



Planning Committee
27 July 2016

Agenda Item 4

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/0730/16 **Recommendation – Approve**
subject to Deed of Variation to
extant legal agreement with
delegated authority to Head of
Economic Growth

Site: Land South Of 1 To 8 Field Place Parade
The Causeway

Proposal: Proposed amendments by way of variation of conditions 2 and 11 to development granted under reference AWDM/0844/15 to alter mix of development and parking and consequential alterations and sustainable design of non-residential uses. Amended proposal: Mixed use redevelopment of the former Lloyds Plc Banking Hall site, comprising 74 apartments (use class C3) and a 1000 sq m Doctors Surgery (D1) arranged as part 5, part 6 and part single storey block around courtyard, together with associated works to access roads, including Field Place Parade, provision of 92 parking spaces, landscaping and including the partial demolition and refurbishment of the existing multi-storey car park.

2

Application Number: AWDM/0660/16 **Recommendation – Refuse**

Site: Unit 18 Ham Bridge Trading Estate, Willowbrook Road, Worthing

Proposal: Change of use from B1/B8 to sui generis (Dog Day Care and Training Facilities) with ancillary retail

Application Number: AWDM/0730/16

Recommendation – Approve subject to Deed of Variation to extant legal agreement with delegated authority to Head of Economic Growth

Site: Land South Of 1 To 8 Field Place Parade The Causeway Worthing West Sussex

Proposal: Proposed amendments by way of variation of conditions 2 and 11 to development granted under reference AWDM/0844/15 to alter mix of development and parking and consequential alterations and sustainable design of non-residential uses. Amended proposal: Mixed use redevelopment of the former Lloyds Plc Banking Hall site, comprising 74 apartments (use class C3) and a 1000 sq m Doctors Surgery (D1) arranged as part 5, part 6 and part single storey block around courtyard, together with associated works to access roads, including Field Place Parade, provision of 92 parking spaces, landscaping and including the partial demolition and refurbishment of the existing multi-storey car park.

**Applicant: Urbanicity (No 20) LLP
Case Officer: Peter Devonport**

Ward: Castle



Not to Scale

Site and surrounds

The site is located in a mixed commercial and residential area in the suburb of Durrington. It is just to the north of the railway station and to the south of The Strand Neighbourhood shopping centre, with suburban housing and low rise flats, (mainly from the early post war period) nearby, including opposite. A new residential development of houses faces across Shaftesbury Avenue to the east, on the site of the former Worthing College.

The site is currently a building site to implement the consented mixed redevelopment scheme under AWDM/0844/15. It comprises the northern part of the former Lloyds Registers offices development, formerly occupied by the two storey banking hall element and now cleared and hoarded off; multi deck (3 levels) car park (323 spaces) on the east side of the site adjacent to Shaftesbury Avenue; and the highway and verge of Field Place Parade - an adopted road wrapping around this two storey shopping parade with retail on ground floor and 8 flats above.

The former Lloyds tower (9 storeys as built with plant above) sits immediately to the south and a scheme for conversion, refurbishment and extension to provide 10 storeys of apartments (72 flats arranged as 44 x one bed and 28 x two bed flats) has recently been completed.

The rear of Field Place Parade faces to the northern boundary of the site, across a service yard and access. The flats are set back with narrow terraces/walkways' to the south and include windows to their southern elevation.

The multi deck car park is accessed via Field Place Parade and also from The Causeway adjacent to the railway station. The latter continues to serve the NHS office building beyond the tower and local residents and also the converted tower). There are a number of trees to the east of the car park adjacent to Shaftesbury Avenue which rises at this point to surmount the railway.

Field Place Parade incorporates some echelon parking by the grassed verge outside of the Co-op who are the main retail occupier of the parade. Plentiful on-street parking is also provided in dedicated bays by the Strand Parade by the kerb in The Causeway, The Strand and Chesterfield Road. Parking in The Causeway is subject to one hour waiting restriction to deter commuters.

The application site is irregular in shape and largely flat, save Shaftesbury Avenue as it rises to bridge the railway. Its given size is 0.79 hectares.

The site falls within The Core Strategy's designated Area of Change 10; The Strand, whose stated Development Principles are *To secure investment in new education facilities for Worthing College; To enable the refurbishment of the existing office floorspace at the Lloyds TSB Registrars building, or alternatively a mixed use redevelopment retaining office/employment generating uses in association with residential development.*

Planning History

The Lloyds office tower was approved under WB/985/70 as phase 3 of a larger Lloyds development at the site, including multi deck car park; phase 1 offices to the south and bank (A2) and two storey banking hall offices to the north (phase 2) which is the principal subject of the current application.

The phases were all co-linked and it appears functioned as one business, until phase 1 was sold to West Sussex County Council in the 90s.

The office tower and adjacent bank/offices were vacated by Lloyds in September 2007. The bank/banking hall offices were subsequently occupied by Equiniti (financial services (shares) call-centre/office business) who vacated the premises in January 2009.

The tower remained vacant since Lloyds left and was sold to Cantium (developers) in 2007.

Permission was granted under WB/08/0851/FULL for the use of the ground floor of the two storey former bank/banking hall for A1 retail of up to 995 sq ms sqms floorspace (restricted to a discount retailer) and separate retail or A3 or A5 uses of up to 180 sqms).

Outline planning permission was granted under AWDM/0518/12 for a mixed use development comprising 154 residential units and retail floorspace together with associated access roads and parking on the site subject of the current application and the Lloyds tower and the whole of the multi deck car park but not Field Place Parade. The scheme was contained within a single building comprising a single (A1) retail unit of 2,038sqm across the ground floor with the flats directly above and arranged in an L-shaped building comprising a 4-6 storey wing on the northern boundary and an elliptical 15 storeys tower in the south east part of the site.

Rocco Homes, the current owners (who are the current applicants), gained consent via the Prior Approval process necessary under NOTICE/0006/14 to convert the former Lloyds tower to 68 flats (arranged as 44 x one bed and 24 x two bed flats), under deregulated Prior Approval powers. Allied to this, the developers also obtained express planning permission under AWDM/0681/14 for various allied physical alterations to the tower and subsequently to build an additional 4 x two bed flats on the top of the tower under AWDM/1395/14 as well as build a new substation in the forecourt under AWDM/1275/14.

Most relevant to the current application is the permission granted under AWDM/0844/15 by the Committee in August 2015 for the *Mixed Use redevelopment of the Former Lloyds PLC Banking Hall Site, comprising 81 apartments (Use Class C3) and a 611 sq.m flexible commercial space (Use Classes A1, A2, A3, D1 and B1) arranged as part 5, part 6 and part single storey block around courtyard, together with associated works to access roads, including Field Place Parade, provision of 86 parking spaces, landscaping and including the partial demolition and refurbishment of the existing multi-storey car park*

Proposal

This is deemed a major application for planning purposes.

The proposal is an amendment to the consented scheme under AWDM/0844/15, including revisions to conditions 2 and 11 of that permission (governing approved drawings and sustainable design) to change the mix of the scheme from 81 to 74 apartments; enlarge the non-residential element from 611 sq ms and restrict this to a 1000 sq m Doctors Surgery (D1), whilst increasing car parking from 86 to 92 spaces, together with allied alterations.

The proposal was the subject of pre-application consultation with officers.

