



# WORTHING BOROUGH COUNCIL

10 December 2018

## Worthing Planning Committee

**Date:** 19 December 2018

**Time:** 6:30pm

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

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

### NOTE:

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

[democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk) before noon on Tuesday 18 December 2018.

## Agenda

### Part A

#### 1. Substitute Members

Any substitute members should declare their substitution.

#### 2. Declarations of Interest

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

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

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

**3. Confirmation of Minutes**

To approve the minutes of the Planning Committee meetings of the Committee held on Wednesday 21 November 2018, which have been emailed to Members.

**4. Items Raised Under Urgency Provisions**

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

**5. Planning Applications**

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

**6. Public Question Time**

So as to provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by midday on Monday 17 December 2018.

Where relevant notice of a question has not been given, the person presiding may either choose to give a response at the meeting or respond by undertaking to provide a written response within three working days.

Questions should be submitted to Democratic Services - [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk)

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

**Part B - Not for publication - Exempt Information Reports**

None

**Recording of this meeting**

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

<b>For Democratic Services enquiries relating to this meeting please contact:</b>	<b>For Legal Services enquiries relating to this meeting please contact:</b>
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk	Edwina Adefehinti Locum, Legal Services 01903-221358 edwina.adefehinti@adur-worthing.gov.uk

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



WORTHING BOROUGH  
C O U N C I L

Agenda Item 5

Ward: ALL

Key Decision: ~~Yes~~ / No

Report by the Director for Economy

Planning Applications

1

Application Number: **AWDM/1529/18** Recommendation – **Approve subject to a s106 legal agreement and amended plans**

Site: **19-23 South Street, Worthing**

Proposal: **The creation of 45 new residential apartments through the extension and change of use of the existing buildings including 3 additional storeys to Liverpool Buildings, elevation balconies at second and third floor levels and roof terrace at fourth floor. New shopfronts and external alterations to the elevation of Liverpool Buildings. New shopfronts and additional floor to South Street elevation with new windows at third and fourth floor. The creation of up to seven new retail units from existing retail floorspace with flexible A1/A2 use and the change of use of an existing A1 unit to flexible A1/A2/A3 use, car parking and associated works.**

2

Application Number: **AWDM/1480/18** Recommendation – **Delegate to Head of Planning for Approval subject to S106 agreement**

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

Proposal: **Construction of 3 new blocks to provide 46 flats and 226.3 sqm mixed use commercial / non-residential space (Classes A1, A2, B1, D1, D2) including the addition of two floors to existing Columbia House to provide 10 flats and external upgrading of Columbia House. Also associated two new pedestrian access points, parking, landscaping and amenity space.**

3

Application Number: **AWDM/0169/17** Recommendation – **Approve**

Site: **Land North of Juno Close, Worthing**

Proposal: **Retention of use of land for the temporary relocation of plant hire business (Rabbit Waste Management Limited) with recontouring of site and temporary construction of soil bund for landscaping and security purposes and storage, refuelling and cleaning of plant vehicles on western part for a period of up to three years with vehicular access from Martletts Way (Retrospective).**

**4**

**Application Number: AWDM/1633/18**

**Recommendation – Approve**

**Site: Land North of Hazelwood Trading Estate, Dominion Way, Worthing**

**Proposal: Change of use of former household waste recycling site to plant hire business for storage, maintenance and cleaning of plant vehicles in addition to the storage of skips and containers.**

**5**

**Application Number: AWDM/0210/18**

**Recommendation – Refuse**

**Site: Caseta, Abbey Road, Worthing**

**Proposal: Demolition of the existing 3 bedroom dwelling and replace with a new 5 bedroom dwelling with an integral garage.**

**6**

**Application Number: AWDM/1568/18**

**Recommendation – Approve**

**Site: 30 Fulmer Court, Boundary Road, Worthing**

**Proposal: Application for consent under Worthing Tree Preservation Order No. 34 of 1995 to cut back two sections nearest top floor windows by approximately 1.5m to one Holm Oak T3 in SE corner. Thin canopies by 15%, cut back from roof of 5 Acre Gardens to give 2.5m clearance, raise canopies to 5m, reduce radial spread by up to 1m to four Sycamores in group G1.**



Application Number: AWDM/1529/18

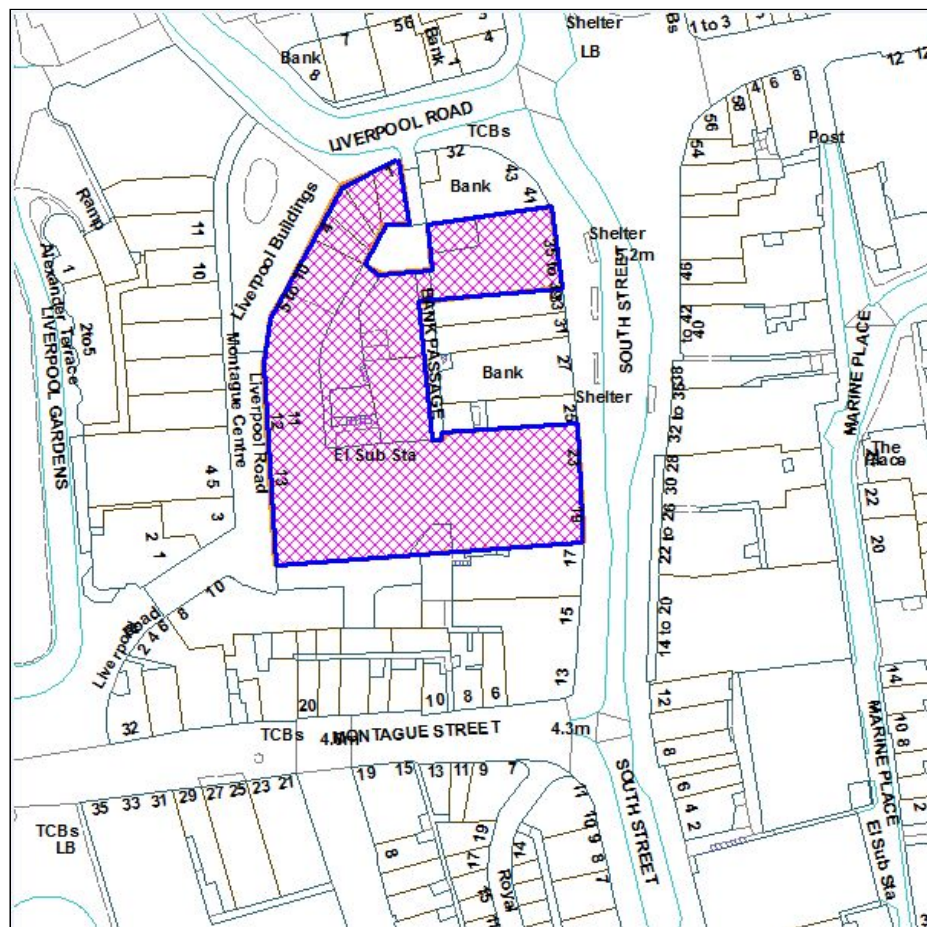
Recommendation - Approve  
subject to a s106 legal agreement  
and amended plans

Site: 19 - 23 South Street, Worthing, West Sussex

Proposal: The creation of 45 new residential apartments through the extension and change of use of the existing buildings including 3 additional storeys to Liverpool Buildings, elevation balconies at second and third floor levels and roof terrace at fourth floor. New shopfronts and external alterations to the elevation of Liverpool Buildings. New shopfronts and additional floor to South Street elevation with new windows at third and fourth floor. The creation of up to seven new retail units from existing retail floorspace with flexible A1/A2 use and the change of use of an existing A1 unit to flexible A1/A2/A3 use, car parking and associated works.

Applicant: St Clair Developments Ltd  
Case: James Appleton  
Officer:

Ward: Central



Not to Scale

## **Proposal, Site and Surroundings**

The site is located in the town centre. It comprises Beales Furniture store (35-39 South Street) a separate free standing shop at ground and first floor level, a Beales department store (19-23 South Street), 5-13 Liverpool Buildings (the retail 'arm' extending to the east side of Montague Centre) and the 2 storey storage building to the rear of the store accessed by Bank Passage. The site is located within the South Street Conservation Area and the Central Shopping Area (Primary - Zone A).

The main Beales shop and the furniture store comprise three storeys above ground floor with the top storey of 19, 21 and 35-39 South Street being accommodated within the roof served by dormer windows. The rear two storey entrance to the store forms part of Liverpool Buildings and is located under the covered glazed arcade of the Montague Centre. Liverpool Buildings extends to the north and is a 1950s two storey building with retail frontages at ground floor level, a brick façade with glazing at first floor level and a flat roof. Servicing is located to the rear of the Liverpool Building via Bank Passage. This rear service area serves a number of other shops fronting South Street.

To the north of the site is Liverpool Road and the 1970's Chapel House development comprising ground floor retail units and two to three storeys of office use above. To the southern side of Liverpool Road and to the north-east of the application site is the grade II listed Lloyds Bank. The main department store buildings fronting South Street are locally listed. South Street is a busy retail street stretching from the junction of Liverpool Road and Chapel Street in the north to the seafront and Worthing Pier in the south. The eastern side of South Street, opposite the application site, comprises a mix of buildings with two to three storeys above ground floor retail uses.

To the south of the application site is Montague Street, although the Beales unit is set back approximately 34 metres from this frontage with buildings predominantly two and three storey. Montague Street leads to Montague Place and the covered arcade of the Montague Shopping Centre.

## **Proposed Development**

The application proposes a reduction in the size of the Beales department store by converting existing retail space in the two storey retail arm on the east side of the Montague Centre to individual shop units (allowing flexibility between use classes) and the change of use of the former Beales furniture store element in South Street to a range of A1, A2 and A3 uses. By adding additional floors and converting existing storage and retail space a total of 45 residential apartments are proposed (comprising 1, 2 and 3 bedroom apartments).

The application site covers a number of separate elements. To assist the consideration of the application the applicant has divided the site into 6 parts (as indicated in the plan attached to the report). The Planning and Heritage Statement describes the separate elements of the proposal as follows:



## **Blocks 1-4 (1-4 Liverpool Buildings)**

*“These units are currently occupied at ground and first floor levels and this application does not seek any change to the existing occupiers. The only changes proposed will include:*

- *The refurbishment of the exterior of the building at ground and first floor level, in keeping with the rest of the development proposed for block 9; and*
- *The erection of a single storey extension to create a second-floor level. This extension will accommodate 3 residential units that are integrated with those created in Block 9.*

## **Block 7 (Beales 19-23 South Street)**

*Comprising the main store frontage on South Street development in Block 7 will comprise:*

- *Retention and refurbishment of retail floorspace at the basement, ground, first and second floors of the building. This will comprise consolidation of the existing retail floorspace some of which is unused, dilapidated and unsafe;*
- *The sensitive restoration of the South Street store elevation, including restoration of windows;*
- *An infill extension at roof level in the form of a mansard style design will respect the varied roof lines and strong existing parapets in the conservation area of South Street. Materials will match those existing and the design will be sensitive to the character of the existing building and the conservation area;*
- *The creation of 8 residential units fronting onto South Street;*
- *The entrances to the new flats will be through new doorways either side of the Beales store frontage that are integrated into the shopfront design; and*
- *Cycle storage for the units will be located at ground floor level within the entrance cores to the units as well as in the communal cycle store in Block 10. Refuse storage will also be provided in Block 10.*

## **Block 8 (Beales - 13 Liverpool Buildings)**

*Comprising the Beales store frontage on to Liverpool Buildings, development in Block 8 will include:*

- *The retention and refurbishment of Beales retail floorspace at ground, first and second floor level. Including the provision of a café at first floor level;*
- *The refurbishment of the store frontage and elevations to modernise the appearance of the building which at present is cluttered and unattractive;*
- *Above the main store will be a single storey extension accommodating seven new residential units accessed via a new core. These units will be of a simple modern style with lightweight render and glass cladding.*
- *The new residential units will have private and communal amenity space and be dual facing. Given their set back from Montague Street to the south, they will not be visible from street level.; and*
- *Access to the residential units will be via twin core shared with Block 9. Refuse and recycling will be provided for the residential units in Block 10.*

## **Block 9 (5-12 Liverpool Buildings)**

*The building sits between Blocks 1-4 and Block 8 on Liverpool Buildings. Development in Block 9 will include:*

- *Creation of seven new retail units at ground floor level. These units will have a flexible A1/A2 use class. Refuse storage and servicing for these units will take place to the rear of the building and be incorporated into Block 10;*
- *25 residential units over five storeys within a ‘seaside deco’ inspired building;*
- *The residential part of this building will be clad in a white ceramic tile. The new retail floorspace below will have a simple stone surround with a fully glazed shopfront. The windows are a modern slim frame aluminium;*
- *The core will be clad in larger white aluminium panels. The rear will be a simple render and glass finish, with the existing ground floor being painted white. The windows are the same modern slim frame aluminium as the front elevation; and*
- *Access to residential units via twin core shared with Block 8. Cycle storage and refuse/recycling for the residential units will be accommodated in Block 10.*

### **Block 6 (Beales Furniture Store – 35-39 South Street)**

*The building comprises the Beales furniture store on South Street. Development in Block 6 will include:*

- *Retention and refurbishment of the retail unit at ground floor and basement level. The unit will have a flexible use of A1/A2/A3 use class;*
- *The South Street elevation will be sensitively restored with the original detailing being retained. This will positively contribute to the character of the conservation area;*
- *Servicing of the retail unit will continue from the rear of the building via Bank Passage as existing. Refuse storage for the retail unit will also be located to the rear of the building;*
- *The first second and third floors will be converted to provide 9 residential units. Refuse storage for these units will be located in Block 10;*
- *The existing roof space will be extended to accommodate 2 of the 9 residential units; and*
- *Nine cycle spaces for the residential units will be provided at ground floor level in the access cores.*

### **Block 10 (Servicing block accessed via Bank Passage)**

*Minimal external alterations are proposed to Block 10. The alterations taking place are at ground floor level, and will include:*

- *The creation of undercroft parking spaces through the removal of the walls at groundfloor level;*
- *11 no. parking spaces (including 3 spaces for blue badge holders) will be created for use by the new residential units; and*
- *Internally the block will have a communal cycle store and refuse/recycling store for all the residential units in Blocks 6 and 8 and 9.”*

The **Planning and Heritage Statement** concludes that,

*“The proposed development represents a significant opportunity for Beales department store to be retained and refurbished whilst also making use of an under-used site in a sustainable location. The development offers an opportunity for substantial on-going investment in Worthing town centre which will also significantly*

enhance the character of the site and to provide a high quality mixed use development.

*Whilst the scheme includes residential apartments, the scheme first and foremost is a town centre regeneration scheme focussed on providing a deliverable solution to safeguard the Beales Department Store. It is an example of a landlord and its investors proactively going to the trouble of fundamentally redesigning and rationalising Beales' operational floorspace and introducing other important land uses which the council's planning policies want to see in the town centre (such as residential) to support this endeavour. The application of other planning policies needs to be considered in this light so as to not overwhelm the proposals with unviable obligations.*

*The scheme will provide a total of 45 residential apartments, making a significant contribution to the Council's housing land supply. The scheme can deliver up to 9 key worker affordable housing units.*

*The redevelopment of the site to incorporate residential use accords with adopted and emerging planning principles. The scheme will retain the majority of the existing retail floorspace whilst increasing the number of retail units to 9 and providing smaller retail units for which there is an identified need. All of the proposed retail units will be refurbished to a high standard and meet modern retail standards.*

*The existing site has a low level of architectural quality, particularly along Liverpool Buildings, which do not contribute to the character of the surrounding area. The proposed development will provide a high-quality building which complements the character of the area in drawing inspiration from other art-deco / modernist buildings in Worthing and will enhance the immediate surroundings.*

*The massing of the proposed development is sensitive to its context within a varied conservation area including both the South Street and Liverpool Buildings frontages. The design approach will enable the optimisation of the site whilst preserving and enhancing the broader character of the area. The massing has also been designed to ensure that the development will not have a materially negative impact on any of the adjoining properties.*

*The development will be entirely sustainable meeting the requirements of local and national policies with regards to building energy efficiency and transportation impacts.*

*The proposed development is ideally located within the town centre to encourage travel by sustainable travel modes. Any additional trips on the network generated by the development are expected to be minimal in terms of the daily variation of traffic and the proposals provide an entirely appropriate level of car parking in an area which is highly accessible by public transport.*

*In light of the analysis above, the development would accord with all relevant material and policy considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, the planning application should be considered and approved without delay, in accordance with the NPPF."*

The **Design and Access Statement** submitted in support of the application concludes that,

*“Beales currently occupies two main stores in Worthing spread over five different buildings on South Street and back onto Montague Place.*

*During this current turbulent time in retail, especially with department stores, Beales have asked us to take over around half of its floorspace so that they can consolidate and survive. This in turn gives us the opportunity to give Beales a complete re-fit, to bring it up to date, and enables us to upgrade all the buildings and to give the town centre some residential units to further enhance and add safety/surveillance to a very underused part of the town centre.*

*Our scheme not only gives Beales and Worthing a new 60,000sqft store but will also give over 5,200sqft of new smaller retail units for local/bespoke retailers on Montague Place and a new 6,000sqft store on South Street.*

*Our approach is one of a light touch, building within and over/ on top of existing buildings, minimising impact and on site time, which is imperative amongst working retailers. The residential units will be spread amongst all the buildings giving a good mix of style and size within either new or historic buildings.*

*The centre of this residential quarter will be a new building built over the existing Liverpool Road building which currently houses Beales luggage department and coffee shop, both of which will be rehoused within the new store.*

*Our scheme looks to provide much needed housing and employment opportunities for around 70-100 more people. It will also provide a new and exciting context which will, in turn, will help to regenerate this area.”*

The **Transport Statement** accompanying the application concludes that,

*‘WSP have been commissioned to provide transport and highways advice for the redevelopment of the Beales Department Store, based on the reconfiguration of the retail floor spaces to provide new retail accommodation and 45 residential units, consisting of a mixture of 1, 2 and 3 bed units.*

*The site is well located within the town centre, with easy access to key facilities by foot. The site is ideally located to promote sustainable travel modes and this is reflected in the level of car (11 spaces) and cycle parking provision (45 spaces) proposed with the development.*

*The level of vehicular activity associated with the site has been assessed against existing movements for the retail area analyse of similar site from the TRICS database for the residential units. The movements associated with the retail part of the site will remain as is, with no changes in the number of vehicle trips*

*The increase in vehicular trips generated by the site, will be from the residential use. With only 11 car parking spaces, vehicular trips would be discouraged, however a review of comparable flatted developments along with local census statistics has*

*been carried out, which shows that during the AM peak hour that 6 vehicles would depart the site. In comparison, the peak hour survey which was carried out showed 95 vehicles using Liverpool Road adjacent to Bank Passage during this time, therefore the additional vehicular trips generated from the proposals is considered to be less than the daily variation of traffic and should not be considered severe.*

*WSP are aware of the potential improvements to be undertaken around the Worthing Town Centre area, specifically on streets boarding the sites and such proposals would complement the area and along with this mixed-use development would provide an enhanced streetscape for the town, promoting a vibrant area for retail and residential use.*

*For the reasons set out above, a satisfactory site layout is provided, which would improve the local highway conditions around the site entrance, and ensures the site can function for retail and residential use.*

*In addition to local and regional planning policies, the site been assessed against the key test of the NPPF (2018) which states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

*The development proposal therefore should not be refused on transport and highway grounds, as they would not impact on highway safety nor would the impact on the road network be considered severe under the NPPF.’*

A viability report has also been submitted in support of the application and the summary is attached to this report (**Appendix II**).

## **Relevant Planning History**

There are a number of applications relating to Beales but none are particularly relevant to the current application.

Members will recall, however, that planning permission was granted in 2016 for the change of use of 9 retail units opposite Beales to café/restaurants and the erection of a new glazed café/restaurant at the entrance into the Montague Centre and public realm improvements (reference **AWDM/1640/15**). This permission has not been implemented although the applicant, New River Retail, has indicated recently in the press that they are still keen to proceed with the project.

## **Consultations**

**West Sussex County Council** comments,

### **“Background and Summary**

*WSSCC in its role of Local Highway Authority (LHA) has been consulted for Highway Safety, Capacity and Accessibility for the above site. The existing retail area is 9,088 sqm which is currently laid out in an historic way, over five different buildings. The mixed-use scheme proposed will provide for 6,000 sqm of retail with 45 residential units within Worthing Town Centre.*

The LHA provided free written advice to the Applicants Transport Consultant on these proposals in August 2018. At this time it was advised that the applicant provided a full Transport Statement (TS) which included Trip Rate Information Computer System (TRICS) data and additional clarity on parking in the immediate area.

The proposals are supported by way of a TS which includes TRICS data and assessment of parking within the immediate vicinity.

### **Access and Visibility**

The proposals will utilise a vehicle access from Liverpool Street. This acts as a left in/left out arrangement. Liverpool Street is a 'D' class road subject to a 30 mph speed limit. The vehicular access to the site for private parking will be via Bank Passage, which is accessed from Liverpool Street, due to the one way system along Liverpool Street.

Sightlines along Liverpool Street from the existing point are considered acceptable. The access is existing and has been in place for some time. A review of the access onto Liverpool Street indicates that, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the access and local highway network are operating unsafely.

### **Capacity and Trip Generation**

As requested within the pre-application advice TRICS data has been provided to ascertain the peak movements of trips associated with the site. Based on the trip generation noted above, this would equate to 8 two way vehicular trips associated with the site in the AM peak and 6 in the PM peak. The LHA would concur with the points raised in the TA that this is not considered significant and an peak hour survey will be undertaken at the junction of Liverpool Road/Bank Passage to verify the level of traffic currently utilising and passing the site access. In addition, there are no known capacity and congestion issues within the immediate vicinity of the site. From a capacity perspective, we are satisfied the proposal will not have a severe residual impact.

### **Accessibility and Parking**

The submitted TS provides specific detail providing evidence that persons using the site could arrive on foot, cycle, bus, train or by car. The site is well located with a number of lit footways and pedestrianised areas all in close proximity of the site. Footways are in place along both sides of Liverpool Road, the footways in the area are subject to street lighting.

Worthing Railway Station is located 850 metres to the North West of the site, which represents a 10-minute walk or a 6-minute cycling distance. The services from the station connect to London Victoria, Brighton and Southampton. In addition, there are a number of bus services available within a short walking distance of the site. Again these connect to all localities such as Lancing, Shoreham and Brighton to the east and Horsham and Crawley to the north.

In terms of parking WSCC Parking Demand Calculator (PDC) would see a demand of 37 parking spaces for the residential units. The LHA acknowledges the sites sustainable location and links to a number of therefore we would therefore be

*satisfied with the proposed level of 13 car parking spaces. The TS confirms that 1 would be designated as an accessible space for blue badge holders.*

*In terms of parking layout a swept path diagram has been provided demonstrating an average sized family car can turn within the existing parking area. Each space has been marked out, although no details have been provided relating to the size of the parking spaces. These should be 2.4 by 4.8 metres and 3.3 by 4.8 for disabled spaces.*

*Within the TS it is stated that as per the current arrangements, waste collection is proposed to take place from the loading bay on Liverpool Road, with refuse collectors bringing the bins through Bank Passage, to the road. As with the access arrangements we are not aware of any issues associated with this arrangement and would not foresee any issues with it continually as it is now.*

*It is proposed that 1 cycle parking space per unit is provided to encourage the use of sustainable modes of transport and help in reducing congestion throughout the Town Centre. This would be within the LHA's standards. All cycle parking should be secure and covered.*

### **Conclusion**

*The LHA does not consider that the proposal would have '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.*

*Any approval of planning consent would be subject to the following condition:*

#### **Cycle parking**

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

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

#### **Car parking space (details required)**

*No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.*

*Reason: To provide car-parking space for the use."*

### **West Sussex County Council – Flood Risk Management** comments,

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

### **Flood Risk Summary**

<i>Modelled surface water flood risk</i>	<i>Low risk</i>
<p><i>Comments:</i></p> <p><i>Current surface water mapping shows the proposed site is at low risk from surface water flooding although the adjacent highway (South Street) is shown to be at higher risk.</i></p> <p><i>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</i></p> <p><i>However the surface water management strategy should consider this risk and suitable mitigation measures with any existing surface water flow paths across the site maintained.</i></p> <p><i>Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</i></p> <p><i>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.</i></p>	

<i>Modelled ground water flood risk susceptibility</i>	<i>Moderate risk</i>
<p><i>Comments:</i></p> <p><i>The area of the proposed development is shown to be at moderate risk from ground water flooding based on the current mapping.</i></p> <p><i>Ground water contamination and Source Protection Zones.</i> <i>The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</i></p>	

<i>Records of any historic flooding within the site?</i>	<i>No</i>
<p><i>Comments:</i></p> <p><i>We do not have any records of historic flooding within the confines of the proposed site although other locations within South Street have suffered from historic surface water flooding. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.</i></p>	

<i>Ordinary watercourses present?</i>	<i>No</i>
<p><i>Comments:</i></p>	



Current Ordnance Survey mapping shows no ordinary watercourses in close proximity of the proposed development area.

