



**WORTHING BOROUGH  
COUNCIL**

**Planning Committee  
25 July 2018**

**Agenda Item 5**

**Ward: ALL**

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

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/1518/17**

**Recommendation – Refuse**

**Site: 22 Lyndhurst Road, Worthing**

**Proposal: Demolition of existing building and erection of three to four-storey block of 30 flats comprising 4no. one-bedroom, 24no. two-bedroom and 2no. three-bedroom units all with balconies with provision of bin and cycle storage and under croft access to car parking area, new vehicular access onto Lyndhurst Road and removal of trees and associated 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/0097/18**

**Recommendation – Refuse**

**Site: 31A Marine Parade, Worthing**

**Proposal: Provision of external seating area at front of premises consisting of 8 tables and 32 chairs together with 7 no. removable barriers/windbreaks.**

**4**

**Application Number: AWDM/0676/18**

**Recommendation – Approve**

**Site: 12 Hurston Close, Worthing**

**Proposal: Proposed 3 bedroom chalet bungalow with 2 dormers to east elevation. Access off Hurston Close between no. 4 and 5. Associated parking and landscaping.**

**5**

**Application Number: AWDM/0494/18**

**Recommendation – Approve**

**Site: Chester House, 2B Longlands, Worthing**

**Proposal: Retrospective application to remove condition 16 of previously approved AWDM/1425/13. Amendment to allow four first floor rear facing windows on the west side to be clear glazed and openable to new dwelling Chester House, 2B Longlands.**

**6**

**Application Number: AWDM/0779/18**

**Recommendation – Approve**

**Site: Grafton Multi Storey Car Park, Augusta Place, Worthing**

**Proposal: Change of external finish from brickwork to white painted render on south elevation.**

Application Number: AWDM/1518/17

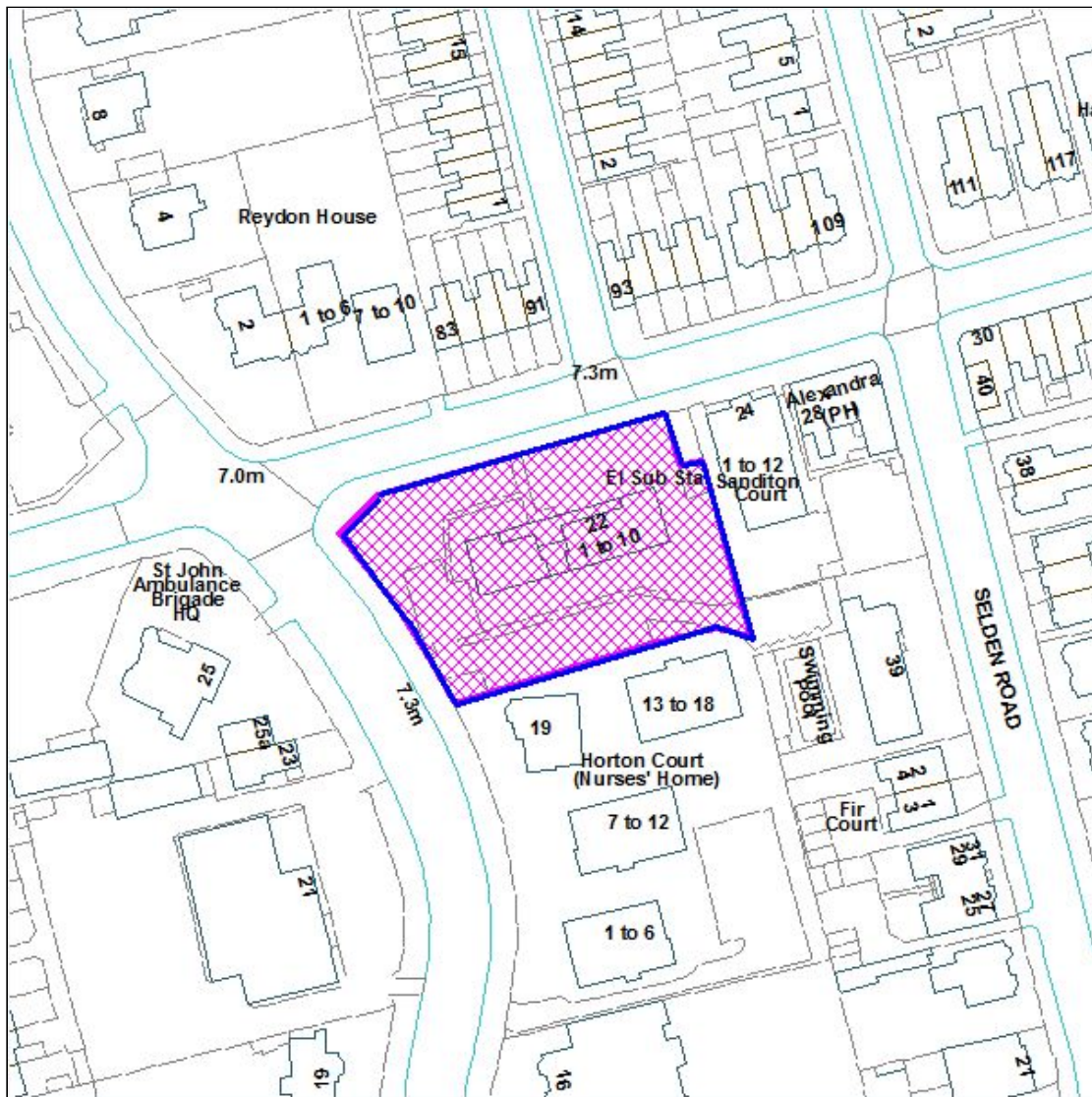
Recommendation – REFUSE

Site: 22 Lyndhurst Road Worthing West Sussex

Proposal: Demolition of existing building and erection of three to four-storey block of 30 flats comprising 4no. one-bedroom, 24no. two-bedroom and 2no. three-bedroom units all with balconies with provision of bin and cycle storage and undercroft access to car parking area, new vehicular access onto Lyndhurst Road and removal of trees and associated landscaping.

Applicant: Roffey Homes  
Case: Gary Peck  
Officer:

Ward: Selden



Not to Scale

## **Current Situation**

This application was deferred at the March committee meeting for further negotiation to seek to resolve design/bulk/massing concerns.

A supporting statement has been submitted by the agent outlining the changes to the previously submitted scheme:

### ***NW Corner Element***

*The enclosed balcony to flat No. 21 on the 3rd floor has been removed to reduce the overall impact and mass of the corner element. The overall height of the corner remains the same but the third floor has been cut back, but still projects slightly forward of the block it grows out of to retain a sense of the corner tower, all be it that its impact is reduced. In order to provide a large enough balcony to the 3 bedroom corner flat, the patio window has been inset, giving the balcony partly protected space. The stepping out of the façade at 3rd floor then follows down the balcony sides at Ground, 1st & 2nd floor as brick returns that enables the balconies to connect back to the main building form.*

### ***Lyndhurst Road***

*The two set of balconies that front onto Lyndhurst Road have both been reduced in size. Flats 06, 13 & 20 have been mirrored so that the exterior set of balconies sits further along the elevation and closer to its neighbouring projection. This allows further space to the façade before the building transitions round the corner and to the corner element itself.*

### ***Farncombe Road***

*The separation between the proposed development and the properties to the south has been analysed further. As set out clearly in our submissions to date, the distance between our building and the immediate neighbour to the south is entirely concordant with those separation distances experienced between other properties in the Conservation Area. However in order to demonstrate this more visually, we have produced a series of views as you would view the proposal walking along Farncombe Road (south-north) as shown in the Serial Vision Sequence document attached. This aids to show that the gap between existing and proposed would be entirely appropriate, showing also that the upper floor would clearly be subordinate in form and diminutive in visual presence in this context.*

*We have also shown that the building will be set back appropriately from Farncombe Road, with the proposal set back further from the pavement than the property to the south. The property to the south also fails to address the sinuosity of the road, whereas the proposal follows the path of the road entirely as shown on the block plan extract attached.*

*In detailing terms, the overall width of the double balcony to Farncombe Road has been reduced, helping to further refine the proportion of this elevation.*

## **Detailing**

*As set out previously in detail, we consider the proposal responds positively to its setting, producing an entirely appropriate form of building that takes cues from the higher quality, historic buildings in the Conservation Area. This has been set out clearly in our original Design and Access Statement and subsequent addendum.*

*All the balcony sets now have brick returns, from ground to 2nd floor, matching in with the corner tower and which helps to connect them back to the main building mass. All glass balustrade elements are shown as frameless to reduce further the visual mass of the building.*

The supporting information also states:

*We have previously stated that the development is on the cusp of being viable for Roffey Homes to take forward and any further changes cannot be accepted. We trust that this position will be reported more clearly to Members at the subsequent Planning Applications Committee. Roffey Homes can also confirm that they are willing to waive the use of Vacant Building Credit on this building in respect of future viability review.*

*We therefore hope that you will be able to review our amended submissions positively with regard to the significant benefits the proposal will provide in both enhancing the Conservation Area, providing much needed housing.*

## **Further consultation responses**

### **West Sussex County Council**

#### **Summary position of Highway Authority.**

The Highway Authority continues to raise no objection to the proposal subject to the conditions recommended at the foot of this report being attached to any planning permission granted.

#### **Discussion.**

Access - This has been examined alongside an independent Road Safety Audit and associated Designer's Response. An Exception Report has been approved in order to provide the access as the applicant proposes. However, prior to any works commencing on-site, changes to the existing on-street parking bays are required to provide the access and this requires formal changes to the existing Traffic Regulation Order (TRO). Should this legal process fail, changes would be required to the scheme. As such, a Grampian-style condition is necessary to secure this which would safeguard both the Highway Authority and the applicant.

For avoidance of doubt, drawings considered are as follows:

- Civil Engineering Partnership (CEP) Drawing 8 (visibility splays)
- Civil Engineering Partnership (CEP) Drawing 12 (fire appliance access to dry riser)
- CEP Drawing 103 B (Jan 2018)
- CEP Drawing 104 B (Jan 2018)

- CEP Drawing 105 (Feb 2018)

In technical terms, the access should be constructed with the appearance of a crossover (not bellmouth/formal road junction) and to heavy-duty specification given its use serving multiple households. A Minor Highway Works Agreement (obtainable from the County Council) is required in order to construct this.

*Parking* – This is shown within the site. Compared to the earlier version of the scheme, parking numbers are now shown increased from 21 to 26 spaces.

*Cycle and mobility scooter parking* – Cycle parking is shown totalling 20 spaces which if based on communal provision as set-out in WSCC Parking Guidance, appears to slightly exceed the parking guidance. However, from scrutiny of the latest plans, some of the space adjacent appears to be provided for mobility scooters as well. As no calculation is provided stating how numbers of these has been calculated, a condition requiring further details of this specific element prior to commencement should be attached to any consent granted.

Fire and Rescue appliance and Refuse access – Now shown on revised drawing 12.

## **Conclusion.**

Should the LPA be minded to approve the development, the following conditions should be attached to any consent granted:

### **1. Altering of Traffic Regulation Order (TRO)**

No development shall commence until a Traffic Regulation Order (or revisions to existing Order/s), removing or amending the existing on street parking bays in the vicinity of the proposed access onto Lyndhurst Road and that part of the TRO at the existing access onto Farncombe Road required to enable the development to be implemented, have been approved by the County Council and written confirmation of this approval is made available to the Local Planning Authority.

Reason: In the interests of road safety and amenity.

### **2. Access (access to be provided prior to occupation following approval of TRO revisions)**

No part of the development shall be occupied until the proposed vehicular access serving the development has been constructed in accordance with the approved planning drawing, including revisions to all road markings as necessary as part of any TRO approval.

Reason: In the interests of road safety.

### **3. Access closure (prior to first occupation)**

No part of the development shall be occupied until such time as the existing vehicular access onto Farncombe Road has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority after consultation with the Highway Authority.

Reason: In the interests of road safety.

**4. Prevention of Surface Water Draining onto Public Highway (details required to be approved)**

No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority to prevent surface water draining onto the public highway.

Reason: In the interests of road safety.

**5. Vehicle parking and turning**

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

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

**6. Cycle parking**

No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans.

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

**7. Mobility scooter parking (details required to be approved)**

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

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

**8. Construction Management Plan (details required to be approved)**

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.

### **9. Travel Plan Statement (details required to be approved)**

No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

## **INFORMATIVES.**

### ***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.

### ***Temporary Works Required During Construction***

The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

### ***Temporary Developer Signage***

The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

### ***Traffic Regulation Order***

The applicant is advised to contact the WSCC Traffic Regulation Order team to obtain the necessary paperwork and commence the process associated with the proposed development (i.e. removal of parking bays, replacement of bays etc). The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.

*Following the receipt of comments from WSCC Highways, your officers raised 3 points:*

- *i) Although there are 26 numbered car parking spaces, there does not appear to be a space 9*
- *ii) Spaces 13 and 14 can only seem to be reached if spaces 11 and 12 are clear, is it assumed that these spaces will be allocated to 2 units rather than 4*



- *iii) How many bays will be lost on Lyndhurst Road as a result of the new access*

WSCC response:

- i) Yes, you are correct. Previously they had parking space 8 on the corner as you entered the main part of the car park but that's changed since the previous version. Therefore, they have 25 spaces. The WSCC Parking Advice Guidance Note recommends 1 space per two dwellings – hence there being a requirement for 15 spaces for the entire development. Therefore, they are in-effect still 'over' the guidance by 10 spaces.
- ii) Yes, we'd have to assume that each 'bank' of tandem spaces would have to be allocated to specific flats. However, that still leaves 21 spaces unallocated for the rest of the development. Given that these 4 will have to be allocated, you might consider it appropriate to specify that all the rest are unallocated.
- iii) Yes – just over 13m is to be 'lost' which amounts to approximately 2 spaces. There is, of course, scope to replace some of this where the Farncombe Road access exists at present. Subject to design and safety elements being properly considered when the TRO is prepared and advertised, it might also be possible to put another 1 on Lyndhurst Road close to the junction with Farncombe Road. The result could, in the best-case, be 1 extra space over the existing situation. In the worst-case, the loss of 1 on-street parking space.

### **Southern Water**

No further comments in respect of the amended plans, therefore their previous comments remain unchanged (reproduced below):

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

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

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

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

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

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

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

### **Waste Services**

*I am happy with the location of the bins and judging from the capacity provided (assuming each bin is 1100L) it looks like they have the right numbers.*

*On that basis I have no further comments.*

### **Technical Services**

*Thank you for the opportunity to comment on this revised application, the site lies in flood zone 1 is unaffected by any predicted surface water flooding and has no history of flooding. The site is currently drained via soakaways*

*The content of the FRA has not been amended and therefore remains acceptable as are the conclusions and current drainage strategy proposal.*

*The scheme should be conditioned such that*

*In the absence of any ground investigation details the assumed infiltration rate should be checked after the demolition of the existing building and before any other works are undertaken to verify or revise the assumptions made in the FRA. Soakage tests in accordance with DG 365 (2016) will be required to be undertaken on the site to provide the data to confirm the size of the depth of voided subbase required for storage of rainwater from the impermeable areas.*

*The design calculations should be rechecked for the soakage test result actually achieved, to ensure that the subbase and permeable paving designs are suitable to cope with the design rainfall including the additional rainfall quantities appropriate for climate changes.*

## **Further representations**

### **Worthing Society**

Continue to object to the application on the following grounds:

- Has commented previously that the proposals contravene Core Strategy Policy 16, Saved Local Plan Policy CT3, the NPPF and saved Local Plan policy H18
- The amended proposals make minor changes to the design
- The alterations do not overcome objections to height and mass of the proposals as these do not preserve or enhance the Farncombe Road Conservation Area
- Vehicular access to and from the site in Lyndhurst Road will create a hazard to vehicles and pedestrians. Vehicular access should remain in Farncombe Road
- How can the restriction of sales to those over 55 years of age be enforced.

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

- Area is already crowded
- Increased pollution
- Felling of trees is unacceptable
- Removal of mature trees will adversely affect the visual character of the area
- Flats will tower over attractive Victorian housing
- Planning Committee generously offered Roffey Homes another chance to get this right but the amended proposal only tinkers at the edges and the main objections have all been ignored
- An award winning architect could come up with better for a building within the Conservation Area

- Design resembles an office block and is out of keeping with the character of the area
- Too many units for the site
- Access road and insufficient parking needs to be reconsidered
- Increased noise and traffic
- Supporting information suggests that the project is only just viable and the applicants will waive the use of Vacant Building credit which implies it is this design or nothing
- Building should be 3 storeys
- Access should be via Farncombe Road
- Building should be as far away from the road as possible allowing trees to remain
- There should be a further 7 spaces to meet the threshold of the McCarthy and Stone development at Heene Road
- Farncombe Road Conservation Area should not be the victim if the proposal is not sufficiently viable

### **Planning Assessment**

The previous Officer's report which is appended recommended refusal of the application. At the March meeting of the Committee, Members resolved to defer the application for further negotiations in respect of design, bulk and massing.

A meeting was subsequently held between officers and the applicants in May and amended plans submitted in June.

Although the viability of the scheme was outlined in the previous report (providing an explanation of why no affordable housing is proposed), the applicant is of the view that the viability position was not set out sufficiently to members at the previous meeting. In the previous report, it was stated by the applicant that the level of profit would be 12% without the provision of affordable housing. The Council's own independent analysis had indicated that the scheme without any affordable housing is at the margins of viability.

As a result, therefore, the supporting statement submitted with the amendments states that '*any further changes cannot be accepted*'.

In essence, therefore, there needs to be a balanced judgement in the consideration of the application. It is accepted that the redevelopment of the site offers the opportunity to enhance the Conservation Area and while clearly the provision of affordable homes would be preferable, the proposal nonetheless provides the opportunity for additional new homes in a sustainable location close to the town centre. As the viability position of the applicant has been accepted previously, in turn it appears unlikely therefore that any further amendments, by way of the proposed number of units, can be secured.

Having regard to the viability position, the amendments made to the original application, while welcome, are relatively minor in the context of the overall scheme. The cutting back of the third floor of the tower element has some effect in reducing the bulk of the scheme but as stated in the supporting information, the actual height of the tower remains unchanged. On the Lyndhurst Road side of the scheme, the

reduction in size of the proposed balconies and the closer proximity of the neighbouring projections of balconies does allow further space to the façade on this elevation and as such represents a visual improvement.

On the Farncombe Road side, however, there are no changes other than the width of a double balcony has been reduced. Further information has been submitted, by way of a Serial Vision Sequence, which the applicant feels demonstrates that the distance between buildings is reflective of the rest of the Conservation Area.

The proposed amendments, therefore, largely relate to design and are, in themselves, welcomed. However, the previous deferral related to design, bulk and massing and it is questionable whether the alterations have affected either the bulk or massing of the building and, assuming the viability position is accepted, there seems little prospect of the design and massing being able to be materially altered.

Your Officers are of the view, therefore, that the assessment given in the previous report that, *'This is an important and prominent site but the proposal is unduly large and over assertive and fails to reflect important local character in this Conservation Area. It is unacceptable in design terms.'* remains valid in respect of the proposal even as amended. It is considered that the viability position was taken fully into account when this conclusion was reached previously and Officers have again been mindful that a refusal of this application could result in the site remaining undeveloped with the existing building remaining in situ. An acceptable redevelopment scheme would almost certainly enhance the Conservation Area.

Notwithstanding the above, though, consent was given earlier this year for the *temporary change of use of existing building to 37-bedroom short-stay accommodation for local single homeless persons on first and second floors and 1no. three-bedroom flat and offices for use by Worthing Churches Homeless Project on the ground floor.* The permission is valid until 2023 and is a use that is acceptable in itself. This at least means there is not a pressing need in itself to redevelop the application site particularly given its location within the Conservation Area where an inappropriate development could give rise to visual harm.

## **Conclusion**

This application is considered to be finely balanced. The applicant has made changes to the scheme and elements of the proposal are not without merit. The National Planning Policy Framework requires acceptable development in sustainable locations to be supported by local planning authorities. It is recognised that any significant changes to the scheme are likely to render the scheme unviable (it is already at a much reduced profit margin) and this is a material planning consideration.

However, the Council still has a duty to preserve and enhance the character of the Conservation Area and the concerns expressed in detail in the last appended report remain. The bulk and massing of the proposal is still considered to be of an extent that would cause harm to the Conservation Area, a view maintained by the Worthing Society in its comments on the revised scheme. On balance, therefore, it is considered that the application should be resisted.

## **Recommendation**

On balance, to REFUSE planning permission for the following reason (as set out in the previous Committee report)

1. The proposal would by reason of a combination of its siting, height, massing, footprint and form and prominence of the site appear unduly large and over-dominant in the street scene, particularly in relation to the corner and crossroads and Victorian villas in Farncombe Road. The detailing, additionally, unsympathetically relates fail to the character and appearance of the Victorian villas in Farncombe Road. As such, the proposal fails to achieve the quality of design expected on such an important and sensitive site and would harm the appearance and character of the Conservation Area as a heritage asset and wider townscape, contrary to Core Strategy Policy 16 and National Planning Policy Framework and Planning Practice Guidance.

25<sup>th</sup> July 2018

## APPENDIX A – March Committee Report

Application Number: AWDM/1518/17

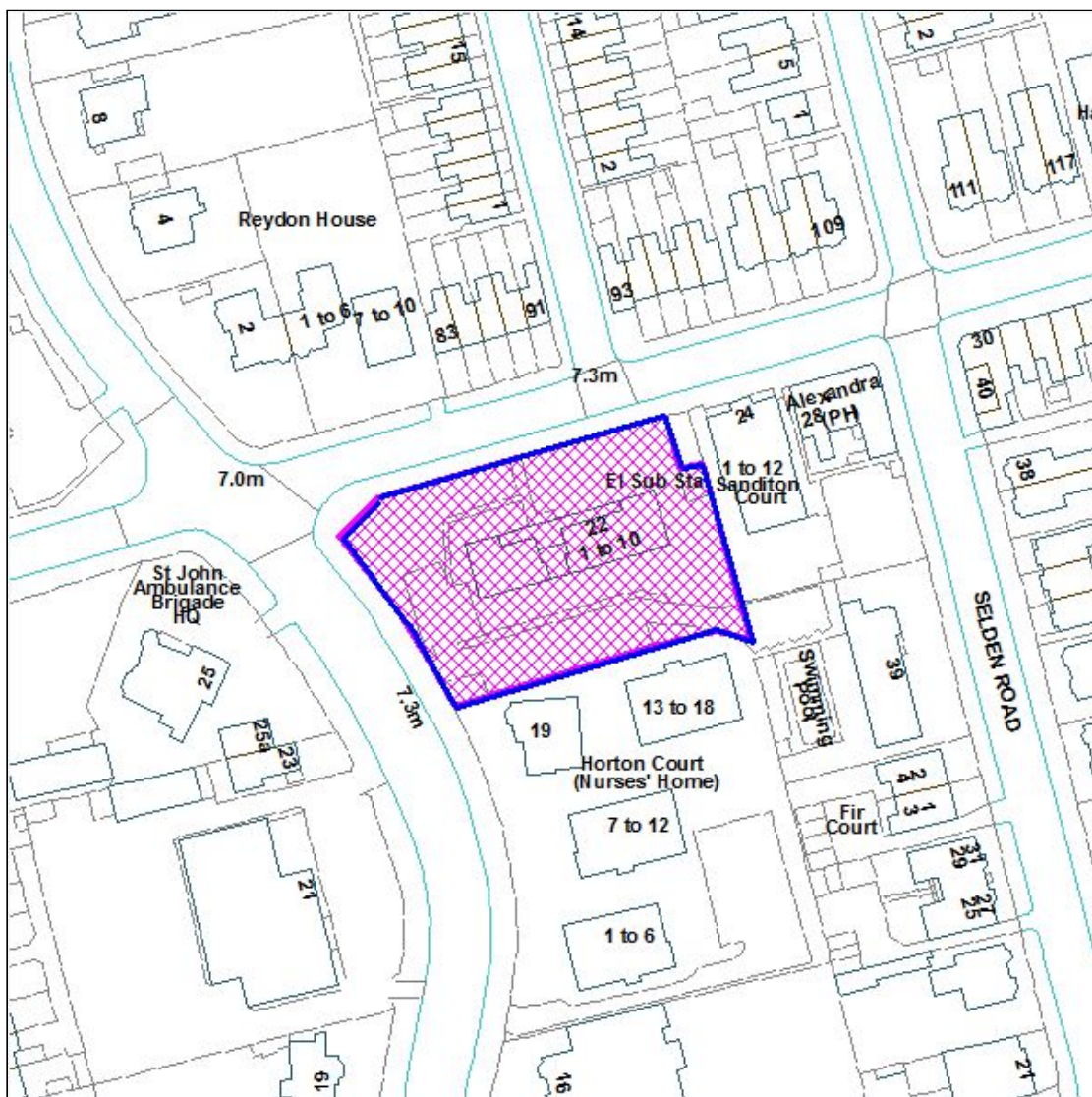
Recommendation – Refuse

Site: 22 Lyndhurst Road Worthing West Sussex

**Proposal:** Demolition of existing building and erection of three to four-storey block of 30 flats comprising 4no. one-bedroom, 25no. two-bedroom and 1no. three-bedroom units all with balconies with provision of bin and cycle storage and undercroft access to car parking area, new vehicular access onto Lyndhurst Road and removal of trees and associated landscaping.

Applicant: Roffey Homes  
Case: Peter Devonport  
Officer:

Ward: Selden



Not to Scale

## Site and Surroundings

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

Directly opposite (north) are mainly, short terraces of turn of the twentieth century (two storey) houses mostly faced in render (but with some flint), some converted to flats and a few shops, with more inner suburban housing behind. They are set back from the road.

To the east at No 21 is a modern two storey (with accommodation in mansard style roof) small block of flats in Victorian style (faced in render, classical porch, canted bays and cornice) and set forward. Parking is behind and separated partly by its vehicular access and an electricity sub-station. The boundary is marked by tall walls and fence, and, for much of the length, tall shrubs. Beyond this, fronting Lyndhurst Rd is an attractive Victorian pub and short parade of shops.

To the south, fronting Farncombe Road, is Horton Court, a group of four buildings comprising nurses' HMO accommodation and some NHS offices, set in landscaped grounds. The closest is an original two storey Victorian detached villa (22 Lyndhurst Rd), characteristic of the villas that prevail to the south in Farncombe Road, designed in Classical style, with shallow hipped slated roof, stucco walls, canted bays, eaves cornice, string courses, sash windows and porch and set back from the road. It is used as meeting room/offices on the ground floor with HMO above but is notable for being arranged at an angle, with a large tree in its front garden. Originally two other villas stood to the south and the southern-most survived until 1991 when a later extension to No. 22 was demolished and the broader site was redeveloped to provide three, larger, blocks designed in simplified period style as villas with three floors of accommodation. These sit to the south and east of No. 22. The Victorian villa (22 Lyndhurst Road), and the reproduction building to the east (block A) are very close to the boundary with the application site which is formed by a medium height fence. Their northern windows face the site.

To the west, across Farncombe Road and angled to face the crossroads, is the two and three storey St Johns Ambulance centre (No. 25), a notable, turn of the twentieth century detached building in gothic style with turret, gables and banded brickwork. It is set back from the corner in a spacious plot. Sandwiched between this and an incongruous, five storey block of 1970s offices to the south (No. 21), is an early Victorian flint cottage (No. 23).

The general character of Farncombe Road is notable for the set-back building line and broad verges, generous spacing between the villas, low street boundary walls and large street trees.

The Hospital begins just to the west of Homefield Road at the crossroads with Lyndhurst Road and Farncombe Road. The closest building is a large two storey building, well set back from the road and featuring several large trees close to the street boundaries.



To the SE in Selden Road is a newly converted and extended three storey block of flats and its rear car park which is bounded at this point by a tall wall.

The application site comprises a three storey, centrally sited 1970s long block, with extensive landscaping on both road frontages and large rear and part side, 30 space car park. Prior to the construction of the block, the plot was open land. The landscaping features a number of mature trees, including a very distinguished Monterey Cypress on the eastern frontage which is the subject of a Tree Preservation Order. The road frontage boundary is an attractive low flint wall supplemented by a hedge along the Farncombe Road frontage and there are several street trees. Access to the car park is from Farncombe Road close to the southern boundary. There is an additional pedestrian access from Lyndhurst Road.

The existing block has a pitched roof and is faced in brick with weatherboard panelling. Its principal windows face north and south; high level flank windows only serve bathrooms. The building was constructed as purpose built accommodation for Worthing Hospital staff in 1971 as Crown development. It comprised some 41 bedsits arranged around communal kitchens, bathrooms and lounges in nine "flats", together with a collective laundry. The "flats" were effectively small HMOs, nurses sharing all living facilities. The ground floor was converted to NHS offices in late 2009 following grant of temporary five year permission personal to the Hospital Trust at the expense of 10 bedsits (3 "flats").

The whole of the property was vacated at the beginning of 2015 after having been declared surplus by the NHS and sold off but is being fitted out to provide short term accommodation for the homeless following granting of temporary five year permission in January under AWDM/1612/17. Works on the implementation of the permission have begun.

The site is flat and slightly irregular in shape due to the substation eating in to its eastern corner and the sharp configuration of the Lyndhurst and Farncombe Roads corner.

