



**WORTHING BOROUGH
COUNCIL**

**Planning Committee
17 October 2018**

Agenda Item 5

Ward: ALL

Key Decision: ~~Yes~~ / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/0884/18

Recommendation – Refuse

Site: 106 Warren Road, Worthing

Proposal: Demolition of existing house and erection of three and half storey 60 bedroom care home with access from Warren Road following the demolition of the existing building.

2

Application Number: AWDM/0703/18

Recommendation – Approve

Site: 6 New Street, Worthing

Proposal: Variation of condition 3 of approved application WB/05/0225/Full for Food Restaurant for permanent planning permission for opening hours 8am to 1am Monday to Saturday and 8am to 12 midnight Sundays and Bank Holidays (as permitted temporarily under AWDM/0202/17).

3

Application Number: AWDM/0728/18

Recommendation – Approve

Site: Land Between Station Car Park And Footbridge, Tarring Road, Worthing

Proposal: Erection of pair of semi-detached three storey dwellings each with garden area and 1no. parking space (to match the recently completed houses to the east).

Application Number: AWDM/0884/18

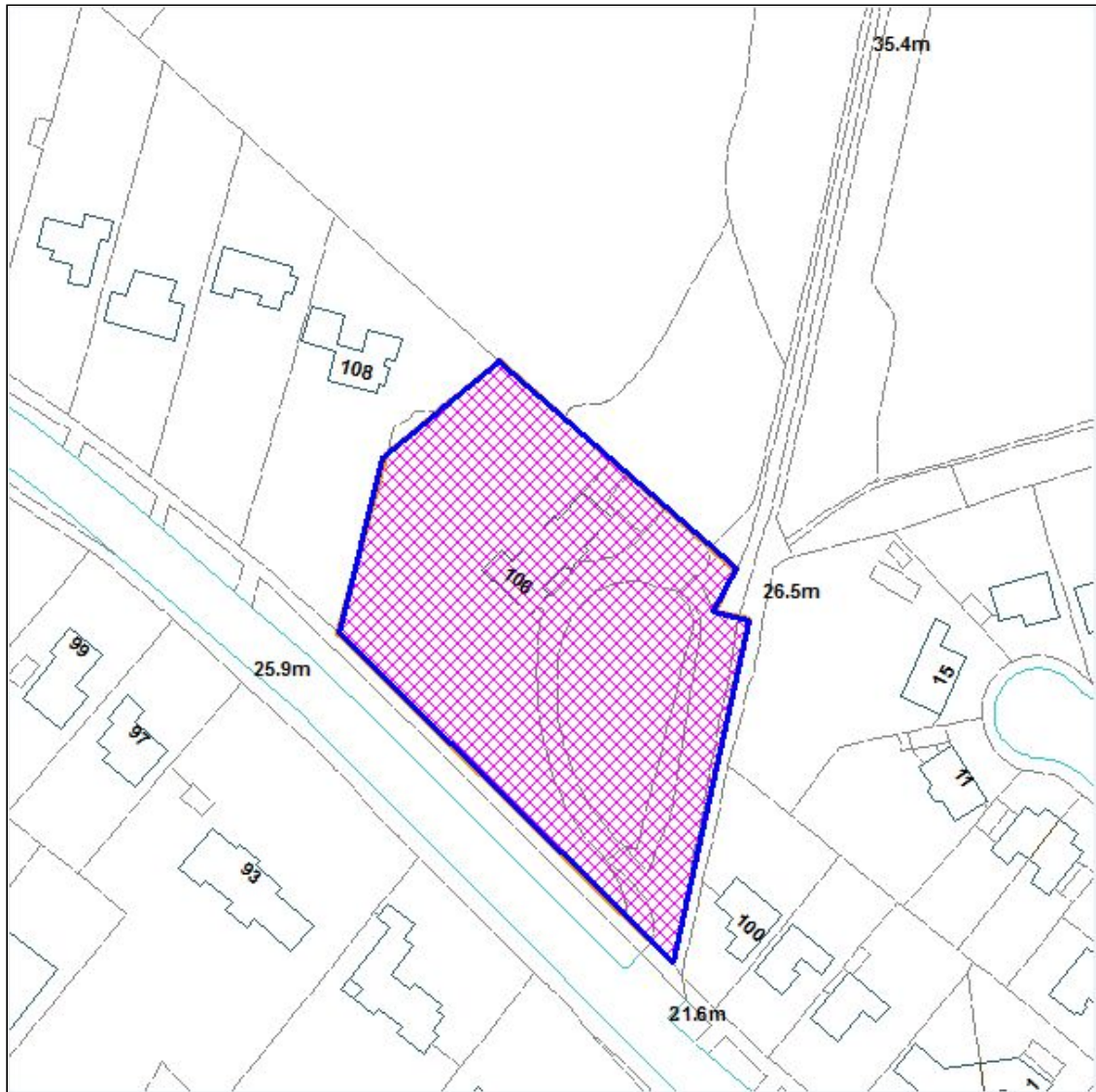
Recommendation – REFUSE

Site: 106 Warren Road, Worthing

Proposal: Demolition of existing house and erection of three and half storey 60 bedroom care home with access from Warren Road following the demolition of the existing building.

Applicant: Redland Care
Case Officer: Stephen Cantwell

Ward: Offington



Not to Scale

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Site and Surroundings

Warren Road is part of the A27, between the Grove Lodge and Offington Cemetery roundabouts. The application site lies at approximately the midway point on the northern side of the road. The site comprises a three-storey detached Georgian

style house and attached two-storey converted coach-house set within approximately 0.44ha and well back from the road. The house faces east towards the adjoining bridleway. The bridleway (No. 2018) is partially surfaced and uneven in width but is also within the red-lined application site, comprising an additional 0.04ha.

The wider Warren Road frontages comprise detached houses in a range of plot sizes, although sizes tend to reduce towards the roundabouts. The application site is considerably larger than most others and has a much wider frontage, 75m, compared with 10 – 44m of its immediate neighbours on either side and opposite.

Vehicular access is via two points along the bridleway which runs north from Warren Road towards Worthing and Hill Lodge Golf Clubs, which forms a boundary with the site, the boundary is also the edge of the National Park and the edges are formed by mature woodland

The site slopes upwards from its south east front corner towards its north-west rear corner by a height difference of approximately 7m. The house is slightly cut into the slope but is generally 2.5m – 4m above the pavement level in Warren Road.

The site is not close to a conservation area nor are there listed buildings in the vicinity, although the Offington Estate and area contains many examples of well-designed houses, largely from the inter-war period.

Proposal

Permission is sought for demolition of the house and gate house, which are currently vacant, and the construction of a 60-bed care home (Use Class C2). This would be three and half storeys high and approximately 4m wider than the combined existing house and coach house. It would be formed of a central main section facing the bridleway and two projecting wings running parallel with Warren Road. The longer of these would be approximately 20m deeper than the side of the existing house.

The design is broadly Victo-Edwardian in style, using brick and tile construction with a series of projecting hipped gables and bays, a partially projected full-height tower at its south-west front corner. The fourth floor of accommodation would be in the roof level, lit by a modest number of flat-roofed dormers and half dormers. Window arrangements are highly varied, some with exposed, contrasting lintels, some with rendered surrounds. Two of the main bays on the southern frontage also have a framework of external balconies, serving the first three floors.

Accommodation would comprise 60 en-suite care rooms, associated treatment rooms, communal indoor spaces and ancillary areas for catering and management. A basement beneath part one wing would house heating plant, laundry and staff-changing space.

The existing driveway within the site would be substantially widened, in order to provide a rank of parking spaces on each side; 23 spaces in total and an ambulance bay. Four trees would be removed in order to achieve this, and another adjacent to the north-eastern entrance. The driveway/parking layout would provide

a circular in-out arrangement, using both access points, with the northern one being widened. Covered cycle-parking hoops would be located beside the main entrance of the building and bin store (2.4m high x 8m long) and turning area towards the northern boundary.

The application is accompanied by:

- Air Quality Assessment
- Design & Access Statement
- Ecological Appraisal & Bat Activity Report
- Flood Risk / Drainage Assessment
- Initial Heritage Assessment
- Planning Need Statement
- Plans and Elevations (including overlay of existing)
- Transport Statement
- Tree Method and Impact Assessment

Relevant Planning History

WB/171/74 – Outline Application for residential development (including area land at the golf course to the north) – refused in May 1974 (The site was part of a larger 1ha site, including woodland to the north. No detailed layout was included. Refusal was due to incursion into the then Area of Great Landscape Value, now National Park, and increased traffic affecting flow of the trunk road)

Consultations

West Sussex County Council - Archaeologist: No objection

Risk of any archaeological finds is small, given previous development of site.

West Sussex County Council – Flood and Drainage: No objection

Low flood risk, but avoid raising of site levels. No record of historic flooding but moderate/high risk of groundwater flooding should be taken into account in the design of surface water (SUDS) drainage design, also to avoid risk of groundwater contamination. Finalised SUDS design should be submitted and approved, including calculations and future management.

West Sussex County Council - Highways: Further Information required:

- i) Stage 1 Road Safety Audit for changes to the access to the highway and bridleway points and a Designer's Response.
- ii) Plan showing amendments to access points including:
 - a. Pedestrian inter-visibility splays at the access point and Warren Road and at the bridleway
 - b. Details of proposed bridleway surface

- c. Also recommended are rumble strips on site, at points of access/egress, also separate pedestrian path for first section of the site access.

