



WORTHING BOROUGH
C O U N C I L

Planning Committee
10 January 2018

Agenda Item 5

Ward: ALL

Key Decision: ~~Yes~~ / No

Report by the Director for Economy

Planning Applications

1

Application Number: **AWDM/0764/17**

Recommendation – **APPROVE**

Site: **Kingsway Hotel, 117 - 119 Marine Parade, 120 Marine Parade & 1 Queens Road, 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.**

2

Application Number: **AWDM/1612/17**

Recommendation – **APPROVE**

Site: **22 Lyndhurst Road Worthing**

Proposal: **Temporary change of use of existing building for a period of up to 5 years from former NHS offices and nurses' accommodation to 37-bedroom short-stay accommodation for local single homeless persons on first and second floors and 1no. three-bedroom flat and offices for use by Worthing Churches Homeless Project on the ground floor. Replacement and new windows and doors, blocking up of covered walkways on north and south elevations and part shiplap cladding to all elevations.**

3

Application Number: AWDM/1114/17

Recommendation – APPROVE

Site: The Former Priory Rest Home South Street Tarring

Proposal: Demolition of existing care home (use class C2) and erection of a 75 bed care home (use class C2).

4

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).

5

Application Number: AWDM/0547/17

Recommendation – REFUSE

Site: 64 Greenland Road Worthing

Proposal: Retention of 1.8m high close boarded fence behind existing dwarf brick wall around garden boundary on east side of house.

Application Number: AWDM/0764/17

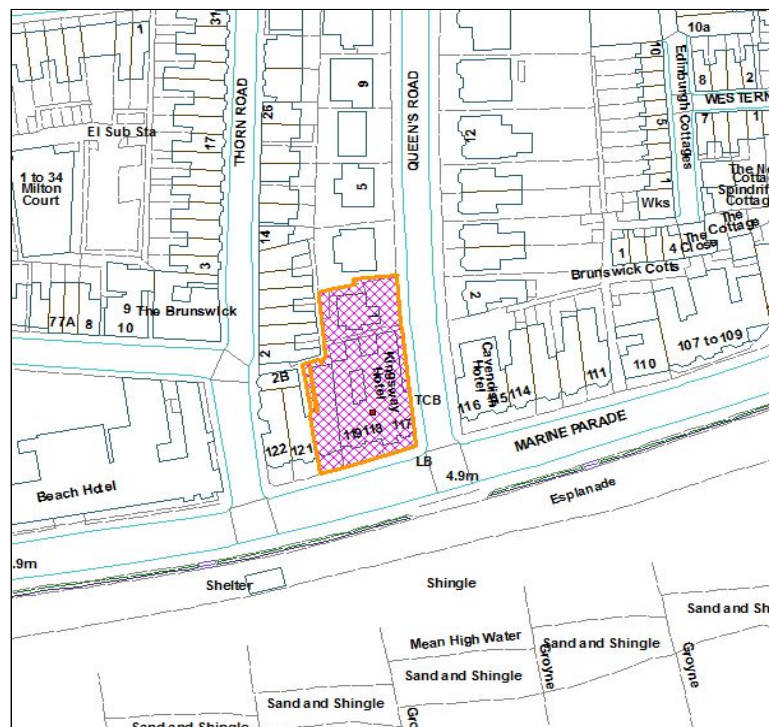
Recommendation – APPROVE

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Applicant: 120 Marine Parade Limited
Case: Gary Peck
Officer:

Ward: Heene



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Current Situation

At the December meeting, the Committee resolved to defer this application for further negotiation and consideration in respect of viability issues and affordable housing payment. A copy of the previous report is appended as Appendix A.

Following the meeting, the applicant has confirmed that he would agree to a payment of a £100,000 affordable housing payment secured by a legal agreement with a clawback mechanism subject to a cap at £235,824 (the affordable housing sum payable on the previous unimplemented permission). The applicant's agent states that the cap is necessary due to a number of factors including the nature and costs of the build, the joining of the respective sites and other significant risk factors for the applicant.

Your officers therefore sought a further independent viability assessment from Gleeds to assess the developer return were a payment of £100,000 secured and a further assessment if the previous payment of £235,824 were made.

A copy of the conclusion of the viability assessment is attached as Appendix B. Members will recall that the previous offer of £50,000 would have resulted in a developer return of between 14 and 15%. If the payment is increased to £100,000, the developer return reduces to 13.92% while a payment of £235,824 would reduce the return still further to 12.11%.

The assessment concludes that *'all of the above returns would be at a level lower than a developer would expect for a project of this type and could render the project unviable'*

In light of the above conclusion, it remains the case that in the event of an appeal, it may be difficult to justify even the £50,000 contribution. As stated in the last report in respect of this application as well as the separate report regarding Vacant Building Credit (VBC) that appears elsewhere on this agenda, the application of VBC by the Council is not affected by the determination of this application since it would always be open for an applicant to demonstrate a viability case should the application of VBC potentially render a development unviable.

In this case, the Gleeds viability assessments have continually indicated a level of developer return that is well below the expected level. In the event of an appeal, it is possible that an Inspector would agree to a contribution that is much lower than is being offered now. It is also possible, given the length of time that the application has taken to determine that the developer may not want or be able to proceed with the development at all which of course would also mean that the payment would not be received. The other planning aspects of the application are entirely acceptable and the development itself will provide new homes and improve the visual character of the area. The combined scheme is also considered preferable to previous separate consents.

Accordingly, it is recommended that planning permission be granted subject to the increased payment of £100,000 towards affordable housing and a clawback mechanism subject to a cap of £235,824.

Recommendation

To GRANT permission subject to the conditions outlined in the previous report (appended) and subject to a legal agreement securing an affordable housing contribution of £100,000 and a clawback mechanism subject to a cap of £235,824.

APPENDIX A – PREVIOUS REPORTS

Recommendation – APPROVE

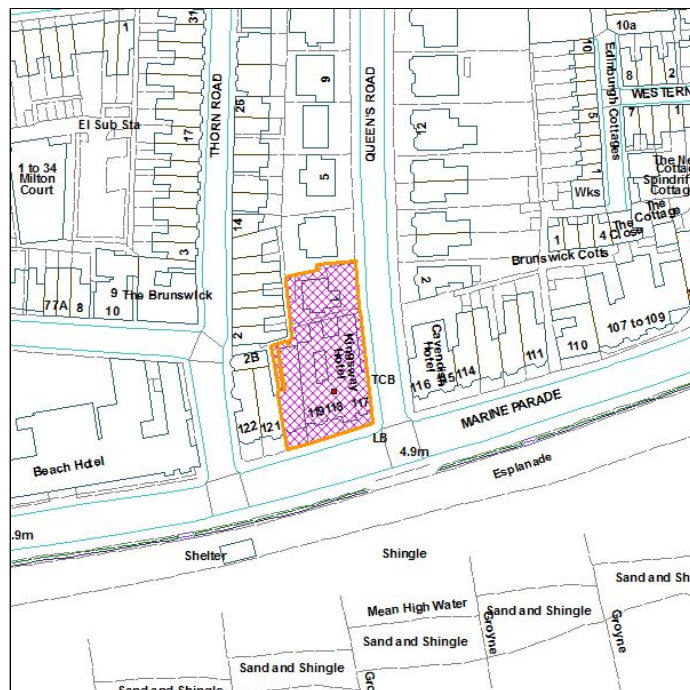
Application Number: AWDM/0764/17

Site: Kingsway Hotel, 117 - 119 Marine Parade, 120 Marine Parade & 1 Queens Road, 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: Gary Peck
Officer:

Ward: Heene



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Current Situation

This application was deferred at the September meeting of the Committee for further information to be submitted regarding the viability of the scheme, with particular regard to the provision of affordable housing. A copy of the previous report is appended.

Shortly after the previous meeting, the applicant's agent submitted a Confidential Viability Assessment which indicated a developer profit of just over 16%. It was also stated that 'in recognition of the requests made at Planning Committee, there is also an offer of an additional £50,000 contribution towards affordable housing provision in Worthing which would further reduce the developer profit to just below 15.5%.

The submitted information was assessed independently by Gleeds Cost Management Ltd.

The independent assessment concluded that even with the Vacant Building Credit applied, and with adjustments made for Gleeds own calculations on the information submitted by the agent, the level of profit would be lower than expected for a development of this type and would be between 14.3 and 15.6%. If the full affordable housing contribution was paid then the expected profit level would fall below 10% which *would 'be significantly lower than a developer would expect for a project of this type'*.

Indeed, if all of Gleeds' adjustments were made to the submitted information, then the profit level would fall still further *'and could make the project unviable'*

Planning Assessment

Members expressed concern at the previous meeting regarding the application of Vacant Building Credit (VBC), which is a concern shared by your Officers, and further work is now being carried out by the Planning Policy team. A briefing paper was being prepared for the Local Plan Working Group at the time of writing this report and a further report will be presented to Planning Committee early in the New Year considering whether the Council should accept the application of Vacant Building Credit prior to the Executive Member considering the matter.

It is important to emphasise that the application of VBC or otherwise by the Council is not affected by the determination of this application since it would always be open for an applicant to demonstrate a viability case should the application of VBC potentially render a development unviable. In this case, it appears that the application of VBC would indeed render the development unviable with the Gleeds report suggesting, if anything, that the figures suggested by the applicant over-estimate the profitability of the development. To that end, the offer of a further £50,000 towards affordable housing by the applicant is welcomed and accordingly it is considered that the application can be recommended for approval.

A copy of the applicant's viability report and assessment by the Council's Consultants, Gleeds, is attached to the Agenda as a Confidential item.

