

Worthing Planning Committee

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| Date: | Wednesday 16 December 2015 |
| Time: | 6:30pm |
| Venue: | Gordon Room, Stoke Abbott Road, Worthing |

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

NOTE:

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail

heather.kingston@adur-worthing.gov.uk before noon on Tuesday 15 December 2015.

Agenda

Part A

1. Declarations of Interest / Substitute Members

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

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

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

Any substitute members should declare their substitution.

2. Confirmation of Minutes

To approve the minutes of the Planning Committee meetings of the Committee held on Wednesday 18 November 2015, which have been emailed to Members.

3. Items Raised Under Urgency Provisions

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

4. Planning Applications

To consider the reports by the Director for the Economy, attached as Item 4 -

4.1 MGM House, Heene Road

4.2 Country Lodge Nursing Home

5. Public Question Time

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

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

6. Request to vary a s106 Agreement relating to residential development at 341 Goring Road, Worthing (former Caffyns VW site)

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

7. Title 267 & 269 Brighton Road, Worthing

To consider the report by the Director for the Economy, attached as Item 7.

Part B - Not for publication - Exempt Information Reports

None

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| For Democratic Services enquiries relating to this meeting please contact: | For Legal Services enquiries relating to this meeting please contact: |
| Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk | Caroline Perry Solicitor 01903 221086 caroline.perry@adur-worthing.gov.uk |

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



Planning Committee
16 December 2015

Agenda Item 4

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

**Application Number:
AWDM/0124/15**

**Recommendation – Approve
subject to legal agreement to
secure affordable housing and
comments of Highway Authority
and Strategic Waste Manager**

Site: M G M House, Heene Road, Worthing, West Sussex

Proposal: Demolition of main MGM office building together with offices in Heene Place and replacement by redesigned and repositioned new part four and part five storey buildings on main part of site, arranged around central courtyard and including new block on Heene Road frontage to provide 33 retirement flats (C3) and 59 unit Assisted Living Extra Care Development (C2) communal and support facilities together with 10 affordable apartments (C3) in a two storey building by Heene Place and rearranged open car parking for 61 spaces including on south and eastern boundaries, landscaping including loss of frontage TPO tree, and alterations to access including resited Heene Road vehicular access on southern part of site.

2

**Application Number:
SDNP/15/04425/FUL**

Recommendation – Approve

Site: Country Lodge Nursing Home, Cote Street, High Salvington, Worthing

Proposal: Extension to north-west elevation to provide 3no. extra rooms with ensuite bathrooms with link to main nursing home (one existing bedroom to be used for laundry facilities) with alternative options of pitched and flat roofs to the extension.

Application Number: AWDM/0124/15

Recommendation – Approve subject to legal agreement to secure affordable housing and comments of Highway Authority and Strategic Waste Manager

Site: M G M House Heene Road Worthing West Sussex

Proposal: Demolition of main MGM office building together with offices in Heene Place and replacement by redesigned and repositioned new part four and part five storey buildings on main part of site, arranged around central courtyard and including new block on Heene Road frontage to provide 33 retirement flats (C3) and 59 unit Assisted Living Extra Care Development (C2) communal and support facilities together with 10 affordable apartments (C3) in a two storey building by Heene Place and rearranged open car parking for 61 spaces including on south and eastern boundaries, landscaping including loss of frontage TPO tree, and alterations to access including resited Heene Road vehicular access on southern part of site.

Applicant: McCarthy and Stone Retirement Lifestyles Ltd Ward: Heene
Case Officer: Peter Devonport



Not to Scale

Site and surroundings

The application site is roughly rectangular in shape and given as 0.9 hectares in size and is flat. It is located just to the west of the town centre in a mixed commercial and residential area, close to the seafront.

It principally comprises a part three/part four office storey tower facing Heene Road built in the early 1970s for General Mutual Life Assurance Company and its spacious landscaped curtilage including large (140 space) car park. Also within the campus, however, are a purpose built two storey building at 8 and 9 Heene Place built as an annexe in the 1980s for ancillary staff training, storage and offices and a single storey storage building on its northern boundary. Its total floorspace is 4130 sq ms (gross internal area).

The Company evolved into MGM who have occupied the premises since, though staff numbers have much reduced in recent years.

The site is adjoined to the west in Heene Road by a large petrol station including car wash abutting the site where a tall wall marks the boundary. Beyond that, to the north, sits a pub with its large rear garden enclosed by a substantial wall and, further on, shops which are part of the Rowlands Road Neighbourhood Centre.

To the south is the rear of the distinguished 4 storey grade II listed Georgian Heene Terrace which principally faces south but turns the SW corner to present a shorter section of terrace facing Heene Road itself. An office whose building abuts the boundary and car parking feature in the rear yard in the SW corner and domestic rear yards elsewhere. The boundary at this point is principally a thick hedge.

Commercial properties mainly adjoin the site to the north – also part of the Rowlands Road Neighbourhood Centre- but the flank of the 3 storey block of flats at Bowers Court abuts the site, where the boundary is marked by a tall hedge.

Heene Place adjoins to the east and is an attractive terrace of early nineteenth century cottages, characterised by their shallow back yards where many occupiers have built a solid rear extension, some with terrace above. A tall brick wall marks the boundary with the terrace along its length.

Opposite (west) in Heene Rd are Edwardian/Victorian residential properties.

The main MGM block is sited in the southern part of the campus, set back from and facing Heene Road but close also to the rear of Heene Terrace and backs of the houses in Heene Place. It has a basement and is raised on a plinth. The footprint is T shaped with the slimmer column facing Heene Place and generally housing the circulation space and the bar of the T where the main office accommodation is sited, facing Heene Rd. Its design is striking and characteristic of its period – flat roofed, cuboid with horizontal banded windows and faced in white concrete.

The main accesses to the office block are from Heene Road but there are secondary vehicular accesses in the north east and south east corners off Heene Place and Brunswick Road respectively.

The two storey building at 8 and 9 Heene Place is built on the end of a residential terrace and is accessed from Heene Place in a plain domestic style redolent of the terrace – pitched roofed and faced in render, albeit with more prominent windows.

Several substantial buildings housing plant and machinery for the main office and sub-station are positioned next to the Heene Place rear yards.

The main car park is on the northern part of the site, adjacent to the petrol station and back of the properties in Rowlands Rd but substantial car parks also feature adjacent to Heene Place by the plant and in the forecourt adjacent to Heene Rd.

The grounds of the site are attractively soft landscaped and feature several isolated trees. A lone holm oak prominently situated in the forecourt and a couple of sycamores at the NE corner entrance are the subject of Tree Preservation Orders.

The site adjoins Conservation Areas to the west, south and east and is in a Controlled Parking Zone.

Some western and eastern parts of the site lie in a buffer zone adjacent to land identified as potentially contaminated.

A right of way is understood to run along the southern boundary of the site from Brunswick Road to Heene Road. Whilst the accesses along Heene Place to the site and from Brunswick Road are adopted highway, the middle section of Heene Place is unadopted.

Planning History

The site has a long and complex planning history but of most relevance is NOTICE/0008/14 which in July 2014 granted consent under the permitted development prior approval procedure for change of use from office (B1) to 18 flats (C3) (14 in MGM House and 4 flats in 8 Heene Place).

Tree Preservation Order NO.22/1997 for a holm oak at the front and some sycamores in the NE corner was made in 1997.

Proposal

The application was preceded by pre-application discussions with officers and separate consultation with the community (October and December 2014) and has been the subject of one major amendment to its layout and form, following negotiations.

The thrust of the proposal remains unchanged; namely the redevelopment of MGM site to provide 33 retirement flats (C3) and 59 (increased by one) unit Assisted Living Extra Care Development (C2), together with 10 affordable flats.

The amended form of the scheme sees the main accommodation for the elderly rearranged around a central courtyard in effectively three blocks.

The front or western block broadly faces Heene Road and generally follows the building line. It is set back from the petrol station building by some 23 ms and ends some 15 ms from the boundary with Heene Terrace.

The east block is set back from the boundary with Heene Terrace by a similar distance and from the boundary with Heene Place by some 20 to 21 ms.

The north block is joined to the east block at ground floor level only and sits some 22 to 25 ms from the boundary with the properties in Rowlands Road and 16 ms from the boundary with the petrol station.

All these are 4 storeys except the north block which has a mostly recessed fifth storey and the single storey link between the north and east block.

The west block accommodates the retirement living element in the form of 33 units arranged as 19 x one bed flats and 14 x two bed flats and the other blocks the 59 assisted living units arranged as 39 x one bed and 20 x two bed flats. Retirement living broadly equates to Category II type sheltered housing where occupiers, although supported, still retain significant independence. Assisted living provides residents with more support and is more akin to care home and is reliant on the communal facilities.

The two storey building at 8 and 9 Heene Place is redeveloped on a similar footprint and two storey form but extended to turn the corner westwards into the site. The 10 flats area arranged as 6 x one bed and 4 x 2 bed affordable flats. The tenure is not specified and a lower age restriction is proposed.

The 61 car parking spaces are arranged on the southern and eastern perimeters of the site and on the site of the to-be demolished single storey workshop building adjacent to Rowlands Road. Principal vehicular access from Heene Road is moved closer to the southern boundary and the 26 spaces for the retirement living element positioned by the southern boundary and the 25 spaces for the assisted living by the eastern boundary. Vehicular access from Brunswick Road is retained. The 10 car parking spaces for the affordable housing are located on the demolished workshop building site and are solely accessed from Heene Place.

The courtyard is soft landscaped and is the focus of the development. However, the blocks themselves and the parking areas, also enjoy a strong green setting, including a large park type area adjacent to Bowers Court and green forecourt onto Heene Road itself and dedicated amenity area serving the affordable housing. A replacement holm oak tree is proposed in the SW corner by Heene Road as are trees in the Heene Road forecourt.

The scheme is designed to meet LifetimeHomes standard and provide 10% of energy demands on site through micro renewable energy generation, including air source heat pumps. Waste refuse and buggies/cycle storage is provided in each of the blocks themselves.

The application is supported by an ecology study; arboricultural report; site waste plan; Landscaping study; Drainage report; archaeology study; Design and Access

Statement; Planning Statement; Employment Land study; Housing for elderly reports; and Transport impact and provision studies and Stage 3 Road Safety Audit.

Applicants Supporting Statements (extracts)

Planning Statement

125. The redevelopment of this previously developed site should be optimised, commensurate with environmental considerations and such is, of course, supported by extant and Government and regional guidance.

126. This is best achieved by the beneficial redevelopment of the site. This well designed development would provide for much needed specialised accommodation within an urban location therefore, helping to prevent new housing on greenfield land. It will also have substantial benefits for local traders by bringing a resident population who are generally not car owners into close proximity of local shops and facilities.

127. Careful consideration has been given to the nature of the site; the proposal represents a positive development. Schemes of this nature are considered "good neighbours".

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128. Accordingly, it is considered that the beneficial redevelopment of this previously developed urban site fully accords with Government policy and guidance and Development Plan policy and as such, the application is commended to the Council for its favourable consideration.

Statement of Community Involvement

McCarthy & Stone is committed to consulting with the local community regarding its proposed redevelopment of land at MGM House, Heene Road, Worthing. Residents and stakeholders were given the opportunity to give their feedback regarding the proposals at all stages of the public consultation via a number of different channels. A freephone information line and dedicated website were made available throughout the planning process for interested parties to receive further information and provide their feedback to the project team.

Consultation included offering early one-to-one meetings with neighbouring residents, third party groups and key stakeholders to view the proposals prior to them being displayed to the wider community. These meetings, to which key local stakeholders and immediate neighbours of the site were invited, were held on Thursday 9th October 2014 at the Kingsway Hotel, 117 Marine Parade, Worthing, BN11 3QQ.

A public exhibition was also held on Wednesday 17th December 2014, to which over 1,000 local residents and businesses were invited to attend, alongside 25 key stakeholders, at the Heene Community Centre, 122 Heene Road, Worthing, BN11 4PL. 24 people signed the visitor's book at the public exhibition, feedback forms were available for attendees to record their views.

McCarthy & Stone has received a mixed response for its proposed redevelopment of land at MGM House, Heene Road, Worthing; 47% of the pre-application

responses received indicated some level of support for the principle of age exclusive accommodation on site.

The early one-to-one meetings were well attended; McCarthy & Stone met with nearby residents, representatives of the Worthing Society, and ward member Councillor Diane Guest.

Employment

SUMMARY AND CONCLUSION

We are instructed to provide an Employment Land Report in respect of a Property located at and known as MGM House, Heene Road, Worthing, West Sussex. We are to comment upon employment land planning policy and test the viability of refurbishment of the existing buildings and redevelopment as an office employment site.

The Property currently in office use is on the one hand protected by local policy but on the other hand is also subject to permitted development rights and energy performance standards that are in conflict with local policy.

Planning Policy 4 from the adopted Core Strategy makes the presumption against the potential loss of buildings currently in office use. Policy 4 however, recognises that circumstances may arise where the lack of viability may lead to proposals to find an alternative non-employment use. This report reviews factors which may justify that loss.

The five local Policy 4 factors have been examined and reported on as follows:

- i. Acceptable Employment Development – it is accepted that were it to be financially viable, office development would be acceptable on the site.
- ii. Office Demand Profile – the WBC publications: Employment Land Review Update 2013 and the latest Annual Monitoring Report 2012-2013 reveal the thin demand profile for Worthing Offices; the two marketing campaigns starting in 2009 have resulted in no interest from the investor market to the sale and leaseback proposals and no interest currently in a letting of the Property.
- iii. Refurbishment or Redevelopment Viability – these two options have been assessed and neither is financially viable.
- iv. Rationalisation/Upgrade of the Existing Buildings – no obvious re-configuration of existing floorspace would lead to a significant or worthwhile upgrade.
- v. Existing Use Conflicting with Neighbouring Uses – the existing Office use is not in conflict with neighbouring uses.

In summary, from the five factors examined, nos. i) and v) do not provide justification for the loss of the office/employment use; however nos. ii), iii) and iv) all provide inter-related aspects of justification for the loss. There is thin office demand and no interest as a result of marketing campaigns, either from investors or occupiers; the refurbishment and redevelopment options are not financially viable; and there is no obvious re-configuration of existing floorspace that would lead to a significant or worthwhile upgrade. It is our view therefore that the Property is

redundant as soon as it is vacated by MGM and its redevelopment for non-employment uses should be encouraged.

The national planning policy however permits the change of use of the Property from offices to residential use. This is enshrined in permitted development rights that have been confirmed by WBC under planning ref: NOTICE/0008/14.

It is also a matter of fact that the energy performance certificate for MGM House is Band G with a points score of 228. Proposed legislative changes within the Energy Act 2011 provide that from April 2018 it will be unlawful to let the building with that score. This report has already established that the refurbishment option that would improve the EPC rating is not viable.

In conclusion, the Property as a redevelopment office employment site benefits from permitted development rights for residential use. As a low density scheme the refurbishment of the existing buildings is not the most effective use of the land/asset and total redevelopment for non-employment uses is an appropriate way forward.

Transport Statement

Conclusions

7.1 The proposed development is likely to have a significantly reduced impact on the local highway network than the former use of the site.

7.2 The car parking provision should meet all the normal peak demands for spaces.

7.3 The site is in a sustainable location and McCarthy and Stone would, as is normally the case, provide residents with information to help them minimise their use of the private car.

7.4 The proposal uses existing access points and these are of an acceptable layout to serve this level of development.

Consultations

Economic Development

MGM House is a 1 hectare site with a 37,000 sqft HQ office building and 139 parking spaces; located on the edge of Worthing town centre and currently housing 180 employees.

Economic Development (ED) have been in discussion with MGM Advantage regarding their reducing floor space requirements and potential site redevelopment since February 2014. During this time ED have been actively working to retain MGM Advantage within Worthing and to maximise future employment opportunities on this site.

ED appreciates this application demonstrates non-viability of the current office space for modern office use, but were disappointed to receive this application, which only provides 17 replacement jobs and does not maximise the employment opportunities of this site, or enable MGM to be accommodated within the redevelopment.

Since submission of this application, ED have identified suitable alternative office accommodation within the Worthing area, to enable the retention of this valued local business. ED were therefore very pleased to received confirmation from MGM Advantage's representative, that they plan to relocate within Worthing and retain local jobs.

