



WORTHING BOROUGH  
C O U N C I L

15 September 2020

Worthing Planning Committee	
Date:	23 September 2020
Time:	6.30 pm
Venue:	Remote meeting

<b>Committee Membership:</b> Councillors Paul High (Chair), Noel Atkins (Vice-Chairman), Paul Baker, Jim Deen, Martin McCabe, Helen Silman, Paul Westover and Steve Wills
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**NOTE:**

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk) before noon on Tuesday 22 September 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. 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 21 September 2020.

Where meetings are held remotely, no question will be permitted from the public unless such notice has been given.

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)

### 4. Confirmation of Minutes

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

### 5. Items Raised Under Urgency Provisions

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

### 6. Planning Applications (Pages 1 - 82)

To consider the reports by the Director for the Economy, attached as Item 6.

## Part B - Not for publication - Exempt Information Reports

None.

#### Recording of this meeting

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

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer 01903 221006 <a href="mailto:heather.kingston@adur-worthing.gov.uk">heather.kingston@adur-worthing.gov.uk</a>	Sally Drury-Smith Lawyer 01903 221086 <a href="mailto:sally.drury-smith@adur-worthing.gov.uk">sally.drury-smith@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.



## WORTHING BOROUGH COUNCIL

Planning Committee  
23<sup>rd</sup> September 2020

Agenda Item 6

Ward: ALL

Key Decision: ~~Yes~~ / No

### Report by the Director for Economy

#### Planning Applications

**1**

**Application Number:** NOTICE/0012/20

**Recommendation – Refuse**

**Site:** St Andrews Gardens, Church Road, Worthing

**Proposal:** Application for Prior Approval for construction of one additional storey of 9no. new dwellings immediately above the existing detached block of flats.

**2**

**Application Number:** AWDM/1079/20

**Recommendation – Approve**

**Site:** Salvington Hill Stores, Salving Hill, Worthing

**Proposal:** Partial Change of Use from A1 (retail) to A4 micro-pub; internal reconfiguration to include accessible WC, cold room, counter space and barbershop.

**3**

**Application Number:** AWDM/1087/20

**Recommendation – Approve**

**Site:** 88 Salvington Hill, Worthing

**Proposal:** Proposed two-storey 2no. bedroom chalet dwelling with attached garage to rear garden of 88 Salvington Hill with access onto Firsdawn Road, including associated landscaping, bin store and 2no. parking spaces (Re-submission of AWDM/0256/20).

**4**

**Application Number:** AWDM/1137/20

**Recommendation – Approve**

**Site:** Development Site at 13 and 14 Fairfields, Worthing

**Proposal:** Conversion of 2no. dwellings (numbers 13, 4 x bedroom and number 14, 2 x bedroom) to form one 6 bedroom dwelling.

**5**

**Application Number: AWD/1018/20**

**Recommendation – Approve**

**Site: Development Site at 31 to 35 Montague Street, Worthing**

**Proposal: External alterations to the existing building together with change of use of 2nd and 3rd floor from retail (Use Class A1), roof extension at 3rd floor and four storey rear extension to provide 14 residential units (Use Class C3) comprising 1 x studio, 5 x 1 beds, 7 x 2 beds and 1 x 3 bed with associated external amenity areas and cycle and refuse stores (31-35 Montague Street).**

**6**

**Application Number: AWD/1162/20**

**Recommendation – Refuse**

**Site: 58 - 62 Portland Road, Worthing**

**Proposal: Variation of condition 4 of approved AWD/1527/19 to vary opening hours from 8am to 11:30pm Thursdays to Saturdays and 8am to 10pm on Sundays.**

**7**

**Application Number: AWD/0964/20**

**Recommendation – Approve subject to a Deed of Variation to the original s106 agreement**

**Site: Teville Gate House, 25 Railway Approach, Worthing**

**Proposal: Application for variation of condition 1 (approved plans) to allow minor design changes and 12 (access) of previously approved AWD/0393/19 to amend the site boundary and remove requirement for a footpath.**

**8**

**Application Number: AWD/1007/20**

**Recommendation – Approve**

**Site: Town Hall, Chapel Road, Worthing**

**Proposal: Installation of 3no. horizontal galvanised security mesh panels to rear.**

Application Number: NOTICE/0012/20

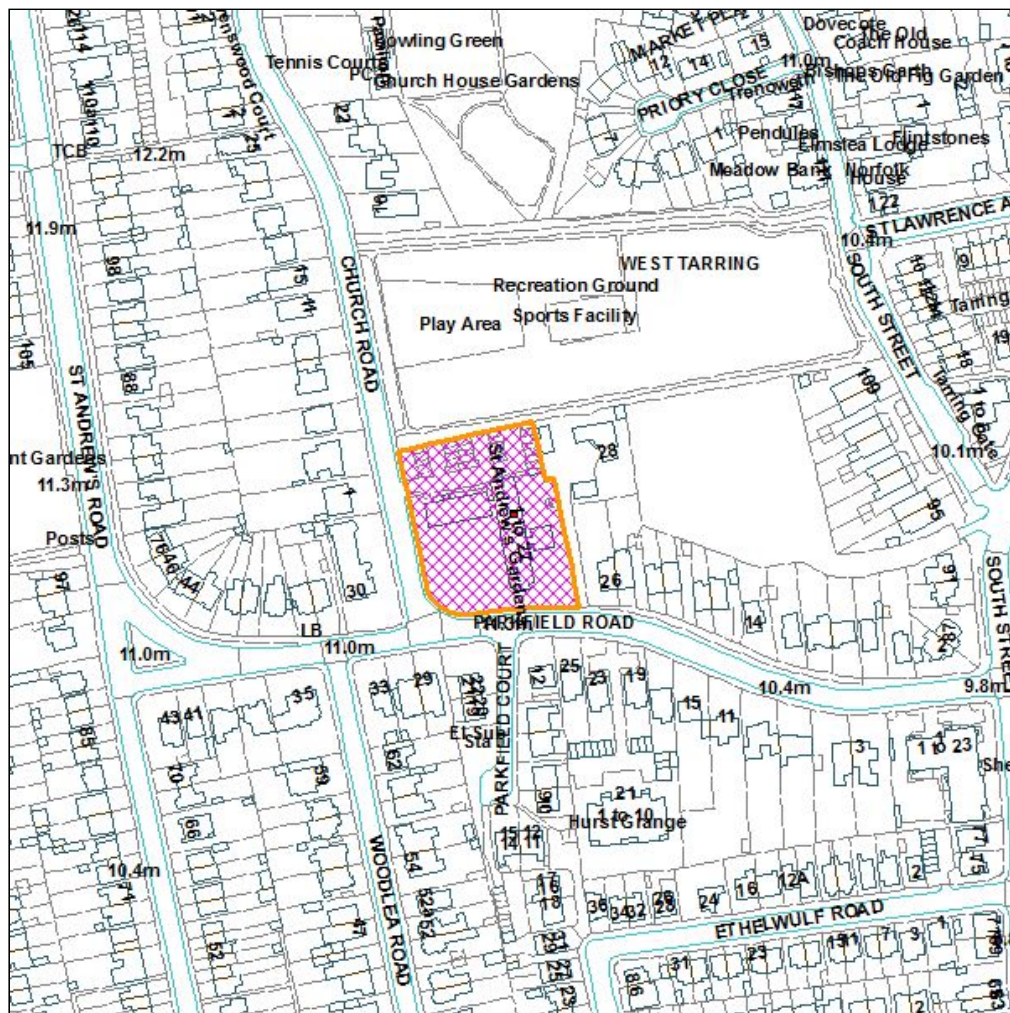
Recommendation – Refuse  
Prior Approval

Site: St Andrews Gardens, Church Road, Worthing

Proposal: Application for Prior Approval for construction of one additional storey of 9no. new dwellings immediately above the existing detached block of flats.

Applicant: Mr P Rayden  
Case: Rebekah Hincke  
Officer:

Ward: Tarring



Not to Scale

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This application has been brought to Committee at the request of Councillor Martin McCabe.

## **Site and Surroundings**

The application site is located on the corner of Church Road and Parkfield Road and contains a three storey purpose-built block of 27 flats. The building is largely set back from the street frontage on both sides of the corner in an irregular L-shaped footprint and with blocks of garages to its north side and vehicular access onto Church Road to the west. To the east, west and south sides of the building there are communal garden areas, the largest of these being at the corner, with lawns and mature shrubs and trees. Tree Preservation Order No.8 of 2004 applies to various groups of trees to the perimeter of the site and extends to trees to neighbouring properties surrounding the site.

This is a predominantly residential area comprising mainly of traditional two storey detached and semi-detached dwellings with some variety in the individual design of houses immediately surrounding the site. At the opposite corner of Church Road, the dwelling has been extended and in use as a residential care home. To the north of the site is West Tarring Recreation Ground. To the immediate east is an access drive leading to No. 28 Parkfield Road which is a two storey detached dwelling to the north east, facing the flats at St Andrews Gardens. Beyond that driveway to the east there are pairs of semi-detached houses on the north side of Parkfield Road with No.26 sited closest to the application site.

## **Proposal**

This application is made following the recent change to the second schedule of the General Permitted Development Order, introduced by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020, extending permitted development rights.

Development permitted by Class A of Part 20 consists of works for the construction of up to two additional storeys on existing dwelling houses and on purpose built detached blocks of flats, together with engineering operations reasonably necessary to construct the additional storeys and new flats, replacement and new roof plant that is reasonably necessary to service the new flats, works for the safe access/egress to the new and existing flats, and any works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new flats, subject to the limitations of Part 20 and conditions as set out below in this assessment.

This application seeks prior approval for the construction of one additional storey to the building to provide nine flats in a new fourth floor. The application includes provision for an additional bin store towards the south-east corner of the site, and a new permeable hardstanding providing access to five new car parking spaces, with landscaping, to the east of the building as well as a cycle store.

The additional storey would have a flat roof and the extended building would measure up to 12.1 metres in height from ground level, representing an increase in height of 4.2 metres approximately over the existing 7.9 metre high building as detailed on the elevation drawings. The extension would largely cover the existing footprint of the building with the exception of the stairway at the southern end of the building which would remain as existing. Some of the proposed flats would be set

back behind a corridor access on its north and east sides which would be partially open-air, enclosed by glazed balustrades across a series of openings.

## **Relevant Planning History**

AWDM/1235/19 - Proposed roof extension to provide additional 9 no. flats within new third floor on top of the existing residential block, plus 9 no. additional parking spaces, 8 no. cycle spaces and refuse storage areas. Refused 12<sup>th</sup> November 2019 for the following reasons:

*'The proposed development would, by reason of its unacceptable scale, massing, form and design, represent an overdevelopment of the site, relating poorly to the scale and appearance of the recipient building and the surrounding character and pattern of development, and would appear as an unsympathetic and incongruous addition to the building, detrimental to the visual amenities of the site and surrounding streetscene. As such the proposed development would be contrary to policy 16 of the Worthing Core Strategy and the relevant paragraphs of the NPPF.'*

Appeal Dismissed 6th April 2020.

Outline for redevelopment of the site by way of 27 flats comprising 27 flats comprising 3 blocks of 6 flats 3 storeys in height 1 block of 9 flats 3 storeys in height with 24 garages showing access road parking facilities etc. Approved 7<sup>th</sup> February 1961

220/62 Erection of 27 flats, 3 storeys in height together with 27 garages and access roads thereto etc. Approved 3<sup>rd</sup> April 1962

220/A/62 Revised for erection of 27 flats 3 storeys in height, 27 garages with access way parking area etc. Approved 12<sup>th</sup> May 1964

## **Consultations**

The **Highway Authority** has commented that their previous response on application AWDM/1235/19 gives details and views on the almost identical proposal and as the scope for commenting on the prior approval is limited they have no further comments to add but recommend conditions requiring a construction management plan to be submitted, and cycle parking to be provided in accordance with details to be approved.

The Highway Authority's previous response on AWDM/1235/19 is copied below:

*The above proposal has been considered and the increase in 9 flats, each with a parking space is not considered to create any significant highway safety or capacity issues. As such WSCC raise no objection to the proposal subject to any conditions attached.*

*The access into St Andrews Gardens from Church Road, will continue to provide the main point of access. This provides 26 garaged car parking spaces, and 7 spaces within the grounds. The additional 9 flats will have a parking space created within the grounds for each flat; which has been checked against WSCC guidance on parking in new developments, and the results are attached below.*

*The new car parking calculator proposes 11 spaces unallocated, which includes visitor spaces or 14 spaces if allocated. WSCC has considered the nature of Church Road which predominantly has detached houses with driveways. It is considered there is likely to be enough on-street car parking to accommodate any additional parking needs from visitors to the site*

*Each parking space has been designed according to standard car parking sizes of 2.4m x 4.8m. Four of the spaces are located next to the access within the private curtilage of the site. This is likely to cause a partial obstruction, to the existing visibility splay however; this is not uncommon in residential streets, and given the quiet nature of the road this is acceptable.*

*Cycle storage should be provided for the entire development which is based on 0.5 space per flat. This equates to 18 spaces however WSCC will accept an evidenced based approach to cycle storage. Please can further details be submitted to the LPA for approval.*

*The site also has a refuse strategy which proposes to continue collection from Church Road and Parkfield Road. The strategy shows the additional bins can be accommodated within the site.*

*During the construction phase of the flats the site will need to be managed carefully with consideration of the existing residents of the flats and surrounding residents of Church Road and Parkfield Road.*

*WSCC would like to see a Construction Management Plan submitted to the LPA prior to commencement to ensure deliveries and construction traffic is managed safely and sensitively.*

**Southern Water** has advised the approximate position of a public foul sewer in the vicinity of the site and requires its exact position to be determined by the applicant and advises of limitations and clearances required. Southern Water has requested a sewer investigation, and recommends a condition for details of foul sewerage and surface water disposal to be agreed and requires a formal application for connection to the public foul and surface water sewer by the applicant or developer.

#### ***Adur & Worthing Councils:***

The **Environmental Health** officer has confirmed no comments for this application.

The **Engineer** comments that the application site is within flood zone 1, the site is not shown as being at risk from surface water flooding. No objection raised from a flood risk perspective.

In relation to surface water drainage, the Engineer comments that small alterations to the impermeable area are proposed as part of this application, with a new parking area proposed. This parking area must be of a fully permeable construction, i.e. permeable surface and sub-base (no type 1). Due to the small changes in impermeable area there are no conditions to request. Any proposed alterations to surface water drainage must be designed and constructed in accordance with building regulations, any opportunities to reduce runoff should be considered.



## Representations

Eleven representations have been received from owners and residents within the flats, four representations have been received from neighbouring occupiers in Parkfield Road, Church Road, and three from residents in the wider area (Goring, Findon, West Chiltington) to date, objecting to the proposals on the following grounds:

- Highways, Access and Parking – Inadequate parking provision, traffic/parking congestion, safety concerns over parking/access and for pedestrians/wheelchairs/pushchairs, safety for park users/school children, obstruction for emergency vehicles.
- Loss of amenity – loss of garden area for parking, disruption/noise/disturbance/dust during construction, smells from refuse store, car emissions/fumes, no consideration for installing lifts, concern over potential fly-tipping near bin store/fire hazard.
- Privacy light and noise – height will affect light, overshadowing, overlooking, loss of privacy/noise to residents near parking area.
- Design/Overdevelopment – not in keeping, no buildings higher than 3 storeys, excessive scale, dominates, existing building is already out of keeping and any extension would worsen the environment, will be visible above tree line/hedges.
- Trees and landscaping – loss of trees and landscaping, damage to tree roots from oil/petrol spillages, loss of light/moisture to protected trees.
- Concerns over structural integrity of building that might be affected.
- Local infrastructure can't support more residents.
- No need for more flats, they won't be affordable housing.
- Application doesn't detail how the heating exhaust system will be dealt with.
- Asbestos safety concerns.
- Should take account of previous refusal upheld at appeal, doesn't address the previous concerns.

An email has been received from Sir Peter Bottomley MP asking the following to be taken into consideration:

*'It would be perverse for this application to be approved when it is essentially the same as the previous unacceptable one. It is clear that it is wrong for the neighbourhood and it is wrong for the present residents and their neighbours. There is no aspect of government policy that requires it to be approved – please reject it.'*

## Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policies 7, 8, 9, 16, 17, 19

Worthing Local Plan (WBC 2003) (saved policies): RES7, H18, TR9

SPD 'Guide to Residential Development' Nov 2013

Revised National Planning Policy Framework (HCLG 2019)

National Planning Practice Guidance (CLG)

## 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 application is made under the Prior Approval procedure and the consideration is restricted to the limitations, restrictions and conditions set out in respect of Class A, Part 20, Schedule 2 of the General Permitted Development Order 2015 as amended which states:

### ***Permitted development***

*A. Development consisting of works for the construction of up to two additional storeys of new dwelling houses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all —*

*(a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;*

*(b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;*

*(c) works for the construction of appropriate and safe access and egress to the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;*

*(d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.*

### ***Development not permitted***

*A.1. Development is not permitted by Class A if—*

*(a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule;*

*(b) above ground level, the building is less than 3 storeys in height;*

*(c) the building was constructed after 1st July 1948, or after 5th March 2018;*

*(d) the additional storeys are constructed other than on the principal part of the building;*

*(e) the floor to ceiling height of any additional storey is—*

*(i) more than 3 metres in height; or*

*(ii) more than the floor to ceiling height of any of the existing storeys, whichever is the lesser, where such heights are measured internally;*

*(f) the new dwelling houses are not flats;*

- (g) the overall height of the roof of the extended building would be greater than 7 metres higher than the highest part of the existing roof (not including existing plant);*
- (h) the extended building (not including plant) would be greater than 30 metres in height;*
- (i) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;*
- (j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to—*
  - (i)strengthen existing walls;*
  - (ii)strengthen existing foundations; or*
  - (iii)install or replace water, drainage, electricity, gas or other services;*
- (k) in the case of Class A.(b) development there is no existing plant on the building;*
- (l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the new building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;*
- (m) development under Class A.(c) would extend beyond the curtilage of the existing building;*
- (n) development under Class A.(d) would—*
  - (i)extend beyond the curtilage of the existing building;*
  - (ii)be situated on land forward of a wall forming the principal elevation of the existing building; or*
  - (iii)be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;*
- (o) the land or site on which the building is located, is or forms part of—*
  - (i)article 2(3) land;*
  - (ii)a site of special scientific interest;*
  - (iii) a listed building or land within its curtilage;*
  - (iv) a scheduled monument or land within its curtilage;*
  - (v) a safety hazard area;*
  - (vi) a military explosives storage area; or*
  - (vii) land within 3 kilometres of the perimeter of an aerodrome.*

The application meets the permitted development criteria of class A (a) to (d) since the existing building was constructed following planning permission in 1962 as a purpose built detached 3 storey block of flats and the proposal is for an additional storey for new flats and associated works as described above.

