



WORTHING BOROUGH COUNCIL

20 March 2024

Worthing Planning Committee	
Date:	20 March 2024
Time:	6.30 pm
Venue:	Gordon Room, Worthing Town Hall

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 before noon on Tuesday 19 March 2024.

Agenda

Part A

7. **Planning Applications** (Pages 3 - 10)

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	Caroline Perry Senior Lawyer & Deputy Monitoring Officer 01903 221081 Caroline.perry@adur-worthing.gov.uk

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

Application Number:	AWDM/0083/24	Revised Recommendation - APPROVE subject to a Deed of Variation to the original planning obligation.
Site:	Land At Former Gas Works Site, Park Road, Worthing	
Proposal:	<p>ORIGINAL DESCRIPTION: AWDM/1459/21 (as amended by AWDM/1446/23): Full Planning Application for the demolition of existing structures, partial removal of boundary walls and the construction of a residential development spread across 5 blocks with associated access, parking, open space and landscaping</p> <p>Application to vary Conditions including: Condition 1 (Approved Plans); Conditions 17 & 20 (Foul & Surface Water Drainage); Condition 21 (Energy Strategy); Condition 22 (Landscape); Condition 25 (Balcony Screens); and Conditions 31 & 33 (Noise).</p>	
Applicant:	St William Homes LLP and Berkeley Homes (Southern) Ltd	Ward: Central
Agent:	ECE Planning	
Case Officer:	James Appleton	

Response to the Committee report from the applicants Agent

District Heat Network

The HoT section of the report is the first time we have seen anything in relation to the DHN wording for the scheme. The solicitors have explained that the current S106 wording allows for potential connection to the District Heat Network, but also allows Berkeley Homes discretion to pursue an alternative strategy if necessary (for commercial/delivery reasons) to ensure that Berkley has a fallback position if the DHN is not delivered early enough to permit connection or for other issues associated with delivery. Please could you provide some comfort on this point and clarify with Members? Happy to discuss this further if necessary.

Conditions

We note a number of the proposed conditions need to be amended, based on already being discharged under the previous approval (AWDM/1459/21) or referencing older reports. If possible, we would like to have the conditions agreed prior to the Committee:

- *Conditions 9 and 11 say ‘to be updated’ and Condition 12 ‘approved’ which is positive however there is nothing on Condition 15 (CEMP). Ideally these would form compliance only conditions in the decision notice – I suspect we have time post permission to deal with this but please could you clarify with Members?*
- *Conditions 17 – surface water drainage and Condition 33 – plant and noise will require updating as these reference older reports that have been updated with the S73 submission.*
- *Condition 26 roof usage – the wording needs to be amended as the scheme now has private terraces on some roofs on C, D and E.*
- *Condition 35 – this will need amending as this limits the development to 209 dwellings (although this has been amended to reference the 8 storeys in height). Please could you rectify this?*

BNG

On page 16 reference is made to the BNG % falling from 726% to 587%. The reason for this is predominantly due to changes in the DEFRA metric since 2021, rather than the scheme changing. Please could you clarify this with Members?

Other Matters

- *The table and text on Pages 17-18 implies the scheme is just apartments and makes no reference to the townhouses. Please could you clarify with Members?*
- *WSCC Highways have now responded with no objection – we assume this will be picked up by Members.*
- *Page 24 references removal of a window on Block E due to impact on 83 Park Road. The relationship with 83 is that of a flank to flank relationship with only one first floor (secondary) window at first floor level on the existing property. The relationship seems acceptable in our view given the 12m distance and established nature of the access road intervening. Our preference would be to retain this window if possible.*

Additional Representations

Since writing the report four letters of objection have been received raising the following comments:

- i) I feel that the white elevations for the eighth floor may draw attention to the additional floor and that the use of a darker colour, and possibly a mansard roof, may be more appropriate.
- ii) I note that the floor to floor heights have been reduced to limit the overall heights it is questioned how this will affect internal finish floor to ceiling heights living conditions and salability of the residential flats.
- iii) With no onsite affordable/social housing being proposed, Developer

contributions of approximately £1.09 million on a total GDV of £76 million appears insufficient to offset the potential harm that may be caused by this scheme.

