



Planning Committee
21 October 2015

Agenda Item 4

Ward: ALL

Key Decision: Yes / No

Report by the Director for the Economy

Planning Applications

1

Application Number: AWD/0827/15 Recommendation – Approve

Site: Anchor Court Marine Crescent Worthing

Proposal: Addition of third storey to roof to provide 3no. additional flats including infill extension to provide internal staircase, new balconies to south elevation, alterations to windows, doors and facing materials, and creation of separate patio areas for ground floor flats together with 4 new parking spaces at rear and refuse storage area and conversion of an existing garage to cycle store.

2

Application Number: AWD/1492/14 Recommendation – Approve subject to outcome of discussions with District Valuer and Applicants in respect of development viability and scope to secure commuted sum towards an offsite affordable housing through a S106 legal agreement

Site: 66 Rectory Gardens Worthing

Proposal: Demolition of existing industrial building and construction of 2 x 2 bed houses (two storey with roof terrace), 2 x 2 bed houses (three storey) and 4 x 4 bed houses (three storey), together with parking and landscaping

3

Application Number: AWD/1318/15 Recommendation – APPROVE

Site: 1-3 Warwick Street, Worthing

Proposal: Installation of replacement external self-service machine for HSBC (re-submission of AWD/1789/14)

4

Application Number: AWDM/1351/15 Recommendation – APPROVE

Site: Colonnade House Warwick Street Worthing

Proposal: Replacement shopfront

Application Number: AWDM/0827/15

Recommendation – Approve

Site: Anchor Court Marine Crescent Worthing West Sussex

Proposal: Addition of third storey to roof to provide 3no. additional flats including infill extension to provide internal staircase, new balconies to south elevation, alterations to windows, doors and facing materials, and creation of separate patio areas for ground floor flats together with 4 new parking spaces at rear and refuse storage area and conversion of an existing garage to cycle store.

Applicant: Mr Mike McCarthy
Case Officer: Peter Devonport

Ward: Goring



Not to Scale

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Site and Surroundings

Anchor Court is a two storey 1960s purpose built block of 6 flats (4 x three beds; 2 x two beds) situated on the corner of Marine Crescent and Sea Place just back from the seafront. It is situated in the mixed, residential outer suburb of Goring

characterised by interwar, typically, hipped roof houses but also some chalet bungalows and bungalows with gables together with some post war infill and some contemporary flats by the sea front. The area exhibits a strong character.

The building is setback to follow the established building line, wrapping around the corner and presents a dual frontage. The principal pedestrian entrance is from Marine Crescent but access is also obtained from Sea Lane to the adjacent flats. Vehicular access is from Sea Lane and runs along the northern boundary of the site to a group of five garages, forecourts and turning head at the north end of the site. A small sub-station sits in the NE corner of the site.

Both frontages are open and largely laid to lawn. There are small amenity areas at the rear of the block and the upper floor flats on the Marine Crescent frontage benefit from balconies.

The site is adjoined to the north by 31 Sea Place a large, detached inter war house, faced in brick and with hipped roof. Its facing flank wall is blank but a conservatory has been added at the rear. The common boundary is formed of a substantial brick wall supplemented by a row of mature trees in its back garden. A small electricity sub-station sits between its garden and the Anchor Court garages

To the west of the site is a pair of inter war houses, also with hipped roofs and brick faced. Its facing flank is windowless save for a first floor glazed balcony which wraps around from the front and a rooflight.

The reasonably deep, though relatively sparsely treed, back gardens of the houses in Smugglers Walk adjoin the application site's garage court.

Opposite the site in Sea Place is a pair of chalet cottages of contrasting character – one a post war brick faced building with dormers, the other an inter war, ship lapped building but both featuring gables on their pitched roofs. No 22 is identified as a Local Interest Building and is the subject of a separate application to redevelop for flats (AWDM/0990/15).

Directly to the south of the site, is public green space (Greensward) and beyond this the yacht club. Just to the east of this between the coastal road and the sea front itself is the new Sea Place redevelopment. This is in contemporary style and comprises three storey flats with gables facing the road and faced in shiplap and flat roofed rendered buildings behind, all with prominent balconies.

Anchor Court is flat roofed and notably less tall than its neighbours. Its architectural style is a simple rectilinear modular form, typical of its period, with contrasting panels of brick and render, modest part enclosed porches serving the pedestrian entrances and glazed simple balconies and its principal windows facing south. The arrangement from Sea Place is essentially symmetrical.

A small brick bins store is sited at the rear.

The Proposal

The proposal follows refusal under delegated powers in June 2014 of a similar scheme in concept (AWDM/1513/13) on design grounds as follows:

The proposal would by reason of the size, scale and form of the mansard roof and integral array of balconies and dormers, appear contrived, inauthentic, and awkward in itself, and top heavy in relation to the building as a whole. Such a mansard would read as alien and incongruous to the area, especially given the prominent corner and seafront location. This would be to the detriment of the quality and character of the townscape and amenity of the area and contrary to Core Strategy policy 16 and Saved Local Plan policy CT3 and the National Planning Policy Framework.

It was dismissed at appeal in February 2015 and the appeal decision is enclosed as appendix 1.

Subsequent pre-submission discussions with officers have followed to try and address the reasons for refusal.

In common with the refused scheme, the proposal entails adding an additional floor and a make-over for the block in contemporary style. However, instead of a mansard roof with dormers, it now elects to provide the additional accommodation in a flat roofed, recessed extension with oversailing canopy, in what may be described as a pavilion form. This is recessed 1.5 ms on the south elevation; 1.2 ms deep on the west elevation some and around 0.5 ms on the east elevation. The north elevation recess is between 1.5 and 1 metre deep but is restricted to that part closest to No 31 Sea Place.

Glazed balconies sit in the recessed areas on the south elevation and this extends to cantilevering over the SE corner. Similar replacement glazed balconies at the front (Marine Crescent) and a 3 storey flat roofed extension to the rear stairwell to accommodate a new lift along with a new single storey flat roofed bin store also feature in the building works. Additionally, allied recladding of and alteration to the building is proposed in red brickwork; new fenestration to the existing flats (finished in grey upvc); and provision of a new enclosed porch to serve the main communal entrance off Sea Place and refreshment of the secondary communal entrance from Sea Place is proposed.

The new roof extension, lift well and waste storage area floor building are finished in zinc or similar cladding.

In similar fashion to the previous scheme, four new parking bays (wheelchair useable) are introduced on the existing communal rear lawn, inter posed by retained pedestrian access to the flats and the new domestic waste store. The NE most garage is converted to a cycle store for 15 cycles. Likewise, buffer planting on the southern side of the new parking bays, closest to the Marine Court is proposed and three new terraces are provided for the ground floor flats onto Marine Crescent with landscape screening.

Boundary treatment is unchanged.

The proposed dwelling mix in the extension is changed from 2 x three bedroom flats and 1 x two bed flat to 3 x two bed flats.

The application is supported by a Design and Access Statement and Flood Risk Assessment.

The proposal is to meet the equivalent of the now defunct Code for Sustainable Homes Level 4 and Building for Life for the new build elements.

Consultations

West Sussex County Council: Highway Authority

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

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

I refer to your consultation in respect of the above planning application and would provide the following comments.

West Sussex County Council was consulted previously on Highway matters for this location and similar proposal under planning application AWDM/0827/15. Although refused at District the LHA (Local Highway Authority) raised no concerns regards to Highway impacts.

The proposal is for an additional storey to the roof of Anchor Court to accommodate 3 x 2-bed flats. No access changes are proposed but 4 x new car parking spaces will be provided. An existing garage will also be converted in to a cycle store to provide for 15 cycles.

Access

The site fronts Marine Crescent which is a 'C' classified road subject to a 30mph speed restriction. However the access to the parking/garages is off Sea Place ('D' classified and also subject to 30mph). No changes are proposed to the access and it appears to be of sufficient standard to support the new development.

Parking/ Turning

It is appreciated that residents may park on-street nearby. However, there are double yellow lines at the junction of Sea Place with Marine Crescent which would deter parking at a location that would prove detriment to Highway safety.

The WSCC Car Parking Demand Calculator was applied to the existing situation of 6 x flats. On the basis of one allocated space per dwelling, it calculated that the parking demand for flats of this size and location was nine spaces. Therefore in its current use the parking provision falls short by three spaces (six garage parking spaces exist).

An inspection of the Proposed Site Plan demonstrates that four additional, disabled compliant spaces will be provided to the North of Anchor Court, in addition to the existing five garages (one garage being converted to cycle storage).

In principle it would appear that each of the 9 flats would be provided with one parking space each. One space per dwelling would be acceptable in this location. However, clarification on the allocation of spaces is required to make a full assessment of the parking demand and provision.

There appears to be sufficient space to the rear of Anchor Court for turning so that vehicles can exit on to Sea Place in forward gear.

Sustainability

The site is located close to Worthing sea front and is within walking distance of several bus stops. Furthermore cycling, as a sustainable mode of transport, would be an attractive option in this location. This has been provided for in the proposal by converting one garage into cycle storage for 15 cycles.

In principle the LHA are satisfied that this development will not materially increase the traffic movements in the area thus will not cause a detrimental impact to the Highway network. However, as explained above we would require more information in regards to the parking allocation. A plan detailing the proposed parking spaces and existing garages and their allocation to existing and proposed flats should be provided. Will the disabled compliant spaces be unallocated parking available to any resident?

Adur & Worthing Councils:

The Environmental Health officer

Impose condition with the standard hours of construction to protect neighbours' amenity.

Drainage Officer

The site lies outside areas affected by surface water according to the EA maps but lies within EA flood zone 2 and partially within flood zone 3.

The increase in roof area is negligible from a flood risk scenario.

I previously commented that I would be happier with permeable block paving rather than permeable tarmac, this application suggests porous paving, which is ambiguous and needs to be clarified.

I am happy with surface water being discharged as at present to the surface water sewer.

My only concern previously would be the lift drive pit, which I suggested would require either a drain or a sump pump point, either of which should connect to the foul water system and not the surface water system in case there is any form of oil or lubricant contamination. The current drawings suggest that there is no lift sump, again this requires clarification.

