January 2009.

The tower remained vacant since Lloyds left and was sold to Cantium (developers) in 2007.

Permission was granted under WB/08/0851/FULL for the use of the ground floor of the two storey former bank/banking hall for A1 retail of up to 995 sq ms floorspace (restricted to a discount retailer) and separate retail or A3 or A5 uses of up to 180 sqms).

Outline planning permission was granted under AWDM/0518/12 for a mixed use development comprising 154 residential units and retail floorspace together with associated access roads and parking on the site subject of the current application and the Lloyds tower and the whole of the multi deck car park but not Field Place Parade. The scheme was contained within a single building comprising a single (A1) retail unit of 2,038sqm across the ground floor with the flats directly above and arranged in an L-shaped building comprising a 4-6 storey wing on the northern boundary and an elliptical 15 storeys tower in the south east part of the site.

An application (NOTICE/0001/14) for permitted development for prior approval for change of use from offices to 44 flats (9 storey tower and multi-deck car park) was allowed (no Prior Approval required) in March 2014.

Cantium gained consent (No prior approval required) in May to demolish the former bank/banking hall offices two storey building (2,990 sq ms gross internal floorspace) under AWDM/0487/14.

Rocco Homes, the current owners (who are the current applicants), gained consent via the Prior Approval process necessary) under NOTICE/0006/14 to convert the tower to 68 flats (arranged as 44 x one bed and 24 x two bed flats), under deregulated Prior Approval powers. Allied to this, the developers also obtained express planning permission under AWDM/0681/14 for various allied physical alterations to the tower and subsequently to build an additional 4 x two bed flats on the top of the tower under AWDM/1395/14 as well as build a new substation in the forecourt under AWDM/1275/14.

Proposal

This is deemed a major application for planning purposes.

The proposal was the subject of pre- application consultation with officers and also subject to subsequent separate formal consultation by the developers with the local community as encouraged in Government guidance, culminating in a staffed public exhibition in April.

The proposal has been revised since submission to address several concerns including design, neighbour amenity, sustainable design and parking.

The main element of the scheme is the construction of a new block with a C shaped footprint, arranged around a central courtyard. Its principal elevation is westwards to The Causeway, where the main access and view on to the courtyard is located, adjacent to the existing tower. The bulk of the new block is 5 storeys tall but drops down to single storey (albeit with high floor to ceiling heights) adjacent to aforementioned The Causeway courtyard access and rises to 6 storeys in the NE corner adjacent to Shaftesbury Avenue and Field Place Parade.

The new block provides 81 apartments, arranged as 24 x one beds and 57x two beds. The ground floor of that part of the block facing The Causeway comprises two units of flexible commercial spaces – that space that may be used for any use falling in Use Classes A1 (e.g. retail), A2 (personal professional services such as a bank, A3 (restaurant or café), D1 (Non-residential institutions, i.e. GP surgery, school, nursery, church) and B1 (office; R&D or light industry). They provide 611 sq ms of gross internal floorspace (415 sq ms and 196 sq ms).

Serving the new block is a remodelled multi deck car park. This involves demolishing the northern end and some reconfigurations and rationalisations and some refurbishment. Chiefly, it involves creating two separate ramps - one serving the first floor deck and the other the second floor deck.

Overall car parking is reduced by 58 spaces to 265. Precise allocations between the decks are not yet fixed but it is intended that use of the 114 space ground floor deck would be exclusive to the ground floor commercial units in the scheme and NHS building and its existing access to the south, which is retained. The first floor and second floor decks would serve the residential block providing 61 unallocated spaces, together with the 44 spaces set aside for the converted tower. The 25 spaces surface spaces closer to the station and assigned to WBC for use by local residents are unaffected.

The first floor ramp runs underneath the block in the form of an undercroft before appearing just above ground level to the south whilst the second floor ramp runs parallel with the eastern edge of the block at some 800 mms to 1 metre above ground level, and around one to two metres below the floor levels of the adjacent flats.

Access from the residential blocks to the car park is via stairs and lift block sited in the SE corner of the site. Access would be secure.

Vehicular access to the new block and its residential parking is from Field Place Parade. The landscaping and parking here is reconfigured to provide 5 parallel spaces and shrubs and trees in the verge. The access is broken by a mini roundabout in the approach to the ramps to the multi deck car parks to calm traffic. A drop off bay is included in the undercroft area adjacent to the first floor deck ramp which also provides secondary access to the adjacent residential block. A range of off-site relatively minor works to the highway are planned to accommodate the scheme including to the Shaftesbury Ave roundabout. These and the works to Field Place Parade are to be funded by the applicant's through a S278 agreement with the Highway Authority. The details are to be worked up in the anticipated Stage 1 Road Safety Audit but are provisionally listed as

- *removal of kerbing on Field Parade between The Causeway and the proposed turning circle and replacement with new kerbing;*
- *planing and replacement of the footway around the north and east boundaries of the Field Parade structure (within the red line);*
 - *planing and replacing the carriageway around the north and east boundaries of the Field Parade structure (within the red line);*
- *removal of small area of carriageway in north-east corner where landscaping is proposed;*
- *removal of carriageway, and construction of new turning circle;*
 - *formalisation of car parking spaces to the north of Field Parade with clearly marked parallel bays, replacing the current arrangement on which vehicles tend to park in an echelon pattern.*

An allowance of £250,000 has been made by the applicants for these works.

The service vehicular access to the rear of Field Place Parade is unaffected and the parking bays outside the site in The Causeway, likewise, retained.

The principal pedestrian accesses to the residential blocks are via the internal courtyard either from The Causeway or via the open area between the new block and the multi deck car park, adjacent to the lifts. Pedestrian access to the commercial units is from The Causeway.

The flats are served by internal lifts and all meet Lifetime Homes standards, with 10% designed for wheelchair use. Eighteen accessible parking spaces are provided with four per deck.

80 secure cycle parking spaces are provided in the space underneath the second floor ramp to the multi-deck car park.

The upper floor flats are all provided with balconies or roof terraces and the ground floor units facing the courtyard incorporate modest private gardens within this area and the northern ground floor flats benefit from private rear gardens.

The courtyard is laid out as both a soft and hard landscape area. The roofs include large soft landscaped areas within each element for visual/ecological amenity and

no public access. The courtyard elevation of the commercial units is arranged as a green wall and the lift /stairs block to the multi deck and the western (inner) edge of the second floor ramp are also clad/screened by a green wall.

Enhanced landscaped screening is provided on the eastern edge by Shaftesbury Ave including supplementary shrubs and trees and new tree planting introduced in the pavement area by The Causeway frontage. Screen planting is also provided on the northern elevation at first floor roof level in front of the adjacent flats' balconies.

Domestic and commercial waste/recycling storage areas are located in the NW and NE parts of the site with collection from The Causeway.

The architecture of the development is contemporary. The roofs are flat and the building uses a principal palette of light buff and grey brickwork, with lesser timber panels in the recesses and glazed balconies (some cantilevered on the prominent corners) with stainless steel handrails and powder coated aluminium windows. The commercial units have powder coated aluminium shopfronts with large areas of glazing. The boundary wall to the domestic gardens adjacent to Field Place Parade, are solid brick and the service access along here is secure.

Photovoltaic cells are shown on the much of the roofs and the applicants intend to provide for at least 10% of the energy demands of the residential and commercial blocks by this technology. Water saving fittings are proposed to achieve the equivalent standard of the former Code for Sustainable Homes Level 4 along with rainwater harvesting and sustainable drainage systems. BREEAM "Very Good" level standard of sustainable design is planned for the commercial unit. 3 no. electric vehicle charging points are included within the parking areas for the scheme. A bat survey is proposed for the multi deck car park.

A connection to the public sewer is proposed for the disposal of surface water, notwithstanding rainwater harvesting and green roofs.

The application is supported by a Planning Statement; Statement of Community Involvement, Design & Access Statement; Landscape Strategy Viability Report and Statement; Flood Risk Assessment & Foul and Surface Drainage Strategy; Sustainability/Energy Strategy; Daylight/Sunlight Report; Ecology Report; and Transport Statement and S278 Statement. A Stage 1 Road Safety Audit is shortly to be submitted.

Applicants Supporting Statements (extracts)

Planning Statement

In conclusion the proposed development of the former Lloyds PLC Banking Hall site has been assessed, all relevant National and local planning guidance, policies and all other material considerations and have been found to be acceptable. The design of the proposed development has been fully informed by the context of the site.

9.2. *The Application site forms part of the Area of Change 10 'The Strand', and the proposal fully accords with the Council's vision for the mixed-use redevelopment of the site, providing residential development and employment generating uses.*

9.3. *The design of the proposal in relation to density, layout, scale, mass, bulk and height has been given careful consideration in relation to the context of the site and the impact on the residential amenity of the site and the impact on residential amenity of neighbouring properties and that of their occupiers.*

9.4. *The density, layout and form of the scheme have been reviewed in the context of existing development and are considered to be appropriate, producing a scheme that makes efficient use of the land without detriment to the amenities of local residents.*

9.5. *Overall the proposed development would contribute positively to the visual amenity of the local and wider Borough, providing for 81 new homes that meet the defined housing need in the Borough. There are not considered to be any adverse impacts of the development and therefore under the provisions of paragraph 14 of the NPPF 'Local Planning Authorities should positively seek opportunities to meet development needs of their area'.*

9.6. *Therefore the presumption should be in favour of approving sustainable developments such as that proposed in this application, as set out in the Rt Hon Greg Clark MP's Ministerial Forward to the NPPF'.*

'Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is on the basis for every plan, and every decision.

9.7. *The development is considered to be consistent fully with the aims and objectives of both the National Planning Policy Framework and Worthing Core Strategy.*

9.8. *The Council is therefore respectfully requested to grant full planning permission for this development.*

Statement of Community Involvement

The consultation strategy has been to involve a wide range of interested parties. The target groups for engagement included:

- *Local residents*
- *Worthing Borough Councillors*
- *West Sussex County Councillors*
- *Stakeholders and businesses in close proximity to the site.*

2.2. *On 29 April 2015, Worthing Borough Councillors, the West Sussex County Councillor for Worthing, and local residents were invited to attend a public exhibition at Field Place, Worthing to be informed of the proposed mixed use redevelopment of the Former Lloyds PLC Banking Hall site.*

2.3. The exhibition was publicised to the public through 302 invitation letters (see Appendix B) distributed among local residents and 15 laminated notices were placed in prominent locations around the site. Borough and County Councillors were informed of the exhibition by email.

2.4. All attendees were invited to sign the attendance book and record their comments by filling out a comments and feedback form. In total, 58 attendees signed the attendance book and 29 of these (50%) completed the form, with 62% of respondents fully supporting the proposed redevelopment, and none registering opposition. Feedback from the exhibition is summarised in Section 6.

2.5. The public consultation raised a number of interesting points which Rocco Homes have taken into consideration. The vast majority of comments made by local residents expressed support for the proposed scheme. The main concerns raised related to how the proposal will mitigate an increase in added traffic and parking to the local road network.

Consultations

WSCC HA

Site History

The site has a long planning history, most recently forming part of a wider consent including the former Lloyds Tower (AWDM/0518/12) for 153 flats and 2000sqm food retail floorspace. Since then further prior approval applications totaling 76 flats within the Lloyds Tower have been permitted and implemented.

Trip Generation & Impact upon Highway Capacity

In order to assess the trip generation of the proposed development, industry standard TRICS (Trip Rate Information Computer System) has been used. Comparable sites consisting of private flats in England and Wales (not London) in edge of town centre/suburban areas have been selected. The LHA are content with the selection criteria and resultant residential trip rate.

The wider 2012 consent for the site constitutes 2000sqm food retail & 153 flats. 76 flats within the former B1a tower are considered permitted development thus not requiring planning permission. The TA details that the consented/permitted uses (namely 2000sqm of A1 retail and 76 flats) could generate 87 AM peak trips, 181 PM peak trips and 1916 across the day. It is understood that these figures have been taken from the TA submitted with the approved development.

Assuming the above figures are correct, the TA states that compared with the approved 2012 development, the proposed development would generate 18 less trips in the AM peak, 119 less in the PM peak and 1235 less across the day. The current development would therefore generate fewer daily vehicle movements. Notwithstanding this the TA with the current submission considers potential trip generation from the development now proposed.

Where the final use of the commercial floor space is not yet known, the vehicle trip generation for D1 Doctors Surgery has been used as a worst case scenario. Whilst

this appears to be the case for the AM peak, A1 food retail use has been calculated by the applicant's consultant as attracting 20 more trips to the site in the PM peak and 171 extra across the day. It is appreciated that a number of these will be pass by/linked/diverted, but given that the additional PM peak 20 trips would represent a 32% increase in trips generated by the site, this should be assessed as a worst case.

Having said this, it is recognised that the extant consent for the site would have generated a certain level of traffic and the current proposals are not likely to generate significantly more trips.

Regardless of the above, junction capacity analysis has been carried out for the priority junction of The Causeway and The Strand, and the Shaftesbury Avenue/The Strand/The Boulevard/Bolsover Road roundabout in the AM and PM peak in 2015 and 2020. This involved the application of growth factors derived from TEMPRO which are acceptable and purportedly include traffic generated by committed developments at the Tower (76 flats) and the Worthing College site (265 dwellings). There may also be an element of double counting given that the Worthing College site is built and occupied. Any surveys would therefore have included traffic generated by this.

The development trips have been distributed across the local road network on the basis of 2011 Census Journey to Work data broken down by local authority. Ideally this would be broken down further given that 53.4% of the trips are going to Worthing LA area, and this is not suitable for the distribution of commercial trips. However, given the worst-case assumptions applied to each junction, it is considered acceptable on this occasion as the differences this would make to the outcomes are likely to be immaterial.

In light of the committed development would not result in any increased traffic beyond that previously accepted by the Local Highway Authority. The NPPF states that development should only be prevented or resisted on highway grounds were the residual cumulative impacts are severe. The LHA do not consider that this development would result in any severe capacity impacts.

Access

Access to the proposed development will be via two points from The Causeway. This reflects the existing access arrangements to the multi-storey car park that forms part of the site. The parking for the residential units (on the first and second floor of the multi-storey) will be accessed via the existing junction of The Causeway and Field Place Parade, whilst the parking for the proposed commercial element (ground floor parking) will be accessed from the south, adjacent to Durrington-on-Sea railway station.

In conjunction with a partial demolition and refurbishment of the existing multi-storey car park, the access route via Field Place Parade is shown as having a carriageway width of 4.8m and with a formalised turning circle provided. It would appear that the 4.8 metre width can be achieved without necessitating any widening although confirmation is sought. The exact details of the turning circle should be secured via condition. It is noted that a car has been used as the design vehicle to demonstrate the adequacies of the turning circle. A refuse/recycling store is

however noted as being located adjacent to this. Again, confirmation would be required as to what would be the largest vehicle expected to use this arrangement.

Alterations are also proposed to the on-street parking adjacent to the parade of shops. It is noted that parking in this location presently takes place in echelon formation. Parking taking place in this way partially obstructs the access road leading into the development. As a result it is proposed to mark out five parallel parking spaces. Whilst parking in this location is controlled by way of a traffic regulation order, the order does not specify that parking should take place in echelon formation (this is an informal arrangement). No alterations are consequently required to the TRO. Informal advance warning signs would need to be erected to ensure those using the bays are aware of the changes before they come into effect.

The existing access route onto the Causeway to the south will remain unchanged, albeit the on-site parking is being altered to better accommodate two-way traffic.

Any widening (if needed) of the Field Place access road as well as the formation of the turning circle and formalising of the parking would require the applicant to obtain the necessary consents from the LHA prior to undertaking any works within the public highway. The applicant would also need to permanently close and reinstate to footway the existing vehicular access onto the Causeway that will be rendered redundant as a result of this proposal.

The arrangement of two access/egresses to the car park side by side onto the turning circle is unusual. It is not clear how this will operate in conjunction with the turning circle. Further information is requested in this regard, and it is considered that a Stage 1 Road Safety Audit covering this area will be required. Information relating to the standards used in the design of the turning area are also requested.

Tree planting is shown within the highway along the Causeway. This is taken as indicative, the planting otherwise appears extremely close to the carriageway edge. Any planting within the highway would require the applicant to obtain the appropriate consents. It is recommended that this element is pursued independently of the current planning application.

Access via Sustainable Transport Modes

The site is considered to be in a sustainable location, with accessibility via sustainable transport modes being particularly good due to the proximity to Durrington-On-Sea train station – approximately 100m south of the site. This provides frequent services to Littlehampton, Brighton, and London with at least one journey every half hour.

The nearest bus stop to the site is outside the Golden Lion PH, 95m to the north, which benefits from Service no's 9 & 10 to Shoreham by Sea, Worthing, and Littlehampton. In addition, the bus stop on The Boulevard 270m north of the site provides further services to Brighton, East Worthing, and Lancing.

A wide range of facilities are available within the recognised maximum walking (2km) and cycling (5km) distances set out within CIHT's 'Providing for Journeys on Foot.' These include: schools, pharmacies, local grocery shops, places of worship

and medical centres. The opportunities to undertake trips via sustainable transport modes are therefore available and the site is consequently sustainably located.

Parking

The existing multi-storey car park has 323 spaces. With the proposed alterations, this will reduce to 265. The applicant has explained that 135 of these are on long-leases to Worthing Borough Council & the NHS. 44 spaces are associated with the 76 residential units within the former tower building, leaving 86 spaces proposed for this application.

As previously explained it is proposed for the commercial element parking to be on the ground floor and therefore accessed from the south, with the residential parking on the upper two floors and therefore accessed via Field Place Parade. Using the WSCC Car Parking Demand Calculator, the applicant has calculated the need for 61 parking spaces to serve the proposed residential units. If 61 spaces are provided, this leaves 25 spaces for the commercial use...Where the final use of the commercial area is currently flexible (either A1, A2, A3, D1 & B1), a range of parking standards need to be considered... If a suitable level of parking can be provided, this will need to be suitably conditioned.

Following preliminary concerns, further information on parking demand (accumulation) for all the commercial uses sought has been provided. The Highway Authority has since responded;

In terms of parking accumulation, I'd confirm that the information submitted addresses the Local Highway Authority's question.

I note that Peter has made reference to other uses classes below (B1 uses beyond B1a and D1 creches). Clearly there are various uses that would be covered particularly under the D1 use class. I accept that it would be unreasonable to expect you to consider the parking accumulation for all these given that these may never be realised. In the event that planning permissions is granted, the presumption is that this would have some restrictions placed upon those D1 uses that may occupy the units. There's probably a need to do this for other planning matters rather than just solely on highway grounds.

All parking spaces should measure 2.4m x 4.8m except for disabled spaces which should have an additional 1.2m spaces on three sides as stipulated in Inclusive Mobility. 5% of the total parking should be designated for use by disabled people.

Secure covered cycle parking is proposed for the residential units at a ratio of 'nearly one space per flat.' WSCC Cycle parking standards require 0.5 spaces per 1/2 bed unit if communal storage, which here equates to the need for 40.5 spaces. 80 spaces are shown on the ground floor of the car park in a secure area and this is therefore acceptable. Given the excess number of spaces, it is considered that sufficient cycle parking could be provided here for the commercial use, regardless of its final use class. The Transport Assessment states that short term cycle

parking will also be provided close to the commercial units, presumably for customers and visitors as opposed to staff. This is acceptable.

Summary

Further information is therefore required as detailed above, including:

- *Confirmation as works to Field Place and largest vehicle expected to use the turning circle*
- *A Stage One RSA reviewing the highway works, but specifically the side by side accesses into the car park and interaction with the turning circle.*
-

Conditions will be suggested in relation to the closure of the existing access, the parking provision, access arrangement and construction plan.

WSCC Development Division

SECTION 106 CONSULTATION RESPONSE

Summary of Contributions

Education				
Locality	Durrington			
Population Adjustment	108.3			
	First	Middle	Secondary	6th Form
Child Product	0.5415	1.0830	0.5415	0.2924
Total Places Required	2.1660	2.1660	2.1660	0.5848
Library				
Locality	Goring			
Contribution towards Broadwater/ Durrington/Findon Valley/Goring	£19,994			
Contribution towards Worthing	£0			
Population Adjustment	139.5			
Sqm per population	30.0			
Sqm Required	30			
Waste				
Adjusted Net. Households	81			
Fire				
No. Hydrants	0			
Population Adjustment	139.5			
£/head of additional population	£13			
TAD- Transport				
Net Population Increase	139.5			
Net Parking Spaces	-58			
Net Commercial Floor Space sqm	0			
Total Access (commercial only)	0.0000			
Summary of Contributions				
S106 type	Monies Due			
Education - First	£30,281			
Education - Middle	£34,117			
Secondary	£45,625			
Education - 6th Form	No contributions			
Libraries	£19,994			
Waste	No contributions			
Fire & Rescue	£1,814			
No. of Hydrants	0			
TAD	£44,825			
Total	£176,654			

Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning obligation and at direct cost to the developer. (Section 106 of the Town and Country Planning Act). Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for firefighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)

County Archaeologist

RECOMMENDATION: No objection on archaeological grounds is raised to the proposals, subject to archaeological safeguards (planning condition requiring archaeological mitigation works (buried wartime defences)).