In this case the limitations or restrictions of A.1 have been met, have not been exceeded, or do not apply. The additional storey would be constructed on the principle part of the building, and the supporting statement has confirmed that floor to ceiling heights would be 2.4 metres internally as existing, the overall height of the roof would not be more than 7 metres higher than the existing roof and less than 30 metres in total. No visible support structures are proposed on or attached to the exterior of the building, engineering operations, roof plant, access/egress storage, waste and other ancillary facilities would be within the defined limitations. The site is not on article 2(3) or SSSI land, a listed building, scheduled monument or within their curtilage, and is not a safety hazard area, military explosives storage area, or land within 3 kilometres of the perimeter of an aerodrome.

Consideration of the planning merits of the application is restricted solely to those set out in the conditions of A.2 as set out below:

*(1) Where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—*

*(a) transport and highways impacts of the development;*

*(b) air traffic and defence asset impacts of the development;*

*(c) contamination risks in relation to the building;*

*(d) flooding risks in relation to the building;*

*(e) the external appearance of the building;*

*(f) the provision of adequate natural light in all habitable rooms of the new dwelling houses;*

*(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and*

*(h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012(1) issued by the Secretary of State,*

*and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.*

Paragraph B includes the requirement for the LPA to have regard to the NPPF so far is relevant to the subject matter of the prior approval, as if the application were a planning application.

The Revised National Planning Policy Framework advises, in paragraph 124, that, 'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

The revised NPPF emphasises securing high quality design that (amongst other things) is sympathetic to local character and history, maintains a strong sense of place using the arrangement of streets, building types and materials to create attractive, welcoming and distinctive places to live with a high standard of amenity for existing and future users (paragraph 127) and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 130).

Notwithstanding the above, this is a really difficult case and highlights the impact of increased deregulation by the Government. The recent change to permitted development rights, in particular, the upward extensions of dwellings and blocks of

flats has the potential to profoundly change the character and appearance of the town. Normally a previous appeal decision is a very strong material planning consideration; however, the change to permitted development rights fundamentally alters how the Council can now deal with this proposal to add a floor to the building. As the principle of an additional floor is now established by permitted development rights the prior approval can solely be judged on the above criteria and these are considered below:

#### **(a) Transport and highways Impacts**

Nine parking spaces are indicated to serve the proposed flats, although three of these are existing spaces including two unallocated spaces. The application also omits at least three parking spaces that exist to the north of the building. The Highway Authority has raised no objection to the proposals. In relation to the previously refused application the Highway Authority clarified that the number of additional trips generated by 9 flats would equate to 3 trips in the network peak hours which was not considered severe. The Highway Authority considered that the trips generated by 9 additional flats and any additional vehicles using on-street parking in the local vicinity would not create an unacceptable impact on highway safety, nor a severe residual cumulative impact on the road network.

Cycle storage is indicated within a communal store with parking for eight bicycles proposed. The Highway Authority had previously indicated that provision should be made for the entire development, equating to 18 spaces unless evidence demonstrates otherwise, which could be secured by condition.

#### **(b) Air traffic and defence asset Impacts**

None relevant

#### **(c) Contamination**

The application has been accompanied by an Asbestos Report confirming the presence of asbestos. The Environmental Health Officer has confirmed no adverse comments in relation to the application and has clarified that asbestos material has been identified in the building not in the ground and therefore contaminated land guidance would not apply. The site is not identified as being potentially contaminated. The safe removal and handling of any asbestos material during the development is covered under Health and Safety legislation and the duty will fall on the developer to deal with this matter.

#### **(d) Flooding**

The building is in Flood Zone 1, where there is a low probability of flooding. No flood risk has been identified in relation to this property. Permeable construction is indicated for the proposed hardstanding and drainage would need to comply with Building Regulations requirements.

#### **(e) External appearance of the building**

This is the only substantive ground for resisting the proposed development following the changes to permitted development rights.

The supporting information submitted by the agent states:

*The external appearance of the proposed extension has been designed to continue the 1960s language of the existing building. There will be no additional built area on the ground floor as the new build only uses the existing built footprint except for the new bin storages located near both access points.*

*Replicating the existing block's materiality, the proposal is typical of the surrounding 1960s buildings. The proposed extension combines red brick with recessed sections of timber shingles and white render, maintaining the existing appearance below. The proposed proportionality and positioning of openings matches the existing building to achieve a coherent and seamless extension where the new is indistinguishable from the old.*

*The new extension will be discreet and the proposed flat roof replicates the existing blocks, maintaining its minimal impact on the surrounding site thanks to existing vegetation to the South, West and East.*

As indicated by the Agent the applicant has therefore sought to improve the design of the development compared to the previous planning application by relating more to the design of the existing building incorporating brick, recessed timber shingles and white render. Whilst this ensures that the additional floor relates more to the design of the existing building, your Officers remain concerned about the overall design approach.

Scheme dismissed at Appeal



## Current Prior Approval design



By adding a floor onto the existing roof the building appears 'stretched' with a greater expanse of brickwork between the fenestration on the third and fourth floors. It is also difficult to separate considerations of external appearance with concerns about the overall appearance of the original 1960's apartment block. The existing building by virtue of its scale, bulk and massing is already a discordant feature in the streetscene and increasing its height as recognised by the Inspector would, 'create an alien and overly oppressive development.'

It must be emphasised to the committee in their consideration of this application that under the new prior approval regime for this type of development it is no longer clear whether these considerations would fall within the scope of external appearance. Since these particular requirements have only very recently been introduced, this will only be known once such matters have been tested at appeal and potentially through the Courts.

Nonetheless, the site occupies a prominent corner position in the streetscene and its appearance can already be considered to be somewhat anomalous which will only be exacerbated by the proposal, even taking into account its revised design. As such, therefore, it is considered on balance that as appearance is a relevant criteria in the determination of the prior approval, it would be justified to resist the proposal.

For reference, the Inspector made the following comments in dismissing the previous appeal:

*The proposal would add an additional storey to the block of flats and the creation of a four storey building in this location would create an alien and overly oppressive development. It would be visible in the wider views of the street scene, especially when looking towards the site across the West Tarring Road Recreation Ground. Travelling along Church Road the structure would loom into view and appear as a dominant and aggressive development, entirely out of context with the surrounding residential development. Despite a significant level of planting along some of the boundaries the development would still be visible between planting from Parkfield Avenue, and the change in materials and considerable scale of the building would draw attention to it as a discordant and jarring development.*

*Whilst I accept that the residential dwellings vary in scale and form, they sit comfortably within their respective plots and have a consistent relationship in terms of siting and overall levels of roof height. The 2-3 storey former Priory Rest Home is not seen in the context of the immediate street scene and in any event would still*

*remain at a lower height than the appeal scheme. The appeal scheme would appear as a discordant addition to the street scene and despite design elements being used creatively to provide some setbacks and open air elements the additional development would cover the majority of the existing roof space and significantly increase the overall scale of the building.*

*As such I find that the proposal would be significantly harmful to the character of the area. It would result in an ill-conceived addition to the existing building that would fail to sit comfortably within the street scene. As such it would conflict with Policy 16 of the Worthing Core Strategy which requires new development to demonstrate good quality architectural and landscape design and to use materials that take account of local physical and historical characteristics of the area. I accept that the National Planning Framework encourages efficient use of land, however this should not be done in a manner that would be harmful to the existing character of the area.*

It must be re-emphasised that the new prior approval regime no longer means that all of the Inspector's comments can be taken into account. Such was the depth of the objection outlined in the previous appeal decision, though, and while there have been some design changes, that even if some of the comments are no longer relevant, it is still felt that the Inspector gave a clear indication that design changes alone would not overcome the objections raised. It follows, therefore, that the proposal does not meet the requirements of the National Planning Policy Framework.

No detailed landscape proposals have been provided, including no proposals to fell trees or other landscaping proposals, therefore tree protection and protection of existing vegetation and new planting would need to be approved by condition should prior approval be granted.

### **Provision of adequate natural light in all habitable rooms of the new dwellinghouses**

Adequate natural light for habitable rooms in the proposed flats has been demonstrated in the submitted drawings.

### **Impact on the amenity of the existing building and neighbouring premises**

Having regard to the intensification of the use of the building from the resultant increase in flats, in the context of the existing 27 flats it is considered that the level of activity associated with 9 new flats is not likely to give rise to any significant loss of amenity.

The proposal introduces parking, and therefore vehicular movements, to the east of the building, a more intensive use of the space where at present it is used as a side communal garden for existing occupiers and includes some bin storage. Although there are other garden areas that occupiers can enjoy, it is acknowledged that there would be some loss of amenity suffered by occupiers of those flats where they currently enjoying a direct outlook over this green space, and its more intensive use for parking would result in increases noise and activity associated with vehicular and pedestrian movements, although this relationship is accepted on the north side of the building where parking exists close to residential windows. Neighbouring



occupiers to the east of the proposed parking would be less directly affected by this, with the presence of an intervening driveway to the side of No. 26 and 26a.

Whilst the existing garden areas surrounding the flats may suffer some loss of light as a result of the additional storey and would be overlooked by additional flats, in the context of the effects of the existing building and flats this in itself is not considered to be a significant impact.

Despite the additional height proposed, neighbouring dwellings located on the opposite side of Parkfield Road and Church Road would be sufficiently separated to avoid any significant impact arising from the additional height and potential for overlooking given that this is the street frontage to the south and west sides.

The main impact to consider in terms of neighbouring occupiers is the effect on No.26/26a and No.28 which are dwellings to the immediate east of the site. Existing trees and vegetation provide an effective screen to parts of the eastern boundary, although this varies in height and density and is not all evergreen and so views towards the neighbouring properties are still possible from the side communal garden area as well as from the existing flats. Where gaps in vegetation exist, particularly at the northern end of the eastern boundary, some intervisibility between existing flats and the neighbouring dwellings already exists. It is acknowledged that additional flats would heighten this effect but having regard to the position of new windows to habitable rooms, and where the east elevation has been designed with a communal access along its east side, the design and layout attempts to minimise the effect of overlooking from the proposed flats. Separation distances are considered sufficient to avoid any significant impact in terms of loss of light or outlook.

Whilst it is acknowledged that the construction phases of a development are likely to be particularly disruptive to existing residents as noted in the representations, Condition A.2. (3) requires the developer to provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

**Impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012(1) issued by the Secretary of State**

None relevant

**Conclusion**

If this were a repeat planning application, the decision would be straightforward and the Inspector's decision would be a clear material consideration in resisting any subsequent, similar proposal. However, the recent change in government policy, effectively resulting in the principle of developments such as this being now acceptable in principle, must be taken into account which the Committee must be mindful of in making a decision. However, the new legislation still allows the Council to take into account the appearance of the proposal when making a decision and given the clear concerns in this respect, which were supported by an Inspector at

appeal, your officers feel it is justifiable to resist the proposal on appearance grounds.

### **Recommendation**

Subject to no new or compelling issues being raised in representations following the expiry of the consultation period:

#### **REFUSE Prior Approval** for the reason(s):-

The proposed development would, by reason of its unacceptable scale, massing, form and design, represent an overdevelopment of the site, relating poorly to the scale and appearance of the recipient building, and would therefore appear as an unsympathetic and incongruous addition to the building. As such, it is concluded that the proposed development would be contrary to policy 16 of the Worthing Core Strategy and the relevant paragraphs of the NPPF.

23<sup>rd</sup> September 2020

Application Number: AWD/1079/20

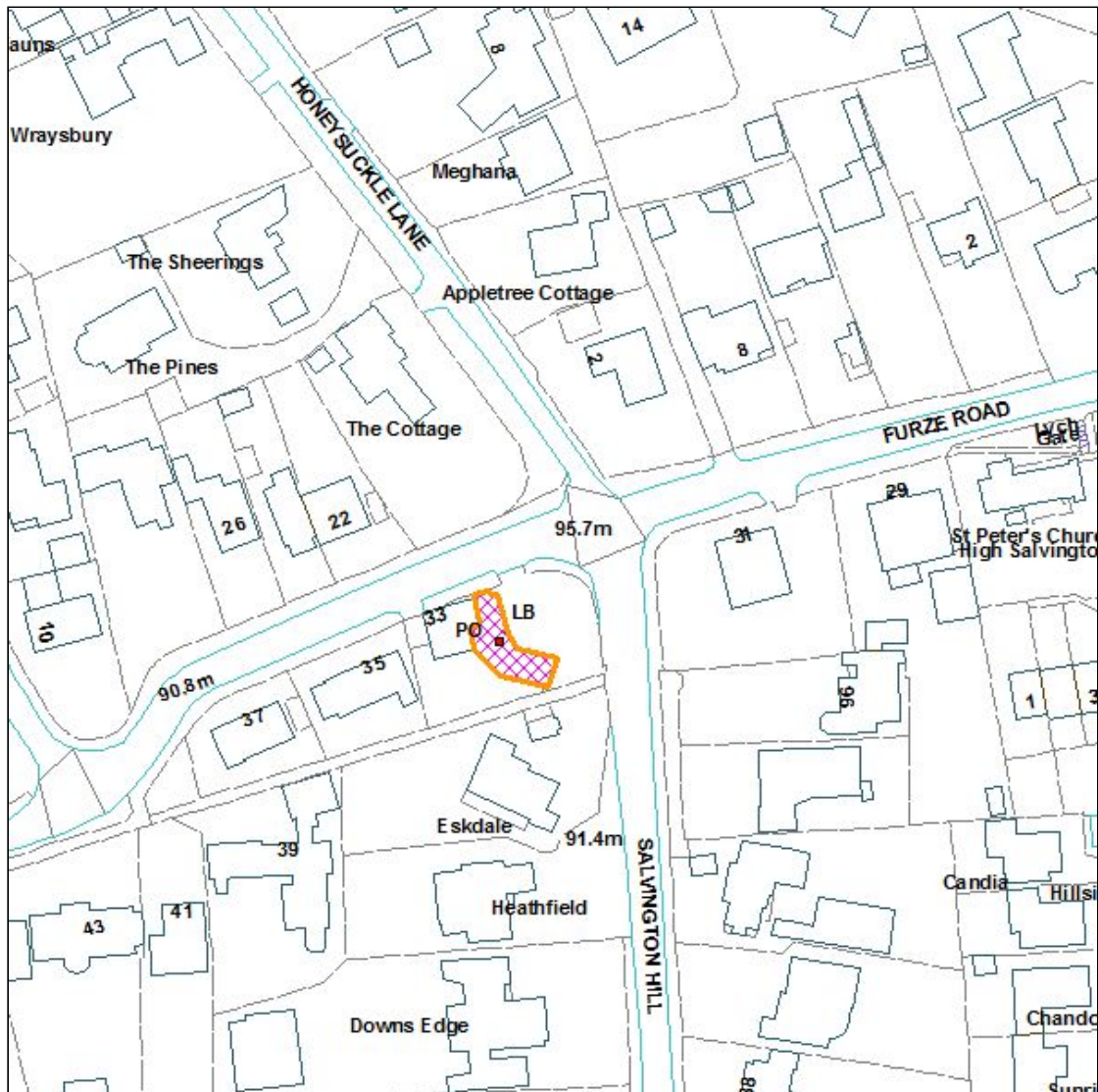
Recommendation – APPROVE

Site: Salvington Hill Stores Salvington Hill Worthing West Sussex

Proposal: Partial Change of Use from A1 (retail) to A4 micro-pub;  
internal reconfiguration to include accessible WC, cold room,  
counter space and barbershop

Applicant: Mr Baxter  
Case Officer: Amanda Haslett

Ward: Salvington



Not to Scale

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### Site and Surroundings

The site is located on a corner plot at the top of Salvington Hill and at the junction with Furze Road and Honeysuckle Lane. The site is within the built up area boundary and on the outskirts of development in Worthing. The building is not

within a conservation area or Article 4 designation and is not a listed building. There are no protected trees on site.

The site comprises a crescent shaped single storey building with attached dwelling (No.33 Furze Road – not part of the application site) and forecourt parking area to the front, north-east/east elevation. The building currently accommodates a village shop, post office and barbershop. There is an outdoor seating area to the front (south-east/east) of the shop. The shop was registered as an Asset of Community Value in 2018, securing its status as an important community facility for local residents.

The building has white/cream rendered elevations with black timber boarding detail, timber shop window frames and a tiled hipped roof. The parking area to the front of the building is accessible by vehicles from Furze Road to the north and Salvington Hill to the east. There is a low brick wall to the front boundary of the site between the two accesses.

## **Proposal**

Planning permission is sought for partial change of use of the ground floor from A1 (retail) to A4 (micro pub) resulting in a mixed use as a community hub to include a barbershop, village store, post office and micro pub.

The revised layout will result in the reduction of floor space for the village shop from 59m<sup>2</sup> to 32m<sup>2</sup> with the micro pub/refreshment rooms occupying one side of the ground floor and the village store and barbershop occupying the other side with a central counter space, cold store and toilets.

Food will be limited to pre-prepared items such as sausage rolls and cakes/pastries along with crisps and generic bar snacks. Coffee and tea will be available along with soft drinks outside of licensed hours.

It is intended to retain the post office facility as part of the proposal. This is subject to an application procedure that is independent of and entirely separate to the planning process. The counter has been designed to provide room for three separate serving areas to incorporate post office services, the village store and the micro-pub independently.

Openings hours as proposed are:

### **Micro-pub**

#### *Monday-Friday*

07.30 - 11.00 for non-alcoholic sales

11.00 - 22.00 for all use

#### *Saturday*

07.30 - 11.00 for non-alcoholic sales

11.00 - 22.00 for all use

#### *Sunday & Bank Holidays*

08.00 - 12.00 for non-alcoholic sales

12.00 - 18.00 for all use

**The Village Shop**

*Monday-Friday*

07.30 - 22.00

*Saturday*

07.30 - 22.00

*Sunday & Bank Holidays*

08.00 - 18.00

**Barbershop**

*Monday-Friday*

09.00 - 17.30

*Saturday*

08.30 - 16.00

*Closed Sunday and Bank Holidays*

The only external change proposed is to replace the double door to the barbers shop with a single door to accommodate the new layout.