Recommendation

To GRANT permission subject to the conditions outlined in the previous report (appended) and subject to a legal agreement securing an affordable housing contribution of £71,831.80

APPENDIX A – REPORT TO COMMITTEE SEPTEMBER 2017

Application Number: AWDM/0764/17

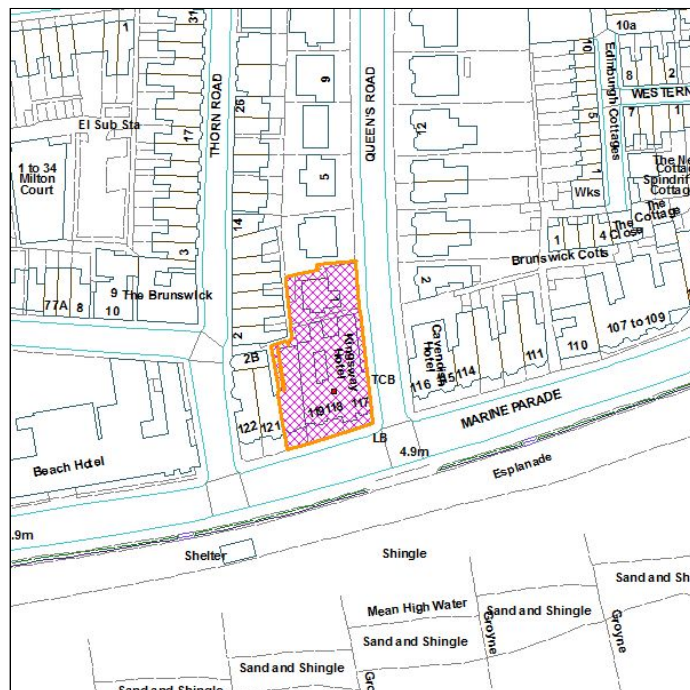
Recommendation – APPROVE
subject to the completion of a
legal agreement

Site: Kingsway Hotel, 117 - 119 Marine Parade, 120 Marine Parade
& 1 Queens Road, 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.

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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 5no. 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, an 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 the 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 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 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 with 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. Your officers therefore sought external legal advice from counsel which is included in full at Appendix A of the report.

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, which quashed the Ministerial Statement, and then an appeal which reinstated it, 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 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 Counsel's opinion states the terms used by the government 'are not defined' and 'there will inevitably [be] some uncertainty and risk for the councils in trying to apply the VBC'.

Your officers particularly sought guidance on the application of the two bullet points above. Counsel stated 'it should be noted that they are not 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.

Counsel's opinion goes on to state that some authorities have already recognized that while 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*'

Counsel's opinion continues:

If a local planning authority proposes, through an amendment to its development plan, to reduce the application of the VBC, powerful evidence of the local circumstances justifying the departure from national policy would be needed to ensure any such document survived examination. Such evidence may 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 will also be of use in any case where, on the particular facts, the Council prefers its development plan policy (CS Policy 10) over the WMS.

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. 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. In light of the counsel's opinion 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.

A footnote to paragraph 63 of counsel's advice states:

Although this is a matter for the Council, there appears to be some 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

Again, 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, therefore, 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

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 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, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
3. 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.

6th December 2017

APPENDIX B – CONCLUSION OF GLEEDS VIABILITY ASSESSMENT

4 Addendum analysis of viability assessment v9B

- 4.1 Further to the issue of our report dated 20th November 2017, Adur and Worthing Council have sent correspondence as follows:
- E-mail dated 12th December 2017 requesting a review of the developers profits based upon affordable housing contributions of £100,000 and £235,824. The assessment has been carried out in 4.2 below.
 - E-mail dated 14th December 2017 forwarding a response from the developers advisors on queries raised within our report. We have added comments on their responses in BLUE against each item within the report above.
- 4.2 Based upon the developers previous offer to pay an additional £50,000 towards the affordable housing contribution. Following the adjustments made by Gleeds in 3.8 this would have given the developer a return of 14.31% (C above).

Following the councils rejection of this offer, the developer has made an offer of a maximum of £100,000 this would give the developer a return of 13.92% as demonstrated below.

Residential Sales		9,578,372	
Total Development Costs as included within the viability assessment	8,241,522	- 8,241,522	
		<u>1,334,850</u>	18.20%
Uplift for additional affordable housing contribution of £100,000 (£100,000 - £21,831)		78,189	- 78,189
		<u>8,319,891</u>	
			<u>1,258,881</u>
Adjust cost/unit items related to 3nr apartments	- 8,775	8,775	
		<u>8,310,918</u>	
			<u>1,285,458</u>
VAT on professional fees		95,000	- 95,000
		<u>8,405,918</u>	
			<u>1,170,458</u>
			13.92%

The level of affordable housing contribution the council would have received from an unimplemented permission for the redevelopment of Kingsway Hotel only was £235,824. If the developer were to provide this level of contribution, this would give the developer a return of 12.11% as demonstrated below.

Residential Sales		9,578,372	
Total Development Costs as included within the viability assessment	8,241,522	- 8,241,522	
		<u>1,334,850</u>	18.20%
Uplift for additional affordable housing contribution of £100,000 (£235,824 - £21,831)		213,998	- 213,998
		<u>8,465,515</u>	
			<u>1,120,857</u>
Adjust cost/unit items related to 3nr apartments	- 8,775	8,775	
		<u>8,448,740</u>	
			<u>1,129,832</u>
VAT on professional fees		95,000	- 95,000
		<u>8,541,740</u>	
			<u>1,034,832</u>
			12.11%

All of the above returns would be at a level lower than a developer would expect for a project of this type and could render the project unviable.

Application Number: AWDM/1612/17

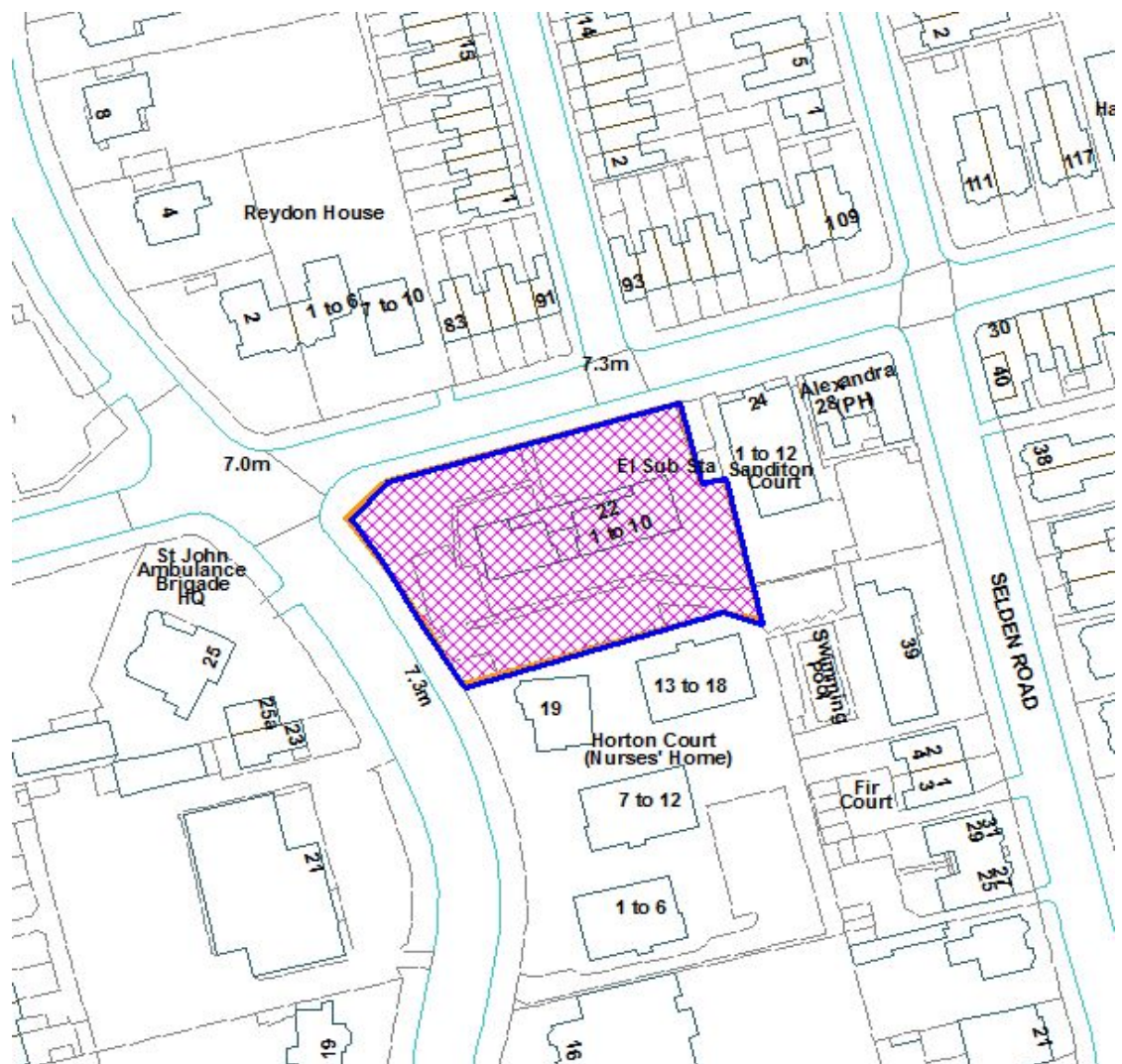
Recommendation – APPROVE

Site: 22 Lyndhurst Road Worthing West Sussex

Proposal: Temporary change of use of existing building for a period of up to 5 years from former NHS offices and nurses' accommodation to 37-bedroom short-stay accommodation for local single homeless persons on first and second floors and 1no. three-bedroom flat and offices for use by Worthing Churches Homeless Project on the ground floor. Replacement and new windows and doors, blocking up of covered walkways on north and south elevations and part shiplap cladding to all elevations.

