



Planning Committee
13 January 2016

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

Site: **M G M House Heene Road, Worthing, West Sussex, BN11 4NN**

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 re-sited Heene Road vehicular access on southern part of site.**

2

Application Number: **AWDM/1589/15** Recommendation – No Objection

Site: **Bohunt School, 65A Broadwater Road, Worthing, West Sussex**

Proposal: **West Sussex County Council Regulation 3 Application for Variation of conditions (numbers 2,4,9 and 11) for application WSCC/031/15/WB for alterations of the site layout, including revision to the car parking arrangements to allow additional hard play area and school use of the Queen Street Car Park. Design changes also to the cycle storage, refuse store and the substation.**

3

Application Number: AWDM/1250/15 Recommendation – Part approve/part refuse

Site: Beach House Park, Lyndhurst Road, Worthing, West Sussex

Proposal: Installation of 2 no. A1 size non illuminated poster signs fronting Lyndhurst Road and 2 no. A1 size non illuminated poster signs & 2 other non-illuminated signs fronting Brighton Road (6 in total).

Application Number: AWDM/0124/15

Recommendation – Approve
subject to legal agreement to
secure affordable housing

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
Case Officer: Peter Devonport

Ward: Heene



Not to Scale

Introduction

A substantive and Addendum report were considered by the Committee at its meeting on 16.12.15.

The substantive report had recommended approval subject to legal agreement to secure affordable housing and the comments of the Highway Authority and the Strategic Waste Manager.

The Addendum report advised that supportive comments from the Strategic Waste Manager had been received and updated the Committee generally but, above all, reported that the Highway Authority had since objected to the proposal. This was due to insufficient to demonstrate that the proposal was acceptable in terms of access design and safety considerations, visibility splays, internal road layout, off-site highway provision (crossing facilities, road markings etc.), off-site pedestrian facilities and on site turning facilities (for Fire and Rescue appliances and removal vehicles). It noted however, that; *appropriate levels of information from the applicant in response to County comments and sufficient time to go through that information may well resolve the outstanding issues.*

In this light, the Addendum report recommended that; *the item be deferred to await the provision of the additional information required by the Highway Authority and the outcome of allied negotiations to secure an acceptable scheme in highway terms.*

The Committee agreed to the deferral.

Discussions with the Highway Authority have followed and the Highway Authority's revised comments of conditional support are incorporated into this report which is also updated and refined to reflect the Addendum report and latest set of negotiations and comments received.

Site and surrounds

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 ancillary storage/workshop 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-west, 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 Road 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 Road. 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 Road but substantial car parks also feature adjacent to Heene Place by the plant and in the forecourt adjacent to Heene Road.

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 potential, but not formally designated, 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 un-adopted.

Planning History

The site has a long and complex planning history but of most relevance are the 1972 permission WB/993/72 for the construction of a four storey office building with car park for use as Assurance Society Head Office and NOTICE/0008/14 which in July 2014 granted consent under the permitted development prior approval procedure for change of use from offices (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 (C3).

The amended form of the scheme sees the main accommodation for the elderly rearranged around a central courtyard in effectively three blocks, with parking dispersed across the site.

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 12 -17ms 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 (with plant above) 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 ancillary single storey warehouse/workshop building adjacent to Rowlands Road.

Principal vehicular access from Heene Road is consolidated into one point and 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 ancillary warehouse/workshop building site and are solely accessed from Heene Place. An informal pedestrian route through the site is shown.

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. As part of the landscaping scheme plan, latest plans show a replacement holm oak in the SW corner by Heene Road and other trees in the Heene Road forecourt. However, details of the landscaping and compensatory are the subject of ongoing discussion and the Committee will be updated.

The scheme is designed to meet the Lifetime Homes standard and provide at least 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 1 Road Safety Audit; Travel Plan; daylight impact report and energy impact report.

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 receive 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.

Highway Authority

West Sussex County Council, in its role as Local Highway Authority, has previously issued comments in respects of this proposal. These comments have primarily been to request additional information. Further information has now been provided. The following formal comments would be offered.

Trip Generation

Information has been submitted previously to examine the potential vehicular trip generation arising from the existing and proposed uses. For the existing office use, TRICS has been applied. TRICS is a large database of traffic surveys from other completed developments. TRICS can be refined by using a number of different parameters so as to use sites that best reflect the location and nature of the development. For the proposed use, a combination of TRICS and surveys of existing sites have been used. The approach for both is considered acceptable.

In summary, it is apparent that the proposed use would give rise to a significant reduction in the number of vehicle trips compared with the consented offices. In highway capacity terms, this proposal would result in no impacts that could be considered severe under paragraph 32 of the National Planning Policy Framework.

Access

The existing offices are presently served by way of an 'In' and 'Out' access arrangement onto Heene Road, as well as two further accesses from Heene Place/Brunswick Place. The proposed development seeks to consolidate the two Heene Road accesses to a single point located a short distance southwards of the existing 'Out' access. This access will then serve the sheltered and assisted living units. It is noted that there are a number of controlled parking bays in close proximity to both existing access points. These will obstruct visibility for emerging vehicles.

The proposed access would conflict with existing controlled parking bays. These bays are enforced by way of a Traffic Regulation Order (TRO). The TRO will need to be changed to enable the access to be constructed and used. This process will involve a statutory public consultation process, as such the outcome cannot be guaranteed. The applicant would need to fund this process.

The closure of the existing Heene Road accesses has the potential to enable new parking bays to be created in their place. In principle, there is a potential betterment that could be realised by changing the existing accesses. No drawings are however provided at this stage indicating the intentions for parking bays. The location of the parking bays would influence the achievable visibility and it is apparent that the 2.4

by 43 metre visibility splays indicated may be obstructed by parked vehicles. It is also unclear what information has been presented to the Road Safety Auditor in these respects and on what basis they considered the proposed access arrangements; it is presumed that the Auditor has viewed the proposed on the basis that bays will not be provided although this is not clear.

The LHA are mindful of the existing access arrangements and of other accesses in proximity of the development that operate safely despite parking bays being located close to these. In principle, the LHA are satisfied that an adequate vehicular access can be achieved. Plans and details will need to be secured via condition showing the access and parking bays in greater detail.

Notwithstanding the potential betterment, given that there is uncertainty with respects to the TRO process, this would need to be completed prior to development commencing, albeit the actual access arrangement may not be implemented until prior to occupation. The concern with TRO process commencing at a later time is that this may fail resulting in an access arrangement that cannot be delivered.

Gates are indicated at the Heene Road access on a number of drawings but not on others. It is recommended that details of the gates are secured via condition. The gates should ideally be setback 5 metres from the back edge of the footway so as to allow a vehicle to wait clear of the highway. If this is not possible, the gates should be setback a minimum of 5 metres from the carriageway edge. Based on the site layout drawing this is clearly feasible.

As referred to above, there are further accesses onto Heene Place/Brunswick Place. The more southerly of these accesses is narrow and not suitable for day to day vehicular access. As this access is being retained, a condition should be applied to ensure that this is used only for emergency purposes.

The proposed affordable dwellings will make use of the more northerly of these existing vehicular accesses. This access is adequate in its existing form to serve these units.

Parking

60 car parking spaces are provided for the various residential elements of the development. The potential parking demands have been estimated using evidence from other similar sheltered accommodation and assisted living developments. For the affordable flats, 1 space is proposed per unit. Based on the evidence provided, sufficient parking is proposed to meet all forecast demands.

The site is located within the Worthing Control Parking Zone. As such should the development result in overflow parking demands, there are existing measures in place to prevent parking from taking place in unsafe or obstructive locations.

Accessibility

The site is located within reasonable walking and cycling distance of a range of services. Future residents would not be dependent upon the use of the private car and would have a realistic opportunity to travel by other modes.

Conclusion

The LHA have reviewed the additional information provided. No highway objection would be raised.

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

Access

No part of the development accessed from Heene Road shall commence until plans and details of the vehicular access onto Heene Road serving the development have been submitted to and approved in writing by the Local Planning Authority. The vehicular access shall thereafter be implemented in accordance with the approved plans prior to first occupation.

Reason: In the interests of road safety.

Access closure

No part of the development accessed from Heene Road shall be first occupied until such time as the existing vehicular accesses onto Heene Road have been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

Gates

No part of the development accessed from Heene Road shall be first occupied until the proposed gates at the vehicular access onto Heene Road have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

Car parking space

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

Reason: To provide car-parking space for the use

Existing Heene Place/Brunswick Place Access

The existing access onto Heene Place/Brunswick Place shall be used for emergency purposes only.

Reason: In the interest of road safety.

Cycle parking

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

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

Turning space

No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall thereafter be retained at all times for their designated use.

