



**WORTHING BOROUGH  
COUNCIL**

**Planning Committee  
1 November 2017**

**Agenda Item 5**

**Ward: ALL**

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

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/0146/17**

**Recommendation – Approve**

**Site: Sussex Clinic, 44-48 Shelley Road, Worthing**

**Proposal: Demolition of existing 40-bedroom care home and redevelopment of site with new 62-bedroom care home on three levels including basement with inner courtyard area, landscaping to rear and associated parking area on frontage with Shelley Road.**

**2**

**Application Number: AWDM/0867/17**

**Recommendation – Approve**

**Site: J Alsford And Co, King Street, Worthing**

**Proposal: Retrospective application for erection of external racking for goods storage to perimeter of existing southerly aspect yard space (top level of racking removed at eastern end and south eastern corner).**

**3**

**Application Number: AWDM/1365/17**

**Recommendation – Approve**

**Site: 17 Eastcourt Road, Worthing**

**Proposal: Single-storey rear extension to west elevation (to replace existing outbuilding).**

Application Number: AWDM/0146/17

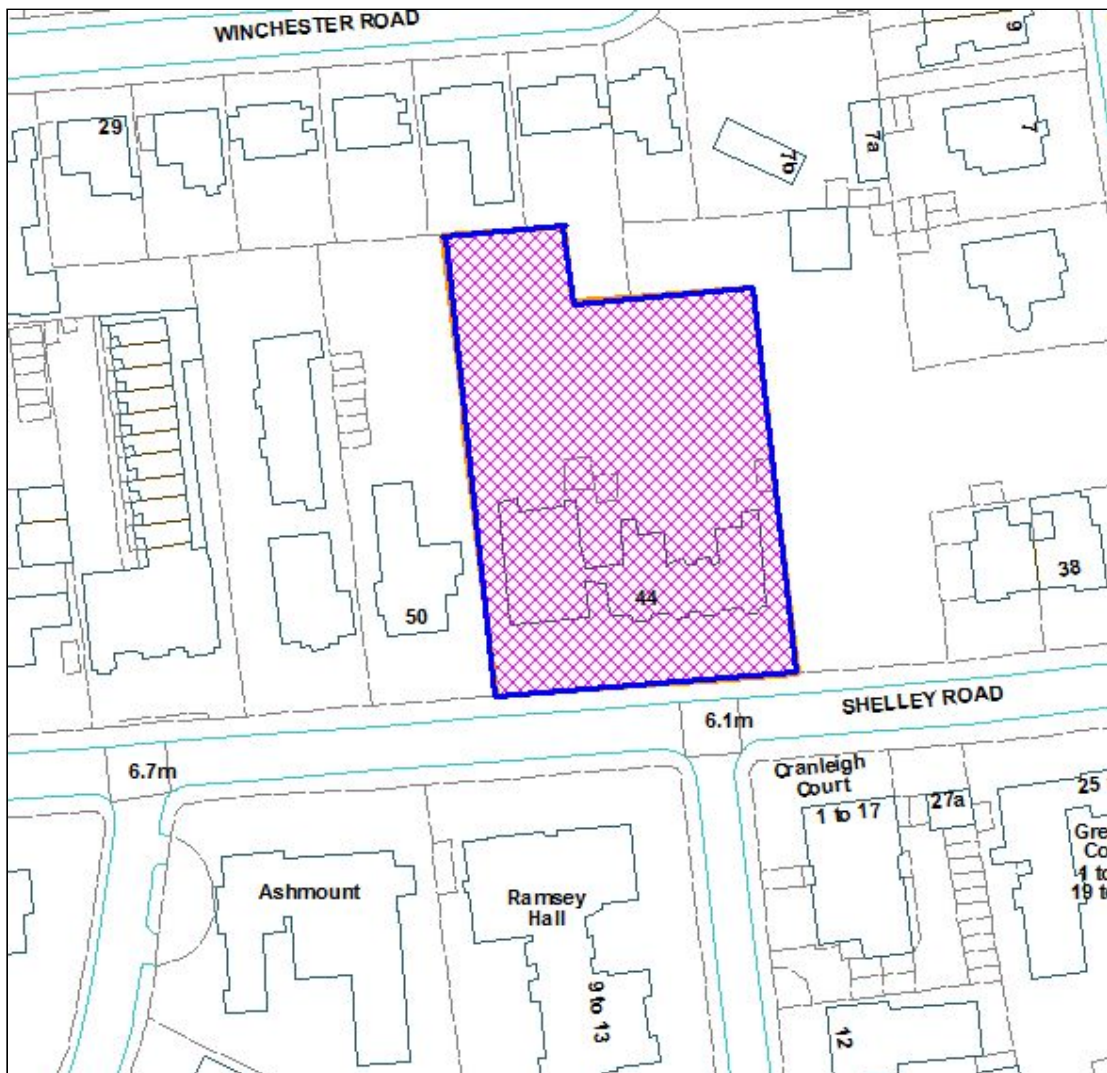
Recommendation – APPROVE

Site: Sussex Clinic 44 - 48 Shelley Road Worthing West Sussex

Proposal: Demolition of existing 40-bedroom care home and redevelopment of site with new 62-bedroom care home on three levels including basement with inner courtyard area, landscaping to rear and associated parking area on frontage with Shelley Road.

Applicant: Sussex Clinic  
Case Officer: Jo Morin

Ward: Heene

**Not to Scale**

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### Site and Surroundings

The application site comprises an L-shaped plot (0.36 hectares in area) consisting of 3 no. linked late Victorian/Edwardian villas fronting the north side of Shelley Road with frontage parking and mature planted gardens at the rear. The site is currently

occupied by Sussex Clinic, a 40-bed residential care home (Class C2).

No.44 and 46 comprise a pair of 2-storey, stucco villas, each with double-fronted cant bay windows and hipped roofs. No.48 consists of a later brick-built, detached building with a part-hipped roof and double, square-bay windows with part-timbered gable features. The front elevation of No.48 has been painted white to match No.s 44 and 46. The buildings have been extended incrementally at the rear and are attached by a 2-storey, recessed link dating from 1997 (itself replacing an earlier link).

The use of No.46 as a nursing home appears to pre-date modern planning legislation. Planning permission was subsequently granted for the use of No.44 as a nursing home in conjunction with No.46 in early 1961, and permission was granted for the use of No.48 as a nursing home in conjunction with 44-46 later that year. Planning permission was granted in 1972 for an operating theatre, and an 'operating theatre complex' was subsequently permitted in 1977. Planning records indicate the property was in use as a private clinic or hospital throughout the 1980s and at least until the mid-1990s. The current facility has 40 rooms and provides long and short-term care for people aged over 18 with medical and/or physical needs. An ancillary out-patient consultation service (with consulting rooms available for visiting consultants) formerly ran from the premises but has been run down in recent years and is understood to be no longer in operation.

The area at the front of the buildings is laid with a tarmac hard-surface providing 16 car parking spaces for staff and visitors with 2 accesses providing an in/out arrangement onto Shelley Road. The frontage is enclosed by a painted masonry wall with trees interspersed behind it. Two of the trees on the site frontage (both Horse Chestnut) are subject to a Tree Preservation Order (No. 2 of 1995). A mature eucalyptus tree in the rear garden adjacent to the west side boundary, and a hawthorn in the rear garden adjacent to the east side boundary are subject to the same TPO.

The surrounding area was originally made up of similar late Victorian/early Edwardian period buildings occupying generous plots, although several have been redeveloped, including the adjoining property to the east at No.42 (and 1-3 Tennyson Road), which was redeveloped some years ago to provide a new 65-bedroom residential care home (Berkeley Lodge). To the west, No.50 comprises a detached, brick-built Edwardian building with square-bay windows and part timbered gable features, which has been extended northwards and converted into 6 self-contained flats. A private access drive runs adjacent to the east side of No.50 leading to a block of six concrete garages located in the rear garden area.

