



**WORTHING BOROUGH  
COUNCIL**

**Planning Committee  
27 April 2017**

**Agenda Item 5**

**Ward: ALL**

**Key Decision: Yes / No**

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/0202/17 Recommendation – APPROVE**

**Site: 6 New Street Worthing West Sussex BN11 3BT**

**Proposal: Variation of condition 3 of approved application WB/05/0225/Full to change opening times to Monday-Thursday: 1 hour longer trading from 8.00am - 1.00am; Friday- Saturday: 2 hours longer trading from 8.00am-2.00am; Sunday and Bank holidays 1 hour longer trading from 8.00am - 24.00 hrs.**

**2**

**Application Number: AWDM/1840/16 Recommendation – REFUSE**

**Site: O'Brien Of Worthing Pages Corner Ham Road Worthing West Sussex**

**Proposal: Demolition of existing removals storage building and erection of nine dwellings, comprising a terrace of five 2-bedroom houses on northern part of site and a two-storey block of four 1-bedroom flats on the southern part with communal garden area in between and associated bin and bike stores.**

**3**

**Application Number: AWDM/0181/17 Recommendation – APPROVE**

**Site: Connaught Theatre Union Place Worthing**

**Proposal: Advertisement Consent for the display of two vinyl signs to east elevation.**

**4**

**Application Number: AWDM/0518/17 Recommendation – APPROVE**

**Site: Worthing Sailing Club 1 Sea Place Worthing**

**Proposal: Proposed enclosure of open plan decking at first floor beach level.**

**5**

**Application Number: AWDM/1921/16**

**Recommendation – REFUSE**

**Site: 25 Broadwater Road Worthing West Sussex BN14 8AD**

**Proposal: Change of use from 2 x 4no. bedroom semi-detached dwellings to 7 no. one bedroom and 3 no. two bedroom flats/maisonettes with the addition of a second floor (no's 25 and 27 Broadwater Road).**

**6**

**Application Number: AWDM/0267/17**

**Recommendation – APPROVE**

**Site: Glaxo Smithkline Southdownview Way Worthing West Sussex**

**Proposal: Provision of replacement temporary Biotechnology Development Labs using a single storey modular building in land north of Building 19D.**

Application Number: AWDM/0202/17

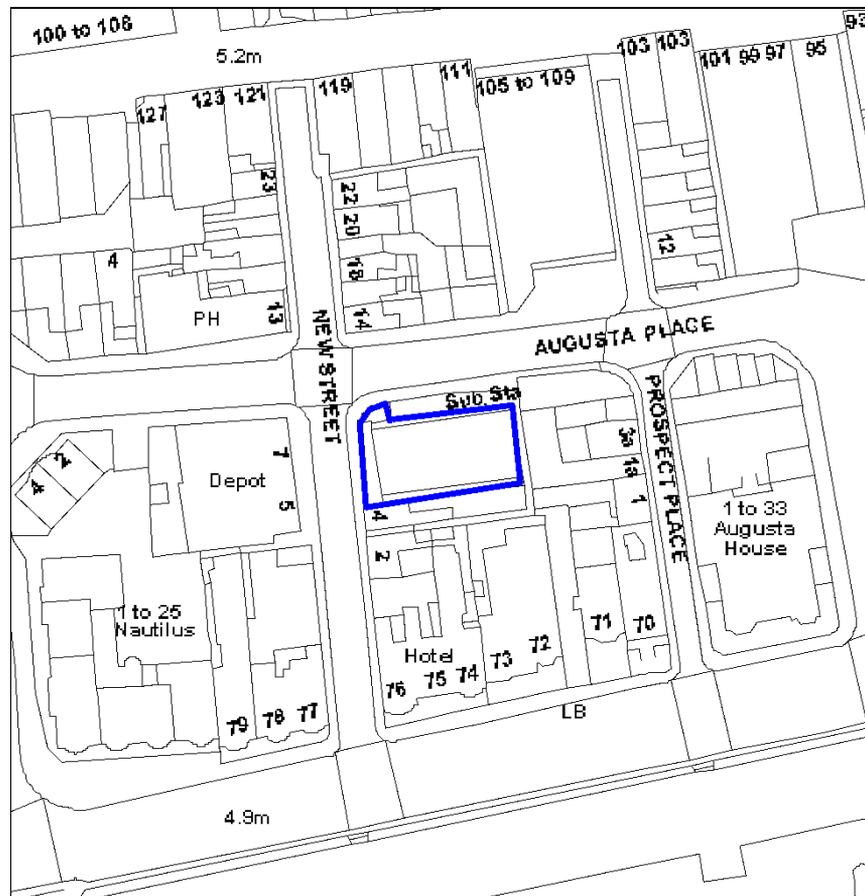
Recommendation – APPROVE

Site: 6 New Street Worthing West Sussex BN11 3BT

Proposal: Variation of condition 3 of approved application WB/05/0225/Full to change opening times to Monday-Thursday: 1 hour longer trading from 8.00am - 1.00am; Friday- Saturday: 2 hours longer trading from 8.00am-2.00am; Sunday and Bank holidays 1 hour longer trading from 8.00am - 24.00 hrs

Applicant: Mr Andrew Sparsis  
Case: Peter Devonport  
Officer:

Ward: Central



Not to Scale

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### The site and Surroundings

The property is within the heart of the town centre, between the seafront and the shops in Montague Street, sited on the corner of New Street and Augusta Place. The character of the immediate area is mixed commercial and residential.

A pair of cottages (Nos 4 and 2) sit to the south beyond the property's side passage. The cottages project forward of the restaurant building and partly enclose the forecourt area. No 4's main north facing flank is blank but their bedroom and kitchen windows in the rear outrigger. The common boundary here is a substantial wall with timber fence above.

Cottages also lie to the north in New Street and Augusta Place. The facing flank of the nearest cottage in New street (No14) is blank and a rear addition appears now to occupy virtually all the rear yard which is enclosed by a substantial boundary wall to Augusta Place. There are three further houses in Augusta Place directly facing the site. To the rear (east) is a twitten and beyond that the rear yards of the largely vacant properties in Prospect Place. To the south in Marine Parade are the rear yards of the converted flats.

A tyre fitting and car workshop, stands directly opposite (west) with a Public House (JBs freehouse) in New Street just to the south (opening hours 10.30 am to 11.30pm Monday to Thursday, and to midnight on Friday and Saturday and 11pm Sundays). Limings Mexican bar and grill lies to the north west on the corner of New Street and Augusta Place. It is advertised as open to 11pm but the license allows it to open to 12.30am on all nights. It is understood to be unrestricted in planning terms as it was previously a PH. There is also a functions room accessed from Augusta Place, reportedly used at weekends.

On the site's northern frontage onto Augusta Place is an electricity sub-station and a public parking area, which is independent of the building.

The site falls within a Controlled Parking Zone and the Montague Conservation Area. New Street is one way going north/south and Augusta Place going west/east. There are double yellow lines outside the site and controlled parking bays elsewhere.

The restaurant building is wholly detached and faces onto New Street and is substantial in size with mezzanine floor and providing for up to 40 covers. An extractor flue in the form of a rendered chimney is sited at the rear of the building (east). There are also a/c units on the southern flank of the building but no openings on this side other than a door to the side passage. The forecourt is at the front (west) of the restaurant and wraps around to the side (north). Including the entrance, it is some 70 square metres in size and is laid out with tiles and balustrades, and decorated with some potted plants. Awnings sit over the opening. It is reportedly used only occasionally as a seating and eating/drinking area. The applicant reports that the smokers are encouraged to gather in the NW corner of the forecourt.

The restaurant opened in late 2005 as a "luxurious and classic English Bistro" following a change of use application in 2003 (WB/05/01235/FULL). The terms of the permission restricts the use specifically to a restaurant use (A3) and trading hours to from 8.00 am to midnight Mondays to Saturdays and 9am to 11 pm on Sundays and Public Holidays.

Use of the forecourt was granted permission in 2006, subject to restrictions to limit covers to sixteen; use between 8am and 10pm; controls on lighting; no alcoholic

drink without a meal and all meals consumed at tables, seated, no amplified sound or music; and no table or seat within 1.5 ms of No 4 New Street. The temporary permission has expired.

The restaurant's license was very recently extended beyond those originally granted of 11am to 11.30 pm Monday to Wednesday and 11am to midnight Thursday to Sunday. The new license permits opening between 11am and 1.30am Sunday to Thursday and to 2.30am on Fridays and Saturdays, with alcohol sales limited to thirty minutes before these times; and music between 6pm and 1am on all days. A number of conditions are also attached to the license requiring the use to operate as a café; waiter/waitress service for all drinks; no vertical drinking at the bar; music restricted to indoors; no new customers able to enter the premise after 11.30pm ; all opening kept shut after 22.30pm other than for access and restrictions on noise emissions (*Noise of regulated entertainment on the premises not to exceed 45dB measured as a 5 min LA eq at any position 1.2 – 1.5m above the north pavement of Augusta Place or the west pavement of New Street.*)

## **The Proposal**

The proposal as submitted is simply vary condition 3 of the original permission WB/05/0225/Full to extend opening times to Monday-Thursday as follows: 1 hour longer trading from 8.00am - 1.00am; Friday- Saturday: 2 hours longer trading from 8.00am-2.00am; Sunday and Bank holidays 1 hour longer trading from 8.00am - 24.00 hrs.

## **Applicant's Supporting Statement**

The applicant submits that the extension in hours is urgently needed to support the night time economy and secure local jobs. In this respect, fiscal plans need to be put in place to secure the financial viability of Food restaurant and safe guarding of the 25 full time employees' positions. The applicant submits that:

*'The Dinner Rooms limited T/A Food Restaurant launched its business in November 11th, 2005. The first of its kind for Worthing pushing the boundaries for cuisine and improving the social life of many Worthing restaurants. Food was able to deliver the upmarket progressive style of dining experience that matched any city. Food became a signal for Worthing's new vibrant economy and was clear to visitors and locals Worthing was changing and was ready for a more cultural/café society. Food was accoladed for paving the way for today's restaurant and café scene. We have become an integral part of this towns lifestyle and culture*

*In the past 11 years, the landscape of the hospitality industry has changed. It is unrecognisable to the model Food restaurant had 11 years ago. Some of the important fiscal increases are: -*

- *VAT risen from 17% to 20% - A vast cost to restaurants as our prices are inclusive*
- *Minimum wage has grown faster than any other wage earning brackets and nearly doubled in some areas.*
- *Large increase of PAYE*

- *Compulsory pension regulation has led to large cost to small business*
- *Food prices have grown faster than any other sector and are still rising to the highest level this century.*
- *Business rates have risen in the hospitality sector far more than any other. FSB and Government advisors have warned that restaurants find it increasingly impossible to stay in town centres with the levels of rates expected.*

*This comes as wages for all other sectors have predominately stayed the same since the recession and prevents the restaurant and bar hospitality sector being able to increase prices to offset the vast increases to our companies.*

*In the last 10 years, much has changed in the dining and drinking sector. With casual dining becoming the fastest growing market, this has put tremendous strain on the more formal non-flexible dining establishment. Customers wish to mix their dining with relaxed socialising. Customers now expect to socialise with a bar environment before dining and complete their evening in a relaxed area rather than move to a new venue. Restaurants that have these facilities also have proven to be more popular even with customers wishing to have fast lunch or a pre-event meal.*

*Food does not have the ability to offer what most dinners now wish for and evidence shows Worthing residence leave Worthing to spend money in other towns to find the experience they wish for.*

*We are proposing to extend the hours of business by 1 hour during the week Monday – Thursday and Sunday, 2 hours Friday and Saturday. We would still close to new customers by 11.30pm and simply allow customers the opportunity to continue their evening in the same venue.*

*Food has traded for 11 years and we are proud members of our community. We have been instrumental in large improvements and community wellbeing in the area: -*

- *Lobbied council for the rejuvenation of Augusta place car park. This was successful as well as extensive improvements to pavements.*
- *Joined the Town Centre Initiative and lobbied for extra policing for the area especially in early morning hours.*
- *Worked with UK Power Networks to have a new exchange fitted to prevent power cuts to the neighbourhood. We have succeeded in listing the area as ‘immediate repair ‘*
- *Worked with local police and attended meetings to highlight the problems of vagrants and drug users in the area and have seen a considerable reduction.*
- *We are a DISC member and monitor all undesirables seen in the area and report back to the appropriate authorities.*
- *Food has become a landmark building in Worthing and has contributed in rejuvenating the area adding value to all properties.*
- *Food has hosted many charity events and has raised over £100.000*

*pounds for local Charities.*

*Testament to our community responsibilities we have never received noise complaints from our neighbours for our licensable activities in 11 years. Many of our neighbours eat regularly in our restaurant and we are a hub for the community. Food restaurant are shocked at the few representations that allege we have caused disturbances to the local residence during our licensable activity and cannot understand why these have never been brought to our attention or to any of the local authorities. We would also like to make a representation that many of our neighbours especially our immediate neighbours moved into the area in full knowledge there was two restaurants, one pub and an industrial garage in the same road.*

*We are committed to working with our community as we have done so for over a decade. Food has put into place a strict management plan to ensure that our recommended changes will minimise and fundamentally reduce any disturbance to our neighbours.*

- We will install monitored CCTV inside and outside of the premises also covering areas of the street.*
- We are implementing a government challenge 25 scheme to all our customers.*
- Staff members will carry out further training with our licencing specialists. We will also hold a diary and log of staff who can serve alcohol. We shall also join the pub watch scheme.*
- Food will run a new policy working in conjunction with Sussex Police. We will risk assess and use licenced door staff daily where recommended.*
- The use of outside dustbins and bottle bins shall be restricted to 10pm.*
- Any exterior air conditioning or motorised units will be switched off at 12pm thus limiting the noise pollution on our area.*

*It is important to mention our suggested changes have already been accepted in full by Sussex Police and Worthing Borough Council licencing department. We have been issued with a new licence in full.*

*We have worked with the local Taxi firms to have fast buttons installed into our business to ensure we receive preferential fast taxi service. Our recommended plan will also allow our customers to leave in a staggered fashion as this will dramatically reduce any disturbance.*

*Currently all our customers must leave at 12am and wait outside for taxis. This may cause disturbance to local residence as they wait up to 40 mins. With our proposals, our customers can wait inside for taxis and we can reduce demand on taxis at pinch points, this releases them to clear hotspots in the town centre. Food would also like to show our commitment to our neighbours by recommending we do not seek to regularise our outside seating and drinking area as previous permission.*

*We are aware this could cause a disturbance to our neighbours especially in the evening so we are committed to allow this to cease being a permitted licence at this time.*

*With our proposed staff training towards noise, during the activities of customers leaving our business and a clear signage campaign we look to implement. These steps will reduce rather than increase any disturbance to our neighbours.*

*Food restaurant has been a part of Worthing history and we are committed to try and keep Food as Worthing's future, providing dining experiences to Worthing residence as an alternative to residence spending money out of town. We do not feel we can continue to be profitable with our current out of date business model. With the new wave of granted restaurants championed by the planning committee we must look to secure the restaurants that are already here and we need to be able to modernise to compete. Rather than contemplating the generous offers we have received from discount retailers to take over Food and make over 25 local job redundancies we are committed to gaining help from our local authority so we can invest into our business and protect our 25 employees and further create 4 more new full time jobs in Worthing.*

*Food can secure so much for simply an hours extra trading during the week and 2 hours on the weekend.*

*Food has always been a great example of new Worthing and the progression the town has made. We hope the Council can send the strong prosperous message that Worthing is ready and willing to support businesses to succeed and move forward.'*

## **Consultations**

### Licensing Officer

A varied licence was issued on 24<sup>th</sup> March 2017.

