



# WORTHING BOROUGH COUNCIL

14 February 2023

<b>Worthing Planning Committee</b>	
<b>Date:</b>	<b>22 February 2023</b>
<b>Time:</b>	<b>6.30 pm</b>
<b>Venue:</b>	<b>Gordon Room Worthing Town Hall</b>

**Committee Membership:** Councillors Jim Deen (Chair), John Turley (Vice-Chair), Noel Atkins, Russ Cochran, Dan Coxhill, Helen Silman, Emma Taylor and Andy Whight

**NOTE:**

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk) before noon on Tuesday 21 February 2023.

## Agenda

### Part A

#### 7. Planning Applications (Pages 3 - 12)

To consider the reports by the Director for the Economy, attached as Item 7.

#### **Recording of this meeting**

Please note that this meeting is being audio live streamed and a recording of the meeting will be available on the Council's website. This meeting will remain on our website for one year and will be deleted after that period. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Katy McMullan Democratic Services Officer 01903 221006 <a href="mailto:katy.mcmullan@adur-worthing.gov.uk">katy.mcmullan@adur-worthing.gov.uk</a>	Caroline Perry Senior Lawyer & Deputy Monitoring Officer 01903 221081 <a href="mailto:Caroline.perry@adur-worthing.gov.uk">Caroline.perry@adur-worthing.gov.uk</a>

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

## ADDENDUM REPORTS

<b>Application Number:</b>	AWDM/1884/22	<b>Recommendation</b> - Approve and delegate to Head of Development to issue the decision upon completion of a s.106 undertaking.
<b>Site:</b>	10 - 20 Marine Place, Worthing, BN11 3DN	
<b>Proposal:</b>	Demolition of existing commercial storage buildings, erection of new 3-storey building containing 9 apartments, with additional studio/ office space at lower ground floor level. To include on-site secure bicycle and refuse storage, and the relocation of an existing electrical substation.	
<b>Applicant:</b>	Star Property Investment and Management Ltd	Ward: Central
<b>Agent:</b>	Rodway Planning Consultancy Limited	
<b>Case Officer:</b>	Stephen Cantwell	

### Updated Information

#### *Flood-risk - Sequential & Exceptions Test*

In accordance with NPPF, Policy 15 of the Core Strategy and Policy DM 20 of the SDWLP, the applicant has submitted a sequential test, which examines 20 other sites in the Borough, including 6 in the town centre/edge of centre and allocated sites at Union Place, Teville Gate and the former Gas site in Lyndhurst Road, in lesser flood risk areas. The Grafton Road Car park is within flood zone 3 - High Risk, similar to the application site in Marine Place. In total these would potentially provide 1671 homes,

The test uses reasonable assumptions upon the timing of delivery in each case, which indicates that around 300 of these homes may deliver within the next five years. Whether this is somewhat pessimistic, it remains clear that delivery of all lower risk sites could not produce sufficient homes for the projected 14,000 households up to the year 2036. Accordingly, in accordance with policies, it is considered that there is a reasonable justification for development of the application site.

The Exception Test which follows the sequential test, requires that the development will be safe from flooding throughout its lifetime, taking account of the vulnerability of its users and without increasing flood risk elsewhere and that there would be wider sustainability benefits to the community.

As described in the Committee report the development:

- will have 'more vulnerable' habitable accommodation at floor levels which are above flood level, allowing for climate change;
- the less vulnerable office accommodation will be at the lower floor, and
- all residents and users of the site will be subject of a Flood Evacuation Plan;
- which is supported by the Council's Safety and Resilience Offer;
- flood resilient construction methods will be used;
- the proposal will provide regeneration and revitalisation of this central site, with benefits to the Conservation Area