For the most part the proposal remains unchanged. In this regard, the main element of the scheme continues to be the construction of a new block with a C shaped footprint, arranged around a central courtyard. Its principal elevation is westwards to The Causeway, where the main access and view on to the courtyard is located, adjacent to the existing tower. The bulk of the new block is 5 storeys tall but drops down to single storey (albeit with high floor to ceiling heights) adjacent to aforementioned The Causeway courtyard access and rises to 6 storeys in the NE corner adjacent to Shaftesbury Avenue and Field Place Parade.

Those apartments lost are all on the ground floor in the north and west of the block.

The entire ground floor of the block now comprises the new medical centre surgery, facilitating a relocation and expansion of the nearby The Strand Surgery from its constrained premises on the corner of The Strand and Drake Ave. The main pedestrian access to the medical centre is from The Causeway

Continuing to serving the new block is a remodelled multi deck car park. This involves demolishing the northern end and some reconfigurations and rationalisations and some refurbishment. Chiefly, it involves creating two separate ramps: one serving the first floor deck and the other the second floor deck. The form of this was slightly altered under AWDM/0448/16 (Non-material amendment) to marginally reduce the length of the ramp adjacent to Shaftesbury Avenue.

Overall car parking is increased by 6 spaces by reconfiguring the gap between the northern part of the block and Field Place Parade from domestic gardens associated with the erstwhile ground floor apartments; cycle and domestic waste/recycling storage and gated pedestrian path to a no-through road accessed only through Field Place Parade via the internal roundabout with parallel parking for 6 cars reserved for blue badge holders users of the medical centre.

The overall parking allocations are increased from 265 to 271 with a slightly different apportionment of spaces;

Multi-Storey Car Park Car Park Spaces

Long term lease (NHS) 110

Residential (tower) 44
Proposed Residential 74
Doctor's Surgery 12
Long term lease (WBC) – public
spaces also available to doctor's surgery users 25

Multi-Storey Car Park Sub Total
265

Doctor's Surgery additional spaces to the north of the site 6

Total Site 271

Within the multi deck, 12 spaces are reserved at ground floor for the medical centre, bring overall provision for this facility to 18.

The cycle and domestic waste/recycling storage is relocated to face onto the inner courtyard behind the green wall and is accessed from there and the pedestrian access from The Causeway.

The first floor ramp runs underneath the block in the form of an undercroft before appearing just above grade to the south whilst the second floor ramp runs parallel with the eastern edge of the block at some 800 mms to 1 metre above grade, and around one to two metres below the floor levels of the adjacent flats.

Access from the residential blocks to the car park is via stairs and lift block sited in the SE corner of the site. Access would be secure.

Vehicular access to the new block and its residential parking is principally from Field Place Parade. The landscaping and parking here is continues to be reconfigured to provide 5 parallel spaces and shrubs and trees in the verge. The access is broken by a mini roundabout in the approach to the ramps to the multi deck car parks to calm traffic. A drop off bay is included in the undercroft area adjacent to the first floor deck ramp which also provides secondary access to the adjacent residential block. A range of off-site relatively minor works to the highway are planned to accommodate the scheme including to the Shaftesbury Ave roundabout as before. These and the works to Field Place Parade are to be funded by the applicant's through a S278 agreement with the Highway Authority.

The service vehicular access to the rear of Field Place Parade continues to be unaffected and the parking bays outside the site in The Causeway, likewise, retained.

The principal pedestrian accesses to the residential blocks remain via the internal courtyard either from The Causeway or via the open area between the new block and the multi deck car park, adjacent to the lifts. Pedestrian access to the commercial units is from The Causeway.

The flats are served by internal lifts and all meet Lifetime Homes standards, with 10% designed for wheelchair use. Eighteen accessible parking spaces are provided with four per deck.

80 secure cycle parking spaces continue to be provided in the space underneath the second floor ramp to the multideck car park., with cycle parking for visitors to the medical centre just in from the courtyard access off The Causeway.

The upper floor flats are all provided with balconies or roof terraces.

The courtyard is laid out as both a soft and hard landscape area. The roofs include large soft landscaped areas within each element for visual/ecological amenity and no public access. The courtyard east elevation of the medical centre units is arranged as a green wall and the lift /stairs block to the multi deck and the western (inner) edge of the second floor ramp are also clad/screened by a green wall.

Enhanced landscaped screening is provided on the eastern edge by Shaftesbury Ave including supplementary shrubs and trees and new tree planting introduced in the pavement area by The Causeway frontage. Screen planting is also provided on the northern elevation at first floor roof level in front of the adjacent flats' balconies.

Medical centre waste/recycling storage is located in the NE part by the ramps.

The architecture of the development remains contemporary. The roofs are flat and the building uses a principal palette of light buff and grey brickwork, with lesser timber panels in the recesses and glazed balconies (some cantilevered on the prominent corners) with stainless steel handrails and powder coated aluminium windows. The commercial units have powder coated aluminium shopfronts with large areas of glazing. The boundary wall to the domestic gardens adjacent to Filed Place Parade is solid brick and the service access along here is secure.

Photovoltaic cells are shown on the much of the roofs and the applicants intend to provide for at least 10 % of the energy demands of the residential and commercial blocks by this technology and remain secured by condition 11.

However, whilst BREEAM "Very Good" level standard of sustainable design was also secured by condition 11 the applicants explain;

Part (a) of the condition, requiring the commercial element to meet a BREEAM rating of at least Good is not considered reasonable or appropriate in respect of the prospective future occupier.

Construction is ongoing for the consented scheme of 81 flats with commercial space at part ground floor. All calculations and specifications for the build has been focussed on the consented scheme. In order to facilitate the proposed medical centre across the entire ground floor 7 number flats will need to be omitted and the space reallocated as commercial. Service provision has been made for this possible change but in relation to BREAAAM requirements the scheme will have progressed passed the point where it is feasible to apply BREEAM and to enable certification to be obtained. Notwithstanding this, the applicant has undertaken to meet its key requirements in any event, in terms of water efficiency and carbon reduction, in line with the approach for the residential element of the scheme.

The use of BREEAM is considered overly onerous in respect of achieving a sustainable and energy efficient development and therefore it is proposed that part (a) is omitted entirely and a single requirement covers this element of the scheme as set out in the accompanying Sustainability Document provided by MES. The amended condition would therefore be worded as follows;

11. The D1 unit shall not be occupied unless and until:

It has been demonstrated to the Local Planning Authority's satisfaction that provision has been made for the following;

i) at least 10% of energy demands of the development to be generated on site by means of photovoltaic cells as shown on approved drawings and set out in the Energy & Sustainability Statement prepared by MES Building solutions 09.05.16.

ii) a reduction in water use as an improvement over the building regulations as set out in the Energy & Sustainability Statement prepared by MES Building solutions 09.05.16. The said provision shall be retained thereafter

Three 3 no. Electric vehicle charging points remain included within the parking areas for the scheme.

The application is supported by a Planning Statement; Statement of Community Involvement; Design & Access Statement; Sustainability/Energy Strategy and Transport Statement.

It is intended that the condition discharge submissions under the consented AWDM/0844/15, many of which have been approved already, are rolled forward as part of the current application for convenience and completeness and likewise that any redundant conditions as a result of the amendments are struck out or amended as necessary.

Consultations

Highway Authority

The proposed alterations amount to the increase of D1 floor space from 611sqm to 1,000sqm. The increased D1 floor space will be achieved through the loss of 7 of the approved apartments; the residential development will now comprise 74 rather than 81 units. It's understood that no other highway element of the development is sought to be changed or varied as part of the current application.

A Transport Assessment has been provided to review the highway consequences of the revised development.