Part of the landscaped garden of Berkeley Lodge 'wraps around' the north-east corner of the site. The rear gardens of properties in Winchester Road adjoin to the north and west. Winchester Road is made up of Victorian dwellings of a more domestic scale and occupying smaller plot sizes than those in Shelley Road. They typically retain more of their original character and are included within the Winchester Road Conservation Area.

Historically residential care/nursing homes and similar uses have typically made use of the larger-scale villas and 'grand' detached houses which traditionally

characterised this area. However, over the years, many of the original buildings have been substantially altered and adapted in order to meet modern-day functional requirements, whilst others have been demolished altogether and replaced with modern low rise developments. Most recently this includes Cambridge Lodge (c.2014), a sheltered housing scheme on the opposite side of Shelley Road at its junction with Southey Road, which replaced the former Ashmount Care Home.

## **Proposal**

Permission is sought to demolish all of the existing buildings and erect a new residential care home providing 62 no. en-suite bedrooms arranged over basement, ground and first floor. The building would have a U-shaped footprint with the majority of rooms arranged in 2 wings on either side of a central sunken courtyard.

The basement floor would consist of 16 no. bedrooms with 12 no. facing onto the courtyard/garden and 4 no. bedrooms facing onto a narrow lightwell (2 metres wide) on the west side of the building. In addition on the basement floor is the kitchen and dining area (facing onto the courtyard), staff room, laundry, stores and hairdressing salon. The ground floor consists of a reverse L-shaped layout, having a central reception and lounge/dining area with a glazed element on the north side extending over the courtyard and supported on columns, plus 22 no. bedrooms, office, consulting room and stores. The first floor would consist of 24 bedrooms (including 2 double rooms) arranged around a central common room and dining area. Each 'wing' is accessible by lift and stairs.

Provision is shown for 23 car parking spaces on the site frontage (including 3 no. disabled bays), utilising the existing in/out accesses onto Shelley Road. An ambulance drop-off area is located at the south-eastern corner of the building. The submitted drawings show the removal of all the existing trees on the site frontage.

The proposed building is positioned roughly centrally within the plot. The architectural composition is overtly contemporary consisting of three main building elements, namely two 'wings' with on either side of a central core. The building is two-storeys in height having predominantly flat roofs with mono-pitched roof elements on either wing (enclosing roof plant). The palette of external materials reflects the contemporary style and would consist predominantly of slate cladding and 'Sto' through-coloured render, with large areas of clear curtain wall glazing and Reglit channel glazing. The mono-pitched roofs would be zinc clad, with sedum flat roofs.

The application is accompanied by a Design & Access Statement, a Transport Statement including Travel Plan Framework (by Motion Transport Planning), and an Arboricultural Impact Assessment (by Arboricultural Consultancy Ltd). A Bat Report (by Greenspace Ecological Solutions) has been submitted in response to a third party representation concerning bats on the site.

## **Relevant Planning History**

Planning permission was granted in 2010 (WB/10/0374/FULL refers) for the demolition of the existing care home and redevelopment to provide a new medical and care facility (including long stay and short stay residential care) with associated

parking and landscaping. That permission lapsed without implementation in 2015. The scale, form, massing and appearance of the proposed new building is very similar to the previously approved redevelopment, although that scheme included provision of various medical facilities (including operating theatre and MRI scanner) which the current proposal does not.

## **Consultations**

**West Sussex County Council:** The *Highway Authority* has raised no objection, commenting as follows:-

### *“Background*

*The site is accessed from Shelley Road, which is a ‘D’ class road subject to a 30 mph speed limit in this location. The proposal seeks to demolish the existing building which acts as a care home facility with circa 40 beds and re-develop the site with a new 70 bed unit. Formal pre-application has been obtained from WSCC in April 2017 at this time a site meeting was undertaken, since the pre-application stage the proposals have not changed in terms of detail or scale. A Transport Statement (TS) has been provided; the TS includes a Trip Rate Information Computer System (TRICS) assessment on the potential increase in traffic movements and a Stage 1 Road Safety Audit (RSA) with Designer’s Response.*

### *Access and visibility*

*The proposals will utilise the existing in and out arrangement. Visibility from the points of access is considered acceptable; there is a proportion of on street parking taking place along Shelley Road. Manual for Streets (MfS) allows flexibility for on-street parking in the visibility splay; the LHA would not have any concerns with visibility from either point of access. In line with MfS parameters a splay of 2.4 by 43 metres can be achieved from the ‘Out’ access onto Shelley Road. We have checked the most recently available accident data and this would indicate that there have been no recorded accidents within the vicinity of each access.*

*The RSA undertaken has identified 1 problem with the access arrangements to the site. The problem relates to pedestrian visibility at the point of access and to ensure it is not obstructed by landscaping. The Designer has responded by stating that the comments have been noted and makes reference to the sites no recorded accident record, wide footways and the sites existing situation. The LHA would accept the Designers comments and add that the trees planted behind the wall are high enough to not be within a driver’s eye line.*

### *Capacity*

*The TS provided in support of this application does estimate potential vehicular trip generation arising from this proposal. It suggests that there will be 5 two way movements in the morning and evening peak hours and a net increase of 50 movements per day. 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 Shelley Road; 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 proposal will have 12 car parking spaces located within the forecourt area for visitors and consultants. A staff survey has been undertaken to ascertain the method of transport that staff are likely to travel to the site from. Up to 41 members of staff will travel by sustainable modes such as walking and cycling. The survey estimates that 4 members of staff will travel to the site via the private car. With 12 spaces provided there is flexibility for this to increase if there is a requirement. Based on the survey the LHA are satisfied with the level of parking provided for visitors and consultants. A disabled space and an ambulance space have been provided. Turning has been demonstrated for cars and ambulances. Refuse collection will take place from Shelley Road, this is an existing arrangement. The site is well served at present with by an existing footway network which includes street lighting and a cycleway directly to the south of the site.*

#### *Construction*

*A Construction Management Plan will be submitted as part of a TS; this should take into account the local context of the roads and provide any mitigations in place for delivery vehicles and contractor parking.*

#### *Conclusion*

*The LHA does not consider that the proposed would have ‘severe’ residual 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.”*

In the event that planning consent is granted, conditions relating to a Construction Management Plan and visibility splays are recommended.

The **Lead Local Flood Authority** comments as follows:-

*“Surface Water Flood Risk: Current mapping shows the majority of the site to be at a low risk from surface water flooding although there are areas in the central/western part of the site at high risk. Any existing surface water flow paths across the site must be maintained. 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.*

*Modelled Groundwater Flood Hazard Classification: The proposed development site is shown to be at low risk from ground water flooding. 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.*

*Records of any Ordinary/Culverted Watercourses: Current Ordnance Survey mapping shows no ordinary watercourses within the site boundary.*

*Records of Historic Flooding: 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 application submission states that 'main sewer' would be used to dispose the site of surface water while references to a sedum roof, a living green wall and grasscrete are made within the supporting documents. No other drainage details are provided. This method would not meet the requirements of the NPPF, PPG and associated guidance documents.*

*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."*

The County Ecologist has raised no ecological objection to the proposed development subject to the imposition of a suitably worded informative drawing the Applicant's attention to the protection afforded to nesting birds in the Wildlife and Countryside Act 1981 in relation to the removal of trees.