- iv) As the prices and cost may change during the construction period, it may be appropriate to consider including a Financial Viability Re-assessment Review Mechanism so that any future improvement in market circumstances could be shared with the local community.
- v) It is noted that the number of studios and one bed flats has increased, while the number of two and three bedroom flats has decreased. Is this in response to a change in the local authorities housing needs or is this to improve the financial outcome for the developer?
- vi) It is questioned whether local infrastructure can cope with the increase in the number of flats.
- vii) You have local residents major health and environmental concerns on similar contaminated sites. Is the Planning Authority convinced that the risks have properly been dealt with?
- viii) The permitted scheme is a gross over development of the area. It is not in keeping with local character and it is acknowledged to be harmful to the Conservation Area. The amendment seeks to increase the height of Block B by over 3 metres, adds an additional storey and increases the density by 19 flats.
- ix) Any benefits to the amendment will not be offset by the negative impact on the local area and its residents. the committee will recall the 109 objections to the original application this amended scheme only adds to the concerns issues raised by those objectors
- x) Despite the increase in density, there is still no on-site affordable housing and the only increase is an additional £51k contribution to off-site provision.
- xi) The 19 additional flats did not assist in meeting local housing needs as determined by the 2020 Strategic Housing Market Assessment.
- xii) Only two additional car parking spaces are proposed. The whole development and 209 flats was already significantly lower than WSCC guidance of 0.6 to 1.1 spaces per dwelling. Members will be aware of the significant pressure on parking in this area as evidenced by the waiting list for parking permits.
- xiii) Despite the Highway Authority's comments, and ideally that this proposal only generated five additional vehicle trips per hour, anyone living in the area will confirm the highway network is already significantly congested.
- xiv) The proposal would not improve the quality of the development in fact it would undermine it due to the density and type of flats proposed.

- xv) The Committee is strongly urged to resist this amendment on the grounds that the concerns raised by residents to the original application will be reinforced if this amendment is approved.
- xvi) Instead of family homes, it provides an additional 20 studio flats with only 2 additional parking spaces. This will impact on the character and quality of life of the area. Studio flats invariably are only used as buy-to-lets or Air BNBs which does not help the housing needs of our young people in Worthing.
- xvii) It is already a significant overdevelopment following the original consultation where the density was increased by over 40 flats in spite of 109 objections about the impact of the development on the character of the area which borders on a Conservation Area.
- xviii) The scheme significantly reduces Biodiversity Net Gain which was promoted as a major benefit by the Developer during the original Consultation.
- xix) It provides only two additional parking spaces even though the original Consultation already significantly under-provided parking spaces in the development. This will put additional pressure on street parking which is already stretched with Hospital staff parking.
- xx) The resident at 82A Park Road is totally overshadowed by Block E with windows overlooking my property, as well as blocking out the much needed sunlight and this should be taken into consideration.

Additional Consultation Responses

WSCC Highways - in response to additional information from the applicant states that:

Background

The site currently benefits from planning consent to construct 209 residential units. This application seeks to increase the total development by 19 units. This is the 2nd highway response and provides comments on the additional information supplied by the applicant.

Access

A revised plan titled VISIBILITY SPLAY and numbered 10. Has been provided and is acceptable. Layout Confirmation has been provided that the box impacted by the vehicle tracking is a balcony and as such would not impact the ability of a turning vehicle.

Cycle Parking

The applicant has provided information on the types of cycle parking including double tier and external stores. Concern is raised about the suitability of the

proposed external store and the protection provided to bicycles; however, the principle of an external store is acceptable. The applicant confirms the level of cycle parking will be monitored through the travel plan and additional parking provided in stores if necessary.

Conclusion

No objection is raised to the application. All of the matters considered would be secured via the existing conditions. As detailed in my previous response, consideration should be given to increasing the highway contribution.

Environmental Health has no objections to the scheme. However, it notes that there is no mention of the sub station or any assessment of noise.

‘As a result we should take a precautionary approach and as such I recommend the following condition.

Prior to installation of the electricity substation, an acoustic report assessing the impact of the electricity sub station on adjacent residents shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise and vibration from the station to ensure that the low frequency noise emitted from the substation does not exceed the ‘Low Frequency Criterion Curve’ for the 10 to 160 Hz third octave bands inside any nearby residential accommodation, as described in the DEFRA funded University of Salford Manchester guidance document entitled ‘Procedure for the Assessment of Low Frequency Noise Complaints’ (NANR45 Rev.1 – December 2011) available from:

<https://salford-repository.worktribe.com/output/1443198/a-procedure-for-the-assessment-of-low-frequency-noise-complaints>

Thereafter the electricity substation shall be maintained so that it complies with the levels and any mitigation measures specified in the approved acoustic report. After installation of the approved plant, no new plant shall be used without the written consent of the Local Planning Authority.