Reason: In the interests of road safety

Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

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

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

Altering of Traffic Regulation Order

No development shall be undertaken until a Traffic Regulation Order (or revisions to existing orders), removing or amending the existing on street parking bays in the vicinity of the proposed access onto Heene Road required to enable the development to be implemented, have been approved by the County Council and written confirmation of this approval is made available to the Local Planning Authority.

Reason: In the interests of amenity and road safety

INFORMATIVES

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

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

Post script

I've been provided with some additional information in light of the comments made... In summary though, this relates only to the wording of three conditions I've recommended. The conditions relate to the proposed Heene Road access, gates, and the retention of the Heene/Brunswick Place access.

As more detailed plans have been provided for the Heene Road access, the wording can be altered so as to refer to the drawing now submitted.

*No part of the development served from Heene Road shall be first occupied until such time as the vehicular access has been constructed in accordance with the details indicatively shown on drawing number 047.0055.004 and a construction specification submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of road safety.*

The condition regarding gates at the Heene Road access is now superfluous as it's been confirmed that gates will not be provided. This can therefore be deleted.

The only other condition was relating to the existing access onto Heene Place/Brunswick Place. For clarity the wording should be altered to,

Existing Heene Place/Brunswick Place Access

The existing southern vehicular access onto Heene Place/Brunswick Place shall be used for emergency purposes only.

Reason: In the interest of road safety.

West Sussex County Council has, prior to awareness of the new rules under Community Infrastructure Levy, 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 throughout 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.

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA)

The following is the comments of the LLFA relating to surface water drainage for the proposed development and any associated observations, advice and conditions.

Current surface water flood risk based on uFMfSW for for 30year and 100year events: Low risk.

Comments:

Current uFMfSW mapping shows the site to be at 'Low' risk from surface water flooding.

Any existing surface water flow paths across the site must be maintained.

Reason: NPPF paragraph 103 states – 'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.'

Current ground water flood risk based on ESI Ground Water mapping: Moderate risk.

Comments:

The proposed development is shown to be at 'moderate risk' from ground water flooding based on the current ESI maps.

Where the intention is to dispose of surface water via infiltration / soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Records of any ordinary watercourses or culverted watercourses within or in close vicinity to the site: No.

Comments:

Current Ordnance Survey mapping does not show an ordinary watercourse running within or in close vicinity to the proposed development.

Records of any historic surface water flooding within the confines of the proposed site: None.

Comments:

We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

Future development - Sustainable Drainage Systems (SuDs)

The application form/FRA indicates the use of a SuDS system for the disposal of surface water from the site and that further analysis and site investigation is required.

Development should not commence until finalised detailed surface water drainage designs for the site, based on sustainable drainage principles and an assessment of hydrological and hydro geological context of the development have been approved in writing by the Local Planning Authority.

The drainage strategy should demonstrate that the surface water runoff generated up to and including the 100 year plus 30% for climate change critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Where SuDs are used, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table.

Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDs approach beginning with infiltration where possible e.g. soakaways or infiltration trenches.

Provision for long-term maintenance should be provided as part of any SuDs scheme submitted to the LPA.

Please note that Schedule 3 of the Flood and Water Management Act has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

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.

Waste Strategy Manager

The Waste Strategy Manager observes that the access and facilities for the retirement accommodation are acceptable. Given that the modest number of affordable units, he considers these can be accepted on to the town centre round.

He requests the facilities are secured by condition but notes that it would be advisable to resite a couple of the new trees proposed in the SE corner to avoid conflict with the turning area.

Conservation Area Advisory Committee

The Committee has considered the revised scheme and offers no objections.

The Committee objected to the previous scheme as follows;

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 it's 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 24 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 works 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

Worthing Society

Having studied these plans we withdraw our objection. We would only comment that the colours of the render and bricks used in the new development should harmonise with those of the existing houses in Heene Rd and with Heene Terrace.

Other representations received.

- 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.
- The Highway report points out road safety issues.
- Failure to secure required soakage tests by condition.
- Request liability insurance condition should Heene Terrace be damaged as result of construction works.
- Request compensatory planting of Corsican pines and palm trees and large grass on forecourt.
- Have not seen site notices.
- McCarthy and Stone consultation with residents was poor.
- Better reconsultation is required.
- Notes need to comply with Equalities and Freedom Of Information legislation.
- Oppose reinstatement of the path adjacent to the rear of Heene Terrace which is not a right of way and the local police have confirmed that the alleyways in the area are being closed to eliminate problems with drug dealing and personal security. The ground levels make access to rear yards of Heene Terrace accessible and prejudice security.
- Detrimental to the bedrooms of flat at 16 Heene Terrace which look into the site and harm to value. Overbearing and loss of privacy and views.
- Lack of respect for heritage buildings and area.
- Increased intensification and overlooking.
- Plans are substantially different to those shown in January.
- Too big for site and will impede on life
- Design is incompatible with area and degrades historical character.
- Will overwhelm Heene Terrace
- Noise and disturbance from internal road adjacent to Heene Terrace.

An online petition on the West Sussex County Council web site was started but removed and collected at least 18 signatures.

A similar E-petition has been started on the Change.org website.

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.*

At the time of writing, this has collected 132 signatures.

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'ed 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, 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, as do still more recent proposed changes to the National Planning Policy Framework.

Fourthly, the offices are 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 or more 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.

The question of retaining the ancillary warehouse/workshop building south of Rowlands Rd has been raised with the developers. The planning history of the

building is not entirely clear but appears to have been in MGM's ownership since the 1970s and used as an ancillary workshop or storage to the main offices since at least the 1980s. Again practical difficulties appear to render retention as an independent business use 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. Moreover, as ancillary offices or storage or even independent storage, conversion to residential under the relaxed General Permitted Development Order rules would be available anyway as a fallback. Finally, the applicants report that, despite being marketed as part of the overall site, no serious interest has been shown in its business use.

Whilst the developers are still willing to investigate the feasibility of a business use for the ancillary warehouse/workshop building outside of this application, they are, understandably, reluctant to delay the progress of the current proposal.

It is recognised that the Economic Development Team is not entirely convinced of the case advanced for the loss of the offices. However, whilst the loss of offices is regrettable and the full technical tests of policy the Policy and Supplementary Planning Document have not all 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.

In any event, generating over 100 dwelling units, the comprehensive redevelopment scheme proposed is a far more effective use of the site than the most realistic fallback of piecemeal residential conversion of the individual buildings under the relaxed General Permitted Development Order rules discussed above, even allowing for the scope for some new building within the remaining curtilage.

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. Here it is noted that the latest Annual Monitoring Reports indicates that the Core Strategy can only demonstrate some two and half years supply of deliverable housing land measured against the 5 year requirement identified in the Objectively Assessed Housing Needs assessment.

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, it's 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 and the further refinements negotiated enhance its appearance. 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 visual harm to the adjacent Conservation Area or listed terrace as heritage assets would result. This is underlined by the support from the Conservation Area Advisory Committee and Worthing Society and absence of any objections from Historic England. Whilst no harm is necessarily expected to Heene Terrace as a result of the physical works themselves, a precautionary condition is recommended to require a method statement on the works to be agreed to minimise the risk of settlement.

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 (and dispersing the car parking), 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 along side the landscaping scheme by condition. The merits of providing a replacement holm oak on the site either in the courtyard (reasonably close to the existing site and visible from Heene Rd) or in the SW corner of the site by Heene Rd (which might be too constrained a location) is under discussion, as is the case for a wider compensatory package. Members will be updated.

The loss of the TPO 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. Adjustments to the landscaping in the car parks as suggested by the Waste Strategy Manager is a detail which may be addressed in the landscaping condition.

In overall design terms the scheme is a far more satisfactory solution than the likely fall back scenario of piecemeal conversion and development in the curtilage.

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. Finally, impacts must be set against the likely fall back scenario of residential conversion of the existing buildings.

Looking firstly at Heene Terrace, the western and eastern blocks are between 25 and 30 ms away (at their closest) 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 further information requested by the Highway Authority has been supplied and finalized comments received broadly in line with your officers' previous preliminary assessment. The Highway Authority accordingly raises no objection subject to their recommended conditions.

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.

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.

Whilst vehicular access arrangements are not changed substantially and the Road Safety Audit raises no issues, there will be the need to rearrange the parking bays in Heene Rd to prevent parked cars from obstructing visibility at the resited vehicular access. The necessary changes to the parking bays will require a Traffic Regulation Order to be secured prior to works commencing. Fortunately, the new access arrangements will likely yield a small net increase in such bay parking as a result of the closure of one of the existing two Heene Rd accesses. In principle, the Highway Authority is satisfied that an adequate vehicular access can be achieved here, secured by suitable conditions. It has been confirmed that no gates to the Heene Rd access are proposed.