ED are unfortunately unable to raise an objection to this application.

West Sussex County Council has requested the following contributions:

| Summary of Contributions | |
|----------------------------------|---------------------------|
| S106 type | Monies Due |
| Education - First | |
| Education - Middle | |
| Secondary | |
| Education - 6 th Form | No contributions required |
| Libraries | £17,754 |
| Waste | No contributions required |
| Fire & Rescue | £867 |
| No. of Hydrants | TBC |
| TAD | No contributions required |
| | |
| Total | £18,621 |

Environmental Health Officer

I request conditions for standard hours of working for demolition and construction phases and a dust suppression scheme – solid hoarding round this site – the rear of Heene Terrace properties are below ground level so particularly vulnerable to dust and debris fallout. Careful planning of site storage of dust producing materials will be necessary for the same reasons.

I am not concerned about the impact of road noise but query hours of operation at the petrol station – therefore a full noise assessment (BS 4142 style) by a competent acoustic consultant and appropriate mitigation will be necessary, especially pertinent if the petrol station operates 24hrs or late into the night/early morning. I note there are several electricity sub-stations around the site – so there may be a noise impact from these, as well as the pub which does not currently have residential premises directly to the rear. If there is to be external mechanical plant associated with the flats eg. Aircon – then these will need to be conditioned separately.

Full land contamination condition required.

Arboricultural Officer

T1 is a single Holm Oak tree growing in the central driveway to the Office Building of M G M House. The tree is incorporated into the landscape design of the car park and entrance way on the west side of the grounds. The tree is a prominent established feature of the area.

The tree is a mature tree with a low wide crown, which is prominent to the southern end of the Heene Road area. Although the tree is outside of the Ivy Place Conservation Area, it does contribute to its character, as most views are from Heene, Abbey and Bath Road.

The tree is around 8-9 metres tall with a very squat form, possible due to its proximity to the salt winds of the seafront. From ground level there are two distinct stems, the stem to the east being the oldest part of the tree. The younger stem to the west, extends the width of the crown to between 12 -14 metres.

There are several cavities and areas of minor damage through out the crown, and some deadwood present.

I accept the findings of the Tree Survey for the TPO Holm Oak Tree T1 (tree No.11 on the submitted Report). I would agree that the tree although a prominent established feature of the area, would be categorised as B1, - moderate quality / significant contribution.

Drainage Engineer

The site lies within flood zone 1 and is slightly affected by surface water flooding. The applicant has indicated the desire to use sustainable drainage on the planning application form, whilst the Foul and Surface Water Drainage Assessment, by Such Salinger Peters, indicates at section 6, that further on site investigation is required to confirm existing infrastructure, and that soakaways would be the preferred method of disposal of surface water disposal.

It is known that properties in Heene Terrace suffer from inundation due to particularly high tides back flowing up drainage pipes, so any extra loading on the existing local infrastructure should be avoided if possible.

The applicant needs to assess if the use of soakaways is viable on this site, therefore soakage tests should be undertaken to coincide with peak high tides as tidal influence would be the likely reason for soakaway failure in this area.

Therefore in this instance the only comments we wish to make at this time relates to the disposal of the surface water.

In the absence of any ground investigation details or detailed drainage details in support of the application although the applicant appears to have indicated his intention to utilize soakaways, 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 impermeable areas.

County Archaeologist

I have read the archaeological desk based assessment prepared by CgMs Ltd and included with the related documents accompanying the planning application. I concur wholly with the CgMs conclusion that the evidence indicates the application site is likely to be highly disturbed as a result of uses from the mid-19th century to the present day and that no further archaeological intervention or mitigation measures are required.

No objection on archaeological grounds. Further archaeological assessment and mitigation measures are not required.

Housing Strategy & Enabling Manager,

The application is for C2 development plus a total of 43 apartments. For this scheme to be policy compliant under Housing Policy 10 of the Worthing Core Strategy we would expect to see 30%, which in this case is 13 units, affordable.

We accept the concept that specialist housing can release larger family sized units into the borough's housing stock so whilst I am a little wary of age restricted accommodation in this case I do not object to an age restriction of 60.

The 'off site' units would be:

*2 x 1bed £79560 = £159120 + 1 x 2bed £80850 to total **£239,970***

I would like to see 60% of the 13 units rented so on site, 6 x rented plus 4 x shared ownership.

Conservation Area Advisory Committee

Previous scheme

Objection. Although the increased height and density is viewed by the Committee as generally acceptable the design was considered disappointing. The modern design was welcomed but more interest is required to maximise this opportunity. The site is adjacent to a Conservation Area and this proposal would not enhance vistas in or out. Adjacent to Heene Terrace which is one of Worthing's most important group of properties.

Southern Water

Recommend condition that no works commence unless scheme for foul and surface water drainage has been submitted and agreed.

Historic England

Our specialist staff has considered the information received (revised scheme) and we do not wish to offer any comments on this occasion.

Recommendation

This application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

South East Design Panel considered the original scheme and commented,

The Panel are concerned that the team have yet to find an appropriate siting for the proposed building. The chosen location for the new residential home at the centre of the site has created a series of awkward relationships, both to the street edge which will become dominated by car parking as well as to the rear of the site where the communal gardens lack the generosity and quality of environment needed to make them attractive and useable spaces.

We feel that too greater deference has been made to the Holm Oak at the entrance to the site which is compromising the overall success of the project. Revisiting some of the earlier Layout Study Options in the Design and Access statement, and more rigorous assessment of their strengths, would help take the project forward.

BACKGROUND

The site at Heene Road is currently occupied by the single MGM office building, located roughly at the centre of its site. While the building and landscape is attractive and well maintained the development does little to contribute to the character of the area.

Heene Terrace to the south is a grade II listed terrace of townhouses. While the primary interest of this group is its Southern facade as it faces the seafront, the north and west aspects of the corner building has an attractive presence in views along Heene Road. We understand the site was previously occupied by Heene Road Baths, of which seemingly no trace remains.

The proposals are currently a planning application.

LAYOUT

The Panel remains to be convinced that the chosen location of the building on the site is appropriate. Placing the building to the rear of the site has created a number of issues which any redesign of the layout should address.

The choice to locate the building to the rear of the site creates small left over pockets of open space which may not be the most useable, especially given the particular microclimatic conditions, being exposed to both coastal winds and potentially limited sunlight. The current siting also exposes the frontage of the site, which will be dominated by car parking. We feel this will detract from the conservation area.

The petrol filling station at the north-west corner of the site is undoubtedly a challenging neighbour. The medium-long term future of this site needs to be considered at this stage with a masterplan which suggests how the proposed development of the MGM site does not compromise, but rather anticipate, the future

redevelopment of this asset. In the short term the relationship between the proposed and existing uses in this corner of the site needs more careful investigation. We are concerned that the quality of residential accommodation at this point will be unsatisfactorily compromised due to noise, air quality and outlook.

Reference has been made to the siting of the historic Heene Road Baths buildings on the site however we feel this is disingenuous. As a civic building and a public garden there was a rationale to this development breaking with the more consistent approach to addressing and enclosing streets.

This investigation needs to be continued to consider the most appropriate location for the new building; amongst the options to be tested should include the establishment of a positive street frontage, even if this is at the expense of the Holm Oak.

FORM, MASSING AND INTERNAL ENVIRONMENT

The proposed building is made up of distinct functions and housing typologies, as currently planned these have all been co-joined to create one building. This creates a large single unit which runs contrary to both the distinct uses within the block, but also the stated aim to create a more intimate and homely environment. The Panel commented that the building could offer a sense of protection to foster warmth and security for its elderly occupants and cited interesting parallels with Alms House developments offering security and sanctity for the vulnerable. This has not translated into the current design, including the entrances which have a more institutional character, with the building approach across car parks and courtyard/drop-off zones to the foreground of the buildings.

The internal design of apartments have been informed by the operator's experience, however we wonder if there is scope for greater variety. The choice to place kitchens on the external faces of the building so they benefit from daylight is understood, however this does compromise the size of windows for the sitting/living rooms. The Panel also suggests that the internal layout of the building and rooms need to respond to aspect and orientation. The current arrangement sees identical flat plans facing both due north and due south. This is unlikely to be appropriate, not least because residents may well spend significant time in their rooms. A similar level of testing will also need to be applied to communal rooms, exploring both the relationship of internal and external environments as well as the sun path around the building.

The Panel do not object to the height of the proposal which we felt could be comfortably accommodated on this site. The testing of massing (perhaps with the production of a 3D model) would help explore in greater detail the relationship of the proposed building in views, as well as its relationship with its neighbours. Additionally the Panel welcome the material palette and architectural treatment which could work well in its context. Care will need to be taken in the selection and detailing of materials to ensure they are appropriate to withstand the demands of the coastal environment. The Panel considered the design of the affordable housing unit building on Heene Place was generally acceptable however commented that this could be a building of greater integrity standing in its own right rather than trying to appear as a series of terraced houses.

Representations

Consultation by the applicants on the original scheme was undertaken in late December 2014 and the results of which summarized earlier in this report. At the time of writing, thirty two responses to the application have been received from the Council's own two rounds of consultation; 16 to the original and 16 to the revised scheme, mostly from Heene Terrace, Heene Road and Heene Place. These include representations from the Worthing Society and the Cavendish Mews Management Company.

Original scheme

The Worthing Society

The Worthing Society considers that this proposal for a large block on the site of MGM House is unsuitable for its location and planning permission should be refused. The design and materials of the proposed building would conflict sharply with Worthing's policies of requiring that new buildings should respond to local character, especially its historical aspects. There is the further consideration in this case that the new block would adjoin a listed building, Heene Terrace, and be opposite a row of houses on the Local List, nos. 1 to 17 Heene.

The proposed building shows little respect for these heritage assets. Its design does not need to be a pastiche of the existing buildings, but it does need to show greater respect for their style and materials. The present rectangular form and the variations in the style and materials of the street facade, presumably incorporated to add interest to the appearance, combine to create a building that would be alien to its surroundings. The materials used on this facade, combining white render, grey timber planks and Marley artificial stone, accentuate the alien nature of the design because, apart from the render, they have no equivalents in the surrounding houses. The materials used should reflect the render and red brick of the houses opposite and the yellow brick of Heene Terrace.

The proposed building therefore needs to be redesigned, preferably in a simpler and less angular form and using materials to be found in the neighbouring heritage assets. This site, surrounded as it is by heritage assets, requires a building that respects its surroundings and enhances the appearance of the area.

One further issue that may need to be changed is the provision of car parking spaces. The present application provides 61 spaces for 101 dwellings. The number provided should, as a minimum, be that recommended by the West Sussex County Council's guidance on this subject. The roads around the site cannot accommodate more parked cars, so that the new development must provide enough parking spaces for all the cars that might be owned by its occupants.

Other representations

Other representations all raise concerns or objections are summarized as follows

- McCarthy and Stone state that the development is a high quality design, taking reference from the local architecture. Having studied the current proposed design there is absolutely no way it takes reference from the local architecture, which is predominantly Georgian and Edwardian. The drawings I saw were boxy and modern. I therefore object until the design has been explained more thoroughly or modified.
- The proposed development, by reason of its size, depth, width and massing would have an unacceptably adverse impact on the amenities of the properties immediately adjacent to the site, and the surrounding area by reason of overlooking, loss of privacy and visually overbearing impact.
- Instead of a modestly proportioned office building with a small footprint in the corner of a large and well landscaped plot, with areas of car parking, the proposed residential development will leave us with something that stands taller across its width as it stretches across the whole site.
- The building to dominate the surrounding properties and adversely affect neighbouring homes.
- The impact of so many older people, many moving to Worthing, will have on the already grossly over stretched medical services in the town. Routine GP appointments currently take up to 4 weeks and hospital appointments in excess of 6-months. The proposed number of apartments will greatly exacerbate this situation.
- Can't see why the current building cannot be refurbished for other purposes to save energy and waste
- . We already get rubbish thrown into our garden and this will continue if the footpath is allowed as part of the MGM Development. Who will clean it and monitor anti-social behaviour.
- The length of the building contract and the noise it will generate. The restrictions on the hours that building work may be permitted.
- will significantly reduce privacy of flats in Heene Terrace as it will be occupied 24/7 - unlike office workers, retired people and their visitors are likely to be there for most of the day and evening and properties with balconies will directly opposite windows.
- Loss of outlook, light and privacy to Heene Place and disturbance from lighting. Objector's small rear courtyard garden, is compensated by a large, private, first floor balcony which enjoys plenty of light and sun during the day and bedroom which leads onto the balcony, is also completely private and not overlooked. This will all change to detriment as will be overlooked by the balconies and windows of the proposed buildings at all times and will restrict the amount of light to property, particularly to the balcony, bedroom and already light restricted courtyard garden. There will also be lights on in the building from the communal areas and individual apartments, all night, every night shining into rear bedroom. There will be noise disturbance/light intrusion from use of the balconies on the proposed site.
- The proposed new build is taller than the current one and will permanently affect how much light property opposite in Heene Road get. Our outdoor space is directly opposite the MGM building - where is the access to the site going to be? If it is outside my front door then I object again on grounds of privacy, light and noise.
- There will be significantly more traffic and noise as a result of the development. I believe the 60 parking spaces will be insufficient and that the "overflow" will impact on my ability to park reasonably close to my home. It is

already difficult to find a parking space because of the number of residents, summer visitors and visitors to the hotel and restaurant on Wordsworth Road.

- The proposed number of parking spaces (50) to be inadequate for the number of residents, many of whom will require spaces for visitors and carers. The affordable housing block in Heene Place has only been allotted 10 spaces which is unlikely to be enough. Parking in Heene Place has always been a problem and placing any further demand on it would be detrimental for the residents.
- There will be more traffic generating noise and light including noise disturbance from cars and workers arriving at all hours, together with visitors and emergency medical vehicles.
- Marine Parade is already busy and it is often difficult to turn onto it from Heene Road. This development must increase traffic onto Heene Road throughout the day; currently office workers at MGM House primarily impact on traffic at the beginning and end of the working day.
- Heene Place is an unadopted road which few people need to traverse apart from their use of the registered childminding business located in Cavendish Mews, the garage or to reach their own homes. It has no street lighting and the extra traffic down the very narrow street would be to the detriment of road safety.
- The proposal of 10 apartments on the corner of Heene Place doesn't come with anything but the promise of more traffic congestion and parking misery on this small side street. Yes, part of the proposal mentions an equal number of parking spaces, but there is no way of guaranteeing that the residents will use them in favour of the opportunity to park outside their front doors, or that the assorted visitors traffic can be accommodated.
- The car park entrance will be on Heene Road very close to where there is already an entrance to a petrol station with lots of traffic, congestion and noise which is also a road safety issue.
- A previous planning application was for fewer flats. This development includes 101 units. I consider this to be excessive. The MGM office does not appear to have a large number of workers but new offices would be preferable to the McCarthy Stone development.
- While I accept that the assisted living will create jobs, many will be low paid. In my view Worthing needs companies that will employ a range of workers and diverse companies and it would be better to retain MGM House as offices. Creating more care jobs in an area where there are already a high number of care homes for older people and those with disabilities with either make it difficult to recruit or encourage more people to move into the general area who are looking for low paid jobs.
- Worthing has enough retirement homes and is in real need of affordable or social housing- this would be a far better use of the site and better for the economy as people of working age would be in closer distance to the business area
- MGM House was built as offices and as such although I would prefer a more traditional design, a modern one is acceptable as it is a work place and offices often are more modern in design. The proposed development is residential and therefore there is no functional reason why it could not be of a design more in keeping with the adjacent properties particularly the listed building on Heene Terrace. The difficulty is that modern designs date quickly

as is clear from the high blocks along Marine Parade and elsewhere in Worthing.