The TA details that an existing, local doctors surgery would occupy the proposed D1 floor space. As recognised within the TA, the existing surgery is already generating vehicle trips. These will be diverted to the new surgery and as such will already be on the network. The current application includes a larger surgery so will generate more trips than the existing surgery. AWDM/0844/15 permitted a flexible use class for the 611sqm. This allowed for A1, A2, A3, or D1. The site has also benefitted from a planning consent (AWDM/0581/12) for 153 dwellings and approximately 2,000sqm of retail space, although it is unclear if this permission remains valid as development has commenced. It is apparent through the

consented schemes that the site could generate more vehicle movements than now proposed.

Notwithstanding the previously consented uses potential to generate vehicle movements, the nature of the proposed surgery is such that all trips associated with this would be on the network; trips to the surgery would result from existing dwellings rather than being generated by the surgery itself. The Local Highway Authority are satisfied that the proposed D1 use would not result in any significant increase in vehicle movements on the local highway network.

12 parking spaces were proposed for the permitted flexible use. An additional 6 spaces are now intended (albeit that these are for disabled badge holders), and based on table 5 a further 25 publicly available spaces within the site. Forecast parking demands have been based upon the estimated vehicle trip generation rather than an adopted parking standard. The currently adopted parking standards are in any case maximum provisions and would allow a developer to provide a lower level of parking within the maximum provision. The use of vehicle accumulation is considered acceptable for this use.

The peak car parking generation amounts to 34 spaces. The majority of these demands should be accommodated on site. If demands cannot be met on site, there is the potential for some increase on-street parking. It is apparent that the existing use is already generating on-street parking demands, as such the proposed surgery may not generate any increased demands beyond this. There are in any case extensive on-street parking restrictions controlling where parking takes place. These enforceable measures will ensure that parking does not take place in unsafe or obstructive locations.

The National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. The LHA are satisfied that the development would not result in any severe impacts. No highway objection would be raised.

No further conditions are considered necessary beyond those already in place for the consented scheme.

Sussex Police

Nothing to add to comments made in respect of application AWDM/0518/12.

Environmental Health Officer

With reference to the information submitted concerning the separating construction between the ground and first floor. The applicant has advised the sound insulation performance of the proposed 450mm high density concrete slab has been modelled and this shows this construction can achieve 67dB (DnTw + Ctr dB).

Before the proposed use commences, a test should be undertaken to demonstrate that a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) can be achieved for all floors.

With regards to the external plant, the condition recommended on my original response can be imposed on any plant proposed when known.

Technical Services (Drainage Officer)

Members will be updated.

Southern Water

No objections

Waste Strategy Manager

No objections

Representations

39 Chesterfield Road

It is stated that there will be 86 parking spaces with the new ramp and multi-story parking facility. In total inclusive of the two new high rise flats and the old Lloyds bank, converted to flats building. How many parking spaces available when complete, compared to flats for occupation.

Where will those requiring parking for the new doctors surgery be able to park.

Why has Southern Railway, let/sold its adjacent parking land to the Health Service building, creating further local parking congestion.

8 The Strand

The recently refurbished "Lloyds" tower block does NOT and will not (according to the developer) provide parking for owners below level 4. Since people started moving in I am finding it increasingly hard to park outside my own home. This will be made much worse with this amendment. Surely any development should provide sufficient parking for each residence. The Strand is used as a FAST cut through as it is. Increased parking will make this much more dangerous. The Strand is the only non-restricted road within reasonable distance of this development and will bare the brunt of the parking for the Doctors and the new residences.

72 Windermere Crescent

As a patient of the Strand Surgery for many years it appears that their premises is much smaller than it should be given the 13700 patients now registered. The current premises are less than 500m² which should be at least 1000m² under HNS ENGLAND guidelines. The current situation potentially comprises the quality of care as identified by CCG West Sussex. With active housing expansion locally the pressure in patient numbers will increase.

The location proposed is ideal being close to the existing surgery and public transport, shops etc.

New premises will care properly for disabled patients-current premises cover 2 floors with no lift Current premises are short by 1 1/2 doctors and better modern larger premises should make recruitment of extra staff easier as well as allowing space for additional services-minor operations etc which will ease the pressure on Worthing Hospital.

The proposed provision of parking spaces - inc disabled -should relieve pressure in the surrounding streets which are already over used causing potential accident black spots in Drake Avenue, Nelson Road and Chesterfield Road.

I hope that there will be adequate cycle parking available for the proposed new surgery site-as I do not have the exact plans to hand at present-at least 6 racks please.

Planning Assessment:

Relevant legislation

The Committee should consider the planning application in accordance with:

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

Planning Assessment

The main issues raised by this proposal are:-

- The principle of residential development and medical centre in the revised form including compliance with development and regeneration objectives of Core Strategy Area of Change 10, housing need, dwelling mix and tenure and density
- Height of buildings and quality of the design and impact on local character and townscape
- Impact on amenity of neighbours and amenity of new dwelling occupiers
- Parking and access arrangements
- Other environmental impacts including archaeology, drainage, contaminated land and sustainability
- Development contributions

The Core Strategy, including Worthing Saved Local Plan policies, comprises the Development Plan here but the Government has accorded the National Planning Policy Framework considerable status as a material consideration which can outweigh the Development Plan's provisions where such plan policies are out of date; or silent on the relevant matter. In such circumstances paragraph 14 of the NPPF states that where the proposal is not otherwise in conflict with specific

restrictive policies in the Framework, development should be approved unless the harm caused significantly and demonstrably outweighs the benefits when assessed against the NPPF overall.

The Council's self-assessment of the Core Strategy's Conformity with the National Planning Policy Framework demonstrated that, in many respects, the Council's key Development Plan conforms closely to the key aims and objectives of the Framework. However, it is acknowledged that in response to the requirements of the Framework and informed by local evidence it is clear that Council cannot demonstrate a current 5 year supply of housing in respect of Objectively Assessed Needs and 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 (WSSCC 2003); West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSSCC 2010).

As such the proposal should be principally assessed against saved Worthing Local Plan Policies H18; TR9, and RES7, Core Strategy Policies Area of Change 10, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 19; the National Planning Policy Framework and allied Practice Guidance; Worthing Borough Council Supplementary Planning Documents on Tall Buildings; Residential Space Standards and Guide to Residential Development and Development Contributions Consultation Draft; Strategic Housing Land Availability Assessment (2014); Worthing Housing Study; Community Infrastructure Levy Charging Schedule (2015); DCLG; Section 106 affordable housing requirements (2015) and Supplementary Planning Guidance; Providing for Play: in accordance with the above.

The principle of residential development and medical centre in the revised form including compliance with development and regeneration objectives of Core Strategy Area of Change 10, housing need, dwelling mix and tenure and density

The principle of dense, mixed residential and commercial/community redevelopment was accepted last August under AWDM/0844/15. This was considered broadly compliant with the overarching governing policy in the Core Strategy, Area of Change 10 (The Strand) which promotes *a mixed use redevelopment retaining office/employment generating uses in association with*

residential development. This was on the basis of the recent planning history, principally permission under AWD/0518/12 for the mixed redevelopment of the tower and former banking hall/bank to create 154 residential flats and 2,038 sqm of retail floorspace; various consents to convert the tower to flat obtained under the Prior Approval procedure and apparent unviability of office development and the general suitability of the site in this sustainable location for the mixed commercial uses alongside the flats proposed.

The amended proposal is very similar in concept and material circumstances have not changed since the last permission which would affect its acceptability.

Looking at the details of the change in mix now proposed, the reduction in 7 flats from that approved previously is regrettable but relatively minor given the overall quantum of development of 74 apartments, which continues to make a significant contribution to meeting housing need. The dwelling mix and density remains acceptable for such a very sustainable location.