Planning Condition (Archaeology)

No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a

Written Scheme of Archaeological Investigation, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with paragraph 141 of the National Planning Policy Framework.

SUMMARY:

- *Any ancient archaeological features, if once present, are likely to have been reduced or removed during the course of previous modern construction and landscaping excavations.*
- *Within the eastern side of the application area, a wartime anti-tank ditch, continuing the alignment of a ditch of this kind a little to the north, parallel to Shaftesbury Avenue, may have existed, part of the defences of a major local wartime “defence line”, running up Shaftesbury Avenue and The Boulevard.*
- *On analogy with similar anti-tank ditches, this feature, if surviving but infilled below ground within the site, is likely to have been deep and wide, a noteworthy feature of the wartime military landscape.*
- *Limited archaeological investigation should be carried out in advance of or during development, to locate this feature and record its alignment and characteristics, before its reduction or part-removal by new development-related excavations.*
- *Provision for this recording should be made using a suitable planning condition.*

COMMENTS: *Approximately forty metres to the north-east of the application site, on the far side of the nearby roundabout, a polished flint axe of Early Bronze Age date (4100 – 3700 Years Before Present) was recovered from the grounds of the Field Place Estate. This find appears to be an isolated discovery; its presence might, but need not necessarily imply an archaeological site.*

During World War 2, Shaftesbury Avenue represented of a north-south running local defence line for the Worthing area. Anti-tank ditches are known to have existed on the west side of the Avenue, and north of the Strand, alongside The Boulevard. It is possible that these ditches extended southwards, running along or a little within the eastern site boundary (the possible presence of a “tank trap” is noted in the Desktop Environmental Audit). Both the Defence Line and known stretches of anti-tank ditches are recorded on West Sussex County Council’s Historic Environment Record database (not documented as having been consulted in submitting this application).

Also to the north-east of the site, Field Place and its grounds, now built over, was part of RAF Durrington, one of five Ground Controlled Intercept (GCI, radar coordination) stations in southern England. Bunkers and tunnels apparently existed below the grounds of Field Place, but their extent has never reliably been plotted from available records; none is presently known to have extended below the defence line and below the application site.

Apart from the possible continuation of the wartime anti-tank ditches through the eastern side of the application site, and the nearby Early Bronze Age axe find-spot,

there are no other known archaeological sites or finds within or adjoining the application area.

With the exception of the wartime anti-tank ditch (expected, if present below ground, to be several metres wide and two metres deep), any presently unknown and older buried archaeological features are likely to have been substantially disturbed, during original construction and landscaping for the existing buildings.

As a buried wartime archaeological feature, the anti-tank ditch would merit some limited archaeological recording, if exposed in new ground excavations.

Accordingly, the following archaeological mitigation is recommended:

- Either that principal ground excavations and ground reduction near Shaftesbury Avenue, where the anti-tank ditch might have extended, should be attended by an archaeologist, so that the anti-tank ditch, if present, may be recorded;*
- Or that at least two exploratory trenches are excavated by an archaeologist at right angles to, and adjoin at their eastern ends, the eastern edge of the site (in order to locate the anti-tank ditch, if present, and allow its investigation and recording, prior to the start of new ground excavations, ground reduction or landscaping;*
- Or that a non-intrusive geophysical survey (ground probing radar) is carried out by an archaeologist in land not presently built upon, in the eastern part of the site, in order to locate the anti-tank ditch, if present, to be followed by the excavation by an archaeologist of at least two trial trenches across the line of the anti-tank ditch, and recording of the sections exposed;*
- Or a combination or variation of the above methods, for the purpose of identification and limited investigation and recording of the anti-tank ditch.*

Archaeological works should take place under the terms of a suitable planning condition.

WBC

Housing Strategy and Enabling Manager (Affordable Housing)

I am very disappointed to see no mention of affordable housing in the application.

The site exceeds the 15 units threshold and so qualifies under Policy 10 'affordable housing' of the Worthing Core Strategy for a total of 30% affordable homes which in this instance equates to 24 units.

Due to the high level of housing need as evidenced by the number of people on the housing register and the information contained in the Strategic Housing Market Assessment (SHMA), last updated in 2012, the majority should be rented homes and thus we would require a 60/40 split rented/shared ownership. This equates to 15 rented and 9 shared ownership.

As the site is a mix of 1 and 2 bed homes we would require a mix for both the rented and the shared ownership portions.

(In the absence of direct on site provision), *the commuted sum would be:*

8 (1 bed) x £45,000 = £360,000

16 (2 bed) x £50,000 = £800,000

Thus a total contribution of £1.16 million

Environmental Health Officer

The proposed development is beside a busy road, with external plant to the rear of Strand Parade shops and the railway and Durrington station are in proximity although they would be partially blocked by the adjacent development. I do not consider it unreasonable for you to provide adequate protection to future residents of your building. Therefore I would recommend that you engage the services of a competent acoustic consultant to model the appropriate noise mitigation necessary on each facade of the residential block proposed.

I can agree that following your email I can accept the general findings of the acoustic consultant's report of 2012 submitted with the previous application.

Whilst I can agree that this can be dealt with by condition - the devil is in the detail.

The condition would state that the BS8233 'good' standard should be achieved and your consultant recommended secondary glazing specs for bedrooms and living rooms which are acceptable. They also offered suggestions for ventilation so that occupants do not have to open windows. It is the view of myself and the Planning Officer that a whole building mechanical ducted ventilation system is the preferred option from those offered up by your consultant. The system will need to be adequately attenuated to achieve the same levels as the proposed glazing.

I hope this clarifies and allows you and your client to progress.

I recommend that the precautionary Contaminated Land condition is added to this site, based on what was identified during recent, adjacent developments.

Technical Services (Drainage Officer)

The proposed site lies within flood zone 1 and appears to be unaffected by surface water flooding.

The applicant has indicated the intention to connect to the public sewer for the disposal of surface water, on the application form, however the design and access statement talks about green roofs and green spaces, it also talks about car parking but doesn't talk about finishes.

Before I can comment properly I need some more information please.

- *Existing hard area - existing soft area.*
- *Existing runoff quantities, based upon existing parameters.*
- *Proposed hard surfaced area – proposed soft area*

- *Runoff quantities allowing for 30% climate change calculation, and green roofs.*
- *Proposals for dealing with the remaining surface water runoff generated on the site.*

Waste Strategy Manager

On first viewing it looks like sufficient space has been provided for bins. I have some concerns about whether we could reach the bins in the north-eastern corner & would like to see a tracking diagram for our vehicles if one could be made available.

In terms of capacity at least 22 x 1100L (or equivalent) will need to be provided to meet the collection needs of the residents and I need to be sure that these can fit into the spaces provided.

Representations

Worthing Society

The Worthing Society considers that this application, for 81 flats and 611 square metres of commercial space on the site of the Lloyds Bank banking hall, does not meet the requirements of the planning policies of Worthing Borough Council. Planning permission should therefore be refused.

We take the crucial elements in Worthing's planning policies, especially Strategic Objective 6 and Policy 16, are that new buildings should combine high architectural quality with responsiveness to local character. Innovative design which responds to its context should be encouraged.

Unfortunately, the design of this proposal does not measure up to these objectives. It can loosely be called modern, but it cannot be called innovative; and it does not respond to its context. The design shows no clear concept and is essentially a rectangular structure, in the shape of a shallow U, which has been decorated with balconies in different styles and faced with a variety of materials. These materials have been chosen to reflect the materials used in neighbouring buildings, and are arranged in vertical panels, which are said to break down the scale of the building and to create interest in the facade.

This attempt to make a basically uninteresting building interesting by applying differing facing materials and balconies does not create a building of high architectural quality; and adding strips of materials which reflect those in neighbouring buildings as cladding does not create a building that responds to its context. This use of materials creates the impression that the various materials are merely stuck on the building, and do not form a part of the basic design. In the context of Durrington, with brick houses to the east and west and the predominantly brick shopping parade to the north, pale and red brick are the dominant building materials. They are therefore the first choice for the main material in any new building in this area.

A building on this site, which conforms to Worthing's planning policies, would create interest by its essential form, not by having a variety of materials and balconies placed on an uninteresting facade. It is more difficult to design such a building than

a building like the present proposal; but that is what Worthing's planning policies require, and what the people of Worthing deserve.

The Society therefore trusts that Worthing Borough Council will refuse planning permission for this application, so that a new and more appropriate design can be prepared.

Planning Assessment:

Relevant legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

The main issues raised by this proposal are:-

- The principle of residential and flexible commercial development including compliance with development and regeneration objectives of Core Strategy Area of Change 10, housing need, dwelling mix and tenure and density
- Height of buildings and quality of the design and impact on local character and townscape
- Impact on amenity of neighbours and amenity of new dwelling occupiers
- Parking and access arrangements
- Other environmental impacts including archaeology, drainage, contaminated land and sustainability
- Development viability including provision of affordable housing and development contributions

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

The Council's self-assessment of the Core Strategy's Conformity with the National Planning Policy Framework demonstrated that, in many respects, the Council's key Development Plan conforms closely to the key aims and objectives of the Framework. However, it is acknowledged that in response to the requirements of the Framework and informed by local evidence it is clear that the Council needs to assess the housing delivery strategy set out in the current Development Plan. A Housing Study has recently been published to this end and further work is being

advanced to assess the local economy. A revised Local Development Scheme which commits the Council to undertake a full review of the Core Strategy and prepare a new Local Plan for the Borough has been produced.

As such the proposal should be principally assessed against saved Worthing Local Plan Policies H18; TR9, and RES7, Core Strategy Policies Area of Change 10, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 19; the National Planning Policy Framework and allied Practice Guidance; Worthing Borough Council Supplementary Planning Documents on Tall Buildings; Residential Space Standards and Guide to Residential Development and Development Contributions Consultation Draft; Strategic Housing Land Availability Assessment (2014); Worthing Housing Study; Community Infrastructure Levy Charging Schedule (2015); DCLG; Section 106 affordable housing requirements (2015) and Supplementary Planning Guidance; Providing for Play: A Guide for Residential Developers on the Provision of Outdoor Recreation Space in accordance with the above.

The principle of residential and flexible commercial development including compliance with development and regeneration objectives of Core Strategy Area of Change 10, housing need, dwelling mix and tenure and density

The overarching governing policy here is Core Strategy, Area of Change 10 (The Strand). Generically, these are *development areas, where change is expected and will be promoted over the plan period. Development as proposed would contribute towards the delivery of the housing and employment opportunities needed within the borough and also help to address wider community infrastructure needs.* Specifically, for The Strand (which covers the former Lloyds site, the former Worthing College; the Leisure centre; Inland Revenue offices and The Strand shopping centre), this focusses on *enabling the refurbishment of the existing office floorspace at the Lloyds TSB Registrars building, or alternatively a mixed use redevelopment retaining office/employment generating uses in association with residential development.*

Since adoption of the Core Strategy in April 2011, refurbishing the office floorspace at the Lloyds TSB Registrars building has been demonstrated to be commercially infeasible and this was accepted in granting planning permission under AWDM/0518/12 for the mixed redevelopment of the tower and former banking hall/bank to create 154 residential flats and 2,038 sqm of retail floorspace. At the same time, the retail element was considered to acceptably qualify in the particular circumstances as a compensatory employment generating use in the absence of any express office content. This consent remains extant.

Subsequent Prior Approvals under the deregulated procedures to convert offices to flats (including NOTICE/0001/14) and demolish the remaining parts of the banking hall/bank, irrespective of the Core Strategy land use policies, sealed the fate of the tower and allowed for the clearance of the current application site and works are now advanced on the tower conversion.

Against this background and with the financial framework insufficiently favourably changed, the principle of the current application's overall land use mix is therefore acceptable.

It is recognised that the commercial element now proposed is significantly less than the 2012 consented scheme (611 sq ms compared to 2,038 sq ms of gross internal floorspace) and still less than the two storey banking hall/bank that formerly occupied the site. Whilst this is regrettable, the amount proposed remains substantial and will make a modest contribution to offsetting the loss of office space suffered. It, at least, occupies the most prominent street frontage and reinforces the identity and function of the Neighbourhood Shopping centre. Furthermore, with the retail element proposed no greater than 611 sq ms, the scale of this addition is much more appropriate to the assigned role of the centre and sitting adjacent to the centre does not raise any new issues over compliance with the established retail (town centre first) tests set out in Core Strategy Policy 6 and National Planning Policy Framework and allied Practice Guidance. As a location for the community and A3 (café/restaurants), the site is also ideally situated.

Several options are understood to be in the frame for the precise commercial mix on the site. Each of the broad use classes sought would in principle be acceptable in this location, though limitations on the B1 option to exclude light industry for reasons of amenity (notwithstanding light industry definitions) and D1 to exclude nurseries in view of absence of outdoor play space would be justified as discussed elsewhere. This may be secured by condition.

As a location for an intensive redevelopment, the site is admirably suited and underlies the designation as An Area of Change in the Core Strategy. In this respect it is within an established mixed residential and commercial area; enjoys excellent access to public transport and road and is close to most day to day facilities. Equally, it is a brownfield site, and enjoys corresponding priority for development.

Certainly, the form and site coverage of the proposal make efficient use of the site, with a density of 103 dwellings per hectare, alongside the commercial space provided and refurbished multi-deck car park within the application site and the separately refurbished and extended tower (72 flats).

The 81 apartments will make a modest but still valuable contribution towards meeting Core Strategy housing provision targets and the Government's more onerous, Objectively Assessed Housing Needs requirements as they emerge.

Even though Core Strategy Policy 8 states that in *Areas of Change outside the town centre, new development will predominantly consist of family housing*, the dwelling mix of 24 x one beds and 57x two beds apartments is appropriate for the land use mix/density/form expected in this particular designated *Area of Change*, given the location and character of The Causeway. This is underlined by the elaboration of the policy in the allied SPD Guide for Residential Development which indicates all applications should be assessed in relation to the policy on a site – by site basis taking into account factors such as: established character; local density levels; and viability of the proposal. The precedent of AWDM/0518/12 is also very relevant here, where a mix of 153 x one or two bed flats along with 1x three bed flat was allowed.

Core Strategy Policy 10 requires 30% affordable homes to be provided on site, equating to 24 units. In this instance it is required to be supplied as 15 rented and 9

shared ownership in a mix of 1 and 2 bed homes. A financial contribution to off-site provision in the form of a commuted sum (in this case calculated at £1.16 million) is only acceptable as an alternative where robustly justified.

The complete absence of any such on site provision in the current application is deeply regrettable in terms of failure to meet this growing and acute housing need and building sustainable and inclusive communities. It is explained by the applicant because of lack of viability. The case for such and any offsetting commuted sum or part thereof is the subject of negotiations between officers and the applicants with the assistance of the District Valuer and is discussed in the Development Contribution section of the report. Members will be updated at Committee on progress.

Height and form of buildings and quality of the design and impact on local character and townscape

The *Area of Change 10 policy* does not specify the form expected of the mixed use redevelopment it promotes but given the location and history of development, the objectives the policy seeks to further and type of redevelopment it entertains, an intensive development which incorporates taller elements is inevitable and desirable.

Guidance on the form such development should take is principally to be found in the Supplementary Planning Document *Tall buildings*. In essence, the SPD recognises that tall buildings have an important role to play in securing sustainable regeneration and improving economic performance and are welcomed in the right location and where the form is appropriate and the design is of a very high standard. At predominately 5 and 6 storeys, the proposed new buildings straddle the lower end of the *tall* and upper end of the *midrise* categories set out in that Supplementary Planning Document.

As a location, the site meets the primary broad test in the SPD for having the potential for a tall building, being within an identified Area of Change and so the focus for major development, as well as being close to a station and centre.

A more specific locational test in the SPD is one of context. Certainly, the scheme will be appreciably taller than the previous buildings on site and the bulk of the immediately surrounding development. However, it will be adjacent to the 10 storey, former Lloyds tower; and still close to the 5 storey equivalent Inland Revenue Offices to the south of the railway and the 7 storey Westmoreland House to the north along The Boulevard and will be viewed in this context. The fact that the site adjoins the approach to the bridge over the railway is also relevant in terms of backcloth and changing ground levels. Bearing in mind the precedent of consent under AWD/0518/12 for a development of 4-6 storey development on the northern boundary and an elliptical 15 storeys tower in the south east part of the site (replacing the existing tower), the context suggests buildings of the height proposed are not out of character in themselves.

No designated environmental or heritage assets are directly affected by the scheme either and the Listed Buildings at Field Place to the north east and Shaftesbury Ave

Conservation Area are sufficiently remote and /or screened as not to affect their setting.

Although no specific assessment of the impact of strategic views, vistas and corridors has been undertaken by the applicants, at the height proposed and against the backcloth of the sporadic cluster of tall buildings already present in the locality as well as the distances involved, no discernible impact on views from or to the Downs or seafront would occur.

In terms of the SPDs test for regeneration, tall building proposals are expected to add vitality to the town by creating vibrant and lively environments, support and exemplify the regeneration of the town centre and seafront and promote sustainable development. Here the proposal scores well in terms of environmental improvements at least, renewing the urban fabric; removing a vacant, unsightly building site; improving an unattractive and utilitarian multi deck car park and greening and enhancing Field Place Parade and part of Shaftesbury Ave frontages and also The Causeway . More specifically, it would take the regeneration of The Strand one step further and also unassumingly enhance the town's brand image.

Tests of accessibility are discussed elsewhere.

The four design criteria in the SPD comprise sustainability; townscape/public realm; quality of life and design detail. Sustainability and Quality of life issues are dealt with under other sections of this report.

Focussing in on the townscape/public realm and design detail merits of the scheme, it responds well to the immediate context and displays a pleasing composition.

In this sense, the layout broadly follows the building line and successfully addresses the two principal streets, not least by expressing the prominent NW and NE corners architecturally through the use of glazing and balcony design. Equally, in terms of massing, it appropriately rises up to 6 storeys adjacent to the Shaftesbury Ave roundabout, where the block will most readily be visible. Placing the commercial uses by The Causeway creates a lively, animated main street frontage, whilst the functional business elements are more discreetly sited away from view.

Meanwhile, the courtyard gives coherence to the layout and anchors the scheme as well as injecting interest and providing breathing space and relief for the taller parts of the block. The courtyard design is interesting and intentionally the hub for future residential occupiers and could be a real asset, despite some overshadowing.

By stepping down, closer to the 10 storey tower and incorporating a gap at street level, the scheme respects the setting of the tower; provides further visual interest and allows inquiring views into the courtyard. It also allows the potential for an outdoor seating area if the unit were to be used for a café, adding vitality to this space and streetscene.

Vertical panels help break up the scale of the block and create layering and interest, whilst the materials palette provides a suitably light and upbeat feel to the building that is not out of place in what is already a diverse vernacular. Additionally, it further helps give definition to the composition and create a more human scale.

Counterpoint is provided by the green roofs, balconies, walls and screens which also soften the appearance of the building and inject intrinsic interest. Equally, the landscaped courtyard and landscaped enhancement to the setting help integrate the development into the area, including the refurbished tower and landscaped forecourt; screen the multi deck car park and undercroft service area to the NE block and add drama to views along The Causeway by creating an avenue effect.

It is accepted that the architectural style itself is not innovative, nor exciting and the Worthing Society's design lamentations have some merit. However, there is no disagreement that a contemporary architectural design is appropriate in the local context where architectural styles and forms are so diverse and give expression to the regeneration aspirations of the development and the neighbourhood. As for the particular style employed, certainly there are design weaknesses such as the undercroft area in the NE corner and the multi-deck car park. However, these are not critical and the multi-deck car park is an unavoidable fixture. Overall, the design is considered to have a quiet confidence which is an appropriate foil immediately next to an inherently more dramatic 10 storey tower.

Impact on amenity of neighbours and amenity of new dwelling occupiers

The principal impact of the development is on the 7 first floor flats in Field Place Parade, to the north of the site.

Given the size and proximity of the new block, some perception of overlooking, loss of outlook and natural light is inevitable. However, it is important to note that the new block is no closer than the approved (and extant) scheme in 2012, and, in relation to the NE part of the Field Place Parade, significantly further away. This precedent is accorded considerable weight. Furthermore, the flats reside in an established commercial centre and directly faced, until very recently, a large and unattractive and increasingly deteriorating office building and separated by a still more unsightly rear service access and yard. Expectations of general amenity are correspondingly reduced.

