



**WORTHING BOROUGH
COUNCIL**

**Planning Committee
26th June 2019**

Agenda Item 5

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/0393/19 **Recommendation – Approve subject of Unilateral Undertaking**

Site: Teville Gate House, Railway Approach, Worthing

Proposal: Demolition of existing building and redevelopment with 5-storey office building for Use Class B1a (Business) with associated parking, access and landscaping.

2

Application Number: AWDM/0879/18 **Recommendation – Delegate for approval subject to the submission of satisfactory amended plans**

Site: Land South Of 6 Grand Avenue, West Parade, Worthing

Proposal: Variation of condition 1 and partial variation of condition 12 of Planning permission AWDM/1713/16 in order that some windows on parts of the east elevation are no longer obscure-glazed and that all balconies on the east elevation and the roof-terrace to flat 29, do not have privacy screens on their east side (this variation does not affect privacy screens to the roof terrace and stairs to flat 4).

3

Application Number: AWDM/0607/19 **Recommendation – Approve conditionally subject to S106 (Deed of Variation).**

Site: The Aquarena, Brighton Road, Worthing

Proposal: Application for minor material amendments to vary to Condition 1 of approved AWDM/1633/16 including revision to floor layouts, elevations, material treatments, window and door openings, plant arrangements and removal of solar PV's at roof level (and ridge level changes to pavilion/cafe), smoke ventilation equipment and timber screens to pavilion/cafe courtyard.

4

Application Number: AWDM/0649/19

Recommendation – Approve

Site: 1 Furze Road, Worthing

Proposal: Retrospective change of use of outbuilding from annexe for dependant relative to Holiday Let.

Application Number: AWDM/0393/19

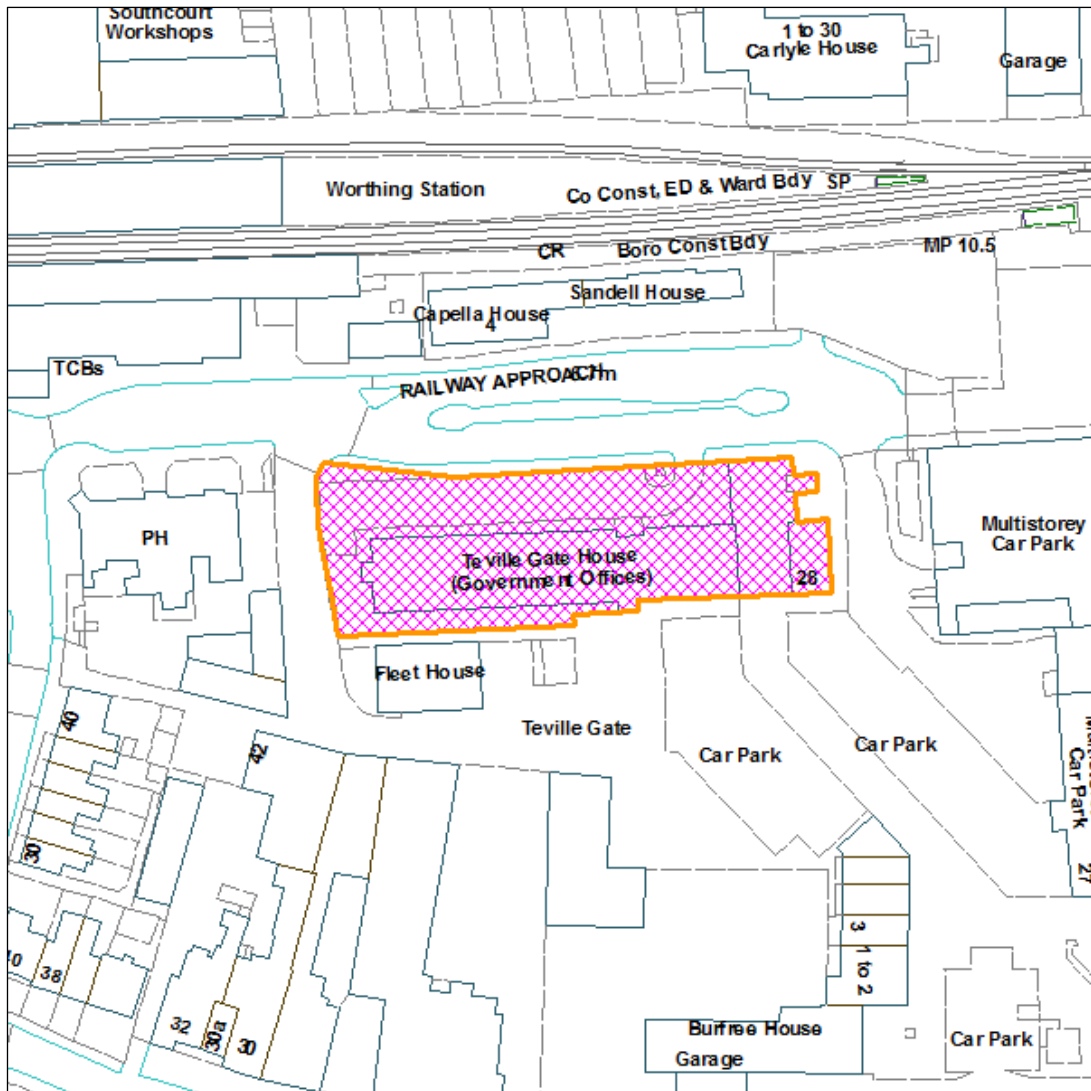
Recommendation – APPROVE

Site: Teville Gate House, Railway Approach, Worthing

Proposal: Demolition of existing building and redevelopment with 5-storey office building for Use Class B1a (Business) with associated parking, access and landscaping.

Applicant: Teville Gate House Ltd
Case Officer: Gary Peck

Ward: Central



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Proposal, Site and Surroundings

This application seeks full permission for the redevelopment of the application site comprising the construction of a new pre-let office building (confirmed during the determination of the application to be for H.M. Revenues and Customs (HMRC), currently based at Durrington) following the demolition of the existing vacant Teville Gate House office building.

The proposed five storey building will provide 8,550 square metres of B1a floorspace, with associated parking (for 10 cars), the provision of 72 cycle spaces, access and landscaping. The proposed materials and finishes were originally described as brick and black aluminium but during the course of the application, the latter has been amended to a lighter colour.

In respect of building form and layout, the Design & Access Statement (DAS) gives the following outline:

The brief to the design team was to create a high quality office building and workplace, befitting of the site's gateway location, to meet the requirements of a prospective tenant for which the building would be pre-let. It was a requirement of the applicant that the building would deliver a sufficient quantum of lettable floor space for the prospective tenant within the constraints of the existing site (minimum 70,000ft² NIA). The proposal achieves this in the form of a 5 storey linear block informed by the shape of the existing site and its boundaries.

The layout of the building and the location of the entrance and central core is dictated by a need to future-proof the design, in order that each floorplate is capable of being subdivided into separate office suites of varying size which can be re-let in the future. The position of the entrance reflects the asymmetric arrangement demanded by such flexibility.

The ground floor layout is dictated by the placement of the entrance, forming two distinct areas – an open-plan office / catering space and a back of house area comprising plant, welfare, and car parking. Separating these areas is a generous double-height reception area which links the entrance with the central core containing the lifts and stairs. The upper floors comprise large open-plan office floorplates accessed from the central core containing lifts, stairs and WCs. At first floor there is a void to form the double-height reception space.

The DAS goes on to state that the floor area needs to be maximized to achieve the required lettable space for the prospective tenant and is a uniform 5 storeys in height with the exception of the central core which continues up to roof level at the rear of the building to provide access to a screened plant zone. The DAS goes on:

The overall mass and length of the building was broken down through the introduction of a recess in the facade line to mark out the entrance; the use of different materials to distinguish the cores; and the creation of depth and contrast in the facade through deep window reveals...The palette of materials has deliberately been kept to a minimum to provide clean, sharp elevations with a restrained elegance...a red / orange red buff brick was selected as the primary facade material.

Black cladding panels provide a sharp contrast to the surrounding brick as a means through which the cores can be differentiated from the rest of the building, and the larger mass consolidated into series of parts which are clearly legible on the exterior. Metalwork, such as the frames to the glazed openings will also adopt a black finish, with window reveals at a depth of 1.5 bricks further accentuating the frame-like piers and articulating greater depth across the elevations through shadow.

Soft and hard landscaping will be provided along Railway Approach with the DAS stating:

The landscaping design proposes brick / concrete benches, brick / concrete and metal bollards, conservation-type concrete paving slabs and a generous number of trees which will be installed via tree grated pits. The spatial arrangement of these elements reflect the principles of order and grid driving the design of the proposed building. A 2m high fence is proposed at the rear of the site to secure the building.

The previous building on the site was constructed in the early 1970s and provided about 3,000 square metres of office accommodation in an L-shaped block with an undercroft that formed the entrance into the previous Teville Gate shopping centre. 28 car parking spaces were previously provided. The previous building had clearly become dated in its appearance and refurbishment of the building was likely to have proved unviable as a consequence. At the time of writing this report, the building was being demolished.

Opposite the site, to the north is the original Worthing Railway Station building which is Grade II listed. Adjacent to this building is an unlisted office block. To the west of the site is the 3-storey Grand Victorian Hotel which is also Grade II listed and has an unimplemented consent for the conversion of a former nightclub on its eastern side to hotel rooms.

The adjacent Teville Gate site has been cleared and boarded and therefore the previous access (public highway) through the site to the town centre is no longer available. Access to the site is via Railway Approach, beyond which is an access to a small temporary car park currently being constructed on the footprint of the former multi-storey car park on the main Teville Gate site. To the end of Railway Approach is an access to the Morrisons supermarket delivery yard and on the north side of Railway Approach a small private car park. It is intended to re-open the pedestrian underpass leading to Morrisons once the new temporary car park is open.

The nearest residential properties are about 40 metres to the south west in Oxford Road leading to the railway station, about 100 metres to the north in Bridge Road, across the railway line, and about 120 metres to the south in Teville Road, beyond the cleared Teville Gate site.

Relevant Planning History

Prior Notification for the demolition of Teville Gate House was granted in March 2019 (NOTICE/0005/19). The process of demolition has now commenced.

In 2011 the Council resolved to grant outline planning permission subject to the completion of a s106 agreement for the redevelopment of Teville Gate House and the main Teville Gate site for the,

Demolition of existing buildings and erection of a mixed use development comprising multi-screen cinema, restaurants and cafes, food store, hotel, health and fitness centre, offices, multi-function conference and exhibition centre, two residential towers containing 229 apartments together with 19 apartments on a new residential frontage to Teville Road and 12 apartments on a new residential frontage

to Broadwater Road, 967 car parking spaces together with a new partially covered pedestrian arcade, landscaping and urban realm and access arrangements (WB/10/0852/OUT). The legal agreement was not signed and therefore no planning permission was granted for this development.

In 2014, planning permission was granted for the Change of use from B1 (offices) to D2 (leisure) mixed use of soft gaming venue and gym (AWDM/1367/13) but the consent was not implemented.

At the adjoining site to the east and south, Teville Gate, a current application has been submitted for a mixed use scheme comprising three blocks of 378 residential units, 83-bedroom hotel, food store), gym, retail, restaurant and cafe uses is currently under consideration (AWDM/0325/19). Teville Gate House was previously part of the redevelopment scheme for Teville Gate proposed under application 10/0852/OUT which had a resolution to grant planning permission subject to the signing of a legal agreement which has never been completed.

Consultations

Conservation Architect

The most important view of this proposed office block will be seen as you exit the railway station. The listed Grand Victorian Hotel should continue to be the focal point, with the proposed building acting as simple backdrop helping to redefine Railway Approach and lead the eye along the pedestrian route heading towards the town centre. Travelling eastwards, the Grand Victorian has quite ornate facades and offers plenty of interest to the eye. The much larger elevation proposed, uses a repetitive grid which is only broken by the glazed entrance feature, with a minimal setback. The proposed materials are black powder coated aluminium windows and a red/brown multi, wire cut brick, and black concrete panels.

The proposed brick, Wolds Minster Blend, has a drag-faced surface unlike the smooth finish of the adjacent buildings, including the two Listed Buildings. The Design and Access document states *'As a product of both the surrounding context and the dialogue with Adur and Worthing Councils during the pre-application meetings, a red / orange-red buff brick was selected as the primary facade material.'* The accompanying sample panel illustrates this with a smooth, sand faced brick sample. The current brick proposed is different in both its colour, and finish. It's drag faced appearance being particularly different to its neighbours.

The service cores on the east and southern elevations of the proposed building are clad in black concrete panels. The eastern service core will be adjacent to the main pedestrian route; the large surface area in a dark colour, a lack of windows and a dead ground floor corner all add to the oppressive nature of the pedestrian route at this important stage of the route. Greater glazing and a lighter choice of material would be beneficial.

Conservation Area Advisory Committee

Objection. The proposed design is considered an overdevelopment of the site and the proposed appearance is considered totally unimaginative. The massive bulk of the building will be only 8 metres away from the Grand Victorian Hotel and will

overbear and damage the current setting. The close proximity to Station Approach will not facilitate a clear and inviting gateway with clear pedestrian direction to the Town Centre.

Floor to floor levels appear unnecessarily high and the dull mass of the proposed structure will appear oppressive and present a poor townscape introduction to visitors.

Design South East

This scheme needs to be considered in relation to Teville Gate. Currently, it is a single, long block tending to be a barrier to routes south from the Station and to the emerging development behind it. It should be redesigned so that it creates better access to the town, seafront, and importantly the broader development. The building needs to be two-sided or have two fronts so that it is addressing both the station on one side and the development on the other. At the least, there should be the flexibility for it to face both ways in the future. 4/8

The developer could be encouraged to create a more open ground floor which is animated/ transparent. We gather 10 car spaces are to be accommodated in a parking garage as part of the ground-floor frontage. This seems a minor result for a dead stretch of frontage. We see an opportunity to ask the applicant to reconsider the car parking with a view to all provision offsite, so a more apt elevation can be formed, and possibly a smaller footprint with benefits for the public realm.

There should be through routes on either side of the building if possible, rather than just on the one side. It might be feasible to have a building that you could walk under/through (as with the Home Office and Bloomberg in London), but this would need to be designed appropriately to avoid it becoming a dark tunnel-like experience.

Incidentally, the principle of demolition and new build appears to have been adopted without question. Total or partial repurposing of the existing building, bearing in mind the need to conserve embedded energy, might have been looked at. There might be scope for incorporating additional accommodation in vertical and/or horizontal extension.

Southern Water

From our initial assessment of the existing apparatus it appears that there is limited opportunity to divert existing water apparatus, and therefore Southern Water objects to the proposed development.

In order to progress the proposed development on the site, the layout must be amended. In considering an amended layout:

1. The 4 inch and 6-inch diameter water main require a clearance of 6 metres either side of the water main to protect it from construction works and allow for future access for maintenance.
2. No development or new tree planting should be located within 6 metres either side of the centreline of the public water main
3. No new soakaways should be located within 5m of a public water main.

4. New water mains should be located in the public highway.
5. All other existing infrastructure should be protected during the course of construction works.

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: 0330 303 0119) or www.southernwater.co.uk”.

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

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

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

Southern Water has undertaken a desk study of the impact of the proposed development on the existing public surface water network. The results of this assessment indicate that with connection at the “practical point of connection” as defined in the New Connections Services implemented from 1st April 2018 that there is an increased risk of flooding if the proposed surface water run off rates are to be discharged at proposed connection points.

We request that should this application receive planning approval, the following condition is attached to the consent: “Construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority, in consultation with Southern Water.”

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

- a) Adequate soakaway or infiltration system
- b) Water course

c) Where neither of the above is practicable sewer

Alternatively, the developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system. You will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

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

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

Specify the responsibilities of each party for the implementation of the SUDS scheme and 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.

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

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

Following initial investigations, Southern Water can provide a water supply to the site.

Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Technical Services

The site lies in flood zone 1 and is unaffected by predicted surface water flooding. It is obvious that this proposed development is not linked into the rest of the site, because the approach and submission are totally different.

The application form states that the intended method for surface water is a sustainable system linked to the public sewer. Ground water is high in this area and may be an issue.

The FRA by HOP contains at section 3 a Drainage Strategy, at section 3.5 the existing peak flows are calculated, and at section 3.65 to 3.12 are proposals for on-site tank storage and discharge to the public sewer.

As specified within the SFRA, 'brownfield' developments should strive to achieve 'greenfield' runoff rates (5 l/s/ha) but as a minimum reduce existing runoff by 50%. So if the 1:2 year runoff as calculated is 34.8l/s then the proposal should be limited to approximately half that not 45l/s, the proposed discharge rate is unacceptable. I cannot accept the drainage strategy and object to the proposals.

The applicant's consultants submitted the following response:

- The Flood Zone classification and surface water flood risk should not present any particular issues. CDA and HOP will ensure that the external levels around the building and the gullies/drainage channels are appropriate for managing any residual surface water flood risk.
- The adjacent site / remainder of the overall Teville Gate area is being managed by a separate developer. We have developed a strategy to deal with foul water and surface water discharge that connects to the existing public sewers located in the existing roadways. As the existing public sewers do not pass directly through the development site, there is a need to make the connections through the adjacent roadways / third party land.
- The proposed surface water drainage will connect to the existing sewer, with the proposed peak flow rate reduced from the calculated existing peak flow rate. The ground water level should be known in more detail following the site investigation work being undertaken next week by GESL. The 'Soil Consultants' report from 2011 noted ground water levels 2.52m to 2.65m below ground level (3.45m to 3.58m AOD) which places the ground water approximately at the invert level of the lowest point of the proposed surface water drainage system. The lowest invert level is approximately 3.60m AOD, at the connection into the existing sewer, while the remainder of the proposed system is not as deep and is therefore further above the ground water table. We are currently developing the drainage plan to verify the invert levels, pipe sizes, inspection chambers etc.
- Our Drainage Strategy report sets out existing and proposed surface water flow rates and proposals to manage flow from the site.
- The proposed 45 L/sec surface water discharge rate is equal to the calculated existing peak flow rate for the 1 in 2 year return period storm, so

any rainfall more intense than this will be attenuated, thus providing betterment of the existing surface water flow rates into the local public sewer network.