Sussex Police were the only party to make representation and their representation was withdrawn following mediation. The applicant volunteered a number of enforceable conditions to address the Police's concerns. Accordingly, once the Police's representation was withdrawn the revised application had to be approved as applied for.

### West Sussex County Council Highway Authority

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

The proposal is to vary condition 3 of approved application WB/05/0225/FUL to enable the restaurant to be open longer. The Local Highway Authority (LHA) had no objection to the original application and condition 3 was not imposed for highway safety reasons.

No highways comments or concerns.

### The Environmental Health Manager

The application site is within the town centre with retail uses nearby. However, the area also houses a large number of residential units. As the proposal involves operating later into the night there is the potential for noise from the restaurant use to adversely affect nearby residential occupiers. Noise will be created from customers smoking outside, customers departing and any associated plant and machinery.

Paragraph 109 of the NPPF states “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 of ... noise pollution ...”

Furthermore Paragraph 123 states: “Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development”.

I note that the Premises Licence contains a number of restrictions in order to reduce the impact of activities on neighbours and these are welcomed. I also note that the applicant is willing to restrict the use of outside bins beyond 10pm and switch off all external plant beyond midnight. This is welcomed.

It is my view that opening until 2am on Friday and Saturday, at a time when the background noise here will be very low, may result in any noise from people smoking outside and from those departing affecting residential amenity. This could be mitigated by proper management controls, perhaps implemented through a noise management plan.

### **Representations**

Sixty-eight representations have been recorded as received, 31 recorded as objections and 37 as supporters.

The objections include nine properties in New Street and one from Augusta Place. The key objections are highlighted with others summarised:

#### 4 New Street

- *I am a single parent to 2 children, aged 6 and 5, who occupy the bedroom at the front of the property. During restaurant hours diners wishing to have a cigarette or simply take in some fresh air between courses, or after the meal, congregate on the forecourt of the restaurant with little to no regard of the noise they are making. The more inebriated people get the louder they become.*
- *Many mornings we leave to go to school to find a carpet of cigarette butts on the ground which remain for the next few days as the restaurant mainly clean up the butts left on their forecourt.*

- *I am fully aware that the restaurant cannot be held fully responsible for diners outside of the property but I feel they have a duty to the neighbouring community to monitor the behaviour, and as a lone parent I also feel unable to ask particularly noisy patrons to lower their voices.*
- *Noise levels rise during the summer months as more and more patrons take advantage of the warmer weather with the restaurant placing seating and tables on their forecourt and with extended hours I can only see this noise level rising.*
- *I am particularly concerned with the mid-week extension in hours as I feel opening until 1:00am Monday to Thursday, is completely unnecessary and will not hinder any dining experience, as I believe if you are able to stay in a restaurant midweek until 1:00am, then 12:00 should be just as sufficient, after all, this is England, not France or Spain.*
- *I have 2 young children at school, who will be up at 6:45am each and every morning, regardless of how many times they are disturbed throughout the night, whilst said diners staying out till midnight/1:00am get to lay in at their leisure.*
- *I understood what I was getting in to when moving next to a restaurant. I have noise complaints which I have not raised with the owners as I have a good relationship with the staff and wouldn't want to impact that, however, that being said I am particularly affected by the staff using the side alley of the restaurant for their cigarette breaks and mobile phone calls to the extent of having to erect a short but high fence to obtain some privacy in my back garden. Only 2 nights ago I was woken at 11:30pm by 2 staff taking their break together and the conversation and laughter they shared. If the restaurant opened later, these breaks would be taken later and so am I to be woken at midnight to listen to the latest football banter?*
- *Another staff related noise issue I have, is with the disposing of empty bottles, which on a few occasions staff have had great fun throwing empty bottles into the bin at the back of the restaurant one-by-one. A full container of empty bottles is emptied at least once a night anywhere between 10:00pm - 11:00pm, with later trading hours comes more empties needing disposing of later at night.*
- *Whilst dining in the restaurant I was even told by a new staff member how uncomfortable she feels emptying the bottles so late at night, as she knows it creates such a racket.*
- *I believe the application to extend business hours is with a view to hosting event nights in which a tribute act performs after a meal and before an in-house disco (like the upcoming Elvis night). I have the utmost respect for the owners, they are independent businessmen and do a lot for charity and the local community but as the owners of 4 sites, should they wish to extend their hours to host event nights they have another site in a less residential street in which to do so.*
- *I have lived alongside Food for almost 5 years now and have only made one complaint in that time, which was regarding their annual staff party. I have also been a waitress so I understand the needs of a functioning restaurant, however, accepting what is and accepting what is proposed are 2 different matters.*
- *Having looked at those supporting the application, see many don't even live in Worthing, with the most local supporter living 2.8miles from the restaurant. I wonder what their comments would be were their neighbours to have a*

party until 1:00am and 2:00am nightly. How easy it is to weigh in on a subject when it's not on your doorstep.

- *As stating in the opening comments I am the sole neighbour to the restaurant and I have to think about the impact on my 2 young children. If Food is the only establishment in the local area to have a late license I'm very worried about the clientele it will attract to, quite literally, my front door.*

## 2 New Street

- *I would like to object to this planning application on the grounds of 'Noise, Disturbance, Traffic and Smells'.*
- *I live two doors away from Food with my young son and have already had to complain to 'Food' on three occasions when they have been open later than usual for their staff party.*
- *There is no problem with any noise coming from inside the restaurant. However, the noise from people standing outside to smoke and drink, and the smoke itself coming through my son's bedroom window, are unacceptable. Complaints to the management have made no difference and this happens every time they have a staff party, without advance notice being given to their neighbours.*
- *My concern is that, if they are allowed to run a late-night bar, which is likely to attract many customers as there are few bars with late night licences in Worthing, there will be the same problems every night as I have experienced when the staff parties are held. I am aware that the Proto Group also own two other sites in Worthing one of which at least is in a less residential area and would therefore be a more appropriate choice for a late-night bar.*
- *My son is at primary school, and we have to be up at 6.30 a.m. to get him to school in Lyndhurst Road.*
- *Clearly, when I moved into the house three years ago, I was fully aware that I would be living opposite a pub and almost next door to a restaurant. I thought that, if there was a problem, it was most likely to come from the pub. However, up until now there have been no problems from them and they have always been very conscious of the fact they operate in a residential area. Whereas the restaurant, about which I was less concerned, has been a problem and, should this planning application be successful, is likely to have such consequences, that I would need to consider finding alternative accommodation.*
- *I think it is clear, from how many people signed the petition, that the general consensus of the local community is that this application will have a negative effect on those concerned.*
- *I would also like to add that the majority of those in favour of this planning application appear to live outside of the local area and will therefore not be affected by this change in licensing hours.*

## 18A New Street

- *Whilst we encourage and support more choice and vibrancy in Worthing, the longer opening hours at Food would be of concern as the noise from people smoking and drinking outside would be very disruptive and stressful to residents especially families with young children who live in close proximity.*
- *The forecourt outside the restaurant is not an adequate smoking area and*

*people often spill into our street, shouting, swearing etc..*

- *The Proto group also own the Fat Greek which surely is a better proposition for a late licence as nearer to other establishments such as the Libertine which open late.*

### 20A New Street

- *In a residential street, it is not appropriate to have noisy diners and revving cars past midnight at the weekend or past 11pm during the week. The shops' bins are emptied and huge delivery lorries are parking just after 6am; to have revellers (especially the smokers) disturbing the neighbourhood so late is wholly unacceptable.*

### 15 Augusta Place

- *I am extremely concerned that Food Restaurant wishes to extend its weekday evenings to 1am, bank holidays to midnight and 2 am on Fridays, and Saturdays given that this is residential area. Clearly this adjustment is attracting a drinking culture after pubs are closed which will be excessively noisy, we already experience customers shouting, swearing and screaming in this area. 'Food' clearly shows no respect for its neighbours given that it already has Christmas and Staff parties until 2am in the morning and doesn't have the courtesy to let it's neighbours know; the music is excessively loud and clientele from the restaurant are shrieking in the street outside residential homes causing stress and unnecessary disturbance to residents who need to get up for work in the morning; Food's staff party is on a Sunday night which is in breach of the restaurants conditions and very unsociable.*
- *Additional noise pollution will cause a disturbance to local people who live in this area which include children, the elderly and disabled residents. This will also increase litter, cigarette butts and bottles which are always left behind over the weekend in this residential area leaving a 'dirty' area for residents to live. To conclude this is a residential area for which these area unsuitable for the local resident*

### Others objections

- *I'm the son of a resident of new street, on several occasions my mum and said how she feels unsafe due the nature of certain members of the public in the local area and especially the street she lives on. This is made worse especially by having people drinking on the street.*
- *On several times people have leaned against her window and disturbed her and made her feel nervous in the evening. I have witnessed this happening to other members of the street as well.*
- *This is also going to increase the cars around the street. Many of these cars have their headlights full which shine right through the living rooms of people who live on the street.*
- *I'm objecting to this request as this is a restaurant in a residential street. Extending the licensing hours turns it into a late night drinking venue which will cause noise, disruption, broken sleep and possibly the effects of unsocial behaviour on all of the families and residents in this road.*
- *It would also set a precedent for other nearby venues to apply to open later,*

*which would have a detrimental impact on the residents in this quiet street and would totally change the character of the area which is predominately residential.*

- *Noise, disturbance late at night*

### Support

- *We have often visited Food and enjoyed the nights we have had there, it's a shame that they do not open past 12pm, there is no other venue In Worthing, i.e. A wine bar/ restaurant that we can visit that closes after 12pm, there is actually nowhere for my age group in Worthing offering this service. Unless we join the younger generation in the local night club, it would be a breath of fresh air if Worthing had more to offer my generation and like-minded people than that. The restaurant is not in a quiet residential area but in the centre of town, parking is ample so we fully support this application and hope it is successful so we can look forward to having a late night dinner here soon.*
- *Me and my friends all support this idea as a group of girls we often go to Food Restaurant for a meal and we would love to stay to spend more time together and enjoy the atmosphere but unfortunately we have to change venue to be able to do this, the unpleasant part of it when we wonder in town midnight in search for other venue and there is lots of drunk people that make us feel unsafe.*
- *As a citizen of Brighton with many Friends in Worthing i think this is a great idea I would love to have a more classy place to drink with my friends. There are lovely places to drink in Brighton but it would help me as when I visit all my friends in Worthing we would have a lovely place to catch up a chat until late. I really feel this would be of benefit to all the Worthing residents.*
- *I live in Brighton but I regularly visit Worthing to dine at Food restaurant with my family, and have been since it opened many years ago. I have friends in Worthing who I stay over with after dining at Food and we support this application as there is nowhere in Worthing to have a late drink past midnight, especially for an older crowd.*
- *Having dined many times in Worthing and travelling from Brighton, we have always been frustrated that all the restaurants in Worthing close early. The only way to have a later drink is to go one of the bars meant for younger people which can be scary and uncomfortable for the more mature visitors to Worthing. Food restaurant has always provided a safe and nice atmosphere to have a meal and a drink. I believe Worthing should encourage this excellent business to help Worthing be more popular. My family and I use the restaurant often and fully support this application and this restaurant is the only reason we travel to Worthing.*

Other supporters comment that there is a need for late opening restaurant to cater for demand from over 30s.

### **Planning Assessment**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant

conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and

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

The main issues raised by the revised proposal are the impact on the vitality and viability of the town centre and night time economy balanced against the amenity of neighbours and crime and disorder. Parking and traffic impacts are also relevant.

As such, the application should be principally considered against Saved policies RES7, TR9 H18 of the Worthing Local Plan; Core Strategy Vision; Strategic Objective 2 and 3 and the National Planning Policy Framework and Planning Practice Guidance. The recent licensing consent is also relevant.

“Food” restaurant has been established for over ten years now, sitting in the heart of the designated town centre boundary, 20 ms from a Mexican restaurant and 15 ms from a PH, both late opening (albeit less than the proposed hours here). Several other bars and restaurants and businesses are also close-by.

The restaurant has emerged as major feature of the town’s gastronomic offer and a significant player in the night time economy, catering for a key demographic. Such businesses are becoming increasingly important as the character and function of the town centres changes to one of an entertainment, leisure and hospitality hub alongside shopping. Promoting such businesses sits comfortably within the Core Strategy Vision and Objectives 2 and 3 promoting the town centre and sustainable economy.

