



# WORTHING BOROUGH COUNCIL

18 May 2018

## Worthing Planning Committee

**Date:** 30 May 2018

**Time:** 6:30pm

**Venue:** Gordon Room, Stoke Abbott Road, Worthing

**Committee Membership:** Councillors Paul Yallop (Chairman), Alex Harman (Vice-Chair), Noel Atkins, Jim Deen, Hazel Thorpe, Nicola Waight, Paul Westover and Steve Wills.

### NOTE:

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

[heather.kingston@adur-worthing.gov.uk](mailto:heather.kingston@adur-worthing.gov.uk) before noon on Tuesday 29 May 2018.

## Agenda

### Part A

#### 1. Substitute Members

Any substitute members should declare their substitution.

#### 2. Declarations of Interest

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

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

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

**3. Confirmation of Minutes**

To approve the minutes of the Planning Committee meetings of the Committee held on Wednesday 18 April 2018, which have been emailed to Members.

**4. Items Raised Under Urgency Provisions**

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

**5. Planning Applications**

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

**6. Public Question Time**

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

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

**7. Exclusion of the Press and Public**

In the opinion of the Proper Officer the press and public should be excluded from the meeting for consideration of the following item. Therefore the meeting is asked to consider passing the following resolution:

'that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting from the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraph of Part 3 of Schedule 12A to the Act indicated against the item'

**Part B - Not for publication - Exempt Information Reports**

**8. AWDM/1975/17 : Columbia House**

To consider the report by the Director for the Economy, attached as Item 8.

**9. AWDM/1834/17 : The Downview**

To consider the report by the Director for the Economy, attached as Item 9.

**Recording of this meeting**

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

<b>For Democratic Services enquiries relating to this meeting please contact:</b>	<b>For Legal Services enquiries relating to this meeting please contact:</b>
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk	Sally Drury-Smith Lawyer 01903 221086 sally.drury-smith@adur-worthing.gov.uk

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



**WORTHING BOROUGH  
COUNCIL**

**Planning Committee  
30<sup>th</sup> May 2018**

**Agenda Item 5**

**Ward: ALL**

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

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/1975/17**

**Recommendation – Refuse**

**Site: Columbia House, Columbia Drive, Worthing**

**Proposal: Construction of two additional floors on the existing building 'Columbia House' comprising 14 residential apartments (4 x 1 bedroom, 8 x 2 bedroom and 2 x 3 bedrooms) and associated works including elevation treatment of existing building, car parking and landscaping.**

**2**

**Application Number: AWDM/0297/18**

**Recommendation – Approve**

**Site: Durston House, 21 Chesterfield Road, Worthing**

**Proposal: Construction of additional floor on the existing building 'Durston House' comprising 4 residential apartments (2 x 1 bedroom and 2 x 2 bedroom).**

**3**

**Application Number: AWDM/1834/17**

**Recommendation – Approve**

**Site: The Downview, Downview Road, Worthing**

**Proposal: Conversion and alterations to former public house to provide 9no. residential units comprising 7no. 1-bedroom and 2no. 2-bedroom apartments with bin and bike storage to rear (south) and retention of commercial use of part of ground floor for Use Classes A1 (retail), A2 (professional services) or B1(a) (business). Erection of new terrace of 4no. 2-bedroom houses on land to south with parking on frontages.**

**4**

**Application Number: AWDM/0444/18**

**Recommendation – Refuse**

**Site: The Wheatsheaf, 24 Richmond Road, Worthing**

**Proposal: Demolition of existing Public House building and redevelopment to provide 3-storey building plus mansard roof consisting of commercial use (Class A1, A2, A3 or A4) on ground floor and partial basement and 8 no. residential flats (1 x studio, 3 x 1-bedroom, and 4 x 2-bedroom units), all with private amenity terrace or balcony, on upper floors above.**

**5**

**Application Number: AWDM/0220/18**

**Recommendation – Approve**

**Site: Land North of Tesco Store, Fulbeck Way, Worthing**

**Proposal: Relocation of New Life Church from Salvington Road to corner of Fulbeck Avenue and Fulbeck Way to provide new place of worship comprising 250 seat auditorium, chapel and ancillary accommodation, 40 car parking spaces, motorcycle and cycle parking.**

**6**

**Application Number: AWDM/0320/18**

**Recommendation – Refuse**

**Site: Land North of 80 High Street, Worthing**

**Proposal: Installation of non illuminated 48-sheet advertisement hoarding with wooden framing and backboard (measuring 6m wide by 3m high).**

**7**

**Application Number: AWDM/0598/18**

**Recommendation – Approve**

**Site: Durrington Cemetery, Findon Road, Worthing**

**Proposal: Change of use of existing field to burial area in connection with an extension to existing cemetery including associated roadways, footpaths and associated features and services.**



Application Number: AWDM/1975/17

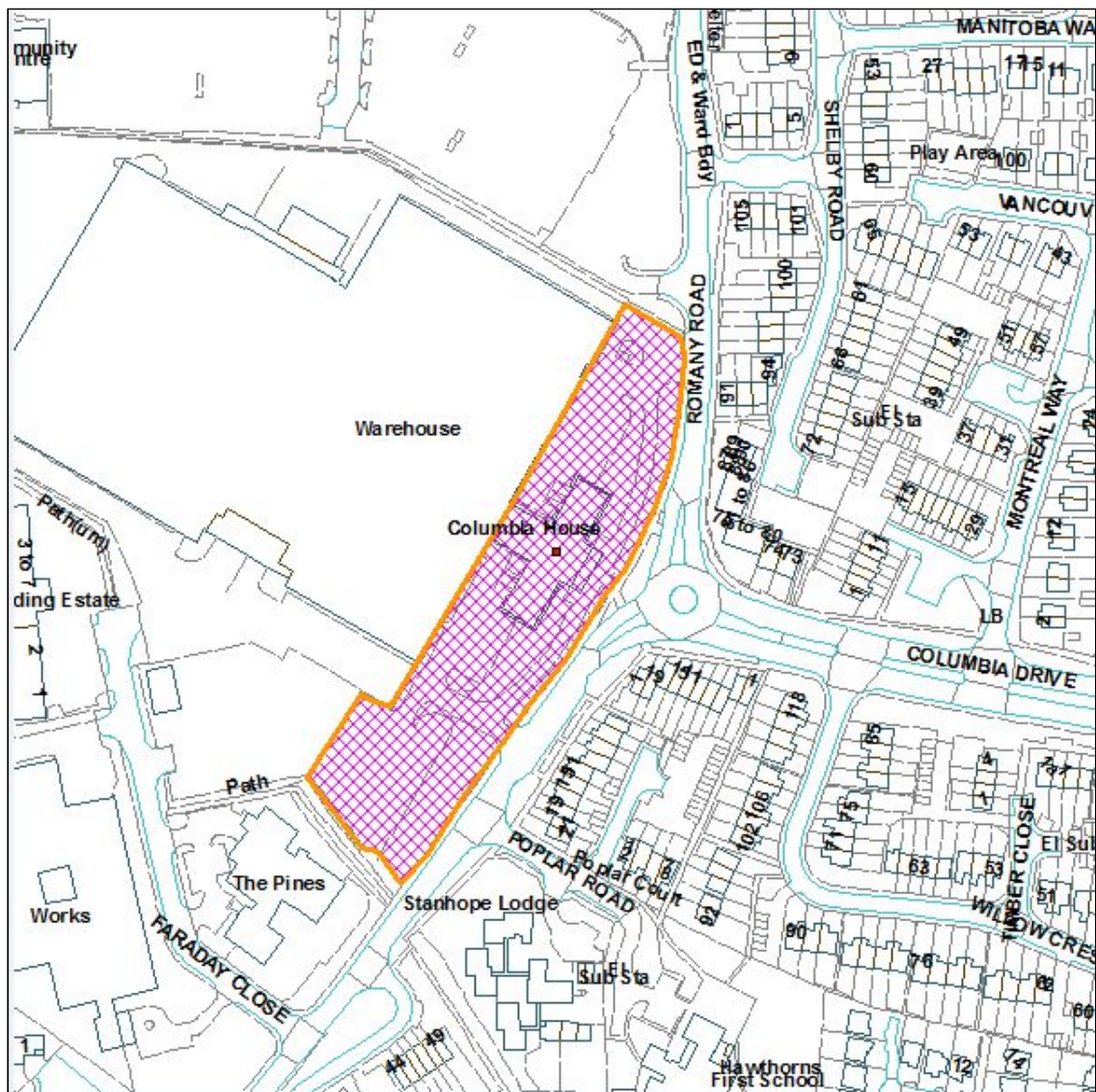
Recommendation – Refuse

Site: Columbia House Columbia Drive Worthing West Sussex

Proposal: Construction of two additional floors on the existing building 'Columbia House' comprising 14 residential apartments (4 x 1 bedroom, 8 x 2 bedroom and 2 x 3 bedrooms) and associated works including elevation treatment of existing building, car parking and landscaping.

Applicant: Mr James Lloyd- CREATE  
Case Officer: Rosemary Foreman

Ward: Northbrook



Not to Scale

## Site and Surroundings

The business area in which the site is situated is designated as a key Industrial Estate (Faraday Close) under Core Strategy Policy 4.

Columbia House is a mainly five storey slab office building with centrally sited plant room above and a three storey rear section, providing a link to the building to the rear. It lies on the west side of the junction of Romany Road and Columbia Drive in the West Durrington area to the north west of the town. It provides around 3257m<sup>2</sup> of gross internal floorspace currently in B1(a) Office Use and sits within a generally flat site comprising mainly car parking and landscaping of around 0.97 hectares in size.

The building faces approximately east, at the head of Columbia Drive and sits on the north eastern flank of an established business area, centred on the very large Littlehampton Books warehouse (equivalent to 3 storey height) to which Columbia House is attached at the rear by the 3 storey element of the building. The east elevation of the warehouse building forms most of the common boundary and contains offices (with windows) and a plant room and an entrance at ground floor. The boundary with the service yard of the warehouse, to the north of Columbia House, is formed by a security fence. A bus depot (mainly open area, plus a small building and an open-air bus wash machine) and The Pines Community centre (a one and two storey building) adjoin the site to the west and south. The boundary with the bus depot is formed by a security fence and the boundary with the community centre is mixed trees/hedging. The egress for Littlehampton Books warehouse runs along the site's north eastern boundary.

To the north, beyond the egress for Littlehampton Books and screened by a tall row of fir trees, is the large car park of the adjacent West Durrington District Shopping centre, dominated by Tescos and also the modern part single, part two storey, Durrington Community Centre.

Opposite, to the east, is a large residential suburb, comprising principally mid and late twentieth century estates of mainly two storey houses with traditional pitched roof forms, although there are a few examples of three storey buildings comprising flats at key points.

Columbia House was built along with the large attached warehouse in the mid-1970s as part of a mixed use development, for Nissan UK Ltd.

From 1999 onwards it appears that the warehouse became functionally separated and in 2000 the offices underwent refurbishment for subsequent letting as serviced offices. They have remained as such since. It is understood that the office block is being progressively vacated.

The building is on a raised plinth and is of concrete frame construction with polished concrete cladding panels. It has a flat roof at just over 20m but with a substantial roof plant element, centrally located, at just over 26m tall. There is a central core with lifts, external stairs at the rear and windows on all elevations.

Columbia House itself is accessed primarily from the front (via steps) but there is also a secondary access on the south side of the 3 storey element.



Vehicular access is off two access points in Romany Road. These lead to a 140 space car park to the south west and north east. Refuse storage is at the rear of the building.

The building is set back from Romany Rd the site frontage contains a number of mature trees, though none are protected by Tree Preservation Order.

Most of the site, including Columbia House itself, is located in Flood Zones 2 and 3 and the site is identified as potentially contaminated.

### **Relevant Planning History**

Columbia House was first permitted by application WB/565/73, along with the building and site now occupied by Littlehampton Books, for Nissan as a mixed use (sui generis) development. It has been previously demonstrated that Columbia House was functionally separated from the adjacent warehouse use and building and been in use along with its curtilage land, without material interruption as independent Use Class B1(a) offices since 2000. As such, use as B1(a) offices has acquired immunity from enforcement action (i.e. operated for 10 years or more) and is the lawful use.

Prior Approval Consent was granted in December 2016 under NOTICE/0018/16 for change of use from offices (Use Class B1a) to 102 residential units (Use Class C3) (24 studios, 76 x 1 bed and 2 x 2 bed) with associated parking. This has not yet been implemented.

Prior Approval Application NOTICE/0018/16 included a Contaminated Land Study and a Flood Risk Assessment, and relevant consultees raised no objection in respect of contamination risks and flood risks.

### **Proposal**

The proposal is to demolish the existing roof plant add two storeys above the existing five storey building, and also raise the two external stair cases at the rear, to provide fourteen flats. This increases the building to seven storeys in height. The seventh storey is recessed from the front edge of the existing building, allowing for slightly larger balconies to the top floor flats. The resulting flat roof is set at around 27.1m.

Alongside these works, recladding of the exterior of the existing building is proposed using fibre cement panels in three shades of grey ('anthracite', 'chalk' and 'pebble'), and replacing window frames with black/dark grey aluminium frames.

The mix of flats proposed comprises:

- 4 x one bed
- 8 x two bed
- 2 x three bed

The flats would be served by the existing central core where the two lifts are located and extensions to the two external staircases. These are designed to match the existing and are shown in a similar finish.

Existing bin and cycle storage at the site would remain in use in connection with the proposed flats.

The existing access arrangements and car park are to be used. An additional 23 spaces are proposed, raising the total from 140 to 163 but details are not shown.

The application refers to the existing space in the building as B1 office premises with Prior Approval for Residential use.

### **Supporting Documents**

The application is accompanied by the following documents, which are available to view on the Council's website:

- Design and Access Statement
- General Supporting Letter
- Energy and Sustainability Statement
- Fire Strategy
- Mechanical and Engineering Services Summary
- Structural Design Statement
- Daylight, Sunlight and Overshadowing Assessment
- Transport Statement

The Applicant has also submitted a Viability Assessment Report and a rebuttal to the Council's Viability Consultant's appraisal. A copy of the Applicant's Viability Assessment and the Council's Viability Consultants review is attached to this report as a confidential Appendix.

### **Consultations**

Below is a summary of key points from consultation responses, which are available to view in full on the Council's website.

#### ***WBC Engineer (Drainage):***

No objection and no conditions to recommend (12.02.2018)

#### ***WBC Environmental Health Technician:***

No objections, subject to conditions and s106 Agreement (28.02.2018):

- Condition requiring a noise mitigation scheme is necessary, based on the Noise Assessment (Project No. 1616216 dated 23rd Aug 2016) submitted with the Prior Approval Application, due to proximity to the road and surrounding commercial uses
- Given the internal layout of the flats, sound insulation testing should also be conditioned (e.g. where a kitchen/lounge is directly above a bedroom).
- An air quality assessment including details of mitigation should be submitted.

#### ***WBC Environmental Health Technician (Contaminated Land):***

No objection, subject to conditions (13.02.2018)

- Condition requiring asbestos method statement
- If groundworks are proposed, full land quality investigation required.

#### ***WBC Private Sector Housing Manager:***

No objections on PSH grounds (08.03.2018)

**WBC Waste Strategy Manager:**

Further information required (15.02.2018):

- Two separate bin stores, accessed from different entrance points, are provided.
- It is not clear how many bins are to be provided.
- It is not clear whether the intention is for collection vehicles to enter the site.
- Tracking diagrams should be provided to ensure collections vehicles can access the bins.

**Council's Viability Consultant:** *(Note that this consultation response is not available online, but is appended to Member's copies of this Committee Agenda).*

The development can afford a financial contribution to affordable housing (April 2018):

- Applicant's approach is appropriate in general, and a number of the assumptions appear to be fair at this stage. However, there are aspects that we query, or have a difference of opinion on.
- The Applicant concludes that the development derives a deficit of £110,000 (profit of circa 16.5%) after taking account of a Benchmark Land Value (BLV) of £462,000.
- The BLV is, in our view, overstated. It could be considerably lower than stated, reflecting the current lack of use of the roof.
- Savings could be made through the financing costs and reduction in profit from 20% of the Gross Development Value (GDV) to 17.5% GDV.
- The proposed nil affordable housing contribution understates the viability position.
- Note that no viability appraisal or review can accurately reflect costs and values until a scheme is built and sold.

The Applicant has subsequently submitted a rebuttal to this report, disputing a number of the assumptions and cost levels. The Council's Viability Consultant's comments conclude that they do not support the £30,000 offered by the Applicant, which does not represent the optimum viability of the site in their view. Key points of disagreement include:

- Revised sales values now put forward by the Applicant in comparison to the original appraisal.
- Actual profit is lower than the Applicant's 20% target, but 16.5% should be sufficient to bring the site forward.
- Disagree with the methodology for assessing Benchmark Land Value.

**West Sussex County Highway Authority:**

Additional information required (20.02.2018):

- Details of the TRICS analysis (site details, etc) should be provided.
- The Design and Access Statement uses the County Council's previous parking standards. A parking analysis using the Council's residential car parking demand calculator should be provided.

**Southern Water:**

No objection, subject to conditions and informatives (23.02.2018)

- Informatives are required to remind the applicant of the need to make an application for a connection to the public foul and surface water sewer.
- Surface water disposal should be provided first by soakaway or infiltration system, if that is not possible then by disposal to a water course, or where neither of these are practicable, a sewer.
- Appropriate surface water disposal should be secured by condition.

***Ministry of Defence Safeguarding Officer:***

No objection and no conditions to recommend (16.03.2018)

**Representations**

No letters of representation have been received in connection with this application.

**Relevant Planning Policies and Guidance**

***Local Plan***

- Worthing Core Strategy 2006-2026 (WBC 2011): Policies 3, 4, 7, 8, 10, 12, 15, 16, 17, 18 and 19
- Worthing Local Plan (WBC 2003) (saved policies): RES7, RES9, TR9 and H18
- Supplementary Planning Document 'Space Standards' (WBC 2012)
- Supplementary Planning Document 'Sustainable Economy' (WBC 2012)
- Infrastructure Delivery Plan (WBC 2010)
- Supplementary Planning Document 'Planning Contributions' (WBC 2007)
- Supplementary Planning Guidance 'Parking Standards and Transport Contributions' (WBC 2005)
- Supplementary Planning Document 'Guide to Residential Development' (WBC 2013)
- Supplementary Planning Document 'Tall Building Guidance' (WBC 2013)

***County Policies***

- West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003)
- West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSCC 2010)
- The Provision of Service Infrastructure Related to New Development in West Sussex – Part 1 (WSCC 1999)

***National Level***

- National Planning Policy Framework (March 2012)
- Planning Practice Guidance

**Relevant Legislation**

Section 70 of the Town and Country Planning Act 1990 (as amended) requires the application to 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 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

## **Planning Assessment**

### ***Introduction***

The Development Plan comprises the Core Strategy, including Worthing Saved Local Plan policies. In addition, the National Planning Policy Framework is a material consideration of significant weight which can outweigh the Development Plan's provisions where relevant plan policies are out of date or silent on the issue in hand. 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 (albeit recent case law indicates approval of development which is contrary to the Development Plan will be the exception).

The Council's assessment of the Core Strategy's Conformity with the NPPF demonstrated that, in many respects, the Council's Development Plan conforms closely to the key aims and objectives of the Framework. However, it is acknowledged that in response to the requirements of the Framework and informed by local evidence, it is clear that the Council cannot demonstrate a current 5 year supply of housing in respect of Objectively Assessed Needs (OAN) and that all relevant policies which relate to and constrain housing delivery in the Core Strategy are out of date in respect of the National Planning Policy Framework.

### ***Main Considerations***

The main considerations when assessing this proposal include:

- The principle of residential development in this location, and its impact on the office use and wider designated industrial location
- The weight to apportion to housing need within the Borough, including dwelling mix and tenure and suitability of the location for residential development.
- The quality of design, including the impact of a tall building on local character and townscape.
- The impact of the proposal on the amenity of neighbouring residents, and whether the development provides a good level of amenity for future occupiers.
- Parking and access arrangements
- Planning obligations, CIL, affordable housing provision and development viability.