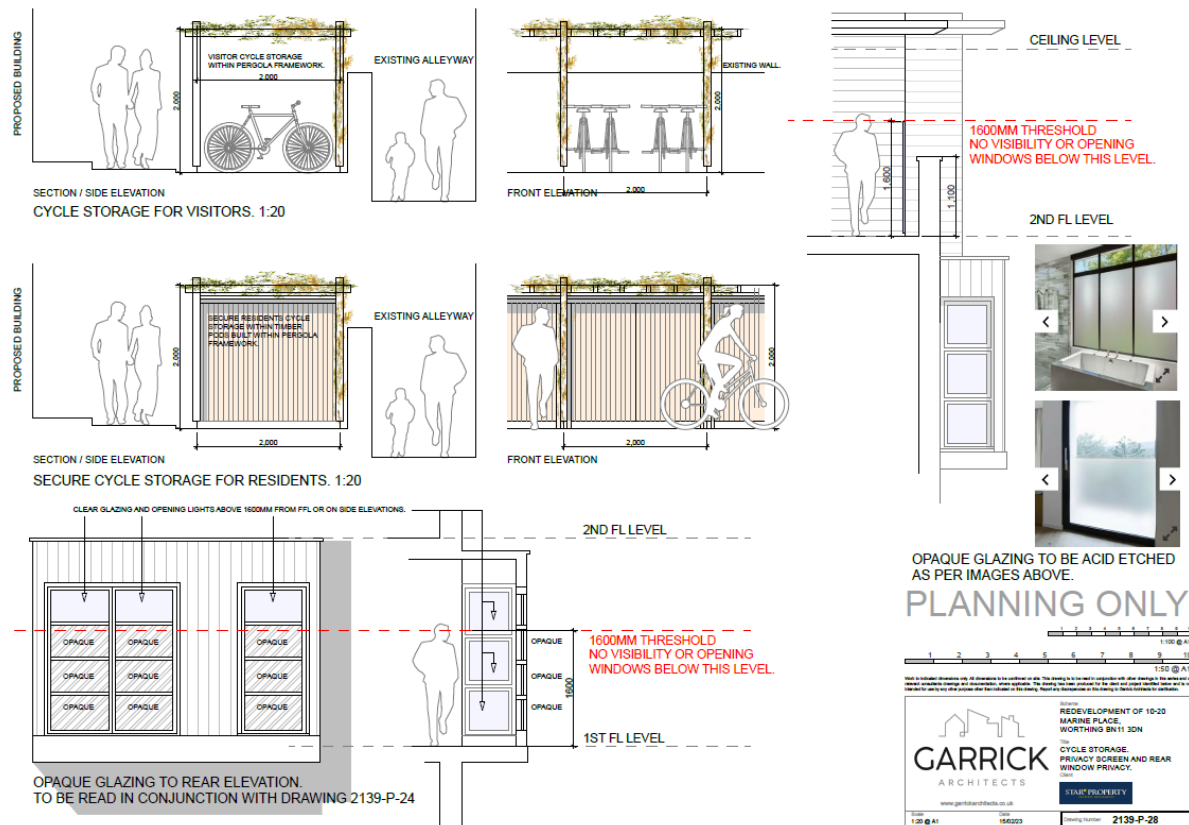
Accordingly, it is considered that the exception test is met, in accordance with policy and the NPPF.

### Energy

The 12 solar PV panels (which could be increased if desired) are each capable of producing 300W. This provides a total of 8.64kWh per day and exceeds the policy target for renewable energy of 10%.

### Cycle Storage

All cycle storage is to be accommodated on the rear wall below a planted pergola. The applicant has confirmed that this can accommodate lockable sheds for residents (see supplementary images below) and clear-roofed areas for some of the other cycle spaces.



Neighbours - privacy

A privacy panel serving terrace and opaque glazing to rear elevation as per the supplementary images below. No clear glazing or opening windows to be installed below 1.6 metres from internal floor level.

