



# WORTHING BOROUGH COUNCIL

27 February 2024

<b>Worthing Planning Committee</b>	
<b>Date:</b>	<b>28 February 2024</b>
<b>Time:</b>	<b>6.30 pm</b>
<b>Venue:</b>	<b>Committee Rooms 2 and 3, Worthing Town Hall</b>

**Committee Membership:** Councillors Ödül Bozkurt (Vice-Chair), Noel Atkins, Russ Cochran, Samuel Theodoridi, Rosey Whorlow, Richard Nowak, Helen Abrahams and Andy Whight (Chair)

**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 **midday on Tuesday 27 February 2024**.

## Agenda

### Part A

#### 7. **Planning Applications** (Pages 3 - 8)

To consider the reports by the Director for Place, 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 katy.mcmullan@adur-worthing.gov.uk	David Jones Lawyer 01903 221093 <a href="mailto:david.jones@adur-worthing.gov.uk">david.jones@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

<b>Application Number:</b>	AWDM/1618/23	<b>Recommendation - Delegate for approval subject to completion of a s106 Agreement and receipt of comments from consultees.</b>
<b>Site:</b>	Union Place Car Park, Union Place, Worthing, West Sussex.	
<b>Proposal:</b>	Application under Regulation 3 Construction of a mixed-use development between 4 and 11 storeys, comprising 216 residential apartments (including 20% Affordable Housing), of which 6 comprise Live/Work Units at Union Place, together with commercial ground floor space at High Street, associated residential car parking, cycle parking, communal residential gardens and vehicular access from Chatsworth Road. In addition, provision of a replacement public car park accessed from Union Place, and new public realm provision.	
<b>Applicant:</b>	Roffey Homes Ltd	Ward: Central
<b>Agent:</b>	ECE Planning	
<b>Case Officer:</b>	James Appleton	

### Additional Supporting Statements

The applicant has provided the following supporting statements in relation to the affordable housing offer and the concerns about the potential alternative energy option if the scheme does not connect to the District Heat Network (DHN).

#### Affordable Housing

*It is quite clear in our view that the Local Plan policy requires 10% of all homes to provide AFFORDABLE HOME OWNERSHIP options, with the remainder split between 75% social/affordable rented and 25% immediate.*

*This is in line with the NPPF (paragraph 66) and does not allow for departure except for in **exceptional circumstances**. The full policy position is set out in the attached email.*

#### UNION PLACE REQUIREMENT (Policy Compliance)

- Total Number of dwellings = 216
- Total Affordable at 20% = 43
- 10% of all dwellings to be affordable home ownership (in this case shared ownership) = 21.6, rounded up to 22
- The remainder 21 units to be split 25% intermediate (in this case shared ownership) /75% affordable rent or LHA Rent would be = 5.25 intermediate, rounded to 5 shared ownership
- 15.75 rent, rounded to 16 affordable rent or LHA rent

*Therefore, the policy compliant affordable offer would be 43 affordable apartments (20% overall), split 27 affordable shared ownership (63%) and 16 affordable or LHA rent (37%)*

### **UNION PLACE OFFER**

*As you know, we have negotiated to provide an improvement over this adopted policy position;*

**We are providing 23 shared ownership (which are affordable home ownership under the NPPF definition) and 20 LHA rent.**

### **APPLICANT'S POSITION**

- *Whilst you have informed us that the Council is not pursuing first homes, this is different to the 10% requirement for affordable home ownership within the Policy DM3 and the NPPF.*
- *First Homes is a separate requirement under the Ministerial Statement of 21<sup>st</sup> May 2021 and is not within the NPPF per se.*
- *Whilst we understand there is an SPD to clarify the position (on Affordable Home Ownership and/or First Homes?) this is not available, has not been consulted on nor examined. It therefore does not have a bearing on this application.*
- *The Affordable Housing offer is better than the Policy position, by offering the remainder of the affordable as LHA rent, rather than splitting this between Affordable/Social Rent and Intermediate Housing.*
- *The Local Plan examination would have been the appropriate time to challenge the application of Paragraph 66 (then Paragraph 65) of the NPPF on the basis of local housing needs.*
- *As it is, the policy wording is extremely clear in our view, and we are in accordance with it.*

