



WORTHING BOROUGH COUNCIL

25 September 2017

Worthing Planning Committee

Date: 4 October 2017

Time: 6:30pm

Venue: Gordon Room, Stoke Abbott Road, Worthing

Committee Membership: Councillors Paul Yallop (Chairman), Vicky Vaughan (Vice-Chair), Noel Atkins, Edward Crouch, Joshua High, Clive Roberts, Hazel Thorpe and Paul Westover.

NOTE:

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

heather.kingston@adur-worthing.gov.uk before noon on Tuesday 3 October 2017.

Agenda

Part A

1. Substitute Members

Any substitute members should declare their substitution.

2. Declarations of Interest

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

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

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

3. Confirmation of Minutes

To approve the minutes of the Planning Committee meetings of the Committee held on Wednesday 6 September 2017, which have been emailed to Members.

4. Items Raised Under Urgency Provisions

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

5. Planning Applications

To consider the reports by the Director for the Economy, attached as Item 5 -

- | | |
|---|-----------------------------------|
| 5.1 30 Poulters Lane, Worthing | 5.2 Glawood House, Sompting Road |
| 5.3 Kingsway Hotel | 5.4 Irene House, I Parkfield Road |
| 5.5 Glaxo Smithkline, Southdownview Way | |

6. Public Question Time

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

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

Part B - Not for publication - Exempt Information Reports

None

Recording of this meeting

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

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk	Richard Burraston Senior Lawyer 01903 221110 richard.burraston@adur-worthing.gov.uk

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



WORTHING BOROUGH
COUNCIL

Planning Committee
4 October 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 subject to
the completion of a legal agreement

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/1120/17

Recommendation – Refuse

Site: Glawood House, Sompting Road, Worthing

Proposal: Proposed second floor to provide 9 additional residential units and alterations to ground floor to provide one additional residential unit and managers office (residential units comprising of 2 no. one bedroom flats and 8 no. studio flats).

3

Application Number: AWDM/0764/17

Recommendation – APPROVE subject to
the completion of a legal agreement

Site: Kingsway Hotel, 117-119 Marine Parade, Worthing
& 120 Marine Parade, Worthing

Proposal: Redevelopment and partial conversion of The (former) Kingsway Hotel and No.120 Marine Parade including the retention of the main facades facing Marine Parade, the erection of a two, three and four storey development at the rear and roof extension to provide 1 no. one-bedroom apartment, 8 no. two-bedroom apartments, 4 no. three-bedroom apartments and 1 no. four-bedroom apartment and the demolition of the annexe at No. 1 Queens Road and erection of a two/three storey building to provide 1 no. two-bedroom dwellinghouse and 1 no. three-bedroom dwellinghouse. Nine parking spaces and cycle parking to the rear.

4

Application Number: AWD/1075/17

Recommendation – APPROVE subject to the completion of a legal agreement

Site: Irene House, 1 Parkfield Road, Worthing

Proposal: Demolition of existing care home and erection of a part 2 and part 2.5 storey building containing 22 no. flats comprising 18 x 2-bedroom and 4 x 1-bedroom with associated parking of 26 spaces and landscaping. Retention of existing vehicular accesses onto Parkfield Road and formation of new vehicular access onto South Street Tarring.

5

Application Number: AWD/1146/17

Recommendation – Approve

Site: Glaxo Smithkline, Southdownview Way, Worthing

Proposal: Variation of conditions 23 and 24 of AWD/0311/14 to extend the requirement for restoration of the sports field and western car park and entrance area, which are temporarily used for car parking, storage and offices during construction, until June 2018.

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

Update

The decision on this application was deferred by the Planning Committee at the previous meeting on 6 September 2017 to allow the developer to consult with residents.

The applicant's agent has subsequently expressed concern regarding the resolution of the Committee stating: *'making this type of recommendation puts the applicant in an impossible position because the design has been through a rigorous planning process... during the course of the application the design and layout of the proposal including the quantum of development has been amended significantly to ensure compliance with the Urban Design Officer and Case Officer's requirements. Additional Highways evidence was also requested, including a parking stress survey, which was subsequently found to be acceptable by County Highways.'*

In respect of any requirement to consult with the public, the agent has stated *I pointed out to you [Planning Services Manager in a subsequent telephone call] that applicants are not usually expected to consult with members of the public on minor applications. Para 189 of the NPPF states that Local Planning Authorities cannot require a developer to engage with them before submitting an application, yet we did. With regard to public consultation Para 189 also states "They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications." Community engagement was not encouraged during the pre-application process and the Council's website does not state that community engagement is expected for minor applications. You acknowledged that this was the case and could have made this clearer to members of the Committee and residents in the public gallery.*

The agent further states: *While we are prepared to meet with the...speakers to discuss the scheme we are not going to be able to amend the scheme to overcome the fundamental objections raised. We can offer reassurance regarding parking, however we suspect that while we comply with Highways Standards this will not satisfy local residents.*

In response to concerns over CIL and Affordable Housing contributions, the applicant points out that these levels are set by the Council and have been agreed to.

In response to neighbour concerns over clarity over boundary treatments to the north, a revised streetscene drawing has been submitted which has been forwarded directly to the relevant neighbouring occupier to the north.

Having regard to the above, and since the agent has specifically requested that this application be reported to the October committee meeting, the application is therefore again brought to the Committee for its determination.

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 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 Councils 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 Councils 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 Poulterers 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 side 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 and 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 15th 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”.

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”.

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 35 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

4th October 2017

Application Number: AWD/1120/17

Recommendation – REFUSE

Site: Glawood House, Sompting Road, Worthing

Proposal: Proposed second floor to provide 9 additional residential units and alterations to ground floor to provide one additional residential unit and managers office (residential units comprising of 2 no. one bedroom flats and 8 no. studio flats).

Applicant: Mr Brian Dodd, Glawood Ltd

Ward: Broadwater

Case: Gary Peck

Officer:



Not to Scale

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Proposal, Site and Surroundings

This application seeks full permission for the addition of a second floor to the existing 2 storey building to provide 9 additional residential units as well as alterations to the ground floor to provide one additional residential unit and manager's office. The mix of the residential units proposed would comprise of 2 one bedroom flats and 8 studio flats. A previous application proposing 3 one bedroom flats and 7 studio flats was refused last year under reference AWD/1245/16.

The submitted Design and Access Statement states that since the previous refusal, the scheme has been amended so that the proposed development has been recessed further back by 4.35 metres and the roof has also been angled away from Kingsland Road at its closest point. It is also stated that *'the proposed development seeks to utilise lightweight materials such as pre-weathered zinc cladding as opposed to brick which would have a sterner appearance. This helps the proposed development to appear not to appear dominant.'* The Design and Access Statement further states: *Overlooking resulting from the western arm of the building has been eliminated through the removal of two kitchen windows. The kitchen in Flat 8 is now served by a skylight. The roof has been angled away to as to reduce any perception that the proposed development is overbearing.* It is further stated that the external staircase will only be used for emergency purposes.

In respect of the northern arm of the building on the western elevation it is stated that the proposal *'has been revised to accommodate less development as a result. At a distance of some 30 metres we do not regard there to be any issue with overlooking... similarly this section of the development could not be reasonably said to be overbearing in this location on the properties of Wigmore Road given the limited section of Flat 2 that would be visible.'*

With regard to the character of the area, the Design and Access Statement states (with reference to the Committee report in respect of the previous application:

The Officer's Report suggests the area is characterised by dense terraced housing with pitched roofs. Whilst it is indisputable that this form of development is present, so is the existing flat roofed building and this too contributes to the character of the area.

Further 3 storey development can also be found at Highfield Court on Penfield Road just 600 metres from the application site to the east. In between these two developments is the former Dairy Crest site which benefits from planning permission for two new industrial/distribution units [with] ridge heights of 8.4 M and 8.82 M respectively. 8.82 M is a sufficient height to build a three storey development.

We maintain that the buildings in the surrounding area are mixed in terms of age, style and materials. The visual character of the area would remain largely the same. It would simply feature a modern addition to an existing flat roof. Whilst flat roofs may not be common in the area, Glawood House already introduces this variety to the street scene in its current form.

There is no planning policy found at local or national level that indicates all development in a given area must adopt the same appearance. Indeed, this would lead to bland, homogenous street scenes.

In respect of car parking, a total of 5 additional spaces as shown on the proposed parking plan submitted in support of the application. This is stated to be in excess of the County Council's parking requirement of 4.5 spaces. (The previous application did not include details of additional parking provision).

The Design & Access Statement concludes:

Since the refusal of Council Ref: AWDM/1245/16 substantial changes have been made to the proposed development, these include reducing the size of the development, recessing the development further away from neighbouring properties, altering window positions, utilising skylights and angling the roof.

Substantial weight should be afforded the need for new housing in Worthing given its significant and worsening deficiency its five year housing land supply.

The application site is located on the western side of Sompting Road and currently consists of a 2 storey flat roofed L shaped building. Although known as sheltered housing, there does not appear to be any age or occupancy restrictions set down by planning condition.

Directly opposite are numbers 44 to 58 Sompting Road, a terrace of residential properties, and to the south west is the old Dairy Crest site which has unimplemented planning permission for commercial use including Travis Perkins.

To the north are properties (numbers 82-94) in Kingsland Lane, which are unusual in that they are set back in excess of 30 metres from the road which is beyond. Numbers 82-86 are set against the north western boundary of the site and numbers 88 to 94, an attractive group of brick and flint houses are between 5 and 6 metres from the application building at their nearest points.

To the west are a run of terraced dwellings in Wigmore Road, the nearest of which is around 13 metres from the application building which is just over 3 metres from the mutual boundary.

There is some intermittent screening on the northern and western boundaries, primarily consisting of individual trees but in general the subject building is clearly visible from the surrounding properties.

To the south is another run of terraced properties in Southfield Road, although these are somewhat further from the subject building being about 30 metres away at their nearest point with the existing car park serving Glawood House sitting in between the respective buildings.

Relevant Planning History

AWDM/1245/16: Proposed second floor to provide 9 additional residential units and alterations to ground floor to provide one additional residential unit and managers

office (residential units comprising of 3 no. one bedroom flats and 7 no. studio flats)
– application refused for the following reasons:

- 01 The proposed development by way of its siting, design and height in close proximity to neighbouring residential properties would adversely affect the amenities of residential properties in Kingsland Road and Wigmore Road to an unacceptable degree and the visual character of the surrounding area. The proposal therefore conflicts with saved policies BE1 and H18 of the Worthing Local Plan and policy 16 of the Worthing Core Strategy and guidance contained within the National Planning Policy Framework.
- 02 It has not been demonstrated to the satisfaction of the Local Highways Authority that safe and suitable access to the site can be achieved for all people. The proposal therefore fails to comply with paragraph 32 of the National Planning Policy Framework.

Consultations

Technical Services

Thank you the opportunity to comment upon this reapplication. The proposed site lies within flood zone 1 and appears to be unaffected by the surface water flooding, which is predicted to affect all the roads around the site, and there is recorded flooding to the highway immediately east and north. However the site itself is elevated above the road level and I do not consider that surface water flooding would be an issue.

The proposal is to raise the roof to permit another floor to be built therefore the surface water runoff will effectively be unchanged, i.e. the building footprint remains the same. There are alterations to the parking area but generally the paved area is similar in size. In the previous application AWD/1245/16 the applicant stated his intention to use sustainable drainage, when challenged to explain what this was it transpired the intention was to discharge to the public sewer.

This application states the intention to discharge to the public sewer, providing approval to discharge almost unchanged volumes of water is obtained from Southern Water Services; I have no objection to the proposals.

West Sussex County Council Highways: Comments awaited

Southern Water

No objection subject to a condition regarding foul and surface water drainage.

