

## Worthing Planning Committee

<b>Date:</b>	<b>Wednesday 21 September 2016</b>
<b>Time:</b>	<b>6:30pm</b>
<b>Venue:</b>	<b>Gordon Room, Stoke Abbott Road, Worthing</b>

**Committee Membership:** Councillors Kevin Jenkins (Chairman), Vicky Vaughan (Vice-Chair), Noel Atkins, Edward Crouch, Diane Guest, Hazel Thorpe, Paul Westover and Paul Yallop

### NOTE:

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail

[heather.kingston@adur-worthing.gov.uk](mailto:heather.kingston@adur-worthing.gov.uk) before noon on Tuesday 20 September 2016.

## Agenda

### Part A

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

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

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

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

Any substitute members should declare their substitution.

**2. Confirmation of Minutes**

To approve the minutes of the Planning Committee meeting held on Wednesday 24 August 2016, which have been emailed to Members.

**3. Items Raised Under Urgency Provisions**

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

**4. Planning Applications**

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

- 4.1 Land North of Fulbeck Avenue      4.2 6 Liverpool Terrace
- 4.3 6 Southey Road + 2 TPO Confirmations

**5. Public Question Time**

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

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

**6. Enforcement Report - 15 Wyke Avenue, Worthing (Update)**

To consider the report by the Director for the Economy, attached as Item 6.

**Part B - Not for publication - Exempt Information Reports**

None

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

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

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



Planning Committee  
21 September 2016

Agenda Item 4

Ward: ALL

Key Decision: Yes / No

## Report by the Director for Economy

### Planning Applications

1

Application Number: **AWDM/0636/16** Recommendation – **Approve**

Site: **Land North of Fulbeck Avenue, Worthing**

Proposal: **Application for approval of Reserved Matters pursuant to outline planning permission WB/11/0275/OUT relating to strategic roads, drainage, landscape, recreation areas and community uses for Parcel Area 1B of development of land north of Fulbeck Avenue, West Durrington.**

2

Application Number: **AWDM/1533/15 & AWDM/1536/15** Recommendation – **Approve**

Site: **6 Liverpool Terrace, Worthing**

Proposal: **AWDM/1533/15 - Change of use of 6 Liverpool Terrace from Office Use (Class B1) to residential use (Class C3) and change of use of 6 Field Row from retail use (Class A1) to residential use (Class C3). Demolition of single storey rear addition, removal of front external staircase and minor alterations to layout. Replacement of 3 windows and 1 door and installation of new door and window on rear elevation.**

**AWDM/1536/15 - Application for Listed Building Consent for Change of use of 6 Liverpool Terrace from Office Use (Class B1) to residential use (Class C3) and change of use of 6 Field Row from retail use (Class A1) to residential use (Class C3). Demolition of single storey rear addition, removal of front external staircase and minor alterations to layout. Replacement of 3 windows and 1 door and installation of new door and window on rear elevation.**

3

Application Number: **AWDM/0250/14** Recommendation – **Approve**

Site: **6 Southey Road, Worthing**

Proposal: **Part retrospective application for alterations and conversion of offices to form seven self-contained flats (3 x one bed flats and 4 x studios).**

**TREE PRESERVATION ORDER CONFIRMATIONS**

**1**

**Recommendation – Confirm**

**Site: Greenwood Crockhurst Hill Worthing BN13 3EE**

**Proposal: Confirmation of Worthing TPO No.1 of 2016**

**2**

**Recommendation – Confirm**

**Site: East of Garage Block North of 10b Western Row Worthing**

**Proposal: Confirmation of Tree Preservation Order Number 3 of 2016**



**Application Number: AWDM/0636/16**

**Recommendation – APPROVE**

**Site: Land east of Titnore Lane, West Durrington, Worthing**

**Proposal: Approval of reserved matters pursuant to planning permission WB/11/0275/OUT relating to strategic roads, infrastructure and landscaping in Areas 2A 2B 2C 3A 3B 3C.**

Applicant: Bovis Homes, Persimmon Homes and Taylor Wimpey

Ward: Northbrook

Case Officer: James Appleton



**Not to Scale**

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## **Proposals**

This is one of four reserved matters applications (AWDM/0636/16, AWDM/0721/16, AWDM/0780/16, AWDM/0792/16 refer) submitted together pursuant to the outline approval of 2012. These are the second phases of the consortium package of detailed proposals following earlier approval of the first phases on 18 February 2015. The consortium comprises three developers, Taylor Wimpey UK Ltd, Bovis Southern Region and Persimmon Homes Thames Valley and, accordingly, the site has been subdivided into their three ownerships. Each of the three developers has submitted a current application as described in the proposals section below.

Three of the applications contain detailed layout and house type proposals whereas this application, AWDM/636/16, is a reserved matters application shared by all three developer partners and covers the Phase 2 infrastructure areas and is described as follows:

- 1) AWDM/0636/16 (Taylor Wimpey, Bovis and Persimmon) – Application for approval of reserved matters pursuant to planning permission WB/11/0275/OUT relating to the Phase B area in respect of strategic roads, drainage, landscape and recreation areas outside the residential development parcels.

The four applications propose a mix of 444 dwellings with associated roads, paths, car parking and landscaping. Vehicle access to the site will be from Fulbeck Avenue to the south with pedestrian and cycle access from Cherwell Road and Tasman Way plus a separate route to the community facilities. Cherwell Road will also act as an emergency access for the development. The proposed buildings and the layout of the site are said by the applicants to have been designed in accordance with the Design and Access Statement and Design Code submitted as part of the application for outline planning permission, based on a series of character areas that are devised to create a sense of place with modern housing combined with some traditional residential vernacular features.

The applicant describes his proposals in greater detail below.

### **Supporting statements**

The applicant has submitted the following statement to accompany the infrastructure application **AWDM/0636/16**:

#### *Background and application content*

*The proposals are for the area termed 1B and relate broadly to the remaining northern and north western parts of the approved development site and encompass the road, drainage and landscape and recreation areas which fall outside the development parcels which will shortly be the subject of Reserved Matters applications by the individual developers.*

*This submission comes forward principally as a response to Condition 4 on the Outline Planning Permission (OPP) as a main Reserved Matters (RM) proposal. However it does also address, in part, elements of Conditions 3 (phasing), 5 (access), 7 (hard and soft landscape), 10 (tree protection), 29 (street furniture and materials), 30 (surface water) and 33 (foul drainage) and seeks discharge accordingly on these matters.*

*The Outline Planning Permission (OPP) was granted on 27 April 2012 and was accompanied by an Environmental Statement. As has been explained in separate correspondence dated 4 March 2016, a new ES or an ES review is not required for the current submission. This letter is also included in the application bundle for convenience. As noted below, relevant updates of ecological surveys have been undertaken. Against the background of tree survey and constraints plans, trees have been considered in detail; tree protection plans are included in the submission along with the foregoing.*



## *Roads and Drainage*

*As with the southern area the road and drainage layout and details take their cues from the Masterplan and Design Code guidance considered at outline planning stage and like the landscape proposals have been designed by the same consultants who dealt with these matters for the OPP and the earlier RMAs. The scheme follows on from more recent discussions with WBC and WSCC officers.*

*The works shown on the drawings consist of approximately 1375m of residential road with associated footways, verges and landscaping. Road 2 Links to Phase 1A at Chainage 216m and emergency exit Chainage 946.597m to Cherwell Road. Road 3 links to Phase 1A at chainage 58m and road 3 links at chainage 368m.*

*During early consideration of the previous Infrastructure RMA a number of principles were established which follow through to the case in hand. These include:*

- Verge/landscape areas introduced as shown on the indicative masterplan approved during the outline planning process*
- A less formal approach to the road corridor is achieved where possible*
- Reduced road widths to reflect change in bus strategy*
- The interface between parcels and common infrastructure is such that onstreet parking is reduced where possible.*

*Foul drainage will connect to the Phase 1A system which outfalls to the existing foul sewer in Fulbeck Avenue, downstream improvements to the foul network are under Southern Water requisition design such that there is adequate capacity for the development. The Foul Water network will be adopted by Southern Water. The surface water drainage for development parcels 2a, 2b and part of a 2c are to be connected to Network 1 of the Phase 1A works. Network 1 discharges to the detention basin located to the south of the site. The remainder of the forthcoming RMA parcels will discharge to Network 3 which is self-contained within this sector. Network 3 comprises of a series of swales and a pond with discharge to the existing ditch network located centrally within the site. Surface water drainage is to be adopted by Southern Water. The surface water drainage system has been designed to cater for a 1 in 100 year return period plus 30% climate change with outfall rates set to be less than greenfield run off rates.*

*The surface water drainage proposals have been discussed with Adur and Worthing Borough and due to Topographical issues with the outfall from the main detention basin an alternative outfall is under consideration. The foul drainage strategy has been discussed and agreed with Southern Water. The drainage layout will be submitted to Southern Water for Section 104 approval. As noted, the road design has been closely based on the concept agreed at outline stage, with details used previously in the West Sussex area and more specifically agreed for phase 1A. It will be subject to S38 technical approval checks which will be submitted shortly.*

## *Landscape and recreation proposals*

*The landscape works shown on the CSa drawings consists of detailed landscape proposals for general amenity open space ( Areas G, H, I , J and K), structural landscaping (Areas L, M and O) as part of this common infrastructure application, as well as roadside works.*

*The detailed design of the landscaping is based on the previously endorsed information which formed part of the outline planning application and also that attached to the Section 106 agreement, namely;*

- Illustrative Masterplan (ref: CSa/1616/131)*
- Landscape Strategy (ref: CSa/1616/132)*
- Landscape & Facilities Location Plan (ref: CSa/1616/153)*
- Open Space Layout Plans (s106) (ref: CSa/1616/155-156)*
- Design and Access Statement & Design Objectives (ref: CSa/1616/001)*

*It also takes its cues from the Reserved Matters Approvals issued thus far.*

*The submission provides a comprehensive and detailed landscape scheme for the areas of informal open space and the numerous sustainable drainage features (SuDS) that occur within the northern-half of the wider development site. The drawings demonstrate how a high-quality public realm and landscape infrastructure will be delivered. The scheme seeks to largely ensure the retention of existing landscape features and trees, where feasible, whilst maximising the potential for enhancing biodiversity through the creation of new habitats in the form of woodland areas, native hedgerows and thicket and the numerous wetland basins associated with the drainage scheme.*

*The submitted drawings also indicate how the numerous footpaths and cycleways proposed by the illustrative masterplan have been carefully integrated into the detailed infrastructure scheme, including details on their final surface make-up. Additionally, the drawings outline the various boundary treatments that enclose the areas of new planting and drainage basins that aim to restrict public access to sensitive areas of the site and adjacent land.*

*The designs include details for the Central Green. This is the main open space in the heart of the development, which includes the central pond which has been designed to maximise its wildlife value, whilst providing a strong landscape feature with a varied and pleasing aesthetic, forming a central feature within the Site, with marginal shelf areas left to colonise naturally. Additionally, a focal seating area is provided with a timber pergola to provide dappled shade.*

*The remaining swales / basins provide a network of stormwater drainage features that complement the urban form of the development, providing a buffer to the edge of the development from surrounding housing and a degree of wildlife connectivity around the site. The swales incorporate areas of marginal plug planting to help establish some degree of vegetation cover, whilst the base of them is predominantly allowed to colonise naturally, with the remaining banks seeded with wildflower seed mixes.*

*The Phase 1B application includes the remaining play area (Combined NEAP and LEAP) located on the site, within the main recreation area the 'Community Park', the*

*scheme for this is designed to reflect its location at the heart of the development closer to the existing edge of the settlement, with a strong emphasis on providing a wide range of play experiences for a range of ages, utilising mainly metal and composite timber equipment.*

*Additionally, whilst the approved plans indicate 'trim trail stations' around the development site, through discussion with Andy Edwards, Parks and Foreshore Manager at Worthing and Adur Council., a preference for a more grouped provision has been discussed and as such, this is shown located to the western edge of the 'Community Park' in close proximity to the large play area. The Community Park also includes details of the Multi-Use Games Area (MUGA) and the natural turf football pitch.*

*To the south of the Community Park, details are provided for the establishment of new allotments, including the provision of raised beds for disabled users, with parking located close-by on the parking area that serves the Community Building.*

*Finally, detailed hard and soft landscape schemes have been provided for the remaining features squares that fall within this phase along the main infrastructure route or Spine Road, including the key space outside of the proposed school site adjacent to the Central Green, in support of the engineering information. Although the final details of these spaces will be agreed through the technical Section 38 submissions, the drawings submitted with this application provide the basis on which technical approval will be sought, showing a quality of landscaping befitting of these important spaces.*

#### *Tree implications*

*The application is accompanied by a detailed set of Tree Protection Plans which highlight the trees required to be removed to facilitate the proposed works and also detailing the location of protective fencing to protect the remaining existing trees from any damage during the works.*

*Overall the tree losses proposed as part of the application are minimal and all of lesser quality trees that are of limited value in the landscape. This is in line with the principles established on the illustrative masterplan and losses are mitigated by the plentiful introduction of new tree and woodland planting.*

*The planting of new trees, enhances the sustainability of the site, adding to the extant species diversity, contributing to the green infrastructure and enhancing the biodiversity within, and supported by, the tree stock. Amenity provided by the retained, significant trees is preserved for the enjoyment of many.*

#### *Ecology*

*Update ecological surveys have been undertaken in relation to this northern and north western sector in 2016 to inform the infrastructure application including:*

- Update Phase I habitat survey;*
- Update badger survey;*
- Update tree assessments for bat roosting potential; and*
- Update great crested newt surveys of on and offsite ponds.*

*These have confirmed that the ecological status and importance of the site is unchanged since previous assessments in 2010 and 2013/14. The results of historic and update survey work has been used to inform the detailed landscape proposals and design of this Infrastructure RMA, along with the mitigation strategy for protected species and Ecological Management Plan prepared for the area (which will be submitted separately in relation to the discharge of conditions 6 and 10).*

#### *Concluding remarks*

*As you know, the development team has held a range of technical meetings with Council officers and other stakeholders over recent months and a Public Exhibition event took place in respect of the southern area which has set the scene for this subsequent phase. During the early stages of development there has been contact with individual householders and the housebuilders and project managers have sought to address any practical issues which have arisen such as times of working or road cleanliness. The team is keen to continue dialogue with the Council and other stakeholders on the proposals or ongoing implementation as appropriate.*

*This application is a key element in the drive to deliver much needed housing and facilities at West Durrington. The parameters set at the OPP stage and agreed more recently through the first tranche of RMAs are followed by this submission.*

Due to some subsequent changes within the development as construction progressed there has been an adjustment in the drainage strategy which is explained by the applicant below as an update on some issues which have arisen from the first phase as follows:

#### *Drainage Strategy*

*The drainage strategy agreed for the outline consent remains in place, namely foul and surface water sewer network subject of a S104 agreement. The foul will connect to the existing foul sewer in Fulbeck Avenue with downstream sewer capacity improvements funded by the developer, and the surface water via a SUDS arrangement with controlled discharges to the local watercourses.*

#### *Issues Arising from Phase 1a*

*Foul Water: Southern Water (SW) have confirmed that there is only sufficient capacity within their downstream foul sewer network for the flows from 75 dwellings. Therefore the Consortium has instigated a foul sewer requisition with SW which is in progress. SW have concluded the flow monitoring survey and validated their sewer model. The next step is for SW to start to assess the options and identify a preferred solution for the requisition; thereafter agree costs and programme with the Consortium for its implementation by SW currently estimated as Summer 2017.*

*Given SW's likely programme, the Consortium are to install a temporary below ground foul storage tank with a pump discharging at a rate equivalent to 75 dwellings to the existing public sewer. The tank will be located on the east side of the site access well away from any occupied properties. The Consortium have selected a 60,000 litre horizontal pumping tank which provides an operational capacity to cover all the dwellings in Phase 1 and should be installed in September/October. The tank/pump arrangement will effectively operate like a normal foul water pumping*

station. The Consortium will put in place a 24/7 maintenance agreement with a local provider to ensure any pump breakdowns are dealt with promptly. The tank will be filled when the requisition sewer is operational.

Surface Water: A level discrepancy was found to exist within the topographical survey where the attenuation pond was to discharge to the adjacent ditch, thus a temporary pumping arrangement prevails at present to empty the pond. A new survey of the land corridor has been completed and discussions between the consortium's consultants and officers of WBC are ongoing to agree a preferred solution for the outfall which is leaning towards either a small diameter pipe or a combination of pipe and ditch depending on levels.

Some of the side slopes to the attenuation pond have slipped. Why this has happened is unclear, but remedial works are being programmed.

#### PHASE 1b Reserved Matters

Foul Water: As for Phase 1a.

Surface Water: The majority of the Ph1b access road drains via pond+swales to the north-south ditch running through the centre of the site with only a small proportion of the road discharging to the Ph1a system, thus minimal additional impact on that system and the attenuation pond.

#### EA objection

The EA's objection regarding pollution control has been lifted following submission of a pollution hazard assessment which covered the whole application site and demonstrated that the mitigation indices were greater than the hazard indices.

#### PHASE 2 & 3

Foul water: As per Phase 1a

Surface Water: That part of Phase 2 which lies to the west of the north-south ditch discharges to the south and the attenuation pond; whereas the eastern part of Phase 2 and all of Phase 3 discharge to the ditch via ponds and swales in line with the SUDS strategy.

#### **Site and surroundings**

The site is about four miles (seven kilometres) north west of Worthing town centre on the edge of the built-up area and close to the South Downs National Park the boundary of which runs along the north side of the A27 and incorporates the grade 1 Castle Goring and its walled garden to the north west. The site is bound by housing to the east with a mixture to the south of housing, retail, leisure, woodlands and open space. There is further woodland and agricultural land to the west and to the north. In addition to the historic Castle Goring there is a small conservation area of listed domestic properties and separately, due north of the site, is a small enclave of listed buildings including the Coach and Horses public house that fronts the A27. The trunk road forms a physical barrier to the north but provides no direct access to the site. Forest Barn Mews, a recently constructed residential courtyard development, sits adjacent to the north west corner of the site. To the south of the site is the recently redeveloped Tesco store which includes a small retail mall and a new adjacent

community centre that forms the commercial core of West Durrington. Titnore Lake wraps around the south western boundary.

### **Background**

The Phase 1 infrastructure application (AWDM/0663/14 refers) was considered by the Planning Committee on 15 October 2014 and particular consideration was given to the strategic roads within the development, the width of cycleways around the perimeter of the development, the swales and large detention basin and the landscape design.

