



Planning Committee  
29 June 2016

Agenda Item 4

Ward: ALL

Key Decision: Yes / No

**Report by the Director for the Economy**

**Planning Applications**

**1**

**Application Number: AWDM/1640/15      Recommendation – Approve**

**Site:            The Montague Centre, Liverpool Road, Worthing**

**Proposal:      Construction of new freestanding glazed kiosk and change of use of units 1 and 2 and 6 to 12 to create A3 floorspace at Montague Shopping Centre, and public realm improvements, including landscaping and other associated works.**

**2**

**Application Number: AWDM/0301/16      Recommendation – Approve**

**Site:            The Elms, 66 Broadwater Street East, Worthing**

**Proposal:      Conversion of public house into 5 flats with proposed roof dormers to each of north, south and east elevations and two rooflights to west elevation. Part of existing car park on south side to be retained for flats. Erection of a terrace of four 3-bedroom houses to rear of public house on land to west.**

**3**

**Application Number: AWDM/1861/15      Recommendation – Approve**

**Site:            Providence Works, 27-33 Lyndhurst Road, Worthing**

**Proposal:      Redevelopment of the existing tyre centre, car sales and MOT yard to accommodate 9 new residential dwellings (4no. 2 bed houses, 3no. 3 bed houses and 2no. 4 bed houses) with private external amenity spaces and associated works including parking provision for 11 cars, access and landscaping.**

**4**

**Application Number: AWDM/0449/16 Recommendation – Approve**

**Site: 100-108 Montague Street, Worthing**

**Proposal: Demolish existing redundant warehouse storage rooms attached to existing retail premises, replace with a pair of three storey two bedroom semi-detached dwellings with gardens and access from Crescent Road.**

**5**

**Application Number: AWDM/0577/16 & Recommendation – Approve  
AWDM/0578/16**

**Site: Land Site Adjacent to Swan Hotel, High Street, Worthing**

**Proposal: Change of use of land to south from open space to beer garden for the Swan public house, in addition to the erection of a new serving kiosk building with decking to form outdoor seating area, and erection of fence and gates with planting around outer boundary, and access gates from existing rear yard.**

**6**

**Application Number: AWDM/0599/16 Recommendation – Approve**

**Site: Parade Flats, Field Place Parade, Worthing**

**Proposal: Addition of 2nd floor in the form of a mansard roof to whole block to provide 5no. two-bedroom flats (three with balconies to south elevation) and communal amenity space surrounded with glass balustrading and close-boarded fencing at first-floor level on south elevation. Extend height of existing extraction flue for ground floor hot food takeaway on south elevation. Provision of new bin store and 5no. double stack bike lockers to rear (south).**

**7**

**Application Number: AWDM/0104/16 Recommendation – Approve**

**Site: 16 Arundel Road, Worthing**

**Proposal: Retention of outbuilding at southern end of rear garden for use as aviary (part retrospective).**

8

**Application Number: AWDM/0568/16      Recommendation – Approve**

**Site:            22 Sompting Road, Worthing**

**Proposal:      Application to vary conditions 10 and 17 of previously approved AWDM/1199/15. Amendments: amend trading hours of Unit 4 to add 2pm-6pm on Saturdays and 10am to 4pm on Sundays. Increase by 205sqm and re-positioning of warehouse fronting Sompting Road.**

9

**Application Number: AWDM/0633/16      Recommendation – Approve**

**Site:            Glaxo Smithkline, Southdownview Way, Worthing**

**Proposal:      Application for variation of conditions 23 and 24 of approved AWDM/0311/14; condition 23 sports field used as car parking and condition 24 western car park and entrance area for construction parking, storage and offices, to be extended for one year to June 2017.**

10

**Application Number: AWDM/0458/16      Recommendation – Approve**

**Site:            Maybridge Keystone Centre, Raleigh Way, Worthing**

**Proposal:      Proposed yurt, composting toilet, combi-greenhouse and potting shed and retention of existing shelter. (Revised Proposal repositioning the composting toilet and removing all compost toilet waste from the site).**

11

**Application Number: AWDM/0492/16      Recommendation – Approve**

**Site:            Worthing Leisure Centre, Shaftesbury Avenue, Worthing**

**Proposal:      Replacement white powder-coated aluminium double glazed uPVC glazing and doors to entrance to cafe and creche on south elevation.**

Application Number: AWDM/1640/15

Recommendation – APPROVE

Site: The Montague Centre, Liverpool Road, Worthing

Proposal: Construction of new freestanding glazed kiosk and change of use of units 1 and 2 and 6 to 12 to create A3 floorspace at Montague Shopping Centre, and public realm improvements, including landscaping and other associated works.

Applicant: New River Retail (UK) Ltd  
Case Officer: Gary Peck

Ward: Central



Not to Scale

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*This application was deferred from the last meeting so that further information could be provided to the Council by the applicant.*

### Proposal, Site and Surroundings

This application seeks the change of use of units 1-2 and 6-12 of the Montague Centre from Use Class A1 (Shops) to A3 (Restaurants and Cafes). The application also proposes to create a new free standing glazed kiosk, also to be A3 use, in the northern part of the pedestrianised area of the Centre.

The applicants are New River Retail, who are experienced shopping centre operators. In the supporting information submitted with the application, they state that a similar scheme has been undertaken in Leamington Spa where change of use consents to A3 allowed high quality restaurant operators such as Nando's, Les Iguanas, Gourmet Burger Kitchen, Turtle Bay, Wagamama and Yo Sushi to occupy previous A1 units that may have been left vacant. In respect of the Montague Centre, it is stated that a number of leases expire in the next 12 months which are likely to result in vacancies if the units can only be used for A1 purposes, yet there is significant interest from A3 operators to use the units.

The applicant has owned units 12 and 13 within the Montague Centre since 2010 (the latter unit being the occupied TK Maxx and does not form part of the application). In 2014, the applicant acquired the remainder of the Centre.

The key elements of the proposal are:

- New paving throughout the Montague Centre
- Removal of shopfront canopies and replacement with individual retractable awnings
- New shopfront strategy
- Removal of existing trees and planting for replacement trees
- Provision of new street furniture
- Removal of pigeon netting and façade cleaning

At present units 1 and 2 are occupied by Laura Ashley. Unit 6 is occupied by Toy Barnhaus, Unit 7 by Select (a clothing store), Unit 8 by Clinton's Cards, Unit 9 is vacant, Unit 10 by Stacks (luggage, handbags, accessories), Unit 11 is vacant and Unit 12 occupied by Verb, a clothing shop.

Unit 3, occupied by Game, Units 4 & 5 occupied by HMV, and unit 13, occupied by TK Maxx do not form part of the application.

While there could be some flexibility in how units 6-12 could be subdivided, the application shows 6 new A3 units, 1 of which would be at the Laura Ashley premises, 4 within units 6 and 12, and the remaining unit within the proposed new kiosk

The application site is located within the Conservation Area. Close to the rear of the units to the west are residential properties within Alexander Terrace, and beyond the listed buildings of various uses comprising Liverpool Terrace. The eastern approach to the Montague Centre is framed by retail uses within Liverpool Buildings. The entrance to the Centre itself is wider from the east, with sycamore trees occupying a central and prominent location.

### **Supporting Information**

The applicant states in their Executive Summary in the Design & Access Statement submitted with the application:

*'New River Retail's commitment to enhance the Montague Centre shopping experience combined with identified demand and known undersupply of*

*restaurants of Worthing, sit at the heart of our change of use proposal. The intention is to create a restaurant destination that compliments and strengthens Worthing's existing offer.*

*The proposed units are ideally located at the entrance to the Montague Centre. The restaurants are intended to enhance the sense of arrival, compliment the public realm and mesh with the retail offer in the local area. It is anticipated that dwell time will be greatly enhanced in a centre that sits well below average for dwell time across our 28 shopping centres in the UK. Our ambition is to deliver high quality finishes which compliment but do not compete with the surrounding environment. The public realm improvements are intended to deliver an 'Oasis' in the heart of Worthing and link to the recent West Sussex County Council improvements on Montague Place.*

*Our intention is to channel the demand for restaurant accommodation and secure operators who share our ambition to deliver something special in this prominent and sunny location.'*

Following the deferral of the application at the last meeting, the applicant commissioned a report to provide an independent analysis of the health of Worthing and the benefits of the introduction of the proposed A3 uses.

The executive summary with the report states:

*Leisure occupation in GB town centres, driven by changes in the way that we shop and consume, over the last five years has increased by the largest amount of any classification type at +16%. Across the South West this figure rises to a highly significant +26.2%. Worthing is severely behind its peers in terms of adapting its Leisure offer with an increase of only +7% in the same period. This report examines the impact of being out of sync with the national trend and the opportunity that is being presented by NewRiver Retail.*

*LDC explores how an increase in quality A3 provision has positive ramifications in not only increasing A1 occupancy rates, but also how it acts as a catalyst for increasing spend and dwell times within the town as a whole, which offers much needed benefits to existing A1.*

*Some A1 retailers are currently struggling. Recent administrations of Bhs, Brantano Footwear, Austin Reed and Beales only serve to prove this. Many traditional A1 retailers have to re-gear their offerings, as they are overspaced. Our report examines Laura Ashley and how they have reduced their high street presence by -24.2% in less than 3 years.*

*Gap analysis – the number of F&B [Food & Beverage] operators who are not present in Worthing, but are present in similar towns is 18, which indicates a clear opportunity for both new occupiers and Worthing in a unsaturated market.*

*A3 retail creates four times as many jobs for a local economy than A1 retail, as shown by Byron who employ on average 32 people in a restaurant compared to Carphone Warehouse who employ 8.*

*The new A3 occupiers will improve Worthing's LDC/Morgan Stanley Health Index from 10 to 17, moving it above Chichester in terms of its retail attractiveness.*

*With Worthing becoming a F&B hub, vacancy rates in the town centre are expected to drop as more retailers will be attracted to the town due to the boost in footfall and dwell times leading to more shoppers engaging with the local retail.*

*Worthing would expect an increase in footfall to the town centre if these plans are approved. A comparable development in the East Midlands saw a footfall rise by +12% within a year after completion. This scheme became the principal food and leisure destination with Nando's, Las Iguanas, Turtle Bay, Yo! Sushi, GBK and Côte.*

The detail of the report explains that while the number of retail occupiers is growing, this is at a slower rate than leisure uses, which include café's and restaurants. The report states:

*The alternative to F&B would be the introduction of more Charity shops, Hair salons and Discount stores, as these are the fastest growing A1 retailers who would be most likely to occupy the space. This would have an undesirable effect on the town centre.*

The report further states:

*Worthing saw growth across all classification types from 2010 to 2015. Convenience retail saw the fastest growth, with a +33% increase from 2010 to 2015. Leisure occupiers grew by +7%, which is well below the GB average for the period of +16%.*

*Within Worthing, no F&B (Leisure) classification type is in the top 20 categories for oversupply, when compared to the regional average.*

*Investment is clearly required in order to attract high quality A3 retailers to prevent Worthing from further slipping behind consumer led national trends.*

In relation to Laura Ashley, the report states:

*Laura Ashley has seen its store numbers drop from 132 stores in 2013 to 117 stores in 2016. Its' store closures have mainly been on the high street, with high street stores falling from 62 in 2013 to 47 in 2016 (-24.2%). Two Shopping centre units have been closed in Intu Merry Hill and Buttermarket shopping centre (Ipswich) in the last 12 months out of a total of 28 shopping centre units (24% of total portfolio). It has also downsized in Grosvenor shopping centre (Chester) in the last 12 months. In the last 12 months it has increased its store numbers on retail parks by one and its focus is on it's*

*out of town offer. Overall the company is reducing its estate across GB, due to fierce competition and new profitability challenges brought on by the new Total Retail environment of in-store, online and mobile.*

The report concludes:

*This evidenced based report clearly shows that Worthing has not followed national trends or changes happening in peer towns with regards the growth of its food and beverage offer. The leisure offer within any retail location is now core to its success, as consumers want to visit destinations that encompass shopping, experiences/activities, eating and drinking. This has to encompass all age groups and be relevant to the target catchment's spend profile.*

*Shopping centres can be a great asset to a town centre when well managed and operated and NewRiver Retail has a track record in this respect and has identified six strong F&B operators who would serve Worthing well and add to its attractiveness and footfall. As such it would have a wider impact on the existing retailers by increasing footfall and dwell time which ultimately will lead to an increase in spend. Worthing has the affluence to sustain this.*

*Examples of towns where the shopping centre detracts from a town centre and has zero investment or interest from a landlord abound and one such example is the Riverside Centre in Evesham.*

*We believe, having analysed national trends, regional trends and changes taking place in similar towns that Worthing is in need of additional A3 occupiers if it is to remain a competitive location in a very competitive environment between drab towns, destinations and the all-encompassing internet and its power to keep people away from our high streets.*

*Traditional shopping (A1) is no longer the reason that people visit towns and therefore towns have to offer a destination of experiences, diversity, entertainment and as the last five years have shown, places to eat and drink. Blending the day and night-time economy is key and modern operators such as Bill's, Côte and Prezzo do exactly that.*

*We advise Worthing that it needs to change and must change if it is to maintain its relevance in the modern world of destination management and more importantly if it wants to grow and enable the existing retailers and leisure operators to run successful and profitable businesses which will in turn benefit the Worthing community, economically and socially, in the wider sense.*

A rebuttal statement has also been submitted by the applicant's agent in response to the previous committee report and this is included in the Consultations section below.

### **Relevant Planning History**

AWDM/0136/14 (Units 1 & 2): Change of use from use class A1 (retail) to A3 (cafe/restaurant) was refused on the grounds that it would result in the unacceptable loss of a prominent retail unit:

AWDM/1503/12: Erection of two fixed monolith advertisement signs at the entrances to the Montague Centre – application refused



01/00750/FULL: Variation of condition 4 and 5 of Planning Consent WB/125/87 to permit the removal of existing statues and their replacement by new bronze sculptures – application refused and appeal dismissed

## **Consultations**

### ***West Sussex County Council:***

West Sussex County Council, in its capacity as the local highway authority, has been consulted on the proposed creation of a glazed kiosk and change of use of several existing units at the Montague Centre.

The proposed development is not considered to have a material impact on the operation of the highway. A new service lay-by is proposed although details of dimensions and suitability to accommodate servicing vehicles have not been provided; any works in the highway would be subject to a Section 278 Agreement. The lay-by would also require a Traffic Regulation Order restricting its use to servicing only and the Applicant would be required to meet all costs associated with the advertisement and implementation of the TRO (approximately £5,500).

Should the planning authority be minded to grant permission conditions are recommended.

In response to a specific comment from the Worthing Society, the Highways Authority states:

I can advise that our Public Rights Of Way (PROW) Team have reviewed the Definitive PROW Map and there is no record of a public right of way at this location, or in the immediate area.

### ***Environmental Health***

Some of the application units lie within a few metres of residential properties at the rear in Liverpool Terrace. There is therefore the potential for noise and cooking odours to affect residential amenity. Typical noise sources will be fixed plant/machinery, including kitchen ventilation which is likely to be at the rear or roof mounted, deliveries to and collections from the unit and to a lesser extent (except Units 1-2 customer noise outside - smokers, people arriving and departing. Odour will be produced by cooking.

Details of proposed kitchen odour abatement have not been submitted. Suitability will depend on the location and height of flues and odour abatement methods and current best practice is to discharge treated air at a height of 1 metre above roof ridge. It should be borne in mind that the residential properties in Liverpool Terrace are higher than the retail units, so adverse impacts on residential amenity may result if kitchen odour systems are not properly designed.

Should you be minded to grant permission for this application, in order to ensure the effects of noise and odour from the proposed A3 uses do not adversely affect residential amenity, I recommend conditions are attached to any permission granted.

### ***Town Centre Initiative***

'As you know there was some unease at the Steering Group of the Town Centre Initiative at the time being taken to consider and decide on the application by New River Retail to redevelop the Montague Centre.

We have identified this as a high risk area in the town centre and are extremely encouraged by the proposals from New River Retail for change of use securing some well known and popular brands to the town which, as far as we are aware, have not shown any inclination to come to Worthing before.

Whilst we appreciate there are inevitably conflicting views on such a development. The overall approach of the Town Centre Initiative is to support the application. I do hope this can be taken into account and hopefully expedite the desperately needed investment which can only enhance the town centre, bearing in mind the difficulty experienced since the recession in attracting new occupiers to the town.'

### ***Worthing Society***

- No objection to the change of use although it would result in some conflict with the Conservation Area Designation Document for the South Street Conservation Area
- Main concern is the introduction of a further restaurant in the open space at the northern end of the Centre. The kiosk would occupy an area currently containing a group of mature sycamore trees and would be built over red brick paviers. The Centre was designed to create a visual link from Montague Street and Montague Place to Liverpool Road. This would be obstructed by the kiosk and would degrade the conservation area and adversely affect the setting of nearby listed buildings, contrary to the National Planning Policy Framework
- Need for economic viability and footfall is accepted but the challenge is how this can be achieved in the historic environment. The present proposal does not adequately reflect the need to be sensitive to surrounding heritage assets nor create an interesting and attractive public realm.
- If approved, the proposals would cause unacceptable harm to the Montague Centre and the related setting of the South Street Conservation Area
- The Society formally objects to the proposal apart from the changes of use to units 1 and 2 and 6 to 12.

### ***Arboricultural Officer***

I have taken a look at these trees following an enquiry to carry out some works earlier in the year. I mostly agree with the Arboricultural Report that the 3 Sycamore trees provide outstanding public amenity and should be retained. The report suggests that the slightly restricted environment the trees are growing in may affect their longevity, although this could perhaps be the case I feel that the trees would certainly meet the criteria for a Tree Preservation Order, which would be considered if an application to fell the trees had been received.

### ***Conservation Area Advisory Committee***

Strong objection to the loss of trees and the open space. Circulation for pedestrians will be become very restricted with the proposed new kiosk. Existing canopies and red brick paving should be retained. Plain shopfronts with no recesses will be detrimental to the shopping experience.

### ***Design & Conservation Architect***

Objects to the application on the grounds that the proposed glass kiosk would adversely affect the visual and architectural merit of the Shopping Centre, he comments as follows:

The Montague Centre is an importance piece of central Worthing's townscape, conceived and built in the late 1980s. The internal street, with its high level glazed canopy, opens up at its north-eastern end into a funnel or bell mouth. The form of this space, and the curved colonnade along the western side were carefully designed to frame the views from South Street / Chapel Road and encourage the flow of pedestrians into the Montague Centre. The trees were integrated into this space for shade and to soften the environment.

The proposed kiosk, situated centrally into the bell mouth, would not only be an oversized intrusion into this area, but would also screen the important view of the colonnade, and detract from the ordered harmonious street scene.

Between the colonnade and the high level canopy, currently a lower level glazed canopy enables continuous shelter for pedestrian access to all the retail units along the western side. This would be lost as part of the proposals and the colonnade access would be artificially blocked at the southern end of the northern unit, currently occupied by TK Max.

The Montague Centre is situated within the South Street Conservation Area and has been identified as a positive contributor to the character of this area. The Council's published appraisal document identifies the design of traditional styled shopfronts, and the pedestrian route, surface finish, as being architectural townscape elements which should be preserved. These features would also be removed and replaced as part of these proposals.

### ***Economic Development***

Montague Shopping Centre is located in the primary shopping area of Worthing Town Centre and provides 11 modern retails units. Currently 9 of the 11 units are occupied by 8 national A1 occupiers and 1 regional A1 occupier.

Economic Development have been working with the applicant since August 2014 to encourage occupation of units 10 to 12 Montague Shopping Centre, as there has been a history of vacancies in these units.

Pre-application discussion were undertaken regarding change of use of a limited number of A1 units to A3, to attract national restaurant operators with potential to enhance the town centre offer and night time economy. Economic Development

have expressed concern regarding the loss of primary A1 retail and the need to retain a balance of A1/A3 restaurant throughout the centre, with a sufficient level of A1 anchor units at each end of the centre to safeguard A1 footfall through this key town centre route and avoid impact to the remaining A1 units.

Economic Development has expressed interest in the addition of a new glass kiosk at the north end of the centre, but raised concern regarding massing which potentially could impact the surrounding retail units and footfall, if the walkways were too narrow.

Economic Development notes:

Page 12 of the Design and Access Statement states '6 out of the 11 retailers are potentially leaving at lease expiry or lease break'. On this basis two of the units are now vacant and therefore there is potential for further four retailers to terminate their leases. This statement therefore demonstrates that between 4 and 5 national A1 retailers find this location and accommodation suitable for their market needs.

The marketing evidence provided for Unit 1-2 is seeking a £38.00 price per square foot. Currently there are primary A1 retail units available in Montague Street for between £25.70 and £28.00 per sqft. This information indicates that Unit 1-2 is being marketed at a rate in excess of the other vacant units in Montague Street. Laura Ashley have indicated their interest in continuing lease arrangement for Unit 1-2, subject to rental price.

Units 6 to 9 are currently occupied by 3 national and 1 regional A1 operators and this application does not provide suitable marketing evidence to demonstrate that Units 6 to 9 are no longer viable for A1 use.

Point 6.33 Planning and Retail Study states 'agents own local experience has demonstrated that clustering a few A3 operators together has created demand' and point 6.34 states 'This is outlined in the strong demand they have from A3 restaurant operators and deals they have agreed to date, where operators are entering into an agreement for lease subject to two other national A3 operators operating simultaneously.' This data demonstrates that a cluster of 3 A3 national operators, is sufficient to secure national A3 operator interest.

Economic Development appreciates the value that national restaurant operators could bring to Worthing, but is unable to support this application as it does not demonstrate that the need for 66% of the units in the shopping centre to be converted to A3. Economic Development is also concerned that the massing of the proposed glass kiosk may impact the surrounding retail units.

Economic Development would very much welcome an application which retains a better balance of A1/A3 restaurant for the shopping centre, with a sufficient level of A1 anchor units at each end of the centre, along with a glass kiosk that enables wide walkways and does not impact the surrounding A1 units.

Following the receipt of additional information, the **Head of Place and Investment** comments:

Both the applicant's Design & Access Statement, and the report prepared by LDC, detail the rapid and continuing change affecting town centres and consumer shopping habits. There is a strong independent evidence base to support these claims, which confirms the impact of online shopping trends, out of town retail developments, and the resulting structural shift occurring in town centres - away from retail per se, to services; especially food and drink. Research undertaken by CACI also provides evidence of increased dwell time amongst consumers who combine shopping with eating out and the associated increase in retail spend of approximately 48%.

The last available monitoring data for the Primary Retail Zone A in Worthing Town Centre (which includes Montague Street) identifies only 6% of the 142 units having an A3 designation, of which only one unit is a restaurant (the remainder being cafes or fast food outlets). Taking into account the identified benefits of a combined retail and restaurant offer mentioned above; the paucity of quality restaurant provision is arguably inhibiting the growth and viability of the town centre.

The Council's Retail Healthcheck and Retail Zone Review, prepared in 2009 and updated with a commentary on Montague Street in 2012, includes a recommendation to improve the health of Montague Street by creating eating and drinking destinations nearby to encourage footfall on Montague Street and extend visits beyond 9.00am-5.00pm. Arguably, the application site provides such an opportunity and further benefits from its proximity to seafront and connectivity to Montague Place. The latter is currently benefiting from significant investment to create a high quality public realm and outdoor entertainment space, which fits well with the applicant's proposals and presents an early and unique opportunity to establish an integrated shopping and F&B offer in this area of the town.

Whilst appreciating that the pace of change affecting town centre economies presents policy challenges, and that it is important to ensure that appropriate controls remain in place to protect a core retail offer, there is a clear evidence base to support the economic case made by the applicant and on these grounds I am happy to support.

### ***Cushman & Wakefield Retail Consultants***

Because of the detailed issues involved with the application, which necessitated specialist retail analysis, the Council engaged consultants to comment upon the application. They initially commented:

*We have now completed our review of the information submitted in support of the planning application, namely the 'Planning and Retail Statement' (dated November 2015) prepared by GL Hearn and the marketing letter (dated 19 February 2016) prepared by Jackson Criss. We set out our findings and conclusions in this letter.*

### ***Background***

*Montague Shopping Centre lies within the 'Central Shopping Area – Primary – Zone A' where Policy 6 of the adopted Core Strategy (April 2011) seeks to protect A1 uses; while supporting paragraph 6.54 states that "Primary Zone A is exclusively for A1 uses." It follows, under the provisions of Policy 6, that*

*developments that will detract from the vitality and viability of the town centre will be resisted in order to safeguard the retail character and function.*

*We would agree with GL Hearn's Planning and Retail Statement (hereafter 'Statement') that Montague Shopping Centre is in need of investment. We would also accept that there are clear benefits associated with bringing the currently vacant units back into active use. However we note that not all of the eight A1 units subject to the change of use proposals are currently vacant; Laura Ashley continue to trade from unit 1-2 and we understand that two or three of the other, smaller units are currently occupied by A1 operators (apparently for a temporary period only). The units occupied by the centre's anchor tenants, TK Maxx and HMV, are not subject to the change of use proposals.*

*We have therefore focused on the extent and veracity of the analysis provided in support of the planning application, specifically in terms of the likely impact of the proposals on the vitality and viability of Worthing town centre and planned investment therein. For the avoidance of doubt, it is not the purpose of this letter to comment on issues relating to design, conservation or amenity.*

### ***Impact on Town Centre Vitality and Viability***

*We consider that GL Hearn's Statement fails to provide a sufficiently thorough, up-to-date assessment of the vitality and viability of Worthing town centre. This should be the starting point for interpreting the extent to which the proposals would be likely to affect the retail character and function of the town centre. We summarise below the weaknesses in GL Hearn's Statement in this respect:*

- GL Hearn's Statement includes some inaccuracies in reporting the latest data sourced from GOAD (February 2015). According to the latest GOAD Category Report for Worthing town centre, sourced by Cushman & Wakefield, A3 restaurants account for 4.39% of the total floorspace (relative to national average 3.96%) and 6.25% of the total number of units (relative to national average 4.49%). The proportion of A3 restaurants in Worthing town centre, in both floorspace and unit terms, is therefore above the national average. GL Hearn's Statement is therefore misleading to indicate that the town centre's A3 offer is below the national average in quantitative terms.*
- Further, benchmarking existing provision against national averages is not particularly helpful or relevant, given the diverse nature of GOAD centres which range from regional shopping centre to local centres serving small neighbourhoods. More relevant is consideration for the current mix and balance of Class A uses and the consequences for the health and performance of Worthing town centre.*
- There is a lack of clear regard for or compliance with the national Planning Practice Guidance (PPG), specifically paragraph 005 reference ID 2b-005-20140306, in determining the current health of Worthing town centre. GL Hearn's Statement cites the Council's retail evidence base (e.g. Retail Study Update 2010, Retail Healthcheck and Retail Zone Review 2012) for many of its conclusions on the health of Worthing town centre. However we consider their Statement to be inadequate in terms of providing an up-to-date picture of the*

*current health of the town centre (i.e.as the basis for making an informed judgement on the likely affect of the proposals).*

- *Linked to this, there is a lack of detailed analysis regarding the quality of Worthing town centre's existing A1 and A3 representation (i.e. the uses directly affected by this planning application).*
- *Importantly, no evidence has been provided to demonstrate the extent to which the centre has been let since it opened less than 10 years ago. Long term/ structural vacancies, for example, would be a better indication of the centre's constraints and lack of attractiveness to A1 operators.*
- *We note that the town centre, as a whole, currently has a relatively low level of vacancies (about 10% in unit terms according to GOAD) which is a positive indicator of its overall health.*
- *There is also a lack of detailed analysis regarding the degree to which the loss of eight A1 units, and notably the largest and most prominent unit (no. 1-2 currently occupied by Laura Ashley), would be likely to affect the town centre's retail character and function. This is especially important given that Montague Shopping Centre lies within the heart of the town centre and Primary Zone A, the corner unit (Laura Ashley) being a particularly prominent shopping facility close to Montague Street.*
- *Although the use of CACI research can be helpful in measuring the health and performance of a centre (and highlighting the opportunities from an investment perspective), it should not be relied upon for concluding on the likely impact of a proposal on the health of a centre. GL Hearn should substantiate the CACI research and provide a more detailed, objective assessment of the likely effect of the proposals on the vitality and viability of Worthing town centre. Illustrating the generalised nature of references to CACI research, paragraph 6.15 of the Statement sets out;*

*"In terms of the impact of the proposal on the health of Worthing Town Centre, the CACI research states the further introduction of catering units at the Montague Centre in Worthing is set to benefit both the centre and the town as a whole [our emphasis]. Furthermore, those making use of catering facilities spend 20% more a year than the average of all shoppers. It also states that shoppers view the Montague Centre as a part of Worthing due to its position in the heart of the town, and hence catering users at the centre are set to bring a benefit to retailers across the town centre [our emphasis]."*

### **Impact on Planned Town Centre Investment**

*GL Hearn's Statement considers the impact of the proposals on planned town centre investment. Local planning policy seeks to resist the loss of A1 uses within Prime Zone A (including Montague Shopping Centre) and promote the mixed 'town centre use' development of key development opportunity sites (including Teville Gate and Union Place). The Statement broadly concludes that the change of use proposals would complement and not undermine the delivery of the key development opportunity sites.*

*Whilst the proposals are likely to 'soak up' some immediate demand from A3 operators, we think it unlikely that this would threaten the delivery of any of the development opportunity sites which may or may not come forward in the short to medium term.*

### **Marketing Evidence**

*Turning to the marketing letter prepared by Jackson Criss, we would note:*

- *The information submitted indicates that the units subject to the change of use proposals are "generally unattractive to retailers" and that recent marketing activity has generated no firm interest/ demand from A1 operators. In our view, it is not entirely surprising (given the relative attractiveness of Montague Street and South Street where the majority of key multiple retailers are concentrated) that the centre is struggling to attract the type of A1 operators required to make the centre a commercially viable proposition for NewRiver Retail. However, to help the Council consider whether the evidence of marketing is sufficient, clarification should be sought with regards to:*

- *which units have been actively and continuously marketed for A1 purposes and for what period of time. Particular reference is made to the marketing of unit no. 1-2 (Laura Ashley), unit no. 11 (former Boots Opticians) and unit no. 12 (adjacent to TK Maxx). It is not clear from the letter whether the marketing campaign set out and described by Jackson Criss focused on just some or all of the units within the centre; and*

- *specific details of the enquiries received and the level of rent sought. The marketing letter states that the centre achieves £40 Zone A; however, it is not entirely clear whether the unit(s) were advertised at or below this rent and for what period of time.*

- *The information submitted indicates that the units subject to the change of use proposals are attracting "strong demand" from A3 operators. This is not surprising given the strength of the food & beverage sector at a time when national retailers are downsizing and polarising to a smaller number of prime locations, coupled with the opportunity for A3 clustering and outdoor dining presented by the proposals for Montague Shopping Centre.*

*On the basis of the above, we would accept that the units are probably attracting a greater level of firm interest from A3 operators due to the nature of the units and current economic/ market trends.*

*However the Council should be satisfied that the evidence of A1 marketing is sufficient, and should therefore request the clarifications sought above.*

- *It would also be interesting to understand whether any A1 operators have been approached on the basis of occupying larger, reconfigured space in a refurbished centre with public realm enhancements (as proposed for the A3 uses). This would potentially make the centre more commercially attractive to retailers seeking to locate to, or relocate within, the town centre.*



## **Conclusions**

*We summarise below our conclusions and recommendations.*

### **Impact on Town Centre Vitality and Viability**

- *We would accept that Montague Shopping Centre is in need of investment and that there are clear benefits associated with bringing the currently vacant units back into active use.*

- *However, Policy 6 of the adopted Core Strategy seeks to protect and resist the loss of A1 uses in order to safeguard the retail character and function of the town centre. The planning application should therefore justify the loss of A1 uses and demonstrate that the proposals would not undermine this retail character and function.*

- *GL Hearn's Statement, in our view, has not properly assessed, or concluded on, the current health of Worthing town centre (as the basis for interpreting the extent to which the proposals would be likely to affect the retail character and function of the town centre). This should include:*

- *a detailed analysis regarding the quality of Worthing town centre's existing A1 and A3 representation (i.e. the uses directly affected by this planning application); and*

- *evidence of long term vacancies at Montague Shopping Centre in order to support the case that the centre is generally unattractive to A1 operators.*

- *The loss of the eight A1 units would inevitably dilute the shopping function of Montague Shopping Centre and GL Hearn's Statement is inadequate in terms of objectively assessing the degree to which the loss of these Prime Zone A units, including the centre's largest and most prominent unit (Laura Ashley), would be likely to affect the town centre's retail character and function. GL Hearn should undertake further work before conclusions on the impact of the change of use proposals on the vitality and viability of Worthing town centre can be reached.*

### **Impact on Planned Town Centre Investment**

- *The proposals are likely to 'soak up' some immediate demand from A3 operators.*

- *That said, we think it unlikely that the proposals would threaten the delivery of any of the town centre development opportunity sites which may or may not come forward in the short to medium term.*

### **Marketing Evidence**

- *We would accept that the units are probably attracting a greater level of firm interest from A3 operators due to the nature of the units and current economic/market trends.*

- *However, the Council should be satisfied that the evidence of A1 marketing is sufficient and seek the following clarifications:*

- *which units have been actively and continuously marketed for A1 purposes and for what period of time; and*

- specific details of the enquiries received and the level of rent sought.
- It would also be interesting to understand whether any A1 operators have been approached on the basis of occupying larger, reconfigured space in a refurbished centre with public realm enhancements (as proposed for the A3 uses).