Parking and cycle spaces follow WSCC guidance, driveway is wide enough for vehicles and services. It is accepted that due to spare capacity, on this occasion motorcycles can use a car parking bay.

Fire access: given access not possible to access western side of proposed building from driveway, further information requested to show how fire and rescue requirements can be met.

A travel plan could be included by condition, to include measurable targets, also staff vouchers for bus ticket and cycle purchase.

Highways England (HE). Further Information required

Informal advice is *not to grant approval while* HE continues to work with the applicant to resolve the following outstanding matters:

- i) Amended plan required to show adequate visibility splays 4.5m x 120m not 2.4 x 120m as shown. If this is not achievable then a departure from standard would be required and a Road Safety Audit to assess impact of lesser splay.
- ii) Pedestrian visibility splays should be demonstrated at the access with Warren Road.
- iii) Alterations to the A27/A24 road markings - amended plan required to show this
- iv) Clarification of the reason for use of a later PM peak hour (1800-1900hrs) rather than the traditional 1700-1800hr peak in the highway assessment.

Subject to i) - iv) a Construction Management Plan may also be required by condition, to restrict routes and times for demolition and construction traffic.

Borough Arboricultural Officer: Comments

Agree to loss of three dead trees and a Horse Chestnut, which is declining. Loss of other smaller trees which are not prominent to make way for an in-out driveway is acceptable. A large leaning Eucalyptus raises no concerns or recommended works.

Three trees Beech, Silver Birch and Pittosporum near the existing entrance drive are all good specimens. Removal to create drive is not justified, they should be retained.

Larger mature trees on the southern side of the building provide partial screening for the building from the A27. The nearest of these would appear to be between 3 to 4 metres from the building and create future pressure for reduction or removal. Amendment should be considered in order to allow greater distance.

Borough Drainage Engineer: No objection

Amended flood-risk & drainage assessment are acceptable. Conditions recommended to include submission of results of soakage tests and calculations to inform the size of the soakaway to the permeable surfaces.

Environmental Health Officer (public health): Awaited

Environmental Health Officer (Housing): Awaited

Environment Agency: No Objection.

South Downs National Park:

Whilst the proposal has potential to impact the setting of the National Park, no objection. Consideration should be given to the International Dark Night Skies Reserve, and dark night skies, which are a special quality of the Park. External lighting should be designed to protect this and conform to the Institute of Lighting Professionals guidance, ideally achieving zero upward light and sensitive to bats and other wildlife.

Southern Water Services: No objection

Conditions recommended, including details of foul and surface water drainage to be submitted and approved in consultation with Southern Water. These shall ensure that foul water discharge rate does not exceed existing; the protection of groundwater, which is important to public water supply; provision for oil-interceptor gullies. Informative: separate consent needed for sewer connection

Arrangements should also be made for lifetime management of surface water (SDUS) drainage.

Representations

8 responses have been received.

These are from six addresses, three are from one address: All object.

Points include the following:

- Large building will be out of scale and proportion of surroundings, too dense and leaves inadequate space - overdevelopment
- Development too intrusive for location
- Design and materials not in keeping
- Loss of privacy due to position and height (neighbours to east and west)
- Much closer to neighbour and twice as tall as existing building
- Increased noise, including associated staff arrivals, deliveries, service vehicles
- Inadequate outdoor space for proposed residents
- TPO trees and their roots should be retained and protected,
- Do not object to principle but should be scaled-back considerably
- Additional traffic on A27 from staff, visitors & deliveries, proposals underestimate this
- Additional risk of accidents. Road already at capacity and hazardous
- Added traffic danger to bridleway users, including horses and pedestrians
- Bridleway well used gateway to South Downs (e.g. 8 vehicles in 20mins on Sunday).
- Visibility splays need to be shown
- Right hand turning out of bridleway onto A27, already very difficult.

- Proposed resurfacing of bridleway indicates that horses should now use verge; unacceptable.
- Proposed works to bridleway appears may encroach bridleway and neighbour's land,
- Would it also reduce width of neighbour access?
- Privacy afforded by existing conifers and verge along bridleway may be affected
- Additional air pollution
- Insufficient parking, we suggest 35no. spaces needed not 23no.
- Parking will overspill onto bridleway, displacing user parking, also into Hillside Avenue, a private road.
- Who would be responsible for upkeep for bridleway, verges and vegetation?
- Where would site traffic be based?
- Surface water runs-off bridleway onto A27, run-off must not be increased.
- Proposed landscaping not in keeping
- Neighbour house incorrectly numbered

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policies 9, 12, 13, 15, 16, 17, 18 & 19

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

Supplementary Planning Document 'Space Standards' (WBC 2012))

WSCC Parking Standards, (2003)

National Planning Policy Framework, July 2018 (NPPF)

National Planning Practice Guidance

The National Planning Policy Framework (NPPF) has considerable status as a material consideration which can outweigh Development Plan provisions if policies are out of date or silent on a relevant matter. In such circumstances paragraph 11 of the recent NPPF, 2018 states that development should be approved unless: it would cause adverse impacts which significantly and demonstrably outweigh benefits when assessed against NPPF policies overall; or if the NPPF affords particular protection to assets or areas of importance, (recent case law indicates approval of development which is contrary to the Development Plan will be the exception).

In assessing Development Plan policies relevant to this case alongside the recently published NPPF, it is considered that those which are relevant to the current case are in conformity with it. However, as informed by local evidence it is clear that Council cannot demonstrate a current 5 year supply of housing in respect of Objectively Assessed Needs and that all relevant policies which relate to and constrain housing delivery in the Core Strategy are out of date in respect of the NPPF. Accordingly the Council needs to assess its housing delivery strategy. To this end a Housing Study and Issues and Options document was published and a revised Local Development Scheme, which commits the Council to undertake a full review of the Core Strategy and prepare a new Draft Local Plan, which is due to be published for consultation at the end of October.

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

The main issues raised by this proposal include:-

1. Principle of Development
2. Design and Context
3. Residential Amenity
4. Access and Parking
5. Trees, Landscape and Biodiversity
6. Drainage and Flood-Risk
7. Sustainable and Resource Efficient Buildings

Principle of development

The site is within but at the edge of the built-up area, where the principle of redevelopment is acceptable under Policy 13, subject to detailed considerations such as those under Policy 16, which requires good quality design, preservation of the character and heritage of the area, response to important aspects of local character and exploiting of all reasonable opportunities for enhancement. Development, including intensification, should not result in unacceptable reduction in the amenities of local residents (Saved Policy H18). Other detailed policies such as transport and sustainability, are considered in later sections of this report.

Policy 9 allows for the loss of a dwelling if loss would facilitate the delivery of a much needed community use. The applicant refers to the Worthing Housing Needs Study of 2015, in which identifies a need for 859 care-bed spaces before 2033. NPPF supports care home provision as part of overall housing supply and notes that this may also allow other housing to be reused by other households. Accordingly there is no in-principle objection to the loss of the existing dwelling and its replacement by a care home.

The applicant also explains that in order to provide good quality of 24 hour care on a financially-viable basis, there is need to provide care staff at a ratio of between 1:4 residents and 1:7 residents, dependent on the range of individually assessed needs, along with a core of ancillary staff providing management, catering and maintenance, giving a total of 54 staff, albeit spread over 3 shifts. Taking into account staff costs, which amount to 50-60 percent of overall running costs, and higher land prices in the area, a development providing less than 60 beds would not be viable here. They also explain that market survey demands reveal an

expectation of individual en-suites, which are provided in each case here, contributing to the overall size of the building. Other factors such as the communal lounges, café, hairdressers and treatment rooms also have an impact on size and are cited by the applicant as important to the provision of high quality purpose-built accommodation. The question of overall size is a key issue in the following section.

Design and Context

The proposed building would be approximately 34m x 34m in width and depth, by comparison with the combined existing house & coach house, which are approximately 18m x 33m. The height of the main roof would be 13.4m, some 4m taller than the existing, and would rise to 15.8m at the proposed tower on the south west front corner. The eaves line would be at third floor level, with the exception of a small area of two-storey to the proposed rear corner, the tower feature would have slightly taller eaves. This compares with the existing 2-storey eaves line of the existing buildings, and single storey section which links the main house and coach house.

The effect of these combined differences would be significantly a larger size and mass compared with the existing building. The recent amendment has replaced a large gable on the eastern elevation, with a hipped roof, which has thereby eliminated an area of brickwork above the eaves and reduced the vertical emphasis on this elevation. However, this change does not alleviate the overall scale of the building.

The building is between 3m – 7m closer to the eastern frontage with the bridleway compared with the existing, although this still retains a typical set-back of 21m to the eastern boundary, measured at its mid-point. This set-back would increase to the south but reduce to 10m to the north.

From the bridleway, the combined increase in size of the building and its closer position to the boundary, would produce a substantial increase in built-up character, particularly at the northern end of the bridleway, where the separation distance would be at its least and where the existing gateway and drive would be widened, thereby creating a more open and hard-surfaced frontage.