Representations

14 letters of objection have been received on the following grounds:

- the proposed additional storey would be above existing building heights in the area
- the proposal would be out of keeping with the character of the area as there are no other 3 storey buildings in the area

- increased pressure on parking
- overlooking and loss of privacy
- adverse impact upon wildlife
- the proposal is little different from that previously refused permission

Relevant Planning Policies and Guidance

Saved Local Plan policies (WBC 2003): BE1, H18, TR9,
 Worthing Core Strategy (WBC 2011): Policies 7 & 16
 National Planning Policy Framework (CLG 2012)
 Planning Practice Guidance (CLG 2014)

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

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

It is considered that the main issues in the determination of the application are i) whether the principle of development is acceptable and ii) the effect of the proposal upon the amenities of neighbouring properties and the general character of the area.

The application site is within the built-up area as defined by the Core Strategy. The site can be considered as a sustainable location with a bus service running immediately outside the site, East Worthing and Worthing railway stations being located equidistantly from the site about three quarters of a mile away and local services serving Broadwater being in walking distance. Accordingly, there is no objection in principle to the proposal.

Supporting information submitted by the applicant emphasises at some length the need for housing in the town. A court case involving Cheshire East Council is then quoted: ‘...proposals which otherwise have been refused because their planning merits were finely balanced should be approved...’

It is quite clear that there is a presumption in favour of sustainable development in national policy and members will be aware of the housing needs in the District. It may well be the case, therefore, that balanced cases should often be approved, but the remaining issue, is was the case with the previous application, is whether this proposal is such a balanced case.

The applicant has made a number of revisions which are outlined earlier in the report. As such, these can be considered as an improvement to the proposal previously submitted, in that, for example, the proposal is set further back from

adjoining properties. Nonetheless, and is emphasized by the front cover of the Design and Access Statement, the development will still be visible from the public viewpoint.

The properties to the north of the site in Kingsland Road are highly unusual in their siting. Although their front doors face Kingsland Road, the houses are set so far back that they are either adjacent or a very short distance from the northern boundary of the application site. Consequently number 92, for example is only just over 5 metres away from the northern arm of the subject building. Such is the relationship between the subject building and numbers 88 to 94 Kingsland Road, that your officers feel that there is already an overbearing relationship between the subject building and those properties. It is assumed that at the time of the construction of Glawood House, its flat roofed nature, (which is unusual in the area and hardly in keeping with those properties around it which all have pitched roofs) was as a necessity to avoid adversely affecting the surrounding properties.

The applicant's agent in response to the above assessment which was included in the last committee report states:

The Officer's Report suggests that, as existing, Glawood House is overbearing upon properties on Kingsland Road. If this is the case, the proposed development would not exhibit significant and demonstrable adverse impacts required to justify refusal by paragraph 14 of the Framework. The proposed development would not exacerbate (what the Council perceive to be) an existing issue to an unacceptable extent.

Your Officers are of the view that even if the agent's comment could be taken to justify the setting back of the upper floor (if it is accepted that the setting back of the upper floor does not result in an increase in the effective height of the building when viewed from the windows of nearby properties) it does not demonstrate that the proposal would not cause adverse impact.

The same drawing in the Design and Access Statement also shows that while the existing building is either slightly lower than the properties in Kingsland Road, it will quite clearly be higher as a result of the proposal. It is a matter of fact that Glawood House is in close proximity to neighbouring properties and therefore your officers remain of the view that the proposal would still adversely affect the amenities of neighbouring properties. Even if overlooking distances are considered to meet the Council's standards, as acknowledged in the previous report, officers still previously concluded that the proposed 'external staircase...would be far more intrusive than the partially enclosed staircase that exists at present' and 'there will be additional adverse impacts to properties in Wigmore Road as well. Although the windows in the western elevation of the northern arm of the subject building are some 30 metres distant from these properties, it is quite apparent that when standing in the rear gardens of the properties in Wigmore Road, these windows are restricted in their visibility. The addition of a second floor will make such windows visible and while potentially acceptable as an overlooking distance, the increased height of the building would adversely affect the amenities of these properties.'

Therefore, your officers remain of the view that the proposal would adversely affect the amenities of neighbouring properties. Concern also remains regarding the effect of the proposal upon the character of the surrounding area.

As previously stated, the general environs of the application site are characterized with quite dense terraced housing which not only is evident to 3 boundaries of the application site but also beyond especially to the north and west. The application site, consisting of a 2 storey flat roofed self-contained accommodation block for the elderly is therefore quite unusual in the general location of the area and is self-evidently constrained, most notably on its northern side but also to its western side. The applicant has pointed out the as yet unimplemented permission at the Dairy Crest site opposite as being equivalent to a 3 storey development, but given this is an established industrial site, your officers do not consider the permission to be sufficiently comparable to justify a similarly scaled development at this site.

The agent comments that the proposal would *simply feature a modern addition to an existing flat roof and the proposed development seeks to utilise lightweight materials such as pre-weathered zinc cladding as opposed to brick which would have a sterner appearance. This helps the proposed development to appear not to appear dominant.*

Your Officers disagree that this is not a dominant proposal either upon the neighbouring properties for the reasons outlined above, but also in terms of its impact upon the street scene. This appears to be demonstrated by the Design and Access Statement which shows the proposal as being clearly visible from Sompting Road. Zinc cladding can be regarded as an appropriate solution on the upper floors of more modern buildings (examples can be seen on the seafront for example) but in design terms this seems arguable on a brick building which in close proximity to a properties largely in flint with quite steeply sloping tiled hipped roofs. It is not considered, therefore, that the proposed materials are appropriate and it also seems that the setting back of the development from the edge of the roof does not benefit the proposal in visual terms given that on the northern side for example the slope of the roof would appear at odds with its surrounds.

In respect of highways matters, although the comments of the County Council are awaited, it is understood that at the pre-application stage the County council had indicated that the proposed parking provision was acceptable.

Conclusion

Although there is a pressing need for housing within the town, this should not be at the expense of neighbour amenity or the character of the area when it is apparent that a development will adversely affect both. Your officers consider that this is the case here and that refusal can be justified.

Recommendation

REFUSE planning permission for the following reason:

1. The proposed development by way of its siting, design and height in close proximity to neighbouring residential properties would adversely affect the visual character of the surrounding area and the amenities of residential properties in Kingsland Road and Wigmore Road to an unacceptable degree and. The proposal therefore conflicts with saved policies BE1 and H18 of the

Worthing Local Plan and policy 16 of the Worthing Core Strategy and guidance contained within the National Planning Policy Framework.

4th October 2017

Application Number: AWDM/0764/17

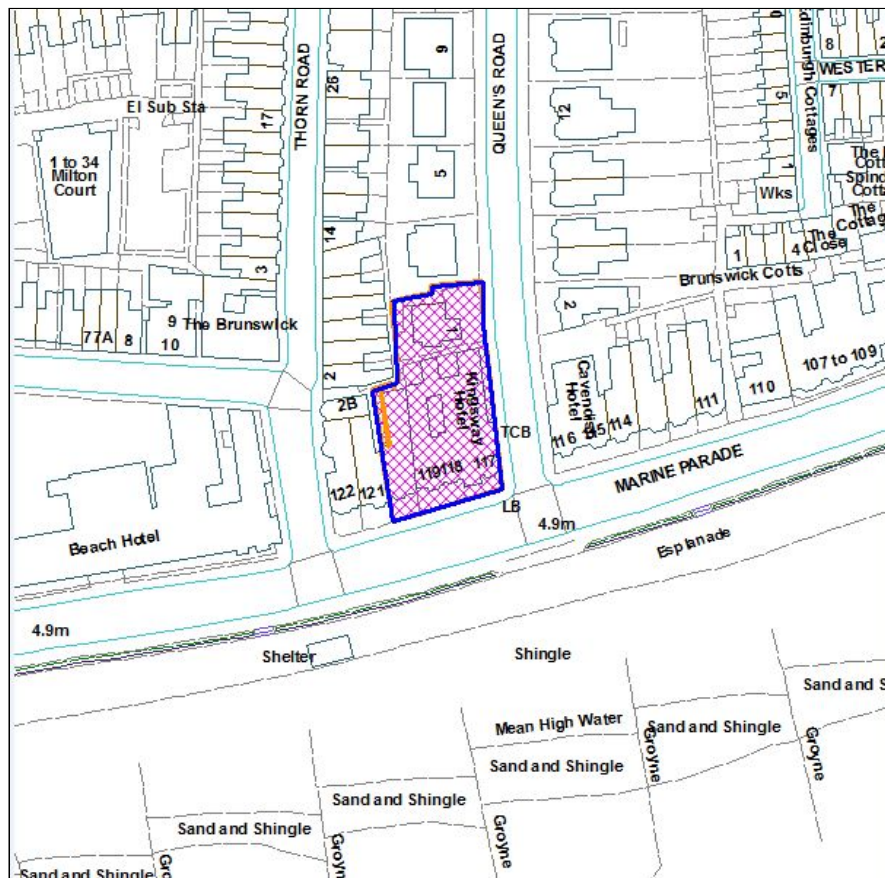
Recommendation – APPROVE
subject to the completion of a
legal agreement

Site: Kingsway Hotel, 117 - 119 Marine Parade and 120 Marine Parade
Worthing

Proposal: Redevelopment and partial conversion of The (former) Kingsway Hotel and No.120 Marine Parade including the retention of the main facades facing Marine Parade, the erection of a two, three and four storey development at the rear and roof extension to provide 1 no. one-bedroom apartment, 8 no. two-bedroom apartments, 4 no. three-bedroom apartments and 1 no. four-bedroom apartment and the demolition of the annexe at No. 1 Queens Road and erection of a two/three storey building to provide 1 no. two-bedroom dwellinghouse and 1 no. three-bedroom dwellinghouse. Nine parking spaces and cycle parking to the rear.

Applicant: 120 Marine Parade Limited
Case Officer: Gary Peck

Ward: Heene



Not to Scale

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Proposal

This application seeks consolidation and amendment to previous separate planning permissions at adjoining sites.

The application site consists of the now closed Kingsway Hotel and its associated building to the rear 1 Queens Road, as well as the building immediately adjoining the former hotel to the west, 120 Marine Parade.

Previously in 2015, permission was granted at 120 Marine Parade for the *Conversion of existing terraced house to 5 no. two-bedroom apartments with extensions to roof and rear extension at third floor level to north elevation*. The approval attracted a Community Infrastructure Levy Payment of £10,600.

In 2016, planning permission was granted at Kingsway Hotel for the *Change of use of Hotel (C1) to 11 x 2 bedroom apartments and 1 x 1 bedroom apartment and 2 x 3 bedroom flats (1 Queens Road)*. At the time of the application, the hotel was still operational, but it has now subsequently closed. The permission was subject to an off-site affordable housing contribution of £235,824

Both of the above permissions remain unimplemented and the current applicant considers that an improved development could be achieved by conjoining the sites into a single development.

The proposed development now seeks to deliver 16 new dwellings, 14 of which would be within the former 120 Marine Parade and Kingsway Hotel (1x1 bed, 8x2 bed, 4x3 bed and 1x4 bed) and 2 houses at 1 Queens Road (1x2 bed and 1x3 bed). 9 car parking spaces are proposed.

The main alteration from the previous approvals in respect of the Marine Parade frontage is that the previously permitted roof space accommodation over 120 Marine Parade will now be extended to include the former Hotel roofspace as well. The roof space would be recessed away from the frontage with glazed openings and rendered walls.

As before, the poor quality extensions at the rear of the properties will be demolished and replaced with a modern extension. In scale terms, this follows largely the previous separate permissions but will now be a single extension stepping up from two to four storeys from west to east.

The Queens Road element of the proposal does alter from the previous permissions as the existing annex will be demolished and a modern design residential development introduced in its place. The development would be stepped from 3 to 2 storeys from its northern to southern ends with amenity space being provided by inset balcony and roof terrace. A new vehicular access will be provided to the south of the dwellings.

In respect of the Community Infrastructure Levy/Affordable Housing requirements, Section 6.7 of the Planning Statement states the following:

The Vacant Building Credit is applicable as set out within the NPPG (paragraph 21...) and subsequently the existing floorspace of a vacant building should be

credited against the floorspace of the new development and any affordable housing contribution should only be assessed against the increase in floor space.