Against this background, it is apparent that unacceptable overlooking has been avoided, with most of the Field Place Parade flats' facing elevations some 20 metres from the windows in the new block and, importantly, on a significantly lower level than the corresponding first floor of the adjacent block due to the high floor to ceiling height of this new block. The two balconies in the new block at the closest pinchpoint would also benefit from a supplementary planted buffer area on the roof of the single storey building projection below, which would help screen views. Additionally, the lower panes of all the first floor windows in the new flats facing the Field Place flats would be obscure glazed.

In terms of impacts on natural daylight, the submitted study declares that all the relevant windows in the Field Place flats would continue to meet the appropriate BRE standards, and, likewise, the small roof terraces, bearing in mind the most affected rooms are also served by other windows and/or are not main living rooms and the roof terraces are small, not private and/or principally walkways.

Outlook is more subjective but against the background of the improvement in the object of viewers' gaze both to the front and rear, and, recent precedent, this is, on balance, acceptable.

Traffic already accesses the multi-deck car park by Field Place Parade which is an adopted highway and no net significant impacts are expected from the new arrangements.

In comparison, impacts on the flat blocks in The Causeway are minor with no serious effects on amenity due to the separation distances, especially compared to previously approved schemes which incorporated larger commercial /retail elements facing them.

Turning to the amenity enjoyed by new occupiers of the proposed development, these all meet the Council's adopted standards for internal floorspace and Lifetime Homes. The provision of a private balcony for every upper floor flat and private gardens for every ground floor flats is welcome. A number of the one bed flat balconies are somewhat tight but others, especially the two bed flats and four of the top floor balconies, are more generous, and, bearing in mind the communal elements of the courtyard and visual amenity provided by the green roofs and walls/screens, are acceptable.

As for privacy, natural light, outlook and external amenity generally enjoyed by the new flat residents, account must be taken of the fact that the block this sits in an established commercial area; adjoins a busy distributor road; multi deck car park and converted tower under Prior Approval process. Importantly, new flat occupiers will be aware of the situation on viewing and of comparable arrangements in many modern medium rise/tall residential blocks.

In this context, it is apparent that flats facing the courtyard will be somewhat exposed and some flats in the SE and SW wings will sit close to the converted tower flats. Some overshadowing of the flats and courtyard to the south of the converted tower will also be experienced. Additionally, the east facing flats, adjacent to the ramp to the second floor multi deck, will be very close to passing traffic here and along Shaftesbury Ave, especially the four flats on the first floor. The commercial units fronting The Causeway will also be close, and, depending on their eventual use, may be active during evenings and weekends and give rise to noise and odours. However, for the most part, standards of amenity are uncompromised and all reasonable efforts have been made to mitigate the more obtrusive impacts. These include intelligent layouts; screening windows/gardens and terraces; a green screen between the most affected east facing balconies and the ramp and recommended controls on operational hours/deliveries etc. of the commercial uses and allied controls over ventilation and extraction systems, plant and machinery etc. together with the achievement of suitable internal noise standards, incorporated as necessary in use and management plan for flexible commercial uses.

Controls over construction amenity impacts may be secured by condition.

Parking and access arrangements

The site is very sustainably located and the dense form and mixed use will help reinforce sustainable patterns and modes of travel.

Good public transport and road access are close by.

The Highway Authority has appraised the transport submissions and is satisfied that the proposal would not result in any increased traffic beyond that previously accepted. Subject to certain details and the submission of an acceptable Stage 1 Road Safety Audit, the access arrangements and works to the highway are, likewise, supportable in principle. The S278 funds set aside would secure the highway works.

Provisional concerns raised over some of the commercial land use options' car parking demands have now been allayed with submission of further information and the facilities proposed are considered acceptable.

Cycle parking facilities are ample and conveniently and securely located.

Pedestrian access is likewise convenient and safe.

Inclusive access is provided.

Waste/recycling facilities and arrangements are satisfactory.

Other environmental impacts including archaeology, drainage, contaminated land and sustainability

The County Archaeologist raises no objection on archaeological grounds is raised to the proposals, subject to archaeological safeguards (planning condition requiring archaeological mitigation works (buried wartime defences).

Based on recent investigations on adjacent developments, the Environmental Health Officer recommends that the precautionary Contaminated Land condition is imposed.

The proposed site lies within flood zone 1 and appears to be unaffected by surface water flooding. Whilst no major concerns are raised, the Drainage Office requires further information. This may be addressed by suitable condition.

The sustainable design features are welcomed. The Photovoltaic cells BREEAM "Very Good" level standard for the commercial units and three 3 no. Electric vehicle charging points may be secured by condition.

The proposed bat survey of the multi deck car park, especially where demolition is proposed, is welcomed and may be secured by condition.

Development viability, including provision of affordable housing and development contributions

The justification for development contributions generally is that they provide for the upgrading of local community facilities necessary to accommodate the additional

pressure the development places on these. In the case of affordable housing, it is more by way of a social obligation. The intention is that the cost of such is factored into the project by developers and is reflected in the purchase price of the land. National and local planning policy supports this approach.

Using Core Strategy Policies 10 and 11 and allied Draft Supplementary Planning Document and Guidance and the County Council's adopted guidance, the development contributions currently required in this case are as follows:

Affordable housing (24 units on site but in absence, commuted sum of £1.16 million for off-site provision)

Education ; £110,023

Libraries £19,994

Fire & Rescue £1,814

Outdoor recreation £114,355

Total £ 1,406,186

The applicants report that the development would be unviable with the full development contributions requested (including affordable housing) and, by common agreement, their development appraisal has been forwarded to the District Valuer for independent evaluation.

The Government's stated test for viability is that the evidence indicates that the current cost of building out the entire site (at today's prices) is at a level that would enable the developer to sell all the market units on the site (in today's market) at a rate of build out evidenced by the developer, and make a competitive return to a willing developer and a willing landowner.

Whilst the District Valuer has questioned certain figures and negotiations continue, he accepts the thrust of the case on unviability. A finalised response is awaited from the applicants but it is clear that any figure emerging from the discussions will likely be significantly less than the full development contribution request. Members will be updated.

The anticipated substantial shortfall in development contributions offered is deeply regrettable and may seem surprising as the site was only relatively recently acquired by the applicants and the scale of development contributions required would have been known in the face of the recent extant consent AWDM/0518/12 for a mixed use development comprising 154 residential units and retail floorspace.

However, the facts of the case remain and considerable weight must be attached to the District Valuer's independent expert advice. Officers, accordingly, are minded to accept that the unviability of the project with the full development contribution requirement (including option for on-site affordable housing) in the current climate has been genuinely demonstrated in line with Government prescriptions. The principal unresolved matter is simply the precise scale of the shortfall.

In which case the first issue to be decided is: is it in the public interest to forgo the full requested development contributions if this materially improves the viability of the scheme and its likelihood of full implementation?

The starting point for any such appraisal is the benefits to be gained either way. In respect of affordable housing, the increasing need to boost affordable housing provision, against a growing need and economic and community benefits that would accrue from full provision weigh heavily. Development contributions towards outdoor recreation facilities are an important source of funding improvements to local parks and, likewise, education, libraries, fire and rescue services and transport development contributions help fund necessary upgrades at a time of financial restraint.

On the other hand, there are clear intrinsic benefits from the proposed development proceeding as quickly as possible to meet housing demand and help satisfy what are likely to be increasingly onerous housing targets. The site has been cleared and a protracted period of vacancy would hinder regeneration at this designated Area of Change. Not the least, the Government has stressed the importance of boosting housing development to fuel continued economic recovery and for realism to be applied in such planning decisions. Indeed, the Government has introduced legislation which makes it easier for developers to challenge previously secured affordable housing or development contribution requirements which threaten the viability of the scheme.

It is also relevant that from October, the Community Infrastructure Levy would only apply to the retail/A3 element of the development as residential development in the Castle Ward is exempted under the scheme. This would generate a maximum of some £9,000. At the same time, allied Government restrictions make collection of pooled development contributions increasingly more challenging and with the implementation of the Levy in October, still more so. Contributions currently sought for library, outdoor recreation and transport (TAD) and probably also the education would be so affected, unless a very specific and compelling site connection were established. Affordable housing is, however, unaffected.

On balance, it is considered that the advantage lies in accepting a limited development contribution now. Such is the continued state of the current market, that such shortfalls in development contributions are not unusual, if regrettable.

In which case, the next issue for determination is how should the limited development contributions agreed be prioritised between the competing demands - i.e. affordable housing, outdoor recreation, education, transport and fire and rescue? In the round, Members may take the view that the greatest value gained may be from allocating the limited funds exclusively towards affordable housing or a combination with education, especially as s278 funding for highway improvements are planned to be set aside, independently. Because of the very limited scale of any contributions likely, this would be most appropriately taken as a commuted sum rather than provision on-site for reasons of practicality. The views of West Sussex County Council on any prioritisation are awaited.

It is vitally important, however, that the opportunity to “claw-back” those forgone development contributions which remain eligible is not lost should market conditions change in the future and the development become sufficiently profitable to sustain the full sum requested.

For this reason, officers are in negotiations with the applicants over how and when such an “overage” payment would kick-in. One option would be to automatically institute a review of the profitability of the scheme, on completion of sales. That said, it is understood the developers are keen to build out as quickly as possible. Members will be updated.

The above arrangements would be secured by a suitable S106 legal undertaking.

Conclusions

This is a sustainably located brownfield site by a commercial centre where the principle of such an intensive mixed use redevelopment has been established under a recent extant consent and is supported for broader regeneration reasons in a specific Core Strategy designation. The current proposal will enhance the neighbourhood and provide valuable new market housing. It achieves an acceptable standard of design which complements other recent and current developments and no unacceptable harm to neighbouring properties or future occupiers of the development would result. Access and parking are satisfactory and no environmental resource would be harmed. The absence of the requisite full development contributions/affordable housing is regrettable. However, officers are minded to accept that unviability has been demonstrated, only the scale of shortfall to be resolved. The balance of benefit leans towards approval with a correspondingly reduced sum, subject to a suitable clawback mechanism, should profitability improve. With the revisions negotiated and safeguards set out in the recommended condition, the proposal is acceptable. Delegated authority to conclude the scale of development contributions; consult with West Sussex County Council; and form of necessary legal undertaking and clawback scheme is sought.

Recommendation

That the decision in this case be delegated to the Director for the Economy to await the completion of a Legal Agreement to secure an appropriate development contribution and clawback mechanism should profitability improve with a view to planning permission being granted subject to the following conditions:-

1. Standard 3 year time limit for implementation.
2. This permission relates to the approved plans except where indicated otherwise by other conditions imposed.
3. Agree and comply with method statement, including contractors' arrangements for parking, storage of materials etc.
4. Agree and implement dust emissions controls.
5. Restrictions on working hours for demolition and construction.
6. Agree and comply with Stage 1 Road Safety Audit.
7. Agree parking details and provide and retain parking and turning space and accesses; close redundant access; agree details of roundabout and highway works.
8. Achieve BS8233 'good' standard noise standards for flats.
9. Agree and implement landscaping and boundary treatment.
10. Agree and implement architectural details and facework samples.
11. Build non-residential units to BREEAM Very Good Standard or better and build flats to Lifetimes Homes standards or equivalent and provide for at least 10%

- of energy demands of development by means of photovoltaic cells as shown on approved drawings.
12. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation, which has been submitted to and approved in writing by the Local Planning Authority.
 13. Obscure glaze specified windows and balconies in north and east and elevations and retain.
 14. Provide and retain domestic and commercial waste/recycling facilities.
 15. Provide and retain cycle storage spaces.
 16. Agree details of and provide three 3 no. electric vehicle charging points; green roofs and courtyards and retain.
 17. Implement bat survey and protect/mitigate as appropriate.
 18. Agree and implement sustainable surface water drainage system.
 19. Provide all external amenity areas including balconies, terraces, green screens, and landscaping screens and courtyard prior to occupation of any flat or commercial unit.
 20. Operate use and management plan for flexible commercial uses, including exclusion of light industry and nurseries; limit operational hours/deliveries/collections; agree and provide ventilation extraction systems for specified commercial uses; use of outdoor areas for eating/drinking/seating.
 21. No new plant or machinery without prior approval of Local Planning Authority.

It is also resolved that if the applicant subsequently decides not to sign the Legal Agreement, the Director for the Economy be authorised under delegated powers to refuse the application.

Background Papers

Representations by Worthing Society
Observations of West Sussex County Council
Observations of Social Housing Officer
Observations of Environmental Health Manager
Observations of Drainage Officer
Observations of District Valuer
Observations of Waste Strategy Manager

Application Number: AWDM/0680/15

Recommendation – Delegate authority to the Director of Economy to approve subject to legal agreement

Site: Land At 84-92 Heene Road Worthing West Sussex

Proposal: Variation of Conditions 1 and 4 of WB/11/0107/FULL to allow the substitution of a ground floor 1-bedroom apartment instead of the permitted Fitness Suite; amendments to fenestration; provision of 3no. extra parking spaces.

Applicant: Mr Ben Cheal
Case Officer: Peter Devonport

Ward: Heene



Not to Scale

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The site and surroundings

The site is now an almost completed residential redevelopment on the NE corner of Heene Road and Rowlands Road.

It is situated in the outer fringe of the town centre in an area still characterised by substantial Edwardian buildings but also featuring considerable more modern infill and is within a Controlled Parking Zone.

Rowlands Road Neighbourhood shopping centre lies to the south; Manor Lea residential tower block opposite, to the west; and Heene Lodge (3 storey flats) to the north. Two storey semi-detached houses (78 to 84 Rowlands Road), converted to flats, are found to the east of No. 84 Heene Road.

The residential development currently being completed was initially approved in July 2003 under WB/03/00842/FULL and entailed demolition of all the buildings on site (vacant bank at No. 84 and Holcombe House – Nos. 88-92) and its redevelopment for 23 flats in a scheme comprising two blocks.

Block A, is mainly four storeys tall but stepping down to three storeys adjacent to Heene Lodge, built in a contemporary style and comprising 14 flats and basement parking for 12 garages and a further 3 undercroft spaces.

Block B accommodates 9 flats and was between two and half and three and half storeys tall and incorporates a tower feature in a more period style.

The remaining parking would be at surface level in the form of nine garages and two open spaces at the rear (eastern part of the site) bounding the substation.

The planning permission was accompanied by a unilateral legal undertaking to pay development contributions of £36,034 towards outdoor recreational facilities; £22,000 towards cycle facilities; £12,000 towards bus shelter facilities and £14,000 towards education facilities within 7 days of commencement of development.

A further planning permission was granted in 2004 (WB/04/01147/FULL) to amend this permission by making some relatively modest changes to the elevational treatment of Block A and extending the rear garage block to the south, amongst others.

The legal agreement was modified in 2010 to make the trigger for the payment of the required development contributions within 7 days of the completion of sales.

The scheme was further amended in 2012 under WB/11/0107/FULL by varying condition 3 of planning permission WB/03/00842/FULL (as varied by WB/04/01147/FULL) to reduce car parking from 27 to 20 spaces through omitting the basement car park and rearranging the surface parking, together with allied alterations to the layout. This was principally on grounds of revisited viability. The permission also incorporated a new restriction on occupation of the flats to the principal occupier to be over 55 in view of the reduced parking. A complementary Non Material Amendment was allowed at the same time.

This permission also varied the legal agreement accompanying the original planning permission under WB/03/00842/FULL. This removed the requirement to pay £14,000 towards education facilities on the basis that such persons were very unlikely to have children of school age but added a new requirement to pay a

commuted sum of £345,000 towards off- site affordable housing should there be sufficient profit upon completion of sales to sustain this (“overage”).

Finally, a Non Material Amendment was approved in 2013 under AWDM/0933/13 for an additional 3 parking spaces, alterations to roofline of Block A, increase in eaves and parapet height and increase in height of balcony balustrade of Block A.

Description of Proposal

This is deemed a major application for planning purposes.

The current proposal has been revised following negotiations and now seeks primarily to convert the space assigned for residents’ ground floor gym to a one bed studio flat of some 48 sqms gross internal floorspace and with French doors leading out onto a patio in landscaped area; reconfigure a parking bay and soft landscaping adjacent to the east outer wall of flat A3 (a two bed apartment in block A) to form 3 parking spaces (with dimensions of 4.1 ms long and 2.4 ms wide); and block up internally the three windows in this elevation (two serving a lounge and one serving a kitchen) with false windows displayed on outside.

A corresponding deed of variation to the existing legal agreement is anticipated by the applicant.

Consultations

Highway Authority

West Sussex County Council was consulted previously on Highway Matters for this location under planning application number WB/11/0107/FULL to which further information was requested, though does not appear to have been received in an official capacity, and the proposal approved by the LPA in any case.

The proposal is for an additional single dwelling unit with access onto Heene Road via an existing access point. From an inspection of the plans alone, there is no apparent visibility issue at the point of access onto Heene Road. There will be an additional 3 parking spaces to be accommodated at the already approved car parking area. As this represents an increase in parking provision, this should reduce any pressure on the surrounding CPZ. An additional cycle storage space should be accommodated with the existing cycle storage area.

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

In my opinion, the fact that the spaces are substandard in length is not a highway safety issue. A parked vehicle may potentially overhang the space and encroach into the turning aisle. This may in turn affect the ease at which vehicles can exit adjacent spaces and this may result in the need for additional manoeuvring in the site. For a low speed, lightly trafficked private car park any issues will be more of convenience than safety.

If the spaces were extremely narrow, then that may prevent vehicles entering in the first place and lead to parking taking place elsewhere. As the problem here is more length, I wouldn't foresee the same potential displacement problem occurring.

As such the Highway Authority accepts that the condition may be altered.

Social Housing Officer

I calculate the affordable contribution attached to the development of an extra unit would be £45,000 @ 30% = £13,500.

Representations

None received

Planning Assessment:

Section 70 of the Town and Country Planning Act 1990 (as amended) 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 requires the decision to be made in accordance with the Development Plan unless material considerations indicate otherwise.

The main issues for consideration are:-

- i) Scope of considerations
- ii) The principle of residential redevelopment, density and dwelling mix.
- iii) The impact on the amenities of future and neighbouring occupiers.
- iv) Quality of the design and impact on the character and appearance of the area.
- v) Impact on access and parking.
- Vi) Other environmental matters.
- vi) Need for (affordable housing) development contributions.

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

The Council's self-assessment of the Core Strategy's Conformity with the National Planning Policy Framework demonstrated that, in many respects, the Council's key Development Plan conforms closely to the key aims and objectives of the Framework. However, it is acknowledged that in response to the requirements of the Framework and informed by local evidence it is clear that the Council needs to assess the housing delivery strategy set out in the current Development Plan. A Housing Study has recently been published to this end and further work is being

advanced to assess the local economy. A revised Local Development Scheme which commits the Council to undertake a full review of the Core Strategy and prepare a new Local Plan for the Borough has been produced.

As such the proposal should be principally assessed against saved Worthing Local Plan Policies H18; TR9, and RES7, Core Strategy Policies 7, 8, 10,12, 15, 16, 17 and 19; the National Planning Policy Framework and allied Practice Guidance; Worthing Borough Council Supplementary Planning Documents Guide for Residential development and Residential space standards and Draft Developer Contributions and West Sussex County Council Parking Guidance in accordance with the above.

Scope of considerations

Under the planning system an amendment to a planning permission by way of a variation of condition application is required to be assessed afresh against the Development Plan and any other material consideration in accordance with S.38 of the Planning Act. The main limiting factor here is that under S.73 of the Planning Act this locus does not extend to altering the substance of the development itself; for example imposing additional conditions which require the scheme to be substantially physically reconfigured.

The principle of residential redevelopment, density and dwelling mix

The principle of development here has been established under the previous permissions and material considerations have not changed to a degree where the principle would be challenged. Importantly, it is a brownfield site, which is sustainably located and eminently suitable for residential development. The two bed flat form is appropriate, given its central fringe site in a higher density, mixed use area with frontages onto reasonably busy roads and meets the tests of Core Strategy Policies 8 and allied Supplementary Planning Documents.

The chief material changes to the policy framework since WB/11/0107/FULL add weight to the proposal, particularly the positive stance of the National Planning Policy Framework to residential development and the importance attached to meeting objectively assessed housing need. The fact that the development is near complete is also a compelling factor.

Turning to the change in housing form specifically proposed, the addition of a new flat in place of the gym and increasing the dwelling numbers from 23 to 24 does not appreciably alter the density or mix. The gym was only ever intended an ancillary and very modest facility for use by the scheme's residents and no harm to the town's offer of community facilities would occur by its loss. A studio flat sits apart from the two bed apartments that otherwise prevail but is in itself acceptable.