At the same time a number of homes are very close-by, not least 2, 4 and 14 New Street and 15, 17 and 19 Augusta Place. Central to planning policy is the safeguarding of residential amenity. Whilst residents’ reasonable expectations of amenity in a town centre setting may be tempered accordingly and the objectors from 2 and 4 New Street explain they moved in well after Food opened, tension between the night economy and residential amenity is, perhaps, inevitable. Indeed, the potential for conflict is growing with the rising popularity of town centre living in flats above business uses.

Striking the right balance is the challenge.

The applicant has explained the economic drivers for the proposal. Securing the future of the business and delivering the benefits that accrue to the local economy and town centre brand are clearly important and weigh in its favour. A better customer experience is also welcomed, avoiding the need for a rushed departure and meeting a demand for this type of dining.

However, the proposed extensions to operational hours are significant and take the business into the sensitive period of the early hours of the morning when background noise levels are lowest, even with the nearby pub and restaurant. Furthermore, this would be throughout the week.

Whilst the record of complaints from neighbours appears to be restricted to “teething problems” in the very early days of the restaurant’s opening, and, more recently, to an occasion when a staff party was held at the premises, it is apparent from the representations received that noise from customers leaving late at night, waiting around outside for a taxi or enjoying a cigarette outside during the evening can and do give rise to disturbance.

Other cited problems also include bottles being deposited late at night from the side door in the passageway bounding No 4. Noise escape from the building itself or plant appears not to be an issue as such since there are no openings other than the doors at the front, side (above) and rear. The ventilation and extraction system is also at the back and odours are emitted via a chimney. The plant and allied controls were approved as part of the original permission noise related condition discharge.

The Environmental Health Officer’s comments underscore this assessment.

The applicant has advanced the case that the longer hours would, paradoxically, reduce outside noise disturbance. This is because the vast majority of customers leave by taxi this and the new arrangement would allow existing customers to wait in comfort, with a drink, inside the restaurant for a pre-arranged taxi, rather than be obliged to leave the restaurant by midnight and, too often, endure a long wait outside due to this being the time of peak taxi demand. The license already forbids new customers being served after 11.30pm and so the effect of the longer hours would be less to increase the numbers of late night customers and more to facilitate an orderly departure.

Offers to limit the outside deposit of bottles and waste to before 10pm and to turn off the plant by midnight are made. Stringent existing license controls on noise, CCTV etc are also cited and the offer to cease use of the forecourt for outside dining/drinking and not seek a renewal of the lapsed permission.

These arguments have substantial merit and would go some way to addressing legitimate amenity concerns. However, they fall short of what could be supported. The 2am extension on Fridays and Saturdays is too incursive and could not be accepted. The bottle/waste outside deposit could be reasonably restricted to 9pm and the southern flank door kept shut thereafter. The designated smoking area, away from No 4 News Street, also needs to be more clearly defined, facilitated and enforced. The Environmental Health Officer’s recommendation for a noise management plan would wrap up such, and other customer behavioural issues, separately from the licensing arrangements. Finally, a fine tuning of the existing conditions to prevent a take away service being run would also allay fears. Above all, any permission would need to be temporary for no more than a year to allow for the new arrangements to be trialled and monitored and reviewed. Even so the proposals would take the operational hours to the very margins of acceptability.

The new licence is also relevant but the weight attached is limited. As Paragraph 13.57 of the Guidance on the Licensing Act 2003 advises: *“The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different*

*(albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.”*

In this vein the Committee will be interested to learn that the House of Lords Select Committee of April this year Licensing Act 2003: post legislative Scrutiny has recommended Planning and Licensing Committees be integrated.

No crime and disorder issues other than those addressed in the license have been identified.

## **Conclusion**

On balance, a modified proposal for extended hours can be supported on a temporary trial basis. Conditions as suggested above, would be critical to this along with the conditions approved in the original permission carried forward as appropriate.

## **Recommendation**

**Planning permission be granted** subject the following conditions:

1. The premises shall not be open for trade or business except between the hours of 08:00 to 01:00 Mondays to Saturdays and 09:00 and 24:00 on Sundays or on Bank or Public Holidays up until 30.4.2018, after which the premises shall not be open for trade or business except between the hours of 08:00 to 24:00 Mondays to Saturdays and 09:00 and 23:00 on Sundays or on Bank or Public Holidays.
2. The use shall not operate other than with the boundary treatment approved under condition discharge of WB/05/0225/FULL.
3. The use hereby permitted shall not be carried on other than with the means of ventilation for the extraction and disposal of cooking odours approved under the condition discharge of WB/05/0225/FULL and this equipment shall be retained as such thereafter and maintained in accordance with the manufacturer's instructions.
4. The premises shall be used only as a restaurant or cafe and for no other purpose, including any other purpose in Use Class A3 or A5 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).
5. The use hereby permitted shall not be carried on other than with the sound insulation scheme approved under the condition discharge of WB/05/0225/FULL.
6. The forecourt of the building shall not be used as an outdoor eating or drinking area in connection with the approved use or any other use and no tables or chairs shall be placed in the forecourt.
7. The premises shall not operate other than with the design, siting and facing materials of the elevations, roof and ventilation flue as approved under the condition discharge of WB/05/0225/FULL.
8. No bottles or waste/recycling shall be placed outside of the building between 9pm and 8am the next day and the southern side door shall be kept shut at all at these times.

9. Within 8 weeks of this permission a scheme for a designated smoking area, away from No 4 News Street shall be submitted for approval by the Local Planning Authority and any scheme agreeable to the Local Planning Authority shall be implemented within 4 weeks of such notification and retained thereafter.
10. No new customers shall be served at the premises between 11.30pm and 8am the next day.
11. No external air conditioning unit or condenser shall operate between midnight and 8am the next day.
12. Within 8 weeks of this permission a scheme for noise management shall be submitted for approval by the Local Planning Authority and any scheme agreeable to the Local Planning Authority shall be implemented within 4 weeks of such notification and retained thereafter.

27<sup>th</sup> April 2017

**Application Number: AWDM/1840/16**

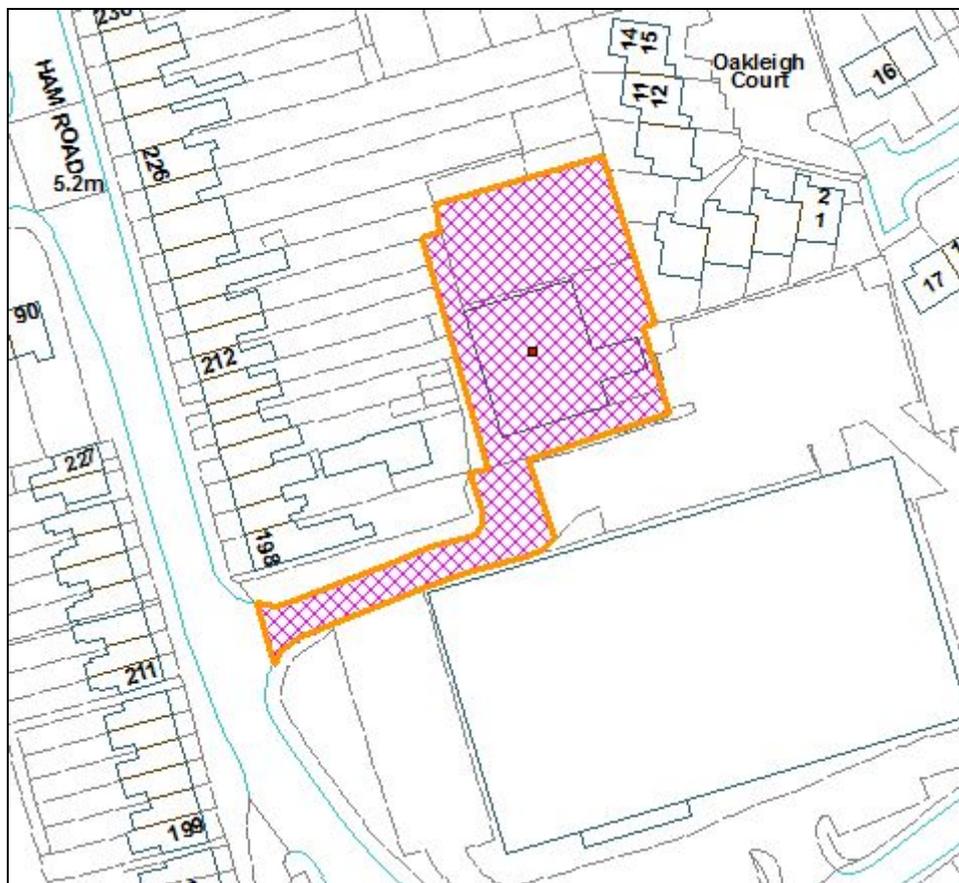
**Recommendation – REFUSE**

**Site: O Brien Of Worthing Pages Corner Ham Road Worthing West Sussex**

**Proposal: Demolition of existing removals storage building and erection of nine dwellings, comprising a terrace of five 2-bedroom houses on northern part of site and a two-storey block of four 1-bedroom flats on the southern part with communal garden area in between and associated bin and bike stores.**

Applicant: MTM Land/Worthing Homes  
Case Officer: Peter Devonport

Ward: Selden



**Not to Scale**

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### **The site and surroundings**

The site is given as 0.13 hectares in size and located in the part residential and part industrial suburb of East Worthing. It is rectangular in shape and the terrain is largely flat.

It is principally occupied by a long-established warehouse used by O'Briens of Worthing for the past 21 years in connection with their B8 removals and storage business (storage repository). The building is at the southern end of the site and provides some 446 sqms of floorspace (gic). This comprises an older pitched roof building at the front, with flat roofed later addition at the rear. The building is faced in brick and the main roof is corrugated.

There is a narrow forecourt to the south and slightly wider side area to the east where historically the removal lorries were parked, fairly deep into the rear yard. Both areas are enclosed by a 1.8 ms timber fence. A larger rear yard sits to the north, bounded by a 1.5 ms tall flint/brick wall. The building faces south.

It is reported that the business ceased last Christmas with a view to retirement by the proprietor who at that stage was the sole employee. The applicants advise that Mr O'Brien *ran his business from his home and that this site has only ever been a storage site.*

The plot is effectively a backland site, tucked away behind (west of) the long back gardens and garages of the Victorian two storey terrace 198-220 Ham Road and adjacent small business unit - The Springfield Depository (last used for car valeting but with a history of use as dry cleaners/road haulage services/office). A track serving the above gardens and garages forms the western boundary.

The long rear garden of No 220 Ham Road with its 1.8 ms tall wall forms the northern boundary. The adjacent part is used as a seating area with raised decked terrace and the far part of the garden contains a number of trees.

To the east lie the shallow back gardens of a modern two storey development of flats at Oakleigh Court, owned by Worthing Homes. The blocks are angled with a number of windows serving habitable rooms facing or looking obliquely across the site.

To the south (and partly east) is a large, out-of-centre retail warehouse development at Pages Corner. This was built in the mid 1980s and is principally occupied now by the multiple retailer The Range and also Carpet Right. Its main servicing area and loading bay and parking area lie next/close to the site. It is open 9am to 8pm throughout the week, except 10.30am to 4.30pm Sundays and Public Holidays, with deliveries restricted to these opening hours. Customer/staff parking lines the boundary with the application site.

Access from the public highway is across the site of a large and busy servicing and car parking area of The Range/Carpet Right. This is shared with these retailers, the residents of 198-220 Ham Road to access their rear garages and the adjacent business premises. The access is by way of a vehicular access off Ham Road adjacent to 198 Ham Rd. The access serves an internal private road leading east to the main servicing area to the north of the retail building. This internal private road continues on past the retail building to connect with another large customer parking area to the east of the retail building. An earlier feed-off from the internal road serves the other customer parking areas to the west of the south of the retail building.

There is no pavement serving this internal road off Ham Road, leading to the retail building's servicing area, other than a narrow, section on the south side of the vehicular entrance to The Range. This is a private footway connecting from Ham Road to the car park for the benefit of customers. It breaks after 14 ms to permit the two-lane access to the customer car park to the south.

A waymarked pedestrian route emerges from the footway, opposite the application site for the benefit of staff using the service area. This is simply a yellow hatched route painted on the road surface which crosses the service area northwards to a single line of car parking serving The Range adjacent the application site. It continues eastwards past the application site, deep into the service area.

Ham Road is a major north/south distributor road (B233) connecting the A27 with the coastal road.

The applicant reports that the building is in poor condition and provides no toilet facilities.

## **The Proposal**

This involves demolishing the building on site and building a small cul de sac comprising nine, two storey houses of very similar appearance. The development reads as a terrace and a separate pair of semis arranged around a central parking court (13 spaces) and landscaped area.

The longer terrace (block A) comprises five houses each with two bedrooms and is situated at the north of the site and faces south. The only flank upper floor windows are shown as obscure glazed.

Another block (Block B) reading as a pair of semis and providing 4 x one bedroom flats sits to the south and principally faces west. Its flank upper floor windows are clear glazed. Access to the ground floor flats is from the sides.

Access is from Ham Road across the site of rear servicing and car parking area of The Range. Vehicles simply drive along the carriageway and enter the site adjacent to the existing rear track serving 198-218 Ham Road. The access road runs parallel with the abutting track and is 6 ms in width, terminating in the parking court. Details of surfacing are absent and there is no segregation between pedestrian and vehicles.

Pedestrian access to the site is along the existing footway adjacent to the customer car park described above but on the west side of the car customer car park, a new pedestrian way marked route is proposed. This runs adjacent to the footway abutting The Range building as described above for some 20 ms before dog-legging north for a further 15 ms to terminate adjacent to the mouth of the modified vehicular access. The route is shown with two options; firstly a route marked on the road surface by colour differentiation, 1.2 ms in width and secondly, a line marked route which transforms to zebra crossing marking where it crosses the service area. A pedestrian warning sign would be installed in either option.