The property is in The Farncombe Road Conservation Area who's eastern and northern boundaries follow that of the application site but the Conservation Area includes the whole of Farncombe Road. There are no statutorily listed building closeby. The site is also in a Controlled Parking Zone. There are parking bays along the Lyndhurst Road frontage and part of the Farncombe Road frontage beyond the double yellow lines of the road junction. Double yellow lines run along the north side of Lyndhurst Road. Street trees feature prominently along Farncombe Road, including outside the site.

## **Planning History**

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

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

AWDM/0170/15 - Certificate of Lawfulness for proposed use of Worthing Hospital staff accommodation building for private residential purposes (9no. self-contained flats).

STATUS: APPRET.

AWDM/1612/17 - Temporary change of use of existing building for a period of up to 5 years from former NHS offices and nurses' accommodation to 37-bedroom short-stay accommodation for local single homeless persons on first and second floors and 1no. three bedroom flat and offices for use by Worthing Churches Homeless Project on the ground floor. Replacement and new windows and doors, blocking up of covered walkways on north and south elevations and part shiplap cladding to all elevations Approved January 2018

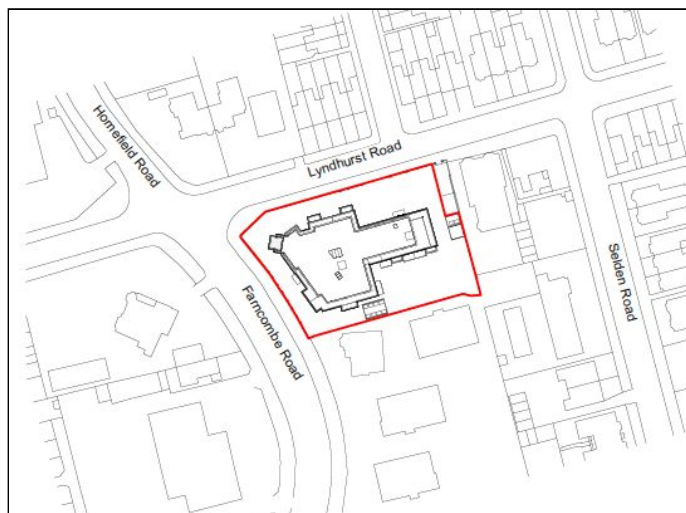
## Proposal

The proposal is to demolish the existing building and construct a new mainly four storey, single block of 30 market flats whose occupation is to be restricted to the over 55s.

The proposal was submitted in parallel with the now approved application (AWDM/1612/17) by Worthing Churches Homeless Project and Roffey Homes to use the existing building as a temporary accommodation for the single homeless for a temporary period of five years. The intention remains that the implementation of any such redevelopment permission would follow the conclusion of the temporary hostel project. Accordingly, a permission which would allow lawful commencement of the redevelopment for a period of up to five years, rather than the standard three, is sought.

The proposal has been the subject of pre-application and post submission discussions.

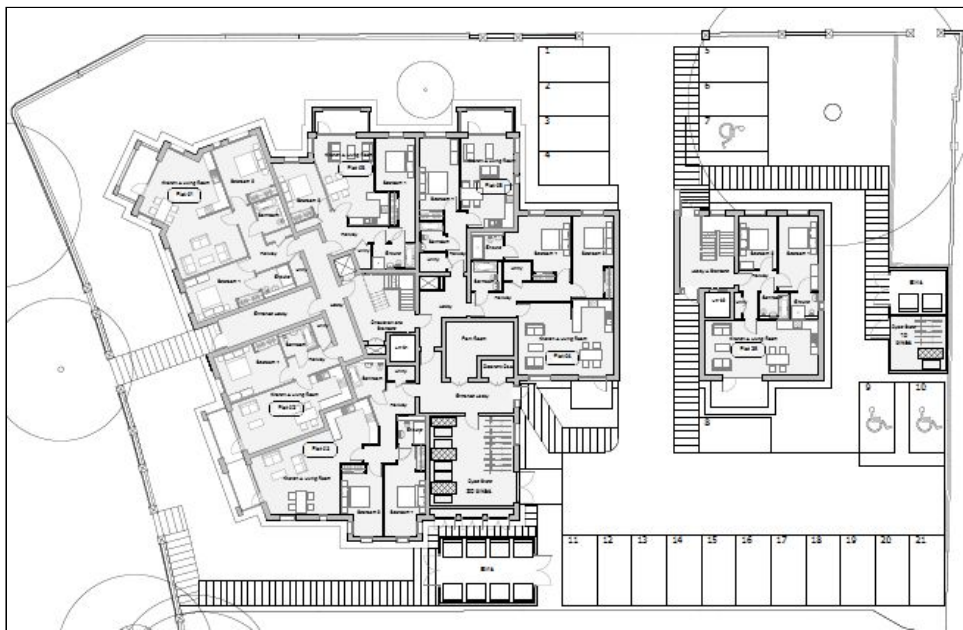
The block plan for the scheme is shown below.



The scheme has an L shaped footprint and is substantially larger than the existing building, nearly doubling its footprint and trebling its gross internal floorspace from 1,050 to over 3,000 sq ms. The eastern part of the scheme sits more or less on the footprint of the existing block, recessed from Lyndhurst Road and No. 21 to the east by some 12 ms. However, the western part is stepped forward and is substantially closer than the existing block to both Lyndhurst and Farncombe Roads and the apex of their corner, as it follows the distinctive configuration of the site and corner. It is also much deeper and as close as 6.9 ms from the nearest building at Horton Court to the south. The protruding balconies on all elevations apart from on the eastern elevation adjacent to No. 21 project forward still further.

The new block is four storeys apart from a short section adjacent to No. 21 which is three storeys. At 11.7ms, its fourth storey is slightly taller (300mms) than the ridge of the existing block and the raised corner element is taller by 600mms. The fourth storey is set back by between some 800 mms and 1.5ms on the Lyndhurst Road frontage; and on the Farncombe Road frontage, between 800mms next to the NW corner; and 3.2 to 4.2 ms along the rest of the western elevation. On its southern elevation it is set back some two metres and 5.8ms on the east frontage.

The ground floor layout is shown below.



Vehicular access is switched to Lyndhurst Road and the current access is to be extinguished. This new access is located just east of the centre of the site, where the building becomes recessed. Around two parking bays would be lost here but replaced in Farncombe Road. The access serves firstly, a small forecourt car parking area (seven spaces) here. It runs through the block in the form of an undercroft to connect to the main parking area (fourteen spaces) and a turning head. Three of the 21 car parking spaces are wheelchair disabled accessible.

Pedestrian access is from Lyndhurst and Farncombe Roads.

The principal cycle store, which also houses the residents' buggies, is sited in the SE corner of the main part of the block. The principal bin store is situated in a detached enclosure just to south, abutting the boundary with Horton Court.

A secondary cycle parking is proposed on the eastern boundary behind the substation in a detached outbuilding. Bins are collected from the street.

Each of the flats is served by either a balcony or patio and, in the case of the fourth storey flats, by a roof terrace created by the recess and a build out above the lower balconies in Farncombe Road.

There is soft landscaping on the Lyndhurst and Farncombe Road frontages and corner and also adjacent to parts of the southern edge of the block. The TPO Cedar tree in the NE corner is retained but most of the other smaller trees and the Holly tree also covered by a Tree Preservation Order on the northern frontage and the Lime tree on the NW frontage are removed, albeit replacement ornamental native tree planting is proposed on the Lyndhurst Road frontage and shrubs on the Farncombe Road frontage. The boundary flint wall is retained.

The proposal incorporates sustainable design principles and includes solar panels on the southern part of the four storey element's roof.

The accommodation comprises 4 x one bed; 25 x two bed; and 1 x three bed flats. There is no affordable housing provided due to reported unviability which is addressed later in the report.

The architectural style is contemporary. The principal elevation and perspectives are shown in the Design and Access Statement Addendum submitted with the December revisions and reproduced below. The building is faced in, with zinc cladding to the fourth storey and grey aluminium window frames with white reveals. The balconies are glazed. A grey metal canopy marks the entrance.

The application is supported by Planning & Heritage Statement; Design & Access Statement; Statement of Community Involvement; Viability Assessment (not available to the public); Landscape Strategy; Contaminated Land Study; Flood Risk Assessment & Foul and Surface Drainage Strategy; Sustainability/Energy Strategy; Ecology Report/Bats Survey; Transport Statement and Road Safety Audit; Arboricultural Impact Assessment and Tree Protection Plan.

A transport submission to address the Highway Authority's concerns has, additionally, been made.

## **Supporting Statements**

The following extracts are most relevant.

### Planning and Heritage Statement

#### *6.2. Principle of Development*

6.2.1. *It is the clear intention of the Spatial Strategy and Policy 13 of the Worthing Core Strategy to direct development to within the built up areas of the Borough. The site is located within the Built-up Area of Worthing and is therefore fully compliant in this regard.*

6.2.2. *The site is previously developed land and the proposals seek to make the best use of the site conforming fully with the requirements of the Framework and the Spatial Strategy / Policy 13 of the Worthing Core Strategy.*

6.2.3. *The proposal for residential use in this part of Worthing is considered appropriate given neighbouring residential uses, the nature of its previous use (residential) and by virtue of its sustainable location. There are no local policy allocations restricting redevelopment of the site for such a use. The provision of residential apartments located within a highly sustainable location will make an important contribution to meeting locally generated housing need.*

6.2.4. *The loss of the existing use as temporary office and 'nurses' accommodation is considered to be acceptable since the building is surplus to NHS requirements and is no longer in such use. Furthermore the site is positively considered within the Worthing Borough Council's SHLAA 2016 update which identifies the site as being suitable, achievable and deliverable for residential development and concludes that the site should be taken forward as a potential development site (refer to SHLAA ID WB08168).*

6.2.5. *There are no other constraints restraining the redevelopment of the site in principle. Furthermore the Council's pre application response accepted the principle of residential development on the site (refer to Appendix A). Furthermore, Local Planning Authorities are required to plan for a mix of housing including housing for older people (as set out within paragraph 50 of the Framework) and further emphasis has been placed on housing for older people within the Housing White Paper.*

6.2.6. *In summary the principle of residential development on this site is considered to be acceptable.*

### 6.3. *Design, Form and Appearance*

6.3.1. *Design, form and appearance has been fully considered within the accompanying Design and Access Statement and within the Heritage Statement (which follows the Conclusion of this Planning Statement). It is considered that the proposal is appropriate given the existing context and will enhance the character of the area replacing a poor quality and non-descript three storey building.*

### 6.4. *Housing Land Supply*

6.4.1. *In the latest Annual Monitoring Report (2016), Worthing Borough Council, concede that they cannot demonstrate a five year housing land supply (i.e. only 2.4 years of housing land). Subsequently, housing policies within the Worthing Core Strategy should be considered out of date and the presumption in favour of sustainable development applies. This must be given great weight when determining the planning application.*

6.4.2. However, this is on the basis of a locally objectively assessed housing need calculation. The recent 'Planning for the right homes in the right places' consultation puts forward a standardised methodology for calculating housing need and places further pressure on Worthing Borough Council. Applying the new methodology would represent an uplift in housing need from a figure of 636 new homes per annum to a new OAN of 865 new homes per annum – a 25% increase in housing need.

6.4.3. In summary, this housing need must carry great weight in the determination of this application. It is considered that the significant size of the housing land supply shortfall is a material consideration which, having regard to the provisions of paragraph 47 of the Framework should be afforded significant weight. In the context of paragraph 49 of the Framework, this significant land supply shortfall renders the development plan policies for the supply of housing out of date and engages the titled balance set out in paragraph 14 of the Framework.

6.4.4. Section 6.13 below sets out how the proposed development would generate economic, social and environmental benefits. This section illustrates that there are no adverse impacts that would significantly and demonstrably outweigh these benefits. The delivery of 30 new dwellings in a highly sustainable location must weigh heavily in the favour of the proposal.

## 6.5. Heritage Impact / Conservation Area

6.5.1. This is considered in greater detail within the Heritage Statement chapter of this Planning and Heritage Statement. In summary, it has been noted that the proposed development is considered to result in a positive impact to the setting and character of the Conservation Area. As set out in the Heritage Statement, it is clearly demonstrable that proposals have drawn on all available and relevant guidance throughout the whole of the design process. Of significance is the harmful effect that the existing development has upon the Conservation Area.

6.5.2. With regard to relevant guidance contained within the NPPF (re: paragraph 126), proposals have taken account of the desirability of both sustaining and enhancing the significance of the heritage asset. That new development would make a positive contribution toward local character and distinctiveness is clear through a considered and appropriately contemporary design (re: paragraph 131).

## 6.6. Viability

6.6.1. Policy 10 of the Worthing Core Strategy 2011 (which forms the basis of both SPD's), states that 'A mix of affordable housing, including social rent and intermediate housing will be sought to meet local needs on all but the smallest sites' (e.g. 6 dwellings or more). The proportion of on-site or offsite provision sought from such developments is based upon the quantum of development proposed.

6.6.2. This policy states that development proposals comprising 15 dwellings or more should provide 30% affordable housing.

6.6.3. *Affordable Housing is however subject to both need and the economics of providing such provision, the extent to which the provision of Affordable Housing would prejudice other planning objectives being met, and the mix of units necessary to meet local needs and achieve sustainable development.*

6.6.4. *A Viability Report has been prepared by Roffey Homes Ltd in support of this application. The assessment concludes that due to the scheme's poor viability position, the development proposal cannot support the delivery of affordable housing (either onsite or as an offsite contribution).\**

*\* The viability appraisal documentation discloses detailed financial statements relating to the redevelopment and contains commercially sensitive information, the disclosure of which would be severely prejudicial to the applicant's (Roffey Homes Ltd) commercial interests in relation to Section 43 (2) of the Freedom of Information Act 2000 and therefore must not be made available to third parties.*

6.6.5. *The viability assessment notes that, in the absence of an affordable housing contribution, the calculated developer profit on this scheme would be just 14% rather than the 20% which would normally be expected. The accompanying note on the viability assessment states:*

*In terms of developer profit, levels of 20% of GDV are the standard for small, single phase development schemes of this nature and an expectation of banks for funding purposes. However, the development appraisal results in an out-turn Developer profit of just 14%. Roffey Homes are however prepared to move forward at this level as the earliest they shall commence the re-development would be in 3 years' time. Roffey Homes consider that sales values are likely to have improved relative to build costs in this area of East Worthing, with much of this down to the redevelopment of the old Aquarena development being projected to beneficially lift sales values in the surrounding area.*

*In this regard, as Roffey Homes are requesting a 5-year consent\*, they are prepared to provide an open-book appraisal at the end of the project with any profits over 20% of GDV being put towards affordable housing contributions. Such contributions would however need to be capped at an agreed figure, taking full account of the reduced sum available, subject to the application of Vacant Building Credit (VBC).*

## 6.7. Residential Amenity

6.7.1. *The residential amenity of the neighbouring properties has been fully considered throughout the design of the proposals. The surrounding properties on Farncombe and Lyndhurst Roads to the east and south are the closest neighbouring properties.*

6.7.2. *To the east, [24 Lyndhurst Road](#) will be largely unaffected by the proposal. In this respect, the built form would not extend any meaningful distance further eastwards (or, for that matter, southwards on the eastern element of the proposal). As with the existing block, small windows would be included on the eastern flank however these do not pose any concern with regards to neighbouring residential amenity.*

6.7.3. A roof terrace is included for flat 30 on the third floor. However this terrace has been so designed to restrict access to the edge of the building therefore limiting any concern with regards to overlooking of neighbouring properties.

6.7.4. To the north and west, it is considered that the significant separation distances involved will result in no harmful impact on nearby residents. The proposal steps northwards from the existing footprint position on the corner / western most element before returning south on the eastern wing. This western step northwards will place development closer to existing properties on the northern side of Lyndhurst Road but is considered to be acceptable in residential amenity terms being located some 29m south of existing development (separated by Lyndhurst Road – refer to Figure 14).

6.7.5. To the south, Block 3 Horton Court is considered to be the most potentially impacted neighbouring property. The proposal seeks to place parking to the rear of the property, adjacent to Block 4 Horton Court replicating the existing adjacency of car parking to this residential property.

6.7.6. The nearest new built form to Block 3 would be located circa 15m away (from the corner of Block 3 to the south east corner of the proposal) and a full 19m away from the eastern element of the proposal. These distances are considered to be acceptable in residential amenity terms.

6.7.7. The nearest neighbouring property to the proposal is Block 4 Horton Court to the south. As illustrated within Figure 14, the proposal would sit some 6.9 – 8m distance from Block 4. These distances are representative of the existing separation distances of development found throughout the area (refer to Figure 13).

6.7.8. Notwithstanding this point, the proposal has been orientated to ensure that primary aspects would face east and west. The few windows that are proposed to face south are predominantly small secondary windows and are proposed to be opaque to protect neighbouring amenity. The north facing windows of Horton Court Block 4 are secondary windows and subsequently this relationship is considered to be appropriate in residential amenity terms.

## 6.8. Access and Parking

6.8.1. The proposal seeks to provide a new access via Lyndhurst Road. This has been fully assessed through a Road Safety Audit which accompanies this application and which found the new entrance to be a suitable means of accessing the development.

6.8.2. The proposal seeks to deliver cycle parking and mobility scooter provision. The accompanying Transport Note identifies a requirement of 16 cycle spaces alongside 21 car parking spaces.

6.8.3. In terms of car parking spaces, the proposal is policy compliant with 21 spaces provided onsite including three disabled spaces. The Transport Note acknowledges that there would be no displacement of parking as a result of the development (since it is vacant). The proposal allows for 30 cycle spaces. The



*Transport Note states that the requirement for such a development would be 16 spaces. In addition, 10 spaces for mobility scooters is included as shown on the layout plan.*

*6.8.4. The proposal is considered to be located within an inherently sustainable location reducing the needs for private car use (and by implication, ownership).*

*6.8.5. It is considered that by virtue of the inherently sustainable location, the policy compliant level of car parking, the age restricted nature of the development, and the safe proposed access to the site that the development is acceptable from a highways point of view.*

## *6.9. Ecology / Arboriculture*

*6.9.1. With regards to arboriculture, the proposal will necessitate the removal of nine poor quality category C trees as detailed within the accompanying Arboricultural Impact Assessment, Tree Retention and Protection Plan, Tree Constraints Plan and Existing Tree Schedule.*

*6.9.2. As discussed within the Arboricultural Impact Assessment, the proposal necessitates the removal of trees as follows:*

*...due to the small scale of the site and requirements for demolition and construction access, it has been deemed unfeasible to attempt to preserve these trees, which are generally of low quality and value. 1 no. tree is protected by Tree Preservation Order 03:2015. The loss of these trees would be mitigated through the planting of new, better-condition trees to the site boundary.*

*Replacement trees would preferably be either native or of ecological value, to result in an overall increase in both visual and ecological amenity on the site.*

*6.9.3. Furthermore, the AIA notes that:*

*The trees provide minor amenity to the site, softening the view of the existing building and providing a resource for birds within the urban surroundings.*

*6.9.4. Since the scheme seeks to replace trees and shrubs with higher quality specimens it is our view that the proposal will provide for an improvement over the existing conditions (both in visual and ecological terms). Whilst the loss of a limited number of mature trees cannot be fully mitigated in the short term, the provision of replacement trees will, in the longer term, remedy any short term impacts, enhancing the character and visual amenity of the locality.*

*6.9.5. With regards to ecology, a Preliminary Ecological Assessment and Bat Roost Survey accompanies the application. The reports note the following:*

*The existing building on site was assessed for its bat roost potential. The building on site is considered to offer 'negligible' bat roost potential due to the location and construction method of the building. No evidence of bat usage was noted anywhere on site. Mature trees so the site boundaries and lining the adjacent street have some ecological value, mainly for nesting birds.*

*The lighting scheme should be designed sensitively so as to minimise disturbance to these trees. The site currently provides a limited patch of habitat for birds within the urban area of Worthing; habitat enhancements could see this habitat improved.*

*The site is considered to be of 'low ecological value' with large areas dominated by hard / bare ground, amenity grassland and existing building. All plant species identified on site were typical of the habitat type with no rare or unusual species noted. No potentially suitable habitat for protected species which will be affected by the development was noted on site. No further surveys are recommended for this site area.*

*6.9.6. The report notes recommendations for ecological enhancements within the scheme as set out within section 7 of the report. The proposal will seek to include suitable enhancement measures as set out within the report.*

#### *6.10. Landscape*

*6.10.1. The application is accompanied by a fully considered Landscape Plan and Landscape Strategy which seeks to address some of the ecological enhancement suggestions identified within the Ecological Appraisal as well as addressing the loss of trees on the northern section of the site.*

*6.10.2. In this respect, the northern side of the site will accommodate new tree, shrub and feature planting to enhance the character of the area. The Landscape Plan notes:*

*Street frontage to be enhanced with the planting of native trees, flowering ornamental trees, and flowering ornamental specimen shrubs to the northern site boundary, providing year-round interest (spring bloom, autumn colour), connectivity to the existing trees located to Farncombe Road, softening views of the northern building elevation and to and from the development site.*

*The proposed building edges would be planted with feature planting areas of flowering shrub and accent planting, providing a range of colours, textures and forms.*

*6.10.3. The street entrance on Farncombe Road would be enhanced with the planting of low level ornamental hedgerows, flowering ornamental specimen shrubs and feature planting areas to the building edges and pedestrian walkways.*

*6.10.4. In relation to hard landscaping, the proposal seeks to provide for sympathetic materials and colours to complement the paving material on Farncombe Road (refer to the Landscape Strategy & Outline Plant Specification document).*

*6.10.5. In summary a well-considered hard and soft landscape scheme supports the planning application and is considered to sensitively address the site given its prominent location within the street scene.*

#### *6.14. Other Matters*

6.14.1. *We would request that this application is given a five year consent if approved as the applicant wishes to pursue (simultaneously) utilisation of the site for emergency sheltered accommodation in partnership with the Worthing Churches Homeless Project.*

6.14.2. *It is considered that this temporary use would be of significant benefit to both the charity and to the Worthing Borough as a considerable social benefit of the proposed scheme to meet a significant locally identified need and we hope that Worthing Borough Council will allow for such an extension of time.*

## *7. Conclusions*

7.1. *This Planning and Heritage Statement has been prepared on behalf of Roffey Homes Ltd, in support of a full application at 22 Lyndhurst Road, Worthing, for the following development:*

*Demolition of existing two storey building and erection of a three / four storey block of 30 apartments comprising of four no. one bedroom, 24 no. two bedroom and two no. three bedroom units, provision of under croft access to car park to the rear, a new access on Farncombe Road, removal of trees and associated landscaping.*

7.2. *The site is located in a highly sustainable location with excellent access to Worthing Town Centre and various sustainable transport options. It is within the built-up area boundary of the Borough, is previously developed land and the proposals seek to make the best use of the site conforming fully with the requirements of the Framework as well as the Spatial Strategy and Policy 13 of the Worthing Core Strategy.*

7.3. *The proposal for residential use in this part of Worthing is considered appropriate given neighbouring residential uses and by virtue of its highly sustainable location. This has been accepted by the Council in both their pre application response and the assessment within the SHLAA 2016.*

7.5. *The proposal seeks to positively address the corner of Farncombe Road and Lyndhurst Road, rectifying the existing situation. In addition, the proposal will assume a contemporary finish, clearly emphasising the evolution of the site. Appearing in close-range views into the conservation area, proposals both improve the setting via replacement of what is an obviously degraded structure of little inherent quality and/or value, whilst creating an element of streetscape that is vivid and fresh and which positively responds to its context. The new location of structures also ensures that intrusive or detracting elements such as car parking are predominantly screened in views along the street, especially along Farncombe Road.*

7.6. *It is our view that there is no unacceptable impact in relation to the residential amenity of neighbouring residents.*

7.7. *The proposed development of the site for 30 new residential units is considered to be highly beneficial given the significant objectively assessed housing need encountered within the Worthing Borough. The housing provision of the scheme on*

*previously developed land should be given great weight in the determination of this application.*

*7.8. It is considered that the proposed scheme provides economic, social and environmental benefits which demonstrably outweigh any negative effects of the proposed development. Having regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 14 of the National Planning Policy Framework we strongly contend that planning permission should be granted.*

*7.9. The Council is therefore respectfully requested to grant outline planning permission with all matters except for access, reserved for later determination.*

### *Heritage Statement*

#### *4. Conclusion*

*4.1. In summary, the proposed development has been designed with full consideration to the surrounding Conservation Area within which the site sits and occupies a prominent position.*

*4.2. The proposal will assume a contemporary finish, clearly emphasising the evolution of the site. Appearing in close-range views into the conservation area, proposals both improve the setting via replacement of what is an obviously degraded structure of little inherent quality and/or value, whilst creating an element of streetscape that is vivid and fresh and which positively responds to its context. The new location of structures also ensures that intrusive or detracting elements such as car parking are predominantly screened in views along the street, especially along Farncombe Road.*

*4.3. The proposed development is therefore considered to result in a positive impact to the setting and character of the Conservation Area. Taking the above into account it is clearly demonstrable that proposals have drawn on all available and relevant guidance throughout the whole of the design process. With regard to relevant guidance contained within the NPPF (re: paragraph 126), proposals have taken account of the desirability of both sustaining and enhancing the significance of the heritage asset. That new development would make a positive contribution toward local character and distinctiveness is clear in a considered and appropriately contemporary design (re: paragraph 131).*

*4.4. Overall it is considered that the proposal represents a significant enhancement to the Conservation Area and is considered therefore to be an acceptable form of development on this site.*

### *Design and Access Statement*

#### *Addendum submitted with December revisions*

##### *1.0 Introduction*

*This addendum to the Design & Access Statement supports design changes made subsequent to a meeting with the LPA on 5th December and confirmed by Peter Devonport, case officer, in an e-mail of 11th December where he states his concern*

*over the assertive corner feature and overall mass of the scheme. This was then broken down into three constituent parts:*

- The massing of the Farncombe Road frontage*
- The assertive corner element and*
- The massing of the Lyndhurst Rd frontage*

## *2.0 General - overall mass*

*It is generally accepted that the existing building does not befit the Conservation Area, which begs the question why it's within the Area. We would suggest it is because the site is important as a transition from the change in the topology of the architecture and the atmosphere of the streets from a main road link to Worthing Centre, serving such facilities as Worthing Hospital, into a quiet leafy road in a conservation area. This means the architecture should also make the transition, using its pivotal position to seamlessly move from one urban grain to another.*

*In addition, in Farncombe Road it is not fitting into a set piece of streetscape of identical villas on either side but a much more diverse range of buildings and spaces between them. In Lyndhurst Road there is also the predominance of more terraced arrangements and a variety of building lines. The massing and height should not only be considered in terms of the elevation but also the distance back from the road. The charm of the consistency of building line and the landscaping at the front – the trees, the green strip, the boundary walls - in Farncombe Road is in complete contrast to frontages on Lyndhurst Road where the building line is constantly changing. In developing the design we have celebrated those differences and put them into a building that reflects its unique position and context within the Conservation Area.*

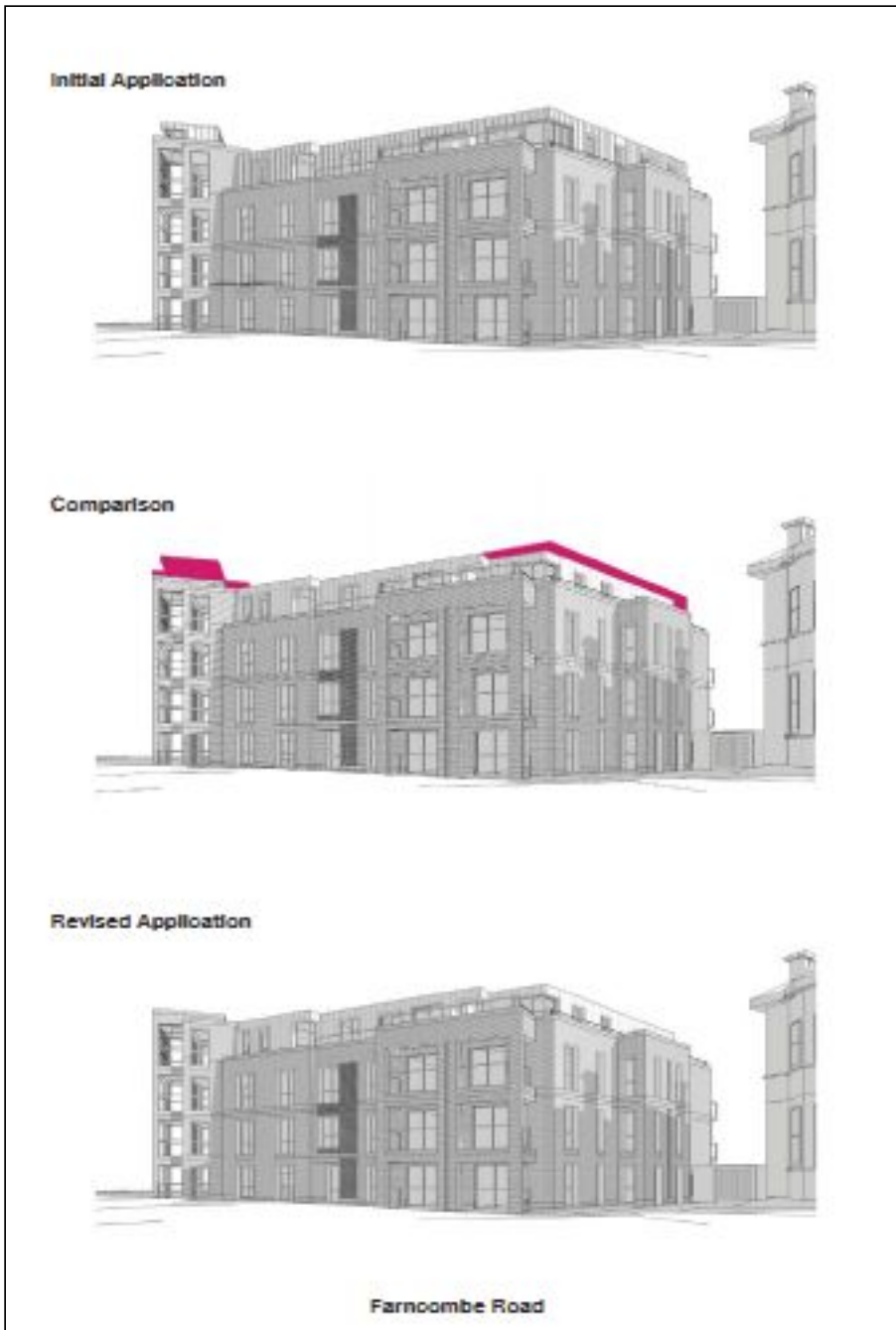
*The proposed building extends further west than the current building to ensure that its form respects the building line of Farncombe Road and addresses both the corner and the unusual geometry of the road junction with Lyndhurst Road sympathetically. Ironically this addresses the corner more convincingly than the historical and interestingly designed St John's Ambulance HQ which "sits" in the middle of a car park devoid of trees.*

## *3.0 Farncombe Road Frontage*

*The LPA felt the proposed building was too close to Horton Court to the South and anomalous to the Conservation Area. We would agree that the current building and the current distance from Horton Court is anomalous to the Conservation Area, but we believe we are enhancing this part of the Conservation Area by reducing the distance to Horton Court to what is typical to the area, turning the corner with the building (as opposed to a near blank gable end of the existing with a set-back that does not respect the urban grain), and creating a modern interpretation of the Victorian architecture of the area.*

*Height was also raised as an issue when also considered with the narrowing of the distance between the proposed building with its neighbour. Height per se cannot be seen as an issue, with an increase of 700 mm at eaves/parapet height and 900mm*

at ridge height, which  $h$  are negligible in streetscape terms. In terms of the configuration of these elements (the flat roofed top floor and set back), we feel there may be some advantage in setting back the south-west corner and the south elevation at the top level, as per illustrations below.