The Heene Place/Brunswick Place is recognised as narrow and unsuitable for day to day vehicular access and for this reason a condition is recommended to ensure that this is used only for emergency purposes.

The access for the proposed affordable dwellings makes use of existing vehicular access and is adequate in its existing form to serve these units.

Adequate access for refuse trucks and emergency vehicles is shown,

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 parking 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 pedestrian route through the site at the back of Heene Terrace is maintained. Its status as a right of way has yet to be established. The permeability its adds to the area is a plus but neighbour concerns are also understood.

Storage for buggies and cycles is made.

Inclusive access is provided.

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 Officer and West Sussex County Council in its role as Lead Local Flood Authority (LLFA) require a 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.

Officers have agreed with the applicants that all residential accommodation should be built to an equivalent of Code For Sustainable Homes Level 4 in respect of thermal insulation and water efficiency. This is a good standard and may 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 such as changes to the Traffic Regulations Order covering the Heene Rd parking bays may be 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, is 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. Marketing also suggest little prospect of a viable future business use on the site.

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 are acceptable in this sustainable location as overall traffic levels are likely to decrease.

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, overall, 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 legal agreement.

Recommendation

THAT 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. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
 - the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.
 - Agree and implement dust emissions controls prior to commencement.
 - Restrictions on working hours for demolition and construction.

4. Reserve details of elevation and layout of north block and north and west elevations of west block prior to development above slab level. .
5. Provide and retain parking (including storage for buggies and cycles) and turning space and accesses; close redundant access.
6. Operate in accordance with travel plan.
7. Supply and agree a full noise assessment (BS 4142 style) by a competent acoustic consultant and appropriate mitigation controls including external mechanical plant associated with the flats and implement and retain prior to development above slab level.
8. Agree and implement landscaping and boundary treatment including replacements for TPO holm oak and sycamores prior to occupation/first planting season, as appropriate.
9. Agree and implement architectural details and facework samples prior to development above slab level.
10. All residential accommodation built to an equivalent of or exceeding equivalent of Code For Sustainable Homes Level 4 in respect of thermal insulation and water efficiency and provide for at least 10% of energy demands of development by micro renewable energy generation, as agreed by Local Planning Authority
11. Provide proposed ecological enhancement measures prior to occupation.
12. No new plant or machinery without prior approval of Local Planning Authority
13. Provide waste/recycling facilities a prior to occupation and retain.
14. Agree scheme to investigate potential contaminated land and where appropriate remedial measures and implement.
15. Agree and implement s prior to occupation sustainable surface water drainage system including assessment of hydrological and hydro geological context and future management thereof.
16. Provide all external amenity areas including prior to occupation
17. Agree external lighting and implement.
18. Restrict occupancy of retirement accommodation to 60 years and over, excepting spouses.

19. No works to commence unless and until a method statement on the works has been agreed to mitigate the risk of settlement/heave/structural damage to Heene Terrace. Works to be carried out in full compliance.
20. No part of the development served from Heene Road shall be first occupied until such time as the vehicular access has been constructed in accordance with the details indicatively shown on drawing number 047.0055.004 and a construction specification submitted to and approved in writing by the Local Planning Authority. The vehicular access shall thereafter be implemented in accordance with the approved plans prior to first occupation.
21. No part of the development accessed from Heene Road shall be first occupied until such time as the existing vehicular accesses onto Heene Road have been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of road safety.
22. The existing southern vehicular access onto Heene Place/Brunswick Place shall be used for emergency purposes only.
23. No dwelling shall be occupied unless and until it has been demonstrated to the Local Planning Authority's satisfaction that adequate visibility at the Heene Rd vehicular access has been achieved and the parking bays rearranged, by way of secured Traffic Regulation Order (or revisions to existing orders), removing or amending the existing on street parking bays in the vicinity of the proposed access onto Heene Road, as required and the approved scheme fully implemented.

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 including as Lead Local Flood Authority
Observations of Strategic Waste Manager
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

Application Number: AWDM/1589/15

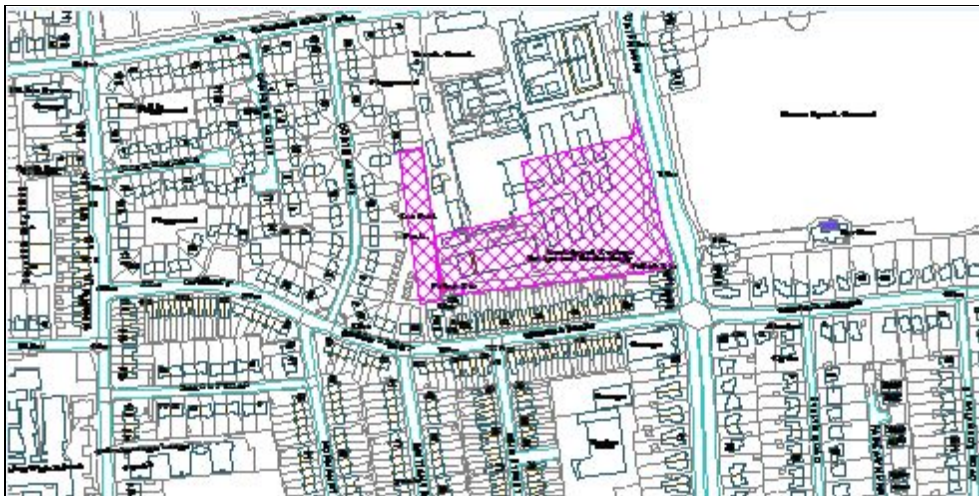
**Recommendation –
NO OBJECTION**

Site: Land south of Northbrook College, Broadwater Road, Worthing

Proposal: Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for variation of conditions 2, 4, 9 and 11 of Planning permission WSCC/031/15/WB for alterations of the site layout including revision to access and car parking arrangements and an additional hard play area plus design changes to cycle storage, refuse store and substation as part of the construction of the new Bohunt School.

Applicant: WSCC, Executive Director of Residents' Services **Ward:** Gaisford

Case Officer: Paul Pennicott



Not to Scale

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BACKGROUND

This is a revised application following the decision by West Sussex County Council to grant itself planning permission for the construction of a new build 900 student Secondary School on 8 October 2014 (WSCC/032/14/WB and AWDM/0645/14 refer) subject to a number of conditions covering archaeology, surface water drainage, foul water drainage, tree protection, a construction management plan, a temporary construction access, materials and finishes, the Broadwater Road access, the Queen Street car park access, car/cycle parking and drop off/pick up areas, a pedestrian crossing, a community use agreement, the MUGA hours of use, the school travel plan, renewable energy, a landscaping scheme, landscaping maintenance, ecological enhancements, working hours, reinstatement works and floodlighting.

The development has commenced and comprises a three storey teaching block and a two storey sports hall on land south of Northbrook College in Broadwater Road together with a new external MUGA, an associated soft and hard landscaping area, a parking/drop-off area and a new vehicular access to Broadwater Road. The revised application now includes a separate car park for staff in Queen Street.

The new school will be an Academy in line with its current policies. Academy schools are state funded schools in England which are directly funded by central government (specifically the Department for Education (DfE)) and independent of direct control by the local authority. The majority of academies are secondary schools but some primary schools also have academy status. Academies are self governing and are all constituted as non-profit charitable trusts. They may receive additional support from personal or corporate sponsors either financially or in kind. They must meet the same National Curriculum core subject requirements as other state schools and are subject to inspection from Ofsted.

The County Council also states that the application site is a suitable size to accommodate a new 11-16 secondary school for 900 students (boys and girls) and around 100 FTE staff with the required teaching and learning spaces, a new vehicular entrance to Broadwater Road, car parking, and play areas. The use of the Manor Sports Ground is referred to in the application as an opportunity to provide playing fields for school sports. It is proposed that the school would operate a phased intake, commencing with Years 7 and 8 (360 pupils).

The Queen Street Car Park is owned by the Borough Council. Although not within the identified application site in the former application, Queen Street car park was proposed to provide space for pupil drop-off and pick-up but this has been changed in this current revised application.

There was also proposed a drop-off and pick-up area to the east of and in front of the proposed teaching block and this is still part of the revised application. It is also being said that the Northbrook College car park to the north of the site could act as a dropping off facility before the college opens each day. No details have been submitted.

The proposals include the formation of a Puffin controlled pedestrian crossing south of the proposed school access and north of the Queen Street junction to serve the school and this would also facilitate regular access to the Manor Sports Ground for recreation although, at the time of writing, no agreement has been reached with the Borough Council.

