

## Worthing Planning Committee

<b>Date:</b>	<b>Tuesday 22 September 2015</b>
<b>Time:</b>	<b>6:30pm</b>
<b>Venue:</b>	<b>Assembly Hall, Stoke Abbott Road, Worthing</b>

**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](mailto:heather.kingston@adur-worthing.gov.uk) before noon on Friday 11 September 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 26 August 2015, which have been emailed to Members.

**3. Items Raised Under Urgency Provisions**

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

**4. Planning Application**

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

**5. Public Question Time**

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

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

**Part B - Not for publication - Exempt Information Reports**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	Carmel Briody Senior Solicitor 01903 221124 carmel.briody@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  
22 September 2015

Agenda Item 4

Ward: ALL

Key Decision: Yes / No

## Report by the Director for the Economy

### Planning Applications

1

Application Number: **AWDM/1636/14** Recommendation – **Approve**  
Revised

Site: **The Aquarena, Brighton Road, Worthing**

Proposal: **Revised application for demolition of the Worthing Aquarena and car park and the erection of 147 residential apartments including 39 affordable homes and a commercial unit (unspecified use class) within building blocks ranging from 4-21 storeys in height incorporating a basement car park comprising 69 public spaces and 150 private spaces plus areas of public and private open space with associated landscaping and access arrangements.**



Application Number: AWDM/1636/14  
Revised

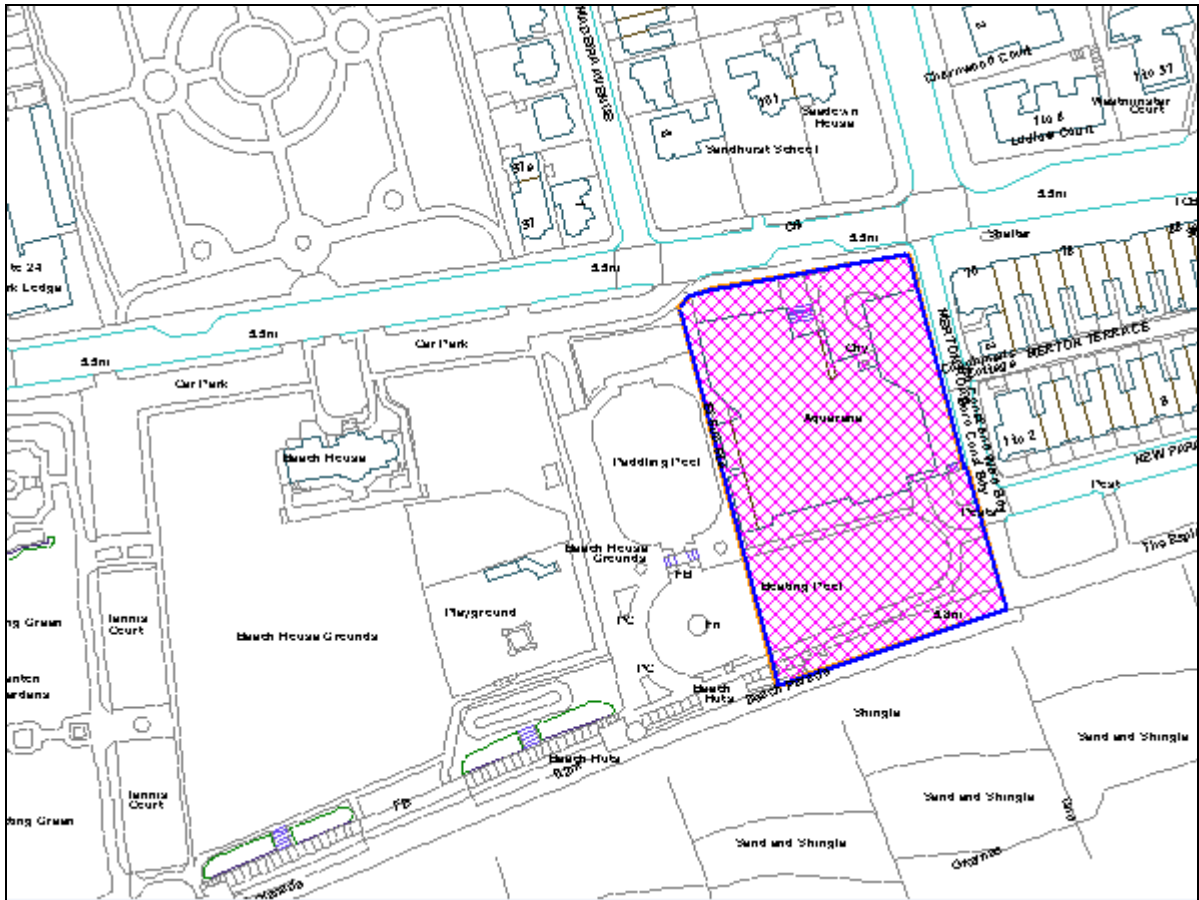
Recommendation – Approve

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Applicant: Roffey Homes  
Case  
Officer: Paul Pennicott

Ward: Central



Not to Scale

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## **Introduction**

Whilst there are a number of issues to consider in the determination of this application it has become clear from the large number of representations received in respect of the original application and the revised application that the main concerns of the public, local residents, amenity groups, Historic England (formerly English Heritage) and the Coastal West Sussex Design Panel are the: principle of a tower on this site; the height and design of the tower; overall density; integration of the tower and the other residential blocks into the surrounding area (including the impact upon the amenities of the area - especially residential amenity); the impact upon heritage assets; and, the impact upon the general character of the area as a whole.

These are the principal concerns expressed in over 500 responses received in relation to the original application and over 700 received in relation to the revised application. However, there are also a number of other issues which are important to the public and local residents such as access and car parking, and there are also a number of less controversial issues, some technical, which the proposals would address or are capable of being resolved through the imposition of planning conditions and/or Section 106 Agreement (s106). The applicant has agreed to meet a number of financial obligations and provide for affordable housing, public car park and improved public realm all of which will be addressed in the following report.

It is important to stress at the outset that whilst the Council owns the application site, the Planning Committee has to consider this proposal on its planning merits having regard to all material planning considerations. As Members are fully aware, the Planning Committee sits independently of the Council as landowner.

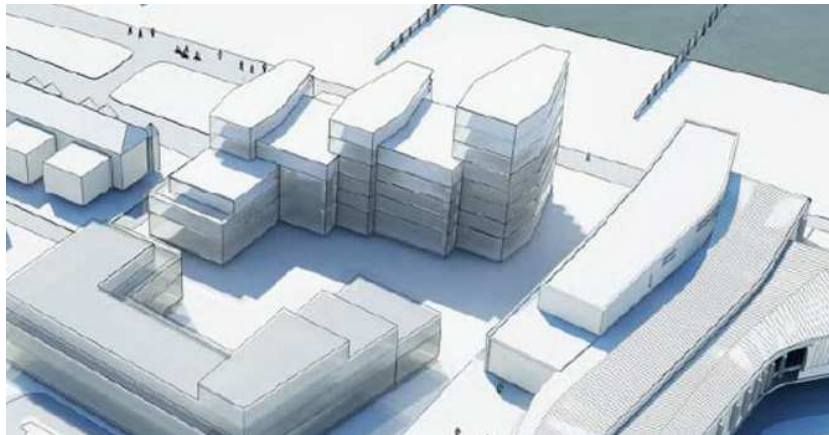
## **Background**

An application under Regulation 3 (10/0489/WBR3 refers) for the construction of the new swimming and health and fitness suite was approved on 14 October 2010. The approved facilities include a café, competition pool, diving/learner pool, leisure pools with wet changing areas, a health and fitness suite with dry changing facilities, and flexible studio spaces and ancillary support spaces, the provision of additional 72 surface parking spaces and alterations to the access.

The impact of the new leisure centre on the setting of Beach House, a Grade II\* listed building was a material consideration and enhancements to its setting through the provision of new walling and railings, and additional planting in Beach House Grounds was secured as part of the approved scheme.

The new pool and leisure facility, now called Splashpoint Leisure Centre, was opened in 2013. A key requirement for the Council was to keep the existing swimming pool open whilst the new facility was being built and this meant that the development costs of the Centre had to be met in advance of the sale of the old pool site which required the Council to borrow a substantial sum of money to meet this commitment.

The original architects for the new Splashpoint facility were encouraged to undertake a masterplanning exercise for the existing Aquarena site to ensure a coherent strategy between the new swimming pool and the adjoining development site. The application for the new pool and leisure facility included three indicative massing studies demonstrating alternative ways of developing the current application site. Whilst, these massing studies did not form part of this application they sought to demonstrate that the proposed pool would not prejudice development on the adjoining site and that new development could successfully integrate with the new pool.



Following a marketing campaign undertaken by the Council, as landowner, the current applicant secured the site, subject to the grant of a satisfactory planning permission. Since 2013 the applicant has been developing his plans for the site and the proposals have been the subject of review by Worthing planners, the Regional Design Panel and latterly the Coastal West Sussex Design Panel (Coastal Design Panel). The submission documents explain the design stages in the process which has led to the current proposals. The original application was submitted in November 2014 but Officers and the Coastal Design Panel considered that it could not support the scheme. Whilst supporting the principle of a tall building on the site the Panel felt that a complete re-design was necessary rather than refinement of the submitted scheme. At that stage the Panel stated that,

*“One of the issues which faces the current tower is its seemingly conventional approach to dealing with many aspects of the building. Without the ability for the design and development team to vary the constituent parts of the tower (including the composition, sectional arrangement and size of units that make up the accommodation on each floor), we fear that this aspect of the project will not achieve the kind of exceptional quality that is required. This building could be a marker for people’s understanding of Worthing and their conception of the town, and needs to have a uniqueness which relates to its Worthing context. This level of attainment is currently missing from the proposed tower.”*

The current revised plans have sought to address a number of concerns expressed by Officers and the Coastal Design Panel.

## **Proposal**

The existing pool building would be demolished and replaced with a contemporary residential development incorporating a commercial unit, areas of hard and soft landscaping, public and private spaces and public realm improvements along the sea front, Merton Road and Brighton Road. The scheme would comprise 147 residential apartments, including 39 affordable homes, and a large commercial unit (particular use classes are not specified in the application). The building blocks would range from 4 - 21 storeys in height above a basement car park comprising 69 public spaces and 150 private spaces to serve the development.

The number of residential units remains the same as the original proposal at 147 but the mix has changed. There would be 1, 2 and 3 bed apartments comprising 30 affordable rented (18 x 1 and 12 x 2 beds) and 9 subsidised market rate (80% of market value comprising 4 x 1 and 5 x 2 beds) tenure giving a total of 26.5% of the development as on-site affordable with an additional financial contribution to fund off-site affordable housing. The revised scheme increases the number of subsidised market rate units from 7 (2 x 1 and 5 x 2 beds) to 9. An alternative proposal removing the subsidised market rate and increasing the offsite affordable housing contribution is discussed later in this report.

The main tower would comprise 43 private apartments and 2 penthouses but in total there would be 108 private open market housing units comprising 7 x 1 bed, 71 x 2 bed and 30 x 3 bed flats. The original scheme comprised 8 x 1 bed, 78 x 2 bed, 21 x 3 bed and 3 x 4 bed flats.

These revised proposals incorporate a range of amendments which include:

- Amendments to the design, form and appearance of the south-west (21 storey) tower
- Amendments to the siting, form and appearance of the north-west block
- Setting back of the apartment blocks fronting Brighton Road by 2.4 metres
- Increased setback of upper floors to perimeter blocks
- Overall amendments to design, form and appearance of the wider scheme
- Increased and enhanced public realm
- Increased on site affordable housing provision from 37 to 39 units
- Increased commercial floorspace from 106 sq m to 313 sq m
- Increase in residents' basement parking from 144 to 150 spaces
- Reduction in public basement parking from 77 spaces to 69 spaces
- Increase in cycle parking from 74 spaces to 100 spaces
- Introduction of delivery bay in Brighton Road
- Suggested public realm improvements to New Parade area of open space and promenade.



## Tower

The main element of the scheme would still be a 21 storey tower sited adjacent to the beach promenade but physically linked to a series of south, east and north facing blocks which create an open south east facing landscaped frontage and an inner courtyard which is open to the west.

The applicant stated that the original form of the tower was inspired by curved, shell-like forms, specifically a razor-clam. Originally the southern balconies were curved and were intended to mimic local Art Deco balcony forms. The entire structure would have been clad in white Corian and drew inspiration from a pearl or the smooth white inner of a shell. There would have been two layers, the inner and outer shell, with the inner shell rising from ground level to the 18th floor clad in a dark, vertically laid glazed tile, designed to catch the light and glisten. The render (outer) shell would have extended from the first floor up to the 16th floor and would be finished in white render.

Since then the design of the tower has been revised with the design changes being based upon the principle of two asymmetrical slender towers joined back to back with principle westerly and easterly orientations. They would have differentiating heights and floors. The design concept incorporates references to the adjacent Splashpoint Leisure Centre with the introduction of three main elements comprising cowls, stacked boxes and inner buildings. The cowls form the spine and frame of the towers and would be clad in dark bronze anodised aluminium panels inspired by the L-shaped cowls of Splashpoint. The twin towers would be separated by a recessed vertical green glazed brick strip laid vertically and washed with light at night. The stacked boxes are a reference to the south facing stacked blocks of the pool used to frame views out to sea and this results in a sinuous ribbon or 'zipper' which snakes its way up the building and drops down the full depth of the building on its north elevation. This ribbon element would be formed from large format white panels with minimal joints echoing the white render used elsewhere within the scheme. The third element is the inner building which would be composed primarily of glass 'gripped' by the cowls and the winding ribbon/zipper.

At ground level the tower is given a visual base with two taller boxes, similar in scale to the adjacent pool buildings, one housing four floors with a strong vertical edge next to the pool and the other eastern tower with the base box incorporating three floors.



a) Seafront blocks

Along the beach frontage the design of the two staggered seafront blocks has been revised to compliment the revised design of the tower. The primary change is to the penthouses which are no longer set back from the front south elevation edges but are now incorporated within a cowl which extends vertically up the west side of each block and across the roof. The recessed link block connecting the tower has been raised by one floor to continue the stepping of the blocks and to create a double height space in the main entrance foyer on the ground floor. The ground floor plan has been amended to include additional one bed apartments giving a greater proportion of smaller units and this helps to rationalise the gardens to the south.



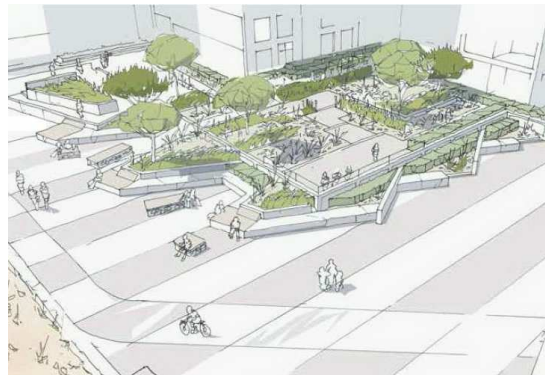
Original Scheme



Revised Plans

The two blocks would be six and five floors respectively as they step down towards the east (Merton Road) and are staggered and set back to align more closely to the front south facing elevation of the adjoining terraced properties in New Parade. The area of private amenity gardens fronting the seafront blocks on this south east corner would be formally laid out with paving, seating and hedge planting for the residents. The area would be raised to accommodate the basement parking and would be enclosed for the most part by walls and ramps. The area of the adjoining publicly accessible space proposed as part of the public realm improvements has been significantly increased along this south east corner. Previously the proposal was simply for a small public corner cut out at the junction of the promenade and Merton Road for public seating but the current proposals now create 508 square metres of space from the application site to create a landscaped area of public open space.

Furthermore, to the east on land in front of and to the south of New Parade which is owned by Worthing Borough Council, the applicant has included an illustration as to how this area could be laid out to provide improvements for public access with enhanced pedestrian and cycle routes.



b) Brighton Road

The following amendments have been made to the Brighton Road blocks in an attempt by the applicant to address some of the criticism that it was over dominant and lacked integration into the public domain:

- The entire block has been set back 2.4 metres to more closely align with the building line of the adjacent parade.
- The penthouse level of the affordable block on the corner of Merton Road has been set further back on the east side from 1.8 m to 3.1 m.
- The entrance to the affordable block has been moved to the north east corner.
- The north west corner has been reduced in bulk and redesigned.
- Three residential apartments have been removed from the ground floor which has increased the size of the commercial space from 106 sq m to 313 sq m.
- The public car park entrance has been moved from the front to the side west elevation to be closer to the public area around the Splashpoint entrance.
- The public realm area has been improved to the frontage with the affordable housing block ramp removed and created internally.
- A deliveries and lay-by drop-off created along the Brighton Road frontage.

In Brighton Road the frontage would comprise a parapeted four storeys block (including the ground floor residential/commercial unit) stepping up to a setback fifth upper floor at the eastern end rising up to the west where it would then become a parapeted five storey block (including the ground floor residential/commercial), stepping up to a setback sixth upper floor. The eastern end of the Brighton Road frontage is designed to accommodate the on-site affordable apartment block.

There would be a commercial unit on the ground floor at the western end of the Brighton Road frontage comprising 313 sq m of floorspace for an unspecified use class.

The inner courtyard would be laid out in a similar way to the site frontage with paving, seating and hedging. Whilst, the public would be able to access this space during the day access at night would be controlled.

There would be a 219 space basement car park with 69 of those spaces available for public use.

#### North west corner

The north-west corner has been reduced in mass although the nine storey element remains, albeit set back from the road frontage. The Design Panel considers that this higher element has an important role along Brighton Road to signify the location of Splashpoint as a public building. This small tower is now framed by a cowl to relate more sympathetically to the tower and Splashpoint. It would have minimal punctured fenestration on the north elevation. The depth of the attached Brighton Road frontage block has been substantially cut back and the top three floors reduced to only one flat per floor to present a more slender building. In total 5 units have been removed from the northern block including the three previously on the ground floor which is now part of the enlarged commercial floorspace.



Sketch identifying changes to the building line, scale, bulk and massing onto Brighton Road.

#### d) Merton Road

The Merton Road elevation has not been the subject of significant change and any amendments have largely been as a result of the revisions made to the seafront blocks and the Brighton Road block. Therefore, at the southern end the block is a parapeted four storeys with two storey penthouses above finished in a contrasting material. The double penthouses were previously set back but have now been brought forward to meet the edges of the block and align the faces with the lower floors. The block at the northern end of Merton Road would be a parapeted four storeys with a setback fifth floor.

#### **Site and surroundings**

This is recognised as a gateway site outside the town centre and is bounded to the north by Brighton Road, to the east by Merton Road, to the south by the beach and promenade and to the west by the new Splashpoint swimming pool and leisure building.

Within the wider area there are a variety of buildings with a predominance of two and three storey residential properties, although larger residential blocks up to nine storeys do exist in a range of forms, ages, heights and styles. To the north lies Brighton Road, along which the buildings range from the grade II\* listed Beach House to the recently constructed leisure building, two storey Victorian terraced buildings with commercial ground floors, three storey Victorian terraced and semi-detached housing, suburban scale period housing, and a mix of purpose built apartment buildings ranging from six to nine storeys.

To the north of Brighton Road lies the Farncombe Road Conservation Area.

To the east lies New Parade and a row of three storey Victorian seaside villas, painted in a variety of colours. To the east of New Parade lies Esplanade Court and Clarence Court, a 6 storeys 1970s block and a four storey 'Art Deco' block respectively.

To the west of the site lies the new leisure pool building, followed by Beach House and Beach House gardens.

The application site currently houses the former Aquarena pool building. The building was completed in 1968 and was until 2013 in use as the town's leisure centre and swimming baths. The existing building has a large footprint, covering much of the site with few windows and a concrete chimney some 27m high, with the remainder of the building around 11m in height. The building has been boarded up since its closure.

It has an on-site car park providing 68 spaces as a decked car park accessed at lower level from the corner of New Parade and Merton Road. Vehicles can gain access to the upper level via a helical ramp located at the north-east of the site. Part of the construction of the new Splashpoint pool included the provision of additional parking spaces located in Beach House Gardens, both to the north and west of Beach House. This old pool still currently allows public car parking for pool users which would be temporarily lost during the redevelopment of the site.

### **Supporting statements**

The applicant has submitted the following supporting statements in respect of these proposals some of which have been revised as indicated:

- 1) Design and Access Statement (revised)
- 2) Urban Design and Landscape Statement (revised)
- 3) Visual Impact Assessment (revised)
- 4) Planning, Regeneration and Affordable Housing Statement (revised)
- 5) Environmental Impact Assessment Statement includes Townscape and Visual Impact Assessment, Heritage Impact Assessment and Socio-Economic Impact Statement (revised)
- 6) Transport Assessment (revised)
- 7) Daylight and Sunlight Report (revised)
- 8) Flood Risk Assessment (revised)
- 9) Preliminary Ground Contamination Risk Assessment
- 10) Preliminary Ecological Appraisal Report and Protected Species Assessment
- 11) Energy and Renewables Statement (revised)
- 12) Code for Sustainable Homes Pre-assessment
- 13) Site Waste Management Plan
- 14) Community Involvement Statement
- 15) Wind Environment Statement

#### **1) Design and Access Statement**

The original Design and Access Statement explained the proposals as follows:

##### Opportunities

- To provide a new waterside community of apartments in a variety of size and tenure, both affordable and market-rate, and ranging from one to four bedrooms.
- To provide new landscaped areas, including an enhanced seafront.
- To provide a new public car park for users of Splashpoint pool.
- To maintain existing sea views as far as possible.

- Respect existing public spaces and encourage their use by residents, whilst adding to the variety of spaces accessible to the public.
- Opportunity to landmark the site and adjacent pool building.
- To remove a local eye-sore and provide a complimentary development to the new Splashpoint pool building.

### Design principles

- Perimeter blocks providing a natural surveillance to both surrounding streets and courtyards.
- Street frontages that are appropriate to location and include entrances and frontages facing public routes, in accordance with 'Secured by Design' principles.
- Effective and efficient use of land.
- The creation of a place where all spaces are owned or have a use.
- The creation of an outstanding building that was grounded in its location.
- Contemporary waterfront design providing large windows for optimum light and views out to sea.
- An opportunity for a 'gem' landmark building to replace a derelict beachfront eyesore and mark the development.
- An opportunity to identify this part of Brighton Road with a marker building to enhance the visual impact of the new Splashpoint pool.
- Create a new sense of place along both Brighton Road and Promenade frontages to mark the pool and compliment the 'active beach zone'.
- Create a complementary development to enhance East Worthing and 'put Worthing on the map'.

### Design concept

The old Aquarena site provides the opportunity to create a distinctive residential development which derives much of its layout, form and appearance from existing environmental and physical features of both the site and its surrounding context.

Our designs have been shaped by the assessment process following analysis of the existing context. The diagram opposite demonstrates how the physical, environmental and planning context informed our design decisions and the shaping of the site layout.

The design development process involved a rationalisation of the ideas considered for the site, which resulted from our early analysis. Exploration into the physical constraints of the site, sunlight and daylight analysis, planning constraints, history and future aspirations, all fed into and informed the design process.

At the root of this was a desire to create a forward-thinking development of the highest quality, worthy of this key site on the eastern gateway to Worthing Town Centre.

The site also offers a unique opportunity within Worthing for a development such as this. The site represents the coming together of several unique characteristics which, when combined, enable a building of some height without negative impact on neighbouring properties;

- The site is of sufficient size that a taller element located in the south-west corner would be over 60m from neighbouring properties on Merton Road and over 100m from properties on the north side of Brighton Road.
- The site has no residential buildings to the south, and the nearest to the west is Beach House, also located over 100m away.
- The immediate context to the site has no overriding 'shoulder' height, such as a uniform parapet height for example, which would provide a visual clue to proposed scale. In reality, the surrounding buildings vary from single storey up to nine storey.
- The site occupies an isolated street 'block', with roads to two sides, the beach and the pool to the other two.
- The site's location at the entrance to the town centre provides contextual opportunity for landmarking or placemaking.

### Design evolution

Early site layouts explored the ideas generated by analysis of the opportunities and constraints of the site, and further informed by the masterplan for the wider site. The various schemes and their evolutions are explained by the applicant to show how he has arrived at the final submission proposal.

The report also examines

- the low rise philosophy
- the tower design
- the detailing and materials
- the use and amount
- sustainability
- the influence of wind
- Maintenance and management
- Landscape
- Lighting

The report considers access for

- Pedestrians and cyclists
- Emergency
- Refuse
- Service
- Car parking
- Inclusive access

The revised Design and Access Statement covers similar general areas but then refers specifically to the summarised comments of the Coastal West Sussex Design Panel when it stated that a strong case has been made for a tower of the proposed height and when paired with a suitably high quality of architecture it would feel able to support the scheme although at that time it remained concerned that the form and expression of the tower had yet to be successfully resolved. The Statement then explains the evolution of the changes and describes the revised scheme and the individual amendments

It concludes that this has been a comprehensive design development and analysis process has taken place over a three year period, during which time the proposals have been refined and tested visually from many viewpoints across Worthing and the wider area. Given the gateway location of the site, its proximity to amenities, and its 'urban block' size, right on the beachfront, this is a unique location in Worthing for a tall building which will act as a landmark and a symbol of Worthing's regeneration.

## **2) Urban Design and Landscape Statement**

This statement covers:

- The site in context
- The regeneration rationale
- Creating a landmark
- The proposal
- SPD points checker
- Landscape and public realm
- Hard landscape strategy
- Planting strategy
- Lighting strategy
- Furniture strategy

The applicant sets out his reasons for the proposals below:

### Why here?

- a prominent location in the town and its regeneration is of great importance to Worthing as a step forward driving its future
- on a major arterial and coastal route ensures the site will be noticeable to all approaching from the east. It therefore makes a statement about the town and expresses a new identity of ambition and energy.
- is well connected in terms of peoples movement and transport, as well as its prominence on the seafront, this site is high profile within the town.
- the regeneration of this site would benefit the wider area too with investment contributing to improvement works of the promenade, seating and lighting.

### The Existing Pool

- The former Aquarena is predominantly concrete with brick infill and metal cladding. It has a flat roof and a chimney of about 27m tall.
- The built form had little active frontage and connectivity to the street with the entrance being away from the road edge and at a higher level, accessed by stairs.
- All elevations have blank frontages. There are high level windows and elevated walkways around the buildings but there is a disconnection between the building, users and its surroundings.
- The on-site car park is half basement and half a storey off the ground, creating a car dominated street elevation along Merton Road and at the main entrance. The pedestrian environment is made worse by the narrow footpath alongside the parking garage.



- The southern elevation makes nothing of its proximity to the sea, instead having high level windows and a blank brick wall at eye level.

### Urban Design Rationale

- Maintain and enhance the character of the Promenade, Brighton Road and Merton Road through the continuation of the built form that contributes to the character which includes height, scale, mass, grain, skyline treatment, building set backs, open space and enclosure.
- The retention of the principle building line and grain present along Brighton Road and along Merton Road to maintain the principle of a generous frontage characteristic of east Worthing;
- To maximise the opportunities present within the Site.
- To respect the building heights either side through stepping up of the building heights from south to north and from east to west;
- To provide a positive addition to the skyline in views from the east and from the west. In views from the north through understanding the cluster of tall buildings in east Worthing.
- To provide a new building which positively landmarks the location of Splashpoint Leisure Centre and provides a positive frame to the end of the Active Beach Zone;
- to provide environmental improvements to the promenade public realm and in order to a create a positive termination to the beach vista;
- To not diminish the presence of the Splashpoint Leisure Centre on the promenade and allow it to be the closest point in the townscape to the beach;

In addition the proposals seek to:

- Use light coloured materials which continues the tradition of sea side developments,
- Be of a scale which bookends the Active Beach Zone and public character of the seafront without being overbearing in the town.

In accordance with the SPD the proposed development should:

- Deliver Symbolic Qualities by addressing the existing character of the Worthing Seafront both in the building height; shape; form; and elevational treatment.
- Understand and respect the local context which will inform the appropriate massing, scale and height of the buildings. The proposed development should therefore complement the existing urban fabric; promote a high level of interest at ground level and integrate visually with the streetscape; enhance public realm, add vitality and regenerate areas; provide (where appropriate) a mix of uses.

### Creating a Landmark

Establishing Height.

- In 2008 Worthing Borough Council commissioned a development brief, produced by GVA Grimley, which found the site to have the following attributes:-

‘A key regeneration site’

‘A gateway location relative to the town centre’

‘There is recognised potential for a taller element of the development on the seafront.’

- A study of the effects and potential of the scheme to have a landmark building were then tested. Different storey heights were then modelled. This would also establish at what height the development could reach. Key views, from both east and west were tested to see when the building became visible, when it achieved a height at which it was a landmark and when the form came too dominant in the view. These studies were done from several locations as it was apparent that each massing had a different relationship in each view, some not showing the building until 15 storeys and others where as much taller forms performed well as a landmark. The heights of each study were then assessed, discounting forms which were under performing as a landmark or being overly dominant in proportion to their surroundings.

The following series of drawings show an existing view with the scheme modelled into it at 12, 15, 20 and 24 storeys for the south west block and 5, 9, and 13 storey for the north west block. The locations were chosen where the scheme would be seen as a landmark and gateway and at key locations.

The landmark study showed how the south west and north west taller blocks would complement the views and work together to achieve the gateway feature. Where one building became masked by existing townscape elements, the other one became the focus. For example, on the eastern approach, the twenty-one storey building is immediately visible, but on its own.

As the viewer enters the more built up end of Brighton Road its view is blocked by the existing buildings along the beach side of Brighton Road. It is at this point that the nine storey becomes visible and then performs as a much more local gateway.

### Scale and Mass

The desire to create strong street frontages and landscaped spaces resulted in perimeter blocks to the north and east of the site, each fronting on to their respective roads. The southern elevation respected the New Parade building line and views which in turn helped form the front terrace.

The height was then thoroughly tested in elevation to find the best relationship between the neighbouring buildings and each other. Pushing and pulling the heights to various storey heights found a balance with the height being in the south western corner of the site, which kept it furthest away from the existing residential buildings. The supporting blocks then worked around a datum height of 5 storeys, which allowed the tower to sail free and keep in context of the neighbouring structures. Twenty-one storeys kept the form of the tower slender. This testing was done in both east and south elevations (sea) elevation to see how the mass and form would relate also to the pool.

Earlier iterations had displayed long deep elevations which seemed to compete too much with the pool and block out a lot of views from existing properties when looking from the west. By using the northwest and southwest blocks to bookend the pool, the latter becoming almost a vertical expression of it, created a better, more proportional view. The tower was made slender by having only two units per floor, thus creating a small floor plan.

## The Proposal

### Built Form

The proposal comprises of six buildings amalgamated into two forms, each addressing their respective elevations. The south west block is made up of a twenty-one storey tower stepping down to a seven (five with penthouse) and six storey (four with penthouse) block on the sea front. The north block starts at four storeys (with penthouse) along Merton Road and gradually steps up to eight (with penthouse) to address the new pool and square. The entire development will be serviced by an underground parking garage which will include public parking.

### Proposed building typologies

The proposed scheme offers three building typologies which can be defined, according to Worthing's Tall Building Guidance (June 13) as:

- Mid-rise four to six storeys;
- High-rise - seven to ten storeys;
- Very tall – eleven storeys plus.

These typologies have been defined specifically to relate to the local Worthing context and would be deemed very low in many other towns and cities. The existing and proposed structures within Worthing are between one and twenty-two storeys, (based on the current plans of Teville Gate). These commonly used categories have been scaled down from a higher urban context where mid-rise buildings are usually from twelve to twenty storeys and high rise are from twenty to forty-five plus storeys.

These buildings create a strong streetwall along Brighton Road and Merton Road, a continuation of the existing terraced shops. The north elevation also allows the tower to address the public space with more autonomy. The southern elevation also ranges from five to seven storeys which allows the taller element to sail free and celebrate its height, allowing it to be a singular presence in the sky. The setbacks and articulations create a consistent base datum for the tower when seen with the neighbouring residences and Splashpoint pool.

### Mid rise

The blocks on the northern and eastern elevation are largely the most important to the success of this scheme. How they relate to the site and its surrounding context enable the rest of the proposals to maximise their potential. The midrise structures perform two functions:

1. Create a perimeter block, enhancing existing street character;
2. Enable a 'step change' increase from existing buildings up to higher blocks and facilitate higher structures on the site.

As perimeter blocks, the structures define the edge of the development and the character of the area by reinforcing the grid like nature of the street pattern and how the existing buildings sit in relation to the street. Much more can be done to activate the streets in this area due to the very negative relationship of the current pool's subterranean car park on the pedestrian experience.

The step up to higher blocks is graduated by increasing the structures as they move away from the surrounding two and three storey buildings. This is achieved with setbacks and articulation of the elevations. The blades or planes of render on the north elevation overlap creating a language of proportionality and scale as they envelope the base of the northwest block so that at ground level the pedestrian perception of the height is lower, creating a more consistent and comfortable street scene.

### High Rise Blocks

The aforementioned northwest block is a nine storeys. It relates to existing buildings on Brighton Road, forming a commonality in townscape but due to a closer proximity to the road, acts more as a marker along the route. The northwest block helps to anchor the taller block when looking east from the promenade and Beach House gardens whilst not competing with it. Approaching the site along Brighton Road or those leaving Worthing, east or west, this building acts as a gateway and landmark for East Worthing and acts as a signifier for the new pool. From the east, along the coast road, the main tower is seen on its own, and the northwest block doesn't become apparent until you are within the urban grain where it becomes a very relevant landmark, acting as the gateway.

It addresses the civic space in front of the pool and the courtyard, having a strong facade on both. The ground floor commercial unit would have a transparent corner, allowing a visual connection to the pools entrance from the footpath, which in turn would benefit from heightened surveillance.

### Southwest Tower

The Southwest block is twentyone storeys and will be the tallest building (not including Teville Gate) in Worthing. Its height has been determined by the proportional increase from four storeys on the front corner, through to seven at its adjacency. The floor plan has been reduced to create a slender form. The height has been tested to see when the proportionality becomes strained i.e. too short may be too squat or if too tall, the form may appear too skinny. The other buildings have dropped significantly in height from previous iterations. It landmarks the site and creates a visual connection to Worthing from further afield and offers a unique living relationship with the sea and sky.

The block is 50m from the nine storey block in the North West of the site, and as far away from surrounding lower residential buildings as possible, giving more weight to the reasoning for the main development height being in this location.

By being furthest away from other residences it pushes the tower next to the new pool. This creates energy between them but also a design challenge on how to complement the new ambitious form of the pool without dominating or competing with it. The grounding of the tower allows the pool's cantilevered viewing level to be the most prominent feature on the seafront when looking along the promenade from both directions. Without the tower the pool is less noticeable from further away, its form becoming inconspicuous in the landscape. The taller element of the scheme seeks to landmark the pool and draw interest along the seafront, increasing foot fall and people's interaction and enjoyment of the amenity available. It connects people to the beach; to the building will create interest in the area and act as a draw along the promenade, which will in turn create footfall and investment.

### Urban Grain and Street Character

The proposal compliments the street edges, consistent with its surroundings which maintains the exiting urban grain and reinforces the street character. This is achieved by having a perimeter condition for half the entire site, the other half being given to open space. This gives the site a very strong presence in the townscape, reinforcing the town street block character.

### Character

The proposal seeks to create a strong identity, remaining of Worthing in materiality and design whilst promoting an area of distinction and legibility. East Worthing has many styles and forms of building making the task of fitting a new scheme into the area a challenging one. The scheme is robust and in-keeping at the same time, complementing its urban structure.

There is a consistency of frontages with legible floors and entrances. Signage, lighting and planting also create a clear defined public realm and promote ease of movement through the area. 6.1 The following section sets out the key summary points of the Tall Buildings SPD and where in this document they have been considered and addressed. A summary response to each of the points is also provided.

### Tall Buildings SPD Summary Points Checker

The following section sets out the key summary points of the Tall Buildings SPD and where in this document they have been considered and addressed. A summary response to each of the points is also provided.

- “Tall buildings are those that are substantially taller than their neighbours and / or which significantly change the skyline.

Design response:

The proposed buildings have been arranged to move the height away from sensitive neighbours. By stepping up to the tallest element, mass is maintained whilst reducing any sense of overbearing. Where the buildings are taller, they have been articulated with set backs and wrapped with lower elements to keep a human scale at street level.

- Designers of tall buildings in Worthing should be clear about the character and role of their proposals and how these will fit into the wider urban context.

Design response:

The character of the proposed buildings will maintain the character of the cluster of taller buildings along Brighton Road and the tallest building will landmark the site. The buildings will be predominantly residential, with a ground floor commercial unit to the north west corner, consistent with this area of Worthing.

- Different forms of tall buildings will have different impacts and positive / negative connotations for a given site. Consideration of the most appropriate form of development should be explored at the options development stage.

Design Response:

The geometric shape of the Site; the adjacent building lines; the shape and form of the adjacent buildings; the location of the Site as a corner junction with Brighton Road and Merton Road have all shaped the design response to create a building that responds to characteristics of the neighbouring buildings and townscape character areas.

- Tall buildings should be sited and designed in order to maximise their potential to add vitality to the area and contribute towards meeting regeneration objectives.