### ***Principle***

In order to ensure that there is sufficient employment land to create a balance between housing growth and employment opportunities in the Borough, Worthing Core Strategy Policy 4 identifies key industrial estates and business parks to be protected. The Worthing Economic Research and Employment Land Review (April 2016) identified that future employment growth in Worthing is constrained by an

acute shortfall of available employment land to meet growth needs, and also that nearly all employment sites are in active use. Columbia House is within the Faraday Close Key Industrial Estate, which also encompasses the warehouse to the rear of Columbia House and other uses accessed off Faraday Close to the south, including the bus depot to the rear of the site. The building is currently vacant and the Applicant maintains that apart from three people all existing occupiers have found alternative premises in Worthing. In addition, the Applicant has indicated that the building has been gutted and there are no business rates being paid. The Applicant maintains that this indicates a clear intent to implement the prior approval and convert the building to residential use.

Policy 3 is clear that sustainable economic growth will be delivered by means including “promoting key employment areas for reinvestment, intensification and redevelopment to bring about upgraded and additional employment floor space” and mixed use developments are only referred to in the Policy in the context of new town centre office spaces. Paragraph 6.32 of the Core Strategy also refers to ensuring that an adequate supply of employment space is retained by protecting existing employment sites, whilst encouraging their improvement or redevelopment to meet the current and future requirements of the local economy. As such, the intention of the Core Strategy is to promote employment uses within Key Industrial Estates and Business Parks, rather than introducing new residential uses on such sites.

The existing building has been subject of Prior Approval consent for the change of use from office to residential. The principle of the loss of the existing office space is therefore not for consideration at this time, and the Council unfortunately has little control regarding the loss of offices through the Prior Approval process. However, that Prior Approval consent has not yet been implemented or commenced, and although the Design and Access Statement submitted with this application suggests that the proposed two storey extension to provide 14 flats will be carried out in connection with the Prior Approval conversion (and that further planning applications will be made for new blocks of flats on the site) the application in hand only seeks permission for the addition of two storeys containing flats to the existing office building.

Therefore, when it is considered in isolation, although the proposal would not result in a loss of employment floorspace as the flats would be contained within 2 new storeys added to the existing office building, the proposal would introduce new residential uses into an area allocated for development for employment uses, contrary to the Development Plan. If it is found that the additional two storeys is acceptable in all other respects, then the Policy context supports a commercial use within the extended building, not a residential use.

Balanced against this is the fact that prior approval has been granted for the conversion of this building to residential accommodation and the current owners have purchased the site specifically to redevelop the site for residential use. This is a material consideration and the Applicant considers that its actions to date demonstrate its intent to implement the Prior Approval.

It appears unlikely that any office use of the building would re-commence in the future in light of the Prior Approval. Your Officers do have some concerns that the

Prior Approval may not be viable to implement (and this is why the current proposal has been submitted) but the Councils Viability Consultants have reviewed the Prior Approval scheme and do consider that it would provide an appropriate return. In the circumstances it would not be justified to refuse the application on the basis of Core Strategy policy as any employment use effectively was lost with the Prior Approval.

Given the housing need within the town there are benefits of maximising the residential potential of the site.

### ***Visual amenity, character and appearance***

The existing building is very prominent in the street scene, dominating the approach from the east along Columbia Drive, a view which is otherwise characterised by two storey dwellings in a suburban layout. Although there are a number of mature trees on/close to the site boundary, these break up the appearance of the lower levels of the building from the north/south approaches rather than providing a full screening function for the existing large building (and in any case, landscaping should be used to enhance development which is acceptable not to screen that which is not, as it cannot be guaranteed to remain in situ in perpetuity as it can become diseased and/or damaged and die).

The building lacks any articulation or interest to its floor plan, and is very wide, which does not assist in its assimilation into the street scene, which is otherwise characterised by much lower buildings. The addition of two further storeys to this already incongruous building would serve to exacerbate the discord with its surroundings, increasing its prominence and dominance to a harmful degree.

The WBC Tall Buildings Guidance SPD acknowledges that tall buildings are necessary to deliver housing growth, and provides guidance on design and location, seeking to direct tall buildings to the most appropriate sites in the Borough. Columbia House is referred to in as an example of a 'fairly high building' outside of the town centre in the SPD. The SPD defines tall buildings as "those that are substantially taller than their neighbours and/or which significantly change the skyline", i.e. whether a building is 'tall', depends to a degree on the context of its surroundings. In accordance with the SPD, the existing Columbia House would be considered a 'slab block', given its broad width. In respect of 'slab blocks', the SPD advises that "their bulk means that they often have a less successful relationship to their context and street edge and often block rather than define view". The guidance indicates that tall buildings are more likely to be appropriate within, or in close proximity to, Worthing town centre, and also seeks to achieve a very high standard of design for new tall buildings, adding to the vitality of the town and avoiding boxy and slab-like buildings.

Although there is a fairly tall and slab like building on the site at the moment, this is not, in itself, justification for increasing the prominence of this incongruous building by further increasing its height. Although re-cladding and replacement fenestration of the existing façade are proposed in connection with the extension, this simply renovates the exterior of the building (which currently appears rather run-down), rather than materially altering its scale and form in a positive way. The context of the site adjacent to a low-rise residential area and lower industrial buildings, the location of the building on a prominent frontage and the wide and prominent slab

style of the existing building suggests that this is not a suitable location for additional storeys.

Nevertheless there appear to be no objections to the proposal from the local community and your Officers had encouraged consideration of additional floors at an early stage of the pre-application discussions. It should be stressed, however, that this was in the context of negotiations for the redevelopment of the whole site and a desire to reduce the footprint of some of the detached new apartment blocks (indicated in the masterplan accompanying the current application and on the basis that Officers were keen to encourage a new build office block into the overall redevelopment scheme.

It is unfortunate that the current application has been submitted in isolation of the wider redevelopment of the site. In this respect, the additional height of Columbia House would have been easier to fit into the local context with curtilage buildings helping to act as a transition to the lower scale buildings in the locality. However, the applicants are to submit an application for the remainder of the site and the Masterplan does provide a clear indication of what is proposed.

#### ***Density and amount of development***

Policy 8 sets out that within suburban areas, only limited infilling which will predominantly consist of family houses will be supported, in an effort to address the imbalance in housing mix that has dominated recent development, namely smaller flats and meet an identified need for family homes (of 3 or more bedrooms). This development of 14 dwellings on a site of around 0.97 hectares in size equates to just over 14 dwellings per hectare, which is fairly low density, although the mainly 1 and 2 bedroom units (only two 3-bedroom units are proposed). It should be noted that this low density relates to the 14 dwellings on the site as a whole, and if these are considered in conjunction with the 102 units proposed as part of a Prior Approval conversion, this would bring the density of the development to nearly 100 dwellings per hectare, a significant contrast to the much lower density suburban housing estates surrounding the site.

#### ***Residential amenity – for proposed dwellings***

The proposal site is adjacent to a commercial area to the rear, including a bus depot and warehouse, both of which operate at unsociable hours. The proposal includes flats with their sole aspect facing the commercial area. The Environmental Health Officer notes the Noise Assessment submitted as part of the previous Prior Approval application, and recommends a condition requiring approval of a scheme for protecting the development from noise is submitted and approved pre-commencement. A development which is sited and designed in a way which avoids the need for mitigation would be preferable, and the need for such mitigation in order to achieve an acceptable noise environment in the proposed flats is indicative of residential uses being generally incompatible with the Key Industrial Estate designation and uses therein. However, the EHO advice is that sufficient mitigation could be achieved here, and the harm to amenity would therefore not be of such a degree to warrant refusal.

The application includes the provision of balconies to the new units, but these are not substantial, and there is no provision of communal landscaped areas or play areas within the site for future residents. There is a public open space (Longcroft



Park) to the south of the residential area around Columbia Drive which could provide for outdoor play in connection with the proposed flats. Although the proposed amenity space provision is not ideal, it is not considered deficient to a degree which would warrant refusal.

### ***Residential amenity – effect on existing dwellings***

The proposal is sufficiently separated from adjacent residential uses on the opposite side of Romany Road to prevent a loss of amenity to nearby residents.

### ***Trees, Landscaping and Biodiversity***

The application does not indicate the need for works to existing trees on site. The proposed flats would look out over the existing trees along the site frontage, and therefore they would not restrict light/outlook from the proposed flats in two additional storeys.

No additional landscaping is proposed. No detail is provided as to how the development will achieve net gains in biodiversity as sought by paragraph 109 of the NPPF. However, as no works are proposed to trees or landscaping within the site in connection with this proposal, the impacts on biodiversity are likely to be minimal.

### ***Accessibility, Highways and Parking***

No changes are proposed to existing access arrangements in connection with this application. It is noted that no objections were raised to the previous Prior Approval application at the site in highway terms, and it was found that the conversion of the building to residential would have resulted in a reduction in vehicle trips associated with the building. There are 140 parking spaces within the site. Although the County Highway Authority have not provided detailed comments, the WSCC Parking Demand Calculator indicates that demand for the 14 units would be 17 spaces (unallocated).

It should be noted that the 102-unit Prior Approval scheme would generate a demand for around 133 spaces, and therefore the combined demand would be 150 if this extension is implemented alongside the Prior Approval conversion.

### ***Flood risk***

The very southern corner of the building is located within Flood Zone 3 (highest risk), with a large proportion of the site within Flood Zone 2. The remaining (northern) portion of the site lies within Flood Zone 1 (lowest risk). No objections were raised in connection with flood risk when considering the Prior Approval application, and the Council's Drainage Engineer now raises no objection to the current proposal. The height of the flats means that the flats themselves have a very low risk of flooding, and the northern external escape stair lies outside of the flood risk zones, allowing safe egress in a flood event at ground level.

### ***Affordable housing***

The development proposes 14 new residential units, and therefore Policy 10 requires an affordable housing contribution of 20%. None is proposed in connection with this application. The Applicant has submitted a financial viability appraisal to support their position, which has been reviewed by independent consultants appointed by the Council. They have found a number of areas of disagreement in

the figures, in particular the existing use value of the site, given that it is currently roof space with no tangible use and therefore very limited value. The Council's consultants have recommended that the scheme could afford a contribution in the region of £114,000. The Applicant subsequently offered an affordable housing contribution of £30,000 (terms of payment subject to agreement).

If the developer commits to an appropriate level of contribution endorsed by the Council's viability consultants, it would not be reasonable to raise an objection to the proposal, even if the contribution is lower than the Policy target of 20% equivalent. However, at the time of drafting this report, the disagreement surrounding the level of contribution which the development can afford to provide had not been resolved and it is not clear that the £30,000 is the appropriate contribution. As such, the proposal is contrary to Policy 10.

Should Members choose to accept the contribution offered by the Applicant, it would be possible to include a claw-back mechanism in any legal agreement, requiring viability to be re-assessed post-completion and any increased surplus split between the developer, and the Borough Council (up to the Policy requirement of a 20% equivalent).

One of other problems with considering this application in isolation of the rest of the site is that the applicants have sought to avoid the on-site provision of affordable housing. In this respect if the application had been submitted for the entire site there would have been a requirement for 30% of the total units (14 apartments the additional storeys plus the new build elements). Whilst this may not be a reason to refuse the Council would be entitled to revisit the level of affordable across the entire site with any further application for new build apartments within the curtilage of Columbia House.

### ***Sustainability***

The site is walking distance from local services and facilities including retail shops, a community centre, primary schools and Northbrook College, and is on a bus route. It can therefore be considered a sustainable location for new development.

In terms of air quality impacts, the EHO comments of 28.02.2018 are noted, which highlight the absence of an air quality assessment and mitigation relating to damage costs on health. However, while a contribution could be sought, development viability in this instance is already in dispute with regard to affordable housing. A requirement for further contributions to local public transport, cycling routes, a car club and electric vehicle charging points would further reduce the potential affordable housing contribution, which is the priority due to significant local housing need.

The application is accompanied by an Energy and Sustainability Statement which sets out how the building fabric has been designed to minimise carbon dioxide emissions, as well as the intention to install solar photovoltaic panels to the roof to further reduce carbon emissions associated with the development.

### ***Contaminated land***

The Council's Environmental Health Officer recommends conditions requiring safe removal of any asbestos containing material, as well as a land

investigation/remediation condition in the event that ground is broken in connection with the development. Although the development involves additional storeys, the Design Statement indicates a need for new internal steel columns which require new piled foundations. As such, a land quality risk assessment will be necessary in the event that permission is granted.

### ***The Planning Balance***

As set out at the start of this assessment, the Borough Council currently cannot meet its OAN. As such, policies which serve to constrain housing, such as Policies 3 and 4 which seek to prevent non-employment uses on land allocated as Key Industrial Estates, can be considered out of date in terms of paragraph 14 of the NPPF. Therefore, it is necessary to take a view as to whether the proposal is 'sustainable development' achieving net gains in the economic, environmental and social roles of sustainable development, whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the development when assessed against the policies of the NPPF as a whole or whether there are any specific policies in the NPPF which indicate that development should be restricted.

In terms of the adverse impacts and benefits balance and consideration against the NPPF as a whole, these can be considered under the economic, environmental and social headings, to assist in assessing whether the development is a 'sustainable development'.

### **Economic**

The proposal would generate employment in the construction industry during the construction phase, and new residents of the flats would bring expenditure to the local area. These are benefits in favour of the proposal. However, the proposal is also located on an area identified as a Key Industrial Estate in the Core Strategy, and the Policy expectation is that land within these areas will be used only for employment purposes. However, the principle of the loss of the employment use of the site has been accepted through the earlier Prior Approval application and it appears that the existing businesses have largely relocated elsewhere in the Borough. The development itself would not result in any loss of employment floorspace, given that it comprises additional floor to provide the residential use.

The NPPF requires Local Planning Authorities to plan proactively to meet the development needs of business. In Worthing Borough, although there is a shortfall in housing land supply to meet objectively assessed needs, there is also a shortfall of employment land. Employment growth is necessary to support housing growth, providing opportunities for new and existing residents and reducing out-commuting. The site is located within a Key Industrial Estate, which the Core Strategy intends to develop for new employment uses only. However the principle of employment use on the site has effectively been removed by the Prior Approval and in view of the housing need in the Borough a higher density residential use of the site (notwithstanding its relationship to the rest of the employment site) would on balance over-ride the policy concerns with the proposal.

### **Environmental**

The application does not provide any air quality assessment, and does not propose any financial contribution to off-site air quality mitigation, which weighs against the

development. Land quality and noise impacts can be mitigated by conditions and therefore there is a neutral impact in these respects. The proposal does not present any means to provide net gains for biodiversity and does not propose any landscaping within the site to improve its setting (this is therefore a neutral impact).

### Social

The proposal would make a contribution to housing supply in an area with a shortfall of housing land supply. This is a benefit in favour of granting permission. However, that benefit is tempered by the absence of an affordable housing contribution of the level advised as viable by the Council's Financial Consultant, which is an adverse impact weighing against the proposal. The NPPF requires Local Planning Authorities to plan for meeting their full objectively assessed needs for both market and affordable housing and to set policies for meeting that need on site, unless off-site provision or a financial contribution can be justified. The District has a shortfall of affordable housing, and the Council's financial consultant has advised that a much higher contribution than the £30,000 offered by the Applicant should be viable here.

### **Conclusion**

There are a number of benefits coming forward in connection with the development, namely the provision of new housing in an area with an identified shortfall in housing land supply. There are policy conflicts in terms of residential development within a key Industrial Estate, the piecemeal form of development and the very low affordable housing contribution offered by the Applicant. Given the affordable housing need in the Borough, your Officers consider that the lack of an appropriate financial contribution and the residual concern about the applicants phasing of this development weighs against the proposal and it is recommended that planning permission be refused.

### **Recommendation**

**REFUSE** for the following reason(s):-

1. The application for the partial redevelopment of the site does not provide an appropriate level of affordable housing contribution. As the proposal does not assist in meeting an identified affordable housing need it is contrary to Policy 10 of the Worthing Core Strategy 2006-2026 (WBC 2011).

### **Informatives**

1. In respect of the reason for refusal (above) relating to an affordable housing contribution, this could be addressed by an appropriate s106 Legal Agreement. Should the Applicant intend to appeal this decision, you are advised to contact the Council in advance of submission of an appeal to ensure that any s106 Agreement is suitably worded and secures an appropriate level of financial contribution. Please note that the Applicant will be required to cover the Council's legal fees in connection with the preparation of any s106 Agreement.

30<sup>th</sup> May 2018

**Application Number: AWDM/0297/18**

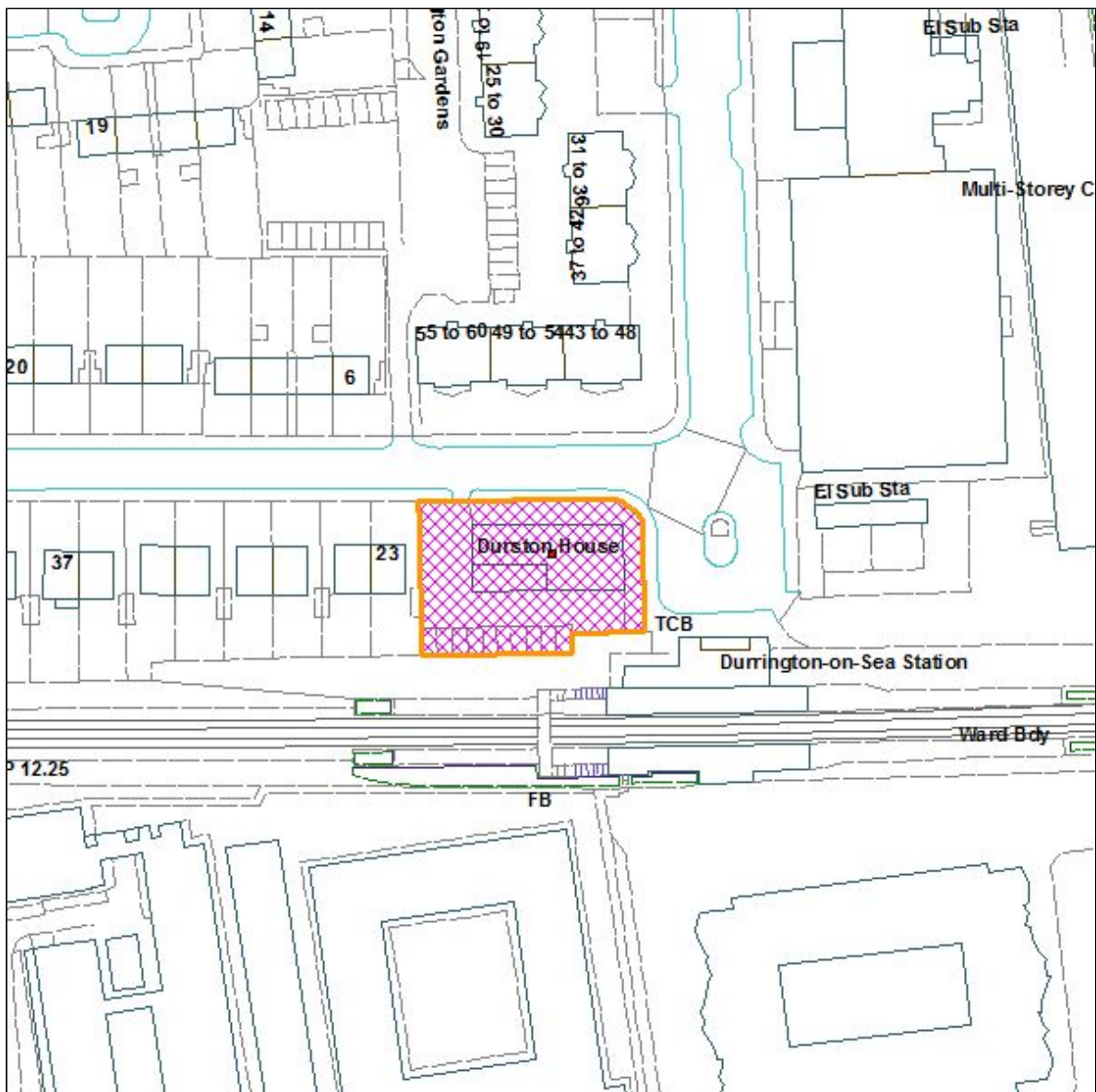
**Recommendation – APPROVE**

**Site: Durston House 21 Chesterfield Road Worthing West Sussex**

**Proposal: Construction of additional floor on the existing building 'Durston House' comprising 4 residential apartments (2 x 1 bedroom and 2 x 2 bedroom).**

Applicant: Exite Developments Ltd  
Case Officer: Peter Devonport

Ward: Castle



**Not to Scale**

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## **Proposal, Site and Surroundings**

This application seeks full permission for the construction of additional floor on the existing building 'Durston House' comprising 4 residential apartments (2 x 1 bedroom and 2 x 2 bedrooms).

The application has been amended during its determination relating to the design of the proposed additional floor.