Applicant: Roffey Homes And WCHP
Case Officer: Peter Devonport

Ward: Selden



Not to Scale

Site and Surroundings

This 0.25 site is situated on the SE corner of Lyndhurst Road and Farncombe Road, quite close to the town centre and diagonally opposite Worthing Hospital.

Directly opposite is older housing, some converted to flats and a few shops, with more inner suburban housing behind. To the east is a three storey block of flats with parking behind and separated partly by its vehicular access and an electricity sub-station. The boundary is marked by tall walls and fence and for much of the length tall shrubs. Beyond this, fronting Lyndhurst Rd is a pub and parade of shops.

To the south is Horton Court, comprising a group of two and three storey blocks comprising nurses' HMO accommodation and some NHS offices. Two of the blocks are close to the boundary which is formed by a medium height fence; the closest is used as offices on the ground floor and a flat above. Windows face the site.

To the SE in Selden Road is a newly converted and extended block of flats and its rear car park which is bounded at this point by a tall wall. Selden Rd is a residential street containing flats, HMOs and a care home as well as family houses.

To the west across Farncombe Rd is the St Johns Ambulance centre, and, behind it, a tall block of offices. The Hospital begins just to the west of Homefield Rd at the crossroads with Lyndhurst Rd and Farncombe Rd.

The application site comprises a vacant 3 storey, centrally-sited, 1970s, long block, with extensive landscaping on both road frontages and large rear and part side, car park. The landscaping includes a number of mature trees, including a very distinguished Monterrey Cypress on the eastern frontage which is the subject of a Tree Preservation Order. The road frontage boundary is an attractive low flint wall supplemented by a hedge along the Farncombe Rd frontage and there are several street trees. Access to the car park is from Farncombe Rd. There is an additional pedestrian access from Lyndhurst Rd.

The block was constructed as purpose built accommodation for Worthing Hospital staff in 1971 as Crown development. It comprised some 41 bedsits arranged around communal kitchens, bathrooms and lounges in nine "flats", together with a collective laundry. The "flats" were effectively small HMOs, nurses sharing all living facilities. The ground floor was converted to NHS offices in late 2009 following grant of temporary five year permission personal to the Hospital Trust at the expense of 10 bedsits (3 "flats"). The whole of the property was vacated in 2015.

The building has a pitched roof and is faced in brick with weatherboard panelling. Its principal windows face north and south; high level flank windows only serve bathrooms. Main access is from the front and is served by a ramp. As built, it featured a semi open walkway at ground and first floor on the Lyndhurst Road frontage and one small first floor recessed balcony on the southern side. The walkway and balcony have been boarded up since the property was declared surplus by the NHS and sold off.

The property is in a Conservation Area and a Controlled Parking Zone. There are parking bays along the Lyndhurst Rd frontage and part of the Farncombe Rd frontage beyond the double yellow lines of the road junction.

Planning History

627/71 Construction of 3 storey building to provide residential accommodation for Worthing Hospital Circular 100. No objections.

09/0881/FULL - Change of use of ground floor from residential accommodation to new office space to facilitate the decant for an Endoscopy Department enlargement. STATUS: CCN 8th December 2009.

Proposal

The proposal is to convert the building to a 37 bed short stay accommodation unit for local homeless people (singles and couples), with ancillary alterations. It is for a temporary period of up to 5 years. The project's principal aim is *to reduce pressure and cost on the Council for emergency accommodation and the number of local people forced to sleep rough due to a lack of housing.*

The application is a joint submission by Roffey Homes and Worthing Churches Homeless Project. It is partly linked to a parallel, and as yet undetermined, application (AWDM/1518/17) by Roffey Homes to redevelop the site for 30 flats. Roffey Homes explain:

Roffey Homes have other sites that they wish to develop first and so saw an opportunity for this existing building to be brought back to use. We expect to commence the redevelopment (AWDM/1518/17) at some point within 5 years and therefore a 5 year temporary consent is sought... It is possible that the redevelopment permission may be brought forward earlier than 5 years if Roffey Homes need to start works on this site, however our aim is to maximise the temporary use.

The temporary homeless short term accommodation project would operate in the interim within this time frame.

The proposal largely retains the existing physical internal layout, the accommodation arranged in six "flats" where residents share communal facilities. The principal changes are that first floor lounges now become bedrooms and part of the eastern end of the ground floor office accommodation is converted to three bedrooms and a kitchen/living space. The remainder of the ground floor is retained as ancillary multi-agency offices to support the unit, comprising 10 to 15 staff. Worthing Council would support the project both in kind, and, it is proposed, by grant and would have nomination rights for 18 of the units.

The main external changes to the building have been modified following negotiations. These continue to enclose the walkway/balcony but the form has changed to now include windows in the shiplap clad panels on the walkway and main balcony and rear first floor balcony (with small gaps at the top and bottom) and the introduction of new solid front doors.

Waste storage /recycling arrangements are unchanged.

The purpose and fuller details of the proposal are set out in the Supporting Statements. Key extracts are reproduced below

Supporting Statement

Worthing Churches Homeless Projects

1. Background and Overview

Roffey Homes has offered Worthing Churches Homeless Projects (WCHP) the temporary use of 22 Lyndhurst Road for up to 5 years to assist it and the Council to provide:

*short stay accommodation for those in housing need
offices for multi-agency staff from the Council, WCHP and other agencies.*

Roffey Homes have offered the use of the building pending their plans to redevelop for a new block of flats. The aim is to provide 37 rooms in 7 self-contained maisonettes for local residents with an assessed need for housing and ability to manage their own accommodation.

The accommodation will have a staff controlled central entrance and a minimum of two staff on duty 24/7 in order to ensure it is fully safe and well managed. WCHP will work with the Council, Roffey Homes and other partners to develop more housing options and replacement provision at the end of the 5 year term.

The aim of the scheme is to reduce pressure and cost on the Council for emergency accommodation and the number of local people forced to sleep rough due to a lack of housing. It will be a much needed scheme to meet the requirements of the new Homelessness Reduction Act in April 2018.

2. What is the need for more Short Stay Accommodation?

There is a serious shortage of housing for single people and couples in Worthing. The main reason people lose their accommodation is due to a change in circumstances such as redundancy, breakdown in relationships, termination of private lets and health breakdowns. A lack of social housing and very high demand for private rented housing makes it easy for people to “fall through the net” if they do not have family with spare accommodation. Private rented housing has become out of reach for most local people on a low income as Local Housing Allowance levels fail to keep pace with rising rents.

Existing emergency and supported housing has run at full capacity for a number of years.

Further capacity is provided through temporary use of Bed and Breakfast properties which is both expensive and detracts from their capacity to provide for tourist and business accommodation.

3. How does the proposal help the Council?

The Council's statutory duties to homeless people are set to increase from April 2018 with the Homeless Reduction Act. Under current homelessness legislation the Council has only a duty to accommodate those in housing need if they are sufficiently vulnerable to be deemed "priority need". The Homeless Reduction Act imposes a new duty on Councils to prevent and "help to secure accommodation" non-priority need people in contrast to the current duty to just "advise and assist".

The Council is over dependent on bed and breakfast for temporary accommodation. Bed and breakfast is very expensive and not best suited to the needs of homeless applicants.

This also creates a very high cost to the Council as central government subsidy only partially covers the cost of temporary accommodation.

22 Lyndhurst Road will, therefore, directly reduce the Council's temporary accommodation costs as well as provide a higher quality and more suitable alternative, which will lead to improved housing outcomes, well-being and pathways to independence.

4. How does 22 Lyndhurst Road fit with other WCHP and other supported housing?

The key objective for 22 Lyndhurst Road is to provide short stay accommodation for those in housing need and develop a housing pathway for them. Some residents of the project will have lower support needs and can move straight to longer term independent housing such as the private rented sector or social rent housing. Other residents will move into supported housing.

5. Multi-agency office space

The ground floor was used as office space when owned by the NHS. A significant amount of office space will be retained for multi-agency working including:

*WCHP both project staff and managers
Staff from the Council's Housing Services
Other agencies who work with the client group.*

The co-location of Council, WCHP and other agency staff will help with multi-agency working resulting in more joined up, efficient and effective working. We anticipate the offices being a base for 10 to 15 multi-agency staff.

6. Why is 22 Lyndhurst Road a suitable location and unique opportunity?

22 Lyndhurst Road is in a good location for short stay accommodation. It is set in its own grounds and no nearby neighbours who overlook it. It has a good central

location close to WCHP services such as its St Clare's Hub and Council Housing Solutions offices at Portland House.

This is a unique opportunity. WCHP and the Council are not aware of any other suitable building available to use, especially on the very generous terms offered by Roffey Homes. It is being offered at nil cost to WCHP.

7. Building management – creating a safe and well managed environment

WCHP have considerable experience in managing shared accommodation for those in housing need and ensuring it is kept safe and secure. 22 Lyndhurst Road will be designed and staffed to ensure it is safe and well managed for both its residents and the neighbourhood. It will include:

*A minimum of 2 staff on duty at all times 24/7 (including through the night)
Single common entrance so access to all parts of the project is controlled 24/7 by a WCHP staff member
Sufficient reception and assessment room space for staff to interact with residents.*

8. Exit plan at end of 5 years

Roffey Homes have offered WCHP use of 22 Lyndhurst Road for up to 5 years. WCHP, Roffey Homes and the Council will work closely together to ensure a managed exit plan.

