Communities Directorate 1 February 2016

Worthing Planning Committee	
Date:	**Wednesday 10 February 2016**
Time:	**6:30pm**
Venue:	**Gordon Room, Stoke Abbott Road, Worthing**

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

NOTE:
Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail heather.kingston@adur-worthing.gov.uk before noon on Tuesday 9 February 2016.
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Agenda

Part A

1. **Declarations of Interest / Substitute Members**

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

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

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

   Any substitute members should declare their substitution.

2. Confirmation of Minutes

To approve the minutes of the Planning Committee meetings of the Committee held on Wednesday 13 January 2016, which have been emailed to Members.

3. Items Raised Under Urgency Provisions

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

4. Planning Applications

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

5. Public Question Time

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

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

Part B - Not for publication - Exempt Information Reports

None

Recording of this meeting
The Council will be voice recording the meeting, including public question time. The recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	**For Legal Services enquiries relating to this meeting please contact:**
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk	Caroline Perry Solicitor 01903 22 caroline.perry@adur-worthing.gov.uk

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

Planning Committee
10 February 2016

Agenda Item 4

Ward: ALL

Key Decision: ~~Yes~~ / No

Report by the Director for Economy

Planning Applications

1
Application Number: AWDM/1805/14 Recommendation - Withdraw potential harm to 6 Grand Avenue by reason of overshadowing to rear garden as grounds for refusing, reaffirm overall unacceptability of appeal proposal against the relevant tests and agree revised affordable housing offer.

Site: Land South Of 6 Grand Avenue, West Parade, Worthing, West Sussex

Proposal: Demolition of existing buildings at 25-26 West Parade and 4 Grand Avenue and residential redevelopment in the form of a block of 35 flats (including 7 affordable homes), arranged as 3 storeys tall and rising to 6 storeys in the northern part of the site; 7 storeys in the east and 11 storeys tall in the south west corner of the site, together with associated 34 car parking spaces (including 26 in basement), new accesses and landscaping.

2
Application Number: AWDM/1199/15 Recommendation - APPROVE

Site: 22 Sompting Road, Worthing (former Dairy Crest depot)

Proposal: Demolition of existing buildings and erection of industrial/distribution units comprising Unit 1 (sui generis builders' merchant for display, sale, storage of building, timber and plumbing supplies, plant and tool hire including outside display and storage); Unit 2 and 3 (Class B8 with trade counter and ancillary showroom); and Unit 4 (Class A1 cafe/sandwich shop and/or sui generis tile merchant)) including access and servicing arrangements, car parking and associated works. (Former Dairy Crest Depot)

1

Application Number: AWDM/1805/14

Recommendation – Withdraw potential harm to 6 Grand Avenue by reason of overshadowing to rear garden as grounds for refusing, reaffirm overall unacceptability of appeal proposal against the relevant tests and agree revised affordable housing offer.

Site: **Land South Of 6 Grand Avenue West Parade Worthing West Sussex**

Proposal: **Demolition of existing buildings at 25-26 West Parade and 4 Grand Avenue and residential redevelopment in the form of a block of 35 flats (including 7 affordable homes), arranged as 3 storeys tall and rising to 6 storeys in the northern part of the site; 7 storeys in the east and 11 storeys tall in the south west corner of the site, together with associated 34 car parking spaces (including 26 in basement), new accesses and landscaping.**

Appellant: Mr Ben Cheal Ward: Marine
Case Officer: Peter Devonport

Not to Scale

Background

The Planning Committee refused the above application to redevelop the above site for residential purposes, including constructing a part 11 storey building, at its meeting on 1.4.15. The substantive and addendum reports are attached as appendices 1 and 2.

The grounds for refusal were;

1. The proposal would by reason of the siting, height, massing and design of the building harm the outlook of the occupiers of 6 Grand Avenue and residents to the north of the site. The proposal has also failed to demonstrate that unacceptable overshadowing of the back garden of 6 Grand Avenue would not result. This would be to the detriment of these neighbours' living conditions and contrary to Saved Local Plan H18 and the National Planning Policy Framework and Practice Guidance.

2. The proposal would by reason of the siting, height, massing and design of the building appear unduly assertive and bulky and out of character with the surrounding development and fails to achieve the high standard of design expected of a tall building. This is to the detriment of the appearance and character of the area and is contrary to Core Strategy Policy 16; Saved Local Plan Policy CT3; Tall Buildings SPD and the National Planning Policy Framework and Practice Guidance.

The application has subsequently been appealed and a Public Inquiry is due to be held, starting on the 5th April 2016.

The first reason for refusal cited above includes the following reference: *The proposal has also failed to demonstrate that unacceptable overshadowing of the back garden of 6 Grand Avenue would not result.*

As the Committee report and subsequent addendum explains, the logic for such a reference was that the scheme as originally submitted incorporated a four storey element in the affordable block adjacent to No 6 and that Officers felt that on the basis of the evidence, including the applicant's technical study on natural light and overshadowing impacts, the scheme would have a detrimental impact on the back garden of No 6 in terms of overshadowing. As a result the substantive Committee report stated that the proposal would cause overshadowing of their back garden.

However, late revisions to the application were received which included the loss of the fourth storey element of the proposed affordable housing block close to No 6 Grand Avenue. Whilst, this reduced the overall height of the development as no remodelling of the effects of the revised scheme on overshadowing had been undertaken by the applicants consultants (Anstey Horne), it was not possible to definitively say that harm to the rear gardens of No 6 was unchanged. Such

potential harm remained a legitimate issue of concern and failure to demonstrate no unacceptable harm to this neighbour compounded the concerns on outlook/design which remained despite the revisions.

Current Position

The applicant has since sought to address any uncertainty surrounding overshadowing impacts to No 6 by undertaking an addendum to their technical study on natural light and overshadowing impacts and submitting this as part of their appeal. This study, also by consultants Anstey Horne concludes that,

"The results have shown that the vast majority of the properties assessed achieve excellent levels of adherence to the BRE guidelines, with 6 Grand Avenue, Marine Point and Dolphin Lodge all achieving full adherence to both the BRE daylight and sunlight tests.

The overshadowing assessments undertaken for the rear garden at 6 Grand Avenue illustrates that whilst there will be some minor additional overshadowing of the garden in March as a result of the proposed development, both the two-hour sun on ground and transient snapshots confirm that it is only a small proportion of the garden that falls below the BRE guideline threshold. During the summer months there will be little or no additional overshadowing as a result of the proposed development.

In conclusion, the proposed development has shown a good level of adherence to the BRE guidelines, such that in my opinion Adur and Worthing's planning policy on daylight and sunlight will be satisfied.

Officers have sought independent validation of the appellant's addendum study and commissioned consultants Calford Seaden. The Council's Consultants conclude that,

"6 Grand Avenue

The two hour sun on ground assessment at paragraphs 7.7 to 7.9 confirms that the area able to receive at least two hours of sunlight on 21st March will fall to 46% of the area of the amenity space and that the BRE Guidance recommends that at least 50% of the amenity space should be able to receive sunlight. The Anstey Horne report argues that in fact the shortfall amounts to just ten minutes out of the two hours when the area falls below 50%.

At paragraphs 7.10 to 7.12 Anstey Horne discusses how the extent of overshadowing changes with time of day and season. This is known as transient overshadowing. The report does not state the areas that will be in permanent overshadowing at 21st March and this is one of the criteria employed by the BRE in the earlier version of BR209. In order to be able to judge fully the impact of the proposals I requested that the applicant provide figures for this permanent

overshadowing and also confirm that they have considered the existing boundary in their modelling and calculations.

The previous version of BR209 issued in 1991, gave a different interpretation for the assessment of overshadowing and recommended that no more than 40% and preferably no more than 25% of the area of the amenity space should be in permanent shadow on 21st March each year or, if already partially overshadowed, that the area able to receive sunlight should not be reduced below 0.8 times its existing area. It also stated that trees, high fences etc. should be taken into account.

In response to my request Anstey Horne have now provided drawings that separately show the overshadowing based upon the current BRE guidance and the overshadowing based on the previous BRE guidance and these are at Appendix 2 of this report.

The comparison is important because sunshine is not continuous and areas that theoretically might be able to receive at least two hours of sunlight may not do so as a result of cloud cover at the appropriate time whereas the area of permanent overshadowing provides a fixed datum.

The appended drawing reference ROL7146_09_306 illustrates the fact that the area of permanent overshadowing will increase by a small amount, from 27.82% to 29.62% of the area of the amenity space. This is comfortably within the 40% stated in the 1991 guidance figure and only slightly greater than the ideal of 25%. The reduction in area capable of receiving sunlight is approximately 2.5% or 1.8% of the amenity space.

Given that BR209 is stated to be guidance only and that the BRE recognise that the stated levels may not be achieved in an urban environment it is possible to interpret the above results as being not unreasonable.

Overshadowing

Only number 6 Grand Avenue has been assessed. Against the current BRE guidance the area of amenity space that might potentially receive at least two hours of sunlight on 21st March each year would be reduced from 66% to 46%. Whereas under the previous guidance the area of permanent overshadowing would be increased from 27.82% of the amenity space to 29.62%.

Conclusion

The overshadowing assessment provided by Anstey Horne as part of their addendum report addressed the current BRE guidance but, as explained above, sunlight is not guaranteed and in my opinion it is justifiable to make the comparison with the previous version of the BRE guidance which referred to the area of permanent overshadowing at the solar equinox.

Given that Anstey Horne have stated that the shortfall in area that can receive two hours of sunlight lasts for just ten minutes and taken in the context of the area of permanent overshadowing it is my opinion that the results are not unacceptable"

The above studies have been published and the neighbour at No 6 and the Save Our Seafront campaign who are spearheading local opposition to the appeal proposal consulted. No comments have been received.

Assessment of daylight/sunlight impact studies

It will be seen from the above that the appellant's claims in their addendum daylight/sunlight impact study have been independently corroborated by the Council's own consultant's assessment and that the impact of the revised scheme (subject of the appeal) on overshadowing of the back garden of No 6 Grand Avenue would be very minor.

Accordingly, in consultation with the Council's Barrister appointed to represent the Council at the Public Inquiry, officers consider that reference in the first Reason for Refusal stating that,

"*the proposal has also failed to demonstrate that unacceptable overshadowing of the back garden of 6 Grand Avenue would not result"* is no longer sustainable and should be withdrawn from the Council's case. The appellant, Planning Inspectorate and relevant third parties should be advised accordingly.

Reconsideration of the appeal proposal

With the removal of potential unacceptable harm to the back garden of No 6 Grand Avenue as an objection to the proposal, it follows that the Committee should, for completeness, revisit its overall judgment on the scheme. For clarification, it is helpful to expressly relate this weighing up exercise to the relevant legal and policy tests, including paragraphs 14 and 49 of the National Planning Policy Framework, as they apply.

Officers' detailed assessment of the proposal and overall conclusions otherwise remain substantially as set out in the appended Committee reports, apart from the fact that the shortfall in terms of the Core Strategy's provisions for deliverable housing land compared to Objectively Assessed Needs (OAN) approach as promoted by the National Planning Policy Framework has been updated. Following an assessment of the current deliverable housing land supply position it is now recognised that there is around two and half years supply of that required against the OAN over a 5 year period.

As the Committee reports make clear, the Planning Acts require applications (including at appeal) to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Core Strategy, including Worthing Saved Local Plan policies, comprises the Development Plan here but the

Government has accorded the National Planning Policy Framework considerable status as a material consideration which can outweigh the Development Plan's provisions where such plan policies are out of date; or silent on the relevant matter or at variance with the National Planning Policy Framework. In particular, the National Planning Policy Framework attaches considerable importance to increasing housing provision delivery, and, as reaffirmed above, housing provision identified in the Core Strategy and related documents is out of date in that it provides for substantially less deliverable housing land than required to meet the OAN as promoted in the National Planning Policy Framework.

The Committee reports have shown by objective assessment and reference to the National Planning Policy Framework, Development Plan and relevant Tall Building Supplementary Planning Document that the proposal would independently give rise to substantial harm in terms of visual amenity, and, for those residents living north of the proposal, outlook.

It has also demonstrated that the benefits arising from the proposal are limited. This includes the additional housing it would provide, given the net on site contribution (30 dwellings) is not especially large and the acknowledged shortfall of the Core Strategy's provisions for deliverable housing land against the OAN so substantial that the increase would not significantly dent the deficit. Moreover, action to realign the current Development Plan with the NPPF by preparing a new Local Plan to replace the Core Strategy is underway through the planned review. It is this review that will now need to balance housing need alongside other evidence to assess what level of development can be delivered in a sustainable manner when taking significant environmental and land availability constraints into account. Ultimately, it is this process that will establish the housing requirement within the new Local Plan which is expected to be in place by early 2018.

The limited benefits may also be seen in the context of the acceptance in the Committee reports of the principle of a more intensive residential redevelopment of the site and reference to the Council's 2014 Strategic Housing Land Availability Assessment's (SHLAA) identification of the seafront part of the site as a "Potential Site" provisionally having the gross potential for 22 dwellings (subject to acceptability in all relevant respects). As such, the site is already expected to contribute to the delivery of the Core Strategy's 5 year housing target. Whether the 22 unit yield is achievable in an acceptable manner is as yet untested in detail (the SHLAA appraisal was indicative). However, the incorporation of 4 Grand Avenue into the mix (to mirror the appeal site boundaries) would certainly help and possibly even result in this figure being exceeded. Accordingly, if the appeal site were to be redeveloped along these lines, and specifically, to avoid the unacceptable harms identified in the reasons for refusal, this would generate a net increase in housing on the appeal site not dissimilar to the appeal proposal. As such, it is a material factor in assessing the benefits of the proposal.

The identification of benefits also includes the affordable housing, regeneration, sustainability, development contributions and other benefits discussed in the reports, again in the broad context of National Planning Policy Framework and Development Plan and relevant Supplementary Planning Documents. It is worth noting that tariff development contributions are no longer payable (other than for affordable housing and any site mitigation works) as the system has been superseded by the Community Infrastructure Levy. These and other financial implications, including The New Homes Bonus, are material to the extent that they may make the development acceptable in planning terms,

Weighing up the proposal in accordance with the relevant legal and policy tests, including paragraphs 14 and 49 of the National Planning Policy Framework, albeit minus the potential overshadowing harm, Officers remain of the view that the proposal would give rise to substantial harm. This harm as set out in the recommended amended reasons for refusal would significantly and demonstrably outweigh the benefits as set out above, when assessed against the policies in the National Planning Policy Framework taken as a whole and with due account of the Core Strategy and Saved Local Plan policies and supporting guidance. The scheme accordingly does not qualify as sustainable development and the proposal should continue to be opposed.

Revised Affordable Housing Offer and CIL

This application originally offered 6 rented affordable housing units, a low cost unit (80% of market value) and a contribution of approximately £280k towards the provision of 3 off site affordable housing units (to ensure the provision of 30% affordable housing – 10 dwellings).

Unfortunately, the original interest in the affordable housing by a Registered Provider (RP) has not been maintained due to the significant financial impact on Housing Associations with the reduction in rent announced by the Government last year. The applicant has submitted the following,

"We are writing to you following our discussions to reaffirm our position in relation to the affordable housing offer to support the proposed development.

As discussed we have approached several registered providers in respect of gaining interest in the 6 on-site units to the north of the scheme. (7th unit was reduced market rate).

We have received little interest in the scheme due to its size and the difficulties resulting from the Central Government funding changes that have come out of the Housing Bill. The informal offer we have received is one for a shared ownership provision only, which we understand is clearly not a tenure that will meet the most abundant tenure for affordable housing provision; affordable or indeed social rent.

In context several registered providers have indicated that the values for Shared ownership and affordable rent would be approximately 60/65% and 40/45% of market value respectively. Clearly the latter and most needed tenure for WBC would have a significant impact on viability of any project and would result in an offer (not that any have come forward) of over £300,000 less than that for shared ownership (on a turnkey product basis).

On this basis we consider that a practical solution to aiding WBC meet their explicit affordable rent/social rent requirements is that the affordable housing provision for this development should be secured entirely as a contribution in lieu of an on-site provision.

I have therefore calculated off-site provisions based on the same figures as adopted from Worthing's July 2015 SPD. Our updated offer is therefore as follows and would be made on the basis of payment of this contribution within 30 days of commencement of the development. (Commencement of ground works, rather than demolition, which can be defined fully with the S.106).

Off-Site provision for 1 and 2 bedroom properties only;

7 x New off-site units as on site provision (4 x 1 and 3 x 2 bed)

4 x 1 Bed (£79,560) = £318,240
3 x 2 Bed (£80,850) = £242,550

Sub Total = £560,790.

Total Off-Site Contribution = £841,402.50. *(£280,612.50 + £560,790.00)*

As Members are aware, established planning policies seek to ensure that for schemes in excess of 15 dwellings affordable housing is delivered on site. However, it has also been recognised that for some sites, particularly on the seafront, such on site provision can be very expensive for RPs with high maintenance and service costs. In this instance your Officers were satisfied with the on-site provision of 6 rented units, one low cost unit and an off-site contribution for 3.5 units as it would help deliver on site the greatest need for rented accommodation. The applicant is still willing to provide some on site provision but only shared ownership and this would not meet the greatest housing need which is ideally for social rather than affordable rent.

In the circumstances an off-site contribution would provide the Council greater flexibility in terms of tenure of affordable housing and may enable the provision of all rented accommodation on an alternative town centre site. If Members agree to this approach this will be referred to in the Statement of Common Ground and the applicant will be submitting a Unilateral Undertaking to the Planning Inspectorate in support of the appeal proposal.

As indicated earlier the development contributions required previously will be replaced by CIL and the applicant will be served the requisite section 65 notice to ensure that liability to pay the contribution is accepted at this stage.

Recommendation

1. That in the light of the findings of the Addendum study prepared by the appellants and corroborative study commissioned by the Council in respect of the daylight and sunlight impacts of the appeal proposal, that *failure of the appeal proposal to demonstrate that unacceptable overshadowing of the back garden of 6 Grand Avenue would not result* as set out in Reason for Refusal One be withdrawn as an objection to the proposal and not feature in the Council's case at the Public Inquiry.

2. That taking into account the withdrawal of the Council's objection to the appeal proposal in respect of overshadowing of the back garden of 6 Grand Avenue; latest assessment of shortfall of the Core Strategy's provisions for deliverable housing land against the OAN; and all other relevant matters as set out in this report, the Committee, in reassessing the proposal, reaffirms its view that the harm arising from the proposal as set out in the amended reasons for refusal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole and with due account of the Core Strategy and Saved Local Plan policies and supporting guidance. The scheme accordingly does not qualify as sustainable development and the proposal should continue to be opposed.

3. That the revised affordable housing offer for an off-site affordable housing contribution of £841,402.50, based on the Councils latest SPD, is accepted.

Appendix 1: Previous report to Planning Committee

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/1805/14 **Recommendation – Refuse**

Site: **Land South Of 6 Grand Avenue West Parade Worthing West Sussex**

Proposal: **Demolition of existing buildings at 25-26 West Parade and 4 Grand Avenue and residential redevelopment in the form of a block of 36 flats (including 8 affordable homes), arranged as 3 and 4 storeys tall and rising to 6 storeys in the northern part of the site; 7 storeys in the east and 11 storeys tall in the south west corner of the site, together with associated 34 car parking spaces (including 26 in basement), new accesses and landscaping.**

Applicant: Mr Ben Cheal Ward: Marine
Case Officer: Peter Devonport

Not to Scale

Site and Surrounds

The application site is located on the north east junction of Grand Avenue and West Parade on the seafront in the established residential inner suburb of West Worthing, to the west of the town centre.

Although the topography is generally flat, the suburb is mixed in character. Mainly low rise, inter war, private housing predominates behind the seafront (interspersed with some more modern medium rise flatted development and formal town planned Marine Gardens, inter war flats) and along much of the more western part of the seafront.

However, along the seafront east of the application site, tall 70s and 80s slab blocks of between 7 and 9 storeys prevail, generally set back on a common building line with parking courts to the rear. These are mainly faced in brick and are of period design, often with prominent balconies and are best described as imposing but plain. Regis Court, at 7 storeys (top storey recessed) immediately adjoins the site to the east and aptly fits into this mould but is particularly notable for the depth of its rear garage block area and prominent front balconies, including adjacent to the application site.

Likewise, along the northern part of Grand Avenue, there are several tall, 80s slab blocks, but, exceptionally, one 9 storey 1960s slab block (Marine Point) faces the application site on the NW corner of the junction of Grand Avenue and West Parade and is abutted at right angles by Dolphin Lodge, a large Edwardian slab block 7 to 8 storeys tall running north along Grand Avenue and also partly facing the application site. Marine Point is more striking than its counterparts to the east. It is recognised as such by its designation as a Local Interest Building, though it is unknown how popular this distinction is locally. By contrast, Dolphin Lodge is a very distinguished and attractive building, noteworthy for its Dutch style gables and (infilled subsequently) colonnade and whiter rendered finish and is also designated a Local Interest Building, accordingly.

The seafront contains a formal esplanade on slightly raised ground, running alongside the shingle beach and is popular with visitors and locals.

Grand Avenue is a wide tree-lined boulevard, stretching as far as West Worthing station to the north and culminating in a formal concourse by the beach. It was laid out in late Victorian times with evident aspirations but modest, albeit pleasant, two and two and half storey early twentieth century suburban housing, set back on a common building line, characterises much of the southern part of the road, with 3 to 6 storey modern interspersed, infill, flatted development prevailing further to the north. Grand Avenue's fate mirrors Dolphin Lodge which was started in 1893 as the Hotel Metropole but the grander concept never realised and the building only finished in 1923 as flats and renamed The Towers.

The largish, inter war detached houses immediately to the north of the site in Grand Avenue are unusually tightly packed, sit on slightly lower ground than No 4 and have only modest rear gardens. Some include front balconies. The immediate neighbour, No 6, sits on the boundary with the application and features one high level window (serving a lounge) at ground floor in its southern elevation but this

room's outlook is west through a bay window. The front garden also incorporates a small decked area to view the sea and the rear garden is also laid out with various seating areas/patios.

Untypical of the road is the Grade II listed Black Nest Hall at No 18, some 65 ms to the north of the application site. Low rise suburban housing, mixed with more modern flatted development predominates along the rest of Bath Road which runs to the north of the site, parallel with West Parade, supplemented by some more modern flatted development.

The application site itself is rectangular and is given as 0.26 hectares in size. From the seafront, it certainly reads as a gap in the wall of tall slab blocks on either side, comprising three, low rise properties, though from Grand Avenue it simply reads as the termination of the strip of suburban housing. A pair of plain semi-detached 3 storey inter war flat roofed houses are set back from the corner to preserve both building lines and feature balconies and substantial lawned front gardens, partly sunken. Both were converted to flats last mid-century and No 25 remains as 3 flats but No 26 has subsequently reverted to one house, though there is no planning record of such. Single storey garages abut both the boundary with No 4 and Regis Court. The drive of No 25 runs along this boundary and No 26 benefits from two vehicular accesses off Grand Avenue.

No 4 Grand Avenue (The White House), by contrast and sitting to the north, is a more flamboyant art double fronted, art deco inspired house, with round bays, oversailing green pantiled roof and white rendered walls with modest rear and larger front sunken garden. It too sits slightly higher than No 6.