### **Future development - Sustainable Drainage Systems (SuDS)**

No FRA/Drainage Strategy has been included with this application. The Application Form states that the surface water from the site will be disposed of via 'main sewer'.

Further information is required to clarify the drainage arrangements as disposing direct to 'main sewer' without restriction would not meet the requirements of the NPPF, PPG and associated guidance documents are met.

In line with Defra's non-statutory technical standards for sustainable drainage systems, for a brownfield site such as this, the peak runoff rate and runoff volume should be as close as reasonably practicable to the Greenfield runoff rate/volume from the development for the same rainfall event. If this is not possible, significant betterment, at least 50% reduction in rate from the peak pre-redevelopment rate, should be achievable.

Please refer to our Policy for the Management of Surface Water [https://www.westsussex.gov.uk/media/10391/ws\\_llfa\\_policy\\_for\\_management\\_of\\_surface\\_water.pdf](https://www.westsussex.gov.uk/media/10391/ws_llfa_policy_for_management_of_surface_water.pdf)

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

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter."

The **Environment Agency** comments,

**“Environment Agency position**

*In the absence of a flood risk assessment (FRA), we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted.*

**Reasons**

*The application site lies within Flood Zone 3 defined by the Environment Agency Flood Map as having a high probability of flooding. Paragraph 163, footnote 50 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit an FRA when development is proposed in such locations.*

*An FRA is vital if the local planning authority is to make informed planning decisions. In the absence of an FRA, the flood risk resulting from the proposed development are unknown. The absence of an FRA is therefore sufficient reason in itself for a refusal of planning permission.*

**Overcoming our objection**

*You can overcome our objection by undertaking an FRA which demonstrates that the development is safe without increasing risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.*

*We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.*

The **Conservation Area Advisory Committee** comments,

No objection in principle but subject to acceptable detail. South Street is on the list of buildings of local interest – not as stated in the Design & Access Statement (Heritage & Townscape 5.44). The Committee hope that it will have an opportunity to comment further.

**Public Health and Regulation** has indicated that there is potential for contaminated land and recommend a condition as a precautionary measure.

**The Worthing Society** comments that,

*“The Worthing Society welcomes the concept of the regeneration of this complex and difficult site which will ensure the continuation of the Beales department store. Beales is a very important element in the Worthing shopping scene and with the inclusion of residential units its redevelopment should contribute to the revitalisation of the town centre.*

*The proposals are for a site which falls within the South Street Conservation Area and thus will merit special consideration, needing to be constructed to a high standard befitting such areas.*

*From the narrative contained in the Indigo Planning and Heritage Statement and the Design and Access Statement, we are not convinced that the materials to be used will meet the standards expected in a Conservation Area. For example, the use of 'Metro tiles' on external elevations.*

*We are particularly concerned about Bank Passage which is a public street but has an unsavoury Dickensian appearance. With the addition of 45 residential units (housing up to 100 people), it will make Bank Passage and the buildings fronting it, even more unsafe as fire tenders cannot access it due to the narrow entrance from Liverpool Road. It is intended that recycling and waste materials from the shops and flats will be loaded in Council refuse vehicles parked in Liverpool Road which is very unsatisfactory. (see para. 5.64 of the Planning and Heritage Statement.) The problem can only be really resolved by the widening of the entrance to Bank Passage.*

*Due to the poor quality of the drawings submitted which are of a small scale, difficult to read and lack detail, we are unable to determine inter alia, how the juxtaposition of the glazed arcade (which is such an important feature of the Montague Centre) will be dealt with, particularly as balconies will overhang the arcade. Presumably the consent of NewRiver, the owners of Montague Centre, has been obtained.*

*We find it difficult to agree with the statement at para.6.5 of the Summary in the Planning and Heritage Statement that 'the massing of the proposals will not have a materially negative impact on the adjoining properties'. (see item 5 below). The test for new development in conservation areas as set out in paragraph 200 of Part 6 of the NPPF is that it should enhance or better reveal their significance and we are not convinced that it does.*

*Other matters which are of concern to the Society are: -*

- 1. Nos. 15,17,19,21, 23,25 and 27 South Street are approved Local List Buildings which the applicants are not aware of. The statement at para.5.40 of the Indigo Planning and Heritage Statement is incorrect.*
- 2. The south facing elevation appears over dominant when viewed from Montague Place and Bath Place. The reduction of the height by the removal of 5 flats would overcome this problem.*
- 3. We would like to see confirmation from a qualified structural engineer that the existing structures will be able to safely support the additional loads without the need for the insertion of structural steel.*
- 4. The Transport Statement by WSP does not provide information on car ownership in the area or the results of the WSCC model to calculate car parking needs.*
- 5. We would like confirmation that the National Minimum Space Standards will be adhered to.*
- 6. The effect of the 4 to 5 storey elevation facing Montague Centre could be over dominant and potentially harmful to the buildings of the Centre.*
- 7. There are no details of the 365 square metres for retail storage in the basement in Block 6 or the large roof area shown green on the visual looking south east.*
- 8. In our opinion the entrance tower in Liverpool Road should be fully glazed which we suggest would complement the glazed arcade.*

9. *We wish to reiterate that the drawings are of too small a scale which makes them difficult to read and there is a lack of detail and visuals which together do not enable proper assessment of such a large and complex development. It is understood that amending plans and details are to be submitted shortly and we therefore reserve our position regarding further comment on the whole submission until we have seen these.*

*Finally, we appreciate that with such a large-scale development there are commercial pressures and questions of viability to be considered. Nevertheless, if Worthing is to benefit from a significant landmark development, attention to detail as we have identified should not be compromised. The design must reflect the ability to deliver both quality and longevity.”*

**Technical Services** originally objected to the application on the basis that the application did not acknowledge that the site lies partially in flood zones 2 and 3. However, Technical Services now states that,

*‘I have now received correspondence from Indigo planning, which confirms they are aware that the site is partially located within tidal Flood Zones 2 and 3 as identified by the Environment Agency’s Flood Map.*

*Indigo confirm there is therefore considered to be a high probability of flooding at the site (0.5% in a year), but that said, the application proposes no habitable accommodation at ground floor level. Residential accommodation is proposed from the first floor and above and therefore the potential residents would not be at risk of flooding.*

*I therefore accept that the applicant is aware of the risks and I am happy to withdraw my original objection, and ask instead that a package of flood resilience measures be considered and I am happy for this to be the subject of a condition.”*

## **Representations**

No letters of representation have been received in connection with the application. However, in support of the application, the **Chief Executive Officer of Beales** has stated that,

*“I can confirm that Beales have entered into a new 15-year lease, together with a number of building improvement clauses. The major elements of this deal are as follows:*

- *New 15-year lease for Beales on a reduced floor space saving the store £175,000 per annum;*
- *Release from dilapidations schedule costs (estimated at £750,000);*
- *A contribution by St. Clair of £250,000 towards store improvements;*
- *Agreed works by St. Clair to implement external planning approval drawings, prior to the changes.*

*I am informed that for funding purposes and implementation, it is important that the planning application submitted, is approved this year. I can confirm that the old store and arrangements were unsustainable for the long-term future of Beales Worthing. Working with a responsive Landlord willing to engage and agree a plan*

*for the long-term future of the store is good for Beales, St. Clair and Worthing Town Centre.*

*I hope we can all rely on Worthing Council to give this application the support it deserves and ensure that we all work towards early implementation.”*

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

Worthing Core Strategy 2011: Policies 6, 8, 15, 17, 18 & 19  
Worthing Local Plan, 2003 (saved policies): RES7, H18  
Local Plan Consultation Draft (Regulation 18) 2018  
Supplementary Planning Document ‘Space Standards’ (WBC 2012)  
Community Infrastructure Levy Charging Schedule (WBC 2015)  
National Planning Policy Framework (July 2018)  
National Planning Practice Guidance (CLG)  
South Street Conservation Area Appraisal (WBC 2001)

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 (with the exception of Policy 10 – Affordable Housing). 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 new Draft Local Plan was published on 31<sup>st</sup> October for consultation at the end of October until 12<sup>th</sup> December 2018.

### **Policy Summary**

The site is within Zone A of the primary retail area, Policy 6 safeguard the retail character function here, resisting development which detracts from vitality and viability. Policy 8 allows for high density development in the and around the town centre and a mix of housing to meet needs. New dwellings should accord with national internal space standards and local external space standards of the Council’s SPD; this also acknowledges that conservation interests may require flexibility in this matter.

Development in sustainable locations, with good access to services and public transport is supported by NPPF and broadly by policies 17 – 19, which encourage sustainable construction and renewable energy, albeit this is largely governed by building regulations. In terms of transport, consideration is given to the likely

demand which development may place on the surrounding road network and alternatives to private motor car usage are encouraged.

Good quality design and architectural composition is required by Policy 16, this is elevated to 'high quality' in the revised NPPF. Development which may affect heritage assets, such as conservation areas and listed or locally listed buildings, should sustain and enhance these assets and development should make a positive contribution to local distinctiveness. The South Street Conservation Area Appraisal states that South Street is a particularly important townscape element of the Conservation Area. The statement concludes that most of the buildings on the street contribute significantly to the character and appearance of the area and many have considerable local historic or architectural interest. The Conservation Area Appraisal notes opportunities for sensitive infill and it also states that period details should be preserved.

Residential amenities should be not be adversely affected, including consideration of pollution under policies H18 and RES7. Appropriate provisions for sustainable drainage are supported and flood risk is managed through a sequential and exceptions test in the NPPF and policy 15, which aim to locate development which is subject to flood-risk, away from risk areas, to ensure that development is appropriately flood resistant and resilient and that there is a safe access and escape route.

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

- Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.
- Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- Section 72 (1) states: indicates in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), *special attention* shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

### **Planning Assessment**

The main issues to consider in relation to this application are:

- The Principle of Development
- Viability and Affordable Housing Provision
- Design and Heritage

- Amenity and layout (including space standards).
- Transport and Car Parking
- Drainage and Flood Risk and
- Sustainability

## **Principle of Development**

### *Residential*

There is no objection in principle to the proposal to provide high density housing in this sustainable town centre location. The approach is supported by Policy 8 of the adopted Core Strategy which requires new development to provide an appropriate mix of housing sizes and types to meet the needs of the local area. The supporting text for the policy highlights that there is a valid role for flats to play in higher density town centre developments and that “*the role of the town centre to provide higher density developments*” should be the spatial approach applied. This approach is carried forward in the emerging Local Plan and now has greater emphasis given the shortfall in meeting the Borough’s Objectively Assessed Housing need.

It is also recognised that increasing the level of residential accommodation in the town centre can help contribute to its overall vitality and viability. The NPPF states that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. The proposed development would provide a mixture of units including 8 three-bed family units which would help to contribute to the future housing needs of the Borough.

### *Retail*

Policy 6 does state that in Primary Zone A frontages, A1 uses should be protected and the proposal would result in the loss of some 157 sqm (6.4%) of ground floor retail floorspace. However, changes to the General Permitted Development Order (GPDO) since the Core Strategy was adopted have already allowed the permanent change of A1 retail units to A2 (Financial and Professional Services) and the change of use of smaller retail units to A3 (café/restaurants) and D2 (Assembly and Leisure). This increased flexibility is in response to the changing nature of Britain’s High Streets and the need to adopt to changing market demands. The desire to increase D2 leisure uses is also reflected in the emerging policies of the Local Plan.

It is also relevant that most of the retail space lost is on upper floors and the creation of 7 smaller retail units in the retail arm that is currently a long inefficient space for Beales provides for new flexible retail space for independent retailers to potentially move in (a need recognised by the Councils 2017 Retail Study) and provide greater footfall in the Montague Centre that can only help the viability and vitality of the rest of the centre.

There is some concern about the proposal for an A3 use in the large former Beales Furniture Store. Although there is the ability to change smaller A1 uses to A3 use (defined as less than 150 sqm), the size of this unit (Block 6) is significant and ideally it is hoped that this would remain in retail use. The applicant has been

asked to consider whether they would accept a requirement to seek to market a retail use before considering other uses.

Notwithstanding, some residual concern about the ground floor use of Block 6, overall your Officers are satisfied that this development would provide for a significant enhancement of the overall retail offer of the town centre. The most important aspect of this proposal is the ability to provide investment to deliver an enhanced Beales Department Store to serve as an important anchor for the Town Centre. The loss of BHS and uncertainty around the potential closure of a number of Debenhams stores adds to the concerns about the future economic prosperity of Worthing's Town centre. The existing Beales Store is in desperate need of modernisation to improve the customer experience and ensure the future viability of the store. It is accepted that the existing store is fragmented and this causes business inefficiency.

The Councils Retail Study (2017) identifies the problem facing the Town Centre in particular the lack of larger more flexible retail floorspace. The application provides the opportunity to consolidate the Department Store, whilst maintaining a strong retail presence in South Street and Montague Place. The letter of support for the application from the Beales CEO highlights the importance of the development and in these uncertain times for retailers it is welcome news that the applicant has signed a new 15-year lease. The benefits to Beales are significant in terms of a reduction in rent, removing outstanding repairs to the fabric of the building (Members may well have seen buckets scattered around the shop floor when it rains) and securing £250,000 investment into a new consolidated Store.

### **Viability and Affordable Housing Provision.**

As the applicant's agent submits the overarching objective of the application is to deliver a viable scheme that retains Beales as an anchor retail presence in the Town. However, the applicant has submitted a viability appraisal which indicates that after making the CIL contribution of circa £290,000 the scheme would only deliver a profit on GDV of 16.67%. In view of the risks associated with mixed use schemes particularly involving retail the Councils Financial Consultant accepts that this profit margin would be below what would be required in the current economic climate.

It is also accepted that construction costs for conversion and adding floors onto existing structures invariably adds to overall construction costs and therefore the build costs are on the conservative side and therefore the risks for the project are higher than a normal new build scheme. As such the applicant has indicated that ordinarily the scheme could not afford to deliver affordable housing, however, the applicant accepts the importance of delivering affordable housing and has been keen to try and deliver 9 affordable units.

As Members are aware a major development such as this proposal would normally be required to meet 30% affordable housing provision. In this case that would require the provision of 13.5 (14) affordable apartments. However, the agent argues that permitted development rights entitle retail units to convert upper floors into up to two new residential units each and therefore up to 10 flats could be created without delivering any affordable housing. It is argued, therefore, that the



affordable housing provision should be based on 35 units rather than the 45 units proposed overall (resulting in an affordable requirement of 10.5 (11)).

The applicant originally offered 9 key worker units which would represent 26.4% of the net additional 35 units proposed (taking account of permitted development rights). However, this was on the basis that the applicant would not be able to also meet the CIL requirement for the development.

Your Officers do not accept that the overall number of dwellings proposed should be reduced by the possible permitted development change of use argument. However, viability is a key issue here given that there is a clear planning objective to ensure the future viability of the Beales Department Store. Your Officers have been discussing with the applicant, therefore, ways that the scheme could still deliver 9 affordable units above Block 6. One option is for the Council or a Registered Provider (RP) to buy the upper floors of Block 6 at a discounted rate to deliver rented accommodation rather than the offer of key worker accommodation (which would not meet the most significant housing need within the Town). The alternative is an off-site contribution although your Officers would prefer the on-site provision and are currently working with an RP to see whether agreement on the purchase of Block 6 could be negotiated prior to Committee. Members will be updated at the meeting.

Ideally your Officers would have liked more time to negotiate a solution to deliver an appropriate provision of affordable housing notwithstanding the viability of this development. However, your Officers have been working with the applicant for some months at the pre-application stage and there is a risk that in view of the viability issues with the development, continued uncertainty regarding Brexit and the future of retailing that the Bank financing the project could pull out of the proposed development. This is of grave concern to your Officers and there is therefore an urgent need to try and determine this application before the end of the year.

Members may recall that the delays in determining the application by New River Retail were blamed for not securing the necessary investors and Food and Beverage outlets for the Montague Centre restaurant quarter and your Officers are sensitive to the risks involved with this project and the importance of the scheme for the continued viability of Beales and the future prosperity of the Town Centre.

## **Design and Heritage**

At the pre-application stage the applicant did explore the opportunity for increased height for the proposed development but there were concerns about the impact on the wider Conservation Area and adjoining Heritage assets. The scheme now submitted seeks to limit the overall height of the development to only one storey taller than the highest point of the existing building and is more sensitive to the Conservation Area and the scale of surrounding developments.

The west elevation facing the Montague Centre steps down from its highest point of five storeys down to 3 stories adjacent to the listed Lloyds Bank and this will ensure an acceptable relationship with the Listed Building and in fact provides an enhancement opportunity by hiding some of the more utilitarian rear roof and service areas along Bank passage. The south elevation of the development will only be one storey higher than the existing Beales Store and from Montague Street

would not be visible because of the height of frontage buildings and the width of the street.

The applicants architect has been asked to review the height of the highest section of the building when viewed from Liverpool Gardens. Although the height of existing buildings would limit views it is important to assess what element of the scheme would be visible particularly above the Frink Heads. It does not necessarily mean that viewing the top floor or circulation core would be harmful it needs to be assessed in assessing any wider impact on the Conservation Area. Images of the development from this viewpoint would be available at the meeting. Linked to this point, the applicants architect has been asked to review whether the increased height of the entrance feature tower is necessary as the views of this would be only at close range. Whilst some art deco reference points have been included in the Design and Access statement it is questioned whether accentuating the height of this entrance feature could be achieved in another way, for instance, by providing more vertical glazing.



The scheme has sought to integrate with the existing street scene along South Street by largely retaining and converting existing retail/storage space and only adding a maximum of one storey. The scheme has retained more of the existing features following a design review at the pre-application stage and it is good to see the attractive arched fenestration retained above the Beales entrance on South Street.

The Councils Design and Conservation Officer has expressed some concern about certain elements of the top floor proposed above the existing buildings. Primarily this relates to concerns that the proposed mansard roof and dormers may appear rather heavy and lose some of the interest in the varied roofscape which currently exists. The existing and proposed elevations are shown below to identify the extent of changes proposed.





The applicants architect has looked at the above issues and amended plans will be available at the meeting. The architect has agreed that the single access doors now proposed into the Beales Store need to be altered on to South Street to make a grander entrance feature as exists and this is something that Beales have also asked to be amended.

The elevations of nos.16-23 and 35-39 South Street are, at present in disrepair, and there is the opportunity to make a number of significant improvements and renovations. The scope for residential use for the upper floors will help to breathe new life into buildings which are of high quality and architectural interest but have lacked investment over the years. This can only enhance the character and appearance of the Conservation Area.

The Liverpool Buildings do not contribute to the over character of the Montague Centre with the 1950's extension looking very tired with the fenestration in need of modernisation. The architect's approach of taken reference from a number of art deco and modernist buildings in the town is supported and will lift the appearance of the existing Beales entrance. The white tile and black 'cirttal' windows will add some vibrancy to the Montague Centre. The Worthing Society has expressed some concerns about the design approach contrasting with the rest of the Montague Centre, however, your Officers do not feel this is an issue as they are of different time periods and architectural styles. The Society also feels that the materials proposed may not be of the high standard required for this site in the Conservation Area, however, precise materials can be reserved by condition and the applicant has been encouraged to bring sample materials for Members to view at the meeting.

### **Amenity and Layout**

A key principle of the NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy H18 of the saved Local Plan (2007) also requires new development to protect the amenities of local residents by preventing overlooking and ensure that adequate daylight and sunlight is preserved. The scheme has been designed to create a good layout for individual flats and avoids overlooking between units and there is no overlooking of existing residential properties other than across South Street. Similarly, the majority of units would have dual aspect apartments and acceptable levels of light and sunlight.

## **Noise**

The proposed development proposes flexible A1/A2/A3 uses at ground floor level in the former Beales furniture store. The new residential units would be fitted with double glazed windows to minimise any impact on the amenity of future occupiers. The views of the Environmental Health Manager on potential nuisance with any A3 restaurant use are awaited and will be reported verbally at the meeting. It is likely that any extraction details would need to be carefully designed to avoid any adverse impact on the residential units and planning conditions are included to require details to be submitted.

## **Transport and Car parking**

The proposed development is ideally located within the town centre to encourage travel by sustainable travel modes. The apartments would attract non-car owners and the applicant seeks to encourage sustainable travel modes by future occupants by providing a level of cycle parking above the West Sussex standards (one per apartment). The scheme proposes 11 car parking spaces, of which 3 would be for blue badge holders. The Highway Authority acknowledges the Town Centre location and the existing low car ownership rates in the town centre and raises no objection to the development. It would be important to ensure that occupiers are given the opportunity to join a car club once one is set up in the town centre and a suitably worded condition is recommended.

The Worthing Society has expressed some concern about the servicing arrangements for the shops and apartments and has raised concerns about emergency access. This is a matter that would be dealt with under Building Regulations and it is highly likely that the development would need to incorporate a sprinkler system. In terms of deliveries the narrow width of Bank Passage limits deliveries to smaller vans and lorries and this will continue as before.

## **Sustainability and Energy**

The proposed development will be built where possible to the local and national standards for sustainability and energy. However, the applicant states that as much of the development is taking place within existing historic buildings and working within the constraints of the Conservation Area, this may not be possible across the entirety of the development. A green roof, however, is proposed and a condition encouraging measures to enhance the sustainability of the development can be added.

## **Conclusion**

The overall aim of the application to retain and enhance the Beales department store is supported and overall there are considerable benefits with this development for the site and the rest of the Town Centre. Whilst, the ability to deliver 30% affordable housing is disappointing, however, there are other clear planning objectives which would justify a departure from policy. The viability case is compelling and, despite this, the applicant is working with the Council to deliver 9 affordable housing units.

## Recommendation

To delegate the decision to the Head of Planning to GRANT permission subject to the receipt of satisfactory comments from Environmental Health, the receipt of amended plans and the completion of a s106 agreement securing 9 affordable housing units or the transfer of Block 6 to the Council or a Registered Provider (RP) and the following conditions:

1. Development in accordance with approved plans
2. Time  
The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
3. Notwithstanding the information contained in the current application, no other development shall be carried out unless and until a schedule and samples of materials and finishes to be used for the external walls (including windows, doors, rainwater goods, safety rails and balustrades etc.) and roof of the proposed building have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule and samples.

Reason: In the interests of visual amenity, the character of the conservation area and setting of listed buildings and to comply with policy 16 of the Worthing Core Strategy.

4. Details of: joinery/frames some with 1:20 cross-sections, rainwater goods, fascias & roof intersections and window recesses.

Notwithstanding the information contained in the current application, no other development shall be carried out unless and until 1:20 scale plans including annotated cross sections of have been submitted to and approved in writing by the Local Planning Authority for each of the following:

- i) window joinery and frames,
- ii) window recesses, cills and surrounds at all floors of the east and north elevations,
- iii) intersections of roof and walls for each elevation of the penthouses and for the first and second floors of the east elevation,
- iv) rainwater goods,
- v) safety rails and balustrades,

and the development shall be completed in full accordance with the details thereby approved.