The houses/flats are in traditional design with pitched roofs, pitched canopy

porches, arched window heads, stone cills and faced in coloured render with slate effect roof tiles.

The new houses/block have very shallow front gardens and the southernmost flats have a narrow-landscaped buffer by the site boundary. All the houses and the two garden flats have larger rear gardens.

Bin stores are located in the north-east corner next to Oakleigh Court, with pick up area by the vehicular entrance to the site. The stores are in timber, slatted at the side with pergola roofs. Cycle stores timber with pitched roofs and are located by the eastern boundary and also in the south-east corner.

There are solar panels shown on the south roof slope of the southern terrace and on the western roof slope of the northern terrace.

Boundary treatment is unspecified. The communal landscaping is to have a seaside theme.

The proposal was originally submitted as market housing but Worthing Homes has latterly become a joint applicant. The intention now is that Worthing Homes build out the development to their specification as four social rented flats and either provide the five houses as affordable rent market or as shared ownership. This would be secured by a legal agreement.

The application is supported by Planning, Design and Access Statement; Marketing Statement; Architects Statement; Land contamination and a copy of a Court of Appeal judgment.

The proposal was the subject of pre-application discussions.

### **Worthing Homes Supporting Statement**

*I write to confirm that Worthing Homes as joint applicant has been working in conjunction with MTM Land to gain permission for new affordable housing after which Worthing Homes would deliver the scheme.*

*The scheme is ideally located beside other existing stock which we own in East Worthing and they can be managed from our local office in the town. The design & layout of the new homes meet our required size standards for new affordable housing and we can ensure that they are built to our desired specification.*

*It is intended to let the 4 x 1 bedroom flats at an affordable rent level and we propose that these units be designated within the S106 Agreement as such. Whilst the 5 x 2 bedroom houses will remain as open market dwellings, I can confirm that Worthing Homes' intention is to also let these at either an affordable rent or to sell them for shared ownership.*

*I can also advise that we are in a position to apply some additional public funding towards the cost of delivering this scheme for affordable housing.*

## Consultations

### The Economic Development Officer

*This application seeks to demolish B2/B8 industrial floor space in Worthing.*

*Worthing is currently experiencing unprecedented high levels of industrial occupancy and Place and Investment are struggling to identify available industrial space to meet business needs.*

*Please note that the April 2016 Worthing Economic Research and Employment Land Review has identified that Worthing has insufficient supply of industrial floor space to meet current and future needs and recommends retention of existing industrial floor space.*

*Place and Investment have reviewed the marketing evidence provided for this application by a residential estate agent based out of area and has concluded that the evidence does not satisfy the criteria outlined in the Sustainable Economy SPD. The evidence does not demonstrate the site has been actively marketed locally for a suitable period of time, to demonstrate non-viability for current use, alternative employment generating use or community use.*

*Place and Investment raise a strong objection to this application as it does not demonstrate that this unit is no longer viable for its current industrial use and welcomes local commercial marketing of this unit.*

*Further to my original comments below I can confirm that Place and Investment have reviewed the new market material and have for following additional comments:*

- *Stafford Johnson is a residential estate agent based in Goring*
- *Place and Investment have checked both Rightmove and Stafford Johnson websites and could not find any details for this property*
- *The additional evidence states that the premises have been marketed since Sept 2014 - we are unaware of any marketing and have visited the site and did not see a marketing board*

*Place and Investment conclude that the additional marketing evidence does not demonstrate the site has been actively marketed locally with a commercial agent, to demonstrate non-viability for current use, alternative employment generating use or community use.*

*Please note that Place and Investment are aware of a variety of D class and community uses who are actively looking for premises in the Worthing area and Place and Investment would welcome marketing of this site with a local commercial agent.*

They also comment (*italics*) in relation to the applicants' (**bold**) supporting statement as follows:

**The present business (O'Brien's) employed just one person who is now retired and the owner.** There will as such be no loss of employment. *Please can*

*you respond explaining its the loss of the potential employment that a site could create.*

**The loss of employment floor space is minimal** - *The building is 4,800sqft, which is a sizable industrial unit.*

**The site is located primarily within a residential area and it is adjoined on three boundaries by residential properties. An alternative employment/commercial use would be wholly inappropriate on this site.** *The site is accessed via a share commercial access road, adjacent to two large retail units that have a high level of commercial activity.*

#### The Environment Health Manager

*The proposed site is located immediately opposite the rear service yard of The Range. This area houses the delivery bay and various parking areas. Deliveries to the store, movements associated with loading and unloading of vehicles and vehicles arriving and departing will create noise that is likely to have a significant adverse effect on the amenity of future residential occupiers. Furthermore there appear to be louvres on the north elevation of The Range the noise from which is clearly audible at the proposed site. This noise may affect residential amenity, particularly at night, although it is unknown if these louvres operate 24 hours a day.*

*Without information on how such impacts are to be mitigated I am unable to comment further, however I am concerned that residential amenity will be adversely affected if the development were to be permitted as is currently proposed.*

*A full land contamination assessment is required by condition, if approved.*

*The bedrooms detailed in Block B can only be accessed through the ground floor living room and so they are all 'inner' rooms. This hazard can be mitigated by enclosing the stairwell and creating a ground floor lobby with doors to the outside and to the living area.*

**The Highway Authority's** consolidated comments are as follows: -

#### Initial comments

*The site takes access by way of an unadopted service road serving the adjacent retail units. This in turn connects onto the adopted highway network (Ham Road) by way of a simple priority junction. Given that the service road is unadopted and therefore lies outside of the control of the Local Highway Authority, all comments made in respects of this are for advice only.*

*No changes are proposed to the junction onto Ham Road, nor in light of existing uses would any be required. Whilst this proposal may well result in a more intensive use of this junction, this increase would be minor in comparison with movements associated with the existing retail uses. No severe impact would result as a consequence of the additional vehicle movements through the junction.*

*Limited consideration appears to be given to access by non-motorised road users along the service road, especially in light of the additional demands that will result from the proposed dwellings, the nature of traffic using the service road (HGVs servicing the retail units), and the lack of any provision for pedestrians. Ideally a segregated footway would be provided to link with that on Ham Road or at the very least that within the existing site. It's unclear whether the applicant has control of sufficient land to accommodate such provision, or failing the provision of a footway what alternate measures could instead be provided.*

*In terms of the layout,*

- *the Local Planning Authority should consult the waste collection team to ensure suitable arrangements are put in place.*
- *It's noted that the WSCC Parking Demand Calculator is mentioned as being applicable in the Design and Access Statement. However, this then appears not to have been used as no outputs are provided. The site in any case lies within the Worthing Controlled Parking Zone. As such, ensures that there are enforceable restrictions in place to prevent any overflow parking taking place in unsafe or obstructive locations.*
- *With respects to the parking as shown, it is suggested that the visitor parking spaces are located further away from the dwelling; inevitably with the visitor parking spaces right by the entrances to the dwellings these would be used by residents rather than the allocated bays).*

*The site in all other respects lies within a reasonable walking distance of a range of services, including passenger transport. Future residents would not be reliant upon the use of the car for some trip purposes.*

*Whilst there would be no objection to the proposals in terms of the increased use of the service road/Ham Road junction, accessibility, or capacity, the applicant should investigate the provision of measures along the private service road to accommodate pedestrian movements.*

### Parking

*I'd be content with the parking provision given the details within the Parking Demand Calculator. The WSCC Parking Demand Calculator works on the basis of spaces being either allocated or unallocated. It's down to the developer of a scheme to determine how spaces are provided. The other thing is that the PDC is very much a guide rather than a prescribed standard. It's for the developer to demonstrate that parking is adequate and would not give rise to any highway safety or other issues.*

*Putting the above aside, if all the dwellings were affordable and no parking allocated, based upon the calculator there would be a demand for 7 spaces. If one space is allocated to each property, this rises to 12. For private dwellings, the respective allocated (again one space per property) and unallocated demands would be 10 and 14.*

### Pedestrian access

*I'm not aware of any guidance that specifically deals with pedestrian access from*

*the public highway across private commercial land. There is though limited guidance in terms of when and where segregated pedestrian footways should be provided, although there is plenty of guidance relating to the design of footways and walking routes. In these respects, Local Transport Note 1/04 (published by the Department for Transport) has five key requirements for walking and cycling routes, namely that routes are convenient, accessible, safe, comfortable and attractive. I would suggest that an unsegregated route (i.e. one that requires pedestrians to share the same space as traffic) for residential properties across a commercial servicing yard is not attractive, nor would it be comfortable, or potentially safe.*

*As for the pedestrian provision, in this instance, the use of an over-runnable footway offers little benefit. The preference would be for a segregated footway rather than having pedestrians sharing the same road surface as other vehicular traffic. At present, I don't think it has been confirmed at all whether the applicant can deliver a more preferable arrangement of a footway within the verge on the north side of the access road.*

*For the pedestrian crossing, I am mindful that this is a lightly trafficked situation, but I am aware of other instances in the County where similar Zebra crossing markings have been used without the beacon. This has led to confusion as to who has priority (the driver or the pedestrian) as in practice this is not a formal Zebra crossing; a driver would therefore have priority. The proposed crossing would though not be within the public highway so it is for the applicant to determine what they consider is appropriate. Even so, if a footway were provided within the northern verge this would remove the need for crossing movements in the service yard.*

*I have discussed this with (the transport consultant). I suggested that if a segregated footway could not be provided then it would be a case of mitigating pedestrian sharing the access road as best as possible. This could include a virtual footway/coloured surface as well as improved lighting. I see the plan now includes coloured surfacing.*

*I don't necessarily disagree that this provides mitigation of sorts. But overall taking the sole pedestrian access for a residential development via a servicing yard doesn't seem particularly attractive.*

### Strategic Waste Manager

*We would not be willing to access the site with the truck due to congestion issues and problems getting the vehicle in from Ham Road. The proposed storage point is too far from the road for us to walk. Can the bins be sited at the entrance to the Range service road?*

### Southern Water

*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.*

*It is the responsibility of the developer to make suitable provision for the disposal of surface water.*

*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.”*

#### Drainage Officer

*The site lies in Flood Zone 1, and according to the EA flood maps may be affected by surface water flooding.*

*The drainage strategy in theory is fine, it needs the infiltration test to be undertaken to prove the calculations.*

*What I am still unclear of is where the existing surface water goes?*

#### Planning Policy Team

*This application seeks to demolish B2/B8 industrial floor space and replace with 9 dwelling (4 x social rent and 5 x open market).*

*Given the lack of available land for new provision the Council's Core Strategy seeks, in general, to prevent the loss employment land Policy 4). Although the Core Strategy was prepared prior to the publication of the NPPF it is considered that the current policy is in line with national guidance and is supported by local evidence. As such, it still carries weight when relevant applications are considered.*

*A new Local Plan is currently being prepared which, when adopted, will replace the Core Strategy. However, recent evidence (Economic Research & Employment Land Review - April 2016) demonstrates a strong demand for employment land which reinforces the existing policy position and the need to retain existing floorspace whilst also planning for new provision.*

*To support the existing policy position, the Council published a Sustainable Economy Supplementary Planning Document which sets out the criteria which, if met, might allow for the loss of employment land to another of use. This has been applied successfully and has been supported at appeal. I understand that my colleagues within the Council's Economic Development Team will be responding with their view as to whether the criteria for this particular proposal have been met.*

*Whilst the need to protect employment land is an important consideration, this must also be balanced against housing need. The Worthing Housing Study 2015 concluded that the Objectively Assessed Housing Need for Worthing is 636 dwellings per annum. This is significantly higher than the 200 dwellings per annum currently planned for within the Worthing Core Strategy. The emerging Worthing Local Plan will plan positively to meet this need. However, the very significant constraints to growth in and around the Borough means that there is no prospect that this level of need will be met. In fact, a recent evidence-led capacity review*

*indicates that there is likely to be a shortfall in housing delivery (to 2033) of over 6,000 dwellings.*

*Given the acute need to provide new housing to meet both open market and 'affordable' needs the Council will, in general, support proposals that delivers new homes. However, any new homes delivered must be of high quality. Furthermore, the Council must use policies and guidance to ensure that the right balance is struck between delivering new housing alongside the protection of other facilities and uses (such as viable employment land) that collectively provide for sustainable communities.*

## **Representations**

### 198 Ham Road

*The following points need to be covered:*

- *Is the Right of Way to be protected?*
- *Will the development have their own access or share the Right of Way.*
- *Who will be responsible for its maintenance? Lorry movements and dust during the works.*
- *Car parking for the new homes. Access large enough for bin Lorry collections etc.*

### 216 Ham Road

- *Object as over development of land locked site and access will need to be across the large car park which is already extremely busy with regular delivery vehicles and large number of customers. Parking in this area is already a problem and more vehicles and shared use can only exacerbate these. Proposed parking is also likely to be insufficient.*
- *The cart way behind my property is a right of way and cannot be consider as part of the development site or used for access*
- *The new terrace of housing will overlook my garden. The upper windows should be obscure glazed. Suitable mature new planting should be planted on western boundary to lessen the impact.*

### 220 Ham Road

- *Having checked carefully the site proposal I feel that with a development of this size there is insufficient parking. Unfortunately, nowadays in a 2-bedroom household you will often find at least 2 cars being used. This is often the situation in a one bedroom household too where the occupiers commute in different directions as a one bedroom flat is not solely occupied by a single person nowadays. The insufficient onsite parking will place a strain on the surrounding roads.*
- *I also notice that part of the cart way at the rear of numbers 198 to 218 Ham Road has been incorporated into the development. This cart way is a right of way for these properties and cannot be used in the development.*

## **Planning Assessment**

The Committee should consider the planning application in accordance with:

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

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: -

- a) Loss of business space and the principle of residential development, and provision of affordable housing and form/mix
- b) Impact on amenities of residential neighbours and quality of living environment for future residential occupiers of the development
- c) Quality of design and impact on townscape
- d) Access and parking
- e) Other environmental issues

As such the proposal should be principally assessed in relation to the presumption in favour of sustainable housing development as set out in paragraphs 14 and 49 of the NPPF and informed (as far as they are relevant with the weight attached to be determined by the decision maker) by saved Worthing Local Plan Policies H18; TR9

and RES7 and Core Strategy Policies 7, 8, 9,10, 11, 15, 16, 17, 18 and 19;The National Planning Policy Framework and allied PPG ; and Worthing Borough Council Supplementary Planning Documents; Guide for Residential development, Residential space standards, Sustainable Economy and Development Contributions ;West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003); West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSCC 2010) and Worthing Local Plan – Threshold for Affordable Housing Contributions Report by the Director for the Economy Agreed 28.11.16 in accordance with the above.