We anticipate the project will identify the longer term need for a permanent short stay supported housing project and work will commence from the outset of the scheme to develop this. WCHP is working with the Council to develop a move on housing strategy. The procurement and development of new housing will form a part of this as well as how to make best use of existing private rented and social housing.

I can add the challenges and risks of not finding accommodation for clients accommodated when Lyndhurst Road lease ends was carefully debated by our Trustees before approving the agreement. It was the most significant risk which required a clear plan to mitigate. The Trustees wanted to ensure nobody is made homeless at the end of the arrangement. The plan includes:

- Lease between Roffey and WCHP provides notice period to allow time for a planned decant to replacement provision and alternative accommodation. We enjoy very good communication with Roffey which will maximise the time for forward planning and a managed exit*
- We have financially planned for the end of lease to run down occupancy levels over a number of months so there is no "cliff edge" at the end of the scheme*
- Every resident will have a move on plan developed as part of the support offered. Staffing includes 2 full time Pathway Coordinators*
- We will work closely with the Council to ensure move on at the end of the project will work in a planned way using a mixture of social housing and private rented options, and that homelessness will be avoided. We will also*

look to develop replacement provision to maintain an appropriate level of short stay accommodation capacity in the town for the longer term

- *We will have the benefit of long term revenue for staffing which we can transfer from Lyndhurst Road to a new scheme on basis the Government is committed to maintaining supported housing allowance funding beyond 2020, when Housing Benefit is transferred to the local authority to be locally commissioned.*

The ultimate success of the move on and replacement provision will depend on partnership with all sectors in our town. You can be assured move on replacement provision planning will commence at the start of the scheme to ensure a smooth transition at the end, and that we will maximise the use of the building for the benefit of local housing need whilst in our management.

Consultations

Head of Housing

We warmly support and endorse the kind proposal from Roffey Homes to allow what would otherwise be an empty building to be used to meet some of the significant housing need in the area. The ground floor will be able host a number of likeminded staff teams creating a hub focused on reduction and prevention of homelessness.

This housing project for single people and couples is much needed and in particular it will prevent the need to use expensive bed and breakfast accommodation.

The Councils will be supporting the scheme both in kind and via a housing grant payment to assist with the capital costs of the refurbishment.

It will make a very significant impact on the cost savings for the Councils as some 18 of the 38 units within the scheme will directly replace the use of bed and breakfast.

The partnership between Roffey Homes, the Councils and Worthing Churches Homeless projects is critical to meeting the requirements of the new Homelessness Reduction Act. This joint working approach to housing and support will have a measurable impact on the lives of those residents benefiting from this innovative temporary housing scheme.

Planning Policy Manager

In principle, there is no policy objection to the proposal to grant a temporary change of use of 22 Lyndhurst Road to provide short-stay accommodation for local homeless persons. In recent years Worthing has seen a sharp increase in the demand for and the cost of housing in the private and public sector. The lack of opportunity for growth in the borough means that the supply of housing across all sectors is not able to keep up with demand. As reported in the Council's recently published 'Draft Homelessness Strategy (Dec 17)' one of the consequences of this has been a significant rise in the number of people classed as being homeless,

which in turn has resulted in an increase in the demand for temporary accommodation.

The opportunity to utilise this currently vacant building in the manner proposed will go some way to help meet the urgent need for temporary solutions to house up to 37 individuals who may have otherwise found themselves homeless. The proposal meets with the Council's objective to maximise opportunities to prevent homelessness through an enhanced housing options provision. It also meets with an overarching aim established in the Core Strategy to provide an adequate supply of housing to meet the needs of all residents. For these reasons, in principle, (subject to other planning considerations) this proposal can be supported.

Highway Authority

The highway authority has reviewed all details provided with the proposal and has no objection to the application.

We assume that no change is proposed to the vehicle or pedestrian access and that the current car parking arrangements will continue. We suggest that the following condition or similar be added to any consent in order to ensure safe conditions for users of the site:

PARKING AND TURNING

No new development shall be occupied until parking and turning space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall allow for cars and bicycles to be parked, for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.

Environmental Health Officer

It was established that all flats will be used and occupied as Houses in Multiple Occupation (HMO) and subject to the Management of Houses in Multiple Occupation (England) Regulations 2006.

In consideration of this, and having regard to Building Regulations, the following was agreed:

All flat entrance doors are to be FD30S compliant.

It is accepted that the existing doors can be made up to meet this criteria by fitting the following:

- Intumescent strips and cold smoke seals to the top and side edges of the door or frame.*
- All letter boxes and door furniture must comply with the relevant British Standard related to fire doors.*
- Self-closer devices must comply with BS EN 1154: 1997. NB. Chain closers will not comply with this requirement.*

Note: The doors and frames must not have substantial cracks or gaps. The gap around the top and side edges of the door must not exceed 3mm.

The balconies will be considered open as there will be a 100mm gap at the base of the guarding and a 300-350mm gap at the top of the guarding.

The ground floor walkway will need to be open too to allow rain water to exit, but we discussed providing vertical guarding to the openings for security.

The kitchen windows will not have to be upgraded to provide fire resistance. In addition it was confirmed that these open into the kitchens and so they present no collision risk to people using the balconies.

Kitchens are to have mechanical extraction ducted across the balconies within fire resistant materials, to discharge to the exterior of the building.

I understand that Cally and April have agreed that the guarding to the communal stairs and to stairs within the units is to be covered or otherwise configured so that there are no gaps large enough to allow a sphere of 100mm in diameter to pass through. As discussed on site, this could be achieved by overboarding the existing guarding.

The Private Sector Housing team will work with WCHP to ensure that each HMO is compliant with the legislation once they have taken over management of the property.

I would like to emphasise that we wish to assist and support this project and trust that the above is clear, but I invite you to either contact me directly or the Private Sector Housing team should you wish to discuss any of the above.

Drainage Engineer

The proposed site lies within flood zone 1 and appears to be unaffected by surface water flooding.

The applicant has indicated that there will be no external alterations therefore there will be no change to surface water discharges and hence we have no further comments on this application.

Police: Crime Prevention Design Adviser

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products. Details can be found on www.securedbydesign.com.

The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion, and with the level of crime and anti-social behaviour in Adur & Worthing

district being average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

The building will house potentially vulnerable residents and so preventing unauthorised access to their private living accommodation is important with good access control and clearly defined separation between public/office and private areas and so help to maintain their safe environment.

Secure by Design (Homes 2016) recommends that all communal dwellings with more than 10 dwellings or bedrooms should have a visitor door entry system or access control system to enable management oversight of the security of the building i.e. to control access to the building via the management of a recognised electronic key system. It should also incorporate a remote release of the primary entrance door set and have audio visual communication between the occupant and the visitor.

External ground floor communal entrance doors should meet PAS 24:2016 BS EN1627 Class 3 or LPS 1175 SR2 or STS202.

Safer Communities Team

The availability of housing for those that are single homeless is in extremely high demand and this is outstripping supply. As a Communities & Wellbeing Team we deal first hand with those that are street homeless, and invest a lot of resources into supporting the community to reduce harms and access support services.

Those that sleep out for any proportion of time see a dramatic deterioration in their physical & mental health, often rely on substances and harmful relationships to cope with this lifestyle. Housing is often a fundamental first step in addressing these issues and supporting them to address their often complex, entrenched needs.

The accommodation offer being presented in this application would provide essential housing for those who are at threat of homelessness or are currently homeless. This is fundamental in stemming the flow of further issues developing as identified above and becoming entrenched which is much more challenging to address.

It is welcomed that the organisation who are seeking to provide support in this accommodation have a proven track record in running similar projects across West Sussex. These are generally managed very well with little impact on the local community, although it is recognised that this can happen on occasion due to the complexity of individual that might be present in their accommodation. It is also welcomed that there are managers within the organisation that have managed similar accommodation, much greater in size than that proposed.

Therefore we would support this application going forward.

Representations

One objection has been received from 87 Lyndhurst Rd as follows:

- *The site is situated on the corner of Farncombe Road /Lyndhurst Road and any proposed change has a responsibility to the conservation area and its surroundings. The site holds a number of trees with preservation order (TP03 of 2015.- Monterey cypress and a Holly) and the use of this site needs to accommodate residents that are not only sympathetic to the area but to the greenage upon which its sits. On this site also sits a headstone of significant relevance to the town and has been preserved on these ground for many years. Roffey Homes has a responsibility to ensure that this area and the content of this site are held in the highest regard for the future of Worthing as a whole. The change of use is of considerable concern.*
- *Consideration needs to be given to the Impact of the proposed change in use on the overall character of the area, on local amenities, and on the impact of community safety of occupiers of surrounding residential properties and local businesses (HSBC, Hospital and local shops).*
- *It is also noted that Roffey Homes have simultaneously submitted a planning application for the demolition of the existing building on this site and erecting a three to four-story block of 30 flats and includes the removal of trees one of which is included in the preservation order. My concern is that whilst Roffey Homes is offering their site at nil rent to Worthing Churches, this will take the pressure from Worthing Borough Council in its responsibility to provide housing for the homeless. Will this good deed require another good deed in return from WBC, in accommodating Roffey Homes in their application to build the 30 flats? The issue of transparency and independent decision making surrounding these two planning applications raises concerns. (Note the letter of support from Worthing Homes which details the nil rent charge appears to have been removed from Worthing Borough Council website on 11 Nov 2017)*
- *...The issue of independent decision-making raises its head in relation to this and any other application for this site.*
- *The current building most probably incorporates asbestos in its construction and therefore residents and most certainly temporary residents would seek assurance that any changes to the property involving asbestos would be removed safely at no risk to the public.*
- *The current application gives residents no indication as to how long this temporary use will be. Up to five years is very vague and holds too much uncertainty for all affected. Given the costs associated with bringing this building up to date, for a short-term lease, WBC funds would be better spent investing in a permanent solution to this problem.*
- *The application proposal does not provide sufficient detail on the type of person that will be housed within the property and the level of support and care that they will require. Residents will be concerned that individuals with social issues i.e. substance and alcohol abuse, criminal records for violence and sex crimes, are all housed under the same roof in a confined area. It is reported that where large homeless accommodation sites are introduced communities have seen an increase in anti-social behaviour including vandalism, drugs and alcohol abuse in public areas, break-ins robbery etc. They also attract the attention of undesirables to the area that are outside the direct control and influence of the unit management. They create problems and difficulties for the community that the police are then left to*

deal with. Potentially this unit could instil a sense of fear and uncertainty to the neighbourhood.

