



Planning Committee  
9<sup>th</sup> March 2016

Agenda Item 4

Ward: ALL

Key Decision: ~~Yes~~ / No

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/1849/15      Recommendation – APPROVE**

**Site:                    18 Hayling Rise Worthing**

**Proposal:            Ground floor infill extension and complete first floor extension with 1 dormer to south elevation, gable roof extension to west elevation and 4 roof lights to north elevation and gable roof extension to east elevation, new porch and raised patio.**

**2**

**Application Number: AWDM/1828/15      Recommendation – APPROVE**

**Site:                    Elton Lodge 22-24 Selden Road Worthing**

**Proposal:            Change of use from residential care home (Use Class C2) to house in multiple occupation with 22 separate units and communal kitchen area on ground and first floors and external alterations.**

**3**

**Application Number: AWDM/1111/14      Recommendation – APPROVE**

**Site:                    Builders Yard North of 14 Highfield Road Worthing**

**Proposal:            Continued use of premises for printers and allied office and storage and allied improvement works including retention of single storey side extension, replacement of existing attached front storage building with new flat roofed building, single storey extension, construction of new front garage and reconstruction of south boundary wall with new entrance gate.**

**4**

**Application Number: AWDM/1848/15      Recommendation – REFUSE**

**Site:                    Ground Floor Flat 130 Rowlands Road, Worthing**

**Proposal:            Single storey rear extension**

**5**

**Application Number: AWD/0063/16      Recommendation – APPROVE**

**Site:            Recreation Ground Goring Fernhurst Drive Worthing West Sussex**

**Proposal:      5 no. 10 metre high steel posts 10 metres apart; de-mountable  
netting between posts**

**Application Number: AWDM/1849/15**

**Recommendation – APPROVE**

**Site: 18 Hayling Rise Worthing**

**Proposal: Ground floor infill extension and complete first floor extension with 1 dormer to south elevation, gable roof extension to west elevation and 4 roof lights to north elevation and gable roof extension to east elevation, new porch and raised patio.**

Applicant: Mr B Sahota  
Case Officer: Peter Devonport

Ward: Salvington



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### **The Site**

The property is located in the mainly inter and early post war, attractive and leafy, low density residential suburb of High Salvington, on the lower southern slopes of the South Downs.

The site is triangular shaped and sits on the corner of Hayling Rise which runs north/south and Foxley Lane which is oriented west/east. At this point the ground slopes in both these directions.

The property dates back to 1959 and is a very modest, detached, two bed bungalow (55 sq ms gross internal floor area) with kitchen/diner/lounge and until recently a small very lightweight rear (east) lean-to. It is L shaped and situated at the back of the site, close to the eastern boundary and orientated towards the west. Floor levels are slightly raised to the east and south due to the terrain and the front pedestrian access, situated in the apex of the L is served by several steps. The

bungalow has a pitched shallow roof with gables and windows serving habitable rooms on all elevations. It is faced in brick with a tiled roof.

A detached, flat roofed single garage has recently been built under Permitted Development, sitting slightly behind the bungalow and abutting the northern boundary. It is served by the vehicular access also running flush with the boundary. There is a large hardstanding here with parking for three or more cars.

The main garden is to the front (west) and south, is laid to lawn and is screened by a substantial hedge, with a timber fence running on the northern boundary and another to the south marking the drive and subdividing the garden.

A mono pitched extension has also been added at the rear, built under Permitted Development.

To the north, on the higher ground, are mainly detached bungalows facing west and on a similar, set back, building line. They are generally characterised by hipped roofs and faced in brick/white render with clay tiles roofs. No 20 immediately to the north unusually features a gabled roof. This property is set back from the common boundary with No 18 by over 2 ms. It has added a single storey solid rear extension and beyond this a conservatory. There are facing flank windows in the original side gable, one of which serves a habitable room and in the conservatory. The common boundary is formed by a 1.8 ms solid timber fence, supplemented by some shrub planting and the application property's existing garage. Another bungalow, No 22, but this time with living accommodation in its converted loft, is to the north of No 20 and includes one window and at least one rooflight in its south facing elevation, serving habitable rooms.

To the east is No 36 Foxley Lane part of a group of larger, houses or chalet bungalows, also on a common, set- back, building line and facing south. No 36 is a full two storey house, with hipped roof and front gable and faced in brick with tiled roof and 6 to 9 metres off the common boundary with No 18. There are windows serving habitable rooms in its facing elevation but these are secondary. The common boundary is a substantial hedge, supplemented by some medium sized trees.

Directly opposite the site in Hayling Rise are a couple of hipped roof houses but elsewhere and along Foxley Lane, hipped and gabled roof bungalows (many with converted lofts) predominate, excepting the new housing development on the corner of Hayling Rise and Woodland Ave, over 100 ms to the north.

There is no other relevant planning history, apart from the recently withdrawn schemes described below.

## **Proposal**

The proposal is to enlarge and upgrade the existing bungalow by infilling the gap in the L shaped footprint and building an additional storey throughout to form a four bed chalet house, including projecting new gable.

It follows withdrawal of two complementary similar applications last year.

AWDM/0811/15 Ground floor infill extension and complete first floor extension with 2 dormers to south elevation, 2 dormers to west elevation and, 1 dormer to north and east elevation was due to be considered at Planning Committee on 26.8.15 but withdrawn amidst a recommendation for refusal on grounds that the remodelled house would, by reason of its siting, form, height and design, present a poor composition and appear as a prominent, alien and discordant element in the streetscene and would, additionally, result in the loss of outlook to the occupiers of No 20 Hayling Rise and it has not been demonstrated that unacceptable loss of natural light would not also occur to the same occupiers. As such it would result in an unacceptable loss of visual amenity and would be detrimental of these neighbours' living conditions.

AWDM/0938/15 to rebuild an enlarged double garage adjacent to the northern boundary and attached to the remodelled chalet house was withdrawn shortly before AWDM/0811/15, with the applicant electing to use the Permitted Development route to build the single garage now constructed.

The application seeks to address the previously expressed concerns over the withdrawn scheme.

There has been pre-application discussion on the revised scheme.

The application has been called in at the request of a Ward Councillor.

The remodelled house continues to follow an essentially square footprint but is topped with a wholly pitched roof (43 degrees) rather than the flattened pyramidal roof of the previous scheme.

It likewise faces west but has omitted the previous rather substantial four half dormers in favour of a gable projection southwards; a first floor window a piece in each of its main gables facing west and east and rooflights in the south and north elevations.

The east facing gable window and north facing rooflights are obscure glazed.

A pitched roof porch is also added to the west elevation, similar to before.

A raised patio area is added on the southern elevation.

The house is faced in plain hanging tiles at first floor throughout, the existing ground floor brickwork retained, supplemented by render on the infill.

The proposal remains four bedroom with the fourth room at ground level as in the previous scheme.

However, whilst previously the scheme was close to two full storeys with eaves raised to between 4.5 and 5.5 ms, the eaves have been kept as existing at 2.6 to 3 ms (difference due to sloped nature of site). The roof height itself is only marginally reduced from 7.6 ms to 7.2 ms.

## Representations

Objections have been received from 16, 20, 24, 24A, 25, 26, 29, 31 and 39 Hayling Rise; 8, 34, 36 and 37 Foxley Lane; 25 Woodland Ave and High Salvington Residents' Association as follows:

- Although any property can be altered or redeveloped, and I am all in favour for altering or extending a property, there has to be potential in the first place to make drastic alterations.
- If considering a loft conversion, there really needs to be sufficient headroom and floor area to warrant such alterations, especially as you normally lose part of or a room downstairs for the staircase.
- If a building isn't big enough in the first place and it sits on a tiny plot, then that limits any potential in that property.
- There have been quite a few major loft conversions in Hayling Rise but as far as I am aware, none have radically altered the pitch of the roof to accomplish this.
- Was the size and pitch of the roof a planning stipulation when originally built so it didn't impact on the neighbouring properties?
- On this side of in Hayling Rise all the properties are bungalows and this proposal would not be aesthetically sympathetic to the overall area/appearance; not to mention the privacy issues concerning the adjacent properties and the loss of valuable light source as well!
- This plot is too small for the scale of development and if permitted will give rise to more activities/noise and parking issues to a normally quiet area. This is a corner plot on a busy junction and any parking on Hayling Rise/Foxley Lane will obviate a danger to any cars exiting/entering those roads. There are a number of elderly residents in this sort after area, therefore, due care must be a priority.
- Whilst accepting the proposed planning application would be on the same footprint as the present building, (apart from the extension to the lounge and porch areas), I feel that the addition of an extra floor would detract from the original aesthetic and architectural designs and layout of the east side of Hayling Rise.
- Concern is expressed regarding the loss of privacy and reduction of light to adjoining properties especially the single storey bungalow of No. 20 Hayling Rise.
- The present property is on a small corner plot and has parking commensurate with a two bedroom bungalow. The plans show an increase from two to four bedrooms and concern is expressed regarding the future provision of on-site parking or will parking for this property spill out onto the road?
- Should this application be accepted then I feel this could be the thin edge of the wedge of future plans wishing to replicate extending from single storey properties to houses. Surely this would diminish the original design concept of properties on Hayling Rise.
- The plans for this application are misleading as they do not show the large extensions and enlarged garage already completed by the applicant under permitted development provisions. The small triangular site is already 'crowded' by the enlarged footprint of the bungalow and the enlarged garage. If the roof is raised it will be out of keeping with the architecture in Hayling

Rise and will have a severely adverse impact on the natural light to windows on the south side of number 20 Hayling Rise.

- The WBC Core Strategy and Saved provisions require the Council to protect the character of individual buildings and of neighbourhoods and this application should be evaluated in the light of these provisions.
- Although it will add to 16 Hayling Rise being overlooked our main objection is overdevelopment and the effect on the immediate neighbours.
- I believe the proposed development of 18 Hayling Rise, which at the moment is a small single storey 2 bedroom bungalow into a 2 storey, 4 bedroom house to be an overdevelopment of the site and totally out of character and appearance to the surrounding area.
- The proposal increases the property height approximately two fold and with dormers and windows in the new roof space on every aspect.
- The proposed house would overlook several neighbouring properties including 31 Hayling Rise. The surrounding properties are private and not overlooked due to the properties being of the same height and any extensions being confined to their existing roof spaces. All the properties in this section of Hayling Rise, in the character and design of the area are such that the properties fall away to the South in line with the hill. The other consequence of the proposed increase in height of this development is of course the loss of light to neighbouring properties.
- The proposed ground floor infill appears to be forward of the existing building line on the East side of Hayling Rise.
- Highway safety is already being compromised with the current owners having several vehicles including vans, which are often parked on Hayling Rise, extremely close to the junction with Foxley Lane. This causes a hazard when turning out of Foxley Lane due to a lack of ability to see oncoming traffic on Hayling Rise. This is a bus route. In addition the vehicles often get parked on the grass verge. Currently in this vicinity people park off the road on their own property again in keeping with the character of the area.
- Building works have already taken place with the construction of an enlarged garage and a side extension on the east side. Whilst I realise this is not in contravention of existing planning laws as I presume it is under permitted development, it does not fill me with any confidence that the developer or owner appear to have any regard for planning or building regulations, let alone the sensitivities of the neighbours. These enlargements are not shown on the existing application plans.
- The corner infill on the eastern elevation appears to be outside the building line, but the foundation works for this have been completed and the concrete slab installed. This property owner is enlarging the footprint by stealth already.
- It is my understanding that the proposal conflicts with Core Strategy Policy 16, policy H16 + H18, the National Planning Policy Framework and allied practice guidance.
- I urge you to reject this planning application and not allow a house to be built, but to keep any development to a "chalet style" dwelling with no increase in height of the roof line or encroachment beyond the existing building line in keeping with all other properties in the immediate area.
- Concerns over safety during the rebuild with vehicles parked outside and obstructing visibility

- It is important to note that the submitted plans do not show the permitted development work already carried out at this property including an additional eastern extension and a double garage to the north of the property. The plans submitted for the eastern elevation showed obscure non-opening glazing to all of the east windows. This does not match the reality of the clear opening glass that has been fitted.
- The plans for the property show four windows on the north elevation which could overlook the rear garden of 36 Foxley Lane and on the east elevation which would overlook the front and rear gardens. These proposed windows on the first floor of both the north and east elevations would reduce the privacy to my property, especially to the back garden.
- The window on the east elevation is an en suite bathroom (noted that the plans provide for an opaque window on the east elevation.)
- One of the windows on the north elevation is for a landing and the other windows on the north elevation are for a bedroom.
- A requirement of using opaque non-opening windows for all new windows on the north and east elevations would address these concerns. Not being overlooked was one of the main reasons for the initial purchase of this property and for my continuing residence here for over 40 years.
- All the properties nearby on Hayling Rise which have had extensions have not had them built above the existing roofline. The plans for the proposed development show that the roof would be substantially higher than the bungalow's existing roofline, this would "appear noticeably and incongruously taller than the bungalow to the north and at variance with the characteristic stepped arrangement of the bungalows as they follow the gradient of the hill downwards" — the same issue which was highlighted in the case officer's report about the previous planning application. The design is not aesthetically pleasing and the prominence of the site on the corner exacerbates this issue and could be considered an overdevelopment of this small plot especially with the recently built eastern extension and enlarged garage which are not shown on these plans.
- Originally the owner assured us that he was not planning to increase the height of the existing roof line, but again the submitted plans show it is intended to more than double the height!
- 18 Hayling Rise is very concerned that the increase to the roof line shown on the plans together with 4 new windows to the North would overlook our property (which is very close) and would result in significant loss of our privacy, outlook and light and also considerably reduce the sunlight into our garden and home! The four windows would overlook our living and dining area, our third bedroom and en-suite.
- On this small triangular plot on which the owner has already more than doubled the size of the original garage and built an extension to the East. Neither the garage nor the extension of the room to the East have been shown on the plans which therefore are not accurate.
- Loss of outlook to No 20 Hayling Rise
- Although any property can be altered or redeveloped, and I am all in favour for altering or extending a property, there has to be potential in the first place to make drastic alterations.
- If considering a loft conversion, there really needs to be sufficient headroom and floor area to warrant such alterations, especially as you normally lose part of or a room downstairs for the staircase.