The impact on the amenities of future and neighbouring occupiers

The proposed changes are relatively minor in relation to the scale of the development and neighbouring properties remote. No impact on neighbour amenity would result

In relation to future occupiers' amenity, the studio flat created from the gym meets the internal space standards for such.

However, there is a further loss of outside greenspace in the form of the soft landscaping around the parking bay space adjacent to flat A3, and, along with the loss of the gym as a recreational facility, adds to the cumulative erosion of the green setting of, and recreational facilities enjoyed by, the development under the previously allowed amendments.

That said, all the currently approved flats (including flat A3), and the new studio flat, have access to a large balcony or terrace and there remains a green buffer around most of block A, including a generous area at the front. How popular the gym would be in practice for the development given the age profile of the future occupiers and the proximity to the opportunities for recreational walks along seafront is also questionable. Moreover, the principal role of the green element of the parking bay lost was as a buffer between the flat and the parking and had no other recreational utility value to the flat itself.

Perhaps the most significant impact on flat A3 is the loss of three windows serving the lounge and kitchen/diner of flat A3. The rationale for this is that because the proposed new 3 parking spaces physically abut the east elevation in which the windows sit, there is the real potential to cause disturbance to this flat from lights, noise and fumes, even with the obscure glazing of the lower panes of the affected windows as originally proposed in this application. The proposal has therefore been amended to block off the said windows as both rooms would continue to be served by a set of windows either to the north or south.

Neither option is ideal as, whilst there are no directly relevant planning or building regulations regulatory standards for light enjoyed in new development, undoubtedly, these important rooms to this two bed flat would be markedly gloomier.

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

Dummy windows would sit in front of the blocked off openings to flat A3 and would for most purposes read as true windows to the extent that the fenestration pattern of this elevation would not be materially harmed, especially as this is at the rear, outside the public realm.

The incremental erosion of the green curtilage to the development is also disappointing, compounded by the more prominence of the parking but again this is confined to the rear.

It would, nevertheless, be appropriate to require the spaces to be laid out with grasscrete in the same manner as approved when allowing the three extra spaces under AWDM/0933/13.

Impact on access and parking

The proposal results in a net rise of two parking spaces to an overall total of 25 serving 24 flats, (23 x two beds and 1 x one bed studio). On top of AWDM/0933/13, which increased surface parking by three spaces, and the age restriction on occupation, this helps further mitigate the shortfall resulting from WB/11/0107/FULL

(which eliminated the basement car park and reduced car parking from 27 to 20), in spite of the new studio. The Highway Authority lends its support.

The downside is that the three new parking spaces are all substandard in terms of established guidance, being just 4.1 ms deep compared to the standard of 4.8 ms. As the parking spaces are assigned in the leases, the applicant has offered to limit these spaces to cars of the appropriate length to avoid encumbering the turning space and creating a safety hazard. This may be secured by condition.

This is not ideal but the Highway Authority raises no objections.

Other environmental matters

The net impacts are negligible and the grasscrete would help mitigate the loss of the soft landscaping by the parking bay in terms of drainage.

Need for (affordable housing) development contributions

The additional flat raises the notional affordable housing contribution payable (commuted sum towards off site provision) by £13,500 to a grand total of £385,500. Impacts on other development contributions are marginal.

Whilst the applicant argues that the current amendments help boost overall viability, it is not expected that this will affect the outturn profitability of the scheme to the extent that the overage clause in the legal agreement would be triggered and even some of the affordable housing contribution paid. Indeed, the professional view is that the viability of the development overall has not probably changed materially since the legal agreement was made in 2012, despite moving out of recession to growth.

The applicant has agreed in principle to the requisite deed of variation to the legal agreement and this is being drawn up.

Conclusion

The principle of development remains supported and no harm to neighbour amenity or the environment would result. What is disappointing is the incremental erosion of the quality of the overall design and accommodation by successive sets of amendments, even if they are driven by viability and/or market pressures. On balance, this further set of changes is just acceptable. Other conditions attached to the earlier amended permissions are duly rolled forward as appropriate and the legal agreement is to be updated.

Recommendation:

That the decision in this case be delegated to the Director for the Economy to await the completion of a Deed of Variation to the Legal Agreement with a view to planning permission being granted subject to the following conditions:-

01. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

02. The development hereby permitted shall be carried out in accordance with the approved plans and approved scheme as set out in the conditions below.
03. No dwelling shall be occupied unless and until the car parking has been provided in accordance with the approved plans and condition 8 and thereafter the said parking spaces shall not be used for any other purposes. The reconfigured parking spaces hereby approved shall not be used by any vehicle whose length extends more than 4.1 metres.
04. The units hereby approved shall be occupied only by persons who are 55 years of age or over, except in the case of a couple living together, where only one must be 55 years of age or over. This age restriction does not apply to visitors who stay over in the units.
05. The vehicular access and visibility splays/sightlines shall be provided in accordance with the approved drawings.
06. No construction or demolition shall take place other than in full accordance with the approved scheme.
07. No construction/demolition work to implement this permission shall take place outside of 8am to 6pm Monday to Saturday and no work shall take place on any Sunday or Public Holidays.
08. No dwelling shall be occupied unless and until the landscaping has been provided in accordance with the approved scheme, as modified by the approved drawings, subject to grasscreteing of the reconfigured parking and any planting which dies, fails or is damaged within the first 5 years after first planting shall be replaced by an equivalent species like for like.
09. The external materials used shall be in accordance with the approved scheme.
10. The windows on the south elevation of Block A hereby permitted shall be obscure glazed and openings restricted in accordance with the approved scheme and shall not subsequently be altered in any way without the prior consent of the Local Planning Authority in an application on that behalf.
11. Provision shall be made in each block of flats for combined aerial facilities to serve all flats therein.
12. No dwelling shall be occupied unless and until details of the proposed foul and surface water drainage and means of disposal have been provided in accordance with the approved outline scheme.
13. No dwelling shall be occupied unless and until the refuse storage facilities have been provided in accordance with the approved scheme

14. The design and siting of the bay windows and the precise design of the dormer windows on the front elevation of Block A shall be in accordance with the approved scheme.
15. The dormer window on west elevation (2 1/2 storey element) and two storey bay feature on Block B shall be built in accordance with the approved scheme.
16. The development shall not be implemented other than in accordance with the approved scheme set out under previous condition 16 of WB/11/0107/FULL.

It is also resolved that if the applicant subsequently decides not to sign the Legal Agreement, the Director for the Economy be authorised under delegated powers to refuse the application.

Background Papers

Observations of West Sussex County Council
Observations of Social Housing Officer

Application Number: AWDM/0798/15

Recommendation – Approve

Site: 20 Sompting Road Worthing West Sussex BN14 9EP

Proposal: Change of Use from an office (B1 Use Class) to a Chapel of Life with associated function room (Sui Generis Use Class)

Applicant: Mr Ian Hart

Ward: Broadwater

Case Officer: Peter Devonport



Not to Scale

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Site and Surroundings

The site is located in the outer mixed industrial and residential suburb of Broadwater, fronting Sompting Road, a major route connecting the town to the A27 and close to a roundabout with the B2223.

Victorian, early twentieth century and inter-war suburban housing prevails along Sompting Road and hinterlands and an Edwardian residential terrace with modest rear gardens sits immediately to the south. However, the housing is interspersed with some commercial including retail adjacent to the roundabout and two converted offices in the terrace immediately to the south of the site. Separate offices in a more

modern two storey building also adjoin the site to the north. These are part of the Milk distribution depot (Dairy Crest) whose main functional area lies behind to the east and also fronts the road to the north.

The common boundary with the adjacent properties is principally a substantial 1.5 ms tall flint and brick wall and timber fence at rear.

The terrain is flat.

Sompting Road is a dual carriageway at this point with 30 mph speed limit. There are unrestricted parking bays on both carriageways opposite the site but double yellow lines and/or chevron markings in the immediate approach to the roundabout.

The site comprises the very recently vacated former offices and curtilage space of Cobsen-Davies Roofing as their office headquarters for the South East Region. Its given site area is 0.05 hectares and is rectangular in shape. The two storey double fronted Victorian villa was built as a house and converted to offices in 1987 and has been extended since, including a two storey side extension to the south. Portakabins which formerly occupied part of the curtilage have been removed but a first floor rear fire escape remains. It is an attractive and distinguished building faced in white render with hipped slate roof which retains its period charm and provides some 261 sq ms of office floorspace. There are windows on both floors on all elevations.

The building sits at the front of the site but just behind the building line of the adjacent residential terrace and slightly deeper than the main rear walls of this neighbour but there are no facing widows in the neighbouring facing gable elevation. The rear yard is hard surfaced and laid out for parking and servicing and the shallow forecourt also hard landscaped. Vehicular access is off Sompting Road on the northern edge of the site.

The property is not identified as a Local Interest Building and falls outside any Conservation Area or Controlled Parking Zone.

Proposal

This application is deemed a departure for planning purposes.

The proposal is to convert the building to a *Chapel of Life with associated function room (Sui Generis Use Class*. The applicants explain that the *premises will hold services and operate as a multi-function venue where friends and relatives will meet to celebrate their loved ones lives, celebrate weddings and the venue will host a variety of other events such as baby naming ceremonies (maximum of 1 in the morning and 1 in the afternoon)* They advise that *the Chapel area will seat up to 50 people and there is an overspill area capable of accommodating a further 30 people. Although the venue can accommodate a maximum of 80 people, it is suggested that the average ceremony will be between 15 and 30 guests.*

The bulk of the conversion works are internal and the key elements of the new use are the formation of the chapel of rest (and overflow) at the rear of the building on the ground floor. Here, it is understood, services in remembrance of the deceased would be held prior to onward cremation /burial. A parking space for one hearse in the rear

yard is provided for, from which the coffin will enter and leave the building by a secure door. The applicant advises that: *The coffins/deceased will only be on site for a short time before, during and after the ceremony.* However, no core undertaker functions would take place and the business would complement such services provided elsewhere by the applicant.

Pedestrian entrance is at the front to a waiting area and foyer. On the first floor is the function room and overflow and kitchen principally serving wakes/after ceremony events. The possibility of use for wedding functions/baby naming ceremonies is allowed for where they did not clash with the funeral related uses.

Minor allied external works are proposed including new secondary front entrance to the foyer, secondary rear exit and blocking off of some windows on the north flank elevation.

Parking for five cars (plus the hearse) is shown in the rear yard adjacent to the depot but no cycle parking.

The southern flank windows adjacent to the residential terrace serve the foyer and a store.

Proposed operational hours are Monday – Sunday from 9am -5pm.

The application is supported by a Planning Statement.

Relevant Planning History

Application Number	Development Description	Decision	Decision Date	Appeal Decision	Appeal Decision Date
<u>07/1515/FULL</u>	Retrospective application for temporary permission for a second storey portacabin, placed onto an existing portacabin at the rear of the property (car park). (A period of ten months temporary permission is sought).	APPLICATION WITHDRAWN	06-03-2008		
<u>08/0242/FULL</u>	Removal of existing detached 1 and 2 storey office units positioned in the rear of the car park (3 in total), and proposed replacement with 2 permanent single	GRANT CONDITIONAL CONSENT	12-05-2008		

	storey units, together with an additional car parking space.		
<u>137/89</u>	ALTERATIONS AND EXTENSION TO EXISTING BUILDING. 20 SOMPTING ROAD	APPROVED WITH CONDITIONS	06-03-1989
<u>345/90</u>	FIRST FLOOR EXTENSION. 20 SOMPTING ROAD	APPROVED WITH CONDITIONS	29-05-1990
<u>472/87</u>	CHANGE OF USE FROM RESIDENTIAL TO OFFICE ACCOMMODATION. 20 SOMPTING ROAD	APPROVED WITH CONDITIONS	21-07-1987
<u>92/0450</u>	RETROSPECTIVE APPLICATION FOR A FIRE ESCAPE STAIRCASE AT REAR. 20 SOMPTING ROAD	APPROVED	08-09-1992
<u>92/05637/FULL</u>	RETROSPECTIVE APPLICATION FOR A FIRE ESCAPE STAIRCASE AT REAR	GRANT CONSENT	08-09-1992

Applicant's Supporting Statement

This application seeks the Change of Use of the existing property (B1 Use Class) to a Chapel of Life and associated Function Room (Sui Generis Use Class). The current occupiers (Cobsen-Davis) of this office space are relocating to new premises.

4.2. The Chapel of Life and associated Function Room will hold services and operate as a multi-function venue where friends and relatives will meet to celebrate their loved ones lives, celebrate weddings and the venue will host a variety of other events such as baby naming ceremonies.

4.3. The Chapel area will seat up to 50 people and there is an overspill area capable of accommodating a further 30 people. Although the venue can accommodate a maximum of 80 people, it is suggested that the average ceremony will be between 15 and 30 guests.

4.4. The nature of the Change of Use sought will inevitably generate an increased demand for parking at times of use. Therefore a Parking Beat Survey was undertaken to assess the parking availability in the local area. The results of the Parking Peat survey are presented and discussed in Section 6 of this report.

4.5. Vehicular access to the site will be retained as existing and be achieved from Sompting Road as demonstrated below in Figure 4.

The car park to the rear can accommodate a maximum of 22 vehicles at one time.

4.5.2. The following minor external alterations will take place in order to make the Chapel of Life and associated Function Room more functional in use:

i. A new entrance is to be implemented on the front of the property to the east, as shown on the western elevation (Drawing no. WT/SR/02).

ii. The rear door will be changed to a window as shown on the eastern elevation (Drawing no. WT/SR/02).

iii. Three of the windows as indicated on the northern elevation will be blocked up to provide more privacy (Drawing no. WT/SR/02).

4.5.3. In terms of internal alterations and layout, most of the internal layout will remain unchanged. The ground floor alterations include the removal of partition walls to open up the store and office areas to facilitate a larger Chapel of Life with an associated overflow area. In other areas partition walls will be reinstated to form a waiting area and two foyer areas at ground floor.

4.5.4. One of the offices at ground floor will be converted into two toilets (male and female), a third toilet (disabled) facility will be created in between the newly created ground floor foyer areas.

4.5.5. At first floor the office at the rear along with the existing toilets to the west will be converted into a kitchen. Partition walls separating the offices at the front to the west will be removed to provide a large open plan function room. The offices to the east will remain but be used as store rooms

The venue will be operational Monday – Sunday from 9am -5pm and will be a multi-purpose venue hosting life events such as baby naming ceremonies and funeral services.

4.5.7. The events will be held in the Chapel (and overflow area where necessary) at ground floor and after the ceremonies, the first floor function room will facilitate functions associated with the events. There will be a kitchen at first floor to facilitate catering at these events.

6.4. Access and Parking

6.4.1. The proposed development is located in what is considered to be a highly sustainable location owing to its transport connectivity to Worthing and the wider area, as well as its proximity to local services.

6.4.2. Whilst the site benefits from excellent transport connectivity, it is acknowledged that the nature of the Change of Use will generate an increased parking demand.

6.4.3. The car park at the rear will accommodate 22 vehicles at any one time.

6.4.4. A Parking Beat Survey was undertaken to assess the parking availability within the local vicinity of the proposal site.

6.5. The parking survey was carried out between 10:30am-11:30am on Tuesday 24 February. The parking survey was designed to give a snapshot of parking conditions and availability in the vicinity of the proposal site; 20 Sompting Road, Worthing, West Sussex, BN14 9EP.

6.6. Roads within a 200m radius of the site were surveyed, parking restrictions and the numbers of available parking spaces were noted

6.7. The table below illustrates the results obtained from the parking survey:

Road Name	Available Spaces	Parking	Parking Restrictions
Kingsland Road		15	
Wigmore Road		8	
Penfold Road	3		Mon-Sat no parking between 8:30am-6pm (single yellow lines)
Southdown View Road		1	
Southdown View Way		1	
Southfield Road		16	
Sheridan Road		4	
Marlowe Road		9	
Broadwater Street East	3		Mon – Sat 8:30am – 6 pm 1 hour No return within 1 hour.
Beaumont Road		3	
Sompting Road		4	
Dominion Road (B2223)		3	
Total Available Spaces		70	

At the time of the survey there were a total of 70 available parking spaces within 200m of; 20 Sompting Road, Worthing, West Sussex, BN14 9EP.

6.9. The parking conditions within 200m of the site are relaxed with no parking restrictions in place for the majority of roads. There were however parking restrictions in place on the eastern side Penfold Road (Mon-Sat no parking between 8:30am-6pm) and on both sides at the far eastern side of Broadwater Street East (Mon – Sat 8:30am – 6 pm 1 hour No return within 1 hour).

Consultations

Planning Policy

Given that we know how difficult it is for this type of use to find accommodation within the Borough I think that we need to demonstrate a degree of flexibility if suitable sites are promoted.

Whilst I am not persuaded by the employment arguments put forward within the Planning Statement I think that the potential impacts on this site will be arguably less than other opportunities around the Borough. However, Economic Development will have a better idea than me about the demand for this type of office in this location.

Economic Development

This stand-alone 2,819sqft office premises is located in close proximity to Broadwater, benefiting from main road access and onsite parking provision.

The applicant is an established local business with 13 FTE current employees, located near to this site. This application seeks to safeguard the existing business and enable expansion of the business model, with the creation of 4 new FTE jobs, along with additional benefit to the local supply chain.

The Worthing Summer 2015 Commercial Property Register lists no available Sui Generis properties currently on the market in Worthing. The applicant has conducted an independent search and has also been unable to identify any other suitable commercial premises in Worthing, to enable the expansion of this local business.

Economic Development therefore supports this application as it will help to safeguard an existing local business, enable expansion, create 4 new jobs and retain this property within employment use.

Highway Authority

The proposal to change the use of the existing B1 office into a Chapel of Life (Sue Generis) has been considered by WSCC as the Local Highway Authority. WSCC require further information on the number of car parking spaces the use will provide however; if 22 spaces can be accommodated on site a plan showing these spaces needs to be submitted to the LPA as soon as possible.

The Chapel of Life will create an intensification of use; as compared to the runnings of an office, the use will provide facilities for holding funerals, weddings and baby naming ceremonies. The use will also provide a function room which will be available for use.

The applicant has provided information on the expected numbers and has provided a worst case scenario. If used to its full capacity the building can hold up to 80 people. However it is more likely to receive 15 to 30 guests on a more regular basis. Therefore it is anticipated that the number of vehicle trips to and from the site will increase as a result of the change in use. It can be considered that due to the nature of the use some of these trips will be shared and on most occasions the expected number of trips per service would be between 10-20 private cars.

On the occasions when there is a larger than usual service, it has been demonstrated that additional car parking can be accommodated in the surrounding roads. The parking accumulation survey shows that during the hours of 11.30am and 12.30pm 70 cars were available during this time period. This is only one time frame and is likely to fluctuate over different time periods but WSCC have considered the general numbers in addition to the busiest times and are satisfied that the change of use will not cause any highway safety issues.

The existing access provides good visibility and as the traffic is separated by a traffic island left turns in and right turns are the only movements possible. Some on-street parking is located directly outside on Sompting Road, but the rest of the area has enforceable parking restrictions in place to prevent any un-safe parking practice.

Environmental Health

The application involves an activity that has the potential to create a significant amount of noise unless measures are included to mitigate the effects. The application site is situated very close to residential properties which may be affected by noise, particularly from people arriving and departing, use of the chapel and the first floor function rooms.

I therefore recommend that a condition is attached to any permission granted that restricts any noise from internal operations in order to protect residential amenity. The hours contained in the proposed condition relate to those contained within the supporting documentation as being the hours of use.

Noise emissions attributable to internal operations shall be limited to a level not exceeding 50dB LAeq,15minutes during the daytime period of 09.00 – 17.00 at any point of the curtilage of 20 Sompting Road accessible by the applicant and measured at a height of 1.5m above local ground height, to be determined either by way of direct measurement at the curtilage, or where extraneous ambient noise precludes this, by way of measurement at a point closer to 20 Sompting Road and subsequent calculation of noise emissions at the curtilage.

Land contamination study/remediation required if breaking of ground involved as land is identified as potentially contaminated.

Representations

None received.

Relevant legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

The main issues raised by this proposal are:-

- The principle of loss of offices and proposed new community use
- Impact on amenity of neighbours
- Parking and access arrangements
- Visual impact
- Other environmental impacts

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

The Council's self-assessment of the Core Strategy's Conformity with the National Planning Policy Framework demonstrated that, in many respects, the Council's key Development Plan conforms closely to the key aims and objectives of the Framework. However, it is acknowledged that in response to the requirements of the Framework and informed by local evidence it is clear that the Council needs to assess the housing delivery strategy set out in the current Development Plan. A Housing Study has recently been published to this end and further work is being advanced to assess the local economy. A revised Local Development Scheme which commits the Council to undertake a full review of the Core Strategy and prepare a new Local Plan for the Borough has been produced.