- There is already a concentration of social accommodation in East Worthing. There is a large Worthing Homes unit built right beside this site plus a 25-bed residential drug and alcohol service for single homeless adults with drug and/or alcohol addictions a short distance away at .. Selden Road. The high concentration of such homes in this confined area will put a strain on already overstretched local resources and the safety and wellbeing of the community at large. This will be a much larger unit than that on Selden Road. A more coherent policy would be to spread such accommodation out across the whole of the Worthing community and avoid exasperating social issues in one area.*
- Intensification of use of such properties in East Worthing will result in more crime, disruption, noise, and anti-social behaviour which is detrimental for the community at large.*
- This unit is on the direct school path to Lyndhurst primary school and children should not be subjected to the ramification of possible anti-social behaviour as part of their journey.*
- Whilst there is an acceptance that such housing is required in our town, units to house homeless in such large numbers in an already densely populated area is not a workable solution for the community at large. The interests of all and the environment need to be considered and should not be a one-sided quick solution. I request that you please carefully consider the overall implication of a unit of this size in our area.*

In summary

- The site is in a conservation area with trees subject to a preservation order which may be subject to damage and disturbance.*
- The council may be placing itself in a vulnerable position by accepting indirectly help with its housing problem at a time when a much larger planning application has also been submitted by Roffey Homes.*
- Risk of possible asbestos disturbance in any temporary improvement — risk to the public.*
- The unit is being considered in an area already over populated by homeless sheltered accommodation.*
- The unit will create a sense of fear around anti-social behaviour including vandalism, drugs and alcohol, breaks-in robbery etc It is a proven fact that crime will increase when a hostel / homeless shelter is introduced to an area.*
- Impact on local amenities, transport, medical and social facilities in an area already under great strain.*

One representation of support from 4 Homefield Rd.

Planning Appraisal

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

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

The main issues for consideration are:-

- i) Principle of the loss of nurses' accommodation and NHS offices and their replacement by a short stay homeless accommodation and support offices on a temporary basis.
- ii) The impact on the character of the area and amenities of future and neighbouring occupiers, including anti-social behaviour.
- iii) Quality of design and impact on the Conservation Area
- iv) Impact on access and parking.
- v) Other environmental impacts

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 the Council needs to assess the housing delivery strategy set out in the current Development Plan. A Housing Study has been published to this end. A revised Local Development Scheme which commits the Council to undertake a full review of the Core Strategy and prepare a new Local Plan for the Borough has been produced.

As such the proposal should be principally assessed in relation to the presumption in favour of sustainable housing development as set out in paragraphs 14 and 49 of the NPPF and informed by saved Worthing Local Plan Policies H18; TR9 and RES7 and Core Strategy Policies 7, 8, 15 and 16, and The National Planning Policy Framework and The Draft Homelessness Strategy.

Principle of the loss of nurses' accommodation and NHS offices and their replacement by a short stay homeless accommodation and support offices on a temporary basis

The authorised use of the property is as purpose-built, staff accommodation for Worthing Hospital. This has not been formally classified through a Certificate of Lawfulness but it is considered most appropriately approximates to a large, sui

generis, House in Multiple Occupation, if the original consent is not otherwise restricted. Effectively, it was key worker, low cost, HMO accommodation.

Ordinarily, the loss of such accommodation would be regrettable at a time of recognised shortage of affordable housing generally and pressures on staff recruitment and retention in the NHS, aggravated by high housing costs.

However, the Hospital Trust did report in 2009, when the temporary permission for conversion of the ground floor to offices was granted, that the property was of a poor quality and 'difficult to let' and declared it surplus to requirements, disposing of the site in early 2017. The extensive, nurses' bedsit accommodation in the adjacent Horton Court remains unaffected.

More particularly, the current proposed use meets a still more acute and pressing, if different, local housing need, providing supported short stay accommodation expressly for the homeless. As such it is a sui generis use rather than an HMO or even C2 residential institution. It is a fitting re-use of what appears to have been a redundant (for NHS purposes), somewhat old and tired building.

The housing need the homeless accommodation would meet and broader benefits are explained in the supporting statement. This is endorsed by the and Planning Policy Manager and Head of who describe how this fits into the Council's broader planning and housing strategy and, more recent, Draft Homelessness Strategy (Dec 17). The Safer Communities Team also support the proposal, not least because of the wider social benefits in helping prevent the harmful lifestyles the street homeless can fall into becoming entrenched. These are much more challenging to address.

In planning terms, there are no specific Development Plan policies directly governing such uses, other than the broad and generally supportive Core Strategy objectives and Policy 8 which includes the statement; *The Core Strategy will deliver a wide choice of high quality homes to address the needs of the community*. To this extent the proposal would advance this broad aim.

Short stay homeless accommodation on the Lyndhurst Rd site is broadly consistent with the geographical preferences of Core Strategy Policy 8 and supporting Guide to Residential Development Supplementary Planning Document. These accept that higher density housing (which would include short stay housing and HMOs) is appropriate in and around the town centre. The site is less than 400 ms from the eastern boundary of the town centre, and, on the door step of the Hospital, falls into this category of "around town centre." As a neighbourhood, it has historically, had, alongside family housing and extensive civic uses, an established presence of non-traditional housing. The latter includes nearby existing homeless accommodation in Selden Road; the previous use of the application building as NHS (nurses) bed sit accommodation as well as continued use of Horton Court, and market bedsits and residential institutions, characteristic of such areas.

Other benefits of the location are the proximity to WCHP services such as its St Clare's Hub and Council Housing Solutions offices at Portland House.

Provision would qualitatively contribute to meeting the Borough's housing provision target in Core Strategy Policy 7 but, more particularly, to the growing and acute need for homeless short stay accommodation in the town.

The proposal anticipates the residential redevelopment of the site as set out in the parallel application under AWDM/1518/17 which expressly seeks a commencement of development period of up to five years. In practice, the homeless project may be expected to run for between three and five years. To this extent at least, the two applications are complementary. The parallel application under AWDM/1518/17 will be considered separately on its merits.

Unless the redevelopment proceeds, the default position after the five year temporary homeless accommodation permission sought is that the authorised use will revert to nurses' HMO accommodation.

There is a welcome commitment to working up an Exit Strategy for the Homeless project by WCHP, Roffey Homes and the Council, as underlined by the Head of Housing's and WCHP's comments. *The applicants: anticipate the project will identify the longer term need for a permanent short stay supported housing project and work will commence from the outset of the scheme to develop this. WCHP is working with the Council to develop a move on housing strategy. The procurement and development of new housing will form a part of this as well as how to make best use of existing private rented and social housing.*

The impact on character of the area and the amenities of future and neighbouring occupiers, including anti-social behaviour

The external works proposed are limited and the internal layout largely unchanged, so issues such as overlooking between neighbouring properties would remain unaffected.

The main potential for impact would be the way in which the accommodation was used and how that impacts on the area.

Certainly, this would be a large project and the residents will include amongst their number, the most vulnerable. As the Safer Communities Team comment: *those that sleep out for any proportion of time see a dramatic deterioration in their physical & mental health, often rely on substances and harmful relationships to cope with this lifestyle.* Many will need support to assist them in their housing pathway, and, some, more extensive support. The presence of the on-site support offices and the multi-agency WCHP project and managers; staff from the Council's Housing Services and other agencies who work with the client group will best address such needs.

It is recognised that WCHP, as the operator, have a proven track record in managing shared accommodation for those in housing need. They provide reassurance that the accommodation will be designed and staffed to ensure it is safe, secure and well managed for both its residents and the neighbourhood. This includes a minimum of 2 staff on duty at all times 24/7 (including through the night); single common entrance so access to all parts of the project is controlled 24/7 by a

WCHP staff member; and sufficient reception and assessment room space for staff to interact with residents.

The enclosure of the previously open walkway/balcony provides security and minimises the potential for noise and disturbance to the mutual benefit of both residents of the block and neighbours.

At the same time the negotiated incorporation of windows in the enclosure allows residents a view and light into the rooms behind.

The management of the building will control access to all the outside areas.

There has been extensive discussion on Fire Regulations by the applicants with Building Control, The Housing manager and the Private Sector Housing Team. These are matters dealt with under separate legislation.

The quality of the accommodation itself is satisfactory.