- If a building isn't big enough in the first place and it sits on a tiny plot, then that limits any potential in that property.
- There have been quite a few major loft conversions in Hayling Rise but as far as I am aware, none have radically altered the pitch of the roof to accomplish this.
- Was the size and pitch of the roof a planning stipulation when originally built so it didn't impact on the neighbouring properties?

### High Salvington Residents Association

*This design would be overbearing to the adjacent property at 20 Hayling Rise and would change their outlook, remove privacy and block light in a very adverse manner.*

*It will dominate the corner of Hayling Rise and Foxley Lane and will impact adversely on the street scene in the area. Bungalows built southwards from the junction with Newling Way are deliberately planned architecturally to enhance the hill as it slopes towards the sea.*

*The WBC Core strategy and saved provisions require the council to protect the character of individual buildings and neighbourhoods. The application and related application are both out of keeping with the character of this road and neighbourhood. If approved a precedent could be set encouraging further inappropriate conversions in this stretch of Hayling Rise.*

*Number 18 is built on a small triangular plot wedged into the corner of Hayling Rise and Foxley Lane. The enlargement of the present footprint, the addition of an attached enlarged garage (already constructed) the considerably heightened roof accommodating the first floor addition will together constitute significant overdevelopment of the site itself. In the wider context of the corner area Number 20 Hayling Rise will be especially adversely impacted by the proposed development.*

*The new roof height will virtually block all natural light out to their study and en-suite and it will cause loss of privacy. The outlook from number 20 Hayling Rise will be adversely compromised and the property will be overlooked by the first floor roof lights. Should the building work go ahead it will raise the level of noise to an unacceptable degree for this normally quiet residential neighbourhood.*

One representation of support has been received from 3 Elizabeth Mews, Woodland Avenue as follows:

*I see no apparent reason for refusal, as all neighbouring properties are extended and developed already in similar ways. I believe the proposed extension will be in keeping with the area and I am in full support as there are many properties along Hayling Rise that have already raised their roof lines and subsequently improved the character of the street.*

### **Planning Appraisal**

Section 70 of the Town and Country Planning Act 1990 (as amended) 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 requires the decision to be made 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.

The main issues raised by the application are;

- The principle of upgrading the housing stock and its facilities by means of remodeling the bungalow.
- The quality of the design and impact on the character and appearance of the area.
- The impact on the amenity of neighbouring occupiers.
- Access and parking
- Other environmental impacts

As such the proposal should be assessed principally against Core Strategy Policy 16. Saved Worthing Local Plan Policies H16, H18 and TR9 and National Planning Policy Framework and allied Practice Guidance and Supplementary Planning Guidance Extending or altering your Home

### **The principle of upgrading the housing stock and facilities by means of remodelling the house**

The proposals enlarge and modernise this untypically small bungalow and enhance the town's stock of good sized family houses with gardens.

Whilst the alterations and extensions are extensive and the appearance of the bungalow transformed, much of the structural original building fabric remains and this is strictly speaking a householder application.

To this extent, the proposal makes effective and efficient use of the existing stock within the urban boundary and in a sustainable manner. The principle is accordingly welcomed.

However, the acceptability of the actuality is dependent upon its wider environmental impacts as assessed below.

## **The quality of the design and impact on the character and appearance of the existing property and area**

The remodelling of the bungalow respects the building line and the footprint remains much as is as now, except the infill at the front, new projecting south facing gable and the addition of the porch. These are appropriate for such an exposed corner.

The principal issues with such a bungalow remodelling remain its form, height and design and balancing the understandable wish to create family sized accommodation on this otherwise reasonably sized plot, against the impact on character.

It is considered that the applicant has, with this revised design, achieved an acceptable balance.

Whilst the roof ridge is only slightly below that of the previous scheme, the eaves are set substantially lower below (i.e. as at present) and the anomalous and assertively large dormers omitted. Equally, the roof is set on a relatively shallow pitch and is of a design not untypical for the area.

The gable windows help break up otherwise unarticulated elevations and whilst the array of rooflights is not ideal, the northern elevation is not readily visible from the street.

The mix of render and brick lacks any aesthetic rationale and the render would be better replaced with brick to match existing. This may be secured by condition.

As a composition, the chalet design is much improved and would sit comfortably in the plot and the locality, bearing in mind its corner location.

## **The impact on the amenity of neighbouring occupiers**

The closest neighbours are at No 20 immediately to the north and 36 Foxley Lane immediately to the east.

No overlooking would occur due to the obscure glazing of the relevant upper floor windows if the opening parts were no lower than 1.7 metres above finished floor levels and given the boundary treatment and separation distances at ground floor level. This may be secured by condition.

The concerns raised by the neighbours are noted and some loss of outlook would certainly occur for No 20 from the remodelled house in terms of views of the sky (rather than horizon), especially from the rear garden and conservatory.

Additionally, there is the concern that, given the proximity of the north corner of the remodelled house; its position to the south of the neighbouring bungalow and its size, some loss of natural light could also occur to the south facing study of No 20. (though no technical assessment has been submitted to definitively assess the natural light impact on this room).

That said, the remodelled bungalow does edge away from this neighbour; the study is not a main living room and the remodelled bungalow is on slightly lower ground.

Whilst the above concerns continue to be underlined by the objections received from neighbours, on balance, given the lower eaves and pitched roof and the otherwise acceptability of the proposal in design terms, and applying the 25 degree rule of thumb from the centre of the affected window, these would not justify refusal on neighbour amenity grounds.

The effect on No 22 is still less at the separation distance involved.

Because of the separation distances, boundary treatments, topography and form of the proposed new works, no unacceptable harm to No 36 or any other property would occur in terms of natural light and outlook.

The reconstructed garage, compliant with Permitted Development restrictions of no taller than 2.5 ms, does not aggravate matters. The new conservatory built under Permitted Development does not impact critically either.

Activity from the enlarged house and/or garage (including parking and traffic) would not be so increased as to unacceptably affect the amenity of No 20.

Third party wall impacts are dealt with under the relevant legislation.

### **Access and parking**

Vehicular access is unchanged in the remodelled bungalow application and the property continues to include a substantial hardstanding for parking and garage.

### **Other environmental impacts**

There are no protected trees on the site and the substantial hedge would remain.

Surface water drainage may be addressed by condition.

### **Recommendation**

Grant permission subject to the following conditions (summary)

1. Implement within 3 years.
2. Build in accordance with approved plans
3. Obscure glaze windows in north and east upper floor elevations
4. No new windows on upper floor north and east upper floor elevations
5. No works outside 8am to 6pm Monday to Friday.
6. Agree dust suppression measures

### **Background Papers**

Observations of Members of the public.

**Application Number: AWDM/1828/15**

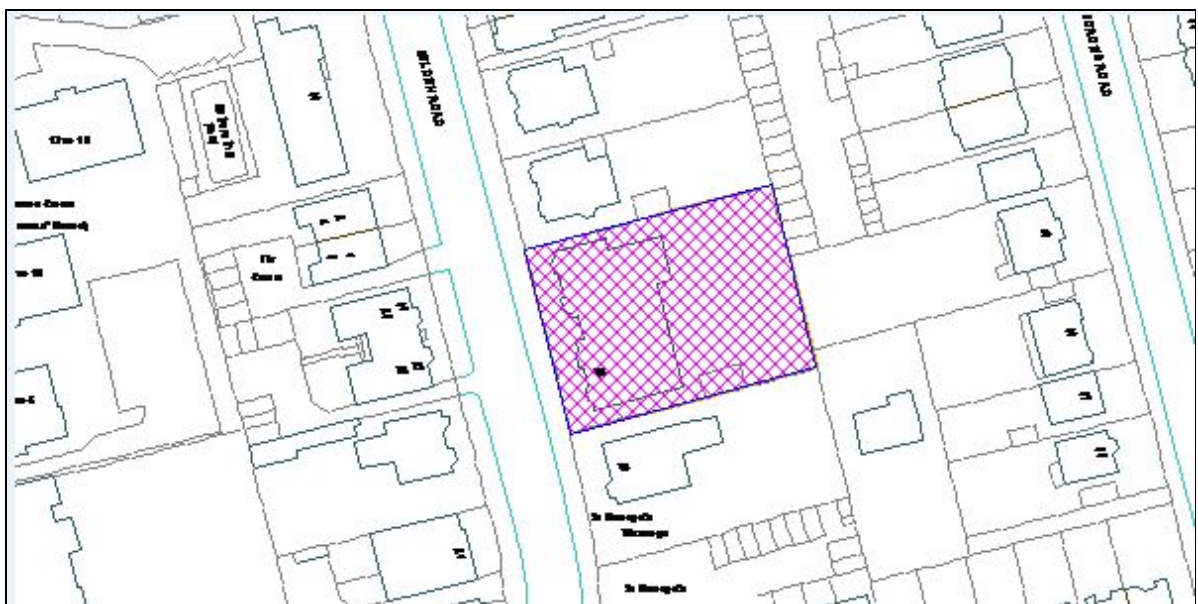
**Recommendation –APPROVE**

**Site: Elton Lodge 22 - 24 Selden Road Worthing**

**Proposal: Change of use from residential care home (Use Class C2) to house in multiple occupation with 22 separate units and communal kitchen area on ground and first floors and external alterations.**

Applicant: Mr J Hannah  
Case Officer: Peter Devonport

Ward: Selden



**Not to Scale**

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### **Site and Surroundings**

This a former care and nursing home for the elderly (21 bedrooms) sits midway down Selden Road in a mixed inner residential suburb, to the east of the town centre and hospital, containing mainly flats, HMOs and bedsits and residential institutions (a residential rehabilitation project for people who are experiencing homelessness and substance misuse is sited close by) as well as family housing. The care /nursing home closed in August 2014 and has remained vacant since.

It comprises two conjoined two storey properties originally built as Victorian houses and linked by a central two storey extension. The care/nursing home appears to have been operating from the former No 24 for many years but from No 22 only since 1987, before which it was arranged as bedsits.

The building has added a single storey rear extension across much of the width of the properties and also a part two and part one storey extension on its northern

flank, as well as a single storey detached garage on its southern flank just to the rear of the property.

The building is set back on a common building line with a modest front garden and is separated by its neighbours to the north and south by reasonably broad gaps. The main pedestrian access is centrally sited by a crossover but the main vehicular access is on the southern boundary with long drive down the side capable of taking at least three vehicles.

To the north is a group of attractive Victorian houses. No 26 adjoining the site is converted to bedsits as is No 28 to the north of this. Both have limited on-site parking. The boundary with No 26 is formed by a wall.

To the south of the site is No 20, also a detached large Victorian house. It is set back from the medium sized common boundary wall by the width of its own drive.

To the rear is the deep rear garden of 43 St Georges Road; a small part of the garden of a back land at No 33A and part of a large parking court, the boundary for which is made up of a wall and some planting.

Opposite are two storey flats and just to the north a property 39 Selden Road the subject of an application (AWDM/1609/15) *for Addition of third storey and three-storey rear extension to west elevation of existing building to provide a total of 7no. one-bedroom flats and 2no. two-bedroom flats with alterations to external materials and additional car parking.*

The area forms part of a Controlled Parking Zone with bays outside the site.

## **Planning History**

There is no planning history at the site of direct relevance to the application.

## **Proposal**

The proposal is to convert the building to a 22 unit HMO. All will have en-suite rooms but share two kitchens, one on the ground floor and the other on the first floor.

No external changes are shown, save replacements of sliding doors on the rear patio with French doors and provision of a waste bin and cycle store by the north boundary just in the rear garden.

In addition, the existing detached garage by the southern boundary is demolished and a parking bay designated in the drive. The existing vehicular access is retained.

The rear garden is communal but landscaping is unspecified.

Access to the building remains as at present with rear access to the garden also kept.

Internal changes are largely restricted to rationalising existing space.

### **Supporting Statement**

The application is supported by a planning, including marketing statement and on street parking capacity survey.