- This design will have a lot of render and unless the construction standards are very good, this sort of finish can often look dirty with water staining from gutters and window sills. Longer term, this building is not going to contribute to the character and feel of the neighbourhood.
- The proposals do include some trees between MGM House and the rear of Heene Terrace but these will not mature for some years and while they may protect ground and first floor properties from being so overlooked they are not likely to be of any value to 2nd and 3rd floor residents of either Heene Terrace or the new development. Larger trees are significantly more expensive but to have any effect in the short to medium term, the developers should plant relatively mature trees and ones with some architectural interest.
- Whilst in principle I do not object to the redevelopment of the site, as a neighbour it is difficult to understand the effect of the proposed development on my property as, despite looking at all the current on line documents there is no overall block site plan for the new building, although there appears to be one for the existing building.
- Does the large tree have a preservation order on it and if it does it should remain?
- There would be a selection of trees planted right next to Heene Place properties' rear wall, there is no indication as to what kind of trees or how high they will be but potentially they will grow to block the only light source to our kitchen and main bedroom areas on the 1st floor. There is a serious security issue as have a 1st floor terraced area accessed from main bedroom.
- There will be considerable disturbance to my working environment for at least 12 months. Should I need to rent a desk space in town to escape the inevitable noise of the demolition and rebuild how will this be compensated. Property I want to know that should there be any damage to my property from the heavy groundworks, demolition and drilling etc that the developer is insured to cover this.
- The owners of the MGM site are responsible for the upkeep of half the unadopted road on their side.
- The value of my property will be reduced. .
- The time given in the notification process is simply not enough to allow residents of the affected areas enough time to gather enough information to respond.

Revised scheme

- Heene Terrace and the area around is supposed to be protected as a 'Special Area of Architectural and Historic Interest' and indeed as Heene Terrace is Grade 2 listed, we have to uphold the rigid and quite correct restrictions that that merit holds. This new enlarged proposed development is ludicrous and yet another case of Worthing Council allowing further 'overdevelopment'.
- Although a pleasant modern building in itself, the design does not complement the listed building Heene Terrace.

- This MGM House development will now swamp us from the North. The existing attractive open area will be lost and we will look just like any other overdeveloped 'built up' area. So much for the attractive 'West End' you have been promoting.
- Concerned that the enormity of the scale of the building will overwhelm neighbouring properties, in particular the rear of Heene Terrace.
- Continued concerns over loss of privacy, light and outlook to Heene Place; Heene Terrace flats and Heene Road properties, especially as the footprint of the repositioned building at the corner of Heene Place, and the back of Heene Terrace, has been substantially increased and is considerably closer to Heene Terrace properties and likewise the building is closer to Heene Road properties. At the consultation stage, had been assured that only bedrooms would be on the side of the building backing onto the Heene Terrace bedrooms and gardens, yet now there are kitchens, living rooms and balconies.
- The proposed access road to the south of the site would abut the north boundary wall of Mayfair House, and bedrooms would face directly onto this so there would be unreasonable noise and fumes from vehicles both day and night.
- Concerned about the noise likely from the new parking area, which will be only a few yards from all the bedrooms of properties in Heene Terrace
- Adore the gardens of MGM and the very old tree, the palm trees and exotic plants. The trees to the front healthy tree especially the healthy oak with a TPO at the front of the site should remain. Loss of a colony of Sparrows as well as the hundreds of bees that visit the now well established Lavender in the front.
- A TPO is there for a reason. It should not be a minor inconvenience that can be overturned at the first occasion a developer cannot submit plans incorporating the Tree. This Tree is many years old, and needs to be protected as it is already under the TPO. A tree of this age would surely be appreciated by the residents of the new development, and would be sympathetic to the target residents of this new development.
- No accurately drawn provision along this south side of the site, along our north garden wall, for trees which absorb dust and noise and give a degree of privacy.
- Concerned that no reference was made to the industrial unit formerly known as "rear of 93 Rowlands Road" being demolished for 9 parking spaces. Surely it would be better to retain the industrial unit as is, so that it can provide at least some employment opportunities to mitigate at least in part the job losses from the change of use of the main buildings. Jobs are surely more important than parking spaces that could be located elsewhere on the site if absolutely necessary.
- Incredibly noisy during construction
- Object to a right of way being conceded at back of Heene Terrace where none presently exists, since it will lead to an increase in pedestrian traffic and noise.
- With a huge profit to be made from this new development it's vital the council does its utmost to protect the residents who are already here - and I've seen little evidence of this so far.

An online petition has been started with 18 signatures to date. This states;

We, the undersigned, are concerned citizens who urge our council (West Sussex City Council) and the developer McCarthy&Stone to revisit the plans of the MGM Heene Road site (Planning Ref: AWD/0124/15) to protect the residents privacy and enjoyment of life and value the area's special architectural and historic interest in particular saving the TPO tree and beautiful front gardens. The tree has a protection order on it!

All buildings next to the site will need enough privacy and light to sustain the people in them and not affect their quality of life. We believe the developer has a high enough reputation and financial incentive to show they care about the residents as well as the ecological importance of the site and that they re-draft their plans and expectations to find a solution for all.

We hereby petition for:

- 1. To save the TPO tree and beautiful mature front garden.*
- 2. To look at reducing the footprint of the planned site (RE: width & height in relation to adjacent properties).*
- 3. To widen the consultation process make it more transparent and accessible so ALL members of society can participate in a democratic process particularly since this is an area of special architectural and historic interest.*

Planning Assessment:

Relevant legislation

The Committee should consider the planning application in accordance with:

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

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

Planning Assessment

The main issues raised by this proposal are:-

- The principle of loss of offices and replacement residential development including, housing need, dwelling type, mix and tenure and density
- Quality of the design and impact on local character and townscape including heritage assets -Conservation Area and listed Heene Terrace- and loss of TPO'd holm oak.
- Impact on amenity of neighbours and amenity of new dwelling occupiers

- Parking and access arrangements
- Other environmental impacts including archaeology, ecology, drainage, contaminated land and sustainability
- 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.

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 H18; TR9, and RES7, Core Strategy Policies 4, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17 and 19; the National Planning Policy Framework and allied Practice Guidance; Worthing Borough Council Supplementary Planning Documents on The Sustainable Economy; Residential Space Standards and Guide to Residential Development and Development Contributions Consultation Draft; Strategic Housing Land Availability Assessment (2014); Worthing Housing Study; Community Infrastructure Levy Charging Schedule (2015); DCLG; Section 106 affordable housing requirements (2015); 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).

The principle of loss of offices and replacement residential development including, housing need, dwelling type, mix and tenure and density.

Loss of offices

The application property is a long established, purpose-built, premium, large office (B1) building, situated in an advantageous position, close to the town centre and seafront and with good transport connections and extensive parking and no history of incompatibility with neighbouring residential uses. Such sites are at a premium.

As such, Core Strategy Policy 4: Protecting Employment Opportunities and allied Supplementary Planning Document; Sustainable Economy apply. Policy 4 and the SPD safeguard such existing employment premises, 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 22,296 sqm of office space by 2026 and 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.

In the face of such a strong presumption against the loss of the offices, considerable discussion has taken place with officers, including the Economic Development Team, over the case for such and/or its part mitigation.

However, there are compelling arguments here which seriously undermine the force of the policy.

Firstly, the site has been subject to significant marketing to test the viability of a resumed office or other employment use or allied redevelopment. Marketing began in 2009 for sale on a sale and leaseback basis but failed to secure a sale. Subsequently in March 2014 the whole of the property was offered on vacant and to let basis but, again, reportedly, attracted no serious expressions of interest. Whilst, it is disappointing that the property was understood to be taken off the market at the end of 2014 and never offered on a freehold basis at any time as expected under the provisions of Supplementary Planning Document, this does not seriously invalidate the overall conclusions that the premises appear to have limited appeal to the market.

Secondly, although the building is open plan and otherwise enjoys a presentable appearance, the building, reportedly, requires considerable investment and refurbishment to bring it to modern office standards. Importantly, it is some 45 years old and with a current energy rating of Band G, it would, otherwise, be in breach of the minimum E rating required to comply with the Energy Acts 2011's requirements when they are enacted in 2018 unless significant improvements were made. Overall these are estimated at £2.7 million and include a new air conditioning/heating system, and complete mechanical and electrical upgrade i.e. all lighting, lifts, electronics etc. An independent assessment of such refurbishment for office use by the District Valuer has confirmed the applicant's contention that this would be commercially unviable, with a deficit in the region of £0.5 million.

Thirdly, the two main buildings – the central offices and training rooms in Heene Place- both benefit from live consents under the relaxed Permitted Development (Prior Approval) rules introduced by the last Government to convert from offices to 18 flats (C3) (14 in MGM House and 4 flats in 8 Heene Place). This consent has, again, been independently assessed by the District Valuer who has confirmed the

applicant's claim that this would be commercially viable. A more realistic conversion scenario to 41 flats which in principle could not be resisted under the new Permitted Development rules was also assessed by the District Valuer and found to be still more commercially attractive. The existence of such a fallback and strong likelihood that this would be exercised is a persuasive material consideration. The fact that the Government has signalled that it intends to make permanent the relaxed provisions; extend existing consents and broaden the rules yet further to include redevelopment (i.e. demolishing offices and rebuilding flats/houses) adds even more weight to this fallback position.

Fourthly, the offices are seriously under occupied with only around 180 staff employed, down from the norm of 260-280 in recent years, due to restructuring of the insurance business in response to recent Government reforms to pensions. MGM has indicated its intention to relocate in any event as the offices are too big and too costly to modernise to justify remaining. However, they have stated their intention to relocate within the town and the Economic Development Team has been actively assisting with the search for premises. The retention of the 180 jobs locally and such a prestigious business provides some mitigation, although it is not realistic to secure any such commitment legally. The 17 jobs generated by the retirement accommodation are also relevant here and provide some further mitigation.

Fifthly, the investment and modernisation that the residential development represents will also contribute towards regeneration.

Finally, the scope for retention of some employment use on the site has been explored but found to be commercially impractical. The applicants report that the retirement assisted living and retirement flats are complementary elements of their business model provided on one site to allow for residents to make a smooth transition.

Both, however, require minimum scales of development (typically, 30-45 and 50-59 units respectively) to keep service charges affordable as costs of communal facilities and staffing are to a significant extent fixed. The proposed development here at 33 assisted living units and 59 retirement flats units accommodation falls into these broad categories.

The size of the site and development constraints mean the scope for a more intensive physical development is very limited and so the space to introduce a business use with all the parking and servicing required is simply not available. McCarthy and Stone report no precedent in their experience for mixed use developments of this kind in any event.

The question of retaining the workshop building south of Rowlands Rd has been raised with the developers but again practical difficulties render this infeasible as part of the current proposal. Not least, is that this would remove the dedicated parking for the affordable units which is a requirement to separate the operation and management of such from the retirement accommodation; impacts on the amenity of the affordable units themselves and may affect the funding of the affordable units. However, the developers are willing to investigate the feasibility outside of this

application but are, understandably, reluctant to delay the progress of the current proposal.

It is recognised that the Economic Development Team is unconvinced of the case advanced for the loss of the offices and these views carry significant weight. However, whilst the loss of offices is regrettable and the full technical tests of policy the Policy and Supplementary Planning Document have not been demonstrably met, the policy has insufficient force in the above circumstances in itself to resist the loss.

Residential development

As a location for a relatively intensive residential redevelopment, the site is well suited, within an established, comparatively densely developed, residential area; close to the town centre and benefitting from good access to public transport and road. Equally, it is a largely brownfield site, and enjoys corresponding priority for development.

The form and site coverage of the proposal make efficient use of the site compatible with its town centre fringe location. A more comprehensive scheme that included the adjacent petrol station site would optimise potential still further but this lies outside of the site's ownership. The scope for future development of this site is not prejudiced by the current application should this site come forward in the future.

As a windfall site, the residential redevelopment of MGM will make a welcome contribution towards meeting the existing Core Strategy housing provision targets and need generally and the Government's more onerous, Objectively Assessed Housing Needs requirements as they emerge.

In terms of type of residential development proposed, Core Strategy Policy 8 recognises the need *to deliver a wide choice of high quality homes to address the needs of the community* and this underlined by the findings of the recent Worthing Housing Study which identifies a continued need for both the assisted living (care home) and retirement home (sheltered) accommodation proposed. The dwelling mix proposed reflects the applicant's own market soundings and operational considerations. Certainly, the site's accessible location, proximity to the seafront and flat terrain make it ideal for occupation by the elderly.

The absence of family housing is acceptable in the above circumstances and the site's town centre fringe location and character and is compatible with the approach of Core Strategy Policy 8 and allied SPD Guide for Residential Development. Importantly, the applicants cite indirect benefits of such new bespoke retirement accommodation often allowing the elderly to vacate under-occupied larger homes in the town and surrounds for family occupation.

The potential impact on the character of the wider area of another large retirement home development is recognised but the area remains mixed and vibrant and currently there are no geographical policies controlling any emerging concentrations.

The affordable housing element will also contribute to meeting growing needs from this sector and the dwelling mix is supported. The quantum of on-site provision (i.e. 10 units rather than 13 units required under Core Strategy Policy 10) and physical separation from the market retirement accommodation is a logical response to the site circumstances and practicalities of management and is accepted. The 3 units foregone on site may be compensated for by a suitable commuted sum towards off site provision. The preferred tenure in both cases is a mix of social rent and intermediate tenure. Both the on and off site provision may be secured by legal agreement.

Quality of the design and impact on local character and townscape including heritage assets - Conservation Area and listed Heene Terrace - and loss of Holm Oak which is subject to a Tree Preservation Order

The existing main office building is very much an early 1970s period piece. Set in its own landscaped grounds, it displays a certain self-confidence and integrity and has established itself as part of the streetscene. However, it is essentially of itself with little relation to the surrounding form, its positioning harking back to the Victorian baths building and gardens that preceded it. The subsidiary buildings in Heene Place blend in well but are of no distinction.

As the buildings lie outside of any Conservation Area and are not on the local list, their loss is acceptable in principle subject to the replacement buildings achieving a suitable high standard of design.

The revised scheme has been encouraged by officers and has been informed by the expert advice of the South East Design Panel. It responds to the key weaknesses of the originally submitted scheme by presenting the retirement element of the development as effectively a family of 3 separate buildings, enclosing and anchored by the central landscaped courtyard and addressing the street (i.e. Heene Rd) by incorporating a perimeter (west) block, with parking dispersed across the site.

The scale and layout work well. At 4 storeys, the west and eastern retirement blocks are not in themselves over dominant or out of scale and are appreciably less tall than the listed Heene Terrace. Even the 5 storey north block is significantly lower than the existing main office building. Given the physical separation distances, a comfortable relationship with the site's neighbours including the listed Heene Terrace is achieved in urban design and heritage terms. More particularly, the scale and form of the perimeter (western) block integrates well with the townscape of Heene Road and makes a positive improvement to the street scene. Sensibly, the opportunity for any subsequent redevelopment of the petrol station site is allowed for in the layout to complete the composition in townscape terms. It would also more fully screen the 5 storey block which, although set deep into the site and otherwise largely obscured by the other new blocks or existing surrounding development, is somewhat exposed from Heene Rd.

Turning to the affordable housing element, this harmonises successfully with Heene Place, sensitively reproducing the scale and form of these terraced cottages and the return form in the NE corner effectively links the new terrace with the end building.

The contemporary architectural style adopted is considered acceptable given the retirement blocks replace an existing modern design; the mixed character of the area and the advantages of a contemporary design in modelling an institutional building that respects both the residential character of the area and the pre-eminence of Heene Terrace and meets the operator's functional requirements. As a design, it works well, especially the most prominent element- the western block fronting Heene - and the affordable housing buildings still bear a strong traditional flavour in their basic form, though the scope for further refinements continues to be explored and the Committee will be updated. The palette of facing materials is generally sensitive to the location with render and brick prevailing on both the front retirement block and affordable housing. Slate will be justified for the roofs of the affordable housing buildings. Details of all facing materials may be secured by condition.

No harm to the adjacent Conservation Area or listed terrace as heritage assets would result. This is underlined by the absence of any objections from Historic England.

The scheme contains relatively generous soft landscaping and this helps provide an attractive setting. Certainly, the loss of the preserved holm oak in the current forecourt and a centrepiece of the originally submitted layout is regrettable. Whilst it is a reasonably attractive and healthy, if not a particularly large, specimen, it is noticeably wind swept and somewhat stunted due to its very exposed location and is set back into the site and only conspicuous from a restricted section of Heene Rd itself and Bath Rd. It is categorised as class B- that of *moderate quality and value i.e. significant (not substantial) contribution*.