Four tables accommodating a total of 16/20 people would be located outside at the front of the building. These tables would provide outdoor seating for use when the weather permits.

A designated smoking area would be located to the south side of the entrance including two of the outdoor tables.

Four parking spaces would be provided for the development, located on the forecourt to the building. Existing vehicular access to the site is via separate entry from Salvington Hill and exit on to Furze Road.

The private access to the residential flat above as permitted under application AWDM/1489/19 would be retained as existing.

**Relevant Planning History**

AWDM/1489/19 - Conversion of existing roof space over existing village shop, post office and hairdressers to self-contained 2 bedroom flat with 3 no. pitch roof dormers to east/north-east elevation and large continuous dormer to west/south-west elevation with 4 no. roof lights to flat roof and 3 no. windows to west/south west elevation and other alterations including bin store and bike rack to south. (Re-submission of AWDM/0483/19) - Approved

AWDM/0483/19 - Conversion of existing roof space over existing village shop, post office and hairdressers to self-contained 2 bedroom flat with 5 no. pitch roof dormers to east/north-east elevation and large continuous dormer to west/south-west elevation with 3 no. roof lights to flat roof, hip to gable roof extension to east elevation and other alterations including bin store and bike rack to south - Refused

98/0651/FULL – Partial change of use to estate agents and chartered surveyor – Approved. A2 use subsequently reverted to A1 use which is the current use for all three commercial units.

## Consultations

**West Sussex County Council:** *No objection from a transport/highways aspect, subject to conditions requiring car parking spaces to be constructed and retained for the use.*

**Adur & Worthing Councils:** *The Environmental Health officer recommends conditions to restrict hours of opening to those contained within the application and the use of tables and chairs outside to be restricted to Monday to Saturday 11am to 9pm and Sunday 11am to 6pm, in order to reduce the impact and loss of amenity on nearby residential properties.*

**Sussex Police:** *No major concerns with the proposals given the small amounts of customers and limited opening hours, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered. The use should be conditioned to ensure it remains as a micro pub and not an A4 drinking establishment to which Sussex police would object. It is advised that CCTV is installed to aid crime prevention. The applicant should consult directly with Police Licensing at Sussex Police before making plans for licensed premises serving alcohol or conducting other licensable activities at this site.*

## Representations

99 representations received in total from local residents, 85 in support and 12 objections as summarized below:

### Support

- Excellent local community asset and a much needed resource for the benefit of the community, having a positive impact on the local area.
- The area is residential with limited amenities; reinstatement will provide a local hub to socialise and support the more isolated members of the community.
- At 90 years of age and with no car this is a valuable community asset providing a meeting place to socialize.
- Fantastic initiative which will enhance the facilities for High Salvington to create a proper centre/hub for the community and to have a safe place to mix socially and a convenient place to shop.
- The shop has been a lifesaver during Covid crisis and has proved its value during this time and helped develop a stronger community spirit on the hill.
- Perfect location for a tea room or micro pub and a great asset to the local neighbourhood bringing the community together and supporting local non corporate individual breweries.
- Not only will this ensure the continuation of the village shop, post office and barbers which at times has been uncertain, it will add the micro pub/refreshments for all to enjoy, not just the local residents.
- The applicants have demonstrated their commitment to the community in setting up and running an excellent local shop, complementing the vital service provided by the High Salvington Post Office. The plans will help to build on that commitment and ensure the continued viability of the business on which so many residents and visitors to High Salvington rely.
- It is important that the Post Office remains a key part of the business.

- The residential accommodation above will be occupied by the applicant. This adds to the safety and security of the facilities.
- As a resident I will utilise all aspects of the proposed businesses and use the shop on a daily basis.
- There is currently no similar facility in reasonable walking distance.
- A small general store and post office is a necessity especially given the age of residents and to add a place to meet and socialise would be a great and welcome improvement.
- Will provide a focus and identity for the community.
- We understand that the Post Office will be included and feel that this is most important and it has been under threat for some time.
- The closing of the shop last November was a huge blow, particularly to the elderly who relied on the shop for essentials. It is a lifeline for many residents old and young alike.
- It will enable the couple seeking the planning permission to make it a viable concern which will also help to keep the shop and post office facilities open to the convenience of all who live here.
- So long as the Post Office, village shop and barber shop, which are vital lifelines for the population in High Salvington, are retained, and provided that there is no anti-social noise and behaviour, the addition of the proposed amenity should add a potentially pleasant element to the area.
- As there will be no loud music and nothing after 10pm, there should be no problem especially as the operating leaseholders will be living above the store.
- I understand the fear of immediate neighbours and the potential impact of noise but feel the proposed opening hours and closing of the outside tables at an earlier time will help prevent this.
- If the community wants the village shop to continue, we ought not to constrain any reasonable additional income stream which may help to ensure its financial viability.
- Losing the shop when it closed down had a significant effect on a number of the residents who relied on it, we need to support local business and understand the need for change to make a business financially viable and to prevent the complete closure of this shop in the future.
- It is unfortunately not sustainable solely as a shop, so combining a shop with a micro-pub would be the ideal solution to keep the shop open.
- The pop up shop has been a lifesaver during the Covid crisis, enabling local residents, many of whom are elderly, to obtain essential supplies without need to visit the larger supermarkets. There needs to be something else in order for a business such as this to survive and I believe a micro pub would be a benefit to residents as a meeting place and community hub. The extra income that this would generate would make the shop more sustainable and would mean that the local residents are not so cut off.
- Businesses have to be dynamic and adapt to the changing economic climate in order to survive. We would rather have some local amenity than have the building sit vacant and/or be turned into flats.
- Support this proposal in principle on condition that the Post Office facility is retained.
- Concern over the lack or reduced parking and potential for people parking on the bus stop, could be easily addressed by floor markings/hatchings to the bus stop.
- People using the micro pub are unlikely to be driving. These establishments are not trying to attract younger clientele out to party but local residents dropping in for a pint after work for a social drink and a chat.

## **Object**

### *Parking/road safety*

- Parking only available for 3 cars.
- Loss of parking as result of approved flat and proposed outdoor tables.
- Change of use will increase demand for parking in the area, causing a nuisance and inconveniencing highway users and local residents.
- People unlikely to walk to the premises, particularly in inclement weather, thus implying yet more vehicles since the bus service stops at 1800hrs.
- Inconsiderate parking already causes inconvenience to road users and the extra parking needed for customers could prevent the No 7 bus from using the stop at the village stores.
- Bus drivers have to reverse from Furze Road back into the bus stop to allow access to the residents. There is a risk that if this manoeuvre becomes too dangerous the bus company will revert to turning into Hayling Rise, thus depriving the top of the hill with a valuable amenity. This bus is a lifeline for the elderly, disabled and those unable to run a car. The bus is a greater need and bigger asset to the community than a micro pub.
- The premises are located on a difficult junction, at a dangerous bend in the road where crossing the road is already perilous. There is no pavement to the south of the shop on the west side of Salvington Hill nor is there any pavement of the north side of Furze Road to the east of the shop. There is no pavement at all in Honeysuckle Lane.
- Patrons walking to and from the proposed 'pub' may be inebriated to some extent, with dark clothing and no torches, the potential risks from lack of visibility, additional parked vehicles, increased traffic flow during hours of darkness may cause of an accident and reduce safety for pedestrians, particularly those who have consumed alcohol on the premises, this poses a serious hazard to residents both walking and in cars.
- Extra pollution from standing traffic and increased traffic noise.
- On at least three occasions, drivers have failed to safely negotiate the corners near the village stores and have crashed through the wall surrounding the existing forecourt in front of the Village Stores.

### *Noise and disturbance:*

- The suggested opening hours to 10pm are excessive for the location. This is a quiet, semi-rural, residential area, not suitable for a micro pub with such late opening hours.
- We encourage having a community hub in the daytime with refreshments and conversation, but the provision of alcohol after 6pm would be a threat to the peaceful character of the neighbourhood.
- Closing at 8pm would make the premises less attractive to rowdy groups from outside the locality and enable local people to socialise without the serious risk of noise impacting neighbours to the property.
- The outside tables should be designated non-smoking to further reduce the impact on neighbours. The smell of cigarette smoke from the outdoor designated smoking area will travel to surrounding properties, particularly at night and will negatively impact the nearby householders' ambience.



- Due to the limited space, people would spill out onto the pavement causing noise and disturbance to neighbours
- The romantic notion of a community hub is very enticing but the reality will be groups of people enjoying alcohol outdoors which tend to grow louder than is tolerable, which as a regular occurrence is disturbing. Licensed premises generate noise, loud jollity, and raucous behaviour which cannot help but disturb the near neighbours and result in an increase in noise and disturbance.
- Noisy groups congregate at the bus stop/car park disturbing neighbours, creating litter, and using private driveways as a toilet, adding alcohol will only exacerbate this and result in an increase in intimidating behaviour.
- High Salvington is a quiet semi-rural area which welcomes walkers, cyclists and those that appreciate nature. The introduction of a micro pub and alcohol will increase litter, noise, anti-social behaviour and possibly destroy that peace that we currently enjoy.
- Although an increase in socialising would be understandably seen as an asset by most residents, the implications for those closer to the planned pub would be adversely affected and these residents would bear the brunt of the negative side to the mixture of large groups, loud voices, litter and alcohol.
- Most residents in High Salvington will use the pub and then return home to their quiet, peaceful homes and gardens at a time of their choosing. For residents closest to the pub, we will be on the pub's timetable and lose autonomy over our way of life. The noise of groups talking and the inevitable rise of noise when alcohol is then poured into the mix will be the permanent background to any hope of enjoying our gardens and homes.
- A micro pub will attract young people from all over the Worthing area causing noise and parking problems. It could attract crime and drugs and an increase in undesirable behaviour and due to its location will attract people who will drive to consume alcohol as public transport (bus) is limited and ceases early evening.
- The micro pub may attract users of the alcohol and drug dependency unit at the bottom of Salvington Hill, as has occurred in the past. Since alcohol became unavailable at the shop there has been a huge reduction in the number of empty alcohol containers littering the area.
- Increase in evening traffic and noise.
- Many of the letters in support of the application are from properties unlikely to be affected by noise from the premises.
- Will there be sufficient staff to oversee what is happening outside regarding security, noise and any anti-social behavior.

## Services

- The post office is to be reduced to a counter which does not offer the full range of services available at present which residents depend on. High Salvington does not have a cash dispenser, therefore the post office is vital to withdraw money or make money transactions.
- The post office runs from the same counter as the pub is not acceptable for secure banking transactions.
- We will lose the post office in favour of this brewery.
- Substantial reduction in size of the shop; the community amenity order was for a shop and post office. I do not see how these facilities would benefit from a pub occupying the majority of the space available.
- The reduced shop area is a concern as this is well used and as it is the only facility in the area, it is relied upon to give a comprehensive service.

- The reduced floor space might result in a reduction of the quality/range of services provided at the 'Post Office', probably a significantly more appreciated local service than the refreshments are likely to become.
- Size of the barbershop is too small for this popular service.

#### *Deliveries*

- Large delivery lorries obstruct the car park and highway, as there is not a sufficient or safe loading area.
- A limit should be imposed on delivery vehicle size.

#### *Character*

- The introduction of a micro pub in High Salvington will significantly impact the character of the surrounding area.
- Commend the idea of increasing the revenue of the business but would rather see a cafe set up for local residents to gather in day time hours and feel this is far more in keeping and sympathetic to a semi-rural area.

#### *Suggestions*

- Reduce the opening hours.
- Limit the size of allowed delivery vehicles.
- Resolve the potential parking problems
- Obtain assurances that the Post Office service will not be adversely impacted.
- Reject the change of use, to not allow the serving of alcohol and limit the refreshment hours.
- Change to a cafe/tea rooms rather than a micro pub.

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

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 6, 11, 16  
 Worthing Local Plan (WBC 2003) (saved policies): H18, TR9, RES7  
 Supplementary Planning Document 'Sustainable Economy' (WBC 2012)  
 National Planning Policy Framework (HCLG 2019)

### **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**

### ***Principle***

The site is not within any designated shopping area but serves as a local facility for the residents of High Salvington and is registered as a Community Asset. The proposed development would retain partial A1 (retail) use of the premises, securing the continued provision of these services. The introduction of the A4 (micro pub) use would support and complement the retail provision.

The existing retail use is not protected by Worthing Core Strategy policy as the premises are not within any designated shopping area. Although the current retail provision is not protected, the store is recognised as providing a valuable facility for local residents. The proposal accords with the principles of Policy 6 (Retail) of the Worthing Core Strategy which aims to *'encourage convenient and accessible district and local shopping facilities to meet day to day needs of residents, and contribute to social inclusion'*. The retail facility would be retained within the resulting mixed use development comprising micro pub, village store, post office and barbers shop and therefore complies with this policy.

Policy 11 of the Worthing Core Strategy (Protecting and Enhancing Recreation and Community Uses) seeks to retain and enhance existing community uses. Although there is no specific definition of uses covered by this policy, the current use of the premises as a shop, post office and barbershop could be considered as a community use, however, this would equally apply to the proposed use which retains the above services and includes a micro pub. The proposed use would create a community hub enabling social interaction for the local community and supporting the viability of the existing services, ensuring the retention of these facilities.

There is no policy objection to the proposed development which would further serve the surrounding community and is considered to be acceptable in principle. The key considerations are the effects on the viability of the retail use in relation to its status as a community asset, the visual and residential amenities of the locality and any impact on highway safety.

### ***Retention of Retail Premises and Community Asset***

The current building accommodates a village store, post office and barber shop. These shops do not have any formal designation within the Worthing Core Strategy but were registered as an Asset of Community Value in 2018 for the reason that they provide an important community facility for residents in High Salvington. It is noted that there is a lack of other services such as those provided within reasonable walking distance of the current site. Retention of these facilities is therefore important to the community.

Although there are no site specific policies to protect the retail services here, its designation as a community asset affords additional consideration with regard to any development that may harm the viability of such services. These services are vital to many members of the community particularly those that do not have access to a car enabling them to access other services further away.

The village shop was closed in October 2019 when the previous leasing arrangement expired. The shop was then reopened (by the applicants) as a pop-up shop in March 2020 for provisions and services during lockdown in response to the coronavirus pandemic. The current proposal intends to create a community hub to enable the business to continue to provide services to local residents, with the micro pub use supporting the shop and post office. Without the micro pub use to support the other functions and increase revenue, it is unlikely that the shop would continue to be a viable option and would inevitably result in permanent closure of the business and the loss of this Community Asset.

The floor space retained for the shop, although significantly reduced in size, would still provide sufficient space for the shop to operate and fulfill its role of providing essential shopping items to the local community. The open plan layout between the shop and micro pub would encourage customers to use both facilities supporting all aspects of the business and the local economy. The micro pub use would also offer tea, coffee and light refreshments, complementing the existing shop and barber shop uses.

The post office facility is not protected by planning policy and cannot be controlled or retained through planning permission, or influence the determination of this application. The applicants fully intend to retain this aspect of the business and sufficient counter space is provided to accommodate this facility. The retention and operation of the post office is however subject to an application procedure that is independent of, and entirely separate to the planning process.

The proposal is considered to secure the long-term future and viability for the shop and retain the building as a community asset.

### ***Visual amenity***

The only external changes proposed by this application are the alteration from a double door to a single door on the front elevation and the addition of external seating to the frontage on a seasonal basis.

There would be no harm to the visual amenities of the locality resulting from this proposal.

The additional use of the premises as a micro pub would not significantly alter the character of the property to the detriment of the surrounding area.

### ***Residential amenity***

Salvington Hill Stores is located within a residential area and it is recognised that there is potential for conflict between the residential uses and proposed drinking establishment (Class A4) which can give rise to noise and disturbance through late night activity as well as anti-social behaviour. The closest residential properties are No.33 Furze Road, attached to the west side, No.35 to the west side, 'Eskdale' to the south, No.31 Furze Road and No.96 Salvington Hill across the road to the east and 'Honeysuckle House' and 'The Cottage' across the road to the north. Other residential properties in close proximity to the site also have the potential to be affected by the proposal.

Micro pubs are becoming increasingly popular in recent years and typically serve and attract a different market to the large, corporate pub chains and drinking establishments. The Micro pub and Microbrewery Association define

Micro pubs as '*a small freehouse which listens to its customers, mainly serves cask ales, promotes conversation, shuns all forms of electronic entertainment and dabbles in traditional pub snacks*'. The proposed use would accord with these principles serving specialist ales and craft beer alongside tea, coffee and light refreshments and focusing on social interaction and conversation and encouraging a sense of community.

A business operating within the principles above is unlikely to generate an unacceptable level of noise and disturbance to local residents. The opening hours in association with the micro pub are limited to 10pm Mondays to Saturdays and to 6pm on Sundays and Bank Holidays. The outdoor seating area would be further limited to close at 9pm Mondays and Saturdays. Other potentially noisy aspects of the development would be controlled by condition to prevent gaming machines and loud music or TV being played. A further restriction to ensure that the premises remain as a micro pub and do not become a general drinking establishment would also be applied. Further conditions restricting open drinks outside the premises and bottle disposal would further limit the potential impacts of the proposal. The applicants intend to live above the premises which would aid proper monitoring and enforcement of the opening hours, conditions and the behaviour of patrons.

A balance is required between encouraging a new business venture that would result in the preservation of a community asset, shop and post office facility and safeguarding amenity. Recent experience of micro pubs elsewhere in Worthing (albeit in more urban locations) has not led to nuisance or anti-social behavior. Subject to the above controls, it is therefore considered that the proposed use could take place without giving rise to unacceptable detriment to the amenities of neighbouring residents.

