



WORTHING BOROUGH  
COUNCIL

14 April 2020

Worthing Planning Committee	
Date:	22 April 2020
Time:	6.30 pm
Venue:	Not applicable - held by video conference

**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 Monday 20 April 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 Committees 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

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## Part B - Not for publication - Exempt Information Reports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

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

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer 01903 221006 <a href="mailto:heather.kingston@adur-worthing.gov.uk">heather.kingston@adur-worthing.gov.uk</a>	Louise Mathie Senior Lawyer 01903 221050 <a href="mailto:louise.mathie@adur-worthing.gov.uk">louise.mathie@adur-worthing.gov.uk</a>

**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.

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**WORTHING BOROUGH  
COUNCIL**

**Planning Committee  
22 April 2020**

**Agenda Item 5**

**Ward: ALL**

**Key Decision: ~~Yes~~ / No**

## **Report by the Director for Economy**

### **Planning Applications**

**1**

**Application Number: AWDM/0427/20 Recommendation – Approve**

**Site: The Wheatsheaf, 24 Richmond Road, Worthing**

**Proposal: Demolition of Wheatsheaf Public House and construction of 7no.flats set over three floors with associated bin and cycle storage. (Re-submission of AWDM/1865/19).**

**2**

**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.**

**3**

**Application Number: AWDM/0108/20 Recommendation – Approve**

**Site: Nursery Cottage 12 Hurston Close, Worthing**

**Proposal: Retrospective application for retention of proposed 3 bedroom chalet bungalow with 2 dormers to east elevation. Access off Hurston Close between no. 4 and 5. Associated parking and landscaping. (Amendment of AWDM/0676/18 to include: 2no. rear dormers and steps to 2no. rear ground floor balconies to west elevation, front porch to east elevation and additional external and fascia amendments.)**

**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: AWD/0427/20**

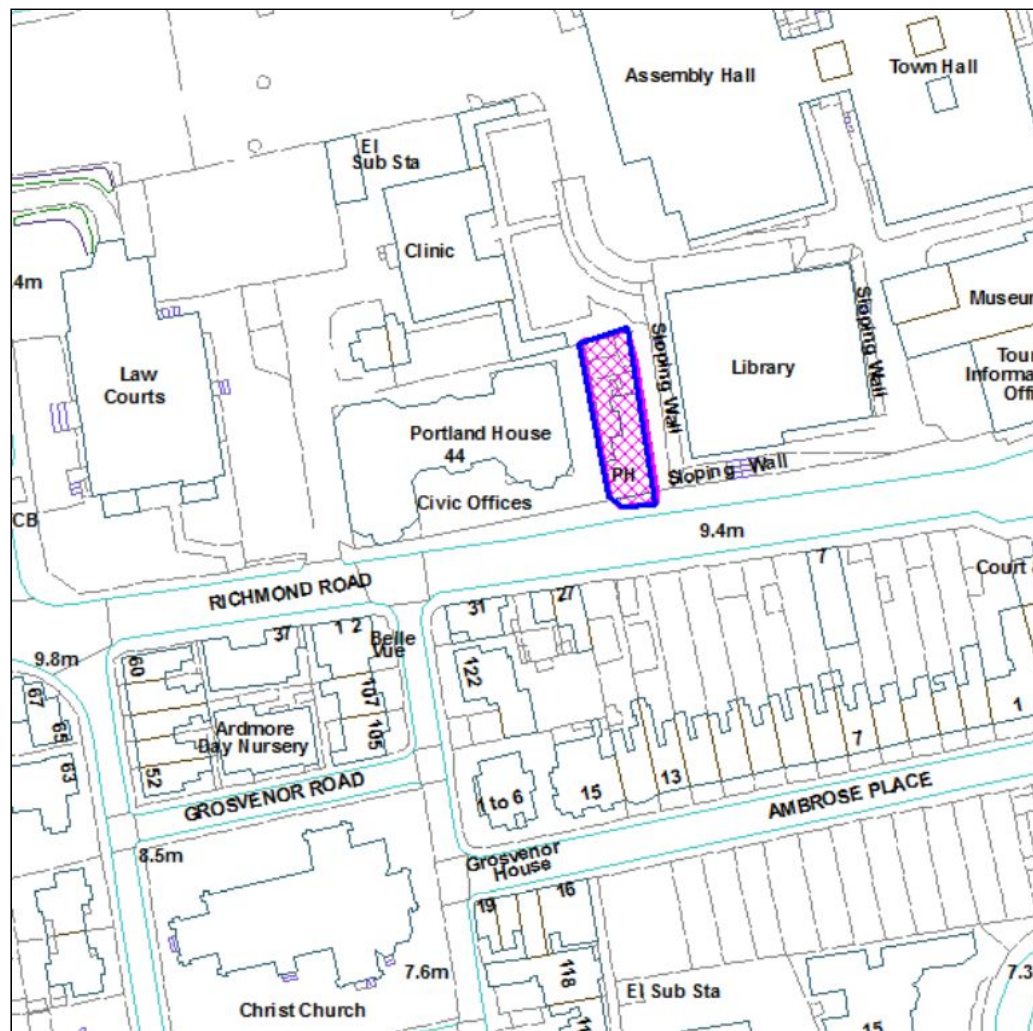
**Recommendation – Approve**

**Site: The Wheatsheaf, Richmond Road, Worthing**

**Proposal: Demolition of Wheatsheaf Public House and construction of 7no.flats set over three floors with associated bin and cycle storage (Re-submission of AWD/1865/19).**

**Applicant: Ms. E. Taylor-Moore**  
**Case Officer: Jay Singh**

**Ward: Central**



**Not to Scale**

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### **Proposal Summary**

This application seeks full planning permission for the demolition of the Wheatsheaf Public House and construction of 7 flats set over three floors with associated bin and cycle storage

storage. This submission follows refusal of application reference AWDM/1865/19 refused on 2nd March 2020.

## **Site and Surroundings**

The Wheatsheaf Public House is a two-storey bay-fronted and pitched roof building which stands on a plot of approx 0.03ha. It fronts onto Richmond Road to the south, its side and rear boundaries are alongside footpaths which lead from Richmond Road to the Town Hall car and NHS clinic to the north. Within the site to the rear (north) of the building is the pub garden, accessed via a side gate through 2m high boundary walls constructed of brick and flint which surround the garden and partly conceal views of single storey rear extensions at the rear of the building. The garden is partly overhung by a large oak tree which grows in the footpath outside the rear boundary and which is subject of a Tree Preservation Order (TPO).

Internally, the Wheatsheaf comprises public bars, kitchens, toilets and store at ground floor with a small service basement below. A three-bedroom flat occupies the first floor and attic levels. The building has been vacant since 2017.

To the east of the site is a two-storey public library and to the west is Portland House, the Council's three-storey offices. The main facade of the Wheatsheaf (not including the projected ground floor bays) is set 7m forward of the library and 2m forward of Portland House. On the south side of Richmond Road are the rear gardens of Grade II Listed houses and flats on Ambrose Place as well as a few single-storey retail units which front on to Richmond Road.

The site is within the town centre as defined in the Worthing Borough Core Strategy (2011). It adjoins the Chapel Road Conservation Area to the south and east and faces the rear of the listed Ambrose Place buildings.

The Wheatsheaf has a domestic scale and appearance, with a rendered and half-timber-effect frontage by contrast to the taller modernist concrete library building and three storey brick-faced Portland House, which dates from the early 1990s. Several ground floor windows front onto the footpath to the east with others at first floor and attic level; at the Richmond Road frontage are windows at ground and first floor.

It is noted that the external ground floor footprint of Wheatsheaf building covers approximately 169 m<sup>2</sup> of the total site area of approx 300m<sup>2</sup>.