**Applicant response to Consultant comments:**

*We note that Cushman and Wakefield agree that Montague Shopping Centre is in need of investment and that there are clear benefits associated with bringing the currently vacant units back into active use. They also are of the view that the proposals are unlikely to threaten the delivery of any development opportunity sites which may or may not come forward in the short to medium term. It should also be noted that they recognise the units subject to this proposal are unattractive to retailers given the relative attractiveness of Montague Street and South Street where the majority of key multiple retailers are concentrated.*

*In terms of Cushman's reference in determining the current health of Worthing town centre, the NPPF clearly states that each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals (para 158). In this regard it should be recognised the Council does not have an up to date retail evidence base.*

*Paragraph: 004 Reference ID: 2b-004-20140306 of the PPG states "Local planning authorities should take full account of relevant market signals when planning for town centres and should keep their retail land allocations under regular review. These market signals should be identified and analysed in terms of their impacts on town centres. This information should be used to inform policies that are responsive to changes in the market as well as the changing needs of business." In Cushman's letter they state that it is not surprising the strong demand from A3 operators given the strength of the food and beverage sector at a time where national retailers are downsizing and polarising to a number of prime locations, coupled with the opportunity for A3 clustering and outdoor dining presented by the proposals for the Montague Centre. Therefore, this is a material consideration in the determination of the planning application and regard should be had to paragraph 004 reference 2b-004-20140306 of the PPG.*

*In the marketing evidence section of the Cushman letter, reference is made to understand whether any A1 operators have been approached on the basis of occupying larger, reconfigured space in a refurbished centre and that this would potentially make the centre more commercially attractive to retailers seeking to locate to, or relocate within, the town centre. This is particularly confusing as it contradicts the point referred to in the paragraph above about not being surprised that there is a strong demand from A3 operators "given the strength of the food and beverage sector at a time where national retailers are downsizing and polarising to a smaller number of prime locations".*

Additional marketing evidence was also submitted by the applicant:

*We have been instructed to act as joint letting agents on part of the centre since NewRiver Retail (NRR) first acquired the TK Maxx store and Unit 12, in June 2009. Following NRR's acquisition of the remainder of the centre in November 2014 we have had a joint agency role on the entire scheme.*

*During the period of NRR's ownership we have continually marketed the various units. In particular we can comment as follows:*

### **Unit 12 Montague Centre**

*As at the point of purchase by NRR in June 2009 Unit 12 was vacant. The last permanent tenant of the unit was Ciro Citterio, who vacated in September 2005. There have been some short term temporary tenants, but the unit has been available to retailers on a new lease basis for the last 11 years.*

*Hughes Ellard and Jackson Criss have jointly marketed the unit since June 2009. The unit has been offered on flexible terms through a series of different media. At various times 'To Let' boards have been placed on/in the premises. Property particulars have been available at all times on various websites including Shop Property, EGi Property Link, Focus, Estate Agents Clearing House, Hughes Ellard and Jackson Criss websites. Property particulars have been circulated to target retailers, surveyors and agents. The quoting rent for the unit has been reduced on a number of occasions to encourage occupier interest. Originally we had been quoting £55,000 per annum, but this was reduced down to £38,500 per annum.*

*Reviewing our file for Unit 12 retailer interest has been poor over such an extended period of time. Retailers with whom we have had detailed discussions that have not progressed over a period of time have included Starbucks (now in South Street), Trespass (now in Montague Street), Sue Ryder, Poppins (now in Montague Street). In addition there have been numerous temporary occupier discussions, some of which have resulted in short term tenancies.*

### **Unit 10 Montague Centre**

*The last permanent tenant of Unit 10 was Dolland & Aitchison, who relocated from the unit in August 2008 to Unit 11. As with Unit 12 there have been some short term temporary tenants, but the unit has been available on a new lease basis for the last 8 years.*

*During this time the unit was initially marketed by the centre's previous owners agents, Stiles Harold Williams, and a copy of their marketing particulars is attached. Since NRR's acquisition in November 2014 the unit has been marketed via the same media as Unit 12 by Hughes Ellard and Jackson Criss. The unit has been offered at a rental of £40,000-42,500 per annum. As with Unit 12, interest in the unit has been poor and no offers have been received on a permanent basis from retail occupiers. We have had discussions with Warren James and, Moshulu Shoes, but neither of these have progressed.*

## **Units 1 & 2 Montague Centre**

*As at the time of NRR's purchase in November 2014 Laura Ashley were on a flexible lease with break clauses, as they were trading poorly from the units, a situation which has not changed. The purpose of the flexible lease was to allow the Units to be marketed and a replacement tenant to be identified. Since November 2014 the unit have been marketed, by Hughes Ellard and Jackson Criss, via the same media as Units 10 & 12. The rental sought has been quoted at £150,000 per annum, but we have been instructed that we can be flexible on this figure for suitable occupiers.*

*There has been no interest from Class A1 retail occupiers, for these units. The unusual configuration of the units is an issue for retailers who favour rectangular units to maximize display space. Occupiers we have had discussions with include Deichmann Shoes, Pound World and Peacocks, all of whom have rejected the opportunity and have focused their efforts on other towns along the coast.*

## **Unit 11 Montague Centre**

*This unit has recently been vacated by the previous tenant Boots Opticians, who have relocated to Boots main store in Montague Street. Boots Opticians had been seeking to assign their leasehold interest via their agents Savills since NRR's acquisition in November 2014. Despite marketing no potential replacement tenants were identified by Savills.*

### **Cushman & Wakefield response to additional information from the applicant as above**

In this letter, we comment on the information provided by the applicant in response to our letter dated 17 March 2016, which advised the Council on the retail planning issues associated specifically with the Class A1 to Class A3 change of use proposals at unit nos. 1-2 and 6 to 12 Montague Shopping Centre, Worthing.

We comment on the marketing evidence in the first instance. We then consider whether the applicant has addressed the other weaknesses identified in their previous submission relating to impact on town centre vitality and viability (as set out in GL Hearn's Planning and Retail Statement).

### **Marketing Evidence**

The applicant's latest submission includes further marketing evidence in relation to unit nos. 1-2, 10, 11 and 12 (as set out in Hughes Ellard's letter dated 22 April 2016). It indicates for what period of time these units have been marketed for A1 purposes, and provides details of enquiries and the level of rent sought. The largest and most prominent unit (Unit 1-2 currently occupied by Laura Ashley) has been marketed since November 2014. So too have Units 10 and 11. Unit 12 has been marketed for a longer period, since June 2009.

The information provided would indicate that these units have been unsuccessfully marketed despite flexible terms. However, the Council should be satisfied that the

period of marketing – specifically in relation to unit nos. 1-2, 10 and 11 (i.e. since November 2014) – is sufficient in order to grant planning permission.

We would note that no further marketing evidence has been provided in relation to unit nos. 6, 7, 8 and 9 (i.e. half of the units subject to the change of use proposals). This is significant and would indicate that these units have not been actively and continuously marketed for A1 purposes.

In addition, no information has been provided (in response to our previous letter to the Council) to confirm whether any A1 operators have been approached on the basis of occupying larger, reconfigured space in a refurbished centre with public realm enhancements (as proposed for the A3 uses). This would potentially make the centre more commercially attractive to retailers seeking to locate to, or relocate within, the town centre.

### **Impact on Town Centre Vitality and Viability**

Our previous letter concluded that:

- We would accept that Montague Shopping Centre is in need of investment and that there are clear benefits associated with bringing the currently vacant units back into active use.

- However, Policy 6 of the adopted Core Strategy seeks to protect and resist the loss of A1 uses in order to safeguard the retail character and function of the town centre. The planning application should therefore justify the loss of A1 uses and demonstrate that the proposals would not undermine this retail character and function.

- GL Hearn's Statement, in our view, has not properly assessed, or concluded on, the current health of Worthing town centre (as the basis for interpreting the extent to which the proposals would be likely to affect the retail character and function of the town centre). This should include:

- a detailed analysis regarding the quality of Worthing town centre's existing A1 and A3

- representation (i.e. the uses directly affected by this planning application); and

- evidence of long term vacancies at Montague Shopping Centre in order to support the case that the centre is generally unattractive to A1 operators.

- The loss of the eight A1 units would inevitably dilute the shopping function of Montague Shopping Centre and GL Hearn's Statement is inadequate in terms of objectively assessing the degree to which the loss of these Prime Zone A units, including the centre's largest and most prominent unit (Laura Ashley), would be likely to affect the town centre's retail character and function. GL Hearn should undertake further work before conclusions on the impact of the change of use proposals on the vitality and viability of Worthing town centre can be reached.

These substantial weaknesses have not been addressed by the applicant and, on this basis, our conclusions set out above still stand. In our view, the planning application fails to satisfy Policy 6 of the adopted Core Strategy.

## **Agent rebuttal statement**

The applicant's agent has provided the following rebuttal statement further to the committee report which was included on the last agenda:

*The above application has been the subject of extensive pre and post submission discussions with Officers at Worthing Borough Council and was due to go before District Planning Committee on 1 June 2016.*

*However, following the Officer's recommendation the application was differed to allow our client, NewRiver Retail (NRR), sufficient time to respond to the issues raised in the Officer's report.*

*The Officer's report contained two reasons for refusal:*

*1. "The proposal would result in the loss of a number of retail units within the Central Shopping Area – Primary Zone A where A1 uses are specifically protected. In the particular instance of units 1 and 2, the loss of retail use would be in a highly visible primary frontage that forms part of the gateway into the town centre shopping area. In the absence of adequate information to suggest otherwise, the proposed non-retail uses are therefore considered to be harmful to the vitality and viability of the Town Centre and the proposal therefore conflicts with policy 6 of the Core Strategy and guidance contained within the National Planning Policy Framework.*

*2. The erection of the proposed kiosk by virtue of its size and siting would adversely affect the visual character of the Montague Centre and South Street Conservation Area as it would result in the loss of 3 Sycamore trees that are of high amenity value, obscure the view of the curved colonnade when viewed from the east and adversely affect the harmony of the street scene at its entrance to the Montague Centre which currently contains a wide bellmouth. The proposal is therefore contrary to policy 16 of the Core Strategy and guidance within the National Planning Policy Framework."*

*NRR do not consider these to be warranted as the issues raised have been addressed within the planning submission. It is our view that insufficient weight has been given to the regenerative and economic benefits of the proposals, which are considerable and include investment and public realm improvements. It is indicated in the draft committee report that there is a need to balance any harm with these benefits, but we are of the view that the benefits have not been properly considered particularly as they could represent the only significant new investment in Worthing town centre in the short term. This is particularly pertinent given that a number of key anchor tenants are looking to vacate the town centre.*

*The following points are also important considerations that should be afforded weight in determining the proposal:*

- No objections have been raised by WSCC Highways or Environmental Health;*
- The Town Centre Initiative are fully supportive of the planning application and NRR's aspirations;*
- Recognition by the Council's consultants that the town centre requires investment; and*

- *Recognition that the proposal will not impact upon Council's wider aspirations for the town centre, including, the Guildbourne Centre and Union Place and Teville Gate.*

*In order to assist Officer's in making a positive recommendation we respond to the reasons for refusal below.*

#### *Loss of A1 and impact upon vitality and viability of Worthing town centre*

*Whilst it is not disputed that the proposal will result in the loss of A1 units, these units are or will become vacant within a relatively short time period and unless alternative uses are found, will remain unlet. This will do nothing for the vitality and viability of the town centre or investor confidence, which as highlighted above is likely to be further undermined with anchor tenants vacating the town.*

*Evidence of marketing has been submitted in support of the proposal (see marketing letters from Jackson Criss and Hughes Ellard) and where this has not been available, explanations provided as to why this is the case are referred to in the email correspondence from NRR and GL Hearn, dated 1st April and 4th 2016 to Officers.*

*In the absence of the Council having an up-to-date picture of the health of Worthing town centre The Local Data Company (LDC) were instructed to undertake a review of the changes taking place within the town centre and the role that food and beverage (A3) uses can play in creating successful towns. A copy of their report (June 2016) is attached at Appendix 1. In summary LDC concluded:*

- *Leisure occupation of GB town centres over the last five years has increased by the largest amount of any business type at 16%.*
- *The growth in leisure uses in Worthing in the last 5 years was 7%, which indicates an undersupply and lack of adjustment to consumer trends.*
- *The number of Food and Beverage operators who are not present in Worthing but are present in similar towns is 18 which indicate a gap in provision and a clear opportunity for new occupiers.*
- *Worthing has an affluent population with a demographic, which could support additional Food and Beverage operators and is particularly suited to NRR's target tenants of Côte, Prezzo and Bill's.*
- *Worthing saw a growth across all classification types from 2010 to 2015. Convenience retail saw the fastest growth, with a +33% increase from 2010 to 2015. Leisure occupiers grew by +7% which is below the GB average for the period of +16%.*
- *Within Worthing, no Food or Beverage (leisure) business type is in the top 20 categories in over supply when compared to the regional average.*
- *Within Worthing, becoming a Food and Beverage hub, vacancy rates in the town centre are expected to drop as more retailers will be attracted to the town due to the boost in footfall and dwell times leading to more shoppers engaging with local retail.*
- *Using LDC's Health Index, Worthing scores high on Department score presence, Anchor retailers and vacancy but poorly on dwell time.*
- *Worthing's LDC Health Index score is currently 10. With the arrival of the additional target tenants this would see the score rise to 17.*

- *Analysis of towns that have shown an increase in their A3 uses shows an overall positive impact on the town's overall offer, attractiveness and health score.*
- *Laura Ashley has reduced their high street presence by -24.2% in less than 3 years.*
- *A3 retail creates four times as many jobs for a local economy than A1 retail, as shown by Bryon who employ on average 32 people in a restaurant compared to Carphone Warehouse who employ 8.*

*It is clear from the above that there is currently an undersupply of Food and Beverage units in the town centre and if this is addressed, as proposed by NRR, the benefits will improve the vitality and viability of the town centre.*

*Policy 6 of the Core Strategy relates to the Central Shopping Areas in the town centre, which comprises Primary Zone A, Primary Zone B, and Secondary Area.*

*Policy 6 states:*

*"The Council will work with organisations and the local community to identify, protect and enhance the following hierarchy of vital and viable town, district and local centres.*

*Although Core Strategy Policy 6 seeks to protect the existing A1 units within Primary Zone A, paragraph 6.47 also notes the important role that A3 Uses play in supporting the town centre:*

*"The policy aim is to locate the appropriate type and scale of development in the right type of centre, ensuring it fits into that particular centre and compliments its role and function. Cafes, restaurants and pubs are an important ingredient in the overall mix of a shopping centre, playing its part in keeping it viable."*

*Paragraph 6.38 also notes the important role A3 Uses play in supporting the tourist industry in Worthing and that currently this offer is underperforming:*

*"The seafront and the activities along it are important visitor attractions and together with the town centre in the area provides entertainment, restaurants, bars and shopping that benefits the tourist industry. However, studies have indicated that much of this offer is not achieving its full potential and requires upgrading to play an improved role in attracting more visitors to the town."*

*Paragraph 3.36 recognises that one of the key constraints facing Worthing as a retail location is the size and configuration of its existing retail units. Retailers generally require modern, flexible floor areas to trade from.*

*Given Worthing's relatively tight knit street pattern and that the majority of the retail core lies within the designated conservation area, providing appropriate sized units is difficult*

*In conclusion the character and function of the retail provision within the Montague Centre is changing.*

*Market evidence demonstrates that whilst there is limited demand for retailer representation in the town centre, demand does exist for A3 uses and that these uses would complement the existing offer and far from impact, enhance the centre's vitality and viability.*

*Impact of kiosk upon visual character of area and resultant loss of sycamore trees*



*It is recognised that the proposal would result in the loss of three sycamore trees to accommodate the proposed glass kiosk. Whilst this is regrettable, the proposed kiosk in the Centre is crucial to the viability and delivery of the overall scheme, which will represent the only significant new investment in Worthing town centre in the short term.*

*The size and siting of the proposed glass kiosk has been design led to meet the specific operational requirements of the future tenant, Patisserie Valerie, a popular national café chain. The kitchen and services area has been consolidated in a central pod allowing for fully active frontages to increase footfall within this part of the town centre. The proposed design is considered to be an appropriate response to the existing architecture of the Montague Centre and complement the town's historic context and the wider Conservation Area.*

*The gap between the frontages of the kiosk to the nearest shopfronts on either side has been maintained to enable wide walkways (6.2m on the west side and 6.5m on the east side). The inclusion of a new restaurant destination will increase dwell time in the town centre and bring units back into economic use. The proposals provide a suitable and appropriate design solution and thus comply with national policy contained within Chapter 2 of the NPPF of the Framework and Policy 16 of the Core Strategy (2011).*

*It is proposed to compensate for the loss of the sycamore trees, by replacing them with 5 semi-mature trees and provide enhanced landscaping alongside the public realm works. The applicant has confirmed they will accept a condition requiring the replanting of the trees (see landscaping plan previously submitted to Officer's on 25 February 2016). The replacement trees will comprise of at least 25cm stem circumference and 6m tall that would not be too spreading or too shady, and the species should be agreed the Council's tree officer.*

*The proposed public realm improvements take account of the South Street Conservation Area Appraisal and will utilise sustainable and traditional materials. Above all, the development proposals have been developed in a manner that respects the local distinctiveness of the Montague Centre and the wider Conservation Area. Therefore the proposals fully comply with Policy 16 of the Core Strategy.*

## **Conclusion**

*The benefits of the proposed scheme are considered to significantly outweigh any impacts, and far from harming the vitality and viability of Worthing town centre the proposal will enhance it by creating a new restaurant destination and bring units back into economic use, increase dwell time and significant investment in the town centre.*

*With the exception of a recognised under provision of A3 uses (as identified in the LDC report), Worthing is a healthy town centre which makes it more resilient to change.*

*When the potential impacts of the proposal, which are not considered to be significant, are weighted against the benefits it is clear that on balance the*

*proposal makes a positive overall contribution to the town centre and should be recommend for approval.*

## **Representations**

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

- Sycamore trees should be retained
- The proposed kiosk would be better off built near Wilkinson's
- Loss of trees will increase the prominence of the concrete surrounds
- The felling of the trees will result in a break from the historic use of the Centre
- Money is being put over aesthetics
- Trees help reduce pollution
- Trees provide valuable shade and are the only natural feature nearby
- Need trees more than coffee houses
- There are too many restaurants already
- Loss of long standing businesses such as Laura Ashley
- Loss of original design concept
- Loss of artistic merit and townscape quality
- Removal of canopies lead to visual deterioration
- Loss of paving will cause an adverse visual impact
- Adverse impact upon highways safety, traffic and parking
- Increased noise, disturbance and smells
- The position of the kiosk does not take account of existing tables and chairs
- Restriction on pedestrian flow as a result of the kiosk
- Public consultation did not involve local people
- Contrary to planning policies
- Adverse impact upon Alexander Terrace
- Approval should not be granted on the basis that something is better than nothing
- Zoned approach to uses in the town centre works at present
- Increased litter
- The introduction of a motorway service style café such as that proposed for Patisserie Valerie would result in the closure of The Coffee Shop and result in a glass box opposite an empty coffee shop next to it.

An on-line petition, containing 1,527 names, and signed petitions containing 1,391 and 736 signatures respectively were received and both state:

*'We, the undersigned strongly object to the proposed felling of an impressive group of mature sycamore trees in the Montague Centre and the building of a large kiosk style restaurant in the open space now partly occupied by the trees. Any loss of trees is detrimental to the environment. The kiosk will also greatly reduce the public access to the centre. Montague Centre is in a Conservation Area and the character should be preserved.'*

4 letters of support have been received on the following grounds:

- word on the street is that there is mass disappointment that once again Worthing is being held back from achieving its potential if this application is refused
- Worthing was once a great town but is now in the shadow of Chichester and Horsham
- bigger picture needs to be seen beyond the loss of the trees
- Worthing needs more choice – look how diverse and vibrant Shoreham is
- Opportunity to upgrade a scruffy and unappealing area
- Increased job opportunities
- Town needs new investment and needs to provide the brands that will bring people into the town

Officers are also aware of an e-mail from the Store Director of Beales to the members of the Planning Committee expressing disappointment that the previous recommendation was to refuse the application and that their letter of support had not been included within the report. This letter of support had not been received as a representation by your officers and although a subsequent request was made to provide the afore mentioned representation it has not been received.

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

Saved Local Plan policies (WBC 2003): RES7,  
 Worthing Core Strategy (WBC 2011): Policies 6 & 16  
 Retail Healthcheck (2012)  
 Retail Study Update (2010)  
 National Planning Policy Framework (CLG 2012)  
 Planning Practice Guidance (CLG 2014)

### **Relevant Legislation**

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

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

### **Planning Assessment**

The key issues in the determination of this application are whether the proposal complies with national and local policies and the effect of the proposal upon the character and appearance of the area.

The National Planning Policy Framework (NPPF) explicitly references the vitality of town centres at Section 2. Paragraph 23 states that planning policies should be positive and promote competitive town centre environments. Local authorities should 'recognise town centres as the heart of their communities and pursue

policies to support their viability and vitality as well as defining a network and hierarchy of centres that is resilient to anticipated future economic changes’.

The guidance also states that local authorities should ‘define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations’.

The above guidance is reflected in Core Strategy policy 6 which states that Primary and Secondary Shopping Zones will be identified. Primary Shopping Zones are divided into A and B where Primary Zone A protects A1 uses and Primary Zone B allows a more flexible approach to A3 uses.

The application site is located in the Central Shopping Area – Primary – Zone A as defined by the Core Strategy.

The policy position in terms of the Core Strategy is therefore quite clear: the application site sits in a location where A1 uses will be protected. The zoning of particular areas in such a way does not inherently conflict with the National Planning Policy Framework which indeed requires local planning authorities to define primary shopping areas and provide clarity to which uses are permitted in such locations. A distinction is drawn in the Core Strategy between Primary Zone A and Primary Zone B where the latter, which includes locations like Warwick Street and Chapel Road, allows a more flexible approach to the type of use proposed under this application.

Notwithstanding the above, though, the NPPF also seeks to ensure that the vitality of town centres is maintained and as with many elements of the guidance requires local authorities to take a positive approach in dealing with development proposals. It should be recognised that the applicant is offering to bring new investment to the town. Moreover, it is quite clear that the Montague Centre would be aided by some investment. At present, there are 2 vacant units and aside from TK Maxx which does not form part of this application, it is only Game, HMV (which also do not form part of the application) and Laura Ashley (which does) that have provided a permanent presence within the Centre.

While the report for last month’s Committee recommended the application for refusal, your officers have not, at any point, considered that a recommendation for refusal in principle to the development was appropriate on the grounds that it would fail to comply with policy 6 of the Core Strategy. As stated in the Economic Development Officer’s comments above, there had always been an appreciation that units 10-12, in particular, had failed to function well as retail units on a consistent basis and therefore it was likely that the introduction of A3 units into those units would benefit the town centre.

Similarly, although it was felt that the further evidence needed to be provided in respect of units 6-9 and their retail potential, it was also recognised that a change of use of these units could improve the vitality of the town centre. The last committee report acknowledged that units 6-12 could be improved, therefore.

The change of use of this 6 units to A3 units would have represented the ideal situation in that it would have introduced new units to the Centre with the potential benefits to its vitality and allowed both the retention of the Laura Ashley A1 unit as well as the retention of the sycamore trees at the eastern entrance to the Centre. While a significant amount of objection has been received to the application, very few make references to the change of use of those specific units.

Prior to the meeting last month, your officers did not feel sufficient progress had been made with the applicant to demonstrate why the potential 'best fit' option outlined above could not be further explored and hence a recommendation for refusal was made against the application.

Upon hearing of the recommendation, the applicant requested that further opportunity was given to provide further information. The basis of this request was that the scheme as a whole would simply not proceed if, in particular, the glass kiosk that would accommodate Patisserie Valerie could not be constructed as occupation of the other units would be dependent on an anchor A3 user in a prominent position within the Centre. Furthermore, the investment required to facilitate the changes could not be considered viable if both the kiosk was not constructed and there was not the opportunity to change the use of unit 1 and 2 (Laura Ashley) which is currently occupied on a much reduced rent.

As such, therefore, it is apparent that the proposal must be considered as a whole and the decision made upon the application determines whether any of the investment takes place. As a result, the application becomes finely balanced with a range of issues to consider and which alternative views could quite reasonably be held.

Against the application is, as stated by the retail consultants advising the Council, the inevitable dilution of the shopping function of the Montague Centre by the loss of the A1 units and this will include the most prominent unit (Laura Ashley) the loss of which has been resisted previously by the Council.

Previously, your Officers had considered that the outward facing position of Laura Ashley meant that it made an important contribution to the retail vitality of the area. Having received the additional information submitted with the applicant, the Head of Place and Investment considers

*The Council's Retail Healthcheck and Retail Zone Review, prepared in 2009 and updated with a commentary on Montague Street in 2012, includes a recommendation to improve the health of Montague Street by creating eating and drinking destinations nearby to encourage footfall on Montague Street and extend visits beyond 9.00am-5.00pm. Arguably, the application site provides such an opportunity and further benefits from its proximity to seafront and connectivity to Montague Place. The latter is currently benefiting from significant investment to create a high quality public realm and outdoor entertainment space, which fits well with the applicant's proposals and presents an early and unique opportunity to establish an integrated shopping and F&B offer in this area of the town.*

It is apparent that Laura Ashley is only occupying this unit on a reduced rent and the applicant has made it clear that this would not generate sufficient income in the

future to justify the overall investment now being proposed. Despite trying to negotiate a compromise to the scheme, whereby retail use would be retained at both ends of the Montague Centre, the applicant has made it quite clear that no amendment to the scheme is possible. As the Head of Place and Investment indicates there may be some benefit in having an A3 use at the entrance into the Centre particularly with the refurbished public realm around the new bandstand.

On balance, therefore, while a strict adherence to planning policy could be justified in respect of these units, equally the opportunity to take advantage of a confirmed investment opportunity in the town centre could also be considered justifiable. Certainly, there is no doubt as acknowledged by the retail consultant commissioned by the Council that investment is required to support the Centre and there seems little doubt that the rate of return on an A3 unit is far more likely to facilitate such investment.

Within the Centre itself, Game and HMV provide a retail presence as does TK Maxx at the other end but as stated above, the area in between does fall away somewhat. Although not directly received by officers, awareness has been made of a representation by the Store Director of Beales who emphasises the importance of her store within the town and the continuing investment made to support their presence. The Store Director considers that the outlook from the back of the store of largely either vacant or temporary uses within the mid part of the Centre does not provide a beneficial impact.

If the change of uses for the existing units is accepted, therefore, then the remaining part is the erection of the glass kiosk. The applicant has made it clear that the investment cannot take place without the erection of this kiosk. In terms of future users of the units, Patisserie Valerie was confirmed as the first user, provided the kiosk was granted permission.

The impact of the construction of the kiosk is the loss of sycamore trees at the entrance to the site to which many have objected.

As stated in the last Committee report, the trees undoubtedly have public amenity value at present and this is not just confined to the environs of the Montague Centre, as they can be viewed clearly from the east, for example in the pedestrianised area at the end of Warwick Street and South Street.

The applicant states that replacement trees will be planted to the south of the kiosk and although this will be of some benefit within the Centre itself, the wider views enjoyed from the existing trees would be lost. Additionally, the trees would not be of a height and maturity of the current trees, although if permission were granted, the Council would at least have control of the species of the replacement trees by condition to ensure the most appropriate specimens are planted.

The last committee report, despite its recommendation, still made the point that the loss of the trees had to be balanced against the overall investment in the Centre. Your Officers have tried to ensure that the investment in other units could be achieved and the trees maintained. Similarly, concern was expressed regarding the size of the kiosk itself to investigate whether a smaller kiosk, which may allow greater pedestrian flow around it could be achieved. The applicant does not

consider this request appropriate for 2 reasons, a reduction in the size of the kiosk would render the occupation by Patisserie Valerie unviable and an area in excess of 6 metres in width has been left each side of the kiosk to allow sufficient space to enter the Centre comfortably.

It must, therefore, now be conceded that securing amendments to the scheme is not a realistic proposition and therefore a finely balanced decision has to be made.

In conclusion, your Officers have, as stated by the applicant, been in extensive dialogue with the applicant over the last year. It was neither appropriate to summarily dismiss the application on the basis of policy conflict, particularly when such investment in the town is being proposed, but equally it was not considered that the supporting information submitted by the applicant could be accepted without appropriate scrutiny and there was a need for further supporting information to justify a significant departure from policy.

On balance, your Officers consider that the Montague Centre is in need of investment. The retail character of town centres is clearly changing and local planning authorities are encouraged to be flexible where possible. Both the Town Centre Initiative and the Head of Place and Investment feel there is justification for the proposal. To resist the application, therefore, could result in a missed opportunity to revitalise the Montague Centre and attract new operators to the town, the like of which may not come forward again in the near future. While they are regrettable elements to the application, primarily the loss of sycamore trees, it is considered that the overall benefits of the scheme outweigh the harm and therefore a recommendation for approval is justified.

Concerns have been expressed that the kiosk is located on a Public Right of Way, but the County Council has confirmed that it cannot find any records of this being the case. Further information on this point will be provided prior to the meeting.

On the basis that the loss of retail is justified to secure investment (primarily in the erection of the new A3 unit) it would be appropriate to ensure that this unit is completed prior to the occupation of the Laura Ashley retail units for A3 use. Furthermore given the support for the retention of the trees, it would be appropriate to ensure that these trees are only removed once a contract has been let for the construction of the new A3 unit (the kiosk).

## **Recommendation**

To GRANT planning permission subject to the following conditions:

1. Approved Plans
2. Full Permission
3. No part of the development shall be first occupied until such time as the servicing lay-by has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of road safety
4. No development shall be commenced until such time as a Traffic Regulation Order restricting the use of the servicing lay-by in accordance with details to be submitted has been approved by the Highway Authority

and written confirmation of this approval has been made available to the Local Planning Authority.

Reason: In the interests of road safety.

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

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

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

6. The hours of operation shall be restricted to 07:00 to 23:00 hours, no deliveries to or collections from the units shall take place other than between 07:00 to 21:00 hours Monday to Saturday and 10:00 to 18:00 hours on Sunday and no bottles shall be placed into any outside receptacles after 22.00 hours or before 07:00 hours.

7. The use hereby permitted shall not be carried on unless and until details of suitable systems for the extraction and disposal of cooking odours (including details of the extract fans, filters, fan units and ducting together with method of noise abatement, as well as details of extraction hoods) for each Unit has been submitted to and approved in writing by the Local Planning Authority. The equipment approved under this condition shall be installed before the use hereby permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions and no plant or equipment, including the kitchen ventilation and extraction system, shall be operated on any unit except between the hours 07:00 to 23:00 hours

8. Landscaping

9 Use Class Restriction

10 Materials

11. The change of use of Units 1 and 2 shall not be implemented until the completion of the new A3 unit.

12. The existing mature trees on the site shall not be felled until a contract has been let for the construction of the new A3 unit.



Application Number: AWDM/0301/16

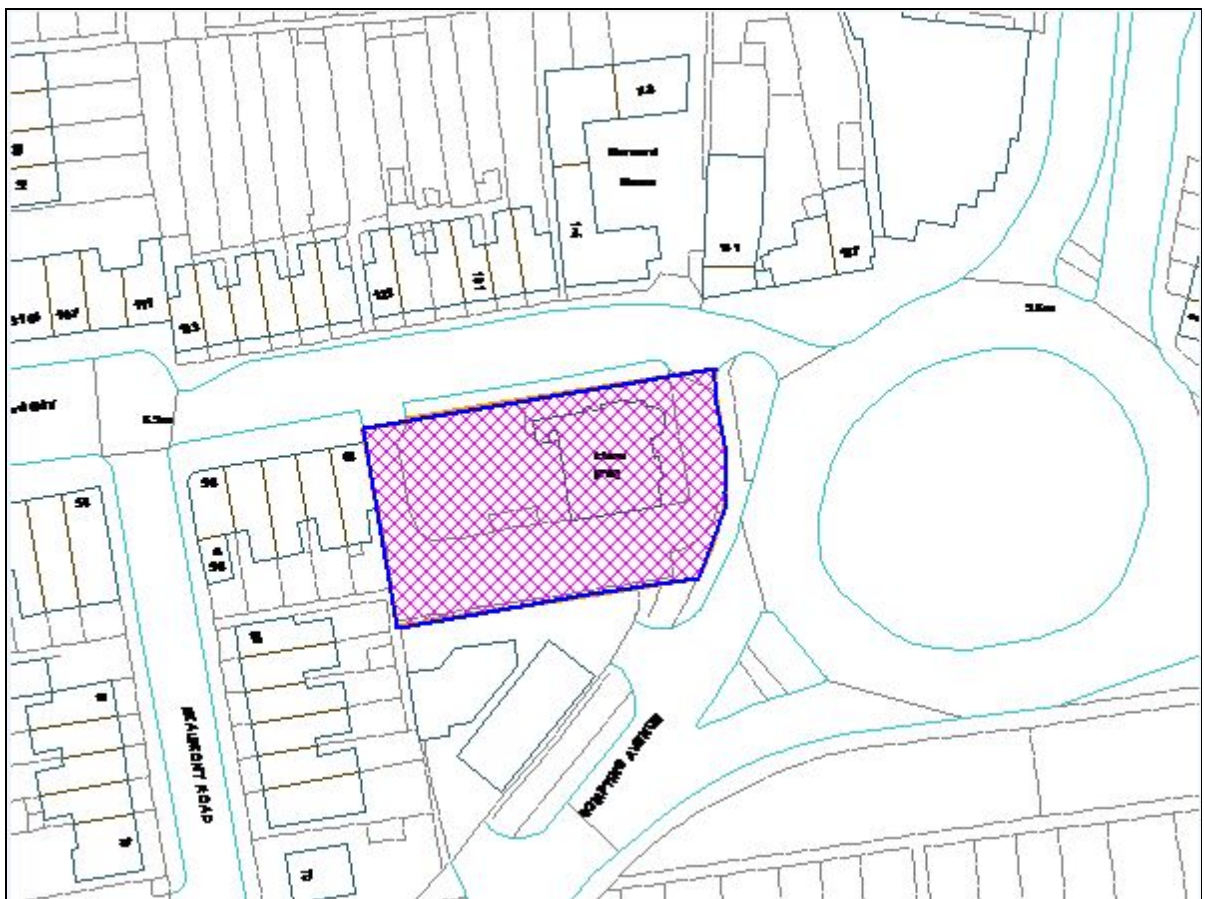
Recommendation – APPROVE

Site: The Elms, 66 Broadwater Street East, Worthing

**Proposal:** Conversion of public house into 5 flats with proposed roof dormers to each of north, south and east elevations and two rooflights to west elevation. Part of existing car park on south side to be retained for flats. Erection of a terrace of four 3-bedroom houses to rear of public house on land to west.