### **Consultees**

Council Engineer/Technical Services - Awaited

County Fire & Rescue Services - Awaited

**Environmental Health** - Public Health - Recommends Conditions, as follows:

*'As the application site is located in a mixed commercial/residential area please may the following be attached as conditions to any permission granted, in order to protect nearby residential amenity.'*

### *Construction*

*Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.*

*Monday - Friday 08:00 - 18:00 Hours*

*Saturday 09:00 - 13:00 Hours*

*Sundays and Bank Holidays no work permitted*

*Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.*

**Reason:** To safeguard the residential amenity of the area

*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 - HGV construction traffic routings shall be designed to minimise journey distance through AQMA's.*
- *the method of access and routing of vehicles during construction,*

- *the parking of vehicles by site operatives and visitors,*
- *the loading and unloading of plant, materials and waste,*
- *the storage of plant and materials used in construction of the development,*
- *the erection and maintenance of security hoarding,*
- *a commitment to no burning on site,*
- *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.*
- *methods to control dust from the site.*

**Reason:** *As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction.*

### *Substation*

As the electricity sub station is to be moved adjacent to residential properties, there is the potential for noise and vibration to affect residential amenity. The noise from this has not been assessed., however section 6 of the Noise Assessment prepared by Acoustic South East refers to it and the potential for impacts. I therefore recommend that a condition be added requiring assessment of this to ensure noise will not be a concern.

*The use hereby permitted shall not commence unless and until a noise impact assessment has been completed for the relocated electricity sub station. The assessment shall ensure noise from the substation, particularly at low frequencies, will not adversely affect residential properties in the vicinity and where needed include mitigation.*

As the land has been identified as having a previous potentially contaminative use the following condition is recommended.

### *Contamination*

*Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:*

*(1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site*

*indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.*

*(2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*

*(3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*

*(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority.*

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

## **Comments and Representations**

### **Worthing Society - Amended Plans**

*'I have discussed the amended plans with our Heritage Team and overall we consider the changes to be an improvement. In particular we have noted the following comments of the Conservation Architect;*

*The building has been pulled back from the southern boundary, and a chamfer has been cut from the corner of the building to maintain a view of the Dome Cinema.'*

*The Dome Cinema is a landmark Grade II\* Listed building important to the character of Worthing. Therefore the safeguarding of the views and setting of this heritage asset is a significant consideration.*

*Another concern has been the effect on the dwellings at the rear of Bedford Row. We are pleased to note that the rear boundary wall on the east side of the site is to be lowered and railings to be installed facilitating more light. The proposed use of obscure glazing at the rear elevation of the newbuild is also welcome.*

*One further observation: I have received a representation from a member of the Society about the effect of the construction works on the adjacent building to the immediate north of the site should approval be granted. This characterful building, which is of some age, is run as a business. Hopefully these matters can be addressed via the Construction Management Plan including the hours of work.'*

**Representations:** 2 additional objections:

We own Flat 2, 6 Bedford Row. It is on the first floor and has rear windows that would look out onto the new block.

- Proximity: our main concern is that the back of the proposed building is too close and will have implications for us and other residents of Bedford Row, further restricting the light and giving a sense of enclosure. The proposed building will be directly behind 6 Bedford Row. It would be 3 storeys and sheer, as the third floor is not inset at the back as it is at the front. From our situation it will sit between 4.2 and 4.5 metres back from the back alley wall - so it will be very close.
- Privacy: there are also privacy implications as the back windows of the new building will look directly towards the back of Bedford Row houses.
- Design: a block of this design in this location is not sympathetic to the style of the grade 2 listed buildings in Bedford Row. Two-storey town houses would work better.
- Parking pressure: there is also no parking incorporated into the development, and it removes existing short-term parking so will put increased pressure on resident permit parking spaces and visitor parking. It is already very difficult to find a space even if you have a residents permit. It isn't realistic to hope that there will be no cars owned by the residents of the 9 apartments.

We can see that the plot does need to be redeveloped, but any new building should sit comfortably in the space and not impact negatively on existing buildings and residents.