The Proposal

This is a full application to redevelop the existing site buildings and construct 36 flats in a single building, broadly L-shaped in footprint to generally follow the corner and with frontages onto Grand Avenue and West Parade. However, it steps forward of both the building lines in staggered fashion as it approaches the apex of the corner, more prominently on the upper floors.

The open part of the corner and set back from the adjacent roads is, landscaped as an amenity area by the corner and West Parade. Beyond, this, a central area provides forecourt surface parking and the main vehicular accesses, including to the larger basement car park. Finally, the northern open frontage is a landscaped amenity area.

The built development comprises 3 distinct elements. Firstly, a *link* building to the north, stepping up southwards from 3 storeys adjacent to 6 Grand Avenue, then to 4 storeys and rising up to 5 storeys. This is the shortest constituent part. Secondly, on the apex of the corner, the tallest part, at 11 storeys, and described by the applicants as a *tower.* Thirdly, either side of *the tower* a pair of *shoulders* at 6 storeys to the north and 7 storeys to the east. The top floors of the *shoulders* and *tower* are slightly recessed which also facilitates terraces or balconies. The service area containing stairs becomes exposed as a separate, recessed and slimmer element in the *tower* beyond the 7th storey.

The development provides 8 affordable flats, equally split between one and two bedroom units set in the 3 and 4 storey part of the tail and also the ground floor of the 5 storey element. The 2 bed ground floor unit in the 5 storey part of the development is to be offered at 80% market rate (intermediate housing); the remainder for rent through a Registered Provider. A commuted sum of £188,370 is offered towards the provision of 2.8 affordable dwellings off site.

The bulk of the development, however, comprises market flats. The 28 units are, again, equally split between 2 and 3 bedroom flats.

Car parking consists of the 8 forecourt spaces and the 26 spaces in the basement (including some with potential for additional tandem parking by small cars). This is reserved exclusively for the market housing.

Sixteen cycle spaces are shown in the basement, plus ten in the forecourt. There is direct lift access from the market housing.

Two vehicular accesses off Grand Avenue serve the parking, the principal access being to the north and leading to the basement ramp.

All the market housing and one ground floor intermediate affordable unit are served by a ramped path leading from West Parade to a dedicated entrance. The remainder of the affordable housing is accessed by its own path off Grand Avenue, served by a stair lift and steps.

The market flats benefit from a ground floor terrace, balcony or roof terrace, facing south or west. The affordable units lack any private amenity areas apart from the intermediate unit and the status of the landscaped area to the front (exposed) and the space to the rear of the affordable block is for visual purposes only, having no direct access and is on slightly raised ground. The main (exposed) corner landscaped garden is a communal amenity area.

Only the market flats enjoy access by lift.

The basement area extends beyond the building footprint to the north east up to one metre of the boundary and forward of the building on its West Parade frontage to approximately the hard landscaped front private terraces. It raises the upper storeys and affected curtilage space by less than one metre.

Bin store areas are provided in the SE corner of the landscaped forecourt by West Parade (for affordable units) and in the NW corner by Grand Avenue (for market flats).

A new electricity substation is proposed in the landscaped forecourt in front of the affordable housing by Grand Avenue.

Boundary treatments are 1.35 tall brick walls with taller piers at intervals and timber gates and timbered panels.

The design is contemporary, with individual constituent elements (*link, shoulders* and *tower*) expressed differently within this overall theme. All roofs are flat.

The *link* element is in a darker brick and whilst it's main orientation is west and east, includes some windows on all floors serving habitable rooms on its north elevation.

The *shoulders* also use a darker brick and feature tiered balconies, the Grand Avenue west elevation balconies being angled and oversailing the ground floor footprint. The recessed penthouse flat in the eastern shoulder is notable for its extensive glazing.

The *tower* element incorporates a colonnade feature on its lowest floors and is faced in lighter brick. The two top floors are physically recessed and lighter in finish with more extensive glazing. SW corner balconies are tiered and oversail the ground floor.

The broader palette includes baguette features in the tower and shoulders aluminium balcony and a light grey anodised aluminium window and door frames.

The hard landscaping comprises a mix of permeable block paving for the parking forecourt, concrete for the ramp, natural stone paving of various types to the hard landscaped amenity area and gravel by the front terrace. Steel and timber would be used for the street furniture. The soft landscaping provides for formal lawns and hedged areas, supplemented by shrub and herbaceous planting. There is no tree planting on site and two street trees would be removed to form the vehicular accesses.

The proposal seeks to achieve Code for Sustainable Homes Level 3 and Level 4 standards for thermal and water efficiency. Solar panels (photo voltaic cells) are shown on the 3 and 4 storey affordable housing elements roofs, supplemented by air source heat pumps and the development is served by a combined heat and power plant.

The proposal was the subject of some pre-application consultation with Officers and also to subsequent separate formal consultation by the developers with the local community (as encouraged in Government guidance), culminating in two public exhibitions in June and October of 2014.

The application is supported by a Planning & Affordable Housing Statement; Statement of Community Involvement; Design and Access Statement; Urban Design Statement; Landscape Strategy; Phase 1 Habitat Survey; Flood Risk Assessment & Foul and Surface Water Drainage Strategy; Sustainability/Energy Strategy; Site Waste Management Plan; Contamination – Phase 1 Desk Study & Site Reconnaissance; Daylight/Sunlight Report; and Transport Statement

Planning History

No relevant planning history.

Extracts from Applicant's Supporting Statements

Planning and affordable housing statement

4.3. Design, Form & Appearance
4.3.1. The design, form and appearance of the proposed development reflects the significant redevelopment opportunity presented by the application site, the local context, as well as the role that the site performs as the 'western gateway' to Worthing Town Centre. Responding to this, the proposals seek to provide a residential development of the highest architectural quality that contributes to the ongoing regeneration of Worthing Seafront, and the growing confidence of Worthing.

4.3.2. The proposals are therefore considered to be of the highest architectural quality, providing for an exceptional residential development that ranges from 3 storeys through to an 11 storey tower element, marking the climax of Grand Avenue and the 'western gateway' to Worthing Town Centre.

Full consideration has been given in the design, form and appearance of the proposed development to the role that the application site plays within the locality, whilst also seeking to reflect the prominence of the application site as a key redevelopment opportunity along Worthing Seafront.

4.3.4. In this regard, the height and form of the proposed development has been guided by those existing apartment blocks that are located along West Parade, whilst the design and appearance of the proposed development seeks to significantly enhance the architectural quality. 85 Capelia house

5.2.34. In conclusion it is strongly argued that the proposed comprehensive redevelopment of 25-26 West Parade & 4 Grand Avenue has considered fully those policy objectives and requirements of the National Planning Policy Framework. Consequently, it is anticipated that this application should be determined under the provisions of the presumption in favour of sustainable development.

5.3.3. The NPPG also provides full guidance in relation to the identification of the objectively assessed housing need, and the calculation of a five-year housing land supply, this guidance has been utilised fully within Section 6 of this Planning Statement, in which the Council's housing land supply position is rigorously assessed.

5.4.28. Overall, it is strongly contended that the proposed redevelopment of 25-26 West Parade & 4 Grand Avenue complies fully with those relevant policies of the Worthing Core Strategy 2011.

5.5.14. Overall, it is strongly contended that the proposed comprehensive redevelopment of 25-26 West Parade & 4 Grand Avenue, has considered – and complies- fully with those objectives of the Saved Policies of the Worthing Local Plan 2003.

5.7.3. It is strongly contended that the proposed development reflects the guidance provided within the Guide to Residential Development SPD which is considered fully within this document and Design and Access Statement and Urban Design Statement.

5.8.2. As the proposed redevelopment of 25-26 West Parade & 4 Grand Avenue seeks to provide 36 residential properties, the architectural approach that has been adopted within the proposals complies fully with those internal space standards and where practicable external space standards as stipulated within the Council's Space Standards SPD.

5.9.3. Overall, the proposals have given full consideration to the requirements of the Parking Standards SPD, with full details of the parking provision provided within the development is included within the accompanying Transport Statement and Framework Travel Plan.

6.4.7. In this regard it is concluded that Worthing Borough Council are only able to demonstrate a 3.07 year housing land supply (based upon 5% buffer).

6.4.8. Consequently those plans relating to housing need and supply are considered 'out of date' in relation to paragraph 49 of the NPPF, providing therefore a clear presumption in favour of housing developments.

7.5.1. The scheme provides for an inclusive mix of affordable properties in relation to rental and subsidised purchase on-site as well as contributions towards further off-site delivery. The scheme is therefore considered to be fully policy compliant in this regard.

9.1. In conclusion the proposed development of 25-26 West Parade & 4 Grand Avenue has been assessed, all relevant National and local planning guidance, policies and all other material considerations and have been found to be acceptable. The design of the proposed development has been fully informed by the context of the site.

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

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

9.4. The proposed scheme is of the highest architectural quality and responds fully to the sites opportunities to deliver a tall building, acting as punctuating landmark to the southern end of Grand Avenue. Overall the scheme will significantly enhance the visual amenities of the locality and seafront more generally.

9.5. Overall the proposed development would contribute positively to the visual amenity of the local and wider Borough, providing for 36 new homes that meet the defined housing need in the Borough. There are not considered to be any adverse impacts of the development and therefore under the provisions of paragraph 14 of the NPPF 'Local Planning Authorities should positively seek opportunities to meet development needs of their area'

9.6. Therefore the presumption should be in favour of approving sustainable developments such as that proposed in this application, as set out in the Rt Hon Greg Clark MP's Ministerial Forward to the NPPF'-;'Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is on the basis for every plan, and every decision.
9.7. The development is considered to be consistent fully with the aims and objectives of both the National Planning Policy Framework and Worthing Core Strategy.

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

<u>Design and Access Statement</u>

The team extensively used 3D models of the proposals and context during the design development. Montages were prepared to ensure that the proposals were not developed in isolation and that the proposals were always viewed in context. This represents a summary of the evolution of the design.

The design aspiration and rational for the redevelopment of the site has been informed by:

- The existing building heights adjacent to the site have been carefully considered in order to provide a design response which provides variety and interest to the skyline, stepping or sweeping up to the built form, whilst also proposing a building height which is well related to the adjacent tall building of Marine Point;
- Creating a positive addition to the skyline in views from the north, south and from within the Conservation Area. Views of the proposed development will therefore maintain the character and amenity of these view;
- The aspiration to provide a new building which positively marks the location of Grand Avenue and provides a positive frame to the end of Grand Avenue, in a similar way to Marine Point;

The proposal can be characterised into three separate elements:
- Shoulders – 6 and 7 storey brick clad private apartments
- Tower – 11 storey brick and render clad apartments on the corner
- Link – 3 and 4 storey brick and render clad affordable apartments on Grand Avenue

Each of these elements have been designed to reflect the context of the development and to work together to create a development of the highest quality.

The development proposal is for 36 residential dwellings in total. The developable site area is 0.26 Hectares (2605m2), which results in a density of approximately 138 dwellings per hectare.

This density is considered wholly appropriate for the site position given the requirements of making best use of land whilst being of an appropriate scale and massing for the locality.

The density is comparable to the surrounding residential developments, indicating that the proposed scheme will be very well integrated with its immediate surroundings and appropriate for its setting, particularly relevant when relating the proposals to the neighbouring buildings.

Planning policy dictates that 30% affordable provision should be provided on site wherever possible for new developments. In this case the design allows for the following development mix:
- 28 Private apartments, 2 and 3 bed
- 8 Affordable apartments, 1 and 2 bed 22% affordable provision has been made on site, the remainder would be dealt through financial contribution.

Concerns have been raised at consultation in regard to the loss of the family dwelling no. 4 Grand Avenue. The scheme addresses this in two ways:
- The easterly ground floor three bedroom apartment has been designed to include a large terrace area, making it ideal as a family dwelling.
- Over 50% of Roffey apartments are purchased by downsizers in the Borough, this development will potentially release 15 new family homes to replace No. 4 Grand Avenue.

The layout of the proposed development has been fully informed by the sites location and context. The proposed development incorporates two entrances, one to the south which acts as the primary pedestrian entrance from West Parade, one to the west which provides access to residents and visitor parking together with pedestrian access to the affordable housing element. This ensures that the proposed development interacts both with Grand Avenue and West Parade, representing the role of the site and prominent and key corner plot.

With regard to the separation between the proposed development and neighbouring properties to the east and north, it is considered that the proposed distances are representative of those typical in the local context.

The shoulder element of the scheme reflects the neighbouring buildings on West Parade in the following ways
- brick cladding framing large areas of glazing to apartments
- large balconies to maximise sea views and provide private amenity space
- secondary windows on the east and north flanks to provide duel aspect to key habitable rooms
- smaller windows to bedrooms on the rear north and east elevations
- setback at top floor

Consideration has been given to the use of an alternative material to the top floor setbacks, as seen on some of the neighbouring properties. In this case the use of an alternative cladding would add complexity to the refined material pallet and 'clutter' the overall composition of the design. Maintaining the same material strengthens the emphasis of the scheme on the critical corner tower element.

In addition the following elements have been introduced:
- splayed feature to emphasis the winder gardens and create a vertical element within the overall elevation composition.
- baguette screens to provide solar shading and obscure opening lights

- all glazing avoids transoms to ensure a vertical emphasis to the fenestration

The link provides a transition between the shoulder element of the scheme and the existing properties to the north, and accommodates the affordable apartments.

The link steps down in scale to the north along Grand Avenue, responding to the scale of the existing properties. The design maintains the brick framing of the shoulder element, and the top floor setback, while introducing render infill to reduce the extent of glazing. A covered pedestrian entrance to the link is provided from Grand Avenue.

The palette of materials for this development have been selected based on:
- Context, brick and render are prevalent in the area
- Robustness, long lasting and hard wearing
The colour palette for the materials has been derived from pebbles taken from the beach to ensure that the building blends successfully with the locality. The adjacent images illustrate the palette of materials chosen that could be used on the project.
1. Brick type 1 – light brick (Tower)
2. Brick type 2 – dark brick (Shoulders)
3. Render - white
4. Baguette type 1 – light
5. Baguette type 2 – dark
6. PPC Aluminium balcony edges - light grey (first floor balcony)
7. PPC Aluminium balcony edges - white (tower balconies)
8. Anodised aluminium window and door frames – light grey

The physical appraisal of the site and subsequent review of its constraints and opportunities has led to the development of a conceptual landscape masterplan. The following principles have been incorporated into the concept to reflect the sites potential:
- To provide consolidated areas of soft landscape across the site, reflecting the local context and character of the street scene
- The communal realm seeks to minimise the visual impact of parking at ground level both from the public and private realms, by locating the parking within a soft landscape structure
- The proposed new building to sit within a predominantly soft landscape, providing defensible space to the ground floor and continuing the predominantly green frontage on both West Parade and Grand Avenue.
- Predominantly hard communal landscape spaces are proposed on the eastern section of the Site to provide flexibility of use
- The northern part of the site seeks to continue the residential garden style and scale from the adjacent properties.

The landscape masterplan for the site aims to deliver the landscape vision and development objectives identified. The landscape masterplan addresses the constraints and opportunities identified. The elements have been taken into account and responded to appropriately leading to the formation of a cohesive landscape plan. The following principles have been applied throughout the design process:
- The inclusion of a areas of amenity space principally along West Parade;
- The communal realm is to be inclusive in that it promotes a feeling of safety and security. It will address the needs of the whole community including

the disabled and elderly.
- The landscape character of the communal realm will build upon the character of the scheme in its relationship to the overall site.
- The design and detail of the spaces will provide clues as to the role of communal and private space and the interfaces between the two types.
- The landscape masterplan establishes the design and technical principles for the project at the master plan stage and allows the design intent to be carried into the detailed design stage.

The materials for the Hard Landscape palette have been selected to fulfil the following:
1. To realise the landscape strategy of the public and private realm the materials used will be a co-ordinated range of self-weathering elements based around a restrained selection of modular units and street furniture arranged to address both function and form.
2. To use the materials to inform the movement of pedestrians and vehicles around the site.
3. To illustrate the choice of materials available for use across the site and establish approval of the materials with the Local Planning Authority at an early stage.
4. To allow the Client flexibility when considering material choices at all stages of the design process whilst maintaining the design integrity.
5. To establish, from the beginning, a choice of quality materials to allow for early procurement in order to ensure supply.
6. To be suitably robust for the proposed uses of the development and the technical requirements of the site and its construction.

Maintenance and Management

Overall, to ensure that the areas of public and communal open space are maintained and managed to promote the successful establishment and longevity of the landscape elements. The landscape maintenance and management plan is to set out the detailed requirements of each of the landscape elements, including protection of elements / measures to be taken to minimise damage to the elements; replacement of damaged elements; detailed maintenance and management regimes and specifications regarding for example: cutting, pruning, re-firming, monitoring, watering and disposing of arisings.

A detailed Transport Statement has been prepared by CEP that accompanies this application. The Statement addresses the following areas:
- Sustainability of the site for residential development
- Audit of existing transport infrastructure
- Cycle and car parking provision and parking strategy
- Multi modal development trip generation
The Assessment concludes that the site is in a highly sustainable location with excellent existing transport links and that the development proposals will not have a measurable impact on those facilities or the local highway network.
Sufficient parking is proposed for residents on site and there is sufficient free parking on the local highways for visitors to the site. In terms of traffic and transport the development proposals are appropriate in this location.

The site does not fall into any flood risk zones indicated on the Environment Agency's flood risk map, and therefore is not considered at risk. Worthing Borough Council maintains the sea defences in this area to once every 200 years flooding. A Full Flood Risk Assessment is therefore not necessary, but a Flood Risk Statement has been prepared in relation to this development by SWP.

The scheme includes two refuse and recycling stores within secure enclosures at ground floor level. The location of these stores at the rear of the development or within the basement area have been considered but these are not acceptable in regard to distance or gradient for refuse collection.

Anstey Horne has undertaken a comprehensive Daylight, Sunlight and Rights of Light assessment of the proposals. Their report accompanies this application.

Anstey Horne has undertaken a transient overshadowing assessment of the properties affected by the proposals. Their report accompanies this application.

The proposals have been developed to avoid overlooking of neighbouring properties. Where there is considered a potential for overlooking either obscured windows or high level windows have been proposed – these are clearly identified on the submitted elevations and plans.

The following factors have been considered alongside a holistic design approach, whereby building orientation, built form and passive solar and ventilation design have all been carefully considered during the scheme design. A Code for Sustainable Homes Level 4 pre-assessment has been undertaken to benchmark the proposals, which accompanies this application.
Sustainable proposals include:

1. Energy and emissions reduction through highly efficient SAP rating with increased insulation and enhanced air tightness values.
2. Mechanical Ventilation with Heat Recovery (MVHR) to ensure heat is recovered from exhausted air.
3. A communal highly efficiency condensing boiler system for the private dwellings.
4. Solar PV to provide renewable energy for the affordable dwellings.
5. Reduced internal potable water use through dual flush toilets and flow restrictor taps and showers to all dwellings.
6. A well-insulated building with high thermal mass design from concrete floors and frame.
7. Waste recycling facilities are to be provided within the basement, and consideration to be given to construction waste recycling.
8. Management procedures will be put in place to provide a Home User Guide to all residents, highlighting all relevant sustainable features.
9. Secure cycle parking is provided within the development to discourage the use of the car.
10. Glazed areas to the southern elevation scooped balconies acting as brise soleil, protecting glass from direct sun in summer and reducing heat loads. Spectrally selective glass is to be used elsewhere on the south facing façade.
Where practical, the intention is to specify sustainable materials and systems including recycled and recyclable products, non-toxic materials and generally materials with lower embodied energy (energy used in production and

transportation). Where possible priority will be given to the use of natural materials locally produced or at least UK produced. Natural ventilation is to be pursued wherever possible, and will include the basement car park, with vents provided to the building envelope to allow for continual ventilation.
The client is committed to procuring a sustainable development in line with the above objectives, but also reserves the right to alter / amend the specification.

8.8 Access
Vehicular access and egress from the site is to be from relocated existing vehicle entrances on Grand Avenue. In adjusting the location of these entrances the level of highway car parking provision will be unaffected. The access has been designed by CEP in conjunction with WSCC Highways.
Pedestrian footpaths are provided throughout the site, with ramp gradients of 1:20 or greater to ensure inclusive access. Dropped kerbs will be provided to pedestrian footpaths as required.

As mentioned, car and cycle parking provision is considered to be sufficient.
Dwellings have Part M compliant level access thresholds and ramps provided where necessary on the site. Private refuse & recycling facilities are provided as required, directly accessible from roads with short 'dragging distances' for refuse operatives.
Within the dwellings, WC facilities will be provided on the entrance levels, with door widths throughout the dwellings are designed to be accessible for both wheelchair users and ambulant disabled users.

8.9 Crime prevention

The following crime prevention measures have been considered within the detailed scheme design.

Access & movement

- The site has a single point of vehicular entry, which has good natural surveillance from the apartment building.
- The building form 'active edges' through the placement of windows, overlooking both vehicular and pedestrian routes.
- Lighting of the public realm will be to current British Standards.
Structure
- Natural surveillance of the entire site has been achieved and creates defensible private space.
- Blank walls have been avoided within the design through the use of secondary windows.
- Movement routes within the development are overlooked by building entrances and habitable rooms, improving natural surveillance and creating a safe feel for residents and visitors.
Surveillance
- The scope for utilising natural surveillance from active rooms and creating active edges has been utilised, providing overlooking to pedestrian movement routes.
- The open communal garden space is sensibly placed at the front of the site, enjoying natural surveillance by a number of apartments.

The design process resulting in this application has been both carefully considered and properly developed to create the design solution presented in the overall scheme.

Worthing Borough council Planning department has been consulted throughout the design process, providing detailed design responses that have been fully factored into the final scheme proposals.

It is considered that all comments have been met and that the design solution is appropriate, reflecting a high quality residential community. The scheme pays reference to local context and creates high quality and thoughtfully designed modern residential development, creating individuality and a strong sense of place. The proposed residential development offers an elegant and high quality design, which will enhance the character and visual amenity of the surrounding streetscape, while the layout ensures that the proposal will not have an adverse effect on the enjoyment of the adjoining neighbours.

Consultations

UK Power Networks

No objections

Ministry of Defence

No objections

English Heritage

We do not wish to comment in detail, but offer the following general observations.

English Heritage Advice

English Heritage is a statutory consultee on proposals that would affect the setting of Grade I and II listed buildings, or the character or appearance of conservation areas. The site is west of the main run of conservation areas that comprise the central seafront areas of Worthing, and we consider the issues in respect of heritage assets to be mainly for consideration by your own Authority's Conservation Officer.*

We note that the development would affect the setting of some Grade II listed buildings, and also that of the locally listed Dolphin House. There may also be impacts on Conservation Areas in longer views, particularly back toward the sea front from the Pier. The National Planning Policy Framework (NPPF) requires that local planning authorities should look for opportunities for new development to enhance or better reveal the significance of heritage assets (Para. 137). Where it would not achieve this aim, and would cause harm to significance, the harm must be weighed against the wider public benefits associated with the proposals. This test applies to designated heritage assets, and undesignated assets, which would include locally listed buildings (Paras. 132-135).