Applicant: Mr Tim Harding  
Case Officer: Gary Peck

Ward: Broadwater

**Not to Scale**

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### Proposal, Site and Surroundings

This application seeks full permission for the conversion of the former public house, the Elms, which is now closed, into 5 flats with proposed roof dormers to each of north, south and east elevations and two rooflights to west elevation and the erection of a terrace of four 3-bedroom houses on land to west fronting Broadwater Street East.

The proposed terrace would adjoin an existing terrace of residential properties to the west. The 4 terraced dwellings proposed would be of a similar footprint to those already in the road and also of a similar design. Each dwelling would be 112 square metres in area. Garden areas of 65 square metres would serve the dwellings.

The conversion of the former public house would accommodate 5 units, consisting of a studio, 2 x 1 bed flats and 2 x 2 bed flats. Proposed dormers in the east, north and south elevations within the roofspace of the building would facilitate one of the flats being located within the roofspace with the other 4 units being shared equally between the ground and first floors.

9 parking spaces are proposed, 7 of which would be situated to the south of the flat conversion and the other 2 to the east.

The application site is located on the southern side of Broadwater Street East at its eastern end immediately to the west of the roundabout. The whole site is within the Conservation Area. To the west of the pub is the former pub car park which is currently in part being used for parking and some storage of materials. This area is the proposed site of the terraced dwellings.

The immediate environs of the site to the north and west are residential but there are also commercial uses in the close vicinity, including a newsagent to the north of the roundabout and a fish and chip shop and barbers at the northern end of Beaumont Road. Residential dwellings in Beaumont Road are located to the south west of the application site and directly to their east is a petrol station which is to the south of the main application site.

### **Relevant Planning History**

None considered directly relevant to the determination of the application.

### **Consultations**

#### ***West Sussex County Council Highways:***

WSCC Highways has submitted substantive consultation responses on three occasions: amended plans were submitted by the applicant's agent in response to the first two consultation responses and therefore the final set of comments from WSCC are those received in June. A further set of comments have also been provided in respect to queries raised by neighbours. These are all reproduced below.

#### ***March***

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

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

## **Summary**

The proposal is for the conversion of the Public House and flat above to five flats (1 x bedsit, 2 x 1-bedroom flats and 2 x 2-bedroom flats) and the erection of an infill terrace of four dwellings fronting on Broadwater Street East.

The site is situated with access on to Broadwater Street East, a 'D' classified road subject to a 30 mph speed restriction in this location. It is also bordered by the Sompting Road Roundabout (B2223).

The application is supported by a Design & Access Statement and various plans. In summary further information is sought in regards to car parking capacity in the vicinity and turning arrangements, as detailed in the report below.

## **Access and Visibility**

The Local Highway Authority (LHA) has reviewed data supplied to WSCC by Sussex Police over a period of the last three years. There has been a recorded injury accident at on Sompting Road Roundabout within the vicinity of Broadwater Street East. However, from an inspection of accident data it is clear that this was not due to any defect with the junction. Traffic from Broadwater Street East is prohibited from entering the roundabout. Visibility on to Broadwater Street East is sufficient at this established access point.

The existing bellmouth access to the east will be utilised. The applicant may wish to consider further dropped crossing points on this access point to facilitate pedestrian movements across the access. The access is sufficient in width to support two vehicles travelling in opposing directions.

## **Parking**

Parking bays meet the required width of 2.4m. However, at 4.3m long are short of the required 4.8m to be counted toward parking provision. The bays should be lengthened to accommodate a parked car.

The WSCC Car Parking Demand Calculator envisions that twelve car parking spaces be provided for the development. The Public House car parking area will be reduced in size due to the development, leaving five car parking spaces for the flats. Although this meets the demand that the flats may create it does not address parking for the terrace of four houses. It is presumed that residents of the houses will park nearby on street. The south side of Broadwater Street East has parking restrictions which limit parking times therefore resident's park on the north side, restricting the amount of space available. It is estimated that seven car parking spaces be provided for the terrace of houses, thus displacing seven cars to parking on street nearby.

Whilst the sites sustainable location is appreciated a parking survey should be carried out to assess two aspects; parking capacity - the amount of available parking space within the survey area and parking stress - the number of vehicles which are parked within the survey area at a specific time, most commonly at peak times of residential parking demand.

Surveys between the hours of 22.00 to 05:30 must be undertaken on two separate weekday mornings (i.e. Monday, Tuesday, Wednesday or Thursday). Public holidays and school holidays should be avoided. Undertaking a survey on a date when an event is taking place locally may impact the results of the survey should also be avoided. The reason for selecting these times is to capture maximum demand for residential parking, i.e. when most residents will be at home.

These two aspects combined will allow us to determine the level of parking available and if vehicles associated with the new development can be accommodated on street without impacting on existing residents parking amenity or highway safety.

### **Capacity**

Given the scale of the proposal and the existing permitted use a TRICS (Trip Rate Computer System) assessment and Travel Plan are not required. Whilst the LHA acknowledge that there will be a difference in the pattern of traffic movements, 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 on the nearby highway network and not be contrary to Paragraph 32 of the National Planning Policy Framework (NPPF).

### **Turning**

Manual for Streets 2 (MfS2) states in paragraph 11.1.9 that a width of 6m is required to manoeuvre at 90° from a 2.4m wide parking space. The parking layout does not appear to facilitate this and turning appears tight, especially considering that the parking bays are 4.3m long when they should be 4.8m. The LHA request that Swept Path Analysis is demonstrated on a plan to shown that turning on site is achievable.

The WSCC Water and Access Manager was consulted and his comments will be forwarded in due course in regard to access for a fire appliance to the site.

It is presumed that waste collection will also be from the roadside. The applicant should demonstrate where the bins will be collected from for the flats. It is presumed that this will also be from the roadside. If it is from within the site then a Swept Path Diagram would be required to demonstrate how a waste vehicle will access and egress the site.

### **Construction**

Matters relating to access during the construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from Broadwater Street East. A comprehensive construction management plan should be submitted. This should set out the controls to be implemented throughout the construction project to ensure that safety of users of the public highway, as well as its operation, is not detrimentally affected. The construction management plan should amongst other things set out how deliveries are to be managed along Broadwater Street East in light of the carriageway width and presence of other vulnerable road users.

## **Sustainability**

Situated in the urban Broadwater area of Worthing the site is well suited to sustainable modes of transport. Street lit footway links lead to various amenities and retail opportunities within walking distance of the site. The nearest bus stop is within 170m of the site and East Worthing Train Station is a 15 minute walk distant. There is a cycle lane within the vicinity and cycling would be a viable option in this location. The applicant has provided cycle storage for the development.

## **Conclusion**

In conclusion the LHA request further information before the highways merits of the scheme can be fully assessed. We require that the applicant carry out a Car Parking Capacity Survey as describe above to determine the stress that the development would cause to on-street parking in the vicinity.

We also request that a Swept Path Analysis demonstrate the turning of vehicles in and out of the parking bays and that these parking bays be extended, to prove that maneuverability within the site is achievable and cars can exit onto Broadwater Street East in forward gear.

Please request this further information from the applicant and re-consult.

## ***May***

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

## **Summary**

West Sussex County Council, as the Local Highway Authority (LHA), has been re-consulted on the above proposals for 5 x flats and a terrace of 4 x houses. The applicant has provided an amended parking layout. The LHA would wish to provide further comments to this amended design as set out below. The LHA require modification to the design and maintain a holding objection until these modifications are carried out.

## **Content**

In the LHA response of 24/03/2016 concerns were raised with the level of parking provided. Five off street car parking spaces were provided for the flats and a nil car parking provision for the houses. The design has been amended to provide a total of twelve car parking spaces.

- Parking space no. 11 and 12 are located on the public highway and would obstruct junction protection markings (double yellow parking restrictions). These two spaces should be removed from the plan and the build out omitted as these 'private bays' would not be permitted in this location.
- Two additional parking spaces have been added to the south of the proposed flats. Each space meets the required dimensions of 2.4m by 4.8m to be counted toward parking provision. The available hardstanding space to the

north of this row of parking bays is 4.2m in length and does not meet the required 6m for a 90 degree turn. Without an existing site plan that demonstrates the current parking spaces/ layout and space available for manoeuvring the LHA cannot fully assess the existing manoeuvrability on site compared to the proposed. The space available to manoeuvre should not be reduced; removal of the kerb line to the south of the existing building would provide additional space. An open shared surface arrangement would be suitable and provide the benefit of additional space to perform a practical manoeuvre out of these spaces.

- Parking space no. 10 and the build out proposed would not be accepted by the LHA. A conflict may occur between traffic entering from the east off the roundabout and vehicles exiting the site. It is anticipated that this arrangement would encourage parking close to the access and cause a narrowing of the available space for vehicles to pass. The build out and space no. 10 should be omitted from the plans. However, spaces 8 and 9 could remain as marked bays. This would provide sufficient width for approximately 6m in to the site for a car to wait in the event that an opposing vehicle was exiting the site. The width of the access at the point of spaces 8 and 9 would be 3.7m, not wide enough for two cars to pass. However, in removing space 10 the LHA is satisfied that a possible highway safety hazard has been mitigated by providing space for a vehicle to wait.

### **Conclusion**

The above modifications would result in nine spaces being provided for the development. On a basis of the parking being unallocated the WSCC Car Parking Demand Calculator envisions that ten spaces be provided for the development. This short fall in one space is not deemed a sufficient reason for refusal considering the sustainable nature of the site. Cycle storage should be included within the designs and it should be noted that various modes of public transport are available within the vicinity.

The plan should be amended to demonstrate these modifications. Please ask the applicant for this and re-consult.

### ***June – final comments***

Further to comments offered by West Sussex County Council (WSCC), in its capacity as the Local Highway Authority (LHA), on the 19<sup>th</sup> May 2016 a number of representations have been made in respect of highway matters. Following this the LHA have undertaken a site visit on the afternoon of the 31<sup>st</sup> May 2016. The following addendum report provides additional comment to address points raised through the representations and modifications to the plans and clarify the assessment undertaken.

It should be noted that national planning policy, the National Planning Policy Framework (NPPF), identifies in paragraph 32 that development should only be resisted on transport grounds when the residual impact is considered to be 'severe'.

In the LHA latest response several amendments to the plans were requested to improve the parking and turning layout on site. It was requested that spaces 11 and 12, being on the public highway, should be removed as they would not be permitted. Furthermore, space 10 and the proposed build out should be removed to enable a sufficient width for approximately 6m in to the site for a car to wait in the event that an opposing vehicle was exiting the site. This has been amended on the plan and the LHA are satisfied that these improvements help to mitigate a highway safety hazard for passing vehicles within the site.

As per the LHA previous comments it is anticipated that ten unallocated car parking spaces be provided. Therefore the nine spaces cause a shortfall by one space. Considering the sustainable location of the site and available parking observed nearby on street the LHA would not wish to raise grounds for refusal as a result of this shortfall. Furthermore, comprehensive parking restrictions are in place in locations where vehicle parking would be detriment to highway safety.

At the time of the site visit three cars were parked within the existing site boundary, two of which were not roadworthy. It was observed that Broadwater Street East is approximately 9m in width along its length; any parking on both sides of the carriageway could restrict the ability for two vehicles to travel in opposing directions at the same time. One vehicle would be required to wait while another passes if parking is present. As a result of this application it is not considered that overspill parking would be to such a level that all capacity for parking in the street would be used. The presence of enforceable waiting restrictions at the nearby junctions and accesses along the road provide sufficient space for vehicles to wait while another passes.

The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

### ***June – further response with regard to points made by neighbours***

I have reviewed WSCC Local Highway Authority (LHA) comments provided 24/03/2016, 19/05/2016, 01/06/2016 and inspected the latest plans and details provided on the Adur & Worthing planning website.

I believe there may have been some confusion/misinterpretation with regard to the reference to the use of the Parking Standards Calculator.

This paragraph has been extracted from the WSCC document titled: "West Sussex County Council - Guidance for Parking in New Residential Developments - September 2010" and refers specifically to conditions to when a car parking capacity survey should be conducted. The LHA requested a car parking capacity survey in the LHA response dated 24/03/2016, with advice and guidance on when how this should be conducted. This was at a time when the anticipated demand for the development (both houses and flats) was 12 spaces and the proposed provision was 5, a shortfall of 7 spaces. It was considered that a shortfall of 7 spaces was a significant given the local context and a car parking capacity survey was reasonable and justified in order to support the application.

Subsequently revisions to the proposal/parking provision were made, culminating in a scheme which it was anticipated would generate the demand for 10 spaces with 9 spaces being provided, a shortfall of one. While the LHA have identified that a shortfall in car parking space would likely take place, a shortfall of one space was not considered significant, in the context of the local area, and it would be unreasonable to insist that a car parking capacity survey be conducted in order to support the application. That is not to say that the applicant or objectors could not provide one anyway to support their respective views.

This latest car parking demand assessment has been outlined in LHA response dated 01/06/2016. It has been conducted on the basis that both the houses and flats would be able to make use of the shared parking facility on an unallocated basis. The principle of providing unallocated car parking is an established one as outlined in Manual for Streets paragraphs 8.3.10 and 8.3.11. I do note and appreciate that the layout of the site does not necessarily lend itself to the residents of the houses utilising the facility, though it does appear that they would have rear pedestrian access to the car parking area. Given the alternative of on street car parking it would be considered reasonable that residents of the houses would make use of this provision, providing it is to be made available to them. Perhaps this is a detail that should be checked with the applicant?

LHA response 01/06/2016 was also considered with the benefit of a site visit by a WSCC Strategic Planning Officer on 31/05/2016. The on street car parking pressure was observed at this time and detailed in the response. This is a one off observation by a WSCC officer and would by no means considered to be a car parking capacity survey. The guidance referred to in paragraph 4.5 below is therefore not considered relevant in this instance. For reference a car parking capacity survey would typically be commissioned by the applicant and not conducted by the LHA.

One additional consideration would be the fall back option of the pub remaining as a pub and operating at peak capacity with the parking demand that may create. By way of guidance the WSCC standard for A3 use class public house are split with different standards being applicable for both town centre and non-town centre locations. See below:

Outside a defined town centre: 1 space per 5 sqm of public area and 2 spaces per bar (or 5m length of bar for large bars) for staff. Within a defined town centre: 1 space per 25 sqm.

While the site is not specifically within the defined town centre the location does share some of the hallmarks of a town centre location, i.e. that it is sustainably located and accessible by other means than just the private motor vehicle. It would therefore be reasonable to conclude that the peak parking demand may actually fall somewhere in-between these standards. It should also be noted that the peak parking demand time for A3 use class does typically overlap with that of residential use. The application documents state that the existing use equates to 210 sqm. For a defined town centre location this would equate to 8 spaces, plus the demand for managers accommodation which would likely be 1 space. A total demand of 9 spaces. Information has not been provided with regard to bar length or public



areas within the existing use, however based on the existing ground floor plan provided it does appear that approximately 200 sqm is accessible by the public including the garden area. This alone would equate to a significant quantity of car parking, in excess of the existing provision. In principle this would add weight to the argument that the proposed use as 5 flats and 4 houses, albeit with a shortfall of one parking space may be considered an improvement towards the on-street car parking capacity when compared to the fall back option of the permitted existing use. Some further details and assessment would need to be made should you require further advice on this matter.

### **Conservation Area Advisory Committee**

No objection subject to details of materials, doors and windows

The **Environmental Health** officer comments:

*The application site lies immediately adjacent to a busy roundabout so there is the potential for noise from vehicles to adversely affect residential amenity. Furthermore the vehicles are accelerating and decelerating, these result in higher engine noise than from free flowing traffic. Therefore I recommend that acoustic glazing is provided for windows and doors on the eastern and southern facades. This could be achieved through a suitable condition.*

*The full contaminated land condition is also requested.*

### **Southern Water**

No objection subject to a condition and informative

### **Technical Services**

Thank you for the opportunity to comment upon this application, the proposed site lies within flood zone 1 appears to be unaffected by surface water flooding, but there appears to have been historic flooding of the road and roundabout.

The applicant has indicated the intention to use soakaways for the disposal of surface water.

The applicant needs to assess if the use of soakaways is viable on this site. The proposed location for the soakaway will need to be more than 5m from existing or new structures, and there will need to be a soakage test undertaken at that location to ascertain if a soakaway will adequately empty. It is not clear from the drawings if there will be adequate room in each property garden to site a soakaway.

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

In the absence of any ground investigation details or detailed drainage details in support of the application although the applicant appears to have indicated his intention to utilize soakaways we request that should approval for this new build /

refurbishment be granted it be conditional such that *'no development approved by this permission shall commence until full details for the disposal of surface water has been approved by the Planning Authority'*.

Soakage tests in accordance with BRE Digest 365 (1991) would be required to be undertaken on the proposed site to provide the data to ascertain the size of the soakaway required for the impermeable areas.

Full design calculations should be provided for the soakaway soakage test result, and the ensuing soakaway and permeable paving designs, along with the rainfall calculations with the additional rainfall quantities appropriate for climate changes, as required under planning policy.

### **Representations**

17 letters and 8 further letters in respect of the amended plans have been submitted objecting to the development on the following grounds:

- lives in end of terrace property at the moment and does not want to become mid terrace
- loss of light
- no existing noise issues but construction will cause noise and disturbance
- parking is a problem due to existing parking regulations
- parking problems will be worsened by the proposal
- application should be limited to a conversion of the pub
- insufficient parking availability at present
- Beaumont Road is already a rat run and will become worse
- overdevelopment of the site
- proximity to schools makes the area busy
- the pub is used for parking which will be displaced onto the street
- roads will need to accommodate an extra 8 cars per day
- residents have to park a significant distance from their homes already
- loss of community facility
- pub should be retained
- proposal is misleading as originally described as 2 bedroom
- County Council response is inadequate as the site was visited on a Tuesday afternoon
- Incorrect to describe the site as sustainable
- WSCC parking calculator has been incorrectly applied

A petition containing 81 signatures in objection to the development was received and following the receipt of amended plans, a further petition of 18 signatures objecting was received.

1 letter has been submitted from Mr Roger O'Hara stating that he had offered the asking price when the pub was on the market to use it as a nursery. This would enable the building to remain in community use and is a suitable alternative.

Several residents, having become aware of Mr O'Hara's letter added to their representations that they felt his proposal to be preferable.

## **Relevant Planning Policies and Guidance**

Saved Local Plan policies (WBC 2003): RES7,  
Worthing Core Strategy (WBC 2011): Policies 8, 10, 11, 16 & 19  
WSCC Guidance for Parking in New Residential Developments 2010  
National Planning Policy Framework (CLG 2012)  
Planning Practice Guidance (CLG 2014)

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

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

## **Planning Assessment**

The main issues in the determination of the application are i) whether the principle of the development is acceptable having regard to development plan policies ii) the effect of the proposal upon the character of the area and iii) the effect of the proposal with regard to traffic and highway considerations.

The application site comprises a public house which recently closed and the land around it, primarily its former car park. Policy 11 of the Core Strategy states:

*Indoor and outdoor recreation facilities, sporting facilities, open spaces, cultural and community facilities contribute to the well being of residents, workers and visitors. The current supply of such sites and facilities in the borough justifies a strategy that seeks to retain and enhance all existing provision.*

*Development will not be permitted which would lead to the loss of, or prejudice the use of, land / premises used, or last used, for community purposes unless:*

- *the land / premises or their location are unsuitable for such uses*
- *adequate alternative accommodation is available locally that is as accessible and at least equivalent in terms of quality*
- *replacement facilities are proposed, or*
- *it has been demonstrated that there is no need for the existing use and that the potential to deliver an alternative community use where there is an identified need has been explored. In appropriate circumstances the dual use of community facilities will be encouraged.*

A subsequent report in 2014 to the Joint Strategic Committee dealt further with the issue of public houses in relation to the above Policy.

The most relevant parts of the report stated:

*In a free market why should some pubs receive a level of protection, particularly if less people are frequenting them and if those pubs are struggling to make a profit (para 3.1)*

*Given these significant economic and social benefits, it is clear that a thriving local pub sector can help to ensure sustainable development in accordance with the NPPF. It is for these reasons that it is argued that pubs should be reflected in planning policies for Adur and Worthing.*

*When considering the protection or loss of a pub it is therefore important to consider what role it plays and whether it can genuinely be considered to be a valued community facility.*

*Whilst the value to the community would be an important consideration when considering its 'value' this is only one part of the equation. For example, if any change of use would require planning permission and a sound economic viability assessment provides evidence that the business is no longer viable then there will be limited scope for the local planning authority to protect the pub from a change of use, alteration, conversion, demolition and redevelopment (paras 3.4 to 3.6)*

*In Worthing, the community value of any pub is, and has been, a consideration applied to any application involving the loss of a pub. Using Core Strategy Policy 11, practice has been to assess the community importance of a pub in relation, to firstly, the geography of pub distribution – i.e. is it the only pub serving a defined neighbourhood? and secondly, objectively, what community functions does it perform over and above that of a drinking establishment i.e. are rooms /space used for functions or for community groups to meet; and/or does the pub run its own clubs? If the pub meets these tests then harm may well arise to justify refusal.*

*The test has been used to assess applications involving the loss of the Clifton Arms in Clifton Road; The Globe in Newland Road; and Half Brick in Ham Road/Brighton Road Newland Road and even before the Core Strategy, The Whig and Pen in Wigmore Road. In each case it was apparent that there were one or more alternative pubs close by also serving the neighbourhood and that the pubs had been in long term decline with only limited community functions surviving. Community opposition to their loss was very limited. On the other hand, their proposed residential conversion had considerable intrinsic merit. All were granted permission to redevelop or convert to residential (paras 4.13 to 4.14)*

In respect of the current application site, there is another public house less than 200 metres to the west and a working men's club less than 100 metres from the site. It also appeared that the closure of the pub was anticipated in advance of the pub actually closing. While there has been a number of representation received in respect of the application as set out above, only 1 made specific reference to

retaining the use of the building as a public house. There is no apparent evidence of the pub serving as a well-used facility and having regard to the policy commentary outlined above, and taking into account decisions on other similar public houses elsewhere in the town, it is not considered that there is any justification to resist the application on the grounds of the loss of the pub per se.

There is, however, a further element to the consideration of the use of the building as a community facility. The applicant's own marketing report states:

*A sale was agreed and placed in solicitor's hands from a purchaser to use the buildings/site for a day nursery but the buyer was subsequently unable to secure the necessary funding and the sale did not proceed.*

A representation has been received in response to the planning consultation from what is assumed to be the potential purchaser referred to above stating:

*I think that a nursery school would certainly be regarded as a community use and overall would make an ideal use for that building if it's not to remain as a pub. We did offer the asking price but unfortunately the owners accepted another offer from a residential developer but if the current planning application is not successful I hope our proposal would be regarded as a suitable alternative by the Council.*

As such, the provision of a nursery could meet the requirements of policy 11 by providing an alternative community use. However, the position is made difficult by the lack of any objection to the loss of the public house as a community facility and the apparent difference in interpretation of the premises between the applicant and potential purchaser. The applicant's agent has confirmed that the applicant has no more information to provide on this matter other than what is stated above in the marketing report.

In any assessment of the proposal, the need to provide additional housing in the town cannot be discounted and the nature of the site with the large car park area to the rear as well the main building being of form and style not dissimilar to a residential use means that the site can accommodate a total of 9 dwellings. Given the overall need for housing in the town, it is considered difficult to resist the proposal on the grounds of policy 11 when the development of the site can make a contribution to housing need.

An additional consideration in the determination of the application is that as the site is located in Broadwater ward, it is within a ward that is exempt for any Community Infrastructure Levy payment. In respect of affordable housing, Policy 10 of the Core Strategy, however, states:

*On all sites of 6 to 10 dwellings, 10% affordable housing will be sought via a financial contribution.*

As Members will be aware, since the adoption of the Core Strategy the Council has successfully collected affordable housing contributions from such schemes. However, in 2014 the Government introduced a 'vacant building credit' which outlined the circumstances in which contributions for affordable housing and tariff-style planning obligations should not be sought from small scale and

self-build development. Local authorities could no longer secure contributions for affordable housing through Section 106 agreements for developments of 10 units or fewer.

In 2015 a legal challenge to the new threshold was successful and 'policies' related to small sites (not having to make affordable housing contributions) were removed from Planning Practice Guidance. As a consequence the Council was able to continue collecting contributions from sites of 6-10 dwellings in line with Core Strategy Policy 10.

The Secretary of State subsequently to the Court of Appeal and this appeal was recently successful. Planning Practice Guidance has again been amended to reflect this judgement. In May 2016 the Government's view of the judgement was that its guidance, that Local Planning Authorities should not seek affordable housing contributions on small sites, had been restored. However, it is apparent from legal commentary, following the judgement, that Government guidance cannot override adopted policy and therefore there is still the opportunity to seek contributions on small sites where there is sufficient up to date evidence both of need and viability.

The Cabinet Member has not had the opportunity to review the Council's adopted policy in light of the change in Government guidance. However, it is clear that other Planning Authorities in the locality are likely to continue to collect contributions from small sites and a review of the Council's evidence supporting the Core Strategy policy does appear to be sufficiently up to date and robust to continue to seek contributions. Certainly Members will be aware of the acute shortage of affordable housing in the Borough and every effort should be taken to help meet this need.

In the circumstances, it is considered that an affordable housing contribution could be sought for this application albeit that as a brownfield site it would be reasonable to seek a reduction for the 'Vacant Building Credit' introduced by the government. This guidance states that where a vacant building is brought back into any lawful use, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Taking the credit into account, 52% of the normal affordable housing contribution is required. The agent has confirmed that the applicant is willing to enter a Section 106 legal agreement to secure this amount.

In terms of the impact upon the character of the area from the dwellings as proposed, in respect of their design and impact upon neighbours, it is considered that this is acceptable. The dwellings meet the relevant Space Standards both internally and externally. In terms of their impact upon the street scene, the site is within the Conservation Area but cannot be said at present to make a positive contribution to it. There is currently a close boarded fence to the car park on the northern side which is unattractive in appearance and this would be replaced by new dwellings that reflect the appearance of those to the west. There is a higher brick wall to the east, towards the pub, but this is not considered of such intrinsic quality to warrant retention.

It is therefore considered that the street scene will be improved by the erection of the terraced dwellings.

In terms of neighbour impact, concerns have been raised by neighbours to the north, immediate west and to the south. In terms of the neighbouring properties across the road to the north while it is understandable they enjoy the gap between the existing dwellings and former pub building that is provided by the car park to their south, it is unrealistic to resist an application for residential development within the built-up area where such face to face terraced buildings across a public road are prevalent in the area. The distance between the proposed dwellings and those they face across the road would be almost 17 metres and hence considered acceptable.

The immediate neighbour to the west, number 64, has objected on the grounds that they do not want to come part of a terrace. Again, in an immediate environ of mainly terraced dwellings, this is not a reason to resist a development proposal. There are no facing windows towards the site and, indeed, in visual terms this will facilitate the removal of the large advertising hoarding that sits on the flank end of this dwelling which can hardly be considered appropriate in the Conservation Area.

Residents in Beaumont Road have expressed concerns regarding the loss of privacy from the proposed dwellings but this appears difficult to substantiate as their rear gardens are already overlooked primarily by numbers 62 and 64 Broadwater Street East. These dwellings are due north of the properties in Beaumont Road whereas the proposed dwellings would be the north east, and therefore at a more oblique angle as their orientation will be to the petrol station. Any overlooking cannot be considered material, therefore, to an extent that would warrant the refusal of planning permission.

The main changes to the former pub building involve the insertion of an additional dormer to the northern, southern and eastern elevations. The first two elevations face the public highway while the latter has a number of windows already at ground and first floor level and so again it is not considered that material harm through overlooking will result.

The remaining issue, therefore, relates to highways considerations and it is readily apparent from the representations received that this is the main concern of the majority of residents. The County Council has been consulted on three separate occasions, resulting in amendments to the plans, and their comments are reproduced in full above. Some outstanding concerns remain from residents regarding the County Council comments, particularly in terms of the parking survey submitted by the applicant and that the County Council visited the site on a Tuesday afternoon. These are being discussed with the County Council and a response available prior to the meeting, but they have indicated that their position of no objection to the application will not alter.

The case officer has visited the site on various occasions both at the end of school time in the afternoon and between 4.30 and 5.30 on a Friday afternoon which is understood to be a time of particular congestion in the area.

In light of those visits, your Officer feels that the concerns of the neighbours are quite understandable. Beaumont Road appears to be used as a rat run to avoid queues at the roundabout and because of the pressure of parking in the area (the area is not within a Controlled Parking Zone) and the presence of a number of commercial businesses in the area, there appears to be an especially high amount of illegal parking – during the case officer's Friday evening site visit, 8 vehicles were observed parking illegally in the immediate environs of Broadwater Street East and Beaumont Road.

To add to the potential pressure on the area, it seems that at present the pub car park is being used for parking by some residents and these vehicles will also be displaced on the road.

Notwithstanding the above, though, the consideration has to be of the effect that the development proposal itself has on the area. The starting point is paragraph 32 of the National Planning Policy Framework which states:

*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

As Members will be aware from consideration of other applications in the town, the wording of the government guidance sets a very high bar on when it is appropriate to resist an application purely on highways grounds.

9 spaces are proposed as part of the proposal, 7 to the southern side of the former pub building and 2 to the west. These would be unallocated spaces and equate to 1 per unit. The County Council's Parking Calculator advises that 10 parking spaces should be provided and therefore the shortfall is 1 space. Previous versions of the plan provided 10 and 12 spaces respectively but of the 3 additional spaces proposed, 1 did not allow for adequate passing within the site, while 2 were on the public highway itself and were not within the remit of the applicant to provide.

It is commonly assumed, and perhaps quite likely, that a new development of this type will generate more than 10 vehicles and therefore the shortfall will be greater than the 1 space indicated by the County Council. However, Government policy is clear that the location of the site needs to be taken into account and it is a matter of fact, that in planning policy terms, the site would be considered as sustainable being within walking distance of public transport routes. There is also a section of an off road cycle-way close to the site before it is signposted along quieter roads to the town centre. The existence of these alternative methods of transport in planning policy terms greatly lessens the chance of the impacts being 'severe' as required by the NPPF. Moreover, while the terraced house are 3 bedrooms in size, the flats are smaller consisting of a studio and 2 x 1 bed flats within the 5 units proposed.

Concern has been expressed that the County Council undertook their visit at a quieter time of the day and that the submitted parking survey from the applicants was similarly submitted at a quiet time of the day. It is understandable that residents are very concerned that a false picture may be presented on the pressure of the area – it is noted for example that compared to the Friday evening



situation outlined above, one of the Google Street View images of the road taken last year shows the southern side of Broadwater Street East being entirely clear of parked vehicles.

In the absence of any objection from the County Council, an objection on highways and traffic grounds cannot be justified and in the event of an appeal it would be very difficult to defend such a refusal reason with the associated risks of a costs claim against the Council.. There are quite clearly issues in the area, and given that part of the County Council's response states: *'The presence of enforceable waiting restrictions at the nearby junctions and accesses along the road provide sufficient space for vehicles to wait while another passes'* it seems that any future solutions are via the County Council as the Highways Authority.

In terms of this planning application, though, it is not considered that, having regard to national planning policy and the conclusions of the County Council, a refusal of the application could be justified on the basis of traffic and highways considerations.

In conclusion, therefore, the proposal is acceptable in providing additional housing in the town which will likely to benefit the visual appearance of the Conservation Area and there are no overriding material considerations which could justify a different conclusion. Accordingly, approval of the application is recommended.

