



WORTHING BOROUGH  
C O U N C I L

13 October 2020

Worthing Planning Committee	
Date:	21 October 2020
Time:	6.30 pm
Venue:	Remote meeting

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

NOTE:

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk) before noon on Tuesday 20 October 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 19 October 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 23 September 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 - 76)**

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

### **7. Enforcement Update Report - Tree felling in advance of compliance with planning conditions at Former Sussex Clinic, 44-48 Shelley Road, Worthing (Pages 77 - 84)**

To consider the report by the Director for the Economy, attached as Item 7.

### **8. Confirmation of Worthing TPO No. 3 of 2020 Pond Lane Recreation Ground, Pond Lane (Pages 85 - 86)**

To consider the report by the Director for the Economy, attached as Item 8.

### **9. Response to White Paper 'Planning For the Future' (Pages 87 - 96)**

To consider the report by the Director for the Economy, attached as Item 9.

## **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 heather.kingston@adur-worthing.gov.uk	Sally Drury-Smith Lawyer 01903 221086 sally.drury-smith@adur-worthing.gov.uk

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

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## WORTHING BOROUGH COUNCIL

Planning Committee  
21 October 2020

Agenda Item 6

Ward: ALL

Key Decision: ~~Yes~~ / No

Report by the Director for Economy

### Planning Applications

**1**

Application Number: **AWDM/0166/20**

Recommendation - **APPROVE** subject  
to completion of s.106 Planning  
Obligation

**Site:** Land Site West of Fulbeck Avenue, Worthing

**Proposal:** Application under Regulation 4 for full planning permission for the erection of 152 apartments including 30% affordable provision, consisting of 51 no. 1-bedroom apartments and 101 no. 2-bedroom apartments, with associated car and cycle parking, open space, landscaping and new access at land to the west of Fulbeck Avenue

**2**

Application Number: **AWDM/0733/20**

Recommendation – **APPROVE**

**Site:** Land West of 91 and 95 South Street, Tarring

**Proposal:** Variation of Condition 1 (Approved plans) of AWDM/1114/17 to extend basement floor plan to accommodate back of house facilities and create an Orangery (The Former Priory Rest Home)

**3**

Application Number: **AWDM/1240/20 &  
AWDM1383/20**

Recommendation – **APPROVE**

**Site:** Southern Pavilion, Worthing Pier, The Promenade

**Proposal:** Application for Listed Building Consent for refurbishment and internal alterations to the Southern Pavilion incorporating new kitchen extracts to open air, new internally illuminated fascia sign and flags (AWDM/1240/20)

Refurbishment and internal alterations to the Southern Pavilion on Worthing Pier incorporating new kitchen extracts to open air (AWDM/1383/20)

**4**

**Application Number: AWDM/1080/20**

**Recommendation – APPROVE**

**Site: 19-23 South Street, Worthing**

**Proposal: Application for minor material amendments to vary Condition 1 of previously approved AWDM/1529/18. Amendments: First floor replacement windows, omission of proposed firewall to the south side roof and pitch line of mansard roof all relating to Block 7.**

Application Number: AWD/0166/20

Recommendation – APPROVE  
subject to completion of s.106  
Planning Obligation.

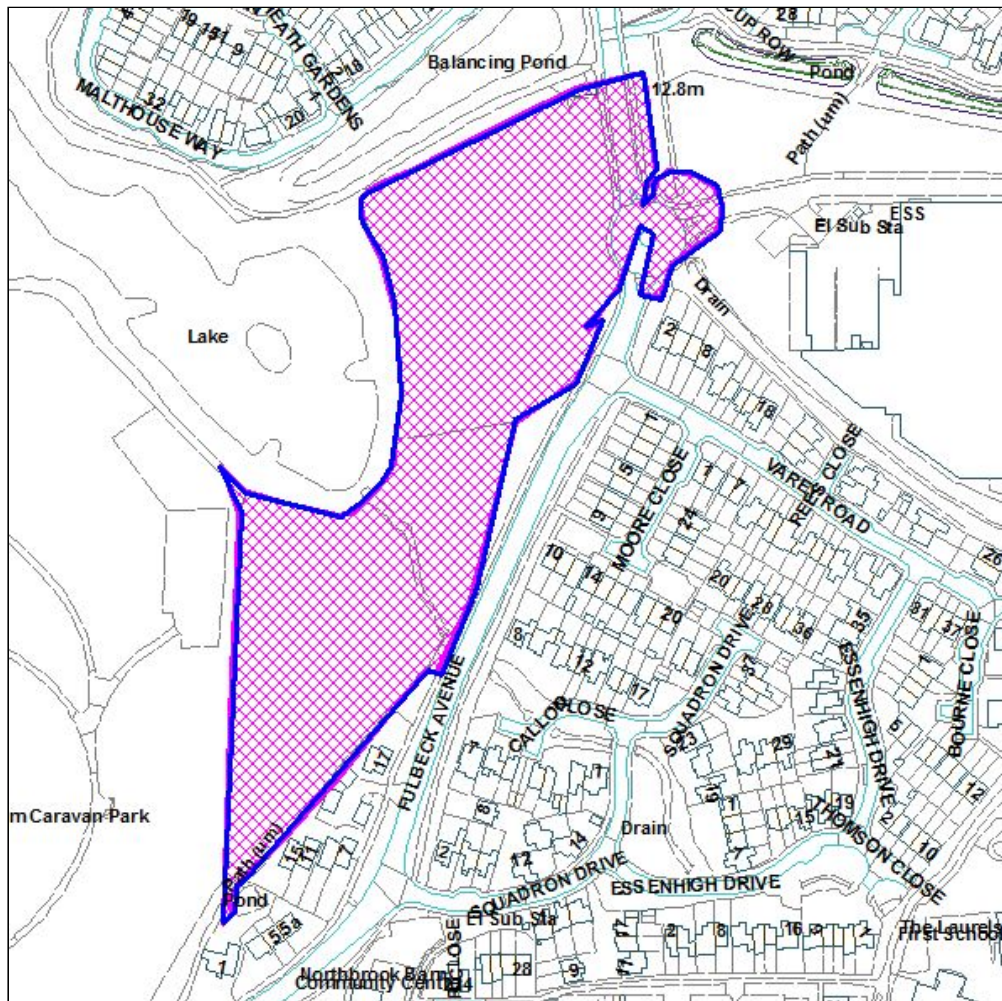
Site: Land Site West of Fulbeck Avenue, Northbrook, Worthing

Proposal: Application under Regulation 4 for full planning permission for the erection of 152 apartments including 30% affordable provision, consisting of 51 no. 1-bedroom apartments and 101 no. 2-bedroom apartments with associated car and cycle parking, open space, landscaping and new access at land to the west of Fulbeck Avenue.

Applicant: Boklok Housing Ltd

Ward: Northbrook

Case Officer: Stephen Cantwell



Not to Scale

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## Site and Surroundings

The site is an irregularly-shaped area of approximately 2.2ha which lies between the western side of Fulbeck Avenue, and the Somerset Estate Fishing Lake to the north west, also the Northbrook Farm Caravan and Motorhome Club Site to the south west. The southernmost part of the site is also behind a cluster of houses at nos.7 - 17 Fulbeck Avenue.

When viewed from Fulbeck Avenue the site appears to have a frontage of approximately 240m, although approximately 150m of this, is actually behind a narrow, tapering strip of roadside land to the south of the Fulbeck Avenue/Tesco roundabout. The frontage of the northern part of the site, including the area opposite the roundabout (from which access is proposed), immediately abuts the highway and roadside footway of Fulbeck Avenue. The site also adjoins the southern boundary of the recent West Durrington Development (700+ homes), with its attenuation pond some 10-15m from the site's northern boundary and a ditch leading from it, along the western boundary of the site.

The site comprises three broad areas. In the north is a thick cluster of deciduous trees of various ages and heights, many are young or early mature, with some larger older trees among them, and an understory of shrubs up to the northern and western boundaries and clearly visible from Fulbeck Avenue. Towards the central part of the site the trees become more sporadic, giving way to bramble, shrubs and tussock grasses, much younger saplings.

A small stream flows eastwards from its confluence of the western ditch and the outflow from the neighbouring fishing lake. To the south of this area the land tapers between the rear boundaries of the neighbouring houses and the caravan site to the west and contains grasses, shrubs and some young trees. The western boundary is marked by a stand of tall, mixed, conspicuous deciduous trees. Some of this less substantial vegetation, particularly in the central area, was thinned or cleared in the last winter.

Land to the north, east and west is already largely developed. To the house and flats of the recent West Durrington development are approximately 50m – 80m from the northern boundary of the site, comprising a mixture of two storey and some prominent three storey buildings with quite steeply pitched roofs and brick or weather-boarded facades. To the east is the rear of the expansive Tesco supermarket with its rear service road and yard opposite the site some 100m away. To the north of this, a vacant apex of land fronted by a mature oak-tree hedgerow, is the site of the approved New Life Church, for which planning permission was granted in 2018, although as yet unbuilt. To the east are two storey, pitched roof houses in Squadron Drive / Callon Close/Moore Close / Varey Road and Rochester Close with rear and side gardens set largely behind a roadside hedgerow of approximately 3m – 4m height, including a few taller trees within it.

