



**WORTHING BOROUGH  
C O U N C I L**

**Planning Committee  
6<sup>th</sup> September 2017**

**Agenda Item 5**

**Ward: ALL**

**Key Decision: ~~Yes~~ / No**

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/0603/17**

**Recommendation – Approve**

**Site: 30 Poulters Lane, Worthing**

**Proposal: Outline application for demolition of existing buildings and construction of apartment building comprising 8 x 2-bed residential units. Provision of associated car parking and cycle storage. (Outline application including details of access, layout and scale with all other matters reserved.)**

**2**

**Application Number: AWDM/1566/15**

**Recommendation – Approve**

**Site: 14 West Avenue, Worthing &  
36 Mill Road, Worthing**

**Proposal: Change of Use to restaurant with ancillary educational catering/dining classes and catering service (Use Class A3 with ancillary D1).**

**3**

**Application Number: AWDM/0712/17**

**Recommendation – Refuse**

**Site: 30 Vale Avenue, Worthing**

**Proposal: New 1 x 3 bedroom dwelling in rear garden with detached garages.**

**4**

**Application Number: AWDM/0966/17**

**Recommendation – Approve**

**Site: 69 Richmond Road, Worthing**

**Proposal: Conversion from 3 no. 1-bedrooms flats and 1 no studio flat to single 4-bedroom dwelling with associated external alterations.**

Application Number: AWDM/0603/17

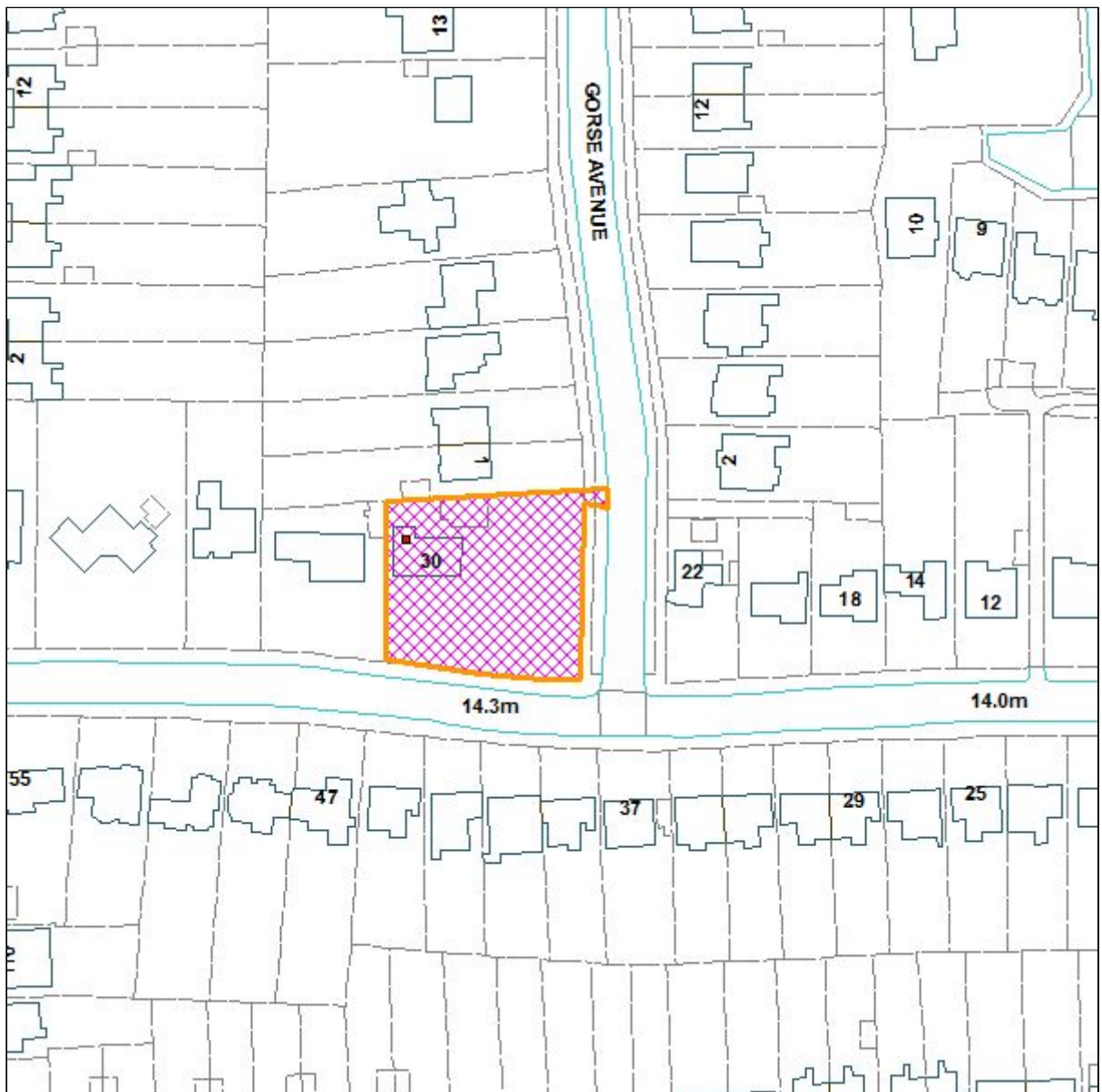
Recommendation – Approve  
subject to the completion of a  
legal agreement

Site: 30 Poulters Lane Worthing West Sussex BN14 7SU

**Proposal:** Amended Plans and Description: Outline application for demolition of existing buildings and construction of apartment building comprising 8 x 2-bed residential units. Provision of associated car parking and cycle storage. (Outline application including details of access, layout and scale with all other matters reserved.)

Applicant: Mr Justin Owens  
Case: Rebekah Smith  
Officer:

Ward: Offington



**Not to Scale**

## **Proposal, Site and Surroundings**

The application site is located on the corner of Poulters Lane and Gorse Avenue and contains a single dwelling house, set well back into the plot towards the north-west corner of the site. Lawned gardens and mature shrubs and some trees surround the southern and eastern frontages. There is an existing vehicular access in the north east corner of the site onto Gorse Avenue and a pedestrian access to the south west corner onto Poulters Lane to the front of the existing house. Tree Preservation Order No. 3 of 1992 relates to the site which includes a Common Beach Tree at the southern side of the front garden and a Sycamore Tree at 32 Poulters Lane close to the western boundary of the application site.

Outline permission is sought for the construction of a part two storey/part three storey building comprising of 8 x two bedroom flats with eight parking spaces with access from Gorse Avenue. Approval is being sought for Access, Layout and Scale (with Appearance and Landscaping being reserved matters).

The application has been revised since originally submitted, deleting an additional second floor studio flat and parking space, as well as making changes to the site layout and design details.

The south facing block of the building would be 17.5 metres in length and approximately 9.7 metres in depth on its eastern side, although balconies are detailed as protruding southwards beyond this line. This section would be three storeys and measuring 8.9 metres in height.

The east facing section to the rear of the three storey block would step down to two storeys and would be 7.5 metres in width (giving an overall length of 17.2 metres to the east elevation). This section would be set back by 2 metres behind the 3 storey east wall. This two storey section would measure up to 7.1 metres in height and sloping down to 5.8 metres at eaves level. The east elevation would contain the main entrance to the flats.

The building would be sited between 1.9 metres and 2.6 metres from the northern boundary with No. 1 Gorse Avenue, a two storey dwelling to the north. To the west, the building would be sited 5.7 metres from the boundary with 32 Poulters Lane, a bungalow to the west of the site.

A new 5.4 metre wide vehicular access would be formed onto Gorse Avenue to serve a parking area comprising of 8 parking spaces, including two disabled bays. Bin storage would be to the south of the parking area. Cycle storage would be contained within a store in the north-west corner of the site.

Detailed drawings have been provided which indicate the appearance of the building to be a contemporary brick building with zinc cladding, aluminium windows, and glazed balconies. A sedum roof and solar panels are indicated but not detailed. Landscaping is also indicated in the site plan and streetscene elevations. The detailing to these elevations are for illustrative purposes and go beyond the scope of this outline application which is considering matters of layout, scale and access.

The applicant has submitted a Design and Access Statement that contains the following rationale:

#### *'Layout*

*The proposal seeks to maintain a spacious layout when compared with the surrounding properties. The application site comprises a large corner plot and is clearly large enough to host a well-designed building that will complement the character of the area. Apartment sizes adhere to the Council's internal space standards. The rear aspect has been amended akin to the existing building to ensure neighbour amenity is protected.*

*The proposed block plan at figure 7 on page 13 provides a comparison between the existing dwelling and the proposed apartment building. While larger in footprint the design and shape of the proposed building makes the most of this corner location and links well with the rhythm of development found to the north, east and west of the application site.*

*The proposed site layout plan can be seen at figure 8. The proposal seeks a vehicular entrance to the side via Gorse Avenue. A total of 9 (now reduced to 8) off street parking spaces are provided including 2 disabled spaces. A cycle store is provided to the rear of the proposed building. Comparison plans to show the difference between the pre-application proposal and current proposal can be seen at figures 9 & 10.*

*A refuse store is located to the south east of the main building which is conveniently located near the parking forecourt and completely screened from public views by retained boundary vegetation. There is ample room for refuse and recycling in accordance with the Council requirements.*

#### *Form*

*The form of the proposed building is in direct response to the Council's previous criticism of the more traditional design proposed. Given the examples of more contemporary flats with flat roofs at the opposite end of Gorse Avenue a short walk from the application site it is clear that this approach is in keeping with the surrounding area. While built to a lower density than the current proposal this is understandable given the need to make the best use of the land and significantly boost the supply of housing.*

#### *Scale*

*The size and scale of the proposed building has been amended considerably following the pre-application submission. The building has been moved further away from No.32 Poulter's Lane in order to assist with the transition between the two plots. The design on the corner of the building has also been addressed through the use of well-proportioned balconies that break up the scale of the building and address the concerns raised at pre-application regarding how the building addresses the streetscene.*

*The scale and massing of the building is also broken up next to No1 Gorse Avenue with the pitched roof above the proposed studio flat (studio now deleted).*

### *Detailing & Materials*

*The architects have given careful attention to detail to ensure that the elevational treatment is of a high quality.*

*The building uses stock brick with steel and glass balconies. The flat roof will comprise a mix of solar panels and green roof which will assist with the sustainability of the proposed building.*

### *Tree & Landscaping*

*The proposal has been assessed by Broad Oak Tree Consultants. The proposed layout has been informed by this assessment and designed to ensure the retention of boundary screening including the protected Beech tree on the Poulters Lane frontage.*

*While landscaping is a reserved matter the site is large enough to provide additional landscaping within the site.*

### *Energy*

*The proposal will be designed to meet with Building regulations requirements following the removal of the Code for Sustainable Homes.*

### *Access:*

#### *Vehicular and Transport Links*

*Access points have to be carefully considered and respond to existing road layouts and public transport provision. It is important that key local features such as surrounding roads, footpaths, sight lines and level changes be incorporated into the design of the proposal. The parking layout can be seen*

*In line with the requirements of the NPPF, the application site is positioned in a sustainable location. Local bus routes enable access to Worthing town centre and the site is situated within recommended cycling and walking distance from the application site having regard to the Institute of Highways and Transportation. Guidelines for 'Providing for Journeys on Foot'. The site is also located in close very close proximity to the local open space, shops and schools.*

### *Inclusive Access*

*It is essential that everyone can get to and move through developments on equal terms regardless of age, disability, ethnicity and social grouping. Consideration should also be given to access for the emergency services.*

*People are very different in their needs, and in the way they use the built environment. An inclusive environment recognises and accommodates these differences in a way that is universal. An inclusive design provides a single solution for everyone.*

*The current proposal has been designed to fully comply with Part M of the Building Regulations.*

### *Conclusion*

*The high quality design submitted with this application has been informed and led by a detailed assessment of the wider context of the surrounding area.*

*The proposal follows an assessment of feedback following a pre-application submission for a larger building than is currently proposed. The design and layout have been amended following receipt of the Councils feedback. It is clear that the redevelopment of the application site is acceptable in principle. The internal layout has been carefully considered to ensure no harm is caused to neighbour amenity.*

*The Planning, Design & Access statement has identified that the proposal would result in a sensitive development that would relate well with the character of the area.*

*The application is supported by an Arboricultural Method Statement prepared by Broad Oak Tree Consultants Ltd. The report ensures that sufficient measures can be made to protect trees during construction and confirms that the proposal will not have a detrimental impact on the character of the area.*

*The siting of the proposed development combined with the retention and strengthening of the mature landscaping to the boundaries ensures that the final detailed proposal would not harm the amenities of the adjoining residents. The access has been amended in line with advice from the Stilwell Partnership to ensure adequate sight lines are proposed for the development.*

*The amended proposal fully adheres to the relevant Central Government Guidance contained within the NPPF, PPG and Development Plan Policies contained within the Worthing Core Strategy and saved policies of Worthing Local Plan.'*

### **Relevant site history**

03/00904/FULL - Demolition of existing house and garage and construction of block of 7 No. one and two bedroom flats and parking. Refused 4 September 2003.

03/01287/FULL - Demolition of existing house and garage and construction of block of 6 no. two bedroom flats and parking. Refused 18 December 2003.