Therefore should approval for this extension be granted it be conditional such that 'no development approved by this permission shall commence until details for surfacing of the new car parking areas and the disposal of surface water from this has been approved by the Planning Authority' and 'no development approved by

this permission shall commence until details of the lift sump if required and the disposal of water from this has been approved by the Planning Authority'

Environment Agency

The submitted Flood Risk Assessment is identical in concept to the previously submitted Flood Risk Assessment, to which the Environment Agency raised objection in principle.

Representations

27 representations of objection have been received from the public and also from Ilex Conservation Group.

21 of the representations signed the following objection:

Character and appearance of the surrounding area

The proposed development would harm the character and appearance of the surrounding area and will have a detrimental effect on the surrounding buildings in Sea Place and Marine Crescent. There are no other three storey properties looking onto the Greensward from Sea Place to Sea Lane, Ferring which is part of the distinctive character of Goring-by-Sea and should remain so. The proposed alterations would result in a conspicuous alien feature which would be completely out of character with the surrounding properties. Common sense prevailed with the previous decision of both the Council and Planning Inspectorate to refuse the earlier application and such refusal should be repeated to prevent an already unattractive building being made more so.

Loss of privacy and light to properties in close proximity

On the North and West elevations of Anchor Court the additional third storey windows from the bedrooms, living rooms and kitchens will have direct views into the houses and rear gardens of several houses in Sea Place and Smugglers Walk with the closest property being only 20 metres or so distant. Due to the increased height of the additional third storey the privacy of these properties will be severely compromised and their light and sunlight will be adversely affected.

Effect on local traffic

The new Waterfront development has already had adverse effects on the traffic flow from Eirene Road into George V Avenue particularly at peak times and the development is still only approximately 50% occupied. This situation will worsen considerably when occupation is completed. Yet more dwellings and the inevitable increase in the number of vehicles can only exacerbate the problem.

The Ilex Conservation Group comments

We have reviewed this amended scheme and whilst we note the improvement on that scheme and that it has gone some way to addressing the Planning Inspector's objections to the harm which would be caused to the character and appearance of

the area by the awkward, top heavy and bulky addition of the mansard roof; we believe that there are a few issues which, when addressed, would enhance the proposed appearance of the property.

The external wall of the new top floor steps back slightly from the line of the current external wall but appears practically flush with it over the main entrance. At the Kier Waterfront development opposite, there is a similar detail but due to the extra height, the top floor becomes less obtrusive than these proposals. We suggest that the proposed step back be increased and the eaves depth reduced to better reflect and compliment the Waterfront development.

We note that the proposed roof and general cladding finish will be "zinc or similar". We would anticipate that the final choice of finish will be agreed with the planners to be as unobtrusive as possible.

We are concerned that, with the amount of cladding to the north and west elevations, especially where it is the full height of the building, the property is taking on a rather industrial feel, alien to the area, which would be mitigated by the use of alternative material. West Sussex County Council Strategic Planning Department requires further information on the parking provisions and we trust that this application will not be considered until this information is provided.

Objections raised by others comprise;

- All the reasons for rejecting this application, first by yourselves, and then, on appeal, by the Planning Inspectorate, still hold.
- It would be over-development of an outdated and unattractive building, it is an inappropriate design for the area, it will affect all the immediate local residents in loss of amenity and privacy, it will add to the already difficult local parking problems, it has nothing to recommend it.
- The design plan bears no relation at all to the appearance of the current building all of which have tiled, pitched roofs. In addition, in the accompanying illustration, the proposed building is surrounded by mature trees there are none.
- This is a quiet, residential area, valued by local people for access to the sea, for the greensward, for relaxation and enjoyment. The third storey would signally affect this.
- There are no other 3 storey developments looking out onto Greensward. I believe that such a large and overbearing development will totally change the feel of this little area of sea front and will continue the massive over development taking place in this part of Goring by Sea .
- The third floor of the development will be viewable from a much greater distance and will obstruct views.
- As the proposed development is adjacent to a very popular communal space there should have been more publicity and consultation about the project. Many Worthing residents who frequent this area are not aware of the proposals and do not realise the impact such an unsympathetic construction would have on the area.
- The proposed design looks unwieldy and would be an overdevelopment of the site. I am also not convinced that the artists impression is a very accurate depiction and may suggest rather less bulk than the plans themselves indicate.

- Residents who live in Goring have chosen the location because of its character and low-rise appearance. We have already had to suffer the additional height of the Waterfront development. We do not want any more just because some property developers want to make more money.
- Even though they have garages, these are largely used for storage as residents of the block all park in the road as do many visitors to the Sea Place development, yacht club and occupiers of the new flats in Sea Place. Parking is congested at the junction with recent history of incidents and accident.
- Previous plans were turned down by council and inspector and new plans do not change residents opinions. Slight change to roof design changes nothing and will set dangerous precedent.
- Inspector indicated new development should enhance appearance and character of seafront properties and this oblong featureless building does not.
- Examples used to liken the development to others in the area cite seafront architecture are not this neighbourhood set back from the sea front and which has its own history and character as Little Bohemia. Rules of form are generally held and Marine Crescent risks becoming a mish mash of opportunistic and egotistic development.
- Double yellow lines in Marine Crescent are unenforceable.
- Large windows proposed will test the integrity of the structure
- Is this a sensible development with risk of flooding?

Relevant legislation

The Committee should consider the planning application in accordance with:

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

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

Planning Assessment

The main issues raised by this proposal are:-

- Principle and form and mix of residential development
- Quality of design and impact on appearance and character of the area
- Impact on amenity of neighbours and amenity of new dwelling occupiers
- Parking and access arrangements
- Other environmental impacts
- Development contributions

The Core Strategy, including Worthing Saved Local Plan policies, comprises the Development Plan here but the Government has accorded the National Planning Policy Framework considerable status as a material consideration which can outweigh the Development Plan's provisions where such plan policies are out of

date; or silent on the relevant matter. In such circumstances paragraph 14 of the NPPF states that where the proposal is not otherwise in conflict with specific restrictive policies in the Framework, development should be approved unless the harm caused significantly and demonstrably outweighs the benefits when assessed against the NPPF overall.

The Council's self-assessment of the Core Strategy's Conformity with the National Planning Policy Framework demonstrated that, in many respects, the Council's key Development Plan conforms closely to the key aims and objectives of the Framework. However, it is acknowledged that in response to the requirements of the Framework and informed by local evidence it is clear that Council cannot demonstrate a current 5 year supply of housing in respect of Objectively Assessed Needs and the Council needs to assess the housing delivery strategy set out in the current Development Plan. A Housing Study has recently been published to this end and further work is being advanced to assess the local economy. A revised Local Development Scheme which commits the Council to undertake a full review of the Core Strategy and prepare a new Local Plan for the Borough has been produced.

The recent appeal decision has also considerable weight as a material consideration.

As such the proposal should be principally assessed in relation to the presumption in favour of sustainable housing development as set out in paragraphs 14 and 49 of the NPPF and informed by saved Worthing Local Plan Policies CT3, H18; TR9, and RES7, and Core Strategy policies 7, 8, 9, 15, 16, 17 and 19; the policies set out in National Planning Policy Framework and allied Practice Guidance; Worthing Borough Council Supplementary Planning Documents on Residential Space Standards and Guide to Residential Development and Development Contributions Consultation Draft; Strategic Housing Land Availability Assessment (2014); Worthing Housing Study; Strategic Housing Market Assessment; Community Infrastructure Levy Charging Schedule (2015); West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003); West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSCC 2010); and recent appeal decision.

Planning Assessment

Principle and form and mix of residential development

The Core Strategy's housing provisions predate the National Planning Policy Framework and do not provide for the prescribed 5 year housing supply informed by an Objective Assessment of Housing Need.

Whilst Core Strategy recognizes the additional contribution windfall sites, such as the application site may bring, overall the benefits in terms of contribution to helping housing supply are quite limited from the three dwellings proposed.

The application site lies within an established residential suburb in the urban area. It is reasonably sustainably located, with a shopping centre and buses in Goring Rd around 800 ms away, surgery close by and schools within 1km.

Building above an existing block of flats, is very efficient and effective use of what is predominantly brownfield land and the proposal qualifies as appropriate infill development in terms of Core Strategy Policy 8 and allied guidance.

Accordingly, the principle of the development may be supported, helping meet housing need and in accordance with the spatial strategy.

The two bedroom units will meet a compelling need for such sized accommodation as indicated in the latest Housing Study. All the flats meet the relevant minimum internal floorspace standards.

External space standards are satisfied both in the form of the private balconies and the retained communal front garden and the loss of the rear communal amenity area is compensated for the ground floor flats by the creation of the private terrace areas at the front. There is extensive open space opposite and on the sea front, in any event.

It is highly relevant that the Inspector in the recent appeal decision did not raise any objections to the principle of residential development at this location or to the mix proposed.

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

The Inspectors deliberations are critical here in assessing whether the new scheme achieves an acceptable design.

The Inspector's chief criticism of the appeal proposal was;

5. *I find the proposed mansard roof to facilitate the third level of accommodation would appear awkward and would bear little relation to the existing building. It would result in a top-heavy and bulky addition to the existing building, further exacerbated by the noticeable increase in height, which would appear incongruous and harmful to the character and appearance of the area.*
6. *There are other mansard roof designs on other sea frontage buildings. These buildings are some distance from the appeal site, are of significantly different scale, and the roof design seems to be integral to those building's original designs therefore little comparison can be drawn with those buildings. There are also substantial buildings opposite the appeal site, nevertheless as already concluded the sea frontage development is generally taller in scale, and in any event the harm I have identified from the proposed development would be caused by proposed the mansard roof design.*
7. *I therefore find the proposed development would harm the character and appearance of the area, and that it would not accord with Policy 16 of the Worthing Borough Council Core Strategy 2011, and Policy CT3 of the Worthing Local Plan Saved Policies 200 7. These say, amongst other things, that new development will be expected to demonstrate good quality architecture and respond positively to important aspects of local character, and require that development respects and where possible enhances the appearance and character of the seafront environment and is appropriate to*

its location in terms of density, scale, height, massing, appearance, orientation layout and siting.

