



Planning Committee
22nd March 2017

Agenda Item 5

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/1713/16 **Recommendation – Approve subject to legal agreement**

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

Proposal: Demolition of existing buildings at 25-26 West Parade and 4 Grand Avenue and residential redevelopment in the form of a block of 29 flats arranged as 3 storeys tall and rising to 8 storeys together with associated 40 car parking spaces (including 31 in basement), new accesses and landscaping.

2

Application Number: AWDM/1903/16 & AWDM/1906/16 **Recommendation – Approve**

Site: Pavilion Theatre Worthing Pier The Promenade, Worthing, West Sussex

Proposal: Advertisement Consent and Listed Building Consent for retention of replacement advertisement signage including acrylic sign at entrance, dia-bond panel, grey vinyl entrance signage as well as 4 new poster display panels. All non-illuminated (part retrospective).

3

Application Number: AWDM/0084/17 **Recommendation – Approve**

Site: Unit 9 Ivy Arch Road, Worthing, West Sussex

Proposal: Continued use of rooms 4, 5, 6, 7, 8, 9 and 10 as music rehearsal studios plus new reception area (former store area).

Application Number: AWDM/1713/16

Recommendation – Approve
subject to legal agreement

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

Proposal: Demolition of existing buildings at 25-26 West Parade and 4 Grand Avenue and residential redevelopment in the form of a block of 29 flats arranged as 3 storeys tall and rising to 8 storeys together with associated 40 car parking spaces (including 31 in basement), new accesses and landscaping.

Applicant: Mr Ben Cheal
Case: Peter Devonport
Officer:

Ward: Marine Worthing



Not to Scale

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Introduction

The Planning Committee refused an application for a similar type of redevelopment at its meeting in April 2015. This was for;

Demolition of existing buildings at 25-26 West Parade and 4 Grand Avenue and residential redevelopment in the form of a block of 35 flats (including 7 affordable homes), arranged as 3 storeys tall and rising to 6 storeys in the northern part of the

site; 7 storeys in the east and 11 storeys tall in the south west corner of the site, together with associated 34 car parking spaces (including 26 in basement), new accesses and landscaping.

The grounds for refusal were;

1. *The proposal would by reason of the siting, height, massing and design of the building harm the outlook of the occupiers of 6 Grand Avenue and residents to the north of the site. The proposal has also failed to demonstrate that unacceptable overshadowing of the back garden of 6 Grand Avenue would not result. This would be to the detriment of these neighbours' living conditions and contrary to Saved Local Plan H18 and the National Planning Policy Framework and Practice Guidance.*
2. *The proposal would by reason of the siting, height, massing and design of the building appear unduly assertive and bulky and out of character with the surrounding development and fails to achieve the high standard of design expected of a tall building. This is to the detriment of the appearance and character of the area and is contrary to Core Strategy Policy 16; Saved Local Plan Policy CT3; Tall Buildings SPD and the National Planning Policy Framework and Practice Guidance.*

Subsequently, at its meeting on the 10.2.16, Planning Committee amended reason 1 to omit, *The proposal has also failed to demonstrate that unacceptable overshadowing of the back garden of 6 Grand Avenue would not result.* This was because of further independent expert assessment of the late revisions to the refused scheme which demonstrated no unacceptable harm.

The refusal was appealed and a Public inquiry held in April 2016.

The appeal was dismissed in May 2016 by the Inspector on design and neighbour amenity grounds. It concluded;

On the first main issue, the proposed development would be inappropriate in design terms because of a combination of its siting (forward of the building lines on West Parade and Grand Avenue), height (significantly taller than its neighbours) and massing (in relation to both Regis Court and the dwellings on Grand Avenue). That conflicts with adopted Core Strategy Policy 16, saved Local Plan Policy CT3, the Tall Building Guidance SPD and design policy in the NPPF. On the second main issue, the siting and bulk of the building would unacceptably diminish the level of residential amenity enjoyed by the occupiers of some neighbouring dwellings, which conflicts with saved Local Plan Policy H18 and the provisions of the NPPF. None of the other matters considered above or raised at the inquiry can outweigh these conclusions. Neither can the suggested conditions or the provisions of the executed section 106 obligation overcome them. Accordingly, the appeal must be dismissed

The full appeal decision is appended as Appendix 2.

The current application aims to respond to the appeal decision.

Confidential information on the viability of the proposal and how that affects the provision of affordable housing is set out in the accompanying Exempt Information

Report (paragraph 3 of Schedule 12A Local Government Act 1972) as Appendix 1.

Site and Surrounds

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

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

However, along the seafront east of the application site, tall 60s, 70s and 80s blocks of between 6 and 10 storeys prevail, generally set back on a slightly irregular building line with parking courts to the rear. These are mainly faced in brick and are of period design, often with prominent balconies and are best described as imposing but plain.

Regis Court, at 7 storeys (top storey recessed) immediately adjoins the site to the east and is a brick faced slab block but is particularly notable for the depth of its rear garage block area and prominent front balconies, including adjacent to the application site.

To the west of the site, across Grand Avenue, are Dolphin Lodge, a large Edwardian slab block mainly 6 (but with small 8 storey elements) and, abutting to the south, the predominantly 8 storey (with recessed penthouse above) 1960s slab block Marine Point (dropping to two storeys on part of the West Parade frontage).

Marine Point is a striking period building with unusual penthouse roof which sits on the corner of West Parade and Grand Avenue. It faces south and marks a break in the building line along West Parade, positioned substantially forward of Regis Court and the other tall blocks to the east of Grand Avenue. This line is broadly maintained to the west of the Marine Point where suburban scale two-storey inter war housing prevails. Marine Point also steps forward marginally, beyond the building line along the west side of Grand Avenue.

Dolphin Lodge is a very distinguished and attractive building, noteworthy for its Dutch style gables and (infilled subsequently) colonnade and whiter rendered finish.

Both Marine Point and Dolphin Lodge are designated Local Interest Buildings.

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

Grand Avenue is a long, straight wide tree-lined boulevard and culminates in the Canadian War Memorial by the esplanade. It was laid out in Victorian times with evident aspirations but modest, albeit pleasant, two and two and half storey early twentieth century suburban housing, set back on a common building line, characterises much of the southern part of the road, with 3 to 6 storey modern interspersed, infill, flatted development prevailing further to the north. Grand

Avenue's fate mirrors Dolphin Lodge which was started in 1893 as the Hotel Metropole but the grander concept never realised and the building finished in 1923 as flats and renamed The Towers.

The largish, inter war detached houses immediately to the north of the site in Grand Ave are, unusually tightly packed, sit on slightly lower ground than No 4 and have only modest rear gardens. The Victoria care home includes front balconies. The immediate neighbour – No 6 - sits on the boundary with the application site and features one high level window (serving a lounge) at ground floor in its southern elevation but this room's outlook is west through a bay window. A part single and two storey extension have been added to the rear. The front garden also incorporates a small decked area to view the sea and the rear garden is also laid out with various seating areas/patios.

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

The application site itself is rectangular and is given as 0.26 hectares in size. From the seafront, it certainly reads as a gap in the wall of tall blocks either side, comprising three, low rise properties. That said, from Grand Avenue it simply reads as the termination of the strip of suburban housing.

A pair of plain semi-detached 3 storey inter war flat roofed houses are set back from the corner to preserve both building lines and feature balconies and substantial lawned front gardens, partly sunken. Both were converted to flats last mid-century and No 25 remains as 3 flats but No 26 has subsequently reverted to one house, though there is no planning record of such. Single storey garages abut both the boundary with No 4 and Regis Court. The drive of No 25 runs along this boundary and No 26 benefits from two vehicular accesses off Grand Avenue.

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

All are occupied except No 26 which is boarded up.

The Proposal

This is a full application to redevelop the existing site buildings and construct 29 flats in a single building, broadly L-shaped in footprint to generally follow the corner and with frontages onto Grand Avenue and West Parade. However, it steps forward of both the building lines (particularly West Parade) in staggered fashion as it approaches the apex of the corner, more prominently on the upper floors due to the balcony overhang.

On the main Grand Avenue frontage is a part soft landscaped forecourt with surface parking and the main vehicular accesses, including to the larger basement car park. The open part of the corner and set back from West Parade provide the main

viewable soft landscaped areas. The curtilage space to the north of the new block is also soft landscaped and is notable for its deep, continuous, planted buffer close to the boundary providing screening for the bicycle and domestic bin storage buildings here.

The proposed built development comprises 3 distinct elements.

Firstly, a *corner* building 7 storeys tall with a substantial penthouse floor above (and small lift overrun above this). This is the centrepiece and with its projecting balconies sits well forward of the West Parade building lines. It has its longest frontage onto Grand Parade. The penthouse is set back on all side but principally from the seafront.

Secondly, set behind this to the north and east, are the two *shoulders*.

The northern shoulder is located in Grand Avenue and is five storeys tall. It projects slightly forward from the Grand Avenue building line.

The eastern shoulder faces West Parade and is six storeys. It projects forward in a staggered fashion. A gap is retained between the eastern shoulder and Regis Court.

Thirdly, a *link* building faces Grand Avenue to the north of the northern shoulder. This is 3 storeys and is set back from the road. A landscaped gap is provided between it and No 6 Grand Avenue.

The proposal comprises 29 market apartments, arranged as 16 x two bed flats and 13 x three bed flats.

Car parking consists of the 9 forecourt spaces (including seven for visitors, and two for wheelchairs)) and the 31 spaces in the basement (including four tandem parking and several extra wide). There is direct lift access from the basement to the apartments.

Twenty one cycle spaces are shown in a dedicated storage building adjacent to the house at 6 Grand Avenue, separated by the landscaped buffer. This is 8.4 ms long; 2.1 ms wide; and 2.3 ms tall.

Two vehicular accesses off Grand Avenue serve the parking. The principal access is to the north leading to the basement ramp and also providing ingress to the forecourt parking. Separate egress to the south also serves the forecourt parking.

Following negotiations, the applicants have agreed to a condition to undertake a combined Stage 1 and 2 Safety Audit as part of any S278/Minor Works Agreement submission post planning.

The main pedestrian entrance to the apartments is from West Parade and is served by a ramped path. A secondary entrance to the apartments is sited at the back of the northern shoulder and is for emergency purposes only.

The flats benefit from either a ground floor terrace, balcony or roof terrace. These all face south or west except a rear (east) terrace serving a ground floor flat in the link

block/northern shoulder, which has flank privacy screens. The main (exposed) corner landscaped garden is a communal amenity area.

The basement area extends beyond the building footprint to the north east up to just less than 2 metres off the eastern boundary. It raises the upper storeys and affected curtilage space by just over 0.5 metres.

Bin stores 5 ms long; 2.5 ms wide and 1.3 ms tall are provided in the SE corner of the landscaped forecourt by West Parade and in the NW corner by Grand Ave, both surrounded by landscaping.

Street frontage boundary treatments are 1.35 tall brick walls with taller piers at intervals and timber gates.

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

The *corner element* is faced in a lighter mid brick and the penthouse is notable for its extensive glazing and canopy. In contrast, the *shoulders* use a darker mid brick.

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

The tiered balconies are glazed.

The broader materials palette includes anodised aluminium balcony edges and window and door frames and reveals.

The hard landscaping comprises a mix of permeable block paving for the parking forecourt, concrete for the ramp, natural stone paving of various types to the hard landscaped amenity area and gravel by the front terrace. Steel would be used for the street furniture and the bin and cycle stores are faced in timber.

The soft landscaping provides for formal lawns and hedged areas, supplemented by shrub and herbaceous planting, including adjacent to the cycle and bin stores and by No 6 Grand Avenue. There is no tree planting on site and two street trees would be removed to from the vehicular accesses.

Solar panels (photo voltaic cells) are shown on the roof of the *link* building and penthouse and the development is served by a combined and heat and power plant.

The proposal was the subject of some pre-application consultation with Officers and also separate formal consultation by the developers with the local community in the form of a public exhibition in September 2016 and a meeting with Save Our Seafront.

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

Daylight/Sunlight Report; and Transport Statement.

A confidential financial viability study has also been submitted.

Extracts from Applicant's Supporting Statements

Planning and affordable housing statement

4.1.2. The proposals represent the replacement of those existing poor quality residential dwellings, with a residential development of the highest architectural quality that will contribute to the ongoing regeneration of Worthing Seafront and the wider Borough. Furthermore, it is considered that the proposed residential redevelopment of the application site at 25-26 West Parade & 4 Grand Avenue represents the effective use of previously development land within a highly sustainable location.

4.1.3. This new scheme responds to discussions held with the Local Planning Authority and other key stakeholders/statutory consultees following determination of the original application (AWDM/1805/14 at appeal APP/M3835/W/15/3100601). Despite formal discussions with the Local Planning Authority no feedback has been provided, despite being repeatedly requested.

4.1.4. This new scheme proposal includes the following changes:

- *Reduction in residential units (35 to 29)*
- *Reduction in tallest element of storey height (11 to 8)*
- *Removal of 6 storey element, stepping up on Grand Avenue.*
- *Grand Avenue building line step forward reduced*
- *Amendments to design, form and appearance*
- *Amendments to materials*
- *Larger separation to No.6 Grand Avenue (7m from boundary)*
- *Eastern shoulder adjacent to Regis Court reduced from 7 to 6 storeys*
- *Increase in on site vehicular parking (34 to 40)*

4.1.5. The architectural approach adopted with these proposals, as well as the scale of the development, reflect the context of the application site, and its prominent location at the junction of West Parade & Grand Avenue. The proposals also reflect the ambition and scale of the proposed investment in Worthing's regeneration and housing stock. Furthermore, the proposed development provides for the comprehensive redevelopment of this prominent location at the western gateway to Worthing Town Centre. In this regard it is considered that the proposed residential redevelopment of the application site, points towards the growing confidence of Worthing, and the applicants continued commitment to investing in the town.

6.2. Principle of Development

6.2.1. The proposed development site, at 25-26 West Parade & 4 Grand Avenue, represents a previously developed site located within the existing built-up area boundary of Worthing (as identified within the Development Plan). Consequently, and in accordance with National and local planning policy and guidance, the principle of the residential redevelopment of the application site should be supported by Worthing

Borough Council.

6.4.2. Overall, it is strongly contended that the proposed redevelopment of the application site at 25-26 West Parade & 4 Grand Avenue is of the highest architectural quality, having been fully informed by the context of the site and in consideration of the Inspectors findings from the dismissed appeal scheme (reference APP/M3835/W/15/3100601).

6.4.3. The resolution to pursue a form of development that includes a taller element at 8 storeys has arisen from comprehensive analysis of the sites context and desire to achieve a form of development that responds to the opportunity presented by this principle site at the junction of West Parade & Grand Avenue on Worthing Seafront. Furthermore, the previously refused scheme was 11 storeys and as a result of the Inspector's comments, the scheme is now 8 storeys high and entirely in scale with neighbouring properties as shown in the contextual elevation below.

6.4.4. The decision to push forward the building line on West Parade has also been maintained due to the Inspectors clear conclusions that 'There is certain logic to stepping forward from the building line on West Parade...' 'Accordingly, there could be some merit in development on the appeal site stepping out towards Marine Point, giving it and Dolphin Lodge and more integral role in the sweep of tall buildings extending eastwards along the seafront. It is therefore more a question of how the proposed design would achieve a legitimate townscape aim rather than simply whether or not the building line to the east has been broken.' (Paragraph 5 Appeal Decision).

6.4.5. 'It may also be noted that to permit a stepping forward of the building line on either West Parade or Grand Avenue would not set a precedent for other development in the future. On West Parade, the presence of Marine Point affords a reason to step forward, if done in an appropriate manner.' (Paragraph 7 Appeal Decision).

6.4.6. In this regard we are clearly of the view that the proposals provide a legitimate, integrated and appropriate form of development that provides for an attractive step out of the building line towards Marine Point. This matter is discussed at length within the Design and Access Statement.

6.4.7. In relation to the building line on Grand Avenue our proposal steps out by a maximum of 1.5m through two 0.75m steps in the building form. In this regard our proposal steps slightly beyond the Grand Avenue building line to provide a separation between the different building elements. The degree of extension beyond the building line for the shoulder and corner elements are appropriate and respond to the 1.2m differentiating step between Marine Point and Dolphin Lodge, maintaining fully the open prospect of Grand Avenue toward the sea.

6.4.8. Balconies have also been reduced in scale, so they project no more than 750mm from the main façade of the building. This coupled with their lightweight visual appearance ensures that the open prospect toward the sea is maintained.

6.4.9. The proposals are therefore considered to reflect the prominence of the proposed development site in relation to the other neighbouring tall buildings,

providing a development of the highest architectural quality that realises the significant regeneration opportunity presented by the application site.

6.5. Affordable Housing/Viability

6.5.1. The Worthing Borough Council Developer Contributions SPD, and the Council's Draft Developer Contributions Supplementary Planning Document (SPD) March 2014, seeks to identify the level of on-site or off-site affordable housing contribution that the Council will seek from residential developments within the Borough.

6.5.2. Policy 10 of the Worthing Core Strategy 2011 (which forms the basis of both SPD's), states that 'A mix of affordable housing, including social rent and intermediate housing will be sought to meet local needs on all but the smallest sites' (e.g. 6 dwellings or more). The proportion of on-site or offsite provision sought from such developments is based upon the quantum of development proposed.

6.5.3. This policy states that development proposals comprising 15 dwellings or more should provide 30% affordable housing. In the case of this scheme, the basic policy requirement would be 8.7 affordable units (30% of 29).

6.5.4. However, any Affordable Housing contribution required by Worthing Borough Council is subject to the economics of providing such Affordable Housing, the extent to which the provision of Affordable Housing would prejudice other planning objectives being met, and the mix of units necessary to meet local needs and achieve sustainable development. 'Where the Council accepts that there is robust justification, the affordable housing requirement may be secured through off-site provision.'

6.5.5. A detailed Viability Report has been prepared by Northgates in support of this application. The assessment concluded that due to the scheme's negative viability position, the development proposal cannot support the delivery of affordable housing.

*6.5.6. * This documentation discloses detailed financial statements relating to the redevelopment and contains commercially sensitive information, the disclosure of which would be severely prejudicial to the applicant's (Roffey Homes Ltd) commercial interests in relation to Section 43 (2) of the Freedom of Information Act 2000 and therefore must not be made available to third parties.*

*6.5.7. The applicant is prepared to proceed with the scheme delivering a full CIL payment; **Proposed area of 3148sqm – existing area of 1060sqm = 2088sqm x £100 = £208,800**) even though the viability analysis illustrates a profitability deficit from the expected 20%.*

6.5.8. This position represents a developer profit of 12.34%, rather than the 20% which would normally be expected. Affordable Housing contributions would see the viability position worsen considerably, and therefore, the applicant is not in a position to provide affordable homes on site or such contributions in lieu.

6.5.9. For further information, please refer to Northgate's Viability Report.*

Amenity

6 Grand Avenue

6.12.32. In summary in relation to outlook and 6 Grand Avenue, the revised scheme:

- Is 7m from the boundary from 6 Grand Avenue at a height of 3 storeys;*
- The scheme reduces the stepped elements to allow for a 3/5 storey sections leading to the taller elements;*
- has very limited impact on outlook from within the property facing east;*
- improves outlook to the west through the new gap introduced between the proposed development and 6 Grand Avenue;*
- has a limited impact on outlook from the garden of 6 Grand Avenue when facing south-south-west only;*
- has been designed with full regard to the context of taller seafront buildings and the hinterland locality.*

Regis Court

6.12.33. In terms of impact of outlook to residents at Regis Court, the Appeal Decision only identified an impact related to the proximity of the penthouse and the new 7 storey element of the Appeal scheme.

6.12.34. In this regard the revised proposal has removed the upper floor of the eastern block, reducing the height at this point to 6 storeys, matching the parapet height of Regis Court at this point. The nearest 7 storey element is some 12.3m west of Regis Court, with window to window distances at over 16m. Such distances are considered to minimise the impact of the adjacent building in terms of both its physical presence and potential for inter-looking.

6.12.35. Furthermore, the east facing elevation has reduced significantly the amount of glazing to address any further concerns relating to inter-looking.

Daylight, Sunlight and Overshadowing

6.13.5. The results show that the vast majority of the properties assessed achieve good levels of adherence to the BRE guidelines, with 6 Grand Avenue, Marine Point and Dolphin Lodge all obtaining full adherence to the daylight and sunlight tests.

6.13.6. However Regis Court experiences some reductions in daylight and sunlight beyond the BRE guideline recommendations. However, it should be noted that those windows that experience transgressions beyond the BRE recommendations are secondary windows to rooms where the main windows continue to receive or exceed the recommended daylight and sunlight levels. Furthermore, the daylight distribution assessment demonstrates that the occupants of the existing neighbouring properties will continue to achieve good levels of daylight in the proposed condition.

6.13.9. Whilst the proposed development will introduce further shadowing to the rear garden of 6 Grand Avenue, from the existing situation, the introduction of a 7m separation to this property, coupled with the overall reduction in scale of proposals will materially improve this situation from the appeal situation.

6.13.10. Furthermore, as the study shows, some improvements will result from the existing situation at 16.00 on March 21st and 12.00 on December 21st : 'The permanent overshadowing results show that on 21st March the garden will receive good level of sunlight, with 58% of the garden area receiving at least two hours of direct sunlight in the proposed condition, exceeding the BRE guidelines.' (Anstey Horne Report 21 October 2016)

7. Conclusions

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

7.2. This new scheme has been fully informed by the Inspector's comments in regards to the previously refused scheme (reference APP/M3835/W/15/3100601).

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

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

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

7.6. In wider terms the proposed development would contribute positively to the visual amenity of the local and wider Borough, providing for 29 new homes that meet the defined housing need in the Borough. There are not considered to be any adverse impacts of the development and therefore under the provisions of paragraph 14 of the NPPF 'Local Planning Authorities should positively seek opportunities to meet development needs of their area'

7.7. Therefore the presumption should be in favour of approving sustainable developments such as that proposed in this application, as set out in the Rt Hon Greg Clark MP's Ministerial Forward to the NPPF'.

'Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is on the basis for every plan, and every decision.

7.8. The development is considered to be consistent fully with the aims and objectives of both the National Planning Policy Framework and Worthing Core Strategy.

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

Design and Access Statement

5.1 *Design aspiration and rationale* The design aspiration and rationale for the redevelopment of the site has been informed by:

- The existing building heights adjacent to the site have been carefully considered in order to provide an appropriate design response, along Grand Avenue, stepping or sweeping up to the built form whilst also proposing a building height which is well related to the adjacent tall buildings of Marine Point and Regis Court;
- Stepped building line as a positive urban design response to this corner site and to 'sweep' towards Marine Point;
- Creating a positive addition to the skyline in views from the north, south and from within the Conservation Area. Views of the proposed development will maintain the character and amenity of these areas;
- The aspiration to provide a new building which positively marks the location of Grand Avenue and provides a positive frame to the end of Grand Avenue, in a similar way to Marine Point;

5.2 Use & amount

The development proposal is for 29 residential units consisting of 16 No. 2 bedroom and 13 No. 3 bedroom apartments.

The total site area is 0.26 Hectares (2,605m²), which results in a density of approximately 111 dwellings per hectare.

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

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

Private amenity space is provided, with each apartment having a balcony or an external private terrace area.

There is also communal amenity area provided by a formal landscape garden to the south of the building for all residents and accessible from ground level.

5.3 Layout

The layout of the proposed development has been informed by the site location and context. The proposed development incorporates two entrances, one to the south which acts as the primary pedestrian entrance from West Parade, one to the west which provides access to residents and visitor parking to basement car parking. This ensures that the proposed development interacts both with Grand Avenue and West Parade. With regard to the separation between the proposed development and

neighbouring properties to the east and north, it is considered that the proposed distances are representative of those typical in the local context. Car parking; a total of 40No. spaces consisting of;

- 9 external spaces at ground floor level (consisting of 2No. disabled visitor car parking bays, 2No. allocated for residents and 5 visitor spaces)*
- 27 residents spaces at basement (4 of which are double totalling 31 spaces)
Therefore;*
- 25 Apartments with one allocated space each (23 in the basement car park and 2 external spaces on the ground floor)*
- 4 Apartments with 2 allocated spaces each (Arranged as a double length space in the basement car park)*
- 7 unallocated/visitor spaces.*

Cycle parking; a total of 21No. covered spaces are provided. Bin storage for recycling and waste; a total of 2No. bin stores are provided, containing 5No. 1100L bins in each, located close to the public pavement on the south and western site boundary.

5.4 Shoulder Elements

The shoulder elements of the scheme reflects the neighbouring buildings on West Parade in the following ways:

- brick cladding framing large areas of glazing to apartments*
- balconies to provide private amenity space*
- secondary windows on the east and north flanks to provide dual aspect to habitable rooms*
- smaller windows to bedrooms on the rear north and east elevations*

The mid brick colour proposed on both shoulders differentiate these from the corner element and responds to the brick colour of Regis Court, with the articulated stepped facade treatment further defining these different building elements.

A mid brick colour was also chosen in response to feedback from the Public consultation event where a dark brick was not liked.

The proposed separation between the building's eastern shoulder and the adjacent Regis Court is 5.3 meters, this is a reduction of 0.9 meters over the existing distance of 6.4 meters.

5.5 Corner Element

The corner element of the scheme provides a focal point to the design on the corner of Grand Avenue and West Parade.