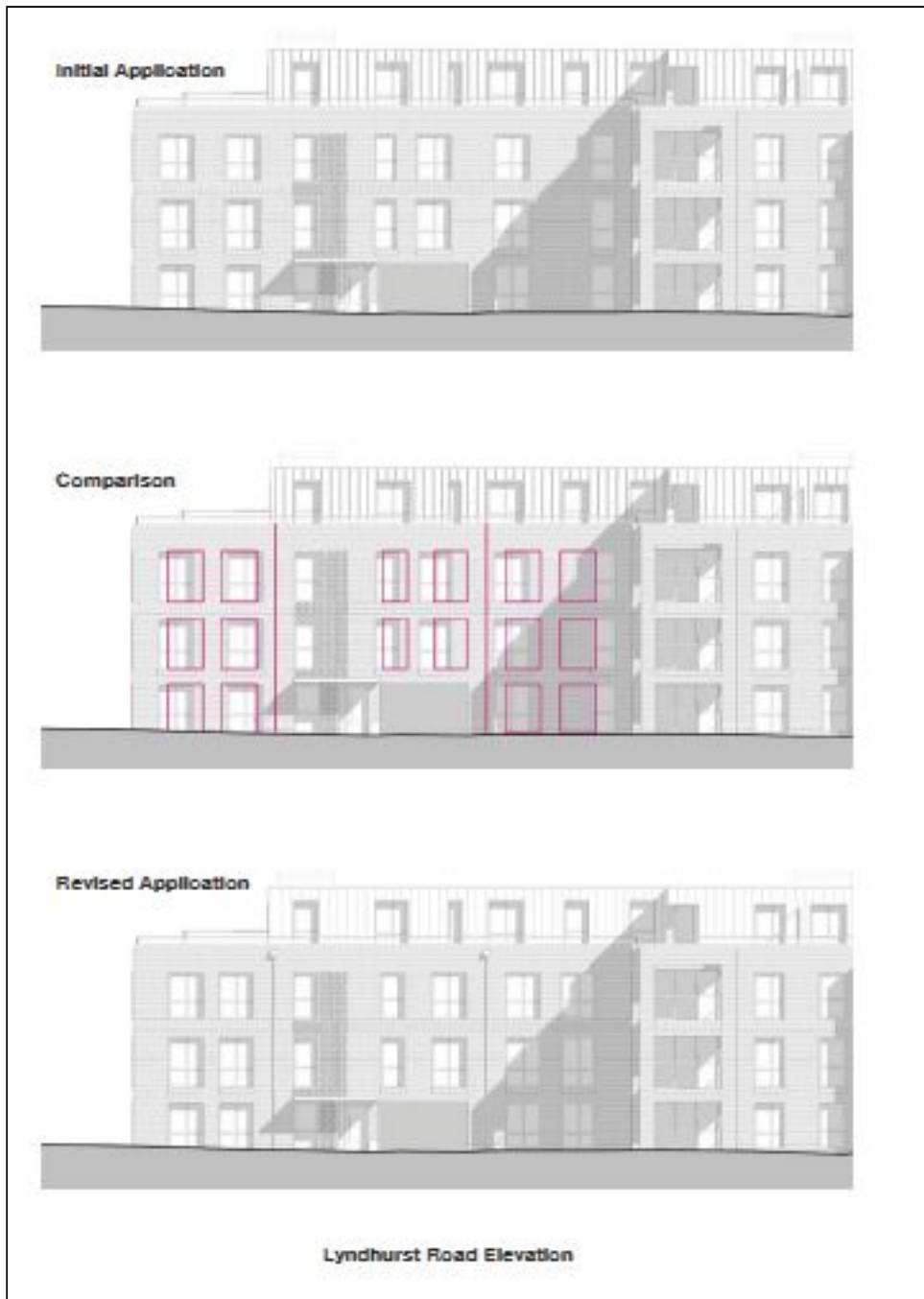
#### 4.0 Lyndhurst Road Frontage

Mass is defined in terms of length and form. The length is less than 30% larger than the existing building and is only 300mm higher. The form is substantially more sophisticated than the existing, in terms of its façade and the articulated detail. We use the respective building lines to break up the Lyndhurst Road elevation into two: the Farncombe Road building line (it's relationship to the pavement) is brought round into Lyndhurst Road, assisting the transition, already described, before

*setting back to accommodate the listed Monterey Cyprus whilst fitting in to the pattern of variable setbacks that exists in Lyndhurst Road. This divides the façade into two elements, reducing the overall scale, and in reflecting the plan behind the face, the elevational treatment of the two sections creates variety across the façade as a whole.*

*In context, the set back frontage behind the TPO tree is less than the combined width of the two adjacent properties to the east which sit side by side with a minimal gap between them. The other part of the façade to the west is again not as long as the two adjacent properties to the east.*

*The western section of this elevation is well articulated by the projecting bays and the change in geometry as it goes around the corner. The eastern part of the elevation has less features and we have amended it to create more “tension” in the design, grouping windows to create a more varied pattern of solid and void.*



### 5.0 Farncombe Road Study

*Further photographic investigation as to the overall rhythm of spaces between buildings along Farncombe Road has been carried out following our discussions with WBC. This further enforces our belief that the spacing of our proposal to Horton Court at the north end of Farncombe Road is congruent with the rest of the street.*





22 Lyndhurst Rd/22 Farncombe Road



### 6.0 Corner Element

*This is a subjective issue. We accept the term assertive, which we believe to be appropriate to the context, but it is not in our opinion, over-assertive. We felt that corner would benefit from such a feature, especially when seen from the west looking along Lyndhurst Road, with the gap in streetscape caused by the car park and set back of St John's Ambulance HQ. Nevertheless, we have simplified the design of the corner feature and lowered it in height.*

**Initial Application**



**Comparison**



**Revised Application**



**Homefield Corner**

**Initial Application**



**Comparison**



**Revised Application**



**Lyndhurst Road**



*We have considered fully the comments raised in the meeting, which have resulted in the following changes to the scheme;*

- Removed top most lantern to reduce height at the corner of Lyndhurst Road/Farncombe Road.*
- Further lowered the overall height of the corner projection at Lyndhurst Road/Farncombe Road.*
- Moved the third floor setback northwards on Farncombe Road to greater respect the neighbouring 22 Horton Court.*
- Altered the proportions of the eastern section of Lyndhurst Road elevation to respond to the comments made by Worthing Borough Council.*

*These changes in our view result in an enhanced development, however the broad parameters of scale, mass and form remain unchanged as we strongly consider the proposal to have significant architectural merit, which will result in a development*

*which will preserve and indeed enhance this key entrance site to the Farncombe Road Conservation Area.*

### *Appearance*

#### *Design Principles*

*The scheme is located within the Farncombe Road Conservation Area. Careful consideration, reference and inspiration has been taken from the Victorian Housing stock in forming the principle design moves that have influenced the proposed development.*

*In this respect the two main elevations that front onto Farncombe and Lyndhurst Roads and the acute angled corner formed between them at the north west boundary, have been driven both in terms of principle moves, details and materials by their surrounding context. The elevations have been developed to reflect the design principles of the surrounding buildings in a contemporary 'language' that is both subtle in terms of the detailing and materials and sympathetic to the local area and will enhance the northern entrance to the conservation area.*

*The principles that the scheme has taken reference from can be split into three areas: Form, Detail and Materials.*

#### *Form:*

- The Villas are typically two storey and occasionally three. This approximately equates to a three storey modern apartment block.*
- Proportionally the villas have a mix of single and double fronted bay elevations, with canted bays projecting from them. The scheme has looked to reference these façade moves on both the principle elevations.*
- The roofs are a mixture of shallow-pitched hipped roofs in natural slate and later nineteenth & early twentieth century houses with steeper pitched roofs and gables. The scheme has interpreted the villas pitched roofs as an additional floor that is set back to diminish its presence.*
- Classically inspired doorways, with columns, pilasters and consoles. Here the scheme has used a modern interpretation to signify the entrance points.*

#### *Detail:*

- A large base string course up to ground floor level; a string course that divides the ground and first floors and decorative eaves cornice.*
- Window reveals that are typically set off the main façade and are a number of different materials.*
- Vermiculated white stucco to the entrance porches. Each of these details has been subtly reinterpreted on the proposed scheme.*

#### *Materials:*

- Yellow brick or white stucco elevations*
- Natural slate and clay tile roofs*
- String courses typically set proud of the façade, in white stucco or coloured brick or stone.*

*Again the scheme looks to use some of these principal material and colour matches to evoke the character of the area.*

## *Appearance at the Corner*

### *Tower*

*Taking reference to [25 Farncombe Road](#) and its use of a feature element to the corner of Farncombe Road and Lyndhurst Road, the building has been developed to respond positively to its own corner condition, rotating on the corner axis and in-setting to give equal prominence to the corner.*

*Farncombe Road façade again steps forward, before turning to form part of the corner tower. Between these key vertical features, sits the entrance, taking reference from the techniques of embellishment used to accentuate the main entrances, such as the vermiculated patterning at [No. 12 Farncombe Road](#).*

*A brickwork pattern, which is seen as band that runs down the front of three lower storeys in line with the entrance and is finished with a simple metal rain canopy above the entrance door is a modern interpretation to emphasise and locate the entrance point using both relief and texture.*

### *Lyndhurst Road*

*1. The main massing of Lyndhurst Road is defined. The eastern end of the façade follows the line of the original building foot print and maintains the existing tree protection zone to the large Monterey cypress tree. The central section of the elevation then steps forward and finally the corner block at the western end of the elevation steps forward again at an angle to the rest of the façade establishing the point at which the building begins to turn the corner.*

*2. A new vehicle access point is added onto Lyndhurst Road with an underpass connecting parking on the north and south sides of the building. An entrance point is also defined onto Lyndhurst Road adjacent to the underpass. The central section of the elevation is pulled forward to create a large bay, which in turn creates a step back in the façade before the change to the angled corner block, helping to accentuate this point of transition.*

*3. Two smaller bays are defined along the central section of the façade that corresponds to the smaller canted bays on the terraced housing across the road. A canopy and patterned brick work are again used to define the main pedestrian entrance point onto Lyndhurst Road.*

*4. A landscape zone raps along the front of Lyndhurst Road, with new planting and trees working with the new building line, which is set back from that of its immediate neighbour to the east. The landscape zone widens out as the building approaches the northwest corner.*

*5. At the roof level, the 3rd floor is set back particularly at the eastern end to allow for a more comfortable relationship with the adjacent building which is a floor lower, before stepping up to four stories at the stair and lift core location.*

*The Lyndhurst Road elevation is broken into three distinct sections. The eastern end sits back, respecting the tree root protection zone of the existing mature Monterey cypress and allowing a new vehicle access and parking in the north and*

*south sides of the building via an archway. A second entrance point is also created using the same detailing techniques as has been previously described for Farncombe Road. The Central section of the elevation then steps forward with two small square bays that reflect the smaller canted bay windows on the terraced houses opposite. The western section then sets back in before the buildings geometry turns to reflect the corner condition and proposed northwest tower*

#### *Materials*

*The conservation area is characterised through its early development by render and brickwork walls with shallow hipped roofs in natural slate.*

#### *Buildings*

*from the late nineteenth century introduced the red brick and clay tile to the area. This development will revert to the yellow brick with the top level set back constructed in a contrasting light-weight material, grey aluminium, to tonally match the surrounding slate roofs.*

*The elevations have been developed to reflect the detailing of the surrounding buildings in a contemporary “language”. Modern construction details require a simpler and visually more subtle response. For instance we are proposing horizontal string courses dividing floors in an all-brick facade, transposing the Victorian rendered band into a soldier course of matching brickwork. There are several conditions that are encountered around the building’s facade, illustrated below, when the string meets the varying features of the building.*

#### *Scale*

*The developments’ scale, mass and form has been fully informed visually by the surrounding built-form and practically by the considerations of overlooking, all as per the earlier analysis. The facades are three storeys, approximately equivalent in height to the typical 2 storey Victorian villa in the area, with a setback additional floor equating to the villa’s pitched roof. The corner is reinforced by a higher balcony feature that is 1m higher than the rest of the building.*

#### *Layout*

*The main principle behind the layout is to establish and define a street corner on the north-west of the site, at the junction of Lyndhurst Road and Farncombe Road, whilst giving “space” to the feature Cypress tree further east on Lyndhurst Road. Careful consideration has been given to the proximity to neighbours.*

*The residential apartments are planned over three main floors with the top floor set-back at roof level, forming an “L” shaped building that picks up the acute angle formed by the two roads on the north and west boundaries. The building can be approached on foot from both street frontages, leading to two separate vertical circulation cores.*

*Vehicular access is from Lyndhurst Road, serving a small car park at the front and a larger one at the rear accessed via an archway under the building. There are entrances to both cores from the rear car park. The sizes of all flats are designed to significantly exceed the Nationally Described Space Standard.*



*The building will use an extremely well insulated façade, fabric air tightness, high performance double glazed windows and supplementary energy for power that will enable the development to be highly -sustainable and will have a low energy usage. The energy supply will be achieved with a combination of high efficiency combination gas boilers to each flat and a photovoltaic array on the roof of the apartment block that will provide underfloor heating, hot water and power to each flat. Excess energy can be sold back to the national grid.*

*The new apartment block is well placed within Worthing, being a 15 minute walk to the town centre and mainline railway station, 8 minutes to the seafront and has a main bus route running past the development on Lyndhurst Road.*

*There is limited parking (21 car parking spaces), with three for disabled badge holders. There is also a mobility scooter and bicycle store at the ground floor level.*

### *Landscaping*

*The landscape strategy has been prepared by Lizard Landscape. From the prepared landscape strategy, the development scheme proposals aim to:*

- Enhance the existing street frontage with the planting of native trees, flowering ornamental trees, and flowering ornamental specimen shrubs, providing vertical year-round interest (spring bloom, autumn colour), connectivity to the existing mature trees located adjacent to the western boundary, and softening views of the proposed building elevations;*
- Provide gardens, shared space and private residential patio areas planted with flowering shrub and accent planting, providing visual amenity with a range of colours, textures and forms;*
- Retain and protect the existing mature Monterey Cypress tree to the north eastern corner of the site and mature Turkey Oak and Lime trees to Farncombe Road. The trees are to be retained and protected in accordance with BS 5837:2012 'Trees in Relation to Design, Demolition and Construction -Recommendations' .*

### Supplementary Transport Note in response to WSCC objection

*We have received a copy of your response dated 8 January 2018 as the Highway Authority in relation to the Planning Application AWDM/1518/17 for the above site and respond as follows.*

*The Transport Note and its accompanying Road Safety Audit and Designer's Response submitted as part of the Planning Application have addressed the points raised in your response however we provide further clarification and evidence below which we trust will allow you to remove your current objection to the Planning Application.*

### *Development Proposal*

*As stated at Section 9 of the Transport Note the development is for Over 55's only. It has been previously established and accepted by West Sussex County Council on the Heene Road scheme in Worthing, Planning reference AWDM/0124/15, that developments for Over 55's have less reliance on the use of cars with fewer trips*

during peak hours and requires fewer parking spaces than a standard residential development.

### *Trip Generation*

*Trip rate calculations have been undertaken using the TRICS Database. The advisors at TRICS were consulted on the suitability of the sample sites to ensure the most robust sample data available at the time was incorporated into the analysis. Details of these sample sites and calculations are attached to this response.*

*The existing site comprised of 6 flats over two floors providing 29 bedrooms for nurses as well as 350m<sup>2</sup> of offices at ground floor level used by hospital administration staff. Assuming single occupancy for each bedroom a total of 29 residents is assumed for the calculations.*

*The proposed site will be comprised of 30 residential retirement flats with off street parking.*

*The proposed new development will provide residential units only. The comparison table on the following page shows the difference in trips generated from current use to proposed use.*

*From the table it can be noted that there is a net reduction in trips generated by the proposed development compared to the former use of the site.*

*In highway capacity terms the proposed development will result in no impact that would otherwise be considered severe under Paragraph 32 of the National Planning Policy Framework.*

### *On Street Parking*

*We understand from your comments and our recent conversation that the main issue relates to the perceived loss of parking spaces along Lyndhurst Road. The proposed layout as shown in Drawing 5 within the Transport Note and copy attached to this response indicates the proposed changes to the existing markings and parking bays. The proposal is to transfer a similar arrangement as existing on Farncombe Road to Lyndhurst Road with a reduced parking width on either side of the new access.*

*The changes will involve shifting the same extent of parking spaces as currently available from Lyndhurst Road onto Farncombe Road and does not constitute a reduction in available parking spaces in the immediate area. The accompanying Drawings 103B and 104B show the proposed gap width of approximately 13m for the new access. The existing access gap on Farncombe Road is approximately 8m. The controlled parking area along Lyndhurst Road can be extended towards Farncombe Road to provide one additional space. The proposal will result in no net loss of parking spaces.*

*We further note your comments regarding the changes to the Traffic Regulation Order (TRO). The parking bays along Lyndhurst Road are Permit Holders*

*designated only. We also note that you indicated in your response dated 9 November 2017 the proposal to alter parking provisions under the TRO was deemed acceptable. We note that consultation with the Controlled Parking Zone / Traffic Regulation Order team is a requirement and this is currently in progress. Your response further noted that this could be controlled by a suitable Planning Condition.*

### *Onsite Parking*

*The proposed onsite parking provision is in accordance with West Sussex Parking Calculator and meets Policy requirements as stated in the Transport Note.*

*West Sussex County Council has previously noted and accepted the findings of Dr Allan James Burns' Report on Transport Impact and Parking Provision which supports the Heene Road development (under Planning Reference AWDM/0124/15). Under that report it was established that 'a significant proportion of residents moving into the retirement homes give up on car ownership at the time of moving into those types of accommodation'. Other factors contributing to the reduction in car ownership relates to the percentage of women occupying these types of development and the low occupancy per unit. Section 4 of that report further notes that the anticipated car ownership per apartment is around 0.46 which for this development site would result in only 14 spaces required.*

*A copy of the West Sussex County Council Parking Calculator, which does not take into account the age restriction for this development, is attached showing 26 parking spaces are required. The proposed development will incorporate 26 parking spaces including disabled parking, which whilst it accords with West Sussex Parking Calculator exceeds the anticipated requirement for this type of development.*

*The site is located within the Worthing Control Parking Zone. Should the development result in overflow parking demands there are existing measures in place to prevent either residents or visitors to park in an unsafe or obstructive manner.*

### *Road Safety and Visibility*

*We refer to the comment relating to the road traffic incident that occurred near to the site. That incident occurred in 2012 which is more than five years ago and outside the consultation period for planning purposes. We have also reviewed the more recent five years of collision data which does not identify any visibility or highway geometry issues. All the incidents are attributed to careless driving or not paying attention. A copy of the collision data report is attached to this response.*

*Your comments in relation to the application of the principles in Manual for Streets 2 in particular Section 10.7 only considers precedence on Lyndhurst Road. However Section 1.3.6 of Manual for Streets 2 states "...single carriageway street with on-street parking and direct frontage access is subject to a 40mph speed limit, its place characteristics are more of a residential street or high street, with higher traffic flows MfS parameters are recommended." The area around the site is residential and the speed limit is restricted to 30mph and therefore falls within the parameters for Manual for Streets.*

*It is an established principle within an urban environment for drivers to approach with care and 'nose out' until full clear visibility before exiting and vice versa. That principle exists already for the now disused access from the site onto Farncombe Road as acknowledged in your response dated 9 November 2017. There are multiple established examples of vehicle crossovers in between parking bays along Lyndhurst Road itself. Extracts from available online maps street view and photographs are attached to this response demonstrating the access principle along Lyndhurst Road.*

*With existing on street parking along Lyndhurst Road drivers will generally exercise caution driving along the road and be alert to potential vehicles entering or exiting parking bays.*

*In general occasional obstacles to visibility are not large enough to completely obscure the view and do not have a severe impact on road safety. This principle is illustrated in Section 10.7.1 of Manual for Streets 2. Drawing 8 accompanying this response shows the achievable visibility splays for the new access off Lyndhurst Road. Drawings 103B and 104B attached to this response demonstrate the principles established in Section 10.7.1 of Manual for Streets 2. Full visibility is achieved in between the site boundary and the edge of carriageway and behind the parked cars. This allows the driver to advance towards the exit and nose out safely whilst still having visibility of oncoming vehicles. Both Drawings 103B and 104B should be read together and the plans shown read in the correct numerical sequence Plan 1 to Plan 4. Visibility is achieved in both directions for vehicles exiting the site towards either the east or west of Lyndhurst Road.*

*The visibility splays allow the driver of the exiting vehicle to stop before engaging onto the carriageway. Vehicles travelling in either direction along Lyndhurst Road have right of way over the vehicle exiting the site.*

*The same principle has previously been acknowledged and approved for the scheme on Heene Road (Planning reference AWDM/0124/15). A copy of West Sussex County Council's response to that application is also attached to this response.*

#### *Emergency Access and Refuse Collection*

*LCE Architects' Drawing 16923-PA-010 shows the proposed collection route for refuse collection without vehicular access to the site. That same principle exists and is currently in use for all other properties along both Lyndhurst Road and Farncombe Road. Drawing 11 accompanying this response shows the distance from the different bin collection points for the development. Access for all other emergency services will comply with Building Regulations Part B relating to flats. Under Part B the maximum reverse distance for an appliance is 20m, there is however no restriction for the appliance to reverse into the carriageway as this would be an irregular occurrence. That principle is also supported by Section 6.7.2 of Manual for Streets. The proposed layout allows access in accordance to requirements under Part B of the Building Regulations and therefore meets the statutory requirements. Drawing 12 attached to this response shows the distance from the fire appliance to the dry riser.*

## Road Safety Audit

*The Road Safety Auditor has reviewed the revised visibility splays evidence of existing access along Lyndhurst Road and noted that it would be good practice for the driver to check on either side of the carriageway before advancing.*

*The proposed development and access provision complies with all current Planning Policies. The proposed changes to the on street parking provisions can be controlled by suitable Planning Condition.*

*I trust the above fully addresses any concerns with regard to the suitability of the proposed access for the development site and will allow your current objection to be removed.*

## Consultations

### Conservation Area Advisory Committee

#### Original scheme

*Not Agreed — The proposals as submitted do not preserve or enhance the Farncombe Road Conservation Area. The design is too bulky and the site coverage is far too great. The surrounding buildings are generally smaller scale individual "villas" set away from their boundaries. The Lyndhurst Road frontage now forms a terrace to the street and the scale does not reflect the pattern of adjacent buildings. The proposals are too dominant for the sensitive semi-residential area both in scale and in choice of materials. There is a loss of opportunity to more properly reflect the finer points of Farncombe Road and to enhance rather than detract from the conservation area.*

### West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA).

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

*Current surface water flood risk based on uFMfSW for 30 year and 100 year events:  
Low risk*

#### *Comments:*

*Current uFMfSW mapping generally shows the site to be at low risk from surface water flooding. This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.*

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

*Reason: NPPF paragraph 103 states – ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.’ Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.*

*Modelled groundwater flood hazard classification: High risk*

*Comments:*

*The proposed development site is shown to be at high risk from groundwater flooding. This risk and appropriate mitigation should be considered in any future designs especially with regard to underground structures and utilities.*

*Where the intention is to dispose of surface water via infiltration / soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.*

*Ground water contamination and Source Protection Zones.*

*The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.*

Environmental Health Officer

*In relation to the above, please may PH&R comment as following:*

- hours of demolition/construction - standard hours;*
- dust - appropriate suppression methods submitted prior to works (if necessary);*
- noise - no comments;*
- air quality - no comments;*
- contaminated land - full condition please*

Highway Authority (WSCC)

The Highway Authority's formal response to the latest submission by the applicants is awaited and will be reported to the Committee. Discussions between the Highway Authority and the applicants are ongoing.

The Highway Authority's response to the initial application and supporting transport submissions and revised application is recorded below and remains their formal position.

Second Response

*This is the second WSCC highways response to the application following submission of additional information to the LPA.*

*From scrutiny of the latest information available on the LPA's Planning webpages, no additional highway content appears to have been provided, including replies to the CHA's previous response of 9<sup>th</sup> November. In the absence of satisfactory information, the CHA object to the proposal for the following reasons:*

- 1. The proposal does not make provision for adequate visibility at the junction of the access with the public highway and in use would be detrimental to highway safety.*
- 2. The proposal does not demonstrate suitable access for emergency or refuse vehicles to park, turn or operate on-site, thereby requiring such vehicles to reverse to and from the highway to the detriment of highway safety.*

First response

*Summary position of WSCC as Highway Authority (CHA).  
Modifications are required to the application.*

*Site location and existing access.*

*The site is located on the junction of Lyndhurst Road and Farncombe Road, Worthing. Previously used as nurses' accommodation for the nearby Worthing Hospital, access to it is currently only available from Farncombe Road only. Parking for the existing premises is found to the rear of the building.*

*Proposals.*

*The planning application proposes demolition of the existing building and in its place, erection of a new residential block of flats comprising 30 flats with new access off Lyndhurst Road leading, in-turn, to a parking area generally to the eastern side of the plot. To create the access, the applicant proposes removing some of the on-street parking on Lyndhurst Road (currently resident-only parking) and closing the Farncombe Road access giving the opportunity for approximately 2 on-street parking spaces to be 'replaced' on that road.*

*Road safety.*

*Alongside the proposal, a Stage 1 Road Safety Audit has been undertaken by an audit team independent from the designer/s of the scheme. This has considered the aforementioned changes to the highway. One key area of focus (and raised as a 'problem') concerns the creation of the new access to Lyndhurst Road. The audit team raises concern about visibility splays being provided and maintained to permit safe operation of the proposed access point. The recommendation is for all the on-street parking to be removed to provide and maintain visibility to a suitable standard. The designer does not agree with this recommendation, instead stating that they only intend to remove some of the parking. They say the reasoning behind this stems from visibility advice contained in the Department for Transport guidance note Manual for Streets (MfS). They go on to say that MfS guidance suggests that in certain circumstances such arrangements (i.e. cars emerging between cars) can be acceptable and considers for 22 Lyndhurst Road, this should be the reference.*

*The Highway Authority has looked along Lyndhurst Road to see if similar arrangements exist. Furthermore, scrutiny of the personal injury accident (PIA) information recorded in the vicinity of the site (specifically Lyndhurst Road and Farncombe Road) - also recommended by the audit team - shows that several P1A's have occurred — one of which being at or close to the approximate location of the proposed new access. Other than at its junction with Lyndhurst Road, no P1A's appear to have occurred on Farncombe Road in proximity of the existing access.*

*Concluding this element of the scheme, the Highway Authority has considered the various facts that present themselves on this occasion:*

1. Lyndhurst Road serves as a busy District Distributor running E-W connecting Worthing Town Centre with east Worthing. A personal injury accident has occurred outside the site with further accidents at the nearby junction with Farncombe Road but none at the existing site access.

2. The proposed access, if constructed as the applicant desires, would require users of the site to negotiate parked cars either side of the access onto this busy road where the carriageway is relatively narrow and where their visibility would be reduced by said parked vehicles.