The Inspectors comments do not expressly preclude a third storey of an alternative design which is sympathetic to the building and area. Indeed, in refusing the previous scheme Officers had commented that:

the principle of adding another storey is supportable as the current building's massing is somewhat weak and does not express its prominent corner location, especially as the existing building is appreciably less tall than its immediate neighbours to the west and north in Marine Crescent and Sea Place and the site sits opposite a large open space. Moreover, the locality is also undergoing change as evidenced by the two and half to three storey seafront development almost immediately opposite and a more assertive and taller building would relate well to this. ... The principal shortcoming of the current proposal is the scale and form of the additional storey.

The concerns of neighbours are recognised but new design has made substantial efforts to address the shortcomings of the previous mansard scheme. The main roof line is around 0.5 ms lower due to its flat roof construction and, as such, comparable with the ridge height of the neighbouring properties, and, so, not unduly assertive. Significant recesses have been added on the public frontages and with the extensive glazing and the oversailing canopy reads for the most part as a lightweight structure. It accordingly appears more subordinate and less bulky than the previous scheme and architecturally more harmonious with the scale of the building and neighbouring development. Its pavilion form is elegant and complements the proposed facelift to the building itself and this design is compatible with the emerging seafront aesthetic that includes recently built schemes in Eirene Avenue, West Parade, Brighton Road and Sea Place and approved schemes in Marine Drive, and Sea Lane, all inspired by the International style. Whilst the neighbouring development on the north side of Maine Crescent and Sea Place is predominantly two storeys with pitched roofs, the design approach now adopted is considered a positive enhancement of the streetscene and relates well to the seafront.

Certainly, as the Inspector recognises, the existing building is somewhat bland, with age, is looking tired and is in need of rejuvenation in any case and the proposal provides the enabling development and impetus.

The lift shaft structure is inelegant but is integrated into the form and relatively secluded at the rear so as not to be is not so intrusive. Even so, the scope for further refinements to the extensions to further improve the north elevation is under discussion with the applicants who have agreed to consider this matter further. Members will be updated further at the Committee.

The facelift works to the block itself are welcomed and significantly improve the appearance of the building.

Similarly, the landscaping works are welcome improvements to the setting of the block, the pedestrian entrances are relatively understated.

The brick cladding may be controlled by condition but in principle relates well to the adjacent houses. The zinc cladding to the roof extension is largely subordinate to the glazing and could work well.

Impact on neighbour and future occupiers' amenity

The additional massing represented by the additional pavilion styled storey would not in itself harm the amenity of any neighbour given the separation distances involved, and its scale and it would not read as overbearing or harm natural light.

Intervisibility between the new storey and the neighbouring houses is not materially harmed given the present arrangement of fenestration; separation distances and boundary screening to the north.

The increase in activity generally would be marginal in terms of its impacts.

The impact of the new parking spaces close to the ground floor flats may be mitigated still further by the addition of trellis screens.

It is noteworthy that the Appeal Inspector raised no independent objections to the previous scheme which in terms of neighbour amenity issues was very similar.

Accessibility and parking

The site is within an established residential area and acceptably near to most services and public transport.

Vehicular access is unchanged.

The parking pressures on this seafront location are recognised but the three additional on-site car parking spaces proposed are considered adequate by the Highway Authority to meet the demand generated by the proposal. Allocation of the parking spaces may be secured by condition. Adequate cycle parking is also provided.

It is noteworthy that the Appeal Inspector raised no independent objections to the previous scheme which in terms of transport issues was identical.

Other Environmental impacts

Whilst the site is in flood zones 2 and 3, the fact that the flats are on the second floor means their occupiers would be at less risk than current residents of the building. The Flood Risk Assessment reports that flood refuges would be provided for in the building and floor response plans also supplied.

The Environment Agency raised no objections to the previous proposal which was otherwise identical in terms of floor risk arrangements

The loss of a small area of greenery at the rear is offset by use of permeable paving for the new parking spaces.

Drainage is shown to the existing sewers but this may be controlled by condition to ensure sustainable drainage including for the lift sump.

The sustainable design features are welcomed.

Development contributions

The proposal will be subject to the Community Infrastructure Levy charge.

Conclusions

Notwithstanding the considerable local opposition to the scheme, the proposal has satisfactorily addressed the reason for refusal of the previous application and appeal dismissal, and, bearing in mind the Development Plan and weight accorded to the National Planning Policy Framework under paragraph 14, should be supported.

Recommendation

Approve subject to the following conditions

1. Build in accordance with approved plans
2. Submit and approve samples of facing materials and hard landscaping
3. Provide prior to first occupation trellis screens on the southern side of the new parking bays.
 - a) The four new parking bays (wheelchair useable)
 - b) The cycle store
 - c) Three new terraces are provided for the ground floor flats onto Maine Crescent with landscape screening.

as set out in the approved plans and retain thereafter.

4. No construction works other than 8am to 6pm M- F and 9am to 1pm on Saturday.
5. Submit and agree scheme for dust suppression during construction and demolition.
6. No new dwelling shall be occupied unless and until the Flood Response Plan in appendix D of the Flood Risk Assessment has been implemented and this shall be retained thereafter.
7. 'No development approved by this permission shall commence until details for surfacing of the new car parking areas and the disposal of surface water from this has been approved by the Planning Authority'
8. No development approved by this permission shall commence until details of the lift sump if required and the disposal of water from this has been approved by the Planning.
9. No commencement of works unless and until details of a method statement for arrangements for storage of contractor's equipment, plant, parking and materials during construction has been submitted and approved and the development shall not be implemented other than in full accordance with any such approval.

10. No occupation unless and until details of a scheme for communal satellite dish has been submitted and approved and the development shall not be implemented other than in full accordance with any such approval.

Background Papers

Observations by West Sussex County Council
Observations by Worthing Borough Council Drainage Engineer
Observations by Worthing Borough Council Environmental Health Officer
Representations by Members of the public

21 October 2015

Appendix 1: Appeal decision



The Planning Inspectorate

Appeal Decision

Site visit made on 11 February 2015

by R W Allen B.Sc (Hons) PGDip MRTPI

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

Decision date: 26 February 2015

Appeal Ref: APP/M3835/A/14/2225673

5 Marine Crescent, Goring-by-Sea, Worthing BN12 4JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Michael McCarthy against the decision of Worthing Borough Council.
- The application Ref AWDM/1513/13, dated 21 February 2014, was refused by notice dated 10 June 2014.
- The development proposed is extension and alterations to form 3 additional flats including roof extension, rear (north) and infill extensions, new balconies on east and south elevation and alterations to windows, doors and facing materials, together with 4 new parking spaces at rear and refuse storage area.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site comprises of a two-storey block of flats of 6 properties located on a corner plot at the junctions of Marine Crescent and Sea Place. The building's design noticeably contrasts with others around it owing to its wide frontage and flat roof. The building faces the English Channel, however is not immediately adjacent to the sea front as it is separated by an area of grassland located on the opposite side of Marine Crescent. The wider area is mixed in character and scale, with buildings located immediately adjacent to the sea front, including the residential development under construction opposite the appeal site, being of a taller scale of three-storeys or more. Buildings further back, which includes the appeal site, are distinctly more modest in scale generally comprising of bungalows and two-storey dwellings.
4. The Council accepts the appeal building is in need of renovation, and from my site visit, I have no reason to disagree. The proposed changes to the building's façade including new balcony structures, the infill extension stairwell, the glazed lift shaft and the construction of the ground floor terraces would rejuvenate and refresh the building's appearance.
5. However, whilst I acknowledge the appellant's assertion to the contrary, I find the proposed mansard roof to facilitate the third level of accommodation would appear awkward and would bear little relation to the existing building. It would result in a top-heavy and bulky addition to the existing building, further exacerbated by the noticeable increase in height, which would appear incongruous and harmful to the character and appearance of the area.
6. There are other mansard roof designs on other sea frontage buildings. These buildings are some distance from the appeal site, are of significantly different scale, and the roof design seems to be integral to those building's original designs therefore little comparison can be drawn with those buildings. There are also substantial buildings opposite the appeal site, nevertheless as already concluded the sea frontage development is generally taller in scale, and in any event the harm I have identified from the proposed development would be caused by proposed the mansard roof design.
7. I therefore find the proposed development would harm the character and appearance of the area, and that it would not accord with Policy 16 of the Worthing Borough Council Core Strategy 2011, and Policy CT3 of the Worthing Local Plan Saved Policies 2007. These say, amongst other things, that new development will be expected to demonstrate good quality architecture and respond positively to important aspects of local character, and require that development respects and where possible enhances the appearance and character of the seafront environment and is appropriate to its location in terms of density, scale, height, massing, appearance, orientation layout and siting.

Other Matters

- 8.** A number of occupiers of surrounding properties are concerned about harm to living conditions that might be caused by the proposed development, specifically in relation to privacy. I viewed the appeal site from the rear gardens of Nos 3, 5, 7 and 9 Smugglers Walk, and in addition from a first floor bedroom window from No 5. I saw and appreciated the proposed development would be visible from these locations and undoubtedly future occupiers of the proposed flats would be afforded views into the rear gardens of neighbouring properties. However, mutual first floor overlooking, both from the appeal site and others, already exists and is not an uncommon occurrence within a normal urban relationship such as this. I found sufficient distance existed between the appeal site and neighbouring properties, such that any additional overlooking caused by the proposed development would not worsen these living conditions. The Council did not raise this as an issue and on the evidence before me I have no reason to disagree.
- 9.** Matters relating to flood risk have also been raised. The Flood Risk Assessment identifies the site as being within both Flood Zones 2 and 3, the highest levels, but concludes the proposed development would constitute only a nominal increase in flood risk. This conclusion is not disputed either by the Council or the Environment Agency, and in the absence of evidence to the contrary, there is no reason why I should form an alternative view.
- 10.** Concerns relating to light pollution and the effect on the local highway network from the proposed development are not substantiated and no evidence is before me as to the harm that would arise from this. In any event, I find it unlikely the proposed development would have a significant effect in these regards. Again the Council has not raised this as an issue and I have no reason to disagree.