The Committee raised a number of queries in relation to the application which included whether the main spine road through the development would be free of parking to enable unrestricted access to the development. Officers advised that the development made provision for parking in specific locations such as garage courts but it was anticipated that there would be some parking on the main spine road. The Highways Authority had agreed the proposed road width and had not thought parking restrictions were necessary. However, it was noted that Officers were happy to raise the issue of parking controls with the Highways Authority if requested to do so by Members. An amendment to the recommendation was made to this effect. Planning Committee Minutes – 15 October 2014.

Other matters raised were:

- i. *the location of pedestrian crossings on the main spine road;*

The Committee were shown the location of pedestrian crossings on the Masterplan and raised tables including an additional feature square.

- ii. *concerns regarding the safety, maintenance and aesthetic appearance of the large detention basin and swales;*

Members noted that the swales and detention basin would be of a low gradient 1 in 3 and would be designed to allow easy access for maintenance, with fencing being erected around the large detention basin for safety purposes. The Committee was informed that open land on the site would be adopted and maintained by the Council.

- iii. *the location of the cycleways and their shared usage status.*

Officers identified the location of the off-road cycleways on the Masterplan and the main diagonal route which would be a shared surface used by bicycles, pedestrians and vehicles.

The Committee delegated to Officers responsibility for strongly recommending to West Sussex County Council Highways Authority that parking restrictions be placed on the spine road at the time the development is implemented.

The Committee approved the application subject to Officers being satisfied the submitted details in respect of highways, landscaping and drainage accord with the principles of the outline permission and do not prejudice the development of the proposed Phase 1 residential parcels in a satisfactory matter, and subject to any

conditions from consultees that are considered necessary in addition to those imposed at the outline stage.

#### The approved outline application

The outline application WB/11/0275/OUT was approved on 27 April 2012 and was described as '[development of land north of Fulbeck Avenue, West Durrington, for residential development \(up to 700 units\), recreation, community and education purposes; ground stabilisation; and speed management measures on Titnore Lane. Principal vehicular access and bus routing via Fulbeck Avenue, with Tasman Way providing vehicular access limited to the community facilities and bus routing, and Cherwell Road providing emergency vehicular access only.](#)'

The approved outline comprised:

- up to 700 new homes, including up to 30% affordable housing
- a school site, including playing fields
- a site for a community building
- a site for a GP's surgery
- allotments
- sports pitches
- an all-weather multi-use games area
- open space and informal recreation areas
- play areas for children (LEAP and NEAP)
- nature conservation areas
- landscaping to the north western boundary
- access from Fulbeck Avenue
- bus access from Tasman Way, including access to the community uses
- emergency access from Cherwell Road
- pedestrian and cycle links to all three entrances, footways and cycleways through the site and a trim trail.

The outline planning permission establishes the principle of the development on the site and defines the three points of access, but details of appearance; landscaping, layout and scale are the reserved matters and are the subject of these current submissions. The outline planning permission allows the overall scheme to be phased.

Conditions attached to the outline planning permission also define the form of the submission of the reserved matters. Condition 7 requires that details of hard and soft landscaping be submitted as part of the application, whilst condition 11 requires the submission of details of screen walls and fences, condition 13 seeks approval of cycle parking, condition 15 requires the submission of details of external materials and condition 18 requires that a refuse collection strategy be prepared. With regard to blocks of apartments, details of cycle parking (conditions 13 and 23), refuse storage (conditions 18 and 23) and drying areas (condition 23) are required as part of the submission. Condition 9 requires that landscaping buffers are provided on the edges of the site where it abuts the Site of Nature Conservation Interest and the South Downs National Park: the boundaries of Areas 2b and 3a take account of this requirement, with the buffer outside of the area designated for development. Other infrastructure requirements and site wide issues (such as drainage and

contamination/remediation) are to be addressed by the consortium outside of the submission of reserved matters for the residential development.

### The Masterplan

The masterplan set out the main features of the scheme, predominantly residential with a central open space, school site, community uses, allotments, play areas including a permeable street pattern and linkages to the existing residential areas to the south and east and the commercial centre to the south. The application for outline planning permission was accompanied by a detailed document that combined the Design and Access Statement and Design Codes for the scheme. It defined scale and massing within wide parameters, with minimum and maximum dimensions given for width, depth and heights of houses, apartments and garages. It is intended that the majority of new homes will be 2 or 2½ storeys in height and that the scheme will be developed at an average net density of 37 dwellings per hectare. The higher density areas will be along the main streets, with the density of development decreasing towards the rural edge to the west of the site and, where appropriate, against the existing properties to the east of the site.

Through the Design Codes thirteen Character Areas are identified that respond to three themes referred to as residential areas, spaces and edges. Not all are applicable to this application but those that relate to the land parcels that are the subject of this submission are:

### Residential

#### i. R1 Main Street

- Where there are swales between the road and the housing, rear courtyard parking should be used, and crossings of the swales should be kept to a minimum.
- Visitors' parking will be provided in groups of 2 to 3, in dedicated areas off the main carriageway. These spaces should have a different surface material to clearly distinguish the bays.
- Street trees should be used where space allows, and similar species should be grouped together to create a distinctive character within a specific area. The trees should not create a strong avenue, but rather be grouped and located to emphasise and frame specific views and areas.

#### ii. R2 Secondary Street

- Bitmac streets and pavements, with a change of surface material for traffic calming and at footpath crossings.
- Street trees should be used where space allows, and similar species should be grouped together to create a distinctive character within a specific space. The trees should not create a strong avenue, but rather be grouped and located to emphasise and frame specific views and areas.
- Visitors' parking will be provided in groups of 2 to 3, in dedicated areas within the verge space.



### iii. R3 Copse View

- Frame views to Highdown Hill and the existing on-site copse with a strong, continuous frontage.
- Clipped hedges along front garden boundaries.
- A limited palette of plants and small trees or specimen shrubs should be used to ensure a harmonious street scene.
- A block paved shared surface should be used along the length of the vista to create a cohesive character

### iv. R4 Pedestrian and Cycle Link

- Create a well-defined, clearly signposted pedestrian and cycle link through the Application Site.
- Ensure the footpath is overlooked by fronting the housing onto it.
- Footpath should be surfaced in a material suitable to all users. Where the path crosses the streets, a different surface to the main street surface should be used.
- The route should be sensitively lit.

#### Southern Section (where route passes between houses)

- The building line should step out to create small squares along the route and to create intermittent focal points
- Railings and hedges should be used to delineate the private and public spaces. Block paved front gardens may be used at key points to emphasise the space.

### R5 Neighbourhood Housing

- Varied and interesting building lines, with incidental hard and soft spaces created within the street scene.
- Different surfacing materials will be used to create distinct areas, and a mix of railings, hedges and low walls may be used to front gardens. Front gardens may also be left without boundary treatments within this area.
- Planting and trees in grilles may be used in block paved areas as well as in incidental open spaces to soften the street scene.
- Parking will be provided in a variety of areas. Dedicated on-street parking, softened by planting, as well as courtyards and on-plot parking areas should be used. Incidental spaces should be created for visitors and short-term parking.

### Spaces

#### i. S2 Copse

- Lanes in front of the houses to access the properties. Block paved to create a slow traffic environment and a shared surface.
- Max. 4m setbacks off the street, with soft landscaped front gardens.
- Front garden boundaries can be left open or have hedges or estate fencing to distinguish the space.

## ii. S3 Central Green

- Buildings to frame and define the space. Strong, regular building line.
- 3 Storeys, terraced and linked buildings. Focal point created to terminate the Copse View vista.
- The building lines should be close to the edge of the street and green, to enclose the space. Front gardens may be open to the green, or have railings or low walls with railings to designate the boundary.
- Vehicle speeds controlled by creating a shared surface with a change of surface material to identify the space.
- Some public parking to be provided within the space, but residential parking to be provided behind the buildings in courtyards.
- Good pedestrian links across the green space. Paths could be finished in bonded gravel in this more formal area.

## iii. S4 School

- Balancing pond to form a feature within the green along with the retained trees and hedges.
- Distinctive architectural design to create a formal character and act as a focal point of views from the village green and areas to the west
- School building design should include distinctive design elements to reflect its key landmark function.
- Strong formal boundary treatment to complete street scene or square
- Parking area to be screened with appropriate planting.
- Space for a lay-by should be provided within the square to provide a drop off facility.

## iv. S5 Community Space

- Buildings around the area should face onto and frame the space to provide passive surveillance. The buildings should be tall and have strong frontages.
- A network of footpaths should link the various uses within the application site.
- There should be connections between the community building site and the allotments to allow for shared use of the facilities and car parking.

## Edges

### i. E1 Woodland Edge

- Min. 15m deep landscape buffer planting.
- Back gardens must have high fences with additional trellis panels on top, and there should be no access from the gardens into the woodland.
- Mix of detached and semi-detached up to 2 storeys high, but terraces may be used at key corners or to terminate views.
- West of the character area defined by small scale streets with more detached houses and a less formal building line.
- Set-backs can be up to 5m in depth to provide opportunity for landscaping to the front gardens.
- Boundary treatments to front gardens may be estate fencing or hedges, or gardens may be left open.

- Parking will be on-plot or in dedicated on-street spaces in groups of 3 to 4, softened with planting.
- The frontages along the eastern side of the Woodland Edge should be treated the same as frontages along R2 - Secondary Streets.

#### ii. E2 Green Edge

- Mostly semi-detached or detached units with larger breaks between buildings to create a softer building line.
- Terraces should be used in key locations such as on corners or fronting play areas, to create to aid legibility.
- Mostly 2 storeys, with 2½ storeys at key points.
- The building line can be varied with varying set-back depths up to 5m, with open front gardens, hedges, estate fencing or picket fencing to front boundaries.
- Front gardens will be soft landscaped to reflect the character of the adjacent green spaces.
- The roofscape should be varied and include architectural features such as dormers to create variety to the roofline, thereby creating a softer edge to the development.
- Planting in these areas should frame and filter views of the dwellings rather than screen them completely. Similarly, vistas are to be created out from the character area towards the open space. Hedgerows should be used to screen carparks.
- Parking can be on-plot or in courtyards. Incidental parking spaces can be provided on the road for visitors and short term parking.
- Fencing or boundaries such as timber knee rails or bollards should be placed within the green spaces adjacent to the lanes, to prevent vehicles entering the green spaces.

#### E3 Residential Edge

- Mostly detached units up to 2 storeys high
- Hipped roofs may be used to reduce the massing of the houses
- Looser building line with larger breaks between buildings
- Set backs of up to 4m with soft landscaped front gardens
- Front gardens may be left without boundary treatments. Railings should be used at key frontages to prominent buildings.
- The small scale street should be block paved to create a low speed traffic environment and create a shared surface area.
- Parking will be on plot set back behind the main building line
- A minimum 3m deep landscape buffer should be planted at the end of the rear gardens between the new and existing houses.
- Trees and landscaping should be used where front gardens depths allow incidental open spaces along the street.

N.B. It is against these stated objectives for each of the character areas that the current applications should be judged.

## Consultations

**The South Downs National Park Authority** comments as follows:

*The SDNPA was first consulted on the above outline application; the comments of the SDNPA as given in the Committee report at the time are as follows:*

*'The South Downs National Park (SDNP) raises no objection to the application subject to conditions being imposed relating to the use of indigenous planting on the north and west boundaries of the site appropriate to the character of the SDNP, securing the establishment of a buffer zone, and appropriate design, lighting and use of materials.*

*The SDNPA also advise Worthing Borough Council to seek the maximum policy requirement for affordable housing to reduce pressure for housing within the SDNP.*

*The above comments are still valid in the consideration of this application for approval of the reserved matters. Whilst some screening of the site close to the north and west boundaries of the National Park is shown on the submitted drawings, the SDNPA are more particularly concerned with that part of the site closest to the western/north western boundary of the National Park. The plans show what appears minimum landscape buffer zone close to the boundary with the SDNP. It would be appropriate to consider if this landscape buffer could be increased in depth to provide an improved transition from built environment to the National Park.*

*In terms of lighting, as the SDNPA is now a Dark Skies Reserve, infrastructure and other lighting requisite for this development should be kept to a minimum and meet the standards of the Institute of Lighting Professional (ILP), to help maintain the dark skies tranquillity and wildlife of the SDNP reserve.*

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

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

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

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

*It may also be helpful to consider the development proposals in the context of National Park Circular 2010 for guidance on these issues at:[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/221086/pb13387-vision-circular2010.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/221086/pb13387-vision-circular2010.pdf)*

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

**Historic England** states that it does not wish to comment but the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

**The County Archaeologist** comments as follows:

*RECOMMENDATION: No objection on archaeological grounds is raised to this Reserved Matters application, subject to full implementation of appropriate off-site reporting and publication of the findings of archaeological investigation within the Outline permission site WB/11/0275/OUT (Condition 19 (Archaeology) of WB/11/0275/OUT and paragraph 7.5 of Appendix 1 of the approved Written Scheme of (Archaeological) Investigation refer.*

**SUMMARY:**

- *All necessary on-site archaeological investigation and recording within the Outline permission area (WB/11/0275/OUT) has been completed; no on-site archaeological work within the current Reserved Matters application area remains outstanding.*
- *As regards off-site required archaeological works, reports on previous archaeological work within the current Reserved Matters and area have been written up to pre-publication standard.*
- *The final report for publication, comprising all archaeological investigation carried out between 2005 and 2015 within the Outline permission area WB/11/0275/OUT, is now awaited.*

**COMMENTS:** *Archaeological investigation (fieldwalking survey, exploratory trenches, excavation area) was carried out within or closely adjacent to the Phase 1B infrastructure application area, roads, Central and Community Parks in 1997, 1998 and 2005, in connection with previous planning applications for residential development within the site (WB/04/00040/OUT and the current outline permission WB/11/0275/OUT).*

*Within the Central Park, buried remnants of a field system of Middle Bronze Age date (1700 – 1300 BC) were recorded in 2005.*

*All necessary on-site archaeological work within the current application area has been satisfactorily completed.*

*The Central Park investigation has been written up in the form of an unpublished report. A final report for publication, comprising the findings of all investigations carried out between 2005 and 2015 within the WB/11/0275/OUT Outline permission area is awaited, following the recent completion of required archaeological investigation within Phases 2A and 2B. Refer Updated Archaeological Mitigation Strategy (Appendix 1) paragraph 7.5 (academic publication) of the approved Written Scheme of Archaeological Investigation (May 2014, AC Archaeology) for the site (WB/11/0275/OUT).*

*In view of the completion of all on-site archaeological works within the Phase 1B infrastructure application area, no objection on archaeological grounds is raised to this Reserved Matters application.*

**Southern Water** states that it is unable to make any comments because there is no information submitted with regards to drainage for Phase 1B. Further updated comments are awaited.

**The Environment Agency** comments as follows:

*In our previous comments (EA letter ref. HA/2016/118277/01-LO1) we objected because we considered the details of the surface water drainage scheme were not supported by information to demonstrate the risks to groundwater were understood and mitigated in the design.*

*The applicant has since submitted further information on pollution prevention in the form of a Pollution Hazard Assessment. We have reviewed this information and have the following comments to make.*

*Surface water drainage (condition 30)*

*We are able to recommend approval of the details required by condition 30 for this phase of development.*

*The Pollution Hazard Assessment has followed the 'simple index approach' within the SuDS Manual CIRIA C753. Each of the three catchments, mitigation indices equal to or greater than the hazard indices have been calculated. Therefore adequate treatment has been proposed to prevent contamination of groundwater sources without the need for further pollution control measures.*

*We accept this assessment and remove our objection to the approval of this application.*

**The Crime Prevention Design Adviser for Sussex Police** comments as follows:

*I have had the opportunity to examine the detail within the application and my comments will be specific to the recreational and communal areas of phase 1b.*

*From a crime prevention point of view I am pleased to note that there are good clear arcs of surveillance throughout the communal and recreational areas enabling users and passers by the opportunity to use and enjoy the facilities in a safe and secure environment. I have no further comments.*

**West Sussex County Council** as the **Local Highway Authority** has made a number of detailed comments as follows:

*Conditions forming part of the REM submissions- 3 (phasing), 4 (overall submission of REM apps), 5 (access), 7 (hard and soft landscaping), 10 (tree protection), 29 (street furniture and materials), 30 (surface water), 33 (foul drainage).*

*A. (The following comments - 1-19 - apply to all parts of the layout - comments in bold are those with the highest priority)*

*1. Comment - As the spine road provides the vehicular access for the school, includes an emergency access and is likely to be extended northwards to serve further development, the LPA ask that it be offered for adoption under Section 38 of the Highways Act 1980. The CHA would support this stance subject to appropriate*

*design and construction meeting WSCC specifications and requirements etc. Please provide an adoption plan (plan should include emergency access at Cherwell Avenue end too)*

*2. Comment - Visibility splays should be shown for all junctions and communal access points commensurate with proposed traffic speed – including pedestrian splays at back edge of footways*

*3. Comment – Please provide clearer information about how parking numbers have been derived/allocated to properties. How does this fit-in with WSCC Parking Calculator?*

*4. Comment – A new Stage 1 Road Safety Audit should be submitted for the section of road fronting the school land and for the shared footpath/cycleway infrastructure*

*5. Comment - Major changes (such as added table tops etc.) should be referred back to Stage 1 Safety Audit team for comments*

*6. Comment - Swept-path diagrams to be provided for all internal layouts and spine road for refuse and fire and rescue vehicles*

*7. Comment – Some area within the layouts of the parcels do not show service margins (or where they do, planting is shown within them). Although it is understood that the parcels will not be offered for adoption, adequate provision for services clear of any roadways and areas containing planting (other than grass) should be made*

*8. Comment – What provision is made for turning refuse and fire and rescue vehicles on private driveways such as those serving plots 321-325, 364-367, 580-590, 606-609, 612-625 etc? (there are other examples in the layout too not mentioned here) Applicant to demonstrate that what is provided is sufficient and meets appropriate access requirements for those services*

*9. General comment relevant to all plans – tactile paving should be placed closer to junctions on desire lines and for visibility purposes*

*10. General comment – overall lack of visitor parking provision throughout the layout*

*11. General comment – All planting proposed to be in visibility splays and on plot frontages and boundaries must be (when mature) no greater in height than 0.6m*

*12. General comment - Street furniture and landscaping on highway land must comply with WSCC specifications – including, where applicable, commuted sums to WSCC requirements (will be checked at S38 stage)*

*13. General comment – Surface Water Drainage comments will be made by the relevant officers and are not included in these comments*

*14. General comment – all parking space and garage dimensions should be stated on plans (2.4m x 4.8m for spaces, other than layby spaces requiring 2.4m x 6.0m and internal garage dimensions of 3.0m x 6.0m with 2.4m garage door openings*

*15. General comment – all private access paths to dwellings to measure 1.2m wide for DDA compliance*

*16. General comment – cycle parking provision not shown*

*17. General comment – Spine road at junctions with raised features etc. – contrasting materials should be used (to differentiate footways from carriageways)*

*18. General comment - Spine road – What consideration has been given to road markings at junctions?*

*19. General comment – Spine road – Careful consideration should be given to bollard locations and spacing (some look to be very close together and very close to carriageway edge). Please show example detail*

B. AWDM/0636/16 – Application for approval of REM for strategic roads, drainage, landscaping etc.

(Drawings considered: - W420/226-231, sheets 1-6 produced by PFA Consulting).

