



WORTHING BOROUGH  
C O U N C I L

17 March 2020

<b>Worthing Planning Committee</b>	
<b>Date:</b>	<b>25 March 2020</b>
<b>Time:</b>	<b>6.30 pm</b>
<b>Venue:</b>	<b>Gordon Room, Worthing Town Hall</b>

**Committee Membership:** Councillors Paul High (Chair), Noel Atkins (Vice-Chairman), Paul Baker, Jim Deen, Karen Harman, Martin McCabe, Helen Silman and Steve Wills

**NOTE:**

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk) before noon on Tuesday 24 March 2020.

**Agenda**

**Part A**

**1. Substitute Members**

Any substitute members should declare their substitution.

**2. Declarations of Interest**

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

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

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

### 3. Confirmation of Minutes

To approve the minutes of the Planning Committee meetings of the Committee held on Wednesday 26 February and Wednesday 4 March 2020, which have been emailed to Members.

### 4. Items Raised Under Urgency Provisions

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

### 5. Planning Applications (Pages 1 - 36)

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

### 6. Public Question Time

So as to provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by midday on Monday 23 March 2020.

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

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

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

## Part B - Not for publication - Exempt Information Reports

### Recording of this meeting

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

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk	Mustafa Khan Lawyer 01903 221358 Mustafa.khan@adur-worthing.gov.uk

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



WORTHING BOROUGH  
COUNCIL

Planning Committee  
25 March 2020

Agenda Item 5

Ward: ALL

Key Decision: ~~Yes~~ / No

## Report by the Director for Economy

### Planning Applications

1

Application Number: **AWDM/1008/19**

Recommendation – **Approve**

Site: **Former Edf Car Park, Southdownview Road, Worthing**

Proposal: **Construction of 5 no. buildings providing 22no. light industrial units (Class B1c) with associated car parking and landscaping.**

2

Application Number: **AWDM/1827/19**

Recommendation – **Approve**

Site: **Roshni, 19 Reigate Road, Worthing**

Proposal: **Change of use from residential care home (Use Class C2) to 6no. flats (Use Class C3) comprising 1no. 1-bedroom flats and 5no. 2-bedroom flats. Including rear single storey extension to north east elevation with associated external alterations. (Re-submission of AWDM/1102/19).**

Application Number: AWDM/1008/19

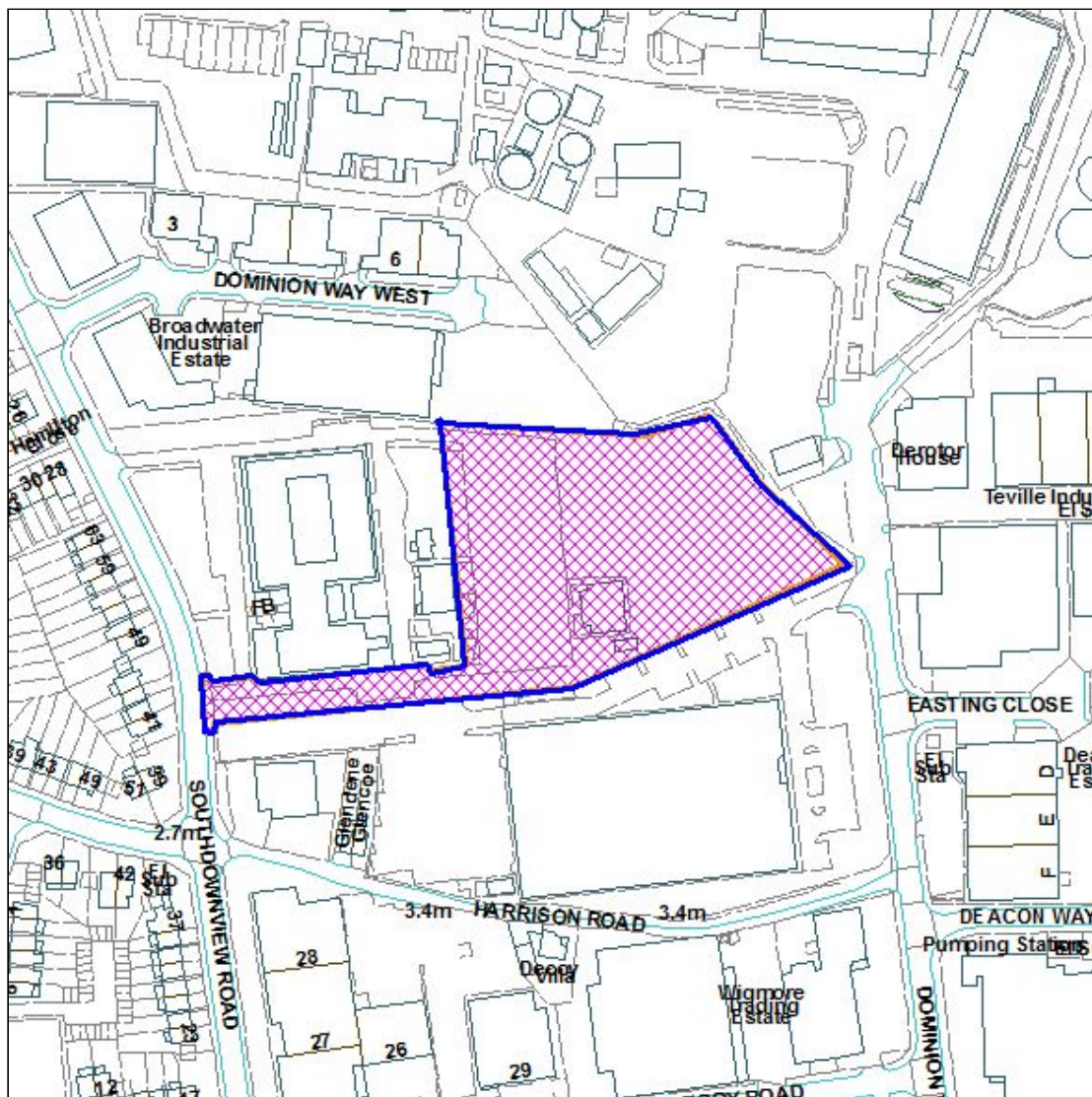
Recommendation – APPROVE

Site: Former Edf Car Park Southdownview Road Worthing West Sussex

Proposal: Construction of 5 no. buildings providing 22no. light industrial units (Class B1c) with associated car parking and landscaping.

Applicant: Mr Robbie Wilson  
Case Officer: Jo Morin

Ward: Broadwater



Not to Scale

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## Site and Surroundings

The application relates to land (0.99ha in area) comprising the surfaced car park to the rear of the former EDF offices located on the east side of Southdownview Road. The former office buildings (within the same ownership of the applicant) are currently being converted to provide 78no. residential flat units following the grant of Prior Approval under the provisions of the Town and Country Planning (General Permitted Development) Order (NOTICE/0001/19 refers), and planning permission for new facade treatments and replacement windows and doors (AWDM/0654/19 refers). The former offices were served by 2 accesses off Southdownview Road running to the north and south sides of the frontage office building, providing access to and egress from the rear car park. The new residential flats (and associated parking) will be served solely by the existing northernmost access drive.

The existing surfaced car park narrows towards the rear part of the application site. There is a group of mature trees in the far north-eastern corner on top of an embankment. At the bottom of the embankment is a ditch forming the rear (east) site boundary. The western site boundary with the frontage development site runs north-south, approximately 25.5 metres east of the main rear elevation of former office buildings.

Adjoining the site to the north is the car park belonging to Bookers Cash Wholesale, accessed from Dominion Way West, a short cul-de-sac off Southdownview Road. To the north east (on the other side of the ditch) the site adjoins part of the GSK complex and a small light industrial unit, both accessed from Dominion Way. To the south is Rayner Intraocular Lenses, a large high tech business premises surrounded by open parking accessed from Dominion Way.