As such the proposal should be principally assessed against saved Worthing Local Plan Policies TR9 and RES7, Core Strategy Policies 4, 11 and 16; the National Planning Policy Framework and allied Practice Guidance; Supplementary Planning Document: Sustainable Economy; West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003 and Sussex Planning Noise Advice Document in accordance with the above.

Principle of loss of offices and proposed use

The last lawful use of the premises was as B1 offices.

The principal relevant Development Plan policy is Core Strategy Policy 4: Protecting Employment Opportunities. This safeguards existing employment uses defined as B1 (light industry/offices), B2 (General industry), and B8 (storage/distribution). The justification for this policy is explained in the supporting text. It should be viewed in the context of Core Strategy Policy 3 which sets out the broader economic development strategy for the town. There is an identified need to provide up to 72,462sqm of industrial and warehousing space up to 2026 and 22,296sqm of office space as part of the strategy. This will help meet the employment needs of

population growth and change in terms of sufficient numbers and range of jobs and help boost incomes and wealth; attract and retain businesses, particularly those in key and growth sectors and strengthen the local economy; provide suitable choice for businesses and workers and reduce unsustainable out-commuting. In short, it will help promote a diverse and sustainable local economy.

Against this background, the borough needs to protect its existing functional business premises and as the scope for providing new employment land in the town is very constrained.

Whilst the net loss of business floorspace involved is small compared to the overall Core Strategy target provision, this ignores the fact that the cumulative effect of incremental small losses over time can be as significant as a large single loss. The loss of extensive business premises in recent years to residential use, not least office premises under the recent relaxations to the General Permitted Development Order have intensified pressures.

Core Strategy Policy 4 and the allied Supplementary Planning Document - Sustainable Economy do, however, entertain exceptions to the default protective stance in cases such as here, *outside* of any designated Trading Estate or Office Location. These are, effectively, where the existing employment use is “a bad neighbour” (i.e. causes unreasonable harm to the neighbouring amenity), or, the site is functionally redundant. The latter is normally expected to be demonstrated by suitable marketing i.e. on suitable terms; in suitable manner and for a suitable duration, this being the best means of establishing whether there is any market demand for an employment use. If the tests are met, preference is given to other non-B class employment generating uses.

There is no evidence to suggest the offices have ever been a “bad neighbour” and no evidence of marketing the premises for any commercial use has been supplied.

The proposal therefore fails the policy.

Even so, there may, exceptionally, be a case for setting aside the policy if a compelling overriding case can be made. Extensive dialogue with the applicant suggests there is a case to be heard in this instance and is set out below.

Firstly, the proposal will directly help grow and sustain an important local business and community service - Ian Hart Funeral Services - set up in 2004. This is now the second largest funeral directors in Worthing, which conducted 521 funerals from a single office last year. Community uses such as this are supported in Core Strategy Policy 11, subject to compliance with other relevant policies. The business model proposed would provide more choice for users and may assist with relieving pressure on the existing Chapel of Rest at Worthing Cemetery.

Secondly, the proposed use shares some important characteristics with traditional employment uses as defined in the Core Strategy Policy 4. Importantly, it would *directly* employ 4 f/t equivalent staff members as well as assist indirect job creation. No existing jobs /services would be affected either. Whilst it is likely that this job figure is significantly less than the previous office use, it is, nonetheless, of some

value, and it is understood that the previous business (who have been acquired bought by another company) have relocated functions locally.

Thirdly, no other suitable property has been found which meets the business's requirements of approximately 250sqm, with ample off street parking provision and private access for the hearses to discreetly deliver and pick up the coffins from the rear of a building and good transport access. It is reported by Michael Jones - the estate agents used - that the applicant has been registered with their office since May 2011 but no suitable properties identified. The most promising candidates were two public houses which were understandably dismissed as they could not provide the necessary degrees of privacy nor setting/character deemed necessary for such a sensitive facility and industrial units. The latter were also considered unfitting for such a facility and would, additionally, breach Core Strategy Policy 4. This situation is underlined by the comments of the Economic Development Officer who notes that the Worthing Summer 2015 Commercial Property Register lists no suitable available properties of the type sought currently on the market in Worthing.

Fourthly, located *outside* of any Core Strategy designated Trading Estate or Office Location, the site is covered by a slightly lower tier of protection in policy terms and the integrity of no such designation is compromised. The size of the premises- 261 sq ms is not insignificant but it is not a large unit either.

Finally, the fall-back position is also of some relevance. Recent changes to the General Permitted Development Order allow such premises to change their use to residential or state funded school, and, for a temporary period, retail, A2 (banks etc.) or restaurant/café, with limited controls. The conversion to flats is certainly a realistic prospect in this case.

Against this background, and especially the express support of the Economic Development Officer, the use is considered, on balance, supportable in principle, as an exception to the policy.

Impact on amenity of neighbours

The property has a long established history of commercial use and is situated on a busy distributor road, in a mixed neighbourhood and adjoined on two sides by a commercial use (dairy depot).. No physical expansion of the building is proposed and openings change little. Whilst usage will be more intensive than at present, operational hours are not unsocial and no commercial primary cooking is proposed in the kitchen. No mortuary embalming or other similar core undertakers services are proposed on the site either, simply ceremonies and related celebrations held.

Whilst music would be played at the ceremonies in the chapel of rest and in the function room, the relevant rooms are well to the north of the adjacent residential terrace and the vehicular access also lies still further from the terrace. Coupled with the absence of windows in the flanking elevation of terrace itself and screening provided by the common boundary treatment, this points to the use not being unduly intrusive. Suitable precautionary conditions on noise as requested by the Environment Health Officer; operational hours and deliveries and collections and ban on primary cooking may be imposed to provide further reassurance.

Parking and access

The proposed use is, potentially, much more intensive than the previous office use, which, applying the West Sussex Council office maximum parking standards, would only require up to 9 on-site spaces.

In its favour, the site is sustainably located, with excellent access to the A27 and town centre and is also well served by buses, many of which link to Worthing railway station.

Car parking on-site is, however, very limited with just 5 spaces available to visitors and none for staff shown (one space for hearse is provided). It is recognized that the given the site's accessibility and the likelihood of many visitors sharing cars, demand will be somewhat muted but this would be inadequate to meet average demand of 15 to 20 visitors, let alone maximum demand of 80 persons.

To meet the expected levels of demand, the applicants rely on on-street parking and have undertaken surveys to demonstrate that there is adequate capacity nearby to accommodate this (70 spaces within 200ms) at relevant times in accordance with the approach recommended by the Highway Authority. The parking in the adjacent bays in Sompting Road will no doubt be particularly helpful here. It is noted that there are parking restrictions in the approach to the Sompting Road roundabout so highway safety is unlikely to be affected and localized parking controls in parts of Penfold Road.

Such overwhelming reliance on on-street parking is, certainly, unusual for such an intensive use but the Highway Authority has accepted this argument and it would be difficult to sustain an objection in these circumstances, especially when the bar in the NPPF is so onerous i.e. demonstrate severe adverse impacts. It is also relevant that there is a shortfall in parking for the existing B1 use and permitted changes of use for the building would also have a greater shortfall in parking and increase the level of on street parking in the vicinity of the site.

Cycle parking is required and may be secured by condition.

The vehicular access is unchanged and is satisfactory.

Visual amenity

The changes to the property are minor and no significant impact will occur other than the return of a vacant building to positive use. Some softening of the forecourt by introduction of landscaping would be welcomed but may be left as a commercial decision.

Environmental Matters

A land contamination study/remediation is required if breaking of ground involved as land is identified as potentially contaminated. This may be secured by condition.

Drainage is not materially affected.

Recommendation

APPROVE, Subject to Conditions:-

01. Implement within 3 years
02. Implement in accordance with Approved plans
03. Operational hours Monday –Sunday from 9am -5pm only.
04. Noise emissions attributable to internal operations shall be limited to a level not exceeding 50dB LAeq,15minutes during the daytime period of 09.00 – 17.00 at any point of the curtilage of 20 Sompting Road accessible by the applicant and measured at a height of 1.5m above local ground height, to be determined either by way of direct measurement at the curtilage, or where extraneous ambient noise precludes this, by way of measurement at a point closer to 20 Sompting Road and subsequent calculation of noise emissions at the curtilage.
05. No primary cooking on premises.
06. No collections or deliveries outside of 8am to 5pm Monday –Sunday.
07. Provide waste /recycling facilities.
08. Land contamination study/remediation required if ground is broken.
09. Provide and retain parking and turning areas and vehicular access.
10. Agree and provide cycle parking

Background Papers

Observations of West Sussex County Council
Observations of Policy Manager,
Observations of Environmental Health Manager
Observations of Economic Development Officer

Application Number: AWDM/0936/15

Recommendation – APPROVE

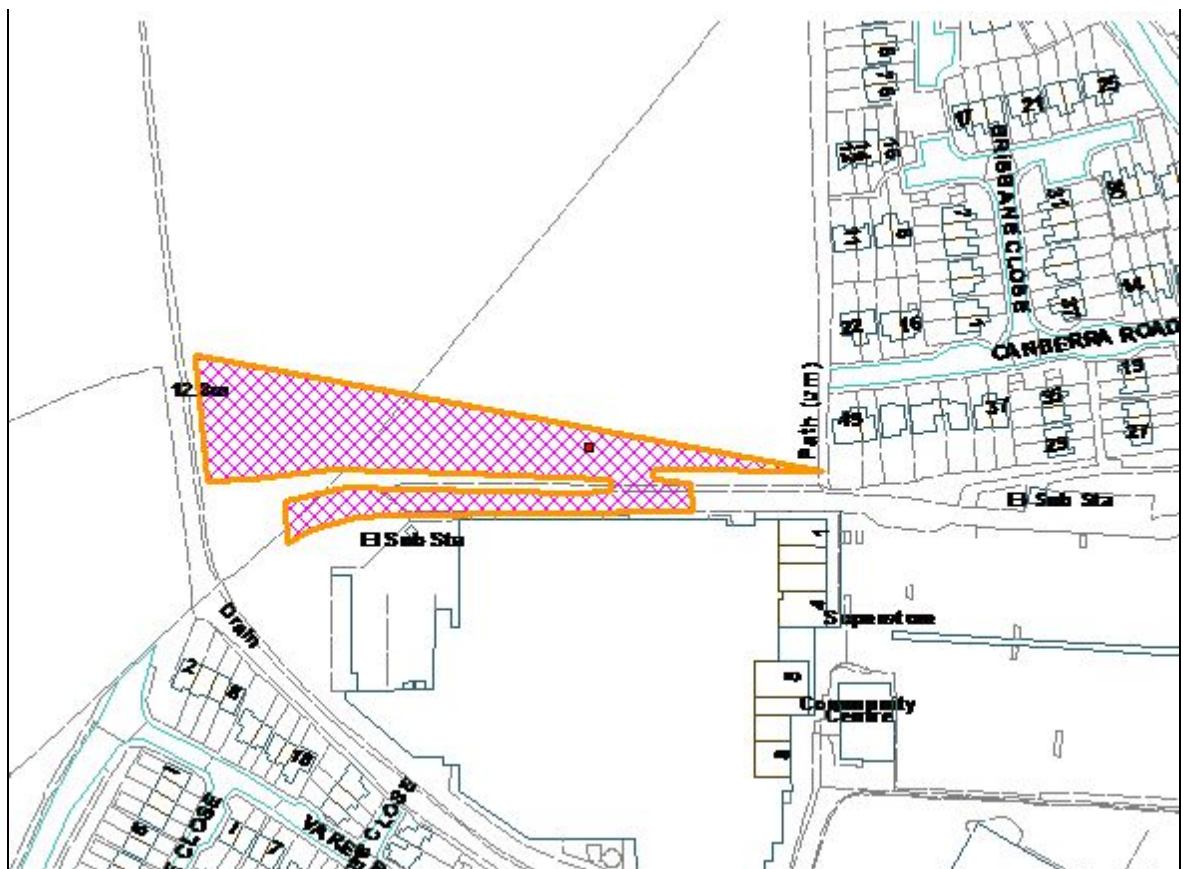
Site: Land North Of Tesco Store, Fulbeck Way, Worthing

Proposal: Application for approval of Reserved Matters pursuant to planning permission AWDM/0270/14 relating to access, appearance, landscaping, layout and scale of Class A3 restaurant/cafe and Class A1 (retail) /Class A3 (restaurant/cafe) units

Applicant: OMC Investments Ltd

Ward: Northbrook

Case Officer: Peter Barnett



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Proposal, Site and Surroundings

The application site comprises a triangular parcel of land measuring approximately 0.44ha located directly to the north of the Tesco superstore and West Durrington District Centre. The site was included within the original planning application

boundary for the extension to the District Centre in 2009 and has remained undeveloped.

Residential development lies directly to the east while to the north and west is the site of the West Durrington urban extension which has recently commenced construction.

The site has a frontage of 207 metres which abuts the Tesco service road and which forms a link to Fulbeck Avenue. The site is 44 metres in depth at its western end, narrowing to a point on the eastern boundary adjacent to a footpath which runs along the western side boundary of houses in Canberra Road. There is a line of trees on the western boundary (forming a Woodland TPO).

Outline planning permission was granted in 2012 for the construction of two commercial units (AWDM/0618/11). The indicative layout showed the erection of a Class A3 (restaurant/cafe) unit with a floorspace of 1,325 msq (incorporating a mezzanine of 275 msq) at the western end and a smaller Class A1 (retail) /A3 (restaurant cafe) unit with a floor space of 268 msq at the eastern end with a central parking and access area (30 vehicle spaces were shown). Details of access only were approved with all other matters reserved.

In 2014, a fresh outline consent was granted which omitted a condition preventing the subdivision of the western building (AWDM/0270/14).

This application seeks approval of the reserved matters pursuant to outline planning permission AWDM/0270/14 relating to appearance, landscaping, layout and scale. A separate application for approval of technical details reserved by conditions on the outline consent AWDM/0270/14 has also been submitted and is being considered separately.

A separate application has also been submitted to vary conditions 3 and 4 of permission reference AWDM/0270/14 to enable information relating to the control of noise from external plant and equipment and details of the means of extraction and disposal of cooking odours to be submitted prior to the first use of the buildings rather than prior to the commencement of development (AWDM/0772/15).

The reserved matter application proposes:

- The erection of a part single/part two storey building for use as a restaurant/café (Use Class A3) with a gross internal floor area of 975sqm.
- The erection of a single storey building for use as a restaurant/café or retail use (Use Classes A1 and A3) with a gross internal floor area of 268sqm
- The formation of a vehicular and pedestrian access road from the Tesco service road
- The provision of 37 car parking spaces, plus 4 motor cycle parking spaces and 48 cycle parking spaces
- The upgrading of the existing public footpath which crosses the site
- The provision of hard and soft landscaping, including external seating areas

Applicant's Design and Access Statement

The following are extracts from the applicant's supporting statement:

"The distribution of the two proposed units at either end of the application site has been informed by the site's shape and size and represents an efficient use of the site.

The western unit would comprise 975m² (GIA) incorporating a mezzanine area of 275m² measuring 29m x 25m (excluding front entrance). In line with pre-application discussions with Officers, we have taken advice from an arboricultural consultant and the scheme drawings have been revised and the building pulled back away from the preserved trees to be retained on the western boundary which provide a soft edge to the new development. The submitted block plan (Drawing No. 4421-PL1 Rev A) shows the relationship of the existing tree canopies to the western unit which would be located outside of the root protection zones of the protected trees. The layout and size of the western unit has been based on a typical A3 restaurant format that could accommodate a range of users. The siting of the building respects the existing public footpath (3114) that crosses the site in a southwest to north/east direction. A new footway is also proposed along the site's frontage providing pedestrian access from the Tesco car park and the existing public footpath.

The smaller eastern unit would comprise 268m² (GIA) measuring 42m (excluding entrance) x 11m dropping down to 3m in the eastern corner. Outdoor seating areas are proposed to the east and west of both units to allow for an enhanced level of activity in the District Centre. In line with discussions with Officers, the amount of outdoor seating has been increased for the western unit.

Floorspace requirements for a number of retail and restaurant operators were used to inform the footprints of the proposed units which have been designed to allow for a range of A1 or A3 operators. The buildings have been set back from the site boundary to prevent a sense of overdevelopment of the site.

The scale of the larger proposed building has also had regard to planning condition 19, which restricts the maximum height of the western building to not exceed 8.5m and shall incorporate a single storey element not exceeding 4.5m in height. On its northern elevation facing the site, the existing Tesco building ranges from between 8.1 and 8.7m above ground level. The proposed western unit would be 8.2m in height and lower than the adjacent Tesco store, and would incorporate a mezzanine area at the front of the building. The building would also step down to a single storey element to the rear. In order to achieve an attractive and balanced roof form, the single storey element would be 5.2m in height lowering to 4.3m nearest to the northern boundary.

A 2m high facing brick wall is proposed to the rear of each service area for security purposes. Along the rest of the northern boundary a native hedgerow is proposed followed by a 1.2m high timber post and rail fence.

The design of the proposed buildings has had regard to the general contemporary character of the district centre, in particular the Tesco store adjacent to the site and

typical A3 restaurant formats found in retail parks. In particular the front elevation of the western building has been carefully considered as it is recognised that this forms the principal elevation to the recently constructed roundabout junction that serves the future residential area to the north.

The design approach adopted for both buildings is a modern style with clean lines and crisp detailing using a variety of materials (cedar boarding, rendered panels, steel raking columns and power coated aluminium framed glazing).

Initial reservations were raised by Officers concerning the rectangular design of the western unit and consequently the form of the building has been revised with the front corners chamfered, adding more interest and reducing the bulk of the unit. In terms of the roof, Officers expressed a preference for a break in the roof profile, articulation and stepping down of the building towards the north of the site, which has been applied to the current scheme design.

The same design approach and palette of materials has been adopted for the eastern unit including the vertically clad timber entrance statement and repeating the Tesco Extra turret arrangement opposite.”

Relevant Planning History

As above.

Consultations

West Sussex County Council: No objection from a transport/highways/rights of way aspect.

Adur & Worthing Councils: The **Environmental Health** officer has no objection

The **Tree and Landscape** Officer has no objection

The **Engineer** has no objection to the proposed surface water disposal details

Environment Agency: No objection

Southern Water: No objection

Representations

None received

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 6,12, 13, 15, 16, 17, 18, 19

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

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

National Planning Policy Framework (March 2012)

Relevant Legislation

The Committee should consider the planning application in accordance with: Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The principle of allowing this type of commercial development on the site was established under the outline permission. The main considerations therefore relate to matters of appearance, landscaping, layout and scale.

Scale of development, design and visual impact

The proposed buildings generally follow the parameters established at the outline stage and are of a similar scale to the indicative drawings submitted at that stage. The western building shows the use of cedar cladding and rendered walls with a sloping roof which drops towards the rear (north) reducing the scale of the building from two storey to single storey. The roof will be a Kingspan trapezoidal profiled system, goosewing grey in colour.

The front of the western building has chamfered ends and a projecting entrance tower which adds interest to the design and avoids the appearance of a 'square box'. It will face south towards the service road and will have an area of outdoor seating at the front and sides of the building. It will be approximately 10m from the footpath running along the front of the site at its closest point and 3m from the northern boundary. A service area is to be provided at the rear. Following advice from the Council's Design and Conservation Architect, the elevations have been amended to show a more uniform approach to the size of the windows and the use of timber cladding with a lowering of the main roof to give more emphasis to the central tower. These amendments are considered to improve the overall appearance of the western building.

It was suggested to the applicants that the western building be reoriented slightly to face more towards the roundabout and the approach to the site but the site is constrained by the need to avoid the root protection area for the preserved trees on the western boundary and by the footpath which crosses the site to the east which makes it less easy to reorient the building. On balance, it is considered that the siting and orientation of the building as shown on the submitted plans is acceptable. The chamfered corners and seating areas to the front and sides of the building introduce sufficient interest and are considered to address the street in an acceptable manner.

A maximum height of 8.5m for the building was established at the outline stage and this has been adhered to in the submitted plans. While a large building, its overall design, with the lowering of the main roof to give emphasis to the central tower and the drop in height to the rear, is considered to provide an appropriate transition from the Tesco building to the more domestic scale of the housing under construction to the north.