20. Sheet 1 - Recommend raised table (for speed control) outside of plots 598-599
21. Sheet 1 – Recommend that section of carriageway running alongside plots 597 – 601 be reduced to 5.5m wide (as this will not be a bus route and the greater width may encourage higher traffic speeds). The 6.1m width still needs to be retained on the bends
22. Sheet 1 – Limit of adoption adjacent to plot 589 (spur off spine road) to be shortened and terminated in front of plots 589 and 629
23. Sheet 2 – Pinch point on E-W section of spine road (to SE corner of plot 321) will be difficult to build close to road junction because of need for markings, signs and swept-paths of vehicles. Recommend another table-top here - including the road junction serving plots 369-377 etc. (this will also tie-into the cycle paths emerging either side (N-S))
24. Sheet 2 – Design of road outside school land dependent on further discussion with Planning, Highways and Education Depts. As shown, footway outside school (on eastern side of the carriageway) is standard 2.0m width. A wider footway would benefit users (on both sides)
25. Sheet 2 – Originally, raised table top arrangement was proposed for the entire section of road outside the school. What is proposed now?
26. Sheet 2 – No access is shown for the school (both pedestrian or vehicular) – Please show. When replying, please also consider and reply to WSCC comments of 28th January 2016 (Tim Townsend to Anthony Moore – PFA Consulting) – found at foot of these notes.
27. Sheet 2 – Comments made in January 2016 to PFA re. school should still be considered in relation to any design for the road running outside of the school
28. Sheet 2 – No access shown into school
29. Sheet 2 – Bollards to rear of layby very tightly spaced (which will make it difficult to open car doors)
30. Sheet 2 – Intervisibility at southern end of layby outside school for users of layby and those driving northwards will be poor because of the alignment of the road at this point
31. Sheet 2 – Pathway running E-W north of the school land – what is it – shared footpath/cycleway? If so, what access controls are proposed either end (barriers etc.)?
32. Sheet 2 – Path running N/S from central open space/landscaped area and continuing opposite plots 369-377 should be minimum of 3.0m wide to cater for shared foot and cycle usage
33. Sheet 2 – Pedestrian and cycle intervisibility should be shown at points where shared paths intersect
34. Sheet 2 – Shared foot/cycle path running N-S opposite plots 369-377 would benefit from being located slightly further westwards, providing a margin/buffer (grass verge) between road (as it potentially gives a mixed-message to users about the road design – i.e. it is neither ‘traditional’ nor ‘shared surface’)
35. Sheet 2 – Footway leading from plot 377 to parking for that plot need not be extended as far as shown (again, because for shared surface reasons - see point above). Careful attention will also be required at the point the footway on the opposite side at the junction tapers/joins the N-S access road (west side of the junction)



36. Sheet 2 – Path running north of plots 354-357 etc (and beyond) needs to be able to accommodate cyclists. However, also see PRow comments made by WSCC PRow team (Jonathan Perks) – copied to foot of this report
37. Simon Cooper drawing 33-2052-200 Rev. 'B' – Access to plots 327-335 needs to be shown as a dropped crossing.
38. Simon Cooper drawing 33-2052-200 Rev. 'B' – Additional visitor lay-bys have now been shown (6 No. on access road in front of plots 369-377 and one next to plot 387). This is welcomed but number is queried – is 6 too many on one road?\* Also, hard standing area behind need only measure 0.5m wide. Recommend that road be constructed as a shared surface (as is generally shown on 'Grafik' drawing 15-2455-507 (no revision).
39. Sheet 3 – N-S path – cycleway? PRow requirements? Visibility/intervisibility and access controls (staggered barriers) etc. either end need to be shown
40. Sheet 3 – Appropriate intervisibility splays to be shown at junction of shared footpath/cycleway where it crosses the E-W section of spine road (close to plots 664 and 174 and adjacent to the proposed community facilities south). Staggered access barriers must also be installed here as must the appropriate tactile/corduroy paving and street lighting
41. Sheet 3 – What landscaping (hard or otherwise) and fencing etc. is proposed either side of the N-S shared foot/cycle route?
42. Sheet 3 – Ped/cycle visibility and corduroy paving and barriers required either end of path running E-W opposite plots 648 and 652 etc. (+ include PRow comments and considerations)

(\*Further comments about location and suitability of visitor parking will be made following receipt of developer's reply to all points raised).

43. Sheet 4 – Shared foot/cyclepath E-W alongside plots 630-648 and 363 etc. – width needs to be 3.0m (and include PRow comments and considerations)
44. Sheet 4 – Consideration of raised table top for speed control and to assist crossing of shared foot/cyclepath
45. Sheet 4 – tactiles, corduroy, access barriers and intervisibility required at ends of path mentioned above
46. Sheet 4 – Careful consideration of PRow interaction at point adjacent to plot 369 (opposite) where it changes from footpath to cycleway (again, consider and adhere to PRow comments made by PRow team)
47. Sheet 5 – For comments in relation to infrastructure at bottom of Sheet 5 – see comments for Sheet 4 above
48. Sheet 5 – What is proposed for connections either side of the N-S shared footpath/cycleway (red edging is extended either way by plots 669, 230 and 218 but no specific detail)?
49. Sheet 6 – Raised table top detail adjacent to plot 453 needs ramp detail shown on eastern side (tactiles to be moved close to desire lines too)
50. Sheet 6 – Adoption limit adjacent to plots 433 and 444 to be changed (currently extends too far east)
51. Sheet 6 – What is 'wide area' outside of plots 191-194?
52. Sheet 6 – Adoption limit adjacent plots 422 and 429 to be shortened
53. Sheet 6 – Recommend additional raised tabletop at junction adjacent to plots 205, 206 and 419, 420 for speed control purposes
54. Sheet 6 – Please show details of emergency access treatment at junction/interaction with Cherwell Road and design of road leading to it as well (road

*currently looks like simple continuation of standard carriageway and footways – can it be re-designed to clearly indicate no through route, other than for emergency vehicles?)*

55. *Sheet 6 – Access to parking for plots 411-418 is too convoluted – recommend that it be taken from the northern section of the spine road, otherwise, there is risk of on-street car parking in front of these houses in close proximity to the emergency access. A visitor layby should also be provided on the northern side of this road – again to minimise likelihood of cars obstructing emergency access*

56. *Sheet 6 – Strange visitor parking configurations shown on roads serving plots 438-444 and 424-429. Further comments will be made in comments specifically for the actual detailed layout submissions – separate to the spine road comments made here and the comments above*

57. *Sheet 6 – The future connection shown opposite plot 415 should measure 5.5m – not 4.8m given the number of dwellings likely to be served off it*

58. *Simon Cooper drawing 33-2052-300 Rev. 'B' – Given the removal of the tabletop junction that is now replaced by plots 433 and 434, a raised table on the carriageway should now be shown for speed control purposes.*

59. *Simon Cooper drawing 33-2052-300 Rev. 'B' – Fire and Rescue comments about the treatment/design of the Cherwell Road emergency access are awaited and will be forward to the planning officers when available.*

**West Sussex County Council** from a **Public Rights of Way** perspective comments as follows:

*Public footpaths 3114 and 3127/2 run through the site and their legally recorded alignments appear not to have development planned on them (drg: W420/27); it will not, therefore, be necessary to seek to formally divert the footpaths. It does seem, however, that these footpaths in part would be incorporated within estate roads, which I presume will be formally adopted through S38 agreements; please confirm. If this is the case then appropriate standards required by my Highways colleagues will ensure appropriate crossing points, visibility splays and footway provision; if this is not the case, please clarify the intention so I can give fuller consideration to the issues.*

*The application did not appear to make clear whether it is intended to seek to formally adopt the remaining lengths of paths, whether wholly or in part or not at all, within any S38 agreement. Should this be intended it will be more appropriate for my WSCC Highways colleagues to comment.*

*Assuming not, and that the current lengths of footpaths 3114 and 3127/2 (where not incorporated as part of the road network) are to remain managed by the County Council's Public Rights of Way Team, the 'Self-binding gravel footpath detail' (drg: CSa/1616/170) can be supported in principle subject to amendment as follows:*

- a) Timber edging detail does not conform with WSCC standard for boards, pegs, centres or nails (see attached);*
- b) We are not familiar with Coxwell stone proposed as the dressing and surface layers. Please provide an example in West Sussex accepted by the highway authority for comparison and we will advise whether this is acceptable;*
- c) Sub-base to be minimum of 175mm, rolled in two equal layers;*
- d) With finished topsoil level proposed as 30mm above top of edgings, please advise on drainage in order that the future path does not collect water.*

*It is noted that the applicant provides both a 'Bound aggregate footpath detail' (drg: CSA/2861/119) and a 'Footpath / Cycleway detail' (CSa/1616/168). I could not determine where such specifications would be used so assume these will not be on the legally recorded footpaths and for my WSCC Highways colleagues to comment. I would, though, ask it to be noted that the WSCC standard for shared use paths in developed areas is for minimum 3.0m width. In the event it is proposed to formalise cycling on the recorded alignments of footpaths 3114 and/or 3127/2, the applicant must advise how it intends to create this right so as to clarify the on-going responsibility / liability for this additional user mode.*

*Given the need for additional information as detailed above, I raise a holding objection to the proposal at this time which I will review once suitable information on the above points is provided.*

*I must ask also that the applicant is advised at this time that should development consent eventually be granted, that prior to any works affecting footpaths 3114 and/or 3127/2, or works that could affect the convenience or safety of path users, it will be necessary to apply to the County Council for a temporary traffic regulation order. This is a separate process to planning and I would indicate that a minimum of 8 weeks' notice will be needed before the intended start of works. Details can be found on the County Council's Public Rights of Way.*

*I would add that upon occupation of this site, considerable demand can be expected on the local access network for safe and convenient recreational opportunities, particularly into the National Park, whether to go north of the A27 or west of Titnore Lane onto Highdown Hill and beyond. I strongly encourage consideration of suitable facilities across both the A27 and Titnore Lane so walkers and cyclists have safe and convenient facilities. I would appreciate learning your Council's views on this provision and how these facilities can be developed and delivered.*

Revised plans have been submitted to seek to address the concerns of the Local Highway Authority and a final response to these from WSCC is awaited.

**The Waste Services Manager** comments as follows:

*It is difficult for me for me to comment beyond the obvious two issues of surfacing and parking. The surfaces must be sufficiently robust to accommodate our trucks and the road must be wide enough to accommodate our trucks and any envisaged street parking.*

### **Representations**

3 letters have been received which contain the following comments:

- The local roundabouts in Durrington are already blocked with A27 traffic and it is madness to add to this by building more homes
- The current building works has resulted in dirt on the highways from large lorries travelling on narrow local roads where their movements are also aggravated by construction parking nearby at the pub restaurant conversion
- The development is destroying the countryside
- There should have been another access to Canberra Road
- All large articulated lorries and coaches should be banned from the area

- There have been a number of near accidents
- No attention seems to have been paid to the infrastructure needs such as schools, hospitals and doctor surgeries
- The extra traffic will add to the problems with the existing A27 and A259 bottlenecks
- The area will suffer the same traffic congestion problems as the expanding Angmering village
- There are more than enough houses to provide for local population growth no further building should be carried out simply for people to move into the area

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

Saved Local Plan policies (WBC 2003):

BE1: Design Quality

H4: West Durrington on Proposals Map

H18: Amenity of Residents

LR8: Provision of Play Space/Outdoor Recreation Space in Housing.

RES7: Control of Polluting Development

RES9: Contaminated Land

RES12: Provision of Infrastructure

TR9: Policy Requirements for Development

West Durrington Development Brief

Worthing Core Strategy (WBC 2011)

Policy 1: West Durrington

Policy 7: Meeting Housing Need

Policy 8: Getting the Right Mix of Homes

Policy 10: Affordable Housing

Policy 12: New Infrastructure

Policy 13: The Natural Environment and Landscape Character

Policy 15: Flood Risk and Sustainable Water Management

Policy 16: Built Environment and Design

Policy 17: Sustainable Construction

Policy 18: Sustainable Energy

Policy 19: Sustainable Travel

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

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**

### **Introduction**

As this is a Reserved Matters application, many of the overarching documents submitted at the outline stage remain applicable in the determination of this application, in particular the Environmental Statement which considered the environmental impacts of the development and the mitigation measures necessary to reduce/mitigate the adverse impacts.

The outline planning permission was considered in the light of a detailed Masterplan and Design Codes which sought to control the development in detail to ensure the delivery of a high quality residential development.

The Environmental Statement submitted in 2012 included the following chapters: Description of the Site, Description of the Scheme, Policy Context, Need and Alternatives, Consultation, Community Effects, Ecology and Nature Conservation, Landscape and Visual, Transport, Cultural Heritage, Agriculture and Soil Resources, Drainage, Ground Conditions, Noise and Vibration, Air Quality and Conclusions.

The applicant has provided a brief commentary as to why the provisions of the Environmental Statement remain applicable in relation to this Reserved Matters application.

### **Description of the Site**

The site's boundaries, scale, broad usage, character and general appearance are all stated to remain generally unchanged from the time of the outline planning permission. The only marked change is on the southern area where substantial development has occurred but would not justify a new Environmental Impact Assessment.

In terms of this Reserved Matters application, the applicant's agent states that there is little change in these details with the only change being to the southern part of the site where construction has commenced and this does not give rise to the need for a new EIA.

### **Description of the Scheme**

The broad parameters within the Environmental Statement in relation to landscaping and roads should be respected by this application. Although the timescale for the construction of the scheme envisaged at the time of the outline permission has slipped the timings for contributions and facilities as set out in the Section 106 to remain in relation to the progression of the build out.

This reserved matters application is restricted to the strategic roads, drainage, landscape and recreation areas which are located outside of the residential development parcels and it is only those which can be examined as part of this application.

### **Policy Context**

The Council's Core Strategy had been adopted without relevant change by the Council at the time of the determination of the outline planning permission and therefore, in terms of current local policies there has been no change to those

applicable at the time of the outline planning application. Although the National Planning Policy Framework was published during the determination of the outline application and therefore did not inform the supporting documents, it was nevertheless taken into consideration prior to the decision being made on the outline application and accordingly there are no grounds to take a different view from that formed at the outline stage. The importance of delivering sustainable development, housing and community infrastructure in accordance with the NPPF is stronger than ever.

### **Need and Alternatives**

The need for the provision of additional housing in the Borough was established during the consideration of the outline planning application and also through the Core Strategy process. The nature of the Borough was found to be such that the additional housing could not solely be provided on previously developed land and there was a quantifiable need for new housing on greenfield sites.

There has been no substantive alteration to the requirement to provide new housing and accordingly there is no objection to provide the strategic infrastructure to service the development as identified in this application. However there is an increased need to deliver housing on allocated and approved sites as quickly as possible and at highest appropriate density.

### **Consultation**

The applicant's supporting information states that as a result of representations previously received changes were made to the outline application, particularly the alteration of the access arrangements so that Titnore Lane would not be used to access the development. This remains the case in respect of this application to which there has been little public response and no new issues raised.

### **Community Effects**

The provision of community facilities is unaffected by this application but this second tranche of reserved matters applications will be important for directly delivering or providing financial contributions and community benefits. The section 106 agreement which supported the outline approval contains a number of dwelling occupation triggers for the provision of community facilities and infrastructure, such as education, leisure facilities, a sports pitch, allotments, community building and sports changing rooms as well as local highway local improvements.

### **Ecology and Nature Conservation**

The Environmental Statement submitted at the time of the outline application set out in detail the baseline conditions which were found both in terms of the Habitats and the Fauna. At the time, it was concluded that no badgers were found within or adjacent to the site although parts might well be used for foraging; low numbers of individual bats were recorded and bat assemblage was of local value; bird species were found to be typical of the habitats present, these were listed and it was noted that habitats of some value for breeding birds was restricted to small patches of woodland and hedgerows; evidence of dormouse were found in the woodland to the west of the planned development area; great crested newts were found at the identified ponds and had some, albeit limited, suitable habitat on the application site within 250m of these ponds; on invertebrates, ruddy darter were found off site at

Titnore Lake; limited numbers of the common and widespread grass snakes and slow worms were found on site; and no water voles were found to be present locally.

The Chapter reviewed the likely impacts on both the Habitat and above Fauna during both the construction and operational phase of the development and the scope for mitigation and enhancement was set out in considerable detail to lead to the potential impacts during the phases. In summary the conclusion reached was that the application site could be developed in accordance with legislation and policy, and without unacceptable ecological impacts.

In line with best practice and commitments made the Consortium's ecological consultants, Tyler Grange, updated badger and Phase 1 habitat surveys this year (2016) and intend to update the great crested newt survey in March/April 2016. These confirmed that ongoing management of the site since 2013/2014 (comprising regular spraying and cutting of vegetation) has ensured that field parcels remain of negligible value. Other habitats (hedgerows, trees, woodland, scrub & ruderals and aquatic) remain as previously found with the same value ascribed to them. The badger findings indicate no significant change (albeit a partially used sett was recorded and will be subject to ongoing monitoring to establish use and inform appropriate mitigation). The great crested newt surveys scheduled are considered unlikely to reflect any change in the population of this species as habitats in the locality are unchanged. These are being conducted to inform a future Natural England licence application. Given the habitats are largely unchanged there was no need to update surveys on bat or bird assemblage, dormouse, invertebrates and reptiles.

From this it is concluded that the nature and value of ecological resources remains unchanged and consequently the assessment of effects and mitigation proposed is unchanged since the ES.

### **Landscape and Visual**

The information submitted at the outline stage reviewed the landscape effects and the visual effects of the scheme. The same landscape architect has been retained for this application and has followed through the concepts established at the outline stage. This is a particularly key component of this reserved matters application and the comments of the Parks Manager are awaited.

The general strategic landscaping approach as set out in the outline approval and masterplan appears to have been accurately interpreted in the current application which respects and enhances the important protection buffer zones, significant pedestrian routes and important ecological areas whilst forming a range of residential sets with permeable connections across the site to established urban and rural destinations beyond.

### **Transport**

Some of the matters raised in representations to this application were covered in the Transport Assessment (TA) prepared as part of the outline application, particularly the broad Construction Management Plan which is still applicable. The infrastructure Reserved Matters applications concern themselves with the Strategic Road layout and the specific detail following the outline permission.