Reason: In the interests of visual amenity, the character of the conservation area and setting of listed buildings and to comply with policy 16 of the Worthing Core Strategy.

5. Details of external air moving/extraction equipment  
No external fixed plant shall be installed until details have first been submitted to and approved in writing by the Local Planning Authority. The design shall have regard to the principles of BS4142:2014 and aim to achieve a difference between the rating level and background noise level of at least -5dB. Within 1 month of implementation a test to demonstrate compliance with the approved attenuation scheme shall be undertaken and the results submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the residential amenities of neighbours and to comply with saved policy H18 of the Worthing Local Plan.

6. Provision and maintenance of bicycle storage space.  
The cycle storage area shall be provided and fitted out and made secure in accordance with the approved plans, prior to the occupation of any of the flats hereby approved. It shall thereafter be permanently retained and maintained only for use by the residents of the approved flats for the storage of cycles.

Reason: To ensure the provision of adequate cycle storage facilities as part of sustainable transport measures, in accordance with policy 19 of the Worthing Core Strategy 2011 and saved policy TR9.

7. Provision and maintenance of bin and waste storage area  
The bin storage areas for the flats hereby approved shall be provided and fitted out and made secure in accordance with the approved Drawings, prior to the occupation of any of the flats hereby approved. It shall thereafter be permanently retained and maintained only for use for the storage of bins. The existing commercial service area contained within the boundary wall at the east elevation shall also be permanently retained and maintained only for commercial servicing, such as loading and storage of bins in accordance with the approved Drawing No. 120 Rev P5.

Reason: To ensure the provision of adequate waste storage facilities, in accordance with policy 12 of the Worthing Core Strategy 2011.

8. Details of flood resilient design.  
No development shall be carried out unless and until details of the construction of the ground floor accesses and hallways to the flats hereby approved have been submitted to and approved in writing by the Local Planning Authority to show measures of flood resistance, to minimise the risk of floodwater ingress, and flood resilience, to minimise the risk of damage in the event of flood. The development shall be completed and permanently maintained in accordance with the details thereby approved, unless the Local Planning Authority gives further written approval for any variation.

Reason: To minimise risk from flooding in accordance with policy 15 of the Worthing Core Strategy 2011.

9. Details of foul and surface water connection  
Prior to the first occupation of any of the flats hereby approved, details of arrangements for the disposal of surface and foul water shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water. No flat shall be occupied unless and until all works for the disposal of foul and surface water serving that dwelling have been fully implemented.

Reason: To ensure the provision of adequate drainage in accordance with policies 12 and 15 of the Worthing Core Strategy 2011.

10. Details of means to assess and manage historic ground contamination in the event of ground works.  
In the event that development necessitates the undertaking of groundworks, such as the construction of new or deeper foundations or the construction of any soakaway, and unless the Local Planning Authority first agrees in writing otherwise, details of a scheme to deal with the risks associated with any historic contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority to include:
- i) a site investigation scheme,
  - ii) the site investigation results and any further appraisal and remediation strategy,
  - iii) a verification plan with timetable

The scheme thereby approved shall be implemented concurrent with the undertaking of groundworks and a verification report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the timetable thereby approved.

Reason: To minimise and manage any risks associated with any historic land contamination in the event of groundworks, in accordance with saved policy RES9 of the Worthing local Plan 2003.

11. Construction work shall not commence in connection with Block 6 until a scheme for protecting the first / second floor flats from noise from the commercial unit below has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors.

Reason: To minimise risks from noise to the residents of the flats in Block 6 hereby approved in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policy H18 of the Worthing Local Plan 2003.

12. Prior to the implementation of any A3 use in Block 6 hereby approved, commencement of the development hereby approved, a scheme for the mitigation of odour risks shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of any air moving and filtering plant, equipment and ducts (including the acoustic specification and provisions to minimise risk of noise and vibration), their location and external appearance, and arrangements for their on-going maintenance. Details of any

mitigation measures for external space shall also be included in the scheme. The development shall only be carried out in accordance with the scheme thereby approved and no dwelling shall be occupied until the scheme has been fully implemented and it shall be permanently adhered to, unless the Local Planning Authority gives prior written approval for any variation.

Reason: To minimise risks from odour to the residents of the flats in Block 6 hereby approved in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policy H18 of the Worthing Local Plan 2003.

13. Unless otherwise agreed in writing by the Local Planning Authority, prior to occupation of the first apartment the subject of this approval, details of arrangements for the provision of access to a car-club or other means of sustainable transport, shall be submitted to and approved in writing by the Local Planning Authority. Details shall cover the period and terms of the provision and shall thereafter be implemented and adhered to for that period.

Reason: To ensure the provision of sustainable transport measures, in accordance with policy 19 of the Worthing Core Strategy 2011 and saved policy TR9.

19<sup>th</sup> December 2019





**APPRAISAL SUMMARY****JAMES R BROWN & COMPANY LTD****Beales**

## Summary Appraisal for Phase 1

Currency in £

**REVENUE**

Sales Valuation	Units	ft <sup>2</sup>	Rate ft <sup>2</sup>	Unit Price	Gross Sales
Private Residential	1	39,665	358.10	14,204,037	14,204,037
Ground Rents	<u>1</u>	<u>0</u>	0.00	300,000	<u>300,000</u>
<b>Totals</b>	<b>2</b>	<b>39,665</b>			<b>14,504,037</b>

**Rental Area Summary**

	Units	ft <sup>2</sup>	Rate ft <sup>2</sup>	Initial MRV/Unit	Net Rent at Sale	Initial MRV
New Beales	1	57,185	7.87	450,000	450,000	450,000
Revised Retail	<u>1</u>	<u>7,685</u>	30.00	230,550	<u>230,550</u>	<u>230,550</u>
<b>Totals</b>	<b>2</b>	<b>64,870</b>			<b>680,550</b>	<b>680,550</b>

**Investment Valuation**

<b>New Beales</b>					
Current Rent	450,000	YP @	7.0000%	14.2857	6,428,571
<b>Revised Retail</b>					
Market Rent (1mth Rent Free)	230,550	YP @ PV 1mth @	7.0000% 7.0000%	14.2857 0.9944	3,275,054 9,703,625

**GROSS DEVELOPMENT VALUE****24,207,662**

Purchaser's Costs

(582,218)

(582,218)

**NET DEVELOPMENT VALUE****23,625,444****NET REALISATION****23,625,444****OUTLAY****ACQUISITION COSTS**

Residualised Price			4,373,868		
				4,373,868	
Stamp Duty		4.85%	212,133		
Agent Fee		1.00%	43,739		
Legal Fee		0.80%	34,991		
				290,862	

**CONSTRUCTION COSTS**

Construction	ft <sup>2</sup>	Rate ft <sup>2</sup>	Cost	
New Beales	57,185 ft <sup>2</sup>	99.93 pf <sup>2</sup>	5,714,497	
Revised Retail	8,170 ft <sup>2</sup>	99.93 pf <sup>2</sup>	816,428	
Private Residential	<u>45,596 ft<sup>2</sup></u>	99.94 pf <sup>2</sup>	<u>4,556,640</u>	
<b>Totals</b>	<b>110,951 ft<sup>2</sup></b>		<b>11,087,565</b>	<b>11,087,565</b>

Contingency		5.00%	554,378	
CIL & S.106			290,000	
				844,378

**PROFESSIONAL FEES**

Professionals		12.00%	1,330,508	
				1,330,508

**MARKETING & LETTING**

Marketing		1.25%	177,550	
Letting Agent Fee		10.00%	68,055	
Letting Legal Fee			20,000	
				265,605

**DISPOSAL FEES**

Sales Agent Fee		1.50%	257,953	
				257,953

**FINANCE**

Debit Rate 6.750%, Credit Rate 0.500% (Nominal)				
Land			580,041	

This appraisal report does not constitute a formal valuation.

**APPRAISAL SUMMARY****JAMES R BROWN & COMPANY LTD****Beales**

Construction	629,305	
Other	27,783	
Total Finance Cost		1,237,129

**TOTAL COSTS****19,687,869****PROFIT****3,937,575****Performance Measures**

Profit on Cost%	20.00%
Profit on GDV%	16.27%
Profit on NDV%	16.67%
Development Yield% (on Rent)	3.46%
Equivalent Yield% (Nominal)	7.00%
Equivalent Yield% (True)	7.32%

IRR 24.23%

Rent Cover 5 yrs 9 mths  
Profit Erosion (finance rate 6.750%) 2 yrs 9 mths

**This appraisal report does not constitute a formal valuation.**

Project: Beales  
ARGUS Developer Version: 7.50.000

Date: 18/10/18



Application Number: AWDM/1480/18

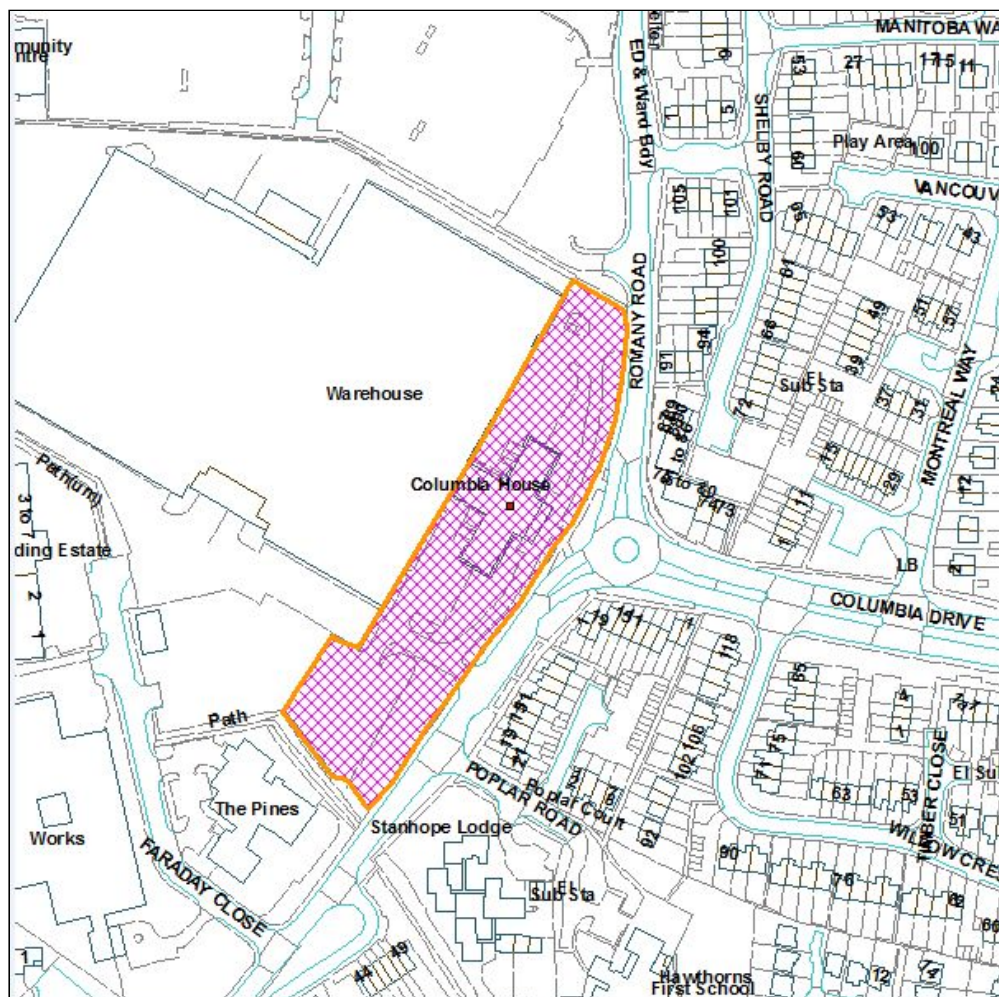
Recommendation – Delegate to  
Head of Planning for Approval  
subject to S106 agreement

Site: Columbia House Columbia Drive Worthing West Sussex

Proposal: Construction of 3 new blocks to provide 46 flats and 226.3 sqm mixed use commercial / non-residential space (Classes A1, A2, B1, D1, D2) including the addition of two floors to existing Columbia House to provide 10 flats and external upgrading of Columbia House. Also associated two new pedestrian access points, parking, landscaping and amenity space.

Applicant: Prime City Developments Ltd  
Case officer: Stephen Cantwell

Ward: Northbrook



Not to Scale

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## Site and Surroundings

The site is approximately 0.97ha and occupies a frontage of 227m on the western side of the junction of Columbia Drive and Romany Road. It has an average depth

of 47m, tapering to 27m in at its northern end and widening to 52m to the south. It is occupied by Columbia House, which is a five storey slab-office building with roof-mounted plant room above. It was built in the mid-1970s and is currently vacant.

Columbia House is 57m wide and set back approximately 16m from the frontage, but with a protecting ground floor entrance element. It was formerly part of a wider commercial site to the rear (west). It remains physically linked to the neighbouring warehouse and office to the rear, which forms much of the eastern boundary of the site and equates to three storeys in height with windows, a plant room and an entrance at ground floor. The rest of the site is a mixture of hard-surfaced parking (140 spaces), two access drives, (served from Romany Road) and grassed and landscaped frontages. Numerous tall trees in the grounds and along the frontage were planted contemporary with the existing building.

The surroundings comprise a mixture of employment / commercial uses and housing as follows:

The warehouse and office lies immediately to the west, and shares an access with the site to Romany Road, another access is to Faraday Close.

Alongside the south west boundary is an open-surface bus depot, separated by security fencing and a narrow, informal footpath to the south of the warehouse. It contains a small building and open-air bus wash machine and is also accessed via Faraday Close.

To the south is The Pines Community centre, an unusual 'pyramidal' two-storey building used as a day centre. Its boundary with the application site comprises mixed trees and hedging. This is also accessed via Faraday Close.

To the north, beyond shared access with the warehouse and screened by a tall row of fir trees, is the large car park of the adjacent West Durrington District Shopping centre, and large Tesco store. At the road frontage is the Durrington Community Centre of mixed single and two storeys with asymmetric rooflines and part rendered and brickwork frontage.

Opposite the site along Romany Road and Columbia Drive to the east are numerous houses and flats, comprising a mixture of 1960s-70s styles, mainly of two storeys but with some three-storey pitched roofs notably close to and flanking to road junction with intervening grass verges. These mainly face onto the street but in a few cases they are side-on.

## **Proposal**

The application comprises two main parts:

Firstly, to demolish the roof-mounted plant room on Columbia House and construct two additional floors, the top-most of these heavily inset from the edges of the building. This would create 10 no. additional flats in addition to the 102 no. flats which are already consented under the national Permitted Development Prior-Approval process. The current application includes elevational changes to the entire building to create a harmonised appearance.

Secondly, to construct three free-standing additional five and six-storey blocks in the grounds flanking Columbia House. These would provide 36no flats and 238sqm of flexible commercial space at ground floor along with internal bike and bin stores and three outdoor landscaped amenity spaces and a communal roof terrace for each building.

In summary, the proposal is for 46no. flats comprising:

1 beds = 14no.

2 beds = 23no.

3 beds. = 9no.

In addition to the 102 Prior Approval flats (24no. studios, 76no 1-bed and 2no. 2-bed), this gives a total of 148no flats for the site and 238sqm flexible commercial floorspace.

The application includes 105 parking spaces, including 8no for people with disabilities and 80 secure cycle spaces and bin stores. There would be three main amenity spaces, one wrapping around two sides of the northern-most of the proposed new blocks, another to the south of Columbia House and the last at the southern part of the site, which would include an equipped children's playground. New tree and shrub planting is also proposed around the proposed parking and amenity areas, with replacement for some tree removals indicated at the northern part of the site, the question of other existing trees is considered in this report.

Sustainable drainage is proposed via underground tanks and permeable paving.

The application seeks to address reasons for refusal of the previous application which was considered a piecemeal form of development, involving only a roof extension and no other development of other parts of the site, and with no employment provision. The roof extension was larger than the new proposal and was unacceptable due to its bulk. The proposal also made inadequate provision for affordable housing. The current application takes a more comprehensive approach to the site, new flatted blocks, a redesigned roof extension and includes flexible commercial/employment space an affordable housing offer.

### **Relevant Planning History**

**WB/565/73:** This is the original planning permission for Columbia House and warehouse/office building to the rear.

**APPROVED** 18 April 1973

It has been previously demonstrated that Columbia House in its 0.97ha curtilage has been functionally separate from the adjacent warehouse / office building, since 2000 and that the separate office use B1(a) of Columbia House, is therefore lawful. In-turn this has allowed for the national Prior Approval process for residential use, to be consented.

**NOTICE/0018/16:** Prior Approval Consent for change of use from offices (Use Class B1a) to 102 residential units (Use Class C3) (24 studios, 76 x 1 bed and 2 x 2 bed) with associated parking.

**CONSENTED** 15 December 2016 (not yet implemented).

**AWDM/1975/17:** Construction of two additional floors on the existing building 'Columbia House' comprising 14 residential apartments (4 x 1 bedroom, 8 x 2 bedroom and 2 x 3 bedrooms) and associated works including elevation treatment of existing building, car parking and landscaping.

**WOULD HAVE REFUSED** 30 May 2018

**The reasons for refusal of AWDM/1975/17 referred to following matters:**

- lack of provision for affordable housing;
- increased height bulk and mass of the full two-floor extension, with piecemeal approach to development of the site;
- lack of provision for employment.

An appeal has been lodged but has not yet progressed beyond its most initial stage.

### **Supporting Documents**

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

- Design and Access Statement
- Ecology Assessment
- Energy Statement
- Flood-risk Assessment (with drainage)
- Noise Assessment
- Sunlight, Daylight and Overshadowing Assessment
- Sustainability Statement
- Transport Statement
- Tree Constraints and Removal Plan
- Viability Assessment Report.

### **Consultations**

Below is a summary of consultation responses.

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

Comments and recommended conditions:

Further day/night noise survey for approval; to include commercial uses, buildings and deliveries also assessment of proposed children's playground and proposed external areas.

Class D2 uses should not be included due to risk of significant disturbance.

The stacking of room types within the proposed blocks is generally good, but could reconfiguration avoid bedrooms situated above/below kitchens and lounges?

Emissions mitigation assessment needed. Alternatives to private cars & use of alternative-fuelled vehicles should be provided. Commitment to all gas-fired boilers welcomed; adhere to specification [**Officer Comment:** An Informative for the specification would be reasonable]



Conditions also recommended for:

- i. Hours of use of flexible ground floors: 07:00 hrs - 23:00 hrs Mon - Sat, 08:00 hrs - 21:00hrs Sun. Deliveries 07:00 to 20.00 hours Mon-Sat and 09:00 to 19:00 Sun.
- ii. Acoustic Design Scheme (ADS) for approval and pre-occupation verification (ADS may require whole-building ventilation as part of sound attenuation and appropriate glazing, which may differ between facades. Noise insulation also required between floors, and at lift shaft).
- iii. A noise management plan should be submitted and approved prior to the operation of any B1[c] and D1 use.
- iv. Maximum plant noise louvre-emissions for plant room to block D
- v. Management of rooftop amenity spaces, limited to 07:00 and 21:00 hrs. Also management and hours of use for children's play area dependant on outcome of further survey work.
- vi. For any commercial kitchen a standard condition for design, specification & location of kitchen extract/ventilation.
- vii. Construction Management Plan (including control of noise, air quality, dust, wheel-washing, vehicle routing etc.)
- viii. Construction hours: 07:30 - 18:00hrs Mon – Fri; 08:00 - 13:00hrs Sat. No Sundays/Holidays.

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

Comments

No obvious layout hazards. Flats located directly above / contiguous to plant rooms and bins or below communal amenity spaces of roof can risk disturbance. Building Regulations may potentially resolve.

Queries location & capacity of waste storage facilities for building A [Columbia House].

***WBC Engineer - Drainage:***

Comments

Within flood zones 2 & 3; surroundings also susceptible to surface water flooding. New building on existing hard-surfacing unlikely to increase run-off but Sustainable Drainage Systems (SuDS) should be used to reduce flows.

***WBC Tree officer:***

No Objection:

No tree groups of individuals would be considered for a TPO.

***WBC Waste Strategy Manager:***

Comment

Confirmation needed that access points at block C & D are sufficient for refuse vehicles to enter and manoeuvre. Bin stores need to be sufficient for 4no. large bins at B, C & D and 38 no. at block A

***WSCC Fire Safety Advisor:***

Proposed layout appears acceptable. Detailed fire safety measures, assessment will be required for purposes of Building Regulations

**WSSC Highway Authority:**

More Information needed:

The Transport Statement appears sound. Plans required showing visibility at road accesses taking into account adjoining vegetation. Clarification also needed of traffic priority between the site and adjoining warehouse at northern access and whether this should change given increased activity.

Parking: appears sufficient for location with availability of non-car transport facilities, it should electric vehicle (EV) charging. Layout improvements recommended to improve amenity.

Car-club: supportive but observes that £20,000 is likely sufficient to enable two vehicles to become established, and ultimately self-funding.

Pedestrians: analysis of movements needed to assess whether improvements are required, including road crossings.

Cycling: Shared or segregated cycleways along main roads are priorities in the County Strategy. The applicant must suggest how to contribute to this. Secure storage welcomed but wider spaces for trikes & trailers recommended and charge point connection for electric bikes.

Travel Plan: should include target and monitoring for trip reduction; sustainable travel incentives, including vouchers; provision of car club & membership; coordinator and model content.

**WSSC Lead Drainage Authority**

More information requested:

Flood Zone; consult Environment Agency.

SuDS should be included to ensure no net increased run-off. Site levels should not be raised and ground water quality protected

**Environment Agency:**

Comment awaited

**Southern Water:**

Comment awaited

**Representations**

One letter: Objection

Parking is utterly inadequate for the amount of development. Roads already heavily-parked, garages and disabled bay often obstructed. Rush-hour & school time road congestion and danger to nearby Poplars School and care homes.

High-density living will increase noise, disturbance, risk of crime.

Extension of Columbia House will worsen existing overshadowing to neighbour's living room and overlooking.

Strongly object to no provision of affordable housing.

## Relevant Planning Policies and Guidance

- Worthing Core Strategy, 2011: Policies 3, 4, 7, 8, 10, 12, 13, 15, 16, 17, 18 & 19
- Worthing Local Plan, 2003: Saved policies RES7, RES9, TR9 & H18
- Supplementary Planning Document 'Space Standards' (WBC 2012)
- Supplementary Planning Document 'Sustainable Economy' (WBC 2012)
- Infrastructure Delivery Plan (WBC 2010)
- Supplementary Planning Document 'Planning Contributions' (WBC 2007)
- Supplementary Planning Guidance 'Parking Standards and Transport Contributions' (WBC 2005)
- Supplementary Planning Document 'Guide to Residential Development' (WBC 2013)
- Supplementary Planning Document 'Tall Building Guidance' (WBC 2013)
- West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003)
- West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSCC 2010)
- The Provision of Service Infrastructure Related to New Development in West Sussex – Part 1 (WSCC 1999)
- National Planning Policy Framework (July 2018)
- Planning Practice Guidance
- Planning & Noise Professional Practice Guidance on Planning & Noise (ProPG: May 2017).

### Policy Summary

Policies 7, 8 & 10, support the provision of new housing. In suburban locations this is mainly by infilling and predominantly the provision of family housing. Developments of 15 or more new homes should include a 30 percent affordable component of size and tenure to meet identified needs and to be provided on-site unless there is robust justification for off-site provision. It should meet national internal space standard and the local Space Standards SPD for external space.

All development should be of good quality architectural and landscape design taking into account local characteristics and consider neighbouring amenities under policies 16 and H18. Layouts should be well-structured, safe and pedestrian-friendly; developments with tall buildings should be of a very high standard and create vitality according to the Council's Tall Buildings SPD.