3. Farncombe Road is less busy than Lyndhurst Road, slightly wider and already affords an existing access with no history of PIAs. There are also a number of accesses already serving residential developments similar to the current proposal — again with no history of PIAs. It does have cars parked either side, but also has several changes in curvature that appears to result in drivers regulating speeds accordingly. Furthermore, the traffic movements associated with the previous use would have been similar to those that would likely be generated by the new development. Taken together, this suggests that it might be better suited to serving the development. It should, however, be safety audited again in light of any changes and also demonstrate suitable access by fire and rescue appliance and refuse vehicles. The access will be assessed further when such information is made available.

4. Having rear access would negate having to alter the on-street parking by way of proposed alteration to a TRO/CPZ which can often be time consuming and open to possible objections from locals.

5. It has not been demonstrated that early informal consultation with the Local County Council Member has been undertaken re. alterations to the TRO/CPZ. This is a policy requirement of the County Council and evidence of this is required to even entertain moving forward with consideration of any such alterations to parking.

In addition to the points raised above, the applicant should also consider the following:

1. Visibility splays to be shown (including pedestrian intervisibility splays) either side of the access.

2. Pedestrian access to be shown to the site.

Alongside any safety assessment, the CHA also has to consider impact to on-street parking and loss thereof. Demand for such parking is high in the area so any losses are generally not welcomed. On this occasion the applicant is proposing to replace some, so based on this ground alone, it might be difficult to resist the application. However, if road safety is compromised by alterations to the parking, this could merit a highway objection. If it is deemed acceptable in principle to alter on-street parking, an amendment to the Traffic Regulation Order (TRO) that governs the Controlled Parking Zone (CPZ) would be necessary and would have to be secured by way of a Grampian-style condition or similar prior to any works commencing on-site. The applicant should also note comments made in point 5 above.

*Parking for the development.*

This is shown in a parking court served off the proposed access off Lyndhurst Road. In the light of the comments made above about access, the applicant should review this design. Likewise, further information should be provided demonstrating how parking numbers have been informed.



*Access by refuse and Fire and Rescue Services.*

*This should be demonstrated in accordance with appropriate guidance — applicant to provide. Sweptpath diagrams should also be provided.*

*Please re-consult when the additional information is available, at which time the highway elements of the proposal will be considered further.*

#### Drainage Engineer

*The site lies in flood zone 1 is unaffected by any predicted surface water flooding and has no history of flooding. The site is currently drained via soakaways The content of the FRA is acceptable as are the conclusions and current drainage strategy proposal. The scheme should be conditioned such that In the absence of any ground investigation details the assumed infiltration rate should be checked after the demolition of the existing building and before any other works are undertaken to verify or revise the assumptions made in the FRA. Soakage tests in accordance with DG 365 (2016) will be required to be undertaken on the site to provide the data to confirm the size of the depth of voided subbase required for storage of rainwater from the impermeable areas. The design calculations should be rechecked for the soakage test result actually achieved, to ensure that the sub-base and permeable paving designs are suitable to cope with the design rainfall including the additional rainfall quantities appropriate for climate changes.*

*Recommendation – No objection on archaeological grounds. Archaeological assessment and mitigation are not required.*

#### *Summary*

*No archaeological impact upon any known archaeological site.*

*Very limited archaeological impact expected in respect if presently unknown buried archaeology (because of small land parcel, previous construction impacts, small area of construction impact on previously undisturbed ground).*

#### *Comments*

*These comments consider potential impacts of redevelopment upon buried archaeological sites only; they do not consider any potential impacts upon Conservation Areas/ Listed Buildings.*

*The application area is located on the Sussex coastal plain, an area intensely settled and occupied in the later prehistoric and Roman periods.*

*The nearest previously reported archaeological site is 250 metres to the west of the application area, a former clay pipe factory next to Lyndhurst Road. Within a distance of 250m – 350m are known prehistoric and Roman sites. At this distance, redevelopment should have no archaeological impact in relation to known archaeology.*

*Ref. the impact upon presently unknown archaeological sites that may underlie the application area: - this impact should be small, in view of the application area's small size, the degree of previous ground disturbance from construction of the*

*existing late 1960s/ early 1970s two-storey block, and the limited area of ground disturbance from the proposed larger building footprint.*

*Conclusions – No anticipated significant archaeological impact. Archaeological assessment and mitigation are not required.*

#### Council Tree Officer

*I visited the site in July 2015 to assess if there were any trees that should be protected as the site was being offered for sale. The main tree of significance to the area is the large Monterrey Cypress T1 in the northeast corner. A TPO was placed on this tree along with the smaller Holly to the west of it that was considered to compliment to the main large tree.*

*All other trees on the site were looked at but due to either their condition location or amenity value no others were considered important enough to preserve. A site visit was also carried out again in August 2017, as a request was made to re-consider the Lime tree for protection, but it was found not to be worthy of a TPO.*

*It is my opinion that the Monterrey is the most important tree on site, and that although protected, consideration could be given to the loss of the Holly, if suitable compensation in the form of new plantings were to be made.*

#### **Representations**

The applicants have submitted a Community Involvement Statement.

The summary states:

*2.1. The consultation strategy has been to involve a wide range of interested parties. The target groups for engagement included:*

- Local residents*
- Local interest groups*
- Worthing Borough Councillors*
- Stakeholders and interested parties in close proximity to the site.*

*2.2. On the 18th and 19th July, Worthing Borough Councillors, local residents and interest groups were invited to attend a public exhibition St. Paul's, 55b Chapel Road, Worthing, BN11 1EE to be informed of the proposed residential redevelopment at 22 Lyndhurst Road, Worthing.*

*2.3. The exhibition was publicised on 18th July through 230 invitation letters (see Appendix B) distributed among local residents and 10 laminated notices which were placed in prominent locations around the site (leaflet drop location can be seen at Appendix D). Borough Councillors were informed of the exhibition by email on 19th July.*

*2.4. All attendees were invited to record their comments by filling out a comments and feedback form. A total of 42 individuals attended the exhibition. In total 19 feedback forms were completed and returned, with 84% of respondents supporting*

*the proposed development at this site, with a further 11% supporting the scheme with reservations. Feedback from the exhibition is summarised in Section 6.*

*2.5. The public consultation raised a number of points which Roffey Homes has taken into consideration. The vast majority of comments made by local residents expressed support for the proposed scheme.*

*The main concerns raised have been summarised in Section 6.*

Sixteen objections from fourteen or more persons are recorded. These include twelve objections to the revised scheme. In addition, the Worthing Society has objected to both the original and the revised schemes. These objections are set out below.

### **Worthing Society**

#### Original scheme

*Now that we have had a chance to study the complete plans and measurements in detail The Worthing Society wishes to object to the aforementioned planning application. We do not object to the principle of redeveloping this site but object to some features of the proposed design.*

*The scheme does make an effort to fit in with its surroundings but taken overall the building is in our view too dominant and takes insufficient account of the character of this Conservation Area. It also fails to fit in sufficiently with the Locally Listed buildings along Lyndhurst Road, namely Alexandra Terrace, Alexandra Tavern, the St Johns Ambulance building and also Horton Court which has a Distinction in Building award. The design should take close note of the guidance given in the Farncombe Road Conservation Area Appraisal Document and national and local planning policy. It does not go far enough. The proposal is a reasonable start but significant changes are required to meet the design requirements for an area such as this.*

*Given the size of the site and the character of the Conservation Area the proposed building is unduly assertive and bulky. Whilst the design stays within the building lines it pushes right up to the limit on most sides, substantially in excess of the current footprint. Whilst it does not significantly exceed the height of neighbouring buildings the height of 4 storeys is in excess of the two storey and occasionally three storey buildings predominantly seen in this area, as outlined in the Conservation Area Appraisal Document. The new development should therefore be a maximum of 3 storeys high.*

*We are particularly concerned by the tower on the northwest corner which seems too large and a rather inelegant addition to this end of the Conservation Area. It also appears to have a 5th floor at the top containing an additional room or rooms for which there are no plans. Whilst the idea in the Design and Access Statement to draw on the slenderness of the corner turret of the St John's Ambulance building may have merit the resulting 5 storey tower is far more bulky and architecturally less pleasing.*

*The closeness of the proposed building to its neighbour in the South Western corner, where the gap has been reduced from 21m to 6.9m at its narrowest point, also exacerbates the feeling of overbearing impact and we are concerned about the effect on residents living in Horton Court.*

*The combination of pushing the boundaries in terms of both area and height and the inclusion of the intrusive 5 storey corner tower make this building too dominant and not sufficiently sympathetic to the interests of its neighbours, the character of the area or the buildings within it.*

*The materials proposed and window designs are by and large satisfactory. However the Conservation Area Appraisal Document comments on the predominance of natural slate roofs in this area and therefore we dislike the use of zinc for the exterior of the recessed 4th floor. The building ought to respect the buildings in Lyndhurst Road as well as those in Farncombe Road so the developer might consider render as well as brick for the facing material on this side.*

*We regret the proposed loss of trees. The Conservation Area Appraisal Document specifically notes how "mature trees throughout the area create a pleasant setting for the buildings" and to cut down a significant number is inappropriate, particularly the magnificent Holly tree (tree number 2 on the plans) which is the subject of a TPO. We would like to see this tree retained. This together with the applicant's plans for the planting of new native trees will help maintain the character of the area.*

*We are concerned by vehicle access being onto Lyndhurst Road. This is a very busy east-west highway with a bus route. Making a right hand turn out of the new development into Lyndhurst Road will in our view be dangerous. The pavement along Lyndhurst Road is also heavily used by pedestrians, particularly given its proximity to Worthing hospital, and having vehicle access across the pavement will in our view create an unnecessary danger for those travelling on foot. We would prefer the entrance/exit to be located on Farncombe Road and will await the views of West Sussex County Council Highways Department.*

*The way in which the parking provision has been calculated in Appendix 8 is confusing. The parking provision of 21 places for 30 flats is said to follow the WSCC calculator but the tables shown are contradictory saying 1 place is needed per flat but that 25 flats need 17 spaces and 4 flats need 3. One space per flat should be the minimum with some spaces for visitors.*

*Although somewhat outside our remit we are also disappointed by the lack of affordable housing and by the fact that this development is only available for those aged 55 and over. This would seem an ideal site to attract people of all ages.*

*In terms of specific planning policy we suggest the proposed design contravenes Core Strategy Policy 16; Saved Local Plan Policy CT3 and National Planning Policy Framework and Practice Guidance as well as Saved Local Plan H18 on amenity.*

## Revised scheme

*In regard to the recent amendments to the previously submitted plans The Worthing Society has the following comments:-*

- 1. The email which was sent to you on 9th November 2017 by our colleague David Clark contains the Society's views at that time. Because the amendments make no significant difference to the design we remain concerned about the following:- (a) the size and massing on the Lyndhurst Road frontage, (b) the need to respond to the size of the existing buildings in Lyndhurst Road, (c) the massing on the Farncombe Road frontage, (d) the inappropriate design of the windows. In our view the Developer and his advisers appear to have given insufficient weight to the importance of the Farncombe Road Conservation Area Appraisal Document.*
- 2. Your letter of 20th December 2017 states that the vehicular access has been moved to Farncombe Road but this change is not shown on the amended plans. We submit that this change of the access position would significantly affect the layout of the ground and first floors.*
- 3. The Worthing Society is keen to see regeneration and recognizes the severe pressure on housing targets. This particular site is ripe for development and the existing 1960's building is unremarkable, adding little to the Conservation Area. There is therefore a significant opportunity to redevelop the site with a high quality design which will enhance the Conservation Area. Whilst we appreciate the architect has made a reasonable attempt to produce a good quality design, the size and mass of the proposed building would in our view still conflict with the character and scale of the surrounding area. There is always a need to balance the scale of new buildings being introduced into conservation areas so that they complement our heritage assets.*

## Flat 3, 17 Farncombe Road

### Original scheme

- Objects on grounds of:  
-Design  
- Highway Access and Parking  
- Overdevelopment  
- Privacy Light and Noise  
- Trees and Landscaping*
- Knowing of the conservation area appraisal of Farncombe Road, I believe that the initial indication of future planning in relation to that document show this would not be an appropriate development. It would be good to have more information about how the conservation status and appraisal recommendations are being taken into account.*

### Revised scheme

- Knowing of the conservation area appraisal of Farncombe Road I believe that the initial indication of future planning in relation to that document show this would not be an appropriate development. It would be good to have*

*more information about how the conservation status and appraisal recommendations are being taken into account.*

Office 1, 19 Farncombe Road

- *My husband and I own 19 Farncombe Road, which is the second closest of the original 1860's detached villas to the proposed development. We are next to the HSBC building- Griffin House, so we know what it is like to be overlooked by an inappropriate development. Griffin House and the Lyndhurst Road Flats are both in the Farncombe Road Conservation Area Appraisal, listed as appropriate for demolition and redevelopment. These are the findings of Worthing & Adur Council and they have a duty to ensure that these buildings are replaced with something better for the appreciation and enjoyment of generations to come. These buildings were constructed before the Conservation Area designation and a different set of principles now apply.*
- *I consider the development to be too large for the plot, requires the removal of an unjustifiable number of trees (9 removals and 3 crown reductions) and has insufficient parking or outside space.*
- *Comments on the 'Design and Access Statement'*
- *Page 20: The design and access statement refers to the development being of 30 'sheltered' apartments but the application form omits the word 'sheltered'. Is this of any significance to the planning application? Surely a sheltered block requires more outside and inside social space and fewer bedrooms, achieving the same number of homes with a smaller development. Has this designation got anything to do with the shortage of parking places?*
- *Page 7 Location and Description The existing site has 29 bedrooms plus office space and parking for 40 vehicles. The proposed development has 58 bedrooms and parking for 21 vehicles.*
- *Pages 16/19 Height, Mass & Form The existing building on Lyndhurst Road is 11.4m high and the proposed building is 11.7m. Does this refer to the height of the light box on the corner tower, or is the building even higher than 11.7m? The existing building is already too high in relation to the original Victorian properties in Farncombe Road, remembering that the nurses' homes are new buildings and should not be used as a bench mark. Reference is made to a neighbouring building of 10.8m, which building is this? We are fairly close at 19 Farncombe Road and our architect has told us it is only 8.4m to the ridge. The proposed development is therefore over 3m higher than No.19. The existing building Lyndhurst Flats covers about half the ground area of the proposed development so height becomes more and not less significant.*
- *Extract from The Conservation Area Appraisal: [All the buildings are set well forward on their plots to produce generous back gardens, yet far enough back from the pavement to give the streets their broad open aspect...Mature trees throughout the area, both in gardens and verges, create a pleasant setting for the buildings...The building lines follow the road, with most houses being set 8-10 metres from the edge of the pavement; this, and the generous spacing between the houses affords a series of changing vistas to anyone travelling along Farncombe Road.]*

- *The design and access statement mis-quotes the above changing '8-10' metres to 'several' metres from the edge of the pavement (page 8)!*
- *Even the St. John Ambulance building, where the architects of the proposed development have drawn their inspiration from, is set well back in its very large plot and is not overpowering to the eye as you turn the corner.*
- *The Conservation Area Appraisal also accuses Griffin House of 'dwarfing the historic villa development', are we in danger of being dwarfed by another? When HSBC is eventually demolished what precedent will have been set for the development of this plot?*

## Revisions

- *All my original comments still stand. While the original application drew most of its inspiration from the St Johns ambulance building the revisions seems to be directing the emphasis towards Horton Court which is predominantly a new development (not original Victorian) and , more significantly built before the Conservation Area status. Whilst Horton Court is not specifically selected for demolition on the Conservation Area appraisal it should not be used as the a benchmark for future development*
- *I think the site is being overdeveloped which directs effects on parking , privacy ,light and noise and landscaping. We have recently obtained planning permission for 4 flats in Farncombe Road and we had to provide a parking space for each one. Apparently the sheltered apartment's status for this development reduces the demand for parking places and more cycle racks have been provided. I have revised the published statistics and the 50-70 age group make more journeys by car than the 20-40 age group and nearly all journeys of more than one mile are made by car.*

## 87 Lyndhurst Road

- *I wish to make you aware of my strong objection to the proposed development as detailed above that is proposed on land directly opposite my home. As an immediate neighbour, I am of the view that the proposed development will have a serious impact on my family's standard and quality of life.*
- *To summarise:*
- *The number of units for the site is too high - they should of a much smaller number.*
- *The architecture is out-of-character with existing historical structures and affects the charisma of the neighborhood. They should be more in line with the villas on Farncombe Road.*
- *No consideration for the impact on the Road traffic safety- entrance on Lyndhurst Road is too dangerous and on a busy bus route.*
- *Potential parking required for up to 60 residents. - residents on Lyndhurst Road will lose their parking.*
- *Will destroy the streetscape and result in a concrete obstacle.*
- *Will remove and ruin the greenage and camouflage greenery at the Farncombe Road and Lyndhurst Road junction. The removal of tree and the hedgerow will affect drainage, soil stability, wildlife habitat, and appearance of the area.*

- *Noise and traffic entering the Site will affect quality of life of those residents on Lyndhurst Road directly opposite.*
- *Overshadowing has not been fully considered — Lyndhurst road residents will be directly overlooked –into their living rooms and bedroom.*
- *Loss of light for homes opposite the site because of raising the height of the existing building- will seriously affect the health and wellbeing of residents in Lyndhurst road, • An alternative entrance needs to be sought other than that on Lyndhurst Road. Given that there is already a main entrance to this development this needs to be considered.*
- *30 flats will add to the stress on infrastructure, including waste disposal and parking. Lyndhurst Road regularly floods.*
- *All residents of Farncombe Road should have been made aware of this development.*
- *Roffey Homes are cramming too many homes into a small area in East Worthing with serious consequences for the future of this area. There appears to be little respect for the wellbeing of existing residents.*
  - *I request that you please carefully consider the overall implication of Roffey Homes being granted permission to build another large complex in a conservation area, and so close to the Brighton Road development. Roffey Homes are cramming as many people as they can into a small area that will put significant strain on the infrastructure and safety in this area.*
  - *The current imposing design will dominate the quality of lives of those residents living directly opposite, casting their homes in darkness. Roffey Homes should be requested to come up with a smaller scaled proposal that is in line with the current properties in the area and sympatric to its environment and current residents.*

### 89 Lyndhurst Road

- *I object to this development as I am concerns over the two listed trees with preservation orders and that the Roffey design is too large for this area losing the substantial front garden and green area with the flats too close to the flint boundary wall.*
- *I have big concerns over the new suggested entrance in Lyndhurst Road. This road can be very busy at certain times of day. With a regular bus service serving the community putting the new entrance close to Cranworth Road will simply add to heavy congestion. I live directly opposite and the effect on my privacy plus the light and noise pollution will definitely be detrimental to my quality of life!!*

1, 3, 44, 55, 87 and 89 Cranworth Road; 85 Lyndhurst Road and one other unspecified person and a resident in Cranford Road but unspecified address

### Original and revised scheme

- *I wish to object to the initial planning proposal and planned changes to the above planning proposal for the following reasons.*
- *Dangerous access route to the site. The access route to the development is located on Lyndhurst Road opposite Cranworth Road. Lyndhurst Road is an important access route to the town, hospital and local schools. The entrance*



on Lyndhurst Road will affect not only road users but pedestrians making the road much more dangerous for all user.

- The entry will also cause disruption to the quality of life for those resident living directly opposite (noise and light).
- Three quarters of the buildings in Farncombe Road are of a Villa type design with tiled pitched roofs and totally sympathetic to the conservation area. The proposed design is out of scale, not in line with the character of other buildings in this area and contain too many flats.
- The proposed design is 30% larger than the existing building. Almost a third larger is a material increase and 30 meters higher is a dramatic and unacceptable change in height.
- •There is Insufficient parking for the number of flats proposed which will impact on the parking available to existing residents in this area.
- •The corner element (junction of Farncombe/Lyndhurst Road) is awkward, clumsy and a bulky construction lacking in imagination. It is over assertive and a distraction ruining the lineage and greenery of the area.
- Parking is already impossible after 4pm with some householders having two cars. The volume of traffic is also very dangerous for emergency vehicles buses and cars. To add to this is absolutely ridiculous and an accident in the making.
- I have seen the revised plans and I am still concerned the height will block out the sun from my property at certain times of the year which still affect my quality of life.
- Trees are vital to the health and the environment in this built up area

#### 4 Homefield Road

- We are strongly opposed to the granting of permission for the development of 31 flats as applied for, for all the reasons as set out in the list of concerns, and copied below
- The number of units for the site is too large
- The architecture is out-of-character with existing historical structures and affects the charisma of the neighbourhood.
- No consideration for the impact on the Road traffic safety
- Potential parking required for up to 60 residents.
- Will destroy the streetscape and result in a concrete obstacle.
- Will remove and ruin the greenery and camouflage greenery at the junction. The removal of tree and the hedgerow will affect drainage, soil stability, wildlife habitat, and appearance of the area.
- Noise and traffic entering the Site will affect quality of life of those residents on Lyndhurst Road directly opposite.
- An alternative entrance needs to be sought other than that on Lyndhurst Road. Given that there is already a main entrance to this development this needs to be considered.
- 31 flats will add to the stress on infrastructure, including waste disposal and parking. Lyndhurst Road regularly floods.
- Has this design be derived from a goal to maximise floor space i.e. profit?

#### Homeowner Cranworth Road

- *I am a home owner in Cranworth Road and have only just seen this proposal, I was not notified as some of my neighbours were about this development and whilst I believe it is necessary to provide homes and that this site is suitable there are some very important reasons why I believe these plans should be modified.*
- *Firstly, the plans for 30 flats is far too big. This is a busy part of Worthing and there is a lot of traffic to and from the hospital and several local schools as well as people going and returning from work-this will raise safety issues particularly with the entrance in Lyndhurst road, it is extremely congested now in that area and would suggest the entrance is in Farncombe Road which is a wider and less busy road both from vehicles and pedestrians . Parking is a complete nightmare and despite having to buy permits to park on our own streets we are required at times to park elsewhere due to lack of spaces- with 30 more flats and up to 100 new residents should this plan go ahead, parking will be impossible.*
- *My biggest issue is the destruction of the trees. There is a very old tree in the grounds and it would be terrible to lose it, not only because it offers some greenery to a very ugly part of Worthing but also because it also provides some protection from the fumes people have to inhale on a daily basis as children walk to and from school and people go about their daily business. We have lost so many trees in this area through development and Worthing is becoming a concrete jungle but to chop down existing trees is criminal , they would take 100s of years to grow again and its unlikely with the amount of pollution along that road, they will be able to do so. There is also the question of the shelter they offer to birds and wildlife. These trees have not been a problem and should not be so now. There is also a lovely holly tree which no doubt will be destroyed if these developers have their way. I beg of you NOT to allow this to happen it isn't necessary.*
- *Housing people is a priority and I am pleased that some of these flats will be for homeless and vulnerable people I just hope that Worthing council will listen to the people of Worthing the people that live and work here and the people that care about their town, it was a pretty town once, when I moved here 24 years ago but every day something goes that takes away a little of its beauty. The trees in the town will be down soon to make room for a coffee bar, the monstrosity that's going up on the seafront all for visitors and to attract visitors whilst the people in Worthing have to put up with the inconvenience and danger that's attached to this sort of renovation.*
- *I want these flats to go up for the homeless but please, don't destroy what little beauty there is left in this sadly declining area.*

## **Planning Appraisal**

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 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states 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.

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 (albeit recent case law indicates approval of development which is contrary to the Development Plan will be the exception.)

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 relate to and 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 and Issues and Options document was published to this end 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 has been produced.

The main issues raised by this proposal are:-

- The principle of residential development, housing need, dwelling mix and tenure and density
- Height/massing/siting/form/detailing of the development and quality of the design and impact on local character and townscape, including Conservation Area
- Impact on amenity of neighbours and amenity of new dwelling occupiers
- Parking and access arrangements
- Other environmental resource impacts, including drainage, flood risk, contaminated land and sustainability
- Planning obligations, CIL and absence of affordable housing, development viability

As such the proposal should be principally assessed against the statutory tests; saved Worthing Local Plan Policies H18; TR9, and RES7, Core Strategy Policies 7, 8, 10, 11, 12, 13, 14, 15, 16, 17 and 19; the National Planning Policy Framework and allied Practice Guidance; Worthing Borough Council Supplementary Planning Documents on; Residential Space Standards and Guide to Residential Development and Development Contributions; Strategic Housing Land Availability Assessment (2015) and Worthing Heritage Guide; Farncombe Road Conservation Area Appraisal; and Community Infrastructure Levy Charging Schedule (2015) and SHLAA and Interim Position Statement (Feb 18) Clarification of the application of Core Strategy Policy 10 (affordable housing); Ministerial Statement 25.3.15; DCLG Optional Technical housing standards in accordance with the above.

### **The principle of residential redevelopment, housing need, dwelling mix and density**

The current building remains unoccupied whilst works to implement the recent permission under AWDM/1612/17 for temporary use as short stay accommodation for homeless people are carried out. However, its lawful permanent, last use was as a sui generis HMO for NHS staff. Whilst the permanent loss of such key worker, de facto, affordable housing may appear regrettable at a time when housing costs can impact on NHS staff recruitment and retention, the site has been declared surplus by the NHS and sold on.

That said, the building itself, although described previously by the NHS as of poor quality and difficult to let, clearly retains potential for beneficial future use as dedicated accommodation for key or vulnerable groups as exemplified by the recent permission to convert the premises to a homeless short stay accommodation, albeit on a temporary basis.

However, other than the broad policy to meet *a wide choice of high quality homes to address the needs of the community* as set out in Core Strategy objectives and Policy 8, there are no policies specifically governing such uses and none which expressly protect them. The temporary status of the homeless short stay accommodation was accepted in granting the recent permission, not least to allow for the current redevelopment proposal. An Exit Strategy to manage the loss has been prepared.

As for the proposed use as C3 flats, this complies with the broad spatial strategy and national policy. Although not formally allocated in the Core Strategy, the site is identified in the Strategic Housing Land Availability Assessment (SHLAA) as a Potential Housing site that meets the relevant criteria of suitability, availability and achievability. In particular, it is situated in an established residential inner suburb close to the town centre fringe which has good access to local facilities and the town centre and is generally supported by necessary infrastructure. A substantial part of the site is brownfield land and significant greenfield elements are retained. In practice, the site is available in the short/medium term (3-10 years) due to the interim short stay housing for the homeless use recently approved. The size and shape of the site lends itself to development, and, as infill residential development, it consolidates the land use pattern.

The proposal makes efficient use of such land in so far as it achieves a high site density of some 120 dwellings per hectare and replace a currently tired and unoccupied building (albeit, soon to be put to positive use) . This density ties in with the notional density on redevelopment anticipated in the SHLAA, though this is simply a broad guide, not informed by any architectural feasibility study and not prescriptive – see design appraisal.

Turning to the dwelling form and mix, Core Strategy 8 recognises higher density housing (such as the flats proposed here) is appropriate in and around town centres. The current location broadly fits this policy as it is, at least, reasonably close to the defined town centre boundary and by a mixed use area, where flats feature alongside suburban houses. Flats are also the most effective way of optimising density here.

The proposal helps meet an acknowledged housing need for accommodation by the older part of the population - i.e. 55 and overs. That said, it is important to note the flats are not supported accommodation and communal living facilities are absent. Whilst all the upper floor flats are accessible by lift, only three wheelchair car parking spaces are shown, though the applicants report there is ample space to park mobility scooters in the ground floor stores.

In terms of physical access to the flats for those with mobility difficulties, the applicants advise *that all apartments should meet the optional M4(2) category 2 standard* (roughly equivalent to Lifetime Homes) *but only through very detailed design at Stage 3 onwards can this be fully confirmed. Similarly, many of the adaptation requirements of M4(3) (Wheelchair accessible) can be met, however only through detailed design can this be done.* Achievement of such a standards is appropriate for a development expressly catering for the over 55s which will include the elderly and mobility restricted. It will enable residents to stay on in their flats as they age and is broadly consistent with Core Strategy Policy 8 and supporting SPD. Subject to negotiation, this may be secured by condition.

The developer has previously reported that, from experience of building similar high quality flatted developments, over half of Roffey homes apartments are purchased by downsizers resident in the Borough. As a result, the proposal is likely to release a significant number of under-occupied family houses with gardens for new family occupation which directly assists one of the core underlying aims of Core Strategy Policy 8.

A proposal of this scale would normally be expected to provide 30% of the homes (i.e. 10 dwellings) as affordable and on site. The current application proposes none, nor a commuted sum for off-site provision on the basis that this would render the scheme effectively unviable.

The issue is considered in detail in the Planning Obligations section below.

The 30 flats would certainly contribute towards reducing the recognised shortfall of identified deliverable housing land against Objectively Assessed Need (OAN). However, in practice, the gain, though welcome, is sufficiently modest that it would not, by itself, be determinative, especially given the scale of shortfall against the OAN and the fact that the site is already factored into the Core Strategy's

expectations for future housing delivery through the SHLAA. In any event, the Committee will recall, action to realign the Plan with the NPPF is underway through the planned Review, with draft proposals due to be published this year.

Any regeneration benefits from redevelopment are limited and would not be unique to this scheme.

As such the proposal may be supported in principle and is broadly in accordance with the spatial strategy and a five year permission is, in principle, acceptable to allow the temporary homeless project to be implemented as planned.