The eastern building is smaller and triangular to reflect the limited land available for a building on that part of the site. The scale is considered to be appropriate given that it is closer to the houses to the east (albeit some 45m from the nearest house). There is existing landscaping along the site frontage at that point which is outside of the site and which is beginning to become established. This will help to soften the appearance of the building from the service road. It has a materials palette to complement the larger building.

The concern at the outline stage was to ensure that the proposed buildings were not warehouse type structures. It is considered that the submitted design has taken these concerns into account and the articulation, varying roof height and use of materials does help to add more visual interest and avoids the appearance of a non-descript 'box'.

No end users of the units have been identified yet so the buildings have been designed to take account of the floorspace requirements for a number of retail and restaurant operators.

The layout largely follows the outline with the two buildings separated by a central parking area. The amount of parking has increased slightly and, inevitably, given the shape and constraints of the site, car parking will appear rather concentrated within this area. However, the layout shows the spaces broken up with planting and landscaping which, together with off-site landscaping at the front of the site, should help to provide some softening of the visual impact.

On the northern boundary a 2m high brick wall is proposed to the rear of the service yards for both buildings. The remainder of the boundary is to contain a 1.2m high post and rail fence with hedgerow. This will complement the boundary treatment proposed for the urban extension to the north, which will be separated from the site by a 'green wedge' containing sustainable drainage, landscaping and 1.1m high post and rail fence on the boundary with the housing development.

Trees and landscaping

All existing trees will be retained and protected during construction and the western building has been sited to avoid the root protection areas of the preserved trees on the western boundary. New planting is proposed in the form of native hedgerow along the northern boundary (plus post and rail fence), tree planting within and to the north of the parking area, a rough grassland /wild meadow flower strip along the western boundary and a field maple hedgerow between the sections of brick boundary walling and around the small area of lawn adjacent to the public footpath. The Council's Tree and Landscape Officer has no objection subject to requiring the size of the tree plants being of appropriate size (12-14cm girth).

Accessibility and parking

Access details were approved as part of the outline application. This showed a new site access off the service road towards the eastern building. Pedestrian access is to be provided by way of a footpath within the site running along the southern boundary linking to the District Centre to the east and to the existing footpath which runs diagonally through the site to the north to the proposed West Durrington urban extension. The footpath is to be formalised and upgraded with asphalt surfacing and concrete edging.

The amount of parking has increased from the outline stage to 37 car spaces. While still significantly below the County parking standards (which requires 1 space per 14 sqm for food retail, 1 space per 20sqm for no-food retail and 1 space per 5sqm of public area for A3 uses), it is considered that the number of spaces is suitable in view of the opportunity for linked trips and the potential for shared use of existing parking provision in the District Centre.

There is no objection from West Sussex Highways to the proposal.

Sustainable and resource efficient buildings

At the outline stage it was indicated that the buildings should incorporate sustainable design features. The applicant's Design and Access Statement advises:

"The BREEAM technical guidance has been reviewed in the context of the proposed development and suitable design measures incorporated where feasible and viable. The suitability of including on site renewable energy generation as part of the development has also been investigated. In terms of wind generation, although a good source of clean electricity, wind turbines are not considered suitable for this scheme due to the size and shape of the site. Furthermore, wind turbines are visually prominent and would not be a suitable due to the proximity of existing and proposed residential properties.

Solar power generation is also not feasible or viable for this scheme due to the roofs of the proposed buildings facing north. The proposed buildings will be energy efficient and minimise energy and water consumption in accordance with national guidance and current Building Regulations requirements.

The buildings are orientated north-south with primary glazed elevations to the south thus minimising energy demand as much as possible.

Air source heat pumps will supply the heating/cooling for the buildings to provide constant, comfortable all year round indoor ambient temperature.

The proposed buildings will incorporate other sustainable features into the design and key sustainable measures proposed include:

- Highly efficient rectilinear building forms;*
- High performance thermal envelopes;*
- Air source heat pumps with low impact refrigerants and energy efficient controls;*
- Building Energy Management Systems (BMS) to control and monitors energy usage;*

- *Kitchen extractors with heat recovery for hot water heating;*
- *Water metering and monitoring;*
- *Water leak detection and flow control devices;*
- *Energy efficient water fittings including percussion taps and low flush WC's;*
- *Energy efficient light fittings including LED lamps;*
- *Cycle parking for customers and staff;*
- *Natural materials with A class material ratings”*

Taken together with the accessibility of the site, the retention of existing trees and provision of new planting, plus the provision of bat and bird nesting boxes to both buildings, it is considered that the development is suitably sustainable and meets the requirements of Condition 18 of the outline permission.

Flood Risk

The site lies within Flood Risk Zone 1 as defined in the NPPF, meaning that it has a low risk of flooding. The type of development proposed is classed as 'less vulnerable' in terms of flood risk. The applicants are proposing to discharge surface water run-off from the development to existing surface water sewers within close proximity of the site. Foul drainage will also connect to existing foul sewers in the area. There is no objection from Southern Water or the Council's Engineer to this approach.

Condition 17 of the outline consent requires the buffer zone around the watercourse along the western boundary to be protected in accordance with details to be submitted. The submitted plans show a 4.3m wide buffer zone with a post and rail fence at the edge of the watercourse to prevent general access. The Environment Agency is happy with these details.

Noise and Residential amenity

The outline application established that such a development could take place without causing harm to residential amenity. The opening hours of the units is restricted to between 8am and 11pm every day with no outdoor eating or drinking after 9.30pm. Noise from external plant is not possible to assess at this stage as the applicants have applied to vary the conditions requiring these details to be submitted prior to the commencement of development. As there are no end users identified, the specific extraction and ventilation requirements of the occupiers is not known and it is considered to be sensible to require these details to be provided prior to occupation rather than commencement. The relevant conditions will still ensure that noise from external plant and machinery can be controlled to prevent disturbance to residents. There are also controls over hours of servicing, with deliveries only permitted between 7am and 7pm on any day. The buildings and service yards are at least 40m from the nearest residential dwelling to the east while the new development to the north will be separated by the 'green wedge' and 2m high walls on the boundary of the site with the service yards.

Recommendation

That this Reserved Matters application be **APPROVED** in accordance with the submitted details and plans subject to those conditions imposed at the outline stage.

Application Number: AWDM/0792/15

Recommendation – APPROVE

Site: 10 Barn Close, Worthing

Proposal: Single-storey bungalow attached to south side elevation

Applicant: M and S Developments

Ward: Salvington

Case Officer: Rebecca Tier



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Site and Surroundings

The application site is located at the end of a small cul-de-sac of residential dwellings comprising two storey terrace and semi-detached dwellings. The application site is situated at the southerly end of a row of four terrace properties which are accessed via a small pathway to the east of the terraced row.

There is no vehicular access to the application site, the existing terrace properties comprising 7-10 Barn Close have individual garages located within the compound area to the north-west. There is also an access path to the west of the site which

provides access from the garage compound to the rear garden of the existing property.

The surrounding area is residential in character with the nearby roads comprising a mix of dwelling types and styles.

Planning History & Context

Two planning applications have recently been refused by the Council for 1 No. 3 bedroom two storey dwelling (AWDM/0958/14 relates) and 1 No. 2 bedroom two storey dwelling to the south of 10 Barn Close (AWDM/1326/14 relates).

An appeal was lodged in respect of application AWDM/1326/14 and was subsequently dismissed by the Planning Inspectorate in April 2015 as it was considered that a two storey dwelling would have an overbearing and harmful impact to the living conditions of the occupiers of 36 Beechwood Avenue to the south of the site.

Proposal

This proposal now applies for planning permission to subdivide the existing plot and erect 1 No. 1 bedroom single storey dwelling at the southerly end of the existing row of terrace properties comprising 7-10 Barn Close. The property would measure 10.9 metres in length, 5.2 metres in width and 5.1 metres in height. The materials on the proposed dwelling would incorporate matching brick exterior walls and matching plain roof tiles. The proposed dwelling would incorporate a pitched roof with a lower pitched roof section located to the rear.

Internally, the proposed dwelling would incorporate a living room at the front with separate bathroom and kitchen and a bedroom located to the rear. There would be no vehicular access to the site or designated parking for the proposed dwelling. The proposed dwelling would be accessed via the pedestrian path to the east of the site and the pedestrian access path to the west would be extended to provide access to the rear garden of the new dwelling.

Relevant Planning History

AWDM/1326/14 – Planning permission was refused in November 2014 for 1 No. 2 bedroom end of terrace dwelling to the south of 10 Barn Close and was subsequently dismissed at appeal in April 2015.

AWDM/0958/14 – Planning permission was refused in September 2014 for 1 No. 3 bedroom end of terrace dwelling to the south of 10 Barn Close.

WB/271/89 – Planning permission was granted for a single storey extension to the south of property to provide granny annexe in April 1989.

Consultations

WSSC: The Highway Authority has no objection, commenting:-

“The proposal will have no direct vehicular access and a nil car parking provision. In this instance, it is acknowledged that this proposal may result in additional on-street car parking demands. However in light of the minor nature of the proposals, it is considered unlikely that this proposal would result in any material impacts or result in any highway safety concerns, hence no overriding concerns would result.

In terms of vehicular movements, the proposed dwelling is unlikely to result in any material increase or any detrimental impact.

No concerns would be raised from the Highway point of view. If the LPA are minded to approve the application a condition securing construction plant materials should be included.”

Adur and Worthing Councils:

The Council's **Drainage Engineer** has made the following comments in relation to this application:

“I have looked at the existing layout drawing BC/06/14/02, Submitted as part of application AWD/0958/14 this shows a foul water drainage run to the west of number 10, running from the back to the front of the property. There also appears to be a feed into this pipework from the properties further to the west.

The proposed layout drawing does not show any drainage details therefore we have two conditions:-

- 1. In the absence of any ground investigation details or proposed drainage details in support of the application, we request that should approval for this new build 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’*

As soakaways are proposed, then soakage tests in accordance with BRE Digest 365 (1991) would be required to be undertaken on the proposed site to ascertain the size and location of the soakaways required for any new impermeable areas.

- 2. Revised drainage drawings are to be provided showing re-routing of the existing foul sewer or a letter of approval from Southern Water Services is provided permitting the building over of a public sewer”*

The Council's **Environmental Health Officer** has raised no objection to this application as he understands that Building Control will deal with the existing sewer under the new dwelling.

The Council's **Housing Officer** has commented that the means of escape in the case of fire from the bedroom is either through a kitchen or a living room, both of which are high risk rooms. This means that it is an 'inner room' and we would object to proposals that could lead to formal action by this department. The risk could be mitigated by ensuring that the window to the bedroom complies with building regulation requirements as an escape window.

Representations

5 letters of objection have been received from four occupiers of neighbouring properties located in Barn Close, the main planning considerations are summarised below:

- Further on-street parking pressures in Barn Close which would cause a road hazard and restrict access and turning space for emergency vehicles and refuse lorries.
- Loss of light and privacy to neighbouring occupiers
- The proposed bungalow would be visually out of keeping with other properties within the road
- There is limited access to the site with few areas for the storage of construction materials.

Relevant Planning Policies and Guidance

Core Strategy policy 7, 8, 16, 17,
Local Plan policies RES7, H16 and H18, TR9
Worthing SPD – Guide to Residential Development (Nov 2012)
Worthing SPD – Space Standards (Feb 2012)
The National Planning Policy Framework 2012

Planning Assessment

Principle

Policy 8 of the Core Strategy and the Council's Guide to Residential Development SPD specifies that a wide choice of high quality homes should be provided to meet the needs of the community. The policy states that within suburban areas only limited infilling will be permitted which will predominantly consist of family houses. The proposed dwelling would comprise a one bedroom single storey dwelling which would not contribute towards the provision of family housing within the borough. However, the policy does not exclude alternative forms of residential accommodation especially where they are sustainably located within proximity to local services and public transportation such as the application site.

Following the consideration of the recent planning application AWDM/1326/14 it is considered that a two storey infill dwelling at the end of the terrace would be inappropriate due to the proximity of the two storey property to the lower bungalows to the south and the overbearing impact it would have to neighbouring residential occupiers. As the proposed residential unit provides one bedroom at the ground floor level it could contribute to providing a small unit of residential accommodation within the borough for a first time buyer or an elderly occupier. Taking these matters into account it is considered that the principle of the proposed one bedroom single storey infill dwelling is acceptable.

The proposed one bedroom dwelling would incorporate a total floor area of 44.81sqm which would only slightly fall short of the 51sqm requirement within the Council's Space Standards and the 50sqm requirement in the National Space

Standards for a one bedroom unit. The proposed bedroom and living, cooking and eating spaces within the property would however exceed the 22sqm and 12sqm requirements and there would also be adequate indoor storage space located within the property. The proposed dwelling would have a private rear garden area that would exceed the 20sqm requirement for a 1 bedroom property set out within the Council's Space Standards SPD and being an end property the dwelling would also have a private side garden area to the south. It is therefore considered that the proposed 1 bedroom dwelling would provide an adequate space and level of accommodation for a single person or couple. The Council's Building Control Officer has also confirmed that the opening bedroom window within the rear wall of the proposed dwelling would provide an adequate means of fire escape from the bedroom.

In addition to the above principle policy considerations the impact of the proposed dwelling on the surrounding area has been considered with the relevant issues considered to be the effects of the dwelling on i) the visual amenities of the area ii) the living environment and amenities of nearby neighbouring residential occupiers and iii) access, parking and highway safety.

Visual amenity

The proposed dwelling would infill the side garden area of the existing end of terrace property comprising no. 10 Barn Close and a distance of 1.58 metres would be located between the southerly wall of the proposed dwelling and the southerly boundary of the site. Little room would still be situated between the proposed dwelling and the southerly boundary, however as the scale of the proposed dwelling has been reduced to single storey this has lessened the cramped appearance of the proposed dwelling.

By virtue of its single storey nature the dwelling would not be reflective of the surrounding two storey terrace properties within Barn Close. Apart from the separate entrance door to the frontage of the building the proposed dwelling could however be mistaken when viewed from the street scene perspective as a single storey extension to the existing dwelling.

The planning history of this site shows that planning permission was granted under application WB/271/89 for a single storey extension to the south of 10 Barn Close to provide a granny annexe to 10 Barn Close, this permission was however never implemented. Whilst this proposal would involve the construction of a separate single storey dwelling house and not an ancillary annexe extension to the existing dwelling, in visual terms it would not appear substantially different from the annexe extension previously approved on the site or a narrower 4 metre high single storey side extension that could be constructed under the existing property's permitted development rights. The proposed dwelling would comprise a lower pitched roof design similar to the roof line of the attached neighbouring terrace properties to the north and incorporate matching brickwork and roof tiles and would therefore respect the appearance and materials used on the neighbouring terrace properties within the road.. It is therefore considered on balance that Officers could not substantiate refusing the proposed dwelling on the basis of visual amenity grounds.

Impact to residential amenity

The site is physically constrained with residential properties surrounding the site to the east, south and west. The neighbouring occupiers that are considered to be most affected by the proposed dwelling are 9 Barn Close to the north, 6 Barn Close to the east and 36 Beechwood Avenue to the south.

In consideration of the previous planning appeal for a two storey end of terrace dwelling to the south of 10 Barn Close the Planning Inspector agreed with the Council's view that a two dwelling would have an overbearing and adverse impact on the amenities of the neighbouring occupiers within 36 Beechwood Avenue to the south of the site. The proposed dwelling has now been reduced to a single storey property and whilst the proposed dwelling would be still be located approximately 9 metres from the southerly neighbouring property it would not have an overbearing impact to the southerly neighbouring occupiers due to its reduced scale. It is acknowledged that the neighbouring occupiers to the south may still experience a greater sense of enclosure that at present, however the existing 1.8 metre close boarded southern boundary fence would provide some screening of the single storey dwelling from the southerly neighbouring occupiers. One window would be located in the southern side wall of the extension which would serve a bathroom and this would be required to be obscure glazed and fixed shut above 1.7 metres from the finished floor level to ensure no overlooking to the southerly neighbouring bungalow's rear garden.

The bedroom within the proposed dwelling would comprise a lower single storey element that would project beyond the original rear wall of the northerly neighbouring property. This rear section of the dwelling would however be distanced to the northerly neighbouring property by 1.6 metres and given the separation distance and that a boundary fence would be erected between the rear gardens of the new dwelling and 10 Barn Close it is considered that it would not cause any harmful loss of light to the occupiers of the existing dwelling. No windows would be incorporated in the northerly wall of the extension and there would be no overlooking into the northerly neighbouring occupier's rear garden.

The window and door in the front wall of the proposed dwelling would be well distanced to the 6 Barn Close and would be mostly screened at the single storey level by existing boundary screening. It is therefore considered that the dwelling would have no harmful impact on the amenity of the easterly neighbouring occupiers. The occupier of 6 Barn Close has written a letter of representation advising that he owns the access path to the east of the site which it is intended that the new dwelling would obtain pedestrian access from and that he would not agree to the proposed development having access over his land. This is however a private legal matter that would need to be resolved separately and could not be considered as part of the planning assessment.

Access and parking provision

There is no on-site parking provision provided in conjunction with the dwelling and therefore occupiers would have to park on-street which would increase the number of vehicles parking on the road. A number of letters of objection have been received

from occupiers within Barn Close who have raised concerns regarding the impact of additional residents parking within the Close which is currently congested with parked cars. Neighbouring residents have also identified that cars parked within the road are causing issues for refuse and emergency vehicles accessing properties within the road and turning around in the Close.

Given that the proposal would create only one additional dwelling, West Sussex County Council have raised no concern regarding the material impact or highway safety implications of additional vehicles parking on-street. As the Highways Authority for this area has raised no objection to the proposed dwelling there is no adequate justification to refuse this proposal on highways grounds.

Recommendation

APPROVE

Subject to Conditions:-

1. Standard 3 Year Time Limit
2. Approved Plans
3. Matching Materials
4. Approval of cycle storage
5. Approval of bin/refuse storage
6. Approval of construction management statement
7. Approval of Surface Water Drainage
8. Approval of foul sewage drainage details
9. Approval of wall/fence details
10. Remove PD rights for walls/fencing enclosing front garden other than as approved under Condition 9
11. Hours of construction limitation (8am – 6pm Monday – Friday 8am – 1pm Saturday and at no times Sundays or Bank Holidays)
12. Obscure glazing & fixed shut above 1.7m finished floor level – southern window
13. No additional windows (south or north)
14. Remove PD rights (relating to extensions or outbuildings with cubic content over 5 cubic metres)

Application Number: AWDM/1015/15

Recommendation – APPROVE
subject to the receipt of details
regarding the provision of
landscaping to reduce the
impact on neighbouring
properties

**Site: Bowling Green (south-eastern), Field Place, The Boulevard,
 Worthing**

**Proposal: Change of Use from sports play surface (bowling green) to car
 park with 53 parking bays**

Applicant: Mr Mark Byerley, South Downs Leisure **Ward: Castle**

Case Officer: Gary Peck



Not to Scale

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Proposal, Site and Surroundings

This application seeks full permission for the change of use of the bowling green in the south eastern corner of the site to a car park providing 53 car parking spaces.

The proposed car park would extend the existing car park which is situated to the west and consist of a tarmac surface as per the existing car park. The new car park would utilize the existing bowls green surface water drainage system. It is stated that the proposed car park will be screened from the main building by shrub planting of a similar style which has been planted to screen the existing car park.

The supporting information submitted with the application states that Field Place accommodates an increasing number of weddings with a 12 fold increase in the last 5 years. Sometimes, there can be 2 wedding functions on the same day along with bowls matches and community or conference events in the main house. As a result, the parking provision at the site has been proven to be inadequate with an excessive number of cars regularly parking on the double yellow lines along the entrance roadway. It appears that parking is also taking place on surrounding residential streets. It is feared that this may affecting potential bookings at the venue.

The bowling green, which appears not to be have been used or maintained recently, is to the south eastern corner of the site. Further bowling greens, which are still in use, are to the north and north-west. The existing car park is directly to the west, but it is not as wide as the bowling green, and in hence in turn the proposed car park, and is separated from the southern boundary of the site by some screening and beyond an area used for petanque.

Beyond the southern boundary of the existing car park and the application site itself are residential properties in Bolsover Road. The upper floor windows of these properties are visible from the application site although there is some planting on the garden side of some of those properties. To the west are residential properties in Melrose Avenue. Again, the first floors of these properties are visible albeit to a lesser extent than those in Melrose Avenue due to a greater depth of hedge planting and some trees further to the north.

Field Place and the pavilion are listed buildings and are to the north and west of the application site. The southernmost tip of the pavilion building is about 60 metres from the proposed car park and Field Place about 80 metres away with the existing car park partly in between.

Relevant Planning History

Although there have been a number of applications, including listed building consents, to the buildings on the site, none are considered directly relevant to the consideration of the application itself.