In respect of the previous reserved matters infrastructure application, officers expressed concern that some aspects of the proposed road layout did not appear to accord with the aims of the Masterplan submitted during the outline stage, most particularly in relation to the width of the road, anticipated vehicular speeds and whether or not individual properties would have access directly onto these roads. The subdivision of parcels of development between the developers and the resultant submission of four separate applications had meant that it was difficult to resolve this matter satisfactorily, especially as many of the relevant considerations do not just apply to the strategic road layout.

West Sussex County Council as the Local Highway Authority has not expressed the same concerns with this application. There is better co-ordination between the consortium partners in submitting their current proposals. However, WSCC has stated that it wishes to adopt the main spine roads through the development because of the school access, the emergency access at Cherwell Road and the possible future connection to the northern sector land for which there is currently development interest. WSCC suggests that there should also be an adopted loop road to the west of the school site to cope with the peak traffic and associated movements around this busy location. The applicant has agreed to this adopted in a phased form and the plans have been updated accordingly.

In addition, the Public Rights of Way arm of WSCC has commented on the need to retain existing footpath routes even if they become integrated into the new adopted highway network. Advice has been given on the suitability of the width, design, construction, surfacing and management of the existing and proposed footpaths and cycleways within the site. Where these are not adopted as under s38 of the Highway Act they may nevertheless be subject to the Traffic Regulation Order which is outside the planning process.

One of the difficulties is that there are no available plans to show the siting of the school and layout of the site and consequently the Highway Authority is unable to give a detailed response but has listed a number of requirements in respect of a Stage 1 Road Safety Audit, a design commentary of the scheme, adequate visibility and crossing points for pedestrians, the provision of a coach bay, adequate car lay-bys and position of bollards to enable car doors to be opened as well as design advice on raised table positions and designs to control traffic speeds.

It is evident from the comments of WSCC that further information is required, although it is important to note that some aspects of this additional information will also need to be considered by your officers to ensure that the principles of achieving a high quality design, as envisaged at the outline stage, are not compromised. The design of the road is of particular importance in that respect and the applicants have already produced a more rational and coordinated hierarchy of road surfacing and shared surfaces to help visitors find their way around the estate.

The Masterplan submitted at the outline stage identified principles of development for certain character areas including for the 'Main Street' and 'Secondary Streets' both of which form part of this application.

The Main Street was anticipated to create 'fairly continuous' frontages along the route and a 'near continuous' building line. It was intended that shallow front gardens



would be created and courtyard parking provided behind. For the Secondary Streets, the building line would be more varied and there was provision for some on plot parking, although such parking was generally intended to be behind the building line.

The residential parcels of development are the subject of separate Reserved Matters applications currently under consideration, but it is important that the highways requirements do not result in a road layout that hinders the ability to achieve the quality of development anticipated at the outline stage.

In considering matters of detail, rather than general principles as at the outline stage, it is inevitable that some further discussion will be necessary to ensure that technical requirements are met as well as maintaining the quality of development. In respect of highways matters, discussions are ongoing and it is likely that further progress would have been made by the time of the meeting. At the time of writing the Highway Authority has agreed the majority of the junctions and necessary visibility splays.

The proposed parking provision has been the subject of discussions with WSCC referring the applicants to the online parking calculator. There appears to be an inconsistency with the number of on-site parking spaces proposed by the consortium partners for similar sized properties, in particular there is an over provision in a number of cases, which has also reduced the size of private gardens (this will be addressed more specifically in the reports on the three reserved matters applications for the residential layouts). However, as a result of these discussions, the applicants have jointly revised their approach to visitor parking with the creation of a large number of more accessible on street visitor laybys to meet the adopted standards of the Local Highway Authority.

One of the more fundamental concerns raised by the Highway Authority in the previous infrastructure application had been the introduction of courtyard parking to the rear of properties along the 'Main Street'. This was considered appropriate at the outline stage to ensure continuous frontages and provide a different higher density character to this section of the site. Some of the Consortium partners had been less willing to adopt this approach previously on the basis that residents prefer parking adjacent to their homes. However, the current applications take a less rigid approach to domestic parking and the schemes show a more flexible and diverse on site/off site approach to parking locations based more on good design principles and a desire to create more attractive street scenes and places throughout the development.

### **Landscaping**

Existing vegetation, including woodland, trees, hedgerows and scrub, is present throughout the site. An extensive belt of woodland extends from the south western corner of the Site and along the western boundary to the north of the Site. An existing copse is located in the south western part of the Site and a series of hedgerows and tree belts cross the Site, all of which are to be retained and protected.

A new central park will be created and will form one of the focal spaces within the new development. A new pond will form the main feature of the central park and a decked area will be provided to allow views across the water. New tree and shrub planting within the central park will add height, structure and shade to the space.

Footpaths within this area will provide routes through the space and connections to the wider development.

A community park will be provided on the eastern edge of the development. This key space will provide opportunities for passive and active recreation through the provision of informal areas of amenity grass, new equipped play areas, providing a variety of play equipment and experiences for a range of age groups, Multi use games area (MUGA) and a senior football pitch. New planting will be provided within the community park and will consist of native and ornamental tree, hedgerow and shrub planting.

Two permanently wet bodies of water are to be created within the central park and along the southern boundary of the Site and provide a variety of habitats in and around the pond. Marginal shelves will be allowed to colonise naturally with marginal vegetation and meadow grass will be sown to the banks and within the open space around the pond. New tree and shrub planting will provide shade and visual interest.

A network of new SuDS features are proposed across the scheme and form part of the site-wide drainage strategy. These include a series of swale corridors in the south eastern part of the Site and adjacent to the community park and will consist of marginal aquatic planting as well as tree, shrub and wildflower meadows for seasonally wet conditions.

The applicant has produced a Landscape Infrastructure Management Plan which sets out the necessary prescriptions for the landscape management of the existing planting and new landscaping associated with the common infrastructure.

Maintenance prescriptions have been formulated to maximise the landscape amenity of the site, maintain healthy plant growth, keep planting beds free from weeds / litter and ensure plant stock remains free from pests and disease. This plan deals with the maintenance of the woodland, thicket and trees, hedges, shrub planting, grassland and wildflower meadows, marginal aquatic and wetland habitats including those connected with new sustainable drainage systems (SuDS), proposed sports pitch, MUGA and play areas and street furniture, boundary treatment and hard surfacing.

In accordance with S106 Item 23.6 the consortium is electing not to transfer any land to the Borough Council and pay the relevant maintenance contribution provided that the Borough Council approve in writing details of the arrangement for the management and maintenance of the relevant land, including details of the private management body and the financial arrangements to fund the future management and maintenance thereof. There is a private management company, Chamonix Estates, prepared to manage and maintain the open areas.

The landscaping proposals and the proposed maintenance regime and protective measures during construction appear to be generally acceptable but the views of the Parks Manager are awaited.

### **Cultural Heritage**

The archaeological baseline conditions of the site were set out in the Environmental Statement along with an assessment that concluded that there would be no impact upon the listed buildings closest to the site. As such, these conclusions are

unaffected by this Reserved Matters proposal. The County Archaeologist supports this view and raises no objection on archaeological grounds subject to full implementation of appropriate off-site reporting and publication of the findings of archaeological investigation as carried out within the whole of the outline permission and referred to in condition 19 (Archaeology) of WB/11/0275/OUT and paragraph 7.5 of Appendix 1 of the approved Written Scheme of (Archaeological) Investigation refer. Historic England does not comment on the application but simply advises that it should be determined in accordance with national and local policy advice and on the basis of the Council's specialist conservation advice.

The one potential change however to the cultural heritage scene locally in that the South Downs National Park Authority has consulted on the extension of the Castle Goring Conservation Area. If the proposed extension is implemented it would see the inclusion of the closest agricultural fields or parkland and the boundary moving up to the western side of the northern edge of this second phase area. However any such change would be made in the knowledge that the outline permission and its masterplan and codes provide for development up to the landscape edge at this point. Furthermore the Conservation Area would be running over an area which is already protected by its National Park status.

### **Agriculture and Soil Resources**

There is no change on the quality of the agricultural land as identified at the outline stage and therefore the current proposal does not need to be further assessed given the previous research undertaken.

### **Drainage**

The Environmental Statement set out the findings of a Flood Risk Assessment and explained how consultation had been undertaken with the Environment Agency, Southern Water and local authority drainage engineers. Their views were sought during the outline planning application process and where necessary conditions were imposed. Those conditions still apply and the development cannot be implemented or occupied without meeting their requirements and, as such, this proposal does not affect that overall approach to flood risk on the site which principally involved the need to avoid increased flows discharging off the site. The conclusion reached at the outline stage was that there would be no residual flood risks associated with the development, but it is necessary to investigate how the detail of the proposed works set out under this particular application, as well as the discharge of conditions in the future, ensure that the previous conclusions remain unaffected. Swales are provided as an essential part of the drainage system and an integral feature of the landscaping.

The applicant has explained that the drainage strategy agreed for the outline consent remains in place, namely foul and surface water sewer network subject of a S104 agreement. The foul will connect to the existing foul sewer in Fulbeck Avenue with downstream sewer capacity improvements funded by the developer, and the surface water via a SUDS arrangement with controlled discharges to the local watercourses.

However, he has acknowledged that from a foul water perspective Southern Water has confirmed that there is only sufficient capacity within their downstream foul sewer network for the flows from 75 dwellings. Therefore the Consortium has instigated a foul sewer requisition with SW which is in progress. SW have concluded the flow

monitoring survey and validated their sewer model. The next step is for SW to start to assess the options and identify a preferred solution for the requisition; thereafter agree costs and programme with the Consortium for its implementation by SW currently estimated as summer 2017.

Given the likely Southern Water programme, the Consortium is to install a temporary below ground foul storage tank with a pump discharging at a rate equivalent to 75 dwellings to the existing public sewer. The tank will be located on the east side of the site access, well away from any occupied properties, and will comprise a 60,000 litre horizontal pumping tank which provides an operational capacity to cover all the dwellings in Phase 1. This should be installed in September/October. The tank/pump arrangement will effectively operate like a normal foul water pumping station and would operate with a 24/7 maintenance agreement to ensure any pump breakdowns are dealt with promptly. The tank will be filled in when no longer required and the requisition sewer is operational.

As far as surface water is concerned, the applicant points out that a level discrepancy was found to exist within the topographical survey where the attenuation pond was to discharge to the adjacent ditch, thus a temporary pumping arrangement prevails at present to empty the pond. A new survey of the land corridor has been completed and discussions between the consortium's consultants and officers of the Council are ongoing to agree a preferred solution for the outfall which is likely to be either a small diameter pipe or a combination of pipe and ditch, depending on levels. These works would have to be undertaken on the Councils land fronting Fullbeck Avenue to the south of the Consortiums land and it is likely that a separate agreement will be reached to allow these works to be undertaken. These works would benefit the Councils land in the long term and are supported in principle.

The applicant also acknowledges that some of the sides to the attenuation pond have slipped and remedial works are being programmed to address this issue.

In respect of the current application the applicant states that foul water will be dealt with in the same way as the first phase. Surface water which lies to the west of the north-south ditch discharges to the south and the attenuation pond and the eastern part of Phase 2 and all of Phase 3 discharge to the ditch via ponds and swales in line with the SUDS strategy.

### **Ground Conditions**

Consideration of geology, solution features, the questions of mineral extraction and landfill, hydrogeology, ground contamination, groundwater quality and ground gas were considered at the outline stage. The Environmental Statement concluded that the residual effects of the development on ground conditions would be negligible.

### **Noise and Vibration**

Outline Planning Permission Condition 39 requires a more detailed review of the impact from road traffic noise which has now been undertaken and the condition is now discharged.

### **Air Quality**

A detailed explanation was given for the assessment methodology of air quality both at construction stage and the completion stage and examined with potentially

sensitive receptors being considered. Nothing has changed either in the magnitude of change appraisals or the moderate beneficial / negligible / moderate adverse findings for the air quality aspects.

During construction dust release prevention measures will continue to be needed as envisaged in the ES chapter and the detail for these has been provided for the first phase RMAs and agreed in principle by the Council with submission made under OPP Conditions 6 and 15.

### **Recommendation**

**Subject to satisfactory comments from the Highway Authority in connection with the revised plans and any further comments suggested by other Consultees, that this Reserved Matters application be APPROVED subject to any additional conditions from Consultees that are considered necessary in addition to those imposed at the outline stage.**

### **Conditions**

01. The development hereby permitted shall be implemented in accordance with the approved plans.

### **Informatives / Notes to Applicant**

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

21<sup>st</sup> September 2016



**Application Number: AWDM/1536/15**

**Recommendation – APPROVE**

**Site: 6 Liverpool Terrace Worthing West Sussex**

**Proposal: Application for Listed Building Consent for Change of use of 6 Liverpool Terrace from Office Use (Class B1) to residential use (Class C3) and change of use of 6 Field Row from retail use (Class A1) to residential use (Class C3). Demolition of single storey rear addition, removal of front external staircase and minor alterations to layout. Replacement of 3 windows and 1 door and installation of new door and window on rear elevation**

**Application Number: AWDM/1533/15**

**Recommendation – APPROVE**

**Site: 6 Liverpool Terrace Worthing West Sussex**

**Proposal: Change of use of 6 Liverpool Terrace from Office Use (Class B1) to residential use (Class C3) and change of use of 6 Field Row from retail use (Class A1) to residential use (Class C3). Demolition of single storey rear addition, removal of front external staircase and minor alterations to layout. Replacement of 3 windows and 1 door and installation of new door and window on rear elevation.**

Applicant: Sealion Estates Ltd  
Case Officer: Peter Devonport

Ward: Central



**Not to Scale**

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### **Site and Surroundings**

The site is part of a Georgian grade II listed terrace in the town centre, just to the north of Montague Street.

The listing description is as follows:

*LIVERPOOL TERRACE 1. 5406 Nos 1 to 12 (consec) TQ 1402 NE 3/20 TQ 1402 SE 4/20 11.10.49. II GV 2. 1830-1835. Possibly designed by Amon Henry Wilds of Brighton, but Edward Snewin's "Glimpses of Old Worthing" gives the Architect as Henry Cotton. 4 storeys and basement with area (an extra storey added to Nos 8 and 10), 4 windows each. Stuccoed, the ground floor rusticated. Curved bay of 3 windows each on all floors including the basement. Cornice and parapet. Stringcourse above 1st floor. Iron balconies on 1st floor (replaced at Nos 8, 11 and 12). Instead of an iron balcony No 10 has a narthex or colonnade of 5 large Doric columns over the pavement with a wide stuccoed balcony above having a balustrade supporting urns. Nearly all glazing bars intact. Rectangular fanlights to doorways and 8 panelled moulded doors. Railings to basement areas and front steps, with finials in form of spears impaling crescents.*

The given floorspace is 362.5sq.ms.

No 6 Field Row comprises part of the site and listed building. It is a two storey later addition built in the 1980s as separate commercial accommodation but internally linked. Its given floorspace is 60.7sq.ms.

The total floorspace is 423.2sq.ms.

A minority of the terrace (at the southern end) are in residential use (No 4 is wholly in residential use under WB/01/00862/FULL and 2<sup>nd</sup> and third storeys of Nos 2 and 3, and also 2 and 3 Field Row under WB/01/00826/FULL). But offices are the main use, though the remaining offices in Nos 2,3 and 8 are vacant and parts of a few others appear also to be unoccupied (including No 7). The applicants advise that one floor of No 8 is (42.sq ms) is due to be vacated shortly.

The adjacent Nos 5 and No 7 Liverpool Terrace are offices, mostly or wholly occupied.

To the rear of the site, opposite 6 Field Row, are the backs of the retail and restaurant properties 18-36 Portland Rd, some with flats above.

No 6 Liverpool Terrace as existing comprises 4 storeys plus basement, principally accessed from a front entrance, though separate basement access form a non-original wooden stairs is also available.

The offices are accessed off a communal stairs.

All the offices in the application premises are vacant and have been so since at least 2014.

No 6 Field Row sits across a small internal courtyard and is two storeys. It has independent access from Field Row.

Field Row is a narrow lane flanked on the west side by the rear of the commercial properties in adjacent Portland Rd, including recently approved and built out



conversion to restaurants and flat above at Nos 18-22 (AWDM/1232/12) and 14-16 (AWDM/0430/13) to the SW. An unimplemented planning permission exists at Nos 24-26 to convert these former shops (including upper floor) to a restaurant /wine bar (AWDM/1086/12). On the east side of Field Row are the back yards of the Liverpool Terrace properties but also a several residential and commercial two storey properties fronting onto this lane.

Apart from the internal courtyard the property lacks any amenity space and there is no car parking.

The application site is in a Conservation Area and is in Flood zone 2.

The site also falls within a Key Office Location in the Core Strategy and is within a Controlled Parking Zone.

### **Proposal**

The proposal has been preceded by pre- application discussions and follows an unsuccessful and subsequently withdrawn scheme to convert the property to several flats in 2014.

The new scheme simply seeks to convert the front property to one large family residence and the unit in Field Row into a separate one bedroom 'mews' style house.

Some minor demolition of a later, small addition between the main house and Field Row unit is proposed to create a better separation, more amenity space and improved light and aspect. Some sympathetic changes to fenestration are also proposed, along with reinstating the basement area to its original form and removing the later wooden external stairs.