### **Height/massing/siting of buildings and quality of the design and impact on local character and townscape, including Conservation Area**

The proposal falls to be assessed against Core Strategy Policy 16, informed by the Conservation Area Appraisal and taking account of the statutory tests for development in Conservation Areas and National Planning Policy Framework (NPPF) and Planning Practice Guidance - principally achieving a good standard of design and taking reasonable opportunities for enhancing the character and appearance of the Conservation Area.

This is an important and very prominent site in the Conservation Area and wider townscape, close to several buildings identified as positive contributors to the Conservation Area and/or Local Interest Buildings such as the Victorian villa next door at 22 Farncombe Rd and St Johns Ambulance building, opposite. The Conservation Area is itself, a Heritage Asset as defined by the NPPF. Any redevelopment would need to fully optimise the sites potential whilst being sympathetic to its surroundings. For these reasons and the different characters of the Lyndhurst and Farncombe Road areas, such a task is challenging.

Whilst, the current building is of little architectural significance in itself, the limited footprint of the building means that the site contributes to the open character of the Lyndhurst /Farncombe Road and Homefield Road crossroads. The site enjoys a sympathetic relationship with the characteristic Victorian villas and leafy corridor in Farncombe Road and other neighbouring buildings, as well as contributing to the greenness of the area, not least the distinguished Monterey cypress tree. The loss of the existing building is acceptable, subject to replacement scheme achieving the requisite quality.

Unfortunately, even with the latest revisions, the submitted redevelopment scheme falls short of the mark.

The problems can be, at least, part traced back to the questionable contextual and other analysis and judgement used by the applicant to inform and justify the siting, scale, mass, height, form and detailed design of the proposed block.

To begin, no building in the Conservation Area and relevant wider context (including crossroads) which is accepted as a positive reference and suitable comparator, is as large in footprint (street frontage and depth, particularly) and, accordingly, so assertive. Indeed, the scale of terraces in Lyndhurst Road opposite is materially smaller than the proposed block and is not fairly reflected in the new scheme.

Similarly, no comparator building is so tight to the extrapolated Farncombe Road building line and corner with Lyndhurst Road, bearing in mind the length and height of its street frontage and the fact that the building projects deep towards the apex of the corner. Typically, the crossroads buildings are well set back from their respective corners.

Likewise, allied to the above, no comparator buildings so assertively address the corner with Lyndhurst Road or other corner in the Conservation Area in terms of its form as the proposed block, with its taller and angled corner feature. Whilst the St Johns Ambulance on the opposite side of the crossroads is angled to face the corner and is a positive contributor to the Conservation Area/appropriate reference point, it is set right back, is much smaller and its turret does not face the corner

The spacing between the new block and the Victorian villa at No. 22 Lyndhurst Road is recognised as typical of the street but does not take proper account of the scale of the new block and the mass of its untypical, extended frontage and how this squeezes the characteristic spacious setting of this villa and street rhythm.

The height of the new block may not be that much taller (ie less than one metre) than the existing building on the site, nor, at its closest points, to its neighbours at No. 22 Farncombe Road and the flats at No. 24 Lyndhurst Road. However, the block's fourth storey set back is narrow, and, compared to the relatively shallow pitched roofs of the existing building and villa at No. 22, with their recessed ridges; its vertical face would be far more prominent from the street. The block would be much more assertive.

The logic is unconvincing for linking the two constituent elements of the scheme identified by the applicants (Lyndhurst Road element on the axis of the current building and Farncombe Road element on the line of that road) by a substantial intermediate element to create one large block, rather than keep a full physical separation, more typical of the pattern of development in the area and its character. For all the modulation, this lends the block a heavy character, unbroken by clear space.

Not least, the proposed block's detailed design, particularly its bays, entrance treatments, and zinc faced fourth storey, fail to clearly and sensitively respond to the distinctive and important period vernacular of the Victorian villas in Farncombe Rd. The bays read as heavy and the building entrances are inappropriately understated, whilst the zinc is an alien and discordant facing material in the local palette.

Finally, the high visibility of the proposed block from many important vantage points and its relationship to tree cover bears special attention. The loss of several frontage trees and proposed landscape treatment means that the corner and a large part of the Lyndhurst Road frontage of the site would be much more exposed than at present. Whilst the scheme is partly obscured by several retained frontage along Farncombe Road, these are deciduous and provide limited screening for much of the year.

The retention of the Cypress tree in Lyndhurst Road is welcomed and provides some screening but the conclusion that the scheme would be highly visible across

the open crossroads and noticeably visible from Lyndhurst and Farncombe Roads as well as glimpsed views from Selden Rd, not to mention from the neighbour flats in Horton Court and 24 Lyndhurst Road, is inescapable and only serves to heighten concerns over its adverse visual impact set out above.

These are all significant shortcomings in themselves but in combination weigh heavily against the scheme.

As mentioned previously, the principle of redevelopment is supported and even encouraged. However, as a result of the combination of its height, siting, mass, footprint and form, and, bearing in mind the prominence of the site and its importance to the Conservation Area and wider townscape, the proposed scheme would appear unduly large, over-dominant in the street scene, particularly in relation to the corner and Victorian villas in Farncombe Road, the incongruousness, compounded by its unsympathetic detailing. Even allowing for the shortcomings of the existing building, it is not an acceptable replacement. These concerns are underlined by the objections received from The Worthing Society, Conservation Area Advisory Committee and neighbours.

This suggests the quantum of floorspace sought is over ambitious and points to overdevelopment.

That said, the applicants efforts to modulate and articulate the building, including setbacks, and, green (albeit much narrower) frontages are recognised, and, likewise, the last set of revisions' attempts to address concerns raised. However, the changes made are relatively minor and do not deflect from the conclusion, that whatever the building's intrinsic architectural merits, the proposal is inappropriate for this location.

Accordingly, the proposal fails to achieve the quality of design expected of such development on such an important site and would harm the appearance and character of the Conservation Area as a heritage asset and wider townscape, contrary to the relevant tests and policy framework.

### **Impact on amenity of neighbours and amenity of new dwelling occupiers**

The residential neighbours principally affected are the flats at 24 Lyndhurst Road to the east and the flats in the two closest building at Horton Court to the south.

The new block is a very similar distance from No 24 Lyndhurst Road as the existing building, and, likewise, similar depth and height at the nearest point. Whilst there are windows serving habitable rooms on all three floors facing west towards the new block and the new block does rise to four storeys some 5.5 ms back from the nearest edge of the new block, at the distances involved, no unacceptable harm to the outlook or natural light would result for No 24. As the east facing windows in the new block only serve ensembles, no overlooking would occur if these are obscure glazed and openings restricted. This may be secured by condition. The roof terrace serving the top flat (No 30) and the balconies serving the lower flats sited close to the SE corner of the new block do have the potential to cause overlooking. However, with the set back to the roof terrace shown (2ms) and adequate screening which can be secured by condition, this may be avoided.



22 Farncombe Road (Horton Court) is close to the southern edge of the new block and three first floor windows directly (one serving a bathroom and two primary windows serving a bed room each) and part of a front bay serving a further bedroom look towards the new block. Whilst the new block is much closer than the existing building, no harm to natural light would occur at this distance given the top floor of the new block is set back. Some limited impact on outlook would however, result for the two bedrooms but as the main aspect of the bay window is west, the impact to this bedroom would be still less. Overlooking would also occur from the several upper floor windows serving habitable rooms on south facing elevation of the new block and also the roof terrace. However, as the relevant windows in the new block are secondary, these may be obscure glazed by condition and the west and east facing balconies on the new block are obliquely sited and flank privacy screens could be secured by condition mitigate any loss of privacy. The roof terrace is close but sufficiently elevated not to be invasive.

The properties on the west side of Farncombe Road and north of Lyndhurst Road are sufficiently distant and their facing elevations public not to impact unacceptably.

Turning to the new flats themselves, they are all generously sized and exceed the relevant internal standards. All the flats have their own private balcony or roof terrace which also meets relevant standards. In addition, there are communal landscaped gardens on all the street frontages.

### **Parking and access arrangements**

The Highway Authority has raised significant concerns over the scheme, resulting in a formal objection.

The applicants have made a late response to these concerns and their covering Transport Note is reproduced in full in the section dealing with Applicant's Supporting Statements.

The Highway Authority's response to this is awaited and will be reported to the Committee.

In short, the Highway Authority has expressed concerns over the creation of a new access onto the busier and narrower Lyndhurst Road in preference to use of Farncombe Road, as currently exists. The main issue here is visibility for emerging vehicles between parked cars in the bays and the road safety danger it poses, bearing in mind the history of personal injury accidents. Prior consultation with the Highway Authority on the loss of the front parking bays has not been undertaken and their removal relies upon a successful Traffic Regulations Order. The level of on-site parking has not been justified and access by refuse and Fire and Rescue Services has not been demonstrated. Initially, the Highway Authority indicated that it wished to be re-consulted when the additional information is available, at which time the highway elements of the proposal will be considered further. However, as no satisfactory response to their concerns was received it firmed up its stance to an objection in response to the revised scheme as follows:

*From scrutiny of the latest information available on the LPA's Planning webpages, no additional highway content appears to have been provided, including replies to the CHA's previous response of 9<sup>th</sup> November. In the absence of satisfactory information, the CHA object to the proposal for the following reasons:*

- 1. The proposal does not make provision for adequate visibility at the junction of the access with the public highway and in use would be detrimental to highway safety.*
- 2. The proposal does not demonstrate suitable access for emergency or refuse vehicles to park, turn or operate on-site, thereby requiring such vehicles to reverse to and from the highway to the detriment of highway safety.*

Certainly, these underscore many objections from The Worthing Society and neighbours.

The Highway Authority's concerns centre around safety. This is a prime concern of the NPPF as set out in para 32 which states that: *Plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people.*

The test in planning terms for assessing harm from transport impacts of development is also set out in para 32 of the National Planning Policy Framework: *Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

Severe is not defined in the National Planning Policy Framework and it is left to the decision maker to use their judgment but what seems clear is that it is not the magnitude of the physical impacts on the network, rather it is the residual outcomes that are critical. If road safety were materially prejudiced the consequences would almost by definition be severe - personal injury or fatality.

The Highway Authority has, to date, assessed the proposals and concluded that safety would be unacceptably compromised. Accordingly, if this position were to be maintained, it would appear that NPPF test is satisfied and the proposal would be unacceptable for the reasons cited.

That said, the applicants have made a comprehensive case in their latest submissions and judgement is therefore suspended on the safety issues, pending the Highway Authority's response.

Turning to on-site parking, this is questioned by the Highway Authority but not objected to, despite neighbour concerns raised over provision. The 21 spaces proposed is certainly significantly fewer than the number of flats (30) and fewer than the 27 spaces required using the Highway Authority's parking assessment calculator for market flats of the mix proposed in this Ward.

However, whilst the calculator itself takes into account the sustainable location, it does not give consideration to the fact that the development is to be restricted to the over 55s. The latest submission by the applicant notes that *a significant proportion of residents moving into the retirement homes give up on car ownership at the time of moving into those types of accommodation'. Other factors contributing to the*

*reduction in car ownership relates to the percentage of women occupying these types of development and the low occupancy per unit. Section 4 of that report further notes that the anticipated car ownership per apartment is around 0.46 which for this development site would result in only 14 spaces required.*

Although the proposed development is not a retirement home (C2) use occupied solely by the elderly but 30 self-contained flats available to the over 55s and car ownership may not be as low as suggested, this is relevant.

The applicant's recent statement that, *the proposal will result in no net loss of parking spaces* also provides reassurance over on street parking impacts, though this is dependent upon the Highway Authority accepting the proposed new arrangements.

Subject to the Highway Authority's comments on the latest submissions, the conclusion is that the impact of the notional parking shortfall may not be significant and its impacts would be less than severe and so an objection on these grounds could not be sustained.

In all other transport respects, such as sustainability of the general location, the proposal would be acceptable.

### **Other environmental impacts including ecology/trees, drainage, flood risk and sustainability**

The site is in a low flood risk area and the Drainage engineer is satisfied with the approach of the Drainage Strategy. Details of sustainable drainage may be reserved by condition.

The loss of the several trees on site is regrettable but unavoidable with the design. However, they are of low value (C category), including the multi stemmed lime tree in the NW corner of the site and the holly on the Lyndhurst Road frontage covered by a Tree Preservation Order. Acceptable compensatory planting is proposed. The Council Arboriculturalist raises no objections.

The retention of the very distinguished and attractive Monterey Cypress in the NE corner of the site is welcomed. As the footprint of the new block is very similar to the current block in the vicinity of the tree, the impact on the root zone would be limited. Suitable protection during construction may be secured by condition. The tree is sufficiently distant and the crown sufficiently high not to impact on the outlook or light from adjacent future occupiers.

The street trees are also retained, though limited surgery is also proposed.

The site has been assessed by the applicants Ecologist and found to be of low value with negligible bat roost potential. Ecological enhancements are proposed and are supported, including using native species and provision of bird nesting boxes. These may be secured by condition.

The County Archaeologist raises no objections.

The building provides an Energy Strategy to achieve the required 19% reduction on the baseline under Part L Building Regulations through design and materials and provision of a large array of Photovoltaic panels on the roof. The applicants advise this is equivalent to the former Level 4 of the Code for Sustainable Homes. This is welcomed.

### **Absence of affordable housing, development viability and planning obligations**

Since the adoption of the Community Infrastructure Levy, tariff style development contributions, other than for affordable housing, may no longer be sought. Site based development contributions may still be sought where they can be justified to overcome a specific site impediment, such as providing new road infrastructure or compensatory off site wildlife area. However, no such provision is required in this case.

As the site is in Selden Ward, a zero Community Infrastructure Levy is charged to offset the addition pressure on infrastructure created.

Turning to affordable housing, Core Strategy Policy 10 expects residential schemes of this scale to provide 9 affordable housing units on site to meet the 30% quota, subject to:

- *the economics of providing affordable housing*
- *the extent to which the provision of affordable housing would prejudice other planning objectives to be met from the development of the site*
- *the mix of units necessary to meet local needs and achieve a successful development.*

This would normally split fairly evenly between affordable rent and shared ownership.

The policy also states;

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

If off site provision through a commuted sum is acceptable, it calculates as;

4 x one bed units @ £23,868 = £95,472  
25 x two bed units @ £24,255 =£606,375  
1 x three bed units @ £31,532 =£31,532

**Total = £733,379**

Government Planning Policy Guidance on Affordable housing in respect of Vacant Land Credits has been dis-applied in the Borough due to the acute affordable housing need; highly constrained housing supply and nature of land supply in terms of residential delivery, as set out in the recently published Interim Position Statement (Feb 18) Clarification of the application of Core Strategy Policy 10 (affordable housing).

The applicant's submitted viability assessment assumes this Vacant Land Credit (VBC) to reduce the requirement applies.

In this case the applicant proposes no on-site or off-site provision on grounds of viability, even with the VBC.

The case advanced by the applicant in the current scheme is set out in detail in the submitted viability appraisal and subsequent supplementary statements.

They have been assessed by independent viability consultants for the Council. The viability information was submitted on a confidential basis but this needs to be balanced against transparency.

Recent Information Commissioner's Office tribunals and Courts decisions in relation to the Environment Information Regulations have sought to reconcile these competing considerations when Local Authorities receive requests for full disclosure of viability information submitted to support a planning application. The message appears to be that in certain circumstances, the public interest in protecting potentially commercially sensitive information can outweigh that of disclosure. This is underscored by Government PPG which states:

*Paragraph: 007 Wherever possible, applicants should provide viability evidence through an open book approach to improve the review of evidence submitted and for transparency.*

The balance struck in this instance is to share relevant non-sensitive information but restrict the full detailed picture which includes commercially sensitive information to the confidential part of the agenda.

The applicant has submitted the following justification in the non-confidential Planning Statement:

*"6.6.4. A Viability Report has been prepared by Roffey Homes Ltd in support of this application. The assessment concludes that due to the scheme's poor viability position, the development proposal cannot support the delivery of affordable housing (either onsite or as an offsite contribution)."*\*

*\* The viability appraisal documentation discloses detailed financial statements relating to the redevelopment and contains commercially sensitive information, the disclosure of which would be severely prejudicial to the applicant's (Roffey Homes Ltd) commercial interests in relation to Section 43 (2) of the Freedom of Information Act 2000 and therefore must not be made available to third parties.*

*6.6.5. The viability assessment notes that, in the absence of an affordable housing contribution, the calculated developer profit on this scheme would be just 14% rather than the 20% which would normally be expected. The accompanying note on the viability assessment states:*

*In terms of developer profit, levels of 20% of GDV are the standard for small, single phase schemes of this nature and an expectation of banks for funding purposes.*

*However, the development appraisal results in an out-turn Developer profit of just 14%.*

*Roffey Homes are however prepared to move forward at this level as the earliest they shall commence the re-development would be in 3 years' time."*

The findings of the viability consultants were that the residential sales costs used in the applicants viability appraisal and the development costs were reasonable, save for omission of VAT obligations. The site purchase costs allowed were also reasonable.

The levels of profit for all scenarios considered were all *lower than a developer would expect for a project of this type and could make the project unviable*. These ranged from 14.4% without VAT and 13.18 % allowing for VAT but no affordable housing, down to 5.42% if the full affordable housing requirement were met with no vacant building credit.

Government guidance does not specify what a reasonable profit level for a developer is other than it should be *competitive to enable the development to be deliverable and will vary significantly between projects to reflect the size and risk profile of the development and the risks to the project. A rigid approach to assumed profit levels should be avoided and comparable schemes or data sources reflected wherever possible* (Paragraph 15). The current benchmark rate of profit proffered at many appeals and cited by the applicant is some 20% (profit expressed as percentage of gross development value). However, lower profit levels can be acceptable to some developers in particular cases and may be appropriate, as noted by an Inspector in a recent appeal *Whilst 20% is often cited as a benchmark profit level it is not a figure 'set in stone'*. Here, less than 20% profit level was considered deliverable (APP/W0530/W/16/3162178: 5.6.17).

Since this analysis was produced the scheme has been revised to reduce the overall floorspace slightly by downsizing flat 23 from a three to a two bed flat. The applicant states that this, and the reported omission of ground rents from the appraisal, reduce the level of profit to just 12% (expressed as percentage of development value), even with no affordable housing.

The Council's independent analysis, therefore, indicates that the scheme without any affordable housing but with VAT is at the margins of viability (13.18 % profit described as *slightly lower profit than a developer would expect for a project of this type*).

If the full affordable housing were required, the impact on profit effectively renders the scheme unviable (5.42% profit described as *significantly lower than a developer would expect for a project of this type*).

Taking into account *the economics of providing affordable housing* referred to in Core Strategy Policy 10, no affordable housing is, accordingly, justified.

Support for this conclusion is to be found in the NPPF which states that,

## *Ensuring viability and deliverability*

*173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*

The supporting Planning Practice Guidance further advises:

*Paragraph: 004 : Planning obligations must be fully justified and evidenced. Where affordable housing contributions are being sought, planning obligations should not prevent development from going forward.*

*Paragraph: 006 Where local planning authorities are requiring affordable housing obligations or tariff style contributions to infrastructure, they should be flexible in their requirements. Their policy should be clear that such planning obligations will take into account specific site circumstances.*

*Paragraph: 016 A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken.*

*Paragraph: 026 In making decisions, the local planning authority will need to understand the impact of [planning obligations](#) on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.*

*This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The financial viability of the individual scheme should be carefully considered in line with the principles in this guidance.*

Whilst, the viability of the scheme, even without affordable housing, is questionable, the applicant advises:

*Roffey Homes are however prepared to move forward at this level as the earliest they shall commence the re-development would be in 3 years' time.*

They accordingly state that:

*In this regard, as Roffey Homes are requesting a 5-year consent, they are prepared to provide an open-book appraisal at the end of the project with any profits over*

*20% of GDV being put towards affordable housing contributions. Such contributions would however need to be capped at an agreed figure, taking full account of the reduced sum available, subject to the application of Vacant Building Credit (VBC).*

Whilst the principle of a formal review of affordable housing provision through a clawback mechanism in a legal agreement is welcomed, the Council's' viability consultants have assessed the applicant's proposed trigger rate of profit as follows:

*On the developers premise that sales values will outperform construction inflation, Roffey Homes have offered, on an open book basis, to put any profit over 20% towards the affordable housing contributions which are currently excluded from the assessment. If the authority are to consider this, we would recommend that any profit over 16.47% (calculated as a percentage of development costs) is put towards the affordable housing contribution, as this is the level in which Roffey Homes are currently willing to proceed upon. With regards to this being capped, we would recommend that it is capped at the full value of the affordable housing contribution.*

The applicants have responded to this as follows:

*It should also be pointed out that we are 'gifting' the use of the site until the redevelopment to the Worthing Homeless Churches Project to benefit both work with homelessness and also the Council's work with emergency The Roffey Homes viability appraisal was constructed using an honest and open book method. This was acknowledged by Gleeds, with many values being noted as being on the low side. In particular, our funding was shown as being on only 50% of the construction cost alone, for half of the construction programme. So no funding on the land purchase. Our past experience is that our funders are able to waive the requirement for a 20% return as their exposure is minimal in relation to our own investment This is how we hope we can deliver the site.*

*Unfortunately though, there are many unforeseen and unpredictable situations that can occur going forward which can materially change our development funding model. This could necessitate earlier and greater funding, against the land value, and higher percentage funding against the construction cost. No bank or funder will fund in such an eventuality unless we are able to clearly show a 20% profit margin. If the Council impose a lower threshold after which affordable housing is due, then this would directly impact on the likelihood of greater funding being achieved, therefore directly affecting delivery of the development.*

*This 20% profit figure is accepted by Planning Inspectors as a minimum acceptable level of profit to target through a review mechanism as shown through the attached examples, which ratify the bank lending situation. accommodation. This will be financially beneficial to both the Council and WCHP. We need not have done this, and could have rented the property out as an HMO bringing in an income of around £10,000 per month.*

*We therefore cannot accept a lower threshold and would challenge any such attempt to do so."*



## Conclusions

The principle of residential redevelopment is supported on this sustainable located, partly brownfield site. The flatted form of development is appropriate in this location and the dwelling mix and quality of accommodation acceptable. Over 55s housing meets one of many acknowledged needs in the town. The proposal provides a generally good quality of accommodation and in broad terms aligns with the spatial strategy.

The contribution of 30 flats, though welcome, is sufficiently modest that it would not, by itself, be determinative, especially given the scale of shortfall against the Objectively Assessed Housing Need and the fact that the site is already wired into the Core Strategy's expectations for future housing delivery through the SHLAA. Any significant regeneration benefits are questionable.

The major concerns over design suggest the floorspace sought, if not the number of dwellings themselves, may be over ambitious.

The absence of any provision for affordable housing is disappointing, especially as no Community Infrastructure Levy to cover infrastructure impacts is payable either, though the temporary gifting of the site for the homeless project is clearly beneficial.

That said, the developer has demonstrated to the satisfaction of the Council's independent consultants that the scheme is unviable with any affordable housing and their analysis suggests on the margins of viability even with no provision. In which case, a refusal would not be sustainable against the Core Strategy Policy 10 which expressly takes into account the economics of the provision of affordable housing in determining the appropriate amount justifiable and, above all, Government policy and guidance on the subject which advises flexibility should be shown in such cases of proven unviability. The principle of a clawback arrangement in the event that viability improves with completion of the scheme is welcomed but the profit levels that triggers this is still the matter of dispute.

The viability of a development is a material planning consideration and any reduction in the number of units or floorspace would mean that the development is unviable. As a result Members have to assess whether the harm caused by the development is such that it overrides any benefits with the loss of the existing building and the provision of 30 new apartments.

As set out in the report, your Officers feel that the design changes do not go far enough to mitigate the overall scale, bulk and massing of the scheme given its sensitive and prominent location within the Farncombe Road Conservation Area. This is an important and prominent site but the proposal is unduly large and over assertive and fails to reflect important local character in this Conservation Area. It is unacceptable in design terms.

There are residential properties close by, but the impact on amenity is limited, especially if suitable safeguards on selective obscure glazing of relevant windows and provision of suitable privacy screens to appropriate balconies and roof terraces were to be secured by condition

The scheme is otherwise acceptable in environmental resource terms and drainage may be secured by condition. The impacts on trees are generally acceptable.

The chief concerns are, however, the design and, based upon the Highway Authority's last formal comments, road safety.

To date, the Highway Authority has objected on grounds of inadequate visibility at the new junction of the access with Lyndhurst Road and failure to demonstrate suitable access for emergency or refuse vehicles to park, turn or operate on-site, thereby requiring such vehicles to reverse to and from the highway to the detriment of highway safety. Safety is a prime concern and if materially prejudiced, the consequences would be severe. The applicants have made a late, comprehensive submission to try and overcome the address the Highway Authority's objections and the Highway Authority's formal response is awaited. Pending this, the objection remains.

The tests of paragraph 14 of the National Planning Policy Framework apply as the Core Strategy is acknowledged to be out of date in terms of provision for the delivery of Objectively Assessed Housing. However, it is concluded that the harm caused by the proposal in relation to the design and road safety concerns significantly and demonstrably outweighs the benefits when assessed against the NPPF overall. The proposal is not sustainable development.

As such the proposal is unacceptable.

### **Recommendation**

Subject to the comments of the Highway Authority, **Refuse** the application for the following reasons:

1. The proposal would by reason of a combination of its siting, height, massing, footprint and form and prominence of the site appear unduly large and over-dominant in the street scene, particularly in relation to the corner and crossroads and Victorian villas in Farncombe Road. The detailing, additionally, unsympathetically relates fail to the character and appearance of the Victorian villas in Farncombe Road. As such, the proposal fails to achieve the quality of design expected on such an important and sensitive site and would harm the appearance and character of the Conservation Area as a heritage asset and wider townscape, contrary to Core Strategy Policy 16 and National Planning Policy Framework and Planning Practice Guidance.
2. The proposal does not make provision for adequate visibility at the junction of the access with Lyndhurst Road nor has it demonstrated that suitable access for emergency or refuse vehicles to park, turn or operate on-site, thereby requiring such vehicles to reverse to and from the highway. This is to the detriment of highway safety and contrary to para 32 of the National Planning Policy Framework.

## ADDENDUM TO PLANNING COMMITTEE AGENDA

MEETING DATE - 14<sup>TH</sup> MARCH 2018

The following agenda item has various updates to the original Committee report.

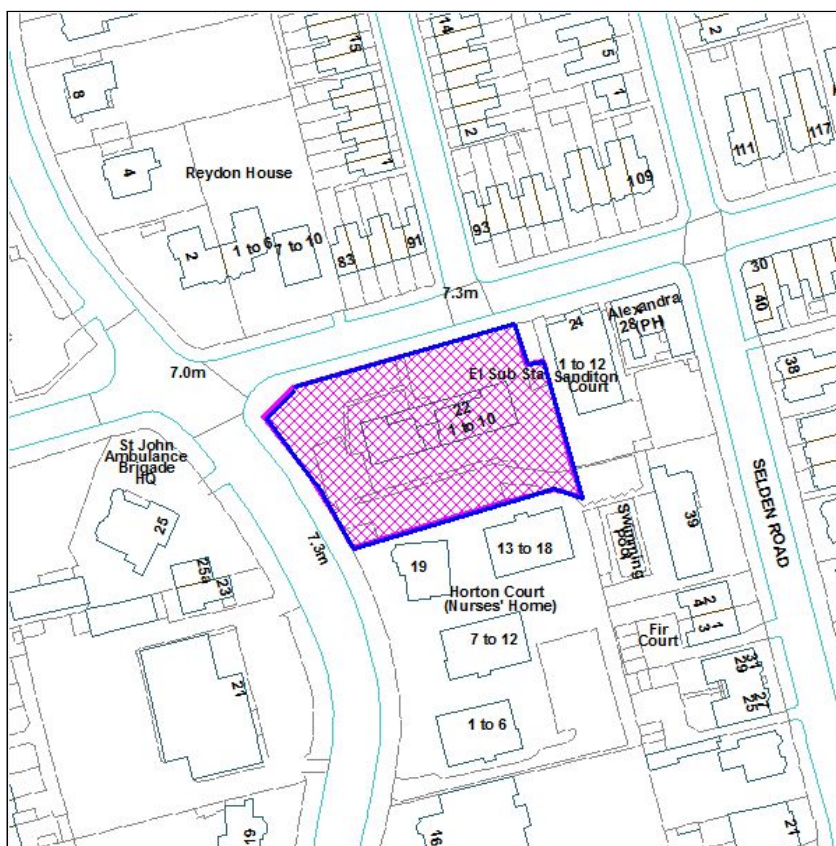
**Application Number: AWDM/1518/17**                      **Recommendation –Refuse**

**Site:                      22 Lyndhurst Road Worthing West Sussex**

**Proposal:      Demolition of existing building and erection of three to four-storey block of 30 flats comprising 4no. one-bedroom, 25no. two-bedroom and 1no. three-bedroom units all with balconies with provision of bin and cycle storage and undercroft access to car parking area, new vehicular access onto Lyndhurst Road and removal of trees and associated landscaping.**

Applicant:      Roffey Homes  
Case                      Peter Devonport  
Officer:

Ward:              Selden



**Not to Scale**

## Updates

A further representation from Office 1, 19 Farncombe Rd and a further consultation response from The Highway Authority have been received.