Conclusion

- 11.** For the reasons given above I conclude that the appeal should be dismissed.

R Allen

INSPECTOR

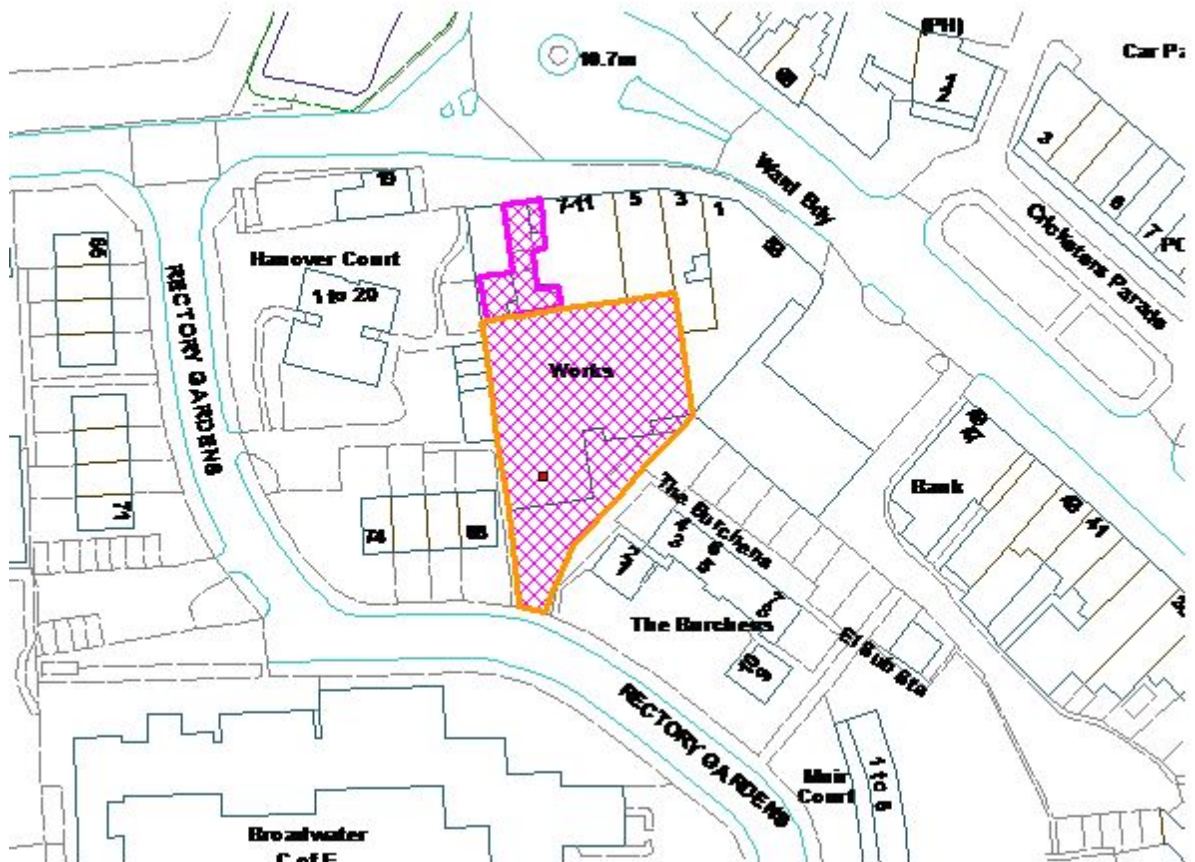
Application Number: AWDM/1492/14

Recommendation: Approve subject to outcome of discussions with District Valuer and Applicants in respect of development viability and scope to secure commuted sum towards an offsite affordable housing through a S106 legal agreement

Site: 66 Rectory Gardens Worthing

Proposal: Demolition of existing industrial building and construction of 2 x 2 bed houses (two storey with roof terrace), 2 x 2 bed houses (three storey) and 4 x 4 bed houses (three storey), together with parking and landscaping

Applicant: Paine Manwaring And Lephard Ward: Gaisford
Limited
Case Officer: Peter Devonport



Not to Scale

Site and surroundings

The site is located in the urban village of Broadwater, in the northern part of the borough. It has narrow frontages onto Ardsheal Rd (and hence the A24 and Broadwater Green) and Rectory Gardens – a local access road serving adjacent residential and commercial development and Broadwater Primary School.

The premises comprise a large (945 sq ms gross internal floorspace) early twentieth century detached industrial building occupying most of the site with small amounts of curtilage space behind each of its northern and southern frontages. These provide the site's two combined vehicular and pedestrian accesses and parking space for around 7 cars.

The building consists of two main conjoined elements which form an L shaped footprint. It stands some 12 metres tall to the ridge of its hipped roof and around 8 metres tall to its eaves. It incorporates a smaller mezzanine area and contains windows on all exposed elevations including at upper floor level. The construction is brick walls and corrugated roof. Its flank boundaries are marked by 1.5 to 1.8 brick walls.

Industrial use on the site goes back to the 18th century when a smithy operated from the site. It ran as an engineering business under Paine Manwaring banner in various guises for many years and has included the adjacent buildings at Nos 3-11 Ardsheal Rd. The operational engineering/maintenance business fully vacated the building as tenants in 2011. The current owners were and remain separate to the operational businesses.

After a period of vacancy, the building was let in 2014 on a short term basis to Gleam Clean - car cleaning business, whilst their main premises are being refurbished. The lease has been extended to July 2016. The business has been the subject of complaints by neighbours over noise and action by Environmental Health Officer to abate the disturbance has been undertaken.

The site is adjoined to the north east by part (Nos 3-11) of a larger parade of two and two and half storey commercial units, mostly shops and a detached two storey shop unit to the north west. The gap in between serves as the northern vehicular access. These buildings face northwards across the large flat green space that is Broadwater Green. Apart from the fine mature trees adorning its boundaries, this is a generally open, public space around which the core of Broadwater village clusters.

Nos 3-11 are Victorian buildings in period style and feature three distinctive gables looking north towards the Green. They are faced in white painted brick with slate roofs and include windows facing the site. The detached unit is also Victorian and has a pitched roof and decorative pediment facing north and is faced in brick with slate roof. Beyond these older properties is a more modern two storey flat roofed infill. The parade is the northern outer extremity of the designated Broadwater District Shopping Centre. An open private forecourt sits in front of the site and its neighbours and is used for parking by the adjacent businesses.

The detached two storey shop unit to the North West is Victorian in origin, faced in brick and has a distinctive gabled roof. Flank windows face the site. To the west of this is 19 Ardsheal Road, a two storey, eighteenth century listed cottage, which

looks eastwards and has a pitched clay tile roof and its front is painted brick but its flank is faced in flint. It is in residential use.

Hanover Court, a 1960s 5 storey, flat roofed block of Housing Association supported accommodation for the elderly, and its landscaped grounds and a similar aged terrace of two storey houses, (68-74) Rectory Gardens, are situated to the west. The main building at Hanover Court is set back from the application site and faces west but an enclosed walkway connects the building to a single storey pavilion building which abuts the main building on the application site. The terrace is a similarly undistinguished period building with pitched roofs and faced in a mix of brick, tile and render and with concrete tiled roof and is mainly served by modest front and rear gardens. The east flank of the terrace looks towards the site and its access and contains one upper floor window serving a bathroom/WC.

To the east and also abutting the southern vehicular access is The Burchens, a 1950s, mainly public, block of 2 bed flats set back from but facing Rectory Gardens with attractive communal landscaped forecourt and modest rear gardens. The building is two storeys and part flat and part pitched roof and is faced in brick. It contains upper floor windows in all its elevations.

To the south of the site across Rectory Gardens is Broadwater Primary School – a modern, low rise building set in its own grounds and this is flanked by a mix of suburban terraced and semidetached houses and bungalows and a 3 storey block of flats.

There are extensive waiting and school-related parking restrictions along much of Rectory Gardens and double yellow lines along the northern frontage with Ardsheal Rd and a public car park just to the south of the site but no CPZ.

The site (and its Arsheal Rd neighbours) is within the Broadwater Green Conservation Area.

The given site area is 0.14 hectares, the shape irregular and the terrain flat.

Proposal

The proposal is to demolish the existing buildings on the site and redevelop the site for 8 houses.

The proposal has been the subject of protracted pre and post-submission negotiations to improve its design, mitigate harm to neighbours, and justify the loss of business use. The application is also informed by pre-application independent community engagement by the applicant.

The houses are arranged as a pair of semis (plots 7 and 8) facing northwards to Ardsheal Road on the same line as the existing buildings northern wall and a staggered terrace (plots 1 to 6) to the south facing Rectory Gardens partly on and partly above and below the southern wall of the existing industrial building.

All but plots 5 and 6 are three storey, with top floor slightly recessed. Plots 5 and 6 on the eastern end of the terrace are two storeys but with a roof terrace and recessed small building on the roof to house the access stairs. Plots 1 to 4 have 4 bedrooms and are flat roofed and include a small front balcony on the top floor.

They are faced in a mix of brick and render on the lower storeys with the third storey on plots 1 to 4 clad in timber boarding. Plots 5 and 6 are similarly faced but have a part pitched roof at the rear. Plots 7 and 8 are also 3 storey but given as 2 bedrooms. The houses are oriented north/south with all windows in these elevations.

The southern terraces all have modest rear (north facing) gardens between 8 and 9 ms deep and plots 3 to 6 some modest private front gardens; plots 1 and 2 simply some decorative landscaping. Plots 7 and 8 to the north have no front garden and a rear garden of just 2 ms depth.

There are 10 on-site car parking spaces shown (8 for residents: 2 unallocated for visitors). Two are sited in the northern courtyard and specifically in front of plot 7 at right angles and the remainder in the southern courtyard at various angles. The courtyards are shared surfaces in block paving with some soft landscaping. Improved sightlines are proposed to the southern access by lowering the existing brick wall to 0.6 ms at this point. With some modifications, existing boundary walls are otherwise retained.