The proposal is described in the supporting statement in more detail;

### **Scale**

*The majority of this application comprises the change of use from offices/retail to two residential dwellings and will mainly involve the repair, restoration and reinstatement of the historic building fabric. There is modest demolition proposed of the existing non-original single storey rear extension to the lower ground floor and part of the rear wall of the five storey rear addition which will be realigned.*

*The overall effect of the demolition will be to take a large section of the rear of No.6 Liverpool Terrace back to the original building line and to provide an enlarged rear courtyard area.*

### **Layout**

*The layout of the building will not change significantly. The internal load bearing walls that still exist will remain. In all areas it is intended to restore and repair within the historic parts of the building. Internal building fabric which is to be removed is not original and part of later alterations so that the building could be used in different ways, for example existing toilets and kitchenettes which are suited to office use and are anyway now dated, thus requiring replacement.*

*It is proposed to adapt the existing layout to incorporate a ground floor kitchen and dining room, provision of an ensuite bathroom at second floor level (adjacent to a master bedroom), with additional bath/cloak/utility rooms being situated in the addition to the rear of the main staircase. Details are contained within the plans submitted with the application.*

**Landscaping**

*There are no changes proposed to the landscaping at the front of 6 Liverpool Terrace, apart from removal of the existing wooden staircase leading down from ground floor level to the lower ground floor entrance which will also involve reinstating the railing currently occupied by an iron gate.*

**Appearance and Access**

*The appearance of the building will not change at the front, other than the removal of the external wooden staircase which is unsightly. There will be a modest change to the rear of Liverpool Terrace as a result of the proposed demolition, although this would bring a large section of this building back to the original building line, which is a visual improvement.*

*Other improvements proposed will be to paint the rear elevation of No.6 Liverpool Terrace along with the courtyard elevation of 6 Field Row, as well as remove/replace non original windows and install French doors to the existing openings in the original rear wall of No.6 Liverpool Terrace.*

*The existing wall to the five storey rear addition at L.G/F & G/F levels will be demolished and rebuilt flush with the rear wall to the upper floors.*

A detailed schedule of works to 6 Liverpool Terrace is given as follows;

<b>1.</b>	<b>Site Preparation</b>
1.01	<i>Scaffolding</i>
	<i>An all enclosed scaffold will be erected over the building for the duration of the works. The scaffold will cover the roof, as well as the front and rear facades to enable the external works for repair, restoration and reinstatement to be carried out.</i>
1.02	<i>Skips</i>
	<i>A skip licence will be applied for to locate a skip at the front of the building for the duration of the works.</i>
1.03	<i>Building Fabric</i>
	<i>All original building fabric such as skirtings, architraves, doors, windows, fireplaces and cornicing are to be repaired and restored where necessary. All redundant pipework for the supply of gas and electrics are to be removed.</i>
<b>2.</b>	<b>Roof Works</b>
2.01	<i>Existing Roof</i>

	<i>The existing roof material (mainly asbestos tiles) to be carefully removed and disposed of by a Licenced Asbestos Contractor. The existing timber battens and roofing felt are to be removed. Existing rafters are to be inspected for structural stability. If they are found to be in a poor state of repair, they will be replaced and/or strengthened.</i>
2.02	<b>Replacement Roof</b>
	<i>On top of the existing and replaced/strengthened rafters, fit a breathable membrane of Tyvek Supra or equivalent. Over this, fit new battens. On top of the battens fix natural slate tiles.</i>
2.03	<b>Lead Work</b>
	<i>Check the condition of the lead flashing to the front parapet wall and flat roof. Repair as necessary. The existing valley between the roofs is to be relined in lead.</i>
2.04	<b>Roof Hatch</b>
	<i>Replace existing zinc covering.</i>
<b>3.</b>	<b>Third Floor Works</b>
3.01	<b>Insulating the Roof</b>
	<i>Between the existing ceiling joists, glass fibre insulation is to be laid.</i>
3.02	<b>Layout, Building Fabric and Repairs</b>
	<i>Retain existing layout but remove door between the main front and rear rooms, as well as the door between Nos.6 and 7 Liverpool Terrace, reinstating the walls as original. Remove all non-original wall paper. Repair the surface of walls and decorate. Reinststate fire places in front and rear rooms. Existing non original rear window to be removed and replaced with a timber sash window in keeping with the original windows. Running repairs are to be carried out to the existing floor boards and replaced where found to be structurally inadequate.</i>
3.03	<b>Rear Addition Room (Half Landing)</b>
	<i>Existing non original bathroom window to be removed and replaced with a timber sash window in keeping with the original. Communal bathroom/WC to be installed.</i>
<b>4.</b>	<b>Second Floor Works</b>
4.01	<b>Layout, Building Fabric and Repairs</b>
	<i>Remove door between the two front rooms and reinststate wall as original. Remove all non-original wall paper. Repair the surface of the walls/ceilings and redecorate. Reinststate fire places in front and rear rooms. Running repairs are to be carried out to the existing floor boards and replaced where found to be structurally inadequate.</i>

4.02	<i>En-suite</i>
	<i>Convert rear room of main structure into an en-suite bathroom, retaining existing openings. Install freestanding bath, separate walk in shower, sink and WC.</i>
4.03	<i>Rear Addition Room (Half Landing)</i>
	<i>Remove existing kitchen/bathroom including the stud partition and convert to study/store room. Install full height glazed door to entrance from stairs.</i>
<b>5.</b>	<b><i>First Floor Works</i></b>
5.01	<i>Layout, Building Fabric and Repairs</i>
	<i>Remove existing non-original cupboards/shelving, strip lighting and telecom switches/wiring. Existing windows/French doors to be reinstated and redecorated. All walls and ceilings to have the wall paper removed, general plaster repairs carried out and redecorated. Reinstated fireplaces in both rooms. Running repairs to be carried out to the existing floor boards. Balcony to be repaired where necessary.</i>
5.02	<i>Rear Addition Room (Half Landing)</i>
	<i>Alterations to form a cloakroom/WC. Removal of non-original stud partition wall. Removal of existing kitchen units, sink and WC. Replacement with new WC and sink.</i>
<b>6.</b>	<b><i>Ground Floor Works</i></b>
6.01	<i>Layout, Building Fabric and Repairs</i>
	<i>Remove existing non-original cupboards/shelving, lighting and telecom switches/wiring. Existing windows to be reinstated and redecorated. All walls to have the wall paper removed, general plaster repairs carried out and redecorated. Reinstated fireplace in front room. Existing opening between front and rear rooms to be widened.</i>
6.02	<i>Kitchen</i>
	<i>Rear room in main structure to be converted to use as a kitchen. Install new kitchen units, inbuilt appliances and sink.</i>
6.03	<i>Rear Addition Room</i>
	<i>Alterations to rear addition room to form a Utility room. Rear external wall to be demolished and reinstated in line with the floors above (please refer to Section 8 for more detail), creating a larger internal area. Removal of existing sink, WC and non original partition wall. Replacement with new WC and sink. Drainage and fittings for washing machine and dryer to be installed.</i>
6.04	<i>Fully Pressurised Hot Water and Heating System:</i>

	<i>Within the rear addition Utility room there will be a new fully pressurised hot water and heating system to supply hot water (under pressure) and heating throughout the house. This will be powered by two energy efficient gas boilers mounted on the wall, as per the existing arrangement.</i>
<b>7.</b>	<b>Lower Ground Floor Works</b>
7.01	<i>Layout, Building Fabric and Repairs</i>
	<i>The lower ground floor is to become a flexible space in the house and may in the future be used as a gym, home office, cinema room, games room or partly self-contained accommodation for a house keeper/nanny/granny, etc. For this reason a shower room/WC is to be incorporated into the design.</i>
	<i>French Doors are to be installed in the rear elevation in the existing openings once the single storey rear addition has been demolished (please refer to Section 8 for more detail). The floor level of the basement is to remain as existing. Existing windows are to be reinstated and redecorated. All walls to have the wall paper removed, general plaster repairs carried out and redecorated.</i>
7.02	<i>Rear addition Room</i>
	<i>Alterations to the rear addition room to form a shower room/WC. Rear external wall to be demolished and reinstated in line with the floors above (please refer to Section 8 for more detail), creating a larger internal area. Removal of existing kitchen units, sink and WC. Removal of non-original partition wall. Shower and WC to be installed.</i>
<b>8.</b>	<i>Relocation of Wall at Lower Ground Floor &amp; Ground Floor levels in Five Storey Rear Addition; Demolition of the Existing Non Original Lower Ground Floor Single Storey Extension; and Removal of Staircase to Front Lightwell</i>
8.01	<i>Relocation of Wall at Lower Ground &amp; Ground Floor of Five Storey Rear Addition</i>
	<i>The rear of the building is in a relatively poor state of repair. The five storey rear addition appears to have been either added/rebuilt/increased in height relatively recently (but possibly not as recently as the single storey rear addition and 6 Field Row). The result is that the wall from the Ground/First Floor half landing upwards is set back further than the wall at Lower Ground/Ground Floor level, creating an overhang which is unsightly (please refer to Appendix A – photograph A.01). It is proposed to remove the existing wall at Lower Ground/Ground Floor level and rebuild it in line with the wall above, thus providing a more uniform appearance to the rear of this part of the building.</i>
8.02	<i>Demolition of Single Storey Extension</i>

	<p><i>The existence of the non-original single storey rear addition leaves a relatively small remaining rear garden/yard area and reduces the amount of natural light to the Lower Ground Floor of the building (please refer to Appendix A - photographs A.02 &amp; A.03).</i></p> <p><i>Demolition of this structure will both improve the appearance to this part of the rear of the building, taking it back to the original building line, increase the amount of outside space and improve the availability of natural light to the Lower Ground Floor. It will also enhance the appearance of the wider Conservation Area.</i></p>
8.03	<b>Removal of Front External Staircase</b>
	<i>Removal of external wooden staircase to front light well. Reinststate existing railing currently occupied by a gate. Opening up of existing under street vaults and installation of new secure doors to provide access.</i>
8.04	<b>External Repairs</b>
	<i>It is intended to carry out repair and restoration works to the rear elevation to enhance and preserve the buildings character. All timber frame sash windows are to be repaired and restored. All non original windows are to be replaced with timber sash windows to match the existing. Rainwater and foul goods are to be replaced and the render to the rear elevation of the building is to be repaired and painted.</i>

A detailed schedule of works to 6 Field Row is given as follows:

<b>9.</b>	<b>Site Preparation</b>
9.01	<b>Scaffolding</b>
	<i>An all enclosed scaffold will be erected to the front and rear of the building for the duration of the works. The scaffold will cover the front and rear facades to enable the external works for repair, restoration and reinstatement to be carried out.</i>
9.02	<b>Skips</b>
	<i>The same skips will be utilised as for 6 Liverpool Terrace, to be placed at the front of that building.</i>
<b>10.</b>	<b>External Works</b>
10.01	<i>The exterior elevation facing the courtyard is to be repaired and painted. The redundant canopy and ironwork on the elevation facing Field Row is to be removed. Existing windows are to be repaired and painted or where necessary replaced to match the windows at No. 6 Liverpool Terrace.</i>
10.02	<i>The existing door to Field Row is to be stripped and repainted.</i>

11.	<b>Internal Works</b>
11.01	<i>The existing interior is to be remodeled to provide accommodation as a one bedroom 'mews' style house.</i>
11.02	<i>Existing floors are to be retained and the house to be internally redecorated. An open plan kitchen is to be installed at ground floor level and a new bathroom is to be installed at first floor level to replace the existing WC.</i>
11.03	<i>A new gas fired heating system is to be installed.</i>

The applications are supported by a Planning, Marketing, Heritage, Design and Access Statements and Flood Risk Assessment.

The marketing statement covers 6, 7, 8 and 9 Liverpool Terrace and includes the following;

*We were first instructed on the property in 2007 by Branfield Ltd. Prior to Branfield Ltd's acquisition, there were considerable voids and following their relocation to Steyning the amount of vacant space increased. Our client also acquired No's 10 and 12 and these were sold to an owner occupier and an investor.*

*The intention was to re-let the vacant space and provide a viable investment to hold. As such we were instructed to continue the management and marketing of the premises. Unfortunately this has proved to be difficult to achieve despite full marketing taking place and flexible terms being offered. In 2015, the buildings were purchased by Sealion Estates Limited with the aim of investing in the refurbishment and re-letting of the vacant space to again provide a viable investment to hold.*

*Despite heavy investment into number 8 Liverpool Terrace to offer newly refurbished office accommodation, we have not been successful in increasing occupancy levels. Far to the contrary, our 2012 planning report on this same property discussed how occupancy levels had remained relatively constant around 55%. Since 2012 occupancy levels have fallen further to below 39%.*

*These occupancy levels have fallen despite the ongoing refurbishment works in number 8 Liverpool Terrace costing in excess of E35psf and offering freshly carpeted, cleanly painted attractive accommodation with refurbished kitchens, toilets and services. The majority of the refurbished space has sat empty for over a year with interest not forthcoming despite jointly instructing Michael Jones to assist with marketing on this refurbished space in recent months.*

*Since the change of ownership to Sealion Estates and additional investment, we have only achieved two further lettings. One of these is a temporary let to the contractors overseeing the public works on Liverpool Terrace (Jackson Civils) and their occupation will likely expire in conjunction with conclusion of the works. In addition two other tenanted suites have been vacated and therefore net occupancy is unchanged as a result of investment, with one long term tenancy replaced by a temporary tenant.*

### *Marketing Activities*

*A board was erected at the commencement of Marketing in 2007 clearly advertising the vacant offices to passers-by and has remained in situ since. In addition detailed marketing particulars were produced and circulated widely amongst applicants, together with a number of local agents in the South East who may have clients seeking accommodation of this nature. The details of the property have also been circulated regularly through both our website and other national commercial property listings to include; Focus, P I Property, Commercial Property Database and The Gatwick Diamond Commercial Property, Estate Agents Clearing House, Zoopla, E G Property Link and Movehut. A marketing board was also erected on the property to clearly advertise the availability of building on a freehold basis.*

*Despite the above, still very little interest has been experienced. A copy of our marketing particulars for 6 Liverpool Terrace is attached for your reference. Considering our marketing initiatives from both our Horsham and Brighton branches and the very little interest in the vacant suites we have received, consequently we feel that alternative uses should strongly be considered for some of this vacant space.*

*Joint agent Michael Jones & Co were instructed at the beginning of the year to assist in the marketing of the refurbished space. Despite their additional marketing exposure, we have yet to see a positive change in net occupancy and at the date of this letter there are no suites under offer or proposals with our client for consideration.*

*Accommodation is offered at 6-9 Liverpool Terrace in a flexible variety of layouts and sizes and are costed accordingly. Regular market comparable searches are undertaken to ensure that the quoting rents are in line with the market. Upon their instruction, Michael Jones also provided further assessments of quoting rents based upon their knowledge as local agents. With the exception of some minor tweaking they have confirmed these were in line with the Worthing market.*

### *Market Conditions*

*The office market in Worthing has been suppressed for a number of years which has partly been caused as a result of the downturn in the economic market but also there has been a fundamental change in the way small companies operate with many businesses being based at home or on the road due to advancement in technology. Also there has been a trend for companies to relocate out of the Town centre where the pressures on parking are great.*

*With the introduction of the GPDO and slight improvement of the economy, there has been a reduction in the overall supply and of redundant office stock. Despite this there is still heavily suppressed demand for office stock and the majority of such interest we receive look for well specified, modern office accommodation. These offer more flexible work spaces, with lower running costs and other modern benefits such as being DDA compliant.*

*This is sadly something that even with huge investment will be near impossible to achieve at Liverpool Terrace due to the nature and construction of the buildings. The utilities, maintenance and operational cost of older buildings result in higher costs*



*and service charges for tenants which are not experienced in modern accommodation. As such we find it unsuitable for the majority of occupiers who enquire and view the premises.*

*It is my opinion that it is still essential that consideration be made to reduce the general oversupply of such premises, especially those which have already been subject to long periods of marketing with little success. This will help to stimulate rental growth, which in time should help to stimulate the development of new stock of better quality accommodation, attracting new occupiers into the town.*

#### **Key Observations**

- *Negative trend in occupancy over 9 years of marketing:*
  - o *2007 to 2012 — relatively constant at 55% occupied.*
  - o *2013 to 2016 — declined steadily to 39% occupied.*
- *Despite heavy investment, little increase in interest.*
- *Instruction of a second joint agent has not led to further offers or serious interest.*
- *The nature and construction of the buildings lead to high utility, maintenance and management costs which tenants do not experience with modern offices.*
- *Inability to flexibly offer open plan office accommodation due to the construction and listed status.*
- *Office supply high in Worthing with low demand.*
- *For over 12 months the entirety of 6 Liverpool Terrace has remained vacant due to a lack of demand for 6-9 Liverpool Terrace.*

#### **Conclusions**

*Taking all of the above into account, I can conclude that the office supply within Worthing is high, with demand for such accommodation low. This has meant that a number of office buildings have sat and remain empty for a long period of time and landlords are looking at various reconfiguration methods to make the accommodation more suitable for modern office occupiers. In cases where this is not feasible landlords are looking to redevelopment or changes of use to make their property holdings sustainable.*

*Every effort has been made since July 2007 to obtain suitable occupiers for the vacant space, however very little interest has been received and occupancy has followed a negative trend despite investment, a change of ownership, instruction of a joint agent and other efforts to stimulate marketing. Due to lack of interest it is now necessary for the landlord to again consider alternative uses for some of the vacant space. Bearing this in mind I am of the opinion that a change of use to residential on much of the vacant space, especially in the case of 6 Liverpool Terrace would be the most appropriate way forward to enhance the buildings future vitality and viability yet retain an element of employment generating space.*

#### **Relevant Planning History**

AWDM/0434/14      Conversion from offices to residential to form 3 x one bed flats basement, second and third floors with access off Liverpool Terrace and one mews (one bed) cottage accessed from Field Row, together with allied alterations including replacement rear windows      application withdrawn      20-02-2015

AWDM/0442/14 Application for Listed Building Consent for Conversion from offices to residential to form 3 x one bed flats basement, second and third floors with access off Liverpool Terrace and one mews (one bed) cottage accessed from Field Row, together with allied alterations including replacement rear windows application withdrawn 20-02-2015

## **Consultations**

### Conservation Area Advisory Committee

No objections

### Environment Agency

As the site is within Flood Zone 2, and the proposals no longer include any self-contained basement dwellings, the application falls under our Flood Risk Standing Advice (FRSA). The FRSA should therefore be used in place of bespoke comments from us.

The FRSA includes advice on what should be demonstrated in terms of access and evacuation. Please note that it is not the Environment Agency's role to assess Flood Emergency/ Evacuation Plans, and we do not tend to review the detail of these. I recommend running any such plans by the Council's emergency planner.