The site is included within East Worthing Industrial Estate and Broadwater Business Park, as are the neighbouring business and commercial premises described above.

There are residential dwellings on the west side of Southdownview Road opposite the site access.

## Proposal

Permission is sought for the construction of 5 no. buildings on the site to provide 22no. light industrial units (Use Class B1c) with associated car parking (97 spaces) and landscaping. The proposed units would be accessed from the former southernmost access off Southdownview Road and would consist of:-

- Building 1 (831sqm) a block of 8no. units (71 metres long and 12.8 metres deep) sited north-south adjacent and parallel to the western site boundary (with the frontage residential development). The block would have a dual-pitched roof with a 7 metre high ridge (5.4 metres high to eaves);
- Building 2 (387sqm) a block of 4no. units (33 metres long and 12.8m deep) sited east-west adjacent to the north site boundary with Bookers car park. The block would have a dual-pitched roof with a 7 metre high ridge (5.4 metres high to eaves);

- Building 3 (290sqm) comprising an 'island' of 2no. units (25 metres long and 12.8 metres deep) in the centre of the site (with circulation and parking spaces on all sides). This pair would have a dual pitched roof with a short ridge 8.2 metres high (5.4 metres high to eaves);
- Building 4 (580sqm) a block of 6no. units (50 metres long and 13 metres deep) sited parallel to and adjoining the southern site boundary with Rayner Intraocular Lenses. The block would have a dual-pitched roof with a 7 metre high ridge (5.4 metres high to eaves);
- Building 5 (343sqm) comprising 2no. units (29.3 metres long and 12.8 metres deep) sited at an angle to the tree margin on top of the embankment adjacent to the north-east (rear) site boundary. This pair would have a dual pitched roof with a 7 metres high (5.4 metres high to eaves).

A range of individual unit sizes would be provided between 96.5sqm and 196sqm.

The proposed buildings would be clad in composite micro-rib horizontal wall cladding in Dark Grey (RAL 7016) with Grey White (RAL 9002) feature panels, powder coated aluminium windows in Dark Grey (RAL 7016) and composite trapezoid roof cladding in Goosewing Grey. Each unit would consist of a workshop area with full height roller shutter door finished in 'Sunflower Yellow', an accessible WC and 'tea-point' together with an entrance lobby (with scope to provide stairs to a future mezzanine floor).

A 2.4m high palisade fence would be erected on the western site boundary with the former EDF office building.

The southern access drive would be adapted to provide 2-way access and egress serving the proposed development (except where the road narrows around an existing sub-station building) with a new pedestrian footpath formed on the north side. A 2m high 'Greenscreen' acoustic barrier would be erected between the south side of the former EDF Office building and the site access road. There would be no vehicular access between the residential scheme (comprising the former EDF offices) and the access road serving the proposed commercial development.

The application is supported by a Transport Statement (MEC, June 2019), Travel plan (MEC, Sept 2019), Road Safety Audit (MEC, Sept 2019) and Designers Response (MEC, Oct 2019); Noise Impact Assessment and Air Quality Assessment (both by Noise Air Acoustic Consultancy and Solutions); Flood Risk Assessment (Ambiental, Nov 2019).

## **Consultations**

**West Sussex County Council:** The Local Highway Authority initially raised an objection on the basis that the submitted road safety audit identified a problem with parked cars affecting the sight lines at the site access. The applicant responded by offering to extend the existing double yellow lines through part of the visibility splay and the LHA objection has subsequently been withdrawn following the submission the safety auditors response and subject to the following conditions:-

### Traffic Management

Prior to first occupation of the development, the revised access road shall be constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed priority working system, including signs and road markings.

### Parking and Turning

No new development shall be occupied until space has been laid out within the site in accordance with (the approved plans or a scheme to be submitted to and approved in writing by the Local Planning Authority) for maximum (number) cars/(minimum (number) cycles to be parked (and for the loading and unloading of number vehicles) (and for vehicles to turn so that they may enter and leave the site in forward gear). The parking/turning area shall be used and retained exclusively for its designated purpose.

### Travel Plan

Prior to the commencement of the development the applicant shall:

- (a) Submit for the written approval of the Local Planning Authority a Travel Plan in accordance with the aims and objectives of the National Planning Policy Framework and in general accordance with West Sussex County Council guidance on travel plans;
- (b) The applicant shall then implement the approved travel plan thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority.

### Visibility

No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Southdownview Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

### Construction Management Plan

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 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,
- 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.

The WSCC Lead Local Flood Authority Officer has commented:-

Current surface water flood risk based on 30yr and 100yr events: Low Risk

Current surface water mapping shows that the proposed site is at low risk from surface water flooding. This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events. Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.

Modelled ground water flood hazard classification: Moderate Risk

The area of the proposed development is shown to be at moderate risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

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.

Ordinary watercourses nearby: Yes

Current mapping shows an ordinary watercourse adjacent to the eastern boundary site. Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Records of any historic flooding within the site: No

We do not have any records of historic surface flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

Future development – sustainable drainage systems (SUDS)

The FRA included with this application state that permeable paving would be used to control the surface water runoff from the site. While this approach would be acceptable in principle, the District Drainage Engineer has requested further information with regards to the drainage strategy.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

The maintenance and management of the SUDs system should be 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.

## **Southern Water**

The disposal of surface water from this development shall follow the hierarchy within Part H3 of Building Regulations: a) An adequate soakaway or some other adequate infiltration system; b) A water course, c) Where neither of the above is practicable: a sewer. Alternatively, If the existing development discharges surface water to the existing surface water system, then a discharge from the site may be permitted. The applicant will be required to provide a topographical site survey and/or a CCTV survey with the connection application 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. A condition is recommended in the event that permission is granted as follows: *“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.”*

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. 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.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Initial investigations indicate that Southern Water can provide a water supply and foul sewage disposal to service the proposed development. Southern Water requests an informative advising the developer that formal application for a connection to the water supply and public foul sewer is required.

***Environment Agency:*** No comments received.

***Adur & Worthing Councils:***

The ***Environmental Health Officer***

### Noise

A key issue is highlighted as to the effect of the proposed development on the residential development currently being carried out on the former EDF offices site under the provisions of ‘permitted development’.

The Noise Impact Assessment (Ref: P3844-R1-V1 dated 6th June) submitted with the current application predicts noise levels at the facade of this residential block based on typical vehicle movements/activities within a light industrial area. The

glazing which has been proposed within the Noise Impact Assessment that accompanied the prior approval application (NOTICE/0001/19 refers) mostly appears to be adequate to mitigate against the predicted noise of the light industrial area so long as acoustically treated mechanical forced air ventilation is provided to all bedrooms and living areas on the outward-facing facades (as per the condition of prior approval) so windows do not need to be opened for ventilation.

However, when considering the rating level for the predicted noise of the light industrial park the glazing for the lounges on the eastern facade (both floors) and the bedrooms on the north eastern facade (1st floor level) may not be sufficient to protect future residents from excessive noise.

The EHO also raised concerns about the truck parking area initially shown along the access road. Given the proximity of residential dwellings, trucks which are parked in this location, possibly left idling, would be likely to cause unnecessary noise disturbance. It was suggested this parking area should be moved inside the light industrial area.

The EHO concurs with the recommendations within Section 5 of the submitted Noise Impact Assessment (Ref: P3844-R1-V1 dated 6th June) and recommends the following conditions:-

Operating hours should be restricted to between 0700hrs and 1900hrs on Mon to Fri, and between 0800hrs and 1400hrs on Saturdays, with no work on Sundays or on Bank or Public Holidays.

No deliveries to or collections from the proposed light industrial units shall take place between 0800hrs and 1700hrs on Mondays to Fridays, and between 0800hrs and 1400hrs on Saturdays with no deliveries or collections on Sundays or on Bank or Public Holidays.