**Adur & Worthing Councils:** The **Tree Officer** comments:-

"Trees of TPO 2 of 1995

*The Horse chestnut trees at the front of the proposed development (two protected T1 & T2) appear to be healthy and their root systems are being contained by the existing wall. However I agree that the future of the trees is not sustainable as damage has already occurred to the boundary wall with few practical solutions for re-instating, due to the extent of the roots and main trunks, and the direct proximity of all of the trees to the wall.*

#### Eucalyptus T4

*This tree could be retained however due to the condition and previous works to the tree a suitable replacement would be preferable.*

#### Hawthorn T3

*Although not highly visible from the street this tree is a reasonable size and provides screening between properties. With the proposed extent of the basement and its adjoining patio area, the root system would be seriously compromised.*

#### Third Party trees

*There are two main groups of third party trees to the east of the development. The smaller more recently planted trees at the front/side of Berkeley Lodge do not appear to be affected, as they are of limited development and the basement does not appear to extend as far as the root protection area. The Silver birch at the northern end of this group is the only tree likely to be affected as the basement and patio (with a retaining wall) would be very close if not within its RPA.*

*The second group is further to the north and consists of three larger sized mature Sycamore trees in the grounds of Berkeley Lodge. These trees were retained as part of the development of Berkeley Lodge and are intrinsic to its design and provide screening between properties. It would appear that the extensive excavations required to form the basement and patio area would eliminate any possible alterations to the foundation design to allow for the encroachment into their RPA.”*

The **Environmental Health Officer (Pollution Team)** has raised no objection in principle but recommends that as the works are being carried out in close proximity to neighbouring properties conditions should be imposed relating to approval of a dust protection scheme and hours of construction (*Monday to Friday: 08:00 - 18:00 hrs, Saturday: 09:00 - 13:00 hrs; Sundays, Bank and Public Holidays no work permitted.*)

It is also noted that the Kitchen seems small for the size of residential care home and no details of the kitchen ventilation/extraction and odour control system have been provided.

The lower roof plan shows plant and large areas of AHP which it is assumed refers to Air Heating Plant. Given the proximity of neighbouring dwellings a condition is recommended requiring approval of a scheme for attenuating all external fixed plant which should have regard to the principles of BS4142: 2014 and achieve a difference between the rating level and background noise level of -10dB.

The **Contaminated Land Officer** recommends the precautionary contamination condition.

The **Private Sector Housing Manager** has no objection.

The **Council's Engineer** initially raised an objection on the basis that the submission documents states surface water disposal would be via the public sewer yet with a building footprint of 38% of the plot there would be ample area for soakaways if percolation tests indicated that filtration was a reasonable proposition.



**Southern Water Services:** No objection is raised in principle, commenting:-

*“Initial investigations indicate that Southern Water can provide foul sewerage disposal to service the proposed development. An informative is requested advising that a formal application for connection to the public sewer is required. Results of a desk-top study indicate that Southern Water cannot currently accommodate the surface water disposal needs of the proposal without the development providing additional local infrastructure. The proposed development would increase flows into the surface water system and as a result increase the risk of flooding in and around the existing area contrary to paragraph 109 of the NPPF. A condition is recommended stating “Development shall not commence until a drainage strategy detailing the proposed means of surface water disposal and implementation timetable has been submitted to and approved in writing by the LPA in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.” In addition, the detailed design of the proposed basement should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.*

*The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste-pipe or drain installed and maintained by the owner or operator of the premises.*

*The following condition is also recommended: “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 LPA in consultation with Southern Water.”*

*An informative is advised on the basis that due to changes in legislation it is possible a sewer now deemed to be public may be crossing the site. The applicant is advised to discuss the matter with Southern Water.*

*A water supply can be provided, Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer.”*

**Worthing Conservation Advisory Committee:** No objection, but consider the proposal development should in its form reflect more of the character of the surrounding development. Three-storeys above ground would be more acceptable than the proposed full basement area.

## **Representations**

The Worthing Society objects to the proposals commenting as follows:-

*“Whilst we accept the need for a residential care home for the elderly and appreciate that it may not be possible to adapt the present building to current care specifications, there are certain aspects to the design which are considered unacceptable.*

*We acknowledge architectural styles cannot stand still but given that, we believe that it is visually more satisfactory to try to avoid a clash in styles within a street-scene. Having said that we accept that there may occasionally be practical building/architectural reasons for a particular style being chosen.*

*We submit that this particular rather harsh style is out of character with neighbouring buildings, which are generally Victorian or Edwardian in character. The west elevation particularly represents a step change in design and, in our view, harms visual amenity of the area which is similar in character to neighbouring Conservation Areas in this part of Worthing. The building materials are also in stark contrast to the neighbouring buildings.*

*For the above reasons we take the view that the current application should be refused in order that further consideration can be given to reviewing the design issue.*

*Some rooms for residents appear to be at lower ground level which may not be desirable for elderly residents who may spend a considerable amount of time in their rooms. It is hoped that further thought can be given to this issue to ensure that all rooms have adequate light and aspect thus helping to ensure the quality of the experience of future residents.”*

2 representations have been received from residents of 50 Shelley Road, and Cranleigh Court and commenting:-

- Concerned about the effects of the proposals on wildlife using the existing garden. Strongly object to the removal of the chestnut trees on the site frontage. The 2 protected trees should at least remain. It is hoped that some of the other mature trees will be retained. There are bats and birds that inhabit the trees which need to be considered. The alternative proposed of olive trees in planters are of no benefit to the environment or wildlife.
- No problem with the extent of the building proposed and the very modern style as it is accepted that change is needed and progress – but not at a cost to the environment and local wildlife.
- The noise and dirt of demolition and excavation of a basement will be intolerable for local residents, including those of nearby care homes.
- The excavations works may cause structural damage.
- The removal of trees is highly undesirable as they soak up the carbon dioxide from vehicles using the busy Shelley Road.
- Heavy vehicles accessing the property during construction and in the future will cause a danger and obstruction on Shelley Road.

### **Relevant Planning Policy and Legislation**

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

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

Saved Worthing Local Plan (WBC 2003): Policies H18, TR9, RES7

Worthing Core Strategy (WBC 2011): Policies 7, 8, 16

National Planning Policy Framework (CLG 2012)

National Planning Practice Guidance

West Sussex Parking Standards and Transport Contributions Methodology (WSSCC 2003)

West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSSCC 2010)

The Provision of Service Infrastructure Related to New Development in West Sussex – Part 1 (WSSCC 1999)

### **Planning Assessment**

The policy context consists of the NPPF and the local development plan which comprises of the saved policies of the Worthing Local Plan, Worthing Core Strategy and accompanying SPDs.

National planning policy contained in the NPPF post-dates the adoption of the Core Strategy. Paragraph 14 identifies at the heart of the NPPF a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. The Council's self-assessment of the Core Strategy's Conformity with the NPPF demonstrated that, for the most part the Core Strategy conforms closely to the key aims and objectives of the Framework. However, it is acknowledged that in response to the requirements of the Framework and informed by local evidence, a 5 year supply of housing in relation to Objectively Assessed Needs (OAN) cannot currently be demonstrated. A housing study has been undertaken to address this requirement and to inform the forthcoming Worthing Local Plan. The subsequent report (Worthing Housing Study, GL Hearn 2015) identifies an OAN of 636 dwellings per annum over the period 2013-33 consisting of *all* types of housing.

The main issues for consideration are:-

- i) The principle of redeveloping the existing buildings to provide a replacement care home;
- ii) The scale, design and appearance of the building and the effect on the character and appearance of the area;
- iii) The impact on protected trees;
- iv) The impact on the residential amenity of neighbouring occupiers;
- v) Access and parking considerations;
- vi) Other issues.

## ***The Principle of Proposed Redevelopment***

The surrounding area comprises an attractive late Victorian/Edwardian residential suburb adjacent to the western edge of Worthing town centre. Whilst originally built as single dwelling houses the more generous scale and proportions of these older buildings has meant that over the years many have been sub-divided into smaller units and converted into other residential-related uses. Increasingly the original buildings are coming forward for redevelopment, most recently this includes the redevelopment of 42 Shelley Road and 1-3 Tennyson Road to provide Berkeley Lodge (a 65-bedroom nursing home), the redevelopment of Linden Lodge Care Home, 2 Tennyson Road to provide Sonnet Court (4-storey block of 14 flats), and redevelopment of Ashmount Care Home, 10 Southey Road to provide Cambridge Lodge (comprising 29 no. sheltered apartments).