### Drainage Engineer

*The FRA, whilst containing several grammatical errors, contains a good argument for the development, but misses one fact.*

*The EA Flood Maps are wrong, if there was inundation from the sea, which would come from the south obviously why would all the properties in Liverpool Terrace flood in preference to the green swarth immediately to the east of the road. This green swarth is around 1m lower than the road, behind which are the basements of the properties.*

*There is no inter-connectivity between the property courtyards so any flood waters entering these or the basements cannot progress further unless it first travels up Liverpool Terrace or Field Row.*

*As such I do not believe that the property is likely to suffer from tidal flooding and as such the measures proposed would in my opinion be acceptable, if insisted upon by condition.*

### The Executive Head of Health and Community Safety

*I visited the site earlier to view the rear (6 Field Row) to view its proximity to the restaurants in Portland Road. There is an external aircon unit immediately opposite. It wasn't working at the time but it could affect the residents of 6 Field Row. It may be a redundant unit.*

*Precautionary land contamination condition.*

### Economic Development Team (March 2016)

*Please find below Economic Development's revised comments for the above application, in light of the new marketing evidence provided:*

*Economic Development notes that the marketing evidence provided relates to properties not included in this application and is non-specific to 6 Liverpool Terrace.*

*The Worthing Commercial Property Register indicates that:*

- *between October 2014 and January 2016 Crickmay's website did not list 6 Liverpool Terrace as available*
- *6 Liverpool Terrace has not been listed on the Michael Jones website this year*
- *marketing details for 6 Liverpool Terrace have been added to the Crickmay website from mid-January 2016*
- *6 Liverpool Terrace is not currently being marketed for freehold sale on an agents website*
- *the Crickmay website has been actively marketing 6 Liverpool Terrace for leasehold occupation for a 4 month period out of the past 18 months*

*In July 2014 Economic Development reluctantly did not object to application AWDM/0434/14 to convert the basement, second and third floors and 6 Field Row to residential in line with the Sustainable Economy SPD, to enable investment and uplift of the Ground and First floors of 6 Liverpool Terrace and to provide high quality office accommodation in the Town Centre.*

*This application indicates that investment has been made to number 8 Liverpool Terrace but does not include evidence that investment has been made to the Ground and First Floor of 6 Liverpool Terrace.*

*Economic Development is aware that this commercial property has been vacant but notes that for 14 months prior to January 2016 the property was not being actively marketed.*

*Economic Development raises a strong objection to this application, as it does not provide evidence in line with Sustainable Economy SPD to demonstrate that this commercial premises is no longer viable for its current use, alternative employment uses or community use.*

### West Sussex County Council

*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 Local Development 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

*The Local Highway Authority (LHA) has previously been consulted on a similar application under reference AWDM/0434/14 at this site, to which no highway safety concerns were raised.*

*This application seeks a change of use from office's to two dwellings. The LHA would raise no highway safety issues.*

### Parking/Sustainability

*The current application isn't proposing any parking for the two dwellings. The WSCC Parking Demand Calculator (PDC) indicates there would be a requirement for two spaces. It appears that on street parking is available directly outside the building by means of a controlled parking zone for residents. The Local Planning Authority (LPA) may wish to consider the implications of this proposal upon on-street car parking.*

*The site is however located within Worthing town centre, within a range of services and facilities, including public transport all within a short walking distance. Therefore a nil car parking provision in this location would not raise any significant highway safety concerns.*

### Trip generation

*The site is recognised as having a permitted office use. In considering the change of use the potential vehicle movements from the permitted use is a material consideration. In light of the scale of the permitted and proposed development, it is not considered that traffic generation would significantly vary between the two. It is not considered that this proposal would give rise to significant traffic generation.*

### Cycle Parking

*Cycle parking should be included; this must be secure, covered and be capable of storing at least one cycle per bedroom for each dwelling. The actual details of the cycle parking facilities should be submitted to and approved by the Local Planning Authority (LPA).*

### Refuse Collection

*No details have been supplied with this application as to where refuse will be collected from. The applicant is advised to contact the local waste collection authority with regards to the refuse arrangements for this site.*

### Conclusion

*The LHA would raise no highway safety issues relating to this application. If the LPA are minded to approve the application a condition securing cycle parking should be included.*

### Condition

- *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.*

## **Representations**

None received

## **Planning Appraisal**

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

In such circumstances the presumption in favour of residential development set out in paragraphs 14 and 49 of the National Planning Policy Framework would normally apply but as this is a listed building paragraphs 126 to 134 are relevant. Paragraph 14 states that where the proposal is not otherwise in conflict with specific restrictive policies in the Framework, development should be approved unless the harm caused significantly and demonstrably outweighs the benefits when assessed against the NPPF overall.

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

As such the proposal should be principally assessed in relation to the NPPF and informed by saved Worthing Local Plan Policies H18; TR9 and RES7 and Core Strategy Policies 4, 7, 8, and 16 and Worthing Borough Council Supplementary Planning Documents; Guide for Residential development; Residential space standards; Supplementary Planning Document 'Sustainable Economy' (WBC 2012); 'Supplementary Planning Guidance 'Parking Standards and Transport Contributions' (WBC 2005); 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); and Worthing Heritage Guide in accordance with the above as far as they are relevant with the weight attached to be determined by the decision maker.

The principal issues raised by the planning application proposal are:-

- Principle of residential conversion and loss of employment use.
- Impact on the amenity of future occupiers and neighbours

- Impact on the integrity of the design of the property and character of the townscape, in particular the character and appearance of the Conservation Area and the special character of the Listed Building.
- Access and parking
- Flooding

The principal issues raised by the Listed Building Consent application proposal are the impact on the special character of the Listed Building (architectural or historical interest) as set out in S16 of Planning and Listed Building and Conservation Areas Act 1990. Core Strategy Policy 16 and the National Planning Policy Framework as set out in paragraphs 126 to 134 and Planning Practice Guidance are most relevant.

### **Principle of loss of office and conversion to residential**

The proposal entails the loss of all 423 sqms of office floorspace to residential use or demolition.

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 4 resists any office floorspace losses in such identified Key Office Locations to protect such identified important clusters of office space and employment.

However, the allied SPD (February 2012) does entertain exceptional circumstances where such a loss may be acceptable; principally, where the site has been demonstrated through appropriate marketing to be functionally redundant.

This is important as a blanket ban would conflict with the National Planning Policy Framework's (March 2012) more flexible stance on protection in paragraph 22 which states;

*Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.*

and paragraphs, 14 49 and 51 which prioritises residential development especially where the Development Plan ( ie Core Strategy) cannot demonstrate a five year supply of deliverable housing land to meet Objectively Assessed Needs, as is the case here.

Paragraph 51 states;

*Local planning authorities ... should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.*

There is no fall-back of using Permitted Development Rights for the proposed change of use as the property is a listed building.

Employment land use policy will be reviewed as part of the new Local Plan and an Employment Land Review has been undertaken to this end. Whilst continuing to support a generally protective stance, a key conclusion from this study is as follows;

*10 Given that low levels of demand for office space in Worthing makes new speculative developments in the local market difficult to bring forward, the feedback from commercial property agents suggests that the Borough is likely to continue to struggle to compete with more established office locations to attract larger office occupiers. It is therefore recommended that the Council focuses on the growth needs of local firms that are increasingly demanding better quality, modern office premises of smaller scale, which support the office-based activities of start-up and SMEs businesses. There should also be a focus on delivering new office space in Worthing town centre as part of the wider regeneration proposals, albeit out-of-town locations with good accessibility and parking would also likely be attractive to the market.*

In 2014, a compelling case was made and accepted in respect of the previous (but withdrawn) application AWDM/0434/14 which entailed the loss of the offices on the second and third floors, basement of 6 Liverpool Terrace and 6 Field Row (251 sq ms of office floorspace) and only retained offices on the ground floor and first floor comprising some 172 sq ms floorspace (i.e. 40% of office floorspace). The submitted case is similar to the current marketing statement and focussed on marketing, levels of vacancy and lack of demand.

The property has remained vacant since that time and the levels of vacancy in the commercial element of the Terrace have not materially improved (i.e. in 2014 occupancy of Nos 6,7,8 and 9 was given as 40.9% and in April 2016 was cited at below 39%) .

The loss of some 60% of the office floorspace at No 6 (including No 6 Field Row) was reluctantly accepted by the Economic Development Team in the previous application in 2014, as follows:

*This listed building is situated in Worthing's town centre with offices spread over the 3 floors, a basement and linked to premises at 6 Field Row from the ground and first floors. This planning application has been submitted to change the use of the basement, second and third floors and 6 Field Row to residential.*

*The applicant has provided active marketing evidence, periodically, since 2007 for leasehold and since 2012 for freehold. Economic Development, reluctantly, do not object to this change of use for the basement, second and third floors (linked to 6 Field Row) but would welcome investment, to encourage employment use, to the ground and first floors of 6 Liverpool Terrace. (July 2014).*

This clearly indicates the principle of loss of offices here is acceptable to The Economic Development Team (albeit, reluctantly) where it would encourage investment *and uplift of the Ground and First floors of 6 Liverpool Terrace*. Importantly, the marketing undertaken up to that time was considered acceptable.

The Economic Development Team's objection to the current application appears to be more related to the scale of office loss without compensating refurbishment, along with the marketing since 2014.

Considerable weight is attached to these comments.

Looking at the increased scale of the current application, it does involve the loss of 423.2 sq ms of office floorspace i.e. the whole of the site. This is not insubstantial. However, the previous uncontested application also involved a substantial loss - 284.5 sq ms, comprising the basement, second and third floors of the Terrace and the whole 6 Field Row. This represented 67% of the total floorspace of the property. It is not considered that the additional 138.7 sq ms – i.e. the remaining 33% of the office floorspace as now entailed by also converting the ground and first floors - is so significantly different in terms of the building itself, the Liverpool Terrace/Gardens Key Office Location in which it sits or overall supply of offices in the town.

The Economic Development Team's criticisms that the requirements of Core Strategy Policy 4 and allied SPD have not been fully met in terms of marketing are accepted. However, clearly the marketing undertaken prior to July 2014 was considered acceptable (and included freehold) and the site resumed active marketing for leasehold, at least, since January 2016 by Crickmay (who are an established commercial property agent recognised as such by the Council) and several other agents, including the Estates Gazette. It continues to be marketed by The Council in its commercial register in its last bulletin dating from Spring 2016 and by Crickmay. Michael Jones have only ever marketed Nos 7 and 8, apart from a for sale board by the application premises. It is understood that the gap in marketing between late 2014 and January 2016 is explained by the applicant's understanding that the previous marketing had established functional redundancy and expectation that the principle of loss of offices was no longer an issue.

Evidence of lack of market interest in Liverpool Terrace is indicated by the clear failure to elicit any serious interest in the application property prior to 2014 and since January of this year. It is underlined by the office parts of Nos 2, 3 and 8 Liverpool Terrace continuing to be vacant or substantially vacant, despite refurbishment of No 8 and marketing by Michael Jones and/or Flude. Whilst terms to let part of No 8 were agreed recently, it is reported that another floor is due to be vacated very shortly.

Whilst the marketing campaign for No 6 does not meet the criteria set out in the SPD, it is clear that the costs of operating such older premises for office use, despite its prestigious character and location, add to difficulties in attracting and retaining tenants.

The recent refurbishment of No 8 is welcomed and shows intent by the owners and, arguably, satisfies the desire for a compensating upgrade of offices in the Terrace encouraged by Economic Development in response to the last application.

Other non-office uses generating employment remain preferred in employment terms over residential but no interest is apparent and the layout and constraints of a listed building tend to militate against this.

The overall picture is one which points to a questionable viability of the application premises for offices and insufficient impact on the town's stock offices to resist the loss, especially as the net floorspace difference with the previously uncontested application is not that substantial.



There is the understandable concern that the loss would set an undesirable precedent. However, all applications are required to be determined on their merits and any further incursions into office floorspace in Liverpool Terrace would need to justify itself in objective terms.

Weighing in the balance is the benefit from creating two additional residential dwellings.

The Core Strategy is acknowledged as being “out of date” in respect of the NPPFF and the requirement to demonstrate a 5 year land supply to meet the OAN. As noted above, paragraphs 14 and 49 of the NPPFF, otherwise, lend significant support for residential development in these circumstances, though are not determinative, especially where the building is listed.

The fact that the terrace was originally built for residential use and the proposal returns the property to such helps secure the future of the building is a significant benefit as well.

The conversion of the main building to a family house meets an acknowledged demand, whilst the mews maisonette helps meet the demand for smaller accommodation typically found in a town centre.

The scarcity of amenity space for future occupiers is acceptable in this location, given the property as it sits in front of an open space and is very close to the seafront and parks.

The site is very sustainably located.

Whilst the building sits in a mixed commercial area, close to existing offices and restaurants and town centre, new residential occupiers would be aware of the potential risks before moving in and the Government has clearly signalled it does not envisage any intrinsic incompatibility between office and residential uses in allowing the proposed new General Permitted Development Order relaxations.

In these circumstances, the loss of the commercial use and gain of two residential units are finely balanced.

### **Amenity of future occupiers and neighbouring uses**

The main building is a splendid residence with attractive views and impressive space and light looking east and south.

The courtyard serves the main house. It is somewhat dark and enclosed but, given the access to amenity space elsewhere, acceptable and the demolition of the later addition exploits all reasonable opportunities to improve matters without harming the Listed Building.

The maisonette lacks any such facility but this is not unusual in such town centre locations for this type of accommodation.

The fenestration arrangements mitigate any internal overlooking but obscure glazing by condition the windows to the stairs of the maisonette will secure this.

The maisonette will be close to the new restaurant/wine bar in Portland Rd and the new proposed flats above, as well as fronting directly onto Field Row itself. However, the relationship is acceptable, given the oblique siting/separation of these restaurant/wine bar neighbouring uses; restrictions on their activities in the relevant planning permissions and reasonable expectations of town centre

The upper floor flats at 18-22 are also obliquely sited with lower panes obscure glazed at first floor level and no unacceptable overlooking should result.

Reduced privacy for the Field Row maisonette is inevitable but acceptable in this town centre location and not unusual in this location.

The site lies at the rear of a number of commercial premises backing onto Field Row where servicing takes place and plant is located so some exposure to noise may occur, despite the safeguards imposed on those permissions, but not unacceptably so.

The new house is very large and the maisonette meets the space standards.

**Impact on the integrity of the design of the property and character of the townscape, in particular the character and appearance of the Conservation Area and the special character of the Listed Building.**

The works restore the main house to its original function. Unsympathetic changes made when the building was converted to offices are removed and other beneficial enhancements made including the removal of the discordant front open stairs to the basement. However, the Conservation Officer requires key absent details to be reserved i.e. glazing bars at 1:1 scale for all new openings; details of all new external flues/openings/extracts for kitchens /bathrooms; works to widen the doorway at ground floor between kitchen and dining room and works to restore underpavement store openings

The demolition of the later extension at the rear is an enhancement.

The acceptability is underlined by the Conservation Area Advisory Committee's absence of objection.

The benign impact of the conversion on the listed building is due in no small part to the fact that it is a restoration of the terrace to a single residence and severance of the later annexe in Filed Row as a separate unit.

The NPPF lends particular support to such proposals which enhance the heritage significance of the building and location as here;

*131. In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

In contrast, the conversion to flats and retention of the terrace as a mixed office and residential use was the downfall of the previous withdrawn application in heritage terms. The evidence was that this was inherent in the conversion works and allied requirements to meet relevant Building Regulations standards for fire safety and sound insulation.

These matters and issues surrounding pipework to bathrooms and kitchens were never resolved and the abiding concern inherent in the proposal remained unaddressed, namely the works would harm the integrity of the original floorplate of the building and potentially the fabric of the building and accordingly the special character and heritage significance of the listed building as a designated heritage asset. The harm would have been less than substantial but still significant and outweighed any other benefits. The applicant withdrew the application accordingly.

The benefits of reinstating the property to its original and purposed use; restoring its physical form, not least by removing the unsympathetic alterations made by its previous change of use to offices and avoiding the further unsympathetic alterations necessitated in a mixed use conversion, weigh heavily in favour of the proposal in heritage terms. These strongly suggest the retention of a subsidiary office element in the building as favoured by the Economic Development Team is impractical in heritage terms.

### **Access and parking**

The site is in a highly accessible location close to all facilities and excellent public transport and public parking and in a Controlled Parking Zone.

There is no off street parking but this is acceptable in these circumstances and is impractical given it is a Listed Building.

Cycle parking may be customised to meet future occupiers' requirements and would need separate Listed Building Consent.

### **Flooding and land contamination**

The site lies in Flood zone 2 and the required FRA has been submitted and appropriate flood mitigation proposed.

The Environment Agency raise no objections but recommend the flood risks to the basement are investigated by The council's Emergency Officer in terms of an Evacuation Plan.

The Council's Drainage Officer fulfils this task in this instance. He advises

*The Flood Risk Assessment...contains a good argument for the development, but misses one fact.*

*The EA Flood Maps are wrong, if there was inundation from the sea, which would come from the south obviously why would all the properties in Liverpool Terrace flood in preference to the green swarth immediately to the east of the road. This green swarth is around 1m lower than the road, behind which are the basements of the properties.*

*There is no inter-connectivity between the property courtyards so any flood waters entering these or the basements cannot progress further unless it first travels up Liverpool Terrace or Field Row.*

*As such I do not believe that the property is likely to suffer from tidal flooding and as such the measures proposed would in my opinion be acceptable, if insisted upon by condition.*

The human safety risks may therefore be overstated.

Nonetheless, the applicants in their FRA address the issue of safety head on and incorporate appropriate measures, including no sleeping accommodation in the ground floor or basement; provision of safe refuge area on each of the upper floors and internal access to these; and prepare a flood warning and evacuating plan.

The above may be secured by condition.

Whilst the proposed use is acceptable in principle in Flood Zone 2 according to Government guidance, the sequential test, which encourages vulnerable development away from higher risk areas, nonetheless applies.

In applying the Sequential Test, Government guidance advises a pragmatic approach is required to consider alternative locations. It suggests the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. Here it is noted that a large part of the coastal hinterland locally is classified as zones 2 and 3 but to the north there are residential properties and sites outside of these more-at-risk-zones and still in the catchment areas of key infrastructure. However, realistic alternatives for the applicant are intrinsically limited where such a change of use is proposed and a listed building is involved. It is noted that the Environment Agency raise no objections on sequential test grounds. The test is satisfied.

The Exceptions test does not apply.

## **Conclusions**

The loss of the offices is regrettable and there are concerns about setting a precedent which would make it harder to resist the loss of other office accommodation in this terrace. Balanced against this is the fact that there has been marketing over a fairly lengthy period (although not satisfying the precise policy requirements) and the heritage benefits of this specific proposal that could justify an approval. This is a finely balanced case and Members may consider that there is sufficient justification in this case.

On balance your Officers feel that approval can be granted in view of the supporting justification and heritage benefits outlined within the report. The proposal is acceptable in neighbour amenity and access terms and meets relevant flood risk tests. Subject to the recommended conditions, the change of use and works to the listed building are supported.

## **Recommendations**

### **AWDM/1533/15: Change of use and allied works**

Approve subject to conditions;

1. Implement within 3 years
2. Build in accordance with approved drawings
3. No occupation of 6 Field Row unless and until the demolition of the single storey rear addition has been implemented in accordance with approved plans and details.
4. Obscure glaze the windows to the stairs of the maisonette facing main house.
5. No construction works outside of 8am to 6pm Monday to Friday
6. Implement Flood Risk Assessment including no use of the basement of the house as habitable rooms; provision of safe refuges on each floor and submit evacuation plan prior to occupation.

### **AWDM/1536/15: Works to listed building**

Approve subject to conditions;

1. Implement within 3 years
2. Build in accordance with approved drawings
3. Protect Listed Building during works
4. Submit and agree details of glazing bars at 1:1 scale for all new openings; details of all new external flues/openings/extracts for kitchens /bathrooms; works to widen the doorway at ground floor between kitchen and dining room and works to restore under-pavement store openings.