### ***Marketing of the Site***

*We can confirm that the property has been marketed since August 2014. The site has been marketed by Christies and Co and subsequently by both Jacobs Steel residential and commercial teams. The property was then placed for sale at Jacob Steel Auction in July 2015 and again there were no offers albeit the auctioneer reduced the opening bid £100K from the guide price. The property has been marketed on numerous marketing portals including Rightmove and Zoopla.*

*The property has been viewed by in excess of 10 applicants. The feedback is that the property is not commercially viable as a going concern and costs and work to be undertaken to convert the property too excessive.*

### **Alternative Uses of the Building**

*As outlined below there are major issues associated with alternative uses and the change of use to a licensed & regulated HMO is the best use for this property.*

*EXISTING USE/NURSING HOME—The property would need a very extensive renovation to bring it to a standard that could comply with the necessary regulations. For the property to continue as a Nursing home it would have needed to meet new room size & wet room standards. Thus, it was no longer suitable/desirable use due the age and state of accommodation for this property. Finally, access to rooms 10 & 11 were becoming an issue with the Fire Inspector due to the proximity of the stair lift.*

*FAMILY HOME(S) – To convert this building into two family dwellings would require extensive refurbishment works. This is a very large commercial building and does not lend itself to being a single family home. There are a number of large family homes available on the market in very good condition in the area.*

*CONVERSION TO FLATS –It is not financially viable to convert the building into flats. Taking into account, the cost of purchase, cost of con-version (including 20% VAT for refurbishment works) and the end value of the development, makes any conversion unviable. This is further evidenced by the fact that the property remained on the market for a considerable period of time with no offers made.*

*HOUSE OF MULTIPLE OCCUPANCY ACCOMMODATION - The above demonstrates that the best use of this building is for a high end HMO that caters for working professionals in the area. The existing rooms could be easily converted within minimal alterations to the structure or internal layout of the building.*

## **Proposals**

*The project is to convert Elton Lodge which is a redundant nursing home into a HMO of self-contained rooms with en-suite toilet and washing facilities; with communal cooking facilities and private communal garden. The external fabric of the building will not be altered in any way.*

*In order to attract working professionals and high end tenants the accommodation offered has to match or ideally be of a higher standard than current comparable accommodation in the area.*

*The layout of each tenant's room has been carefully considered and incorporates en-suite washing facilities and food storage areas. This avoids occupancy issues, as tenants are not sharing washing & toilet facilities. This also encourages tenants to settle longer.*

*In addition the tenants will have full use of a private landscaped rear garden area via a communal access door at ground floor. This area will be secure and provide quality amenity space for the tenants.*

*The purpose is to provide good quality, well managed accommodation to people who simply can't afford to live in a flat on their own along with all the associated costs that come with it.*

## **Internal Features**

*To attract professional workers the property will include the following:*

- *Coded Entry Systems for each room*
- *Refurbished rooms with new decorating and flooring*
- *Communal Wi-Fi*
- *Electricity*
- *Gas*
- *Fully wired with an up-to-date fire alarm system, including sensors and alarms throughout*
- *High end communal kitchen at ground and first floor*
- *Self closing magnetic fire doors*
- *FD30s Fire Doors*

## **Additional Features**

- *Secure walled landscaped Communal Garden Area*
- *Commercial Waste Contract*
- *Bin Storage*
- *Bike Storage Facilities*

## **Tenant Profile**

*Elton Lodge will be transformed into a High End HMO providing affordable, safe and well managed rental accommodation for professional workers within the town. Worthing boasts the headquarters of The Environment Agency, Glaxo Smithkline,*



*Southern Water whilst the town centre occupies many banks, building, societies and major retailers.*

*It is these professionals along with keyworkers such as nurses and doctors that the property will be looking to cater for. It is important to stress that there is a shortfall of affordable rental accommodation in Worthing with NHS Staff Accommodation within Worthing has been reduced significantly, with a number of the sites sold; and due to the close proximity of the site to Worthing Hospital we would anticipate a number of the rooms being occupied by hospital workers.*

*To conclude we are specifically looking to attract:*

- *Junior/Student Doctors*
- *Nurses*
- *Health Care Assistants*
- *Hospital Catering Staff*
- *Hospital Porters*
- *Hospital Cleaners*
- *Hospital Administration Staff*
- *Town centre retail employees*
- *Town Centre Office workers*
- *Civil Servants*

## **Conclusion**

*The proposed change of use from a Nursing Home has been carefully assessed from a planning, social and economic basis to provide what we perceive to be the best use for the property.*

*The proposal utilises the existing fabric of the property with minimal changes both externally to the property and internally. Furthermore, the scheme has large private landscaped garden area for all the tenants use.*

*This statement provides the rationale behind a highly considered, high quality sustainable proposal that befits the site. Under the circumstances we trust that Worthing Borough Council will be minded to support the application.*

## **On street capacity surveys**

*Parking surveys were undertaken in the early hours of Tuesday and Wednesday 23rd and 24th February.*

*The surveys generally followed the "Lambeth Methodology" in that the surveys were carried out between 12.30am and 05.30am on 2 consecutive weekdays. The scope of the surveys covered all roads within a 200m walk distance of the application site. The surveys recorded the number of vehicles parked at the time of the survey.*

*As you know, the roads surrounding the site are within Controlled Parking Zones (CPZ). I have attached a copy of the Council's CPZ mapping that shows that the site is within zone D and roads to the north of Lyndhurst Road are within zone H. Both of these zones have the same parking restrictions which are Permit holders*

*only between 10.00 and 11.00hrs and between 14.00 and 15.00hrs Monday to Saturday.*

*Outside of these times on-street parking is not restricted. I have attached 3 further plans. Plan SR1 shows the existing parking restrictions (other than the CPZ restrictions). Plan SR2 shows the number and location of vehicles parked on Tuesday 23rd February at approximately 12.30am. Plan SR3 shows the number and location of vehicles parked on Wednesday 24th February at approximately 01.00am.*

*It is clear from the results of the surveys that there is extensive on-street parking available within a 200m walk distance of the site. This reflects the results of previous parking surveys undertaken by the developer of 7 Madeira Avenue on 22nd May 2015 (although those surveys were carried out during the mid-morning on a single day).*

*In my opinion, the results of our surveys prove that there is ample spare on-street parking capacity to accommodate any limited increase in parking demand that your proposals will generate.*

## **Consultations**

### **Environmental Health Officer**

The applicant has already engaged with this Department for advice with respect to using this property as an HMO, and I met with the architect and owner on site on 18th November 2015.

I note that the applicant has taken on board many of the suggestions that I made during my site visit, and I can therefore have a high level of confidence that the property will be free from serious hazards and comply with the Management of Houses in Multiple Occupation (England) Regulations 2006. These requirements would continue to remain in force for the entire time that the property is in multiple occupation.

Please note that as the property is two storey it will not be subject to Mandatory Licensing as set out in the Housing Act 2004. However, Central Government have recently sent out a consultation on expanding the criteria for mandatory licensing. Based on the questions asked it seems possible that this is the type of property that will be included in such a reform.

I would add that this Authority continues to review the merit of introducing a Selective or Additional Licensing scheme within the Borough, which would enable us to require properties such as this to hold a licence, providing greater control.

It is my experience that a well maintained and managed property is less likely to experience issues of antisocial behaviour, particularly in the long term. To date, the applicant has engaged with the Private Sector Housing team to ensure that they will meet their legal requirements should they proceed with the conversion of the property to an HMO.

You may be aware that the property 26 Selden Road is currently licensed for use as an HMO. 28 Selden Road has historically been used as an HMO (licensed) but is currently undergoing extensive refurbishment to a high spec. and may return to use as an HMO in the near future.

## **Highway Authority**

### Background and Summary

The proposal is to convert Elton Lodge which is a redundant nursing home into a HMO. Elton Lodge is located in a residential area approximately a quarter of a mile east of Worthing town centre on Selden Road. Selden Road is a 'D' Class Road subject to a 30 mph speed limit. In summary the LHA (Local Highways Authority) consider that the proposal would be acceptable from the highway point of view. Details comments are provided below.

### Content

The proposal does not have a direct access onto Selden Road. In line with the previous use no parking is available for the proposed apartments. Selden Road operates a Controlled Parking Zone (CPZ) permits can be applied for. The Local Planning Authority (LPA) should consider this against their respective parking standards. The property is well located with sustainable travel links being close to the A259, A24 and A27. There are frequent rail services along the coast to Brighton, Chichester, Portsmouth and up to London. Worthing Station is situated approximately 1 mile from the property. There are frequent bus services that are a 2 minute walk from the property to the north, this links into Worthing town centre and other local facilities. It is therefore considered that the proposal does offer residents a viable alternative to travel over the private car.

In considering parking associated with this proposal, the LHA are aware of the existing comprehensive enforceable waiting restrictions that prevent parking from occurring in locations that are detrimental to highway safety.

The site is recognised as having a permitted C2 use which has operated for some years. In considering the change of use the potential vehicle movements from the permitted use is a material consideration. Given the scale of the proposal and the existing permitted use a TRICS assessment and Travel Plan are not required. It is not considered that there will be a material increase in traffic movements over the existing use. In addition there are no known capacity and congestion issues within the immediate vicinity of the site. From a capacity perspective we are satisfied the proposal will not have a severe residual impact.

### Conclusion

The proposed development is forecasted to generate a comparable number vehicular movement over what has been generated historically by the site. These movements will be spread across the day.

The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are

severe. It is not considered that the proposed change of use application would give rise to an impact that could be considered 'severe'.

### **Drainage Engineer**

The proposed site lies within flood zone 1 and appears to be unaffected by surface water flooding.

The applicant has indicated that there will be no external alterations therefore there will be no change to surface water discharges and hence we have no further comments on this application.

### **Police: Crime Prevention Design Adviser**

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 (SBD) perspective.

The level of reported crime for Worthing is just peaking above average when compared to the rest of Sussex whilst crime levels at this location are low when compared to the surrounding areas.

Historically there are cases where HMO's have given rise to instances of Anti-Social Behaviour (ASB). To reduce the risk of this occurring there will need to be stringent management control of tenancies. This could be implemented as a condition of planning. Should you have concerns with ASB and perceived issues of crime and disorder within this area I ask you to liaise with Adur & Worthing District council's ASB Team which for this area is the Adur & Worthing Council's Safer Communities Team.

Whilst I have no concerns regarding the design and layout I recommend the following security measures to be implemented within the development;

- Communal front entry door and rear entry doors to have an access control system incorporated into the inner hall door. The outer door can be open for postal deliveries. The side lights either side of the main entrance door will provide observation into the lobby to prevent any loitering.
- Secure external post boxes that conform to TS009 to be fitted within the main entrance lobby.
- Flat front doors to conform to PAS 024-2012 or have fit for purpose locks fitted that conform to TS 007 security standard if the original doors are to be retained. I do not recommend the fitting of the proposed push button coded entry locks for the individual rooms unless they conform to BS 8607 standard grade 2 or above, this equates to BS 3621 standard.
- Any ground floor windows or doors that are being replaced are to conform to PAS 024-2012. Any windows that are being retained are to have adequate fit for purpose locks or security measures fitted.

## **Safer Communities Team**

This road already contains a number of HMO properties. I have concerns about the impact that an additional 22 dwellings will have on the infrastructure, particularly in terms of parking. I note that there is no space allocated for off road parking as part of the development and I believe this would cause significant issue for current residents and those at the proposed development.

I would also question the demand for this type of accommodation in this area? Is there demand from professionals e.g. hospital staff to live in this style of accommodation? Have the developers conducted this research? It is essential that the standard of housing in this area, would suit working professionals if it is to attract hospital staff.

This area plays host to a number of different types of HMO (some of which is supported housing) and therefore I believe this would cause an over concentration of people/ dwellings in a small space and would be detrimental to the demographic of the current area.

## **The Communities Team**

The site falls within a Local Neighbourhood Improvement Area - groups of electoral wards within West Sussex, which have been locally identified as the most deprived areas in the county. Whilst, this is not amongst the most deprived in the borough, nor is it a priority for action, the provision of low cost housing as proposed would help meet a recognized local housing need.

## **Representations**

Objections have been received from 20, 30 and ground floor flat 32 Selden Rd; 4 and 6 Church Walk and 47 St Georges Rd and two from London, as follows;

- Elton Lodge was a dual registered care and nursing home managed by a single entity; the proposal for a 22 bedroom HMO significantly changes the use of the property. It reduces local employment in the area and also reduces the number of care/nursing home places available.
- The West Sussex County Council in its Healthy & Well in West Sussex, West Sussex Public Health Plan 2012-2017 specifically aims to improve the quality of care home provision. Allowing care homes to close is contrary to one of its strategic aims. Further, a document entitled Better Care Fund, April 2014 sets out what needs to be done to meet the rising demand for health and social care and says all local health and social care organisations are committed to Improving the quality of care in care homes working with local nursing and care homes to build on the strengths of what is available locally. It comments that a further purpose of these aims is to support delayed transfers of care. Allowing the closure of a care and nursing home does not seem to be building on the strengths of what is available locally.
- We understand that prior to the current offer for Elton Lodge being accepted a substantive offer was submitted by a proprietor of other local care homes. This was turned down as a higher financial sum was required. I fully appreciate and understand anyone wishing to maximise their own financial

return. However, when local employment and support services for vulnerable and elderly people are central to the issue, I believe these matters are of equal concern. This same document predicts that the trend of the local population is an aging one and service demand is likely to increase, particularly along the coastal towns. All this in a town that already has one of the highest percentages of elderly residents over 85 in Europe.

- Additionally, even without the concerns of care services and employment, the nature of enjoyment of the existing character of the neighbourhood has to be taken into consideration. Indeed, when we purchased our own home in Selden Road in 2009 the site had previously been sold for a significantly higher sum to developers who wished to turn the property into a number of flats. At that time the council, in listening to others who lived in the area, agreed that the character of Selden Road was important and needed more family homes to remain. Planning permission was refused and the developer pulled out and we purchased it as our home at a lower price than the vendor had previously been offered by the developer.
- The proposal to squeeze as many single room units into the space as possible does not provide quality sustainable housing for anyone. These kind of units do not encourage longevity in a neighbourhood and will become nothing but transitory stops for people who will no doubt move to something more pleasant as soon as they are able to do so. There are many support lodging arrangements in our immediate vicinity, Delaney House being one. All of us who moved here knew of these supported housing arrangements for people with a variety of needs, we are not people who do not recognize that communities need space for everyone. However, these are managed and supported arrangements and we believe the balance is reached. We already have another new development for small dwelling units (39 Selden Road), that having received initial planning consent, is now applying to add another floor and build even more units, this is just a few metres from us. We do not believe that a further 22 units in Elton Lodge can be integrated without having a detrimental affect on our community.
- Potentially 44 adults using the same building (each room could easily have two adults). We have particular concerns over the amount of noise that would be generated in the evening and overnight by such a large numbers of adults.
- Refuse; the care home sited their bins against the wall that divides our properties something that the development proposes to continue. Occasionally we had issues with refuse being pushed over the wall by the weather, easy to resolve as there were always staff within the nursing home to liaise with. With potentially 44 adults using the same structure this will be difficult or impossible to manage and have a direct unpleasant impact on our property.
- Refuse (2) the Worthing Space Planning SPD (Feb 2012) indicates that 140 litres of refuse per unit and 140 litres of recycling waste per unit should be provided. The proposal indicates that two 1100 litre bins will be provided, presumably split between refuse and recycling, just over a third of the recommended amount which is likely to lead to refuse being dumped in plastic bags and then scattered by the wildlife which lives in the area.
- Parking; there are no plans for parking associated with the development. According to the WSCC parking standards advice; 0.5 parking spaces per room or unit should be allocated. Thus the development should be providing

a minimum of 11 parking spaces. Selden Road is already crowded in an evening. With potentially another 44 permits being allocated for the street on top of other HMOs / developments already agreed, parking will become impossible. As mentioned previously there is already an existing planning development in place (No. 39) which will increase parking and additionally at number 28, a property that has been developed into an HMO but is currently completely empty.