Its loss is unavoidable in the revised scheme and its moderate townscape contribution is outweighed by the gains from introducing a strong street edge in the form of the western block, which is a lynchpin of the revised scheme. Compensatory planting as proposed including along the street frontage at this point will help mitigate the loss and may be secured alongside the landscaping scheme by condition. This includes a replacement holm oak in the SW corner of the site by Heene Rd and other trees in the landscaped forecourt to Heene Rd. The loss of the TPO'ed sycamore trees in the NE corner is also regrettable but these are far less important from a visual amenity point of view and in a variable condition. The best of the group falls in category B. Compensatory planting may also be secured here.

Impact on amenity of neighbours and amenity of new residential occupiers

The site is close to many residential properties in Heene Terrace, Heene Place and Bowers Court area and neighbours' concerns are understandable.

That said, the scheme replaces an existing large office building and car park which up until recent years employed a large staff and was a busy operation. Importantly, the site is also on the town centre fringe, close to a number of commercial uses. Expectations of amenity may be framed accordingly.

Looking firstly at Heene Terrace, the western and eastern blocks are between 25 and 30 ms away to the north and their mass broken by the southern gap into the courtyard. The new blocks are less tall than the existing office block and whilst the

existing block presents a much shorter face to the terrace, it is closer. In these circumstances, no unacceptable loss of natural light, privacy or outlook would occur. The principal new vehicular access is located adjacent to the offices car park and rear gardens of Heene Terrace but the current configuration of the site also runs a main vehicular access close to here. Whilst serried parking is also provided in the new scheme by the boundary, this is broken up by tree planting and the existing tall hedge is retained as a buffer. Such parking and access arrangements would not have an unacceptable impact either, bearing in mind the likely reduced levels of traffic from the development.

The principal back walls of the terraced cottages in Heene Place are some 22 to 25 ms from the eastern and northern blocks, slightly closer to their elevated rear terraces. Again, the mass of the new blocks is broken by the gap into the courtyard formed by the single storey link building. The new blocks are, likewise, less tall than the existing office block and the fifth storey of the north block is significantly recessed at this point. Whilst the existing block presents a much shorter face to the terraced cottages, it is closer. Accordingly, no unacceptable loss of natural light, privacy or outlook would occur here either.

As parking and vehicular access along with plant /machinery currently feature by the common boundary here, the proposed car park and vehicular access are unlikely to be invasive, especially as the proposed parking is also broken up by tree planting.

Bowers Court is some 25 metres from the northern block and is oriented east/west with only windows serving non habitable rooms in its facing southern flank. The new northern block' s fifth storey is again recessed at this point and the block's physical separation is bolstered by the large proposed landscaped garden and boundary tree planting in place of the existing large car park. In such circumstances no unacceptable amenity impacts would occur.

External lighting may be controlled by condition.

The impact on other nearby properties, including Heene Road, would be still less, especially taking into account the current office use and position across a busy and wide roadway. .

In terms of living conditions of future occupiers, the Council has no floorspace standards for the assisted living element (C2 use) but these are certainly in excess of standard dwelling space requirements, whilst the retirement flats and affordable housing flats both meet relevant standards.

The retirement element is generously served by communal landscaped gardens and all the accommodation is either served by private patios or balconies. The affordable flats are served solely by a communal landscaped garden at the rear which is plentiful in size and provides security and privacy.

The proposal is designed to meet Lifetime Homes standard and the blocks are all served by lifts.

Controls over neighbour amenity impacts from demolition and construction may be secured by condition.

As the development sits in the town centre fringe and is new, future occupiers' expectations will be adjusted. Heene Road is not especially noisy and whilst the petrol station/car wash/ electricity sub-stations and pub garden have the potential to cause disturbance, the revised scheme has located the west and north blocks away from these. The facing north flank of the west block also lacks any windows serving habitable rooms and the west flank of the northern block features only one primary window serving a habitable room on each floor and it may be possible to resite these to the north. Details of fenestration and layout here may be reserved by condition accordingly. In any event, a full noise assessment (BS 4142 style) by a competent acoustic consultant and appropriate mitigation will be necessary together with controls of external mechanical plant associated with the flats as requested by the Environmental Health Officer. This may be secured by condition.

Details of the above and the air pumps may be controlled by condition.

Parking and access arrangements

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

Good public transport and road access are closeby and there are good pedestrian connections.

Combined with the flat terrain, this lends the site to accommodation for the elderly.

The further information requested by the Highway Authority has been supplied and discussions are ongoing. The Committee will be updated.

Certainly, the proposal is likely to generate around half the daily traffic of a fully occupied office use (224 movements over 12 hour day compared to 480 expected from offices). At the morning peak the difference is less marked – at 56 movements compared to 67 for offices – but overall the scheme is likely to reduce traffic pressure on the network appreciably.

Vehicular access arrangements are not changed substantially and the Road Safety Audit raises no issues.

The parking provision reflects the relatively low levels of ownership amongst such retirement residents based upon the applicant's experience. Even so, a buffer has been allowed for slightly beyond predicted demand, and, in any event, parking is controlled by the operators through a permit system. The site is in a Controlled Parking Zone and a Travel Plan supplied in any event.

The affordable housing provision is generous given the accessibility of the location, tenure and size of units.

Pedestrian access is convenient and safe, with easy access west and east. The existing right of way through the site is maintained.

Storage for buggies and cycles is made.

Discussion on servicing by domestic waste vehicles accessing from Heene Road and running through and turning within the site are ongoing and the Committee will be updated.

Inclusive access is provided.

The applicants understand a pedestrian right of way runs from Heene Road along the back of Heene Terrace to Brunswick Road and have retained this accordingly at the back of the proposed parking.

Subject to the comments of the Highway Authority and Strategic Waste Manager, overall arrangements appear to be acceptable.

Other environmental impacts including archaeology, ecology, drainage, and sustainability

The County Archaeologist raises no objection on archaeological grounds.

The site adjoins potentially contaminated land and the Environmental Health Officer recommends that a suitable Contaminated Land condition requiring investigation and any necessary remediation is imposed.

The proposed site lies within flood zone 1 and appears to be unaffected by surface water flooding. Whilst no major concerns are raised, the Drainage Office requires suitable condition to secure sustainable drainage including details of future management.

The sustainable design features are welcomed, especially the micro renewable energy generation and may be secured by condition.

The C2, institutional element of the development should expect to achieve at least BREEAM "Very Good" level standard and may also be secured by condition.

Whilst the ecology survey concludes that the site is of low ecological value it will nonetheless be important to protect retained existing vegetation such as the hedges; offset the loss of the holm oak and exploit opportunities for ecological enhancement.

This is underlined by the arboricultural report and the ecology study's recommended protection for retained vegetation and enhancement including phasing of vegetation removal to avoid the bird nesting season and provision of bat and bird boxes in the development and use of native species for the landscaping. These may be secured by condition.

The site waste plan is welcomed and may be secured by condition

Development contributions

With the adoption of Community Infrastructure Levy, the provision of development contributions is effectively restricted to the Community Infrastructure Levy charge itself; affordable housing and any site based works necessary for the development to function properly.

It is notable that the Community Infrastructure Levy provides the opportunity to use any funds payable to upgrade local health and social service facilities to offset the additional pressure generated, as well as any other pressures on local facilities generated.

Members will be updated on the Community Infrastructure Levy fee payable, bearing in mind that this only covers the market retirement homes element and is reduced in line with the overall floorspace demolished, which appears to exceed the floorspace of the eligible residential element. As such the applicant argues that the development is not CIL liable.

The off-site affordable housing contribution can be secured by a suitable legal agreement.

The need for any works to the local road network to accommodate the development will emerge from the expected Road Safety Audit and either secured as a S278 payment to the Highway Authority or as part of the S106 legal agreement, as appropriate.

Other tariff style development contributions requested by West Sussex County Council may no longer be collected (now largely replaced by CIL where relevant).

Conclusions

The loss of these large, office premises at this premium site is regrettable and technically conflicts with a key policy but, on balance, acceptable.

Crucial to this judgment is the fact that the current occupier has radically downscaled its workforce in recent years and is committed to relocate, not least since the building requires modernisation and the cost of the necessary refurbishment is prohibitive. Encouraged by officers, the business is also aiming to remain in the town and save jobs.

The fallback position available to the owners is, however, compelling. Under the Government's relaxed Permitted Development rules, the building already has consent to convert to flats which has been independently established as a commercially viable option and the Government has signalled that it intends to relax these rules still further by making permanent the existing deregulations and introducing new rules to allow the principle of office redevelopment for residential. The fact that the retirement element would itself generate some jobs and contribute to wider regeneration is also a persuasive mitigating factor. The scope for a mixed use development has been explored but appears not to be feasible.

The housing and regeneration benefits of the proposal, although not of themselves determinative, swing the balance yet further in favour of the proposal, helping meet a recognised need in a highly sustainable location on brownfield land.

The mix, form and density are appropriate and the scheme is acceptably designed with a sense of place and sensitive to its setting, including heritage assets. It avoids any unacceptable neighbour impacts.

Traffic and parking arrangements appear acceptable in principle as overall traffic levels are likely to decrease but the Highway Authority's finalised comments are awaited.

The loss of the forecourt holm oak tree is regrettable but unavoidable in the revised scheme and the benefits of this amended layout outweigh the tree's value and compensatory planting is proposed. No harm to any other environmental resource would result and the design is sustainable.

In accordance with the relevant tests set out in the report, the proposal is supported.

Residual concerns and safeguards may be addressed by suitable conditions. Development contributions will be secured by the Community Infrastructure Levy and legal agreement.

Recommendation

THAT SUBJECT TO THE COMMENTS OF THE HIGHWAY AUTHORITY AND STRATEGIC WASTE MANAGER, THE DECISION IN THIS CASE BE DELEGATED TO THE HEAD OF PLANNING SERVICES TO AWAIT THE COMPLETION OF A LEGAL AGREEMENT TO SECURE THE REQUISITE AFFORDABLE HOUSING WITH A VIEW TO PLANNING PERMISSION BEING GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:-

1. Standard 3 year time limit for implementation
2. This permission relates to the approved plans except where indicated otherwise by other conditions imposed.
3. Agree and comply with method statement, including contractors' arrangements for parking, storage of materials etc
4. Agree and implement dust emissions controls.
5. Restrictions on working hours for demolition and construction.
6. Agree and comply with Stage 1 Road Safety Audit
7. Provide and retain parking (including storage for buggies and cycles) and turning space and accesses; close redundant access
8. Operate in accordance with travel plan.
9. Achieve BS8233 'good' standard noise standards for flats.
10. Agree and implement landscaping and boundary treatment
11. Agree and implement architectural details and facework samples.
12. Build non-residential units to BREEAM Very Good Standard or better and build flats to Lifetime Homes standards or equivalent and provide for at least 10% of energy demands of development by means of photovoltaic cells as shown on approved drawings.

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

IT IS ALSO RESOLVED THAT IF THE APPLICANT SUBSEQUENTLY DECIDES NOT TO SIGN THE LEGAL AGREEMENT, THE HEAD OF PLANNING SERVICES BE AUTHORISED UNDER DELEGATED POWERS TO REFUSE THE APPLICATION.

Background Papers

Representations by Worthing Society
 Observations of West Sussex County Council
 Observations of Housing Strategy & Enabling Manager,
 Observations of Environmental Health Manager
 Observations of Drainage Officer
 Observations of Waste Strategy Manager
 Observations of Historic England
 Observations of SE Design Panel
 Observations of Highway Authority
 Observations of County Archaeologist
 Observations of Conservation Area Advisory Committee
 Observations of Arboriculturalist
 Representations by Members of the Public

16th December 2015



Working in Partnership



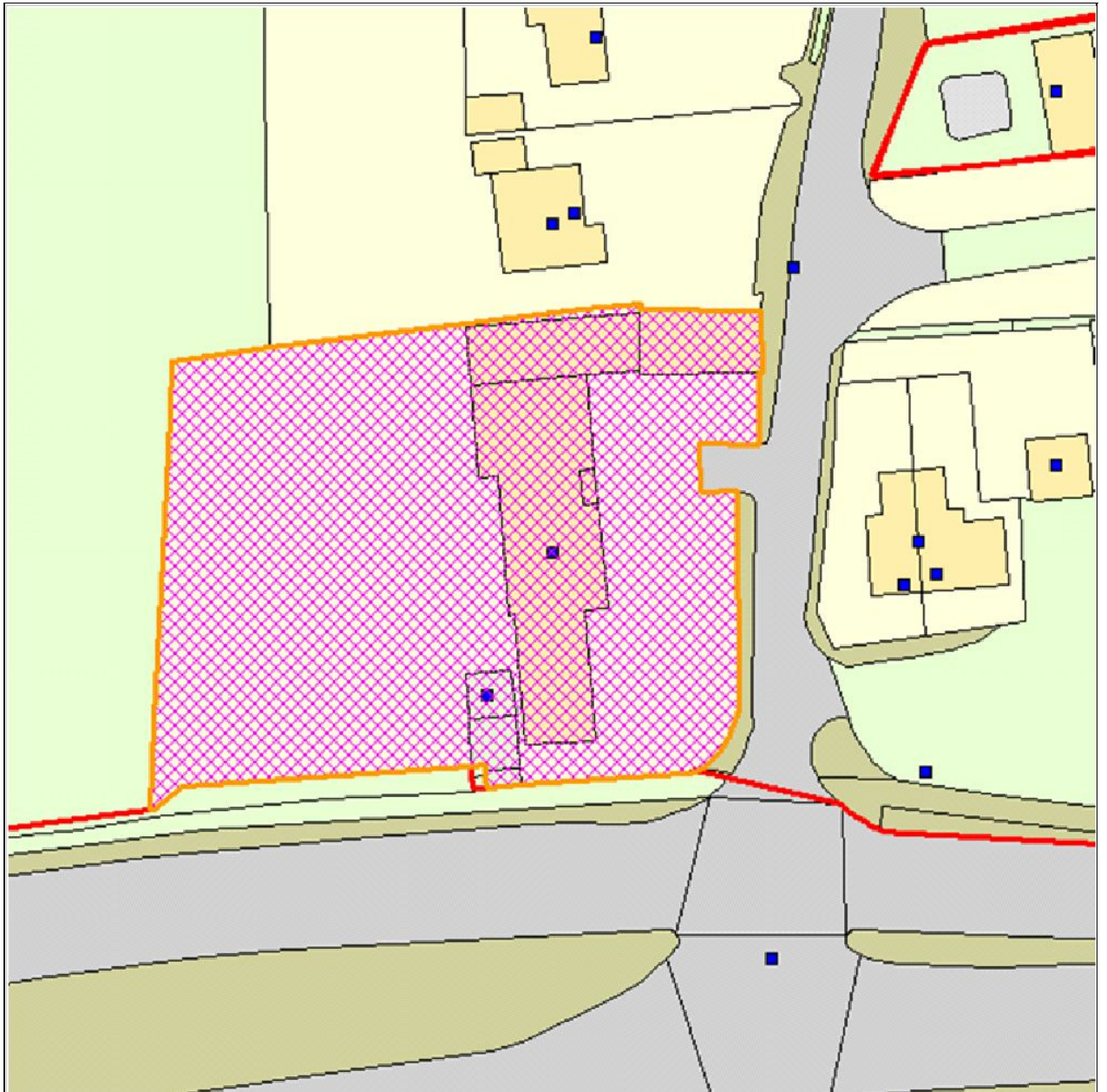
Report to Planning Committee
 Date of Committee 16th December 2016
 By Director of Economy
 Local Authority Worthing Borough Council

Application No: SDNP/15/04425/FUL
 Validation Date 11 September 2015
 Target Date: 6 November 2015
 Applicant: Mr & Mrs Wright

Proposal: Extension to north-west elevation to provide 3no. extra rooms with ensuite bathrooms with link to main nursing home (one existing bedroom to be used for laundry facilities) with alternative options of pitched and flat roofs to the extension.

Site Address Country Lodge Nursing Home, Cote Street, High Salvington
 Worthing

Purpose of Report The application is reported to Committee for a decision



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Recommendation: That the application in the form of the flat roofed option be approved for the reasons set out in paragraph 8 of this report.