English Heritage has produced Guidance, The Setting of Heritage Assets (2011), which amplifies the policy advice of the NPPF, and sets out a framework to help Authorities assess the significance of assets, the contribution that their setting makes to significance, and how harm might be avoided or mitigated through changes to siting, scale, massing or design of new development.

We have also produced Guidance on Tall Buildings (2007). This document suggests that the most appropriate way to handle proposals for tall buildings is through a development plan-led approach. A development plan would ideally identify areas that are more or less appropriate for tall buildings, based on a thorough understanding of the heritage and townscape sensitivities of different locations. While Worthing has produced policy guidance for tall buildings, it is not prescriptive about where these should be located.

As a general point, English Heritage has some concerns that the absence of a clear policy stance on taller buildings in Worthing could cumulatively threaten the integrity of the historic townscape. We urge your authority to rigorously scrutinise proposals as they come forward, referring to our Tall Buildings Guidance, and to your own Council's resources, including Conservation Area Character Appraisals, and the list of local interest buildings.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

West Sussex Police

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design viewpoint.
I was pleased to note that the Design and Access Statement submitted in support of the application gave full mention to the crime prevention measures to be incorporated into the design and layout. The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Design and Access Statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design and layout of the development.
Access control will be paramount to this development. This should encompass all exterior access points along with a controlled vehicle access gate / shutter into the basement parking area, additionally controlled access from the basement area into the building will be required. Please note that where there are between four and nine residential units sharing a communal entrance the door must incorporate an audio access control system with remote release from each dwelling. Where there are between ten to 25 dwellings the entrance must incorporate an audio video door entry system that meets the requirement of the Equality act 2010. Further

information may be found within chapter 24.9 of SBD New home 2014 document. Communal entrance, apartment front doors and any ground floor or easily accessible windows, are to conform to PAS 024:2012 or LPS 1175 SR 2. Any automated gates supplied and installed must meet the relevant statutory safety standards and be CE marked accordingly. A traffic light system could be incorporated to assist in identifying right of way to avoid obstruction. Pertinent security advice for the underground car park can be found within Secured by Design, New Homes 2014 Document, section 3 chapter 38.

On-site parking situated overlooking Grand Avenue is overlooked by active rooms from the building whilst those in the basement will be protected by an controlled gate. Postal arrangement for the development would be best suited with through the wall secure post boxes, external or lobby situated secure post boxes. The former reduce unnecessary access to the blocks.

Lighting around the development, entrance points and parking area is to conform to BS 5489:2013. Lighting within the entrance lobbies is to be switched with dusk till dawn operation whilst the remaining corridors are to have PIR operated lighting.

I recommend that the cycle store be constructed in such a way as to provide surveillance into it from within the basement car park, have a lockable door with a lock conforming to BS 8621(internal thumb turn) and have PIR operated lighting within. Consideration could be given to sub-dividing the store to reduce the amount of cycles that could be accessed at any one time, reducing the threat of theft, allocating each side to a specific block.

The bin store is to have lockable doors with thumb turn release mechanism internally along with PIR operated lighting within.

As there are a number of intermediate and social units proposed within the development, I direct the applicant's attention to our website at wvvw.securedbydesign.com for information on the Secured by Design scheme.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

This letter has been copied to the applicant or their agent who is asked to note that the above comments may be a material consideration in the determination of the application but may not necessarily be acceptable to the Local Planning Authority. It is recommended, therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local

Planning Authority.

Southern Water

Please find attached a plan of the water main records showing the approximate position of a public water distribution main in the immediate vicinity of the site. The exact position of the public water main must be determined on site by the applicant before the layout of the proposed development is finalised.

All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 4 metres of the public water main without consent from Southern Water.

For further advice, the applicant is advised to contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 01.19) or www.southernwater.co.uk".

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Our initial investigations indicate that Southern Water can provide foul and surface water sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding' from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- *Specify the responsibilities of each party for the implementation of the SUDS scheme*
- *Specify a timetable for implementation*
- *Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.*

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.cd.uk".

Environment Agency

We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition

The development hereby permitted shall not be commenced until such time as a scheme to secure de-watering of the site has been submitted to, and approved in writing by, the local planning authority. Any such scheme shall be supported by detailed information. The scheme shall be fully implemented, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

Reasons

To ensure that construction, including de-watering from the proposed development does not result in a deterioration of groundwater quality.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Supporting notes

Groundwater protection
We have read the Desk Study report produced by Ashdown Site Investigation and agree with their conclusions that there is no evidence of any historic or current potentially polluting activities. Therefore we do not recommend any specific site investigation or assessment relating to the risk of contamination to groundwater.

The development proposes to construct an underground car a parking area. If dewatering is proposed, a Method Statement for these works needs to be undertaken.

Flood risk
We would recommend the threshold to the basement is set no lower than 5.4mAOD, to reduce the risk of flooding and its consequences for future users.

Your own Technical Services should be satisfied with the proposed method of surface water disposal.

South Downs National Park Authority

The response of the South Downs National Park Authority is given in the context of the following:

'The Environment Act 1995 sets out the two statutory purposes for National Parks in England and Wales:

Conserve and enhance the natural beauty, wildlife and cultural heritage

Promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the Public

When National Parks carry out these purposes they also have the duty to:
Seek to foster the economic and social wellbeing of local communities within the National Parks.'

This site is located within the existing residential built up area of Worthing, close to the seafront; this residential area of the seafront includes a number of seafront high rise flats. The nearest boundary of the South Downs National Park (SDNP) is approximately 3.5 klm north across the urban conurbation of Worthing. The general topography of the site is level, with the urban conurbation rising up to the Down land to the north.

In the context set out above, the proposed development, including the 11 storey tower block element of the development proposal, is unlikely to be particularly prominent from some public vantage points when viewed over a southerly aspect, from and close to the South Downs National Park. It is therefore the view of the SDNPA that the development as proposed is unlikely to detrimentally impact the setting and special qualities of the National Park.

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

http://www.southdowns.gov.uk/about-us/integrated-landscape-character-assessment

Taking into account the above in the determination of this application, the SDNPA would also draw attention of Adur and Worthing Councils, as relevant authority, to the Duty of Regard, as set out in the DEFRA guidance note at:

http://archive.defra.gov.uk/rural/documents/protected/npaonb-duties-guide.pdf

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

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/221086/pb13387-vision-circular2010.pdf

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

West Sussex County Council

Highway Authority

The proposal to demolish the existing buildings above and redevelop the site with 36 flats, and 34 car parking spaces has been considered by WSCC as the Local Highway Authority. WSCC raise no objection subject to any conditions attached.

The site is currently occupied by 5 dwellings, and will increase to 36 flats once complete. WSCC has considered the impact an increase in vehicles trips and demand for parking will create. TRICS has been used to show the increase in vehicle trips the development will experience. At peak hours 16 movements are anticipated in the morning; and 15 in the afternoon. Although this is an intensification of use WSCC do not consider these additional trips will cause any material impact to the highway.

34 car parking spaces, including disabled spaces, have been provided and split into two areas. The underground car park provides the majority of spaces, whilst a smaller car park on ground level provides some parking and an area for a refuse vehicle to wait. A gradient of 1:7 is proposed into the underground car park which meets current standards set out in Inclusive Mobility.

WSCC car parking calculator indicates there is a need for 11 more spaces than currently provided for within the development, which could lead to on-street parking. As part of the Transport Statement an 'on- street' car parking survey was submitted revealing 166 spaces are currently available within a 5minute walk from the site. As such WSCC are satisfied the car parking provision for the development is acceptable and should additional parking be required then there is capacity on-street to accommodate this.

We advise that all car parking spaces are created in accordance with Manual for Streets recommendations for perpendicular and echelon car parking arrangements; to ensure they are all usable.

Access to the site is currently achieved via four independent access points (1 from West Parade, and 3 onto Grand Avenue). WSCC would like to ensure that prior to any occupation of the flats the un-used access points are closed and re-instated to footway as per WSCC specifications. The proposed access points provide good visibility of 2.4m x 90m in both directions (above the current guidance for a 30mph road).

It is anticipated that prior to any building works commencing the site will have to be demolished and cleared. The applicant should provide details of the proposed construction/demolition access to ensure that there is a safe temporary access for any vehicles or equipment associated with the clearance of the site and that any hoarding erected is not located in the public highway.

The applicant should also submit plans and details to the LPA confirming the distance of the retaining wall of the underground car park from the carriageway as this may need technical approval as specified in BD 2/12 of the DMRB.

In summary the site is sustainable; with good footway connectivity onto Worthing seafront and the Town Centre, a pedestrian crossing is located directly opposite the site, as is a frequent bus service. This will be an intensification of use of the site; however the Transport statement submitted with the application highlights its sustainability and that there is plenty of on-street parking for visitors to the site, should the parking provided not be enough.

Recommended conditions

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.

Access closure (prior to first occupation)
No part of the development shall be first occupied until such time as the existing vehicular access onto West Parade and Grand Avenue has 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.

Visibility (details approved)
No part of the development shall be first occupied until visibility splays of 2.4 metres by 90 metres have been provided at the proposed site vehicular accesses onto Grand Avenue in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests 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.

Vehicle parking and turning
No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

Structures Check
No works shall commence until such time as the Technical Approval process as specified within BD 2/12 of the Design Manual for Roads and Bridges has been

completed in regards of the proposed Underground Car Park and written confirmation has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

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

INFORMATIVE

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.

Summary of Development Contributions

Education				
Locality	Worthing			
Population Adjustment	62.1			
	First	Middle	Secondary	6th Form
Child Product	0.3105	0.6210	0.3105	0.1677
Total Places Required	1.2420	1.2420	0.0000	0.3353
Library				
Locality	Worthing			
Contribution towards Broadwater/ Durrington/Findon Valley/Goring	£0			
Contribution towards Worthing	£7,629			
Population Adjustment	62.1			
Sqm per population	30.0			
Sqm Required	30			
Waste				
Adjusted Net. Households	36			
Fire				
No. Hydrants	TBC			
Population Adjustment	62.1			
£/head of additional population	£13			
TAD- Transport				
Net Population Increase	73.0			
Net Parking Spaces	36			
Net Commercial Floor Space sqm	0			
Total Access (commercial only)	0.0000			

Summary of Contributions

S106 type	Monies Due
Education - First	£17,363
Education - Middle	£19,563
Secondary	No contributions
Education - 6th Form	No contributions
Libraries	£7,629
Waste	No contributions
Fire & Rescue	£807
No. of Hydrants	TBC
TAD	£59,950
Total	**£105,312**

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

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2012.

The basis for this advice is contained in the County Council's adopted Supplementary Planning Guidance document "The Provision of Service Infrastructure Related to New Development in West Sussex – Part 1".

All TAD (Total Access Demand) contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in 36 Net dwellings, 34 car parking spaces.

Further to the monetary contributions The County Fire Officer advises that the proposed development may need to include the provision of a fire hydrant connected to adequate supplies of water for firefighting (Contact: David Boarer – Fire Services 01243 813667). It should also include suitable access for fire brigade vehicles and equipment.

Please see below for a Breakdown and explanation of the WSCC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further explanation please see the Sussex County Council website (http://www.westsussex.gov.uk/s106).

County Ecologist

The submitted preliminary ecological appraisal indicates that there is negligible potential for bat roosts to be affected and the site overall is of low biodiversity value. Therefore, there are no ecological objections to this proposal

Water and Access Manager (on behalf of fire brigade)

We have no objections to the planning application and no requirements for additional hydrants. Building Control and our Business Fire Safety Team will correspond during construction as normal. It is assumed that either sprinklers or dry risers will be installed for Part B5 compliance

Worthing Borough Council

Social Housing Officer

For the scheme to be compliant with Housing Policy 10 we would expect to see all the affordable housing on site, which in this case would equate to 11 units. The Strategic Housing Market Assessment (update 2012) demonstrates that whilst there is a need for all types and size of units, which is backed up by the number of people on the housing register, the highest need is for 2 and 3 bed properties. I would therefore suggest that the 11 affordable units are made up as follows:

4 x 1bed
4 x 2bed
3 x 3bed

I am also concerned regarding the lack of parking for the affordable units as social housing tenants are as likely to have cars as non-social housing tenants.

Drainage Engineer

The site lies within Flood Zone 1, and appears to be slightly affected by surface water flooding.

I note the intention in the application form is to utilise soakaways and sustainable drainage.

The FRA indicates that the preference would be to use permeable paving to discharge some flow and the rest would discharge to the public sewer.

The applicant intends to discharge some 700% more sewage from the site than is currently discharged.

We request that should approval for this development be granted it be conditional such that 'no development approved by this permission shall commence until full details for the disposal of all surface water has been approved by the Planning Authority".

To this end we require:-
- *An acceptance letter from SWA for the full sewage discharge anticipated to be generated from this development.*
- *A letter from SWA setting out the maximum flow rate for surface water from the site, that will be permitted in the public sewer'*
- *Calculations from the developer for the sizing and adequacy of permeable paving, based upon on site soakage tests, undertaken either during winter months or during a peak spring tide period. (this will demonstrate soakage with high water tables or under tidal influence.)*
- *Full proposals for dealing with all excess site flows that cannot be dealt with by discharge to the public sewer or discharged via the proposed permeable paving.*

Strategic Waste Planning Manager

On the assumption that the bin stores are in the top north-west corner of the site this looks to be an acceptable proposal.

Environmental Health Officer
No objections subject to appropriate conditions regarding details and noise impacts of the air source pumps and basement ventilation and controls on construction/demolition working hours and dust suppression.

Representations

The application was preceded by public consultation undertaken by the developers with the local community and identified key stakeholders as set out in their Community Engagement Statement. This, principally comprised two public exhibitions over the summer and autumn of 2014, preceded by leaflet drops to the

local area and a subsequent reply to respondents outlining amendments consequently made.

The initial consultation in July elicited the following response from the 13 feedback forms completed;

Positive

Exciting redevelopment opportunity
Excellent opportunity for the demolition existing buildings
Appropriate location for tall building
Varied heights will provide attractive addition to skyline
High quality residential development Welcome the retention of building line (West Parade & Grand Avenue)

Opportunity for landmark building in Worthing Distance/treatment of boundary with Regis Court
Improvement on existing quality of development
Inclusion of adequate underground parking
Investment in public realm (Seafront)

Negative

Architectural solution unattractive, opportunity
for 'Art Deco' style missed
12 Storey's too high, should reflect height of neighbouring properties
Potential overlooking, loss of daylight and overshadowing
Too little detail at this stage
No need for more apartments in Worthing
Incorporation of Affordable Housing
Potential impact on wind
Parking entrance too close to exiting junction
Loss of 4 Grand Avenue

The subsequent consultation in October generated over 50 feedback forms, summarised as

Positive

Exciting redevelopment opportunity
Excellent opportunity for the demolition existing buildings
Appropriate location for tall building
High quality residential development
Welcome the retention of building line (West Parade & Grand Avenue)
Opportunity for landmark building in Worthing Loss of 4 Grand Avenue
Improvement on existing quality of development

Negative

Overshadowing
Too high, should reflect height of neighbouring properties

Potential overlooking, loss of daylight and overshadowing
.Incorporation of Affordable Housing

The statement concludes;

Overall, it is considered that the pre-application advice and public consultation exercises undertaken prior to the submission of this Planning Application successfully involved local residents and interested stakeholders in the proposed development from an early stage, allowing the project team to identify and address issues and concerns.

The scheme has evolved significantly through the pre-application discussions held with Worthing Borough Council and identified stakeholders to produce a high quality and sustainable development, which is fully consistent with the policy objectives of local and National planning guidance, meeting an identified housing need in the Borough.

Representations received from Council Consultation on planning application

At the time of writing, 867 representations have been received. 788 are recorded as objections; 61 as in support and the remainder as other.

Objections

Forty of those making representations are recorded as from addresses within the original postal consultation zone, comprising an area roughly south of Rowlands Road; west of St Valeria Road; east of Marine and Hythe Closes and north of West Parade.

Overwhelmingly, these are objections.

The majority of objectors are, however, from further afield.

Many of the objections are under the banner *Protect Worthing Seafront.*

The objections are represented as follows;

- *As the custodians of the future, the planning committee have a duty of responsibility to both the existing and forthcoming generations of Worthing residents and ultimate preservation of the enviable character and historical appeal that Worthing living represents.*
- *Too much development on the seafront already. Planning turned down for conservatories and balconies yet this is seriously getting an airing.*

Precedent

- *Would lead to more speculators coming to Worthing and filling the sea front with tower blocks.*
- *It already has 'Teville Gate', which needs demolishing. If these two "Roffey block developments" (proposed skyscraper in Brighton Road and 9 floors in Grand Avenue), go ahead, their demolishment is inevitable in a few years*

time, as they will be an eyesore in the town. They will change the face of Worthing for the worse and the public will not want to visit the town.

- *Allowing another tall building on the seafront will set a precedent for future building applications being passed and built on other parts of the seafront and town, turning Worthing into a concrete jungle/ Benidorm by Sussex.*
- *How many more of these developments are we going to see; with no interest to the developer other than profit before consideration to the surrounding area.*
- *To date Worthing does not have high rise with the exception of the block in Heene Road. If this application goes forward it sets a precedent for future high rise developments such as that proposed for the old Aquarena in Brighton Road.*
- *Roffey Homes how can you get 'Vista Mare' so right and your new awful development so dreadfully wrong.*

<u>Design quality</u>

- *This is a great opportunity to create a landmark building on the seafront that all residents of Worthing should be able to enjoy and be proud of for generations to come. It should be a building that showcases great design and creates something that in time will be a historic building in Worthing. This design and appearance fail on all these counts with a rather uninspiring high-rise tower block that has little to commend it.*
- *Monstrosity which will ruin the general aesthetics of this area of Worthing seafront as well as that of Grand Avenue; looks horrible just tacked on to the end of Grand Avenue; will stick out like a sore thumb; grotesque; .appalling design; uninspiring; repulsive design; obtrusive; eyesore; blot on the landscape; undistinguished; and would be one of Prince Charles' "carbuncles".*
- *The design appears to be one that results in minimal cost to the developer and maximum profit. More effort should be made to use quality materials and blend the development into the local built environment, rather than stand out from it.*
- *Aesthetically it is harsh unsymmetrical and does not fit the road*
- *It would appear that there is a concerted effort by Roffey to uglify at least Worthing seafront*
- *Design is totally out of keeping with any property in the area (materials, shape, structure, height*
- *This style of building is unimaginative and the glass stairwell is particularly offensive and dated.*
- *The design in my opinion is, boxy and ugly and not in keeping with the historic Dolphin Lodge or 1930's style housing nearby.*
- *This proposal looks cheap. In fact all of Roffeys recent proposals look like someone made cheap Lego model copies of Dubai. This is not helping Worthing move into the 21st century, this is not going to attract visitors and this is certainly not what the locals want. Do Roffeys only have one architect from the 60ies? How about being more creative and either building a replica of a traditional building or a modern Eco home?*
- *It's a massive white elephant and incredibly ugly.*
- *There is no artistic or visual merit to the blocks as shown by the developers in their computer-generated pictures (and as we know from experience the*

reality is usually less attractive than the pictures generated to "sell" the project).

- *The building in itself belongs to an industrial site, not our beach front.*
- *There are already far too many tall ugly buildings on the seafront.*
- *Elevations drawings lack detailing of materials*
- *Should consider an architectural competition on such an important site.*
- *If you wish to put housing on this site please do sensitively and instruct Roffey to employ some decent architects.*
- *Revisits architectural box like mistakes of the 60s and 70s.*
- *Box like outline and silhouette is jarring and mismatched against the existing skyline.*
- *Urban Design Statement shows incompatible scale between the application site and seafront and drawings show overscale of the development in comparison with houses to be demolished.*
- *Object to design but brick type 1 should be used throughout to avoid chaos to the design. The cladding for the stair tower is simple and elegant.*
- *Electricity substation will be visible on prime front.*
- *Looks as if a 10 year old child were given a box of lego and asked to design an apartment block.*

<u>Over development</u>

- *It is classic overdevelopment, which if approved, will affect the residents for many years to come.*
- *It's simply greed to pack as many expensive flats into that small space.*
- *The size of the land allocated for the design is too small and over developed, the buildings front up to the pavements in both roads and do not match existing building lines*
- *Existing properties have lovely garden type frontages; this design is squeezed into a very small area.*
- *The proposal is massively overdeveloping the site, a 4 1/2 fold increase in the number of dwellings.*
- *There is a long-standing tradition for the Worthing councils to make Worthing more and more ugly. This is another good opportunity for the council to take a stand on over development.*
- *A building such as this is neither suitable, desirable or sensible!*
- *Far better not to over-develop the site to accommodate such accommodation. Instead reduce the overall footprint and height which will lessen the impact on those existing residents close to the site and provide flats of more sensible side and lighter aspect.*
- *I would object to squeezing this site and losing the current footprint by anything significant.*

<u>Failure to Enhance</u>

- *We have enough ugly buildings on the seafront already and do not require anymore.*
- *We believe that this is a huge step backwards for Worthing architecture which has made huge progress over the last few years*

- *Much of recent development in Worthing has been stylish and sympathetically inserted and this proposed development is an eyesore and an embarrassment to the residents of Worthing.*
- *As I understand this particular developer is favoured by the council and has completed some attractive and appropriate developments in Worthing, but why they feel the need to try and push this large tower block on Grand Avenue I cannot fathom?*
- *We have seen some wonderful contemporary developments in Worthing which enhance the towns appearance and appeal- this proposal does neither.*

Out of character

- *Fails to complement the buildings around it or to frame the entrance to one of Worthing's nicest roads with a building worthy of the task. A tower 11 storeys high is considerably taller than the surrounding buildings to the east, west or along Grand Avenue. The pictures on pages 7 of the Design and Access Statement are rather selective; failing to show any buildings to the west aside from Marine Point and the shot of Marine Point on page 9 makes it appear significantly higher than it really is in comparison to the buildings immediately to the east. The photograph on page 23 is set in such a way so as mask the height difference between Marine Point and the new building. A tower of the height proposed does not sit well with the immediate area and the justification put forward by the developers of variety is not a justification for something that looks plainly incongruous. From whichever direction you approach it but particularly from down Grand Avenue it looks out of keeping (page 13).*
- *The bulk, mass and scale of the building is excessive at the lower stories, from ground floor to 6th floor, and is out of context with the immediate surroundings. The building is completely out of scale with the adjacent houses on Grand Avenue. The bulk and mass of the building from the 7th floor upwards is also excessive. In my opinion, the footprint of the site is too small to accommodate a tall building. I think that Worthing could accommodate a tall building, but one that is more elegant and slender in shape. However, the size and location of this site is not appropriate for a building of this footprint and height. It will be better for local residents quality of life if this part of Worthing is kept as an attractive suburb, and does not become an overdeveloped metropolis.*
- *An 11 storey tower block is much taller than the surrounding buildings and will not integrate well with the immediate area.*
- *This is not a landmark site, and this bulky building would pierce the skyline. Not only would it appear as a square blot on the landscape, but its visual appearance would be out of keeping when viewing the site from the beach, and when standing on the shore at low tide. The silhouette of the taller part of the building would be an oppressive rectangular block. The height of the building should be in keeping with neighbouring buildings on Grand avenue and Marine drive. The height of the proposed development greatly exceeds that of the surrounding buildings. Any proposed building on this site should not exceed the height of the surrounding buildings.*