### **Recommendation**

To GRANT permission subject to the completion of a Section 106 agreement securing the provision of an off-site contribution for affordable housing and the following conditions:

#### **Subject to Conditions:-**

1. Approved Plans
2. Full Permission
3. No part of the development shall be first occupied until such time as the existing vehicular access onto Broadwater Street East has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of road safety.
4. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be unallocated and retained for their designated use.  
Reason: To provide adequate on-site car parking and turning space for the development.
5. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.  
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.
6. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in

writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

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

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

7. Approval of Materials
8. Acoustic glazing on eastern and southern facades
9. Construction of the development shall not commence until the means of foul and surface water sewerage disposal have been submitted to, and approved in writing, by the Local Planning Authority in consultation with Southern Water.
10. Contaminated land investigation
11. No additional windows
12. Landscaping
13. Hours of Construction

## **INFORMATIVES**

The applicant is advised to contact the Community Highways Officer covering the respective area (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

A formal application for connection to the public sewerage system is required in order to service this development. The applicant is advised to contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

Application Number: AWDM/1861/15

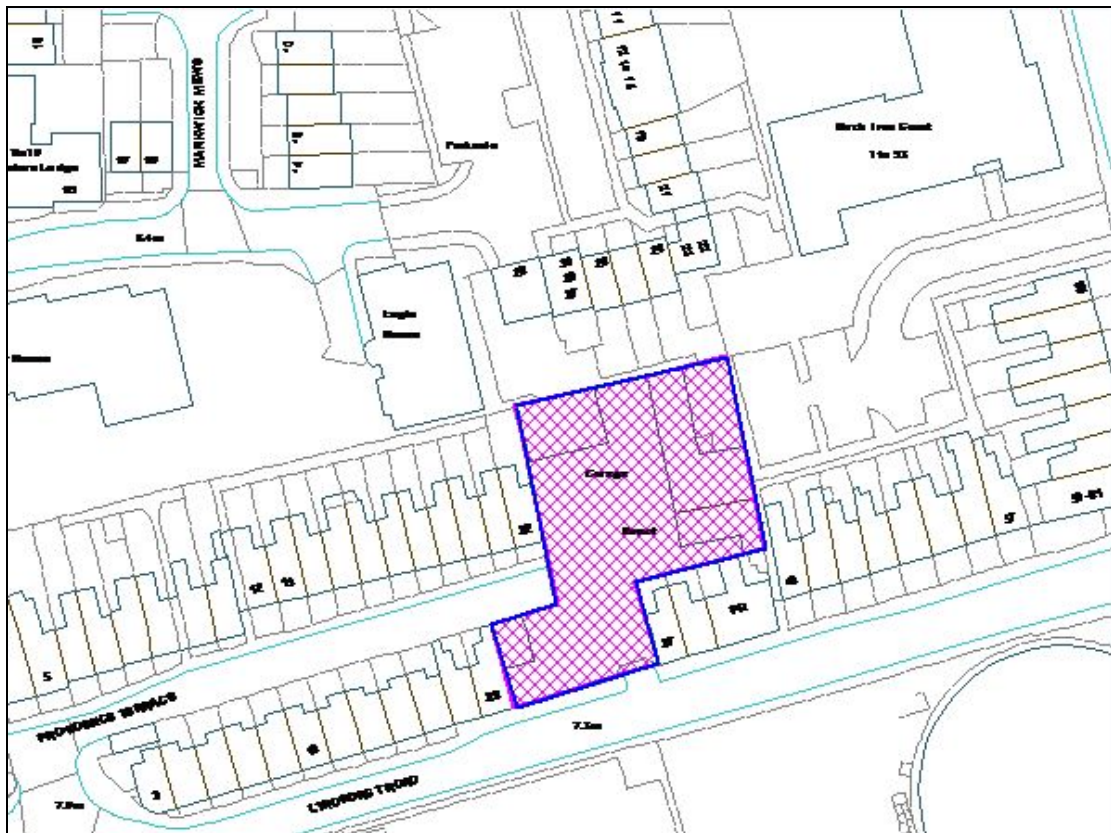
Recommendation –Approve

**Site:** Providence Works 27 - 33 Lyndhurst Road Worthing West  
Sussex

**Proposal:** Redevelopment of the existing tyre centre, car sales and MOT yard to accommodate 9 new residential dwellings (4no. 2 bed houses, 3no. 3 bed houses and 2no. 4 bed houses) with private external amenity spaces and associated works including parking provision for 11 cars, access and landscaping.

Applicant: Uplift Property  
Case Officer: Peter Devonport

Ward: Central



Not to Scale

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### Site and surroundings

The site is located just to the east and north of the town centre boundary at the very western end of Lyndhurst Road, on the north side.

The site is adjoined by residential uses on all sides.

To the west at the front (southern part) is a Victorian terrace of two storeys, simple cottages (with rear outriggers) characterised by white render and tiled roofs, the

nearest sitting hard up to the pavement but all with a very shallow back gardens. The facing flank wall of the nearest neighbour at No 25 is blank.

Adjoining the western boundary of the site at the back is Providence Terrace, another terrace of simple Victorian cottages facing south and, across the road, onto the back yards of the Lyndhurst Road terrace. The stub end of Providence Terrace is marked by a solid boundary brick wall 1.5 to 2 ms tall and the east most cottage in Providence Terrace (no 22) whose main flank is blank apart from two windows serving a kitchen in its outrigger, abuts the site at this point.

To the north of the site is a modern residential development (Parkside) of mainly 2 and 3 storey flats and houses. Their parking court and some back gardens adjoin the site separated by a substantial solid wall. Eagle House sits very close to the NE corner of the site whilst the blocks at 22-28 Parkside are 11-12 metres away, with windows in their facing upper storeys.

To the north east is another partly soft landscaped parking court to the flats in the modern block of flats at Birch Court.

At the eastern part of the front of the site is the end of another Victorian terrace abutting the pavement, whose west facing flank (No 37) is windowless. This has a single storey rear extension occupying much of its very shallow rear yard. Nos 37 and 39 are owned by Worthing Homes. The Selden Arms PH lies just beyond these end terrace properties and its rear yard and single storey back addition abuts the site's southern boundary directly. This terrace incorporates north facing upper floor windows principally serving a bedroom a-piece at 37, 39 and Selden Arms.

Opposite (south) is the defunct gasholder station site designated as Area of Change site 7 in the Core Strategy for mixed use residential led redevelopment, critical to the regeneration of the town centre and also the Waitrose store.

The application site has been principally used as a car repairs garage since the late 1970s and before that, as engineering works/metal merchants but the oldest part dates back to Victorian times when it was known as Steam Saw Mills. The residential terrace either side once ran across the Lyndhurst Road frontage and these were demolished long ago as a result of bomb damage in WWII.

Today, the site is vacant and hoarded off, the last user (Kenvad Garage), having finally left the site during last winter after a presence on the site since 1972 (PR car sales had left previously). Kenvad have relocated to St Lawrence Lane. Kenvad operated as a car repair garage and MOT centre but part of the site (western part) was also leased out for car sales.

The site itself is irregular in shape and 0.12 hectares in size and the terrain, in common with the surrounding area, is flat.

The main buildings are all old and somewhat tired in appearance/in disrepair and located on much of the perimeter, with hard surfaced, open interior and front where previously cars were parked, either for sale or related to the garage repairs. They comprise a two storey or equivalent pitched roofed converted house formerly

used for offices and workshop hard up to the eastern boundary and substantial single storey, generally, open workshops on the northern and southern boundaries, supplemented by substantial solid boundary walls. A small single storey office building related to the former car sales is situated in the south west corner abutting the flank of No 25 but set back from Lyndhurst Road. Altogether, the given floorspace is 372 sq ms.

The vehicular access is from Lyndhurst Road and double yellow lines on both sides of Lyndhurst Road in the local vicinity and on one side of Provident Terrace.

The site is on land identified as potentially contaminated but is classified as Flood Zone 1 and is in a Controlled Parking Zone.

### **Planning History**

Between 1972 and 1978 the site was used by metal merchants.

Thereafter, it was used as a vehicle repair garage/storage facilities granted under various temporary permissions.

Outline planning permission under WB/146/87 was granted in May 1987 for the demolition of the existing buildings and the erection of 10 x three storey terrace (town houses) arranged as a terrace across the whole of the front of the site with separate terrace behind, all accessed from Providence Place properties. Reserved Matters were refused and dismissed on appeal in 1988.

Use of the site for part fitting of tyres, exhausts, batteries, minor vehicle repairs to motor vehicles and ancillary storage ( rear buildings) and part display and sale of motor vehicles with ancillary offices (front area) with parking provision was granted in 1989 to Kenvad under WB/64/89.

### **Proposal**

The proposal is to demolish the existing buildings on the site and redevelop the site for 9 market houses.

The proposal has been the subject of protracted pre-and post-submission negotiations to seek to improve the design, mitigate harm to neighbours; justify the loss of business use and demonstrate unviability for affordable housing.

The houses are arranged as two, south facing terraces; one, a continuation of the Lyndhurst terrace at the west of the site and one a freestanding terrace at the rear of the site. Both are in a period Victorian style and two storeys, though with accommodation in the roof served by front and rear dormers. The only flank windows are in the rear terrace and are at first floor at each end and serve bathrooms.

An internal landscaped courtyard is positioned centrally in the site and provides open parking for 8 cars including one disabled. Soft landscaping to screen the western and eastern boundaries and elsewhere to soften the appearance of the block paved courtyard is provided. All the houses have modest rear gardens, the

rear terrace also benefitting from screen planting at the northern boundary with the existing housing.

The facing materials shown are white rendered walls and grey slate roof.

Domestic refuse/recycling storage is within the courtyard behind the neighbouring western Lyndhurst Road terrace.

Vehicular access is based on the existing from Lyndhurst Rd and is 4.2 ms wide. Pedestrian access only is available from Providence Place.

The four new front terrace houses are all two bedroomed and the five new houses in the rear terrace are all three bedrooms. All the new houses face north south and there are no windows in any flank.

The application is supported by Planning Statement; Design and Access Statement; marketing statements and supplement; land contamination study; financial viability study (confidential) and Drainage Strategy. Relevant extracts are set out below.

### Planning Statement

#### Conclusions

*The application site comprises a tyre centre, car sales and MOT premises that is currently operated by Kenvad Discount Motorist centre and previously PR car sales. It is located at 27-33 Lyndhurst Road abut to the boundary of Worthing Town Centre. The site is currently underused thus creating the opportunity to increase the efficiency of the site in a central, sustainable location.*

*The GL Hearn Local Housing Needs Assessment (updated August 2015) identified that there is a significant demand for housing to be provided within Worthing Borough at 629 dwellings pa. It also brought to light that the '5 year housing land supply' sites as identified in Worthing's Core Strategy (2011) is significantly below that required to meet demand.*

*To address the pressing need for housing within Worthing Borough it is therefore proposed to optimise the sites potential for redevelopment with 9 well designed family homes. The redevelopment*

*of this site into housing will provide much needed high quality homes for Worthing Borough.*

*The current use as tyre centre, MOT and car sales are considered genuinely redundant. The buildings are in a state of disrepair and the site generally subject to contamination. A range of options to retain the site as an employment generating one, namely refurbishment and redevelopment for commercial uses, have been tested but shown not to be viable.*

*There are few jobs facilitated by the current use and the marketing exercise also demonstrated a lack of market for continued or alternative employment uses. It is noteworthy that the Sustainable Economy SPD notes that the value offered by sites like this includes "the potential the site offers as a sustainable location for*

*future employment uses” but the future employment potential for the site has been fully tested and found to be unviable.*

*The residential proposals respect the character of built form surrounding the site and offer a high quality environment for potential occupants within this sustainable location. As such the potential of the site to accommodate development has been optimised (as required by paragraph 58 of the NPPF) and the opportunity has been taken to enhance the character and quality of the area and the way that it functions (in accordance with paragraph 64 of the NPPF).*

*We affirm that this development proposal represents sustainable development. The provision of 9 new homes of a good design positively addresses the character of the surrounding area and makes a significant contribution to meeting the current housing shortfall in the Worthing Borough on a previously developed site. Government policy is clear in relation to the priority of brownfield land and reuse of underused sites for housing.*

*Furthermore, the sustainable location of the site encourages the use of walking and public transport. Paragraph 14 of the NPPF claims that the “presumption in favour of sustainable development is the golden thread which runs through decision taking” and the proposals represent the sustainable reuse of previously developed land in a central location. The proposals are fully compliant with the provisions of national planning policy and the development plan and on this basis should be approved without delay.*

### Marketing Statement

#### Symonds & Reading 16.11.15

*We refer to instructions received from Kam Sagar Uplift Property and yourself to provide a summary of our marketing of the above mentioned property/site which ultimately led to the disposal of the freehold interest to Uplift Property. We take this opportunity to set out below a history of the marketing over that period.*

#### *Marketing Campaign*

*We were instructed by Kenvads Ltd on the 20th March 2014 to act on their behalf in the disposal of the freehold interest in the above property/site. Our instructions were to fully market the property/site on a commercial and residential basis to all potentially interested parties. My understanding from our clients was that they had already tried to obtain interest from anyone who might be interested in purchasing the business as a going concern, however, they had been unable to attract an interested party. Following our clients approval, particulars were sent out to an extensive mailing list drawn from our own database of applicants plus advertising on numerous marketing websites to include Rightmove, Zoopla, On The Market.com, Symonds & Reading's own site and in the local property paper, Property Today.*

#### *Interest*

*We started registering interest and collating information from applicants from the date of instruction. Expressions of interest were received from a range of parties including local and national house builders and commercial developers. All applicants were informed of the current usage as a motorist discount centre, car*

*sales forecourt plus the approximate size of the site and buildings situated within the curtilage.*

*The initial response from residential developers was mixed. Several parties who had expressed an interest stated that the site was not in the right location. They raised concerns regarding the unsightly views from the site and the untidy presentation of the dwellings along Lyndhurst Road. In their opinion, these issues did not benefit a development on the site and consequently they did not make further enquiries. A concern regarding the contamination of the site, due to the nature of the business, has been a major issue.*

*The current buildings are dilapidated and would require significant refurbishment to be capable of reuse. There is asbestos contamination within many of the structures and other contamination issues with the site. With adaptation the viability work has demonstrated that the cost would not result in sufficient returns to make this viable. The retention of the existing buildings for reuse is inappropriate as the buildings would fall into further dilapidation and are not considered fit for purpose.*

*In terms of the local market there would be no prospects for the reuse of the existing buildings in their current condition. The refurbishment option is not viable as demonstrated above.*

*There is no identifiable commercial/employment demand for the existing buildings as they currently stand. Demand is considered to be limited for B1 or other commercial uses and in terms of viability the likelihood of redevelopment for such purposes is non-existent.*

#### *Offers*

*Following the marketing campaign during 2014 and 2015 we received a number of offers, both unconditional and conditional, on a subject to planning basis. The offers we received came from small and medium size house building companies. We received one offer of interest from a commercial source, however, this was withdrawn almost immediately due to any funding being unavailable.*

#### *Summary*

*To summarise, following the receipt of instructions from Kenvad Ltd to dispose of the freehold interest in this property/site, an extensive and formal marketing campaign was carried out on an 'all enquiries' basis.*

*Details were made available via email, company website, property portals, newspaper advertising and local office windows to a wide range of interested parties including commercial, retail and residential developers.*

*It soon became apparent that only residential developers were prepared to accommodate the difficulties and restraints that this property/site had to offer.*

#### *Michael Jones 9.5.16*

*As you are aware my company has been instructed by Uplift Property Limited to market the property to attract interest from the commercial market solely following the comprehensive marketing programme to the general market by Symonds & Reading, my colleague agents.*



*By way of footnote I would confirm that Symonds & Reading were instructed to sell this property on the 20<sup>th</sup> March 2014 and I attach a copy of their marketing letter covering this period. There was concern that Symonds & Reading were not an effective commercial agent and therefore our instructions were to cover the commercial market.*

*Instructions were therefore received from Uplift Property Limited to market the property on the 10<sup>th</sup> March 2016 and a guide price was quoted of £700,000. It may be worth noting that the original occupiers purchased the property approximately 15 years ago for a figure of just under £600,000 and therefore as you can see an uplift in price of some £100,000 over a 15 year period would be a realistic position for growth over that period.*

*In terms of marketing, details were prepared and a copy of these are enclosed, and these were circulated to all applicants on our database both occupiers and developers seeking an opportunity such as this.*

*In addition the property was advertised in the local commercial section of the property paper, boards erected upon the site and the property was also advertised on the various portals including the Michael Jones Commercial site which receives some 25,000 hits per month. Rightmove, where the property was viewed over 10,000 times and I enclose the Rightmove report in this respect. Also on Zoopla and EACH commercial website. I hope therefore that this demonstrates that over the 2 month period that the property has benefitted from a comprehensive marketing programme.*

## **Consultations**

### Environment Agency

*We consider that planning permission could be granted to the proposed development as submitted if the following two planning conditions are included as set out below. Without these planning conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.*

#### *Planning Condition 1 of 2*

*No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority LPA). The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.*

**Reason:** *To ensure that any remediation, if deemed necessary is satisfactorily completed.*

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

#### Planning Condition 2 of 2

*If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.*

**Reason:** *To ensure that any contamination identified during the construction works is fully characterised and assessed.*

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

#### **Further Information**

*We have reviewed the Geo-environmental and Geo-technical assessment report produced by Jomas Ltd. The report details the findings of a Desk Study and site investigation with results from soil testing. The results have identified low levels of heavy metals and PAH contamination. No contamination of hydrocarbons has been identified. The levels of contamination do not pose any significant risk to the water environment and we agree with this conclusion.*

*No detailed remediation measures have been recommended apart from foundation soil removal and clean cover for landscaping purposes.*

#### West Sussex County Council: Highway Authority

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

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

### **Summary**

*West Sussex County Council, as the Local Highway Authority (LHA), has been re-consulted on the above application for 9 x dwellings utilising existing access off Lyndhurst Road. Amended plans have been provided demonstrating a reduction in the parking provision. The LHA would wish to pass additional comments as follows.*

### **Parking**

*Amended Plans have been received showing a reduction in parking spaces from 11 to 9. The rear terrace of dwellings will now consist of 5 x 3-bedroom dwellings, the front terrace remaining as 4 x 2-bedroom dwellings. The LHA have assessed the revised proposal using the WSCC Car Parking Demand Calculator. No details have been provided regarding the allocation of the car parking. On the basis that all car parking spaces will remain unallocated it would be anticipated that the proposed nine spaces would meet the needs of the development. Should the applicant wish to allocate the car parking spaces to particular dwellings this would increase the anticipated car parking demand to fourteen spaces. This would require additional highways considerations. At this stage I would be minded to advise that the spaces remain unallocated and this detail secured via planning condition.*

*It should be taken in to account that double yellow lines on both sides of Lyndhurst Road prohibit parking on the road nearby in locations that would be detrimental to highway safety. The Local Planning Authority (LPA) may wish to consider the potential impacts of this development on on-street car parking. Additionally, the location is highly sustainable with public transport, cycling and walking all viable options.*

### **Visibility**

*Visibility splays have not been provided in support of the application. However, in an email to the LHA of 10<sup>th</sup> February 2016 a visibility splay plan (drawing no. 1000002717-SK02) was provided demonstrating 2.4m by 43m vehicular visibility splays as required for a 30mph road in such a location. This plan should be included with the current application and can be provided as part of a condition if the application is permitted by the LPA.*

### **Refuse Collection and Fire Appliance Access**

*Refuse and Fire Appliance access will be from the roadside. The LHA are satisfied that the dwellings are located within suitable distance of the roadside to enable these arrangements.*

### **Capacity**

*The proposed development would substitute the existing industrial use on the site which would have generated an amount of vehicle movements throughout the day. The LHA have run a TRICS (Trip Rate Information Computer System) assessment to ascertain peak vehicular movements from 08.00-09.00 to 16:00-17:00. The TRICS data provided is based on nine dwellings. The data indicates that the*

*proposal will generate 4-5 two-way vehicular movements during both the AM and PM peaks. Overall the application is likely to generate 43 daily two way vehicle movements. The TRICS assessment is reflective of the sites edge of town location. There are no known capacity and congestion issues within the immediate vicinity of the site.*

*Due to the mixed use element of the existing site the LHA have not been able to perform an internal trip rate assessment in order to compare the existing and proposed use. While it is appreciated that national policy (Department for Transport Guidance on Transport Assessments March 2007) and local policy (WSCC Safety Audit Adopted Policy September 2015) would not require the application to be supported by a Transport Statement or Road Safety Audit, the LHA would still be minded to request some indicative supporting evidence. This should be in the form of a written statement fully outlining the traffic movements that could be produced by the existing B1C use of the site so that an internal assessment can be made with regard to any intensification of use or otherwise that may occur.*

### **Conclusion**

*In conclusion the LHA would still seek further information outlined in the 'Capacity' section. Should this information be considered satisfactory it would be difficult to substantiate a highways safety reason for refusal.*

*Please ask the applicant for this additional information and re-consult. Should this information be provided and the LHA consider this satisfactory then the following conditions should be secured if the LPA are minded to approve the application:*

#### *Visibility*

*No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Lyndhurst Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.*

*Reason: In the interests of road safety.*

#### *Cycle Parking*

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

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

#### *Vehicle Parking and Turning*

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

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

#### *Construction Management Plan*

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

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

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

#### *Economic Development Team*

*This 0.3 acre commercial site contains 4,004 sqft of commercial buildings and yard area. The site benefits from a good road frontage on a main arterial road, located within close proximity of Worthing Town Centre. The site is situated opposite the town's main gasholder and Waitrose Supermarket. The commercial buildings are situated to the rear of the site, adjacent to a residential parking area to the east, with residential gardens to the west and north of the site. The entrance to the site has a residential terrace on either side, followed by a public house a few doors to the east, with Worthing's main hospital site located approximately 150 meters east.*

*This site has been in B2 use since 1952, converting from engineering to a garage, depot and works in 1976 and then to motor servicing, repair and ancillary motor sales by 2001. This site remained in active use until March this year, when the business relocated to St Lawrence Lane in Worthing.*

*Economic Development are unaware of any complaints regarding the commercial use of this site and Environmental Health records confirm a music noise complaint was received in 2005, but that no other complaints are recorded.*

*Economic Development notes that pre-application advice regarding the employment status of this site and the Sustainable Economy SPD, was provided to the applicant on 24th September 2015, prior to their purchase of this site.*

*Economic Development have reviewed the revised marketing evidenced and have the following comments:*

- *Symonds & Reading are a local residential agent with no reference to commercial services on their website. Please find attached a screen shot of the marketing for this site undertaken by Symonds Reading, which relates purely to a residential development opportunity*
- *Michael Jones:*
- *Economic Development received notification from Michael Jones of their commencement of commercial freehold marketing for this site on 11th March 2016, with an asking price of £700,000. This property has therefore been marketed for commercial freehold purposes (not leasehold), for a period of 3 months to date.*
- *Economic Development discussed the guidance in the Sustainable Economy SPD with the agent regarding freehold and leasehold marketing and that Economic Development are helping various businesses who are currently trying to identify leasehold property of this nature. This guidance was followed up by the email below dated 22.4.16, to Jon Justice at Michael Jones. Economic Development notes this site is not currently being offered as a leasehold opportunity.*
- *Michael Jones letter dated 22.12.2015 states: 'In terms of new B1 storage rents in the region of £6.50 per sqft are being achieved. Again, I feel it would be appropriate to apply the same yield as above of 8% and this equates to a freehold value of just over £80 per sqft.' Economic Development are aware that B1/B8 and B2 values are in a similar pricing region and if this valuation was applied to this 4004 sqft site, the current market value for this B2 site would be in the region of £320,500. Economic Development notes this site is currently being marketed for £700,000.*
- *Michael Jones letter dated 9.5.16 states 'we have had 2 quality commercial enquiries...the second was from car retailer who was looking to sell Jeep vehicles...This party made an offer of £375,000 for the freehold interest'. This demonstrates that in the first two month period of freehold marketing a business had tried to purchase the freehold of this site for £93 per sqft, to run their business, therefore demonstrating demand for this employment site.*

*Economic Development notes that this property has been added to the Spring 2016 Commercial Property Register for Worthing, which was loaded onto the council website on 10th May 2016. The Spring 2016 Commercial Property Register lists this site, three other industrial properties and one small industrial development site as available across the whole of Worthing. Worthing is currently seeing an unprecedented uptake in industrial floor space and has a 1.08% industrial vacancy rate, leaving many businesses struggling to identify suitable employment sites. Businesses are currently keen to secure industrial sites regardless of the current condition of the site.*

*Economic Development has reviewed the marketing evidence provided for this application and has concluded that the evidence does not satisfy the criteria outlined in the Sustainable Economy SPD. The evidence does not demonstrate the site has been actively marketed for current market rate, for freehold and*

*leasehold tenures for a suitable period of time to demonstrate non-viability for current use, alternative employment uses or community use.*

*Economic Development raises a strong objection to this application and welcomes freehold and leasehold marketing of this B2 site for employment use.*

*Supplementary*

*I have reviewed the (independent viability assessment report) and would note (this states):*

- *'Site Value should equate to the market value subject to the following assumption: that the value has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan'.*
- *Appendix 1 of the Sustainable Economy SPD states that 'It is important the price of the property reflects the current market value of the property based on its current condition and use status. If the buildings or site requires extensive conversion/repairs the price should be based on the unconverted state unless the works are to be undertaken prior to completion. The price should not include any potential residential or other non-employment use value.'*
- *'We also note in the Symonds Reading report that the current buildings are "dilapidated and would require significant refurbishment to be capable of reuse...there is asbestos contamination within many of the structures and other contamination issues with the site...the retention of the existing buildings for reuse is inappropriate as the buildings would fall into further dilapidation and are not considered fit for purpose". This further suggests that there is little value in the site without carrying out extensive refurbishment works. As such we are unable to verify or see how a figure of £700,000 for the site has been arrived at.'*
- *Symonds Reading are a residential estate agent who actively marketed this site for residential redevelopment. It is therefore considered that the £700,000 site valuation included hope value for residential development.*
- *The viability reports submitted are calculated on the basis that the refurbished buildings would have a freehold value of £860 per sqm (£80 per sqft) along the lines as set out in the Michael Jones letter. The level of investment proposed suggests that the refurbishment would be to a high standard and therefore it can be assumed that the £860 per sqm value has been set for commercial buildings of a high standard.*
- *If the £860 per sqm valuation for high standard industrial space was applied to the current commercial building footprint, the value for the refurbished site would be around £320,000. Please note that within 2 months of marketing a commercial freehold offer of £375,000 was received.*
- *The site valuation of £700,000 therefore suggests a value of £1881 per sqm (£174 per sqft.) which is twice the sqm price for the completed refurbished units within the viability report.*

*Economic Development appreciates that it appears the applicant may have purchased the site for far in excess of current market value, for the current condition and use of the site. However Economic Development notes that the criteria listed in Sustainable Economy SPD has not been satisfied to demonstrate*

*that a lack of demand for this employment site, as a commercial purchaser was identified within the short marketing period undertaken.*

*Worthing is currently seeing an unprecedented uptake in industrial floor space and has a 1.08% industrial vacancy rate, leaving many businesses struggling to identify suitable employment sites. Businesses are currently keen to secure industrial sites regardless of the current condition of the site and are then prepared to invest the level of required investment to meet their current and future business needs. Economic Development see no reason why this site would not provide a suitable employment base without the need to add an additional access point through Providence Terrace, or impact the surrounding residents. Economic Development would therefore welcome full marketing of this site on a leasehold and freehold basis at current market value, to support inward investment and indigenous business growth.*

*The Sustainable Economy SPD provides the following consideration for mixed used developments 'There may be instances where a site's sole use for its existing employment purpose is no longer viable (and this has satisfactorily demonstrated in accordance with the criteria set out in this SPD) In such cases the Council will expect applicants to have examined the possibility of developing either mixed use schemes or other elements including some residential to cross fund development.*

#### *Planning Policy*

*I would add the following points:*

- Policy 4 of the CS part 2 seeks to protect those employment areas (defined as B1/B2 and B8). The policy clearly states that the Council will be flexible where it can be satisfactorily demonstrated that the site (or part of the site) or premises is genuinely redundant and is unlikely to be reused for industrial or commercial use within the plan period having regard to a number of factors. These factors include conflict of existing use with neighbouring uses/ no effective demand exists now or likely in the future for an employment generating use or that the site is not capable of accommodating an acceptable employment development.*
- Policy 4 is supported by the SPD-Sustainable Economy. This clearly sets out the detailed criteria of how planning applications that seek the loss of employment floorspace will be assessed.*
- Policy 4 and SPD were adopted pre NPPF however, it should be noted that in 2 recent successful appeal decisions the Inspectors found no conflict between the Core Strategy Policies and the Framework and further stated that 'since the economic objectives of the Core Strategy as set in paragraph 6.22 were consistent with paragraphs 18 and 19 of the framework.' As such full weight was attached to policy 4.*
- From the evidence set out in ED comments it would appear that the applicants have failed to demonstrate that the site is genuinely redundant. In fact, it would appear that even though the site has been marketed for far less than a year, there has been commercial interest in using the site including another car showroom/garage facility.*
- The SPD makes it clear that the Council does not wish to reach a position where its regeneration efforts in the local economy are threatened by a lack of sites.*



- *The current Local Plan review clearly acknowledges the difficult position the Council are in, in trying to meet the various and often competing needs of the Borough. A particular pressure is to meet its significant housing need and this is combined with a continuing pressure from central government to meet those needs yet at the same time referring to the needs of business and the economy and achieving sustainable development.*
- *As part of the local plan review the Council commissioned an Employment Land Study. This study clearly concludes that whilst the majority of new jobs will come from non B class sectors, the B class sectors are expected to grow at a higher rate than in previous years. The study acknowledges that future employment growth in Worthing remains constrained by an acute shortfall of employment land to meet indigenous growth needs particularly in the industrial market. In essence this points to the need to ensure that there is careful consideration of each potential employment site loss firstly out of B class but then as the SPD requires consideration as to whether the site could meet any other employment generating use needs before being considered for residential. The Council would not want to hold on to sites that clearly do not offer such a potential and /or offer a far better opportunity to meet the pressing needs for housing.*
- *It would appear from the evidence the ED have referred to that this assessment has not been carried out by the applicants on this site.*
- *The above comments apply given that the site is considered to be B2 employment use. B2 uses do not always site comfortably with residential uses but much depends on any permission and any conditions attached to control the operation of the permitted uses. I understand that there have been no complaints from the operation of the current/previous users?*

#### Housing Strategy and Enabling Manager

A 10% contribution towards the provision of off-site affordable housing is required by way of a commuted sum to be secured by a legal agreement under Core Strategy Policy 10 and allied Supplementary Planning Document. This amounts to £93,321.

#### Environmental Health Officer

*Part of Lyndhurst Road (close to its junction with North Street) was highlighted in a 2013 air quality assessment as close to the national air quality annual mean objective for Nitrogen Dioxide. We are currently monitoring levels at this location, however it is too early to reach any conclusions as we have yet to receive any data. However as a precaution, the design of any development should be such that habitable rooms are situated as far away from the carriageway as possible. Any development should also ensure it does not significantly add to existing traffic levels.*

*This road is also relatively noisy so any front facade should afford future occupiers adequate protection from traffic noise. I note from the plans that bedrooms are to be situated at the rear of the terrace fronting the road. This is preferable from a noise perspective as it will reduce exposure to noise. In order to ensure adequate protection from road noise at the front and to provide occupiers with the option of allowing cleaner air into these rooms, I recommend a scheme be submitted which includes substantial glazing to reduce noise exposure from traffic in these rooms and the provision of an acoustically treated mechanical fresh air supply with the air*

*taken from the roof at the rear of the property (where air pollution levels will be lower). Acoustically treated trickle vents will not suffice.*

*I therefore recommend the following be attached as a condition to any permission granted.*

*Construction work shall not commence until a scheme for protecting the building envelopes of the front terrace properties so as to provide sound attenuation against external noise has been submitted to and approved by the local planning authority. The scheme shall be designed to ensure compliance with the Good standard within BS8233:2014, with windows shut and other means of acoustically treated ventilation provided. All works which form part of the scheme shall be completed in accordance with the approved details before any part of the residential unit is occupied.*

*In order to protect existing neighbouring properties I recommend that a condition be attached requesting a scheme of dust control be submitted and approved before any development commences and that the hours of construction work are restricted to 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday only.*

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

*There is no record of complaints from neighbours over the operation of the business use itself.*

#### Drainage Officer

*The surface water drainage layout drawn would suffice.*

*But there are no calculations provided to calculate the size of the surface water tanks, and because no soakage tests have been undertaken there is no guarantee that soakaways will be viable.*

*As it says on the drawing if percolation tests show that soakaways are not viable refer to option A,*

*The drainage strategy dated 20/11/15 states;*

*"The only other alternative is to connect the surface water back into the Southern Water Foul water sewer at a restricted rate subject to a S106 approval (as per drawing 202 Option 2). The restricted system would use flow control devices and attenuation tanks to achieve a necessary reduced run off rate. The proposed surface water system would be designed to a 1 in 100 year storm event with an additional 30% for future climate change".*

#### Strategic Waste Manager

*This is fine to proceed. 140L refuse and 240L recycling bins should be allocated to each property. For the ones on Lyndhurst Road these can be stored in the front gardens and the others should be left in the dedicated bin stores at all times.*

*Can we make sure that there is a planning condition to that effect.*

## **Representations**

As well as the Council's statutory consultations, the applicants have, post-submission, contacted local residents to invite views on the application including comparisons with the previous (1987), lapsed permission.