The proposed extra floor would be served by the existing communal staircase. It is now proposed to be set back at the front by around a metre and by about 300ms on each flank. At the front is a balcony serving three of the flats. At the rear on each corner are two shallow inset balconies.

The roof would have a short oversail at the front to provide a canopy. This is in grey cladding and this is also used at the rear and at the back of the flanks. A light grey cladding is proposed at the front and on the sides. The balcony has glazed screening. The pattern of fenestration corresponds to that of the existing building at the front and rear. There are some small sections of window in each flank.

Existing parking is retained.

The application site abuts Durrington railway Station to the south and small Transformer station. NHS offices remain close by in the Causeway but conversion of the former 9 storey (as extended) Lloyds tower from offices to flats has recently been completed and a mixed use part 5/part 6 storey redevelopment of the site to the north is almost complete. A designated neighbourhood shopping centre at The Strand sits just to the north and a leisure centre is also very close by in Shaftesbury Avenue. To the south, across the railway, are the tall Inland Revenue offices.

A 3 storey 60s flat block is opposite the site to the north (Durrington Gardens) while suburban semi-detached and terraced houses are to the west in Chesterfield Road. The immediate building to the west (number 23) is part of a pair of semi-detached buildings that characterise the southern half of the street and was granted permission last year for use as a home for unaccompanied minors. No 23 has a single storey side extension which abuts the western boundary of the application site with obscure glazed facing windows: the western parking area serving Durston House runs up to this boundary with the building itself about 9 metres distant. The upper floor of the house has landing and bathroom windows facing the site and the garden is marked by a 2 meter brick wall adjacent to the application site.

The existing building was constructed in the 1960s as offices. It is a simple undistinguished 3 storey, flat roofed block, brick faced with rendered panels, with windows on all four elevations. Conversion to 15 x two -bedroom flats was approved under NOTICE/0008/16 under the prior approval process introduced by the government which no longer requires full planning permission for such changes of use and which followed a similar unimplemented Notice approved in 2014. The Council were unable to object to the principle of the conversion providing certain technical aspects were met. The 2016 approval has only very recently been implemented. Some modest external alterations have also been undertaken in

accordance with an earlier approved scheme under reference AWDM/0444/15 when permission was granted for alterations to elevations including repositioning, replacement and the addition of PVCu windows. Also in 2015, a proposal for a 2 storey extension to the building was refused (AWDM/0202/15).

Also of relevance, are a series of unimplemented permissions, the first in 1990 and the last in 2013 for a redevelopment of the site as offices of 4 storeys with underground parking.

The forecourt is proposed to be retained either as soft or hard landscaping. The vehicular access is to the west of the site. into a rear car park. There are 10 garages at the back of the site and a further 11 open spaces (8 on the western side and 3 to the east) with cycle parking on the eastern flank adjacent to the station. The applicant has recently advised that six of the garages have been sold off to residents of Durston House and the other four, though vacant are to be similarly disposed of. Aerial photographs suggest that in the past officer workers often parked on the eastern side of the building (seemingly encroaching on the pavement in part) but this is not proposed under the current application – indeed a new hedge is proposed to be planted on the eastern side of the building.

The main pedestrian entrance is at the front of the building.

#### **Relevant Planning History:**

NOTICE/0013/14: Application for permitted development for prior approval for change of use from offices to seven 1-bedroom flats and eight 2-bedroom flats – prior approval not required.

AWDM/0202/15: Construction of two storey roof extension to form 8x2 bed flats and provision of cycle store and landscaping. Application refused on the grounds of design and amenity.

AWDM/0444/15: Alterations to elevations including repositioning and replacement PVCu windows and additional 3 PVCu windows – approved.

AWDM/1105/15: Change of use of whole building from offices to residential use comprising 10 no. 2 bedroom flats and 3 no. 1-bedroom flats. Application withdrawn following subsequent permitted development approval.

NOTICE/0008/16 - Application for permitted development for prior approval for change of use from offices to fifteen 2-bedroom flats. Prior approval requirements met.

AWDM/0388/13 – Renewal of outline permission granted under reference WB/10/0289/OUT for the development of the site with offices (4 storey with underground parking) (further renewal of a succession of renewals to original permission granted in 1990).

## Consultation Responses:

### Environmental Health Officer

Due to the proximity of the proposed flats to the railway line and station I have concerns about noise impacting residential amenity, a noise protection condition is recommended.

A vibration assessment was submitted with the previous application (NOTICE/0008/16) for the conversion of the lower floors of Durston House to residential use. This assessment found the vibration dose value (VDV) for day and night periods fall within the category of "low probability of adverse comment" according to the British Standard. Based on this assessment no further vibration assessment is required for the current application.

I have compared the proposed second floor plan with the 1st floor plan of Durston House submitted under NOTICE/0008/16. Dissimilar room types have been stacked, with some living rooms/kitchens above and below bedrooms. Similarly, both bedrooms within Flat 11 are positioned adjacent to the living rooms/kitchens of the neighbouring flats on the proposed second floor.

I have concerns that these dissimilar rooms positioned in this way is likely to lead to loss of amenity and noise complaints, particularly the kitchen of Flat 12 which is located on the adjoining wall of bedroom 2 of Flat 11.

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

I am unsure whether the lower floors of Durston House are occupied. If they are in occupation then I would recommend an hours of working condition:

In response to the point about the stacking of rooms, the applicant responded:

*We have allowed for a separate floor system rather than relying strictly on the ceiling structures...could we not simply be conditioned that the new party floor must perform to the Building Regulations requirements for new buildings rather than refurbishment.*

In response the **Environmental Health Officer** commented:

I would be satisfied with their suggestion. Sound insulation testing should carried out between all dissimilar rooms to confirm compliance with Approved Document E specifications for new buildings.

There is no objection on Private Sector Housing grounds.



## **West Sussex County Council Highway Authority**

The proposal for an additional 4 flats to create a third floor at Durston House, Chesterfield Road, has been considered by WSCC as the County Highways Authority. No objection is raised subject to any conditions attached.

The site has recently been granted planning permission for 15 flats and this is currently being implemented. The current site provides 15 x 2 bed flats, 21 car parking spaces and 20 cycle storage spaces. The site is in a highly sustainable location with the train station adjacent to the site, and local shopping parade 'The Strand' a couple of minutes' walk away.

The additional 4 flats which would comprise of 2 x 1 bed and 2 x 2 bed flats and would not generate any additional demand for car parking. Therefore the site can accommodate the additional need should each flat require a space with additional spaces for visitors. Attached is the WSCC car parking demand calculator which indicates there are no concern's over car parking relating to this increase in flats [as the required provision for the number of flats in this location is 15 spaces which is already exceeded by the current level of parking provision].

Should a construction management plan already be in place for the build of the 15 flats please can this be amended to include these flats and circulated to the LPA for approval.

### **Drainage Officer**

The proposed changes i.e. an additional floor, and no increase to parking provision, will not affect surface water discharge from the property and therefore I have no conditions to propose.

### **Representations**

**Field Place Area Residents Association** (submitted by the Secretary but also as a neighbour representation from Bolsover Road).

Object on the grounds of:

- Design: the style and building materials are totally out of keeping with Durston House and other properties in the area, and the windows/balconies in the plans are misaligned with those of the existing three floors.
- Highway Access and Parking - highway access is already difficult due to over parking in the area. It may appear on paper that parking provision is adequate for 4 additional flats but, in reality, it isn't even adequate for existing flat owners, even though one flat is still unoccupied. Also, where will construction workers and delivery lorries park during building, without totally blocking the roads?
- Loss of General Amenity - existing flat owners would undoubtedly suffer a great deal of noise, dirt and inconvenience if an extra storey were to be added, and may find their rights of way, and entitlement to 'quiet enjoyment of the property', as stated in their covenant contravened during construction

work. Also, the placing of lounges, kitchens and balconies above bedrooms in the existing block would cause great disturbance to those residents who work night shifts, and sleep during the day.

- Other - it would appear that current flat owners were unaware of these plans when they purchased their properties, and seem to have been treated with scant regard.
- Overdevelopment - with the construction of Catherine Lodge, Cissbury Chase, Skyline, Causeway and the original conversion of Durston House from an office block to flats, there has been a considerable amount of development in this area in recent years, without supporting infrastructure. For example, the new Strand Surgery, though bigger than the existing one, will struggle to cope with the above developments, without any more being added.
- Privacy Light and Noise - the residents of Durrington Gardens, who face onto Chesterfield Road, will definitely be overlooked and lose privacy and light if a further floor is added to Durston House.

28 letters of objection have been received, with 9 of the objectors restating their objection in response to the amended plans.

The objection letters were received from:

Durston House – 9

Chesterfield Road – 9

Durrington Gardens – 4

Burlington Road – 2

and 1 representation each from Melville Way, Edmonton Road, Nelson Road and 1 by e-mail with address not specified.

The objections are on the following grounds:

- Overlooking to Durrington Gardens
- Loss of privacy and daylight
- Existing parking pressure to recent additional housing in the area
- Existing parking restrictions not enforced
- Adverse impact upon highway safety, Chesterfield Road is already effectively single lane
- Development not in keeping with Chesterfield Road
- Existing occupiers have been misled by the developer as they were not informed of this proposal when purchasing their properties
- Would not have purchased property if had known about this proposal
- The Council should encourage developers who operate in a more ethical way
- Advised that the structure may not be strong enough to carry an additional storey
- Development should have been carried out before residents moved in
- Noise and disturbance
- Overdevelopment, especially when the developer is not maintaining the property properly in any case
- Development is unnecessary as not all of the existing flats are occupied and a number of other properties are being built in the area
- Inadequate infrastructure particularly as there is already extra pressure on the doctors and schools

- Loss of property value by building over existing flat
- Purchased top floor flat intentionally as did not want anyone to live above
- Design is out of keeping with the existing building

## **Planning Appraisal**

The principal issues raised by the proposal are as follows:

- Principle of residential development and form
- Impact on neighbouring occupiers' and future occupiers' amenity
- Design quality and impact on character and appearance of the area
- Parking and access
- Other environmental matters

The Core Strategy, including Worthing Saved Local Plan policies, comprises the Development Plan here but the Government has accorded the National Planning Policy Framework considerable status as a material consideration which can outweigh the Development Plan's provisions where such plan policies are out of date; or silent on the relevant matter. In such circumstances paragraph 14 of the NPPF states that where the proposal is not otherwise in conflict with specific restrictive policies in the Framework, development should be approved unless the harm caused significantly and demonstrably outweighs the benefits when assessed against the NPPF overall.

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

As such the proposal should be principally assessed in relation to the presumption in favour of sustainable housing development as set out in paragraphs 14 and 49 of the NPPF and informed (as far as they are relevant with the weight attached to be determined by the decision maker) by Saved Worthing Local Plan policies, H18, TR9, and RES7; Core Strategy (Area of Change 10 : The Strand): 7, 8, 16 and 19; Supplementary Planning Document Space Standards and Guide for Residential Development, Planning Noise Advice Document Sussex; and The National Planning Policy Framework and Practice Guidance.

## **Principle of residential development and form**

The Causeway/Strand area was identified as an Area of Change in the Core Strategy and the past few years has seen a major shift in its character from mixed

use to increasingly residential use. The scale of the new development has also significantly increased with new residential redevelopment north of the former up to 6 storeys and Lloyds tower converted and extended, whilst a major residential redevelopment of the Worthing Sixth Form College has taken place across the road.

The changes reflect the sustainable location and opportunities for more intensive development, especially by a railway station as encouraged by national planning policy.

The recent conversion of Durston House to flats continues this trend.

The principle of residential development against this background is therefore entirely consistent with current government policy, making effective and efficient use of a brownfield site in a very sustainable location.

The dwelling mix and form of one and two bed flats is considered appropriate in this location.

### **Impact on neighbouring occupiers' and future occupiers' amenity**

The principal potential neighbour impact is on the existing new occupiers of Durston House, No 23 Chesterfield Road abutting the site to the west and occupiers of Durrington Gardens to the north.

Many residents of Durston House are, quite understandably, concerned over such a rapid change in the form of the block so soon after moving in, especially as it appears that they were unaware of the prospect of this application being submitted.

The planning system, however, does not seek to prevent such change per se, only unacceptable change with regard to adopted planning policies. Given that the central thrust of government policy is to encourage residential development in sustainable locations (as evidenced by the fact that the original conversion of the building to residential use no longer requires full planning permission), there is no scope for the Council to resist the principle of the development on the grounds that existing residents were unaware it was going to happen. As for the environmental management of the construction process itself, the planning system has only limited powers and recognises that some impact is unavoidable.

Assessing the impact on the residents of Durston House, the Environmental Health Officer has recognised that the residents of the third storey would be exposed to noise from the new flats and vice versa. The room stacking above the floors below is not ideal in that ordinarily matching rooms are preferred. However, the applicants advise that they have allowed for a separate floor system, rather than relying strictly on the ceiling structure, so will be able to perform to the building regulations requirement for "New Buildings" rather than refurbishment. Again, planning law has always been quite clear that planning applications should not be resisted where matters can be adequately dealt with by other legislation. The developer will, therefore, have to meet the required Building Regulations and, in any case, the Environmental Health Officer supports this approach with this standard of sound insulation also being secured by condition. The balconies at the front and rear are acceptable in noise terms if similarly insulated.

Likewise, while again existing residents' concerns are understandable regarding building works, it is very rarely justified to resist applications on such grounds when controls on the times that building works can be carried out can be imposed. In this instance, it could be justified to make such hours more onerous than normal due to the sensitivity, primarily by preventing any working at weekends.

Controls on dust emissions and site set up are also necessary (construction management Plan) and may be extended in this instance to include a scheme to manage the programme of works to minimise disturbance to existing occupiers. These may be secured by condition.

No impact on overlooking would occur or to natural light to any neighbour including those in the flats opposite given their distance (the distance between Durston House and Durrington Gardens exceeds the Council window to window standard of 21 metres) and in any case given that the existing windows of Durston House face this direction, it cannot be justified that material harm will result.

The additional activity generated by the new residents would not of itself be significant.

The impact of the extra floor on the neighbour at No 23 (which is no longer a standard residential property but effectively a house of multiple occupation with an element of care) would be modest as the facing single storey side extension of No 23 is blank, save two narrow windows, the facing upper floor flank windows of the house are obscure glazed, and the intervisibility is not materially different to that that prevailed when Durston House was used as offices. In fact, the greatest disturbance to that property is probably caused by its own single storey extension being built abutting the mutual boundary and hence directly adjacent to the parking area.

The new flats would be exposed to noise from the station and railway and so additional sound insulation to all external windows would be necessary, which can be secured by condition.

The new flats meet the Government's internal space standards and all have access to a reasonable balcony.

### **Design quality and impact on character and appearance of the area**

The site is by an area designated for change in the Core Strategy where more intensive residential redevelopment is appropriate and this has become the reality through redevelopments and new development by the former Lloyds building complex, just to the north. This is underscored by the highly sustainable location of the site close to a railway station. While such proximity to transport facilities has always been encouraged by the government, this appears to be even more strongly so now in an era where it is widely accepted that housing provision across the country has been inadequate. Only this month, the Royal Town Planning Institute emphasised the need for a greater level of development in such locations.

The principle of a four storey building here has long been established under a series of permissions dating back to 1990 and last renewed in 2013 under AWDM/0388/13. The latter permissions were granted without opposition and while circumstances have of course altered in respect of the residential occupation of Durston House, it is nonetheless a material consideration that the principle of a 4 storey building on the site has long been accepted by the Council. In this context, the additional storey is acceptable in principle.

The building would be taller than its neighbour at No 23 where suburban scale of housing predominates along the south side of Chesterfield Road and the station building, which itself is limited in size, somewhat in contrast the taller buildings to the south. However, the application site relates more to the urban high density development of The Causeway than Chesterfield Road, especially as number 23 is 9 metres from the building. The additional storey is considered to work well in townscape terms.

The design of the initial proposal was however unacceptable, relating poorly to the form of the building and pattern of fenestration (a point raised in the original representations). The negotiated revised scheme works much better with a set back at the front and smaller insets at the sides as well as fenestration relating more clearly to the existing building. The materials are therefore reserved by condition as can control over aerials.

### **Access and parking**

The existing site provides for some 21 car parking spaces for the existing 15 flats. No additional parking is proposed to serve the four new flats. This still gives each flat nominally at least one car parking space which is in keeping with the standard accepted applied for flats of the size proposed in this location. Access is unchanged, including to bins/recycling storage.

However, neighbours have raised strong objections to the proposal on the grounds of the additional parking pressures generate with no extra on-site parking.

*As the Highway Authority notes the site is in a highly sustainable location with the train station adjacent to the site, and local shopping parade 'The Strand' a couple of minutes' walk away.*

*It considers the additional 4 flats which would comprise of 2 x 1 bed and 2 x 2 bed flats ... would not generate any additional demand for car parking (not provided for in the retained layout). Therefore the site can accommodate the additional need should each flat require a space with additional spaces for visitors.*

There are some controls on on-site parking which would help deter inconsiderate parking.

There is sheltered cycle parking already provided.

It is important to retain the existing parking and turning areas for the benefit of the occupiers of the development but at the same time resist the existing landscaping from being turned over to parking, to the detriment of the appearance of the site.

Traffic and parking impacts during construction are controlled by the Construction management Plan.

The test under the National Planning Policy Framework is outlined at paragraph 32, which states:

*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

In light of the comments of the County Council, and given the location of the site, there would be no justification to resist the scheme on transport grounds.

### **Infrastructure**

Residents points are noted, albeit planning permission has been granted for a new doctor's surgery in The Causeway. Also of relevance, is that Castle Ward has a zero charge for the Community Infrastructure Levy (CIL), as a result of the examination held by an independent Inspector, so no financial contribution towards infrastructure provision to address the extra pressure generated by the development can be sought. This would not be sufficient reason to resist the proposal as a viability assessment was considered by the Inspector prior to deciding that no CIL should be payable in the ward.

### **Conclusion**

While the objections from residents are understood, the application must be determined in accordance with government policy. In your Officer's view, it is quite clear that the application accords with such policy and therefore there are no grounds to resist the proposal.

### **Recommendation**

It is recommended that planning permission be GRANTED subject to the following conditions:

1. Approved Plans
2. Development to commence within 3 years
3. Agree external materials prior to the commencement of development
4. 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.

5. Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from noise from the railway and station has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. Following approval and completion of the scheme, a test shall be carried out and the result submitted to the Local Planning Authority to demonstrate compliance with the scheme.
  
6. 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.
  
7. Communal aerial.
  
8. Sound insulation testing should be carried out between all dissimilar rooms to confirm compliance with Approved Document E specifications for new buildings.
  