- *Worthing does not need more flats or tower blocks. They are eroding any character that Worthing has left. This is a seaside town that is reliant on its aesthetic and character. No matter how you design flats or tower blocks they will dominate and remove any charm this town has*
- *We need to avoid the mistakes of the 1960's/70's and steer away from ugly high rise concrete blocks catering for property numbers and profits for developers. We need instead to focus on quality of design that will complement the area and does not degrade the surrounding properties*
- *We are in Sunny Worthing, not New York.*
- *It is time to learn future building developments must enhance the attractiveness of Worthing - not another nondescript block to be thrown up which is out of keeping with the design of past eras, prevalent in much of central Worthing, e.g. the Victorian and Art Deco buildings. The Eardley, the apartment buildings on the Steyne, the building near to Marine Gardens appear to have a mix of old and new which is much more in keeping with the surrounding area*
- *It fails to complement the buildings around it or frame the entrance to one of Worthing's most prestigious avenues.*
- *There have been enough developments on the sea front that ARE in keeping and actually enhance the sea front view to show that the developers are more than capable of creating beautiful buildings that are good to live in and good to look at which, in my opinion, are both vital attributes of a seaside town like Worthing. Please keep Worthing Wonderful!*
- *Do not spoil the beautiful untainted views of the beach and downs.*
- *A prime site like this requires sympathetic design for the seaside, not a Gorbals tenement block.*
- *If you want to see what this development will look like in reality I suggest the planning committee travel to Margate to see what a high rise block of flats on a seafront really looks like - the block is adjacent to dreamland cinema. A harsh environment has taken its toll and not only is it manifestly out of place but is difficult to maintain.*
- *Worthing have already changed too much over the years...there will be nothing left of its original town structure and it's past.*
- *Worthing has always been unique in keeping that residential character and certainly we do not want another Brighton like developments here.*
- *New developments along Worthing historic seafront need to maintain or add value to current surroundings and should be in keeping with the recent National Planning Policy where heritage sites are not adversely affected. Roffey's proposed design does not comply with the National Planning Policy and affects the beauty of Worthing seafront to its detriment.*
- *Dolphin Lodge is also often used as a navigational point by smaller seafaring vessels due to its unique architecture and fluted appearance but Roffey's development will block the line of sight when approaching west.*
- *Object. Worthing Borough Council has a history of making wrong decisions with our historic buildings. Opportunity to create a fantastic piece of architecture. The stepped design viewed from the north looks very blocky and looks like an add-on.*

Height

- *Fundamentally I don't object to tall buildings and certainly wouldn't object if this particular building had any aesthetically redeeming features but a building of this height will be visible from miles away and the rear side facing north in particular resembled a grain silo - ironically this is the side that will be seen from the downs and the rest of Worthing and needs serious consideration even if it were a lot lower.*
- *A tower block of 11 stories is considerably taller than any building to the East, to the West and indeed along Grand Avenue.*
- *The 11 storey part of this building is far too high for this site. It will be very obtrusive, especially to people living in the immediate vicinity. Other flats built in adjacent sites are much lower, and new builds should not be allowed to go any higher than these.*
- *Dwarfs the apartments opposite as far as I can tell and changes the skyline for the worse.*
- *The newest building should not be the tallest and most imposing it sets a bad precedent.*
- *Worthing benefits from having a relatively low rise sea front with buildings rising up further back so that many people can share a sea view. The proposal undermines these benefits. The Council should have a policy to stop this.*
- *Is there a bye law on building height?*
- *Council has undertaken no peer review of developer claims that building is of highest design and contributes to and enhances Grand Avenue and seafront character.*
- *Might be appropriate in a city location but not sea side location. Makes area look cramped and domineering.*

Seafront

- *It will turn the seafront into an overbuilt Spanish seaside resort.*
- *Worthing seafront is slowly being turned into a high-rise nightmare.*
- *The last thing Worthing needs is another too tall ugly block of flats on our sea front. It is depressing enough driving out of town and seeing previously built ugly flats lined up along the coast. It comes as a relief when one reaches Dolphin Lodge and the high rises end.*
- *Local residents and visitors to Worthing enjoy the openness and brightness of the seafront. . Do we really want to start cluttering up our seafront with high-rise buildings with no aesthetic architectural interest, repeating the mistakes of the 60's/70's?*

Grand Avenue

- *Grand Avenue is a fine tree lined boulevard and is admired from the promenade. A new building needs to blend with the present buildings and complement the avenue.*
- *As one of the prettiest remaining roads in the area you don't want it to end up looking like the other grand avenue roads in surrounding areas that look outdated due to bad architecture*

- *The wonderful approach to the sea from Grand Avenue will be obscured as will be the evening sunset.*
- *The approach to the sea as you come south down Grand Avenue has always been stunning. An eleven story block of flats would be totally out of keeping with the houses on the east side and would dwarf them together with the existing apartments opposite. It would substantially block views.*
- *I do not believe the design is in keeping with the style of Grand Avenue and would spoil the vista as you walk down the avenue which we enjoy on a regular basis.*
- *Dolphin Lodge is visible from out at sea and its unusual form is quite distinctive and would be harmed.*
- *No 4 should be subject to preservation order.*

<u>Building line</u>

- *It appears to breach the 50ft building line maintained on Grand Avenue for nearly 100 years. It attempts to ride a coach and horses through recently adopted local supplementary planning policies.*
- *In the 'statement of community involvement' following the public exhibition held on October 29th 2014, page 8 it states under positives 'welcome the retention of the building line, West Parade and Grand Avenue. This is certainly not the case. The building will be positioned 2.5metres / 9 metres in front of Regis Court and 4 metres in front of the building line in Grand Avenue.*
- *The west elevation of the proposed tower block, on Grand Avenue, does not respect the line of the street. For many years, the front gardens in Grand avenue have remained a consistent depth. The west elevation of the proposal being closer to the road (Grand Avenue) will have a negative impact on the openness of the road and is out of keeping with this consistent urban design feature throughout the rest of Grand Avenue.*
- *The proposed development projects beyond Regis Court by approximately 3m (difficult to tell with no dimensions on the plans). This looks out of character in the street scene and is out of scale. The higher section of the building works to project forward, however, the projection forward should be at least a proportion away from the boundary to show a natural break in the appearance (say 5m away from the corner adjacent to Regis Court). The projection also will dominate the front line of West Parade when looking from Grand Avenue.*
- *Dolphin Lodge is one of the most interesting buildings in Worthing and should be preserved and nurtured - both physically and in terms of the surroundings in which it sits. The proposed building much closer to Grand Avenue and the seafront will block light to Dolphin Lodge and obscure the view of it from part of the seafront. This is a retrograde step.*

<u>Density</u>

- *The density is too high for the site*
- *You are cramming 36 properties into a very small area which is not family friendly - don't we now demolish 60's/70's tower blocks these days in town areas?*
- *Where is the green space for such a large block of accommodation?*

Servicing

- *There is insufficient room for garbage disposal and the removal of garbage for the other residents and neighbours for this amount of flats will cause disruption*

Planning policy

- *The Tall Buildings Guidance SPD is being used as an excuse to put up a very tall building - it was not designed for that purpose.*
- *It would be classified as Very Tall in the Worthing Tall buildings guidelines. The design is not good enough to merit acceptance as a Very Tall building. It isn't exploring new technology (as mentioned in the Guidelines,TBG) to merit exception.*
- *The design doesn't demonstrating the use of significant or exceptional sustainable strategies (TBG). The scheme proposes to place too many flats on a site that is not well provided with good public transport and requires over reliance on private transport (contradicts TBG). As the tallest building in Worthing an block of 'Ordinary Speculative flats' would be a poor symbol of Worthing's aspirational future (see worthiness Tall buildings guidelines).*
- *Conflicts with Guide for Residential Development SPD; Tall Building SPD; Core Strategy Policy and National Planning Policy Framework including impacts upon heritage assets*

Affordable housing

- *They should be ashamed of themselves for advertising that they are going to have 8 affordable units, shame on them, I thought 25% was the agreed amount of affordable housing for any housing project.*
- *Why only 8 flats offering more affordable housing help new buyers.*
- *What exactly is affordable housing? If it means housing that those on average incomes can afford is this really a suitable site for such accommodation? It is not totally clear from the application but presumably they will be all the one bedroom flats facing mainly North with no outside space, totally unsuitable for older residents and families and not necessarily a very enjoyable environment in which to live.*
- *Surely we have better locations with more space and better aspect to build homes that more people can afford.*
- *I also object to the wording which says the development includes affordable housing. All housing should be affordable and presumably the developers want to sell all the apartments etc.*
- *Surely affordable housing could be offered by the developers which would not spoil one of the grandest roads in Worthing.*

Neighbour amenity

- *It is unclear from the drawings whether the new building is in fact being extended ahead of the existing building line to the seafront. The application states that the design chosen keeps within the existing building lines but some of the images seem to suggest a building much closer to the seafront*

than the existing buildings and beyond the building line along Grand Avenue. What is the true position? The impact on the residents of Regis Court and Dolphin Lodge could be significant. The tower and related building will also overlook the gardens and properties of a significant number of residents along the eastern side of Grand Avenue itself and the roads parallel to West Parade including Bath Road, Rowlands Road and Boundary Road invading their privacy and blocking light. None of this appears to have been considered with no impact analysis in the planning application for local residents to consider on line This needs to be better understood before such a development is even considered.

- *6 Grand Avenue; I live right behind the proposed development. The impact on us will be devastating - huge overshadowing, loss of light and privacy. Several neighbours will be impacted in a similar way. Why should this be allowed? Perhaps Mr Cheal at Roffey Homes and those voicing support for this development might like to consider how they would feel if this happened next to their property. We note that your letter invites comments regarding the development and we would like to take this opportunity to express our concern over the proposed works.*
- *6 Grand Avenue ;Our property borders 4 Grand Avenue and raises considerable concerns regarding the size of this development and the consequences of the building works; particularly the disruption, noise, dirt and the potential for incursion onto our property.*
- *6 Grand Avenue; When complete we are extremely concerned that the location, height and scale of this development will impact the amount of unimpeded light which falls on our property. The new block will be south of our property and therefore has the potential to obstruct light. This could be a considerable problem during the winter months when the sun is unlikely to clear the top of the new block. We ask what consideration has been given to this potential problem and what assurances can be given that our basic right to light will not be affected.*
- *6 Grand Avenue; As neighbours to the proposed development we feel that there are significant concerns regarding the building works and the completed block. We therefore ask that you provide the assurances we require and advise us of any committee that may be put in place to review the project.*
- *As the owner of number 8 Grand Avenue, we are extremely worried about the height of the block of flats and the look is not in keeping with the great reputation of the smart looking Grand Avenue. It will cause an upsetting lack of privacy, Blocking of Sunlight*
- *The proposed tower block's overall bulk and mass will cause extensive overshadowing of the road, surround area and the gardens of the properties to the north of the site. The noise from increased traffic activity will also have a negative impact on nearby residents. The North-facing windows of the new apartments will overlook the rear gardens of the adjacent houses on Grand Avenue, depriving residents of their privacy.*
- *It will also create overshadowing of the adjacent front gardens and dwelling houses on Grand Avenue, situated north of the proposed development.*
- *This development will completely block the light to our (Dolphin Lodge) flat and obscure our beautiful sea view, including view of the pier, which are two of the reasons we love our property and why we purchased it. Dolphin Lodge is a beautiful and historical Art Deco building which should not be cast into*

shadow by a towering, modern skyscraper. This will affect the light, privacy, and sea views of many of the residents of Dolphin Lodge. It will also cast a shadow on other buildings in the surrounding area.

- *25 West Parade adjoins Regis Court and currently has a 3 storey building separated by their and our vehicle access so all Regis Court residents on the West side enjoy lots of light and views through their reception room side windows. The proposed 7 storey block would be only some 12 feet away and beyond the established frontage East of Grand Avenue. If approved, the proposed property would result in ours being overlooked with invasion of privacy and loss of light. The proposed scale and proximity would be overbearing, oppressive and detrimental to the quality of life on the West side of Regis Court.*
- *It is not clear on the plans whether the bedroom on floor 5 to the South West corner has a balcony. There appears to be a flat section outside this area. This should be confirmed as this can have an overlooking issue to home owners in Bath Road.*
- *Regis Court will also be overlooked and lose some privacy.*
- *Light lost to ground floor flat of Regis Court.*
- *My concerns are for the residents in the surrounding roads and more particularly those who will live in the shadow of the complex. Their property prices will plummet as will the light they currently enjoy to their gardens.*
- *The noise when I'm trying to revise or do homework (in Dolphin Lodge) will not be helpful. I also would not appreciate being woken up early in the holidays or on weekends by the noise.*
- *My uncle lives close-by in a housing association property for disabled people This will disturb a quiet area. No one wants to have to listen to building works, ESP of that scale, when your ill and disabled.*
- *Having now seen the Daylight and Sunlight report, further information is required relating to overshadowing. The report only covers, 6 Grand Avenue, Marine Point, Regis Court and Dolphin Lodge. Properties at the end of Bath Road and North of 6 Grand Avenue will be significantly affected by this proposed development and should be included in the assessment.*
- *Roffey's proposal appears to have placed emphasis on creating sea views and light quality for their potential residents however at the expense of any existing neighbours.*
- *I would expect to see adequate light injury research and reports, preferably from an independent company, with regards to the Roffeys proposal.*
- *Radiate light from such a large building.*
- *Light and sun of SW back of Bath Rd will be blocked and will be boxed in.*
- *Capelia House only got planning permission when reduced in height from 10 storeys.*
- *The electricity substation should be sited at the rear.*
- *The waste bins will be right on the seafront and smelly in the summer.*
- *Spectacular views from first floor balconies of Royal Beach Care home will be harmed.*
- *Insufficient evidence presented to prove all views from Dolphin Lodge and Regis Court will not be harmed.*
- *Need to demonstrate light from tower will not cause light pollution.*
- *May need to pay out compensation for taking away people's light.*
- *Neighbour has low tolerance to noise due to medical condition and would be affected by development. Pets would also be affected.*

- *Light pollution to bedrooms of houses in Bath Rd and block will also look overbearing to these properties.*
- *Precise measurements to each boundary are needed.*
- *Loss of light to 47 Bath Rd and nursing home. .*
- *49B will lose light to its solar panels.*
- *Loss of light may lead to more electricity use by affected residents in Dolphin Lodge.*

Affordable housing

- *They should be ashamed of themselves for advertising that they are going to have 8 affordable units, shame on them, I thought 25% was the agreed amount of affordable housing for any housing project.*
- *Why only 8 flats offering more affordable housing help new buyers.*
- *What exactly is affordable housing? If it means housing that those on average incomes can afford is this really a suitable site for such accommodation? It is not totally clear from the application but presumably they will be all the one bedroom flats facing mainly North with no outside space, totally unsuitable for older residents and families and not necessarily a very enjoyable environment in which to live.*
- *Surely we have better locations with more space and better aspect to build homes that more people can afford.*
- *Far better not to over-develop the site to accommodate such accommodation. Instead reduce the overall footprint and height which will lessen the impact on those existing residents close to the site and provide flats of more sensible side and lighter aspect.*
- *I would object to squeezing this site and losing the current footprint by anything significant.*
- *I also object to the wording which says the development includes affordable housing. All housing should be affordable and presumably the developers want to sell all the apartments etc.*
- *The affordable homes will be unaffordable by those who need homes.*
- *Will affordable be sold or for rent?*

Structural issues

- *The depth of excavation for 11 storey foundations and 26 underground parking spaces is problematic in a shore front location at sea level and presents structural risks given the proposed proximity to Regis Court.*
- *Regis Court owners raised concerns that the foundations could be undermined both within their building (Regis Court faced such issues when it was built), as with the proposed site. Adequate research needs to be provided by Roffey's with regards this. It is necessary to supply such information to the public to address such concerns.*

Microclimate

- *In extreme weather (associated with sea front location) the reduced gap and 4 extra storeys (estimate 40 feet taller than existing) would increase wind speeds and associated risks of damage and injury.*

- *A scheme of this height and bulk facing the shore where winds in excess of 60mph can regularly be expected several times a year will create dangerous and unacceptable gusts to properties and their gardens and the Council should ask the developer to provide with studies to prove these problems will not happen.*

Traffic and parking

- *I am sure most of the purchasers of the flats will have at least one vehicle and bearing in mind the majority of apartments have more than one bedroom and likely cost of the flats probably two or more vehicles. Therefore providing less that one parking space per dwelling will not be sufficient. I would have thought at least 54 parking spots should be required (36 + 18).*
- *The number of parking spaces on the site are insufficient according to the West Sussex Parking Demand Calculation.*
- *Lack of provision of parking will result in an overspill of parking in the surrounding streets, possibly resulting in accidents and vandalism.*
- *The area around the existing plot suffers from there being too few available parking spaces for the homes already in the area (Dolphin Lodge has no parking) and this is made worse during the summer season by the influx of welcome visitors.*
- *There are already a number of designated disabled parking bays on the opposite side of Grand Avenue that will be compromised during the development of the site and when it is fully operational. In addition the vehicles currently parked on the east side of Grand Avenue and south of Bath Road will need to be moved to new locations thus increasing the pressure on existing side streets. This will be compounded further when the new building is fully occupied as it is extremely unlikely that space for 26 cars will meet the needs of the residents of 34 dwellings.*
- *Many families have more than one car and it would push cars currently parked legitimately at the beginning of Grand Avenue further up the road creating further difficulties in parking for existing residences in nearby roads who are already experiencing difficulties getting in and out of drives due to the increase in parked vehicles.*
- *It could make crossings at bath road and Rowlands road dangerous as parked.*
- *It is likely to result in metered parking / permits which is hardly beneficial to residents cars would restrict visibility.*
- *This corner site, located on the junction of Grand Avenue and marine parade, has experienced an increase in traffic activity over the years. The proposed access into and out of the site is too close to a main junction. The increase in vehicle activity for 36 apartments will impose an impact on safety to this part of Grand avenue and the busy traffic junction, for cars and pedestrians, especially elderly people and young children. Note, this junction is exceptionally busy during the summer period when tourists are visiting the sea front. Highways safety and the increase in activity should be given more careful consideration.*

- *Lots of families with young children on scooters and bikes use Grand Avenue to access the seafront (we see many of them as they pass our house!). Adding another driveway directly onto Grand Avenue for 26 cars close to a major junction creates another worry for parents and increases the risk of injury as cars make their way out of the new development and families use the pavement to access the seafront.*
- *It is already difficult to exit from the southern end of Hythe Road onto Grand Avenue due to restricted visibility. This proposed development will make this even more of an issue as the increased movement of traffic and parked vehicles increases. Cyclists using this area now are already at risk and this development will only increase that.*
- *There is no pedestrian crossing along Grand Avenue.*
- *Grand Avenue is used as park and ride by people picking up the 700 bus route.*
- *Local employees park on Grand Avenue.*

Family Housing

- *Loss of perfectly good family home of interesting design.*
- *Don't lose any more beach front houses!*

Loss of 4 Grand Avenue (White House)

- *Loss of No 4 Grand Avenue. This is a perfectly good family home of interesting design. Its loss would be unfortunate particularly given that the proposed replacement is a building of very little architectural distinction. This house was I believe designated a "Building of Special Character" under the 1987 Policy for The Control of Development in Grand Avenue. Has this policy been rescinded?*
- *No 4 Grand Avenue is a unique and attractive property and should be retained.*
- *Knocking down No.4? If your going to knock down anything try the multi storey car park beside M&S, that will get much more support.*

Housing/regeneration

- *Demolition of perfectly sound accommodation*
- *A majority of these properties will be bought as investments by people who do not live in locally, hence they will be under occupied or empty most of the time, producing little local long term revenue for local business/retail.*
- *Don't we now demolish 60's/70's tower blocks these days in town areas?*
- *Is meeting an unnecessary market for second homes and holiday flat lets when the real need is first time homes and fordable homes for key workers (TBG).*
- *I question the need for such an incredibly large increase in plot density, especially given that there are only 8 designated as affordable. More consideration needs to be given to the existing local community rather than pandering to wealthy incomers who might only use the accommodation as holiday or second homes and not necessarily contribute in a sustainable and beneficial way to local community.*

- *There have been several dense developments in Shelley Road and Heene Road, there are so many new flats being built in the area with no sign of any new infra-structure.*
- *Way, way too much residential development is being granted in Worthing. Where are all the new and improved amenities and facilities for the town's existing population? So far, in response to the massive amount of house building that is happening here, we have been provided with a new swimming pool. A pool that is too small for the locality and cost us far too much.*
- *Before attracting hundreds of more people, cars and all they bring, how about improving the town's infrastructure so it will be able to cope? The roads are clogged and falling apart, schools are overcrowded, the town centre needs completely overhauling and brought into the 21st century. I could go on and on. Enough blooming houses and flats here!!!*
- *This development will not, in my opinion, bring additional long term jobs or business to the town but is about profit for the developers.*
- *There are plenty of areas which are significantly less pretty and could have new developments to improve them. Other appropriate sites where such dense development would not be out-of-place are: Teville Gate and Union Place. WBC should be encouraging development of such derelict sites close to the town centre and transport links, and not approve the destruction of the more attractive areas of town.*
- *This development offers no benefit to locals at all.*
- *Block after block of flats have been built all over Worthing in the past year or so. The A27 cannot cope now!*
- *Will the local infrastructure be able to support such a large development. What schools will the children in these homes attend as the town centre ones are already oversubscribed.*
- *We have so many empty homes around this town, use them.*
- *Worthing's seafront is its single greatest asset and should be protected for the towns ongoing prosperity, rather than exploited such as in this proposal....for the benefit of the developers income statement / meeting short term housing quotas.*
- *Is Roffey Homes the only construction company on the south coast?*

<u>Acceptance of Need for development</u>

- *There have been several developments built on the seafront recently which have been in keeping with the area and are beautiful and stylish. I therefore do not object to a development on this plot which enhances the area and which does not negatively impact on other residents, who were there first. However it should be no higher than the buildings that already exist and should not be any further forward, as in keeping with the rest of the blocks of flats on the seafront.*
- *I accept the need for an increase in general housing and, in particular, affordable housing in this area.*
- *I agree that the plot needs development and it is sad that the plot has been so woefully neglected.*

Flooding

- *This falls in an Environment Agency Flood Risk Area Zone 3 and development should be steered away from this.*
- *Roffey states no fear of flooding the basement car park but photographs submitted showing application site flooded and Capelia house has history of flood problems.*