Whilst both the Police and the Safer Communities Team recognise that the building will house potentially vulnerable residents, neither raise wider concerns over the potential for the proposal to impact on the character and amenity of the area. The Police do advise that *preventing unauthorised access to their private living accommodation is important with good access control and clearly defined separation between public/office and private areas and so help to maintain their safe environment.* They go on to give specific advice on this matter. These measures are consistent with the approach already outlined by WCHP and may be secured by a suitable condition.

On the matter of any emerging concentration of HMOs, residential institutions and short stay accommodation in the locality, it has already been recognised that such uses do feature in the area, as in many other town centre and centre fringe neighbourhoods. However, research for the report presented to Planning Committee on 19.10.17 on such matters, demonstrated that nowhere in the town was there a geographical concentration of HMOs of any great significance. Indeed, since that time the large HMO proposed at Elton Lodge in Selden Road has been abandoned in favour of a resumption of the care home and the adjacent HMO has been granted permission to convert to a dental surgery.

In view of the fact that the beneficial and neighbourly operation of the use is reliant to a large extent on management by WCHP, it is appropriate to make any consent personal to them. The applicants have agreed to this.

The proposal compares favourably with the alternative possibility of re-use as a large commercial HMO, if, as it appears, the original consent is unrestricted.

Quality of design and impact on the Conservation Area

The existing building is an established feature but is of no architectural merit.

The external works are limited to the enclosure of the walkway/balconies. Following incorporation of windows, these are now acceptable.

Impact on access and parking

The site is sustainably located close to the town centre, public transport and local facilities.

Realistically, no resident is likely to have access to a car and the car park is large enough to cater for all staff and visitors.

The proposal does not alter access or parking arrangements and these may be retained by condition.

The Highway Authority raises no objections.

Other Environmental issues

The site is not in a recognised flood risk area and no works affecting surface drainage are proposed.

Conclusions

The loss of the nurses' accommodation is more than compensated for by the proposed supported short stay homeless accommodation which meets a still more pressing housing need, with further knock-on benefits. The project is supported by The Housing Manager, Safer Communities Team and Head of Planning Policy.

The proposal is not out of character with the area and has been designed to operate in a safe and neighbourly manner. WCHP have a proven track record in running such accommodation. The design changes are modest and access is satisfactory. Subject to the safeguards proposed, the application should be approved.

Recommendation

Approve subject to the following conditions:-

1. Cease use by 31.1.23.
2. Use personal to WCHP
3. Implement in accordance with approved plans.
4. Retain car parking and access
5. Implement the Police security requirements

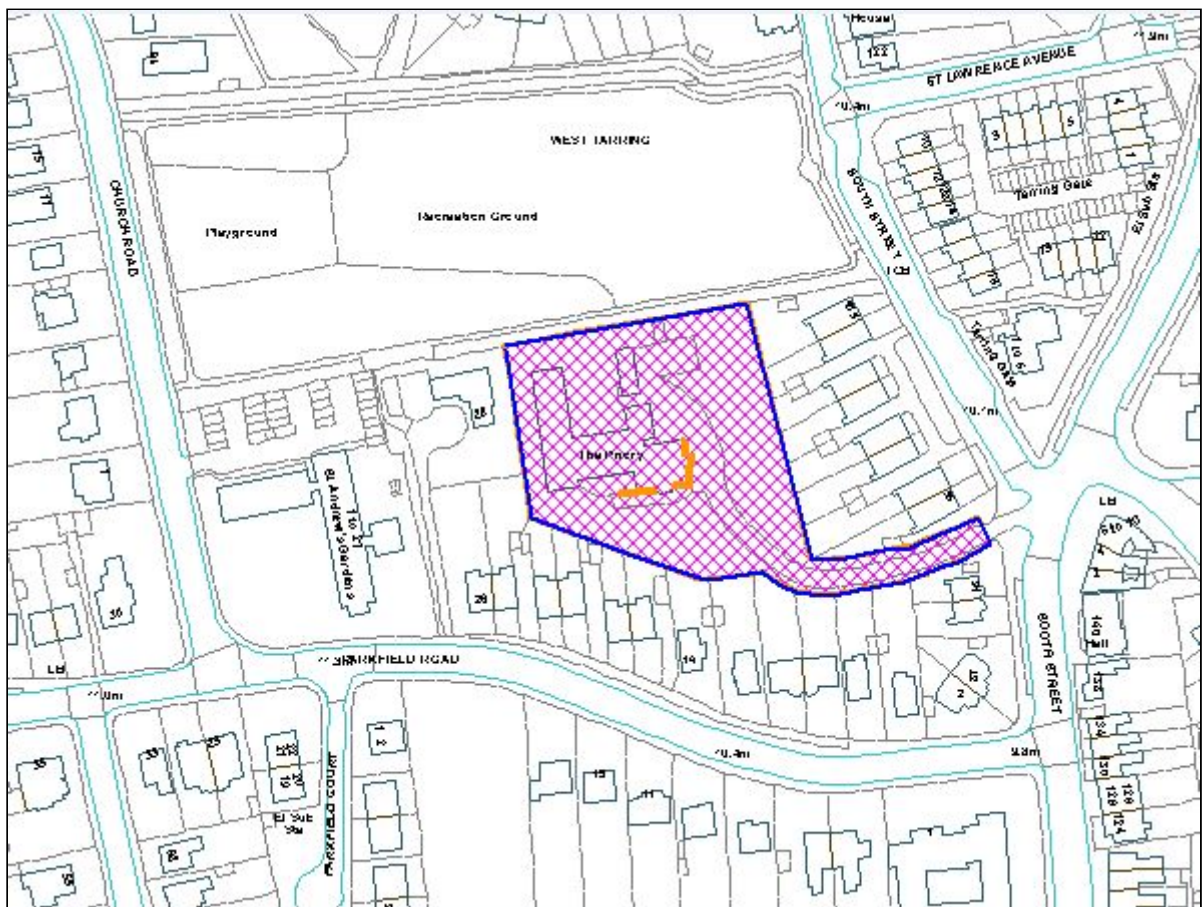
Application Number: AWDM/1114/17 **Recommendation – APPROVE**

Site: The Former Priory Rest Home, South Street, Worthing

Proposal: Demolition of existing care home (use class C2) and erection of a 75 bed care home (use class C2)

Applicant: Mr Paul Jeffery
Case: Gary Peck
Officer:

Ward: Tarring



Not to Scale

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Proposal, Site and Surroundings

This application seeks permission for the demolition of an existing care home and replacement with a 75 bed care home. Planning permission was previously granted in 2014 for the demolition of the care home and its replacement with a 64 bed care home but the permission was not implemented and the site subsequently sold.

As with the previous permission, the building is set out in a t-shape, primarily to ensure the retention of a large preserved lime tree on the site. The footprint of the building is largely similar to that previously approved, although a slightly greater distance is provided to the properties to the south, now being approximately 28

metres. The new building would be slightly closer to the residential properties to the east, albeit the preserved lime tree would be located between the building and these properties. The proposed building is 2 and 3 stories in height with a predominantly flat roof design in a mixture of brick, render and timber cladding. 28 car parking spaces are proposed including 2 disabled bays.

The application site is accessed via a private road to the west of South Street and is to the south of a recreation ground beyond which is the Conservation Area. Residential properties in Parkfield Road and South Street are to the west, south and east of the application site. The original 2/3 storey building has fallen into disrepair since its closure. A number of trees are on the boundary of the site, some of which are preserved, but some other screening has been removed since the closure of the building. More centrally within the site is a preserved lime tree.

The site area is given as 0.51 hectares.

Relevant Planning History

Demolition of existing 41-bedroom care home and erection of new 64-bedroom care home granted permission in 2014 (AWDM/1289/14). The permission has not been implemented and the site subsequently sold to the current applicant.

Application for consent under Worthing Tree Preservation Order No.20 of 1992 to crown lift up to 6 metres, reduce radial spread by up to 2 metres and crown thin up to 15% one Lime tree T10, crown lift up to 4 metres, reduce radial spread by up to 2 metres on two Holm Oak trees T12 and T13, to reduce radial spread by up to 2 metres, reduce crown height by up to 6 metres on one Ash tree T7 and to fell and replace one Holly tree T8, one Red Horse Chestnut T4 and one Sycamore T3 – approved (AWDM/0030/15)

Application for consent under Worthing Tree Preservation Order No.20 of 1992 to fell and replace one Ash tree T2 – refused (AWDM/0036/15)

Consultations

West Sussex County Council – Lead Local Flood Authority

West Sussex County Council (WSSCC), 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:	Low risk
Comments:	
Current uFMfSW mapping shows the site is at a low risk from surface water flooding although a higher risk exists at the access to the site.	

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.

Any existing surface water flow paths across the site must be maintained.

Reason: NPPF paragraph 103 states – ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere..’

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.

Modelled groundwater flood hazard classification:	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 is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood.</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/culverted watercourses within or in close vicinity to the site:	No
<p>Comments:</p> <p>Current Ordnance Survey mapping shows no ordinary watercourses within or in close proximity of the site. Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site.</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</p>	

temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District Council.

Records of any historic flooding within the site or within close vicinity to the site:

No

Comments:

We have no records of historic surface water flooding either within the boundary of the proposed development or the immediate vicinity of site. This should not be taken that this site itself has never suffered from flooding, only that it has never been reported to the LLFA.

Future development - Sustainable Drainage Systems (SuDS)

No Drainage Strategy has been included with this application. The application form has indicated that 'Main Sewer' would be used to dispose of the site's surface water, which is confirmed by the Proposed Drainage Layout plan.

Following the SuDS hierarchy and the spirit of SuDS implementation, betterment for surface water systems on the new developments should be sought. This could include retention at source through permeable paving and swales prior to disposal to reduce peak flows. SuDS landscaping, could significantly improve the local green infrastructure provision and biodiversity impact of the developments whilst having surface water benefits too.