## **Proposal**

This application (referred to as the '2020 application') is a new application for a building of reduced height following the refusal of planning application reference AWDM/1865/19 (referred to as the '2019 application') which related to the Demolition of the Wheatsheaf Public House and construction of 5no.1 bedroom flats and 2no. 2 bedroom flats and 1no. 3 bedroom flat over four floors with associated bin and cycle storage, which was refused on 2 March 2020 for the following reason:

1. *The proposal, due to its size, mass, density and site coverage is considered to represent an overdevelopment of the site, which would appear cramped and would*

*be harmful to the appearance of this prominent location and character of the area, which immediately adjoins the Chapel Road Conservation Area and setting of listed buildings. It is therefore contrary to policy 16 of the Worthing Borough Core Strategy 2011, and paragraphs 190 and 192 of the NPPF 2019.*

It is noted that application reference AWDM/1865/19 (which is currently subject to planning appeal) also followed refusal of an earlier application AWDM/0444/18 (referred to as the '2018 application') relating to the Demolition of existing public house and redevelopment to provide 3-storey building plus mansard roof consisting of commercial use (Class A1, A2, A3 or A4) on ground floor and partial basement and 8no. residential flats (1 x studio, 3 x 1-bedroom, and 4 x 2 bedroom units), all with private amenity terrace on upper floors above, which was refused on the 6 June 2018 for the following reasons:

- 1. The proposed building, by reason of its combined height, mass, design (by virtue of factors including its complex series of rooflines, intersections; the range of window/opening sizes, proportions and their placings; the uneven series of tiers; the steeply pitched 'crown-top' roof and large areas of brickwork) and prominent location well forward of neighbouring buildings and on a much narrower site than its neighbours, would appear cramped and harmful to the character and spaciousness of the street and public footways. This is also harmful to the setting of the conservation area, which adjoins the site and includes listed buildings and buildings of local interest. It is therefore an overdevelopment of the site, contrary to policy 16 of the Worthing Borough Core Strategy 2011, and paragraphs 56 and 135 of the NPPF 2012.*
- 2. The proposal is not considered to provide for a reasonable standard of amenity for proposed occupiers. Proposed balconies and windows to habitable rooms are variously separated from windows of the neighbouring office building and public library and from the large protected tree to the rear, by short intervening distances. This leads to a significant degree of overlooking and poor light penetration. The proposed small rear terrace is also likely to be overshadowed by the proposed and existing buildings, boundary walls and the protected tree and is only directly accessible to one flat. Furthermore on the basis of available information, there is risk that external air moving ducts and plant, if needed, may lead to risk of noise and vibration. Accordingly the proposal is contrary to paragraphs 17 and 120 of the NPPF 2012 and the Worthing Borough Space Standards Supplementary Planning Document, February 2012.*
- 3. The proposal would require substantial crown reduction to the large oak tree which is close to the northern boundary of the site and which is subject of a tree preservation order. The tree is prominent and important within the surrounding public realm and adjoins the conservation area. Pruning and future pressure for further pruning would lead to a heavily unbalanced appearance and involve cutting back to large boughs, giving a misshapen appearance, possibly also reducing overall longevity. On the basis of the submitted information and constrained nature of the site, there is also concern about the practicality and effectiveness of proposed tree protection and that the construction and groundwork would lead to damage, including to its roots. Accordingly the proposal is contrary to policy 16 of the Worthing Borough Core Strategy 2011, and paragraph 118 of the NPPF 2012.*

4. *In the absence of provision for a suitable financial contribution towards the delivery of affordable housing, proposal is contrary to policy 10 of the Worthing Borough Core Strategy 2011, and paragraph 50 of the NPPF 2012.*
5. *The proposal, due to its height and location of large windows and balconies serving habitable rooms at upper levels, would introduce an increased degree of overlooking to the rear of neighbouring homes and gardens in Ambrose Place. This is contrary to saved policy H18 of the Worthing Borough Local Plan 2003.*

## Current Application

Planning permission is sought for demolition of the existing building and the construction of a block of 7 flats comprising: 2 studios; 3 x 1-bedroom and 2 x 2-bedroom. In comparison to the 2019 application, this revised proposal has essentially removed the previously proposed 4<sup>th</sup> floor in its entirety such that the building would be limited to 3 storeys with a height of approx of 9.3m (with lift housing rising 0.2m taller). This would compare with the 10m height of the main part of the library and approximately 14m height of Portland House.

Below is a comparison of the reductions (%) in height, proposed gross internal areas and density between the refused 2019 application and the current application.

	Height (m)	Height Difference (%)	Gross internal area (sq.m)	GIA Difference (%)	Density Difference (%)
<b>2019 Application</b>	11.3m + 0.9m lift housing	-	550	-	-
<b>2020 Application</b>	9.3m + 0.2m lift housing	-22% reduction	455	-17% reduction	-12.5%

The removal of the previously proposed 4<sup>th</sup> floor has also taken away the large south facing balcony area (12m<sup>2</sup>) that would have served the 4<sup>th</sup> floor apartment. This balcony area would have faced, beyond Richmond Road, the rear gardens and Grade II Listed houses and flats in Ambrose Place.

A further minor change from the 2019 application is a removal of strip of land along the western boundary of the site that runs adjacent to the footpath that belongs to the Council. This strip was intended to be used for additional landscaping. However, this land is understood to be safeguarded by the Council for potential future widening of the footpath.

The other elements would be as previously proposed under the 2019 application in that the proposed building would have a greater depth, at 20m, compared with the existing Wheatsheaf building which varies between 7.5m to 18m in depth. Its frontage would be moved 1m back from the position of the existing main façade. The architectural design approach and the arrangement of windows are as proposed under the 2019 application.

Further clarification is also provided to confirm the external footprint of the proposed apartment building, in terms of site coverage, it would be approx. 190m<sup>2</sup> compared to

169m<sup>2</sup> for the existing Wheatsheaf building, a proposed net increase of 11% over the existing.

The site has no existing car parking and none is proposed. Richmond Road is part of a controlled parking zone for permit holders and limited-duration public parking. The proposal includes two cycle sheds in the rear garden for a total of eight bicycles. The proposed rear garden would remain enclosed by a mixture of existing walls and new railings. This would be for communal use access by a side gate; two proposed ground floor studio apartments would have direct access to the garden, all other flats would have balconies.

As considered further below, the applicant has put forward this revised scheme in order to overcome the reason for refusal relevant to the 2019 planning application which in turn sought to address the Council's concerns set out under the refused 2018 application. A full suite of supporting technical reports can be found on the council's website.

### **Other Relevant Planning History**

00/00775/FULL – Alterations at rear, formation of beer garden with ancillary works.  
Approved on 26 September 2000.

01/00103/FULL – Demolition of existing garage block/store area and erection of a covered area to beer garden together with new boundary wall  
Refused on 5 March 2001.

### **Procedural Matters**

The application has been publicised in accordance with the legal requirements of the Town and Country Planning (Development Management Procedure) Order 2015, and the Council's Statement of Community Involvement. This has involved the display of site notices and neighbour notification letters.

The proposed development would create new residential floor space that would be liable to CIL payments in accordance with the Council's CIL Charging Schedule.

### **Consultations**

#### **Statutory and non-statutory consultation**

A summary of the consultation responses received during the consideration of the application are provided below. The full responses may be viewed within the application documents on the Council's website.

#### **West Sussex County Council Highways: No objection**

- Notes 30MPH speed limit and Controlled Parking Zone (CPZ)
- Current guidance would require 6no. parking spaces but no objection due to accessible location close to services, public transport and on-street parking controls.
- Trips: An increase of 1 trip in AM peak and 1 fewer in PM peak and 6 trips fewer over 12 hour period by comparison existing pub use.
- Cycle parking (8 spaces) secured via planning condition

- Travel Plan secured via planning condition
- Recommends Construction Management Plan in recognition of highway constraints and lack of vehicular access; this should manage pedestrian safety and deliveries.