9. Hard and Soft Landscaping.
  
10. Parking area in accordance with approved plans and to be retained for occupiers of Durston House only.

30<sup>th</sup> May 2018



Application Number: AWDM/1834/17

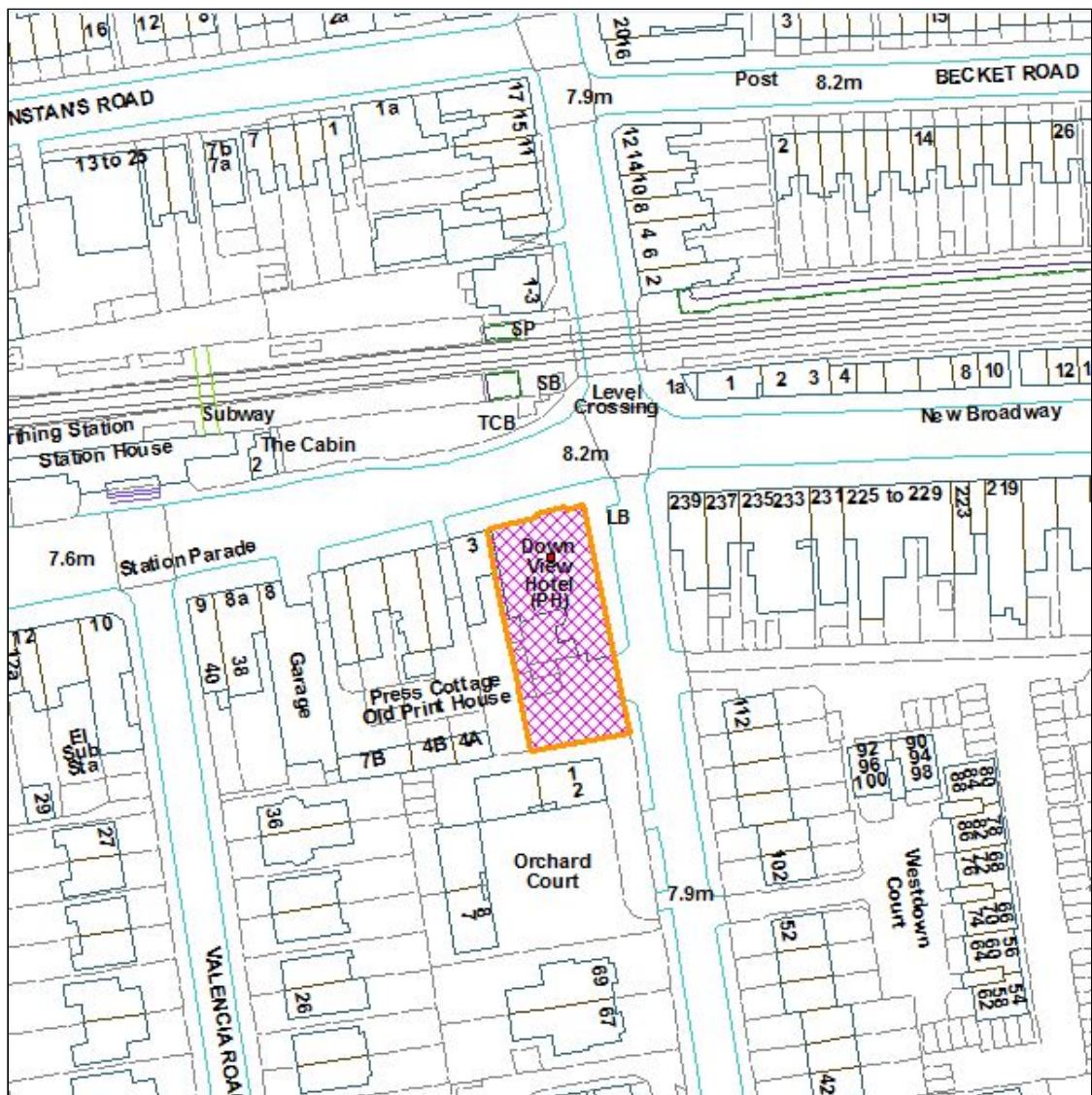
Recommendation – APPROVE

Site: The Downview, Downview Road, Worthing

Proposal: Conversion and alterations to former public house to provide 9no. residential units comprising 7no. 1-bedroom and 2no. 2-bedroom apartments with bin and bike storage to rear (south) and retention of commercial use of part of ground floor for Use Classes A1 (retail), A2 (professional services) or B1(a) (business). Erection of new terrace of 4no. 2-bedroom houses on land to south with parking on frontages.

Applicant: Carringwood Ltd  
 Case: Gary Peck  
 Officer:

Ward: Heene



Not to Scale

## Proposal, Site and Surroundings

This application seeks full planning permission for the conversion and alterations of the former Downview Public House to 7 x 1 bed flats and 2 x 2 bed flats, the erection of a new terrace of 4 x 2 bedroom houses on the land to the rear of the main building (previously used as the pub car park) and the commercial use on part of the ground floor of the building for either A1 (retail), A2 (professional services) or B1 (a) office use.

The pub use ceased in the summer of 2017, having seemingly seen little investment in recent years. As well as the pub itself on the ground floor, there was function room on the first floor as well as 2 residential units on the upper floors although these appeared to be used by staff in connection with the use of the site as a pub.

The building was identified in the Local Interest Study of 2002 which stated:

*This large, three storey red brick building was constructed in 1891 following the opening of West Worthing Railway Station. It has imposing Dutch-style gables on both of the main elevations and a tiled roof. Decorative inset terracotta panels adorn the heads of the first floor windows. It is likely that this was originally built as an hotel.*

The building is attractive when viewed from the northern and eastern sides (although since its closure, the necessity to board up doors, for example, for security purposes has reduced this somewhat) but less so from the southern side where an ad hoc range of extensions as well as fire escapes gives the building a somewhat untidy look when viewed across the former car park. The demolition of the single storey buildings at the rear is therefore proposed as part of the scheme with 4 terraced houses being proposed on the former car park itself. There are few external changes to the main building itself, the main change to the frontage being the partial infilling of the single storey element on the front, west side of the main building.

The proposed terraced buildings would feature red tiled roofs with white painted render facades and brick detailing.

The proposed 1 bed units would range between 48 and 73 metres square, therefore exceeding the national space standard for 1 bed space units in all cases, except for the single 48 square metre unit (the national standard is 50 square metres). The 2 x 2 bed units would provide 70 and 80 square meters respectively, again exceeding national standards, as do the 4 x 2 bed houses which are 77 square metres each.

1 space would be provided for each of the new terrace dwellings, but there is no further parking provision to serve the proposed flats.

The proposed development would result in an increased floorspace of 245 square metres therefore equating to a Community Infrastructure Levy contribution of £24,500. Under the terms of Core Strategy policy 10, a 20% financial contribution towards affordable housing is also required, which is discussed in greater detail in the planning assessment below.

The application site sits on the south western corner of the Tarring Road, South Street, Downview Road crossroads opposite West Worthing railway station with the associated level crossing gates immediately to the east of the station. A range of retail/commercial uses at ground floor level with residential above sits on the south side of Tarring Road (the application site also sits within the defined neighbourhood shopping area of Tarring Road) while to the rear of the site on the southern side is the small residential development of Orchard Court. There is further residential development on the eastern side of Downview Road which appears similar to the style of the proposed terraced dwellings.

### **Relevant Planning History**

None relevant to the determination of the application: the last application at the site was for a smoking shelter in connection with the previous use of the site as a pub, approved in 2007.

### **Consultations**

#### **West Sussex County Council:**

The proposal will see the renovation of a vacant public house onto 13 dwellings with some parking for the proposed housing and secure and lockable cycle storage facilities. WSCC raise no highway objection subject to any conditions attached.

The site is located on the corner of Downview Road, and Station Parade. Both roads have a 30mph speed limit. Downview Road is residential in nature with a mix of houses, converted houses into flats, and large blocks of retirement flats. Parking along the street is subject to some restrictions, and where possible gardens have been converted into driveways. This section of Downview Road is also one way with access in the direction north to south from Station Parade.

Station Parade, as the name suggests is home to West Worthing train station. This is located directly opposite the site. There is also a level crossing and controlled traffic lights are in place to manage the flow of traffic around the level crossing. This is a busy through route in and out of the town centre.

The proposal to create 9 flats and 4 houses has been considered and due to its highly sustainable location in terms of train and bus options it is considered acceptable for the flats to provide no off street parking. As mentioned the roads in and around the site are subject to some parking restrictions but there is also a residents parking permit scheme in operation to assist with any residents who need to park a car on the street.

The four houses will provide 1 space off-road which given their size would seem reasonable. Cycle storage for all of the dwellings is provided and this is secure and lockable. One cycle storage position seems to be in the rear garden of one flat on the ground floor; and this would need to be covered. It is unclear from the plans if this would be the case.

The driveways must be at the very least 5m from the back edge of the kerb for these to be usable, and so as not to encroach onto the pavement where pedestrians may be using the footway. The parking spaces must also be no smaller than 2.4m x 4.8m. Although a dropped kerb already exists there may be a need to make alterations or improvements to this and therefore the minor works informative is provided at the bottom should the applicant need to progress this in any way.

### **Technical Services**

The site lies in Flood zone 1, the northern and eastern sides of the building may be affected by surface water flooding – car swash, the level crossing to the north has certainly suffered flooding issues.

The proposals will replace hard surfacing with roofs and hard surfacing and there is nowhere on the site to locate a soakaway so the surface water proposals – discharge to public sewer are acceptable.

I would ask that the requirement to install a linear drain across the front of the four new houses to prevent water being shed on to the highway.

### **Refuse and Recycling Officer**

Thanks for sight of these plans. Location of the bins looks ok but there is barely enough capacity for the 9 flats to be put into this building. I would suggest more room is provided to house the bins so an extra could be provided as necessary.

The 660L bins suggested would need to be provided at the developer's expense.

### **Environmental Health (Private Sector Housing)**

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

Although I have no objection to the development overall, I do note the existence of a basement room, which is designated as a bedroom ancillary to one of the new two-bedroom flats.

There does not appear to be any natural light or ventilation to this room and it is only accessed through the garden. It is likely action would be necessary under the Housing Act 2004 in respect of this room if it is intended to be used for habitation.

### **Environmental Health (Environmental Protection)**

I refer to the above application copied to us for comment and make the following comments.

As the property is located opposite the railway line and the level crossing there is the potential for noise to adversely affect residential amenity. The application makes no reference to this aspect having been investigated. Therefore the applicant will need to carry out an acoustic assessment to determine the noise this site is exposed to and any mitigation required as a result. Guidance is contained within the

Planning Noise Advice document: Sussex (2015) available at <https://www.adur-worthing.gov.uk/media/media.121802.en.pdf>.

A condition is suggested as follows:

*"Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from noise and vibration from the railway has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. Following approval and completion of the scheme, a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise."*

Further the hours of construction should be restricted to *Monday - Friday 08:00 - 18:00 Hours, Saturday 09:00 - 13:00 Hours and Sundays and Bank Holidays - no work permitted* in order to protect nearby residential amenity.

As this is classed as a major development in planning terms, the applicant will need to follow the Air Quality & Emissions Mitigation Guidance for Sussex (2013), (<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. 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. 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.

Therefore an emissions mitigation assessment will be required, which must use the most up to date emission factors (at <http://laqm.defra.gov.uk/review-and-assessment/tools/emissions.html>). The emissions assessment and mitigation calculator provides a formula to calculate the emissions resulting from a development and produces a cost for mitigation measures and/or compensation and a subsequent list of mitigation suggestions. Mitigation shall include consideration of the promotion of cycling and walking, public transport, car clubs, low emission vehicles and associated infrastructure, etc. A development such as this can have a major influence on public behaviour. For example by providing 3 or 7kW charge points in parking spaces, residents can be assisted to switch to low emission vehicles. Additionally charge points are much cheaper and easier to install during the construction phase rather than as a retrofit.

A plan for the control of dust during construction should also be provided.

## **Representations**

1 letter of objection has been received on the grounds of overlooking to the adjacent garden, potential overlooking from balconies, noise from the number of tenants as the pub was previously adequately soundproofed, lack of parking and that the pub should not be joined on to the next door property.

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy (WBC 2011): Policies 6, 7, 8, 10, 11 & 16  
National Planning Policy Framework (CLG 2012)  
Planning Practice Guidance (CLG 2014)

## **Relevant Legislation**

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

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

## **Planning Assessment**

The main issues in the determination of the application are:

- i) Whether the principle of development is acceptable
- ii) The effect of the proposal upon the character of the area and the amenities of neighbouring properties
- iii) Affordable housing provision and the viability of the development

## **Principle of development**

The loss of a public house can be regarded as a loss of a community facility contrary to the Development Plan. However, the following issues are relevant in assessing the significance of the loss of the community facility including: need; viability and whether the Public House serves a community function.

The Downview closed as a pub in the summer of last year. It was evident that the pub had become dated with little apparent investment taking place over recent years. Supporting information submitted with the application suggests that the trading position was such that the owner was unable to afford to invest in the business. In light of this trading position, the pub was marketed in May 2016 but there was no interest from other operators in taking over the facility as a pub. The only interest was from property developers and eventually the pub was sold in August 2017 shortly after its closure.

The number of pubs across the country has declined by about 20% in the last decade and there have been a number of pub closures in Worthing over recent years including The Clifton Arms, The Globe, The Half Brick and The Litten Tree. It has been difficult to prove that the retention of the pubs is viable and in the case of a large facility, with its associated maintenance costs, such as The Downview, this has proven to be even more the case. It could perhaps be argued that the lack of investment in the business resulted in its inevitable closure, but it is felt difficult to resist the application in principle on such basis, given the apparent unlikelihood of any new operator being able to upgrade the facility sufficiently to make it profitable.

It is noted that The Green Man Ale and Cider House, a micropub, has opened in recent years a very short distance away to the north on the site of a former café, and along with the closure of large pubs, it has also been a noticeable trend that such micropubs with their lower operating costs, have opened and often proved successful. It at least provides an alternative facility close to the application site. This might also indicate why there have been no representations from local residents objecting to the loss of this public house.

Unlike some of the other pub sites that have closed, this particular building is within the Local Neighbourhood Shopping Centre and this also gives a policy basis for the ground floor frontage of the building to be retained for commercial purposes, preferably a retail use but perhaps offices as an alternative. The Tarring Road area provides a good local range of shopping and other facilities and it is hoped that a suitable user in such a prominent building could enhance the offer in the area. While the loss of the pub is therefore regrettable, there is at least the opportunity to secure an appropriate alternative use at ground floor level which might add vitality to the area. It is not considered that in principle, therefore, there is any objection to the change of use of the facility.

### **Effect upon the character of the area and the amenities of neighbouring properties**

The building has previously been identified as a building of local interest and is certainly one of the most attractive in the area when seen from the front and eastern side. Although the use of the building as a pub did not detract from its appearance per se, the lack of investment in the building does appear to have become evident in recent years with its overall appearance deteriorating prior to its closure. The necessity to board up doors has further detracted from its appearance, although some improvement to the windows also has taken place and demonstrates the building could make a more attractive contribution to the street scene.

At the rear of the building, it is quite evident that visual improvement could result. The view looking north from Downview Road is currently unattractive and indeed when seen from the pavement on the western side, the rear elevation of the building hardly gives the impression that the main building is one that is of local interest, consisting of an ad hoc range of extensions. The previous car park adds little to the area either.

Downview Road consists, at its northern end, of a number of terraced rows of properties, albeit more commonly on the eastern side of the road rather than the western side. Nonetheless, the infilling of the pub car park with terraced housing



would represent an efficient use of land within the built-up area and would accord with the principles of government policy.

The main impacts of the development in terms of the impact upon adjoining neighbours occurs to Orchard Court to the south and number 3 Station Parade, Tarring Road to the west which consists of a shop and residential unit with garden immediately adjacent to the application site.

While the occupiers of Orchard Court have a number of windows facing the site, these appear to be secondary windows, doors and bathroom/kitchen windows. The main aspect of Orchard Court is to its attractive courtyard to the south rather than the much poorer outlook to the north and therefore it is not considered that the proposed development will have an adverse impact upon the amenities of these residents. Indeed, the comings and goings of a car park were likely to have had more of an impact than the proposed residential use.

The impact upon the neighbouring property to the west is more balanced. It is not considered that any objection could be raised in terms of overlooking given that the garden of this property is already overlooked by other windows – while not from the east as would be the case with the new proposed dwellings, there is already overlooking from the south and north. However, the main single storey element of the existing building to be demolished runs alongside the boundary of the rear garden of the adjoining property for a substantial part of the rear garden. The removal of this building is a benefit to the neighbour in itself and the admittedly small rear gardens of the new dwellings would instead run along the rear boundary. While there would be a 2 storey terraced row of buildings now facing the rear garden, its set back is considered to result in a situation where there is not material harm to the amenity of the neighbouring occupier. As well as the existing building, it should be borne in mind that use as a car park would have had potential to adversely affect amenity in the past.

### **Affordable Housing and Viability**

The proposal results in a net increase of residential floorspace of 245 square metres and accordingly a Community Infrastructure Levy payment of £24,500 is required.

As set out in Policy 10 of the Core Strategy, the development would attract a 20% financial contribution towards affordable housing. Based on the proposed tenure, the supporting information states that the required payment would be £211,236.

It is also stated, in the supporting information, that Vacant Building Credit (VBC) as set out in national policy is considered by the applicant to be payable in this instance. The agent contends that a credit of 79% to the total affordable housing contribution should be applied which would leave a total payment of £44,360 towards affordable housing provision. Members should note that the NPPF Consultation suggests that Councils will not be able to seek local variations to VBC. However, the Councils current position regarding VBC was set out in a position statement earlier this year:



*Worthing Borough Council acknowledge that national planning policy and guidance as set out in the Written Ministerial Statement (WMS) of November 2014 and national Planning Policy Guidance with respect to affordable housing contributions and the application of Vacant Building Credit (VBC) are significant material considerations which should be taken into account in decision taking.*

*Following the Court of Appeal decision (May 2016) regarding these matters, Worthing Borough Council note that the provisions of national policy are not mandatory and that local circumstances may justify an appropriate exception to the approach outlined in national policy and guidance.*

*In applying Worthing Core Strategy Policy 10 (Affordable Housing) Worthing Borough Council consider that there are specific and genuine local circumstances that justify an exception to national policy and guidance. This is specifically in terms of Planning Practice Guidance regarding site size thresholds for affordable housing contributions and the application of VBC. In summary, those local circumstances constitute:*

- *The significant need for affordable housing in the borough*
- *A highly constrained housing land supply*
- *The nature of land supply in terms of residential delivery from smaller sites and brownfield site conversions, changes of use and redevelopment including vacant buildings.*

*The provisions of Core Strategy Policy 10 will therefore apply to all types of residential development and financial contributions will continue to be sought from developments of 6-10 dwellings. The VBC will not be applied to schemes proposed in the Borough.*

*This is an interim position statement that establishes the Council's approach to these matters in advance of the adoption of the emerging Worthing Local Plan.*

*This approach will help to ensure that affordable housing is delivered in Worthing to meet a very significant need. The Council does not think that this position will have a significant impact on the viability of development in the Borough. However, it should be noted that where viability issues can be robustly demonstrated the Council will continue to apply a degree of flexibility against policy requirements to ensure that appropriate and sustainable development continues to come forward in the Borough.*

In light of the position statement outlined above, the applicant was advised that the application of VBC would not apply. If a case was to be made on viability grounds, it would be necessary to submit evidence that would be assessed independently.

Following the submission of evidence, Gleeds undertook an independent viability exercise on behalf of the Council.

The initial response from Gleeds, was that further information was required, however its report concluded that the development would result in loss even without the required affordable housing contributions. In response, as well as supplying the required information, the applicant's agent has stated that the main issue with the

property, and which was unexpected, is the cost of refurbishment and conversion of the existing building. In this respect 3 contractors had visited the building, and only one would provide a quote with the others only willing to proceed on an open book basis, charging what the conversion would cost plus 10%. This had resulted in what the applicant had hoped to be a viable scheme becoming unviable. On the basis that there were no alternative options for the building, the applicant concluded that the best option was to try and secure a permission and continue to explore options to reduce costs.

Gleeds produced a further report taking account of the further information submitted by the applicant's agent. This concluded that with the required CIL and affordable housing contributions, the developer would make a loss of over 9%. Excluding the contributions would still result in a loss of over 3%. Gleeds also investigated whether the area of conversion for the building could be altered to improve the profitability of the scheme, but this still resulted in a loss of 3% with the required contributions and a profit of 3% without the contributions. In each case, this assumes that the Community Infrastructure Levy (CIL) is not paid.

As CIL is a fixed non-negotiable charge, this payment must remain and therefore the main issue is the viability case associated with the affordable housing payment. Your Officers remain of the view, as set out in the Council's Position Statement, that VBC is not applicable to the development and therefore as such the discount of 79% as set out by the agent in supporting statement is not relevant. However, it should also be borne in mind that the Position Statement does allow a position of flexibility if the viability of a development is threatened.

This case is unusual in that normally the Committee is considering what level of profit is appropriate for different schemes rather than in this case, a likely loss.

The main reason for the scheme becoming unviable is the cost of the conversion of the building. It should be noted that previous pre-application enquiries, from other developers as well as the current applicant, had explored the possibility of the demolition of the existing building which your Officers have always advised would be unlikely to receive a favourable recommendation (as a local interest building). It appears that were the building to be demolished, it is far more likely that a viable scheme might be possible although there is still some doubt as to whether the necessary development contributions could be met in full. However, it is considered by your Offices that this building is important architecturally landmark and should be retained even it does affect the ability to secure suitable affordable housing payments.

The current scheme has been shown to be clearly unviable to the satisfaction of the Local Planning Authority. In this instance, therefore, it is considered that an exception can be made without an affordable housing contribution. The CIL payment of £24,500 would still have to be provided despite its own, more minor, impact upon the profitability of the scheme. Your Officers feel it important to ensure retention of the building and accordingly it is recommended that permission is granted.