Reason: *To protect the amenity of local residents’*

Further Planning Assessment

The further letters of objection raise concerns about design, increased density, lack of parking and affordable housing. Many of these issues are addressed in the Committee report but it is important to highlight that the proposed development is not 3 metres higher as indicated and in many instances the blocks are lower than previously approved as a result of lower ceiling heights. On this point the ceiling height of 3 metres is standard on new build schemes and therefore would not affect the quality of the finished flats.

In terms of housing mix there is an increase in smaller units but given Worthing’s housing need and high cost of new housing compared to average incomes there are

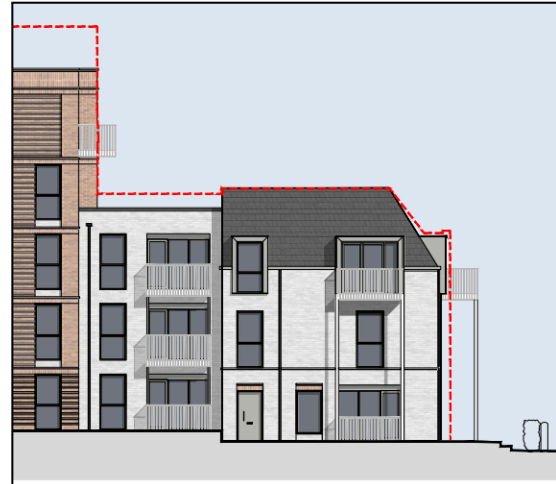
no planning objections to the smaller units now proposed.

The Committee report indicates that the additional window on the south elevation at first floor level be deleted as it would increase overlooking to the existing property No 83 Park Road (as shown below).

Approved



Proposed



The Agent has requested that this window be retained as there is a 12 metre gap to No 83 Park Road and this property is the other side of the access road serving the development. As No. 83 has a flank north facing elevation with only one first floor secondary window it is considered that the additional window would not, in hindsight, cause significant additional overlooking compared to the approved scheme. However, it would be appropriate to ensure appropriate screening for the balcony at first floor level as required by the original planning permission.

The occupier of No. 82A Park Road has raised some concerns in terms of increased overlooking and overshadowing but the amendments to this elevation do not change the overall scale and massing of this block and this property is on the east side of Park Road some 17 metres away from the proposed development.

District Heat Network (DHN)

Whilst, it is accepted that there is a need to have some flexibility regarding the final energy solution for the site, it is hoped that the applicant would agree to a slightly more positive wording in the Deed of Variation reflecting the changes to the scheme to connect to the DHN. This remains the intention of the applicant and it is hoped that this would be reflected more positively in any amendments to the original planning obligation.

BNG

As the applicant clarifies, the reduction in BNG is only down to the revised matrix and not because of any reduction in biodiversity measures to be delivered on the site.

Planning Conditions

The further comments of the Environmental Health Officer require an additional condition to be added relating to an assessment of noise from the proposed substation. In addition, the amendments suggested by the agent can be agreed ensuring that the original conditions imposed are updated with the various studies. The Construction and Environmental Management Plan (CEMP) has been submitted and is being reviewed by WSCC and hopefully this can also be discharged prior to approving the proposed amendments to the approved scheme.

Revised Recommendation

It is recommended that planning permission be granted subject to completion of a Deed of Variation to the original s106 agreement and the following conditions:

Conditions set out in the main agenda (as updated by the Agent) and the following condition recommended by the Environmental Health,

36. Prior to installation of the electricity substation, an acoustic report assessing the impact of the electricity sub station on adjacent residents shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise and vibration from the station to ensure that the low frequency noise emitted from the substation does not exceed the 'Low Frequency Criterion Curve' for the 10 to 160 Hz third octave bands inside any nearby residential accommodation, as described in the DEFRA funded University of Salford Manchester guidance document entitled 'Procedure for the Assessment of Low Frequency Noise Complaints' (NANR45 Rev.1 – December 2011) available from:

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Reason: To protect the amenity of local residents.

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