- As Technical Services has noted that a 50% reduction of the existing 1 in 2 year storm flow rate would be possible, we will review the calculations to see what effect reducing the peak flow rate to 22 L/sec would have. The proposed 22 L/sec flow rate is just over a 50% reduction in the existing 1 in 2 year storm flow rate, calculated at 45 L/sec. Please note that Technical Services comment incorrectly referred to the 1 in 2 year storm runoff as being 34.8 L/sec (which is the 1 in 1 year storm rate), when in fact the 1 in 2 year storm runoff rate is 45 L/sec, as stated in the Drainage Strategy report.

Southern Water has stated (in its letter dated 05/04/2019) *...rates and volumes have been agreed by the Lead Flood Authority, in consultation with Southern Water.* Therefore we will need [Technical Services] to agree to the discharge rate, and Southern Water should then approve the Section 106 sewer connection application.

The Southern Water letter also states: *... Alternatively, the developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system. You will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.* This philosophy agrees with our drainage strategy as the proposed surface water flow rate into the Southern Water sewer will be no greater than the existing rate, and in fact, as noted above, will provide betterment for all surface water flows in excess of runoff from the current 1 in 2 year storm return period.

Our scheme complies with Southern Water requirements, although we understand that Technical Services comments will also need to be addressed for the more onerous flow restrictions.

*In response, **Technical Services** further comment:*

A 50% reduction is normally required. If the planners wish to waive that, there would be no objection based on the additional information submitted albeit there seems no reason why the 50% reduction cannot be achieved.

West Sussex County Council Archaeologist:

SUMMARY:

- Buried deposits of potential archaeological and geoarchaeological interest, below a variable depth of upper (modern) made ground, have been provisionally identified on the adjacent mixed use redevelopment site (geoarchaeological – explanation below).
- These layers are expected to extend, in part or in whole, into the current Use Class B1a proposal application area. Deeper ground excavations, e.g. for piled or other deep foundation excavations, are expected to cut into archaeological and geoarchaeological deposits.

- Objection is not raised to the proposals, subject to a suitable programme of archaeological mitigation, which should be secured through the use of a condition on planning permission, if granted.
- Recommendations for the scope and methods of mitigation are included in the comments below.

COMMENTS:

The supporting documents include no appraisal of the potential archaeological impact of the proposals.

Archaeological background

Teville Gate House occupies land which once bordered a tributary watercourse of the Teville Stream, which ran west – east to the south. In the 19th and 20th centuries, its flood plain was infilled; on the adjacent former Teville Gate Car Park site and land to the west (current mixed use redevelopment planning application ref. AWDM/0325/19), variable depths of made ground to a thickness of 4 metres have been noted during site investigation

The made ground on that site overlies sand and clay deposits provisionally considered to be related to the stream and to underlying raised beach deposit superficial geology, and to be of potential archaeological and geoarchaeological interest (geoarchaeological – see below for explanation). The buried deposits on that site are likely to exist in part or in whole on the Use Class B1a site.

The findings of an *Archaeological and Geoarchaeological Desk Based Assessment* report, supporting the mixed use redevelopment proposals, are relevant to the Use Class B1a proposals (geoarchaeological = where geological layers of Ice Age and between Ice Ages date are contemporary with the early prehistoric human occupation of northern Europe and may contain the tools and physical remains of early humans, of the food they ate, and microfossils and plant remains indicating the climate and environment they lived in).

The geoarchaeological assessment included in the above report concluded from examination of past site investigation data that buried archaeological features and deposits of prehistoric date are the most likely to survive on the mixed use redevelopment proposal site, because of their depth below ground level and modern made ground.

The earliest of these features and deposits may date to the Palaeolithic period (locally 500,000 years Before Present (BP) – 10,500 BP), under a variable depth of made ground, the upper part of which will be modern.

There is known local and significant Palaeolithic archaeology close by. About 425 metres to the south-east of the Use Class B1 proposal site, archaeological observation of single basement excavations into the raised beach deposits at 12 North Street, in 2010, found last Ice Age land- and river-related layers.

These layers, which may extend for some distance from North Street, e.g. towards or into the application area, included a single definitely human-made flint flake (tool

manufacturing waste) dating to about 50,000 years Before Present, indicating the activity of Neanderthal humans in the area, an extremely rare discovery in Sussex.

Some of the lower made ground within the current proposal site itself may be of archaeological interest, but these levels will probably have seen much modern disturbance so archaeological survival there will also be variable.

Archaeological impact

The observations on potential archaeological impact in the mixed use class site geoarchaeological assessment report are expected to be equally relevant to the current Use Class B1a proposals. Shallow foundation-related and other excavations for the new building will mostly sit in the uppermost modern made ground, and have no archaeological impact.

Deeper excavations, e.g. especially for piled foundations, are expected to have an archaeological impact. They would penetrate the modern made ground and cut through the lower made ground, some of which may contain archaeological deposits, and the underlying raised beach and stream silts, of early and later prehistoric date.

Mitigation measures

Archaeological survival in the upper buried deposits is expected to be variable, and all archaeological deposits significant on a local/ regional (rather than national) scale. The archaeological impacts of the proposals are expected to be localised.

Therefore objection is not raised to the proposals, subject to the implementation of a suitable scheme of archaeological mitigation, in advance of and where necessary during the course of redevelopment, following demolition of the existing building.

The scheme of archaeological mitigation should be secured by a condition on planning permission for the proposals, if granted. The scheme should include:-

- 1) Excavation of test pits and/or drilling of boreholes for the purposes of archaeological and geoarchaeological investigation;
- 2) A targeted programme of archaeological field evaluation – excavation of trial trenches – informed by (1);
- 3) A review of the results of (1) and (2) to determine if the archaeological and geoarchaeological deposits are sufficiently significant and at risk of severe harm or loss from the redevelopment proposals to warrant wider-scale investigation and recording and/ or more detailed off-site analysis.
- 4) Adequate analysis and reporting of all of the above findings for the public record.

West Sussex County Council Highways

The comments from the County Highways section were submitted separately in respect of a response to the submitted Travel Plan and general highways/infrastructure comments:

i) Travel Plan comments

As both car and bicycle parking offered for the site is very low (10 car parking bays – 2 of which are disabled – for 812 employees and 72 cycle spaces (the latter less than 9% of staff)) - any Travel Plan (alongside public realm and other mitigation to enhance and promote sustainable transport modes) must be robust.

Specifically with regard to the Travel Plan, the following comments are made:

1. Table 5.1 is potentially confusing/erroneous as it is based on census data from three local output areas and comprises almost 3,000 trips. It is understood that for this development 812 people are expected to be employed. In addition, census data includes employees who are mostly based at home (rather than working in an office). Instead, WSCC would require the baseline to be the number of 12-hour weekday vehicle trips (07:00 – 19:00) predicted in the accompanying Transport Statement (i.e. based on TRICS data, which is likely to be more robust*). The overarching target can then be derived (TA prediction – 15%) and both figures should be clearly stated.

*(*At the present time, the TRICS data submitted might not be appropriate/correct given the locations used to inform the trip rates).*

2. Similarly, for clarity, Table 5.2 should be expressed as numbers of trips as well as percentages.
3. Chapter 6 should include a commitment to providing WSCC with contact details for the TPC before site occupation. An additional role of the TPC should be to commission TRICS SAM surveys in years 1, 3, and 5 to monitor progress towards the vehicle trip reduction target (see next comment).
4. Given the size of the completed development, a Car Club should be set-up at this location (which could also be utilised by those living in the established residential area and those working nearby). Such a Car Club should ideally consist of at least 2 vehicles. This will be particularly important given that only 10 parking spaces are to be provided on-site. The presence of Car Club vehicles can also help to 'unlock' non-car modes, encouraging people to use these except for journeys when a car is absolutely necessary.
5. The Travel Plan should be monitored in accordance with the TRICS Standard Assessment Methodology (aka TRICS SAM). This requires the developer to commission the TRICS organisation to arrange multi-modal travel surveys in years 1, 3, and 5 conducted by an independent enumerating company. Survey results should be shared with WSCC by way of a monitoring report. Further information about TRICS SAM monitoring is available at www.trics.org. Informal monitoring (e.g. questionnaire surveys) could be conducted in years 2 and 4 to help inform progress, but are not compulsory.
6. The applicant and/or occupiers should provide interest free public transport season ticket loans and also promote www.travelinesoutheast and www.nextbuses.mobi (chapter 8). The applicant and/or occupiers must also join the easit ADUR&WORTHING network, which provides employees with a range of sustainable travel incentives, including 15% off Southern rail services. Further details are available at <https://www.easit.org.uk/>
7. In addition to the cycling initiatives outlined in chapter 8 the occupant should fund cycle training for employees wishing to cycle. WSCC is able to offer cycle training to Bikeability national standards and further information is

available at <https://www.westsussex.gov.uk/roads-and-travel/road-safety/one-to-one-cycle-training/>

8. Given the very low level of car/vehicle parking provision at this site, there should be a greater emphasis on promoting public transport use, walking and cycling than on car sharing. Also, additional cycle parking should be provided.
9. The TP should include a stronger commitment to mitigation should the 5-year vehicle trip target not be achieved. WSCC's preference would be for intensification of measures outlined in the TP coupled with a commitment to continue TRICS SAM monitoring for a further 5 years.
10. The developer should fund a six-monthly £150 prize draw to promote car sharing by employees for the lifetime of the Travel Plan. Where staff parking spaces are to be provided the developer should set aside a proportion of spaces as 'car share only'.
11. The developer should fund cycle training for employees upon request. Information about WSCC's cycle training is available on [the County Council's website](#).

As such, the Framework TP should be updated in line with the comments above. Prior to occupation the TP should be updated again once the end occupier (and TPC) is known.

The applicant's consultant submitted an updated Travel Plan framework and Technical Note in response to the above comments and WSCC have initially commented in response:

- The revised information appears to have addressed the majority of the Travel Plan comments raised in the previous response but further information is required in respect of vehicle trips, car club and the CPZ.
- West Sussex County Council require further information regarding the commitment of the applicant to contribute to required infrastructure including directional signage (approx. 10k); new bus stops (50k), shelters and real time passenger information in Railway Approach, surveys of existing and non CPZ areas (80k); and Teville Road/Chapel Road walking and cycling improvements (total cost of 250k which WSCC would expect the development proposal to contribute towards).

Applicants Response

In respect of the requirements regarding infrastructure the applicant has responded by stating that it is not clear to us how the figures for...directional signage and...new bus stops have been derived. We have therefore looked at what we consider is a reasonable and necessary contribution and have calculated the following with the support of Macconville's (cost consultants) and TPA (highway consultants):

1. Directional Signage:

*We consider that this development should not be required to contribute to any more than 10 signs and we have costed these at £500 each, coming to a total of **£5,000**. We would suggest that the most appropriate locations for these signs are as follows:*

- 2 x A24/ A27 Roundabout - Southbound
- 1 x A259/ George V Avenue Roundabout – Eastbound
- 2 x Tarring Road/ Teville Road
- 5 further signs will be used for pedestrian and cyclists. The closest national cycle route to site (sustrans national cycle network map) is a traffic free route along the promenade.

2. Bus stops and RTPI: [real time passenger information]

We have calculated that the installation cost for two new bus stops, shelters & RTPI along Railway Approach would, at the most, cost £30,000.

3. Controlled Parking Zones:

Based on a catchment of 500m or 5 minute walk from the site, we calculate a requirement for a contribution of approximately £15,000 to cover reasonable monitoring and implementation costs.

This comes to a total of **£50,000** of contributions which can be obligated through a Unilateral Undertaking with WSCC. We consider that any higher sum is neither, reasonable, justified or indeed viable.

4. Walking and Cycling Improvements:

In relation to the wider walking and cycling improvements for Teville Road/Chapel Road (item 4), these are not directly related to the proposed development and must therefore be funded via CIL monies secured by Worthing Borough Council from other CIL generating projects in the locality.

As you will be aware, Worthing Borough Council's Regulation 123 list includes Transport Improvements, specifically the following:

- Traffic management schemes
- Local and strategic transport improvements
- Cycle network improvements
- Public transport improvements

The Council's Regulation 123 list makes it very clear that 'the Council cannot spend Planning Obligations on items within the Regulation 123 List.'

Item 4 in our view clearly falls under the above and should therefore be funded by CIL.

The Council's Regulation 123 list goes on to identify exclusions to CIL which are to be secured through Planning Obligations such as 'On or off site transport and junction infrastructure required specifically to serve a new development.' Item 4 cannot reasonably be considered to be required specifically to serve this development.

Therefore, we consider that the requirement to pay for wider walking and cycling improvements via a financial contribution constitutes 'double-dipping' as the County Council are requesting contributions via a S106/Unilateral Undertaking that would

and should normally be paid for via CIL monies. As you will be aware, Government guidance is clear that 'double dipping' is unacceptable.

We note that the adjacent proposal for the wider Teville Gate site produces a CIL liability of some £2 million which would provide significant funds for pedestrian and cycle improvements in the vicinity.

Further to the above points, Worthing BC's CIL Charging Schedule does not set a charge for office development due to the viability challenges of providing office development in current market conditions. Adding such unreasonable financial burdens onto this scheme via S106 that would otherwise be covered by CIL would compromise the viability of the proposed development as suggested by the Borough Council's own evidence. On this basis we would request that payment of contributions would be triggered on occupation of the proposed building.

We trust therefore that we will be able to proceed positively on this basis to conclude the matter to proceed with a Unilateral Undertaking to secure such funding as soon as possible.

Highway Authority response:

A key issue here is that there is no guarantee that both sites will be developed. Therefore, while the principle of both sites contributing is sound, if only one builds then there is a likely shortfall in funding any identified changes. If both sites develop, then there's the issue of how to apportion any amount to each site. You mention 'relative impacts' but until surveys have been undertaken, the impact isn't known and County must, therefore, safeguard it's asset which on this occasion is the CPZ. If insufficient funding is available then this places more burden on an already stretched public purse – something we are unlikely to be able to pay for.

Like the other contributions, we've re-visited the CPZ costs and by reducing the number of TROs required, the bottom-line would be 49k. So, we appear to be circa 25k adrift based on what is currently offered by the applicant (25k).

Taking-together the CPZ costs, public transport improvements and new signage, the total contribution that County is seeking is £90k.

County Officers note the comment you make about Members seeing the Teville Gate House scheme as one that can provide regeneration benefits. However, I am also sure that they would want to know that in approving such a development that it provides appropriate infrastructure improvements and/or funding to mitigate its impact on the surrounding area.

At the time of writing, it is still difficult for the Highway Authority to support this scheme given the identified issues (both financial and technical). On the latter technical points, I have been speaking to the Transport Consultants but am still waiting for replies to the outstanding points (set out below).

West Sussex Highways – general comments

Introduction

This is the first WSCC Highway Authority (CHA) response to the planning application for demolition of an existing 3-storey office building and replacement with a new 5-storey building with 10 car parking spaces and 72 cycle spaces.

Site location

The site is located north of Worthing town centre at the junction of Teville Road (A2031) and Broadwater Road (A24). When originally re-developed in the late 1960's, the site comprised a shopping precinct, offices, car sales, car wash, surface car park and multi-story car park. Almost all of the retail was removed in the late 1990's/early 2000's with the final retail going circa 2017/18. The multi-storey car park and remaining buildings were demolished in 2018. All that remains is the existing Teville Gate House. Planning permission currently exists to the east of the site for a temporary car park totalling 66 spaces although at the time of writing (and as a consequence of the demolition works on the site) this permission has not been implemented.

Summary position of CHA

Additional information is required in order for the CHA to be able to consider the application further.

National, regional and local planning policies

Relevant planning policies are as follows:

National:

- National Planning Policy Framework 2 (NPPF2)

Regional:

- West Sussex Plan (2017-2022)
- West Sussex Transport Plan (2011-2026)
- West Sussex County Council Road Safety Audit Policy

Local:

- Worthing Local Plan 2003
- Worthing Core Strategy 2011
- DRAFT Worthing Local Plan (2016-2033)

Access

Vehicular access is proposed off Railway Approach to the front of the site. The A24 runs to the north-east of the site and Chapel Road (also A24) runs south-east of the site towards the town centre, connecting to the A259 coast road and eastwards towards Shoreham-on-Sea and, in-turn, Brighton. Other than Railway Approach, all routes are bus routes.

The nearby Teville Road runs between South Farm Road to the west (preceded by Tarring Road to Goring-on-Sea) and then to Broadwater Road (A24) to the east. It is classified as the A2031 and forms an important and well-used E-W distributor road within Worthing linking the aforementioned Goring-on-Sea to Worthing town centre. It is subject to a 30mph speed limit. The width of the road is generally 7m

with footways either-side. However, this widens in-front of the former (and neighbouring) Teville Gate site due to extra lanes either-side of the existing signal crossing on the road outside of the site. Hertford Road and Stanhope Road can be found opposite Teville Gate.