## **Recommendation**

To GRANT permission

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

- 01 Approved Plans
- 02 Full Permission
- 03 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water
- 04 Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from noise and vibration from the railway has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. Following approval and completion of the scheme, a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.
- 05 Hours of construction should be restricted to Monday - Friday 08:00 - 18:00 Hours, Saturday 09:00 - 13:00 Hours and Sundays and Bank Holidays - no work permitted
- 06 Emissions Mitigation Assessment
- 07 Dust Suppression details during construction
- 08 No part of the development shall be first occupied until visibility splays of 2.4m metres by 45m metres have been provided at the proposed site vehicular access onto Downview Road in the leading direction as it is a one way street. These should be in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.
- 09 No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Downview Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

- 10 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.
- 11 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.
- 12 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.
- 13 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:-
- (1) A preliminary risk assessment which has identified:- all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
  - (2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - (3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

14. Prior to the commencement of work, the asbestos register for the site, and any remedial strategy should asbestos be present, shall be submitted to and approved where necessary by the Local Planning Authority.
15. Approval of Materials
16. Details of boundary screening
17. Hard and Soft Landscaping
18. Refuse and Recycling details
19. Removal of permitted development rights to new terraced dwellings

### **Informatives**

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove

House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

### *Minor Highway Works*

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.

30<sup>th</sup> May 2018



Application Number: AWDM/0444/18

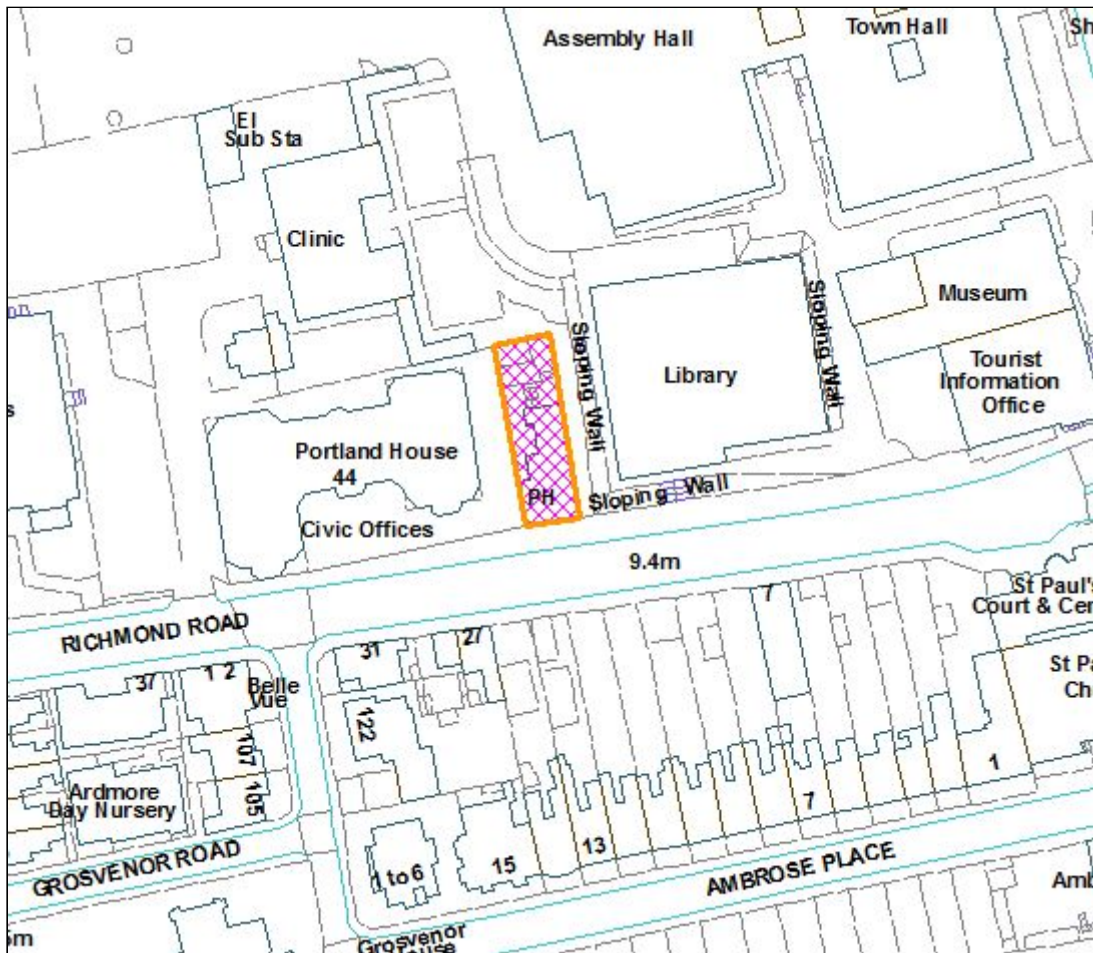
Recommendation – REFUSE

Site: The Wheatsheaf, Richmond Road, Worthing

Proposal: Demolition of existing public house and redevelopment to provide 3-storey building plus mansard roof consisting of commercial use (Class A1, A2, A3 or A4) on ground floor and partial basement and 8no. residential flats (1 x studio, 3 x 1-bedroom, and 4 x 2 bedroom units), all with private amenity terrace on upper floors above.

Applicant: Mr N Hussnan  
 Case: Stephen Cantwell  
 Officer:

Ward: Central



Not to Scale

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### Site and Surroundings

The site is a rectangular and flat area of approximately 0.3ha which contains the Wheatsheaf Public House, a two storey building fronting Richmond Road to the south with a pub-garden and yard to the rear enclosed by a tall wall. It is situated between the public library to the east and Portland House, which houses civic

offices, to the west; the pub lies forward of these buildings. Public footpaths run along each side of the site, and to the rear, leading between Richmond Road and the Civic Centre car park to the north.

The pub is currently unused and recently boarded-up. The ground floor comprises the public bars, kitchens, toilets and store, with small service basement below. A three-bedroom flat occupies the first floor and attic levels.

The site is part of the town centre as defined in the Worthing Borough Core Strategy (2011) and it immediately adjoins the Chapel Road conservation area to the south and east. On the opposite (south) side of Richmond Road are the gardens of listed buildings in Ambrose Place, which are occupied as houses and flats. There are also some single-storey retail units. To the rear of the site is a large, spreading oak tree is located in the public footpath some 2.5m from the site boundary, this is subject of a tree preservation order (TPO).

The Wheatsheaf has a domestic appearance and scale by contrast to the taller modernist library building and three storey Portland House. It has a double-gabled pitched roof, a rendered and half-timber-effect frontage and large projecting bow-windows at ground floor. Several ground floor windows front onto the footpath to the east with others at first floor and attic level. The rear of the building has a series of single storey extensions with pitched and flat roofs. Rear elevations have areas of flint and brick of various ages, some being modern. The western side wall contains a larger extractor flue which rises above the single storey eaves but largely concealed by the tall boundary wall.

## **Proposal**

It is proposed to demolish and replace the Wheatsheaf with a taller mixed-use building on larger footprint. This would comprise a commercial space at basement and ground floor level for Class A use (either: retail, professional & financial services, food and drink or a drinking establishment).

There would be eight new flats across four floors comprising 1no. studio, 3no. 1-bedroom, and 4no. 2-bedroom apartments. A private terrace to the rear would serve one ground floor flat.

The proposed height of approximately 12.5m, (with lift housing 0.5m taller) would compare with the 10m height of the main part of the library and approximately 14m of Portland House. The proposed frontage would sit on the line of the existing bow-fronted windows and the overall footprint of the building would extend between 3.5m – 6m deeper to the rear. The top two floors would be tiered back from the frontage. The sides of the building would be 26m long and would coincide with the side boundaries.

The design is largely rectilinear but this varies at the top floor where the walls are steeply pitched to create a mansard-like roof level, with flat 'crown' top with half-dormer windows. These pitched faces would be clad in tile or seamed-zinc; a similar treatment would apply to the front face of the second floor. The rest of the building would be largely brick-faced, with flint or stone panels inset onto part of the ground floor sides. The ground floor commercial frontage would comprise large



metal-framed windows across the front elevation and part of each side. Other doors and bin store doors would appear on the eastern side. Windows and glass-fronted balconies would appear at each upper floor in a mixture of symmetrical and asymmetrical arrangements. Rainwater goods and utility boxes are not shown.

Secure cycle storage is shown inside the building as a shared ground floor store, sufficient for nine cycles. In common with the existing building, there is no off-street car-parking.

The application is accompanied by:

- Supporting Statement (Design & Access)
- Supporting Statement (Letter and Photographs)
- Tree Impact Assessment
- Tree Protection Method Statement
- Amended Tree 'Cut Back Line' Plan
- Visualisation Montage

### **Relevant Planning History**

00/00775/FULL – Alterations at rear, formation of beer garden with ancillary works.

**STATUS:** APP 26<sup>th</sup> September 2000

01/00103/FULL – Demolition of existing garage block / store area and erection of a covered area to beer garden together with new boundary wall

**STATUS:** REF 5<sup>th</sup> March 2001

### **Consultations**

**West Sussex County Council Highways:** No objection

The proposed flats would generate a requirement for five parking spaces but none are proposed. The Local Planning Authority (LPA) may wish to consider impact on on-street parking outside controlled hours.

Adequate cycle parking is proposed for flats but it is recommended that spaces should also be considered for commercial staff and customers. This could be obtained by condition. Also recommend condition for the control of construction traffic, including the safety of highway users and deliveries (a Construction Management Plan).

**Environmental Health Officer** (public health): Awaited

**Environmental Health Officer** (Housing): No objection

Note that proposed balconies would be overlooked from adjoining office.

**Arboricultural Officer:** Object

Construction would require substantial reduction to southern side of the tree, with considerable future pressure for even greater reduction, to allow light to windows and terrace and perhaps due to perceived safety risks. This would damage its health, unbalance the crown and involve cutting back to large boughs, giving

misshapen appearance, adversely affecting its characteristic shape and amenity value. May also reduce longevity, which should be it its current form up to 10 to 20 years, with the tree likely to remain for up to 100 years. There is crown die-back affecting its height but does not consider further natural decline is imminent.

Ground disturbance is likely to be greater than predicted and site levels would be lowered in the root protection area. Proximity of development to the tree calls into question the practicality of proposed tree protection.

**Southern Water Services:** No objection

Recommends conditions:

- Drainage details for foul and surface water to be submitted & approved in consultation with Southern Water.
- Appropriate surface water disposal, with preference for soak-aways and sustainable drainage.
- Water supply apparatus to be protected

Informative: Separate consent needed for sewer connection

**Worthing Conservation Advisory Committee: Objection.**

The proposed design is considered poor and concerns exist regarding possible damage to the existing oak tree. The proposed scale, when adopting the existing building line, is unacceptable and considered an overdevelopment of the site. The design is considered intrusive to the adjacent conservation area and produce potential overlooking of the gardens to Ambrose Place.

**Representations**

**Worthing Society:** Object

- Excessive scale, bulk and massing, poorly related to neighbouring character and detrimental to street-scene – contrary Policy 16 and NPPF
- Footprint far too large and too far forward, too high
- Too close to TPO tree, conflict with light to proposed flats ; reductive pruning pressure
- Poor façade, also uninspiring and poorly fenestrated, particularly the east elevation
- Does not respect heritage assets; setting of listed buildings and conservation area
- Overlooking at Ambrose Place
- Space for storage and collection of waste

**11 letters have been received.**

Eight are from residents of six addresses in Ambrose Place, others are from residents in Worthing, Goring and Lancing. All object.

Points include the following:

- Inappropriate scale, excessive height and footprint for the area,

- Should not exceed height of library and Portland House eaves
- Building too close to boundary and too far forward
- Set back of neighbouring buildings provides spaciousness
- Building line should be main façade not bay windows
- Fundamental re-think required
- Loss of beautiful building, replacement is characterless box, not aesthetically pleasing
- Existing building is an historic part of Worthing.
- Pub is a community asset
- Proximity to notable civic buildings, incl. Art Gallery, Museum, St Pauls.
- Impact on listed buildings
- Object to demolition, building dates from 1835, it should be a local interest building. 1930s frontage could be removed to reveal original
- Conversion should be considered, retaining appearance
- Balconies will overlook Ambrose Place gardens and windows
- Will affect and restrict TPO tree
- No access for loading or parking.
- Will add to existing overloaded, on-street parking problems
- Commercial use of ground floor is vague, question viability and need; there are vacant premises in the area.

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

Worthing Core Strategy 2006-2026 (WBC 2011): Policies 8, 10, 11, 16, 17 & 19

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

Supplementary Planning Document 'Space Standards' (WBC 2012)

Community Infrastructure Levy Charging Schedule (WBC 2015)

National Planning Policy Framework (March 2012)

National Planning Practice Guidance

Chapel Road Conservation Area Appraisal (WBC 2001)

The Development Plan comprises the Core Strategy and Saved Local Plan policies. Government has accorded the National Planning Policy Framework considerable status as a material consideration which can outweigh the Development Plan's provisions where plan policies are out of date or silent on a 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 (albeit recent case law indicates approval of development which is contrary to the Development Plan will be the exception.)

The Council's assessment of the Core Strategy's conformity with NPPF demonstrated that, in many respects, it conforms closely to the key aims and objectives of the Framework. However, as informed by local evidence it is clear that Council cannot demonstrate a current 5 year supply of housing in respect of Objectively Assessed Needs and that all relevant policies which relate to and constrain housing delivery in the Core Strategy are out of date in respect of the NPPF. Accordingly the Council needs to assess its housing delivery strategy. To this end a Housing Study and Issues and Options document was published and a revised Local Development Scheme, which commits the Council to undertake a full

review of the Core Strategy and prepare a new Draft Local Plan for consultation by the summer of 2018.

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) states: indicates In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

## **Planning Assessment**

The main issues raised by this proposal include:-

1. Principle of Development (i. Residential. ii. Public House / Commercial)
2. Design, Character and Visual Amenity
3. Heritage
4. Residential Amenity (i. Proposed Dwellings. ii Existing dwellings)
5. Impact on Protected Tree (TPO)
6. Accessibility and parking
7. Affordable Housing
8. Sustainable and Resource Efficient Buildings

### ***Principle of development***

- i) Residential

The site is within the town centre as defined in the Core Strategy. Policy 8 allows for the development of higher density housing in and around the town centre, including homes suitable for family occupation. The proposal would raise residential density from 3.3 dwellings/ha to a moderate 26.7 dwellings/ha. It would also provide mixed sizes; three flats having internal space for a household of three people and one with two double bedrooms. Each flat would have a balcony, but other external space is meagre, limited to an enclosed ground floor rear terrace, accessible to one flat only. As such the proposal is not considered to represent family housing, nor does it fully

comply with local outdoor space requirements but the principle of small and modest flats is acceptable.

However, this principle cannot be considered in isolation. Crucially, this must be balanced against more detailed considerations and impacts and concerns regarding over-development, which are set out in the following sections of this report.

ii) Public House / commercial

Although the site is outside the primary or secondary shopping zones, para 7.47 of the Core Strategy acknowledges that pubs, along with cafes and restaurants are an important ingredient in the overall mix of a shopping centre. Policy 6 seeks to safeguard the retail character and function of the centre by resisting development which would detract from its vitality and viability. As such consideration should be given as to the extent to which the current pub use supports the wider town centre.

Policy 11 also protects cultural and community facilities, which according to the NPPF, include pubs. Development of pub sites is only acceptable if one of the following requirements are met, *inter alia*; the premises or land are no longer suitable for the use; or replacement facilities are provided; or it has been demonstrated that there is no longer a need.

In consideration of these policies, it is noted that the site lies close to a range of town centre shops and cultural facilities, including places of entertainment in Chapel Road, Union Place and the Civic quarter, all are easily accessible on foot. Despite this proximity, the applicant contends that demand has fallen and the pub is no longer viable. It is explained that ownership has changed a number of times recently, including business failures. It is also said that substantial refurbishment would be needed to bring the public house back into use.

Whilst the turnover of tenancies at this prominent site has been observable in recent years, the applicant provides no other information on which to base planning judgments about demand, the extent to which the use has contributed to the wider town centre, its suitability or the investment needed. Accordingly, the proposal does not fulfill these requirements of policies 6 and 11.

However, by providing a replacement commercial space at ground and basement level, the proposal seeks to satisfy the other requirement of policy 11. This space is intended for a range of Class A uses: retail; professional & financial services; food and drink or a drinking establishment, a potential café or bistro is mentioned as one possibility in the supporting statement.

The existing pub is largely at ground floor, with a small service basement below (18sqm), giving a total 169sqm. The proposal is for 186sqm commercial space but spread equally over ground floor and basement level. This would provide a space of regular shape and prominence at ground floor, but a more constrained space in the basement, which would be served by only one access. Public accessibility here is problematic and there is no natural light. Fire safety and ventilation also present challenges, particularly in relation to cooking (for instance the need for a conspicuous external air duct and plant reaching up to roof level). The proposal also shows no defined storage, preparation space or cellar. In the existing pub there is a

defined cellar; the kitchen and store are located in the behind-bar area with separate access.

In comparing these differences it is evident that although the amount of proposed commercial space is slightly larger than the existing, the proposed arrangement of space would impose practical limitations on public access, cooking and cellarage. This would limit the future use as a public house or for hot food. As such it is questionable whether the proposal can be regarded as a replacement pub facility under policy 11. However, it is conceivable that a bistro-type use might operate, provided that food is limited to cold or re-heated food, which minimise the need for conspicuous external air ducts. Other Class A uses, retail and professional/financial services, would face fewer challenges, although they would also be affected by the issue of public accessibility to the basement.

In summary, the proposal represents an erosion of pub and hot food use. It is based on little evidence of lack of demand or unsuitability of the existing pub. Nevertheless, it provides commercial space which may suit a range of Class A uses, including a more limited food and drink offer. This could continue to contribute to the vitality of the town centre and on balance, it is considered to accord with policies 6 & 11. However, the constrained space is indicative of the overdevelopment of the site.

### ***Design, Character and Visual Amenity***

Policy 16 of the Core Strategy requires good design, taking account of local characteristics, including its heritage and landscape features. Architectural composition should respond positively to the local area and exploit opportunities for enhancement.

The proposed building would be much taller than the existing; the eaves line of 9m would be significantly higher than the existing of 5m and the roof would be 12.5m, compared with the existing 8m. The footprint would extend further forward than the main façade of the existing building, and much deeper to the rear. This would result in a substantial increase in scale and mass.

The site is much narrower than the neighbouring library and Portland House, which are set-back from the road to accommodate their height and large scale. By contrast combined size of the building and its prominent position, well forward of its neighbours, would lead to a cramped appearance. The proposed tiering of the upper floors would do little to lessen the mass, and the large, long side elevations hard-up-to the site boundaries would be readily visible from the street and adjoining footpaths. These factors would produce a heavily built-up appearance and erode the spaciousness of this part of the street.

The detailed design comprises a series of horizontal forms; the wide array of windows at ground floor, balconies and rows of windows above and tiering of the uppermost floors. Window proportions are similar to some of those at Portland House. The steeply pitched crown-top roof is intended evoke a more traditional style mansard roof. The use of brickwork borrows from Portland House and Ambrose Place and the flint panels echo existing flint boundary walls. The option of zinc

cladding at the roof and upper floors draws from the plant-housing area, which is recessed on the neighbouring library roof.

Whilst some of these design elements are found the mixed building styles in the area, the size and placing of windows, doors and balconies lacks a sense of ordering in many places, most notably the prominent east elevation. The steeply sided roof and chamfered balcony walls are alien and convey a sense of heaviness which is unlikely to be mitigated by the proposed variation in materials, whether tile or zinc at upper floors. The overall impression is confused and cluttered and there is a sense that attempts at producing a coherent form have been frustrated by the struggle to accommodate a large amount of development on this constrained site.

At ground level, whilst the large array of long windows indicates a potential commercial use, but apart from their size, there is little to distinguish these windows from those of the residential floors above. It is unclear how any fascia or signage could be integrated sympathetically into the façade.

### ***Heritage***

In accordance with policy 16 and NPPF, consideration must be given to any impact on the adjoining Chapel Road Conservation Area and nearby listed buildings, including their setting and any undesignated heritage assets.

For the reasons in the preceding section concerning the size and design of the building, the proposal is considered to be harmful to and out of keeping with the streetscene of Richmond Road. According to the Council's Conservation Area Appraisal, the character of the conservation is distinctive for its landmark civic / public buildings on large plots with associated spaces and planting. The Library and St Paul's buildings are set back behind deep and tree-lined spacious pavements. Garden walls and low level buildings on the south side of the road, also contribute to this spaciousness, and in turn the setting of the rear of the listed terrace in Ambrose Place, which are visible from the road.