Whilst the existing building is visible along the bridleway, it is seen a series of short and partial glimpses set within trees and vegetation. The proposal would be much more prominent and unrelenting in scale. Whilst significant trees would remain, the impact of the building and its attendant car parking spaces hard surfaces and bin stores, would be to erode the essential semi-rural character of the bridleway and the sense of transition it serves between the edge of the residential suburbs and the wooded fringes of the downs.

As mentioned, the increased hard surfacing is most prominent towards the north but there will also be some impact towards the south, where the view into the southern entrance would reveal the more formalised and consistent hard-surface, car parking spaces and parked vehicles.

It is noted that the hard surface accounts for roughly 0.08ha, which when added to the footprint of the proposed building and its internal courtyard, gives an area of

just under 0.2ha, which is approaching half the area of the existing 0.44ha curtilage. In consideration of the wider character of the low-density mid-section of Warren Road, this proportion of building and hard-surface to garden area gives further weight to concerns about over-development and in-compatibility, which are among the comments received from neighbours.

At the southern frontage the main area from which the existing building is visible is directly to the south and slightly to the south east. There is a more filtered glimpse further to the south east, but with substantial deciduous vegetation blocking summer views. Several larger trees, a mix of deciduous and coniferous, provide a dense screen to the south west.

From the southern view, the two story side wall and mansard roof of the existing main house is clearly visible from Warren Road between trees and shrubs, with the side of the coach house viable in the background. The ground level difference between the road and the house is between 2-3m at this point. The proposed house would be approximately 20m wider than the existing at this point, and its eaves and 4m higher, and a further 2.5m beyond this at the proposed corner tower.

Mindful also of the elevated level of the site the combined impact of the building would be a significant increase in the amount of visibly built-up frontage, something which vegetation, including new proposed trees, could not adequately mitigate, especially during winter months. The height and mass of the building, with its extensive arrays of windows would contrast with the prevailing pattern of two storey buildings of domestic scale and proportions, which characterise Warren Road, including those in well-spaced frontages, which characterise the substantial mid-section of the road. The proposal would be singularly much larger and taller than other buildings and present a more heavily built up appearance, which would disrupt and harm the character of the street frontage.

In terms of style, the building uses several Victo-Edwardian elements, a slightly earlier style than the prevailing inter-war bespoke architecture of the Offington Estate but there are some references; the use of brick and tile and in the shapes of the dormers and chimneys.

In terms of detailed design, there are concerns that the articulation of main frontages is too subtle to be of assistance in softening the overall mass. At roof level, the long single ridgeline and largely consistent three storey eaves, would serve to accentuate the mass of the building. The tower element, whilst an interesting dynamic, adds to the overall height and built appearance. Other bays are only slightly projected from the frontages and are likely to appear flat rather than animating.

Whilst there is variation of window sizes and clusters, the overall amount and proportion of glazing serves to contrast with existing houses, rather than harmonise with them. Aside from fenestration, there is little space for other types of detailing, which might echo the bespoke and craftsman-like quality of the Offington Estate (see *Heritage* below). The series of balconies on the eastern elevation appear bolted-onto building rather than integrated into walls and roof. They also have large areas of glazing, for safety reasons but which risk the appearance of light-catching sheet glass, an architectural element which is out of keeping with this area.

In summary, due to its overall size, elevated position and design, the building and its associated hard-surfacing is considered to be an overdevelopment, out of keeping with and harmful to the character of the area.

Heritage

The house is Neo-Georgian in style and dates from the inter-war period. Its rendered exterior and simple Georgian-style glazing gives the building a simple but perhaps somewhat bland appearance. An initial heritage assessment which has examined both the interiors and exteriors, notes that the building and coach-house are of relatively unexceptional design, lacking the craftsmanship, group value and historical association which characterises other parts of the Offington estate, such as those opposite on the southern side of the A27 Warren Road. Neither is it suggested to be by an architect of particular note.

As a result, it is not considered to be of sufficient local interest as to constitute a non-designated heritage asset. There would be no heritage objection to the principle of demolition and some suitable form of new development.

The southern boundary wall is of lime and flint wall, which is characteristic of the local area and probably pre-dating the house. This has local interest, characterising parts of Offington and the A27 frontage, and is worthy of retention in any redevelopment, and could be sought by use of a planning condition. However, this does not overcome the concerns regarding the size and design of the proposal.

Residential amenity

i) Proposed Building

As mentioned the proposal is for 60 en-suite care rooms, typically 16-20sqm (a few around 22-24sqm). Each has a garden view and some have balconies or a small patio. There are communal lounges on each floor, a café, hairdressers and treatment rooms, also a central kitchen and administrative & maintenance areas. The garden area is approximately half of the site, although the accessible garden for residents is concentrated to a series of small, connected lawns on the southern and western sides of the site.

Whilst comments of the Environmental Health officer are awaited upon the latest plans, the overall layout appears to provide for individual and communal needs, with some reservation concerning trees, which is considered below. The location, mount and control of external lighting could be subject of a planning condition to balance safety needs with environmental impact at the edge of the National Park Dark Skies reserve.

ii) Existing Residents

As submitted the proposal raised three main concerns regarding neighbouring privacy, noise and disturbance. Firstly the height and position of windows, secondly the mass of the building and thirdly, additional traffic close to neighbours.

Risk of loss of privacy was most notable to the east, where a number of windows at third and fourth floor would face towards the rear of neighbouring gardens. The intervening distance to the rear boundary of the most directly affected neighbor in Hillside Avenue would be approximately 28m window to boundary but a direct line of sight would be possible through existing trees. In response the applicant has removed a large bedroom window from the fourth floor gable, and turned the gable into a blind hip. Although other dormers elsewhere on the roof will still face in the direction of neighbours to the south, their size, distance, angle and presence of intervening trees is such that the degree of privacy is no considered to be sufficiently protected.

On the west elevation, windows facing the neighbour's side boundary some 13m – 25m away, are variously recessed within a proposed courtyard, partially blocked by adjoining wings; or are bathroom windows which can be obscured and top-only opening; or which face towards the neighbour's front garden and are approximately 13m away behind trees. This is considered to be reasonable in terms of neighbouring privacy.

Also, in consideration of the neighbour to the west, the recent reduction to the size of the north-west corner has improved the relationship to the rear neighbouring garden, to minimise risk of an overbearing effect. A hallway window facing the neighbour rear garden would be approximately 17.5m from the boundary and it is considered that obscure glass & top only opening type, would be justified here, in order to safeguard neighbouring privacy.

The western part of the southern wing of the proposed building would be some 13m from the front garden of the neighbor, set behind deciduous trees. Consideration has been given to the risk of overbearing effect here, however this is not considered so serious as to constitute a reason for refusal.

A more qualitative impact is that of additional activity. To west this would comprise the more intense use of the garden by residents and staff and the use of the side (northern) pathway for deliveries; also the location of the kitchen some 18m+ from the boundary. In consideration of these, given the care-based nature of the use, it is likely that the gardens will be used for quiet enjoyment or staff breaks. Deliveries arriving at the front of the building would be handled along the side path, where the service door some 30m from the western neighbour. Comments are awaited from the Environmental Health officer concerning the kitchens and any recommendation, including any conditions, will be given as an update.

To the east, the increased vehicle and pedestrian movements at the site entrance and bridleway would pass alongside the side and rear boundaries of neighbours, including no 100 Warren Road, which shares the bridleway access. In terms of the number of vehicles, the submitted transport assessment estimates an increase from 2no. vehicle movements during peak hour from the existing dwelling to between 4-6 for the care home. It does not distinguish how many of these are deliveries, staff or visitors, with the expectation that some staff will arrive by bus, cycle or on foot; nor does it explain the number which would arrive earlier in the morning or later in the evening or at night.

Given the proximity of no 100 Warren Road, there is some risk of additional noise and some impact on privacy. The impact is likely to be towards the front of their property where people would use the site access, although some will be along the bridleway, separated by intervening conifer trees. However, account must be taken of the fact that Warren Road is already a well-used vehicular and pedestrian route. As such it is unlikely that a weighty argument could be raised in terms of privacy and disturbance, other than by the potential effect of delivery vehicles, especially any at early or late hours. There is sufficient concern in this last regard to justify the use of a planning condition to restrict hours of delivery for instance 08.00 – 18.00 weekdays and 09.00 – 16.00 at weekends/bank holidays.

In summary, subject to the use of planning conditions and the amended plans, the impact on neighbours of this more intensive form of development is considered to acceptable under policy H18.

Access and Parking

As mentioned, the proposal is anticipated to add 4-6 additional vehicle movements a peak hour, a total of eight. The highway authority has requested further explanation of the selection of the particular peak hour, which is one hour later than normally used. It has also requested provision of a longer visibility play (240m rather than 120m as submitted), and the inclusion of splays for pedestrians. Safety audits are also required for the A27 and bridleway both by the County Council and Highways England (HE) and to support the proposed creation of a gap in the central road markings. An update will be given on these but in their absence HE has recommended that the application should not be approved.

According to the amended plans and information, the proposal would widen the surfaced part of the bridleway to give a uniform 4.1m vehicular width, using a 'Tuckpave' surfacing system, which is a porous heavy-duty dense nylon grid. Separate consent of the County Rights of Way officer is required and his comment is awaited. This would replace the existing mixture of tarmac sections, earth, loose stone and grass and will inevitably have a more formal appearance.