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

Four car parking spaces are proposed within the existing parking area to the front of the building. WSCC parking standards would expect approximately seven parking spaces for the proposed use which may result in an overspill parking demand of three spaces. The use of the site will be for mixed A1 and A4 use, with small barbershop attached. Whilst the operating hours will be later than for the existing use; due to the limited floor space, the proposal is not anticipated to result in a material increase in movements over and above the potential of the existing retail use. Furthermore, the position of the premises within the centre of High Salvington and the provision of alcohol would reduce the need for travel by car, encouraging patrons to walk or cycle to the facility. A regular bus service stops directly outside the site providing a further sustainable means of travel to serve the business. It is unlikely therefore that any overspill parking resulting from the development would have any significant or harmful impact on local amenity.

Access to and from the site would remain as existing and no changes to this are proposed.

Highway safety would not be detrimentally affected by the proposed development and there are no highways ground to resist the proposal.

## ***Sustainability***

The site is within a sustainable location, serving the local community and accessible by public transport and other sustainable means of transport. The re-use of the existing building providing vital services to local residents would help to reduce the need for travel to larger facilities. The development is therefore considered to be sustainable.

## **Recommendation**

### **APPROVE**

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

1. Approved Plans
2. Standard 3 year time limit
3. Car Parking
4. Opening Hours
5. Micropub and retail use (not permitted as general A4 – drinking establishment)
6. Background music only
7. Open drinks only within designated areas within opening hours
8. Signage to leave quietly
9. Doors/windows shut from 9pm
10. No gaming machines or television broadcast
11. Bottles to be disposed of during daytime hours only
12. No primary cooking on site

23<sup>rd</sup> September 2020

Application Number: AWDM/1087/20

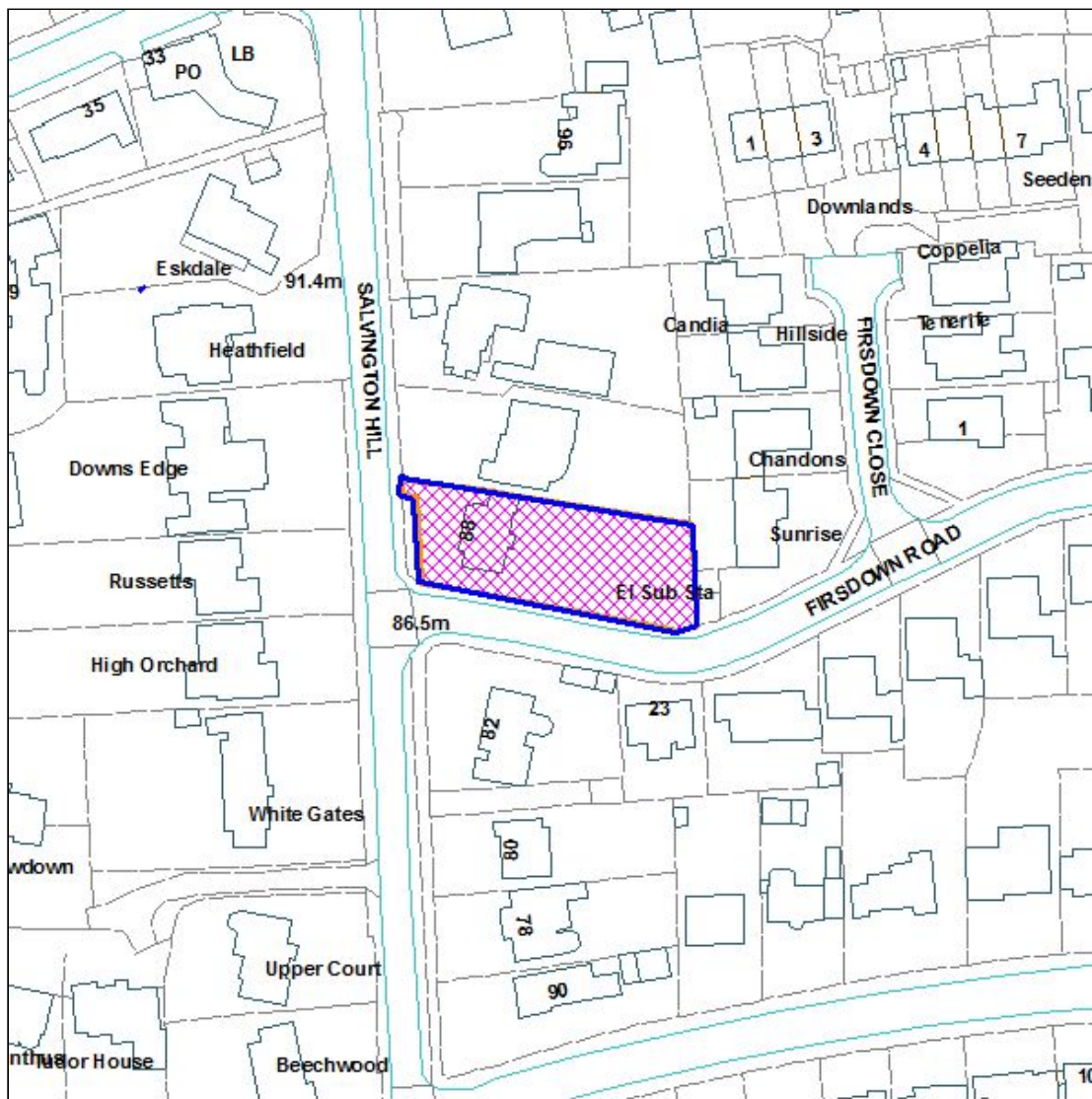
Recommendation – APPROVE

Site: 88 Salvington Hill Worthing West Sussex BN13 3BD

Proposal: Proposed two-storey 2no. bedroom chalet dwelling with attached garage to rear garden of 88 Salvington Hill with access onto Firsdow Road, including associated landscaping, bin store and 2no. parking spaces (Re-submission of AWDM/0256/20)

Applicant: Mrs Susan Simpson  
Case Officer: Jackie Fox

Ward: Salvington

**Not to Scale**

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## Introduction

Cllr Richard Nowak has requested that the application come before Committee indicating that having reviewed the documents it is apparent that the resubmitted

application does not address the loss of biodiversity which was a significant factor in the earlier application being rejected. Adding a further parking space, if anything, aggravates the situation albeit it may reduce concern about the new occupants parking on the roadside.

## **Site and Surroundings**

The application site relates to part of the rear garden of a property which lies at the junction of Salvington Hill and Firsdow Road. The host dwelling No 88 Salvington Hill faces Salvington Hill with the garden to the east. The property is on a partly sloping site.

The application site is enclosed with a line of Leyland cypress trees to the southern boundary and a mixture of trees and mature scrubs to the eastern side. There are trees subject to individual and group tree preservation orders to the northern boundary. The site is currently at a higher level than the existing road to the south, Firsdow Road.

Immediately to the east of the site is an electricity substation which is enclosed by close boarded fencing. Further to the east is a bungalow known as Sunrise. It has a rear west facing garden partly with a boundary with the application site. The bungalow is at a higher level than the application site.

This part of Salvington Hill comprises primarily detached two storey houses in spacious grounds. Firsdow Road and Close comprises primarily bungalows of various sizes with a mixed frontage. The south side of Firsdow Road has properties that are at a lower level

## **Proposal**

The application is a resubmission following the refusal of application AWDM/0256/20 and has been amended since originally submitted.

The amendments include a plan showing the proposed landscaping to the site, two parking spaces on the front drive and additional sustainability measures in excess of those required by Building Regulations.

The application proposes a chalet style dwelling with attached garage. The dwelling would be orientated north/south and would be set back approx. 5m back from the Firsdow Road frontage.

The proposed dwelling would have a central front door with a living room on one side of the hall and a kitchen /diner to the opposite side, both rooms would be through rooms.

At the first floor there would be two bedrooms and bathroom within the roof space lit by pitched roof dormers. The windows to the rear (north) at first floor would have glazing below 1.7m which would be obscure glazed and fixed shut. The dwelling would be set into the sloping site being at pavement level on the eastern side.

The dwelling would have a floor area of approx. 99sqm and a garden area to the north and west totally approx. 164sqm.



The application would involve the removal of several leylandii cypress trees on the southern boundary and their replacement with perennial border shrubs. A new access and drive is proposed to the eastern side of the plot providing access to the attached garage. Two off road parking spaces are proposed on the frontage.

In response to the sole rounds of refusal of the earlier application the revised application includes the following measures to mitigate the impact of the development on biodiversity and enhance sustainability:

1. Additional trees to be provided along the proposed boundary between No 88 & the new dwelling.
2. Two gable-mounted bat boxes will be provided on the new dwelling.
3. A rainwater butt will be provided (with an overflow to a soakaway) to facilitate garden watering.

In relation to the 'Emerging Sustainability Checklist' (approved by Committee and to be approved by the Executive Member for Regeneration) the agent states the following:

1. The site is, naturally, outside any possible flood zone and stands on permeable chalk strata which will allow the use of soakaways resulting in rainwater being returned to the aquifer source.
2. The scheme will incorporate measures to limit water use to a level below 100 litres/per person/ per day by way of low water use, WCs, showers and taps.
3. The scheme will incorporate measures to achieve a minimum 19% CO2 reduction above the current requirements of the Building Regulations - Approved Document L and will achieve a 'C' rating Energy Performance Certificate.

### **Relevant Planning History**

*04/01351/FULL- Erection of one detached dwelling and detached garage- REFUSED:*

*The proposed dwelling and garage would over-develop the site and create a cramped form of development out of character and detrimental to the amenities of the area. The proposed building line to Firsdow Road is inadequate and the dwelling would appear overbearing in relation to the road, would be detrimental to the appearance of the street scene and would detract from the amenities and outlook of the neighbouring dwellings. As such, the proposal conflicts with Policies DEV1 and CH1 of the West Sussex Structural Plan 2001-2016 and Policies BE1 and H18 of the Worthing Local Plan.*

*AWDM/0385/17- Single storey extensions to north and south elevations, with 1 metre high fence to south boundary atop existing wall*

AWDM/0256/20 - Proposed two – storey 2 bed house with attached garage to the rear of No 88 Salvington Hill with access onto Firsdow Road, including associated landscaping and bin store. Officers' recommendation to approve overturned on the grounds that:

*'The proposed development would have an unacceptable impact on the local environment and biodiversity to the detriment of the character and visual amenities of the area contrary to policies 13 and 16 of the Worthing Core Strategy and the relevant policies of the National Planning Policy Framework.'*

## **Consultations**

### **West Sussex County Council:**

#### *Site Background*

*The proposal is for the construction of 1 no. 2 bedroom dwelling with garage parking and a new access on Firsdow Road.*

*The application site is located on Salvington Road, but the proposal will see the creation of a new Vehicle Crossover (VCO) on to Firsdow Road, a publicly maintained, low trafficked, Cul-de-Sac style, unclassified road subject to a 30-mph speed limit. As a result, the Local Highways Authority (LHA) will refer to Manual for Streets (MfS) as guidance.*

*Previously the Local Highways Authority (LHA) received consultation on matters at this location under application AWDM/0256/20 for a similar proposal. The LHA gave advice on the proposal, raising no highways concerns.*

*The Local Highways Authority (LHA) has viewed the submitted plans and documents, taking a view that the applicant has not submitted clear enough details to assist in the LHA's recommendation for the Local Planning Authority (LPA). The LHA has provided comments below outlining the issues. These amendments will allow the LHA to make a thorough decision on highways safety grounds.*

*The LHA wishes to outline the issues that will need addressing before a formal recommendation can be made to the Local Planning Authority (LPA). This list will be followed with more detail below.*

#### *Access*

*The LHA wishes to provide comments regarding the proposed access onto Firsdow and address any concerns raised by residents. But first we wish to provide the following textual quotations from MfS that justify how we have come to our conclusion.*

*MfS 1 - Paragraph 10.6.1 states the following,*

*'Vehicle exits at the back edge of the footway mean that emerging drivers will have to take account of people on the footway. The absence of wide visibility splays at minor accesses will encourage drivers to emerge more cautiously - similarly to how vehicles pull out when visibility along the carriageway is restricted.'*

*MfS 1 – Paragraph 10.6.2 Consideration*

*'Consideration should be given to whether this will be appropriate, considering the following:*

*1. The frequency of vehicle movements;*

*The LHA considers that a development of this size, would have the potential to generate 2 x 2 way trips a day or 4 total trips. For the LHA to consider a site to*

generate a high trip rate, the LHA would be looking for a total of around 50 trips a day. As a result, the LHA does not raise concerns over the trip rate of the site.

2. The amount of pedestrian activity; and

3. The width of the footway.'

Given the nature of the road and the lack of schools in the proximity, the LHA anticipate that the footways in this location are low trafficked and given the nature of the pavement (1.8 metres wide, measurements taken from WSCC local mapping) the LHA content to consider that 10.6.1 can be considered when approaching a conclusion on the suitability of the access.

*MfS 1 – Paragraph 7.7.7 Reduction of Visibility set back distance.*

*'A minimum figure of 2 m may be considered in some very lightly-trafficked and slow-speed situations, but using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm. The ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered.'*

When considering the points raised above, the LHA would be mindful to accept a 2 metre setback distance for visibility to be demonstrated at the access point. The LHA therefore, requests that the applicant provides maximum achievable visibility at the proposed access point with an accepted 2 metre setback. Guidance for drawing visibility splays can be provided on request.

The applicant proposes a 6 metre VCO, given the nature of the drive, the applicant is advised to widen this to the maximum of 6.4 metres to avoid the potential for fouling upon the kerb.

#### *Advice*

The LHA wishes to provide advice on the following subjects that are not subject to the More Information request.

#### *Vehicle Parking*

Under WSCC Car Parking Guidance (adopted August 2019), the LHA would expect that 2 parking spaces would be enough for a development of this size and location.

For the LHA and MfS to consider parking spaces towards the provision of a site they must first meet minimum requirements of,

- Single bay parking space or carport - 2.4 x 4.8 metres,
- Single garage space - 3 x 6 metres (Internally),
- Single parallel parking space - 2 metres (obstruction free i.e. fence) or 2.4 metres x 6,
- Disabled Bay parking - 2.4 x 4.8 metres with a 1.2 metre hatched area located to the side.
- Disabled Tandem parking - 2.4 x 6.6 metres
- With the above guidance, the LHA provides the following comments.
- The applicant proposes a parking provision of 2 spaces for the new dwelling.
- The dimensions of the space(s) are,
- Bay Parking Spaces – Measures 2.4 x 4.8 metres, For the LHA to consider bay parking spaces towards the parking provision of the site they must first measure 2.4 x 4.8 metres (as per MfS guidance). The applicant has demonstrated such. As a result, the LHA would consider the parking spaces to provide a provision of 2 spaces.

- Garage space - Measures 2.9 x 5.1 metres (Internally),
- For the LHA to consider a garage to provide a parking provision of 0.5, the garage must first measure a minimum of 3 x 6 metres (as per MfS guidance) internally. As such, the garage would be considered to provide a NIL parking provision. From inspection of these findings the LHA provide the following comments. The above findings show that under WSCC and MfS Guidance the development will provide 2 parking spaces towards the provision of the site. This is in line with the minimum recommendation made by the PDC.

#### *Cycle Parking*

The applicant proposes a NIL cycle parking spaces. Under WSCC Cycle Parking and MfS Guidance, garages are considered to provide utilities towards a dwelling, in this instance, the LHA looks specifically at the cycle storage aspect. As the applicant has not demonstrated a provision, the LHA are mindful to accept that either these details are dealt with during this current planning application or secured with a suitably worded condition with details to be provided once More Information is provided.

#### *Turning*

A turn on site would be preferred, though there is insufficient space to achieve this. However, other properties have similar arrangements. Balanced against this is the benefit of removing a vehicle parked on the highway, where the existing practice is on-street parking by residents of adjoining properties, with a noticeable narrowing of the existing available carriageway.

#### *Electric Vehicle Parking (EV)*

In the interests of sustainability and as a result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments). Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via a suitably worded condition once More Information is provided.

#### *Construction Management Plan (CMP)*

WSCC acting as the Local Highways Authority (LHA) requests the submission of a comprehensive Construction Management Plan (CMP). This should set out the implementation of controls throughout the construction project to ensure that safety of users of the public highway, as well as its operation is not detrimentally affected.

The construction management plan shall amongst other things, set out the management of deliveries along Firsdow Road considering the carriageway width and presence of other vulnerable road users.

The LHA would be mindful to secure such matters via a suitably worded condition once More Information is provided.

## *Conclusion*

*Please raise the above access points with the applicant and re-consult. Until such time, the LHA is not in a position to provide final comments until we receive the requested information as stated above.*

*The applicant and Local Planning Authority should be aware that the information provided for this request, might result in the need for further documentation upon resubmission.*

## **Southern Water**

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer

## **Adur & Worthing Councils:**

### **Environmental Health Public Health**

*No objections and requires a condition relating to hours of construction.*

### **Environmental Health Private Sector Housing**

No objections

## **Engineer**

Flood risk- No objections to the proposals from a flood risk perspective. A condition is requested to require details of the surface water drainage scheme.

## **Representations**

There have been 16 letters of representations from residents or representatives of Firsdow Close, Firsdow Road, Downlands and Salvington Hill:

### **Tudor House Salvington Hill**

- Overdevelopment
- Loss of amenity
- Parking and traffic hazard for drivers, cyclists and pedestrians

### **Sunrise, Firsdow Close**

- Loss of privacy
- The dwelling would be out of keeping
- Loss of trees and wildlife
- Dangerous access on a bend in the road

### **Chandons, Firsdow Close**

- The dwelling is unattractive and out of keeping
- The application does not address the previous reason for refusal
- Dangerous access on a bend on park of a road which is heavily parked

#### 7 Downlands Firsdwn Close

- Overdevelopment
- Access is on a dangerous bend
- Additional on street parking
- Out of keeping with existing development
- Loss of trees would be damaging to nature and increase runoff

#### 23 Firsdwn Road

- Poor highway access
- Additional parking on the road causing traffic hazards
- Overdevelopment
- Impact on the character of the area, density and landscape
- Overlooking of kitchen and bedrooms, property at a lower level
- Loss of trees and wildlife
- Additional noise, disturbance and dust
- Loss of privacy and light

#### 1, 6, 7, 19, 20, 21 Firsdwn Road

- Dangerous access on a blind bend
- Additional parking and traffic on a congested road
- Overdevelopment of the site
- Out of character
- Previous application refused on the site
- Existing trees in poor condition
- Loss of trees and wildlife

#### Highdwn 90 Salvington Hill

- Previous application refused
- Loss of trees
- Noise and disturbance during building works
- Loss of privacy and overlooking
- Additional access and increased traffic
- Out of keeping with the street scene

#### 78, 82 Salvington Hill

- Loss of two mature hardwoods on the front boundary which provide a positive contribution
- Hedge should be removed and replaced with native species
- The design of the dwelling is out of character with Firsdwn Road
- Cramped overdevelopment of the site
- Previous application refused
- Dangerous access
- Loss of mature trees

#### 28 Chilgrove Close

- Dangerous access

## **Relevant Planning Policies and Guidance**

Saved Local Plan policies (WBC 2003): H18, TR9, RES7  
Worthing Core Strategy (WBC 2011): Policy 7, 8, 16  
National Planning Policy Framework (CLG 2012)  
National Planning Practice Guidance  
Space Standards SPD  
Guide for Residential development SPD 2013  
WSCC Guidance on Parking for New Residential Development (2019)  
Developer Contributions SPD  
CIL

## **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**

### **Policy context**

The policy context comprises the NPPF and the local development plan which consists of the saved policies of the Worthing Local Plan, Worthing Core Strategy Core and accompanying SPDs.