### **Consultations**

#### West Sussex County Council as Local Highway Authority

In response to the original proposals the Highway Authority required the following:

- Widened access and altered parking layout location to suit pedestrian visibility splays.
- Demonstrate ability of two cars to pass at the access and manoeuvre within the site to exit in a forward gear.
- Carry out car parking capacity survey to ensure that suitable capacity on street is available for additional resident/ visitor parking associated with the scheme.

and following the receipt of additional information made the following comments:

*The LHA acknowledge local concerns regard the existing on street parking practise and trepidations that the development will exacerbate this. We note that the junction*

*of Gorse Avenue with Poulters Lane does not benefit from junction protection, as other junctions along the A2032 in this location. Nevertheless this is an existing situation without evidence of highway safety concern. Any illegal parking could be dealt with as an offence under Section 22 Road Traffic Act 1988 (leaving vehicles in a dangerous position on the road including verge) and Section 137 Highways Act 1980 (wilful obstruction of the free passage along a highway). Both of these acts are enforceable by Sussex Police.*

*Nevertheless it is appreciated that realistically additional visit parking may occur nearby on street. Considering proximity to the junction and the existing concerns the LHA request that a car parking capacity survey is carried out. Whilst the sites sustainable location is appreciated a parking survey should assess two aspects;*

- parking capacity - the amount of available parking space within the survey area and,*
- parking stress- the number of vehicles which are parked within the survey area at a specific time, most commonly at peak times of residential parking demand.*

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

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

*The applicant has provided an amended parking/access layout, swept path analysis and parking capacity study which the Highway Authority have been re-consulted on, and made the following comments:*

*West Sussex County Council, in its capacity as the Local Highway Authority (LHA), has been re-consulted on proposals for residential development at 30 Poulters Lane.*

*In our comments dated 15<sup>th</sup> June we requested further information with regards to access, pedestrian visibility, parking and turning. The scheme has been reduced from 9 units to 8 x 2-bedroom flats total. A Technical Note has been provided to address previously raised points with regards to turning within the site and demand on on-street car parking in the vicinity.*

#### *Parking*

*The amended scheme has been assessed using the WSCC Car Parking Demand Calculator. On the basis that the 8 x flats are provided with an unallocated parking arrangement the total demand would be six spaces. The forecourt area provides for 6 spaces plus 2 disabled car parking spaces. The WSCC Car Parking Demand Calculator uses local car ownership data to predict the demand of varying scales of development according to their location. Census data provided within the Technical*

*Note corresponds with this. The LHA is therefore satisfied that sufficient car parking provision has been supplied.*

*Nevertheless, following local concern regards car parking stress on the surrounding roads we requested that the effect of any overspill parking was assessed via a car parking capacity survey. The results of this are provided in the Technical Note dated July 2017.*

*The 'Lambeth Methodology' was employed assessing the stress of on street parking over two nights between the hours of 00.30 and 05.30 when most residents will be home and parking stress is anticipated to be at its peak demand. The survey included streets within a 200 m walking distance of the site. The number of possible parking spaces was identified as 195 (along unrestricted kerb space). Of this available space 32 were occupied over the first night and 28 over the second night. This equates to a parking stress of 16.4% and 14.4% respectively. With the nature of Poulters Road being a major 'A' classified route whereby properties primarily are served by off-street parking it is unlikely that residents or visitors would park on the carriageway. The Technical Note in paragraph 20 concludes that if Poulters Lane were removed from the survey area then parking stress would increase to 30.4%. The LHA concur that this would still be a low level of parking demand and therefore the proposals are not anticipated to detrimentally impact on the existing situation with regard to on-street parking in the area.*

#### *Turning*

*The width of the access has been increased and the workability of two cars passing within this has been demonstrated in drawing no. 17/0701/TK05 via a swept path analysis. The swept path plans also demonstrate access and turning into the furthest eastern and southern car parking spaces. Whilst some of these manoeuvres may require a multi-point shunt the LHA are satisfied that the ability to turn on site in order to exit the public highway in a forward gear has been suitably demonstrated.*

#### *Visibility*

*Pedestrian visibility splays have not been indicated. The LHA advised that the car parking layout be altered slightly to allow for 2m by 2m pedestrian visibility splays either side of the access, within the site. We acknowledge the constraints of the site with regards to altering the car parking layout. Nevertheless, there would be a benefit to reducing the boundary wall along Gorse Avenue to 0.6m. The formation of the splays could be provided as described above; alternatively the length of the boundary wall and any hedging above could be kept to a height of no more than 0.6m. I would ask such matters are secured via a suitability worded planning condition with plans and details to be submitted to and approved by the Local Planning Authority (LPA).*

#### *Conclusion*

*The LHA does not consider that the proposal for 8 x flats would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.*



*If the LPA are minded to approve the application the following conditions and informative should be secured:*

#### *Access*

*No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.*

*Reason: In the interests of road safety.*

#### *Access closure*

*No part of the development shall be first occupied until such time as the existing vehicular access onto Gorse Avenue has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.*

*Reason: In the interests of road safety.*

#### *Car parking space*

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

*Reason: To provide car-parking space for the use.*

#### *Turning space*

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

*Reason: In the interests of road safety.*

#### *Pedestrian Visibility (details required)*

*No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Gorse Avenue in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.*

*Reason: In the interests of road safety*

#### *Cycle parking*

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

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

#### *Construction Management Plan*

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

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

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

#### **INFORMATIVE**

*The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.*

#### **Southern Water**

*Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:*

*“A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)”.*

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

*Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)”.*

*The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.*

#### Adur & Worthing Councils

The Council's **Engineer** has commented as follows:

*Thank you for the opportunity to comment upon this application, the site lies in Flood Zone 1 has no known history of flooding, but does lie in an area recognised as being prone to Surface Water flooding issues.*

*I note that this is the third time an application has been made to develop this site with the previous two both being refused.*

*No details relating to drainage except the tick relating to soakaways on the application form are provided, it is my opinion that the proposed property and car parking area can and should be drained to soakaways.*

*Therefore*

*The applicant needs to assess if the use of soakaways is viable on this site. The proposed location for the soakaways will need to be more than 5m from existing or new structures, and there will need to be a soakage test undertaken at that location to ascertain if a soakaway will adequately empty. There appears from the drawings to be sufficient area to adequately site soakaways, for both the roofs and parking areas.*

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

*In the absence of any ground investigation details or detailed drainage details in support of the application we request that should approval for this new build be granted it be conditional such that 'no development approved by this permission shall commence until full details for the disposal of surface water has been approved by the Planning Authority'*

*Soakage tests in accordance with DG 365 (2016) would be required to be undertaken on the proposed site to provide the data to ascertain the size of the soakaway required for the impermeable areas.*

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

The Council's **Environmental Health Officer** has recommended the following:

- *hours of demolition/construction - standard hours;*
- *dust – appropriate suppression methods submitted prior to works (if necessary);*
- *noise - concerns re. stacking between the ground floor (flat 1) and first floor (flat 4) - please confirm whether the living/dining rooms and bedrooms of one of the flats will be reversed or provide details of the appropriate sound insulation scheme;*
- *noise - please provide details of the appropriate sound insulation between the first floor (flat 4 ) and second floor (studio flat);*
- *air quality - no comments;*
- *contaminated land - no comment.*

The Council's **Senior Tree and Landscape Officer** has commented that the address does have one protected tree but he does not consider that the existing trees and those to be retained are under threat, providing that tree protection fencing is put in place before any works commence. In relation to the revised plans that alter the position of the building south and eastwards, no objection has been raised and with his previous comments still being relevant, but he confirms that any further south than proposed in the amended plans, this would be too close the crown and/or root protection area.

The Council's **Private Sector Housing Manager** has no objection.

## **Representations**

50 letters of representation and a petition signed by 68 residents have been received from local residents in response to the original submission, and at the time of writing, a further 34 letters of representation have been received in response to amended plans objecting to the proposals. Concerns include the following points summarised from the representations:

- Lack of parking
- Impact on congestion/parking/traffic pollution/highway safety/air quality
- Inadequacy of parking study
- Out of character - not in keeping with individuality of the character houses in Poulter's lane, predominantly single family homes, taller than surrounding development, doesn't respect street pattern, building lines, scale, proportions of surrounding buildings, flat roof form/detailed design/materials out of keeping
- Overdevelopment
- Overbearing
- Loss of privacy – from 3 storeys and balconies
- Loss of light/unneighbourly
- Loss of green space
- Additional noise from flats, parking, and construction
- Loss of amenity
- Inadequacy of local services/infrastructure to meet demands of increasing population/ impact on drainage/water supply/other services
- Loss of existing house - meets demand for good quality housing

- Trees and landscaping, trees and shrubs to be removed – visual effect and impact on privacy, protection of wildlife
- History and heritage of Offington should be protected – Offington Park, built in the 1920's as Worthing's first Garden City with high value houses eg 5 bedrooms.
- Excessive estate agent signage associated with flats
- Flat roof will attract seagulls
- Reasons given to refuse previous proposals have stronger grounds with the increased density and with balconies overlooking
- Inappropriate development at the northern end of Gorse Avenue with different site considerations and mass is not relevant here
- Harmful precedent for more flats
- Disruption during building work
- Reduction in security for neighbouring residents
- Concern over structural stability during/after demolition
- Bin storage would detract from local area
- Loss of property value

One petition signed by 68 Offington residents concerned that the proposed building would spoil a fine residential lane and be out of character, causing increased traffic, noise, night time light, loss of light and privacy and set a precedent.

### **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.

The Worthing Housing Study (GL Hearn 2015) has been undertaken to address this requirement and to inform the forthcoming Local Plan. The Report concludes that core demographic projections plus an uplift to account for 'housing market signals' indicates an OAN for housing in the Borough of 636 dwellings per annum over the 2013-33 period. It goes on to recommend that the provision of market housing should be more explicitly focused delivering smaller family housing for younger couples, of which 40% is recommended to be 2-bedroom properties.

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 OAN; 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
- Design and impact on local character and townscape
- Impact on amenity of neighbours
- Parking and access arrangements
- Affordable housing planning obligation

This is in the context of matters of layout, scale and access to be considered under this outline application.

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

The site is located within an established residential suburb of Worthing. It is sustainably located, close to main road networks, bus services and local facilities.

The proposal makes more intensive residential use of the site and to this extent advances the aim of more efficient use of land and, as a windfall site it would also make a contribution, albeit small, towards meeting the latest OAN housing delivery target.

Core Strategy Policy 9 protects family housing (typically 3 bed rooms or more) unless it suffers a poor quality of environment. Core Strategy Policy 8 seeks to deliver a wide choice of high quality homes to meet the needs of the community. It states that within suburban areas only limited infilling will be accepted which will

predominantly consist of family housing. The SPD defines acknowledges that there may be circumstances where a larger 2 bedroom dwelling would provide for family accommodation. Whilst the redevelopment of No.30 to eight two bedroom flats involves a loss of a family house, the proposal for eight two bedroom flats meets a need and does provide three ground floor two bedroom units which would have suitable layout and direct access to private amenity space as well as communal gardens which may render these units in particular, suitable as a small family dwelling.

Detailed floor layouts have been provided which are for illustrative purposes but in terms of the standard of accommodation, all except one of the proposed flats would fall short of the Governments Nationally Prescribed Space Standards of 70 sqm for a 2 bed 4 person flat but would meet individual bedroom standards and would meet 61sqm standard for a 2 bed 3 person flat.

Each flat would exceed the Councils's own internal floorspace standards of 66 sqm for a two bed flat, with adequate living/cooking/eating area and sleeping area. All habitable rooms would be provided with a reasonable standard of outlook and natural daylight.

The site would retain a generous garden enclosed by the existing trees and some new planting to provide a good standard of communal amenity space to the proposed flats, in excess of the Councils standards for outdoor amenity space and in addition each flat would be provided with their own balcony or enclosed patio/amenity space.

#### Design and impact on local character and townscape

The detailed elevations and floor plans are illustrative but issues of design and impact on local character and townscape should be assessed in terms of layout, scale and access only.

The site occupies a prominent corner position in the streetscene, but is well enclosed by the existing vegetation including several trees, which would remain. Wide views of the site frontages are possible from Poulters Lane and Gorse Avenue, although the existing two storey dwelling is well screened. The design of neighbouring dwellings in the vicinity is mixed but primarily consists of traditional two storey dwellings or bungalows. Building lines in Poulters Lane and Gorse Avenue are not consistent with some staggering of individual buildings and some buildings themselves have protruding elements but are generally set well back from the street frontage and with front gardens contributing to the verdant character of the streetscene in both Poulters Lane and Gorse Avenue.

No.32 to the west is an individual bungalow set back from the street frontage by approximately 14 metres at its eastern side with a front garden and driveway to its frontage and detached garage to the rear adjacent to the common boundary with No.30. To the immediate north, No. 1 Gorse Avenue is one of a pair of semi-detached two storey dwellings. It has been extended to the south side and has a garage/outbuilding to the rear of this adjacent to the common boundary with No.30. There is some variety in the design and type of dwellings in both street

frontages. Further north, at the opposite end of Gorse Avenue, Eaton Court comprises a two storey and three storey block of purpose built flats.

The positioning of the building has been amended to widen the spacing to the boundaries with the immediate neighbours. To both northern and western boundaries, there would be a greater separation distance than the existing building. On the west side, the existing two storey dwelling is sited approximately 1.3m from the western boundary. On the north side, the original dwelling was extended at first floor level over the garage which is adjacent to the northern boundary.

As proposed, to the west there would be a distance of approximately 5.7 metres to the boundary and 9.3 metres to the side wall of No.32. The scale of the building at this point would be three storeys, but limited to 8.9metres in height by virtue of the flat roofed design indicated. The proposed building would be sited 3.6 metres forward of the neighbouring bungalow at its south west corner.

To the north the spacing to the boundary would be between 1.8m and 2.5m along the north wall. The building would be two storeys at this point with an eaves level of 5.8m rising to 7.1 metres at its highest point, 7.5m to the south of this wall. The building then steps up to the three storey section on the southern side and measuring 8.9 metres in height overall. The three storey section would represent an increase in overall height of approximately 1 metre compared with the existing building at its ridgeline.