The small cluster of distinctive houses in Fulbeck Avenue, alongside the south eastern boundary of the site, are characterised by steeply pitched slate roofs and tall eaves and some with second floor roof accommodation. The timber cladding of these houses above flint-faced ground floors is also distinctive in contrast to the red-brown brick and tiles of Squadron Drive / Varey Road area, and serves to blend with the backdrop of tall trees to the west and rustic fencing in the foreground. The



neighbouring fishing lake and woodland which adjoins it to the north of the site, is designated as a Site of Local Interest for Nature (SINC).

Fulbeck Avenue continues southwards to Titnore Way/Titnore Lane (west) and Romany Road (south) via a second roundabout at Titnore Way/Fulbeck Avenue. A bus route is to be extended along Fulbeck Avenue, along the site frontage, into the West Durrington development. Recently a roadside footpath along the southern part of Titnore Lane and through Northbrook Recreation Ground has provided a more direct walking route towards Goring Railway Station which lies 1.5km to the south of the site.

Land levels within the site with the exception of the stream which runs roughly east west across the central, narrowest part of the site and is 1m below adjoining ground level, most of the site is within a range of approximately 2m height variation. Outwardly, it appears fairly level.

The highest areas tend to be towards the western boundary with the caravan site, which is approximately 1.7m above the eastern part of the site, although there are a few other localised high spots in the north and south. At the north western edge of the site, natural ground levels have little variation but the bank height alongside the ditch is approximately 1m higher. The eastern side of the site is generally close to or slightly above (roughly 10-40cm above) the road level in Fulbeck Avenue.

According to current Environment Agency mapping, the site is within flood zone 1 (low risk), the nearest zone 2 & 3 areas being in Squadron Drive, approximately to the east. An updated flood risk assessment has been undertaken recently, which is discussed further in this report.

## **Proposal**

The proposal is for the construction of a wholly residential development of 152no. one and two bedroom flats comprising five blocks with associated open spaces, landscaping and 160-parking spaces. All blocks would be four storeys in height; four would be identically-sized providing 32 homes each, a fifth block on a smaller footprint would provide 24no. All would be built using a modular, timber-framed construction, using a high degree of off-site prefabrication.

The proposal includes 30% (46no.) affordable home for rent and shared ownership, as defined by the Council's Core Strategy. The remainder would be for market sale under a 'left to live' approach, used on other sites in Scandinavia by the developer.

Access would be via a new western spur to the existing 'Tesco' roundabout in Fulbeck Avenue. An existing public right of way which runs at an angle roughly north-south along the eastern edge of the site, would also be resurfaced allowing pedestrian access through the site, northwards to the new West Durrington development and southwards toward Titnore Way/Lane and Romany Road.

Development as shown in the proposed layout plan below, would comprise two distinct clusters; a northern cluster of three blocks (Blocks 1-3), including the smaller block, (Block 1) which would front onto Fulbeck Avenue. Behind this would be a rear pair of the larger blocks. Approximately 75m to the south of these would be the southern cluster of two blocks (Blocks 4 & 5). The two clusters would be

connected by a new internal road, which would cross the existing stream, around which land re-levelling and new planting would create one of the three main open spaces and serve as an area for flood water storage.

Recent amended plans include the handing of Block 1, with relocation and splitting of an associated bin store and 3 parking spaces at the northern boundary, plus additional tree planting. Colour variations have also been added to the five blocks and ground floor levels slightly increased in height in response to a Flood Risk Assessment Addendum which has also been submitted recently, along with a revised Acoustic Assessment. These have been subject to further consultations and neighbour notification.

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Fig.1: Proposed Layout Plan

## Relevant Planning History

None for site but note the following neighbouring histories:

WB/11/0275/OUT - Outline application for development of land north of Fulbeck Avenue, West Durrington, for residential development (up to 700 units), recreation, community and education purposes; ground stabilisation; and speed management measures on Titnore Lane. Principal vehicular access and bus routing via Fulbeck Avenue, with Tasman Way providing vehicular access limited to the community facilities and bus routing, and Cherwell Road providing emergency vehicular access only. **Status: Approved 27<sup>th</sup> April 2012**

AWDM/0530/18 Installation of underground surface water pumping station and associated manholes and above ground electrical cabinet (land South of 20-22 Malthouse Way). **Status: Resolution to grant subject to s106 legal agreement.**

AWDM/0220/18 - Relocation of New Life Church from Salvington Road to corner of Fulbeck Avenue and Fulbeck Way to provide new place of worship comprising 250 seat auditorium, chapel and ancillary accommodation, 42 car parking spaces, motorcycle and cycle parking. **Status: Approved 31<sup>st</sup> May 2018**

## Consultations

**Highways England** – No objection

**WSSC Highways** – No objection, subject to conditions securing implementation of access, construction management plan, cycle parking and travel plan. It is noted that the site forms part of a housing allocation for 50 houses in the Consultation Draft Local Plan. The following comments are provided:

- **Access** – Proposal includes a new arm to the existing roundabout with visibility splays of min 46m. Supporting Road Safety Audit provided, and following amendments, demonstrates safe access is achievable.
- **Traffic generation/highways capacity** – Proposal would generate 43 and 47 vehicle movements during the AM and PM periods respectively. A daily total of 391 two-way vehicle movements are expected during a typical weekday. This is an increase of 17 two-way vehicle movements above those forecast for the allocated scheme (50 houses) during both peak hours, equivalent to 1 additional vehicle movement every 3-4 minutes. The proposed increase in traffic is not considered to be significant. In addition, impact on nearby roundabouts and junctions has been assessed - the proposals would have a very limited impact on their operation.
- **Sustainable Access** – Site is well-served by existing footway connections with existing bus stop within 5min walk (Carisbrooke Road). Proposal includes new 2m wide footways into the site and upgrading of existing Right of Way (FP.3114) through the site including potential for new connections to the southern part of the site.

- Proposal supported by Travel Plan which subject to amendments to seek to reduce traffic movements by 15%, securing £150 towards travel vouchers (including commitment to provide additional vouchers and other remedial measures if trip rates are not met) and to include references to Sussex car sharing and cycle journey planner, is acceptable. Proposal also includes 2 car club spaces and vehicles.
- **Parking Provision and layout** - Proposal includes 160 car parking spaces (including 28% with electric charging points) which subject to a satisfactory travel plan being provided is considered acceptable provision. Internal layout will be to adoptable standards and would accommodate servicing and emergency vehicle movements.

**WSCC Public Rights of Way Team** – No objection subject to conditions to secure upgrading of the PROW and informative notes.

- Public Right of Way (PROW) FP3114, which is unmade, runs along the eastern boundary of the proposed development (within the red line). Proposal should upgrade this (and any associated works to boundary treatment) in accordance with details first agreed with WSCC RoW Team. Consent needed for any temporary closure and any drainage infrastructure affecting the path

**WSCC Fire & Rescue** – Comment

Recommend a planning condition for details and provision of fire hydrants

**Environmental Health officer:** Further comments awaited

Previous comments summarised here:

Noise : Although further day/night-time modelling is required, the submitted modelling indicates the noise levels are likely to be too high to rely on open windows for ventilation. Suitable ventilation will be required. Further modelling of proposed noise levels at proposed facades and across the site is needed to demonstrate adequacy of proposed glazing and good acoustic design for internal areas & external amenity areas. Also further information concerning noise levels for proposed plant

Contamination: 'The submitted Ground Investigation Report does not demonstrate any significant levels of contamination in the ground or groundwater and low risk from ground gas. Further testing/sampling are requested of an area of made ground found in one location to a depth of 0.8m; also any details of the depth of soil proposed for removal. Will any soil be imported?

Air quality : **[Planning Officer comment:** Pending further comments it is noted that planning conditions would be needed to control working hours, and to agree and implement a construction management plan to address matters such as noise, dust, pollution and vehicle routing during construction.]

### ***Environmental Health (Private Sector Housing)*** – comments:

With regard to the Housing Act 2004 guidance provided to ensure potential hazards such as ‘inner’ rooms (where the only means of escape in the case of fire is through another risk room i.e. bedroom, living room, kitchen, etc.), are addressed or where there are inadequate windows or outlook from habitable rooms, which are not necessarily addressed by Building Regulations. **[Planning officer comment:** A fire safety strategy has been submitted and is under consideration]

**Waste Services Officer** - Further comment awaited.

Previous comment: Road construction will need to cater for weight recycling/waste collection vehicles. WSC is checking the proposed amended arrangement of bin stores.

### ***Technical Services - Drainage***

In response to the applicant’s initial Flood Risk Assessment Technical Services raised a holding objection on the basis that there was insufficient evidence to demonstrate that development will be safe from all sources of flooding, and will not increase flood risk (from all sources of flooding) elsewhere. After a series of meetings it was agreed that the applicants would re-run the flood modeling undertaken for the Strategic Flood Risk Assessment (SFRA) using updated topographical information (including details of the balancing facility) to re-assess the flood risk to the site and to inform a revised site specific FRA.