**Environmental Health Officer** (Public Health): No objection

Recommends conditions for:

- Noise: submission of a scheme to protect against elevated road traffic noise levels and internal noise from proposed lift mechanism; also a strategy to prevent consequent overheating of flats from noise insulation.
- Construction Management Plan: including measures to minimise air quality impacts of construction works, such as dust suppression, provision for deliveries and storage of materials.
- Hours of Work: Monday - Friday 08:00 - 18:00 Hours; Saturday 09:00 - 13:00 Hours; Sundays and Bank Holidays no work permitted
- Land Contamination: Not within area of known risk but a watching brief is recommended.

**Environmental Health Officer** (public health): Comment

We would note that, as users of the first floor east block, there would be an unacceptable degree of overlooking and a loss of daylight adversely affecting working conditions due to the increase in height of the proposed development.

**Arboricultural Officer:** No comments received at the time of the writing this report but in respect of the previous 2019 application advised:

No objection - The distance from the trees canopy and the tree protection proposals are acceptable.

**Borough Engineer:** No objection

Not within an area of floodrisk. Site constraints limit possibilities for sustainable drainage but a blue/green roof, small area of permeable surfacing and storage tank are proposed outside of tree root protection area.

Recommends conditions:

- Final details of surface water drainage & calculations, verification of completed works and details of future management.

**Southern Water Services:** No objection - Request informative notes for the applicant in respect of development proposals affecting water mains infrastructure.

**County Archaeologist:** No comments received at the time of the writing this report but in respect of the previous 2019 application advised:

No objection – The site is within sensitive archaeological notification area; probable fringes of Roman settlement. Existing building is one of earlier surviving in Worthing, originally an end-of-terrace thought to date from 1835 and a public house since 1839, much altered in 1930s. Building is not well understood and should be recorded before demolition and site excavation & recording following this. Planning condition recommended for this purpose.

**Worthing Conservation Advisory Committee:** No comments received at the time of the writing this report.

**Worthing Society:** Object

- The overall concept and aspiration of a residential block in this location is inappropriate.
- Proposal would appear incongruous within the Civic part of Worthing
- Proposal would amount to overdevelopment of the site with an excessive number of units on a narrow site leading to a poor quality living environment.
- Inadequate justification for the loss of the building rather than re-use perhaps with renovation/extensions for viable alternative community based uses which would be supported by the local community and maintain the heritage value of the site – this should be assessed by an independent surveyor.
- It is unfortunate that the building was not included on the Local Interest List. If, however, the original building is judged to be beyond restoration any replacement development should meet the highest specification and the design aimed at a) making it less incongruous within the civic centre and b) enhancing the character of the adjacent conservation area.
- The reduction in height to 3 storeys is an improvement in that it will reduce the problem of overlooking in respect of Ambrose Place.
- The revised design still appears bland and will not sufficiently enhance the nearby conservation area and Listed Buildings. More attention to detail and the addition of fenestration would be an improvement and would better complement the nearby Regency buildings of Ambrose Place.
- The available site is unusual and very compact, bordered east and west by a public walkway. Unfortunately the proposed new building still gives the impression of being shoehorned into the available space sitting between two civic buildings -'a round peg in a square hole'.
- Size and number of units: including 7 units in this relatively compact site still represents over-development in our view. The two ground-floor studio units appear very cramped. They would appear to only just meet the required space standards.
- The lack of space in the lobby and close proximity to the lift shaft could result in an unacceptable level of noise disturbance. A reduction in units would therefore seem desirable.
- In particular the east-facing elevation remains visually over-dominant. Perhaps a 'stepped design' would be a way forward. Recessed upper floors at both north and south elevations would make the east elevation less dominant as well as reducing the effect of overlooking towards the Library. A recessed design would also reduce the loss of light to the east elevation of Portland House.
- In conclusion therefore we consider that insufficient regard appears to have been given to regenerating the existing building. Should this not prove possible, the revised proposal will not in our opinion enhance the conservation area and does not for the reasons stated in our response adequately address the issue of overdevelopment, given as the reason by the Planning Committee for the previous refusal.

**Worthing Archaeological Society:** No comments received at the time of the writing this report but in respect of the previous 2019 application advised:

Suggest extensive investigation as site is within area of probable site of Roman settlement.

### **Public representations**

At the time of writing this report, 3 neighbour presentations have been received from the occupiers of Ambrose Place, Christchurch Road and Goring Way all of which object to the proposal on the following grounds:

- Previous reasons for refusal still apply.
- This revised design, removing the 4<sup>th</sup> floor does not address the overdevelopment of the site with an excessive density proposed.
- Lack of marketing evidence to justify the loss of this community facility and commercial floor space within a central location – proposal should include ground floor commercial use.
- Adverse impact on the setting of the conservation area in accordance with the objections received from the Worthing Society.
- Loss of light to the library.
- Overdevelopment of small site, cramped between 2 very important civic buildings.
- Adverse heritage impact from loss of last remaining end cottage from the 1830's.
- Insufficient parking provision taking into account cumulative impacts resulting in adverse impact on on-street parking demand to the detriment of highway safety.
- Adverse impact on the long term health/life span of the TPO tree.
- Inappropriate design and form.
- Loss of privacy through overlooking to the occupiers of Ambrose Place and their gardens – balcony's facing Ambrose Place should be removed.
- 3-storey scale is excessive and should be reduced to 2-storey.
- The building is sited to far forward and needs to be set back into the site to reduce its dominance and its depth reduced to avoid loss of light to the library

### **Other comments**

- The archaeological impact of the proposal requires careful consideration.
- The existing building should be retained and re-used e.g. by the museum service.
- The integrity of the civic amenity area around the site needs to be safeguarded.
- The council should take the initiative and buy this building themselves so that the Wheatsheaf may be refurbished as a history centre to complement the library and museum, and therefore preserve a part of our town's heritage.

### **Relevant Planning Policies and Guidance**

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Worthing Core Strategy 2006-2026 (WBC 2011): Policies 7, 8, 10, 11, 15, 16, 17 & 19

- Worthing Local Plan (WBC 2003) (saved policies): RES7, H18

The following material considerations are relevant to the assessment of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Guidance on Parking Standards at New Development (WSCC 2019)
- SPD 'Space Standards' (WBC 2012)
- SPD 'Residential Development' (WBC 2013)
- Chapel Road Conservation Area Appraisal (WBC 2001)
- Community Infrastructure Levy Charging Schedule (WBC 2015)

### **Approach to decision making**

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, 10, 11, 16, 17 & 19 the policies set out in National Planning Policy Framework and allied 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.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning

authority or, as the case may be, the Secretary of State the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) states: indicates In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

## **Planning Assessment**

The main issues raised by this proposal include:-

- Principle of Development;
- Design, Appearance and Heritage;
- Amenities – Neighbours and Future Residents;
- Access and Highways;
- Impact on Protected Tree (TPO);
- Sustainability.

### ***Principle of development***

The principle of residential development in the town centre is accepted by Core Strategy Policy 8. This allows for increased residential densities. The policy also allows for inclusion of homes suitable for family occupation, with 2 of the proposed 7 flats being suitable for 3 person households.

In consideration of the loss of the public house, para 6.47 of the Core Strategy acknowledges that pubs, along with cafes and restaurants are an important ingredient in the overall mix of a shopping centre, although the site is outside the primary or secondary shopping zones. Policy 6 seeks to safeguard the retail character and function of the centre by resisting development which would detract from its vitality and viability. As such consideration should be given as to the extent to which the current pub use supports the wider town centre.

Policy 11 protects cultural and community facilities which, according to the NPPF, includes public houses. Redevelopment of public houses are therefore considered against the exemptions set out in policy 11, including, amongst others, the premises or land are no longer suitable for the use; adequate alternative accommodation is available locally that is as accessible and at least equivalent in terms of quality, or replacement facilities are provided; or it has been demonstrated that there is no longer a need. The policy and associated text does not prescribe the means by which suitability and need are tested.

In this regard, the applicant suggests that there is no demand for the use, as evidenced by the series of ownership and management changes which preceded closure in 2017. Since July 2018 the site has been discretely marketed by the Michael Jones, commercial agency to a range of a dozen of developer clients, with interest from only two of these and lack of agreement as to purchase price. There is no evidence of formal marketing nor a justification of the owners expected sale price, but the poor reputation of the establishment is referred to and the turnover of tenancies at this prominent site has been observable in recent years.