### **Loss of business space and the principle of residential development and its form**

The proposal involves the loss of B8 (storage and distribution) business space, used for many years for storage by a removals business.

Core Strategy Policy 4 (Protecting Employment Opportunities) states;

*Outside the protected employment areas the conversion or redevelopment of land and buildings currently in employment use or last used for employment purposes will be resisted unless it can be satisfactorily demonstrated that the site (or part of the site) or premises is genuinely redundant and is unlikely to be re-used for industrial or commercial use within the Plan period, having regard to the following factors:*

- *The site, with or without adaptation, would not be capable of accommodating an acceptable employment development.*
- *No effective demand exists or is likely to exist in the future to use the land or buildings for employment generating activities. Consideration should include the length of time the property has remained vacant, the attempts made to sell/let it and the demand for the size and type of employment premises in the area.*
- *The condition of the property and the works required to make it suitable for an employment use, either through refurbishment or redevelopment, would be uneconomic.*
- *The loss of a small proportion of floorspace would lead to a significant upgrade of the remaining employment floorspace.*
- *The existing use conflicts with neighbouring uses.*

The adopted supporting Supplementary Planning Document fleshes out the details of the tests for genuine redundancy, including evidence of marketing. Where traditional B uses is not practicable the preference is for an alternative employment generating use. Policy 4 has been assessed as broadly compliant with The National Planning Policy Framework and so full weight should be given to this.

Judged against these, it is clear that the application has not demonstrated that the tests of Core Strategy Policy 4 and allied Supplementary Planning Document have been met.

Firstly, it appears that appropriate marketing has not taken place. The only marketing has been with residential estate agents and a search indicates only one of the currently advertises the site and then as sold. The Economic Development Officer is aware of interest in such type of premises/sites from a number of D class

(leisure and assembly/community uses) which would generate employment.

Secondly, whilst it is accepted that the premises are not high quality; are old, and that the size of the premises is not large, no convincing evidence to demonstrate the buildings are in a terminally poor state by way of a structural survey or could not meet business or broader demands. Indeed, such premises are part of the range of stock essential to meet the diverse array of business needs. In any event, the size of the rear yard indicates there is evident scope for redevelopment which could create a much larger, modern unit.

Locationally, the site is well situated, close to the East Worthing railway station, a good bus route, Ham Rd (B2223, a district distributor road) with good connections to the A27 and A259. The area around has a long established commercial character and is close to East Worthing Industrial estate.

Finally, there is no evidence of the site's former businesses having been *bad neighbours* either (see below) the premises having functioned satisfactorily for many years.

As such, the site has not been proven to be functionally redundant in terms of Core Strategy Policy 4 and allied Supplementary Planning Document and there is no compelling reason to suppose the premises could not serve a continuing need for low impact storage or other low impact workshops/studios or D "community uses" or be redeveloped for either.

These conclusions are underscored by the comments of the Economic Development Team.

Turning to the principle of residential development, the key policies are Core Strategy policies 7, 8 and 10 and allied SPD and the National Planning Policy Framework. The general location is sustainable in so far as it is within a mixed-use suburb; is close to all necessary local facilities and is partly on brownfield land. It also adjoins housing on three sides and is small scale infill suburban development. The loss of the greenfield element of the site is acceptable as this plays no significant part in terms of green infrastructure and has historically been allied to the business unit. Constraints aside, the proposed development also physically optimises the potential of the site at density of 69 dwellings per hectare.

Also in its favour is its contribution towards overall numerical OAN housing targets and the priority given to this under Para 14 of the National Planning Policy Framework. Allied to this is perhaps the principal benefit of the development; namely, at least four of the dwellings would be socially rented and the remainder either affordable rented or in shared ownership (if additional funding were to be forthcoming). As such the scheme could help address an acknowledged acute and growing need for affordable and discounted housing in the town.

The fact that Adur Homes might part fund the development from right to Buy receipts which might otherwise be repaid to the Exchequer on the "use it or lose it" basis and receive corresponding nomination rights is potentially relevant albeit this should not override normal planning considerations and site suitability.

As for the dwelling mix, the family houses are two bed rather than the three bed normally expected for new family houses. However, they still meet a recognised need for such and, likewise, the flats are acceptable to Worthing Homes. This mix is compatible with policy. Furthermore, the dwellings do meet internal floorspace standards and provide an adequate level of amenity space in compliance with SPD

and Government guidance.

However, as detailed in the Amenity and Access sections, the site's proximity to The Range and Springfield Depository and its access offer a very poor quality environment. Indeed, it is effectively, backland development, without a street frontage, and, as such, discouraged in the Guide To Residential Development SPD.

### **Impact on amenities of residential neighbours and quality of living environment for future residential occupiers of the development**

This is a constrained infill site close to the back gardens of several houses in Ham Road and the Oakleigh Court flats.

The new development enjoys a good separation distance from the actual houses 204- 224 Ham Road. Their back gardens also lie beyond the rear service track and for the most part are partly screened by their back garages, walls and the occasional tree. The west facing upper floor windows of unit 1 do look out onto the back gardens of Nos 216-222 but this is obscure glazed. The principal impacts are on the rear part of the elongated back garden of 220 and the relationship to the service track.

Starting with the back gardens of Nos 220 and 222, the rear wall of Block A is 7 ms from No 220 and 11 ms from No 222. The boundary wall between block A's back garden is not especially high and the adjacent part of the garden of No 220 is decked and raised and set out as a seating area. There is therefore scope for significant overlooking from the upper floor rear windows of the five houses in block A, all of which are the primary windows to bedrooms. Supplementary boundary screening would block garden-to-garden inter-visibility but could not address overlooking from the rear bedrooms. Some loss of outlook and natural light would also occur (especially with supplementary screening) as it is clear that the decked seating area has been carefully placed here to exploit the southern views across the open part of the application site. That said, No. 220's seating area is remote from the actual house and is materially different to that of a rear patio adjacent to the actual house.

As for the back-service track, it is more the uncomfortable relationship between the track and service road running in parallel that jars. There could be a modest traffic increase accessing the site compared to the business use but far fewer large lorries. However, bearing in mind the back gardens of the adjacent terrace are screened in most cases and the houses themselves at least 25 ms away, the impact would be minimal.

Turning to Oakleigh Court flats, the flats themselves at 7-8 and 9-10 are sited close to the site boundary (2.5 and 4 ms at their closest respectively). However, their orientation is such that their upper floor windows, which include Juliet balconies to their living rooms, only look obliquely in a SW direction across the site. Loss of privacy from the rear windows of unit 5 in block A and unit 7 in block B is marginal. Impacts on natural light would be marginal.

The back gardens of Nos 7 and 8 are more affected as the bin and bike stores for block A are sited very close to the common boundary wall, only buffered by a narrow stretch of landscaping. The activity and odours from such pose a threat to

amenity which justify re-siting these.

The above impacts would need to be balanced against the improvement to the environment that the development represents, the current building being at best utilitarian in design. Even so, as there is no history of complaint over the use of the site for removals storage, there is no reason to suppose the proposal constitutes a removal of a “bad neighbour” and the residential and business use appear to co-exist amicably.

The poor quality of the environment offered to future occupiers of the development is the critical shortcoming of the scheme, and, it is argued, inherent in the location. Chief here is that the site is landlocked; can only be accessed across the car park and servicing area of The Range and directly faces The Range’s servicing area and some plant and also adjoins another long-established business use, most recently used for car valeting - The Springfield Depository. The approach these provide is very poor in visual terms and the outlook from a number of the proposed dwellings would also be poor. Moreover, the activity at The Range, including car parking along its common southern and eastern boundaries, and any resumed use of The Springfield Depository is also likely to impact on living conditions, notwithstanding the closest flats in block B present a largely blank elevation, save for a ground floor entrance and upper floor window serving a landing. Noise, including at unsocial hours, could be a problem. This is underscored by the comments of the Environmental Health Officer.

Such a poor environment is contrary to the aims of Core Strategy policy 8 and Guide to residential development SPD, Saved Worthing Local Plan Policy H18 and the National Planning Policy Framework and Planning Practice Guidance.

### **Quality of design and impact on townscape**

This is a very constrained site. The development is tight around the boundaries and the weaknesses of this are evident in terms of tensions with neighbouring properties. That said, the courtyard layout is a suitable form here and lends it focus and identity. Likewise, the scale and design of the blocks are satisfactory and appropriate for the area. However, the lack of public street frontage is an uncomfortable, awkward, incongruous anomaly which sets the development apart and is unhelpful to civic integration. The largely unanimated boundary with the Range compounds this impression of separation. An alternative employment use would be a more appropriate land use.

### **Access**

In general, locational terms, the site is sustainable in that it is close to good public transport and the main road network and local facilities.

Whilst the Highway Authority raises no objections, thirteen parking spaces on site is considered excessive for a development of this size, tenure and type in this location and consideration of removal of up to four of visitor bays is recommended. This may throw up opportunities for improvements to the layout, including siting of bin and bike stores. Cycle storage is adequate in transport terms.

The proposed new access road to the site would be segregated from the adjacent track by surface treatment but as noted above this juxtaposition is somewhat awkward.

However, the major issue here is access across private land comprising The Range's car park, circulation area and servicing area as well as the access to the Springfield Depository in order to connect to the public highway at Ham Road. The combined distance is where pedestrians are obliged walk over carriageways because a dedicated and fully segregated pedestrian footway is absent is close to 50 ms long.

Whilst traffic speeds are generally slow, this is a busy area where customer, service, staff and business traffic all mix (including large articulated lorries). There are also conflicting movements between all elements, not least as traffic peels off to the southern customer parking area and also joins from here and other customer traffic uses the service area to connect to the eastern customer car park and thence southern car park at busy times in an orbital movement.

This may be tolerable for vehicular access but for pedestrians it is a wholly unsatisfactory, certainly in terms of perception of safety. The chief drawback is the lack of a dedicated, engineered and segregated pedestrian path of standard quality from Ham Road to the site entrance. On offer is a proposal which only provides such for 20 ms from the south side of the Ham Road entrance to The Range. Thereafter, pedestrians walk across the vehicular access to the southern car park before stepping out into a relatively narrow route in the carriageway marked only by a differentially coloured road surface (or zebra crossing) and unspecified warning sign. This way-marking runs adjacent to The Range nearside kerb before crossing a carriageway of some 30 ms to connect to the application site access, itself abutting for linear parking bays outside the site frontage.

The applicants advise the situation is not materially different to that of a supermarket car park but this is unconvincing. Not least, usage, the experience and expectations would be very different to that of a residential environment, where unaccompanied children, the elderly and people with disabilities could reasonably expect pleasant, safe, unfettered access.

In these circumstances, the Highway Authority is somewhat constrained as the land is outside of public highway. It offers no formal objections but the discomfort with the proposal and strong preference for a segregated pathway using the landscaped strip to the north as advocated by officers (see below) is quite apparent.

To this end, the Highway Authority refers to Local Transport Note 1/04 (published by the Department for Transport) as offering guidance in this area. This has five key requirements for walking and cycling routes, namely that routes are convenient, accessible, safe, comfortable and attractive.

The Highway Authority goes on to say: *I would suggest that an unsegregated route (i.e. one that requires pedestrians to share the same space as traffic) for residential properties across a commercial servicing yard is not attractive, nor would it be comfortable, or potentially safe. As for the pedestrian provision, in this instance, the use of an over-runnable footway offers little benefit. ...For the pedestrian*

*crossing, I am mindful that this is a lightly trafficked situation, but I am aware of other instances in the County where similar Zebra crossing markings have been used without the beacon. This has led to confusion as to who has priority (the driver or the pedestrian) as in practice this is not a formal Zebra crossing; a driver would therefore have priority.*

*I have discussed this with (the transport consultant). I suggested that if a segregated footway could not be provided then it would be a case of mitigating pedestrian sharing the access road as best as possible. This could include a virtual footway/coloured surface as well as improved lighting. I see the plan now includes coloured surfacing.*

*I don't necessarily disagree that this provides mitigation of sorts. But overall taking the sole pedestrian access for a residential development via a servicing yard doesn't seem particularly attractive.*

Whether the proposed pedestrian access is actually *unsafe* is inconclusive on the basis of the Highway Authority's comments. It is, however, clearly unsatisfactory in amenity terms and perception of safety by users and would set an undesirable precedent. For these reasons it would fail the tests of Core Strategy policy 8 and Guide to residential development SPD, Saved Worthing Local Plan Policy H18 and the National Planning Policy Framework and Planning Practice Guidance.

As noted above, the applicants (including Worthing Homes) have been urged to explore other options, principally use of the existing landscaped strip on the north side of the vehicular access off Ham Rd, next to 198 Ham Rd. This stretches as far as the access to the rear garage of No 198 and has the potential to accommodate a dedicated, segregated footway built to accepted standards. The other option is access via Oakgate Court. However, the applicants have been unable to secure the rights from the landowner of The Range to build such a footway and the prospects of securing such in the near future are remote. Similarly, Worthing Homes report an access through their estate is not feasible. Even if secured, it must be noted that such an access would still be less than ideal - safe but an awkward and unattractive approach and link to the development.

The Strategic Waste manager adds to the access concerns, advising they would *not be willing to access the site with the truck due to congestion issues and problems getting the vehicle in from Ham Road. The proposed storage point is too far from the road for us to walk.*

### **Other environmental issues**

The site is in a low risk flood area and details of sustainable drainage are under discussion. A suitable scheme may be secured by condition.