In terms of scale and layout, although the proposal would represent a marked increase in scale/bulk from the neighbouring bungalow to the west up to the proposed three storey block, the separation distance and limited increase in height overall would allow for a reasonable transition in height visually. Although the policy background and context is different at this time, this is an improvement on the previously refused scheme (03/1287/Full) that proposed a traditional two storey wing relatively close to the boundary. To the north side, the two storey section would more closely relate to the scale of dwellings to the north than the three storey block and to some extent would act as a visual transition up to the three storey block with the deletion of the second floor previously proposed. Whilst the building would be wide in comparison with neighbouring buildings, the footprint is stepped and elevations demonstrate how the mass could be broken up with design details and differing material treatments and glazing. The width and positioning of the building on the south and east sides would appear reasonable in the streetscene in the context of the spacing to boundaries, and the scale of the remaining site area which would be predominantly garden area for the proposed flats, and having regard to the setback proposed on the south side which allows existing trees to remain to the frontage. Although positioned forward of No.32 the angle of the front boundary (widening to the south east corner) does allow sufficient spacing to remain to the site frontage and with variation in building lines, the proposed building would not be sited forward of neighbouring dwellings at No.22 or to the east on the opposite corner. The building would step forward of No.1 Gorse Avenue by approximately 3.6 metres overall but less so at its northern end where the two storey wall would be set back a further 1.8 metres behind this.

Despite the increase in scale compared with the existing and neighbouring dwellings, the building would not appear excessively dominant in the streetscene,



helped by its stepped footprint and spacing to boundaries, which has improved since the refused scheme in 2003, and being set well back in the site. The parking area proposed would be large but relative to the scale of the building and existing and future landscaping can help soften its appearance.

### **Residential Amenity – Effect on Neighbours**

Securing a good standard of amenity for future occupiers of new dwellings and safeguarding the amenity of neighbouring residential occupiers lies at the heart of the relevant policy framework.

Saved Local Plan Policy H18 states:

*Development, including changes of use and intensification, which would result in an unacceptable reduction in amenity for local residents will not be permitted*

Core Strategy Policy 8 states:

*The Core Strategy will deliver a wide choice of high quality homes to address the needs of the community:*

The NPPF states:

*17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:*

- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*

*123. 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;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.*

The points raised in representations over the impact on occupiers of dwellings opposite the site are noted in terms of potential overlooking or overbearing impact, however, having regard to the distances between property frontages, this would appear reasonable despite the scale of development proposed.

Although the site and access point onto Gorse Avenue would be more intensively used than the existing use of the site and its access, this in itself would not be significantly harmful to residential amenity, given the number of flats proposed, the size of the site and the character of the area.

The site is most closely related to No.32 Poulter's Lane, a detached bungalow, to the west, and No.1 Gorse Avenue, a semi-detached two storey dwelling to the north. Although the impact of the proposed development may be more widely felt,

the main impact would be to the occupiers of these immediate neighbouring properties and so is discussed below in this context.

The applicant provided amended plans to attempt to address concerns over the relationship with neighbouring properties, altering the positioning of the building south and eastwards to create increased separation to the north and west boundaries. Design elements were also introduced to the elevations to illustrate how privacy could be protected from first and second floor windows and balconies by, for example, the partial cladding of oriel windows to the west elevation and protruding side elements to windows to reduce the angle of windows. The applicant has also amended the balcony design to be more integrated into the building and allow for obscure glazed panels to enclose the sides.

In terms of the site layout, the separation distances would be greater than those of the existing building, and previously refused schemes, being positioned 9.3 metres from the side wall of No.32 and between 1.8 and 2.5 metres to the northern boundary adjacent to No.1. There are no main ground floor windows to habitable rooms to either neighbouring property in their side elevations that directly face the proposed and both properties have intervening garage buildings positioned to the rear of each dwelling. Although the scale of the building would be much larger than existing and occupying a much greater footprint, much of this additional area is to the south and east of the existing building, avoiding significant additional bulk adjacent to the immediate neighbouring dwellings to the north and west. The proposed building would further enclose the north-west corner of the site than the existing building footprint, but given the stepping down of scale to two storeys at the northern side, the relationship with neighbouring dwellings would not appear unneighbourly in terms of loss of light or outlook given the degree of separation now proposed.

The existing two storey annexe over the existing garage at No.30 is adjacent to the northern boundary with No.1 and has a first floor window, external stair and landing, facing west directly towards the rear garden of No.32 but with screen hedging and the garage building existing along the southern boundary of No.1 Gorse Avenue, views towards the garden to No.1 are largely obscured at this point. Although some views down the neighbours garden would be possible from the proposed first floor windows in the west elevation, this is not an unusual relationship and with no windows proposed to the north elevation, unlike the previously refused scheme, there would be no significant impact on the privacy of No.1 with the layout proposed. The northern wing of the proposed building, which is detailed as containing bedroom windows for the first floor flat, would be sited further to the east of the existing first floor, providing greater separation to No.32 than existing. At No.34 there is a side window directly facing the garden of No.32 at its opposite side but more than 30 metres from the existing first floor window at No.30 and so would not be significantly affected. The applicant has provide a diagram to illustrate the potential line of sight from first floor windows and comparing it to the existing building showing the intervening garage at No.32 obscuring some views of the garden to the neighbouring bungalow, although in practice, not all would be screened. However, given the proposed layout with the use of these rooms as bedrooms and where there are no direct facing windows effected by the proposals, no proposed windows in the north elevation, and scope to obscure views from windows in the west elevation, there would be no significant loss of privacy.

## **Parking and access**

The site is sustainably located close to the local facilities a bus routes providing links to the town centre. Parking demand for the proposed development has been calculated at 6 spaces using the WSCC parking demand calculator. The layout demonstrates that eight car parking spaces can be provided with adequate access that the Highway Authority considers acceptable subject to the conditions as outlined in their comments. Secure and undercover cycle parking is proposed to provide for alternative modes of transport to the private car. The applicant has carried out a parking capacity study in response to resident's concerns over parking and congestion issues and those of the Highway Authority, which has demonstrated that if Poulter's Lane is omitted due to local conditions not allowing for parking, parking stress would be 30.4%. The Highway Authority has concurred with the view that this would be a low level of demand and there would be no significant detrimental impact to on street parking. The Highway Authority raises no objections.

## **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.

National Planning Practice Guidance as set out in paragraph 031 was reinstated on the 19th 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 NPPF, 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 28th 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.

An off-site contribution in the form of a commuted sum would be acceptable in this case. This calculates at £64,680 using the Developer Contributions Supplementary Planning Document (July 2015) which the applicant has agreed to.

### **Other Issues**

The Community Infrastructure Levy (CIL) is now payable following its adoption in 2015. The site is within the Offington Ward which is a Zone 1 ward for the purposes of CIL. With an internal chargeable floorspace of 461.92 square metres for the proposed new dwellings, this would equate to a CIL payment of £46192 (charged at £100/sqm).

### **Recommendation**

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

1. Drawing numbers
2. Reserved matters – appearance, landscaping
3. Scale of development – limited to 8 x 2 bedroom flats, 2-3 storeys, between 5.8m and 8.9m high as per drawings.
4. Drainage – foul and surface water disposal details to be agreed
5. Scheme for hard and soft landscaping
6. Tree protection details to be agreed
7. Car parking to be provided as detailed
8. Access to be provided as detailed
9. Access Closure
10. Visibility splays
11. Turning space provided as detailed
12. Cycle parking
13. Bin storage
14. Construction Management Plan
15. Hours of demolition/construction – standard hours
16. Dust suppression

### **Informatives**

1. Highways license
2. Southern Water – application for connection to public sewerage
3. Southern Water – sewer investigation

Application Number: AWDM/1566/15

Recommendation – APPROVE

Site: 14 West Avenue & 36 Mill Road, Worthing

Proposal: Change of Use to restaurant with ancillary educational catering/dining classes and catering service (Use Class A3 with ancillary D1)

Applicant: Ms Ashee Azimi  
Case Officer: Matthew Porter

Ward: Marine



Not to Scale

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### Proposal, Site and Surroundings

This application was first presented to Committee in June last year. Members deferred the application to allow the applicant to submit more detail on parking and ventilation. After a lengthy delay, this has been received.

The proposal relates to one half of a building (originally one house but then subdivided into two) on the corner of West Avenue and Mill Road. It was last used as offices; with a 2001 permission to revert back to residential and permission in 2011 to a Health Spa, both unimplemented.

Mill Road is a busy road and bus route with commercial/community uses along it (to the east is the Quaker Meeting House), although its prevalent character is residential. West Avenue is residential, with houses and flats.

The site is in the Mill Road Conservation Area, and the Local List building is identified as a positive indicator. Trees on site are protected by Order. Two vehicular access points exist, one close to the Mill Road junction, the second to the boundary with 14B West Avenue.

Permission is sought to use No. 14 as a restaurant and cooking school with catering facility. In the applicant's own words, the proposed use will operate as follows:-

*"Because of the 'Grand' nature of the house, it is proposed that a restaurant offering Fine Dining is allowed to open at this location, seating a maximum of 20 covers. The style of cuisine offered will be a combination of a Steakhouse with some French, Italian, Swiss, Russian, Greek, Persian and English Cuisines as well as Sushi. There will also be a great deal of baking of cakes, scones, pastries, patisseries and desserts. There will also be artisan chocolates and Gelato on offer.*

*The biggest part of the business will be the provision of luxury afternoon teas. The primary style of preparation will be of Modern Cuisine persuasion and there will be a great deal of Sous Vide cooking.*

*On some evenings, it is envisaged that very small classes of up to 8-12 adults maximum will be held. Some examples of the types of classes that will be held would be the art of working with Chocolate, Cake making, different types of Sushi, Jam, preserve and Pickle making. Attendees would then enjoy their creations on the premises before going home. From time to time, guest chefs may be invited to teach about other types of food making and preparation.*

*The operation will not be a fast food restaurant, nor will it be an Indian, Chinese, Vietnamese, Thai or Fish & Chip restaurant. Heavy usage of a deep fat fryer is not envisaged. The amount of odour produced will therefore be Low to Moderate.*

*The permitted hours for the proposed venture are 8am to 9pm Mondays to Saturdays and 10am to 6pm on Sundays. Collections and Deliveries from and to the property will be between the permitted hours."*

The last evening class will finish by 9pm with customers having left the premises by 9.30pm. Deliveries will be by small vans. 8 off street parking spaces will be provided with turning space (the existing garage would be demolished).

### **Relevant Planning History**

AWDM/0897/11

Change of use of No. 14 West Avenue to a Health Spa

Approved Conditionally 16-03-2012

Appeal of condition Nos. 3 (use limitation to certain treatments) and 4 (operating hours) Allowed 15-11-2012. Condition 3 was varied to limit use to a health spa within D1. The variation of condition 4 to allow longer operating hours was not agreed.

01/00320

Change of use from office to residential dwelling

Granted 8.5.01

87/445

Change of use of property from residential to office use

Granted 30.6.87

## **Consultations**

### Consultation following submitted details

*West Sussex County Council Highway Authority (reported in FULL):*

***Dated 05/07/2017***

*The proposal is to change of use into a restaurant including a diners cooking school and outside catering facility. Further information was requested by the Local Highway Authority (LHA) on parking arrangements and on-street parking was requested in our response from the 21<sup>st</sup> March 2016. A car parking capacity survey and a further plan has been provided as per the LHA's recommendations. The proposals are accessed from West Avenue a 'D' class road subject to a 30 mph speed limit.*

### **Content**

*The application site has two vehicular accesses onto West Avenue. There are to be no changes proposed to these accesses. An adequate level of visibility appears to be available, taking into account the road layout. A review of the West Avenue junction indicates that, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the existing arrangements are not operating safely.*

*A provision of 5 spaces has been made available within the site for customers. The parking capacity survey has been undertaken on West Avenue which identifies that there is capacity available for this to be accommodated on the carriageway of this private road. West Avenue is not subject to enforceable waiting restrictions during the hours of proposed operation.*

*The LHA will 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.*

*The carriageway is circa 13m in width and provides sufficient space for another vehicle to pass a parked vehicle. We acknowledge local concerns over on-street parking, but what we're not able to control thorough planning is whether drivers choose to commit an offence. It wouldn't be possible to insert a condition on a planning consent that prevented drivers parking on the footway, as this is outside the control of the Applicant and is an offence in its own right. There are legal mechanisms for action to be taken to discourage this behaviour, enforced by either Civil Enforcement Officers or the Police. Parking on the footway can be considered to be a wilful obstruction of the free passage of a highway, contrary to section 137 of the Highways Act 1980. There are also some links to the Highways Act 1835 (section 32), Town Police Clauses Act 1837 (section 28) and the Road Vehicle (Construction and Use) Regulations 1986 (SI 1986/1038), which have been used successfully in proceedings brought about against drivers parking on footways.*

*It is common that when an establishment such as this opens it is not uncommon to have a 'honeymoon' period where the restaurant experiences a high level of trading, often encouraged by a promotion or an opening ceremony. This activity typically tails off after a couple of weeks as a more regular trading pattern is established.*

### **Summary and Conclusion**

*The proposed development is forecasted to generate an increase in the number of vehicular movements than has been generated historically by the site. However, these movements will be spread across the day. During these periods it is anticipated that there will be a small demand for temporary parking outside of the site but sufficient evidence has been provided to demonstrate this is available.*

*The LHA have reviewed data supplied to WSCC by Sussex Police over a period of the last 10 years. There have been no recorded injury accidents at either the junction with the public highway, nor in the vicinity of the site access onto West Avenue. There is no evidence to support the assertion that the junction is operating unsafely, or that the proposed change of use would exacerbate an existing safety concern.*

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

**Adur & Worthing Councils Environmental Health: Public Health and Regulation** *have been in discussion with the applicants of this proposed change of use since March 2016. Initial concerns were raised regarding the potential for nuisance to neighbours from the following elements:*

- *hours of operation;*
- *odour mitigation measures;*
- *noise from deliveries and associated with the catering service.*

*We consider that the proposed works to mitigate potential for nuisance to neighbours arising from odour and noise have been satisfactorily addressed, as follows:*

- *the confirmed delivery times and opening hours are considered acceptable;*
- *the proposed extraction system is acceptable in relation to the proposed cooking methods;*
- *the proposed cleaning and maintenance schedule of the extraction system is acceptable, providing that the addition of 'repair works as and when required' or similar is included to ensure any faults are swiftly and effectively remedied, to reduce the potential impact on neighbouring properties. The carbon filter specification in the summary section should be updated to reflect the possibility of a six monthly or annual change;*
- *the delivery times have been confirmed as Monday – Saturday between 08.00 hours and 18.00 hours and no deliveries to take place on Sunday;*