Two dedicated cycle parking spaces are provided for, the remainder to customise as required.

Waste and recycling would be collected from the respective courtyards on relevant days with enclosed holding areas adjacent to the southern access and to the east of plot 8.

The new houses are designed in contemporary style but with echoes of art deco suburban housing nearby and as a family group, similar but not identical. Key features are recessed flat roofed third storeys (albeit pitches at the rear), square front bays with solid parapet to enclose the front balconies on plots 1-4, and distinctive fenestration.

The application is supported by Planning and Heritage Statement; Transport Statement; overshadowing study; Biodiversity (bat) report and survey; Viability appraisal (Northgates); refurbishment costs study and building history. Relevant extracts are set out below.

Separate Conservation Area consent for demolition is no longer necessary.

Supporting Information: Planning and Heritage Statement

Conclusions

The site represents an underutilised previously developed site which lies in a highly sustainable location. No effective demand exists for the current use of the building and redevelopment of the site for other employment uses would be uneconomic.

The existing use of the building represents a non-conforming use in a residential area and the removal of this building and the use represents a significant planning gain.

The proposal is of a high quality design which would enhance the character and appearance of the area and would be beneficial to the character and appearance of the Broadwater Green Conservation Area.

The viability appraisal demonstrates that the scheme is unable to afford any Section 106 contributions.

In view of the above it is considered that the proposal complies with the requirements of the Core Strategy, saved Local Plan policies and the Framework.

Transport Statement

Conclusions

In summary, the report demonstrates the following:

The location of the site accords with the relevant national and local transport planning policies;

The site benefits from access to a sustainable transport network that provides alternatives to the private car;

Appropriate provision can be made for access, parking and servicing in accordance with relevant guidance and standards; and,

The development will not lead to any demonstrable harm upon the operation of the local transport networks.

On the basis of the above, it is concluded that the proposals accord with national and local transport related policies and can be accommodated without detriment to the operating capacity of the local transport networks. As such, we see no reason why the proposals should be resisted on traffic or transportation grounds.

Costs of refurbishment of premises

The estimated cost of the refurbishment works at £1,168,301 is well in excess of what had been anticipated when we last met. The costs demonstrate the point we made at our meeting, i.e. the refurbishment of the building for continued commercial would not be a viable proposition. It is highly likely that the costs would far exceed the value of refurbished building.

Consultations

West Sussex County Council; Highway Authority

I refer to your consultation in respect of the above planning application and would provide the following comments.

The application is supported by way of a Transport Statement (TS) and TRICS data. The site is currently occupied by a commercial building with a floor area of 945 square metres that has mostly been in permanent use for industrial uses that fall within the land use class B2. For this development of 8 residential units access will be achieved by Rectory Gardens from an existing access point. Rectory Gardens is subject to a variable speed limit, which lowers to 20 mph when children are being picked up/dropped off from the local school.

The TS provided in support of this application does give potential vehicular trip generation arising from this proposal. The trip rates derive from TRICS, industry standard software and are in accordance with "Best Practice Guidance". As such

the trip rate generated still provides a robust indication likely trip generation from the new dwellings and suggests that the proposal will result in a less intensive use of the existing access point. The peak hour trips will not exceed the thresholds set out in the WSCC Transport Assessment Methodology that would require any further junction capacity assessment, nor would it be considered that the volume of trips generated would materially impact the operation of the network. Therefore this proposal will not result in any highway capacity concerns.

Having checked the most recently available accident records there are no reports of RTA's within the vicinity of this access point. The access would offer an acceptable level of visibility, given the likely number of vehicular movements. The proposed hedgerow at the site access will need to be 600 mm in height to ensure pedestrian visibility can be achieved.

Ok based on this no concerns. The LHA will only consider the impact of overspill parking from a safety perspective; matters of amenity would be a matter for the consideration of the Local Planning Authority. While it is likely that some overspill parking may occur it is not considered that this would be detrimental to highway safety and key locations in the public highway are subject to enforceable parking restrictions.

The proposals will have 10 parking spaces being provided. No concerns as the LHA will only consider the impact of overspill parking from a safety perspective; matters of amenity would be a matter for the consideration of the Local Planning Authority. While it is likely that some overspill parking may occur it is not considered that this would be detrimental to highway safety and key locations in the public highway are subject to enforceable parking restrictions.

In terms of refuse collection it is proposed that communal bin stores will be provided near the site entrance, therefore there will be no requirement for a larger vehicular enter and turn within the site. This is consistent with other properties within Rectory Gardens.

The TS does consider access to services by other non-car modes. Worthing train station is within reasonable walking and cycling distance. There are continuous footways for pedestrians along whilst cyclists would have to use the carriageway in some areas, traffic conditions are not considered such to dissuade trips by this mode. In addition there are bus services that link to Worthing and Brighton which have established retail outlets as well as schools. It is therefore considered that residents would have a realistic means to travel other than by the private car. As the proposal is not anticipated to result in an increase in vehicular activity, WSCC will not seek a Section 106 Contribution for this application.

Mindful of the accident history and the reduction in vehicular traffic it is not considered that there sufficient grounds to raise an objection when considered against NPPF Paragraph 32.

The County Council consider that any planning consent would be subject to conditions regarding car parking, construction management plan and cycle parking.

Economic Development (ED)

This site is located to the rear of Broadwater District Shopping Centre and consists of 14,480 sq.ft. of B2 floor space, over two connected brick built industrial/warehouse units and a yard. The yard is accessed from Rectory Gardens and there is a further vehicular access point to the front warehouse on Ardsheal Road, adjacent to the A24, with two public car parks in close proximity to this site. The units are currently of low grade and require investment to address issues with the roof and insulation.

This site first became vacant in 2010 when Paine Manwaring relocated after more than 30 years of occupation. It is reported that Gleam Clean secured a temporary lease for the rear warehouse and yard in early 2014, to operate a car body shop and repair centre, whilst waiting for works to be undertaken at their Dominion Road site. ED understands that these works are expected to be completed in the next six months, at which time Gleam Clean plan to vacate the site.

ED have been actively working to encourage leasehold or freehold occupation of the site and have identified various potential occupiers of which the following have reached offer stage since November 2013:

- D2 leasehold offer*
- D1/D2 freehold offer*
- B1 leasehold offer*

Please note that each of the offers stated above, took consideration of the current market value/required investment and the interested parties were happy to proceed, however each of these offers were rejected.

ED are also aware of registered interest from a B2 operator in October 2014, who stated:

"I spoke with their agent in charge of industrial and commercial properties. I was calling to register interest in the property available at 66 Rectory Gardens in Worthing, post code BN14 7TQ. I was then told that the owner of the building wanted to sell..... I said then I was looking to rent and for at least the next few years. I was then told that at present the property was being rented out by a car mechanic business and they were trying to extend their tenancy so I shouldn't bother. I argued that I was very interested and could the agent just express my interest on my behalf. I was repeatedly told not to bother because there wasn't much chance. I repeatedly said I still wanted them to express my interest. After back and forth I was told they would advise the landlord and they would get back to me. I never heard from them again....The building in question would be perfect. Whatever happens with this property and this issue please keep me updated...."

ED are aware that the B2 operator quoted above and the D2 potential leaseholder are still keen to proceed and are awaiting notification of when this property will return to the market, as Worthing currently has an under supply of industrial/warehouse units and D2 floor space. Please note that Worthing has a total of 2,730,000sq.ft of industrial/warehousing floor space, of which 97.8% is currently occupied or under offer and ED are unaware of any industrial/warehouse units currently available between 5001sq.ft and 24,500sqft. ED are currently struggling to identify suitable alternative industrial/warehouse units to meet demand.

ED therefore strongly objects to this application as it does not demonstrate that this site is no longer viable for its current use, alternative employment generating uses

or community uses. This site is partially occupied by a commercial business and ED is aware of other commercial interest in the whole site, or the currently unoccupied part of this site. ED therefore welcomes remarketing of this site to occupy the vacant floor space or whole site, once Gleam Clean have ceased their lease.

Housing Strategy and Enabling Manager

A 10% contribution towards the provision of off-site affordable housing is required by way of a commuted sum to be secured by a legal agreement under Core Strategy Policy 10 and allied Supplementary Planning Document. This amounts to £69,200.

Environmental Health Officer

The Environmental Health Officer has accepted provision of an electrical vehicle charging point on site as an appropriate means of mitigating air quality in accordance with Section 2 of the Sussex Air quality and emissions mitigation guidance.

The site lies in an area of land identified as potentially contaminated and a full condition requiring investigations and remediation as required is recommended.

It is reported that Gleam Clean has been the subject of action to abate a noise nuisance caused by an installed ventilation extraction system and occasional other noise related complaints have been received.

Drainage Officer

The site lies within flood zone 1 and is not affected by surface water flooding. The applicant has indicated the intention to use soakaways for surface water disposal on the application form, but has provided no further information. Therefore in this instance the only comment we wish to make at this time relates to the disposal of the surface water.

In the absence of any ground investigation details or drainage details in support of the application, we request that should approval for this new build be granted it be conditional such that 'no development approved by this permission shall commence until full details for the disposal of surface water has been approved by the Planning Authority'. Soakage tests in accordance with BRE Digest 365 (1991) would be required to be undertaken on the proposed site to provide the data to ascertain the size of the soakaway required for the new impermeable areas.

Strategic Waste Manager

The plan looks fine to me although there is some overprovision of refuse capacity (tolerable - spare capacity). Access looks good so we just need to be sure that what is provided for is actually in the final scheme. We also need the developer to get in touch about a month before the completion date so that we can organise bins.

Housing Strategy and Enabling Manager

As the proposal comprises fewer than 10 units the requirements for a commuted sum towards the provision of off-site affordable housing equates to a 10% contribution which is £69,200.

Southern Water

A formal application for a connection is required. If planning permission is granted a condition requiring details of foul and surface water drainage details to be agreed in advance is necessary.