Design Response:

The proposed development looks to maximise the site attributes whilst minimising the townscape and visual impact. The proposals will develop a derelict site, removing an eyesore of a building and chimney which will benefit the existing townscape character. It is necessary to not only ensure that tall buildings are located strategically in the right place (which promotes their sustainability) but also to ensure that their impacts at the local level are positive and appropriate.

- It is necessary to not only ensure that tall buildings are located strategically in the right place (which promotes their sustainability) but also to ensure that their impacts at the local level are positive and appropriate.

Design Response:

The site is located close to existing facilities (retail, leisure, education and healthcare) and transport links, making this a sustainable location. The additional dwellings will have a positive impact on many of the local facilities.

- Proposals for tall buildings should learn lessons from the past and deliver excellence in design.

Design Response:

The proposals have undergone a rigorous design process, to ensure the most appropriate design for the site and context. A thorough examination of other tall buildings has informed this process and enabled lessons learnt to feed into the design proposals.

Assessment Criteria:

Part 3 – Locational Criteria

- Proposals for tall buildings should seek to strengthen existing centres by focussing intensification on areas well served by existing facilities and services. Proposals which are located in areas which do not strengthen existing centres are far less likely to be supported.

Design Response:

The design has been developed in the acknowledgement that the area is well served by amenities, such as the gym, pool, healthcare and transport links. The proposals also

include 77 new parking spaces for public use, which should alleviate parking problems in the area.

- Proposals for tall buildings must understand and respect the fine historic townscape and character of Worthing. As such, their design would need to fully consider the potential impacts on each historic asset adjoining, or in close proximity to, the proposal site.

Design Response:

The proposals have been designed with full regard to context. Particular attention has been paid not only to the proximity of Beach House and the Farncombe Road conservation area but also the Victorian villas on New Parade.

- Tall buildings will not be permitted on land that currently falls outside the Built Up Area Boundary of the Borough (as illustrated on the Core Strategy Proposals Map).

Design Response:

The Site lies wholly within the Worthing townscape and therefore forms part of the existing Built Up Area.

- The relationship of any new tall building with its topographical context must be appropriate for its urban role within the town.

Design Response:

The topographic context to the town is informed by the sea and the South Downs ridge lines to the north. The development of this Site is consistent with the townscape approach to the seafront.

- Tall buildings should compliment, and not compromise strategic views, in the Borough and respect significant local views

Design Response:

Whilst there are no strategic views identified in local planning policy, a VIA will accompany this document. Views have been considered from within designated townscapes and landscapes. Views from these locations include views of the wider developed seafront.

- Land that is currently used for recreation or informal open space is not appropriate for tall buildings.

Design Response:

The Site does not lie within an area of public open space. The setting and adjacent site is has an abundance of open space in the parks, gardens, seafront and promenade.

- The development of tall buildings should add vitality to the town by creating vibrant and lively environments.

Design Response: The development integrates with the entrance plaza of the Splashpoint Leisure Centre and will add vitality with increased footfall and investment.

- Where appropriate, proposals must ensure that the symbolic qualities of tall buildings build on and exemplify the regeneration of the town centre and seafront.

Design Response:

The tower has the potential to become a symbol of Worthing as a vibrant and forward thinking place and a catalyst for the regeneration of wider areas of East Worthing seafront and beyond. It will add a visual destination marker to the seafront and pool and its contemporary form will provide an attractive modern addition to the skyline.

#### Part 4 – Design Criteria

- It is vital that proposals for tall buildings relate and respond to the townscape and enhance the public realm. To ensure this proposals must:
  - understand and respect the local context which will inform the appropriate massing, scale and height of the building;
  - complement the existing urban fabric;
  - promote a high level of interest at ground level and integrate visually with the streetscape;seek to enhance the public realm, add vitality and regenerate areas.

Design Response:

The site has been designated by Worthing Borough Council as able to support taller buildings. As an iconic form and symbol of regeneration, its wide reaching benefits through investment and footfall will greatly improve the look and feel to East Worthing. The grounding of the tall element is almost on the promenade, creating interest and natural surveillance to an area which has had incidents of vandalism. The development form as a perimeter block, adds clearly defined public and private spaces, in the fact that it can be secured, and the legibility it currently lacks.

- It is vital that proposals for tall buildings relate and respond to the townscape and enhance the public realm. To ensure this proposals must:
  - understand and respect the local context which will inform the appropriate massing, scale and height of the building;
  - complement the existing urban fabric;
  - promote a high level of interest at ground level and integrate visually with the streetscape;
  - seek to enhance the public realm, add vitality and regenerate areas;
  - provide (where appropriate) a vertical mix of uses.”

Design Response:

The proposals are notable in three main areas;-

1. The streetscape;
2. The courtyard and terrace;
3. The promenade.



At present the streetscape is dominated by the old multi-level carpark and a narrow footpath dominated by the busy Brighton Road. Its removal will bring windows to what was a blank, dark and inactive facade and the widening of the footway along Brighton Road will be a better environment for pedestrians with the inclusion of street furniture and new trees. The courtyard and terrace will become a focal point for both new and existing residents. Its contemporary form and planting will add a variety of visual amenity than currently available. The promenade needs improvements to its surfacing, lighting and seating, as well as creative new ways of activating under utilised areas. These improvements will link to the town centre, fulfilling the councils ambition to create an Active Beach Zone character area. Public art and lighting installations will also increase interest and provide a new destination on the seafront.

As a scale comparison with other buildings, both regionally and nationally, 21 storeys or 65 metres is not particularly high. Its height to width proportionality keep the built form slender, making it seem taller. In some other contexts, this would not be considered a 'very' tall' building.

A tall building should maximise the site and location which this does, remaining appropriate to its surroundings.

The report also refers to landscape and public realm in terms of the terrace, the courtyard, streetscape, surfacing, planting and lighting.

The report concludes:

The building and landscape respond to this remarkable location. The design reflects characteristics and features of Worthing, in its approach, creating a contemporary expression in Worthing's landscape.

The building and landscape have been designed in tandem, creating a harmonious and robust urban solution for this key seafront regeneration site.

The longevity of the scheme is assured by the selection and specification of high quality materials, which is in a highly public and well trafficked place on the seafront and Brighton Road. The design provides a unique, high quality scheme, which will benefit Worthing as a landmark and an iconic focal point in Worthing's urban fabric.

The Urban Design and Landscape Statement Addendum sets out the amendments and alterations, explains the built form and details the landscape and public realm into a wider context with detailed illustrations as to how this could be implemented.

### **3) Visual Impact Assessment**

The report concludes:

The townscape and visual assessment has been based on proposals prepared by Devereux Architects for a new residential development with some mixed-use on the

Worthing Aquarena site in Worthing. In carrying out the assessment, Devereux Architects have undertaken both desk-based and on-site studies aimed at fully understanding the site and its context and the extent and character of the likely views of the development. To assist in the understanding of the likely visual impacts, a total of 18 photomontage views have been prepared in consultation with Worthing Borough Council.

The extent of visibility of the development is defined to a large extent by the surrounding topography, characterised by the slopes of the South Downs to the north and the largely flat coastal plain. Clear elevated views are available from a number of public footpaths within the South Downs National Park. The development is located relatively close to the seafront, which means that views from the Downs are invariably seen in context with the urban area around Worthing. The development will be a prominent new addition to the town skyline and will be clearly visible from the top of Mill Hill to the east and Highdown Hill to the northwest. The visual impact within the context of these views will generally be of negligible significance.

Views over the town skyline from the coastal plain are very restricted due to the dense urban form and screening from occasional tree belts. There are no significant views from the main approach road to Worthing along the Findon Valley and similarly, the east west routes into the town do not reveal any significant skyline views. The clearest views of the development on the town skyline are available from the coastal edge, where the town can be viewed as the backdrop to the shingle beach. In this context, the development will appear as a prominent feature on the skyline. The building introduces a new vertical built form to a predominantly low town skyline, although a number of isolated residential blocks of up to 10 storeys are already a feature of the seafront and outer areas of the town.

Closer to the site within the urban area, there are a number of views of substantial significance. Approaching the site along Brighton Road, the nine and 21 storey residential blocks will appear as a vertical accents providing new landmarks for this gateway site. Looking back east along the coast towards Brighton, the development will also be visible, framing the edge of the town. Clear views towards the South Downs will be preserved.

The development will introduce a significantly larger scale of built form to a number of views from the adjoining residential streets, in particular, Farncombe Road and Madeira Road where the development will be viewed at the end of the street. The development will also be visible from the local recreation spaces of Denton Gardens and Beach House Gardens. The development will create a significant new landmark on Worthing's seafront.

The development will have a profound effect on the character and environmental quality of the site itself. The site is located at an important gateway into the town, both in terms of vehicular traffic, walkers and cyclists but is currently degraded and presents a very poor image of Worthing. The introduction of high quality architecture and public spaces will redefine this part of town, giving the area a new status that befits the importance of

its location. New active frontages and landscaped public realm will create an improved streetscape and a new destination on the coastal edge.

The proposals include improved pedestrian/cyclists link along the promenade and establish a clearer destination from the town centre. The development will create high quality public spaces that will greatly enhance the pedestrian environment and townscape character within this part of the town.

In summary, overall the scheme will be a positive contribution to the townscape of Worthing. Tall buildings show ambition and can act as catalysts for change, growth and prosperity, as long as they remain contextual and appropriate. The tallest element of the scheme is locally tall and it registers in views in and around the town without overly dominating the entire town or skyline. Its location and prominence on the sea front reveal it to be a landmark of Worthing, a gateway to the east and the centre of town or as a depth/distance marker to the sea. The surrounding elements embed the scheme in the existing streetscape and have a positive relationship with their respective elevations.

#### **4) Planning, Regeneration and Affordable Housing Statement**

The statement explains the proposals and puts them into the current planning policy and guidance context with a reference to housing needs and supply and assesses the scheme in relation to development control criteria. It also considers the scheme against normal development management.

The report concludes,

*'In conclusion the proposed comprehensive redevelopment of the former Worthing Aquarena has been assessed all relevant National and local planning guidance, policies and all other material considerations and has been found to be acceptable. The design of the proposed development has been fully informed by the context of the site, as well as input and collaboration of relevant Council Officers and the Coastal West Sussex Design Panel.*

*The proposal is considered to provide for an iconic landmark development of the highest quality design, reflecting the significant regeneration opportunity presented by the former Worthing Aquarena. The proposal introduces high quality modern architectural approach within the prominent site 'eastern gateway' to Worthing Town Centre and the 'Active Beach Zone'.*

*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 neighbouring properties and that of their occupiers.*

*The density, layout and form of the scheme has been reviewed in the context of existing development and is considered to be appropriate, producing a scheme that makes efficient use of land.*

*Overall the proposed building would contribute positively to the visual amenity of the locality and wider Borough, providing for 147 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.'*

*The application site forms part of the Area of Change 1 as identified in the Worthing Core Strategy, which encompasses also the new Splashpoint Leisure Centre. The mixed use nature of the whole Area of Change site provides for both the new Splashpoint Leisure Centre as well as a residentially lead comprehensive redevelopment of the former Worthing Aquarena. These two distinct elements are therefore inherently linked, whilst dealt with under separate applications.*

*The Council in their Planning Applications Report to Committee were made abundantly clear of both the timing implications of delivering the new facility before closure of the existing as well as the significant financial contribution the sale of the application site would have in funding the new Splashpoint Leisure Centre. The new Splashpoint Leisure Centre cost the Council approximately £19.7million, with various funding streams. It is understood that at present the Council are still repaying significant interest bearing debts for this development. The sale of the application site would in part fund this debt/deficit.*

*Therefore on this basis the proposed development must be considered as part of the mixed use redevelopment of the wider site as seen in context of Area of Change 1 as well as wider Seafront Regeneration. The proposal can therefore be considered as 'enabling' the public facilities that include the new Splashpoint Leisure Centre at the heart of the Active Beach Zone and the disposal of the existing Aquarena site would be necessary to cover the overall cost of the project.*

## **5) Environmental Impact Assessment Statement**

The revised statement sets out the revisions to the scheme and some background to the application. It states that it has been prepared in line with the requirements of the EIA Regulations and comprises a Non-Technical Summary, an Introductory Report, a Townscape and Visual Assessment, a Heritage Impact Assessment and a Socio-Economic Impact Assessment.

### The Townscape Assessment concludes:

*The townscape and visual assessment has been based on proposals prepared by Devereux Architects for a new residential development with some mixed-use on the Worthing Aquarena site in Worthing. In carrying out the assessment, Devereux Architects have undertaken both desk-based and on-site studies aimed at fully understanding the site and its context and the extent and character of the likely views of the development. To assist in the understanding of the likely visual impacts, a total of 18 photomontage views have been prepared in consultation with Worthing Borough Council.*

*The extent of visibility of the development is defined to a large extent by the surrounding topography, characterised by the slopes of the South Downs to the north and the largely flat coastal plain. Clear elevated views are available from a number of public footpaths within the South Downs National Park. The development is located relatively close to the seafront, which means that views from the Downs are invariably seen in context with the urban area around Worthing. The development will be a prominent new addition to the town skyline and will be clearly visible from the top of Mill Hill to the east and Highdown Hill to the northwest. The visual impact within the context of these views will generally be of negligible significance.*

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*Closer to the site within the urban area, there are a number of views of substantial significance. Approaching the site along Brighton Road, the nine and 21 storey residential blocks will appear as a vertical accents providing new landmarks for this gateway site. Looking back east along the coast towards Brighton, the development will also be visible, framing the edge of the town. Clear views towards the South Downs will be preserved.*

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*The development will have a profound effect on the character and environmental quality of the site itself. The site is located at an important gateway into the town, both in terms of vehicular traffic, walkers and cyclists but is currently degraded and presents a very poor image of Worthing. The introduction of high quality architecture and public spaces will redefine this part of town, giving the area a new status that befits the importance of its location. New active frontages and landscaped public realm will create an improved streetscape and a new destination on the coastal edge.*

*The proposals include improved pedestrian/cyclists link along the promenade and establish a clearer destination from the town centre. The development will create high quality public spaces that will greatly enhance the pedestrian environment and townscape character within this part of the town.*

*In summary, overall the scheme will be a positive contribution to the townscape of Worthing. Tall buildings show ambition and can act as catalysts for change, growth and prosperity, as long as they remain contextual and appropriate. The tallest element of the scheme is locally tall and it registers in views in and around the town without overly dominating the entire town or skyline. Its location and prominence on the sea front reveal it to be a landmark of Worthing, a gateway to the east and the centre of town or as a depth/distance marker to the sea. The surrounding elements embed the scheme in the existing streetscape.*

### Heritage Impact Assessment

In relation to the previous Heritage Impact Assessment, following English Heritage's criticisms in relation to the original proposals, the applicant issued a rebuttal at the time in response which stated that:

- In summary, it is not agreed that harm would ensue to any of the heritage assets or their settings identified by either English Heritage, or the applicant and its agents working in conjunction with the LPA.
- That the harm perceived by English Heritage to Conservation Areas is not made clear by either identification of the conservation area in question, or quantified, renders the consultation fundamentally flawed.
- Should any level of harm be acknowledged - which it is not – it is understood that in accordance with the requirements of the NPPF, that these would be considerably outweighed by the public benefits that would accrue.
- Chief among these would be the heritage benefit arising from direct enhancement of those settings discussed above; this via removal of the existing building(s) and their replacement with the scheme of the nature and quality proposed.
- That the scheme has been found to be of a significant, positive effect via the exercising of issues as part of application material is a credible conclusion where the scale and type of development proposed would have far reaching yet progressive benefits for Worthing.

The revised Heritage Impact Assessment looks once again at the prevailing legislation, guidance and policies and discusses the changes to the proposals and assesses the visual sensitivity according to the recipient; the visual magnitude of change based on factors such as the sun, weather and landscaping; the significance of visual effect; and the assessment of effects from six (previously five) viewpoints. It acknowledges that the scheme is generally less dominating with greater regard to the influence of neighbouring buildings such as the commercial parade, with enriched design and enhancements, and the report reaches the same conclusions as before which are as follows:

*Although a settlement of some history, Worthing's more rapid development from the nineteenth century is attributable to its role as a seaside resort, with an associated emphasis on leisure and entertainment. The facilities offered by the town in this regard - along with the relatively high turnover and rate of change evident in the provision of these services – reflects this continuing function and role, fairly late into the twentieth*

century. The development of the Aquarena on the seafront along with the Ten Pin Bowling Centre in 1968 demonstrates such a nature even at this time. The merely relative success of the Aquarena and its inability to meet the contemporary standards and expectations of a resort town is perhaps most demonstrable by its recent supersession by Splash Point. This renders the Aquarena superfluous and allows the site to be addressed in terms of a wider mix of more sustainable range of uses.

Proposals therefore comprise a mixed use development that revitalises and enhances a currently degraded site and locale. It is of a high quality and considered development that makes a clear statement of intent toward growth and improvement, representing further impetus to regeneration on this eastern approach into town. Importantly, being located at some distance from the town's historic core, the cue is taken from surrounding development of a more modern idiom, wherein an authentic and truly contemporary response to the site has been evolved. Urban design benefits are present in the form of a new gateway feature and landmark. Public realm benefits would also accrue, and the scheme is knitted into its existing context to ensure connectivity and permeability, particularly running east and west.

Whilst referencing its existing context, the proposed scheme nevertheless represents a robust and integral design that will engender a strong sense of place that is inherently its own. Proposals are considered and of a physically and visually high quality composition that has undergone much consultation, testing and revision. It will successfully achieve regeneration of an eclectic but attractively varied locale, evolving this via a contemporary approach that is authentic to both its period and the dictates of the site in terms of function and environmental requirements. As regards the various heritage assets identified above, the implementation of proposals is considered a fundamental improvement of the application site in isolation and, by extension, therefore an enhancement of the settings of the aforementioned assets.

### The Socio-Economic Impact Assessment.

This considers the planning policy context and looks at the potential effects of the development and concludes as follows:

#### 1. Loss of Existing Use

##### 1.1. Introduction

The significant regeneration opportunity presented by the former Worthing Aquarena, and identified as such within Worthing Borough Council's Local Development Plan, has been facilitated through the provision of high quality replacement swimming and Leisure Centre. Those new swimming and Leisure Centre, that replace those previously provided within the Worthing Aquarena, are accommodated within the adjacent 'Splashpoint'.

Consequently, following the completion and opening of 'Splashpoint' in May 2013, the historic use of Worthing Aquarena as the principle swimming and Leisure Centre in the Borough, has ceased and relocated to the adjacent 'Splashpoint'.

*While it is acknowledged that the Worthing Aquarena has become redundant and closed to the public since the completion of the adjacent 'Splashpoint', the following represents an assessment of the socio-economic effects of the proposed development in relation to the loss of the Worthing Aquarena that is required to facilitate the redevelopment of the site.*

*The loss of former Worthing Aquarena, includes the public car parking, providing for approximately 70 spaces. The Council's subsequent approval of the now operational 'Splashpoint' and planning brief for the application site does not allow for re-provisioning of such spaces.*

### *1.2. Social Effects*

*It is acknowledged that the provision of community facilities, such as those previously provided within the Worthing Aquarena, contributes to meeting the overall objective of providing socially sustainable development, and healthy communities. Therefore the loss of any such facilities without adequate re-provision within the Borough would be considered to have significant social disadvantages.*

*Worthing Borough Council, had long acknowledged the need for the provision of modern replacement swimming and Leisure Centre in the Borough to replace the ageing Worthing Aquarena. The Council's strategy, that was adopted to facilitate the provision of such replacement facilities, incorporated the redevelopment of the former Worthing Aquarena site. It was calculated that the redevelopment of the former Worthing Aquarena – following the completion of the replacement facilities – would contribute significantly to the financial costs of the replacement facilities.*

*...the disposal of the existing Aquarena Site would be necessary to cover the overall cost of the project.*

*(Report to Planning Applications Committee 14th October 2010)*

*Therefore, the completion of 'Splashpoint' in May 2013 (which is to be partly funded through the proposed redevelopment) immediately adjacent to the former Worthing Aquarena, provides for the re-provision of swimming and Leisure Centre within the Borough. Consequently, it is concluded that the loss of the swimming and Leisure Centre previously provided at Worthing Aquarena is no longer considered to be a block on the proposed redevelopment of the proposed development site.*

*It is therefore considered that the loss of the former Worthing Aquarena will have no adverse socioeconomic effects, and indeed the provision of new facilities at 'Splashpoint' will have been facilitated financially through the proposed redevelopment of the Aquarena site subject to consent.*

*With regards to the spatial nature of the potential social effect of the proposals (i.e. immediate, local, wider etc.), it is acknowledged that those swimming and Leisure Centre previously provided at the Worthing Aquarena and now provided at 'Splashpoint', are not used solely by residents of the Borough. Instead, those facilities are utilised by residents of neighbouring local authority areas, and therefore those receptors of the effects are considered to be 'wider'.*



Overall, it is contended that the proposed redevelopment of the former Worthing Aquarena will have substantial 'wider' social benefits in relation to the provision of community facilities.

### *1.3. Regenerative Effects*

The former Worthing Aquarena site is identified by Worthing Borough Council as being an 'Area of Change' within the Council's Local Development Plan. Therefore, the site is considered to represent a significant regeneration opportunity, an opportunity that will be facilitated through the loss of the existing redundant Worthing Aquarena.

It is strongly contended that, the identification of the proposed development site as an 'Area of Change' within the Worthing Core Strategy, reflects the strategic benefits of the redevelopment of the site for not only the regeneration of the immediate area (Central Ward), but also the Borough itself.

Consequently, it is considered that the loss of those existing facilities previously provided within the Worthing Aquarena, but replaced by 'Splashpoint', will indeed facilitate the regeneration of the site and the wider Borough. It is therefore concluded that the loss of those existing facilities will have a significant social benefit both for the immediate area, as well as the wider Borough.

### *1.4. Economic Effects*

Whilst it is acknowledged that those swimming and Leisure Centre previously provided at the Worthing Aquarena, generated substantial employment opportunities, it is strongly contended that the provision of improved and replacement facilities at 'Splashpoint' has ensured that the loss of those facilities at the former Worthing Aquarena will not result in the loss of employment opportunities.

Therefore, it is concluded that the loss of the existing facilities will have no adverse economic effects.

## *2. Demolition & Construction*

### *2.1. Introduction*

Reflecting the nature of the proposals for the comprehensive redevelopment of the former Worthing Aquarena, the following examines the socio-economic effects of the proposed development in relation to the demolition and construction phases.

### *2.2. Social Effects*

Due to the scope of the construction programme required in relation to the proposed redevelopment of the former Worthing Aquarena, including the demolition of those existing structures and preparing the site, it is anticipated that these stages of the proposed development will extend for approximately 4 years, employing up to 100 people at any time.

The developer has a track record of employing local individuals and sub-contractors with approximately 50% employed spatially from the immediate and local labour market.

*Reflecting the nature of the demolition and construction phases associated with the proposed development, and those processes that are required to deliver the project, it is anticipated that the significant job opportunities will arise throughout the demolition and construction phases. Therefore, whilst the majority of those socio-economic effects associated with the proposals are likely to relate to economic effects, and have therefore been assessed accordingly, it is contended that the provision of such employment opportunities will have an associated social effect.*

*In this regard, it is strongly contended that, in light of the existing socio-economic difficulties experienced within the immediate vicinity (Central Ward), and indeed those of the wider Borough, those significant employment opportunities that are to arise throughout the demolition and construction phases will provide significant social benefits.*

*Central Ward is identified within the 20% most deprived wards in England, with Central Ward within the 10% most deprived wards in England for employment and health & disability, and consequently, it is strongly contended that the employment opportunities to be generated within the demolition and construction phases will contribute significantly to addressing the evident social disadvantages within the immediate area.*

*Therefore, it is concluded that, on the basis of the employment drawn from the immediate and local labour market throughout the demolition and construction phases of the proposed development, the proposals will have substantial social benefits within the immediate area (Central Ward) and the wider Borough.*

### *2.3. Regenerative Effects*

*Whilst it is anticipated that the proposed development will lead to significant regenerative benefits once completed, and indeed following the demolition of the existing structures that is to facilitate the redevelopment of the site, it is considered that the demolition and construction phases themselves will have a moderate positive regenerative benefit by reason of the symbolic redevelopment of this key site, clearly showing confidence and investment in the immediate and local area.*

### *2.4. Economic Effects*

*As previously considered, the main socio-economic effects of the proposed redevelopment of the former Worthing Aquarena – that may arise during the demolition and construction phases – are considered to be associated with the generation of direct employment opportunities (up to 100 at any one time) throughout these phases.*

*It is anticipated that the proposed development would result in significant direct and indirect employment opportunities throughout the demolition of the former Worthing Aquarena, the preparation of the site in advance of construction, and the construction phase itself.*

*Detailed information in relation to the specific job creation and potential contractors to be used throughout the demolition and construction phases is not available at this stage. However, on the basis of our extensive experience based upon the applicant's previous projects, it is reasonable to assume that where possible local contractors will*

*be appointed, and therefore a significant amount of those construction workers employed onsite would be from the immediate and local labour market.*

*In addition to those construction workers that are to be drawn from the immediate and local labour market, it is anticipated that those construction workers that do not usually work within the Worthing area are likely to require local accommodation throughout the period of their contracts. The demand for such accommodation will benefit local accommodation providers such as bed & breakfast accommodation and hotels. It is also expected that those construction workers employed from outside the local labour market will lead to an increase in spending at local facilities such as shops, restaurants and public houses.*

*Overall, it is considered that the scale of the proposed development and consequently, the length of the demolition and construction phases, that the potential employment effect of the proposal whilst temporary would be significantly beneficial.*

*In this regard the significant benefits of the proposal during to the construction and demolition phases would be significantly beneficial immediately and locally, with moderate beneficial effects in adjoining authority areas and the sub region. These benefits derive mainly from the significant employment opportunities generated as a result of the demolition and construction phases of the proposed development.*

*Whilst it is anticipated that the proposed development will lead to significant economic benefits during demolition and construction and once completed, it is considered that the demolition and construction phases themselves will have a moderate positive economic benefit by reason of the symbolic redevelopment of this key site, clearly showing confidence and capital investment in the immediate and local area.*

*It must be noted that during demolition and construction the existing car park at the former Aquarena will not be available. However this was considered fully through the approval of the new Splashpoint development and therefore the temporary loss of these parking facilities have previously been considered as acceptable to the Local Planning Authorities and Worthing Borough Council as operators of Splashpoint.*

## *2.5. Mitigation Measures*

*There are no adverse effects that require mitigation. The social and economic effects of the development are primarily beneficial and include the creation of employment and the regeneration of a new community.*

## *3. Completed Development/Operation*

### *3.1. Introduction*

*Although the proposed redevelopment of the former Worthing Aquarena is predominately residential in character, this Environmental Statement has been prepared in line within the requirements of the EIA Regulations 2011 and the methodology as identified at Section 3.*

*Therefore the following examines the socio-economic effects of the proposed development following completion and during occupation of the development.*

*For the purposes of this assessment, the proposed development once completed is formed of the following elements. The social effects, regenerative effects and the economic effects of all these elements have been identified and examined.*

### *3.2. Social Effects*

*Within its definition of the three dimensions to sustainable development (Social, Environmental, and Economic), the National Planning Policy Framework 'The Framework', clearly acknowledges the role of residential development in achieving sustainable development. It is therefore considered, that whilst the proposed development seeks primarily the residential redevelopment of the former Worthing Aquarena, the proposals will have an evident social effect. It is these social effects that are identified and examined in the subsequent paragraphs.*

*Those social effects associated with the provision of residential development are considered to be two-fold; firstly the social effect of the delivery of the residential properties themselves; and secondly, the effects of those future occupiers of those residential properties. Naturally, these two dimensions of the social effects associated with the provision of residential development cover the short, medium and long-term timescales.*

*With regards to the first social dimension – the provision of residential development – the National Planning Policy Framework identifies the primary social objective of the delivery of residential properties as 'providing the supply of housing required to meet the needs of present and future generations' (Para 7, NPPF).*

*In light of this objective for residential development to meet the needs of present and future generations, an assessment of the Council's baseline data of housing need within the Borough suggests a significant need for both affordable housing and open market housing. This identified housing need accounts for need generated from both within the immediate area, the Borough, as well as the sub-region which in this scenario is drawn from the Coastal Sussex Strategic Housing Market Area.*

*On the basis of the significant delivery of open market and affordable apartments within the proposed development, it is considered that the proposed development will result in significant social benefits, providing for the identified housing need.*

*In addition to those social benefits associated with the delivery of residential dwellings within the proposed development to meet housing need, it is considered that the proposals will have an effect on the community. In this regard, it is acknowledged that a residential development of this scale (147 dwellings), will have a social effect on the demographics of the immediate, local area and the wider area.*

*The demographic baseline data for the immediate area (Central Ward), suggests that the area is the most deprived ward in Worthing, and indeed within the 10% of most deprived wards in England in relation to employment and health and disability.*

*Therefore, it is expected that the delivery of 147 dwellings including 37 affordable homes (estimated population of approximately 200), will result in a shift in the demographic profile of the immediate and local area. It should be noted that it is anticipated that 50% of those new residents within the proposed development will be relocating from within the immediate and local area.*

### *3.3. Education*

*It is acknowledged that the proposed development will result in further demand for further school places for future residents. On the basis of the proposed mix of units West Sussex County Council anticipate that there could be a demand for the following additional places;*

*It is anticipated that the increase in demand associated with the proposed development will be addressed through commuted payments to the education authority to secure appropriate facilities where deemed necessary.*

### *3.4. Health Care Facilities*

*It is acknowledged that the proposed development will result in further demand for health care facilities for future residents. On the basis of the proposed mix of units it is anticipated that the increase in demand associated with the proposed development will be addressed through commuted payments to the relevant Clinical Commissioning Groups to secure appropriate facilities where deemed necessary.*

*Overall, on the basis of the perceived demographic profile of the future residents of the proposed development (as below), it is expected that the proposals will have a substantial social benefit in the immediate area (Central Ward) and the wider Borough.*

### *3.5. Regenerative Benefits*

*As demonstrated, Worthing Borough Council have identified the significant regeneration opportunity presented by the former Worthing Aquarena. The Worthing Core Strategy 2011 and supplementary planning guidance identifies the significant role that the comprehensive redevelopment of the site will perform in achieving the Council's stated vision, and regeneration objectives for the immediate area and wider Borough.*

*It is therefore strongly contended that the proposed comprehensive redevelopment of the former Worthing Aquarena, coupled with the recently completed 'Splashpoint' Leisure Centre, will contribute meeting the Council's regeneration objectives, and contribute to the regeneration and rejuvenation of the immediate area and wider Borough.*

*In this regard the proposals have been informed fully by the Council's strategic vision and objectives for 'Area of Change 1 – Aquarena', as well as the adopted supplementary planning guidance (e.g. Worthing Seafront Masterplan and Aquarena Development Brief).*

*Overall, it is considered that the proposals for the comprehensive redevelopment of the former Worthing Aquarena, which will provide for a £40 million investment in Worthing*

*and the immediate area, will spearhead the regeneration and rejuvenation of the immediate area and wider Borough. The proposals – following completion and operation – are therefore considered to provide significant regenerative benefits in the immediate and local area.*

### *3.6. Economic Benefits*

*The Coastal West Sussex Strategic Housing Market Assessment 2013 (SHMA), through which the locally generated housing need within Worthing – and the wider housing market area – has been identified, acknowledges the role that the delivery of residential development plays in securing economic growth. Those housing need projections that are included within the SHMA that do not accommodate economic growth have been discounted as they do not comply with the National Planning Policy Framework.*

*In this regard Projection C of the SHMA 2013 seeks to identify the housing need within the Borough to accommodate the expected employment growth (0.7% annually) equates to 10,700 dwellings between 2011 and 2031. When compared with Projection Y of the SHMA 2013 this equates to just 5,116 dwellings between 2011 and 2031 allowing for zero employment growth. It is considered that the difference reflects the housing need generated by employment growth, for which the Council must plan under the provisions of the National Planning Policy Framework.*

*It is therefore forecast the 5,584 dwellings are required between 2011 and 2031 to accommodate employment growth within the Borough. Consequently, it is considered that the proposed redevelopment of the former Worthing Aquarena will contribute to the delivery of 147 residential properties that will facilitate economic growth within the Borough.*

*Further to the economic benefits associated with the delivery of residential developments, it is considered that the proposed development will provide increased demand for products and services within Worthing and the immediate locality as generated by the future residents of the proposals.*

*Overall, the proposed residential redevelopment of the former Worthing Aquarena will provide significant immediate, local and wider area economic benefits in the medium to long-term.*

### *3.7. Mitigation Measures*

*There are considered to be no adverse effects that require mitigation. The social and economic effects of the development are primarily beneficial and include the creation of direct and indirect employment opportunities and the regeneration of a new community.*

## **6) Transport Assessment**

The revised Transport Assessment describes the policy background, the site and its accessibility to the highway network for pedestrians and cyclists and public transport. It considers highway safety, looks at parking and suggests the level of travel demand from the development and the traffic impact. It also considers the payment of a highway

contribution and potential highway improvements such as the removal of parking on one side of Steyne Gardens to improve traffic flow.

It reaches the same conclusions as the previous Transport assessment which is:

- The site is located in a well established residential area and has excellent links to public transport infrastructure as well as cyclist and pedestrian facilities.
- There are numerous amenities within the town centre which is within walking distance of the site and the location is highly sustainable.
- Sufficient parking is available for residents and pay and display parking will be available for visitors to the site as well as for use by the general public thereby ensuring there will be no overspill onto the surrounding roads.
- A review of highway accident records confirms that there are no highway geometry, visibility or other specific highway safety issues.
- Traffic modelling confirms that the development is unlikely to have a measurable effect on the local junctions.
- A residential Travel Plan will be implemented by the Management Company set up to manage the development and seek to reduce as much as possible reliance on the private car.
- In terms of traffic and transport the development proposals are appropriate in this location.

## **7) Daylight and Sunlight Report**

The revised report reaches the following conclusions:

*Adur and Worthing's planning policy seeks to safeguard daylight and sunlight to existing buildings and points to the guidance published in BRE Report 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice.*

*We have undertaken a comprehensive study of the impact of the proposed development on the relevant rooms in all of the surrounding dwellings. The tests were undertaken in accordance with the BRE Report 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice (second edition, 2011). The BRE Guide gives useful advice and recommends various numerical guidelines by which to assess the impact of development on daylight and sunlight to existing surrounding properties.*

*The results confirm good levels of adherence to the BRE guidelines, with 3 New Parade, 72 Brighton Road, 74 Brighton Road Sea House, 101 Brighton Road and 2 Madeira Avenue all obtaining full adherence to the daylight and sunlight tests.*

*1-2 New Parade has some windows/rooms with moderate reductions in daylight and sunlight beyond the BRE guideline recommendations. Whilst these rooms experience more noticeable reductions, it must be noted that the design of this building is such that they are recessed back from the main building line and blinkered by the entrance porch and the return flank walls. As a consequence, the windows are therefore self-obstructed by the building, which means that any change in height on the site will inevitably give rise to reductions in daylight and sunlight to these rooms. The remaining affected rooms within this property are bedrooms on the upper floors, for which the BRE guidelines state that bedrooms require less daylight than main living rooms and kitchens.*

*2 Merton Terrace, 70 Brighton Road and 2A Madeira Avenue have a small number of instances where windows experience reductions in VSC and APSH greater than the BRE guidelines. However, in all but one case, this being a bedroom within 2 Merton Terrace, the room is lit by multiple windows on other facades. In these cases, the daylight distribution assessments demonstrate that the occupants do not experience a noticeable reduction in light with the proposed development in place. Also the occupants will have access to high levels of sunlight from the other windows, in excess of the BRE guidelines. Therefore the daylight and sunlight levels to 2 Merton Terrace, 70 Brighton Road and 2A Madeira Avenue are considered to be acceptable.*

*It should be borne in mind that the proposals are for a comprehensive redevelopment of this currently derelict site and therefore it is important that the BRE guidelines are applied flexibly. The proposed development has shown a good level of adherence to the BRE guidelines and in my opinion Adur and Worthing's policy on daylight and sunlight will be satisfied.*

## **8) Flood Risk Assessment**

The revised report reaches the same conclusions as the previous report which states:

- The site is located within Flood Zone 1, with a residual risk from wave overtopping.
- Dwellings will be located at least 1m above the flood level with safe access and egress onto Brighton Road.
- The basement car park will be fitted with flood gates to protect it from wave overtopping.
- The site has been assessed in the SFRA as being suitable for residential development.
- The surface water drainage system for the proposed development will discharge to an existing surface water sewer at a rate not exceeding existing. The surface water sewer outfalls to the sea close to the site.
- The design of the surface water drainage system for the proposed development will include an allowance for climate change.
- A maintenance regime should be established to ensure the long-term effectiveness of the surface water drainage system.
- The foul drainage from the site will be discharged to the public foul sewer in Brighton Road.



- The flood risk on and off of the site will remain unchanged following the development.
- An assessment of the flood risk concludes that the development is suitable providing the surface water drainage strategy and any recommended mitigation measures herein are implemented.