In relation to the revised FRA we would wish to maintain our holding objection on the basis that there is still missing information including, model review findings, blockage scenario reporting, and proposed levels drawings. In the circumstances we are not satisfied that the applicant has evidenced that the development will be safe from all sources of flooding, nor increase flood risk elsewhere. To overcome this it is requested that the applicant addresses the following:

1. Provide evidence that the development will not result in increased fluvial flood risk for the lifetime of the development. I.e. use appropriate higher central and upper end climate change allowances as set out in <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.
2. Re-evaluate the applied initial water levels of Malthouse Way attenuation basin.
3. Provide evidence that surface water flow paths will not be obstructed and that the development will not increase surface water flood risk elsewhere.
4. Update site specific modelling with topographic survey covering the entire site.
5. Demonstrate that there will be no loss of flood storage as a result of the development. This must take due consideration of flooding from all sources, including surface water.
6. Results of blockage scenarios have not been included within the FRA. 50% and 95% blockage scenarios should be run on both the existing Fulbeck Avenue culvert and the proposed culvert within the development.



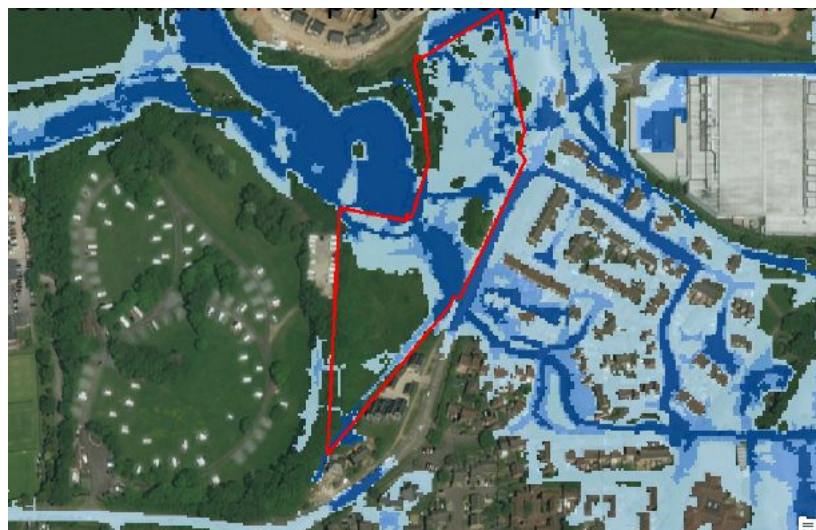
7. Provide evidence that flood risk from breach scenarios will be significantly reduced off site and that the development is safe from this source of flooding. Currently the FRA shows the proposals will increase flood risk to some offsite areas, including existing residential development in Squadron Drive.
8. Provide details of how the impact of vegetation loss on flood risk has been assessed.
9. Provide calculations and drawings assuming a “worst case” lined surface water drainage system is required. Calculations and drawings must show that there is sufficient space on site to store the 1 in 100 year plus 40% climate change event without flooding off site and that the 1 in 30 year plus 40% climate change event can be stored within the surface water drainage system. Greenfield 1 year runoff rates should be used as the outflow from these calculations. Further information required.

**[Planning officer comment:** The applicant has responded to these concerns and the further comments of Technical Services will be reported at the meeting]

### **County Lead Local Flood Authority (LLFA)**

In response to the original Flood Risk Assessment (FRA) the LLFA commented:

1. *The LLLFA responded in December 2018 to the Draft Local Plan Regulation 18 Consultation (Reference A) stating: The area is prone to surface water flooding as the extract from the surface water flood map (Figure 1) clearly shows...For this reason and recognising the importance of the woodland in attenuating flow downstream, the LLFA does not consider the development of this site appropriate.*
2. *Reference was also made to the identification of West Durrington, including the proposed development site, as an area of significant flood risk under national flood risk mapping criteria by virtue of the concentration of population potentially affected by the risk of flooding. Figure 1: High (dark blue) / medium / low (lightest blue) surface water flood risk.*



3. *The LLFA has consistently reiterated its concerns about the appropriateness of development, given a combination of the importance of the surface water flow routes and absence of evidence in terms of both the sequential and exception tests (References B-D).*
4. *The LLFA has now reviewed the provisional modelling results for the breach analysis associated with Somerset Lake (References E and F) and concludes the following:*
  - a. *The southern wet day breach analysis shows considerable areas of the site with flood depths in excess of 0.6m, and “danger to most” and “danger to all” classifications for the middle of the site.*
  - b. *The northern wet day breach analysis shows predicted flood depths in the range of 0.3-0.6m occur over approximately a half to two thirds of the site, including the area of proposed access. With a hazard rating of 1.25-2.0 which means that is classified as “danger to most”.*
  - c. *No structural assessment has been made of the dam that is owned by a third party that complicates the flood risk going forward.*
  - d. *Further in-combination analyses of the overtopping of the attenuation lake to the north east is awaited that will need to be taken into consideration in assessing the overall flood risk.*
5. *In short, there is currently inadequate evidence supporting the application to demonstrate that flood risk is not increased elsewhere and that:*
  - a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
  - b) *the development is appropriately flood resistant and resilient;*
  - c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
  - d) *any residual risk can be safely managed; and*
  - e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan. (paragraph 163 of NPPF).*
6. *On this basis the LLFA does not support development of this site until robust evidence has been provided that complies with the NPPF and local flood risk and drainage policy.*

In response to the revised modelling of flood risk the LLFA comments as follows:

...further validation is required of the content and methodology in compiling the modified flood extents before they can be accepted as a more accurate representation of flood risk for the site. In any event, in their present form, the two technical reports provided do not fundamentally alter the formal response that the LLFA has made to this application on 4 March 2020; namely that the LLFA does not support development of this site until robust evidence has been provided that complies with the NPPF and local flood risk and drainage policy.

Principal outstanding concerns currently are: the condition of the Somerset Lake dam and reservoir as detailed in the attached report; the long-term maintenance of the same and the pluvial flood risk.



**Environment Agency** – Comment on amended plans and Flood Risk assessment are awaited.

Previous comments are summarised as follows: As a result of the most recent flood risk modelling in this area part of the site will be located in Flood Zone 2 and 3. Refusal would be recommended but an updated Flood Risk Assessment is needed to address the Agency's objection.

**Southern Water Services** – No objection

Southern Water can provide foul and surface water sewage disposal for the proposal. However, existing water mains and sewer infrastructure needs to be taken into account in the final layout and details of foul and surface water drainage should be secured via planning condition.

Sustainable surface water drainage SUDS should comply with the following hierarchy: a) adequate soakaway or infiltration system, b) drain to a water course, c) where neither a or b are practicable, drain to a sewer. Appropriate long term maintenance of any SUDS facilities should be secured.

**Southern Power Networks** – No response received.

**Southern Gas Networks** – No response received.

**WSSC Archaeology** – No Objection

Planning conditions recommended for below-ground on site archaeological surveys and recording.

**South Downs National Park Authority** – No objection

Site located approx. 360m from the National Park. Existing housing located to the north, east and south of the site. Given that the proposal would be located in an area where there is pre-existing housing, there would be only minor impacts on the setting of the National Park. Recommend that consideration be given to the International Dark Night Skies Reserve and dark night skies, which are a special quality of the National Park, and opportunities to provide recreational links for future occupants of the site into the National Park. Appropriate lighting should be secured via planning condition.

**Sussex Police** – No objection:

No major concerns, however, using 'Secured by Design' principles features are recommended such as door entry systems, access control systems with audio-visual; postal arrangements, design of the children's play areas, (height of planting), cycle and bin store security and external lighting.

**Historic England** – On the basis of the information available to date, we do not wish to offer any comments. Seek the views of your specialist conservation and archaeological advisers, as relevant.

**NHS Clinical Commissioning Group - Awaited**

**Head of Housing – Comments**

The provision of 70% affordable rent would greatly assist in terms of meeting the future housing needs of the Borough. It would further assist if this affordable rent could be delivered at the equivalent Local Housing Allowance rate (i.e. less than 80% of market rent) as this would provide genuinely affordable housing to those currently on the Council's housing waiting list and in temporary accommodation.

**Borough Tree Officer – Comments**

In my opinion the development is too far north and the block to the northeast should not extend beyond the line of the tarmac area for the car parking/garages, similarly the Cycle store should be relocated. This is so that a wooded area is still present at the site to define a separation between this development and that of West Durrington to the north, and to help mitigate some of the loss of existing woodland/trees. It is recognised that to achieve this there would need to be a significant amount of planting to either enhance existing woodland or to create a new one. This would need to be secured via a planning condition.