The use of the entire ground floor for a medical centre (1000 sq ms) actually helps rebalance the mix of the scheme more in line with the original aspirations for the site by providing jobs and a community service and is to be welcomed. The fact that the change has been at the request of the Strand Medical Centre who have been otherwise searching unsuccessfully for some time to find better and larger premises to meet identified shortfall of clinical space (current premises is less than 500 sqms) locally (less than 150 ms from the current premises) is a particular bonus. Such a D1 use is already expressly allowed under the current consent but the limited size (611 sq ms) was unworkable for the surgery given their needs.

The consented scheme did not provide the requisite 30% affordable homes to be provided on site (then equating to 24 units) but a commuted sum towards the provision of off-site affordable housing of £161,602 (compared to the £1.16 million for off-site provision then applicable was secured through a legal agreement as an acceptable alternative given the demonstrated lack of financial viability to pay the full commuted sum otherwise required. This arrangement was subject to review if the scheme were not completed to core and shell standards within 3 years of the planning permission (granted 25.9.15).

The amended scheme also does not provide any affordable housing on site either.

Arrangements for a carrying forward a requisite commuted sum towards off site affordable housing in an amended legal agreement are the subject of ongoing negotiations and members will be updated. As the consented scheme is being built out as the fallback the (albeit with provision for reworking as the current scheme), the likelihood of the review mechanism set out in the current legal agreement being invoked is very limited.

Height and form of buildings and quality of the design and impact on local character and townscape

The overall form of the consented scheme was considered appropriate to the site and an acceptable standard of design achieved.

The physical form of the development changes very little from the consented scheme as no alterations to footprint; height and massing occur and the changes to the design particularly as seen from the public realm are very minor.

The public face of the medical centre will be The Causeway where the entrance is set. The medical centre will look out into the internal courtyard but vitality and attractiveness of this area will not be affected, as privacy and security is addressed through layout; fenestration design and landscaping.

The principal change is the creation of a no through road and parking area between the development and Field Place Parade. However, this is a relatively secluded, essentially functional area, whose repurposing does not impact on the rear service area of the shops in Field Parade or the ground floor of the medical centre which flank it.

Impact on amenity of neighbours and amenity of new dwelling occupiers

The consented scheme was considered acceptable in terms of neighbour amenity and new dwelling occupiers.

The use of the entire ground floor as a medical centre does not impact on this and the safeguards in the consented scheme would be carried forward (ie sound insulation; obscure glazing / balcony screens , operational hours- 8am to 11pm on any day).

The creation of a no through road and parking area between the development and Field Place Parade should not impact on the 7 first floor flats in Field Place Parade, to the north of the site or the adjacent new flats themselves.

Parking and access arrangements

The consented scheme was accepted as very sustainably located with the dense form and mixed use helping reinforce sustainable patterns and modes of travel. It was also noted that good public transport and road access are close by. Parking was considered acceptable with an overall provision of 265 spaces within the scheme and multi deck car park, including 135 spaces held on long leases (25 by Worthing Borough Council and the 110 by the NHS) and 44 of the parking spaces for the residential development within the refurbished tower building. The balance of 86 spaces were to be used by the new development itself, for residential and commercial use, the specific number of allocated commercial spaces within that total was to vary, subject to land use. It had been envisaged within the Transport Assessment that 25 spaces may have been needed if the commercial floor space (in the order of 600sqm) had become a doctor's surgery.

The revised proposal does not change the NHS, Worthing Borough Council or converted tower allocations but fixes on 18 reserved spaces for the new medical centre, including the additional 6 spaces in the new no- through road on the northern boundary of the site and 74 for the downsized residential element within the overall increased level of parking of 271 spaces.

The logic for the medical centre and overall residential parking provision is explained by the applicants in their Transport Assessment;

The existing SMG surgery comprises 620sqm, just over half the size of the proposed facility and has only 6 allocated parking spaces, all for use by the doctors. Patients arriving by car therefore generally park on the local highway, and it is considered likely that a number of these currently park on The Causeway.

Parking accumulation estimates have been prepared for the proposed surgery floorspace based on the trip rates for doctors surgeries agreed with the highway authority as part of the consented scheme. These rates are reproduced at Table 8 of this report and the TRICS printouts included at Appendix C. This results in a maximum parking accumulation of 34 vehicles.

Notwithstanding that this figure is accommodated within the spaces available for use by the surgery, the forecast position should be viewed in the context of the existing position. At present applying the same trip rates the existing 620sqm surgery would be expected to have a peak parking demand of 21 spaces, whereas only 6 spaces (for doctors) are provided. The implication is that 15 vehicles are being parked on the public highway. We also understand that the surgery is operating significantly over capacity and therefore the actual situation is likely to be worse than this.

With the proposed surgery providing 18 dedicated parking spaces (with additional spaces publically available on site) this would therefore give rise to an equivalent level of parking on the public highway than currently occurs.

The surgery parking within the car park will be located at ground level, with 12 spaces available. The rationale for the location is that the surgery would effect a higher turnover of spaces and it is concluded that these would be best provided on a ground floor facility and not to route along Field Place Parade where there is a higher propensity for pedestrian/vehicle interaction. These spaces are accessed and egressed to the south in the vicinity of Durrington-on-Sea Station.

The 6 spaces located to the north of the site, are to be available to dedicated blue badged spaces. These spaces are accessed via Field Place Parade, before vehicles turn west at the small proposed turning area to route along the northern side of the site. Traffic in this section only routes in one way, east to west, before egressing onto the carriageway.

Additional car parking spaces are available for general public use, adjacent to the station and within the application area. These are on long lease to Worthing Borough Council but they have confirmed they are publically available.

Residential car parking is provided in accordance with local guidance requirements equating to 1 space per dwelling. It is currently envisaged that the residential car park spaces would be on the upper floors with access from Field Place Parade.

The Highway Authority is satisfied that the majority of peak demands should be accommodated on site. *If demands cannot be met on site, there is the potential for some increase on-street parking. It is apparent that the existing use is already*

generating on-street parking demands, as such the proposed surgery may not generate any increased demands beyond this. There are in any case extensive on-street parking restrictions controlling where parking takes place. These enforceable measures will ensure that parking does not take place in unsafe or obstructive locations.

Cycle parking remains satisfactory.

Pedestrian access remains convenient and safe.

Inclusive access continues to be provided.

The revised waste/recycling facilities and arrangements are satisfactory.

Other environmental impacts including archaeology, drainage, contaminated land and sustainability

The scheme remains much as before and archaeology, wildlife, drainage, and contaminated land issues and any residual issues would be addressed by carrying forward the conditions attached in the consented scheme, taking account of the submissions subsequently discharged.

The retention of the micro renewable energy on site generation measures and sustainable design features of the housing is welcomed.

The abandonment of the BREEAM “Very Good” level standard for the medical centre is disappointing but the logic is accepted and the commitments to meeting the key sustainable of *a reduction in water use as an improvement over the building regulations as set out in the Energy & Sustainability Statement prepared by MES Building solutions 09.05.16* is welcomed as part compensation.

Development viability, including provision of affordable housing and development contributions

In view of the demonstrated limited viability of the consented scheme, reduced contributions were accepted and secured in the legal agreement attached to that permission. These were:

Improvements in education facilities (£64,398);
Committed sum towards the provision of off-site affordable housing (£161,602)
S278 works to the highway.