Development should not lead to pollution or noise, nor cause the need for additional mitigation of pre-existing noise generating activity neighbouring the site (RES7).

Development should meet their infrastructure needs, such as access, drainage, open space and recreation needs, according to policies 12 & 13; green infrastructure, including amenity areas, should be improved and enhanced. Sustainable drainage methods should be used where appropriate and development should cater for flood risk management under policy 15. Site remediation may be required for historically contaminated sites under policy RES9. Adequate access and parking should be provided under policy TR9, including promotion of

sustainable transport initiatives under policy 19 and wider sustainable energy and construction design, policies 17 & 18.

Sites which are identified for employment use such as the application, should be protected under policies 3 & 4, the Sustainable Economy SPD requires details of viability, marketing and alternatives explored. Policy 16 also comments that the mix of uses should contribute positively to the area.

The National Planning Policy Framework 2018 (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, with the arguable exception of Policy 10 – Affordable Housing. They are aligned with the three NPPF sustainability objectives; economic, social and environmental. 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 prepared and a new Draft Local Plan was published on 31<sup>st</sup> October for consultation at the end of October 2018 until 12<sup>th</sup> December.

### **Relevant Legislation**

Section 70 of the Town and Country Planning Act 1990 (as amended) requires the application to be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations. Section 38(6) Planning and Compulsory Purchase Act 2004 also requires decisions 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. Neighbouring Relationships and Amenity
4. Housing
5. Access and Parking
6. Drainage and Flood Risk
7. Open Space, Landscape and Trees
8. Sustainability

## 9. Maintenance and Management

### 1. ***Principle of development***

- 1.1. According to the 2011 Worthing Core Strategy, the site is part of a key industrial and business area, which is clustered around Faraday Close and the west of Romany Road. Accordingly policies 3 & 4 protect employment uses and promote reinvestment. However it is a material consideration that a national Prior Approval process was introduced in 2013, which allows offices to be changed to residential use and that Columbia House and its 0.97ha curtilage is subject of a residential consent issued under those rules in 2016. This allows the existing building to be converted to 102 flats.
- 1.2. Although the consent is as yet unimplemented, the applicant contends that, with reference to case law, the curtilage land around Columbia House and its roof-area can no longer be protected for employment use, because the Prior Approval consent has conveyed the ability for it to be used for ancillary residential purposes, such as car parking, access and amenity space. They conclude that accordingly there is little probability that it would return to an employment use and that it cannot rationally be protected by employment policies.
- 1.3. In consideration of these arguments, the proposed residential development of the curtilage and roof-area is contrary to policies 3 & 4. The normal expectation would be that any additional building or extension should be for employment purposes, particularly given the identified need for such development in the Borough in the Employment Land Review 2016. There is also no indication that the site had struggled to attract business occupiers up to the time of the residential consent. The Sustainable Economy SPD would require demonstration of marketing & viability of the original use and consideration of employment alternatives.
- 1.4. The unimplemented prior approval consent is certainly relevant although arguably it has lesser weight than would be the case had it been implemented. It is a factor to be considered in the overall planning balance alongside other merits of the current development proposal. One of these is the proposal to include flexible spaces in the ground floor of each building.
- 1.5. The inclusion of 238sqm of flexible space, spread across the ground floors of the new blocks would allow for any of the following uses: A1 Retail; A2 Professional services; B1 office / light industry; D1 Non-residential institutions such as medical, educational, religious, nursery and day centre uses and D2 Assembly and leisure such as places of entertainment, performance and sport. Each of these would be located at the front of the buildings with large glazed frontages to create a sense of interest. The B1 component is within the scope of policy 4.

Other merits of the proposal are explored in the following sections of this report and the planning balance of all of these is considered in the summary at section 10 below.

## 2. ***Design and Context***



### **Proposed Street Elevation**

- 2.1. The site occupies a point of transition between the residential area to the east and south and the employment and commercial areas and utilitarian buildings and service areas to the west and north-west. Columbia House is a prominent five storey slab building rising to 20m at its main flat roof and 26m to the roof to its inset plantroom. Its height and design of polished concrete and tinted sheet glass contrasts with the much smaller 2-3 storey, pitched-roofed, brick and tile houses. It serves as a landmark at the head of Columbia Drive, which is a wide street with long views. It can also be seen for a considerable distance above rooftops and from the edges of the downs, such as at Highdown Hill.
- 2.2. The Tall Buildings Guidance SPD acknowledges that tall buildings are necessary to deliver housing growth, and provides guidance on design and location, Columbia House is referred to as an example of a *“fairly high building... substantially taller than their neighbours and/or which significantly change the skyline”*. The guidance seeks a very high standard of design for tall buildings, in order to add vitality and avoiding boxy and slab-like buildings.
- 2.3. In respect of ‘slab blocks’ (buildings which are particularly wide, such as Columbia House), the SPD comments that: *“their bulk means that they often have a less successful relationship to their context and street edge and often block rather than define views...they tend to fail to provide a sense of enclosure and result in a poorly designed public realm”*.
- 2.4. The current comprehensive site proposals are a rare opportunity to dilute the incongruity and boxy quality of Columbia House by the addition of a tapering extension and new external materials and fenestration to accentuate its vertical rather than horizontal, boxy qualities. Re-planning of the poorly-arranged, long site frontage with new buildings which provide a ‘stepping-up’ of heights, can create an improved transition between Columbia House and surrounding lower buildings. Well-defined external spaces, routes and interesting ground floor uses and frontages, can provide a more stimulating street-scene and sense of vitality.

#### Columbia House (aka ‘Block A’)

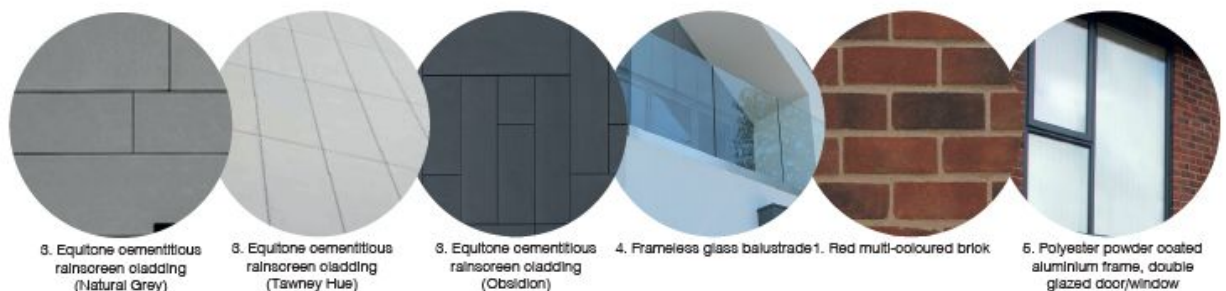
- 2.5. The proposal would add two storeys to Columbia House in replacement for the demolished plant room, increasing its overall height from 26m to 27.1m. This provides 10no. 2-3 bed flats. The first of these floors would be generally flush with the existing facades of the building, but with an 0.8m inset at either end of

the façade to create slightly recessed ‘bookends’. The second of the two floors - the penthouse level, would be heavily inset by 12m from either end of the building, 1.4m from the front façade and 2.4m from the rear. Its new flat roof would slightly over-sail the penthouse walls, to create a finessed appearance.



**Columbia House, as proposed**

2.6. New fenestration on each façade of the existing building and new floors would use rectangular casements of domestic portions, by contrast with the much larger sheet glass windows which are to be removed. Coloured ‘Cementitus’ panel cladding would replace some sheet glass areas and concrete exterior.



2.7. A narrow palette of colours (see above), grey, pale grey-beige and charcoal is chosen and deployed to contrast the main frame and plinth of the building (darker), with its projected bays (lighter), and further-contrast the new upper bookends, also a red-multi brickwork ground floor with dark aluminum frames throughout.

2.8. The facade of the new floors uses a greater proportion of the darker colours to create architectural interest and re-inforce the effect of the top-most inset. Frameless glass balcony screens would be used on the two new floors; roof terraces for the penthouse and individual balconies for the new floor below. Details of these, their supports and samples of external materials and finishes can be agreed by condition.

2.9. The proposed floors with the heavily inset penthouse level and consistent use of fenestration and range of colours will create visual harmony between the new floors and the consented conversion of the existing building and borrow from the pale brown hues of some of the nearby houses. It also achieves a



well-proportioned taper effect to the top of the building, whilst only a small increase in overall height. In terms of distant views it is unlikely to be significantly more prominent but where there is increased visibility it will appear more coherent in architectural terms. As such it is considered to address the previous concerns for bulk, massing and the piecemeal approach to the building.



**Site Layout as proposed**

Blocks B, C & D

2.10. The three proposed blocks are:

- i) Block B, southernmost of the three. Six storeys, 13 flats (12no, 1-2 beds and a 3-bed penthouse). 111sqm of flexible floorspace at ground floor.
- ii) Block C, middle of the three. Six storeys, 12 flats (7no, 1-2 beds and 5no. 3-bed). 76 sqm of flexible floorspace at ground floor.
- iii) Block D, northernmost of the three. Five storeys, 11 flats (10no, 1-2 beds and a 3-bed penthouse). 51sqm of flexible floorspace at ground floor.





2.11. Each block is based on a compressed-L-shaped footprint with frontages of 16-18m, much narrower than Columbia House (57m). Their main roof heights are 15m – 18m, much lower than Columbia House and taller than houses and flats to the east. They are typically 9m-22m from the street, which on average, equates to the 18m set back of Columbia House. The closest two blocks would be approximately 30m from Columbia House. The intervening gap between two of the new blocks (B & C) ranges between 12m – 28m but with offset positioning in order that much of each building does not directly face the other.

2.12. The designs use varied flat roof heights and broken levels to create graded massing, with inset penthouses levels of variously 1m – 2.5m across part of each. Traditional rectangular window shapes and proportions are used to echo those proposed for Columbia House and found in existing houses.

2.13. Some areas of cladding are the grey/brown hues also proposed at Columbia House to create a sense of visual linkage (see below). Each block would have a brickwork core and ground floor, to echo existing houses, but each would be distinguished by areas of individually pastel-coloured render; pale shades of cream blue and pink are shown. Balconies are similar to the proposed at Columbia House, and would add steel louvres along their sides.



2.14. The size and position of the proposed blocks is considered to make a transition between the size of and spacing of Columbia House and those of the flats and houses to the east and south. Their graded massing is visually interesting and the use of materials borrowing from existing houses and the proposals for Columbia House, also serves to create a sense of visual harmony across the site and along the wider street-scene, including the

rendered community building to the north. There is one point at which the north-west corner of block D would be within 7m of the site frontage, its balcony even closer (3.5m). However, the northern corner of the site is otherwise a spacious one and the pinch point is small by comparison.

- 2.15. This minor criticism is not considered to detract from the overall success of the comprehensive approach has achieved in relating the refurbishment and Columbia House and the construction of the new blocks to their context and to one another.
- 2.16. Each building also has an integral secure bike store and separate bin store at ground floor to the rear.

### **3. *Neighbouring Relationships and Amenity***

#### Privacy

- 3.1. In relation to existing dwellings the proposed blocks B & C maintain distances of at least 32m to neighbouring properties, including the front of houses on the east side of Romany Road, the Pines Day Centre and the grounds of Stanhope Lodge Care Home. At Columbia House the proposed additional floors are 39m and more to the side boundaries nearest residential gardens in Columbia Drive and further from the front of flats on the opposite corner. These are already overlooked by existing windows in the five floors of the building across these distances and the intervening road, albeit partly filtered by trees. It is considered that the additional proposed windows facing these properties are unlikely to have a materially greater impact.
- 3.2. At the northern end of the site the proposed block D would be closer; its north east corner being some 21m from the flank wall and side boundary to the garden of the nearest house in Shelby Road. However, due to the angle of the proposed building, its north and east elevations do not face directly towards the neighbour but are angled away, with oblique views over a distance of around 25m - 28m. The main potential impact from privacy here is via external projected balconies and a communal roof terrace.
- 3.3. In mitigation, screens are proposed to the side of each balcony. However, their design, using full height steel, would create an undesirable sense of solidity here, particularly given their proximity to the north-east corner of the site. A more lightweight solution is needed, perhaps opaque glass. A planning condition could be used to achieve this and their long term retention. It could also require that only part of the roof terrace, away from the edges, particularly the northern edge, is accessible and physically partitioned-off for instance by a sensitively designed dividing railings.
- 3.4. For each of blocks B-D the applicant proposes that balustrades or partitions are positioned away from building edges, including the communal roof area. This will reduce overlooking between blocks, their neighbours and balconies. Details can be agreed by condition.
- 3.5. Distances between the buildings are generally good, each maintains at least 30m to Columbia House, which provides a reasonable degree of privacy within

the development. At blocks B & C, the shortest intervening distance is 12m, which is much less than would normally be desirable, and although this only affects a small 'overlap' between the two off-set buildings, it does mean that opposing bedroom windows face one another across this distance as does a communal roof terrace at block B.

- 3.6. Fortunately each of the affected bedrooms on floors 1-3 of block B is a dual-aspect room. It would be possible and reasonable to require those facing block C to be obscure glazed, also that no part is openable below 1.7m internal height.
- 3.7. At Block A Columbia House, balconies at the proposed sixth floor would have degree of overlooking from the penthouse balconies below. However, in practice this is likely to be limited due to the availability of the much larger terraces to the side of each penthouse, well away from the building edge.

#### Sunlight & Daylight

- 3.8. The application is accompanied by a sunlight and daylight assessment conducted according to national guidance from the Building Research Establishment. This has examined the amount of sunlight and daylight which would reach neighbouring windows around the site, including Romany Road, Shelby Road, The Pines Day Centre and Durrington Community Centre and their outdoor spaces. It concludes that there is no notable impact on any of these. However, it is important to ensure that dwellings in Columbia Drive have also been assessed, particularly given the representation received. Diagrammatic material suggests this but clarification has been sought and an update will be given.
- 3.9. The assessment also considered the amount of natural light reaching rooms of the proposed development. Most of the proposed flats are dual-aspect, with only 6 flats in the extended Columbia House having single aspect. The assessment concludes that daylight requirements for each habitable room are met and that the layout also gives optimal access to sunlight.

#### Noise – residential

- 3.10. The site has boundaries with the neighbouring warehouse/office and service yard, including its shared vehicular access at the northern end of the site and a louvered air inlet in its side wall. The site also abounds an open-surface bus depot, with washing area and both a day centre and community centre. The three proposed blocks are variously 15m from the yard, 20m from the bus depot and 15m from the shared access. In blocks B and D bedrooms have been sited on side of the buildings away from the bus depot and shared access but at building C several bedrooms face towards the yard. Many flats would also face Romany Road, although set back from it by distances similar to or better than many existing houses.
- 3.11. The submitted noise assessment report identifies road traffic as a source of noise. It recommends that this can be mitigated by double glazing and passive ventilation, such as trickle vents.

- 3.12. For commercial noise, the assessment notes that such noise was not audible during a recent survey period and therefore uses other noise information to predict noise risk from activities such as delivery vehicles. It concludes that the risk to new residents is low.
- 3.13. However, the Environmental Health officer notes that open windows within the proposed flats will expose new residents to noise levels above the desired range. Therefore acoustic glazing is needed, along with a suitable method of background ventilation; the opening of windows being acceptable for short-duration purging of air. She also comments that further information is needed to ensure that noise samples are representative of the night and day noise climate, with further information about noise from neighbouring commercial sites.
- 3.14. Given the current information a precautionary approach is needed in order to ensure a reasonable noise climate for new residents, avoiding risk of future pressures on existing commercial sites by future residents. This is of significance given the potential adverse impact unmitigated development could have on the rest of the allocated industrial site.
- 3.15. This precautionary approach may well rely on the installation of a whole-house ventilation system within each block, such as mechanical air-flow & heat recovery, together with acoustic glazing. Planning conditions can be used to require an Acoustic Design Scheme (ADS) for submission and approval and further survey information, in order that a suitable solution is agreed; this would also take into account the wider noise insulation effect of proposed building methods and materials.
- 3.16. In relation to the internal layout the rooms on each floor are 'stacked' so that bedrooms are not above or below noisier rooms. One exception is in part of the new floors to Block A, where two, relatively small (5sqm) areas of living space are above bedrooms but re-planning of the layout has not proved possible.
- 3.17. To ensure a suitable internal noise climate, high standards of insulation will be needed instead, perhaps in excess of Building Regulation requirements; hence details should be included in the ADS. This will also ensure good insulation between ground floor flexible spaces, plant room and bin and bike store, and the flats above; also between the lift shaft and adjoining flats, as recommended by the Housing and Environmental Health officers. Recent further information indicates that suitable attenuation levels are achievable by these means. Pre-occupation verification testing should form part of the ADS.
- 3.18. Risk of noise from use of the proposed communal roof-top amenity areas may be addressed by physical and managerial solutions. Firstly, partitions and balustrades will limit the accessible area, set back from the roof edge away from susceptible windows below. Secondly, through a site management plan, measures can be agreed to ensure that only residents are able to access these areas and that partitions and suitable associated signage are maintained.

- 3.19. The environmental health officer also supports an hours-limitation for these communal roof areas after 9pm. The use of a legal agreement can require this to be included in all leases and enforced by a management company. This would be preferable to the use of a planning condition, which would be hard to monitor.
- 3.20. Noise from the external balconies to adjoining neighbours is an intrinsic risk but one which is similar in some ways to those accepted in residential areas between neighbours with adjoining gardens and outdoor seating.
- 3.21. A children's play area is proposed within the southernmost amenity space some 5-10m from block B. This is also a source of noise risk. It is beneficial that the proposed ground floor of block B is a flexible space rather than a flat, but there is still some risk to flats above and perhaps the neighbouring day centre. The area could be fenced and required to be kept closed after say 7pm, a fence of approximately 1.2m is perhaps visually fitting along with signage to prohibit later use. This could also be reflected in lease terms enforced by a management company. The low fence would also help to identify the area as a space for residents of the site, rather than by the wider public.

#### Noise – flexible uses

- 3.22. The range of flexible uses includes retail (A1); professional services; office / light industry (B1); medical, educational, religious, nursery and day centre uses (D1) and places of entertainment, performance, gymnasiums sport (D2). In terms of noise risk the last of these D2, is particularly problematic and the environmental health officer recommends against any of these except quiet indoor recreation, such as yoga. However, this would be difficult to capture in a planning condition, it is recommended that Class D2 uses are excluded. Any such uses would require a further planning application.
- 3.23. For uses within Class D1 and the light industrial part of Class B1 (sub-class B1c), it is recommended that a noise management plan be required, setting out activities, hours of use, measures to minimise risk of noise and control of any associated outdoor use, for instance children's play associated with any crèche. This could be achieved by planning condition.
- 3.24. Among the Class A1 retail uses is dry cleaning. The Environmental Health officer is concerned that may give rise to noise and fumes which would be hard to overcome here. Nail bars have sometimes raised concern elsewhere due to their aromatic fumes; however the officer has recommended a condition for management of odour to address this.
- 3.25. Certain over-arching conditions are recommended to limit noise, as follows:
- ii) Times of use: 07:00 to 23.00 hours Mon-Sat and 08:00 to 21:00  
Sundays/holidays
  - i) Delivery times: 07:00 to 20.00 hours Mon-Sat and 09:00 to 19:00  
Sundays/holidays

3.26. Conditions are also recommended to control the acoustic performance of any external plant and to manage noise during construction, as well as dust and other pollution, using a Construction Management Plan.

#### 4. **Housing**

4.1. Policies support the provision of new housing in the form of suburban infilling. The proposal, which uses undeveloped space in the otherwise developed frontage of Romany Road, could be regarded broadly as such. In terms of mix, policies favour family housing in suburban sites and are also guided by locally assessed needs, most recently the Worthing Housing Study, 2015, which indicates that the following demand (not including 4-bed homes):

1 bed homes: 40% in the affordable sector; 15% in the market sector  
2 bed homes: 30% in the affordable sector; 40% in the market sector  
3 bed homes: 25% in the affordable sector; 35% in the market sector

4.2. The proposed 46no flats comprise the following mix and percentages:

14no. 1 beds (30.4%)  
23no. 2 beds (50%)  
9no. 3 beds (19.6%)

4.3. By comparison with the needs assessment, the percentage of proposed 1-bed homes (30.4%) falls within the range of 15% market and 40% affordable sectors. However, the percentage of 2-bed homes is high and the percentage of 3-beds is low. However, it is arguable that both 2 and 3-bed homes cater for a range of family sizes, particularly as 17no. of the proposed two bed homes comply with the national space standards for four person households. The combined percentages for the proposed 2-3 bed homes (69.6%) falls within the range of combined 2-3 bed needs (55% market and 75% affordable sectors). As such it is considered that the mix of sizes broadly reflects needs.

4.4. Each flat meets or exceeds national space standards. The development density of the total 148 homes (102 by Prior Approval Consent), equates to 152/ha, which is high for this suburban location but is mainly due to the existing Prior Approval consent of 102 flats.

4.5. The Fire Safety Advisor notes that the layouts of each of the new blocks appear acceptable. A fire safety assessment would be needed under Building Regulations

for each building including, cladding and safe escape routes. An informative can be attached to any planning permission.

#### Affordable Housing

4.6. Policy 10 of the adopted Core Strategy 2011 requires that developments of 15 or more new homes should include a 30 percent affordable component on-site unless there is robust justification for off-site provision. Within this 30 percent a ratio of 70:30 affordable rented and shared ownership/intermediate homes is the current target for the mix of tenures.

- 4.7. Since July 2018, revised national policy in the NPPF states that developments for 10 or more new units should provide at least 10 percent affordable homes. It therefore remains the case that the proposal should make a provision.
- 4.8. As submitted the current application made no provision for affordable housing on the basis that development costs combined with high land values did not generate sufficient margin to fund an affordable component. The applicant provided a financial viability appraisal to explain these costings.
- 4.9. The appraisal has been reviewed by the Council's independent viability consultants. Initial analysis, using the latest national viability guidance, issued with the revised NPPF, questioned the method used in site valuation, the percentages assigned to the financing of the development and the overall developer profit expectation.
- 4.10. Following further discussion and examination of these factors, the applicant has prepared a revised assessment incorporating percentages recommended by the Council's consultant. This has been prepared, on a without prejudice basis, to demonstrate that the revised offer of five on-site affordable homes for shared ownership, or a financial contribution of £300,000 towards off-site provision, is reasonable in all circumstances. This is based on a profit of 17.5% for the developer.
- 4.11. The applicant's viability consultant, however, stresses that the offer of 5 on site shared ownership units (or an off-site contribution) is only being made as a compromise to try and secure planning permission and the revised viability assessment does not accord to the actual financial position the applicants find themselves in. Their financing costs are much higher than indicated and the appraisal has no regard to the considerable delays in the planning process and the financial impact this has on the project.
- 4.12. The on-site affordable homes proposal equates to 10.8%. This falls just above the NPPF minimum, but is below the 30% requirement of the Core Strategy policy. The alternative financial contribution equates to an estimated 7.5%, according to the Borough's affordable housing value calculator.
- 4.13. Whilst the final view of the consultant is awaited, there is some broad agreement that the development is unlikely to yield a higher margin such as to fund a greater provision for affordable homes. However, it would be possible to include a claw-back mechanism in a legal agreement, requiring viability to be re-assessed post-completion and for any increased surplus above a 17.5% margin to be split between the developer and the Council up to the policy requirement of 30%.
- 4.14. Furthermore, in light of the Council's current search for suitable sites for new affordable homes, Officers have also facilitated discussions between the Council's Housing Officers and the applicant. This is in order to explore whether any additional part of the development might be secured for further affordable homes' provision by the Council, building on the applicant's current offer. Whilst a positive outcome cannot be guaranteed, the applicant's current proposal, secured through a legal agreement is an important starting point.