The height of the corner at 8 stories has been proposed to:

- provide adequate differential between the corner and shoulders*
- relate to the adjacent height of Marine Point*

Key design decisions for the corner include:

- the use of a lighter cream brick to differentiate the corner from the shoulder element and responds to the render colour of Dolphin Lodge*

- *setting the corner element forward by 7m from the notional building line to respond to the change in building line formed by Marine point moving west along West Parade*
- *the fully glazed walls to the recessed penthouse with 'floating' brick roof, consisting of a horizontal brick band above the glazing, to both lighten the penthouse facade and provide a 'top hat' to the building*

5.6 Link Element

The link provides a transition between the northern shoulder of the building and the existing properties to the north along Grand Avenue. The link steps down from the 5 storey northern shoulder to 3 storey link. The design maintains the mid brick cladding used on the shoulders element and has a similar fenestration rationale as the rest of the building for continuity. The separating distance of 7 meters between the link and No.6 Grand Avenue, an increase of the existing separation of 1.1m, follows a similar plot width to the adjacent 3 properties and provides an effective visual break between these two buildings.

The three images opposite show the view from the rear garden from No.6 Grand Avenue (approximately from the centre of the rear boundary wall at 1.6m high eye level) looking southwest across the development site. This significant increase in separating distance provides a much lesser visual impact to the residents of No.6 Grand Avenue than the Appeal scheme, with new views to Dolphin Lodge being created by the demolition of No.4. The vertical strip windows the northern 3 storey element, together with four other windows to the northern elevation of the 5 storey northern shoulder, will be obscured glazing to eliminate any overlooking.

Consultations

UK Power Networks

No objections.

Ministry of Defence

No objections.

Shoreham Airport

No objections.

English Heritage

In respect of the last refused application;

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

English Heritage Advice

English Heritage is a statutory consultee on proposals that would affect the setting of grade I and II listed buildings, or the character or appearance of conservation areas. The site is west of the main run of conservation areas that comprise the central*

seafront areas of Worthing, and we consider the issues in respect of heritage assets to be mainly for consideration by your own Authority's Conservation Officer.

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

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

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

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

Recommendation

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

West Sussex Police

Despite the reduction in numbers of dwellings and the reduction of the height in storeys my previous crime prevention comments are still current. I reiterate those for you.

Access control will be paramount to this development. This should encompass all

exterior access points along with a controlled vehicle access gate / shutter into the basement parking area, additionally controlled access from the basement area into the building will be required. Please note that where there are between four and nine residential units sharing a communal entrance the door must incorporate an audio access control system with remote release from each dwelling. Where there are between ten to 25 dwellings the entrance must incorporate an audio video door entry system that meets the requirement of the Equality act 2010. Further information may be found within chapter 27 of SBD Homes 2016 document found on www.securedbydesign.com

Communal entrance, apartment front doors and any ground floor or easily accessible windows, are to conform to PAS 024:2012 or LPS 1175 SR 2.

Inward opening automatic gates or roller grilles must be located at the building line or at the top of ramps to avoid the creation of a recess wherever possible. Automatic roller shutters must be certificated to a minimum of LPS1175 SR1 or STS 202 BR 1. Consideration is to be given to introducing a traffic light system to assist in identifying right of way to avoid obstruction. Pertinent security advice for the underground car park can be found within Secured by Design Homes 2016 Document, section 3 chapter 52.3

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

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

The cycle store is overlooked by an active room from within the adjacent dwelling. It is to have a lockable door with a lock conforming to BS 8621(internal thumb turn) and have PIR operated lighting within.

Consideration could be given to sub-dividing the store to reduce the amount of cycles that could be accessed at any one time, reducing the threat of theft, allocating each side to a specific part of the block.

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

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

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due

regard to the likely effect on the prevention of crime and disorder.

You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

Southern Water

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

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

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

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

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

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

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

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

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good

management will avoid flooding' from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

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

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

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- a Adequate soakaway or infiltration system*
- b Water course*
- c Where neither of the above is practicable sewer*

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent:

"Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

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

This initial assessment does not prejudice any future assessment or commit to any

adoption agreements under Section 104 of the Water Industry Act 1991. Please note that noncompliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

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

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

Environment Agency

Previous refused application,

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

Condition

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

Reasons

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

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

Supporting notes

Groundwater protection

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

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

Flood risk

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

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

West Sussex County Council as Highway Authority

Background

The proposed residential development of 29 flats is located on the site of numbers 25 and 26 West Parade and 4 Grand Avenue, Worthing, West Sussex. The proposals are accessed from Grand Avenue via two existing access points. Grand Avenue is a 'C' class road subject to a 30 mph speed limit. The proposals are supported by way of Transport Statement (TS) which includes TRICS trip rate data. For the reasons stated below the Local Highways Authority (LHA) would raise an objection to the proposals the reasons for which are provided in the report below.

Comments

The current application seeks full approval. The scheme proposes 29 units along with a two new vehicular access onto Grand Avenue. As such, it is current WSCC Policy to request that a Stage 1 Safety Audit (RSA) and Designers Response are provided in support of the proposals as this will involve minor highway works and there will be an increase in vehicular movements as a result of these proposals. These documents must be signed and dated by the respective authors. Given that this information is missing, a holding objection would be raised pending the receipt of these documents.

Notwithstanding the above and whilst it is accepted that this scheme may be subject to alteration following the Safety Audit, the following comments would be offered. The scheme does include a new vehicular access onto Grand Avenue; both the accesses appear to be designed to meet current standards with kerb radii of 6 metres provided and visibility splays of 2.4 by 43 metres indicated. The splays provided are therefore considered acceptable.

The application form does not indicate if the internal road will be offered for adoption. In principle, the layout would be acceptable subject to detailed design.

The site is well located with passenger transport facilities within short walking distance. Parking provision is stated as meeting the requirements of the WSCC Parking Demand Calculator, the outputs from this are provided within the TS. From checking and based on the proposed mix and tenure of the dwellings, the car parking provision is anticipated to satisfy the likely demands.

Conclusion

In principle, no significant concerns would be raised with this proposal. However prior to the Highway Authority making a formal recommendation, a Stage One Road Safety Audit and Designers Response is required. For that reason, a holding objection would be raised.

Post script

In response, the applicant's state we agree to a condition to undertake a combined Stage 1 and 2 Safety Audit as part of any S278/Minor Works Agreement submission post planning.

In response, the Highway Authority confirms that it agrees with this approach.

In the event that planning permission is granted can I suggest the following conditions:

Access (details approved, access provided prior to commencement)

No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety.

Construction Management Plan

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

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

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

Car parking space (details approved)

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

Road Safety Audit

No development shall commence until such time as a Stage 1/2 Road Safety Audit and accepted Designers Response have been submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety.

Turning space

No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall thereafter be retained at all times for their designated use.

Reason: In the interests of road safety

INFORMATIVE

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

County Archaeologist

Summary:

No known archaeological implications for later prehistoric, Roman or medieval remains; the closest identified heritage site on the West Sussex Historic Environment Record (HER) is at TQ13360 02040 – the site of a World War II emergency coastal defence battery which was on the seafront some 70 metres to the south west.

Comment:

Early mapping: the 1778-83 Yeakell and Gardner survey and the Ordnance Survey draft sheet Littlehampton to Shoreham (1806-7) indicate that this area was uncultivated ground in the late 18th century and may have remained so until the development of West Worthing south of Heene in the later 19th century. The 3rd edition OS 25 inch map indicates that there were allotments here (or close by) just before the First World War.

Although there are occasional finds of Palaeolithic material and Mesolithic flint artefacts from the wider area there are no indications, so far, of later prehistoric or Roman settlement at this location.

Recommendation

I consider that the potential for later prehistoric, Roman or medieval is very low given the existing development (and likely disturbance from foundations and services) on the application site and I consider that no archaeological mitigation is necessary for any potential 'shallowly' buried archaeology. However, as the development provides for basement parking I recommend that a geo-archaeologist provides an assessment of the potential of the deeper deposits and any samples that have been or will be taken in future in terms of borehole analysis, test pitting or ground investigations.

County Ecologist

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

Water and Access Manager (fire brigade)

The fire brigade commented on the previous application:

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

WSCC: Lead Local Flood Authority (LLFA).

Flood Risk Summary

Current uFMfSW mapping shows that the majority of the proposed site is at 'low' risk from surface water flooding.

The proposed development is shown to be at 'moderate' risk from ground water flooding based on the current mapping.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA

Future development - Sustainable Drainage Systems (SuDs)

The FRA/Proposed Drainage Design for this application proposes that, permeable paving, infiltration with restricted discharge to the main sewer would be used to drain the developed site's surface water. This method would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

The proposed development has shown mitigation of the potential flood risk by both reducing the impermeable area within the site and restricting surface water run-off which will provide betterment over the existing run-off rates for all events up to and including the 1 in 100 year plus climate change event.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should clearly demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. As part of the proposal is to dispose of surface water via infiltration methods, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

Worthing Borough Council

Social Housing Officer

WBC would expect to see a policy compliant 30% affordable housing contribution on-site in line with Affordable Housing Policy 10.

In this case 30% would equate to 9 units of which we would anticipate 5 x 2bed and 4 x 3bed to be split 60/40 affordable rented / shared ownership.

Thus we would expect the contribution to be as follows:

*3 x 2bed - affordable rent
2 x 2bed - affordable rent
2 x 2bed - shared ownership
2 x 2bed - shared ownership*

On the assumption that the units are flats, the commuted sum towards off site provision would be:

5 x 2bed @ £80,850 plus 4 x 3bed @ £105,150 = £824,850

Drainage Engineer

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

I note the intention in the application form is to utilise sustainable drainage whilst the FRA indicates that the preference would be to use permeable paving to discharge some flow and the rest would discharge to the public sewer.

The applicant intends to discharge some 600% more sewage from the site than is currently discharged.

I also note that the drainage proposals are all supposition as no on site geological/geotechnical testing has been undertaken on the site, despite the initial interest in this site being in 2014, so there are no certainties that the soil infiltration rate will support any of the current proposals.

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

To this end we require:-

- An acceptance letter from SWA for the full sewage discharge anticipated to*

- be generated from this development.*
- *A letter from SWA setting out the maximum flow rate for surface water from the site, that will be permitted in the public sewer'*
 - *Calculations from the developer for the sizing and adequacy of permeable paving, based upon on site soakage tests, undertaken either during winter months or during a peak spring tide period (this will demonstrate soakage with high water tables or under tidal influence.)*
 - *Full proposals for dealing with all excess site flows that cannot be dealt with by discharge to the public sewer or discharged via the proposed permeable paving*
 - *Geotechnical data confirming whether the site basement will be affected by tidal influences.*
 - *Details of the disposal of water (possibly contaminated) from the basement parking area.*

Strategic Waste Planning Manager

There is sufficient bin space for the flats. It is possible that one site might be used more than another but ultimately that will be a managing agent issue to resolve. In practical terms we may choose to site the recycling closest to the parking garage and the refuse at the other end. This might help onsite management and increase recycling rates.

Environmental Health Officer

As this site is within a residential area I would advise that all works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank Holidays no work permitted.

A full asbestos survey should be carried out before any demolition works.

Construction work shall not commence until a scheme for the protection of the existing neighbouring premises from dust has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the demolition and construction phases of the development.

I also have concerns about noise transmission between some properties. The layout of some flats results in dissimilar room groups adjacent to each other which could lead to loss of amenity and noise complaints. If possible, I would suggest reconfiguring the layout to avoid these concerns.

If reconfiguration is not possible then sound insulation testing should be carried out between all dissimilar room groups to confirm compliance with Approved Document E specifications before occupation.

South Downs National Park Authority

Previous application

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

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

- *Conserve and enhance the natural beauty, wildlife and cultural heritage*
- *Promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the Public*

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

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

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

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

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

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

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

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

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

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

Representations

The application was preceded by some public consultation undertaken by the developers with the local community as set out in their Community Engagement Statement. This, principally comprised a public exhibition at the Chatsworth Hotel on 21.9.16, publicised by 850 letters distributed to local residents posting of site notices and emailing councillors.

The applicants state there were 300 attendees to the exhibition. 74 completed the form and of these 60% supported the proposal and 37% had reservations.

In addition a separate meeting was held with Save Our Seafront.

Representations received from Council Consultation on planning application

At the time of writing 5 representations were recorded supporting the proposal and 44 objecting. Most objectors were from Regis Court, Dolphin Lodge and Grand Avenue.

Support

- *We are badly in need of housing.*
- *It will bring prosperity to our town. People spending in our shops/restaurants and general stores.*
- *We continue to have an undersupply of new housing in Worthing. With brownfield sites such as this, we need to maximise the opportunity for new housing and this proposed development achieves that objective as well as fitting in with area aesthetically.*
- *The reduction in height and the considerable extra parking can only be of benefit to the area. I don't believe the slight moving forward of the building line will be detrimental to the surrounding panorama and the smart look of the new design will enhance the area and bring much needed accommodation.*
- *The new scheme has been substantially scaled back from the first application to the degree that makes this a far more agreeable proposition for this important and prominent site.*
- *This proposal will be a great addition to this important location as it seems that the design has been scaled back in line with the planning officers comments from the previous application and now looks to sit more comfortably and in unison with its neighbours.*
- *The proposed building's mass reflects well with Dolphin Lodge and it will add class and distinction to the seafront buildings along West Parade.*
- *This application reflects the criticism of the Planning Inspector in his dismissal*

of Roffey Homes' previous applications appeal and should be approved by the Council.

- *Roffey Homes has a heritage for designing and building quality developments and should be praised for their continued willingness to invest in the town.*
- *I would love to see the current almost derelict site developed.*
- *Roffey build to a very high spec. We would be happy to purchase an apartment in this block.*

Objections

Protect Worthing Seafront Campaign Group (1)

We should like to point out that it is somewhat of a stretch to say that we were consulted on the latest design as stated in the 'Design and Access Statement'. We did issue a 'Statement of Design' following publication of the Inspectors report and had a meeting shortly after with Ben Cheal and his team at the offices of ECE. The next time we met was on the eve of the public consultation. There was little opportunity for us to influence the design.

Mr and Mrs Lazzarini also met Ben Cheal but this was not an ongoing process through the design phase.

We would however like to acknowledge the good progress made by Roffey on their latest proposal. The overall reduction in height, bulk and mass is very welcome. The new design, mainly because it has been scaled down, will better fit in with the character of the local area and the overbearing impact on number 6 Grand Avenue has been reduced, albeit by no means totally. We also welcome the increased provision for parking and the colour palate of the building.

However, having consulted with members of our group, supporters and local residents, there remain areas of major concern, which do not reflect the Inspector's decision for refusal of the previous scheme.

1. Building Line Along West Parade

Sir Peter Bottomley, following the public exhibition was not alone in wishing that "Roffey and the architects ECE had respected existing building lines. Some might say coming forward half as far as Marine Point is a step....others would say it is a step too far".

The stepping forward of the building line appears to be little changed from the previous scheme. We believe that this is contrary to the conclusions reached by the Inspector who reflected that "a modest step forward beyond the facade of the adjacent Regis Court would be difficult to object to and also that there would be some merit in development on the appeal site stepping out towards Marine Point giving it and Dolphin Lodge a more integral role in the sweep of tall buildings eastwards along the seafront". It is a moot point as to whether the proposed 3.5m step forward adjacent to Regis Court is 'modest' but clearly the step towards Marine Point of up to 10.5m is substantial and we do not believe this is what the Inspector envisaged.

We do not agree that Marine Point should be the dominant reference point for the

new building. This is taking advantage of the anomaly that is Marine Point -stuck on the end of Dolphin Lodge during the 1950's. The reference point in our opinion should be the existing building line along West Parade and Regis Court.

In our view retention of the building line is fundamental not ancillary and any development should largely respect the current line. To do otherwise will adversely impact those living close to the new development.

2. Building Line Along Grand Avenue

The building line has been breached by 1.5m in two steps of 0.75m plus the depth of the balconies forward of the building.(We are awaiting clarification from you on the positioning of the balconies; this also applies to the balconies on the southern elevation). This is still a meaningful step forward of the building line that has stood since 1931 along the east side the 'breach 'at number 68 Grand Avenue sited by the developer as creating a precedent occurred when the property was built in 1931).

3. Differential Building Line

It is clear from the design and access statement that Roffey have placed considerable emphasis on substantiating the 'differential building line' along West Parade, pointing out inconsistencies from number 1 Heene Terrace and the existing number 26 West Parade.

Roffey state in their 'building line analysis' the following positions of blocks in relationship to the 'notional building line':

Regis Court - 2.6m north.

Capelia House - 2.4m south.

Caversham Court - 2.2m north.

Quinta Carmen - 4m south.

Glynde House - 4.6m north.

Seabright - 1.8m south.

They further maintain that Marine Point extends 17.1m south of the notional West Parade building line. We have always maintained that Marine Point does not have any relationship with the building line from Grand Avenue eastwards.

Given that Roffey have come up with this 'notional building line' we should be pleased to receive confirmation that you agree with the basis on which the line has been drawn, it's starting point and accuracy.

4. The Gap Between The 6 Storey Block And Regis Court

We cannot find any reference to the gap in the Inspector's report, either intentionally or unintentionally. At the Public Inquiry we stated in our presentation that the reduction of the gap was unacceptable. The present gap between Regis Court and 25 West Parade is 6.3m; the gap was reduced in the two previous schemes to 5.5m and the distance remains the same in the latest proposal.

Number 25 West Parade is 3 storeys high and will be replaced by a 6 storey building.

This will substantially increase the overbearing impact on the residents at the western end of Regis Court. We maintain that the gap should be maintained not narrowed.

5. Impact On Number 6 Grand Avenue

The 7m gap between number 6 Grand Avenue and the 3 storey block is most welcome. However, we are still concerned that the 5 storey block is the same distance away as it was previously from the property. We feel that the impact of the 5 storey block on the rear of number 6 Grand Avenue continues to be excessively overbearing and is therefore unacceptable.

6. Conclusion

So in conclusion, while we welcome a number of the modifications made to the design since the appeal was rejected in May; unfortunately we cannot wholeheartedly support the new application.

In our view there is scope for additional changes that would further reduce the impact on the neighbourhood and its residents. We note the absence of affordable housing in the latest application. This is surely a 'major gain' for Roffey and should allow them to make further changes to the design to reduce the impact on those who live close to the development site.

Second submission

This letter is in addition to the original response and highlights three main areas in which we believe that the scheme fails to address the Inspectors comments in relation to the previously appealed scheme, these being the West Parade Building Line, Grand Avenue Building Line and overall design of the scheme. I will take each of these in turn.

West Parade Building Line

The submitted scheme projects forward of the West Parade building line to the same extent as that of the dismissed scheme. In fact at one point it is slightly forward. Please refer to the attached overlay plan. The Inspector noted "... there could be some merit in development on the appeal site stepping out towards Marine Point, giving it and Dolphin Lodge a more integral role in the sweep of tall buildings extending eastwards along the seafront".

The developer has deliberately chosen a notional building line extending all the way to Wordsworth Road in order to support his argument that the step forward being proposed for the new development is commensurate with the existing building line.

If a more localised building line was tracked west from Seaview Road then the building line would be set further back. On this basis there would be less argument for the proposed development extending as far forward as the scheme being submitted.

It is appreciated that the Inspector states "On West Parade, the presence of Marine Point affords a reason to step forward, if done in an appropriate manner". However,

the submitted scheme does not fully address the Inspector's comments and in terms of the proposed stepping forward is virtually identical to that which was previously refused.

Grand Avenue Building Line

The scheme proposed to extend beyond the established building line of Grand Avenue. The Inspector stated "There is less of an argument for stepping forward from the building line on Grand Avenue, which has remained consistent despite a number of redevelopments further to the north."

He continued to comment "...there is no obvious justification for a step forward in the building line that would narrow the essential prospect of the avenue. That does not mean it is automatically inappropriate – to do so might be argued as framing the view – but it must be considered as part of the overall design."

The slight projection forward as stated within the design and access statement would result in a narrowing of the frame which is currently created by the existing building lines. The proposed reduction in stepping forward along this building line, represents a notional attempt to overcome the Inspectors concerns. In our view a more balanced solution would be to keep the framing unchanged.

Design

The design of the southern elevation fronting onto West Parade, is slightly asymmetric, to our mind this moves the focus away from the West Parade streetscene, giving the perception that the development has turned its back on the other properties fronting onto West Parade. We would have thought that this elevation should be the primary frontage, given that it looks out onto the seafront, the design of this elevation should reflect this.

At present the front elevation appears at odds with the West Parade streetscene, and should be the subject of a redesign to present itself better within the West Parade streetscene.

It is our strong belief, that there is scope for additional amendments which would further reduce the impact on the neighbourhood and local residents.

The Worthing Society

The Worthing Society considers that the proposed design has shed most of the undesirable features of the rejected scheme. There are, however, a few aspects of the latest proposal where relatively small changes in the design would make the building more appropriate for its site, and less obtrusive on its neighbours.

The Building Line

The most contentious issue is the position of the building in relation to the building line on both the West Parade and Grand Avenue frontages. The Inspector, in his Decision Letter on the Appeal, emphasised that the building line along West Parade is not uniform, though the buildings east of Grand Avenue are within a few metres of

each other. The proposed design would, however, project further forwards in relation to its neighbour, Regis Court, and in relation to the notional building line, than does any other block along West Parade. It would be 10 metres ahead of Regis Court, 5 metres ahead of Capelia House and 3.4 metres ahead of Quinta Carmen.

The Inspector wrote that the variations in the building line along West Parade make a modest step-forward in relation to Regis Court difficult to object to. In this context, a modest step forward might be 5 metres, rather than the 10 metres proposed in the current plans. He also wrote that there could be some merit in development on the appeal site stepping out towards Marine Point; and that it is more a question of how the proposed design achieves a legitimate townscape aim than whether the building line to the east had been broken.

We agree that the appearance of the townscape counts for more than the arithmetic of the building line. But we consider that placing the proposed building 10 metres ahead of its neighbour, Regis Court, would detract from the appearance of West Parade. The new block would appear to dominate Regis Court if it stood so far ahead of the older building, and would appear unduly dominant in the street scene. What is more, the projection of the new building would restrict the view of Dolphin Lodge from West Parade. Dolphin Lodge is a locally-listed building, and its setting should be protected.

Marine Point stands so much further forward than the buildings east of Grand Avenue that any attempt to step forward towards its position would have undesirable effects on the appearance of the buildings along West Parade. An attempt to place the new building sufficiently far forward on its site to represent a step towards Marine Point would have unacceptable effects on the relationship between the new building and its neighbours to the east in West Parade. If the new building is to have a reasonably harmonious relationship with the buildings on West Parade east of Grand Avenue, it cannot stand more than five metres ahead of Regis Court.

The Inspector wrote that there is less of an argument for stepping forward from the building line on Grand Avenue, and that "there is no obvious justification for a step forward in the building line that would narrow the essential prospect of the avenue". We agree, and therefore consider that the step forward of 1.5 metres in front of the building line for the new building should be eliminated. The new building should remain behind the established building line.

Impact on 6 Grand Avenue

The Inspector emphasised that a 3 storey flat-roofed building would appear overly dominant next to a two-storey traditional house. Although the gap between the new building and 6 Grand Avenue has been widened to 7 metres, the new building still appears dominant in relation to no.6 and its neighbours to the north. This dominance would affect both the street scene and the amenities of the occupants of no.6. The only solution would be to reduce the height of the northern part of the new building from 3 storeys to 2 storeys.

Design and Materials

The current design for the new building is much more appropriate for its setting than the earlier proposal. There is one ambiguity about the design: the balconies on the Grand Avenue side are described as recessed but shown as cantilevered. They should be recessed, so that their users do not look down on the front gardens of the houses in Grand Avenue. The proposed light-coloured bricks would be a suitable facing material if the colour is really cream or off-white, to harmonise with the rendered walls of Dolphin Lodge and Marine Point. The same material should be used for the whole building; variations in material and in colour break up the unity of the design.

The design of the penthouse makes it unduly prominent and unbalances the appearance of the building as a whole. This feature could be overcome if the penthouse was a lighter structure, with a thin roof rather than the present thick slab.