1. Site Description

The Country Lodge Nursing Home is situated in High Salvington, within the South Down National Park but just outside the designated built up boundary, on the north side of the dualled Arundel Road (A27). It nestles in a small informal cluster of predominantly older buildings at the southern end of Cote Street, mainly in residential use and generally characterful. These include

several nineteenth century or earlier buildings, former stables and flint boundary walls and some flint faced buildings, set amongst vegetation as well as more suburban style twentieth century houses and gardens. The cluster tapers out to the north into sporadic isolated houses and then countryside, characterised by expansive open fields and irregular areas of woodland typical of this part of the Downland. Cote Street is two lane between the A27 and just north of the site where it narrows and assumes a more rustic character enclosed by trees and bushes.

The ground rises gently from south to north on the dip slope.

Country Lodge Nursing Home was established in the 1980s but has a longer history including as livery stables and as a house/part of farm and has expanded and upgraded its rooms incrementally over the years including incorporation of the former stables at the front of the site as living accommodation. It is registered to accommodate 23 residents and provides Nursing Respite and Terminally ill care and employs 36 FTE staff in a building of some 676 sq ms floorspace.

The full site is 0.2 hectares in size and comprises the living accommodation arranged as a long, albeit, modulated building, for the most part set back from Cote Street across a significant forecourt. The forecourt is laid out as a 10 space mostly echelon car park with on site turning and accessed just off centre to the north. The end (hipped) gable of the converted stables abuts Cote Street itself and is faced in flint. The main building is to the south and full two storeys. It is hipped and faced in render with flint panels and includes a central gable feature. This drops to one and a half storeys to the north with hipped roof and rear (and one north facing) dormers. It then falls to flat roofed single storey on its very northern boundary and to the rear behind the converted stables.

The care home benefits from a large rear garden which steps down from north to south to follow the contours and is laid out mainly as an ornamental lawn with patios closer to the main building.

To the south, it abuts the embanked verge adjacent to the A27 and a small electricity substation. The embankment features a number of large bushes, supplemented by ornamental trees in the garden itself. A tall flint wall bounds the SE corner of the site and much of the eastern boundary onto Cote Street itself. A tall group of conifers lie on the southern side of the A27 at this point.

Opposite (east) are Cote cottages which are set back and face southwards.

The western boundary is on to open Downland and features mostly low height planting.

The north boundary is with No. 9 (Ricketts) Cote Street, an attractive chalet bungalow but with older heritage. A Certificate of Lawfulness was issued in 2010 (10/0362/CLE) for use of the property as two separate dwellings (9 and 9A). It is set back also but is shallower than the care home and its main part

is set off the common boundary by some 4 ms. This neighbour sits on appreciably higher ground (between 1.4 ms in the eastern part of its rear garden falling to 0.8 ms in the west) above the care home. A tall retaining wall forms the common boundary along much of their rear gardens, supplemented by a verdant trellis, pergola and planting within No 9, where a seating area has been formed, as well as further planting in the care home itself. A substantial close boarded fence, trellis atop and further planting marks the boundary closer to the buildings themselves and in particular a large rear raised decked area at the back of the chalet bungalow. The main aspect of the reasonably sized garden and chalet bungalow itself is westwards to the open fields and there are no principal windows at upper floor level facing south.

2. Relevant Planning History

| Application Number | Development Description | Decision | Decision Date | Appeal Decision | App Dec Dat |
|-------------------------------|---|---------------------------------|----------------------|------------------------|--------------------|
| 03/00854/FULL | Single storey extension and bay window extensions to ground floor rear (west) elevation | GRANT CONDITIONAL CONSENT | 08-09-2003 | | |
| 06/0371/FULL | Installation of a white PVCu window to east elevation. | GRANT CONDITIONAL CONSENT | 25-05-2006 | | |
| 1/82 | REVISED PROPOSALS FOR THE ERECTION OF LIVERY STABLES. COTE LODGE COTE STREET | APPLICATION REFUSED | 02-02-1982 | | |
| 1024/86 | CHANGE OF USE FROM PRIVATE HOUSE TO PRIVATE HOSPITAL/HOSPICE. COTE LODGE COTE STREET | APPLICATION WITHDRAWN | 25-09-1987 | | |
| 103/82 | ERECTION OF LIVERY STABLES. (REAPPLICATION.) COTE LODGE COTE STREET | APPROVED WITH CONDITIONS | 16-03-1982 | | |
| 1038/79 | CONSTRUCTION OF NEW BOUNDARY WALL AND GATES. (MATTERS RESERVED FOR APPROVAL SUBSEQUENT TO OUTLINE PLANNING CONSENT WB/677/79 DATED 06/08/79) COTE LODGE COTE STREET. | APPLICATION REFUSED | 06-11-1979 | | |
| 1306/87/A | INSTALLATION OF 2 EXTERNALLY ILLUMINATED SIGNS. COTE LODGE COTE STREET. | APPROVED WITH CONDITIONS | 08-03-1988 | | |
| 1473/88 | TWO-STOREY EXTENSION TO COTE LODGE TO LINK THROUGH TO RICKETTS COTTAGE TOGETHER WITH EXTENSIONS AND CHANGE OF USE OF RICKETTS COTTAGE TO HOSPICE. COTE LODGE & RICKETTS COTTAGE COTE STREET | APPLICATION REFUSED | 21-02-1989 | | |
| 305/89 | EXTENSIONS TO EXISTING NURSING HOME INCLUDING CHANGE OF USE OF RICKETTS COTTAGE. COTE LODGE & RICKETTS COTTAGE COTE STREET. **APPEAL DECISION** | APPLICATION REFUSED | 25-04-1989 | APPLICATION REFUSED | 15-0 |

| | | | |
|------------------------|--|--------------------------|------------|
| 326/84 | ERECTION OF 2 ADDITIONAL LOOSE BOXES ADJACENT TO EXISTING ON SOUTHERN BOUNDARY. COTE LODGE, COTE STREET | APPROVED WITH CONDITIONS | 22-05-1984 |
| 371/80 | CONSTRUCTION OF NEW FLINTWORK BOUNDARY WALL TO REPLACE EXISTING WALL AND NEW OUTBUILDING TO REPLACE EXISTING. COTE LODGE COTE STREET. | APPLICATION WITHDRAWN | 22-04-1980 |
| 38/81 | USE OF PROPERTY AS PRE-SCHOOL PLAYGROUP ON 5 MORNINGS PER WEEK FOR A MAXIMUM OF 24 CHILDREN AGED 3-5. COTE LODGE COTE STREET. | APPROVED WITH CONDITIONS | 10-02-1981 |
| 401/87 | CHANGE OF USE FROM PRIVATE DWELLING AND LIVERY STABLES TO A PRIVATE HOSPITAL AND HOSPICE TOGETHER WITH SINGLE-STOREY AND TWO-STOREY EXTENSIONS AND ALTERATIONS TO IMPLEMENT THE USE. COTE LODGE COTE STREET. | APPROVED WITH CONDITIONS | 28-10-1987 |
| 44/79 | CONVERSION AND EXTENSION OF EXISTING BARN TO PROVIDE NEW DETACHED HOUSE, RETAINING EXISTING STABLES AND OUTBUILDINGS. COTE LODGE COTE STREET. | APPROVED WITH CONDITIONS | 27-02-1979 |
| 444/79 | REVISED PROPOSALS FOR THE CONVERSION AND EXTENSION OF EXISTING BARN TO PROVIDE NEW DETACHED HOUSE, RETAINING EXISTING STABLES AND OUTBUILDINGS. COTE LODGE COTE STREET. | APPROVED WITH CONDITIONS | 12-06-1979 |
| 505/80 | CHANGE OF USE FROM STABLES TO SINGLE DWELLINGHOUSE. COTE LODGE COTE STREET. | APPROVED WITH CONDITIONS | 16-05-1980 |
| 508/86 | CONVERSION OF EXISTING PRIVATE HOUSE TO A REST HOME FOR THE ELDERLY, INCLUDING DEMOLITION OF EXISTING LIVERY STABLES. COTE LODGE COTE STREET | APPLICATION REFUSED | 01-07-1986 |
| 509/86 | CHANGE OF USE OF STABLE IN NORTH-EAST AREA OF SITE TO DWELLINGHOUSE. COTE LODGE COTE STREET. | APPROVED WITH CONDITIONS | 22-07-1986 |
| 510/86 | SUB-DIVISION OF EXISTING DETACHED PROPERTY TO 2 SEMI-DETACHED DWELLINGS - (i.e 1 X 4-BEDROOM AND 1 X 2-BEDROOM DWELLINGS) COTE LODGE COTE STREET | APPLICATION WITHDRAWN | 28-09-1987 |
| 511/86 | ADDITIONAL USE OF EXISTING PRIVATE DWELLING FOR THE ACCOMMODATION OF 10 CHILDREN AS BOARDERS. COTE LODGE, COTE STREET | APPLICATION WITHDRAWN | 28-09-1987 |
| 535/82 | STATIONING OF CARAVAN ON SITE FOR TEMPORARY PERIOD OF 1 YEAR FOR USE BY NIGHT-WATCHMAN. COTE LODGE, COTE STREET | APPLICATION REFUSED | 31-08-1982 |
| 536/82 | REMOVAL OF CONDITION 4 ON PLANNING CONSENT WB/103/82. COTE LODGE COTE STREET | APPLICATION REFUSED | 31-08-1982 |

| | | | |
|-------------------------|---|--------------------------|------------|
| 677/79 | REVISED PROPOSALS FOR THE CONVERSION AND EXTENSION OF EXISTING BARN TO PROVIDE NEW DETACHED HOUSE, SHOWING RETENTION OF EXISTING STABLES AND OUTBUILDINGS. COTE LODGE COTE STREET. | APPROVED WITH CONDITIONS | 06-08-1979 |
| 737/80 | DEMOLITION OF EXISTING OUTBUILDINGS; ERECTION OF CAR PORT; ERECTION OF LIVERY STABLES, BOUNDARY WALLS AND FENCES. COTE LODGE COTE STREET. | APPROVED WITH CONDITIONS | 05-08-1980 |
| 90/0880 | EXTENSION AND ALTERATION OF RICKETTS COTTAGE AS ADDITIONAL FACILITIES FOR COTE LODGE CLINIC AND SINGLE-STOREY EXTENSION TO REAR. COTE LODGE & RICKETTS COTTAGE COTE STREET. | APPLICATION REFUSED | 18-12-1990 |
| 91/0031 | CONVERSION AND ALTERATION OF RICKETTS COTTAGE TO NURSING HOME USE ANCILLARY TO COTE LODGE CLINIC, INCLUDING CONSTRUCTION OF A GLAZED LINK. COTE LODGE & RICKETTS COTTAGE COTE STREET. | APPROVED WITH CONDITIONS | 19-02-1991 |
| 921/83 | APPLICATION FOR PERMISSION TO ACCOMMODATE 10 SCHOOL AGE GIRLS FOR TUITION AND BOARDING. COTE LODGE, COTE STREET | APPLICATION WITHDRAWN | |
| 957/87 | FORMATION OF ADDITIONAL DORMERS TO EAST & WEST ELEVATIONS FIRE ESCAPE TO SOUTH ELEVATION, (REVISION OF PREVIOUS PLANNING APPLICATION WB/401/87). COTE LODGE COTE STREET. | APPROVED WITH CONDITIONS | 24-11-1987 |

3. Proposal

The proposal is to enlarge the nursing home and upgrade its laundry facilities by building a single storey extension at the rear of the Home on the north side adjacent to the rear garden of 9 Cote Street.

The extension is arranged as a pavilion style building facing south with central projecting element, flanked by two recessed wings.

It is some 19 ms long (west to east) and between 6 and just over 7 ms wide, though the roof oversails at the front by some 1.3 ms in the form of a veranda. The extension is set off the boundary with No 9 to the north by 800 mms and from the western boundary by some 5 ms..

It is partly in cut one metre below existing site ground levels on its northern edge and 0.5 ms in the south and a one metre tall part banked extension to the existing retaining wall is proposed along the length of the works. New landscaping is shown here.

Following negotiations, a second option of designing the extension with a flat roof rather than the shingle shallow hipped form originally submitted has been put forward. Both options measure at some 2.5ms tall to the eaves but the flat roofed rises to just 2.75ms to the ridge, whereas the pitched roof option measures at between 3.7 to 4.5 ms to the ridge lines.

The building is faced in weatherboarding, except the brick north elevation in both options.

The extension provides 4 new ensuite bedrooms but one existing bedroom is lost in the NW corner of the existing single storey to provide the enlarged laundry. The extension is accessed internally from the two main corridors and served by an internal corridor on its northern side with rooms looking out southwards to the existing garden.

The forecourt car parking would be increased by 2 spaces by rearranging the layout so that the spaces adjacent to Cote Street would be arranged at right angles in a compact row but also an angled space introduced in the SE corner in soft landscaped surround. Cycle parking is unchanged at 4 spaces.

Staff would increase by one to 37.

4. Consultations

Highway Authority (West Sussex County Council)

This application seeks a small extension to provide 3 additional C2 rooms at County Lodge Nursing Home. An additional member of staff will be employed to cater for the increased number of residents and amendments are proposed to the existing vehicle parking provision resulting in an additional 2 vehicular car parking spaces being provided. No changes are proposed to the existing point to access onto Cote Street.

The site at present can provide care for 23 residents and is staffed by 36 employees. This application will result in the potential to provide care for an additional 3 residents and employ 1 additional member of staff.

Residential care home are not traditionally significant generators of vehicular movements and consideration is given to the existing number of staff and residents at the site. On balance it would be extremely difficult to substantiate that the proposal would result in a material increase in vehicular movements which would result in a severe impact to the detriment of the local highway network. Therefore there would be no ground to resist this proposal from a highways. perspective.

The layout of the existing parking provision is to be amended to provide an additional 2 vehicle parking spaces. After inspection of the proposed vehicle parking layout the ability to access spaces and turn on site would be considered achievable with due care being exercised by drivers. This increase in parking provision would be considered acceptable when assessed against current WSCC parking standards for residential car homes.

In conclusion no anticipated highway safety or capacity concerns would be raised to the proposal. If the LPA are minded to grant planning consent a condition securing the vehicle parking provision as proposed would be advised.

Supplementary comments

I can confirm that we visited the site at 10:00 am on 25/11/2015 and would provide the following observations and comments.

Comments in relation to this application have been provided, dated 30/09/2015. In summary no anticipated highway safety or capacity concerns were raised to the proposal. With regard to trip generation consideration I would reiterate comments provided 30/09/2015. Consideration is given to the existing use of the site providing care for 23 residents which required 36 staff. The proposal will result in 3 additional residents and one additional member of staff. On balance it would be extremely difficult to substantiate that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

With regard to parking it was observed that parking within the vicinity of the site does seem to be under pressure, with evidence of verge erosion and private parking restrictions evident within the immediate vicinity. It is also clear that parking on site is not operating as per the details provided on the existing block plan. Observation on site were that the parking area was occupied by 8 vehicles including one minibus, all parked informally on site. The proposal would be beneficial in terms of formalising the parking arrangement so inconsiderate parking does not reduce the capacity of the parking area.

WSCC's car parking standards for C2 use class establishments are a maximum standard and are as follows:

- 1 car space for every 20 residents or increment of up to 20 residents*
- Plus 1 car space for visitors at the ratio of 1 space for 8 residents or increments of up to 8 residents*
- Plus additional car space for staff on the ratio of 1 per 5 residents*
- Plus space for service vehicle as required*

On this basis I would assess the maximum parking requirements to be 7 spaces for the existing situation and 9 spaces for the proposed scheme, plus space for service vehicles. The only permanent service vehicle I am aware of is a minibus.

On this basis both the existing situation and the proposed scheme appear to be being served with a parking provision in excess of what WSCC would normally recommend so sustaining an objection based upon lack of parking provision would be extremely difficult. All car parking spaces should measure a minimum of 2.4 x 4.8 metres. A 17 seat long wheelbase minibus can measure up to 6.5 metres in length and 2.4 metres in width, it would be advised that a minibus space measure 7.7 x 3.6 to allow access around the vehicle. While not demonstrated to date I'm minded to advise that an appropriate parking provision in terms of layout and quantity is achievable. It seems appropriate to secure, via an appropriately worded planning condition, a 1:100 or 1:200 scale plan detailing car parking layout to be submitted to and approved by the LPA. It is noted that there is an area to the north of the layout (hatched on the proposed plan) which can be used for informal stopping/pickup and drop off.