## 5. ***Access and Parking***

- 5.1. Policies require the provision of adequate access and parking according to current standards, taking into account matters such as availability of other transport means, effect on highway safety and parking elsewhere. NPPF promotes opportunities for new transport approaches, particularly where location or density of development can accommodate these. Opportunities should be taken to promote walking, cycling, public transport & charging for low emission vehicle. Maximum parking standards should only be used with compelling justification.
- 5.2. The transport statement submitted with the application compares the number of vehicle trips associated with the office use of the site and the proposed total 148 homes. This indicates a reduction in peak hour vehicles by 65 (am) and 15 (pm), and overall reduction of more than 230 during the day. The scale and potential use of the proposed flexible space makes little difference to the figures. These findings are accepted by the Highway Authority.
- 5.3. The proposed parking ratio for the development is 0.71 spaces / dwelling. The proposal is for 101 residential spaces and 4 commercial spaces. This contrasts with the maximum requirement of 196 or 1.32 spaces / dwelling which could be sought using County-wide standards. It is noted that a neighbour objection expresses concern at the risk of overspill parking effects, but the proposal exceeds average car ownership levels of 0.63/dwelling in the area, which provides some support for the ratio.
- 5.4. The provision of a car club space and car, with paid membership for each resident for 3 years, and initial individual drive time fund will also provide some alternative to car reliance and need for parking; together with the provision of 80 secure cycle parking spaces. With reference to County parking standards, proximity to bus services and local shops and schools are relevant in determining the proposed ratio.
- 5.5. Use of a travel plan, to promote non-car use trips and the car club, is also proposed. This includes monitoring of travel patterns and staged sustainable voucher system (for use in public transport or cycle purchase), which can also be secured as part of a planning approval. These measures are also supported by the Highway Authority, although it observes that a second car club space might be funded by the amount allocated by the applicant.
- 5.6. The Highway Officer recommendation for provision towards the wider cycle network is subject of further discussion. The improvement of cycle routes in the area is a highway strategy priority but any request must be mindful of scale of development for which permission is sought (46 dwellings) and the extent to which CIL is relevant. An update will be given on this matter.
- 5.7. The additional pedestrian information requested by the Highway Authority is also under discussion. Among the relevant considerations are proximity to the nearby school and park, both of which necessitate crossing Romany Road. An update will also be given.

## 6. ***Drainage and Floodrisk***



- 6.1. According to Environment Agency mapping, the site spans the low and high risk flood zones (Zone 3 highest risk at the southern end and Zone 1 lowest risk at the mid and northern part). This affects proposed blocks B & C and part of Columbia House. As such a sequential and exception test would be required under policies and national guidance, to steer comparatively vulnerable uses, such as residential and some of the proposed ground floor flexible uses, to lower risk areas. It should also demonstrate that development would not increase risk elsewhere; would be safe for its lifetime and would serve wider, outweighing sustainability objectives.
- 6.2. Given limited supply of land for housing and employment in the area, the amount of identified need, and the high flood-risk affecting land to the west and south-west, there are limited opportunities for development of the quantum proposed, even taking into account sites proposed for allocation in the current draft local plan. It is considered that development can be supported under the sequential approach.
- 6.3. The proposal will include raised thresholds / floor levels and several routes for pedestrians to reach the low risk flood zone in the event of a flood. Access through shallow flood water at the outer edge of the risk zone might be improved by localised raising of paths, whilst avoiding wider land-raising across the site. Flood resilient construction could be used in the ground floors of the proposed blocks; water resistant floors and walls, flood-barrier securing points and raised electricity sockets/switches.
- 6.4. A flood escape plan and information can be maintained, updated and distributed to new residents and businesses by the management company. Sustainable drainage proposals (6.5 below) will also provide improved surface water drainage rates, thereby reducing flood-risk elsewhere. Hence it is considered that the proposal can meet both the sequential and exceptions tests.
- 6.5. However, these tests and flood-risk measures may be unnecessary if a recently submitted updated flood model for the site is accepted by the Environment Agency and drainage consultees. This takes into account existing and modelled data and assumptions for future climate change. It concludes that the site is entirely within a low-risk area. Consultation responses are awaited, including the Environment Agency.
- 6.6. Sustainable drainage (SuDS) is proposed in the form of new extensive permeable paving, partly replacing existing impermeable surfaces. Large underground storage tanks are also proposed and possibly some surface-level reductions. These combine to give a greatly reduced and regulated surface water out-flow rate into the existing sewer. This brings the surface water performance of the site close to its greenfield / undeveloped rate, which is considered a significant benefit in terms of drainage, flood-risk and sustainability. Details can be implemented by condition and lifetime maintenance required by a site management company.

## **7. *Open Space, Landscape and Trees***

- 7.1. The Worthing Space Standards SPD sets out a target of 20sqm/flat of shared amenity space for new residents, with some reduction made for individual balconies which are between 3 – 9sqm area. In terms of wider green infrastructure (GI), such as public open space and outdoor leisure, the Borough Infrastructure Delivery Plan 2010 (IDP) notes that there is an existing deficit of play space for children and young people and of amenity green space.
- 7.2. The proposal would provide three areas of shared amenity space giving a total of approximately 1280sqm or 27sqm/ flat for the 46 new flats. Each flat has balcony space of at least 5sqm, some between 7 – 8.4sqm, and five flats have roof terraces of 30sqm or more. In addition each of blocks B.C & D would have a communal roof area totaling 212sqm, although privacy and noise limitations described in section 3 of this report, suggest that the usable area would be around half of this.
- 7.3. The amenity space delivered by this proposal for 46no new units is reasonably in excess of the Space Standards SPD, with reasonable access to communal and individual outdoor space. It is noted that the communal spaces at ground level, will be shared with the residents of the part of Columbia House which is to be converted under the Prior Approval consent, this will produce a lower overall ratio. However, given the opportunity presented by the current application, to secure an improved layout and quality of space, compared with the consented Prior Approval scheme, a balanced view should be taken. The children's play area, providing equipment, a sand pit and seating responds to the deficit noted in the IDP.
- 7.4. Amenity spaces would contain grassed and paved areas with seating and wildflower margins. New native, semi native and ornamental trees and shrubs would be planted, including holm oak, rowan, magnolia and photinia. Access to these spaces and around the site would be via a series of segregated pedestrian paths, although one would intersect with a small parking area at block D, which necessitates a well-defined crossing route. The paths would be surfaced with resin-bound gravel, punctuated by areas of block paving and sets, all creating a clear separation from the tarmac access drives and parking spaces.
- 7.5. Lighting is proposed mainly in the form of bollards, of which further detail can be agreed by condition. Fencing details can also be sought by condition to provide safety, particularly at the site frontage to Romany Road / Columbia Drive. Railings or similar robust but permeable fencing would provide a balance between safety and visual impact, a similar balance would be sought in respect of lighting details.
- 7.6. It is noted that the site is within 100m of Longcroft Park which provides sports pitches and both formal and informal play areas. Access would involve crossing of Romany Road as considered in the Access and Parking Section of this report.
- 7.7. CIL contributions obtained from the development will be added to funds to be allocated to infrastructure projects which may include public leisure and sports, according to the Councils CIL 123 list.

- 7.8. An ecological assessment of the site has found little or no wildlife value in the existing vegetation and margins of the site. The landscaping scheme provides opportunity for plants, trees and future management may offer a modest improvement to biodiversity. Details and fine-tuning of planting proposals can be settled by condition.

## **Trees**

- 7.9. The proposal would remove some of the existing mix of deciduous and evergreen trees at the site frontage, perimeter and northern end. The remainder could continue to provide partial screening of the site, filtered lines of sight to neighbours and the green-edge which is currently notable along Romany Road.
- 7.10. The tree officer confirms that none of the existing trees, which were planted mainly in the 1970s, are worthy of preservation. Many are misshapen and have been poorly maintained. It may be that a greater degree of removal would allow for a more satisfactory planting scheme, relating to better to the street-scene and the setting of the proposed buildings, and better long-term husbandry. Discussions as to whether more extensive removal and replanting are desirable are under discussion. An update will be given on this matter.

## **8. Sustainability**

- 8.1. In term of NPPF and local policies, the proposal provides the following sustainability benefits :

**Economic:** Reinvigoration of a reasonably accessible site including a modest and flexible mixed use of ground floor space.

**Social:** A mixed range of new home sizes, broadly in accordance with size needs; some provision for affordable homes; scope for a range of ground floor uses including business, public uses or local retail. Secure cycle parking and access to a car club making a modest contribution to personal mobility.

**Environmental:** Improved integration of the site and existing building with the character of the street. Improved site drainage through SuDS; landscaped and accessible shared spaces, mixed uses creating a sense of vitality.

- 8.2. Sustainability and energy statements confirm that renewable energy will be provided by solar PVs on each building. Air source heat recovery pumps may be used as part of a whole building ventilation/heat recovery system. Although rainwater harvesting opportunities are impractical, sustainable drainage will reduce surface water flow into sewers. Internally, water efficient fittings will be used (Part G Building Regulations). An EV charging network and charging points has been recommended in accordance with NPPF and towards air quality emissions mitigation.

## **9. Maintenance and Management**

- 9.1. Ongoing management and maintenance is required for reasons including:

- Car Club – maintain space for and arrangements with provider
- Coexistence of flexible space users and residents
- Communal roof spaces - maintenance of partitions and balustrades
- Communal roof spaces and limited hours of use through lease enforcement
- Fencing and maintenance to ensure safe, defensible space
- Landscape and common area maintenance
- Parking – allocation and management
- Play areas and limited hours of use through lease enforcement
- Travel Plan (TP), including monitoring, TP coordinator & voucher scheme
- Tree husbandry
- Management of Sustainable Drainage features

9.2. A site management plan can be required by condition but some of these requirements may only be achievable by linkage to leases through use of a s106 agreement. The travel plan monitoring and voucher scheme is also a financial commitment which would be appropriately part of an s.106. These requirements are considered proportionate to the development of 46 homes and flexible business space. They also provide increased confidence in the future management of the site for the benefit of the 102 homes to be provided under the Prior Approval consent.

## 10. **Summary and Planning Balance**

10.1. The proposal has sought to address previous reasons for refusal by adopting a comprehensive approach to the site. This has enabled alterations and enlargement of Columbia House to be considered in the context of new buildings which, by their size and design, are considered to create a suitable transition between the building and its surroundings. The new buildings also provide a good standard of contemporary design, varied but harmonious and with flexible uses at the ground floors to create activity and vitality. This potentially perpetuates something of the original employment use of the site to a modest degree.

10.2. The affordable housing component meets the minimum of the NPPF range but is below local policy requirements. The viability assessment as amended following the Council's Consultant's advice appears to justify the level of offer made and the provision of a claw-back arrangement, should financial margins improve during development. The Consultant's analysis of this amended version will be reported.

10.3. In land use terms the proposal is for a mixed-use development on a site which is subject to Core Strategy policies which safeguard its use for employment. The applicant's contention that the national Prior Approval consent for residential conversion, introduced after the Core Strategy is a significant material consideration. The weight attached to it is less than if the consent had been implemented. However, in practical terms it seems very unlikely that the site would return to an exclusively employment-based use; it is clearly not the owner's intention.

10.4. Alongside this material consideration, the proposal offers significant benefits; a modest mixed use in a reasonably accessible location between residential and

commercial areas; providing a sense of vitality; new contemporary but locally referenced buildings and re-modelling which integrate Columbia House and its curtilage with the street; an improved arrangement of amenity areas and site layout for the 102no. Prior-Approval conversion flats; a mix of housing which broadly reflects local size-needs.

- 10.5. It is important that development does not negatively impact existing commercial sites, such as the adjoining warehouse, yard and depot. A further noise survey a resulting Acoustic Design Scheme (ADS) would be essential in ensuring an acceptable noise climate for new residents and in providing adequate ventilation and internal insulation, including between floors. The views of the Environment Agency and drainage consultees are also important in confirming whether or not flood-risk management would be needed. Highway safety for pedestrians is another important consideration on which an update will be given.
- 10.6. In the overall balance, the recent planning history of the site, combined with the merits of the proposal are considered to build a sufficiently firm case to support the application if the Council's viability Consultant confirms the soundness of the affordable housing offer. Satisfactory responses from drainage consultees, and the satisfaction of the Highway Authority.
- 10.7. In the event of approval, conditions would include a required Site Management Plan to cover points summarised at 9.1 above and described in this report. A legal agreement would be needed to secure affordable housing and elements of the management plan and travel plan. Other recommend conditions are summarised below.

## 11. Recommendation

### 11.1. Accordingly it is recommended that authority to approve the application and attach appropriate conditions, be delegated to the Head of Planning subject to:

- i) a s.106 agreement to secure the provision of affordable housing and aspects of site management and a site's travel plan;
- ii) satisfactory responses from the Environment Agency, drainage consultees, and the Highway Authority;
- iii) conditions as follows.

#### Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice. *[drawings to be added]*  
*Reason: For the avoidance of doubt and in the interests of proper planning.*
2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

### **Phasing – provision for**

3. Prior to the commencement of the development hereby approved, (with the exception of any demolition or stripping out) a Phasing Plan and Schedule identifying all phases of development on the site, shall be submitted to and approved in writing by the Local Planning Authority, including the provision of access, parking manoeuvring and outdoor areas such as amenity spaces and children's play area. All works within an approved Development Parcel shall be carried out and completed in accordance with the Phasing Plan unless otherwise agreed with the Local Planning Authority.

*Reason: For the avoidance of doubt and in the interests of proper planning to ensure that spaces and facilities are provided at a reasonable rate to serve phases of the development as they are completed.*

### **Materials**

4. Notwithstanding the information contained in the current application, , no other development shall be carried out (with the exception of any demolition or stripping out), unless and until a schedule and samples of materials and finishes to be used for the external walls (including cladding, bricks, render, windows, doors, rainwater goods, safety rails and balustrades and their supports and any frame) have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule and samples.

*Reason: In the interests of visual amenity, to ensure an appropriate standard of development and to comply with policy 16 of the Worthing Core Strategy 2011.*

### **Use**

5. The uses of the ground floor units hereby approved shall be only for the following Classes of the Town And Country Planning (Use Classes) Order 1987, (as amended): *A1 (Retail); A2 (Financial and Professional Services); B1 (Business) and D1 (Non-residential institutions)*, and for no other purpose, including any purposes under Class D2 nor any changes of use under Schedule 2, Part 3 (Changes of Use) of the Town And Country Planning (General Permitted Development) Order 2015, (as amended), or any Order revoking or re-enacting those Orders.

*Reason: To ensure a mixed use development, including business and other uses which may help to meet employment and other local needs and contribute to the vitality of the site and to comply with policies 3 & 16 of the Worthing Core Strategy 2011.*

6. Prior to the occupation of the any of the ground floor spaces for the purposes of either a Class B1c (Light Industry) or D1 (Non-residential institutions) use as defined by the Town and Country Planning (Use Classes) Order 1987, (as amended), or as a Nail Bar, a Noise & Odour Management Plan shall be submitted to and approved in writing by the Local Planning Authority setting out measures to minimise risk of noise, vibration & disturbance and odour to

residents of the site and neighbouring. This shall include a description of the proposed use, measures to minimise risk of noise associated within indoor and outdoor use and hours of use, (notwithstanding the hours of use contained in other conditions of this notice of planning Permission). The Noise Management Plan thereby approved shall be adhered to for the duration of the B1c or D1 use.

*Reason: To ensure a balance between the protection of residents from noise disturbance or odour and the needs of users of the ground floors.*

## **Hours of Use**

7. The ground floor units hereby approved shall only be used between 07:00 hrs - 23:00 hrs Mon - Sat, 08:00 hrs - 21:00hrs Sundays & Bank Holidays and not outside these times.

*Reason: To ensure a balance between the protection of residents from noise disturbance and the needs of users of the ground floors.*

8. Deliveries to and from the Ground Floor units shall only take place between 07:00 -20.00 hours Mon-Sat and 09:00 to 19:00 Sundays & Bank Holidays and not outside these times.

*Reason: To ensure a balance between the protection of residents from noise disturbance and the needs of users of the ground floors.*

9. The roof-top communal amenity areas may only be used between the hours of 07:00 and 21:00 hrs and not outside these times.

*Reason: To protect residents and neighbours from noise and disturbance.*

10. The external children's play areas may only be used between the hours of 07:00 and 19:30 hrs and not outside these times.

*Reason: To protect residents and neighbours from noise and disturbance.*

## **Landscape**

11. i) Construction of the development shall not commence (with the exception of any demolition or stripping out), until there has been submitted to and approved in writing by the Local Planning Authority, a scheme and timetable of hard and soft landscaping. The scheme shall include indications of all existing trees and other vegetation to be retained. These details and timetable shall be adhered to throughout the course of development works.

ii) All planting, seeding or turfing comprised in the approved details of landscaping under condition 10 above, shall be carried out in accordance with the timetable thereby approved and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: For the avoidance of doubt and in the interests of proper planning.*

12. Development shall not commence (with the exception of any demolition or stripping out), until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. No dwelling shall be occupied unless and until all works for the disposal of sewage and surface water serving that dwelling have been fully implemented in accordance with the approved details and timetable.  
*Reason: For the avoidance of doubt and in the interests of proper planning.*
13. Development shall not commence (with the exception of any demolition or stripping out), until all the existing trees and other vegetation, to be retained have been protected by fencing in accordance with details which shall be approved in writing by the Local Planning Authority. The fence as agreed shall be erected around each tree (or group of vegetation) at the edge of the root protection area (or such distance as may be agreed in writing by the local planning authority). Within the area so fenced, the existing ground level shall neither be raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored within such areas. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left un-severed.  
*Reason: To ensure appropriate protection of trees and vegetation to be retained*
14. No phase of development shall be occupied until details of all boundary and other enclosures / fencing, including fencing of the children's play area at the southern end of the site, have been submitted to and approved in writing by the Local Planning Authority and no phase of development shall be occupied until such enclosures / fencing thereby agreed have been erected and shall thereafter be permanently maintained and retained.  
*Reason: To ensure appropriate means of fencing and enclosure in the interests of safety and the amenities of the area.*

### **Parking and Access**

15. No phase of development shall be first occupied until the access, car parking and manoeuvring space for that dwelling has been provided in accordance with the approved plans, including provision for the charging of low-emission vehicles, details of which shall first be submitted to and approved in writing by the Local Planning Authority. All parking and manoeuvring spaces, accesses and vehicle charging installations shall thereafter be retained and maintained at all times  
*Reason: To ensure provision of access, parking and manoeuvring and for low emission vehicles as part of sustainable transport.*
16. No phase of development shall be first occupied until secure cycle parking spaces for that dwelling have been provided in accordance with plans and details to be first submitted to and approved by the Local Planning Authority. The approved spaces shall thereafter be retained and maintained at all times.



Reason: *To ensure provision of cycle parking as part of sustainable transport.*

17. Development shall not commence (with the exception of any demolition or stripping out), until construction details, including engineering cross sections and specifications, of all vehicular access, manoeuvring and parking areas within the site and their surface water drainage have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details thereby approved and permanently maintained and retained.

Reason: *To ensure provision of robust and drained access, parking and manoeuvring areas, including suitability for servicing, refuse and emergency vehicles, including sustainable drainage where appropriate.*

18. Additional details of lighting, height, location and intensity, including measures to minimise light pollution, shall be submitted to and approved in writing by the Local Planning Authority. The lighting thereby approved shall be provided, accordance with the approved details prior to the occupation of the development and shall thereafter be retained and maintained at all times.

Reason: *In the interests of safety and visual amenity*

## **Drainage**

19. Sustainable surface water drainage (SuDS) shall be provided in full accordance with the details contained in the Flood Risk Assessment dated 30<sup>th</sup> November 2018 by RPS Consultants (Reference: HLEF65905/001R), submitted with this application and shall thereafter be retained and maintained at all times.

Reason: *To ensure adequate and sustainable surface water drainage.*

20. No phase of development shall be first occupied until all works for the disposal of sewage and surface water serving that part of the development have been fully implemented in accordance with the approved drainage details.

Reason: *To ensure adequate foul and surface water drainage*

21. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the prior written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by the submission and approval in writing by the Local Planning Authority of a groundwater protection scheme, that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the scheme thereby approved. The scheme shall include:

- i. Details of the pollution prevention measures to be incorporated into the system;
- ii. The inspection, maintenance and monitoring procedures and arrangements; and
- iii. An investigation into the location of solution features which may act as pathways for pollutants to reach groundwater rapidly.

Reason: *To safeguard groundwater.*

## Privacy

22. Notwithstanding the information contained in the current application, amended details, including materials, design and size of privacy screens to be erected on the north and east elevations of Block D, shall be submitted to and approved in writing by the Local Planning Authority. These screens shall be erected prior to the first occupation of any part of that Block and shall thereafter be retained and maintained at all times.  
*Reason: To safeguard privacy of neighbouring residents and in the interests of design and visual amenity*
23. Notwithstanding the information contained in the current application, amended details, showing the position, design and means of securing balustrades and partitions to the roof top communal amenity spaces for each of Blocks B, C & D shall be submitted to and approved in writing by the Local Planning Authority. These balustrades and partitions shall be erected prior to the first occupation of any part of each Block in the locations thereby approved and shall thereafter be retained and maintained at all times.  
*Reason: To safeguard privacy of neighbouring residents and in the interests of design and visual amenity.*
24. The bedroom window (of the double-aspect bedrooms) closest to the north-east corner of Block B at each of first, second and third floor level, shall be entirely and permanently obscure glazed, providing a degree of obscuration equivalent to Pilkington 4 or similar index. They shall also be permanently un-openable up to 1.7m above internal floor level.  
*Reason: To safeguard privacy of neighbouring residents.*

## Levels

25. Development shall not commence (with the exception of any demolition or stripping out), until a survey and plan of existing and proposed site and slab levels, including a freeboard of at least 150mm and provision of access for people with disabilities has been submitted to and approved in writing by the Local Planning Authority. Development shall accord with the details thereby approved and thereafter no other raising of levels shall be carried without the prior written approval of the Local Planning Authority.  
*Reason: In the interests of clarity and drainage and accessibility and because changes in levels may materially affect the impact of the development.*

## Noise - Survey & Acoustic Design Scheme

26. i) Construction work (with the exception of any demolition or stripping out), shall not commence until:  
a) a further Noise Survey and Impact Assessment, including noise from the commercial operations of neighbouring commercial premises, has been undertaken in accordance with a detailed survey method which shall first be submitted to and approved in writing by the Local Planning Authority, and  
b) following a) above, an Acoustic Design Scheme for protecting the proposed noise sensitive development from external and internal noise, including full details of:

- glazing, including any acoustic glazing,
- means to ensure adequate ventilation and prevent overheating
- noise insulation variously between floors and roofs
- location, design and means of securing balustrades, partitions and signage to roof-top communal amenity areas to limit areas and times of access

has been submitted to and approved by the Local Planning Authority. All works, which form part of the scheme, shall be fully completed before any part of the noise sensitive development is occupied and permanently retained and maintained thereafter.

iii) Prior to the occupation of any phase of the development, verification testing shall be undertaken and submitted to and approved in writing by the Local Planning Authority, to demonstrate that the measures undertaken as part of the Acoustic Design Scheme are effective and protect noise sensitive development from noise and provide adequate ventilation. Any remedial actions arising from this verification testing required by the Local Planning Authority shall also be implemented and permanently retained and maintained thereafter.

The requirements of i), ii) and iii) shall be adhered to unless the Local Planning Authority gives prior written approval for any variation.

*Reason: To protect occupiers of the site from noise and ensure adequate ventilation.*

#### **Noise – Ground Floor Insulation**

27. Construction work (with the exception of any demolition or stripping out), shall not commence until an insulation scheme for protecting the first floor flats from noise from the commercial unit, plant and substation below has been submitted to and approved by the Local Planning Authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors. Before the residential units are occupied a test shall be undertaken to demonstrate compliance with this level.