The size of delivery vehicle should be restricted to 7.5 tonnes. Reversing alarms on Forklift trucks should be a white / pink noise signal. Only low noise electric Forklift trucks should be operated at the site.

It is recommended that a detailed BS4142 noise assessment is submitted and approved by the local planning authority for each prospective occupant to avoid introducing excessive noise which is not considered compatible with the current residual noise climate and to ensure there is no detrimental impact to the amenity of the nearest residential dwellings. This would include assessment of any proposed fixed plant (such as extraction or MVHR system) required for operations within the individual units. A test to demonstrate compliance with the scheme shall be undertaken within 1 month of the scheme being implemented. All plant shall be maintained in accordance with manufacturer's guidance and any future plant shall also meet the specified levels within the approved scheme.

Operators of individual units should have a noise management plan in place to deal with noise from the operation of their premises. This should include transport noise, reversing alarms, mobile plant and any fixed machinery that may be needed in the future. A copy of which shall be sent to the local planning authority.

An acoustic grade fence of no less than 2m should be erected along the north side of the access road.

### Light

Details of the proposed lighting scheme for the development shall be provided and approved by the planning authority before installation.

### Air Quality

The submitted Assessment does not appear to include a Cumulative Impact Assessment which would take into account other major committed developments in the vicinity (such as the residential development of the former EDF building). This is an important aspect of the report that needs to be considered.

The proposed mitigation plan does not appear to have been given sufficient consideration. Further detail is required for the Emission Mitigation Statement with additional mitigation measures included.

The Applicant's consultant subsequently commented:-

*"The Air Quality Assessment was undertaken in line with the Institute of Air Quality Management (IAQM) guidance 'Land-Use Planning & Development Control: Planning for Air Quality'. This document includes the following criteria to determine when an assessment of potential impacts on the local area is necessary:-*

- A change of Light Duty Vehicle flows of more than 100 Annual Average Daily Trips (AADT) within or adjacent to an Air Quality Management Area (AQMA) or more than 500 AADT elsewhere; and,*
- A change of Heavy Duty Vehicle flows of more than AADT within or adjacent to an AQMA or more than 100 AADT elsewhere.*

*The Transport Statement produced in support of the development indicated that the proposals were anticipated to produce 363 daily trips, of which 11 are HDVs. As outlined in the Air Quality Assessment, traffic associated with the development is likely to be distributed in a number of directions, and as such, the number of daily vehicle movements is not anticipated to exceed 500, or 100 within the Air Quality Management Area. As such, impacts both alone and in-combination with other developments are predicted to be not significant.*

*It is acknowledged that a development has recently been permitted at the adjacent EDF building. However, the IAQM criteria outlined above do not consider additional vehicle movements generated by committed developments. These would be included within the future baseline scenario, but would not affect the magnitude of change as a result of vehicle trips generated by the proposed development. As such, impacts are predicted to be not significant and the conclusions of the assessment are still valid.*

*With regard to the recommended mitigation measures, as shown in Section 6 of the Air Quality Assessment a damage cost calculation was undertaken in line with the Air Quality and Emissions Technical Guidance developed by the Sussex Air Quality Partnership. This indicated a total damage cost of £48,604. Based on this value, it*

*was recommended that 49 electric vehicle charging points be provided within the development, at a cost of £1,000 per unit. This exceeds the damage value. As such, we believe that sufficient consideration was given to the proposed mitigation measures. If there are any further requirements that the Council feels should be included, please provide details and we can consider as necessary.”*

Taking into consideration the above comments the EHO concludes that the assessment is reasonable having been undertaken in line with the Institute of Air Quality Management (IAQM) guidance. The proposed provision of 49no. EV charging points is welcomed but to comply with the Air Quality and Emissions Mitigation Guidance for Sussex (2019) and the WSCC Parking Standards, the standard mitigation for commercial/retail/industrial sites should also include cable-ducting provided at all remaining spaces where appropriate to provide ‘passive’ provision for these spaces to receive electric vehicle charge points in future.

Table 2 within the Air quality and emissions mitigation guidance for Sussex (2019) provides information on additional mitigation measures, but these are optional.

It is requested that applicant submits a Mitigation Statement in line with page 17 of the Air Quality and Emissions Mitigation Guidance for Sussex (2019) which should include the above.

#### Land Contamination

As this site is situated on potentially contaminated land I would recommend the following condition:

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.

The following conditions are recommended during the construction phase:-

#### Construction Management Plan

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 the 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.

All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to between 08:00 and 18:00hrs on Monday to Friday, between 09:00 and 13:00hrs on Saturdays and no work on Sundays or on Bank or Public Holidays.

The **Council's Engineer** initially raised an objection to the proposals on the basis that no investigation had been carried out on reducing surface water flow to the existing surface water drain (assuming the site discharges to it) or diverting flow to the adjacent ditch.

The objection has been withdrawn following the submission of the Flood Risk Assessment which includes a surface water drainage strategy, the Senior Engineer commenting:-

1. It has been demonstrated that a flow restriction of 3.2l/s is the lowest achievable flow restriction which still meets half drain time requirements.
2. Evidence has been submitted demonstrating that the 1 in 100 year plus climate change event will be contained on site and that finished floor levels will be set above the maximum predicted water level for this event.
3. Sufficient pollution hazard mitigation is being provided in the design.
4. A buffer plan has been provided which shows that at least 3.5m is being provided from the top of bank of watercourse to proposed structures.
5. Calculations have been provided including a surcharged outfall.

The following conditions are recommended:-

1. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.”

And the accompanying informative

*“Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements are available on the following webpage:*

*<https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms>.*

*A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions”*

2. Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific

maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

3. The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

**Representations:** None received.

### **Relevant Planning Policies and 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.

Saved Worthing Local Plan (WBC 2003): Policies H18, TR9, RES7

Worthing Core Strategy (WBC 2011): Policies 3, 4, 12, 15, 16, 17, 19

National Planning Policy Framework (HCLG 2019)

National Planning Practice Guidance

Worthing Economic Research and Employment Land Review (WBC, 2016)

West Sussex County Council 'Guidance on Parking at New Developments' (WSSCC 2019)

### **Planning Assessment**

The policy context consists of the NPPF and the local development plan which comprises of the saved policies of the Worthing Local Plan, and the Worthing Core Strategy (2011). National planning policy contained in the revised NPPF post-dates the adoption of the Core Strategy. Paragraph 11 identifies at the heart of the NPPF a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would

significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

Paragraph 80 of the NPPF requires that significant weight be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The approach set out in the adopted Core Strategy is one which seeks to ensure that the right amount and range of business premises and sites are delivered in sustainable locations to meet the needs of the local economy. CS Policy 3 seeks to ensure the right conditions are created for delivering sustainable economic growth by (amongst other things) promoting key employment areas for reinvestment, intensification and redevelopment to bring about upgraded and additional employment floor space area and making more efficient use of existing underused and accessible employment sites.

To ensure that an adequate supply of employment space is retained CS Policy 4 seeks to protect and retain existing employment generating sites and premises for employment use, that is, Use Classes B1, B2 and B8. This approach is followed through into the new Draft Local Plan and Policy CP12 'Protecting and Enhancing Existing Employment Sites'. This has been informed by the Worthing Economic Research and Employment Land Review (2016) which found that future employment growth in Worthing remains constrained by an acute shortfall of available employment land to meet indigenous growth needs, particularly of the industrial market (Classes B1c/B2). The study found that strong demand for industrial floor space within the Borough couple with a severe shortage of units means existing local businesses struggle to find suitable space to accommodate their expansion or relocation plans in the local market, whilst enquiries from businesses outside the Borough can rarely be met. The estimated demand for industrial floor space within the new Plan period (up to 2033) ranges between 40,160 and 93,230sqm, depending on different labour market scenarios, with potential shortages of industrial space varying between 15,040 and 39,580sqm.