Broadwater Road (A24) runs N-S alongside the overall Teville Gate site and over the adjacent railway. It serves as one of the main N-S routes in and out of Worthing town centre to-and-from the A27 Trunk Road, joining it at 'Grove Lodge' roundabout found to the north. Two roundabouts are found on the road south of the bridge. Neither have pedestrian facilities, requiring those on-foot to either use an existing underpass running from behind Morrison's under the bridge to Railway Approach and then, in turn, along the northern side of the adjacent application site and onto the footway running along the northern boundary of Teville Gate House. For those wishing to cross to reach Teville Road at-grade, a signal crossing exists on Chapel Road just south of Bunce Hardware and then to the existing signal crossing on Teville Road outside the site (so effectively a circuitous route should one be minded to use this method for crossing local roads).

Railway Approach provides access between the site and Worthing railway station. Configured as a one-way route, the section running to and past the station requires users to enter from Teville Road from its western arm and then continue east-bound to re-join Teville Road opposite its junction with Oxford Road. The section of the road running behind the site is a looped-alignment running right-to-left to cater for taxi boarding and alighting. Some short-stay (free) parking is found on-street here on the south-side of the 'loop' outside the existing Teville Gate House. Service access to Morrison's supermarket (found east of Chapel Road) is also provided off Railway Approach at its eastern-end close to the site. Footways are available either side of the 'loop' and back to the railway station.

Further discussion about access by sustainable modes is covered in more detail later-on in this report.

Road Safety

In-line with WSCC policy and good practice, a Stage 1 Road Safety Audit (RSA) and Designer's Response (DR) of all proposed highway works is required. These key documents must be provided in order that the CHA can consider these aspects of the proposal. Specifically with regard to the RSA, this should consider all vehicular and pedestrian routes to the site (existing and proposed) and all other changes to the highway network brought-about as a consequence of the development.

Access by sustainable modes

Walking – Footways can be found on Teville Road, Railway Approach and Chapel Road overbridge. An underpass and associated links thereto can be found close-to and in the case of the latter, along the northern boundary of the neighbouring site. However, it is not shown in detail how any of these are to be treated/improved etc. as part of the proposals.

Buses – Bus service's No's. 5, 7 and 10 (operated by Stagecoach PLC) run along Teville Road between West Durrington and Worthing town centre. Two bus stops

(and one shelter) can be found on the 'loop road' leading to Worthing railway station and two stops (but no shelters) can be found to the south of the site on Teville Road.

Train – Worthing railway station is approximately 200m north-west of the site. It provides frequent E-W trains along the coast and to other stations which, in-turn, provide links to London and other coastal towns.

Taxi – A taxi-rank is found immediately to the north of the site on Railway Approach.

Bicycle – Cycle connections to-and-from the site currently relies on cyclists using the existing public road network. No bespoke off-road routes are found close to the site although the County Council's emerging Sustainable Transport Strategy (STP) has identified that a shared route to-and-from the town centre using Chapel Road and Broadwater Road should be pursued. This has also long been an aspiration alongside any redevelopment proposals of the former Teville Gate site and is referenced in local adopted policy. As such, the applicant should provide a suitable improvement and submit this to the LPA and CHA to assess (including improvements to the existing traffic signals to provide cycle access too) .

72 cycle spaces are proposed. The CHA considers that additional spaces should be provided particularly in-light of the car parking offer.

Traffic generation

The accompanying Transport Statement provides trip rates determined from the TRICS database. However, it uses sites found in central London and one from Ireland which are not representative of the site characteristics of the Teville Gate site. The trip rates have also been applied to the existing building to determine a base position in terms of trips. Clearly, where the level of parking offered is low, trips to-and-from the site will be influenced by this and also alternative travel options/modes of transport. However, there will still be a number of staff who will choose to drive to the site or close to it and this is not represented in the traffic impact information provided by the applicant. As such, the applicant should provide a more accurate future view of trips to-and-from the site (by all modes) and on the local road network as a consequence of this development. As such, further information should be provided including revised TRICS data based on sites that have similar characteristics to the site. Reference to proposed impacts from the adjacent site (so residential, retail, commercial Teville Gate site) and other committed developments should also be factored-into any additional information provided.

Parking

10 car parking spaces are proposed across the development site with reference to an additional 50 to be provided by the LPA elsewhere in the town for use by users of the site. However, at this stage, it is not known where these will be, other than they will be provided by the LPA.

In addition to the above, 72 cycle parking spaces are to be provided. However, given the low availability of car parking, this number should be increased.

Controlled Parking Zone (CPZ)

The development site will impact on the surrounding CPZ zones and other roads/areas where CPZ is not in operation. As such, the applicant will be expected to contribute towards reviews of these areas and implementation of changes and possible new CPZ zones to mitigate impact of those driving to and from the development and choosing to park on-street. A S106 Agreement will be required to secure this.

Strategic Transport Package (STP)

The emerging STP has identified the need to provide sustainable transport links in the form of enhanced pedestrian and cycle access and associated connectivity to and from the site and N-S along Broadwater Road and Chapel Road. The application should provide suitable improvements to demonstrate this (also see comments above).

Travel Plan

See separate comments

Servicing and access by fire appliances

This is not currently shown. As such, the applicant should provide further information and evidence of discussions with the WSCC Fire and Rescue Service (WSF&RS) in an attempt to demonstrate that suitable access and provision for fire-fighting purposes (including access to a suitably pressurised water supply) can and will be provided for all parts of the development.

Traffic Regulation Orders (TROs)

If any TRO's are identified as being required to change as a consequence of the development proposals (including some possible new ones to reflect the scheme and its impact on the public highway), the applicant will be required to pay for these. Provision within a suitable legal agreement will be required to be secure this.

Stopping-Up and Diversion of Highway

Public highway exists within the site. As such, this will need to be considered within the planning application and a formal Stopping-Up Procedure undertaken. Following application, the Government Office confirms the making of the Stopping-Up Order. However, the local Highway Authority (CHA) only agrees to the Government Office making any Order conditional upon an alternative route being provided at the Applicant's expense and to the satisfaction of the CHA. As such, a plan should be provided showing how and where this would be provided.

Construction management

Careful consideration will need to be given to this given the proximity of the adjacent roads, A24 overbridge (Broadwater Road) and busy local road network.

S106 infrastructure requirements

Assessing the application as submitted, the CHA requires that the application site contributes to provide necessary public transport infrastructure at the railway station in the form of new bus shelters, waiting facilities and real-time passenger information. Also, pedestrian and cycling links to-and-from the town centre are required (site to Chapel Road and north along Broadwater Road). The applicant should provide a plan to show this for the CHA to consider. Any works will need to be Safety Audited and this too should be submitted to the CHA to review.

Finally, a contribution towards new and improved signage for routes in-and-out of town and public car parks is required – again, by S106 Agreement.

So, in summary and at the time of writing the following have been identified by the CHA for contributions from the development:

- Walking and cycling improvements and connections – site to Chapel Road including Broadwater Road.
- Bus stops, shelters and real-time infrastructure on land to the front of and in proximity of Worthing railway station.
- Controlled Parking Zone (CPZ).
- Highways works to provide access to development from Railway Approach (if not within red boundary edging of site). If within, then planning conditions could secure these.
- Stopping-Up of highway.
- Traffic Regulation Orders (TROs).

Conclusion

Additional information is required in order for the CHA to be able to consider the application further. Details of what is required are found in the main body of the text above and summarised below:

1. Stage 1 Road Safety Audit and Designer's Response for all highways works (on and off-site) and all access points to-and-from the development (motorised and non-motorised).
2. A Design Check of all new works (including identification of any Departures from Standards).
3. Provision of pedestrian and cycle links to-and-from the site on Chapel Road and Broadwater Road (and to nearby underpass to north of neighbouring Teville Gate (Station Square) site – plan required).
4. Provision of contribution towards new bus shelters/waiting facilities and real-time passenger information outside Worthing railway station.
5. Additional transport modelling.
6. Cycle parking – cycle parking increase (and plan to show).
7. Stopping-Up Order – Plan required showing alternative route through/across site.
8. Travel Planning (and Travel Plan) – A far-more robust offer is required from the development and the Travel Plan updated to reflect this.
9. Access for refuse and methods of operation/waste disposal to be shown and access for fire-fighting purposes and details of how this will be achieved (including access to a suitably pressurised water supply) to be demonstrated.

The applicant's Highway Consultant is addressing the above matters and Members will be updated at the meeting.

West Sussex County Council (WSSC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

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

Current surface water flood risk based on surface water mapping:	Low risk
<p>Comments:</p> <p>Current mapping shows the site is at low risk from surface water flooding although higher risk exists to the south of the site.</p> <p>Any existing surface water flow paths across the site must be maintained.</p> <p>Reason: NPPF paragraph 163 states – ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere’</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided. Any excavated material kept on site should be located in areas designed and designated for that purpose.</p>	

Modelled groundwater flood hazard classification:	High risk
<p>Comments:</p> <p>The majority of the proposed development site is shown to be at high risk from groundwater flooding.</p> <p>This risk and appropriate mitigation should be considered in any future designs especially with regard to underground structures and utilities.</p> <p>Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p>	
Records of any ordinary/culverted watercourses within or in close vicinity to the site:	Yes
<p>Comments:</p>	

A culverted ordinary watercourses runs close to the southern boundary of the site.

Records of any historic flooding within the site:	No
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Comments:

We do not have any records of historic surface water flooding within the confines of the proposed site although locations within close proximity in Worthing Town centre have experienced historic surface water flooding. This should not be taken that this site itself has never suffered from flooding, only that it has never been reported to the LLFA.

Future development - Sustainable Drainage Systems (SuDS)

The Drainage Strategy included with this application proposes that an attenuation tank, with a restricted flow into the main sewer will be used to control the runoff from the development. This method would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

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.

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 rain gardens, permeable paving and/or 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.

It is recommended that this application be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

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.

Worthing Society

Originally raised no objection but have subsequently submitted further comments objecting to the proposed development:

In our previous letter to you about Teville Gate House we have referred to the blandness of the proposed design, but we stopped short of making an objection to the planning application. It appears, however, that matters have progressed somewhat since the date of our letter, particularly with regard to the impact of the proposed building on the Listed Grand Victorian Hotel. We understand that the new building is now shown to be about 10 metres from the Hotel and that this separation is likely to be further reduced, to some 8 metres, because of WSCC highways requirements.

We consider that this would result in the proposed building having an unacceptably overbearing impact on the Grand Victorian Hotel that would be harmful to its character as a building of architectural and historic interest. Furthermore, the photomontage details submitted with the planning application indicate that the proposed building would be over-dominant in the street scene when viewed from the entrance to the railway station. Its proximity to the pavement in Railway Approach and its long, uniform, frontage would be an uninteresting feature that would deter pedestrian movement between the station and the new Station Square development, which is not desirable on the main pedestrian route into the town centre.

Several Society members have since expressed serious concerns about the small parking allocation for such a sizeable office development. The surrounding residential area is already under considerable pressure.

Having regard to the above, we wish to revise our previous comments and to register our objection to the proposed development.

Officer note: Your Officers queried the comment that the previous letter had referred to the blandness of the proposed design, since there was no comment to that effect in the original representation to the application (and hence the applicant would not have been aware of any such concern). In response the Worthing Society advised:

When I replied to your formal enquiry and stated we had no issues with the proposal, I should have gone on to state: 'other than the bland design which we do not consider justified an objection.' My apologies for the omission. Things have obviously moved on since the original consultation earlier in the year. We have also received further representations from some of our members regarding the proposal, hence our revised decision to make an objection for the reasons stated.

Representations

2 letters of objection on the following grounds:

- Extremely concerned that no consideration is given to parking as only 10 spaces for potentially in excess of 1,000 people
- Inadequate provision for disabled staff car parking
- Public transport, especially from the north will not be adequate
- No off street parking in the vicinity
- Town does not have sufficient parking facilities
- Property in Bridge Road will be overlooked resulting in a loss of privacy

Relevant Planning Policies and Guidance

Saved policies from the Worthing Local Plan 2003: TR9 (Parking Requirements for Development)

Worthing Core Strategy (WBC 2011): Area of Change 5 – Teville Gate
Policies: 2 (Areas of Change), 3 (Providing for a Diverse and Sustainable Economy), 12 (New Infrastructure), 15 (Flood Risk and Sustainable Water Management), 16 (Built Environment and Design), 17 (Sustainable Construction), 18 (Sustainable Energy), 19 (Sustainable Travel).

Emerging Local Plan – Allocation Site A5 – Teville Gate

Supplementary Planning Documents: Tall Buildings Guidance

The West Sussex Plan 2017-2022

West Sussex Transport Plan 2011-2026

National Planning Policy Framework (CLG 2019) including sections: 2 (Achieving sustainable development) 4 (Decision-making) 9 (Promoting sustainable transport) 11 (Making effective use of land) 12 (Achieving well-designed places).

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.

Sections 16 and 66 of the Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving of the setting of listed buildings

Planning Assessment

The main issues in the determination of the application are considered to be:

- the principle of development, the effect of the proposal upon the character and appearance of the area including nearby heritage assets,
- highway safety and transport infrastructure and,
- the relationship of the proposal with the adjoining development site (Teville Gate).

The 2011 Core Strategy identified the application site as a key office location and the site is therefore subject to the provisions of policy 4, the preamble to which states:

To ensure that an adequate supply of employment space is retained the Core Strategy seeks to protect existing employment generating sites and premises whilst encouraging, where appropriate, their improvement or redevelopment to meet the current and future requirements of the local economy.

This policy designation is maintained in the draft Local Plan (policy CP12) the supporting text of which states that there was a decrease in office stock between 2000 and 2012 and also notes the constraints to bringing forward to additional employment land in the town. Although the application site was not specifically included within the Area of Change as set out in the Core Strategy, it is included in the Teville Gate allocation in the draft Local Plan (sites that are considered deliverable are allocated rather than identified as Areas of Change in the draft Plan). The policy allocation seeks to ensure that there is no loss of office space.

The proposal would more than double the amount of office space provided on the site from the 3,372 square metres provided in the original building to 8,550 square metres sought under the current application. In light of the policy position outlined above, the principle of development is clearly acceptable and presents a relatively rare opportunity to provide an increased amount of office space when in recent years such stock has been declining. This is a trend likely to continue given that the Government has allowed the conversion of office space to residential use without the need for planning permission. Some commentators have argued, however, that the loss of poor quality office accommodation has reduced supply which has resulted in office rents increasing and that this has made it more viable to build new high quality office accommodation.

Since the application was submitted, it has been confirmed that the occupiers will be HMRC currently based in Durrington. The draft Local Plan anticipated the vacation of Durrington site, as the HMRC lease on the site ends in 2021. If approved, the current application would ensure that HMRC retains a presence in the town – indeed, it is understood that the development would comprise one of HMRC's specialist hubs in the Country. The application form states that the proposed development would accommodate 812 full time staff. If permission is granted, it is anticipated that the office block would be ready to occupy by the time of the expiry of the lease at the Durrington site. The applicant has stressed, therefore, the importance of determining this application as quickly as possible.

The existing building, which may be completely demolished by the time of the meeting, was of little visual merit and its lack of occupancy in recent years would have no doubt contributed to the cost of any refurbishment or extension to the building being uneconomic. It is not considered therefore that there is any prospect of refurbishing the building as suggested by Design South East and there is no objection to the replacement of the building. Redevelopment does provide an enhancement opportunity.

The application site occupies an important position very close to the railway station and immediately adjacent to the cleared Teville Gate site, which itself is the subject of a current application under consideration. The previously submitted scheme for Teville Gate in 2010 which was given a resolution to grant permission, although the accompanying legal agreement was never completed, included the application site as part of the wider development but they are now separate proposals.

Your Officers have been keen to ensure that despite the separate nature of the schemes, they relate well together. A particular consideration has been the necessity to improve pedestrian and cycle links from the railway station to the town centre, as well as improvements to the public realm in Railway Approach which has a been long standing requirement of local plan policy both in the Core Strategy (specifically related to Teville Gate) and in the draft Local Plan in relation to the wider allocation site.

As stated earlier, the floorspace of the new building would be more than double than that of the previous building. In terms of the east-west footprint of the building, the proposed building is slightly wider (approximately 2 metres) than the existing building and so in terms of site coverage it is not considered significant (although it does bring the new building nearer to the Grand Victorian Hotel which will be considered further below). The main increase in footprint terms is in the depth of the building which was about 13 metres deep for the main part of the building and 24 metres for the projecting eastern arm. The proposed building, at its deepest point, will be around 25 metres and its depth will be about 20 metres across the whole site. Since the previous building was set back from Railway Approach, the increase in footprint will be much nearer to the road than was previously the case.

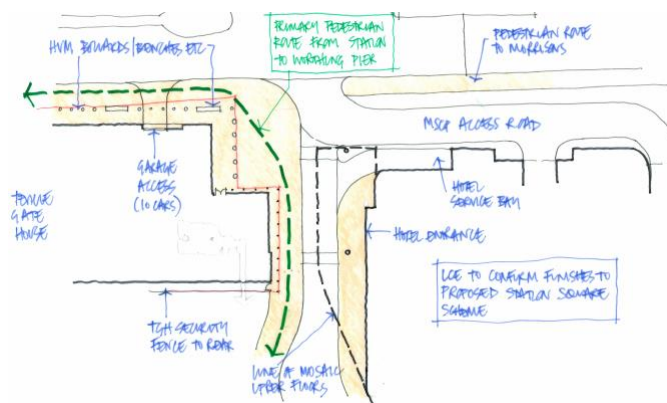
In terms of the effect upon the streetscene solely in relation to the increased footprint, your officers do not consider that the siting of the building closer to Railway Approach will cause material harm. Railway Approach has 2 laybys on its southern side as well as the road itself, a small island area in the middle of the road and then a further layby to the north as well as the northern carriageway itself which

appears wider than a single lane. As a result, the distance from the proposed building across to the buildings on the northern side of the road will be in excess of 23 metres which is considered sufficient in a centre of town location such as this.