- the hours of operation have been confirmed as Monday – Saturday between 08.00 hours and 21.00 hours and Sunday between 10.00 hours and 18.00 hours
- WC provision is more than adequate

#### Original Consultation

**West Sussex County Council Highway Authority:** Further information should be provided on the parking layout at the site and the number of trips that the proposal is likely to involve. The Local Highway Authority (LHA) will be unable to give a definitive recommendation until this information has been provided. Whilst the applicant is invited to provide further information on these matters, the current application has been considered on its merits. The application site has two vehicular accesses onto West Avenue. There are to be no changes proposed to these accesses. The application form indicates that the proposal will include 8 off street parking spaces. Two spaces will be provided from the southern access with the further 6 provided from the northern access. Turning space is provided in each area. Given that there will be at least 3 staff on site it is considered that a proportion of these spaces would be taken up by staff. An assumption that dropping off and picking up will take place evenly can also not be guaranteed. It is still considered that there is the potential for parking to take place off-site. There are no enforceable restrictions along West Avenue and at the junction to the A259 (Mill Road) to prevent parking from taking place in locations that would be detrimental to highway safety. Mindful of the above, the LHA would advise that a parking capacity survey is undertaken along Western Avenue to ascertain: parking capacity - the amount of available parking space within the survey area and parking stress- the number of vehicles which are parked within the survey area at a specific time, most commonly at peak times of residential parking demand. Surveys between the hours of 22.00 to 05:30 must be undertaken on two separate weekday mornings (i.e. Monday, Tuesday, Wednesday or Thursday). Public holidays and school holidays should be avoided. Undertaking a survey on a date when an event is taking place locally may impact the results of the survey should also be avoided. The reason for selecting these times is to capture maximum demand for residential parking, i.e. when most residents will be at home. These two aspects combined will allow us to determine the level of parking available and if vehicles associated with new developments can be accommodated on street without impacting on existing residents parking amenity or highway safety. In terms of capacity, no information has been provided on the number of trips the proposal will result in over the existing use. In assessing trip generation and its impact, it is standard practice to do this on an hourly and daily basis in order to establish the day to day impact resulting from a development proposal. The LHA would request the applicant provides some further clarity on the existing and potential number of trips the proposal will result in over the existing use.

**Adur & Worthing Councils Environmental Health:** Although not planning issue, insufficient provision of toilets as there is only one WC for the restaurant (staff and school). In line with the Local Government (Miscellaneous Provisions) Act 1976, one WC represents a maximum of 24 covers for the restaurant. In terms of the Workplace (Health and Safety and Welfare) Regulations 1992, it's one WC to 5 employees during one shift. Need to minus 1-5 covers to include the staff. Then the "school". There are separate standards for schools. The Education (School

*Premises) Regulations 2012 - 1WC for every 20 pupils (not enforced by us) or the "school" is classed as a RELEVANT PLACE" means (under the Local Government (Miscellaneous Provisions) Act 1976): (a) A place which is normally used or is proposed to be normally used for any of the following purposes, namely: - (i) The holding of any entertainment, exhibition or sporting event to which members of the public are admitted either as spectators or otherwise; (ii) The sale of food or drink to members of the public for consumption at the place. (b) A place which is used on some occasion or occasions or is proposed to be used on some occasion or occasions for any of the purposes aforesaid; and (c) A betting office. There will be a requirement for between 0 and 49 persons, 1 WC for Gents, 2 urinals and 1 wash hand basin and 1 WC for Ladies and one wash hand basin. Therefore propose there is a separate WC for upstairs. Not sure if the downstairs WC can be used for disabled, since it's a change of use and a major refurb, a disabled WC will be required. Please may detail on the following be provided in order for Environmental Protection to comment: hours of operation; odour mitigation measures; noise from deliveries to the restaurant/catering facility; noise associated with the catering service (for example, loading/unloading, vehicle noise); noise through the party wall to adjoining property; noise from the restaurant business/customers/vehicle movements; details on extraction measures for odour and noise (the proposed kitchen location is currently a utility room. It is therefore assumed a new extraction system will be required). May the following be added/clarified in relation to this above application: Construction work shall not commence until a scheme for protecting the adjacent residential unit(s), has been submitted to and approved by the local planning authority. All works which form part of the scheme shall be completed before the development opens for business. The scheme shall be designed to achieve a minimum airborne sound insulation value of 48dB. The use hereby permitted shall not be carried on unless and until details of a suitable system for the extraction and disposal of cooking odours (including details of the extract fans, filters, fan units and ducting, together with the method of noise abatement, as well as details of grease traps and extraction hoods) has been submitted to and approved in writing by the Local Planning Authority. The equipment approved under this condition shall be installed before the use hereby permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions. No plant or equipment, including the kitchen ventilation and extract system, shall be operated on the premises except between the hours of operation as stipulated in this permission. Please may more information be provided in relation to the delivery and collection times associated with both the restaurant and external catering aspects of the business?*

## **Representations (summarised)**

### Consultation following submitted detail

Objection from Clerk of Worthing Quaker Meeting House: *Restate our comments. We do not accept Jamie Brown's statement. The survey of parking showing parking at 05:30 and 22:00, is wholly unrepresentative, contrived and artificial. The Quaker Meeting House is fairly heavily used facility morning, afternoon and evening. These times indicate minimum demand, not maximum. Surveys would be valid if under-taken mid-morning, mid-afternoon, and mid-evening, when parking places are in very short supply, and when restaurants plans to be open. Further, most residents have their own off-road parking. Noted surveys undertaken in Feb*

*when evening events (and visitors) are discouraged by the weather at time of year. Note meeting house frontage never belonged to Worthing Quaker Meeting, but to a housing association. Though pedestrian users of the Meeting House have a right of way; for decades our many hirers have advised those attending functions at the meeting house park in West Avenue. NB The survey states "the revised plan showed that the following can be comfortably accommodation in rear parking area (mill Road side of the premises)" Comfortable or not, the rear of the premises is the West Avenue side, not the Mill Road side. Note the revised ventilation design may produce the least amount of noise and least amount of odour – least is unspecified – but it is acknowledge in the survey that the amount of odour will be "low to moderate", and that the heavy duty acoustic gigabox fan has breakout noise. Our worship room, first floor, has a window on its west side that is needed for our ventilation and would permit intrusive noise and odour. We and our hirers particularly value the calm and peaceful ambience of our premises and garden, and especially of that meeting room, our worship being based on silence. We note the DEFRA Guidance quoted on page 4. It is hard to imagine the ventilation system would not cause noise or odour disturbance to immediate neighbours. Application describes the property as a stand-alone house on the corner. Really? It seems to be semi-detached (to #36 Mill Road) – or have the applicants purchased #36 (as implied by the allocation of a parking space in #36)? Now a sunroom attached to north of one or both properties. If properties combined, business becomes our immediate neighbor, exacerbating our concerns, and emphasizing relevant of DEFRA Guidance. Proposed hours would include those of our own worship and that of the many community meditative and creative groups that meet here.*

*Individual objections received from occupiers of Nos. 22 & 37 West Avenue, Nos. 6, 8 & 10 Westmead Gardens, and Flats 2, 3 & 6 'Pendle' 34 Mill Road, 118 Reigate Road, and Mrs D Cowley and Richard Battson (no addresses given), and an anonymous individual: Overreaching problem is that this a RESIDENTIAL area and property should remain as a RESIDENTIAL unit. The previous petition signed by 99 residents stands as objection to this proposal. Unhappy with proposed opening hours, which would be entirely out of character in this quiet and essentially residential area. Night time (And indeed day time) dining will cause noise and disruption to the nearby residents and no doubt adversely affect value of housing on the streets. New details confirm there will be noise and odour. What guarantees are there that the cuisine will not change and that heavy use of deep fat fryers will not happen. What does Low to Moderate odour smell like? What guarantees are there that specifications outlined will be adhered to? We all know the constraints that Local Authorities are under. What does the least amount of noise sound like? I appreciate why you did the parking survey at 5.30 and 22.00. However the issue is parking in the day. The road is already a "park and ride" for the bus stop into town and a car park from Friends Meeting House which is used as venue for a large number of groups as well as the Friends own meetings. Where will the restaurant customers park? Parking in Mill Road (a bus route) would be dangerous. I draw your attention to parking on A259 further into town. In last few years intersection of West Avenue and Mill Road has become extremely busy, such that it is now very difficult to exit West Avenue onto the main road. The increase in traffic caused by delivery lorries and other catering support services will make this considerably worse. Evidence by the decision by the council to install bollards on West Avenue to enable pedestrians to cross the road. This is residential area, and should be respect as such. Quite plainly concerns of so many people living in this solidly residential*

area have been more than justified, and indeed greatly magnified by these revised plans. Such project, obviously so 'out of place'. How would such an incongruous commercial presence enhance, or even be 'sympathetic' to the area. What proven and documented evidence is there that anyone other than the applicant needs or wants, what amounts to, yet another 'eatery' let alone on bang in the middle of a quiet and established residential neighbourhood? There is veritable plethora of eating establishments a short distance away suitably located with other commercial outlets. As you know, this includes the Toby Carvery. I would be grateful if you could kindly provide specific answers to the above questions at the forthcoming meeting. I am also very mindful and respectful of the points raised by those who represent interests of community, meditative and creative groups who use the area. Endorse fully the points raised by all other parties both originally and latterly following notification of revised plans. Surely, it is in no one's interest for such an unpopular venture to go ahead. It is appreciated that any council would wish to promote business and an entrepreneurial spirit, but not at the expense of common sense and upsetting a whole neighbourhood who has articulated very strong and practical reasons as to why going ahead with these plans would be completely ridiculous. Noise levels of a restaurant especially a training facility with young people are likely to be high. Object in strongest possible terms on every count. As resident in housing association on 34 Mill Road and as Warden to Worthing Quaker Meeting, echo of Worthing Quaker Meeting's Clerk. List of organisation that regularly meet in our premises that need to be noise-and-odour free: Acorn Painting Club, Worthing Art Club, Worthing Beaders, Bodisattva Buddhist Centre, Worthing Crafters Club, Embroiderers' Guild, Jewish Community, Sai S Piritval Eduction, Worthing Shirdi Sai Group, Spectrum, Spiritual Healers, Portrait Group, Worthing Townswomen's Guild, University of the Third Age U3A, Hand Embroidery Group, WAAGS Oil Painting Society, NHS Time to Talk, Breathwork/Mindfulness, Guild of Weavers. Spinners & Dyers, Worthing Camera Club, Voluntary Action Worthing, Transition Town Worthing, Global Justice, Tarring Art, smartart Group, Celebrations, White Eagle Lodge, TRIRATNA Buddhist Community, Mill Art Group, art classes, Reiki Healers, Worthing David R. Hawkins MD PhD Study Group, FHT Support Group and others. None of them have received notice of the plans. Attended Quaker Meeting House for 45 years. It has been a meeting house for 60 years. It is essential for the spiritual and meditative events held there that there are quiet surroundings. The proposal will ruin that. Will also ruin the quiet occupancy of the 6 flats in "Pendle", which are let for old or disadvantaged people. The owners have already before permission started having events and apparently noise right up until late at night. The hirers of the Quaker Meeting House are asked to leave by 9.30pm and be quiet in consideration for surrounding residents. Now submitted 2 anti-social reports to the Council regarding the behavior of owners/residents of 14 West Avenue. They now choose to hold gatherings on the front of their property and have gatherings of people with food, drink and excessively loud amplified music. Is this the sign that this how disruptive a restaurant will be in a residential area. I work shifts on critical work for the Railway and cannot be subjected to these ongoing disturbances. Parking once again raised a problem with large gatherings lots of cars lots of loud people leaving the area after 11pm at night. Use of loud fireworks at a wedding gathering. Resulting in a rocket striking a resident's car on the drive of 34 Mill Road. With so many empty retail premises in Worthing and surrounding area a suitable place could be found. Not in a residential setting with a prayer meeting house and care rest home within ear splitting distance of thoughtless people.