### ***Principle***

The development site is located within the designed East Worthing Industrial Estate and the proposed development to provide 22no. light industrial units (Class B1c) comprising a total of 2,431sqm floor area can be supported in principle in accordance with Core Strategy policies 3 and 4, providing a more intensive redevelopment of the former surfaced EDF car park for much-needed employment use and helping to off-set the loss of the former office buildings to residential use.

The key considerations are the effects of the proposed development on the visual amenity of the area, the effects on neighbouring occupiers, primarily the future residential occupiers of the converted former EDF office building adjoining to the west; and highway safety and parking considerations.



### ***Layout, Character and Appearance***

The proposed buildings are laid out on the site to make the most efficient use of the available land. The application has been amended since the original submission with the individual buildings re-sited and reconfigured to retain more of the existing trees within the north-east corner and to avoid the development platform extending over the existing ditch embankment. This has resulted in a reduction in the proposed number of units from 23no to 22no and an overall reduction in floor area by 177.5sqm.

The various buildings are linear in form and sited to face inward into the site with circulation space in a loop around the inner 'island' block. Parking bays are shown in front and/or to the side of the units together with space for cycle parking and refuse storage, plus 1no. lorry parking space.

The proposed external materials and finishes of the buildings are appropriate to a commercial environment and will provide a sense of visual cohesion and a contemporary aesthetic consisting of dark grey clad walls with lighter grey roofs and feature panels and bright yellow roller shutters.

A total of 5no. existing trees would need to be removed to accommodate Buildings 2 and 5, comprising 2 no. Lime trees and 2 no. Cherry trees along the northern site boundary and an unidentified 'U' category tree adjacent to the eastern embankment. None of the trees to be removed are protected by preservation orders and the amended scheme proposes replacement trees, including a group at the western end of Building 4. The latter would create an attractive focal point in views eastward along the access drive and a condition of planning permission could require that the no. of replacement trees planted is not less than the number removed.

All of the proposed buildings would be lower in overall height than the former office buildings fronting Southdownview Road, and in view of the 'backland' siting of the development, it would have only a limited impact in public views. There may be filtered views of the easternmost building through the existing tree screen from Dominion Way. Otherwise, the most prominent views will be of the rear elevations of Buildings 2 and 4 from the car parks serving Bookers Wholesale (to the north) and Rayner Intraocular Lenses (to the south).

### ***Neighbour amenity***

The submitted noise impact assessment identifies the main sources of noise emissions to be from commercial vehicles entering and leaving, and moving around the site, and Forklift trucks loading and unloading goods.

The most affected neighbours will be the future occupiers of the residential conversion of the former EDF office buildings. The latter consists of 2 main building components comprising a larger 3-storey element on the north side with a central courtyard, and smaller 2-storey building to the south joined to the former by a narrow 2-storey link. Works to implement the change of use granted under the Prior Approval provisions of the General Permitted Development Order (NOTICE/0001/19

refers) and the subsequent planning permission for external alterations are currently being implemented.

The Prior Approval application submitted under NOTICE/0001/19 was accompanied by a Noise Impact Assessment and a planning condition requires details of an acoustic insulation scheme to be agreed and implemented which includes the provision of acoustically treated mechanical forced air ventilation to all bedrooms and living areas on the outward-facing facades and inward-facing facades at second-floor level of the residential block(s). An application has been made to approve the details reserved by this condition and the EHO has recently given confirmation that the submitted details are acceptable further commenting that there has been extensive discussion with the developer who has confirmed the level of glazing serving the rooms previously highlighted as of concern now exceeds that initially recommended in the submitted noise assessment report.

The siting of Building 1 along the length of the western site boundary with the residential development will help act as a barrier to noise both from business operations associated with the units and vehicle movements within the site. Nevertheless, without mitigation the submitted assessment report (carried out in line with BS:4142) indicates a significant adverse impact rating is likely due to commercial vehicles entering and leaving the site, and an adverse impact rating for Forklifts loading and unloading goods.

The greatest concern arises from the proximity of the southernmost elevation of the residential flat block to the proposed access drive. This nearest residential block has accommodation at ground and first-floor levels with the latter 'cantilevered' over the ground floor on the south side by approximately 1 metre. The building has distinctive expressed 'ribs' or columns on its south side which extend down to create a 'covered way' at ground level. There will be windows to the residential flats (serving bedrooms and living areas) at both ground and first-floor in this elevation. The northern edge of the access road is only 1.5 metres from the outer face of the 'ribs' and approximately 3 metres from the ground-floor windows in this elevation. A 2m high acoustic fence is shown along the northern edge of the access drive adjacent to the south elevation of the residential block which will provide some mitigation (in conjunction with the agreed mechanical ventilation scheme which avoids the need for occupiers to open windows for ventilation) but only for the occupiers of the ground-floors flats. The EHO has not raised any objection to this arrangement. The acoustic fence will in itself have some enclosing impact on the outlook from the ground-floor flat windows given its close proximity. Details of a 'Greenscreen' acoustic barrier have been provided, the design concept of which allows for a modular-constructed fence system which can be used as a support system for climbing plants. Given the very limited space available it is not clear whether this would offer a practical solution in conjunction with the 1.2 metre wide footpath also shown running along the north side of the access road. Notwithstanding the details shown on the submitted site plan it is considered further consideration should be given to the construction/design of the proposed acoustic barrier and its precise siting in relation to the above-mentioned footpath and ground-floor windows in the south side of the converted residential flat block with the aim of safeguarding the privacy of the latter whilst also seeking to minimize the potentially oppressive effects on outlook of a tall screen or barrier. In the event of

approval it is considered this could be dealt with as a condition of planning permission. Combined with the enhanced glazing and mechanical forced air ventilation scheme that is being installed, the EHO is satisfied these measures are sufficient to protect future residents from excessive noise so long as the other recommended conditions relating to noise control are included.

The submitted noise report recommends a number of conditions to mitigate the potential noise effects of the development, including that a detailed BS4142 noise assessment should be submitted and approved for each prospective occupant to demonstrate that the nature of the business is compatible with the current residual noise climate. However, with potentially up to 22 different commercial occupiers it is questioned whether such a condition would be workable in practice or meet the necessary 'tests' for conditions, particularly in the longer term as individual units are vacated and re-occupied. It is worth bearing in mind that light industrial units (Class B1c) are *by definition* compatible in a residential area (unlike Class B2 general industry). Thus, the nature of the businesses carried out by the future occupiers of the proposed Class B1c light industrial units businesses should be appropriate to the surrounding residential context.

The submitted Design and Access Statement makes it clear that the intention is to develop speculatively and rent the proposed light industrial units to individual tenants. The EHO is therefore satisfied that an 'overarching' Noise Management Plan for the whole site which could be enforced by the site owner/management would be reasonable providing it is a dynamic document which identifies the main sources of noise and methods of controlling them.

### ***Accessibility and parking***

The site is within a sustainable location within the built-up area to the east of the town. The nearest bus stops are on Dominion Road some 400 metres distant being a 5 minute walk - Compass Route 16 serving South Lancing,/Worthing/Tarring and Connect 7 serving Lancing/Worthing/High Salvington). The rail station at East Worthing is within a walkable distance some 850 metres to the south.

The site will utilise the existing 'in' (southern) access point on Southdownview Road, which will be altered to allow two-way vehicle movements for the first 35 metres before narrowing to 3.5 metres due to the siting of an existing sub-station building adjacent to the southern site boundary. Vehicles entering the site will have priority at this point. Beyond the sub-station the access drive widens out again for 2-way traffic (6.2 metres in width).

At the site access point on Southdownview Road a 2 metre wide footway is shown on the north side of the access road, before narrowing to 1.2 metres adjacent to the former office building and behind the acoustic fence. Beyond the rear of the above building the footway widens out again for a distance of 14 metres before then to crossing onto the other side of the access road.