Taking a balanced view of impact and the established need for care bed spaces, it is considered that some form of uniform surfacing could be considered acceptable in planning terms, subject to the rights of Way Officer, but that an alternative to the proposed surfacing system, or example rolled hoggin, might be more appropriate in terms of character. An arrangement would also need to be in place for on-going maintenance by the applicant, with the County Council's agreement.

The neighbour has asked for confirmation that the proposal does not encroach onto his property which he adds, includes the conifer hedge along the edge of the bridleway and area of the agate. It is noted that the widening of the vehicular surface would include part of the grass verges and the grassed radii on either side of the Warren Road junction. The applicant has notified both the County Council and another third party landowner at a business address, although not the same address as the neighbour. Subject to the comments of the Highway and Rights of Way Authorities, and use of appropriate surfacing, the visual impacts of these changes are considered marginal. Any planning approval would not override the need for the approval of other owners.

The County Highway office does not object to the proposal for 23no spaces, in accordance with its standards but that some detailed changes, such as rumble strips and a pedestrian path are needed within the site. Further comments of the Fire Safety Advisor have been sought in light of the distance between the rear of the building and nearest roadside hydrant.

Under Policy 12 development should meet its infrastructure needs and Policy 19 requires that 19 major developments should explain how impacts of increased transport needs will be mitigated. Adequate parking should be provided under Saved Policy TR9 and current parking standards. A travel plan should therefore be included by condition, as recommended by the Highway officer, to include measurable targets, and suitable arrangements for monitoring. Staff vouchers for bus ticket and cycle purchase are recommended components of this.

Trees, Landscape and Biodiversity

In addition to three dead trees, the proposal would necessitate the loss of a Horse Chestnut to create the proposed parking. Although this is fairly large stature it is in a declining condition and its removal does not raise objection from the Borough Arboriculturist.

Tree other TPO trees, a Beech, Silver Birch and Pittosporum also near the existing entrance drive would also be removed. These are good specimens in terms of health, but it is noted that they are tall, thin trees in amongst others, and as such their amenity value and weight in the overall balance of issues, is considered to be limited.

A more significant point of concern is the risk of pressure for future reductive pruning of large, vigorous and important trees at the site boundaries, due to the location and size of the proposed building. Further occupiers may find these to overshadow their rooms and patios, leaving only a small area of well –lit garden. Significant reduction would intensify concerns about the visual impact of the building in Warren Road and the National Park boundary and perhaps would also change the impact on the neighbouring front garden to the west, which is currently well screened.

Whilst the further comments of the Arborist are awaited following amended plans, the risk of future reduction in addition to immediate losses caused by the development, are a point of concern. It is noted that some replacement planting is proposed, although this mitigation is of limited benefit in the short-medium term.

Biodiversity

An ecologist's report confirms the presence of bats and that a bat method statement would be needed for the timing of works, including demolition and the use of qualified supervision, also the provision of mitigation, such as new roosting opportunities, including bat boxes. This could be required by planning condition, along with measures to safeguard reptile habitat in the borders and soft landscaping areas. An external lighting condition would also be justified by the presence of bats.

A landscaping plan to confirm the retention of habitat, along with new planting, could also be required by condition.

Drainage and Flood-Risk

The Borough Drainage Officer confirms that drainage proposal, including permeable surfaces as part of sustainable drainage, are acceptable. The use of oil interceptors would be needed to ensure that oil is collected from any impermeable surfaces, in order to safeguard groundwater. Future management of drainage can also be required by condition, as well as submission of detailed designs for approval in consultation with the Borough Engineer and Southern Water, and in the case of excavation / implication near trees, the Borough Arborist.

A planning condition can also be used to control any changes in levels, mindful of the County Drainage officer advice that levels should not be raised.

Sustainable and Resource Efficient Buildings

Unless it is not feasible, new development should make provision for renewable energy and address climate change by consideration of pollution impacts and mitigation and efficient use of resources, including recycling and energy and water efficiency (policies 17 & 18), and use of sustainable drainage (Policy 12).

The application makes no particular mention of renewable energy or water efficiency but comments that a sustainable and energy-efficient approach will be adopted, with insulation standards exceeding the requirements of Building Regulations. Given this commitment and the requirements of policies, it is considered reasonable that a planning condition should also require more detailed information on sustainability for implementation.

Summary

The proposal would meet an established need and provide good quality accommodation. There is no in-principle objection to the proposed land-use. Whilst it is understood that cost-effectiveness and site costs have led to the size of the proposed home, it is considered that the harm arising from the size of the proposed building, outweighs the benefits. The site could accommodate a building of significance but scaling down is required, along with some reconsideration of detailing to provide a more harmonious appearance.

Neighbouring impacts are on-balance considered to be acceptable, but the use of conditions would be important, such as the control of delivery hours and control of fenestration. The impact on trees is a concern but further advice from the Arborist is awaited and an update will be given.

Regarding highway matters, important information is required and in its absence the Highways England and the County Highway officer are not satisfied, accordingly the proposal is not supportable in highway terms

In the overall balance, it is not considered that the merits of the proposals are outweighed by its impacts and accordingly it is recommended that the application be refused.

Recommendation

REFUSE for the reasons:-

Reasons:

1. The proposal by reason of the size, height and mass of the proposed building, its elevated level and its position, which brings development much closer to the site frontages, would create an excessively built-up and over-developed appearance, which in combination with the amount of hard-surfacing and ancillary building at the access and parking and manoeuvring area will erode the spacious character of existing development. Furthermore, the design of the building, with a large proportion of glazing, long unbroken ridgelines and little variation in its main facades, would accentuate its size and variance from the prevailing scale and proportions of surrounding houses, which contribute the character of the area. This is contrary to policy 16 of the Worthing Core Strategy 2011.
2. On the basis of the information provided, the Local Planning Authority is not satisfied that the proposal, which constitutes a significant intensification of use of the site and associated vehicular, pedestrian and other trips, would provide for the safety and free-flow of traffic on the adjacent truck road and bridleway, including the safety of other users, motorists, pedestrians and horse-riders. The proposal is therefore contrary to Policies 12 & 19 of the Worthing Core Strategy 2011.

17th October 2018

Application Number: AWDM/0703/18

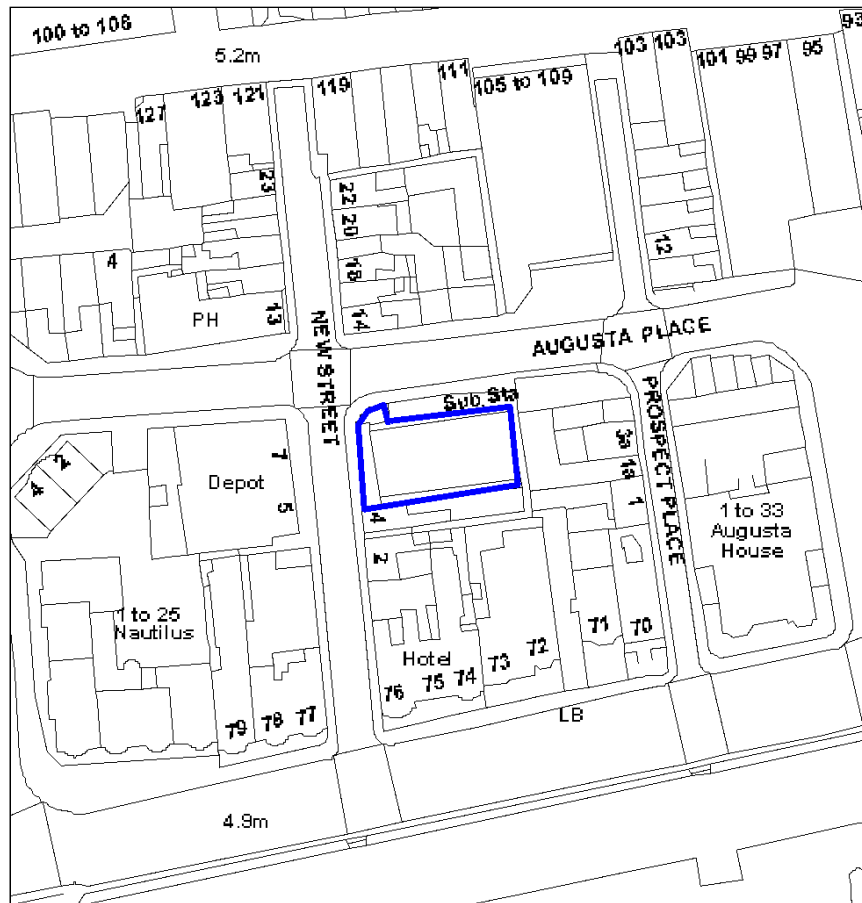
Recommendation – APPROVE

Site: 6 New Street, Worthing, BN11 4RE

Proposal: Variation of condition 3 of approved application WB/05/0225/Full for Food Restaurant for permanent planning permission for opening hours 8am to 1am Monday to Saturday and 8am to 12 midnight Sundays and Bank Holidays (as permitted temporarily under AWDM/0202/17).