**Parks Manager – Awaited**

**Place & Economy Team** - We support the application for the BoKlok apartments to help ensure affordable housing needs are met for key workers across our area. Adur & Worthing has a shortage of workers within the Care industry. We therefore need to provide housing which helps retain individuals within this sector

**Arun District Council – No response received**

**WBC Ecological Consultant – Further information requested regarding:**

- Titnore and Goring Wood SNCIs and its relationship to the site, including protection from pollution and access from proposed development,
- Updated badger and reptile translocation information,
- Reasonable avoidance measures for amphibians,
- Habitat information predating 2020.

A Landscape Ecological Management Plan (LEMP) would also be required for approval and implementation.

**[Planning officer comment.** Although the Council's request for information has come at an advanced stage of the planning application, the consultant Council's consultant has discussed these matters with the applicant's consultant, who is preparing this information].

**Sussex Wildlife Trust – No response received**

## Neighbour Representations

Original Plans: Eight representations received, all of which raise objections (from the nearby residents on Malthouse Way, Fulbeck Avenue, Callon Close, Cornfield Way and The Street).

These relate to:

- Design and form, including black industrial architecture out of keeping with the surroundings;
- Excessive height and scale of blocks taking into account surrounding built form;
- Adverse highways impact on Fulbeck Avenue and Titnore Lane taking into account cumulative impacts associated with surrounding uses/development, excessive speeding and insufficient off-road parking proposed within the site;
- Adverse impact on neighbouring residential amenity in terms of loss of light, outlook, privacy (including to the occupiers of 17 Fulbeck Avenue) and increased noise and disturbance;
- Public right of way is shown to open out onto Fulbeck Avenue to the rear of neighbour at no.17. Pedestrian access should be closed off / fenced-off to avoid visitors parking inappropriately on Fulbeck Avenue, in accordance with previous requests.
- Adverse impact on flood risk taking into account existing flooding issues within the site (with the dam for Titnore Lane previously being breached) and ;
- Overdevelopment of the site;
- Loss of trees/protected woodland and biodiversity which results an adverse ecological impact is contrary to the councils declared climate emergency;
- Proposal is contrary to the housing allocation within the draft Worthing local Plan which provides an indicative capacity of 50 units for the site, seeks to retain trees between the site and West Durrington Development and limit impact views from the National Park to the north.
- Lack of infrastructure of support the development
- Adverse impact on local air quality from increased traffic generation
- Light pollution
- Loss of green infrastructure that would absorb CO2
- Loss of open space for the local community including young people

Other comments indicate:

- Is the proposal sufficiently responsive to the Councils declared climate emergency.
- Measures to protect birds and other ecology should be secured
- Proposed planting around the boundaries to be appropriate specification to avoid excessive overshadowing to neighbouring properties.

## Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policies 7,8,10, 12, 13, 15, 16, 17, 18 & 19

Worthing Local Plan (WBC 2003) (*saved policies*): RES7, RES9, TR9 & H18

Supplementary Planning Document 'Guide to Residential Development' (WBC 2013)  
Supplementary Planning Document 'Space Standards' (WBC 2012)  
'Infrastructure Delivery Plan' (WBC 2010)  
Tall Buildings Guidance (WBC, 2013)  
Developer Contributions' (WBC 2015)

Guidance on 'Parking Standards for New Development (WSCC 2019)  
The Provision of Service Infrastructure Related to New Development in West Sussex – Part 1 (WSCC 2003)

National Planning Policy Framework (NPPF - February 2019)  
National Planning Practice Guidance (NPPG).

The following are also noted:

- The emerging Worthing Local Plan Consultation Draft, 2018: which identifies the site as housing allocation site no. A2.
- The Adur & Worthing Open Space Study, 2019 was also completed in 2020 and provides evidence regarding needs for open space and recreation.

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended), provides that applications 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.

In respect of the Town and Country Planning Environmental Impact Assessment Regulations 2017, this planning application is not considered to constitute Environmental Impact Assessment development. Matters of environmental importance relevant to the proposal are considered in the planning assessment below.

Legislation for the protection of wildlife includes the Wildlife and Countryside Act, 1981 and the Natural Environment and Rural Communities Act 2006, (the NERC Act) and the Conservation of Habitats and Species Regulations, 2017.

These set out duties of planning authorities for the protection of statutory designated sites such as (such as Sites of Special Scientific Interest (SSSIs), which is reflected in the NPPF, guidance and local planning policy. Regard should be given to the conservation of important habitats and protected species, based on maintaining their favorable conservation status. Where a proposal would disturb, damage or destroy the breeding or resting place of a protected species, the Authority must consider whether there are no alternative solutions to the proposal; whether the proposal must be carried out for imperative reasons of overriding public interest (including those of a social or economic nature); and that compensatory

measures which ensure the favourable conservation status of the species has been secured.

## **Planning Assessment**

### ***Principle of Development***

The site lies within the built up area and was originally allocated for development in the 2003 Worthing Local Plan as part of the wider West Durrington development. However, as a consequence of the lower housing numbers required by the South-East Plan at that time and objections to the West Durrington development the allocated area was reduced in the Core Strategy in 2011 but the site remained within the built up area boundary. Subsequently the West Durrington development allocation was approved for development of 700 dwellings (excluding two parcels of land fronting Titnore Lane) and in 2019 the northern part of the allocation received outline approval for 240 homes.

Following withdrawal of the South East Plan in 2013 and the introduction of the NPPF requirement for local authorities to meet their future objectively assessed housing needs, the Worthing Housing Needs Study in 2015 identified an increase in housing need within the Borough. In response to this the Council's Joint Strategic Committee in April and July 2017 agreed that the site could therefore come forward for development in advance of the Local Plan review.

The built-up area boundary remains as identified in the 2011 Core Strategy, including the application site. The boundary is referred to by Saved Policy C1, which distinguishes between the need to provide special justification for development outside the built up area but that there is no such special justification required within the boundary. Accordingly, in the broadest terms the principle of development may be accepted, but this is subject to meeting the requirements of other planning policies.

Among these other policies, Core Strategy policy 13 also concerns the built up area. It targets the re-use of previously developed land as suitable for new development to meet current needs, in preference to the use of undeveloped land. However, more recently the NPPF (para 117) adopts a less constrained approach. It states that *as much use as possible* should be made of previously developed sites in order to accommodate assessed development needs but it does not appear to rule out the use of undeveloped sites in built up areas.

Paras 11 and 73 of the NPPF can also be read as tempering the policy 13 approach, giving great weight to the approval of housing development, in circumstances where a five year land supply for housing cannot be met. In the Borough, the current supply is around 2.3 years and given the limited amount of land in the Borough, it is anticipated that the emerging Local Plan will only identify sufficient additional development land to meet part around 30% of the current housing need. The NPPF also contains a presumption in favour of where development is considered 'sustainable, according to its economic, social and environmental impacts.

The implied National support for development on undeveloped land is however a qualified one. For instance, alongside the importance it attaches to the supply of housing land para 11 of the NPPF also requires consideration of any adverse impact of development proposals and whether these would demonstrably outweigh the benefits. Also at para 118 there is recognition of the range of functions which undeveloped land can perform, including wildlife, recreation, flood defence and others. Consequently, the assessment of the current application for the use of undeveloped land requires consideration and weighing of the need for housing needs alongside the functions and value of the site.

In considering the principle of development it is also relevant that the emerging Local Plan Consultation Draft in autumn 2018, proposed the application site as (Site A2) one of a series of new housing development sites. The indicative number of new homes was 50 and qualified by criteria which included: the retention of mature trees and enhancement of planting; a sequential approach to flood risk by locating development in areas of least risk within the site; the protection of the ditch and stream and a suitable relationship with neighbours. Most of these criteria reflect the functions undeveloped sites acknowledged at para 118 of the NPPF

Whilst this emerging plan has very limited weight, the draft allocation embodies an important principle, namely that the site may be considered as a suitable location for housing development, subject to addressing the detailed criteria. This is consistent with the fact that the site is within the identified built up area and that national policy gives weight to arguments in favour of the use of undeveloped land where necessary to meet housing need. It is considered that this principle can be supported, provided that the criteria referred to above such as flood risk, trees, neighbour relationships are satisfied. Core Strategy Policies 7 & 10 also support the provision of new housing at a rate which meets local need, including affordable homes.

Beyond this, other detailed matters such as design, housing mix, access and parking, biodiversity, landscaping and energy are also important in determining whether the development can be considered sustainable according to the economic, social and environmental factors referred to in the NPPF. These are also covered by local policies 7, 10, 14, 15 & 16, which cover housing mix and affordable homes; good quality architectural and landscape design; green infrastructure and the management of flood risk. These all contribute to the overall planning balance, and are considered in the following sections.

### ***Sustainable Development***

In terms of location the site benefits from proximity and good access to the local West Durrington local centre comprising the large supermarket, other shops and community centre, with regular bus services into central Worthing. As part of the West Durrington development a bus service is to be extended along Fulbeck Avenue, with new stops close to the site. Goring on Sea train station is within 25 minute travel time on foot, with recently improved footpaths through Northbrook Recreation Ground, and in Titnore Lane. Other play and sport facilities are to be delivered by the nearby West Durrington development which is nearing completion.