- Cooking / Eating areas in the Worthing Space Standards SPD (Feb 2012) it describes a four bedroom property as requiring a space of 33m<sup>2</sup> for cooking and eating. While the planning documents (exceptionally) do not show the space assigned to the communal cooking and eating areas it would be reasonable to estimate that (at most) they are a total of 40 m<sup>2</sup> over the whole building this would seem to be grossly inadequate for a building with 22 bedrooms.
- Infrastructure issues in addition to the parking issue the sheer number of extra adults (potentially 44) generated in Selden Road would put a strain on the general infrastructure; phone services, cable services (both vital for people working from home), water, and drainage.
- The applicant indicates that their preferred tenants would be professionals, including medical staff due to the proximity of Worthing Hospital. There is no guarantee that professionals would occupy the property immediately or over the longer term financial considerations have been placed as the highest priority in the development itself and if converted the focus would remain on filling the property to generate the highest return. Indeed professionals will have the required income to be able to rent more amenable living space and would be most unlikely to rent there. The experience of those who rent in the HMO immediately next door to Elton Lodge (No 26) is not that they are professional people.
- Given the lack of community space in the property (two small kitchen / diners are provided smaller than most rooms) it is highly likely that there will be a significant turnover of tenants or long-term tenants with no other options. In both cases there is unlikely to be a level of care afforded the building and surrounding environment.
- Previous planning decisions; A similar, albeit smaller, development proposed to change a care home to a 10 bed HMO on Madeira Avenue (ref AWDM/0467/15) was rejected in early 2015 with the following reason; "The proposal by virtue of the number, size and type of bedrooms proposed and the lack of adequate kitchen, washing and bathroom facilities fails to provide a wide choice and mix of high quality residential accommodation to address the needs of the community. The proposal therefore fails to comply with Policy 8 of the Worthing Core Strategy and the National Planning Policy Framework, which seek to provide a wide choice and mix of high quality new homes."
- We feel that identical issues exist with this application, and in fact are of a significantly larger scale due to the HMO being over twice the size of the proposal on Madeira Avenue and that it should be rejected for the same reasons.
- Equally, we feel the desire to maximise the most profit should not be considered relevant in determining a planning application. As outlined previously, there was interest to retain the care home by an existing WSCC registered proprietor.

- We feel that the property should remain as a care home, or, converted back into individual family homes (as it was previously), similar to the homes built opposite the Splashpoint swimming pool which, as a development of family homes, all sold and are lived in and demonstrates the demand locally for family accommodation. While we understand that there may be financial issues associated with both of these approaches we do not feel that those issues should drive the approval of a scheme that will be massively detrimental to the community environment in and around Selden Road.
- In conclusion we would note that the application was made just before the Christmas/New Year period. No doubt hoping to benefit from a pressurised and busy time of year to reduce responses. Like many others, affected by the demands of this time of year, we have had to leave our response until now. In the past couple of days we have attempted to visit a couple of neighbours to hear their views on the proposal. Neither had received any notification of the proposals, something that was surprising to both them and us. They both thanked us for informing them of the development and they have submitted their own responses. Our greater concern here is that we have only been able to speak to two neighbours in this regard and our concern is that others living in the immediate vicinity of this development have not been consulted. The neighbours we were able to catch at home informed us that they have responded to other recent proposals (No 39) and this demonstrates that it is highly likely that they have responded if they had received the information.
- Quality of life for neighbours and residents would be greatly reduced squeezing so many people into such a small area, perhaps the application could be amended to support 2-3 bedroomed flats for a reduced amount of families?
- The application for a 22 room HMO will have a huge and negative impact on the look and feel of this part of Selden Road. There will be an increase in noise, traffic and waste pollution that will result from the unsustainable increase in population density with possibly up to 44 adults potentially living at this address. The nature of the proposed development into 22 bedsits with only 2 shared kitchens will necessarily only appeal to single adult tenants on low incomes who are unlikely to have a long term interest in or commitment to the local community. There are already 2 planning applications (one pending at 39 Selden Road and one approved at 28 Selden Road) which will substantially increase the population density. This application comes when there is a need for balanced development in our road to include family housing and long term residents with a positive commitment to the local community. A previous application for a 10 HMO dwelling in Madeira Avenue was rejected last year and I urge you to reject this much larger development in light of the need for a more balanced approach to the development of housing in this small part of Selden Road.
- I request that it is considered in the overall context of other permissions and applications in this road. Despite being only a few doors away from the property, like other residents at the top end of the street we were not notified of this application and only discovered in when talking to neighbours. We then discovered that they had also not been notified of the recent application concerning no 39 Selden Road. I am concerned that two applications have been made that would substantially alter the nature of the road, in both cases without some of the relevant neighbours being properly consulted. This



probably gives a lower number of objections to each, compared to the number if the whole road had been properly consulted.

- We fully understand and agree with provision of mixed housing within the Worthing area. In context, I point to the fact that we bought our house last year knowing already that Delaney House is located in Selden Road (a hostel for people recovering from alcohol and addiction problems). I mention this to illustrate that our concerns are not of a NIMBY nature and that we fully agree with providing varied kinds of accommodation. However, I think that mixed high-density accommodation should be spread fairly across the whole of the Worthing area, not squashed into one road.
- There are already other high-density permissions and applications in Selden Road. No 28 is currently being converted to 8 units. No 39 was given permission for conversion to 12 units, with a more recent application for a further 7 units. If no 22-24 is given permission for a further 22, the combined effect is that there could suddenly be an extra 49 residential units on this end of the road alone. I consider this unacceptable for the following reasons.
- Parking. Like many neighbours, we do not have off-street parking. There is additional pressure on parking in the street due to the Alexandra Pub in the road, nearby hospital visiting, and shops and businesses round the corner in Lyndhurst Road.
- 2) Change of the character of the road, making it an area of temporary transitory residents rather than a settled community.
- 3) Noise and nuisance. Unlike Delaney House which is a managed residential unit, the proposal for Eldon Lodge is for an unsupervised HMO. I think it is naïve to believe that the HMO would be lived in by doctors, nurses etc. An unsupervised HMO of 22 small units seems very unsuitable in a quiet residential area.
- This is very unwelcome as Selden has in recent months showed signs of improving towards a pleasant mixed family area.
- There are too many HMOs in the vicinity and any increase in the concentration in our area seems to be contrary to both Council Planning Strategy and local amenity.
- Whereas before, it was a nursing home for the elderly, 22 HMO bedsits would bring a significant increase in cars to the area.
- The Police comment that HMOs are associated with anti-social behaviour and so this would seem to be bringing known problems in to our area.
- Over-development in a road with several HMOs either existing or in development compromising the safety and amenity of existing residents as up to 44 additional residents move into the area. This low quality development will only attract tenants with no alternative but to share one of the two kitchens and will presumably move on as soon as possible resulting in a high turnover of tenants with no commitment to the wider community.
- The proposed development will change the character of the area. Rather than being an area predominantly of families and retired people, there will be a very large number of people only living in the area for brief periods of time, which will harm the settled community.
- It is currently very difficult to park on Selden Road / Church walk. With an additional 22 residences, leading to the potential of an extra 44 parking permits, will mean parking will become practically impossible.
- Another recent local development of a conversion of a large house into 3 flats, required 3 parking spaces to be provided. The planning officers were

very particular about this point. This proposal offers no additional parking spaces and as mentioned above, will add a huge amount of pressure to an already busy area, with residents and staff from both the hospital and HSBC using it every.

- There are a great deal of multiple occupancy houses in this area, and an additional 22 units in a single building will make matters considerably worse, with the known risks of increased anti-social behaviour (as per the Police's statement). I do not believe that the landlord will be able to attract the kind of tenants that they are hoping for.
- This low quality proposal only offers a single parking space. Selden Road and the surrounding area has no capacity to provide parking for any future developments, let alone the potential for an additional 22 permits.
- My home is next door to Elton Lodge and I am sorry to have seen this community resource, which provided significant employment, close. There had been interest from other local care home owners to buy it but as sometimes happens, a higher premium is often available from developers who see opportunities to squeeze a cash premium from every square inch (and 22 dwellings is certainly squeezing!). This led to the offers made by owners of existing care homes to be rejected by the vendors (despite the offers matching and exceed the original asking price).
- This kind of development is not supported by strategic decisions taken by Cllrs previously. In Worthing's Core Strategy 2011, which sets out the vision for Worthing to 2026, there is discussion on the need to protect employment opportunities in the town. Strategic Aim 6 (p74) focuses on Enabling Regeneration, through development opportunities and says there will be a presumption against the loss of land/buildings currently in employment use or last in use for employment purposes. I believe this is of particular significance for Selden Road as our area is already identified as an area called a Local Neighbourhood Improvement Area (LNIA). This simply means that we are an area that the council acknowledges needs to be managed and supported to improve the lives of a high number of vulnerable people and people on low incomes/unemployed. Removing local employment opportunities does not do this.
- Selden Road already has a high number of Houses of Multiple Occupancy and as has been stated if other peoples objections, there are already plans in place for further developments of this kind in the road.
- Those who live here know our community and we have people of all ages, skills, education, income and needs. The community already supports a high number of people with particular needs and has a high density of single occupancy accommodation arrangements already. We have in recent years seen a rapid expansion in the number of homes turned into flats. These have been done well but there is a balance and a tipping point that can affect and change the positive sustainability of a community. The two properties to the north of Elton Lodge are Houses of Multiple Occupancy (HMOs).
- Of course it may be claimed that the cost of refurbishment or development of Elton Lodge as a nursing home again is uneconomic although, as previously stated, interest was shown to retain it as such which would appear to contradict such a claim. However, if it is to be accepted that we lose the local employment the nursing home provided, then we propose that alternative family housing developments should be supported.

- The area needs families in family homes that are here longer term to keep the community well balanced. This is my personal view but it is also well supported by Councillors as represented in the Core Strategy.
- At 3.44 we are told that there is an imbalance in terms of the housing within the town. There is a low stock of larger properties and that a significant number of family homes have been lost through redevelopment and conversion in recent years. If the nursing home is to remain closed, we propose that the site should be developed to provide 2 / 3 bedroom family homes. The strategy emphasizes the need to have the right mix of housing and we propose that a 22 bedroom block sited immediately next to other large HMOs is not respecting the need to find the right mix.
- Developments present a unique opportunity to bring forward a balance of new housing, including more family housing than has been achieved over recent years. (at 3,47)
- We have excellent local schools, both primary and secondary, and exemplary health care services. Children would be able to access both without need of transport and have the incredible seaside as playground. Objective 4 of the strategy says family homes [must] be retained in appropriate locations. I believe Selden Road to be a very appropriate location for some family homes that will also help demonstrate improvements in the LNIA. Indeed the strategy says (at 7.9) it is imperative that family homes are brought forward to provide diverse housing that contributes to sustainability of communities. Further emphasized at 7.10 and 7.11 it says the main objective is stop the domination of small flat developments and ensure they are not the principal type of development in the town. I would strongly urge our councillors to consider these already agreed assessed priorities when considering this application.
- The introduction to the Strategy states decisions are not made in isolation, but are properly co-ordinated with a focus on promoting the principles of sustainable communities with meet the diverse needs of existing and future residents and are sensitive to their environment, and contribute to a high quality of life.
- I hope the above introductory statement in the Core Strategy holds true today. Councillors have the very important role of making decisions that can determine whether a community flourishes and thrives or slides into HMO wilderness and as this application is to be discussed by the planning committee, I hope they will consider my comments and observations.
- The proposed development would mean a serious level of over-development alongside the other HMOs already in existence or in development on Selden Road. In addition, the planning department refused permission for a much smaller HMO (10 rooms) on Madeira Road - this development with potentially 22 rooms and 44 occupants represents over-development with the prospect of loss of general amenity and peace and quiet in Selden Road.