The site is on land identified as potentially contaminated. To this end a preliminary desk study has been submitted. Further necessary investigation and any necessary remediation may be secured by condition.

The proposal incorporates welcome solar panels to generate on site micro renewable energy.

## **Planning Obligation for Affordable Housing**

The applicants have latterly reached terms for Worthing Homes to acquire the development and provide at least four social rented homes and five shared ownership or affordable rented houses. The principle of provision of affordable housing at a time of increasing need is greatly welcomed.

Core Policy 10, which would otherwise require a commuted payment towards off site affordable housing, is therefore satisfied.

The affordable housing would be secured by legal agreement.

The benefits, however, need to be balanced against the shortcomings of the scheme as discussed above.

## **Conclusion**

This is a constrained site, where the principle of the loss of business use has not been justified.

Moreover, being landlocked and bounding potentially problematic business uses, the quality of environment offered to future residents would be poor and, the site would relate badly to its context. Above all, pedestrian access is of a very poor quality and possibly unsafe. Such a feature would lend the development a stigmatising character.

That said, the proposal would make a small but welcome contribution to relieving housing need, particularly for affordable housing. It would also improve the appearance of the application site itself, albeit street views would be largely unaffected.

The housing need weighs heavily in the balance. However, the shortcomings are so substantial that that they significantly outweigh the benefits and for this reason the application is unacceptable.

Other aspects of the development are not unsatisfactory and may be addressed by suitable safeguards or fine-tuning of the layout/design.

## **Recommendation**

**Refuse** permission on the following grounds: -

1. The proposal would result in the unjustified loss of business premises to the detriment of the local economy and contrary to Core Strategy Policy 4 and allied Supplementary Planning Document: Sustainable Economy and the National Planning Policy Framework.
2. The proposal would by reason of its backland location, proximity to business uses, car parking, circulation, and servicing areas; its layout, and design and its access arrangements poorly relate to its surroundings and provide a poor quality of environment and access for future occupiers in conflict with Core

Strategy policy 8 and Guide to residential development SPD, Saved Worthing Local Plan Policy H18 and the National Planning Policy Framework and Planning Practice Guidance and Local Transport Note 1/04.

27<sup>th</sup> April 2017

**Application Number: AWDM/0181/17**

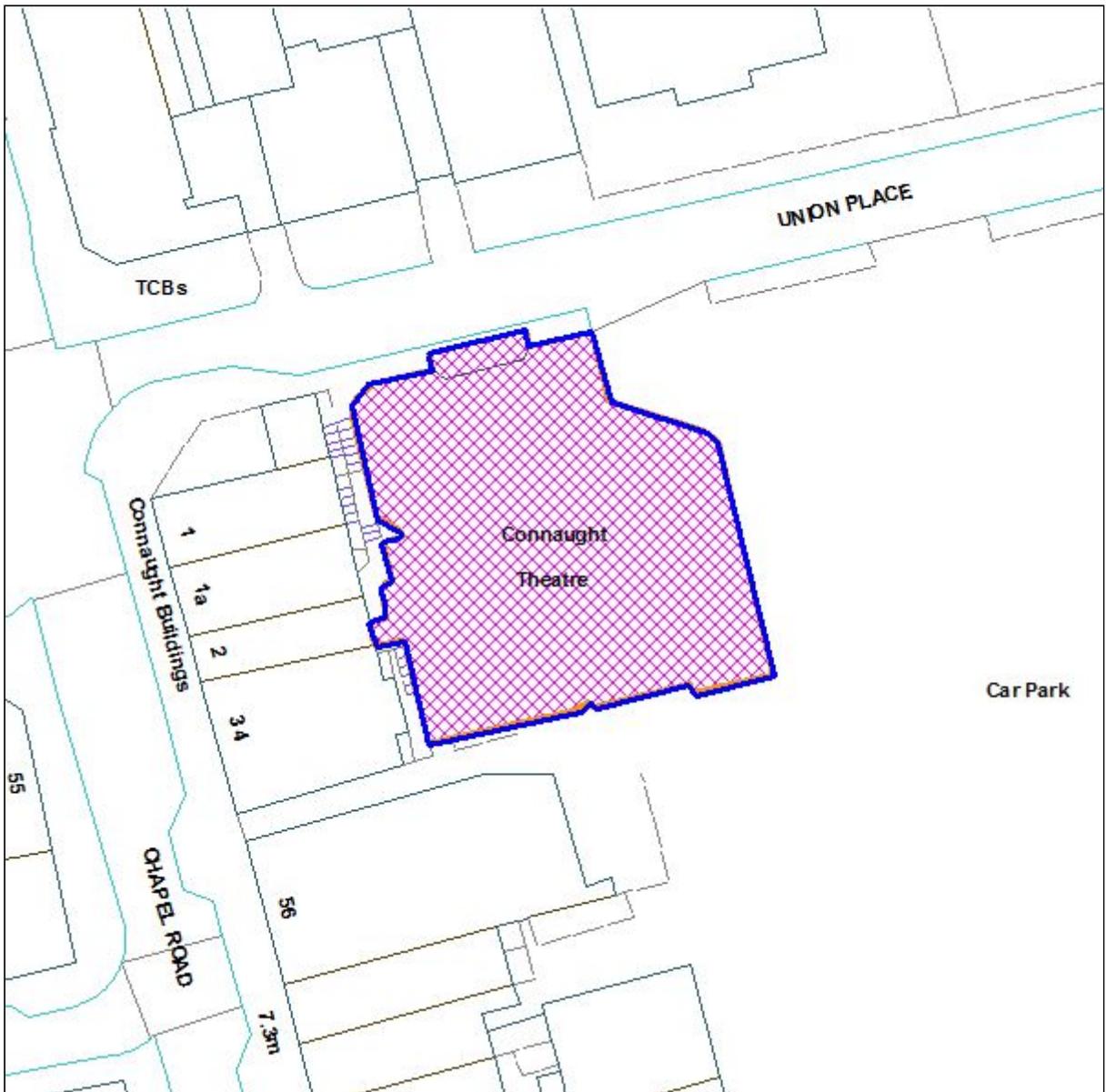
**Recommendation – APPROVE**

**Site: Connaught Theatre Union Place Worthing**

**Proposal: Advertisement Consent for the display of two vinyl signs to east elevation**

Applicant: Worthing Theatres  
Case: Rebekah Smith  
Officer:

Ward: Central



**Not to Scale**

## **Proposal, Site and Surroundings**

The application relates to Connaught Theatre on the south side of Union Place and located at the eastern edge of the Chapel Road Conservation Area. The single storey wing of the Connaught Buildings and Theatre is a local interest building. The application relates to the relatively modern fly tower to the east side where advertisement consent is sought for the display of two vinyl advertisements on the east elevation, each measuring 12 metres in width and 3 metres in height. One has already been installed below the existing individual letter sign, the other sign would be positioned directly above the individual lettering. The signs replace previously removed poster frames that were positioned at a lower level also on the east elevation. A temporary consent is sought until 1 August 2017.

## **Consultations**

*Worthing Conservation Advisory Committee: No objection*

## **Representations**

None received

## **Relevant Planning Policies and Guidance**

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

Worthing Local Plan (WBC 2003) (saved policies): 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/0181/17 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.

### ***Visual amenity and impact on the character of the Conservation Area.***

The signs are large and at a high level, widely visible from the east, from outside of the Chapel Road Conservation Area, where views are possible over the Union Place car park, where Union Place south remains undeveloped. However, the positioning of the signs on the east elevation at the eastern edge of the Conservation Area ensures that views from within the Conservation Area, from the west, would not be affected by the advertisements.

Although large, their size is proportionate to the scale of the fly tower and, given the expanse the brick wall currently visible displaying little in terms of architectural detailing, the advertisements serve to break up some of the mass of this elevation, albeit with advertising, and replace seven smaller individual poster frames, as shown on the application details, thus reducing some clutter. The vinyl signs are temporary in appearance but given that they are sought only until August 2017 it is considered that no significant harm would be caused in the context of the commercial setting of the town centre where signs, illuminated and otherwise are commonplace, contributing to the vibrancy and vitality of the area and encouraging public spending and investment. Impact on visual amenity and the Conservation Area is therefore considered acceptable.

### ***Public Safety***

The signs would not be illuminated and with their positioning adequate clearance is achieved to prevent any obstruction. The signs would not interfere with the publicly maintainable highway.

### **Recommendation**

#### **APPROVE**

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

1. Standard advertisement conditions 1-5
2. Removal by 31 August 2017
3. Drawing numbers

Application Number: AWDM/0518/17

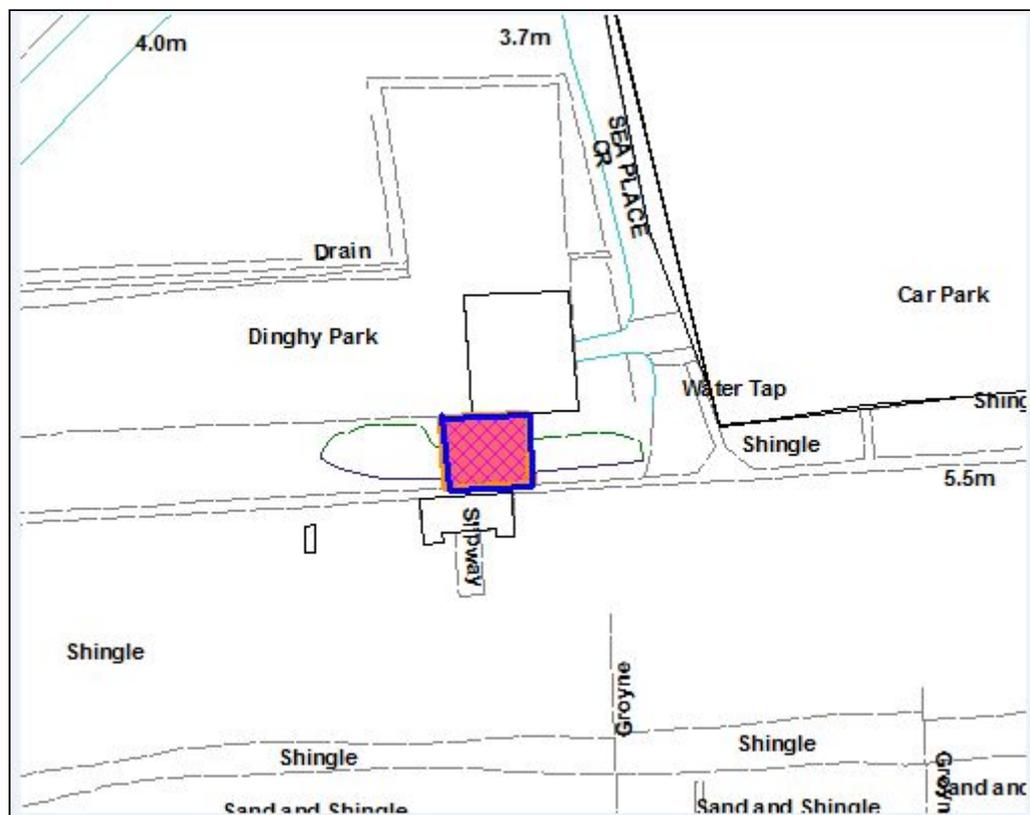
Recommendation – APPROVE

Site: Worthing Sailing Club 1 Sea Place Worthing

Proposal: Proposed enclosure of open plan decking at first floor beach level

Applicant: Worthing Sailing Club  
Case: Matthew Porter  
Officer:

Ward: Goring



**Not to Scale**

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### Proposal, Site and Surroundings

The site is a prominent modern building along Worthing seafront next to the slipway in front of the fenced dinghy park in Sea Place. Worthing Sailing Club own the building but pay a ground rent to the Borough Council as it owns the land.

Permission is sought to infill the ground floor undercroft of the building to provide more inside space for the sailing club. The infill extension would be glazed and its wall finished in matching painted render.

### Relevant Planning History

AWDM/0641/11

Internal and external amendments to the design of a yacht club building previously approved under consent No. WB/06/1121/FULL  
Approved 08-11-2011

### **Relevant Legislation**

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

### **Consultations**

None

### **Representations**

None

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

National Planning Policy Framework (March 2012)

Worthing Core Strategy 2006-2026 (WBC 2011): 3, 11, 16

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

### **Planning Assessment**

The determining issues relate to the amenity impact of the enclosure.

### ***Principle***

The Sailing Club makes an important contribution to the vitality of this part of the seafront. Relevant planning policies support this enhancement of the building and its continued use as an asset for water-based activities.

### ***Design and visual impact***

The design of the glazing would be very much in keeping with the design of the rest of the building, both in style, opening size and framing proportion. The extension walls would be of matching sympathetic finish to match the host building.

### ***Neighbour Amenity Impact***

The enclosure of the ground floor undercroft will help contain some of the noise transfer currently encountered with the outside activities taking place on the decking. This would be to the betterment of the living conditions of adjacent neighbours.

## **Recommendation**

The advertising period of this application does not expire until 1<sup>st</sup> May. Any representations received by this date will be reported at the Committee Meeting.

## **Approve**

Subject to the following conditions: -

1. Standard time limit
2. Approved Plans
3. Exterior painted to match existing

27<sup>th</sup> April 2017

**Application Number: AWDM/1921/16**

**Recommendation – REFUSE**

**Site: 25 Broadwater Road Worthing West Sussex BN14 8AD**

**Proposal: Change of use from 2 x 4no. bedroom semi-detached dwellings to 7 no. one bedroom and 3 no. two bedroom flats/maisonettes with the addition of a second floor (no's 25 and 27 Broadwater Road)**

Applicant: Mr Simmons  
Case: Peter Devonport  
Officer:

Ward: Gaisford



**Not to Scale**

## Site and Surroundings

The site is situated on the SW corner of a busy signalled cross roads junction of Broadwater Road (A24) and Northcourt Road in an inner residential suburb just south of the Broadwater District Centre.