In terms of additional traffic movements and capacity on the local highway network, the Transport Statement submitted with the application states that the proposed development will result in a maximum of 49 trips in the AM peak, and 43 trips in the

PM peak, the equivalent of 1 trip every 1.3 minutes across the peak periods. The Highway Authority initially requested that the trip generation for the approved residential scheme be combined with the trip generation for the commercial development to provide a full overview of the anticipated trip rate generation for the former office site and the current car park site. The Transport Consultant has provided further information to demonstrate that the combined residential and commercial uses will generate a total of 71 trips during AM peak period and 68 trips during the PM peak period equating to 1 trip every 0.86 minutes across the peak periods. This has been compared to the trips generated by the former office use of the site by EDF. This concludes that the proposals would result in a net reduction of 63 trips during the AM peak and 74 trips during the PM peak resulting in a 'betterment' to the local highway network. The local Highway Authority has not challenged this conclusion.

The submitted layout shows provision for 97no. car parking spaces on the site (although this number also includes the spaces in front of the respective roller shutter doors). The WSCC Guidance on Parking at new Developments requires 1 car parking space per 30sqm which equates to 81 spaces. The submitted layout includes 1 dedicated HGV parking space and provision for cycle parking. [The HGV space has been re-located from its original position on the site access road to a position within the site following the recommendation of the EHO.]

A Travel Plan has also been submitted which sets out measures to promote alternative modes of travel with a view to reducing the number of vehicle trips by 15% through the implementation of a package of measures to achieve a sustained modal shift. This includes provision of sheltered cycle parking with shower/changing facilities for staff wishing to cycle (although it is noted the submitted building floor plans do not show shower/changing facilities), promotion of flexible working practices, a Travel Plan Coordinator to communicate strategies and promote events such as 'National Bike Week', 'Walk to Work', details of bike purchase or public transport discounts available, public transport timetable information etc.

Following the submission of the further trip generation details, Travel Plan and safety audit and designer's response to the alterations to the site entrance the local Highway Authority has raised no objection subject to the recommended conditions. Having regard to the provisions set out in paragraph 109 of the National Planning Policy Framework it is considered there are no justifiable highway grounds to resist the proposals.

### ***Other issues***

An Air Quality Assessment has been carried out in accordance with IAQM methodology and includes a damage cost calculation undertaken in line with the Air Quality and Emissions Technical Guidance developed by the Sussex Air Quality Partnership. This indicates a total damage cost of £48,604. Based on this value, it is proposed that 49no. electric vehicle charging points be provided within the development, at a cost of £1,000 per unit which exceeds the damage value. The EHO has responded that the remainder of the parking spaces should be provided with passive provision in accordance with the Air Quality and Emissions Mitigation Guidance for Sussex (2019) and the WSCC Guidance on Parking. A response on

this matter is awaited from the applicant and the Committee will be updated at the meeting.

### **Conclusion**

The proposed development is within sustainable location and would provide 2,431sqm floor area of much-needed light industrial (Class b1c) floor area within the designated East Worthing Industrial Area and Broadwater Business Park. It is recognised that the constrained layout of the site access and the physical proximity of the former office building currently being converted into residential flats does not allow for an ideal inter-face between commercial and residential uses. However, it is considered that subject to the recommended measures to control noise to be secured by conditions, the potential impacts on the amenities of the future residential occupiers would not be so harmful as to justify refusal of the development.

### **Recommendation**

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

1. Standard time limit
2. Approved plans
3. Unless otherwise agreed in writing by the LPA the materials and finishes of external walls and roofs (including windows and doors) of buildings shall consist of those annotated on the approved plans
4. Notwithstanding the provisions of the Town and Country Planning Act the use of the buildings limited to light industrial use (Class B1c) of the Use Classes Order
5. Agree tree protection plan and measures
6. Agree hard and soft landscaping scheme to include not less than 5no. replacement trees
7. No external lighting or floodlighting other than agreed in writing by LPA
8. No external working or storage outside of buildings
9. Details of finished floor/site levels to be approved
10. Remove permitted development rights for extensions and external alterations
11. Prior to first occupation of the development, the revised access road shall be constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed priority working system, including signs and road markings.
12. No new development shall be occupied until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for maximum 97no. cars and minimum 20no. cycles to be parked (and for the loading and unloading of number vehicles) (and for vehicles to turn so that they may enter and leave the site in forward gear). The parking/turning area shall be used and retained exclusively for its designated purpose.
13. Prior to the commencement of the development the applicant shall:
  - (a) Submit for the written approval of the Local Planning Authority a travel plan in accordance with the aims and objectives of the National

Planning Policy Framework and in general accordance with West Sussex County Council guidance on travel plans;

- (b) The applicant shall then implement the approved travel plan thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority.
14. No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Southdownview Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.
  15. No development shall be occupied until a footway from the site entrance on Southdownview Rd to the eastern end of the access road has been provided in accordance with details of its alignment, design and construction which have been submitted to and approved in writing by the LPA.
  16. No development shall be occupied unless and until a Noise Management Plan identifying the main sources of noise and methods of controlling them has been submitted to and approved in writing by the Local Planning Authority. The Noise Management plan should specifically include measures to restrict the size of delivery vehicles to 7.5 tonnes, restrict Forklift trucks used on the site to a low noise electric type, require reversing alarms on Forklift trucks to be a white / pink noise signal. Thereafter the Noise Management Plan shall be adhered to at all times the light industrial units hereby permitted are in use.
  17. No external fixed plant necessary for the implementation of the development hereby permitted shall be installed, fitted to any building or constructed on the site unless a noise attenuation scheme for the external fixed plant has been submitted to and approved in writing by the LPA. The scheme shall have regard to the principles of BS 4142:2014+A1:2019 and ensure there is no detrimental impact to the nearest residential dwellings. A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant shall be maintained in accordance with manufacturers guidance. Thereafter no external fixed plant shall be installed, fitted to any building or constructed on the site other than in an application on that behalf.
  18. No working, trade or business (including arrival, reception or despatch of deliveries) shall take on the premises except between 0700hrs and 1900hrs on Mon to Fri, and between 0800hrs and 1400hrs on Saturdays, with no work on Sundays or on Bank or Public Holidays.
  19. No development shall be occupied unless and until an acoustic grade fence of no less than 2 metres high has been erected along the north side of the access road adjacent to the south elevation of the neighbouring residential flat in accordance with details of its construction, siting and design that has been submitted to and approved in writing by the LPA.
  20. Full investigation/remediation of potential contamination
  21. Agree and implement a construction management plan
  22. All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to between 08:00 and 18:00hrs on Monday to

Friday, between 09:00 and 13:00hrs on Saturdays and no work on Sundays or on Bank or Public Holidays.

23. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.
24. Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
25. The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.
26. No development shall be occupied unless and until not less than 49no. active EV charging points on the site have been implemented and shall thereafter be retained.
27. 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.
28. No development shall be first occupied unless and until the 2.4 metre high palisade fence has been erected on the western site boundary as shown on the approved plan. Development shall not progress beyond slab or foundation stage unless details/drawings of all other boundary treatments with neighbouring sites/land have been submitted to and approved in writing by the LPA.
29. There shall be no vehicle access between the development and the residential development to the north. No development shall be first occupied unless and until details of the physical measures to prevent vehicle access have been submitted to and approved in writing.