## Original Consultation

Petition of objection consisting of 90 signatures (89 residents and 1 visitor of West Avenue, Westmead Gardens West Avenue and Sussex Mews West Avenue): *Predominately residential neighbourhood. If granted result in the loss of a much needed residential unit. Understand this one of reasons for refusal of previous plan in 2011. Fact that the housing crisis is now even more acute reason equally valid. Contrary to LP policy H10 and CSD policies 7, 8, 9. In conservation area. Fatuous to say restaurant can be created without alterations to exterior. If change of use granted certainly lead to extraction vents and signage neighbour of which could be accommodate without substantial changes to the exterior together with loss of trees and other vegetation that fronts the boundaries. Parking provision woefully inadequate. Application states 4 additional spaces provided, one of which is disabled parking bay. No business running as a restaurant can survive on less than 20 covers. Clients will have to park on-street. West Avenue is already heavily congested most times including lunchtimes and evenings – times when a restaurant would need to be open – by residents parking, parking for users of the Friends Meeting Place (Quaker Centre) in Mill Road, or people leaving their cars and travel into town form bus stops. Lack of on-site parking will lead to clients having to park on Mill Road causing interruption to traffic flow. Cars park half on footpaths cause problems for footpath users. Pressure to introduce single/double yellow lines. Deliveries of food etc. during day by commercial vehicles as no in/out provision. Disturbance, noise and extraction smells will occur. Operation of restaurant will peculate smells into residential properties. Will lead to complaints. There will be late night noise from customer cars/taxis, noise from delivery/collection of waste, increased possibility of vermin/foxes, and unruly/rowdy behavior. All entirely unsatisfactory.*

20 Individual objections from occupiers of Quaker Meeting House rear of 34 Mill Road; Flats 2, 3, & 34 Mill Road; Flats 3, 6, 12, 29, 33 Westmead Gardens, Flat 1 12 Camber House, Nos. 2, 14B, 14C, 15 18, 20, 22, 31, 38 West Avenue; Mrs. D Cowley (no address given): *Strongly object. Preserve long-standing tranquil nature of vicinity, given substantial use of our building (though not immediately adjacent) not just by Quakers for mainly silent worship but for other meditation, counselling, religious, cultural, art and music appreciation activities; to avoid kitchen smells pervading the area; without parking facilities ourselves West Avenue is already fully in use for roadside parking. Garages in Westmead Gardens too small for today's vehicles therefore parking is required in West Avenue. Such a business completely inappropriate. Idea that such a business was to open wholly preposterous. Greater area already very well served by a large number of eating establishments and takeaways located in Goring Road. Cannot be a 'need' – ridiculously out of place. Would cause a greater deal of unhappiness and discomfort – surely this could not even be contemplated. 'Health Spa' turned down as recently 2011. Entrances very near a busy junction. Only 8 parking spaces are shown. Loss of amenity. Unruly behavior, shouting 'goodbye' etc. Closing at 10.30 could mean customers leaving up until 15 to 20 minutes later. Driveways blocked in evening and Police are called. Smells and odours. Section 9 –Yes not completed even through ticked. If just for educational training purposes, why do the premises need to be open until 22.30? Will alcohol be sold? Will restaurant be primarily educational/training affiliated to school/college? Will cooking on site be for home delivery purposes? What type of cuisine will be undertaken at the restaurant? Does this create a presidency for the*

*business to change to another leisure facility e.g. pub, wine bar, nightclub. Concern about it will look like. We can smell the Indian takeaway on Wallace Parade. Quaker meeting house is a place of silent worship. Application states 'external catering facilities' but Plan and Access Statement makes no reference to nature of an 'outside catering facility'. Statement is vague with insufficient details to properly assess nature of this use and impact. Environmental Health services should be consulted. Any required external ventilation equipment should be considered as part and parcel of this application. Properties to north and north east of kitchen location would experience cooking odours. Parking spaces would damage roots of existing mature trees. If not already protected by a Tree Preservation Order, they should be protected. Application refers to illuminated signage.*

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

National Planning Policy Framework (NPPF)

National Planning Practice Guidance

Worthing Core Strategy Policies: 3, 4, 6, 13, 16, 19

Worthing Local Plan saved policies RES7, H18, TR9

### **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. The Committee should consider the application in accordance with Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

### **Planning Assessment**

#### ***Principle***

The proposed re-use of this building will not involve the loss of a residential home; its planning use has not been residential for over 30 years. It has been offices since 1987. In 2011 planning permission was approved to change the use of the building to a health spa. There appears no intent to revert the building back to residential use (the 2001 permission to do so having lapsed).

Core Strategy Policy 6 requires a sequential approach be applied to certain uses outside of the town centre. The nearest retail district centre is Goring Road, which exhibits only limited vacancy. Given the niche format and modest scale of the proposal, it would not undermine the vitality and viability of the borough's retail hierarchy. Accordingly, the proposal would comply with Core Strategy policies related to retail and employment by securing sustainable economic growth and encouraging efficient use of land. The loss of B1 floorspace was accepted in 2011.

### ***Visual amenity, character and appearance of Heritage Assets***

The garage building to be removed is not worthy of retention, making an insignificant contribution towards the qualities of the Conservation Area. The verdant plot boundaries would remain.

The installation requirements of the extract system have been investigated fully. The sensitivity of the building and surrounding Conservation Area means it has been designed so that only the ductwork cap would protrude from the single storey off-shoot on the north side of the building. When viewed against the entirety of the building, this cap would be a discreet feature. Located well within the site and screened by trees, its impact on the wider Conservation Area would be marginal.

For these reasons, the statutory test for new development in a Conservation Area has been satisfied, and the proposal would be compliant with the Council's local design policy and national heritage policy set out in the National Planning Policy Framework.

### ***Trees***

The parking layout would have no material harm on the health and longevity impacts on the trees on or adjacent to the site.

### ***Accessibility and parking***

The site is located within walking distance to well serviced bus routes and West Worthing train station. 8 off street parking spaces are proposed (3 for staff, 5 for customers), with cycle parking for both. Adding more parking than shown would be resisted to avoid damaging the preserved trees and planting on site. The Highway Authority is satisfied with the parking provision and layout, and visibility at the point of access.

The planning officer has visited site several times. At no time was on-street parking difficult. A car parking capacity survey has been done; twice a day to capture the maximum demand for residential parking (i.e. when most residents will be at home). This includes survey times at midday and early evening as well as late evening and early morning, during both the working week and at weekends. With these results, the Highway Authority has rescinded their previous query on parking. The Authority is now satisfied there would be parking opportunities along West Avenue if there was a demand. Given the small scale of the proposal, the Authority is equally satisfied there will not always be a demand for temporary on-street parking along West Avenue. Demand from activity in the Quaker Meeting House is considered to be sporadic.

### ***Residential amenity***

The surrounding neighbourhood is mostly residential in character. Reflecting this, the health spa use was restricted to 9pm Mon to Sat and 6pm Sundays/Bank holidays (an appeal for later closing was unsuccessful).

Mill Road is a busy thoroughfare and the area is affected by traffic noise. However it is reasonable to surmise, as the Inspector did at appeal, that it becomes quiet late in the evening and also on Sundays and Bank Holidays.

The proposed business model has been adjusted so it would operate to the same operating hours as the health spa and not extend into anti-social times. Outdoor dining is not proposed. No amplified music /PA system is proposed. Noise and disturbance from customers would therefore be largely confined to inside the building and not intolerable; the reception desk is accessed from Mill Road and the restaurant lounge faces the street rather than neighbour's private gardens. Overlooking would be no worse than that experienced with health spa and office uses. Whilst a visit to a restaurant is more of a social affair than a health spa, both uses would attract couples and groups arriving and leaving together. The evening classes would involve limited numbers.

The Council's Environmental Health team is satisfied the proposed extract system would not result in adverse noise and odour pollution onto neighbours. Equally acceptable are the delivery times and openings hours. The extract system would not operate outside opening hours. The required update to the carbon filter specification can be secured by condition. The delivery times can be restricted to Environmental Health's stated preference.

Therefore this proposal is not considered to unacceptably diminish the level of residential amenity enjoyed by neighbouring occupiers (including the Quaker Meeting House and 14B West Avenue, both of which have windows facing onto the site), and complies with saved Local Plan Policy H18 and the provisions of the National Planning Policy Framework.

## **Recommendation**

It is unclear why this building has remained empty for so long; a suitable alternative re-use of the building would benefit the Conservation Area. Adjustments to the proposed business model means the proposed use would no longer be un-neighbourly. It should be noted the approved health spa would have generated vehicle trips and comings and goings of its own. The previous parking and ventilation shortcomings have been addressed; the professional consultees are now satisfied.

## **APPROVE**

Subject to the following conditions:

1. Approved Plans
2. Standard time limit
3. No commencement of use until updated cleaning and maintenance schedule of extraction system agreed by local planning authority and extraction system installed in accordance with approved schedule and details. Thereafter operated in strict accordance with approved details
4. No commencement of use until parking layout (demarcated spaces and turning) provided on site in accordance with approved plans. Retain thereafter



5. No commencement of use until cycle parking provided on site in accordance with approved plans. Retain thereafter
6. No working, trade or classes except between 8am – 9pm Mon to Sat and 10am and 6pm Sunday and Bank/Public Holiday. The site shall be vacated of customers and associated staff activity shall cease within half an hour of this closing time
7. No arrival, reception or dispatch of deliveries except between 8am – 6pm of the same day Mon - Sat
8. No customer use of the outdoor space except for smoking and pedestrian and vehicular access to and from the building and the parking court
9. No storage of trade good or deliveries except inside the building
10. No amplified music /PA system inside or outside
11. No external lighting unless details agreed
12. Notwithstanding “pd” no external alterations/extensions to building
13. Notwithstanding “pd” no external plant or machinery except as approved under this permission
14. Notwithstanding “pd” Use Class Order premises used only as applied for

6<sup>th</sup> September 2017

Application Number: AWDM/0712/17

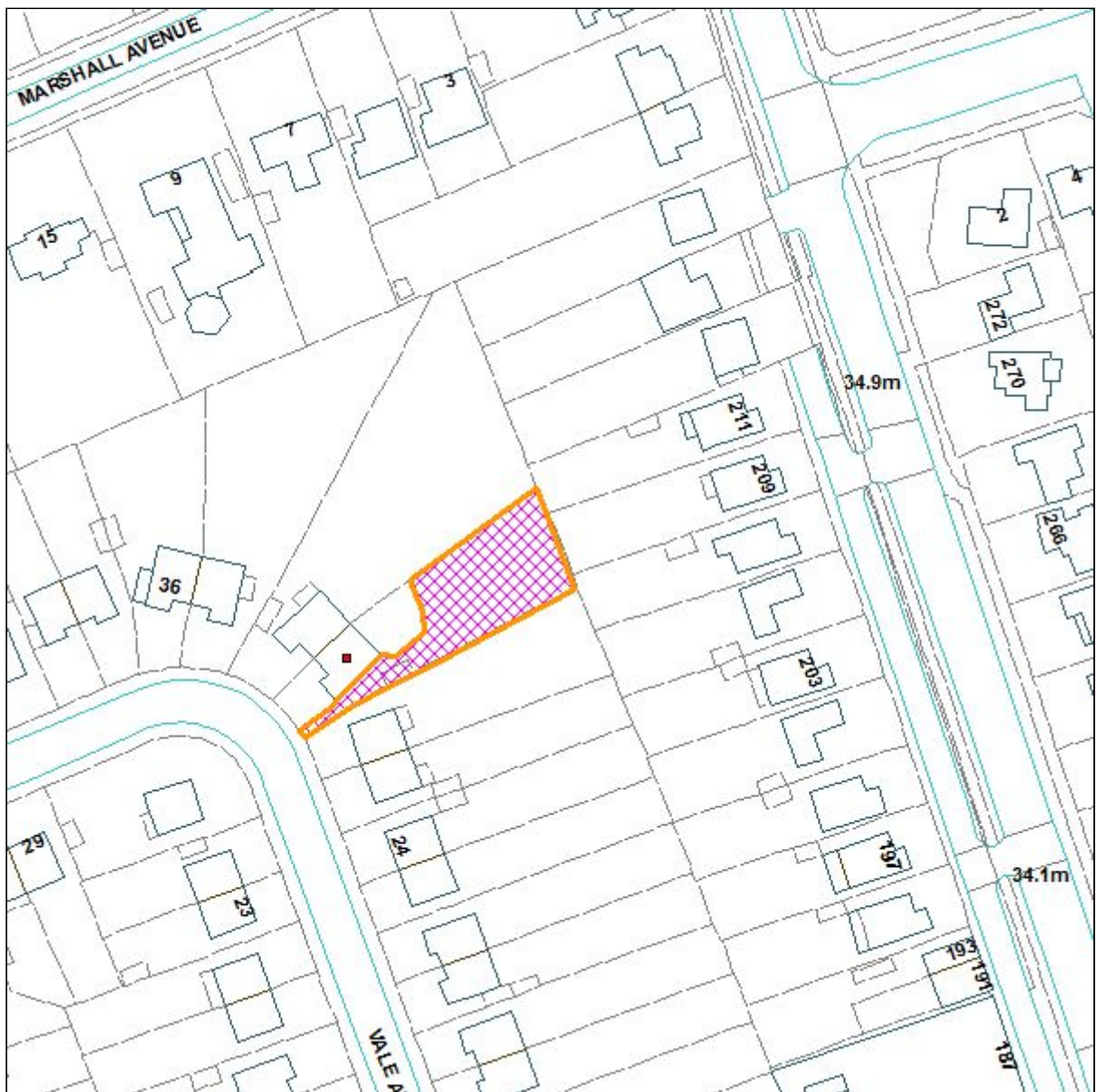
Recommendation – Refuse

Site: 30 Vale Avenue Worthing West Sussex BN14 0BY

Proposal: New 1 x 3 bedroom dwelling in rear garden with detached garages

Applicant: Mr Thomas Burton  
Case: Peter Devonport  
Officer:

Ward: Offington



Not to Scale

## **Site and Surroundings**

This application relates to the site of a semi-detached inter-war bungalow on the west slope of Findon Valley in a residential suburb of similar low density housing. In this respect the existing bungalow follows the recessed building line, although due to its position on a bend, is angled in relation to the road. It benefits from a deep rear garden, which fans out slightly due to its position on a bend and is served by a narrow driveway leading to a small detached flat roofed garage set mostly behind the property. This abuts the boundary with its southern neighbour at No. 28.

The property is typical of the area in that it has a hipped tiled roof and rendered and brick walls and some period features. A rear dormer has been added and also a rear raised terrace.

The ground generally slopes downwards from west to east and also from north to south. A shallow basin has been excavated at some time in the NE part of the rear garden. The back garden is mainly lawned but at the rear end and adjacent to the boundary with No. 28, there is dense shrubs and trees (all unprotected).

The property's paired semi neighbour at No. 32, sits to the north. It has a still larger rear garden which fans out expansively. This neighbour recently secured permission to build two backland bungalows in its back garden under AWDM/0418/16. The plot was enlarged and the proposal slightly modified under AWDM/0059/17 and to include part of its northern neighbour's (No. 34) back garden. Works to clear the site to enable the implementation of the permission have begun and a 1.8 ms tall close boarded boundary fence installed.

The finalised scheme shows 2 sizeable, two bed bungalows with hipped roofs at the back of the site, accessed from a driveway between Nos. 32 and 34, both with garages. No. 32 is left with a reasonable rear garden and forecourt parking.

The neighbour at No. 28 is the nearest of a pair of semi-detached inter-war bungalows facing directly on to a straight section of Vale Avenue. It has added a rear conservatory and car port on its northern side which abuts the boundary with No. 30. There are facing flank windows serving habitable rooms.

At the rear of the site are the more modest back gardens of the bungalows/chalet bungalows at Nos. 207 to 211 Findon Road.

Opposite are similar bungalows to No. 30.

There is no relevant planning history.

## **Proposal**

Outline planning permission is sought to build a new three bedroom chalet bungalow in the back garden of No. 30. Only layout, scale and appearance are for determination: access and landscaping are Reserved Matters for future consideration.