Subject to a specified ceiling, further sums in respect of affordable housing, education, library, fire services and outdoor recreation facilities were also payable if the scheme were not completed to core and shell standards within 3 years of the planning permission and a reappraisal of the viability of the development determined that the requisite sums were affordable.

It is not expected that viability has improved significantly, if at all, since that time, especially with the loss of 7 apartments and the consented scheme is proceeding, in any event.

Negotiations are proceeding but it is understood the applicants intend to honour their commitments in the extant legal agreement, notwithstanding the changes to Government policy and the advent of the new Community infrastructure Levy.

The Committee will be updated on the requisite Deed of Variation to the extant legal agreement.

Conclusions

The principle of a dense mixed development redevelopment has already been established in the extant consent and the changes in the new scheme are modest in scope. The incorporation of the medical centre is will help improve the scheme's overall sustainability and secure a new home for a much needed and upgraded local community facility. Other changes have very limited impacts on design, amenity, access and parking and overall sustainability.

With the safeguards set out in the largely recycled conditions from the consented scheme and with any redundant conditions as a result of the amendments struck out or amended as necessary, the proposal is acceptable. Delegated authority to conclude the Deed of Variation to the extant legal agreement is sought.

Recommendation

THAT THE DECISION IN THIS CASE BE DELEGATED TO THE Head of Economic Growth TO SECURE a Deed of Variation to the extant legal agreement in respect of development contributions and other related matters WITH A VIEW TO PLANNING PERMISSION BEING GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

02. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified by any other conditions attached to this planning permission:-

Reason: *For the avoidance of doubt and in the interests of proper planning.*

03. All on site works shall comply with the agreed Construction and Demolition Method Statement.

Reason: *In the interests of neighbour amenity in accordance with saved Local Plan Policies H18 and RES7 and the National Planning Policy Framework.*

04. All on site works shall comply with the agreed dust suppression scheme

Reason: *To safeguard the amenities of the occupiers of neighbouring properties having regard to saved policy RES7 of the Worthing Local Plan and National Planning Policy Framework and allied practice guidance.*

05. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Bank or Public Holidays. On all other days such work shall only be implemented between the hours of 8.00 a.m. and 6.00 p.m. inclusive, except between 9am to 1pm on Saturdays.

Reason: *In the interests of neighbour amenity in accordance with saved Local Plan Policies H18 and RES7 and the National Planning Policy Framework.*

06. No flat or commercial unit shall be occupied unless and until the recommendations set out in the Stage 1 Road Safety Audit Designer's Response (SKP/17091-04 of 17.8.15) have been fully implemented except as may be required otherwise by the Highway Authority. The said works shall be retained thereafter.

Reason: *In the interests of highway safety and efficiency in accordance with the requirements of the Highway Authority and the National Planning Policy Framework.*

07. No residential or commercial unit shall be occupied unless and until:

- a) a parking plan for the site has been submitted to and agreed by the Local Planning Authority. This shall include details of parking allocations between users of the development and retained car parking areas and security measures to promote safety and security in obtaining access to and use within the multi deck car park.
- b) the accesses, parking, and turning space as designated in the approved plans (except where as required to meet the Stage 1 Road Safety Audit Designer's Response or as required to discharge any other condition imposed on this permission) have been provided and the redundant access points closed and stopped up in accordance with The Highway Authority's requirements. Thereafter the said provision shall be retained.

Reason: *In the interests of road safety, functionality and visual amenity in accordance with Core Strategy policy Area of Change 10 and Policy 16, The National Planning Policy Framework and Manual for Streets.*

08. No dwelling hereby approved shall be occupied unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority to ensure that at least the "Good" standard set out in BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings shall be achieved. This shall include secondary glazing specs for bedrooms and living rooms and a whole building mechanical ducted ventilation system as required. Such provision as is approved to achieve the said standard shall be retained thereafter.

Reason: *To safeguard the amenities of the future occupiers of the dwellings in accordance with saved Worthing Local Plan Policies H18 and RES7, the National Planning Policy Framework, Core Strategy policy Area of Change 10 and Sussex Noise advisory document and BS 8233:2014 Guidance on Sound Insulation and Noise.*

09. No dwelling or medical centre hereby approved shall be occupied unless and until:

a) the hard landscaping and boundary treatment as shown on the approved plans has been implemented; and

b) details of the external lighting have been submitted and approved by the Local Planning Authority and any such approved lighting has been provided.

The approved provision shall be retained thereafter.

All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of 5 years of first planting, are removed, die or are diseased or damaged shall be replaced as soon as practicable with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: *In the interests of visual amenity and the environment and to safeguard the amenity of neighbours and future occupiers of the development and to comply with policy Area of Change 10 and policy 16 of the Worthing Core Strategy and saved Worthing Local Plan policy H18 and The National Planning Policy Framework and allied practice guidance.*

10. Notwithstanding the approved drawings, no dwelling or medical centre shall be occupied unless and until samples of the facing materials, including all external windows, doors and balconies, have been submitted to and approved in writing by the Local Planning Authority.

The development shall not be built other than in full accordance with any such approved samples and shall be retained thereafter.

Reason: *To safeguard the appearance and character of the area and to ensure a high standard of design having regard to policy Area of Change 10 and Policy 16 of the Worthing Core Strategy and The National Planning Policy Framework and allied Practice Guidance.*

11. The D1 unit shall not be occupied unless and until:

It has been demonstrated to the Local Planning Authority's satisfaction that provision has been made for the following:

i) at least 10% of energy demands of the development to be generated on site by means of photovoltaic cells as shown on approved drawings and set out in the Energy & Sustainability Statement prepared by MES Building solutions 09.05.16.

ii) a reduction in water use as an improvement over the building regulations as set out in the Energy & Sustainability Statement prepared by MES Building solutions 09.05.16. The said provision shall be retained thereafter

Reason: *To minimize carbon emissions, resource depletion and polluting in accordance with Core Strategy Policies 17 and 18 and The National Planning Policy Framework and allied Practice Guidance.*

12. No development, other than demolition to existing ground levels, shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with paragraph 141 of the National Planning Policy Framework.*

13. No first floor flat with windows in the north elevation shall be occupied unless and until:

a) the lower panes of all their first floor windows in the north elevation facing the Field Place flats have been obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent; and

b) The soft landscaping on the roof of the projecting part of the ground floor of the development to the north of the first floor flats as shown in the approved plans, has been provided across its width and to a height of at least 1.8 ms.

No first floor flat with windows in the east elevation shall be occupied unless and until the green screen adjacent to the multi-decked car park ramp has been provided as shown in the approved plans.

The above provision shall be retained thereafter. Any plants comprising the said soft landscaping which is subsequently removed, dies or is diseased or damaged shall be replaced as soon as practicable with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: *To prevent overlooking and to minimise visual obtrusion and to comply with saved policy H18 of the Worthing Local Plan.*

14. No dwelling or medical centre shall be occupied unless and until the domestic and commercial waste/recycling storage and access for refuse collection vehicles has been provided in accordance with the approved plans. Thereafter the facilities shall be retained.

Reason: *To safeguard the amenities of the occupiers of the new dwellings and neighbouring properties, secure efficient collection and to discourage landfill having regard to saved policies H18 and RES7 of the Worthing Local Plan, Core Strategy Policy 16, Manual for Streets 2 and National Planning Policy Framework.*

15. No dwelling shall be occupied unless and until the cycle parking as shown on the approved plans have been provided. Thereafter the said storage shall be retained.