Conservation Area Advisory Committee

Acceptable design

Representations

2 letters in support

The Cottage, Honeysuckle Lane

I am writing to support the above application. I attended the public exhibition of the scheme held back in the spring and was able to discuss the proposals with the applicant's team and was impressed by the proposals being put forward.

For many years I was a Director of Paine Manwaring and Lephard Plc occupying the building on the site as engineers. I knew very well the difficulties of operating in this building and maintaining compliance with increasingly onerous health, safety and welfare regulations as well as advancing needs to remain efficient and competitive. This branch of the business was passed on to another firm and it was clear that they found it difficult to operate profitably in the premises and that firm eventually collapsed in 2010.

I have known the building for thirty five or so years. It was in a very poor state of repair when we vacated the building and no doubt has deteriorated further since. The building would require major investment to make it sound and suitable for business requirements. The internal layout of the building is inefficient and unsuited to modern day operations; it requires a new roof and guttering; the windows and doors need replacing; the building needs rewiring and re-plumbing and I am not surprised to learn that the sewers need to be repaired and are collapsing leading to sewage flooding the car park. The site lacks external space for parking or handling of goods and materials. This resulted in lorries parking on Rectory Gardens for loading and unloading by forklift or crane on the road, disrupting traffic immediately opposite the school and introducing safety concerns.

It is very unlikely that a commercial operator would take on such a liability or that it would be viable for the owners to make the investment needed given the projected level of return.

All these factors indicate to me that the building has exceeded its useful life and that the redevelopment of the site is the only realistic option.

In my opinion the building is an eyesore which detracts from the character of the area and the removal of the commercial use on the site and replacement with housing would be beneficial for the area and the adjoining residents in particular. The building is prominent in views from a wide area and dominates the adjoining flats and houses. The residential scheme proposed is of a high quality of design which would sit well with the neighbouring residential properties and would enhance the appearance of the site and the local area.

I believe the application should be approved.

77 Rectory Gardens

Sincerely hope that we may soon be rid of unsightly factory and provide much needed housing in its place.

Hanover Housing Association

No objections

1 letter of objection:

39 Downlands Avenue

Preference is to keep the existing building for employment or community use to minimise impact visually and carbon footprint. Any use should use renewable energy.

A more detailed environmental impact assessment is necessary.

Relevant legislation

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

Planning Assessment

The main issues raised by this proposal are:-

- The principle of loss of existing employment premises and of new residential redevelopment and dwelling form and mix
- Impact on living conditions of neighbouring and future occupiers and adjacent businesses
- Quality of design and layout and impact on the appearance and character of the conservation area and setting of listed building
- Access and parking
- Other environmental impacts including drainage, contaminated land, air quality and sustainability
- Adequacy of development contributions and affordable housing

The Core Strategy, including Worthing Saved Local Plan policies, comprises the Development Plan here but the Government has accorded the National Planning Policy Framework considerable status as a material consideration which can outweigh the Development Plan's provisions where such plan policies are out of date; or silent on the relevant matter. In such circumstances paragraph 14 of the NPPF states that where the proposal is not otherwise in conflict with specific restrictive policies in the Framework, development should be approved unless the harm caused significantly and demonstrably outweighs the benefits when assessed against the NPPF overall.

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

the Framework and informed by local evidence it is clear that Council cannot demonstrate a current 5 year supply of housing in respect of Objectively Assessed Needs and the Council needs to assess the housing delivery strategy set out in the current Development Plan. A Housing Study has recently been published to this end and further work is being advanced to assess the local economy. A revised Local Development Scheme which commits the Council to undertake a full review of the Core Strategy and prepare a new Local Plan for the Borough has been produced. As such the proposal should be principally assessed in relation to the presumption in favour of sustainable housing development as set out in paragraphs 14 and 49 of the NPPF and informed by saved Worthing Local Plan Policies RES7, TR9, and H18; Core Strategy Policies 4, 7, 8, 9, 10,11,12,13 .4, 15, 16 17,18 and 19; the policies and guidance set out in the National Planning Framework and allied Practice Guidance; Worthing Borough Council Supplementary Planning Documents on; Residential Space Standards and Guide to Residential Development; Sustainable Economy; and Development Contributions Consultation Draft ; Strategic Housing Land Availability Assessment (2014); Community Infrastructure Levy Charging Schedule (2015); the policies set out in National Planning Policy Framework and allied Practice Guidance; Strategic Housing Land Availability Assessment (2014); Worthing Housing Study; Strategic Housing Market Assessment; Community Infrastructure Levy Charging Schedule (2015); West Sussex Parking Standards and Transport Contributions Methodology (WSSC 2003); West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSSC 2010).

The principle of loss of existing employment premises and of new residential redevelopment and dwelling form and mix

The application property is a long established, purpose built (albeit old) industrial/warehousing premises, occupied by members of the Pain Manwaring group for many years and, after a 3 year spell of vacancy, reoccupied in 2014 by another B2/sui generis use – car cleaners, though its lawful use is probably B2. As such, Core Strategy Policy 4: *Protecting Employment Opportunities* and allied Supplementary Planning Document; *Sustainable Economy* apply. Policy 4 and the SPD safeguard existing employment premises, encompassing B1 (light industry/offices), B2 (General industry), and B8 (storage/distribution), unless it can be demonstrated that the site is functionally redundant or is a “bad neighbour” premises and then privileges other Non- B1 employment uses or a mix of B uses and other uses over a pure non employment use such as residential. The purpose of this protective policy is to support the broader economic development strategy for the town and help meet the identified need to provide up to 72,462sqm of industrial and warehousing space up to 2026 and 22,296sqm of office space as part of the strategy. This will help meet the employment needs of population growth and change in terms of sufficient numbers and range of jobs and help boost incomes and wealth; attract and retain businesses, particularly those in key and growth sectors and strengthen the local economy; provide suitable choice for businesses and workers and reduce unsustainable out-commuting. In short, it will help promote a diverse and sustainable local economy.

Considerable discussion has taken place with officers, including the Economic Development Team, over the case for such a loss and/or its part mitigation. Likewise, the scope for alternative Non- Class “B” employment uses has been extensively explored. In this vein, marketing has been carried out (though this ceased when terms for part occupation the Gleam Clean were agreed in December

2014); a valuation appraisal produced and a full study of the costs of refurbishment to modern standards supplied.

The Economic Development Team is unconvinced of the case advanced so far and cite their experience of a B2, leisure and community use potential occupiers who have been rejected by the owners and for which interest from at least one operator remains should this property will return to the market. They reiterate the acute shortage of industrial/warehousing floorspace in the town; very low vacancy rates, and severe shortage of any industrial/warehouse units currently available in this (larger) size bracket. They strongly object and welcome remarketing once Gleam Clean's lease has expired.

Certainly, the loss of these business premises is regrettable and the views of the Economic Development Team carry significant weight. However, the reality is that, marketing of the site took place was from January 2011 to December 2014, far in excess of the 18 months or so required in the Supplementary Planning Document and the applicants report no realistic firm offer was ever received. Whilst questions have been raised over whether the terms of the SPD have been fully complied in practice and whether the owners should bear responsibility for the degraded state of the building, regardless of the 21 year Paine Manwaring Green tenancy, the logic of the valuation study and cost of refurbishment exercise is inescapable. The property is old, in a poor condition and outdated, if not obsolete, for many purposes. The costs of refurbishment (over £1 million) for class B use purposes far outweigh its market value (well under £500k) and upgrading to modern standard is wholly uneconomic, the Gleam Clean short term lease being no more than a non-market short term expedient. Although the financial landscape for non B use purposes is not identical, similar constraints still apply and no firm, viable offers have ever been agreed, nor, in the judgment of the owner, is this feasible.

An option for retention of some business use in the redevelopment in the form of some small B1 units by the Ardsheal Rd frontage was explored as well but subsequently found to render the whole scheme unviable and dismissed. Accordingly, there is the real danger that the property would, otherwise, return to vacancy and continue to degrade once Gleam Clean relocated.

Whether the full test of the Policy and SPD have been met, the decisive argument here though is the functionality of the site and location and long term compatibility of a business use, be it B or non-B use, with the surrounding housing and other sensitive uses. Although business use here is long established, public transport is good and the site well served by public car parks, vehicular access to the site and servicing is constrained and the site is awkwardly sandwiched between housing and opposite a school. It is apparent from the reaction to the current application that the loss of a business use here is welcomed by close neighbours, compounded by their recent experience of a noisy resumed B2 use here in the form of Gleam Clean. This suggests that the "bad neighbour", exception test allowed under Core Strategy Policy 4 has some real relevance. In this vein, the practicality of the business, leisure and community uses that have shown interest in the site must be questionable at least. Turning to the principle of residential use, this is a sustainably located brownfield site, by a District Centre and highly accessible. It is also adjacent to an established residential neighbourhood. The density is, at 57 dwelling per hectare, compatible with a town centre fringe location and optimises potential. As such and being a small infill site meets the tests of Core Strategy Policy 8 and

allied Supplementary Planning Document - Guide for Residential Development and the broader spatial strategy.

In terms of meeting housing need, The Core Strategy's housing delivery strategy predates the National Planning Policy Framework and does not provide for the prescribed 5 year housing supply informed by an Objective Assessment of Housing Need.

The additional contribution to the provision of additional housing that windfall sites such as the application site bring is welcomed and weighs in favour of the proposal under the National Planning Policy Framework but the housing supply benefits from the eight dwellings proposed are comparatively modest and not determinative.

The dwelling mix of 4 x three/four bed houses and 4 x two bed houses (two of which would easily lend themselves to re-use as 3 bed houses) all with private amenity areas meets the dwelling mix requirements for such a town centre fringe location. In strategic terms, this windfall site would contribute modestly to helping meet the town's housing provision targets.

All the houses meet the relevant internal floorspace standards. Six of the houses (plots 1 -6 on the south side) enjoy decent rear gardens and whilst these are rather overshadowed, they are supplemented by either south facing balconies or roof terrace gardens. Plots 7 and 8 to the north benefit from only small rear patios (12 sq ms and so well below the minimum standard in the SPD of 50 sq ms) but given the proximity of the Broadwater Green and views to this and the constrained nature of the site and the town centre fringe location, this is acceptable.