This spacious character changes at Portland House, which is outside the conservation area; its three-storey western wing steps forward, reducing westward views from the conservation area. The Wheatsheaf, as a two storey structure, serves as a transition between the conservation area and Portland House, its domestic scale and pitched roof affords glimpses of skyline and trees which contribute to the spacious setting of the conservation area. It also serves as a remnant of an earlier pattern of Victorian terraced development along Richmond Road.

The cramped appearance and design concerns already mentioned will affect the character of the area. It will interrupt the spacious setting of the conservation area and the locally listed library. The shortcomings of the proposed eastern elevation and lack of design relationship to existing buildings would be readily visible. Although the proposed building is not immediately beside the listed buildings at Ambrose Place, nor the listed Town Hall to the north east, it would be within the wider panorama seen by pedestrians passing through Richmond Road and the footpaths to the rear of the site, which is significant to their setting.

As mentioned, the building is a surviving remnant of an earlier terrace of cottages, built prior to 1843. The Wheatsheaf was heavily altered around the early C20th to the appearance it has today and the remainder of the terrace was demolished by the 1970s. It is currently unlisted, either locally or statutorily, nor is it listed as an asset of community value under the Localism Act. Whilst it may be worthy of inclusion in the local list, this would not convey protection and arguments against its loss would be weak.

In summary, the proposal is considered to be harmful to heritage assets in the form of the setting of both the conservation area and listed buildings. Whilst this harm is considered to be less than substantial, it is not considered that there are other benefits of the development which are so great as to outweigh the harm caused to these heritage assets.

### ***Residential amenity***

#### **i) Proposed Dwellings**

The site is a sustainable location, close to town centre facilities and public transport. The proposal accords with national space standards, providing a range of sizes between 40sqm – 91sqm for the studio, one or two bedroom apartments respectively.

Each flat would have a private balcony. However, many of the proposed balconies and the ground floor terrace would be variously close to the street or overlooked from Portland House, therefore providing no private outdoor amenity space. Side-facing windows to habitable rooms would also be overlooked and some of these would also be in poorly lit areas, most notably all of the windows to flat 3 at the proposed first floor. The large footprint of the building precludes the provision of other windows or additional outdoor space as sought by the Council's External Space Standards. It is noted that the nearest public parks are approximately 600m to the east and west and therefore would not provide a convenient alternative.

The comments of the Environmental Public Health officer are awaited and it is of interest to establish whether the location of sleeping accommodation and balconies above the commercial use would pose any risk to occupiers, or whether planning conditions and building regulations could be relied on to minimise this. The lack of an integrated ventilation duct within the proposed building to serve the commercial space at ground/basement level, gives rise to the possibility that any such apparatus would have to be routed on the outside of the building, bringing risk of noise and vibration to the upper floors.

In summary, both the lack of outdoor space and risk of noise and vibration are further evidence that the proposal is an overdevelopment of the site which does not provide for a reasonable standard of residential amenity.

#### **ii) Existing Dwellings**

Neighbour representations refer to concerns for privacy and the outlook from homes and gardens in Ambrose Place. Saved policy H18 requires that the intensification of development should not lead to unacceptable reduction in neighbouring amenity. In



consideration of this point it is noted that neighbouring garden spaces are separated from the front of the two storey Wheatsheaf building by varying distances of between 15m – 24m and the houses are some 40m away. Gardens are overlooked by neighbouring windows in Ambrose Place and by upper windows at Portland House, although screened by trees at Portland House in summer). The line of sight from the existing pub is much less and in some cases barely discernible from these neighbours.

By contrast, the proposal would have balconies and large new windows to habitable rooms on the two upper floors. This more elevated position and the likely daytime use of these spaces will have a much greater prominence and direct line of sight, bringing the potential to overlook these gardens, and a greater perception of being overlooked. Despite the distance involved and the tiering of the balconies, it is considered that this would impact on neighbouring amenities to an unreasonable degree.

### ***Impact on Protected Tree (TPO)***

The oak tree located in the public footpath approximately 2.5m to the north of the rear boundary of the site is a large, spreading tree; highly visible from the path and adjoining street, above and between existing buildings, where it contributes to the character of the [public realm, and setting of the conservation area. The upper part of the southern side of the tree's crown overhangs part of the existing beer garden but is well away from the building. Although the tree contains some existing die back in its upper crown, its longevity is estimated at up to one hundred years.

The proposal, with its much deeper footprint, would bring the new building within the crown spread and root protection area, necessitating significant pruning to its southern side, which would unbalance the characteristic broad, spreading symmetry. It is also very likely that future occupiers would seek further reduction to allow light into rear windows and terrace, which would further unbalance the tree, and cut back into large boughs.

Along with ground disturbance and ground lowering, and despite proposed the protection, which the tree officer considers is questionable in terms of practicality on this constrained site, the proposal is likely to reduce the tree's health, amenity value and longevity. This detrimental to the character and appearance of the public realm, contrary to policy 16 and the NPPF, which is not considered to be outweighed by any merits of redevelopment.

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

The site currently offers no car parking space or vehicular access. Due to the constrained nature of the site, none are proposed, although an internal cycle store is proposed for nine cycles. According to current parking standards, the commercial element of the proposal would generate a similar parking requirement as the existing (36 or 37 spaces). The new residential component would create a need for five unallocated parking spaces, and by comparison with the existing building, this would represent an increased parking shortfall. The highway authority does not raise an objection, mindful of the 'cumulative severity' test in the NPP, but notes that impacts on-street parking may be relevant.

The site is within Zone F of the town Centre car permit area. This extends from Richmond Road to Teville Gate. Residential parking permits are currently fully subscribed here. Waiting list times for the issuing new permits fluctuate but are currently around six months. It is noted that around ten spaces at the Teville Gate access road were closed to allow for demolition, which may impact future waiting times in the zone.

Mindful of the location of the site, close to town centre facilities and public transport, the level nature of the site and internal accessibility for people with disabilities, which includes a lift, it is not considered that an objection should be raised to accessibility and parking, although increased cycle parking would be needed for the commercial use.

Were the current proposals approved, a travel plan would be justified, to promote use of sustainable transport and to ensure a choice of travel modes, as recommended in the NPPF, for instance; public transport packs for new occupiers, information for customers and staff, and access to car clubs for residents.

### ***Affordable housing***

In accordance with Core Strategy Policy 10, a financial contribution of 10% towards provision of affordable housing would be required. Although the proposal is for a mix of units, including small apartments, the application makes no provision for a financial contribution and no justification has been made for an exception. Accordingly the proposal is contrary to policy.

### ***Sustainable and Resource Efficient Buildings***

The accompanying planning statement with the application states that development would comply with Building Regulations for heat and power in homes. However there is no information to address the requirement under policy 17 for the attainment of BREEAM standards for the non-residential space. Furthermore, further exploration should be made of renewable energy options, particularly solar power, subject to consideration of visual impact in the setting of the conservation area and listed buildings.

### ***Summary***

The proposal is considered unacceptable due to its size, position and design, which is out of keeping with and harmful to the character of the area, including the setting of the adjoining conservation area and nearby listed buildings. It constitutes an overdevelopment of the site, not only due to its size, but also due to the lack of outdoor space, privacy and penetration of daylight for prospective residents and due to the impacts on the important protected tree. Further indications of overdevelopment are the practical limitations on use of the commercial space and the overlooking of neighbours due to the height and placing of windows and balconies.

It is acknowledged that the proposal would provide new homes and higher density development in accordance with policy 8 and that the site is a sustainable location,

close to facilities and public transport although more might be done to provide for renewable energy and transport associated with the proposal. However, in balancing the benefits against the several points of concern, it is not considered that the advantages outweigh the harm.

Whilst the proposal is for a range of dwellings sizes, including small apartments, it makes no provision for a contribution to affordable housing, which is also contrary to policy.

Accordingly it is recommended that the application be refused.

## **Recommendation**

**REFUSE** for the reasons:-

### **Reasons:**

1. The proposed building, by reason of its combined height, mass, design (by virtue of factors including its complex series of rooflines, intersections; the range of window/opening sizes, proportions and their placings; the uneven series of tiers; the steeply pitched 'crown-top' roof and large areas of brickwork) and prominent location well forward of neighbouring buildings and on a much narrower site than its neighbours, would appear cramped and harmful to the character and spaciousness of the street and public footways. This is also harmful to the setting of the conservation area, which adjoins the site and includes listed buildings and buildings of local interest. It is therefore an overdevelopment of the site, contrary to policy 16 of the Worthing Borough Core Strategy 2011, and paragraphs 56 and 135 of the NPPF 2012.
2. The proposal is not considered to provide for a reasonable standard of amenity for proposed occupiers. Proposed balconies and windows to habitable rooms are variously separated from windows of the neighbouring office building and public library and from the large protected tree to the rear, by short intervening distances. This leads to a significant degree of overlooking and poor light penetration. The proposed small rear terrace is also likely to be overshadowed by the proposed and existing buildings, boundary walls and the protected tree and is only directly accessible to one flat. Furthermore on the basis of available information, there is risk that external air moving ducts and plant, if needed, may lead to risk of noise and vibration. Accordingly the proposal is contrary to paragraphs 17 and 120 of the NPPF 2012 and the Worthing Borough Space Standards Supplementary Planning Document, February 2012.
3. The proposal would require substantial crown reduction to the large oak tree which is close to the northern boundary of the site and which is subject of a tree preservation order. The tree is prominent and important within the surrounding public realm and adjoins the conservation area. Pruning and future pressure for further pruning would lead to a heavily unbalanced appearance and involve cutting back to large boughs, giving a misshapen appearance, possibly also reducing overall longevity. On the basis of the submitted information and constrained nature of the site, there is also

concern about the practicality and effectiveness of proposed tree protection and that the construction and groundwork would lead to damage, including to its roots. Accordingly the proposal is contrary to policy 16 of the Worthing Borough Core Strategy 2011, and paragraph 118 of the NPPF 2012.

4. In the absence of provision for a suitable financial contribution towards the delivery of affordable housing, proposal is contrary to policy 10 of the Worthing Borough Core Strategy 2011, and paragraph 50 of the NPPF 2012.
5. The proposal, due to its height and location of large windows and balconies serving habitable rooms at upper levels, would introduce an increased degree of overlooking to the rear of neighbouring homes and gardens in Ambrose Place. This is contrary to saved policy H18 of the Worthing Borough Local Plan 2003.

30<sup>th</sup> May 2018

Application Number: AWDM/0220/18

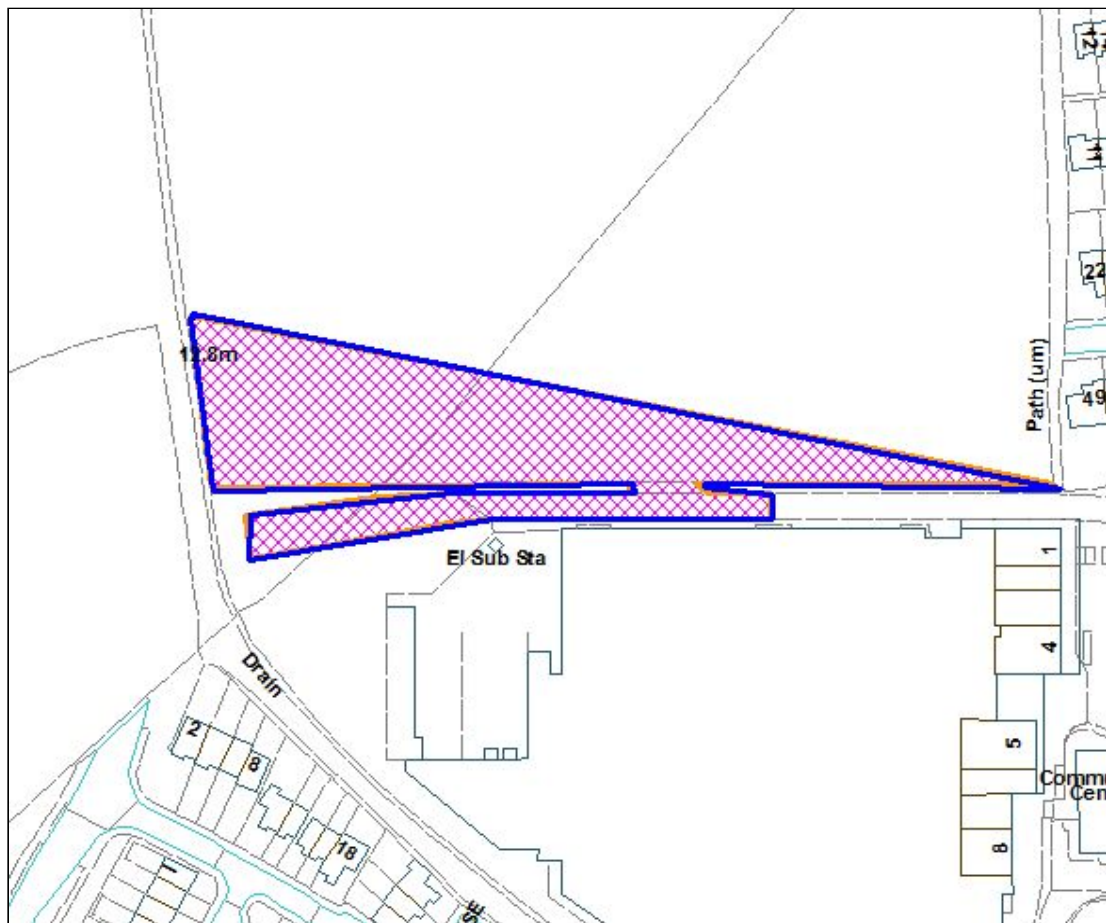
Recommendation – APPROVE

Site: Land North Of Tesco Store Fulbeck Way Worthing

Proposal: Relocation of New Life Church from Salvington Road to corner of Fulbeck Avenue and Fulbeck Way to provide new place of worship comprising 250 seat auditorium, chapel and ancillary accommodation, 40 car parking spaces, motorcycle and cycle parking.

Applicant: The Ministers  
Case: Jo Morin  
Officer:

Ward: Northbrook



Not to Scale

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### Site and Surroundings

The application site comprises a triangular parcel of land measuring approximately 0.44ha located directly to the north of the Tesco superstore and West Durrington District Centre. The site was included within the original planning application

boundary for the extension to the District Centre in 2009 and has remained undeveloped.

Residential development lies directly to the east while to the north and west is the site of the West Durrington urban extension currently being built out, with many of the houses in phase 1 now completed and occupied.

The site has a frontage of 212 metres which abuts the (private) Tesco service road (Fulbeck Way) which forms a link to Fulbeck Avenue. The site is 42 metres in depth at its western end, narrowing to a point on the eastern boundary. A Public Right of Way (No.3114) bisects the site running north-east to south-west. There is a line of trees on the western boundary, a relic of a former field boundary, which extends northward as a green corridor running through the new residential estate. The trees are subject to a TPO (No.35 of 2002). A drainage ditch runs parallel to the western site boundary to the west of the line of trees. A large SUDS feature in the form of a swale serving the new residential estate adjoins the site to the north. The site is bounded on this side by simple post and rail fencing with a line of newly-planted saplings on the north side.

To the west of Fulbeck Avenue is an area of woodland and beyond that Titnore Lake, which is a Site of Nature Conservation Importance (SNCI).

## **Proposal**

Permission is sought by New Life Church to develop the site with a place of worship (Class D2) with associated facilities, having a combined floor area of 1,350sqm, together with 42 car parking spaces (including 3 disabled bays), pedestrian footpaths and landscaping.

The building would be open between 07.30 and 22.30 hours each day and would employ 4 full-time staff and 2 part-time staff.

The application is accompanied by:-

- Design and Access Statement by Eleven10 Architecture;
- Transport Statement by Waterman;
- Tree Survey by Waterman;
- Flood Risk Assessment by Waterman;
- Biodiversity Report and Survey by Waterman;
- Landscaping Details by Eleven10 Architecture;
- Noise Impact Assessment;
- Sustainable Urban Drainage Systems (SUDS) by Waterman
- Foul Sewerage Assessment by Waterman;
- Ventilation and Air Conditioning Statement by Waterman;
- Lighting Assessment by Waterman;
- Statement of Community Involvement by New Life Church.

### **Extract from Design and Access Statement**

#### **Use/Amount**

New Life Church proposed 1,350sqm of Class D2 uses on the site comprising a ground floor of 850sqm and first-floor of 500sqm, consisting of:-

### Ground-Floor

Main Auditorium	(250 seats)	318sqm
Expansion Hall	(100 seats)	112sqm
Kitchen	(3 people)	24sqm
Foyer	(100 people standing/50 seated)	156sqm
Chapel	(8 people)	17sqm
Meeting Room 1	(16 people)	33sqm
Kids Play Area	(9 children)	27sqm
Unisex WC		26sqm
Counselling	(4 people)	10sqm

### First-Floor

Secondary Hall	(75 seats/300 standing)	150sqm
Meeting Room 2	(11 people)	22sqm
Meeting Room 3	(12 people)	25sqm
Meeting Room 4	(17 people)	35sqm
Pastor's Office 1	(2 people)	12sqm
Pastor's Office 2	(2 people)	12sqm
CAP Office 3	(3 people)	16sqm
Admin Office 4	(2 people)	12sqm
Staff Office	(4 people)	37sqm

Two separate planning applications have been submitted by New Life Church to redevelop the site of the existing church building in Salvington (AWDM/0271/18), and the associated Jubilee church hall land and buildings in Greenland Road (AWDM/0263/18) for residential use. These applications are under consideration and likely to come to Committee for decision later in the Summer.

### **Relevant Planning History**

Outline planning permission was granted in 2012 for the construction of two commercial units (AWDM/0618/11 refers) on the site. The indicative layout showed the erection of a Class A3 (restaurant/cafe) unit with a floorspace of 1,325 msq (incorporating a mezzanine of 275 msq) at the western end and a smaller Class A1 (retail) /A3 (restaurant cafe) unit with a floor space of 268 msq at the eastern end with a central parking and access area (30 vehicle spaces were shown). Details of access only were approved with all other matters reserved.

In 2014, outline consent was granted for a revised proposal which omitted a condition preventing the subdivision of the western building (AWDM/0270/14 refers).

Approval of reserved matters pursuant to the outline planning permission AWDM/0270/14 relating to appearance, landscaping, layout and scale was subsequently granted under AWDM/0936/15.

An application to vary conditions 3 and 4 of AWDM/0270/14 to enable information relating to the control of noise from external plant and equipment and details of the means of extraction and disposal of cooking odours to be submitted prior to the first

use of the buildings rather than prior to the commencement of development was granted later in 2015 (AWDM/0772/15 refers).

## **Consultations**

**West Sussex County Council:** No objection from the Highway Authority, commenting as follows:-

*“The site is located to the north of Fulbeck Way with residential development to the north and Tesco Extra to the south. Access is taken from Fulbeck Way, an un-adopted road.*

### Access

*The Transport Assessment states the Visibility splays measuring 2.4m x 43m would be provided in accordance the guidance document Manual for Streets for roads with vehicle speeds of 30mph.*

### Design and Access Statement

*A number of discrepancies between the Transport Statement and Design and Access Statement are present:*

- The Design and Access Statement is incorrect in detailing that pre application discussions have taken place requiring 2.4m x 70m splays. I have been unable to locate any pre application discussion for the site.*
- The design and access statement also makes reference to a Road Safety Audit, whilst the access is onto a private road and as such there is no requirement to provide one. If one has been undertaken the recommendations contained within it should be implemented within further design work.*
- Section 1.1 J) Also makes reference to a Travel Plan statement being produced this has not been included within the submission documents. The development would require one to be created and as such I have attached the WSCC guidance to my response.*

### Trip generation

*The site has extant permission for the creation of an A3 restaurant/cafe unit of 14,262 sq.ft (incorporating a mezzanine area of 2,960 sq.ft), an A1 retail/ cafe unit of 2,884 sq.ft and parking for 30 cars, plus disabled parking, motorcycle parking, cycles and delivery vehicles. The proposed development would be anticipated to have a lower trip generation potential in the traditional AM and PM weekday peaks.*

*The principal impacts of the Church would be on a Sunday. The proposed Church would generate 41 two-way vehicular trips during the busiest one-hour period in the morning (09:00-10:00) and 41 trips during the busiest one-hour period in the afternoon (12:00- 13:00). The majority of the trips would also be diverted trips from the existing site.*

### Parking

*A total of 42 spaces of which 3 would be disabled spaces are to be provided on site. The level is below the maximum parking standards.*



### Cycle Parking

*The Design and Access Statement and Application form detail that 10 cycle parking spaces are to be provided. The Transport Statement details that this is to be agreed with the Local Highway Authority.*

### Services

*Vehicle tracking has been provided to demonstrate that a refuse vehicle can serve the site.*

### Footpath 3114

*The existing footpath across the site will be maintained and enhanced to form a 2.6m wide provision.”*

No objection is raised to the proposals subject to conditions relating to provision of vehicle parking and turning, cycle parking, surfacing of the Public Right of Way, submission of a Travel Plan for approval and implementation.