Reason: *To encourage the use of cycling as a healthy and sustainable mode in view of the limited on site car parking facilities in accordance with saved Worthing Local Plan policies H18 and RES7 and Core Strategy Policy 16 and The National Planning Policy Framework.*

16. No dwelling or medical centre shall be occupied unless and until:

a) Details have been submitted to and agreed in writing by the Local Planning Authority for the provision on site of three electric vehicle charging points and provision made in accordance with any such approval.

b) The green roofs and green screens have been provided in accordance with the approved plans and a sustainable maintenance and management plan secured.

The agreed provision shall be retained thereafter.

Reason: *In the interests of visual amenity; future occupiers amenity and sustainability in accordance with saved policy H18 of the Worthing Local Plan, Core Strategy policy 13 and the National Planning Policy Framework.*

17. No dwelling or commercial unit shall be occupied unless and until the ecological enhancement measures referred to in Appendices 1 and 2 of the Ecology Report (Extended Phase 1 Habitat Survey Update- mDenny Ecology May 2015) in respect of planting of landscaping to encourage moths and foraging bats and provision of swift nesting boxes on the south and west facing aspects of the multi deck car park have been implemented.

The development shall not be implemented other than in full compliance with The Extended Phase One Habitat Survey and Arboricultural Impact Assessment prepared by Lizard Landscape Design - Tree Protection - Method Statement June 2015 and LLD848/02/rev 01 Tree Retention and Protection Plan.

Reason: *To protect existing wildlife/biodiversity and to provide compensatory and enhancement in accordance with The National Planning Policy Framework and Core Strategy policy 13.*

18. No development, other than demolition, shall commence unless and until such time as a scheme to dispose of surface water in a sustainable fashion, including future management thereof, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and managed as approved and retained thereafter.

Reason: *In the interest of sustainable drainage in accordance with Core Strategy Policy 15 and the National Planning Policy Framework.*

19. No dwelling hereby approved shall be occupied unless and until all external amenity areas including balconies, terraces, green screens, and landscaping screens and courtyard shown on the approved plans have been provided, in accordance with the approved plans and shall be retained thereafter.

Reason: *In the interests of future occupiers' amenity and to comply with saved policy H18 of the Worthing Local Plan, Worthing Borough Council Supplementary Planning Document on residential space standards and the National Planning Policy Framework.*

20. The medical centre shall not operate other than as follows:

1. Notwithstanding the General Permitted Development Order, as amended, and Use Classes Order, as amended, and any future revisions or revocations to such, the medical centre (D1) shall not be used for any purposes than such

2. Not open to customers outside the hours 8am to 11pm on any day.

3. No plant or equipment, including the kitchen ventilation and extraction system, shall be operated in or on any medical centre except between the hours 8am to 11pm on any day.

4. No deliveries to or collections from any medical centre unit shall take place other than between the hours of 8am to 8pm on any day.

Reason: *In the interests of neighbour amenity in accordance with saved Local Plan Policies H18 and RES7 and the National Planning Policy Framework, Sussex Noise Advice and Sussex Air Quality Advice.*

21. No new plant or machinery shall be installed unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with any such approval. The approved machinery/plant shall be maintained thereafter in accordance with the manufacturer's instructions.

Reason: *In the interests of neighbour amenity in accordance with saved Local Plan Policies H18 and RES7 and the National Planning Policy Framework, Sussex Noise Advice and Sussex Air Quality Advice.*

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

Reason: *In the interests of environmental protection and public health and safety, in compliance with saved policies RES7 and H18 of the Worthing Local Plan and the National Planning Policy Framework.*

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

27th July 2016

Application Number: AWDM/0660/16

Recommendation – Refuse

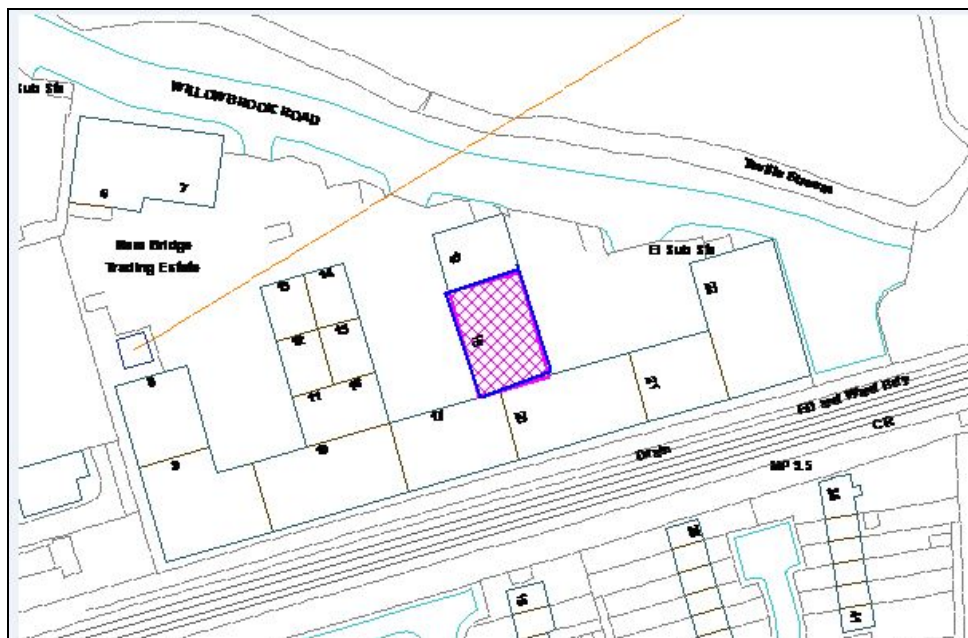
Site: Unit 18 Ham Bridge Trading Estate, Willowbrook Road, Worthing

Proposal: Change of use from B1/B8 to sui generis (Dog Day Care and Training Facilities) with ancillary retail

Applicant: Miss Jane & Amy Hatcher

Ward: Broadwater

Case Officer: Eve Hearsey



Not to Scale

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Site and Surroundings

The application relates to unit 18 on a trading estate sited close to the Worthing Amenity Tip. The unit is situated on the west side of Willowbrook Road, and is 1 of 22 units on site.

The unit has a front and a back entrance, the front having windows and a door, which will be the entrance into it, whilst the back has a large roller shutter door, suitable for large vehicles. There are 6 no. allocated parking spaces for the unit directly to the front of the building, next to its entrance.

The other units on site have a similar layout to one another, including parking in front of their units. There is also general customer parking area near the several accesses into the site.

Willowbrook Road, also leads to other industrial/commercial buildings, plus it is the road to the Worthing Household Waste Recycling Site. Indeed the road leading to Willowbrook Road, comprises commercial units from the road leading to Willowbrook Road, Dominion Way, and its offshoots, and contains industrial/commercial units, collectively, all the trading/industrial estates in this locality are referred to East Worthing Industrial sites.

Proposal

The application seeks planning permission for a change of use of the unit from its current planning use as a B1/B8 unit to a sui generis use, namely a Dog Day Care and Training Facility plus ancillary retail.

To facilitate the use, the unit will be sound insulated and also padded for not only further sound insulation, but it will absorb the natural echo within the area, to make it more comfortable for the dogs with their high frequency hearing.

The room will be subdivided into a reception area, and 3 no. separate 'Arenas'

Consultations

West Sussex County Council

Highways

No objections subject to condition.

"The proposal will see an intensification of use of the site. The facility will be open Monday to Saturday, employ 5 members of full time staff and will provide day care for up to 15 dogs in one day. The applicant also wishes to offer 5 or 6 group training classes each week, the timings of these have not been specified, although 1 per day is assumed. Therefore number of movements generated by this proposal will be low.