Policy CS8 seeks to deliver a wide choice of high quality homes to address the needs of the community with higher density housing (including homes suitable for family occupation) in and around the town centre with new development outside of the town centre predominantly consisting of family housing.

This policy was informed initially by the SHMA (2008), and the policy approach was subsequently supported by the SHMA Up-date (2012).

National planning policy contained in the NPPF post-dates the adoption of the Core Strategy. Paragraph 14 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 the development plan without delay and where the development plan is absent, silent or relevant policies 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 as a whole.

The Council's self-assessment of the Core Strategy's Conformity with the NPPF demonstrated that, for the most part, the Core Strategy conforms closely to the key aims and objectives of the Framework. However, it is acknowledged that in response to the requirements of the Framework and informed by local evidence a 5

year supply of housing in relation to Objectively Assessed Needs (OAN) cannot currently be demonstrated. A housing study has been undertaken to address this requirement and to inform the forthcoming Worthing Local Plan. The subsequent report (Worthing Housing Study, GL Hearn 2015) identifies an OAN of 636 dwellings per annum over the period 2013-33 consisting of *all* types of housing (that is, dwellings of all sizes and tenures).

Within this context the proposed dwelling would make a contribution to meeting housing need in the Borough.

The key consideration is whether the current proposal would overcome the refusal ground set out above in relation to the impact of the development on the environment and biodiversity. In relation to this revised application the Highway Authority has requested further information on access and visibility albeit these issues were not raised with the earlier application. The main issue is however in relation to concerns on the environment and biodiversity.

### ***Local Environment and Biodiversity***

The previous application was refused on the basis of policies 13 and policy 16 of the Worthing Core Strategy and relevant paragraphs of the NPPF. The Committee discussed the previous application at length on the 24<sup>th</sup> June particularly with regards to the loss of the trees and hedging on site, it was particularly noted that the Design and Access Statement and plans had not demonstrated appropriate mitigation for the loss of the trees. Concerns were also raised about the sustainability of the proposed dwelling but these did not form part of the refusal reason.

The National Planning Policy Framework (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.

Policy 13 of the WCS 'The Natural Environment and Landscape Character states all new development will respect the biodiversity and natural environment that surrounds the development and will contribute to the protection and, where applicable, the enhancement of the area.

Policy 16 states that throughout the Borough all new development will be expected to demonstrate good quality architectural and landscape design and use of materials that take account of local physical, historical and environmental characteristics of the area. In particular, new development should display a good quality of architectural composition and detailing as well as respond positively to the important aspects of local character, exploiting all reasonable opportunities for enhancement. Where appropriate, innovative and contemporary design solutions will be encouraged. It also states that new development should factor the site's physical features and resources into the design, considering wind direction and solar orientation when designing streets and buildings to minimise energy demand.

The Government in the NPPF recognises the key role that planning has in helping to shape places to support the transition to a low carbon future in a changing climate and secure radical reductions in greenhouse gas emissions, minimising vulnerability and improve resilience; encourage the reuse of existing resources and



supporting the delivery of renewable and low carbon energy and associated infrastructure

Para 175 d) of the NPPF indicates that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Para 170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate

The Council is committed to sustainable design and construction principles as well as mitigation of the impacts of climate change by reducing carbon dioxide emissions associated with new developments within the borough.

Adur & Worthing Councils declared a Climate Emergency in July 2019 and has committed to work towards becoming carbon neutral by 2030. The Councils have also signed the UK100 Cities Pledge to achieve 100% clean energy by 2050, and have published its Carbon Reduction Plan (2019) which sets out a pathway for the Councils to achieve carbon neutrality by 2030 for the Council's own direct emissions. Adur & Worthing Councils have also prepared a Planning and Climate Change Position Statement which provides guidance on the relevant planning policies (within the context of climate change) that must be taken into account when formulating development proposals. This Planning and Climate Change Interim Checklist builds on that Statement to provide guidance for developments, reflecting the higher standards in the emerging Worthing Local Plan. Although not formally adopted it is of relevance.

The interim checklist for this scale of development indicates that:

1. New build housing will achieve as a minimum a 19% CO<sub>2</sub> reduction upon the requirements within Building Regulations Approved Document Part L. Developers will be expected to provide evidence of the level of carbon reduction achieved in the dwellings through submission of SAP calculation reports at the design and built stages.
2. All new housing (including conversions and where retrofitting existing buildings) should achieve a 'C' rating Energy Performance Certificate.
3. New build residential developments are encouraged to use the Home Quality Mark and Passivhaus design standards.

4. As a minimum, new housing should incorporate measures to limit water use to 110 litres/person/day (lpd), and where possible to 100 litres/person/day.
5. All new development should incorporate design measures to maximise opportunities for natural ventilation and summer cooling to avoid contributing to the urban heat island effect and reduce vulnerability to overheating, unless it conflicts with the need for noise mitigation.
6. In all new developments there should be no net loss of trees and any trees removed should be replaced on a 1:1 basis to maintain current levels of canopy cover, and planting increased if possible.
7. All development should protect, create and enhance habitats and where necessary follow the mitigation hierarchy.

The application which has been amended since the previous refused application now includes an additional parking space on the front drive and an enhanced landscaping scheme. The applicants' agent has also provided additional information in relation to the emerging Sustainability Checklist.

#### Trees and ecology

The application site is heavily treed to the boundaries at the present time. There are a number of TPO trees on the northern boundary including group TPOs. The Order was made in 1978 and some trees have been lost in the intervening years although the retained trees still provide a significant presence.

The trees on the northern boundary would be retained and the plans submitted with the application indicate a root protection zone which indicates that the proposed dwelling would be outside this zone. A condition to ensure tree protection during construction would be appropriate

The application does include the removal of 8 Leyland Cypress trees on the frontage, the trees are overgrown and although currently a significant feature of the street are not worthy of preservation and the Councils arboriculturalist has indicated that he has no concerns with regard to their removal. It is important to stress therefore that the leylandii can be removed without any further recourse to the Planning Authority. In biodiversity terms the trees have little value compared to indigenous trees and hedges.

Five of the trees along the frontage will be retained which maintain some softening of the frontage. A condition to ensure retention of trees and shrubs to the north and eastern boundaries would be appropriate as well as a landscaping condition to ensure that suitable replacement are provided on the frontage.

The applicant's agent has indicated that the existing overgrown hedge has effectively eliminated any natural habitat beneath the hedge canopy and severely restricts natural light onto the rear lawn and borders. Leyland Cypress when left unattended each sends out several low level offshoots from below ground level and these offshoots develop into the hedge material. As the original saplings were planted at the same time the original main trunks in the vicinity of the new plot appear to number no more than eight with the additional numerous 'trunks' being

offshoots from the original specimens, a concern that members had raised on the number of trees being lost.

To offset the removal of the Leyland cypress trees and mitigate the environmental impact and enhance sustainability the scheme now includes:

- Two weeping cherry trees on the boundary between No 88 and the new dwelling
- A mixed perennial border on the boundary between No 88 and the new dwelling.
- Mixed perennial border to the street frontage whilst continuing to allow for visibility
- Retention of existing shrubs and native species on the eastern boundary outside of the build zone
- retention of the significant trees and hedging on the northern boundary
- Two gable-mounted bat boxes
- A rainwater butt (with an overflow to a soakaway) to facilitate garden watering

The additional landscaping and biodiversity would be an enhancement to the scheme and could be further enhanced with perennial species which are bird and bee which could be dealt with by condition. The scheme provides for a landscaping structure which would retain some of the Leyland cypress hedge whilst providing enhanced species rich biodiverse landscaping in accordance with policy 13 and 16 of the Worthing Core Strategy.

### **Emerging Sustainability Checklist**

In relation to the Emerging Sustainability Checklist the applicants' agent has provided the following:

- The scheme will incorporate measures to achieve a minimum 19% CO2 reduction upon requirements of the Building regulations Approved Document L
- Achieve a 'C' rating Energy Performance Certificate
- The site is, naturally, outside any possible flood zone and stands on permeable chalk strata which will allow the use of soakaways resulting in rainwater being returned to the aquifer source.
- The scheme will incorporate measures to limit water use to a level below 100 litres/per person/ per day by way of low water use, WCs, showers and taps.

The proposed scheme therefore achieves points 1, 2, 4 and 7 of the relevant checklist. In relation to point 5 the dwelling would have a north/south orientation of windows with ventilation to both elevations. With regards to point 6, a one for one replacement on trees, in view of the existing trees, site constraints and replacement of natural species a one for one would not be appropriate. Finally in relation to 'passivhaus standard' this requirement is encouraged, and although the applicant has provided some elements towards the standard as above it is not considered that the scheme could be refused purely on this basis.

As indicated above the checklist is an emerging document, the scheme has gone a long way to achieving the relevant points and together with the enhanced landscaping scheme would improve sustainability and biodiversity on the site.

### ***Residential Amenity***

The impact on residential amenity did not form the refusal of the previous application on this site. The additional parking space would not impact further on residential amenity.

### **Accessibility and parking**

Access would via a new access point off Firsdow Road. The new access involves the removal of trees along the frontage and the lowering of the site. Two external parking space are now shown and a single garage.

Neighbouring residential properties have raised concerns regarding additional traffic, parking and the access is on an unsafe bend.

WSCC highways have indicated that they require further detail on the width of the access and visibility splays before a formal recommendation can be provided. The LHA are requesting a minimum 2m set back distance for visibility to be demonstrated at the access point and the Vehicle crossover increased from 6m to 6.4m.

The applicant has been requested to provide this detail or comments and members will be updated at committee.

It should however be taken into account that the current scheme offers two parking spaces, the previous scheme for one space was considered acceptable to the LHA.

### **CIL**

The site will be subject to a Community Infrastructure Levy of just under £15,000.

### **Recommendation**

### **APPROVE**

**Subject to satisfactory plans in relation to the width of the access and visibility the following conditions are suggested:-**

1. Approved Plans.
2. Standard 3 year time limit.
3. Agree external materials, finishes and architectural details.
4. Agree and implement the details of hard and soft landscaping, trees to be retained and measures for protection of retained trees and shrubs.
5. PD withdrawn for extensions and incidental buildings
6. PD withdrawn no additional windows.
7. Implement the details of boundary treatment.
8. Agree the Details of ground level removal and slab levels.
9. Implement refuse and waste facilities in accordance with approved plans.

10. Provide the vehicular access in accordance with the approved site plan.
11. Provide parking including EV point prior to occupation.
12. Provide cycle parking in accordance with the approved plan prior to occupation.
13. Agree and implement a surface water drainage scheme.
14. Hours of work.
15. Construction management plan to include, frequency and type of construction vehicles, routing of vehicles, parking, loading and unloading, security hoarding, wheel washing, no burning, public engagement and dust control.

#### Informative

1. Pro-active amendment
2. New address
3. Vehicle crossover
4. Southern water
5. Infiltration rates

23<sup>rd</sup> September 2020

Application Number: AWDM/1137/20

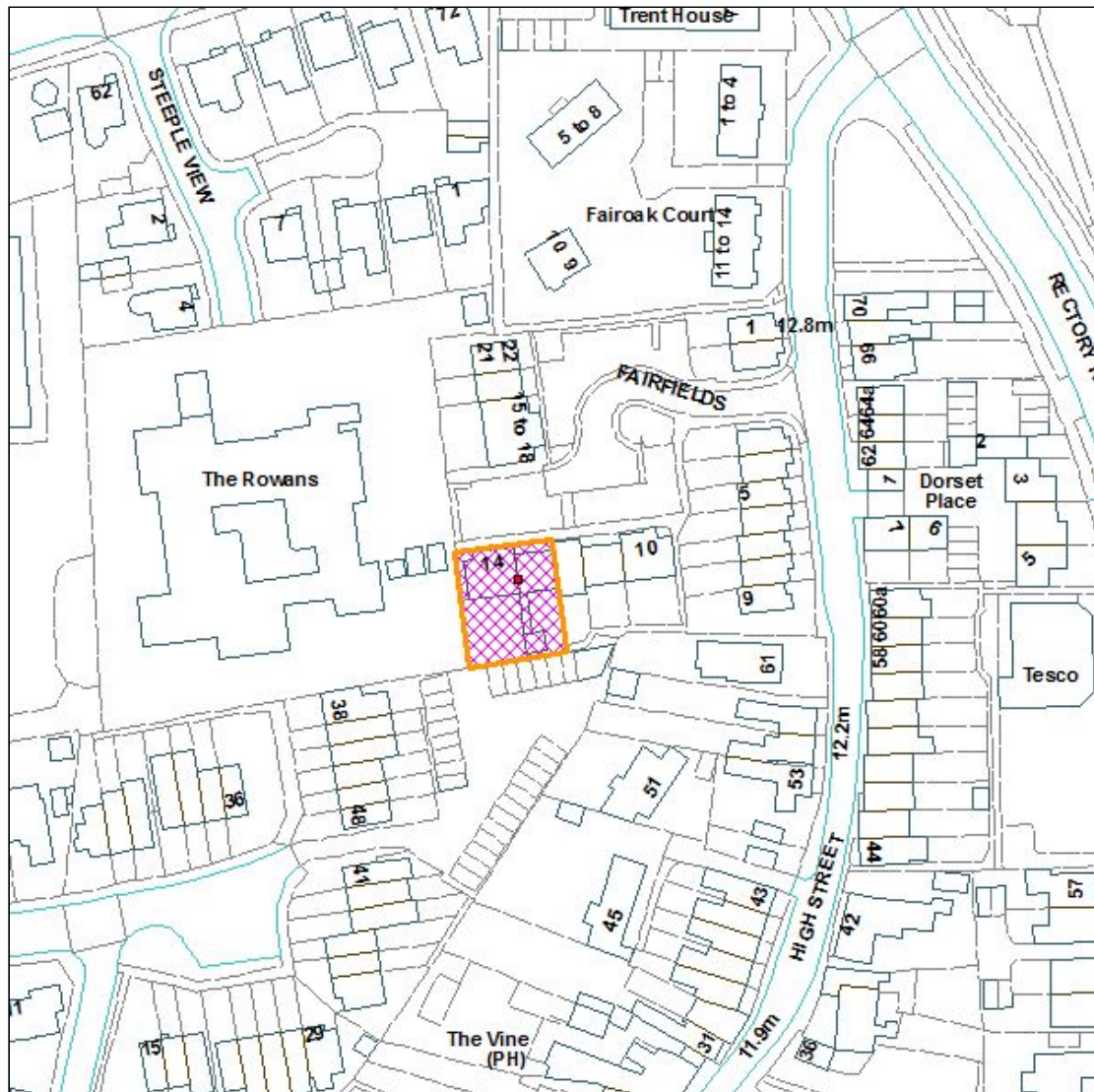
Recommendation – APPROVE

Site: Development Site at 13 and 14 Fairfields, Worthing

Proposal: Conversion of 2no. dwellings (numbers 13, 4 x bedroom and number 14, 2 x bedroom) to form one 6 bedroom dwelling

Applicant: Home Group Limited  
Case: Rebekah Hincke  
Officer:

Ward: Tarring



Not to Scale

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### Proposal, Site and Surroundings

The application site relates to two 2-storey dwellings on the south side of Fairfields. This is a relatively modern cul-de-sac housing development set back from High Street on its west side, with two rows of terraces within Fairfields and another

fronting High Street. No. 13 and 14 are located in the south west corner of the cul-de-sac at the end of the terrace row. No.13 is a 4 bedroom dwelling and No.14 is a 2 bedroom dwelling. Each has an enclosed rear garden and there is a parking courtyard to the frontage.

Permission is sought for the conversion of the two dwellings into one 6-bedroom house. The conversion works would include internal alterations to allow access between the two parts at both ground and first floor levels. The room layout would remain largely as existing but with changes to allow for a new bedroom within No.14 and convert a smaller bedroom in No.13 to a study to facilitate the access, as well as altering the function of some of the living space to allow its occupation as one dwelling. The drawings indicate replacement windows and a new first floor rear window for No.14 but with no other external alterations proposed.