### **Southern Water Services:**

Southern Water requires a formal application for a connection to the foul and surface water sewer to be made by the applicant or developer. An Informative advising the applicant of such is requested should the application receive planning approval.

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

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

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

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

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

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water.

**Adur and Worthing Councils:**

**The Environmental Health Officer** comments:-

*“With reference to the above application, a Noise Assessment (ref: WIE12796-105-R-1.2.1-NA, dated September 2017) has been submitted as part of this application, this assessment carried out a baseline noise survey to enable suitable plant noise limits to be set. I am satisfied with the proposed plant noise limits, but as these levels apply to the cumulative total level of noise generated by all building services plant associated with the development; I would expect details of the plant together with the calculated cumulative noise level 1m from the nearest residential facade to be submitted for approval.*

*I would like clarification on the action that will be taken if any acoustic feature is present (tonal/impulsive/intermittent). I would expect guidance within BS 4142:2014 to be followed rather than a blanket 5dB reduction of the plant noise emission limits as suggested in Note 1 beneath Table 5. I would recommend the following condition:-*

- *Construction work shall not commence until details of the building services plant associated with the development together with the calculated cumulative noise level 1m from the nearest residential facade has been submitted to and approved by the local planning authority. The scheme shall be designed to achieve a noise levels specified within the Waterman Infrastructure & Environment Limited Noise Assessment (dated September 2017). A test to demonstrate compliance with the scheme shall be undertaken prior to the development being commissioned.*

*Given the proximity of this development to the surrounding residential dwellings I have concerns that any amplified speech, amplified music or live music within the proposed development could have a negative impact to amenity. I would recommend the following condition:-*

- *Construction work shall not commence until a scheme for protecting the surrounding residential dwellings from amplified speech, amplified music and/or live music from the proposed development has been submitted to and approved by the local planning authority. The scheme should ensure the noise level from the development does not exceed 45dB LAeq5mins 1m from the nearest residential facade and should be ensure all doors and windows are kept closed during times of amplified music/speech or live music. Within three months of implementation, a test shall be carried out and the result submitted to the Local Planning Authority to demonstrate compliance with this noise level.*

*With regards to the kitchen extract I would recommend the following condition:*

- *The use hereby permitted shall not be carried on unless and until details of a suitable system for the extraction and disposal of cooking odours (including details of the extract fans, filters, fan units and ducting together with method of noise abatement, as well as details of grease traps and extraction hoods)*

*has been submitted to and approved in writing by the Local Planning Authority. The equipment approved under this condition shall be installed before the use hereby permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions."*

**The Council Engineer** comments:-

*The site lies in Flood Zone 1. The site is prone to surface water flooding.*

*The site has a ditch running along the western boundary, therefore the applicant is effectively a riparian owner and responsible for clearing the ditch adjacent to the site.*

*The proposed use of the area, as a place of worship, means that any risk to life from flooding would be minimal. The south western corner of the site might be prone to predicted surface water flooding, but this may have been lessened by the new housing development to the north which should have cut off overland flows.*

*It is my opinion that the foul sewage from this development should be discharged to a southern water sewer.*

*Judging by the results of percolation tests for the housing development to the north, discharge by infiltration will not be appropriate and therefore the surface water should be discharged to the adjacent ditch at a rate of 5l/s. Water from the car parking area should be drained through permeable paving, and stored on site as required whilst the roof drainage can be discharged untreated.*

*This method of disposal is preferential to simply discharging to the local southern water sewer."*

**The Waste Manager** comments that on the face of it, the bins have been sensibly located, but clarification is sought that the Council's trucks can access the site.

**The Tree and Landscape Officer** has no adverse comments.

## **Representations**

70 letters/emails of support have been received largely from members of the Church, including some that live nearby to the site, but mostly from further afield (including outside the Borough).

1 objection has been received from a local resident expressing concern that 42 parking spaces is not sufficient bearing in mind the auditorium at full capacity will seat 250 people. It is not clear where all these visitors would park.

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 6, 12, 13, 15, 16, 19

Worthing Local Plan (WBC 2003) (saved policies): RES7, TR9, H18

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

## **Relevant Legislation**

The Committee should consider the planning application in accordance with: (i) 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 (ii) Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

## **Planning Assessment**

### ***Principle***

The site is located within the allocation for West Durrington District Centre. The outline and reserved matters permissions (referred to above) for development of a Class A3 (restaurant/café) unit and Class A1 (retail)/Class A3 (restaurant/café) unit have lapsed.

A key objective of the Core Strategy (SO5) is to build sustainable communities where the overall quality of life for all is improved by (amongst other things) ensuring that the infrastructure that is required by Worthing's population is provided and new facilities are delivered in line with development and regeneration plans. All of Worthing's local centres are expected to enhance their roles as focal points for community activity recognising that a successful and attractive local centre can uplift a wider area around it and reduce the need to travel further afield for services and facilities. Key outcomes of this objective are identified as the creation of diverse and active local centres where the quality and range of services is improved, and also, where development, including community infrastructure, is delivered to support social and economic regeneration of the most deprived wards (which includes Northbrook ward). This policy approach is affirmed in CS policy 12 which states that development proposals for high quality and accessible infrastructure which meet the needs of the existing community will be supported. The supporting text at paragraph 7.40 goes on to state that new facilities must be of high quality, easily accessible and well related to the communities they serve. It is considered the development of a new church building and associated facilities would in principle be an appropriate use of this site, contributing to the range of services and facilities of West Durrington District Centre.

The relevant considerations are the design and appearance of the proposed new Church building, and its effect on the visual amenities of the area including trees, the impact on the living conditions of nearby residents, as well as access and parking considerations.

## ***Visual amenity***

The site is largely open in character and highly visible in views north along Fulbeck Avenue and also from the main arterial roads within the new residential estate to the north, north-west and north-east.

The building is sited at the wider, western end of the site on a north, south, east, west axis, typical of many church buildings. It's siting, orientation and layout has been designed to respond to the visual prominence of the site and to provide an inter-face with the Public Right of Way (PROW) with the detailed design providing variety and interest on each side. The car park will be located in the centre of the site, on the east side of the PROW. The eastern end of the site which tapers to a point would remain undeveloped and is shown landscaped with grass.

The architectural composition of the building is contemporary in style consisting of two attached 2-storey building volumes comprising the main auditorium and the ancillary accommodation. The larger building mass (8 metres tall) comprising the auditorium is located on the west side with a focal-point feature on the south-west corner described in the Design and Access Statement as a modern interpretation of an angel's body, with: *"an 'angels' wing symbolically enclosing the worship space, reflecting the biblical 'Ark of the Covenant' cherubim angel wing"*. The latter is articulated by the slightly taller height of this feature and the depth of the reveal provided by triangular-shaped soffits on either side of the corner. The visual representation of an angel is reinforced by the use of a bris soleil system, shown as fins vertically planted in a curve on the corner, and horizontally within the shaped reveals on either side. The attached eastern building mass would be marginally lower in height at 7 metres. The main entrance would be from the east via a generous forecourt and seating area accessed from the public footpath. The recessed entrance is articulated by a triangular-shaped, 2-storey canopy and full-height glazing allowing clear views into the building.

The orientation and layout of the building promotes connectivity and accessibility by enhancing pedestrian links to the south and west and particularly the new housing to the north, helping to create a vibrant public space alongside the existing PROW. It will also add life and interest to Fulbeck Way, bringing vitality and activity to what at present is little more than a service road, whilst also providing an appropriate transition from the vast scale the Tesco building to the domestic scale and character of residential development to the north, north-west and north-east.

It is proposed that the main auditorium building will primarily be finished in copper-coloured cladding and curtain-wall glazing, but with the expressed form of the rear of the auditorium on the north elevation finished in zinc-coloured cladding. Copper cladding and curtain-wall glazing would also be used to articulate the form of the main entrance, but with the remainder of this smaller building volume faced in charcoal grey brickwork framing generously proportioned glazed openings, sub-divided horizontally and vertically by rendered panels.

The current proposals reflect negotiations with Council Officers, including the Conservation and Design Architect, over a period of several months and it is considered achieve the stature and distinctiveness that is required of a landmark building. However, the overall success of the building will ultimately rely on the

quality of its detail and materials and it is important that these elements are carefully secured by condition to ensure that the overall design quality is not diluted during the build-out phase. For example, the copper-coloured cladding is shown on the drawings as consisting of horizontal panels of varying depth, and on the submitted CGIs as having a subtle 'sheen' which adds to the overall interest of the building. A more regular-shaped panel and different external finish would result in a far more utilitarian appearance more akin to a commercial building. Similarly the large expanses of double height glazing are shown as light-weight structurally-glazed openings but their detailing, and treatment of the first-floor structure seen behind, could potentially result in a less satisfactory appearance if not carefully controlled.

### ***Trees, Landscaping and Biodiversity***

The landscape drawings show a relatively open setting for the building will be maintained allowing the building to be seen from all sides. A hedgerow will be planted on the inside of the existing post and rail fence along the northern site boundary. As they grow, the newly planted trees in situ on the other side of this boundary (forming part of the infrastructure landscaping approved under the Reserved Matters application AWDM/0603/14) will create a greater sense of visual separation from the nearest houses in Buttercup Row and Primrose Place to the north, but they will not have any screening value in the short to medium term.

Soft landscaping including tree planting around the proposed seating area will help create a more inviting space at the entrance to the building, and tree planting within the car park will help break up and 'soften' the banks of parking spaces.

The building is well-separated from the preserved oak trees on the western site boundary and the Council's Tree and Landscaping Officer has raised no objection to the proposals based on the submitted arboricultural report. A 4.3 metre wide natural 'buffer' zone will be maintained along the western site boundary (with no structures built, hard-standing laid, fences or walls erected or formal landscaping planted) allowing this area to colonise and regenerate in order to promote biodiversity by facilitating movement of species and linking into the green corridor included within the neighbouring West Durrington Urban Extension.

### ***Sustainable and Resource Efficient Buildings***

The Design and Access Statement identifies the sustainability credentials of the building as an important consideration, ideally meeting BREEAM standards of 'Very Good' for Non Residential Institutions. A range of possible measures are identified, such as energy efficiency in the construction and use of building materials, use of daylight, sunlight and natural air flows to provide heating and ventilation of the building, and consideration given to the use of photovoltaics and grey water harvesting. However, the document does not provide clarity on the actual sustainable design features that the building would incorporate. A requirement to meet as a minimum the 'BREEAM 'Very Good' standard can be imposed as a condition of planning permission.

## ***Flood Risk***

The site lies in Flood Zone 1 and is therefore at low risk from fluvial or tidal flooding. The Council's Engineer has identified the south-west part of the site as potentially at risk from surface water flooding although this risk may have dissipated with the development of the West Durrington Urban Extension.

The submitted drainage strategy identifies that in the absence of infiltration as a suitable discharge solution, surface water could route to the adjacent watercourse to the west, or local public surface water sewers in Fulbeck Avenue. However, the Council's Engineer makes it clear that where practicable surface water should be discharged to an existing watercourse in preference to connection to the sewer system and a condition to this effect is recommended.

## ***Residential amenity – effect on existing dwellings***

The nearest residential dwellings are those to the north located in Buttercup Row and Primrose Place. Properties in Canberra Road adjoin the eastern tip of the site beyond an informal footpath and tree planting which adjoins the head of the cul-de-sac. The rear of properties in Varey Road lie approximately 45 metres to the south, beyond an area of rough ground to the west of the Tesco goods yard.

The houses nearest to the church building are 24-28 (evens) Primrose Place, comprising a short terrace of houses facing south toward the proposed building at a distance of approximately 30 metres. The nearest element of the proposed building, comprising meeting rooms at ground and first-floor, would be 7 metres high and would not have an oppressive or overbearing impact, or result in an unacceptable degree of overshadowing. Due to the alignment of this element of the building, windows within the meeting rooms would be sited an angle to the front of the terrace. Given its scale and massing the church building will inevitably alter the existing relatively open aspect currently enjoyed by the occupiers of these houses, but will not be intrusive.

The potential noise generating elements of the proposed development include operational fixed building plant (i.e. air handling equipment, kitchen extraction system etc.) and from activity associated with the use of the building and associated comings and goings, including from the car park.

The submitted drawings show plant rooms on the ground and first-floor together with fixed plant equipment located on the flat roof of the main auditorium building within the 'well' formed by a parapet upstand so that it would not be visible above the top of the fascia. The Design and Access Statement makes clear that such equipment is shown indicatively as the precise details and specifications of the actual plant is unknown at this stage and therefore exact noise emission levels cannot be determined. A noise survey was undertaken by the Applicant's Acoustic Consultant in August 2017 to establish and quantify the noise climate in the vicinity of the site. Noise monitoring found the site to be exposed to noise levels commensurate with its rural edge location but dominated by frequent traffic including regular HGV traffic along Fulbeck Way and Cornfield Way. The Acoustic Report uses the results of the baseline noise survey to identify suitable noise limits to which fixed buildings services plant should adhere at the detailed design stage.

The Council's Environmental Health Officer has raised no fundamental objection to this approach providing the guidance within *BS 4142:2014* is followed. This is addressed by the recommended condition.

The auditorium will be the most likely source of noise from activity associated with the use of the building. The north elevation of the auditorium building is designed with minimal glazing other than the narrow vertical lights shown on either side of the expressed feature panel which help add visual interest to an otherwise largely blank façade. However, the submitted section drawings confirm there will be no opening windows to the auditorium (with ventilation to this part of the building provided by air-conditioning only). However, given the potential for other facilities within the building to generate noise and for their use to continue into the evening, the Environmental Health Officer recommends a condition requiring a scheme for protecting the surrounding residential dwellings from amplified speech, amplified music and/or live music from the proposed development.

The northern edge of the proposed car park would be sited approximately 20 metres from the front elevations of 21-25 Primrose Place. The submitted drawings show the car park would be illuminated by 5 no. LED floodlights mounted on 5 metre high columns. The car park is not shown as gated. Although in time the existing trees planted along the length of the northern site boundary will grow to provide an element of visual separation, in the short-to-medium term the residents of Primrose Place will be clearly aware of the presence of the car park and associated comings and goings into the evening. On the other hand, the recently lapsed outline and reserved matters consent for the restaurant/café and mixed retail/restaurant units on this site, which included a similar-sized car park in a similar position with associated comings and goings up to 23.00hrs on each day, is a material consideration of some weight. Vehicular and other activity is likely to be distinctly more low-key in this case than for the previously approved commercial development of the site and in the circumstances it would be difficult to argue that it would be harmful to residential amenity.

It would be pertinent to impose a condition requiring the precise details of external lighting in the car park and around the building to be agreed.

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

Vehicular access to the site would be from a new access off Fulbeck Way which is a private road (owned by Tesco). The access would be some 55 metres east of the service entrance into the Tesco goods yard. Notwithstanding the discrepancies identified in the Transport Statement the Highway Authority has not raised any objection to the layout of the access. Weekday trip generation is anticipated to be less than for the previously approved restaurant/café (Class A3) and retail and restaurant/café (Class A1/A3) scheme on the site. Anticipated trip generation would peak on a Sunday with 41 two-way vehicular trips during the busiest one-hour period in the morning (09.00-10.00) and 41 trips during the busiest one-hour period in the afternoon (12.00-13.00). This differs significantly from the typical highway peak hours (Monday to Friday 08.00-09.00 and 17.00-18.00). Bearing in mind the majority of trips would be redistributed from the existing Church on Salvington Road, the Highway Authority is satisfied that there would be no adverse impact on the operation and safety of the local highway network.



Pedestrian access would be from the existing pavement on Fulbeck Way and from the PROW (No.3114) which crosses the site. As described above, the latter will be retained and incorporated into the site layout, up-graded with a 2.6m wide asphalt surface with concrete edgings, linking into wider pedestrian network to the north via the recently upgraded PROW footpath completed as part of the phase 1 infrastructure works for West Durrington (Reserved Matters application AWDM/0603/14 refers).

The layout shows provision of 42 parking spaces of which 3 would be disabled parking bays. The Council's adopted maximum parking standards for 'places of worship' are 1 space per 22sqm which would equate to 61 spaces. The number of spaces provided does not exceed the maximum standard and is considered suitable to meet the likely demand without compromising the local highway network. The Highway Authority has raised no objection to this level of provision. A modest cycle stand is indicated in the north-west corner of the car park. The exact number of spaces has not been stipulated, but given the excellent linkage and connectivity of the site with cycle paths throughout the new housing development to the north, it can be expected that cycling would be an attractive means of travelling to the building. The precise number of cycle parking spaces should be agreed by condition.

A bin store would be located within the car park. Following the comments of the Council's Waste Manager a revised swept path diagram has been provided which demonstrates that the Council's refuse trucks have sufficient room to enter and exit the site in a forward gear and sufficient room to manoeuvre within the site without compromising highway safety or any of the parking spaces.

## **Conclusion**

It is considered the development proposals respond well to the particular constraints of the site and, subject to the exercise of controls by imposing suitable planning conditions, would provide a suitably distinctive and inclusive landmark building that will be well-connected to, and integrated with, the surrounding residential community and will provide a valuable local resource that will add to the vitality of West Durrington District Centre and complement the range of services provided.

## **Recommendation**

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

1. Approved Plans.
2. Standard time limit.
3. Agree external materials and finishes.
4. Agree architectural details (including windows and doors).
5. Hours of use restricted to between 07.30 and 22.30hrs on any day.
6. Agree surfacing of car park, footpaths and forecourt areas.
7. Agree and implement tree protection scheme.
8. Agree and implement hard and soft landscaping including seating area.
9. Agree and implement ecology measures.
10. Agree external lighting scheme (to building and car park).

11. Agree surface water drainage scheme, including discharge to existing watercourse where practicable.
12. Agree and implement sustainable design measures to achieve minimum BREEAM 'Very Good' standard.
13. Provide access, vehicle parking and turning.
14. Agree and implement secure covered cycle parking.
15. Agree and implement surfacing of Public Right of Way prior to first occupation.
16. Agree and implement Travel Plan prior to first occupation.
17. Agree and implement details of protection of buffer zone to adjacent watercourse.
18. Agree and implement Construction Method Statement and Plan.
19. Hours of Construction.
20. Development shall not commence until details of the building services plant associated with the development together with the calculated cumulative noise level 1m from the nearest residential facade has been submitted to and approved by the local planning authority. The scheme shall be designed to achieve a noise levels specified within the Waterman Infrastructure & Environment Limited Noise Assessment (dated September 2017). A test to demonstrate compliance with the scheme shall be undertaken prior to the development being commissioned. No external plant other than as agreed.
21. Construction work shall not commence until a scheme for protecting the surrounding residential dwellings from amplified speech, amplified music and/or live music from the proposed development has been submitted to and approved by the local planning authority. The scheme should ensure the noise level from the development does not exceed 45dB LAeq5mins 1m from the nearest residential facade and should be ensure all doors and windows are kept closed during times of amplified music/speech or live music. Within three months of implementation, a test shall be carried out and the result submitted to the Local Planning Authority to demonstrate compliance with this noise level.
21. The use hereby permitted shall not be carried on unless and until details of a suitable system for the extraction and disposal of cooking odours (including details of the extract fans, filters, fan units and ducting together with method of noise abatement, as well as details of grease traps and extraction hoods) has been submitted to and approved in writing by the Local Planning Authority. The equipment approved under this condition shall be installed before the use hereby permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions.
22. Remove 'permitted development' entitlements for all walls, fences, gates and other means of enclosure.
23. Restrict use to Class D1 (Non-residential institution).
24. Agree and implement bin store.