The location therefore provides a range of social and economic benefits alongside the inherent benefit of contributing towards housing supply to meet needs. In accordance with policies 17-19 of the Core Strategy the applicant also proposes to incorporate the following sustainability principles in the design and implementation of development:

- The use of timber-framed modular construction manufactured within a controlled environment. This uses sustainably-sourced timber for the main superstructure, built within a factory which can reduce construction/build waste by 90%. Compared to an equivalent, traditionally-built project, up to 67% less energy is required to produce a modular building. Offsite construction also impacts on the carbon footprint of a building, as it allows for a reduction of the total number of deliveries to sites by 90%;
- Reduction in embodied carbon, which is the carbon footprint of a material taking into account the number of greenhouse gases (GHGs) that are released during the manufacture, transport and construction of a building as well as its life cycle and decommissioning at the end of its life, of up to 55% when compared to traditional construction methods;
- Highly efficient building fabric to reduce energy demand and carbon emissions;
- Water saving sanitary fittings and appliances to reduce consumption to less than 105 litres/person/day;
- Efficient construction and operational waste management;
- Consideration of life cycle environmental impacts as part of materials selection;
- Community Boiler/Air Source Heat Pump (ASHP) system for heating & hot water which would provide a 25% reduction in carbon emissions when compared to a typical gas boiler system.

In addition all homes would be built to Accessible and Adaptable Standards, and there would be well placed wheelchair user parking and ramps to ensure ease of access to homes which can be easily adapted for their use. These various measures can be reflected in a planning condition including adherence to the modular construction approach. It is recognised that some of these overlap with building regulations.

In accordance with current County Parking Guidance car charging points for electric vehicles would apply to at least 28% of parking spaces with passive provision for others. Other sustainable Transport measures, including car club vehicles, which lend themselves to higher density developments, are described on the Highways, Accessibility and Parking section below.

Air quality comments are currently awaited from the Environmental Health Officer. In accordance with the Sussex Air Quality Strategy, this may include recommendations for the provision of air impact mitigation measures on or off-site, an update will be given.

Biodiversity is considered in a separate section further below. Current indications from ecological information and the review of the Council's consultant ecologist, appear reasonably positive pending further information on which an update will be given.

In summary, the proposal is considered capable of providing important sustainability benefits, as envisaged in the NPPF and current policies. Subject to the updated information on air and biodiversity, this would appear to weigh in favour of the application.

## **Housing**

### **Quantity and Mix**

The proposal for 152 flats would provide 51no. (34%) one bedroom and 101 (66%) two bedroom homes, all of which meet National minimum internal space standards of 50sqm and 70sqm respectively. Each would have a balcony of 3.7sqm and access to the series of outdoor amenity spaces. The breakdown of market and affordable housing is shown in Table 1 below.

**Table 1: Housing Mix: (152 Flats)**

	<b>All</b>	<b>Market</b>	<b>Affordabl e</b>
<b>1 bed</b>	51 (34%)	32 (30%)	19 (41%)
<b>2 bed</b>	101 (66%)	74 (70%)	27 (59%)
<b>Total</b>	<b>151</b>	<b>106</b>	<b>46</b>

The proposal achieves a development density of 69 dwellings/ha, which accords with the aim of achieving efficient development of land, as stated in the NPPF, para 122 and in 3.47 of the Core Strategy. This compares with sample densities of 36.5 in Squadron Drive / Varey Road and approximately 40.7/ha. in the new West Durrington development nearby.

In terms of mix the proposal offers a fairly narrow range of sizes, partly as a consequence of the modular building system. Notably, it does not include three bedroom units for which both the Core Strategy and more recent Strategic Housing Market Assessment (SHMA, 2020) identify a need, particularly in suburban areas. However, within the range of one and two bedroom flats proposed, the proportions above quite-closely reflect a trend evident in the recent SHMA that the demand for two bedroom flats is greater than that for one bedrooms; more than twice as much in the case of market homes and closer in terms of affordable homes. In terms of smaller homes, the mix is considered a reasonable reflection of need.

### **Affordability**

In accordance with Policy 10 of the Core Strategy, the proposal includes just over 30% affordable homes. These would comprise a mixture of 32 rented and 14 shared-ownership flats, which is consistent with the 70:30 ratio currently sought by the Core Strategy. The shared ownership homes would be distributed across the ground floors of two blocks and the affordable rented units would comprise all of Block 2 at the north west corner part of the site. In design terms the modular approach means that all dwellings are indistinguishable in terms of tenure. The



layout also affords an equal degree of access to communal outdoor spaces and parking.

The applicant explains that a key driver in the proposed development is to provide low cost market homes and that it aims to provide the lowest cost new build homes of this size in Worthing. This is made possible by the use of the modular system, which greatly reduces construction costs, wastage and time. It is intended that the sale price would be based upon a target market of a key worker couple earning an average combined local income and applying a 'Left-to-Live' calculation. This would take into account household outgoings, and a 5% deposit (for example £12,500 for a £250,000 purchase), and a repayment period of 30 years at 4.2%. Through this method the applicant identifies a purchase cost of around one third of the monthly household income, after tax/NI/Pension/Council Tax. It is also intended that the properties would be marketed exclusively to residents of Worthing and Adur Councils for an initial three month period, before being marketed more widely.

The extent to which details of this arrangement, for example the market exclusivity period may be assured, are under discussion. Officers have also enquired whether this discounted form of market sale would benefit future occupiers (as with the 'First Homes' scheme, currently being considered by the Government). However, the applicant indicates that this would not be offered due to the difficulties of managing subsequent re-sales and ensuring that this discount could be secured. Nevertheless, the initial sale price would be attractive to local residents unable to currently access the housing market.

### Modular Homes

Each of the five blocks would have two entrances, reached by external ramps. As shown in the typical layout below, these would open into a central core with lifts and stairs, which in turn lead to a corridor in each direction, from which each flat is then individually accessed. There are 8no. flats per floor, other than in the case of the smaller block which has 6no. In terms of accessibility all flats would meet Category M4 (2) 'Accessible & Adaptable Homes' under the Building Regulations, including ramped and level accesses outside, for which a planning condition could be applied.



**Fig. 2: A Typical layout of one and two bed modules (part-ground floor shown)**

An advantage of the modular system is that similar spaces are located above one another, (bedroom above bedroom, kitchen above kitchen etc.), which is advantageous in terms of noise penetration; although in any event, noise insulation standards can be met by pre-fabrication. One disadvantage of the modular layout is that fifty percent of flats within the larger blocks and thirty percent in the smaller block, are single aspect units.

In recognition of this the large central patio windows to the open plan living and dining space and separate windows to bedrooms make best use of natural daylight. The depth of the central living-dining space room is 8m, and as such the kitchen area bathroom furthest from the window is more likely to rely on artificial light. Where flats have single aspects to the north, several face towards the communal gardens and neighbouring lake, although some face towards parking areas, with less advantageous outlooks. However, the proximity of well landscaped communal spaces and availability of individual balconies and patios provides some compensatory benefit in these cases.

Fire safety is another consideration arising from the modular, open-plan layout, with rooms leading off other rooms ('internal rooms'). Following comments from Private Sector Housing Officer and Fire Safety Advisor, a fire safety strategy has been submitted and is under consideration. This would be a matter dealt with under the Building Regulations.

## Layout, Design & Appearance

### Layout

In response to the shape of the site, which comprises two relatively wide northern and southern areas connected by a narrower central space, the proposed layout is for two clusters of new blocks; three in the northern area (Blocks 1-3) close to the site access and a pair in the south (Blocks 4-5).

**The northern cluster** (Figure 3 below), comprises the smaller Block no 1, facing Fulbeck Avenue, and the larger Blocks 2 & 3 to the rear, which are aligned in a parallel formation, end-on to the fishing-lake boundary. Two of the three blocks would be focused upon an intervening central open space 'the northern courtyard'. This would be formal in character, with pathways connecting to a central seating area. The proposed arrangement provides a good degree of passive surveillance and access from each block, although slightly less for Block 1 which is accessed across an intervening roadway.



**Fig. 3: Northern cluster**

At the northern boundary Block 1 would be separated by a landscaped space of between 6.3m – 11.5m width. Tree planting is proposed along the boundary in part-replacement for those which would be removed, and to augment trees and shrubs at the southern edge of the West Durrington development and its balancing pond. At the Fulbeck Avenue frontage, Block 1 would be set back between 9.5m – 10.5m from the pavement, with new trees to be planted some 3m from the pavement edge and some 7m from the building façade. This would echo the mature



hedgerow of mature oak trees on the opposite side of the road, at the boundary with the approved, as yet unbuilt, new Church building.

Car parking for the northern cluster is shown to the west of Block 1, largely screened from Fulbeck Avenue by the proposed building. Other parking is to the north and south of Blocks 2-3, also largely screened by the buildings and by proposed planting. These ranks of spaces are conveniently located for use, including well-placed larger spaces for wheelchair users. However, the ranks are quite long and only interrupted by paths rather than by planting. The rank of 12 spaces towards the Fulbeck Avenue frontage are also conspicuous particularly from the roadside within the site. This is a disadvantage of the proposed parking ratio of 1 space per dwelling, and the applicant has been asked to consider some reduction or segmentation of the ranks, to introduce additional vegetation or trees.