The Gross Internal Area (GIA) of the existing buildings is 1,832.5 sq m. The proposed GIA is 1,929 sq m. This represents an increase of GIA of 96.5 sq m and equates to a ratio of 95%.

The affordable housing contribution in the absence of the Vacant Building Credit equates to 30% of 16 units which can be calculated as a financial contribution. Following the methodology set out within the Worthing Borough Council Developer Contributions SPD, an affordable housing contribution of £436,636 would be applicable. Applying the Vacant Building Credit discount of 95% the affordable housing contribution is reduced to a value of £21,831.80.

The Community Infrastructure Levy (CIL) is only charged on the increase on floor space as set out in the Worthing Borough Council Community Infrastructure Levy Charging Schedule. Subsequently, a 96.5 increase in floor space would be chargeable at a rate of £100 per sq m resulting in a contribution of £9,650.

Site and Surroundings

The former Kingsway Hotel comprises three adjoining Victorian properties of traditional appearance with an entrance lobby and hotel facilities such as the bar and restaurant at ground floor level. There were no letting rooms on the ground floor and these are contained on the upper 3 floors. There is also a separate building to the rear (1 Queens Road) and together the main building and dwelling provided 36 hotel rooms.

120 Marine Parade is another Victorian property immediately to the west. There is a garden area to the rear and access to Thorn Road which is to the west.

The application site sits at the corner of Marine Parade and Queens Road almost half a mile west of the Pier. The uses closest to the application site are primarily residential. To the north west are properties in Thorn Road which sit in close proximity to both 1 Queens Road and the existing rear extensions of the Hotel. Across Queens Road to the east is the former Cavendish Hotel which is currently undergoing change of use to residential use following planning approval.

The main hotel is located within the Conservation Area but the annex to the rear is outside as the boundary runs along the rear boundary of the hotel.

Relevant Planning History

Kingsway Hotel

AWDM/1583/15: Change of use of Hotel (C1) to 11 x 2 bedroom apartments and 1 x 1 bedroom apartment and 2 x 3 bedroom flats (1 Queens Road) including demolition of existing flat roof extension and rebuild original Victorian rear extension and replacement of various windows with 10 parking spaces and associated landscaping.

There was no payment due under the Community Infrastructure Levy as a result of this permission since there was a reduction in floorspace. An off-site affordable housing payment of £235,824 was required but as the consent has not yet been implemented, no payment has been made.

120 Marine Parade

AWDM/1404/15: Conversion of existing terraced house to 5no. two-bedroom apartments with extensions to roof and rear extension at third floor level to north elevation.

This development created an additional 106 square meters of floorspace and therefore a payment of £10,600 was payable under the Community Infrastructure Levy. There was no requirement for an affordable housing contribution. The consent has not been implemented.

Consultations

West Sussex County Council Highways:

The proposal to re-develop the Kingsway Hotel and turn it into 16 dwellings with car park and cycle storage has been considered by WSCC as the Local Highway Authority. No objection is raised and recommended conditions are attached.

The Kingsway Hotel is located on the corner of Marine Parade and Queens Road in Worthing Town Centre. Both roads have a 30mph speed limit. The hotel is currently vacant and the re-development of the site into 16 dwellings will require a new access to be created from Queens Road.

Plan (A-P-001-1615-02) submitted with the application shows the access location and gives an indication of the width of the access at 5m. This would need a minor works licence to complete and we advise this is progressed as soon as possible via the implementation team. The applicant will need to provide a dimension plan including the width and the pedestrian visibility splays of 2m x 2m.

Achievable visibility splays from the new access should be drawn onto a plan set back at least 2m from the edge of the carriageway to the nearside kerb. This is to ensure the access is built in accordance with current guidance for crossovers. It should also be demonstrated a car would be able to turn around in the car park and enter and exit in forward gear.

The hotel is vacant and has been for some time. The increase in activity will create additional movements to this street but considering the movements associated with a hotel, on balance it is most likely to be a less intensive development overall.

9 car parking spaces are provided and this is within the maximum standard recommended for this number of dwellings. The spaces created should be no smaller than 2.4m x 4.8m to be useable. A cycle storage area for 14 bicycle is also provided in accordance with NPPF (National Planning Policy Framework) guidance for sustainable developments. The location within the town centre is perfect for this and for access to bus and train travel.

It is assumed the refuse vehicle will carry out its collections from Queens Road and would not need to enter the car park. If this is intended; a swept path diagram must be provided to ensure this can be accommodated.

Prior to and during the construction/renovation period a construction management plan should be in place and confirmed by the LPA prior to any building works commencing. This is to ensure all highway safety measures have been considered.

In summary the application provides a sustainable housing development with no significant highway safety or capacity issues.

West Sussex Lead Local Flood Authority

The following is the detailed comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, advice and conditions.

Current surface water flood risk based on uFMfSW:	Low risk
<p>Comments:</p> <p>Current uFMfSW mapping shows the site to be at low risk from surface water flooding although adjacent carriageway, Queen's Road, is shown to be at high risk of surface water flooding.</p> <p>Any existing surface water flow paths across the site must be maintained.</p> <p>Reason: NPPF paragraph 103 states – 'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere..'</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided. Any excavated material kept on site should be located in areas designed and designated for that purpose.</p>	

Modelled groundwater flood hazard classification:	Moderate risk
<p>Comments:</p> <p>The proposed development site is shown to be at moderate risk from ground water flooding.</p> <p>Where the intention is to dispose of surface water via infiltration / soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.</p> <p>Ground water contamination and Source Protection Zones.</p>	

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.	
Records of any ordinary/culverted watercourses within or in close vicinity to the site:	No
<p>Comments:</p> <p>Current Ordnance Survey mapping shows no ordinary watercourses within the site boundary.</p> <p>Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.</p> <p>No development should take place within 5m of any ordinary watercourse and access of future maintenance must be considered during planning. If works are undertaken within, under, over or up to an Ordinary Watercourse, even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District or Borough Council.</p>	

Records of any historic surface water flooding within the site or within close vicinity to the site:	No
<p>Comments:</p> <p>We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.</p>	

Future development - Sustainable Drainage Systems (SuDs)

The application form indicates the use of a Sustainable drainage system/Soakway/Main Sewer for the disposal of surface water from the site. The FRA references use of a green roof and permeable block paving.

It is not clear how the surface water is currently drained from the site and exactly how it will be drained in the future and whether or not Defra's Non Statutory Technical Standards for Sustainable Drainage Systems will be met.

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDs approach beginning with infiltration whenever possible e.g. soakaways, permeable paving or infiltration trenches. Infiltration techniques should be fully explored for the whole site.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local

Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the Greenfield run-off from the current site following the corresponding rainfall event.

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

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

Environmental Health:

As the works are being carried out in close proximity to neighbouring properties I would recommend:

All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours

Saturday - 09:00 - 13:00 Hours

Sundays and Bank Holidays no work permitted.

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

I have concerns about noise transmission between some properties. The vertical stacking of dissimilar room types within the main block (117 - 120 Marine Parade) may result in noise disturbance, with some kitchen/lounges and bathrooms stacked above/below bedrooms. In addition, the 2nd and 3rd floor plans seem to indicate stairs directly above a bedroom within Flat 10. This type of poor vertical stacking could lead to loss of amenity and noise complaints. If possible, I would recommend reconfiguring the layout to avoid these concerns. If reconfiguration is not possible I would recommend the addition of the following conditions:

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

Construction work shall not commence until a scheme for protecting the bedroom of Flat 10 from noise from the stairwell above has been submitted to and approved by the local planning authority. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for this ceiling. Following approval and

implementation of the scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out as part of the approved scheme are effective and achieve the specified criteria. All works, which form part of the approved scheme, shall be completed before the use commences.

The plans appear to show a central lift, however a plant room does not appear to be shown on the plans. Could the applicant confirm the location of the plant room?

The plans indicate the lift does not serve the 4th floor, however the noise transmission from the lift shaft could negatively affect the amenity of lounge/diner of flats 12 and 14. I would advise the following condition:

Construction work shall not commence until a scheme for protecting the 4th floor habitable rooms from noise from the lift shaft and associated plant has been submitted to and approved by the local planning authority. The scheme shall achieve a minimum airborne sound insulation value of 48dB (DnTw+Ctr dB) for walls between the lift shaft and associated plant and residential units 12 and 14. Following approval and implementation of the scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out as part of the approved scheme are effective and achieve the specified criteria. All works, which form part of the approved scheme, shall be completed before the use commences.

In respect of air quality:

As this is a major development the applicant will need to follow the Air Quality & Emissions Mitigation Guidance for Sussex (2013), which is signposted on our website

(<https://www.adur-worthing.gov.uk/environmental-health/pollution/air-quality-and-pollution/air-quality-and-planning/>). This states that where a major sized development is proposed a number of checklists should be followed in order to determine the likely impact on air quality. This includes an emissions mitigation assessment (see flowchart below).

I can confirm that the section relating to air quality impact assessments will not apply to this development. However we will still require an emissions mitigation assessment (section 2 of the Sussex Guidance). The purpose of an emissions mitigation assessment is to assess the local emissions from a development and determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment, even if an air quality impact assessment has concluded the national air quality objectives will not be breached. The intention of the guidance is to identify and ensure the integration of appropriate mitigation into a scheme at the earliest stage, so the damage costs on health can be mitigated.

Further comment: developer should provide the necessary evidence to substantiate claims that the scheme will generate fewer journeys. Consideration should be given to the provision of EV charging points.

Technical Services

The site lies in flood zone 3, roads to the east and west are subject to predicted surface water flooding, and there is evidence of historic immediately to the east of the site, possibly affecting the eastern boundary wall.

This above is acknowledged in the FRA.

Looking at the FRA finished floors are set at an appropriate level, disposal of the foul waste is via existing pipework for which approval needs to be obtained from SWS, the surface water discharge from the development should be reduced because of the proposals for green roof and permeable surfacing to parking areas.

In fact my only concern would be the permeable paving for the parking areas. Whilst I am sure that there will be no issues from groundwater rising too close to the parking subbase, can you condition approval to require the applicant to undertake an infiltration test to ensure the area will effectively drain.

Southern Water

No objection subject to a condition and informative

Representations

1 letter has been received expressing concern regarding the timescale for the development and that it is not understood how close the extension will be to neighbouring properties and whether it will cause overlooking and loss of privacy and light.

Relevant Planning Policies and Guidance

Saved Local Plan policies (WBC 2003): RES7,
Worthing Core Strategy (WBC 2011): Policies 5, 6, 10 & 16
National Planning Policy Framework (CLG 2012)
Planning Practice Guidance (CLG 2014)

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

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

Planning Assessment

The main issues in the determination of the application are i) having regard to the planning history as a material consideration, the effect of the proposal upon the character and appearance of the area and the amenities of neighbouring properties and ii) whether the proposed level of affordable housing payment is appropriate having regard to government guidance.

In principle, this application effectively consists of the conjoining of two adjacent sites which have previously been granted planning permission. The conversion of 120 Marine Parade was considered as acceptable previously and there is no reason for a different conclusion to apply in this instance.

Members will be aware that the previous application to change the use of the Kingsway Hotel to residential use was considered in some detail with particular regard to the viability of maintaining the hotel use since the loss of the hotel was contrary to Core Strategy policy 5 without evidence to demonstrate that the use was no longer viable. The change of use was, on balance, considered acceptable and shortly after the permission was granted, the hotel closed. It is not, therefore, considered possible to revisit the loss of the hotel as although a separate application, the previous permission and the subsequent closure of the hotel can be considered significant material considerations. Accordingly, the application is considered acceptable in principle.

There are some clear differences between the current application and the previous permissions. Together, the previous permissions would have provided 19 units whereas the current proposal would provide 16 units including 2 houses at the Queens Road part of the site. It is not considered that there is any objection to the alteration to the number of units provided other aspects of the application are acceptable.