It is noted that objections have been raised with regard to the construction process. It would therefore be advised that a construction management plan is secured via planning condition.

In conclusion no anticipated highway safety or capacity concerns would be raised to the proposed development from the Local Highways Authority. Conditions securing a revised parking layout, as described above, and a construction management plan would however be advised.

Separately to a neighbour, the Highway Authority has advised that:

These movements will be spread across the day, with peaks of approximately 4.4 vehicle movements occurring during the hours of 2 and 3pm. It is noteworthy that the peak vehicular movements associated with C2 use class development falls outside the peak hours of the local highway network. A review of the highway network in the immediate vicinity indicates that there have been no recorded accidents within the last 3 years.

Highways England

No objections.

5. Representations

At the time of writing, the original scheme with a pitched roof attracted representations from 9 Cote Street, architect to 9 Cote Street, gardener to 9 Cote Street, West Way, Linfield Close Angmering and one unspecified neighbour all objecting to the application. These are summarised as follows;

- *The refusal at 3 Cote St (SDNP/15/01005/HOUS extensions to dwelling) should be applied to the unsuitability of the current application.*
- *The Dickinson's (9 Cote St) have invested considerable funds to establish their pergola with vines & climbers on their south curtilage with a mature tropical open area where their garden meets the adjacent farmland. The Mimosa & Oleander will no longer thrive when*

overshadowed, & sunshine blocked, by the western end of the proposed extension —this will also disastrously affect the planting above & beneath the pergola. It is obvious that the south features of the Dickenson garden will be fatally compromised by the Nursing Home's proposal.

- the decking installed at 9 Cote St across the entire rear of the property will also be undermined by the obvious presence of the neighbours extension, which I understand would be seen rising above (to 1.3 metres) what is currently a natural rural setting, which is fundamental to the overall design of the Dickenson's garden.
- permission for extensions to 9 Cote St WB/09/0901/FUL was refused on the grounds that the "the proposal would be out of keeping and detrimental to the visual amenities of the surrounding area, having regard to the spacious characteristics of the area". Current proposal extends considerably into the 'spacious characteristics of the area' and is not only detrimental to the 'visual amenities of the surrounding area' but intrusive into the quiet enjoyment of my client's property and gardens.
- It is questionable whether the location plan is accurate in respect of land owned by Seeboard where cables from the sub-station at the southern end of the site connect to the A27 boundary.
- Whilst the application may technically meet WSCC standards for parking, this does not take into account the remote location of the care home and therefore the greater use of cars by staff and visitors.
- it would be possible to provide a net extra 3 rooms in more appropriate locations on site, either as a first floor extension over the dining room, which would not increase the footprint, or as an extension to the south side of the site, providing protection to the site from noise generated by A27.
- I cannot believe that such an enormous extension to the Nursing Home would be allowed in the National Park. It is our impression that the SDNP was put in place to protect the countryside from such over development in rural locations & Cote Street was previously designated an Area of Outstanding Natural Beauty!
- I find it hard to understand why the Nursing Home has elected to build adjacent to their neighbour & not on the South boundary of the A27, where residential property would not be affected. Also this would avoid removal of the existing mature trees, which would be detrimental to the natural surroundings & could be seen from the Holt Farm SDNP footpath.
- This planning application represents an unacceptable commercial development and would clearly ruin the natural landscape of the adjacent established residential garden.
- The close proximity of such an enormous extension, rising above the pergola on the curtilage of No.9 will completely overshadow and darken its' natural delicacy.
- Mrs Dickenson's (at No.9) disability is greatly ameliorated by the natural peace and tranquillity of their established garden, which is an integral aspect of the National Park.

- *This expansion is going to increase traffic on Cote Street which in many parts is a single lane street, the deliveries of food and medical waste lorries can only increase which causes problems getting up and down Cote Street, I have had vehicles parking on my front flower border when any sort of function is happening at the home as there isn't sufficient parking. In a quiet residential street any major development like this can only cause problems.*
- *This is over development in the South Downs national park.*

In addition:

Cllr Cloake objected as follows:

There are a number of features of the proposed application which give rise to concern, all stemming from the overdevelopment of the site:

- *Loss of sunlight to the neighbouring property.*
- *Overshadowing of the neighbouring property, and loss of outlook -The adverse impact the extension will have on the conservation of nature in this rural location, namely the loss of natural habitats on the proposed building site and also the surrounding land where the loss of sunlight and overshadowing will dramatically alter the current natural situation. This is an area with historic patterns of field boundaries, settlements and woodland which will be altered by the development including tree removal*
- *The design and density of the building is out of keeping with surrounding buildings and seeks to squeeze more rooms into too small a space.*

It is my view that the cumulative effects of the above should be seen in totality for the full effect on the neighbours and surrounding area to be appreciated and I would therefore strongly object to the current proposed development of the site

The Worthing Society has the following concerns:-

The proposed substantial extension would be very close to the garden fence between the Nursing Home and the neighbouring property. The full length of the extension roof, particularly at its apex, would be clearly visible from the neighbouring back garden and would be detrimental to what is, at present, a pleasant view of trees and shrubs. The plans also state that three existing trees are expected to be felled.

We understand that the Nursing Home is on the eastern boundary of the South Downs National Park, thus the proposed extension would be clearly visible from the Park, and from the north/south public footpath (within the Park) as shown on the Ordnance Survey map of the area.

We submit that this application would be overly intrusive, both on the neighbouring garden on its north side and from the adjacent South Downs National Park on its immediate west.

The High Salvington Residents Association objected as follows;

I would like to object to the extension due to the potential loss of light to the neighbouring garden at Bloomsbury 9 Cote Street. In addition, it is noted that there would be no obvious access for machinery and or materials in order to carry out the building works. Access to Cote Street in general is narrow and limited.

Two petitions were received as follows:

Petition signed by 12 persons:

Bearing in mind that Cote Street, formerly designated an AONB Area of Outstanding Natural Beauty) & now situated in the South Downs National Park, we object to the magnitude of the above proposed development on the entire south boundary between the Nursing Home & the residential property at 9 Cote Street.

The residential rear gardens on the south west side of Cote Street, where they abut the farmers' fields, can be clearly seen from the SDNP (South Downs National Park) foot path. If the siting of this extensive development was allowed to overshadow the entire southern garden boundary of the adjacent residential property, it would form a potential precedent for all the residential gardens in Cote Street to extend along their entire adjoining southern boundaries. This would totally destroy the natural countryside ambience of this historic sheep drover's lane, in the National Park.

We consider the above application should be refused & do not believe the SDNP would condone this potentially destructive development on the rural idyll in the historic countryside location of Cote Street.

Petition signed by 15 persons

We the undersigned do not consider the proposed development of an extra wing at Country Lodge is tenable, considering the location of this commercial business, situated in the South Downs National Park, at the mouth of Cote St.

To have extensive budding material deliveries and workmen traffic blocking the road would severely restrict access to the A27. Currently refuse collection, daily deliveries and ambulances regularly block this narrow road and the Nursing Home staff and visitors are frequently unable to find space in their restricted car park provision, causing cars to park along the wall of 9 Cote Street and mount the bank of the adjacent property Woodbine Cottage. This situation is exacerbated during functions at the nursing home.

There is no capacity in this single country lane for and further traffic increase, which would be caused the nursing homes proposed development. Taking into consideration Sustainability, when there is combination of ambulances, catering deliveries and parking for their minibus, their small car park overflows into Cote street. Any increased traffic will cause gridlock at the

Cote Street access. For all these reasons we strongly oppose this application.

One letter of support received as follows;

I write both as a supplier of Services to the above Nursing Home, and as the daughter of a potential resident, in support of the above application, for the following reasons:

- 1. There is a desperate need for more, high quality places for the elderly, particularly in Worthing with its growing proportion of the aged.*
- 2. The extension has been thoughtfully positioned on the plot so as to avoid being seen from the National Park's surrounding area, and I understand that there are photographs taken from all angles to support this.*
- 3. As a supplier of on-site services, I see many Nursing/Care Homes including a good few where one suspects the profit motive is put before the welfare of the residents. By contrast, I have found the owners of Country Lodge to be dedicated, conscientious and caring. Whilst I am well aware of the sensitivity of planning matters in a National Park, even at the very periphery, I feel that their well considered plans to allow more elderly folk to enjoy Country Lodge's brilliant facilities should be encouraged.*

I strongly urge you to approve the above application.

Revised Option with flat roof

At the time of writing, objections have been received from among those listed above but also 4 Douglas Ave and The Studio Cote St and Fox Hollow Mill Lane. Their objections reaffirm opposition to the original scheme and are summarised as follows:

- I also object to the flat roof proposal as the size of this extension is grossly out of character and will in fact diminish the Nursing Home garden for the benefit of its own residents.
This option gives no indication of the materials and colour of the roof finish.*
- No mention is made in either option of any additional planting proposed in the narrow gap between the building wall and the neighbour's boundary.*
- The size of the proposed extension remains far too large for the rural nature of Cote Street and for No.9 Cote Street to be totally encased along its complete southern boundary is unacceptable. At present there is a beautiful and tranquil Meditation Garden in the bottom third of the garden at No.9 and an adjacent solid wall will completely destroy the serenity and tranquillity of this area which was the focus of the garden's creation.*
- I fail to see how the committee can be asked to approve the application on an 'either / or' basis.*

- *The substitution of a flat roof does nothing to overcome any of the objections. The proposed building still extends into the open countryside, contrary to policy and in contrast to the reasons given for refusal in SDNP/15/01005/HOUS at 3 Cote Street. One of reasons given for refusal of this application, Reason 3, aptly sum up the present application 'the proposal, by reason of the length and proximity of the rear extension to the adjoining neighbouring building would be overbearing and cause overshadowing to the detriment of the residential amenities of the neighbour, contrary to the Worthing Saved Local Plan Policy H18 as well as the Core Planning Principles of the National Planning Policy Framework.'*
- *The amended proposals do nothing to address the question of over development, traffic generation and parking congestion in Cote Street.*
- *We cannot agree to an enormous building stretching the full length of 9 Cote St's southern boundary for the benefit of someone else's commercial enterprise!*
- *The ethos of the SDNP is to enjoy the beauty of our natural surroundings & not to destroy them.*
- *Detrimental effect this development would have on the bottom half of 9 Cote St's adjoining garden, where currently there is an open green environment, surrounding our planted meditation area which was designed in keeping with the cultural heritage of our historic location.*
- *Cote St can be traced back to the 12th Century & has evolved from a sheep drover's lane into a natural hamlet is not conducive to extensive business development.*
- *The occupier of 9 Cost St reports that in developing the derelict farmyard 45 years ago (now Country Lodge Nursing Home), they focused for its design on the original old flint barn with stables for my children's horses. They felt they had created a property in keeping with the character of the area. The design of the current proposal is alien to the existing building & an intrusion into the current open green landscape. The increased footprint proposed now is far too overwhelming in relation to 9 Cote St, as neighbours. It will overshadow what they have spent the last 10 years creating - it will be intrusive & cause loss of light (see photos of our quiet green corner taking full advantage from the beauty of the area, which would be destroyed by the presence of their building).*
- *When my son was a baby, I worked at the Nursing Home (then under different ownership) and experienced first-hand the value of the spacious landscaped gardens and farmland views for the wellbeing of the elderly residents. To destroy these cathartic views for purely financial gain is to disregard the very provisions that the Nursing Home purports to provide! Specifically, the quality of life will be reduced for those residents on the 1st floor facing west, (who are often room bound) and those on the ground floor, whose view would be blocked or infringed upon, by the presence of this intrusive development. In addition, the view from the lounge, instead of north facing green landscape, there would be an enclosure —creating a feeling for the residents, of being hemmed in & imprisoned!*
- *Even when I worked there, the car park was inadequate & moving cars around in this restricted area was often problematic. It was often*

easier for the staff on shift work to park in the road, next to the neighbours. This Nursing Home was big enough then and cannot accommodate any further development without loss of amenities and creating further traffic chaos.

- *I consider the Nursing Home Large enough already~ as the limited size of the car park causes blockages for ambulances as they often have extra~ visitors, deliveries or Ambulances. As I park my car in the lane I often find cars from the Nursing Home parked outside my accommodation leaving no available.*
- *I enjoy the peace & quiet when relaxing on my patio and the thought of noise and disruption should this application be successful is not what I expect in this protected location.*
- *The loss of the large fir tree, and other shrubbery, currently the home of pigeons & other wildlife will be sacrificed and habitat for other countryside creatures will be destroyed.*
- *Whilst visually this flat roof may well not be obvious above 9 Cote St's garden & pergola, it will inevitably darken the sunny south aspect, especially on the bottom left hand side, Where the open planting will be overshadowed by the close proximity of that section of their extension. The mimosa & oleander will definitely not thrive in that darkened environment & natural open perspective will be undermined, as will the loss of wildlife habitat by the removal of trees.*
- *This amendment does nothing to change my previous comments & the over-development of this site will still form an enormous blot on the landscape.*
- *I was a teenager when the current Country Lodge, was converted by my parents, from a derelict farmyard to a family home. When later it was sold and converted to a Nursing Home it seemed ideal that elderly residents would be able to enjoy the beautiful rural aspect of what was our idyllic garden. As my mother resides next door and our family have appreciated that she has been able to enjoy the creation of her garden and its tranquillity in tandem with the adjacent garden that she had initiated. To disrupt this atmosphere by introducing what can only be viewed as destruction for commercial purposes does not fit with the Nursing Home location, now in the South Downs National Park. In fact it would seem the owners of the Nursing Home are prepared to sacrifice their beautiful garden, which must be part of their resident's enjoyment & replace it with a third of its green openspace with a very extensive building spanning their total north boundary & restricting their views.*
- *As a resident of High Salvington I am fully aware of the traffic congestion onto the A27 and as a frequent visitor to Cote Street I am all too aware that the introduction of further traffic flow will not be fair to the home owners, whose mobility access is already restricted in this narrow country lane.*

In addition:

High Salvington Residents' Association

I note the revised option of using a flat roof which the HSRA supports because it will mitigate the loss of light to the neighbouring property Bloomsbury, 9 Cote Street.

The Worthing Society objects as follows:

Our previous letter dated 6th October 2015 refers.

As it now seems that the owners of Country Lodge Nursing Home are also submitting an alternative application for a flat-roofed extension, we wish to record our objection to that option. All the other comments in our original letter should still be taken into consideration.

This alternative would still be a very substantial extension, very close to the garden fence between the Nursing Home and the neighbouring property at 9 Cote Street. Whilst, visually, this roof way well not be obvious above the pergola of that neighbour, it will still inevitably darken its sunny aspect and their planting beyond the pergola will be overshadowed by the continuous wall of the proposed extension and the open perspective will be undermined.

As in our previous submission we believe that this application would be overly intrusive, both on the neighbouring garden on its north side and from the adjacent South Downs National Park on its immediate west.

The South Downs Society

We have considered the revised drawings submitted for this application and do not feel that the revisions change our position. Our OBJECTION stands.

Petitions

These petitions now have additional names & those named request consideration by the Committee, regardless of the roof options. They clearly represent the opinions of the residents of Cote Street & those families within the area of Country Lodge Nursing Home & its proximity at the mouth of Cote St where it meets the A27.

We consider this would be an over development & totally unsuitable to its situation in the South Downs National Park.

49 signed

6. Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Worthing Core Strategy. The National Planning Policy Framework is such a material consideration and Government indicates its

provisions should prevail where the development plan conflicts; is silent or out of date.

The relevant Core Strategy policies to this application are set out in section 7, below.

National Planning Policy Framework (NPPF) and Circular 2010

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the National Parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

6.2 National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

6.3 Relationship of the Development Plan to the NPPF and Circular 2010

The Core Strategy is generally compliant with the National Planning Policy Framework except that it does not provide for 5 years supply of deliverable housing land in accordance with Objectively Assessed Need.