The ground water level is likely to be restrictive in terms of the provision of soakaways and shallow infiltration methods such as porous paving are not possible due to the layout. The site should be entirely drained to the existing Southern Water Surface Sewer in Merton Road which drains to the beach outfall as currently happens.

Although there would be a small increase in the impermeable area this would be mitigated by the use of rainwater harvesting and cellular storage tanks to make sure that runoff is not discharged at a rate which is more than the existing. The surface water drainage system is designed for a 1 in a 100 year +30% critical event level. There would be flood gates provided at the entrance to the basement car park and the proposed habitable levels of the residential development would be above that of the predicted flood levels as determined by the Environment Agency.

#### **9) Preliminary Ground Contamination Risk Assessment**

Identifies potentially significant pollutant sources but in view of the nature of the development, no significant risks have been identified with regard to either the proposed end users or controlled waters. The report concludes that whilst an intrusive ground contamination investigation in advance of construction is not required, an investigation following demolition should be carried out as well as ongoing investigations during construction to identify any potential contaminants.

#### **10) Preliminary Ecological Appraisal Report and Protected Species Assessment**

Identifies that the only potential ecological constraint identified is the presence of breeding birds around the central section of the roof scape and the encircling platform and parapet of the Aquarena building. The report recommends starting demolition outside of the bird breeding season.

#### **11) Energy and Renewables Statement**

This revised report has reached similar conclusions to the previous report. It concludes that best practice principles have been used to create a sustainable energy solution saving over 25.8% CO<sub>2</sub> emissions over 2013 Building Regulations attributed to on site low carbon technology energy generation.

Building Services Design has carried out an assessment of the low carbon and renewable technology options. The energy hierarchy advising to be lean and then green has been used as a guiding principle in selecting the most appropriate technology.

The proposed options incorporate energy efficiency measures such as glazing, air tightness and lighting efficiency and low carbon energy technologies such as CHP and photo voltaic panels.

The following energy efficient technologies have been incorporated into the scheme to reduce the energy usage of a base case building prior to utilising any renewable technologies.

- Low energy lighting throughout
- Intelligent lighting controls including daylight controls
- Low u-values for walls, floors and roofs well below the building regulations minimum
- High performance thermal and solar glazing
- High efficiency boilers
- MVHR ventilation in each flat
- High efficiency appliances
- Improving air tightness beyond minimum standards

The following low or zero carbon (LZC) technologies are also proposed:

- Approximately 31 photovoltaic panels generating 7.75kWe
- Installation of CHP heating plant (with boiler back up) to provide 65% of the heating and hot water including the swimming pool area on the ground floor.

The report assesses a wide range of renewable energy technologies and explains why these systems were chosen or not chosen on the basis of their suitability for this type of development.

## **12) Code for Sustainable Homes Pre-assessment**

The report predicts ratings for the various categories of energy, water, materials, water run-off, waste, pollution, health and wellbeing, management and ecology.

This pre-assessment estimator suggests that an overall Code Level 3 should be achieved but qualifies this with a statement to say that the predicted scores may differ from those achieved through a formal assessment by a Licensed Code assessor. The report does confirm that the mandatory credits for Code Level 4 are achievable.

## **13) Site Waste Management**

This report sets out:

- An environmental policy statement
- Persons, roles and responsibilities for the site
- Details of waste transfer
- Details of a site environmental assessment
- Steps of a site waste management plan
- Construction record keeping, implementation and review
- Post construction review

## 14) Community Involvement Statement

This Statement of Community Involvement (SCI) provides an overview of the pre-application engagement and consultation undertaken and sets out:

- How Roffey Homes has engaged with local residents, elected representatives and other key stakeholder groups in the planning and development of its proposals
- Results of this programme of public consultation
- Details of all consultation material

It explains that the public consultation process attracted a good level of interest, in addition to a significant amount of feedback and the first event was attended by a total of 100 people and written feedback was received from 36 people commenting as follows:

- People were pleased that the site was being redeveloped
- The importance of affordable housing
- A significant number of comments focused on the height of the taller element of the proposals
- People asked if enough parking capacity for residents would be included
- Suggestions that renewable energy sources were included
- Worries that the mass and density of the designs would be too great for surrounding buildings
- One resident raised the issue of wind tunnels being created by the buildings.

The second event was attended by a total of 206 people, including five local Councillors. Feedback was submitted on the night and by email and post from 44 people who commented as follows:

- The idea of redevelopment at the site was welcomed almost universally
- People commented on the need for new homes
- Concern was again raised about the height of the tallest element of the site, with some stating that a landmark building was not wanted or needed
- Parking and traffic were raised frequently as concerns
- The potential for including a GP surgery was raised
- Concern was raised about the designation of affordable housing within the development and the wider implications it could have for the area.

### *Statutory Stakeholders*

Pre-application consultation was undertaken with WBC. Roffey Homes and ECE Planning/PM Devereux Architects met with WBC officers on 8 May 2014 to present the design process undertaken to date and discuss the inclusion of affordable housing. A Q&A session was then held. The proposals have been subject to four Coastal West Sussex Design Review Panels, chaired by Lorraine Farrelly, during which the scheme was developed. WBC representatives James Appleton, Richard Small and Paul Pennicott attended these meetings.

The report lists the questions raised by the public and the applicant's responses as follows:

**Concerns regarding a reduction in daylight, sunlight, and overshadowing.**

We have been very mindful of surrounding properties when developing the site layout and design. Our proposals have been carefully designed to minimise the effect on existing surrounding properties. The existing Aquarena site already restricts views from some angles, so our proposed frontage has been staggered back from the site boundary to preserve the long-distance sea views for existing seafront residents. The tower has been located at the south-west corner of the site to be as far away from other properties as possible. Roffey commissioned independent Anstey Horne to conduct daylight, sunlight and overshadowing studies, the results of which demonstrate that almost all neighbouring properties will be unaffected, including those along New Parade and buildings to the north of the site. There may be some reduction in daylight and sunlight to properties in Merton Road, but these effects will be minimal.

**Concerns regarding the height of the tower element, and the development's scale, form and proportion, in relation to buildings in the area.**

An independent report commissioned by Worthing Borough Council in 2007 recognised the potential for a taller element of the development on the sea front. We looked at many options, including buildings of up to 25 storeys. Shorter designs appeared too squat and higher ones lacked the elegance of our proposals. The finalised design is comparable with other landmark developments in Worthing and along the south coast, including the approved Teville Gate development, Portsmouth's East Side Plaza and the Marina Tower in Brighton.

Our balanced design fulfils a number of important criteria. It regenerates a key seafront location, providing a valuable number of much-needed new homes and creating an attractive, high-quality landmark for the town while remaining sensitive to its surroundings.

**Concerns regarding the lack of parking provision for new residents, and the additional parking pressure on surrounding residential streets.**

The proposed development includes 144 parking spaces for residents and their visitors. Given of the site's proximity to the town centre and good existing public transport links, we anticipate that many residents will choose to walk or use public transport rather than drive. In addition, the proposal includes a 77-space public car park for users of the adjacent Splashpoint leisure centre, increased from 50 after listening to feedback at the first stage of public consultation. The public element of the car park represents an increase in the number at the current site.

**Concerns about an increase of traffic on Brighton Road and in the surrounding area.**

Our traffic studies show that a development of the size proposed would create an extra flow of just 41 vehicles per hour at morning peak time. The evening peak time traffic would represent an increase of 40 vehicles, 26 inbound and 14 outbound, between 5pm and 6pm. This equates to fewer than one per minute at the busiest times of day and our studies show that there would be no noticeable difference during peak network hours. As part of our planning application, we will include a detailed traffic management plan to be approved by Worthing Borough Council which will look to carefully control all vehicle movements to and from the site, to make sure we are a good neighbour during construction.

### **Won't a development of this size affect local house prices?**

Derelict areas, such as the old Aquarena site, can negatively impact house prices, and also encourage crime or anti-social behaviour. We anticipate our proposals will help enhance the area as a modern, attractive place to live, whilst acting as an impressive gateway into Worthing.

### **Would the new development put extra strain on local GP surgeries and other local services?**

Typically, around half of the people who move into our properties are local and will already be registered with local healthcare providers. While access to health services will be required, there are 13 surgeries within two miles of the development and the health service has to ensure local people's needs are met. Local surgeries are currently reviewing plans to move into larger premises to meet the greater need from proposed developments in and around the town centre. While more people in the area could mean more demand for public transport, our investigations show that this will not result in capacity being adversely affected. There will be enough space on buses and trains for existing local people alongside those who move into the development. The new properties would have a dedicated separate water storage tank, capable of holding rainwater from a 1-in-100 year storm. This will relieve the pressure on the existing drainage system that serves nearby properties, reducing the flood risk.

No new community engagement has taken place regarding the revised proposals.

### **15) Wind Environment Statement**

This statement has not been revised following the revisions to the original scheme.

A statement from a wind engineer with over 25 years experience of undertaking wind tunnel testing and he describes the site and the proposed scale of development. He explains that the site would be subject to the south westerly prevailing winds which occur more often than other winds and are stronger, most frequently in spring, and are colder. He finds that as the buildings on the application site would be significantly taller than their surroundings they are likely to dominate the wind microclimate around the base. He states that apart from the four storey pool building to the west the remainder of the low rise surrounding context is not likely to offer significant shelter to the approaching wind.

The statement explains that as neither the tower or the other buildings are perpendicular to the south west or north east approaching wind directions, unpleasant downdraughts are not likely to occur anywhere around the scheme, but the approaching winds are likely to be accelerated around exposed building corners. The primary entrance door is on the north side sheltered by the pool which is a suitable location.

South west winds will approach a funnel formed by the lower buildings and open central square and this wind is likely to become trapped in the square and accelerated along the length of the east passageway.

Windy conditions at building corners tend to be localised where it is suitable for walking and standing but not for sitting. The roof above the terraces will provide shelter from down draughts and so these areas will be suitable for the intended purpose of standing and walking.

It is not possible from a desk study to judge the impact of winds upon the balconies in the tower. Wind speeds increase with height above ground but the higher flats are not always the worst affected but actual details of the balconies design will affect the impact.

## **Consultations**

**English Heritage** commented as follows on the **original** application:

### Summary

*English Heritage is disappointed that the advice we gave at pre-application stage does not appear to have been taken into consideration, or to have informed the current proposals. The level of harm to the significance of the grade II\* listed Beach House is not so high as to justify a formal objection from English Heritage, but we consider that the harm to Conservation Areas would be much more serious, and has not been properly assessed in the submissions. English Heritage can see no heritage benefits directly associated with the proposals that might be considered as part of any public benefits. It is for your Council to weigh the harm to designated heritage assets against the public benefits that would be delivered by the proposals. We are not persuaded that this sensitive seafront site in Worthing is an appropriate location for a tower of the scale proposed.*

### English Heritage Advice

*English Heritage has previously provided pre-application advice on earlier iterations of this scheme, and much of that advice is now repeated here, as our earlier advice was not in the public domain.*

### Significance

*The Aquarena occupies a seafront location to the east of the main town, and the pier. Most of central Worthing's seafront is made up of a series of Conservation Areas which comprise in the main late eighteenth and early nineteenth century terraces, for example as at Steyne Gardens (provided in a similar fashion to grander schemes in nearby*

*Brighton or Hove). The seafront at Worthing is on the whole not more than four storeys in height, with the occasional landmark building such as the grade II\* listed Dome providing visual interest along an otherwise consistent ensemble of Regency or Victorian buildings associated with the growth of the town as a tourist destination from the 1750s onwards. The historic townscape can best be appreciated from the grade II listed pier, an important visual receptor point from where a full panorama of the seafront can be enjoyed.*

*The nearest Conservation Area to the proposal is a little north of the seafront where Farncombe Road's sinuous path is lined with nineteenth century villas, and glimpses down to the seafront are possible through the trees.*

*Also close to the site is the grade II\* listed Beach House by John Biagio Rebecca (famous as the designer of Castle Goring ). This classical villa sits in a large garden which has now been somewhat compromised by car parking on its north and west edges where once it had a landscaped garden, and to some extent by the new swimming pool complex on the eastern edge of its garden. This bow fronted stuccoed building nevertheless is a handsome reminder of the wealth and energy of a Worthing in its early nineteenth century heyday.*

*A brief look at historic maps around the area proposed for development appears to show it undeveloped until the middle of the nineteenth century, with Beach House more or less representing the edge of the town. By the early twentieth century, plots marked out for further development had largely been built out. There is a change in character here then from Worthing's early growth as a seaside resort, with the attendant grand terraces, villas and gardens, to the smaller more modest houses of the early twentieth century including the attractive terrace on New Parade which is terminated at either end by a decorative turret. This picture has latterly been augmented with modern development, including the poor quality blocks of flats which are the highest buildings in the existing site context, and most recently with the new Splashpoint. The scale of development is however generally low, as might be expected at an edge of town location.*

#### *Policy Context*

*As the application would affect conservation areas and the setting of listed buildings, the statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) and to have special regard to the desirability of preserving the setting of listed buildings s.16, 62, 1990 Act) must be taken into account by your authority when forming a view about the likely acceptability of a proposal when a planning application is made.*

*The National Planning Policy Framework sets out the Government's objectives for the historic environment. Chief among them is the requirement to conserve heritage assets in a manner consistent with their significance. Paragraph 132 sets out that significance can be harmed or lost by development within the setting of heritage assets. Paragraph 137 of the NPPF takes the requirement to preserve the setting of heritage assets set out in primary legislation further by encouraging local planning authorities to look for*

*opportunities for new development to enhance or better reveal the significance of heritage assets.*

*Where a proposal would be harmful to the significance of a designated heritage asset (which would include here Conservation Areas), and amendments cannot mitigate all the harm, then any residual harm must be weighed against the public benefits of the proposal (para.134, NPPF).*

*English Heritage has also, with CABE, produced Guidance on Tall Buildings (2007). This recommends a development plan-led approach to identifying areas as appropriate or otherwise for tall buildings. It goes on to set out criteria for evaluating proposals for tall buildings, which include: the relationship to context; the effect on the historic environment; the architectural quality of the new building; the contribution to public space and; the effect on the local environment.*

*English Heritage's suite of Guidance also includes the document The Setting of Heritage Assets. This aims to assist Applicant's and Agents in understanding the concept of 'setting' and then sets out a framework for assessing the significance of assets, the contribution made to that significance by their settings, and how to minimise the impact of development proposals on the setting of assets. It is this type of assessment that we would expect to have fed into the EIA that has been produced, particularly as regards the chapters on Townscape and Visual Impact and Heritage Impact Assessment, and which does not seem to have been fully carried out.*

*Worthing's Core Strategy includes an overarching policy on the Built Environment which requires new development to respond positively to important aspects of local character, exploiting all opportunities for enhancement. This is emphasised in saved Local Plan 2003 policies as they relate to the special character of the seafront (CT3) and the built environment (BE1).*

*Worthing has also produced an SPD on Tall Buildings, which identifies some town centre and seafront locations as offering opportunities for taller buildings. The Aquarena site has been included here as an 'Area for Change' where its 'gateway' location to the town is seen as presenting potential for a 'landmark' building, which could also be a catalyst for regeneration. It also however acknowledges that such opportunities must be seen in the context of the existing historic character of the surrounding area.*

*Impact of the proposals:*

*The scheme under consideration includes the complete redevelopment of the Aquarena site to comprise a series of linked blocks of between five and up to 21 storeys. The tower would sit at the south western part of the application site where new residential units will enjoy extensive sea views. With the exception of the consented but not yet implemented Teville Gate development, there is nothing within Worthing of a comparable height and the impacts of the development on the townscape will therefore be far reaching.*

*The Beach House (grade II\*) derives some significance from the remnant garden in which it sits, which provides a pleasant landscaped context, and hints at the more*



*extensive garden that it once enjoyed. It also approximately marks the eastern extent of the early nineteenth century town, before speculative building plots were earmarked for residential development. It would once therefore have benefited from open views of the countryside beyond its gardens. Further east, the scale and character of buildings changes from one of villa retreats to a more common form of smaller residential terraces and semi-detached houses, with more modern development now interspersed.*

*The new tower proposed would be a radical departure from the otherwise low scale of development that is typically associated with edge of town locations, and would be harmful to the setting of the Beach House in as much as it would fail to reinforce it as an edge of town mansion, where the gardens gave way to the landscape beyond. The setting of the Beach House has already been compromised, but whilst the additional harm that would result from the proposed development, is not great, we cannot agree that the proposal will have the 'significant positive' effect identified in the Landscape and Visual Impact Assessment.*

*The landscape and visual impact assessment appears to be flawed in the way it assesses the cumulative effects of the development in the identified key views. While of course there is a degree of subjectivity about the merits or otherwise of very tall buildings, the assessment appears to assign very little importance to the significance of heritage assets, or the contribution made to significance by their setting. In particular, the Pier (grade II) is an important visual receptor point providing views both out to sea, and back towards the town. Here the full panorama of Worthing can be enjoyed and the proposed tower, at 21 storeys in height will be damaging to the appreciation of the town as a relatively unspoiled nineteenth century seaside resort. We again, cannot therefore agree with the assessment that in this view the net effect would be 'significant positive'.*

#### *English Heritage Position:*

*We acknowledge the ambition of Worthing and Adur to exploit the potential of the town, including through the redevelopment of sites to provide taller 'landmark' or 'gateway' buildings. We encourage your authority to consider how Worthing's heritage offer can feed into a growth strategy for the town.*

*The redevelopment of the Aquarena site presents an opportunity for a higher density scheme on a redundant site which at best has a neutral impact at present on the character of the historic townscape here, and arguably contributes negatively to it. English Heritage supports in principle the redevelopment of the old Aquarena site, but we have previously raised concerns that the quantum of development that is required on the site in Worthing's own planning policies is unrealistic and is unlikely to be deliverable without causing some harm to the character of Worthing's historic townscape.*

*As set out above, we believe that the development, but in particular the tallest element of it, would be damaging to this relatively intact 19<sup>th</sup> century townscape, and cause additional harm to the appreciation of the Beach House as an edge of town retreat.*

*We think it likely that these harmful impacts could only be mitigated by fundamentally rethinking the scheme and significantly reducing the height of the proposed tower. English Heritage acknowledges that there are wider considerations here, including the*

aspirations of the Council, and the need to maximise the development potential of the site. However, national and local planning policy is clear that new development should seek to promote or reinforce local distinctiveness (NPPF Paras. 60, 131) and we do not feel that this can be achieved here simply by tweaking design elements of the proposals.

#### Recommendation

Our recommendation is that the Applicant be required to provide the clear and convincing justification for harm to designated heritage assets which the NPPF calls for and which we do not feel has been adequately articulated in the submissions. The most harmful impacts are to the historic townscape, much of which is designated as a Conservation Area. Harm to Conservation Areas is principally a matter for your Authority, and if minded to approve the scheme in its current guise, we suggest that you must therefore be satisfied that the public benefits that would accrue from the development comprehensively outweigh the harm that would be caused. This is a requirement of NPPF Paragraph 134. Since we have not identified any heritage benefits arising from the proposal we are unable to offer further advice about what the public benefits might be or the weight that you might attach to these.

English Heritage has changed its name to **Historic England** and its comments on the **revised** scheme are as follows:

*We have received amended proposals for the above scheme.*

#### Summary

*Historic England assesses that this application would entail a high level of harm to designated and undesignated heritage assets in Worthing, principally the town centre conservation areas and the Grade II\* listed Beach House. We do not think this harm has been clearly and convincingly justified, nor do we think it can be minimised without substantial revision to the scheme.*

#### Historic England Advice

*Historic England provided advice to your Council on the proposed development (the site) in our letter to you of January 2014. Since then, the applicants have amended the scheme and it is the latest version that we now wish to comment on.*

- *Significance of Conservation Areas and Listed Buildings in Worthing Town Centre*

*The Worthing Town Centre Conservation Areas are significant as good examples of largely intact Regency and Victorian Seaside Resort townscape. Worthing's Historic townscape is unified by its humanness of scale. Street widths are predicated on the height of its buildings, which along with the generous number of parks gives the town a spaciousness character. The scale and layout of Worthing's Historic Townscape therefore contributes a great deal to its sense of place and an understanding of Worthing's heyday as a resort town, and thus also to the significance of its conservation areas.*

*The conservation areas west of the site are comprised in the main of a series of terraces laid out on a relatively formal grid like street pattern. It is still possible to easily understand the hierarchy of buildings within this earliest phase of the resort's development. Along principal routes (e.g. Marine Parade), buildings are generally no more than five storeys while on more minor roads, set back from the seafront, two or three storeys is common. Each street generally therefore has an established scale and this is a key characteristic of the historic townscape.*

*From the Grade II listed pier it is possible to appreciate this and the way in which the scale of development along Marine Parade and the streets behind remains largely intact without significant intrusion from modern development. Where modern development is present, this generally respects the existing scale of surrounding historic development. The building on the Aquarena site does not break the largely uniform scale of seafront development in views from the pier and thus does not detract from an appreciation of this aspect of Worthing's historic townscape.*

*Between the earlier development along the seafront and the site lies the Grade II\* listed Beach House. This early 19th century villa marks the edge of the early 19th century development in Worthing and it is effectively a small country house set-up for a gentleman of quality, albeit in this case, close to the sea.*

*The building's high quality architecture, which afforded its owner panoramic views out across the sea, and of its spacious landscaped setting, all attest to the aspirations of an owner who wished to create a building of prominence and stature as befitting his status and reflective of his wealth. An appreciation of the building's function as a high quality villa derives in part from its spacious landscape setting. Though this is compromised to a degree by the introduction of a car park and by the recently constructed Splashpoint Leisure Centre, these modern features do not detract in any great way from an understanding of the building's primacy in the historic townscape or indeed a sense that the building was conceived to sit within a substantial landscaped setting. An appreciation of this aspect of the building's significance is possible in views along Brighton Road and from Marine Parade. In views towards the building's principal and rear elevations, existing buildings on the Aquarena site do not detract from a sense of the Beach Houses' primacy in the streetscape owing to their scale.*

*In contrast to the terraced housing that represents the earliest phase of the seaside resort, that to the north of the site, (Farncombe Road Conservation Area) is comprised of a series of detached and semi-detached villas of no more than two/three storeys, each set within a large garden that reflects a growing desire for increased privacy and space. Some attractive small scale early 20th century terraced housing lies directly east of the site on New Parade. These areas of Worthing contribute to our understanding of the way in which the town developed eastwards in this period and formed the edge of the historic town.*

- *Proposed Development*

*The former Aquarena has been vacant since a new swimming pool, Splashpoint, was built on the adjacent site. It is now proposed to build a mixed used development on the*

site. Briefly this would comprise a 21 storey tower, new public realm and several blocks adjacent to the tower, up to 9 storeys.

- *Impact of Proposed Development*

*At 21 storeys, the scale of the proposed tower would run counter to the established scale of the historic townscape. While some might argue that a visual counterpoint of scale is a positive thing in townscape terms, we do not agree with this view where it relates specifically to heritage matters. Nor do we think large buildings are necessary to create a landmark building.*

*We think the principle issue with the proposal is one of scale and to a lesser degree massing and the way in which such a dramatic change to the built form of the site (which forms the setting of a number of designated and undesignated heritage) assets would harm their significance.*

*Specifically we think harm would arise because in our view such a dramatic difference in scale (between the historic townscape and the proposal) would result in a development that would be overbearing in views out from nearby conservation areas and from the wider historic town. It would dominate the streetscape harming an appreciation of the townscapes humanness of scale and sense of spaciousness, both of which are essential components of Worthing's historic character and make an important contribution to its sense of place and thus to the significance of its conservation areas.*

*In long views from the pier, the tower would be visually incoherent as a piece of contextual townscape because of the way in which it would rise up above the established scale of development to such a great degree. While there are some modern buildings which break the established historic building heights, generally these are set away from the seafront and do not therefore impinge to such a great degree on this important view from Worthing's historic pier. At the same time in more intimate views from Farncombe Road Conservation Area, Brighton Road and New Parade, the radical departure in scale from the established built form would harm an understanding that these streets marked the edge of Worthing's historic town.*

*As well as the impact on the significance of the conservation areas and wider historic townscape, the proposal would also entail a high level of harm to the significance of the Grade II\* listed Beach house. In views towards the building's principal elevation, the tower would be highly visible rising up behind the façade. This would overwhelm and dominate this view of the building, harming an appreciation of its primacy in the wider townscape and thus its tenure as the most visible and prominent building in this part of Worthing, aspects which contribute to our understanding of the building's historic importance as a high status detached villa. This is also true in views of the building's rear elevation, where it is possible to still appreciate the way in which Beach House sits within a spacious landscaped setting. Though the adjacent Splashpoint building is more visible in this view, its discrete colouring and subtle form mean that it does not take away from the building's primacy and prominence in the way that the tower would, if introduced into this wider view.*

*We recognise that further work has been done to improve the quality of the tower architecture and to reduce the visual dominance of the other blocks. However in our view the proposal remains very harmful to the significance of Worthing's Town Centre Conservation Areas, to the Grade II\* Beach House and to the wider historic townscape of Worthing. We do not therefore agree with the applicant's assessment of harm, which asserts that the proposal represents an enhancement to the setting of nearby designated heritage assets (p.32 EIA). Nor do we think that the agreed viewpoints set out in the Visual Impact Assessment depict the views from where the impact of the development would be most appreciable. We particularly think the views which take in the Beach House, substantially under-represent the actual level of harm as they do not fully show the building's principal or rear elevations which the site would form the backdrop to.*

- *Policy and Position*

*There is a strong legislative, policy and guidance context which affords protection to the historic environment. Chief among these is the statutory requirement set out in the Planning (Listed Building and Conservation Areas) Act 1990, to preserve or enhance the character of appearance of a conservation area (S.72) and the need to have special regard to the desirability of preserving the setting of listed buildings (S.16).*

*The NPPF provides the policy context for decision making in matters related to the historic environment. Paragraph 17, which sets out the frameworks core planning principles, is clear that Local Planning Authorities should seek to "conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations". Paragraph 129 goes on to highlight the need to consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a proposal entails harm to the significance of designated heritage assets, Paragraph 132 requires that harm is clearly and convincingly justified. As the site lies within the setting of a number of designated and undesignated heritage assets, Historic England's, Historic Environment Good Practice Advice in Planning, Note 3, The Setting of Heritage Assets is also relevant. Of note are the sections on assessing the contribution of setting to the significance of a heritage asset and the effect of proposed development on that significance.*

*In coming to a view, Historic England is mindful of the Council's ambition to achieve regeneration in this area of Worthing, noted as an 'Area of Change' in your Local Development Framework. We are also mindful of the specific policies you have for this site, though we have previously raised concerns that the quantum of development required by your policies may not be deliverable without harming the significance of Worthing's historic townscape.*

*We also support the principle of some development of this site which currently makes a limited contribution to the significance of nearby designated and undesignated heritage assets (albeit the lower scale of the Aquarena means that it does not significantly harm them either). However, we nonetheless retain serious concerns about this proposal and are not convinced that this location is the right place for such large buildings.*

*As the harm chiefly arises from the scale and amount of the proposed development, it is for the applicant to clearly and convincingly justify the need for the proposed quantum of development as required by Paragraph 132. Having looked at the various documents that accompany this application, we do not think the argument has been made as there is no information to justify that this quantum of development must go in this location to meet Worthing's housing and regeneration needs. Furthermore, whilst the document 'Planning, Regeneration and Affordable Housing Statement' makes clear that there has always been an expectation that the sale of the Aquarena site would help fund the new Splashpoint Leisure Centre, as a public benefit, there is no specific information to suggest how much funding was required from the sale of the site and whether the agreed amount was realistic. Clearly the viability of the site and the specifics of any agreement for cross-funding are key components of any justification and ought to be set out in the accompanying documents. Without this information, it may be difficult for the applicant to demonstrate that the harm entailed to significance is clearly and convincingly justified.*

*We also recognise that the applicant has attempted to minimise the harm entailed to significance (as highlighted by Paragraph 129) by re-working the design of the tower and adjacent blocks. However as we previously stated, we think the only way to realistically minimise the harm would be to fundamentally re-think the scheme, including by substantially reducing the scale of the tall element.*

*We think this proposal entails a high level of harm to the significance of a number of designated heritage assets, including the conservation areas and the Grade II\* listed Beach House, and thus it is for your Council to weigh this harm against the public (including heritage) benefits arising from this proposal as required by Paragraph 134 of the NPPF. In coming to a view, you must take account of the desirability of preserving the setting of the Grade II\* listed Beach House and the character and appearance of the nearby conservation areas neither of which we feel are well served by this proposal.*

#### Recommendation

*As this proposal entails a high level of harm, we recommend that your Council only approves this application if you are first satisfied that the harm has been minimised, is clearly and convincingly justified and that the public benefits arising from this application could not be delivered elsewhere in Worthing and are in themselves, substantial enough to outweigh the high level of harm.*

The **Conservation Area Advisory Committee** (CAAC) comments on the revised design,

*'The meeting unanimously voiced great concerns over the height of the proposed tower and the effect on neighbouring heritage assets such as Grade 2\* Beach House and surrounding Conservation Areas.*

*The lower elements of proposed development were considered rather dull, repetitive and boring and the whole proposed development is a missed opportunity to create interest and delight to an important town location.*

*Though this development would create much needed housing numbers there are alternative sites available. It was considered that the proposed development would create harm to surrounding heritage assets, the Seafront and the town in general. Townscape improvements are minimal and do not compensate for the unfortunate bland design and unfortunate scale.'*

**Coastal West Sussex Design Panel (CWSDP)** commented on the **original** application as follows:

*The Panel have had the opportunity to review the project on this site a number of times in the past. We were first engaged in January 2012, and have subsequently had the opportunity to advise on on-going changes made to the scheme in March and December 2013, March, June and September 2014 and most recently at our meeting of 9th February 2015.*

*Design South East welcomed the opportunity to remain in touch with the development as it evolved. This process has overseen a series of successive developments and improvements to the quality of the design. The proposal is now a planning application and this correspondence should be considered the Coastal West Sussex Design Panel's formal response to the planning application. We have also had the chance to discuss a series of post-submission changes presented at 9th February; we include commentary on these alternatives in the following response.*

#### Summary

*We find much to admire in the creative way that the proposed development deals with the challenges presented by this site, and how it seeks to maximise the opportunities to develop a successful and thoughtful response. The project has undoubtedly progressed over the iterations we have seen. For a while the Panel has been interested in the distribution of development on the site, including the resultant height. The Panel welcomes the commitment of the team to achieve a project of the highest quality, and we feel that the townscape blocks which form the majority of the scheme succeed in this aim. However, we remain concerned that the form and expression of the tower have yet to be successfully resolved.*

*We feel a strong case has been made for a tower of the proposed height at the identified point on the site; when this is paired with a suitably high quality of architecture we will be happy to support the scheme.*

*We have the following detailed comments:*

#### Tall Building

1. *Principle of a tall building*

*The principle of a tall building on this site has been articulated clearly and convincingly, and is now supported with studies which in principle suggest that the appropriate height for the tower is approximately 20 storeys. We welcome the rigorous approach and the wide area of investigation which now explores the regional role of the tower as a signifier of Worthing and its regeneration in views, including from Brighton and the South Downs. These studies should be continued as the detailed design evolves. The Panel support the inclusion of a tall building on this site in facilitating increased densities in this edge-of-town-centre location, as well as the role it can have in signifying the regeneration of the seafront. Paired with its role in the provision of the new public pool and the increased and improved public realm, this will be a critical regeneration project for Worthing.*

*With that in mind, for any new building to be acceptable on this highly conspicuous site, it must be of the highest quality; this is especially the case given the increased height.*

## *2. Form and articulation*

*The Panel do not feel that the current design for the tower at the south western corner of the site displays the quality that would be required of such a prominent and visible building. We encourage the design team to establish a convincing idea to guide the development of an exceptional building in both concept and detailed design. This will allow the tall building to achieve the required quality. We do not think this is a matter of refinement of the existing proposal but rather needs a more convincing parti to lead the design. This should influence the form, articulation, as well as the detailed design of the tower.*

*One of the issues which faces the current tower is its seemingly conventional approach to dealing with many aspects of the building. Without the ability for the design and development team to vary the constituent parts of the tower (including the composition, sectional arrangement and size of units that make up the accommodation on each floor), we fear that this aspect of the project will not achieve the kind of exceptional quality that is required. This building could be a marker for people's understanding of Worthing and their conception of the town, and needs to have a uniqueness which relates to its Worthing context. This level of attainment is currently missing from the proposed tower.*

*We are confident that a building of this height, if subjected to sufficient design thought can create a building of distinction. This will need to be paired with a commitment from the development team to deliver. The following detailed aspects will all be important in assessing the success of the tall building;*

- the tower's relationship with the ground, the inclusion of the communal pool at this point in the development is a welcome change, but could be expressed more convincingly in the external expression of the base of the tower,*
- the articulation of the tower from adjoining buildings (including the Splashpoint pool), the Panel welcome the choice of materials and the asymmetric expression of the townscape blocks fronting the promenade, the incorporation of this expression in the tower might be one way of breaking the monotony as currently experienced,*



- *the refinement of the tower's form to ensure its slenderness and elegance, and*
- *its execution in terms of material choices and detailed design; this will need to be informed by its context, as well as response to climate. The choice of materials presented is appealing individually, but needs to be considered as part of a whole composition, including the potential redesign of the tower.*

### Brighton Road

*The Panel acknowledge the team's desire to redevelop the site to provide increased residential and commercial accommodation on the site. We feel the townscape blocks which front Brighton Road, Merton Road and the eastern end of the beach work successfully in framing and enclosing their adjoining streets, while allowing for new public and semi-public space adjoining both the promenade and in the form of a courtyard at the heart of the scheme.*

*These blocks too have been refined and amended over the period of our involvement, with the improvement of many aspects including the enhancement of building proportion, the relationship of entrances and accommodation with the street edge, materials choice and their application. The decision to step the Brighton Road facade is welcomed, as it helps the buildings' massing in views east/west along the street, combined with the careful selection of materials to give the facade increased depth and a clearer rhythm, this helps the development to greater reflect their Worthing context.*

*The introduction of additional commercial space on the north west corner will further help the building's relationship with the public realm and connect the project to Brighton Road. The ongoing studies shared which test potential further refinements to the building entrance in the north east corner of the site look promising in clarifying the public-private interface and residential accesses. Similarly this clarity of threshold and hierarchy of accesses could be applied to the commercial, car park and residential accesses in the north west corner. The Panel were shown alternative arrangements for the architectural expression to the north west corner to Brighton Road and considered that the resolution of this should be informed by the architectural composition of the lower blocks as a whole. The design of this element would benefit from greater simplicity and coherence.*

**Coastal West Sussex Design Panel (CWSDP)** comments on the **revised** application as follows:

*The Panel have had the opportunity to review the project on this site a number of times in the past. We were first engaged in January 2012, and have subsequently had the opportunity to advise on the on-going changes made to the scheme in March and December 2013, March, June and September 2014 and most recently at our meeting in February 2015. Since then the team have undertaken a series of changes to the scheme, not least the tower, which were reviewed at the Council's offices in May and August this year.*

*Design South East welcomed the opportunity to remain in touch with the development as it evolved. This process has overseen a series of successive improvements to the quality of the design. The proposal is now a planning application and this correspondence should be considered alongside our earlier response on the planning application as the Coastal West Sussex Design Panel's formal response.*

*In this letter we comment particularly on the post-submission changes presented at our meeting on 20th August.*

### Summary

*We find much to admire in the creative way that the proposed development deals with the challenges presented by this site, and how it seeks to maximise the opportunities to develop a successful and thoughtful response. The Panel continue to support the scheme as part of the wider development of the Aquarena site including its contribution to the new Splashpoint pool. We identify a number of areas of detailed design, particularly with regard to the tower, which the local planning authority will need to assure themselves are adequately defined and controlled through the planning system.*

### History

*The project has undoubtedly progressed over the iterations we have seen. The early proposals of the design for this site suggested a series of mid- to high-rise blocks along the sea front. The Panel considered there to be a number of issues relating to this proposal, not least the relationship with the Splashpoint pool, as well as the way the new apartment buildings addressed each other with the proximity of new homes to each other creating problems of overlooking, access to sunlight and daylight and other microclimatic issues. To address these issues the development was fundamentally remodelled.*

*For a while, the Panel has been interested in the distribution of development on the site, including the resultant height. We have pushed for any taller element on the site to be both elegant and slender.*

*We feel a strong case has been made for a tower of the proposed height at the identified point on the site. It is important that the quality of design of the proposed tower, in both form and detail is carefully considered as it will have an impact on the seafront, adjacent conservation area and subsequent development. The architecture of the tower has been rethought by the team, and the proposals for the design appear promising. There remain a number of elements which will ensure the quality of the tower which are yet to be defined and fully resolved. These are explored below.*

### Tall building

#### *1. Principle of a tall building*

*The principle of a tall building on this site has been articulated clearly and convincingly, and is now supported with studies which in principle suggest that the appropriate height for the tower is approximately 20 storeys. We welcome the rigorous approach and the wide area of investigation which now explores the regional role of the tower as a signifier of Worthing and its regeneration in views, including from Brighton and the South Downs. The Panel support the inclusion of a tall building on this site in facilitating*