On the Marine Parade frontage, below roof level, the proposal is much as the same as has been previously permitted and will provide some obvious visual benefits. The removal of the hotel signage, which detracts from the appearance of the building, the removal of its porch and the replacement of some of the windows which may have been installed without planning permission will all greatly enhance the building when viewed from the seafront and are to be very much welcomed.

There will be an alteration at roof level. The previous permission at 120 Marine Parade included roof space accommodation consisting of a flat roofed recessed element not untypically found on new buildings along the seafront. This would now be extended across to the former hotel part of the site. The roof extension is proposed to be recessed from the Marine Parade frontage as per the earlier permission but as the former hotel is on a corner, it is noted that, importantly, it will also be recessed away from the Queens Road frontage and accordingly is considered acceptable.

The planning statement at para 4.3.7 states: *'To the rear of the Marine Parade element, the scheme seeks to partially demolish the poor quality existing structures and replacement with a high quality modern extension. To some degree this follows the massing of the previous permissions particularly to the rear of the Kingsway.* The above statement is correct, although it now appears that whereas previously

the hotel permission was to renovate and extend existing internal floors. The 2017 application only proposes retaining the facades, allowing for a comprehensive new development. As such, this structural change will not ultimately result in a significant difference to the external appearance of the development but clearly may affect the construction process itself, hence the additional conditions required by the Environmental Health section in respect of dust, for example.

The earlier permission at 120 Marine Parade in terms of the rear element allowed a 4 storey extension set back at the upper level behind a parapet wall. This partly took its reference from another previously unimplemented permission and effectively tidied up that part of the building. At that point, it would have contrasted favourably with the somewhat disparate rear elevation of the hotel building which like the rear of many buildings that face the seafront could not be described as visually appealing at its rear.

The subsequently permitted extension to the rear of the hotel proposed a modern solution which your Officers felt would be a striking addition and improvement to the rear of the building. It would have contrasted with the permitted extension at 120 Marine Parade but not to an extent that was considered unacceptable. However, the current proposal would result in a unified modern design across both the former hotel building and 120 Marine Parade and is considered to represent a further improvement, especially as the height of the building will be lowered at the western end, compared to the previous approval, hence reducing its impact upon the neighbouring properties beyond. The extension will project half a metre deeper than the previous approval but having regard to the reduction in height at the western end, it is not considered that such an increase would adversely affect the neighbouring properties.

In respect of the building known as the Queens Road annexe (when the main building was in use as a hotel) this was previously proposed to be converted into 2 flats. The existing building is not unattractive, but is not listed nor within the Conservation Area (the boundary being immediately to the south) and its contribution to the street scene is limited – while the character of Queens Road is generally more consistent on the eastern side of the road, on the western side of the road, it is more mixed and not consistent enough to consider that a removal of the building is unacceptable.

The proposed building would reflect the more modern style of the new extensions to the rear of the former hotel and 120 and therefore while not relating as such to the rest of the properties in Queens Road, would relate to the other extensions that form part of the overall proposal. The proposed building would not extend as deeply into the site as the existing, which would benefit neighbouring residents although this is partly offset by the provision of parking to the rear of the building instead. On balance, and although the provision of parking to the rear of properties does not appear commonplace in the road, the existing building is less than 6 metres from the nearest properties in Thorn Road which would increase to in excess of 10 metres as a result of the proposal and is considered acceptable.

On design and amenity terms, therefore, the proposal is considered acceptable.

Affordable Housing Contribution

As stated earlier in the report, the previous permission for the change of use of Kingsway Hotel to residential use was subject to an off-site affordable housing contribution of £235,824. This is at present one of the more substantial affordable housing contributions agreed in the Borough.

As a result of the hotel subsequently becoming vacant following the grant of the previous permission, the applicant has stated:

The Vacant Building Credit is applicable as set out within the NPPG...and subsequently the existing floorspace of a vacant building should be credited against the floorspace of the new development and any affordable housing contribution should only be assessed against the increase in floor space.

The Gross Internal Area (GIA) of the existing buildings is 1,832.5 sq m. The proposed GIA is 1,929 sq m. This represents an increase of GIA of 96.5 sq m and equates to a ratio of 95%.

The affordable housing contribution in the absence of the Vacant Building Credit equates to 30% of 16 units which can be calculated as a financial contribution. Following the methodology set out within the Worthing Borough Council Developer Contributions SPD, an affordable housing contribution of £436,636 would be applicable. Applying the Vacant Building Credit discount of 95% the affordable housing contribution is reduced to a value of £21,831.80.

As can be seen from the above, not only would the development itself ordinarily attract a far higher affordable housing contribution than was previously the case (because of the conjoining of the two previously separate proposals) but the amount now payable due to the application of the Vacant Building Credit is not only substantially below that figure but also below that under the previous permission.

This was clearly a matter of great concern to your Officers and it is a situation about which there is little obvious precedent because of the particular circumstances of the development.

It is, of course, widely accepted that there is a need to build more housing units and, as members will be aware, this need is no less acute in Worthing especially given the constraints of the town by nature of its proximity to the Downs and the sea. Equally, of course, the need for affordable housing is also a significant issue for the town.

The government originally justified the Vacant Building Credit in its Ministerial Statement:

By lowering the construction cost of small-scale new build housing and home improvements, these reforms will help increase housing supply. In particular, they will encourage development on smaller brownfield sites and help to diversify the house building sector by providing a much needed boost to small and medium-sized developers...

Following a High Court decision, the Ministerial Statement was quashed, but subsequently re-instated on appeal and guidance is now set out in the Planning Practice Guidance. This states that 'the existing floorspace of a vacant building should be credited against the floorspace of the new development'. Guidance goes on to say that 'the vacant building credit applies where the building has not been abandoned'. It concludes by stating that:

The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.

In doing so, it may be appropriate for authorities to consider:

- Whether the building has been made vacant for the sole purposes of re-development.
- Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development."

The above demonstrates the difficulty of considering the position on an application such as this. The Kingsway Hotel is vacant, has not been abandoned and to that extent it could be argued that it is quite clear the development proposal should benefit from the Vacant Building Credit. Equally, though, it could also be argued that the vacancy of the Kingsway Hotel is as a result of the previous permission and as a matter of fact that the building is covered by an extant permission.

It is however more questionable whether the extant permission is for 'substantially the same development'. The previous permission only related to the former Kingsway Hotel itself whereas the current proposal includes 120 Marine Parade as well. The number of units has changed as a result of the combined proposal. Equally, though, as explained above, the main changes in the development (aside from the roof extension to the former hotel) mainly relate to 120 Marine Parade and 1 Queens Road.

All of the above demonstrates the uncertainty of government guidance. As the terms used by the government are not defined there will inevitably be some uncertainty and risk for the councils in trying to apply the VBC.

Your Officers sought guidance on the application of the two bullet points above. The advice received has highlighted that exceptions set out above should not be expressed as freestanding exceptions which each independently lead to the VBC not being applied. The rationale appears to be that, where a building benefits from an extant planning permission for substantially the same development, a VBC is unlikely to be needed to ensure the brownfield site is brought back into use.

The last point is salient in that no viability evidence was produced during the consideration of the previous application at the former hotel to state the developer was unable to meet the required affordable housing contribution and indeed a legal agreement was subsequently completed securing the payment if the development was implemented. To that extent, therefore, it seems highly unlikely that the full credit of 95% is required to enable this site to be brought back into use even if, and

again no evidence has been produced to substantiate this, the full amount required under the Core Strategy policy cannot be met.

Some authorities have already recognized that the government's intention is to bring forward vacant buildings which would not otherwise have come forward for redevelopment. A 2017 Supplementary Planning Document produced by the Mayor of London for example states *'...in London such sites already come forward for development. Furthermore their affordable housing requirements are already subject to viability testing and thus are not preventing sites coming forward. The Mayor's view is therefore in most circumstances it will not be appropriate to apply the vacant building credit.'*

Should the local planning authority wish to reduce the application of Vacant Building Credit, through an amendment to its development plan, it is suggested that powerful evidence of the local circumstances justifying a departure from the written ministerial statement and national policy would be required. This could include:

- a. Evidence of the extent of the shortage of affordable housing in the district, and so the need to maximise delivery;
- b. Evidence of the adverse impact of applying the VBC on affordable housing delivery. For example, what percentage of affordable housing development is anticipated to be delivered by brownfield sites, and so jeopardised by the VBC;
- c. Evidence showing that brownfield sites can be successfully brought back into use across the district without the need for the VBC.

The more robust the evidence, the better. This same evidence could also be of used in any case where, on the particular facts, the Council prefers its development plan policy (CS Policy 10) over the Written Ministerial Statement.

It would appear, therefore, that were the Council to consider the non-application of the Vacant Building Credit it is far more likely that the position would be supported if the current policy position were updated through amendment to the Development Plan. Irrespective of the outcome of this particular application, it is a position that members may wish to consider in the future given the clear difficulties in interpreting government guidance.

It is a matter of fact that the application of the VBC means that the application consequently fails to meet the requirements of Core Strategy policy 10 in respect of the provision of affordable housing but in itself the VBC is a material consideration that can warrant the grant of planning permission in such circumstances. Having given consideration to the advice received in this instance it appears unlikely at the present time that the Council has sufficient evidence to avoid the application of VBC albeit the lack of clarity in government guidance means that such a conclusion is on balance.

A key issue is whether the site has been made vacant for the sole purpose of redevelopment.

In this regard your Officers have had to give due consideration to the fact there is force in the applicant's argument that the Council has already accepted viability evidence that the hotel use was no longer viable and the hotel was loss-making

Your Officers have carefully considered this point. The Hotel was open at the time of the previous application and it hardly seems a coincidence that it closed shortly after permission was granted for its change of use. As such, it could be argued that it only became vacant because of the planning permission for change of use. Ultimately, though, permission was only granted because the Council was satisfied (albeit reluctantly) that the change of use met the tests set down by Core Strategy Policy 5 which includes:

Having undertaken an assessment of viability it is accepted that the current use is non-viable. If this is the case, alternative tourist / leisure / visitor uses would need to be considered before a non-tourism related use would be accepted

It is noted that the Officer report at the time stated:

In conclusion, this has proved to be a difficult case to consider and the recommendation made is on balance but given the clear difficulties running viable hotel businesses of this type at present, the proximity of previous decisions allowing changes of use, the visual improvements to the building and the opportunity to secure affordable housing contributions as well as providing further residential units in the building itself it is considered that a recommendation to grant permission can be justified.

Members will note that the provision of affordable housing was a factor in the recommendation to grant planning permission but such provision alone would not have justified a departure from policy 5, and an acceptance that the hotel use was no longer viable. Consequently, there is an implicit acceptance that, at some point, the hotel would have ceased to trade and, therefore, that its vacancy was not for the sole purpose for redevelopment.

Accordingly, therefore, your Officers have reluctantly come to the conclusion that under current government guidance, the Vacant Building Credit should be applied in this instance with the resultant reduction in the affordable housing contribution. As all other aspects of the application are acceptable, it is therefore recommended that planning permission is granted subject to the completion of a legal agreement.

Recommendation

To GRANT permission subject to a legal agreement securing an affordable housing contribution of £21,831.80.

Subject to Conditions:-

1. Approved Plans
2. Full Permission
3. All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times.
Monday - Friday 08:00 - 18:00 Hours
Saturday - 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted.
4. Demolition and construction work shall not commence until a scheme for the protection of the existing neighbouring premises from dust has been

submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the demolition and construction phases of the development.

5. Sound insulation should be provided and sound insulation testing should be carried out between all dissimilar room groups to confirm compliance with Approved Document E specifications before occupation.
6. Construction work shall not commence until a scheme for protecting the bedroom of Flat 10 from noise from the stairwell above has been submitted to and approved by the local planning authority. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for this ceiling. Following approval and implementation of the scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out as part of the approved scheme are effective and achieve the specified criteria. All works, which form part of the approved scheme, shall be completed before the use commences.
7. 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

8. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development

9. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal and finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the Greenfield run-off from the current site following the corresponding rainfall event and that there is zero infiltration 1.5m below existing ground level.