At the time of writing 3 representations have been received and one petition;

### 323 Brighton Road

- Why is this taking so long for this development to be decided?
- The businesses have long moved out and the entrance way is being used as a van and motor bike repair yard by a local resident.
- Fumes, waste oil and the noise of revving engines are suffered constantly by me and other customers of the nearby Selden Arms.
- I realise this is predominantly an Environmental Health issue but why have Planning been so slow in determining this consent?

### 25 Lyndhurst Road

- Concerns over impact of demolition of car sales office adjacent to house and proximity of proposed end of terrace house as extractor for gas heater serving existing house projects from wall.

### 20 Providence Place

- No objection to principle seems an attractive improvement but potential for disturbance from foot fall generated but would object if ever built taller than shown or vehicular access was from Providence Place.

### Petition from 3, 8, 9, 10, 11, 12, 16, 17, 19, 20 Providence Terrace;

Regarding the above Planning Application Michael Jones have confirmed that Worthing Borough Council has instructed them to pursue potential commercial/industrial use for this site.

Why is this sort of usage being sought by the council? The site has already been purchased by Uplift who put forward and received consent to build 9 townhouses. Such a development would be far preferable to residents affected in Providence Terrace and Lyndhurst Road as it is a residential area already. We are concerned that commercial use could create noise/nuisance and generate more traffic onto Lyndhurst Road. We are also very concerned that an attempt might be made to open up access through to Providence Terrace. This road is far too narrow and such a move would have a devastating impact on residents in terms of noise and safety to pedestrians.

It beggars belief that WBC are attempting to interfere with a potentially good development in support of commercial interests. There are already plenty of empty sites in the vicinity which could accommodate such use:- Union Place, Teville Gate or even the Studio that forms part of Parexel. This particular building has been vacant for years. This is a situation that vexes 4 of the residents where views of the South Downs were blocked when Worthing planners reneged on plans and allowed an extra storey to be built. This has blocked the view/light and impacted on privacy for these residents. We therefore have every right to be suspicious of

any development on the Kenvad site, especially since the Council haven't even bothered to contact the residents affected.

We do not need more industry/offices in the town when there are suitable vacant premises already lying empty. We need decent housing.

### **Relevant legislation**

The Committee should consider the planning application in accordance with:

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

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

### **Planning Assessment**

The main issues raised by this proposal are:-

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

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

The Council's self-assessment of the Core Strategy's Conformity with the National Planning Policy Framework demonstrated that, in many respects, the Council's key Development Plan conforms closely to the key aims and objectives of the Framework. However, it is acknowledged that in response to the requirements of the Framework and informed by local evidence it is clear that Council cannot demonstrate a current 5 year supply of housing in respect of Objectively Assessed Needs and that all relevant policies which constrain housing delivery in the Core Strategy are out of date in respect of the National Planning Policy Framework.

Accordingly the Council needs to assess the housing delivery strategy set out in the current Development Plan. A Housing Study was published last year 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 by 2018 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 (as far as they are relevant with the weight attached to be determined by the decision maker) by saved Worthing Local Plan Policies H18; TR9, and RES7, Core Strategy Policies 4, 7, 8, 10, 12, 13, 14, 15, 16, 17 and 19, as well as Worthing Borough Council Supplementary Planning Documents on Sustainable Economy; Residential Space Standards and Guide to Residential Development; West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003); West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSCC 2010).

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

The application property is a modestly sized and long established, business premises, primarily occupied until very recently by a car repair/garage/ MOT centre (B2 use ) with adjacent car sales (sui generis use).

As such, Core Strategy Policy 4: *Protecting Employment Opportunities* and allied Supplementary Planning Document; *Sustainable Economy* apply to the B2 element, certainly. Whilst this policy arguably constrains housing delivery, it is broadly compliant with the NPPF and should receive appropriate weight.

Policy 4 and the SPD safeguard existing employment premises, encompassing B1 (light industry/offices), B2 (General industry), and B8 (storage/distribution), unless it can be demonstrated that the site is functionally redundant or is a "bad neighbour" premises and then privileges other Non-B1 employment uses or a mix of B uses and other uses over a pure non employment use such as residential. The Core Strategy explains the purpose of this protective policy is to support the broader economic development strategy for the town and help meet the identified need to provide up to 72,462sqm of industrial and warehousing space up to 2026 and 22,296sqm of office space as part of the strategy. This will help meet the employment needs of population growth and change in terms of sufficient numbers and range of jobs and help boost incomes and wealth; attract and retain businesses, particularly those in key and growth sectors and strengthen the local economy; provide suitable choice for businesses and workers and reduce unsustainable out-commuting. In short, it will help promote a diverse and sustainable local economy.

The recent Employment Land Review (April 2016) has confirmed the pressures on employment land in the town as follows:

*Future employment growth in Worthing remains constrained by an acute shortfall of available employment land to meet indigenous growth needs, particularly of the*

*industrial market, as well as enable the necessary level of churn and upgrading of current sites needed to support a functioning commercial property market.*

*The study's assessment of the existing portfolio of employment sites in Worthing indicates the Borough contains a good range of employment sites of differing quality and type. Many of the sites accommodate a combination of both office (B1a/B1b) and industrial (B1c/B2/B8) uses, although some single-use employment sites also exist. The overall qualities of the sites appear suitable to meet the needs of occupiers, although some of the sites were of lower quality and possibly less suited to modern occupiers. Regardless of the overall quality of the site, nearly all employment sites are currently in active use, suggesting that they are presently meeting a need in the market at some level.*

*Strong demand for industrial space and a shortage of premises in the Borough means local firms have difficulties finding suitable space to support their expansion or relocation plans in the local market, while enquiries from firms outside Worthing are rarely met.*

Considerable discussion has taken place, including with the Economic Development Team, over the case for such a loss of the site as a predominantly B2 business use.

The applicants contend the site is functionally redundant, citing the poor condition of the buildings and constrained location; marketing evidence to demonstrate no realistic interest and unviability of refurbishment and redevelopment for employment use (B) purposes and abnormal costs of remediation of likely contaminated land.

Looking at these in turn, no survey of the existing buildings has been supplied but it is apparent that the buildings are old and tired and there is clear evidence of disrepair. The location enjoys a prominent frontage on a busy, distributor road and is very close to facilities and labour and consumer catchment areas. Clearly, however, it is also surrounded by residential uses, and rather constrained, the garage business reading very much as an anomaly, and, arguably, now an outdated presence in this town centre fringe environment. Certainly, the longstanding use as a vehicle garage does not sit comfortably with the strategic redevelopment opportunity on the Gas Site opposite.

That said, the last use seemed to co-exist relatively amicably with its residential neighbours and the use was strictly controlled by planning conditions (8am-6pm Monday to Saturday/controls on activities etc.)

The deficiencies of the marketing evidence in relation to the tests of the Policy/SPD have been fully set out by the Economic Development Team and carry significant weight. These include choice of a principally residential estate agent to first market the site, with the more recent marketing by a commercial agent being limited; failure to consider both freehold and leasehold options; insufficient consideration of alternative employment uses; and unrealistic asking price. They also emphasise that the requirements of the Policy/SPD were explained at a pre-application meeting. These are pertinent criticisms and, cumulatively, do militate against the proposal.

However, it is noted that, whatever the wider shortcomings, the site has been marketed since March 2014 and efforts stepped up in March 2016 when marketing with a commercial agent begun. It appears that the only real interest was from house builders and the commercial interest restricted to a carpet retailer and Jeep sales. It may be difficult to insist on further marketing to meet the 12 month requirement in the SPD and to expressly include leasehold as well as freehold, in these circumstances.

Amongst other criticisms, it does seem that the quoted price for the site in the appraisal less reflects comparable market values for commercial uses than historical acquisition costs of the site by the previous owners and desire for some uplift over their 15 year ownership, together with the purchase price paid by the current applicants.

That said, the evidence of the Employment Land Review in terms of new B1 office space and recent experience at MGM site Heene Rd and 66 Rectory Gardens indicate redevelopment or refurbishment of such established business sites for B1 use is often problematic. Moreover, if the sale price of the land is accepted as realistic, both the viability study undertaken by the applicants themselves and the findings of the independent consultants commissioned by officers suggest there is little or no value in the site based on keeping the existing premises but carrying out a refurbishment programme or redeveloping for B1 purposes.

Whilst a structured exploration of alternative employment uses has not been demonstrated, it would be difficult to totally disregard the broad marketing undertaken, as testified by the initial retail interest shown and Jeep sales offer made. The Jeep sales offer also demonstrates viability for at least one such other employment use, if the lower value on the land put forward by the Economic Development Team is accepted as appropriate. However, the suitability of such a use in this prominent town centre fringe location and the job and economic benefits is highly questionable.

The applicant's points over the poor condition of the building and costs of remediation of likely contaminated land (including asbestos in the buildings) only serve to underline the difficulties for business use.

However regrettable the loss of business use from the site (especially when employment space is at a premium), the net impact on overall business floorspace of the loss of this modest site which lies outside of any designated trading estate and the implications for the overall economic strategy are relatively limited. More significant, may be the precedent set if a convincing case in the round were not demonstrated.

It is noted that the previous garage use has relocated in the town and that no actual jobs have been lost to the Borough.

Finally, there is the real danger that too an inflexible approach would only result in the property remaining vacant and continuing to degrade. Given its prominent town centre location, this would surely prejudice wider regeneration efforts, including the Gas site opposite.

Turning to the principle of residential use, this is a very sustainably located brownfield site, by the town centre and highly accessible. It is evidently sandwiched between housing in an established residential neighbourhood and the vacant strategic town centre site, opposite (Gas site), is reserved principally, for residential redevelopment.

The density is, at 75 dwellings per hectare, compatible with a town centre fringe location and optimises potential. As such, and being a small infill site, meets the tests of Core Strategy Policy 8 and allied Supplementary Planning Document - Guide for Residential Development and the broader spatial strategy.

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

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

The dwelling mix of 4 x two bed houses and 5 x three bed houses all with private back gardens meets the dwelling mix requirements for such a town centre fringe location, with a good mix of family and small family dwellings.

All the houses meet the relevant internal floorspace standards. At 22.5 sq ms, the back gardens of the front terrace is less than half of the adopted standard whilst the back gardens of the rear terrace at between 54 and 64 sq ms fare better, with two just short of the standard (65 sq ms) and the other three, close. That said, given the constrained nature of the site and the town centre fringe location, this is acceptable, though all are north facing, like their neighbours.

Despite failure to fully comply with the relevant employment Policy/SPD, the questionable viability for continued beneficial business use and the constraints of the location, together with the housing benefits that would follow from redevelopment, suggest the principle of the proposal is finely balanced in this particular case.

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

The site is irregular and tight and situated in a dense town centre fringe location and faces a reasonably busy road. In the face of this challenge, the redevelopment has made efforts to integrate with the scale and layout of surrounding housing and offer future occupiers an acceptable environment, bearing in mind the reasonable expectations of amenity. It appears to be generally welcomed by the neighbours and support for the scheme would remove the uncertainty and anxiety that currently surrounds the site.



Looking at the scheme in detail, the front terrace fits in particularly neatly and the layout, design and scale avoid any significant impacts. This terrace is no nearer than the backs of the neighbouring terrace in Lyndhurst Road to the west are in relation to the fronts of the Providence Terrace and still further from the front of the proposed new rear terrace .

At a minimum of some 20ms, the rear terrace enjoys a tolerable distance from the block of flats to the north and the boundary screen planting including trees would further any perception of overlooking. The western unit of this terrace sits deeper than the neighbour house at 22 Provident Terrace such that it oversails the facing windows in the ground floor of its outrigger. However, whilst some loss of natural light would result, this is acceptable, if less than ideal, given the distance of 3 ms; the fact that these windows serve a kitchen and that another window serving that room at the rear is unaffected. Other benefits that this neighbour would enjoy as a result of the removal of the existing business and the tall existing building which currently abuts and encloses its back garden and improve outlook and light are also to be factored in. No objections have been received from the occupiers.

The first floor of the existing terrace in Lyndhurst Road to the south and east of the proposal is over 18 ms from the front windows of the proposed new rear terrace and car parking would abut their rear yards. Again, this arrangement is less than ideal but acceptable in the circumstances, given the removal of the existing tall buildings very close-by and improvements to light and outlook that result. Also relevant here is that the existing building on the site nearest to the neighbours to the south has historically been used for parking and the rear upper floor windows of Nos 37 and 39 and the PH have long been overlooked from the garage itself. Again, no objections have been received from the occupiers. Compared to the distance (around 13.5 ms) between the fronts of Providence Terrace and the rears of the terrace in Lyndhurst Road, this distance is actually generous.

The remainder of the parking in the courtyard is sufficiently screened and distant from any other residential neighbour to avoid any harm, particularly given the historical use of the premises as a repair garage.

Whilst the proposed front terrace would be exposed to noise and pollution from Lyndhurst Road, appropriate sound insulation would at least address the noise issue. No Local Air Quality Management Area has been declared and the air quality would be no worse than that experienced by the many other neighbours directly facing Lyndhurst Road. Bearing in mind there is no record of disturbance from the PH and with noise insulation, the living conditions of future occupiers would be acceptable.

Suitable controls on fenestration, sound insulation and domestic waste/recycling, together with disturbance from the demolition and construction process are justified to safeguard future amenity and may be secured by condition.

## **Quality of design and layout and impact on the appearance and character of the area**

The current industrial buildings are utilitarian and have no townscape merit. Their loss is acceptable. The converted Victorian building to the rear has some interest but insufficient to justify its retention.

The replacement scheme has been amended following negotiations and the revised scheme is sensitively designed, taking account of its period setting and the layout, orientation, scale, design and form respond well to the locally distinctive elements, given the constraints. The front terrace successfully reads as a continuation of the existing terrace to the west, even down to the Victorian styling and the landscaped inner courtyard provides cohesion for the scheme. It largely restores the historical street frontage.

As an ensemble, the development enjoys a sense of place, not least from the equally period styled rear terrace behind and visible through the Lyndhurst Road vehicular access. The vista from Provident Terrace, which is closed by the landscaping and incorporates extensive use of flint panels, is also a positive feature. The scheme is a distinct improvement on the very ordinary 1983 townhouse scheme.

The scheme would breathe new life into what is now a vacant and unsightly plot and appears to be popular with the neighbours.

Detailing including landscaping and boundary treatment may be secured by condition.

## **Access and parking**

The site is very sustainably located, close to the A259 and good public transport and public car park, as well as all the facilities in a town centre.

Despite the Highway Authority's queries, experience strongly suggests traffic generation is likely to be significantly less than from the former car repair garage/MOT centre and the scheme is supported by appropriate data.

Use of the existing vehicular accesses is acceptable and adequate sightlines have been demonstrated.

Car parking provision (9 spaces) is adequate for this location bearing in mind its accessibility and presence of a Controlled Parking Zone and yellow lines restricting parking.

Space for future occupiers to customise their own cycle parking is provided whilst domestic waste/recycling storage facilities are adequate.

Pedestrian access is convenient and safe.

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

The Highway Authority raises no objections.

### **Other environmental impacts including drainage, contaminated land, sustainability**

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

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

No express commitment to sustainable design has been made.

### **Adequacy of development contributions and affordable housing**

Under Core Strategy Policy 10 and the Supplementary Planning Document Developer Contributions, a development of this type and scale is required to make a commuted sum toward the provision of off-site affordable housing. The Housing Strategy and Enabling Manager calculates this at £93,321, unmoderated. This would normally be secured through a S106 legal agreement.

However, the Government has made changes to the National Planning Practice Guidance which, though suspended for several months were recently reintroduced after an Appeal Court decision.

These changes strongly discourage affordable housing provision requirements such as set out in Core Strategy Policy 10 on schemes of 10 or fewer dwellings and also offset relevant vacant floorspace lost (up to 372 sq ms) as result of the redevelopment against other requirements for affordable housing for any size scheme to encourage housing delivery from small and brownfield sites.

Whilst the National Planning Practice Guidance is still only a material consideration which does not automatically overrule Development Plan policy, it does carry substantial weight. Clearly the case for enforcing Development Plan policy would need to be very robust. The initial view of your Officers was that it may be difficult to demonstrate that local need for affordable housing and up to date viability evidence was sufficient to override latest national planning guidance. However, following an initial review of the viability work undertaken in connection with the Community Infrastructure Levy (CIL) Examination your Officers believe that a case could be put forward to continue to seek development contributions. Some Local Authorities are also taking this approach and until this matter is reconsidered by the Council it is considered that it would be appropriate to try and secure development contributions on small sites particularly in view of the acute housing need within the Borough. It is still necessary to consider the viability of each development site to meet such contributions.

Although the applicant was aware of the requirements of Core Strategy Policy 10 at the pre-application meeting and, it is understood, completed the purchase post submission of the application, the applicant contends that payment of the

calculated sum would render the development unviable and have submitted an appraisal to seek to justify this.

This appraisal has been independently assessed by consultants, who whilst not challenging most of the applicant's findings, question the purchase price for the land paid by the applicants. This, they argue, is not the residual land value of the site (i.e. completed development value minus the costs) and that the independent consultant's calculated residual land value would allow the full affordable housing contribution to be funded, whilst still allowing a reasonable profit.

The applicant was provided a copy of the viability assessment but did not pursue the matter when the Court of Appeal challenge was received and Officers indicated that the Council may not pursue such contributions. However the applicant has agreed to review the matter again and consider whether any development contribution could be justified in viability terms. Members will be updated at the meeting.

A further consideration is that the vacant land credit offset may apply even though the site only became fully vacant after the submission of the application. Detailed guidance has yet to be issued but indications are that if fully applied the guidance would reduce the financial contribution payable for affordable housing by around half to around £50k.

Although the redevelopment will attract the Community Infrastructure Levy, the sum payable is calculated by the developers at £44k since the existing 372 sq ms floorspace on the site counts against the new residential floorspace (some 813 sq ms) for the purposes of the arithmetic.

New Homes Bonus would also be payable from the Government.

## **Conclusions**

The loss of these business premises is regrettable and does not fully comply with the relevant policy tests. However, given the doubts raised over the viability/suitability for resumed business or other employment use in these specific circumstances, combined with the housing and wider environmental benefits from a residential redevelopment, this tips the balance. In particular, the scheme is well designed with a sense of place and sensitive to its setting and avoids any unacceptable neighbour impacts. Traffic and parking arrangements are, likewise, satisfactory at this sustainable location and no harm to any environmental resource would result. Residual concerns may be addressed by conditions.

Accordingly, the proposal may be supported as sustainable development in line with the relevant policy framework and any harm does not demonstrably and significantly outweigh the benefits when judged against the NPPF overall. Whether the scheme can provide any affordable housing contribution is still under review and Members will be updated at the meeting.

## **Recommendation**

Subject to resolving whether a development contribution towards the provision of off-site affordable housing can be agreed, it is recommended to **Grant** planning permission, subject to the following conditions:

1. Implement within 3 years of commencement.
2. Build in accordance with approved drawings/submissions.
3. Obscure glaze/no opening parts below 1.7 ms above finished floor levels in flanks of terraces ; no new windows in upper floors in flanks of terraces.
4. Agree and implement construction and demolition method statement, controls on storage of materials/equipment/plant and parking and control of dust emissions, prior to works commencing.
5. Agree architectural details.
6. Restrict construction and demolition works to 8am to 6pm Monday to Friday.
7. Agree external materials, hard and soft landscaping, boundary treatments and domestic waste /recycling facilities and provide prior to occupation.
8. Provide car parking and turning space and access (including improved sightlines) and amenity space prior to occupation.
9. Agree and provide surface water and foul drainage facilities prior to occupation and provide.
10. Agree and implement scheme to assess extent of contaminated land and any necessary remedial action prior to works commencing (EA and EHO conditions).
11. Agree and provide scheme for noise insulation for new houses.

## **Background Papers**

Observations of Highway Authority  
Observations of Environmental Health Officer  
Observations of Economic Development Team  
Observations of Strategic Waste Manager  
Observations of Environment Agency  
Observations of Southern Water  
Observations of Drainage Officer  
Observations of Affordable Housing Officer  
Representations from Members of the public

Application Number: AWDM/0449/16

Recommendation – Approve

Site: 100 - 108 Montague Street Worthing West Sussex BN11 3HG

Proposal: Demolish existing redundant warehouse storage rooms attached to existing retail premises, replace with a pair of three storey two bedroom semi-detached dwellings with gardens and access from Crescent Road.

Applicant: Mr Guy And Tom Batchellor  
Case Officer: Peter Devonport

Ward: Central



Not to Scale

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### Site and surroundings

The site forms part of the retail premises run by the furniture business Collingwood Batchelor in the town centre (formerly Scadgells). The main street frontage of the greater premises is onto Montague Street but the part subject of this application is a connected but separate ancillary storage building to the north, fronting Crescent Road.

The building is a vacant, warehouse/workshop dating back to the early 1970s and, surplus to requirements at least since Collingwood Batchelor took over the premises in 2013. Its footprint occupies the whole site, excepting a narrow slither

to the north and shallow forecourt enclosed by a low wall facing Montague Street. It is a flat roofed, two storey building at the front (7 ms tall), dropping to single storey (albeit high floor to ceiling heights) at the rear (3.5 ms tall). Its frontage is blank, save two blocked up windows and “porch” and painted white. The two storey element at the rear incorporates one wide centrally sited window but is otherwise blank, faced in brickwork. Access is internal to the main retail building.

The site is adjoined to the south by a more interesting, early twentieth century former Trinity Church hall building, incorporated into the site in 1971 and recently given a new lease of life as showroom, albeit accessed solely from within the main building from Montague Street. The current application building was constructed as an extension to this in 1972. Beyond the showroom are the main retail premises, an imposing three storey Victorian building.

To the north of the site, beyond a narrow twitten which runs at the back, is a long and tall, and, still attractive, Victorian terrace, despite the alterations. This comprises 3 storeys above a semi basement and most have added a full, though rather unsympathetic, mansard to the roof, though No 6 which adjoins the site does not. . The bulk are in residential use converted to flats but a café sits in the middle. They feature deep and tall (3 storey with pitched roof and chimneys) outriggers which run close (less than 2 metres) to the rear twitten and often with single storey extension beyond. No 8 feature a large external staircase at its rear as well. The facing southern flank of the terrace is windowless.

To the east (rear) of the application building are the backs of the two storey Victorian terraced houses in Graham Road which feature uniform outriggers, excepting No 3 which is shorter by two metres. Their very shallow backyards (under 2 ms mainly but just under 4 ms for No 3) adjoin the rear twitten apart from the two most southern properties- 3 and 5 Graham Road whose yards directly abut the application site. The yards are bounded by tall (2 metre plus metre) walls. Only the ground floor flat in No 5 incorporates window in its west facing outrigger at this level. In common with the rest of the terrace, Nos 3, 5, 7 and 9 include west facing first floor windows in their outriggers.

The site lies in a Controlled Parking Zone with the street directly outside and opposite subject to double yellow lines. There is also loading bay and residents bays also close by. Montague Street is pedestrianized.

The site falls in Montague Street a Conservation Area and is identified as a positive contributor. The whole of the site falls in the Central Shopping Area.

The given site area is 186 sq ms the shape rectangular and the terrain flat.

### **Proposal**

The proposal is to demolish the existing building on the site and redevelop the site for 2 x three storey houses, three bedrooms apiece (third is study/bedroom).

The proposal has been the subject of pre-and post-submission negotiations to improve the design and mitigate any harm to neighbours.

The houses are arranged as a pair of semis (plots 1 and 2) facing westwards to Crescent Road, marginally forward of the existing building and the adjacent terrace but behind the retained retail premise to the south. The new houses are full 3 storeys at the front but step down at the rear, with third storey around 0.5 ms behind the main rear wall of the adjacent Crescent Road terrace and the second storey behind the outrigger of this terrace by over a metre. A small single storey element projects beyond this on plot 2 (i.e. the southern house, opposite 3 Graham Road) by 2 ms.

The eaves of the second storey are some 4.8 ms tall and a shallow mono-pitched roof sits above. The third storey eaves are just over 7 ms, again with a shallow (though dual) pitched roof atop whose ridge is 9.3 ms tall.

The eaves of the third storey roughly align with the top of the bays of the second full storey of the adjacent Crescent Road terrace, and, from observation, with the eaves of the outriggers of the terrace. Its ridge sits below this terrace's eaves and its ridge by some 3 ms.

The rear garden of plot 2 is 6.35 ms deep and 5.5 ms wide and plot 1 is marginally shallower at 4.3 ms deep and narrower at 4.5 ms wide. Both incorporate cycle sheds and bin storage area accessed from the existing twitten to the north and a new side passage is also provided for plot 2, next to the shop. A shallow, paved forecourt is retained at the front enclosed by iron railings.

The main aspect is west/ east, though there are windows serving non habitable rooms on the upper floors of both flanks. The first floor rear windows both serve bedrooms and those on the second floor serve corridors. All are shown as obscure glazed.

The design is in period style, reminiscent of the older Victorian properties in Crescent Road. Deep sashes with stone surrounds, sills and keystones are used and the front doors are timber and panelled doors with fanlight above and fire walls on the roof. The houses are faced in painted render and the roof uses natural slate.

There is no off street car parking.

The application seeks a high standard of sustainable design.

The application is supported by Planning, Design and Access, Renewable Energy and Heritage Statement and latterly a Daylight and Sunlight Assessment Report.

Separate Conservation Area consent for demolition is no longer necessary.

Relevant extracts from the Daylight and Sunlight Assessment Report are set out below:

*Sunlight and overshadowing analysis*

*There are some small backyards at No. 3 & 5 Graham Road, and No. 6 Crescent Road which are closest to the site of development. These backyards would not necessary be considered amenity spaces given their very small size but have*



*been considered as part of this assessment nevertheless as they serve residential properties.*

*From the results, it can be seen that very little direct sunlight reaches the ground of the backyards under the pre-development scenario. This is to be expected in small rear yards serving terraced properties, which are all heavily enclosed by high brick walls and neighbouring terrace houses on all sides. As a consequence, very little direct sunlight reaches the ground in these areas under the pre-development site scenario.*

*With the proposed scheme in place the results show that there is no change in overshadowing conditions from the pre-development site scenario. Consequently, it can be concluded that the proposed development will not result in a noticeable increase in overshadowing or worsening of conditions to the neighbouring backyards.*

### Overall Conclusions

*The detailed analysis undertaken as part of this assessment has examined the impact of the proposed development at Crescent Road, Worthing, on the amount of daylight enjoyed by the neighbouring buildings at No. 6 Crescent Road, and No. 3 – 7 Graham Road. In line with the assessment criteria prescribed by the BRE Guideline, it has been shown that the reduction in daylighting to the windows of the neighbouring buildings is less than the value that is considered to represent a notable impact.*

*The assessment of the impact of the proposed development on the sunlight enjoyed by the neighbouring buildings has also shown that whilst there will be a reduction in the number of probable sunlight hours enjoyed by these windows, this reduction is again within the limits prescribed by the BRE Guidelines as being acceptable.*

*In summary, the development proposals have been appraised in line with the guidelines set out in the BRE document. When assessed against the criteria for establishing whether the proposed development will have a significant impact, it has been possible to conclude that the development will not result in a notable reduction in the amount of either daylight or sunlight enjoyed by the neighbouring buildings.*

## **Consultations**

### Highway Authority

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

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

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

### Summary

*The applicant is seeking to Demolish existing redundant warehouse storage rooms attached to existing retail premises, replace with a pair of three storey two bedroom semi-detached dwellings with gardens and access from Crescent Road. On observation of WSCC mapping data, it appears there have been no recent highways accidents or personal injury claims at the point of access to this proposal.*

*There are no previous highways consultations at this location.*

### Access Parking and Sustainability

*There is no allocated parking proposed for this development. Crescent Road is subject to parking restrictions at the point of access to the site with double yellow lines and 9-6 parking restricted zones. However current residents will be utilising the on street parking areas. Residents parking zones are said to be available in the Design and Access Statement and there is a multi-storey car park nearby in Buckingham Road.*

*The size of the dwellings indicates that for 2 dwellings in this area, 2 spaces would be necessary to serve both. Two additional on-street parking spaces in this area is not thought to be a material increase on the existing situation, there appears to be capacity at this time to accommodate for the increase.*

*Cycle parking has been provided to promote sustainable travel to the development, should planning consent be granted for this application this should be sealed via condition. It is a 12 minute walk to Worthing train station, or a 6 minute walk to a regular bus service for commuters. Local shops and amenities are close by. For this reason the location is considered to be sustainable.*

### Conclusion

*Based on the information provided by the applicant and through observation of WSCC mapping data, it is not thought that this proposal would serve a severe detriment to highways safety. Means are in place to promote sustainable travel which is in keeping with paragraph 32 of the NPPF. Should planning permission be granted, the following condition is advised to be sealed alongside it.*

### Conditions

#### Cycle parking

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

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

#### Environmental Health Officer

The site lies in land identified as potentially contaminated and a full investigation and remedial action necessary required, secured by condition.

#### Drainage Officer

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

*The applicant has indicated his intention to use public sewers for the disposal of both Surface Water and Foul Sewerage. Based upon the location of the site and the size of the proposed gardens for the two properties this would seem to be the appropriate solution.*

*Therefore we have no further comments to make on the application.*

#### Southern Water

*A formal application for a connection is required.*

#### Conservation Area Advisory Committee

*No objection in principle but the proposed windows appear too small and the roof pitch very shallow. The front elevation first floor windows should be deeper to improve verticality.*

#### **Representations**

Objections received from Flat 2, 5 Graham Road and 9 Graham Road and concerns raised by 7 Graham Road:

- A three storey building will completely block any natural daylight that the rear of No 9 (and adjacent properties) get.
- The construction of flats in such close proximity will also provide a lot of noise and reduce the privacy that No 9 currently gets from not being majorly overlooked.
- Has this been assessed for overlooking, privacy and loss of light?
- 25 degree light rule has only been applied to No 5, whilst No 9 is to the north and more likely to suffer overshadowing and has rear windows closer. An accurate section is required to show how the scheme fares against the 25 degree light rule.
- Whilst the top of the windows at the rear are to be obscure glazed this still allows overlooking to the rears of Graham Road properties from the lower panes and the bathroom ground floor windows and rear garden of No 9 will suffer .
- Fears that the scheme built out will be larger than shown and notes floor to ceiling heights are low.
- Suggest scheme reduced to 2 storeys and reduce rear glazing and alternative design options explored to privacy of neighbours.
- Details required of how construction/demolition process will be managed to protect safety and amenity.
- Loss of outlook, privacy and light to No 7 Graham Road

#### **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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in any determination of planning applications in Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

### **Planning Assessment**

The main issues raised by this proposal are:-

- The principle of loss of retail use and principle of new residential redevelopment and dwelling form and mix
- Impact on living conditions of neighbouring and future occupiers.
- Quality of design and layout and impact on the appearance and character of the Conservation Area.
- Access and parking
- Other environmental impacts including drainage, contaminated land, air quality and sustainability

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 that all relevant policies which constrain housing delivery in the Core Strategy are out of date in respect of the National Planning Policy Framework. Accordingly the Council needs to assess the housing delivery strategy set out in the current Development Plan. A Housing Study was published last year 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 by 2018 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 (as far as they are relevant with the weight attached to be determined by the decision maker) by saved Worthing Local Plan Policies H18; TR9, and RES7, Core Strategy Policies 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17 and 19, as well as Worthing Borough Council Supplementary Planning Documents on Residential Space Standards and Guide to Residential Development; Site Layout Planning for Daylight and Sunlight Second Edition, BRE; West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003); West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSCC 2010).

### **The principle of loss of ancillary retail and principle of new residential redevelopment and dwelling form and mix**

Falling in the designated Central Shopping Area in the Core Strategy, the loss of ground floor retail premises is normally resisted to protect the vitality and viability of the town centre shopping offer. Although, arguably, constraining housing delivery, this policy is broadly compliant with the NPPF and so should receive appropriate weight.

However, in this case, there are persuasive reasons to depart from the policy's stance.

Firstly, in their 45 year history the premises have never formed part of the primary retail offer, always used for ancillary warehouse/workshop purposes with no active retail frontage. In fact, the premises were approved strictly as ancillary storage and the original street windows have long been blocked up. There never was an entrance from Crescent Road and no signage or paraphernalia is attached to the building suggesting it is related at all to the retail business.

Secondly, the current furniture business occupier appears to thrive without any need for these ancillary premises. Indeed, it has renovated the main building and grown the business since moving in a few years ago, even expanding its showrooms to the former church hall building and giving it an active retail frontage by the reinstatement of a large window onto Crescent Road.

Thirdly, the application premises stand at the very boundary of the designated Central Shopping Area and are adjoined to the north by a mainly residential terrace. No active retail frontage would be interrupted and the character of this part of Crescent Road is certainly not prime retail, more mixed secondary retail and residential.

As a consequence no harm to the sustainable of the prime retailing functioning of the town centre would result and no harmful precedent would be set.