21<sup>st</sup> September 2016



Application Number: AWDM/0250/14

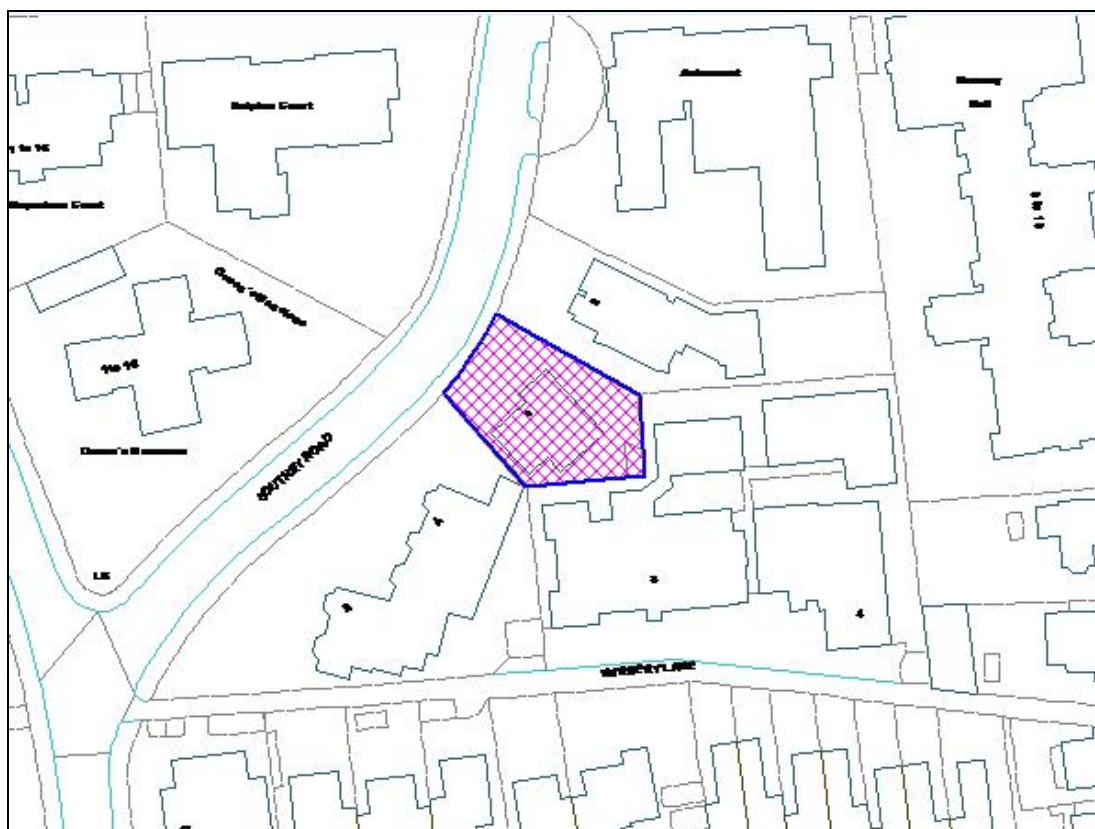
Recommendation – Approve  
subject to satisfactory revised  
drawings

Site: 6 Southey Road Worthing West Sussex BN11 3HT

Proposal: Part retrospective application for alterations and conversion of  
offices to form six studio flats

Applicant: Mr H.D Buschhaus  
Case Officer: Peter Devonport

Ward: Heene



Not to Scale

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## Background

An earlier scheme option was considered at the Committee's meeting on 1.7.15. This comprised;

*Part retrospective application for alterations and conversion of offices to form seven self-contained flats (3 x one bed flats and 4 x studios.*

The minutes of the Meeting record the item as being deferred for further negotiation to seek greater compliance with the Residential Spaces Standards SPD. The full minutes are set out below.

*The Planning Services Manager presented this report, showing photographic evidence of the property and advising Members as to the background of this part retrospective application.*

*The Officer stated that, following post-submission negotiations, the application had been amended to reconfigure the conversion to form 7 self-contained flats (3 x one bed flats and 4 x studios).*

*The Officer answered a number of Members' queries, which included their concerns that the flats remained below the local adopted standards in the Space Standards Supplementary Planning Document and felt an unacceptable space for people to live in.*

*The Officer referred Members to the report advising that if the property were to de-convert to offices, the said rights for change of use from office to residential (including flat conversion) could be exploited under the Government's recent General Permitted Development Order reforms.*

*After some discussion, as there would appear to be no sustainable case to resist the proposal in principle, the Members agreed to DEFER this matter for further negotiation with the applicant to seek greater compliance with the Space Standards SPD. Members felt the shortfall in space was significant, socially unacceptable and a need for the flats to be reconfigured.*

Protracted negotiations have followed and a revised scheme now submitted comprising six studio flats.

The previous report is updated as necessary below.

### **The site and surroundings and development history/rights**

This is a large and converted detached Victorian villa set in its own grounds, in a mainly residential inner suburb including many flats and care homes and some bedsits, situated just to the east of the town centre.

The property was built as a house but was converted to use by West Sussex County Council Social Services many years ago and used as a child guidance clinic up until 2003. Thereafter, it gained planning permission for use as offices (B1) by the West Sussex County Council's Community Care Team.

It was vacated by the Team in December 2011 who relocated to Centenary House and gained planning permission on 27.3 2013 to convert the empty offices to one house under AWDM/1374/12.

Work on the refurbishment of the property had certainly started by January 2013 (ahead of the planning permission) but the change of use to a single house appears to have never been fully implemented as the applicants report that, instead, conversion of the property to nine self-contained flats arranged as 8 x studios and 1 x one bed flat began by February 2013. These were completed by early September and the property has been occupied as the 9 flats since mid-September 2013.



A condition attached to the planning permission in respect of upgrading works to the forecourt and landscaping has never been formally discharged but do not *go to the heart of the planning permission*.

In these circumstances it appears that the lawful use of property remains offices, despite the property being in use as the 8 x studios and 1 x one bed for some 3 years.

The property is set back with a large mainly, paved forecourt laid out for car parking (around five spaces) with smaller rear and side gardens. Bins are stored on the south west boundary of the forecourt. A decorative brick wall has been reinstated on the south west street frontage to match the remaining part of the original wall on the north east street frontage.

The garden at the rear is subdivided into a paved area on the south west side accessed by a side gate and where the separate entrance to the one bed flat is situated. A communal soft landscaped area is sited to the north east from which an original outbuilding converted to communal cycle storage is accessed with paved forecourt. This and another building in the adjacent plot marks the common boundary at this point. There are trees/shrubs on the northern flank and back and the property is bounded by a wall on both flanks, supplemented by timber fence on its southern side and planting on its northern side, including modest yew tree.

The property is a distinguished and characterful double fronted brick faced building with period features including bays, sash windows, hanging tile on the upper floor and hipped, tiled roof and flint front wall. The building has been refurbished as part of the conversion works.

The property is bounded by a similarly designed detached house to the north in use as a care home, whilst the detached property to the south is used as a HMO and flats (granted planning permission under AWDM/0821/13 for a 10 bedsit HMO and 9 flats in 2013 by the Committee). Opposite (west) are four storey post war flats. To the rear (east) is a one and half/two storey residential institution for people with physical and learning difficulties.

The site is not in a Conservation Area but is within a Controlled Parking Zone.

### **The Proposal**

The existing use as 9 flats is considered to be unlawful and the new application seeks to regularise the conversion through a further amended scheme of 6 studio flats (compared to the previously considered option of 7 self-contained flats -3 x one bed flats and 4 x studios).

The current application follows an ongoing enforcement investigation over the unauthorised flat conversion.

The application had been originally submitted as *Retrospective application for alterations and conversion of offices to nine self-contained flats*.

Following post-submission negotiations, the application was amended to reconfigure the conversion to form, instead, seven self-contained flats (3 x one bed flats and 4 x studios). These entailed reconfiguring the conversion, as built, to join together studios A and B on the ground floor and studios 2 and 3 on the first floor to form 2 x one bed flats.

The latest amendment scales this back to six studio flats in furtherance of the Committee's instructions.

Neither of the amendments have been implemented and, to this extent, the application is part retrospective and part prospective.

The latest amendments are all internal to the building.

They create 3 studios per floor.

Access to all the units is from the front entrance, bar studio unit C which is accessed from the rear.

The studios range in size from 32.6 sq ms to 43.9 gross internal floorspace.

## **Consultations**

### **Highway Authority**

*The site is recognised as having a permitted B1a office use. In considering the change of use the potential vehicle movements from the permitted use is a material consideration. In light of the scale of the permitted and proposed development, it is not considered that traffic generation would significantly vary between the two. It is not considered that this proposal could be resisted on the basis of traffic generation.*

*The site is located within walking and cycling distance of Worthing town centre. There are a range of services and facilities, including public transport, within short walking distance. Walking routes are continuous along Southey Road frontage.*

*No parking will be provided for this proposal. Whilst on-street car parking is limited in the immediate vicinity, it is not considered that highway safety would be detrimentally affected through the proposed nil car parking provision. In addition it would appear that the existing use had no off street parking in any capacity. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking.*

*Based on this information, the principle of the conversion from offices to residential would be unlikely to result in any highway safety or capacity issues.*

*I can confirm that 6 Southey Road was used up until December 2011 as offices for WSCC staff. We were relocated to Centenary House, Worthing. Therefore Southey Road was declared surplus as part of the rationalisation of offices.*

### **Environmental Health Officer**

*Comments on the revised plans as follows:*

*Studio A - Appears satisfactory*

*Studio B - Not satisfactory. The bathroom can only be accessed via the kitchen and so is an inner room. There should ideally be a protected route from the bathroom to the main room without the need to travel through the kitchen. This could be achieved by removing the cupboard as drawn. If the sill height within the bathroom can be made to comply with escape window requirements then this could be accepted instead, although this will also require the side access gate to have a thumb-turn latch internally to allow escape without the need for a key and external lighting to the pathway. Any lighting will need to be placed so as not to cause a nuisance to the occupant of Studio A or neighbouring properties. Automatic fire and smoke detection will need to be appropriate for the layout.*

*Studio C - Not satisfactory. The main room is accessed via the kitchen and so is an inner room. There should ideally be a protected route through the kitchen to the front door. If the sill height within the studio room can be made to comply with escape window requirements then this could be accepted instead. There should be suitable external lighting to the front or side path (depending on window used). Any lighting will need to be placed so as not to cause a nuisance to neighbouring properties.*

*Studio D - Appears satisfactory*

*Studio E - Not satisfactory. The bathroom can only be accessed via the open plan studio room and so is an inner room. There should ideally be a protected route from the bathroom to the front door without the need to travel through the studio room. This could be achieved by adding a partition wall extending from the front door to the stairs leading to the bathroom, or alternatively creating a lobby at the head of the stairs leading to the bathroom and installing of an FD30S fire rated emergency escape door with acoustic properties leading from the hallway within the flat to the communal hallway.*

*Studio F - Appears satisfactory*

*There will be other considerations regarding heating provision that we would consider, and so the above only address matters of layout and fire safety.*

## **Representations**

3 Heene Court Mansions (to original scheme of 9 units)

*I have deep concerns with this application. I object on grounds of Design, Loss of General Amenity and Overdevelopment.*

*Having lived in Heene Terrace for 17 years, being a local property developer and owning 2 buildings in Rowlands Road, I am aware of the long term explosion of converting every available space, including family houses and large flats, into low cost, mainly bedsit and studio accommodation. Over the years this has produced an area with a ridiculously high proportion of small unit accommodation, which in turn, has created an area that suffers high anti-social behaviour, drug abuse, crime and some depravity.*

*Some developers, albeit only a few of us, have taken a more balanced approach and kept existing 2 and 3 bedroom properties available to try and keep a balance and more sections of the market fulfilled. This allows a more general cross section of housing which in turn helps to keep a more socially balanced society, to this area.*

*This application is prejudicial to this cause and will persuade similar developers to myself, from attempting to fulfill this aim.*

*The proposal is completely inappropriate and can only be detrimental to an area already, saturated with low cost, bedsit accommodation. Furthermore, it goes against all the Council's previous long-term, published aims, guidelines and decisions with regard to the permitted development of more family orientated accommodation from office space.*

*Has there been any analysis of the current demographics and demand for bedsit accommodation in this geographic area?*

*It seems to me that the applicant's previous application completely contradicts this present one. I would have a concern that the planning system is being played?*

*We must try and prevent this part of Worthing, if it is not already too late, from becoming a bedsit village, and help to achieve a more balanced and eclectic society, which in turn will benefit all of the population that already live in the Rowlands Road vicinity. This will, in turn, create a more varied and successful Heene Ward where existing and future businesses can also benefit and so the social and economic improvement of an area begins.*

## **Planning Appraisal**

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

In such circumstances the presumption in favour of residential development set out in paragraphs 14 and 49 of the National Planning Policy Framework would normally apply. Paragraph 14 states that where the proposal is not otherwise in conflict with specific restrictive policies in the Framework, development should be approved unless the harm caused significantly and demonstrably outweighs the benefits when assessed against the NPPF overall.

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

Needs and the Council needs to assess the housing delivery strategy set out in the current Development Plan. A Housing Study has been published to this end. A revised Local Development Scheme which commits the Council to undertake a full review of the Core Strategy and prepare a new Local Plan for the Borough has been produced.

As such the proposal should be principally assessed in relation to the NPPF and informed by saved Worthing Local Plan Policies H18; TR9 and RES7 and Core Strategy Policies 4, 7, 8, and 16 and Worthing Borough Council Supplementary Planning Documents; Guide for Residential development; Residential space standards; Supplementary Planning Document 'Sustainable Economy' (WBC 2012); 'Supplementary Planning Guidance 'Parking Standards and Transport Contributions' (WBC 2005); 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); in accordance with the above as far as they are relevant with the weight attached to be determined by the decision maker.

The main issues raised by this application are;

- Principle of loss of offices and conversion to flats
- Impact on neighbour amenity
- Impact on appearance of the property and area
- Access and parking
- Other Environmental matters

### **Principle of loss of offices and conversion to flats**

The current application is, effectively, for a change of use from offices to 6 studio flats, on the basis that the planning permission under AWDM/1374/12 in 2013 for change of use from offices to a single house appears never to have been fully implemented and the lawful use remains offices. Even had AWDM/1374/12 been lawfully implemented, subdivision to flats is unauthorised development requiring express planning permission. For the same reasons both the earlier and current amended flat conversion schemes also require express planning permission.

The principle of loss of offices was conceded under AWDM/1374/12 where it was accepted that office use was not sustainable, given the age, design and condition of the building, its length of vacancy and lack of apparent demand at that time (albeit through limited marketing). But crucial to the judgement was the imminent fallback position under the Government's plans to amend the General Permitted Development Order to allow changes of use from offices to residential. This became operational from April 2013 and became a permanent feature in 2016.

The unsuitability of the building itself for office use remains much as before and the inherent cost and disruption to the current tenants of de-converting from flats to office use further militate against a resumed office use. Clearly, no marketing for office use has been undertaken and for obvious reasons would not be practical. The property is in a residential area and is not expressly safeguarded by any protective Key Office Location designation.

However, the fallback position is relevant in that, if the property were to de-convert to offices, it may then be able to exploit the said rights for change of use from office to residential (including flat conversion) under the Government's recent General Permitted Development Order reforms. Crucially, under the allied Prior Approval process the Council could not effectively resist such a flat conversion here on any grounds other than transport, but, as explained below, there is no sustainable case for such. Even with the obvious costs to the applicant, this may still be a potential fallback position for the developer.

Finally, the impact of reversion to offices on the current residential occupiers of the flats needs to be weighed in the balance. No doubt, the current 9 or more residents occupied the flats in good faith, and, because of the type of accommodation are more likely to include those on low incomes and /or who are more vulnerable. The loss of all these homes would cause disruption (and possible hardship for some, at least) and will have implications for their human rights.

The principle of conversion to residential use also continues to be acceptable. The property is in an established residential area and close to all facilities. No loss of an existing family house is involved and so Core Strategy Policy 9 is not breached and there is a recognised unmet need for the type of smaller, low cost, privately rented accommodation proposed. Whilst Core Strategy Policy 8 and allied Supplementary Planning Document Guidance for residential development encourage the provision of family sized garden flats in conversions, the practicality here, where garden space is limited, is questionable and smaller, non-family flats are often the norm in such town centre fringe locations. The fallback position as discussed above is also very relevant. In any event, the proposal would contribute towards meeting wider housing targets and need.

Members will recall that the principle of the loss of offices and residential conversion was accepted at the last Committee in view of the above.

Turning to the physical features of the conversion, the latest 6 studio flat amended conversion scheme is appreciably better than both the originally submitted scheme and the previously amended scheme. In terms of overall intensity of use, it is significantly less (down from 9, to 7 and, finally, to 6 units). Above all, the studio flats themselves all now meet the local adopted standards of 32 sq ms gross internal floorspace in the Space Standards Supplementary Planning Document. There are no standards for studios in the Government's National Technical housing standards.

That said, no complaints have been received over the quality of the existing flats themselves from tenants and the flats appear to be popular and all tenanted. This is borne out by Officer's inspection of the flats and property which revealed a generally good standard of appearance and upkeep.

The latest plans to convert to 6 studio flats have been assessed by the Environmental Health Officer. As they stand, 3 are unsatisfactory in layout and safety terms and the applicant has been alerted to this. Although these are matters controlled by separate legislation and so normally not within the remit of planning, revised plans have been requested to address the issues of concern for completeness. They are expected to be restricted to changes to the internal layout of

the flats and not involve any material changes to individual floorspace figures. Building Regulations approval will be required separately.

Turning to amenity space, no flat benefits from a private garden area in the latest amended scheme, apart from the ground floor flat C, whose private rear yard is adequate. The remaining 5 studio flats (in the latest amended scheme) share a communal garden in the north east of the site of some 80 sq ms. This is slightly below the standard of 20 sq ms per flat and the quality is not high, but, in practice, such standards are applied flexibly for conversions and such provision is not untypical.

Overall, the quality of the latest amended conversion scheme is now acceptable, especially given the circumstances, including the fallback position (which would allow the property to convert to such an arrangement under the recent Permitted Development Prior Approval procedures without control of the conversion standard). The interests of the existing flat occupiers also weigh heavily in favour of retaining as many flats as is consistent with achieving an acceptable standard of provision.

To protect the interests of the current 9 occupiers and allow them sufficient time to find alternative or interim accommodation whilst the conversion works are carried out and 3 flats lost, a compliance period of one year is considered justifiable.

Because of the unusual circumstances of this case, it is considered that this would not set a wholly undesirable precedent. Indeed, securing retrospective compliance would send a positive message.