*increased densities in this edge-of-towncentre location, as well as the role it can have in signifying the regeneration of the seafront. Development on this site, including the tower, is intimately paired with the provision of the new public pool and the increased and improved public realm. Together they form a critical regeneration project for Worthing.*

*With that in mind, for any new building to be acceptable on this highly conspicuous site, it must be of the highest quality; this is especially the case given the increased height.*

## *2. Form and articulation*

*Since our last review the team have taken the opportunity to reconsider the design of the tower. While the siting remains the same, greater consideration has been given to the relationship of the tower to its neighbours including the Splashpoint pool, and the landscape along the promenade.*

*The design team have established a convincing idea to guide the development of the tower, that of two slender elements conjoined to create a single building. The decision to divide the tower into two elements, and the introduction of asymmetry, through differentiating the heights of the tower elements, not only creates a more appropriate and refined skyline to the tower, but also helps break down the perceived mass of the building. The more rectilinear arrangement is welcomed for the way that it will help reduce its perceived bulk. This will undoubtedly make the internal planning of the tower more straightforward enhancing its flexibility and robustness to future change and owner adaptation.*

*This building could be a marker for people's understanding of Worthing and their conception of the town, and needs to have a uniqueness, which relates to its Worthing context. There is an intention that, as with the rest of the development, much of this will be derived from the use of materials. Its execution in terms of material choices and detailed design will need to be informed by its neighbours, including the Splashpoint, as well as the particular climatic issues of building in the harsh marine environment. The choice of materials presented still needs further consideration to ensure that the detailed application of the material is relevant to the proposed scheme and needs to be considered as part of a whole, relating to the tower and the surrounding proposed scheme.*

*While the Panel welcome the new approach to designing the tower, which has created a more convincing form there are aspects of the detailed design which will require particular attention to ensure it achieves the required quality. Each of these areas needs to be clearly defined as successful resolution could make or break the success of the tower. The local planning authority will need to assure themselves that these details will be controlled by appropriate means, through the planning system. In certain instances this will likely demand the production of more detailed information.*

### *2.1 The Ribbon*

*The Ribbon is a striking feature of the proposed tower and will be a defining character in views around town. In long range views the interplay of the horizontal banding of white and darker elements comfortably places the tower in its context of others building on the*

*sea front (especially when viewed from the west). The depth of the ribbon varies as it passes around the building. This visual depth has distinct roles to play at different scales. At a distance the ribbon can tie the buildings into its townscape context. This role needs to be balanced with an elegance at the closer and more intimate scale. This should be tested to ensure the balance of these competing demands; this could be achieved in more than one way. One option that it may be interesting to explore is tapering the Ribbon to create perception of entasis, or reducing the visual impact of the tower.*

*What the ribbon is made of and how it is constructed, will have a critical impact on its success. We understand that certain of these decisions have yet to be concluded.*

*Each of these decisions should be supported by particular studies which investigate and conclude the most appropriate way to deal with this aspect. This should then be communicated and controlled with the requisite detailed planning drawings.*

### *2.2 Materials, weathering and durability*

*The final palette of materials has not been drawn out and defined. Specific care is needed to address this issue given both the visibility of the tower, and the particular demands of the marine environment. This care needs to be extended not just to the choice of materials and their co-relationships, but also to the construction detailing of how specific issues such as dealing with water runoff are handled. We have not yet seen any details of how these issues will be addressed.*

*Of particular interest is the colour and tone of the different bronzes proposed in the material cladding. This will have a fundamental effect on the perception of the building. As presented when we met, these were very subtly different. We are concerned that this subtlety does not underplay the distinctiveness of the different materials and their roles described by the design team.*

### *2.3 Articulation of the top of the tower*

*The dark bronze cowl motif adopted from the design team's reading of the new Splashpoint pool has been deployed to top out the two elements of the tower. We feel this is an appropriate means of addressing elements of the townscape blocks. For the tower however the Panel consider that greater elegance is required. It is suggested that the means by which the tower meets the sky is subjected to greater scrutiny. The current approach which caps the tower with the dark bronze cowl is a heavy presence in many views, lacking the lightness needed. This could be addressed through further investigation in combination with the expression of the ribbon at this point.*

*At the base of the tower it's relationship with the ground will be an equally important aspect of how this element is perceived. The inclusion of the communal pool at this point in the development is welcome; the move to greater express the foot of the tower externally with the incorporation of a double height space over the resident's pool is also a positive move.*

### *2.4 Public realm*

*Across the site a number of areas of public realm are proposed. We are particularly pleased that the south east corner of the site is being given over to the public, and is detailed to provide an extension to the promenade. The detailed design of this space compliments its new role and will be an attractive addition to Worthing sea front.*

*The new public space being created at the centre of the site has been designed as a communal courtyard for the new residential development, however this has a key role to play in the wider area, not least at its juncture with the public space in front of the pool entrance. We feel that while the aspiration to deliver a space that compliments the existing and offers a sheltered space for residents of the scheme and the wider area, we feel the detailed design is starting to return it to the feeling of a private courtyard. This is due to the number of perceived and actual barriers which have been introduced into the space. Removing or playing down the presence of planters, steps, ramps and other elements well help address this issue.*

*We welcome the renewed attention which is being paid to the landscape beyond the site, especially the identification and incorporation of land to the fore of New Parade. The inclusion of this space into the improvements to the wider area will help ground the tower and ensure its positive influence beyond the immediate site, to enhance the setting of adjoining properties. We are conscious of the challenges associated with delivering this element, but encourage you and the Borough Council to work with the development team to help bring this about and understand resources are being identified to bring about this transformation.*

#### *Brighton Road*

*The Panel welcome the townscape blocks which front Brighton Road, Merton Road and the eastern end of the beach which work successfully in framing and enclosing their adjoining streets while allowing for new public and semi-public space adjoining both the promenade and in the form of a courtyard at the centre of the scheme.*

*These blocks too, have been refined and amended over the period of our involvement, with the improvement of many aspects including the refinement of building proportion, the relationship of entrances and accommodation with the street edge, materials choice and their application.*

*The decision to further define the vertical stepping of the Brighton Road buildings to create a more defined 'tower' element is welcomed, as it helps the buildings sit more comfortably in views west along the street. Paired with the careful selection of materials, this has given the façade increased depth and a clearer rhythm, to better reflect their Worthing context.*

*The rationalisation of the commercial space on the north west corner of the site has created a more functional, and hopefully let-able, space helping the building's relationship with the public realm and connect the project to Brighton Road. This has been matched by reinforcing the building entrance in the north east corner of the site, clarifying the public-private interface and residential accesses.*

The Council's **Design and Conservation Architect** comments as follows:

*“The Heritage Advisory consultants consider the Splashpoint Leisure Centre building to act as a buffer and end stop to historic centre of Worthing. To the east of this the built character is perceived as being typified by relatively late, high rise buildings. Although the substantial visual impacts of the proposals are recognised, these are considered to be positive, as they are considered to be fundamental improvements of the application site in isolation and, by extension, therefore an enhancement of the settings of the identified heritage assets.*

*Historic England consider Beach House to mark the edge of the early 19<sup>th</sup> Century development in Worthing. Modern development when viewed from the pier is considered to generally respect the existing scale of the surrounding historic development. The 21 storey tower is highlighted as running counter to the established scale of the historic townscape. This dramatic change to the built form is considered to affect the setting of a number of heritage assets and would entail a high level of harm to their significance. The dramatic difference in scale would be dominating and overbearing.*

*Several recent court cases have clarified the approach which a local planning authority should take when it considers the effect of heritage issues in determining applications for planning permission. They cover the effect of the statutory presumptions in sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the policy guidance in paragraphs 132 and 134 of the National Planning Policy Framework (NPPF).*

*Section 66(1) states that when considering whether to grant planning permission for development which affects a listed building or its setting, the authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Section 72 contains similar requirements with respect to buildings or land in a conservation area. In this context ‘preserving’ means doing no harm.*

*Paragraph 132 of the NPPF, in the section dealing with the conservation and enhancement of the historic environment, states:*

*“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification...”*

*The policy guidance in paragraph 134 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal, including its optimum viable use. It is not obvious at first glance that paragraph 134 should be read in conjunction with the first part of paragraph 132, which states that when considering the*

*impact of a proposal on the significance of a designated heritage asset, “great weight” should be given to the asset’s conservation. This wording reflects the statutory duty in sections 66(1) and 72(1).*

*Paragraph 129 of the NPPF additionally highlights the need to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal. The NPPF goes on to define the setting of a heritage asset as being the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.*

*Based on the applicant’s visualisations, it is apparent that significant, although less than substantial harm to the setting of the Grade II\* Beach House would occur, due to the major visual impact of the development on the views of this property from the west, along Brighton Road and across Beach House Park. This early nineteenth century villa dominates the spacious, open area of public parkland, which still reveals the villa’s original historic curtilage. Although Splashpoint Leisure centre has recently been built along the eastern edge of this space, due to its carefully considered design and horizontal form, it does not dominate and overbear the open setting, unlike the proposed development.*

*It is also apparent that the proposals would impact on the views out from the Farncombe Road Conservation Area, especially adjacent to the Grade II listed lamp standard on the junction between Farncombe Road and Church Walk. The Conservation Appraisal notes a fairly even roofline as being an important characteristic of this conservation area. Although the undesirable interruption of Griffin House is acknowledged, generally the skyline is punctuated only by trees and chimneys. From the applicant’s Heritage Statement including VIA, it is apparent that obvious, albeit less than substantial harm, would be caused by the proposed development dramatically breaking through the skyline and dominating views and the character of the Conservation Area.*

*The views north-east from Worthing’s Grade II listed pier incorporate much of the South Street and the Steyne conservation areas. These areas are typical of Worthing’s historic townscape, their character being derived mainly from the Regency and Victorian seaside resort development. The hierarchy of roads is clearly legible, with the larger scale buildings (up to six storeys) along the major route, Marine Parade, and lower scale along the more minor routes leading inland. Modern infill developments accord closely with this scale. Looking further to the east, late nineteenth and early twentieth century terraces are interspersed with a number of later twentieth century buildings of which the Esplanade and Westminster Court break through the prevailing built skyline. The Splashpoint Leisure Centre is also clearly seen in this view, although its horizontal form and scale accords relatively well with the height of the other seafront buildings. The proposed development and more specifically the 21 storey tower, due to its vertical form, contrasts strongly with the general form of the built environment. Despite the deliberate dominance of this feature, its dramatic difference in scale would change the perception of Worthing’s historic character resulting in further less than substantial harm.*

*Given the nature of the proposals, many more heritage assets comprising the application site's wider context, whilst not illustrated in the applicant's visualisations, will undergo some visual impact, which will entail some level of harm to their significance, but still less than substantial."*

**The Technical Services Manager** comments on the revised application are very similar to his previous comments as follows:

*The north of the site lies within flood zone 1 whilst the southern half lies within flood zones 2 and 3. Small areas of the site appear to be affected by predicted surface water flooding although it is evident that these areas correspond with existing low level areas – paddling pools etc.*

*There is a discrepancy and an assumption within the SWP Flood risk assessment which require clarification.*

*Within para 3.1.1 the author states that the coastal flood defences comprise a level of protection of 1:100 years and are maintained by Worthing BC, whereas at para 3.1.2 the same defences provide a 1:1000 year standard of protection. With the EA plans being more up to date I believe the level of protection currently is in the order of 1:100 years and that this figure should be emphasised.*

*The author then goes on to say at para 3.4 that the risk of flooding from the sea is merely residual from overtopping. This assumes that the existing shingle bank is maintained in its current form, WBC maintain the defences under permissive powers not as a duty, should Councillors or Central Government withdraw funding for this activity the defences could be lost and the risk of flooding from the sea will increase significantly. I accept that this is unlikely but it should still be discussed and any possible consequences considered.*

*I agree with the authors comments at paras 4.6-5.2*

*Para 5.3 suggests that discharge from the site should be limited to existing flow rates and discharged via the existing surface water sewer out to sea via the sea outfall. The FRA states at Para 3.3.1 that flooding of the site was caused by the outfall becoming blocked by shingle. Whilst outside the bounds of this application it might be prudent, considering the extent of the underground carpark, to either extend the length of the outfall in order to prevent shingle blockage and a reoccurrence of on site flooding or to confirm that all on site surface water drains will be fitted with non-return valves as standard.*

*At para 7.2, there is the assumption that the underground car park can be protected by flood gates. No details of the gates are provided, but they may to be power operated, so, in the event of a serious rainfall / flooding incident involving a power cut which may result in the failure of the gates to close, how is*

- a) *the basement to be drained, (no electricity=no pumps) and*
- b) *the basement evacuated (no electricity=no lifts for disabled use).*



*(On the issue of disabled I note that there doesn't appear to be any "dedicated" parking bays for disabled / mother and toddler parking)*

*I disagree to an extent the content of para 7.4, due to the possible risk of increased overtopping as a result of decreased tidal defence provision as discussed before.*

*Once the forgoing items are addressed within a second revision of the FRA, I would be in a position to accept the conclusions contained in para 9.*

**The Environmental Health Manager** comments that an air quality mitigation emissions assessment is required, as per the Sussex AQ Guidance, with particular regard to noise and dust control during construction. In addition there should be considerable mitigation in the form of public and private eV charging points and a travel plan.

He also advises that this site does not appear to be situated over or adjacent to potentially contaminated land but advises that the precautionary planning condition is applied.

**The County Archaeologist** comments as follows:

*Summary: No likely archaeological implications; the footprint of the development site has been extensively excavated to create basement space and therefore any near surface archaeological deposits will have been removed in the past.*

*Comment: Although archaeological monitoring and recording has taken in the vicinity at sites in Montague Street (where post medieval structural evidence was noted) there is unlikely to be any surviving evidence at the Aquarena site as it has been extensively disturbed with the excavation of basement facilities at the time of construction. The height of the proposed 21 storey block will create a prominent feature in the wider landscape (especially elevated positions within the National Park – such as Mount Carvey) and in views along the coast in clear conditions. This could have the effect of emphasising the proximity of the built up area from publicly accessible areas of the open downland.*

*Recommendation: No archaeological intervention is required.*

**The Planning Policy Manager** comments as follows:

*The key policy Issues;*

*A proposal of this scale will be impacted upon by a number of the Core Strategy policies but the key ones are addressed below.*

*Core Strategy (CS) Policy 2 –Area of Change 2* -*The application site forms part of the wider AOC 1 –Aquarena. The site is considered to occupy a gateway location and is a key regeneration site. It also has a role to play in the delivery of the Active Beach Zone which forms part of the Worthing Seafront Strategy.*

*The key objective of this wider area of change was to deliver a new replacement public swimming pool (delivered). The overall objective is to deliver a mix of uses to include the development of a public leisure centre alongside residential, commercial and cultural*

uses. Its redevelopment will also assist in the delivery of enhanced public realm and outdoor play areas. There are a number of development principles which include the promotion of a mix of uses on the site ( which could include a hotel, café/restaurants, residential, supporting retail and leisure) and an acknowledgement that there is an opportunity for a landmark building on the site within the context of the surrounding historic character.

A development brief was prepared for this area based on the Worthing Local Plan 2003 and the then emerging Core Strategy 2011. This identified a number of potential uses including high quality residential as part of a wider mix including larger residential units. It indicates that there would be an opportunity for A3/A4 uses as part of the mix with a smaller potential for A1 retail linked to the pool/leisure facility. It was also considered there were opportunities for arts and culture with potential for investment in public realm and public art with flexible space for cultural activities.

The AOC has already delivered the new public swimming pool and leisure uses which includes a cafe and this current application looks to deliver residential and a small element of commercial. The uses proposed (residential and commercial) are in general in keeping with those identified in the CS AOC however, it does not offer a wider more vibrant mix of uses envisaged for this area given its location on the seafront. It is understood that the applicants have explored a range of other uses but these were not considered viable for this development. We need to be satisfied with their assessment has fully explored a range of uses and has robust evidence to justify their approach to the mix of uses.

CS Policy 7, 8 and 10 – these policies seek to ensure that the Borough meets its housing need and delivers the right mix of homes in the right locations. The principle of residential in this location is established with CS AOC2. In terms of the residential development the Council acknowledges the comments made by the applicant in respect of the requirements of the NPPF in terms of housing and the requirement for an Objectively Assessed Need (OAN) and the need for a five year supply of deliverable sites. The Council has undertaken a number of studies to help identify Worthing's OAN and has undertaken work to identify the available supply of sites with further work being undertaken. It is acknowledged that the current studies indicate an OAN that is significantly higher than the Core Strategy target number and that whilst the emerging numbers have not been tested or moderated against constraints they are sufficiently significant to have prompted the need for a full plan review which is currently underway. That said the Council has always taken a proactive and positive approach to appropriate new residential development whilst balancing the land use needs of other uses to achieve sustainable development and with each site considered on its merit.

In this instance the application seeks to provide 147 units of which 37 are described as affordable. Of the 110 market flats there are 8 x 1bed flats, 78 x 2 bed flats, 21 x 3 bed flats and 3 x4 bed flats. The socially rented element of 37 units seeks to provide 19 x 1 bed flats and 18 x 2 bed flats. The proposal seeks to provide for 25% of the affordable on site with the remaining requirement being delivered as a financial contribution to fund off site provision. This will comprise 30 'affordable' rented units and 7 subsidised market (80% of market value). The policy (CS10) requires that with developments of all sites of 15 or more dwellings 30% affordable units should be delivered on site Where there is a

robust justification off site provision may be acceptable. The views of the Housing Enabling officer will be required to consider the delivery of Affordable housing and the appropriate mix of the size of homes.

Consideration needs to be given to the Councils Supplementary Planning Documents relating to the Internal Space Standards and the Guide for Residential Design. The latter document refers to a number of general design matters when considering residential development including the design of housing that is intended for family occupation. The CS policies highlight the need for the delivery of larger family homes (defined as 3 bed plus). The preferred dwelling type is a house however it is acknowledged that in certain situations and locations the delivery of family flats may be permissible. CS policy 8 recognises that it will be most likely that it will be higher density housing that will be delivered in AOC located in and around the town centre. However, the SPD clarifies that to be considered suitable for family occupation the dwelling needs to contain a number of key elements; normally contains 3 plus bedrooms, have an internal layout and storage space to meet the needs of family life, have direct access to useable private amenity space and be located at ground floor level. Where a family unit is proposed above ground floor level the onus is on the developer to justify why and how these units will have access to good quality safe play areas for children.

The SPD on residential development also considers matters such as the sustainability of buildings and whether it meets the lifetime homes standards.

Design- CS policy 16 sets out the Council's approach to design and the SPD Tall Building Guidance sets out clear criteria against which any proposals for tall buildings need to be assessed. This current proposal seeks to provide for building heights ranging from 5 to 21 storeys. This proposal would therefore, if permitted, result to the highest building in Worthing. The SPD is a key document in the consideration of this application.

The Tall Building SPD sets out what information is required from an applicant to justify their design approach. Whilst no specific locations are identified for tall buildings in the guidance there is an acknowledgement that it is the town centre or within close proximity (which this site is) and seafront areas that are likely to be the best locations for very tall buildings. It is also acknowledged that this area of the town also contains a high number of heritage assets in terms of listed buildings and conservation areas but are also the most sustainable locations in the Borough. However, this area is also situated where the potential occupiers would have access to a wide variety of uses close at hand.

The SPD considers that buildings below 12ms (usually 4 storeys) would not be considered "tall". The definition of a tall building are "...those that are substantially taller than their neighbours and /or which significantly change the skyline". It is acknowledged that given the compact form and constrained nature of the Borough there will be pressure to build upwards. The intention of the SPD is to guide that development to the right locations.

The proposal includes a very tall tower structure which rises up to 21 storeys. The height of existing tall buildings in Worthing is relatively low in comparison with some other towns and as such whilst buildings of a very tall height are not ruled out it will be

*important to take the height of adjoining buildings into consideration. The applicants have undertaken an assessment of the building heights in the vicinity of the site and states that the area is predominately 2/3 storey residential with a number of buildings 'peppered' in the area of up to 9 storeys. The guidance states that tower/landmark buildings are by their very nature going to contrast substantially in height from the majority of buildings in the surrounding area – they are designed to stand out and make an impact. They can add interest and drama to the skyline, provide a focus for regeneration, help with way finding and create vitality and interest. However, it is at the local level where their impacts are most acutely felt and a careful assessment needs to be undertaken.*

*Careful consideration needs to be given to how they relate to their context and the impact of the surrounding natural and built environment. The design quality is paramount when seeking to achieve safe, positive and attractive additions to the urban area.*

*In summary, there are many positive benefits that a vary tall building can bring to a locality as set out in the SPD including; meeting regeneration aims, and creating a positive image for Worthing due to the confidence that is required in an area to be able to invest in a tall buildings. They have the opportunity for innovative highly sustainable design that should be able to stand the test of time taking into account the environmental, physical and historic characteristics. High quality innovative contemporary design can sit within or close to heritage assets as long as they can relate to the local urban patterns and geography, respect key views, respond to the scale of adjacent development, utilise vernacular materials and most importantly positively contribute to the overall urban setting. However, if the impact of a tall building to their visual surroundings is negative, this will be to the detriment of Worthing as a whole. The SPD outlines the key elements of good design as:*

- Is sustainable*
- Is responsive to environmental constraints*
- Is flexible enough to incorporate potential future changes*
- Contributes positively to the skyline*
- Contributes positively to the public realm at ground floor level*
- Allows tall buildings to be celebrated rather than concealed*
- Enables investment*
- Acts a catalyst for regeneration.*

*A simple key test for all proposals in Worthing will be to ensure that the positive benefits of any new building far outweigh any potential negatives.*

*In policy terms there are no in principle objections to the proposal however that said it would have been preferable to see a more vibrant mix of uses on this site given its links with town centre and the seafront. The applicants have stated that the current proposed mix of uses are the only viable options for the site we need to be satisfied with the evidence. The scheme does offer a number of improvements to the public realm which are in keeping with the objectives for this area but perhaps there may be more opportunities for public art and improvements to the adjacent Conservation Area as outlined in its local appraisal document.*

*The key to this proposal is the outcome of a detailed assessment of the proposal against the criteria contained within the Tall Buildings SPD.*

**The Parks Manager** states that he would like to be directly involved with the detailed hard and soft landscaping schemes for the new areas of public realm.

The **Environment Agency** comments on the original and revised applications are the same which is that the development will only meet the requirements of the National Planning Policy Framework if three planning conditions are imposed as follows:

1. Finished floor levels are set at no lower than 6.50 m below ordnance datum
2. A remediation strategy for the ground contamination are agreed
3. Secure dewatering of the site and piling and ground improvement methods are agreed

**UK Power Networks** raise no objections although negotiations between the applicant and UKPN are ongoing in respect of the relocation of the electricity sub-station.

Comments from **Southern Water** are awaited.

**Sussex Police** Crime Prevention design Advisor raises no objection but recommends security measures in respect of the D2 assembly and leisure commercial unit, residential blocks and access areas including lighting throughout the development and for the basement car park where there should be secure separation of public and private parking areas..

The Police also suggest that the installation of appropriate CCTV be considered. It also recommends that cycle stores be subdivided into small secure areas and suggests that landscaped areas are no higher than one metre to retain a clear line of sight. Trees should also be planted so that natural surveillance is not reduced.

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

*WSCC, in its role as Local Highway Authority, have previously commented on this proposal. It is noted that certain aspects of the proposal have changed. The majority of the comments issued on the 8<sup>th</sup> January 2015 still remain applicable.*

#### Access

*Vehicular access is retained as previously shown onto Merton Road. The access is noted as being relocated southwards to form a crossroad with Merton Terrace. The principle of access in all other respects remains acceptable.*

#### Trip Generation and Capacity

*The amount of residential development remains unchanged, albeit the mix of tenures appears to be slightly different. Trip generation and resultant capacity impacts for this element of the development remains acceptable.*

*[Note: The Highway Authority's original consultation response commented that the impact of additional traffic of a number of junctions around the site would not be material but had requested further information which has now been provided.]*

*The retail floor area is noted being increased to 306sqm. This use is indicated as being ancillary to the adjacent leisure centre. As a result no specific assessment has been made for this. No guarantee can be made as to who the end occupier is for this unit. Nevertheless, this unit would be unlikely to generate any significant traffic generation. There are also no waiting at any time restrictions on the Brighton Road preventing parking from occurring in locations that are detrimental to highway safety.*

*This proposal would not generate any highway capacity impacts that could be considered severe under the National Planning Policy Framework.*

### *Parking*

*The allocation of parking within the site is different from that previously proposed. 150 spaces are for the use of the private flats (111 allocated with the remainder unallocated) and 69 spaces for general public use in the form of a pay and display car park. No parking is proposed for the affordable housing units.*

*Viewed against the WSCC Parking Demand Calculator, the proposed allocated provision meets the forecast demands for the private flats. The unallocated parking proposed, again for the private flats, is short of the forecast demands albeit by only 4 spaces.*

*For the affordable housing units, no provision is made on site. The WSCC PDC is still forecasting a demand for 17 spaces. It's unclear exactly how these are intended to be met. It is acknowledged that the site is within the Worthing Controlled Parking Zone. There are consequently extensive controls for on-street parking. Future residents would be entitled to apply for parking permits if there are permits available. Alternatively, residents could purchase season tickets if these are available for nearby public car parks.*

*Given the presence of existing waiting restrictions and the residents controlled parking zone, there are controls in place to determine how and where on-street parking takes place. Whilst this proposal may increase on-street parking demands, these increases should not result in any detriment to highway safety.*

### *Other Matters*

*Alterations are now shown to Brighton Road, namely to build out the Merton Road junction to enable the footway to the west side to be widened. A corresponding build out would be provided on the east side of Merton Road. Further west, a loading bay is proposed for the retail unit with it understood that this will also be used for servicing arrangements for the proposed residential apartments. All of these works would need to be reviewed as part of a Stage One Road Safety Audit.*

*The build out in the vicinity of the Merton Road junction in principle is accepted. The build out on the east side of the junction would need to take account of the existing bus stop. The build out should not impinge on the movement of buses exiting the bus stop. This should be demonstrated*

*The precise nature of the loading bay arrangement is unclear. The drawing appears to show a dropped kerb indicating that the loading bay would be at a different level to the adjacent carriageway. However it is unclear. The loading bay also lies partly within the 'zig-zag' road markings associated with the adjacent signalised pedestrian crossing. These restrictions prohibit stopping and would apply to the back edge of the proposed lay-by; a loading bay subject to a further traffic regulation could not be introduced at this location. The arrangement would also result in quite a severe change in highway alignment and may interfere with vehicles entering the leisure centre.*

*Additional landscaping is also shown in locations within the highway. This planting would be subject to a license to plant. The applicant would need to apply for such a license.*

*In summary, whilst a Stage One RSA is needed for the proposed highway works, in principle, the loading arrangement does not appear to be deliverable.*

### Conclusion

*Whilst there are various aspects to this proposal that are accepted by the LHA, the alterations to Brighton Road would need to be considered in further detail. A Stage One RSA would also be required.*

*West Sussex County Council Infrastructure requirements for the original application are as follows:*

### Summary of Density per Infrastructure Demands

<i>Education – Primary</i>	<i>£101,236 (none required for secondary/sixth form)</i>
<i>Libraries</i>	<i>£ 26,536</i>
<i>Waste</i>	<i>none</i>
<i>Fire and rescue</i>	<i>£ 2,808</i>
<i>Hydrants</i>	<i>none</i>
<i>TAD</i>	<i>none</i>
	<i>-----</i>
<i>Total</i>	<i><u>£130,580</u></i>

These sums are greater than those in relation to the original application because there have been a few changes to the previous calculation (*the original consultation response requested a contribution of approx. £102,000*). Firstly, occupancy rates have been revised to reflect better what is on the ground in terms of average occupation. There are a significant number of 2 bed flats and the average occupancy of these jumped significantly from 1.3 persons per flat to 1.9 persons per flat. Others also increased, although not by as significantly. Secondly, the cost multipliers have been revised reflecting an indexation rise and finally the education contributions will be different due to the forthcoming Age of Transfer which is coming into being as of September 1<sup>st</sup>, but effectively now. The effect of this is now that contributions are being sought for 7 years of age now, rather than previously 8 years of age when we sought for primary and middle.

The Highway Authority has also requested various informatives to be added to the decision notice to safeguard the highway during construction [seeking approval for retaining structures under S167] and to enter into a S59 Agreement relating to potential damage to the highway during the construction period.

*Once the respective changes have been made, the travel plan should be secured as part of the s106 agreement.*

**WSCC Highway Authority** has given a subsequent comment around the provision of an unloading bay for the development as follows:

*West Sussex County Council in its role as Local Highway Authority has provided a number of responses in connection with this application. The only outstanding matters relate to servicing arrangements for the proposed flats and retail unit as well as the works at the A259/Merton Road junction. Further information has now been submitted by the applicant.*

*This information shows the provision of a new servicing/loading bay on the A259 to the immediate west of the existing signalised pedestrian crossing. The loading bay is to be provided within the existing carriageway with no changes of surfacing or level. The existing 'zig-zag' markings associated with the signalised crossing, which prevent stopping within their extents, are to be reduced.*

*To ensure that the loading bay is available for its intended purpose, the applicant will need to fund a Traffic Regulation Order. The TRO will not however guarantee the availability of the bay for the proposed development only that it is for loading purposes. It should be noted that whilst no waiting restrictions are in place on Merton Road, these would still permit loading/unloading. As such Merton Road is an alternative servicing location.*

*The proposed loading bay has been reviewed by way of a Stage One Road Safety Audit. This has raised no problems with this arrangement.*

*Works are also shown building out the Merton Road junction. This will enable the footway to the front of the proposed development to be widened. Again, this has been the subject of a Stage One RSA. This has raised two problems. The first relates to vehicles striking the build outs. The designer has accepted this problem and indicated that reflective bollards will be installed. The second matter relates to the ability of buses to exit the existing bus stop without striking the build out on the east side of Merton Road. The designer has provided a swept path drawing showing a bus entering and then exiting. The swept path appears to show a bus swerving into the bus stop rather than pulling in, stopping, and then exiting again. The kerb radius on the eastern side of the Merton Road build out adjacent to the bus stop may need to be increased. In principle, the build out can be accommodated. It is suggested that details of the build out are secured via condition with further tracking provided.*

*With regards to the highway works, the LHA would raise no objections. It is suggested that these are secured by way of obligations within the s106 agreement.*



*Whilst not mentioned previously and not necessarily a matter that would to be addressed at this stage, matters of mitigation during construction will need to be agreed. The demolition of the existing structure and construction of the new development will require potentially significant measures to be put in place. There is also the matter of public parking, which will be displaced as a consequence of the development. A comprehensive construction management plan will need to be agreed and in place prior to any works commencing.*

*In conclusion, taking all matters considered by the LHA throughout the various responses on the current planning application, no highway objection would be raised.*

*If minded to approve this application, the following conditions are recommended.*

#### *Access*

*No development shall commence until the vehicular access onto Merton Road serving the development has been constructed in accordance with the approved planning drawing.*

*Reason: In the interests of road safety.*

#### *Residential parking space*

*No residential dwelling shall be first occupied until the car parking serving the respective unit has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.*

*Reason: To provide car-parking space for the use*

#### *Public parking space*

*Upon commencement of development details shall be submitted to the Local Planning Authority for the timetabling and phasing of the provision of the public car parking spaces. Thereafter, the parking spaces shall be provided in accordance with the approved plan and the agreed timetable.*

*Reason: To provide replacement public car-parking spaces.*

#### *Cycle parking*

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

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

#### *Construction Management Plan*

*No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to*

*throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,*

- *the anticipated number, frequency and types of vehicles used during construction,*
- *the method of access and routing of vehicles during construction,*
- *the parking of vehicles by site operatives and visitors,*
- *the loading and unloading of plant, materials and waste,*
- *the storage of plant and materials used in construction of the development,*
- *the erection and maintenance of security hoarding,*
- *the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),*
- *details of public engagement both prior to and during construction works.*

*Reason: In the interests of highway safety and the amenities of the area.*

#### *Structures Check*

*No works shall commence until such time as the Technical Approval process as specified within BD 2/12 of the Design Manual for Roads and Bridges has been completed in regards of the proposed basement retaining structure and written confirmation has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority*

*Reason: To ensure that the proposed adoptable structure is constructed to the required standard to safeguard the users of the public highway.*

#### *INFORMATIVES*

##### *Section 278 Agreement of the 1980 Highways Act - Works within the Highway*

*The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.*

##### *Temporary Works Required During Construction*

*The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.*

##### *S106 Obligations*

*Upon commencement of the development the applicant shall use all best endeavours to secure the necessary consents to secure the provision of a loading bay on the A259*

*Brighton Road in accordance with the details indicatively shown on drawing number 112 revision A. Providing all consents are obtained, the loading bay shall be installed prior to the first occupation of any part of the development. In the event that the necessary consents cannot be achieved, the applicant shall submit to the Local Highway Authority an alternate arrangement for loading.*

*Prior to the first occupation of any element of the development, the A259 Brighton Road/Merton Road junction works as shown indicatively on drawing number 113 revision B shall be implemented.*

**South Downs National Park Authority** offers similar comments on the original application and the revised application as follows:

*This site is located at the far southern end of the built urban area of Worthing, close to the seafront; the boundary of the South Downs National Park (SDNP) is approximately 2.5 km north across the urban conurbation of Worthing. The general topography of the site is level, with the urban conurbation rising up to the Down land to the north.*

*In the context set out above, the proposed 21 storey tower block element of the development proposal would be particularly visible from some public vantage points when viewed over a southerly aspect, from and close to the South Downs National Park. The new tower block would be the most visually prominent element of the development proposal and in the absence of other vertical structures of a similar height in the locality; the new tower would be particularly visually prominent, even from distant southerly views from the National Park. Whilst efforts have been made to help keep the presence of the proposed tower block below the distant sea horizon, it would nevertheless be visible as a significantly high vertical structure that would 'puncture' the relatively even height of roof/building scape along Worthing seafront.*

*Bearing in mind the context as set out above, the South Downs National Park Authority, SDNPA, as neighbouring planning authority, recognise and value the long established open visual outlook and southerly aspect toward the open coastline when looking south, south west and south east (across the context of the significant urban conurbation of Worthing) from public open access land and other public areas. The relevant and more exposed open southerly aspect form part of the overall public enjoyment and sense of place close to and within the SDNP. Whilst, due to the distance, the development is unlikely to be directly harmful to the setting of the SDNP, the 21storey tower element would, nevertheless, be likely to be clearly visible against the existing open horizon and as such, due to its height, would have a distinct visual impact on the skyline outlook, when looking south from the National Park, as described above. Such a built interruption to the skyline should be considered as part of the overall landscape and visual impact assessment and, in turn, the overall assessment of the development, on the setting of the South Downs National Park.*

*In the event the development as proposed is given a favourable recommendation, the SDNPA, would also draw attention to use of appropriate materials to ensure and appropriate visual appearance an to avoid glare/glint across to the National Park. In addition, the visual impact of internal lighting from the tower block and any form of*

*external lighting should be carefully considered to minimise long distance night time intrusion, again in the context and of the wider National Park setting.*

*As the landscape, with its special qualities, is the main element of the nearby South Downs National Park and its setting, attention is drawn to the South Downs Integrated Landscape Character Assessment (Updated 2011) as a key document as part of the overall assessment of the impact of the development proposal, both individually and cumulatively, on the landscape character of the setting of the South Downs National Park;*

*Taking into account the above in the determination of this application, the SDNPA would also draw attention of Adur and Worthing Councils, as relevant authority, to the Duty of Regard.*

*It may also be helpful to consider the development proposals in the context of National Park Circular 2010 for guidance on these issues.*

*The SDNPA trust that the above comments are helpful to Adur and Worthing Councils in the appraisal and determination of this planning application, in consideration of the setting and special qualities of the South Downs National Park and the statutory purposes and duty thereof.*

**The Environment Agency** comments that the proposed development will only meet the requirements of the NPPF if the following planning conditions are included in any planning permission ensuring that: the recommendations of the FRA are carried out; a contaminated land investigation is undertaken; and, a scheme for de-watering the site and details of piling/ground improvement works is submitted.

**West Sussex County Council (WSCC)**, in its capacity as the **Lead Local Flood Authority (LLFA)** comments that there are no records of surface/ground water flooding and the proposed surface water drainage approach (Living roof, possible soakaways/infiltration trenches and basins and cellular tanks) is in keeping with sustainable drainage principles and meets the requirements of the NPPF, PPG and associated guidance documents. Conditions requiring detailed surface water drainage solution to be submitted and future maintenance/management of the SUDS Scheme are recommended.

**The Civil Aviation Authority** comments that aerodrome safeguarding responsibility rests in all cases with the relevant aerodrome operator / licensee, not the CAA. Therefore the CAA states that, it is important that the related viewpoints of any relevant aerodrome license holders / operators (in this case Shoreham Airport) is established and any concerns expressed appropriately mitigated. The CAA also states that, there is a potential need for aviation obstruction lighting (although away from airports). The CAA further states that,

*'In this case, given the height of the Tower (65m/213ft) and therefore the non-applicability of Article 219, any mandated requirement for the structure to be equipped with aviation warning lighting would depend upon the need for aerodrome (Shoreham)*

*related lighting. However, in the event that there were no Shoreham-related lighting requirement, given the Tower's location (immediately adjacent to the coast), the likelihood that the event of aircraft using the coastline as an aid to visual navigation and the Tower is likely to be the one of the tallest structures in the immediate vicinity, I believe the positioning of low intensity steady red aviation lighting at the top of the Tower would be a sensible consideration. Note that such lighting would be recommended and opposed to legally mandated.'*

The CAA also comments that cranes used during construction may also require aviation warning lighting. In addition, the CAA recommends that the views of the local emergency air support unit and Ministry of Defence are sought.