With this in mind the site would most likely experience peaks at drop off and pick up times in the morning and afternoon, assuming staff would arrive earlier, and a maximum of 8 trips at some point in the day for attendance of the training class.

The site has 6 existing car parking spaces and WSCC do not have any maximum parking standards for Sui Generis use. It is anticipated the 6 spaces would allow for the dropping off and picking up of dogs attending the day care facility and as there can only be a maximum of 15 trips during this time this should work providing these are staggered.

The only issue with parking is space for staff, and should the training class be full it can take up to 8 dogs which could displace two cars onto the local highway network. This is not ideal as the site is on an industrial estate. Applicants should consider tandem parking for staff and staff cycling to site."

**Adur & Worthing Councils:
Waste Services**

No comments to make. Collection should be straightforward here.

Environmental Health Noise:

Concerns around noise transmitting from this unit to neighbouring units. Would advise a condition should be applied requiring the submission of a noise management plan.

Policy:

Policy objection to this application as it would be contrary to policy 4 and the SPD. Concerned about the introduction of this type of use could potentially undermine the operation of the estate as a whole and result in a conflict of uses.

Economic Development:

Objection:-

East Worthing Industrial Estate is the largest industrial area in Worthing dedicated to the 'B' Use Classes. Worthing is currently experiencing unprecedented high levels of industrial occupancy and has an industrial vacancy rate of 1.08%. East Worthing industrial Estate currently has an industrial vacancy rate of 0.04%, with only one unit currently not occupied or under offer, (as highlighted in the Spring 2016 Commercial Property Register). Please note that the April 2016 Worthing Economic Research and Employment Land Review has identified that Worthing has insufficient supply of industrial floor space to meet current and future needs and recommends retention of existing industrial floor space.

Place and Investment have 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 a suitable period of time to demonstrate non-viability for the current use.

Place and Investment raise a strong objection to the introduction of a dog day care/training facility and ancillary retail, along with additional community events, onto East Worthing Industrial Estate, as this application does not demonstrate that this unit is no longer viable for its current industrial use and this alternative use conflicts with the industrial operation of the estate with the potential to impact the existing industrial businesses.

Representations

5 letters of objections have been received from Units 14, 16, 19 & 20 Ham Bridge Trading Estate; and East Worthing Industrial Traders Association

- Potential noise from barking dogs would be intolerable – need for acoustic insulation

- Foreign body (hair), vermin, odour contamination
- Safety
- Mixing general public in close proximity with frequent HGV traffic and limited parking
- Parking
- Misuse of grass verge by dogs
- Safe public foot access
- Deprives the town of limited stock of industrial premises
- Used to have mice & foxes attracted by the food aspect of Unit 15, imagine dog food would be the same
- Constant noise from dogs barking
- Units not sound proofed
- Large lorries back into the yard for deliveries which block it up
- Used to have mice/foxes which were attracted by the food aspect of one unit, would imagine dog food would be a similar attraction.
- Public would be at risk within the site by all the vehicular activity.
- Object to change of use from Industrial to Retail
- The availability of industrial capacity is vital to the future of the town
- Where will customers park?
- The unit only has 4 parking bays
- Struggle to see how the business will make a profit
- Traffic jams between those using the recycling centre and the trading estate
- If approved this could set a precedent prompting further applications prompting a decline in available industrial property

22 letters of Support from Unit 12 Ham Bridge Trading Estate; Gannon Road; Hydro Power UK Ltd., Water Lane Ind. Est. Storrington; Woodmancote Road; Salvington Road; Corner Cottages, Glen Road, Hindhead; Hampers Lane, Storrington; Lanfranc Road; Leigh Road; White Lodge Gardens, Lodge Lane, Salfords; Brougham Road; Unit 19c Robell Way, Water Lane, Storrington; Furze Common Road, Thakeham, Pulborough; Downview Road, Barnham; Avondale Close; Park Crescent; Holly Close, Storrington; Kingsland Road; Alder Close;

- Dog day care would be an asset to the local community
- Doodley Dogs is providing a fantastic service in Storrington, would be beneficial to Worthing to have the same facility.
- Provides a real service in educating and training both the owners and their dogs.
- Good location for the use
- The centre would be well planned and clean, and the dogs would be well looked after.
- There is no mess, no smell and very little noise outside of the centre
- Much needed facility in Worthing, and would allow me to work full time again while my dogs are in safe hands
- Professional day care facility for dogs
- Much needed business in the area
- I am a small engineering firm on Water Lane Industrial Estate in Storrington, 4 doors away from Doodley Dogs, and have never experienced any problems with Doodley Dogs in Storrington. It is run in an extremely professional manner and very aware of their surroundings. We have never

experienced any issues with noise or parking. Dogs do not run loose on the Estate and they offer parking outside of the unit, which has never compromised the access in and out of the road. We have heavy plant vehicles and machinery coming in and out and have never had any problems having the use so close by. I would support them in expanding their business and would reassure those concerned or worried that this business would sit happily amongst theirs

- Never had a problem accessing the Storrington site, despite it being on a busy industrial estate
- Valuable service
- As a founder of a local dog rescue, fully support and use Doodley dogs
- Can watch on the web-cam to see how dog is getting on
- Have to travel to Storrington, would be easier if in Worthing

1 letter of Support from one of the applicants: customer made comments in support of the application that the addition of a third highly reputable company will benefit to the Trading Estate, which is easily accessed by the public.

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 4

Worthing Local Plan (WBC 2003) (saved policies):

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)

National Planning Policy Framework

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, and 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.

Principle

The key issues are the effect on the employment opportunities within the existing industrial estate together with the amenities of the locality.

Visual amenity

Unit 18 is an existing unit on the Ham Bridge Industrial Estate, where they are principally large brick faced units. The units are sandwiched between the railway line and Willowbrook Road, and Willowbrook Road runs parallel to Teville Stream. Most of the units have large roller shutter doors for the easy access of deliveries. The roller shutter doors are separate from the pedestrian entrance doors into the units, and often the units have windows on one side only. The estate has parking

for each of the units, with an additional central parking area for visitors and spill over parking. There is also limited parking on the street within bays. The street, Willowbrook Road, is also the only way into the Worthing Household Waste Recycling Site. This road often sees a stream of vehicles going back and forth into it, and at high demand times, the road sees a continuous queue of vehicles waiting to enter the Waste Recycling Site.

The proposed change of use relates to a dog crèche and dog training centre, with opening times Monday to Friday 0700 – 1830; Saturday 0900 – 1700; Sundays and Bank Holidays – Closed.

The unit as a whole has an area of 356.47 square metres, and other than a boxed off wc facility, comprises one large room. The applicants intend to separate the large space into 3no. smaller spaces. There will be a reception area, when you enter the building, which will double up as a security area and have the ancillary retail within it.

The applicants intend to apply both thermal and sound proof insulation. Amongst other things, the floor will be safety flooring throughout the whole unit, with coved skirting. The internal partitioning will be installed with thermal and acoustic insulation within it to prevent sound escaping. Apart from the ancillary retail section, the partitioning will be clad from the floor up, to a height of 1.4m with hygiene wall cladding. The walls will be treated in the same manner and the existing roller shutter will be left in situ, but internally clad over. Galvanised metal ventilation system will be installed throughout the unit to provide ventilation, as the windows will be packed out to insulate them and to allow them to be boarded over. The extraction pipe will have sound barriers and mufflers installed to prevent noise pollution escaping to the outside

Visitors will park immediately to the left of the entrance, in the 6 no. designated parking spaces, and bring their dog(s), (on a lead), into the unit via the pedestrian door next to the parking area. The dogs are checked in and escorted round to one of the rooms, where the owner will leave the dog(s) to the care of the dog crèche staff.