**Application Number: AWDM/1827/19**

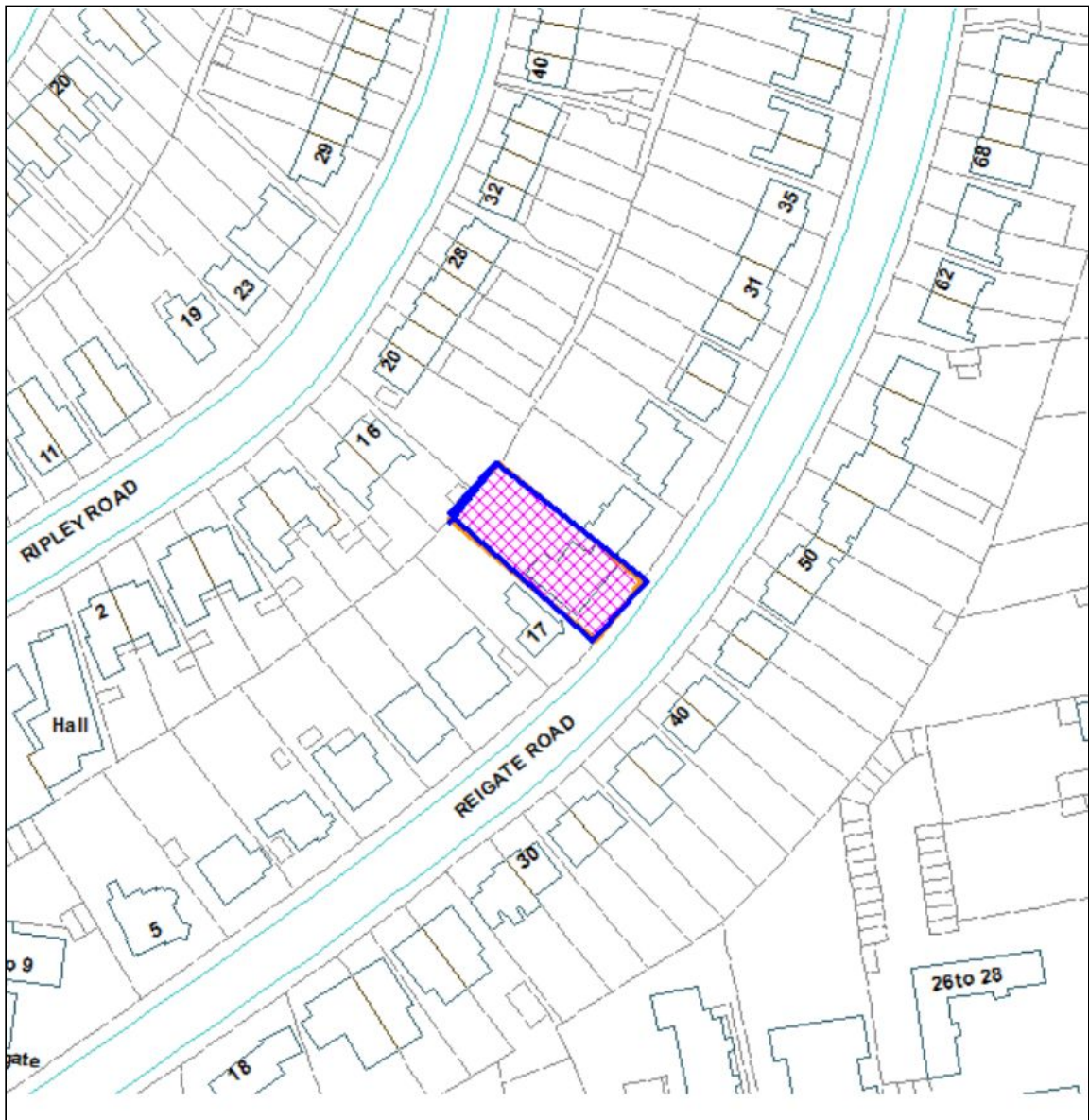
**Recommendation – APPROVE**

**Site: Roshni 19 Reigate Road Worthing West Sussex**

**Proposal: Change of use from residential care home (Use Class C2) to 6no. flats (Use Class C3) comprising 1no. 1-bedroom flat and 5no. 2-bedroom flats. Including rear single storey extension to north east elevation with associated external alterations. (Re-submission of AWDM/1102/19).**

**Applicant: Mr C Newitt  
Case Jackie Fox  
Officer:**

**Ward: Marine Worthing**



**Not to Scale**



## **Introduction**

The application has been called into committee by Cllr Crouch.

## **Site and Surroundings**

Roshni, 19 Reigate Road is a detached property on the north west side of Reigate Road a road of mixed styles of residential development. The building is currently vacant but was last used as a care home (Class C2).

The application property is two storey with rooms in the roof space. It has two original projecting two storey bays to the front with a central front door. There is an attached garage to the north eastern side with lean-to pitched roof. The property has been heavily extended to the rear at single and two storey with flat roofs. There are roof light windows. The property has a garden to the rear enclosed by in part 1.8m high close boarded fencing.

To the front the property has retained its flint and brick wall to approx. 1.2m with supporting pillars. There is a hedge behind to approx. 2m in height. There is one parking space in front of the garage.

To the north east of property is a rendered bungalow with rooms in the roof space. To the south west is a two storey detached house.

## **Proposal**

The current application which has been amended since originally submitted proposes the conversion and extension of the existing residential care home (C2) to provide 6 residential flats (Class C3) consisting of 5 x 2-bedroom units, 1 x 1-bedroom units.

The entrance to flats 1,3,4,5 and 6 will be from the existing front door, flat 2 would be accessed from the western side of the property through a new doorway at the side.

At ground floor the proposal involves extending into the existing garage and construction of a single storey side extension 2m in depth behind the existing garage.

Three two bedroom units would be formed on the ground floor which will involve changes to the existing fenestration as well as the insertion of a couple of windows in the south west elevation. Windows along the south west elevation will either be obscure glazed or obscure glazed on the lower panels.

Unit 1 would have a floor area of 63sqm and a dedicated area to the front as garden measuring 21.6sqm. Unit 2 which is accessed from the side would have a floor area of 62sqm and would have access to a large private garden of 118sqm. Part of the area at the rear would be used to house the bicycle store. Unit 3 would have a floor

area of 63sqm and access to a garden to the front of 28sqm and a further area to the side/rear of 22sqm.

On the first floor two further two bedroom units are proposed. Unit 4 would have a floor area of 67.5sqm and a new roof terrace is proposed to be formed over the flat roof. The terrace would be 14.7sqm. The terrace would have a wall and obscure glazed screen to the side boundary (south west) to 1.8m. A 1.1m high glazed balustrade is proposed to the rear. The unit proposes using existing windows to the side (south west) elevation and forming a Juliet style balcony to the rear elevation to bedroom 2. Unit 5 would have a floor area of 65sqm and proposes a new obscure glazed window to the north eastern elevation and the enlargement of a window to the rear to create a Juliet style balcony to bedroom 1.

At second floor within the existing roof space is unit 6, a one bedroom flat of 43sqm. The only alterations to this unit which was previously used as a flat is a new Juliet style window/balcony to the rear.

The application shows green roofs to the existing flat roof extensions. The scheme does not involve any parking but includes covered cycle storage for each of the units. The ground floor units have their own private space for bins, recycling and cycle storage. The first floor units would have cycle storage at the rear and refuse and recycling at the front.

The application also proposes extending the flint and brick wall and providing a new gate along the frontage to enclose and enhance the frontage.

### **Relevant Planning History**

**AWDM/1102/19-** Change of use from residential care home (Use Class C2) to 8no. flats (Use Class C3) comprising 3no. studio flats, 3no. 1-bedroom flats and 2no. 2-bedroom flats. Including rear single storey extension to north west elevation, single storey side extension to north east elevation and first floor rear extension to north west elevation, with associated external alterations. This application was withdrawn following officers advice that the proposal would not be supported.

**94/05610/FULL-** Provision of attached garage to side of existing nursing home.

**WB/0983/81-** Change of use from single dwelling house to nursing home. Allowed on appeal

### **Consultations**

### **WSSC Highways**

The site currently benefits from a vehicular crossover to the front of the site, providing access to one off-street parking space and garage serving the dwelling. The proposal will result in the conversion of the garage to habitable accommodation and the bin and bike store will be located in the current parking area. The applicant is advised that the kerb should be reinstated in this location as the dropped kerb is no longer required.