The existing buildings on the application site have lost much of their original character through incremental minor extensions and alterations over a period of many years, including replacement uPVC windows throughout, the addition of external stairs (No.48), and 'painted-over' historical detailing as well as the 2-storey link extension between 44/46 and 48, all of which, in seeking to amalgamate the original buildings as a single facility, have weakened their original character resulting in a somewhat incoherent range.

Whilst it is noted that some nearby character buildings have been more sympathetically altered and/or converted and retain more of their original character (such as No.38/40 and No.56 Shelley Road); it is evident the traditional character of Shelley Road has been diluted and weakened over many years. None of the existing buildings on the application site has any formal status in so much that they are not Listed or located within a Conservation Area, nor are they identified as a Local Interest Buildings.

Policy CS8 seeks to deliver a wide choice of high quality homes to address the needs of the community. The supporting text (paragraph 7.13) makes clear that it is important that accessible and adaptable accommodation is provided for everyone including older people, and people with a temporary or permanent physical impairment. The Worthing Housing Study Summary Report (2015) identifies that demographic modelling estimates that between 2013 and 2033 the number of people living in registered care (i.e. nursing and residential care homes) is expected to increase by 859 people (43 per annum) in net terms.

On this basis, there is no objection in principle to the redevelopment of the existing buildings to provide a modern replacement residential care home in this highly sustainable and accessible location. The relevant considerations are the scale, design and appearance of the replacement building in the context of the surrounding area; the effects on environmental character, particularly the preserved trees; the effects on the amenities of neighbouring occupiers and access and parking considerations.

## ***The scale, design and appearance of the building and the effect on the character and appearance of the surrounding area***

The proposed building would be 41 metres wide overall, with two 'wings' each 14

metres wide on either side of a central glazed element. Whereas the existing building(s) follow the strong building line of development on this side of Shelley Road, the main body of the 'wings' would be set back from the existing building line at ground-floor by some 3 metres. The central element would be recessed at ground-floor with an elliptical curved, flat-topped, glazed feature cantilevered forward to provide a canopy over the main entrance to the building.

The main 'wings' are mirrored at the front, each articulated by a projecting first-floor 'gable' which protrudes forward of the ground-floor (between 3-4 metres) on a supporting column. These first-floor projections will roughly align with the front of No.50 to the west, and the recessed 'wing' of Berkeley Lodge to the east (No.42). The roof form of both projecting gables includes a distinctive inward-facing mono-pitched roof. This feature extends the full depth of the west 'wing', some 24 metres, whilst extending some 17 metres on the east 'wing' with a break of 16.5 metres before continuing a further 9.5 metres (on the north-west corner of this wing). Overall, the eastern 'wing' extends approximately 43.4 metres into the site. Owing to the slight angle of the building line in relation to the site frontage, the cantilevered wings are positioned between 11 to 12 metres from the boundary of the site with the public highway. There would be a distance of approximately 5.5 metres between the west side of the building and the western site boundary and a minimum 4.4 metres between the east side wall of the building and the eastern site boundary.

Aside from the expressed form of the projecting 'gables', the overall mass of the building would be broken down in visual terms by using different materials to articulate each element. The main body of the 'wings' would be finished using slate cladding, with the projecting gables consisting of a light-coloured through-render. The central component would appear as a light-weight linking structure, comprising Reglit channel glazing. The front south-east and south-western corners of the 'wings' would consist of the full-height glazed curtain-walling. The side and rear elevations would be finished in slate cladding at ground-floor and basement level, with through-render for the most part at first-floor. The mono-pitched roofs would be zinc-clad. Little of the precise fenestration detail has been provided, other than that the first-floor windows in the outward-facing east and west flank elevations have been deliberately designed as 'angled bays' directing views southwards, away from neighbouring properties on either side.

The accompanying Design and Access Statement describes the architectural idiom as "contemporary vernacular" with the building elements articulated "in a composition of traditional platonic geometries – the circle, triangle and square." It is difficult to recognise how the very stylised, contemporary appearance of the proposed building is complementary to traditional vernacular forms, although with further analysis it could be argued that the 'wings' on either side of a light-weight linking structure to some extent reflect the grain (if not the form) of the existing buildings on the site.

It is worth pointing out that the overall design, form and appearance of the proposed building is virtually identical to the replacement building approved in 2010 (WB/10/0374/FULL refers) – although the internal layout of that scheme was significantly different given that it included a substantial medical element.

Since then the Core Strategy has been adopted and Policy 16 requires all new development to demonstrate good architectural and landscape design and use of materials that take account of local characteristics. It states new development should display a good quality of architectural composition and detailing as well as respond positively to important aspects of local character, exploiting all reasonable opportunities for enhancement. It specifically states that where appropriate innovative and contemporary design solutions will be encouraged.

The NPPF makes it clear that the Government attaches great importance to the design of the building environment. It states that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. It goes on to state that planning policies and decisions should (amongst other things) respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Paragraph 60, in particular, states that planning decisions: “... *should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.*”

It is not disputed that the traditional character of this Late Victorian/Edwardian suburb has been diluted by significant infill and redevelopment of the original buildings, some carried out more successfully than others, so that it now has a more varied character. It can be argued that this context gives reasonable justification for allowing “innovation, originality and initiative” in the built form and appearance of new development and would result in a more ‘honest’ interpretation than some of the reproduction or ‘pastiche’ compositions that typified other development in the vicinity. The very contemporary design approach proposed will result in a highly distinctive building consisting of distinctive shapes and crisp lines. The predominantly slate and render finishes will reflect materials typical of the local area, albeit used in a very different way. Notwithstanding the concerns expressed by the Worthing Society it is considered the overall scale, height, massing, layout and siting of the building pays sufficient regard to the important characteristics of the surrounding area such that it would not to appear over-dominant or stridently out-of-keeping. Ultimately, the success of the building in visual terms will depend on ensuring the aspiration of this highly individualistic and stylised design is translated into the build-out. The use of high quality materials and careful detailing will be imperative to ensuring that the simple elegance envisaged by its features such as the full-height glazed curtain walling, the angled-bay windows and curved glass elliptical projection, is followed through into detailed design and construction phases.

### ***Effect on Trees and Ecology***

There is line of seven chestnut trees along the front boundary of which 2 no. are subject to the TPO. All are shown as being removed. The submitted Arboricultural Report identifies that they are growing very close to the front boundary wall and are causing damage to it; in some instances lifting the existing tarmac surface and causing a trip-hazard. The Council’s Tree and Landscape Officer does not disagree that the longevity of these trees is limited owing to their proximity to the existing

boundary wall.

This aside, concerns have been raised with the Applicant's Architect concerning the very austere, utilitarian appearance of the forecourt area. Officers have suggested that setting of the building and its assimilation into the street-scene would be enhanced by improving the balance of soft to hard landscaping. However, this would necessitate reducing the amount of on-site car parking provision in favour or introducing more soft planting including replacement trees of some stature, which the Applicant has indicated they are unwilling to do.

Thirteen trees (plus a leylandii hedge) in the existing rear garden will need to be removed either to accommodate the proposed development or due to poor condition. This includes a protected Eucalyptus tree (T.4) adjacent to the rear western boundary which the submitted Arboricultural Report identifies as 'over-mature'. Although largely screened in views from the street it nevertheless contributes to the verdant setting of the existing buildings, as well as helping to screen views of the various unsightly additions to No.48 from the neighbouring buildings to the west. In view of its poor shape and condition the Council's Tree and Landscape Officer considers that given its limited life-expectancy there would be benefit in securing a suitable replacement as part of the proposed redevelopment works. It is considered this should form part of a comprehensive planting scheme involving new tree planting alongside the western boundary and rear garden to compensate for the loss of this and other trees on the site.