Preferred design

- *Some of the recent Roffey Homes developments (such as Vista Mare) have been very attractive and I am sure it is not impossible to come up with a design for a taller block which would be attractive, ideally even iconic. If they can do it in a tiny space in London like The Shard then surely Worthing provides potential to have something really gorgeous, even if it is modern.*
- *The height of the development ought to be limited to 7 stories in keeping with the block and with Dolphin Lodge on opposite side of the junction.*
- *should be restricted to the current height of the buildings to be demolished*
- *Design image looks too high and not as Art Deco or subtle as the area needs. Another mini Dolphin Lodge would be ok but not this eyesore!*
- *It is my view that the council should look again at this proposal with a view to scaling it down to a more manageable size. This could be achieved by restricting its height to that of other buildings on the east side of Grand Avenue in West Parade whilst keeping the basement parking for 26 vehicles. This too should be revisited with a view to making the parking entrance in West Parade rather than Grand Avenue. Any such development must look at the impact on the surrounding infrastructure and if it goes ahead the installation of traffic lights at the south end of Grand Avenue should be mandatory.*
- *I think reducing to 8 or 9 stories would be appropriate and enforced with any planning permission.*
- *A design similar to the build next to Sunny Cafe and the rock playing area further down the seafront, which is tasteful and in keeping with a seaside town.*
- *The 11 storey building is in my opinion 5 storeys too high.*
- *Low developments are more in keeping with what is needed in Worthing today. Think of the height and even design of the flats built further down the road opposite the children's play area on the beach. A rethink is needed about the design proposed.*
- *Roffey should be required to submit a revised proposal for the L shaped plot with an L shaped 4 storey building not exceeding the frontage of Regis Court and preserving the existing gap between Regis and 25 West Parade. Its design should be residential scale, like Regis and 21 West Parade, in keeping with and thereby enhancing this predominantly low rise residential area.*
- *We need classic designs that future generations can be proud of.*
- *Buildings of such height appear totally out of keeping on Worthing seafront, whereas 3-4 storey building developments of sympathetic design have been welcomed by the community as enhancements, reflecting the art deco history of Worthing's seafront.*

- *The proposed plans are not in keeping with a 1930's look (as much of Grand Avenue was constructed in this time. An art deco appearance would be more in keeping.*
- *A smaller and more sympathetic development would be very welcome.*
- *Please can we have a low rise design that retains the green space and complements our architectural heritage.*
- *How about a small development like the St Barnabas estate in Columbia Drive.*
- *This would be an opportunity to build an impressive building to compliment Dolphin Court opposite and the flats on Marine Parade.*

Developers profit

- *Once the developers have made their profit we will be left with this monstrosity*
- *Obviously profit led. Higher the building, the more people can be crammed in.*

Public consultation

- *The applicant has shown scant regard for local opinion.*
- *I must also point out that initial sketches of the proposed development put forward to pre-application consultations were not to scale, were unprofessional, showed scant detail and provided little information as to look and quality of build.*
- *I wish to point out that I was shocked by Roffeys responses to some questions during pre-planning application meetings. Roffeys gave the distinct impression they would do whatever they wanted too regardless of public concern. They asked if we wanted a nine storey block or an eleven storey block and did not listen to worries about overshadowing or about building height. They stated they didn't have to supply a higher quota of affordable housing in the block as they would just pay fines to Worthing Council to build luxury apartments. They went as far as to infer that if we questioned the development, we could be liable for their costs. This is unacceptable and gives developers a poor name.*
- *I am also amazed by the number of supporters who live outside the area - Sheffield, London, and elsewhere in West Sussex.*
- *I assume that employees of Roffey and their relatives are not eligible to comment.*
- *Come on Roffey. Design a building that you and the residents of Worthing can be proud of.*
- *In summary the proposed development fails on design and appearance grounds to deliver a landmark building the people of Worthing deserve, on the contrary it looks out of place and incongruous relative to its surroundings. It also has a negative impact on significant numbers of local people whose properties will be overlooked and others who walk to the seafront via Grand Avenue. It therefore not only fails to meet the perceived needs of the local community but also has a negative impact for many residents.*
- *Was assured at public consultation exhibition that building line would not extend beyond Regis Court*

Sir Peter Bottomley MP

I write as local Member of Parliament representing many constituents, as a person who finds No. 4 Grand Avenue attractive and as someone with a home in Worthing.

The impression gained by many including me is that the proposed building will bring unusual height to the east of Grand Avenue. This has not been welcomed.

Worthing Society

It is a disappointment that another development is being presented to the Council which has caused controversy and adverse comment particularly from nearby neighbours.

The proposed structure although aggressive is of no special architectural interest with its controversial 11-storey tower dominating and impinging on the entrance sweep to Grand Avenue, once the prime residential road of Worthing. The houses from No.6 Grand Avenue northwards will have their view, setting and light reduced to varying degrees.

When attending the Roffey consultations I was assured that the existing building lines in Grand Avenue and West Parade would be adhered to. I was therefore dismayed to find the proposed building extends over the line both southwards and westwards. Have you no power to stop this encroachment?

The Society is not alone in wishing to see new buildings that enhance their setting and the town's landscape. Buildings that set a high standard and which the town's residents can be proud of. Instead we see development on brownfield sites often designed in isolation to maximise the return on investment: planning law seems powerless to prevent the worst happening.

The proposed building would be another indifferent block of flats to add to the others between Heene Road and Grand Avenue.

Times have changed since the fifties, sixties and seventies: people have seen the past and do not care for a future that repeats the mistakes of the past.

The Worthing Society is strongly opposed to this application and urges the Worthing Borough Council to refuse it.

Support

Support for the proposal is overwhelmingly drawn from outside the immediate area, and, indeed, to a significant degree, outside the town. The key points are summarised as follows:

- *I have lived in Worthing for many years and often wondered why this site has not been developed as it is the only remaining untidy and unsightly area left on Worthing Sea Front. I have looked at the proposed plans and I think they are in total keeping with the surrounding area. I think this building will add a modern and contemporary look and also I am very keen that it will offer*

affordable houses to many people giving more people the opportunity to live in Worthing by the sea.

- *I currently work in Worthing, and we are now currently thinking about moving here from Hove because of how improved the area is becoming. I think Worthing needs nice modern developments like this and I would certainly be keen to see something nice a modern being built. it will continue to bring new buyers with money to the area and will continue to improve Worthing as an area.*
- *I walk, cycle and drive along Worthing Sea Front nearly every day and I am struck how wonderful it is all looking now. Then I get to the corner of Grand Avenue and see the complete eye-sore of the existing buildings which are overdue for development and look as though they are about to fall down. I understand that Roffey Homes is involved in the building project and as they have done most of the re-development along the sea front I know the project is in safe hands. The modern building and affordable housing will give more people the chance to live and enjoy life in Worthing in this area which already has many tall apartment blocks on either side.*
- *In my opinion this looks like a modern contemporary development which will not only look in keeping with the existing flats on either side but will enhance the sea front and give affordable housing in a sort after area.*
- *Looks like a great development with a great look and will really bring up that corner of Grand Avenue and West Parade as some of the blocks there are looking a little tired now.*
- *For many years, Dolphin Lodge has been seen as a mish mash building of differing eras, with the front section having been added some years after initial construction and considered ugly.*
- *An exciting and innovative design, alongside other resent seaside developments that are helping to bring Worthing to the 21st century.*
- *This building would bring an elegant and contemporary class to an upmarket location and become a modern landmark for this particular area.*
- *I have owned a Roffey flat in the past and I am a great fan of what they have built in the Worthing area over the years.*
- *I have thought the building on the corner of Grand Avenue was looking very tatty. I think a nice new building would enhance the area.*
- *I am very much looking forward to the possibility of buying one of these new apartments which look modern and contemporary and perfect for myself and my husband. The affordable housing is also a welcome opportunity for more people to live in this lovely area.*
- *With the continued regeneration of Worthing Seafront what another wonderful opportunity to improve the seafront with a high quality build. The seafront is often the first port of call from visitors from outside the area, lets impress them, let them park and spend money in the surrounding areas and town centre. Also with the sale of these apartments it will also attract more people to the area and therefore more money spent in the town. let's go for it and move with the time - improve the seafront improve Worthing!*
- *I really like the new modern contemporary design Roffey are producing here. It is certainly better than the eyesore that sits there at the moment and will be a good new land mark for Grand Ave*
- *The proposed scheme will make good use of the subject site.*

- *This west end of Worthing's seafront is not blessed with much quality architecture with some frankly awful examples of 1960's style flat developments which are not standing up well to the passage of time.*
- *The style of this scheme fits in well with the surroundings and should be supported because it will provide further residential units in the town which are needed.*
- *Worthing is finally becoming trendy, apart from the buildings. The 1960s and 70s blocks are not the most attractive sight to see. The proposals will add a modern trendy look to what is becoming a modern trendy town. I am personally in favour of any plans that will make people coming through Worthing look in amazement, rather than looking at the current buildings and thinking Worthing is an outdated town with no ambition!*
- *There are large flats on either side of the new development so in no way is this new development out of keeping. Also if it stops development on other green sites in Worthing then it must be a good thing. The affordable housing is also a big plus.*
- *I think the design is particularly good - very modern and bright and although it is better than the surrounding apartments it will bring the standard of the area up with it's up to date and contemporary design.*
- *If anyone in surrounding flats is opposing this development - I wonder where they would be living if planning permission had not been given for their flats.*
- *The current property is in poor repair and is unsightly.*
- *There are large flats on either side of the new development so in no way is this new development out of keeping. Also if it stops development on other green sites in Worthing then it must be a good thing.*
- *It is nice to see the proposed development at the corner of Grand Avenue is big enough to provide quite a large number of apartments including affordable housing in one of the most desirable parts of Worthing sea front - there will not be many more if any opportunities to provide housing along the sea front near to the town centre so I am really hopeful this planning application will be given the positive response it deserves.*
- *It will also provide many jobs in the area, this can only be good for the local economy.*
- *I urge you to support this type of forward thinking development which can only be good for the town rather than development of our much treasured surrounding countryside.*
- *What is proposed will help to balance the entrance to Grand Ave, as opposite is Marine Point and Dolphin Lodge which look very unbalanced.*

Relevant legislation

The Committee should consider the planning application in accordance with:

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

Planning Assessment

The main issues raised by this proposal are:-

- The principle of residential development, housing need, dwelling mix and tenure and density
- Height of buildings and quality of the design and impact on local character and townscape, including setting of heritage assets
- Impact on amenity of neighbours and amenity of new dwelling occupiers
- Parking and access arrangements
- Other environmental impacts including drainage, flood risk, contaminated land and sustainability
- Provision of affordable housing and adequacy of development contributions

The Planning Acts require the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

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

The Council's self-assessment of the Core Strategy's Conformity with the National Planning Policy Framework demonstrated that, in many respects, the Council's key Development Plan conforms closely to the key aims and objectives of the Framework. However, it is acknowledged that in response to the requirements of the Framework and informed by local evidence it is clear that the Council needs to assess the housing delivery strategy set out in the current Development Plan. Work is currently being progressed to address this and the Council is in the process of agreeing agreed a revised Local Development Scheme which commits the Council to undertake a full review of the Core Strategy and progress a new Local Plan for the Borough.

As such the proposal should be principally assessed against saved Worthing Local Plan Policies CT3,, H18; TR9, and RES7, Core Strategy Policies 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 19; the National Planning Policy Framework (NPPF) and allied Practice Guidance; Worthing Borough Council Supplementary Planning Documents (SPDs) on Tall Buildings; Residential Space Standards and Guide to Residential Development and Development Contributions Consultation Draft and Strategic Housing Land Availability Assessment (2014) (SHLAA) and Community Infrastructure Levy Charging Schedule (2015) in accordance with the above.

The principle of residential redevelopment, housing need, dwelling mix and density

The site is not expressly allocated for housing in the Core Strategy, and, as a windfall site, its appropriateness for the principle of residential development is determined against relevant policy tests.

Location and site characteristics

In terms of the broad spatial strategy and national policy, the overall location is acceptable in principle for residential development, situated in an established residential inner suburb within the urban area which is within reasonable access of local facilities and the town centre and is generally supported by necessary infrastructure.

Looking at the site itself, this is also already in residential use. It is part greenfield (i.e. garden areas) and part brownfield (i.e. footprints of the existing buildings and drives/hardstandings).

The principle of development on the brownfield land element plainly accords with planning policy which assigns such land as a priority for residential development, where it is sustainably located and otherwise acceptable

By the same token, the greenfield element is also sustainably located but the acceptability of any loss of this area to built development also hinges on the environmental contribution it makes. In this respect it is noted that the street frontage gardens do form part of a linear stretch (albeit regularly broken) of green space, composed of domestic gardens and landscaped settings for the sea front slab blocks.

Whilst the stretch has no particular wildlife merit, overall the open frontages do have a special scenic and strategic value as green infrastructure in defining the building lines and lending the seafront and Grand Avenue their particular open characters. Some encroachment into this would occur but the bulk of the street frontage would remain open and to a significant degree, soft landscaped.

The shape and size of the site, its topography and its developability (e.g. street frontages and absence of any restrictive physical constraints), together with its current relative low density, also weigh in favour of residential development. Certainly, the site itself would qualify as an infill site. All the properties on the site date back to the interwar period but the West Parade properties are understood to be in deteriorating condition and look tired. Upgrading and renewal of this element of the housing stock would, in principle, be beneficial.

In terms of express compliance with the chief spatial housing polices in the Core Strategy, the site does not obviously fall into any of the typologies (i.e. character areas) covered in policy 8 which states:

The Core Strategy will deliver a wide choice of high quality homes to address the needs of the community:

- *Higher density housing including homes suitable for family occupation to be located in and around the town centre*
- *Areas of Change outside the town centre, new development will predominantly consist of family housing*
- *Within suburban areas only limited infilling which will predominantly consist of family houses.*

In this respect, it is not in an identified *Area of Change* but is reasonably close (one kilometre) to the town centre boundary and adjacent to a stretch of high density, flatted, slab seafront development with a very urban character. At the same time, the site, itself, is currently low density/low rise and relates equally to the suburban houses which characterise the east side of Grand Avenue. It may therefore sensibly be treated as in a transitional location (neither typically suburban nor town centre fringe) where the principle of development is clearly acceptable but the form and mix needs to be tailored to the specific circumstances. This is in line with the approach of SPD Guide for Residential Development which indicates all applications should be assessed in relation to Core Strategy Policy 8 *on a site – by site basis taking into account factors such as: established character; local density levels; and viability of the proposal.*

In this vein, the potential of the 25-26 West Parade element of the site (at least) for residential development is reflected in its inclusion in the Strategic Housing Land Availability Assessment (2014) (SHLAA). The SHLAA is an audit tool for identifying and assessing potential housing land supply in the town and the site is classified as *suitable, available and achievable* for a more intensive residential development. However, such inclusion does not amount to a policy designation and the site remains no more than a windfall site whose potential for development should be assessed objectively in the normal manner.

Housing need

In terms of the quantum (or dwelling numbers) of development, whilst the NPPF (para 58) strongly encourages development to optimise the potential of sites, it does not prescribe specific densities for residential development. Neither does the Core Strategy or allied SPDs set any general minimum or maximum densities. Rather, their approach to determining the appropriate dwelling yield from a site is one that maximises development potential, consistent with compliance with relevant planning framework and so will depend very much upon the site circumstances. Aside of general location, physical developability, status as brownfield land and compliance with dwelling mix requirements, the key factors of design, amenity access and environmental impact are assessed elsewhere in the report.

Certainly, the 36 dwellings proposed here makes much more efficient use of the site than the current arrangement in terms of the net increase in dwellings (31), site coverage and floorspace. Currently site coverage is 20% and density 19 dwellings per hectare compared to around 30% site coverage as proposed and density of 138 dwellings per hectare. For comparison, the adjacent Regis Court has a density of around 82 dwelling per hectare and 13% site coverage (excluding garages) and Capelia House to the east of this, some 105 dwellings per hectare and 17% site coverage (excluding garages).

To the extent that the scheme would produce a net increase of some 31 dwellings, it is a windfall site that would contribute modestly to helping meet the town's housing provision targets. However, it is noted that the gross figure of 36 dwellings proposed in the application is materially greater than the indicative potential gross yield from the site of 22 dwellings given in the SHLAA, even allowing for inclusion of 4 Grand Avenue in the development plot, as this plot only yields 7 extra dwellings in the application scheme.

Unquestionably, the Government attaches considerable importance to increasing housing provision delivery in the National Planning Policy Guidance and allied Practice guidance, not least through a new requirement on Local Planning Authorities to look at targets afresh by undertaking an Objectively Assessed Needs (OAN) study of housing provision and reviewing their plans accordingly. The Core Strategy was adopted in 2011 with sufficient land to meet the then requisite target and, currently, the Core Strategy annualised delivery target is being met.

However, indications are that the new procedure for assessing housing need is likely to produce a significantly higher housing provision requirement than is allowed for in the Core Strategy. The latest published OAN housing figure for Worthing indicates a need of between 500 and 600 housing per annum which compares to the current housing requirement set in the Core Strategy for 200 dwellings per annum. The OAN housing needs figure for the Borough is currently being updated in response to recently published demographic projections but the early indication is that the housing need figure is likely to be in excess of 600 dwellings per annum. In this regard, paragraph 47 of the NPPF is of importance as this states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF.

Whilst the existing Core Strategy was intended to be the Development Plan for the Borough until 2026, in the context of housing needs it is considered essential that a full review is now undertaken to respond to these policy changes at the national level. Accordingly, a new Local Plan is proposed to fully assess the need and identify any further sustainable opportunities for increasing housing provision within the town borders, or if not possible, fully exploring all opportunities to address this need in neighbouring Districts.

However, whilst the relatively high levels of identified housing need is of some relevance, it is not considered that this situation would, of itself, justify the application proposal, as the contribution is arithmetically insignificant compared to the overall potential shortfall and action to realign the Plan with the NPPF is underway through the planned Review.

Dwelling Mix

In relation to dwelling mix, the focus of the Core Strategy is the protection of existing, and support for the provision of new, family housing in appropriate circumstances to help correct the imbalance between smaller flatted development and larger housing with gardens and help meet an identified requirement through the SHMAA. Whether the current proposal meets the tests of Core Strategy Policy 8 (as set out above) relating to new development, and, also, Policy 9 which specifically *seek(s) to ensure the retention of the existing housing stock unless: the proposal results in a net increase in the family housing* is a matter for objective test against these policies, as amplified by the Residential Development guidance SPD.

Critical to this assessment is; do any of the existing and proposed dwellings qualify as family housing at all under local planning policy? The Core Strategy, itself, uses

the terms of family housing, homes and houses almost interchangeably and only gives a definition for family housing which is *family homes are dwellings designed in such a way so that they are suitable for family occupation, taking into consideration matters such as size; layout and access to usable amenity space.*

The SPD enlarges upon this and states that *A family home is generally considered to be a 3(+) bedroom house with a suitable layout and level of internal space together with accessible usable amenity space to meet family needs.*

However, it goes on to accept that *Families come in all sorts of shapes and sizes and therefore, there is no universal standard that can be used*. …*whilst the evidence is clear that it is larger family homes of 3 bed plus that are the focus of this policy, there may be circumstances where a larger 2 bed dwelling would still provide for family accommodation and may be acceptable in certain situations* (including flats/apartments).

To assist in this assessment it, effectively, expands upon the factors listed in the Core Strategy Policy definition. It advises that larger bedrooms and separated areas in the living/dining rooms/kitchen are more favourable to family use as these give children the private space expected. Likewise, adequate storage space for prams/buggies etc. are necessary for family use. Importantly, *family homes will need to have direct access to useable private amenity space or garden* including *a safe play space for children, for drying of clothes and storage*. Finally, *Units that are designed for family use should normally be provided at ground floor level.*

Starting with the existing dwellings on site, these comprise two houses of four or more bedrooms, each with a reasonable garden, and 3 x one bed flats also served by gardens. The houses clearly meet the definition of family house.

The proposal is to replace these with 14 x three bed flats all served by balconies or terraces ; 18 x two bed flats, 15 of which also enjoy such private amenity space or garden, and 4 one bed flats, all lacking private amenity space. The private flats and the one intermediate affordable flat are served by lifts and all tenures have access to a large communal garden on the West Parade frontage.

Officers take the view that the two ground floor market 3 bed flats undoubtedly qualify as family houses for the purposes of the SPD, with floorspace of around 150 sqms well in excess of SPD minimum standards. The internal layout is big enough to accommodate the private space and storage required and both have extensive ground floor terraces (50 and 90 sq ms each) plus access to the communal gardens and with the seafront just across the road.

The first floor 3 bed flat above and repeated on the next four storeys, also enjoy very generous internal space but the balcony areas (including enclosed winter gardens) are, at around 13 sq ms, noticeably smaller. Even so, it is arguable, that they could be suitable for families comprising older children, given the communal gardens and proximity of the seafront and lift access.

Similarly, the 3x three bed flats starting on the second, third and fourth floors are generously sized and have larger balconies still (around 20 sq ms, including the enclosed winter gardens) and the further 3 x three bed flats on the eighth, ninth and

tenth floors have balconies of up to 30 sq ms in size (including enclosed winter gardens). Again, these may be considered suitable for families with older children.

The two bed market flats are all on upper floors and their sizes uniformly exceed the minimum standards for three bed houses. Two have balconies of 20 sq ms or more.

Clearly, the proposal does not advance the recognised aspiration for family houses with gardens but the above assessment, nonetheless, strongly suggests the dwelling mix, at the very least, results in no net loss of family accommodation and there is a strong case that it increases provision substantially. Whether, in practice, the proposed flats would appeal to families of any kind, the developer reports that, from experience of similar high quality flatted developments, over half of Roffey homes apartments are purchased by downsizers resident in the Borough. As a result, the proposal is likely to release a significant number of under-occupied family houses with gardens for new family occupation which directly assist the underlying aims of Core Strategy Policy 8.

The absence of any 3 bed affordable housing is regrettable (especially given the potential for family housing) but the applicant reports that the mix of 1 and 2 bed accommodation reflects the preferred social housing provider's requirements and the two bed intermediate unit is at ground floor and does have access to a small terrace and is adjacent to a landscaped area at the front, albeit abutting the ramped basement car park entrance. A 3 bed flat is impractical in the current scheme.

On balance, it is considered that, given the transitional location of the site and its character and applying the test of the Guide to Residential Development SPD, the proposal provides for as much family housing as feasible within its parameters. In any event, such is the size and range of unmet housing need across the board emerging from recent studies that the proposal would make a positive contribution to addressing the *wide choice of high quality homes* referred to in Core Strategy Policy 8 whatever the size and form of the flats proposed. The proposal therefore, in the round, meets the dwelling mix tests of this policy and Core Strategy Policy 9.

Height of buildings and quality of the design and impact on local character and townscape, including setting of heritage assets

Principle of tall building

Officers have accepted the principle of a more intensive residential development of the site complies with the relevant planning framework in the previous section.

The issue considered here is whether a tall building in the form and design proposed is the appropriate means of taking this forward.

The general spatial and design policy framework for making such an assessment is provided by Core Strategy Policy 16, Saved Local Plan CT3 and the NPPF but, above all, by the Tall Buildings SPD.

Undoubtedly , the proposal would qualify as a tall building under the definition used in the SPD *Tall buildings are those that are substantially taller than their neighbours*

and / or which significantly change the skyline. Indeed, the highest element would fall into the *Very tall building* category (11 storeys +) used in the SPD, whilst the "shoulders", at 6 and 7 storeys, would straddle the *Tall building* (7-10 storeys) and *Midrise* (4-6 storeys categories) and the *link* element (3 to 5 storeys) spans the *Midrise* and *Typical context* (2-3 storeys) classifications.

In essence, the SPD recognises that tall buildings have an important role to play in securing sustainable regeneration and improving economic performance and are welcomed in the right location and where the form is appropriate and the design is of a very high standard.