On the northern half of the site the development would consist of a three storey teaching block (5703 sq m) measuring some 61.2 metres x 37.6 metres and approximately 11.6 metres high. It would incorporate acoustic roof plant and photo voltaic panels based around an atrium design.

To the south there would be a staggered combined single and two storey sports hall. The size of this has recently been changed. The revised building would now comprise a total of 1319 m² of floorspace and would have an overall maximum external size of 34.4 metres wide x 34.4 metres deep. It would be composed of

three linked building blocks with distinctly different cosmetic treatments and each would have a different height of flat roof. The sports hall element which fronts Broadwater Road on the east side would be the tallest at approximately 9.6 metres. The main change has been to raise the height of the single storey rear element to two storeys on the west side of the main sports hall above the changing rooms with an overall height of 8.5 metres. This would provide a first floor dance studio (115 m²), two classrooms (111 m²), a SEN (special educational needs) room (45 m²) served by a platform lift and an external fire escape stair. There would also be roof mounted air handling plant and air conditioning. The staircase element on the north side would be 7.4 metres high.

The scheme includes a new external MUGA (multi use games area) hard play area measuring 46.5 metres x 30.5 metres in the south west corner of the site.

The main change in this current application is the removal of the staff car park in front of the sports hall which would have contained 51 spaces and which is now proposed to be moved to Queen Street. This area in front of the sports hall is now proposed to be used as a combined hard play space and relief morning set down area.

Overall the site would be enclosed with a 2.0 metre high wire mesh fence along the western and northern boundaries. The frontage would be enclosed with a 2.0 metre high steel bar fence, an electronic sliding gate for vehicles and a side gate for pedestrians. The existing flint wall along the southern boundary would be retained.

The Borough Council considered the original application for the Academy (AWDM/0645/14 refers) on 17 September 2014 and raised no objections subject to resolving the matters raised in the committee report and the requirements listed in the recommendation which are set out below.

The report recognised the need for a new secondary school and agreed that strategically the site was well located in terms of accessibility and sustainability. However, there was some concern expressed over the operational logistics of this constrained site without its own dedicated playing fields and the highway safety issues around dropping off and collecting children from nearby points which are not ideal and which are not under the control of the County Council, such as the Queen Street car park.

The Borough Council found that the proposals were generally in accord with the aspirations of the College Masterplan and the Core Strategy policies in that the development would provide Northbrook College with important finance from the sale of this surplus land to the County Council and would facilitate the development of a new secondary school for the benefit of the Worthing area. It would also remove a large number of sub-standard single storey timber hatted classrooms and, at the same time, would provide a further environmental improvement to the site, whilst continuing the individual and contemporary design on this prominent gateway to the town centre.

No objection was raised to the application subject to West Sussex County Council satisfactorily addressing the following requirements:

1. Demonstration that sufficient areas are available on a regular and permanent basis for outdoor formal and informal recreation to meet the normal standards for a secondary school of 900 students
2. The application is amended to incorporate Queen Street car park into the application site and the bellmouth access into the car park is improved. Ideally this car park should only be used for staff and visitor parking and not as a dropping off facility.
3. An agreement to share the use of appropriate school facilities with the local community where reasonably possible
4. The installation of appropriate controls and levels of sound insulation in relation to the sports hall to protect the residential amenities of the area from associated noise and activities
5. The setting of appropriate maximum noise levels from the MUGA and any installed mechanical equipment within the site sufficient to protect the residential amenities of the area
6. The imposition of reasonable opening times for the teaching block and sports hall, and, the specific use of the MUGA shall be restricted to the hours between 09:00 and 18:00 on Mondays to Fridays and between 09:00 and 17:00 on Saturdays and at no other times in order to protect the residential amenities of the area
7. No installation of floodlights for the MUGA without the submission of a planning application (following appropriate consultation and engagement with local residents)
8. The teaching block and sports hall should not be open for use unless a working Puffin crossing has been installed in Broadwater Road to the satisfaction of the Local Highway Authority
9. The teaching block and sports hall should not be used until there is an appropriate travel plan in place
10. The teaching block and sports hall should not be used until the areas in Broadwater Road identified as a dropping off and picking up areas has been properly laid out and marked out with clearly defined waiting, passing and circulatory areas sufficient to meet demand in order to avoid waiting vehicles queuing on the adjoining entry roads
11. The teaching block and sports hall should not be open for use until the car parking and cycle storage facilities are provided in accordance with the appropriate standards to the satisfaction of the Local Highway Authority
12. The maximum provision of sustainable energy efficient systems should be provided within the natural constraints of the site and the viability of the development
13. The implementation of the soft landscaping proposals as submitted but with changes to proposed tree planting as recommended by the Borough's arboriculturist
14. A critical reassessment of the materials and finishes for the sports hall
15. Further investigation of the site for ground contamination sources
16. The preparation and implementation of an air quality measures emissions mitigation assessment
17. Liaison with Worthing College and Northbrook College to share the school bus from Grove Lodge roundabout to the town centre

The Borough Council more recently received another consultation for a Regulation 3 application from WSCC regarding the temporary use of Queens Street car park

for the installation of temporary buildings to provide school accommodation for approximately 12 months (AWDM/ 0773 /15 refers). On 3 June 2015 the Planning Committee strongly objected to the application on the basis of the loss of the car park but recommended the following planning conditions in the event that West Sussex County Council did approve the application:

- i. Temporary permission for 12 months, with land then restored to its former use as a car park.
- ii. The temporary car park shown on the submitted plans shall provide for a minimum of 31 spaces, including the provision of disabled spaces, from the construction of the temporary buildings hereby approved and be available for use by the public until Queen Street car park is available for use again.
- iii. Prior to the first use of the temporary school buildings, a Travel Plan shall be submitted and approved in writing. Thereafter, the Travel Plan shall be implemented and monitored by Bohunt Trust to ensure compliance.
- iv. The music room shall be located away from the northern boundary of the site.
- v. Reinstate height barrier if removed when car park is available for use again
- vi. Secure suitable replacement tree/hedge planting.
- vii. Reconsider the one way system for dropping off students etc.
- viii. Set up a liaison committee to include the Residents' Association and local residents.
- ix. Ensure that the temporary parking is for residents only and investigate suitable parking enforcement.

The County Council did grant itself planning permission on 22 July 2015 for this application subject to conditions in relation to a three year consent, approved plans, temporary permission for a year or so depending on construction progress, tree surgery, provision of cycle parking, no peak time use of the car park in the morning or afternoon until the Broadwater pedestrian crossing is in place, ecological enhancements, provision of 20 public parking spaces, the approval of a parking management study, landscaping, surface water drainage, foul water drainage and screening along the western boundary.

This permission has now been implemented with the temporary school open since September 2015. There are currently 195 students and 24 staff. The school is open between 0700 hours and 1800 hours. Pupils' official times are between 0840 hours and 1530 hours.

SITE AND SURROUNDINGS

The Northbrook College campus occupies a 3.7 hectares site which is bounded by Broadwater Road along its eastern boundary and Carnegie Road to the north. There are residential properties to the south in Queen Street and to the west in Cortis Avenue. The site is readily accessible by public and private transport as well as by pedestrians and cyclists.

The application site is on the southern part of the College site where the shells of the teaching block and sports hall are under construction.

Northbrook College has undertaken significant redevelopment of its Broadwater Road campus over the last three years resulting in this area of surplus land.

PROPOSAL

The County Council is once again the applicant and proposes revisions to the approved scheme by way of variations to the planning conditions which are set out below:-

a) Condition 2 Approved plans –

It is proposed to substitute revised site plans for the landscape masterplans, the detailed planting plans and the revised details of site structures such as bicycle storage, bin storage and the substation due to minor design development plus the addition of a small GRP kiosk added for the tenant's power supply.

b) Condition 4 Queen Street car park access -

This condition requires improvements to the Queen Street car park but as this is no longer proposed as a main set down area it is considered that it would be disruptive to implement the original proposal to alter the kerbs outside of the Queen Street Church and it is proposed to delete the condition.

c) Condition 9 School travel plan –

There is an updated School Travel Plan to support the use of the Queen Street Car Park for staff parking.

d) Condition 11 Landscape maintenance –

This is a revised site plan and a revised landscape masterplan.

The main change in this application is the relocation of the staff car park (previously in front of the sports hall) to Queen Street and a repositioning 25 metres further south of the new vehicle access and bus stop layby in Broadwater Road. The Queen Street car park will provide 52 staff parking spaces on the northern part and 20 public parking spaces at the southern end. These two areas would be separated by an access control barrier.