Other objectors:

Adequacy of revisions

- *Whilst this application has been revised since its initial proposal and objections resulting in an Appeal, it still constitutes an extremely poor proposal for such an 'iconic' site on Worthing seafront, given its location on the major intersection of West Parade and Grand Avenue. The design is of very poor quality, and its revised layout will create even more of a mass block on this prestigious corner site.*
- *The changes made by the developer in response to the result of the Public Inquiry are very welcome. They address the majority of the reasons why I was so opposed to the previous designs.*
- *The revised submitted plans are an improvement to previous plans but still not conforming with or protecting the Worthing sea front for future generations.*
- *The previous application was rejected. This slightly amended application is still unacceptable.*
- *The Council should not accept something that is not as bad as the original proposal, but is still unacceptable.*
- *Although many of the Inspector's views have been taken into account, the substantial breach of the building line makes a mockery of his recommendations*
- *Though I recognise the reduction in units of the Roffeys proposal to 29 as a positive step, I still raise objections with the current application as regards to the bulkiness of the stepped building design; any jutting out of the building line on Grand Avenue and Marine Parade; the building height which I believe will still create overshadowing for neighbours; and the effect of the building design on the open vista that is from Grand Avenue vista towards the sea.*
- *My view is only the points mentioned as not acceptable by the Officer have been dealt with; nothing has been contributed as a gesture by Roffey bearing in mind the 'modest step forward'.*

Building Line

- *There remains one area where the development still causes major concern. That is the breach of the building lines on West Parade and Grand Avenue. Whilst I understand the need for some flexibility the proposal to build over 30 feet ahead of the West Parade "notional" building line is too great. It will hem in Regis Court, reduce views of Dolphin Lodge for the public as they walk west along the seafront and become an overly dominant building on the corner of Grand Avenue. I am yet to be persuaded that it is necessary to come out that far. The extent to which the proposal exceeds the building line along Grand Avenue is less contentious except that I suspect the inclusion of non-recessed balconies make this more than the 1.5m the developer is claiming. This may also apply along West Parade.*
- *West Parade and Grand Avenue building lines: The 10 metre step forward of the Regis Court building line on West Parade and the 1.5 metre step forward of the building line of Grand Avenue are both still compromising the appearance of the southern entrance to prestigious Grand Avenue. To maintain the integrity of Grand Avenue's southern entrance the 10 metre step forward would be best reduced to 5 metres and the 5 metre building line would be best abandoned.*
- *The revised buildings are set much too far towards Marine Parade and Grand Avenue. The current building line to the east of Grand Avenue has been ignored, especially adjacent to Regis Court. It is hardly relevant what the building line is to the west of Grand Avenue as it has no particular aesthetic value in this instance, bearing in mind the width of Grand Avenue.*
- *I appreciate the plans have been revised for the better, but I feel the front building line is inappropriate. I question the use of Marine Court to justify the stepped protuberance of the front of the building, and feel it would be more appropriate to follow the lines of the buildings on the same side of Grand Avenue ie Regis Court, Capelia House, Caversham etc. I am also concerned that some developers in Worthing have allowed Roof flats or balconies to extend beyond agreed plans. Can the Council enforce the building plans be adhered to rigidly? Marine Court was built some years ago, resulting in a huge eyesore due to an error of judgement by previous planners, and is not something to encourage as an example.*
- *The building projects too far forward, restricting the sea views from Dolphin Lodge and Regis Court. There seems to be no reason to extend past the neighbouring apartments other than developing for profit.*
- *The revised application has not amended the building line which is too far South & too far West....this will make the building a more imposing one and substantially reduce the sea views from the properties in Dolphin Lodge and therefore be detrimental to their value / appeal.*
- *The proposed property is projecting beyond the building line of the original building and Regis Court on West Parade. The section of the new build adjacent to Regis Court should be brought inline. If the existing proposal is built, the new building will dominate the street scene of West Parade and will look over bearing.*
- *Encroachment beyond the Grand Avenue building line The plans propose that the building should extend a maximum of 1.5 metres (plus extending balconies) beyond the Grand Avenue building line. The Grand Avenue*

building line should be respected.

- *Encroachment beyond the West Parade building line The plans propose that the building should extend a maximum of 7 metres (plus extending balconies) beyond the West Parade building line. Note that this amounts to 10.5 metres beyond the neighbouring Regis Court building. This is partly justified in terms of the design of Marine Point so as to "provide a positive frame for the end of Grand Avenue." While some extension beyond the building line should be allowed, Marine Point should not be used as a reference building for this purpose.*
- *the borders of the proposed block projecting beyond the lines of the surrounding buildings. This will result in an unwelcome protrusion from neighbouring buildings, especially southwards towards the beach, where it is not sympathetic with the line of appearance from Heene terrace to Grand Avenue, both to visitors to Worthing, and also to the local residents.*
- *The revised plans have the building with a substantial step forward to the building line along West Parade. Also the building line along Grand Parade is breached with balconies extending even further forward. The distance to Regis Court has been reduced which with the general mass and size of the building will create an overbearing impact on neighbouring properties, the general street scene and entrance to Grand Avenue.*
- *Whilst very much appreciating the change in design and reduction in height (all advised by the Officer @ the Public Inquiry) no attention has been paid to the building line. This, particularly going too far forward towards Marine Parade has NOT been altered. The 'modest step forward' mentioned by the Officer has apart from the step away from Regis Court been left unaltered. It is not a modest step forward but a huge statement.*
- *Although better than previous proposal character and appearance of Marine parade will be harmed by stepping forward of building line. Mass is too big and too much traffic in Grand Avenue*
- *The revised application has not amended the building line which is too far South & too far West....this will make the building a more imposing one and substantially reduce the sea views from the properties in Dolphin Lodge and therefore be detrimental to their value / appeal. Grand Avenue and the Dolphin Lodge building is a landmark site to the Worthing seafront and yet the properties in DL have always been of a lower value than othersanything to further impinge on these valuations could readily cause people to move away from it....and the building to fall into neglect / disrepair etc. Dolphin Lodge & Grand Avenue, should only have buildings adjacent to it that enhance it....these are important sites to Worthing and require public / council protection.*
- *Further to the original planning application and subsequent appeal, as commented on by the inspector, and being one of his main reasons for declining the appeal, the building line of the The proposed development is still extending too far forward toward the coastline which is not in keeping with the existing properties. This compromises the view of and from Dolphin Lodge a beautiful building which is of historical value.*
- *I object to any stepping out of building line. Grand Avenue is of historical importance as the main avenue in Worthing. It currently provides a fantastic light filled, sea view vista. The Roffeys development proposes to extend building line out on Grand Avenue and Marine Parade. This will affect the current vista, making Grande Avenue narrower and darker in approach. Grand*

Avenue and building line should be protected. The Roffeys development should reduce its footprint and respect this historic avenue.

- *The proposal breaches the building line by a substantial amount on West Parade. This will cause an overbearing impact on many of those living in Regis Court and Dolphin Lodge whose outlook will be blocked.*
- *This break in the building line will look unsightly & dominant from the East, North & South angles. The impact on so many homes nearby is immense.*
- *To try to go as far forward as Marine Point is a strange idea, the development has no connection with this block as this is the start of a new building line going West.*

Height

- *The amount of building mass and its height, albeit revised from original 11 storeys max, even now 8 storeys is still completely out of line with current seafront building heights. The 'Towers' is an exception, of longstanding individual design, so should not be used as comparison. If one stands at the extremity of the Pier and looks at the complete W to E seafront vista, a new development of the height envisaged at far West would completely unbalance the modest, and almost without exception, far more attractively designed developments all along the seafront from Splash Point to current Grand Avenue.*
- *The reduction in the height of the building - with its highest element no longer overshadowing Regis Court is a very welcome alteration, however we feel the height of the building on its northern side at three storeys high is still too high. It, (despite the gap between the two buildings having been increased to 7 meters), still dominates and overshadows No 6. Grand Avenue.*
- *I feel Marine Court is being used as a parameter, bench mark or a model for the whole Sea Front to follow. Please note that Marine Court was built some years ago, and in the opinion of many is a historical error of judgement by previous planners, which we have to live with today.*
- *Why can't the current developer conform with similar heights such as Regis Court and others? The building line also seem to be protruding several metres beyond Regis Court, hence obscuring the western flank from light, view and loss of privacy. I think the Council should insist on the developer to adhere strictly to the approved building line with no discretion in this case.*
- *Allowing this plan to go ahead with eight floors will obscure the entrance of Grand Avenue, blight the environment and the Dolphin development, hence taking away the light, the view and invading their privacy. This is unfair on all their neighbours.*
- *The height also seems too high which will set a precedent for developers to build high rise on the sea front.*
- *From my experience of living in other countries where high rise apartments are build on the sea front for the small term gain. The local authorities then realise their mistake in agreeing to the development only after it is too late.*
- *Project is not in keeping with the rest of Worthing seafront and the Dolphin Lodge in particular. It should not be higher than neighboring buildings on that side.*
- *Design and character do not fit in with the area.*
- *I object to the height of the building. Just because Marine Point heads Dolphin Lodge should not automatically signify that Grand Avenue should be*

bookended with a similar height building opposite. In my opinion Marine Point was a tragic mistake in decades old planning, at a time when we didn't know any better. We shouldn't repeat past mistakes and set further precedence for the seafront to be altered to its detriment. The Roffey's development is also far more bulkier and stepped compared to Marine Point. It will block out more light and sea views than Marine Point. The height and bulkiness of the build should be further reduced.

- *Still too high at 8 storeys.*
- *The scale of the existing 3 story buildings provide a magnificent vista towards Worthing from Grand Avenue with a coherent built environment fronted by lawns - arguably the sea front in its current form is the essence of Worthing for many people and a feature worth preserving.*

Design Quality/Important site and location

- *The design is just hideous — in fact it's an insult to call it design. It just does not take an ounce of account of the major trend of the town centre facades. It smacks of just packing in as many money-making properties for the developers as they feel they will get away with. We are immune to the usual statement of ..."including affordable homes..." as if this will justify their plan to install far more units than is acceptable for this site.*
- *The current buildings which exist there are more in-keeping with the demeanour of this elegant end of such a major thoroughfare as Grand Avenue. The high rise condos should be kept for more northern areas of the town extremities, where they do not overshadow the long existing neighbours adjacent and behind the site, nor spoil the cultured image of Worthing centre and seafront stretching well to the West of this area.*
- *Appearance and design. The proposed introduction of an eight story tower block does not sit well with the immediate area, being considerably higher than the surrounding houses and buildings, in and adjacent to Grand Avenue, as exemplified by Marine Point. There is a rare opportunity to create a landmark building for Worthing showcasing excellence in design. The proposed tower block fails to complement the buildings adjacent to it, and the surrounding area, and critically fails to frame the entrance to one of Worthing's most impressive tree lined avenues.*
- *The proposed siting of the new buildings will not enhance the area at all, and is hardly an entrance to Worthing, being almost at the furthest west of the town, and over a mile from the town centre.*
- *This development will be here well after we mortals are around. I think we should honour the legacy we will be leaving behind.*
- *Grand Avenue and the Dolphin Lodge building is a landmark site to the Worthing seafront and yet the properties in DL have always been of a lower value than othersanything to further impinge on these valuations could readily cause people to move away from it....and the building to fall into neglect / disrepair etc. Dolphin Lodge & Grand Avenue, should only have buildings adjacent to it that enhance it....these are important sites to Worthing and require public / council protection.*
- *Use of Marine Point as a reference for design and building line In section 3.0 the proposed design is said to "respond to Marine Point and Dolphin Lodge" Section 2.4 recognises the importance of Dolphin Lodge as a reference building, describing it "white rendered walls have decorated gables,*

reminiscent of Dutch architecture. The arches - intended to be a colonnade - have been in-filled with brick." Section 2.4 recognises that Marine Point is anomalous "the somewhat out of tune block of flats (Marine Point) now fronts the building" Marine Point should not be accepted as a reference building for design or extension of building line.

- *The square nature of the design - absence of any curved features As noted at (i) Dolphin Lodge has a distinctive design with curved gables and bricked in curved arches. The proposed design appears to lack any vertical or horizontal curves that would support the intention to respond to the design of Dolphin Lodge. The building design should be required to be modified to introduce some curves to respond to Dolphin Lodge.*
- *The design does not fit in with that part of Worthing. Worthing has too many over-developed building sites such as the monstrous flats being built in Mill Road near to Belsize Road where a perfectly habitable 1930s style detached house was demolished. This will be the plight of the house (25-6 West Parade & 4 Grand Avenue) which add positively to the character of Worthing. One of the reasons I moved to Worthing in 1987 was because I liked this character of a "1930s town".*
- *Design absolutely hideous not in keeping with area*
- *The proposed block appearance will look too big in relation to the local buildings. Grand Avenue is a special road in Worthing with listed buildings. The avenue should not be ruined by the appearance of a block sticking out beyond the landscape gardens of the other seafront blocks, and also beyond the line of houses behind the proposed block, along the east side of Grand Avenue.*
- *Previous architectural designs and modelling by Roffeys was extremely lacking in detail. I would expect any future plan to clearly outline the quality of build, provide extensive design detail, and show how the building and the landscaping will be finished and to what quality. Without this, there is leeway for alteration by the developer.*
- *Design and character do not fit in with the area.*
- *High rise blocks on Grand Avenue are eyesores*
- *Disappointing design squeezed in boxes on wonderful seafront from start all about money with no care for fitting in with area.*

Relationship to 6 Grand Avenue

- *The design of the proposed development and the 2 year build phase will potentially be extremely stressful for the residents of 6 Grand Avenue. It is in my view beholden on the developer and the planning office to make sure that the impact of the "bulk and mass" is mitigated as far as possible. Thus far you have done an excellent job on their behalf (and indeed for the community as a whole) and I would ask that you work with ECE to soften the impact as much as possible.*
- *Overshadowing will happen at 6 Grand Avenue. The width and stepping of the proposal will block out a considerable amount of the seaview and surrounding area view of the flats of Dolphin Lodge (including my own flat at 37). It will considerably affect the angle of view of Dolphin Lodge as a recognisable and historic landmark if approaching along the seafront from Worthing to west Worthing.*

Relationship to Regis Court

- *Has completely ignored what Inspector stated regarding building line and will be highly intrusive for Regis Court, spoil appearance of seafront and dominate Regis Court.*
- *Adjacent Building Gap. The gap between the proposed building and adjacent Regis Court still remains narrower than the gap that is there at present. Surely the gap between the present buildings should be maintained, not only to avoid a "crammed appearance" but also to ensure access of larger vehicles such a fire engines etc. A narrowing of the gap serves only to cram and dominate Regis Court, whilst at the same time dangerously restricting access to the proposed new development.*
- *Having owned an apartment on the west side of Regis Court since it was built we are very concerned about this application which again seeks to breach the long respected building line between Grand Avenue and Heene Terrace.*
- *Roffey's revised proposals breach this long respected building line and this, together with the proposed scale, will be overbearing for residents of Regis Court and detrimental to Worthing's unique appeal, the sea front with a very broad promenade, exceptionally wide boulevard adjoining lawns and a consistent building line.*
- *The proposed development will dominate Regis Court and impair this important feature of Worthing, its spacious sea front appearance.*
- *The proposal also narrows the gap between Regis Court and the existing 3 storey buildings which is detrimental to those in the adjoining Regis Court apartments. Those with West facing windows will be overlooked, resulting in a loss of privacy and there will be increased wind tunnelling on this exposed position.*
- *The new build will still obscure light and view, with a resulting loss of privacy for some residents of Regis Court.*
- *I am still concerned with the position of the property in proximity of the boundary to Regis Court. The building should be brought back in line with the current side of the property. From the back of our property in Bath Road, the elevation is already dominated by large developments on the sea front and a reasonable natural gap between the buildings provides a little relief to this.*
- *Stepping forward of building line will have overbearing impact on Regis Court the gap between the block and Regis Court remains; narrower and it will dominate Regis Court.*
- *Accept area needs rejuvenating but step forward; narrowing of gap with Regis court will damage quality of life and light.*
- *10 ms step forward of Regis Court is not modest.*
- *Gap with Regis court has been narrowed rather than widened as promised.*

Amenity of neighbours

- *Overlooking and privacy. The proposed introduction of an eight story tower block will both block light, and overlook thus invading and destroying the privacy, and quality of life of many properties, its immediate neighbours, and*

properties in the surrounding area.

- *Though I recognise the reduction in units of the Roffeys proposal to 29 as a positive step, I still raise objections with the current application as regards to the bulkiness of the stepped building design; any jutting out of the building line on Grand Avenue and Marine Parade; the building height which I believe will still create overshadowing for neighbours; and the effect of the building design on the open vista that is from Grande Avenue vista towards the sea.*
- *The building line along West Parade is being breached by a substantial amount causing an overbearing impact on residents of Regis Court and Dolphin Lodge.*
- *It will block the views of some 30+ households in Dolphin Lodge, the households in Regis Court, and many blocks to the East of this. Why?*

Loss of existing buildings

- *Loss of No. 4 Grand Avenue is a perfectly functional family home, sitting perfectly in its surroundings, enjoying sea views.*
- *I feel that going ahead with eight floors will mar the sea front landscape and the entrance to Grand Avenue, the best Avenue in the town, making the road less attractive.*

Parking and traffic

- *The amount of residential property contained are far too many for this site, and associated parking spaces are completely insufficient anyway for this many flats. We speak from experience, not from guesswork, as we live in a detached property with own garage and driveway which we always use, but opposite a similarly mass residential apartment complex. The number of vehicles per apartment far exceeds the number of parking spaces, and in some cases there are current apartment owners who have more than 2 vehicles and include commercial vans, which are constantly if not permanently parked on roadside locations outside other people's properties. Even owners with underground parking spaces do not bother using them, but rather park on roadside, which results in a massive overflow exceeding the roadside boundaries of the apartment buildings, thus they utilise spaces in front of non-related individual home owners. This gives no opportunity to even park in front of our own properties, and certainly never allows any visitors to park nearby our homes when visiting, as they are always blocked by these apartment dwellers.*
- *Additionally, the traffic congestion aspect would be severely affected with the proposition of a further minimum 30 rising to most likely 50-60 vehicles on the move from this prominent location on to West Parade during work day and weekend rush hours — at present I personally experience almost permanent total congestion during working weekdays mornings and afternoons between our residence and a work facility just less than 2 miles on the borders of Lancing taking 50+ minutes in almost total nose-to-tail traffic on many occasions. To add to this congestion is just ludicrous. The resulting current traffic congestion must surely be totally anti-ecological with cars idling and shuffling along spewing fuel fumes and chemicals. There is no alternative route from this location. To envisage it being added to just does not feel at all acceptable.*

- *The proposed introduction of an eight story tower block does not have sufficient parking to avoid permanent congestion to occur in Grand Avenue and surrounding roads.*
- *The proposed introduction of an eight-story tower block will add another driveway onto Grand Avenue for at least 29 cars close to a major junction, which is already dangerous to negotiate for pedestrians, increasing the risk of accidents to pedestrians as cars exit the new development.*
- *I remain concerned about the increased number of cars needing to park in Grand Avenue as the parking allowance is inadequate.*
- *Grand Avenue was originally built with limited capacity for parking, yet with such development we shall have more than 20 cars looking for a place to park. I am taking into account flat owners who usually have more than one car, plus their friends and visitors. I even think 20 cars is a modest figure!*
- *The 40 car parking spaces envisaged will cause problems with highway safety, traffic and parking on the road. This will cause problems with noise, disturbance, traffic and smells.*
- *Proposals for parking on the Grand Avenue forecourt of the building 9 open air parking spaces are proposed in front of the building along Grand Avenue. All other significant sized blocks of flats along Grand Avenue have parking restricted to the rear of the building or underground. No screening is proposed for the proposed parking spaces. They will be an eyesore, particularly to residents of Dolphin Lodge. Note that section 5.7 of the submission does not include any verified views of the building directly from across Grand Avenue, where the parking arrangements will be most visible. The Grand Avenue forecourt parking should be restricted for loading/unloading only.*
- *From a safety angle, it will block views for busses, traffic turning left who will not be able to see the road ahead and the pelican crossing immediately on Marine Parade. This crossing is very busy, particularly summertime.*
- *Nothing in proposal modifies the major objection that 40 parking spaces will generate car traffic disgorging on seafront which is already crowded and will ruin Grand Avenue parking and traffic will be dangerous.*
- *The access to West Parade and Grand Avenue will be overwhelmed by extra cars coming from the 40 carpark spaces.*

Balconies

- *On the day of the display of the new plans, I asked a question about the balconies and whether they were recessed or protruding from the stated building line. The answer was ambiguous. We need to have a clear answer on this, as developers will often take advantage of discretionary matters.*
- *The balconies are not recessed causing overlooking of the front gardens along Grand Avenue.*

Landscaping

- *Trees and landscaping 2 trees are proposed to be removed from the public grass verge of Grand Avenue without replacement elsewhere (section 6.7). There is no hedge screening in the front of the building on that side. Note that the landscaping design in section 6.9 has an incorrect colour index. It could be mistaken for proposing a hedge on the grass verge. The trees to be removed should be replaced by planting two other elsewhere. There should at least be*

hedge or shrub screening in front of the building on the Grand Avenue side to screen the proposed car parking facility.

Affordable Housing

- *Social Housing has been ruled out from this development. I sincerely hope the integrity and wisdom of the planning officers and the loyalty to maintaining the charm and character of Worthing sea front for future generations will override the financial short term factors when considering this application.*
- *I object that none of these flats are affordable.*
- *I understand that none of Roffeys flats are affordable (ie: they pay a fine per unit in order to build luxury apartments). In an age where we are lacking housing stock for first time buyers, I find it incomprehensible that we are not encouraging developers to build more affordable units.*

Infrastructure

- *Worthing is already 'full to the brim' with people, traffic, buildings and without sufficient infrastructure in all areas both socially, personally, and visually to absorb such a large influx of at least 30-40 more residents in one development where previously there were at most I suspect around 8-10 persons.*

Acceptable development

- *I was born and brought up in this town, and there are far more acceptable and reasonable developments which have more recently been or currently under construction suitable to the demeanour of Worthing [eg Vista Mare just nearby, and currently the developments along Mill Road].*
- *Warnes and Marine Gardens fit in nicely. Architects should get ideas from these.*

Planning Committee

- *I truly hope that the planning committee will give serious consideration to all local concerns and be aware that their decisions will enhance or blight the towns charm in a lasting legacy for future generations.*
- *We rely on the Planning Committee to protect this part of Worthing's sea front which is for many people iconic for the town and its appeal.*

Planning Appraisal

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.

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

The Council's self-assessment of the Core Strategy's Conformity with the National Planning Policy Framework demonstrated that, in many respects, the Council's key Development Plan conforms closely to the key aims and objectives of the Framework. However, it is acknowledged that in response to the requirements of the Framework and informed by local evidence it is clear that Council cannot demonstrate a current 5 year supply of housing in respect of Objectively Assessed Needs and that all relevant policies which constrain housing delivery in the Core Strategy are out of date in respect of the National Planning Policy Framework. Accordingly the Council needs to assess the housing delivery strategy set out in the current Development Plan. A Housing Study was published last year to this end. A revised Local Development Scheme which commits the Council to undertake a full review of the Core Strategy and prepare a new Local Plan by 2018 has been produced.

The main issues raised by this proposal are:-

- The principle of residential development, housing need, dwelling mix and tenure and density
- Height/massing/siting of buildings and quality of the design and impact on local character and townscape, including setting of heritage assets
- Impact on amenity of neighbours and amenity of new dwelling occupiers
- Parking and access arrangements
- Other environmental impacts including drainage, flood risk, contaminated land, sustainability , micro climate and archaeology
- Absence of affordable housing, development viability and planning obligations.

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

Appeal decision

The recent appeal decision is also highly relevant as a material consideration to the extent that it offers clarity in some key areas (see Appendix 2).

Firstly; on what is unacceptable in design and neighbour amenity terms (i.e. the appeal scheme itself).

Secondly; what was acceptable in that scheme in so far as these matters were either not questioned or found to be acceptable. This includes the principle of a more intensive residential redevelopment of the site than currently exists; direct impacts on heritage assets; the parking and access arrangements and impacts on the network; dwelling and tenure mix; development contributions; micro climate/wind impacts and other environmental aspects of the scheme which were not contested by the principal parties such as sustainable drainage/flood risk/contaminated land investigation/remediating.

Thirdly; on the limited scale of regeneration and housing benefits from the appeal scheme and that these were not determinative.

Fourthly, the test which should, in his judgment, be applied in assessing such proposals; namely, if the proposal does not qualify in itself as sustainable development due to its environmental (or other) impacts, the Paragraph 14 test of the National Planning Policy Framework set out above does not apply.

These judgements would hold unless material circumstances had changed in the meantime. Certainly the physical circumstances of the site and locality have not, nor has the policy framework.

However, it must be borne in mind that the role of the Inspector is not to prescribe what would be an acceptable design on the site and there are dangers from trying to infer directives on a future design from his comments on the appeal scheme. Such pointers as are given are discussed in the relevant design and neighbour amenity sections.

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

The principle of a more intensive residential development than the current situation on site has previously been accepted by the Committee. This did not necessarily preclude a tall building as set out in the Tall Buildings SPD and Officers in negotiations prior to the appeal had entertained the principle of up to 7 storeys. Indeed, part of the site (25-26 West Parade) was, and continues to be, identified in the SHLAA (Strategic Housing Land Availability Assessment) as having an indicative potential to yield 22 units gross, subject to detailed design, and, as such continues to be wired into local plan delivery/management assumptions.

The difference between the Council and the previous scheme as appealed was principally one of *the form and design* (including scale, height and siting) of that scheme, in particular, its shortcomings as expressed in the reasons for refusal and how the harm these caused, demonstrably and significantly outweighed the benefits.

With both parties and most third parties at the appeal accepting the principle of a more intensive residential redevelopment of the site, the Appeal Inspector did not contest the principle either.

The new application is very similar in substance to the previous proposal and the principle of the more intensive redevelopment remains acceptable.

Not least, it complies with the broad spatial strategy and national policy. Although not formally allocated in the Core Strategy, it is identified in the SHLAA and is situated in an established residential inner suburb within the urban area which is within reasonable access of local facilities and the town centre and is generally supported by necessary infrastructure. A substantial part of the site is brownfield land and the important greenfield elements are retained. As infill development, it consolidates the land use pattern and the proposal makes an effective and efficient use of such land, achieving a site density of some 111 dwellings per hectare and replacing some tired and partly vacant buildings. The size and shape of the site lends itself to development.

As for the dwelling form and mix, it was accepted previously that flats were appropriate in this location, reasonably close (one kilometre) to the town centre boundary and adjacent to a stretch of high density, flatted, slab seafront development with a very urban character. They are also the most effective way of optimising density here. It is recognised that the proposal, again, does not advance the recognised aspiration for *family houses with gardens*. However, by providing thirteen x 3 bed flats (one a garden flat with a large private garden and the remainder all with substantial balconies), a significant net gain of family sized accommodation is still achieved.

Whilst it remains a moot point whether, in practice, the proposed flats would appeal to families with children, the developer has previously reported that, from experience of similar high quality flatted developments; over half of Roffey homes apartments are purchased by downsizers resident in the Borough. As a result, the proposal is likely to release a significant number of under-occupied family houses with gardens for new family occupation which directly assists the underlying aims of Core Strategy Policy 8.

A proposal of this scale would normally be expected to provide 30% of the homes (i.e. 10 dwellings) as affordable and on site. The current application proposes none, nor a commuted sum for off-site provision on the basis that this would render the scheme effectively unviable.

The issue is considered in detail in the Planning Obligations section below.