Location

Starting with location, the SPD does not designate any specific sites as suitable for tall buildings. Rather; it ranks the broad potential of various parts of the town but, above all, provides three key criteria for judging the suitability of any location and, often overlapping with these, a further four crucial criteria for assessing design quality.

In terms of broad potential, the SPD advises that the identified *Areas of Change* in the Core Strategy will be the focus for major development, and, with that, may offer the potential for tall buildings, particularly those parts of the town centre, seafront or in close proximity to stations falling within such opportunity areas. Whilst the development of tall buildings is not precluded altogether outside of the *Opportunity areas* generally, it is clear that, the potential, here, is considered more limited.

Falling outside of any such *Opportunity area*, the application site does not enjoy high potential according to the SPD. Judged on its merits against the three key locational criteria, however, the site shows some potential.

The first criterion is accessibility. This is considered in more detail in the access section of the report but it is evident that the site does not enjoy the high level of accessibility and modal choice expected of a tall building and would not reinforce an existing centre. Nonetheless, the likely pressure on the transport network from the 36 flats proposed is not considered to be excessive and the site is close to public open space in the form of the seafront.

Context is the second locational test. An urban analysis of the area has been undertaken by the applicants which seeks to explain how the proposal responds to the historic townscape and character of the locality. The established presence of tall seafront buildings and Dolphin Lodge and the fact that a tall building would infill an anomalous current gap in the stretch of slab blocks, generally reinforcing the broad pattern of development (excepting the encroachments discussed below), weigh in the proposal's favour here in respect of the sea frontage element of the site. This is aside of the problematic matters of height and massing discussed below it the *appearance* section. Whilst the form of the proposal seeks to respond to the suburban low rise housing in Grand Avenue through the stepped *link* element, as discussed below, this is not successful and the tension between the character of this suburban housing and a tall building remains unaddressed. Localised impacts on heritage assets are considered in the appearance section, including loss of No 4 Grand Avenue.

On the other hand, being within the urban area, sited on flat land and avoiding any designated environmental assets are advantageous locational factors.

An analysis of the potential impact of the proposal on strategic views, vistas and corridors has also been undertaken by the applicants. This indicates that, whilst the new block would be visible from The Downs, it would not be that discernible from the neighbouring slab blocks and would tend to merge into the urban form. This is underscored by the South Downs National Park Authority's absence of any specific objection. The study also assesses views along this part of the seafront and down Grand Avenue. Officers consider that these views are important and sensitive and of wider importance. The adverse impact on these views due to the height and bulk of the proposal, together with impacts on local views, are considered in more detail in the detailed design assessment, below under *Appearance*.

The third locational test is regeneration. Tall building proposals are expected to add vitality to the town by creating vibrant and lively environments, support and exemplify the regeneration of the town centre and seafront and promote sustainable development. Certainly, the renewal of the seafront urban fabric and replacement of what are two tired and undistinguished seafront buildings has the potential to enliven the seafront, enhance the town's brand image and assist regeneration, even if outside the identified *Opportunity areas*. However, as discussed below under *Appearance*, the massing and height of the building proposed would be harmful to the visual qualities of the area and would not advance regeneration objectives.

Appearance

The four design criteria comprise sustainability; townscape/public realm; quality of life and design detail. Sustainability is covered in more detail in the *Other Environmental Matters* section, and, though the building is not of the highest standards, makes a reasonable effort in its design, construction and use of low carbon energy systems. Quality of life issues in terms of meeting space and inclusive design standards and impacts on neighbouring occupiers are also dealt with under other sections of this report and a mixed picture emerges.

The key design criteria in terms of appearance here are the interlinked issues of townscape/public realm and design detail. These chiefly embrace massing (shape and volume), scale /height, materials and fenestration and skyline profile as other matters are largely dealt with elsewhere.

The logic for the form of the proposed block is explained by the applicants in their Design and Access Statement and Urban Design study and summarised below.

The developers advise that the application seeks to provide a new building which positively marks the location of Grand Avenue and provides a positive frame to the end of Grand Avenue complementing the existing building of Marine Point. The block comprises three main elements – *tower, shoulders* and *link* which seek to respond to their context and each other.

They report that the overall building is largely set back on both frontages to respect the established building line and the geometric layout reflects the grain and site

characteristics. The separation between the proposed development and neighbouring properties to the east and north is deemed to be representative of those typical in the local context

They further explain that the height of the eastern *shoulder* respects that of the neighbouring Regis Court. The *link* provides a transition between the northern *shoulder* element of the scheme and the existing low rise properties to the north through a series of steps.

The applicants indicate that the *tower element* rises to visually differentiate itself from the *shoulders*, the 3 storeys margin being the minimum necessary. Taller *towers* were dismissed as out of scale with street scene. The tower element of the scheme provides a focal point to the design on the corner of Grand Avenue and West Parade and variety to the skyline and relates to the adjacent heights of Marine Point and Balcombe Court. Following negotiations, the *tower element* has been brought forward of the *shoulders* to help express the corner and accentuate the differentiation with the *shoulders*.

Finally, the applicants state that at the rear of the *tower* element, a main stair core provides a spine to the building.

Against this background, it is clear that efforts have been made by the applicants to try and design an appropriate form of tall building. Certainly, the layout generally responds to the broad pattern of development, maintaining enclosure and continuity, albeit with the problematic building line encroachment, as discussed below. The open and largely green street frontages also blend in well and would complement both the seafront and Grand Avenue as a boulevard. Additionally, the animated frontages relate well to the street and add interest and life and the contemporary architectural style is not inappropriate for building of this scale in this location.

The chief shortcoming of the scheme, however, is the height and bulk of the *tower* element and bulky massing of the form generally. At the heart of this weakness is the hybrid form. In some ways it performs the function of a *townscape building*, as characterised in the SPD, defining and connected to the street. However, it also incorporates a *tower* element. Crucially, this is not tall *and* thin, nor has a slender profile as characterised in the SPD. As a result, in itself, and in combination with the *shoulders*, the building reads from some vantage points as a modulated *slab block* as defined in the SPD (*i.e. significantly broad in one direction*), albeit much graduated at its northern end. This is, in many ways, exemplified by the north elevation which exposes the rather awkward and over-complicated form of the block with the 3, 4 and 5 storey *link* element back clothed by the 6 and 7 storey *shoulders* and 11 storey *tower*.

Analysing the various elements in more detail, the *tower* element rises discordantly above the height of the both Marine Point and Regis Court and the stretch of slab blocks to the east which, otherwise, are broadly uniform in height (7 to 9 storeys). The slab-like massing of the *tower* element (in part due to the rather, awkward externalisation of the service core but also the depth of the west, and, width of the north, elevations of the building when viewed from Grand Avenue and roads to the north) and encroachment forward of the building lines, compound its undue

dominance and obtrusion. It would appear as alien and overpowering, rising appreciably above its neighbours. To this extent, the setting of the statutorily listed Black Nest Hall building at the corner of Grand Avenue and Bath Rd and the local interest buildings of Dolphin Lodge and Marine Point, which are both heritage assets, would also suffer some harm. Dolphin Lodge, in particular, is a distinguished and attractive building which in many ways characterises the southern part of Grand Avenue and commends important views across the seafront. Its pivotal scenic position would be compromised. No other Listed Buildings or Conservation Areas are affected.

The desirability or necessity for this height in absolute terms is not accepted. A building of this height in this location would assume a landmark status, drawing unjustified attention to itself, rather than simply signposting or framing Grand Avenue and would unbalance the other sentinel to Grand Avenue of Marine Point. Neither Grand Avenue, nor the seafront at this point warrant such an assertive treatment in townscape terms and any additional interest created in terms of skyline is outweighed by the negative impacts. That is not to say that the corner of Grand Avenue and West Parade should not be expressed architecturally; simply that this should, in this instance, not be achieved by a 11 storey element, flanked by bulky *shoulders* which encroach forward of the building line. Indeed, if differentiation is required between the *shoulders* and the *tower* element, this could still be achieved by lowering the height of both such elements, subject to the composition working in all other respects. In any event, the absolute necessity for the *shoulder* adjacent to Regis Court to start at 7 storeys is not accepted either, as broad continuity between any development on the site and these neighbours may still be achieved by a more graduated massing.

The separation distance of 5 ms between Regis Court and the *shoulder* is noticeably tighter than that prevailing between the slab blocks to the east (7 to 11ms) and is accentuated by the new building stepping forward of Regis Court.

The *link* elements of the scheme only partly succeed in creating a transition between the main block and the suburban low rise housing to the north. The very graduated form of 3, 4, 5 and 6 storeys, however, reads as somewhat contrived and awkward and the proximity of the four and above storey parts, together with their building line encroachments, are still visually overpowering when viewed looking south from Grand Avenue and adjacent roads. The proximity of the link building to No 6 Grand Avenue and the west and east projections compound this impression.

Looking at the proposal's architectural detailing, this is not without some merit and the balconies exploit the seaside location. However, these design features are insufficient to offset the inherent weaknesses in the overall form of the building and the building fails to achieve *the highest design quality* expected of such a tall building in this location, in line with the SPD.

The loss of No 4 Grand Avenue is regrettable as this is a distinguished example of art deco inspired housing. However, it is not listed either locally or statutorily and the principle cannot be resisted. Its architectural qualities underline the need for any replacement scheme to achieve a high quality. Nos 25 and 26 West Parade

are of no particular architectural merit and their loss is acceptable in townscape terms.

Impact on amenity of neighbours and amenity of new dwelling occupiers

Impact on neighbours

The existing suburban housing on the site is low rise and is situated in a residential area which enjoys a high standard of amenity with family houses immediately to the north and dense flatted development to the west and east. The principal potential impacts of this high density proposal are on No 6 Grand Avenue and Regis Court as the nearest neighbouring properties, together with Dolphin Lodge and the suburban housing to the north. They embrace overlooking; loss of outlook; loss of natural light; noise and disturbance including from traffic and parking generated and impacts during construction/demolition. These are explored below.

No 6 Grand Avenue sits 2 ms to the north of the proposed 3 storey link block; some 24 ms from the 5 storey block and around 27 ms from the 11 storey block. North flank secondary windows serving habitable rooms feature on all floors of the 3 storey link block and potentially entail some overlooking through the adjacent south facing high level window serving the ground floor lounge of No 4. This contrasts with the existing situation of a windowless facing flank of No 4. However, this may be addressed by suitable condition requiring the overlooking windows to be obscure glazed and without detriment to the proposed new accommodation. The rear, slightly raised, amenity space to the link block abuts the garden of No 4 but this does not serve as functional open space and the existing substantial boundary wall would remain and so no overlooking would occur. Overlooking from the north or east facing windows of the new block to the garden is much the same as at present.

Turning to outlook, the main aspect of No 6 is west and east. Only the nearest such windows would be affected by the proposal, chiefly, a rear upper bedroom window where an oblique reduction in a sky view would be experienced and the flank element of a front ground floor bay, and to a lesser extent, the front element and upper floor window, where the projection forward from the building line by the 5 to 11 storey elements of the new development would screen out part of the seaward panorama enjoyed by No 6.

Seaward views from the rear garden of No 6 are already limited by the interposition of Regis Court, 4 Grand Avenue and 25 West Parade, coupled with the single storey rear extension to No 4 and the height of the common boundary wall. However, due to the distance of Regis Court and No 25 and the modest scale of the latter and the fact that No 4 does not project beyond the original rear wall of No 6 above single storey level, these buildings are not unduly overbearing and a narrow glimpse of the sky between Regis Court and No 25 remains.

By contrast, the deep front garden of No 4 enjoys excellent seaward views and light and the occupiers have exploited this by providing a decked area for outdoor seating adjacent to and accessed from the front bay.

Outlook from both these gardens would certainly suffer due to the size and proximity of the proposal (including projections forwards and rearwards of the

original walls of No 4 and despite the 2 ms building to building set back) and the development would appear as overbearing. In combination with the impacts on outlook from the house itself, they amount to a substantial loss of amenity to this neighbour.

The impacts on natural light have been modelled by the applicants in their supporting daylight and sunlight report using standard BRE methodology. Besides 6 Grand Avenue and Regis Court, Dolphin Lodge and Marine Point were also assessed.

Although No 6 stands to the north of the development site, the report concludes that the BRE standards for affected relevant rooms are not breached. Likewise, it predicts no significant impacts during the winter or summer (as indicated by the solstice calculations). However, it does identify what is described as "minor additional overshadowing of the (rear) garden in March" (indicated by the equinox calculation) as likely to occur. This conclusion from the published evidence is certainly questionable as the illustrations show the whole of the rear garden in shadow at 2pm, compared to the existing situation of around something over a third of the garden as capable of enjoying direct sunlight at this time. That part of the garden closest to the house (amounting to a third of the garden depth) is also shown as in shadow at 12 noon at this equinox, compared to around one metre for the most part at present. It is noteworthy that the back garden is laid out to try and enjoy the limited direct sun available outside of summer and this further overshadowing compounds the loss of outlook described above.

The proposal is a much more intensive development than the current suburban housing but this, of itself, would not give rise to any unacceptable noise and disturbance. It is noted that the vehicular access to the basement is 18 ms away and the bin and cycle stores 10 ms from the front garden decked area of No 6 and some loss of amenity result from noise, activity and smells could also occur.

Regis Court is situated some 5.5 ms from the 7 storey "*shoulder*" of the new block and some 15 -17 ms from the 11 storey tall tower block element with its main aspect north/south. The west flank of this slab block contains secondary windows to the lounge whose principal outlook is south. South facing balconies are also located in the SW corner of the block closest to the proposal and a small patio serves the ground floor flat. Rear kitchen windows face north. The penthouse is set back and includes south and west facing windows to a living room and balconies.

Windows serving habitable rooms feature in all the upper floor east elevations of the proposed development as do corner/flanks of south facing balconies up to 7 storeys. Whilst No 25 already contains several windows in the upper floors of its east elevations and a balcony, the proposed development is closer and taller and provides far more windows and balconies and opportunities for overlooking materially greater. However, as the relevant new windows are secondary, these may be obscure glazed and, likewise, flank privacy screens to the balconies secured by condition, without detriment to living conditions of either party.

The closeness of the 7 storey shoulder element of the new block to Regis Court and the fact that both the 7 storey shoulder and 11 storey tower elements project forward of Regis Court, would harm the outlook of the closest parts of Regis Court,

clipping south west views of the evening sun, particularly from the balconies and on the lower floors generally. North east oblique views from the rear kitchen windows would also be affected. However, whilst regrettable, the visual intrusion would not be so invasive as to be unacceptable in itself.

The west flank secondary windows to Regis Court are calculated by the applicants in their light study to suffer breaches of the BRE standards but they report the main south facing windows are unaffected and daylight distribution assessment for the affected rooms shows good levels. The communal amenity area in the forecourt is not assessed but this is less sensitive and no unacceptable impacts are expected.

The potential for impacts on the houses to the north of No 6 Grand Avenue will generally diminish with distance. Certainly, these properties are remote in terms of overlooking. Impacts on natural light have not been modelled but given the form of No 8; its fenestration and size of the common boundary fence/shrub border, these are not expected to be substantially harmed. Outlook is another matter. Views from the gardens of the houses on the east side of Grand Avenue but, particularly, also the southern gardens and southern elevations of the houses in Bath Road, would be materially affected by the height and bulk of the proposed development which removes a significant part of views to the sky above Nos 25 and 26. The disappointing quality of this north elevation as discussed elsewhere only compounds the issue of poor aspect.

Apart from the maisonettes in the colonnade, the flats in Dolphin Lodge are single aspect. Those occupiers living on the northern part of the building will suffer an appreciable loss of outlook as a result of the height and bulk of the tower element, and, for those on the upper floors, this would be compounded by significant loss of the existing sea views. These concerns echo impacts on outlook experienced by the suburban housing to the north of the site, discussed above.

However, no unacceptable effects on natural light are predicted, and the separation distance across Grand Avenue would ensure no unacceptable overlooking occurred.

The impacts are still less for Marine point. Capelia House is slightly forward of Regis Court and further away and the outlook impact, on even the south western corner, is minor.

The potential for disturbance from the air source heat pumps and the basement ventilation including fumes has been investigated with the applicants. They are agreeable to the imposition of a suitable condition to achieve a sound level at least 5dB below the current ambient conditions at the nearest existing bedroom, and, if required, could potentially be surrounded by an acoustic enclosure. Similarly, the ventilation from the car park would be provided with suitably sized attenuators to prevent noise breakout from the fans via the ductwork/grilles. In respect of the ventilation of fumes from the car park, they further advise that, due to the low levels of activity and the presence of the large ramped entrance which is open to the atmosphere and prevailing winds, any air that is extracted from the car park will be dissipated quickly. These matters may be secured by condition.

Inevitably, demolition and construction for such a large development would give rise to disturbance for a prolonged period and potentially affect a side number of properties in the vicinity. However, these can be minimised by adoption of a suitable construction method statement and allied controls on hours of working and dust emissions. This may be secured by condition.

Living conditions for future occupiers

All the new dwellings meet or exceed the relevant internal space standards and provide adequate external private amenity space for all the market flats. Only the one intermediate affordable apartment enjoys its own private amenity space and this is relatively small.

All the flats have access to the large communal garden on the West Parade frontage. Although this is not conveniently located for the affordable apartments, these are not family sized.

The majority of the flats are dual aspect and all but the affordable flats enjoy direct sea views.

The stacking of the apartments in terms of layout is good.

There is no lift access to the 4 x two bed upper floor affordable flats but lift access to all the market apartments.

The balcony balustrade heights are increased on upper levels in recognition of windier conditions.

No information on compliance with Lifetime Homes has been submitted.

The scheme has been designed with security in mind and the design requirements of the Police may be secured by condition.

Parking and access arrangements

In terms of the general location of tall buildings, the Tall Buildings SPD emphasises the need to minimise dependence on car use and maximise access to a mix of transport options. It expects tall buildings to be located around transport corridors and interchanges (typically within a 10 minute walking distance). It advises that in areas which are less accessible other forms of development, such as mid-rise buildings are likely to be more appropriate.

In this context, it is evident that the site is remote from any interchange or main transport corridor. Even so, it is moderately well served by public transport with regular and frequent bus services nearby, including on Grand Avenue and West Parade, though West Worthing Station is 1.3 kms away and without direct bus connections from the site.

Many day to day facilities are walkable but schools and GP surgeries are over 1km away; shops in Rowlands Road are reasonably close and the town centre core, around 1.5 kms.

On the other hand, the site enjoys excellent road connections and pedestrian facilities are good and cycle access reasonable with the SUSTRANS coastal path nearby.

In all, it is a moderately sustainable location but falls short of the high accessibility expected and for many journeys future occupiers would rely on the car. However, it is not altogether incompatible with a high density development.

Turning to site access arrangements, the vehicular access is safe and convenient with the main vehicular access off Grand Avenue and away from the junction with West Parade. Good visibility is provided. There is a material intensification in traffic generation but this is too small to impact on the highway. Neighbour fears are recognised but the Highway Authority raises no objections.

Waste collection arrangements are satisfactory.

The Fire Brigade raise no objections.

Pedestrian access from the street is also well sited and ramped or lift access is provided, as necessary across the forecourts.

Basement parking makes efficient use of the land and is a feature of several of the newer seafront developments. The Highway Authority reports that the ramped gradient of 1:7 for the underground car park meets current standards set out in Inclusive Mobility. The forecourt parking is a welcome supplement and is not visually intrusive.

The overall car parking provision is at 34 spaces is appreciably lower than the 46 spaces which would be required for such a development under Highway Authority guidelines. Again, neighbour concerns are acknowledged, including on street parking pressure from visitors and limited on-site parking available to Dolphin Lodge residents. However, the applicants have demonstrated to the Highway Authority's satisfaction by means of surveys that there is sufficient on street capacity at key times 10 am to 11am and 10pm to 11pm) in the vicinity to meet this overspill (166 spaces are currently available within a 5 minute walk from the site). It is also noted that 4 of the parking spaces in the basement are extra-long and could accommodate a standard saloon as well as a smart car, tandem parked.

The absence of any on-site parking for the affordable flats is disappointing but, reportedly, reflects the preferred affordable housing provider's wishes.

The cycle parking is split between the basement and the forecourt and is conveniently located. It meets the Highway Authority requirements for 26 spaces.

Two disabled parking spaces are shown incompliance with requirements in line with 5% of the on-site parking provision made.

Against this background, the Highway Authority raises no objections subject to suitable conditions and informatives relating to controlling works during construction/demolition; securing the provision of the parking, manoeuvring space

and sightlines; stopping up of the redundant access points and protecting the structural integrity of the highway from the basement works and also ensuring temporary highway works.

Other environmental impacts including drainage, flood risk, contaminated land, ecology, sustainability and micro climate

Flooding

Planning policy discourages vulnerable development from locating in areas at significant flood risk and strongly promotes sustainable drainage.

As residential development, the proposal is classified as “More Vulnerable”.

However, whilst by the coast and adjacent to Flood Zones 2 and 3, the site is formally classified as at a low risk from any flooding source by the Environment Agency, perimeter site levels being higher than the 1 in 200 hundred year flood level, even accounting of climate change .

As a precaution, nonetheless, a Flood Risk Assessment has been submitted. This proposes sustainable drainage measures, including soakaways and porous paving and for surface water drainage, such that flood risk on and off the site will remain unchanged, with foul drainage to the sewers.

This is acceptable in principle to the Drainage Engineer and Southern Water subject to details of drainage and long term management being reserved by condition whilst the Environment Agency raise no concerns over flooding subject to the thresholds to the basement being set above 5.4 mAOD (above sea level). Again this may be secured by condition.

Land contamination

The site is not identified as contaminated land or near to any known such sites. However, as a brownfield redevelopment site, the applicants have submitted a Preliminary Ground Contamination Risk Assessment. This desk study finds that the history of the site does not suggest exposure to risk and whilst the site lies over an aquifer, this falls outside of any Environment Agency protection zone. Nonetheless, the Environment Agency has recommended a condition be imposed to address any residual pollution risk from pumping out ground water in the chalk aquifer whilst excavating for and constructing the basement. This is a prudent measure and is supported.

Ecology

A preliminary ecological assessment has been undertaken by the applicants which identified the site as of low ecological value, including negligible bat roost potential. However, ecological enhancements are recommended including use of native species for landscaping and provision of bird boxes and bat bricks. This is welcomed and may be secured by condition.

The loss of the two street trees is regrettable but they are not of particular distinction and compensatory planting may secured by condition.

Sustainability

The design and construction of the proposal seeks to achieve Code for Sustainable Homes Level 3 with Level 4 achieved in relation to the key areas energy and water. Importantly, the development incorporates the use of micro renewable energy systems in the form of photovoltaic panels on the roof of the affordable *link* block and air source heat pumps and uses a combined heat and power plant for all the flats. Whilst the siting and details of the air source heat pumps will need careful consideration, in principle, the sustainability measures proposed are welcomed and the renewable energy /CHP elements may be secured by condition. A Site Waste Management Plan has been submitted and this welcome feature may be secured by condition.