Worthing Yoga Centre, Marine Place objects to the application on the following grounds:

- *We have grave concerns over the possible damage to the building. From vibrations and from traffic. We have previously had lorries clipping the corner of the building. We have had an ambulance stuck due to Iceland parked vans. We have had students almost knocked over by fast vehicles coming around the corner.*
- *Our studio light mainly comes from two south facing windows. Once the three storey building goes up this will be greatly affected.*



- *We have classes every day of the week and are very worried about how we will be able to teach with the demolition and building noise, dust etc. plus the danger for students coming up and down the road.*
- *Marine Place is already full of overflowing bins. There is no parking for new homes. The road is narrow. The drains are very old.*
- *The starlings murmuration is a splendid sight as they fly from rooftops in Marine Place to the pier. Will they be affected too?*
- *We understand it is likely this overdevelopment application will be passed but we would please ask for consideration as to how this will affect our business, the conservation area and the safety and appeal of Marine Place*

### **Revised Recommendation**

#### **To APPROVE subject to the additional conditions:**

- i) As recommended by Environmental Health Officer in the Addendum
- ii) Post completion verification of predicted Energy, CO2 reductions & water efficiencies
- iii) Any recommended conditions from the Council's Technical Services Drainage Engineer.

<b>Application Number:</b>	<b>AWDM/1141/22</b>	<b>Recommendation - REFUSE</b>
<b>Site:</b>	<b>Miller House, 14 - 16 Farncombe Road, Worthing, West Sussex</b>	
<b>Proposal:</b>	<b>New build 4 no. 2 bedroom houses</b>	
<b>Applicant:</b>	Patagonia Properties Ltd	Ward:Selden
<b>Agent:</b>	Stickland Wright Ltd	
<b>Case Officer:</b>	Jacqueline Fox	

### **Additional Consultation Response**

The **Worthing Society** objects to the application on the grounds that;

*Thank you for the opportunity of commenting on this application which is a proposed backland development within the Farncombe Road Conservation Area, (CA). The development site is at the rear of two Victorian villas which are both included on the Local Interest List. Therefore any proposed changes to their setting requires and that of the CA requires sensitive consideration as referred to in the National Planning Policy Framework*

*The Conservation Area Appraisal Document states that the character of the area is defined by its large villas and numbers 14 and 16 make a significant contribution to the conservation area. The villas have a uniform building line set back from the pavement with generous back gardens. Although there has been some encroachment at the rear of numbers 14 and 16 the single storey extension complements the style of the villas and does not obscure the symmetry or architectural features of the rear elevations. The sense of openness and visibility of the villas, as with their neighbours, remains when from the rear area.*

*A backland development of 3 houses at full height and a fourth at a slightly lower level would compromise the character and setting of the villas. In addition the proposed materials are red brick with aluminium windows which again would conflict with the rendered style of the Victorian villas. The site area is fairly compact and in our view the plans represent over development of a relatively compact site. Backland developments are not a feature of the Farncombe Road CA which has a unique and spacious setting within an urban area. The proposed scale and design of the development would be significantly out of character, creating a sense of enclosure, adversely affecting the amenity value for future residents.*

*The Planning(Listed Buildings and Conservation Areas Act )1990 states that changes should 'enhance or better reveal the character of the conservation area.'*

*In our view the proposal is not consistent with the Planning(Listed Buildings and Conservation Areas)Act or the guidance of the NPPF and should be refused. Our heritage assets are an irreplaceable resource.*

## **Revised Recommendation**

**REFUSE** for the following reasons:

2. The proposed dwellings by reason of their design, size and siting represents an anomalous and awkward form of development causing harm to the setting and composition of local listed buildings No. 14 and 16 Farncombe Road, identified as making a positive contribution to the Farncombe Road Conservation Area. The proposal would also involve the detrimental part loss and part relocation of a substantial flint wall. The proposal would give rise to less than substantial harm to the character and appearance of the Conservation Area, failing to preserve or enhance, and is therefore contrary to policy 16 of the Worthing Core Strategy, policies DM5, DM24 of the Submission Draft Worthing Local Plan (As Modified) the Council's SPD 'Guide to Residential Development' and relevant paragraphs within the NPPF.

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