Generating a net increase of 24 dwellings, the proposal would certainly contribute towards reducing the recognised shortfall of identified deliverable housing land against Objectively Assessed Need (OAN). However, in practice, the gain is so modest that it would not, by itself, be determinative, especially given the scale of shortfall against the OAN and the fact that the site is already identified in the Core Strategy's expectations for future housing delivery through the SHLAA. In any event, the Committee will recall, action to realign the Plan with the NPPF is underway through the planned review, with a further consultation on a draft spatial strategy due to be published this year.

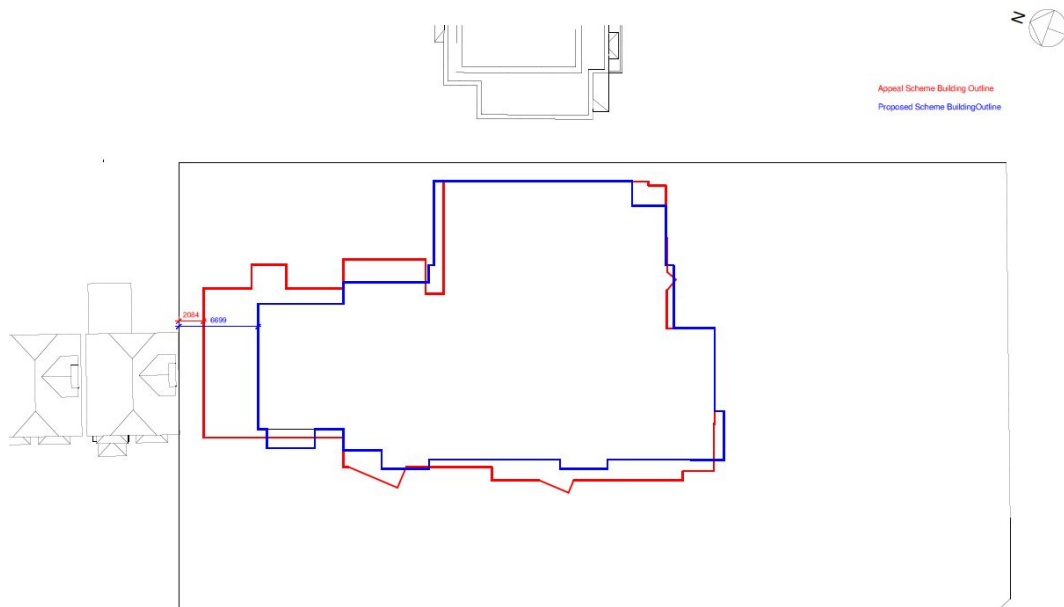
Height/massing/siting of buildings and quality of the design and impact on local character and townscape, including setting of heritage assets

Detailed comparison of new and appeal schemes

The starting point for any assessment is an understanding of how the new scheme physically relates to its surroundings and compares with the appeal scheme.

The inset overlays graphically compare the footprints and profiles of the current with the appeal scheme.

Comparison of footprints

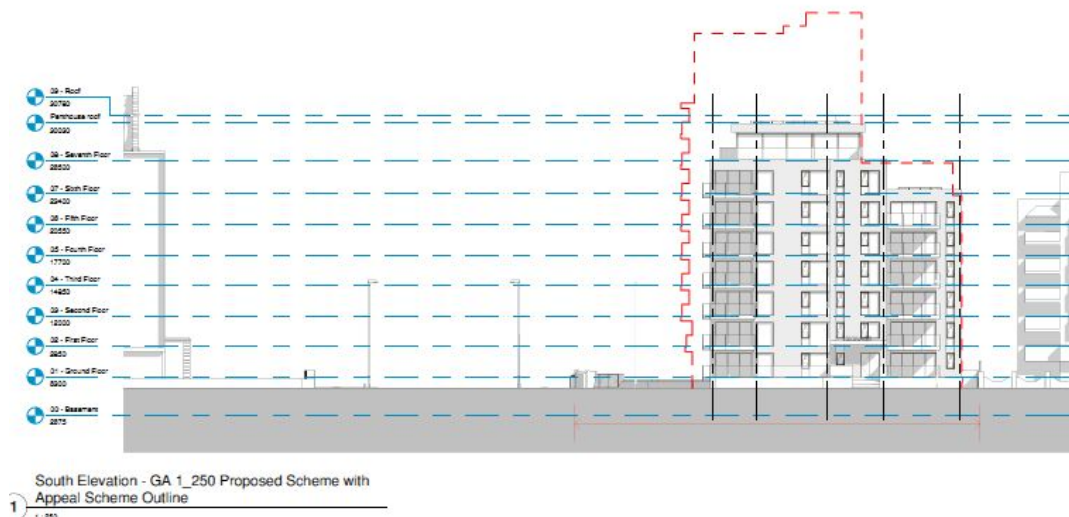


Comparison of profiles



West Elevation - GA 1_250 Proposed Scheme with Appeal Outline

West Elevation



South elevation

Here, it is apparent that the new scheme remains a substantial building in itself and in relation to its neighbours and reproduces many features of the appeal scheme. However, it differs from the appeal scheme in several key respects.

Similarities and differences are considered below.

Amount of development

The number of flats has been reduced from 35 to 29 - a 17% reduction. In terms of new residential floorspace, the applicants report the gross internal floorspace has reduced by some 16%.

Concept

The concept of the scheme is broadly similar - a hybrid composition which seeks to positively respond to its townscape context, whilst achieving a high standard of design and take account of the Appeal decision and guidelines which may be drawn.

Its constituent forms comprise, firstly, a pivotal, central tall element, in this case a projecting corner building, rather than the corner tower. Secondly, two subordinate shoulders, flanking the central element remain. Thirdly, a much smaller link building which steps down from the northern shoulder in Grand Avenue is retained.

Corner building

The central, tallest element in the appeal scheme (the eleven storey tower and service block) has been replaced with an eight storey corner element, the top floor arranged as a penthouse. Its principal face is to Grand Avenue and reads as a slab block from there.

The corner element's seven storeys roof and penthouse above roughly align to that of the Marine Point.

The penthouse on top of the block is recessed on all sides, most prominently on its southern (West Parade) side (some 5 ms). Whilst its eastern section sits 2ms closer to Regis Court than the appeal scheme tower, it is around one metre further away than the service tower of the appeal scheme. The penthouse is also set back from the seafront (West Parade) by some 5 ms compared to the appeal scheme tower and its overall footprint is smaller than the tower.

The main corner block continues to step forward of both the eastern and northern shoulders of the new scheme as well as its neighbours at Regis Court and 6 Grand Avenue. It marks both the eastern and southern most extremities of the new scheme.

The main corner block projects forward towards the seafront (West Parade) in a staggered fashion. The first stagger is just over 5 ms forward of the main front wall of Regis Court and some 12 ms away to the west. The second stagger takes the corner block a further 2.5 ms forward at distance of some 17 ms from Regis Court. The relationship between this southern extremity of the corner block and Regis Court and that of the appeal scheme tower with Regis Court is very similar.

A third stagger features on the apex of the corner building in the form of the (glazed) cantilevered part of the corner tier of balconies. These project an additional one metre forward at a distance of some 25 ms from Regis Court. This is a similar projection to the balconies in the appeal scheme, albeit these balconies are 8 ms further away than the appeal scheme to this neighbour. They are also broader in their footprint.

In respect of the western frontage to Grand Avenue, the main corner building sits forward of the main front wall of the northern shoulder by just less than one metre and the main front wall of 6 Grand Ave by just over 2 metres. This compares to just less than 4 ms in the appeal scheme, rising to around 5 ms for the oversailing eastern tier of balconies.

Eastern shoulder

The eastern shoulder has been reduced in height from seven to six storeys adjacent to Regis Court.

This shoulder is relatively narrow and arranged in a staggered fashion. The closest part to Regis Court remains forward of this neighbour's adjacent balconies and its main front wall. However, the oversail has been reduced from 5ms in the appeal scheme to 2 ms.

The stagger is produced by a tier of glazed cantilevered balconies which emerge 2 ms from the SE corner of the shoulder and project forward by some 3 ms towards West Parade. They sit behind the main corner block but on a similar line to the appeal scheme's eastern shoulder.

The gap between the eastern shoulder with Regis Court is unchanged at around 5 ms. It compares to the current gap between No 25 and Regis Court of some 6.5 ms.

The rear wall of the eastern shoulder also now marginally extends (less than one metre) beyond the main rear wall of Regis Court and its penthouse terrace, whereas previously these were fully aligned.

Northern shoulder

The height of the northern shoulder has been reduced from six to five storeys and is also a narrower building.

Its main front wall sits slightly behind the main corner building but distinctly in front of the penthouse. A tier of cantilevered glazed balconies sited next to the corner building, project forward of the shoulder by a further 1.5 ms.

The main front wall of the shoulder is some 1.5 metres forward of the front main wall of No 6 Grand Avenue and its northern neighbours and the balconies some 3 ms forward.

Compared to the appeal scheme, the separation distance between the main front/rear walls of the northern shoulder and No 6 Grand Avenue remains constant (14 ms).

However, the northern shoulder's main front wall is recessed by over a metre by comparison and the balconies are nearly 2 ms shallower, as well as over 3 ms further to the south (some 17 ms).

Finally, the depth of the shoulder has been reduced so that it no longer oversails the two storey rear addition by around 2ms but is actually now slightly shallower.

Link building

The three storey link block remains the same height.

However, it has narrowed from just under 12 ms to just over 7 metres. More significantly, it is now set back some 7 ms from the southern boundary of No 6 Grand Avenue and its northern neighbours compared to around 3 ms in the appeal scheme. Its main front wall is also set behind No 6 Grand Avenue's corresponding main front wall whereas in the appeal scheme it was marginally forward. Finally, its rear wall has been cut back so that it now only oversails the principal rear back wall of No 6 Grand Avenue by 2ms rather than 4 ms.

Architectural treatment

The architectural treatment of the buildings is similar in concept.

A contemporary style has been adopted where the constituent forms are clearly expressed by modulation, height and siting and the articulation of the elevations.

The material palette of lighter brickwork for the corner block and mid colour for the shoulders and link building are also critical here and help define the scheme's persona.

Extensive glazing has been used on the street elevations to lighten the appearance and maximise amenity for future occupiers.

A defining feature is also the tiers of projecting balconies on the street elevations to take advantage of sea views and which architecturally emphasise the apex of the corner.

Assessment of scheme

The proposal continues to qualify as a tall building under the definition used in the SPD *Tall buildings are those that are substantially taller than their neighbours and/or which significantly change the skyline.*

The central element – the corner building- however, now falls in the *Tall building* (7-10 storeys) category, unlike the tower in the appeal scheme which was classified as a *Very tall building* category (11 storeys +). By this reckoning both the shoulder buildings now fall into the *Midrise* (4-6 storeys categories), unlike the appeal scheme which straddled the *Tall building* and *Midrise* categories. The *link* remains in the *Typical context* (2-3 storeys) classification.

The SPD provides guidance to assess tall building proposals under two broad headings- *location* and *appearance*.

Location

The assessment of the previous appeal scheme under this heading concluded that, although the site is not in an identified Opportunity Areas where the principle of tall buildings will be more favourably received tall buildings outside of such area areas were not precluded.

Judged on its own merits against the relevant constituent locational criteria of *accessibility*, *context* and *regeneration*, the site had some potential. This is assessment is reviewed below for the current scheme.

Starting with *accessibility*, the likely pressure on the transport network was previously acceptable and would be less in the new scheme due to the reduced number of dwellings. The site enjoys the advantage of being close to public open space in the form of the seafront.

In terms of *context*, being within the urban area, sited on flat land and avoiding any designated environmental assets remain advantageous locational factors. Equally, the established presence of tall seafront buildings and Dolphin Lodge and the fact that a tall building would infill an anomalous current gap in the stretch of seafront tall buildings, generally reinforcing the broad pattern of development continues to weigh in the proposal's favour here.

The previous scheme was also assessed under *context* for the potential impact of the proposal on strategic views, vistas and corridors. Here it was accepted that, whilst the new block would be visible from The Downs, it would not be that discernible from the neighbouring slab blocks and would tend to merge into the urban form. This was underscored by the South Downs National Park Authority's absence of any specific

objection. The new proposal is significantly shorter and less bulky and this conclusion continues to apply.

The impact on views along this part of the seafront and down Grand Avenue is considered under *appearance*.

The problems of the appeal scheme which were previously highlighted in terms of *context* related very much to its specifics and how it failed to successfully relate to its neighbouring tall buildings and suburban housing to the north rather than the principle of a tall building and how that impacted on important views. The related issues of height, massing and siting of the current scheme are discussed further on in this section under *Appearance*, as are localised impacts on heritage assets.

The third locational test is *regeneration*. Tall building proposals are expected to add vitality to the town by creating vibrant and lively environments, support and exemplify the regeneration of the town centre and seafront and promote sustainable development.

However, as before, the site lies outside of any designated priority area for regeneration and any such benefits that may accrue would be very local rather than strategic.

That said, the renewal of the seafront urban fabric and replacement of what are two tired and undistinguished seafront buildings has the potential to enliven the seafront, enhance the town's brand image and assist local regeneration. Crucially, as the Appeal Inspector noted in para 41 of the Decision Notice, '*it is the design of any proposal that determines whether it would improve the appearance of the area.*'

It is telling that the Appeal Inspector did not question the suitability of the site in locational terms for a tall building; rather it was the quality of the design, particularly in terms of siting, massing and height that were the critical determinates of the acceptability of any scheme.

Appearance

The Tall Building SPD sets out four design criteria under this heading; sustainability; townscape/public realm; quality of life and design detail. *Sustainability is covered in more detail in the Other Environmental Matters section.* Quality of life issues in terms of meeting space and inclusive design standards and impacts on neighbouring occupiers are also dealt with under other sections of this report.

A range of key, interlinked design criteria are set out in the SPD terms of *appearance*. However, for continuity with the approach of the Appeal Inspector and transparency, these are boiled down to interrelated issues of height/massing, siting and overall design. Landscaping; impact on views; impacts on the setting of local heritage assets and loss of existing buildings are also assessed.

Height and massing

Whilst the Inspector dealt with these issues separately, it is apparent that there was substantial overlap.

His objection to the appeal scheme in terms of height is set out in paras 16, 17 and 43 and focussed on the tower element; the eastern shoulder and the relationship between the tower, northern shoulder, the link building and No 6 Grand Avenue.

His criticism of massing is set out in paras 13, 14, 16 and 43:

Para 13 - The massing along Grand Avenue presents a much more difficult townscape problem. Having a tall building in the context of the West Parade frontage means that it then has to step down dramatically to fit with the traditional domestic character of the adjacent buildings in Grand Avenue (visually two storeys, although most have rooms in the roofspace). That is something Dolphin Lodge does not attempt to do – but at least Hythe Road acts as a break between it and the traditional dwellings to its north (and, of course, Dolphin Lodge was built first, in effect as part of a grander scheme that did not come to fruition).

Para 14: - Looking solely at the proposed building, the steps down from eleven to six to three storeys along Grand Avenue appear appropriate in design terms. However, the 3-storey element, which continues the design approach to the taller parts of the building, has floor levels and storey heights greater than the traditional pitched-roof dwellings immediately to its north. The first floor level would be higher than the sill height of the first floor windows of 6 Grand Avenue, the second floor level would be about half way up the roof pitch and the top of the building would be higher than the ridge line. The top of the 3-storey building would be roughly twice as high as the eaves line of no. 6. It would be further from no. 6 than is the existing no. 4 (2.0m instead of 1.0m). Even so, to have a flank wall over 12.0m deep and nearly 10.0m high so close to a traditional pitched-roof house, on slightly lower ground, with eaves and ridge heights of about 5.0m and 9.0m, can only be an uncomfortable juxtaposition.

Para 16 - There is no need for a building this tall, either to mark the junction with Grand Avenue or to complement Marine Point.... the eleven storeys of the tower would appear disproportionately taller than either Marine Point or Regis Court, something that would be emphasised by the tower being forward of the shoulders of the building on both West Parade and Grand Avenue. In relation to Regis Court, the shoulder of the building would appear taller, or at least more bulky, because of the step forward and because the top storey would seem to be more an integral part of the building than clearly subordinate. On Grand Avenue, the step down from eleven storeys to six to three might be reasonable in itself but would result in an inappropriate contrast between the scale and style of the 3-storey element and the traditional domestic style of 6 Grand Avenue so close to it.

Para 17 - Thus, while a degree of assertiveness might be appropriate on this important corner site, the proposed design would be unduly assertive because of its siting (coming forward of the building lines on both West Parade and Grand Avenue), its height (significantly taller than its neighbours) and its massing (in relation to both Regis Court and the dwellings on Grand Avenue).

Para 43 - the proposed development would be inappropriate in design terms because of a combination of its siting (forward of the building lines on West Parade and Grand Avenue), height (significantly taller than its neighbours) and massing (in relation to

both Regis Court and the dwellings on Grand Avenue). That conflicts with adopted Core Strategy Policy 16, saved Local Plan Policy CT3, the Tall Building Guidance SPD and design policy in the NPPF.

In relation to the above, it is quite apparent the new proposal would, by its sheer size and prominent location, still have an assertive presence.

However, the changes are significant.

The height of the penthouse on the top of the *corner block* and the roof terrace of the main block below now align with Marine Point's corresponding penthouse and its main block below. It is marginally shorter than Dolphin Lodge.

To this extent the *corner unit* frames the entrance to Grand Avenue and balances with Marine Point.

It would be difficult to say its height marks the development as a landmark building which is excessively assertive, bulky, and unduly dominant or out of character with Grand Avenue.

In relation to the *eastern shoulder*, its height has been materially reduced to broadly align with Regis Court, whilst the height of the abutting *corner element* has been substantially reduced. It has also been considerably narrowed as well as appreciably pulled back from West Parade and is clearly expressed as a separate form, distinct from the *corner block*. A moderate gap between the *eastern shoulder* and Regis Court is also retained and the development enjoys a spacious open frontage. Accordingly, it reads as far less tall and bulky in relation to Regis Court. It achieves a more sympathetic relationship.

Turning to the relationship between the *corner block*, *northern shoulder*, the *link building* and No 6 Grand Avenue, the tower has been reconfigured as a much shorter *corner block*, the *northern shoulder* has been downscaled to five storeys, substantially narrowed in width and pulled back from Grand Avenue and the *link building* has been set back still further, significantly narrowed and drawn away from No 6.

The effect is a more gradual, less abrupt sweep down and an approach acknowledged as entirely legitimate in principle by the Inspector. Whilst the *link block* is still just over one metre taller than the roof ridge of No 6 and some 5 ms above its eaves line, the 7 ms gap here allows for a more comfortable transition between these neighbours.

Whilst some neighbours continue to oppose a large building here, the reductions in height and massing command substantial support, even amongst the scheme's many critics.

Siting

The Inspector's objections to the appeal scheme in terms of siting generally underscore his criticisms in relation to height and massing.

His objections are set out in paras 6 (below) 16, 17 and 43 (above) and centre on the lack of justification for a step out into Grand Ave; the accentuation of the height of the tower by its step forward from both the shoulders; and the step forward of the eastern shoulder in relation to Regis Court, compounding its bulk and height.

Para 6 - There is less of an argument for stepping forward from the building line on Grand Avenue, which has remained consistent despite a number of redevelopments further to the north. Grand Avenue is a wide road leading down to the sea. It always had Dolphin Lodge on its east side (and later Marine Point, which steps slightly forward of Dolphin Lodge) and there is something to be said for a taller building to complement it on the east side of the road. However, given the historic purpose of Grand Avenue, still evident, of being a main approach to the seafront, there is no obvious justification for a step forward in the building line that would narrow the essential prospect of the avenue. That does not mean it is automatically inappropriate – to do so might be argued as framing the view – but it must be considered as part of the overall design.

The new scheme does make some significant concessions in terms of siting. Most apparent are the staggered pull back of the eastern shoulder adjacent to Regis Court and, more consistently, along Grand Avenue.

However, both the West Parade and the Grand Avenue building lines are still broken and the corner block projects out towards West Parade as far as the appeal scheme.

The issue here is whether the step backs proposed are sufficient in design terms.

In so far as the Inspector does share his thoughts on what may be appropriate here, he suggests in relation to the West Parade building line;

Para 5 – ‘a modest step forward beyond the façade of the adjacent Regis Court would be difficult to object to there could be some merit in development on the appeal site stepping out towards Marine Point, giving it and Dolphin Lodge a more integral role in the sweep of tall buildings extending eastwards along the seafront. It is therefore more a question of how the proposed design would achieve a legitimate townscape aim rather than simply whether or not the building line to the east has been broken.

Para 7 - On West Parade, the presence of Marine Point affords a reason to step forward, if done in an appropriate manner.

This nuanced approach is sensible and makes clear siting is indivisible from height, massing and design: it is the scheme as a whole which must be assessed.

This is echoed in the Inspectors comments on the Grand Avenue building line in para 6 above, which suggests a breach of the building line here is not automatically inappropriate but must be considered as part of the overall design.

Against this background, the proposed step forward of *the eastern shoulder* main front wall on the West Parade building line is significant but, arguably, in the context, still relatively modest closest to Regis Court.

The subsequent steps forward from the West Parade building line by the *eastern shoulder* balconies but, particularly, the main walls of the *corner unit* are much more profound and prominent.

However, the steps forward do seek a *legitimate townscape aim* by providing a sympathetic, staggered transition between Regis Court, the new block and Marine Point and the markedly forward building line that characterises the seafront west of Grand Avenue. Importantly, it is set back nearly 20 metres from the Marine Point frontage and still retains a large expanse of open space in front and to the side. Again, its substantially lower height compared to the appeal scheme is crucial here.

Turning to the Grand Avenue building line, the proposed scaling back of the steps forward by the building's main front walls are also significant and the staggered arrangement certainly does attenuate the breach of building line.

However, the revised scheme unquestionably narrows the prospect offered by Grand Avenue and more than the step forward by Marine Point.

Equally important in assessing breaches of both building lines are the projecting balconies that characterise the scheme.

Although partly enclosed by staggers in the main walls, the projecting balconies on the *eastern shoulder* and apex of the *corner block* are particularly deep. The balconies on the eastern shoulder are also reasonably close to Regis Court. The projecting balcony to the link building is shallower but wholly exposed and reasonably close to 6 Grand Avenue. Whilst the balcony on the west side of the *corner unit* is mostly recessed and the northern shoulder balcony partly enclosed by a stagger in the main wall, they still project out materially from the building.

Even recognising that the balconies cantilevered design and glazed screens lend them a lighter, airy appearance, the effect is to compound the encroachment of both building lines.

The scope for scaling back the projections by recessing the balconies, at least in part, has been raised with the applicants. They reject any further revisions to the scheme on the grounds that,

The balconies referred to on the eastern shoulder are necessarily scaled and designed to provide cohesion to the step between the shoulder element adjacent to Regis Court and the first step to flats 9,14 etc.Reducing the scale would have the effect only of revealing a greater extent of the stepped element of the scheme. It is our view that the correct balance has been achieved here, responding fully to both Regis Court and the extent of projection forward of the building line.

The balconies to the link and northern shoulder are 1.5m deep, a generally accepted minimum depth that provides a wheelchair turning circle. We do not agree that recessing these balconies would benefit the design, as both are adjacent to steps in the building line. The balcony has been recessed further south along this elevation where there is no step in the building line.

The relationship of balconies (other than the penthouse) with Regis Court was not raised as a concern by Mr Gray in this regard. Furthermore, the separation between balconies is consistent with other flatted developments that are located adjacently and at a minimum of 8m are greater in separation than many other examples in the locality, including Vista Mare which provide for very high quality living environments. It should also be appreciated that the primary outlook of any users of the new balconies would be to the south and east, rather than looking back (north-east) to the neighbouring properties.

The argument is not entirely convincing for all the balconies but the test is whether the projections forward by the development as a whole are acceptable in themselves.

Conclusions on height/massing and siting

Officers have previously accepted that the logic for infilling what is an anomalous gap in the seafront townscape with a substantial building was compelling. The difference between the Council and the applicants on the previous scheme related to the height, massing and siting of that building, not the principle of a tall building.

The new scheme has made positive attempts to respond to the Inspector's report.

The reduced height is especially significant and broadly consistent with the approach previously promoted by Officers in negotiations.

The adjustments to siting are still significant, if less ambitious. Whilst there is a case for some further judicious moderation of the balcony projections and the step out by Regis Court is at the very margin of *modest*, they are not inconsistent with the approach of the Inspector.

It is recognised that many neighbours, Save Our Seafront and the Worthing Society take the view that the scale of stepping forward on Grand Avenue or West Parade is wholly unjustified and fundamentally at odds with the Inspector's guidance.

On balance, the changes made to siting are sufficient in the context of the other downscaling and the form of the proposal.

Accordingly, the proposal would not be dominant, bulky, unduly tall or over assertive. The stepping forward serves a legitimate townscape aim in relation to West Parade and the new building appropriately frames the view to and along Grand Avenue and does not unacceptably narrow its prospect. It appropriately expresses the corner and responds to its context. It is not out of character.

The fundamental objections to the appeal scheme have been addressed and the proposal is compliant with relevant policy.

Design

The Inspector's conclusions on overall design emanate from his objections to the scheme in terms of siting, height and massing. He accepts the hybrid composition in para 12 and commends the architectural approach in para 15 of his Decision Notice.

The hybrid composition is, likewise, supported here as an appropriate response to the context and the constituent elements are suitably expressed. The block appropriately addresses the street with entrances and extensive fenestration and balconies on both street frontages.

Unattractive views of the ramp to the basement parking are downplayed by the angled approach of the internal access road and boundary treatment.

The architectural treatment is of a high standard without being ostentatious. Although close to Dolphin Lodge with its curved Dutch gables, the rectilinear design is entirely appropriate.