The applicant's agent also refers to a 2019 appeal decision in Berkshire, in which the availability of numerous other premises within walking distance of a site was a factor in the granting of planning permission for loss of a public house. It is noted that there are 9 other public houses within a 400m radius and accordingly there are alternatives to meet any community need.

Whilst the level of supporting marketing information is limited, taking into account the availability of alternative community facilities within the locality and other evidence such as the acknowledged historical turnover of commercial tenancies on the premises and the condition of the building, amongst other factors, on balance, the redevelopment of this community facility for alternative uses is considered justified in principle. It is also noted in respect of the refused 2019 application, based on the evidence provided, no objection was raised to the loss of public house in principle.

One final matter of principle relates to affordable housing provision. With the revision of the NPPF in 2019, the previous Policy 10 requirement for a contribution to affordable homes is no longer afforded weight for schemes of less than 10 units. As such, the proposal would no longer attract a requirement for affordable housing.

For the reasons and subject to the material considerations set out below, the proposal is therefore considered acceptable in principle.

### ***Design, Appearance and Heritage***

As indicated above, the 2019 application was refused planning permission on the basis the proposal, due to its size, mass, density and site coverage is considered to represent an overdevelopment of the site, which would appear cramped and would be harmful to the appearance of this prominent location and character of the area, which immediately adjoins the Chapel Road Conservation Area and setting of listed building. This was contrary to policy 16 of the Worthing Borough Core Strategy 2011, and paragraphs 190 and 192 of the NPPF 2019.

To address these concerns, the applicant has removed the 4<sup>th</sup> floor of the building to create a 3-storey building which materially reduces its overall size, mass and density. The applicant has clarified the external footprint of the proposed apartment building, in terms of site coverage, would be approx. 190m<sup>2</sup> compared to 169m<sup>2</sup> for the existing Wheatsheaf building, a net increase limited to 11% over the existing. This has not changed between the 2019 application and the current proposal and is considered a modest increase in site coverage.

The below table illustrates the differences in height, proposed floor space and density between the 2019 application and the current proposal.

	Height (m)	Height Difference (%)	Gross internal area (sq.m)	GIA Difference (%)	Density
2019 Application	11.3m + 0.9m lift housing	-	550	-	-
2020 Application	9.3m + 0.2m lift housing	-22% reduction	455	-17% reduction	-12.5%

The images at figures 1-8 below shows the proposed elevations compared to the 2019 application.

The images show that the height of the proposed building would now sit below the eaves line of the Library and the Portland House further helping it reduce its prominence on the surroundings.



**Fig. 1: Current Proposal (south elevation)**



**Fig. 2: Refused Proposal (The 2019 Application)**



**Fig. 3: Current Proposal (Eastern Elevation)**



**Fig. 4: Refused Proposal (The 2019 Application)**



**Fig. 5: Current Proposal (Western Elevation)**



**Fig. 6: Refused Proposal (the 2019 Application)**



**Fig. 7: Current Proposal (Northern (rear) Elevation)**



Taking into account the changes proposed and additional clarification provided, on balance, the revised proposal in terms of its reduced size, mass, and density is considered to be acceptable and would not be considered to represent an overdevelopment of the site.

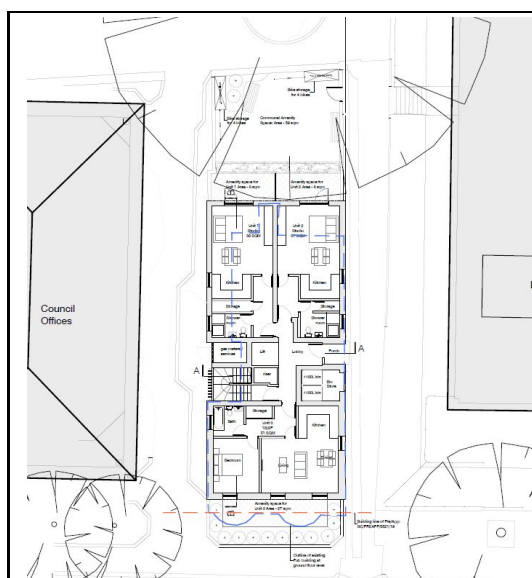
#### *General design approach*

The overall design approach follows the 2019 application which sought a new building that seeks to blend two strong design elements found on the adjacent civic buildings which enclose the site on the west and east side. Portland House is characterised by strong horizontal lines, used to dissect each floor of the building. The adjacent library is characterised by vertical lines, giving the appearance of height.

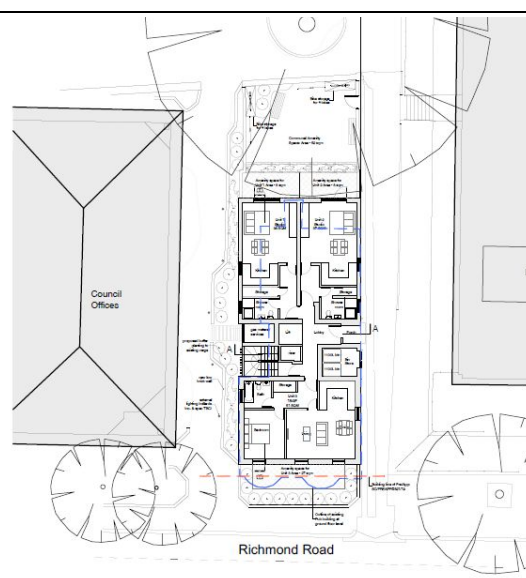
The proposed brickwork is similar to that of the Montague Centre in Worthing and the scale, detailing and proportions of the elevations take their cue from the adjoining Georgian terraces on Ambrose Place. Proposed side and rear elevations illustrate the tapering effect as would be seen from the footpaths along each side of the building, and from views along Richmond Road to the east. The simple arrangement of windows and other detailing is continued around the building, including 'false' recesses on the west elevation, to maintain the pattern of fenestration and visual interest. Rainwater pipes have been positioned in a balanced way on either side of the western stairwell. The entrance doorway on the east elevation serves as a focal point, visible across the wide library forecourt in Richmond Road.

It is not considered that the revised design is an improvement on the previous scheme as it now appears rather truncated with the removal of the top recessed floor, however; it has addressed the previous grounds of approval and as the lower floors are as before any objection on design grounds would be difficult to sustain.

## *Proposed Site Layout*



**Fig. 9 - Proposed 2020**



**Fig. 10 – Refused Proposal (2019 Application)**

For reference, fig 9 shows the proposed layout which shows the retained TPO tree and demonstrates sufficient space for works to be carried out without harm to the tree and its future co-existence with future residents following the implementation of the development.

At the front of the site (facing Richmond Road), the proposed garden arrangement allows for widening of the public pavement by 30cm and chamfered corners to provide for easier movement of pedestrians.

A minor change from the 2019 application is the removal of strip of land along the western boundary of the site that runs adjacent to the footpath that belongs to the Council. This strip was intended to be used for additional landscaping. However, this land is understood to be safeguarded by the Council for potential future widening of the footpath.

The overall site layout is considered acceptable.

### *Heritage Considerations*

Each of the proposed four elevations shown at figures 1, 3, 5 and 7 would be seen as part of the setting of the adjoining Conservation Area and the listed buildings at Ambrose Place and less directly, St Paul's Church and Worthing Town Hall. The use of traditional proportions, materials and detailing is considered to be harmonious with this context. According to the Council's Conservation Area Appraisal, the character of the Conservation Area is distinctive for its landmark civic/public buildings on large plots with associated spaces and planting. The proposal would produce a more built-up appearance than the existing Wheatsheaf building, but its tapering profile and set back from the street, the wider public pavement in Richmond Road and planted front garden would provide some counter-balance to this. The design detailing, which references traditional forms but adds a contemporary roof shape, is considered to meet the requirement to preserve and enhance the Conservation Area and setting of listed buildings.