The questionable viability for continued beneficial business use, the constraints of the location and the housing benefits that would follow, tip the balance in favour of supporting the principle of the proposal in this particular case.

Impact on living conditions of neighbouring and future occupiers and adjacent businesses

The redevelopment has been sensitively designed to integrate with the surrounding housing, the layout and massing having a smaller footprint and bulk, including height, than the existing substantial industrial buildings. As a consequence, the adjacent dwellings will, by and large, enjoy a better outlook, natural light and more breathing space than as at present. Moreover, the anxiety of potential disturbance from noise, odour, vibration, traffic and parking etc. from a resumed business use would be removed, especially as the lawful B2 use is largely unrestricted.

The principal residual impacts are on the flats in The Burchens to the south but with the separation distances between the nearest facing windows serving habitable rooms being 14 ms or so and such views being oblique and the rear gardens of these being less sensitive due to their arrangement, no unacceptable loss of privacy should arise. Likewise the roof terraces of the plots 5 and 6 are set back to avoid the perception of overlooking to these flats and their gardens. This is itself against the background of some intervisibility between the current industrial buildings and The Burchens. Elsewhere the fenestration arrangements and layout avoid any overlooking problems, save for some oblique views from the top floor of 3 Ardsheal Rd to the rear of plots 5 and 6 but this may be addressed by suitable screening to this part of the terrace.

Parking and traffic is likely to be far less disruptive than previous industrial uses and certainly avoids regular use by lorries. The open forecourt parking is, in any event screened by a retained, rebuilt or modified 2ms tall or more solid brick boundary wall.

The absence of any amenity objections from neighbours underlines the positive benefits of the scheme.

Domestic waste/recycling holding areas for collections are sensibly located and, likewise, screened by boundary walls, compounded by a small enclosure and are acceptable.

Residential use is considered compatible with the adjacent business uses to the north and east, given the types of uses involved (chiefly retail/ office /storage), separation distances and physical forms and layouts. Halfords auto centre in Broadwater St West to the north-west keeps standard hours and the MOT functions etc. are shielded from the site by the existing substantial building.

Future occupiers of the new houses would enjoy a very convenient and characterful urban location, albeit one cheek by jowl with existing housing and business uses. Plots 7 and 8 to the north would enjoy the best outlook, though even this is compromised by the frontage building and the anomalous and awkward side addition to the parade. Views from the southern houses to Rectory Gardens are oblique.

Suitable controls on fenestration, roof terraces and balconies and domestic waste/recycling, together with disturbance from the demolition and construction process (the current buildings about a number of others) are justified to safeguard future amenity and may be secured by condition.

Quality of design and layout and impact on the appearance and character of the conservation area and setting of listed building

The current industrial buildings have a distinctive, if harsh, character and the roofscape is a prominent feature viewed from The Green. However, they are not considered to be important heritage assets and their loss is acceptable in principle. The replacement scheme has been sensitively designed to take account of its setting and the layout, orientation, scale, massing and form respond well to the locally distinctive elements, given the constraints and more than compensate for the loss of the industrial buildings in urban design and heritage terms. Importantly, as perhaps the most significant view in terms of the Conservation Area - the skyline seen from the Green - would not be harmed and the setting of the nearby listed building unaffected. More so, the forecourt areas create interesting spaces in themselves and serve as the main windows onto the development from the surrounding streets. They invite views into the development and would enrich the street scene, especially if the anomalous and awkward side addition to 7-11 Ardsheal Road in the parade were removed. This is in the control of the applicant and is a relatively recent addition to accommodate a staircase. Its demolition upon any future vacation of the premises would significantly enhance the scheme but the applicant is reluctant to commit.

The contemporary architectural treatment is acceptable here and the simple design and palette work well in this eclectic context, especially with third storeys suitably recessed and subordinate and finished in a lighter material. The nod to the art deco nearby housing in the fenestration of plots 1 -4 is, however, welcomed.

The development contributes to the character of the area and enjoys a sense of place.

Detailed design may be secured by condition.

The support from the Conservation Area Advisory Committee underlines the general quality of the scheme.

Access and parking

The site is sustainably located, close to the A24/A27, good public transport and public car park.

Traffic generation is likely to be significantly less than from a business use.

Use of the existing vehicular accesses is acceptable and improved sightlines welcomed.

Car parking provision (10 spaces) is adequate for this location bearing in mind its accessibility and spare capacity both on-street (established at over 50 spaces in survey) and in nearby public car park to accommodate any overspill parking.

Cycle parking and domestic waste/recycling storage facilities are adequate.

Pedestrian access is convenient and safe.

Sightlines, parking and construction/demolition method statement may be secure by condition.

The Highway Authority raises no objections.

Other environmental impacts including drainage, contaminated land, sustainability and air quality

The site is outside of any at risk flood zone and foul and surface drainage may be controlled by condition.

The site is on land identified a potentially contaminated due to its history of industrial use and a condition requiring a survey/assessment and any necessary remedial action is required.

The site is close to, but outside of, the Lyons Farm Air Quality Management Area and following negotiations, the applicants have agreed to help mitigate any emissions impacts by incorporating an on-site electric car charging point and meeting 10 % of domestic energy demands by the provision of on-site micro renewable energy measures. These also help improve the development's sustainable design credentials generally, now that the Code For Sustainable Homes scheme is being scrapped. These may be secured by condition.

Older buildings such as on the site and close to trees have the potential to harbour bats. However, the supplied bat (and bird) survey indicated no evidence of roosting by bats but could not preclude transitory use. For this reason, mitigation measures are proposed regarding construction in respect of the timing of the works and use of hand tools and also the design of the scheme in respect of type of lighting used. This may be secured by condition.

Adequacy of development contributions and affordable housing

Under Core Strategy Policy 10 and the Draft Supplementary Planning Document Developer Contributions, a development of this type and scale is required to make a commuted sum toward the provision of off-site affordable housing. The Housing Strategy and Enabling Manager calculates this at £69,200. This would normally be secured through a S106 legal agreement.

Such requirements were suspended up until only very recently (31.7.15) by changes made to the Government National Planning Practice Guidance by Ministerial Statements in November 2014 which precluded collection of affordable housing contributions and tariff style development contributions for developments for this scale of development and/or where demolition of existing buildings was involved. A High Court Case (R on the Application of West Berkshire District Council v Department for Communities and Local Government. Case Number: CO/76/2015) quashed the Government guidance and Local Planning Authorities are now free to apply their policies unrestricted, albeit the government has made it clear that they wish to challenge the court ruling.

The applicants have submitted an appraisal, in any case, to indicate that such a contribution would render the development financially unviable. This has been referred to the District Valuer for independent validation and the outcome of this is expected by the date of the meeting. The Committee will therefore be updated on this issue at the meeting.

The Community Infrastructure Levy has recently been adopted in Worthing but Gaisford ward falls within Zone 2 of the Charging Schedule for which there are no charges for residential development in this particular ward.

Conclusions

The loss of these industrial premises is regrettable but, on balance, acceptable on the basis of questionable practicality of future business or other leisure/community use; potential conflicts with neighbour sensitive uses and the housing and environmental benefits from a residential redevelopment. The scheme is acceptably designed with a sense of place and sensitive to its setting and avoids any unacceptable neighbour impacts. Traffic and parking arrangements are improved at this sustainable location and no harm to any environmental resource would result. Residual concerns may be addressed by conditions. Subject to the outcome of The District Valuer's viability appraisal on any need to secure an affordable housing financial contribution, the proposal may be supported in line with the paragraph 14 of the National Planning Policy Framework and Development Plan.

Recommendation

SUBJECT TO THE OUTCOME OF DISCUSSIONS WITH DISTRICT VALUER AND APPLICANTS IN RESPECT OF DEVELOPMENT VIABILITY AND SCOPE TO SECURE COMMUTED SUM TOWARDS OFF-SITE AFFORDABLE HOUSING THROUGH A S106 LEGAL AGREEMENT, GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING CONDITIONS;

1. Implement within 3 years of commencement.
2. Build in accordance with approved drawings/submissions
3. No new windows in upper floor west flank of plots 1, 3 and 7 and east flank of plots 4, 6 and 8.
4. Obscure glaze upper floor windows in west flank of plot 1 and provide balcony/terrace screens as required.
5. Agree and implement construction and demolition method statement including minimise and mitigate impacts on adjoining buildings, controls on storage of materials/equipment/plant and parking and control of dust emissions, prior to works commencing.
6. Restrict construction and demolition works to 8am to 6pm Monday to Friday.
7. No occupation until details of roof terraces agreed and implemented.
8. Agree external materials, hard landscaping and domestic waste /recycling facilities prior to occupation and provide prior to occupation.
9. Provide car and cycle parking and turning space and accesses (including improved sightlines) and amenity space and boundary treatments prior to occupation.
10. Agree and provide surface water and foul drainage facilities prior to occupation and provide.
11. Comply with bat mitigation measures prior to occupation.
12. Sustainable design – agree and implement scheme to provide on-site electric car charging point and meet 10 % of domestic energy demands by through on site micro renewable energy measures, prior to occupation.
13. Agree and implement scheme to assess extent of contaminated land and any necessary remedial action prior to works commencing.

Background Papers

Observations of Highway Authority
Observations of Environmental Health Officer
Observations of Economic Development Team
Observations of Strategic Waste Manager
Observations of Conservation Area Advisory Committee
Observations of Southern Water
Observations of Drainage Officer
Observations of Affordable Housing Officer
Representations from members of the public

Application Number: AWDM/1318/15

Recommendation – APPROVE

Site: 1-3 Warwick Street, Worthing, West Sussex, BN11 3DE

Proposal: Installation of replacement external self-service machine for HSBC (re-submission of AWDM/1789/14)

Applicant: HSBC Group PLC
Case Officer: Matthew Porter

Ward: Central



Not to Scale

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Proposal, Site and Surroundings

The site is a prominent corner building between Warwick Street and South Place, in the town centre. The building has an exterior stone finish and occupied by HSBC. It is designated a Local Interest building. The site is in the South Street Conservation Area and adjacent to 5 Warwick Street, a Listed Building.