The applicants have been requested to reconsider the rather thick roof for the penthouse to lighten its appearance. However, they argue that *its thickness has been chosen to provide a positive cap to the building and is deliberately sized to do so. In addition, the attached technical section demonstrates that this thickness is required to conceal the roof slab, insulation and provide a minimum upstand to the coping.*

Otherwise, the modulation and articulation is well considered and the facing materials of a high standard. Details may be reserved by condition.

The proposal would be a welcome upgrade for the seafront townscape.

Views

Both Grand Avenue and West Parade provide views of more than local importance.

However, the reconfigured scheme respects the character of Grand Avenue and its historical evolution as a boulevard and does not unduly dominate or narrow its seaward prospect.

The southward view from Bath Road remains the weakest elevation, especially as the fenestration has been minimised in the closer blocks for privacy reasons and there is little articulation of the constituent blocks, apart from the penthouse and rear of the eastern shoulder.

That said, street views are to some degree filtered by the houses on the south side of Bath and are experienced in the context of the large neighbouring seafront buildings to the east. Views from Grand Avenue are more exposed but longer views at least filtered by the street trees.

Views along the seafront will change appreciably. However, the siting and form relate acceptably to the townscape, including Marine Point and Dolphin Lodge. The characteristic open frontages would be substantially retained and, as has been noted previously, the corner building appropriately expresses the corner.

The east elevation of the eastern shoulder is somewhat austere but is very much a subordinate feature, only viewed very briefly by any moving spectator. On the plus side, it serves to emphasise the architecturally more pleasing and important front elevation.

Heritage Assets

The Inspector's conclusions in para 35, that the setting of the statutorily listed Black Nest Hall building at the corner of Grand Avenue and Bath Rd and Heene Terrace and the Burlington Hotel would be unaffected hold good for the smaller current scheme. Similarly, that the nearest Conservation Areas are somewhat remote and their settings would be unaffected.

His test set out in para 36 in respect of the nearby local interest buildings is now met; namely, as the new proposal is now considered *an appropriate addition to the townscape, then it would not detract from the setting of Dolphin Lodge or Marine Point*. Objectors have argued that, the much cherished Dolphin Lodge would be unduly dominated by the new scheme. However, Officers consider the scale and siting of the new block is respectful, and, whilst longer more oblique views from the east would be obscured, its strategic townscape function in Grand Avenue would not be compromised, nor any intrinsic heritage qualities.

Landscaping

As before, the proposal sits in an expansive, largely open landscaped setting that, to a significant extent, echoes the open domestic frontages along Grand Avenue and the open forecourts of the West Parade tall buildings.

The extensive use of soft landscaping both for the more formal seafront gardens, along the boundaries and around the forecourt parking provides and attractive, green edge and setting; buffers the site from the adjacent houses and softens the visual impact of the car parking area. Detailed design and management should be reserved by condition.

There is a case for lowering the height of the solid parts of the street frontage boundary walls to reveal more of the boundary planting and reflect the generally open character of West Parade and Grand Avenue's frontages. However, the applicants maintain *the proposed boundary wall heights were set to provide screening to the bin stores behind as discussed at Inquiry. The heights are commensurate with those at Vista Mare producing a form of development that still interacts fully with the local environment, whilst providing a degree of screening for future residents*.

A welcome improvement is the removal of the proposed surface electricity substation that previously sat prominently in the Grand Avenue forecourt in the appeal scheme.

The bin stores are modest structures and tucked away in the NW and SE corners of the site, largely concealed by the boundary walls and extensive screen planting.

The cycle store is a larger structure but is set well back from the Grand Avenue frontage and screened by a 3 ms wide landscape buffer.

Loss of existing buildings

It has been previously accepted that, whilst the loss of 4 Grand Ave is regrettable (as an attractive example of art deco inspired housing), it is not listed either locally or

statutorily and the principle cannot be resisted.

Its architectural qualities underline the need for any replacement scheme to achieve a high quality.

Likewise, Nos 25 and 26 West Parade are of no particular architectural merit and read as something of an anomaly in the seafront townscape. Indeed, No 26's boarded and run down appearance detracts from the seafront townscape.

Their loss is acceptable in townscape terms.

Impact on amenity of neighbours and amenity of new dwelling occupiers

Impact on neighbours

A detailed design comparison between the physical form of the current and the appeal scheme was set out in the previous section.

The principal changes relevant to neighbour amenity documented there are the reduction in the height of the central element – the *corner building*- and also to its flanking shoulders; the part step back of the eastern shoulder from West Parade and the part step back of *the link, northern shoulders* and *corner buildings* along Grand Avenue as well as the enlarged space between the link building and 6 Grand Ave and the cutting back the depth of the *link building* and *northern shoulder*.

Also relevant are the changes to the internal layout and fenestration of the *link building* which result in there being only one window per floor in the north elevation. These are both centrally sited and obscure glazed and tertiary to a lounge/diner/kitchen, whose main aspect is west and east. This compares to three windows per floor in this elevation in the appeal scheme; respectively serving a lounge/diner/kitchen; bathroom and bedroom. Only the bathroom was shown as obscure glazed, though the appellant agreed at the Inquiry to obscure all three.

The fenestration to the flank of the *eastern shoulder* has also changed as described in more detail in the relevant section.

Assessment of scheme

The proposal is primarily assessed against National Planning Policy Framework and Saved Local Plan policy H18 which require a good standard of amenity to be achieved but the comments of the Inspector are, again, instrumental.

Here it is important to note that the Appeal Inspector in assessing the scheme drew his conclusions on amenity on the express basis that;

Para 18 - the existing context is one of tall buildings along West Parade and that the Council is not averse to a much more intense development on the appeal site.

Para 29 - It might be difficult to resist at least part of such a development being as tall as is Regis Court. Accordingly, the impact of the proposed development is assessed above against what would be a generally acceptable residential environment, not

against what exists.

The chief issues remain, as before, impact on the very much interrelated, outlook and natural light, together with privacy.

The Inspector's criticisms of the impact on No 6 Grand Avenue are as follows;

Paras 19-23 - The first exception is the view directly south from the side windows in the 2-storey bay at the front of the house. The 3-storey part of the proposed building, immediately adjacent to no. 6, would stand marginally (less than 1.0m) forward of its façade and thus be visible to anyone standing in the projecting bay; given its 3-storey height, it would be an obvious and substantial presence. About 15m from the bay, where the proposed building would rise to seven storeys, it would step forward by 2.4m; a further 12.5m away, where it would rise to eleven storeys, it would step forward by a further 1.1m. The increases in height would probably not be noticeable if there were no steps forward (the 3-storey part of the building would largely obscure views of the taller parts beyond) but, as proposed, they would clearly add to the perceived bulk of the building. On the other hand, in terms of outlook, views towards the sea from the bay window would be only modestly diminished. Given that one would have to be standing within the bay to notice the proposed building, the harm to internal living conditions would be insufficient to warrant dismissal of the appeal.

20. The second exception is the impact of the 3-storey element of the proposed building on the outlook from the southerly east-facing bedroom window. The bulk of the building would significantly reduce the quality of the outlook from the room and the first floor and second floor bedroom windows would, at the very least, have to be obscure-glazed to prevent harmful loss of privacy.

21. In the front garden of no. 6, the whole of the proposed building would become more noticeable. Even so, the seaward outlook would still be only modestly diminished. The 3-storey element, closest to no. 6, would be the most dominant part of the proposed building; the 7-storey and 11-storey elements, because they would be further away, would tend to have a lesser impact. Consistent with the conclusion on the design of the proposals, it is the 3-storey element that would have an overbearing and inappropriate impact.

22. In the rear garden, the 3-storey element of the proposed building would have most impact, primarily because of its proximity. In addition, the shoulders and tower of the building would combine to reduce significantly the existing perception of openness in the arc to the south and south-west. At my visit on 12 April, it appeared that no part of the proposed building would impede sunlight into no. 6's garden. The Anstey Horne addendum Daylight & Sunlight report shows no material loss of sunlight in the back garden on 21 June or 21 December but does show a significant loss after midday on 21 March, which appears to be caused by the 3-storey part of the building.

23. With regard to 6 Grand Avenue, therefore, the 3-storey element of the proposed building would have a noticeable impact on the outlook from both the 2-storey bay at the front of the building and the southerly first floor bedroom window at the rear. It would have a seriously overbearing impact for someone standing in either the front or back gardens. Both it and the higher parts of the building would reduce the existing

sense of openness in the back garden and would inappropriately reduce the amount of sunlight reaching it in March, even though not in summer or winter. On balance, these factors combine to render the impact of the 3-storey part of the proposed building unacceptably harmful. However, simply reducing the height of that part of the proposal might not resolve the matter as the taller parts of the building would then become more visible and potentially more harmful in their impact.

Para 27:- the proposed building would unacceptably diminish the level of amenity enjoyed by the occupiers of 6 Grand Avenue. It would be overbearing, in the front and back gardens and in some parts of the house; it would curtail the outlook to the south from the gardens; it would reduce the amount of sunlight reaching the rear garden, albeit only at certain times of year; and, without changes to the window location or design, it would cause unacceptable loss of privacy.

The Inspector objected to the impact on Regis Court as follows;

Para 26 - The Regis Court penthouse has its main lounge window looking west over a patio. The seventh floor of the proposed building would be about 6.0m from the patio, 10.0m from the lounge window; the tower would be about 17.5m away, the stair core 14.5m. The seventh floor would extend some 4.0m to the south of the patio (with a balcony beyond that) but there would still be a wide view to the south. The close proximity of the seventh floor would appear overbearing from within the penthouse; and the proposed large areas of glazing would mean an unacceptable loss of privacy for its occupiers.

Para 27 - In addition, the 7-storey shoulder would be inappropriately close to the penthouse apartment in Regis Court and, as presently designed, would lead to unacceptable overlooking of it.

The Inspector concluded generally in respect of 6 Grand Avenue and Regis Court:

Para 43 - the siting and bulk of the building would unacceptably diminish the level of residential amenity enjoyed by the occupiers of some neighbouring dwellings, which conflicts with saved Local Plan Policy H18 and the provisions of the NPPF.

The Inspector concluded on the impact on the properties in Bath Road, Dolphin Lodge and 8- 16 Grand Avenue as follows;

Para 28 - There would be significant changes in outlook for the occupiers of dwellings in Bath Road, in particular nos. 49, 51 and 53, though the distance between those properties and the proposed building would be sufficient for that change not to be unduly harmful. This conclusion bears in mind that the existing context is one of tall buildings along West Parade and that the Council is not averse to a much more intense development on the appeal site. A similar assessment applies to 8-16 Grand Avenue. The occupiers of a number of the apartments in Dolphin Lodge would effectively lose their oblique outlook towards the sea but would retain an open outlook eastwards; others would retain sea views but would have the proposed building in easterly views; in neither case would the outlook from Dolphin Lodge be unduly harmed.

Assessment of new scheme

The new scheme has made serious attempts to address the identified shortcomings.

No 6 Grand Avenue

The relationship between the No 6 and *the link building*, as the chief source of unacceptable harm to outlook and light to this neighbour, has been substantially changed in the new scheme. Likewise, the relationship between No 6 and the new scheme's *corner block* and *shoulders* as subsidiary, aggravating factors has also materially altered.

Critical here is the *link building's* prominent set back behind No 6; its rear wall cut back significantly; and a large and soft landscaped gap introduced between it and No 6. In the same vein, the substantially reduced height of the *corner block* and materially reduced heights of both the *shoulders*, along with their setbacks and along Grand Avenue are crucial.

Even though the height of the *link building* remains the same, these other changes combine to make outlooks from the rear south east facing bedroom window and front bay windows acceptable in the context.

This is underlined by the applicant's submissions. These demonstrate the commonly accepted benchmark for assessing impact on outlook from windows – a 45 degree line from the centre - remains unbreached at the front and is now uncompromised at the rear.

Outlooks from the front garden would still be noticeably changed by the proposal. And, arguably, such change is inevitable if any substantial building is constructed here.

However, the impacts on outlook are now acceptable with the changes to the physical form of the development. Only a very small part of the seaward panorama would be clipped and a large expanse of sky and seafront from points SSW would remain unaffected by the new block. Certainly, *the link building* would not be overbearing, and, despite the relocation of *the link building* making the *shoulders* and *corner block* more noticeable, their distance, height and setbacks would not render them invasive or overpowering.

Turning to outlooks from the rear garden, the proposed changes are very significant. Although the height of the *link building* is unchanged, its repositioning and making it shallower address the Inspector's primary criticisms of the appeal scheme. As a result the *link building* would not be overbearing in itself.

Other complementary changes represented by the reconfigured shoulders and corner block largely would offset the consequence of these taller elements being exposed to fuller view. Chief amongst these changes are the shallower and shorter *northern shoulder*; shorter *eastern shoulder* and shorter *corner block*. Tellingly, only the *corner block* would be taller than the benchmark of amenity acceptability implied by the Inspector in para 29; namely, at least part of the development could be as tall as Regis Court. And here the corner block is only one storey taller, and this,

significantly recessed and sited outside the main southwards view from the rear garden. By this reckoning the new development would not create an oppressive sense of enclosure.

That is not to say that the changes to the southerly outlook from No 6's back garden would be insubstantial. Even allowing for the fact that the main aspect is eastwards and there are no actual sea views from the back garden at present (only the sky above the unattractive rear elevations of the three storey 25 and 26 West Parade and a relatively narrow gap of sky between these and the equally unattractive back of the 7 storey Regis Court is visible and the proximity of No 4 obscures most SSW views), the changes would be keenly felt.

The reality is, however, that major change here is probably unavoidable if a workable substantial building is allowed on the site. Even retaining, for example, the existing gap width between Regis Court and 25 West Parade in any new scheme would have only a modest effect on actual sky views.

On balance, the proposal is acceptable.

Turning to impacts on sunlight, it is clear that the prime source of harm as seen by the Inspector was the proximity, depth and height of *the link building*, aggravated by taller elements of the scheme. Although, the height of the link building is unchanged and the *eastern shoulder* is marginally closer, the changes made in the new scheme would improve natural light. This is demonstrated by the submitted impact study which found:

7.8 The 21st March transient overshadowing results show that in the morning, the rear garden of 6 Grand Avenue will experience no change to the levels of overshadowing from its existing condition. At midday, the garden will experience small reductions to the levels of sunlight it currently enjoys. At 02.00pm, the garden will obtain similar levels of direct sunlight, albeit the sunlight pattern has changed slightly, with small gains on the western part of the garden. This is due to the removal of the existing massing that is currently located very close to the boundary wall.. At 04.00pm, again there is a gain in sunlight which is an improvement from the existing condition, where the garden does not receive any direct sunlight at all.

7.9 The 21st June transient overshadowing assessment confirms that when the sun is higher in the sky during the summer months, which is generally the period during which most benefit is derived from sunlight upon the garden area, there will be virtually no additional overshadowing caused by the proposed development.

7.10 During 21st December, the results confirm that in both the existing and proposed conditions there will be no sunlight received and therefore the effect of the proposed development on the rear garden will be negligible.

7.11 The permanent overshadowing results show that on 21st March the garden will receive good level of sunlight, with 58% of the garden area receiving at least two hours of direct sunlight in the proposed condition, exceeding the BRE guidelines.

8.5 The overshadowing assessment of the rear garden at 6 Grand Avenue illustrates that there will be no noticeable reduction in sunlight in 21st March and 21st June as a

result of the proposed development. It should be noted that the garden experiences some sunlight gain in 21st March due to the removal of the existing massing that is currently located close to the boundary, allowing more sunlight to penetrate to the garden.

The study's crucial paragraphs in terms of the Inspector's concerns here are paras 7.8 and 7.11. These show that acceptable levels of sunlight would be received overall but, equally, early/mid-afternoon sun during the equinoxes would not be materially harmed. The latter contrasts with the appeal scheme.

The previous scheme had previously demonstrated that no harmful loss of natural light received by primary windows serving any habitable room would occur. With the new scheme, the effect would be still less.

Both *shoulders* are sufficiently distant to avoid any overlooking. The proposed obscuring glazing of the north facing windows in the link building safeguards privacy. This may be secured by condition as well as the provision of flank privacy screens to Flat 4's raised rear terrace and the stairs behind leading from the rear path.

At 13 ms away, the vehicular access has been relocated 6 ms closer to the boundary with No 6 Grand Ave compared to the appeal scheme. With the landscaped buffer, this is still an acceptable distance for this scale of development and traffic generation.

The cycle shed is located close to No 6 Grand Avenue. However, it is not an unduly tall structure and the facing flank of No 6 only contains one window which is secondary and at high level. Bearing in mind that the ground adjacent to No 6 is not raised in the current scheme (unlike the appeal scheme), the provision of the deep landscaped buffer along the depth of the common boundary with No 6 and the 1.8 ms tall boundary wall at this point, adequate mitigation is provided.

Turning to the bins/recycling stores, the concerns of the occupiers at No 6 are recognised in respect of the proposal in the NW corner of the site. However, these are not tall structures and, at between 11 and 14 ms from the façade of No 6, adequately separated, especially with the deep landscaped buffer shown.

In terms of smells from the open roof of the bin/recycling store, the applicants have provided reassurance over the stores' use and management. They advise that all occupiers would be subject to a lease that requires them *to deposit all refuse suitably wrapped and recycling in the dustbins or any communal refuse receptacles in the bin stores and at no time shall any rubbish be left whether for a temporary period or not outside the Premises*

The SE bins/recycling store is remote from any neighbour and well screened.

It is recognised that sensitive planting and management to provide screening which, itself is not invasive, is essential here. This may be may be reserved by condition.

A surface electricity substation in the forecourt is no longer shown.

Regis Court

The unacceptable loss of outlook and privacy of the penthouse identified by the Inspector related to the proximity, height and forward position of the eastern shoulder and its fenestration.

The reduction in height and setbacks as previously described mean that the south west outlook from not only the penthouse's southern windows but also much of its western windows, is safeguarded over the *eastern shoulder's* roof. The *corner block* is sufficiently distant and its height lowered so as not to be overbearing either.

Full benefit will depend however, on the layout and height of the solar panels. These are shown as sited on the roof of the *shoulder* and would rise 500mms above roof level. Details may be reserved by condition.

Many Regis Court occupiers, particularly those physically closest to the scheme, continue to object on grounds of amenity loss. Whilst some impact is inevitable, it is important to note that The Inspector's concerns were exclusive to the penthouse. Indeed, the principal outlook from the Regis Court lower floor flats would improve noticeably compared to the appeal scheme as a result of the set back of the *eastern shoulder* and height reduction. The deeper form of the eastern shoulder is sufficiently modest not to materially affect the rear outlooks from Regis Court.

The extent of glazing in the eastern flank of the *eastern shoulder* has been reduced from four to two small windows. One of these serves a bathroom and the other is very secondary to the main south French windows. Both flank windows may be obscure glazed by condition.

Whilst the facing flank of the seventh storey of the corner block continues to incorporate four openings, the separation distance is significant at over 12 ms. These may all be obscure glazed by condition as all they either serve non-habitable rooms or are secondary to a habitable room.

The tier of balconies at the front of the eastern shoulder is close to the tier of balconies on the SW corner of Regis Court which have relatively open flank screens. However, given their juxtaposition, overlooking would not be significant, nor would loss of outlook.

Other neighbours (Bath Road, Dolphin Lodge and 8- 16 Grand Avenue)

The impacts on the houses to the north of 6 Grand Ave, including on the south side of Bath Road, and the flats Dolphin Lodge were considered by the Inspector.

However, he found that, whilst outlooks would change significantly, the appeal scheme would not impact upon them unacceptably in terms of outlook or natural light, given the context of tall buildings and the acceptance of the case for a substantial building on the site as set out in para 28.

The new scheme is smaller, and in many key respects, further away.

Outlooks will certainly change but not so much as to be unacceptable and the submitted study continues to demonstrate that no unacceptable loss of natural light or overshadowing would result.

The impacts from construction/demolition may be controlled by a suitable method statement, secured by condition.

Living conditions for future occupiers

All the new dwellings meet or exceed the relevant internal space standards.

All flats have access to good quality private amenity space, a balcony, roof terrace or patio which meets relevant standards. There is also a large attractive communal space at the front. All flats enjoy sea views.

The flats are all served by a lift that also accesses the basement parking.

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

Parking and access arrangements

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

The view taken in respect of the appeal scheme was that this was a moderately sustainable location but fell short of the high accessibility expected and for many journeys future occupiers would rely on the car. However, it was not altogether incompatible with a high density development.

This holds good for the new scheme which is smaller both in terms of size of building and numbers of dwellings provided.

As for site access arrangements, the vehicular access arrangements are also similar to the previous scheme. The main vehicular access is off Grand Avenue away from the junction with West Parade. Good visibility is, likewise, provided. There is a material intensification in traffic generation but this is too small to impact on the highway or traffic flows.

Neighbour concerns over traffic from the current are recognised but it is important to note these conclusions are entirely consistent with the Inspector's appraisal of the larger Appeal scheme. Here the Inspector noted;

Para 33 - It cannot be compellingly argued that the addition of that amount of traffic (one vehicle every four minutes or so), even so close to the junction of Grand Avenue with West Parade, would make any noticeable difference to the free flow of traffic on the highway, or to highway safety

Para 34 - neither the additional traffic generated by the proposed development nor any additional on-street parking demand would, even taken together, have any

noticeable impact on the free flow of traffic or on highway safety.

The Highway Authority initially raised a holding objection on the current scheme due to the absence of a *Stage 1 Safety Audit (RSA) and Designers Response*. However, following negotiations, they have accepted this may be dealt with by condition and through the separate S278 agreement (governing changes to the highway to accommodate the development).

Otherwise the Highway Authority makes clear that *the site is well located with passenger transport facilities within short walking distance...both the accesses appear to be designed to meet current standards and that in principle, the layout would be acceptable subject to detailed design.*

Waste collection arrangements are satisfactory.

The Fire Brigade previously raised no objections and there is no reason to believe the smaller scheme is any different.

The main pedestrian entrance to the building is on the south elevation and the main approach leads directly off this to West Parade. Ramped access is provided and internal lifts serve all floors and basement.

The applicants have offered to limit the secondary pedestrian access at the rear of the block to emergency purposes to avoid disturbance to the occupiers of No 6 Grand Avenue. This is supported and may be secured by condition. .

The basement parking makes efficient use of the land and is a feature of several of the newer seafront developments. It continues to be welcomed. The applicants have carried forward their previous proposals for a ramped gradient of 1:7. This was acceptable to the Highway Authority at that time and no objections have been received to the current proposal. The forecourt parking is a welcome supplement and is not visually intrusive.

The overall on-site car parking provision has been increased from 34 spaces to 40 (albeit 8 are tandem spaces where the second space is only usable by a smart car), despite the dwelling reduction. The Highway Authority advises this meets the appropriate standard.

Two disabled parking spaces (at surface level) are shown in line with 5% of the on-site parking provision made.

Again there are neighbour concerns over parking pressures released. However, it is relevant here to point out that the Inspector considered similar concerns over the previous scheme which was had more dwellings but fewer car parking spaces. He concluded in addition to the para 34 extract quoted above:

Firstly, the proposed on-site car parking provision is likely to prove adequate. Secondly, any additional demand for on-street car parking, were that to arise, would not unduly harm the level of amenity presently enjoyed by residents in the area.

The cycle parking is now exclusively in the curtilage. It is adequate in scale, even if

the cycle shed is not obviously, easily accessible. Further information is sought here. Final arrangements may be reserved by condition.

Against this background, the proposal is acceptable subject to the caveats set out above and suitable conditions and informatives relating to controlling works during construction/demolition; securing the provision of the parking, manoeuvring space and sightlines; stopping up of the redundant access points and provision of suitable Stage 1 and 2 Road Safety Audit and accepted Designers Response

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

Flooding

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

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

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

As a precaution, a Flood Risk Assessment has, again, been submitted. This proposes sustainable drainage measures, including soakaways and porous paving and for surface water drainage, such that flood risk on and off the site will remain unchanged, with foul drainage to the sewers. It is noted that the ground floor flats will all be at least one metre above the flood level, with safe access provided. The applicants report the ramp to the basement car park is designed to protect the development in the event of flooding.

This is acceptable in principle to the Drainage Engineer, West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority and Southern Water subject to details of drainage and long term management being reserved by condition. The Environment Agency previously raised no concerns over flooding subject to the thresholds to the basement being set above 5.4m AOD (above sea level) and their comments on the current scheme are awaited but are not expected to differ. Again this may be secured by condition.

Land contamination

The site is not identified as contaminated land or near to any known such sites. However, as a brownfield redevelopment site, the applicants have, again, submitted a Preliminary Ground Contamination Risk Assessment. This desk study finds that the history of the site does not suggest exposure to risk and whilst the site lies over an aquifer, this falls outside of any Environment Agency protection zone.

Previously, however, the Environment Agency recommended a condition be imposed to address any residual pollution risk from pumping out ground water in the chalk aquifer whilst excavating for and constructing the basement. This was agreed with

the applicants in respect of the appeal scheme and is carried forward here

Ecology

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

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

Sustainability

The design and construction of the proposal seeks to achieve the equivalent of the now defunct Code for Sustainable Homes Level 4 achieved through Building Regulations.

Importantly, the development continues to incorporate micro renewable energy systems in the form of photovoltaic panels on the roof of the penthouse and eastern shoulder and uses a combined heat and power plant for all the flats.

These sustainability measures proposed are welcomed and the renewable energy /CHP elements may be secured by condition.

Microclimate

The micro climate study expected by the Tall Building SPD has not been submitted on this occasion but the previous submitted study's conclusions for a physically smaller scheme should hold good.

Its conclusions were:

While the building rises eleven storeys on the south-west corner, much of the building is lower than a more typical eight storey limit along the seafront. This relatively small area of the higher part of the building helps to minimise the additional wind deflected towards ground level.