Applicant: Mr Andrew Sparsis
Case: Eve Hearsey
Officer:

Ward: Central



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Site and Surroundings

The property is within the old town centre of Worthing, with the Seafront approx. 85m to the south, and the main, pedestrianized shopping area of Montague Street approx. 60m to the north. The area between is characterized by residential dwellings and commercial uses. Directly to the south of the application site is a pair of residential cottages, no.'s 2 and 4, with no. 4 being separated from the

application site by a side access of approx. 1m in width. These cottages appear to be old fisherman's cottages and are positioned directly abutting the pavement; this positioning allows an enclosed forecourt to the application site.

There are also cottages to the north of no. 6 in New Street and Augusta Place. The side flank wall to no. 14 has no fenestration or doors within it and a side boundary wall directly behind no. 14 abuts the pavement. A later addition dwelling sits behind no. 14 which has a Sussex hipped roof, and next to that a pair of cottages, which have been extended extensively to the rear to form a Mews type development, but old maps, show that these buildings were once outhouses to the rear of properties to New Street. These dwellings are accessed through between no's 18 and 20 New Street and are numbered 18a, 18b, 18c, and 18d. Residential also is prevalent at Marine Parade to the south, some being in flats and hotels.

Opposite the application site is a Car workshop and associated car works while a Mexican bar and grill is located at 13 – 15 New Street on the opposite corner of the junction with New Street and Augusta Place.

The restaurant building itself is detached and faces onto New Street and has a mezzanine floor and provides for up to 40 covers. An extractor flue in the form of a rendered chimney is sited at the rear of the building (east). There are also air conditioning units on the southern flank of the building but no openings on this side other than a door to the side passage. The forecourt is at the front (west) of the restaurant and wraps around to the front section of the side (north). Including the entrance, it is some 70 square metres in size. Awnings sit over the opening. It is reportedly used only occasionally as a seating and eating/drinking area. The applicant reports that the smokers are encouraged to gather in the NW corner of the forecourt.

Proposal

The application seeks permission to vary the original condition no. 3 attached to planning permission WB/0225/FULL 'Change of use from retail to restaurant and alterations to implement the use', which was approved on 19th April 2005.

The original condition stated:-

"The premises shall not be open for trade or business except between the hours of 08:00 to 24:00 Mondays to Saturdays and 09:00 and 23:00 on Sundays or on Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties."

This current application requires the hours to be:-

Monday – Saturday 0800 – 01.00

Sunday and Bank Holidays 08.00 – 24.00

This will thereby mean an increase of 1 hour each day Monday – Saturday and 2 hours on Sundays and or Bank or Public Holidays.

Relevant Planning History

WB/05/0225/FULL

Change of use from retail to restaurant and alterations to implement the use. The terms of the permission restricts the use specifically to a restaurant use (A3) and trading hours from 8.00 am to midnight Mondays to Saturdays and 9am to 11 pm on Sundays and Bank or Public Holidays.

Approved Conditionally 19.04.2005

WB/06/0648/FULL

Variation of Condition 7 of planning permission WB/05/0225/FULL to allow use of the forecourt of the restaurant as an outdoor eating and drinking area in connection with the restaurant, with the provision of external lighting to west and north elevations and enclosed by timber balustrade.

This permission was subject to restrictions to limit covers to sixteen; use between 8am and 10pm; controls on lighting; no alcoholic drink without a meal and all meals consumed at tables, seated, no amplified sound or music; and no table or seat within 1.5 metres of No 4 New Street. This application was a temporary permission has now expired.

Temporary Permission Approved 18.07.2006 (Expired 30.09.2007)

AWDM/0202/17

Variation of Condition 3 of approved application WB/05/0225/FULL, to change opening times to Monday – Thursday: 1 hour longer trading from 8.00 am – 1.00 am; Friday – Saturday: 2 hours longer trading from 8.00 am – 1.00 am; Sunday and Bank Holidays 1 hour longer trading from 8.00 am – 24.00 hrs

Temporary Permission Approved 16.05.2017 (Expiry 01.07.2018)

The restaurant's license was very recently extended beyond those originally granted of 11am to 11.30 pm Monday to Wednesday and 11am to midnight Thursday to Sunday. The new license permits opening between 11am and 1.30am Sunday to Thursday and to 2.30am on Fridays and Saturdays, with alcohol sales limited to thirty minutes before these times; and music between 6pm and 1am on all days. A number of conditions are also attached to the license requiring the use to operate as a café; waiter/waitress service for all drinks; no vertical drinking at the bar; music restricted to indoors; no new customers able to enter the premise after 11.30pm; all openings kept shut after 22.30pm other than for access and restrictions on noise emissions

Consultations:

Environmental Health: *"We have had no issues as a result of the granting of temporary permission last year, so have no comments to make in connection with this application."*

Sussex Police:

Sussex Police originally raised an objection to the application. However, it came to attention of your officers that, separately, Sussex Police had not objected to the license for the restaurant. In light of this, and given the lack of objection from the Environmental Health department as set out above, Sussex Police were asked to provide further comments which are set out below:

"I have now spoken to the Licensing team, who tell me the condition of the alcohol licence dictate what activities can occur within the licence remit and that the two activities on each floor are permissible within the alcohol licence."

There appears to be very few complaints from residents nearby regarding disturbances, although once outside the premises, any nearby disturbance is beyond the control of the premises licence holder, with disturbances near or further afield needing to be dealt with by diminishing local police resources.

I have viewed the condition set by the alcohol licence and am satisfied with the conditions which should control activities within the premises, but would like to see a clarification that the A3 Class specifically includes both floors of the premises.

Bearing in mind the opening hours have increased significantly on Friday and Saturday nights I would recommend that a condition for a further trial period of one year is granted with the newly proposed extended hours, to monitor the effects they may have on the amenities of the nearby residents and to ensure the extended hours are managed correctly in accordance with the alcohol licence."

Representations: Objections from: 2 New Street; 18A New Street; 18D New Street; 20A New Street; 21 New Street; 23 New Street; 15 Augusta Place; 8 Athelstan Road, 28 Woodlea Road; 80 Rowlands Road; 6A New Broadway; 41 Pavilion Road; 38A South Terrace, Littlehampton; 65 Florence Road, Brighton; 89 Charles Street, Oxford;

- Detrimental to local residents
- Effects my quality of life due to crime and fear of crime;
- In the last 12 months have been subjected to loud shouting and swearing; vandalism; fly tipping; and urinating in the street daily;
- I am shocked that 'Food' wishes to open until 2am within a residential area.
- I have heard that the restaurant have been given leave to trial opening until 1am for a year to see how much disruption this caused to the local community, and then it would be reviewed.
- The temporary use has demonstrated an increase in noise and disturbance through noise of customers leaving and their cars;

- Noise and general poor behavior of some customers leaving that make life very unpleasant for residents;
- Contrary to Councillor comments at previous planning meeting saying that residents “could always move” if we objected shows a serious disregard for the housing issues to working class people and the shortage of social housing;
- The Council should be encouraging young families to live within the centre of town, not driving them out;
- The Council should be encouraging young families to live within the centre of town, not driving them out;
- The level of shouting, noise and littering is something that residents have to put up with;
- I would like to see the judgement published in full identifying how the needs of the residents have been taken into account;
- Lorries unloading during anti-social hours;
- I am commenting because I have never seen the ‘Food’ light on late at night. How useful has this trial been?
- If the restaurant changes hands with permanent late night status, there could be major disruption in the area, because the trial has been almost non-existent and the residents are struck with a social venue with free rein to disturb until the early hours of the morning;
- There are schoolchildren living near ‘Food’; a new-born baby; and pensioners;
- Not appropriate place for very late midweek revelry;
- They appear rarely, if ever, to be open until that time, it looks like diners agree.
- Extra problems these opening hours will make to residents;
- Already enough noise in New Street, there will be extra noise in the evenings;
- Car parking is already very tight, this will make them worse.
- Door slamming keeping neighbors awake
- Inevitable shouting and screaming disturbing the peace and quiet of the night;
- This is highly residential area with young families living close by;
- In my opinion, it is not right to let any bars around this area to stay open this late at night;
- There has been an increase in illegal parking, noise and sleep disruption;
- There is not one night when the residents do not have their sleep is not disturbed;
- There are several families with small children and they have a right to an uninterrupted night’s sleep;
- Sets a precedent
- There are enough late night opening bars and drinking venues in Worthing;
- This is overdevelopment at the detriment to local people and families who live in this small, sweet residential road;
- This will create more cars late at night, which is going to lead to more noise and car headlights shining into my flat;
- Car parking has got worse as people visit the town and use up the residents places which means we have to park in zone B and then move our cars before 9am the next day;
- More antisocial behaviors which unnerves me;
- There is a large amount of litter, especially glass smashed outside my front door;
- As a friend and frequent visitor of a nearby resident, I have already noted the problems with parking, noise, late night and early morning deliveries and general disturbance.