The area in front of the sports hall would now be used as a combined hard play space and morning drop off area. It would contain benches and landscaping around the boundaries with a small semi-circular covered dining area in front of the sports hall.

SUPPORTING STATEMENTS

This revised application includes a revised Design and Access Statement, a revised layout plan to include Queen Street car park, a revised travel plan and revised landscaping plans.

The **revised Design and Access Statement** contains only minor changes and simply reflects the changes to the proposals as set out above.

The **revised School Travel Plan 2015** states that the new school will be completed by September 2016 and for the first year the school will be accessed via Northbrook

College when there will be 185 pupils which will then grow year on year until the total reaches 900 pupils. Queen Street car park will also provide both pedestrian and bicycle access to the school. There will be 52 spaces for the school and 20 for the community during the day but outside school hours there will be full community access.

- The Head Teacher will form a Travel Plan Working Group with community and staff representatives. Pupils and staff travel surveys are being undertaken to understand the demand for different travel modes.
- The report also acknowledges a number of concerns regarding the conflicts between school travel movements and construction activities and suggests actions as solutions.
- The school will promote sustainable transport initiatives such as the WSCC Journey Planner website, the 3 in 1 bus concessionary scheme and cycle training as well as Walk to School events and Green Power.
- Provision will be made on site for temporary coach parking for school trips and these arrangements will be reviewed as the school develops.
- The Travel Plan also shows purple routes around the site which have the potential to drop pupils off safely on street so they can proceed from these points on foot.
- Parents are not allowed to drop pupils off at the gate in Queen Street car park and have been asked to adopt a one way approach by car from Carnegie Road to Cortis Road to the junction of Queen Street where children are asked to either enter through Northbrook College or proceed on foot to the Queen Street car park.

A **revised 2016 Bohunt School Worthing School Travel plan** has been produced with updates since the temporary school opened in September 2015. It covers travel and transport infrastructure; surveys, modal shifts and targets; travel and transport issues; and actions. The report refers to a home school agreement signed by parents to cooperate with the published travel plan and the set down and pick up proposals. It reports that morning drop off has not significantly impacted upon the surrounding area but it does acknowledge that there have been some low level congestion issues with parents parking on double yellow lines on Queen Street at the end of the day.

It also states that 20 spaces for local residents have been provided in the Queen Street car park but with little take up with only an average of 3 – 6 cars using it during the day or overnight. It also says that visitors to the school have had little difficulty parking on street which suggests that the loss of the car park has had minimal impact. However, some more accurate street surveys are being carried out in December 2015.

In addition:

- The report also proposes 8 park and stride points all around the town ranging from 0.37 – 0.67 miles distance from the school with appropriate areas safe

for dropping off children who would then walk to school. These will be trialled during December 2015.

- The report concludes that the front drop off area can accommodate 24 cars at any one time so it should be able to cope with peak morning times between 0800 hours and 0840 hours even when the school is fully open with 900 pupils. A car circulation swept path analysis plan has been submitted. It also states that gates will not open for pick up at 1530 in order to discourage on site pick up and to encourage parents to use the park and stride points.
- Safe cycle routes have also been identified within 800 metres of the site.
- The school will start its day 20 minutes earlier than Northbrook College and finish at an earlier time to avoid traffic congestion.
- There are also a number of timed and signed off actions including walking promotions, cycle training and reflective clothing, safety presentations and partnership engagements.

The **revised landscaping plans** show a reconfiguration of the planting as a result of the removal of on-site staff parking, the revised access point and the repositioning of the bus stop. As a result, in front of the sports hall there would be a hard play area with shelter and seating with an adjoining hedged and grassed habitat area in the south east corner. There are also more small planting beds to enhance the new spaces.

Following comments from the Local Highway Authority the applicant has produced a belated **Transport Assessment Addendum** (dated 18 December 2015) which produces the following summary and conclusions:

- The proposed access has been moved approximately 25 metres further to the south.
- The proposed gate is located with a 10m setback from the A24 within the site and will be operated by school staff. The school gates will be opened between 08.00 – 09.00 to allow parents onto the site to drop off pupils. The school gates will then be closed until they are opened again at 15.30 for parents to pick up children. The gates will not be opened prior to 15.30, and parents arriving before this time will be directed to the park and stride sites other than for service or delivery vehicles
- Swept path analysis has been undertaken of the access and internal layout to demonstrate that all vehicles expected to use the school will be able to enter and exit in forward gear. Vehicles larger than 10 m in length will be required to inform the school prior to arriving to ensure that the gates are open and the vehicle will not wait at the school overhanging the A24.
- A number of Park and Stride sites have been identified by the school. These have been trialled during the 'Free Your Feet' week, and the school will consult with parents, local premises owners and residents to determine which sites were the most successful.

- The school has undertaken a recent travel survey of staff and pupils. This has been used to determine the trips by car and peak parking demand and accumulation. A parking beat survey was undertaken on the local highway network. This has demonstrated that there is sufficient available parking to accommodate the additional demand created by the removal of the Queen Street car park.
- The revised development proposals would not have a severe residual impact on the operation of the local highway or transport networks. It is therefore considered that the proposals are in accordance with the requirements of NPPF.

The County Council included the following reports and statements in support of its **original application** which still apply unless superseded by the revised documents referred to above:

i. Planning Design and Access Statement

This sets out the reasons behind the layout on the site and the various accommodation options and proposals. It explains the design and its need to acknowledge the form of the recent remodelling of the adjacent Northbrook College. It outlines the approach to protecting and enhancing existing planting within the site and the methods adopted to control the impact of noise and activity upon neighbouring residential properties. Although the report touches upon the pedestrian and vehicular access, this is covered in greater detail in the Transport Assessment. The statement also offers responses to some of the criticisms received as a result of the pre-application consultation and exhibition.

ii. Transport Assessment

This report outlines the accessibility credentials of the site for pedestrians, cyclists and bus and rail users. It describes the safety aspects of the new vehicular access to Broadwater Road, the level of on-site parking (essentially for staff) and the dropping off opportunities in Carnegie Road and the Queen Street car park as well as the possible use of the Northbrook College car park before the College opens in the mornings. The proposed school is expected to open at 8.15 in the morning to ease traffic problems and facilitate access. A puffin crossing would be installed in Broadwater Road to the south of the new school entrance. In addition there would be a travel plan tailored to the needs of the school which would be subject to continuous monitoring and review after first occupation and as circumstances change.

This Transport Assessment reaches the following conclusion:

- (i) The proposed school would provide a more sustainable alternative for many school pupils and reduce longer journeys to schools across Worthing and beyond and for some this school would be their closest secondary school;
- (ii) It is forecast that 20% of the pupil journeys to school would be via the private car, which means that 80% of the pupil journeys would be made sustainably;
- (iii) The typical peak accumulation of pupil vehicles in the morning period is forecast to typically be 6 in the school drop off area on site and in the afternoon it is forecast to be 11. In the other drop off locations this reduces to 4 in the morning and 6 in the afternoon at each location;

- (iv) The LINSIG outputs at the signalised A24 Broadwater Road/Carnegie Road/Sompting Avenue junction have shown that the development will add an additional 2 seconds of delay per passenger car unit on Broadwater Road;
- (v) The PUFFIN crossing modelling results show that there would be no material delay to Broadwater Road traffic during the peak periods (i.e. when it is most likely to be called);
- (vi) The recommended amendments to the access design and off-site highway improvements from the Stage 1 RSA have been incorporated within the outline design drawings which accompany this report, including the slight relocation and widening of the Puffin crossing, the widening of the central refuge and amendments to bellmouth radii of Queen Street;
- (vii) An NMU audit has been carried out and the items identified have been addressed within this report;
- (viii) A Travel Plan has been submitted with this application and proposes that the School implements a series of measures including a drop off and collection code of conduct, leaflets on safe routes to school for year 6 pupils due to join the school as well as other usual travel planning.

iii. School Travel Plan

The travel plan lists a number of measures and initiatives that would be employed to control and influence the ways in which the site is accessed. These will include:

- Travel Plan information on convenient notice
- Annual travel surveys
- Provision of a Travel Plan Co-ordinator
- 100 secure cycle racks/spaces
- Provision of shower and changing facilities
- Promotion of WSCC public transport offers to pupils and staff
- Encourage car sharing between staff members
- Setting up a car sharing group for staff on WSCC lift share scheme
- Provision of an Emergency Ride Home (ERH) scheme
- Provision of an effective car park management strategy
- Promotion of the 'Drop off/Collect Code of Conduct' strategy to parents and pupils

Subject to confirmation, it is anticipated that the school day would begin at 08:15 and finish at approximately 14:45 for pupils. These hours of operation, as far as possible, would help to ensure that the traffic generation does not coincide with existing school traffic or peaks on the local highway network.