Reason: To ensure the development is adequately drained

10. Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.
Reason: To ensure the development is adequately drained
11. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls (including windows and doors) and roof of the proposed building has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.
Reason: *In the interests of visual amenity and to comply with saved policy BE1 of the Worthing Local Plan and policy 16 of the Worthing Core Strategy.*
12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), no windows or other openings shall be formed in the any side wall of the building.
Reason: *To prevent overlooking and to comply with policy 16 of the Worthing Core Strategy.*
13. No work for the implementation of the development hereby permitted shall take place except between the hours of 08.00 and 18.00 on Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. No work shall take place on Sundays or on Bank or Public Holidays.
Reason: *To safeguard the amenities of the occupiers of nearby properties having regard to policy 16 of the Worthing Core Strategy.*

INFORMATIVES

- 01 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.
- 02 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
- 03 This site is situated on or adjacent to a site which has been identified through Adur and Worthing Councils' Contaminated Land Inspection Strategy as having the potential to be contaminated. If during development, any visibly contaminated or odorous material, (for example asbestos, stained soil, petrol/diesel/solvent odour, underground tanks/vessels or associated pipework) is found to be present at the site, it is the responsibility of the owner and developer to establish the extent of any potentially harmful material on this site. It is advised that no further development shall be carried out until it has been investigated. It is recommended that the Local Authority's Environmental Health Department is contacted for further advice.

Application Number: AWD/1075/17

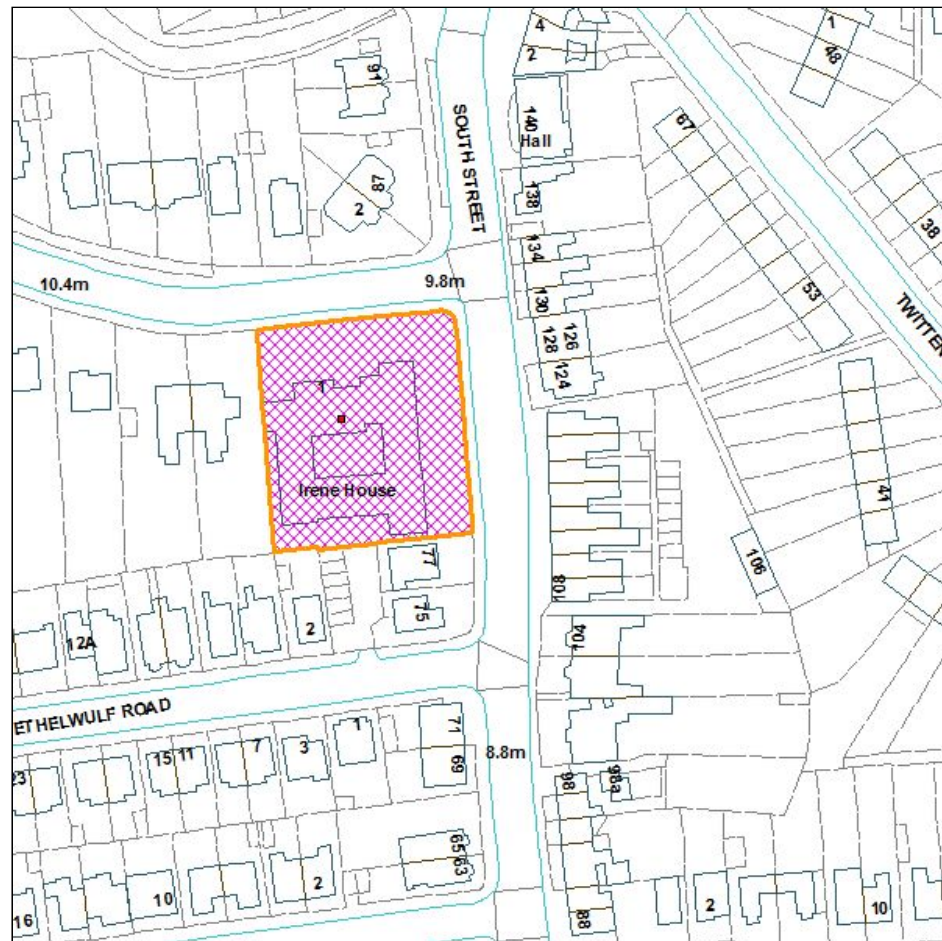
Recommendation – **APPROVE**
subject to the completion of a
legal agreement

Site: Irene House, 1 Parkfield Road, Worthing

Proposal: Demolition of existing care home and erection of a part 2 and part 2.5 storey building containing 22 no. flats comprising 18 x 2-bedroom and 4 x 1-bedroom with associated parking of 26 spaces and landscaping. Retention of existing vehicular accesses onto Parkfield Road and formation of new vehicular access onto South Street Tarring.

Applicant: Rocco [No 17] Ltd
Case: Gary Peck
Officer:

Ward: Tarring



Not to Scale

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Proposal, Site and Surroundings

This application seeks full permission for the demolition of an existing care home (now vacant) and its replacement with a part 2 and part 2.5 storey building containing 22 no. flats comprising 18 x 2-bedroom and 4 x 1-bedroom with associated parking of 26 spaces and landscaping. The existing accesses onto

Parkfield Road would be retained and also proposed is the formation of a new vehicular access onto South Street, Tarring.

The proposed building would appear as an L shaped block following the existing pattern of development along South Street and Parkfield Road. 22 of the proposed parking spaces would be provided to the south western part of the site via the existing accesses in Parkfield Road with the other 4 spaces being provided via the new vehicular access onto South Street. Cycle storage for 22 bicycles is also proposed.

The submitted Planning Statement says that trees will be retained wherever possible but it is proposed that 6 trees are removed, 2 of which are subject to Preservation Orders.

The scheme is stated to 'deliver a traditionally designed building drawing on local materials and built forms'. Hipped, gabled and double gabled roof spaces are proposed, with dormers, and the proposed materials include a mix of brick, flint paneling and dark weatherboarding.

The existing floorspace of the building is 1110 square metres with the proposed at 1714 square metres. This attracts a Community Infrastructure Levy contribution of £60,400.

Policy 10 of the Core Strategy requires 30% affordable housing for a development of this nature. Where justification is provided, this contribution may be secured an off site financial contribution. The applicant has submitted viability evidence to justify the latter approach and this is currently being independently considered. The submitted viability evidence sets out that either affordable housing provision on site, or a full off site contribution would affect the viability of the proposal.

On the basis of the Developer Contributions Supplementary Planning Guidance, the required off site contribution would equate to £532,062. If the Vacant Building Credit was applied, as set out in paragraph 21 of the National Planning Policy Guidance, this figure would reduce to £187,286. The developer, on the basis of their viability evidence, has proposed an affordable housing contribution of £70,000.

The application site is located on the corner of Parkfield Road and South Street and is currently occupied by Irene House, until recently occupied as a 40 bed care home but now vacant.

Parkfield Road is to the north and the properties within this road which are to the north and west of the site are set in relatively spacious plots.

To the south of the site is Ethelwulf Road although only number 2 directly borders the application site (to the south west side). A garage is compound is due south of the site.

To the east of the site is South Street, directly opposite the site are a parade of shops with residential properties beyond, so the character is mixed and generally denser than the area to the west. A bus stop is immediately outside of the site. Numbers 75 and 77 South Street are residential properties immediately to the south of the application site. Number 77, the nearest property, does not have any

windows in its northern elevation and currently sits very slightly further forward than the existing building. The building is slightly higher than the front of the Irene House at present primarily because of more steeply pitched roof.

Irene House itself has some attractive elements, mainly the original building, but has been adversely affected by a number of additions and extensions over time. The existing screening to the site, which in part can be said to be rather overgrown but nonetheless contributes to the character of the area, limits the impact of the building in the wider street scene. The boundary frontage to South Street is of little visual merit consisting of a faded close boarded fence which does not compare well compared to, for example, the brick wall of 77 South Street to the south.

The application site is not within a Conservation Area nor is the building listed.

Relevant Planning History

None relevant to the determination of the application

Consultations

Arboricultural Officer

I have taken a look at the site and I do not have any objections regarding the removal of trees. Most of the six trees to be lost are either in poor condition or of lower amenity value.

The most significant tree is the medium to large sized Arizona Cypress T3. Although a healthy prominent tree, it has a limited long term suitability. The lower limbs are beginning to widen significantly, within the limited space between the road and the existing building.

I consider that replacing this tree with a more manageable deciduous tree such as a Norway Maple would be a more sustainable option.

West Sussex County Council Highways

Background

The proposal is for the re-development of the site, presently a care home, to provide 22 flats with associated amenity space and parking. 26 parking spaces will be provided for the residents of the new development. Both existing vehicular accesses will be retained with a new access created onto South Street to provide access to a small parking court. The proposals are accessed from Parkfield Road a 'D' class road subject to a 30 mph speed limit. The site will also have access onto South Street which is classified as part of the A2031, this is also subject a 30 mph limit.

The proposals are supported by way of a Transport Statement (TS) which includes Trip Rate information Computer System (TRICS) data and a Stage 1 Road Safety Audit (RSA). The LHA (Local Highways Authority) would not raise an objection to the proposals from the highway point of view. Detailed comments are provided in the report below.

Access and Visibility

The two existing accesses with Parkfield Road will be retained and a new third access will be created onto South Street. This will provide access to four parking spaces only, and has been subject to the RSA. An inspection of the RSA confirms no issues have been raised with the access proposals onto South Street, therefore the LHA are satisfied that no further action is required at this stage.

The site does have an existing vehicular access onto Parkfield Road. No modifications are proposed to the existing access arrangements. Each access is considered to be of sufficient geometry to accommodate the anticipated level of vehicular activity. The new access onto South Street also has sufficient sightlines and can achieve the required 43 metre splays within Manual for Streets (MfS).

The LHA have reviewed data supplied to WSCC by Sussex Police over a period of the last 3 years. There have been no recorded injury accidents in the vicinity of the site access onto Parkfield Road or South Street. There is no evidence to suggest that the road is operating unsafely, or that the proposed would exacerbate an existing safety concern.

In conclusion the principle of the access is acceptable. The works for the access would be subject to a Licence Agreement with WSCC's local area engineer.

Trip Generation and Capacity

The TS provided in support of this application does estimate potential vehicular trip generation arising from this proposed C3 use and gives a comparison against the existing C2 usage. It suggests that there will be a net increase of 7 two way movements in the morning and evening peak hours over the C2 usage. The LHA acknowledges that the TRICS outputs are based upon sites considered to be comparable in terms of planning use class and location to that proposed, in accordance with TRICS Best Practice Guidance. As such the trip rate generated provides a realistic indication of likely trip generation from the new dwellings. This proposal would not trigger the 30 vehicle movement threshold to warrant formal junction assessments.

It is recognised that this proposal would give rise to a more intensive use of Parkfield Road and South Street. However, this proposal is not anticipated to result in a severe cumulative impact on the operation of the local network in accordance with paragraph 32 of the National Planning Policy Framework.

Parking, Layout and Accessibility

The development proposal includes 26 parking spaces, 22 of which will be allocated to individual homes and a further four spaces unallocated, but also for use by residents, in accordance with the WSCC Parking Demand Calculator (PDC). The LHA are satisfied with the parking allocation provided by the applicant and the justification given within the TS.

Consideration is given to the sites accessible location. There an existing established pedestrian network surrounding the site; the site has very good public transport access, with West Worthing rail station located less than 400m south of the site. The site is located within close proximity to nearby shops, schools and leisure facilities.

The area along South Street and within the junction of Parkfield Road is subject to enforceable waiting restrictions along the carriageway restricting parking. Other than at the junction it's an offence to park on Parkfield Road and given the good visibility in both directions it is not considered that parking would be detrimental to highway safety. The carriageway is circa 7.0m in width and provides ample space for another vehicle to pass a parked vehicle. It may result in vehicles having to wait for a few moments while giving way to an oncoming vehicle before pulling out to pass the parked vehicle, however, this is not considered to be a severe impact.

The LHA are 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.