As initially submitted, the proposals included an additional 8 bedrooms at basement level served by a narrow light-well on the east side of the eastern 'wing' adjacent to the boundary with Berkeley Lodge. The Council's Tree and Landscape Officer considered the basement excavations would compromise the health and well-being of the protected Hawthorn (T.3) on this side as well as third party trees within the landscaped grounds of Berkeley Lodge. Following discussions the basement element on this side was removed from the proposals.

A Bat Report has been submitted in response to third party concerns about the loss of the existing trees, which could host roosting bats. The Report found no evidence that any of the trees on the site are used as bat roosts and this has been accepted by the County Ecologist.

### ***The Effect on the Amenities of Neighbouring Occupiers***

The properties most affected by the proposal are Berkley Lodge adjoining to the east, the residential flats at 50 Shelley Road and the residential properties adjoining to the rear (north) in Winchester Road.

Berkley Lodge nursing home comprises a relatively recent redevelopment (c.2009) comprising a replacement 'replica' villa fronting Shelley Road with a narrower two-storey element that extends rearwards for the full depth of the site, abutting the northern site boundary. In contrast to the 'replica' villa, the rear 'wing' has a more contemporary appearance, built to modern proportions with a shallow pitched roof 6.8 metres high. There are windows serving residential rooms at ground and first-floor within this 'wing' facing west onto the existing garden of Sussex Clinic at a distance of approximately 10 metres. A projecting element midway along the length

of the rear 'wing' extends even closer to the common boundary (minimum 3.3 metres) consisting of communal lounges on the ground and first floor. There are north, south and west facing windows/French doors in the ground-floor lounge, but only north and south facing windows serving the first-floor lounge. The boundary is defined by a brick wall approximately 1.6 metres high with tree and shrub planting on both sides. This was supplemented as part of a comprehensive landscaping scheme in connection with the redevelopment of the site and has grown into an attractive and effective screen. The 'replica' villa building on the Shelley Road frontage is sited closer to the common boundary (minimum 2.8 metres) than the rear wing. Records show the only windows in the flank wall of the 'replica' villa serve en-suite bathrooms. There are 2 rooflights on the west-facing slope which serve a residential room in the roofspace, although the main outlook from this room is provided by a north-facing dormer window.

The proposed 2-storey eastern 'wing' of the building would be sited a minimum 4.4 metres from the site boundary, extending roughly parallel to the rear projecting 'wing' at Berkeley Lodge. There would be a minimum distance of 15 metres between the existing west-facing windows in Berkeley Lodge and the eastern flank wall of the proposed new building which includes bedroom windows at ground and first-floor. It is considered the existing boundary treatment and supplementary planting would safeguard against unacceptable inter-visibility at ground-floor level. At first-floor, the 9 no. bedrooms would be served by angled bay windows designed to direct views away from the boundary, with a narrow south-facing aspect. This design tool has been used in several developments in recent years (including at Berkeley Lodge itself on the east side of that building) as a way of safeguarding against adverse overlooking in buildings sited relatively close to one another. This technique is considered satisfactory from the point of view of safeguarding privacy, albeit that it provides the occupiers of the new development with a restricted outlook.

The parapet flat-roofed element of the building closest to the eastern side boundary varies in height according to the separate articulated elements, with the frontage block being a maximum 7.5 metres high (where it sits adjacent to the larger bulk of the 'replica' villa), then extending northwards the wider central element dropping in height to 6.2 metres and the rear element (roughly adjacent to the communal lounges at Berkeley Lodge) also 7.5 metres high. The tallest edge of the mono-pitched roof (at 9.6 metres high) would be a minimum 12.4 metres from the common boundary, with the tallest element comprising the lift over-run (10.5 metres high) even further away. The existing west-facing bedrooms at Berkeley Lodge currently have a pleasant view over the landscaped borders towards the large garden at Sussex Clinic. Undoubtedly this outlook will be curtailed by the proposed building approximately 15 metres distant, having a distinct enclosing effect. However, it would be difficult to argue, having regard to the lower parapet roof height of the nearest element, that the 'bulk' of the building would be so visually overbearing or oppressive as to warrant refusal on this ground. It is worth pointing out that permission was granted for the earlier scheme which had a virtually identical siting and building envelope and little has changed on site in the intervening period to warrant making a different decision, other than that the border planting within the curtilage of Berkeley Lodge has become better established and would help filter views of the proposed building.



Similarly, the west-facing bedrooms at Berkeley Lodge enjoy good standards of daylight and sunlight throughout afternoon and into the evening during Summer. The 'bulk' of the proposed building will overshadow this elevation from the mid to late afternoon (depending on the time of year), and would inevitably make the adjacent amenity space a darker, less pleasant environment. However, there are alternative amenity areas available to the residents of Berkeley Lodge (for example, the rear part of the garden which 'wraps around' the north-east corner of the application site). Despite the buildings having a closer relationship than is generally considered desirable - bearing in mind that the residents in both instances are likely to spend a considerable amount of time in their private rooms - it is considered the effect on the receipt of daylight and sunlight to rooms in the west side of Berkeley Lodge would not be so severe as to warrant refusal.

The adjoining property to the west, No.50 Shelley road was enlarged and converted into 6 self-contained flats in the mid-1950s, at which time a concrete garage block was erected in the rear garden served by an access drive running along the east side of the building. There are various windows at ground-floor in the main east side elevation of No.50 plus a partially glazed door at first-floor which appears to open onto a single-storey flat-roofed element towards the rear on this side. The rear outlier of the original Edwardian building has been extended at the rear by a 2-storey addition. The east elevation of the outlier and extension is approximately 9.5 metres from the site boundary and there are east-facing windows at ground and first-floor in this part.

The western 'wing' of the proposed building would extend northward to roughly the same depth as the extended rear of No.50 at ground and first floor (plus the basement extending below ground level). At present, the various single-storey additions to the rear of No.48 extend even deeper into the site and closer to the common boundary (within a minimum 2 metres). At its narrowest pinch-point there would be a distance of some 9 metres between the single-storey element of No.50 (described above) and the western elevation of the proposed building. There would be a distance of over 15 metres between the flank of the rear outlier to No.50 and the side of the proposed building. The edge of the 'lightwell' serving the 4 no. basement bedrooms on this side would be 3.5 metres from the site boundary. In addition to the curtain wall glazed corners which partially wrap around into the west elevation, there would be 4 windows serving bedrooms at ground floor, and 5 bedroom windows at first-floor. These deploy the same 'angled bay' treatment as on the east side of the building, directing views southward away from the boundary and No.50 beyond. The relationship of the front part of the proposed building to No.50 would not be dissimilar to the existing building, which is sited slightly closer to the boundary. The rearward element of the proposed 'eastern' wing would enclose views from the windows in the east side of the outlier of No.50 and will also have some impact on daylighting and sunlighting (during the morning). However, both the ground and first-floor flats within this part of the building are provided with an alternative aspect to the north and west of the building. Aside from the 'bulk' of the new 2-storey building, the most noticeable impact will be the removal of the existing trees in the rear garden of 44-48, including the loss of the large protected Eucalyptus tree close to the site boundary, which currently provides the east-facing rooms of No.50 with a pleasant, leafy aspect.

The proposed eastern wing would be sited 9 metres from the rear northern boundary, which adjoins the 'wrap around' rear garden of Berkeley Lodge. There would be a separation distance in excess of 30 metres between the rear extremity of the eastern wing and the rear of 19 and 21 Winchester Road beyond. Although the 'bulk' of the building will be prominently visible at this distance, not least owing to the distinctive mono-pitched roof over the north-west corner of this element, it could not be argued that it would be overbearing or would seriously detract from the residential amenities of these properties.

Details of the noise emissions from the roof plant and attenuation measures necessary to safeguard the amenities of the neighbouring residential occupiers could be the subject of a planning condition.