This chalet bungalow is sited partly in the lawned basin area but also in the densely treed/shrubbed area and lines up broadly with the approved new dwelling at the back of No. 32. A new detached garage sits in the NW corner serving the new dwelling and is paired with a new replacement garage for No. 30 itself, to the west. The latter also backs onto a new garage serving the approved new bungalow at No. 32. Open parking for a further two cars is shown.

The new dwelling is situated between 1.2 and 2ms from the eastern boundary with No. 28 and between 2 and 5 ms from the northern boundary with Nos. 207 to 211 Findon Road. It is 5 ms from the western boundary with No. 32 and its garage 0.5 ms away. The distance between the new dwelling and the retained No. 30 is 22-24 ms.

The new dwelling is served by the existing vehicular access adjacent to No. 28, the drive way for which is expanded beyond No. 30 itself to provide a turning area for the two new garages.

The 3 bedroomed chalet bungalow is L shaped in footprint, with a width of 11.5 ms and depth of 11ms. It faces west to No. 32 and its basic form is a rectangle with pitched roof and gable ends orientated on SW/NE axis which provides the upper floor of accommodation. A single storey hipped element projects to the NW. A hipped roof dormer looks south.

The ridge of the roof is 5.9 ms tall and eaves on the pitched roof are 2.28 ms. The gables have windows serving bedrooms and the dormer window serves the stairs. There are high level rooflights on its north elevation serving en-suites. The garages also have hipped roofs and are 6.1 deep and, together, 5.48 ms wide with a ridge height of 4.4 ms.

The new dwelling and garages are faced in brick and flint panels and roofs in tiles to match the existing. The drive is to be tarmacked and the boundary treatment 1.8 ms tall timber fences/chain linked fence.

The indicative plans show most of the back garden trees/shrubs are shown as lost but three trees are retained on the southern and western sides.

## **Consultations**

### **Southern Water**

*Southern Water requires a formal application for connection to the public foul sewer to be made by the applicant or developer.*

*We request that should the application receive approval the following informative is attached to the consent:*

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

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

*Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:*

*Specify the responsibilities of each party for the implementation of the SUDS scheme*

*Specify a timetable for implementation*

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

*Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".*

*The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.*

### **West Sussex County Council - Highways**

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

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

*The proposed is for a new 3-bedroom dwelling to rear of no. 30. The existing vehicle access from the unclassified Vale Avenue will be utilised. A new garage per dwelling is proposed as is additional space fronting these providing two spaces per dwelling. The garages appear smaller on the Block Plan and the floor plan shows*

*that these are short of the required 3m by 6m internally each to count toward parking provision. There does however appear to be sufficient space to enlarge these without impacting on the space available within the site to turn and thus exit on to the public highway in a forward gear. Details of the amended car parking space within the garages can be secured via condition.*

*The LHA do not anticipate a highway capacity or safety issue as a result of the proposed. The scheme is therefore in line with principles set out in paragraph 32 of the National Planning Policy Framework whereby the development is not considered to have a 'severe' impact on highway safety.*

*If the LPA are minded to approve the application the following conditions should be secured:*

*Car parking space (details required)*

*No part of the development shall be first occupied until the car parking spaces (garages) have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.*

*Reason: To provide car-parking space for the use.*

*Cycle parking*

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

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

*Post script*

*The neighbouring property had a similar scheme for residential development in the rear garden for which I consulted our Water and Access Manager. Considering the similar layout, I believe his comments – pasted below – would apply to this application also:*

*They will need to install domestic sprinklers as there is insufficient space on site to turn a fire appliance and also it may be difficult to access the driveway without splaying the entrance from Vale Avenue. The suggestion of a turning part way into the driveway would not be a solution as an operating area needs to be at least 5 mtrs clear in width to allow firefighters to exit the vehicle, off load and carry ladders and access side locker for equipment.*

*Providing sprinklers and meeting such requirements would form part of the building regulations stage.*

*As a single dwelling is proposed, the single vehicle width access is considered suitable, as chance of conflict would be negligible. Furthermore, Vale Avenue is unclassified highway where traffic and speeds are anticipated to be low. Neighbouring properties do not have a turn on site and there is no evidence to suggest they have been operating with evidence of highway safety concern.*

*However the vehicle access does appear to be only 2 metre wide and as Manual for Streets advises that a single car width including mirrors is 2 metres this does not leave much space to negotiate the access within the site from a practicality point of view – though would not cause a highway safety concern. I also note this access drive is used currently to access the existing garage thus this manoeuvre must be possible.*

## **Drainage Officer**

*The proposed site lies within flood zone 1 and appears to be unaffected by surface water flooding. There is no record of the site flooding. Proposals for the development are similar but smaller to those proposed for no 32. Therefore my comments are similar.*

*There is a significant change in ground coverage in this proposal, roofs, driveways and parking areas. Whilst the driveway is to be created using permeable pavements a proper assessment of the newly created hard surfacing is needed and then as the applicant has indicated the intention to use sustainable drainage, which I would suggest will be soakaways combined with the pavements, the applicant needs to assess if the use of soakaways is viable on this site, which his neighbours proved. The proposed location for the soakaway will need to be more than 5m from existing or new structures, and there will need to be a soakage test undertaken at each location to ascertain if a soakaway will adequately empty. There appears from the drawings to be sufficient area to adequately site soakaways, for the two new properties but the new access road may present a problem.*

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

*In the absence of any ground investigation details or detailed drainage details in support of the application we request that should approval for these new builds be granted it be conditional such that 'no development approved by this permission shall commence until full details for the disposal of surface water has been approved by the Planning Authority.*

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

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

## **Representations**

Objections have been received summarized as follows: 28 Vale Avenue, 207, 209, 211, 213 Findon Road and 7 Marshall Avenue.



## 28 Vale Avenue

- *Whilst the gardens of 28 and 30 Vale Avenue slope down away from the houses on each property, the apex of the roof of the proposed dwelling will be some 5.92-6.02 m above ground level and just 1.2 m from the existing boundary line at its closest point. Given the significant difference in levels on the site it is unclear from where on the site ground level will be taken and therefore the overall height and visibility of the dwelling from 28 Vale Avenue.*
- *Assuming that ground level is taken from the lower of the two existing levels, this will have a significant adverse impact on her visual amenity. If however the different levels are levelled off, the overall height, bulk and mass of the proposed dwelling, relative to 28 Vale Avenue, will be even greater, further impacting on my mother's visual amenity.*
- *Whilst the garden contains mature trees/bushes on this boundary they will not fully screen the proposed substantial structure. The proposed dwelling may therefore partially obscure previously clear views over the Downs. The mature trees within the garden of No. 30 appear to be removed if the application is approved. The views across the Downs was a primary reason for purchasing the property and the proposed development if built will inevitably have a negative impact on the marketability, and in consequence the value, of my mother's property.*
- *The mature vegetation on the boundary, just inside 30 Vale Avenue, will presumably be lost during construction given the nominal distance of 1.2 m from the boundary and to allow light into the dormer window at first floor level although it is noted that this is over the stair well and should not result in a loss of privacy. This vegetation would have gone some way to obscuring the proposed development.*
- *The front of the new dwelling will look up the garden of No. 30 and into my mother's property resulting in a loss of privacy.*
- *The proposed development will result in the demolition of the existing garage at No. 30 which forms the boundary with No. 28. The development if approved will involve the construction of a significant area of hardstanding to access 2 proposed garages to serve the existing and proposed dwelling. This will result in vehicle movement deep into the rear garden with associated noise and disturbance. It may also give rise to land drainage issues given the topography of the area.*

## 207 Findon Road

- *We STRONGLY OBJECT to the current plans submitted for the proposed property on the grounds that our rear garden would be overlooked in its entirety by the east facing and south facing 1st floor windows shown on the plans and, in addition, our bedroom and lounge would be totally exposed to the proposed property's occupants thus severely affecting our privacy within our own home. This is entirely unacceptable.*



- *We note that there is currently an approved build being started at 32 Vale Avenue of two bungalows and two detached garages and that this precedent might affect any agreement of planning. However, there is a very clear difference. The previous planning consent for 32 Vale Avenue was granted for two bungalows which are single story, not two and, therefore, are not high enough to invade the privacy of any of the neighbouring homes or gardens, unlike the proposal for 30 Vale Avenue. The proposal statement on the application is rather misleading. It states "The dwelling has been designed to match the proposed dwellings to the rear of the adjacent property to the north for which planning permission has already been granted (AWDM/0418/16, AWDM/0059/17 and AWDM/0106/17 refers) These properties do NOT match and, therefore, to use the planning approval of one application to try and gain approval of another is questionable.*
- *We will lose every bit of privacy we currently enjoy as our rear garden is not currently overlooked by ANY of the surrounding properties. This was one of the key features when deciding to purchase our new home which we completed only six weeks ago. The current design of the proposed property at the rear 30 Vale Avenue will affect our privacy in the most detrimental way.*

#### 209 Findon Road

- *I am objecting to the plans submitted for the proposed property being built directly behind my property on the grounds that my rear garden would be overlooked in its entirety by the east facing 1st floor windows shown on the plans and, more worryingly, my lounge and private living area would also be totally exposed to the proposed property's occupants thus completely affecting my privacy within my own home.*
- *I have huge concerns about the double doors and two windows shown on the ground floor East Elevation plan. The current garden, where the proposed property would be built, is much higher than my own garden and house and, therefore, would also be looking directly down into my garden and into all the rooms across the back of my property as well. It would be wrong to invade my privacy this way and is unacceptable to me. I am not presently overlooked in anyway.*
- *I note that there is an approved build being started at 32 Vale Avenue of two bungalows and two detached garages and that this precedent might affect any agreement of planning.*
- *However, there is a very clear difference. The previous planning consent for 32 Vale Avenue was granted for two bungalows which are single story, not a two story dwelling and, therefore, not high enough to totally invade the privacy of any of the neighbouring homes or gardens, unlike the proposal for 30 Vale Avenue.*

## 211 Findon Road

- *I would like to formally object to the current plans submitted for the proposed property on the grounds that my rear garden would be overlooked by the east facing 1st floor window shown on the plans. Also my lounge and private living area would be exposed to the proposed property's occupants which would obviously affect my privacy within my own home.*
- *I have some concerns about the double doors and two windows shown on the ground floor East Elevation plan. The current garden, where the proposed property would be built, is higher than my own garden and house and, therefore, would also be looking down into my garden and into some of the rooms across the back of my property. I feel it is wrong to invade my privacy this way.*
- *I know that there is an approved build being started at 32 Vale Avenue of two bungalows and two detached garages and that this precedent might affect any agreement of planning. However, there is a very clear difference. The previous planning consent for 32 Vale Avenue was granted for two bungalows which are single story, not two, unlike the proposal for 30 Vale Avenue.*

## 7 Marshall Avenue

- *I obviously know that planning was granted to build over the back of my property. At site 30 Vale Avenue, My query relates to whether there were any conditions to the order relating to sympathetic planting on the borders to my property. I wasn't happy when I received the planning details but there were no grounds by which to protest according to the allowed reasons to do so. However I am very surprised at the amount of trees and shrubs that were in the border line and therefore not necessary to cull in order to build the proposed bungalows. I asked the owner how much if the trees on the border were being felled but he said he didn't know! Obviously I am very upset at the view I now have out my garden. Photos attached*

## **Relevant legislation**

The Committee should consider the planning application in accordance with:

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

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

## **Planning Assessment**

The principal issues raised by this proposal are:-

- Principle, form and design of residential accommodation
- Impact on the amenity of future occupiers and neighbours
- Access and parking
- Impact on trees, wildlife
- Precedent

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 the Council cannot demonstrate a current 5 year supply of housing in respect of Objectively Assessed Needs and the Council needs to assess the housing delivery strategy set out in the current Development Plan. A Housing Study has recently been published to this end and further work is being advanced to assess the local economy. A revised Local Development Scheme which commits the Council to undertake a full review of the Core Strategy and prepare a new Local Plan for the Borough has been produced.

As such the proposal should be principally assessed in relation to the presumption in favour of sustainable housing development as set out in paragraphs 14 and 49 of the NPPF and informed by saved Worthing Local Plan Policies H18; TR9, and RES7, and Core Strategy policies 7, 8, 9, 15, 16, 17 and 19; the policies set out in National Planning Policy Framework and allied Practice Guidance; Worthing Borough Council Supplementary Planning Documents on Residential Space Standards and Guide to Residential Development and Development Contributions Consultation Draft; Strategic Housing Land Availability Assessment (2014); Worthing Housing Study; Strategic Housing Market Assessment; Community Infrastructure Levy Charging Schedule (2015); West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003); West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSCC 2010). The National Planning Policy Framework 2012

### **Principle of residential accommodation**

The Core Strategy's housing provisions predate the National Planning Policy Framework and do not provide for the prescribed 5 year housing supply informed by an Objective Assessment of Housing Need.

However, whilst the Core Strategy recognizes the additional contribution windfall sites, such as the application site may bring, overall, the benefits in terms of contribution to helping housing supply are marginal from the one additional dwelling proposed and unlikely to be determinative.

On its merits as a housing site, in very broad terms, the site is sustainable to the extent that it lies within an established residential outer suburb in the urban area. It is accessible, with buses along Findon Road and shops and local facilities reasonably closeby.

Policies 8 and 9 of the Core Strategy set out the general spatial strategy for new housing. In broad terms, they support limited residential infilling in suburban areas and development within existing housing plots where family housing is predominantly proposed and existing family homes safeguarded.

This approach is fleshed out in detail in the adopted SPD 'Guide to Residential Development'.