This Framework Travel Plan, which should be read in conjunction with the Transport Assessment prepared for the proposed development, is a Framework document. It contains aims and objectives, a comprehensive list of infrastructural 'hard' and behavioural 'soft' measures which could be implemented, some suggested interim targets and a robust monitoring and evaluation strategy in order to heavily encourage and promote the use of alternative modes of transport to the private car for all journeys associated with the school to reduce the traffic impacts of the proposals.

As the school is not yet constructed and given that it represents an entirely new development rather than a relocation, it is not possible to obtain accurate data with

regards to staff and pupil travel patterns at the present time. This Framework Travel Plan therefore provides a commitment to prepare a Full Travel Plan including baseline data and targets within three months of the site becoming operational.

iv. Landscape and Ecological Design Strategy Report

This report provides an ecological appraisal of the site and assesses the potential for protected species to be retained, protected and their habitats enhanced. It acknowledges the opportunity for the species and biodiversity enhancement particularly around the boundaries with the planting of additional trees and hedges. Although a number of coniferous and broad leaved trees would be removed from the eastern boundary to create the new access point, bus layby and footpath in Broadwater Road, replacement advanced coniferous and broad leaved trees would be planted along with an evergreen hedge to soften and filter views along the site frontage.

Some trees along the southern boundary would be removed to accommodate the MUGA but the principal mature and protected trees under the Preservation Order would be retained. In addition a habitat area would be created along the southern boundary for nesting birds, foraging bats, invertebrates and hedgehogs. The hard play areas to the western site sector would be edged with broad-leaved tree lines and flowering shrub planting areas to the site boundaries enclosing the hard play areas and seating areas within the school grounds.

v. Preliminary Ecological Appraisal Report

This report provides a detailed ecological appraisal and concludes that there is little bat roost potential.

vi. Archaeological Assessment

A review of existing archaeological and historical sources suggests that the site has a low potential for containing archaeological deposits of prehistoric, medieval and post-medieval date and no significant setting issues have been identified in relation to designated heritage assets.

vii. Ground Investigation Preliminary Report

This provides an initial visual examination and in situ testing of the soils within the application site which suggests that a more detailed investigation would be required before development commences.

viii. Flood Risk and Storm Water Management Report

The report states that the redevelopment of this part of Northbrook College campus for educational and non-habitable use is deemed appropriate for Flood Zone 1 according to the principles set out in the NPPF. The risk of flooding from all sources is considered to be low and the development would not adversely affect the neighbouring properties in terms of flood risk by dealing with storm water drainage on site.

The incorporation of permeable paving technology and soakage solutions for all storm water run-off in the construction will ensure that peak rates and volumes of run-off from the site are minimised.

This report has identified measures that will reduce the level of residual risk and ensure sustainable levels of storm water runoff. It shows that the proposals can be successfully implemented and managed to provide safety to users for the expected lifetime of the development.

This report shows that compliance with the 2 credits for Flood Risk and 1 credit for Minimising Watercourse Pollution can be achieved and criteria met as described within BREEAM New Construction 2011.

ix. Renewable Energy and Climate Change Statement

The statement acknowledges that legislation and guidance are pushing the boundaries for new developments to make sustainability a necessity and ensure that developers, builders and consultants strive for such improvement backed up by planning policy which requires development to make provision for renewable energy on the site. As such, a solution has been proposed to produce an energy efficient building emitting predicted CO₂ emissions of 170842 kgCO₂/yr from an energy consumption of 370.9 MWh/yr, with low carbon sources providing 22.49 MWh/yr, or 6.06% of this.

x. External Lighting Report

The report illustrates the style, position and brightness of the proposed lighting fittings for the school.

xi. Outline Acoustic Review

The report refers to the need for classrooms to be insulated against internal noise but more especially against external noise sources such as traffic. It examines the effect of various ventilation systems on noise and the probable need for acoustic design standards to be greater than those under the Building Regulations.

The report also considers the impact of noise upon nearby residential properties from the use of the MUGA (multi use games area) and noise emissions from any mechanical services plant within the site compared with the general background noise levels. Accordingly, it proposes mitigation measures where necessary to protect residential amenity.

CONSULTATIONS

There is no requirement for the Borough Council to consult as it is simply only a consultee for this application. The County Council is both the applicant and the determining Local Planning Authority, in this case, and has a duty to consult upon these matters and to take any responses fully into account in making its decision on its own application.

However, a key consideration for the Planning Committee in determining how to respond to the consultation will be to assess the impact of the development on highway safety. Therefore, the initial comments of the Highway Authority to WSCC should be noted and are set out below:

The **County Council** as the **Local Highway Authority** first commented on the **current application** as follows:

West Sussex County Council in its role as Local Highway Authority (LHA) has commented on a number of applications for this proposal. Of particular relevance to the current submission are the comments made on WSCC/033/15/WB. This sought a number of alterations to the permitted scheme that are reflective of the variations sought in the current application. It's noted that this application was withdrawn. The comments made by the LHA on WSCC/033/15/WB are however relevant to the current submission and in particular the variation of condition 2 (the approved plans).

In highway terms, the most fundamental change to the layout is in respects of the staff parking/dropping off area located adjacent to the A24. The approved plans showed this area providing 50 car parking spaces for staff with a circulatory access road providing informal dropping off. The Local Highway Authority raised no highway objections to the proposal.

With the exception of five disabled parking spaces, the revised layout plan seeks to remove all staff car parking from this area. Whilst provision is retained for on-site dropping off, the layout as shown is now much more informal with no defined turning area. The LHA have a number of observations in relation to the proposed arrangement.

The Queen Street car park is now shown as providing 54 school staff parking spaces. It is noted that further negotiations having taken place to secure exclusive use of these for the school. 20 parking spaces are retained for public use. Previously the entire car park was available for public use. The use of the car park also formed a key element of the school's dropping off and picking up strategy. Whilst a travel plan is provided (this appears to be the same as that provided for the temporary school site) no revised strategy has been submitted in light of the amended arrangement and reduction in public car parking spaces at Queen Street.

During the course of the consideration of WSCC/032/14/WB, information was sought relating to the use of the car park to ensure that this had adequate space to accommodate potential school demands especially at dropping off and picking up times. No such information was received. Information was submitted in support of the temporary school permitted under WSCC/040/15/WB. However this considered the impacts arising from the temporary school rather than the 900 place permanent school.

The LHA acknowledged that there are enforceable waiting restrictions on the local highway network that prevent parking from taking place in locations that are detrimental to highway safety. However the proposals have the potential to displace parking presently using the public car park as well as encourage additional on-street parking associated with the school. The potential for this has not been quantified nor has the impact upon on-street parking been formally assessed to determine if further mitigation is required.

The management and use of the informal dropping off area does also not appear to have been considered. The approved design allowed for a circulatory arrangement.

The informal area makes no such provision or efficient use, leading to potential for vehicles to queue back onto the A24 at peak times. Vehicles will also be manoeuvring within what is now a hard play area. Whilst this is a private area, the use and management of this may affect the public highway.

The current scheme also includes gates at the vehicular access onto the A24. Clarification is required as to how the gates would be operated, given that there is insufficient space for a large vehicle to wait clear of the A24 whilst the gate opens.

With respects to the proposed variation of condition 4 (Improvements to Queen Street Car Park Access), these works were intended to improve visibility for emerging vehicles. These works were specifically related to the potential increased use of the Queen Street car park associated with school related picking up. If the car park is not to be used for this purpose, there would seem limited justification to seeking these works. In principle, it's agreed that condition 4 can be removed.

Condition 9 (travel plan) is also to be varied. At this stage, the variation cannot be agreed to. The travel plan submitted appears to relate primarily to the temporary school. As the dropping off/picking up strategy for the permanent school site does not appear to have been considered in any detail, it would seem premature to agree to the variation of the proposed condition.

Further information would be required to address the above points.

The **Local Highway Authority** subsequently commented on the current application are as follows:

In highway terms, the most fundamental change to the layout is in respects of the staff parking/dropping off area located adjacent to the A24. The approved plans showed this area providing 50 car parking spaces for staff with a circulatory access road providing informal dropping off. The Local Highway Authority raised no highway objections to the proposal.

With the exception of five disabled parking spaces, the revised layout plan seeks to remove all staff car parking from this area. Whilst provision is retained for on-site dropping off, the layout as shown is now much more informal with no defined turning area. The LHA have a number of observations in relation to the proposed arrangement.