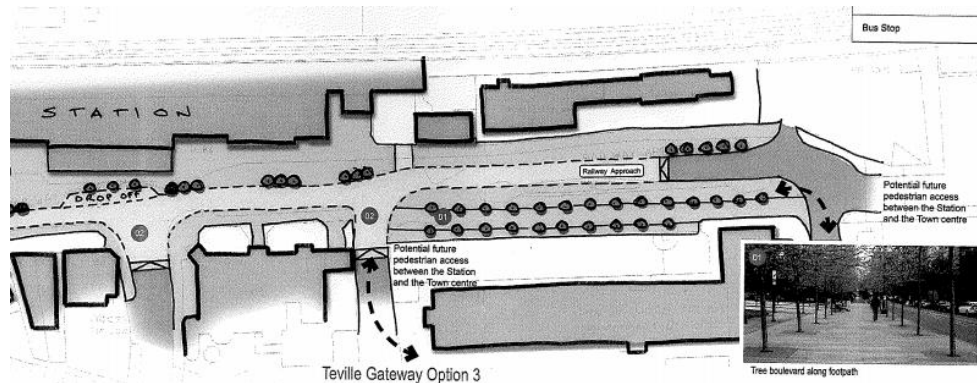
The main concern, therefore, in respect of the increased footprint is therefore in connection with the adjoining Teville Gate (Station Square) development which, if and when developed, will provide the main pedestrian link from the station to the town centre. While, in the past, the set back of the main part of Teville Gate House made the location of Teville Gate more obvious to pedestrians, the setting forward of a substantially larger building, could potentially result in the gap between Teville Gate House and the redeveloped Station Square appear narrow and less obvious. It should be noted however that the existing route under Teville Gate House was, in itself, an unattractive route and not obvious when viewed from the station but was still a well-used route to and from the Railway Station.

As indicated by Design South East, the opportunity to consider a comprehensive design solution across both the current application site and the main site needs to be secured to improve connectivity between the railway station and the town centre, in accordance with adopted policy. As Members are aware there is a desire to make significant public realm improvements across the town centre and specifically to Railway Approach as part of an overall strategy to improve accessibility to the town centre. In partnership with West Sussex County Council, consultants WSP have been consulted to consider a number of options for public realm improvements in Railway Approach. It is equally important that any such work is integrated into consideration of the scheme. The options already considered for Railway Approach at the initial feasibility stage provide an opportunity to realign the road (as members may well be aware, the current arrangement of the road is somewhat strange in that eastbound vehicles are on the south side of the road and westbound vehicles on the northern side) which, in turn, would allow the pedestrian route to become far more apparent.

This could help to mitigate any concerns about the setting forward of the proposed office building. The architects for both the current application and Teville Gate have met the Councils Consultants WSP and are working on a concept plan which would seek to provide the best public realm route between the two developments and ensure the use of materials that would tie in with the wider public realm solution for Railway Approach. The sketch below shows the opportunity of creating a comprehensive solution with the new pedestrian route sweeping between the two buildings.



The applicant has agreed that any tree planting in front of the proposed office would be better located further from the building in a wider public realm area and the scope for an avenue of trees along Railway Approach would help to recreate a more attractive street and help to soften the impact of the proposed development and any new development coming forward on the main site. One of the possible options for Railway Approach is indicated below and this highlights some of the enhancement opportunities.



Having dealt with the footprint, the next issue to be considered is the increased height of the building. Teville Gate House was a 3 storey building with a higher central core. The proposed building will be 5 storeys in height with a central core/plant screen set back. The increase in height from this central core will be approximately 10 metres (measured against the proposed set back plant screen of the building) and comparing the main part of the existing building against the main part of the proposed building, the ridge height of the building would similarly increase by about 10 metres. In effect, it is a doubling of the height of the building (an indicative outline of the submitted plans shows the existing building halfway up the proposed 3rd storey of the proposed building). Given the building is projecting further forward as already explained, therefore, this will result in a far more prominent building than was previously the case.

It should be borne in mind, of course, that the site is an area always anticipated for change and in the case of the former Teville Gate building, where substantially higher buildings have been considered in the past and resolved to grant permission. The principle of tall buildings in the locality has been long established in policy terms. Furthermore, a substantial building to replace Teville Gate House was also agreed in the 2010 scheme when the application site was part of the wider redevelopment proposals.

The 2010 scheme permitted a 6 storey building, in part, to replace Teville Gate House although its overall ridge height was only very slightly higher than the currently proposed building. It did extend further to the south than the current scheme, however. It was considered in respect of the previous scheme that the poor urban environment could justify a higher replacement building and there seems little reason to alter that conclusion today, especially given the strategic benefits outlined earlier. However, where the previous scheme did differ was that the height of the previously proposed building dropped down by about 6 metres at its western end to reduce the impact upon the Grand Victorian Hotel which is not the case in respect of the current scheme. As the following sketch highlights the proposed office is set slightly further away from the previous scheme (red outline in

the bottom elevation). Given that the Grand Victorian Hotel is a listed building, with an unimplemented permission, to extend on its eastern side, a consideration of the impact of the current scheme is necessary as well as the impact upon the listed former station building on the northern side of Railway Approach.



Proposed north elevation with profile of previous recommended application shown

The Grand Victorian Hotel is a 3 storey building, particularly prominent when viewed from the railway station which faces its corner octagonal turret. There are also a number of attractive timber gables on the building. The existing Teville Gate House building can hardly be considered to enhance the setting of the listed building and while perhaps it may have been considered that its set back from the road reduced its impact, it was nonetheless still visible from the station and the projecting arm of the building at the eastern end also formed an unattractive backdrop against the listed building.

It could be argued that the main attraction of the listed building is at its north western corner, the western elevation is rather detracted by a conservatory type extension while the eastern side, at present, is not of particular visual quality being of a mix of rather competing buildings, albeit with pitched roofs. A consent, unimplemented, exists to convert the eastern side of the building to 16 hotel rooms including external alterations which will include windows facing the application site and this would therefore improve its visual appearance. Nevertheless this is a more secondary elevation with the principal character of the building being its ornate copper tower and north-eastern corner particularly when viewed from the station entrance.

The heritage statement submitted with the application states:

The proposed office building is a maximum of two-storeys higher than the existing building on the site and approximately 8m closer. It is also significantly closer to the highway than the existing building and is undoubtedly a more assertive presence on the streetscene. However, this increased presence is not in itself negative and given the proximity of the site to Worthing train station, such a gateway building benefits from being assertive.

Whilst this enhanced presence and closer proximity to the Listed building does change the setting of the Listed building, particularly in east-west views, any potential harmful impacts are offset by the high quality design of the building and its sympathetic materials. These materials include a red / orange-red buff brick which is far more in-keeping with the red brick on the surrounding buildings including the Listed hotel, and a significant level of glazing in the form of recessed glass panels which help to lighten the building. Additionally, the proposed soft landscaping in the form of trees along the frontage of the building will help to soften the development and embed it in the streetscene. Resultantly, the proposed building will have an improved relationship with the streetscene in comparison with the existing building which currently has almost no functional relationship with Railway Approach.

The Heritage statement goes on to conclude that the principle of a 4-6 storey building on the site has been established by the previous resolution to grant permission when the application site was included within the wider redevelopment site previously.

Whilst, your Officers would rather have seen a more detailed analysis of the impact upon the setting of the listed building within the Heritage Statement, it is considered that the wider context must be considered. It is a matter of fact that the surrounding area has long been established in policy terms as an area that will be subject to significant change. Not only has the principle of 4-6 storeys been previously established as Teville Gate House, but significantly higher blocks within the Teville Gate site itself, which will also be seen against the backdrop of the listed hotel. (The tallest block in the current Teville Gate scheme would be in the north eastern corner of that site for example). The backdrop of the hotel will inevitably change, therefore. A comparison of the 2011 scheme and that now proposed is illustrated in the two photomontages below.





In design terms there has been criticism that the proposed building is rather bland and repetitive. However, your Officers feel that the design approach of a calm and restrained architectural approach helps to provide a foil to the more ornate design of the listed building. The applicant has reviewed the design approach and has agreed to reduce the parapet height slightly and add framing around the entrance to provide a greater visual focus. Detailed discussions have been also held regarding proposed materials. It is accepted that the large amount of glazing on the proposed building will, to some extent, reduce its visual impact but it is absolutely critical that the proposed brickwork reflects both the hotel and indeed buildings to the north rather than trying to compete with it by using more assertive materials or design features. The originally proposed grey or black concrete for the eastern stair tower and rear circulation areas have now been replaced by brick and the applicant is sourcing an orange/red brick to reflect the adjoining listed buildings. Further information on the final materials is anticipated prior to the meeting.

The width of Railway Approach has already been outlined earlier and your Officers are of the view that its width and hence the separation distance to the old railway building are sufficient to ensure that the impact upon its setting would not be so material as to warrant a refusal of planning permission. It is also agreed, as stated in the supporting information, the old railway station has a far greater functional relationship with the railway buildings to the north as with anything to the south.

In light of the wider strategic context, therefore, it is considered that the impacts upon the setting of the listed building are insufficient to warrant a refusal of planning permission provided that suitable materials are used. The increased bulk and massing of the replacement office building would have some harm to the setting of adjoining listed buildings but in NPPF terms this is a less than substantial impact and the regeneration benefits of accommodating a major employer in a highly sustainable location would justify the grant of planning permission.

Highways

In respect of highways issues, a first key point of concern which has been raised is that the development would only provide 10 parking spaces (compared to 28 on site at present). Understandably, there is concern that the vast increase in employees compared to the current situation will increase the pressure on surrounding road infrastructure. However, as Members will be aware, the National Planning Policy Framework makes a strong presumption in favour of sustainable development (as well as being strongly supportive of the strategic objectives outlined earlier) and it is a matter of fact that this is an edge of town centre site almost directly adjacent to the town's main railway station and served by a number of different bus routes.

Mindful of the NPPF's direction that development should only be resisted on highways grounds should the impacts be 'severe'; it is highly unlikely that a refusal could be justified in principle given the location of the site. Separately, the Council is entering into an agreement to provide a further 50 spaces in an alternative location to serve the development, but as such provision would be off site, a planning condition to ensure this takes place would not seem appropriate and, in any case, it does not seem likely that an objection could be substantiated even if the 50 spaces were not provided.

Nevertheless it is important that the applicant seeks to mitigate the impact of the development on local roads and implements a Travel Plan which secures that the majority of employees arrive by sustainable transport measures. As the occupier is a Government department there is greater confidence that a robust travel plan will be implemented as this meets the Government's own sustainability agenda.

On the assumption that alternative modes of transport will be used to access the development by employees, there will be a requirement to contribute to local transport infrastructure. West Sussex County Council has set out a range of measures that could be considered subject to a contribution to which the applicant's response has been set out above. It is correct, as the applicant's agent contests that the Community Infrastructure Levy (CIL) includes provision for such highways improvements but office developments such as this are not required to provide a CIL payment. (The residential and retail uses at the adjoining Teville Gate site would provide a substantial CIL contribution should the development proceed). CIL payments for office developments were not considered viable at the examination regarding the adoption of CIL and such viability should therefore be taken into account. Any financial payment, though, must also be directly related to the development and your Officers are of the view that, while desirable, not all of the schemes which the County Council are requesting a payment can be justified. This is particularly the case for the original suggestion that the development should make contributions to the Teville Road/Chapel Road junction improvement (circa £250k).

The Highway Authority has reviewed its position and now accepts that a contribution of £90k would be acceptable. However, this still requires a considerable contribution (approx. £50k) towards the review and implementation of extensions to the current CPZ's to the north of the site. Whilst, the applicant has been willing to increase the contribution to £60k the applicant considers that any additional contribution is unjustified and has expressed concern that any increase could jeopardise the overall viability of the project. The applicant's agent also argues that contributions should be sought from the adjoining development site as this development is likely to have a greater impact on surrounding roads. The Highway Authority has argued that the adjoining site may not come forward and

therefore it needs a CPZ review and implementation fully funded. Following further discussions the Highway Authority is reviewing its position and its final comments will be reported at the meeting.

In view of the pressure on the applicant to deliver the new office, to coincide with the HMRC vacating its current site, the applicant is keen to resolve negotiations with the Highway Authority and submit a signed Unilateral Undertaking prior to the meeting.

Another issue in relation to highways matters is the need for a stopping up order. Access to the Town Centre had previously been via the undercroft of the building on its eastern side. The Highway Authority has advised that they consider this to be adopted highway and consequently they would require the highway to be stopped up prior to the commencement of development. This is a separate matter which involves the Secretary of State's approval. Whilst, this this can be pursued under s247 of the Town and Country Planning Act following the grant of permission, it would delay the implementation of the permission if the stopping up Order is delayed. The applicant has indicated that they could provide approximately 2 metres around the eastern side of the building linking to the rest of the adopted highway leading through the main site (see **Appendix 1** attached to this report) and the applicant has been encouraged to pursue the stopping up order as soon as possible. The planning application for the adjoining Teville Gate site would provide a full north west to south east link across its site as and when the development proposals proceed

Conclusion

The proposed development would represent a substantial increase from the built form previously on the site. It will have some impact upon the setting of the neighbouring listed buildings: the Grand Victorian Hotel and the former Station building, and certainly while Teville Gate remains undeveloped the proposed office development would result in a prominent office building. However, the development provides the opportunity to regenerate a large vacant site in a highly sustainable location. Moreover, it will allow the opportunity for a major employer in the town to construct premises of regional importance while maintaining their presence in Worthing and retaining a significant number of jobs in the town. Accordingly, it is concluded that this is a very welcome development for the town and hence it is recommended that permission is granted.

Recommendation

To GRANT permission subject to the following conditions and the completion of a Planning Obligation (Unilateral Undertaking) securing £60,000 towards transport infrastructure improvements

Subject to Conditions:-

01. Approved Plans
02. Full Permission
03. No development shall commence within the site until:

A written scheme of investigation (archaeological work) which should include on-site field survey and recording and the analysis reporting publishing and archiving of the results has been submitted to and approved by the Local Planning Authority;

The approved programme of archaeological work has been carried out in accordance with the approved details.

Reason: In order to ensure that heritage assets of archaeological interest will be adequately recorded before development and subsequently will be adequately reported.

04. Prior to the commencement of any development above ground level 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.
05. Prior to the commencement of any development above ground level details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority, in consultation with Southern Water.
06. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.
07. Use class restriction B1(a)
08. The development hereby permitted shall not be first occupied unless and until a detailed Travel Plan has been submitted for the written approval of the County Planning Authority. The submitted details shall include details of measures to promote sustainable modes of transport and provisions for the maintenance, monitoring and review of the impact of the Plan and its further development, including mechanisms for monitoring and reviewing the Travel Plan and off-site car parking within the areas identified in in red on the attached plan. The development shall thereafter be carried in all respects in accordance with the approved details.
09. Prior to the commencement of any development above ground level the following details shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:
 - (a) particulars and samples of the materials to be used on all external faces of the building;
 - (b) details of all elevations to show typical details of all external components including details of drainage;

- (c) details of the balconies and wind mitigation measures including details of drainage;
- (d) details of ground floor elevations including entrances;
- (e) details of escape doors, gates, doors bin storage entrance and bicycle storage entrance;
- (f) details of soffits, hand rails and balustrades;
- (g) details of ground level surfaces including materials to be used;
- (h) details of external lighting attached to the building including anti-collision lights, lighting to the soffits and lighting to pedestrian routes;
- (i) details of plant and ductwork to serve the commercial uses;
- (j) details of ventilation and air-conditioning for the commercial uses

Prior to the commencement of any development above ground level, details of the landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, and pay reference to adjoining land uses:

- a) Details of materials
- b) Street furniture and lighting
- c) Planters, tree pits and planting
- d) A timetable for the implementation of the hard and soft landscaping,
- e) A maintenance plan to ensure establishment of the soft landscaping.

Development shall thereafter be carried out, and the planting maintained, in accordance with the approved details and timetable.