Here, it is very clear that the type of development proposed in this case - *backland housing*- is specifically and strongly discouraged, as set out in the following extracts

para 4.25

*'Whilst some infil development can provide a welcome addition to the Borough's housing stock, backland housing development is generally regarded as an inappropriate form of development in the Borough and will be resisted in most cases.*

4.27

*An important consideration when considering the appropriateness of any proposal for backland development will therefore be whether the garden land in question is considered to be of significant importance in the urban structure, is of scenic importance or provides wildlife value. If one or more of these apply and the value of the green infrastructure is significantly eroded without adequate mitigation / compensation then its loss will normally be resisted.*

4.28

*The NPPF at paragraph 53 allows LPAs to set policies to resist the inappropriate development of residential gardens (defined as greenfield land), for example, where development would cause harm to the local area.*

4.29

*A particular form of backland development that occurs in Worthing is **Tandem Development**. This is a form of backland development where a new dwelling is placed immediately behind an existing dwelling and served by the same vehicular access. It is often located at the rear of a long garden associated with one dwelling. Whilst this form of development may often make an efficient use of a large back garden associated with the primary dwelling, it is more often than not an anomalous*

*and contrived form of development that makes little contribution to local distinctiveness. Dwellings often sit deep in the site and are adjacent to the quiet private gardens of the neighbouring dwellings. It is generally unacceptable because of the impact on the amenity of the dwelling(s) at the front of the site.*

#### *4.31*

*Backland development, particularly for new residential units, can have a significant impact on amenity, neighbouring properties and the character of an area. As previously mentioned the Council has a particular concern over the impact that certain types of backland development can have. The aim of the Council is to try and balance the provision of additional homes and contributing to meeting housing need and protecting the amenities of the new and existing residents. The Council acknowledges that there may be circumstances where some forms of backland development may be appropriate. To minimise impact on the surrounding area and neighbouring amenity, proposals for backland development need to consider the following:*

- *Development must not be more intensive than the existing development on the adjoining street frontage. Frequently backland development is single storey so as not to impose on the surrounding area. Backland development should echo the characteristics of existing neighbours.*
- *The degree of overlooking to neighbouring gardens must be minimised.*
- *Spacing between facing windows of habitable rooms. There should be no windows on the boundary between the backland development and existing properties to protect neighbours' privacy. As far as possible, the orientation of backland development should relate to that of the existing surrounding buildings i.e. dwelling backs facing dwelling backs and fronts facing fronts. Windows should look into the proposal site, rather than outwards where possible.*
- *The potential negative impact of noise nuisance.*
- *The potential negative impact of vehicular fumes.*
- *Impact on natural habitat including trees, vegetation and wildlife and any mitigation that might be required.*
- *Careful consideration will need to be given to potential impact on sensitive landscapes such as: the South Downs National Park.*
- *Backland development must integrate with existing landscape features.*
- *Access to the new backland development including vehicular, pedestrian and cyclists. It must be of adequate width to allow vehicular access to the development site as appropriate. This includes access for servicing and emergency services.*

- *There must be space within the backland development for refuse storage and consideration will need to be suitable for suitable refuse collection arrangements.*
- *Maximising security and surveillance through design.*

4.32

*The above are key considerations for all new residential developments but in the case of backland developments, they will be applied even more rigorously.*

4.34

*A backland or infill development should therefore, contribute to the character of the existing locality. In broad terms, a proposal that fails to complement the local area in terms of design, density levels and layout will be refused.'*

Judged against this framework, the principle of the proposal is considered unacceptable. It entails the loss of part of a rear garden which forms part of a swathe of green infrastructure of similar gardens that defines and separates the built form in Vale Avenue from other suburban housing in Marshall Avenue and Findon Road. Built development of any scale here inevitably erodes the open, green character of the area and relates poorly to the urban grain, street character and function. It lacks any meaningful sense of place or sympathy with local distinctiveness.

This adverse impact is compounded by the proximity of the development recently permitted at neighbouring No. 32 under AWDM/0059/17. Three significantly sized dwellings and the same number of garages would sit cheek by jowl at the back of the frontage bungalows and undermine still further the traditional and established relationship between street dwelling and back garden so characteristic of the pattern of development. Such incremental backland development is unsatisfactory and advances a process of urban coalescence.

The principle of backland development here would therefore be detrimental to the character and appearance of the locality and as such contrary to Core Strategy policy Guide for Residential Development SPD and the National Planning Policy Framework.

## **Form and Design**

As a composition, in itself, the proposed chalet bungalow is of no particular architectural merit but acceptable, with harmonious facing materials. The garages are likewise satisfactory

More importantly, however, is the proposed chalet bungalow's substantial size and siting, close to the southern boundary with No. 28 and eastern boundaries with Nos. 207-211 Findon Road. This is a tight and unsatisfactory relationship between plot and dwelling and lends the development a cramped, awkward and contrived appearance. The scale of the nearby cluster of three garages (including proposed

new garage at No. 32) tight to the SW corner adds to the appearance of a somewhat shoehorned, cramped development.

Not only would the dwelling's assertive size and poor relationship to plot be apparent from neighbouring properties, but also from the street in between No. 28 and No. 30, particularly along its straight drive; properties higher up the slope and from Vale Avenue as it turns the bend, despite being set back by 42 ms and on lower ground. The taller western gable would be particularly obtrusive. The discordant gabled roof form in a street where hipped roofs prevail, its scale and the engineered drive and access, necessary to serve the new dwelling and parent bungalow would also serve to draw attention to its presence.

The siting, form and scale of the proposal would therefore conflict with Policy 16 of the Core Strategy; The Guide to Residential Development SPD and the NPPF, *failing to display a good quality of architectural composition and detailing as well as respond positively to the important aspects of local character, exploiting all reasonable opportunities for enhancement.*'

### **Neighbour and future occupiers' amenity**

The neighbours principally affected are the occupiers of the parent bungalow at No. 30; the flanking neighbours to the south at No. 28; the neighbours to the east at Nos. 207 to 211 Findon Road and the future occupiers of the approved new bungalows at the rear of No. 32.

The occupiers of the parent bungalow at No. 30 are just sufficiently remote to avoid any significant harm to the privacy, light or outlook from the rear elevation of their bungalow itself, but there would be overlooking from the west gable bedroom window to No. 30's truncated rear garden, which is otherwise relatively private. The garages would prevent overlooking from No. 30's rear dormer to the north garden of the new chalet bungalow, supplemented by any surviving trees.

The occupiers of the parent bungalow at No. 30 would also suffer some disturbance from use by vehicles and pedestrians of the open, shared drive and use of the new garage and turning head. Some mitigation would arise from the fact that two of the three flank south windows of No. 30 facing the drive appear to serve a bathroom/toilet and the other, larger, window appears to be secondary to the main rear facing windows of the bungalow. All have raised cills due to ground levels. However, the open arrangement of the drive is far from ideal.

The dwelling at No. 28 is just sufficiently remote from the proposed new chalet bungalow not to entail a significant loss of privacy. However, any reduction in the depth and height of the current border planting there would result in overlooking from the south west bedroom window in the gable of the new dwelling to No. 28's garden. Certainly, the current border planting in No. 30's garden would be lost to provide the drive and turning head, and, likewise, the current substantial planting at the bottom of No. 30's garden bounding No. 28 and the bungalows in Findon Road. The SE facing dormer only serves an en-suite but its proximity and aspect would give rise to the perception of overlooking and compound the above.

By the same token outlook from No. 28's rear facing windows and from its garden would also suffer markedly and be somewhat overpowering in the back garden itself.

It is recognised that the existing arrangement results in traffic running past the flank of No. 28 to No. 30's garage. However, the proposed arrangements would result in double the traffic using the drive but also using turning heads and garages deep into the back garden and would add to the unneighbourliness of the development from engine/doors banging/in car music systems and fumes.

The proposed chalet bungalow is also close to the eastern boundaries with Nos. 207-211 Findon Road. These bungalows are sufficiently remote to avoid overlooking from the new dwelling's NE gable window. However, overlooking to the rear gardens of these neighbours which are markedly shorter than the Vale Avenues rear gardens, would, despite the boundary planting on the Findon Road side, occur, given the current substantial boundary planting in the application site would need to be removed. Loss of outlook would also arise from the gardens of these neighbours for similar reasons

The new dwelling meets the relevant internal floorspace and garden space standards. The outlook is, nonetheless, poor from its main northern part of the garden due to the proximity of the approved new bungalow at No. 32 whose 13ms depth is as close as 10 ms from the French doors of the proposed new chalet bungalow.

As such the proposal fails the tests of Saved Worthing Plan Policy H18; Core Strategy Policy 8 and Guide to Residential Development SPD and NPPF.

### **Access and Parking**

The site is sustainably located within the urban area, close to local facilities and buses and is served by an existing adopted estate road and entrance.

Although a Reserved Matter, the Highway Authority does raise some queries over the garage size and access drive width but is satisfied that compliant garages and access are achievable, if tight.

It also notes the concerns that were raised over fire safety for the approved dwellings at No. 32 but again is satisfied that any limitations on fire tender access may be addressed under Building regulations through use of a sprinkler system.

Otherwise, it considers the additional traffic on the network would be marginal and raises no objections, subject to suitable conditions to secure cycle and car parking provision.

### **Trees and Wildlife**

Landscaping is a Reserved Matter in this application and so the plans are indicative only.



Currently the rear of the site is particularly well endowed with trees and shrubs. These are attractive and do help screen the site but are essentially ornamental and unprotected and may be felled at any time.

Most, if not all, the trees and shrubs would necessarily be lost to build the proposed development and since no tree survey or formal proposed landscaping details are submitted, it would be unwise to rely on even the three mature trees shown on the plans as being retained.

## **Precedent**

Precedent is material consideration but although often of limited weight and individual applications remain to be determined on their merits.

The two backland bungalows approved in the back garden of neighbouring No. 32 (and 34) under AWDM/0418/16 and AWDM/0059/17 are relevant.

AWDM/0418/16 was recommended for refusal by your Officers on grounds of:

*The proposed development by virtue of its backland location, extent of built form, location of its vehicular access and proximity to existing dwellings would fail to reflect the pattern of development in the locality and therefore would adversely affect the visual character of the area and the amenities of neighbouring properties. The proposal therefore fails to comply with government guidance as set out in the National Planning Policy Framework, saved Local Plan policy H18 of the Worthing Local Plan 2003, policy 16 of the Worthing Core Strategy 2011.*

The Planning Committee at its meeting on 1.6.16 overturned the recommendation, partly on the basis of the supporting information submitted with that application which stated:

*The supporting information states that the bungalows will be equipped and designed for those who are physically disabled. One of the bungalows would be occupied by the sister of the applicant (the applicant being her registered carer) whose condition is stated to have deteriorated over recent years and is unable to adapt her existing property. The proceeds of the sale of the second bungalow would ensure 24 hour care support could be provided for the applicant's sister*

As such, the Committee considered that the special circumstances of that particular application justified the grant of permission.

The current proposal is considered to be materially different to the recently approved schemes, as there are no identified special circumstances and in any case the approved schemes are single storey and contained within a larger plot. The cumulative impact of another dwelling in this backland location is also important.

Locally, numerous schemes have been rejected on the basis of their backland location and several appeals won upholding their rejection

## **Conclusion**

Significant and demonstrable harm has been identified with this development which outweighs the benefits of the new dwelling. It is not sustainable and is unacceptable.

## **Recommendation:**

**REFUSE** for the following reasons:

1. The proposal by reason of its form and location would fragment and erode the integrity of a structurally important tract of open land and advance an unsatisfactory coalescence of built development to the detriment of local character and the pattern of development. The piecemeal, backland development, itself is also a discordant, contrived and awkward form of building which relates poorly to the urban grain and street character, lacking sympathy with local distinctiveness. By reason of its siting, design and size, the new development relates poorly to the plot itself appearing, tight, contrived and awkward, and, in conjunction with its access, would be viewed from the street and nearby properties as alien, unduly assertive and obtrusive. As such it is contrary to Core Strategy policies 8 and 16: Worthing Supplementary Planning Document: Guide to Residential Development; the National Planning Policy Framework and Planning Practice Design Guidance - DCLG March 2014 and does not qualify as sustainable development.
2. By reason of its siting, design and size and access, parking and turning arrangements, the proposal would result in loss of amenity to the neighbouring properties, including at No. 28 Vale Avenue and at Nos. 207 to 211 Findon Road, in respect of loss of outlook and privacy and traffic disturbance. The future occupiers of the proposed dwelling would also suffer a poor outlook from the implementation of the extant consent for two bungalows at the rear of No. 32 under AWDM/0418/16 and AWDM/0059/17. This would be to the detriment of their living conditions, contrary to policies 8 and 16 of the Core Strategy, saved policy H18 of the Local plan, Supplementary Planning Document - Guide to Residential Development November 2013 and the National Planning Policy Framework.