24 signed copies of statement below received from near neighbours;

*Just before Christmas we received a notification from Worthing Borough Council of a planning application to convert Elton Lodge, the large care/nursing home in our road, into a housing development that will consist of 22 individual 'dwellings'.*

*The 'closing date' for any objections to the planning application was in January but this has been extended. From conversations we had with some neighbours it was clear that many had not received notification of the planning application.*

*This was of particular concern as the few neighbours we were spoke with all subsequently registered objections. We spoke with local Councillor, Mr Keith Bickers and he raised the issues with the planning department for us. We are thankful for his intervention in two regards.*

*Firstly, due to the number of concerns already raised, it was decided that this application will be decided by Planning Committee and not council employees.*

*Secondly, our CM. Mr Bickers was concerned that local residents had not received notification letters. The Council agreed to re-send these and you should have (hopefully) received it. The closing date for submitting comments is now this Friday, 12th February.*

*We are directly next door to Elton Lodge and are sorry to have seen this community resource, which provided significant employment, close. There had been interest from other local care home owners to buy it but as is so often the case, a higher premium is often available from developers who see opportunities to squeeze a cash premium from every square inch (and 22 'dwellings' is certainly squeezing!).*

*This kind of development is not supported by strategic decisions taken by our Cllrs previously. In Worthing's Core Strategy 2011 document, which sets out the vision for Worthing to 2026, there is discussion on the need to protect employment opportunities in the town. Strategic Aim 6 (p74) focuses on 'Enabling Regeneration' through development opportunities and says "there will be a presumption against the loss of land/buildings currently in employment use or last in use for employment purposes". I believe this is of particular significance for us in Selden Road as our area is already identified as an area called a Local Neighbourhood Improvement Area (LNIA). This simply means that we are an area that the council acknowledges needs to be managed and supported to improve the lives of a high number of vulnerable people and people on low incomes/unemployed. Removing local employment opportunities does not do this.*

*We know our community and we have people of all ages, skills, education, income and needs. The community already supports a high number of people with particular needs and has a high density of single occupancy accommodation arrangements already. We have in recent years seen a rapid expansion in the number of homes turned into flats. These have been done well but there is a balance and a 'tipping' point that can affect and change the positive sustainability of a community. The two properties next to Elton Lodge are Houses of Multiple Occupancy (HMO's). That will mean the top half of the road has 2 existing HMO, 7 flat blocks (plus a house converted into two flats) and 4 family homes.*

*Of course it may be claimed that the cost of 'refurbishment' or development of Elton Lodge as a nursing home again is uneconomic (despite interest having been shown). However, if it is to be accepted that we lose the local employment such a substantial nursing home provided then we propose that alternative 'family housing' developments must be supported.*

*The area needs families in family homes that are here 'longer term' to keep the community well balanced. This is our personal view but it is also well supported by Councillors as presented in the Core Strategy.*

*At 3.44 we are told that there is an "imbalance in terms of the housing within the town. There is a low stock of larger properties and that a significant number of family homes have been lost through redevelopment and conversion in recent years". If the nursing home is to remain closed, we propose that the site should be developed to provide 2 or 3 bed-roomed family homes. The strategy emphasizes the need to have the "right mix of housing" and we propose that a 22 bed-roomed 'block' cited immediately next to other large HMO's is not respecting the need to find the 'right mix'.*

*"...developments present a unique opportunity to bring forward a balance of new housing... including more family housing than has been achieved over recent years". (at 3,47)*

*We have excellent local schools, both primary and secondary, and exemplary health care services. Children would be able to access both without need of transport and have the incredible seaside as playground. Objective 4 of the strategy says "family homes [must] be retained in appropriate locations". We believe Selden Road to be a very appropriate location for some family homes that will also help demonstrate improvements in the LNIA. Indeed the strategy says (at 7.9) it is "imperative" that family homes are brought forward to provide "diverse housing that contributes to sustainability of communities". Further emphasized at 7.10 and 7.11 it says the main objective is stop the domination of small flat developments and ensure they are not the principal type of development in the town.*

*The introduction to the Strategy states "...decisions are not made in isolation, but are properly co-ordinated with a focus on promoting the principles of sustainable communities with meet the diverse needs of existing and future residents and are sensitive to their environment, and contribute to a high quality of life".*

*We can only hope the introductory statement in 2011 of a vision for Worthing through to 2026 holds true today. Councillors have the very important role of making decisions that can determine whether a community flourishes and thrives or slides into HMO wilderness.*

*If you support the view that the community is better served either by the existing nursing care home providing employment opportunities or the development of a row of terraced family homes as opposed to a very squashed 22 bed-roomed 'dwelling' that in no way will provide a decent quality of life then please register your concerns on [Planning Application website](https://piannina.adur-worthing.gov.uk/onfine-applications/) at <https://piannina.adur-worthing.gov.uk/onfine-applications/> the planning reference is AWDM/1828/15*

*Alternatively, if it is easier for you, please just sign this letter and drop it through our letter box (No 20) and we will submit it as your objection to the proposed development along with ours at the end of the week. If you chose that option, you will need to write out your name and address as well as signing it — the council will*

*not accept it as 'another persons' comments unless identified with individual names and addresses.*

## **Planning Appraisal**

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.

The main issues for consideration are:-

- i) The loss of a care/nursing home and principle of conversion to HMO
- ii) The impact on the character of the area and amenities of future and neighbouring occupiers including anti-social behaviour.
- iii) Impact on access and parking.
- iv) Other environmental impacts

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

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

As such the proposal should be principally assessed in relation to the presumption in favour of sustainable housing development as set out in paragraphs 14 and 49 of the NPPF and informed by saved Worthing Local Plan Policies H18; TR9 and RES7 and Core Strategy Policies 7, 8, 15 and 16, and The National Planning Policy Framework.

## **Principle of loss of care/nursing home and conversion to HMO**

There is an acknowledged growing need to provide care/nursing home accommodation for the elderly, notwithstanding the extensive provision already made in the borough. However, there are no policies protecting care/nursing homes in the Core Strategy and the principle of loss could not be resisted. Accordingly, there is no requirement to demonstrate unviability but the applicant has indicated that resumed use of the building as a care/nursing home would not be viable due to the costs involved in meeting the requisite standards and age and condition of the building. In support of this he has explained that marketing for over a year was undertaken but no offers received for a care home, despite price reductions.

Neither, are there are any specific Development Plan policies directly governing HMOs in the Core Strategy, other than the broad and generally supportive Core Strategy Policy 8 which includes the statement; *The Core Strategy will deliver a wide choice of high quality homes to address the needs of the community.* This would include HMOs and to this extent the proposal would advance this broad aim.

Provision of HMOs as proposed is not inconsistent with the geographical preferences of Core Strategy Policy 8 and supporting Guide to Residential Development Supplementary Planning Document. These accept that higher density housing (which would include HMOs) is appropriate in and around the town centre. Selden Road, being less than 400 ms from the eastern boundary of the town centre and on the door step of the Hospital falls into this category of “around town centre. “ As a neighbourhood, it has a strong established presence of NHS (nurses) bed sit accommodation in Lyndhurst Rd and Horton Court, as well as market bedsits and residential institutions, characteristic of such areas, alongside the family housing. The fact that the applicant reports the marketing of the property did not attract any offers for such residential conversion is consistent with their claims over the unviability of conversion to flats/houses.

That said, conversion to flats or family houses would be supportable under Core Strategy Policy 8 and would equally meet a recognised need but cannot be compelled.

There is increasing recognition that HMOs/bedsits do meet a rising market demand for low cost, if basic, residential accommodation. The cost of accessing home ownership; the shortage of social housing to rent; economic hardship and structural changes to the economy, as well as reforms to the housing benefit system have all contributed to increased demand for this type of affordable and flexible, if lower quality, accommodation. Certainly, such accommodation has been and continues to be important for many of the poorest and most vulnerable in society but also key workers and those requiring short term lets for work or other reasons. The demand for such accommodation in and around the town centre and inner suburbs is evidenced by the increased registration of HMOs by Environmental Health Officer and granting of recent planning permissions at 2-4 Southey Road and Queens Lodge, Queens Road.

Provision would contribute marginally to meeting the Borough's housing provision target in Core Strategy Policy 7 but more particularly to the growing need for low cost small accommodation in the town and this weighs importantly in the balance.

**The impact on character of the area and the amenities of future and neighbouring occupiers, including anti-social behaviour**

The proposal involves no significant external physical works and so issues such as overlooking between neighbouring properties would remain unaffected.

The main potential for impact would be the way in which the accommodation was used and how that impacts on the area.

Certainly, this would be a large HMO. However, the planning history indicates that the whole of the property has been used as a residential institution from 1987 onwards and No 22 was in use as bedsits before that. In some ways the intensity and character of the proposed HMO use is not considered to be so significantly different to the historical use of the property, bearing in mind the similar number of rooms/occupation as the care home and visitors and care staff who generated traffic/activity.

Nonetheless, concerns are understood over potential impacts upon the residential character of Selden Road, not least through anti-social behaviour problems and changes to social balance brought about by a large HMO.

The Police in the form of the Crime Prevention Design Adviser have, principally, commented on the application in respect of the physical ways in which the property can be made secure and safe and deter crime. However, he does note that *the level of reported crime for Worthing is just peaking above average when compared to the rest of Sussex whilst crime levels at this location are low when compared to the surrounding areas*. He does not comment on clustering of HMOs but does note: *Historically there are cases where HMO's have given rise to instances of Anti-Social Behaviour (ASB). To reduce the risk of this occurring there will need to be stringent management control of tenancies. This could be implemented as a condition of planning*.

Whilst the Safe Communities Team raise concerns over *concentration of people/dwellings in a small space and would be detrimental to the demographic of the current area*, no specific evidence to link this in this instance with increased risk of anti-social behaviour problems has been advanced. In commenting on a recent previous application to convert Queens Lodge, Queens Road, to a large HMO, the Safe Communities Team noted HMOs were an issue for the West End Local Action Team covering that area in the sense that there was a concentration of housing that is deemed poor and that the community is very transient. Some HMOs had been troublesome in recent times, mainly due to the nature of the placements. This had been of particular issue when care leavers/ independent living schemes have used HMO's and there had been little to no supervision for those who are very vulnerable/ unfamiliar with living without supervision.

The views of the Police Inspector involved in the West End LAT in the same application for 10 bedsits at Queens Lodge Queens Road remain relevant on the



link between HMOs and anti-social behaviour. Whilst he had concerns about the wider issues, including impact of the street community and unlawful drug use/supply, he had no formal objections to the proposed new HMO. This was upon the basis that there is no evidence to suggest the new HMO would lead to an increase in crime and disorder, although their experience suggests some HMOs can be problematic and are not always desirable. However, he noted this very much depends on those who eventually occupy the building.

This is echoed by the comments of the Environmental Health Officer who has advised that the applicant has engaged with them prior to submission and is confident that the property will be free from serious hazards and comply with the Management of Houses in Multiple Occupation (England) Regulations 2006. He also notes the real prospect of extending regulatory controls over such accommodation in reforms currently being entertained by Government. Above all, he notes that *It is my experience that a well maintained and managed property is less likely to experience issues of antisocial behaviour, particularly in the long term.*

No figures on levels of HMOs in the Selden Road broader area have been supplied by the Environmental Health Officer but it is noted that there appeared to have been only 40 true HMOs (i.e. bedsits/shared houses) in the West End Local Action Team area, in the order of 2% of dwellings in that area. This clearly represented a low level of geographical concentration, whatever appearances and for the wider Selden area, it is doubtful if this is significantly higher.

Whilst a run of three HMOs would result from the proposal (Nos 26, 28 and the application site), this, in itself, would be insufficient justification for resisting the proposal on clustering grounds, without real evidence to support contentions of demonstrable harm.

The abiding view remains that the risk of antisocial behaviour problems relates directly to the quality of the management and cannot be presumed.

The supporting statement by the applicant appears to also give some reassurance over management and includes the aspiration that; *Elton Lodge will be transformed into a High End HMO providing affordable, safe and well managed rental accommodation for professional workers within the town.* That said, it would not be appropriate to seek to control the type of tenants who occupied the bedsits or the management regime. It would, nonetheless, be appropriate to restrict the use so that the property was not subsequently converted to a hostel or residential institution.

Turning to the regulation of HMOs under other legislation, the Environmental Health Officer has previously explained in response to other similar applications the safeguards available under other legislation including Parts 1 and 2 of The Housing Act 2004; The Management of Houses in Multiple Occupation (England) Regulations 2006; and Section 79 of The Environmental Protection Act 1990. This suggested such controls are adequate but did further advise that there are powers under the same Act for Councils to introduce selective or additional licensing of HMOs in areas where there is evidence of persistent anti-social behaviour problems or allied ineffective management of HMOs. The case for such is subject to ongoing review.

In terms of planning controls, whilst some metropolitan authorities have Plan policies governing *studentification* of certain neighbourhoods where problems related to character/ crime and disorder/ access to housing arise, the Council has no Development Plan policies which specifically seek regulation of HMOs and other uses such as care homes/hostels and facilities for vulnerable groups on such grounds. It may be appropriate to review the case for such (and any case for any allied Development Order to remove current permitted Development Rights which allow any house to convert to an HMO of 6 bedsits or less without the need for any planning application) in the forthcoming Core Strategy Review process but current indications of densities offer limited support for this.

That said, the neighbour amenity, including anti-social behaviour, is a legitimate concern on all applications and is subject to the general tests of saved Worthing Local Plan Policy H18 and The National Planning Policy Framework. However, from the above it is apparent that there is no compelling evidence of existing problems which would likely be unacceptably exacerbated by the proposal. Accordingly, a refusal along these lines would not be justifiable. Nor would it normally be appropriate to control such matters as type of tenants, especially given the controls available under other legislation.

It is noted that a similar application (AWDM/0467/15) to convert a nearby care home at The Victoria Parkview, 7 Madeira Avenue to 10 bedsits was refused contrary to officer's recommendation at the July 2015 meeting of the Planning Committee, amidst similar concerns by residents over the impact on the area of another HMO. The grounds for refusal were:

*The proposal by virtue of the number, size and type of bedrooms proposed and the lack of adequate kitchen, washing and bathroom facilities fails to provide a wide choice and mix of high quality residential accommodation to address the needs of the community. The proposal therefore fails to comply with Policy 8 of the Worthing Core Strategy and the National Planning Policy Framework which seek to provide a wide choice and mix of high quality new homes.*

This is centred on the quality of the facilities themselves rather than the principle of an HMO; geographical concentrations of such or changes to character/impact on anti-social behaviour.

This is not an issue in the case of the current application as the Environmental Health Officer indicates it complies with relevant requirements and it is apparent that the property overall provides an acceptable quality of accommodation in itself; is close to all facilities and benefits from a garden.