## **Representations**

In respect of the **revised application** the following have been received:

A petition conducted by Save Worthing Skyline and Save Our Seafront Worthing containing 512 signatures have been received raises the following **objections** to the scheme:

- The proposed design is far too high and out of keeping with buildings in the surrounding area. The building should be no taller than the chimney on the existing site.
- The suggested plan is too close to the promenade next to the beach.
- The height of the planned structure would take away a significant amount of light and privacy from local residents.
- The extra traffic and parking created by the density of the building plans would cause too much congestion.
- The proposed height of the tower block would set a precedent to build more skyscrapers in the Worthing area.
- The appearance of the suggested design looks cheap and out of context with the surrounding structures.

A second petition headed 'Stop the Worthing Skyscraper plans!' containing 550 **objections** has also been received.

686 letters of **objection** have been received on the **revised** application which make the following points:

- Inappropriate building just to attract wealthy out of town property money to the detriment of the landscape and existing residents
- The doctor's and dental surgeries will not be able to cope with all the new flats being built in this area
- Visitors come to Worthing because it is not London or Brighton
- Worthing has some lovely new builds and we shouldn't be badgered by the applicant into lowering our standards
- Do not spoil the seafront with this monstrosity

- This is just inspired greed and financially motivated
- Totally out of character
- An eyesore and an extreme overbuild
- This would set a precedent for unsuitable designs
- The seafront has been improved recently and it would be a pity to spoil it
- It's too tall, intrusive and out of keeping on the beachfront
- There should be nothing built on this land
- It will ruin the very attractive skyline and view from the pier
- It needs to be more unusual and elegant
- If 11 storeys is too high in Grand Avenue then 21 storeys in East Worthing is far too high
- It needs to be built in a nice clear space like Goring Gap
- The buildings will dominate the seafront and block the light of anything to the north of it
- This is not Benidorm
- Why include a commercial unit?
- The development is inappropriate for the seafront of a Georgian and Victorian area
- The scheme will do little for existing residents or tourists
- The blocks should all be of equal height which should probably be 8 storeys
- This is not an iconic building and does not meet the criteria in the Tall Buildings Guidance
- The development would adversely impact on New Parade which is one of the town's nicest roads
- The gardens in front of New Parade do not need landscaping
- The illustrated view from Brighton Road has been hidden behind a deciduous tree
- The development will destroy the current beautifully quiet east beach
- The application fails to acknowledge the geological conservation importance of the beach
- This is dreadfully ugly and out of date and other towns have been demolishing buildings like this
- It will be like a well-known carbuncle on a beloved uncle
- The development will not enhance the Splashpoint entrance, it will dominate and dwarf it into insignificance
- The current seafront atmosphere is very different from the noisy neighbours at Brighton and Hove
- The cycle lane will come across the New Parade frontage at an acute angle and will be very dangerous as it reaches the pinch point
- There are concerns at the artistic impressions which which always sanitise the negative points
- This will add to the traffic in the Steyne
- Teville Gate is the site that is begging to be developed not this one
- All of the previous residents' protests have been ignored and the applicant just isn't listening
- There are no economic benefits to the town from this development
- It looks like a Lego construction
- The design is like the 1960s tower blocks

- It will have a negative impact on the listed buildings
- This will adversely add to the already serious zone C on street parking problems
- It would be too close to the promenade
- It should be a more innovative design which would become iconic in time
- The impact should be no greater than the existing building, Beach House or the new pool
- The tower would soon become dirty and worn in this exposed position
- The Adopted Core Strategy requires the historic character of the surrounding area to be protected and expect retail and a hotel on the site
- There are already long queues from East Worthing going into town
- This will no longer be a quiet seafront with 300 new residents
- Large amounts of affordable housing are already impacting on local schools
- There should be retail outlets backing onto the pool to create a piazza
- The building should curve into the Splashpoint entrance
- This will spoil Worthing's renowned low level seafront skyline
- As an icon it has failed miserably
- It will be overbearing and overshadow Merton Road properties leading to a severe loss of light and privacy and noise reverberating from the building
- The buildings will create a wind tunnel effect
- There are already servicing issues for the adjacent shops and the proposals do not fully address this issue and may lead to more road blocks in Merton Road
- Merton Road should be widened and more parking bays added and no spaces should be lost
- The storage areas, refuse stores and electric substation should not be placed opposite residential properties in Merton Road where they will lead to additional noise and nuisance
- We do not need any more commercial units
- York Road already sees households from Roffey's adjacent development having two on street parking permits
- The Tall Buildings SPD states that tall buildings should be in the town centre or in clusters and certainly not on informal open space which the boating pool area was previously
- There is no proven demand in Worthing for this type of tower living space
- The design is terribly dull and outdated
- These would not serve the local population and would be bought by people living abroad as second homes
- It is not clear how enough spaces can be found for the contractors' vehicles along with the displaced staff and visitors' spaces
- There would be insufficient space for significant trees and landscaping to disguise such a huge development
- It would block views of the sea apart from the privileged few
- The bland and mediocre should not succeed in such a prominent way
- The door on the north east corner is a poor door
- It would set a precedent
- Would the Council approve this if it didn't own the land?
- Although it offers modernity it falls short on quality

- East Worthing will look like an overflow of Brighton
- Access to the site will become a significant problem
- The density is too high
- The external materials are not suitable for a harsh seaside environment
- Large areas of glass will attract vandals
- It would cast a very long shadow in the winter
- All areas of the scheme are too tall for its Edwardian context
- These towers will become eyesores in years to come
- Cars are already parked on pavements in Madeira Avenue every evening, Sundays and Bank Holidays
- Gardens to the north will be overshadowed by the tall tower
- Nobody on average wages will be able to afford these apartments and the cheaper flats will be bought by speculators seeking a quick profit
- The applicant is just trying to wear residents down
- If Grand Avenue at 11 storeys by the same developer and architect is too tall then obviously this is as well
- High rise has never worked
- There will be a risk of damage to the listed building from piling foundations for the development
- The revisions are a disappointing and insensitive response from Roffey which is clearly primarily motivated by profit at the expense of the town
- The development would block out views of the Downs
- This site should be used to improve public leisure facilities to attract visitors not to build a housing estate
- Architects who love the town should be employed not those employed for profit
- We need to replace the lost amenities on this site not build monstrosities which blight the seafront
- The existing sewage system cannot cope
- The scale of the development will cause light pollution of the night skies
- This site was given to the people of Worthing to enjoy
- The retail space will never be occupied
- The development should be carbon neutral and the BREEAM rating excellent or equivalent for residential
- In preference to selling the land for commercial development the cost of Splashpoint should be raised by public subscription and then the site can be used for leisure facilities
- The most suitable London Plan sites are only 70-170 dwellings per hectare whereas this is 200 and Worthing is hardly a compact city. The existing area 10 minutes from the town centre should only be 50-95
- The type of apartments will encourage two car occupancy which will put unreasonable pressure on existing street parking and the existing inadequate road system. Such development sites should minimise the dependence on the car.
- Such a tall building should have exceptional aesthetic qualities, demonstrate significant technological advancement and an appropriate civic symbolism.
- The Brighton Road 9 storey tower is massive and overpowering and there is no precedent so close to the road.



- The scheme does not contribute towards the active beach zone or improve linkages
- The location and base of the tower should accommodate beachside facilities but instead creates a private gym next to a public gym
- The residents would have limited on site private space
- The scheme is designed with long corridors to reduce the cost of installing more lifts
- There are poor single aspect flats facing north
- The scheme makes no attempt to integrate active or passive solar strategies
- The landscaping does not develop water catchment or use green roofs to reduce the potential for flash flooding
- This will bring congestion and critical delays to hospital traffic
- More parking should be provided on the site frontage
- There will be no allocated staff parking for Splashpoint
- There will not be enough green space on site for children to play
- The amount of development is far more than is needed to be sustainable
- Merton Road will be dangerous and overused
- The promenade should not be lost to provide a private beach
- It will look like a box on the road frontage and should be tiered back
- The design is completely inconsistent with the Edwardian and Victorian buildings
- The scheme flies in the face of restraints by the planners previously applied to other flat developments which have lower densities and heights
- There are too many luxury flats in the town and not enough affordable housing
- Traffic surveys mean nothing when there are currently long traffic queues in the area
- The proposal seems contrary to the Listed Buildings and Conservation Areas Act 1990, the National Planning Policy Framework and the Core Strategy
- The design should follow the Art Deco buildings in the town without the incongruous tower block
- A skyscraper would be a horrific addition to the thoughtful architecture that represents Worthing
- There is enough profit for a developer without adding a tower
- 10 storeys will triple the height of Splashpoint
- We need an ice rink or something for the youth and community
- Luxury and affordable apartments do not go together
- This will compromise the history of the town
- The most appropriate tall building would be a lighthouse with a revolving restaurant
- Worthing's seafront with its Victorian architecture is the gem of the south coast
- The rest of Europe is demanding no high rise developments at seaside resorts and demolishing ugly tower blocks in favour of low rise development
- It is worrying to see the Roffey's poor management processes at the Beach and the long suspension of street parking when this proposal is so much larger
- There are no buildings along the seafront more than 10 storeys high
- This scheme is purely profit led because of the high values for sea views
- If this is approved the incumbent Council will not be voted in next time
- Looks out of place with Victorian terrace and Beach House

- It should have a flashing red light on top for aircraft which will look horrible and annoy neighbours
- If the developer does not want to build at the right height he should walk away
- Why is a tower block relevant to the seafront?
- These homes are for investors
- The design does not look like luxury apartments
- It should be a competition to attract innovative design
- It will detract from the appearance of the pool
- The affordable units are not suitable for families and are located in the least favourable position fronting a noisy road
- The site has snatched covenanted public amenity space
- It would blight the building lines
- Other Roffey schemes have shown finesse and subtlety but not this one
- It will destroy the character of New Parade
- Why is residential being proposed in an Active Beach Zone?
- The existing drainage systems will not cope with this amount of development
- A huge shadow will be cast over Splashpoint, Beach House and the park
- Beach House green is so alive, why ruin it?
- The site would be better used as a health centre for Selden Road surgery
- The proposals are contrary to the objectives of Area of Change 1 policy
- There are strong objections from Historic England
- The land was gifted to the people of Worthing not owned by the Borough Council
- It will depress the resale values of neighbouring properties

91 letters of **support** have been received on the **revised** application which make the following points;

- We are running out of space and the only option is to build high rise if we are to preserve the Downs and areas like the Goring Gap
- This will create jobs and bring more income into the area
- Any new builds in Worthing will be expensive because this is a sought after area
- We must support any new proposals to build homes to safeguard the future generations of Worthing
- The design looks great and I am looking forward to the regeneration of the area and the removal of the existing eyesore
- It would let people know that Worthing is not stuck in the past
- The town is becoming trendier and more modern with buildings like the Beach Residences
- It will fit in well with the new Splashpoint leisure centre and surrounding area
- This scheme is better than the previous one
- This is a massive investment statement
- It would greatly enhance the seafront
- It will provide much needed housing
- There will always be objections to change
- More visitors will be attracted to the town

- Invariably it is the vocal minority that is taken notice of while the silent majority is overlooked
- The development will provide important affordable home and also release more expensive homes into the property market
- It will provide Worthing with a landmark which can be identified from the Downs
- It would add character to an area which is dull and antiquated
- The developer appears to have taken on board all of the previous legitimate concerns
- It is inconceivable that Worthing as a modern and progressive council could do anything other than support this groundbreaking scheme
- The revised plans look good and will complement the heavy investment and state of the art new swimming pool
- We need to approve this application quickly or we will be talking about it for years to come like Teville Gate
- It would be an asset to the town
- Worthing needs all the help it can get
- Roffey is an asset and brings class and a new dimension to Worthing with a local interest and they should be allowed to develop Teville Gate
- The town will benefit from improvements to the promenade
- A major developer would not be as sympathetic as Roffey
- The extra glass is more in keeping with the glass facades of Splashpoint
- It would produce much needed accommodation
- The development would be good for business
- There are less sympathetic developers who would take the site
- It would replace some unsightly buildings with outstandingly well designed structures
- There are too many NIMBYs in Worthing
- This will be an exceptional building which follows Roffey's string of superb and well crafted redevelopments
- It will provide a wealthy and vibrant image for the town offering a landmark on the skyline in contrast to the sea and the hills
- In time as land becomes scarcer and more tall buildings are seen such buildings will be more accepted and subject to the right materials this could be the start of something great for Worthing
- If the Council gives in to the dinosaurs the town will end up like Hastings

**Tim Loughton MP** has made the following comments on the **revised** scheme:

- A large number of constituents particularly in the Selden Ward to express their serious concerns about this planning application going ahead in its current form.
- The main skyscraper building has not been reduced in height and subject only to cosmetic changes and reordering of the number and size of flats.
- It remains overpowering compared to other tall buildings in the neighbourhood and it is difficult to see why it needs to be so tall. We are told that it is an 'iconic' landmark but the term 'iconic' is subjective and the site is not a recognisable landmark so it is difficult to justify this as grounds for such a dominant building.

- The visual impact assessment shows how it will dominate the landscape for miles around and is completely out of character with the surrounding buildings, particularly those within the conservation area.
- It would also set a precedent for future tall buildings in East Worthing which would appear to be out of kilter with the Council's own 'Tall Buildings Strategy'.
- The footprint of the building has been reduced slightly yet this still represents a major lost opportunity for a more imaginative use of public realm in the regeneration of this part of Worthing.
- After many years of relative neglect the East Worthing beach and promenade area has been subject to imaginative and successful regeneration over recent years centred on the new Splashpoint swimming pool. The old Splash Point promontory has been given a 'makeover'; the artist studio developed; the old tennis courts converted into beach volleyball courts and an outdoor gym added.
- The extension of 'East Beach' has brought substantial investment and visitors to East Worthing. This valuable site should have a major public usage as part of this development yet it is almost exclusively being given over to residential use. It therefore represents a major missed opportunity and in conflict with the Council's regeneration policy in this part of the town.
- Given that the Council have a vested interest in maximising the return from the sale of the old Aquarena site it is even more important that the grounds for granting planning permission should be fully transparent and sympathetic to existing planning policy.
- It is difficult to reconcile that in this case and I hope there that the Planning Committee will reject this latest application.

On the **revised** application the **Beach House Residents Association** makes the following objections:

- It will dominate rather than complement the surrounding area
- It conflicts with the planning policies
- The 2003 Worthing Local Plan stated that the redevelopment of the site should enhance the setting of Beach House and respect the seafront setting
- The new pool respects Beach House and is no higher than the old Aquarena and doesn't dominate the skyline as the tower would

In respect of the **original** application the following comments were received:

A petition conducted by Save Worthing Skyline and Save Our Seafront Worthing containing 451 signatures and another for 86 signatures were received raising the following **objections** to the **original** scheme:

- The proposed design is far too high and out of keeping with buildings in the surrounding area. The building should be no taller than the chimney on the existing site.
- The suggested plan is too close to the promenade next to the beach.
- The height of the planned structure would take away a significant amount of light and privacy from local residents.

- The extra traffic and parking created by the density of the building plans would cause too much congestion.
- The proposed height of the tower block would set a precedent to build more skyscrapers in the Worthing area.
- The appearance of the suggested design looks cheap and out of context with the surrounding structures.

470 letters of **objection** were received to the **original** scheme which make the following points:

- The Council previously restricted the height to 11 floors
- Its completely out of character and scale with the surrounding area
- We should stick to previous concepts
- It will overshadow the town
- It will add to road congestion
- Nothing over the height of the existing seafront buildings should be allowed
- Its too big and too aggressive for this lovely town
- The density is too high
- It will deprive the new pool of some of its parking
- The Planning Committee has a good record of sympathetic development in the town but approval for this will undermine the Committee's credibility
- Tower blocks spoil views and put off tourists
- The development will provide no public entertainment facilities or leisure opportunities
- Sites like this should be retained for public use
- The old Aquarena will be missed by many and its demise should be less painful
- It will be an eyesore and will ruin the seafront
- It will cut out light to neighbouring properties
- The design is unimaginative and graceless and downright ugly
- There are already overspill parking problems in Madeira Avenue from the new pool and this will make it worse
- The proposal is contrary to the tall buildings guidance SPD
- Recent seafront developments have been much more in character
- The Council has introduced good facilities to the seafront like crazy golf and volley ball but this is not one
- A block no higher than the Warnes would not spoil the seafront
- The listed building and conservation area need to be taken into account
- There will be a loss of privacy for neighbours
- There should be one parking space for every residential unit
- A building this high may be suitable for Teville Gate but not the seafront
- There is nothing iconic about the tower block which would be a blot on the landscape
- It looks like a disposable cigarette lighter rather than an impressive piece of architecture to be revered
- The scheme is motivated by money and not culture
- It would be very high next to the footway in Brighton Road

- No seafront buildings are more than ten storeys and this should be enough
- The style is reminiscent of the 1970s
- There needs to be a new doctors surgery to cope with the extra residents
- The site should provide public facilities like a café or theatre
- High rise will spoil the ambience of the area
- The development would detract from the outstanding focus of Splashpoint
- The main beach road should not be cut off during construction
- Brighton doesn't have a skyscraper as tall so why should Worthing
- How can affordable housing be provided on a prime seafront site
- It will be for second homeowners
- The scheme contributes negatively to the street scene
- It goes against the successful regeneration of this area
- It is overbearing and contributes very little to public space
- The tower butts up too closely to the iconic pool
- The design needs serious reworking
- 31 dwellings have no parking space because 28 units have tandem parking spaces
- There is no attempt to integrate into the current leisure zone developments
- The design needs to be inspired by examples from other cities
- The top two floors are wasted as one apartment
- There should not be affordable housing on the seafront
- This site could be used as a music venue, a state of the art digital library, an interactive museum with rooftop restaurants taking in views of the coast and the Downs. An outside paddling pool could be developed which transforms into an ice rink
- We don't want another Beach which doesn't even look like the original illustrations
- A cheap art deco pastiche neither attractive or iconic and more of a throwback to the 1970s. It is ugly and almost comically too tall
- The design is more like Benidorm
- This would set a precedent
- Roffey should stick to its art deco pastiche that seems to work in this seaside town like the Warnes and Vista Mare. The Beach looks cheap
- The site would be good for intergenerational housing
- The building is too far forward of the building line in Brighton Road
- The affordable housing scheme will look cheap and hideous along Brighton Road
- The Council needs to clear the conflict of interest between selling the land to Roffey and granting planning permission
- The applicant's images are very creative and give false views and distorted impressions
- The long construction period will cause problems locally and for the public visiting Splash Point
- The Dome and the pier are iconic but not this
- The development should be much lower
- The scheme has very poor ecological credentials

- The location of the Roffey gym and leisure facilities on the front next to Splash Point makes sense but a better solution would be to create a leisure frontage linked to the active beach zone with cafes and shops
- There will be wind turbulence created by the tower and a study of the impact should be carried out
- The semi public space next to the Splash Point entrance is unresolved and problematic. Some could be used for safe play by children living here
- The density at 200 dwellings per hectare is too high to function properly whereas the recommended density for sites within ten minutes walking distance of the town centre would normally be 50-95 dph.
- The location of the Roffey gym and leisure facilities on the front next to Splash Point makes sense but a better solution would be to create a leisure frontage linked to the active beach zone with cafes and shops
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- The density at 200 dwellings per hectare is too high to function properly whereas the recommended density for sites within ten minutes walking distance of the town centre would normally be 50-95 dph.
- Due to the expected affluence of the occupiers households will have second cars which will have to be parked on street and will exacerbate existing parking problems in the area
- The development needs to explore the opportunities for heat sharing with the adjacent pool
- The design is based on sales values and not benefits from natural light or solar gain
- A compact medium rise development would be more energy efficient
- A tower in the north west corner would have caused less overshadowing of the new dwellings
- Some flat have no natural light to corridors and are only single aspect and face north
- There are a wide range of technologically achievable approaches to sustainable housing which the applicant has not considered
- The site could be restored to open space to replace that which was lost when Splash Point was built
- The servicing, maintenance and administrative costs will be prohibitive
- Each flat should have one parking space of its own and another for a visitor
- It will reduce the rights of light for neighbours
- The building will be on the edge of footway in Brighton Road so it will be difficult to carry out maintenance without affecting pedestrians
- The applicant should stick to the art deco pastiche such as the Warnes and Vista Mare
- It will affect views from the national park
- If it was just a tower it might work but its just a lump of residential development
- The building will not weather well with the high winds, rain and salt air
- Worthing is almost unique in maintaining its low rise spread

- Nice design but in another location
- This development would undermine all of the tourist and visitor improvements recently carried out in this area
- This would be suitable for Teville Gate so why spoil the coast line
- It would introduce a concrete jungle
- The scheme pays little regard to cycle and public transport improvements and simply concentrates on the provision of car parking
- The consequences of developing modern and disregarding old can be seen around the town
- The design will itself become an eyesore in ten years time
- The tower would be in front of the current southern building line of the old pool
- It will adversely affect the spacious feeling along this part of the beach frontage
- The Tall Buildings SPD does not advocate tall buildings in locations such as this
- It will not add to the vitality of the area or the active beach zone
- This is not a common sense approach to developing the site
- A huge mistake has already been made over the size of the pool in Splash Point and we don't need another one
- The neighbouring tall building is already out of character and should not be repeated
- Farncombe Road already acts as a car park to the detriment of residents and this will only make it worse
- A low rise solution of mixed residential and retail/visitor facilities would provide a better solution
- A calm and private beach front will be overlooked by a monstrous bank of windows
- There is no value to the local community from this development
- The building will not be in keeping with the conservation area
- This is pure greed
- The adopted Core Strategy refers to retail and a hotel on this site but is not referred to in the application
- There needs to be a much wider promenade for walkers and cyclists
- Digging so deep into sandstone to form foundations may result in subsidence for neighbouring properties
- All the effort of subtly integrating the pool into its surroundings will have been undone if this is approved
- It will cause light pollution
- This is completely the wrong use for the site
- There is concern that the tower block would give views into the childrens nursery
- The development will be overbearing for residents of Merton Road
- Greater stepping down of the blocks should be achieved
- The trees on Brighton Road are an attempt to hide the mass of the building
- Planting grasses in Merton Road will not reduce the impact of the building
- There should be more laybys to help with collections and deliveries
- There appear to be ventilated storage units near the entrance in Merton Road which may cause a nuisance
- The height is well beyond the 4-5 storeys recommended in the development brief
- The tower is too close and detrimental to the iconic new pool



- It is too out of context to provide a focus to regeneration as it is surrounded by conservation areas
- Forward thinking towns protect their seafronts from tall buildings and overdevelopment
- The scheme really needs about 420 on site parking spaces
- There are already a large number of delivery lorries for the adjacent shops and this development will add to these problems
- There are already blocked mobile phone signals from existing buildings and this will make the situation worse
- The buildings will block the sun to gardens and roof terraces in New Parade and Merton Road
- It would be a conflict of interest if the Council permitted such a dense development simply to increase its finances
- The relatively blank east side of the pool suggests the Council always knew that this site would be redeveloped
- The tower could cast a shadow some 350 m long in winter
- Worthing is well known for its windy coastline which will affect the residents in this development
- The entrance to the Splash Point building should not be obscured by the development
- The main vehicle entrance should not be in Merton Road but next to the leisure pool entrance in Brighton Road
- To the west of Splash Point is an area of shade to escape from the sun and prevailing winds but this would be lost
- The development will block out light to the windows in the east side of the pool building
- The buildings along the seafront should be no taller than Splash Point
- There is a restrictive covenant on the site which the applicant should observe
- It will reduce light into a property in Madeira Avenue
- Merton Road is only two storeys and the scale of the buildings will be overbearing
- This will be a terrible injustice if approved
- The affordable units are too small for families
- The landscape is minimal for the number of units
- The site is within a flood plain
- There is already heavy demand on the drainage in the area
- It will not accord with the aims and objectives of the Core Strategy, the South East Plan or the policy of West Sussex County Council
- The site should be used for a communal facility to boost employment, tourism, trade and Worthing's profile
- The construction will affect traffic and delay access to Worthing hospital
- Construction will bring noise, disturbance, dust and mess to the area
- Cars are regularly parking on pavements in the area
- People want the promenade to be retained for relaxation and exercise
- It will overshadow Winchester Court
- There will be no public access to this land
- It will create a huge solid barrier to the sea from Brighton Road

- Merton Road will be like a wind tunnel
- There is no local design input to the scheme
- The scheme does not offer a mix of uses or respond to the character and density of the area as required by the Core Strategy and SPDs
- The site is a long way from a transport interchange to justify the height and density of development
- Tall buildings are difficult to fit in near conservation areas and listed buildings
- Tall buildings should create interest at ground level by incorporating activities such as leisure, retail and food
- This is a closed development and does nothing to improve links between the seafront and the town centre
- The development has no regard to Beach House, Farncombe Road Conservation Area and the Victorian villas at New Parade as claimed
- The application does not illustrate the impacts from all viewpoints around the site
- It bears no similarities to other tall buildings in the town which set no form of precedent
- The slab block along Brighton Road and Merton Road will dominate the street scene
- There are already a number of empty second homes so no more are needed
- Something needs to be built for the kids to get them off the streets
- The public really do want the paddling pool reinstated
- We do not need another 300 residents when services are at breaking point
- Walking past a tall block of flats is not attractive to tourists and leisure walkers
- The development brief spells out the need to ensure flexibility in relation to the possible uses of the site whilst ensuring a mixed use development which is viable and can contribute to regeneration objectives of an active beach zone
- The brief states that development of the site must respect the nature of existing buildings and in the area proximate
- The residential SPD requires development to be suitable for all to use and to promote community inclusion and cohesion
- The Splash Point building requires a very contemporary neighbour
- The development would adversely affect the Farncombe Road conservation area
- Roffey owns too much of the seafront and make huge ground and maintenance charges for their leaseholders
- The development should be carbon neutral to raise the BREEAM standard to 'excellent'
- The Council should raise the money for Splash Point by public subscription rather than sell the land which can then be used for more appropriate open leisure purposes
- The National Planning Policy Framework encourages new development to enhance the importance of the heritage environment which this does not
- The Civil Aviation Authority has concerns about the proposal
- Density, design, traffic and parking are serious concerns which should not be overlooked due to the Council's need to recoup the cost of building Splash Point and so an independent agency should review the project
- There should be a much needed medical centre in the commercial unit

143 letters of **support** were received to the **original** scheme which make the following points;

- it will provide valuable parking to avoid congestion in surrounding roads
- it provides much needed affordable homes in the town centre
- there will be much needed trades for local people
- it is a very attractive design and will act as a focal point and navigation bearing for people from miles around
- it will be a rich source of council tax for the Council
- the owner of Wenban-Smith supports the proposal because it will benefit the economy and give the town a modern image
- the range of house types on the site from affordable to penthouses makes it attractive for everyone
- local shops will benefit and the prosperity will spread across the town
- This will provide much needed new homes
- It will send an important message to private investors in the town
- There is no viable alternative
- It will remove an eyesore
- The buildings would raise the standard in Worthing
- This will make Worthing a partner to Brighton and not a poor relation
- The scheme will encourage the wider regeneration of the seafront
- The site is in a highly sustainable location close to the town centre
- It is consistent with planning policy
- This would enhance the gateway into Worthing
- A lifetime businessman in Worthing believes that such a high profile scheme can only benefit the town
- The tower should include a restaurant or public viewing platform at the top
- It ticks the Government's box for realizing the maximum development potential from brownfield sites
- The applicant produces high quality developments
- The view of Worthing is changing for the better and this will only help
- The tower should be even taller
- The large area of landscaping on the frontage is welcomed
- Not many developers would have the confidence to do this in these difficult economic times
- Schemes like this will help boost the retailing of the town which has suffered in recent times
- Roffey Homes gives a masterclass in contemporary elegance with subtle complementary references to Worthing's more favourable historical architectural styles providing a bridge between old and new
- Splash Point demands something futuristic and impressive to sit beside it which this does
- It will act as a catalyst for rejuvenation
- This will provide a futuristic landmark building from the Downs in elegant contrast to the sea and rolling hills

- Worthing is moving steadily into the twenty first century
- Constant opposition from local residents is stifling the prosperity and contemporary vision of the town
- The proposal is bold and imaginative and would create a landmark

**Beach House Residents Association** commented on the **original** application that a high quality design was achieved as promised when Splash Point was built and the setting of Beach House was improved with the erection of walls and piers. However, the Association considers that the proposed residential scheme does not respect the setting of the listed building and will dominate the skyline to the east.

**The Victorian Society** objects to the application because it would cause harm to the significance of the designated heritage asset especially the panoramic views from the pier and the setting of the conservation areas and in particular the insertion of a tower in the middle of the Victorian townscape which is made up from buildings which are three to four storeys high. The Society considers that this would harm the whole of the town and create an alien presence seen from all angles along the seafront. and, whilst it is acknowledged that there is a desire to bring the site back into use the proposal would not introduce benefits that outweigh the harm that would be caused to the listed building and the conservation areas.

**The Georgian Group** comments as follows:

*We wish to object to the granting of consent for the following reasons:*

*Beach House was built c.1820 by John Rebecca and is listed at Grade II\*. It retains a garden setting, and although now in an area characterised by twentieth and twenty-first-century buildings the setting of Beach House from within the garden and from the public highway is appropriate to the historic use and setting of the Grade II\* villa and gives it an architectural significance which would be harmed by large scale development in its immediate context.*

*The proposed development would harm the setting of Beach House by the visibility of the 21 storey tower in views of the listed building and by its height and scale, which the opposite of the low-rise and open setting of the Grade II\* listed building.*

*Any new development on the Aquarena site should take its cue from the low rise existing building and the predominantly suburban character of this part of the town, which was initiated by the building of villas such as Beach House and*

*The proposed development would be harmful to the setting of a Grade II\* listed building and would have a negative impact on the Conservation Area.*

*We endorse the advice given to your Authority by English Heritage and the Victorian Society.*

**Tim Loughton MP** has made the following comments:

- The development is overbearing and there is no need for it to be so tall and so dense.
- It is out of keeping with the area and is a lost opportunity to develop the public amenity on the East Beach area given over to residential building.

- The addition of a paying car park will not alleviate the traffic problem encouraging people to park in residential streets for free.
- Think again and more imaginatively and appropriately.

**Sir Peter Bottomley MP** has made the following comments:

- With others I am pleased with the appearance of some previous Roffey developments in Worthing. In my role as MP I have previously openly helped overcome an unnecessary problem for Roffey.
- The proposal at the site of the old swimming pool (like the one at Grand Avenue) is different in scale and in nature. My view is that any very tall building should be by Worthing station not on the coast by the new pool. This is not the Spinnaker Tower at Portsmouth Harbour entrance.
- No constituent has written to me or spoken to me in support. Many have informed me of their objections.

**The Worthing Society** commented on the **revised** application as follows:

*The cosmetic alterations that have been made to this proposal do not alter the Worthing Society's belief that it is incompatible with both local and national planning policies. These policies stress that development should respond to local character and history, and should promote or reinforce local distinctiveness. The proposed development would, by contrast, be wholly alien to the character of Worthing. The slab blocks are too tall and too bulky; the 21 storey tower would transform the skyline of the shore. The modifications to its design make its appearance more aggressive, and so more dominant over the shore. English Heritage, in its comments on the original application, emphasised the harm it would do to the relatively intact C19 townscape of Worthing.*

*If the application is approved, a precedent would be set that could lead to the destruction of Worthing's historic character. Approval would represent the rejection of the national planning policies that are intended to encourage the integration of new development into the built and historic environment. It would also represent the rejection of Worthing's own planning policies, intended as they are to conserve the built heritage of the town.*

*The bulk and height of the five and six storey blocks fronting the roads would be wholly out of scale with the two or 2.5 storey houses in adjoining streets. The rectangular shape of the proposed buildings would accentuate the difference between the appearance of the new development and of its neighbours. The Farncombe Road Conservation Area of detached and semidetached houses is immediately north of the development site, and would be overlooked by the new buildings, as would be the 2.5 storey houses in New Parade, east of the site. The setting of the conservation areas in central Worthing would be affected by the 21 storey tower. It would also affect the background to the Grade II\* Beach House, about 100 metres west of the tower.*

The criteria for determining this application

*Decisions on planning applications have to be based on the policies of the Local Plan,*

*unless material considerations indicate otherwise. The financial interests of Worthing Borough Council, as owner of the development site, do not represent a material planning consideration. The Planning Committee must therefore put aside any thoughts about the importance of the sale of this site to the Borough Council, and base its decision solely on the policies of Worthing's Core Strategy and material planning considerations, of which the most significant are the National Planning Policy Framework and the national legislation concerning conservation areas and listed buildings.*

*The contract of October 2013 between Worthing and Roffey for the sale of the site suggests, however, that the interests of Worthing as landowner have been allowed to influence the planning process for this site, because the contract stipulates that Worthing and Roffey will "discuss and agree the form, content and timing of the proposed Planning Application" and that Roffey "will seek to maximise the number of Apartments within the Development". These provisions — clearly intended to maximise the price that Worthing could obtain for the site - could give the impression that Worthing Borough Council had agreed to this planning application before it was submitted, and that the evaluation of the application by the Planning Committee is no more than a charade.*

*The decision of the Planning Committee cannot be influenced by the provisions of this contract between the Borough Council and the applicant; and the Committee's decision cannot be predetermined by any agreement between the two parties. The decision is solely for the Planning Committee, and it can only be based on the merits of the proposal, judged against the policies of the Core Strategy and material planning considerations. The proposal is in fact incompatible with both local and national planning policies, and should therefore be rejected by the Committee.*

#### *Where the application conflicts with planning policies*

##### *National Policies*

*The National Planning Policy Framework repeatedly states that new developments should respond to the existing character of an area.*

*Paragraph 58 of the NPPF states that planning policies and decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, while not discouraging appropriate innovation*

*Paragraph 59 says that design policies should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials, and access of new development in relation to neighbouring buildings and the local area more generally.*

*Paragraph 60, while stating that developments should not be required to conform to certain forms or styles, concludes that it is proper to promote or reinforce local distinctiveness.*

*Paragraph 61 states that planning policies and decisions should address the integration of new development into the built and historic environment.*

*Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available to improve the character and quality of an area and the way it functions.*

*In its policies on the historic environment, the NPPF re-emphasises these policies.*

*Paragraphs 126 and 131 state that it is desirable that new development should contribute to local character and distinctiveness.*

*This planning application would implement none of these policies. It does not respond to local character and its surroundings; it would be a complete contrast to them, though there is an attempt to reflect local materials. The scale, density, massing and height bear no relation to local buildings and the local area. The development would not, therefore, promote or reinforce local distinctiveness. It is rather an example of a poorly-designed development that fails to take the opportunities available to improve the character of an area. The Aquarena site provides a blank canvas on which to create a development appropriate for its beachside position. Such a development would be a fraction of the size of the present proposal.*

### Local Planning Policies

*Worthing's planning policies, in its Core Strategy and Supplementary Planning Documents, emphasise the importance of respecting the character of the borough.*

*Strategic Objective 6 of the Core Strategy states that new development should enhance the environment while respecting the character of the borough; and that Worthing's built heritage and historic assets should be conserved and, where appropriate, enhanced.*

*Policy 16 of the Core Strategy states that new development should take account of local physical, historical and environmental characteristics and respond positively to the important aspects of local character, exploiting all reasonable opportunities for enhancement. The settlement structure, landscape features and buildings which represent the historic character of Worthing should be maintained, preserving and enhancing existing assets.*

*Policy CT3 of the Core Strategy says that development on the seafront should be appropriate to its location in terms of density, scale, height, massing, appearance, orientation, layout and siting, both in itself and in relation to adjoining buildings, spaces and views to the sea.*

*Guide for Residential Development SPD emphasises that new development should be designed to respond positively to its context. It should respond to the local character and relate well to its surroundings. New development should be of a high quality which responds to the urban context and settlement pattern. Designers should consider the local setting, the surrounding densities, local building heights and other local features.*

*Tall Building Guidance SPD contains many policies on the appropriate locations for tall buildings and their design. It recommends that tall buildings should be placed near transport interchanges, and in or near Worthing town centre and seafront. Tall buildings on the seafront should not look out of place or overpowering, and should improve*

connectivity between the seafront and the town centre. (This policy is incompatible with Policy CT3 and the Guide for Residential Development SPD ). Tall buildings are difficult to fit in near conservation areas and listed buildings. If near a conservation area, a tall building would need to be carefully designed and would generally only be considered if it enhanced the area. The backdrop of listed buildings should be protected, if they are landmarks.