A nil car parking provision is proposed for the new development. Under the WSCC Car Parking guidance (adopted August 2019) five car parking spaces may be provided for the proposal. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detrimental to highway safety.

We would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. Whilst there are no longer any WSCC parking standards for C2 use, previously we would have expected a minimum of 6 parking spaces for the existing care home use.

Five of these spaces would have been required to have been accommodated on-street due to the provision of one parking space on the site frontage. As such, this proposal would not be expected to result in an increase in parking demand, nevertheless, the LPA may wish to consider the potential impacts of this development on on-street car parking.

The site is located within a sustainable location within Worthing, within walking distance of a number of local shops and services, including Worthing Town Centre, West Worthing train station, a Primary School and bus stops. As such it is anticipated that there will be less reliance upon the private car in this location. Cycling is a viable option and the applicant proposes to provide 14 cycle spaces. Some of these spaces are not demonstrated as secure and covered, and details of this can be secured via condition.

## Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts 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, the following conditions and informative should be applied:

### Condition

*Cycle parking*

*Informative- Closure of the crossover*

## **Southern Water**

Southern Water requires a formal application for a connection to the public foul and surface water 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 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/infrastructure-charges>.

The disposal of surface water from this development should be in compliance with the following hierarchy of Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

## **Adur and Worthing Councils**

### **Environmental Health (Public Health)**

Given the proximity to existing residential I would advise the following condition:

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

Monday/Friday 08:00 to 18:00 Hours

Saturday 09:00 to 13:00 Hours

Sundays and Bank Holidays no work permitted

The stacking of room types within the block is poor in places. The stacking of these dissimilar room types could negatively affect amenity. I would advise sound insulation testing should be carried out between dissimilar rooms to confirm compliance with Approved Document E specifications before occupation.

Asbestos:

The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property. As this is being renovated to residential, the Council need to be satisfied that if any asbestos is present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register - and any remedial strategy where appropriate – should be provided prior to works commencing

### **Private Sector Housing**

No objections on PSH grounds

## Technical Services

Flood risk- The application is within flood zone 1, and is not shown as being at risk from surface water flooding. I therefore have no objections to the proposed development on flood risk grounds.

Surface water drainage- the application form indicates that it is proposed to dispose of surface water to main sewer yet the plans show that green roofs are proposed. Please can information be submitted regarding the long term maintenance of the green roofs.

## Representations

6 Letters of representation have been received:

30, 32, 36 and 42 Reigate Road and 43 Rugby Road

- Reigate Road is a busy Road with oversubscribed on street parking on both sides
- There is no off-street parking and the garage and parking area removed, the introduction of 6 flats would lead to an increase to the number of parked cars for owners, visitors and deliveries in an area which is already heavily parked.
- The development would increase traffic
- The development would have an impact on highway safety especially as this is a child friendly environment
- It is considered unrealistic that the new occupants will be bicycle users only
- The scheme would increase density and be an overdevelopment of the site
- The development would be out of keeping and character with the family environment
- The scheme would increase noise and disturbance
- The proposal would result in the loss of privacy and outlook

21 Reigate Road

- The window in the study of unit 5 on the first floor should be obscure glazed as originally constructed
- Work to the property should be considerate
- The property is in a poor state of repair and fences have fallen down leading to concern and should be immediately rectified.
- Appreciate that the revised plans seem to take account of many points raised as objections in the first application.

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy (WBC 2011): Policy 7, 8, 9, 10, 13, 15, 16, 17  
Worthing Local Plan (WBC 2003) (saved policies): RES7, TR9, H18  
Supplementary Planning Document 'Space Standards' (WBC 2012)  
Guide for Residential Development SPD (WBC)  
WSCC Guidance on Parking at New Developments (2019)  
National Planning Policy Framework (2019)  
National Planning Practice Guidance

## **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 Core Strategy, including the saved policies of the Worthing Local Plan, comprises the Development Plan but the Government has accorded the National Planning Policy Framework (NPPF) considerable status as a material consideration which can outweigh the provisions of the Development Plan 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.

Paragraph 73 of the revised NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum 5 years' worth of housing against their housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old. The Council has acknowledged that it cannot currently demonstrate a 5 year supply of housing based on objectively assessed housing need.

As such the proposal should principally be assessed in relation to the presumption in favour of sustainable development as set out in paragraph 11 of the revised NPPF and informed by saved Worthing Local Plan policies H18, TR9, and RES7, Core Strategy policies 7, 8, 9, 10, 13, 15, 16, 17; the policies set out in National Planning Policy Framework and allied Practice Guidance.

The key considerations are:-

- The principle of the proposed development for (Class C3);
- Effect of the proposals on the character and appearance of area;
- Residential amenity – living conditions of future occupiers
- Residential amenity – impact on amenities of neighbouring occupiers
- Parking and highway safety
- Other issues.

### ***Principle***

Policy CS8 seeks to deliver a wide choice of high quality homes to address the needs of the community. The supporting text (paragraph 7.12) makes it clear that it is important to provide an appropriate choice of housing for all age groups, including specialist and extra-care accommodation, but there is no policy which specifically seeks to safeguard existing care home (Class C2) accommodation.

The policy approach set out in Policy CS8 seeks to bring forward a range of housing types which outside of the town centre should predominantly consist of family housing but which acknowledges there remains a role for flats to play in higher density town centre developments. The site is located within a suburban residential location which is characterized by a mix of dwellings types including detached and semi-detached houses, converted flats and low-rise flat blocks at the junction with Elm Grove. The property was an existing care home and its adaptation and extension to provide residential flats would not be inconsistent with this existing character.

There is no policy objection to the proposed conversion and the additional units would make a small but welcome contribution to the overall housing numbers. The site is highly sustainably located, close to a local shopping parade and other facilities and public transport.

### ***Effect of the proposals on the character and appearance of the area***

The NPPF and policies within the Worthing Core Strategy attach great weight to sustainable development and that good design is a key aspect of sustainable development.

The 'Guide for Residential Development' (SPD) indicates that all new development will be expected to demonstrate good quality architectural and landscape design and use of materials. In particular, new development should display a good quality of architectural composition and detailing as well as responding positively to the important aspects of local character, exploiting all reasonable opportunities for enhancement. Where appropriate, innovative and contemporary design solutions will be encouraged.

Negotiations have resulted in improvements to the scheme to those originally submitted particularly to the original withdrawn application most notably including a reduction and improved configuration in the flats, removal and reduced extensions to the property, increased walling along the frontage and the provision of covered

and discrete cycle storage for all the units. The proposed conversion works and extensions are set out above and involve internal works as well as well removing, changing and inserting windows. A single storey extension is also proposed as well as a balcony extension. It is considered that the majority of these works would be to the sides and the rear and would not impact on the character of the property.

From the street the building is a distinctive double bay fronted characterful property that has a distinctive flint and brick wall with hedging behind giving it an enclosed and residential feel. Although overgrown at the moment the application includes further walling along this front and enclosure. This should help to screen the refuse and recycling area and will provide partially private space for two of the ground floor flats. Overall the external works on the frontage are relatively minor in their nature and it is considered the resulting impact on the appearance of the building and the visual amenity of the surrounding area would not be harmful.

### ***Residential Amenity***

#### ***Residential Amenity – living conditions of future occupiers***

Core Strategy policies 16 Built Environment and Design and Policy 8 Mix of Homes. Paragraph 7.13 refers to the adaptability enabled by Lifetime Homes and to the internal size and layout of homes which are both essential factors to consider if new homes are to be built to a standard which enables people to have a reasonable standard of living accommodation

The proposed flats would have internal floors areas as follows:-

Unit 1 2-bed 63m<sup>2</sup>

Unit 2 2-bed 62m<sup>2</sup>

Unit 3 2-bed 63m<sup>2</sup>

Unit 4 2-bed 67.5m<sup>2</sup>

Unit 5 2-bed 65m<sup>2</sup>

Unit 6 1-bed 42m<sup>2</sup>

All exceed the National minimum standards.