*Reason: To protect occupiers of upper floors from noise and vibration.*

#### **Noise - Lift Shaft Insulation**

28. Construction work (with the exception of any demolition or stripping out), shall not commence until a scheme for protecting habitable rooms from noise from the adjacent lift shaft has been submitted to and approved by the Local Planning Authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development of each phase of development is occupied. The scheme shall achieve a minimum airborne sound insulation value of 48dB (DnTw + Ctr dB) for walls. Before the residential units in each phase are occupied a test shall be undertaken while the lift is in operation to demonstrate the indoor ambient noise levels within BS8233:2014 and the WHO community noise guidelines are achieved in the adjacent habitable rooms, and shall be permanently maintained as such thereafter.

*Reason: To protect residents from noise and vibration.*

## **Noise - Plant noise-louvre emissions**

29. The maximum plant noise-louvre emissions shall comply with Table 10 of the Planning Noise Assessment (ref: 88129 dated 8th November 2018). There shall not be any tonal noise associated with the development. Within one month of implementation for each phase of the development, a test shall be carried out and the result submitted to the Local Planning Authority to demonstrate compliance with the specified noise level. All plant shall be maintained in accordance with manufacturer's guidance and any future plant shall also meet the specified levels within the approved scheme and shall be permanently maintained as such thereafter.

*Reason: To protect residents from noise and vibration.*

## **Air Moving Plant (also ground floor kitchens)**

30. i) No external fixed plant shall be installed until details have first been submitted to and approved in writing by the Local Planning Authority. The design shall have regard to the principles of BS4142:2014 and aim to achieve a rating level which is no greater -5dB above existing background noise level, shall include any necessary anti-vibration mountings and any necessary odour control.
- ii) No kitchen for the preparation of hot food shall be installed at ground floor level, (with the exception of an ancillary kitchen only for staff), unless details of means, plant or equipment for the extraction and disposal of cooking odours have been submitted to and approved in writing by the Local Planning Authority.

Any plant or equipment approved under this condition shall be installed and maintained in accordance with the manufacturer's instructions and in the case of any ground floor kitchen, shall be installed before the kitchen use commences following which a test to demonstrate effectiveness of the odour extraction and disposal plant or equipment shall be undertaken within one month of the scheme being implemented.

*Reason: To protect residents and neighbours from noise and odour.*

## **Aerials**

31. Prior to the phase of development shall be first occupied until a details of any external aerial/antenna and / or satellite dish (if any), have first been submitted to and approved by the Local Planning Authority. Thereafter no other external aerial/antenna or satellite dish shall be installed on any building unless details have first been submitted to and approved by the Local Planning Authority.

*Reason: To avoid multiple aerial/antenna and / or satellite dishes, in order to safeguard the appearance of the development.*

## **Contamination**

32. 1) Construction work (with the exception of any demolition or stripping out), shall not commence until a Contamination Management Scheme to identify and deal with any risks associated with historic contamination of the site, has

been submitted to and approved in writing by the Local Planning Authority, including:

- (i) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
  - (ii) A site investigation scheme, based on (i) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) Following the site investigation results and detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken shall also be submitted to and approved in writing by the Local Planning Authority
  - 3) A verification plan shall also be submitted to and approved in writing by the Local Planning Authority following the site remediation works (2) above, providing details of data collection in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The Contamination Management Scheme shall be implemented as thereby approved above, unless the Local Planning Authority gives prior written approval for any variation.

*Reason: Due to the site location which is partly within an area of potential historic contamination risk, to ensure adequate remediation is undertaken.*

### **Site Management Plan**

33. Prior to the occupation of any phase of the development, a Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority, to set out details for the management and maintenance of the following, and the party responsible for implementation and on-going adherence to the Management Plan:
  - Car Club: procurement of and provision of allocated parking space
  - Management of flexible space users and residents
  - Communal roof spaces - maintenance of partitions, balustrades and signage
  - Communal roof spaces and limited hours of use
  - Maintenance of fences
  - Maintenance of landscaped and common areas, including cycle and bin stores
  - Parking – allocation and management of spaces
  - Play areas and limited hours of use
  - Travel Plan
  - Tree management
  - Management of Sustainable Surface Water Drainage

The Management Plan shall be permanently adhered to unless the Local Planning Authority gives prior written approval for any variation.

*Reason: To ensure on-going management of the site in the interests of the amenities of occupiers and neighbours and to ensure sustainable transport initiatives are delivered and on-site parking and other facilities are maintained.*

### **Construction Management Plan**

34. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:-

- i. the anticipated number, frequency and types of vehicles used during construction - HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's.
- ii. the method of access and routing of vehicles during construction,
- iii. the parking of vehicles by site operatives and visitors,
- iv. the loading and unloading of plant, materials and waste,
- v. the storage of plant and materials used in construction of the development,
- vi. the erection and maintenance of security hoarding,
- vii. a commitment to no burning on site,
- viii. the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- ix. details of public engagement both prior to and during construction works.
- x. Methods to control dust from the site

*Reason: To ensure a balance between the protection of residents development works.*

### **Construction Hours**

35. Any works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times: Monday - Friday 08:00 - 18:00 hrs: Saturday 09:00 - 13:00 hrs and not at all outside these times or on Sundays and Bank Holidays unless the Local Planning Authority gives prior written approval for any variation.

*Reason: To ensure a balance between the protection of residents and times of development work.*

### **INFORMATIVES**

#### **Noise:**

The Noise Survey and Impact Assessment shall have regard to the principles of BS4142: 2014. The Acoustic Design Scheme shall also 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. It should be undertaken without any intervening solid-faced hoarding such as might be erected around the site during any demolition & construction work.

The scheme should include full details of glazing and a strategy for adequate ventilation 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.

Recommendations for acoustic glazing should clarify attenuation for all frequency bands (including upper and lower frequencies 63Hz, 4K Hz and 8K Hz) and the total level of attenuation.

Insulation for protecting the upper floor residential units from noise from the roof top amenity areas should achieve a maximum impact sound insulation value of 57dB (L'nT,w) for the floor of the communal amenity areas.

### **Heating**

All gas-fired boilers should comply with a minimum standard of <40 mg NO<sub>x</sub>/kWh.

### **Odour**

For any commercial hot food kitchen details of the extract fans, filters, fan units and ducting together with method of noise abatement, such as grease traps and extraction hoods), are likely to be required in details to be submitted.

In the event of any nail bar use the use of solvents is unlikely to be approved unless a scheme for sealing the walls (including junctions with ceilings and floors and any extract fans, filters, fan units, extraction hoods and ducting together with method of noise abatement, is included in details to be submitted, together with means to verify its effectiveness.

### **Fire Safety.**

A fire safety assessment will be needed under Building Regulations for each building including, cladding and safe escape routes. The applicant should contact a Building Regulations advisor for guidance.

19<sup>th</sup> December 2018



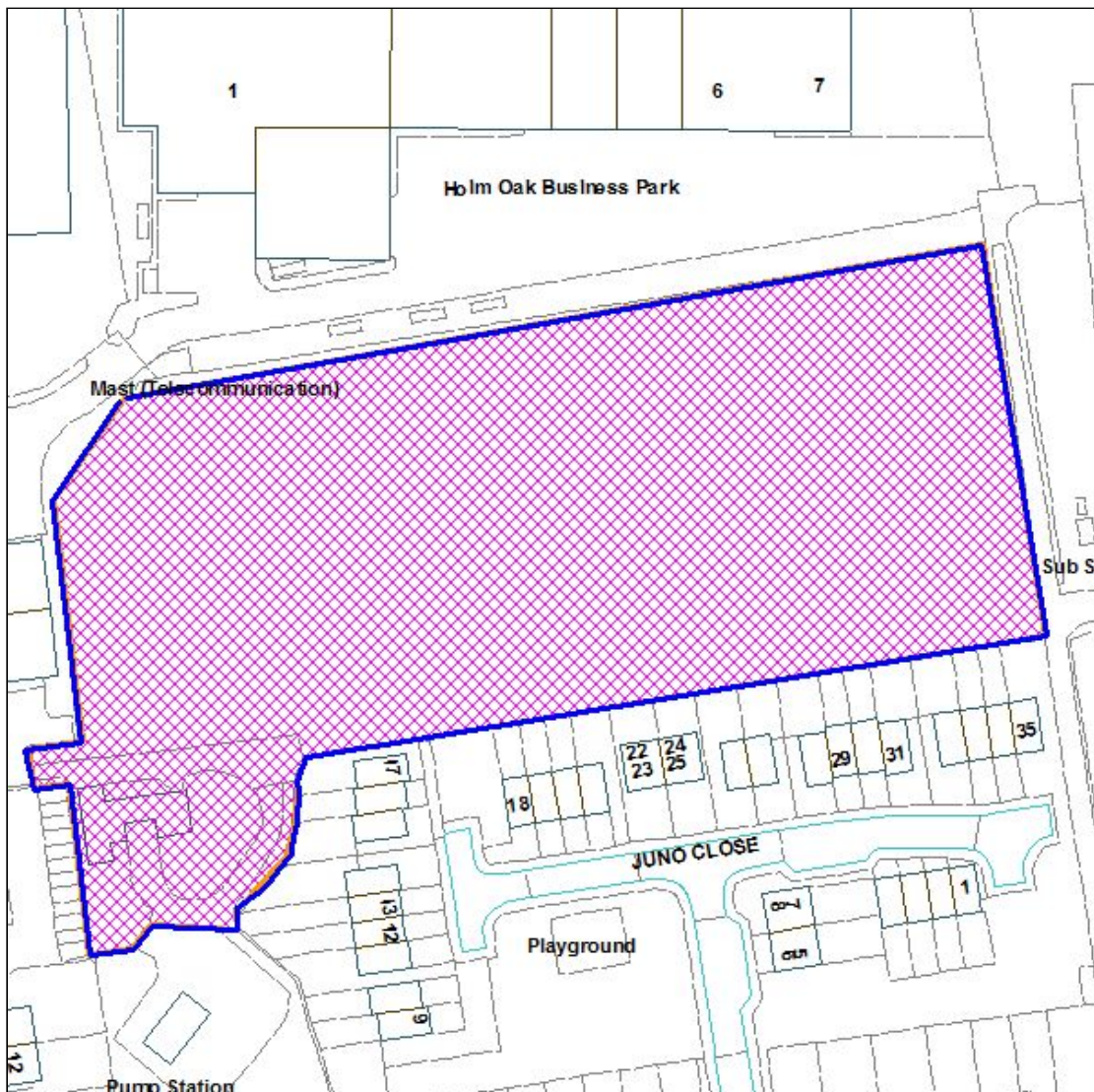


Site: Land North Of Juno Close Worthing West Sussex

Proposal: Retention of use of land for the temporary relocation of plant hire business (Rabbit Waste Management Limited) with recontouring of site and temporary construction of soil bund for landscaping and security purposes and storage, refuelling and cleaning of plant vehicles on western part for a period of up to three years with vehicular access from Martletts Way (Retrospective)

Applicant: Mr Danny Trussler  
Case Officer: Jackie Fox

Ward: Goring



Not to Scale

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**Introduction**

This application should be read in conjunction with AWDM/1633/18 elsewhere on the agenda.

## **Site and Surroundings**

The site is located at the eastern end of the Goring Business Park, just off Martletts Way. Access to Martletts Way is from Mulberry Lane. The overall site totals 1.35 hectares, although the application site now comprises 0.7 hectares. The site formally comprised the sewage treatment works although the tanks and equipment were removed a number of years ago. Southern water still has an access to the pumping station on the south west end. The site mainly contains rough ground which has become overgrown in places. The land is relatively flat although there is a depression approx. 2-3 deep at the western end and hard surfacing to the west and south west. The northern and far eastern boundaries are bordered by trees.

To the south and partly to the east are the back gardens of properties in Juno Close, a modern small housing estate set on slightly higher ground. The boundaries comprise a mixture of fencing and trees. Abutting the site to the south is the Southern Water pumping station. To the south west of the site is a garage court serving Montrose Close. To the west and north are industrial buildings associated with Martletts Way and Holm Oak Business Parks.

## **Proposal**

The application which has been amended since originally submitted involves a retrospective application for a temporary period of 3 years for a plant hire business. The application originally included the applicants skip hire business but this aspect has been withdrawn from the current proposal. The office, welfare, storage shed, staff toilets and storage containers being relocated in the north western corner of the site, closest to the neighbouring industrial buildings to the west. The vehicle parts storage containers and 5 staff car parking spaces are shown on the south western corner. The preparation, cleaning and maintenance and refuelling areas for the plant hire vehicles would be partly within the depressed area in the centre of the site.

The vehicles are brought into the area via soil/hard core ramps in a one way system starting at the south and proceeding through the preparation area to the north.

Due to thefts in recent months from the site it is now proposed to construct a soil bund along part of the northern boundary and the centre of the site which now forms the eastern boundary of the revised application.

The revised operation would involve 20 heavy vehicle movements a day. Two heavy vehicle overnight parking bays are shown near to the entrance of the site. The lorries would not leave the site until 6:15 am. Other than 1 further lorry leaving at 7am each day, all other activity will not commence before 7:30am Monday to Friday and not before 8:00am on Saturday. There is no working on Sundays and Bank Holidays.

The application includes a revised Noise and Vibration Report and a Dust Management Plan.

## **Applicants supporting statement:**

1. In essence, because of our successful operations, we have outgrown our main Chartwell Road site on the Lancing Business Park and we need an additional site in the local area in order that we may move forward as a business and expand our core waste operations, as well as increasing the size of our plant hire business. At present, as part of our waste operations we have stored a few of our skips and containers on our main site in Chartwell Road along with a small site, nearby in Bleinheim Road on the Business Park to accommodate these bins. However, because our Company had to vacate the Riverbank Business Centre, Old Shoreham Road site in 2016, due to our lease expiring, we still need an additional site in which to store the majority of our skips and containers. In addition, we have also outgrown our plant hire business in Spencer Road on the Lancing Business Park and we also need a larger site for these operations so that this part of our business could also expand successfully.
2. To overcome these issues of outgrowing our existing sites, we commenced a search for a potential new site to accommodate our Company's expanding operations in 2013. Several meetings with officers from Adur and Worthing Council (A&WC) over the next few years then followed on this matter. Initially, in July 2013, we submitted to A&WC our proposals for the use of a possible site at Decoy Farm, Worthing to develop our expanding operations. We set out our proposals within a document entitled, "Decoy Farm Initial Development Proposal Brief" which stipulated our Company's two scenarios for developing the whole or part of this site for possible expansion of our business operations. We also made representations to A&WC through the Worthing Local Plan Consultation Document (May 2016) process, regarding our proposals for the Decoy Farm site which were based upon our Development Proposals Brief of 2013. Whilst our discussions with A&WC continue for the Decoy Farm site and these are ongoing through the Local Plan process, this site remains unavailable for our use and an interim solution remains urgently needed by our Company.
3. However, whilst our discussions were ongoing with A&WC regarding Decoy Farm another potential site became available to our Company in late 2016, on a temporary basis, to carry out our plant hire business and skip storage operations on land to the east of Martletts Way Industrial Estate, Goring-by-Sea. As a matter of urgency and as a temporary expedient to our Company, we submitted a planning application (reference AWDM/0169/17) to A&WC in March 2017 to retain the use of the land at Martletts Way, Goring for the temporary relocation of our plant hire business and the temporary storage of our skips and containers on this site.
4. Whilst our application at the Martletts Way site continues to be considered by A&WC our Company was offered a lease in earlier this year by A&WC, for the use of the former Household Waste Recycling Site (HWRS), Dominion Way, Worthing (also part of Decoy Farm, Worthing) for our business purposes. However, on closer inspection, our Company considered the former HWRS was not large enough, in terms of its hardstandings and working area, to fully accommodate both our plant hire business and that of our skip storage operations at the same time. An option put forward by our Company to

possibly use a larger area at Decoy Farm, alongside the former HWRS, to accommodate both our plant hire business and skip storage operations was considered by A&WC as not a suitable option, at this time, as it is understood that the Council are currently considering, amongst other matters, a report into the extent of the decontamination and the remediation measures that are likely to be required before progressing with their long term development plans for Decoy Farm. It is also understood that a further report is due from A&WC later this year to consider the likely funding that will be required for dealing with these matters in order to progress the long term development of this site.

5. Following further meetings between the Council and ourselves, it was agreed therefore; that given our existing planning application and business operations at Martletts Way and given that it may not be physically possible to fit both our plant hire business and our skip storage operations onto the former HWRS and given that it appears uncertain when the adjoining site at Decoy Farm may become available for wider development and that there appears to be no other sites in the local area available for our business purposes that we should;
  - a) submit a formal amendment to our existing planning application at Martletts Way, Goring to remove our skip operations from this site but to retain our plant hire business at this site for a temporary period of three years and that we should also;
  - b) submit a planning application for the former HWRS in Dominion Way, Worthing in order that we may establish, in principle, a change of use of this site for both our plant hire business and skip storage operations in order that relocation of our business from Martletts Way to Dominion Way may commence in the coming months in a phased and orderly manner.
- 6) Given the size of the former HWRS and the apparent lack of viable options to relocate our business operations satisfactorily to another site in the local area, we believe these applications to relocate our business from Martletts Way to Dominion Way would provide our Company with the necessary security and continuity to develop and expand our business whilst also providing the Council with the necessary safeguards for developing both the Martlets Way and Dominion Way sites in accordance with the Worthing Core Strategy and emerging Worthing Local Plan in the long term. We also believe these applications demonstrate our Company's overall commitment to the Council, that we wish to relocate all our business operations from Martletts Way onto Decoy Farm on a permanent basis in the longer term.
- 7) Therefore, with regards to the Martletts Way site, we have submitted a formal amendment to our existing application at Martletts Way (AWDM/0169/17) to A&WC on the 26<sup>th</sup> September 2018 for their consideration to remove our skip storage operations from this site but to retain our plant hire business at this site for a further period of up to three years.
- 8) With regards to the former HWRS in Dominion Way, Worthing, we have submitted a planning application to relocate our plant hire business and skip storage operations onto the site in Dominion Way, Worthing. Given the size of this site, this application sets out our basic proposals to establish, in principle,

a change of use of this site from a Household Waste Recycling Site to the use of this site for our Plant Hire Business along with the Storage of our Skips and Containers on this site.

- 9) Also, for information to the Council, we confirm that we are in the process of finalising a Lease for a six year period with the Property Management Services at A&WC, whereby, we would use the former HWRS for our business purposes. Once this agreement has been concluded and as agreed with the Council, it is our aim to relocate our skip storage operations from Martletts Way, Goring to Dominion Way, Worthing before Christmas 2018.

### **Relevant Planning History**

WB/09/0922/OUT- Outline application for commercial development comprising Class B1 units together with new access road, Land north of Pumping Station approved in October 2010.

AWDM/0748/12 Outline planning permission to redevelop this vacant site for B1/B8 purposes (light industry/offices/storage/distribution) was granted on 09.07.2013. Scale, layout, appearance and access were determined with only landscaping left as a Reserved Matter

AWDM/0041/14- Variation of conditions 6 and 15 of Planning Permission

AWDM/0748/12 (redevelopment to build single B1 unit) in respect of access works to Martlets Way. Granted 02/05/2014

### **Consultations**

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

The proposals seek retrospective planning consent for the temporary re-location of Rabbit Waste Management Limited (RWML)'s plant hire business for a period of 2 years; this also includes the companies skip hire business. The proposals are retrospective i.e. already in place at the time of writing. Vehicular access to and from the site would be gained via Mulbery Lane and Martlets Way. As with the previous consultation it is assumed there are no changes to the operating hours are to be from 7 am to 5 pm, Monday to Friday and 7am to 1.30 pm on Saturdays. In terms of traffic movements in total there will be 44 HGV movements per 10 hour day for all aspects of the RWML business.

### **Comments**

We are reviewing drawing number BN07021B-04 as part of this consultation. The applicant provided a revised plan drawing number BN180417-00 in support of the proposals and to clarify the points raised in our comments from the 6<sup>th</sup> April 2017. We were satisfied with the proposed widths of both the access and internal accesses roads. The applicant has indicated they are willing to enter into the Section 59 Agreement previously advised. In summary this included:

- A width of at least 3.1m retained in perpetuity between the gates
- A vehicular carriageway width of at least 2.75m retained in perpetuity

- Access road width of at least 3.7m, free of vertical obstruction including the clearance and maintenance of vegetation, retained in perpetuity from the gates up to the building
- Existing trackway is repaired and maintained
- Section 59 Agreement-Given the construction of Martletts Way, the applicant would be required to enter into a Section 59 agreement under the 1980 Highways Act. Such an agreement would enable the LHA to recover from the developer the cost of repairing any damage that occurs to the highway as a consequence of the development. The developer should seek early engagement with the WSCC Area Highway Officer to prepare the s59 agreement should permission be granted
- Swept path diagrams provided demonstrating that turning for large vehicles can safely turn within the site.

Assuming the above can still be implemented the LHA would be satisfied with the proposals from the highway point of view.

### **Southern Water**

The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

No development or new tree planting should be located within 3.5 metres either side of the centreline of the 600mm public foul sewer.

No excavation, mounding or tree planting should be carried out within 4 metres of the public water main without consent from Southern Water.

All existing infrastructure should be protected during the course of construction works.

No new soakaways should be located within 5 metres of a public sewer.

Please note there are decommissioned 675mm trade effluent public rising main and 600mm foul 600mm foul sewer within the site.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

The Council's Building Control officers/technical staff and the Environment Agency should be consulted regarding foul disposal. It may be possible for the flows from the proposed development to be connected to a nearby public sewer, and the applicant may wish to investigate this option. Southern Water requires a formal application for a connection to the public sewer. The applicant is advised to contact

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

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good arrangement will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS Scheme;
- Specify a timetable for implementation;
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Southern Water requires existing access arrangements to the foul pumping station to be maintained with regards to unhindered 24 hour / 7 days a week access. Southern Water operates a closed gate policy during maintenance works for Health and Safety reasons. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

### **Adur and Worthing Council**

**Environmental Health** - Thanks for forwarding this amended Noise Report (8713 +9220 dated 19th June 2017). This report assessed the noise level of the different activities being undertaken at the site and calculated the resulting noise level at the nearest noise sensitive property. The predicted noise level for each activity at the nearest noise sensitive property was below the existing background and ambient noise level so should not cause unreasonable disturbance so long as the specifications within the Noise Management Plan are complied with.

I would recommend the Noise Management Plan included within this report and the Dust Management Plan are conditioned.

### **Representations**

**Goring Residents Association** made representations on the original application and the revised application on the following grounds:

- Noise and disturbance for local residents.
- The early start for lorries from the site.
- Refuelling on site unacceptable.
- Poor access.
- Out of character with the area.
- Development should be in accordance with long term plans for the site.

5 further letters have been received both prior to the revision and after the revised application raising concerns:

- Increased dust.
- Traffic noise particularly in the early mornings.
- Trees should be protected on the boundary.
- Site has become overgrown leading to overgrowth onto neighbouring properties.

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

National Planning Policy Framework (HCLG 2018)

Worthing Core Strategy 2006-2026 (WBC 2011): Policies 2, 3, 4,12,13,15, 16, 17, 18 and 19

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

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 application is for the operation on a temporary basis for 3 years from the date of the amended application (October 2018) the application is retrospective and has been operating since November 2016. A temporary period is therefore required until October 2021.

The key considerations are:-

- The principle of employment uses on the site
- Impact on residential amenity
- Character of the area
- Access and parking

### **Principle**

The application site is part of a larger site identified as an Area of Change in the Worthing Core Strategy and is defined as an area where change will be promoted over the plan period and where development should contribute to the delivery of mixed use development of employment and residential.

The larger Area of Change site of 4ha includes the former British Gas holder to the east a small parcel of land to the south forming part of the land owned by the HMRC. The land has been allocated since the Worthing Local Plan 2003 but despite its allocation and permissions for employment uses, the site has not come forward for development. As indicated within the Core Strategy the larger site is within different ownerships and the main constraints for delivery of this site relate to



land assembly and access. The emerging Local Plan suggests that the site and land to the east should remain in employment use.