### Office 1, 19 Farncombe Rd: Representations

*Last week I received an email from your department informing me of the Planning Committee meeting on Wednesday evening. Attached to the Agenda was a very long document stating all the facts and your recommendations.*

*Most, if not all, of the local residents had concerns at the size of the development, trees, traffic and parking etc.*

*If I have read the report correctly the Planning Department appear to have accepted the shortage in onsite parking on the representations made by the Roffey team.*

*Their calculations being based on the fact that the proposed development is for over 55s and sheltered. I'm sure it can be written into the lease to only sell to over 55s but I'm not sure how the accommodation is 'sheltered'.*

*Anyway, assuming it is for the over 55s, the Roffey team appear to have relied on the outcome of the McCarthy & Stone development in Heene Road as a precedent. They refer to a report by Dr Allan Burns, which I read and did not think was very relevant to this development, so I phoned him earlier today.*

*Please see Dr Burns comments below. I would be grateful if you could refer to this at the meeting, could you please let me know your thoughts.*

*Dr Allan J Burns. Traffic and Transportation Consultant*

*Dear Ines*

*Thanks for your telephone call. You referred me to the use of the information in my transport report on the McCarthy and Stone Heene Road, Worthing development, to support the level of on-site car parking for a proposed development at Lyndhurst Road, Worthing. I have now looked at the documents provided in support of the Lyndhurst Road application and, in particular at the letter from CEP to Mr Townsend of West Sussex CC, dated 26 Feb 2018. I would make the following comments:-*

*1. From what I can ascertain, the current proposal has a minimum age restriction of 55. The minimum age for the McCarthy and Stone development is 60 and the development includes a number of features that support the residents. These include a number of communal facilities and safety features. I am not aware that similar provision is being proposed in the Lyndhurst Rd development. The letter quotes my report as stating:- "a significant proportion of residents moving into the retirement homes give up car ownership at the time of moving into those types of accommodation". This comment was made in the context of people moving into sheltered housing, which represents a lifestyle change. Residents move in to get the benefit of the high level of security provided, the services of a house manager, the safety alarm system and the companionship of other residents in the communal*

areas. I am not sure that the current proposal provides the same benefits, in which case I do not think the quoted comment will necessarily apply.

2. The letter refers to the percentage of women and the low apartment occupancy as factors that contribute to low car ownership. I believe that each of these characteristics is related to the age of the residents, which are higher in genuine sheltered housing than in other forms.

3. My research shows that car ownership declines significantly with the age of the resident. The diagram below is an extract from my PhD Thesis that demonstrates this.

Figure 5.5 Car Ownership Levels by Age of Residents (Oldest in Apartment)

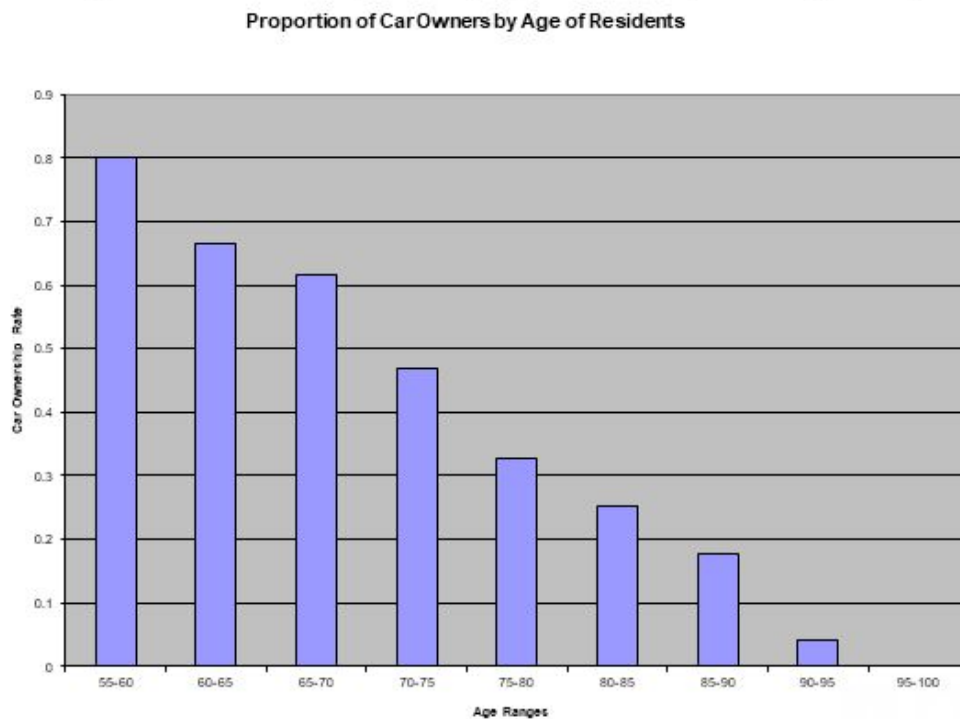


Figure 5.5 Car Ownership Levels by Age of Residents (Oldest in Apartment)

Again, if the age of residents tends towards the younger end of the scale, the car ownership may well be significantly higher. The figure included in my report relates the age profile of the residents of the McCarthy and Stone development model, which would appear to be very different to the current proposal.

4. It may or may not be relevant, but McCarthy and Stone does now undertake some developments where the age limit is 55, there is no house manager and there are no communal facilities. For these developments, the normal car parking provision is at least one space per apartment, which reflects the different characteristics of the residents.

I hope that my comments are clear.

*I would have no objection to you forwarding these to the officers of the Worthing Council and/or the West Sussex County Council.*

*Allan Burns*

*From:- Dr Allan J Burns, Traffic and Transportation Consultant.*

### **Highway Authority: Consultation Response**

The Highway Authority has concluded its negotiations with the applicants and withdrawn its objection to the application. If permission were granted, it recommends several conditions.

The full updated response is accompanied by the Road Safety Audit Exceptions Report referred to. They are as follows:

*This is the third WSCC highways response to the application following submission of additional information to the LPA.*

### **Summary position of Highway Authority.**

*The Highway Authority raises no objection to the proposal subject to the conditions recommended at the foot of this report being attached to any planning permission granted.*

### **Discussion.**

*The applicant has provided additional information in support of the access proposals onto Lyndhurst Road.*

*Access - This has been examined alongside an independent Road Safety Audit and associated Designer's Response. An Exception Report has been approved in order to provide the access as the applicant proposes. However, prior to any works commencing on-site, changes to the existing on-street parking bays are required to provide the access and this requires formal changes to the existing Traffic Regulation Order (TRO). Should this legal process fail, changes would be required to the scheme. As such, a Grampian-style condition is necessary to secure this which would safeguard both the Highway Authority and the applicant.*

*For avoidance of doubt, drawings considered are as follows:*

- *Civil Engineering Partnership (CEP) Drawing 8 (visibility splays)*
- *CEP Drawing 103 B (Jan 2018)*
- *CEP Drawing 104 B (Jan 2018)*
- *CEP Drawing 105 (Jan 2018)*

*In technical terms, the access should be constructed with the appearance of a crossover (not bellmouth/formal road junction) and to heavy-duty specification given its use serving multiple households. A Minor Highway Works Agreement is required in order to construct this.*

*Parking – This is now shown within the site.*

*Cycle parking – To be provided in accordance with plans to be submitted and approved.*

*Fire and Rescue appliance and Refuse access – Now shown on revised drawings (QUOTE)*

**Conclusion.**

*Should the LPA be minded to approve the development, the following conditions should be attached to any consent granted:*

- 10. Altering of Traffic Regulation Order (TRO)*
- 11. Access (access to be provided prior to commencement following approval of TRO revisions)*
- 12. Access closure (prior to first occupation)*
- 13. Prevention of Surface Water Draining onto Public Highway (details required to be approved)*
- 14. Vehicle parking and turning*
- 15. Cycle parking (details required to be approved)*
- 16. Construction Management Plan (details required to be approved)*
- 17. Travel Plan Statement (details required to be approved)*

**INFORMATIVES.**

*Minor Highway Works  
Temporary Works Required During Construction  
Temporary Developer Signage  
Traffic Regulation Order*

**Safety Audit Exception Report**

**SAFETY AUDIT EXCEPTION REPORT  
FOR DEVELOPER PROMOTED SCHEMES**

*This report should be read in conjunction with the Stage 1 Road Safety Audit of September 2017 undertaken by M B Projects Ltd.*

*Safety Audit Ref: 117.192 (dated September 2017)  
Planning or PSI Ref: AWDM/1518/17*

*Having reviewed the recommendations of the Safety Audit and considered the comments of the Client Project Manager and Design Team, I accept the conclusions of the Exception Report on behalf of the Highway Authority.*

*Produced : Tim Townsend - Principal Engineer, Planning Services (Highways)*

## 1. Background

*This report states the Project Manager's recommended course of action following recommendations from the Safety Auditor. Its purpose is to determine what action should be taken following the receipt of safety recommendations, and to gain approval from the Engineering Solutions Improvements Manager to undertake that action.*

*This report should be read in conjunction with the Safety Audit referenced above.*

## 2. Discussion

*The Safety Auditor made the following recommendation (see below) that has not been fully addressed. WSCC required actions are stated beneath the problem and response.*

### *Problem 2.3.1*

*No details are shown for any modifications to parking bays or waiting restrictions in order to support the 43m x 2.4m visibility splay associated with the introduction of the new site access on Lyndhurst Road.*

### *Recommendation*

*It is recommended that all on-street parking within the splay is removed by modification/extension of the existing waiting restrictions in order to provide for safe vehicle exits.*

### *Designers Response*

*The principles in Manual for Streets 2 apply, in particular Section 10.7. Section 1.3.6 of Manual for Streets 2 states: "...single carriageway street with onstreet parking and direct frontage access is subject to a 40mph speed limit, its place characteristics are more of a residential street or high street, with higher traffic flows....MfS parameters are recommended." The area around the site is residential and the speed limit is restricted to 30mph and therefore falls within the parameters for Manual for Streets.*

*It is an established principle within an urban environment for drivers to approach with care and 'nose out' until full clear visibility before exiting and vice versa. There are multiple established examples of vehicle crossovers in between parking bays along Lyndhurst Road and Farncombe Road. The proposal is to transfer a similar arrangement as existing on Farncombe Road to Lyndhurst Road with a reduced parking width on either side of the new access.*

*In general, occasional obstacles to visibility are not large enough to completely obscure the view and do not have a severe impact on road safety. This principle is illustrated in Section 10.7.1 of Manual for Streets 2.*

*Drawings 103B and 104B demonstrate the principles established in Section 10.7.1 of Manual for Streets 2. Full visibility is achieved in between the site boundary and the edge of carriageway and behind the parked cars. This allows the driver to*



*advance towards the exit and nose out safely whilst still having visibility of oncoming vehicles. Both Drawings 103B and 104B should be read together and the plans shown read in the correct numerical sequence Plan 1 to Plan 4. Visibility is achieved in both directions for vehicles exiting the site towards either the east or west of Lyndhurst Road.*

*The visibility splays allow the driver of the exiting vehicle to stop before engaging onto the carriageway. Vehicles travelling in either direction along Lyndhurst Road have right of way over the vehicle exiting the site.*

### *3. WSCC Required Action*

*That the proposed access to the site as shown on the drawings accompanying this Exception Report (see Appendices below) be accepted.*

#### *Reasons*

*Having considered the proposal alongside guidance contained in Manual for Streets 2, proposed traffic flows associated with the proposal and personal injury accident (PIA) records, it is the Project Manager's (author's) view that the proposal provides for suitable access arrangements. Manual for Streets 2 principles are followed; traffic generated by the proposed development shows that during peak periods, trips in-and-out of the site are generally low and recorded personal injury accident records in close proximity to the site do not demonstrate a specific problem (or problems) associated with such access arrangements. Other similar accesses have been accepted in the Worthing Area (a site in Heene Road is quoted in the supporting information) and others are already in existence such as one immediately east of the site onto Lyndhurst Road and those in Farncombe Road.*

*In addition to the above, a revised Traffic Regulation Order to alter the Controlled Parking Zone (CPZ) parking bays outside the site is also required. Please note that this specific requirement does not form part of this Exception Report and would be dealt-with post-planning.*

*If this Exception Report is found acceptable, the Project Manager would recommend a condition be placed on any planning consent requiring that the access be constructed as a heavy-duty specification crossover (NOT formal road junction given its private status upon completion) and that NO works commence - either on the crossover nor on-site) until the Traffic Regulation Order necessary to amend the existing Controlled Parking Zone parking bays, required to be removed to provide access, has been approved. This would be in addition to other conditions such as access visibility, surface water drainage, parking and construction management etc. (and/or others as required).*

#### *Appendices:*

- a) Road Safety Audit - Stage 1 Report "S278 Highway Works – Lyndhurst Road, Worthing, West Sussex" - (September 2017)*
- b) Designer's Response to Safety Audit - produced by S Bava Sathan of The Civil Engineering Practice (CEP) - (2nd March 2018)*
- c) Collision Report 1st November 2011 - 31st October 2017 produced by Sussex Safer Roads Partnership - (date produced 19th January 2018)*

- d) *TRICS data - residential/nurses homes AND residential/retirement flats - (16th February 2018)*
- e) *Supporting letter from CEP (S Bava Sathan) - (26th February 2018)*
- f) *GOOGLE extracts showing existing views of the site and along Lyndhurst Road (including aerial views) - (undated but provided alongside letter of 26th February 2018)*
- g) *Proposed site layout drawing No.5 - (undated)*
- h) *Visibility splays drawing No.8 - (undated)*
- i) *Visibility splays - Exiting site - LEFT turn - 103B - (Jan 2018)*
- j) *Visibility splays - Exiting site - RIGHT turn - 104B - (Jan 2018)*
- k) *Vehicle tracking development access (Skoda Octavia) 105 (no revision) - (February 2018)*

## **Considerations**

The representation underlines the doubts raised in the report in respect of an on-site shortfall of parking provision.

However, it remains the case that such a shortfall is unlikely to have severe transport consequences such that refusal on these grounds could be justified.

The Highway Authority's final response accepts that the new Lyndhurst Road access can be provided satisfactorily, subject to recommended conditions and that servicing has now been satisfactorily demonstrated.

The recommended conditions are agreed, with the exception of the recommended condition:

*No development shall commence until a Traffic Regulation Order (or revisions to existing Order/s), removing or amending the existing on street parking bays in the vicinity of the proposed access onto Lyndhurst Road and existing access onto Farncombe Road required to enable the development to be implemented, have been approved by the County Council and written confirmation of this approval is made available to the Local Planning Authority*

This makes agreement on a *Traffic Regulation Order* pivotal; focusses on commencement of development rather than occupation and transfers determination to a third party. The necessity for a *Traffic Regulation Order* is procedural consequence under Transport legislation of allowing the new access and it is inappropriate to incorporate this in a planning condition.

The removal of the Highway Authority's objections leaves design as the only formal objection to the proposal.

The proposal has been reassessed in this light under Paragraph 14 of the National Planning Policy Framework and it remains the case that the harm caused by the proposal in relation to the design significantly and demonstrably outweighs the benefits when assessed against the NPPF overall. The proposal is not sustainable development.

## **Recommendation**

**Refuse** the application for the following reason:

1. The proposal would by reason of a combination of its siting, height, massing, footprint and form and prominence of the site appear unduly large and over-dominant in the street scene, particularly in relation to the corner and crossroads and Victorian villas in Farncombe Road. The detailing, additionally, unsympathetically relates fail to the character and appearance of the Victorian villas in Farncombe Road. As such, the proposal fails to achieve the quality of design expected on such an important and sensitive site and would harm the appearance and character of the Conservation Area as a heritage asset and wider townscape, contrary to Core Strategy Policy 16 and National Planning Policy Framework and Planning Practice Guidance.

Head of Planning and Development 13.3.18

Application Number: AWDM/0297/18

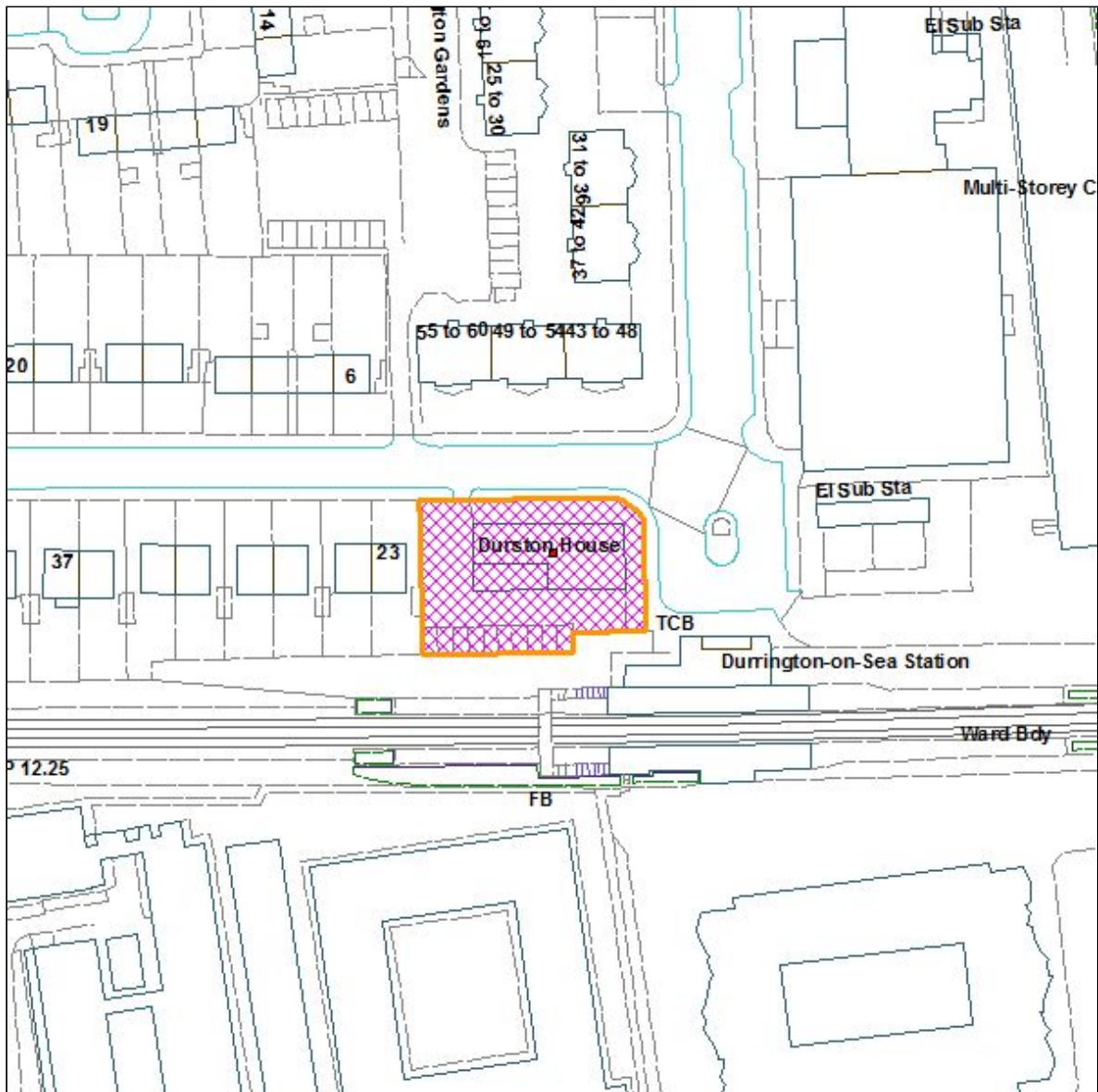
Recommendation – APPROVE

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: Gary Peck  
Officer:

Ward: Castle



Not to Scale

## **Current Situation**

This application was deferred by members at the May meeting of the Committee for the following reasons:

*To investigate room stacking and whether it would be appropriate to count the existing garages as parking spaces given their size, i.e. below the minimum requirements for a parking space’.*

The May committee report is appended

Further to the resolution, further consultation has taken place with the relevant consultees on both issues.

## **Room stacking**

After the meeting, the agent commented:

*In respect of the stacking, notwithstanding the fact that most other councils have dropped this particular planning stance due to the massive improvements in the building regulations requirements for acoustic control, I would point out that the level of acoustic isolation between the existing top floor and the new floor will be significantly better than even the regulations. The reason for this being that the existing ceiling has already been fully upgraded from the underside (as a party floor would be) in anticipation of the potential new units above and the new units will need to have a separate fully independent structure necessitated by the fact that we can't rely on the roof joists as a structural floor and we wouldn't want to take the roof covering off when constructing the new anyway.*

*Furthermore, as we have set the new proposals significantly in from the edge of the existing footprint we have clearly lost the ability to stack habitable room types precisely over each other. Even if we were able to reposition some room types they would inevitably overlap different types below as they would be a completely different shape.*

*Due to the above we see no reason that in this instance the design would be compromised at all.*

*I would finally also point out that we are obliged to test the new floors for sound insulation and they must pass before being approved for occupation.*

These comments were forwarded to the Environmental Health Officer who stated:

*To avoid noise complaints, our standard recommendation is to position and stack rooms according to their use; however this is not always possible. In cases such as these, when all units are residential in use, we rely on airborne and impact sound insulation requirements contained with the Building Regulations Document Approved Document E for separating walls and floors.*

*With reference to this application, the required sound insulation standards will be for a new build property (i.e. a minimum airborne sound insulation value of 45dB (DnTw*

*+ Ctr dB) and a maximum impact sound level of 62dB L' nT, W). I have requested sound testing to be carried out between all dissimilar rooms to demonstrating compliance with these levels and these test results should be provided to the planning authority prior to the new homes being occupied.*

In light of the above, your Officers must conclude that in line with national planning policy, any impacts of the proposal in this respect can be adequately mitigated by the imposition of a condition. Furthermore, the matter also has to meet the requirements of separate legislation.

### **Use of existing garages as parking spaces**

The agent stated:

*In respect of the garages there are 2 points I would make. Firstly the garages were fully accepted as acceptable parking spaces under the prior approval application. Secondly, the ones allocated to the PD scheme are being used as car garages by the owners.*

A photograph was submitted to demonstrate the use of one of the garages.

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

Commenting on receipt the information above from the applicant:

*I am of the view that whilst this won't be a 'one size fits all' approach and there may be some models of car which could have difficulty most cars will be able to use the garages and therefore these spaces can be accepted as car parking spaces.*

Following receipt of this comment, your Officer clarified whether the County Council would maintain their position of no objection to the application even if a number of the spaces could not be used by certain models of cars. The County Council responded that they would continue to raise no objection to the application even in such circumstance.

In the absence of any objection from the County Council, your officers do not consider that a refusal could be substantiated on such basis. Indeed, because of the location of the site close to a railway station and having regard to government policy, it is quite likely that even if none of the garages could be used for parking, a refusal could not be substantiated on such grounds.

### **Conclusion**

It is recommended that the application be APPROVED subject to the conditions set out in the previous report.

## **APPENDIX – MAY COMMITTEE REPORT**

### **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 be 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 conform 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 the required 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 Rd 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 aials.

### **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/0097/18

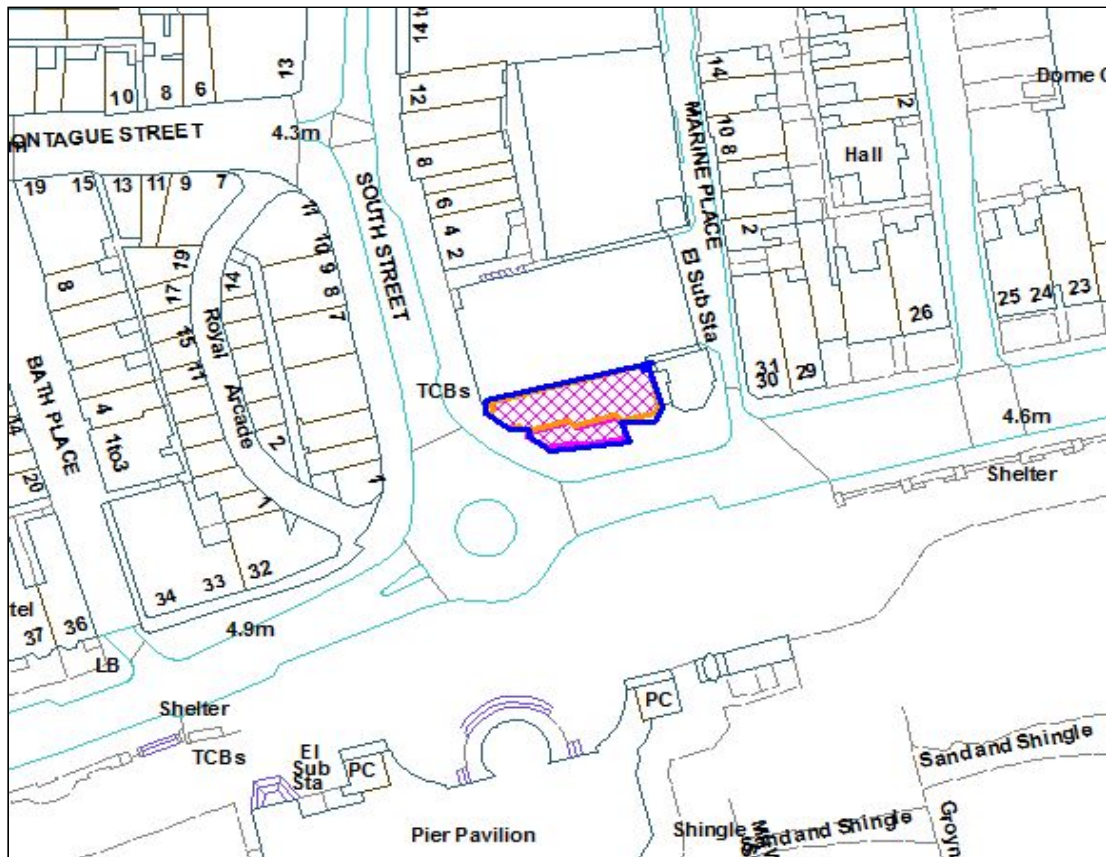
Recommendation – REFUSE

Site: 31A Marine Parade Worthing West Sussex BN11 3PU

Proposal: Provision of external seating area at front of premises consisting of 8 tables and 32 chairs together with 7 no. removable barriers/windbreaks.

Applicant: Mr Lee Christian  
Case: Jo Morin  
Officer:

Ward: Central

**Not to Scale**

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### Current Situation

This application was deferred at the April meeting of the Committee to seek the views of the Access & Mobility Forum on the proposals owing to concerns expressed by Committee Members about the slight camber of the built-out pavement area and the potential implications for people in wheelchairs and with other mobility problems having to use this section of the pavement as a result of the proposed tables and chairs being sited on the level section of existing pavement closest to the premises frontage.

A member of the Worthing Access Forum visited the site in due course and has objected to the proposals commenting that *“the gradient on the remaining pavement is too steep and would cause problems for people in wheelchairs and people with mobility difficulties”*.

### **Planning Assessment**

It is considered the comment of the member of the Access Forum adds further weight to the previously received comments of the Local Highway Authority such as to now tip the balance of considerations.

Thus, notwithstanding that the principle of outdoor eating and drinking is consistent with Council’s vision for enhancing the town centre offer, the positive benefits of the proposal in terms of adding vibrancy and interest to this prime seafront location and helping to support a local business would be outweighed in this instance by the inconvenience and harm to accessibility and ease of movement, particularly for people with mobility difficulties, that would result from siting of tables and chairs on the level section of the footway, compelling pedestrians to use the sloping section of pavement in order to gain passage.

### **Recommendation**

#### **Refuse**

The siting of the proposed external seating area on the level section of footway would be likely to cause an obstruction causing inconvenience for pedestrians, particularly those with mobility difficulties, interrupting the free-flow of pedestrian traffic at this point and unacceptably detracting from highway safety contrary to Strategic Objective 2 and Policy 16 of the Worthing Core Strategy and the NPPF.

## APPENDIX A REPORT TO COMMITTEE APRIL 2018

Application Number: AWDM/0097/18

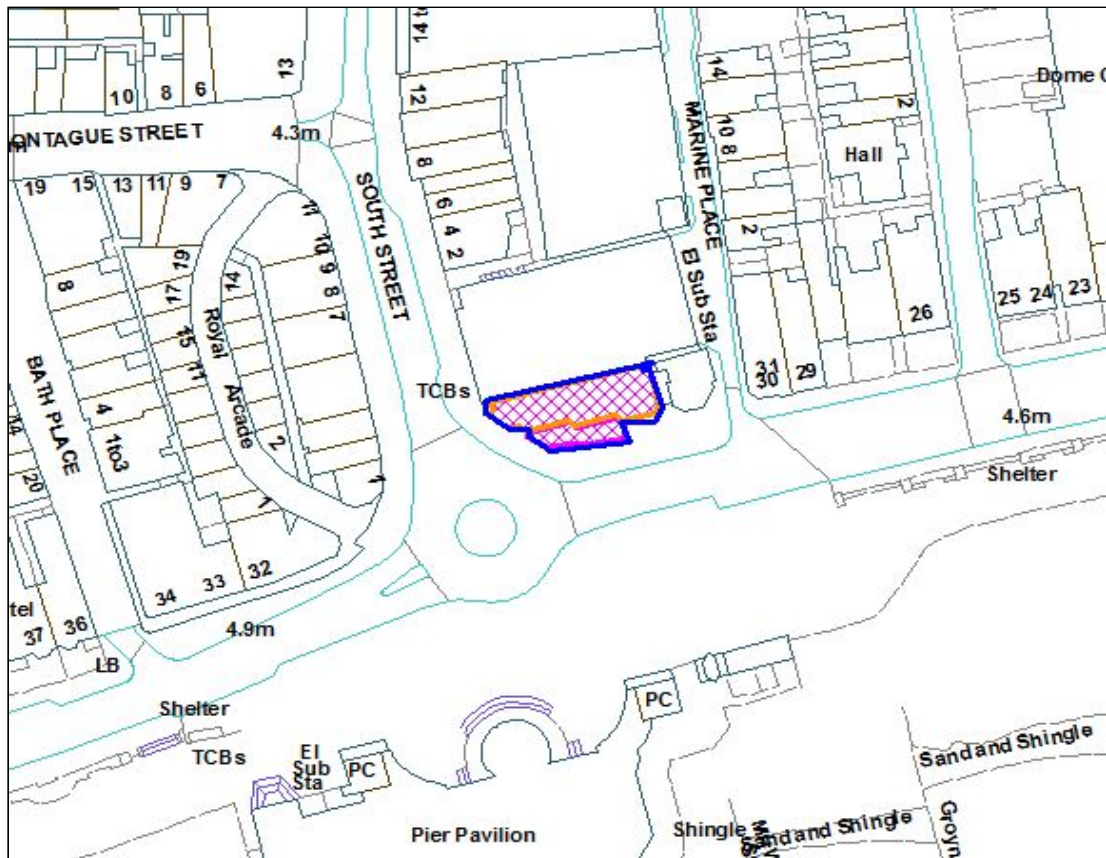
Recommendation: APPROVE

Site: 31A Marine Parade Worthing West Sussex BN11 3PU

Proposal: Provision of external seating area at front of premises consisting of 8 tables and 32 chairs together with 7 no. removable barriers/windbreaks.