Considering the loss of the existing building, it is noted that this is a surviving remnant of an earlier terrace of cottages, built around 1835/1840. The Wheatsheaf was heavily altered around the early C20th to the appearance it has today and the remainder of the terrace was demolished by the 1970s. It is currently unlisted, either locally or statutorily, nor is it listed as an Asset of Community Value under the Localism Act. Whilst, it may be worthy of inclusion in the local list, this would not convey protection and arguments against its loss would be weak. However, as recommended by the County Archaeologist and Archaeology Society on the 2019 application, in accordance with NPPF and Policy 16 any planning permission should include a requirement to record the building and to carry out archaeological investigation of the site as part of a redevelopment.

Taking into account the above, in terms of design, appearance and heritage matters, it is considered that this revised submission would, on balance, harmonise with the surrounding built form and would preserve the setting of the Conservation Area and nearby listed buildings.

### ***Amenities – Neighbours and Future Residents***

#### **i) Neighbours**

Amongst the neighbour representations, occupiers of Ambrose Place refer to concerns for privacy and the outlook from their homes and gardens. Saved policy H18 requires that intensification of development should not lead to unacceptable reduction in neighbouring amenity. The existing situation is that gardens in Ambrose Place are separated from the front of the two-storey Wheatsheaf building by varying distances of between 15m – 24m and the houses themselves are some 40m away. Gardens are overlooked by neighbouring windows in Ambrose Place and by upper windows at Portland House (although largely screened by trees at Portland House in summer). The line of sight from the existing pub is much less and in some cases barely discernible from these neighbours.

The 2018 proposal was refused partly due to the greater prominence of and more direct line of sight from new second and third floor windows to kitchen/living rooms and a bedroom and two large (15sqm) balconies. These had potential to overlook Ambrose Place and bring a greater perception of being overlooked. Overlooking was not an explicit part of the reason for refusal of the 2019 proposal

This proposal removes the 4<sup>th</sup> floor altogether (and associated window glazing) and associated first floor balcony/terrace area such that the proposal is a substantial improvement over the 2018 and 2019 applications in terms of reducing the potential of loss of privacy for the occupiers. Furthermore, taking into account the intervening separation distances, it is considered that the amenity of the occupiers of Ambrose Place would be reasonably preserved in terms of privacy.

The removal of the 4<sup>th</sup> floor would further reduce the impact on the Worthing Library. In addition, where each of the proposed first and second floors would have a kitchen window (and obscure glazed bathroom) facing towards the side of the library. Views towards the upper windows of the Library, which are mainly found in the rear half of its side wall, would be at an angle across a distance of 7-8m. The proposed future use of the first floor of the library is noted but subject to the use of suitable obscure glazing to maintain privacy the proposed relationship between the upper floors of the apartment building and the Library is considered acceptable.

On the western elevation a bedroom window at each upper floor of the western elevation and obscured-glazed bathroom windows would be only 5m from the side wall of office windows at Portland House. This has greater potential for inter-visibility but the effect is likely to be of greater significance for prospective occupiers of the proposed building than for Portland House. In this regard, subject to the use of obscure glazing to protect the privacy of future occupiers of the apartment building, the relationship between Portland House and the apartment building is considered acceptable.

To address any concerns over potential noise and disturbance to the operation of the Library, occupiers of Portland House and to protect neighbouring residential amenity during the construction process, a Construction Management Plan can be imposed via planning condition. This could also include measures to minimise noise & vibration, such as by switching off plant and machinery when idle, using baffling against particular noise-generating activities.

## ii) Future Residents

The proposed apartments would meet national space standards in terms of internal living space and would be provided with 117 sq.m of external amenity space through a combination of individual balconies and a 59 sq.m communal space at ground floor. Whilst the external space would be below the Council's external space standards set out with the SPD, the level of provision is considered acceptable taking into account the availability of external amenity space within a short walking distance from the site.

In terms of light penetration, all proposed flats are dual aspect; some are triple aspect and are considered likely to enjoy a good degree of light. It is noted that at ground floor three kitchen windows and one bathroom, immediately adjoin the external paths used by the public. Subject to the use of obscure glazing and noise mitigation scheme e.g. appropriate window glazing, mechanical ventilation, etc to reduce noise and disturbance, the relationship is considered acceptable.

In terms of creating a satisfactory internal noise environment for future occupiers, planning conditions can be imposed, as recommended by the Environmental Health Officer, to address any potential noise and vibration from the proposed internal lift as well as ensuring a general noise management scheme. This could include acoustic glazing, ventilation controls and associated management of overheating risk. A condition to require site management would also be reasonable in order to ensure that communal areas, bin stores and surface water drainage are adequately maintained.

For these reasons, the proposal would preserve neighbouring residential amenity and ensure the creation of a good quality living environment.

## ***Access and Highways***

The site currently offers no car parking space or vehicular access. Due to the constrained nature of the site, none are proposed. According to current County Guidance (2019), the existing use carries a shortfall of approximately 7 spaces and the proposal has a shortfall of 6.8 spaces.

The site is within Zone F of the town Centre car permit area. This extends from Richmond Road to Teville Gate. Residential parking permits are currently fully subscribed here. Waiting list times for the issuing new permits fluctuate but were last found to be around six months. It is noted that around ten spaces at the Teville Gate access road were closed to allow for demolition, which may impact future waiting times in the zone.

Given the inherent parking shortfall of the existing use and the accessibility of the location to public transport, the Highway Authority raises no objection provided that the eight cycle parking shed spaces and travel plan are provided, to promote use of sustainable transport and to ensure a choice of travel modes, as recommended in the NPPF, for instance; public transport packs for new occupiers. The applicant has also been asked to include a period of membership of a car club as part of the overall package.

The wider public pavement and chamfered corners shown on the plan at figure 9 are also considered to contribute to the accessibility package of the proposal, and brings a wider benefit to pedestrians, including those with disabilities, in reducing an existing pinch point. The County Council does not currently propose to relocate the overhead road sign and poles from this corner, which would enhance this improvement but it is hoped that implementation of the proposed development might stimulate closer consideration of this.

For the above reasons, taking into account any cumulative impacts, the proposal would not have an adverse impact on the local highways infrastructure.

### ***Impact on the Tree subject to Tree Preservation Order (TPO)***

Reason for refusal no. 3 of the 2018 application reflected concerns at the proximity of the proposed building to this highly prominent and important tree protected by Tree Preservation Order (TPO). This distance has been increased by 4m in the current application (consistent with the layout on the 2019 application). An Arboricultural Assessment and Method Statement are provided, which confirms that demolition and construction works would safeguard the root protection area and crown. The Council's Tree Officer assessed this layout as part of the 2019 application and was satisfied that the tree would not be adversely affected with conditions imposed to protect the tree during construction. Given the position of the proposed building this is no longer considered to risk affecting or unbalancing the visual appearance of the tree.

For these reasons, the impact on the tree as a feature of amenity value is therefore considered acceptable.

### ***Sustainability***

The development is considered to make a reasonable use of an accessible site, close to public transport and numerous services. The inclusion of a travel package, including cycle storage, a potential period of car club membership and public transport information will assist in widening transport options in line with the Council's declared climate emergency and planning policies.

The proposal includes elements of sustainable drainage, a blue/green roof and on-site surface water storage, which can be covered by planning condition. Whilst outside planning control the applicant also states that they will endeavour to use low impact, locally sourced and renewable materials as far as possible.

## ***Planning Balance and Conclusion***

This amended proposal has reduced the height of the building by 22%, reduced the internal floor area by 17%, density by 12.5% and restricted the building to 3-storey scale when compared to the 2019 application which materially reduces its overall size, mass and density. Further clarification has also been provided, in terms of site coverage, in that the proposal would amount to a 11% increase compared to the existing public house building. In addition, it is recognised that the height of the proposed building would now sit below the eaves line of the Library and the Portland House further helping it reduce its prominence on the surroundings.