### The Defects of the Proposal

The proposal does not conform to any of these policies. It does not respond to local character, and it is not appropriate in relation to adjoining buildings in terms of density, scale, height, massing and appearance; it does not respond to local character; it does not exploit any opportunities to enhance this character; it does not relate well to its surroundings, surrounding densities and the heights of local buildings; it does not respond to the urban context; it does not improve connectivity between the seafront and the town centre; it does look out of place and overpowering; it is a mile from a transport interchange at Worthing railway station; it is not in Worthing town centre; it does adjoin and overlook the Farncombe Road conservation area; and it is in the backdrop of the Grade II\* Beach House, which is a landmark. The development is therefore contrary to the basic objectives of Worthing's planning policies.

The fundamental defects of the proposal are that its design and its scale combine to create buildings which clash with and dominate their surroundings. The contractual obligation to maximise the number of apartments in the development has led to a density of 212 apartments to the hectare, and to buildings which are of a height and bulk that would dominate their surroundings. The 21 storey tower would transform the appearance of the seafront. The rectangular design of the slab blocks on Brighton Road and Merton Road is in sharp contrast to the rounded form of the existing houses in these roads and New Parade; and the new blocks are roughly twice the height of their neighbours. They will therefore dominate these neighbours, reduce the amount of sunlight reaching street level, and significantly affect the outlook in and from the Farncombe Road Conservation Area.

The tower, right on the sea front, with only a path between it and the shingle, would dominate the view of the town from the beach and from the pier. It would be 50% higher than Manor Lea, at present the tallest building in Worthing. Its design has been changed from the ordinary to the aggressive, in an unsuccessful attempt to create a more interesting and attractive building. It remains a purely residential block, and cannot contribute to the leisure and recreational activities of the seafront's Active Beach Zone.

The photographs in the applicant's Visual Impact Assessment, which is intended to show how the new buildings would affect the appearance of the town, cannot be regarded as an accurate representation of the impact of the development. Where it is possible to make a direct comparison of the illustrations published in 2014 and in 2015, Viewpoints 2 and 10, the later pictures show new buildings which are significantly lower than they were in 2014. Although the number of floors is the same, the buildings have shrunk. In other illustrations, the viewpoint is more distant from the site, or a wider-



*angle lens is used, to render the development — and especially the tower — less prominent. This Assessment should therefore be ignored.*

### English Heritage Comments

*English Heritage, in its comments on the original planning application, wrote ..."the development, but in particular the tallest element of it, would be damaging to this relatively intact 19<sup>th</sup> century townscape.... These harmful impacts could only be mitigated by fundamentally rethinking the scheme and significantly reducing the height of the proposed tower."*

*"The harm to Conservation Areas will be much more serious (than the impact on Beach House) and has not been properly assessed in the submission"*

*English Heritage continues "National and local planning policy is clear that new development should seek to promote or reinforce local distinctiveness (NPPF Paras. 60, 131) and we do not feel that that this can be achieved here simply by tweaking design elements of the proposals".*

### Conclusions

*This application clearly breaches local and national planning policies which are intended to ensure that new development reflects the existing character of an area, and protects historic assets. The lower buildings on the street frontages of the proposed development would still be twice the height of their neighbours, and wholly different in style. The 21 storey tower would transform the appearance of the shore. This destructive development results from Worthing Borough Council's desire to maximise the price it can obtain for the site. The financial interests of the Council are irrelevant to the determination of this application: they are not a planning consideration. The only relevant considerations are local and national planning policies.*

*An appropriate development for the site would be less than half the size and density of the present proposal, and would eliminate the dominating tower. It would incorporate facilities that would help residents, and visitors, to enjoy the beach. Worthing Borough Council should behave as an enlightened and public-spirited landowner, who wishes to enhance the public realm as well as profiting from residential development.*

*The Planning Committee refused planning permission for the less damaging application AWDM/1805/14. We trust that the Committee will be consistent, and that planning permission will therefore be refused. After refusal, we hope that the Borough Council will promote a much smaller development, which respects planning policies and incorporates communal facilities.*

**The Worthing Society** commented on the **original** application as follows:

*The Worthing Society is opposed to this application from Roffey Homes Ltd, judging it an inappropriate overdevelopment of this important public location.*

*Attached is a document containing our comments on the application. These comments indicate where the application conflicts with local planning policies, particularly those policies contained in the Core Strategy, and the Supplementary Planning Documents on Tall Buildings Guidelines and Residential Development. The density, scale and mass of the proposed buildings are excessive and the twenty-one storey tower block of flats would be an eyesore.*

*It is difficult to accept that there has not been covert encouragement by the Worthing Borough Council to Roffey Homes for this overwhelming and controversial proposal. On page 12 of the contract between the Council (the Seller) and Roffey (the Buyer) dated 18<sup>th</sup> October 2013, it states:*

*"4.2 In relation to the proposed Planning Application, the Buyer, in its sole discretion but acting reasonably and professionally, will seek to maximise the number of Apartments within the Development."*

*We presume the more Roffey are allowed to put on the site the more Roffey pay.*

*Choosing a density of over 200 dwellings per hectare instead of 100 dph for inner city development skews the whole design process.*

*It is entirely possible using the density of 100dph to design a modern sustainable building which would enhance the site and setting and be an asset to the town.*

*This proposal may "regenerate" the Aquarena site but will "degenerate" the environs of the site. It fails to enhance or make a contribution to local character or recognise the importance of the Farncombe Road Conservation Area, New Parade, listed Grade II\* Beach House and the "spirit of place" of East Worthing. It downgrades the Heritage Assets which are vital to sustain Worthing's character.*

*The Worthing Society is strongly opposed to this application and requests that it be refused.*

#### *Further comments by the Worthing Society*

*The contract of October 2013 between Worthing Borough Council and Roffey Homes Ltd for the sale of the Aquarena site reveals that Worthing and Roffey have already agreed the form and content of this planning application; and that Roffey has sought to maximise the number of apartments provided by the development. The public consultation on this planning application therefore appears to be a charade, because Worthing has already approved the terms of the application. Worthing's motivation is clear: it wishes to ensure the sale of the site for the maximum achievable price, to provide the money it needs to pay for the new swimming pool.*

*The Society is not qualified to comment on the propriety of the agreement between Worthing and Roffey, but it does consider that it undermines confidence in the planning system. How can a planning authority be regarded as an impartial judge of the merits of a planning application if it has already agreed its content with the applicant, and has a financial interest in maximising the scale of the*

development?

#### *Worthing's Relevant Planning Policies*

*The Core Strategy and the Supplementary Planning Documents on Residential Development and Tall Buildings all emphasise that new development should respond to the character and density of the existing buildings adjoining a development site; and, specifically, that the new development on the Aquarena site should embrace a mix of uses. The proposal instead suggests a much higher density than in the surrounding area, 212 dwellings to a hectare, and buildings which are therefore much bulkier and taller than the buildings that adjoin the site. The development would also contain only one commercial unit among 147 apartments, and so would lack the cafes, restaurants and retail activities proposed in the Core Strategy. Worthing has approved a development that is incompatible with its own planning policies.*

*The policies which conflict most clearly with this application are:*

#### *Core Strategy*

- 1. Strategic Objectives 2 and 6, which emphasise the importance of improving public spaces and the environment, and of ensuring that new development is of a high standard and respects the character and local distinctiveness of the borough. Comment: the proposal does nothing to improve public spaces and the environment, and does not respect the character of the area or its local distinctiveness.*
- 2. Area of Change 1 relates to the Aquarena and states that the objective of redevelopment is to promote a mix of uses, which could include hotel, cafe/restaurant, residential, supporting retail and leisure. Comment: The proposal is almost wholly residential.*
- 3. Saved Policy CT3 on coastal development states that development should be appropriate to its area in terms of density, scale, height, massing, appearance, orientation, and siting. Comment: The proposal meets none of these requirements.*

#### *Guide for Residential Development*

*This guide emphasises that development should respond to the local character, and relate well to its surroundings. Designers should consider the local setting, surrounding densities, and local building heights. Comment: The proposal is wholly alien to local character and the local setting; the density is much greater than in the surrounding area, and the proposed buildings are all much taller than the adjoining buildings.*

#### *Tall Building Guidance*

*The more important of the many policies it contains which conflict with the proposal are:*

- 1. Locational Criteria. Tall buildings should be located near transport interchanges and corridors, to maximise access to a mix of transport options-and minimise dependence on car use. Comment: The Aquarena is about a mile from the nearest transport interchange at Worthing railway station. The only public transport near the site is the bus service along Brighton Road.*

2. *Locational Criteria.* Sites in or close to the town centre are most appropriate for tall buildings. Proposals that do not strengthen existing centres are less likely to be supported. *Comment.* The Aquarena site is about 250 yards from the boundary of Worthing Town Centre. It does not lie in any other centre. It is therefore a site that is less likely to be supported.

3. *Context* Tall buildings are difficult to fit in near Conservation Areas and Listed Buildings. If near a Conservation Area, a tall building would need to be carefully designed, and would generally only be considered if it enhanced the area. The backdrop of listed buildings should be protected, if they are landmarks. *Comment.* The proposed development cannot be said to enhance the area. Beach House (Grade II\* listed) is a landmark, and the proposed tower would form part of its backdrop. The Aquarena site should therefore be considered unsuitable for a tall building.

4. *Context and Townscape.* Tall buildings are expected to provide new open spaces for residents and to help to deliver new open spaces and improvements to the public realm. *Comment.* The proposed development would provide a courtyard for residents, but would contribute no new open spaces and no improvements to the existing public realm.

5. *Townscape.* The height of tall buildings should depend on their context. The height of a new building should be related to that of adjoining buildings, so that it does not look unsightly or disproportionate. *Comment.* The height of the proposed buildings is in no way related to that of adjoining buildings, so that they would appear unsightly and disproportionate.

6. *Townscape.* Tall buildings should create interest at ground level and integrate with the streetscape, by incorporating activities such as leisure, retail or food. *Comment.* The proposed buildings would have none of these activities at street level; the building would have residential units at street level, and would not be visually integrated with the street.

7. *Townscape.* Tall buildings on Worthing's seafront should enhance linkages between the seafront and the town. *Comment.* The proposed development is a closed residential unit that would do nothing to improve links between the seafront and the town.

#### *Roffey's Arguments*

The development brief from Roffey seeks to justify the density of 212 dwellings per hectare. But the contract shows that this density has clearly been chosen to maximise the financial return from the site.

Roffey's Urban Design and Landscape Design Statement is a document conceived to justify the bulk, mass and scale. An example is Item 6.11 stating that "the proposal has been designed with full regard to the context. Particular attention has been paid not only to the proximity of Beach House and Farncombe Road Conservation Area but also the Victorian villas on New Parade." The proposed buildings differ so radically in style and scale from the adjoining buildings that it is impossible to take this statement seriously, and we disagree absolutely.

Elsewhere (page 10) scale and mass are discussed, with various diagrams of massing tests which fail to show the impact on New Parade or Brighton Road. On page 11 a variety of blocks are shown as a backdrop to Splashpoint only. The impact on all of the surrounding area is not shown, although Worthing's planning policies expect an applicant to show it.

*Roffey's Statement mentions the unrealised Teville Gate scheme, Manor Lea and the tall blocks of the 1960/70 era "peppercotted" west of the town centre and nearby, stating there is "no rhythm or pattern" in their development.*

#### *Deficiencies of Roffey's Proposal*

*The mistakes of the past are returning to haunt the planners, and are being used to justify this invasion of the east beach front. However, the disparate apartment blocks between Heene Road and Grand Avenue have a road and promenade between them and the beach. Roffey's 21-storey tower is intended to be built on, until recently, a public open space, and will have only Beach Parade between it and the shingle of the seashore. It will be 50% higher than Manor Lea. The tower design is not 'iconic' but an ordinary very tall apartment block with no cultural aspirations. As a purely residential development, it cannot contribute to the leisure and recreational activities of the seafront's Active Beach Zone. The "spirit of place" enjoyed by East Worthing will be destroyed. If built, a dangerous precedent will be set.*

*The development proposes a tall slab block on Brighton Road that would dominate the street scene. The north western tower would be 9-storeys. The height would drop to 5 storeys at the east end of the Brighton Road frontage, adjacent to the shopping parade, but rise to 6 storeys on the east front facing Merton Road. The block on Brighton Road would eliminate sunlight from the road in winter months.*

#### *Impact on Traffic*

*The development is forecast to add about 3% to the peak hour traffic in Brighton Road. It is expected to generate 45 vehicle movements in the morning peak hour. It is suggested that this increase will not overload the neighbouring junctions; the queues of vehicles at peak hours are attributed to slow moving traffic in Steyne Gardens, where the narrow traffic lane reduces speed. But any additional traffic is bound to increase congestion and lengthen the queues.*

*The entrance and exit of the car park with 221 spaces (77 for public use) is to be on Merton Road making this a car dominated road. It may need traffic lights at the junction with Brighton Road, where right turns will be difficult at peak hours.*

#### *Conclusions*

*The proposed development would harm an important and attractive area of Worthing. The site of the Aquarena, on the seafront adjoining the historic Beach House, the modern Splash Point swimming pool and the Famcombe Road Conservation Area needs a development that respects its surroundings. In other words, it needs a development that conforms to the planning policies of Worthing Borough Council. Roffey's proposal manifestly does not do so, and should therefore be refused planning permission.*

The **Parochial Church Council of St George's Church** in East Worthing objects to the height which is out of touch with seafront buildings and would reduce the attractiveness for tourists and residents but the additional residents would increase the congregational base. It suggests that such tall buildings should be away from the seafront such as Teville Gate.

## **Relevant Planning Policies and Guidance**

### Saved Local Plan policies (WBC 2003):

CT3: Protection and Enhancement of the Seafront Area

H18: Residential Amenity

LR8: Provision of Play Space/Outdoor Recreation Space in Housing.

RES7: Control of Polluting Development

RES9: Contaminated Land

TR9: Parking Requirements for Development

### Worthing Core Strategy (2011)

Policy 2 Areas of change

Policy 3 Providing for a Diverse and Sustainable Economy

Policy 5 The visitor Economy

Policy 6 Retail

Policy 7: Meeting Housing Need

Policy 8: Getting the Right Mix of Homes

Policy 10: Affordable Housing

Policy 11: Protecting and Enhancing Recreation and Community Uses

Policy 12: New Infrastructure

Policy 13: The Natural Environment and Landscape Character

Policy 14: Green Infrastructure

Policy 15: Flood Risk and Sustainable Water Management

Policy 16: Built Environment and Design

Policy 17: Sustainable Construction

Policy 18: Sustainable Energy

Policy 19: Sustainable Travel

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

Space Standards SPD (2012)

Guide to Residential Development SPD (2013)

Tall Building Guidance SPD (2013)

Worthing Evolution: Town centre and Seafront Masterplan (2006)

Worthing Seafront Strategy SPD (2007)

Worthing Aquarena Site Development Brief SPD (2008)

South Downs Integrated Landscape Character Assessment Technical report (2011)

National Park Circular 2010

WBC Parking Standards and Transport Contributions SPG (2005)

Draft planning Contributions SPD (2007)

The Committee should consider the planning application in accordance with:

Section 66 Planning (Listed Building and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building's setting, the local planning authority shall have special regard to the desirability

of preserving its setting or any features of special architectural or historic interest which it possesses.

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

Section 72 Planning (Listed Building and Conservation Areas) Act 1990 provides in considering whether to grant planning permission for development, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

## **Planning Assessment**

### **Policy Context**

#### The Development Brief

A Development Brief was prepared for the Council by GVA Grimley Ltd for the current application site and adjoining land in May 2009 based on the Worthing Local Plan 2003 and the adopted Town Centre and Seafront Masterplan 2006 and subsequent Seafront Strategy 2007. The Development Brief identified the site as “a key regeneration site” in a “gateway location relative to the town centre”. It also stated that “there is recognised potential for a taller element of the development on the seafront”. The opportunities in this document were summarised by identifying the site as representing the following:

“A key development site in the context of the Gateway, and Active Beach Zone, with the opportunity to create a landmark development (in terms of building quality, scale, form, seafront and road-fronted development)...”

“The potential to deliver a ‘high end’ development - including high quality residential development...and highest quality in the built materials and public realm (on site and in the wider area);

“...maximising both the seafront location, and affording a strong frontage to Brighton Road, recognising its dual gateway significance.”

The Brief also identified the need for phasing of development to ensure the existing pool remained open and identified a number of potential uses for the site including high quality residential and/or an Hotel as part of a wider mix of uses. It suggests that there would be an opportunity for A3/A4 uses as part of the mix with a smaller potential for A1 retail linked to the pool/leisure facility. It was also considered there were opportunities for arts and culture with potential for investment in public realm and public art with flexible space for cultural activities.

The proposed residential and commercial units are generally in accordance with the Core Strategy Area of Change Policy but overall does not offer a wider more vibrant mix of uses envisaged for this area particularly given its location on the seafront. The Development Brief informed the Marketing Brief for the site but there was no interest for an Hotel on the site. The applicant has explored a range of other uses on the site but these were not considered viable. The applicant has also highlighted the extreme difficulty in fulfilling the planning obligation to provide a new hotel as part of The Beach redevelopment in Marine Parade with only one operator showing any interest.

The applicant has employed a local agent to undertake soft marketing of the commercial unit and concludes that the only retail requirement locally for a site like this is likely to be a small national chain convenience store which could adversely impact upon the existing parade of shops in Brighton Road. Whilst there has been some discussion about the scope for a café/restaurant on the seafront, it has been concluded that this would only impact on existing businesses such as Coast Café which is currently extending the size of the Café. It should also be noted that the planning permission for Splashpoint included the use of the raised walkway and scope for using the East Kiosk as a small café serving the outside areas of the pool. Whilst this aspect of the permission has not been implemented with further funding it could be and the recent addition of the Kite/Windsurfing Academy presents further opportunities to enhance the Active Beach Zone. In many respects the application site marks the end of the Active Beach Zone and the applicant has sought to illustrate a number of ideas for enhancing the Active Beach Zone area with performance space, enhanced hard and soft landscaping and decked areas onto the Beach. The applicant submits that s106 funding from the scheme could pursue some of these ideas to build on the significant improvements already made to this section of the seafront.

In view of the above, your Officers are supportive of the approach of a commercial unit on the Brighton Road frontage. However, it is important that it is the right size to attract the right use, which ideally would be a family restaurant use, making use of the enhanced area of public realm outside SplshPoint. The revisions to the scheme now include a much larger commercial unit in a prime location at the entrance to Splashpoint. It has twice the amount of floorspace than the original scheme and is therefore more policy compliant in this respect. It is large enough to be subdivided into two commercial units and has been designed with two separate entrances in case this should be the market response to its availability. It will be important that the applicant is encouraged to market the premises to attract ideally a A3 restaurant to satisfy the need to add vitality and vibrancy to the Brighton Road frontage.

#### Core Strategy Policy 2 Area of Change 1

The application site forms part of the Core Strategy Policy 2 Area of Change 1 and is considered to occupy a gateway location and is a key regeneration site which also has a role to play in the delivery of the Active Beach Zone which forms part of the Worthing Seafront Strategy.

The key objective of this wider area of change is to deliver a new replacement public leisure centre with a pool but also with an overall objective to deliver a mix of uses



alongside to include residential, commercial and cultural uses with the possibility of incorporating retail and an hotel. It is recognised that any redevelopment will also assist in the delivery of enhanced public realm and outdoor play areas. The policy also states that the site offers the opportunity for a landmark building within the context of the surrounding historic character.

The new swimming pool has now been constructed and is fully operational and very popular with the public with a high demand for its range of facilities including a café and gym. Money was borrowed to finance the construction whilst the old pool remained operational. From the Council's perspective it is important to realise an appropriate capital receipt from the sale of the site to pay off some of this debt. The sale of the site was by tender and Roffey Homes, a well known local developer, was successful in its bid subject to gaining planning permission. The Council is also the Local Planning Authority for the purposes of determining the application and has a duty to consider the application on its planning merits having full and proper regard to its own policies and guidance as well as other appropriate national policies and guidance and all other material planning considerations.

#### Core Strategy Policies 7, 8 and 9

The applicant has suggested that the site provides a good opportunity to provide a large number of residential units to meet the needs of the town. Core Strategy Policies 7, 8 and 9 seek to ensure that the Borough meets its housing need and delivers the right mix of homes in the right locations. The principle of residential in this location is established with Core Strategy Policy 2 Area of Change 1. In terms of the residential development the Council acknowledges the comments made by the applicant in respect of the requirements of the NPPF in terms of housing and the requirement for an Objectively Assessed Need (OAN) and the need for a five year supply of deliverable sites. The Council has undertaken a number of studies to help identify Worthing's OAN and has undertaken work to identify the available supply of sites with further work being undertaken. It is acknowledged that the current studies indicate an OAN that is significantly higher than the Core Strategy number and that whilst the emerging numbers have not been tested or moderated against constraints they are sufficiently significant to have prompted the need for a full plan review which is currently underway. That said the Council has always taken a proactive and positive approach to appropriate new residential development whilst balancing the land use needs of other uses to achieve sustainable development and with each site considered on its merits.

In this instance the application seeks to provide 147 units of which 39 are described as affordable. Of the 108 market flats there are 7 x 1bed flats, 71 x 2 bed flats and 30 x 3 bed flats. The 39 affordable units would comprise 30 affordable rented (18 x 1 and 12 x 2 beds) and 9 subsidised market rate (80% of market value comprising 4 x 1 and 5 x 2 beds) tenure (SMR) giving a total of 26.5% of the development as on-site affordable with an additional financial contribution to fund off-site provision. The policy (CS10) requires that with developments of all sites of 15 or more dwellings 30% affordable units should be delivered on site. Where there is a robust justification for off site provision this may be acceptable subject to the views of the Housing Enabling Officer.

#### Internal Space Standards and the Guide for Residential Design

Consideration needs to be given to the Council's Supplementary Planning Documents relating to the Internal Space Standards and the Guide for Residential Design. It refers to a number of general design matters when considering residential development including the design of housing that is intended for family occupation. The Core Strategy policies highlight the need for the delivery of larger family homes (defined as 3 bed plus). The preferred dwelling type is a house but it is acknowledged that in certain situations and locations the delivery of family flats may be permissible. In this case 30 of the market flats are 3 bedrooms but none of the affordable units would more than 2 bedrooms. However, the site constraints, location and other material considerations need to be taken into account and it is not considered a suitable site for traditional family housing. The reality is therefore, that any residential development of the site could only be with apartments. Core Strategy Policy 8 recognises that it will be most likely that it will be higher density housing that will be delivered in the areas of change (AOC) located in and around the town centre. It is also relevant that the housing need identified in the recent OAN study clearly identifies a significant need for additional housing and that this need exists across all forms of housing from smaller flats to care homes for the elderly. The review of the Core Strategy will have to consider how best the town can seek to meet this need given the limited land available.

The SPD on residential development also considers matters such as the sustainability of buildings and whether it meets the lifetime homes standards and this would be covered by a planning condition.

#### Core Strategy Policy 16

Core Strategy Policy 16 sets out the Council's approach to design and the SPD Tall Building Guidance sets out clear criteria against which any proposals for tall buildings need to be assessed. The current proposal includes blocks and a tower ranging from 4 to 21 storeys. This proposal would therefore, if permitted, result in the tallest building in Worthing. The SPD is a key document in the consideration of this application.

The Tall Building SPD sets out what information is required from an applicant to justify his design approach. Whilst no specific locations are identified for tall buildings in the guidance there is an acknowledgement that it is the town centre or within close proximity and seafront areas (which this site is) that are likely to be the best locations for very tall buildings. It is also acknowledged that this part of the town also contains a high number of heritage assets in terms of listed buildings and conservation areas but these are also some of the most sustainable locations in the Borough where the new residents would have access to a wide variety of services close at hand.

The SPD considers that buildings below 12 metres (usually 4 storeys) would not be considered "tall". The definition of a tall building is those that are substantially taller than their neighbours and /or which significantly change the skyline. It is acknowledged that given the compact form and constrained nature of the Borough there will be pressure to build upwards as pressure grows for more housing on the limited land supply within the Borough. The intention of the SPD is to guide that development to the right locations.

The proposal includes a very tall tower structure which rises up to 21 storeys. The height of existing tall buildings in Worthing is relatively low in comparison with some

other towns. Whilst, very tall buildings are not ruled out, it will be important to take the height of adjoining buildings into consideration. The applicant has undertaken an assessment of the building heights in the vicinity of the site and states that although the area is predominately 2 and 3 storey residential buildings there are nearby developments of up to 9 storeys. The guidance states that tower/landmark buildings are by their very nature going to contrast substantially in height from the majority of buildings in the surrounding area and they are designed to stand out and make an impact. They can add interest and drama to the skyline, provide a focus for regeneration, help with way finding and create vitality and interest. However, it is at the local level where their impacts are most acutely felt and a careful assessment needs to be undertaken.

Careful consideration needs to be given to how they relate to their context and the impact of the surrounding natural and built environment. The design quality is paramount when seeking to achieve safe, positive and attractive additions to the urban area.

In summary, there are many positive benefits that a vary tall building can bring to a locality as set out in the SPD including meeting regeneration aims, and creating a positive image for Worthing reflecting an economic confidence that is required in an area to be able to invest in a tall buildings. Tall buildings can provide an opportunity for innovative highly sustainable design that should be able to stand the test of time taking into account the environmental, physical and historic characteristics and constraints. High quality innovative contemporary design can sit within or close to heritage assets as long as it relates to the local urban patterns and geography, respects key views, responds to the scale of adjacent development, utilises vernacular materials and most importantly positively contributes to the overall urban setting. However, if the visual impact of a tall building on its surroundings is negative, this will be to the detriment of Worthing as a whole. The SPD outlines the key elements of good design as:

- sustainable
- responsive to environmental constraints
- flexible enough to incorporate potential future changes
- contributes positively to the skyline
- contributes positively to the public realm at ground floor level
- allows tall buildings to be celebrated rather than concealed
- enables investment
- acts a catalyst for regeneration.

A simple key test for all proposals in Worthing will be to ensure that the positive benefits of any new building far outweigh any potential negatives.

There are further detailed assessments of the proposal against some of the criteria contained within the Tall Buildings SPD which are covered in the following sections.

#### The National Planning Policy Framework

The applicant places great emphasis on the support given by the NPPF to his proposals and to some extent that is correct. The National Planning Policy Framework is now a material consideration in the determination of all planning applications. Those relevant parts of NPPF for the determination of this planning application relate to the delivery of a wide choice of high quality homes, the requirement for good design, conserving and enhancing the historic environment, the promotion of sustainable transport, meeting the challenge of climate change, flooding and coastal change, and the presumption in favour of sustainable development.

At the heart of NPPF and wider Government guidance is the presumption in favour of sustainable development, which encompasses three mutually dependent dimensions that give rise to the need for the planning system to perform an economic role, a social role and an environmental role. There have been a number of representations to the effect that delivery of a wide choice of high quality homes can contribute to the social, economic and environmental benefit of Worthing and clearly the redevelopment of this run-down site in an appropriate manner would send out a powerful economic message. The development of high quality homes can also lead to the availability of family houses as families downsize.

Paragraph 14 of the NPPF states that for decision making this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out-of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

The applicant places significant weight upon the Council's failure to demonstrate a five-year housing land supply and claims that the Worthing Borough Council Development Plan is therefore out-of-date in relation to those policies regarding residential development and so the presumption in favour of development should apply.

Your Officers accept that there is a significant housing need in Worthing with the recent Objectively Assessed Need (OAN) stating that to meet the future housing needs the town would need to be building 636 dwellings per year (currently 200 in the adopted Plan). However, this theoretical need has not been assessed against the constraints on the town (the lack of land due to the National Park and Sea) and this is why the Council is embarking on a full Local Plan review. Once this has been completed a new housing target and 5 year supply will be set. In the meantime, the housing shortfall is a clear material planning consideration and relevant in seeking to maximise the development potential of brownfield sites. There is no disagreement with the principle of development on this brownfield site and maximising residential potential is beneficial but the detail has to be considered, and it is recognised that inappropriate development could be harmful to the image and economic prosperity of the town.

The applicant contends that because this is an edge of centre site the redevelopment will contribute to ensuring the vitality and vibrancy of Worthing Town Centre. However, many representations have made the point that the scheme offers little more than an

expensive and exclusive residential development which would make no positive contribution to the character or public amenities of this expanding recreational area. As stated previously the changes to the scheme to increase the size of the commercial unit are beneficial and other uses for the site are not viable or would impact on existing seafront businesses. It will be important to condition the use of the commercial unit to an A3 restaurant which would appear to satisfy the need to create vitality and vibrancy whilst having appropriate regard to protecting residential amenity.

The revised scheme seeks to address some of this criticism by not only increasing the public interest with a larger commercial floorspace but also by stepping the building back by 2.4 metres thus creating a wider and friendlier public boulevard along the Brighton Road frontage with increased and improved public realm areas around the Splashpoint entrance and also most notably along the shoreline promenade.

The site is very sustainable in terms of its proximity to the town centre, public transport, recreation and amenity areas, local services and facilities and the commercial unit would provide an important and useful added commercial link between the existing Brighton Road shops to the west and the parade of shops to the east.

The applicant states that the scheme is a high quality design that will contribute to a strong sense of place which will incorporate green and public spaces, respond to local character and reflect the identity of local surroundings and materials whilst not discouraging innovation. This is true in that the applicant has revised the design to reflect the design of Splashpoint and create a more unified development. The key determining factor is the appropriateness of the two taller elements of the scheme.

In terms of the heritage assets of the surrounding area, the applicant's Conservation Architect states that the proposed development will have no adverse impact on the setting, character and appearance of either the Farncombe Road Conservation Area or the Grade II\* Listed Beach House. Indeed he claims that the proposal will make a positive contribution to the local character and distinctiveness of the immediate area and the wider Borough. Historic England disagrees and this is discussed below.

In respect of the original scheme there had been strong public criticism regarding the design and the Design Panel concluded that, whilst supporting the principle of a tall tower based on the evolutionary studies carried out by the applicant, it found that the design was not of a high enough quality for such a highly conspicuous proposal. There were also public criticisms as to the impact of the proposals upon public realm and heritage assets, including similar concerns expressed by English Heritage, but these are discussed in greater detail in the following sections.

In terms of the public response to the revised scheme the representations have been very similar in content but with a greater number of objections received.

### **Layout, height, design and materials**

The applicant has submitted reports which map the evolution of the layout and design following discussions with Council Officers and the CWS Design Panel as well as

responding to feedback from the public following the public information events in June and in October 2014.

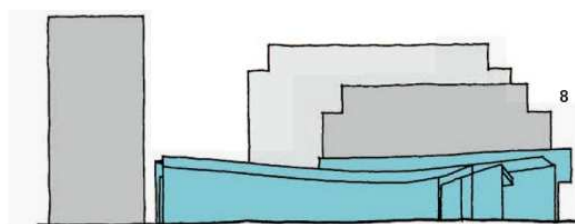
The design rationale of the six schemes and stages in the evolution of the height and massing of the proposals are explained in the revised Design and Access Statement where it can be seen how the initial development ideas were based on the concept of three staggered medium-high rise linked and curved blocks along the seafront. These were adjusted and modified through the influence of discussions with the Design Panel which encouraged the presence of a taller building on the site and Brighton Road frontage subject to certain criteria including the absolute requirement that the design of the tower should be of a very high or exceptional design quality.

### Layout

The existing building is seen to be set back along a similar southern building line to West Parade but the new Splash Point pool projects southwards to the edge of the promenade and effectively gives any proposed development to the east a precedent to step forward. However, New Parade to the east forms a constraint to development creeping forwards towards the shoreline across the whole width of the site because of the adverse impact that building on this south east corner would have on the outlook and rights of light for these residents. This has resulted logically into the footprint of the current proposals which effectively create a 45° open splay across the south east corner of the site which then offers the opportunity for greater integration of this open area into the public realm. Consequently, the footprint of the proposed buildings along the sea frontage has been developed as a set of staggered linked blocks partly fronting Merton Road where there is a vehicular access and break in the perimeter building before the second major building block is formed which fronts Brighton Road.

The original layout submitted to the Design Panel reflected one of the approaches to the site suggested by Wilkinson Eyre, the Architects for Splashpoint (see below).

The scheme originally submitted by Roffey incorporated 3 mid to high rise apartment blocks projecting forward in a stagger from New Parade. The Panel, however, was very critical of the design approach in terms of the poor relationship between the apartment blocks and the poor relationship with Splashpoint. The Panel at this early stage felt that 'slab like' mid to high rise blocks would not relate sympathetically with Splashpoint and suggested a higher element on the Brighton Road frontage to signify the Splashpoint entrance. The applicant has documented these various massing studies and these are included in the Design and Access Statement. The following illustrates some of the earlier designs.



14 storey block - RDP 1 initial scheme with taller 15 storey north tower.

To improve the relationship with Splashpoint, adjoining properties and between new apartment buildings, the footprint of the scheme has been reduced. Following amendments to the building line and additional areas of public open space, the general footprint and layout of the site is acceptable with the final design providing a significant setback to New Parade.

### Height

#### a) Tower:

The most controversial part of the scheme has always been the 21 storey tower which has evolved through a long design process following detailed input from the Regional and Coastal Design Panel and Council Officers. Of all the components of the scheme the tower has attracted the greatest public response with most of the representations being extremely critical.

The proposed tower would be the tallest building in Worthing at 62 metres high and 21 storeys. Manor Lea is currently the tallest building at 43 metres high and 13 storeys. References have been made to Teville Gate which had twin residential towers of 17 and 14 storeys built over commercial and leisure podium deck giving the highest tower an overall height of 77.5 metres above ground level (effectively 26 and 20 storeys high). The circumstances and context of the development of that site have evolved over a number of years. Its history and economic influences are complicated and well publicised and, in itself, permission at Teville Gate forms no precedent for the current proposal, other than the Planning Committee's previous acceptance of very tall buildings on that site was justified on the basis of the wider regeneration benefits that it would bring. Whilst, Teville Gate was seen as a catalyst for further regeneration of the town centre the scheme has not come forward as a viable development.

For comparison it is interesting to note the relative heights of other tall buildings such as Marina Tower in Brighton at 128m and London skyscrapers such as the Gherkin at 180m and the Shard at 305m.

More recently in 2013 the Tall Buildings SPD was produced to offer advice and assistance in dealing with proposals in the town for tall buildings following the Teville Gate application and in anticipation of other sites coming forward such as the current site and Grafton Deck. Historic Engand (HE) at the time of the Teville Gate application had encouraged the Council to produce a tall building strategy. In response to the SPD the applicant has submitted a points checker which attempts to justify the proposals in a number of ways which include the following reasons:

- The character of the proposed buildings will maintain the character of the cluster of taller buildings along Brighton Road and the tallest building will landmark the site.

- The tower has the potential to become a symbol of Worthing as a vibrant and forward thinking place and a catalyst for the regeneration of wider areas of East Worthing seafront and beyond. It will add a visual destination marker to the seafront and pool and its contemporary form will provide an attractive modern addition to the skyline.
- The site has been designated by Worthing Borough Council as a site capable to support taller buildings. As an iconic form and symbol of regeneration, its wide reaching benefits through investment and footfall will greatly improve the look and feel of East Worthing. The grounding of the tall element is almost on the promenade, creating interest and natural surveillance to an area which has had incidents of vandalism. The development form as a perimeter block adds clearly defined public and secure private spaces which the existing site currently lacks.

The assessment of the impact of the tower on the wider townscape is generally very difficult with strongly held views on both sides of the argument. Historic England has considered the revised proposals and states that the scale of the proposed tower would run counter to the established scale of the historic townscape and states that large buildings are not necessary to create a landmark building. It believes that such a dramatic difference in scale (between the historic townscape and the proposal) would result in a development that would be overbearing in views out from nearby conservation areas and from the wider historic town. It would dominate the streetscape harming an appreciation of the townscapes humanness of scale and sense of spaciousness, both of which are essential components of Worthing's historic character and make an important contribution to its sense of place and thus to the significance of its conservation areas.

It adds that in long views from the pier, the tower would be visually incoherent as a piece of contextual townscape because of the way in which it would rise up above the established scale of development to such a great degree and other modern buildings which break the established historic building heights, generally these are set away from the seafront and do not therefore impinge to such a great degree on this important view from Worthing's historic pier.

As the report highlights there are a significant number of objections to the scheme and a considerable number of Worthing residents are overwhelmingly of the opinion that the scale and design of the tower is not appropriate for the site and share HE's views.

In stark contrast, the Design Panel has actively encouraged greater height on the site as an alternative to some of the earlier proposals and now states that the principle of a tall building on this site has been *'articulated clearly and convincingly and is now supported with studies which in principle suggest that the appropriate height for the tower is approximately 20 storeys'*. It welcomes the rigorous approach and the wide area of investigation which now explores the regional role of the tower as a signifier of Worthing and its regeneration in views, including from Brighton and the South Downs. The Panel support the inclusion of a tall building on this site in facilitating increased densities in this



edge-of-town centre location, as well as the role it can have in signifying the regeneration of the seafront.

Your Officers have been willing to consider a tall building, of the right design and proportions, in the position of the current tower but have, like the various Design Panels, been critical of previous design solutions. The key issue is what height is appropriate and is a building of significant height necessary to achieve the 'landmark' status and gateway feature that current Core Strategy policy considers would be appropriate on the site.