The size of the HMO overall is rather large in this case and exceeds the Government Guidance on designing out crime in HMOs through the Secure By Design scheme which discourages HMOs of more than 6 bedrooms. However, such large HMOs are not without recent precedent. Planning permission was granted in 2014 to convert a former care home to 25 bed sits at 2-4 Southey Road under AWDM/0271/14 in a town centre fringe area where flats, HMOs and residential institutions increasingly prevail and not too dissimilar to the Selden Road area.

The fact that the site falls within Local Neighbourhood Improvement Area - groups of electoral wards within West Sussex, which have been locally identified as the most deprived areas in the county is noted. However, The Communities Team advises this is not amongst the most deprived in the borough, nor is it a priority for action. Nonetheless, the provision of low cost housing as proposed would help meet a recognized local housing need.

Refuse storage arrangements appear to be satisfactory and can be controlled by condition.

### **Impact on access and parking**

Concerns over parking pressures are noted, especially in the light of the proximity to the hospital and Pub.

However, the site is sustainably located close to the town centre, public transport and local facilities.

Parking demand from an HMO in such circumstances is likely to be substantially less than the maximum standards prescribe (0.5 spaces per bedsit) of 11 spaces.

Whilst this is more than the 8 or so spaces prescribed as the maximum standard for a care home, the difference is not that marked.

The applicant has amended his plans to retain the existing vehicular access and include one formal parking bay in the drive but there is physical space for up to 3, whatever the practicalities of managing this space.

Here it is with noted that, with just 3 parking spaces, the care home appears to have operated without ill effect against the parking notional shortfall, presumably using the street to meet any overspill demands.

The applicant aims to do likewise and has submitted an on-street parking capacity survey to demonstrate that sufficient capacity exists locally overnight when existing Controlled Parking Zone controls do not apply and pressures are perhaps greatest. The fact that there is no waiting list for residents' parking permits in this zone also suggests adequate parking supply and many of the properties in the road benefit from off street parking anyway.

The proposed secure sheltered parking will also support modal choice and help dampen the demand for car use.

On-street parking is, in any event, regulated by the Controlled Parking Zone and the property's wide street frontage itself provides 4 parking bays.

The proposal does not alter access arrangements.

The Highway Authority raises no objections.

Due account of the potential impact of the proposed development at 39 Selden Road had been taken.

The test in the National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Officers share the view of the Highway Authority that it is not considered that the proposed change of use application would give rise to an impact that could be considered 'severe'.

### **Other Environmental issues**

The site is not in a recognised flood risk area.

### **Conclusions**

The loss of the care home is regrettable but cannot be resisted. An HMO is not significantly out of step with the history of the property's use and meets an accepted need for such. The Environmental Health Officer is satisfied that the accommodation is adequate and there are satisfactory regulatory controls to avoid harm to neighbours. Whilst concerns over changes to character are understood, no compelling evidence of existing anti-social behaviour problems which would likely be unacceptably exacerbated by the proposal have been advanced. Access and parking are acceptable.

### **Recommendation**

Approve subject to the following conditions:-

1. Three years to implement use.
2. Implement in accordance with approved plans.
3. Provide car and cycle parking and domestic waste storage
4. No use for hostel or residential institution

### **Background Papers**

Observations by the Highway Authority  
Observations by the Drainage Engineer  
Observations by the Environmental Health Officer  
Observations by the Police; Crime Prevention Design Adviser  
Observations by the Safer Communities Team  
Representations by Members of the public

Application Number: AWDM/1111/14

Recommendation – APPROVE

Site: **Builders Yard North of 14 Highfield Road Worthing**

Proposal: **Continued use of premises for printers and allied office and storage and allied improvement works including retention of single storey side extension, replacement of existing attached front storage building with new flat roofed building, single storey extension, construction of new front garage and reconstruction of south boundary wall with new entrance gate.**

Applicant: Mr Duncan Aspden  
Case Officer: Peter Devonport

Ward: Tarring



**Not to Scale**

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### Site and Surrounds

The site is a small, L- shaped, former builders yard (278 sqms in size) at the northern end of Highfield Road, close to Poulter's corner and occupied since the spring of 2015 as a printers and allied office and storage.

The site comprises four elements. Firstly, an open area at the front where access via a pair of large mesh gates is located. Secondly behind this, an open fronted and part open-sided tall single storey structure spanning the width of the site and a legacy of the former builders yard, where materials/etc were stored. Thirdly, beyond this, a two storey pitched roof building, historically used as a workshop for the former builders and now used primarily for offices with some ancillary storage and printing/assembly. This was refurbished in the winter of 2014 and spring of 2015 and retains several windows, includes a pair of doors, at first floor level facing westwards (to the front) as well as one window south. Lastly, where the site wraps

round to the south adjacent to the two storey building on land formerly used by the builder's yard for enclosed storage, a flat roofed single storey side extension to the main offices has also been added recently, similar to a scheme approved under a 2003 planning permission (WB/02/01371/FULL).

It is flanked by a vehicle repair garage to the north, which has recently seen the demolition of a substantial outbuilding close to the common boundary, which itself has been recently rebuilt. Vehicular access is obtained from Highfield Road.

To the east is a block of lock up garages in the rear service yard of a block of flats fronting Rectory Road.

To the south is an end of terrace Edwardian house converted into 2 x two bedroom flats in (07/1531/full) 2008. The flats are set back from the common boundary with the builders yard by a side passage which also wraps around at the rear and serves both the application site and the flats. The boundary itself is marked by a one metre plus tall brick wall and the storage structure and two storey building and the closest part of the rear yard to the flats is screened by a taller solid timber fence behind the passage and adjacent to the application site's side extension. Whilst there are windows at the rear of the flats (including two serving bedrooms at first floor), the one ground floor window directly facing the site (ie north elevation) serves a kitchen and is high level and the one first floor window facing north serves a landing. The upper floor flat to the south is accessed via an external stairs at the rear with small balcony.

Apart from the garage and builders yard, Highfield Road is a residential street comprising attractive Edwardian houses, some converted to flats and a care home. There are no parking restrictions in the street.

There is limited planning history with permission granted in 1970 for the storage enclosure and the permission for the side extension in 2003. The builders yard's operation is otherwise unrestricted.

## **The Proposal**

The proposal as originally submitted was prospective as follows:

*Change of use to office and storage and distribution centre for printing business. Refurbishment and reconfiguration of existing covered store including two-storey front extension to west elevation, single storey side extension to south elevation and erection of garage at entrance of site.*

However, as the property has been occupied and operational from the spring of 2015, the application is now part retrospective in that it seeks to regularise the primary use and the building works already carried out (i.e. refurbishment of two storey building and construction of new side extension).

The application remains partly prospective in relation to the proposals to replace the single storey front storage building; build a new front garage and construct a new boundary wall with No 14.

The form of the proposed physical works has been revised over time. Original plans to build two storey front extension have been downscaled to the replacement front extension. The side wall is however a feature of the revised scheme.

The nature of the proposal has been clarified since the original submission. As it now stands, it comprises a printers but for the most part laid out and used as offices with ancillary storage and distribution for a printing business. It replaces the former building yard which had been vacant for some time.

The stated current machinery used is as follows :

- Three Xerox 7400 Phaser office type printers
- One Ideal 4810-95EP guillotine
- Three table top padding presses
- Three manual Renz DTP wire binders
- One Vacuumatic tabber
- One Horizon perfect binder

The applicants report any other machines that they purchase will be of the same type as the above and will be bought just to improve efficiency and productive capacity - at no stage will litho printing presses be used.

Crucially, main printing is off site.

The retained rear two storey office building and the single storey side extension is used for offices, albeit the upstairs of the two storey building is not operational at the moment. Windows have been replaced at first floor and ground floor level facing west and south together with rooflights. A walled garden is to be formed in the curtilage of the single storey extension abutting the southern boundary with the flats in Highfield Road.

The proposed single storey front extension (replacing the existing storage building) is flat roofed and would be used for ancillary office/meeting room as well as distribution and storage and possibly a limited amount of printing and assembly. This is 9.5 to 10 ms long and 3.1 ms tall and spans the width of the site. This would have glazed door to the west and high level windows on its flanks, including glazed part roof on its southern side. It is to be rendered with felt roof and minor element of cladding.

The new flat roofed front garage is 6ms long, 4.3 ms wide and 2.5 ms tall. It is windowless but incorporates gates at each end.

An open yard would be retained between the garage and single storey front extension.

Stated operational hours are 8am to midnight all days but the applicant has agreed to limit these to 8am to 6pm Monday to Friday and 9am to 5pm Saturdays but allowing office use only up until 9pm on such days.

Five staff are to be employed.

The boundary wall to the south would be increased in height to 1.8 ms and rendered with timber panelling above and incorporates a gate from the adjacent path.

The rationale for the current application and the nature of the business proposed have been clarified by the applicant in the following statement.

*1) Four of the staff are family - we have space for three vehicles - one in the garage, one on our drive and the other blocking the drive. No-one will be affected by staff vehicles*

*2) Any work outside normal hours will purely be office work*

*3) Deliveries and collections will take place in normal working hours. Vehicles will be unable to access the site and the garage will be a drop off and collection point*

*4) Our in house printers are digital machines which make no more noise than a normal office printer - there is no noise to mitigate*

*We are a family business that have rented premises in Washington for the past three years and our lease on those premises expired on 11/12/14. In the summer of last year I decided that I would like to buy a property from which to run the business rather than paying rent. We saw the premises which are the subject of the application and thought they would be ideal bearing in mind the previous use and the potential for expansion on the site. As a Company we are relatively small but do have ambitious expansion plans one of which is to move into Europe, America and Canada which is an area that we have recently started to explore.*

*I need to make it clear that we do not, nor have any wish to, start a printing business. I am unsure where this mis-representation has come from but we do not and will not have printing machinery on the site other than two or three normal Xerox printers for doing drafts for Clients etc. The premises at Highfield Road will purely be used for design, marketing, administration, accounts and padding – no more than any other office. ...I want to clarify that the existing and new (applied for) extension will be office use.*

*As far as the opening hours go I feel again that this needs clarification. We are a family business and I personally do other work apart from assisting with Branded Pads. All my work is office based and there are times (in fact quite regular) times when I work from my office at night – such as now for example. Any work that will be done outside normal office hours will be more or less the same as anyone else would do with a home office computer and will affect no-one in the neighbourhood in any way whatsoever.*

*The objections seem to relate to there being a business in the premises in the first place and I do agree that it is a residential area but one that is nevertheless suitable for offices. We will have enough room in the existing premises (including the new extension currently being built for which PP is already in place) for the next six/twelve Months so, even if permission is granted, work will not take place for some time. If you believe the objections are justified and you feel the application is more suited for residential use then we can see how the business expands during*



2015 and if things go as planned, look for alternative premises and reapply on that basis.

## Planning History

Application Number	Development Description	Decision	Decision Date	Appeal Decision	Appeal Decision Date
<a href="#">02/01371/FULL</a>	Demolition of single storey timber building and construction of a brick replacement building and new WC's and alterations to existing two storey building	GRANT CONDITIONAL CONSENT	05-02-2003		

WB/74/70 Alterations and erection of roofing over existing builders yard Approved 3.2.70

## Consultations

### Highway Authority

The change of use from a builder's yard to a printing business has been considered by WSCC as the Local Highway Authority. WSCC raise no objection subject to any conditions attached.

The impact on the highway would not cause any material capacity issues, nor does it raise any highway safety issues and the former use as a builder's yard would have been more intensely used.

The applicant proposes to employ 5 people, and parking of these vehicles to take place on the properties driveway, or on-street. The applicant has said that there will be no client or supplier visits to the site; and the largest delivery vehicle would be a small van.

In summary the proposed change of use will not create an intensification of use as such WSCC raise no objection. The Local Authority should make sure that any parking or loading/unloading of vehicles associated with the implementation of the refurbishment shall be contained within the site to avoid congestion on the highway and avoid obstruction to the access.

### Environmental Health Officer

Condition the application to the details stated in his email and the quiet work can go till midnight (external lighting necessary?).

## Representations

Objections have been received from, principally to the earlier scheme from 4, 13 and 14 Highfield Road (including owner); 3, 17 Chantry Road; and Becket Road Residents Association; raising the following concerns;

- Building works at unsocial hours and disturbance and disregard
- Occupiers of flats at No 14 Highfield Road are young families
- Over development that will enclose garden of No. 14 and overlook garden
- This area is already blighted by traffic using the roads to cut through. It is a residential area and to allow a business such as this to operate will mean additional traffic, parking and noise including heavy vehicles collecting and delivering.
- Any change of use should be for residential use to be in keeping with the surrounding area.
- If the plans have to be approved this should be done so only with strict conditions on when the premises can be used (both for deliveries, parking and printing), level of noise permitted restricted to low levels and appropriate glazing installed to reduce noise levels. Large vehicles should only be allowed access directly to and from the Littlehampton Road and not via Highdown Avenue, Chantry, Highfield or Northfield Roads and not permitted to park in Highfield Road.
- Lack of understanding that the applicant has for what is a solely residential street, excluding the care home which also houses elderly people.
- The property has always been a builders yard and of commercial use, however it was never intended to be used for anything more than a builders yard, as going back to the history of the street of which the applicant has no obvious knowledge it was the original builders yard which the builders used over 100 years ago to build the houses in this street.
- They say that they are expanding and that 95% of their printing is being done at factories away from the office and delivered to them a couple of times a week, where they then collate the goods and make ready for delivery to clients. This means that there will be extra commercial traffic delivering 95% of their products to the property and their products being sent out from the property by commercial means. The road is a very narrow residential street we live in where our children cross to play with neighbours and is not suitable for commercial vehicles to come in and out a couple of times a week as quoted by the applicant.
- By extending the building there will be no parking space for their staff on the drive way of the premises and as it is there is a shortage of parking for the residents who live in the street, never mind a commercial property with a number of staff, clients, commercial deliveries, etc.
- Hours of operation between 06:00 and 23:59, which is absolutely ridiculous in a residential area, regardless of their noise levels.
- By extending at the side they will be overlooking all the gardens of the side of the street the property
- This scheme will not be an improvement but will create more irritation for the residents and friction between the owners of the property and the residents. It is not fit for commercial use as a Printing company and the extensions proposed are not acceptable.