The proposed building is of similar overall massing to a number of other approximately eight storey buildings along the seafront and would therefore be expected to have a similar impact along the seafront itself. As many of the other taller buildings in the area, it is well set-back from the pavement. The pavement may then be protected from the down-draughts by the proposed planting and low walls.

Wind speeds in Grand Avenue may be increased due to an interaction with the eight storey buildings on the west side of Grand Avenue during on-shore winds.

Suitable additional planting on Grand Avenue could be used to restore existing conditions going north.

Appropriate planting may be secured by condition.

Archaeology

The County Archaeologist has advised that the potential for later prehistoric, Roman or medieval is very low and no archaeological mitigation is necessary for any potential 'shallowly' buried archaeology. However, as the development provides for basement parking, he recommends that a geo-archaeologist provides an assessment of the potential of the deeper deposits and any samples that have been or will be taken in future in terms of borehole analysis, test pitting or ground investigations. This may be secured by condition.

Provision of affordable housing and adequacy of planning obligations

Core Strategy Policy 10 expects residential schemes of this scale to provide 9 affordable housing units on site to meet the 30% quota, subject to:

- *the economics of providing affordable housing*
- *the extent to which the provision of affordable housing would prejudice other planning objectives to be met from the development of the site*
- *the mix of units necessary to meet local needs and achieve a successful development.*

The policy also states;

Where the Council accepts that there is robust justification, the affordable housing requirement may be secured through off-site provision.

The on-site requirement would be 9 dwellings as indicated by the Affordable Housing Officer. If off site provision through a commuted sum is acceptable, it calculates as a contribution of £824,850. Taking into account the vacant land credit the applicants indicate that the figure for off-site provision would be £590,182.

In this case the applicant proposes no on-site or off-site provision on grounds of viability.

The case advanced by the applicant in the current scheme is set out in detail in the submitted viability appraisal and subsequent supplementary statements.

These reports have been assessed by independent viability consultants for the Council.

The viability information was submitted on a confidential basis but this needs to be balanced against transparency.

Recent Information Commissioner's Office tribunals in relation to the Environment Information Regulations have sought to reconcile these competing considerations when Local Authorities receive requests for full disclosure of viability information submitted to support a planning application. The message appears to be that in

certain circumstances, the public interest in protecting potentially commercially sensitive information can outweigh that of disclosure.

The balance struck in this instance is to share relevant non-sensitive information but restrict the full detailed picture which includes commercially sensitive information to the confidential part of the agenda - **Appendix 1**

The interim findings of the viability consultants were that the submitted approach to assessing viability of the proposed development was appropriate. However, they queried the benchmark land value/land purchase price and the build costs for the basement.

Further information has been supplied by the applicants who accept they paid more than the site value for the plot using the standard measures and further accept that they have had to absorb this cost. This acknowledgement is welcomed and the revised appraisal uses an appropriate figure (benchmark value).

The applicant has also supplied further information to justify their basement build costs.

The Councils viability consultants conclude that, even with the adjustments, the high basement construction costs render the scheme unviable. In this respect they cite the developer's notional profit of 15% based on cost, though the real rate of profit (11%) is significantly less due to the actual land purchase cost.

This notional 15% return is, they advise, below the current market norm of 20% (often the benchmark at appeal).

These assume the mandatory Community Infrastructure Levy be paid on the basis of gross internal floorspace rather than net as originally proposed. This increases the CIL payment from £208,800 to £383,000 (allowing for deductions due to 4 Grand Avenue and 25 and 26 West Parade being classified as occupied for these purposes).

In the light of the above, the applicants have agreed to pay overage or clawback towards the affordable housing requirement, subject to the requisite cap, if and when the profit margin exceeds 20% on cost. To enable any changes in viability to be reappraised, they have offered to open the books at the outturn stage. This would be secured by a legal agreement.

Failure to provide any of the affordable housing expected in Core Strategy Policy 10 is very disappointing. However, the policy clearly accepts that where it can be demonstrated that such provision prejudices the viability of an otherwise sustainable proposal, the provisions can be relaxed or removed altogether.

Government guidance on the matter is also very clear. This states that,

In making decisions, the local planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible

in seeking planning obligations.

This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance.

Such a demonstration of unviability with the affordable housing planning obligation has been made in this instance. The proposed overage clawback offer is supported as an appropriate mechanism to capture any surplus profits should the finances of the development improve in the future.

In weighing up the pros and cons of insisting on affordable housing provision, against this background, the benefits of securing 29 extra dwellings at a time when the Council recognises that the Core Strategy does not provide for sufficient deliverable land to meet its Objectively Assessed Need (OAN) carries weight. The scheme is otherwise sustainable and generates some regeneration benefits. A refusal on the basis of failure to provide affordable housing is likely to result in the developer walking away from the scheme and/or reselling to another developer or appealing. On the basis of a robust assessment of the viability case submitted by the applicants it is highly likely that an appeal on these grounds would be successful.

That said, it is recognised that the appeal proposal did, in contrast, make provision for the full affordable housing planning obligation and for this to be secured by a unilateral legal agreement. This provided for

On site ; 7 flats (4 One Bedroom Flats and 3 Two Bedroom Flats) and an off-site (commuted sum) of £236,462.50

A Community Infrastructure Levy charge (based on *net* internal floorspace) of £308,450 was also subsequently proposed in response to the adoption of the CIL charging regime in February 2015 and formal charging for CIL in October 2015.

The applicants have responded to this issue and advise that:

Firstly, it should be said that the two schemes are wholly different planning applications and that this current application should be considered on its individual planning merits.

1. The 29 units on the current application are materially smaller than the 28 units on the past scheme, and the total gross internal area of the dwellings of the current scheme is 16% smaller than the similar figure for the previous application. This has materially affected sales values.

2. The higher value sea facing units on the current scheme are some 10 to 30% smaller than the same units on the previous application.

3. There are now more, smaller apartments facing onto Grand Avenue and the new design does not allow angled views to the sea from within, unlike the past scheme.

4. The basement parking provides 31 parking spaces in the same area, albeit in a wholly different layout than the 30 parking spaces provided in the previous scheme. Changes to the footprint of the structure above have led to a more complex basement transfer slab being required. In addition, warranty providers now require two lines of defence against water penetration for basements which has led to a material increase in costs. Therefore, it can be clearly demonstrated that this current scheme is very different to the previous one.

Secondly, the previous scheme was designed from the outset with the inclusion of affordable housing units on site. This offer included 7 affordable housing apartments being provided on site. The land value attributed to these units was nil and the build cost of these units would have been offset by the payment we would have received from an affordable housing provider. So overall there was a nil cost to the scheme. The current application, based on the Inspector's comments, was unable to provide space for onsite affordable housing and so off-site provision becomes a direct cost to the scheme. In this respect the inclusion of affordable housing was assessed by the team but would have had a material negative impact on the design, the access and the parking at the development whilst stopping the development on viability grounds based on the existing land use values.

Thirdly, the previous application went to Committee at a time when the Community Infrastructure Levy (CIL) had not been adopted. At Appeal, we had no choice but to accept that CIL had been adopted and so 'took the hit'. The current scheme can only assess the impact of CIL within its viability.

Roffey Homes are very firmly of the opinion that the Council should be charging CIL on the GIA of each dwelling. However, we understand that the Council are currently charging it on the GIA of the whole development. I attach three viability assessments provided by the Council during the CIL Examination process — high rise apartment scheme on an existing residential land, sheltered housing scheme and the Union Place 'site specific appraisal' carried out on Thus it is very clear in our view that CIL should be charged on the GIA of the dwellings alone. However, based on how the Council are now charging CIL, we have to allow for it being charged on the GIA of the development. There are two very important points to make here:

1. This increases the CIL payable by the development by £174,200, money which in our eyes would very clearly have been paying for affordable housing. 2. The high rise residential scheme on existing residential land example should have led to CIL being charged at £50 per sq. metre at best although it can be argued it should not have been chargeable at all. If this had been so, the scheme would have provided £383,000 for offsite affordable housing, approximately 5 units.

So we very strongly argue that the Council's adopted position on CIL is taking money away from affordable housing locally.

No open book viability appraisal for the appeal scheme has been submitted and so the independent consultants have not been able to test viability. That said, the applicants appear to make some fair points on cost, sales values and physical differences between the schemes.

However, it is not accepted that inclusion of affordable housing in the current scheme

necessarily would result in an unacceptable quality of design.

The appropriateness of charging CIL for gross rather than net internal floorspace is ultimately one which will be determined by any subsequent appeal to the Valuation Office Agency under the CIL procedures. Clearly, if successful this would mean £174,200 (the difference between CIL based on gross and net) would as a result be available for affordable housing as promised by the applicant.

It is noted that there is no guarantee that the full affordable provision as agreed in the appeal scheme would have been viable in practice if the appeal had been allowed, especially if CIL was charged at the gross rather than the internal floorspace rate. There would still be the opportunity for the developer to subsequently return and argue that the commitment was too onerous.

Ultimately, however, the comparison between the appeal scheme and current scheme is unfruitful. As the independent viability consultants advise *whilst we can understand perceptions or uncertainties around this, the other scheme is in our view really a non-relevant historic scenario – its influence is really only in terms of perceptions*. In short, the current application is required to be determined on its own merits.

This sits against the background of growing disquiet across the board about the ability of the planning system as currently configured to deliver affordable housing in the contemporary economic climate. The Government signalled its intention to review the matter in the recent Housing White Paper, including reconsidering the future of CIL whose mandatory requirements can often squeeze out the negotiable, viability-dependent affordable housing requirement.

Conclusions

The principle of the residential redevelopment of the site has already been established. The proposal brings forward an identified SHLAA site in a reasonably sustainable location, unconstrained by any formal environmental designation. A more intensive development of the site makes more effective and efficient use of urban land. Its redevelopment conforms to the overall spatial strategy and makes a welcome contribution towards housing numerical and dwelling mix targets, including Objectively Assessed Needs.

The site is not identified as a preferred location in the Tall Buildings SPD but the logic for infilling what is an anomalous gap in the seafront townscape with a substantial building is compelling.

The previous proposal was far too ambitious in its aspirations for a very tall building on the site; set so far forward of the building lines and the proposal was rightly rejected by the Council and the local community for being unduly dominant and unneighbourly. This was reaffirmed on appeal.

Much remains the same in concept but the new scheme has taken on board a key lesson of that refusal by substantially reducing the height and downscaling the massing of the proposed new block. It is now broadly commensurate with the height of the adjacent buildings, less bulky and /or adequately separated to provide suitable

attenuation. It is not a landmark building.

Changes to the building line are more modest. These carefully focus on the “hot spots” identified by the Inspector by judiciously stepping back right next to Regis Court and the pulling-in the main walls of the buildings fronting Grand Avenue. On the other hand, as many local objectors emphasise, the building actually projects as far forward of the West Parade building line as the rejected appeal scheme. However, it is accepted that this fulfils a legitimate townscape aim identified by the Inspector; namely securing a suitable transition from the recessed building line east of the site to that set by the more forward, Maine Point to the west. Whilst there is a case for some recessing of balconies on both road frontages, with the reduced height of the buildings (especially the corner block), the building line encroachments are tolerable.

The proposal would suitably frame the entrance to Grand Avenue, without unduly narrowing its prospect.

Equally, the changes to height and building line lessen the harm to neighbour amenity caused by the previous scheme. Certainly, neighbours in Grand Avenue (especially at No 6), Regis Court, Dolphin Lodge and Bath Road would still experience significant change. However, with the changes to siting, massing height and fenestration, and, given the context, the proposal is now, on balance, acceptable.

The architectural design is of a suitable quality, as is landscaping, and the proposal would provide excellent accommodation for future occupiers.

Some wider regeneration benefits would ensue but the absence of any planning obligation to secure affordable housing is very disappointing. This contrasts with the previous scheme.

However, the applicants have demonstrated to the satisfaction of independent consultants, that the proposal would not be viable with such. In these circumstances Core Strategy Policy and Government guidance make clear that due flexibility should be shown, and, on balance, this is where the public interest lies. At least the opportunity for clawback of any surplus generated beyond the developer’s 20% profit can be secured by legal agreement. The mandatory Community Infrastructure Levy is charged regardless.

Traffic and parking remain controversial with some neighbours but the Inspector saw no grounds to reject the appeal scheme and the current scheme has fewer flats and more on-site parking. It is reasonably sustainably located and the Highway Authority is supportive, subject to suitable conditions.

The proposal incorporates sustainable design and drainage and issues of micro climate are addressed.

Safeguards for potential land contamination/acquifers and archaeology as well as those identified elsewhere in this report on traffic /parking /environment/ amenity may be secured by condition.

The proposal may therefore be classed as sustainable development which conforms to the relevant planning framework.

Subject to the recommended conditions and the legal agreement on clawback, the proposal should be approved

Recommendation

THAT THE DECISION IN THIS CASE BE DELEGATED TO THE HEAD OF PLANNING AND DEVELOPMENT TO SECURE A LEGAL AGREEMENT IN RESPECT OF CLAWBACK OF DEVELOPMENT CONTRIBUTIONS TOWARDS OFF-SITE AFFORDABLE HOUSING WITH A VIEW TO PLANNING PERMISSION BEING GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby permitted shall be carried out in accordance with the approved plans unless specified by any other conditions attached to this planning permission.
03. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
 - the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors, the loading and unloading of plant, materials and waste, the storage of plant and materials used in construction of the development, the erection and maintenance of security hoarding, the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), details of public engagement both prior to and during construction works..
04. No development shall take place unless and until a scheme for the suppression of dust during demolition/construction with reference to in accordance with BRE/DTI B456 Feb. 2003 'Control of Dust from Construction and Demolition Activity' or any such successor documentation has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented throughout the entire course of demolition and construction.
05. No work for the demolition of the existing buildings or for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 0800 hours - 1800 hours Mondays to Fridays and 0900 hours - 1300 hours on Saturdays and not at all on Sundays or on Bank or Public Holidays. Only on days when there will be a large concrete slab pour shall the hours be extended from 0700-2000 hours to allow the contractor to set up, prepare and protect the concrete both before and after the pour. The contractor shall notify the Local Planning Authority and local residents in writing at least three days before the pour day.

06. No part of the development shall be first occupied until such time as the existing vehicular access onto West Parade and Grand Avenue has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
07. 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.
08. No part of the development shall be first occupied until the vehicle accesses, parking and turning spaces have been constructed in accordance with the approved plans. These shall be retained thereafter for their designated use.
09. No excavation of the basement shall take place unless and until an archaeological assessment (including recommendations for necessary action) of the potential of the deeper deposits and of any samples that have been or will be taken in future in terms of borehole analysis, test pitting or ground investigations has been provided by a geo-archaeologist and submitted to and agreed by the Local Planning Authority.. The excavation process shall and treatment of any archaeological finds shall be in full accordance with any such approval.
10. No development shall commence until such time as a Stage 1 and 2 Road Safety Audit and accepted Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the development shall not be carried out either than in full accordance with any such approval.
11. Notwithstanding the approved drawings, no dwelling shall be occupied unless and until samples of the facing materials, including all external windows, doors and balconies, have been submitted to and approved in writing by the Local Planning Authority.
12. The 20th dwelling hereby approved shall not be occupied unless and until:
 - a) the soft and hard landscaping and boundary treatment as shown on the approved plans has been implemented.
 - b) a scheme for compensatory street planting for those lost as a result of the development has been agreed by the Local Planning Authority and implemented in accordance with any such approval.
 - c) details of the external lighting have been submitted and approved by the Local Planning Authority and any such approved lighting has been provided. The approved provision shall be retained thereafter.All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of 5 years of first planting, are removed, die or are diseased or damaged shall be replaced as soon as practicable with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
13. Notwithstanding those details set out in the application drawings and documents, no dwelling shall be occupied unless and until the details and siting of sustainable design measures set out in the Sustainability/Energy Strategy have been agreed by the Local Planning Authority and the agreed scheme implemented. This shall include Solar panels (photo voltaic cells) and

combined heat and power plant.

14. The development shall not be built other than as follows:
 - a) All windows in the north elevation of the link block shall be obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and fixed shut up to 1.6 ms above finished floor levels.
 - b) All windows in the upper floors of east elevation of the eastern shoulder shall be obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and fixed shut up to 1.6 ms above finished floor levels.
 - c) All windows in the upper floors of the east elevation of the corner block shall be obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and fixed shut up to 1.6 ms above finished floor levels.
 - c) The roof terrace to the corner block and all balconies on the east elevation in the eastern shoulder shall have a privacy screen of 1.6 ms in height on their eastern flanks.
 - d) Provision of flank privacy screens to flat 4's raised rear terrace and the stairs behind leading from the rear path.The above shall be retained thereafter.
15. No dwelling shall be occupied unless and until the domestic waste/recycling storage and access for refuse collection vehicles has been provided in accordance with the approved plans. Thereafter the facilities shall be retained.
16. No dwelling hereby approved shall be occupied unless and until the designated amenity area including balconies or terraces shown on the approved plans have been provided, in accordance with the approved plans and shall be retained thereafter.
17. Notwithstanding those details set out in the application drawings and documents, no new plant or machinery shall be installed unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with any such approval. The approved machinery/plant shall be maintained thereafter in accordance with the manufacturer's instructions.
18. Prior to commencement of the development, a borehole ground investigation shall be submitted to the Local Authority. Appropriate groundwater monitoring period shall be undertaken and if this shows the presence of groundwater at or above the level of the construction works then the development shall not be commenced until such time as a scheme to secure de-watering of the site has been submitted to, and approved in writing by, the local planning authority. Any such scheme shall be supported by detailed information. The scheme shall be fully implemented, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.
19. No development, other than demolition, shall commence unless and until such time as a scheme to dispose of foul and surface water in a sustainable fashion, including future management thereof, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and managed as approved and retained thereafter.
21. The 20th dwelling shall not be occupied unless and until the ecological enhancements set out in the Landscape Strategy; Phase 1 Habitat Survey and approved plans and Microclimate mitigation measures set out in the Arup for Roffey Homes West Parade Environmental Winds Report 31.3.15 (Jon number 242766-have been implemented.
22. No dwelling shall be occupied unless and until the boundary treatment shown

on the approved plans has been provided. This shall be retained thereafter.

23. Upon occupation of the development, there shall be no pedestrian access other than for maintenance, repair or emergency purposes or other purposes as agreed in writing by the Local Planning Authority to/from the landscaped curtilage land north and east of the link building and to/from the east entrance to the new building.

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

22nd March 2017



Appeal Decision

Inquiry held on 5-8 April 2016

Site visit made on 12 April 2016

by John L Gray DipArch MSc Registered Architect

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 May 2016

Appeal Ref. APP/M3835/W/15/3100601

25-26 West Parade and 4 Grand Avenue, Worthing, West Sussex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Roffey Homes against the decision of Worthing Borough Council.
 - The application, ref. AWDM/1805/14, dated 16 December 2014, was refused by notice dated 2 April 2015.
 - The development proposed is the demolition of the buildings at 25-26 West Parade and 4 Grand Avenue and the erection of 36 residential apartments (including 8 affordable homes) in a development ranging from 3 to 11 storeys in height, with associated access, parking and landscape arrangements.
-

Decision: the appeal is dismissed.

Procedural matters

1. The application description says 36 apartments, eight of them affordable. This was amended at the application stage to 35 apartments, with the loss being an affordable home. The refusal notice correctly says 35.
2. In addition to the accompanied site visit on 12 April 2016, I made an unaccompanied visit to the site and its surroundings on 4 April, I viewed the site in its setting from Worthing pier on 5 April and I walked the length of Grand Avenue on 6 April.

Main issues

3. There are three main issues in the appeal. The first is whether the design of the proposed development is appropriate in itself and in its townscape context in both West Parade and Grand Avenue. The second is whether the proposed development would have an unacceptable impact on the living conditions of neighbouring residents by reason of being overbearing or causing overshadowing or overlooking. The third relates to highways matters: whether on-site car parking provision would be adequate; if not, whether there is available on-street parking within a reasonable walking distance; and the effect of the additional traffic generated by the proposal on highway conditions in West Parade and Grand Avenue.

Reasons

First main issue – design

4. The second reason for refusal refers to the siting, height, massing and design of the proposed building as contributing to its being assertive, bulky, out of

character with surrounding development and failing to achieve the high standard of design expected of a tall building. The appellant argues that a degree of assertiveness is necessary for an appropriate design on this important corner location and that the siting, height and massing of the design seek to achieve that while respecting the differing characteristics of the adjacent buildings on three sides.

Siting

5. The objection to the siting comes from the building stepping forward of the building lines in both West Parade and Grand Avenue. There is a certain logic to stepping forward from the building line in West Parade. Firstly, there is not a uniform building line, although the façades of all of the buildings as far east as Balcombe Court are within a few metres of each other; thus, a modest step forward beyond the façade of the adjacent Regis Court would be difficult to object to. Secondly, Marine Point, on the west side of Grand Avenue, has a southerly façade significantly further forward than the buildings to the east on West Parade. Marine Point is also the westernmost of the tall buildings along the seafront. Accordingly, there could be some merit in development on the appeal site stepping out towards Marine Point, giving it and Dolphin Lodge a more integral role in the sweep of tall buildings extending eastwards along the seafront. It is therefore more a question of how the proposed design would achieve a legitimate townscape aim rather than simply whether or not the building line to the east has been broken.
6. There is less of an argument for stepping forward from the building line on Grand Avenue, which has remained consistent despite a number of redevelopments further to the north. Grand Avenue is a wide road leading down to the sea. It always had Dolphin Lodge on its east side (and later Marine Point, which steps slightly forward of Dolphin Lodge) and there is something to be said for a taller building to complement it on the east side of the road. However, given the historic purpose of Grand Avenue, still evident, of being a main approach to the seafront, there is no obvious justification for a step forward in the building line that would narrow the essential prospect of the avenue. That does not mean it is automatically inappropriate – to do so might be argued as framing the view – but it must be considered as part of the overall design.
7. It may be noted that to permit a stepping forward of the building line on either West Parade or Grand Avenue would not set a precedent for other development in the future. On West Parade, the presence of Marine Point affords a reason to step forward, if done in an appropriate manner. In either case, if a proposal for the appeal site were to cause no harm, then it could not set a precedent for something elsewhere which would.

Height

8. The objection to the height of the building is because it would be significantly taller than Marine Point to its west or the several nearer buildings to its east along West Parade. The Tall Buildings Guidance SPD (Supplementary Planning Document) uses the same definition as CABE and English Heritage (as they then were): "Tall buildings are those that are substantially taller than their neighbours and/or which significantly change the skyline". In the local context, the SPD defines a tall building as 7-10 storeys high and a very tall building as 11 or more storeys high.

9. Marine Point is eight storeys tall plus a recessed and subordinate top storey; Regis Court is six storeys tall, again plus a recessed and subordinate top storey; the appeal building would be eleven storeys tall with the stair core extending higher. That makes it a tall building by one definition, a very tall one by the other. The tower would be four storeys (plus the stair core) higher than the neighbouring Regis Court – in fact, more than half as high again – which is clearly “substantially taller”. The difference would very likely be perceived as greater, for a combination of reasons.
10. The building line of the eastern ‘shoulder’ would step forward from Regis Court and, although the 6-storey parapet line would be the same, the seventh storey of the appeal proposal would appear a much more integral part of the building than the recessed top storey of Regis Court; the effect would be to make the proposed building appear taller, or at least bulkier, than its neighbour. The tower would be very prominent, because, as well as the four additional storeys, its building line would be significantly forward of the shoulder. The recessed balconies of the two top storeys, while having the effect of giving the tower a ‘cap’ above its ‘base’ and ‘body’, would not noticeably reduce the overall visual impact because of the way in which the columns and balcony floors continue upwards the expression of the building’s structural frame. The building might appear to fit in with the general skyline in longer views, for example from the pier, but, from closer to the east, it would clearly be the tallest and most prominent building on West Parade.
11. Nor would the building appear any less prominent when approaching from the west. Marine Point, standing much closer to the road, would obscure views from the esplanade from more than around 250m away. However, the top of the tower would become visible above the 8-storey parapet of Marine Point before the façade came into view beyond that building. The effect of perspective might be argued as reducing the visual impact of the proposed building from the west – but simply the number of storeys would define it as a very tall building and the comparison with Regis Court beyond would, also because of the effect of perspective, be even more marked than from the east.

Massing

12. The objection to the massing appears to stem from the approach taken in the SPD, because of the way it seeks to sub-divide tall buildings into “townscape buildings”, “tower buildings” and “slab blocks”. The proposed building seems to be the first of those, though it has to address a corner rather than a street. It was described as a “hybrid” at the inquiry – not a true tower but also not a slab (in the same way as Marine Point or Regis Court). That may not be an unfair description – but it should not be taken to imply criticism. In principle, what the design seeks to achieve is entirely legitimate – to stand between, and to respect, the (generally) 7-storey buildings to the east, the taller Marine Point to the west and the domestic scale of development on Grand Avenue, while also turning the important corner from West Parade into Grand Avenue.
13. Massing in relation to West Parade is effectively considered above under height. The massing along Grand Avenue presents a much more difficult townscape problem. Having a tall building in the context of the West Parade frontage means that it then has to step down dramatically to fit with the traditional domestic character of the adjacent buildings in Grand Avenue (visually two storeys, although most have rooms in the roofspace). That is something Dolphin Lodge does not attempt to do – but at least Hythe Road

acts as a break between it and the traditional dwellings to its north (and, of course, Dolphin Lodge was built first, in effect as part of a grander scheme that did not come to fruition).