The proposed retrospective temporary use which has been amended since originally submitted to a smaller area for the plant hire only provides a use for part of the site for a type of development which does not necessarily fit comfortably within a specific use class. The applicants who own and operate similar operations throughout Adur and Worthing highlight the fact that there is a lack of sites for open storage uses

As Members will see this report should be read in conjunction with the application at Dominion Road which seeks to move part of the current operations for skip store to this alternative and more appropriate site. The plant hire business is proposed to remain on the current site for a temporary basis and although, still not ideal, it is a use more suited to an allocated industrial site adjacent to a residential area provided that acceptable controls are in place. The use is also proposed on a temporary basis in recognition that the use would be more suited with other similar uses and your Officers are still keen to encourage the site coming forward for B1/B8 employment units.

### **Future Operations**

The amended proposal involves the removal of the skips and containers and their relocation to the former Household and Waste Recycling HWRS in Dominion Way. The application for this change of use is subject to a separate application. The HWRS site is within the Council ownership and an agreement for a lease is being negotiated. The lease is partly subject to gaining satisfactory planning permission.

### **Residential amenity**

The main impact of the use is on the residents in Juno Close who back onto the site. Properties off Montrose Close and Barrington Close could also be impacted by the use of the Martletts Way access.

The amended proposal shows that the main part of the operations such as the site office, welfare office, storage shed, staff toilet and storage containers will be situated at the north-west corner of the site away from the houses in Juno Close. There will be some activity on the southern portion to the site although this would be the parking area and vehicle parts store. The area in between would be within the depression (the pit) which would be used to wash and prepare the vehicles and refuel. This activity would be visible to the residents of Juno close although they are at a higher level and the nearest property has a flank elevation facing the site. Some bunding is proposed to the northern and western boundaries but this would not necessarily lessen the impact from these properties. The main concerns from residents in Juno Close have been in relation to dust and vegetation undergrowth. There were also concerns about the noise and movement of the skips onto the rear portion of the site.

In relation to noise and dust, the amended application includes a revised Noise and Vibration Report and Dust Management Plan. The Noise and Vibration Report concludes that the noise levels at residential properties of activities associated with

Rabbit and Dowling Plant hire are below the existing background and ambient noise levels and hence would not cause any significant complaint over the temporary period. A noise management scheme is proposed to include:

1. Vehicles restricted to a maximum speed of 5mph and signs installed at the entrance to inform all vehicle drivers of this maximum speed limit.
2. With the exception of two Lorries leaving the site at 6:15 and a further lorry leaving at 7:00, all other activity shall not commence on site before 7:30 Monday to Friday and shall not commence on site before 8:00 on Saturdays. To avoid any doubt, there shall be no working on Sundays and Bank Holidays.
3. All three vehicles leaving before or at 7:00 shall be made ready on the afternoon before and shall be facing towards the exit of the site on the western boundary. The vehicles shall be checked prior to departure without the engine running. The vehicles shall leave the site immediately and any further warming up carried out in a 'warming up area in Martlets Way.
4. Within the preparation area (the pit), any plant that is not attenuated to the manufacturers specifications shall not be used until it is repaired.
5. All internal roads shall be maintained in good condition.
6. Any noisy items of plant shall be reported to the site management and appropriate action taken.
7. Any noise complaint from the site shall be investigated and resolved.
8. The site management shall inform local residents of any unusual operational activity.
9. A copy of the noise management plan shall be kept at the site office at all times and the terms and contents of this plan shall be made known to supervising staff.

Environmental Health has not raised any objections to the additional information and revised application.

The Dust Management Plan includes details of direction of travel through the site, signage and the location of tap positions for dust suppression sprinklers.

In relation to undergrowth of weeds and shrubbery onto surrounding properties, this would be difficult to control on this large site, it is however considered appropriate that a condition be put onto ensure that the site as a whole is kept clean and tidy.

### **Character of the area**

The application site is on land earmarked for redevelopment, the operation primarily involves several temporary buildings and structures and the use on the existing hardsurfacing and the depression (the pit). The buildings although not attractive would be seen in the back drop of surrounding business uses and garages to the north and west. The site is also fully contained. The amended scheme only now uses the western side the site which would be more appropriate and in character with the area. The proposed 1.8m high bunding to the north and west would further screen development.

There is a group TPO on the north of the site which will secure the retention and protection of these trees, soften the northern boundary.

## **Access and parking**

The site access to the main road network is relatively tortuous through Martletts Way to Goring Way but no different to many existing trading estates. Facilities are reasonably close though in Goring Road as such the site is reasonably sustainable.

WSCC highways are satisfied with the proposal subject to a S59 agreement to secure the items indicated above.

## **Recommendation**

The proposed use of the site on a temporary basis for plant hire would enable continued use of the expanding operation pending securing an appropriate permanent site. The application will secure the removal of the skip hire business subject to permission granted on the Dominion Road application site. As such, the proposal would help facilitate employment development in accordance with policies 3 and 4 of the Worthing Core Strategy.

The removal of the skip hire will be subject to securing permission and a lease on the Dominion Road site, should this not be carried out to a satisfactory conclusion within 2 months of this permission appropriate action will be undertaken to secure its removal.

## **APPROVE**

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

1. 3 year temporary permission until October 2021 (plant hire only)
2. Hours of use 7:30-17:00 (Monday- Friday) 8:00- 13:30 (Saturday) No working Sunday and Bank Holidays
3. In accordance with the NMP and DMP
4. The site shall be kept in good order and not let overgrown.
5. Details of lighting

### **Informative**

S59 agreement with WSCC highways

19<sup>th</sup> December 2018



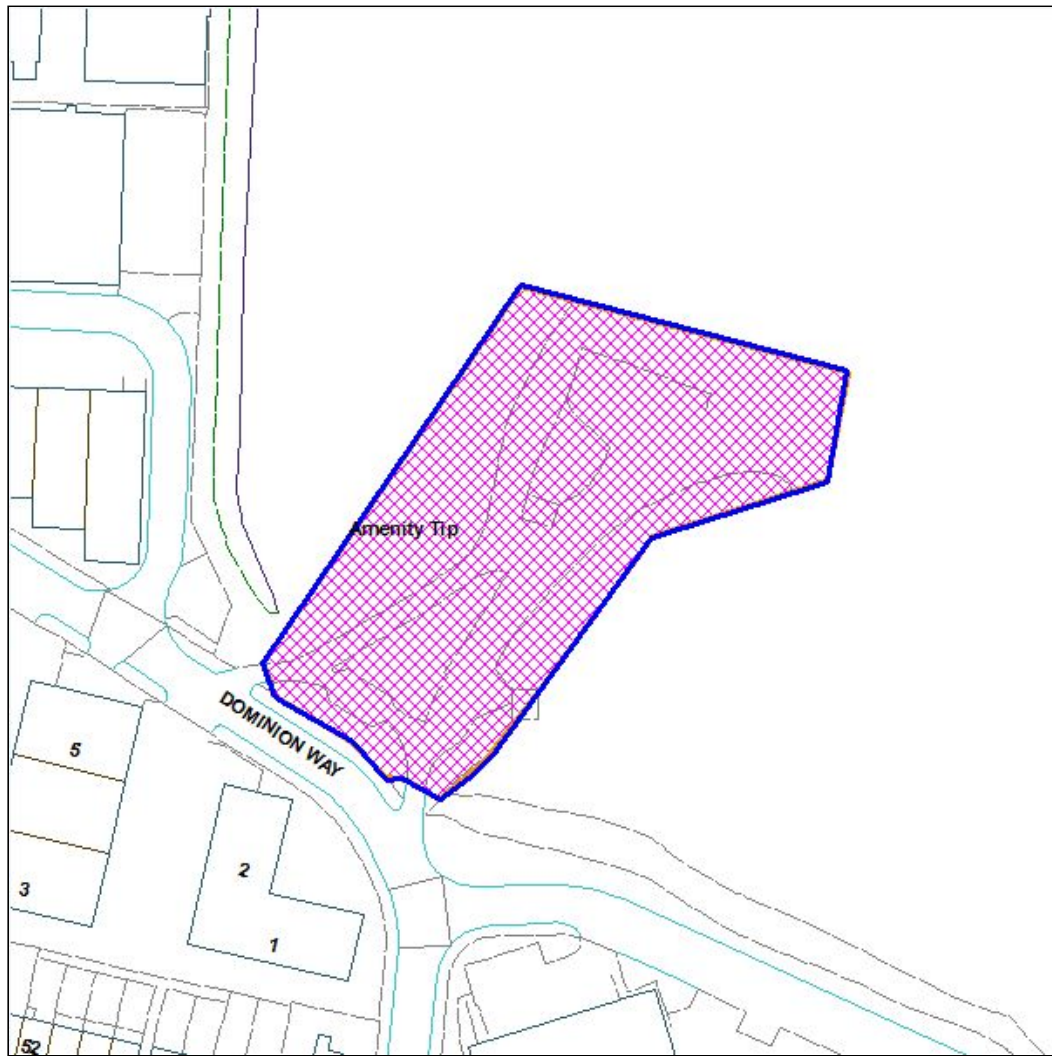
Application Number: AWDM/1633/18 Recommendation – APPROVE

Site: Land North Of Hazelwood Trading Estate Dominion Way Worthing West Sussex

Proposal: Change of use of former household waste recycling site to plant hire business for storage, maintenance and cleaning of plant vehicles in addition to the storage of skips and containers.

Applicant: Mr Danny Trussler  
Case Officer: Jackie Fox

Ward: Broadwater



Not to Scale

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**Introduction**

This application should be read in conjunction with AWDM/0169/17 on the agenda.

## **Site and Surroundings**

The site is located on Dominion Way close to the entrance to the East Worthing Trading Estate and is currently vacant, the household waste recycling operations having moved a short distance to the east in Willowbrook Road.

The former HWRS comprises approximately 0.4 hectares of hardstandings and roads which were used for household waste collection and recycling purposes. The remaining 0.2 hectares of land along the western and eastern sides of the site comprises of steep-sided grass banks over two metres in height up to the surrounding ground levels. The site is currently bordered by a chain link fence topped with barbed wire and there is a thick belt of trees to the front of the site.

The site is close to industrial uses to the south and west, although there is open land immediately to the north and east with the new recycling site further beyond. The nearest residential properties are in Dominion Road to the south, about 80 metres distant from the entrance to the application site but screened by industrial premises on the southern side of Dominion Way.

The site lies close to industrial uses to the south and west and there is open land surrounding the site to the north which use to be a former landfill site. The nearest residential properties are situated in Dominion Road, approximately 80 metres away from the entrance to the site, although these properties are screened by industrial premises on the southern side of Dominion Way

## **Proposal**

The application is for the change of use of the former HWRS to a Plant Hire Business for the Storage, Refuelling, Maintenance and Cleaning of Plant Vehicles along with the Storage of Skips and Containers.

A site layout plan showing a basic conceptual layout of where the plant hire business and skip storage could be located on this site has been submitted, However due to the current site layout and its constraints the site would not currently accommodate both the plant hire business and the skip storage operations. Whilst the site measures 0.6 hectares in area, the actual usable space on site, i.e. hardstandings and roads, in effect only measures 0.4 hectares in size, and the remaining 0.2 hectares of the site is unusable for the applicants purposes as it comprises steep-sided banks over 2 metres in height along the western and eastern sides where it meets the surrounding land of Decoy Farm. The 0.4 hectares of usable land at Dominion Way is not large enough in area for both the plant hire business and skip storage operations the Martlets Way operations presently takes up over 0.7 hectares of the site. The application is to establish the change of use for both uses.

For conceptual purposes the layout plan indicates the plant hire business sited on the southern part of the site, whilst the northern part of the site is indicated for skip storage purposes. With regards to the type of plant vehicles that may be dealt with in the proposed plant hire business area this would include; excavators, dumpers, trucks, road rollers and telehandlers, whilst skips and containers of various sizes would be stored within the proposed area for skip and container storage.

It is proposed to block off the existing western access point along Dominion Way with a container (20 x 8 x 8 foot) and to use only the existing eastern exit point on Dominion Way for accessing and exiting purposes for the business. In terms of traffic it is anticipated that there would be up to 10 Heavy Goods Vehicles (HGV) visits (ie. up to 20 lorry movements in and out) per day associated with the plant hire business, whilst it is anticipated that there would be up to 12 HGV visits (ie. up to 24 lorry movements in and out) per day associated with the skip storage operations. It is also proposed that sufficient space would be provided within the site to enable HGV turning given that it is proposed that only one point of access would be available to and from the site.

It is proposed that there would be parking for approximately 6 cars allocated on the site for operational staff and visitors, as it is proposed that approximately 5 staff would be employed on the site.

The operational and working hours on the site are proposed to be Monday to Saturday 0600 - 1800 hours with no working proposed for Sundays or Bank Holidays.

The proposal is that once the application is agreed and the lease concluded, the relocation of the skips and containers from Martlets Way would commence and be completed in a short timescale.

## **History of the Business**

**The applicants have provided the following statement to support the application:**

1. In essence, because of our successful operations, we have outgrown our main Chartwell Road site on the Lancing Business Park and we need an additional site in the local area in order that we may move forward as a business and expand our core waste operations, as well as increasing the size of our plant hire business. At present, as part of our waste operations we have stored a few of our skips and containers on our main site in Chartwell Road along with a small site, nearby in Bleinheim Road on the Business Park to accommodate these bins. However, because our Company had to vacate the Riverbank Business Centre, Old Shoreham Road site in 2016, due to our lease expiring, we still need an additional site in which to store the majority of our skips and containers. In addition, we have also outgrown our plant hire business in Spencer Road on the Lancing Business Park and we also need a larger site for these operations so that this part of our business could also expand successfully.
2. To overcome these issues of outgrowing our existing sites, we commenced a search for a potential new site to accommodate our Company's expanding operations in 2013. Several meetings with officers from Adur and Worthing Council (A&WC) over the next few years then followed on this matter. Initially, in July 2013, we submitted to A&WC our proposals for the use of a possible site at Decoy Farm, Worthing to develop our expanding operations. We set out our proposals within a document entitled, "Decoy Farm Initial Development Proposal Brief" which stipulated our Company's two scenarios for developing the whole or part of this site for possible expansion of our business operations.

We also made representations to A&WC through the Worthing Local Plan Consultation Document (May 2016) process, regarding our proposals for the Decoy Farm site which were based upon our Development Proposals Brief of 2013. Whilst our discussions with A&WC continue for the Decoy Farm site and these are ongoing through the Local Plan process, this site remains unavailable for our use and an interim solution remains urgently needed by our Company.

3. However, whilst our discussions were ongoing with A&WC regarding Decoy Farm another potential site became available to our Company in late 2016, on a temporary basis, to carry out our plant hire business and skip storage operations on land to the east of Martletts Way Industrial Estate, Goring-by-Sea. As a matter of urgency and as a temporary expedient to our Company, we submitted a planning application (reference AWDM/0169/17) to A&WC in March 2017 to retain the use of the land at Martletts Way, Goring for the temporary relocation of our plant hire business and the temporary storage of our skips and containers on this site.
4. Whilst our application at the Martletts Way site continues to be considered by A&WC our Company was offered a lease in earlier this year by A&WC, for the use of the former Household Waste Recycling Site (HWRS), Dominion Way, Worthing (also part of Decoy Farm, Worthing) for our business purposes. However, on closer inspection, our Company considered the former HWRS was not large enough, in terms of its hardstandings and working area, to fully accommodate both our plant hire business and that of our skip storage operations at the same time. An option put forward by our Company to possibly use a larger area at Decoy Farm, alongside the former HWRS, to accommodate both our plant hire business and skip storage operations was considered by A&WC as not a suitable option, at this time, as it is understood that the Council are currently considering, amongst other matters, a report into the extent of the decontamination and the remediation measures that are likely to be required before progressing with their long term development plans for Decoy Farm. It is also understood that a further report is due from A&WC later this year to consider the likely funding that will be required for dealing with these matters in order to progress the long term development of this site.
5. Following further meetings between the Council and ourselves, it was agreed therefore; that given our existing planning application and business operations at Martletts Way and given that it may not be physically possible to fit both our plant hire business and our skip storage operations onto the former HWRS and given that it appears uncertain when the adjoining site at Decoy Farm may become available for wider development and that there appears to be no other sites in the local area available for our business purposes that we should;
  - a) submit a formal amendment to our existing planning application at Martletts Way, Goring to remove our skip operations from this site but to retain our plant hire business at this site for a temporary period of three years and that we should also;
  - b) submit a planning application for the former HWRS in Dominion Way, Worthing in order that we may establish, in principle, a change of use of this site for both our plant hire business and skip storage operations



in order that relocation of our business from Martletts Way to Dominion Way may commence in the coming months in a phased and orderly manner.

6. Given the size of the former HWRS and the apparent lack of viable options to relocate our business operations satisfactorily to another site in the local area, we believe these applications to relocate our business from Martletts Way to Dominion Way would provide our Company with the necessary security and continuity to develop and expand our business whilst also providing the Council with the necessary safeguards for developing both the Martletts Way and Dominion Way sites in accordance with the Worthing Core Strategy and emerging Worthing Local Plan in the long term. We also believe these applications demonstrate our Company's overall commitment to the Council, that we wish to relocate all our business operations from Martletts Way onto Decoy Farm on a permanent basis in the longer term.
7. Therefore, with regards to the Martletts Way site, we have submitted a formal amendment to our existing application at Martletts Way (AWDM/0169/17) to A&WC on the 26<sup>th</sup> September 2018 for their consideration to remove our skip storage operations from this site but to retain our plant hire business at this site for a further period of up to three years.
8. With regards to the former HWRS in Dominion Way, Worthing, we submit the following planning application to relocate our plant hire business and skip storage operations onto this site in Dominion Way, Worthing. Given the size of this site, this application sets out our basic proposals to establish, in principle, a change of use of this site from a Household Waste Recycling Site to the use of this site for our Plant Hire Business along with the Storage of our Skips and Containers on this site.
9. Also, for information to the Council, we confirm that we are in the process of finalising a Lease for a six year period with the Property Management Services at A&WC, whereby, we would use the former HWRS for our business purposes. Once this agreement has been concluded and as agreed with the Council, it is our aim to relocate our skip storage operations from Martletts Way, Goring to Dominion Way, Worthing before Christmas 2018.

### **Relevant Planning History**

The previous planning history relates to the use of the site as a recycling/civic amenity site and therefore is not considered relevant to the current proposal.

AWDM/0397/14 - Temporary permission for a change of use from a Household Waste Recycling Facility to Car Parking and HGV Marshalling Facility to Support Construction and Operations on the nearby GSK Facility for a period of two years. Approved.

### **Consultations**

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

Before commenting on the application, it would be helpful to see the following:

- A brief description of the transport implications of the proposal, over and above that provided in the Planning Statement and covering vehicle numbers, peak traffic times, etc.
- Vehicle tracking drawings providing evidence that vehicles likely to use the site can turn in and out and do so nose-first.
- A clearer site layout plan than that provided on the Council's website.

It is not clear why a container is felt to be the most appropriate way of blocking one of the site entrances. WSCC would prefer to see a more formal way of directing traffic to the most-used entrance, together with a semi-permanent gate or barrier at the unused entrance

The applicants have submitted the information and further comments from WSCC highways are awaited

### **Adur and Worthing Council**

**Environmental Health (protection) – No objections**

**Environmental health (contaminated land)-** full contamination condition if there are ground works.

### **Representations**

None received

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

National Planning Policy Framework (HCLG 2018)

Worthing Core Strategy 2006-2026 (WBC 2011): Policies 3, 4,12,13,15, 16, 17, 18 and 19

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

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.

The key considerations are:-

- The principle of employment uses on the site
- Contamination
- Impact on the character of the area
- Access and highway safety

## **Planning Assessment**

### **Principle**

The application site is identified as an Area of Change in the Core Strategy and so is defined as an area where change will be promoted over the plan period and where development should contribute to the delivery of housing and employment opportunities needed within the Borough. A mixed employment use was envisaged on the site with the possibility of providing a range of B1, B2 and B8 industrial uses or open storage, along with the possibility of providing new recreational use which would take account of the open spaces on the site. Following on from this strategy, the application site also forms part of the key site, Decoy Farm (A4), which has been identified and allocated for commercial development with an indicative capacity for development of 28,000 square metres within the emerging WDLP.

The use of this site on a non- permanent basis for plant hire and skip storage would accord with the general principles and direction of policy for this site and would not hinder or frustrate the long term development plans for the site. It would also enable the business to relocate some of the company's business operations from the Martlets Way, Goring site onto the former HWRS until such time as the adjoining site at Decoy Farm becomes available for permanent development proposals or an alternative site in the local area becomes available for permanent development.

### **Contamination**

Due to previous uses on the site and surrounding land, the site is highly contaminated and will require remediation before it can be used for its full potential. It has always been recognized that the site would require significant investment to reach its full potential and accordingly there are no current applications for redevelopment of the site in line with Core Strategy objectives.

The Council has recently submitted a detailed business case to the Local Enterprise Partnership to try and secure the funding for the remediation and highways works. The outcome to this is not likely to be until the New Year.

It is recognised that even with funding in place there is considerable work to identify and remediate the site.

The proposal will enable part of the site to be put into use although it further recognised that due to the contamination only part of the site is currently available for use and although an indicative plan submitted with the application indicates both the skip and plant hire business in reality, only part of the site is available at this site without some remediation measures (which are currently unknown) the site is therefore only currently large enough to accommodate the skip hire business.

Although not ideal the use of the site even for part of the unauthorised uses on the Martlets Way site would be helpful and especially the skip hire as this use is/was causing the most significant impact to neighbouring residential properties.

While any permanent use of the site for purposes not in line with those envisaged in the Core Strategy, a temporary use of the site would assist in relocating a difficult but necessary growing business which has out grown existing sites.

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

The site is located within an employment area with a range of business uses. The proposal involves limited changes to the site and retention of the treed frontage. The skip storage is shown to the rear of the site and would not therefore be unduly visible from the frontage. The site is relatively flat from north to south and indented in the centre with relatively steep sides to the east and west. The plant hire is shown to the front. There would also only be one access point. As such it is considered that the use would not have a detrimental impact on the character of the area on a temporary basis.

## **Access and highway safety**

The application indicates that only one access and exit point will be provided and the northern access blocked by a container. WSCC has requested further details as outlined above. This information has now been provided by the applicant and comments are awaited from WSCC highways. These will be reported verbally.

## **Recommendation**

The proposed use of the site on a temporary basis for plant hire and storage of skips and containers would accord with the general principles and direction of policy for this site and would not hinder or frustrate the long term development plans for the site. It would also enable the business to relocate some of the company's business operations from Martlets Way. As such, the proposal would help facilitate employment development in accordance with policies 3 and 4 of the Worthing Core Strategy.

**APPROVE** Subject to the satisfactory response of the Highway Authority and any further related conditions.

## **Conditions:-**

1. Temporary period for 3 years until November 2021.
2. Hours of operation 0600- 1800 (Monday- Saturday) No working on Sundays and bank Holidays.
3. Details of security lighting.

19<sup>th</sup> December 2018

Application Number: AWDM/0210/18

Recommendation – REFUSE

Site: Caseta, Abbey Road, Worthing

**Proposal:** Demolition of the existing 3 bedroom dwelling and replace with a new 5 bedroom dwelling with an integral garage.

Applicant: Mr Kim Gordon  
Case: Gary Peck  
Officer:

Ward: Heene



Not to Scale

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This application has been called in to the Committee by Cllr Paul High.

### Proposal

The existing dwelling, Caseta, is a detached 2 storey dwelling, with a single storey garage on its northern side. At the time of a previous application submitted last year, the site was largely screened from Abbey Road by overgrown shrubbery on the boundary but this has subsequently been removed and refurbishment works

appear to have been carried out on the property which had become in a poor state of repair and visual appearance.