- strong objection of the double story extension and garage, as the double storey extension will allow for direct views into our garden and the garage will not enhance the image of a classical residential street but will also create parking issues in the street.
- will increase commercial traffic in a residential street with young children around, decrease residential parking of residents who live in the street and disrupt a civil right to privacy within one's home
- This property was built as a builder's yard and has been operated as such for decades. At the height of its business, there would be 1 or 2 vans loading at around 8:00am and unloading at around 4pm, with occasional visits to the yard during the day. All loading was done on site. The office was operated by one or two personnel whose vehicles were parked on site.
- Highfield Road is a small residential side road that has already been allowed to develop way beyond that which the infrastructure can cope with.
- The plans make no provision for on-site parking. The application states there is currently no on-site parking - this is incorrect. Presently there is room for at least 3 vehicles to be parked on-site. The plan states 5 members of staff - where will they park? Highfield Road is at bursting point as it is.
- There is no provision for on-site loading - where will goods be loaded? I can only assume this will have to take place on the road which, given the parking issues as noted above, could cause traffic obstructions, and potentially be dangerous for ambulances accessing Bay Trees Nursing Home.
- The proposal is for it to change to a manufacturing facility. The application makes no provision to protect the neighbourhood from being seriously damaged by noise.
- Previous highways dept. surveys of the road concluded that traffic levels were unacceptably higher than usual for a road of this type. Allowing this development will make this worse due to the vastly increased activity on the site.

### Becket Residents Association

Becket Residents' Association represents the majority of households (active membership of 73 households - approximately 75%) in the five streets surrounding and including the proposed site. In common with some other recent planning applications we have serious concerns about the impact of extra traffic and on-street parking brought about by commercial businesses either starting up or expanding in our compact residential streets. You will by now be familiar with our views on the 'rat-run' situation that afflicts our area.

Feedback from our membership points to two main topics of concern: Additional parking demand in Highfield Road.

The Supporting Statement says that "our own vehicles would be kept... in the appropriate parking space for the property on the road." We submit that in this street that is already crowded with on-road residential parking, we can see no appropriate parking space. We would therefore urge the Council only to approve the application on condition that there is no on-road parking impact. We also note that there is no statement of parking provision on the site in the Application, so if all 5 employees come to work by car, this would place pressure to park on-street. Residents of Highfield Road are already blighted by on-street parking by employees of Becket Motor Works and Baytrees Nursing Home.

## Hours of Operation

The planning permission sought by the Applicant is for operation is from 8am until 23.59 and 7 days a week. This is inappropriate and unacceptable for the residents living adjacent and opposite the site. We believe normal office hours of operation be imposed as any condition of planning approval.

## Response to latest revisions

### 14 Highfield Road

I can see nothing within the amended plans that satisfies me that any of the concerns raised previously by neighbours have been addressed. The amendments fail to provide adequate parking and will increase congestion in the area. Operational hours also appear to be unchanged. All my previous concerns raised remain.

## **Planning Appraisal**

The main issues raised by this application are;

- Principle of change of use
- Impact on amenity of neighbouring properties
- Visual impact
- Traffic and parking impacts
- Other environmental impacts

As such the proposal should be assessed against Core Strategy Policies 4 and 16 and Saved Worthing Local Plan policies RES7, H18 and TR9 and National Planning Policy Framework and allied Practice Guidance.

### Principle of change of use

The previous use as a builder's yard was possibly a B8 use (storage/distribution) but more likely a sui generis use, comprising a mix of office /storage and workshop. Its operation appears to have been unrestricted.

A change of use to one of primarily offices with ancillary storage and printing, as part of a wider printing business is more likely to be a B1 use but may also arguably fall into a mixed sui generis use itself.

The resumption of a business use at this long established employment site after a period of vacancy is welcome.

The proposal will provide jobs and contribute to the local economy.

To secure business use, a condition to prevent any future use of Permitted Development rights to residential purposes is justified.

### Impact on amenity of neighbouring properties

The site is located in a transitional area between the Neighbourhood centre at Littlehampton Road, flanking a garage business to the north and garage court to the east but is also close to flats to the south and opposite and Highfield Road is an overwhelmingly residential street.

The character of the new business use is one that lends itself to such a location-essentially an office use, low-intensity with only modest and ancillary storage and printing operations. This is underlined by the fact that whilst initial reactions to the prospect of the new use were hostile from local residents and complaints were received in winter of 2014 and early 2015 over the disturbance caused by the actual building works so far undertaken, no complaints or objections have been received over the actual use since it started in earnest in the spring of 2015, despite re-consultation (though none of the earlier objections have been withdrawn either).

The important exception is from flat 1 at No 14 which is closest to the site of all neighbours. In March 2015, these occupiers remained opposed to the principle of the use, whilst raising specific objections to the two storey extension then proposed (and now withdrawn); traffic and general disturbance. A response to the last round of consultation in December 2015 echoed previous objections including parking and operational hours.

It is also instructive to compare the proposed use with the very real fallback scenario of resumed use as a builder's yard which would have the potential to be a source of disturbance as the use is unrestricted.

The use appears to have bedded down without significant impact of its operations on any neighbour. Safeguards to control operations may be secured by condition. These would include restricting operational hours to 8am to 6pm Monday to Friday and 9am to 5pm Saturdays but allowing office use only up until 9pm on such days; no access on to the roof of the existing or proposed single storey building in front of the two storey building except for emergency and maintenance; prevent any printing equipment other than that listed by the applicant as used except as agreed in writing by the Local Planning Authority; and controls on any external lighting.

Turning to the physical works, the refurbishment of the existing two storey building does not materially impact on any neighbour with pre-existing openings more or less unchanged.

The single storey side extension is similar to that previously approved and is actually smaller. It is well screened from the adjacent neighbour.

The replacement front extension is similar in siting and form to the existing. The south facing windows are largely screened by the proposed raised boundary wall /fence and construction of such may be secured by condition. The impact is far less than the two storey extension originally proposed.

The front garage is domestic in scale and follows the building line. For the most part, it adjoins a blank flank wall of no 14, the exceptions being a landing window and high level kitchen window to the ground floor flat. Given the garage sits to the north and respective distances and form of the window, no unacceptable impacts on outlook or natural light would arise.

The raised common boundary wall provides security and screening for the adjacent flats adjacent to an established access path. The new gate does not impact on amenity or security.

A condition to prevent any further openings in the south side of the garage; and single storey front extension and south and east elevation of the two storey building is justifiable in the interest of privacy.

### Visual impact

The new physical works largely replicate those existing or approved. The front garage is domestic in scale and respectful of building lines. The works harmonise well and would improve the appearance of this otherwise vacant and tired looking site.

### Traffic and parking impacts

The existing access is unchanged and a hardstanding retained in front of the garage.

The proposal makes limited provision for parking and there is equally limited provision for servicing.

However, traffic demand from staff, visitors and deliveries appear to be very modest for this generally low intensity use. Again the situation should be compared with the fallback of any resumption of builder's yard use where deliveries could be more intensive.

Highfield Rd is recognised as a rat-run but this proposal is unlikely to materially affect matters.

The Highway Authority considers that no material intensification would result and offers no objections.

### Other environmental impacts

The site is next to a garage which is identified as potentially contaminated and so a precautionary condition is recommended.

Surface water drainage may be addressed by condition.

## **Recommendation**

Approve subject to conditions (summary)

1. 3 years to implement
2. Build in accordance with approved drawings
3. No use for printing other than ancillary to the office use and such use limited to use of the following equipment except as agreed in writing by the Local Planning Authority

Three Xerox 7400 Phaser office type printers

One Ideal 4810-95EP guillotine

Three table top padding presses

Three manual Renz DTP wire binders

One Vacuumatic tabber

One Horizon perfect binder

No use of litho printing presses.

4. Restrict operational hours to 8am to 6pm Monday to Friday and 9am to 5pm Saturdays but allowing office use only up until 9pm on such days
5. No access on to the roof of the existing or proposed single storey building in front of the two storey building except for emergency and maintenance
6. No external lighting
7. No occupation of the replacement front extension unless and until the raised boundary wall /fence has been built.
8. No openings in the south side of the garage; and single storey front extension and south and east elevation of the two storey building.
9. Agree and implement surface water drainage
10. Precautionary land contamination
11. Notwithstanding the General Permitted Development Order no permitted use for residential purposes.
12. Details of facing materials.
13. Method statement for construction/demolition works including dust suppression.
14. Restrict hours of construction /demolition to 8am to 6pm Monday to Friday.

**Application Number: AWDM/1848/15**

**Recommendation – REFUSE**

**Site: Ground Floor Flat 130 Rowlands Road, Worthing**

**Proposal: Single storey rear extension**

Applicant: Mrs Elizabeth Wade

Ward: Heene

Case Officer: Rebekah Smith



**Not to Scale**

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### **Proposal, Site and Surroundings**

The site relates to a semi-detached two storey house on the northern side of Rowlands Road that has been converted into two flats. The property dates back to the 1900's and was converted to two flats following permission in 1962. The application relates to the ground floor flat. There is a small single storey addition at the rear of the main building. The adjoining dwelling at No. 128 has a slightly deeper rear single story addition and an attached rear store/shed building adjacent to the common boundary.

Permission is sought for a single storey rear extension following removal of most of the existing rear single storey structure. The extension would measure 7.92 metres



in depth taken from the existing two storey rear wall and 3.98 metre in width, set in from the boundary by approximately 0.3m. The existing side wall and part of the roof of the existing structure would be retained in its current form incorporated into the new addition and a new flat roof is proposed which would measure 3 metres in height approximately. There would be a roof lantern protruding approximately 0.5m above the height of the flat roof. A combination of matching brickwork and cedar cladding is proposed with PVCu windows and doors. The extension would form a new bedroom/sunroom and bathroom.

### **Relevant Planning History**

AWDM/0822/15- Construction of garden shed to house mobility scooter. Approved 14.07.2015

AWDM/0515/15 – Proposed increased width of opening in front wall to allow vehicular access, dropped kerb, paving to front side and rear. Approved 04.06.2015

08/0747/FULL - Conversion of one bedroom flat into two self - contained flats with single storey rear extension and alterations to implement the use. Refused on 05.09.2008 for the following reasons:

*The nature of the proposed access arrangements for the new two bedroom flat via the side passage would, by reason of the overlapping activity between occupiers of the new flats and the increased movement of people, be unsatisfactory and would lead to disturbance, visual intrusion and a loss of privacy between the two sets of occupiers as well as neighbouring residents. As such, the proposal would be detrimental to the amenities of the occupiers of the neighbouring dwelling (132 Rowlands Road) and the future occupiers of the proposed dwellings. Furthermore, the proposal would provide a cramped and unacceptable form of accommodation for the type of flats proposed, lacking in outdoor amenity space and would be detrimental to the living conditions of future occupants. As such, the proposal conflicts with Saved Worthing Local Plan 2003 Policies H13 and H18 and Saved West Sussex Structure Plan 2001-2016 Policy DEV1, and PPS1: Delivering Sustainable Development.*

*The proposed extension, by reason of its siting, design, layout and height, would fail to relate well to the existing property, representing a discordant and incongruous feature out of character and detrimental to the visual amenities of neighbouring properties. As such, the proposal conflicts with Saved Policies BE1 and H16 of the Worthing Local Plan 2003 and Saved Policies DEV1 and CH1 of the West Sussex Structure Plan 2001-2016.*

### **Consultations**

None relevant

### **Representations**

Two identical representations have been received from the adjoining occupier at No.128 and one representation has been received from the owner/s of the first floor flat objecting to the proposal on the following grounds:

- Privacy, Light and Noise – concern that the extension would be overbearing and loss of light/overshadowing to neighbouring garden (the neighbour states that they plan to move their own shed because of overshadowing)
- Loss of general amenity – loss of garden amenity space for future occupiers
- Overdevelopment – concern that the size of the extension would be excessive in relation to the current flat footprint
- Out of keeping with the size and scale of other extension in the area
- Impact on trees and landscaping

A supporting statement has been received from the applicant which has been forwarded directly to Members of the Planning Committee and the applicant has sent several detailed emails and letters of representation in support of the application and responding to concerns raised.

### **Relevant Planning Policies and Guidance**

Worthing Core Strategy (WBC 2011): 16  
 Saved Local Plan policies (WBC 2003): H16, H18  
 Design Guide 'Extending or Altering Your Home' (WBC)  
 National Planning Policy Framework (CLG 2012)

### **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**

#### ***Design and Visual amenity***

The National Planning Policy Framework advises in paragraph 56 that 'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people', and in paragraph 64 that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

Scale, density and site coverage are important aspects of design that contribute to the overall quality of the living environment. The proposal, which would extend 7.9 metres in depth into the rear garden (including the section that would replace and enlarge the existing bathroom) and at nearly 4 metres in width, would be

excessively large and result in a limited garden area of 7.5 metres in depth which would be uncharacteristic.

There is some variation to sizes of rear gardens in the vicinity of the site but generally the depth of rear gardens are between approximately 10 and 15 metres and are relatively narrow for the size of dwellings at between approximately 5.5 metres and 7.5 metres. Officers have suggested to the applicant that a reduction in the overall depth of the extension to a maximum of 6.5 metres (taken from the two storey rear wall) would be a reasonable compromise to meet the applicant's needs whilst allowing a more satisfactory garden area to be retained which would more closely follow the pattern of development in the vicinity and reduce the impact on neighbouring occupiers, but this has not been agreed to by the applicant and so the application is considered on the basis of the 7.9 metre deep extension.