Bin and cycle stores are also located conveniently around the buildings, with ease of access to the internal roads. Whilst some of these are also conspicuous, they are softened by the use of proposed shrubs and trees and by the use of green roofs, which adds a note of distinctiveness.



**Fig. 4: Central space**

**The central space** (Figure 4 above), would be partly excavated and re-levelled along the course of the existing stream which flows southwards through it from the neighbouring fishing lake to the west. This would create floodwater storage capacity. New planting within this central space would create a woodland play area, including an equipped area for play (LEAP) for children aged up to 8 years. This is shown some 30m and more from the façade of block 2. The location ensures that the area is well overlooked but with a good intervening distance in order to limit noise and disturbance to neighbours.

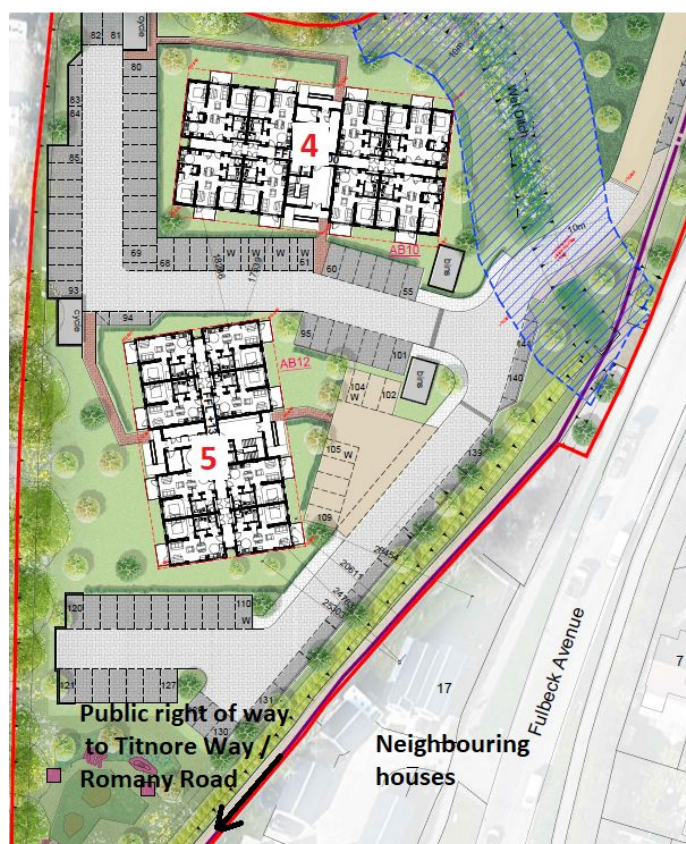
The presence of the stream to the south of the space relative to the proposed play area, will necessitate the use of fencing for the safety of children. Details would be

required by planning condition to ensure suitable specification and appearance. The road would bridge the stream at this point and is described as a 'green route', using a contrasted surface to distinguish it from the main access road to the north, promoting driver caution in the vicinity of the play area, woodland glade and roadside parking bays.

The visual impact of the series of roadside bays along the green route roadway is softened by intervals of grass or other planting together with the proposed tree planting along the eastern boundary of the site, which creates tree-lined routes both within the site and in Fulbeck Avenue.

The route of the existing public right of way, (shown in purple) is to be retained and re-surfaced in accordance with details to be agreed by the Rights of Way officer. This represents an efficient way to provide a walking route for both the residents of the proposed development in addition to existing users between Titnore Way/Romany Road to the south and the West Durrington development to the north.

**In the southern cluster** (Figure 5 below), a substantial part of the setting to Block 4 is formed by the planted central area. The communal grassed areas forming the immediate curtilage of this proposed block are relatively modest but they would blend into this wider open space providing a sense of openness.



**Fig. 5: southern cluster**

The distance of approximately 35m to Fulbeck Avenue and intervening planting is also considered to retain a good degree of spaciousness and informality which is important in providing a setting for the scale of building proposed. The orientation of Block 4 assists by presenting its shortest side towards the site frontage, maintaining

views of the tree-lined backdrop to the site, which are an important part of the boundary to the built-up-area.

As in the northern cluster, bin and cycle stores are landscaped-in, including green roofs. The proposed car parking is conveniently located, including wheel-chair user spaces. Much of it is located between or behind the proposed buildings, with limited impact on the wider public views. However, the ranks of spaces here are also long and dominate the interior of this cluster. The applicant has been asked to consider some reduction or segmentation of the ranks, to introduce additional vegetation or trees.

Block 5 had been orientated to allow light penetration to its western side, away from the tall boundary trees, and to minimise risk of future pruning pressure. The positioning of Block 5 relative to the neighbours in Fulbeck Avenue, approximately 17m – 20m away is considered in the Residential Amenity section of this report.

At the southernmost extent of the site, a third main open space is proposed 'Southern Green Amenity Space', alongside the route of the public right of way and to the rear of neighbouring gardens. The character is described as quiet-ecology space, characterised by informal habitat planting subtle earth mounds and hibernating opportunities, such as log piles.

In summary the layout produces a series of building clusters and distinctive outdoor zones serving the needs of new residents and replenishing the vegetated character of the site, at the transition between the built up area and the rural landscape beyond. Although the proposed parking provision is somewhat dominant in places, the overall effect as new trees and planting mature, is of parkland setting in which new development is blended into the landscape. The following consideration of the design of building examines this further.

### Scale, Design & Appearance

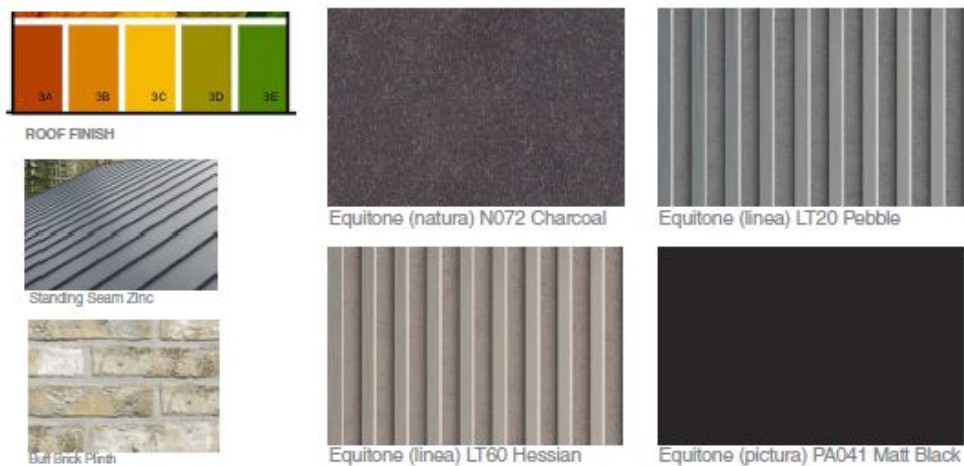
Of the five proposed blocks, four are 40m wide and 18.8m deep. The single smaller block at the north-east corner, facing Fulbeck Avenue is similar in depth but 10m narrower, giving a 30m built frontage to Fulbeck Avenue. All blocks are four storeys high with mono-pitched roofs rising from 13m on their low side to 14.5m at the taller side. The blocks are identical in design. With the exception of the smaller block, there are four flats on each of the long sides of each block, giving rise to a rhythm of four bays, two each side of the entrance, as shown in the extract below (Figure 6).

The exteriors are clad with profiled, fibre-cement 'Equitone' panelling in a narrow range of grey-shades and roofs of standing-seam zinc. The arrangement of the two grey shades seen in the images below, are reversed between individual blocks in order to create variation. Windows and doors are dark/black metal and projected balconies alternate between black and white aluminium soffits. A central entrance door is in a recessed bay is located on each of the long sides of each building. These entrances and the stairwells above are distinguished by the use of coloured external panels in a range of russet-orange-green tones, one colour for each block. On each end of the building a narrow recessed section breaks the roofline and at roof level are a pair of projected, dark-metal ventilation chimneys.





**Fig. 6 Typical Elevations (above) and Material palette (below)**



The range of materials and colours are intended to complement those of the flint and timber clad houses in Fulbeck Avenue adjoining the southern end of the site. They also serve to distinguish the development from the red tones of established brick and tile housing, such as in the Varey Road and Squadron Drive area to the east and the new West Durrington development to the north. The applicant explains that the choices emphasise the particular form and ‘architectural language’ of the scheme as a distinct enclave. The colours also tend to recede among the colours of the natural landscape of the rural/built-up edge.

In terms of scale and mass, the proposal references a series of nearby buildings. The first is the terrace of three storey ‘clapperboard’ town-houses which are located at the entrance to the West Durrington development, approximately 80m to the north of the site. These are similar in height to the 14.5m of the proposed blocks, although pitched-roofed and less wide. Another building is the Tesco supermarket 100m to the east, which is a modular, clad, flat roofed building, albeit lower in height. Lastly, the approved but as yet unbuilt New Life Church building, the site of which is approximately 45m to the east, opposite the site, which also uses a flat-roof design spanning a wide frontage.