### ***Access and Parking***

The application is supported by a Transport Statement, which includes TRICS data for traffic generation and a Stage 1 Safety Audit. The submitted data (based on the initial submission for a 70-bed care home) shows a projected increase of 50 vehicular movements over a typical weekday compared to the existing use – resulting in a slight increase of approximately 5 vehicle movements in the morning and evening peak hours. The Highway Authority has raised no objection in terms of the effect on capacity of the highway network.

The proposal will utilise the existing accesses from Shelley Road which currently operate as in/out. The submitted Transport Statement demonstrates that the appropriate visibility splay (2.4 metres by 43 metres) can be achieved from the eastern exit.

The Transport Statement (and the comments of the Highway Authority) both refer to the provision of 12 parking spaces on the forecourt although the submitted drawing shows 23 parking spaces of which 3 are disabled bays. A dedicated emergency ambulance drop-off is also shown.

The Highway Authority has not raised any objection to the provision of 12 spaces having regard to the highly sustainable location of the site. The submitted Transport Statement states that there will be 55 staff employed at the replacement care home of which it is anticipated the vast majority (68%) will travel walk to the site by sustainable means such as walking, cycling or by bus.

The Highway Authority has been asked to review their comments on the basis of the 23 spaces shown on the submitted drawing and Members will be up-dated at the Committee meeting of their response. It does appear that 23 spaces would be an over-provision in this case and exacerbates concerns about the resulting austerity of appearance of the large expanse of hard-surfacing on the site frontage, denuded of all the existing trees and with little scope for replacement planting of any stature. It is pertinent in this respect that the neighbouring 65-bedroom Berkley Lodge nursing home provides only 13 on-site parking spaces.

## ***Other Issues***

In response to the comments of the Lead Local Flood Authority and Borough Engineer the Applicant's Architect has acknowledged that the site layout lends itself to SUDS and is willing to accept planning condition(s) which require submission of a scheme which follows the hierarchy of preference for surface water drainage disposal systems as set out in approved Document H of the Building Regulations prior to commencement of any development.

## ***Conclusion***

The proposed building would provide a modern residential care home on this site which has had a long history of similar use. The original Victorian character of this part of Shelley Road has been weakened over time and there is no longer a strongly distinctive character that necessitates emulation. The relevant Core Strategy policy does not preclude contemporary design approaches in such situations, and imaginative and inspiring designs are encouraged by the NPPF. Undoubtedly the proposed building would be a bold addition to the street-scene by virtue of its use of shape and materials, but would not appear unduly dominant or out-of-scale in the context of the remaining Victorian villas and their replacements which make up the immediate context.

On the other hand, the proposed frontage, which would be virtually entirely hard-surfaced, would provide a poor setting to the new building, having an overly harsh, austere appearance. It is accepted that the retention of the existing chestnut trees on the site frontage is not sustainable. However, there is scope, depending on the comments of the Highway Authority (which are awaited) to achieve a better balance between the amount of on-site parking provision and provision of replacement trees and landscaping of sufficient stature to have an immediate impact in street-scene terms. This would filter and 'soften' views of the new building and assist its integration in the street-scene. To this effect, in the event of approval a condition is recommended requiring the forecourt to be re-designed with a reduction in the amount of proposed parking spaces to facilitate room for a more robust soft landscaping scheme to include extra heavy standard replacement trees.

## **Recommendation**

**APPROVE** subject to conditions:-

1. Standard 3 year time limit
2. Approved Plans
3. Notwithstanding the details shown on the approved drawings, development shall not commence unless and until a revised layout of the forecourt area showing a reduced number of parking spaces and introduction of additional soft landscaping including replacement tree planting has been submitted to and approved in writing by the LPA in consultation with the Highway Authority.
4. Car park surface details to be agreed
5. Parking and turning to be provided prior to first occupation
6. Agree and implement secure, covered cycle parking

7. Provide visibility at site accesses
8. Agree and implement Construction Management Plan
9. Hours of Construction
10. Agree details of all roof plant, including air handling, kitchen extraction and ventilation. Attenuation measures to have regard to the principles of BS4142: 2014 and achieve a difference between the rating level and background noise level of -10dB.
11. No additional roof plant
12. Agree/provide hard and soft landscaping scheme to include replacement tree planting.
13. Existing trees and hedges to be protected during construction in accordance with an agreed Tree Protection Plan
14. Samples of external facing materials to be agreed (including specification for Sedum roof)
15. Agree architectural details (angled bay windows, parapet walls/eaves detail, lift overruns, supporting columns, enclosed roof cavity, elliptical curved projection and gable details (including soffits), wall sections of (Reglit) channel glass, glazed curtain walling, section showing junction between slate cladding and render) to be agreed and implemented.
16. Detailed design of windows, doors
17. Siting of bin/recycling stores to be agreed and provided
18. Details of all external lighting to be approved
19. 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 LPA in consultation with Southern Water.
20. Development shall not commence until a drainage strategy detailing the proposed means of surface water disposal and implementation timetable has been submitted to and approved in writing by the LPA in consultation with the sewerage undertaker. The scheme should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels and Percolation Testing to BRE 365, or similar approved method, will be required to support the design of any infiltration Drainage. No building shall be occupied until the complete surface water drainage system serving the development has been implemented in accordance with the agreed details and timetable.
21. 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 manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDS System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
22. Any visibility contaminated or odorous material not previously identified found to be present to be investigated and planning authority informed of the nature and degree of contamination, plus Method Statement detailing remediation.

23. Agree methodology for excavation and site waste management during construction
24. Agree finished floor and site levels in relation to existing ground levels.

1<sup>st</sup> November 2017

Application Number: AWDM/0867/17

Recommendation – APPROVE

Site: J Alsford And Co, King Street, Worthing

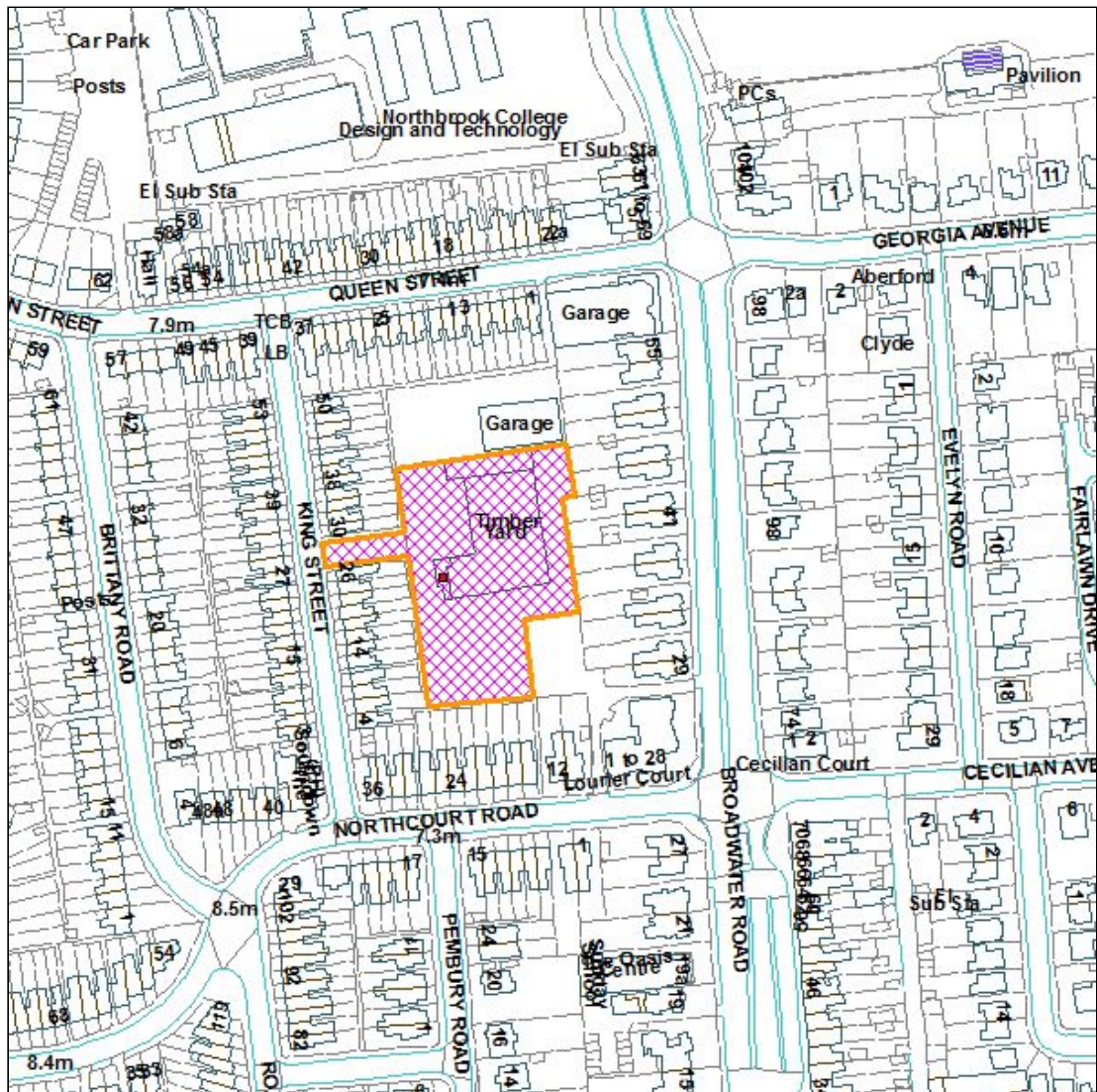
Proposal: Retrospective application for erection of external racking for goods storage to perimeter of existing southerly aspect yard space (top level of racking removed at eastern end and south eastern corner)