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDS approach beginning with infiltration where possible e.g. soakaways or infiltration trenches. The disposal of surface water via infiltration should be shown to have been investigated through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.

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.

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.

West Sussex County Council - Highways

Background and Summary

The Local Highway Authority (LHA) previously commented on this application in 2014 under application under AWDM/1289/14 (for a 60 bed care home) to which no objections were raised from the highway point of view. The application was subsequently permitted by the Local Planning Authority (LPA).

The latest application proposes an additional 15 rooms over the previously permitted scheme taking the total rooms up to 75. The proposals are supported by way of a Transport Statement (TS) which includes Trip Rate Information Computer System (TRICS) data.

The LHA are satisfied with this proposal subject to some additional traffic modelling being undertaken to demonstrate the additional use will not result in a 'severe' capacity issue.

Comments

The site is accessed from the exiting access onto South Street. No changes are proposed to the existing access arrangements. The site has an access road which is not part of the adopted highway and has an initial width of approximately 5.5 metres, narrowing down to 4.8 metres. A footway is provided along the southern side of the lane.

The site presently accommodates an existing 41 extra care home. This is a material highway consideration as there is a current use that does generate activity. Trip generation is not based upon the use of WSCC's adopted TRICS guidance. However the applicant's trip rates give a useful indication of the amount of traffic going into the site during the time periods assessed.

Based upon the outputs, the proposed care home is forecast to generate 138 two way daily vehicle movements. These movements will be spread over a 16 hour period. At the recognised network peak times (0800-0900 and 1700-1830), the site is forecast to generate 13 trips respectively at both times. The outputs indicate that a development of this nature would generate its peak activity outside of the normal network peak. The development's peak level of traffic would occur between 0630-0730 and 21.30 and 22.30 with 34 two way movements expected. The WSCC TA Guidance requires off-site capacity assessments are undertaken where a development is expected to generate an increase of 30 entry movements through a junction. As a result of the proposals this development will now exceed this threshold. Therefore the LHA would request a formal junction capacity assessment is undertaken for the movements expected in the AM peak using industry accepted modelling techniques.

The existing carriageway width is sufficient to enable two cars to pass or to allow a car to pass a larger vehicle. The access arrangements are considered satisfactory to serve the proposed development.

28 car parking spaces are proposed. The car parking provision has been considered against the WSCC maximum parking standards. The proposed parking provision is within the maximum standards.

Matters of accessibility are considered within the TS. The TS sets out that residents at the site would have limited mobility. The potential for residents to travel off-site unescorted is perhaps limited. Whilst it is unknown whereabouts staff will be travelling from, there are different transport modes available to the site. Some staff will therefore have realistic alternatives to using the private car. The introduction of a travel plan will also assist in encourage staff to travel more sustainably where feasible.

Matters relating to access during the demolition of the existing building and construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from South Street. A comprehensive construction management plan should be submitted. This should set out the controls to be implemented throughout the construction project to ensure that safety of users of the public highway, as well as its operation, is not detrimentally affected. The construction management plan should amongst other things set out how deliveries are to be managed along south Street in light of the carriageway width and presence of other vulnerable road users. Given the construction of South Street, the applicant would be required to enter into a Section 59 agreement under the 1980 Highways Act. Such an agreement would enable the Local Highway Authority to recover from the developer the cost of repairing any damage that occurs to the highway as a consequence of the development. The developer should seek early engagement with the WSCC Asset Management team to prepare the s59 agreement.

Conclusion

In the absence of further capacity data being submitted alongside the application, the LHA requests further information to the proposed development via industry based software.

Following receipt of this consultation response, further information was submitted to the County Council by the applicant's transport consultant.

We would like to discuss the issue of the junction modelling requested. As you state in your response the latest proposal is for a care home that has an additional 15 rooms above that which already has planning approval. As demonstrated in the Transport Statement this results in an additional 24 trips (12 in and 12 out) on a daily basis above that already approved. In addition it does not result an increase of more than 30 trips per hour at any junction, indeed it is significantly less than 30 trips over the whole day not just in the peak hours.

Taking the above into account we consider that the additional rooms now proposed would not have a 'severe' impact on the operation of the local road network and there is no need for junction modelling to be undertaken for such a small increase in trips i.e. 24 over the day. We would be grateful if you consider the above and remove your request for junction modelling.

West Sussex County Council responded:

Thank you for your email and the additional information provided and clarification on the trip generations from the application site. On that basis I would not have any concerns with the proposed development from a capacity perspective. From the

highways point of view I think that is the only outstanding piece of information to be sorted.

Conservation Architect

The proposed building is obviously very close to the northern boundary of the site, and would be very prominent from the adjacent recreation ground. However the existing buildings along this boundary also appear to quite prominent, and the main boundary treatment existing is close boarded fences. Unfortunately the images produced continue to add non existent tree and shrubs to the site, which made it difficult to understand exactly how the proposed building will be seen from outside the site.

If you look at the google street view in High Street Tarring, the view between the first two pairs of semis south of the recreation ground clearly shows the existing buildings, whilst the prepared images show a screen of trees.

The revised palette of materials and colours as suggested at our meeting does, in my opinion, work better. The aerial views emphasise the regular height throughout much of the proposed development and show the projecting elements of the parapet walls used to break up the elevations.

Representations

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

- Understood that the previous building was going to be single storey.
- Loss of privacy
- Increased traffic due to higher density of development
- Access is onto a busy roundabout
- New building is higher with a greater footprint
- Building looks like an office compared to the more pleasant existing building
- Out of keeping with the surrounds
- Loss of sunlight

1 letter has been received neither objecting or supporting the application but stating that the ash tree on the site should be removed as it regularly drops dead branches

Relevant Planning Policies and Guidance

Saved Local Plan policies (WBC 2003): RES7,
Worthing Core Strategy (WBC 2011): Policies 16, 17 & 18
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 application site has an established use as a care home and it is apparent during the consideration of the previous application that the existing building was beginning to fall into a state of disrepair and did not provide adequate accommodation for modern day care standards. Since the previous permission was granted, the site has fallen further into disrepair and therefore it is quite clear that there is no possibility of reusing the existing building. Although the building is attractive in places, its character was somewhat diminished by ad hoc extensions and alterations. A number of the rooms were below 10 square metres in size and very few had en suite facilities. As planning permission was granted in 2014, the principle of development is established.

It is understood that the previous applicants were unable to implement the previous permission and therefore sold the site to the current applicant who is a founder of Caring Homes, one of the largest care and support providers in the United Kingdom with over 60 homes.

It is noted that a number of representations have been received indicating that the scheme is much larger than previously proposed (and in one case stating the previously approved scheme was single storey) but comparison of the previous permission both in terms of scale and footprint indicates that the difference between the two schemes is relatively limited (the previous scheme was also a mixture of 2 and 3 storeys with flat roof elements). The clearest difference in elevation terms is to the south eastern corner of the building where the third storey was more centrally located within the building with a 2 storey wing element to the side whereas the building is now 3 storeys across the majority of its extent. However, the distance between the building and neighbouring properties remain in excess of the normal overlooking standards of 21 metres and hence it is not considered that a refusal could be justified on that basis.

The building is closer to the northern boundary than previously approved and therefore will potentially be more prominent from the adjacent Tarring Recreation Ground. As with the previous application, proposed landscaping will be particularly important. Images have been submitted with and without proposed landscaping and demonstrate that if an appropriate landscaping scheme is submitted, then the building would be softened in its view from the recreation ground. Certainly, the lack of maintenance to the site in recent years has given a relatively poor appearance from the park, with a close boarded fence running along the northern site boundary.

Similarly, the use of materials will also be of importance. The applicant has proposing a varied palette of materials including brick, render and timber cladding and if used appropriately could result in an interesting and attractive building. The Conservation Architect has been involved in pre application negotiations and the

applicant has shown a willingness to consult with officers at each stage of the process which would continue at the condition discharge stage.

In conclusion, the development of the site has been long awaited and your officers are of the view that the proposal represents an appropriate development that will bring a significant enhancement to care facilities in the town. Accordingly, it is recommended that permission is granted.

Recommendation

To GRANT permission

Subject to Conditions:-

- 1 Development in accordance with the approved plans
- 2 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 3 Prior to the commencement of development, a scheme shall be provided for attenuating all external fixed plant which shall have regard to the principles of BS4142 and achieve a difference between the rating level and background noise level of at least -5dB. A test to demonstrate compliance with the scheme shall be undertaken within 1 month of the scheme being approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of neighbouring properties in accordance with policy 16 of the Worthing Core Strategy

- 4 No development of any kind shall take place unless and until a scheme for the suppression of dust during demolition/site clearance and construction has been submitted to and agreed in writing by the Local Planning Authority. The scheme as agreed shall be implemented throughout the entire course of demolition/site clearance and construction.

Reason: To safeguard the amenities of the occupiers of neighbouring properties having regard to saved policy RES7 of the Worthing Local Plan.

- 5 No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Public Holidays. Monday to Saturday such work shall only be undertaken between the hours of 7.30 am and 6.30pm, except as agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of neighbouring properties having regard to saved policy RES7 of the Worthing Local Plan.

- 6 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

- 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 Upon the first occupation/commencement of use, the Applicant shall implement the measures incorporated within the approved travel plan. The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport.

- 9 The development hereby approved shall not be occupied unless and until samples and schedule of the external walls and roof of the buildings in the development hereby permitted have been submitted to and approved by the Local Planning Authority and the buildings shall not be built other than in accordance with any such approval.