The applicant's supporting statement sets out the following background to the application:

*It has been identified that the family currently living at No. 13 Fairfields need additional space for the well-being of various members of the family some of whom have particular needs as identified by Social Care Services.*

*No. 14 Fairfields is currently not occupied.*

*Discussions between various parties, including the tenants at No. 13, WBC Environmental Health, WBC Private Sector Housing, Home Group and Social Care Services, have concluded that it would be in the best interests of the family at No. 13 for the two properties, Nos. 13 and 14 Fairfields, to be occupied as one dwelling with alterations as necessary including a knock-through at each floor level.*

*The alteration works have been designed to enable simple transition back to 2no. dwellings. The proposals include bathroom and kitchen facilities being retained in each property and separate services maintained to each property. The reversion to 2no. dwellings will be effected when the needs of the family change such that the additional space is no longer required.*

*A grant has been approved to fund the works under Disabled Facility Grant Reference WK/201909526 / 29 / 30.*

*It recognised that the loss of a dwelling unit could be considered contrary to planning policy. However it is contended that the immediate needs of the family outweigh the disadvantages of losing a dwelling unit for a period of time.*

*It would be helpful for any approval to include a condition allowing automatic planning consent for reversion back to 2no. dwellings, when the needs of the family change such that the additional space is no longer required, without the need for a further planning application at that point.*

*Social Care Services have identified that a prompt conclusion of the necessary consents and execution of the works is essential for the well-being of the members of the family at No. 13 with particular needs.*

*As such, it is requested that the determination of this application is expedited.*

## Consultations

**West Sussex County Council:** The **Highway Authority** has raised no objection and has made the following comments:

### *Site Background*

*The proposal is for conversion of 2 dwellings (1 no. 4-bedroom and 1 no. 2-bedroom) to form a unified 6-bedroom dwelling.*

*The application site is located on Fairfields, a publicly maintained, low trafficked, unclassified road subject to a 30-mph speed limit. As a result, the Local Highways Authority (LHA) will refer to Manual for Streets (MfS) as guidance.*

### *Access*

*The applicant proposes to use an existing access onto Fairfields. No changes to the access are proposed.*

*An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury collisions within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is currently operating unsafely.*

*With all the above considered, the LHA would not anticipate that the proposal would generate a highways safety concern at the existing access.*

### *Vehicle Parking and Cycle Parking*

*The applicant has not provided a parking provision existing or proposed. However, WSCC local mapping shows that the site benefits from a large hardstanding area, that the LHA anticipate being large enough to accommodate any parking needs generated by the proposal. Weight is also given to the fact that the existing dwellings generated a parking demand for themselves and such parking needed to be accommodated in this area.*

*To summarise the LHA raises no concerns over the Parking.*

### *Electric Vehicle (EV) Parking*

*In the interests of sustainability and as a result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments). Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via a suitably worded condition which is advised below if the LPA deem appropriate.*

### *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.*

*The LHA advises the LPA that if they are mindful to permit the above application than to attach the following conditions:*

#### *Conditions*

##### *Cycle Parking*

*No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.*

*Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.*

##### *Electric Vehicle Charging Spaces*

*No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details **to be** submitted to and approved by the Local Planning Authority.*

*Reason: To provide sustainable travel options in accordance with current sustainable transport policies.*

#### **Adur & Worthing Councils:**

The **Private Sector Housing** team has confirmed no objections on PSH grounds.

The Engineer has made the following comments:

*Flood risk- The application is within flood zone 1 and is not shown as being at risk from surface water flooding. We therefore have no objections to the proposals from a flood risk perspective.*

*Surface water - the proposals will not increase impermeable area. We therefore have no conditions to request. Any proposed alterations to surface water drainage must be designed and constructed in accordance with building regulations.*

#### **Representations**

One representation received from a neighbouring occupier raising concerns that the site access would be made at the rear next to the garages accessed from Church Way.

One representation has been received from High Street Tarring Residents Association raising the following points:

- It is understood that the current policy for Worthing is to increase affordable housing units and that there are insufficient in this area.
- It is also understood that there is a shortfall in larger properties and that this is why it is proposed to change the layout of 13 and 14 Fairfields.
- It is recognised that this offers the opportunity to help a family in need and the solution offered would achieve this.

- However, the concern is that by improving the circumstances of one family in Fairfield (by combining 13 and 14 into one home), another family will not have access to a home in Fairfield at all, as 14 will cease to be a separate dwelling.
- This decreases the opportunity to help our local community by removing an accessible place to live.
- However, it is suggested that if the properties were modified to provide access from 13 Fairfield into the upper floor of 14, it would be possible to retain a single unit, on the ground floor of 14.
- This would provide the additional bedrooms needed for the family in 13, whilst also providing a single, ground level unit with a garden and parking space which would be ideal for a person with limited mobility, for example.
- There have also been comments about whether the property will continue to be used to run a business and concerns that works have already started at the site, but we are unsure if they should be considered under this application and we await your advice.

The occupier of No.13 has made comments in support of the application:

*This application is to provide additional accommodation for children with additional needs and is supported through West Sussex county council OT assessments. Their recommendation for this was put forward by them and is supported by a Disabled Facilities Grant. The accommodation remains the same with 2 entrances, all amenities remaining as two houses with a simple knock through on both ground and first floor.*

*The current housing association have agreed that a tenancy is in place. The need for the accommodation is highly recommended by medical professionals, supported by councillors and has been lobbied by many within the council to ensure the children's well-being and needs were met.*

Five other representations have been made in support of the application, three of which from the occupiers of a neighbouring property in Fairfield, commenting that there is a need for the space and facilities and it will benefit the community with overcrowding and noise being reduced.

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

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 7, 8, 9, 16, 19  
 Worthing Local Plan (WBC 2003) (saved policies): H18, RES7, TR9  
 Supplementary Planning Document 'A Guide to Residential Development' (WBC 2013)  
 Supplementary Planning Document 'Space Standards' (WBC 2012)  
 Revised National Planning Policy Framework (HCLG 2019)  
 National Planning Practice Guidance (CLG)

### **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 revised NPPF states (in paragraph 11) that decision taking means approving development proposals without delay where they accord with an up to date development plan, or where there are no relevant development plan policies, or the most important policies for determining the applications are out of date, granting permission unless: the policies of the Framework that protect areas or assets of particular importance provides clear reasons for refusal; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework 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 housing requirement set out in policy 7 of the Core Strategy is clearly more than 5 years old. An assessment of local housing need has been undertaken as part of the new Worthing Local Plan, but the latter is still at a very early stage and has no formal status in the determination of planning applications.

Core Strategy Policy 8 seeks to deliver a wide choice of high quality homes to meet the needs of the community. It states that within suburban areas only limited infilling will be accepted which will predominantly consist of family housing and with higher density housing including suitable family accommodation to be located in and around the town centre.

Policy 9 of the Worthing Core Strategy seeks to retain the existing housing stock unless (i) the proposal results in a net increase in the family housing stock; (ii) the housing and its environment is of an unacceptable standard, which cannot be improved; or (iii) the loss would facilitate the delivery of a needed community use. With particular focus on retaining family housing, the SPD 'A Guide to Residential Development' defines a family home as generally being considered to be a 3(+) bedroom house with a suitable layout and level of internal space together with accessible useable amenity space to meet family needs.

Whilst the proposal would represent a net loss in the number of dwellings overall, this loss of one dwelling would need to be considered against the particular circumstances that are set out in the applicant's representation and the supporting statement submitted with the application and whether this would justify the loss of a dwelling.

The Strategic Housing Market Assessment (2008) identified the need for larger family housing. The proposals have been supported by the Registered Provider and would meet the housing need for the occupiers in the specific circumstances identified. The comments from the Housing team are awaited.

The applicants statement sets out that the family currently occupying No.13 have a specific need for additional accommodation in the interests of the health and well-being of various family members and for the accommodation to meet particular needs identified by occupational health and social care professionals. It is also noted that No.14 is vacant.

The proposals would provide a larger family home which would exceed the governments' technical housing standards in terms of their overall floorspace and in context of the specific circumstances of the proposal, would provide improvements in the standard of accommodation.

The site is within a sustainable location, within walking distance of shopping and local facilities and with bus routes in Rectory Road providing connections to West Worthing Station and the Town Centre. The Highway Authority considers that adequate parking can be accommodated on site and raises no objection on parking or highway safety grounds. A concern has been raised in the representations over a rear access via Church Way being made but no such changes are proposed to the existing access arrangements. It is considered that the requirement for electric vehicle charging points would not be reasonable where there is no alteration to the existing parking provision which serves two dwellings at present. In terms of cycle parking, a store within the rear garden area would provide an adequate solution but given that occupancy of the dwellings would not increase it is not considered to be a reasonable request.

The amalgamation of the two dwellings would not involve any significant external alterations, with those limited to replacement windows for No.14 and one additional window to serve the new bedroom 4 which would not result in any significant impact to visual amenity. The new window would be to the rear and similarly positioned to existing rear first floor windows in terms of their proximity to neighbouring dwellings, being sufficiently separated to avoid any significant loss of amenity.

The less intensive use of the site as one single dwelling would cause no significant impact to residential amenity.

When the larger accommodation provided by the amalgamation of the two dwellings is no longer required, it would be possible to convert back to two separate dwellings relatively easily. The loss of a dwelling in the circumstances is only a temporary situation.

On balance, it is considered that the net loss of a dwelling can be supported in the specific circumstances of the intended occupiers in order to meet a housing need, and improving the standard of accommodation for the family's occupation. Its conversion to a single dwelling can be carried out without causing any detrimental impact to visual or residential amenity, and with adequate parking and access.

The dwelling at No.13 has already been extended and with outbuildings within the rear garden. It is therefore considered that permitted development rights for further extensions or buildings should be removed in order to allow further consideration of any future development in the interests of protecting residential amenity and providing an adequate garden area.

## **RECOMMENDATION**

### **APPROVE**

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

1. Approved Plans
2. Standard 3 year time limit
3. Matching materials
4. Removal of PD rights for extensions and outbuildings

23<sup>rd</sup> September 2020

Application Number: AWDM/1018/20

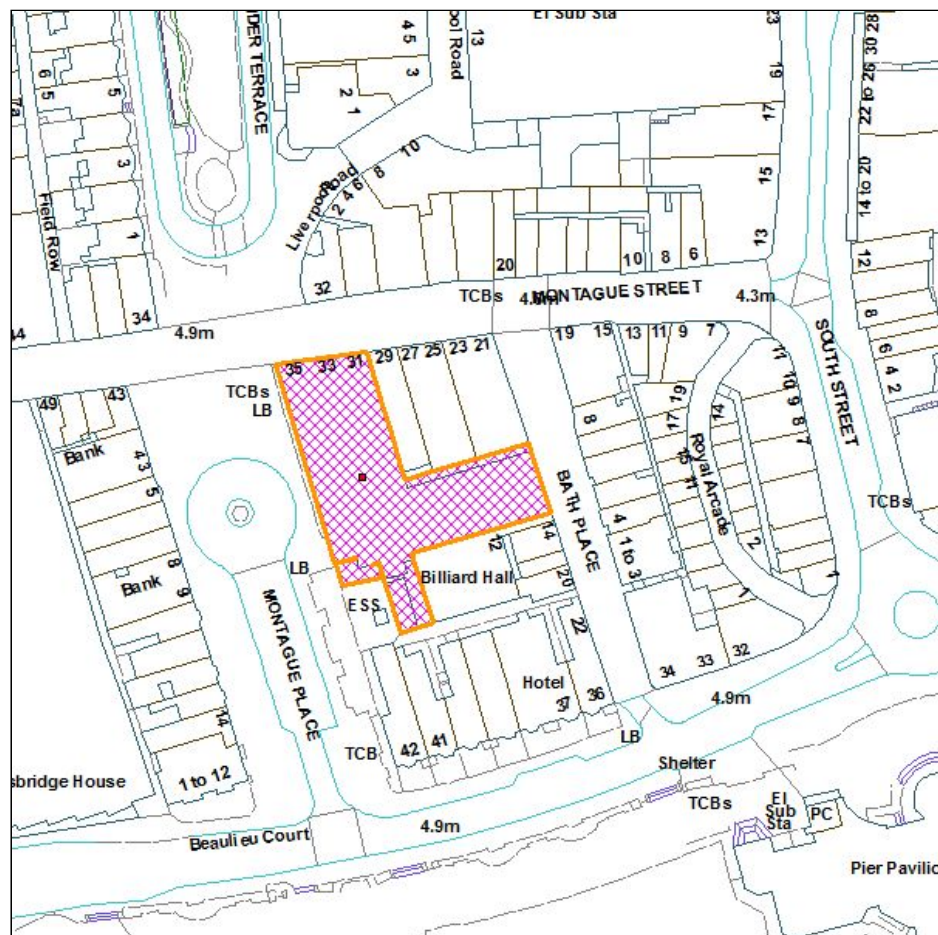
Recommendation – APPROVE

Site: Development Site At 31 To 35 Montague Street, Worthing

Proposal: External alterations to the existing building together with change of use of 2nd and 3rd floor from retail (Use Class A1), roof extension at 3rd floor and four storey rear extension to provide 14 residential units (Use Class C3) comprising 1 x studio, 5 x 1 beds, 7 x 2 beds and 1 x 3 bed with associated external amenity areas and cycle and refuse stores (31-35 Montague Street)

Applicant: Worthing Investments Ltd  
Case: Gary Peck  
Officer:

Ward: Central



Not to Scale

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## **Proposal, Site and Surroundings**

This application seeks the change of use of the 2<sup>nd</sup> and 3<sup>rd</sup> floor of 31-35 Montague Street from retail use and the extension of the existing building to provide 14 residential units. Primarily, the development would entail the removal of 2 floors of flat and mansard roofs and their replacement with 2 storeys of residential accommodation together with an extension on the southern side partly to allow access from Montague Street. The ground floor commercial use remains unchanged. In terms of the blank wall on the western elevation, while an indicative detailing has been shown with the application, it is stated in the supporting documents that the wall is used by a third party to install public art.

With the exception of a studio (a 1 person unit), all of the proposed residential units benefit from their own private external amenity spaces. The majority of the units have side facing terraces, although proposed units 7 and 14 have terraces to the rear and unit 13 to the front. The residential units have been designed to exceed both the government and Council space standards.

18 cycle spaces would be provided as part of the proposal located to the rear of the building along with provision for refuse and recycling facilities.

Under the requirement of Core Strategy Policy 10, on all sites of 11 to 14 dwellings, 20% affordable housing will be sought via a financial contribution secured by a legal agreement. The applicant has confirmed their willingness to enter into a legal agreement to secure the required contributions.

The application site is located on the south side of Montague Street between Montague Place to the west and Bath Place to the east. The subject building is not listed but is located within the South Street Conservation Area and in proximity to a number of listed buildings, primarily in Montague Place to the south west, Bath Place to the east and Liverpool Terrace to the north west.

The subject building is L-shaped with a street frontage to the north and east, and a large blank wall facing west. There is a secondary access to the rear, southern elevation. The building is mostly 3 storeys in height, with an Art Deco style to its north elevation, with a partial 4<sup>th</sup> floor to the southern part of the building. The ground floor of the building is used for commercial purposes but is understood that customers have not been able to access the upper floors for some time which are now used for storage.

Apart from the upper north elevation and parts of the eastern elevation, in general the building does not make a positive contribution to the Conservation Area.

The proposal would create additional residential floorspace of just under 500 square metres which result in indexed Community Infrastructure Levy payment of just over £64,000.

## **Relevant Planning History**

None directly relevant to the application site but a 2012 application for Erection of part 2, 3 and 4 storey building comprising 448 square metres of retail floorspace on

ground floor and 14 residential flats (2 x 1 bed and 12 x 2 bed) on first, second and third floors and provision of new public space, vehicular access and loading arrangements to Montague Place (AWDM/1037/12) remains undetermined.

## **Consultations**

### **Environment Agency**

No objection subject to conditions.

### **Environmental Health**

No objection subject to conditions.

### **Southern Water**

No objection subject to conditions.

### **Technical Services**

Thank you for the opportunity to comment upon this application. We have the following comments on flood risk and surface water drainage.

Flood risk- The application is within flood zone 3, areas near to the site are also at risk of surface water flooding. Flood resilience and resistance measures are proposed along with the formation of an evacuation plan.

Surface water - the surface water strategy document indicates that runoff will increase as a result of development. The use of rainwater harvesting and planters is proposed to try to offset the increase in roof area. Further detail regarding why blue/green roof use is precluded along with details of the rainwater harvesting will be required at a detailed design stage, including how it will be ensured that runoff is not increased in the winter.

### **West Sussex County Council Highways**

Having reviewed in detail the information provided with the planning application, the highway authority has no objection to the proposed use. A condition is recommended to ensure that dedicated and secure cycle parking is provided.

Vehicle access to the site for servicing, etc. can be gained through Montague Place.

With regard to car parking, the County Council's *Guidance on Parking in New Developments* (June 2020) states that the site is in "parking behaviour zone" 5. There is therefore an expectation that the provision of car parking will be low in relation to the number of homes proposed. Given the excellent accessibility by public transport, the proximity of a variety of everyday facilities and the nearness of the sea-front cycle route, the authority does not object to the unwritten proposal not to provide parking for cars.



## **West Sussex County Council Lead Local Flood Authority**

The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, recommendations and advice.

### **Flood Risk Summary**

Current surface water flood risk based on 30year and 100year events

Low risk

Comments:

Current surface water mapping shows that the proposed site is at low risk from surface water flooding although the adjacent footway/carriageway is at higher risk. 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.

Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’

Modelled groundwater flood hazard classification

Moderate risk

Comments:

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.

Groundwater 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? No

Comments:

Current Ordnance Survey mapping shows no ordinary watercourses running near to the site.

Records of any flooding within the site? No

Comments:

We do not have any records of 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.

### **Representations**

#### **Worthing Society**

The Society is broadly supportive of the proposal to bring this building back into viable use with the development of town centre residential units but retaining retail outlets on the ground floor. We welcome the fact that this regeneration would be

achievable without encroachment into Montague Place which is an important element of the South Street Conservation Area.

The other key components in our view are as follows:

- \* Removal of the existing mansard roofs serving 31-35 Montague Street which appears acceptable and less oppressive.

- \* Change of use of 2nd and 3rd Floor from retail to residential combining an additional roof extension to the 3rd floor facing west which being set back will not intrude into the amenity of the buildings on the east side of Montague Place.

- \* There are concerns however regarding the new block added to the land to the South elevation. This is already a building of considerable bulk and mass. Bricks have been chosen as the main external material with graphite zinc cladding for some walls. This elevation could be overbearing to the rear bedrooms and kitchens of the neighbouring properties in Marine Parade.

- \* The dark zinc cladding will make this rear area appear even more oppressive. I have received concerns from members and residents. A lighter colour palette would seem desirable as well as the possibility of recessing the upper element of this elevation to reduce the somewhat claustrophobic effect for residents of Marine Parade. The area is already rather dark and confined.

- \* This south facing block when viewed from the seafront could appear too dark given the mass so again a lighter colour palette, perhaps with a glass element would improve this elevation.

- \* In addition it is proposed that the plain brick wall forming the majority of the West elevation is used by a third party to install a public art installation, ensuring that Montague Place continues to be a point of destination.

- \* Whilst we understand what the proposal is trying to achieve here we do have concerns and this element will need to be very carefully managed. This artwork will be highly visible and dominate the West elevation. The indicative example shown in our view would have a negative impact on the Conservation Area and would be contrary to the Planning (Listed Buildings Conservation Areas) Act 1990.