Taking into account the above, in terms of design, appearance and heritage matters, it is considered that this revised submission would harmonise with the surrounding built form and would preserve the setting of the conservation area and nearby listed buildings. As such it would overcome the reason for refusal of the 2019 application.

Having taken account of all the relevant planning policy considerations and other material considerations set out above including the 2018 and 2019 refused planning applications, on balance, it is considered that the proposed development complies with the development plan when considered as a whole and is therefore recommended for approval.

## **Full Recommendation**

To **GRANT PLANNING PERMISSION** subject to the following planning conditions:

1. List of approved Plans
2. 3 Year time limit
3. External materials
4. 1:20 scale details, including important intersections and other details; also rainwater goods
5. Obscure glazing – WCs/Bathrooms
6. Balcony screens – details, implementation and retention
7. Details of boundary treatment
8. Noise & vibration: a scheme to protect against external noise & lift mechanism and control of overheating
9. Travel plan – submission and implementation
10. Car club –arrangements for the provision of access to a car-club or other means of sustainable transport, including the period and terms of the provision.
11. Pavement widening for public use in conjunction with Highway Authority and no subsequent enclosure
12. Tree protection and adherence to
13. Details of cycle sheds and base to avoid damage to tree or roots
14. Site levels – details and adherence to
15. Foul and sustainable (SUDS) surface water drainage – details and implementation
16. Sustainable drainage verification
17. Sustainable drainage management

18. Site management – communal areas and bin stores
19. Archaeological recording of building and site survey work.
20. Land contamination: Watching brief
21. Construction management plan
22. Hours of development works
23. Roof area shall not be used as residential amenity space/garden
24. No demolition of the building until contract entered into for redevelopment in implementing this planning permission
25. Details of external lighting
26. Details of soft landscaping and maintenance

22<sup>nd</sup> April 2020

Application Number: AWDM/1008/19

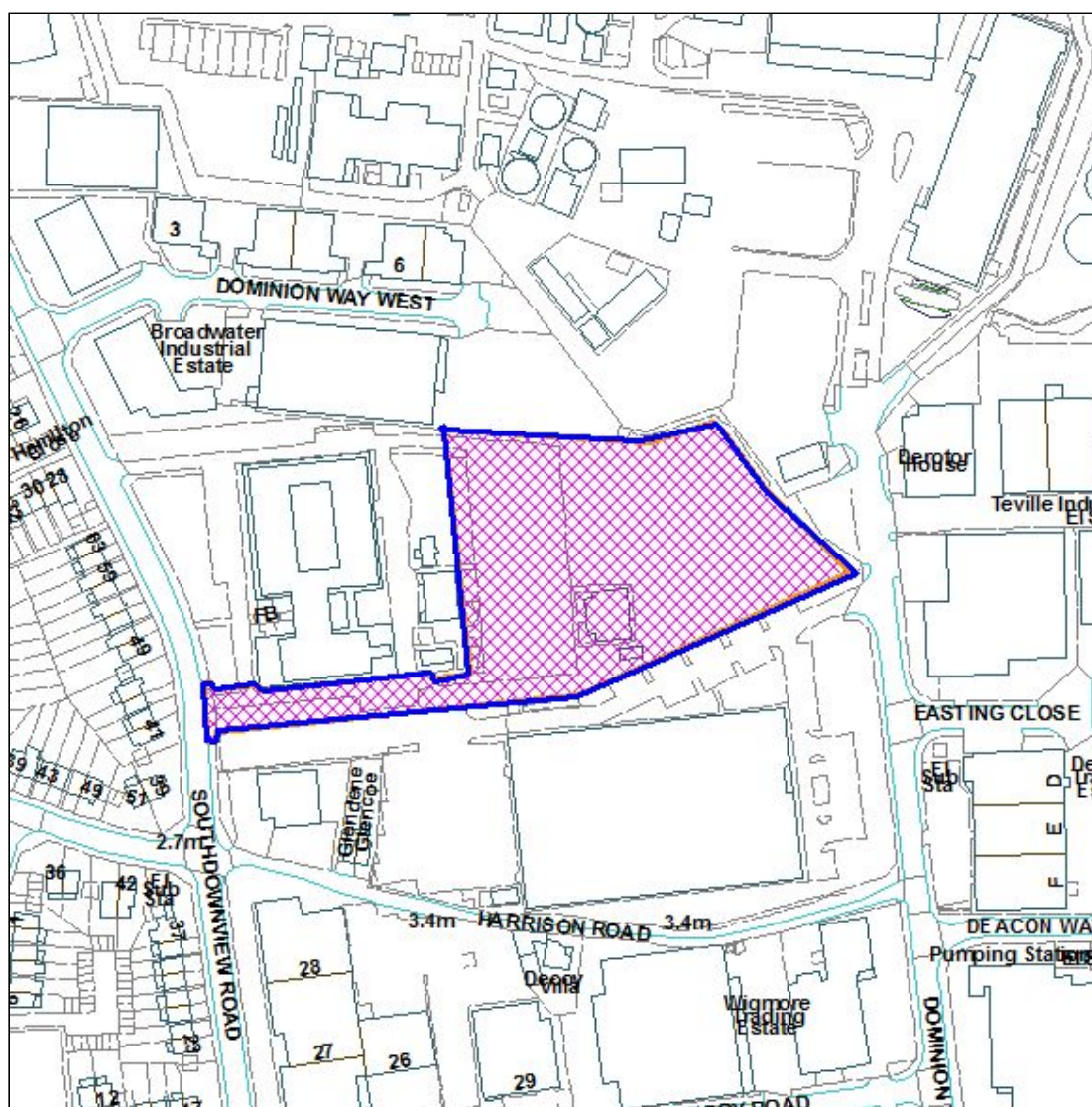
Recommendation – APPROVE

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.

Applicant: Mr Robbie Wilson  
Case: Jo Morin  
Officer:

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' (WSCC 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 to 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.