Applicant: Mr Lee Christian  
Case Officer: Jo Morin

Ward: Central



Not to Scale

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### Site and Surroundings

The application relates to a licensed bar/restaurant, 'The Cow Shed', occupying the ground-floor of this part 2-storey/part 5-storey building on the seafront opposite the pier. This unit is relatively narrow in depth, but has a wide frontage approximately 28 metres long onto the north side of Marine Parade. The building dates from the early-1980s and includes 2 other retail units to the north and east of the application premises, with residential flats on the upper floors, comprising 1 - 12 'Seaspray'. The building is included within the South Street Conservation Area.

The frontage elevation of the premises is sub-divided into a series of angled bays which step around the corner from South Street and eastwards along Marine Parade. The shopfront dates from the late 1990s, comprising full height, vertically sub-divided, glazed panels. In addition to the main entrance at the far western end of the premises, there are 3 pairs of double doors within the 3 centre bays. The remaining shopfront bays consist of fixed windows. A planning permission granted in 1992 currently allows the siting of "4 no. small tables and chairs, 2 flower boxes and one menu board" on the narrow, irregularly shaped private forecourt between the shopfront and the public highway.

The public footway in front of the premises has been 'built out' as part of highway improvement works undertaken approximately 10 years ago. The new section of pavement has a slight 'camber' compared to the original narrower footway. There is a signalised pedestrian crossing point directly in front (south) of the eastern end of the premises. The footway is 8.3 metres deep at this point. An L-shaped section of textured surfacing extends northward from the pedestrian crossing, perpendicular to the edge of the carriageway, as far as the private forecourt of the application premises.

## **Proposal**

Permission is sought for the placing of 8 tables and 32 chairs on the existing narrow section of private forecourt and extending onto the adjacent public footway for use as an external eating/drinking area. The submitted drawing shows that the external seating area would extend a maximum 1.8 metres onto that part of the public footpath closest to the building. The overall width of the external seating area including the area of private forecourt would be 14.7 metres wide, demarcated by 7 no. portable barriers. The barriers would be 1 metre high and 2 metres wide consisting of steel support poles and crossbeams, each with a PVC graphic panel. A minimum 5 metre deep footway would be retained beyond the line of the proposed barriers to the edge of the road carriageway.

## **Relevant Planning History**

Planning permission was refused (WB/09/0105/FULL refers) for an external seating area in front of the premises comprising of 10 tables and 32 chairs with removable barriers/windbreaks on the grounds that the proposal would be likely to interrupt the free-flow of users on the public footway to an unacceptable degree and introduce a highway hazard.

Permission was subsequently granted for a temporary period of 1 year for an external seating area in front of the premises comprising 8 tables and 22 chairs with 4 no. removable barriers (WB/09/0505/FULL refers).

## **Consultations**

**West Sussex County Council:** The Highway Authority has raised the following concern on highway safety grounds:-

*“This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information.*

*The current available footway between the edge of the carriageway and the site varies in width from approximately 6-10 metres. The proposed seating area would utilise 45m<sup>2</sup> of Public Highway and would result in remaining footway widths of approximately 5m-6.5m. Manual for Streets (MfS) sets out a minimum footway width of 2m, which is required in order to allow two wheelchairs to pass simultaneously. MfS paragraph 6.3.22 states that additional width should be considered between the footway and a heavily used carriageway, or adjacent to gathering places, such as schools and shops.*

*An inspection of local mapping indicates that the level-access pedestrian footway and forward free-flow of pedestrians would be obstructed by the proposed seating area and pedestrians would be required to utilise the remaining footway which slopes up towards the carriageway. As such, the Local Highway Authority has consulted the Highway Licensing team to obtain their views on this application. The Highway Licensing team would not support the granting of a licence for tables and chairs in this location, as they would obstruct the level area of footway and cause an unacceptable inconvenience to pedestrians, particularly mobility impaired pedestrians. The Department for Transport’s Inclusive Mobility guidelines state that pavement café tables should be placed so as to leave clear pedestrian routes.*

*The Licensing team advises that the sloped pavement area would be a more acceptable location for a seating area, providing a minimum 2m footway width is maintained at all locations. The applicant may wish to consider exploring this option; however, this would have to be assessed under its own merits once a revised plan has been submitted.*

*The Local Highway Authority acknowledges comments received from local residents regarding the current utilisation of the sloped pavement area outside The Cow Shed by large delivery vans and lorries. Any illegal parking could be dealt with as an offence under Section 22 Road Traffic Act 1988 – (leaving vehicles in a dangerous position on the road including verge) and Section 137 Highways Act 1980 (wilful obstruction of the free passage along a highway). Both of these acts are enforceable by Sussex Police.*

### *Conclusion*

*The Local Highway Authority considers that the proposal in its current form is unacceptable in highway safety terms due to the obstruction of the level footway. The applicant is advised to submit alternative plans to utilise the sloped area of footway, ensuring a 2m minimum footway width surrounding the revised site plan.”*

### ***Adur & Worthing Councils:***

The Environmental Health Officer has commented that the increased number of table and chairs is likely to lead to an increased in noise and smoke from customers affecting the amenity of nearby residents and recommends that if permission is granted the hours of use should be restricted to between 08.30 and 20.00hrs on

Monday to Saturday and between 09.00 and 20.00hrs on Sundays and Public Holidays.

**Worthing Conservation Advisory Group:** Object on the grounds that the proposal does not preserve or enhance the area and would compromise the setting of the historic pier.

## **Representations**

Objections have been received from the residents of Top Flat 30-31 Marine Parade, Flats 1, 3, 4, 6, 7, 8, 9 and 10 'Seaspray', and 83 Cross Road Southwick raising the following concerns:-

- The proposal will lead to the chance of higher noise levels and anti-social behavior occurring late into the evening which is very disturbing for local residents;
- The footpath is not wide enough to accommodate so much seating without forcing the public to walk along the sloping area up toward the road. This was apparent last year when the current owner exceeded the current outdoor space by placing planters on the highway. More tables will only cause a serious block and make movement on the sloping footway more difficult for sight-impaired people, parents with prams and buggies and mobility scooters etc.
- The planters are a danger to the public as they blow over in the wind.
- During the Summer this part of the footpath is extremely busy being the main crossing towards the pier and the pedestrian routes from the town centre to Steyne Gardens.
- The nuisance from noise and smoke affects the residents in the flats above forcing them to keep windows and doors closed on hot Summer days and is detrimental to their quality of life on a daily basis.
- Cars speed around the small roundabout and it only takes a second for a driver to misjudge and potentially plough into the people sitting outside. There are no traffic barriers to stop cars mounting the pavement as they do quite frequently.
- Delivery lorries and vans sometimes park on the pavement and pedestrians and invalid carriages would be forced onto the roadside making them more vulnerable to an accident of a speeding car.
- There is already 6 tables and 24 chairs and additional deck chairs and umbrellas during the Summer months.
- We have had to complain several times about the existing tables and chairs being left outside until the small hours and being taken in as late as 2.00am and thus making a noise.

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy 2006-2026 (WBC 2011): Policies 5, 6, 16

Worthing Local Plan (WBC 2003) (saved policies): CT3, RES7, H18

National Planning Policy Framework (2012)

National Planning Practice Guidance

## **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.

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

Section 17 of the Crime & Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.

## **Planning Assessment**

### ***Principle***

There is no objection in principle to the placing of tables and chairs on the pavement adjacent to this licensed food and drink premises in order to provide a larger external seating area which would add to the vibrancy of this part of the seafront, focused on the nearby pier and promenade. This approach is supported by the Core Strategy (Policy 5) and the Seafront Strategy (2007) which recognise the importance of the seafront to the town's success and seek to enhance the visitor economy by (amongst other things) broadening the range and quality of the seafront offer in order to create: *"a vibrant destination which is inclusive and attractive to a wide range of people: residents, visitors, investors and businesses"*. The importance of capitalising on the role of the seafront as part of the town's distinctive visitor offer is further reinforced by the vision set out in the recent Seafront Investment Plan (2018).

The relevant considerations are the highway safety impact, the effects on the character and appearance of the Conservation Area, and on the amenities of neighbouring residential occupiers.

### ***Effect on the Character and Appearance of the Conservation Area***

Outdoor seating can add to the vibrancy and visual interest of an area and is entirely consistent with a seafront location such as this. On the other hand, an excessive number of tables and chairs within a confined area together with the associated paraphernalia of enclosures can add to 'visual clutter'.

In this case it is considered the proposed barriers will help to visually and physically segregate the outdoor seating area from the adjacent footway, as well as providing



a more sheltered eating environment for customers. The precise colours and depictions used on the proposed graphic panels could be agreed as a condition of planning permission to ensure a suitably discreet appearance that is sensitive to character of the Conservation Area.

The proposed seating would be sufficiently remote from the entrance to the listed pier (40+ metres) that it would not affect the historic setting of the latter. The tables and chairs would not be a permanent fixture in any event, and would be put out on the pavement in the morning and stored away overnight.

### ***Residential Amenity***

Outdoor tables and chairs are currently placed on private forecourt (weather permitting) as allowed for by the planning permission granted in 1992.

It is recognised that the provision of an enlarged external seating area will have the potential to be an additional source of noise and disturbance for nearby residential occupiers, specifically the residents of 'Seaspray' located directly above. However, it is not considered the proposed increase in the number of tables from 4 no. to 8 no. with 32 chairs would materially worsen living conditions for these residents in a location where normal activity associated with a thriving town centre and seafront promenade can reasonably be expected to generate a degree of noise.

However the potential for disturbance is likely to be more apparent during the later evening where a shift in balance between those customers wishing to eat and those only drinking may occur.

A planning condition limits the use of the tables and chairs sited on the private forecourt to 21.00 hrs. The Council's Environmental Health Officer initially recommended that the hours of use of the tables and chairs proposed as part of the current application should be limited to 20.00hrs. However, planning permissions previously granted for other premises in the vicinity nearby (including Harry Ramsdens, 'Vita' Fish& Chips and Blue Ocean), have allowed external tables and chairs to remain in place until 21.00hrs and this would coincide with the existing situation regarding the private forecourt. It is considered there is merit in taking a consistent approach to control the hours of use of outdoor eating and drinking in this part of the town centre and the Environmental Health Officer has since advised that he would accept a condition limiting the use of the proposed outdoor tables and chairs until 21.00hrs.

It is important that, in the event of approval, a condition is imposed requiring the tables, chairs and barriers to be cleared from forecourt and pavement areas to prevent use after 21.00hrs. However, the limited space available inside the premises would mean that the outdoor chairs would likely need to be stacked outside the premises until after closing time. Representations from residents suggest that aside from customer activity, the noise associated with clearing away the tables and chairs can in itself be disturbing. The Applicant has been requested to provide further details of the planned arrangements for clearing tables and chairs to prevent customer use after 21.00hrs and to minimise disturbance to nearby residents. This information is awaited.

With regard to the comments raised by the third parties concerning smoke drifting into the balconies/flats of 'Seaspray', the harm to health from secondary smoking is a recognised medical fact and it is acknowledged the occupiers of 'Seaspray' may suffer discomfort from persons smoking in the expanded outside seated area. However, there is no legislation in place to prevent any person smoking outside in a public area.

### ***Highway Safety***

The minimum width of the footway in front of the enclosed outdoor seating area would be 1.2 metres at the far western end, widening to 2.9 metres at its eastern end where it extends across the textured paving which demarcates the pedestrian crossing point.

The Highway Authority has stated that despite the available space being wider than the recommended distance in the Government's 'Manual for Streets', the proposed would result in an obstruction. This is because the built out edge of the pavement has been constructed at a slight 'camber' or gradient compared to the original flat section of pavement closest to the application premises. The Highway Authority has suggested that the proposed tables and chairs could be placed on the cambered section of built out pavement instead leaving the flat section free for pedestrian use.

However, this is not considered a practical solution either in terms of the practicalities of comfortably eating and drinking when sitting on an uneven surface or the likely greater inconvenience to pedestrians having to walk through a narrow gap between the tables and chairs legitimately placed on the private forecourt and on the cambered section of built-out pavement, or the potential obstruction to pedestrians caused by customers and waiting staff passing back and forth between the premises and a seating area that is separated from the immediate frontage of the premises. The Environmental Health Officer also has reservations about this suggestion on the basis that noise would likely to be harder to control as customers would be further removed from the premises.

Thus, although the proposed siting of the outdoor seating area is not supported by the highway authority, it is nevertheless consistent with the previous decision made by the local planning authority in 2009. Nevertheless, it is worth pointing out that a licence under the Highways Act would still need to be obtained by the applicant, and may not be forthcoming.

### ***Conclusion***

The principle of outdoor eating and drinking is supported in this seafront location, in-keeping with the Council's Seafront Strategy. The proposal for an enclosed area of tables and chairs on this wide footway opposite the pier and promenade would enhance the vibrancy and interest of the seafront 'offer', without harm to the surrounding Conservation Area. There has been a relatively high turnover of different restaurant and bar operators occupying this unusually shaped premises and an additional area of outdoor seating would help support a local business. Notwithstanding the comments of the highway authority, it is considered a sufficient width of pavement (not less than 5.3m wide) would be retained for pedestrian use

and is considered more than adequate to allow safe passage notwithstanding the slight camber and taking into account the proximity to a busy crossing point.

Nevertheless a temporary permission of 18 months is considered appropriate to allow the proposed enlarged outdoor seating to be trialled over a period of time. Subject to the suggested limit on hours of use to between 0900 and 2100hrs and clarification of arrangements for clearing away and preventing customer use after this time, it is considered a reasonable balance would be provided between maximising the potential of this prime seafront location, whilst safeguarding the living conditions of the nearest residential occupiers.

### ***Recommendation***

#### **APPROVE**

1. Temporary period permission for 18 months
2. Approved plans
3. No more than 8 tables, 32 chairs and 7 barriers shall be in place on the private forecourt and adjacent public highway in front of the premises at any one time.
4. The tables, chairs and barriers hereby approved shall only be used between the hours of 0900 and 2100 on any day.
5. The tables, chairs and barriers hereby approved shall be cleared away and stored inside the premises, or such alternative secure location as may be agreed outside the hours specified in condition 4.
6. No permanent fixings, umbrellas, planters, windbreaks or other ancillary structures shall be installed or placed on the private forecourt or public footway other than as shown on the approved drawing and set out in condition 3 above.
7. The tables, chairs and windbreaks hereby approved shall only be used in connection with the ground-floor restaurant/café/bar at Unit 1, Marine Parade only and no other purpose.
8. The tables and chairs hereby permitted shall be contained at all times within the area defined by the windbreaks or barriers as shown on the approved plan.

Application Number: AWDM/0676/18

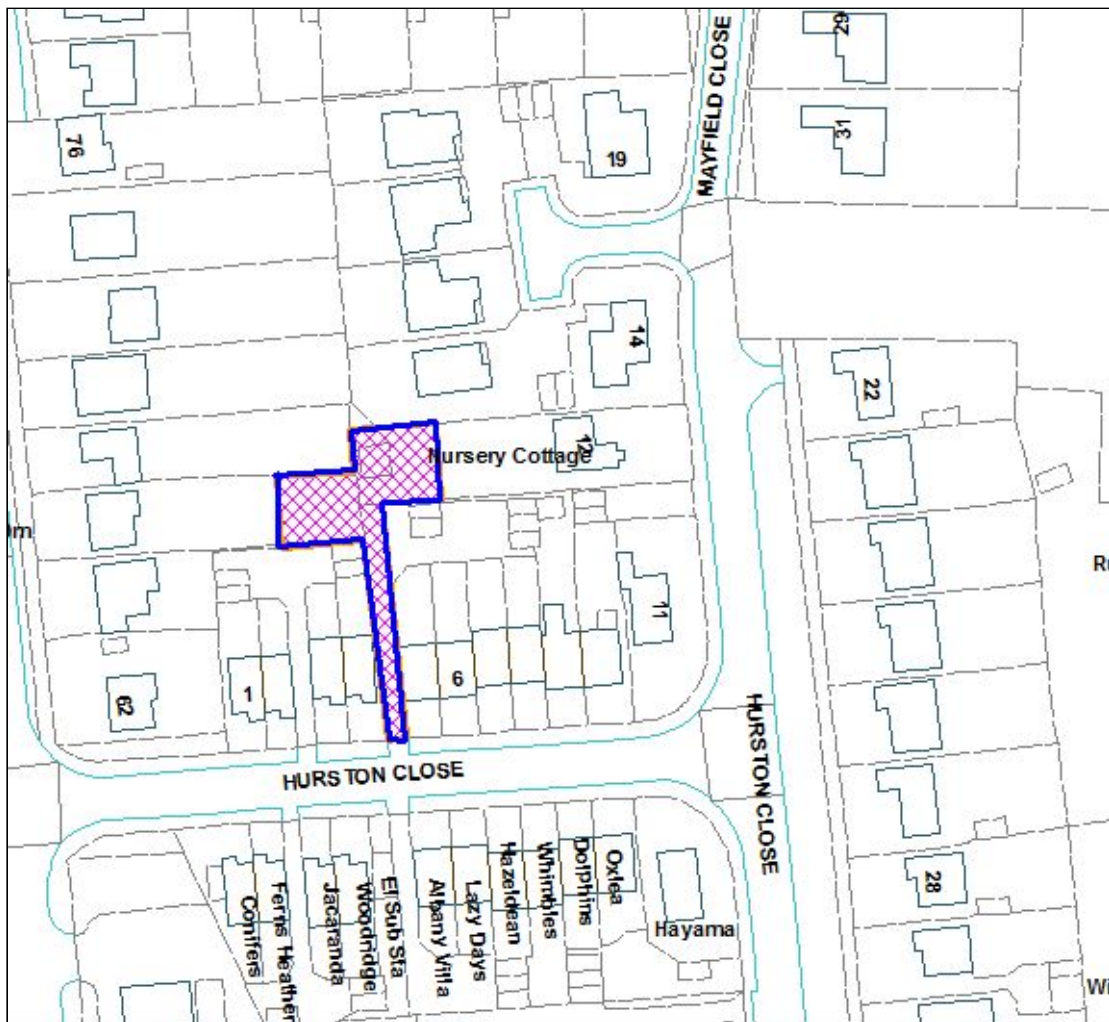
Recommendation – APPROVE

Site: 12 Hurston Close Worthing West Sussex BN14 0AX

Proposal: Proposed 3 bedroom chalet bungalow with 2 dormers to east elevation. Access off Hurston Close between no. 4 and 5. Associated parking and landscaping.

Applicant: Mr P Meredith  
Case: Jo Morin  
Officer:

Ward: Offington



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The application has been called-in to Committee by Councillor Daniel Humphreys.

## **Site and Surroundings**

The application site comprises an irregular-shaped 'backland' plot (0.048 ha) historically comprising part of the rear gardens of 12 Hurston Close and 66 Findon Road, but now fenced off separately and unused. The red lined area of the application site includes a private access drive which extends southward from the site for a length of 40 metres leading onto the north side of Hurston Close (between Nos. 4 and 5). The access drive currently serves a detached double garage building on the land to the rear of 12 Hurston Close and a garage compound which adjoins the east part of the site immediately to the south. A different garage compound with a separate access drive between Nos: 2 and 3 Hurston Close adjoins the west part of the site to the south. Beyond (south of) both compounds are the rear gardens of terraced houses fronting the north side of Hurston Close.

Adjoining the site to the east is 12 Hurston Close which comprises a detached bungalow extended by a single-storey rear extension and rooms in the roof with dormers. To the north the site adjoins 15 Hurston Close, a detached bungalow which has been enlarged by a rear gable extension and a large box dormer on the south side. To the north and west it adjoins the rear garden of 68 Findon Road, a detached bungalow enlarged by a single-storey rear extension. To the west the site adjoins the rear garden of 66 Findon Road, a similar scaled detached bungalow also extended at the rear by various additions. There is a rear rooflight in the rear roof slope of the original bungalow of No.66.

Hurston Close comprises a residential road within an outer suburb of the town accessed from Findon Road. The first part is made up of compactly spaced terraced and semi-detached houses, typically with parking provision in the form of garages sited at the rear. The eastern part of Hurston Close follows a more sinuous north-south route made up primarily of detached dwellings, with various cul-de-sac 'spurs' leading off it. The northern end of Hurston Close leads into Mayfield Close.

The application site and surrounding land slope down to the west with the dwellings in Findon Road sited on notably lower ground.

The site is not within a Conservation Area, nor is it Listed or subject to a TPO.

## **Proposal**

Permission is sought to erect a 3-bedroom, detached chalet dwelling on the western part of the site. The proposed chalet would face east onto the access drive. It would measure 9 metres wide and 8.2 metres deep with a part-hipped roof with a north-south ridge 7.25 metres high. The submitted drawings show 2 no. pitched roof dormers on the front (east) roof slope each 2.5 metres wide. The main ground-floor elevations would be finished in brickwork with tile-hanging to the upper parts of the side gables and a tiled roof. The ground-floor front (east) elevation is articulated by a canted bay window. The accommodation would consist of a hall, living room, kitchen/dining room, family bathroom, walk-in cupboard and master bedroom on the ground-floor and 2 no. single bedrooms and shower room on the first-floor.

The existing pitched-roof garage building (5.9m deep and 5.6m wide) on the east part of the site would be retained as a garage to serve the new dwelling. The remaining areas to the front (east) and rear (west) would be available as private amenity space.

### **Relevant Planning History**

Planning permission was refused for the demolition of the garage building and construction of a detached 1-bedroom chalet dwelling in its place under (AWDM/1786/17) on the following grounds:-

*1. The constraints of this site are such in terms of its backland siting, small size, topography and close relationship to neighbouring dwellings that the proposal would represent a discordant form of development that would be inconsistent with existing development and harmful to local character contrary to policy 16 of the Worthing Core Strategy, the Council's SPD 'A Guide to Residential Development and the NPPF.*

*2. The scale, height, massing and siting of the proposed chalet dwelling would have an unduly dominant and overbearing impact on the rear outlook of 15 Hurston Close and result in significant overshadowing of the modest rear garden such that the proposed development would be seriously harmful to the living conditions of the occupiers of that property and unacceptably detract from the enjoyment of the rear garden. The development is therefore contrary to policy 16 of the Worthing Core Strategy, saved policy H18 of the Worthing Local Plan, the Council's SPD 'A Guide to Residential Development and the NPPF.*

That scheme related to a smaller site comprising only the eastern part of the current application site area.

### **Consultations**

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

#### *“Summary*

*The proposal is for the demolition of detached garage and construction of proposed 3 bedroom chalet bungalow with 2 dormers to east elevation. The plot is accessed via private shared access road that serve 5 x garages and joins with the public highway at the unclassified Hurston Close (residential and subject to a 30 mph speed restriction in this location).*

*The Local Highway Authority (LHA) was previously consulted on matters at this location under application no AWDM/1786/17 which sought for a 1 bedroom chalet bungalow, no highways safety concerns were raised to this proposal, however the application was refused by the Local Planning Authority on matters not related to highways.*

*The LHA does not raise any concerns to resist the proposals on transport grounds, subject to advice and conditions set out in this report.*

### Access & Visibility

No changes to the existing vehicle crossover access road are proposed. This has been operating and supporting a number of vehicle movements as existing with the garages to the rear. The LHA do not anticipate that one additional dwelling will result in a detrimental impact on the level of vehicle movements to and from the site. Whilst the access road is not wide enough to support cars passing in opposing directions the LHA anticipate that vehicle movements will be infrequent and speeds low.

There is no apparent visibility issue onto Hurston Close. Local mapping suggests that on-street parking occurs in the vicinity, Manual for Streets 2 paragraph 10.7.1 states that

*“Parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice. Ideally, defined parking bays should be provided outside the visibility splay. However, in some circumstances, where speeds are low, some encroachment may be acceptable.”*

Considering the access and visibility have been operating without evidence of highway safety concern and the proposals are not considered of a significant scale, the LHA would not raise concerns to access and visibility arrangements that serve the site.

### Parking & Turning

The proposal makes use of a second garage for parking and appears to provide two parking spaces which would be anticipated to satisfy the likely demand. The WSCC Car Parking Demand Calculator has outlined that a total demand of 2 spaces would be required for the development. The provision therefore is anticipated to satisfy the likely demand.

Turning appears achievable entirely within the private garage forecourt area and the LHA could therefore not substantiate a highway safety concern on the nearby publicly maintained highway as a result of these proposals.

### Sustainability

The site is served by street lit footway links with a number of bus stops and services nearby via the A24. Whilst the majority of daily trips are anticipated to be taken by car there is opportunity to utilise public transport, walking and cycling. Details of secure and covered bicycle storage are to be provided and secured via planning condition alongside any permission of this proposal.

### Conclusion

The LHA does not consider that the proposal for 1 x dwelling would have ‘severe’ impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.”

Conditions to secure the parking provision and secure, covered cycle storage are recommended.

**Southern Water** has raised no objection in principle. It is requested that an informative is attached to any permission advising the application that a formal application for connection to the public sewerage system is required in order to service this development.

It is noted that the Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

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.

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

#### ***Adur & Worthing Councils:***

The **Council's Engineer** comments that the proposed site lies within flood zone 1 and appears to be unaffected by surface water flooding, and has no history of flooding.

The applicant has indicated the intention to use soakaways, for the disposal of roof and hardstanding areas. It is unclear if there is adequate room to site such soakaways and the will applicant need to assess if the use of soakaways is viable on this site. The proposed location for the soakaway will need to be more than 5m from existing or new structures, and there will need to be a soakage test undertaken at that location to ascertain if a soakaway will adequately empty.

The **Waste Services Officer** comments that the new property can have a standard service.

#### **Representations**

8 representations have been received from the occupiers of 2, 3, 4, 7, 9, 74 Hurston Close, 66, 68 Findon Road raising the following concerns:-

- Not against a property being built as long as there are no windows overlooking 4 Hurston Close. Concerned at the size of the property which should be amended to a 2-bedroom rather than 3-bedroom dwelling.
- Concerned at the proximity of the dwelling to the existing garages to the rear of 4 Hurston Close as their foundations are in a bad state due to a tree. A wall that fell down was never rebuilt and only replaced with a cheap fence.



- There will be months of disruption to residents whilst the dwelling is built with noise, dust, dirt and loss of privacy.
- Unhappy with the creation of more traffic as parking is already an issue for existing residents; there will be insufficient parking for guests; the road is already badly affected by parking congestion from the nearby garage/business staff and customers causing a hazard at the junction and perpetuating unneighbourly parking practices causing great inconvenience to residents having to park a long way from their properties;
- Residents of Hurston Close would have liked to buy this land but weren't afforded the opportunity. Fed up of being walked all over by Councils granting planning permission 'willy nilly', laws need to be toughened up;
- Concerned that neighbouring boundary fences/property/vehicles will be damaged by 'flying debris' or risk of collapse from the works;
- It is currently a peaceful neighbourhood where you can relax and enjoy the rear garden but this peace will be disrupted by having a dwelling in such close proximity only 3 metres away;
- The west-facing windows will come above the fence and overlook Nos: 66 and 68 resulting in a loss of privacy.
- The land in question does not have access rights over the private drive belonging to 5-9 Hurston Close; query whether the Developer has legitimate access to the land in question over the drive. Maintenance of the drive falls to the owners of existing properties in Hurston Close which have rear access and the owners of the application site have never contributed to this. Failure by the Developer to demonstrate legitimate access rights for a dwelling would leave future owners open to the prospect of legal challenge.
- Concerned about access/parking for construction traffic using the private drive. The access is not wide enough for large vehicles to manoeuvre into it due to parked cars on the road. Valuable on-street parking will be lost to enable safe access to the drive;
- This development is of great concern as we have been trying to sell our property for over 4 years without success and this will make matters worse; it is causing a great deal of upset.
- A 2-storey building with east-facing dormers will overlook neighbouring properties and gardens in Hurston Close resulting in loss of privacy

The applicant has provided an Office Copy Entry of the Land Registry Title Deed relating to access rights to the land to the rear of 12 Hurston Close.