Each comparison has some relevance but in each case there are important differences: the Tesco store is positioned and orientated away from Fulbeck Avenue and makes little contribution to its character. The position of the New Life Church building is set further back from the road, behind mature oak trees which provide a considerable degree of screening, unlike the application site where new frontage trees will have more limited space in which to develop. The clapperboard houses at

West Durrington are prominent but of more traditional domestic form, including steeply-pitched, tapering roofs.

The contemporary shapes and forms of the proposed scheme bear limited direct relationship to the designs to their surroundings, however, this is not necessarily a shortcoming. The site and the layout of the proposed development can be seen as a distinct enclave, which is quite markedly set apart from these other developments. The concept of contemporary, modular form in a parkland setting has validity in this context. Within this concept the architectural detailing and proportions are also well considered.

There are some vantages from which integration between the proposed development and its surroundings, require careful consideration. The first is the relationship between Block 1, Fulbeck Avenue and the southern approach to the West Durrington development. The second is from the Romany Road roundabout to the south. These are shown by the use of red 'outline' in figures 7 & 8 below.



**Fig 7: Development 'outlines' from Cornfield Way / Malthouse Way (north)**

In figure 7, the position of the proposed Block 1 is shown on the left hand side of the image. Towards the centre, is the outline of Block 2. The image illustrates that the overall height and shape of the buildings, particularly Block 1, would be conspicuous from the new West Durrington development and northern end of Fulbeck Avenue. Their forms would differ quite significantly from the existing and replacement trees would only partially-screen the proposed buildings as they mature. The shortening of Block 1 since the pre-application stage has assisted the relationship but further changes, for instance, stepping of the upper floors to create a tapering profile, has not proven to be possible due to the mature of the modules, the way in which each floor supports the one above and roof form, for which a consistent rectangular footprint is needed. Other suggestions of colour change for these Blocks, away from the grey palette, have also presented a difficulty for the applicant. As it may disrupt the overall visual harmony and distinctiveness of the harmony the development.

In figure 8 below, the outlines illustrate the varied skyline of the proposed blocks. Mindful of the position of the proposed buildings, set well back from the road, at differing distances and angles interspersed with trees, it is considered that the impact is reasonably sympathetic to the edge of the built-up area. The image also illustrates the extent to which development would comprise a distinctive enclave, contributing a new sense of character of Fulbeck Avenue, but drawing from the colours and textures of the established houses in the foreground.





**Fig 8: Development 'outlines' from Fulbeck Avenue (south)**

### ***Residential Amenities***

#### **Future Occupiers**

Blocks 1 and 2 are shown to be 18m apart at their closest point, where the front of Block 1 would face the side of Block 2. Whilst this distance is less than desirable, the relationship is partial; most of Block 1 would face onto the landscaped parking area to the north, and the Block 1 flats facing Block 2 would have oblique views into open areas. A similar relationship arises at Blocks 4 and 5, with a separation distance of between 16m - 20m, also with oblique views. Blocks 2 and 3, would face one another across a slightly angled distance of 21m – 29m.

Taking into account the orientation of the blocks, the partial overlaps, oblique views and in the case of Blocks 2 & 3, the much greater distance; also the open parkland character with commensurate light penetration, the relationship between the blocks is considered, on balance, acceptable.

The application is supported by a Noise Assessment which demonstrates a satisfactory noise climate for future occupiers. This is subject to the implementation of appropriate specifications of window glazing and ventilation for which a planning condition could be used.

In terms of open space, each flat would have a balcony or patio of approximately 3.7sqm. Although in several instances, these are close to shared paths and in some cases, parking areas, they provide a degree of individual, semi-private open space, particularly at upper levels. Communal spaces comprise three main areas distributed between the north, south and central areas, with a good degree of access. This combination of these outdoor spaces equates to 64sqm per flat, which exceeds the requirement of the Council's Space Standards SPD and would provide for a range of outdoor functions, which are described in greater detail in the section concerning Landscape and Open Space & Recreation below.

#### **Existing Neighbours**

The closest neighbours are at nos. 7-17 Fulbeck venue, adjoining the south-eastern boundary of the site. The closest relationship would be between the angled corner of Block 5 and the side boundary (rear garden) and house at no.17 Fulbeck Avenue, distances of approximately 18m and 24m respectively. Such a relationship might normally be considered acceptable in terms of relationships between two

storey or possibly three storey houses, but added care is needed given the four storeys of the proposed development, to maintain reasonable privacy and avoid overbearing.

In consideration of this it is noted that the proposal includes balconies on each floor. These are angled slightly to the north east, away from the neighbour, but would provide a line of side view towards the neighbours rear garden and windows. It is considered important to include balcony screens to balconies here, and this is recommended for each of the upper three floors. Similarly side facing windows at the end of block five would face towards number 17 and its neighbour. It is recommended that these be obscure glazed and that no part below 1.7m floor level, is openable.

Whilst there would be a change in outlook from this property, taking into the account Block 5 and upper floor balconies on its front elevation would be orientated at an angle and subject to the use of balcony screens and obscure glazing on upper floor side elevations, the proposal would not unreasonably impact on the amenity of the occupiers of 17 Fulbeck Avenue in terms of loss of privacy, outlook, light or overbearing impact.

It also recognised that new boundary planting, including street trees, proposed along the eastern boundary of the site would provide additional screening of the development as landscape matures further helping to reduce any perceived loss of privacy. Tree planting at the boundary may also assist in maintaining privacy, and in filtering views of the angled building, which is considered to achieve a fair outcome in terms of overbearing and privacy.

The proximity of the existing public footpath is noted together with proposed parking and the southern open space. Whilst these will increase the amount of movement and activity in this area close to the existing group of house and their gardens, it is considered that boundary planting and perhaps fencing can assist in this relationship.

To the east, the houses in Squadron Drive, Varey Road, Moore Close, Callon Close and Rochester Close are rear and side gardens set behind a roadside hedgerow of approximately 3m – 4m height, including a few taller trees. The closest ends or front corners of the proposed blocks would be between 44m – 55m from the rear of side fences of these homes. At this distance is not considered that the development would cause loss of privacy or overbearing impacts. The hedgerow alongside neighbouring fences and proposed tree planting along the site frontage will also assist in filtering neighbouring views of the development.

At the northern side of the site, neighbouring properties, beyond the northern and north-eastern boundary of the site, on Malthouse Way would be at least 50m away which is sufficient to ensure their amenity would be preserved. The visual impact of the development from this area is considered in the next section of this report.

To the west the setting of the fishing lake and neighbouring caravan site, would be the presence of new buildings and a degree of overlooking from new windows. However, this impact is unlikely to affect the function of these sites, the presence of trees and other vegetation to be retained and planted will assist in filtering views

between these and the application site. External lighting could be controlled by planning condition, to minimise impacts on their nighttime setting.

The Environmental Health has recommended the use of a construction management plan to manage risks during development works including pollution, dust, noise and lighting; also the control of working hours. These could be applied by planning condition.

### ***Highways, Accessibility, Parking and PROW***

#### **Access arrangements**

The proposed vehicular access would be via a new arm to existing roundabout on Fulbeck Avenue, which currently serves the service access to the Tesco supermarket, as well as a route to its frontage and other shops. The roundabout also serves the new West Durrington development. The proposed access would be 5.5m wide with pavements to the north and south and associated visibility splays into Fulbeck Avenue. A supporting Road Safety Audit, demonstrates safe access is achievable. There are no, in principle, concerns with the proposed access. Whether parking controls are necessary and achievable here is under discussion, in response to the comments of the Councils waste manager regarding access for recycling & refuse collections.

Within the site, the road branches towards the northern and southern clusters. It narrows to become a 4.8m wide shared surface within these clusters. The 'green route' towards the southern cluster would use a contrasted surface material to promote driver caution, especially where it passes close beside the central space and play area. The pedestrian path would be provided by resurfacing of the public right of way, running parallel to the road separated by a verge and roadside parking bays. Engineering details of all roads, including the bridging point of the stream, would be needed via planning condition, to ensure that they can cater for heavy vehicles, such as emergency services and those for recycling & refuse collections.

The resurfaced right of way intersects with the Fulbeck Avenue pavement at two points along the site frontage, providing connections towards the district centre/Tesco, and the future public park and extended allotments at West Durrington; also to future bus stops in Fulbeck Avenue. To the south the path emerges onto the roundabout junction of Fulbeck Avenue/Titnore Way and Romany Road. A simple 'bollarded' crossing point to the west of the roundabout, provides pedestrian access southwards to Titnore Way and Northbrook Recreation Ground.

Access for wheelchair users is provided by wide pathways from pavements and roadside parking bays, including wheelchair bays close to each of the proposed blocks of flats. Ramps ensure level access to the blocks which are raised above ground level to varying degrees in the interest of flood-risk management.