Applicant: Mr Ian McLaughlin

Ward: Gaisford

Case: Gary Peck

Officer:



Not to Scale

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### Proposal, Site and Surroundings

This application seeks retrospective permission to retain external racking for goods storage along the southern and part eastern boundaries of the site. As originally submitted, the racking is 4 metres high on the southern boundary and 5 metres in

height on the eastern boundary. During the determination of the application, the upper rack has been reduced at the south eastern corner and part of the eastern side although the frame itself remains in situ.

The supporting information submitted with the application states that the racking is part of an investment into the infrastructure of the branch which has been successful in recent years. The racking has been placed on the boundaries to fully utilise the space on the site as well as to allow commercial vehicles to turn within the yard by leaving a sufficient amount of space in the central part of the yard.

The application site is within a dense residential area. To the west, from where the site is accessed, is King Street which contains almost wholly 2 storey residential dwellings.

To the north is a car workshop with residential properties in Queen Street beyond. To the south are properties in Northcourt Road: the properties bordering the application site are also terraced and have rear gardens of around 13 metres in depth.

The site is understood to have been larger previously, but the south eastern corner was sold and now provides car parking for Lourier Court, a flat development on the corner of Northcourt Road and Broadwater Road. Beyond to the north, and therefore to the east of the application site are residential properties in Broadwater Road with number 35 being closest to the application site. The gardens serving the properties to the east are around 16 metres in length.

### **Relevant Planning History**

None relevant to the determination of the application

### **Consultations**

No comments received

### **Representations**

#### Originally submitted plans

7 letters of objection on the following grounds:

- Racking has encouraged extra use of fork lift trucks and HGV's close to boundary
- Racking blocks light
- Structures are well above boundary wall and trellis
- Site is in the middle of a residential area
- Applicant has been in contempt of the planning process
- Stability and height of racking
- Increased overlooking
- Overbearing, out of scale and out of character with existing development
- Loss of view

Any further representations in respect of the amended plans will be reported verbally at the meeting

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

Worthing Core Strategy (WBC 2011): Policies 4 & 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 the effect of the proposal upon the amenities of neighbouring properties having regard to the business requirements of the applicants.

The application site comprises a timber yard in a dense residential area (albeit there is a commercial use immediately to the north) close to the centre of town. As such, it is a somewhat unusual situation, although it would seem that the timber yard has long been in existence. A planning application in 1951 (remembering that the modern planning system arose as a result of the 1947 Town and Country Planning Act) related to a store shed for an existing timber yard and historic maps appear to indicate that the timber yard, or some other form of commercial use, existed prior to some of the surrounding development.

The established nature of the timber yard meant that a number of minor applications for storage area or roofing were submitted sporadically throughout the 1950s and 60s but there does not have been any planning applications since the 1980s.

Such a dated planning history means that there are no planning controls typically found today such as hours of use, delivery restrictions or height of storage restraints. This can be seen from inspection of previous aerial photographs of the site where storage has been taking place on the boundary and can still be seen now where bricks and other items are stored towards the western boundary without restriction. As such, the use of the site could potentially cause some nuisance to surrounding properties over which the Council as planning authority would have little control. However, prior to the current application, there have not been any records of complaints from neighbours.



Earlier in the year, though, complaints were received about the erection of 4-5 metre high racking on the southern and eastern boundaries of the site and this work was completed in advance of a planning application being submitted. As can be seen from the representations section, a number of neighbours have objected to the retention of the racking.

From wider viewpoint, although the racking can be seen from the public areas, such views are mostly through housing at a distance and it is not considered there is any objection on general amenity grounds. The main issue is therefore upon the amenities of neighbouring properties, primarily to the east in Broadwater Road and to the south in Northcourt Road.

The racking on the southern boundary is 4 metres in height but from some of the properties in Northcourt Road is screened by existing trees or bushes - an especially large tree provides screening from number 18 and there is a smaller tree further along at number 24. Together with other bushes, there is therefore generally reasonable screening along the boundary, apart from in the south eastern corner. As a result of your officer's initial assessment, the upper rack in the south eastern corner has been removed to reduce the height of storage in this location, although the frame itself remains.

The racking is most prominent from the car park serving Lourier Court (it is understood that this area of land was once part of the timber yard but was sold). As such, the racking is a prominent feature from within the car park on its western and northern sides but insofar as the occupiers of the flats go, there is little impact given the flats are situated some 30 metres away. The greater impact is where the racking passes along the northern boundary of the car park to reach the eastern end of the site adjacent to properties in Broadwater Road, most particularly number 35. Your Officers have viewed the racking from this property and while the garden is well screened and hence reduces the impact of the racking from the house itself, nonetheless the close proximity of the racking to the boundary means that it faces side onto the back edge of the garden. Although the applicant maintains the area was tidied up as a result of the racking, your Officers felt that storage so close to the boundary as originally erected was excessive and hence the top shelf has again been removed.

Your Officers feel that the amendments are acceptable in light of the context of the application site. In particular, there are no current restrictions on free standing storage and so, for example, there is nothing to stop the storage currently located on the western boundary simply being relocated to other areas on the site or indeed storage simply taking place without any racking to an unspecified height. A controlled racking system at least allows the imposition of conditions that can ensure that the removal of the shelves already undertaken can be maintained in perpetuity.

There have been complaints of additional noise as a result of the racking but this is disputed by the applicant who points out that storage has always been sited close to the boundary. The aerial photographs seem to bear this out but even if such storage has not caused such noise, there is no restriction on a more intensive use. It does seem, though, that by keeping the central part of the site clearer, heavy vehicles are

able to turn far more easily on site. This would have obvious benefits from a site safety perspective, but an easier turn on site for such vehicles would also seem likely to reduce noise.

As well as seeking to protect residential amenity, it is felt that balance also has to be given to the support of a local business who, current episode aside, appears to have co-existed well with its neighbours given the lack of complaints over the years on a site with little, if any, planning restriction. Quite clearly, were this site to be made unviable for use, it would be very difficult to relocate this business elsewhere in the town. It is therefore considered that the reduction in racking undertaken following the initial consideration of the application is acceptable and represents an acceptable balance between the competing objectives and accordingly the application is recommended for approval.