Microclimate

The micro climate study expected by the Tall Building SPD has not been submitted but the applicants explain that the design team have considered fully the effect of development on future occupiers and neighbouring residents. They advise that, as the proposal is of a commensurate height to the building adjacent to properties to the east (Regis Court) and north (6 Grand Avenue), any microclimatic impacts to the north will be negligible and indeed could be argued to improve the situation, due to the increased separation between dwellings (from 1m to 2m separation). They further report that to the east the 6 storey shoulders of Regis Court and the proposed property are located some 5.5m apart, with no habitable space available on the ground to the south or north of the proposed or existing property (Regis Court). They go on to say that the rear parking area to Regis Court is accessed to the east and west side of the existing building and the proposed layout does not alter this situation. The existing building relationship remains with the proposed development at ground level, with an approximate 2.5m boundary wall adjacent to the properties. A wall of this scale will remain in situ as proposed.

The depth of the existing and proposed buildings also impact markedly on wind conditions with the narrowest section of building to wall (existing and proposed) measuring only 9m in depth. The future microclimatic/wind conditions here are considered therefore to be minimally altered and would not in their view exceed tolerances for such non-public space.

This is helpful but in view of the height of the building and the windy conditions, a study remains required.

Provision of affordable housing and adequacy of development contributions

Core Strategy Policy 10 expects schemes of this scale to provide the 11 affordable housing units necessary to meet the 30% quota to be provided on site, unless a robust justification for of site provision can be demonstrated.

The current proposal is for 8 affordable flats on site, with a commuted sum of £188,370 towards the cost of provision of a further 2.8 affordable units off site.

The Social Housing Officer finds the mix of the on-site provision acceptable in terms of dwelling size and tenure but laments the failure to provide the quota on-site, in full.

The justification offered by the applicants for the commuted sum to cover the balance is that the 8 flats proposed represents the maximum amount of on-site provision within a single manageable unit for their nominated Registered Provider partner. This contention is not without merit as it would be difficult to increase the size of the scheme to add the three extra flats on site without harming neighbour or visual amenity still further. Conversion of the planned private flats to affordable would be difficult as, all the rented affordable flats are in a self-contained building, not least to ensure maintenance responsibilities and liabilities are clear and not compromised. Provision of the eight flats on-site does make a significant contribution, in itself, towards social inclusion, and, on balance, is acceptable, with the commuted sum offered.

This may be secured through a S106 legal agreement, though none has yet been submitted.

Turning to the other development contributions, the applicant anticipates that the necessary development contributions, otherwise required under Core Strategy Policy 12 and allied SPD, would be determined and paid through the Community Infrastructure Levy scheme, planned to become operational from October.

In the event of the proposal proceeding, the appropriate means of securing the necessary development contributions for transport, libraries, outdoor recreation, education and fire service may be determined at the time.

Conclusions

The principle of a more intensive residential redevelopment can be supported, conforming with the overall spatial strategy and contributing towards housing numerical and dwelling mix targets. In strategic locational terms, the site is less than ideal for a tall building but the logic for infilling what is an anomalous gap in the seafront townscape is compelling. However, the height and massing of the current proposal is overpowering and relates poorly to the townscape, particularly the suburban housing to the north. As a consequence, the quality of the design falls short of what is expected for such a building and the proposal reads as over-development. This is underlined by the extensive local opposition.

The block would provide a high standard of environment for the market flats but would be unacceptably harmful to the amenity of the residents to the north, particularly the occupiers of No 6 Grand Avenue who would suffer material harm to their outlook and through overshadowing of their garden. The design itself incorporates welcome green features and access and parking arrangements are broadly acceptable. No other unacceptable environmental impacts would arise, subject to suitable conditions and microclimate study. Provision to meet the additional pressure on infrastructure and services is made and the affordable housing arrangements, though less than ideal, are acceptable.

The proposal thereby conflicts with the relevant planning framework and such benefits as there are do not outweigh the harm. The scheme accordingly does not qualify as sustainable development and the proposal should be opposed.

Recommendation

That the application be refused for the following reasons;

1. The proposal would by reason of the siting, height, massing and design of the building harm the outlook of the occupiers of 6 Grand Avenue and cause overshadowing of their back garden and also harm the outlook of residents to the north of the site, to the detriment of their living conditions and contrary to Saved Local Plan H18 and the National Planning Policy Framework and Practice Guidance.

2. The proposal would by reason of the siting, height, massing and design of the building appear unduly assertive and bulky and out of character with the surrounding development and fails to achieve the high standard of design expected of a tall building. This is to the detriment of the appearance and character of the area and is contrary Core Strategy Policy 16; Tall Building SPD and the National Planning Policy Framework and Practice Guidance.

Background Papers

Consultation responses from stakeholders
Representations from members of the public

1st April 2015

Appendix 2

ADDENDUM TO WORTHING PLANNING COMMITTEE AGENDA

MEETING DATE - 1st April 2015

The following agenda item has updates to the original Committee report.

Application Number: AWDM/1805/14
Site: Land South Of 6 Grand Avenue West Parade Worthing West Sussex
Proposal: Demolition of existing buildings at 25-26 West Parade and 4 Grand Avenue and residential redevelopment in the form of a block of 35 flats (including 7 affordable homes), arranged as 3 storeys tall and rising to 6 storeys in the northern part of the site; 7 storeys in the east and 11 storeys tall in the south west corner of the site, together with associated 34 car parking spaces (including 26 in basement), new accesses and landscaping.

The updates comprise the following;

1. Revisions and supplementary information
2. Representations
3. Policy referencing

1.Revisions and supplementary information

Revisions to the application were received on 24th March 2015. The applicant's covering letter states;

I am writing to you with regard to some amendments we have made to the scheme, which we feel have enhanced both the architecture of the proposal and reduced impact on amenity.
The principle amendments to the scheme are as follows; -Reduction of units from 36 to 35
-Loss of 3rd floor of affordable block (1 x 2 bed unit) and amendments to plans/elevations to reflect this; The changes have significantly improved the stepping up in height of the development viewed down Grand Avenue, introducing also further articulation to the northern elevation of the building. (Rendered images of this view will be available for Committee on 1 April)
-Revisions to the set-back unit at 5th floor level to introduce more glazing and lighten visual appearance, particularly when viewed down Grand Avenue.-Revisions to the northern elevations of the scheme to introduce more visual interest through further fenestration and detailing.
-Revisions to the rear of the development to reduce the visual impact of development, including the introduction of glazing to the rear stair core of the affordable block and further fenestration/detailing to the north facing elevations of the development.
-Revised Affordable housing offer due to loss of 2 bedroom unit. This will be offset through additional financial contributions to revise the overall affordable housing

offer as follows;

Affordable Housing		
	Unit Type	***Financial Contribution (£)***
On-Site Affordable Housing Provision	*4no. One Bedroom Flats*	*£0*
	3no. Two Bedroom Flats	*£0*
Sub-Total	*7no. Affordable Housing Units*	*£0*
Off-Site Affordable Housing Provision	*1.75no. One Bedroom Flats (£58,650)*	*£102,637.50*
	1.75no. Two Bedroom Flats (£75,900)	*£132,825*
Sub-Total	*3.5no. Affordable Housing Units*	*£235,462.50*
Total Affordable Housing Provision	*10.5no. Affordable Housing Units*	*£236,462.50*

Figure 14 - Affordable Housing Contribution (amended March 2015)
Due to the loss of the unit the overall scheme now provides for a total of 10.5 units or equivalence to meet the Councils 30% affordable housing requirement. Therefore, whilst the on-site provision has reduced, the off-site contribution has increased by ***£47,092.50.***

I trust that these amended plans will be considered in the formal determination of the application.

For your information also a wind study will also be issued prior to Committee on 1 April.

The revisions have been published on the web and the description of the development amended accordingly, as set out above.

Assessment
The revisions were not invited by officers and have arrived so late in the process that there is insufficient time to reconsult interested parties on the revisions.

There is no legal duty on the Council to accept the revisions but officers consider that acceptance of the revisions is the most appropriate course of action. Principally, this is because, although, the changes materially improve the scheme in terms of design and neighbour amenity impact, the changes are not so significant that they would make the proposal acceptable in planning terms. The

recommendation of refusal on design and neighbour amenity impact, therefore, remains fundamentally unchanged. Even were the revisions not accepted, it is likely that they would be entertained by an Inspector should the application be refused as recommended, and, subsequently appealed.

However, should the Committee be minded to approve the application with the revisions, it would be appropriate to defer any such determination until formal reconsultation had occurred and the proposal reconsidered in the light of the outcome.

Turning to the re-assessment of the scheme with the revisions, the removal of the top floor from the four storey *link* block does reduce the height of this element of the scheme

.

The changes to the fenestration also improve the appearance of the north elevation. However, the proximity of the 5 and 6 storey *shoulder* and 11 storey *tower* elements to No 6 Grand Avenue remain unchanged and the rear projection (stairwell) to the *link,* also remains, albeit now 3 storeys rather than 4 storeys.

The amenity impacts are, certainly, lessened, but, overall, the effects on outlook of No 6 Grand Avenue, combined with the effects on the other neighbours to the north of the site, continue to be unacceptable.

As no remodelling of the effects of the revisions on overshadowing has been undertaken by the applicants, it is not possible to definitively say that harm to the rear gardens of No 6 is unchanged. Nonetheless, this remains a legitimate issue of concern and failure to demonstrate no unacceptable harm to this neighbour compounds the above concerns on outlook/design.

In townscape terms, the changes do improve the relationship between the proposal and the low rise suburban house to the north. Whether the overall composition is improved materially is questionable, however, as the height reduction also serves to emphasise the differentiation between the tall *tower* and the *link*, and, arguably, the tower's assertiveness.

Whatever, their merit, the other architectural revisions are cosmetic and inconsequential given the fundamental objections to the scheme in terms of height and massing.

The reduction from 36 to 35 dwellings does not materially affect the acceptability of the principle of residential development but the deletion of one affordable rented flat is regrettable in dwelling mix terms/social inclusion terms and The Social Housing Officer, again, raises concerns. The commensurate increased offer of a financial contribution towards off site provision does help mitigate this.

The parking and traffic pressure from the development would be marginally reduced.

The decision to commission the required wind study is welcomed and the report is awaited. Members will be updated.

No other impacts would be materially changed.

There is a typographical error on page 62 of the substantive report and the penultimate paragraph should refer to *No 6* (Grand Avenue) *enjoys excellent seaward views.*

2. Representations

A further 22 representations have been received, all objecting to the proposal but raise no new material issues. In total, the number of objections stands at 810.
The Worthing Society has complained that only an edited version of their 2 page covering letter was incorporated in the Committee report and their 6 page fuller statement was omitted.

It is not the general practice to reproduce in full all representations received and it considered that the edited version captures the essence of the Society's views and the more detailed issues raised therein are largely covered elsewhere. All received representations are, of course, published on the web site, in any event. However, for convenience, the full representation is reproduced in the appendix.

3. Policy referencing

Saved Local Plan Policy CT3 is referred to in the report but, by omission, is not referenced in the second reason for refusal. This policy reads;

Development will be permitted provided that it:

respects and, where possible, enhances the appearance and character of the seafront environment;
(i) has regard to existing sea views;
(ii) is appropriate to its location in terms of density, scale, height, massing, appearance, orientation, layout and siting, both in itself and in relation to adjoining buildings, spaces and views to the sea.
(iii)
It is proposed to correct this in the revised recommendation below.

Conclusions

The revisions to the scheme do not fundamentally alter the substance of the proposal and the scheme remains unacceptable in design and neighbour amenity terms.

Changes to Recommendation

That the application be **refused** for the following reasons;

1. The proposal would by reason of the siting, height, massing and design of the building harm the outlook of the occupiers of 6 Grand Avenue and residents to the north of the site. The proposal has also failed to demonstrate that unacceptable overshadowing of the back garden of 6 Grand Avenue would not result. This would be to the detriment of these neighbours' living

conditions and contrary to Saved Local Plan H18 and the National Planning Policy Framework and Practice Guidance.

2. The proposal would by reason of the siting, height, massing and design of the building appear unduly assertive and bulky and out of character with the surrounding development and fails to achieve the high standard of design expected of a tall building. This is to the detriment of the appearance and character of the area and is contrary to Core Strategy Policy 16; Saved Local Plan Policy CT3; Tall Buildings SPD and the National Planning Policy Framework and Practice Guidance.

Worthing Borough Council, Director for
Economy **31st March 2015**

Worthing Society Representation in full

The buildings of this proposed development would vary between three and eleven storeys in height, and all the buildings would be of a rectangular, boxy form. Their height, bulk, shape and materials would create an appearance that would not relate sympathetically to the existing buildings in the immediate vicinity. Indeed, their appearance would seem incongruous, because there would be no element of their appearance that would coincide with that of the existing buildings in the vicinity. The contrast in appearance is greatest with Dolphin Lodge, directly opposite the site, which is on the Local List of Buildings of Interest; and with the houses in Grand Avenue to the north of the site. The two storey houses in Grand Avenue would also be dominated by the new building. At 11 storeys it would be higher than the eight storey Dolphin Lodge and the nine storey Marine Point, opposite the site. This difference in height would create an unbalanced appearance for the southern end of Grand Avenue, rather than creating architectural interest. The impact of the development would be increased because the buildings extend in front of the building line on both the West Parade and Grand Avenue frontages.
The proposal fails to respond positively to the important aspects of local character; is not appropriate to its location; and does not respond positively to its context. There is no good reason to make the new development higher than Marine Point. The proposal therefore conflicts with the provisions of the Core Strategy, the Guide for Residential Development SPD and the Tall Building Guidance SPD. Its detrimental effect on the setting of Dolphin Lodge conflicts with the policies towards heritage assets in the National Planning Policy Framework.

Conformity to relevant policies *Core Strategy*

Strategic Objective 6 emphasises that new development should respect the character and local distinctiveness of the borough.
Policy 16 states that new development should show good architectural design and use of materials that take account of local characteristics and respond positively to the important aspects of local character. Designs and materials should take account of local physical, historic and environmental characteristics.
Saved Policy CT3 states that development on the seafront should be appropriate for its location in terms of density, scale, height, massing, appearance, orientation, layout and siting, both in itself and in relation to adjoining buildings, spaces and views to the sea.
Worthing's policy on buildings of local interest has long been that development which would be detrimental to interesting features, character, appearance or setting of a local interest building should not be permitted.

Comment: The appearance of the proposed development would conflict with that of the adjoining buildings, because the new buildings would be sharply rectangular in form and largely faced with brick, while the adjoining buildings are more rounded in form and largely faced with rendering and would dominate the adjoining buildings in Grand Avenue because of their height and bulk. The contrast would be especially strong with Dolphin Lodge, with its rendered facade and Dutch gabled roofline. The height and position of the proposed building, which extends south of the present building line, would overshadow andobstruct views of Dolphin Lodge from the seafront. The development would therefore be detrimental to the setting of this Local Interest building. The development would not therefore respect local

character, take account of local characteristics, protect the setting of a Local Interest building or be appropriate to their location in terms of height, massing, density and appearance.

Guide for Residential Development SPD
This guidance also emphasises that new developments should take account of local physical, historical and environmental characteristics. It should display a good quality of architectural composition and detailing and respond positively to the important aspects of local character. Developments should be designed to respond positively to their context and should relate well to their surroundings.
All new development should accord with car parking and cycling standards. New development needs to accord with the guidance on parking provision published by West Sussex County Council in September 2010.

Comment: The proposed development does not represent good architectural composition and detailing. It would create a bulky and boxy building that would not improve the low quality of the existing buildings on the seafront. It would not relate well to the more interesting buildings nearby in Grand Avenue, notably Dolphin Court.
The amount of parking space provided on the development does not conform to the WSCC guidance. This guidance produces a need for 46 parking spaces, but Roffey proposes to provide only 34 spaces. It considers that any excess demand over this provision can be met by on-street parking. The supply of only 34 spaces would be a direct breach of Worthing's planning policies and should not be accepted.

Tall Building Guidance SPD
Several elements of this guidance are relevant to this proposal. It emphasises that:
The impact of tall buildings on the skyline and on heritage assets is particularly relevant to Worthing.
There is an over-arching need to take account of environmental, physical and historical characteristics
The design of tall buildings needs to fully consider the potential impact on each historical asset adjoining, or in close proximity to, the proposal site.
Tall buildings should be appropriate to the existing built environment and not appear bulky, dominant or overpowering.
Tall buildings should create a high degree of interest at ground level and integrate visually with the streetscape.
Tall buildings are more likely to be considered appropriate in or near Worthing town centre, because they are more likely to contribute to regeneration in such places.

Comment: The proposal fails to meet any of these guidelines. It is inappropriate in its design, materials and scale for a building close to the heritage asset, Dolphin Lodge; its design does not take account of the historical characteristics of the area; it would appear bulky, dominant and overpowering, especially in relation to the houses to its north; and it does not create a high degree of interest at ground level. It is a purely residential development, which creates no activity at street level and would make no contribution to regeneration objectives.

National Planning Policy Framework
One of the Core Planning Principles is that heritage assets should be conserved in

a manner appropriate for their significance.
Paragraphs 128-136 emphasise that in determining planning applications, planning authorities should consider the desirability of sustaining and enhancing the significance of heritage assets; and should take account of the effect of the application on the significance of a non-designated heritage asset.

Comment: The applicant has commented on the effect of the development on local heritage assets, including Dolphin Lodge. This report claims that the setting of Dolphin Lodge would be improved by the proposed development. We disagree. The new development would be seven to nine storeys higher than the existing buildings opposite Dolphin Lodge and in an aggressively contrasting style and materials. The effect would be to cut off views of Dolphin Lodge and create a building that contrasted sharply with the style and materials of that building. The effect could only detract from the effect that Dolphin Lodge now has on the local streetscape.

Conclusion

This proposal is incompatible with the relevant planning policies of Worthing Borough Council and of the National Planning Policy Framework. Planning permission should therefore be refused. The applicant could redesign the scheme to create a building that relates sympathetically to the adjoining heritage assets and other adjoining buildings. The height should be reduced from 11 storeys to 9 storeys, to match the height of Marine Point. The form of the building should eschew the present boxiness and could draw inspiration from the block recently built near Marine Gardens. The materials used to face the building should reflect those used in neighbouring buildings, especially Dolphin Lodge. The building should follow the present building line in West Parade and Grand Avenue.

2

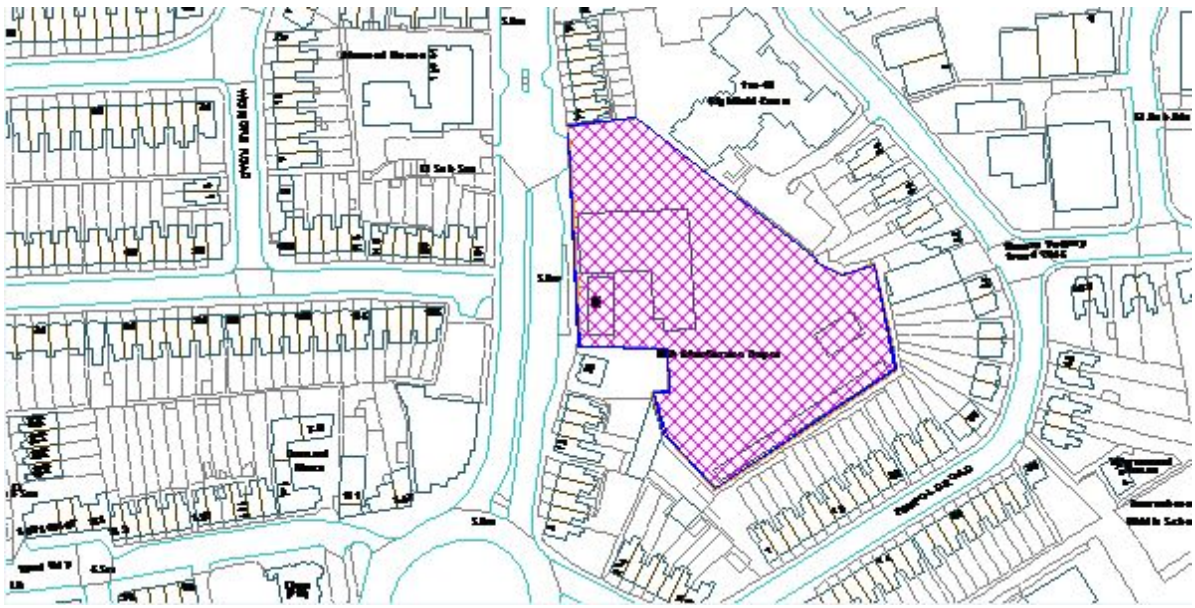
Application Number: AWDM/1199/15 **Recommendation – APPROVE**

Site: **22 Sompting Road, Worthing (former Dairy Crest depot)**

Proposal: **Demolition of existing buildings and erection of industrial/distribution units comprising Unit 1 (sui generis builders' merchant for display, sale, storage of building, timber and plumbing supplies, plant and tool hire including outside display and storage); Unit 2 and 3 (Class B8 with trade counter and ancillary showroom); and Unit 4 (Class A1 cafe/sandwich shop and/or sui generis tile merchant)) including access and servicing arrangements, car parking and associated works. (Former Dairy Crest Depot)**

Applicant: Travis Perkins (Properties) Limited Ward: Broadwater

Case Officer: Gary Peck



Not to Scale

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Proposal, Site and Surroundings

This application seeks full permission for the demolition of the existing buildings on the site and their replacement with industrial/distribution units. 2 main buildings are proposed: units 1 and 2 on the southern side of the site would be occupied by Travis Perkins and is described as a sui generis builder's merchant for the display, sale, storage of building, timber and plumbing supplies, plant and tool hire including outside display and storage. Unit 2 would be occupied by Benchmarx and its use is described as a class B8 with trade counter and ancillary showroom.

The other building would be to the western section of the site, therefore fronting Sompting Road and contain units 3 & 4. Unit 3 has the same use as unit 2 and is stated to be occupied by CPS. Unit 4 was initially proposed as a café/sandwich shop, but during the course of the application, the applicant requested that the description of the unit be amended to include reference to a sui generis tile merchant as Tile Giant has shown an interest in the unit.

The existing vehicular access to the northern end of the site off Sompting Road would be widened and used as an HGV entrance and customer entrance and exit. The existing vehicular access to the southern section of the site, again from Sompting Road, would be widened and utilized as an HGV exit only.

Along the north eastern boundary of the site is a proposed racking area and in the south eastern corner is a tool hire compound within which is a washdown area with canopy over. Remaining stock would be located in aisles centrally within the site with vehicular access possible in between. A separate loading bay for HGV's will be located towards the southern entrance to the site. Customer parking would be located immediately to the east of units 3 & 4 and to the north of unit 2. 15 dedicated car parking spaces are proposed along with a disabled space and 13 dedicated customer loading bays.

It is estimated that 30 jobs will be created by the proposal.

The application has been amended during its consideration. Along with the amendment to the description to unit 4 as stated above, the following amendments have been made:

- The main warehouse building, housing units 1 & 2 has been moved further northwards by 1 metre and its eaves height on the southern side of the building reduced by 1 metre. This has resulted in the building being located 4 metres from the southern boundary of the site. Its eaves height on the southern side is now 6.28 metres and 7.28 metres on the northern side. The overall height of the building is 8.96 metres.
- At the rear of the building, timber cladding panels are proposed on part of the building to break up the massing of the building.
- Landscaping is proposed to the rear of the building to provide soft screening of the building when viewed from the nearby residential gardens.
- The storage racking along the north eastern boundary of the site has been reduced to 4 metres in height from the originally proposed 5 metres.
- An acoustic fence is proposed to the rear of the storage racking
- The racking that was previously adjacent to the boundary of 44 Sompting Road has been removed.