Consultations

Environmental Health:

I would comment that complaints we receive about car parks are predominantly regarding lighting. I do not see any lights included - if they are to be they should be conditioned for full lighting assessment please.

West Sussex County Council:

The change of use of the existing bowls green at Field Place, into a car park with 53 parking bays has been considered by WSCC as the Local Highway Authority. WSCC raise no objection subject to any conditions attached.

Due to a steady increase in the number of Weddings at Field Place, alongside its use for a variety of other functions, there is a real need for additional parking. The car park will provide 53 additional car parking spaces, creating a capacity for 113 spaces, including 3 disabled bays and 4 motorcycle bays.

The increased demand for parking in local roads is causing pressure and as such, WSCC are satisfied that the proposals will create a safer highway environment for road users and local residents.

The entrance to Field Place forms part of a 5 arm roundabout. The entrance is only wide enough for one vehicle, to enter and exit at a time. This is the route that all vehicles will take to access the site. A separate egress can be taken from the access via Bolsover road. However the timing of the delivery sans exportation of materials must be managed.

A construction management plan has been submitted. During the construction of the car park 20 movements will be created by 20 tonne grab lorries, and 2 trips will be made daily by van. It is not foreseen that this would create any issues with the normal operation of the highway network however; can more information be provided on the following

- The length of time it will take to construct the car park.
- How traffic will be managed during the times when material is being exported from the site
- How will other traffic related with the activities at Field Place will be managed during this period, or will the site be closed to the public for the duration of the construction period.

Any further consultation responses will be reported verbally at the meeting.

Field Place Area Residents Association

Members of the Association object to the application for the following reasons:

- the new car park would be very close to the small rear gardens and homes on Bolsover Road and Melrose Avenue

- the current premises licence allows entertainment and the sale of alcohol to midnight on Fridays & Saturdays and 2300 hours on Sundays. Serious noise and light pollution will be caused by customers leaving the premises so late at night
- nuisance could be mitigated by the parking being set further away from the boundary and suitable planting introduced. Signage should also be erected asking for consideration by customers
- there will be an adverse impact upon the setting of the listed building

Representations

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

- there will be an increase in traffic using the narrow road entering Field Place and traffic already comes off the roundabout at the entrance to the site very quickly
- there will be an increase in noise and in increase in tarmac as against green areas
- the applicant's themselves state that Field Place is a tranquil, green and beautiful setting and this will be adversely affected by the use of the site by even more cars when public transport is readily available
- the road layout is already struggling because of large developments by the Strand, the existing car park regularly causes problems and complaints
- the new car park will be intrusive to local residents, anti-social behavior already takes place as a result of increased events
- reduction in green space
- new developments should have less parking rather than more

1 letter of comment has been received stating:

- could the car park be moved away from the boundary to allow a buffer where landscaping could be implemented to lessen the noise and reduce the impact of emissions

Relevant Planning Policies and Guidance

Saved Local Plan policies (WBC 2003): RES7,
 Worthing Core Strategy (WBC 2011): Policies 6, 11, 13 & 16
 National Planning Policy Framework (CLG 2012)
 Planning Practice Guidance (CLG 2014)

Relevant Legislation

The Committee should consider the planning application in accordance with: Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

The main issues in the determination of the application are i) whether the principle of the development is acceptable ii) the effect upon the setting of the listed buildings iii) highway safety and iv) the effect of the proposal upon the amenities of neighbouring residential properties.

Principle of development

The proposal involves the loss of a bowling green. The Adur & Worthing Councils Playing Pitch Assessment of 2014 identified that generally there was spare capacity on bowling greens in Adur & Worthing. Bowling clubs themselves had identified that any growth in their membership could be accommodated on existing provision. Furthermore, while there had been 4 bowling greens in use at Field Place, one had not been used due to lack of demand and had instead been used for croquet. The bowling green in question had not been maintained as such since last year.

It is also indicated from the Head of Environment that Castle ward has a surplus of 1.478 hectares of parks and gardens when present and future demand for provision is taken into account.

Since there will be bowling greens remaining immediately next to the application site and which it appears could accommodate any additional demand should it arise, it is not considered that an objection in principle could be raised against the proposal.

Effect on the setting of the listed buildings

Field Place is clearly an attractive site, framed by listed buildings including the House and Pavilion. It is a statutory duty of the Local Planning Authority to preserve and enhance the setting of the listed buildings on the site.

It is a matter of fact that the proposed siting is at the furthest point from the listed buildings with a minimum separation distance of 60 metres. At present, perhaps the most adverse impact upon the setting of listed buildings is the indiscriminate parking close to them which takes place at busy times. While this in itself is not a reason for granting permission, nonetheless it is likely that through the provision of increased car parking there will be an improvement to the setting of the listed buildings by the relocation of cars away from them. Given that there is already car parking to the south of the site and its impact can be softened by parking, it is not considered that having regard to the wider impacts of the scheme that an objection could be raised on the grounds of an adverse impact upon the setting of the listed buildings.

Highway safety

There is an increase demand for use of the site and the most obvious impacts of this appear to be the parking that regularly takes place on the double yellow lines

within the site and an apparent increase in demand for parking on surrounding local roads when the site reaches its capacity. The provision of safer parking on site would, as the County Council has commented, appear to provide the opportunity for an improvement in highway safety. While concerns regarding the access route in the site are noted, it is not considered that these are grounds to resist the proposal given that the access is already used and there have been no objections on such grounds from the County Council as Highways Authority.

Effect on neighbouring residential amenity

The existing car park is reasonably separated from the nearby residential properties to the south by some screening and a petanque area. The application site being in the corner of the wider site has the potential to affect not only properties to the south but also to the west. The proposed car park would extend nearer to the boundaries than the existing, being about 4 metres from the southern boundary at its closest point and 10 metres from the eastern boundary.

Although there is screening at the boundary and for the most part in neighbour's gardens so in their own control, it is considered that additional mitigation needs to be provided in respect of increased landscaping to ensure that there is no adverse impact upon the amenities of neighbouring properties. The Parks Manager has stated that the preference is to keep the open feel of the site and while this is most certainly desirable in respect of the remainder of the site and especially to maintain the setting of the listed buildings, it is not considered that such openness be completely maintained where a car park is being introduced in relatively close proximity to neighbouring properties. Your officers are of the view, therefore, that enhanced landscaping should be proposed both to the eastern, but more particularly, southern boundaries of the site. Providing this can be achieved satisfactorily, then the impacts of the proposal should be acceptably mitigated and the proposal considered acceptable.

Recommendation

To GRANT permission

Subject to Conditions:-

1. Full Permission
2. Construction Management Plan
3. Landscaping Details
4. Surfacing of Car Park
5. Development in accordance with approved plans

Application Number: AWDM/1043/15

Recommendation – APPROVE

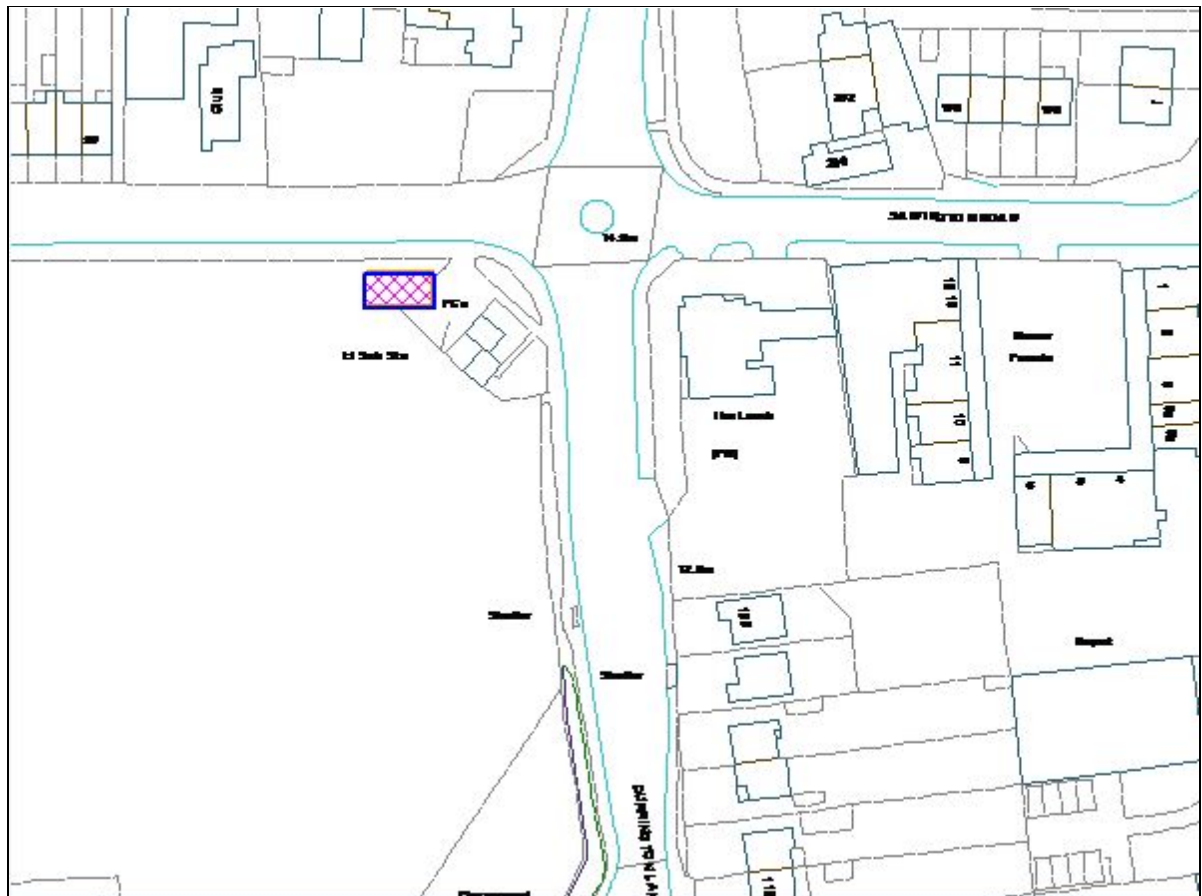
Site: Pond Lane Recreation Ground, Pond Lane, Worthing

Proposal: Two 'Durrington Community Cycle Project' signs on flint barn.

Applicant: Lee Billingham, Communities
Team, Adur & Worthing
Councils

Ward: Durrington

Case Officer: Gary Peck



Not to Scale

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Proposal, Site and Surroundings

This application seeks permission for the siting of 2 x 'Durrington Community Cycle Project' signs on the western and southern elevations of the flint barn in the north east corner of the Pond Lane Recreation Ground. The signs are proposed to be sited on the building for 3 years: the sign on the western elevation of the building has already been put up. The size of the signage is 3m x 0.9m consisting of red and black logo/text on a white background.

The barn is within the Conservation Area and is the only part of the Recreation Ground to be situated within it, the remainder of the Conservation Area comprising the Lamb pub opposite and the buildings across the road to the north along Durrington Hill.

Relevant Planning History

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

Consultations

Any comments from the Conservation Area Advisory Committee will be reported verbally at the meeting

Representations

Any representations received will be reported verbally at the meeting

Relevant Planning Policies and Guidance

Saved Local Plan policies (WBC 2003): RES7,

Worthing Core Strategy (WBC 2011): Policies 6 & 16

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

Relevant Legislation

The Committee should consider the planning application in accordance with: Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

The main issue in the determination of this application is the impact of the proposal upon the character of the surrounding area, including the Conservation Area.

It is understood that the Durrington Community Cycle Project are a voluntary group currently using the building and require signage to advertise their activities. In the past, it is noted that, for example, a small a-board has been leant against the wall of the building to signpost the activity within.

The flint barn makes a positive contribution to the Conservation Area, hence its inclusion, primarily because of the flint that forms the side elevations of the building. The remainder of the Conservation Area is to the west and north, whereas the proposed signage is proposed on the southern and western elevations. As such, therefore, the proposed signage relates rather more to the Pond Lane Recreation Ground than the Conservation Area.

While the flint side walls of the building are attractive, the roof and gable on the western side are rather less so. The sign on the western elevation has been erected on the western gable and is not felt to detract from this elevation which also has a somewhat functionally designed set of double doors which do not enhance the visual appearance of the building.

The signage on the southern elevation could potentially detract more from the appearance of the building as this is the elevation that contains the most flint. However, this elevation is also affected by two areas of bricked up openings. The sign would exactly cover one of these bricked up openings and to that extent, the sign would not be considered to detrimentally affect the appearance of the building.

The cycle project is clearly in need of some advertising and the signage proposed will assist with this aim. Given that the signs are not proposed to materially harm the appearance of the building, the application is considered acceptable.

Recommendation

To GRANT permission

Subject to Conditions:-

1. 3 year temporary permission
2. Approved Plans

Local Government Act 1972

Background Papers:

As referred to in individual application reports

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Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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

Public Speaking Time at Worthing Planning Committee

Report by the Director for the Economy

1.0 Summary

1.1 This report sets out a proposed amendment to the public speaking times at Planning Committee from 2 minutes to 3 minutes, and amendments to the Constitution to allow additional speaking time at the Chair's discretion on contentious major applications and to allow the public to speak on enforcement reports.

2.0 Background

2.1 Members of the Planning Committee will be aware that there have been a number of instances at recent meetings where members of the public attending Planning Committee to speak on particular applications have not completed their address to the Committee within the specified timescale and have had to be asked to finish by the Chair before they have made all of their points. This has often resulted in the speaker finishing their points very quickly or attempting to continue despite being asked not to, and resulting in the point not being heard clearly. Where a speaker exceeds their time but, say, someone else speaking on an application who raised an opposite view finished within the required timescale, there is potential for the latter to argue that the former had longer to speak.

2.2 It usually appears that where a speaker is unable to complete their speech within the 2 minute time limit, they are in fact relatively near the end of their presentation and had a little more time been allowed, they would have been able to make all of their points adequately. Members may be aware that the Adur District Planning Committee operates a system of 3 minutes per speaker and the occurrences of speakers exceeding this time limit are rare and indeed many speakers normally finish within the 3 minute limit (but exceed 2 minutes).

2.3 A report to the Joint Planning Committee in December 2012 had sought to ensure a consistent policy for both Committees as it would make it easier to administer and easier for local agents who sometimes speak at both Committees. Unfortunately no agreement could be reached and the two procedures remain very different. A copy of the 2012 report is appended for Members information.

- 2.4 There is an opportunity, however, to reduce some of the differences in the public speaking procedures. It is considered that an amendment to allow registered speakers attending Worthing Planning Committee to speak for 3 minutes would help to address some of the time constraints that speakers have found at recent meetings. The number of speakers allowed for each item would remain at 3 for supporters and objectors and so, at most, this would add an extra 6 minutes of speaking time per item.
- 2.4 At present, Ward Councillors can address the Committee and the length of time they have to speak has often been at the Chair's discretion. However, there is no such discretion for members of the public or applicant's/agent wishing to speak. In the vast majority of cases, the amendment to 3 minutes as outlined above is likely to be sufficient. It could be argued however, that Ward Councillors should have slightly longer as they often represent the views of a number of local residents and Members may consider that 5 minutes for Ward Councillors would be more appropriate. Similarly in particularly complex cases which have raised an abnormally large number of objections or support letters, then even the amended time limit may not be sufficient and previous public speaking arrangements have allowed 5 minutes per person on large scale development proposals (over 100 dwellings or 10,000 square metres).
- 2.5 Members will recall that the Chair presented special arrangements for speaking times regarding the Aquarena application in advance of this report at the last meeting. The Aquarena application has received representations in the hundreds and therefore is an example of a case where an abnormally large number has been received. The arguments for and against such applications are often complex and further to the extension of speaking times outlined above, it is also considered appropriate to amend the Constitution to allow the Chair the discretion to increase speaking times on complex applications that have attracted an exceptionally high number of representations.
- 2.6 At present, there are no formal rights for the public to speak on enforcement reports. In practice, those enforcement reports which are brought before the Committee for consideration are often those where conflicting opinions have been expressed by those members of the public affected. Furthermore, the decision whether or not to refer the matter to Legal to consider enforcement action is often evidence based and such evidence offered by members of the public can be vital in such considerations. In order to aid the Committee with their decision making on enforcement cases, which are often particularly contentious, it is considered that objectors and supporters should be allowed to speak on such items with the same time limits as set out above.

3.0 Proposals

3.1 It is therefore proposed that:

- ❑ Public speaking to increase from 2 minutes to 3 minutes each for a maximum of 3 speakers each in favour of and in opposition to each application. On the applicant's side this is to comprise of the applicant or agent and two members of the public or if the third place is not taken by a member of the public then the applicant or agent can take the third place.
- ❑ To amend the constitution to allow the public to be able to speak on enforcement reports subject to the same time limits and numbers entitled to speak as above.
- ❑ To amend the constitution to allow a Ward Councillor to speak for 5 minutes on any application and allow the Chair's discretion to extend this length of time if deemed appropriate.
- ❑ To amend the constitution to allow an extension of the time limits set out above to be extended to a length of time deemed appropriate by the Chair on complex planning applications that have attracted an abnormally high number of representations

4.0 Legal

4.1 Section 37 of the Local Government Act 2000 requires Councils prepare and keep up to date a Constitution which contains a copy of its Procedure Rules and such other information as the Councils consider appropriate

5.0 Financial implications

5.1 None

6.0 Recommendation

6.1 It is recommended that the changes set out in paragraph 3.1 be supported by the Planning Committee with a view to recommending to the Joint Governance Committee on 29 September that the changes are adopted by the Council.

Local Government Act 1972

Background Papers:

Worthing Borough Council Constitution

Contact Officer:

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Schedule of Other Matters

1.0 Council Priority

1.1 None directly relevant

2.0 Specific Action Plans

2.1 None directly relevant

3.0 Sustainability Issues

3.1 Matter considered and no issues identified

4.0 Equality Issues

4.1 Matter considered and no issues identified

5.0 Community Safety Issues (Section 17)

5.1 Matter considered and no issues identified

6.0 Human Rights Issues

6.1 Article 1 and Article 8 of the European Convention on Human Rights require a balance judgements to be made in the decision making process. An increase in public speaking time can be considered to help meet this requirement.

7.0 Reputation

7.1 Increased speaking time is likely to improve public perception of the decision making system

8.0 Consultations

8.1 None formally undertaken but any relevant feedback from previous speakers at Planning Committee has been noted

9.0 Risk Assessment

9.1 Matter considered and no issues identified

10.0 Health & Safety Issues

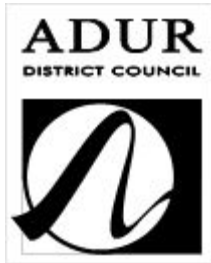
10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership Working

12.1 Matter considered and no issues identified



Joint Planning Committee
5 December 2012
Agenda Item 6

Ward: All Wards

Public Speaking at Adur and Worthing Planning Committees

Report by the Executive Head of Planning, Regeneration and Wellbeing

1.0 Summary

- 1.1 This report recommends amendments to the current public speaking arrangements to ensure a consistent policy for Adur and Worthing Planning Committees.

2.0 Background

- 2.1 Public speaking was first introduced for Adur Planning Committee in 2003 and in Worthing it was introduced in 2006. In both instances it was subject to a 6 month trial and the procedures adopted followed a review of how other Councils across West Sussex operated public speaking for Planning Committees.
- 2.2 Although the adopted procedures vary between the two Committees they have generally worked well in practice and previous reviews have introduced various amendments to ensure that they still represent best practice and meet the requirements of the public, Officers and Members. The most significant change introduced to Worthing Planning Committee was to extend the time period to 5 minutes per person for public speaking in relation to large scale developments (over 100 dwellings and over 100 sq metres of commercial, leisure or retail floorspace). Attached as **Appendix I** to this report are copies of the current public speaking arrangements for Adur and Worthing. A condensed version of these procedures is now included on the new joint website. Adur's public speaking procedures are included in its Constitution whereas Worthing's procedures are adopted as a separate procedural note.
- 2.3 Whilst, both Councils have published public speaking procedures ultimately the Chairman has discretion to alter these procedures at the meeting, if required, to ensure that those wishing to speak have the opportunity to put their views across at the meeting. It is important that any review of the current arrangements retains this flexibility as this has clearly contributed to the success of public speaking increasing the public's involvement in the decision making process. The overriding principle has been one of *natural justice* ensuring that both supporters and objectors have equal time to present the case for and against a particular development.