14. Looking solely at the proposed building, the steps down from eleven to six to three storeys along Grand Avenue appear appropriate in design terms. However, the 3-storey element, which continues the design approach to the taller parts of the building, has floor levels and storey heights greater than the traditional pitched-roof dwellings immediately to its north. The first floor level would be higher than the sill height of the first floor windows of 6 Grand Avenue, the second floor level would be about half way up the roof pitch and the top of the building would be higher than the ridge line. The top of the 3-storey building would be roughly twice as high as the eaves line of no. 6. It would be further from no. 6 than is the existing no. 4 (2.0m instead of 1.0m). Even so, to have a flank wall over 12.0m deep and nearly 10.0m high so close to a traditional pitched-roof house, on slightly lower ground, with eaves and ridge heights of about 5.0m and 9.0m, can only be an uncomfortable juxtaposition.

Conclusion on design

15. There is no compelling objection to the architectural treatment or detail of the proposed building. The design of the tower follows the principles of having a clearly discernable base (two storeys), body (seven storeys) and cap (two storeys). The treatment overall is neat and crisp and an appropriately respectful 21st-century interpretation of the general style of the nearby (architecturally uninspiring) 20th-century buildings along West Parade. (Those buildings have a generally horizontal emphasis but with significant balancing vertical features; the appeal building would have a predominantly vertical emphasis, because of the tower, but with the strong horizontal expression of the floor levels.)
16. That said, various things relating to siting, height and/or massing go against the acceptability of the proposal. There is no need for a building this tall, either to mark the junction with Grand Avenue or to complement Marine Point. That does not automatically render a tall building inappropriate; however, the eleven storeys of the tower would appear disproportionately taller than either Marine Point or Regis Court, something that would be emphasised by the tower being forward of the shoulders of the building on both West Parade and Grand Avenue. In relation to Regis Court, the shoulder of the building would appear taller, or at least more bulky, because of the step forward and because the top storey would seem to be more an integral part of the building than clearly subordinate. On Grand Avenue, the step down from eleven storeys to six to three might be reasonable in itself but would result in an inappropriate contrast between the scale and style of the 3-storey element and the traditional domestic style of 6 Grand Avenue so close to it.
17. Thus, while a degree of assertiveness might be appropriate on this important corner site, the proposed design would be unduly assertive because of its siting (coming forward of the building lines on both West Parade and Grand Avenue), its height (significantly taller than its neighbours) and its massing (in relation to both Regis Court and the dwellings on Grand Avenue).

Second main issue – residential amenity

18. The appellant and the Council agreed at the inquiry that this issue could be resolved in relation to 6 Grand Avenue – if the impact for its occupiers would

be unacceptable, then the appeal would be dismissed; if it would not, then any harm to other nearby residents would be still less. The Protect Worthing Seafront Campaign Group and others took a wider view. As part of my site inspection, I visited not only no. 6 but also 49 and 53 Bath Road, Apartment 28 in Dolphin Lodge and the penthouse apartment in Regis Court.

6 Grand Avenue

19. Using the 45° rule of thumb, the appeal scheme would, with two exceptions, have no effect on living conditions inside no. 6. The first exception is the view directly south from the side windows in the 2-storey bay at the front of the house. The 3-storey part of the proposed building, immediately adjacent to no. 6, would stand marginally (less than 1.0m) forward of its façade and thus be visible to anyone standing in the projecting bay; given its 3-storey height, it would be an obvious and substantial presence. About 15m from the bay, where the proposed building would rise to seven storeys, it would step forward by 2.4m; a further 12.5m away, where it would rise to eleven storeys, it would step forward by a further 1.1m. The increases in height would probably not be noticeable if there were no steps forward (the 3-storey part of the building would largely obscure views of the taller parts beyond) but, as proposed, they would clearly add to the perceived bulk of the building. On the other hand, in terms of outlook, views towards the sea from the bay window would be only modestly diminished. Given that one would have to be standing within the bay to notice the proposed building, the harm to internal living conditions would be insufficient to warrant dismissal of the appeal.
20. The second exception is the impact of the 3-storey element of the proposed building on the outlook from the southerly east-facing bedroom window. The bulk of the building would significantly reduce the quality of the outlook from the room and the first floor and second floor bedroom windows would, at the very least, have to be obscure-glazed to prevent harmful loss of privacy.
21. In the front garden of no. 6, the whole of the proposed building would become more noticeable. Even so, the seaward outlook would still be only modestly diminished. The 3-storey element, closest to no. 6, would be the most dominant part of the proposed building; the 7-storey and 11-storey elements, because they would be further away, would tend to have a lesser impact. Consistent with the conclusion on the design of the proposals, it is the 3-storey element that would have an overbearing and inappropriate impact.
22. In the rear garden, the 3-storey element of the proposed building would have most impact, primarily because of its proximity. In addition, the shoulders and tower of the building would combine to reduce significantly the existing perception of openness in the arc to the south and south-west. At my visit on 12 April, it appeared that no part of the proposed building would impede sunlight into no. 6's garden. The Anstey Horne addendum Daylight & Sunlight report shows no material loss of sunlight in the back garden on 21 June or 21 December but does show a significant loss after midday on 21 March, which appears to be caused by the 3-storey part of the building.
23. With regard to 6 Grand Avenue, therefore, the 3-storey element of the proposed building would have a noticeable impact on the outlook from both the 2-storey bay at the front of the building and the southerly first floor bedroom window at the rear. It would have a seriously overbearing impact for someone standing in either the front or back gardens. Both it and the higher parts of the building would reduce the existing sense of openness in the back garden

and would inappropriately reduce the amount of sunlight reaching it in March, even though not in summer or winter. On balance, these factors combine to render the impact of the 3-storey part of the proposed building unacceptably harmful. However, simply reducing the height of that part of the proposal might not resolve the matter as the taller parts of the building would then become more visible and potentially more harmful in their impact.

Bath Road

24. At 49, 51 and 53 Bath Road, the proposed building would bring a significant change to a scene in which the gap between the tall buildings of Regis Court and Marine Point hints at the presence of the sea beyond. It would be at a sufficient distance, however, not to be unduly overbearing or noticeably to diminish the sunlight reaching those properties.

Dolphin Lodge

25. Looking out from apartment no. 28 in Dolphin Lodge, the proposed building would effectively obscure oblique sea views. It would have the same effect for the apartments above, below and to the north of it. Given the views directly east, however, the outlook from these apartments would remain one of openness and spaciousness. The apartments to the south of no. 28 would have the proposed building more directly opposite but would retain oblique views towards the sea – the further south the apartment, the wider the view.

Regis Court

26. The Regis Court penthouse has its main lounge window looking west over a patio. The seventh floor of the proposed building would be about 6.0m from the patio, 10.0m from the lounge window; the tower would be about 17.5m away, the stair core 14.5m. The seventh floor would extend some 4.0m to the south of the patio (with a balcony beyond that) but there would still be a wide view to the south. The close proximity of the seventh floor would appear overbearing from within the penthouse; and the proposed large areas of glazing would mean an unacceptable loss of privacy for its occupiers.

Conclusion on residential amenity

27. On this second issue, therefore, the proposed building would unacceptably diminish the level of amenity enjoyed by the occupiers of 6 Grand Avenue. It would be overbearing, in the front and back gardens and in some parts of the house; it would curtail the outlook to the south from the gardens; it would reduce the amount of sunlight reaching the rear garden, albeit only at certain times of year; and, without changes to the window location or design, it would cause unacceptable loss of privacy. In addition, the 7-storey shoulder would be inappropriately close to the penthouse apartment in Regis Court and, as presently designed, would lead to unacceptable overlooking of it.
28. There would be significant changes in outlook for the occupiers of dwellings in Bath Road, in particular nos. 49, 51 and 53, though the distance between those properties and the proposed building would be sufficient for that change not to be unduly harmful. This conclusion bears in mind that the existing context is one of tall buildings along West Parade and that the Council is not averse to a much more intense development on the appeal site. A similar assessment applies to 8-16 Grand Avenue. The occupiers of a number of the apartments in Dolphin Lodge would effectively lose their oblique outlook towards the sea but would retain an open outlook eastwards; others would retain sea views but

would have the proposed building in easterly views; in neither case would the outlook from Dolphin Lodge be unduly harmed.

29. It may be noted that these conclusions are not unrelated to some of the conclusions on the first main issue. On the other hand, the Council and some local people are amenable to a much more intense form of development on the appeal site than presently exists. It might be difficult to resist at least part of such a development being as tall as is Regis Court. Accordingly, the impact of the proposed development is assessed above against what would be a generally acceptable residential environment, not against what exists.

Third main issue – parking and traffic

Parking

30. The Transport Statement of December 2014 relied on similar Roffey Homes developments in Worthing to support the proposed provision of 34 car parking spaces and argued that, if more than 34 were required, there was available on-street parking in the vicinity outside any parking control zone. The Committee report on the application notes that West Sussex County Council, as Highway Authority, was content with that, even though the normal requirement, using its own Parking Demand Calculator, would be 46. From the Committee report, the assumption seems to have been that, were 34 spaces to prove insufficient, any additional demand would be for visitor parking, not resident parking. There is, though, no alternative evidence on residential parking demand to suggest that 34 is not an appropriate figure.
31. The parking survey by the appellant was carried out on a morning and evening hour on one day (30 September 2014), which the highway authority considered adequate as an indication of day-time and night-time parking. It identified, easily within a 400m walk of the proposed site access, a minimum of 167 available on-street parking spaces in the morning, 166 in the evening. The Campaign Group questions the appellant's survey because it is not thought properly to reflect local issues, including the seasonal, even daily, nature of demand; it also considers 250m a more reasonable distance for a resident to walk to and from a car.
32. Five things may be said. Firstly, I acknowledge that, when I visited the site and its surroundings (twice between 18:00 and 19:00, the third time at the accompanied site visit), there was very little on-street parking available in Bath Road, in Hythe Road close to Grand Avenue or in Grand Avenue itself, between Rowlands Road and West Parade. Secondly, the number of parking spaces proposed in the appeal scheme is expected to satisfy demand, in which case there would be no additional pressure on on-street parking. Thirdly, if it did not cater for demand, 400m is not an unreasonable walking distance (taking, on average, about five minutes). Fourthly, the Campaign Group's comments do not assist unduly – they assume an "influx of 18 cars" when the appeal scheme is proposing 12 less than the calculated requirement; they suggest a loss of 24 on-street spaces in the vicinity but the appeal scheme would have a broadly neutral effect and it is not clear why other losses will arise, save from potential bus stop improvements; and they estimate a demand of between 60 and 106 for 93 spaces, suggesting that on-street parking is as likely as not to be available. Lastly, therefore, if one extends the Campaign Group's 250m walking distance to 400m, into an area where on-street parking is more easily available, then any overspill from the appeal scheme (were it to arise) could more easily be accommodated.

Traffic

33. The Transport Statement used TRICS data (as one would expect) to estimate 128 weekday vehicle movements for 36 apartments, of which 16 would be in the morning peak hour (08:00-09:00) and 15 in the evening peak hour (17:00-18:00). No reduction was made for the five existing dwellings. It cannot be compellingly argued that the addition of that amount of traffic (one vehicle every four minutes or so), even so close to the junction of Grand Avenue with West Parade, would make any noticeable difference to the free flow of traffic on the highway, or to highway safety.

Conclusion on parking and traffic

34. Accordingly, there is a three-part conclusion on this main issue. Firstly, the proposed on-site car parking provision is likely to prove adequate. Secondly, any additional demand for on-street car parking, were that to arise, would not unduly harm the level of amenity presently enjoyed by residents in the area. Thirdly, neither the additional traffic generated by the proposed development nor any additional on-street parking demand would, even taken together, have any noticeable impact on the free flow of traffic or on highway safety.

Other matters

Heritage assets

35. There are no designated conservation areas sufficiently close that their significance could be affected by the appeal building coming with in their settings. There is only one listed building fairly close to the appeal site, Black Nest Hall, but it is a barn imported from its original location in Surrey and re-erected as a dwelling; as such its present setting plays no part in its significance. Heene Terrace and the Burlington Hotel, both listed in grade II, stand some distance along the seafront to the east; the intervening buildings mean that the appeal building would play no material part in their setting.
36. Dolphin Lodge and Marine Point are designated as Buildings of Local Interest. Indeed, Dolphin Lodge's historical interest stems from the time when Grand Avenue was intended to have much greater importance than now, leading directly from Worthing West railway station, intended then as a terminus, to the seafront. Any impact on the setting of these undesignated heritage assets is not, however, itself an issue; it is instead a direct result of the design and townscape quality of what is proposed for the appeal site – if it were an appropriate addition to the townscape, then it would not detract from the setting of Dolphin Lodge or Marine Point; if not, even if it could be argued that the setting of those buildings would be harmed, their significance would be undiminished.

Housing need and land supply

37. The Borough Council acknowledges that it cannot demonstrate a 5-year housing land supply and, accordingly, that a housing proposal which would be sustainable development should be granted planning permission unless the adverse impacts of so doing would significantly and demonstrably outweigh the benefits. In this case, the conclusions on the first two main issues indicate that the proposed development would fail the environmental role of sustainability. Accordingly, the balance in paragraph 14 of the National Planning Policy Framework (NPPF) should not apply.

Space around the building

38. There was criticism that the frontage space around the building on West Parade and Grand Avenue would appear cluttered because of the bin stores, cycle store and sub-station. The brick boundary wall would be 1.35m high with piers 1.65m high. The bin store on West Parade would have brick walls 1.65m high, the same as the piers. The bin store on Grand Avenue would be a timber-clad enclosure the same height. The cycle store beside it would be a simple open structure, also same height. The sub-station, which is apparently not needed but was included to "future-proof" the development, could be sunk partially into the ground so that its brick enclosure was also no higher than 1.65m. While the potential for clutter might be thought to be there, it would be avoided by the integrated design of the different elements within an overall landscape design approach that would be appropriately formal.

Wind

39. Concern about wind speeds around a tall building is understandable, especially in an exposed coastal area. The conclusion of the appellant's environmental wind assessment – that the overall massing would be similar to other nearby buildings and the impact of wind along the seafront could be expected also to be similar – seems entirely reasonable. The conclusion goes on to note that interaction with the tall buildings on the west side of Grand Avenue (Marine Point and Dolphin Lodge) might cause increased wind speeds in Grand Avenue. While objectors may argue that the massing would not be similar, there are also features of the proposed design which ought to help reduce wind speeds at the base of the building – in particular the shoulders east and north of the tower and the breaks in the façades achieved by the balconies. The style of the proposed landscaping would also assist in reducing the outward spread of wind at ground level, as would the replacement of the trees to be lost along Grand Avenue. Overall, there is no clear cause for objection.

Benefits

40. Emphasis was placed on the appeal scheme's contribution to the supply of much-needed housing, including affordable housing, but various other economic, social and environmental benefits were also contended for. Most of those would be expected of any housing proposal, on the appeal site or elsewhere within the Borough, and cannot make acceptable what, on the conclusions to the first two main issues, is an unacceptable proposal.
41. Only a few of the contended benefits are site-specific or development-specific. The site is well-located for public transport and is within a reasonable walking distance of the town centre, though perhaps only just. Regeneration or redevelopment of what is a brownfield site would clearly be a benefit but it is the design of any proposal that determines whether it would improve the appearance of the area – and that is the subject of the first main issue.
42. On housing, the net increase in the number of dwellings on the site would be 30. Affordable housing would amount to about 30% (of the 35 proposed dwellings), to be provided partly on-site and partly by a financial contribution or, if a registered social landlord were not found, wholly by way of contribution. (The executed section 106 obligation caters for both possibilities.) While the housing need in the Borough is undeniable, the contribution of the appeal scheme towards meeting it would be very small. There is no doubt that the site could be developed more intensely than at present without causing the problems raised by the appeal proposal; comparison with such a scheme

would render the benefit of the appeal scheme still smaller – and insufficient to outweigh the conclusions on the first two main issues.

Overall conclusions

43. On the first main issue, the proposed development would be inappropriate in design terms because of a combination of its siting (forward of the building lines on West Parade and Grand Avenue), height (significantly taller than its neighbours) and massing (in relation to both Regis Court and the dwellings on Grand Avenue). That conflicts with adopted Core Strategy Policy 16, saved Local Plan Policy CT3, the Tall Building Guidance SPD and design policy in the NPPF. On the second main issue, the siting and bulk of the building would unacceptably diminish the level of residential amenity enjoyed by the occupiers of some neighbouring dwellings, which conflicts with saved Local Plan Policy H18 and the provisions of the NPPF. None of the other matters considered above or raised at the inquiry can outweigh these conclusions. Neither can the suggested conditions or the provisions of the executed section 106 obligation overcome them. Accordingly, the appeal must be dismissed.

John L Gray

Inspector

APPEARANCES

FOR WORTHING BOROUGH COUNCIL

Stephen Whale of Counsel	instructed by Caroline Perry, Adur & Worthing Legal Services.
He called	
Ian Moody BA(Hons) MA MRTPI	Principal Planning Officer, Directorate of Economy, Worthing and Adur District Councils.
Judith Livesey BA(Hons) MA MRTPI	Associate Director, Nathaniel Lichfield & Partners, London.
Richard Small BA(Hons) DipArch MSc IHBC	Design & Conservation Architect, Directorate of Economy, Worthing and Adur District Councils.
Peter Devonport BA(Hons) MRTPI	Team Leader, Development Management, Directorate of Economy, Worthing and Adur District Councils.

FOR ROFFEY HOMES

James Pereira QC	instructed by ECE Planning Limited, Brooklyn Chambers, 11 Goring Road, Worthing, BN12 4AP.
He called	
Stuart Eatock BA(Hons) DipArch RIBA	Director, ECE Architecture, Worthing.
Mark Sanderson BA(Hons) MA IHBC	Director, The Heritage Advisory, London.
Liz Simes BA(Hons) DipLA DipUD CLMI	Senior Technical Director, fabrik (Landscape Design, Landscape Planning and Urban Design).
Chris Barker BA(Hons) MATP MRTPI	Director, ECE Planning Limited, Worthing.

INTERESTED PERSONS

Phil Abbott	}
Robina Every	} Joint presentation for the Protect Worthing
Chris Waran	} Seafront Campaign Group.
David Clark	}
Sue Lazzarini	6 Grand Avenue, Worthing.
Sir Peter Bottomley MP	
Stuart Field	Local resident.
David Sawers	The Worthing Society.
Neil McIntosh	Local resident.
David Chilvers	Local resident.

DOCUMENTS

- 1 Plan showing viewpoints of photographs from Bath Road.
- 2 Plans of Parkhurst Gardens, Islington (appeal APP/V5570/A/14/2227656).
- 3 Footprint and floorspace ratios of existing nearby buildings and of a 7-storey building on the appeal site.
- 4 Timeline for the emerging Worthing Local Plan.
- 5 Sue Lazzarini's statement.
- 6 Protect Worthing Seafront Campaign Group's PowerPoint presentation.
- 6a Plan (from Anstey Horne assessment) showing sunlight in the back garden of 6 Grand Avenue, as existing and with the appeal scheme, on 21 March.
- 6b Plans (from Anstey Horne assessment) showing overshadowing at 2-hour intervals in the back garden of 6 Grand Avenue on 21 March.
- 6c Summary conclusions by Mr Abbott for the Campaign Group.
- 7 Statement by the Worthing Society (David Sawers).
- 8 Written representations from Helen Butchart (local resident).
- 9 Stuart Eatock's PowerPoint presentation.
- 10 Written representations from Duncan Heath (local resident).
- 11 Additional statement on wind effects from Roffey Homes.
- 12 Additional statement on car parking from Roffey Homes.
- 13 Executed section 106 obligation.
- 14 Drawings 5934/113/A and 111/A showing sunken electricity sub-station.

**Application Number: AWDM/1903/16 &
AWDM/1906/16**

**Recommendation – APPROVE
subject to amended plans**

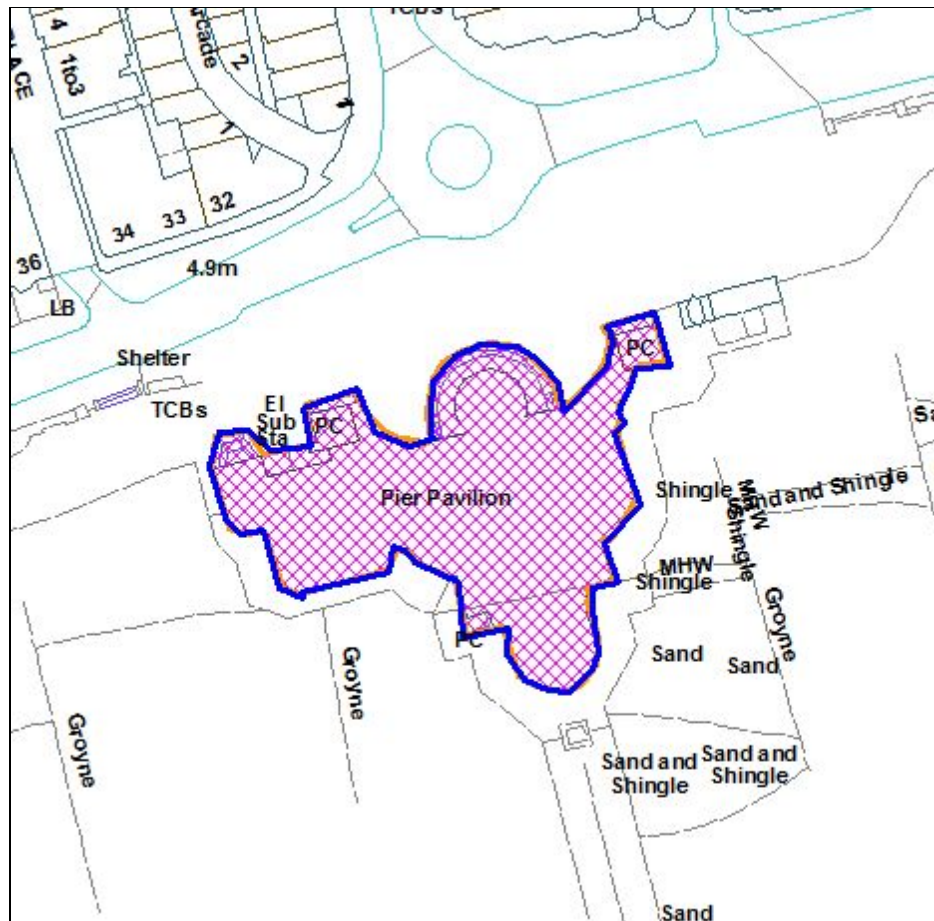
Site: Pavilion Theatre, Worthing Pier, The Promenade, Worthing

Proposal: Advertisement Consent for retention of replacement advertisement signage including acrylic sign at entrance, dia-bond panel, grey vinyl entrance signage as well as 4 new poster display panels. All non-illuminated (part retrospective).

Listed Building Consent for retention of replacement advertisement signage including acrylic sign at entrance, dia-bond panel, grey vinyl entrance signage as well as 4 new poster display panels. All non-illuminated (part retrospective).

Applicant: Worthing Theatres
Case: Hannah Barker
Officer:

Ward: Central



Not to Scale

Proposal, Site and Surroundings

For ease of reference this report deals with both Listed Building and Advert Consent applications.

The applications relate to the Pavilion Theatre at Worthing Pier adjacent to the main commercial shopping street in Worthing town centre to the north. The building is a Grade II listed building and is located within the South Street Conservation Area. It is occupied by the Pavilion Theatre. The main entrance to the theatre has been altered with main access provision being created through the café/bar to the west of the original historic entrance. Signage is attached to the original entrance doors and current main entrance to indicate this but also to promote performances, give booking information/contact details and advertise the café/bar.

The original proposal was for retrospective consent for replacement advertisement signage including a 5 metre wide banner (sign B) acrylic lettering sign adjacent to the entrance, 1.5 m x 1m (sign C) a dia-bond panel above the current theatre entrance 3.6 m x 0.4 m (sign D), and a sign adjacent to the door (sign E). Also shown on the plans are grey vinyl signs 2.2 m x 0.6 m. Sign A comprised of 3 x panel advertisements. These signs are attached to panels which cover the former entrance doors of the Pavilion theatre. This proposal is now part retrospective as the signs of concern are to be removed and replacement smaller signs are proposed as detailed below.

The following information was provided in support of the applications: -

“It is important to note that the signage replaces like for like in the majority of locations here and that none of the banners or door posters are actual adverts, they contain only imagery with no dates or event information.”

The supporting information goes onto state that the ‘door coverings’ are proposed to be temporary for 6 months and that the doors remain fully operational from within the building. Their purpose is to direct customers to the box office via the café and to advise that this is not the main entrance.

Following consideration of the original proposals by Officers it was considered that not all the proposed signage could be supported. The overall amount and scale of signage is considered unnecessary and visually detrimental to the character of this prominent Listed building. It is apparent that there are multiple panel boards and further signage on site that does not form part of these applications in addition to that for which consent is sought here and there is an opportunity to provide an overall rationalisation of signs and enhancement of the building.

Sign A – the door panels where temporary consent was sought have been removed from the applications here following discussions with your Officers. These signs have been in place since at least the beginning of September and therefore the required 6 months has nearly expired. In addition these signs are large and dominant and alter the appearance and function of the Listed building significantly. Although decorative they provide a ‘blank’ frontage to what was the main entrance. Fundamentally the historic building was designed as such with this being the main entrance. The

signage is used to direct the public to the now used entrance to the side. Whilst the rationale for using the side entrance is noted (additional circulation space and increased income for the Café) it is considered that these signs are detrimental to the visual amenity of the locality and more importantly the historic appearance and functional character of the listed building. They compromise the historic integrity of the original layout and use of the building as originally designed.

It is conditioned below that signs A are to be removed within 1 month of this consent albeit the applicant has indicated a willingness to remove these signs prior to the Committee.