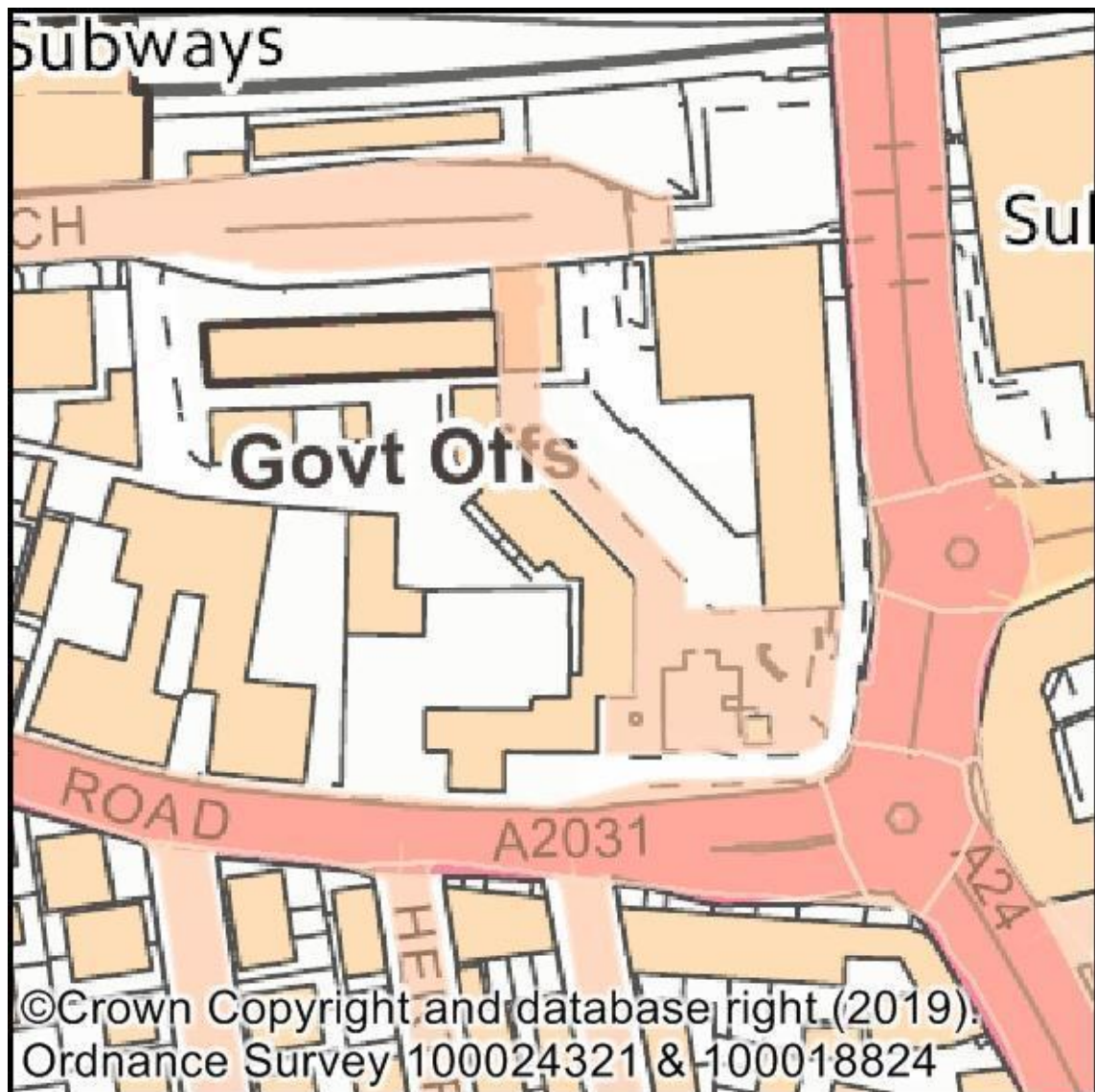
10. Prior to the commencement of any development above ground level a schedule of materials and finishes and samples of such materials and finishes to be used for external walls, glazing and roof of the proposed building have been submitted to and approved in writing by the Local Planning Authority and the materials so approved shall be used in the construction of the building.
11. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
 - the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives, visitors, and displaced public parking, the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.

Informatives

01. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
Southern Water has undertaken a desk study of the impact of the proposed development on the existing public surface water network. The results of this assessment indicate that with connection at the “practical point of connection” as defined in the New Connections Services implemented from 1st April 2018 that there is an increased risk of flooding if the proposed surface water run off rates are to be discharged at proposed connection points.
02. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
03. Prior to the commencement of development the existing public highway passing through the site shall be stopped up permanently and an alternative section of land dedicated to public highway to maintain a north-south pedestrian link through the site to Teville Road.

26th June 2019

APPENDIX 1 – EXISTING EXTENT OF ADOPTED HIGHWAY (PINK SHADING)



Application Number: AWDM/0879/18

Recommendation: Delegate for approval subject to the submission of satisfactory amended plans

Site: Land south of 6 Grand Avenue, West Parade, Worthing

Proposal: Variation of condition 1 and partial variation of condition 12 of Planning permission AWDM/1713/16 in order that some windows on parts of the east elevation are no longer obscure-glazed and that all balconies on the east elevation and the roof-terrace to flat 30, do not have privacy screens on their east side (this variation does not affect privacy screens to the roof terrace and stairs to flat 4)

Applicant: Roffey Homes

Ward: Marine

Case Officer:

Stephen Cantwell



Not to Scale

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Site and Surroundings

This seafront site is at the corner of West Parade and Grand Avenue approximately 1km west of town centre. It is a rectangular site of 0.26ha and lies immediately to the west of the seven-storey residential block Regis Court, which faces the seafront and has front balconies and a penthouse terrace. To the north are houses in Grand Avenue, including the nearest neighbour no 6, the side wall and rear garden of which forms the rear (north) boundary of the application site. The site is generally flat and is currently vacant following the demolition of the original three-storey house. On the opposite side of Grand Avenue is Dolphin Lodge, a distinctive landmark building of eight storeys, which lies some 40m to the west of the site.

The site has planning permission for the construction of an eight-story residential block, which was granted by this Committee in August 2017, following refusal of an earlier application for an eleven storey building which was dismissed at appeal in 2016.

The Proposal

This application was due to have been considered at a previous Committee meeting but was deferred at the applicant's request to allow for further amendments which have now been submitted. These seek to address points of concern.

The application is to vary planning conditions nos. 1 & 12 of the 2017 approval.

Planning condition no 1 is a list of the approved drawings, new versions would be substituted to include changes to windows and balcony screens.

Condition 12 is a requirement for various windows to be obscure glazed and unopenable and for obscure screens to be provided to balconies and the roof terrace in order to minimise overlooking to existing neighbouring flats at Regis Court. The wording of condition 12 is immediately below. The application proposes to remove and vary clauses b, c & d in locations on the eastern faces of the approved building.

Condition 12:

The development shall not be built other than as follows:

- a) All windows in the north elevation of the link block shall be obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and fixed shut up to 1.6 ms above finished floor levels.*
- b) All windows in the upper floors of east elevation of the eastern shoulder shall be obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and fixed shut up to 1.6 ms above finished floor levels.*
- c) All windows in the upper floors of the east elevation of the corner block shall be obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and fixed shut up to 1.6 ms above finished floor levels.*
- d) The roof terrace to the corner block and all balconies on the east elevation in the eastern shoulder shall have a privacy screen of 1.6 ms in height on their eastern flanks.*
- e) Provision of flank privacy screens to flat 4's raised rear terrace and the stairs behind leading from the rear path.*

The above shall be retained thereafter.

Reason: In the interests of neighbour amenity (overlooking) in accordance with saved Local Plan Policy H18 Core Strategy Policy 8 and the National Planning Policy Framework.

These proposed changes to windows and screens under clauses b, c & d are described and considered, each in turn, in the Planning Assessment section of this report. Condition 12 is repeated at the end of the report with potential amended wording.

The most recent amended plans also changes some of the window positions and sizes on each side of the top two floors of the building (floors 6 & 7). These are considered to be of little consequence other than on the east side of the building. They are also described in detail in the Planning Assessment section

Relevant Planning History

AWDM/1713/16: Demolition of existing buildings at 25-26 West Parade and 4 Grand Avenue and residential redevelopment in the form of a block of 29 flats arranged as 3 storeys tall and rising to 8 storeys together with associated 40 car parking spaces (including 31 in basement), new accesses and landscaping.

STATUS: APPROVED 11 July 2017

AWDM/1805/14: Demolition of existing buildings at 25-26 West Parade and 4 Grand Avenue and residential redevelopment in the form of a block of 35 flats (including 7 affordable homes), arranged as 3 storeys tall and rising to 6 storeys in the northern part of the site; 7 storeys in the east and 11 storeys tall in the south west corner of the site, together with associated 34 car parking spaces (including 26 in basement), new accesses and landscaping.

STATUS: REFUSED and APPEAL DISMISSED 18 June 2016

Consultations

None

Representations

Amendments May 2019

One Letter: Planning Agent for Residents of Regis Court.

“The amendments seek to overcome concerns specifically relating to the impact upon the amenity of occupiers of the Regis Court, located directly adjacent to the east of the application site.

The amendment detail on dwg no. 04002_I are the most relevant to my client. The plans detail the following:-

- windows W108, W209, W309, W408, W508, W606, W704, W705 to be fully obscurely glazed;
- Windows W109, W210, W310, W409, W509, W607 to be obscurely glazed to a height of 1.5m measured from internal floor level; and

- Curtain wall CW1, CW2, CW3, CW4, CW5, CW6, CW7, CW8, CW9 replace previously detailed fenestration.

As a point of clarification, we ask why curtain wall panels CW5, CW6, CW7, and CW8 are indicated as being obscurely glazed, while panels CW1, CW2, CW3, CW4, and CW9 previously identified as windows are not. This may be a drafting error, however until we receive comfort that this is the case we reserve our right to pass further comment.

If as we are to assume the curtain wall system at penthouse level in effect removes all windows from the eastern elevation this overcomes our previous concerns relating to the impact upon neighbouring amenity, specifically to the roof terrace of the Penthouse to Regis Court.

It is however disappointing that the applicant remains intent on seeking the removal of the requirement privacy screens to the balconies to the east elevation directly adjacent to Regis Court. Given the separation distance between corresponding balconies, the screens are required to protect neighbouring amenity. We direct you to our previous more detailed correspondence on this matter.

The windows serving the 6th-floor east facing elevation are now detailed to be obscurely glazed, this is welcomed and represents an improvement in the potential impact upon neighbouring amenity. However, it is disappointing to see window W706, remains unobscured. This is the largest window to this elevation at this level and results in an increase in the potential for overlooking and also the level of perceived overlooking. As a result, the occupier of the adjoining penthouse at Regis Court may be more reluctant to make use of the valuable amenity space provided by the roof terrace.

Furthermore, the window is a secondary window which serves the master bedroom with a south facing aspect, served by full height floor to ceiling patio doors. We see no reason as to why this window must remain unobscured if its purpose is to provide additional light to the room. Again we refer you back to our previous correspondence on this matter. While we welcome and recognise the amendments which the applicant has made to overcome some of the concerns raised we feel that some issues remain unresolved, which in their current state would impact upon the amenity of neighbouring occupiers.

We maintain the position that the glass screens serving balconies to the east elevation and obscuration of window W706 are required as originally stipulated by the LPA to protect neighbouring amenity, in accordance with saved Local Plan Policy H18, and the National Planning Policy Framework”.

Amendments November 2018:

Three letters from immediate neighbours (one from a planning consultant concerning Regis Court on behalf of Protect Worthing Seafront Campaign Group).
Objections and concerns:

- i. Although amendments have addressed some impacts, concerns remain regarding neighbouring amenities due to:
 - a. Lack of obscure glass to upper floors

- b. Lack of balcony screens
- ii. Space between balconies does not accord with the Council's standards and screening is needed to avoid demonstrable impact on neighbours
- iii. Taller buildings call for greater privacy distances
- iv. Asserted impact of balcony screens has not been substantiated – no plans have been submitted to show these.
- v. Impact on penthouse terrace was clearly identified as an issue by the planning Inspector in the original refused scheme [AWDM/1805/14 in 2016]
- vi. Terrace is well used and has patio doors to living room. Another living room window on this elevation will also be overlooked.
- vii. Windows on the northern shoulder which were required to be obscure should not be changed.
- viii. Please confirm the building is not being made taller, that the distance to neighbour is not being reduced or impinged by the underground parking area, and that consultation will be undertaken before any ventilation system is installed
- ix. Request that a screen to the external stair is also added.

Relevant Planning Policies and Guidance

Worthing Core Strategy 2011: Policies 8 & 16

Worthing Local Plan 2003 (saved policies): H18

Supplementary Planning Document 'Space Standards' (WBC 2012)

National Planning Policy Framework (2019)

National Planning Practice Guidance

The National Planning Policy Framework (NPPF) has considerable status as a material consideration which can outweigh Development Plan provisions if policies are out of date or silent on a relevant matter. In such circumstances paragraph 11 of the recent NPPF, 2019 states that development should be approved unless: it would cause adverse impacts which significantly and demonstrably outweigh benefits when assessed against NPPF policies overall; or if the NPPF affords particular protection to assets or areas of importance, (recent case law indicates approval of development which is contrary to the Development Plan will be the exception).

In assessing Development Plan policies relevant to this case alongside the recently published NPPF, it is considered that those which are relevant to the current case are in conformity with it. However, as informed by local evidence it is clear that Council cannot demonstrate a current 5 year supply of housing in respect of Objectively Assessed Needs and that all relevant policies which relate to and constrain housing delivery in the Core Strategy are out of date in respect of the NPPF. Accordingly the Council needs to assess its housing delivery strategy. To this end a Housing Study and Issues and Options document was published and a new Draft Local Plan was published for consultation between October and December 2018, the response to which are currently under consideration.

Policies require that development and cases of development intensification should not result in unacceptable reduction in amenity for local residents and ensure high quality homes. Good quality architectural composition and materials are expected. Associated supplementary guidance 'Space Standards (WBC, 2012) states that private or semi-private outdoor space is important. Balconies which face the street

but are set well back from it and are at higher levels, are considered to be space where occupiers can be relatively unobserved and enjoy adequate privacy. The impact on existing privacy is relevant to the consideration of this application.

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

Planning Assessment

The issue raised by this application is the impact on residential amenity and privacy of neighbouring residents, mainly at Regis Court to the east and, to more limited extent, neighbours in Grand Avenue to the north. Impact on the appearance of the building is also relevant.

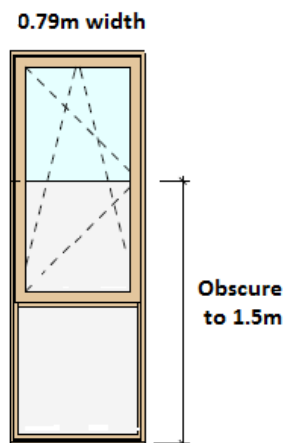
The following assessment considers the proposed changes to particular groups of windows and balcony screens each in turn under individual subheadings. For ease of reference each of these is accompanied by the applicant's drawing which identifies by red-line their location on the approved building. As with the original permission, the subheadings refer to 'Eastern Shoulder' and 'Corner Block', which are titles assigned to various parts of the approved building and referred to in the planning condition 12.

1. *Eastern shoulder - south east corner windows*



1.1. These side windows are close to the side corner on each of the six floors of the eastern shoulder part of the building. This is the closest part of the building to Regis Court, some 5.2m to the east. The windows are slightly further south than the balconies to flats on Regis Court and slightly below the roof terrace of its penthouse. Each is a secondary window to the main living, dining and kitchen space of the approved flats; their main windows being large patio-type doors which open onto their front (sea-facing) balconies.

1.2. The proposal, as recently amended, is that these windows should not be entirely obscure glazed and unopenable, as required by condition 12 (b), but that the top section, which is 85cm above floor level, should be openable. The lower section would be obscured glazed and part of the upper section would use applied film, up to a height of 1.5m. Above this height the glass would be clear. The window is capable of being top-hung or side hung.



1.3. The applicant explains that because the window is close to the internal corner of the lounge/dining room, it is unlikely that new residents would stand close-up to the window and look out toward the balconies of Regis Court, approximately 6m away. From a seated position, such as a table or sofa, the obscure section would be higher than seated eye-level. Therefore overlooking would be unlikely.

1.4. The neighbour has responded that this arrangement, which includes this partial obscuration, is an improvement, especially given the intervening distance which is less than would be desirable between the windows of tall buildings.

- 1.5. In consideration of this aspect of the proposal the proposal does introduce a degree of risk of overlooking. The clear glass upper part of the window and ability to open the top section may also create some sense of implied overlooking from the perspective of residents, whose private balconies are only a short distance away. However, the combined effect of the obscuring and the location of windows close to the internal corner of the room are considered to limit the line of sight to neighbouring balconies. Overlooking would only be possible from an acute angle within the room, and close-up to the glass.
- 1.6. Furthermore, if the window is either top-hung or hung on the left hand (north) side of the frame, this would to an extent, reduce the acute line of sight further when opened. Subject to this additional provision in addition to the permanent use of obscure glass and film it is considered that the risk of overlooking is reasonably slight and the proposal is acceptable.

2. **Corner block - south east corner windows**



- 2.1. These side windows are close to the side corner on each of the seven floors of the corner block part of the building. This is further away from Regis Court and 4.8m further south, so that the windows would be approximately 20m from the balconies and roof terrace at Regis Court. Each window is to the main living and dining space of the approved flats but is secondary to the large sea-facing patio-type door in each case. The applicant wishes to amend the condition to allow clear-glazed openable windows here.
- 2.2. As in the previous case, the windows are close to the internal corner of the room, so that lines of sight towards Regis Court, are confined to the corner and front-most part of the rooms of the new building. Views are particularly acute due to the forward-set position of this part of the building relative to Regis Court. In addition to the 20m intervening distance, it is considered that the risk of overlooking here is low and the proposal is acceptable.
3. **Eastern shoulder & Corner block - Balcony and Terrace Screens**



- 3.1. Condition 12 (d), requires that privacy screens of 1.6m height are erected on the side of the balconies of the eastern shoulder of the building and the roof terrace of the corner block. These are shown outlined in red above.
- 3.2. The applicant has requested that this requirement be waived, due to the impact on the uncluttered architectural design of the approved building.
- 3.3. The applicant also contends that the distance of 9m between the approved balconies and those at Regis Court is sufficient to maintain a reasonable degree of privacy. They add that it is greater than the distances between balconies of existing seafront residential blocks further to the east. Furthermore the approved building would be 2m further south than Regis Court which means that any line of sight is at an angle.
- 3.4. In terms of the roof-terrace screens for the approved eight-floor roof terrace, they contend that the intervening of 15-20m from the seventh floor roof terrace at Regis Court, and the location of the proposed some 2m – 4.5m further south is sufficient to maintain a reasonable degree of privacy.

Balcony Screens

- 3.5. Neighbouring residents express concern that the lack of screens will demonstrably impact their privacy. It is noted that their balconies are approximately 1.7 deep and just accord with contemporary external space standards of the SPD. They are an important area of outdoor amenity space.
- 3.6. In consideration of these views, it is noted that the absence of balcony screens from the closest of the approved balconies, which are some 2.8m deep, would provide a direct line of sight to those of Regis Court. Whilst the intervening corner of the approved building may block the line of sight from part of each balcony (perhaps the closest 0.8m to the building façade), the remainder would be unobstructed.