Reason: In the interests of visual amenity and to comply with policy 16 of the Worthing Core Strategy.

- 10 No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft and hard landscaping, 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(s).

Reason: In the interests of visual amenity and the environment and to comply with policy 16 of the Worthing Core Strategy

INFORMATIVES

Section 59 of the 1980 Highways Act - Extra-ordinary Traffic

The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

10th January 2018

Application Number: AWDM/0867/17

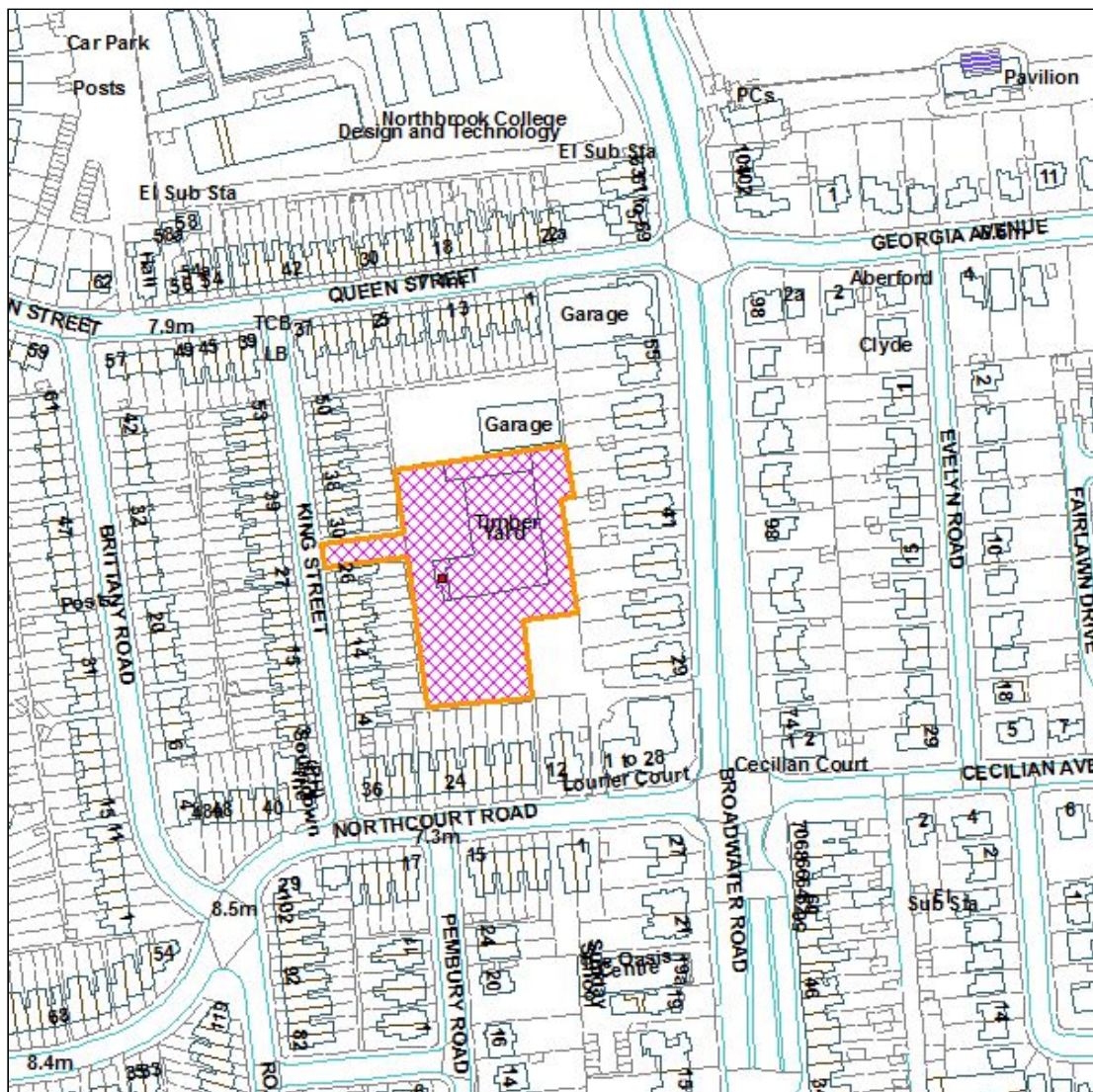
Recommendation – APPROVE

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
Case: Gary Peck
Officer:

Ward: Gaisford

**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

10th January 2018

Application Number: AWDM/0547/17

Recommendation – REFUSE

Site: 64 Greenland Road, Worthing

Proposal: Retention of 1.8m high close boarded fence behind existing dwarf brick wall around garden boundary on east side of house

Applicant: Mr Craig Hutton-Burgwin
Case: Gary Peck
Officer:

Ward: Durrington



Not to Scale

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Proposal, Site and Surroundings

This application seeks retrospective permission to retain a 1.8 metre high close boarded fence behind an existing dwarf wall.

The application site sits on the junction of Greenland Road and Franklin Road with the fence being located to the eastern side of the house running along its side boundary and part of the front, southern boundary up to the path leading to the door.

In general the area is characterised by open frontages with low brick walls but opposite to the application site at 87 Greenland Road, planning permission was granted earlier this year for the retention of a close boarded fence. Permission was granted subject to the removal of fence panels to the front of that property which was carried out shortly after permission was granted.

Relevant Planning History

None relevant

Consultations

West Sussex County Council:

Comments

This application seeks retrospective permission for the erection of a maximum 1.8m high close board fence behind an existing dwarf brick wall around the garden boundary. The Local Highway Authority acknowledges that a similar proposal was approved at a nearby dwelling and no Highways Objections were raised to this proposal.

Greenland Road is a residential D classified road subject to 30mph speed restrictions. Near the point of access 64 Greenland Road meets a junction with Franklin Road. At this junction the presence of a wide bell mouth and of footways, ensures that adequate visibility is retained for both vehicular and pedestrian users in this location.

It is anticipated that actual road speeds within this location would be less than the posted limit due to the presence of on street parking, the nearby junction and the residential nature of the road.

The presence of an access to the rear of the property does require vehicles to reverse off of the hardstanding as a turn on site is not available. The fence in this location may therefore reduce achievable visibility in this location for the residents of 64 Greenland Road however as outlined in section 10.6.1 of Manual for Streets 2 (MfS2) the absence of wide visibility splays at minor accesses will encourage drivers to emerge more cautiously. Section 10.6.2 also states that the frequency of vehicular movements should also be taken into account. The number of vehicular movements during the peak hours for this proposal is not anticipated to be high therefore the fencing and access arrangements as proposed are unlikely to result in detrimental impact. Forward visibility is retained for road users of both Franklin Road and Greenland Road, and pedestrians are able to navigate along the footway and still see and be seen by approaching vehicles.

Based upon this consideration, the LHA would offer no objections to this retrospective application.

Representations

1 letter of objection has been received on the grounds of highway safety as the fence now restricts the view for pedestrians and traffic.

Although no other representations were received in response to the Council's consultation process, the applicant has provided letters of support from 66, 79 & 81 Greenland Road and 1 & White Gables, Franklin Road,

Relevant Planning Policies and Guidance

Saved Local Plan policies (WBC 2003): RES7,
Worthing Core Strategy (WBC 2011): Policies 6 & 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 the effect of the proposal upon the visual character of the area and highway safety.

Dealing with the highway safety aspect first, the County Council have raised no objection on highways grounds and although visibility is restricted from further back in Franklin Road by the fence, once the junction with Greenland Road itself is reached, there appears sufficient visibility to view along the road. It is not considered a refusal could be justified on highways grounds therefore.

In respect of the visual aspect of the retrospective proposal, the site sits on a corner with a land in the applicant's ownership to the side of the property. It is not uncommon for owners of such properties to seek to enclose their land, although as such a boundary is deemed as adjacent to a highway, planning permission is required for any fence that is over 1 metre in height. In areas where low dwarf walls are more commonplace, such fences can have a significant impact upon the character of an area. Previously, it appears that the side boundary contained a

number of bushes which appeared as quite an attractive feature of the road. These were removed and the current fence erected.

Ordinarily, where advice is sought prior to the erection of such a fence, your officers would advise that a side boundary fence may be acceptable provided it extends no further than the front elevation of the property. This leaves, in effect, an enclosed side/rear garden but the front remains open. In respect of this application, the fence runs the entire side length of the property and then about half its frontage. This means that there is 1.8 metre fence along the front and corner parts of the site and is quite out of keeping with the general character of the area.

Your officer's view is that this is excessive. It is considered that the fence could come slightly forward of the front elevation (as has been the case with a property across the road) but should extend along the front boundary. By setting the fence back, it is then possible for some landscaping to be planted to soften its frontage, again as been the case across the road. A suggestion of an amendment was made on this basis early in the determination of the application, but the applicant wished the proposal to be determined on the basis of its submission stating that many of the neighbours supported the retention of the fence. Although none of these neighbours responded directly to the Council during the consultation process, the applicant has obtained the letters of support referred to above and sent them as supporting information.

Notwithstanding the support of these neighbours, it is considered that the visual impact of the fence as it stands is unacceptable. Although this issue seemingly could be resolved by a relatively simple amendment, since the applicant is currently unwilling to amend the proposal, it is considered that the application must be recommended for refusal.

Recommendation

To REFUSE permission for the following reason:

The retention of the fence by virtue of its siting to the front, corner and side of the dwelling adversely affects the visual character of the area. The proposal therefore fails to comply with policy 16 of the Worthing Core Strategy.

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

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