30<sup>th</sup> May 2018

Application Number: AWDM/0320/18

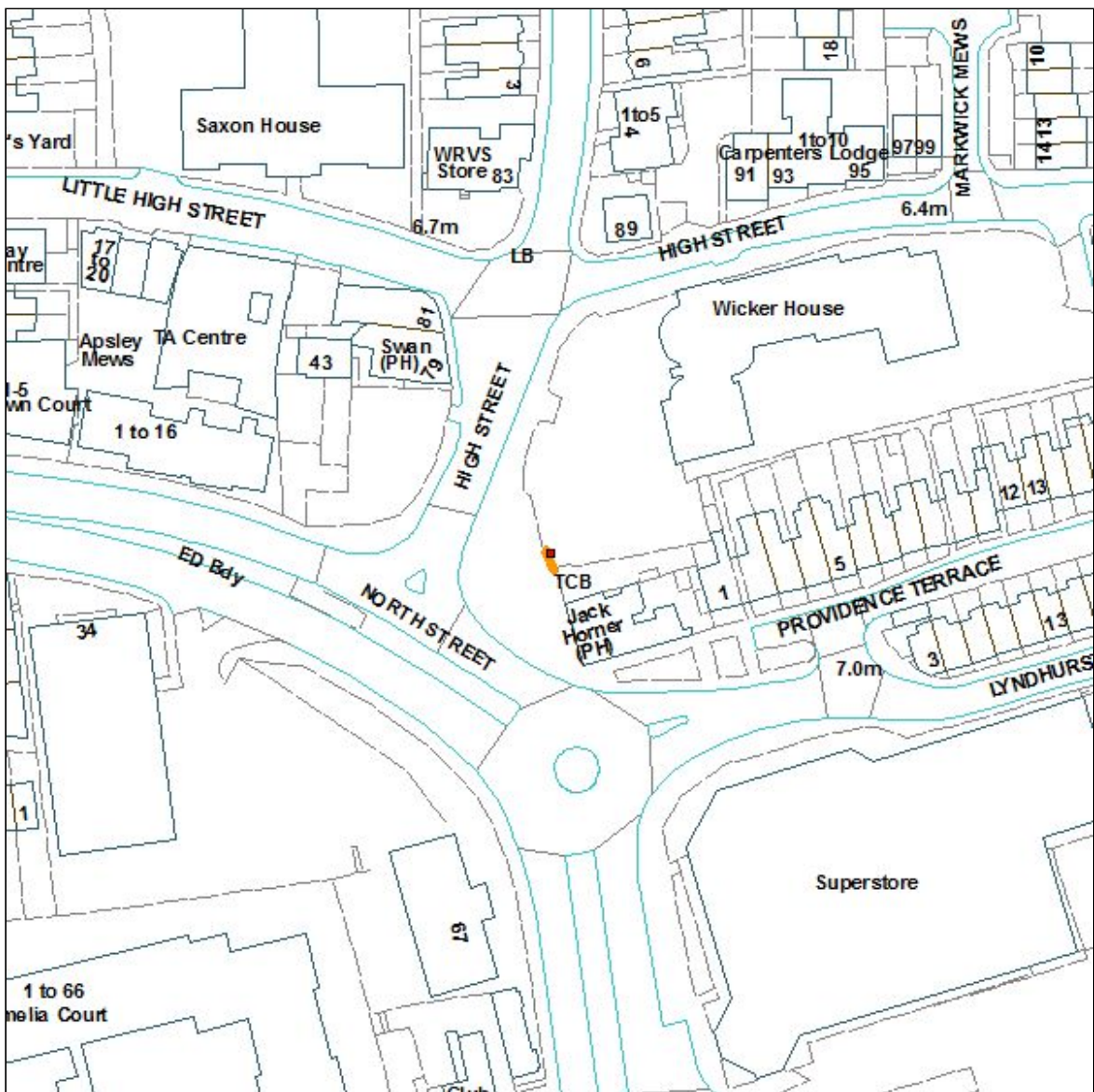
Recommendation – REFUSE

Site: Land North Of 80 High Street Worthing West Sussex

Proposal: Installation of non-illuminated 48-sheet advertisement hoarding with wooden framing and backboard (measuring 6m wide by 3m high)

Applicant: Mr Richard Page  
Case Officer: Jackie Fox

Ward: Central



Not to Scale

## **Introduction**

Councillor Westover has requested that the application be determined by Committee.

## **Site and Surroundings**

The application site lies on the east side of High Street close to the junction with North Street. The application site comprises the front edge of a landscape strip of trees and railings fronting the High Street on the edge of the boundary wall and railings surrounding Wicker House.

To the north is the car park of Wicker House a mixed use building. To the east are a group of mature trees subject to a tree preservation order within the applicant's ownership. To the south east is the boundary wall of the 'The Corner' public house which is painted white with individual painted signage. Across the road to the west is the recently refurbished 'beer garden' associated with 'The Swan' public house.

The site is within the Little High Street Conservation Area. 'The Swan Public House' and 'The Hollies' on the opposite side of High Street are listed.

## **Proposal**

Advertisement Consent is sought for the erection of a 48 sheet paper and paste advertising display board. The advertisement hoarding would comprise a wooden surround with back board measuring 6m x 3m. It would be elevated 0.2m from the ground. A paper based poster would be regularly affixed to present advertisements as required.

## **Relevant Planning History**

None relevant to the determination of the application.

## **Consultations:**

### **Conservation Area Advisory Committee:**

Comments will be reported verbally.

## **Worthing Society:**

Object to the application on the following grounds:

- The sign would be out of keeping with the Conservation Area and would not enhance the character or appearance of the area
- Harm the setting of the listed Swan Public House and The Hollies
- Impact on The Corner House public house which has been submitted for local listing.
- Concern whether this land is within the highway
- Loss of sunlight to the trees
- Potential for vandalism or graffiti

## **WSCC**

WSCC have a standing agreement that non-illuminated signage do not require consultation.

In relation to land ownership, following clarification with WSCC highways, the applicant has provided documentation that the land is within their ownership and not on highway land.

### **Adur and Worthing Council Tree Officer**

Indicates that the placing of the signs directly in front of the protected trees of TPO's 8 of 1978 and 40 of 1997 although unlikely to be damaging would detract from their amenity to the area and reduce their prominence in Little High Street Conservation Area.

### **Representations:**

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

- Loss of sunlight and amenity value of the trees to the east.
- Out of character with the Conservation Area and the area generally.
- Target for graffiti and vandalism which will add to disturbance in the area.
- Distraction to pedestrians and drivers on a busy crossing.
- The site is in the old town of Worthing with mixed development and community, village feel; the advertisement would be incongruous and out of character with this environment.
- Inadequate consultation.
- Impact on Wicker House which is an award winning design and iconic building.
- Impact on local businesses including The Corner House and The Swan public houses.

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

Worthing Core Strategy: (WBC 2011): 16  
Saved Policies Worthing Local Plan: (WBC 2003) H18  
National Planning Policy Framework (CLG 2012)  
National Planning Practice Guidance

### **Planning Assessment**

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) made pursuant to section 220 of the Town and Country Planning Act 1990 (as amended) provide that the Committee should consider AWDM/0320/18 having regard to: the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors. Factors relevant to amenity include the general characteristics of the locality including the presence of any feature of historic, architectural, cultural or similar interest.

Factors relevant to public safety include the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome; whether the advertisement display is likely to obscure or hinder the ready interpretation of a traffic sign or any security device.

### ***Visual Amenity***

The advertisement hoarding sign will be positioned on a prominent corner visible from High Street and North Street being 3m high and 6m long.

The site lies in the Little High Street Conservation Area. The Conservation Area statement acknowledges the buildings in the area exhibit traditional local materials. It states that Wicker House to the north of the site has a high design quality which contributes considerably to the attractive appearance and special architectural interest of the Conservation Area.

The Conservation Area statement sets out in the 'Greenery and Open Space' chapter that the open space at the junction of Little High Street and High Street and Upper High Street is well defined by buildings of acknowledged special quality both new and old. The quality of boundary treatments, landscaping and some street furniture makes this a pleasant space. It also notes that the front gardens of the Hollies and the gardens of the south of the Swan Inn and 43 North Street are historically important green spaces which relate to the listed buildings.

This enclave of development and green spaces therefore provides an interesting and important part of the Conservation Area and the ambience of the area generally. The area has been much regenerated lately opening up the garden of The Swan public house and refurbishing 'The Corner House'. The proposed poster sign would be out character and context with this area generally but would have a detrimental impact on the Conservation Area, listed buildings and their settings and charm of the area.

The site is also adjacent to a group of TPO trees which further add to the character of the area and the Conservation Area. Although the signage is unlikely to damage the trees directly (which are in the applicants' ownership), the siting of the sign adjacent to these trees would detract from their significance and further Impact on the Conservation Area.

The sign will result in an unwarranted visual amenity intrusion on the locality, the Conservation Area, the green spaces and the TPO trees.

### ***Public Amenity***

The standing advice from WSCC Highways mainly only relates to illuminated signs in close proximity to a highway. The application sign is non-illuminated, and thereby, unlikely to cause a distraction to motorists. Other situations that could occur from the sign in relation to public amenity, is whether the sign is in a visibility splay or within land under the control of WSCC, neither of these situations apply to the proposed advertisement hoarding sign. The sign thereby not result in public amenity harm.

The applicant has confirmed with the submission of title documents that the sign would not be on adopted highway land.

### **Recommendation**

**REFUSE** for the following reasons:-

1. The advertising hoarding sign by reason of its size and siting would have a detrimental impact on the visual amenity of the area in general and would impact on the character of the Little High Street Conservation Area especially with regards to important open spaces, TPO trees, the siting and setting of adjacent listed buildings and a building of architectural merit. The proposal would therefore be contrary to H18 of the Worthing Local Plan, policy 16 of the Worthing Core Strategy, and the relevant policies of the National Planning Policy Framework.

30<sup>th</sup> May 2018





Application Number: AWDM/0598/18

Recommendation – APPROVE  
subject to the receipt of  
satisfactory comments from  
consultees

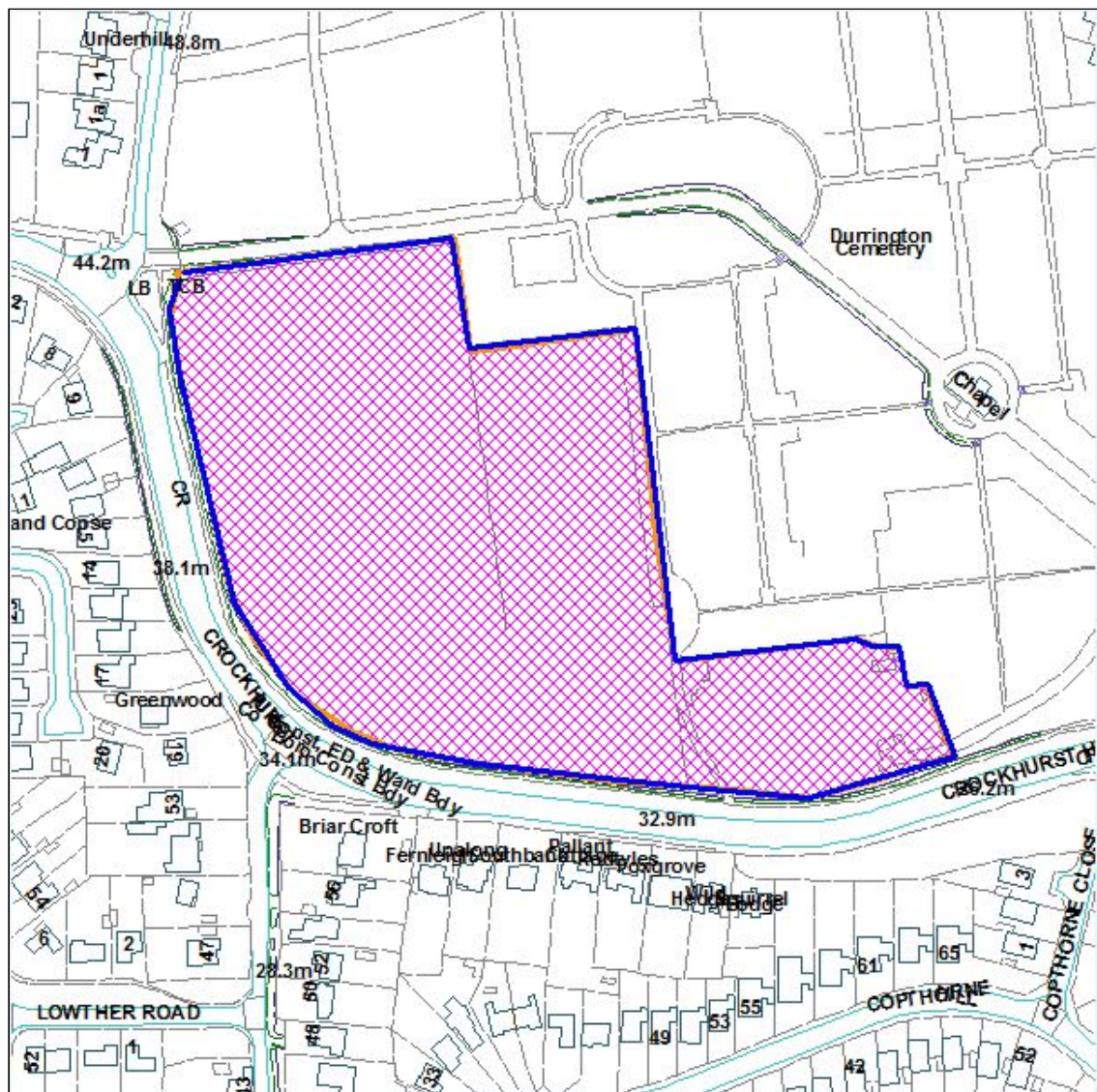
Site: Durrington Cemetery, Findon Road, Worthing

Proposal: Change of use of existing field to burial area in connection with an extension to existing cemetery including associated roadways, footpaths and associated features and services.

Applicant: Mr Andy Edwards, Worthing  
Borough Council

Ward: Offington

Case Officer: Gary Peck



Not to Scale

## **Proposal, Site and Surroundings**

This application seeks full permission for the construction of an extension to the existing cemetery as well as the change of use of an existing field to a burial area.

The proposed site is to the south west of the existing cemetery and effectively would utilise land which follows the alignment of Crockhurst Hill (A27). The main entrance to the site accessed via Findon Road to the west, but there is also a western exit to the A27 (it has been confirmed that construction traffic would enter the site from the Findon Road and exit to the west). The southern and western boundaries are lined with pine trees: the layout proposes a new bund which would be set back 6 metres from the trees for root protection purposes.

The application site consists of a field to the west which has been set aside for future burials, although seemingly last used for animal grazing, as well as an area the south of the existing cemetery which has been partly cleared.

Supporting information submitted with the application states:

*The current projections based on burial rates provided by the Cemeteries and Crematorium staff are that the available space within the cemetery for cadaver interment will be exhausted by the end of 2018. It is therefore proposed that an 8.18 acre (3.31 Ha) extension across adjoining land in the south western corner of Durrington Cemetery is considered which will accommodate 750 to 800 graves per acre.*

*This site is the last remaining location for cadaver interment within the Borough of Worthing.*

In respect of the design of the proposal it is stated:

*It is proposed that the extension area is serviced via a circulatory access road fed from the main vehicular route through the existing cemetery. In addition this roadway will provide a link through to the existing site compound. The roadway layout allows hearse to access all areas of the extension and stop at a reasonably close distance from the grave to reduce carrying distances of the coffin bearers.*

*The proposed footpaths provide pedestrian access around the area and also help segregate defined areas for different burial options.*

*The proposed roadway and the main footpaths are constructed from asphalt concrete for durability due to site topography and in keeping with the larger Cemetery area. The children's area extension adjacent to the existing area extends the same layout and footpath design, which is a softer pink and white checkerboard paving effect.*

*The proposal allows for walling features to provide an identity to the new area, as gateways, memorial and seated areas for solace. The walling features are constructed of low knapped flint and York stone walls with a higher quality York stone paving forming the feature.*

*The old burial arising storage area to the west of the compound is proposed to be levelled to form a plateau area with the excavated arising used to create the bund on the larger area. The plateau will provide further opportunity for alternative burial options and the resulting embankments will be suitably planted to increase the ecological habitat.*

A groundwater assessment, biodiversity report, surface water drainage report and tree survey have all been submitted as technical information and at the time of writing are being considered by the relevant consultees whose comments will be reported at the meeting.

### **Relevant Planning History**

None relevant to the determination of the application

### **Consultations**

#### **West Sussex County Council**

Comment as follows:

#### Construction Management Plan

Details regarding the number of trips to the site are not clear. Will the proposed 125 trips be for imported as well as exported materials? Additionally is this on a daily/weekly or monthly basis?

#### Traffic Management Plan

The route will be for lorries to enter from Findon Road and exit from Crockhurst Hill. No lorries should enter the site from Crockhurst Hill via a right hand turn as this is on the brow of a hill and the cars travelling southbound will not be able to stop in good time. Please can the plan reflect this as it is unclear which is the in and which is the out.

Following the receipt of the comments from the County Council, the applicant responded:

#### Construction Management Plan:-

*The proposal should have stated more clearly,*

*"Exporting – Up to a possible 125 visits of 20 tonne grab lorry during the excavation phase of the works, estimated at up to four weeks duration.*

*Importing – bulk materials (aggregate, sub-base, bitumen macadam's, concrete etc.) – up to a possible 125 visits of 20 tonne delivery lorries during the construction phase of the works, estimated at up to twelve weeks duration.*

*Other (pavers, kerbs, fencing etc.) possibly larger vehicle deliveries to be programmed outside normal rush hour traffic volumes.*

A revised traffic management plan has been submitted confirming that construction traffic will enter the site from Findon Road and exit to the A27.

Any further response from West Sussex County Council Highways will be reported verbally at the meeting.

### **Technical Services**

Thank you for the opportunity to comment upon this application, the proposed site lies within flood zone 1 appears to be unaffected by predicted surface water flooding and to my knowledge has no history of flooding.

The applicant has indicated the intention to use soakaways to dispose of the surface water that will accumulate on the access roads and, potentially, on pedestrian access footpaths, which is appropriate for this site.

No drainage details provided with the application, but I would anticipate that traditional trapped gullies linked by pipework to soakaways will be the preferred design, this is because the site is underlain by a chalk aquifer. The applicant needs to assess if the use of soakaways is viable on this site, but with the site underlain by chalk a couple of soakage tests across the site would suffice to ascertain the infiltration rate.

Therefore in the absence of detailed drainage details in support of the application we request that should approval for this preparatory work for the cemetery extension be granted it be conditional such that *'no development approved by this permission shall commence until full details for the disposal of surface water has been approved by the Planning Authority, and the environment Agency'*. The Environment Agency should be invited to comment on the drainage strategy because of the aquifer.

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

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

### **Environmental Health**

No objection but suggest the Environment Agency are asked for comment regarding nitrates

### **Representations**

None received

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

Worthing Core Strategy (WBC 2011): Policies 15 & 16  
National Planning Policy Framework (CLG 2012)

## **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 character of the appearance of the area and whether technical issues relating to the proposal have been satisfactorily addressed.

There appears little doubt that there is a genuine need for the proposal (although as such there is not a necessity in planning terms to establish such a need). Of more relevance is that the application site is bordered on 2 sides by the existing cemetery and on the other 2 by the alignment of the A27 which curves around the southern and western edges of the site. It is therefore considered that the proposal represents a perfectly natural extension to the existing cemetery use and, because of its site boundaries, it is not a proposal that would affect any other uses. Moreover, there is a line of pine trees that border the site meaning that it is largely hidden from external view. Provided these trees are adequately protected from the proposed works, it is not considered that the proposal will have a material impact.

As pointed out by the Environmental Health Officer, the Environment Agency normally need to comment on applications of this type. At the time of writing, their comments are awaited although they will be received by the time of the meeting. It is understood that discussions have been held prior to the application and that a monitoring well was installed in 2016. It is likely that if planning permission is granted, continuous monitoring of groundwater will be required which can be controlled by condition.

Subject to satisfactory comments from consultees, therefore, the proposal is considered acceptable.

## **Recommendation**

To **GRANT** permission subject to the receipt of satisfactory comments from consultees and the following conditions:

1. Approved Plans
2. Full Permission

3. No development approved by this permission shall commence until full details for the disposal of surface water has been approved by the Planning Authority, and the Environment Agency
4. Hard and Soft Landscaping
5. Approval of Materials

together with any further conditions suggested by consultees.

30<sup>th</sup> May 2018

**Local Government Act 1972  
Background Papers:**

As referred to in individual application reports

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## **Schedule of other matters**

### **1.0 Council Priority**

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

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

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

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

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

### **7.0 Reputation**

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

### **8.0 Consultations**

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

### **9.0 Risk Assessment**

- 9.1 As referred to in individual application reports.

**10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

**11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

**12.0 Partnership Working**

12.1 Matter considered and no issues identified.

**13.0 Legal**

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

**14.0 Financial implications**

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