### ***Impact on neighbour amenity***

Residential use reinstates the original purpose of the building. Neighbouring properties are close and their gardens and some rooms overlooked by the windows but, as these are unchanged from the previous office use and approved single residence use, the impact is no greater. Traffic and parking levels are less than for use as a single residence but probably not that different to that of the previous office use. No objections have been received from any directly affected neighbour.

One representation has raised concerns over the cumulative impact of the proposal when it comprised 9 flats on the character and amenity of the area due to the emerging concentration of low cost bedsits and small flats and allied anti-social behaviour.

Although the proposal here is for 6 studios, similar concerns have previously been raised over concentration of bedsits in the area close to Worthing Hospital; Queens Road area and the West End, Local Action Team neighbourhood. The Committee will recall that consultations with The Police, Environmental Health Officer and Community Safety Officer and extensive investigations of this issue concluded that actual concentrations of HMOs in the areas appeared to be very low; no hard evidence was available to link HMOs with anti-social behaviour; existing Housing licensing controls were generally adequate to address most problems and further changes in the pipeline could increase controls still further; and the relevant authorities did not object to the proposed additional large HMOs. The wider issue is to be reviewed as part of the Core Strategy Review and a report is planned for

consideration by the Committee but the issue may be linked to broader changes in the housing market; affordability and Housing Benefit reforms. Whilst sympathetic to fears over the changing character of the area, there is no sustainable case to resist the current proposal on the basis of the concerns raised by the objector.

### ***Impact on appearance of the property and area***

The proposal reinstates the building's domestic appearance and no harmful works to the external period features of the building have been undertaken in the refurbishment or conversion so far. The forecourt has already been improved by narrowing the vehicular access to also help domesticize its character and part reinstate the characterful brick boundary wall and piers.

### ***Access and parking***

The site is sustainably located but the forecourt parking provides 5 parking spaces which is adequate for this scale and type of development in this location and adequate cycle storage is provided. Domestic waste/recycling storage arrangements work adequately.

### ***Other Environmental matters***

No protected trees are affected and surface drainage is unaffected.

### **Recommendation**

That, subject to receipt of satisfactory revised drawings to address the matters raised by the Environmental Health Officer, grant planning permission, subject to the following conditions;

1. Implement in full within one year in accordance with approved drawings.

### **Background Papers**

Representations by Members of the Public  
Observations by Environmental Health Officer  
Observations by Highway Authority

21st September 2016



# TPO REPORTS

1

Application Number:

Recommendation – Approve

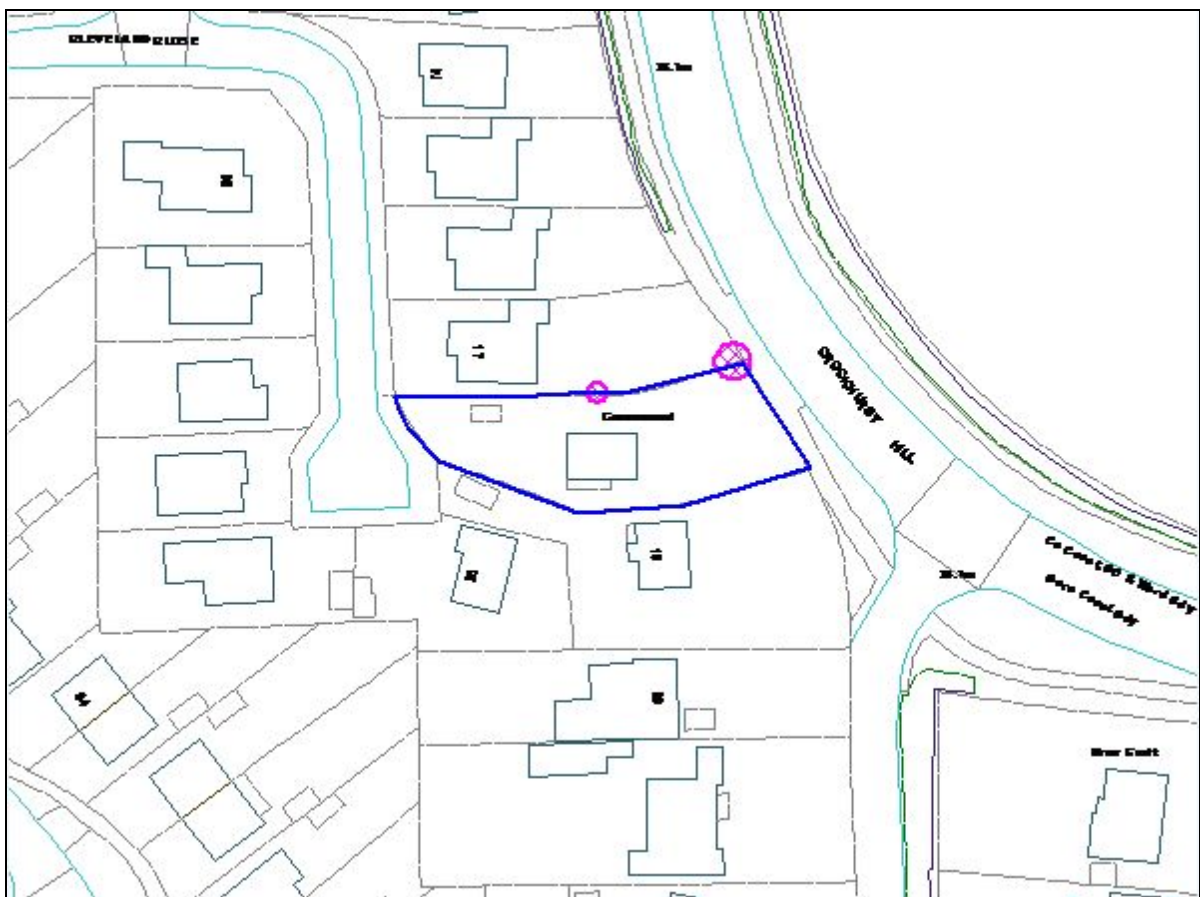
Site: Greenwood Crockhurst Hill Worthing BN13 3EE

Proposal:

Confirmation of Worthing TPO No.1 of 2016

Case Officer: Jeremy Sergeant

Ward: Salvington



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## Proposal, Site and Surroundings

On the 29<sup>th</sup> of June 2016 a provisional Tree Preservation Order was placed on two trees within the gardens of Greenwood Crockhurst Hill Worthing.

The order refers to one Holm Oak tree T1 in the front garden adjacent to the A27 Crockhurst Hill and a Norway Spruce in the side garden adjacent to the boundary with 17 Cleveland Close. The order was made in response to requests to reduce the

Holm Oak tree by up to 2 metres, and reduce the Norway Spruce by up to 1 metre, and a need to place conditions on the works.

The trees are visible from many views around Crockhurst Hill and the Salvington Conservation Area.

### **Relevant Planning History**

1997: The property is included within the Salvington Conservation Area XVI designated by the Council on 29<sup>th</sup> April 1997 pursuant to Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990

**Consultations:** None.

### **Representations**

One letter of objection has been received from residents of 17 Cleveland Close, claiming that the Norway Spruce tree T2 is not visible from outside of the property, and that it does not contribute to character of the Salvington Conservation Area. The letter also claims that the Norway Spruce tree T2 has part of its root system within the rear garden of 17 Cleveland Close, and that they are unsightly and cause problems to the grass. The representation has no objections to the inclusion of the Holm Oak tree T1.

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

The trees are within the Salvington Conservation Area: there is statutory duty to pay special attention to the need to preserve or enhance the character or appearance of Conservation Area.

### **Planning Assessment**

The trees are both good specimens and meet the tests for new Tree Preservation Orders: the Adur and Worthing Council Tree Preservation Order – Survey and Decision Guide, as agreed by the Joint Planning Committee.

As with many Tree Preservation Orders in Worthing these are not native trees. The reason for protecting the trees is that their size and year round interest provide amenity value to the area, and as mature trees, they cannot be easily replaced. The ingress of tree roots into adjacent properties is not unusual, and problems caused in this example are mostly minor. The confirmation of a Tree Preservation Order does not prevent future applications being submitted for works to the trees in question.

### **Recommendation**

That the Worthing Tree Preservation Order No.1 of 2016 be confirmed as made.

21<sup>st</sup> September 2016

**Application Number:**

**Recommendation – Approve**

**Site: East of Garage Block North of 10b Western Row**

**Proposal:**

**Confirmation of Tree Preservation Order Number 3 of 2016**

**Case Officer: Jeremy Sergeant**

**Ward: Heene**



**Not to Scale**

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

On the 13<sup>th</sup> July 2016 a provisional Tree Preservation Order was placed on one Goat Willow to the north of the garage block in the Marine Parade and Hinterland Conservation Area, within the Heene Ward of Worthing.

The order refers to one Goat Willow tree, west of the rear garden of 17 Western Place Worthing. The tree is one of few trees in the area, which although not a

prominent part of in the street scene, does make a contribution to the character and visual amenities of the Marine Parade and Hinterland Conservation Area.

### **Relevant Planning History**

2000: The property is included within Conservation Area Marine Parade and Hinterland III (formerly Seafront and Hinterland), designated by the Council on 14<sup>th</sup> March 2000.

### **Consultations**

None

### **Representations**

1 letter of objection has been received from the direct neighbour, at 17 Western Place. Their grounds for objecting to the proposed TPO are concerns of potential damage that maybe caused to the boundary fencing, and possible failure of the tree due to the elongated base of the tree, and the potential compromise this could cause to a fully grown Goat Willow tree.

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

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 16  
Worthing Local Plan (WBC 2003) (saved policies): H18  
Draft National Planning Policy Framework (March 2012)  
Circular 04/07 'Tree Preservation Orders: A Guide to the Law and Good Practice'  
(DETR 2000)

### **Planning Assessment**

The tree is a reasonable specimen that meets the tests for new Tree Preservation Orders: the Adur and Worthing Council Tree Preservation Order – Survey and Decision Guide, as agreed by the Joint Planning Committee. The reason for protecting this tree is that the proposed felling of this tree, which is a feature of the area, would be detrimental to character and visual amenities of this part of the Marine Parade and Hinterland Conservation Area.

The tree is a small to medium sized immature growing in grounds to the west of the rear garden. The tree is close to the southeast corner of the rear garden adjacent to a flint boundary wall to the south. The tree is not clearly visible from the road but can be seen from the northern part of Edinburgh Cottages.

The tree is single stemmed to 2 metres where it then divides into 3 to 4 main stems, where the tree was previously either damaged or severely lopped. The main crown is dense with a slight over balance to the west. The main stem has an elongated base where the tree has developed on a raised ground level: this may become a future weakness for a fully grown Goat Willow.

While the concerns of the objector are noted, the Tree Preservation Order would not prevent the consideration of a future application to restrict the size and spread of the

tree, and help alleviate concerns of damage to the wall and other associated problems. It is considered, though, that a tree presence should be maintained in this part of the Conservation Area and the Worthing Tree Preservation Order No.3 of 2016 will ensure this.

### **Recommendation**

That Worthing Tree Preservation Order Number 3 of 2016 be confirmed as made.

21<sup>st</sup> September 2016

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

As referred to in individual application reports

### **Contact Officers:**

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## **Schedule of other matters**

### **1.0 Council Priority**

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

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

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

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

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

### **7.0 Reputation**

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

### **8.0 Consultations**

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

### **9.0 Risk Assessment**

- 9.1 As referred to in individual application reports.

**10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

**11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

**12.0 Partnership Working**

12.1 Matter considered and no issues identified.

**13.0 Legal**

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

**14.0 Financial implications**

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





**Report by the Director for Economy**

**ENFORCEMENT REPORT**

**15 Wyke Avenue, Worthing**

**UPDATE – Unauthorised erection of a fence**

**WARD: CENTRAL**

1. CURRENT SITUATION

- 1.1 At the February 2015 meeting of the Committee, planning permission was refused for a retrospective application for trellis fixed to existing front garden wall on north/east boundaries (application reference) AWDM/1412/14. At the same meeting, members also resolved to take enforcement action to secure the removal of the fence, voting against a proposal to hold enforcement action in abeyance to allow planting to establish.
- 1.2 An Enforcement Notice was subsequently served to which the occupiers of the property subsequently appealed against. (They could also have appealed against the refusal of the planning application but did not pay the required fee).
- 1.3 In February of this year, the appeal was dismissed by the Planning Inspectorate. Amongst the relevant points of the decision notice were:

Paragraph 4:

*From my observations in the vicinity it is evident that the trellis fencing erected is out-of-keeping with the low flint walls that characterise the area. It is an incongruous feature which detracts from the character and appearance of the Warwick Gardens Conservation Area in which the property is situated. The visual harm is exacerbated by the prominent corner location and the overall impact is one which is detrimental to the street scene. I have taken account of the presence of a short section of timber panel fencing at the neighbouring property in Warwick Gardens but this is not typical of the front boundary treatment that characterises the area and in any case is significantly less intrusive.*

Paragraph 6:

*I am not persuaded that the planting suggested would overcome the harm I have identified or the reasons given for issuing the notice. The situation I observed is that the trellis fencing targeted by the notice is bare and there is no ivy or other planting growing up or over it. Any new planting however fast growing would need a significant length of time to get established. I consider it would take a number of years to grow to the extent that it would provide a green cloak to the fencing. Throughout this period it would remain an incongruous feature in the street scene, marring the character and appearance of the conservation area. Consequently, I do not consider that the lesser step advanced should be substituted instead and I find that the requirement stated in the notice is not excessive.*

Paragraph 7:

*I would add that the Council still has the discretion to decide whether it wishes to enforce the notice when it takes effect and is also able to vary the notice extending the period for compliance should it wish to undertake further discussions with the appellants on possible alternative solutions.*

- 1.5 The period for compliance began when the appeal was dismissed (February) and subsequently your Officers have been in discussion with the occupiers to ascertain if any alternative solutions could be reached.
- 1.6 After some discussion, the occupiers proposed the following:  
*'We propose to reduce the height to a level of 34cm above the boundary wall – this being in line with the bottom of the lower tier of the existing brick piers and 129cm above pavement level.  
This would mean a 66% reduction in the height of the trellis.  
The benefits are as follows:*
  - *A neat and attractive finish between the existing piers would be provided*
  - *The significant reduction in height would eliminate the 'incongruous' nature of the trellis with immediate effect*
  - *Planting has already taken to the lower part of the trellis in some areas – and we would encourage them to continue and spread*
  - *We maintain some level of protection along our boundary'*
- 1.7 Your Officers advised that, in principle, the proposals may be supported but that it would be necessary to submit a planning application to secure approval for the changes.
- 1.8 Regrettably, the occupiers advised that they did not wish to submit a planning application but advised that the works as proposed above would be carried out by the end of August. A site visit undertaken on 9 September confirmed that the works have been carried out, albeit the planting stated to have taken the lower part of the trellis has had little visual impact.

1.9 In the absence of a planning application, and since the fence even as altered is unauthorised (as it exceeds 1 metre in height) it is therefore necessary to consider whether any further action should be taken. As the original decision to take enforcement action was taken by members, it is felt appropriate to bring the matter back to the Committee for their consideration.

## 2. PLANNING ASSESSMENT

2.1 As stated above, it is regrettable that the occupiers do not wish to submit an application but, as such, there is no legal requirement for them to do so (the occupiers are aware and have acknowledged that the failure to submit an application may show up on future searches of the property). It therefore falls upon the Council to consider whether any further action is necessary.

2.2 Although no planning application was submitted, it is appreciated that the occupiers have carried out the works and by definition the fact that the fence has been significantly reduced from that previously in situ means that it has far less impact than the higher fence that had previously been erected. The question remains, though, whether with the amendments, the retention of the fence would have been granted planning permission.

2.3 Your Officers are of the view that the works undertaken represent a significant improvement. Most importantly, the reduced height of the fence is now in line with the lower part of the brick piers that flank the path to the front door and both ends of the property whereas previously the fence exceeded the height of the pillars by some distance.

2.4 The fence is previously installed, therefore, integrated poorly with the existing brick wall and piers but now fits in far better. Although additional fencing in the locality is unusual, there are some examples as noted by the Inspector in paragraph 4 of his decision letter previously. The key point is that the Inspector felt that such fencing was less intrusive than that originally installed at number 15, but your Officers feel that such is the extent of amendment now, that the revised design of fence is in fact less intrusive than any other sporadic examples in the locality.

2.5 The occupiers have previously stated that they will allow planting to grow up and along the fence. While previously, it was felt essential that planting would be necessary to screen the fence, your Officers are of the view that the reduction in height no longer necessitates a formal requirement for such planting.

## 3. LEGAL SECTION

Section 172(1) Town and Country Planning Act 1990 (as amended) states that a Local Planning Authority may issue an enforcement notice where it appears to them:-

(a) that there has been a breach of planning control; and  
(b) it is expedient to issue an enforcement notice, having regard to the provisions of the development plan and to any other material considerations. Section 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990 states in exercising any functions under the Town and Country Planning Act 1990, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 207 National Planning Policy Framework reiterates that enforcement action is discretionary, and local planning authorities should act proportionately in responding to breaches of planning control.

Paragraph: 003 Reference ID: 17b-003-20140306 Planning Practice Guidance states “The provisions of the European Convention on Human Rights such as Article 1 of the First Protocol, Article 8 and Article 14 are relevant when considering enforcement action. There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control.”

Paragraph: 005 Reference ID: 17b-005-20140306 Planning Practice Guidance states:

“Effective enforcement is important to:

- tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
- maintain the integrity of the decision-making process;
- help ensure that public acceptance of the decision-making process is maintained.”

#### 4. OTHER IMPLICATIONS

- 4.1 There are no significant direct race relations, equal opportunity, environmental or community safety implications arising in this report.

#### 5. CONCLUSION

- 5.1 It is considered that the fence as amended is now acceptable and that there are no further amendments necessary that could result in a material improvement to the character of the area.

#### 6. RECOMMENDATION

- 6.1 **It is recommended that for the reasons set above, the fence as now altered is acceptable and it is not expedient to pursue the previous Enforcement Notice or consider any further action and accordingly the file on this matter should now be closed.**

## **Schedule of other matters**

### **1.0 Council Priority**

1.1 To support and contribute to the health, safety and well-being of the area

### **2.0 Specific Action Plans**

2.1 Matter considered and no issues identified.

### **3.0 Sustainability Issues**

3.1 The location at this level in a flood zone is unsustainable.

### **4.0 Equality Issues**

4.1 Matter considered and no issues identified.

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

5.1 None in this context.

### **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 assessment.

### **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 the above report.

### **9.0 Risk Assessment**

9.1 As referred to in the above report.

### **10.0 Health & Safety Issues**

10.1 As referred to in the above report.

## **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 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 land owner 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.