Turning to the principle of residential development, this is a brownfield site in a highly sustainable location. Housing is compatible with the character and the environment and would itself contribute to the vitality and viability of the town centre. The proposal makes efficient and effective use of the land. The provision of 2 x three 3 bed houses with gardens would help meet an identified demand for

such accommodation and, as a windfall site; the proposal would make a small contribution to satisfying overall targets.

The houses meet the relevant internal floorspace standards. The rear gardens are small but adequate for such a town centre location and the seafront is very closeby.

In terms of the additional impact on infrastructure, a Community Infrastructure Levy is payable only on the net increase of some 40 sq ms floorspace.

The principle of development is, accordingly, supportable.

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

This is a tight town centre site in a densely developed area where expectations of amenity are correspondingly calibrated. Some impact is inevitable. However, the redevelopment has been sensitively designed to integrate with the surrounding housing and an acceptable level of amenity is achieved for the neighbours.

In this regard, the arrangement of the development (i.e. massing, siting and height) is, arguably, less invasive than the impact of the tall neighbouring Crescent Road terrace on the adjacent houses in Graham Road to the north of the site and not substantially more invasive for Nos 3, 5, 7 and 9 Graham Road (as the nearest properties) than the existing warehouse to be demolished.

In terms of natural light, the only window serving a habitable room in the houses close-by where the 25 degree rule of thumb is breached as a result of the development is a ground floor window in the outrigger of No 5 Graham Road. However, this is a secondary window to this flat's sole bedroom with main aspect to the south. Moreover, the 25 degree rule is already breached for this window by the single storey element of the existing warehouse. The upper floor windows in the outrigger and all of the windows in the main rear wall of these properties pass the 25 degree rule.

Neither the rear or side yards of the adjacent houses in Graham Road are likely to be substantially impacted either compared to the existing overshadowing. The rear yards are very shallow and already enclosed by the single storey element of the warehouse to the west and main retail premises to the south and are delineated by tall boundary walls. The side yards of these houses are set back further (adjacent windows in the rear of the main part of the houses are shown to satisfy the 25 degree rule), but also suffer substantial enclosure already, including from the outriggers themselves.

Any effects on these spaces are likely to be confined to late afternoon and less extensive than the prevailing existing relationship between the other houses in Graham Road to the north and the adjacent terrace.

These broad conclusions are underlined by the submitted Daylight and Sunlight Assessment Report prepared by specialist consultants. This assessed, in detail, the impacts on the affected neighbouring properties in Graham Road in respect of the standard methodologies; *the Vertical Sky Component Assessment; No Sky*

*Line Assessment; Annual Probable Sunlight Hours Assessment and Sun on the Ground*, in line with the relevant BRE guidelines. Most relevant extracts are set out elsewhere in this committee report but the overall conclusion was that *the development will not result in a notable reduction in the amount of either daylight or sunlight enjoyed by the neighbouring buildings.*

Turning to the related issue of outlook, the two storey element of the proposal is 0.7 ms wider than the two storey element of the existing warehouse building as well as closer by 3.4 ms, . The eaves of the third storey of the proposal are also marginally taller (by 0.5 ms) than the roof of the existing warehouse (the roof of the third storey of the new development slopes away at a shallow angle - around 20 degrees). As a result, some modest loss of view of the sky would be experienced by the adjacent properties Graham Road looking west and their sense of enclosure slightly heightened.

However, it should be noted that the outlooks south-west and south are generally unaffected, with the existing former church hall building rising taller than the warehouse building and obscuring views. The removal of the rather invasive single storey element of the warehouse would actually increase the perception of openness closest to the backs of the houses in Graham Road. As for the second storey of the new development, it is still 1.3 ms shallower than the three storey outriggers of the adjacent terrace. Furthermore, the rear of the existing warehouse building is a mainly featureless, dark, brick wall and the proposed new building, faced in white render and well-designed, would offer a more attractive, “brighter” prospect in itself for occupiers of the adjacent house in Graham Road.

Overall, the impact would not be unacceptable in the circumstances.

On the issue of privacy, the proposal is an improvement on the intervisibility that prevails between the adjacent terrace in Crescent Road and Nos 7 and upwards in Graham Road where windows serving habitable rooms often directly face each. Moreover, the existing wide rear window to the upper floor of the warehouse to be demolished already looks into the rear of 3, 5 and 7 Graham Road and the bathroom in the upper floor of the south flank of No 9's outrigger looks into the facing windows of No 7. The proposal actually reduces overlooking by fully obscure glazing all the windows in the rear of the third storey and the upper sash of the rear of the second storey.

Domestic waste/recycling holding areas for collections are sensibly located.

Construction/demolition impacts may be addressed by condition in the normal manner.

It would be appropriate to remove Permitted Development rights for extension and out buildings and porches as well as insertion of new windows in view of the tight nature of the site.

## **Quality of design and layout and impact on the appearance and character of the Conservation Area**

The current building is relatively modern, rather utilitarian building whose designation as a positive contributor to the Conservation Area, is more likely a reflection of it being considered part of the larger premises whose main building is distinguished and worthy of such status. The loss of the application building is acceptable in heritage terms, subject to a satisfactory replacement.

Following negotiations, the proposed new development is such a satisfactory replacement. Its siting, massing, height, scale and design relates well to its Crescent Road neighbours and its period style is relatively faithful and enhances the character and appearance of the Conservation Area. It is a welcome addition.

Detailed design may be secured by condition.

### **Access and parking**

The site is highly sustainably located in the town centre, close to good public transport and public car parks.

Traffic generation is likely to be very low for such a small scale of development.

Whilst no off street car parking is provided this is acceptable in this accessible location and within a Controlled Parking Zone, especially as there is evident on street capacity and inconsiderate parking is well regulated including by the on street controls.

Cycle parking and domestic waste/recycling storage facilities are adequate. Pedestrian access is convenient and safe.

The Highway Authority raises no objections.

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

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

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

The commitment to sustainable design is laudable but questionable whether the equivalent to Code For Sustainable Homes level 6 is achievable.

### **Conclusions**

The loss of this storage premises ancillary to the shop is acceptable due to its history, function and character of this stretch of the street and no harm to the town centre would result. This is a sustainable location for residential development and the scheme makes effective use of brownfield land. As a windfall site it will make



a small contribution to meeting housing need, including for family housing. As such, the principle of development is supportable.

Whilst the development has sought to minimise impacts by careful design and will enhance the Conservation Area, the neighbouring houses in Graham Road will experience some effects, principally in terms of outlook. However, overall, it is not substantially more invasive for the nearest properties than the existing warehouse to be demolished. Bearing in mind, the site sits in a tight-knit town centre location and the relationship between the Crescent Road terrace and the backs of the adjacent houses in Graham Road is generally more invasive than that of the proposal and those adjacent houses in Graham Road, the impact is considered, on balance, acceptable.

The site is highly accessible and the lack of off street parking is acceptable.

No harm to any environmental resource would result.

As such, any harm does not demonstrably and significantly outweigh the benefits when judged against the NPPF as a whole and the proposal can be supported. Residual concerns may be addressed by conditions.

### **Recommendation**

Grant planning permission, subject to the following conditions:

1. Implement within 3 years of commencement.
2. Build in accordance with approved drawings/submissions
3. No new windows in upper floors of the rear of the houses or anywhere on the flanks or front.
4. Obscure glaze wall of third floor rear windows of both houses and upper sash of second floor rear windows.
5. Agree and implement construction and demolition method statement including minimise and mitigate impacts on adjoining buildings, controls on storage of materials/equipment/plant and parking and control of dust emissions, prior to works commencing.
6. Restrict construction and demolition works to 8am to 6pm Monday to Friday.
7. Agree external materials, hard landscaping, boundary treatment and domestic waste /recycling and cycle storage facilities prior to occupation and provide prior to occupation.
8. Provide rear amenity space prior to occupation.
9. Agree and implement scheme to assess extent of contaminated land and any necessary remedial action prior to works commencing.
10. Remove Permitted Development rights for extensions, outbuildings, porches solar panels

### **Background Papers**

Observations of Highway Authority

Observations of Environmental Health Officer

Observations of Conservation Area Advisory Committee

Observations of Southern Water

Observations of Drainage Officer  
Representations from members of the public

29<sup>th</sup> June 2016

**Application Numbers: AWDM/0577/16 & Recommendations – APPROVE  
AWDM/0578/16**

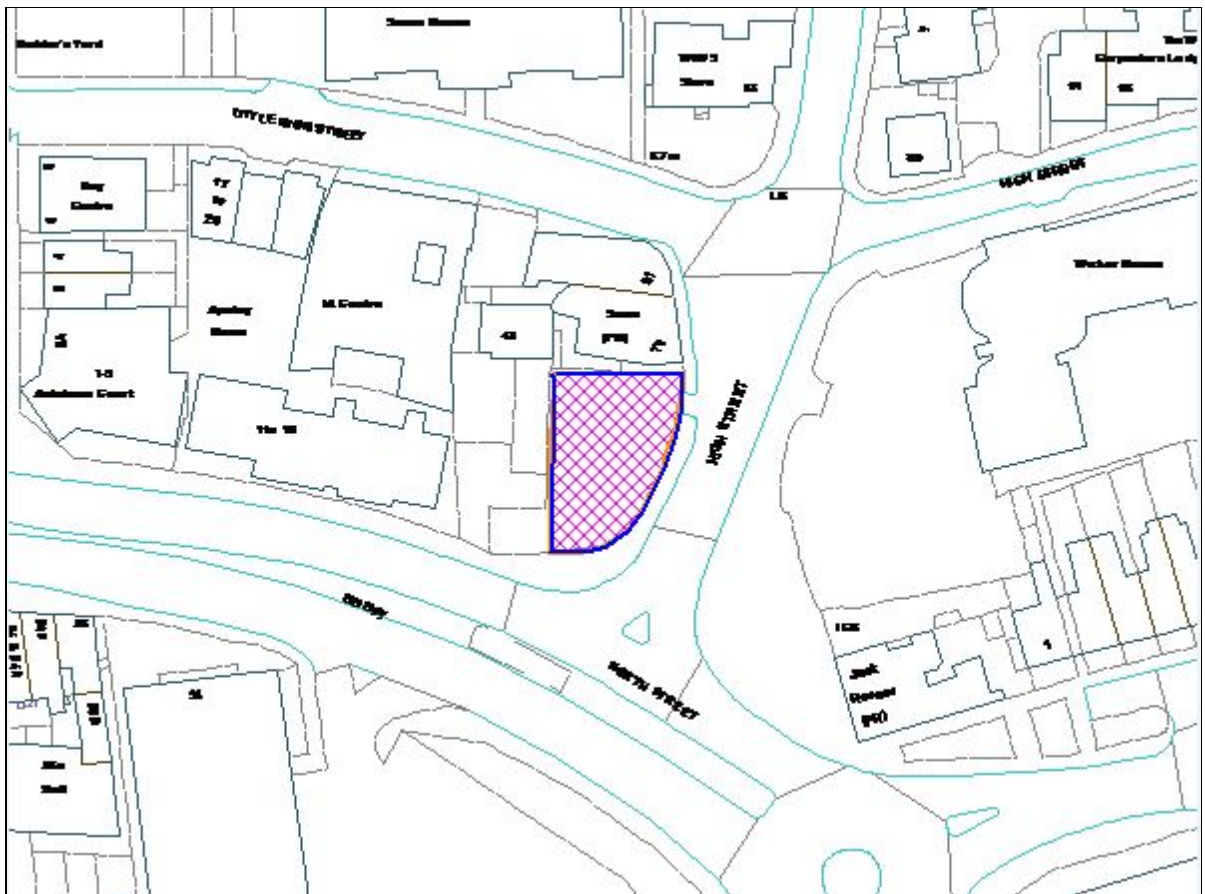
**Site: Land Site Adjacent To Swan Hotel, High Street, Worthing**

**Proposal: 0577: Change of use of land to south from open space to beer garden for the Swan public house, in addition to the erection of a new serving kiosk building with decking to form outdoor seating area, and erection of fence and gates with planting around outer boundary, and access gates from existing rear yard.**

**0578: Advertisement Consent for new pole mounted sign 3m high on southern boundary of land to south in connection with change of use to pub garden for the Swan Public House.**

Applicant: Mr Gary Cox  
Case Officer: Gary Peck

Ward: Central



**Not to Scale**

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**Proposal, Site and Surroundings**

These applications seek full permission for the change of use of land to south of the Swan public house from land currently serving as public open space to a beer

garden to serve the Swan, in addition to the erection of a new serving kiosk building with decking to form outdoor seating area, the erection of fence and gates with planting around outer boundary, and access gates from existing rear yard. A separate application for advertisement consent proposing a new pole mounted sign 3 metres high on the southern boundary of land to south in connection with the change of use of the land.

The Swan is a listed building sitting within the Conservation Area within which the land to the south is also located. The land to the south of the pub is currently bordered by a low post and rail fence and contains several trees and some benches for seating. A residential property, 43 High Street (also listed) is to the west, well screened by trees and bushes. There is often debris left within this area ranging in the past from a settee to more normally plastic bags and other accumulated rubbish.

The dual carriageway of North Street curves around to the south of the application site. To the east is the car parking area of Wicker House and further to the south east is another public house, The Corner House.

### **Relevant Planning History**

None relevant to the determination of the applications

### **Consultations**

#### ***West Sussex County Council Highways:***

The proposal is for change of use of open land (maintained by Adur & Worthing Council) to enclosed beer garden for use with the Swan Inn.

A 1.5m high close board fence will be erected around the site perimeter with hedging fronting it. From an inspection of the plans provided the land in question is not part of the maintainable highway. The fence is not anticipated to cause an obstruction to vehicle visibility on the nearby highway network. The land is set back a distance from the junction of High Street with the A259.

No vehicular access or parking is proposed. Pedestrian access gates of 1.2m width will open into the site so will not overhang the public footway.

The Local Highway Authority would not wish to raise any highways concerns as a result of the proposals.

The ***Environmental Health*** officer advises that the full contamination condition is required.

#### ***Parks Manager***

The land is currently maintained by my Grounds Maintenance team.

*'I've fed into the conversation about this initial licence / lease application throughout its progression through estates discussions via Bob Cliff and am fully*

*aware. I have also met the proprietor of the pub last week to discuss what would be required in terms of tree works should the application be successful.*

*In terms of Parks interest - we have already stipulated maintenance standards and retained sanction on tree works as requested through the licence agreement with Estates. In terms of planning, I do not have any additional comments.*

*My only outstanding comment from a planning perspective would relate to the style of fencing erected, and understand that the proposal is for closeboard. I said initially that a metal estate / bow top type fencing allowing transparent view into the gardens affording the public a view into the green space, and would be preferable from a landscape perspective or non-transparent closeboard, however this is not material to our conditions and would be an observational preference'.*

### **Worthing Society**

After careful consideration, objects to the proposal on the grounds that, on balance, the need to preserve the public open space outweighs any benefit of the proposal. The land is noted as an important area of green space in the Conservation Area appraisal and it is considered that the proposal will also adversely affect the setting of the Swan and other listed buildings in the vicinity.

### **Planning Policy (at pre-application stage in relation to Council's Open Space Study)**

We have now clarified the position of this site in relation to the Open Space Study. As you suspected, it has been incorrectly labeled as Little High Street instead of High Street (there are no areas of open space in Little High Street that have been assessed within the study).

The site (ref. 209) is identified as being Amenity Greenspace and described as being a 'small tidy patch of land (smaller than a tennis court), sturdy fencing at perimeter, two benches, shaded areas, majority laid to lawn'.

It has low biodiversity value.

The assessment concluded that the site scored the following:

Quality - 59%

Value - 37%

Using the benchmarks set in the study these scores equate to high value and high quality. The study suggests that sites with this high value / high quality rating should be viewed as being key forms of open space provision and that the planning system should seek to protect them.

### **Representations**

*Some of the representations below have been submitted with the reference number for the advertisement consent application yet appear to relate to the*

*change of use and therefore the representations for both applications are taken together:*

8 letters of support (including a letter from the Management Company of the Parkside development at the eastern end of the High Street representing 29 properties) have been received on the following grounds:

- Land has previously been misused
- The development would secure the area
- Residents of Parkside have previously raised concern about walking past the area as it been the cause of anti social behaviour.

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

- Increased noise and disturbance in addition to that already caused by the Corner House
- The space is valuable as a dog owner and as a place to meet and socialize with friends.

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

Saved Local Plan policies (WBC 2003): RES7,  
Worthing Core Strategy (WBC 2011): Policies 11, 13 & 16  
Open Space Assessment 2014  
National Planning Policy Framework (CLG 2012)  
Planning Practice Guidance (CLG 2014)

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

Section 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

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

### **Planning Assessment**

The main issues in the determination of the application are the effect of the proposals upon the character of the area, the Conservation Area and the setting of

the listed buildings having regard to the loss of open space and upon the amenities of nearby residential properties.

This is a balanced case in its consideration. As stated by the Planning Policy Officer, ordinarily public open space should be protected by the planning system and the 2104 open space study undertaken on behalf of the Council indicated the space as high value and high quality, albeit the site only scored 37% against this judgement. The site is also within the Conservation Area and The Swan itself is a listed building as well as others in the vicinity and therefore the Council has a duty to ensure that the character of the area is maintained or enhanced.

As a counter argument, the Swan is an existing and long established facility in the town with little outdoor space at present and the proposal would no doubt assist the business. The quality of the open space, notwithstanding the assessment quoted above, seems arguable. Its open location close to a busy road seems to limit its value, there are various reports of anti-social behaviour taking place, and certainly with reference to the screened area on the western side, there is often various pieces of rubbish thrown into the area – a settee was observed on the original site visit.

The proposal could result in visual improvement to the character of the area, therefore – the side elevation of The Swan itself is to a degree obscured by the existing trees thus reducing the impact of this attractive building on the wider area and the proposal would no doubt facilitate some improvement in the management of the space (the land is currently owned by the Council and control over maintenance standards would form part of any agreement to lease the area). Again, the counter argument is that this will be achieved at the expense of public access to the area as is enjoyed at present.

As such, therefore, either a positive or a negative view on the applications could reasonably be maintained but, on balance, your officers feel that the positives outweigh the negatives. It is noted that only 2 representations, aside from the Worthing Society, have been received in opposition to the application and 1 of these is on the grounds of noise, rather than to the loss of open space per se. It was noted with particular interest that the Management Company of Parkside had written in support of the proposal as they had received comments from their residents that the open space was not a pleasant one to walk past at certain times. Similarly, the nearest adjoining occupiers to the north and west have both made favourable comments in respect of the proposal. While use of the space in the future if the application was approved would be dependent upon patronage of the public house, it would seem that the level of usage would nonetheless increase from that at present allowing more people to enjoy the area which in turn would be better managed.

In principle, therefore, your officers feel that the proposal can be supported. In visual terms, the key area of concern is the erection of the close boarded fence around the edge of the site (landscaping is proposed to the front of it). As the Parks Manager identified, a more open style of fencing would be preferable and this would also help to reduce any adverse impact on the setting of the listed building. The applicant has been asked to consider this as an amendment to the

current application. Alternatively this could be a requirement of a planning condition. Members will be updated at the meeting.

The proposed signage would have some impact upon the character of the area but the 3 metre height would be partly obscured by the landscaping and fence and so would appear as a name sign above the boundaries of the site. Given that there are a number of lampposts, and signs connected with the roads nearby as well as other businesses, it is not considered that the proposed signage is excessive.

On balance, the recommendation is to grant permission.

### **Recommendations**

To GRANT planning permission and advertisement consent:

#### **Subject to Conditions:-**

#### **AWDM/0577/16**

1. Approved Plans
2. Full Permission
3. Contaminated Land condition
4. Landscaping
5. Precise details of the design and materials to be used for the proposed fence shall be submitted to and approved in writing by the LPA.
6. Hours of Use

#### **AWDM/0578/16**

Standard advertisement conditions



Application Number: AWDM/0599/16

Recommendation – APPROVE

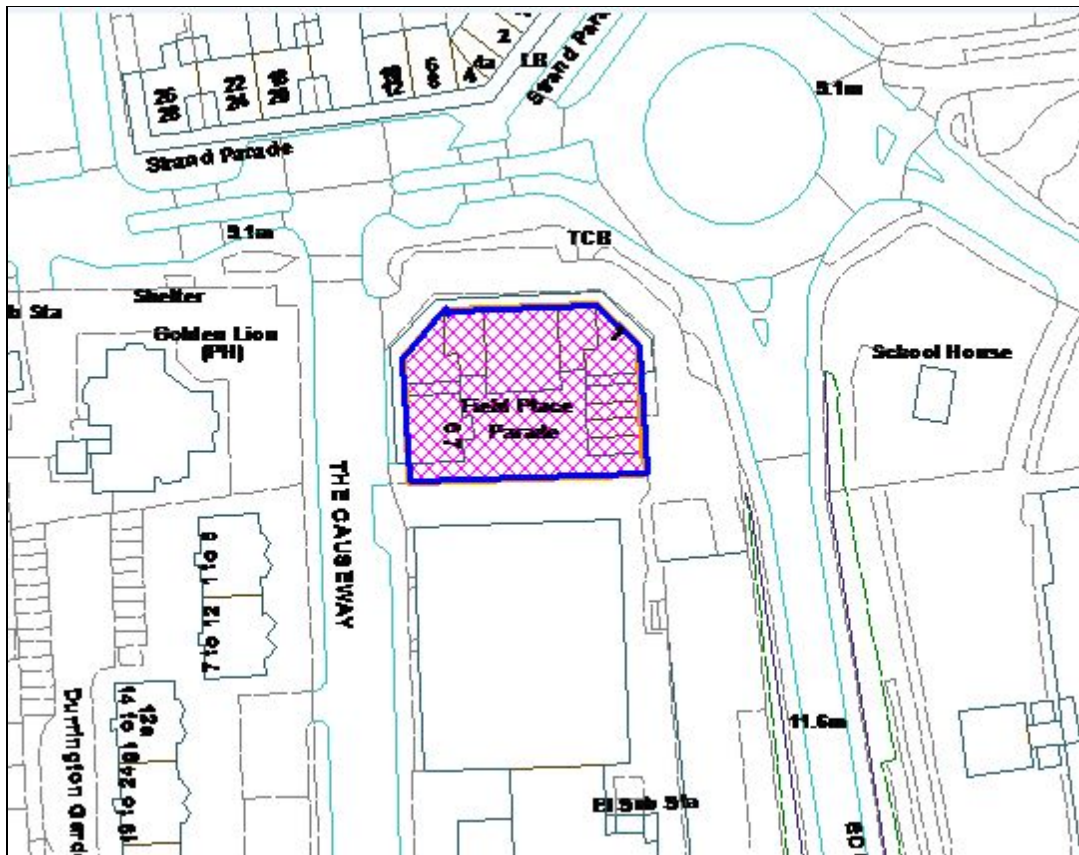
Site: Parade Flats Field Place Parade Worthing West Sussex

**Proposal:** Addition of 2nd floor in the form of a mansard roof to whole block to provide 5 no. 2-bedroom flats (three with balconies to south elevation) and communal amenity space surrounded with glass balustrading and close-boarded fencing at first-floor level on south elevation. Extend height of existing extraction flue for ground floor hot food takeaway on south elevation. Provision of new bin store and 5 no. double-stack bike lockers to rear (south).

Applicant: London &amp; Cambridge Properties Ltd

Ward: Castle

Case Officer: Jo Morin



Not to Scale

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### Site and Surroundings

The application relates to a 2-storey, mixed-use building dating from the mid-1950s occupying a prominent 'peninsula' site to the east of The Causeway, south of The Strand and west of Shaftesbury Avenue. The U-shaped block lies to the south-west of the Strand round-about and consists of a Co-op retail shop,

betting office, estate agent and hot food takeaway on the ground-floor with 8 residential flats at first-floor. The site is located within the Strand Neighbourhood Shopping Area.

Field Place Parade is accessed off The Causeway and consists of a narrow single-width road carriageway which wraps round to the north and east of the parade of shop/flats, forming part of the adopted public highway. There are a number of lay-by parking spaces located within the public highway to the north side of the narrow carriageway. A yard area to the rear of the shops/flats is serviced by a private road to the south of the building, also accessed from The Causeway and linking through to Field Place Parade on the east side.

To the north of the building, on the opposite side of The Strand, is Strand Parade, a 3-storey terraced block consisting of ground-floor shops and commercial units with 2 floors of residential accommodation above. To the west of the site, on the opposite side of The Causeway, is the Golden Lion Public House.

To the south, the site adjoins the former Lloyds Registrar Banking Hall which was demolished last year and is currently being redeveloped to provide a mixed-use development comprising 81 residential flats and 611sqm of commercial floorspace within a 5/6-storey building with 86 parking spaces (AWDM/0844/15 refers). The parking spaces will be accessed from Field Place Parade. To the south of that the former Lloyds Tower has recently been converted to provide 68 residential flats ('Skyline') as 'permitted development' following the introduction of changes to the planning legislation to allow greater freedoms relating to the changes of use of buildings. A further 4 flats were added to the roof of the Tower with planning permission granted under AWDM/1395/14.

To the east, Shaftesbury Avenue gradually rises up from the roundabout southwards to form a bridge over the main Brighton-Southampton rail line. On the other side (east) of Shaftesbury Avenue the redevelopment of the former Worthing Sixth Form College site to provide 265 dwellings is nearing completion (AWDM/0363/11 refers).

The former Lloyds Tower, Banking Hall and Worthing Sixth Form College sites are identified as development opportunities within the Strand 'Area of Change' in the adopted Worthing Core Strategy.

The application has been 'called-in' to Committee for decision.

## **Proposal**

Permission is sought to add an additional storey to the building to provide 5 no. 2-bedroom residential flats within a new second-floor. The existing central bay on the north side would be built-up in brickwork to replicate its current flat-roofed form, within the remainder of the accommodation contained within a slate-clad mansard roof to the 'wings' on either side. The inner face of the roof extension and southern-facing edge would consist of vertical rendered walls. The southern edge of the proposed second-floor would be stepped-back northwards by 2.9m from the first-floor of the building to provide terraced amenity spaces on either end enclosed with glazed balustrading.

The existing flats are accessible from 2 no. internal stairwells (leading from The Causeway on the west side and Field Place Parade on the east side), and also from external steps leading from the rear service yard. The proposed flats will be accessed from new metal staircases leading from the existing rear walkway onto L-shaped platforms above.

It is also proposed to provide a communal, resident's amenity space at first-floor on top of an existing central, single-storey flat-roofed part of the building. The latter would be enclosed with glazed balustrading and planting.

No parking provision is proposed to serve the development. The submitted drawings show 5 no. double-stacked cycle lockers within the existing rear yard providing 10 secure cycle storage spaces. A new bin store with capacity for 2 no. 1,100 litre Eurobins is also shown within the rear yard.

## **Consultations**

**West Sussex County Council:** The Highway Authority has no objection from a transport/highways safety aspect commenting:-

*“The proposal is for addition of a third storey to the existing building to provide 5 x 2-bedroom flats. The building has a mixed use of retail/ takeaway on ground floor and eight existing residential units on the first floor.*

*No vehicular parking is proposed. Under the guidance of the WSCC Car Parking Demand Calculator up to five spaces could be provided for the flats. Considering the location of the site and proximity to local shops, amenities and various sustainable modes of transport the Local Highway Authority would not wish to raise any objections to the nil car parking provision. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detriment to highway safety. Furthermore the applicant has supplied secure and covered storage for bicycles to further promote sustainable modes of transport.*

*If the Local Planning Authority is minded to approve the application a condition should be imposed to secure the cycle parking.”*

## **Adur & Worthing Councils:**

The Environmental Health Officer (Housing) expresses concern that the proposed flats could be negatively affected by the existing plant and equipment to the rear of the Co-op and recommends a condition requiring a scheme to protect the proposed dwellings from noise to be agreed and implemented.

Concern is also expressed about potential noise transference between properties within the block. The EHO comments that the layout between proposed Units 2 and 3 is poor with a bedroom adjacent to living space of the adjacent property. In addition, the vertical stacking of room types within the existing and proposed properties has the potential to be problematical giving rise to complaints since the flat boundaries and internal layout will not line-through. In the event that

reconfiguration is not possible a condition is recommended requiring a scheme of insulation for the internal property walls between Units 2 and 3, and all ceilings and floors, to protect the existing and proposed residential flat occupiers from noise has been agreed and implemented.

Details of the altered ventilation/extraction system for the existing takeaway outlet are also required. This should project at least 1m above the height of the roof, but where this is not possible the ducting should at least project 1m above the roof eaves with additional odour controls.

A condition is recommended controlling hours of demolition and construction to between 08.00 and 18.00 hours on Monday to Friday and between 08.00 and 13.00 hours on Saturdays with no work on Sundays or on Bank or Public Holidays.

The Council's Engineer has no comments.

**Southern Water:** It is requested that an informative is attached to any consent informing the applicant that a formal application for any new connection to the public foul and surface water sewer will be required to be made to Southern Water.

## **Representations**

Objections have been received from the occupiers of 1 Tagalie Square, Field Place Area Residents Association (FPARA) and the owner of one of the existing first-floor flats, raising the following concerns:-

- Lack of any car parking provision whatsoever in an area where there is already, and growing, severe on-road parking problems; Other developments taking place at the former Lloyds Tower and Rocco Homes 'Skyline' have inadequate parking. The Highway Authority has failed to recognize existing and developing parking problems, having an unrealistic attitude to sustainability and based only on a desk-top study.
- Adverse impact of new homes and residents on already stretched community infrastructure, particularly the nearby Strand GP surgery.
- Overdevelopment. The development will have an adverse effect on the quality of life of the existing first-floor tenants and residents.
- Adverse effect on the amenity of the new flats currently being built on the adjoining site which are in very close proximity.
- Serious concerns about the impact of construction activity on adjacent roads/homes/shoppers.
- The addition of a second-floor will affect the privacy, light and create noise for the existing first-floor flats. This is an over-development in an already busy area.

A local Councillor has objected to the proposals commenting:-

*"There is great concern about parking in the area in view of other recent developments (including Lloyds Tower and the former Banking Hall) which have inadequate parking provision. Just because a development is near to public transport does not mean that those living there will choose not to own a car.*

*The development of an additional storey will take away views, including from the new development of the former Banking Hall.*

*There is a lot of new development happening in the area which is putting pressure on parking and other services for local residents. With the many new housing units appearing in this area, an extra floor on this building is not necessary.”*

## **Relevant Planning Policies and 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.

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 6, 7, 8, 16

Worthing Local Plan (WBC 2003) (saved policies): RES7, H18, TR9

SPD ‘Space Standards’ (WBC 2012)

SPD ‘A Guide to Residential Development’ (WBC 2103)

West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003)

West Sussex ‘Guidance for Parking in New Residential Developments’ and ‘Residential Parking Demand Calculator’ (WSCC 2010)

NPPF (March 2012)

NPPG

## **Planning Assessment**

### ***Principle of Development***

The main issues raised by this proposal are the principle of residential development; the quality of the design and impact on local character and townscape; the effects on the living conditions of neighbours and the amenity of new dwelling occupiers; and access and highway safety.

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

The Council’s self-assessment of the Core Strategy’s Conformity with the National Planning Policy Framework demonstrated that, in many respects, the Council’s key Development Plan conforms closely to the key aims and objectives of the Framework. However, it is acknowledged that in response to the requirements of the Framework the current delivery strategy cannot provide a 5 year supply of

housing land to meet objectively assessed needs (OAN), identified in the Worthing Housing Study (GL Hearn 2015) at 636 dwellings per annum over the 2013-33 period. In the light of this substantial weight should be to the presumption in favour of sustainable development (paragraph 14, NPPF) unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.

The proposed development of 5 flats would make a very small contribution to meeting objectively assessed housing needs. This aside, the site consists of previously developed land within an established mixed residential and commercial area and the proposal would make an effective use of a brownfield site within a highly sustainable location having excellent connectivity to Worthing town centre and nearby towns by public transport and within walking distance of a broad range of day to day facilities and services.

Core Strategy Policy 8 seeks to deliver a wide choice of high quality homes to address the needs of the community and states that in areas of change outside the town centre, new development should predominantly consist of family housing. This is to redress an imbalance in the housing mix in developments over recent years and to meet the need for family housing. The Council's approach is further elaborated upon in the SPD Guide for Residential Development which indicates all applications should be assessed in relation to the policy on a site-by-site basis taking into account factors such as established character. In this case the mixed-use environment of the existing Parade does not lend itself to the provision of family housing. In any event, the above-mentioned GL Hearn Housing Study identifies a need for all types of housing, including 2-bedroom units.

### ***Visual amenity***

The existing 2-storey flat-roofed building is of its time, consisting of a central expressed bay with 'wings' angled to form U-shape and has no particular architectural merit or importance. The commercial uses on the ground-floor are visually divorced from the first-floor by a projecting concrete canopy which forms a strong horizontal feature on the building.

The proposed second-floor has been designed to complement the style and composition of the existing building, with the central bay extended up in brickwork and a mansard-style roof to the 'wings' on either side. On the outward-facing elevations, the proposed windows will match the size, style and pattern of the existing windows, lining through with those on the first-floor below. The application submission states that the proposed new windows will consist of aluminium-framed composite windows whereas the existing first-floor windows are white uPVC (having replaced the original black metal windows following the grant of planning permission in 2012). The proposed aluminium windows would have slimmer frames (omitting the heavy framing detail around opening casement which is an unattractive feature of uPVC windows) and would be more sensitive to the original character of the building. In any event it is important that the windows on the first and second-floor match in all respects to ensure an integrity of design to the upper floors of the enlarged building, and to this end it has been suggested to

the applicant's agent that the existing white uPVC windows on the outer elevations at first-floor are replaced with aluminium-famed composite units.