6.4 South Downs National Park Authority: Planning policy

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

Outcome1: A thriving living landscape

General Policy 1; Conserve and enhance the natural beauty

General Policy 40: Manage the highway network

Policy 49: Maintain and improve access to a range of essential community services and facilities

Policy 50: Housing and other development in the National Park should be closely matched to the social and economic needs of local people

The South Downs National Park Preferred Options Local Plan was approved by for consultation in the summer and this expired in October 2015. The next stage in the plan preparation will then be the proposed submission. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirm that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight. Relevant policies include:

Policy 1: Conserve and enhance the natural beauty and special qualities of the landscape and its setting
Strategic Policy SD6 Design
Strategic Policy SD7: Safeguarding Views
Core Policy SD4/ DS: The Dip Slope
Strategic Policy SD18: Transport and accessibility
Strategic Policy SD22: Development Strategy
Strategic Policy SD23: Housing
Development Management Policy SD45: Replacement Dwellings and Extensions
Development Management Policy SD53: New and Existing Community Infrastructure

7. Planning Policy

The following policies of the Worthing Core Strategy are relevant to this application: 7, 8, 13, 15, 16 19 and Saved Local Plan policies H18 and TR9.

8. Planning Assessment

The main issues raised by this application are

- Principle of development
- Visual effect on the landscape
- Impact on neighbour amenity
- Impact on wildlife
- Access, parking and safety

Principle of development

New residential development is generally discouraged outside of the built up boundary such as here and especially in the National Park.

However, where this helps meet a recognised social need and is of an appropriate scale and form and in a sustainable location, including making effective use of brownfield land, and is otherwise compliant with relevant policy, such development may still be entertained as long as it does not imperil the natural beauty of the national park- i.e. statutory purposes. .

The Core Strategy has an acknowledged shortfall in terms of deliverable housing land against the prescriptions of the NPPF and there is a recognised unmet need for residential accommodation for the elderly locally in the recent Housing Study. The National Planning Policy Framework and allied Practice Guidance and practice guidance awards provision of such accommodation a high priority and the Core Strategy Policy 8 specifically seeks to *deliver a wide choice of high quality homes to address the needs of the community*.

The care home is a long established institution and appears to be popular and providing a vital service for a particularly vulnerable and needy group - the elderly in need of nursing care (often suffering with dementia); the terminally ill as well as respite nursing. It is, arguably, part of the social infrastructure supporting the population in the National Park area.

The proposal would enable the institution to make a very modest net increase in its capacity and upgrade its facilities. In this respect the increase from 23 to 26 residents represents growth of 13% and the overall floorspace increase of just 8.6% whilst staff employed rises by just one (2.8%). Overall site coverage grows from 23% to 26% and floorspace by less than 10%. Whilst there are clearly other nursing homes in the town, the economics and practicalities favour making such limited additional specialist provision at this established institution.

As a location, the nursing home is not unacceptably unsustainable, close to the urban edge; adjacent to the A27 and bus service; Swandean hospital; church and other road side facilities.

The nursing home sits in an urban cluster and the overall physical scale of extension is not excessive. The extension's position abuts the existing building, keeping the footprint compact and is built on a hard surfaced patio.

Certainly, the nursing home has incrementally expanded over the years and the capacity of the locality to absorb more development may be limited but the overall scale of development proposed would not of itself take it beyond this.

The application is considered on its merits and past decisions are not determinative. Proposals referred to by objectors are materially different in any event.

Against this background the principle of the proposal may be supported. However, the acceptability in practice is assessed below.

Visual effect on the landscape

Typographically, the site falls in within open Downland, one of the distinctive landscapes identified in The South Downs Integrated landscape Character Assessment which characterise the National Park, comprising a *distinctive narrow spine of open chalk upland landscape on the south facing dip slope of the South Downs*. In the face of the sensitivities of this open landscape to

development, the study advises, amongst other things ; *Maintain the essentially open undeveloped character. Opportunities for built development are severely restricted in this remote and tranquil landscape. Conserve the open skylines are particularly sensitive to any type of built development.*

That said, the site already contains a largish, albeit low- rise building on a long established plot, within the very southern edge of the Park, adjacent to the A27 trunk road and urban boundary and nestles in a small built cluster at the mouth of Cote Street.

Certainly, as a single storey and partly built in cut, the proposed development would hardly be visible from Cote Street as it sits behind and is lower than the front building and screened by vegetation and its neighbours to the north which also sit on higher ground. Views from Durrington south of the A27 are obscured by the belt of tall conifers here. From the A27 itself, short views of the pitched roof of the building would just be visible but is largely screened by the embankment and existing planting and is seen against the foreground of the much larger and closer two storey main building.

The site is most exposed from the west across the largely open fields from the footpaths which run up from Holt Farm across to Clapham Farm and Clapham Wood. However, from these long views the site is barely visible; enjoys some screening from vegetation and is in any event, backclothed by the existing buildings. It would only be discernible from the adjacent fields themselves.

This is underlined by the applicant's own landscape impact study and the proposal would be still less visible with the flat roof option.

Use of mute and dark finishes and supplementary boundary planting on the south and western boundaries would render the proposal inconspicuous.

As for the impact on the plot itself and character of the cluster of buildings in which it sits, the increased footprint would not be noticeable for practical purposes. Whilst the extension does intrude deep into the back garden uncharacteristically and some sense of spaciousness would be lost, the setting of the building would not be unacceptably harmed with still a large soft landscaped garden and open forecourt remaining. The rearrangement of the parking would have no significant impacts on the streetscene as the car park is largely screened by tall flint wall.

In these circumstances, the natural beauty of the Downs would not be unacceptably harmed.

Impact on neighbour amenity

Neighbour concerns are understandable. The potential impacts derive from the physical effects of the extension itself on No 9 and the wider effects from the increased operational activity.

The extension is long and does sit close to the boundary with No 9. However, it is single storey and sited west of, perhaps, the most sensitive part of the neighbour property (i.e. - rear terrace) and a significant part actually adjoins the rear part of this neighbour's back garden. Equally importantly, it rests on land significantly lower than No 9, partly due the natural terrain and partly due to excavation, whilst the main aspect of No 9 is west, down their back garden to the fields beyond and this is unaffected.

As a result, even with the pitched roof form, only the roof would be visible for the most part looking south from No 9's rear garden. In this respect, the extension would rise no more than around half a metre beyond the common boundary wall and pergola for its first 7 metres and 1.8 ms for a shorter section where the boundary height drops and the larger of the pitched roofs emerges. Though the roof height itself reduces again, the part visible above the common boundary only falls to 1.5 ms deeper into the site because of the shorter fence at this point and nature of the terrain. No windows are located in the extension facing north elevation either and the building is to be finished in an unobtrusive colour/material. Only views across the back garden of the Nursing Home itself would be interrupted as longer views to the belt of conifers and other trees to the south of the A27 and sky itself would be unaffected.

That said, concerns over the impact on the planted/seating area by the pergola are recognised and the cumulative impacts of this long building on the southern outlook of No 9 would be unneighbourly.

The flat roof form removes any such concerns as it would be virtually invisible from No 9 apart from the very western section at the very end of No 9's garden because the common boundary is relatively low at this point and the impact here is accordingly very limited. This option is strongly preferred. The pitched roof option may be precluded by condition in these unusual circumstances.

Turning to wider operational impacts, it is apparent that the intensification involved is minor, and whilst the nursing home clearly contributes to the activity in Cote Street, it would not be possible to sustain the argument that the extra accommodation proposed would give rise to unacceptable levels of activity.

Construction impacts may be regulated by a method statement, dust suppression and control of working hours.

Impact on wildlife

Part of the extension is on a patio but does also entail the loss of the boundary shrub planting and one ornamental conifer. The impact on wildlife is accordingly minimal and some compensatory planting is proposed and further screen planting may be secured by condition.

Access, parking and safety

The site is in the national park but very close to the strategic road network and urban area and is served by a bus route and is close to a range of facilities.

Access is unchanged and is from the two lane section of the road.

As the Highway Authority notes, whilst there is evidence of localized parking pressure, the increase in activity is unlikely to materially affect traffic pressure or parking demand, certainly not to a severe degree which is the test under the National Planning Policy Framework for refusal in such circumstances. The extra parking proposed and rationalisation of the layout can only help matters. Parking provision and details of the parking layout to maximise efficiency and in particular for the mini bus and may be secured by condition.

The applicants indicate that they are actively exploring construction traffic access and storage of materials/equipment and parking to minimise disruption and a condition to control such through a method statement is recommended.

The above is underlined by the absence of any objection by Highways England (Highway Authority for A27)

As such, the proposal could not be resisted on access/parking grounds.

Environmental Impact Assessment

The proposal has been appraised in accordance with the relevant regulations and no assessment is required.

9. Recommendation

It is recommended that the application be approved subject to the conditions set out below:

1. Implement within 3 years
2. The development hereby permitted shall be carried out in accordance with the plans (flat roof form). Pitched roof from plans not approved
3. No new windows in north elevation of extension.
4. Agree external materials and colour.
5. Agree and provide scheme of compensatory and screen planting to west and north boundaries and in car park and provide rearranged car parking prior to occupation.
6. Agree method statement for construction traffic access and storage of materials/equipment and parking and dust suppression.
7. Control working hours for construction to 8am to 6pm Monday to Friday.

Background Documents

Observations of West Sussex County Council as Highway Authority

Observations of Highways England as trunk road Highway Authority
Representations by Members of the public

16th December 2015

**Local Government Act 1972
Background Papers:**

As referred to in individual application reports

Contact Officers:

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Portland House
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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.

Request to vary a s106 Agreement relating to residential development at 341 Goring Road, Worthing (former Caffyns VW site).

Report by the Director for the Economy

1.0 Summary

- 1.1 This report relates to an application made under section 106BA of the Town and Country Planning Act 1990 (as amended) which permits an application to be made to modify or discharge any affordable housing obligation in connection with a previously approved planning application on viability grounds. The Growth and Infrastructure Act inserted this new section into the Town and Country Planning Act. It was introduced on 25th April 2013 and only applies to agreements signed after 6th April 2010. The provision will be repealed at the end of 30th April 2016 unless the Secretary of State substitutes a later date.
- 1.2 The applicant has applied to remove the affordable housing element from a residential scheme in Goring Road and this report considers the submitted viability case. The report recommends that a compelling case has been made, in accordance with the Act, to lift the requirement for onsite affordable housing subject to revised development contributions.

2.0 Background

- 2.1 This application AWDM/1727/14 was presented to the Planning Committee on the 4th March 2015. The proposal was for the demolition of the former Caffyns VW workshop and the erection of 17 residential dwellings including 30% (5 dwellings) as affordable housing with associated parking and landscaping.
- 2.2 The Committee resolved to approve the development subject to:
- a) *Officers considering further viability information from the applicant regarding the open space contribution, to add the informative from Southern Water in respect of connection to the public sewer, amend proposed conditions to ensure boundary treatment is included and to clarify affordable housing tenure mix requirements with the Housing Strategy Manager; and*

- b) *Completion of a s106 Agreement securing development contributions, amounts to be determined by Officers taking into account further viability information for outdoor recreation and equipment, education, fire and rescue, library service, transport, TRO and 5 units of affordable housing, the tenure mix as specified by Officers and subject to a number of conditions.*
- 2.3 Following the Planning Committee, the applicant did submit financial information that identified that there would be significant development costs with the site, particularly in relation to land contamination and he suggested that he would prefer to pay no contribution towards open space, but he did eventually agree to pay just under £9,000 to avoid submitting a viability appraisal. At that stage, however, there was no suggestion that the affordable housing could not be delivered.
- 2.4 Planning permission was granted on 9 June 2015 for the erection of 17 residential dwellings subject to a number of planning conditions and a completed s106 Agreement.
- 2.5 The Agreement requires 30% affordable housing units on site but also financial contributions amounting to £29,755 towards local transport; £6,000 towards the cost of a Traffic Regulation Order; £4,056 towards library facilities; £80,500 towards education; £368 towards fire and rescue and £8,974.36 towards open space. The current application under section 106BA does not permit changes to these other contributions, only affordable housing.
- 2.6 Subsequently, this current application under section 106BA was received on 7 August 2015 on behalf of the applicant, Wilmington Homes. In support of the application, an independent assessment of viability prepared by Turner Morum, Chartered Surveyors, was submitted which seeks to demonstrate that the development as approved is not currently viable. As a result, the application seeks the removal of the affordable housing requirement from the Agreement.
- 2.7 In response to this application, WSCC has revised its consideration of the application and raised its requested level of contributions for the scheme because its previous request for contributions did not include any requirement for the 5 affordable houses. This is on the basis that occupiers of affordable housing are those already living in the town and, therefore, will not increase the burden of the existing services. With the affordable housing removed, WSCC now considers that additional contributions are required for the 5 market houses.
- 2.8 WSCC has, therefore, now recommended WSCC contributions which amount to an increase of £19,458 over the original £44,000 which was sought. This revised set of contributions can now be itemised as follows: £29,755 towards local transport (unchanged); £6,000 towards the TRO (unchanged); £4,686 towards library facilities; £89,541.50 towards education; £3,425 towards fire and rescue.
- 2.9 The Borough Council contributions now being offered by the applicant are £8,974.36 towards open space (unchanged) and a new sum of £45,000 towards affordable housing. This additional contribution of £45,000 towards affordable housing has arisen following negotiations with the applicant.

3.0 Details

3.1 There is no statutory consultation associated with an application of this type as local planning authorities are required solely to assess the viability of the scheme and its ability to meet affordable housing requirements. Whilst, the legislation indicates that such applications should be determined within 28 days of receipt, in this instance an extension of time was considered necessary to seek an independent view on the applicant's viability assessment and, for that reason; the District Valuer (DV) was consulted.

3.2 The District Valuer produced a draft report dated 2 November 2015 which concluded:

The applicant suggests that this scheme cannot comply with policy and cannot provide any contributions.

Our assessment suggests that with the above costs and values, the scheme is unlikely to be able to support the policy level of on-site affordable housing. On the basis of an All Private scheme with no on-site affordable contributions (Appendix 1) the scheme shows a small surplus of £21,912. On this basis we are advised that the application is prepared to make a contribution of £25,000 which we would suggest is given serious consideration taking into account viability.

On the basis that the Council is prepared to consider granting consent with a reduced level of contributions and since we are assessing this scheme in the current market, we would recommend that if the scheme is not delivered within an agreed timescale that an automatic viability review be triggered.

3.3 The Case Officer considered that some of the submitted sums appeared to be on the high side and asked the DV to respond to the following request points. The DV's response follows each point in italics.

1) Development value

a) Are we satisfied that the stated values are correct because our in-house view is that the 2 bed flat could be £180k; the 2 bed house £240-250k; and the 3 bed house £300k?

'We have researched our database and Rightmove and are happy with the stated values.'

2) Development Costs

g) Finance costs - The finance rate of 6.75% seems high and 5% would appear to be more realistic in the current market place

'The finance rate that is normally adopted is 6% to 7%. At the lower rate we would also include arrangement fees, valuation fees and monitoring fees whilst the higher rate would include this. We therefore feel that 6.75% including all fees is reasonable.'

h) Developer's profit - 20% seems high. 15% would appear to be more appropriate

'The range for profit is normally 15% to 20% and is dependent on the risk involved. Whilst housing schemes are less risky than flat schemes, in this case due to the size of the scheme most will need to be completed before any sales can be completed and units occupied and therefore most of the costs will need to be expended before the sales receipts start coming in. We are therefore of the view that 20% profit relates to the risk that the developer is taking in this situation.'

f) Sales and Marketing fees - Following on from my email comment and questions for you this morning, one of my colleagues has just raised a further final question regarding marketing fees which he suggests appear to be rather high in the circumstances when you combine marketing (not explained) and agents' sales fees totalling £141,855.

'We have adopted 2% for agents fees (£81,060), 1.5% for marketing (£60,795) which includes for the marketing suite and the incentives provided to the occupiers and legals of £500 per unit (£8,500). The range of fees normally adopted for sales and marketing excluding legals is 2.5% to 6% depending on the type of scheme and I therefore feel that 3.5% in this case is not unreasonable.'

j) Land value - You say that £500,000 is not an unreasonable value for the site but should this be reduced by £65,000 because of the contamination costs on the basis that the polluter pays? Shouldn't evidence be submitted to substantiate their figures?