### **District Heat Network.**

*As set out previously, Option 1 (Connection to DHN) is potentially available to us and is the preferred option, when compared to Options 2 & 3 for a site or building wide solution, with EAHPs as our alternative solution.*

*If we were to design the building to accommodate Options 1 / 2 & 3 then on that basis that 1 is available, we would have to design for significant space sitting redundant.*

*If we were to also allow for plant space for site wide then the plant space then based on a load of circa 800kW and using BSRIA Rule of Thumb, the plant space has been calculated to be circa;*

- ***Internal; 50-60m<sup>2</sup>***
- ***External; 110m<sup>2</sup> (4 No HP @ 200kW)***

*Both are required.*

*In this regard, the creation of redundant space in our current design, to potentially allow for a site/building wide solution (if the DHN solution is not deliverable) is unacceptable. The layout and form of the development would be severely compromised by such a solution and the architectural solution to the taller elements in particular does not allow for external plant provision.*

*Any space reduction will impact either the number of apartments, commercial space or indeed parking, all of which are fundamental to delivering the scheme as currently designed for planning.*

*The location of such plant space will also result in less than favourable acoustic conditions due to their location near to residential properties and neighbouring occupiers.*

*Option 1, in the energy hierarchy (connecting to the DHN) is available to us at this stage and therefore as a preferred solution, we cannot reasonably look to options 2 and 3, due to the significant impacts of such an approach to our scheme layout and form.*

**The Director of Place** has commented that,

*'I write with reference to the planning application referred to above and in my capacity as a member of the Union Place Joint Venture working group with responsibility for representing the Council's interests in the formative Joint Venture Agreement.*

*I am mindful that a policy compliant position has been submitted by the applicant and through negotiation, this now exceeds the policy requirement for affordable homes for rent. I am equally aware that there will be instances whereby the Council as it embarks on its revised Housing Strategy, will proactively seek to adjust the balance of tenures through negotiation with applicants with the objective of securing the best match with local needs.*

*Accordingly, I can confirm that the Council as part of the formative Joint Venture Agreement and as an equal partner in the Joint Venture, has agreed with its partner, Roffey Homes Ltd. that the Council will retain the option of purchasing new homes for the specific purpose of providing additional rented accommodation at LHA levels and at social rents, to exceed the formal planning policy requirement and meet local need.'*

**WSCC Highways** has commented further stating that,

### **Chatsworth Road Access**

*I am pleased to confirm the Road Safety log has been signed (see attached file). We have discussed this matter internally again and have concluded the advice in Manual for Streets 2 10.7.1 which acknowledges parked vehicles in visibility splays is a common occurrence can be applied in this context. On that basis the points in the RSA have been satisfactorily concluded.*

## **TAD Contribution**

*I've taken a quick look at the file and can see that the s106 was not completed due to a change in the approach of the development. It looks like this s106 has now taken over from the earlier application/s106. As with the 2020 application the LHA would look to secure a contribution based on our emerging plans for the above-mentioned segregated cycle path. However, these plans are currently in the early stages of feasibility development and therefore at the current moment in time a fully designed and costed scheme is not available.*

*In the circumstances, the LHA is keen to secure a general contribution to the delivery of a cycle path along the High Street and improvements to pedestrian/cycle crossings. In the absence of an approved scheme WSCC's Total Access Demand (TAD) can be used to identify the extent of contributions to sustainable transport measures within the proximity of the site. In 2020 the applicant indicated their in-principle acceptance of providing a contribution. On that basis we would advise a TAD contribution of £187,192 is still applicable. The Highway Authority would look for this to be a combination of land (land on the western side of High Street to deliver the cycle scheme) and a financial contribution.*

**The Health and Safety Executive (HSE)** has provided the following comments on the submitted Fire Safety Strategy:

*HSE welcomes the forward thinking/future proofing considerations regarding fire safety throughout the proposed development. It is noted that a number of fire safety aspects within the fire statement will 'continue to be developed' as the design progresses. HSE has assessed this application based on the information available on the planning register at the time of this assessment.*