2.4 In 2008 Adur's Overview and Scrutiny Committee undertook a review of its public speaking arrangements and recommended the following changes:

- Objectors should each have four minutes, rather than three and there should be a maximum of three objectors per application – where possible objectors should select a spokesperson;
- A group of objectors should be allocated a maximum of 5 minutes in total;
- The applicant or agent/supporter should have a maximum of four minutes, rather than three;
- There can be a maximum of three speakers in support of any one application, each having a maximum of four minutes to speak;
- For large scale developments; objectors should be given a maximum of 5 minutes per speaker, with a maximum of 3 speakers and the same for applicants.
- Either a Ward Councillor or an adjacent ward Councillor be allowed a maximum of 3 minutes;
- Councillors with a special interest be given a maximum of 3 minutes to speak;
- Members of the public should receive a briefing as they arrive at a committee meeting.

2.5 Adur Planning Committee at its meeting on the 1st December 2008 resolved that more evidence should be collected regarding the time allowed for speakers and the item was deferred to allow further investigations. It was also noted at the time that there would be a further review of public speaking in due course as part of the joint working Service Review. Other suggestions, such as the process for registering to speak and the re-ordering of the planning agenda to allow larger developments to be considered first at meetings, were considered beneficial to aid the Committee process and were approved by Adur Planning Committee at the time.

3.0 Development Management Service Review

3.1 As Members are aware the two Development Management teams co-located in December 2010 and have been undertaking a detailed Service Review for the last 18 months. As part of this Review various procedures have been harmonised and staff now provide a joint service across Adur and Worthing. There is no reason why there cannot be different public speaking procedures for both Planning Committees. In practice both Committee Chairmen allow a degree of flexibility depending on the nature of the application and the amount of public interest and this has meant that the public speaking arrangements have generally worked well for both Committees. However, it would make it easier for Officers to administer the same system across both Councils and there is a degree of confusion about the different procedures highlighted with the recent launch of the joint website.

3.2 It is also necessary to amend both public speaking guidance notes to allow for public speaking in relation to enforcement reports, where they do not contain exempt information and it would be, therefore, sensible to review the current arrangements

for both Committees. Members will note that the attached procedures for Adur are out of date in relation to membership of the Committees but this has been corrected on the new joint website.

- 3.3 The main differences between the two public speaking arrangements relate to the length of time allowed for speakers. At Adur only 3 minutes public speaking is allowed in total with the discretion of the Committee Chair to allow more than one speaker. This has generally worked well although there was criticism by some members of the public when Adur OSC undertook its review that 3 minutes was insufficient time particularly for larger developments and in practice more than one speaker is often allowed to speak.
- 3.4 At Worthing the public speaking procedures allow for 2 minutes per person with a maximum of 3 speakers for and 3 against (total of 6 minutes for and 6 minutes against a development proposal). As stated previously the policy was revised to allow up to 5 minutes per person for large scale developments (over 100 dwellings or 10,000 sq metres of commercial, leisure or retail floorspace).
- 3.5 The other difference between the two procedures is that at Adur only two Ward Members (or adjoining Ward Members) can speak for 3 minutes whereas at Worthing no restrictions apply. In addition at Adur applicants (or their representatives) are only allowed to speak if:
- (i) the officer's recommendation is to refuse; or
 - (ii) there are Ward Councillors speaking against the application; or
 - (iii) there are objectors speaking against the application; or
 - (iv) the Committee is minded to vote against the officer's recommendation for approval.
- 3.6 At Worthing applicants and/or agents can speak whatever the recommendation.

4.0 Proposed Changes to Public Speaking Arrangements

- 4.1 As stated previously it is necessary to amend both public speaking procedures to allow the public to speak in relation to enforcement reports. In practice most enforcement action is authorised under delegated powers and where reports have come to Committee public speaking has been allowed but this needs to be formalised and the guidance notes amended accordingly.
- 4.2 Whilst, the current procedures could be kept as they are, there would be significant benefits to harmonise the public speaking arrangements. The Service Review has harmonised the procedures to the extent that there are now common report templates and standard letters are used wherever possible. A standard public speaking letter would simplify administrative tasks and avoid the possibility of the wrong letter being sent or incorrect advice being given to agents and the public enquiring about the adopted procedures for both Committees.

- 4.3 Your Officers' view on experiencing both public speaking procedures is that allowing up to 3 speakers for most applications works well and should be adopted for both Committees. At Adur the recent consideration of the Brighton & Hove Albion FC proposal highlighted the need to allow more time for speakers particularly on major or controversial planning applications.
- 4.4 In practice there are only a few occasions when there are 3 speakers for or against a proposal but it does provide greater flexibility for more controversial applications. If 3 speakers are allowed then it would be more appropriate to reduce the time period per person to 2 minutes. Generally speakers at Worthing have kept to this timeframe. It is also considered that it would be beneficial to let applicants or agents speak in connection with their applications irrespective of whether it is recommended for approval or there are any speakers against the proposal. In practice few applicants speak if their application is recommended for approval but it would remove the potential problem of having to invite the applicant/agent to speak if it appears that the Committee may overturn the Officers recommendation. In such cases it would be also necessary to invite the objectors to speak and neither party would have anticipated speaking and therefore would not have prepared to do so.
- 4.5 Whilst, adopting Worthing's procedures for the number and duration of any public speaking would be considered beneficial there are other elements of Adur's procedures that should be adopted for Worthing. In particular, allowing only 2 Ward Councillors (or 1 and an adjacent Ward Councillor) and restricting the period allowed to speak would assist and address some concerns expressed by some applicants/agents about the fairness of not restricting the time allowed for other Councillors objecting to their schemes.
- 4.6 It is considered that the above proposal which seeks to merge the two procedures and pick out the elements that have worked best would be a positive step forward and provide greater clarity for officers and agents working across Adur and Worthing. The changes proposed could add slightly to the length of Adur Planning Committee but only by a few minutes and this would not be significant compared to the benefits of increased public involvement in the decision making process. Certainly public speaking has been found to be beneficial and enhanced the reputation of the Council.
- 4.7 The proposed merged public speaking procedures are set out in **Appendix II**. It would be beneficial to change Adur's Constitution to remove the public speaking procedures to allow greater flexibility for the Committee to make future changes and indeed it would be beneficial to trial the new arrangements for a 6 month period to assess how effective the changes are. Any change to the Constitution would require agreement from the Joint Governance and Audit Committee and this is reflected in the recommendation.

5.0 Legal

5.1 Both Planning Committees consider planning applications:

- i) pursuant to Section 70 of the Town and Country Planning Act 1990 (as amended) and Section 38 (6) of the Planning and Compulsory Purchase Act 2004;
- ii) applications to vary planning conditions pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended);
- iii) applications for Listed Building Consent pursuant to Section 16 Planning (Listed Buildings and Conservation Areas) Act 1990; and Section 19 of that Act to vary conditions; and
- iv) any other matter that forms part of the Committee's Terms of Reference.

5.2 Public speaking on planning applications and other forms of consent is an important part of the decision making process, and although considered best practice, is not a legal requirement.

5.3 In considering the amendments, the Committee must ensure that it abides by the rules of natural justice which ensures treating each side in an equal and fair manner.

5.4 Public speaking may be allowed ahead of enforcement reports to be considered in public session, although the public speaking arrangements should not apply where a report contains exempt information which requires the public to be excluded pursuant to Section 100A Local Government Act 1972.

6.0 Financial implications

6.1 There are limited financial considerations with this report. However, there could be a small additional cost with longer meetings at Adur if more time is allowed for public speaking.

7.0 Recommendation

7.1 The Joint Planning Committee is recommended to:

- i) Adopt the public speaking procedures set out in Appendix II for a 6 month trial period; and,
- ii) Recommend to the Joint Governance and Audit Committee that Adur's public speaking procedures should be amended (as set in Appendix II) and that consideration should be given to excluding this procedure from the Constitution to enable greater flexibility to allow future changes by the Joint Planning Committee.

- iii) Note that in respect of recommendation i) the proposed changes would take immediate effect for Worthing Planning Committee, however for Adur the Public Speaking procedure would not take effect until Adur's Constitution has been amended accordingly.

Local Government Act 1972

Background Papers:

Adur Constitution – Public Speaking Procedures

Guidance Note: Public Speaking at Worthing Planning Committee

Contact Officer:

James Appleton

Executive Head of Planning, Regeneration and Wellbeing

Portland House, Richmond Road, Worthing

Telephone number 01903 221333

E-Mail address james.appleton@adur-worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

- 1.1 i) Protecting front line services.
- ii) Supporting and improving the local community.

2.0 Specific Action Plans

- 2.1 i) Listen and engage with other communities.
- ii) Modernise access to services.
- iii) Reduce red tape in planning regulation and regeneration and increase the opportunities for communities to be more involved in decisions.

3.0 Sustainability Issues

- 3.1 Matter considered and no issues identified.

4.0 Equality Issues

- 4.1 Matter considered and no issues identified.

5.0 Community Safety Issues (Section 17)

- 5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

- 6.1 Appropriate arrangements to allow public speaking at Planning Committee can help to ensure that proposals do not impinge on anyone's human rights.

7.0 Reputation

- 7.1 Public speaking arrangements enhance the reputation of the Council by involving the public in the decision making process.

8.0 Consultations

- 8.1 Internal consultation with Officers and Members.

9.0 Risk Assessment

- 9.1 Matter considered and no issues identified.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Development Management is now a joint service albeit reporting to two different Planning Committees. A joint policy would assist joint working and simplify procedures for administering public speaking at meetings.

Appendix 1

Public Speaking at Planning Committees Worthing

“Public Speaking at Planning Committee Meetings

Members of the public have the opportunity to speak at Planning Committee meetings when planning applications or possible enforcement action is being considered and therefore we want this procedure to be easy to use and fair to everyone. We would welcome your views on the current arrangements set out below. The following note tries to answer most questions about the scheme but if you require any further information please contact the Planning Services Section on 01903 221065.

Does the Right to Speak scheme change the way planning applications are publicised?

No. Neighbouring properties will still be notified by letter and a site notice displayed for major and more contentious schemes. A notice in the local press will also advertise all planning applications. You will need to submit your comments to the Development Control Manager within 3 weeks of being notified although a longer time period will be given in some cases for large scale development proposals. If the planning application goes to committee a summary of the comments received will be included in the Officer's written report. All letters received go on a file, which is available for public viewing.

How often does the Planning Committee meet?

The Planning Committee generally meets once every three weeks. It is normally held on a Tuesday afternoon starting at 2:00pm. It is held in Committee Room 2 on the first floor of the Town Hall, Chapel Road.

Who attends Committee?

There are 9 Councillors representing the two main political groups in the Borough. There are also planning officers, a committee clerk and a solicitor attending the meeting to provide advice to Members. There are often representatives from the local press in attendance.

Who will be invited to speak at Committee?

Applicants/agents and all other members of the public including Residents' Associations and amenity groups who have made representations regarding an application or enforcement matter, which is to be considered by the Planning Committee, can register to speak.

A number of planning applications fall to be determined by Officers under the Council's approved Scheme of Delegation and will not be presented to the Planning Committee for determination. It is not always possible to determine the decision method until the stage at which the Case Officer is formulating a recommendation. Therefore, it is not possible for the Council to accept 'prior' or 'holding' requests to speak.

If I comment on a proposal do I have to speak at Committee?

No. As your interest in the proposal will be reported to Committee anyway it is up to you whether you speak or not. You are welcome to attend to hear the discussion and decisions made on any matter on the agenda.

How long will I have to speak?

There will normally be a maximum of 12 minutes public speaking time allotted to each development proposal (6 minutes for objectors, 6 minutes for the applicant and supporters). We will encourage interested parties to get together to co-ordinate the use of the time or to nominate a spokesperson by putting people in touch with each other. Each speaker will have a maximum of 2 minutes per person and this will be strictly enforced by the Committee Chairman to ensure fairness between supporters and objectors and to ensure that applications are dealt with efficiently and fairly within a reasonable length of meeting. Exceptionally the Chairman may allow additional time at his/her discretion. For major housing developments of over 100 dwellings and large scale commercial/retail of over 100 square metres 5 minutes per speaker will be allowed (15 minutes for objectors and 15 minutes for the applicant and supporters).

Who will speak first?

The Planning Officer will present the case providing any necessary updates. As part of the presentation a short video and/or photographs of the site and surroundings will be shown on monitors to the Committee and the public gallery. The objectors will then be invited to speak followed by the applicant or supporters.

Will I be asked questions?

Members of Committee may ask questions of speakers only in connection with matters of clarification. They may also ask the Planning Officer to comment on what they have heard. Members of Committee will then debate the proposal and make their decision.

Can I ask questions?

You may include questions in your submission but other speakers cannot be compelled to answer them. If you have a question that Officers could answer it would be best to let us know the question before the meeting so that relevant information can be gathered. You will not be allowed to interrupt someone else or take part in the Members' debate.

In preparing my statement which issues are relevant?

Speakers should direct their comments to relevant planning issues, for example: external design, appearance and layout of the development; impact on trees and nature conservation

or overshadowing and privacy; highway safety and; planning policy and government guidance. Further guidance can be obtained from the leaflet 'Planning Applications - Can I Comment?' Click [here](#) to view (opens new window).

Which issues are not relevant?

Speakers should avoid referring to matters that are not relevant planning considerations, for example: boundary disputes or other property rights; the applicant's motives, character or reputation; loss of property value, or loss of a view; or matters covered by other legislation. If you are unsure you can always check with the Planning Officer as each proposal may raise different issues.

Please do not present any new material or comments at the Committee meeting unless in response to the [Committee report](#). All comments regarding a development proposal should be submitted formally in writing to the Council **in advance** of the Committee meeting in order to enable them to be fully considered. It is not normally possible for representations to be considered at the Committee meeting unless they have been submitted during the formal consultation process.

Speakers are encouraged to write out their speech beforehand or, at any event, take notes of the matters on which they are to address the Committee. Speakers are advised also to speak slowly and clearly and adjust the microphone where necessary.

If I want to speak what should I do?

Committee agendas are published 5 working days before the date of the meeting. A copy of the agenda is available on the Council's website and the Committee file is available for inspection prior to the meeting (preferably with 24 hours notice). This will give you the opportunity to see the Planning Officer's report and recommendation to the Committee.

If you want to speak in connection with a particular agenda item you need to let us know by contacting our Democratic Services Officer, Heather Kingston on 01903 221006 or the Democratic Services Officer, Neil Terry on 01903 221073 by 12 noon on the day **before** the Committee meeting (usually a Monday).

Times, dates and venues for Planning Committee meetings are available from the Council's website or from the Democratic Services Section on 01903 221011.

Speaker	Time Allowed	
Planning Officer - to present and, if necessary, update the report, particularly regarding further written representations received		
Objectors to the Application	2 minutes per speaker Maximum of 3 speakers	5 minutes per speaker in connection with large scale developments* Maximum of 3 speakers

Applicant/Agent/Supporters	2 minutes per speaker Maximum of 3 speakers	5 minutes per speaker in connection with large scale developments* Maximum of 3 speakers
Committee - to debate and determine the application, involving officers as necessary.		
Worthing Borough Council Members - are entitled to address the Committee at the discretion of the Chairman in accordance with Standing Orders. Therefore, they are excluded from this process.		

* Defined as development proposals over 100 dwellings or 10,000 square metres of commercial leisure or retail floorspace.

Public Speaking at Planning Committees Adur

“Speaking at the Development Control Committee

Updated and Republished May 2009

Welcome

Welcome to Adur District Council's Development Control Committee.

Public speaking to object to or support planning applications is now an established part of our Council's procedure at Development Control Committee meetings. This leaflet aims to answer any queries you may have about this. I hope you find this information useful.

Councillor Pat Beresford
Chairman of Development Control Committee

Public Speaking

Public speaking at meetings of the Development Control Committee shall apply to planning applications. Comments made to the Committee must be relevant to planning issues.

Examples of relevant planning issues:

- External design, appearance and layout of the development;
- Impact on trees and nature conservation or overshadowing and privacy;
- Highway safety;
- Planning policy and government guidance.

Examples of non-relevant issues:

- Boundary disputes or other property rights;
- Loss of property value or loss of a view;
- Matters covered by other legislation;
- The applicant's motives, character or reputation.

Will I be able to speak?

You may speak at the meeting if you are:

- An objector;
- A Parish Council representative;
- A Ward Councillor;
- An applicant (or their representative) but only if:
 - (i) the officer's recommendation is to refuse; or
 - (ii) there are Ward Councillors speaking against the application; or
 - (iii) there are objectors speaking against the application; or
 - (iv) the Committee are minded to go against the officer's recommendation for approval.

Do I need to register to speak?

Yes. If you wish to speak at the meeting you must give advance notice of your intention to do so to Development Control and / or Democratic Services.

What if I am one of several objectors?

Objectors must agree between themselves who is to address the meeting. The Chairman has discretion to allow more than one objector to speak within the total permitted time for objectors (3 minutes) but only if the second objector has a different issue to raise.

Can I speak again if the decision on an application is deferred to a future meeting?

If the decision on the application is deferred (e.g. for a site visit or further negotiations) you will be able to speak when the application is considered again.

When will I speak?

The order, and time allowed, for speaking at meetings will be:

Speaker	Time Allowed
Objector(s)	3 minutes in total
Parish Council Representative	3 minutes
Up to 2 Ward Councillors or 1 and an adjacent Ward Councillor (or in exceptional circumstances another Councillor)	3 minutes each
Applicant or agent / supporters	3 minutes in total
The Committee - to discuss the planning application, involving the officers as necessary.	No time limit at the meeting.

There will be no right for others to speak at the meeting. You can not speak again at the meeting on the same application.

Who will invite me to speak?

The Chairman of the meeting will invite you by name.

Can I question other speakers?

Speakers can not question other speakers, Officers or Councillors. You should address the Chairman and speak on relevant planning issues only. Councillors and Officers can question speakers for clarification purposes only.

About the Development Control Committee**Membership:**

There are 9 Members on the Development Control Committee:

Councillors Pat Beresford (Chairman), Angie Mills (Vice-Chairman), Brian Boggis, Brian Coomber, Emma Evans, Fred Lewis, Peter Metcalfe, Janet Mockridge and Ben Stride.

The meetings of the Committee until May 2010 are as follows:

26 May 2009, 22 June 2009, 20 July 2009, 17 August 2009, 14 September 2009, 12 October 2009, 9 November 2009, 7 December 2009, 4 January 2010, 1 February 2012, 1 March 2012, 29 March 2010, 26 April 2010.

Meetings start at 7:00pm.

Where does it meet?

At the Civic Centre, Ham Road, Shoreham by Sea.

Where can I see the agenda and a list of registered speakers?

Copies of the agenda and the list of registered speakers are available at the Adur Help Point in the Civic Centre. A limited number of agendas will be available at the meeting.

You can request a copy of the agenda from Democratic Services (01903 221073) or view it online at www.adur.gov.uk. You can also see a copy of the agenda at your local library, Citizen's Advice Bureau or Parish Council office.

Where can I get more information?

Development Control (about planning issues):

01273 263222 or 263239 or developmentcontrol@adur.gov.uk

Democratic Services (about the meeting or Councillors):

01903 221073 or demsers@adur.gov.uk

Appendix II

Proposed - Public Speaking at Adur and Worthing Planning Committee

Speakers are encouraged to write out their speech beforehand or, at any event, take notes of the matters on which they are to address the Committee. Speakers are advised also to speak slowly and clearly and adjust the microphone where necessary.

If I want to speak what should I do?

Committee agendas are published 5 working days before the date of the meeting. A copy of the agenda is available on the Council's website and the Committee file is available for inspection prior to the meeting (preferably with 24 hours notice). This will give you the opportunity to see the Planning Officer's report and recommendation to the Committee. If you want to speak in connection with a particular agenda item you need to let us know by contacting our Democratic Services Officer, Heather Kingston on 01903 221006 or the Democratic Services Officer, Neil Terry on 01903 221073 by 12 noon on the working day **before** the Committee meeting.

Times, dates and venues for Planning Committee meetings are available from the Council's website or from the Democratic Services Section on 01903 221011.

Speaker	Time Allowed	
Planning Officer - to present and, if necessary, update the report, particularly regarding further written representations received		
Objectors to the Application	2 minutes per speaker Maximum of 3 speakers	5 minutes per speaker in connection with large scale developments* Maximum of 3 speakers
Applicant/Agent/Supporters	2 minutes per speaker Maximum of 3 speakers	5 minutes per speaker in connection with large scale developments* Maximum of 3 speakers
Parish Council Representative (where relevant)	2 minutes	

<p>Up to 2 Ward Councillors or 1 and an adjacent Ward Councillor (or in exceptional circumstances another Councillor)</p>	<p>2 minutes each</p>
<p>Committee - to debate and determine the application, involving officers as necessary.</p>	<p>No time limit at the meeting</p>

* Defined as development proposals over 100 dwellings or 10,000 square metres of commercial leisure or retail floorspace.