- \* The setting of the Grade II Listed Buildings on the east side of Montague Place is a primary consideration as well as the amenities of the residents and how their views will be affected looking east to the arts feature.

- \* It is not clear if this is a permanent feature or whether the art wall installation changes periodically. If so will it need a separate planning application and will there be public and community involvement.

- \* The extensive brick elevation needs breaking up to a degree, but we consider that due to the sensitivity of the area a detailed consultation is desirable to assess how best suitable enhancement can be achieved. Some members have suggested an alternative 'living wall' or plant mural or possibly a heritage 'timeline.'

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy (WBC 2011):

Policy 3 Providing for a Diverse and Sustainable Economy, Policy 6 Retail Policy, Policy 7 Meeting Housing Need Policy, Policy 8 Getting the Right Mix of Homes, Policy 14 Green Infrastructure, Policy 15 Flood Risk and Sustainable Water Management, Policy 16 Built Environment and Design, Policy 17 Sustainable Construction & Policy 18 Sustainable Energy

National Planning Policy Framework (CLG 2019)

Planning Practice Guidance (CLG 2014)

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 outweigh 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 whether the principle of development is acceptable and the effect of the proposal upon the character and appearance of the area and the amenities of neighbouring properties.

It is not considered there is any objection in principle to the proposal to provide additional residential accommodation in this sustainable town centre location. The approach is supported by Policy 8 of the adopted Core Strategy which requires new development to provide an appropriate mix of housing sizes and types to meet the needs of the local area. The supporting text for the policy highlights that there is a valid role for flats to play in higher density town centre developments and that *"the role of the town centre to provide higher density developments"* should be the spatial approach applied. This approach is carried forward in the emerging Local

Plan and now has greater emphasis given the shortfall in meeting the Borough's Objectively Assessed Housing need.

It is also recognised that increasing the level of residential accommodation in the town centre can help contribute to its overall vitality and viability, a consideration that is likely to become more important in the coming months and years. The scheme has the particular benefit in that the commercial uses are retained and therefore has the potential to be a mixed use scheme in the heart of the town centre.

The subject building is unusual in many ways, being an L shape within a rectangular shaped wider block. It has some positive elements visually, most particularly its art deco upper floors on the northern elevation. It is perhaps most notable, though, for its large blank wall facing westwards. Although it is intended that any public art on this wall will be undertaken by a third party, the elevation is not helped at present by the rather unattractive mansard roof above it with limited openings above it. The proposed design would result in a more uniform roof style with a number of the residential units and their terraces facing in a westerly direction which would be of significant interest to this elevation, even if the wall were to remain blank. As Montague Place is about 30 metres wide, there would be no material harm caused to upper floor residential properties to the west and hence this part of the proposal is considered to be acceptable. The most proposed mixture of brick and zinc cladding is not uncommon for a proposal of this type and is not considered to adversely affect the listed buildings to the west given the intervening distance involved.

The southern elevation is of little visual merit, aside from an old Woolworth's sign which has been painted over in any case. Because of the open area of ground immediately to the south, this elevation is visible from Montague Place and the application does offer an opportunity for improvement.

The south west corner portion of the site is the highest part of the building at the equivalent of 4 storeys and it is proposed that this part of the building is extended further south. As there will be further window opening and terracing on the western side, this will add further visual interest and hence the main issue with this part of the proposal is the effect upon the residential properties to the south in Marine Parade.

The comments of the Worthing Society are noted in respect of this part of the proposal, and it is agreed that some consideration may need to be given to the material palette in this location as it is agreed that darker material may have some impact upon the nearby neighbouring properties. This is a matter that can be controlled by condition. While the concerns regarding the impact upon neighbouring properties are noted, the distance between the respective buildings will still be at least 11 metres and the submitted daylight, sunlight and overshadowing study demonstrates that the relevant BRE guidelines are met, remembering that the affected elevations of the residential properties are north facing. The proposed terraces in the southern elevation are set back and this just meets the 21 metre overlooking standard and the nature of the relationship is not considered to be unusual in an urban area.

The upper floor accommodation is considered to be set back sufficiently to appear as subservient, especially from the front, northern elevation and indeed it is unlikely that it will appear particularly visible from ground level.

An indicative public art installation has been shown on the western wall but it is stated that it is intended the installation will be carried out by a third party. While only indicative, it is felt that an installation that contributes more positively to the Conservation Area could be achieved than shown. It is likely that a collaborative approach will be required to ensure a suitable installation which could be secured as part of the legal agreement

In respect of other issues, an Energy and Sustainability study has been submitted which states that high efficiency gas combination boilers will be provided, as well as extract ventilation to all wet rooms and communal mounted PV. It is estimated a 35% improvement over Baseline CO2 emissions will be achieved, which is considered to be acceptable.

The applicant has indicated they are willing to enter a legal agreement to secure the affordable housing contribution required by the Core Strategy. It will also be necessary to secure an Open Space contribution. As detailed at the start of the report, the required CIL contribution will be just in excess of £64,000.

## **Conclusion**

It is considered that the proposal represents a welcome opportunity to provide residential accommodation in a sustainable town centre location which will assist in improving the viability of the town centre. It is therefore recommended that planning permission is granted.

## **Recommendation**

To GRANT permission subject to the following conditions and the completion of a legal agreement securing a 20% financial contribution to affordable housing, a financial contribution to open space requirements and the completion of a public art installation on the western elevation wall.

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

1. Approved Plans
2. Full Permission
3. 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. 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.

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

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank Holidays no work permitted

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

5. Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from noise from the commercial unit below has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines to minimise noise in residential dwellings. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.
6. Prior to the occupation of the development hereby permitted, an emissions mitigation assessment which shall identify the level of mitigation required to help reduce/offset the potential effect on health and the local environment, shall be submitted to and approved by the Local Planning Authority. The assessment should be in accordance with the Air Quality & Emissions Mitigation Guidance for Sussex (2020)
7. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (dated June 2020) and the following mitigation measures it details:
  - No habitable accommodation shall be placed on the ground floor.
  - The mitigation measures set out in table 5.4 of the FRA shall be implemented.
  - The development shall incorporate the flood resilient design measures as set out in Sections 5.7 and 5.8 of the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

8. No development shall be occupied until details of secure covered cycle parking have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for such use at all times thereafter.  
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car
9. 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 the following details as a minimum:
- 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.
- Reason: In the interests of highway safety and the amenities of the area.
10. 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
11. Approval of Materials to be submitted and approved by the Local Planning Authority
12. No additional windows southern elevation
13. Obscured glazing to a height of 1.7 metres in respect of windows on 4 storey extension to southern building

23<sup>rd</sup> September 2020





## Site and Surroundings

The application relates to a building located on the corner of Portland Road and Shelley Road. The building which has been refurbished has been operating partly/now fully as a café since its permission in 2019. The forecourt to the front is operating as a private car park. Although there are other commercial premises in the immediate vicinity, the site is in close proximity to dwellings in Portland Road and Field Row and to flats on Shelley Road. The building is physically attached to 12 Field Row, an end of terrace property which faces Field Row and has an enclosed courtyard at the rear, a first floor window and balcony facing towards the site. The car park abuts 64 Portland Road which has a blank elevation to the site.

The site is located in the Chapel Road Conservation Area. The flint wall east side of Field Row, between Ambrose Place and Shelley Road is Grade II Listed in its own right. Nos. 63-67 Portland Road and Nos. 12-14 Field Row (inclusive) are all local interest buildings.

## Proposal

The application proposes the Variation of condition 4 of permitted application AWDM/1527/19 to allow for extended opening hours from 8am till 11:30pm Thursday to Saturday and 8am to 10:30pm on Sundays.

This would mean an increase of:

1 hour in the morning (8-9am) and 2hrs in the evening (9:30-11:30pm)  
Wednesday Saturday  
1 hour in the morning (8-9am) and 30mins in the evening (9:30- 10pm) on  
Sundays

The applicant has indicated the following in support of the application:

*We are only asking to allow us to open in line with other venues around us, we are turning customers away at 9pm because of our limited opening hours is heartbreaking, the trade is slow and terrible in the existing economic climate and we are desperate to do everything in our power to stay open and indeed survive.*

*The COVID pandemic has destroyed the economy and we need help, by adjusting our hours we can at least have a chance to compete with the other businesses in the direct vicinity:-*

*Hare and Hounds*

*Woods Burger Bar*

*The Libertine*

*Manuka bar and Kitchen*

*We have invested heavily in the appearance of the site it now looks incredible given its former state, we have met all conditions on our license above and beyond approach including investing in the best CCTV system you can obtain, the highest levels of staff training and processes to accommodate the COVID-19 restrictions.*

*If we do not get the requested hours I cannot see us surviving this unprecedented time and we will indeed close with the loss of 5 jobs and thousands of pounds of investment.*

### **Relevant Planning History:**

AWDM/1125/12: Change of use from car sales to car valeting – application refused and appeal dismissed in 2013.

AWDM/1018/17: Change of use from car sales and display (sui generis) to cafe (A3) together with installation of replacement slide and fold entrance doors, outdoor seating (6 tables, 24 covers) and retractable bollards to Portland Road vehicular access – granted permission

AWDM/1141/18: Change of use from car sales to private pay and display car park for the public with 8 parking spaces- Refused

AWDM/1780/18- Change of use of former car sales building to mixed use of Use Class A3 (cafe) and Use Class A1 (retail) for the sale of sports equipment and sports drinks and use of existing forecourt parking as private pay and display car park for the public with 8 parking spaces.- APPROVED

AWDM/1527/19-Variation of condition 5 of permitted application AWDM/1780/18 to allow for extended opening hours from 9am till 9:30pm Monday to Sunday and there shall be no outdoor seating or outdoor socialising activity associated with the A3 use- APPROVED

### **Consultations:**

#### **WSCC Highways**

No highway objection is raised to the variation of condition 4 relating to opening hours.

#### **Adur and Worthing Councils**

Environmental Health Officer:

The application site is located in a mixed residential/commercial area. However most commercial premises are on the southern side of the Portland Road/Shelley Road junction and consequently this particular part of the road is much quieter later in the evening. The premises are also surrounded on three sides by residential premises. This means that any noise created by customers is likely to impact on these residencies later into the evening.

It is my understanding that the previous planning permission was granted on the understanding that the hours of use were limited and thus the potential for noise disturbance was reduced. By permitting trade until 23.30 Thursday to Saturday the potential for noise disturbance and a subsequent loss of amenity is increased. Therefore, I am unable to support the application in its current form.

Private Sector Housing:- No comments

## **Representations:**

Letters have been received from 11, 22 and 52 Arundel Lodge Shelley Road as well as 2 Shelley Road on the following grounds

- Increased noise and anti-social behaviour late into the night.
- Lucifers has a small inside space which will lead to larger groups congregating outside.
- The property and outside space is directly below the west side of a residential block of flats of Arundel Lodge.
- The building is not solidly constructed and can expect higher levels of noise from the building due to single glazed windows and the outdoor area.
- The similar premises sited by the applicant are in the predominantly commercial area of the southern end of Portland road.
- The Hare and Hounds is substantially constructed with limited street fronting glass, there is very little noise pollution from this building.
- There has already been significant antisocial behaviour in the area and the police called.
- Incremental and disregard of planning system and licencing to achieve a late night bar on the site when the previous permission was for a mixed A1/A3 use.
- Flouting permissions for no outdoor seating and continuing to provide outdoor seating.

Flat 3, 65 Portland Road

- Increased noise and disturbance

There is also one letter of support indicating that the applicants are experienced with a night time economy venues and ensure noise and anti-social activity is kept to a minimum. They would keep a business going in these difficult times.

## **Relevant Planning Policies**

Saved Local Plan policies (WBC 2003): H16, H18, TR9, RES7

Worthing Core Strategy (WBC 2011): Policy 3, 6, 16 and 19

National Planning Policy Framework (HCLG 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.

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 key consideration is the impact on residential amenity from the additional hours.

### ***Residential Amenity***

The site lies in a transitional area within Portland Road with commercial development to the south and east and residential primarily to the north and west. There are several bars and restaurants to the south with late night opening on the edge of the Town Centre. The premises have been in commercial use for some years and have operated the café since approximately September 2019 although in the early stages on a low key level. The car park to the front is also in full operation there is already activity and footfall in the area in the evenings.

As indicated above, planning permission was granted for an extension of hours until 9:30pm earlier this year. This followed an amendment to the original application which reduced the originally applied for hours until 12am and no outside seating. The extension to 9:30pm was considered to be the limit of hours and operation of this property taking into account its use as a café, within a transitioning residential area and physically abutting residential development.

The current application proposes to extend the hours further by 2 hours in the evening until 11:30pm Wednesday to Saturday and by 30 mins in the evening on a Sunday until 10:00pm. It is also proposed to extend by 1 hour in the mornings.

The applicant has sited the location of other bars and restaurants in the near vicinity and the Covid restrictions for the requirement to increase the hours and compete with other nearby bars and restaurants.

Although there is empathy for the applicant at this difficult time and the work that has been undertaken to the building and a business is operational on the site, it is however still important to take into account the likely impact of the extension of hours on neighbouring residential properties.

The most sensitive relationships between dwellings and the extended hours is to No. 12 Field Row which abuts the site to the north and has first/second floor windows at the rear and No. 64 Portland Road which has a first floor window at the side. All windows serve what look like bedrooms. Although the application does not involve outdoor seating or a change to the use as an A3 café, the extension of hours until 11:30 would mean customers and staff entering and exiting the building late into the evening within very close proximity of sensitive windows or these abutting properties

It should also be taken into account the impact on the residents of Arundel Lodge, a block of flats immediately to the east and properties on the opposite side of Portland Road all of which have windows facing the site and although at a slightly further distance would be impacted by this late night activity.

Several residents of Arundel Road have written in raising concerns about the use and its current and likely impact on noise and anti- social behaviour.

Although it is accepted that residents who live in town centre locations will be potentially exposed to a degree of noise and disturbance from late night uses, the proposed use within such close proximity would be likely to have a detrimental impact on residential amenity, a concern that is supported by the Environmental Health Officer.

The application site is considered to be different to other late night uses in Portland Road being located in predominantly residential part of the road.

The applicants have indicated previously that it is not their intention to have a bar on this site (which would require a different A4 use class) but to continue with the café use over a longer period with an extended drinks range. The extended hours and range of drinks has the potential to go beyond being a café use, with the whole building now dedicated to this use, rather than the mixed use as previously permitted A1/A3 (Now Class E). Recent changes to legislation and the use classes order would enable the full use of the property as a café and this use is not considered to be inappropriate. The main concern is additional hours and its shift towards a potential drinking establishment. It is also noted that outside seating has also been provided not in accordance with the original permission.

In view of permitted use as a café (formally A3) and its location within close proximity of several residential properties it would not be considered appropriate to extend the hours of opening further which would be likely to have a detrimental impact in terms of noise and disturbance to neighbouring residential properties.

## **Recommendation**

**REFUSE** for the following reason:-

The proposed extended opening hours are likely to result in unacceptable noise and disturbance from customers to the occupiers of residential accommodation situated in close proximity to the site, causing interference with living conditions by reason of noise and disturbance. The proposal would therefore be contrary to saved policies H18 and RES7 of the Worthing Local Plan, Policy 16 of the Worthing Core Strategy and the NPPF.

23<sup>rd</sup> September 2020

**Application Number: AWDM/0964/20**

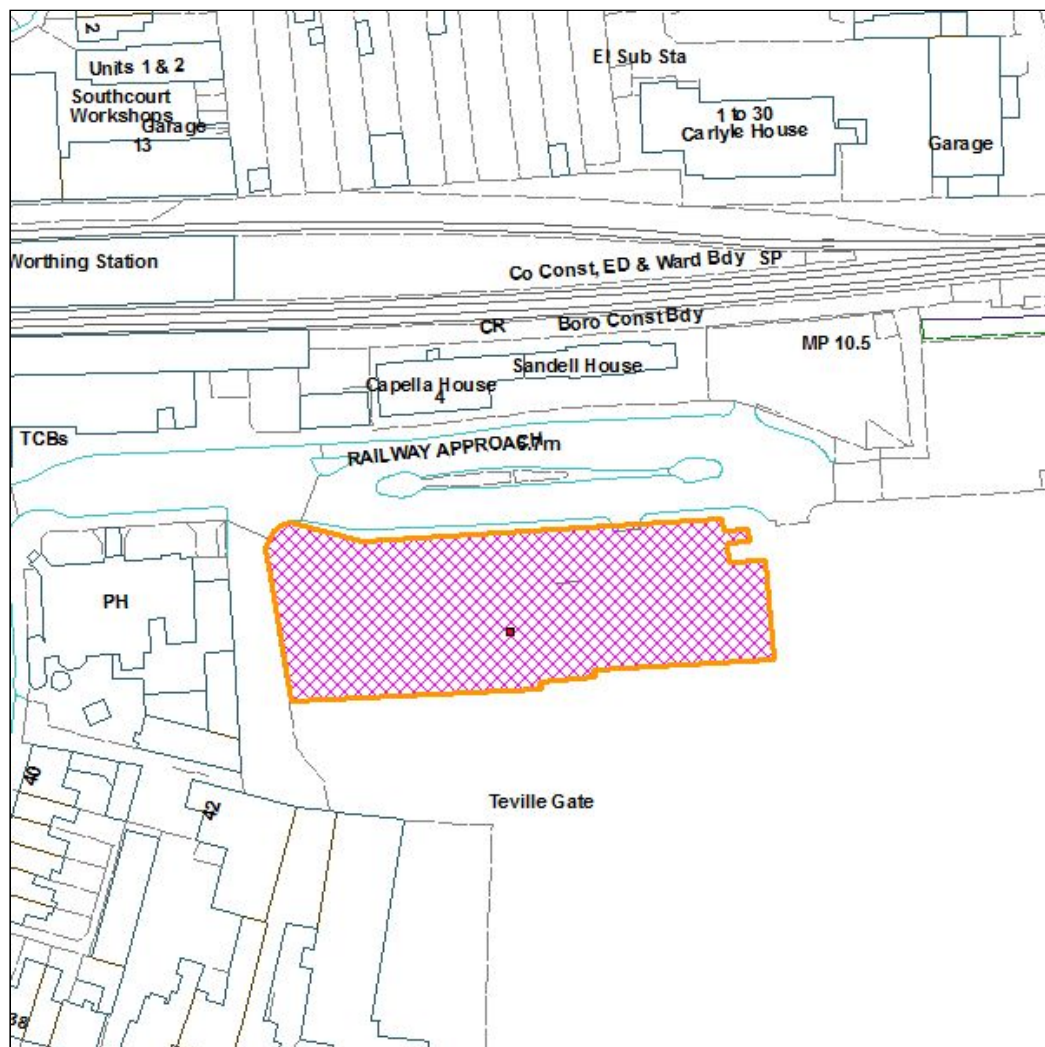
**Recommendation – APPROVE**  
subject to a Deed of Variation  
to the original s106 agreement

**Site: Teville Gate House, 25 Railway Approach, Worthing**

**Proposal: Application for variation of condition 1 (approved plans) to allow minor design changes and 12 (access) of previously approved AWDM/0393/19 to amend the site boundary and remove requirement for a footpath.**

Applicant: Teville Gate House Ltd  
Case: Gary Peck  
Officer:

Ward: Central



**Not to Scale**

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## Proposal, Site and Surroundings

This application seeks full permission for minor design changes to the previously approved application relating to the provision of black railings and flagpoles at roof level and an amendment to the previous requirement to provide a 2 metre footway to the east and rear of the site.