22nd April 2020

Application Number: AWDM/0108/20

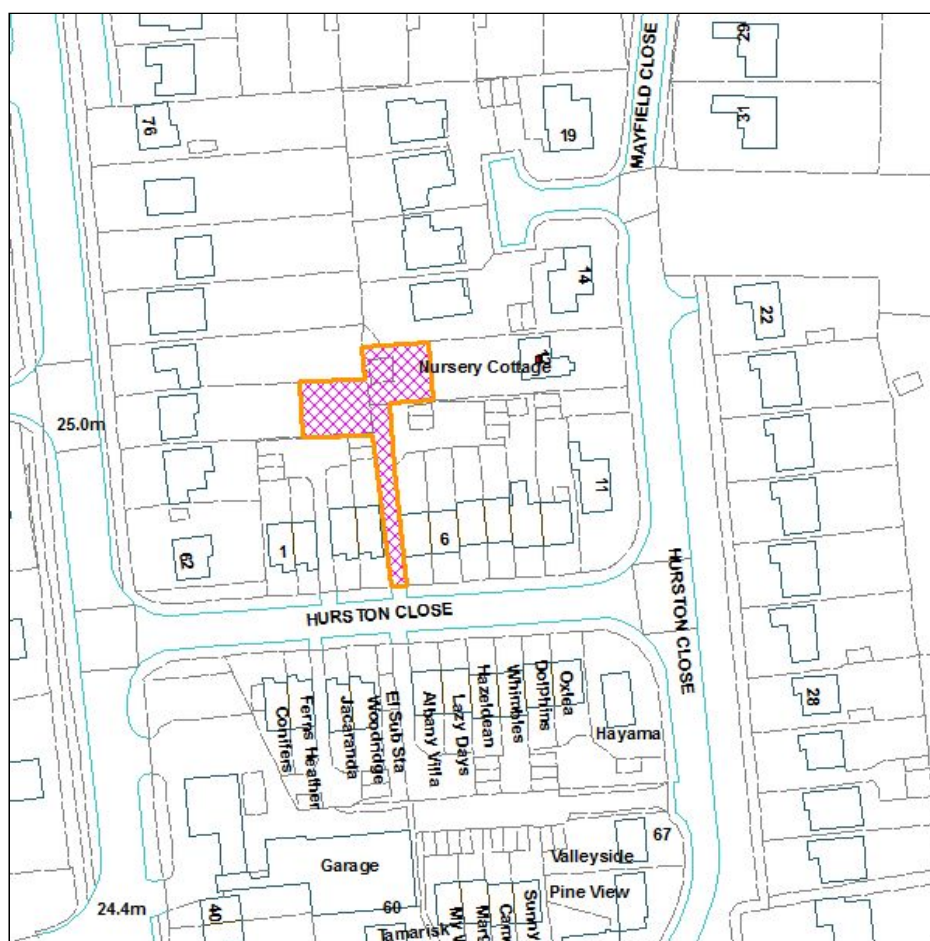
Recommendation – APPROVE

Site: Nursery Cottage, 12 Hurston Close, Worthing

Proposal: Retrospective application for retention of proposed 3 bedroom chalet bungalow with 2 dormers to east elevation. Access off Hurston Close between no. 4 and 5. Associated parking and landscaping. (Amendment of AWDM/0676/18 to include: 2no. rear dormers and steps to 2no. rear ground floor balconies to west elevation, front porch to east elevation and additional external and fascia amendments.)

Applicant: Mr P Meredith  
Case: Gary Peck  
Officer:

Ward: Offington



Not to Scale

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## **Proposal, Site and Surroundings**

The application seeks retrospective permission for the retention of a substantially completed 3 bedroom chalet bungalow originally granted permission under reference AWDM/0676/18. The amendments sought from the original permission are for the erection of 2 rear blind dormers, alterations to the rear fenestration comprising 3 bi-fold doors and a rear kitchen door with steps leading up to them and a front porch to east elevation.

The application site comprises a 'backland' plot historically comprising part of the rear gardens of 12 Hurston Close and 66 Findon Road and currently undergoing development to provide a 3-bedroom chalet bungalow. The new dwelling is accessed from a private drive between Nos. 4 and 5 Hurston Close which also serves a garage compound.

Adjoining the site to the east is 12 Hurston Close, a detached bungalow with rooms in the roof. To the north is 15 Hurston Close, a detached bungalow enlarged by a rear gable extension and rooms in the roof. To the north and west the site adjoins the rear gardens of 66 and 68 Findon Road, both comprising detached bungalows extended at the rear. To the south and east the site adjoins garaging located behind the frontage houses in Hurston Close.

The application site and surrounding land slope down to the west with the dwellings in Findon Road sited on notably lower ground.

## **Relevant Planning History**

Planning permission was granted in Aug 2018 for a 3-bedroom chalet bungalow with 2 dormers to the east elevation with access off Hurston Close and associated parking and landscaping (AWDM/0676/18 refers). Conditions of the planning permission remove 'permitted development' entitlements for extensions and enlargements to the dwelling and the insertion of additional openings at first-floor in the north, south or west roof slopes.

An application for approval of conditions reserved by AWDM/0676/18 was approved in Sept 2019 under AWDM/0074/19.

In December 2019, an application for a Non-Material Amendment including the dormers and rear fenestration changes was refused (AWDM/1780/19).

## **Consultations**

### **Technical Services**

Thank you for the opportunity to comment upon this application. The application is retrospective and for alterations that make minimal difference to impermeable area from the previously consented scheme. I therefore have no conditions or comments to make on flood risk and surface water drainage.

### **Environmental Health**

No objection

## **Southern Water**

No objection subject to an informative.

## **West Sussex County Council**

The Local Highway Authority (LHA) has previously commented on this site under planning reference AWDM/0676/18 to which no highway safety or capacity concerns were raised.

On inspection of the most recent planning documents there are no changes that would affect access or parking.

The Local Highway Authority does not consider that the 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.

## **Representations**

2 letters of objection have been received on the following grounds:

- If these plans are proposed they will not be any different to plans previously rejected
- The building does not fit in well with the character of the area and the dormers cause an additional eyesore
- The construction process has been problematic from start to finish
- The builders have confirmed that windows will go in the blind dormers causing overlooking
- The extended porch causes additional overlooking

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 7, 8, 9, 16, 17  
Worthing Local Plan (WBC 2003) (saved policies): RES7, H18, TR9  
Supplementary Planning Document 'Space Standards' (WBC 2012)  
Supplementary Planning Document 'A Guide to Residential Development'  
Community Infrastructure Levy Charging Schedule (WBC 2015);  
National Planning Policy Framework (2019)  
National Planning Practice Guidance

The Core Strategy, including the saved policies of the Worthing Local Plan, comprises the Development Plan here but the Government has accorded the National Planning Policy Framework (NPPF) considerable status as a material consideration which can outweigh the Development Plan's provisions where there are no relevant development plan policies or the policies which are most important for determining the application are out of date. In such circumstances paragraph 11 of the revised NPPF states that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would demonstrably outweighs the benefits, when assessed against the policies of the NPPF taken as a whole.

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

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

## **Planning Assessment**

The main issues in the determination of the application are the effect of the proposed alterations upon the character of the surrounding area and the amenities of neighbouring properties having regard to the previous permission which is a material consideration in the determination of the application.

A previous application for a non-material amendment (NMA) application was refused at the end of 2019 and included 2 of the elements within this application, namely the blind dormers and the alterations to the rear fenestration.

In respect of the blind dormers, it is quite clear that the insertion of windows would cause unacceptable overlooking to the property to the west, 66 Findon Road, yet approval of the blind dormers under the non-material amendment procedure could have allowed windows to be inserted later without planning permission and therefore the application had to be refused as the NMA procedure was not the appropriate method of allowing the Council to maintain control over the site.

If permission were granted for this application, it would be possible to impose a condition preventing the insertion of windows in the dormers without permission. As there are rooflights in the flat roof section of the dormers, there is no light requirement that would lead for pressure for future windows (one of the dormers serves a bathroom in any case) and the layout of the upper floor seems to demonstrate that the dormers do provide useful additional floorspace.

If a condition can be imposed, as described above, preventing windows in the future being inserted then the only remaining issue in respect of the dormers is their visual impact. While resulting in additional built form, the dormers can be considered as a subservient element to the main roof and given the principle of development has already been established for the dwelling as a whole, it would seem difficult to justify a refusal of the application (as well as the expediency of any subsequent enforcement action).

The rear fenestration changes in themselves cause little visual impact, but the steps that lead to them (the ground level now being higher than the patio area serving the garden area) do result in the ground floor windows of the properties in Hurston Close to the south

being visible from the top of the steps, whereas in the patio area, only their upper floors are visible. The nature of the rear patio doors in particular would suggest that this is an area where a future occupier may linger at the top of the steps thus causing a perception of overlooking. It is noted that a taller fence has been erected on the western boundary, and therefore there is no impact upon the neighbouring property in Findon Road to the west from the raised steps, but the fence boundary to the south elevation is lower. It would seem appropriate, therefore, to require a trellis to be added to the fence on the southern boundary of the site, to mitigate any harm to properties to the south. This can be secured by a suitably worded condition.

The objection in respect of the porch is noted, and because of the new orientation of the front door it does face neighbouring properties. However, its alignment is as much with the access way as with the neighbouring properties and given it is an external amenity area with the garage doors, for example, facing in the same direction as well as the transitory nature of opening a door to a porch, it is not considered that the level of overlooking is such to warrant a refusal of the application.

A Community Infrastructure Levy payment of £14,000 is required in respect of the development. The applicant has claimed an exemption, but as the development has already commenced this cannot be claimed and the full amount is payable. It is understood that the previously required payment of £13,000 has not been paid to the Council. This matter will be progressed as a separate matter to the planning process.

Subject to the imposition of conditions, on balance, the proposal is considered acceptable.

## **Recommendation**

To **GRANT** permission subject to the following conditions:

### **01 Approved Plans**

- 02** Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the proposed dwelling shall not be extended or enlarged or any incidental building over 5 cubic metres in volume erected within its curtilage.