The application site comprises a former milk distribution depot which is accessed via Sompting Road to the west, a short distance to the north of the roundabout at the junction of Sompting Road and Dominion Road. Existing buildings on the site are mainly on the western side with a brick built office building fronting the road and an industrial building with loading bays to its north which then wraps around the frontage building to the rear. A lower building accommodating the parking of milk floats runs along the southern boundary. Behind this building was a dense belt of

trees which were subsequently removed and hence this building is now visible from outside of the site. The rest of the site is primarily hardstanding and because of the nature of the previous use would have been able to accommodate a large number of vehicles for parking purposes.

To the south of the southern access from Sompting Road is a building formerly in office use (20 Sompting Road) that was granted permission last year for a change of use from B1 to a Chapel of Life with associated function room.

Immediately to the north of the northern access to the site are a row of terraced residential properties, the nearest being 44 Sompting Road.

Adjacent to the north eastern boundary of the site is Highfield Court, a block of sheltered apartments that were granted permission in 2005 on land that used to form part of the milk distribution depot. The building is clearly visible from within the application site although its orientation is such that it has a side elevation with 3 windows at first floor and ground floor level that overlook the site. At present the boundary treatment in this location consists of a brick wall with a trellis on top. Part of the land alongside the boundary belonging to Highfield Court is its amenity garden area but to the rear mostly a parking area which is between numbers 59-65 Penfold Road and the application site.

The application site deepens towards the south east corner and the gardens of 53 to 57 Penfold Road are adjacent to the boundary of the site. A lower building belonging to an electrical supply company (49 to 51 Penfold Road) is to the rear of the eastern boundary of the site. Beyond these residential dwellings to the east are the East Worthing Industrial Estates. Alongside the rest of the eastern boundary and the entire southern boundary of the site are the remainder of the residential properties in Penfold Road. There are semi-detached properties turning the corner of the road, then a run of largely terraced properties with outriggers and in some cases small rear extensions to the rear of the properties. It is at the end of the gardens of the properties in Penfold Road that there was an established belt of trees which previously screened the application site but were considered to have an adverse impact on residential amenity by way of their size and were therefore removed after the last aerial photographs of the site were taken in 2012.

Relevant Planning History

The site which is the subject of this planning application has been subject to little recent planning history. The most recent application of relevance was in 2004 (04/00864/FULL) when planning permission was granted for the erection of 40 sheltered apartments on the northern part of the site which now comprise Highfield Court.

Consultations

Environmental Health (contamination): Full contamination condition is required.

(lighting, air quality and noise):

"Original comments:

I refer to the above application and make the following comments.

1. Light: The isolux contour map should be superimposed onto a plan of the area to show the impact off site. Whilst the map appears to show lux levels off site, without a scale base map it is difficult to identify potential impacts. The isolux map should show vertical illuminance onto windows off site.

2. Air Quality: The vast majority of movements to the site will involve light or heavy goods vehicles (LGV's and HGV's) with fewer cars. The majority of these will be fuelled by diesel. There will be an increase in vehicle movements in the area and whilst the air quality in the immediate vicinity is believed to be well below national objectives, the site is within 0.5 miles of the Worthing Air Quality Management Area (AQMA). HGV's and LGV's contribute a third of NOx emissions in the AQMA, virtually all from diesel. It is my view that the impact of this development on the AQMA should have been assessed and measures proposed to mitigate the effects of the impact of a possible increase in vehicular movements (HGV and LGV) through the AQMA. The transport assessment refers to public transport, but this will only have a bearing on staff as visitors to the site will arrive by their own vehicles.

3. Noise: The application included a Noise Impact Assessment dated July 2015 and the following comments relate to that document.

Paragraph 5. The building services plant noise assessment appears to rely on specific noise limits at the site boundary rather than real world plant noise levels. There needs to be some reassurance that these levels will actually exist. In any case I would argue these are too high for outdoor amenity areas (residential gardens).

Operational noise. I have concerns that the use of LAeq as a measure ignores the impulsive and disturbing nature of racking noise, which tends to be very short in duration. Repeated short impact noises such as this tends to be more intrusive than steady noise.

Table 5.6 - BS4142 site noise assessment. The commentary states that the difference between the background and operational (combined) noise is at least -6dB. However, when the +6dB character correction is applied the difference is 0 at G1 and G2, -4 at G3, -5 at G4 and -3 at G11. We would expect a difference of at least -5dB in order to avoid background creep. Whilst acknowledging that the 2014 version of BS4142 does not provide a range of values (differences) to aid complaint likelihood, the impact of small or no differences between background and rating (operational) noise remains the same. Therefore we expect a difference of at least -5dB.

There is no assessment of the impacts on amenity areas, i.e. gardens. In order to avoid annoyance and loss of amenity a level of 50dB(A) should be achieved in adjacent gardens.

In summary, I am concerned that the proposed use will create noise that will adversely impact on neighbouring residents. Whilst acknowledging this is currently an industrial site, the proposed use is likely to lead to an increase in external noise,

particularly impact noise, unless proper mitigation is incorporated into the design. This could be using buildings as barriers (as appears to be the case on the southern boundary) or the erection of barriers around noisy activities. Furthermore, the impact on air quality needs to be assessed as detailed above.

Comments received following the receipt of further information:

Following my previous response the applicant carried out an air quality assessment and an emissions mitigation calculation. This concluded that the impact on local air quality in and around the site and the AQMA will be negligible. The emissions mitigation calculation resulted in a figure to be used towards mitigation within the development. I strongly urge that this be used to finance a publicly accessible electric vehicle rapid charge point, something that demonstrates a commitment to alternatively fuelled vehicles and local air quality.

In terms of noise, the Impact Assessment (Job no. A091893) has been revised a number of times to reflect concerns with the potential noise impact on adjacent residents. This has resulted in a 4m high boundary fence to act as a visual and acoustic screen. In order to ensure this is effective I recommend a condition be attached to any permission granted requiring the fence to be properly maintained and to ensure there are no gaps which would allow noise to pass through it.

In terms of noise from fixed plant on site, the consultant has agreed to a design criteria of 35dB at residential receptors at night and 40dB during the day. This should avoid any adverse noise impacts on residential amenity. To ensure this is achieved I recommend that conditions are attached to any permission granted, restricting noise levels, the hours of operation and hours of delivery to the site.

Due to the relative proximity of existing residential premises there is the potential for the development to cause a loss of amenity as a result of light spillage and glare. I consider the area to fall within Environmental Zone 3 (Small town centre/Medium District Brightness) and therefore recommend that a lighting condition be attached to any permission granted.

UK Power Networks: No objection

Technical Services:

Originally commented that the proposed site lies within flood zone 1 but appears that it may be affected by surface water flooding. Records indicate that the surrounding area has suffered historical flooding but the site itself appears to have not been flooded to any great extent.

The soft landscaping areas currently shown have been retained (behind and to the east of the large storage shed) are likely to comprise compacted soil and be effectively impermeable. Whilst the existing drainage system of soakaways may not appear to work, the applicant has provided no actual evidence that the system didn't work, nor does there appear to be any other connections to the public sewer system.

Further clarification was therefore required.

Following receipt of additional information from the applicant confirming technical details, it was confirmed that the scheme was acceptable subject to the imposition of conditions.

Southern Water:

Southern Water comments that conditions are required in order to protect the public water supply main and details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Economic Development: Comments awaited.

West Sussex County Council Highways:

Introduction and Summary

The proposal will utilise land off Sompting Road, formally used as a Dairy Crest Depot. Sompting Road is a "C" class road subject to a 30 mph speed limit in this location. The site currently has a main vehicular access situated off Sompting Road at the northwest corner of the site, plus a gated access, also situated off Sompting Road, approximately 50m to the south. It is noted that the applicant has approached the LHA (Local Highway Authority) in May of this year for pre-application feedback on this scheme, at this time a number of recommendations were made. The site already has a permitted B8 use currently occupied. Therefore the permitted B8 use is a material consideration when considering traffic flow and capacity.

Access and Visibility

Access to the site for vehicles will be retained from Sompting Road, however the existing arrangement will be widened to provide an all movements customer entrance, plus permitting access for HGVs. Access to HGV's will be provided via the existing entrance point approximately 50 metres south-west of the main entrance. It was advised during the pre-application stage that a Stage 1 Road Safety Audit (RSA) would be required if any modifications were made to the existing access arrangements. Given that this involves only widening to one of the existing accesses and the increase in vehicular activity is not considered material (see comments in the capacity section for justification) the LHA will not insist on an RSA.

As the site accesses onto a residential road with a speed restriction of 30mph, it would be appropriate for the development to be considered alongside Manual for Streets (MfS) guidance. The proposed visibility splays, taken from a setback of 2.4m, is acceptable. MfS does provide some allowance for occasional on-street parking within the visibility splay and it would appear that in this area, where most properties have some sort of off-street parking facility, that there is not an extensive demand for on-street parking particularly during peak movement time.

The applicant has provided a detail on Road Traffic Accidents (RTA's) in the area. The area survey was a wide area in relation to the site. In addition to this data the LHA have reviewed data supplied to WSCC by Sussex Police over a period of the

last 3 years. There have been no recorded injury accidents at either the junction with the public highway. There is no evidence to suggest that the junction is operating unsafely, or that the proposed change of use would exacerbate an existing safety concern.

The works for the widened access would be subject to a Section 278 Agreement with WSCC's Implementation Team. The access should be 7 metres in width with 10 metre kerb radii, the final specification of the access however should be agreed with the Implementation Team at the Detailed Design stage.

Construction

Matters relating to access during the construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from Sompting Road. A comprehensive construction management plan would be sought through condition should permission be granted. The construction management plan should amongst other things set out how deliveries are to be managed along Sompting Road in light of the carriageway width and presence of other vulnerable road users.

Site Layout and Parking

In terms of site layout the applicant has provided a number of swept path diagrams which demonstrate that turning for larger vehicles is achievable within the site.

30 parking spaces are being provided in support of this application this allocated is considered acceptable for the proposal. In accordance with WSCC guidance cycle spaces will be provided this should be secured and covered.

Sustainability

The site is located on the edge of an established residential area and local amenities, although limited, are available within a reasonable walking distance using the existing footway network which is available on both sides of Sompting Road.

Although the area does not benefit from an established local cycle network, the wide roads and low speeds enables cycling to be a viable alternative for shorter journeys, Sompting Road does have street lighting also. The main roads connecting the site to the larger urban centres do also have street lighting present, however it is likely this would appeal to more experienced and confident cyclists.

The site is within 50m of a bus stop where local services link into Worthing town centre and Lancing. Approximately 675 metres walk there is a bus stop on Sompting Road with frequent services to Worthing and Brighton, where trains are available for an onward journey. It is likely that some visits to the site will be by car it is considered that visitors and staff would have a realistic means to travel other than by the private car.

Trip Generation and Capacity

The TS provided in support of this application does estimate potential vehicular trip generation arising from this proposal. Due to the nature of the site incorporating trade counter units, warehouse space, with accompanying office and warehouse space, the sites selected for the TRICS data have a mix of uses. It suggests that there will be an increase of 19 vehicles in the AM peak and 21 vehicles in the PM peak. This would equate to one additional movement every three minutes. The survey has been carried out in accordance with TRICS Best Practice Guidance. As such the trip rate generated provides a realistic indication of likely trip generation from the additional uses at the site. It is recognised that this proposal would give rise to a more intensive use of Sompting Road. However as the proposal would not result in an increase of 30 or more vehicular movements in any hour a junction capacity analysis would not be requested. Therefore in conclusion this proposal is not anticipated to result in a "severe" cumulative impact on the operation of the local network in accordance with paragraph 32 of the National Planning Policy Framework.

Representations

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

- increased noise levels adversely affecting residential amenity
- shortage of parking for construction workers
- increased traffic on Sompting Road
- adverse impact upon highway safety
- site is close to local schools
- the proposed building on the southern boundary of the site is too large
- the building will result in loss of light and is twice the height of the existing
- screening should be provided
- the proposal is contrary to the National Planning Policy Framework
- the site is surrounded by residential uses
- residential usage of the site would be preferable
- Highfield Court provides accommodation for over 65s and this use on an adjoining site is incompatible
- trees on the southern boundary were removed as they blocked light but will now be replaced by an unsightly building

Relevant Planning Policies and Guidance

Saved Local Plan policies (WBC 2003): RES7,
Worthing Core Strategy (WBC 2011): Policies 3, 4, 6 & 16
Sustainable Economy SPD
National Planning Policy Framework (CLG 2012)
Planning Practice Guidance (CLG 2014)

Relevant Legislation

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

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

Planning Assessment

The main issues in the determination of the application are i) whether the principle of development is acceptable and ii) the effect of the proposal upon the character and amenity of the area.

The application site is just outside the protected employment area of East Worthing but is in close proximity to it, being separated from the industrial estates to the east by the properties in Penfold Road.

Policy 4 of the Core Strategy states: *Outside the protected employment areas the conversion or redevelopment of land and buildings currently in employment use or last used for employment purposes will be resisted unless it can be satisfactorily demonstrated that the site (or part of the site) or premises is genuinely redundant and is unlikely to be re-used for industrial or commercial use within the Plan period, having regard to the following factors:*

The site, with or without adaptation, would not be capable of accommodating an acceptable employment development.

No effective demand exists or is likely to exist in the future to use the land or buildings for employment generating activities. Consideration should include the length of time the property has remained vacant, the attempts made to sell/let it and the demand for the size and type of employment premises in the area.

The condition of the property and the works required to make it suitable for an employment use, either through refurbishment or redevelopment, would be uneconomic.

The loss of a small proportion of floorspace would lead to a significant upgrade of the remaining employment floorspace.

The existing use conflicts with neighbouring uses.

Policy 4 is referred to in the Council's Sustainable Economy Supplementary Planning Document which states: *the Council's starting point will be to retain all employment sites/premises that are considered suitable, in land use terms, for continued employment use.*

The National Planning Policy Framework (NPPF) states at paragraph 17 that local authorities should '*proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs'*

Paragraph 22 states that long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose should be avoided and at paragraph 196, the plan-led nature of the planning system is reinforced whereby applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

In terms of the current policy position, the NPPF does seek to avoid the protection of employment sites where there is no realistic prospect of a site being used for such purpose. In this instance, the application supports the fact that there is demand for employment uses on the site and the applicant has acquired the site prior to the determination of the application. There has also not been a long period of vacancy on the site with it still being used in connection with its previous purpose last year.

In such a case, the policy position as set out by the Core Strategy and Sustainable Economy SPD is quite clear as there is a clear intent to retain the site for employment purposes. In principle, there is no objection to an alternative employment use. However, the policies also require that the proposed use is compatible with the surrounding area and given that the application site is surrounded by housing and is also accessed via the busy Sompting Road, these points become of key importance in the determination of the application.

The layout of the site at present noticeably concentrates the main buildings away from the surrounding residential properties. The only building close to a boundary is that on the southern boundary but this is a relatively low building of about 3 metres in height. This building is clearly visible from neighbouring properties since a row of trees that provided screening were removed.

The fact that the trees were removed (it is understood that they were of such a height that they were overbearing to the rear gardens of the properties in Penfold Road) seems to indicate that there was no significant nuisance arising from the previous use of the site. Nonetheless, the use was not subject to any hours of use restriction and also contained a substantial amount of hardstanding that meant that the site could have been used far more intensively without recourse to the Council. In terms of site coverage, there could have been little objection to the erection of further buildings of an appropriate scale and it could be said that the use of this site has been less intense than many other employment sites.

Notwithstanding the lack of controls in connection with the previous depot use as originally submitted, the proposal gave rise to a number of concerns. The impact upon properties in Penfold Road was of particular concern given the now open nature of their northern boundary and that the proposed building would be well over twice the height of the much lower building that sits on the site at present. In terms of the north eastern boundary of the site, there were no clear indications of the nature of the proposed racking (beyond a reference in the submitted Planning

Statement of racking of up to 5 metres) nor any indication of any mitigation given the proximity of Highfield Court to the eastern boundary. Finally, the Environmental Health Officer raised a number of concerns in relation to noise, air quality and lighting issues.

As a result, therefore, amended plans were submitted with the amendments set out at the start of this report and these related to the 3 main issues – effect of units 1 & 2 upon properties in Penfold Road, racking and mitigation along the north eastern boundary and the issues raised by the Environmental Health Officer.

The proposed building to accommodate units 1 & 2 has been moved a further metre from the boundary, now 4 metres, and its eaves height reduced by a metre, although the overall height of the building remains at almost 9 metres.

The agent likens the scale of the proposal to that of a 2 storey house. The agent also points out that the distance between the building and the habitable rooms of the properties in Penfold Road is a minimum of 24 metres. Your officers note that this distance excludes the outriggers serving these properties which brings the distance down to 19 metres although it appears that in a number of cases the windows within the outrigger serve bathrooms. There are also some rear extensions that serve the properties at ground floor level and this would bring the distance down further, to around 16 metres in the closest instance.

The comparison with the Council's standard regarding facing windows of 21 metres is useful as a starting point but clearly it is arguable whether this standard is met in all cases and it is of course highly unlikely that were a run of 2 storey houses equivalent in height on this boundary, they would be unbroken for a length of 65 metres which is the length of the proposed building.

Nonetheless, your officers have to be mindful of the background policy support for the proposed use, and the nature of the site lends itself to a building of such width on the boundary partly because the site narrows in the middle.

It is considered that the resiting of the building 4 metres from the boundary is of importance, as it provides the opportunity for landscaping to soften the building. The Council's Landscape Officer has confirmed that there is adequate space for such landscaping to be achieved. Although this can be controlled by condition, the applicant's agent has been requested to provide further details of what can be achieved. The provision of timber paneling will also help to break up the façade of the building when viewed from adjoining residential properties.

The north eastern boundary of the site is unusual as Highfield Court extends very close to the boundary of the site and the existing boundary treatment is perhaps surprisingly open at this point consisting of a brick wall and trellis above. There are first floor windows that currently enjoy a clear view over the site and ground floor windows facing the site as well.

The provision of racking along this boundary will have some impact upon the amenities of the building although a significant part of this boundary is bordered by the car park serving Highfield Court. There is also an amenity area adjacent to the

boundary albeit this is at its narrowest point and the main area is further to the north.

As originally proposed, the racking of 5 metres in height was considered to be excessive, but the reduction in height of 1 metre backed by an acoustic fence is considered an acceptable compromise. It is not possible to provide any mitigation by landscaping on this boundary as the proximity to the main access to the site would mean that vehicular movements within the site would be restricted in space. Again, it needs to be borne in mind that there were no previous restrictions regarding storage along the boundary and indeed it is evident that part of it was used for such purposes as well as parking, albeit to a lower level than is proposed under this application.

The proposed acoustic fence to the rear of the racking arose as a result of discussions with the Environmental Health Officer. Again, there were no previous restrictions on the use of the site in this respect but equally it does not appear that any harm was being caused to neighbours.. A number of objections have been received on the grounds of noise and disturbance which are quite valid considerations given the environs of the site. The original information submitted with the application did not give your officers sufficient comfort to demonstrate that the scheme was acceptable in terms of its impact upon neighbouring properties and as a result further information was requested that has been considered in some detail by the Council's Environmental Health Officer. As stated in his comments, the noise assessment was amended a number of times as a result of the required clarification and as a result, the proposal is now considered acceptable in those terms.

The front block containing units 3 and 4 has not resulted in any specific objections. A retail element may be included within one of the units but because of its size under 100 square metres would not be liable for any payment under the Community Infrastructure Levy.

A number of objections have also been raised in respect of highways issues. As is normal with consideration of highways issues, the permitted use of the site needs to be taken into account and in that regard although the usage of the site appeared lower in recent years than may be anticipated as a result of the current proposals, it could have been used more intensively without recourse to the Council.

The Highways section has concluded that '*there is no evidence to suggest that the junction is operating unsafely, or that the proposed change of use would exacerbate an existing safety concern'* and '*It is recognised that this proposal would give rise to a more intensive use of Sompting Road… this proposal is not anticipated to result in a "severe" cumulative impact on the operation of the local network in accordance with paragraph 32 of the National Planning Policy Framework.'* Given this conclusion, your officers do not consider that there would be any grounds to resist the proposal on highways issues.

Conclusion

The Council's planning policies clearly seek to retain employment uses in the town wherever possible and it has been long held that there is an insufficient number of

sites in the town. The application site is clearly in demand for employment use as evidenced by the purchase of the site by the applicant. As such, therefore, the principle of the proposal, which is estimated to create 30 jobs should be supported. However, the site is unusual in that its existing use did not appear to give rise to any particular nuisance, yet it is surrounded by residential properties. The application has been amended in response to local residents concerns, albeit significant changes to the submitted scheme are difficult because of the restricted size and shape of the site. The development, as amended, will clearly have some additional impact upon neighbouring properties than is the case at present. However, it is felt that the amendments secured and the mitigation that can be achieved by condition represent an acceptable balance and accordingly, having regard to the wider employment benefits of the scheme, the application can be supported.

Recommendation

To **GRANT** permission

Subject to Conditions:-

01 Full Permission

02 If during development, any visible contaminated or odorous material, (for example asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented.

03 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water

04 The proposed pump sumps must incorporate an alarm, the sounder for which should be located within units 3 & 4.

05 No part of the development shall be first occupied until such time as the vehicular accesses have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

06 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose. The car park shall also provide space for an electric vehicle charging point.

Reason: To provide car-parking space for the use

07 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),
• measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
• details of public engagement both prior to and during construction works.
Reason: In the interests of highway safety and the amenities of the area.

08 The developer must agree with Southern Water prior to the commencement of development, the measures to be undertaken to protect the public water supply main.

09 Noise from fixed plant and machinery shall not exceed 40dB $L_{Aeq(15\ minutes)}$ between 07.00 hours and 23.00 hours and 35 dB $L_{Aeq(15\ minutes)}$ between 23.00 hours and 07.00 hours, measured or predicted at free field locations representing the facades of nearby residential properties.

10 The proposed hours of operation are restricted to those contained within the application 07.00 to 18.00 hours Monday to Friday and 08.00 to 12.00 hours Saturdays and no use on Sundays.

11 Deliveries to and collections from the site be limited to 07:00 to 19:00 Monday to Friday and 08:00 to 14:00 Saturdays only, in order to protect residential amenity.

12 Light Intrusion into residential windows shall not exceed 10 Lux between 07:00 and 21:00 hours and 5 Lux between 21.00 and 07.00 hours, measured as Vertical illuminance (E_V) normal to glazing. The Sky Glow (Upward Light Ratio) shall not exceed 5.0%.

13 Details of a scheme to provide air quality mitigation to be agreed and the approved details maintained thereafter.

14 Landscaping details to southern boundary.

15 Acoustic fencing to be provided and maintained in accordance with details to be submitted and approved by the Local Planning Authority.

16 Restriction of use of building in accordance with application details.

17 Materials to be agreed.

Informatives

1 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

2 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.

10th February 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.