## **Consultation**

### **Fire service access and facilities**

- 1.10 Blocks B and C floor plans show "building services 'lobbied riser' concept" accessed from within the firefighting shafts.*
- 1.11 Fire safety standards state that: "Only services associated with the fire-fighting shaft should pass through or be contained within the fire-fighting shaft. A fire-fighting shaft should not contain any cupboards or provide access to service shafts serving the remainder of the building".*
- 1.12 Design changes to relocate the 'building services riser' will affect land use planning considerations such as the design and layout (including the configuration of residential dwellings on every storey level) of blocks B and C.*
- 1.13 Section 8.3.10 of the fire safety strategy states: "the positioning of the stair cores the dry fire main horizontal pipe runs may exceed the 18m criterion, being in the region of 20-25m (subject to further review and detailed installation design)".*

1.14 *Fire safety standards state: “For typical building applications, the run of horizontal connecting pipe is a maximum of 18m in length”.*

1.15 *No performance-based evidence has been provided that supports the proposal, as presented to the LPA. Past precedents should not be relied upon in the context of the more stringent fire safety regime. Design changes to reduce the horizontal run of fire main pipeline are likely to affect land use planning considerations such as the layout and appearance of the development.*

### **External wall systems – internal angles**

1.16 *Section 7.4.6 of the fire safety strategy identifies that there are: “a small number of instances where windows to flat units are within ca.850mm and at 90° to the AOV window within the common corridor”.*

1.17 *Consideration should be given to the location of windows creating internal angles throughout the development in relation to the spread of fire between two nearby surfaces.*

1.18 *The openings should be located a suitable distance apart and adjoining walls should provide suitable fire resistance to protect the means of escape and prevent the spread of fire from one adjoining compartment to another. Any design changes to provide suitable separation of the external openings will affect land use planning considerations such as the appearance of the buildings.’*

### **Planning Assessment**

As the agent submits the affordable housing offer does comply with policy DM3 of the adopted Local Plan policy and Central Government policy (Written Ministerial Statement and NPPF). Indeed the level of affordable rent is slightly higher than a policy compliant scheme. However, as the greatest housing need in the Borough is for rented accommodation your Officers have often sought to negotiate a higher proportion of rented accommodation and have not sought First Homes provision. Nevertheless such negotiations have often been in relation to greenfield sites (Fulbeck Avenue and Beeches Avenue) where viability means that the delivery of affordable housing is far easier to secure.

As Members are aware few brownfield sites have secured any on site affordable housing and therefore in this case the provision of 43 affordable homes is welcomed. In addition the Council (as prospective Joint Venture (JV) partner) has indicated that there would be the opportunity to seek additional affordable rent as part of the JV negotiations (post planning).

In terms of the District Heat Network (DHN) the applicant’s preference is to connect to the DHN and if this is secured the proposal would fully comply with policy DM17. The only issue is whether the alternative strategy of Exhaust Air Heat Pumps (EAHPs) complies with DM17. It is clear that the alternative energy solution would not meet the requirements of the Energy Hierarchy set out in the Local Plan and if an individual apartment solution were to be deployed (compared to a site wide communal system) it

is less likely that the scheme (or future residents) would agree to subsequent connection to a District Heat Network. Nevertheless, the preferred option is consistent with the Local Plan and this is another instance where the Council as JV partner can help to ensure that the scheme does connect to the DHN and provides the most efficient and lowest carbon solution for the development.

WSCC Highways are now satisfied with all the access arrangements (visibility onto Chatsworth Road) and have now asked for the same development contribution that they asked for at the outline planning application stage (£187k). However, as before this development contribution would be reduced by the nominal value of the strip of land being reserved for a future cyclepath. This would need to be added to the development contributions sought in the s106 and set out in Appendix I.

The comments of the HSE are being assessed by the architects and any amendments to the layout to address the points of concern will be resolved during the recommended delegated period.

### **Revised Recommendation**

**Delegate to the Head of Planning and Development to approve subject to revised plans addressing the HSE comments, the further comments of the LLFA and the completion of the planning obligation and the following conditions (set out in the main report).**