### **Recommendation**

To GRANT permission

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

1. Approved plans
2. No alteration to height or structure of racking without planning permission first being granted by the Council

1<sup>st</sup> November 2017

Application Number: AWDM/1365/17

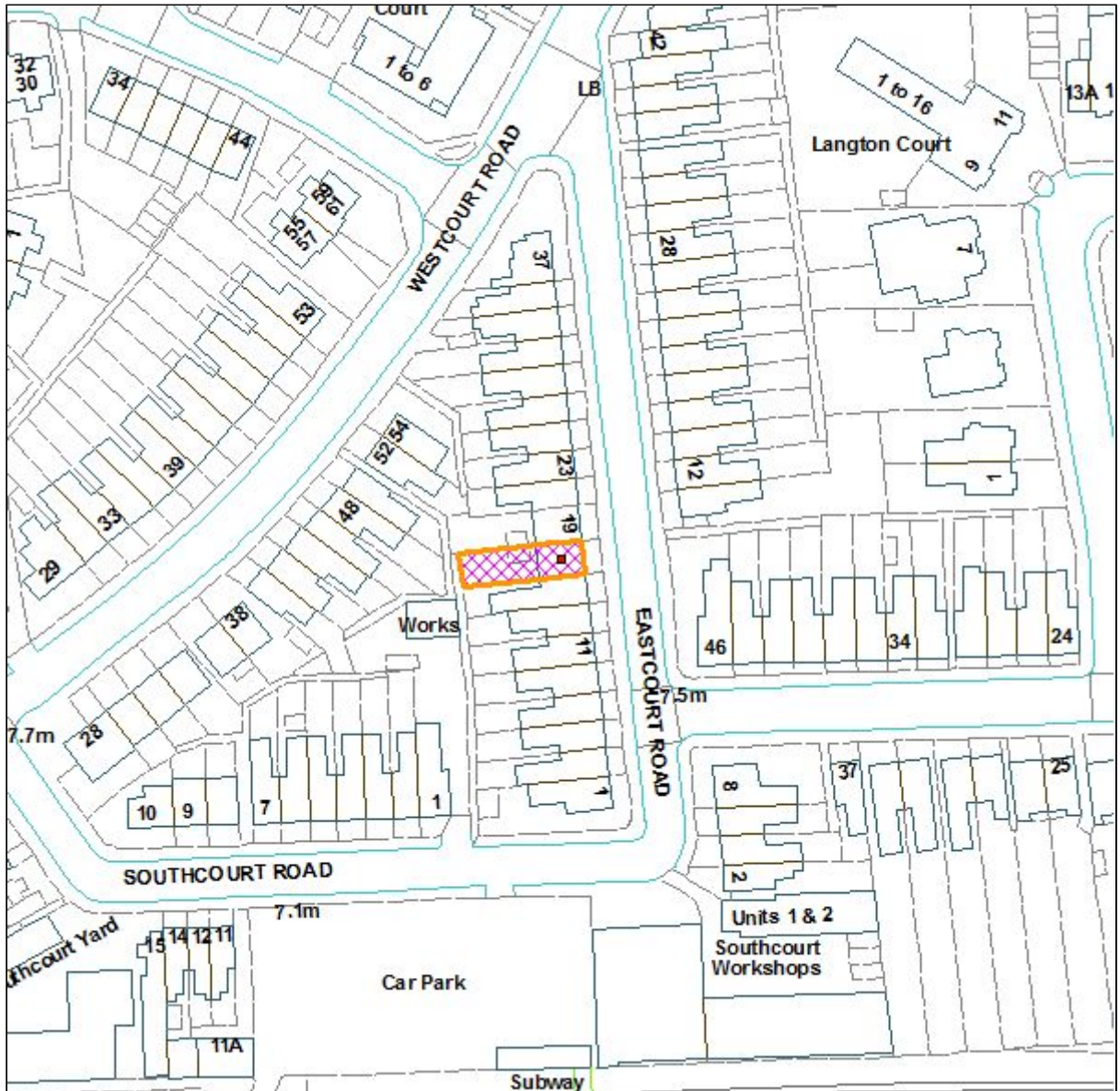
Recommendation – APPROVE

Site: 17 Eastcourt Road, Worthing

Proposal: Single-storey rear extension to west elevation (to replace existing outbuilding)

Applicant: Mrs Sophie Whitehouse  
Case: Matthew Porter  
Officer:

Ward: Gaisford



Not to Scale

## **Proposal, Site and Surroundings**

The proposal relates to a mid-terrace two-storey dwellinghouse, with a single storey outrigger at the rear. Side boundaries are low rise walls. The surrounding area is an inner neighbourhood of Worthing, residential in character.

Permission is sought to demolish the existing outrigger and build a single storey rear flat roof extension (measures 3.4 metres high, 7.2 metres long, and 3.5 metres wide). This application is presented at Committee as the applicant works for the Council.

## **Relevant Planning History**

None

## **Consultations**

**Adur & Worthing Councils Environmental Health:** *Impose precautionary contamination condition*

## **Representations**

None received

## **Relevant Planning Policies and Guidance**

National Planning Policy Framework (NPPF)

Worthing Core Strategy Policies: 16

Worthing Local Plan saved policies H18, H16, RES7

## **Relevant Legislation**

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

## **Planning Assessment**

### ***Principle***

Upgrading of housing stock is supported in principle.

### ***Visual amenity***

The domestic scale and simple form of the extension relates satisfactorily to the host dwelling. Exterior materials and finishes would match. The design and style of the roof lanterns and windows and doors relate satisfactory to the host dwelling.

### ***Residential amenity***

The neighbours principally impacted upon are those physically attached both sides.

#### *No. 19 – neighbour to north*

This building has its own rear outrigger, with a window on its end face (but this does not serve primary living space). The proposed extension would protrude only marginally beyond this (with no north wall opening). In such circumstance, adverse harm to this neighbour's living conditions by way of overlooking/loss of privacy and/or overbearing/overshadowing is avoided.

#### *No. 15 – neighbour to south*

This building has a two-storey rear outrigger. Windows and doors exist close to the shared boundary, some serving primary living space. It is regretful the bi-folding doors of the proposed extension face these - noise and disturbance would be 'channeled' in this direction where the boundary wall is low. However, in judging the resultant harm it is noted the garden by the boundary wall is already actively used (generating noise and disturbance). The low height of the wall invites mutual overlooking. The occupier of No. 15 has not commented on the proposal. On balance then, loss of privacy and disturbance would not be severe enough to justify refusal.

Sufficient separation distance is retained between the extension and the boundary wall to avoid harmful overbearing/overshadowing.

### ***Contamination***

The far end of the back garden of No. 17 is in the 10 metre buffer zone of a potentially contamination site (a former industrial unit converted to residential from 2010). Investigate works for this conversion would not have included the buffer zone, so it is prudent to impose the requested condition.

### **Recommendation**

#### **APPROVE**

Subject to the following conditions:

1. Approved Plans
2. Standard time limit
3. Precautionary contamination
4. Exterior materials and finishes to match
5. Notwithstanding "pd" no further windows/openings in either side elevation

## **Local Government Act 1972**

### **Background Papers:**

As referred to in individual application reports

### **Contact Officers:**

Gary Peck  
Planning Services Manager (Development Management)  
Portland House  
01903-221406  
[gary.peck@adur-worthing.gov.uk](mailto:gary.peck@adur-worthing.gov.uk)

Jo Morin  
Principal Planning Officer (Development Management)  
Portland House  
01903-221350  
[peter.devonport@adur-worthing.gov.uk](mailto:peter.devonport@adur-worthing.gov.uk)

Matthew Porter  
Senior Planning Officer  
Portland House  
01903 221355  
[matthew.porter@adur-worthing.gov.uk](mailto:matthew.porter@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.