To the east and west, the mansard roof of the proposed second-floor 'wings' will be stepped-in (northwards) from the first-floor below to form private terraces for either end unit (1 and 5) enclosed by metal-framed, glazed balustrades. This 'step' in the overall massing of the building mirrors a similar-spaced step between the commercial units on the ground-floor and the first-floor. It therefore replicates an existing feature of the building whilst helping to maintain a sense of space in relation to the new 5/6-storey development adjoining to the south.

The existing building occupies an extremely prominent position within the street-scene, but is currently somewhat under-stated in terms of its stature compared to other buildings in the immediate vicinity including the 3-storey Strand Parade, Meadway Court and Durrington Gardens (let alone the new development adjoining to the south). The proposed addition of a second-floor will result in the building having a substantially greater presence within the street-scene but in a form that harmonises with, and complements the architectural style of the existing building. Nevertheless it will be imperative in view of its visual prominence that good quality materials are used and the profiles and detailing of features are carried out to the high standard indicated on the submitted drawings. To this end the applicant's agent has confirmed the use of natural slate on the mansard, but a response on the replacing the existing uPVC first-floor windows is awaited.

### ***Residential amenity – for proposed dwellings***

The proposed flats will have a Gross Internal Floor area (GIA) between 72.5sqm and 78.5sqm which exceeds the Council's minimum floor space requirement of 66sqm for a 2-bedroom flat. In a similar arrangement to the existing flats, the kitchen and bathroom windows will face onto the inner walkways and yard, with the bedroom and living room windows facing outwards. All the flats will have at least a dual aspect, with the 2 no. end units also having access onto private terrace areas. The central flat (Unit 3) will have its own a recessed balcony on the south side (7sqm).

The south-facing windows of the flats will be overlooked by windows in the new flats currently under-construction on the adjoining site to the south. As approved (AWDM/0844/15 refers) the scheme consists of a mix of commercial and residential uses on the ground-floor, with residential flats on 5 floors above. There would be a minimum distance of 15m between the north-facing windows of the flats under construction and the nearest south facing windows of the proposed units. It would be difficult to argue that this distance is unacceptable in amenity terms, bearing in mind the southern edge of the proposed second-floor is stepped-inwards (north) of the first-floor flats below which also have windows facing the neighbouring development site. [A condition of that permission requires the lower panes of windows in the first-floor flats in the north elevation of the building facing Field Place Parade to be obscurely-glazed in addition to the provision of a landscaped screen on the flat roof of the nearest ground-floor commercial unit to mitigate any loss of privacy through overlooking.]

The south-facing windows and patio doors in the 2 no. proposed end units (1 and 5) will be overlooked from the windows and private balconies on the second-floor (and above) of the adjacent development. The windows/patio doors could be required to be obscurely glazed to overcome this issue. However, the open-plan kitchen/living/dining areas in question have alternative outlooks to the east and west. The future occupiers could install blinds or curtains if so desired, but it is considered that a requirement for obscure-glazing would diminish the relative attractiveness of having an aspect onto the private terraces. The enclosures around the terraces are shown as glazed, and a requirement for these to be 'smoked' glass or semi-transparent rather than clear-glazed would help provide a greater sense of visual separation.

It is noted that a number of flat units in the neighbouring development rely on a sole north-facing aspect. However, given the tall floor-to-ceiling height of the ground-floor of that building, the second-floor will be comparatively higher than the floor level of the proposed second-floor flats at Field Place Parade. Consequently, it is considered the impact of an additional storey on the amenities of the neighbouring flats under construction will not be overwhelming or unduly oppressive, particularly bearing in mind the relatively narrow span of Field Place Parade. An application for a Minor Material Amendment (under S.73) to the development under construction has been received and is currently under consideration (AWDM/0730/16) proposing to alter the mix of the development to comprise 74 apartments and a doctor's surgery, but does not substantially alter the building envelope as approved. In any event, that application will need to be considered on its own merits in relation to any decision made in respect of the proposal under consideration here.

The comments of the Council's Environmental Health Officer concerning the potential for noise disturbance from the plant and equipment in the rear yard (serving the Co-op store) are noted and can be addressed by imposing a planning condition to agree and implement noise protection measures. Similarly, the concerns expressed about noise transference between Units 2 and 3 of the proposed new flats; and between the floor/ceiling of the proposed new flats and the first-floor flats can be addressed through the implementation of an agreed sound insulation scheme and is not considered to amount to reasonable grounds to withhold permission.

### ***Residential amenity – effect on existing dwellings***

The most-affected properties are the 8 no. existing first-floor flats. These are accessed from an external walkway at first-floor running around the inner rear elevation and enclosed by wrought iron railings. Historic planning records show that windows facing onto the inner walkway serve kitchens and bathrooms. Two new metal staircases are proposed within the inner corners of the existing first-floor walkway leading to up to 2 smaller platforms providing access to Units 1-3 (north-west) and Units 4 and 5 (north-east). The proposed stairs and access platforms will have an impact on the amenities of the first-floor flats in terms of loss of light and a sense of enclosure created by the construction itself, but also from increased activity from additional comings and goings arising from the new flats and loss of privacy from overlooking. The most seriously affected will be those located in the inner corners of the building (Flats 2 and 3, and 6 and 7). However,



the configuration of the existing communal walkway already facilitates a degree of overlooking with existing residents/visitors having to pass directly in front of windows facing onto the walkway in order to gain access to their flats. Bearing in mind the windows in question do not serve habitable accommodation it is considered the effect on amenity would not be so severe as to warrant refusal on this ground.

### ***Accessibility and parking***

No on-site parking is available for the proposed flats. The site is located close to Durrington rail station and bus stops providing regular serves around Worthing. It is also within walking distance of a host of day-today shops and local services in and around Strand Neighbourhood Shopping Centre. The development is located where the need to travel will be minimized and the use of sustainable transport modes can be maximized. The proposals include provision for secure and covered storage for cycles to further promote sustainable modes of transport. It therefore meets with the objectives of the NPPF which seek to promote development that benefits from a sustainable location and access to sustainable transport.

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport ground where the residual cumulative impacts of the development are severe. Third parties have raised concerns about parking problems and limited scope for residents to park on-street in the context of other larger scale developments taking place in the vicinity. The highway authority has acknowledged the limited capacity for on-street parking but has raised no objection on highway safety grounds on the basis that comprehensive parking restrictions are in place in the vicinity.

### ***Other issues***

There is no CIL chargeable for the development which falls within Zone 2 (having a 'Nil' set charge).

### **Recommendation**

#### **SUBJECT TO CONFIRMATION OF REPLACEMENT OF EXISTING UPVC WINDOWS TO FIRST-FLOOR FLATS, APPROVE Subject to Conditions:-**

1. Standard 3 year time limit
2. Approved plans
3. Agree samples and schedule of materials
4. Agree architectural details including dormers, windows, verges/trims/fascia/coping, balustrading with 'smoked' glass or semi-transparent screening, external stairs and platforms
5. Agree and implement communal amenity space, associated landscaping and management plan
6. Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from plant noise has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall achieve the indoor ambient

noise levels for dwellings specified in Table 4, Section 7.7 of BS8233:2014 and aim to achieve the WHO Guideline value for moderate annoyance in outdoor living areas. Following approval and completion of the scheme, a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme meet the specified levels.

7. Construction shall not commence until an insulation scheme for protecting the residential units from noise has been submitted to and approved by the local planning authority. The scheme shall achieve a minimum airborne sound insulation value of 48dB (DnTw+Ctr dB) for internal property walls between units 2 and 3 and 50dB (DnTw + Ctr dB) for all floors/ceilings between the first and second floor."
8. Agree and implement amended ventilation/extraction system for existing hot food takeaway
9. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.
10. Agree and implement Construction Method Statement
11. Hours of construction
12. Agree and implement refuse storage provision

Application Number: AWDM/0104/16

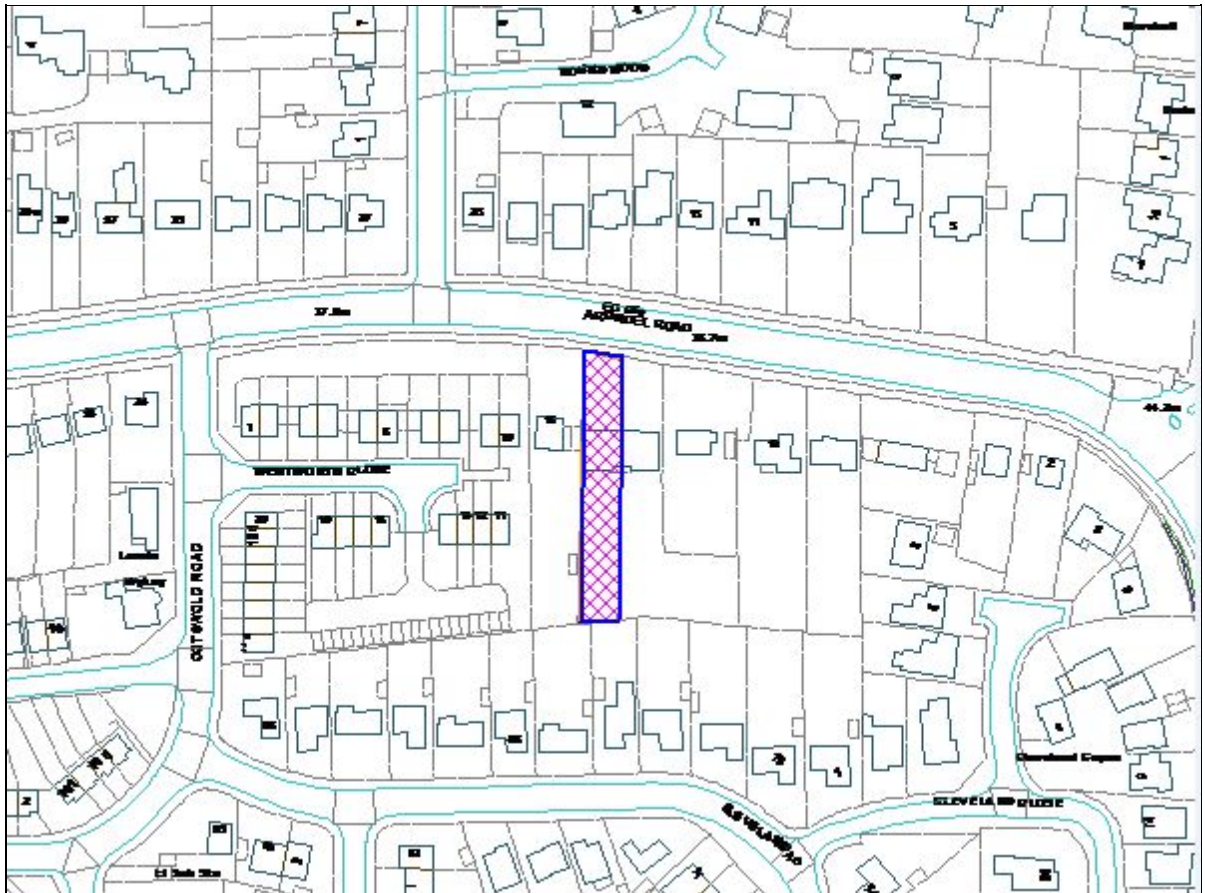
Recommendation – APPROVE

Site: 16 Arundel Road, Worthing

Proposal: Retention of outbuilding at southern end of rear garden for use as aviary (part retrospective)

Applicant: Mr Erich Schroter  
Case Officer: Gary Peck

Ward: Salvington

**Not to Scale**

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### Proposal, Site and Surroundings

This application seeks permission for the retention of a building at the southern end of the garden for use as an aviary. The application is described as part retrospective as the applicant has part constructed the building, but halted work pending the determination of this application.

The applicant currently keeps a number of parrots within the main house, an endangered species known as Yellow Naped Amazon. He states that he now wishes to house them in a purpose built building at the end of his garden. A supporting letter from The Parrot Society UK submitted with the application states that the applicant is a long standing member of the Society who has the welfare of

the birds at the top of his agenda. It is understood that he keeps and breeds the birds and on occasion they are collected by others with a similar interest in maintaining this endangered species.

The Parrot Society also states that the building is appropriate to provide safe, dry and windproof accommodation for the birds and as they are tropical in nature, need to be kept inside within a building that can provide windproof accommodation during the winter and shade during the summer. The Society also states that a building of sufficient size is necessary to allow the birds to fly around.

The finished height of the building is given as exactly 2.5 metres, which is the normal height limit of permitted development buildings close to boundaries in rear gardens. The current height of the building is less than the proposed finished height because the roof has not yet been put on the building. The length of the building is 10 metres.

The rear garden serving the property is over 40 metres in length with the immediately adjoining properties to the east and west enjoying gardens of a similar length. Further to the west and adjacent to the western boundary of the neighbour to the west is Wentworth Close with the easternmost property its rear garden and a communal garage compound being visible from the site. Of particular note is that the ground slopes from east to west meaning that the garden of the neighbouring property to the west, number 18, is at a much lower level than the application site. This is evidenced by the fact that a replacement close boarded fence already erected alongside the building consists of a standard fence sitting on top of another 5 panels of fence with a trellis on top, yet the subject building is still visible just above it. The property to the east has screening at the end of its garden and is on higher ground in any case.

To the rear are bungalows in Cleveland Way. These have much shorter rear gardens than the application site, albeit still reasonably sized. Number 84 is situated about 14 metres from the rear boundary of the application site. Its neighbour, number 82, also shares a boundary with the rear of the application site but this property does not extend as deeply as its neighbour and is about 25 metres from the boundary.

As well as the replacement fencing provided to the west of the building, the applicant has also planted bamboo to the front and rear.

### **Relevant Planning History**

None relevant to the determination of the application

### **Consultations**

The ***Environmental Health*** officer originally commented:

In the absence of any further supporting information I must object on the grounds that the likely impact on neighbouring residential amenity will be too great.

If they can furnish me with their plan for noise control I am willing to reconsider.

The applicant's agent provided the following response:

*The building has been designed to ensure that no noise escapes to cause nuisance to neighbouring occupiers, as follows:*

- *There are no windows in the building*
- *Each internal room has its own door opening on to the central corridor*
- *The only external doors (the front doors) have a second set of doors inside to provide a double acoustic layer (a 'noise bridge')*
- *The walls and roof of the building are constructed of Structural Insulated Panels (SIPs) which have a thickness of 150mm and have excellent acoustic properties. Internally, the SIP panels will be complemented with 30mm rock wool RWA45, acoustic insulation slabs then 2 layers of 12.5mm acoustic plasterboard. There will be resilient bars between the SIP panels and the plasterboard*
- *The internal rooms will have full spectrum lighting set on a timer from 9am to 8pm. The birds naturally make no noise in darkness, so there will be no noise outside of those hours.*
- *There is a distance of 60-70ft from the main part of any neighbouring property. These matters can be secured by condition.*

Following the receipt of the additional information, the **Environmental Health Officer** further commented:

I visited today to see for myself. With the information supplied below I am now satisfied any impact on neighbours will be minimal.

### **Representations**

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

- Design, character and appearance, appears unfinished
- Can be seen above the neighbouring boundary fence
- Excessive noise from birds
- Potential health implications
- Anecdotal evidence that a commercial business will be run from the building
- Building has a footprint similar to a small bungalow
- Constructed without planning permission
- The applicant did not consult with neighbouring properties
- Necessity to raise a fence to screen the building
- Loss of privacy to neighbouring garden
- Applicant advised that building would not be able to be seen above rear fence but is a metre higher

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

Saved Local Plan policies (WBC 2003): RES7,  
Worthing Core Strategy (WBC 2011): Policy 16  
National Planning Policy Framework (CLG 2012)  
Planning Practice Guidance (CLG 2014)

## **Relevant Legislation**

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

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

## **Planning Assessment**

The main issue in the determination of the application is the effect of the building upon the amenities of neighbouring properties.

The background to how the building has come to be part constructed should be briefly explained:

In the supporting information accompanying the application, it is stated that the applicant contacted the Council prior to the construction of the outbuilding, via the Building Control section, and was advised that providing the building did not exceed 2.5 metres, planning permission was not required.

The applicant has made a separate application for a Lawful Development Certificate (LDC) which is a determination as to whether planning permission is required for a proposal. The applicant submitted the LDC proposal in line with the advice above. Although the LDC application was undetermined at the time of writing this report, your officers have advised the applicant that it will be refused, as it has not been demonstrated that the building does not exceed 2.5 metres (due to the change in ground levels). Furthermore, while the keeping of animals within an outbuilding can be permitted development, your officers are also of the view that insufficient information has been submitted to prove that the keeping of the birds was ancillary to the residential use of the property. It should be stressed that the refusal of the LDC is not a comment on the planning merits or otherwise of the building but merely that it is not considered permitted development.

Accordingly, the applicant was requested to submit a planning application which is that under consideration in this report. The submission of a planning application allows the planning merits of the case to be considered unlike with an LDC.

The application has taken some time to determine, partly because amended plans have been requested from the applicant's agent on more than one occasion to ensure that the building is shown accurately on the plans. It is appreciated that this is slightly more difficult because the plans need to represent the finished version of a building that is still incomplete and sits on sloping ground.

It is clear that the building is substantial in size but in the context of such a large rear garden, it is not considered that its size is in itself sufficient to justify refusal. In terms of the impact upon the properties to the rear, while the building does sit

slightly higher than the existing fence line, the applicant has gone to some effort to screen it by planting bamboo and accordingly its impact is not considered unacceptable.

The main impact, therefore, is to the property to the west because of the drop in ground levels. Again, the applicant has gone to some effort by erecting a replacement fence although, as such, it does show the impact of the building by needing to be much higher than a standard close boarded fence, appearing to be almost 3 metres in height. This does provide a somewhat unusual appearance at the end of the neighbouring garden since at one point the new fence sits next to an existing portion of much lower fence, although an outbuilding belonging to the neighbour reduced this impact.

While the effect is unusual, after careful consideration, your officers do not feel it sufficient to warrant a refusal of the application. This is primarily because the area affected by the building is at the end of a long garden (the neighbour's rear garden is effectively slightly longer than the applicant's because the house is set nearer the road). Also, while to the east the long gardens of properties in Arundel Road predominate, to the west Wentworth Close comes close to the western boundary of the neighbouring property and part of the aspect of the garden consists of the side garden of number 11 Wentworth Close, with a rear extension of that property extending close to the mutual boundary. Your officers do not feel that additional overlooking has been created by the new building as the higher fence reduces it to some extent but as with many rear gardens, a degree of overlooking already exists in any case.

The remaining issue is therefore potential noise from the birds. Again, part of the reason for the delay in determining the application has been the necessity to receive further information from the applicant's agent following the consultation response from the Environmental Health Officer.

Having received the additional information, the Environmental Health Officer raises no objection. From your officer's inspection of the building it is certainly of solid construction and would appear to have been designed in a way that any adverse impacts through noise should be minimised to an acceptable degree. Indeed, such is nature of the construction of the building that an equal concern could be that it appears rather utilitarian on its appearance notwithstanding its position at the end of the garden. In that respect, the efforts by the applicant to plant bamboo, erect the new fence and erect a trellis in front of the building go some way to minimising such impacts and can also be controlled by condition.

Comment has been made that the applicant is running a commercial business, although no specific evidence has been provided with regard to the use of the existing property given that the birds are already in situ in the main property. There are occasions where there are visitors to the property but it appears that these are primarily fellow collectors of this particular type of bird and as such not a commercial activity. Given the unusual nature of the situation, it is felt that a restrictive planning condition would be the most effective way of preventing any future commercial activity.

In conclusion, your officers consider that the retention of the building is, on balance, acceptable.

**Recommendation**

To GRANT permission

**Subject to Conditions:-**

1. Approved Plans
2. Approval of Materials
3. No windows
4. Final construction of building to be in accordance with agent details
5. Landscaping
6. No commercial activity

29<sup>th</sup> June 2016



Application Number: AWDM/0568/16

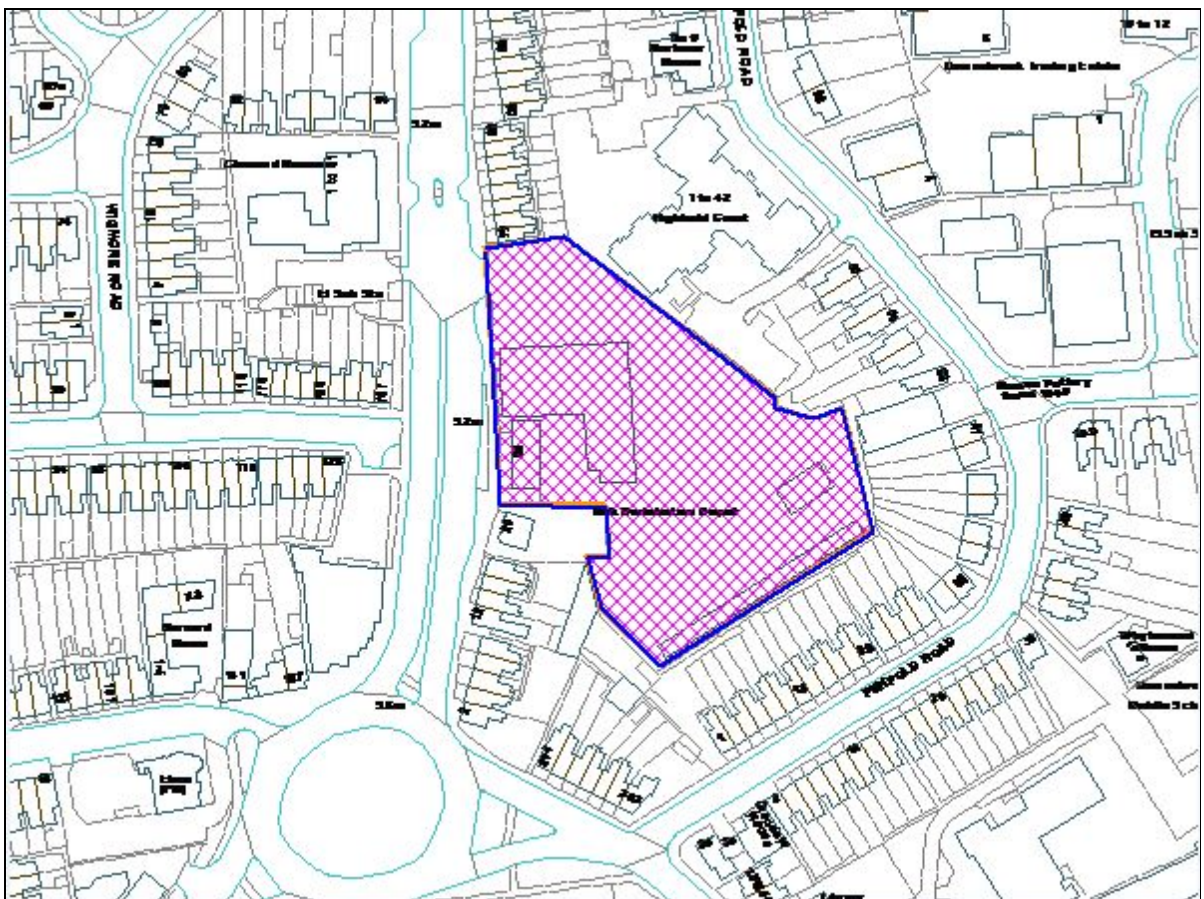
Recommendation – APPROVE

Site: 22 Sompting Road, Worthing

**Proposal:** Application to vary conditions 10 and 17 of previously approved AWDM/1199/15. Amendments: amend trading hours of Unit 4 to add 2pm-6pm on Saturdays and 10am to 4pm on Sundays. Increase by 205sqm and re-positioning of warehouse fronting Sompting Road

Applicant: Quod  
Case Officer: Gary Peck

Ward: Broadwater



Not to Scale

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### Proposal, Site and Surroundings

This application seeks full permission to vary conditions 10 and 17 of previously approved application AWDM/1199/15 which granted permission earlier this year for:

*Demolition of existing buildings and erection of industrial/distribution units comprising Unit 1 (sui generis builders' merchant for display, sale, storage of building, timber and plumbing supplies, plant and tool hire including outside*

*display and storage); Unit 2 and 3 (Class B8 with trade counter and ancillary showroom); and Unit 4 (Class A1 cafe/sandwich shop and/or sui generis tile merchant)) including access and servicing arrangements, car parking and associated works.*

Condition 10 of the previous permission stated:

*The proposed hours of use, including all deliveries and collections, are restricted to those contained within the application 07.00 to 19.00 hours Monday to Friday and 08.00 to 14.00 hours Saturdays and no use on Sundays.*

The proposed amendments comprise amending the trading hours of Unit 4 only to add 2pm-6pm on Saturdays and 10am to 4pm on Sundays.

The application also seeks to increase by 205 sqm and reposition the warehouse fronting Sompting Road, which contains both units 3 and 4.

The supporting information submitted with the application states that the proposal is to facilitate the occupation of unit 4 by Tile Giant.

The application site comprises a former milk distribution depot which is accessed via Sompting Road to the west, a short distance to the north of the roundabout at the junction of Sompting Road and Dominion Road. Existing buildings on the site are mainly on the western side with a brick built office building fronting the road and an industrial building with loading bays to its north which then wraps around the frontage building to the rear. A lower building accommodating the parking of milk floats runs along the southern boundary. Behind this building was a dense belt of trees which were subsequently removed and hence this building is now visible from outside of the site. The rest of the site is primarily hardstanding and because of the nature of the previous use would have been able to accommodate a large number of vehicles for parking purposes.

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

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

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

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

### **Relevant Planning History**

Planning permission was granted in February for:

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

A number of the planning conditions have been discharged but work has not commenced on site.

### **Consultations**

#### ***Technical Services***

The application to vary conditions 10 and 17 does not affect the drainage strategy as hard surfacing is altered to impermeable roofing. Therefore I have no comments.

#### ***West Sussex County Council:***

The proposal as part of this Section 73 variation of condition planning application is for the extension of the ground floor in relation to Units 3 and 4, for trading and storage, and to also provide a mezzanine floor for storage purposes only. As part of the proposals, parking provision for the whole site will be increased. The LHA (Local Highway Authority) has commented on the original scheme under AWDM/1199/15 to which no objections were raised from the highway point of view. Planning permission was granted for this scheme in February 2016.

The proposal will utilise land off Sompting Road, formally used as a Dairy Crest Depot. Sompting Road is a "C" class road subject to a 30 mph speed limit in this location. The site currently has a main vehicular access situated off Sompting

Road at the northwest corner of the site, plus a gated access, also situated off Sompting Road, approximately 50m to the south.

### **Access and Visibility**

The principle of access was already established under the previous application. Access to the site for vehicles will be retained from Sompting Road, however the existing arrangement will be widened to provide an all movements customer entrance, plus permitting access for HGVs. Access to HGV's will be provided via the existing entrance point approximately 50 metres south-west of the main entrance.

### **Site Layout and Parking**

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

For this variation of condition application an additional 7 parking spaces are to be provided which will see a total of 40 parking spaces are being provided in support of this application this allocated is considered acceptable for the proposal. In accordance with WSCC guidance cycle spaces will be provided this should be secured and covered.

### **Sustainability**

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

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

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

### **Trip Generation and Capacity**

The TS provided in support of this application does estimate potential vehicular trip generation arising from the additional floor space proposed. A 'worst case scenario' trip generation has been undertaken. It suggests that there will be an increase of 1 vehicle movement in the AM peak and PM peak. This would equate to one additional movement every three minutes. The survey has been carried out in accordance with TRICS Best Practice Guidance. As such the trip rate generated provides a realistic indication of likely trip generation from the additional uses at the site. It is recognised that this proposal would give rise to a more intensive use of Sompting Road. However given the very modest level of movements, it is not

anticipated to result in a “severe” cumulative impact on the operation of the local network in accordance with paragraph 32 of the National Planning Policy Framework.

### **Conclusion**

Taking into account the existing permitted use and the evidence submitted in supported of this application, the LHA does not consider that the proposed Section 73 Application would have a ‘severe’ impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

The ***Environmental Health*** officer comments:

My comments are as follows and relate to the Noise Assessment prepared by WYG dated April 2016 (job no.A091893) and associated documents.

Table 2.1: Row 2 - Building Services Plant & Operational Noise states a BS4142 score of +5 or lower will result in no action as such a difference is likely to be an indication of an adverse effect. This contradicts itself.

Table 5.1: Site R23 appears to be most impacted and I recommend further mitigation be provided to reduce levels at this location. Also where have the existing background noise levels been derived? I note the tables in Appendix C but these do not necessarily correlate.

Has the fork lift truck and HGV noise included the entire cycle (e.g. driving to the racking, collecting the items from the racking and delivering them to another location)? What about reversing alarms? (I recommend reversing alarms are NOT used and alternative arrangements are put in place).

Furthermore all sounds are treated as occurring in isolation. In practice fork lift trucks and HGV's will occur simultaneously meaning any impacts on amenity will be greater. If you are minded to grant permission I recommend that the following are attached as conditions.

- A noise management plan shall be submitted to and agreed with the LPA within 6 months of the granting of permission.
- No reversing alarms are permitted on site - alternative arrangements shall be put in place and incorporated into the Noise Management Plan required above.
- Consideration should be given to granting temporary permission to ensure noise does not affect residential amenity.
- I also suggest deliveries are not made to the site during the extended hours.

### **Representations**

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

- Increased disturbance on Sundays which is considered to be anti-social and an invasion of privacy
- Parking problems will increase

- Loss of light
- Did not want Travis Perkins there in the first place
- Constant noise and disturbance will now take place all through the week
- Underhand as the original permission was only granted recently

1 letter of objection has been received on behalf of the residents of Highfield Court:

- Cannot believe blatant manner in which the Company wishes to extend its opening hours
- Industrial unit and retirement flats are not ideal neighbours
- Activity 7 days per week is unthinkable

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

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

### **Relevant Legislation**

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

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

### **Planning Assessment**

The principle of development was established by the previous permission and therefore the main issue is whether the variation to the previous permission is acceptable.

Although concern has been expressed by neighbours that this application has come in soon after the previous permission was granted, it was noted in the previous committee report that Tile Giant had 'shown an interest' in Unit 4. This interest, following the grant of the previous permission, appears to have been confirmed and has prompted this application.

In terms of the amendments to unit 4, the unit will become more prominent on Sompting Road, the main public viewpoint of the site, since the building will be extended by 9 metres in length compared to the previous permission. However, the area of land to be occupied by the building appeared to be intended for use previously as parking and turning as well as a loading bay. As such, this would not have been a view in itself that would contribute to the street scene and since there

are a number of frontage buildings in the vicinity, it is not considered that a larger building would adversely affect the character of the area.

Internally, the proposal will result in the loading bay moving closer to the site boundary and a reconfiguration of the parking proposed. This leads to a slight reduction in the stock racking area on the north eastern boundary, which is likely to reduce the impact upon neighbouring properties. A further area that was reserved for a sub-station, if needed, will also be used as car parking close to the entrance on the northern side of the site. The area was used for parking previously and so it is not considered that there is any objection to this change.

The previous hours of use restriction did preclude use of the site on Saturday afternoons and Sundays. However, as stated in the previous Committee report, there were no hours of use control on the site previously which therefore could be used for 24 hours a day without further recourse to the Council. In that respect, it is considered difficult to resist the hours of use proposal most particularly because it only relates to unit 4 which is at the front of the site and a smaller unit than the larger units 1 and 2 to the rear which are located closer to neighbouring properties.

Having regard to the previous permission which established the principle of development on the site and the lack of control that the Council on its previous use, it is considered that the proposal is acceptable. However, the Environmental Health Officer

has expressed concern about the submitted noise report and has recommended a number of conditions including a temporary planning permission. The applicant is responding to the Environmental Health Officers concerns and it is likely that the concerns will be addressed. The extended opening hours are primarily to provide a trade counter service to the public at weekends and therefore it is unlikely that there would be fork lift or HGV movements which would disturb adjoining properties and these matters can be controlled by imposing additional conditions. Members will be updated at the meeting.

### **Recommendation**

To GRANT permission

**Subject to: the satisfactory comments of Environmental Health; conditions applicable under the previous permission (which have not yet been formally discharged); and the following amendments to Conditions 10 and 17:**

10. The proposed hours of use, including all deliveries and collections, are restricted to those contained within the application 07.00 to 19.00 hours Monday to Friday and 08.00 to 14.00 hours Saturdays and no use on Sundays the exception shall be Unit 4, as shown on drawing 6956P-500 which is also permitted to trade between the hours of 0700 to 1900 hours Monday to Friday, 0800 to 1800 hours on Saturday and 1000 to 1600 hours on Sundays.