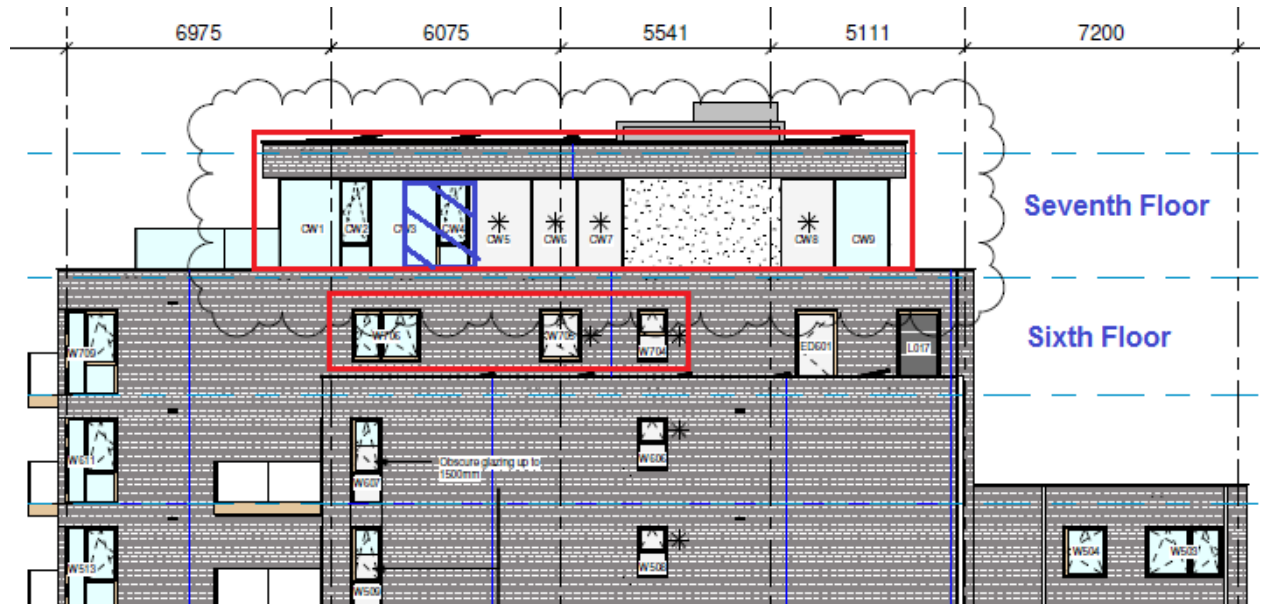
- 3.7. Although a similar relationship to that proposed in the current application, exists between balconies on the east side of Regis Court and four of the balconies at its neighbouring block (Capelia House), this is not typical of the relationships between balconies of tall seafront buildings further east. Others are set further apart or are screened. Furthermore this limited comparable relationship pre-dates the Council's Supplementary Planning Guidance, which sets out the importance of privacy for balconies. The existing balconies to Regis Court are set some 32m from the site frontage, and although they face towards a well-used promenade, the distance affords a degree of privacy, which merits protection.
- 3.8. Officers have suggested compromise solution to the applicant, whereby the 1.6m obscure screen, such as frosted glass, would only run along half of the side of each balcony, with the front corner reducing to a standard lower height of approximately 1m of clear or obscure glass. It is considered that in the ordinary course of using the balconies, looking southwards towards the sea or slightly south east towards the pier, users are unlikely to look across neighbouring balconies. In this scenario a view towards the neighbours would only be had by standing close to the front corner of the new balconies and looking slightly backwards towards Regis Court.
- 3.9. The applicant has reiterated concerns that these stepped-height balcony screens would affect the appearance of the building. In the officer's opinion, the use of glass screens which are partially 0.6m taller than a standard height of around 1m, and with obscure glass, contained within a slender metal frame which ends at the in the middle of each balcony side, (where plans already indicate a division in the screen), is unlikely to have a significant effect on the appearance of the new building. If the Committee agrees with this suggested solution, it remains possible to request amended plans accordingly.

Roof Terrace Screens

- 3.10. In terms of the roof-terrace, the relationship between this and the existing terrace at Regis Court, which is one floor lower, is an important consideration. There would be a line of sight between the two terraces and an intervening distance of between approximately 15m and 21m. The closest part of the approved terrace is also the narrowest, being some 1.2m in depth from the facade. This provides a link between a patio-type door and the main part of the terrace further west. This comparatively narrow space is less likely to be used for sitting-out than the wider area. The absence of a privacy screen here considered to bring only a low risk of overlooking to the neighbouring terrace.
- 3.11. The wider part of the terrace extends 4m from the façade and is likely to be used for sitting-out. However, the intervening distance of some 21m and its location some 6m further south than the neighbouring terrace, is considered sufficient to afford a reasonable degree of privacy in the absence of a privacy screen.
- 3.12. In consideration of the relationship to existing balconies at Regis Court flats, which are further south than the existing roof terrace, it is noted that the

overall distances described in 3.8 above, would also apply. Furthermore lines of sight are likely to be at least partly blocked by the edges of the approved building. Therefore the absence of a privacy screen is unlikely to significantly affect their privacy.

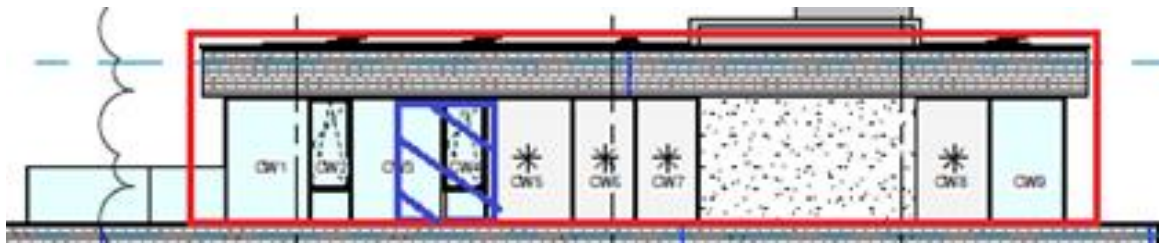
4. **Corner block - Sixth floor and Penthouse (seventh) floor windows**



- 4.1. These side windows are on the top two floors of the corner block. The most recent amended plans have changed the internal layout on both floors and the arrangement of windows, most notably at the penthouse, seventh floor level.
- 4.2. At the sixth floor two windows; a bathroom and a dressing area, are to be obscure. One is side hung, the other has an opening top section above 1.7. Both are considered acceptable.
- 4.3. The third and largest sixth floor side window is the secondary window to a bedroom (it also has a window facing the sea). This faces towards Regis Court, the neighbouring roof-terrace of which is approximately 12.5m away at a similar level/height above ground, but very slightly (0.5m) northward. The proposal is that this should be clear glazed, rather than obscured.
- 4.4. In consideration of this bedroom window, the use of the room and its position and distance from the neighbour terrace suggests that whilst there would be a line of sight to the terrace, the loss of privacy here is debatable. Whilst this is a matter of judgement, balance, it is not considered so serious as to warrant refusal. It is noted that the line of sight to balconies on the floors of Regis Court below, are likely to be interrupted, at least in part, by the intervening side wall and roof of the easternmost part of the new building.
- 4.5. At the seventh floor penthouse level, the internal layout has been amended so that the corner bedroom & en-suite which was to have faced the sea and

Regis Court, is now an open plan kitchen-dining room. The bedroom has been re-sited to the north-west rear corner.

- 4.6. The window arrangement on the east elevation has been amended so that clear—glazed windows would be clustered towards each corner. Two of these would have top-hung opening sections. As the neighbour letter observes, series of opaque panels (CW5 – CW8) and wall would occupy the central part of the eastern wall.
- 4.7. These amendments have improved the impact of application, by reducing the amount of clear glazing in the central part of the side of the penthouse. However, concerns remain that a line of sight from the kitchen/diner area, towards the neighbour terrace approximately 1 floor below and 14.5m away, and in line with the southern end of the terrace, would impinge too greatly upon neighbouring privacy.
- 4.8. Officers have suggested a further amendment, which is to amend two of the windows alongside the kitchen diner, to become fixed and obscure glazed. This is shown by purple hatching in the drawing above, and reproduced in extract here.



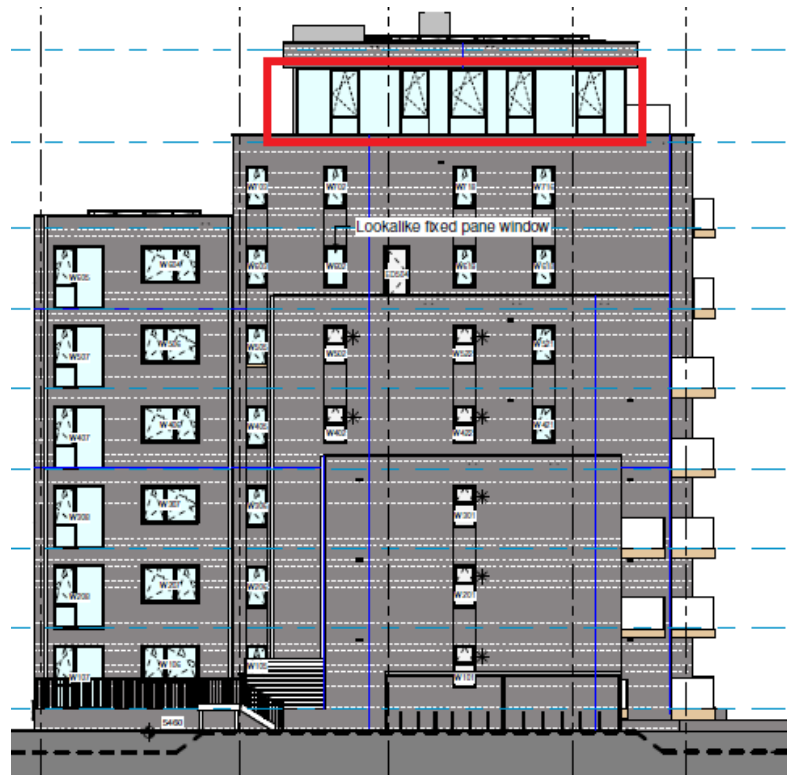
- 4.9. This change would mean that no clear glazed penthouse windows would face immediately towards the neighbouring terrace. There is a risk that angled views could be received from the front corner of the new dining area, but mindful of the more significant southern views from this room, it is considered, on balance, that the probability of actual overlooking is limited. Window CW2 (see illustration above), is a top or side hung opening window is also considered acceptable.
- 4.10. The applicant has considered and declined the officer suggestion. They cite separation distances which are typically used by planning authorities, for instance the 22m separation between facing windows across rear gardens in guidance published by Adur District Council. Although the 22m guide is used in the context of two storey development, the applicant uses the analogy to demonstrate that upper windows often have a line of sight to a neighbouring garden some 13m away. They suggest therefore that the intervening distance of 12.5m – 14.5m in the current application, retains a similar degree of privacy for the existing roof terrace.
- 4.11. By contrast, neighbours comment that comparisons with the standards of other Council, suggest that greater distances than 22m should apply between buildings which are taller than 2 storeys. Therefore the requirement for obscure glass is particularly important here. The neighbouring terrace

also contains important windows to the neighbour's indoor living space, (18m away), which would also be overlooked.

- 4.12. This is a matter of judgement, in consideration of which, the analogy of the 22m separation has some relevance. However it is also relevant that the neighbouring terrace is smaller than the type of garden for which the guide is used. The overall intervening space, including the existing terrace, is 16.5 and 18.5 rather than 22m. Furthermore the use of glass-wall fenestration in the penthouse gives a much larger area through which overlooking could take place and a greater impression of being overlooked for the neighbouring resident both from the terrace and to a more limited extent, the neighbouring living room windows.
- 4.13. In the appeal decision of 2016, impact of an eleven storey block on the amenities of neighbours, including overlooking, was one of the main determining issues. The Inspector considered the relationship between its proposed seventh floor and the penthouse and terrace at Regis Court.
- 4.14. He observed that the proposed seventh floor would have been 6m from the terrace. The plans showed four narrow windows to a bedroom, sitting room and bathroom on the proposed side wall. Further away, some 17m from the terrace were two bedroom windows a hall and balcony. He concluded: "*The close proximity of the seventh floor would appear overbearing from within the penthouse; and the proposed large areas of glazing would mean an unacceptable loss of privacy for its occupiers*" [Note: It appears that his comments refer to the seventh level, not the seventh floor]
- 4.15. By comparison, the intervening distances of 12.5m - 14.5m between the side windows at this level and the penthouse level of the approved building and the edge of the existing terrace, is considerably greater than the 6m minimum observed by the Inspector. There are also fewer windows at this level but extensive windows at the penthouse level. The Inspector's comments support the conclusion that the proposed use of clear glass would cause overlooking if they are too large or numerous. The officer suggestion to limit clear glass in the front corner to windows CW1, CW2 & half of CW3 of the penthouse along with the bedroom window of the sixth floor is considered to strike a reasonable balance.
- 4.16. Although the applicant has declined the recent request to revise the penthouse windows, it remains open to the Committee if it agrees with the officer's assessment, to ask again for such an amendment.
- 4.17. In consideration of the relationship between the penthouse windows and to existing balconies at Regis Court flats, the recently amended material suggests that lines of sight are likely to be partly blocked by the edges of the approved building and unlikely to be significantly affected.
- 4.18. Lastly, in consideration of the re-sited bedroom in the north-west corner, the use of a clear glazed window on the eastern side of this bedroom would not face directly onto the neighbour terrace. Whilst it would allow for an angled

view down towards it, the angle, distance and use of the room, combine to suggest that obscure glass is not necessary here.

5. **Northern elevation**



- 5.1. The proposal amends the detailed arrangement of windows on the north elevation of the penthouse, but does not change the overall amount or position of glazing here. Planning condition no 12 does not require these to be obscure glazed or unopenable. In light of this, the relocated bedroom is unlikely to significantly change the impact on neighbours to the north.
- 5.2. The amended plans continue to show the use of obscure glass to other parts of the northern elevation (see *asterisks* on the plan) as follows:
- i) all windows in the link block, which is 7m from the side boundary of the no 6 Grand Avenue, largely facing the side wall of the neighbour's house
 - ii) four windows in the 'northern shoulder' which is 21m from the boundary with no 6 Grand Avenue.
- The impact on no 6 Grand Avenue is no greater than in the approved plans.

6. **Appearance**

- 6.1. The proposal includes the additional a small tank housing (0.9m tall) on the roof of the building, which would be clad in a pale grey-blue material and is set well away from the edge of the roof,. As such it is unlikely to affect the appearance of the building. None of the proposed changes to the glazing are considered to affect the design and appearance of the approved building.
- 6.2. In consideration of the applicant's contention that the additional of privacy screens will create a cluttered appearance, there is some sympathy with this

argument in terms of those on the terrace, where they stand above the level of the main roof. However, the incorporation of screens to the ends of the balconies, would be seen against the backdrop of the main façade of the building and could be reasonably integrated with the design of their approved balustrades

Other Matters

With regard to other points raised in representations, the height of the building is shown about 3cm taller in the current drawings than those previously approved, but this is considered negligible. The distance to the neighbouring boundary is unchanged and the basement car park does not impinge upon this gap. It is noted that ventilation louvres to the basement car park on the northern face of the building, are no longer included in the amended drawings, which is minor change of no negative outward impact.

The neighbour has asked whether any external ventilation plant has been approved; this is governed by condition 15 of the original permission (AWDM/1713/18), which requires the submission of such details, notwithstanding any information contained in the original application. As yet no details have been submitted pursuant to this condition. If received a consultation would be undertaken with the environmental health officer to ensure adequate standards are met.

The neighbour request for a screen to the external (fire escape) staircase, which is approximately 0.8m – 1m above ground level, remains a requirement of planning condition 12 (e).

7. Summary

- 7.1. In summary the following proposed changes are considered acceptable:
- i) Eastern shoulder – use of partly obscure windows using glass and film up to 1.5m above floor level and an opening top panel, hung at the top or north side
 - ii) Corner Block – clear glazed bedroom window at sixth floor
 - iii) Corner block – south east corner windows – use of clear glazed, openable windows
 - iv) Corner block – penthouse. A narrow openable window at CW2
- 7.2. The following are not considered acceptable:
- i) Eastern shoulder - the absence of privacy screens for balconies
 - ii) Corner block – penthouse the extent of clear glass on the east elevation.
- 7.3. The recommendation below is to seek amended plans which require obscure balcony screens of 1.6m height along half the width of each balcony side and a revised and reduced amount of clear glazing at the penthouse level.
- 7.4. If agreed condition 1 would be changed to include amended drawings and condition 12 would be worded as at 7.1 below

8. **Recommendation: Approve subject to delegation of authority to the Head of Planning to:**

i) retain the requirement for 1.6m privacy screens to balconies on the east elevation of the eastern shoulder but allow these to be partial (along half of the side of the balconies and,

ii) allow a clear glazed, openable bedroom window at the sixth floor and,

ii) allow limited use of clear glazed windows (CW1, CW2 & part of CW3) at the penthouse, including CW2 as openable, and

iii) vary conditions 1 & 12 as described at 8.1 below.