Similarly the large PVC banner sign B has been removed from the application as it cannot be supported due to its overall size and detrimental impact on the building and Conservation Area. The application is to be amended to replace this banner with 3 poster size panels and Members will be updated at the meeting.

Sign E is also to be amended from that originally submitted and reduced in size to a poster display panel.

The contentious adverts have been omitted from the application and the application description amended to relate to the smaller signs now proposed.

Consultations: Conservation Area Advisory Committee: An objection has been raised as follows:-

“Though we understand the pressures to advertise and increase revenue wherever possible the signage is very large and detrimental to the Listed Building. It sets a worrying precedent. The loss of the central doors is disappointing as is the need for a retrospective application in this circumstance.”

Representations: none received.

Relevant Planning Policies and Guidance

Worthing Core Strategy: (WBC 2011) 6, 16
Saved Policies Worthing Local Plan: (WBC 2003) CT3, H18
National Planning Policy Framework (CLG 2012)
National Planning Practice Guidance

Planning Assessment

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) made pursuant to section 220 of the Town and Country Planning Act 1990 (as amended) provide that the Committee should consider AWDM/1903/16 having regard to: the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors. Factors relevant to amenity include the general characteristics of the locality including the presence of any feature of historic, architectural, cultural or similar interest. In considering amenity, the Committee may, if it thinks fit, disregard any advertisement displayed.

Factors relevant to public safety include the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome; whether the advertisement display is likely to obscure or hinder the ready interpretation of a traffic sign or any security device.

Express consent for the display of advertisements may not contain any limitation or restriction relating to the subject matter, content or design, unless necessary in the interests of amenity or public safety.

The Committee should consider the application for Listed Building Consent (AWDM/1906/16) in accordance with Section 16 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Principle

Upgrading existing advertisements is acceptable in principle, subject to satisfying the statutory tests for new development to a Listed Building and within a Conservation Area.

Heritage Assets and Visual amenity

The main issues for consideration are the impact of this proposal on the historic integrity of this Grade II listed building. The application should not be supported if the advertisements cause harm to the historic character or fabric of the listed building. As amended, and within the context of the aforementioned signage being removed it is considered, that the signage proposed is now acceptable and would preserve the character of the building. The removal of old display panels either side of the side entrance would be an enhancement as the existing pillars would be fully expressed.

The dia-bond panel above the entrance is modest in scale. The acrylic signage to the side of the door has simple lettering and the colours used in both signs are sympathetic to the simplistic and classic form of this part of the building. Similarly the vinyl signage attached to the hand rail although large is acceptable due to the subtle colour and lettering used. It is considered that this combination of signage allows for the public to identify the new entrance to the theatre.

Sign E (as reduced) allows for an advertisement which is more vibrant to advertise a current event. However due to its limited size and the number of other signs being reduced at the site it is considered that this impact is not such to warrant a refusal in this case. Subject to the amendment of the proposal and removal of un-authorized signage, it is not considered that the architectural and historic qualities of the listed building would be harmed nor would the character and appearance of the Conservation Area. The removal of additional signage would allow for loss of visual clutter.

In terms of visual amenity and public safety the proposed signage as reduced is acceptable in this case. Notwithstanding the building is a heritage asset it is within

the Town Centre within a commercial setting where signs, illuminated and otherwise is commonplace. They make up the character of this locality contributing to its vibrancy, vitality and aiding public spending and investment. It is considered that the signs proposed can now be supported and will allow for sufficient legibility of the building and its use to the general public. It is accepted that for the Theatre to remain a viable use for the future, an appropriate level of advertisement for shows and events is necessary.

Highway Safety

The signs would not cause harm to public safety. It is not considered that the signage would cause any harmful distraction to highway users. They are all non- illuminated.

Recommendation

APPROVE

Advertisement Consent, Subject to Conditions:-

1. Approved Plans (to be submitted pending amendments)
2. Standard 5 advert conditions
3. Within 2 months of the date of this consent the existing un-authorized signs including signs A, B and C shall be removed from the site.

Informative

1. Proactive with amendments

Listed Building Consent, Subject to Conditions:-

1. Approved Plans (to be submitted pending amendments)
2. Within 2 months of the date of this consent the existing un-authorized signs including signs A, B and C shall be removed from the site.

Informative

1. Proactive with amendments

Application Number: AWDM/0084/17

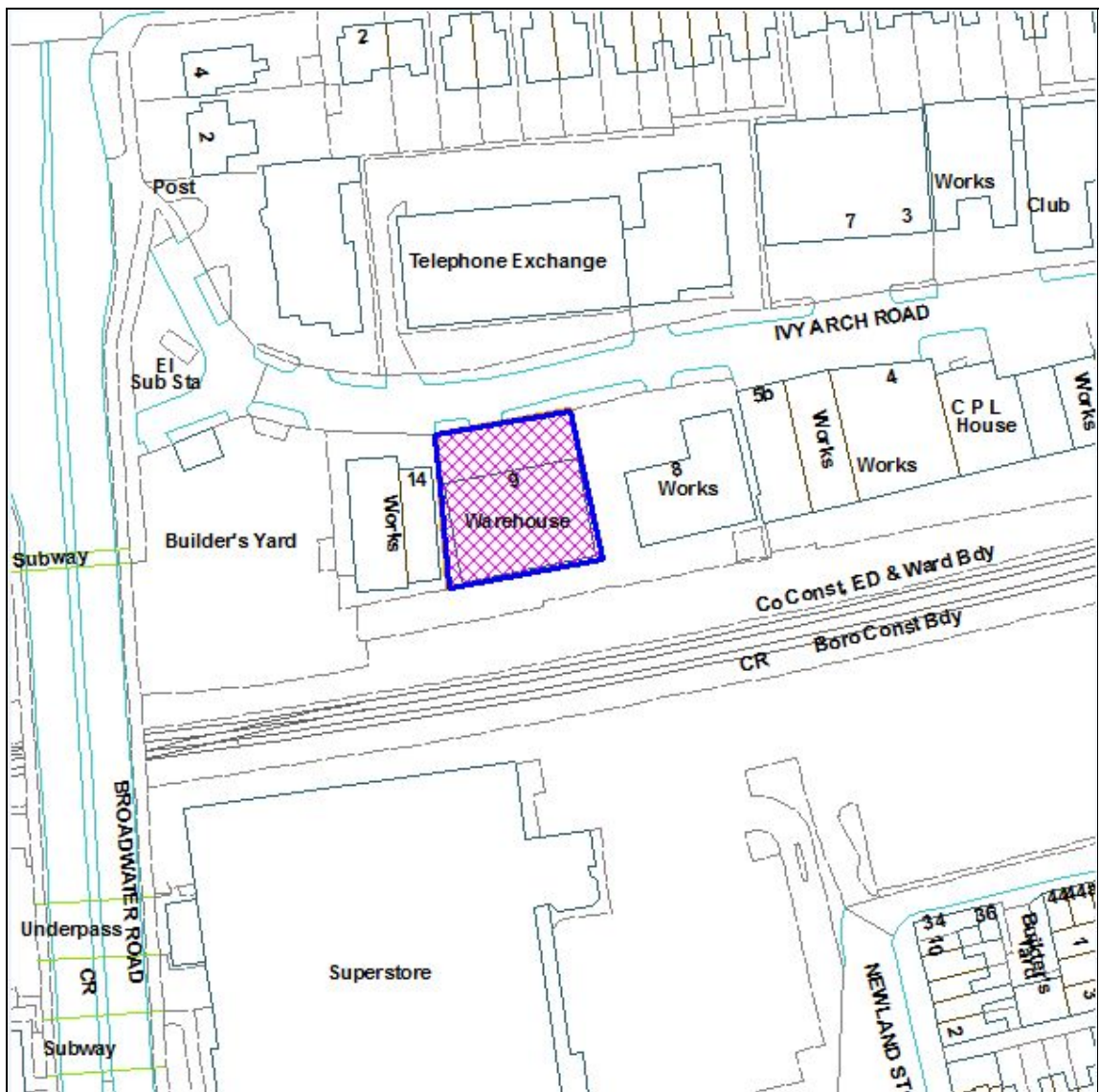
Recommendation – APPROVE

Site: Unit 9 Ivy Arch Road, Worthing

Proposal: Continued use of rooms 4, 5, 6, 7, 8, 9 and 10 as music rehearsal studios plus new reception area (former store area).

Applicant: Mr. A Ladd
Case M. O’Keeffe
Officer:

Ward: Gaisford



Not to Scale

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Site and Surroundings

This application relates to a detached two storey part industrial unit, part dance

studio on the south side of Ivy Arch Road in the designated industrial estate, on the fringe of the town centre. The site is close to the western end of Ivy Arch Road and close to the pedestrian underpass to Broadwater Road. Either side of the unit is industrial units owned by Gardener and Scardifeld Builder's Merchants. The railway runs along the back of the site. There are some other non-industrial uses in this relatively small and central industrial estate including the Islamic Centre, Worthing Boys Club, the Rehearsal Rooms at No. 5B and Feba radio station, though the area still remains predominantly industrial.

Unit 9 has two floors and a total floorspace of approximately 770 sq. metres. In 2006 planning permission was granted for the use of part of the ground floor and the creation of a first floor mezzanine for use as dance studio space at the western end of the building. This space was arranged as a large dance studio at ground floor with changing rooms and an office and two further dance studios in the mezzanine level. In 2007 a fourth dance studio was created at first floor level, without planning permission, with the conversion of a further 50 sqm of industrial floorspace. The dance studio accounts for approximately 310 sqm of floorspace, 40% of the overall space. Nicola Miles Dance Company occupied the dance studio with Southern Shopfitting and Interiors (SSI) occupying the industrial space with ancillary offices at first floor level. Other first floor office space is and continues to be sublet.

In 2008 Northbrook College began sharing the dance studio space with Nicola Miles for dance classes with the college using the space between 9am and 4.30pm and Nicola Miles using it in the evenings.

Over the summer of 2012 alterations were made to the building to create two further performance studios at ground floor, two small individual practice rooms at first floor, a computer suite at first floor and dedicated office floorspace, all for use exclusively by Northbrook College. This space was created to provide a combined Music, Performance and Theatre satellite department to Northbrook's main sites at Broadwater and West Durrington for a temporary period whilst their new performance floorspace was built at West Durrington. In 2012 Committee resolved to grant planning permission for this temporary use, personal to Northbrook College, subject to a legal agreement. The legal agreement was never signed. Northbrook vacated the site in April 2016.

SSI premises remains on site, centrally positioned at ground floor between the dance studio space and music rehearsal rooms. They share the office space at first floor with other occupiers. However, SSI do not appear to be trading at present.

Proposal

Last summer Mr Steve Gardner took over both the dance studio space and Northbrook rehearsal room/I.T space and opened Dance House and Sound House studios respectively in October 2016. He has invested in acoustic upgrades of most of the rehearsal space. He reports he was unaware that the music rehearsal space did not have a full, general planning permission.

Mr Ladd, the site owner, is seeking planning permission for the continued use of all rooms previously occupied by Northbrook College for music rehearsal purposes. The dance studio space continues to be used for dance studio purposes in

accordance with the terms of the 2006 permission, WB/06/0892/FULL refers, though Nicola Miles is no longer on site.

Relevant Planning History

AWDM/0938/12 – Use of existing and additional floorspace as dance studio and IT training rooms (D1) for temporary 3-4 year period by Northbrook College and erection of open porch and ramped entrance. Committee resolved to Grant planning permission subject to a legal agreement 16.1.13

WB/06/0829 - Change of use of part of ground floor and first floors to a dance studio including internal alterations (Revision to WB/06/0512/FULL). Granted 6.10.06

WB/06/0512 – Construction of dormer roof extension to north and south elevations and change of use of part ground and first floors to a fitness and dance studio. Withdrawn 26.6.06

WB/95/0556 - Installation of additional fenestration to north and east elevations. Granted 25.9.95

WB/95/0233 - Amendment to condition 3 of planning consent WB/94/0720 dated 20.12.94 to permit 10 No. cars parked external of the building together with a cycle rack. Granted 23.5.95

WB/94/0720 - Change of use from general warehouse to use within use class B1. Granted 20.12.94

Consultations

West Sussex County Council:

'The continued use of the rooms above as music rehearsal studios has been considered by WSCC as the Local Highway Authority. No objection is raised in principle however more information is requested by the LPA as such we raise no objection in principle subject to further information submitted once it is available for review.'

The ***Environmental Health*** officer: comments awaited.

Economic Development Team: comments awaited.

Representations

One objection received from the owner of 5B, Ivy Arch Rehearsal Rooms summarised as follows:

1. Bleed. Noise can be heard from the building particularly on midweek days and Sundays after 7pm. We can hear it in our reception. Some rooms have windows.
2. Danger to users, ringing in ears. These rooms were not designed as rehearsal rooms; they were built as I.T/rehearsal rooms.

3. Northbrook College built I.T rooms with temporary Council permission (D1) for a 3 year period while they were relocating the music department from Broadwater to Durrington. Northbrook completed their build and relocated about a year ago whereupon the unit reverted to warehouse (b1 industrial) permission. This was a temporary 3 year permission, personal to Northbrook students, the general public being barred. It was also stated that the use would cease at the end of the 3 year period as it was part of the Core strategy (reverting to B1 industrial).
4. There is little industrial traffic in the road after 7pm but both rehearsal studios can generate excessive traffic. As the new studios have few, if any, parking spaces, their customers are obliged to park in the road. Our studios generate enough traffic as it is, especially when the Celebration Samba come to rehearse. We have parking spaces at the rear and front and on a busy day could have 25 cars to deal with and leaves us with 10-15 cars parked in the road.

The new studios may generate 25 new cars parked in the road. There have been times when 35+ cars have been parked in the road. The new studios do direct customers to park in the ex-FEBA car park, but it doesn't reduce the traffic volume significantly.

5. I would suggest a solution to the bleed problem is to build rooms within rooms with a continuous 1 inch gap between walls and ceiling which, built with insulation filled sound board stud wall on a floating rubber padded floor, is similar to ours. I refer you to our permission documents 04/0109/FULL. We have not had complaints from neighbours or customers and nor can you hear our customers sounds from the street or room to room.
6. As a studio designer and sufferer of tinnitus I know that ringing in the ears is a pre-cursor to further aural problems. We had the environment (health) department assess our internal and external sound emissions while bands were rehearsing; you may consider doing the same there. I offer my advice freely to the new studio should they need it.

11 letters of support received, including 1 from the owner and 1 from the lessee, as well as from Worthing, Lancing, Shoreham by Sea, Brighton, Reigate, East Preston, Burgess Hill and the Isle of Wight with comments such as:-

1. This is already a much needed and hugely supported music rehearsal facility in Worthing which provides state of the art facilities.
2. The Sound House is working with the local community to sponsor local festivals such as Hear and Now and the Worthing Churches Homeless Project Summer Busk.
3. They are working with Northbrook College to provide internships for students.
4. Start-up bands, bands with record contracts and numerous cover bands of all

demographics have used it.

5. Best rehearsal facility for miles now, acoustically superb and would recommend to anyone.
6. A real buzz about the place.
7. A complementary addition to the area that will only enhance the towns growing reputation for education and connection to the music and arts scene.
8. A modern service sector enhancement providing employment, career opportunities, and day plus evening engagement in the town centre.
9. It would be proof of Worthing's continued forward focus on relevant new employers with added value investment and employment in an old building that was previously just storage. This should stimulate more commercial activity for the area than a benign store.
10. I have noted the objection on grounds of noise and parking. There is a main line station passing right by night and day so everybody in that area has that noise to deal with. Large office/industrial buildings opposite surely act as a barrier between Ivy Arch Road and the houses in King Edward Avenue.
11. Builders Merchants lorries are noisy in the day. In the evening the road/parking is much quieter and bands tend to van and car share.
12. Worthing needs to encourage new and exciting local projects like this.
13. In the future I hope Sound House adds recording facilities to enhance the local music offer.

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 3, 4, 11, 16 and 19
Worthing Local Plan (WBC 2003) (saved policies): RES7 and TR9
Supplementary Planning Document 'Sustainable Economy' (WBC 2012)
West Sussex Parking Standards and Transport Contributions Methodology (WSSC 2003)
National Planning Policy Framework (March 2012); Infrastructure Development Plan; and A commitment to culture - Adur & Worthing Cultural Strategy; Worthing Employment Land Review

Planning Assessment

Principle

The main issues for consideration are:-

- The principle of loss of business premises and impact on the operation of the remaining industrial space and nearby businesses on the industrial estate.
- Suitability for community use and community benefits
- Impact on access, parking, visual and neighbour amenity.

Principle of loss of business premises

The approved use of the application premises is mixed business use. In 1994 the entire unit was given permission for B1 (office /light industry) purposes. In 2006 part of the unit was converted to a dance studio (D1/sui generis), Nicola Miles Dance Studio. In 2008 Northbrook College began sharing the dance studio space with Nicola Miles and in 2012 the College began converting some of the industrial space into music rehearsal/performance and I.T space, approximately 235 sqm. This left SSI Shopfitters (B1 floorspace) at ground floor only with shared use of first floor office floorspace also sublet to other office users.

At the time of the 2012 resolution to grant planning permission to Northbrook College Economic Development Officers raised real and legitimate concerns that the rationalisation of industrial space between community uses, would make the remaining industrial space more difficult to use operationally and as a result less attractive to alternative business occupiers. There is some sympathy for this view. At the time the applicant as an industrial occupier, contended that Northbrook's presence had not compromised his business use at all. Since this decision his business appears to have ceased but the particular circumstances of this are not clear. It is not known whether he has tried to market the space occupied by SSI shopfitters for alternative business purposes.

The principal relevant Development Plan policy is Core Strategy Policy 4: Protecting Employment Opportunities. This safeguards existing employment areas with a specific list of key industrial estates and business parks that will be protected. This includes the Ivy Arch Road Industrial Estate. Employment uses are defined as B1 (light industry/offices), B2 (General industry), and B8 (storage/distribution). The justification for this policy is explained in the supporting text. It should be viewed in the context of Core Strategy Policy 3 which sets out the broader economic development strategy for the town. There is an identified need to provide up to 72,462sqm of industrial and warehousing space up to 2026 and 22,296sqm of office space as part of the strategy. The recent Worthing Employment Land Review (2016) has generally reaffirmed this need.

Against this background, the borough needs to protect its existing good quality business premises and locations represented by the identified industrial trading estates/business parks as the scope for providing new employment land in the town is very constrained. The proposal is therefore clearly contrary to Core Strategy Policy 4 as the policy does not, strictly speaking, entertain any exceptions to its protective stance in respect of the identified key industrial estates and business parks. However, in practice, where the site is proven to be redundant in line with the tests set out in the supporting SPD: Sustainable Economy (active and appropriate marketing for at least 12 to 18 months), exceptions may be made.

In respect of the National Planning Policy Framework, Paragraph 22 is broadly consistent with the overall approach of the Core Strategy and SPD states that:-

"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

purposes. Land allocations should be regularly reviewed. Where there is no reasonable prospect of the site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.'

In terms of the impact of the proposal on the whole of the premises, the premises are purpose built for industrial/warehouse use with ancillary first floor office accommodation. However, their industrial character has long been diluted by the introduction of the dance studios which occupies 40% of the floorspace. At the time of granting temporary permission to Northbrook College the business occupier of the premises, the same current applicant, was adamant that the presence of Northbrook College had not affected his business at all. In fact, his contention was that they had enabled him to rationalise and renew on site in the face of the real prospect of losing his business. The site was too big for his needs and he had not been able to sell or lease to an alternative employment user.

Ivy Arch Road industrial estate is in a reasonably healthy state, still, with a predominantly business feel but it is recognised that the estate is materially different to a designated key industrial estate such as the East Worthing Industrial Estate due to its town centre fringe location, small size and presence of a number of non or non-traditional industrial/warehousing/office uses., such as the Islamic centre, boys club, Feba radio and other rehearsal rooms at 5B. The estate appears to function quite adequately without obvious harm, even with the existing non business uses.

The net loss of business floorspace involved is in itself quite modest and exceedingly small compared to the overall Core Strategy target provision but it is recognized that the cumulative effect of incremental small losses over time can be as significant as a large single loss.

The previous application for Northbrook's temporary occupation of the same space included a marketing statement which purported to show that the site had been marketed in to 2011 for business purposes without take up. This evidence was flimsy at best and clearly during this time the applicant would have been in discussion with Northbrook College.

No new evidence of marketing for business use has been supplied to support the new application and it is not believed any more recent marketing has been undertaken as the new lessee took over the premises soon after Northbrook College vacated.

Accordingly the proposal fails against both the Core Strategys/SPD's and the NPPF's the specific tests, though the degree of harm is probably quite modest.

The application is therefore balanced against this loss and the potential benefits to the local community of these rehearsal rooms and taking due account of the previous non business use permission granted to Northbrook College for a similar use.

Principle of community use

The applicant's case is that the new lessee's occupation of the dance and sound studio spaces provides intrinsic community benefits that outweigh any harm to the local economy from the loss of business premises.

Policy support for community use

Worthing Core Strategy Policy 11 expressly seeks to retain and enhance all existing provision of recreation and community uses. Elsewhere in the text of the Core Strategy, including the Strategic Vision and Strategic Objectives, various references are made to the improvement of community infrastructure where needed and the provision of community facilities to meet the requirements of the population. The Infrastructure Delivery Plan which underpins the Core Strategy echoes this. Notwithstanding the above, however, it is clear that the "in principle" support of community uses identified in the Core Strategy and elsewhere does not extend to overriding the protection expressly afforded identified employment sites in Core Strategy Policy 4.

The key question, therefore, is whether support for this community use should, extend to allow continued use of this business floorspace for community purposes, as a departure to policy 4 of the Core Strategy.

Potential Community benefits

The use of Unit 9 Ivy Arch Road as practice and performance studios (and allied computer suite and offices) fulfilled Northbrook College's need for premises for 4 years. Their presence on site does not appear to have undermined use of the business floorspace or the use of other Ivy Arch Road sites for business purposes. The new lessee of the studio space has been operating since last October and other than comments from the owner of the rehearsal rooms at 5b Ivy Arch Road no other negative comments have been received. The new, improved rehearsal rooms are attracting widespread interest and bands are travelling from the Adur and Worthing areas and beyond to use them. The applicant advises that there is a 95% rebook rate.

The current lessee has also advised that he is working with Northbrook College to provide internships for students, currently up to 10 a year. He is also involved with and sponsors other arts events in Adur and Worthing. The community use extends beyond general public use of the rooms themselves.

There are obvious strong parallels between the previous authorized use and the current proposal, albeit the current proposal is not directly linked to a key local education institution and is narrower in its scope (music). It could materially improve the town's arts and cultural offer in line with broader corporate initiatives in this area.

Impact on access, parking, visual and neighbour amenity

The site is sustainably located close to the train station, bus routes, public car parks (Teville Gate) and the town centre.

The applicants are a relatively new venture having only been open since October 2016.

The busiest time of day for the rehearsal rooms are evenings and weekends though they do hope to be busier during the daytime in the future as they become more established. The reality is for most young bands who are the mainstay of such studios is that they do not have access to a car, or if they do, share this.

Pedestrians have direct access to the site via the underpass which exits very close to where the site is situated in Ivy Arch Road. There are 10 parking spaces on the site shared by all users. Ivy Arch Road is in a CPZ, Monday to Saturday 9am to 5pm, and this has reduced on street parking in the road and made short term parking (2 hours) much easier.

The Highway Authority has not objected to the proposal in principle but their further comments are awaited.

In terms of neighbour amenity there are no reports of complaints from any nearby residents. The owner of rehearsal rooms at 5B has talked about being able to hear music from the building but it is not clear when this was. From site inspection, those rooms in use had been acoustically upgraded. Acoustic ceilings had been installed with double thick acoustic plasterboard, walls were carpeted and the floors matted and there were sound paneling diffusers in rooms. Studio 9, first floor with 2 windows in unused and unaltered as yet. The applicant has advised he will acoustically upgrade this room and install triple glazing to the three windows on the east elevation at first floor level in the event planning permission is forthcoming. The advice of Environmental Health is awaited on the adequacy of the works undertaken so far and any further works required. Members will be updated at the meeting.

Hours of use sought are 9am to 10pm Monday to Saturday and 10am to 9pm on Sundays. These hours are consistent with those attached to the dance studio and those operated by Northbrook College.

Conclusion

To allow this application would see the permanent loss of industrial floorspace within one of Worthing's protected, albeit smaller and mixed, industrial estates contrary to Core Strategy Policy 4. The loss therefore has to be weighed against the benefit to the community of this use.

Letters of support from users of this new facility have been received and they point to a very well resourced, well supported venture. In the light of this and the fact that Northbrook College were on site for 4 years without apparent harm to the estate generally Taking into account the character of the estate and recent precedents as well as the history of the premises themselves, it is considered that the community benefit of this music resource, on balance, outweighs the permanent loss of business floorspace.

A temporary permission would not be appropriate here as it is understood that further capital investment is necessary to operate the proposal fully and in a compliant manner and this would be an unreasonable burden for a short term user.

Recommendation

APPROVE, Subject to Conditions:-

1. Approved Plans
2. Music rehearsal rooms/dance studio within D2 only
3. Replacement windows within 3 months
4. Hours of use, 9am to 10pm Monday to Saturday, 10am to 10pm Sundays
5. Car parking available at all times

22nd March 2017

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

Peter Devonport
Principal Planning Officer (Development Management)
Portland House
01903-221345
peter.devonport@adur-worthing.gov.uk

Marie O'Keeffe
Senior Planning Officer
Portland House
01903 221425
marie.okeeffe@adur-worthing.gov.uk

Hannah Barker
Senior Planning Officer
Portland House
01903 221475
hannah.barker@adur-worthing.gov.uk

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.