6<sup>th</sup> September 2017

Application Number: AWDM/0966/17

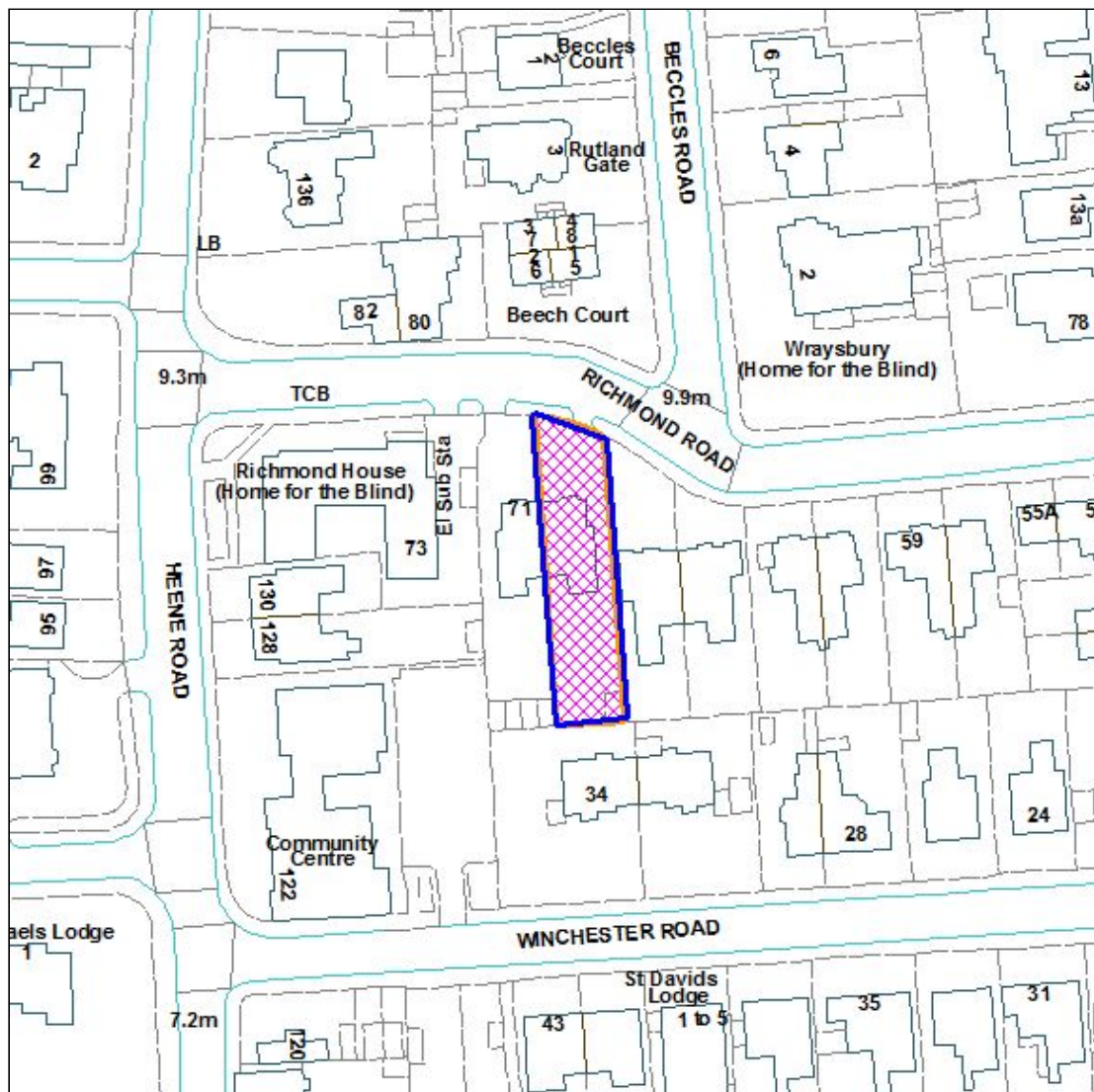
Recommendation – APPROVE

Site: 69 Richmond Road Worthing West Sussex

**Proposal:** Conversion from 3 no. 1 bedroom flats and 1 no. studio to a single 4 no. bedroom dwelling with associated elevation alterations.

Applicant: Mr Mike Peckham  
Case: Jo Morin  
Officer:

Ward: Heene

**Not to Scale**

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## Proposal

Permission is sought to convert this Edwardian property into a 4-bedroom single dwelling. The submitted drawings show the accommodation would consist of a sitting room, plus family room opening into a kitchen/dining room, utility room, WC

and hallway on the ground-floor, with 4-bedrooms (2 with en-suite shower rooms) plus a family bathroom on the first-floor. The proposed external works involve reinstating 3 no. vertically-proportioned sash windows in their original positions on the south and east elevations, reusing the original solid window heads, plus the formation of 1 other larger opening at ground-floor on the south elevation, together with blocking up the existing openings in matching brickwork. The roof is due for replacement and it is intended this will be returned to slate together with terracotta ridge tiles. It is proposed to replace the existing drive and front path which consist of a combination of loose tarmac and concrete with red-brick paving.

A Statement submitted in support of the application states that the layout and room sizes of the existing flats does not reflect modern living tastes nor meet current standards in terms of fire separation and sound insulation. In addition it has become apparent that a certain amount of repair work is necessary to bring the building fabric back in to a good condition. The entire property has been on the market for sale since February 2017 but the only interest has been from purchasers with a view to returning the property to a family home.

The application is reported to Planning Committee as the applicant is a member of staff.

### **Site and Surroundings**

The application relates to a semi-detached, 2-storey Edwardian property which planning records show was converted into 4 residential flats in the late 1960s. It is located in the Winchester Road Conservation Area and makes a positive contribution to the historic character and appearance of the area, being typical of the architectural style from which the Conservation Area derives its important character. The building is brick-built with the street and east side elevations faced in characteristic red/orange brick, under a dual-ridged and hipped roof. Although the roof has been re-covered using concrete tiles, the building retains many of its original character features including a double-height, tile-hung, square bay window at the front with a part-timbered decorative gable, profiled decorative string coursing, arched window heads, and chimneys with castellated pots. Some of the existing windows at least to the front and side elevation appear to comprise the timber originals consisting of a combination of narrow, vertically proportioned casements and vertical-sliding sashes. The front boundary is defined by a characteristic flint and brick-dressed wall.

The property was enlarged in the early 1990s by a pitched-roof single garage building to the east side, set back into the rear garden, and a couple of garden outbuildings.

The pairs of dwellings which make up this side of Richmond Road are similar in style and appearance. They have a strong sense of visual uniformity notwithstanding that 1 or 2 have suffered some insensitive minor additions and windows alterations. Owing to the bend at the western end of Richmond Road the application property and the attached half of the pair, (No. 71), sit well forward (north) of the adjoining pair to the east (Nos. 65/67), with the result that a significant portion of the eastern flank elevation is visible from the street although views are filtered by the mature planting in the front garden.

Adjoining the plot to the south is No. 34 Winchester Road which comprises a similar scale character building but within a notably shallower plot.

**Relevant Planning History:** None.

**Consultations:**

***Adur and Worthing Councils:***

The Council's Engineer has commented that changes to the front garden surfacing will result in additional surface water which if possible should be disposed of using infiltration via a soakaway. In the absence of any ground investigation or drainage details in support of the application it is requested that should approval be granted it is conditional to the details of the design of a soakaway being agreed based on the necessary soakage test results and rainfall calculations.

The Council's Environmental Health Officer has no adverse comments.

The Conservation and Design Architect comments that the application offers a good opportunity to enhance the Conservation Area, the appraisal document for the area identifies possible enhancement opportunities including re-roofing in slate where modern tiles have been substituted for slate; and reinstating timber sashes and casements where the originals have been lost. Returning the roof-scape to a natural slate finish will remove the unsightly Redland 49 tiles and harmonise with the roof of the adjacent semi-detached property. The reintroduction of the original window openings and window styles along the exposed east flank of the property will help to re-balance and enhance this elevation.

**Representations:** None received to date. However, neighbours have been re-notified making explicit reference to the proposed elevation alterations and the Committee will be updated at the meeting of any representations subsequently received.

**Relevant Planning Policies**

Worthing Core Strategy: (WBC 2011): 8, 9, 16  
Saved Policies Worthing Local Plan: (WBC 2003) H16, H18  
Space Standards SPD (WBC 2012)  
National Planning Policy Framework (CLG 2012)  
National Planning Practice Guidance

**Planning Assessment**

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

accordance with the development plan unless material considerations indicate otherwise.

As the site is located within a Conservation Area the Committee should also consider the application in accordance with Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The main consideration in this case is the principle of reverting the property to a single dwelling involving the net loss of 3 dwelling units, together with the effect of the development proposals on the character and appearance of the building and the surrounding Conservation Area, neighbour amenity impacts and highway safety issues.

### ***Principle of reversion to single dwelling***

The Development Plan comprises the saved policies of the adopted Worthing Local Plan (2003) and the Worthing Core Strategy (2011). Aside from this, 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 a relevant matter or at variance.

CS policies 8 and 9 seek to deliver a wide choice of high quality homes within the Borough which address the needs of the community. The proposal which would result in the creation of a large 4-bedroom dwelling would not conflict with Core Strategy Policy 9 since none of the existing 1-bedroom and studio flat units could be considered as contributing to the existing family housing stock. This policy was initially informed by the Strategic Housing Market Assessment (SHMA 2009) which identified the provision of family homes and the protection of existing family housing as important in helping to maintain a balanced profile of housing and population and in supporting the local economy. This approach was considered necessary to redress an imbalance in housing development in the Borough, which prior to that had been focussed primarily towards smaller 1-bedroom flat units. The policy approach was subsequently re-affirmed by the SHMA Up-date (2012). Over the 2006-11 period the SHMA Up-date identified that only 9% of homes built in the Borough had 3 or more bedrooms compared to an estimated need/demand for closer to 40% provision of larger properties.

Paragraph 14 of the NPPF states that decision making means approving development proposals without delay where the relevant policies in the development plan are out-of-date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF. The Council's self-assessment of the Core Strategy's Conformity with the NPPF demonstrated that, in many respects, the Core Strategy conforms closely to the key aims and objectives of the Framework. However, it is acknowledged that in response to the requirements of the Framework the Council cannot demonstrate a current 5 year supply of housing in respect of Objectively Assessed Need. The housing delivery strategy set out in the current Development Plan consequently needs to be reassessed. The Worthing Housing Study (GL

Hearn 2015) has been undertaken to address this requirement and will inform the forthcoming Worthing Local Plan. The Study identifies a need for *all* types of housing in the Borough and indicates an OAN for housing in the Borough of 636 dwellings per annum over the period 2013-33.

Although on the face of it the scale local housing need would indicate that a net loss of 3 dwelling units should be resisted, also of relevance in this case is the quality of the existing accommodation. Two of the existing 1-bedroom flats do not meet the Council's minimum space standard of 51 sqm (of which one is more than 10 sqm below standard). The application submission also makes clear that given the length of time since the original conversion works the existing flats do not meet modern building standards in terms of fire separation and sound insulation. The building fabric itself is also in need of refurbishment, such that on the whole the existing flat accommodation can be considered to be of a relatively poor quality.

### ***Visual amenity and the effect on the character and appearance of the Conservation Area***

The main external changes involving blocking up some of the existing windows and reinstating a number of the original, larger vertically-proportioned window openings with timber sash windows. This, together with replacement of the existing roof covering using slate, and re-surfacing the existing drive and pathways using traditional red brick, can be welcomed in principle as restoring those elements of the historic character and appearance of the building which have been lost, probably as part of the original conversion works. However, precise details of the design, profiles and proportions of the proposed replacement windows would need to be submitted and agreed as a condition of planning permission.

On the other hand, reversion to a single dwelling would reinstate 'permitted development' entitlements which without control could allow for unsympathetic extensions and alterations, including window replacements, and other minor alterations the incremental effects of which can significantly weaken the historic character of properties. In this case, the removal of entitlements for even small-scale extensions and alterations, including the formation of hard-surfaces, is considered justifiable given the predominantly domestic character of the Winchester Road Conservation Area, which makes it particularly vulnerable to this type of incremental harm.

### ***Residential amenity***

The adjoining property to the east, No. 67 has been enlarged in the past by a 2-storey, flat-roofed side extension and is converted into 5 flats. The attached property (No. 71) consists of 4 flats.

The proposed use of the application property as a 4-bedroom dwelling, even by a large family, would likely constitute a less intensive use than the existing 4 no. flats.

The main amenity issue arises from the reinstatement of the larger window openings on the eastern and southern elevations. The larger windows on the east elevation would serve a utility room on the ground-floor and en-suite shower room on the first-floor. Given the height of the boundary wall on this side, currently

supplemented by boundary planting within the curtilage of the application site, the utility room window would not give rise to overlooking to any significant degree. It can be anticipated the larger shower room window would be obscurely-glazed to safeguard the privacy of the future occupiers irrespective of any increased scope for overlooking the neighbouring property. This can be secured as a condition of planning permission. The larger windows in the south elevation would serve a kitchen at ground-floor and first-floor bedroom, facing onto the rear garden. There is a distance of some 21 metres to the rear site boundary and consequently there would be no adverse effect on the privacy of the occupiers of No. 34 Winchester Road.

In addition to the garage, records indicate there are a couple of outbuildings in the rear garden of the property (comprising a tool shed and summer house). In the interests of amenity, a restrictive condition is considered pertinent to secure the use of these outbuildings solely for purposes incidental to the use of the single dwelling house.

### ***Highway safety***

There is an existing detached garage to the south side of the dwelling which together with the drive provides on-site parking for at least 3+ cars which is ample in this sustainable location.

### ***Other Matters***

The current proposals do not involve creating additional areas of hard standing (only re-surfacing the existing drive and pathways). Removing 'permitted development' entitlements would ensure that this aspect of any future development proposal would necessitate a planning application. In the circumstances, the condition suggested by the Engineer seems unduly onerous.

### ***Conclusion***

Although the proposal results in the net loss of 3 dwelling units these are of relatively poor quality. The creation of a 4-bedroom dwelling will comply with current Core Strategy policy and be consistent with the findings of the Worthing Housing Study 2015, which acknowledges a need for larger family homes of 4(+) bedrooms. From a conservation point of view, the proposal will see the property revert to its original use as a single dwelling together with the restoration of some original details, and with the appropriate controls in place, will contribute towards safeguarding the character and appearance of the Conservation Area.

### ***Recommendation***

**APPROVE** subject to Conditions:-

1. 3-yr time limit
2. Approved plans
3. Blocking-up of window openings and making good to be carried out in matching materials



4. The replacement windows shown on the approved drawings shall consist of timber. Details of their design, framing proportions, profiles and method of opening shall be submitted to and agreed in writing by the LPA prior to installation.
5. The first-floor window in the enlarged window-opening on the east elevation shall at all times be obscurely-glazed and the bottom sash fixed shut.
6. Remove 'permitted development' entitlements for extensions and alterations (Class A), alterations to the roof (Class C), porches (Class D) and formation of additional hard-surfaced areas incidental to the enjoyment of the dwelling (Class F)
7. The proposed re-covering of the existing roof shall be carried using natural slate.
8. The proposed re-surfacing of the existing drive and footpaths shall be carried out using red brick pavers laid out in a porous construction or with provision made to direct run-off to a permeable or porous area within the curtilage.
9. The garage and rear garden outbuildings as they exist on the site at the time of this permission shall be used solely for purposes incidental to the use of the property as a single dwelling house.

6<sup>th</sup> September 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.