8.1. **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:

[amend list of approved plans to include final amended plans]

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

12. [**changes are in italics**]: The development shall not be built other than as follows:

- a) All windows in the north elevation of the link block shall be obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and fixed shut up to 1.6 ms above finished floor levels.
- b) *All lounge/diner/kitchen room windows in the first to fifth floors of the east elevation of the eastern shoulder shall be permanently as follows:*
 - i) *the lower panel up to the transom height at least 85cm above finished floor level shall be unopenable and obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and,*
 - ii) *the lower part of the upper panel of the window up to a height of 1.5m above finished floor level shall also be obscured by permanent application of an obscure film which gives a degree of obscuration equivalent to Pilkington Texture Glass Level 3,*
 - iii) *the upper panel shall be top hung or hung from the northern side edge of the frame.*
- c) *All bathroom windows in the upper floors of east elevation of the eastern shoulder and corner block shall be obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and fixed shut up to 1.6m above finished floor levels.*
- d) *At the sixth and seventh (penthouse) floors of the eastern elevation of the corner block, the following windows shall be obscure glazed equivalent to Pilkington Texture Glass Level 3, or similar equivalent and fixed shut up to 1.6m above finished floor level:*
 - *W705 (sixth floor), and*
 - *CW4 and part of CW3 (seventh / penthouse floor), in accordance with [amended drawing to be received inserted].*

The panels CW5, CW6, CW7 & CW8 and the wall between CW7 & CW8 (seventh / penthouse floor), shall be opaque.

e) All balconies on the east elevation in the eastern shoulder shall have a privacy screen of 1.6 m in height on their eastern flanks in accordance with [amended drawing number when received showing half of each side with 1.6m privacy screen, including material for this].

f) Provision of flank privacy screens to flat 4's raised rear terrace and the stairs behind leading from the rear path.

The above shall be *permanently* retained thereafter.

Reason: In the interests of neighbour amenity (overlooking) in accordance with saved Local Plan Policy H18 Core Strategy Policy 8 and the National Planning Policy Framework.

26 June 2019

Application Number: AWDM/0607/19

Recommendation – APPROVE
conditionally subject to S106
(Deed of Variation).

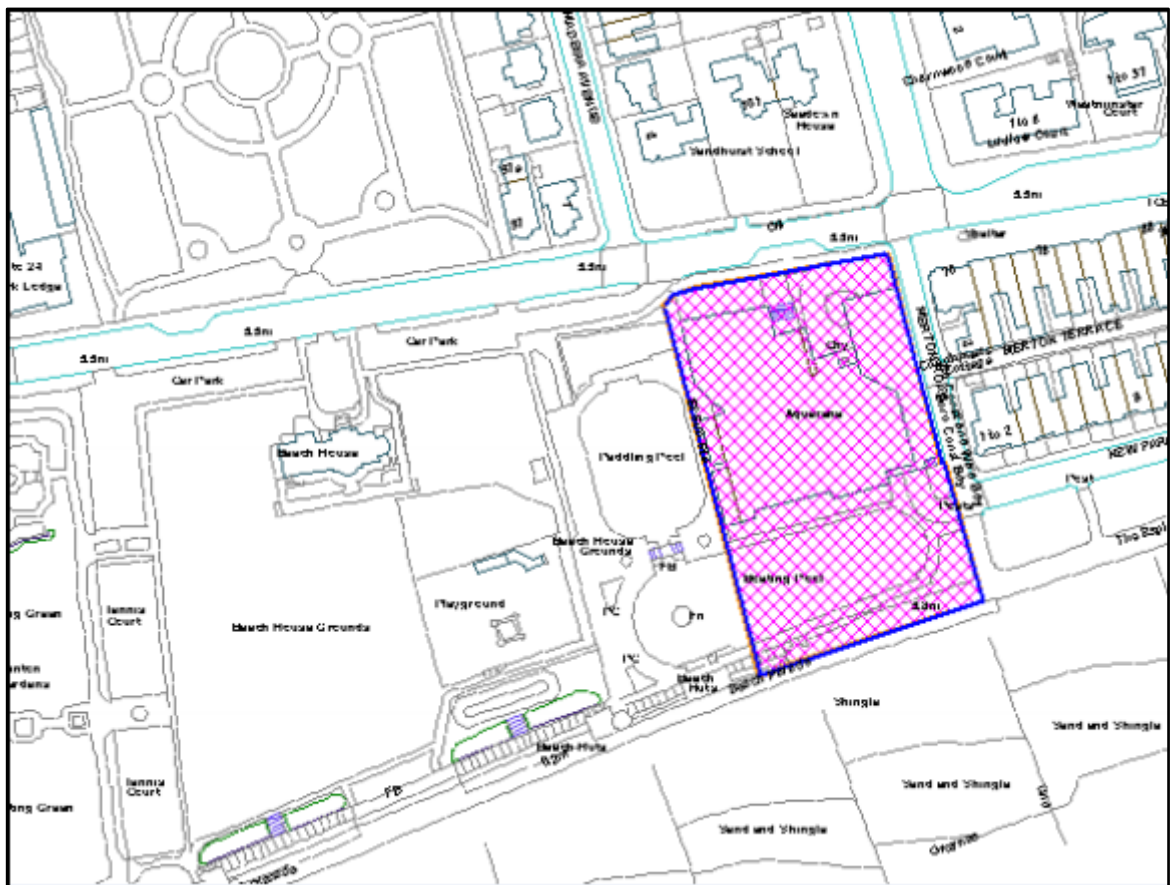
Site: Aquarena, Brighton Road Worthing, BN11 2EN

Proposal: An application submitted under Section 73 of the Town and Country Planning Act 1990 to allow for the variation of Condition 1 in connection with planning permission AWDM/1633/16 dated 10.03.2017 for the:

Demolition of the former Worthing Aquarena and car park.
Erection of 141 residential apartments within blocks ranging from 4-15 storeys in height, including affordable housing, a 641sq.m (unspecified use class) commercial unit, a 138sq.m Pavillion/Café, public and private open space, 172 resident's parking spaces and 51 public car parking spaces, with associated landscaping and access arrangements.

Applicant: Roffey Homes
Case Officer: James Appleton

Ward: Central



Not to Scale

Site and Surroundings

The site is located between Brighton Road and the Seafront. To west is Splashpoint Leisure Centre, whilst to the east is Merton Road. The former Aquarena has been demolished on the site and the residential led re-development is well underway.

Proposal

This application proposes a series of amendments to the scheme approved in 2017. The applicant's Planning Consultant has reviewed the original Environmental Statement (ES) and concludes that the changes are not significant and do not alter the conclusions of the original ES in terms of likely significant impacts in terms of heritage, townscape and visual and socio-economic effects. The original architects, Allies Morrison have submitted a Design and Access Statement which describes the proposed amendments as follows:

Basement Level

The basement level has been reconfigured to improve car-parking access, fire-escape strategy, and access to communal cores. Plant rooms size and positions have additionally evolved as a result of detailed M&E coordination.

Basement extents to the north-west, south, and eastern boundaries have adjusted to incorporate results of detailed site surveys, as well as detailed structural and waterproofing design.

The basement depth has been reduced in response to the updated structural solution at podium level, as well as updated M+E strategy.

Ground Level

The ground floor has been reconfigured to improve communal areas and their relationship with the external public realm.

- *The main-entrance gate (to the undercroft from Splashpoint Square) is set-back away from Splashpoint to the courtyard-end of the undercroft, producing a better connection between the residential entrance and the square. The primary residential entrance has moved west, closer to the square.*
- *The resident's swimming pool has rotated by 90° and now runs parallel to the sea-facing frontage. The resident's lounge has moved north to make a better relationship with the adjacent public square. The gym space has been relocated to the rear of the winter garden, in place of the cinema room which has now been removed.*
- *The gas intake room has moved from the west to east side of the plan, in response to site surveys indicating the location of existing gas mains, and in order to avoid clashing with electrical sub-station cable routes.*

- *The Pavilion stair has rotated by 90° to suit a more efficient overall layout of the space, and a secondary air-intake has been included to the rear of the pavilion as part of an improved basement smoke ventilation strategy.*

Residential Levels

The applicant submits revised drawings for all residential floors, having undertaken a full review of the apartment interior layouts with reference to current residential market demands and statutory requirements, and with further input from the consultant team and interiors suppliers.

Minor amendments to external terraces are proposed, primarily as a result of the facade changes detailed in Section 2 below, and in response to internal layout reconfigurations. These changes include:

Level 04/east terrace extents to unit 119 (unit previously named E_04_a on consented drawings) has reduced in response to access and maintenance requirements to the roof and adjacent facades.

Level 04/south-east terrace extents to unit 120 (previously E_04_b) is reconfigured to produce a wrap-around terrace to unit 120's living space. The terrace edge is therefore set-in from the building edge, reducing its visual prominence when viewed from the promenade.

Level 05/west terrace extents to unit 032 (previously B_05_b) is reconfigured to produce a wrap-around terrace to unit 032's living space. The terrace edge is therefore set-in from the building edge, reducing its visual prominence when viewed from the sea-front square.

Level 05/south-east terrace extents to unit 122 (previously E_05_b) is reconfigured to connect the courtyard balcony and south-facing balcony, both accessed by unit 122's living space.

Roof Level Changes

The design of the roof has been updated in response to the developed M&E Strategy and to accommodate improved access for maintenance.

- *Adjustments to plant enclosures at Cores B, D and E to enclose smoke ventilation equipment/emergency generator, and the removal of solar PV panels.*
- *The Emergency Generator has relocated from Core C to Core D.*
- *The openings in the projecting canopy or 'halo' (immediately above the Level 14 balcony) have been adjusted to incorporate structural input and detailed waterproofing design. The outer perimeter shape and size remain as the planning consent, as does the height.*

ELEVATIONS

The architectural design has been developed in response to practical changes made to improve both the buildability of the scheme, and more-so the overall quality of the final building.

The Applicant has employed Allies and Morrison to fully re-design and detail these facades to ensure nothing is lost, in terms of design-quality, by the changes set out below.

Minor amendments to the building frontages are proposed, primarily as a result of the detailed design work undertaken by the consultant and construction teams, but also in response to internal layout reconfigurations and in some cases where there is an opportunity to improve the architectural design.

The proposed minor amendments are described below in principal, specific amendments are additionally annotated on the accompanying drawings.

General

Having gained detailed input from materials suppliers and contractors, two of the consented materials have been substituted across the scheme:

Zinc cladding (previously shown on the North, East and West street elevations) has been exchanged for grey aluminium sheet cladding.

- *This is to improve longevity of the building, as well as the visual appearance on a day-to-day basis. Aluminium cladding will appear almost identical to the Zinc, the joint-type and module size remains as it would have been in zinc. Aluminium has an improved resistance to corrosion - both visual and material - meaning that these facades will better retain their colour and texture, and will remain on the building for longer without need for removal or replacement.*
- *Terracotta cladding (previously shown on all courtyard elevations) has been exchanged for white hand-laid brick with a pale mortar.*
- *This is as a direct result of detailed discussions with suppliers and contractors. Having proven difficult to procure a reliable terracotta construction, and with masonry construction being common to the locale, it was agreed that a move to brick would produce a building and finish of higher quality.*
- *Minor adjustments to window sizes and positioning, as well as metalwork shape and setting-out, have resulted from the re-setting out of the facade to suit a standard brick-dimension.*

North Elevation (Brighton Road)

A small reduction in the area of glazing and number of windows is proposed on this elevation, in response to an updated M&E Strategy and internal layout improvements.

- *Windows to rooms/units with significant areas of glazing have adjusted to ensure the scheme meets SAP/Part L1A requirements. The effected rooms are predominantly at building corners and at rooms with projecting bays.*

- *The Applicant additionally engaged Allies and Morrison for detailed Interiors services Post-Planning. After detailed design studies for each and every unit plan, it was found that some would work better for residents with fewer windows. Consequently, windows have generally been removed or reduced at corners, where single rooms had multiple windows.*
- *To the south-east, these have been replaced with 'blind windows' - a not uncommon feature of the local Georgian and Victorian building stock - where it was felt to improve the composition of the facade. Additionally, two projecting bays have been removed from the northern elevation - this is as a result of the updated Energy & Sustainability Strategy, and also in response to the cleaning and maintenance requirements of the Affordable Housing Provider who will be taking over these units. As sealed units of glazed curtain walling, the projecting bays cannot be cleaned from within - which is a primary maintenance requirement of the Affordable Housing Provider.*

It is felt that the proposed amendments in no way detract from the overall composition or principal aesthetic of the facade.

Development of the M&E design has provided further detail of plant requirements to the roof at Core D (north-east). The extents of the Plant Screen have increased at the north-east corner to hide otherwise unsightly plant, flue projections, and other roof equipment. This element has been fully incorporated into the overall facade composition.

A white metal overhead panel to a single window at Level 01 (five windows in from the west) has been removed to allow for the deeper structure of the balcony above. This is as a result of the balcony structure changing from steel to in-situ poured concrete, post-planning.

East Elevation (Merton Road)

A small reduction in the area of glazing and number of windows is proposed on this elevation, in response to an updated M&E Strategy and internal layout improvements. All as noted in section 2.2 above.

Level 04 terracotta cladding has been exchanged for white hand-laid brick with a pale mortar.

Grey metal cladding has been added in place of solid areas of the consented glazed curtain walling at Level 05. This allows the overall build-up to change which in-turn significantly improves the thermal performance of the facade. The white metal 'goal-post' profiles, previously spanning a full 6.4m bay, now span a half-bay each, allowing each individual window to be treated as a 'bay' with its own white projecting surround.

These vertical and horizontal 'goal-post' profiles provide both the visual depth and solar shading previously provided by the perforated fins which have therefore now been removed.

At the Ground floor, a small external terrace is provided to apartment 098 (previously named E_00_a) in place of a small part of the consented planters. At the

Ground floor, the openings for bin and bicycle stores have been rationalised to accommodate access and ventilation requirements to these areas.

West Elevation (Splashpoint Square)

A small reduction in the area of glazing and number of windows is proposed on this elevation, in response to an updated M&E Strategy and internal layout improvements. All as noted in section 2.2 above.

Grey metal cladding has been added in place of solid areas of the consented glazed curtain walling at Level 05. This allows the overall build-up to change which in-turn significantly improves the thermal performance of the facade. The white metal 'goal-post' profiles, previously spanning a full 6.4m bay, now span a half-bay each, allowing each individual window to be treated as a 'bay' with its own white projecting surround.

These vertical and horizontal 'goal-post' profiles provide both the visual depth and solar shading previously provided by the perforated fins which have therefore now been removed.

At the Ground floor, the openings for bin and bicycle stores have been rationalised to accommodate access and ventilation requirements to these areas.

South Elevation (Promenade & Courtyard)

A small reduction in the area of glazing and number of windows is proposed on this elevation, in response to an updated M&E Strategy and internal layout improvements. All as noted in section 2.2 above.

Terracotta cladding has been exchanged for white hand-laid brick with a pale mortar, a recessed dark-grey brick draws a stringcourse at every floor.

Grey metal cladding has been added in place of solid areas of the consented glazed curtain walling at Level 05. This allows the overall build-up to change which in-turn significantly improves the thermal performance of the facade. The white metal 'goal-post' profiles, previously spanning a full 6.4m bay, now span a half-bay each, allowing each individual window to be treated as a 'bay' with its own white projecting surround.

These vertical and horizontal 'goal-post' profiles provide both the visual depth and solar shading previously provided by the perforated fins which have therefore now been removed.

Balconies on the south-facing elevation at the northern-end of the courtyard have been reduce slightly in depth to 1500mm (1700mm from glazing line). This is to improve privacy from the adjacent window at Core D.

Privacy screens previously made up of hit-and-miss white terracotta battens are now made up of a delicate screen of white metal fins, rotated to maximise views out towards the sea.

Courtyard East Elevation (Courtyard)

Terracotta cladding has been exchanged for white hand-laid brick with a pale mortar, a recessed dark-grey brick draws a stringcourse at every floor.

Grey metal cladding has been added in place of solid areas of the consented glazed curtain walling at Level 05. This allows the overall build-up to change which in-turn significantly improves the thermal performance of the facade. The white metal 'goal-post' profiles, previously spanning a full 6.4m bay, now span a half-bay each, allowing each individual window to be treated as a 'bay' with its own white projecting surround.

These vertical and horizontal 'goal-post' profiles provide both the visual depth and solar shading previously provided by the perforated fins which have therefore now been removed.

Privacy screens previously made up of hit-and-miss white terracotta battens are now made up of a delicate screen of white metal fins, rotated to maximise views out towards the sea.

Courtyard West Elevation (Courtyard)

Terracotta cladding has been exchanged for white hand-laid brick with a pale mortar, a recessed dark-grey brick draws a stringcourse at every floor.

Grey metal cladding has been added in place of solid areas of the consented glazed curtain walling at Level 05. This allows the overall build-up to change which in-turn significantly improves the thermal performance of the facade. The white metal 'goal-post' profiles, previously spanning a full 6.4m bay, now span a half-bay each, allowing each individual window to be treated as a 'bay' with its own white projecting surround.

These vertical and horizontal 'goal-post' profiles provide both the visual depth and solar shading previously provided by the perforated fins which have therefore now been removed.

Privacy screens previously made up of hit-and-miss white terracotta battens are now made up of a delicate screen of white metal fins, rotated to maximise views out towards the sea.

Tower (All)

The glass wind-breaker to the northern end of the balcony has been removed at every floor and the area of glass wind-breaker to the southern end has been reduced at every floor. The revised extents ensure that the most wind-swept and most used areas of balcony retain protection from the wind.

The height of the balustrade across the tower has been reduced from 1,300mm to 1,200mm.

Balcony dividers have been added between areas of balconies belonging to separate units. These are low (1,100mm) and made of grey metal, so as to limit their visibility from the ground and in distant views.

Pavilion

Detailed design and co-ordination of the Pavilion building has led to a series of structural and thermal improvements. Further data was also gathered through consultation with potential future operators for the building, and recent issues of security and vandalism of the neighbouring Splashpoint Swimming Pool have been noted.