- I babysit, and the child's sleep is already disturbed by noise from the restaurant and increasing the opening hours to 1am for 6 days a week and midnight on a Sunday would significantly affect their quality of life.
- Encouraging an increased footfall of late night drinkers once they realize there is somewhere to continue drinking.
- Sussex Police, who did not support the original temporary application and the implications of anti-social behavior that they feel they may be unable to curtail;
- We are already disturbed by people leaving venues at the end of the night and waking up to vomit, litter and sometimes urine around our properties. This can only get worse if this extension is granted;
- Disappointed that a so called local business has so little regard for its immediate community;
- This is primarily a residential street yet year on year, there is more noise, more rubbish and less resident parking which will get worse if this permission is given;
- As a teacher I am very aware that a lack of sleep can impact on children's development.
- More cars;
- Increase in the use of the bins, and therefore more smell from the bins
- Why would restaurant need to open until 1 am on a week night? Unless there are other motives to turn the venue into a club/bar;
- Will set a precedent for others to apply for late night opening;
- If 'Food' want to serve alcohol to people not eating, and stay open during unsocial hours, then they should employ door staff to ensure that neighbours are not inconvenienced or disrupted;

Relevant Planning Policies

Worthing Saved Policies: H18

Worthing Core Strategy: Policy 16

Planning Practice Guidance (CLG 2014)

National Planning Policy Framework (CLG 2018)

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

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

An application to vary the opening hour's condition was submitted in 2017 and was granted temporary approval by the Planning Committee on 16.05.2017. Condition 2 of that permission allowed the operation of the extended hours to 30th June 2018,

after which time the hours of operation would revert back to those within the original permission in 2005 (WB/05/0225/FULL refers).

Within the previous report, it was stated that the main issues raised by the proposal were the impact on the vitality and viability of the town centre and night time economy balanced against the amenity of the neighbours and crime and disorder. These same considerations, all of their own importance, clearly continue to apply to this current application.

Your Officers are of the view that the applicants have made every effort to abide by the conditions of the temporary planning permission and the license of the premises, keeping the smoking area at a distance from the residential dwellings, endeavouring to have arranged pick up times to avoid customers standing around outside talking loudly whilst waiting for their taxis. Nonetheless, representations have been received in respect of the current planning application, although it could be considered as surprising that the Environmental Health section have not received any complaints from residents during the previous year which, given the number of objections received and the comments made therein to this planning application, may have been expected had the extended hours been causing a significant loss to residential amenity throughout the year.

It is this type of conflict which makes this a difficult application to determine since the Council does wish to support successful businesses in the town where it is able. Comments from residents are, of course, equally a material consideration in the determination of any application.

Without the increase in hours required by this application, the original change of use condition no. 3 stated:-

'The premises shall not be open for trade or business except between the hours of 0800 to 2400 Mondays to Saturdays and 0900 to 2300 on Sundays or on Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties.'

Should this application be refused, the use would have to revert back to those hours of use being 1 hour less on Mondays to Saturdays and 2 hours less on Sundays (1 hour at the opening and 1 hour at the closing). Although only 1 hour difference in the closing of the restaurant, the applicant considers that the use would become uneconomic and unsustainable without the additional hours.

The consultation response from Sussex Police suggests that the use be given a further temporary permission. However, government advice has long been that planning authorities should avoid granting successive temporary permissions. A repetition of a temporary permission would provide no certainty to the applicant in terms of the future operation of his business, nor as such would it resolve the objections of neighbours. Given that a trial period has already been undertaken by virtue of the last permission, a decision to either permanently permit the revised hours or refuse them should now be made.

As stated earlier, although objections have been submitted to the LPA with regard to this submitted planning application to continue the variation of condition, no

objections have been submitted to the Environmental Health throughout the trial period. There was no objection to the license either from Sussex Police and their separate objection to the planning application has now been withdrawn.

On balance, therefore, your officers it is considered that the permanent retention of the additional hours would not adversely affect residential amenity to a degree that would justify a refusal of the application. Thereby, in accordance with Government guidance, it is recommended that the applicant be approved for the additional hours on a permanent basis.

Recommendation

APPROVE subject to the following conditions:

1. The premises shall not be open for trade or business except between the hours of 08:00 to 01:00 the following day on Mondays to Saturdays and 08:00 and 24:00 on Sundays or on Bank or Public Holidays.
2. The premises shall only be used as a restaurant or cafe and for no other purpose, including any other purpose in Use Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).
3. The forecourt of the building shall not be used as an outdoor eating or drinking area in connection with the approved use or any other use and no tables or chairs shall be placed in the forecourt.

17th October 2018

Application Number: AWDM/0728/18

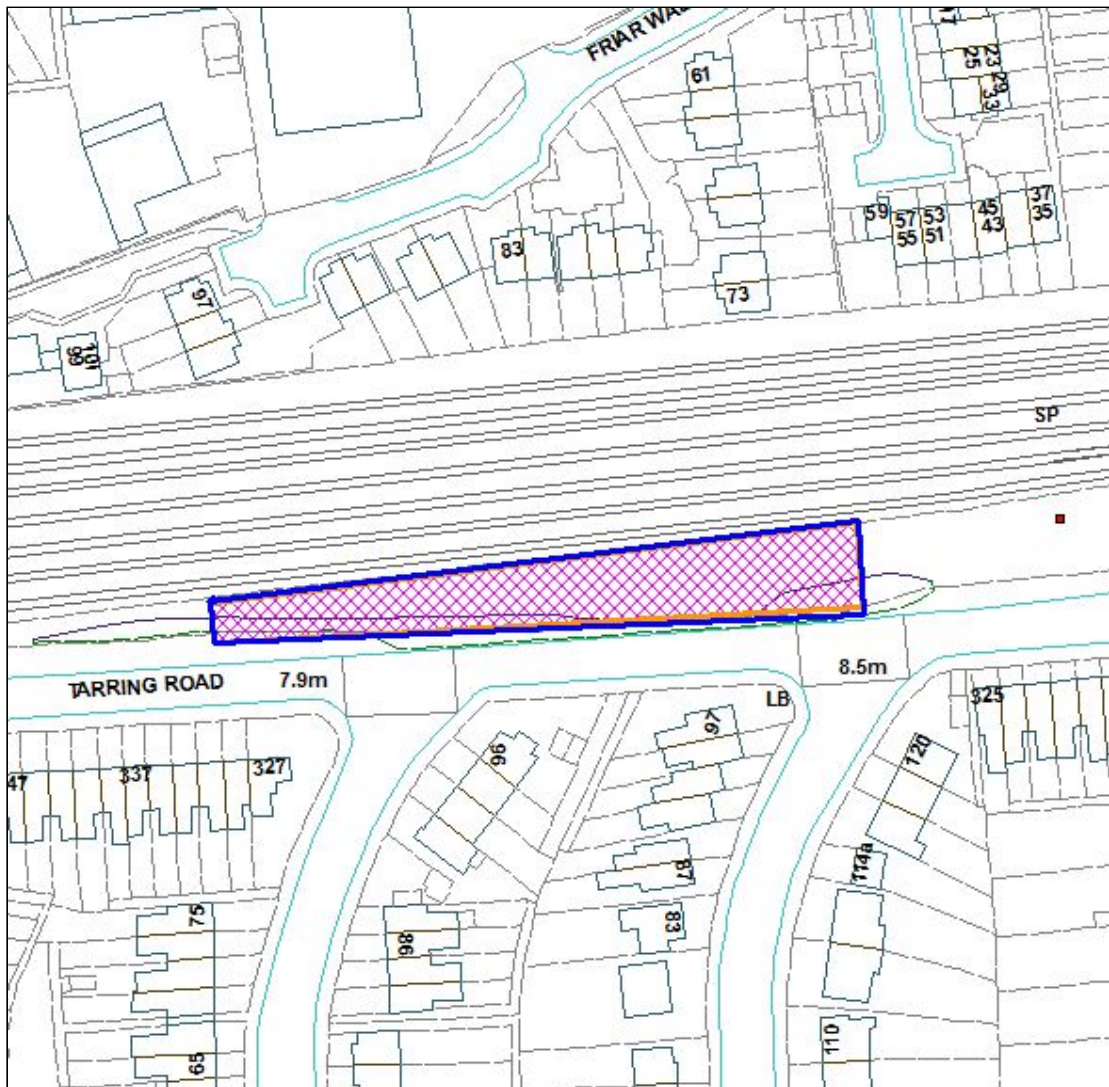
Recommendation – APPROVE

Site: Land Between Station Car Park And Footbridge Tarring Road Worthing West Sussex

Proposal: Erection of pair of semi-detached three storey dwellings each with garden area and 1no. parking space (to match the recently completed houses to the east).

Applicant: Martin Homes Ltd
Case Officer: Jo Morin

Ward: Marine Worthing



Not to Scale

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The application has been called in by Councillor Ed Crouch.

Site, Surroundings and Proposals

The application relates to a shallow raised embankment 104.6 metres wide adjoining the railway and fronting the north side of the carriageway of Tarring Road. There is no footpath on this side of the road. The site is 13.5 metres deep at the eastern end, tapering to 7.7 metres at the far western end. To the east, the site adjoins 5 new houses Nos: 310 to 318 Tarring Road. Development on the opposite side of Tarring Road is primarily residential in character, consisting of short terraced blocks and semi-detached houses dating from the early to mid C20.

The site is subject to TPO No.13 of 1987. Consent was granted under AWDM/1358/17 for 9 Horse Chestnut trees to be felled on the site.