Construction

Matters relating to access during the construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from Parkfield Road and South Street. A comprehensive construction management plan would be sought through condition should permission be granted. The construction management plan should amongst other things set out how deliveries are to be managed along Parkfield Road and South Street in light of the carriageway width and presence of other vulnerable road users.

Conclusion

The LHA does not consider that the proposal 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.

West Sussex County Council Lead Local Flood Authority

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

The following is the detailed comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations and advice.

Current surface water flood risk based on uFMfSW for 30year and 100year events:	Low risk
<p>Comments:</p> <p>Current uFMfSW mapping generally shows the site to be at low risk from surface water flooding although the adjacent carriageway is at higher risk.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>Any existing surface water flow paths across the site must be maintained.</p> <p>Reason: NPPF paragraph 103 states – ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.’</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.</p>	

Modelled groundwater flood hazard classification (updated):	Moderate/high risk
<p>Comments:</p> <p>The proposed development site is shown to be at moderate/high risk from groundwater flooding.</p> <p>This risk and appropriate mitigation should be considered in any future designs especially with regard to underground structures and utilities.</p> <p>Where the intention is to dispose of surface water via infiltration / soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.</p> <p>Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p>	
Records of any ordinary watercourses or culverted watercourses within or in close vicinity to the site:	No
<p>Comments:</p> <p>Current Ordnance Survey mapping shows no ordinary watercourses running near to or within the boundary of proposed development site.</p>	

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around and across the site. If present these should be maintained and highlighted on future development plans.

No development should take place within 5m of any watercourse. If works are undertaken within, under, over or up to an Ordinary Watercourse, even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District Council. Future maintenance and access of a watercourse must be considered during the design and planning process.

Records of any historic flooding within the confines of the proposed site or nearby:	No
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Comments:

We do not have any records of historic flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

Future development - Sustainable Drainage Systems (SuDs)

The FRA included with this application proposes that below-ground attenuation with restricted discharge to the main sewer be used to restrict the runoff from the development. Infiltration techniques should be explored for the site but these methods would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

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

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

Technical Services

Thank you for the opportunity to comment on this application. I agree with the content of the FRA, and agree with the proposed discharge, but I have some questions which I would like answered if possible.

- 1) What is the surfacing of the car parking area and western access road.
- 2) Is all surface water from these areas expected to enter the storage tanks via gullies.
- 3) Are the parking area and access road gullies trapped.
- 4) Are roof drainage outlets trapped to stop moss etc. getting into the tanks, or are the gutters covered.
- 5) Working from the BGS borehole data Ground Water is expected to be at least 4.5m below current ground level, so will the tank be sealed or will it be allowed to infiltrate (poorly).
- 6) Why is the outlet passed through an oil separator (depends on previous answers).
- 7) What is the maximum discharge rate possible should the hydrobrake become blocked (ie bypass size).
- 8) What is the alarm mechanism to report hydrobrake problems.

Following the receipt of further information from the applicant's agent:

These answers are what I expected and are satisfactory at this stage. Therefore I now have no negative comments.

Southern Water

The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the foul and surface water system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

Alternatively, the developer can discharge foul and surface water flows no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul and surface water system. You will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul and surface water flow will be no greater than the existing contributing flows.

Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

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.

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

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

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

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."

The design of drainage should ensure that no land drainage or groundwater is to enter public sewers network.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that noncompliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

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

“A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk”.

Environmental Health

Comment 1: I have now had the opportunity to review the above application and would make the following comments.

Although I have no objection in principle, I note that the windows in some habitable rooms appear to be very small and may not provide suitable natural light, ventilation or outlook. This is particularly the case in Plot 7 & 17.

Comment 2:

With reference to the above application, I have the following comments:

As this site is in very close proximity to existing residential dwellings I have concerns about the resulting noise and dust associated with the demolition and construction works. I would recommend the following conditions.

- All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times.

Monday Friday

08:00 18:00 Hours

Saturday 09:00 13:00 Hours

Sundays and Bank Holidays no work permitted.

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

Defra noise mapping shows noise levels on the development site from South Street to be between between 55dB and 70dB (LAeq 16hr) during the day time and between 50dB and 60dB (Lnight) during night time hours.

Prior to a planning decision being made, I would recommend an Acoustic Design Statement is submitted in accordance with recently published ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise (May 2017).

The scope of 'ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise' is restricted to the consideration of residential development that will be exposed predominantly to airborne noise from transport sources. This document discusses how good acoustic design of new residential development should be incorporated at the planning stage. Within this Acoustic Design Statement an initial noise risk assessment of the proposed site should be carried out, this should provide an indication of the likely risk to adverse effects from noise were no subsequent mitigation to be included.

Mitigation measures that could be considered may be the reconfiguration of the site, moving the bulk of the building towards to west of the site, away from South Street and placing the parking area to the east of the site. Also, the reconfiguration of some of the rooms within the flats so habitable rooms are positioned furthest from South Street.

I also have concerns about noise transmission between some of the kitchen/lounge and bedrooms. A number of kitchen/lounge are positioned directly above, below and adjacent to bedrooms. These dissimilar rooms positioned in this way is likely to lead to loss of amenity and noise complaints.

I would advise the reconfiguration of the rooms so similar room types are positioned adjacent to each other in accordance with ProPG guidance. If this is not possible then sound insulation testing should be carried out between all dissimilar rooms to confirm compliance with Approved Document E specifications before occupation.

As this is classed as a 'major' development the applicant will need to follow the Air Quality & Emissions Mitigation Guidance for Sussex (2013), which is signposted on our [website](https://www.adur-worthing.gov.uk/environmental-health/pollution/air-quality-and-pollution/air-quality-and-planning/) (<https://www.adur-worthing.gov.uk/environmental-health/pollution/air-quality-and-pollution/air-quality-and-planning/>). This states that where a major sized development is proposed a number of checklists should be followed in order to determine the likely impact on air quality.

In this case we shall require an emissions mitigation assessment (section 2 of the Sussex Guidance). The purpose of an emissions mitigation assessment is to assess the local emissions from a development and determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment, even if an air quality impact assessment has concluded the national air quality objectives will not be breached. The intention of the guidance is to identify and ensure the integration of appropriate mitigation into a scheme at the earliest stage, so the damage costs on health can be mitigated.

Representations

5 letters of objection have been received on the following grounds:

- The plans have taken no account of existing Tree Preservation orders on the site
- The removal of trees with a Preservation Order upon them is a reason for refusal in itself
- There is very little in the way of greenery in the surrounding area and that which currently screens the site would be lost as a result of the proposal

- The new proposed entrance to South Street would have an adverse impact upon highway safety when existing accesses in Parkfield Road could be use instead.
- Too many apartments proposed which would cause highway safety issues
- The care home did not generate the parking and access requirements for the proposed development
- Proximity of access to existing bus stop and passenger refuge
- Increased overlooking caused by the removal of trees

Relevant Planning Policies and Guidance

Saved Local Plan policies (WBC 2003): RES12 & H18
 Worthing Core Strategy (WBC 2011): Policies 8, 10 & 16
 National Planning Policy Framework (CLG 2012)
 Planning Practice Guidance (CLG 2014)

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

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

Planning Assessment

The main issues in the determination of the application are whether the principle of development is acceptable, the effect of the proposal upon the character of the area and the amenities of neighbouring properties, the effect upon highway safety and the provision of infrastructure.

Irene House was previously operated by Guild Care, a Worthing based charity who provide residential and non-residential care facilities. There are 3 other care homes in Worthing operated by Guild Care which are still operational. In the supporting information submitted with the application, the Chief Executive of Guild Care stated that Irene House was a 1920s building converted into a care home in the 1970s and while it '*provided excellent care in its time*' it no longer lent itself to the level of care required by today's standards. Guild Care point out that a preferred model is 60 bed spaces as lower provision (40 being the level of provision at Irene House) is proportionally more expensive. Your officers are aware that similar points have been made by other operators. Guild Care therefore closed Irene House and the proceeds of selling the site have been made available to assist with other schemes in the area. Your officers have inspected the now vacant property, and it appeared readily apparent that the design and layout of the building would not have led to the high standards of residential care now expected in the town.

It should also be borne in mind that not only have Guild Care provided other facilities in the town, but a very short distance to the north, the currently vacant

Priory Rest Home site has an extant permission for a replacement care home, but has now been bought by another care home provider that recently lodged a revised care home scheme. It appears likely that some care facilities will be provided in the vicinity in the future therefore.

The principle of the development is therefore acceptable.

As stated above, while the original 1920s building has some merit, it has been surrounded by subsequent additions that have led to a building that does not make a significantly beneficial contribution to the street scene. The building also spreads across the site in a somewhat inefficient manner and in parts is closest to the western boundary where it could be considered that the impact upon surrounding properties is the greatest.

It is felt that the new development represents an opportunity to improve the character of the area. The South Street and Parkfield Road distances to the boundary will be largely retained but the removal of the buildings to the south west corner of the site, where the main car park will be located, will allow the possibility of additional planting to the south (where there is only a low brick wall on the boundary at present) and a far greater distance between buildings to the west than is currently the case as the current building abuts the boundary (albeit at single storey level) but a distance of 7 metres would be provided to the boundary under the current proposal.

A separation distance in excess of 2 metres is maintained to the southern boundary with 77 South Street, which has no facing windows in its northern elevation, and since the proposed roof will be hipped, it is considered that the proposal is acceptable in this respect.

The main impacts will therefore be of the increased height of the building given that it will effectively be 2.5 storeys with a steeply pitched roof compared to a 2 storey building with a shallow roof at present. The distances to the boundaries outlined above are considered to be acceptable in terms of the impact of this increased height as well. From a street scene perspective, it is important that the existing building line is maintained and to that degree it is also felt that the footprint of the building is acceptable. The main impact is likely to be seen from South Street due to the removal of trees (although one new tree will be planted) and the creation of a new access from South Street. This will mean that a relatively green frontage at present (albeit somewhat overgrown and behind a poor boundary fence) will be opened up and a small parking area visible.

It is not considered that the above change is unacceptable, balancing the factors of the building. The existing elevation facing South Street is moderate and it is considered that a far more visually attractive building will be visible from the road. The loss of a preserved tree is regrettable on this frontage but a significant screen will remain to the north eastern portion of the site. Moreover, the ability to secure, by condition, improved boundary treatment means that the overall benefits of the proposal outweigh the harm. The existence of a Tree Preservation Order is not, in itself, reason to resist an application for development that accords with the principles of sustainable development as set out in government guidance.

Representations have been received regarding the highway safety aspects of the proposal. Full comments have been received from the County Council who do not object to the application as the highways authority for the area. As members will be aware, the test set out in the National Planning Policy Framework is that the impact of any development upon the highway network has to be severe to justify the refusal of a planning application on highways grounds and for the reasons set out in their highways response, it is not considered that is the case in this instance.

Core Strategy Policy 10 requires a scheme of this type and scale to provide 30% of the proposed dwellings as affordable housing on site i.e. 6.6 units, subject to:

the economics of providing affordable housing

the extent to which the provision of affordable housing would prejudice other planning objectives to be met from the development of the site

the mix of units necessary to meet local needs and achieve a successful development.

The policy also states:

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

The applicants have submitted a confidential detailed financial viability appraisal to indicate that such provision, whether on site or paid as a commuted sum towards off site provision, renders the scheme unviable.

At the time of writing the report, officers were awaiting comments from the independent valuers who are assessing viability submissions on the Council's behalf. It is likely that the provision of an off site financial contribution is likely to be considered acceptable in this instance.

The building is vacant, and government policy is to incentivise the development of such sites by means of the Vacant Building Credit. This would result in a reduction of over 60% in the off site affordable housing contribution. It is highly unlikely, in this instance, that the Council could contest this position.

The required affordable housing contribution would be in excess of £187,000 but for viability reasons the agent has contended that a maximum offer of £70,000 can be made (it should be remembered that a CIL contribution in excess of £60,000 is also payable which cannot be contested). Quite clearly, this figure should be robustly assessed independently and the results of such exercise will be available prior to the meeting. As with previous schemes considered by the Committee, it is likely to be necessary to require the viability of the scheme to be formally reviewed and the development contribution adjusted if necessary if the implementation of the permitted application is delayed.