The structure of the building has been developed with the consultant Structural Engineers and with potential metalwork fabricators. This has enabled the projecting timber beams to stop short of the internal glazing line and for the yellow metal roof to project and cantilever under its own weight. This provides improved thermal performance due to the elimination of a series of significant cold bridges through the structure, and improved longevity of the building with a clear air and waterproofing line no longer broken by the projecting beams.

Similarly, the glazing line has been brought outboard of the concrete columns, which are no longer required to support the cantilevered beam, thermally enclosing all primary and secondary structural elements.

A hit-and-miss timber screen now surrounds the pavilion, providing both security to the otherwise fully glazed principal elevations, and equally giving the cafe a positive visual presence even when closed.

A sign-post has been located to the south-east of the pavilion, in order to attract custom from both the promenade and from Merton/Brighton Roads.

Consultations

None

Representations

None received. A number of site notices were displayed around the site advertising the proposed amendments to the approved scheme.

Relevant Legislation

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

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

Relevant Planning Policies and Guidance

Worthing Core Strategy (WBC 2011): Policy 7, 8, 11, 13, 15, 16, 17
Worthing Local Plan (WBC 2003) (saved policies): RES7, H18, TR9
Supplementary Planning Document 'Space Standards' (WBC 2012)
Supplementary Planning Document 'A Guide for Residential Development' (WBC, 2013)
Worthing Housing Study (GL Hearn 2015);
Worthing Strategic Housing Market Assessment Up-date (GL Hearn 2012);
Community Infrastructure Levy Charging Schedule (WBC 2015);
SPD - 'Parking Standards and Transport Contributions' (WBC 2005)
Revised National Planning Policy Framework (MHCLG 2019)
National Planning Practice Guidance (MHCLG)

Planning Assessment

Your Officers are generally supportive of the changes proposed as a result of the applicants detailed review of the scheme, influenced by construction consultants, availability and performance of materials and a marketing assessment of internal residential layouts, following the grant of planning permission in 2017. There are some areas of concern that are highlighted below, however, the involvement of the original architects, Allies Morrison has generally helped to ensure that the integrity of the original design remains.

Your Officers are also satisfied that the changes do not affect the conclusions of the original Environmental Statement (ES) in terms of likely significant environmental effects. In this respect, the applicants Planning Consultant has undertaken a review of the proposed changes in connection with the original ES covering Heritage effects, townscape and visual impacts and socio-economic effects. The review concludes that the proposed amendments to the permitted scheme do not affect any of the overriding impacts or conclusions of the ES.

Basement/Ground Floor Plan

The internal layout changes are not significant and only have minor changes to principal elevations and are all acceptable.

Materials

Some of the elevational changes are as a result of a decision to use brick rather than a glazed white ceramic tile/terracotta cladding on the inner courtyard elevations. The main reason for the change has been because of difficulties of procuring a reliable terracotta construction. As masonry construction is common to the area there is no objection, in principle, to the use of brick and the white brick sourced is an attractive brick and would still provide a high-quality finish.

The applicant has also sought to discharge the condition relating to bricks on the other elevations and a sample wall has been constructed on the temporary compound to the rear of No 22 Lyndhurst Road. The sample wall will be available for Members to view from the 20th June.

The other change to materials covered by this application is the replacement of zinc cladding (previously shown on the North, East and West street elevations) for grey aluminium sheet cladding. As indicated by the Design and Access Statement this is considered to improve longevity of the building, as well as the visual appearance on a day-to-day basis. It is accepted that aluminium cladding will appear almost identical to the zinc provided, as suggested, that the joint-type and module size remains as it would have been in zinc. It is also noted that aluminium has an improved resistance to corrosion and should therefore mean that the material will better retain its colour and texture. The replacement materials are therefore acceptable.

To assist with an understanding of the principal changes to the scheme, extracts from the proposed amendments below are compared with the approved plans.

North Elevation (Brighton Road)

There are some concerns regarding the loss of two projecting bay windows on this north elevation. This appears primarily due to the concerns of the Registered Provider (RP) taking on the rented apartments, as the RP is concerned that they will not be able to maintain the windows from within the apartments. As the elevations illustrate below, bays are still retained on this elevation but the loss is regrettable. In this respect retaining one bay would help to create a regular rhythm of bays and the applicant has been asked to consider retaining one of the two bays to be removed. Members will be updated at the meeting.



Approved plans.

The other changes taking out certain windows to create improved living conditions and thermal efficiency are considered acceptable. The main changes are on the corner elements of the Brighton Road frontage and the loss of windows does not significantly alter the overall balance of the elevation.

East Elevation (Merton Road)

On the Merton Road elevation, there is also a reduction in the amount of glazing and number of windows proposed, again in response to an updated M&E Strategy and internal layout improvements. These are not significant in terms of the overall appearance of this elevation.

On a number of the upper floors of the main courtyard there are what are described as white metal 'goal-post' profiles. These previously spanned a 6.4m bay, but are now proposed to span a half-bay each, allowing each individual window to be treated as a 'bay' with its own white projecting surround. These vertical and horizontal 'goal-post' profiles provide solar shading previously provided by the perforated fins which are now proposed to be removed. Grey metal cladding has been added in place of solid areas of the approved glazed curtain walling at Level 05. In many respects, these changes at the top floor of the courtyard block are the most significant change to the approved elevations and your Officers are concerned at the loss of curtain wall glazing which sought to lighten the top floor of the courtyard block. The introduction of smaller domestic fenestration is also not considered to be an acceptable design solution. The applicant has been requested to reconsider these elements of the top floor and/or provide further design justification.



Approved Plans

West Elevation (Splashpoint Square)

As with the Merton Road elevation there are some concerns with the changes at level 05 (top floor). The changes in terms of a minor reduction in fenestration are acceptable as detailed below.



South Elevation (Promenade & Courtyard)

Minor amendments to balcony depths, and new privacy screens made of white metal fins instead of the previously proposed hit and miss terracotta battens are acceptable. Concerns regarding the changes to Level 05 are also relevant for this south elevation.

Tower

The changes to the main residential tower are more minor and relate primarily to the balcony areas and privacy screens between apartments. Where balcony dividers are introduced, these are low (1,100mm) and made of grey metal, so as to limit their visibility from the ground and in distant views.

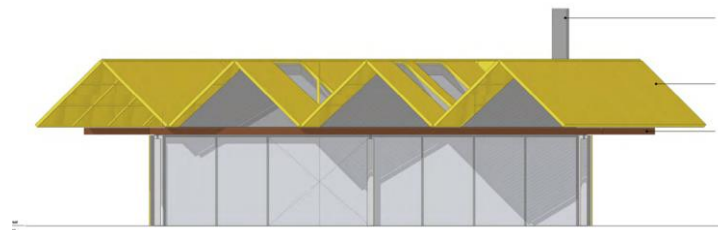
Pavilion

There have been a number of changes with the design of the new café. These relate to the height of the building, design of the roof and provision of additional screens/security measures.

The café/pavilion is now proposed to be approximately 500 mm higher than before and whereas the roof, as approved, was supported by projecting timber beams the roof is now self-supported. This enhances the impression of the angled roof floating above the main structure. The applicant has carefully reviewed the design and has been conscious of the vandalism issues that have faced Spalshpoint with large areas of glazing close to the Beach. A hit-and-miss timber screen now surrounds the pavilion, providing both security to the otherwise fully glazed principal elevations. These design changes are supported as they will also ensure that the building remains an attractive structure even when closed. Increasing the height of the structure is of some slight concern as it will increase the prominence of the building when viewed from residential properties to the east but when considered in the context of the overall development this is not a significant issue.



Proposed Plans



Approved Plans

Conclusion

Overall the revisions to the approved plans are acceptable. The two exceptions relate to the Brighton Road frontage and Level 05. The applicant has been requested to reconsider adding one bay back to the Brighton Road frontage and reconsider the use of curtain wall glazing to lighten the overall appearance of the top floor of the courtyard apartment block. Members will be updated at the meeting.

Recommendation

APPROVE - subject to: the receipt of satisfactory amended plans relating to Level 05 and/or further design justification and adding a bay to the Brighton Road elevation; the completion of a Deed of Variation to the original s106 planning obligation ensuring that this new permission is bound by the terms of the original agreement (securing affordable housing and development contributions) and; re-imposing all planning conditions that have not yet been discharged or are required post completion of the development.

Application Number: AWDM/0649/19

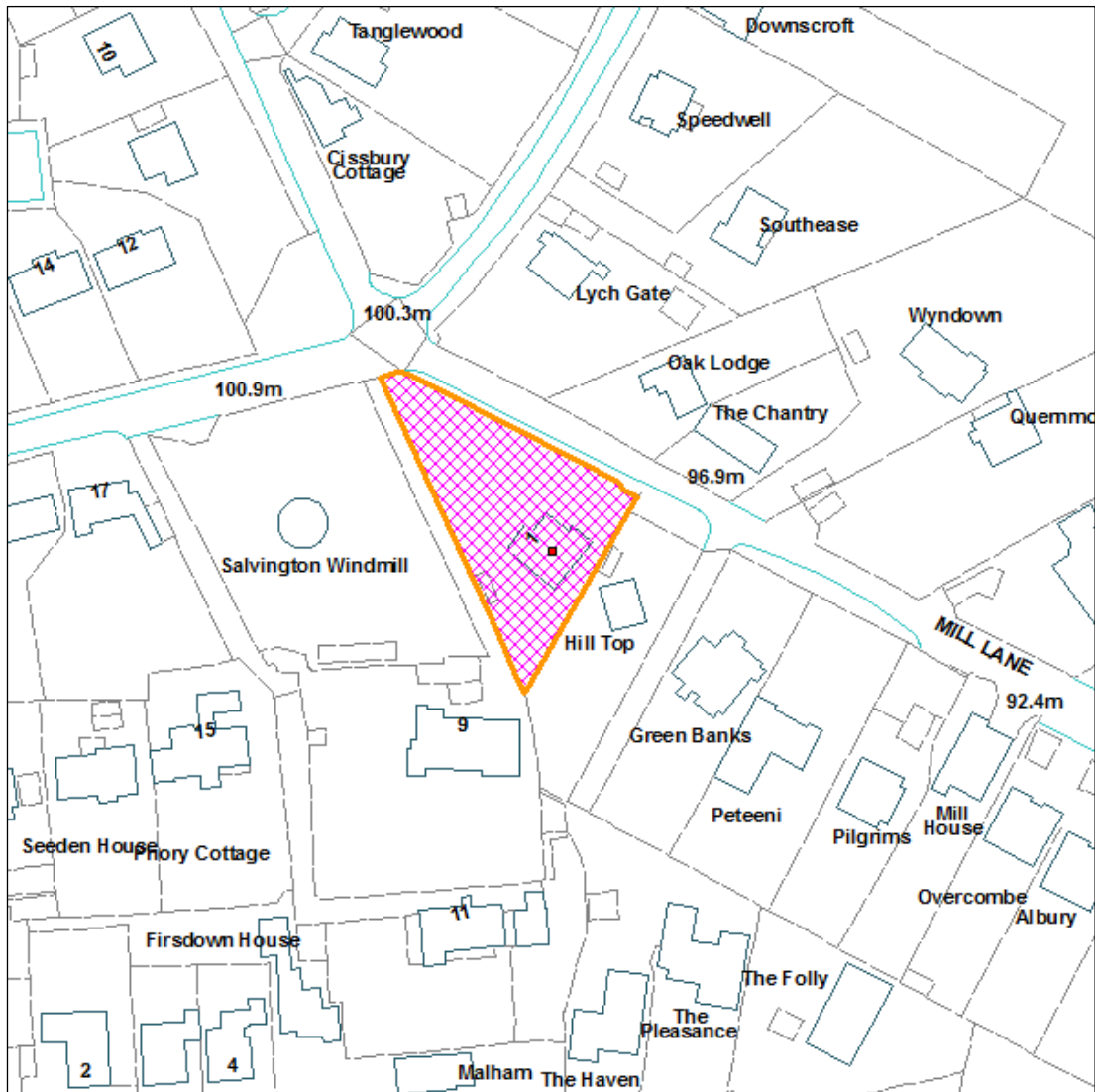
Recommendation – APPROVE

Site: 1 Furze Road, Worthing

Proposal: Retrospective change of use of outbuilding from annexe for dependant relative to Holiday Let

Applicant: Mrs P Meredith
Case Officer: Gary Peck

Ward: Salvington



Not to Scale

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Proposal, Site and Surroundings

This application seeks a retrospective change of use of outbuilding from annexe for dependent relative to Holiday Let.

Having originally gained permission on appeal for a garage building which was substantially complete at the time of the determination of the appeal, the applicant subsequently converted the garage to a gym, games room and study and it was noted at the time that a patio area had also been constructed to the north of the building and a low fence built separating the rear of the building from the rear of the garden. Permission was then granted for the further change of use of the building to an annexe for a dependent relative. Following a change in circumstances, the building was used as a holiday let, the use commencing shortly before the submission of this application.

The application site is triangular in shape and sits on the corner of Furze Road and Mill Lane with the subject building being located to the north of the main dwelling. Despite the name of the address, the main vehicular access is via Mill Lane.

The surrounding character of the area is quite mixed with Salvington Windmill (Grade II listed) being located to the west of the site and residential properties to the south and east.

Relevant Planning History

Planning permission was allowed on appeal for the Change of Use from 2 no. flats to single dwelling and retention of detached two and a half bay garage to north of house, porch on north west side and single storey extension to south west side. (AWDM/1446/14)

Change of use of detached garage to gym, games room and study and associated alterations permitted in 2016 (AWDM/0404/16).

Change of use from gym, games room and study to ancillary annexe as accommodation for dependant relative permitted in 2018 (AWDM/1784/17).

Consultations

West Sussex County Council Highways

This proposal is for the change of use of existing annexe to holiday let. The site is accessed from Mill Lane, a privately maintained road, consequently these comments are for advice only.

No alterations to the existing access or parking arrangements are proposed. Visibility onto the publically maintained Furze Road appears sufficient for the anticipated road speeds. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest that the existing junction is operating unsafely or that the proposed change of use would exacerbate an existing safety concern. This proposal is not anticipated to result in a material intensification of use of the junction over the potential of the existing annexe use.

WSCC Parking Standards set out a minimum provision of 1 parking space per bedroom for holiday let use. A parking layout plan has not been provided, however there appears to be sufficient space on site for at least one vehicle associated with the holiday let use to park, in addition to parking for residents of the host dwelling.

The site is located within walking distance of local shops and services, including bus services into Worthing and further afield. Cycling is a viable option within the vicinity and the LPA may wish to consider securing covered and secure cycle parking for the holiday let use via condition.

Conclusion

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

If the LPA are minded to approve the application, a condition securing covered and secure cycle storage is advised.

Representations

1 letter of objection – while stating that there is opinion on the use, the objection is made on the grounds that previous plans submitted showed the first floor undeveloped but the advertising for the holiday let shows a bedroom and bathroom upstairs and therefore is a false claim. The building has gone from garage to gym to dependent relative to holiday let and it is wondered what will come next.

Relevant Planning Policies and Guidance

Worthing Core Strategy (WBC 2011): 5: The Visitor Economy, 16 Built Environment and Design

National Planning Policy Framework (CLG 2019)

Planning Practice Guidance (CLG 2014)

Relevant Legislation

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

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

Planning Assessment

The planning history of the site is somewhat unusual in that the original building was constructed in advance of any decision on the planning application, which was then refused by the Planning Committee. Planning permission was subsequently granted

at appeal, with the Inspector concluding that the building did not have an adverse impact upon the character of the area.

A subsequent application for the change of use of the garage to a gym, games room and study and associated alterations was granted permission. Having regard to the Inspector's earlier comments regarding the impact of the building upon the character of the area and since there were few external alterations, it was considered that the proposal was acceptable.

Similar considerations were applied to then further proposal to use the building as an annexe for a dependant relative as again there only very minor fenestration changes to the building and hence little material external impact. Officers considered at the time that, while a separate residential unit would be unacceptable, as the building shared an entrance with the main house which is in close proximity, the relationship of the respective buildings lent the use of the former garage building to use as an annexe. A condition was imposed to ensure that the accommodation remained ancillary to the main house.

It is understood that the building is no longer required for a dependant relative and accordingly upon that change in circumstances, the building began to be used as a holiday let. Shortly after, an application was submitted to the Council and hence the application is retrospective.

The planning history of the application site is therefore characterised by incremental changes, some undertaken in advance of planning permission being required. Whilst, this is regrettable, each planning application must be determined on its own merits.

In this respect, a material consideration of any proposal is that an Inspector had previously found that the building does not have an adverse impact upon the visual character of the area. This remains the case and indeed as surrounding vegetation has matured it could be said that the building has less visual impact than was the case when it was first constructed.

Visitor accommodation is encouraged by policy 5 of the Core Strategy and while this is normally referring to town centre locations, it might be said that the location of the building is well suited to holiday use being close to Salvington Windmill and the National Park. Accordingly, it is not considered that there is any objection, in principle, to the use of the building as a holiday let. While there could be concern as to additional movements to and from the site as compared to use of the building as a garage as first intended, the building is well screened and sufficiently distant from neighbouring properties that it would be difficult to sustain an objection in this regard.

As indicated earlier in the report, the relationship with the main dwelling means that the accommodation would not be suitable as a separate dwelling and a condition limiting the accommodation to holiday use only would be appropriate. In this respect, the level of privacy and requirements for garden space would be very different for a single dwelling compared to a temporary holiday use.

Accordingly, it is not considered there is any justification to refuse permission.

Recommendation

To GRANT permission

Subject to Conditions:-

01. Approved Plans
02. No development approved by this permission shall commence until full details for the disposal of surface water has been approved by the Planning Authority
03. Use as a holiday let only and no further alterations without the prior grant of permission by the local planning authority

26th June 2019

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.