Reason: In the interests of amenity and the environment having regard to the nature of the site and saved policy H18 of the Worthing Local Plan and policy 16 of the Worthing Core Strategy.

- 03** The garage building shall be used only as a private domestic garage for parking vehicles and cycles incidental to the use of the dwelling hereby permitted and for no other purpose.

Reason: In the interests of amenity and highway safety and having regard to saved policies H18 and TR9 of the Worthing Local Plan.

- 04** Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), no windows, rooflights or other openings (other

than as hereby approved) shall be formed at first-floor level in the north, south, or west walls, within the west facing dormers, or roof slopes of the dwelling.

Reason: To prevent overlooking and to comply with saved policy H18 of the Worthing Local Plan.

- 05 No work for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08.00 and 18.00 on Monday to Friday and between 09.00 and 13.00 hrs on Saturdays. No work shall take place on Sundays or on Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties having regard to saved policy RES7 of the Worthing Local Plan.

- 06 The dwelling hereby permitted shall not be first occupied unless and until a water sprinkler or mist system has been installed in adherence to BS 8458:2015 Fixed Fire Protection Systems: Residential and Domestic Watermist System - Code of Practice for Design and Installation.

Reason: To ensure satisfactory fire protection measures are in place having regard to Policy 16 of the Worthing Core Strategy.

- 07 Within 3 months of the date of this permission, details of a trellis to be erected on top of the existing fence on the southern boundary shall be submitted to and approved by the Local Planning Authority and a timescale agreed for its erection. The approved details shall be maintained thereafter.

Reason: To prevent overlooking to neighbouring properties in accordance with policy 16 of the Worthing Core Strategy.

#### Informatives / Notes to Applicant

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. All Planning Applications for both domestic and non-domestic premises that have been granted approval for new development or conversions will require a new or amended property address for the proposed development. Developers will be required to submit a Street Naming and Numbering Application to the Street Naming and Numbering Department upon commencement of works to enable the new development to be officially addressed in compliance with the British Standard of Addressing; known as BS7666. Developers are invited to complete their Street Naming and Numbering Application via the following link to the councils' website: [www.adur-worthing.gov.uk/naming-and-numbering](http://www.adur-worthing.gov.uk/naming-and-numbering) Information and guidance regarding the Fees for the service provided are also available at this location. Alternatively, please do not hesitate to contact the Street Naming and Numbering Department via the following methods should you have any queries; Street Naming

and Numbering, Adur & Worthing Councils, Portland House, 44 Richmond Road, Worthing BN11 1HS. Telephone Number: 01903 221479. Email: [llpg@adur-worthing.gov.uk](mailto:llpg@adur-worthing.gov.uk)

03. A formal application for connection to the public sewerage system is required in order to service this development. The applicant is advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
04. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

05. The Applicant is reminded that the development the subject of this decision notice is liable for Community Infrastructure Levy (CIL). A CIL Liability Notice will be issued to the liable person(s) and a CIL Land Charge added to the register. CIL will become liable upon commencement of the development with the liable person(s) required to submit a CIL Commencement Notice at least one day before the development commences. Further information can be found on the Council's website via the link <https://www.adur-worthing.gov.uk/planning-policy/infrastructure/>

22<sup>nd</sup> April 2020

Application Number: AWDM/1827/19

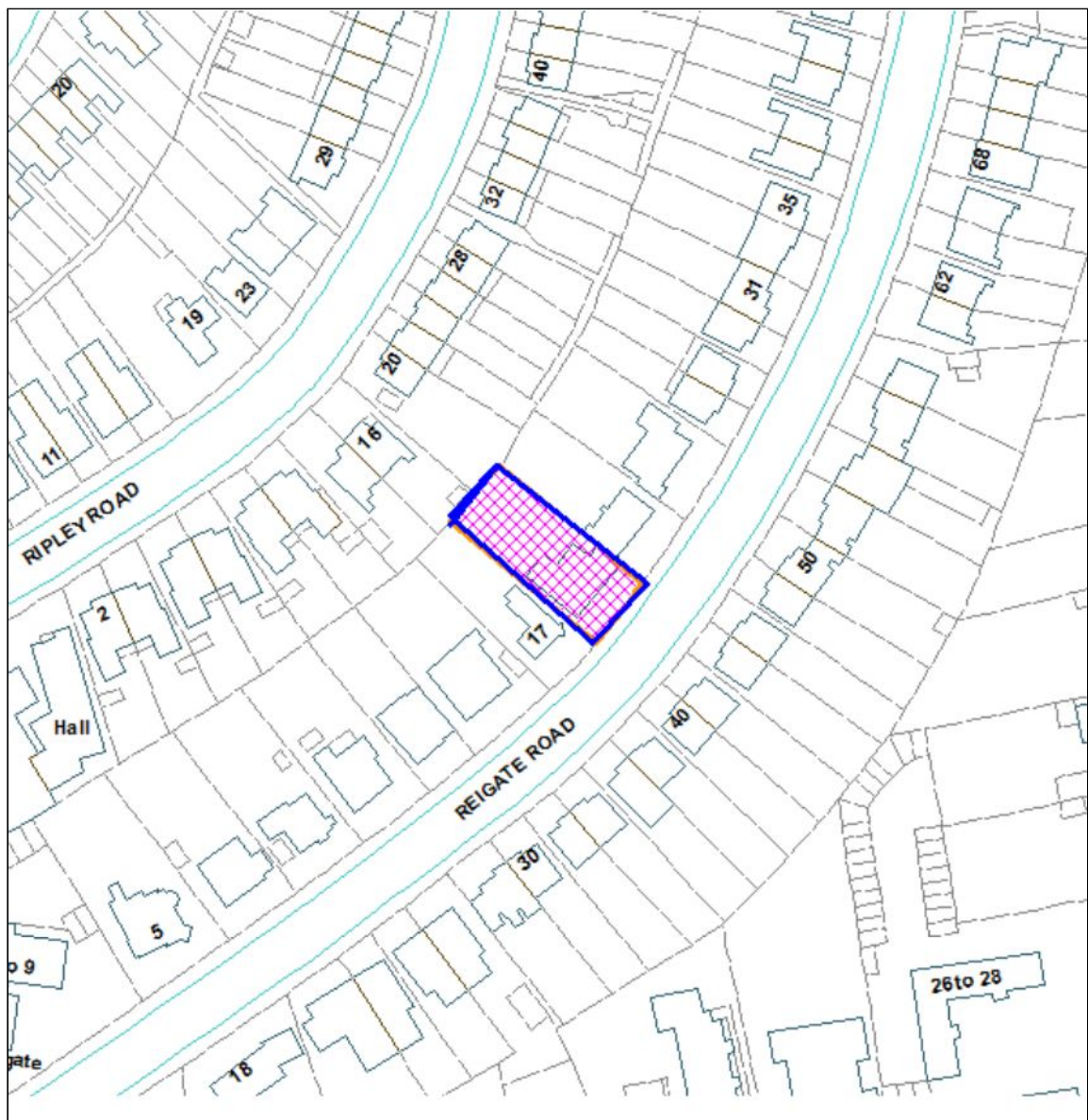
Recommendation – APPROVE

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 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 Officer: Jackie Fox

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**

### **WSCC 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 detriment 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:

Nos. 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

#### No. 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 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.

WSCC 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  $2.7 \times \text{£}128.96/\text{sqm} = \text{£}348.192$

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

22<sup>nd</sup> April 2020

### **Local Government Act 1972**

#### **Background Papers:**

As referred to in individual application reports

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## **Schedule of other matters**

### **1.0 Council Priority**

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
  - to promote a clean, green and sustainable environment
  - to support and improve the local economy
  - to work in partnerships to promote health and wellbeing in our communities
  - to ensure value for money and low Council Tax

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

### **5.0 Community Safety Issues (Section 17)**

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

### **7.0 Reputation**

- 7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

### **8.0 Consultations**

- 8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

### **9.0 Risk Assessment**

- 9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

## **14.0 Financial implications**

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.

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