17. The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Site Plan Drawing number 6956P-300 revision A received 26 January 2016  
Proposed Site Location Drawing Number 6956P-01 received 14 April 2016  
Planning Mezzanine - Units 1 and 2 Drawing Number 6857P-04 received 6 August 2015  
Planning Floor Plans - Unit 1 and 2 Drawing Number 6857P-03 received 6 August 2015  
Proposed Floor Plans and Elevation - Unit 3 and 4 Drawing Number 6956P-502 received 14 April 2016  
Proposed Elevations - Unit 1 and 2 - South West, North East Elevations and Site section Drawing Number 6956P-05 C received 14 April 2016  
Proposed Elevations - Unit 1 and 2 - South East and North West Elevations Drawing Number 6956P-07 received 22 January 2016  
Proposed Site Plan Drawing Number 6956P-500 received 14 April 2016  
Proposed Landscape Scheme Job/Drawing Number A2791-01 revision A received 1 February 2016  
Planning - Proposed Site Location Drawing Number 6956P-100 revision A received 22 January 2016  
External Lighting Lux Levels Layout - Drawing Number 2815/E/100 revision P3 received 25 November 2015  
Construction Method Statement and Construction Access and Setup Plan R15054/CMS/001 prepared by Stepnell Limited received 24 January 2016  
Planning Floor Plans – Unit 3 & 4 – Drawing Number 6857P-501 received 14 April 2016.

29<sup>th</sup> June 2016



Application Number: AWDM/0633/16

Recommendation – APPROVE

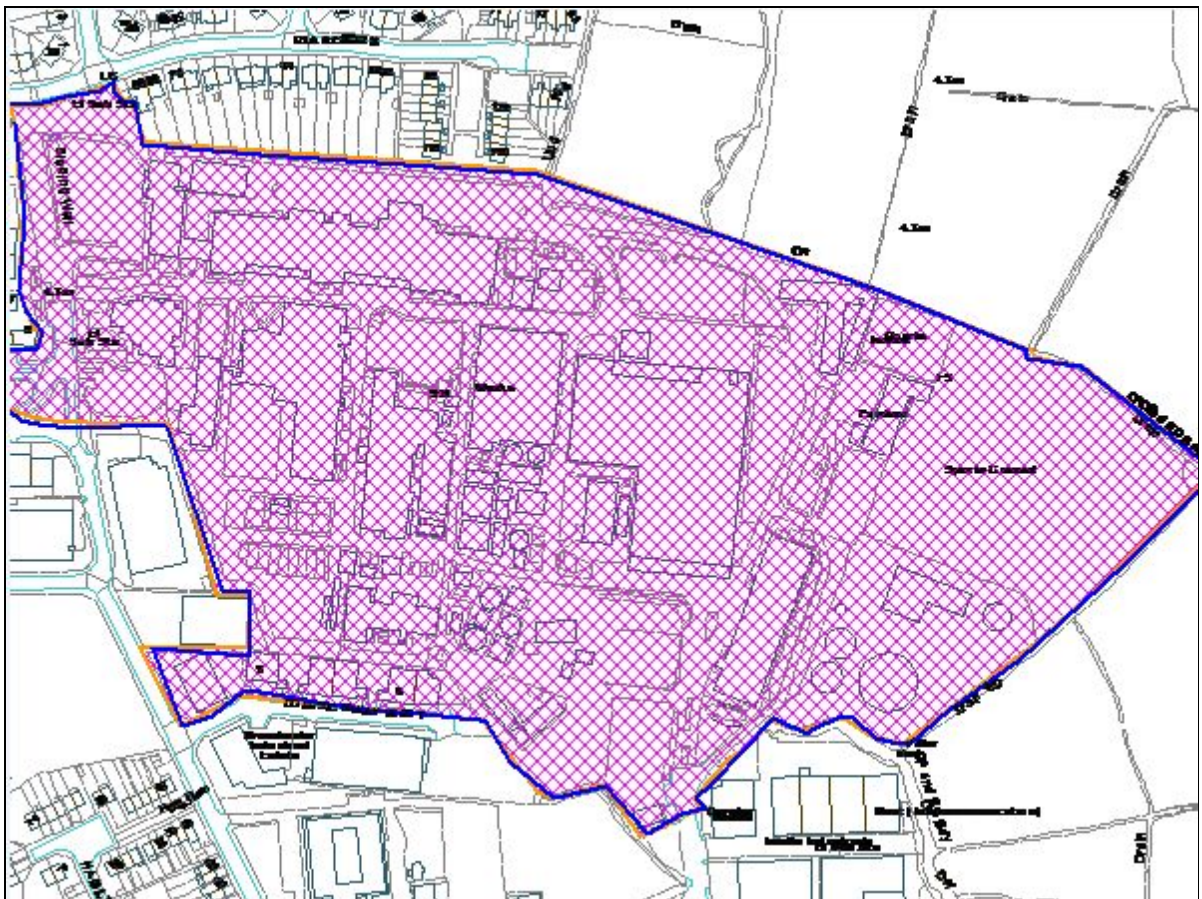
Site: Glaxo Smithkline, Southdownview Way, Worthing

**Proposal:** Application for variation of conditions 23 and 24 of approved AWDM/0311/14; condition 23 sports field used as car parking and condition 24 western car park and entrance area for construction parking, storage and offices, to be extended for one year to June 2017

Applicant: Mr Neil Henderson

Ward: Broadwater

Case Officer: Gary Peck

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

This application seeks permission to extend the time limit for conditions 23 and 24 of the permission granted under reference AWDM/0311/14 which gave permission for a new pharmaceutical production building. As part of the permission, the sports field to the east of the GSK side was to be used for car parking while the western car park was used for construction parking and storage while the permission was being implemented. In both cases, the temporary uses were to cease and the land restored to its former condition 2 years after the permission was granted. Since the

original permission was granted in June 2014, the restoration works were required to be completed by this month.

Although the building itself is substantially completed, the internal elements are not due to an extension in the construction schedule and therefore this application seeks to extend the time limit for the works for a further year until June 2017.

The sports field sits to the east of the GSK complex and is bordered by other buildings and uses within GSK ownership and open countryside. The area for construction parking is close to the main western entrance to the site and is closer to residential properties which are primarily to the north and other commercial uses to the west.

### **Relevant Planning History**

AWDM/0311/14 - Construction of new pharmaceutical production building incorporating 3 manufacturing modules, utility and other associated engineering operations. In addition to the proposed temporary use of existing staff car parks to the west of the site for support facilities for construction workers and use of existing football pitch on east side of site as a temporary staff car park. Temporary access road from Dominion Way West for the use of HGVs in connection with construction works - permission granted in June 2014.

Conditions 23 and 24 stated:

23. The use of the sports field as a temporary car park hereby permitted shall be discontinued and the land restored to its former condition on or before 2 years of the date of this permission in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

*Reason: To ensure satisfactory remediation and as the use of the sports field as a car park is only acceptable as a temporary measure with regard to the wider development of the site.*

24. The use of the existing western car park and entrance area for purposes in association with the construction of the pharmaceutical production building hereby permitted, including contractor's parking, offices and storage areas shall be discontinued and the land restored to its former condition on or before 2 years of the date of this permission in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

*Reason: The permanent use of the land for the purposes above would be to the detriment of the amenities of neighbouring properties.*

### **Consultations**

**Natural England:** No objection

**South Downs National Park Authority:** Require that regard is had to relevant Park policies in considering the application

**Sport England:** Raises no objection to the variations required to extend the overrun construction phase providing the timescale for these conditions is extended only and not removed.

**Environmental Health:** No comments

### **Representations**

No comments received

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

Saved Local Plan policies (WBC 2003): RES7,  
Worthing Core Strategy (WBC 2011): Policies 4, 11 & 16  
National Planning Policy Framework (CLG 2012)  
Planning Practice Guidance (CLG 2014)

### **Relevant Legislation**

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

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

### **Planning Assessment**

The main issue in the determination of this application is whether the variation of the condition would adversely affect the character of the area and the amenities of neighbouring properties.

The 2014 permission has largely been implemented but to the complexity of the project has slipped slightly behind its original construction schedule. Your officers have been kept informed about its progress at all times and therefore were aware that the timescales envisaged by the condition were unlikely to be met.

While both elements of the proposal would clearly be unacceptable as a permanent measure, it is not considered that the extended time limit is excessive especially as there is clear evidence that this important project is progressing given that the building has already been constructed. It is also noted that while the construction parking area was anticipated to have some impact upon neighbouring properties, there have not been any complaints reported to the department as a result of the alternative use of the land, nor have there been any representations received in respect of the current application. Accordingly, therefore, it can be considered that the temporary uses are operating without undue detriment and hence in order to facilitate the smooth completion of the project, there is no

objection to the proposal to vary the conditions. It is therefore recommended that permission is granted.

### **Recommendation**

To GRANT permission

### **Subject to Conditions:-**

01. The use of the sports field as a temporary car park hereby permitted shall be discontinued and the land restored to its former condition on or before 30 June 2017 in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

**Reason:** *To ensure satisfactory remediation and as the use of the sports field as a car park is only acceptable as a temporary measure with regard to the wider development of the site.*

02. The use of the existing western car park and entrance area for purposes in association with the construction of the pharmaceutical production building hereby permitted, including contractor's parking, offices and storage areas shall be discontinued and the land restored to its former condition on or before 30 June 2017 in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

**Reason:** *The permanent use of the land for the purposes above would be to the detriment of the amenities of neighbouring properties.*

29<sup>th</sup> June 2016

Application Number: AWDM/0458/16

Recommendation – APPROVE

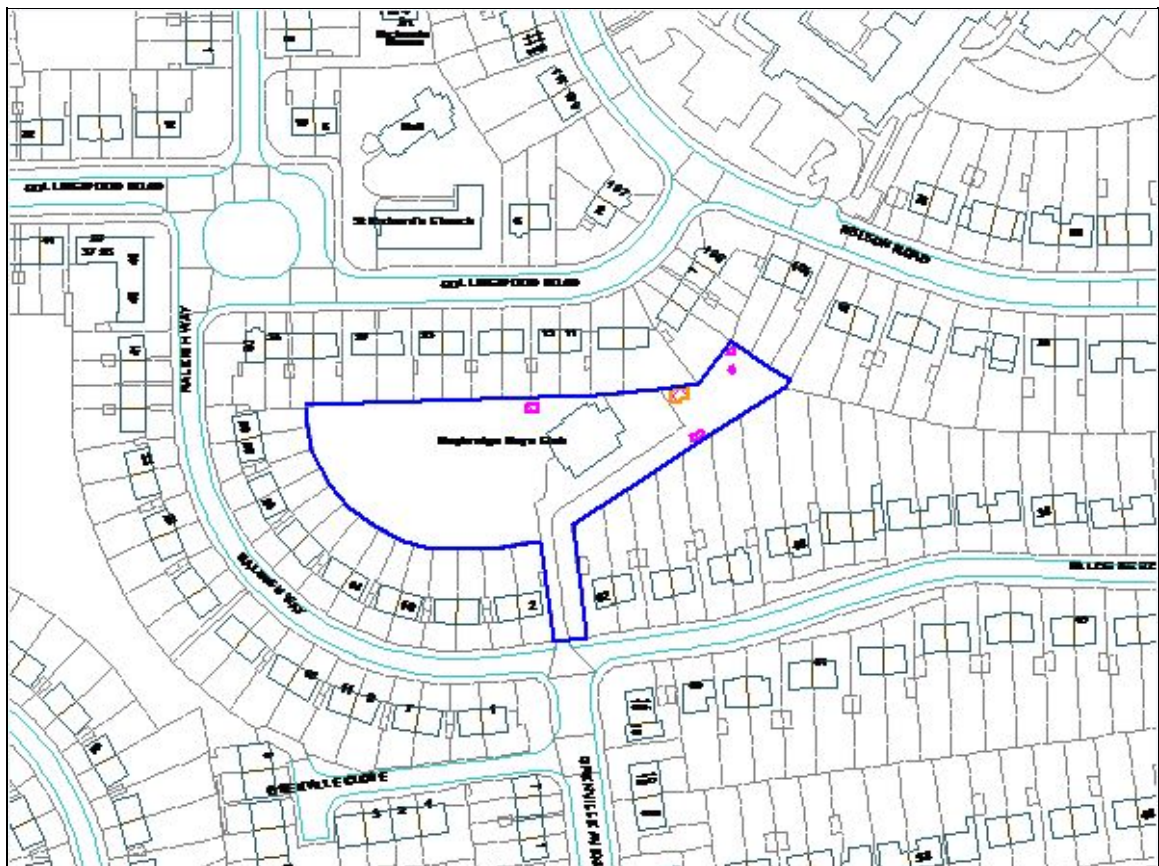
Site: Maybridge Keystone Centre, Raleigh Way, Worthing

Proposal: Proposed yurt, combi-greenhouse and potting shed and retention of existing shelter.

Applicant: Mrs C Hunt

Ward: Castle

Case Officer: Marie O'Keeffe

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## Site and Surroundings

Maybridge Keystone Centre, formerly Maybridge Boys Club, is a Council owned community centre on the north side of Raleigh Way with pedestrian and vehicle access adjacent to No. 2. It incorporates a large curtilage including a substantial field, which serve as open space and a recreational facility for users. There is a reasonable parking area close to the main centre building.

The site houses a single storey building with two sports halls. It provides space for many local clubs during the day and evenings such as a fitness clubs and local youth centre. There has been a community building on this site since the mid 1950's, which over the years has been extended and developed.

The site is surrounded by the back gardens of inter war housing, the common boundaries of which are defined by fences, trees and hedging.

## **Proposal**

This community centre is used in part by 'Breathing Spaces' a social enterprise which runs gardening programmes to improve health, wellbeing and quality of life specialising in working with older people, including those living with dementia. The green gardening space developed is in the far eastern end of the site and is surrounded by houses in Raleigh Crescent, Nelson Road and Collingwood Road. It is in this area that the enterprise has already erected an open sided shelter for which retrospective permission is now sought. This shelter is a timber frame and sits on the boundary with 7 Collingwood Road. It has a maximum height of 2.5 metres.

The application has been revised following negotiations and no longer seeks approval for a composting toilet sited close to the adjacent back gardens, due to officer and neighbour concerns over loss of amenity to residents from odours.

Also proposed is a circular based and domed 'Yurt', a canvas sided shelter with a maximum height of 3.5 metres on a 5 metre wide base. It is shown to be positioned in the centre of the garden, well away from neighbouring boundaries. A greenhouse is proposed close to the southern boundary with 56 Raleigh Crescent. This building is only 2 metres high on a 3 m x 1.8 metre base.

A potting shed is also in the open area to the north of the main community building, used mainly by the youth club and the children and family centre. It is proposed behind 15 to 17 Collingwood Road and is 2.1 metres by 2.1 metres and a maximum height of 2.135 metres. It is in this area that a vegetable garden is to be developed for use by the youth club and family centre. The shed will support this garden.

The existing garden at the eastern end of the site is mainly used by Breathing Spaces and our groups. There will be no more than 10 clients in a group. There may be up to 5 volunteers supporting the sessions.

At the moment Breathing Spaces runs a group at the garden on a Tuesday morning and hope to run one on a Tuesday afternoon. They indicated that in the future, as the group develops, they may want to run other groups on other days but usually on weekdays and during the daytime.

The Children and Family Centre also use the garden on a Friday morning. The cafe is on a Friday lunchtime. The Youth Club occasionally visit the garden in the early evening but more often use the field at the other side of the centre - where the vegetable plot will be.

Breathing Spaces and Maybridge Keystone Centre may occasionally hold open days or events in the eastern garden area at weekends or early evenings, to which local residents would be invited.

## **Applicant's Supporting Statement**

*'Breathing Spaces is a social enterprise and we run evidence-based, assisted gardening programmes to improve health, wellbeing and quality of life. We specialise in working with older people, including those living with dementia. We have designed a stimulating but safe natural greenspace for people with dementia at the Maybridge Keystone Centre. It is built on land that was previously disused and inaccessible to anyone with mobility challenges. As well as Breathing Spaces, the Maybridge Children and Family Centre now use it regularly, the cafe customers and the youth club visit it, and anyone is welcome to visit when the Centre is open.*

*We are requesting permission for the following structures for the following reasons:*

### **Rain shelter and Yurt**

*We know from the behaviours and comments of our clients with dementia that they feel at ease in the garden and this is a significant part of the beneficial effect. However, if it rains during our sessions and in winter we have to go inside the main building, which is often busy, and for someone with dementia it can be unsettling and confusing. We discussed building shelter inside the garden with our clients and they agreed that we need:*

*a) a simple rain shelter, partly enclosed at the sides but with open views on to the garden, where we can take cover at any time of year but still be very much outdoors.*

*b) a warm, draught-proof space with windows so that the garden is still visible, where we can hold sessions in the coldest months. We have discussed various options (sheds in different locations around the garden) and feel the best option is a 'yurt', which is like a large tent, fitted with a wooden door, windows and a wood-burning stove, in the central open space of the garden.*

### **Rain Shelter —retrospective planning permission request**

*We leafleted the properties adjacent to the garden area about the planning application in September 2015 with a drawing of the rain-shelter and brief details of a possible shed. We had one response from Mr Andy Fuller, Collingwood Road, who had concerns about the opening hours and days and the possibility of noise in the garden after 6pm in the evening. We believe we reassured him with details of our intentions. He also mentioned the direction our seats face and as a result we moved the seat so that we are not looking directly at windows we plan to let the hedge grow up more. On the basis that there were no actual objections to the shelter itself, we went ahead and built it in October/November because the weather was turning wet and windy and we were in desperate need, intending to apply retrospectively for permission. There have been no complaints. We have used the shelter many times since it was built and it is invaluable. However, it does not provide enough comfort in the winter and only our most robust clients are able to attend our sessions then.*

## Yurt

*We have some clients over 80 years old and our experience, and other research, shows that older people easily feel cold, especially if their mobility is limited. A wheelchair accessible yurt will enable us to provide our service in the most therapeutic way possible all .year round.*

*We originally thought of having a shed inside the woodland garden area in the middle of the space, but we were worried it would break up the view of the circular path which people with dementia find very reassuring. We then considered siting a bespoke triangular shed in one corner but this does not provide enough space and is expensive. We have considered siting a shed just outside the garden area but this would take up parking spaces. Our conclusion is that a round yurt in the central space of the garden is a softer outline and its circular form emphasises the flow of the path.*

*We have leafleted local residents about the addition of a possible shed (Nov 2015 and Jan 2016) but not about a yurt in the centre of the garden. We had one response in November from the son of the resident at 48 Raleigh Crescent, the garden of which was adjacent to the proposed corner siting. Their concern was whether the beautiful conifer trees would be taken down, which we were not proposing. They are now planning to visit us in the garden, the resident is considering joining our gardening group and the son is very appreciative of the project. We also had visits from another local couple to see exactly where we were proposing to site the shed. There have been no negative responses. We believe that the yurt in the central space will be of even less concern to local residents because it is further from all the boundaries and at least partially obscured by the trees. It is a non-permanent structure, which is easily put up and taken down (they are designed that way for use by nomads). It could be removed in the future and the land would revert to grass. Its external cover will be green to blend in.*

## Greenhouse-Shed combination

*We would like to erect a combined greenhouse-shed in the garden so that we can start seedlings earlier, protect tender plants, grow a wider variety of plants than is possible outside, and store tools so that clients know where they are, all of which gives us a bigger variety of tasks during the sessions. Also, a shed and greenhouse is a very familiar element of most people's gardens and older people and people with dementia will feel it is a welcome addition to the space. The greenhouse will have safety glass and a rail in front of it to prevent anyone walking into it. It would be on hard-standing within the garden area. It would be near a boundary but adjacent to a long garden which also has a greenhouse at the end of it.*

## Veggie Garden Shed

*In a different area of the grounds, Maybridge Keystone Centre is going to develop a vegetable plot with/for the children and young people who attend the youth club*



*and Children and Family Centre. They have been given a shed and it will be needed in this area of the garden for tool storage.*

*We intend to leaflet residents to update them about these proposals.*

#### *Environmental considerations*

*We did not remove any trees to build the shelter and we will not do so for any of the other structures. We have in any case planted a tree in the garden as well as lots of native British hedging along the front entrance and two boundaries of the garden. We have increased the biodiversity of the site and we witness lots of wildlife there, which we want to preserve and enhance. We use no chemicals, we compost and capture rainwater. The materials we used for the structures are mainly sustainable and renewable - e.g. locally sourced wood.*

#### *Details of times of use and numbers involved*

*The garden is mainly used by Breathing Spaces and our groups. There will be no more than 10 clients in a group. There may be up to 5 volunteers supporting the sessions.*

*At the moment Breathing Spaces runs a group at the garden on a Tuesday morning. We would like to also run one on Tuesday afternoon. In future, as we develop, we may want to run other groups on other days but usually on weekdays and during the daytime.*

*The Children and Family Centre use the garden on a Friday morning. The cafe is on a Friday lunchtime. The Youth Club occasionally visit the garden in the early evening but more often use the field at the other side of the centre where the vegetable plot will be.*

*Breathing Spaces and Maybridge Keystone Centre may occasionally hold open days or events in the garden area at weekends or early evenings, to which local residents would be warmly invited.'*

#### **Relevant Planning History**

09/0999/WBR3/NMA1 - Application for non-material amendment following grant of planning permission WB/09/0999/WBR3 for replacement existing timber barrel vault roof with a new pitched gable end roof and shallow pitched felt roof extension to existing building comprising a single court sports hall with pitched roof and reception area, store area, office and cafe seating area with a shallow pitched green Sedum roof: Amendments include increase of bin store size from 1500mm x 2500mm to 1160 x 4470; provision of external ramp and steps to main entrance and concrete landing from sports hall fire escape; omit passing bays, retain original entrance road width. Granted 8.10.10

09/099//WBR3 - Application under Regulation 3 for replacement of existing timber barrel vault roof with a new pitched gable end roof and shallow pitched felt roof. Extension to existing building comprising; a single court sports hall with pitched

roof and reception area, store area, office and cafe seating area with a shallow pitched green sedum roof. Granted 7.1.10

08/0801/WBC3 - Replacement of existing concrete barrel vault/flat roof with triple trussed tiled pitched roof construction and small single storey extension to provide additional storage. Granted 9.2.08

07/0679 - Revised proposals for an extension to the existing community centre comprising a one-court sports hall, shared entrance/reception area, kitchen, store rooms and sanitary facilities including a new accessible wc facility. (WB/05/1041/FULL refers). Granted 13.7.07

05/1041 - Extension to an existing community centre comprising a one-court sports hall, shared entrance/reception area, kitchen, store rooms and sanitary facilities including a new accessible WC facility. Granted 6.12.05

01/00706 - Application submitted under Regulation 3 for the demolition of existing club and construction of a new young persons club, garages for storage, car parking and external multi-sports area. Granted 3.9.01

93/05605 – Closure of existing entrance and provision of new entrance. Granted 31.08.93

#### **Environmental Health:**

*'I have spoken with my colleague at HDC who is an expert re composting toilets. We discussed the application at length and have concluded the following:*

- *a site-specific waste management plan (WMP) should be provided (the applicant has stated what they'd like to do with the waste but not how);*
- *the specifications of the chosen toilet should be provided (which may form the basis for the WMP);*
- *details of how the odour will be minimised, the frequency of waste removal/chamber emptying, the location of the toilet facility, etc. should be provided;*
- *it is recommended that when dealing with stable waste (e.g. equine-generated waste - which does not smell as much as pig or chicken or people waste), any composting facility is sited a minimum of 30 metres from residential properties.*

*Please may you also confirm/request details of the wood-burning stove?'*

#### **Environment Agency:**

*'The proposed development does not fall under the list of development types that we wish to see through the planning system. Therefore we have no comments to make on the application.*

*This does not preclude any requirement for an environmental permit that the developer/ operator may need.*

*They must contact our National Customer Contact Centre, in order to find out whether they require a permit:*

[enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

Telephone: 03708 506 506

Minicom: 03702 422 549

Monday to Friday, 8am to 6pm'

**Drainage Engineer:** *'Thank you for the opportunity to comment upon this application, the proposed site lies within flood zone 1 and appears to be unaffected by surface water flooding.*

*The applicant has indicated the intention to use an existing Water course for the disposal of surface water, this is clearly a misunderstanding, should simply say sustainable drainage – i.e. infiltration.*

*I have no issues with the proposals but I think you need to raise the issue of spreading fermented toilet waste around with both our Environmental Health Team and the planning team at the EA, as they may consider this as a potential pollution risk to their aquifer.'*

## **Representations**

One objection received from the 5 Collingwood Road as follows:

*'I object to the use of a composting toilet, it is a health hazard and a potential for a great deal of smells.*

*The Environment Agency would not allow a contained septic tank as there is main line sewerage in this area, let alone an open sewer pit.*

*On an Environmental Health basis there is a serious risk of water table contamination.*

*I fear the whole project will be a collection point for rodent infestation and a threat to human health.*

*The whole thing would be an eyesore.  
I am totally against this planning application.'*

## **Relevant Planning Policies**

Saved Local Plan policies (WBC 2003): RES7, TR9, SC1 and H18

Worthing Core Strategy (WBC 2011): Policies 11,13,14,15 and 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***

The principle of development can be supported as it upgrades a community building and facilitates improved use. The value of the green curtilage land as open space, including wildlife, is not compromised by the proposal, and, indeed the open area would be enhanced by the proposals.

The main other issues for consideration are the impacts of the proposal on neighbours and visual amenity; the impact on groundwater in the area and traffic and parking.

### ***Neighbour and visual amenity***

All four structures are modest in scale and, in themselves will, not be harmful to neighbour amenity or dominate or degrade the value or appearance of the open space. They will not be noticeable from the street, nor obtrusive from the adjacent gardens and will blend into the space.

The community garden at the eastern end of the site has been developed over the past couple of years from an area of disused and inaccessible land. It is a valuable feature of the site which supports a very worthwhile community use. Use of this garden is likely to expand with the introduction of the yurt and the other buildings. Active use of this space is also likely to extend to include other users of the Keystone Centre too, not just Breathing Spaces, the applicants.

As a consequence it is considered appropriate to restrict use of these buildings to between the hours of 9am and 9pm Monday to Saturday and 10am to 6pm on Sundays/Public Holidays to prevent any significant noise nuisance to residential neighbours. (The centre itself has opening hours of 7.30am to 11pm, 7 days a week).

The yurt proposed includes reference to a wood burning stove. Further details of this stove are sought, prior to installation, at the request of Environmental Health.

### ***Groundwater/Contamination***

With the removal of the composting toilet from the proposal there is no known anticipated threat to groundwater from the remaining buildings proposed.

### ***Traffic and parking.***

The proposal will not unduly intensify use of the site which is sustainably located in the heart of the community it serves. Existing parking areas and access are unaffected.

**Recommendation APPROVE** subject to the following conditions:

1. Approved Plans
2. 3 years
3. Details of wood burning stove
4. Hours of use 9am to 9pm Monday to Saturday and 10am to 6pm on Sundays/Public Holidays.

29<sup>th</sup> June 2016

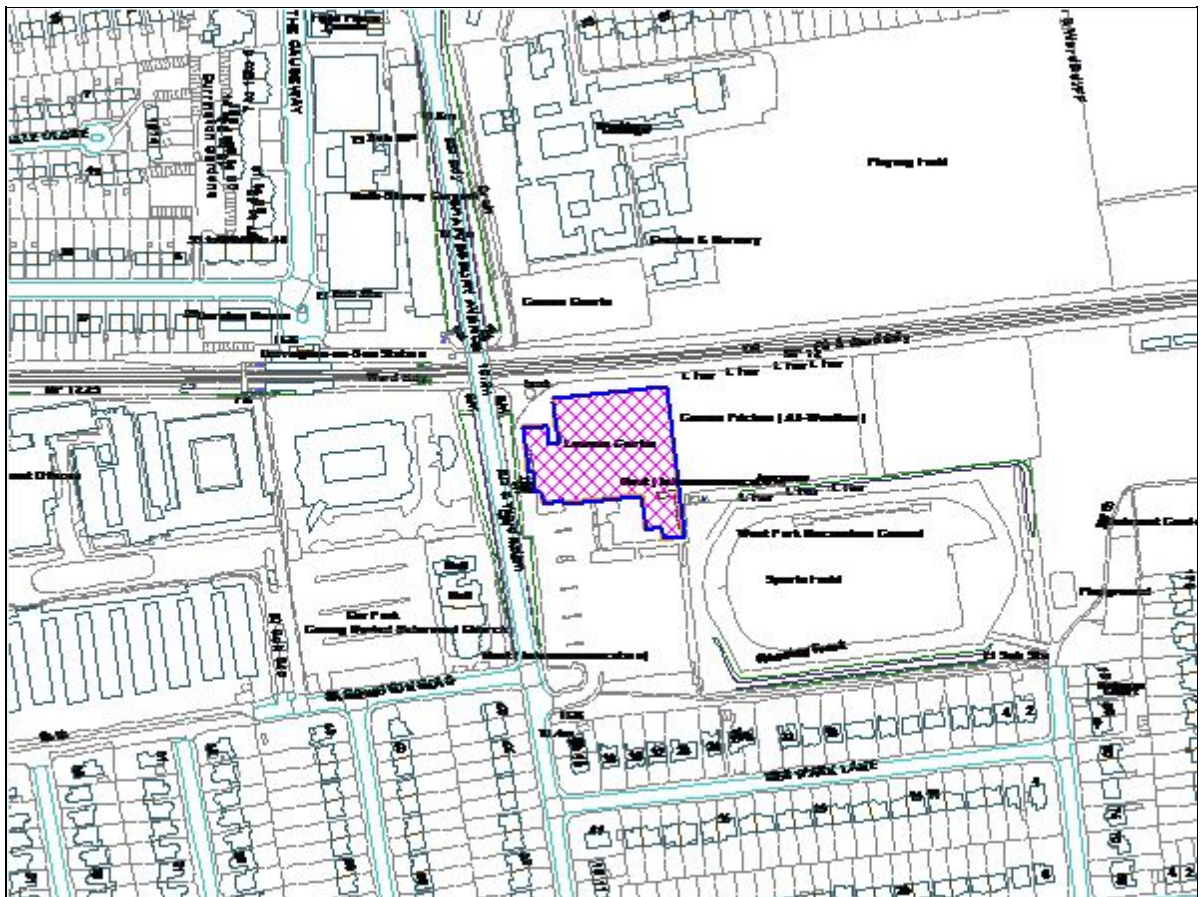
Application Number: AWDM/0492/16

Recommendation – APPROVE

Site: Worthing Leisure Centre, Shaftesbury Avenue, Worthing, BN12 4ET

**Proposal: Replacement white powder-coated aluminium double glazed uPVC glazing and doors to entrance to café and crèche on south elevation**

Applicant: Worthing Borough Council  
Case Officer: Eve Hearsey



Not to Scale

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### Proposal, Site and Surroundings

The application seeks permission to replace the existing single glazed timber frames and aluminium inset opening fanlights to the café and crèche. The replacements will be white powder coated aluminium double glazed units with inset uPVC opening fanlights.

The existing windows and doors are all in a straight run and are positioned on part of the south elevation of the Leisure Centre, within a small courtyard area, not readily viewed from the car park areas etc. The windows to the crèche are mirror glazed.

The Leisure Centre is located south of the railway line and next to the railway bridge to the west. It stands in some 5.25 hectares of land. Outside of the site, the area is predominantly residential in nature.

**Relevant Planning History:**

None

**Consultations:**

None undertaken

**Representations:**

None received.

**Relevant Planning Policies and Guidance:**

Worthing Core Strategy 2006-2026 (WBC 2011): Policies 11, 16, 17

Worthing Local Plan (WBC 2003) (saved policies): BE1

National Planning Policy Framework (March 2012)

Circular 11/95 'The Use of Conditions in Planning Permissions' (DoE 1995)

**Planning Assessment**

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 materials 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.

***Principle***

***Visual amenity***

The design of the windows and doors are straightforward, being equidistant from one another of same widths and height. The proposed changes will alter this width standard, and provide windows and doors of varying widths. In the case of the café, located on the south east of the window run, along with a single opening door, there will also be the provision of a double set of opening doors. Unlike the existing doors, the proposed doors are not only wider, they will also have a central, horizontal bar across them, making them easily distinguishable as doors. The crèche will have 2no. separate single doors, and again, the doors will have a horizontal bar across them. All of the windows and doors will have fanlights over them, some of them opening, some fixed.

Although the doors/windows will generally be of differing widths, other than one window, they will look very similar in size. They will vary between 985mm in width

to 1135mm in width, a difference of only 150mm. The exception will be the east, window at the crèche, which will be 1590mm in width.

It is considered that the change of door/window widths will have a different look to the existing fenestration, but they will be appropriate to the uses as they will allow a more comfortable ingress and egress of visitors to the Centre.

The change from the single glazed timber frames and doors with inset aluminium opening fanlights of the café and crèche areas, to white powder coated aluminium double glazed units with inset uPVC fanlights is considered to be suitable.

Policy 16 of the Core Strategy requires that all new development should display a good design and it is considered that the replacement fenestration accomplishes this.

Saved policy BE1 of the Worthing Local Plan also makes reference to the need to provide good design and external appearance etc. It is considered that this has been demonstrated above.

### ***Sustainable and resource efficient buildings***

The change of materials, together with the double glazing of them, is intended to improve the thermal comfort of the building, and reduce energy consumption; this will be in keeping with Policy 17 – Sustainable Construction, of the Core Strategy.

The location of the café and crèche is not readily viewed by any neighbouring residential property, and therefore there will be no material impact on them regarding the changes to the fenestration proposed.

### **Recommendation**

### **APPROVE**

### **Subject to Conditions:-**

1. Approved plans
2. Standard 3 year time limit



## **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.