The Queen Street car park is now shown as providing 54 school staff parking spaces. It is noted that further negotiations having taken place to secure exclusive use of these for the school. 20 parking spaces are retained for public use. Previously the entire car park was available for public use. The use of the car park also formed a key element of the school's dropping off and picking up strategy. No revised strategy has been submitted in light of the amended arrangement and reduction in public car parking spaces.

During the course of the consideration of WSCC/032/14/WB, information was sought relating to the use of the car park to ensure that this had adequate space to accommodate potential school demands especially at dropping off and picking up times. No such information was received. In practice, compared with the permitted

scheme, the current application reduces the total amount of parking available with the 50 parking spaces for staff being relocated to make use of the existing Queen Street car park. As an observation, the revised landscaping plan also appears to show a number of trees located within car parking spaces within the Queen Street car park.

The LHA acknowledged that there are enforceable waiting restrictions on the local highway network that prevent parking from taking place in locations that are detrimental to highway safety. However the proposals have the potential to displace parking presently using the public car park as well as encourage additional on-street parking associated with the school. The potential for this has not been quantified nor has the impact upon on-street parking been formally assessed to determine if further mitigation is required.

The management and use of the informal dropping off area does also not appear to have been considered. The approved design allowed for a circulatory arrangement. The informal area makes no such provision or efficient use, leading to potential for vehicles to queue back onto the A24 at peak times. Vehicles will also be manoeuvring within what is now a hard play area. Whilst this is a private area, the use and management of this may affect the public highway.

Further information would be required to address the above points.

The final response of the **Local Highway Authority** is awaited.

The **Council's Arboriculturist** comments on the current application as follows:

I have taken a look at the proposed landscaping and I consider the choice of species and size of the specimen trees to be a suitable mix that will provide public amenity to the development.

The Pine and Limes are the largest trees in the proposal providing instant effect when planted, which will be helpful particularly along the the site's eastern side adjacent to the A24 Broadwater Road. These trees are being planted to compensate for the loss of the line of coniferous trees along this boundary. The mix of broad leave and Pine trees will add seasonal interest to the line, and varying amounts of screening.

I support this proposal and consider the amount of native species to be appropriate.
The Environmental Health Officer comments as follows:

I refer to the above application and in particular to the creation of an additional hard play area.

Having studied the noise impact assessment prepared by Cole Jarman dated 18 December (ref. 13/4221/M02) I recommend the hours of use of the play area be restricted to 08:15 to 18:00 Monday to Friday, 09:00 to 17:00 on Saturdays with no use on Sundays and Bank or Public Holidays.

REPRESENTATIONS

In response to this revised application no representations have been received.

However, it should be noted that it is for WSCC as the determining authority to notify neighbours and to take proper account of any responses received which then shall be addressed in its committee report. Any representations received exclusively by the Borough Council will be forwarded to the County Council for its consideration.

RELEVANT PLANNING POLICIES

The application should be considered against saved Worthing Local Plan Policies RES7, RES9, RES12, BE1, TR9, H18, LR5, Core Strategy Area of Change 11 and Policies 2, 3, 11, 12, 13, 14, 15, 16, 17, 18 and 19, the West Sussex Transport Plan 2011-226 and the National Planning Policy Framework.

PLANNING ASSESSMENT

Now that the County Council has granted planning permission for the new school the planning assessment is only able to consider those parts of the approved scheme which this application proposes to change by way of the conditions and which are referred to below:

- a) The revised access to Broadwater Road
- b) Use of Queen Street car park for staff parking
- c) No alterations to the car park entrance
- d) Changes or additions to the school travel plan
- e) Revisions to approved plans with specific reference to landscaping, cycle storage, the bin store and the substation.

a) The revised access to Broadwater Road

The entrance point from Broadwater Road has been moved 25 metres to the south to avoid the pinch point that was being created with the bus lay-by, the boundary planting and the car park which would have affected the roots of the retained trees. This has resulted in some improvements to the on-site conflicts between the movements of pedestrians and vehicles. For example, there is now a dedicated pedestrian route and gate for students approaching the site from the south whereas before there was only one dedicated route from the north.

However, the Highway Authority has expressed concerns regarding the electronic entrance gate because it may lead to larger vehicles obstructing the A24 upon entry.

It has also expressed concerns at the lack of an overall parking strategy for the reduction in public car parking spaces and the impact on existing street parking.

Furthermore, the Highway Authority is concerned at the informal and inefficient use of the on-site dropping off area which is not supported by any firm management proposals and which has the potential to result in vehicles queuing back onto the A24 at peak times.

Further responses from the applicant and the Highway Authority are awaited in respect of these matters.

b) Use of Queen Street car park for staff parking

The existing car park has served a number of users such as local residents, local businesses and visitors to the Queen Street Church for a number of years. The current proposal would provide 52 spaces for staff and 20 spaces for public use with the two areas separated by a barrier control. In doing so it would reduce the capacity for existing users with the concern that this will push more vehicles onto the street. Albeit the original application indicated that the car park would be used as a dropping off point for parents. It is this aspect which is causing the Highway Authority some concerns and no proper assessment of this had been made by the applicant who has simply provided photographs of nearby streets with some parked cars which do not substantiate the case that there is spare capacity for on street parking in a convenient location to serve the academy. However, a proper survey has now been commissioned and the results are to be given to the Local Highway Authority for consideration. Further responses from the applicant and the Highway Authority are awaited in respect of this matter.

One benefit from the use of the Queen Street car park in this way would to free up the main site and remove the staff car park from the Broadwater frontage which had the potential to be hazardous, from a highway safety point of view, with obvious conflict from vehicles crossing the primary internal pedestrian route. It would also have created a prominent car park at the front of the site to the detriment of the visual amenities and appearance of the site which, otherwise, would have been solely reliant upon planting to screen the parked vehicles and would have masked views of the buildings which themselves would help to enhance the area.

This frontage area would be used as a hard play area and the Environmental Health Officer was concerned at its potential to cause a noise disturbance for adjoining residential neighbours. As a result the applicant produced a noise assessment which showed that no harm to amenity should occur subject to the recommended time limits upon its use of it between the hours of 0815 -1800 on Mondays to Fridays, 0900-1700 on Saturdays and not at all on Sundays or Bank Holidays.

The Queen Street car park was to have acted as an important dropping off point for the approved scheme but there were potential conflicts between pedestrians, cyclists and vehicles. In contrast the newly proposed uses and management controls should provide a safer environment because it is more likely to result in one way traffic entering the car park in the mornings and one way traffic exiting the car park in the afternoons with less conflicting movements than when it was proposed as a dropping off area. Nevertheless the different modes of transport using the car park as an entrance and exit will need to be managed and to a degree segregated but the details of how this would be done are missing. It is therefore recommended that these conflicts are addressed before the shared car park uses commences.

Further responses from the applicant and the Highway Authority are awaited in respect of these matters.

c) No alterations to the Queen Street car park entrance

This application also seeks to avoid having to change the kerb lines to improve access into and out of the car park in accordance with the previous application which proposed that the Queen Street car park should act as a dropping off point.

The entrance to the site is narrow but on the basis that the access would only have to cope with predominantly one directional flow of traffic either in the morning or in the afternoon, the need for change to the kerb lines may not be so necessary. However, this is a technical matter for the determination of a highway engineer for which the views of the Highway Authority are awaited.

d) Changes or additions to the school travel plan

The changes have largely come about from the relocation of the staff parking but the submitted travel plan does not analyse the parking demands of staff or suggest ways in which these demands can be controlled or met.

It does show tracking diagrams for coaches and larger delivery vehicles which indicate that large vehicles, particularly coaches, will need to make use of the whole width of the access carriageway to enter and exit and there is concern at the impact of any obstruction upon the traffic flows and highway safety of traffic travelling northwards along Broadwater Road. There is also the added concern regarding the operation of the electronic sliding gate which, due to its position or possible electronic failure, may create problems for existing highway users on the public highway. The applicant is suggesting that there would be an advanced warning system for very large vehicles, such as coaches, so that the gate can be opened ready for its arrival to avoid it obstructing Broadwater Road.

Further responses from the applicant and the Highway Authority are awaited in respect of these matters.

e) Revisions to approved plans with specific reference to landscaping, bicycle storage, the bin store and the substation

It is proposed to substitute revised site plans for the landscape masterplans, the detailed planting plans and the revised details and positions of site structures such as bicycle storage, the bin store and substation due to minor design development, and, the addition of a small GRP kiosk added for the tenant's power supply. These are located in the north east corner of the site and the changes have no implications for the site logistics or the appearance of the development due to the location of these uses and the proposed screen planting and they create no reasons for concern.