The proposed tower would be the tallest building in the town. Manor Lea is currently the tallest and part of its acceptance has been the space around it which gives it a setting commensurate with some of the classical tower blocks of the past. The current proposal enjoys an open aspect to the sea, which is not the same as a public setting, but it does provide the openness. It could also be said that the parkland space to the west does provide an openness and setting although the Splashpoint building does compromise and reduce the quality of the space and setting which the tower might otherwise have enjoyed. To the east the set back of New Parade and the alignment of the coastline would give the building a wide open setting and this is illustrated in the Visual Impact assessment accompanying the application.

In terms of the wider area, the applicant does point out the existence of taller buildings in the form of Westminster Court at 9 storeys, Esplanade Court at 6 storeys and Clarence Court at 4 storeys to the east. These are not so much of a cluster of taller buildings because their relationship is quite random and their heights quite modest in comparison with the tower. Nevertheless, they are mitigating factors which can be given some weight and do offer a less uniform height of buildings which signifies a change of scale around this entrance to the town which becomes more of a gateway as the open views of the sea to the south have disappeared at this point. On this point the applicants Conservation Architect is very critical of the latest HE response which appears to ignore these higher density taller buildings and seems to suggest that any high density development above the height of Splashpoint would be unacceptable from either close up or longer distance views from the pier.

As part of the original application the applicant submitted studies to show how the decision was reached that 21 storeys was the most appropriate height. The report identifies the factors which influenced this decision, including the long term and short term views from strategic and popular vantage points which he illustrates in his submission. The applicant emphasises the importance of the proportions of the building in order to make it tall and elegant rather than short and 'stubby' to give it greater appeal.

Whilst, a slimmer building is more likely to provide greater elegance and be more attractive, the slenderness is more often dictated by the footprint of the building which is influenced by the developer's desire to provide often four residential units to each floor with a minimum amount of internal floorspace and type of accommodation within each unit to satisfy the market sector. These are criticisms which the Design Panel levelled at the early schemes for the site. The emerging scheme with a reduced footprint sought to

create a tower with two flats per floor to create a taller more vertical structure. To the architect's credit, he has created a clever and innovative solution to the creation of a slender and elegant tower by designing two slender towers joined together with a recessed link. Design issues are considered in the next section of the report but clearly the profile and proportions of any tower are critical to assessing height and impact on the wider townscape.

The Design Panel feels that a strong case has been made for the tower of the height proposed and it is the regeneration benefits of the scheme that have been persuasive in this case. Members need to determine whether these regeneration benefits outweigh concerns about the wider impact of the tall building on the overall character of the townscape (the localised impact of the tower including the impact on heritage assets is discussed later in the report).

Previous policy documents have identified the significance of the site in terms of the wider social and economic benefits of delivering a first class new leisure complex as part of a phased development of a larger edge of centre site. Members will recall the Town Centre and Seafront Masterplan which sets out a vision for transforming the role and function of both the town centre and seafront and the adopted Development Plan specifically refers to the site acting as the eastern gateway to the town centre and, importantly, is providing an opportunity for a landmark building.

Clearly a landmark building does not need to have height to achieve this status, for instance, the Dome Cinema has a landmark and iconic status on Worthing seafront albeit its shape, historical significance and use contributes to its status. However, the building does not have a wider visual impact in the townscape other than along the seafront. The justification for the proposed tower relates to an obviously bold and dramatic visual statement on the seafront. The serial views of the tower from various vantage points along the coastline and key views from the National Park demonstrates that the tall building of circa 20 storeys could if, of exceptional design quality, have more of a sub-regional role as a signifier of Worthing and its regeneration. This regeneration agenda is set out in the Council's Core Strategy and, more recently, in 'Catching the Wave' and 'Surfs Up'.

The revised design approach has now clearly integrated with the adjoining leisure complex drawing design inspiration and providing opportunities to enhance the public realm leading into the building. As state by the Coastal Design Panel *"together they form a critical regeneration project for Worthing"*.

The more sub-regional role of the development reflects and embraces the fact that Worthing now has a leisure complex that is a major attraction on the seafront. The significant investment in the facility (circa £20 million), built during the recession, has given a new found confidence in the town. The Wilkinson Eyre designed pool is an architecturally striking building which demands a scheme of great quality to compete the phased development. The relationship with the pool has greatly influenced the incorporation of a tall building and it is critical that the adjoining development site is of the highest quality to reinforce and build on the success of Splashpoint. If the tower is

to have this more regional role and significance, and put Worthing 'on the map', it is essential that the tower, in particular, is of the highest design quality and finish.

The Panel has been particularly keen that the development acts as a marker to signify the location of the leisure complex and its entrance onto the Brighton Road frontage. Whilst, the main tower reinforces the design concept of Splashpoint, this is done in a vertical rather than horizontal form and height forms an essential part of the overall design concept. In view of the wider significance of the tower, there is the opportunity for the development to act as a catalyst for further regeneration and investment into the town. In this respect, it would be the first area of change site identified in the Core Strategy to come forward for development in the town centre and this is of significance for the wider economic wellbeing of the town centre and seafront.

In terms of the wider townscape impact and in some respects the localised impact in terms of the relationship of the tower to Splashpoint there is case for a tall building. The building would have to be of exceptional design quality to act as a beacon to the new iconic leisure facility and have a more for reaching influence beyond the boundaries of the town.

Seafront blocks:

The two blocks which link with the tower and are sited to the east are seven and six storeys respectively. Their height next to the tower does not seem inappropriate given the inter relationship between the three buildings, when taken in isolation. However, these blocks would step up in height compared to the lower scale of New Parade. The 2009 Development Brief indicated that development of up to 4 to 5 stories would be appropriate given the height of the existing building and buildings in the locality. However, the Brief also referred to a taller element on the seafront and it specifically referred to being flexible on building heights as future proposals would need to justify height as appropriate. The closest block to Merton Road on the seafront steps down to 5 storeys and it is considered that the stepping up in height from 5 to 7 storeys is appropriate and provides the necessary transition in scale to the tower. There is some concern that the revised scheme in order to shroud the blocks within cowls, has lost a set back of the upper floors on the southern elevation which only serves to emphasise the difference in scale.

b) Brighton Road:

In terms of the other buildings, the Brighton Road elevation would be most important because of its prominence on one of the main routes into the town, its close proximity to the Farncombe Road Conservation Area to the north and the strong context of influential and measurable buildings around it. Its immediate neighbours along Brighton Road are predominantly two and three storeys whereas the proposal is for five floors rising to nine at the western end above a raised basement. Your Officers have had some concern about the introduction of the 9 storey element notwithstanding the strong support for the Design Panel to this idea of a tall element signifying the Splashpoint entrance.

Nevertheless a number of positive changes have been made to this element of the scheme which has addressed your Officers concerns. The applicant has re-sited the entire building back from Brighton Road by a further 2.4 metres and has deployed a number of design techniques, such as raised vertically proportioned panels and different materials on the elevation with set backs of the upper floors, in an attempt to disguise the mass and the volume of the building and its impact on the street.

The applicant has increased the set back of the upper floor on the north east corner east side from 1.8 metres to 3.1 metres and on the north side by about 2.9 metres which improves the visual relationship with its neighbours and increases the illusion from some vantage points that the building looks more like four storeys than five storeys. This has been reasonably successful in reducing the obvious contrast in height with its neighbours, particularly the shopping parade to the east which has a general ridge height of 9.7 metres compared to the fourth floor parapet height of the proposed north elevation at 14 metres.

The set back of the front elevation and introduction of wide central steps also gives the new building a grandness which helps to justify some of its scale. The setback of the main elevation from the road also improves the buildings relationship with and exposes more of the entrance to Splashpoint which, as an important public building, demands a spatial setting.

In addition the building's set back also creates the potential for a wider tree lined boulevard as a more sympathetic gateway and approach to Beach house, the parks and ultimately the town centre as an end destination. The proposed layout of this street frontage does however need some rationalisation because, as illustrated, it would result in an unnecessary narrowing and reduction of the footway for pedestrians due to the incursion of a layby, pavement trees and the deep raised planting beds. This is a detail that can be addressed by an appropriately worded condition.

The applicant was previously criticised for the quality of the street computer generated images (CGIs) of the proposed buildings because the buildings were screened by trees which masked the full visual impact on the street. The applicant has now produced a new CGI of the Brighton Road elevation taken from the north-west which gives a clearer and closer impression of the development in context with Splashpoint to the fore and the parade in the background. This illustrates well how from this particular viewpoint there is a logical building sequence and form as it steps up in height from the east to the north west corner (which is discussed further below) where it rises to 9 storeys with a small set back tower that adopts the cowl feature and harmonises more with the Splashpoint development and the taller tower in the background.

c) North west corner:

The proposed north-west corner includes a nine storeys high tower designed as an individual building set back behind but attached and designed in a contrasting style to the Brighton Road frontage. The applicant suggests that this height would give a presence to the public space in front of Splashpoint to mark the location of the pool entrance. This contrasts with the original scheme in which the nine storey tower and

Brighton Road frontage merged into a confused west facing elevation with no distinct design lead and was considered too tall in comparison to its neighbours and would not have enhanced the more important buildings such as Splashpoint and Beach House.

The improvements to the Brighton Road frontage blocks are significant in terms of reducing the overall scale bulk and massing of these elements of the scheme. The evolution of these design improvements is illustrated in the 3 sketches below (the final scheme is the right hand sketch).

Merton Road:

Reference was made earlier to the proposed Merton Road frontage which, in terms of height, performs a balancing act and transition between the northern block facing Brighton Road and the south facing seafront blocks. The two principal northern and southern blocks have not been reduced in height although the setbacks on the upper floors have been increased to reduce the scale of the building when viewed at street level. The loss of the set back upper floors on the southern blocks, mentioned previously, has increased slightly the vertical height next to New Parade and Merton Road properties and the applicant has been asked to see whether set back to the south-eastern block could still be achieved with the revised design approach. In terms of the Brighton Road corner, the upper floors have been set back further and this has presented a more acceptable relationship with the parade of shops.

### Design and materials

a) Tower:

The design of the tower has received considerable criticism from the public in addition to criticisms over its height. The applicant has carried out a number of studies to establish the best location for it on the site, its form, height, proportions, materials and detailing. The Design Panel has shown support for a slender and elegant tower in this position articulated individually as a distinct element. The importance and influence of the Design Panel in this process cannot be understated. The Panel has considerable experience in assessing strategic and sensitive proposals across the south east of England and it assisted the Council in the preparation of the Tall Buildings SPD. Nevertheless, for a tall building of the height proposed to succeed it has to be of exceptional design quality particularly if it is to achieve the status referred to earlier as a landmark building and have an almost regional significance.

The applicant has submitted a number of references to and images of tall buildings found locally and nationally and explains the pitfalls of slender fronted buildings which have slab like side elevations. An analysis of the footprints of such buildings, including Brighton Marina, Admiralty Wharf in Portsmouth and the approved Teville Gate towers is made and the applicant demonstrates that by restricting the tower to only two apartments on each floor a more slender building without a slab-like appearance can be formed. This is particularly important on this site because of the prominence of the side elevations when viewed from the west and east.

The applicant has submitted images of the shapes and types of towers that have been considered for the site. These were shortlisted to four styles comprising deco (influenced by Worthing's Art Deco heritage), circular, sail (a sail form wrapped around a cylinder) and a shell (inspired by a razor clam which formed the basis concept of the original application).

The originally proposed tower was based upon a razor clam shell which encased a more organic inner form. This form was expressed on the south elevation in the form of curved balconies but the shell stopped short of the top of the tower, allowing the curves of the inner form to continue up and form the penthouse, expressed as a sweeping, pearl-like form within the shells. A second pair of outer shells were expressed on the east and west elevations, breaking up the vertical form and adding visual interest. These stopped short of the ground, allowing the inner shell to continue down to ground level, expressing its full depth and visually delineating the communal uses at ground floor level.

The innermost 'organic' form includes the southern balconies, which gently curved to mimic the local Art Deco balcony forms whilst being thoroughly modern and clad in smooth white Corian. The arms that were to have supported these balconies would have been extended the full height of the facade and curved out to support the roof structure, then continued around the eaves of the penthouse before swooping back down the north elevation to the ground. This entire structure was to have been clad in white Corian and drew its inspiration from a pearl or the smooth white inner lining of a shell.

The shell form itself comprised two layers, the inner and outer shell. The inner shell rose from ground level to the 18th floor and would have been clad in a dark, vertically laid glazed tile, designed to catch the light and glisten. This shell was the most striking element of the composition and its darker colour and rougher/pearlescent texture would have contrasted with the smooth Corian adjacent to it. The render (outer) shell extended from first floor up to the 16th floor and was finished in white render, again contrasting with the darker tile, and linking the tower visually with the low-rise blocks.

The applicant explains that the shell shape was chosen as the basis for the original application because it had the greatest potential to develop the scheme in a more interesting way. The description by the architects and the careful selection of materials suggest that a great deal of thought had been given to producing a building which should have a strong sense of place on the shoreline through its reference to local organic materials and colours. However, despite the submission of these details and some pre-application prototype images to explain the thought processes up to this point, the design had proved to be disappointing and uninspiring resulting in a large number of objections from the public, but more importantly, an objection by the Design Panel. In some ways the imagery and description as to the origins and concept of the original tower design were not obvious, even with the detailed written explanation. Consequently, as recommended by the Design Panel, the applicant has considered a revised approach influenced by the general architectural style and principles of the Splashpoint complex.

The Design Panel emphasised the importance of judging the tower as a whole entity stating that the height of the tower could not be disengaged from and without properly taking into account other matters such as proportions, form, design, materials, siting and the purpose of the tower in terms of establishing an image of the town.

In response the applicant considered how the original design had been inspired by the past but it had not responded to Splashpoint which has become a much celebrated (and award winning) contemporary building which represents the future of the town and so, in reconsidering the design, the applicant realised that it made sense for the revised form of the redevelopment to take its references from the form and motifs of the new pool which it is helping to fund.

The undulating sinuous forms of the pool are difficult to achieve with the existing pool as a horizontal building whilst the tower would be a vertical building. However, the facing north and south ends of Splashpoint with recessed glazed planes and cowls have been incorporated into the tower and the seafront blocks with varying degrees of success. The concept is two offset towers shifted vertically and horizontally within bronze cowls and placed back to back joined by a recessed plane of glazed brickwork. This has created two slender towers comprising a stack of boxes with principle westerly and easterly orientations but with all four elevations playing a role to create an omni-directional building.

These revised images were presented to the Coastal West Sussex Design Panel in May 2015 and received favourable response with the Panel stating that a strong case had now been made for a tower of the proposed height with the initial redesign appearing promising.

The design has been further refined based on the main framework cowls, clad in dark bronze anodised aluminium cladding panels, and stacked boxes containing either one or two flats formed by a ribbon or zipper wrap, formed in a cladding of large white panels with minimal joints, which winds itself up the building before falling on the north side from the top of the building to the bottom. Whilst this is clearly a valid and acceptable response to earlier criticisms, it is still considered that there is room for improvement in terms of detailing. For example, the cowls around the twin towers have fairly shallow profiles compared to the Splashpoint structures and they appear not to have the deepness of projection needed to closely imitate its neighbour. The inner white frame of the cowl has also diluted the design strength of the cowl. Similarly the thickness and depth of the winding zip or ribbon away from the face of the building is important in order to create this strong, animated imagery up close to the building and from a distance.

The third and innermost layer of each tower is composed primarily of glass and a large coloured glazed brick panel designed to catch the light and shimmer like the sun on water. The glazed corners enable the floors to appear as if they are floating. A limited palette of materials has been selected to compliment the low rise buildings and whilst these appear to be generally acceptable these can be agreed in due course by condition.

Attention was also paid to the point at which the tower meets the ground where the applicant wanted to give it a visual base which relates closely to the adjacent pool where he proposes at ground level a double height four floors space in the western tower and three floors space in the eastern tower. This would give the tower a more human scale and introduce greater visual interest at street level.

Your Officers feel that the revised design approach is far more visually striking. The ribbon or zipper is a key feature and one that would be the defining character for the tower. Whether it is of such exceptional design character to justify its height and landmark status is clearly a very subjective view, but in principle the Design Panel is certainly supportive of the revised design which it feels could be a marker for peoples understanding of Worthing provided the choice of materials ensures that the building has a uniqueness which relates to its local context.

The Design Panel reconvened in August 2015 to assess the revisions and their full response is included in the Consultation section of the report. In summary the Design Panel re-states its support for the height of the tower and continues to feel that the revised architectural approach appears promising. In particular it states that the applicants design team have established a *'convincing idea to guide the development of the tower – that of two slender elements conjoined to create a single building'*. Furthermore the Panel felt that the decision *'to divide the tower into two elements, not only creates a more appropriate and refined skyline to the tower, but also helps to break down the perceived mass of the building.'* For the building to have the required quality the Panel identifies 3 areas where additional work is required – the ribbon, materials weathering and durability and articulation of the top of the tower.

The applicant has responded to these points by submitting a design addendum which looks closely at the proportions and construction details of the three elements identified by the Design Panel. A detailed study of the ribbon or zipper has established that a slight reduction to the depth of the horizontal elements would create a less heavy and more elegant element when viewed at close hand whilst still being visually prominent feature in more distant views. Similarly a reduction in depth of the cowl at the top of the building gives a more visual lightness to the top of the tower. In addition the applicants architect has provided examples of different buildings using varying tone of bronze to demonstrate that colour variation can be achieved to create richness to the palette of materials. The addendum has been sent to the Design Panel and its further thoughts on these detailed matters are awaited. In any event appropriate conditions can be added to control these detailed aspects of the scheme possibly by involving the Design Panel in the discharge of the conditions.

There are a number of exciting design elements to the scheme and the success of the design approach is dependent on the quality of the chosen materials. Whilst, the applicant has not finalised all materials at this stage a sample of the materials currently being considered will be available to view at the meeting.

b) Seafront blocks:



Following the preparation and evolution of five previous schemes which paid particular regard to the disposition and arrangement of the southern blocks, the previous solution had been chosen by the applicant based on the two southern blocks again reduced in height with a stepped form to each block in order for the applicant to build up to the 'drama' of the tower.

The applicant stated that the low-rise southern blocks would continue with the vertical bays established on the Brighton Road frontage and used on the north, east and west elevations of the outer and inner blocks elevations, with white glazed brick infill panels in place of the green found on the northern blocks. The rendered façade opens up on the south face to a fully glazed façade in order to maximise the sea views. Glazed winter-gardens are incorporated into the southern balconies to add another level of layering to the façade and to enable full use of the balcony in all seasons. The glazed facade of the winter garden is able to be opened up in hot weather to increase the amount of usable space on the balcony, or closed down in winter to provide not only an indoor/outdoor space, but also to help conserve heat within the apartment.

The southern blocks are stepped in form, with a split single/double floor penthouse on each, accommodating the changes in level. These blocks are joined with fully glazed link elements, set over five floors. These link elements are expressed on both the south elevation and north (courtyard) elevation and enable street level sea views from the central courtyard.

The primary change to these southern blocks in the revised drawings are the introduction of cowls extending up the west side of each block and across the penthouse level to form the roof and the removal of the step back of the upper floors. The westerly link between the tower and the adjacent block has been raised by one floor to create a double height space in the main entrance foyer at ground floor level.

There is a lack of submitted detail to fully understand the precise form of these two blocks which are relatively simple compositions relying heavily on the full glazing details of the southern elevation to make them successful. Based on the submitted elevational drawings and enhanced CGIs, the southern elevations could appear rather plain and bland without any strength of character and would rely heavily on the success of the tower to create real visual interest. The changes to shroud the southern blocks within cowls appear slightly weak in form and do not closely imitate the more distinct cowl of the tower and Splashpoint. The stepping out of the upper floors has weakened the interest and articulation of the blocks when viewed from the Promenade as well as making the building appear slightly taller and less in harmony with New Parade. The scheme Architect is to review these elements including the structural framing of the flats.

Although such a neutral design approach can serve to neutralise a scheme and help it to fit into its context in a discrete and unnoticed way, clearly this is not appropriate for this site where the prominent position and scale of development and incorporation of a tower demand a strong design solution with local references to give it a sense of place as suggested by the Design Panel.

c) Brighton Road:

Due to the significance and controversy around the tower element it is easy to overlook the other parts of the scheme which are equally important. For example, the block fronting Brighton Road would be equally prominent to public view and needs to have regard to its context. The height has already been discussed but the elevational design has been carefully broken up and the applicant has tried to illustrate how the upper floors would be subdivided into six vertical open panels created by a white frame planted in front of the set back green brick face. The applicant explains that the six panels are intended to reflect the same rhythm as the adjacent shopping parade. Whilst the objective for this approach may be applauded in principle, unfortunately, due to the strong contrast in scale between the old terrace and the proposed block, the similarities and comparisons are less obvious. Clearly the proposed building does require some vertical subdivision to help it relate sympathetically to the grain and widths of its neighbours and a smaller subdivision would not be proportionate to its scale.

Having said that, with the introduction of revisions, the building has taken on a different role and presence. The setting back of the building, removal of the residential ramp and introduction of wide central steps enclosed by raised planters in front of an almost fully glazed predominantly commercial ground floor has given it a greater grandeur and character to justify its form. The increased set back of the top floor and detachment in style from the north-west tower has given the building a crisper, cleaner and more standalone appearance.

The precise way in which the design and materials would interrelate would be down to detailed drawings which would be made the subject of planning conditions although the illustrations in the CGIs are designed to give an accurate impression as to how the buildings may look in the street scene. The applicant has offered further assistance by submitting a palette of materials with a description stating that this northern block would be white render with green glazed infill bricks to the Brighton Road frontage and a white/stone coloured brick for the courtyard. The window frames and cladding to the upper floors would be bronze in colour thereby picking up the bronze cladding from the main tower. Therefore, in general terms it seems that the colours and materials would be in sympathy with the surrounding context whilst the use of green glazed bricks would give the building a character and distinctiveness that is required. The use of glazed green bricks would provide a passing reference to art deco architecture and locally reflect the use of green glazed pantiles found in various locations in the town.

d) North west corner:

The northern block runs at 5 and 6 storeys along the Brighton Road until it reaches the north west corner where it rises behind the frontage to a 9 storeys tower at the Splashpoint entrance. The previous scheme raised questions about why the frontage block should rise at this point but now that the north west tower is being treated as a different entity with the strong brown cowl like qualities close to the family likeness of Splashpoint, it has assumed a more distinctive role and a greater purpose to frame the entrance to the important Splashpoint entrance and to be seen as a marker from the town centre to the west.

It also reflects not so far from the Design Panel's earlier thoughts that this part of the site has the potential for a second tall building. It rises substantially above Splash Point and although it does not have the more elegant proportions of a tower, the cutaway, floating, glazed south west corner is soft and open and is an ideal foil for the courtyard and main tower beyond when viewed from Brighton Road from the area in front of the pool entrance. It would be further improved by changing the brown horizontal slabs to a more neutral colour which otherwise detracts from the strength of the single cowl frame.

e) Merton Road:

The treatment of the Brighton Road main elevation would be brought round the corner into Merton Road. Then south of the access break the architectural language changes to a plainer raised white render panel and white brick elevation, without the green tiles, and with sections and rhythms of smaller domestic windows and a pair of balconies. This is not wholly unacceptable but provides less visual interest than the other perimeter frontages and has been treated very much as a tertiary elevation down a side street, but is not unacceptable in design terms.

### **Impact on the character of the seafront and the public realm**

a) The south east corner, promenade, beach, open space in front of New Parade:

Whilst the landscaped south east corner of the application site provides the greatest opportunity for public realm extension and integration into the site, the reality is that the scheme is constrained by the raised basement car park which rises out of the ground and needs natural cross ventilation of this basement level. However, the alternative ways of ventilating the car park have not been examined and a mechanical ventilation system would add to the costs of the scheme but would also have the advantage of bringing down the floor levels of the ground floor closer to the natural ground levels of the surrounding area. This may of course also have implications for floodproofing the development from the sea if the raised walls around the site were excluded, but would certainly improve the relationship between public and private realm at this important intersection of street and promenade.

Previously, the applicant was simply proposing to provide a small open sided external seating area of some 4 m wide by 7 m deep partially enclosed by the site boundary comprising a double tiered raised wall and hedging, possibly 2.8 m high (according to the submitted section drawing). This was not considered to be an appropriate contribution to the public realm from the site or a suitable integration with its surroundings bearing in mind the proposed size, layout and usage of this space. Following negotiations substantial revisions have now been made to this area with the private residential terrace having been substantially reduced and the public realm increased to 508 sq m. providing a variety of seating arrangements of multi directional bench podiums. This successfully extends the landscaped private amenity areas into the public domain which softens the edges and subdivision of public and private and gives the scheme a greater perceived integration and permeability.

Furthermore, the applicant has shown ways in which the open space in front of New Parade could be changed to provide an extended area of public realm which would continue some of the landscaping themes with changes to and segregation of the pedestrian and cycle routes. This area is owned by the Council and some funding from the development could be used to carry out such improvements in the future. This application does not include this area of land and therefore no approval would be given for this layout which is purely illustrative. Whilst any future changes may be funded by this development procedurally any substantial changes would need to be part of a community exercise formally engaging the local residents to seek their views and to protect their amenities (Members will note that some local residents have expressed concerns about the proposed changes to this area of open space).

b) Splashpoint entrance corner and inner courtyard:

The Splashpoint entrance to Brighton Road has been carefully redesigned under the current revisions to make the point of entry more attractive and inviting as a shared experience for vehicles, cyclists and pedestrians as well as people visiting the commercial floorspace, entering the pool, accessing the basement car park, using the private residential courtyard or others passing along the improved public realm on their way to the Beach House grounds, the beach and local facilities to the west.

The inner courtyard is one of the scheme's main features and offers the opportunity for sun and shelter at different times of the day and year but is limited in terms of access and space due to the proposed soft landscaping. The applicant suggests that this would be a semi public area of open space accessed and enjoyed by the public during the day but with no access at night. There is scope to open up access to this inner courtyard to make it slightly more accessible. The public area as illustrated also contains a number of planted areas which unnecessarily break up this space and create real and psychological barriers to it being enjoyed by the public but the redesign of this space can be covered by a condition to enable the detail to be negotiated at a later date. In this respect the applicant submits that changes to the planting in front of Splashpoint would also be required and therefore separate agreement with the Council and Leisure Trust would be required to design the new enlarged public space.

It is important that the scheme integrates well with its public surroundings to avoid the accusations by the public that the development has an air of exclusivity which does not sit well with the public. The representations suggest that the old Aquarena was a use that was used by and belonged to the people for many years and they see the site as a space which should still be accessible to and enjoyed by them. Sound economic reasons have been given by the applicant why alternative uses of the site are not feasible, despite planning policies giving the opportunities for a greater mix of residential and commercial uses to be considered, but the revisions now offer potential for greater public inclusion and ownership subject to the details which should be covered by planning conditions.

c) Brighton Road frontage:

The public realm along the Brighton Road is very important as one of the principal public routes into the town. The setting back of the building by 2.4 metres and the introduction of a longer commercial frontage under the current revisions enables the creation of a wide tree lined boulevard into the town which continues the theme of the shopping parade to the east and links neatly with the shops to the west of Beach House. It also merges well into the public square at the Splashpoint entrance. Despite the support in principle for this approach the illustrated layout suggests that this boulevard may be cramped and constrained by the layby, the depth of the raised planters in front of the building and the position of the trees as shown. It is therefore recommended that this is not accepted and, once again, that a condition is imposed to enable the layout of this frontage to be negotiated at a later date.

d) Merton Road:

There is a risk that Merton Road could become the forgotten road as, in some ways, it has a less important role than the southern, northern and western frontages. It is the one that has received less design attention because it is the side road, a service road, a semi cul-de-sac and sole vehicle access point which also acts as a pedestrian route down to the sea. It is also influenced by the revisions to the southern and northern blocks. It is also reduced in length by the staggered set back of the southern blocks and the vehicular access in the centre. Revisions have been made to the north east corner which now has an inset entrance to the affordable units. This combined with the 2.4 metres set back of the building has created a more harmonious relationship with the shopping parade and softened what was previously a rather harsh and prominent corner. There are also raised planting areas at the southern end which help to soften the street scene and make the Merton Road elevations acceptable.

### **Impact on the listed building and the conservation areas**

The applicant states that the proposed development has been designed with full regard to the requirement to sustain and enhance the heritage environment. It is acknowledged that the development site affects the setting of both the Grade II\* Listed Beach House, Farncombe Road Conservation Area and the historic setting and buildings of Worthing more generally.

The applicant points out that the existing building on the site clearly results in a negative influence on the area with specific regard to the setting of Farncombe Road and views from Beach House. He claims that by removing this existing structure and replacing it with a development of the highest quality will enhance the setting of the heritage environment. The Council agrees with the spirit of this statement in that it supports the principle of redeveloping the site to improve the area but the form of the proposed development and the impacts upon the heritage assets need closer examination.

The Heritage Impact Assessment states that the nine storey element on the north west corner is seen clearly in the context of other taller structures on Brighton Road, and would sustain the setting, character and appearance of the adjacent heritage assets. This is not entirely true because, of course, the tall north west corner will not just be

seen from the west, it will also be seen from the east where it would dominate the view towards Beach House, more so than the Splash Point building does because it is set back and, in terms of its form, position and materials, is more sympathetic.

It is acknowledged that the existing building may have a negative impact on the area because of its run down appearance and unattractive form. It is seen closely in the context of the Farncombe Road Conservation Area to the south but it is relatively low rise (11.5 m high) and set back from Brighton Road. The most prominent feature is the tall chimney at 26 m high but this is slender and has a natural finish and has little visual impact itself on the wider area. By comparison the proposed development sits on the back of pavement in Brighton Road and is much taller at 5, 6 and 9 storeys (29 m) high compared to the adjacent 2 storeys shopping parade which is only 9 m high. It would be clearly seen through and against the backcloth of the conservation area which the applicant has failed to demonstrate in his submission how this would not cause harm.

The applicant continues to say that the 21 storey tower element is sited at a significant distance (over 100 metres) from any designated heritage asset, including but not limited to Beach House, Farncombe Road Conservation Area and Steyne Gardens Conservation Area and their listed buildings. On this basis, he claims the tower would sustain the setting, character and appearance of these heritage assets, but this is proven.

Historic England states that as well as the impact on the significance of the Conservation Areas and wider historic townscape, the proposal would also entail a high level of harm to the significance of the Grade II\* Listed Beach House. It adds that it can see no heritage benefits directly associated with the proposals that might be considered as part of any public benefits but it is for the Council to weigh the harm against the public benefits. It recognises that further work has been done to improve the quality of the tower/architecture and to reduce the visual dominance of the other blocks. Finally, Historic England concludes that it is not persuaded that this sensitive seafront site is an appropriate location for a tower of the scale proposed. It disagrees with the applicant's statement that the proposal would have a significant positive effect.

The Council does not disagree with Historic England's view regarding Beach House but it would be better if the scale of the north west corner, which is essentially its height and width, was reduced to lessen the impact upon the listed building and to be entirely screened from views within Beach House grounds where it would loom over the pool like a second tower.

In terms of the main tower and associated development and relationship to the conservation areas, Historic England is critical of the applicant by saying that he has not shown how to minimise the impact of the development on the setting of assets in the Environmental Impact Assessment and, in particular, the Pier as a grade II listed building which is an important visual receptor from where the town can be seen as an unspoiled nineteenth century seaside resort.

Following the original comments by English Heritage the applicant has submitted a rebuttal which states that he does not agree that harm would ensue to any of the

heritage assets or their settings and the perceived harm to the conservation areas is not made clear. However, this has been clarified in Historic England's latest comments. Furthermore, he points out that if there was any harm then, in accordance with the requirements of the NPPF, these would be considerably outweighed by the public benefits that would accrue. The applicant then lists the benefits as being the heritage benefit arising from direct enhancement of those heritage settings (which your Officers dispute); the removal of the existing buildings and their replacement with the proposed scheme; and the far reaching yet progressive benefits for Worthing.

### **Regeneration/Public Benefits of the Scheme.**

As stated earlier in the report the NPPF states that "*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighted against the public benefits of the proposal including securing its optimum viable use*". Whilst, HE has identified harm, it has not clarified that it does not view the harm as substantial in terms of the advice in NPPF. This is relevant in terms of the weight to be given to balancing regeneration benefits of the proposal against the harm to heritage assets.

Whilst, there have been differences of opinion about the level of harm caused, as indicated your Officers maintain that harm is caused to the setting of Conservation Areas and the setting of the adjoining Grade II\* Listed Building. Following last year's High Court Case (*Forge Field Society v Sevenoaks DC*) it is clear that where harm has been identified to the setting of heritage assets, planning authorities must give that harm *considerable* importance and weight. Where harm has been identified, as in this case, there is a strong statutory presumption against planning permission being granted. In these circumstances the Planning Committee has to consider whether the regeneration and other public benefits of the scheme are powerful enough to outweigh this harm.

Following a long design process the current scheme seeks to integrate the redevelopment of the former Aquarena site with the new Splashpoint pool completing the phased development in a way that compliments and celebrates the town's new leisure complex. The scheme seeks to relate sympathetically to the award winning complex and strives to create a bold gateway into the town and a landmark building that would act as a more of a regional role as a signifier of Worthing and its regeneration. The revised design approach has the potential, with the right high quality materials and finishes to be an architecturally striking building on Worthing seafront.

The relationship with the adjoining leisure complex is not only a physical one but there are also relevant financial considerations for the Council which are material planning considerations in the determination of this application. It is a matter of public record that the Council borrowed £9.6 million to help pay for Splashpoint and that the disposal of the current application site was a key part of the overall strategy to pay for the new leisure facility. The approved Development Brief for the site in 2009 set out the preferred approach of a phased development to ensure that the existing pool remained open whilst the new facility was being built. In addition, the Development Brief refers to the importance of achieving a viable mix of uses on the adjoining site. It is important, therefore, that a capital receipt is realised on the current application site and, as with

any disposal of public land, the Council has a duty to achieve best consideration in terms of any capital receipt. Whilst these are separate duties to the planning process, it is a relevant consideration that the capital receipt secured from the site would directly benefit the Council by reducing its future debt burden following the completion of the leisure facility. Whilst, this is a material planning consideration, this in itself would not justify a development that was unacceptable in planning terms but is one of a number of public benefits to flow from the proposed development.

Of more relevance are the other associated public benefits of the scheme. Car parking is a concern to local residents and the availability of parking close to the leisure facility is of considerable importance to the newly formed Leisure Trust and for the Council as the financial success of the Trust benefits the Council in terms of its future revenue stream. When planning permission was granted for Splashpoint it was hoped that additional parking within Beach House Grounds and its sustainable location close to the town centre would be sufficient to meet future demand. However, the facility has been such an incredible success that the use of the facility has far out performed expectations with the membership of the Council's FIT4 scheme increasing significantly. The Leisure Manager has expressed considerable concern about the loss of the existing car parking on the site and the potential financial implications for the Trust.

The applicant's offer of delivering 69 car parking spaces and designing the scheme to provide direct access close to the Splashpoint entrance is, therefore, a significant public benefit, not only to the newly formed Trust but also to neighbouring residents to help reduce the impact of Splashpoint customers parking in nearby streets. Whilst, the applicant could recover some of the cost of providing these spaces by retaining the income secured from the public parking, it would add significantly to the overall cost of the scheme. A report has been commissioned by the applicants demonstrating that the capital cost of providing basement car parking would be between £1.7 and £2.4 million for 69 spaces. However, the resultant capital value of these spaces, depending on management costs, would only be between £400,000 and £675,000. The report indicates that forecast net revenue would only support a rent of approximately £32,000. Whilst, there would be obvious savings with the spaces being built as part of the overall development, there would be a net cost to the developer. The applicant has separately approached the Council about the scope to manage the public spaces in the future. It would be clearly important to secure these public car parking spaces in the Section 106 Agreement and the current draft Agreement would require these spaces to be always available for public car parking and for pricing to reflect prices of nearby Council owned car parks.

As mentioned earlier in the report, there is the opportunity for public realm enhancements in and around the site. In considering the planning application for the new Splashpoint leisure facility, it was identified that development of the adjoining land could incorporate an enhanced public piazza in front of the swimming pool entrance and the applicant has taken on board these comments. Of more significance is the scope to provide enhanced public realm areas along the site frontage and to the east and west of the site. The applicant has confirmed that the public realm enhancements within the application site will be paid for as part of the development but other areas outside the application site boundary will need to be delivered by the Borough Council in



conjunction with the County Council. An indicative scheme to the east of this site illustrates how the existing area of open space could be enhanced. Whilst, there has been some concerns expressed by local residents about separating the cycle path to run diagonally through this area of open space, it does identify the opportunity to make public realm enhancements outside the boundaries of the site. The contribution of over £250,000 towards cycle path enhancements and open space/public realm improvements would enable significant benefits to this section of the seafront as well as the Brighton Road frontage.

The need to maximise the development potential of brownfield sites in sustainable locations is highlighted by the Councils recent OAN study which identifies that to meet future housing needs the current levels of housebuilding would need to triple. Given the land available it is highly unlikely that the Council would be able to meet this level of housing, however, this does mean that where opportunities exist there is a need to look at the full and efficient use of such land to help meet future housing needs. This has to be taken into account when balancing the planning merits of the scheme with the harm to heritage assets. The provision of affordable rented units on the site is to be welcomed and the 30 on site affordable units together with a sizeable off site contribution would make a valuable contribution to meeting local housing needs.