The Design Statement submitted with the application (which has been amended during its consideration) states:

*The intention is to replace Caseta with a new house as a family home built to enhanced modern standards and levels of comfort. The design brief and previous Planning Officers comments have been expanded on leading us towards a house with an honest modern look which would still sit well alongside its adjacent neighbours.*

*The proposal aims to harmonise the exterior appearance demolishing and replacing the current home with a three-storey dwelling in a matching brick work and with a uniform style of fenestration and balconies, utilizing the same pallet of materials (local, domestic and contextual), comparable in size and scale to the vernacular properties.*

*The street scene will step down from Stoke Court on the corner of West Parade and Heene Road and on to 2 West Parade. Internally the layout will give a clearer hierarchy of spaces and more appropriate to modern living. The plan presents as accommodation set symmetrically about a central axis which is expressed as a strong vertical element throughout the house, with views down from the first floor into the living area and the hall. The rear elevation faces South to take advantage of the garden and the view beyond. Small balconies at first floor level are shielded from the neighbours by fixed vertical timber louvres and to protect the privacy of adjoining properties.*

### **Site and Surroundings**

Immediately to the west of the application site is 2 & 3 West Parade, a pair of semi-detached dwellings with pitched roofs and further to the west is 4 West Parade, a 2 storey building with roof accommodation containing 5 flats. To the west is Stoke Court, which was part converted and part extended in 2003 to 5 flats. To the north is Abbey Road, where the subject property has its entrance. This is a small cul de sac with with detached and semi-detached properties generally similar in style with pitched roofs. The application site is outside but immediately adjacent to the Conservation Area, the boundary of which is to the north and east of the application site and therefore including Stoke Court and the properties in Abbey Road.

### **Relevant Planning History**

Planning permission was refused in 2017 for the demolition of existing dwelling and garage and replacement with new 3-storey house with roof terrace and garage with two parking spaces to frontage on north elevation (AWDM/1130/17).

## **Consultations**

### ***Technical Services***

Thank you for the opportunity to comment upon this re-application. The site lies in Flood Zone 1, the seaward garden may be susceptible to waterlogging after heavy rain as predicted by EA modelling, but I am not aware of any flooding records for the site.

The surface water disposal proposals have changed since the last application and now just state soakaways, therefore the applicant needs to assess if the use of soakaways is viable on this site. The proposed location for any soakaway will need to be more than 5m from existing or new structures, and there will need to be a soakage test undertaken at each location to ascertain if a soakaway will adequately empty. There appears from the drawings to be sufficient area to adequately site soakaways. Soakage tests will be required under the permeable surface in the front garden.

Therefore in this instance the only comments we wish to make at this time relates to the disposal of the surface water.

In the absence of any ground investigation details or detailed drainage details in support of the application although the applicant appears to have indicated his intention to utilize soakaways we request that should approval for this new build be granted it be conditional such that *'no development approved by this permission shall commence until full details for the disposal of surface water has been approved by the Planning Authority'*

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

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

### ***Waste Strategy Manager***

This one looks like it could be collected with a standard sized bin at the front edge of the property and I therefore have no comments to make.

### ***Southern Water***

No objection subject to the imposition of an informative.

No additional comments in respect of amended plans.

## **West Sussex County Council:**

### Summary

The proposal is to demolish the existing 2 bedroom dwelling “Caseta” and build a replacement 5 bedroom dwelling. Previously the LHA has been consulted on matters at this location under application AWDM/1130/17 which sought for a replacement 3 bed dwelling using the existing access point. No highways safety concerns were raised to this proposal however the application was refused by the LPA.

From observation of the most up to date Sussex Police Collision Data, there appear to have been no Highways collisions or personal injury claims within the maintained Highway at Abbey Road to show cause for an existing safety concern.

Abbey Road is a short residential cul-de-sac subject to 30mph speed restrictions, although based upon the short nature of this road; vehicles are anticipated to be travelling under the posted speed limit.

### Comments

The proposal is not considered to bring a material intensification of vehicular trips to Abbey Road, over the existing uses.

A new vehicular access is proposed to the west of the existing crossover. The existing arrangement must be returned to match the existing street scene. The new crossover would require a license from the area engineer to carry out the works on the highway. The proposal will require the lengthening of the existing dropped kerb to serve the access. The access should measure a minimum 3m wide arrangement, currently this has been demonstrated as a 2.5 m wide arrangement, an amended plan is required prior to works commencing, demonstrating this.

The associated hardstanding is of sufficient size to allow vehicles to park off street, it does not appear that space would be available for vehicles to turn to exit the site in a forwards gear, however it is considered that Abbey Road being a lightly trafficked slow speed environment; the ability for users to reverse and turn in the road is evident and appears to be in practise by a number of dwellings along its length with no highways safety concern.

The integrated garage should measure a minimum of 3m x 6m to adequately house an average sized vehicle and be large enough to also accommodate cycle parking, this should be demonstrated prior to commencement.

The parking allocation is anticipated to serve the likely demand.

Secure and covered cycle parking is required to be provided, in order to promote more sustainable alternatives to the use of a car.

Further comments in respect of amended plans:

The LHA has observed the amended plans provided by the applicant and can advise that the comments previously supplied by the LHA are still relevant for the new plans provided. Space appears achievable within the site for a turn from the garage, however it is anticipated that most vehicles will reverse from the site. This is



not considered to be an unsafe practise given the nature of Abbey Road as a cul-de-sac and the presence of similar accesses in this location.

### ***Environmental Health***

As this site is in very close proximity to existing residential dwellings I have concerns about the resulting noise and dust associated with the demolition and construction works. I would recommend the following conditions.

All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times:

Monday Friday  
08:00 -18:00 Hours  
Saturday 09:00 - 13:00 Hours  
Sundays and Bank Holidays no work permitted.

Construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the demolition and construction phases of the development.

Upon the receipt of amended plans, comments still stand.

### ***Worthing Society (commented on original plans only)***

Although these proposals in general were considered acceptable, and the present building is unremarkable, we object to the over-sized dormers shown on the plans for both the east and west elevations. They do not enhance the building, creating a rather overbearing appearance which does not complement the three locally listed buildings opposite. These buildings are Victorian/Edwardian in character and are within the Ivy Place Conservation Area. The dormers are not essential to the accommodation as they house only a dressing room and plant room.

### ***Conservation Architect***

I don't have any major concerns based on these images. A red brick, carefully selected should sit comfortably alongside the adjacent buildings in the Conservation Area, and a plain tile should look fine. The Abbey Road street montage suggests window head heights are a bit all over the place. I do find the setting very open and harsh, with the whole of the area to the front of the building being a car park and the vehicular opening being particularly wide to the detriment of the loss of much brick and flint walling; a strong feature of the close. The driveway to the property immediately to the west is in fact tight to the boundary of this site, not a wall as shown on the montage.

## Representations

### Original plans

**Apartment 1, Stoke Court:** The revised application satisfactorily addresses objections set out in the first application but the new house is extremely large in relation to the quite narrow plot size. Demolition of asbestos in the ceilings should be carried out by experts; the garage wall on the east side is attached to the bedroom and shower room wall and assurances are sought that there will be no property damage

**Upper floor, Stoke Court:** Despite several meetings with the owner of Caseta to discuss amendments that would have led to being more supportive, objection on the following grounds:

- One of the few redeeming features of the previously refused scheme was its modest size, but the revised proposal is almost twice the size of the current house and a significant increase in the height, length, mass and bulk of the existing building which will have a detrimental impact upon Stoke Court
- Pre-application advice was not followed
- Change to vehicular access will lose original features and result in loss of on street parking
- Object to position of flue for wood burning stove as smoke will blow into window

**2 West Parade:** Object on the following grounds:

- Daylight impact/loss of light (the objector commissioned a specialist report) which concluded that the proposed redevelopment would have a significant and noticeable impact on daylight amenity to 2 West Parade. Reductions in Vertical Sky Component of 74% and 43% respectively to the ground and first floor windows will breach BRE guidelines
- Loss of Victorian Coach House which should not be pulled down because the proposed building is too large
- Loss of existing brick and flint wall
- Excessive building mass which will be uncomfortably large and overbearing and out of sympathy with the design of neighbouring properties

**3 West Parade:** Particularly concerned by the increased bulk/mass on the Abbey Road side and dislike the proposed dormers.

### Amended plans

#### Upper Floor Stoke Court

Primary objections remain and the application still seeks to justify squeezing a quart into a pint pot. Re-iterated that Stoke Court and 2 West Parade were in existence long before Caseta with the latter property being appropriately designed when built to take into account the amenities of neighbouring properties. This will no longer be the case with the proposal which is almost twice the size of the existing property.

Notes that extensive refurbishment of the existing property has now taken place which casts doubt on the original assertion that the primary reason for the proposals was the poor maintenance of the existing property. Renovation of the property would be the best outcome for everyone.

## **2 West Parade**

Maintained previous objections regarding loss of light – adverse impact upon eastern facing windows including a large window over the staircase which brings light into the hall and landing, as well as an adverse impact upon the kitchen, bedroom and bathroom windows. Disputed claim from the applicant that the internal layout of their property had altered hence potentially causing light issues. A further letter from the consultant commissioned to undertake a light study was also received stating that the amendments made little improvement and would still breach BRE guidelines.

Consider that Abbey Road, including the subject property, should be incorporated in the Conservation Area.

Concern that the garage may be used as a roof terrace.

Prior to the committee report being compiled, the residents of 2 West Parade commissioned a further planning statement draw their concerns into 1 statement.

The summary of the planning statement in objection is as follows:

*It is a fact that the proposed development reduces the light to the kitchen and hall window to an unacceptable degree based on the Technical Study by Point 2 Surveyors using the BRE guidelines. The Council has adopted the BRE guidance as part of its planning considerations. The Applicant has not refuted the findings of the technical report and the Council has not commissioned its own report looking at the file on line.*

*Unlike the findings of the High Court case, [which cited a case in London where planning permission was quashed because the Council did not accurately measure the impact of sunlight of a proposal] the Council does have detailed technical evidence on which to make a decision, and therefore the Council needs to have an overwhelming argument in favour of the proposals to set aside its own standards. It is difficult to see what such an argument might be. The existing site is occupied by a house that poses no such problems, is not derelict nor unsightly. The proposed design does not compliment the character of the Conservation Area which is essential given the boundary runs along two sides of the site.*

*The inclusion of a roof terrace that the Applicants claim will not be used may well present the Council with a problem in the future and introduces an alien design feature in Abbey Road. To avoid such an outcome rather than using a condition restricting the use of the garage roof it would be preferable to have both a condition requiring the bedroom rooms be permanently non-opening and the parapet wall reduced to two bricks high with a capping, along with a further restriction to Permitted Development Rights.*

*[the objectors] have always expressed a willingness to work with the Applicant or his Architects to try and resolve the situation in a way that development can proceed that makes allowance for the need for them to have light to the side of their house. That willingness remains.*

*The Applicant has submitted further illustrations of the proposed design and far from indicating how well it would fit in...it is clear just how out of place the design is in this location.*

*Until such an agreed design solution can be brought forward the impact of the proposed taller and longer building running alongside their house is such as for them to respectfully request that their views be listened to and that the application be refused in accordance with the Council's own guidelines on sunlight and daylight and being an inappropriate design adjacent to a Conservation area.*

### **3 West Parade**

Pleased that the side roof dormers were to be omitted but remain concerned about the loss of coach house and the impact of the widened access upon parking in the vicinity.

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

Worthing Core Strategy (WBC 2011): Policies 8, 16  
National Planning Policy Framework (CLG 2018)  
Planning Practice Guidance (CLG 2014)

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.

### **Relevant Legislation**

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

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

## Planning Assessment

The main issues in the determination of the application are the effect of the proposal upon the character of the area and the amenities of neighbouring properties.

The existing property, while recently refurbished, has not made a positive contribution to the street scene having previously been in a poor state of repair. It is not considered that there is any objection in principle to a replacement dwelling at the site.

The current application, which itself has been amended during its consideration, is the second proposal on the site with an application for a modern style of replacement dwelling having been refused under delegated officer powers last year.

Following the refusal of the first application, discussions were held between officers and a newly appointed agent to see if an appropriate amended scheme could be submitted. Positive discussions were encouraged between the applicant and neighbouring properties who had objected strongly to the previous proposals. At the pre-application stage, it had appeared that some progress was being made, particularly on a scheme for a pair of semi-detached dwellings although this was not progressed as it was understood a covenant on the land would have prevented such a development. It was therefore necessary to revert back to a single replacement dwelling proposal.

It is become evident that this is a difficult site to develop, particularly with regard to the residential property immediately to the west, 2 West Parade, which has single aspect facing windows in its eastern elevation which have the potential to be adversely affected by any proposal. To the east is the more prominent Stoke Court which is given its higher ridge height means it should be possible to provide a suitable development on the application site, but nonetheless is situated close to the boundary with its sub division to flats also giving the potential to be adversely affected by any proposal.

It is acknowledged that the applicant and his new agent (the third which has been involved with the development of the site) have made efforts to try and reach an acceptable solution but nonetheless the objections from the immediate neighbours remain and hence it is now necessary to determine the application on the amended plans which were submitted during the consideration of the application.

Your officers consider this is a balanced case. Although the site is not within the Conservation Area, it is directly adjacent to it – indeed the majority of Abbey Road from which this site is primarily accessed is within the Conservation Area and such is this relationship, your officers are of the view that the requirements to consider the effect upon the Conservation Area are a significant material consideration in this instance. The dormers which caused concern to the Worthing Society have now been removed (the Society has not commented on the revised plans) while the Conservation Architect raises no major concerns yet finds the open nature of the proposed frontage to be harsh.

Your officers recall at the pre-application stage, a somewhat less harsh frontage was discussed with a much narrower vehicular opening proposed. This suggests that a scheme which more suitably preserves the character of the Conservation

Area could be achieved, particularly as a smaller footprint was originally suggested. Your officers are also concerned that while both 2 West Parade and to a lesser extent the larger Stoke Court are 'broken up' in their elevations with different roof heights and features which to some extent reduces their bulk, this does not seem to be the case with the proposed design which appears as a full 2 storey property set relatively far forward in the plot with a single storey garage addition in front of that. Although, the front of the proposed building does not extend further forward into Abbey Road than the adjoining properties, the wide frontage will give an impression of greater dominance from the new building than would otherwise be ideal.

It is also necessary to assess the impact upon adjoining properties. Clearly, there is an existing building on the plot which already has some impact because of the relatively narrow nature of the plot. This impact is relatively limited at present because of the limited footprint of the existing building. It is not surprising that the applicant would wish to increase this footprint and indeed, there would appear to be some scope to do so. However, the unusual nature of 2 West Parade means that some care needs to be taken to ensure that the impact of any new development is limited, due to the number of windows on the western elevation, including a large staircase window which provides some degree of light into the rest of the property because of its layout and a kitchen window which is the sole window providing light to that room. Detailed sunlight assessments have been submitted by the neighbour which in part have been countered by the applicant.

Your Officers have visited the neighbouring property on more than one occasion during the process of the application and are of the view that, having regard to the comments made earlier in respect of the impact of the Conservation Area, the application could be similarly amended so that the impact of any new dwelling is minimised. This could be achieved by reducing the footprint of the building so that it did not extend so far forward towards Abbey Road and then setting in the dwelling on both boundaries with the central part of the dwelling perhaps extending further forward. Indeed, at one point during the pre-application process, it appeared that such a scheme may be proposed but has not appeared to come to fruition. At present, your Officers feel that the proposal will have an unacceptably overbearing impact upon the property to the west.

## **Conclusion**

Your Officers are disappointed that a mutually acceptable scheme has not yet been found for this site. The application has remained undetermined for some time in the hope that a suitable compromise could be achieved, but the agent has now asked for the application to be determined as submitted. The very close proximity of the Conservation Area, as well as the Council's own policies requiring the provision of high quality homes, means that the Council should look for a high standard of development on the site and it is considered that this has not yet been adequately achieved and moreover results in a development that would adversely affect the amenities of the neighbouring property. Accordingly, on balance it is recommended that the application is refused.

## **Recommendation**

To **REFUSE** planning permission for the following reason:

The proposed dwelling by virtue of its scale and siting would result in a development that would adversely affect the setting of the adjacent Ivy Place Conservation Area and result in an overbearing development that would adversely affect the amenities of neighbouring residential properties. The proposal therefore fails to comply with policies 8 and 16 of the Worthing Core Strategy, the Council's Supplementary Planning Document 'A Guide to Residential Development' and the National Planning Policy Framework 2018.

19<sup>th</sup> December 2018





Application Number: AWDM/1568/18

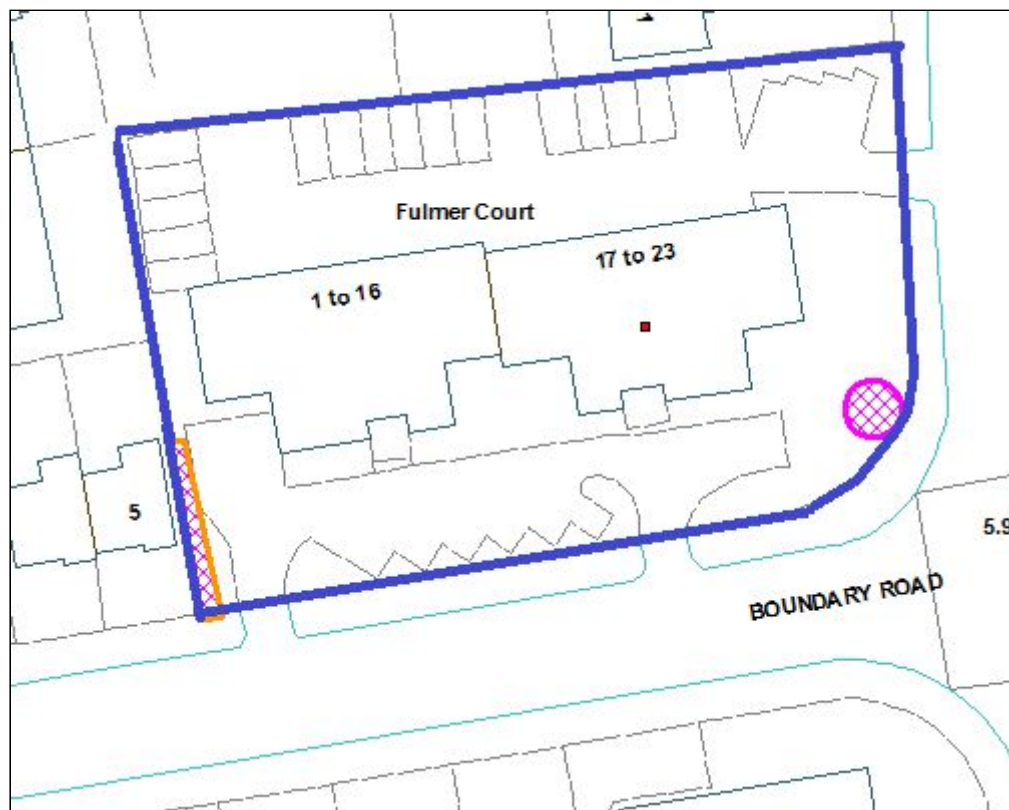
Recommendation – APPROVE

Site: 30 Fulmer Court, Boundary Road, Worthing, BN11 4LU

**Proposal:** Application for consent under Worthing Tree Preservation Order No. 34 of 1995 to cut back two sections nearest top floor windows by approximately 1.5m to one Holm Oak T3 in SE corner. Thin canopies by 15%, cut back from roof of 5 Acre Gardens to give 2.5m clearance, raise canopies to 5m, reduce radial spread by up to 1m to four Sycamores in group G1.

Applicant: Cllr Steve Wills  
Case Officer: Jeremy Sergeant

Ward: Heene



Not to Scale

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### Proposal, Site and Surroundings

The application refers to a large mature Holm Oak located near the Southeast corner of the main building, fronting onto Manor Road, and a group of four Sycamores to the south west of the grounds. The trees are a prominent part of the street scene and make a contribution to the character and visual amenities of the area.

Consent is sought to cut back two sections nearest top floor windows, and to crown thin the Holm Oak T3, and to reduce radial spread, allow clearance to roof of 5 Acre Gardens, and crown lift the four Sycamores in group G1.

The reasons for the works are primarily in the interests of safety, abating nuisance and amenity value.

## **RELEVANT PLANNING HISTORY**

- 1995: Worthing Tree Preservation order Number 34 of 1995 confirmed on 28/11/1995.
- 2001: Application for consent under Worthing Tree Preservation Order No. 34.1995 to remove damaged branches back to parent branch or main stem. Remove deadwood, crown lift to 4.5 metres and thin crown by 20%, one medium Holm Oak
- 2004: Application for consent under Worthing Tree Preservation Order No. 34/1995 to remove lower limbs overhanging the highway and public footpath, remove dead wood and epicormic growth, remove limb leaning towards the building back to a major fork - one Holm Oak (T3)
- 2008: Application for consent under Worthing Tree Preservation Order No. 34/1995 to crown lift to 3 metres, reduce crown spread by 2 metres, removal of further secondary branches on west side to give a clearance of 1.5 metres to neighbouring roof of 5 Acre Gardens, and clean out crown of 6 no. Sycamore (G1).
- 2012: Partial crown thin by 5-10%, crown lift to 5.5m over highway, and crown reduction by up to 1m on north-west side of T3 Holm Oak; and crown thin by 10%, crown lift to 5.5m over highway and 3.5m over parking bay, and general reshaping reduction on south side of T1. Works to trees subject to Worthing TPO No 34 of 1995

## **Consultations**

None

## **Representations**

None received

## **Relevant Planning Policies and Guidance**

Worthing Core 2011 Policy 16

National Planning Policy Framework (2018)

Circular 04/07 'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000)

## **Applications in connection with carrying out works on trees that are protected by TPOs**

The Committee should consider the Town and Country Planning (Tree Preservation) (England) Regulations 2012 that provides the application may be granted either unconditionally or subject to relevant conditions, or refused.

## **Planning Assessment**

The trees are on tall large mature Holm Oak and four smaller younger Sycamores. The large Holm Oak is growing in the front grounds north of the car parking area and close to the junction of Boundary Road and Fulmer Court. The Sycamore trees of group G1 form a boundary marker along the western side of the entrance way from Boundary Road. The trees are a prominent part of the area, and can be seen from many views. The trees are:

### Holm Oak T3

The Holm Oak tree has a large diameter single stem to 3 metres, where it divides naturally, forming an array of 4 to 5 large main stems that mostly persist to the top of the high low crown. There are several large laterals that over arch particularly to the east. The main crown is dense and wide spread with some slightly over extended laterals.

The proposed works are to cut back two sections nearest top floor windows by approximately 1.5 metres, due to funnelling of prevailing wind, that has driven rain water into brick work of the main building (above the window of the top flat). The advice has been to reduce the radial spread of the western side of the tree to more evenly disperse the wind, which will have a minimal effect on the appearance of the tree.

### Sycamore trees of group G1

These trees form a linear group that runs from the southwest corner of the site northward until level with the main building. The trees vary in height from 13 to 15 metres, are single stemmed to 2 to 5 metres. The last two trees T3 and T4 have been pollarded at 8 metres, previous works to trees T1 and T2 to the south are less clear as these trees have a heavy incursion of thick Ivy that restricts closer inspection. The combined main crown of the group is moderately dense and wide spread mostly on secondary branches some of which are over extended.

The proposed works for all four trees are to reduce radial spread by up to 1 metre, cut back from roof of 5 Acre Gardens to give 2.5 metres clearance, crown lift up to 5 metres and crown thin up to 15%.

These works are to contain the size and spread of the trees, abate nuisance, allow access beneath and allow more light and air to pass through the crown.

These works in my opinion would be relatively minor in relation to the overall size, spread and crown form of the trees and would not significantly or adversely affect their appearance, amenity value, or contribution to the character of the area.

## **Recommendation**

**Grant Consent** subject to the following Conditions:

1. The proposed works, hereby permitted, shall be restricted to those specified in the application only unless otherwise agreed in writing with the Local

Planning Authority and carried out within two years from the date of consent and in accordance with the British Standard BS 3998: 2010 Tree Work.

**Reason:** *In the interest of visual amenity.*

19<sup>th</sup> December 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.