The revisions to the landscape proposals are largely influenced by the Tree Officer of the County Council who insists that the group of Pine, Lawson Cypress and Sycamore trees in the north east corner of the site are retained. This means that, in order to achieve the necessary root protection zones, the bus stop and entrance bell mouth would have to be moved further southwards. There was an objection to the previous application because trees along Broadwater Road were to be removed to form the new entrance. However, the Tree Officer for the County Council previously accepted the removal of these trees along the site frontage due to their poor condition and subject to appropriate replacement planting.

There are therefore no more trees proposed to be removed other than those agreed in the permitted scheme, although one Norway Maple was accidentally removed by the contractors but this would effectively be replaced. The revised planting proposals would strengthen this front boundary by planting 22 mixed deciduous and coniferous trees. The southern boundary would also be reinforced with additional tree planting to replace some of those removed along the frontage and, consequently, the proposed revisions to the landscaping are considered to be suitable and are supported.

The submitted drawings indicate no loss of trees within the Queen Street car park despite the fact that some trees appear within the individual spaces as illustrated.

The Borough Councils Arboriculturist supports the proposals and comments that the proposed landscaping and choice of species and size of the specimen trees would provide a suitable mix that will provide public amenity to the development.

CONCLUSION

The Borough Council raises no objection to the application subject to resolving the matters raised in this report and the requirements listed in the recommendation below which relate solely to the proposed revisions in this application.

It recognises the need for a new secondary school and agrees that strategically the site is well located in terms of accessibility and sustainability. However, there is some concern over the proposals in terms of the loss of the Queen Street parking spaces for the neighbouring area, the highway safety issues around dropping off children in surrounding streets, picking children up on site without a clearly laid out and managed area, and, the operation of the overflow morning dropping off area in front of the sports hall.

These matters are still being discussed between the applicant and the Highway Authority and Members will be updated at the meeting.

RECOMMENDATION

No objection to the variation of conditions 2, 9 and 11 and deletion of condition 4 of application WSCC/032/14/WB (AWDM/0645/14 refers) subject to West Sussex County Council imposing the following requirements:

1. The development shall not be occupied until the vehicular access onto Broadwater Road, the signalised pedestrian crossing and the relocated bus stop have all been constructed.
2. With the inclusion of the site frontage as additional hard play space, it should be demonstrated that sufficient areas will be available on a regular and permanent basis for outdoor formal and informal recreation to meet the normal standards for a secondary school of 900 students.
3. The hard play area at the front shall only be used for play between the hours of 08:15 to 18:00 Monday to Friday and 09:00 to 17:00 on Saturdays with no use on Sundays and Bank or Public Holidays.
4. It should be demonstrated how the Queen Street car park can operate with maximum benefit and efficiency for all users with particular regard to

highway safety measures to address the potential conflicts between cars, cyclists and pedestrians. There should be controls and means of segregating the academy and public parking areas with a clear statement of hours of availability and methods of enforcement for each area with particular reference to overnight parking arrangements for the public until the academy buildings open in the mornings.

5. It should be demonstrated how the associated Queen Street car park activities and movements can be safely accommodated without bell mouth improvements to the car park entrance.
6. The teaching block and sports hall shall not be used until there is an appropriate travel plan in place.
7. The teaching block and sports hall shall not be used until the areas within the site identified as dropping off and picking up areas have been properly laid out and marked out with clearly defined waiting, passing and circulatory areas and signage sufficient to meet the level of demand and to avoid waiting vehicles queuing onto Broadwater Road.
8. The teaching block and sports hall shall not be used until the car and cycle parking facilities have been provided in accordance with the appropriate standards to the satisfaction of the Local Highway Authority.
9. The revised soft landscaping proposals and the ecological enhancement measures shall be fully implemented in accordance with the submitted details.
10. There shall be liaison with Worthing College and Northbrook College to share the school bus from Grove Lodge roundabout to the town centre and the agreed arrangements shall be formally incorporated into the travel plan.

13th

January 2016

Application Number: AWDM/1250/15

Recommendation – Part
approve/part refuse

Site: Beach House Park, Lyndhurst Road, Worthing

Proposal: Installation of 2 no. A1 size non illuminated poster signs
fronting Lyndhurst Road and 2 no. A1 size non illuminated
poster signs & 2 other non illuminated signs fronting Brighton
Road (6 in total)

Applicant: Mr Seamus Kirk
Case Officer: Peter Barnett

Ward: Central



Not to Scale

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Proposal, Site and Surroundings

Beach House Park is located between Brighton Road to the south and Lyndhurst Road to the north. Permission was granted in June 2015 for the change of use of the central pavilion to a restaurant/cafe (Use Class A3) on the ground floor with associated function space at first floor (AWDM/0624/15). The café (Palm Court Pavilion) is now open and the applicant wishes to display signage to increase public awareness of this facility in the park.

It is proposed to install 6 signs in total comprising the following:

- 2 signs fronting Lyndhurst Road to be displayed on each of the central brick piers at the entrance to the park. The signs will be A1 size (0.8m high and 1.2m wide)
- 4 signs fronting Brighton Road to be displayed on the stone piers at each of the three entrances (1 at the east end, 1 at the west end and 2 on the piers at the central entrance). The central signs will be A1 size with the 2 signs at either end measuring 1.5m high and 0.5m wide, similar to the signs at the entrance to Martine Gardens.

The A1 signs will take the form of glass-fronted lockable display boards, where the content of the advertisement can change. The type of information to be displayed will consist of standard menus plus special events and menus. The applicant wishes to attract as many people to the park as possible and considers that 6 signs are necessary due to the size of the park and the number of entrances into it.

The applicant currently has temporary signage affixed to the railings on both road frontages containing the café logo and stating that it is now open.

Consultations

None

Representations

Representation received from The Worthing Society stating that they have no objection in principle to the signs but are rather concerned at their size. Ask whether the two AO signs could be reduced in area.

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 16
National Planning Policy Framework (March 2012)

Relevant Legislation

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) made pursuant to section 220 of the Town and Country Planning Act 1990 (as amended) provide that the Committee should consider the application having regard to: the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

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

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

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

Planning Assessment

Visual amenity

Lyndhurst Road

The proposed signs on the Lyndhurst Road frontage will be A1 size and will be wider than the brick piers on which they are to be displayed. However, similar sized poster display board signs exist on other brick piers along the Lyndhurst Road park frontage which appear to display events at Worthing Theatres. Given their presence, it is not considered that it would be reasonable to require the proposed signs to be reduced in size or number along this frontage.

The proposed signage will be quite subdued (grey and green with white lettering) and it is not considered that it will cause undue visual harm to the area.

Brighton Road

The Brighton Road frontage is considered to be more sensitive than Lyndhurst Road, with the Grade II* Listed Beach House directly opposite. Four signs are proposed, 2 x A1 size to be positioned on the 2 piers at the central entrance to the park, and 2 other signs to be displayed on the piers at the east and west entrances.

As with the Lyndhurst Road frontage the proposed A1 signs will be wider than the piers and will look slightly out of proportion. They will also partly obscure a decorative feature on the piers. The end piers will contain narrower, deeper signs which will fit more comfortably on the piers.

It is considered that the installation of signage on the end piers, in the manner proposed, would not have a harmful visual impact. It would introduce new signage on the park frontage but it is considered that the café is a facility that requires more signage than would normally be deemed necessary due to its position within the park, where it does not enjoy a prominent street frontage.

However, it is not considered that signage should be permitted on the central piers. These form part of an attractive curved entrance to the park directly opposite the Listed building and the addition of permanent signage here would detract from this setting. The Brighton Road frontage of the park does not currently have any permanent signage and has only temporary signage in the form of banners affixed to the railings for short term publicity of local events plus the temporary display of larger banner signs on the scaffold frame towards the west end of the park which also advertise local shows and events. The applicant was asked to reduce the width and number of the signs but has declined to do so. On balance, the width of

the signs is considered to be acceptable but the number of signs proposed is felt to be excessive.

To allow the permanent display of four signs on the frontage would result in a cluttered appearance which would detract from the visual amenity of the area and the parkland setting. The display of two signs only at either end of the Brighton Road frontage would be an acceptable balance between adequately publicising the café whilst protecting the visual amenities of the area. Pedestrians and drivers passing the park will see the signs at either end and it is not considered to be essential that signage is also included on the central piers.

Public safety

None of the proposed signs will cause harm to public safety.

Recommendation

A. APPROVE signs 1,4,5 and 6 as shown on the location plan subject to the following conditions:

- 1-6 Standard advert conditions
- 7 List of approved plans

B. REFUSE signs 2 and 3 for the following reason:

The proposed signs, by reason of their size, prominence and number, would result in a cluttered visual appearance which would detract from the setting of the park and harm the visual amenities of the locality.

13th

January 2016

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

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Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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