It comprises a pair of large two storey inter war houses that face onto Broadwater Road. These have seen their rear gardens severely truncated by construction of a tall brick wall to help create a development plot onto Northcourt Road, known as *Land east of 1 Northcourt Road*. Permission under AWDM/0785/16 for a single storey 1 x 2 bed dwelling was granted last year but is unimplemented. The plot has been levelled and cleared and includes the site of a former garage now demolished. Permission was refused and dismissed at appeal under AWDM/1110/12 to redevelop this plot for a 3 bed house.

No. 25 is now understood to be vacant but was used, up to very recently, by a social enterprise Home Group which provided supported accommodation for young people. This use was not expressly authorised and may have fallen under C2 use. Prior to that its use appears to have been used as flats and/or a house.

A substantial, oddly shaped single storey rear extension has been built recently under AWDM/1570/14 which includes a side extension with its own separate access. The front curtilage is for access and parking for 3 or more cars. The rear garden is small and very enclosed. There is no accommodation in the attic.

No. 27 is on the corner and has added a single storey rear extension to the outrigger and in the space at the back of the main rear wall. This was granted retrospective permission under AWDM/0065/14 as part of a ground floor bedsit, previously granted a Certificate of Lawfulness under AWDM/0057/14 due to it having been used as such for 4 or more years.

The current lawful use of the remainder of the property is unclear as the last permission (1979) was *from 4 bed sitting room flats to 2 self-contained bed sitting room flats on ground floor with 1 self-contained 1 bedroom flat on first floor*, though the property is presented in the current application as a C3 single family house and is known to the Environmental Health Officer as an House in Multiple Occupation (HMO).

The property has pedestrian access from the front to the main house and to the side where the recently unauthorised vehicular access and parking (for 3 cars) and access to the rear flat are located. The access and parking, presumably compensate for the loss of this property's former detached garage which was demolished recently to create the adjacent development plot (see above). There is a front and side curtilage area and very small space at the rear but none provide any quality usable amenity space; rather the side area is gravelled and the front area's value is visual and to provide access. Both areas are very exposed to noise. There is no accommodation in the roof.

The properties' design is unusual, and, despite the alterations, still attractive and characterful. The roofs are their defining feature with their traditional vernacular Sussex gablets and plain clay tiles, with central chimneys. The chamfered bays and oriel windows at the front and pitched roofed porches add to the period and vernacular appearance. The walls are brick faced. Both have deep rear outriggers as built. The street boundary walls are brick with supplementary timber on the Northcourt Road frontage.

For the most part, attractive, characterful Victorian houses line both sides of Northcourt Road beyond the site, notable for two storey form and their traditional roofs. The closest, No 1 Northcourt Road, sits to the west. This is an imposing pair of Victorian semi-detached, red brick dwellings. Laurier Court directly opposite to the north breaks with this townscape in that it is a 4 storey 70s block of flats.

To the south of the site are a couple of large Edwardian houses with a luxury of period and vernacular features. Edwardian, Victorian and inter war housing prevails elsewhere in Broadwater Road close to the site.

Northcourt Road is a reasonably busy road which links Broadwater Road round to South Farm Road. There are double yellow lines around the crossroads which embrace the Broadwater and Northcourt Road frontages. More yellow lines stretch on much of the south outside of Northcourt Road. The site falls outside of any Controlled Parking Zone (CPZ).

## **The Proposal**

The proposal is to alter, extend and convert the properties to form 10 flats. The principal external physical works are the complete reconfiguration of the roofs. This entails forming a continuous mansard on the main and outrigger roofs; adding a new large, predominantly glazed central gable and introducing four flat roofed dormers- one apiece at the front and one apiece on the side mansards. There are minor changes to the fenestration on both sides.

There are 2 x one bed flats at ground floor in No. 27 and 1 x two bed and 1 x one bed at No. 25. At first floor there is 1 x one bed flat in 25 and 27 and access to a pair of one bed maisonettes which break into the reconfigured roof. The roof also houses a pair of two bed flats. This totals 10 units. All but the two rear ground floor flats are accessed from the existing two front doors. The rear ground floor flat at No. 25 is accessed from the existing side addition and the rear flat No. 27 from the side as currently.

There is no on-site car parking proposed. Reference is made to on-site cycle parking but no details are shown. No changes to the landscaping are detailed. There is no change to domestic waste storage but the current arrangements are not recorded either.

The proposal is supported by a Design and Access Statement.

## **Planning History**

No. 25 Broadwater Road

AWDM/1570/14 - Proposed single storey rear extension  
Approved on 9th January 2015.  
No. 27 Broadwater Road

80/333 - Alterations and erection of concrete staircase and extension at rear in connection with previously approved change of use to 1 x one bed roomed flat on first floor and 1 x two bed roomed flat on ground floor (revision WB/1155/79 dated 9/11/79). Granted 14.4.80.

79/1155 – Alterations and erection of concrete staircase and extension at rear in connection with previously approved change of use to 1 x one bed roomed flat on first floor and 1 x two bed roomed flat on ground floor (WB/746/79 dated 14/08/79 refers). Granted 9.11.79.

79/746 – Change of use from 4 bed sitting room flats to 1 x one bedroom flat on first floor and 1 x two bedroom flat on ground floor with alterations to implement the use. Granted 14.8.79

79/203 – Change of use from 4 bed sitting room flats to 2 self-contained bed sitting room flats on ground floor with 1 self-contained 1 bedroom flat on first floor. Granted 20.03.79

AWDM/0057/14 - Lawful Development Certificate for an existing separate self-contained flat to rear on ground floor  
Approved 19th December 2014.

AWDM/0065/14 - Single-storey rear extension to form part of separate self-contained flat. Retention of 1.8m high timber fence on front and side boundary (Retrospective)  
Approved 19th December 2014

Land east of 1 Northcourt Road.

AWDM/0785/16 - Proposed single storey 1 x 2 bed dwelling.  
Approved 11th August 2016.

## **Consultations**

### West Sussex County Council as Local Highway Authority

*'The proposal is to convert the two dwellings into 10 flats (7 x 1 bed & 3 x 2 beds). The Design and Access Statement indicates that no parking will be provided as part of this proposal. It continues to conclude that cycle parking to standards will be provided and that the flats are sustainably located to allow other options to travel, other than the private motor vehicle. No parking is proposed on-site. The WSCC Parking Demand Calculator suggests that 6 spaces would be required.*

*There are currently two access points to the dwellings, one from Broadwater Road and one from Northcourt Road. It appears that there is already some parking on site. The LHA would seek clarification on the following points;*

- *Will the current vehicular access points be closed off?*
- *Has a parking demand survey been carried out to determine if there is parking capacity within the locality of the site to accommodate parking on street?*
- *How will the flats be serviced by vehicles such as home food delivery vans? With the proposed flats being so close to the traffic lights there is concern that vehicles will block Broadwater Road and disrupt the traffic lights and vehicle flows.*

*The LHA would seek clarification on the above points and the applicant should consider if any on site parking can be accommodated. The LHA can only consider the impact of overspill parking from a safety perspective; matters of amenity would be a matter for the consideration of the Local Planning Authority.*

*Please re-consult once the above clarification has been received.'*

#### Environmental Health Officer

The layout and stacking of room types is generally good, however there are a few rooms which are immediately adjacent to dissimilar room types (e.g. 1st floor kitchen and living room directly above bedrooms and ground floor bedroom adjacent to kitchen) which is likely to result in a loss of amenity and noise complaints.

As there is potential for noise disturbance between dwellings, sound insulation should be provided and sound insulation testing should be carried out between all dissimilar room groups to confirm compliance with Approved Document E specifications before occupation.

#### Southern Water

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."

#### Drainage Officer

The site lies in Flood Zone 1, is possible slightly affected by surface water flooding in the front garden, according to the EA flood maps, but has no history of flooding.

The application is for internal modifications, and an additional storey, which do not affect the building footprint. There is no intention to provide parking and therefore the surface water run-off remains unaltered.

However I note that the intention according to the application form is to drain surface water by soakaway.

Can I raise a **holding objection** until clarification is provided confirming:-

- a) If the building is currently connected to the public surface water sewer
- b) if the building is currently drained to soakaways, and therefore there will be no change,
- c) that the building is to be taken off the surface water system and connected to a new soakaway.
- d) There is an error on the application and that the properties will be drained to the public sewer.

Once I receive clarification I can comment further.

## **Representations**

None received

## **Planning Assessment**

The Committee should consider the planning application in accordance with:

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

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

As such the proposal should be principally assessed in relation to the presumption in favour of sustainable housing development as set out in paragraphs 14 and 49 of the NPPF and informed (as far as they are relevant with the weight attached to be determined by the decision maker) by saved Worthing Local Plan Policies H18; TR9 and RES7 and Core Strategy Policies 7, 8, 9,10, 11, 15, 16 and 19;The National Planning Policy Framework and allied PPG; and Worthing Borough Council Supplementary Planning Documents; Guide for Residential development, Sustainable Economy and Development Contributions; Residential space standards, West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003); West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSCC 2010) and Worthing Local Plan – Threshold for Affordable Housing Contributions Report by the Director for the Economy Agreed 28.11.16 in accordance with the above.

The main issues raised by this proposal are:-

- The principle of residential development including housing need, dwelling mix and quality
- Impact on amenity of neighbours
- Quality of the design and impact on local character and townscape
- Parking and access arrangements
- Environmental matters
- Affordable housing planning obligation

#### Principle, need, mix and quality of residential development

The application site is brownfield land and lies within an established residential suburb. It is sustainably located, close to the main road network, buses and other facilities.

The proposal makes more intensive residential use of both properties and to this extent advances the aim of more efficient use of land. As a windfall site it would also make a contribution towards meeting the latest OAN housing delivery target, though too small to be determinative.

Core Strategy Policy 9 protects family housing (typically 3 bed rooms or more) unless it suffers a poor quality of environment. Whilst the conversion of No. 25 to one and two bed units involves a loss of family housing if the lawful use is accepted as a C3 single residence, the recent annexation of the rear garden as a development plot approved under AWDM/0785/16 does leave this property with a very small and poor quality garden, inappropriate for a family house. Given this and the location and character of the area, such a loss of family house would be difficult to resist. The last semi institutional use of the property was not expressly authorised. Community benefits of the use notwithstanding, its loss would also be difficult to resist in planning terms.

As for the proposed mix and dwelling type at No. 25, Core Strategy Policy 8 and allied SPD is supportive of the principle in that this is an appropriate location for

flats, the proposal renews the stock and one and two bed flats meet a need. The problem is the poor quality of the environment offered to future residents in terms of external amenity space. According to the Space Standards SPD, the five flats proposed would require a cumulative minimum of 100 sqms of communal amenity space, whereas only 30 sq ms is available at the rear. Even so the quality of this is very poor – a narrow strip around 2.5 ms wide and a tiny almost fully enclosed patio. The front and side curtilage would become potentially useable for amenity space if the parking was removed and release around 100 sq ms. However, as discussed in the access/parking section below this is not considered tenable. In any event, a significant proportion of this would still be needed for cycle and domestic waste/recycling storage and paths. Above all, the quality would be poor given its exposed position and proximity to the road.

Turning to No. 27, in each case, the loss of the current HMO and studio or the authorised use as flats, would be acceptable in principle. The five new flats would, likewise, renew the housing stock, meet a recognised need and be appropriate to the character of the area. As at No. 25, their acceptability depends very much on the quality of environment offered. The amenity space that could be released by removing car parking could be up to 150 sq ms, well in excess of the quantitative standard. However, as at No. 25, such, the loss of the car parking is not tenable and a significant proportion of the space would be lost to paths, bicycle and domestic waste/recycling storage. The quality of much would be poor for the same reasons.

At both Nos. 25 and 27, the inadequacy of the amenity space would be materially different to the, albeit unsatisfactory, current situation, due to the intensification of use entailed in the application.

In respect of internal floorspace standards, all the flats in both Nos. 25 and 27 are materially short of the minimum gross internal floorspace standard set by Government in the Nationally Prescribed Guidance of 50 sq ms for one bed, 2 person flat and 61 sq ms for a two bed, 3 person flat and 70 sq ms for a two bed, 4 person flat and The Council's own standards set out in the Space Standards SPD of 51 sq ms for a one bed flat and 66 for a two bed flat. Whilst, the submitted schedule appears to be mislabelled, it is apparent that the one bed flats at between 37 sqms and 45 sq ms and the three largest units at between 56 and 58 sq ms are substandard.

The amenity and quality tests set out in Core Strategy Policy 8 and allied SPD, Saved Local Plan Policy H18 and the National Planning Policy Framework would not be met.

Accordingly, the principle of the development may generally be supported in accordance with spatial priorities and the spatial strategy but the proposal fails to meet required amenity standards for new development.

### **Quality of the design and impact on local character and townscape**

The reconfigured roof is the principal change to the houses' appearance and essential to achieving the three full storeys necessary to create 10 flats.

The loss of the characterful gabled roof is very regrettable as it contributes greatly to its identity and attractiveness. Its replacement with a heavy, alien and discordant mansard roof with an array of substantial dormers adds to the harm. It reads as top heavy and upsets the proportions and integrity of the buildings' style, as well as jarring with the distinctive character of the townscape. The new very assertive central gable compounds these problems and its geometric angled window design sits uncomfortably in a building which retains its period character as well as being at odds with the prevailing townscape. The very prominent position of the properties on a busy crossroads accentuates the visual impact of the works.

As such, it conflicts with Core Strategy policy 16 and the National Planning Policy Framework and Planning Practice Guidance.

### **Impact on neighbour amenity**

The enlarged roof is so distant from any existing neighbour as not to be overbearing or cause significant loss of natural light. The rear and south side dormers do add to overlooking of No. 1 Northcourt Road; the garden of the approved adjacent development plot and the flank of No 23. However, the effect is minimal given that the rear and side windows of Nos. 25 and 27 already look out into these and the south side dormer proposed to No. 25 serves non habitable rooms and so may be obscure glazed to avoid overlooking the facing dormer at No. 23.

There would be an intensification of use but not so significant as to cause harm to amenity of the neighbours.