Whilst the detailed design of the proposed extension and use of materials would not in themselves cause any significant harm to visual amenity, it is considered that the size of the extension and the resultant loss of the garden area would represent a cramped overdevelopment of the site which would set a harmful precedent in the vicinity of the site for similar proposals which cumulatively would be harmful to the character and appearance of the area.

### ***Residential amenity***

The use of the rear garden is purely for the ground floor flat and so although there is one rear window in the main rear wall of the building where a view of the extension may be possible, there would be no significant impact to the amenities of the occupiers of the first floor flat in terms of loss of light, outlook or privacy.

The adjoining dwelling to the east at No.128 has a single storey addition and timber shed/store attached to the rear of that, extending along the common boundary to approximately 6 metres in depth. Although it is noted that the neighbouring occupier, in their representation, states that they intend to move their shed because of overshadowing, the application must be assessed on the basis of the current site conditions. Although the proposed extension would be large and visible in part from the rear garden of No.128, the presence of the neighbours own rear structures act to enclose the rear garden at No.128 and there are no windows to habitable rooms that would be affected. The neighbours own rear additions would act to screen much of the development, avoiding any significant harm to the amenities of occupiers of No.128.

To the west, there is a separation distance of approximately 6 metres between the side walls of the two storey rear projections of No. 132 and the application property and a 1 metre high (approximately) wall forms the common boundary with some shrubs up to 2-3 metres in height within the applicants garden forming a hedge along part of the boundary. There is also a recently constructed shed within the application site adjacent to the boundary on this side. The depth of the extension has potential to increase the sense of enclosure and be overbearing to the neighbouring occupiers at No.132 where there are ground floor rooms served by rear and side windows which would be further enclosed by the proposed extension and where side windows in the proposed extension could overlook. However, the existing shrubs and applicants shed already encloses the area immediately outside

of the neighbouring windows, obscure glazing could be installed to avoid overlooking, and the neighbouring occupier has not objected, therefore on balance it is considered that a refusal would not be justified on neighbour amenity grounds alone.

### **Recommendation**

**REFUSE** for the reason(s):-

Having regard to the scale and pattern of development in the locality, the proposed rear extension would, by reason of its excessive size, notably its depth in relation to the host dwelling and garden area, represent a cramped overdevelopment of the site. If permitted the proposal would set a harmful precedent for further similar proposals related to other dwellings in the site vicinity, the cumulative effect of which would be harmful to the existing character and appearance of the area resulting in overdevelopment. The proposal is therefore contrary to Core Strategy policy 16, Saved Worthing Local Plan policy H16, and the National Planning Policy Framework.

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9<sup>th</sup> March 2016

**Application Number: AWDM/0063/16**

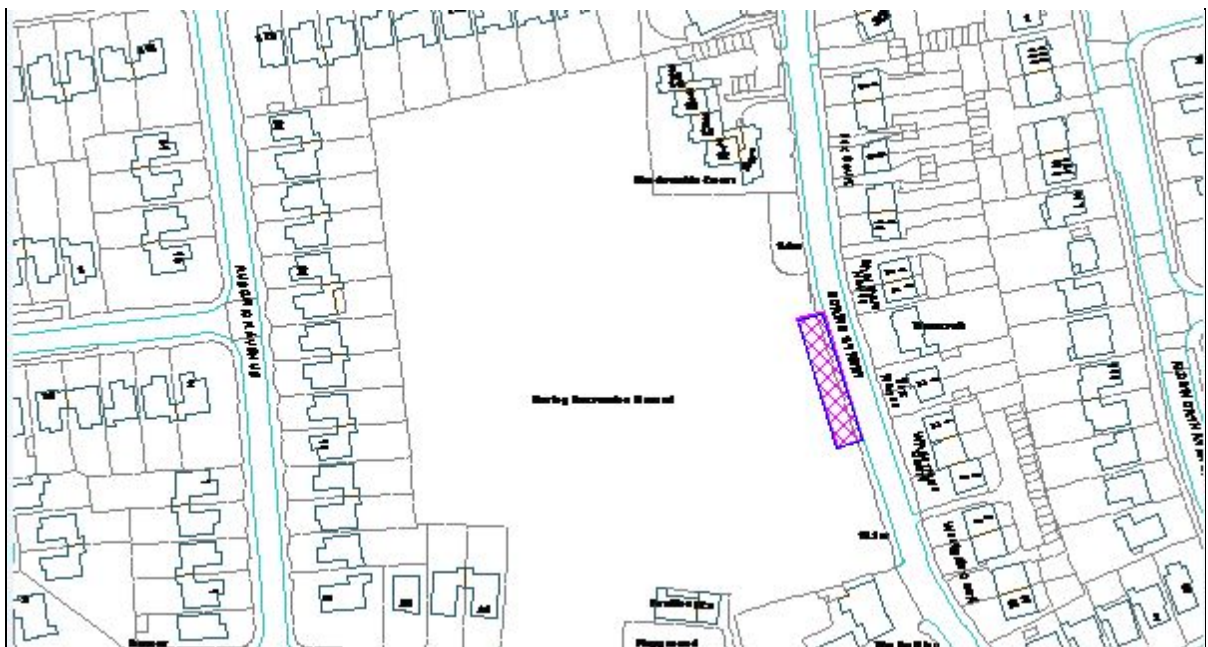
**Recommendation – APPROVE**

**Site: Recreation Ground Goring Fernhurst Drive Worthing West Sussex**

**Proposal: 5 no. 10 metre high steel posts 10 metres apart; de-mountable netting between posts**

Applicant: Mr Justin Tay  
Case Officer: Eve Hearsey

Ward: Goring



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## **Site and Surroundings**

The application relates to Goring Recreation Ground which adjoins Goring Street to the east and Fernhurst Drive to the south. The Recreation Ground adjoins the rear gardens of bungalows in Goring Way and Rudgwick Avenue to the north and west. To the north-east it adjoins the grounds of Meadowside Court, a series of 3-storey residential flats. The Bull's Head Public House, a Grade II listed building lies to the south-west. There is a pavilion building to the south side of the Recreation Ground together with a children's play area and a cricket practice cage. There are trees growing around most the perimeter edges of the Recreation Ground.

There are 5 no. 10 metre high flag poles positioned adjacent to the eastern boundary with Goring Street, on the inner side of the line of trees along this boundary. These flag poles are used to attach netting, which is hoisted up when cricket matches are being played on the Recreation Ground to prevent balls straying across Goring Street towards the residential properties on the other side of the road. The flag poles are 10 metres apart.

The Bull's Head is located within the Goring Hall Conservation Area. A narrow strip of the Conservation Area extends approximately 80 metres further northwards to encompass a section of flint wall which delineates part of the eastern boundary of the Recreation Ground with Goring Street.

## **Proposal**

Permission is sought by the Council's Technical Services Department to replace the existing flag poles with 5 no. new 10 metre high steel posts spanning a distance of 40 metres running parallel to the eastern boundary wall. It is proposed to install a demountable system of mesh netting in-between the posts. The netting will be attached by tracking to the posts. The purpose is to stop balls straying from the Ground during match play thereby preventing damage to parked cars and property.

The new posts will be positioned largely within the same position as the existing flag poles, sited 3.5m from the existing flint boundary wall and inside the existing line of trees. The new posts will be set in concrete 1.5 metres into the ground and will consist of a two part mechanism. The lower part being a 5.5m high 'H' section (up to 4 metres above ground) with the upper part comprising a box section steel support post slotted within the 'H' section to an overall height of 10 metres and fixed in place by 3 no. 'U' bolt clamps.

The proposed nets will consist of polypropylene 50mm mesh mounted onto the posts by a pulley system. Each net will be 5 metres wide and 8.2 metres tall installed at a height of 1.8 metres above ground level. There will be a fixing point on the posts, and a wire at this height to hold the nets in place at 1.8 metres in the lowered position. It is intended that the nets would be at a height that is relatively easy for cricket club members or grounds maintenance staff to access them from a small step ladder. The polypropylene netting is resistant to bacteria, mildew and other micro-organisms, and is not ingested by insects.

Details submitted in support of the application state:-

*"The benefit of this system is a stronger more rigid framework to carry the nets. This allows the system to take a greater loading limit allowing the nets to be left in situ for longer periods of time. In simple terms the nets can be left up and in position for wind speeds reaching 40-45 mph. Also there will be less maintenance required from a club perspective in the fact that the nets are only lowered when wind speeds dictate or at the end of the season when you need to take nets down and stored for winter months. By removing the nets at the end of the season this will also help their longevity giving more use over a longer period of time."*

It is understood that the current proposal has come about as a result of instances where cricket balls have escaped the Recreation Ground and strayed onto the residential properties on the other side of Goring Street with the associated risk of damage. Although there is an existing system of netting in place, it is understood this has not been effective and consequently a more robust solution has been sought.

## Relevant Planning History

There are no planning records relating to the existing flag poles but it is understood they were erected in 2010.

## Consultations:

**Adur and Worthing Councils:** The Council's Tree and Landscape Officer comments:-

*"No objection to this proposal and consider that the installation and use of this netting system will not have a detrimental effect on the adjacent trees."*

**WSCC:** The County Ecologist has raised no objection commenting:-

*"The net gauge for this type of fencing is typically thick and easily seen/echo located by birds and bats. The nets will run parallel with the tree line rather than across them, so impact is negligible."*

**Representations:** Three letters of representation have been received from residents raising the following points:

- Can you confirm who will be responsible for them being closed when the cricket is not taking place?
- Are you aware the nets are also used as goal posts, climbing frames and hanging clothes, bags on throughout the year, rain or sun?
- It is good to see the nets replaced, but I'm not sure I want some teenager waving at me when he has climbed up the nets. Will there be someone to close up the nets when cricket is not taking place?
- Accidents – who will be accountable?
- Damage to nets – who will be liable – or will residents watch them being damaged over the year?
- High winds – who will take responsibility if they damage our properties on coming loose from the ground due to vandalism or weather etc.?
- As a property owner opposite and in the line of the cricket pitch, I fully support the application.
- However, feel a better design option would be a permanent steel mesh type of safety netting of 30 feet in height, as is found on the north and west boundaries of the recreation ground. This will be more durable and not prone to the inevitable weather and vandalism damage that has occurred to the existing de-mountable type of netting. Its longer lifespan would no doubt make it more economical in the long run. As this type of netting would be permanently up, it would ensure public safety at all times and would not be subject to technical issues and problems in raising a demountable type of net, as cricket is played regardless of whether the safety netting is up or not.
- Are the replacements in the same position or additional ones to extend the length of protection given?
- If replacements, are they the same height?

- Should planning be for replacements, consideration should be given to the height of the netting being extended upwards as the current height has not been adequate in preventing cricket balls hitting my property.

## **Relevant Planning Policies**

Saved Local Plan policies (WBC 2003): H18  
Worthing Core Strategy (WBC 2011): Policies 11, 16  
National Planning Policy Framework (CLG 2012)  
National Planning Practice Guidance

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**

### ***Principle***

There is no objection in principle to the proposed development which is consistent with policy 11 of the Core Strategy which seeks to protect and enhance existing indoor and outdoor recreation provision. The proposal has come about as an endeavour to protect existing residential properties while maintaining a well-used recreational facility. The key considerations are the effects of the proposed posts and demountable netting on the residential and visual amenities of the locality, as well on the character and appearance of the nearby Conservation Area, and the setting of the Listed Bull's Head Public House.

### ***Visual Amenity***

The proposed posts are 10 metres in height and will be evident in the streetscape, although their visual prominence will be mitigated by the fact that they are positioned close to a line of trees, which are some 8 metres or more in height. It is considered that a colour for the new posts, such as green, will further help the posts assimilate with their surroundings and reduce their visual impact.

The proposed netting will cover some 328sqm in area when in place, which will be a more conspicuous addition to the streetscape. However, the polypropylene netting is available in black, green or white, and it is considered that if the netting were to be green, it would help the netting to visually dissipate (particularly when the trees are in leaf). Bearing in mind the proposal is located within an existing recreation ground where one would expect such items that are linked with sports activities the effects would not be so stridently out-of-place or harmful to visual amenity as to warrant refusal on these grounds.



### ***Residential Amenity***

The posts and netting will be positioned approximately 25 metres from the front elevation of the closest properties in Goring Street. Although they will be evidently conspicuous, particularly when the nets are in place, they are considered to be sufficiently well separated distance from these properties so as not to be demonstrably intrusive or overbearing.

### ***Effect on the character and appearance of the Conservation Area and the Setting of the Listed Building***

The proposed posts are indicated as being positioned just outside of the strip of Conservation Area which encompasses the adjacent flint wall and some 40 metres from the grounds of the Listed Building to the south. The Council's Conservation Architect has raised no objection to the current proposal and it is considered the posts and demountable netting system are sufficiently well removed as to have no adverse effect on either the setting of the Listed Building or the character or appearance of the Goring Hall Conservation Area.

### ***Other Matters***

A number of queries have been raised by third parties in relation to the potential misuse of the posts/nets resulting from anti-social behaviour and possible safety implications. These have been forwarded to the Council's Technical Services Officer to report on any risk assessments that have been undertaken in drawing up these proposals and Committee will be updated of the response at the meeting.

### **Recommendation**

**APPROVE** subject to Conditions:-

1. Standard 3 year time limit
2. Build in accordance with the approved submitted drawings
3. Agree the colour of the posts and netting

**Local Government Act 1972**  
**Background Papers:**

As referred to in individual application reports

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## **Schedule of other matters**

### **1.0 Council Priority**

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

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

### **5.0 Community Safety Issues (Section 17)**

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

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

### **7.0 Reputation**

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

### **8.0 Consultations**

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

### **9.0 Risk Assessment**

- 9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

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

## **14.0 Financial implications**

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