### **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.

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

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 7, 8, 9, 13, 15, 16, 17  
Worthing Local Plan (WBC 2003) (saved policies): RES7, H18, TR9  
Supplementary Planning Document 'Space Standards' (WBC 2012)  
Supplementary Planning Document 'A Guide to Residential Development' (WBC, 2013)  
Worthing Housing Study (GL Hearn 2015);  
Worthing Strategic Housing Market Assessment Up-date (GL Hearn 2012);  
Community Infrastructure Levy Charging Schedule (WBC 2015);  
Supplementary Planning Guidance 'Parking Standards and Transport Contributions' (WBC 2005)  
National Planning Policy Framework (CLG 2012)  
National Planning Practice Guidance (CLG)

## **Planning Assessment**

The Core Strategy, including the saved policies of the Worthing Local Plan, comprises the Development Plan. However, the Government has accorded the National Planning Policy Framework (NPPF) 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 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 the Council cannot demonstrate a current 5 year supply of housing in respect of Objectively Assessed Needs (OAN). The housing delivery strategy set out in the current Development Plan needs to be reassessed accordingly. A Housing Study has been published to this end (GL Hearn, 2015) and further work is being advanced as part of the new Worthing Local Plan. However, the emerging Local Plan is at a very early stage and has no formal status in the determination of planning applications.

As such the current proposal should principally be assessed in relation to the presumption in favour of sustainable housing development as set out in paragraphs 14 and 49 of the NPPF and informed by saved Worthing Local Plan policies H18; TR9, and RES7, Core Strategy policies 7, 8, 9, 13, 15, 16 and 17; the policies set out in National Planning Policy Framework and allied Practice Guidance; and the Council's SPDs on 'Space Standards' and 'Guide to Residential Development'.

The key considerations are:-

- The principle of residential development
- Impact on the character and appearance of the area
- Impact on the amenity of future occupiers and neighbours
- Access and parking

## **Principle of residential development**

As set out above, it is acknowledged the Core Strategy's housing provisions predate the NPPF and do not provide for the prescribed 5 year housing supply informed by Objectively Assessed Needs. However, in terms of the contribution a net addition of one dwelling would make toward increasing the housing supply of the Borough is very marginal and therefore not in itself considered a determinative factor.

The site can be considered 'sustainable' to the extent that it lies within an established residential outer suburb within the built-up area. It is accessible, with a bus route nearby along Findon Road and local shops and other facilities reasonably close-by within a local shopping centre. There is no formal planning record relating to the unused land to the rear of No.66. It is unclear precisely when it became fenced off from No.66, but aerial photos suggest it may have been 4-5 years ago and possibly longer. The land to the rear of 12 Hurston Close has clearly been fenced off more recently. In planning terms both pieces of land can be considered as residential garden and constituting 'greenfield' land which is not a priority for development.

Paragraph 53 of the NPPF 53 allows local planning authorities to set policies that resist the inappropriate development of such garden land where, for example, development would cause harm to the local area. Policy 8 of the Core Strategy sets out the general spatial strategy for new housing in the Borough and states that within suburban areas such as this, only limited infilling will be supported, predominantly consisting of family housing. This policy is approach is expanded upon in detail in the adopted SPD 'Guide to Residential Development'. Paragraph 4.23 of the Council's SPD makes it clear that new housing development should relate satisfactorily to its surroundings and the character of the area so that it fits in and does not have a significant negative impact on amenity. 'Backland' housing in particular is specifically discouraged.

Paragraph 4.25 states:

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

Paragraph 4.29 goes on:-

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

*private gardens of the neighbouring dwellings. It is generally unacceptable because of the impact on the amenity of the dwelling(s) at the front of the site.”*

In this case, the proposal does not follow the typical pattern of tandem backland development in so much that the application site is accessed by a private drive serving an existing garage occupying part of the site (in addition to the adjoining garage compound).

Paragraph 4.31 goes on to acknowledge that there may be circumstances where some forms of backland development may be appropriate:-

*“To minimise impact on the surrounding area and neighbouring amenity, proposals for backland development need to consider the following:*

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

The above are key considerations for all new residential development but in the case of backland development will be applied more rigorously.

### ***Impact on the character and appearance of the area***

Hurston Close has a varied character (as described above) in part consisting of compactly spaced terraced and semi-detached houses, but also more generously spaced detached bungalows and houses. Whilst rear garaging is typical of the housing layout in the first part of Hurston Close, ‘backland’ housing is not a characteristic feature. There are no other examples in Hurston Close.

Whereas the small plot size of the earlier refused development proposal (AWDM/1786/17 refers) was not comparable to neighbouring plot sizes, the current site area (now including the additional land to the rear of No.66) is more akin to that of those in Hurston Close (if not Findon Road). The reduced rear garden depth of 12 Hurston Close (approximately 13 metres) is not in itself inconsistent with nearby bungalows.

The chalet form of the proposed dwelling, with relatively modest-sized front dormers would not be inconsistent with the scale of surrounding bungalow development fronting Findon Road, or that in nearby Hurston Close, where several of the original bungalows and house have been enlarged by roof extensions and alterations. The architectural composition picks up on some elements of character within the wider area, and includes some features of interest. Whilst overall the design is somewhat unimaginative it is nevertheless an improvement on the very poor design of the earlier refused dwelling and is considered satisfactory in the context of surrounding development. Only the front (east) part of the dwelling would be visible in views north along the private drive framed by the flank walls of 4 and 5 Hurston Close, making a limited contribution to the street-scene of Hurston Close. The elevated rear (west) of the dwelling would be visible on the hillside in views from Findon Road.

#### ***Residential amenity – living conditions of future occupiers***

The proposed dwelling would have a Gross Internal Floor Area of 98sqm which exceeds the Council's minimum standard of 93sqm for a 3-bedroom dwelling set out in the Space Standards SPD.

The ground-floor habitable accommodation would have its main aspect to the front (east) and rear (west) over the front and rear gardens and the front of the nearest pair of garages in the adjoining compound. Activity associated with use of these garages would take place very close to the front of the proposed dwelling within very limited scope for any effective screening or boundary treatment as the garages in question rely on the shared drive for access. The upper floor accommodation would rely solely on an east-facing outlook from the front dormers to avoid unneighbourly overlooking of adjoining gardens.

The dwelling would benefit from front and rear amenity areas cumulatively totalling in excess of 100sqm which substantially exceeds the Council's minimum garden space standard of 85sqm for a smaller detached dwelling. Although the eastern garden would be largely overlooked at close quarters from neighbouring properties situated on higher ground (No.15 and No.12 Hurston Close), a greater sense of privacy would be achieved in the small rear (west) garden.

The Waste Manager is satisfied that waste/re-cycling bins would be brought to the end of the private drive for collection on the appropriate day.

On the whole, it is considered a satisfactory standard of living environment suitable for a family would be provided by the development.

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

The properties most affected are Nos: 1-6, 12 and 15 Hurston Close and 66 and 68 Findon Road.

No.12 is situated on relatively higher ground compared to the proposed dwelling. There would be a separation distance of some 27 metres between the rear (west) elevation of No.12 and the front (east) of the proposed dwelling. Although the new dwelling would be prominently visible in elevated views from the rear of No.12 it would not be unacceptably dominant nor suffer an unneighbourly degree of overlooking.

No.15 is also on higher ground than the proposed dwelling and angled views of the new dwelling from the rear (west) elevation will be partially curtailed by the existing garage building which will be retained.

The front of the proposed dwelling will be sited at 90° to the rear of the terraced houses fronting Hurston Close to the south. The main ground and first-floor windows would primarily overlook the small east garden and the garage compound to the rear of No's 5-8 Hurston Close. Oblique angle views towards windows in the rear elevation of this terrace would be at a minimum distance of 20 metres and could not be considered unneighbourly. The existing rear gardens of these properties are already overlooked by neighbouring properties in this suburban context.

There are windows in the flank walls of 4 and 5 Hurston Close facing onto the concrete drive that would provide access to the new dwelling. However, the drive is already used by vehicle traffic to and from the existing garage that occupies part of the site, as well as the adjoining garage compound. Consequently it would be difficult to argue that the traffic generated by the proposed dwelling would materially worsen any disturbance to the occupiers of these dwellings from comings and goings along the drive.

The south side wall of the proposed dwelling would be sited 1 metre from the site boundary which is bounded on this side by the flank wall of the nearest garage excavated into lower ground within the small compound to the rear of No's 1-4 Hurston Close. Beyond (east of) the wall of the garage the boundary is formed by a low retaining wall with a fence on top. There are no windows in the south flank wall of the proposed dwelling. There would be a distance of approximately 17 metres between this wall and the rear elevations of 3 and 4 Hurston Close which adjoin the south side of the garage compound. Bearing in mind its chalet form, the 'bulk' of the dwelling would not be unduly dominant or oppressively overbearing at this distance.

No.66 Findon Road adjoins the site to the west and comprises a detached hipped roof bungalow. It has been extended at the rear by a number of incremental additions. The rear garden extends eastwards on rising ground at a depth of approximately 15 metres. There is a shed and what appears to be a summer house on the rear elevated part of the garden at the far eastern end. The proposed dwelling has been deliberately designed to exclude first-floor window openings facing west toward the rear of No.66. However, due to the sloping ground level the ground floor windows would be elevated allowing views over the shallow rear garden towards No.66. There would be a separation distance in excess of 20 metre from the rear (west) elevation of the proposed dwelling and the nearest windows

serving the habitable accommodation of No.66. The occupiers of this dwelling would be directly overlooked but not to an intrusive extent. Nevertheless it is recommended that the existing 1.8 metre high fence enclosing the proposed rear garden is raised in height to a minimum 2.0 metres and perimeter planting introduced inside the fence-line within the curtilage of the new dwelling to help screen views.

No.68 adjoins No.66 to the north. Its long rear garden adjoins the northern boundary of the application site. The north flank wall of the proposed dwelling would be sited 1.3 metres from the common boundary. The 'bulk' of the building would enclose and overshadow the rearmost part of the garden at No.68 but given its generous depth (nearly 30 metres long) it is considered the effect would not result in a significant loss of amenity for this neighbour. As above, the elevated ground floor windows of the new dwelling would allow for angled views towards the rear of No.68 but such views would not be direct and in view of the minimum 20 metre separation distance involved would not be unneighbourly.

Conditions can be imposed to set finished floor levels in relation to surrounding ground levels and to remove 'permitted development' entitlements for extensions and alterations, including the insertion of first-floor windows in the north, west and south elevations/roof slopes of the proposed dwelling.

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

The proposed dwelling would have vehicle access from Hurston Close utilising the private drive serving the existing garage on the site. The matter of access rights over the private drive is not strictly a planning matter although the applicant has submitted evidence in the form of a Title Deed indicating that such rights do exist.

There would be provision on site for 2 parking spaces in the existing garage building which would be retained. Turning on site would eat into the area in the east garden that would be available as amenity space but would be achievable. The Highway Authority has not raised any objection on highway safety grounds on the basis there is scope for vehicles to turn in the entrance to the adjoining garage compound. However, this is private land outside the site area. It is therefore considered pertinent as a condition of planning permission to secure vehicle turning on the site. In any event the Highway Authority has not raised any objection to the proposed access arrangements or the level of parking provision and it is considered refusal could not be substantiated on these grounds.

At its narrowest pinch-point the access drive would be approximately only 2.2m wide. However, any concerns over access by fire tenders would be addressed under Building Regulations through use of a sprinkler system.

### **Other Matters**

The proposed development would be liable for CIL and a CIL Liability form has been completed and submitted by the applicant.

### **Conclusion**

The proposed dwelling on this larger site area compared to the earlier refused proposal (AWDM/1786/17) would help meet a recognized need for family housing and subject to safeguarding measures can take place without unacceptable harm to neighbouring dwellings. On balance, taking to account the specific circumstances of this site, it would be difficult to argue the backland siting of the proposed dwelling would lead to a harmful loss of local character such as to justify refusal of this amended scheme.

## **Recommendation**

**APPROVE** subject to the following conditions:-

1. Approved plans
2. Standard time limit
3. Agree external materials and finishes
4. Agree and implement hard and soft landscaping scheme
5. Agree and implement boundary treatment
6. Agree surfacing materials for driveways, paths and patios
7. Agree finished floor levels of dwellings
8. Remove 'permitted development' entitlements for extensions and alterations (including roof extensions)
9. Agree and implement surface water drainage details
10. Use of garage restricted to parking of vehicles and cycle incidental to domestic use of property
11. Vehicle access, parking and turning provided prior to occupation
12. Agree and implement surface water drainage
13. Agree and implement construction method statement
14. Hours of work
15. No first-floor windows, rooflights or other openings inserted into north, west and south walls/roofslopes

25<sup>th</sup> July 2018



Application Number: AWDM/0494/18

Recommendation – APPROVE

Site: Chester House, 2B Longlands, Worthing

Proposal: Retrospective application to remove condition 16 of previously approved AWDM/1425/13. Amendment to allow four first floor rear facing windows on the west side to be clear glazed and openable to new dwelling Chester House, 2B Longlands.

Applicant: Mr Barry Cranford  
Case Gary Peck  
Officer:

Ward: Offington



**Not to Scale**

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### Proposal, Site and Surroundings

This application seeks retrospective permission to remove condition 16 of the permission granted under reference AWDM/1425/13 which stated:

*The four first floor rear windows shown on plan 1202 - 11 B to be obscurely glazed and fixed shut below a height of 1.7 metres shall be installed prior to first occupation and thereafter retained as such.*

*Reason: To protect neighbour privacy having regard to saved local plan policy H18.*

At the time of the site visit, the dwelling was not occupied but the rear windows in question had been installed with clear glass and were openable.

The application site consists of a dwelling allowed on appeal in 2013 in the curtilage of 5 Fourth Avenue. The dwelling is now substantially complete.

The property fronts Longlands with the reduced rear garden of 5 Fourth Avenue situated to the south. Wrafton House sits to the east, also facing Longlands, a dwelling granted permission in 2002 and well screened from the application site. 1 and 3 Fourth Avenue are to the south west with their rear gardens extending northwards alongside the application site but also well screened from it.

5 Fourth Avenue is to the south with 2 small windows at first floor level facing the application site as well as a conservatory at ground floor level.

### **Relevant Planning History**

Construction of new two-storey detached dwelling with garage, north of 5 Fourth Avenue, with new access onto Longlands (AWDM/1814/14) – refused and appeal dismissed

Construction of two-storey detached dwelling in rear garden (AWDM/1425/13) – approved

Subdivision of curtilage and erection of detached dwelling with integral garage. (Revised Design) (AWDM/0422/12) – application allowed on appeal

### **Consultations**

No comments received

### **Representations**

Objections received from 5 Fourth Avenue, 36, 47 First Avenue, 49 Longlands and Cllr Elizabeth Sparkes.

- Property is on elevated position and would allow clear views to adjoining properties. Existing greenery may be removed
- If the windows do not comply with Building Regulations then this is the fault of the developer and should have been taken into account
- Dwelling was approved despite strong objections from local people and only then subject to strict conditions

- Application has been left late to secure approval when property is almost occupied
- Original landowner of 5 Fourth Avenue has now sold the plot and left residents to suffer the consequences of an ill conceived development
- Purchased property at 5 Fourth Avenue on the understanding that the facing windows would be obscure glazed.
- Removal of the condition would cause loss of privacy
- Do not see why the windows need to open to comply with Building Regulations
- Unclear whether the proposal relates to 2 or 4 windows

In response to the objections, the applicant stated:

- The majority of the objections come from properties that are unaffected by the proposal
- The proposal seeks to bring the bedroom windows in line with every other window in the area
- The only dwelling that can be affected is 5 Fourth Avenue but there is boundary screening and the occupiers of 5 Fourth Avenue have constructed a large gazebo
- The condition was imposed when the site was open without screening and cannot be described as a comparable situation
- The dwellings are 34 metres apart
- The occupier had sold their garden and so some impact should be expected

The occupier of 5 Fourth Avenue further responded:

- They were not the occupiers at the time the dwelling was sold off
- Screening was part of the approved plans anyway but overlooking still occurs in any case

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

Worthing Core Strategy (WBC 2011): Policy 16  
 National Planning Policy Framework (CLG 2012)  
 Planning Practice Guidance (CLG 2014)

### **Relevant Legislation**

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

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

## Planning Assessment

The main issue in the determination of the application is whether there is justification for the removal of the condition having regard to the amenities of neighbouring properties.

The subject building attracted much local opposition when originally proposed in 2012 but was subsequently allowed on appeal. The approved plans at the time showed that the windows at first floor level on the southern and eastern sides of the building were to be obscure glazed and fixed shut below a height of 1.7 metres.

In considering the living conditions of occupiers, the Inspector stated:

*The rear two-storey element of the proposed dwelling would not intrude in a line drawn at 45 degrees from the closest edge of the lounge window at Wrafton House. While I accept that the upper floor of the new dwelling could be seen from the patio and conservatory, there would be a sufficient degree of separation to ensure an acceptable relationship, which would not appear overbearing. There would be no loss of privacy to Wrafton House as the laurel hedge along this boundary is dense and tall, and the only first floor windows with any potential for overlooking Wrafton House would be bathroom windows. A condition could ensure these are obscure glazed and fixed shut below a height of 1.7 metres...I have taken into account the relationship with other neighbouring dwellings. While I understand why the occupiers of 36 First Avenue would prefer to keep their predominantly open aspect, I do not consider that the development would cause material harm to their living conditions, bearing in mind that the principle of development on the site is not in question, and the substantial separation distance, which is sufficient to ensure that there would be no unacceptable overlooking. The occupier of No 3 First Avenue was also concerned about loss of privacy. However there is effective screening on the boundary which would prevent any direct overlooking of this property.*

The Inspector's conclusions in respect of overlooking from the obscure glazed windows appear to relate solely to the property immediately to the east, Wrafton House. There is no mention in the decision regarding the impacts of the proposal upon the existing property at 5 Fourth Avenue, but in respect of 3 Fourth Avenue (mistakenly referred to as 3 First Avenue in the decision letter) the Inspector implies that boundary screening would prevent any direct overlooking of the property. From the above, therefore, while the condition imposed by the Inspector relates to all of the windows shown as obscure glazed on the approved plans, the rationale behind the imposition of the condition appears to relate just to the windows on the eastern side.

The scheme allowed on appeal was subsequently amended and a revised scheme approved in 2014 which is the permission that has been implemented. The conditions imposed by the Inspector were essentially repeated on the latter permission although the Officer report noted that the distance between the new dwelling and 5 Fourth Avenue was 31 metres with both dwellings retaining gardens of over 15 metres in depth.

Also of relevance is a subsequently refused application and dismissed appeal for an alternative scheme, far more modern in appearance, which was proposed prior to the construction of the dwelling. This scheme showed clear glazed windows on the southern elevation, save for a small window in the corner of the elevation, a Juliet balcony serving one of the bedrooms and a balcony serving the master bedroom.

The application was refused because of character reasons but also because *'its rear balconies/windows would also be harmful to neighbours living conditions by reason of its...loss of outlook and reduced privacy'*

In dismissing the appeal on the appearance of the building, the Inspector also separately considered the issue of the impact upon 5 Fourth Avenue:

*There are only two small windows and relatively small conservatory on the elevation of No 5, Fourth Avenue, which faces the proposed development. I have considered the size of these minor windows and conservatory, the proposed distance of about 14.5 metres between the new development and the shared rear boundary with No 5, Fourth Avenue, and the proposed new planting along that boundary. The combination of all of these factors leads me to conclude that the proposal would not have a harmful impact on the outlook or aspect of the residents of No 5, Fourth Avenue. In addition views from the proposed Juliet balustrading would have no greater impact on privacy for these residents than a traditional first floor window. Consequently in relation to the residents of 5 Fourth Avenue the proposals would comply with policy H18 of the LP.*

Your Officers are of the view that the dismissed scheme would have had a far greater impact on the occupiers of 5 Fourth Avenue in terms of loss of amenity than the current proposal to remove the requirement to obscure glaze and fix shut the windows yet the Inspector did not consider there was sufficient harm to warrant dismissing the appeal on these grounds. Your Officers also feel that the intention of the original Inspector was to prevent overlooking to the east rather than the south in imposing the condition.

Most importantly, it needs to be borne in mind that any consideration of overlooking has to be judged against the Council's normal overlooking standard for facing windows of 21 metres. In this case, the distance between the relevant facing windows is in excess of 30 metres and while the new dwelling sits at a slight rise above number 5, the facing window standard is so comfortably met, that there would still be no ground for objection. Moreover, it is noted that planting on the southern boundary is beginning to mature since the house was constructed and is already filtering views between the respective properties. It is also noted that a large gazebo type structure has been built adjacent to the boundary within the garden of 5 Fourth Avenue which also restricts the view between the properties (it appears the gazebo was built sometime between 2012 and 2015 therefore prior to the construction of the new dwelling).

### **Other matters**

The submitted application states that the requirement for clear glazed, opening windows is to meet Building Control requirements but this is not the case. While not

ideal, it is possible to install a limiter restricting opening of the windows that can be easily detached in the event of an emergency.

The application is to remove the condition which relates to all 4 of the southern facing windows at first floor level although the submitted plan states that the intention is to only clear glaze the two westernmost windows. Since the two windows to the east are set further back into the site, thus further to the north, it follows that if the clear glazing of the westernmost buildings is acceptable then there can be no objection to the removal of the condition relating to the easternmost windows as they are further away from the southern boundary.

While there is sympathy for the new occupier of 5 Fourth Avenue who would have purchased the property after the original owner sold it having gained planning permission for the new dwelling in the garden with an expectation that the new dwelling would have obscure glazed windows at first floor level, your officers must assess this proposal against its compliance or otherwise with policy having regard to material considerations.

It does appear that the intention of the original Inspector was to ensure that the eastern facing windows were obscure glazed as he made no reference to the southern windows and the subsequent conclusion by a different Inspector that there were no adverse impacts by way of overlooking from a revised proposal that included full length clear glazed windows and a balcony (albeit refused for other reasons, but a rather worse situation than is proposed under this application) suggests that were this application to be refused it would be successfully appealed. In any case, the default position on any application of this type is to measure the distance between windows against the Council's overlooking standard of 21 metres. As in this instance, the distance between windows is in excess of 30 metres; your Officers must conclude there are no grounds to resist the application.

## **Recommendation**

To GRANT permission

1. Approved Plans

25<sup>th</sup> July 2018

Application Number: AWDM/0779/18

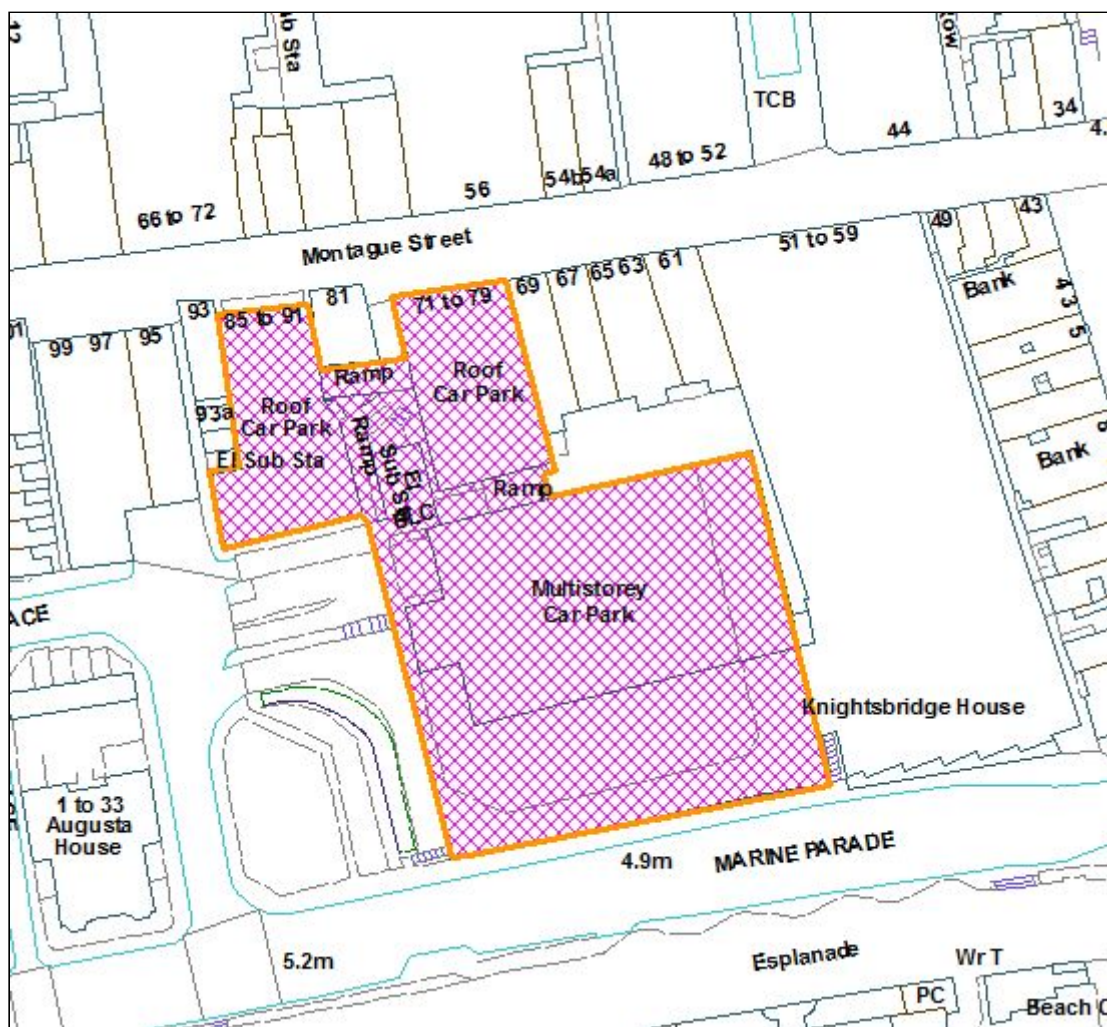
Recommendation – APPROVE

**Site:** Grafton Multi Storey Car Park Augusta Place Worthing West Sussex

**Proposal:** Change of external finish from brickwork to white painted render on south elevation.

Applicant: Technical Services  
Case: Jackie Fox  
Officer:

Ward: Central



Not to Scale

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### Proposal, Site and Surroundings

The multi storey car park lies on the north side of Marine Parade, south of Montague Street and east of Augusta Place. Vehicular entrance and exit is onto Augusta Place.

It comprises a multi-layer interlinked yellow brick and white render building with the front elevation facing Marine Parade painted in bold colours.

The application proposes replacing the existing brickwork on the south elevation facing Augusta Street and the entrance/exit ramps with white painted render. The application is to help damp penetration from the weather exposed seafront wall.

The car park as a whole is adjoining the Conservation Area to the east, to the south across the road is Marine Parade Conservation Area. The application site does not adjoin the Conservation Area

### **Relevant Planning History**

None

### **Consultations**

None

### **Representations**

None received.

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

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 11, 16  
National Planning Policy Framework (March 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; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

### **Planning Assessment**

#### ***Principle***

The car park is an existing building of varying materials and textures; the main issue is the change of external finish on this south elevation facing Augusta Place on the impact of the character of the building and the area generally.



## ***Visual amenity***

The NPPF and policies within the Worthing Core Strategy attach great weight to sustainable development and that good design is a key aspect of sustainable development.

Policy 16 of the Worthing Core Strategy indicates that all new development will be expected to demonstrate good quality architectural and landscape design and use of materials that take account of local physical, historical and environmental characteristics of the area. It also indicates that design should encompass well-structured streets that are safe, pedestrian friendly with an accessible lay-out; pedestrian environments and public spaces should be designed in a manner which maximises connectivity and actual and perceived safety.

The application site on a south facing elevation opposite a green adjacent to the main entrance and exit to the car park, beyond is Marine Parade. The wall although set back from Marine Parade is visible in views.

The application proposes changing three large panels of brickwork on this exposed south elevation to white painted render.

The majority of the car park as viewed from the south is white render or exposed concrete other than the elevation abutting Marine Parade which has been painted in a bold abstract colour effect. The adjoining buildings to the west tend to be the rear elevations and service areas for primarily two storey retail units facing Montague Street which themselves comprise varying ages and style of properties. The brick detailing would probably have originally provided a design break for the large expanse of wall adjacent to the modest scale of brick development around it. Although the change to white render would now increase the paintwork on this elevation, it is considered that the gabion walling at ground level and the car parking railing detail at roof height would help to break up this expanse of brickwork. Furthermore the render detail will assist in controlling water penetration to adjoining shop units. The proposed change of materials is therefore considered appropriate for the style of the building and the area generally which is a mixture of building styles, heights and design.

## ***Conservation Area and Listed Buildings***

The car park itself abuts the Conservation Area to the east, and Marine Parade is also to the south. The application site is set back from any views into or out of the Conservation Areas and would preserve any impacts on them.

## **Recommendation**

**APPROVE**

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

1. Standard time
2. Approved Plans

**Local Government Act 1972**

**Background Papers:**

As referred to in individual application reports

**Contact Officers:**

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

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

Jackie Fox  
Senior Planning Officer  
Portland House  
01903 221312  
[jacqueline.fox@adur-worthing.gov.uk](mailto:jacqueline.fox@adur-worthing.gov.uk)

## **Schedule of other matters**

### **1.0 Council Priority**

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

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

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

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

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

### **7.0 Reputation**

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

### **8.0 Consultations**

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

### **9.0 Risk Assessment**

- 9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

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

## **14.0 Financial implications**

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