Permission is sought to erect a semi-detached pair of 3-storey, 2-bedroom houses on the eastern part of the site with 2 parking spaces (1 per dwelling) accessed from a new vehicular access onto Tarring Road. The pair would be 11.2 metres wide and 6.6 metres deep with a part-flat part pitched-roof 8 metres high. The architectural composition would be of a contemporary design to match the style of the recently completed dwellings Nos 310-1318. New tree planting is shown adjoining the eastern site boundary and in a group in the centre of the site.

The application has been amended since the initial submission and an updated Arboricultural Report submitted.

Relevant Planning History

Planning permission was granted earlier this year for a two-storey, three bedroom house (with habitable roofspace) and two car parking spaces on the site (AWDM/0667/17 refers).

Consultations

West Sussex County Council: No objection from a highway safety aspect commenting:-

“Previously the Local Highway Authority (LHA) has been consulted on matters in this location under application AWDM/0667/17 which sought for the erection of a single dwelling with access onto Tarring Road. The LHA gave advice relating to this proposal and the application was permitted by the District [sic] council.

The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last three years. There have been no recorded injury accidents in the vicinity of the proposed access on the public highway on Tarring Road. There is no evidence to suggest that this portion of road is operating unsafely, or that the proposed additional unit would exacerbate an existing safety concern.

Access

The proposed access point is considered sufficient for the use. The LHA note that an extant permission is in place in this location for a single dwelling within the plot

utilising this access point and a similar parking arrangement. The access is sufficient in width to facilitate two vehicles crossing in opposing directions; this allows the free flow of traffic to continue along Tarring Road whilst the access is in use by a second vehicle. Visibility has been demonstrated and is achievable in line with manual for streets standards for a road of 30mph. The LHA is aware that to the west of the site, on street parking is an existing practice. Manual for Streets does advise that the presence of vehicles parked within visibility splays at minor accesses does seek to encourage vehicles to emerge cautiously onto the highway.

10.7.1 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.

The access works are required to be undertaken in line with WSCC requirements and to a specification obtained by the Worthing area engineer.

Parking

WSCC Parking Demand Calculator (PDC) outlines that 2.6 (rounded up to 3) parking spaces are required to serve this development. The proposal does fall short by a single space therefore. If to occur, overspill parking would be anticipated to be taken up in the form of on street parking on the surrounding network. The LHA notes representations regarding existing parking pressures and advises that the LPA take these concerns into consideration. In safety terms however, it is not anticipated that the two additional dwellings (a single net dwelling over previously approved) would generate a severe residual impact on the network.

Any overflow parking that occurs on the public highway in a dangerous position on road or obstructing free passage of the highway could be dealt with as an offence under Section 22 Road Traffic Act 1988 and Section 137 Highways Act 1980 (respectively). Both of these acts are enforceable by Sussex Police.

Sustainability

The LHA must consider the sustainable nature of this site however, West Worthing railway station is a 4 minute walk from the site which offers alternative methods for commuters and provides regular services to London, Portsmouth and Brighton. Bus services also operate in the vicinity of the site offering alternatives to the use of a car. The LHA advises that secure and covered cycle parking is conditioned alongside any permission of this application.

Conclusion

The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 109), and that there are no transport grounds to resist the proposal."

In the event that permission is granted the Highway Authority recommend conditions relating to secure provision of the access with visibility splays (2.4m x 43m), car parking and cycle storage. An informative relating to the minor highway works is also recommended.

Southern Water Services:

A plan has been provided showing the approximate position of surface water sewer within/close to the site. The exact position of the public sewer must be determined on site by the applicant before the layout of the proposed development is finalised. No development or new tree planting should be located within 5 metres either side of the external edge of the surface water sewer. No soakaways should be located within 5m of a public sewer. All existing infrastructure should be protected during the course of construction works.

Due to changes in legislation that came into force on 1 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. Should any sewer be found during construction works an investigation of the sewer will be required to ascertain its condition the number of properties to be 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.

Southern Water requires a formal application for connection to the foul and surface water sewer to be made by the applicant or developer. An informative to this effect is recommended.

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

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

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer only occurs where this is necessary and where adequate capacity exists to serve the development, Where it is proposed to connect to a public sewer the prior approval of Southern Water is required. The design of drainage should ensure that no land drainage or ground water is to enter the public sewers network.

Network Rail: No comments received, but previously commented in relation to AWDM/0667/17 as follows:- *“The developer must ensure that their proposal, both during construction and after completion of the works on site, does not compromise safe operation of the railway.”*

Adur & Worthing Councils:

The ***Environmental Health Officer*** comments that the previous application for the development of this site (AWDM/0667/17) included an acoustic report assessing the impact of transport noise which has not been included within this application.

As this site is situated immediately adjacent to two sources of transport noise I would recommend the following condition:

Construction works shall not commence until a scheme for protecting the proposed noise sensitive development from noise from the railway and road 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 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. The scheme should include full details of glazing and a strategy to prevent overheating. The noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and all duct work should be fitted on anti-vibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

Given the close proximity to existing residential dwellings I would advise the standard conditions for hours of construction/demolition works and a Construction Method Statement.

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

The **Engineer** comments: *“The site lies within flood zone 1 and is unaffected by surface water flooding. The Applicant has indicated the intention to connect to the public sewer; I recall that the previous application for the adjacent house initially suggested soakaways which proved untenable. Taking that into consideration, I accept the connection to the public sewer is appropriate for this site. Therefore I am happy with the proposals.”*

The **Tree and Landscape Officer** comments:-

“I consider the latest proposals will be mostly acceptable, however the two trees that were removed earlier this year should be replaced with two additional Lime trees in the same location. This will be a total of 16 Lime trees. I accept that the off-site tree that has been damaged by unauthorised works can be retained and that remedial works be carried out as recommended in the updated Arb Report of September 2018, for which a separate TPO application will not be required.

I confirm that there were unauthorised works carried out at this site early in 2018. The felling of one tree and damage to one other appeared to have been carried out by one individual who carried out the works for logging. It is possible he was under the impression that the site was to be eventually clear felled as 9 trees had been felled and the remaining trees had been heavily reduced. However the additional felling was not carried out by the contractor appointed by Martin Homes and was done without any prior consent or permission.”

Representations

3 objections to the original submission were received from the occupiers of 318, 327 Tarring Road and 98 Ripley Road raising the following issues:-

- The dwelling will overlook No.318 and result in an loss of light and privacy;

- The trees on the site have been culled 2 over the last year. We have been informed it was because the trees were diseased. However, the trees were healthy and culling them was not necessary. It has made the area undesirable and noise levels from the traffic and trains higher. The trees were culled where the new development is proposed. We believe it was done to make way for this development and the trees were in the way. Surely the landowner should be taken to task over this. We have shared our concerns with Cllr. Cooper.
- The Developer is the same person that built 310-318 Tarring Road and left the homeowners with unfinished properties, with snagging not carried out, leaks in roofs and window frames not fitted properly. He wouldn't answer phone calls or written letters and then closed the company down.
- Tarring Road is a very busy and dangerous road used as a cut through and generating noise, smell and disturbance. Traffic travels much faster than the permitted 40 mph. The local garage use area for additional overflow parking and this development will result in more cars parked on the road. They park all over the place – on corners, on the pavement etc. making visibility difficult. Double yellow lines on the corner of Ripley Road and Tarring road would help.
- Previous proposals on this site have been refused and appeals dismissed owing to the narrow site area and lack of amenity space. The proposed development is too constricted and incongruous.
- Most of the original green strip has been lost and we should not lose any more.

Following re-consultation on the amended plan and up-dated Arboricultural Report a further 3 representations have been received from the occupiers of 312 Tarring Road and 98 Ripley Road summarized as follows:-

- Having felled 5 TPO's trees and left one needing further reduction work it is hope the developer honours the landscaping commitments set out in the plans as previously this has not been the case.

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 for 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)
Revised National Planning Policy Framework (HCLG 2018)
National Planning Practice Guidance (CLG)

Planning Assessment

The Core Strategy, including the saved policies of the Worthing Local Plan, comprises the Development Plan here but 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 there are no relevant development plan policies or the policies which are most important for determining the application are out of date. In such circumstances paragraph 11 of the revised NPPF states that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would demonstrably outweighs the benefits, when assessed against the policies of the NPPF taken as a whole.

Paragraph 73 of the revised NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum 5 years' worth of housing against their housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old. The housing requirement set out in policy 7 of the Core Strategy is clearly more than 5 years old. An assessment of local housing need has been undertaken as part of the new Worthing Local Plan, but the latter is still at a very early stage and has no formal status in the determination of planning applications.

As such the proposal should principally be assessed in relation to the presumption in favour of sustainable development as set out in paragraph 11 of the revised 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 including trees
- Impact on the amenity of future occupiers and neighbours
- Parking and highway safety

Principle

The Core Strategy predates the NPPF and does not provide for the prescribed 5 year housing supply informed by an objective assessment of local housing need. On the other hand, the contribution the proposed development would make toward

increasing the housing supply of the Borough is very marginal and not in itself the determinative factor in this case.

The site can be considered sustainable to the extent that it lies within an established residential suburb; is accessible, within easy walking distance of West Worthing rail station and nearby bus routes on South Street/Tarring Road and local shops and services in South Street/Tarring Road Neighbourhood Shopping Centre.