In summary the public/regeneration benefits include:

- Policy statements recognise the potential for a taller building on the site and the evolution of the scheme has identified that a tall elegant tower would relate more sympathetically with the leisure complex than a lower 'slab-like' apartment block.
- The proposed tower would create a positive image for Worthing and would reflect economic confidence to promote further inward investment into the town.
- On the basis that exceptional design quality can be secured, the tall building would act as a clear landmark and be the catalyst for regeneration of other key town centre sites.
- The scheme would provide 147 dwellings on a sustainable brownfield site that would make a significant contribution to meet housing and affordable housing needs.
- The scheme has the potential to deliver a large family restaurant or other leisure type use that would complement the adjoining leisure facility.
- Public realm would be enhanced on 3 sides of the application site enhancing the approach into the town, the promenade and entrance area to Splashpoint.

- The provision of public car parking to serve the adjoining Splashpoint leisure facility would help to ease potential on-street parking pressures and help to ensure the continued financial viability of the leisure facility.

### **Impact on the South Downs National Park**

The applicant has submitted four photomontage views from the National Park. The viewpoints are from Mill Hill looking south west, Lancing looking south, Highdown Hill and Lambleys Lane.

The submitted visual impact study suggests that the impact from Mill Hill 7.2 km away would be neutral as the buildings would rise through the urban mass where there are other tall buildings and would therefore be indiscernible. However, the photo montage shows the tower to form a clear and distinctly tall building which breaks the view of the sea and touches the skyline thus making a landmark statement due to its significant height in comparison with the rest of the townscape.

The view from north of Lancing 4 km away shows a clearer, closer and more distinct profile of the main tower rising considerably above any other buildings within the photograph. The applicant once again describes the effect as neutral noting particularly that it does not break the skyline but the tower would provide a stark contrast to the current much lower urban form particularly from this closer vantage point.

The third view from Highdown Hill 6.4 km away shows the tower in a less distinctive way as the photo shows the influence of other tall buildings closer in west Worthing. Once again the applicant describes the effect as neutral which is more accepted from this distant western viewpoint.

The final photomontage from Lambleys Lane 2.97 km away has a similar impact to the second view from the north of Lancing where the tower is clearly discernible but does contain other tall structures within the eyeline which reduce its visual impact.

The South Downs National Park Authority raises no objection but comments that whilst, due to the distance, the development is unlikely to be directly harmful to the setting of the SDNP, the 21 storey tower element would, nevertheless, be likely to be clearly visible against the existing open horizon and as such, due to its height, would have a distinct visual impact on the skyline outlook, when looking south from the National Park.

It adds that in the event the development recommended for approval, the SDNPA, would seek the use of appropriate materials to control its visual appearance and to avoid glare and glint across to the National Park. In addition, the visual impact of internal lighting from the tower block and any form of external lighting should be carefully considered to minimise long distance night time intrusion.

On the basis of these comments the proposals are considered acceptable in terms of their impact on the National Park subject to the imposition of materials and lighting conditions.

### **Residential amenity**

In terms of residential amenities a few local representations suggest that the scale of the development would cast a shadow over neighbouring properties and reduce daylight to them. The nearest property to the north is 2A Madeira Avenue which is close to the corner of Brighton Road and faces west. Its neighbours to the west are Seadown House and 101 Brighton Road to its east which are set well back from Brighton Road and are less affected. The closest properties are situated immediately to the east of the site and comprise 1-2 New Parade, 2 Merton Road and 70 Brighton Road. The applicant has submitted a Daylight and Sunlight Report that applies the BRE Report 209 Site Layout Planning for Daylight and Sunlight: A guide to good practice.

The results appear to show that the vast majority of the properties assessed achieve good levels of adherence to the BRE guidelines and the report identifies the nearest properties individually by address with floor plans and a tabled analysis of estimated changes before and after development. The report also contains three dimensional modelling images of the site and neighbouring properties to graphically illustrate the heights of the buildings both before and after. The report concludes that overall, for the majority of properties identified with daylight and sunlight reductions, there would only be limited effects with the majority of occupants maintaining good levels of daylight.

It should also be noted that as existing, some of the windows in the neighbouring properties receive high levels of daylight and sunlight because part of the site is simply a vacant car park on the corner of Brighton Road and Merton Road and, therefore, larger reductions of light post development are inevitable.

A letter was received from a person with an interest in the corner property of 1 and 2 New Parade acknowledging the Daylight and Sunlight report but suggesting that the facts of the residential accommodation as stated were not wholly accurate and therefore the findings were flawed. In response the applicant has revisited this aspect and notes that the proposed development would impact on the 5 main windows at ground floor level serving a living room and a bedroom but states that the living room is a multi-faceted room and has four small windows on three facades. The room is lit by more than one aspect because of the chamfered corners with windows that allow light in from the north-west, west and south-west and it is for this reason that the report refers to the windows as “other aspect” and is particularly relevant for the daylight distribution and Annual Probably Sunlight Hours (APSH) test.

It adds that the BRE guidelines highlight that to measure the quality of daylight, there are two tests that need to be undertaken, the Vertical Sky Component (VSC) test and the daylight distribution test.

- a. The VSC test to the living room windows (W1/40, W2/40, W3/40 and W4/40) shows that these windows will experience ratio reductions between 0.64 and 0.76 of their former values, which are below the 0.8 recommended criteria. The VSC test only measures the amount of daylight to the centre point of the tested window not the room. The daylight distribution test shows that the living room will experience no change in the daylight distribution with the proposed development in place. This

demonstrates that the occupants in the room would not experience a noticeable reduction in light.

- b. In relation to the bedroom, the VSC and daylight distribution test results show that window W16/40 and the bedroom will experience ratio reductions of 0.68 their former values. The daylight distribution contours show that the bedroom will maintain good daylight coverage to the back of the room, with some reductions on either side of the room. Paragraph 2.2.8 of the BRE guidelines highlights that although bedrooms should also be assessed for daylight, they are considered to be less important than main living rooms.
- c. The APSH test shows the proposed development would not exceed the BRE guideline recommendations to the living room. Again there is a reduction in sunlight to the bedroom below the BRE guidelines but the proposed condition still achieves high annual sunlight levels (this being 22%) APSH where the BRE guidelines suggest 25% APSH is a good level.

As a summary the applicant states that the proposed development would therefore not cause material loss of light to 2 Merton Road and that the planning application should not be refused on these grounds, particularly when the affected windows benefit from a break in the massing in between the proposed blocks.

In conclusion, the proposed development has shown a good level of adherence to the BRE guidelines, whilst having regard to the need for a comprehensive redevelopment of the site.

In terms of overlooking, the window to window distances between the proposed Brighton Road elevation and neighbouring properties opposite are in excess of 35 metres which is a more than an acceptable relationship. However, the properties to the east in Merton Road are much closer where habitable and bedroom window to window distances would be as low as 11 m in places. This, combined with the height of the building and the number of proposed windows does give concern regarding loss of amenity for the existing neighbours and the applicant was advised that the layout of his apartments should be reconsidered and the outlook from the windows angled away to avoid direct overlooking and loss of privacy in order to reduce the impact.

However, in response the applicant has stated that he considers the properties to the east in Merton Road currently enjoy no formal private amenity space to their frontages with all amenity space, windows and doors facing directly towards the pavement, road and upper level of the former Aquarena car park which are used by a significant number of pedestrians and vehicles. Therefore, it is submitted that any potential impact must be considered in relation to the existing loss of privacy and it is submitted that existing amenity of residents will not be materially altered by reason of the introduction of the proposed development.

Furthermore, the applicant has reviewed the separation distances from building to building along Merton Road and found that the narrowest section remains between the proposed north-east corner block and the commercial property currently occupied by

Spratt and Son but, to the south, he notes the building separation distances would range from a minimum of 14m to 18m between the proposed building and 2 Merton Road. It is submitted that the proposed development would also be further away from these properties than the existing car park deck which is approximately 11m from 1-2 New Parade. The applicant submits that such separation distances are entirely concordant with many other examples of facing buildings either side of residential streets and as a result he considers that no undue overlooking or loss of amenity would result. He draws comparisons with his other developments of the Beach Hotel, Warnes and Eardley all of which are up to 6 storeys in height with separation distances of approximately 11 metres to neighbours opposite.

Another factor referred to by the applicant is that each floor would provide a mix of bedroom and living, kitchen and dining room windows and the balconies and roof terrace areas are located in positions where they would minimise the impact to neighbouring residents. As the existing properties are one and two storeys and so, being on a different level to the higher floor apartments, this would reduce the loss of privacy. The use of each of the rooms in the existing properties is also a factor to be taken into account such as the dual aspect living/kitchen/dining areas in 1-2 New Parade and living/kitchen/diner to the ground floor flat, the ground floor living room to 2 Merton Road and the dual aspect first floor living room to 70 Brighton Road. It is submitted that the other windows which face towards the development are bedrooms and non-habitable rooms and the majority of these rooms currently have curtains or blinds to maintain the existing levels of privacy. It is submitted, therefore, that there is no need to consider obscure glazing windows in the east elevation of the development.

In conclusion, the applicant states that whilst the scheme will introduce further development to the west of Merton Road, the impact is not considered to be unacceptable and the relationship between properties would be comparable with many other recent developments in the town.

The applicant's case for not specifically treating the proposed windows in Merton Road is not unreasonable given the context and with some recognition of the nature and outlook of the existing residences in Merton Road whilst also acknowledging that for a long time the site has been identified for high density development. It is agreed that it would not be so dissimilar to the relationship of the Beach, Warnes and Eardley with their neighbours and on this basis the proposed fenestration is accepted as shown without modification.

The proposed pedestrian and vehicle access to the residential and public pool car park has been moved southwards in the revised scheme which brings it more into line with Merton Terrace opposite which is the service road to the rear of buildings in Brighton Road and New Parade. The number of traffic movements should be no greater or more disruptive than that experienced from the former pool. There should, therefore, be no greater noise implications from associated activities in Merton Road, even though there would be a refuse collection point, and despite there being a drop off and delivery bay in Brighton Road, this particular entrance may be more used than initially anticipated for additional commercial visitors.

Finally, there is likely to be significant disturbance for neighbours during the construction period, which the applicant anticipates could last for approximately four years, with a workforce of about 100 on site at any one time. Clearly this requires a very well-considered and carefully applied construction management plan to deal with the complicated logistics of working times, construction vehicles and materials, noise, dust and lighting which would be the subject of a further planning condition.

### **Dwelling mix, density and affordable housing**

The dwelling mix has been referred to earlier in the report and provides an appropriate mix of 1, 2 and 3 bedroom private market apartments. In terms of density, a number letters of representation, and the Worthing Society, have indicated that the density of the development is unacceptable being 210 dwellings per hectare. The proposed density is high and reflects the tall buildings proposed on the site. However, if the principle of tall buildings on the site is accepted, it is not considered that this density is unreasonable. As indicated previously, the overall footprint of the proposed development has been reduced representing about 50% of the site coverage. This allows for shared amenity space within the internal courtyard as well as private gardens to the south of the apartment blocks. The proposed market units all have private balconies providing external amenity space and the site is next to an area of open space and of course the seafront. In comparison other seafront developments have been of high density. The Warnes has a density of 190 dwellings per hectare, The Beach has a density of 147 (and includes an Hotel). Teville Gate had an overall density of 90 dwellings per hectare but this scheme of course including a large supermarket, commercial and leisure uses.

The revised Planning, Regeneration and Affordable Housing Statement sets out the housing land supply issues. It emphasises the importance of identifying robust locally generated housing need. The development would provide 147 residential apartments across 5 separate blocks. The revised proposal comprises four open market housing blocks comprising 108 apartments (7 x 1 bed, 71 x 2 beds, 30 x 3 beds) which would provide a good mix of family sized units and smaller units.

The Worthing Borough Council Developer Contributions SPD, and the Council's Draft Developer Contributions Supplementary Planning Document (SPD) March 2014 seeks to identify the level of on-site or off-site affordable housing contribution that the Council will seek from residential developments within the Borough.

In this regard, Policy 10 of the Worthing Core Strategy 2011, which forms the basis of both SPDs, states that a mix of affordable housing, including social rent and intermediate housing, will be sought to meet local needs on all sites of 6 dwellings or more. In the current case 30% affordable housing would normally be expected to be provided on site and this equates to 44 units.

As part of the revised proposals the applicant was proposing the on-site delivery of 39 affordable housing units (26.5%) and a further commuted payment in lieu of 5 affordable housing units (3.4%) based on figures contained within the Council's adopted Supplementary Planning Document for Developer Contributions. The on-site provision

was to have been 30 social rent flats (18 x 1 bed, 12 x 2 beds) and 9 market rate sale flats (3 x 1 bed, 6 x 2 beds). The off-site affordable provision was to have been 3 affordable flats (2 x 1 bed, 3 x 2 beds) valued at £240,000.

As Members will be aware, the normal requirement for schemes of this size is for the full 30% affordable housing to be provided on site. However, on many seafront sites the Council has accepted that it is not cost effective to locate affordable housing on apartments overlooking the sea because of the premium sale prices secured and the scope to deliver such affordable housing off site. Clearly shared housing units with sea views would be unaffordable for most in housing need even if only purchasing a percentage of the overall market cost of the apartments. In this instance the applicant has the added complication of building above a basement car park which would add to maintenance costs for any on-site affordable housing. The applicant has submitted that he has secured the maximum on-site provision by providing a single block of 30 affordable housing units able to be managed by a registered provider. The north-east block is the most suitable for this purpose with the scheme providing a break in the development in the north-east and tower elements. The applicant submits that the north-east block has been designed to be as cost effective as possible for the registered provider to maximise unit numbers whilst providing for a single stair core and single lift. The applicant indicates that whilst additional affordable housing units could be provided in the open market block (north-west element) the registered provider would not wish to contribute towards separate management costs associated with the remainder of the open market units and the applicant also stresses that the management costs of the taller 9 storey element would be too high for a registered provider and have a knock-on effect on the affordability of these units.

To increase the level of on-site affordable housing the applicant did propose the provision of 9 subsidised market rate flats. These subsidised units would be lower cost being sold in perpetuity at 20% less than open market value. Whilst additional on-site affordable housing would normally be welcomed by your Officers, in this instance there is concern that even the subsidised market units would be beyond the reach of those in housing need, particularly on a new seafront development. There are also concerns about ensuring that these apartments remain low cost in the future and the necessary controls to ensure that they are occupied by Worthing residents in housing need. Normally shared ownership properties are managed by Registered Providers. As a result, your Officers would prefer a higher off-site contribution which would more effectively deliver affordable housing in an alternative location within the town. The applicant has agreed in principle to this request and for the off-site contribution to reflect the current mix of housing units on the site. The off-site affordable housing contribution would be approximately £1 million and the precise figure is being negotiated in the light of the Council's recently adopted SPD on development contributions (due to take effect from 1<sup>st</sup> October 2015).

Whilst Members may have some concern about the reduced on site provision, overall your Officers are satisfied that the affordable housing offer is fair and reasonable and would comply with current development plan policy. In this respect, the overall provision of 70% affordable rented units exceeds the current housing strategy tenure mix of 65% rented and 35% shared ownership and there is scope for some flexibility about how the

off-site contribution is used. Your Officers had sought to include some social rent (at less than 80% of market rent) but it is understood that negotiations with a Registered Provider have already started on the basis of affordable rent. The ability to secure social rent is constrained by the Government's acceptance of affordable rent being acceptable rent to meet housing needs. In this respect, the off-site contribution could help to secure additional rented units on alternative sites which would, more effectively, meet current demand for rented housing units over and above any need for intermediate or shared ownership housing. Members will be aware that on other housing schemes often developers will agree to on-site shared ownership but seek the rented apartments to be provided off site as they are concerned that it could possibly affect the value of the market housing to be provided on site.

Following subsequent negotiations with the Housing Manager and Enabling Manager the applicant has made a new offer of 44 affordable housing units (comprising 8 x 1 bed, 28 x 2 bed and 8 x 3 bed units) with 30 on site (comprising 18 x 1 bed and 12 x 2 bed units) and an off site contribution of 14 x 2 bed units (@ £50,000 each = £700,000). In addition the applicant is willing to make 2 x enhanced payments of the difference between one and two bed units @ £5000 each = £10,000, and, he is willing to make 8 x enhanced payments of the difference between one and three bed units [assumed 32% uplift as proposed new October 2015 amounts] @ £14,000 each=£115,000 giving an overall off site contribution of £825,200.

The reasons why the applicant gives does not feel that he can meet the full 30% on-site provision is that they all need to be contained within a single manageable unit for the Registered Provider. The north-east block is the most suitable for this purpose and the design of the scheme provides for a necessary break in development between the north-east and north-west tower elements. The applicant adds that the north-east block has been designed as cost effectively as possible for the Registered Provider to maximise unit numbers (30) whilst providing for a single stair core and single lift. If further units were provided this would be very likely to require additional stair and lift cores, significantly increasing the project budget for the Registered Provider. It should also be noted that any Registered Provider would not wish to contribute toward separate management costs associated with the open market blocks. This was why the applicant suggested the 80% market sale units. The applicant comments that the proposed development provides for a policy compliant provision of 30% affordable housing both on and off site.

The practical difficulties of providing a large number of affordable housing units within the development is understood and would unnecessarily cause practical and logistical problems for a Registered Social Landlord in terms of sharing with market housing because of management and maintenance costs. In addition, this report identifies issues with the scale and form of the proposed development which, if addressed, would have implications for the number of affordable flats and access to them.

The applicant has confirmed that the apartments would meet the Space standards although the schedule of accommodation has not been submitted by the applicant.

### **Access and parking**



A large number of representations have been received regarding parking suggesting that there would be an insufficient number of on site spaces for the number of apartments. The scheme comprises 147 residential apartments and a commercial unit served by a basement car park containing 150 residential spaces and 69 public spaces designed to provide some dedicated parking for the pool users. No parking would be provided for the affordable residential units.

West Sussex County Council is the Highway Authority for this application and it comments that there would be a mix of 111 allocated and 39 unallocated spaces for the private apartments. Based on the Parking Demand Calculator the provision would meet the forecasted demand for the allocated private parking but there is a potential shortfall in the provision of unallocated private parking of 4 spaces. Furthermore, although no parking spaces are being provided for the affordable units the calculator is still forecasting a demand for 17 spaces which appears to be unmet. However, the Borough Council has previously accepted that affordable housing sites in or on the edge of the town centre can operate satisfactorily without having allocated parking on site. Examples include Norfolk House and Lennox Mews. Given the sustainable location of the development, 1 space per market dwelling would be acceptable.

In respect of visitors, it seems a reasonable assumption that the proposed public car park would be used or that some of this demand would be met on street subject to restrictions. The Highway Authority acknowledges that the site is within the Worthing Controlled Parking Zone and there are extensive controls for on-street parking but future residents would be entitled to apply for parking permits if there are permits available. Alternatively, residents could purchase season tickets if these are available for nearby public car parks. In conclusion the Highway Authority states that, given the presence of existing waiting restrictions and the residents controlled parking zone, there are controls in place to determine how and where on-street parking takes place. Whilst this proposal may slightly increase on-street parking demands, these increases should not result in any detriment to highway safety.

The Highway Authority notes that the commercial unit would now be 306 sq m but states that it would in itself be unlikely to generate any significant amount of traffic. It adds that there are also no waiting at any time restrictions in Brighton Road so the use is unlikely to create a highway danger. In terms of the proposed car park access, it raises no highway objections and overall it concludes that the proposal would not generate any highway capacity impacts that could be considered severe under the National Planning Policy Framework.

The Highway authority notes that there would be footway build outs in Brighton Road and Merton Road to improve pedestrian movements, which are acceptable in principle, but there is concern at the proposed loading bay in Brighton Road which is proposed for the commercial unit and for servicing the proposed residential apartments. The precise nature of the loading bay arrangement is unclear. The drawing appears to show a dropped kerb indicating that the loading bay would be at a different level to the adjacent carriageway. The loading bay also lies partly within the 'zig-zag' road markings associated with the adjacent signalised pedestrian crossing. These restrictions prohibit

stopping and would apply to the back edge of the proposed lay-by; a loading bay subject to a further traffic regulation could not be introduced at this location. The arrangement would also result in quite a severe change in highway alignment and may interfere with vehicles entering the leisure centre. However, these works have been reviewed as part of a Stage One Road Safety Audit and two problems have been raised in relation to the build outs, one requiring bollards and the other an improved kerb radius which can be covered by condition.

Additional landscaping is also shown in the paved areas around the development. Where these fall within the highway and are the responsibility of WSCC the planting would require a licence to be granted.

The proposed build out on the east side of the junction of Brighton Road and Merton Road would need to take account of the existing bus stop and should not impinge on the movement of buses exiting the bus stop and this would need to be demonstrated to the County Council's satisfaction.

The Highway Authority accepts that the site is very sustainable and points out that there are a range of services and facilities within reasonable walking distance. It also states that it is very accessible with continuous footways and controlled crossing points on key routes. There is also a national cycle route which runs along the southern boundary of the site. In terms of passenger transport there is a regular bus service which runs along the A259 corridor every ten minutes.

The applicant has also submitted a draft Travel Plan which sets out targets for reductions in vehicular movements to the site over a period of time. The Environmental Health Officer recommends the installation of public and private electric vehicle charging points in addition to the measures outlined in the Travel Plan.

In terms of a development contribution under the Total Access Demand Methodology, a development of this scale (i.e. over 100 units) typically requires the applicant to put forward measures of an appropriate scale and kind to mitigate the impacts of the development. The applicant suggests two highway improvement schemes in Steyne Gardens but as these would result in the loss of on-street parking they are not supported by the County Council. The Highway Authority has been encouraged by your Officers to consider how the development could improve cycle provision along the seafront, mindful of the fact that there have been increased accidents along the section of the designated cyclepath adjacent to Coast Café. Following consultation with the local County Councillor, the Highway Authority recommends that a contribution of circa £58k is secured to implement a shared cyclepath along this section of the seafront.

The Highway Authority also advises on legal and procedural issues with construction in relation to abutting highways. It also notes that demolition of the existing structures and construction of the proposed site will be quite involved and recommends that a comprehensive Construction Management Plan be set out how the users of the highway will be protected during these works with the expectation that Merton Road would be used by the majority, if not all, of the construction traffic.

Whilst residents have expressed concern about increases in traffic and a lack of parking, your Officers are satisfied that any increase in traffic during peak periods is minimal and that with the implementation of the proposed Travel Plan, and the additional public parking, the scheme is acceptable and would not have a significant impact on the local highway networks.

### **Sustainable energy and renewables**

In terms of sustainable construction the proposals have been developed alongside Building Services Design with a view to utilising energy efficient, low carbon and renewable energy technologies, to reduce the carbon footprint of the development and the following energy efficient technologies have been incorporated into the scheme to reduce the energy usage of a 'base case' building prior to utilising any renewable technologies:

- Low energy lighting throughout the scheme.
- Intelligent lighting controls, including daylight controls.
- Low u-values for walls, floors, etc, well below Building Regulations minimum.
- High performance thermal and solar glazing.
- High efficiency boilers.
- MVHR ventilation in each flat.
- High efficiency appliances.
- Improving air-tightness beyond minimum standards.

Furthermore, the following low or zero carbon (LZC) technologies would be incorporated within the development:

- Approximately 22no. photovoltaic panels, generating 5.5kWe.
- Installation of CHP heating plant (with boiler back up) to provide 65% of the heating and hot water load of the development, including the new swimming pool area on the ground floor.

A wide range of renewable energy technologies have been considered for the proposal, and whilst other systems were viable, CHP and photovoltaics were deemed most suitable for the site. The applicant states that by adopting best practice, following the energy hierarchy of reducing energy usage firstly and then applying renewable/LZC technologies, a scheme has been developed that would provides a significant carbon reduction.

Attenuation tanks capable of accommodating 1-in-100 year (plus 30% for climate change) storm water run-off are proposed as part of the development and these will prevent the proposals from impacting negatively on the current situation.

The energy contribution of the LZC technologies was assessed to determine the overall CO<sup>2</sup> reductions. The first calculation looked at the energy usage of the development and associated carbon emissions as a base case to satisfy the minimum Building Regulations. The second calculation builds in improvements over the Building Regulations as a result of incorporating the proposed LRZ technologies to ensure that a

minimum 25% improvement over the 2013 Building Regulations is possible and this will ensure that a Code for Sustainable Homes Level 4 is achievable.

## **Flood risk**

The site has been assessed in the Strategic Flood Risk Assessment as being suitable for residential development. It is located within Flood Zone 1 but the most southerly parts of the site slip into Flood Zones 2 and 3 because of the residual risk from wave overtopping. However, the apartments would be located at least 1.0 metre above the flood level with safe access and egress onto Brighton Road. The basement car park would be fitted with flood gates to protect it from wave overtopping.

The public sewer records show that both foul and surface water sewers exist in close proximity to the site. A topographic survey and historic plans indicate that the site currently discharges wastewater to the public sewer in Brighton Road and surface water to public sewers in Merton Road and Brighton Road. The public surface water sewers outfall to the sea are close to the site.

The Environment Agency has confirmed that the coastal flood defences, comprising a shingle bank, provide a level of protection to approximately 1 in 100 year standard whilst the undefended part is a 1 in 200 year (plus climate change) flood level standard. .

Generally, the preferred method of surface water disposal is by infiltration and whilst the soil underlying the site may be suitable for infiltration methods of drainage, the depth of ground water, which is likely to be tidally influenced, may restrict the use of such infiltration methods. Where the tide results in ground water being at its highest level, its depth is likely to be restrictive, limiting the overall depth of soakaways to an extent that they are less effective. Shallow infiltration methods such as porous paving are not possible due to the layout of the site.

The Environment Agency raises no objection but recommends a condition requiring finished floor levels to be set no lower than 6.50 m above ordnance datum (AOD) and with mitigation measures fully implemented prior to occupation.

The Council's Technical Services Manager questions some elements of the report and the lack of explanation or detail to show how some elements of the proposals, such as floodgates to the basement car park, would function but these details can be addressed by condition.

## **Ground contamination**

The site does not lie within an Environment Agency Source Protection Zone where there is a need to protect the quality of groundwater that is abstracted for potable supply.

The preliminary contamination risk assessment carried out as a desk study has identified potentially significant pollutant sources relating to metal, PAH compound and asbestos contamination within made ground soils and a localised source of polychlorinated biphenyl compounds (PCB) contamination from an electricity substation

on site. However, in view of the nature of the development, with a basement across the site no significant risks have been identified with regard to either the proposed end users or controlled waters.

It is also considered likely that any contaminated soils will be removed from site as part of the construction process and so an intrusive contamination ground investigation in advance of construction is not required. However, it is recommended that, following demolition of any structures, removal of associated hardcover and the clearance of any demolition rubble, an inspection of the reduced level dig should be made. This is recommended as a precautionary condition by the Environmental Health Officer.

Similarly, the Environment Agency raises no objection but is concerned at the risk of contamination of any groundwater underlying the site and consequently recommends planning conditions requiring a contaminated land investigation and details of dewatering of the site and to agree any piling and ground improvement methods in order to further protect the groundwater.

## **Ecology**

The preliminary ecological appraisal report and protected species assessment concludes that the site has little evidence to suggest that it contains anything of ecological value which is mainly due to the amount of regular numbers and associated activity on the site. The main occupiers are seabirds on the roof and this type of habitat is openly and freely available along the coast and is not peculiar to this site. In contrast, the redevelopment and soft landscaping as proposed would offer some opportunities for ecological enhancement and diversity.

## **Construction Management Plan**

The logistics of demolition and construction for such a relatively constrained site are considerable and the impact upon the activities and amenities of the area need careful management and so a comprehensive Construction Management Plan would need to be drawn up and agreed by means of a planning condition to control such matters as construction times, vehicular movements, parking, deliveries, storage, dust, noise and lighting as recommended by the Highway Authority and the Environmental Health Officer.

## **Wind environment**

A Wind environment statement produced by the Building Research Establishment (BRE) has been submitted with the application and it explains the natural wind forces that the development would be subject to and the microclimate which would be created. The report does not consider that there would be serious issues with the layout but it does identify areas which may not be suitable for sitting out and it suggests that the designs of the balconies, particularly those facing due south, will be critical if the comfort and performance is to be as effective as the applicant suggests.

## **Development contributions**

A draft S106 has been prepared and is the subject of ongoing negotiation over appropriate triggers for development contributions. The key elements include:

- Provision of 30 affordable rented housing units;
- Affordable Housing Commuted Sum [approximately £1 million];
- Open Space and Recreation contribution of £190,000;
- Provision of public car parking for 69 spaces in perpetuity;
- Education contribution of £101,236;
- Library contribution of £26,536;
- Fire and Rescue Services £2,808;
- Highways contribution of £58,000;
- Public Art contribution of up to £50,000;
- Implementation of a Travel Plan.

These contributions have been agreed by the applicant (although further negotiations are continuing in respect of the off-site affordable housing contribution). However, as Members are aware, from 1<sup>st</sup> October 2015 the Council will be implementing its Community Infrastructure Levy (CIL) and if a decision is not reached before the end of September, CIL would be the appropriate mechanism for seeking development contributions. The s106 Agreement would still be necessary to serve any on-site public benefits – affordable housing, public car park and public realm enhancements.

## **Conclusion**

This is a difficult and highly controversial proposal that has provoked considerable opposition from local residents, amenity societies and Action Groups. There has also been some support for the scheme from local residents and businesses. The application process has involved various experts in architecture, urban design and conservation and strongly held views for and against the scheme have been submitted.

The fact that the site is owned by the Council and is to be determined by the Planning Committee has increased the level of scrutiny of the scheme. The involvement of the Regional Design Panel and subsequently Coastal Design Panel has been beneficial in giving a separate, external view of the emerging design for the site. The involvement of Design Panels is encouraged by the NPPF on sensitive sites such as this and the NPPF advises Planning Authorities to have regard to recommendations from such Panels.

There have been disagreements between the applicant's Conservation Architect and those expressed by Historic England about the level of harm caused by the scheme to the setting of Beach House, a Grade II\* Listed Building, and the setting of the Conservation Area to the north and Conservation Areas covering the historic seafront. There has also been a difference of opinion between different Case Officers at Historic England about the level of harm to the setting of Beach House. Nevertheless, there is consensus that the harm is not substantial as identified by the NPPF. However, harm is caused in this instance and there is, therefore, a statutory presumption in favour of preservation and a presumption against planning permission being granted. This

statutory presumption must be given considerable weight in assessing the acceptability of the scheme. As stated by the NPPF, the greater the importance of the heritage asset the greater the weight should be given. In view of the relative close proximity of a Grade II\* Listed Building to the site this does mean that great weight should be given to preserving its setting.

As the report highlights in view of this statutory presumption against development that harms the setting of local Conservation Areas and Listed Buildings there have to be powerful and compelling public benefits to allow the development. Members, in this instance, have to balance the presumption against allowing development causing harm to heritage assets on the one hand with the public benefits on the other.

The report highlights that the development site is a key regeneration site and that maximising the development potential of the site would make a significant contribution towards paying for the adjoining Splashpoint Leisure Centre. In addition, the applicant has offered to provide public car parking to offset the loss of parking once the existing decked car park is demolished and the existing Aquarena is sold.

The provision of 69 car parking spaces would help to maintain future income for the leisure centre benefiting the Council's future income stream and helping the Council's future finances. These financial considerations are valid material planning considerations.

Of greater importance in balancing the harm to heritage assets against public benefits are the potential longer term regeneration benefits of the scheme. Tall buildings can signify great confidence in a town, be a catalyst for further regeneration and help to attract inward investment. The demolition of the tired and unattractive Aquarena building and its replacement with a high quality bold architectural scheme could complete the redevelopment of this Area of Change site (the first town centre site to be developed). The resolution to grant planning permission for two residential towers at Teville Gate was also to act as a catalyst for regeneration but this scheme was unviable and has not progressed.

The proposed development is deliverable and would have long term positive economic effects for the town. The Design Panel clearly feels that a strong case has been made for the height of the tower and the Panel supports the inclusion of a tall building on this site in facilitating increased densities in this edge of centre location, as well as the role the tower would have in signifying the regeneration of the seafront. The scheme proposes public realm enhancements along Brighton Road, the seafront and creates an inner semi-public space within the site. In addition, the scheme would provide significant funding to add to the considerable investment already undertaken to the Active Beach Zone and provide scope to enhance the open space in front of New Parade properties.

There are, therefore, public benefits that the scheme provides that Members have to give careful consideration. The decision is one of utmost importance to the town. The case for a tall building on the site performing a sub-regional role signifying regeneration is also the reason why many feel it is wholly inappropriate given its juxtaposition and

context of a predominantly low historic seafront. The presumption in favour of sustainable development is recognised but in this case there is a clear presumption against development harming the setting of heritage assets.

The wide regeneration benefits of a tall building on the site would only be of significance if the design was of exceptional quality to give the building the status of a landmark and architecturally placed Worthing on the map. The applicant's agent refers to the building as world class and clearly time would tell if this was to be the case. The revised design certainly is a far more convincing form and the finishes and materials are essential to deliver the quality that the site (and its height) demands.

Your Officers have found this a very challenging proposal. The involvement of the Design Panel has been beneficial but issues of design quality are subjective and the balancing act between regeneration and the harm to heritage assets is difficult.

In this context a clear recommendation is not straight forward as arguments are finely balanced. However, your Officers feel that subject to resolving outstanding design details, the wider regeneration benefits of securing an integrated development with Splashpoint as a major leisure destination could justify approval.

On balance, it is recommended that planning permission be granted subject to the further comments of the Design Panel and the resolution of outstanding design matters.

**Approve** subject to the completion of a section 106 Obligation securing affordable housing, public parking and development contributions and the following planning conditions:

1. 5 years to implement
2. Approved plan numbers
3. Details of Merton Road access to be submitted and approved
4. Details of loading bay in Brighton Road to be agreed and provided prior to occupation
5. Public and private parking spaces to be provided and retained as shown on the approved plans
6. 100 covered and secured cycle spaces to be provided prior to occupation and retained
7. Travel Plan for residents to be agreed prior to occupation
8. Details of electric vehicle charging points to be submitted and approved
9. Precise architectural details to be submitted and approved
10. Description and samples of building materials to be submitted and approved
11. Details of external lighting to be agreed
12. Sustainable Design Measures to be implemented.
13. Satellite and aerial systems to be approved
14. Waste and recycling areas to be provided before occupation
15. The hard and soft landscaping proposals for the courtyard, private gardens and site frontages including the public domain areas on the promenade, Brighton Road frontage and around the Splashpoint entrance are not hereby approved and revisions shall be made and submitted for approval



16. The approved commercial floorspace shall be used for class A3 purposes only
17. The opening times for the commercial unit shall be any day from 7 am to 11 pm
18. Surface water drainage details to be submitted and approved
19. Finished floor levels to be agreed
20. Details of basement parking floodgates to be submitted and approved
21. Foul drainage details to be submitted and approved
22. Construction management plan to be submitted and approved prior to occupation (to include demolition, vehicle movements, traffic routing, parking, storage, dust, noise, lighting etc.)
23. Construction times of 8am – 6 pm Mondays to Saturdays and no Sundays or Bank Holidays
24. Technical Approval process as specified within BD 2/12 of the Design Manual for Roads and Bridges has been completed in regards of the proposed basement retaining structure
25. Full contamination study to be submitted and approved
26. Details of the de-watering of the site, piling and ground improvements to be submitted and approved

### Informatives

#### Section 278 Agreement of the 1980 Highways Act - Works within the Highway

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

#### Temporary Works Required During Construction

The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

#### Access

No development shall commence until the vehicular access onto Merton Road serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety.

#### Car parking space

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

### Cycle parking

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

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

### Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

### Structures Check

No works shall commence until such time as the Technical Approval process as specified within BD 2/12 of the Design Manual for Roads and Bridges has been completed in regards of the proposed basement retaining structure and written confirmation has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the proposed adoptable structure is constructed to the required standard to safeguard the users of the public highway.

### INFORMATIVES

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#### S106 Obligations

Upon commencement of the development the applicant shall use all best endeavours to secure the necessary consents to secure the provision of a loading bay on the A259 Brighton Road in accordance with the details indicatively shown on drawing number 112 revision A. Providing all consents are obtained, the loading bay shall be installed prior to the first occupation of any part of the development. In the event that the necessary consents cannot be achieved, the applicant shall submit to the Local Highway Authority an alternate arrangement for loading.

Prior to the first occupation of any element of the development, the A259 Brighton Road/Merton Road junction works as shown indicatively on drawing number 113 revision B shall be implemented.









22<sup>nd</sup> September 2015

**Local Government Act 1972**

**Background Papers:**

As referred to in individual application reports

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## **Schedule of other matters**

### **1.0 Council Priority**

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

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

### **5.0 Community Safety Issues (Section 17)**

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

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

### **7.0 Reputation**

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

### **8.0 Consultations**

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

## **9.0 Risk Assessment**

9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

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

## **14.0 Financial implications**

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