In respect of the footway proposal, the supporting information submitted with the application advises that the previously approved development required the stopping-up of a section of public highway (footpath) that ran through the application site and on through the main Teville Gate site. A new footway was therefore proposed to be provided to replace the one being lost due to the redevelopment. This requirement came from the Highway Authority.

It was initially agreed that a replacement section of highway/footpath could be provided around the proposed office building and the red edged site was extended eastwards slightly to accommodate this path. A condition sought the provision of this replacement path so that once built the public could still gain access to the diagonal path running through the main site (see plan below showing the extent of public highway through and around the site)



Subsequently, however, it emerged that the provision of the footpath would affect security at the rear of the new office building and could not be delivered without seeking agreement from the adjoining landowner, Mosaic. The Highway Authority has also now changed its position and accepted that an alternative route southwards utilising the existing footpath under the Broadwater Road leading to Morrisons is available and would be sufficient to justify the stopping up of the public highway under the former Teville Gate House. Members will be aware that a route through the multi-storey car park existed for many years and when the Council demolished the car park and installed the temporary surface car park the footpath

was retained and enhanced. As the Teville Gate site has been closed off by hoardings for a couple of years now the public has got used to finding alternative routes around the site.

Opposite the site, to the north is the original Worthing Railway Station building which is Grade II listed. Adjacent to this building is an unlisted office block. To the west of the site is the 3-storey Grand Victorian Hotel which is also Grade II listed and has an unimplemented consent for the conversion of a former nightclub on its eastern side to hotel rooms.

The nearest residential properties are about 40 metres to the south west in Oxford Road leading to the railway station, about 100 metres to the north in Bridge Road, across the railway line, and about 120 metres to the south in Teville Road, beyond the cleared Teville Gate site.

### **Relevant Planning History**

AWDM/0393/19: Planning permission was granted in 2019 for the demolition of existing building and redevelopment with 5-storey office building for Use Class B1a (Business) with associated parking, access and landscaping. The permission has been implemented and the building is largely complete.

Condition 1 of the permission requires the implementation of the development in compliance with the approved plans.

Condition 12 stated:

No part of the development, hereby permitted, shall be occupied until the vehicular access to the site and a 2.0m-wide footway (the later around the eastern side and rear of the building), have been constructed in accordance with detailed plans to be submitted and approved by the LPA after consultation with the CHA.

**Reason** *To ensure fit-for-purpose access constructed to appropriate design and safety standards.*

### **Consultations**

#### **West Sussex County Council Highways**

This is the WSCC County Highway Authority (CHA) response to the above planning application for variation of condition 1 (approved plans) and 12 (access) of previously approved AWDM/0393/19 to amend the site boundary and remove requirement for a footpath.

#### **CHA consideration.**

As part of its assessment of planning application AWDM/0393/19 for demolition of the previous Teville Gate House and erection of a new office building on the site, the CHA considered access for those on-foot between Railway Approach and Teville Road. Presently, a small section of public highway exists under the footprint of the old building and the planning permission included an alternative route around the building to replace it and to link-up to further public highway found to the south of the site.



### **Conditions requested to be varied.**

With regard to the request within the current planning application to vary conditions 1 and 12 of the approval under AWD/0393/19, Condition 1 simply requires that a new drawing (or drawings) be substituted to replace those already approved and to remove reference to the previously approved 2m-wide footpath running around the eastern side of the building.

Condition 12 requires the aforementioned footpath to be in-place prior to first occupation of the building (or words to that effect).

From the CHA's point of view, as the land to provide the route is now no longer available, this in-turn, means the path around the eastern-side of the building cannot be provided within the Teville Gate House red line boundary. From knowledge of the site, its surroundings and through discussions with the applicant, alternative routes for access on-foot are available but not on the line that previously existed through and south of the site (until the neighbouring site is developed). Clearly, land within the site is still required to be Stopped-Up but as stated elsewhere in this response that now forms part of a separate process outside of the planning application (which will also include demonstration that alternative routes are or will be available to highway users).

As referenced above, the design of the new building requires a small part of the highway within the application site boundary to be Stopped-Up. This Stopping-Up process is undertaken post-planning via an application by the applicant to the Government's Local Casework Team. Subject to no objections being raised by statutory consultees (the CHA being one of these) and other interested parties, the Casework Team will then decide whether to approve the application. Any application is also subject to a statutory 'challenge' period post-decision before any final decision is made.

As part of any Stopping-Up consideration, the CHA needs to be satisfied that if any land is Stopped-Up that a suitable alternative is available to users. As documented in the supporting submissions provided by the applicant's Planning Consultants in support of this planning application and also stated above, reference is made to existing routes and a future route through the neighbouring site (to the east of Teville Gate House). Although the latter is not available at this time given that the site is yet to be re-developed, the site does have a resolution from the LPA to grant planning permission subject to a suitable S106 Agreement being finalised which includes it in the form of a shared foot and cycle route for public access between Railway Approach and Teville Road, immediately adjacent to Teville Gate House.

Additionally to this, another route that currently exists generally running east-west again to the east of the site) providing access to Broadwater Road and Chapel Road and then on to the town centre, utilising a subway under Broadwater Road bridge, is also included within that planning permission. There is also a route off to the west of the site that uses Oxford Road generally running N-S between the railway station and town centre.

The land proposed to be used to provide a 2m-wide footpath as previously shown within the application site boundary is now not available for this purpose. However,

now that it has been demonstrated that alternatives for access on-foot and/or cycle to-and-from the site are available to use (with an additional route to be delivered in future to replicate and improve on the previous one found under and south of the Teville Gate House site) - all of which will form part of the consideration in a formal Stopping-Up Order application (this currently being considered separately to this planning application) - the CHA does not raise objection to the alteration of the conditions 1 and 12 of AWDM/0393/19.

## **Representations**

**Worthing Society** – advises they do not wish to comment on the application and consider it is appropriate for the planning department to come to a decision on this matter.

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy (WBC 2011):

Policy 2 Areas of Change Policy, 3 Providing for a Diverse and Sustainable Economy, Policy 4 Protecting Employment Opportunities, Policy 12 New Infrastructure, Policy 16 Built Environment and Design, Policy 17 Sustainable Construction, Policy 18 Sustainable Energy and Policy 19 Sustainable Travel.

National Planning Policy Framework (CLG 2019)

Planning Practice Guidance (CLG 2014)

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 this application are whether i) the proposed design changes are acceptable and ii) if there is sufficient justification for the removal of the requirement to provide a 2 metre footway to the eastern and rear side of the site.

In respect of the design changes, it is not considered that the provision of railings to the roof materially affect the appearance of the building or its effect upon the surrounding area. The railings are considered sufficiently set back from the roof edge for there to be no apparent impact when viewed from ground level and in any case will largely be offset against the view of the roof plant area beyond (which itself necessitates the need for the railings). The flagpoles will add some interest to the building and given its nature as a large office block would not appear as a discordant feature. It is not considered there is any material objection to this part of the proposal therefore.

The remainder of the proposal relates to the previous requirement to provide a footway around the eastern and rear parts of the site. Prior to the construction of the current building, a small section of public highway existed across the site, at ground level under the building. As is normal practice in such circumstances, if a section of footway was being removed by a development, there would be a requirement to re-provide it in close proximity to the site so that established access can remain. It is also necessary to stop up the existing highway, a separate procedure to the planning process, and in general one that can only be completed successfully if there is evidence of an alternative route that can be provided.

While it was previously anticipated that the footway could be provided within the Teville Gate House application site, in fact emerged that there would be a requirement to utilise some of the adjoining Teville Gate site.

Members will no doubt recall from the Teville Gate application that a key component of the scheme was to provide a suitable access from the station towards the town centre and its central walkway across the site was a key part of the proposals. To that end, if the redevelopment of the site was completed then there would be little value in requiring another footpath immediately adjacent to the Teville Gate House site, which is doubtful the applicants could provide themselves in any case. However, the Highway Authority was concerned about relying on this alternative access provision as it was dependent on the main site being redeveloped (planning permission has not been granted for the main development as the legal agreement has not been signed).

It therefore follows that it is important to consider whether there are any alternative routes at present which can compensate for the loss of the highway. As stated in the West Sussex County Council consultation response, it is noted another route exists running east-west providing access to Broadwater Road and Chapel Road and then on to the town centre, utilising a subway under Broadwater Road bridge. There is also a further signposted route off to the west of the site via Oxford Road running north-south between the railway station and town centre and seemingly being used to a greater extent given the works at the application site. The Highway Authority therefore raises no objection to the application.

As stated earlier, the Stopping Up process is separate to the planning process and is not therefore a factor in the Committee's decision. However, it is understood that the Highway Authority will not be objecting to the Stopping Up order provided that the aforementioned east-west route is maintained. It is worth noting that the redevelopment of the main site also includes the retention of this east / west footpath. It is not considered therefore that there is any objection to the removal of the requirement to provide a footway around the building as required by Condition 12 of the original planning permission.

As the previous application was subject to the completion of a legal agreement securing a highway contribution, a deed of variation will be necessary for the current proposal.

### **Recommendation**

**To GRANT permission subject to the following conditions and the completion of a deed of variation updating the s106 legal agreement to reflect the current permission.**

- 01 Revised approved plans list as detailed in the applicant's supporting statement
- 02 No part of the development, hereby permitted, shall be occupied until the vehicular access to the site has been constructed in accordance with detailed plans to be submitted and approved by the LPA after consultation with the CHA.

Reason: To ensure fit-for-purpose access constructed to appropriate design and safety standards.'

**Any other conditions of the original permission not already discharged.**

23<sup>rd</sup> September 2020

Application Number: AWDM/1007/20

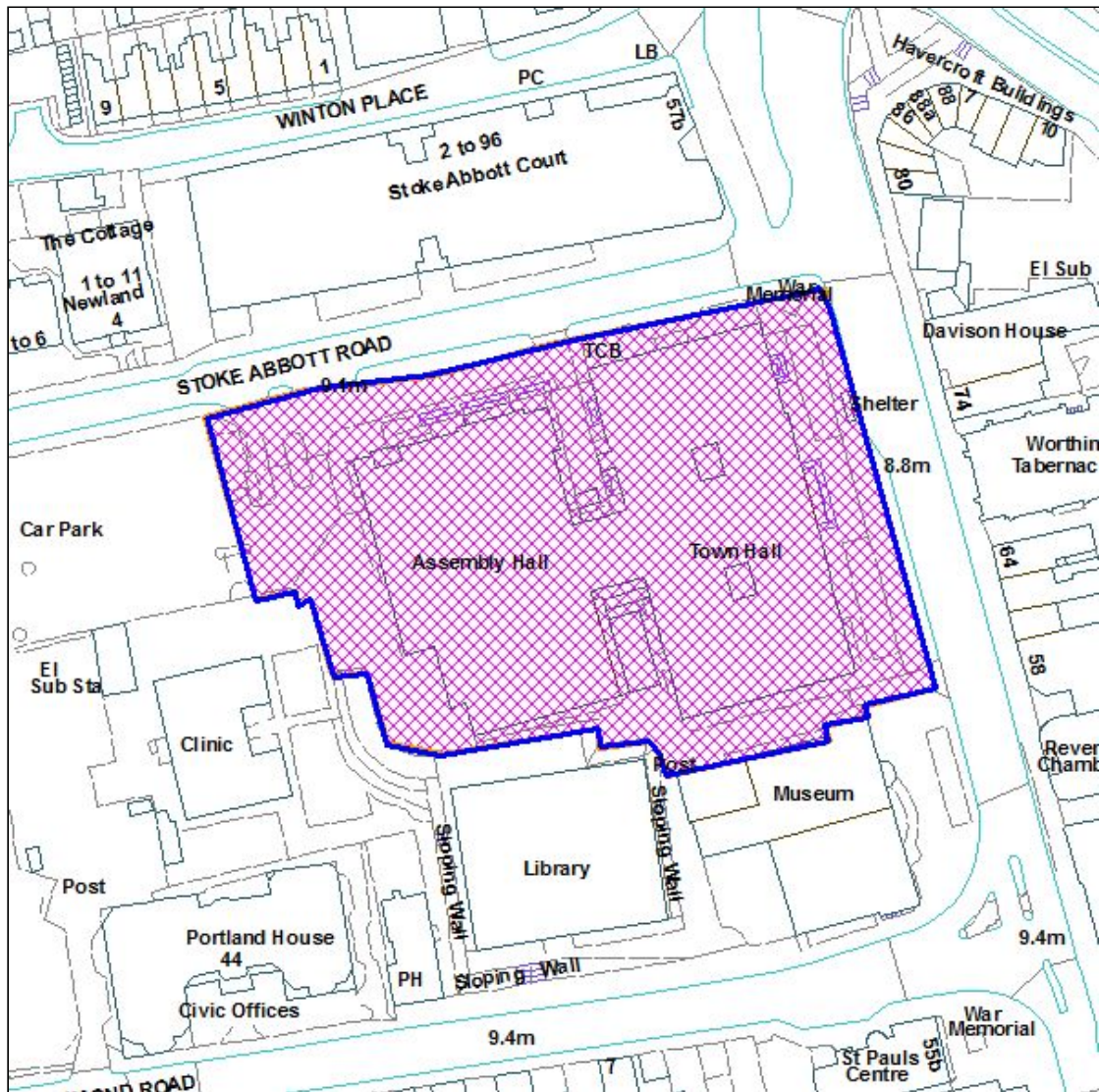
Recommendation – Approve

Site: Town Hall Chapel Road Worthing West Sussex

Proposal: Installation of 3no. horizontal galvanised security mesh panels to rear.

Applicant: Mr Raymond Harris  
Case Officer: Linda Park

Ward: Central



Not to Scale

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### Proposal, Site and Surroundings

The application relates to the Town Hall, which is a large Grade II Listed Building built in the 1930s, located in the town centre, within the Chapel Road Conservation Area.

The application relates to a recessed area/courtyard to the rear (north) side of the building, which provides one of the access points for staff into the building, and also provides access to the light wells and basement service area via a metal external staircase for access to the gas main intake, electrical main intake, heating plant room and CCTV system.

These areas are all hidden behind and lower than the existing light well brick walls, although there is a galvanized grille which houses two air conditioning units and rises just above the height of the existing brick wall on the east side of the courtyard and is therefore visible from ground level.

According to the supporting statement, the external basement area has attracted homeless sleepers over the years.

The application seeks Listed Building consent for the installation of 3 galvanized security mesh panels above the external basement areas, in order to make the area secure and prevent future unauthorized access.

The proposed mesh panels/grilles would be horizontal panels which would be attached between the inside of the light well brick walls (below the coping stone) and the outer wall of the main building, covering the top of the basement area.

Grilles 'A' and 'B' would be located above the courtyard basement on the eastern side of the courtyard, and Grille 'C' would be located on the southern side. Grille 'B' would incorporate a steel gate which would open horizontally (upwards) to provide secure authorized access into the area.

### **Relevant Planning History**

None.

### **Consultations**

The Council's **Design and Conservation Architect** was involved at the pre-application stage and following making a request for an additional plan to show the attachment / footprint of the mesh panels, has raised no objection to this application.

### **Representations**

None received.

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

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 16  
National Planning Policy Framework (HCLG 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**

### ***Principle***

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Also of relevance is the effect of the development on the historic character of the Listed Building, its setting and any special features of architectural and historic character that it possesses.

Paragraph 193 of the National Planning Policy Framework (the Framework) is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

This is reflected in Core Strategy Policy 16 which states that:-

*'all new development will be expected to demonstrate good quality architectural and landscape design and use of materials that take account of local physical, historical and environmental characteristics of the area. In particular, new development should display a good quality of architectural composition and detailing as well as respond positively to the important aspects of local character.'*

### ***Visual amenity, Conservation Area and Listed Building***

The proposed mesh panels/grilles would not be visible from public vantage points due to their position below the level of the coping stone which sits on top of the light well brick walls to which they would be attached.

The proposals are functional but have been designed to be sensitive to the character of the Listed Building and Conservation Area by minimising any visual impacts or effects on the fabric and setting of the building.

As such, it is not considered that there would be any harm to the character or appearance of the Conservation Area or Listed Building, and therefore the heritage asset would be sufficiently conserved in accordance with the National Planning Policy Framework.

### ***Residential amenity***

There are no residential properties near enough to the proposed mesh panels/grilles to be significantly impacted. Therefore there would be no harm to residential amenity.

### **Recommendation**

#### **To APPROVE**

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

1. Drawing Numbers
2. Standard 3 year time limit
3. At all times during the progress of the work hereby approved, adequate measures shall be taken to protect the remaining part of the Listed Building from collapse or structural damage. Upon completion of the work for which Listed Building Consent is hereby granted, any damage caused to the fabric of the building shall be made good to the written satisfaction of the Local Planning Authority.

Reason - To safeguard the listed building from damage in accordance with The National Planning Policy Framework and Historic Environment Planning Practice Guide (DCLG 2010) and The Planning and Listed Building and Conservation Areas Act 1990, including S. 16, 66 and 72.

23<sup>rd</sup> September 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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