Subject to the above, it is considered that the proposal will result in an attractive development which will provide new housing in a sustainable location and accordingly it is recommended that the permission is granted subject to the completion of a legal agreement.

Recommendation

To GRANT permission **subject to the following conditions and the completion of a legal agreement securing an off site contribution towards affordable housing.**

1. Approved Plans
2. Full Permission
3. No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of road safety
4. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.
Reason: To provide car-parking space for the use
5. 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.
6. All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times.
Monday Friday
08:00 18:00 Hours
Saturday 09:00 13:00 Hours
Sundays and Bank Holidays no work permitted.
7. Construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the demolition and construction phases of the development.
8. The development hereby permitted shall not be occupied until sound insulation testing has been carried out between to confirm compliance with Approved Document E

9. Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.
10. Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.
11. Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.
12. 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
13. Prior to commencement of any above ground construction a schedule and samples of materials and finishes to be used for the external walls (including windows and doors) and roof of the proposed building shall have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.
14. Prior to commencement of any above ground construction a scheme of soft and hard landscaping shall have been submitted to and approved in writing by the local planning authority, which shall include indications of all existing trees and hedgerows on the land and details of those to be retained, together with measures for their protection in the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The approved details of hard landscaping shall be completed prior to occupation of the building.
15. Prior to commencement of any above ground construction details of all boundary treatment shall have been submitted to and approved in writing by the local planning authority. The boundary treatment shall be provided in accordance with the approved details prior to occupation of the building.

INFORMATIVES

1. 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.
2. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Application Number: AWD/1146/17

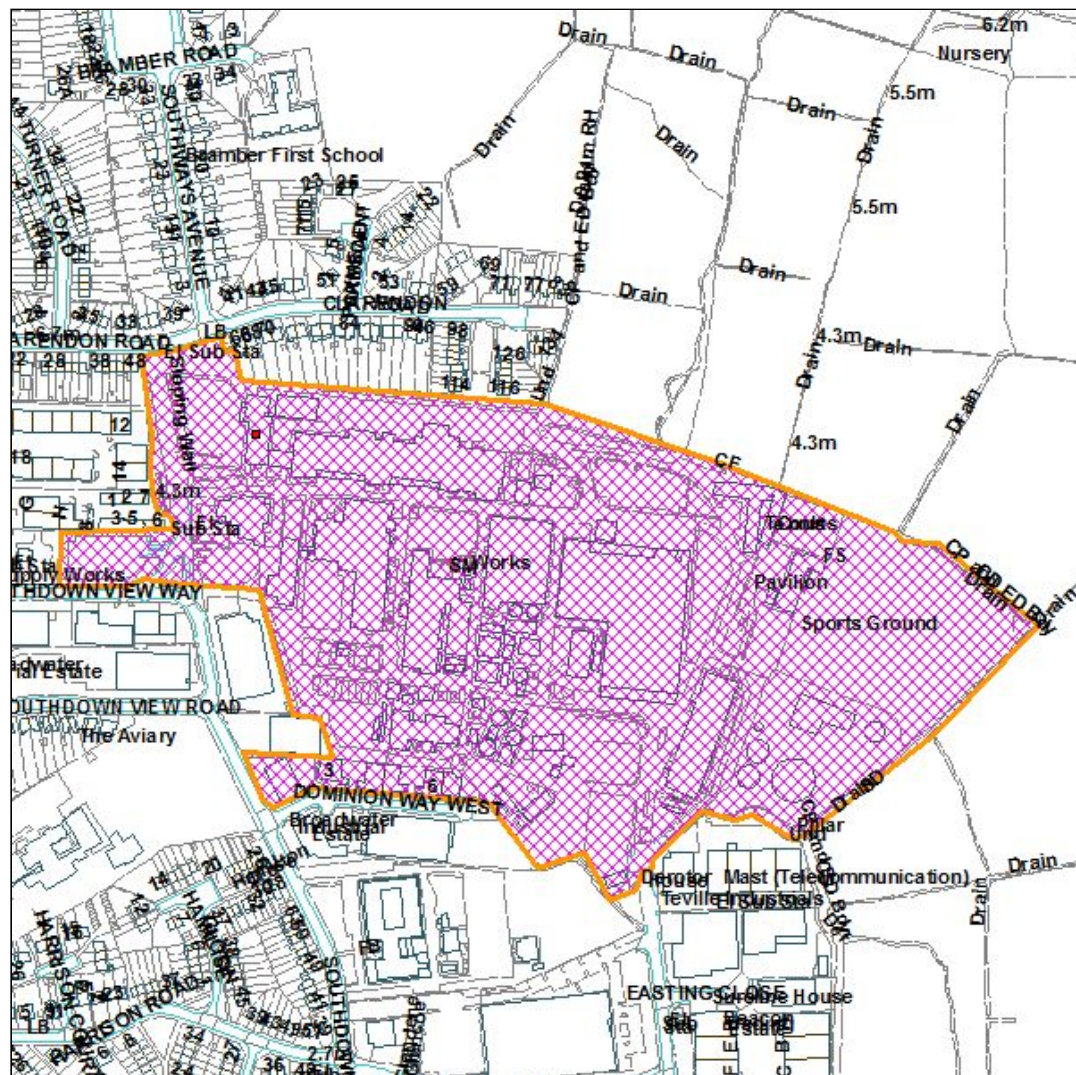
Recommendation – APPROVE

Site: Glaxo Smithkline, Southdownview Way, Worthing

Proposal: Variation of conditions 23 and 24 of AWD/0311/14 to extend the requirement for restoration of the sports field and western car park and entrance area, which are temporarily used for car parking, storage and offices during construction, until June 2018.

Applicant: Mr Art O'Grady
Case: Gary Peck
Officer:

Ward: Broadwater



Not to Scale

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Proposal, Site and Surroundings

This application seeks permission to further extend the time limit for conditions 23 and 24 of the permission originally granted under reference AWD/0311/14 which

gave permission for a new pharmaceutical production building. As part of the permission, the sports field to the east of the GSK site has been used for car parking while the western car park has been used for construction parking and storage while the permission is being implemented. In both cases, the temporary uses were to cease and the land restored to its former condition 2 years after the permission was granted. The original permission was granted in June 2014, and a temporary permission granted in 2016 allowed the uses of the respective areas for a further year until June 2017.

Although the building itself is substantially completed, due to a further extension in the project schedule for constructed activities plus associated commissioning and qualification activities for the facility, the overall project duration has been extended and therefore temporary uses are required for a further period of time. This application therefore seeks to extend the time limit for the works for a further year until June 2018.

The sports field sits to the east of the GSK complex and is bordered by other buildings and uses within GSK ownership and open countryside. The area for construction parking is close to the main western entrance to the site and is closer to residential properties which are primarily to the north and other commercial uses to the west.

Relevant Planning History

AWDM/0311/14 - Construction of new pharmaceutical production building incorporating 3 manufacturing modules, utility and other associated engineering operations. In addition to the proposed temporary use of existing staff car parks to the west of the site for support facilities for construction workers and use of existing football pitch on east side of site as a temporary staff car park. Temporary access road from Dominion Way West for the use of HGVs in connection with construction works - permission granted in June 2014.

Conditions 23 and 24 stated:

23. The use of the sports field as a temporary car park hereby permitted shall be discontinued and the land restored to its former condition on or before 2 years of the date of this permission in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

Reason: To ensure satisfactory remediation and as the use of the sports field as a car park is only acceptable as a temporary measure with regard to the wider development of the site.

24. The use of the existing western car park and entrance area for purposes in association with the construction of the pharmaceutical production building hereby permitted, including contractor's parking, offices and storage areas shall be discontinued and the land restored to its former condition on or before 2 years of the date of this permission in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

Reason: *The permanent use of the land for the purposes above would be to the detriment of the amenities of neighbouring properties.*

AWDM/0633/16 - Application for variation of conditions 23 and 24 of approved AWDM/0311/14; condition 23 sports field used as car parking and condition 24 western car park and entrance area for construction parking, storage and offices, to be extended for one year to June 2017 - approved

Consultations

West Sussex County Council

West Sussex County Council, in its capacity as the local highway authority, has been consulted on the proposed variation of conditions 23 and 24. The variation seeks to extend the current temporary arrangements for car parking, storage and offices to support the on-site construction activities. No objection is raised to the continuation of this activity until June 2018.

Representations

No comments received

Relevant Planning Policies and Guidance

Saved Local Plan policies (WBC 2003): RES7,
Worthing Core Strategy (WBC 2011): Policies 4, 11 & 16
National Planning Policy Framework (CLG 2012)
Planning Practice Guidance (CLG 2014)

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

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

Planning Assessment

The main issue in the determination of this application is whether the variation of the condition would adversely affect the character of the area and the amenities of neighbouring properties.

The 2014 permission has largely been implemented but to the complexity of the project it has slipped behind its original construction schedule. Your Officers have been kept informed about its progress at all times and therefore were aware that the timescales envisaged by the condition were unlikely to be met.

While both elements of the proposal would be unacceptable as a permanent measure, it is not considered that the extended time limit is excessive especially as there remains clear evidence that this important project is progressing given that the building has already been constructed. It is also noted that while the construction parking area was anticipated to have some impact upon neighbouring properties, there have not been any complaints reported to the department as a result of the alternative use of the land, nor have there been any representations received in respect of the current application. Accordingly, therefore, it can be considered that the temporary uses are continuing to operate without undue detriment and hence in order to facilitate the smooth completion of the project, there is no objection to the proposal to vary the conditions. It is therefore recommended that permission is granted.

Recommendation

To GRANT permission

Subject to Conditions:-

1. Compliance with approved plans
2. The use of the sports field as a temporary car park hereby permitted shall be discontinued and the land restored to its former condition on or before 30 June 2018 in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

Reason: *To ensure satisfactory remediation and as the use of the sports field as a car park is only acceptable as a temporary measure with regard to the wider development of the site.*

3. The use of the existing western car park and entrance area for purposes in association with the construction of the pharmaceutical production building hereby permitted, including contractor's parking, offices and storage areas shall be discontinued and the land restored to its former condition on or before 30 June 2018 in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

Reason: *The permanent use of the land for the purposes above would be to the detriment of the amenities of neighbouring properties.*

4th October 2017

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

Gary Peck
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Senior Planning Officer
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01903 221313
rebekah.smith@adur-worthing.gov.uk

Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

- 9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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

Report by the Director for Economy

ENFORCEMENT REPORT

7a Shelley Road, Worthing

**ALLEGED UNAUTHORISED BUILDING WORKS: LAYING OF HARDSTANDING
AT 7a SHELLEY ROAD, WORTHING**

1. Planning History and Background

- 1.1 In May 2015, a complaint was received regarding the laying of a hardstanding on the site of a former scout building in the grounds of a former Church building now adopted by a Company providing medical services.
- 1.2 The former scout building was granted temporary planning permission in 1980 and subsequently granted permanent permission in 1990. A condition imposed upon the permission stated that the building could only be used for purposes ancillary to the then United Reformed Church.
- 1.3 The main building was used as place of worship until 2005 when the congregation moved to another Church and the building became empty soon after.
- 1.4 In 2009, a Certificate of Lawful Use application was submitted for the proposed use of former church building as a health centre (Class D1). The Certificate was granted but but did not include the land occupied by the scout building.
- 1.5 In 2011, an application was received for the replacement of the former scout building to provide a diagnostic clinic and hydrotherapy unit in connection with the health centre. Permission was granted, but was not implemented and subsequently lapsed.