### **Accessibility and parking**

The site is reasonably sustainably located close to a good bus service and most local facilities.

However, it does not enjoy the high degree of accessibility such as a town centre/public transport hub which might support no on-site car parking as proposed. The fear is that the demand for 6 car parking spaces as calculated by the Highway Authority will spill over on to the adjacent streets. No survey to demonstrate that surrounding roads can accommodate this additional pressure has been submitted as required under WSCC guidance. Given the site is next to a busy signalled crossroads serving the A24, the extent of yellow lines nearby and evident on street parking pressure in the adjacent residential areas, together with the absence of any CPZ to regulate demand and supply, this could lead to road safety problems as well as significant inconvenience for future occupiers and neighbours.

This situation is not tenable and is likely to lead to pressure at a later date to reinstate the current on-site parking, inevitably, at the expense of any amenity space.

Concerns are aggravated by the absence of plans to extinguish the current two crossovers serving the site.

Pedestrian access is otherwise satisfactory and there is scope for on-site cycle storage, though none is shown. The applicant has been alerted to the Highway Authority's concerns and a reply is awaited.

The proposal is unacceptable.

### **Environmental matters**

The Drainage Engineer has raised a holding objection until clarification is provided on several points. A response from the applicant is awaited.

### **Affordable Housing Requirement**

Policy 10 of The Core Strategy requires a scheme of this scale to provide for 10% affordable housing in the form of a commuted sum. This calculates at £79,947. As both properties were occupied at the time of submission there are no vacant credits reduction.

National Planning Practice Guidance as set out in paragraph 031 was reinstated on the 19<sup>th</sup> May 2016 in respect of thresholds for the provision of affordable housing as a result of the Appeal Court Case. This echoes a Ministerial Statement discouraging the collection of affordable housing contributions, such as in Policy 10, on schemes of 10 or fewer dwellings.

The PPG and Ministerial Statement are material considerations, amongst others including the National Planning Policy Framework, and, as expressions of Government views, the PPG and Ministerial Statement carry substantial weight.

Following on from the full Appeal Court decision and subsequent appeal precedent as well as advice from The Planning Inspectorate, the PPG and Ministerial Statement are to be balanced against the Development Plan (Core Strategy) and the evidence base supporting the LPA's application of the policy. The decision maker has discretion in applying his or her judgment as to where the balance should lie, drawing on the evidence presented.

The application of Core Strategy Policy 10 in this light has been considered by the Executive Member for Regeneration on 28<sup>th</sup> November 2016. He resolved that *in line with Core Strategy Policy 10 and subject, to viability considerations, the Council should continue to seek 10% affordable housing (sought via a financial contribution) on sites of 6-10 dwellings.*

As no planning obligation for the requisite affordable housing has been received and no evidence to demonstrate the viability of the scheme would be prejudiced by the affordable housing requirement, the proposal is unacceptable.

### **Conclusion**

The principle of residential development in this location is supportable and the proposal would make a minor contribution to meeting housing need. However, the potential harm to visual, future occupiers and neighbour amenity; road safety and sustainable drainage, together with the failure to provide the requisite affordable

housing obligation outweighs these benefits and the proposal is unacceptable.

## **Recommendation**

Refuse for the reasons that:-

1. The proposal would by reason of the size, form and design of the reconfigured and enlarged roof and its prominent position appear top heavy, alien, discordant to the detriment of the period and vernacular character of the properties and the quality and character for the townscape. As such it fails to respect local distinctiveness and is contrary to Core Strategy Policy 16 and the National Planning Policy Framework.
2. The proposal has failed to demonstrate that the absence of on-site parking would not lead to displaced parking pressure on to the adjacent streets and junction to the detriment of road safety and neighbour residents amenity. Provision on site would be at the material expense of already substandard external amenity space as set out in (1) above. As a result the proposal is contrary to Saved Local Plan policy H18 and the National Planning Policy Framework and WSCC Guide to Residential Development; West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003); West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSCC 2010).
3. The proposed flats are substandard in terms of Technical housing standards – nationally described space standard - for one bedroom, two person flats and external amenity space in respect of Worthing Supplementary Planning Document, Space Standards. As such, they would not provide future occupiers with acceptable living conditions and are contrary to Core Strategy Policy 8, Saved Local Plan policy H18; Worthing Supplementary Planning Document, Space Standards and the National Planning Policy Framework (paragraph 17).
4. The proposal has failed to provide for the requisite affordable housing planning obligation and failed to make any justification for such. As such it is contrary to Core Strategy policy 10.
5. The proposal has failed to demonstrate it makes adequate provision for sustainable surface water drainage contrary to Core Strategy Policy 15 and the National Planning Policy Framework and Planning Practice Guidance.

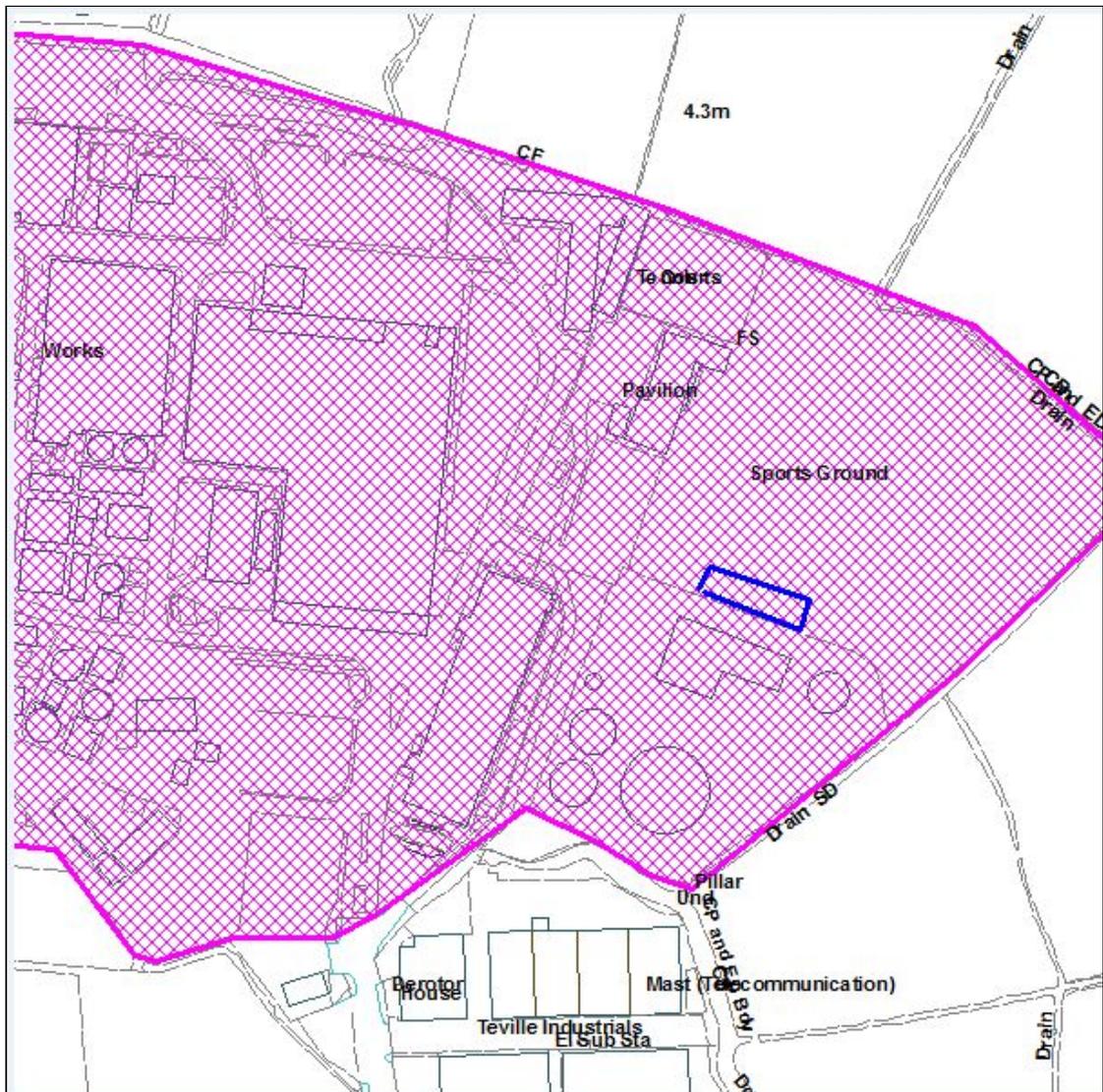
**Application Number: AWDM/0267/17**      **Recommendation – APPROVE**

**Site:            Glaxo Smithkline Southdownview Way Worthing West  
Sussex**

**Proposal:    Provision of replacement temporary Biotechnology  
Development Labs using a single storey modular building in  
land north of Building 19D**

**Applicant:    Mr Simon Goldfarb  
Case            Peter Devonport  
Officer:**

**Ward:           Broadwater**



**Not to Scale**

## **Introduction**

This application is deemed a “Major” in terms of planning statutory procedures due to the size of the site and therefore under current delegation requirements has to be determined by the Committee.

## **Site and Surroundings:**

The ‘Glaxo Smithkline’ pharmaceutical research laboratory and industrial premises are situated in the East Worthing trading estate and comprise a large number of sizeable industrial outbuildings and structures. This very large site (16 hectares) is located at the northern end of Dominion Way and stretches northwards to Clarendon Rd, westwards to Southdownview Way and eastwards to the countryside in the Sompting Gap.

Following an industry regulatory directive the complex is split into the two penicillin and non-penicillin zones. The non-penicillin or primary production zone is in the inner southern part of the site accessed from Southdownview Way and the penicillin or secondary production zone in the remainder serviced from Dominion Way.

The relevant part of the application site is surplus open curtilage on the north eastern part of the site. It is partly used for waste and effluent storage and was formerly a green a landscaped area adjacent to the works sprouts fields. To the north is the sports and social club and a large temporary car park occupying the former sports field. To the south is the solid waste plant at building 19D. There is no housing close-by.

The location of the proposal falls into Zone 1– Low Probability and Zone 2- Medium Probability area to the south.

It is outside the Environment Agency Source Protection Zone.

The whole GSK site is identified as potentially contaminated.

## **Details of Proposal**

The proposal is part of a general upgrading and improvement to the Worthing GSK site and is part of the work to consolidate and separate the site into two operating facilities – Penicillin and Non-penicillin zones. GSK report that it will form part of the critical investment in securing the future of the site, local jobs and promote investment.

The proposal is to procure single storey temporary buildings to form a small laboratory facility. A permission for up to 5 years is sought.

The proposed facility is arranged as a small single storey temporary modular building. The main modular building is around 31m x 3m plus a 6m x 3m welfare

block with two small interlinking storage units each 2.5m x 2.5m. It is set 300mm above the surrounding ground level on adjustable leg supports.

The finish will be a composite factory coloured wall panel usually a powder coated metal faced construction or vinyl wrapped in light grey. Windows will be UPVC and the roof will be flat and mineral felt or equivalent.

Substantial foundations are not proposed. A shallow slab construction will be used in reinforced concrete supported on a capping layer of suitable MOT Type 1 fill material. Overall excavation will be around 300mm and will remove topsoil. No deep excavations or piles are required.

The new building has an access ramp and can be accessed using a new footpath from the existing permanent car park to the west and south of Building 12. This will have tarmac finish. No new landscaping is proposed.

The initial rainwater disposal strategy would be to allow the small amount of additional rainwater to run off into the surrounding land and the existing system as closely modelled to the current arrangement as possible. Foul drainage will be connected into the existing system from the temporary offices.

There is no loss of parking space. All parking arrangements will remain as currently exists.

There is no increase in personnel or any changes to vehicular access or pedestrian access to the GSK site from public areas.

The new facilities will provide laboratory areas for a small number of existing site personnel involved in general site work to support production. There will be no change to the number of people employed on site.

The proposal is supported by a Planning, Design and Access and Flood Risk Assessment Statement.

## **Consultations**

Environmental Health Officer

*No objections, other than request contaminated land condition imposed if any breaking of ground is involved.*

## **Representations**

None received.

## **Planning Assessment:**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant

conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and

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

The main issues raised by these proposals are:-

- Principle of business development
- Impact on amenity
- Impact on appearance and the character of the area
- Impact on the environment
- Impact on access /parking

As such the proposal should be primarily assessed against; Saved Worthing Local Plan Policies RES7 and H18; Core Strategy Policies 4 and 16; National Planning Policy Framework and Practice Guidance;

### **Principle of business development**

The site is located in a designated and protected industrial estate in the Core Strategy.

The works support the on-going programme to segregate primary and secondary production and improve security and as such help secure the future of this key site, critical to the town's economy.

### **Impact on residential amenity**

The site is remote from any dwelling or other sensitive area.

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

The site is within an established industrial area characterised back-clothed by large industrial buildings and structures. Its utilitarian design is acceptable in this environment for a temporary building.

### **Impact on environment**

No deep foundations are required which might threaten aquifers.

The works do involve shallow excavations which may still pose a risk as the whole GSK site is identified as potentially contaminated and the Environmental Health Officer has requested a suitable safeguarding condition.

The site is partly in a medium risk flood zone but as an industrial building the sensitivity is low. Drainage appears to be unaffected.

### **Impact on access /parking**

Vehicular access and parking is unaffected.

**Recommendations:**

Approve subject to following conditions

1. Remove the buildings by 30.4.22 and reinstate to former condition or otherwise agreed by the Local Planning Authority
2. Build in accordance with approved plans
3. Investigate land contamination on site prior to commencement and remediate as necessary prior to occupation.
4. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
5. Implement drainage strategy.

27<sup>th</sup> April 2017

**Local Government Act 1972**

**Background Papers:**

As referred to in individual application reports

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## **Schedule of other matters**

### **1.0 Council Priority**

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

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

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

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

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

### **7.0 Reputation**

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

### **8.0 Consultations**

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

### **9.0 Risk Assessment**

- 9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

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

## **14.0 Financial implications**

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