Permission is for a replacement ATM in the west side wall of the building. The existing ATM is in the window opening, almost flush with its glazing. The new ATM would have a similar opening, some 0.67 metres wide by 0.61 metres deep, with a curved profile. Its face would be fractionally forward of the glazing by some 0.10 metres.

Relevant Planning History

A previous planning application for a new ATM was refused permission on 05/06/2015 (AWDM/1789/14 refers).

Relevant Legislation

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

Consultations

None

Representations

None received

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 16
Worthing Local Plan (WBC 2003) (saved policies): RES7, H18
National Planning Policy Framework (March 2012)

Planning Assessment

The determining issues relate to the impact of the new ATM on the character of the building and the Conservation Area and on the setting of the adjacent Listed Building. Its scale and nature means there would be no significant impact on the amenities of neighbouring occupiers.

The application site is an attractive stone building in the South Street Conservation Area, providing an attractive backdrop to the public space of South Place. No.5 to the east is a 3 storey Grade II listed building with a modern shopfront.

There is an existing ATM set in the glass, framed in the window framework and set back from the stone columns and cills. Unlike the other windows the stone base and cills have been recessed providing access to the ATM.

Previously, the new ATM was to be positioned awkwardly, stuck out from the glazing and over-sailing the stone cill. It would have harmed the building's appearance. Although the effect on the adjoining Listed Building was minimal due to its visual separation, the proposal failed to preserve or enhance the appearance of the Conservation Area.

In this revised application, the new ATM has been moved back to the glazing line as per the existing ATM, with a very fractional projection indeed (only some 10 cms). This in turn means the new ATM bezel would be very similar to the existing. With this improvement on the previous proposal, no material harm would arise onto the external appearance of the local list building and the special qualities of the Conservation Area would be preserved.

Recommendation

Approve

Subject to the following conditions:-

1. Standard time limit
2. Approved Plans

21st October 2015

Application Number: AWDM/1351/15

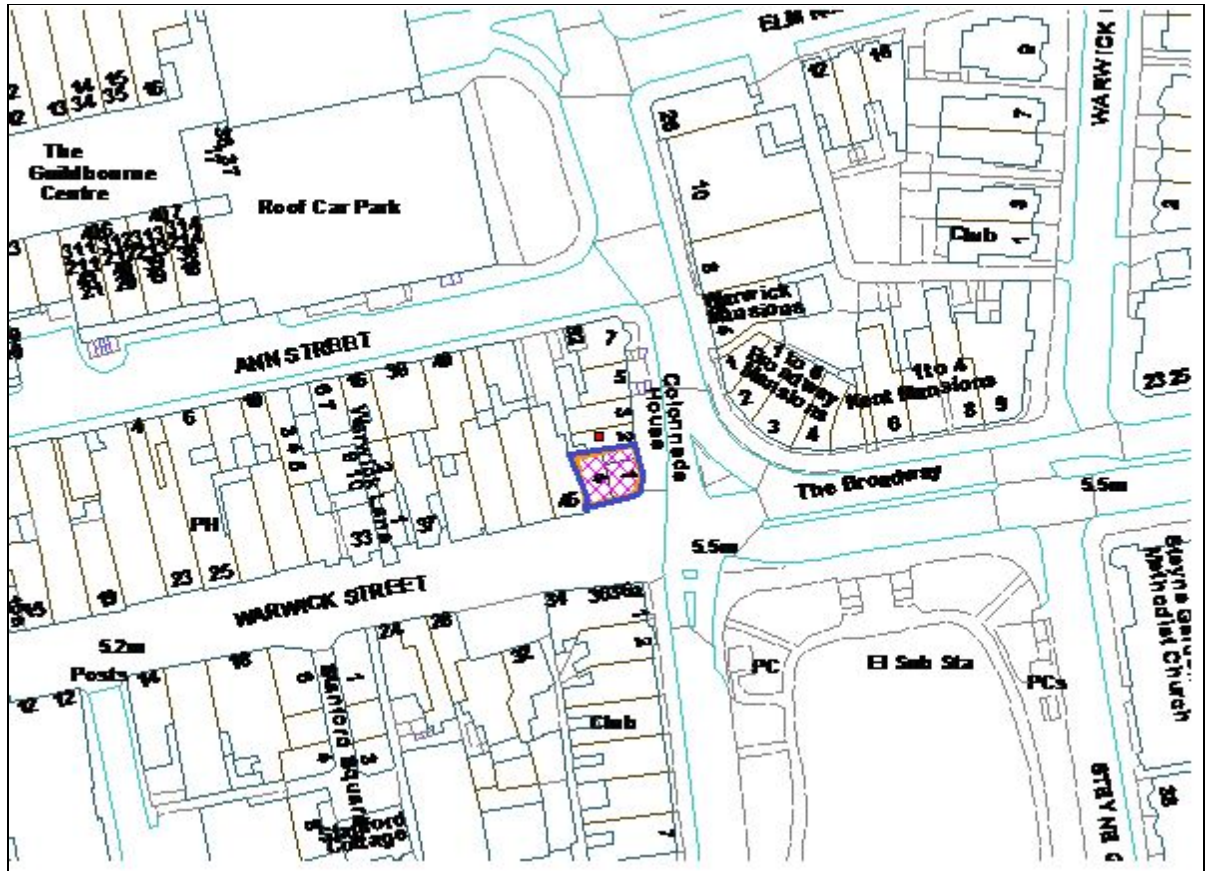
Recommendation – APPROVE

Site: Colonnade House Warwick Street Worthing West Sussex

Proposal: Replacement shopfront.

Applicant: Worthing Borough Council
Case Officer: Eve Hearsey

Ward: Central



Not to Scale

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Proposal, Site and Surroundings

The proposal seeks to change the existing timber and stainless steel shopfront to a black powder-coated aluminium-framed shopfront.

Colonnade House is a part 4-storey and part 2-storey, rendered curved corner building located within the South Street Conservation Area and positioned on a prominent corner of Warwick Street and High Street, facing onto The Steyne and Brighton Road (The Broadway). It has a pitched roof, hidden from view behind a parapet. The shop is currently vacant and its appearance is slightly tired. There is an existing fascia that runs across the top of the ground floor, above the shopfront, and below the first floor windows, within that fascia is the building name 'Colonnade House'. The fascia line continues through to above the entrance door to the upper floors and across the adjoining café and bridal gown shop, all being part of

Colonnade House. The first floor and above appear to be flats or offices, the entrance being between the application shop and the neighbouring cafe in High Street.

The windows on the upper floors of the building are metal Crittal finished in black with black mullions and transoms. These create a vertical feature on the central curved section with black profiled panels separating the windows between each floor.

The neighbouring property to the east, 45 Warwick Street, is a listed building, as are the opposite properties of the site, 34 and 36 Warwick Street. No. 45 is currently Winkworth Estate Agents and has a black painted, arched timber shop front, No.'s 34 and 36 is "Whibleys" jewellers and also has black painted timber shop front.

The site is within the Central Shopping Area of Worthing town centre.

This application is reported to Planning Committee as the building is Council-owned and the application made on behalf of the Council.

Consultations

Worthing Conservation Area Advisory Committee: These are awaited and will be reported verbally at the meeting.

Representations: None received

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 16
Worthing Local Plan (WBC 2003) (saved policies): RES7, H18
National Planning Policy Framework (March 2012)
National Planning Practice Guidance

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

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

The Committee should also consider the application in accordance with Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Planning Assessment

Principle

The replacement shopfront is acceptable in principle subject to its effect on the character and appearance of the designated Conservation Area, and the setting of the neighbouring Listed Building, subject to development plan policies.

Visual amenity

The existing shopfront is tired and in need of repair/refurbishment. The proposed replacement shopfront will lift the visual amenities of this corner site and the black powder-coated aluminium frame will harmonise with the other black-framed shopfronts within this building and the metal windows on the upper floors.

The replacement shopfront thereby accords with Policy 16 of the Core Strategy which requires good quality architectural design and use of materials that take account of local physical, historical and environmental characteristics in the area

Effect on the character and appearance of the conservation area and the setting of the listed buildings

The NPPF states that when considering the impact of a proposed development on the significance of a designated Heritage Asset, great weight should be attached to the asset's conservation, the more important the asset the greater the weight should be (paragraph 132). In this instance, the existing shop has become quite tired and would benefit from refurbishment.

Colonnade House is similar in age (c. early C19) to adjoining and nearby properties in Warwick Street but was extensively re-modelled and re-faced in the late 1920s (as a result of a fire) creating its current individual style which differs notably from its immediate neighbours.

The existing shop window with its distinctive curved glass corner appears almost frameless due to the existing stainless steel frame being recessed into the rendered stall-riser. Although the proposed aluminium frame will be visible above the stall-riser, the vertical sub-divisions of the shop window will match those existing and the existing recessed entrance feature retained. Overall, the slender proportions of the black powder-coated aluminium frame will complement the simple unadorned style of the existing shopfront and sit comfortably with the overall style of this building in its re-modelled form, as distinct from the more typically traditional building styles and timber shopfronts which characterize Warwick Street.

The individual fascia board dimensions of the shop will also not be altered from those existing.

The neighbouring shop to the east, 45 Warwick Street, is a Listed Building, and has a very attractive elaborately detailed round-headed shopfront with granite pilasters. The proposed replacement shopfront will be relatively understated and discreet in comparison (as it is currently) and will not visually compete with, or otherwise detract negatively affect the setting of the Listed Building.

Conclusion

The replacement shopfront, in black powder coated aluminium will improve the visual amenity of this corner building by replacing the existing tired shopfront. It will complement the style and appearance of the existing building, preserving the character of the Conservation Area and without harm to the setting of the neighbouring Listed Building.

Recommendation

APPROVE subject to the following conditions:-

1. Standard 3 year time limit
2. Build in accordance with the approved submitted drawings.

21st October 2015

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

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Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

- 9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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