- 1.6 The building was subsequently removed and hardstanding, which has been used for parking, constructed in its place. Upon receipt of the complaint, the Council investigated the matter and considered that the laying of the hardstanding comprised unauthorised development for which a planning application was required.
- 1.7 An application to retain the hardstanding was submitted shortly after but was invalid because of insufficient information and therefore was never registered. In the absence of a valid application an Enforcement Notice was served in October 2015. The site owner immediately appealed against the Notice.
- 1.8 On receipt of the appeal, the Planning Inspectorate raised a query that the Notice alleging the breach of planning control as the laying of a hardstanding was defective as the requirements of the Notice related to the use of the land rather than the operational development itself. As the requirements of the Notice covered a use of the land and not the operational development the Planning Inspectorate stated that it was not clear if the notice complied with section 173 of the Town and Country Planning Act 1990 (as amended). The Planning Inspectorate, therefore, recommended that the Council should withdraw the Notice.
- 1.9 In December 2015, a revised Notice was served which attempted to take account of the comments of the Inspectorate and the original Notice was withdrawn.
- 1.10 The withdrawal of the original Notice meant that the appellant was entitled apply for costs for work undertaken in respect of an appeal against a Notice which the Council subsequently withdrew. The costs application was allowed and a full award of costs made to the appellant. In awarding costs, the Planning Inspector stated:
- 'For the avoidance of doubt, this decision should not be taken to imply any view on the Council's decision to take enforcement action in respect of the alleged unauthorised development.'*
- 1.11 A second, similar, Enforcement Notice was issued and the site owner again appealed and made a second application for costs, stating that the second Enforcement Notice was again invalid.
- 1.12 The appeal decision found that the second Enforcement Notice was indeed, again, invalid. The Inspector stated in the appeal decision:

'The notice with which I am concerned alleges the laying of a hardstanding and the requirements are to cease the use of the hardstanding for car parking and to erect a wooden fence. The notice therefore combines an allegation of operational development with requirements relating to a material change of use. This formulation does not accord with the statutory requirements of the purposes of the notice as provided for in s.173(4) which are purposes dependent on the allegation, that is, either a material change of use for which the requirement is to discontinue the use; or operational development for which the requirement is restore the land to its condition before the breach took place; or to remedy any injury to amenity which has been caused by the breach.

The Council's case is that the requirements seek to remedy the injury to amenity caused by the breach and it is under-enforcing pursuant to s.173(11) because complete removal of the hardstanding would be excessive. But to my mind this argument is misconceived because the injury to amenity must arise from the breach, in this case, the operational development of laying the hardstanding. This is an argument the Council appear to accept as it is also said in its statement that 'it is not the physical works of the laying of the hardstanding which are harmful rather the resulting use of the area so created'.

Similarly it seems to me that any under-enforcement also has to relate to the operational development alleged. It is notable that the Council also appears to acknowledge this in that it states 'a second notice could be served relating to the unauthorised change of use of the land for car parking'. However, the Council did not issue a second notice because it considered 'this would have placed an additional burden on the Appellant and was felt to be excessive when one notice could suffice

For the reasons given above I find that although the notice is flawed it does contain the statutory requirements as provided for in s.173, albeit incorrectly applied, and it is not therefore a nullity but it is invalid.'

- 1.13 In respect of the second award for costs, the Inspector again found in favour of the appellant stating:

'The Guidance advises that although a Council has a general discretion to take enforcement action it is expected to exercise care when deciding to issue a notice and is at risk of an award of costs if it is concluded that an appeal against a notice could have been avoided if it had ensured that the notice was

accurate. Given the similarity between the withdrawn notice and the notice in this appeal I consider that the Council acted unreasonably in issuing a second notice with the same flaws. In reaching this view I note that the Council appeared to be aware of the inconsistencies in the notice in that it says in its statement that 'it is not the physical works of the laying or the hardstanding which are harmful rather the resulting use of the area so created' and 'a second notice could be served relating to the unauthorised change of use of the land for car parking'.

2. Current Position

- 2.1 Following the second unsuccessful Notice and consequent award of costs, your Officers met on several occasions internally to carefully consider the next steps.
- 2.2 As a result the site owner was invited to a meeting to discuss whether a mutually acceptable solution could be agreed in preference to serving another Enforcement Notice. At this stage, your officers were of the view that should a planning application be submitted, without prejudice, the most mutually acceptable solution was likely to be to grant permission subject to conditions which would mitigate the impacts of the hardstanding.
- 2.3 Although an application, albeit invalid, was submitted in 2015 to retain the unauthorised hardstanding, the agent now contends that planning permission was not, in fact required. In reaching this conclusion it is argued by the agent that the laying of the hard standing is allowed in accordance with the rules relating to permitted development. Further it is submitted that a material change of use has not occurred as the parking of cars in the area in question is an ancillary use of the medical centre, such use have occurred previously (circa 1970's) and could not be abandoned.
- 2.4 In response to the agent's comments, your officers contend the contra argument, that the use of the area of hardstanding as a car park is not an ancillary use of the medical centre, and that the grounds relied upon for permitted development of the hard standing are not applicable, as the site form part of a medical centre, not a hospital, as required within the meaning of the Town and Country General Permitted Development Order 2015 Part 7 Class N and M.1g(ii). In determining ancillary use it is argued that the area subject to dispute has in all material respects become a separate planning unit and that former use (circa 1970's) has been abandoned through the operation of the 1990 permission.

2.5 The agent and the Council are at an impasse in relation to their respective legal positions for the site.

2.6 The agent has maintained his argument that the area is used for an ancillary purpose to the medical centre and argues that 1990 permission does not have the effect of taking the area outside the planning unit of the medical centre, and that at best the 1990 permission now creates a 'nil use' for the area. It is further contended that the Council's earlier comments in relation to the appealed enforcement notices that it accepts the position that the laying of the hardstanding is permitted development. In conclusion to these arguments the agents contends that there are three options available, and has stated in correspondence,

"As far as I can see there are 3 options:

1) The Council serve a third enforcement notice. Please note that I am instructed to vigorously appeal the notice following consultation with senior Counsel; and apply for costs if appropriate.

2) You provide compelling evidence that I have misjudged the ancillary argument, at which point I would recommend to my client to apply for planning permission. I remain open to being convinced otherwise, but as things stand I am adamant that "Area A" is ancillary to the former United Reform Church which is now operating as a medical centre use, and therefore using it as an ancillary car park is wholly lawful.

3) The enforcement investigation is dropped."

The Council's position remains that the additional parking area requires planning permission . A neighbour to the car park continues to object to its use, and argues, through her legal representation that the use of the area as car parking amounts to a material change of use requiring planning permission, and that its current use is causing harm to her residential amenity. The Planning Committee is therefore requested to consider the expediency of serving a further Notice having regard to the level of harm being caused to residential amenity.

3. Planning Assessment

3.1 As detailed above, this has become a complex case. The Council has unsuccessfully attempted to serve two Enforcement Notices resulting in an award of costs to the appellant on both occasions. The potential serving of a

third Enforcement Notice therefore has to be considered very carefully. The original complainant maintains their strong objection to the additional car park area..

- 3.2 The area in question is accessed via Grafton Road, with the former Church building now housing Panacea Ltd, being situated to the north in Shelley Road. To the south of the site are residential properties in Chandos Road and there are other residential properties to the west in Buckingham Road.
- 3.3 The entire area is rectangular in shape, with the eastern side historically used for parking. When the former scout building was removed, hardstanding was laid in its place. There is also some landscaping in the south western corner of the site although this does not rise above the low boundary wall that borders the site in that location. The western boundary has a 2 metre high close boarded fence while properties towards the south eastern side of the site have erected their own close boarded fence behind the low boundary wall. Essentially, in terms of neighbour impact any harm is primarily on the properties in Chandos Road to the south western corner as they have no other screening than a boundary wall and are closer to the additional parking area.
- 3.4 For the reasons set out above, your Officers are of the view that the additional car parking area requires planning permission. This was set out to the site owners at the time of the original complaint in 2015, and is also the view of 2 Solicitors within the Council who have provided advice at different times. It is important to note that the unsuccessful Enforcement Notices were not quashed because of any consideration of whether the development requires planning permission. It remains open for the Council therefore to serve a further Notice.
- 3.5 In terms of a remedy, your Officers are of the view that the submission of a planning application could, quite easily, resolve the problem as conditions could be imposed to mitigate the impact of the hardstanding, which is essentially the use of land for parking in close proximity to neighbouring properties in a location where historically stood a building. Indeed in September 2015, just after the complaint was received and following the submission of the application which was incomplete and therefore never registered, the Enforcement Officer advised the agent:

My advice was that the relationship that this creates between vehicles using the extended car park and the rear of the neighbouring residential properties is unacceptable. I advised you that in order for Officers to be able to

recommend approval fencing and/or significant planting would need to be incorporated.

- 3.6 Your Officers, in visiting the site, remain of the view that were additional planting or the erection of a fence to be carried out, which as such would result in the loss of little, if any parking, then there would be no reason to proceed with enforcement action. Unfortunately, the agent does not consider that planning permission is required. Such a view does not prevent the provision of additional landscaping or the provision of a fence outside of the planning process, but it is understood that the site owner does not wish to undertake either action.
- 3.7 It therefore falls upon the Council to decide whether to take enforcement action. It is clearly highly regrettable that the previous Enforcement Notices were defective to an extent that warranted the award of costs to the appellant on 2 occasions. In mitigation, the failure of the Notices was primarily because officers felt that to require the removal of the hardstanding by way of an Enforcement Notice was unreasonable and that a fairer compromise (and certainly less costly to the site owner) was to simply to cease the use of the hardstanding for parking purposes. Officers were mindful that the company involved, Panacea, provide extremely useful medical care facilities and to that end as such would wish to avoid putting the company to considerable expense. However, it is not possible to specify a breach (the laying of a hardstanding) in an Enforcement Notice and then specify a remedy which does not involve the removal of the identified breach.
- 3.8 It is clear from the the Enforcement Officer's comments in 2015 that the retention of the hardstanding and consequent use for parking in its current form is unacceptable. Your officers having reviewed the case consider this remains the case. Previously, the occupier of the buildings to the south would have had a building and fencing screening them from the rest of the parking area. Now, as only a low wall separates the site from these residential properties, the view is completely open. While there is landscaping in the south western corner, this has little impact as it is below the level of the wall.
- 3.9 It has been contended by the agent that the parking use at the site is relatively limited. From your Officers observations of the site, this indeed appears to be the case, yet on a recent visit there was still a car parked in the south western corner of the site (and hence very close to the properties in Chandos Road) when the rest of the car park was almost empty. There appears little reason for this. If it is accepted that the car park is not intensively used, then there seems little apparent reason why the parking cannot be adequately

accommodated away from neighbouring boundaries or screened if necessary. In the absence of a planning application, it is not possible to secure either remedy.

- 3.10 The fact remains, therefore, that if the hardstanding is retained in its current form, then the Council is unable to prevent parking in a location where it causes disturbance to neighbouring properties, even if the overall use of the car park is not to a high level.
- 3.11 Your Officers, therefore, have no option other than to conclude that to proceed with enforcement action is necessary in this case. It is considered that the serving of a third Enforcement Notice can be achieved without it being considered as defective by the Planning Inspectorate provided that the remedy relates to the unauthorised use. This would be the removal of the hardstanding and its restoration to its previous surfacing, which was rough ground beneath the previous scout hut.

4. Conclusion & Recommendation

- 4.1 While it is was hoped that this matter could be resolved by agreement between the respective parties, it has not proved possible to do so. Your Officers are satisfied that the hardstanding is unauthorised and requires planning permission. Your Officers are also satisfied that the retention of the hardstanding in its current form causes harm to the amenities in properties in Chandos Road to the extent that, without mitigation, planning permission would be refused for its retention.
- 4.2 It is therefore recommended that file be passed to Legal Services to review and consider whether enforcement proceedings to facilitate the removal of the hardstanding are actioned. Members are therefore requested to endorse the recommendation.

4th October 2017

Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

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

4.0 Equality Issues

4.1 Matter considered and no issues identified.

5.0 Community Safety Issues (Section 17)

5.1 None in this context.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

8.1 As referred to in the above report.

9.0 Risk Assessment

9.1 As referred to in the above report.

10.0 Health & Safety Issues

10.1 As referred to in the above report.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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