The Council's Guide to Residential Design SPD and Space Standards require provision of at least 20sqm amenity space per 2-bed flat and for balconies to be large enough for a table and chairs. Units 1, 2 and 3 have good external gardens over 20sqm. Unit 4 has a good sized balcony of 14.7sqm large enough for a table and chairs. Unit 5 and 6 do not have access to external space although both properties have Juliet style balconies facing to the rear.

A satisfactory standard of accommodation would be provided for future occupiers; with most properties have dual aspect and access to direct external space. Unit 5 would not comply with the external space standards however in view of the proximity to leisure and other facilities it was not considered that this would be a reason for refusal in its own right.



### ***Residential Amenity- Existing Residents***

The site adjoins No 21 Reigate Road to the north east, a detached older style bungalow with a steep pitched roof with rooms in the roof space. It has an attached garage closest to the boundary and a window a first floor overlooking the application site. The property has a similar frontage to No 19 but due to the extensive existing extension to the rear is fairly dominated by the property at the rear, with existing windows on the existing side elevation of No 19 overlooking/or perceived overlooking the property.

In terms of the direct impact on No 21 the application proposes a small 2m deep lean to pitched roof extension to the rear of the existing garage. The extension along with the conversion of the garage would have roof light windows and the extension would have an obscure glazed window to the rear. No 21 already has a blank elevation along this boundary for its garage. The proposed extension would not have a detrimental impact on this property in terms of overlooking or loss of light. With regards to the conversion of the building; there are existing windows on the north eastern elevation already facing No 21 however the property is likely to be more intensively used than a care home. The overlooking windows would be to bedrooms and a bathroom. There is/was previous approx. 1.8m high fencing to the boundary to the properties and mature planting in places. In view of existing window relations and securing adequate boundary treatment between the properties it is not considered that the proposed ground floor windows in the site elevation would cause adverse overlooking.

In terms of the first floor side elevation windows the resident of No 21 has expressed concern about a window at first floor to bedroom 2 of unit 5 which had originally been obscure glazed (although has been changed over time and little used as a nursing home). In view of this direct first floor overlooking of the private amenity space of No 21 from this window, the applicants have been requested to show the window as partly obscure glazed in the lower pane. The occupant has also raised concerns about the boundary treatment which is currently in a poor state of repair and this can be dealt with by condition to secure an appropriate height fence along the boundary.

To the south west of the site is No 17 Reigate Road a detached two storey house with unusual double two storey projecting bays to the front. The eastern bay in particular faces, at an angle, directly towards the application site. The property also has a narrow side passage to the side and windows along the side elevation facing the application site.

In terms of the direct impact of the proposal on No 17, the scheme involves at ground floor, one obscure glazed window, one new window to a bedroom, two new windows with obscured lower panes, enlarged window with obscured lower pane plus a replacement door to gain access to unit 2. At first floor there are existing windows which will be a secondary window to the living /kitchen of unit 4 and to a bathroom. The proposal also includes a balcony along this boundary which would have walling and obscure glazing to 1.8m to the side elevation with No 17. As with the impact on No 21 the proposed use will be likely to be a greater intensity however even with the existing and additional windows and balcony along this

boundary it is not considered that there would be adverse overlooking or loss of light.

To the rear are properties along Ripley Road, No 16 is at the closest point with a back to back distance at two storey of approx. 25m, this is considered to be an acceptable separation even with the proposed balconies and Juliet style balconies. The proposal would not therefore cause adverse overlooking of these properties.

A number of third parties on the opposite side of the road to the application site have expressed concern over the potential for increased noise and disturbance arising from the proposed intensification of use. It is however worth pointing out that the former care home use was run down over a period of time and has been vacant for some while and local residents have no doubt become used to the associated lack of activity at the property. The proposed development will inevitably result in more comings and goings and associated noise but there is no reason to believe this would be to an unacceptable level.

With regard to concerns about overdevelopment, the current use is for a care home, the existing room configuration suggests that there were 13 bedrooms plus a 2 bedroom flat in the roof space. This would equate to a maximum occupancy of at least 13 plus staff cover. The current proposal based on the size of the units and national space standards would have a potential for 5 x 3 person units and 1 x 1 person giving a total occupancy of approx. 16 people. Although these are clearly different uses for the buildings in terms of the occupants, the range of occupation of the building is not dissimilar. Furthermore in terms of overdevelopment the building accommodates the 6 units which are in compliance with national standards with all but one unit also having private amenity space. Although the scheme would be a more intensive use for the building it is not considered that it would have a detrimental impact on the amenity of neighbouring properties and would provide much needed housing within a residential area and would on balance be acceptable.

### ***Parking and Highway Safety***

The application provides no parking spaces on site and the frontage would be further enclosed by walling and a gate where a previous single parking space was shown.

A number of residents have raised concerns in relation to inadequate on street parking and highways safety particularly from a scheme which has no parking

Under the WSCC Car Parking guidance (adopted August 2019) five car parking spaces may be provided for the proposal. Prior to the adopted standards a minimum of 6 parking spaces would have been required for the existing care home use. As such, this proposal would not be expected to result in an increase in parking demand. It is however appreciated that the parking demand may be at different times of the day depending on the operation of the care home and the proposed residential units however in terms of parking demand the scheme would be neutral in terms of the parking requirement.

The road appears to be fairly heavily parked as it lies outside the parking restricted zones and there are a number of existing crossovers onto the street which restricts the on street parking further. The majority of the existing properties in the vicinity do appear to have off street parking, any additional parking associated with the proposed development should hopefully not have an impact on these properties in terms of on street parking. The proposed development is in a highly sustainable location where the encouragement should be to promote means of transport other than the car. Furthermore the proposal will create a further parking space on the road with the closing of the vehicular access. Secure, convenient provision is also made for cycle storage.

WSSC highways does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore it is not contrary to the National Planning Policy Framework and that there are no transport grounds to resist the proposal.

### ***CIL (Community Infrastructure Levy)***

The proposed additional internal floorspace associated with the development totals 2.7sqm.

The estimated CIL chargeable floorspace is therefore Calculated at 2.7 x £128.96/sqm = £348.192

A final calculation will be provided on submission of the appropriate CIL Forms

### **Recommendation**

#### **APPROVE**

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

1. Time to implement
2. Approved plans and documents
3. Materials of extensions and alterations to match
4. Obscure glazed and half obscure glazed windows to north east and south west elevations
5. Agree and implement alterations and extension to the front boundary wall
6. Agree and provide cycle storage
7. Hours of construction
8. Agree, implement a sound insulation scheme between floors
9. Agree, implement and retain balcony details
10. Agree implement boundary treatment
11. Agree and implement communal TV aerial/reception
12. Agree surface water disposal including details of green roofs
13. Implement and retain refuse storage provision

### **Informatives**

1. Pro-active amendment

2. New Address
3. Southern Water
4. Minor works license to close existing access
5. Asbestos

## **Local Government Act 1972**

### **Background Papers:**

As referred to in individual application reports

### **Contact Officers:**

Jo Morin  
Principal Planning Officer (Development Management)  
Portland House  
01903 221350  
[jo.morin@adur-worthing.gov.uk](mailto:jo.morin@adur-worthing.gov.uk)

Jackie Fox  
Senior Planning Officer (Development Management)  
Portland House  
01903 221312  
[jacqueline.fox@adur-worthing.go.uk](mailto:jacqueline.fox@adur-worthing.go.uk)

## **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.