Is the point you are making that the developer should not have paid for the existing building on site because it has zero value due to its poor condition? If so how is the price paid for the building calculated and what discount is made?

'We would agree with you that if we were just dealing with a land value abnormal like contamination etc. should be deducted. However we are adopting the principle of a brown field site with an existing use value plus an incentive to sell which is different and can be supported by many appeal decisions.'

4.0 Planning Considerations

4.1 The procedure associated with an application under section 106BA is very clear in that it only involves assessing the viability of affordable housing requirements. It will not reopen any other planning policy considerations or review the merits of the permitted scheme.

- 4.2 It is normal to seek the independent view of the District Valuer in such cases and he is clear in his response that all costs as itemised in the applicant's viability assessment are reasonable and there appears to be no identified areas of concern despite the Case Officer's further exploratory questions.
- 4.3 It is also clear in with Section 106BA applications that they are to be judged on the basis of a simple viability analysis given the normal 28 days that the legislation sets down for determination which will normally give no opportunity for third parties to be consulted or for Planning Committees to get involved in the decision making process (although the applicant can agree an extension of time beyond the 28 days, as in this case).
- 4.4 Section 106BA and the associated guidance makes it clear that for an application of this type, the authority must determine the application in a way that makes the development economically viable. The options available are detailed in section 106BA(5), namely:
- a) It can modify the obligation either in the way the application suggests or in another way if more appropriate;
 - b) It can replace the obligation again in the way suggested by the application or with another obligation if more appropriate; or
 - c) It can remove the obligation altogether.
- 4.5 Any determination under (5) (a), (b) or (c) may not have the effect that the obligation as modified is more onerous in its application to the applicant than in its unmodified form.
- 4.6 The District Valuer's independent assessment of the applicant's viability appraisal accepts that a wholly private market residential scheme based on reasonable development and marketing costs with appropriate profit levels and borrowing costs would show a small surplus of only **£21,912**. As a result the applicant could argue that not only is the scheme unable to meet affordable housing requirements but it could only afford a fraction of the original development contributions set out in the s106 agreement. However, in this instance the applicant has not sought to challenge the level of development contributions and has been willing to increase the contributions to both the County Council by £19,000 and provide a new affordable housing contribution of £45,000 to the Borough Council in lieu of the on-site provision.

- 4.8 Given the viability assessment prepared by the DV the contributions are welcome and there would be no reason not to support the application and lift the requirement for on-site affordable housing. Your Officers have questioned why the applicant's viability position has changed so dramatically since the original resolution to grant planning permission earlier this year and the applicant has identified the significant costs associated with the development of this site. The key issue is that the abnormal development costs have only been identified since permission was granted and during the works to remediate the site and address the ground contamination. The Environment Agency has confirmed that the remediation work undertaken has cleaned the site satisfactorily and development can now proceed.
- 4.7 The DV recommends that, in the current market, an automatic viability review should be triggered if the scheme is not delivered within an agreed timescale. There is a recently reported case in East Sussex where an Inspector noted that although National Planning Practice Guidance suggests that such reviews are appropriate where a scheme is phased over the medium to long term, he took into account the developer's intention to build as one phase over a maximum period of 18 months. He also noted that the appellant owned the site which was vacant and available for development with a full permission and he saw no reason why the scheme would not be built out in the short term.
- 4.8 In this case, the construction phase is also likely to be short. As a brownfield site the site has now been decontaminated and building regulations drawings been prepared. The applicant intends to start building in January 2016 and therefore, in the circumstances it would not seem necessary to require a review of the viability of the scheme.

5.0 Legal

- 5.1 Section 106BA Town and Country Planning Act (as amended) provides that the applicant may apply to the appropriate authority for the affordable housing contribution to be modified, removed or replaced. Section 106BC details the appeal procedure.
- 5.2 Guidance is provided by the Department of Communities and Local Government 'Section 106 Affordable Housing requirements' (April 2013).

6.0 Financial implications

- 6.1 There are no direct monetary implications but this does represent a loss of affordable homes. However, insisting on affordable homes would prevent development proceeding and result in the loss of other development contributions and much needed new homes.

7.0 Conclusion and Recommendation

7.1 As Members will be aware there are a number of Government initiatives designed to increase the number of new homes built and to reduce some of the burdens on the development industry. The ability to challenge s106 agreements where viability is an issue is just one of those measures. In this instance the applicant has undertaken a significant amount of work to prepare the site for development and it is important that this well designed back land residential scheme comes forward for development. Notwithstanding the DV's viability assessment the applicant recognises that the loss of on-site affordable housing is regrettable given the need for affordable housing in the Borough and has offered an additional development contribution which is to be welcomed as well as the original development contributions sought.

7.2 The Planning Committee is recommended to:

- (i) Vary the agreement as proposed with the removal of the requirement to provide 5 affordable dwelling units as approved; and**
- (ii) Enter into a Deed of Variation to secure the additional development contributions of £19,458 for WSCC and £45,000 for off-site affordable housing.**

Contact Officer:

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Schedule of other matters

1.0 Council Priority

- 1.1 Protecting front line services
- 1.2 Ensuring value for money and low Council Tax.

2.0 Specific Action Plans

- 2.1 **(A)** Provide and develop customer driven cost effective services.
- (B)** Generate financial capital, increase income and seek external funding sources.

3.0 Sustainability Issues

- 3.1 Matter considered and no issues identified.

4.0 Equality Issues

- 4.1 Matter considered and no issues identified.

5.0 Community Safety issues (Section 17)

- 5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

- 6.1 No direct HR implications arising from this report.

7.0 Reputation

- 7.1 None

8.0 Consultations

- 8.1 None

9.0 Risk assessment

- 9.1 None

10.0 Health & Safety Issues

- 10.1 Matter considered and no issues identified

11.0 Procurement Strategy Worthing Planning Committee 16 December 2015

Agenda item: 6

11.1 Matter considered and no issues identified

12.0 **Partnership working**

12.1 Matter considered and no issues identified

Pre-Application Charging – Neighbouring Context

The below table summaries those neighbouring authorities that currently charge and don't charge for pre-application advice

| Charge for Pre-application Advice | Don't currently charge (but may do in near future) |
|--|--|
| <ul style="list-style-type: none"> ● West Sussex County Council ● Mid-Sussex District Council ● Lewes District Council ● Hastings Borough Council ● Chichester DC ● Arun DC ● Rother DC | <ul style="list-style-type: none"> ● Horsham District Council ● Adur District Council ● Crawley Borough Council ● Brighton and Hove City Council (due to introduce charging shortly) |

The charging models for authorities charging for pre-application advice are listed below:

Neighbouring Authorities Schedule of Fees

Chichester Pre-application Charging – Schedule of Fees

| Planning pre-application advice fees | |
|---|------------|
| Type | Fee |
| Householder | £90.00 |
| Other e.g. changes of use, variation and removal of conditions. | £180.00 |
| Minor e.g. 1-9 dwellings, commercial (less than 1000m2) | £480.00 |
| Major e.g. 10-99 dwellings, commercial (more than 1000m2) | £1800.00 |
| Large Major e.g. 100+ dwellings, commercial (more than 5000m2) | £4200.00 |

**Arun Planning Services Pre-Application Enquiry Service
Schedule of Charges**

1 November 2015

| CATEGORY | FEE (INCLUSIVE OF V.A.T.) |
|--|---|
| Householder | |
| Development within the curtilage of a dwelling house. (Not new residential units within the curtilage) | £30.00 for enquiry (including site visit) and £30.00 for a meeting following a written response. |
| Minor Residential Developments | |
| 1 - 2 residential units | £204.00 for enquiry(including site visit) and £30.00 for a meeting following a written response |
| 3 – 9 residential units or residential development on sites less than 0.5 hectare. | £380.00 for enquiry (including site visit) and £200.00 for a meeting following a written response. |
| Smallscale Major Developments-small residential | |
| 10 – 99 residential units, or site area between 0.5 hectare and less than 2 hectare | £700.00 for enquiry (including site visit) and £200.00 for a meeting following a written response. |
| Smallscale Major Developments- large residential | |
| 100 – 199 residential units, or site area between 2 hectares and less than 4 hectares | £1500.00 for enquiry (including site visit) to include a meeting. |
| Largescale Major Development-residential | |
| 200 residential units and over, or site area greater than 4 hectares. | Minimum charge of £1500.00 plus £300.00 for every 50 dwellings up to a maximum of £3000 to include a meeting. |
| Shop Fronts | No charge at present (to be reviewed) |
| Commercial Schemes (Excluding Food Retailing) | No charge at present (to be reviewed) |
| Food Retailing Schemes Under 500 sq.m. | No charge at present (to be reviewed) |
| Food Retail Schemes between 500 and 9999 sq.m. | |
| Floor space between 500 and 9,999 sq. m. or site area is between 1 hectare and less than 2 hectares | £700.00 for enquiry (including site visit) and £200.00 for a meeting following a written response. |
| Food Retail Schemes greater than 10,000 sq.m. | |
| Floor space greater than 10,000 sq.m. or site area greater than 2 hectares | Minimum charge of £1500.00 plus £300.00 for every 1000 sq.m. to a maximum of £3000.00 to include a meeting |

All charges are inclusive of V.A.T. @ 20%.

A fee is payable for each proposal, so if you require advice on more than one scenario a fee is payable for each one.

Where a change of use is involved it will be charged on the basis of either the number of residential units created or the amount of floor space involved if it is commercial and or retail.

West Sussex County Council Charging Schedule

Table of Charges

After receiving your request for pre-application advice, we send you an invoice if providing one of our chargeable services. Payment must be made within 30 days.

| No. of Dwellings | Commercial and Retail Area | Additional Written Response Only | Single Meeting and Written Response |
|------------------|--|----------------------------------|-------------------------------------|
| Up to 10 | Up to 100m ² | £100 plus VAT | £125 plus VAT |
| 11 to 24 | 101m ² to 500m ² | £400 plus VAT | £500 plus VAT |
| 25 to 49 | 501m ² to 1,000m ² | £600 plus VAT | £800 plus VAT |
| 50 to 79 | 1,001m ² to 2,000m ² | £1,100 plus VAT | £1,250 plus VAT |
| 80 to 199 | 2,001m ² to 5,000m ² | £2,000 plus VAT | £2,000 plus VAT |
| 200+ | 5,001m ² + | £2,200 plus VAT | £2,200 plus VAT |

Lewes District Council

| |
|---|
| Charges are made for major developments only. Minor and household applications are free. |
| The charge for a pre-application meeting with follow up written advice is £600 +VAT. |
| Written advice only with no meeting is £450 +VAT. |
| Subsequent pre-application meetings or advice are charged at hourly rates. Quotations can be provided on request. Hourly rates for officers are currently: |
| Planning Officer - £30 +VAT |
| Senior Planning Officer - £40 +VAT |
| Team Leader (Senior Planning Officer) - £50 +VAT |
| Department Head - £60 +VAT |

Mid Sussex District Council

| |
|---|
| Categories of proposed development |
| From the 1st April 2009 the charge for pre-application advice will depend on the nature and scale of the proposed development. A stepped rate will be charged based on the following categories: |
| 'Super Major' - 150 dwellings or more, or 5000 sq m or more of commercial floor space |
| 'Major' - 10 or more dwellings or 1000 sq m or more of commercial floor space |
| 'Minor' - less than 10 dwellings or 1000 sq m of commercial floor space |
| 'Other' - i.e. changes of use, adverts, listed building consents, conservation area consents |
| 'Trees' |
| The fee rates |
| The following fees, which are total fees per meeting, will be charged for each category of development: |
| 'Super Major' - £500 per meeting |
| 'Major' - £300 per meeting |
| 'Minor' - £200 per meeting |
| 'Other' - £150 per meeting |
| Advice by letter only would be charged at 50% the rate for a meeting. |
| 'Trees' - £30 per meeting or letter (In the case of an emergency tree matter, no charge will be levied) |

Title 267 & 269 Brighton Road, Worthing

Report by the Director for the Economy

1.0 Summary

- 1.1. This report relates to a request to remove a requirement of a Section 106 agreement signed in 2006 which required the reconversion of a combined dwellinghouse, 267/269 Brighton Road, to two separate dwellinghouses by way of the submission of a planning application.

2.0 Background

- 2.1 In 2006, planning permission was granted for the conversion of Nos. 267 and 269 Brighton Road to one single dwelling house with alterations to implement use (WB/06/1311/FULL). The application sought to link the then 2 separate dwellinghouses into a single dwelling with seven bedrooms. Internal alterations were proposed to allow passage between the previous houses at ground and first floor levels. The building was also to accommodate a home working office for the applicant's business.
- 2.2 In general, proposals that result in the effective loss of a housing unit are resisted and indeed a previous application submitted earlier in 2006 had been refused for that reason. In response, and as part of the latter application, the applicants contended that they had already gained permission to convert their existing office space at 167 Brighton Road into 2 self contained units, thereby creating additional residential units with the office space being part of the larger single dwelling. Previously, in 2004, the applicants had also converted 169 Brighton Road from office space into 3 flats. The applicants therefore contended that they were creating a net increase in residential units to offset the loss of the unit at 267/269 Brighton Road.
- 2.3 The officer recommendation in respect of the latter application to convert the 267 & 269 to a single dwelling was again to refuse permission. However, members of the Committee resolved to grant permission subject to a legal agreement which required that i) prior to the conversion of 267 & 269 Brighton Road to a single dwelling that 167 Brighton Road was converted into 2 flats (therefore to ensure that there was not a net loss in the number of dwellings provided) and ii) that should the applicants no longer occupy 267/269 as a single dwelling, that they apply for

planning permission to reconvert the property back to separate dwellinghouses and that such conversion take place before the property is subsequently sold.

- 2.4 Part i) of the legal agreement was complied with and accordingly 2 additional residential units were created with the loss of the office facility originally on the site.
- 2.5 The applicant has now retired and has requested that the second part of the legal agreement is removed so that there is no longer a requirement to reconvert the property back to 2 separate dwellings. As planning permission is needed for the creation of an additional unit, a planning application would otherwise need to be submitted if the agreement is not varied.

3.0 Assessment

- 3.1 There is a recognised need to provide new dwellings and, in turn, the loss of dwellings is usually resisted where possible.
- 3.2 However, there was, by way of the legal agreement, a link to the conversion of the office building at 167 Brighton Road to 2 units as it had to be carried out before the conversion of 267/269 took place. As such, therefore, there was actually an increase in the provision of an extra residential unit and the office space was relocated to the newly converted dwelling although is no longer required now that the applicant has required.
- 3.3 Given that the link between the separate developments had ensured that there was no net loss of residential units, it seems unclear why an extra requirement was inserted to ensure that the single dwelling was reconverted back to 2 dwellings especially as it would require a planning application that may, or not, have been granted permission.
- 3.4 While the presumption against the loss of dwellings remains (but in this case assessed against the net gain elsewhere) it should also be borne in mind that the Council now also seeks to retain a stock of dwellings suitable for family use as well. While such is the size of the single dwelling that it could be argued that if reconverted back there would be 2 family sized dwellings available, nonetheless the principle of retaining a dwelling of this type in terms of the provision of a varied stock of housing supply in the town is not considered unacceptable.

4.0 Conclusion and Recommendation

- 4.1 **Having regard to the fact that a net increase occurred in the provision of residential units by way of the converted office building and there is no objection in principle to the retention of a dwelling of the size created, it is considered that the legal agreement can be varied so that the second requirement is removed.**

Schedule of other matters

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- 1.2 Ensuring value for money and low Council Tax.

2.0 Specific Action Plans

- 2.1 (A) Provide and develop customer driven cost effective services.
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- 6.1 No direct HR implications arising from this report.

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- 7.1 None

8.0 Consultations

- 8.1 None

9.0 Risk assessment

- 9.1 None

10.0 Health & Safety Issues

- 10.1 Matter considered and no issues identified

11.0 Procurement Strategy

- 11.1 Matter considered and no issues identified

12.0 **Partnership working**

12.1 Matter considered and no issues identified