CS Policy 8 states that within suburban areas such as this, only limited infilling will be supported, predominantly consisting of family housing. The SPD 'A Guide for Residential Development' defines family housing as generally considered to be a 3(+) bedroom house with a suitable layout and level of internal space together with accessible usable amenity space to meet family needs. It acknowledges that there may be circumstances where a larger 2 bed dwelling would still provide for accommodation and may be acceptable. In such circumstances it would be expected that the unit concerned would have 2 larger bedrooms and would accommodate at least three people and have adequate internal and external storage areas to meet the needs of a family. It should normally have direct ground-floor access to a suitable area of private amenity space suitable for children to play safely and for the sole use of the occupants. In this case, the submitted plans show each dwelling unit having either 2 double bedrooms or 1 bedroom plus home office/study. Bedroom 2 is clearly capable of use as a bedroom although its floor area at 10.4sqm falls below the Council's minimum standard of 12sqm for a double room. Each dwelling would have direct access to its own private side garden.

The proposals would provide 2 no. small family dwellings and would make an efficient use of an existing unused piece of land within the built-up area.

Visual amenity

The proposed dwellings would be of a similar scale, massing and contemporary design to complement the appearance of the recently constructed dwellings adjoining to the east (Nos 310-318); incorporating a similarly distinctive part flat part pitched standing seam roof and articulated by similar generously proportioned windows and square 'bay' features.

The site is narrower than the new dwelling plots to the east and continues to taper westwards. The proposed pair will occupy a raised position on the embankment, as do Nos. 310-318, but will be sited approximately 1 metre closer to the back edge of the highway (at a minimum 5.3 metres distance) compared to the existing houses. The spacing between the easternmost unit (House 2) and No.318 at 15.5 metres is similar although slightly more generous than that between No.318 and 316 (13 metres) and between No.314 and 312 (14 metres).

There was previously a line of mature horse chestnut trees growing along the frontage of this part of the application site (opposite the junctions with Ripley Road and Reigate Road). These trees were a prominent part of the street scene and made a significant contribution to the character and visual amenities of the area, screening the railway line and the rear of buildings on the opposite side. Consent was granted under AWDM/1358/17 on safety grounds to fell 9 horse chestnut trees

(and to undertake reduction works to 4 other trees). The consent requires a replacement tree to be planted (within 2 years of the date of consent) for each felled tree. The Council's Tree and Landscape Officer has suggested that these comprise Lime trees (*Tilia Cordatata* 'Greenspire').

This work has been carried out and a further 2 horse chestnut trees have been felled and 1 other (3145) damaged since the above consent was granted. The Council's Tree and Landscape Officer attended the site following 2 separate complaints between December 2017 and late February 2018 concerning unauthorized works taking place to trees on the site. Following investigation it is understood in both instances the work was carried out by an unknown individual (cutting the trees for logs) without the knowledge or consent of the landowner. In the circumstance it was not considered expedient to take enforcement action.

An up-to-date Arboricultural Report has been submitted as part of the current application and identifies the 2 remaining trees (ref: 3145 and 3155). The report recommends further works to the horse chestnut 3145 following the damage to it caused by the earlier unauthorized works necessary to restore its balance.

The amended application proposals show the provision 14 no. new trees consisting of: i) a row of 3 no. trees along the eastern site boundary to create a planted buffer between the easternmost unit (House 2) and the neighbouring dwelling No.318, and ii) a group of 11 trees planted on the western portion of the site in a double row partially extending across the frontage of the westernmost unit (House 1). The Council's Tree and Landscape Officer is satisfied that the development can take place without harm to the 2 remaining trees on this part of the site in accordance with the recommended works set out in the latest Arboricultural Report. However, it is suggested that 2 additional lime trees (*Tilia Cordatata* 'Greenspire') are planted on the site frontage (outside the visibility splay) to replace those lost through the unauthorized works. This can be secured as part of a landscaping condition.

The proposed development would appear as a continuation of the existing linear pattern of recent development on this side of the road, complementing its distinctive form and character without appearing unduly cramped or intrusive within the street scene. The proposed replacement and additional tree planting would help restore some of the verdant character lost as a result of the recent authorised (and unauthorised) tree works on the site.

Residential amenity – for proposed dwellings

The development is close to the railway track and potential exists for noise and vibration to affect the amenities of future occupiers. The application is accompanied by an acoustic report (Issue 2, dated 19 June 2018) as an addendum to the original version of the report in 2013 which dealt with noise affecting the then proposed Nos. 310-318.

The main orientation of the currently proposed dwellings is to the south, but with their main habitable living spaces on the ground-floor having secondary windows and doors in the east and west elevations opening onto the respective garden areas. There are no windows serving noise sensitive rooms in the north elevation.

The report recommends various mitigation measures including 2 metre high acoustic fencing along the northern site boundary and wrapping around the side gardens, installation of soundbloc boarding to line the ceilings of the top floor room and enhanced double-glazing. The report concludes that although a satisfactory internal noise environment can be provided with windows closed, internal noise levels would exceed the relevant (BS8233:2014) criteria if windows (on all facades) are opened for ventilation and recommends that an alternative means of achieving background ventilation will be necessary (such as mechanical ventilation). Given the very recent permission for a single dwelling (AWDM/0667/17) on this site, it would be difficult to argue that the site is not suitable for residential development on noise grounds. However, as recommended by the Environmental Health Officer, the precise details of a scheme for protecting the proposed dwellings from noise (to include satisfactory ventilation measures) will need to be secured by condition and tested prior to occupation.

The dwellings would have a gross internal floor area of 77 sqm which complies with the Council's adopted standard for a 2-bedroom house. The western unit (House 1) would have a large side garden considerably in excess of the minimum 85sqm of external area required for a small semi-detached dwelling. On the other hand the proposed eastern dwelling (House 2) would have a comparatively small side garden of only 40sqm which is less than half the minimum standard. However, the side garden is of a regular shape with direct access from the ground-floor living space and it is considered would provide an adequate usable amenity space suitable for a small household. Thus, subject to the above-mentioned condition relating to noise protection, it is considered the proposed future residents would enjoy a satisfactory standard of accommodation and refusal would not be warranted solely on grounds of the shortfall in garden area for House 2.

Residential amenity – effect on existing dwellings

The most affected neighbor, No.318, lies 16 metres to the east of the main side wall of House 2. The semi-detached pair would be sited some 2.5m further westwards compared to the nearest part of the previously approved dwelling house (which is considered necessary taking account of the part-2, part 3-storey form and therefore lesser 'bulk' of the latter in relation to No.318). As before, while there would be some loss of outlook from the west-facing ground floor living room window of No.318, at the distance involved the impact is not considered to be unacceptable. The affected room is also served by a south facing window and it is considered no significant loss of light would occur.

The proposed dwellings would overlook the street at a distance in excess of 20 metres from those on the opposite side, sited side-on to Tarring Road (97 Reigate Road and 98 Ripley Road), which is considered sufficient to avoid any harmful overbearing effect or loss of privacy for the occupiers of these properties.

The distance between the proposed building and existing dwellings on the north side of the railway tracks is in excess of 40 metres and no overlooking, overshadowing or overbearing impact would occur.

Accessibility and parking

The plans show the provision of a new vehicle access and crossover at the eastern end of the site with two parking spaces (one in front of the buildings and one parallel to the east side boundary with manoeuvring space in-between). The Highway Authority has not raised any objection to the layout of the proposed access (which is similar to that approved under AWDM/0667/17) nor to the level of parking provision for 2 no. 2-bedroom houses in this highly sustainable location. It is noted that surrounding residential roads can be heavily parked both during the day and evening (bearing in mind the proximity of West Worthing rail station) and the Highway Authority has specifically commented on the existence of on-street parking along Tarring Road (although yellow line restrictions now exist in front of the recently completed houses). However, in the absence of any objection on highway safety grounds refusal could not be substantiated.

There is scope to accommodate cycle storage within the respective garden areas and this can be secured by condition.

Other issues

The development qualifies for CIL being within Zone 1, where the levy is £100/m². A total of £15,400 is required in this case.

Measures to encourage biodiversity include the provision of a bat box, swift boxes and sparrow nest boxes to be built into the side wall elevations which can be secured as a condition of planning permission.

Recommendation

APPROVE Subject to Conditions:-

1. Approved plans
2. Standard time limit
3. Agree external materials and finishes, doors/windows, eaves, boundary treatments, integral bat/bird boxes
4. Agree and implement tree protection measures during construction
5. Agree and implement hard and soft landscaping scheme to include planting of 16 no. trees
6. Agree surfacing materials for driveways, paths and patios
7. Agree finished floor levels of dwellings
8. Remove 'permitted development' entitlements for extensions, external alterations, outbuildings larger than 5 cubic metres
9. Remove 'permitted development' entitlements for walls, fences and other means of enclosure forward of the principal elevation
10. Agree and implement surface water drainage details
11. Provide vehicle access
12. Provide and retain visibility splays at access
13. Agree and provide cycle storage
14. Provide vehicle parking and turning
15. Full contamination condition
16. Agree noise protection and ventilation scheme and test prior to occupation

17. Agree and implement construction method statement
18. Hours of work
19. No additional side windows/opening at ground or first-floor

17th October 2018

Local Government Act 1972
Background Papers:

As referred to in individual application reports

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Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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