The applicants envisage that there will be an average of 10 dogs per day (Monday to Saturday), and the number of staff will reflect the number of dogs being housed at any one time. All dogs will be fully supervised at all times.

The applicants maintain that there will be strict entry requirements for the dogs, that all dogs must conform to in order to ensure there is minimal barking or issues arising from antisocial behaviour. Every owner will need to bring his or her dog along to an induction day where the dog will be assessed for suitability. All dogs must be on a lead from the parking at the front of the building and into the secure day centre. There will be no loose dogs outside the building at any time.

Once established, the day care side of the business will employ approximately 10 members of staff from the local area and offer training and guidance for working with dogs.

The training will be for 5 or 6 group classes each week and the group class for these training sessions will consist of an average of 8 dogs per class. Further, the applicants intend to offer private one-to-one behaviour consultations between 0900 and 1700 on weekdays.

The applicant has sent in the uses which are not B1/B8 on the trading estate units namely:-

Units 1-3: Asia Premier UL Ltd, retail sale of computers, peripheral units and software;

Units 4-5: 1st Alcohol being an alcohol delivery company

Unit 9: Max Wax for goods to be washed, cleaned or repaired;

Unit 12: Pete Hart Carpets showroom open to the public 6 days a week;

Unit 15: Pigs Pantry in unit 15;

Unit 20: had a company called Ladybird Childcare Funding Ltd.

Unit 20: had a IT Services company

Unit 18 (the application site), was occupied from 2014 by a precision engineering company (Callatec) until 2015, when they moved into a larger premises within the estate (units 9 & 10)

From 2015, the unit has continued to be vacant.

The dog day care use is classed sui generis, meaning a use of its own, as it does not fit within a specific use class.

A recent statement submitted by the applicant has pointed out that the property had been empty for some 5 months, and that out of 6 companies interested in the building, 4 would require a change of use. Before that there had been some very short term take up of the unit from time to time, with the new tenants moving on quite quickly. There has also been illegal 'Raves' occurring within the building, and an illegal cannabis factory, with the associated court case.

SPD Sustainable Economy Document

Para. 1.3 States that at the local level, there is a need to ensure that sufficient employment sites can come forward to maintain Worthing's economy and allow for its growth and regeneration. Existing employment sites are an important part of the overall land supply and it is important that these sites, if appropriate, are retained.

Para. 1.10 States that planning applications will normally be assessed against these guidelines and criteria contained within, together with other relevant policies contained within the Core Strategy. Proposal will only be permitted if the relevant guidelines, within criteria policy 4 have been satisfied, along with any other material considerations. The guidance will be used consistently in all cases where the policy applies, regardless of size, location and condition of premises.

Policy 4 – Protecting Employment Opportunities

This policy requires any potential loss of an employment use to be justified through an assessment against relevant criteria. The above SPD provides clarity on the circumstances where change of use or redevelopment to alternative uses may be

appropriate and the criteria which would have to be satisfied in order to obtain planning permission for these alternative uses. It also seeks to ensure that the loss of any existing employment site (land or premises) is not at the expense of the local economy.

Para. 2.2 states that the key industrial estates and business parks will be protected and these are listed in Policy 4. It goes on to say that there may be circumstances where some loss of employment floor space may be acceptable if it would allow for the redevelopment of existing premises for employment use. Any proposed loss of employment floor space will need to be justified through a process which will seek to ensure that all reasonable steps have been taken to maintain the existing use. Where it is demonstrated that it is not viable to maintain the existing use then options for alternative employment uses will need to be explored before non-employment uses would be considered. For the purpose of these policies employment uses include B1, B2 and B8 use classes.

The applicant requires a change of use of the unit 18 to a Sui Generis Use. Simplistically, the use is an employment use and a business use, but it is not within a B1 or B8 use and therefore it requires a planning application. It falls short of all the criteria laid out within the SPD such as evidence to show

Demand for the site, marketing and evidencing redundancy.

Marketing would require at least 12 months (small sites) and 18 months (large sites) of marketing, and indeed, the policy goes on to say that it may be necessary to review the effectiveness and quality of the marketing strategy every 6 months. If a statement that a site has been on the books for 12 months and had no interest has been expressed, that will not demonstrate genuine redundancy. The Council requires greater detail on which to make a judgement.

The applicant should undertake a marketing campaign to determine the demand for the site from business occupiers; and that the unit is no longer needed for the existing use; whether it is suitable for its existing use and that there is genuine lack of demand.

This submission falls short of the requirements within the SPD. For example the applicant points out that there have been 6 viewings of the unit recently and that out of that number, 4 would require a change of use. This statement does not fully evidence that there is no interest.

Type of building required for the dog day care and training facility

It is clear that the use will require a large building away from residential properties but in a fairly central local position accessible to the public. The applicant already undertakes the same use within an industrial site in Storrington, which has been run successfully for the last 7 years, and now wishes to create that same use for the benefit of dog owners within the Worthing catchment area. The unit fulfils the criteria that are required for undertaking the use without the detriment to residential properties by reason of noise or disturbance and it is on a highway network that makes it accessible to vehicles and the greater catchment area of Worthing and its environs.

Some of the units within the trading estate have objected to the proposal, as they are of the view that, amongst other things, there will be loose dogs and their owners wandering around causing either a danger to themselves or a highway hazard or interfere with their day to day operating requirements. However, this appears unlikely to be the case, as the applicants have run the same use within an industrial estate in Storrington, safely and successfully, and a similar use by a different user is undertaken within a unit at the Northbrook Trading Estate, to which Environmental Health state that they have never received any complaint for.

With their existing use in Storrington, together with their expert training skills in dog behaviour etc. the applicants have established safe rules for the owners of the dogs, i.e. the owners will have to arrive by motor vehicle and park in the allocated parking spaces, and only ever move the dog to the unit when it is on a lead.

Environmental Health have had a meeting with the applicant, and raised no objection to the use, the County Highways have reviewed all the documents and have made no objections to the use.

The applicants have already had discussions with the Waste Collection services of Adur & Worthing Councils to confirm that the waste will be satisfactorily removed by that service.

The building will be sound proofed and buffer proofed to prevent unacceptable noise transgression; there will be 2 sets of doors behind each other for the safety of the dogs with a buzzer and locking system in operation to prevent the doors being opened when the other is already opened. Conditions can be attached to any approval requiring the safeguarding of all of the above.

In conclusion, it is considered likely that the business can operate at the site without detriment to other users or the amenities of the nearest residents. However, employment space is demonstrably recognised at a premium in Worthing and there has been a long held necessity to retain B class uses unless there are clear reasons to believe that a particular site is no longer suitable for such purposes. In this case, it is not considered that it has been demonstrated that the unit is no longer suitable for occupation by a B class user and therefore the proposal fails to comply with either Core Strategy policy or guidance within the Sustainable Economy SPD.

Recommendation

REFUSE for the reason(s):-

The unit is located within a protected, key industrial estate and insufficient evidence has been submitted to clearly identify that the unit is no longer viable as a B1/B8 use or that reasonable steps have been taken to maintain the existing use. Thereby, the proposed change of use from the existing B1/B8 use to a Sui Generis use would be contrary to Policy 4 of the Core Strategy – Protecting Employment Opportunities.

**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.