The development is expected to result in 43 and 47 vehicle trips in the AM and PM periods respectively, a daily total of 391 two-way vehicle movements during a typical weekday. The County Highway Authority considers it to be a modest increase on the local highway network. The assessment has taken into account the cumulative impact of the residential schemes for the West Durrington Development, including the northern sector which the Committee resolved to approve in May

2020. The Highway Authority is satisfied with the immediate access proposals at the site. Wider connectivity, for instance for pedestrians and cyclists towards the south, is currently under further discussion with the Highway Authority and an update will be given.

### Sustainable Access

The location offers residents good opportunities to travel by sustainable modes of transport albeit cycle access along Titnore Lane leading south and to Goring Railway Station is poor. A cyclepath adjacent to Titnore Lane has been planned for some time with land reserved along Northbrook College (now 'The Met') and other frontage developments leading to Northbrook Recreation Ground. This has been partly delivered from s106 contributions from the West Durrington development. The County Council is currently considering whether to seek a contribution towards the delivery of this off-road route and an update will be given.

The proposal includes a car club for at least two vehicles and upgrading of the existing right of way to improve connections to the north and south for existing and future residents. The proposal is also supported by a Travel Plan, which includes financial incentives via travel vouchers, and other measures, such as the promotion of car-sharing to encourage future residents to use public / sustainable modes of transport as promoted by sustainable transport policies.

### Parking Provision and Layout

The proposal includes 160 car parking spaces, including 28% live electric charging points and the remainder 'cable-ready', in accordance with WSCC parking standards. Eighteen wheelchair user spaces are provided and secure cycle stores providing sufficient capacity to exceed current standards is included and would be secured via planning condition.

### Public Right of Way

Public Rights of Way (PROW) FP3114, which is an unmade service, runs along the eastern boundary of the proposed development (within the red line). Following consultation with the WSCC Highways Authority and PROW team, the proposal would include upgrading of the PROW. The finer details of which would be secured via planning condition.

For the above reasons, and subject to conditions and the outcome of discussions regarding wider connectivity, the proposed development is not considered to adversely affect the highway network or public rights of way, taking into account cumulative impacts with other recent development in the area. This would accord with Policy CS19 and saved policy TR9.

### ***Biodiversity, Landscaping & Trees***

#### Ecological Assessment

Planning policies and guidance such as NPPF para 170 are also applicable. This seeks the minimising of impacts and provision of net gains for biodiversity. The

emerging Local Plan policy CP19 also seeks the net-biodiversity gain outcome, although the requirement of existing policy 13 is to respect and where applicable enhance biodiversity.

The ecological assessment submitted with the current application therefore examines the question of impact on both habitats and protected species. This has been reviewed by the Council's consultant ecologist. It identifies that the site is not subject to and statutory or non-statutory designations.

**Statutory Designated Areas:** The assessment identifies that the closest statutory designated area to the site is the Cissbury Ring SSSI. In keeping with the findings of the Ecological Assessment, the proposed development would not be expected to result in adverse effects on the Cissbury Ring SSSI, or any other statutory designated sites, either alone or in combination.

**Non-statutory Designated Areas:** The assessment identifies that the site adjoins the Titnore and Goring Woods Sites of Nature Conservation Interest (SNCI) to the north-west, which comprises ancient woodland (400 years of age or more) in the west, away from the site and the neighbouring fishing lake close to the west of the site.

The Council's ecologist has asked for further information regarding the ecological profile of this area and its relationship to the application site. The applicant is currently responding to this and hitherto has recommended that protection from impacts such as tipping, dust, spillages or inappropriate lighting during development would be necessary. In the longer-term use of a suitable boundary fence would be needed to prevent public access. Subject to further information and the ecologist's advice, these matters appear to be manageable by use of planning conditions. No risk of adverse effects on other non-statutory designated areas are expected to arise as a result of the proposed development.

**Habitats:** The ecological assessment observes that historically, the site appears to have comprised two areas of grassland separated by trees in 2001. Scrubby woodland to the north and other vegetation appears to have grown up later as management of the site reduced. The assessment notes that the proposed development would involve the loss of scrub, scrubby woodland and species-poor grassland; some localised clearance of scrub took place in early 2020.

The assessment continues that mature trees would be retained and new areas of grassland, shrubs and native tree & hedgerow, berry-producing plants and meadow included in landscaping of the proposed development. In addition to the tree, shrub and meadow planting in the planting proposals for the development, other measures include new waterside vegetation to improve the ecological value of the stream, and encouraging invertebrates. Bird boxes and hibernation features, such as log piles would provide for other species. The retention of larger trees within the proposal and avoidance of lighting within dark corridors, such as the western edge, is recommended in response to bat foraging/commuting and can be subject to planning conditions.

At the request of the Council's consultant ecologist, some further evaluation of the overall likely effect of the development scheme on the overall biodiversity value of the site has been requested (through application of Defra's Biodiversity Metric

calculator). In view of vegetation removal works that have been undertaken since submission of the application, this will be undertaken based on its pre-2020 condition to ensure effects on biodiversity is properly considered in the planning balance.

**Protected and Notable Species:** Surveys since autumn 2017, noted the presence of birds, mainly in the southern area, with the scrubby woodland supporting fewer bird species. The surveys found negligible value for protected species of amphibian, roosting bats, dormice and water vole. Some presence of reptiles was found in the central grassland and a low number of bats recorded foraging or commuting at the western boundary. No dormice or water vole were found.

The Council's ecologist agrees that the likelihood of newt and dormice presence is low, however in view of the time elapsed since the original surveys were undertaken and/ or limitations encountered it has been suggested that a precautionary approach to site clearance (Reasonable Avoidance Measures) could be appropriate, unless further survey work confirms continued absence. The timing of clearance work would also have to take into account the bird nesting season, which may include the need for ecologist supervision, if some degree of clearance in this season cannot be avoided.

A further evaluation of the site for badger use has also been recommended, although previous site observations have not recorded their presence and the probability is considered to be low. Reptile translocation to an improved receptor site has already been carried out and a method statement is being updated for review by the Council's ecologist.

In addition to proposed tree, shrub and meadow planting for the development, other measures include new waterside vegetation to improve the ecological value of the stream, and encouraging invertebrates. Bird boxes and hibernation features, such as log piles would provide for other species. The retention of larger trees within the proposal and avoidance of lighting within dark corridors, such as the western edge, is recommended in response to bat foraging/commuting and can be subject to planning conditions.

### Ecology - Summary

The submitted ecological assessment concludes that biodiversity impacts would be minor-adverse in the short term and negligible in the long term once new vegetation has become established. The further information on particular points requested by the Council's ecologist will ensure that this conclusion has been tested and an update will be given.

In considering the statutory requirements for nature conservation, the low probability of great crested newt and dormice presence and the absence of water voles indicates that the development is very unlikely to disturb, damage or destroy breeding or resting place of these protected species and the proposed works would not be expected to result in an adverse effect on the favourable conservation status of these species. Any residual risk can be managed by employment of Reasonable Avoidance Measures (RAMs) involving a staged approach to site clearance or a pre-construction updated survey, as suggested by the Council's ecologist.

Impacts on bats are also considered unlikely, with the retention of trees and control of lighting also managing residual risk. It appears unlikely that the proposal will adversely affect the favourable conservation status of this group.

The further and updated information regarding badgers, and the translocation of reptiles already undertaken, will allow for a final view from the Council's ecologist. The further information regarding the overall biodiversity of the site pre-2020 and its relationship to the adjoining SNCI will confirm the extent to which the proposal respects biodiversity value, as required by the current policy 13, or reaches beyond this to deliver overall enhancement, as promoted in the NPPF and likely future policy.

Finally, alongside the biodiversity impact of the development, it is relevant to weigh the social and economic benefit of contributing toward housing supply, where options within the built up area boundary are limited and unable to meet full need. The relatively high density form of development would have a low degree of built coverage, which in turn maintains space for future biodiversity value. The following considers the proposed design of these spaces, landscaping and trees.

### Trees & Landscaping

Trees on the site comprise six woodland groups on the north and central parts of the site; boundary trees to the west and sporadic trees within other scrub vegetation in the central/southern areas. Many are semi-mature willow and birch varieties, with young oak elm, hawthorn and hazel but there are also larger, older trees, notably individual oak trees and clusters among the younger woodland areas or 'compartments'.

Outwardly this gives the appearance of a thicket, particularly in the northern area, which blends with other trees and shrubs at the northern boundary and attenuation basin with the West Durrington development. Along with the large individual trees, there are tall mature trees marking the western boundary with the caravan club to the south which are important in the wider skyline.

The applicant's Arboricultural report distinguishes trees of high or moderate quality, including the individual larger trees, from others of lesser quality. It notes that 20 of 21 individual trees would remain and that these are of good quality according to national tree classification (BS 55837). A total of 51 individual trees, two tree groups, four woodland compartments and part of the fifth would be removed in order to facilitate development. Whilst these cover much of the north-western and north eastern parts of the site, including the road frontage and part of the central area, all but one individual tree and the fifth woodland compartment are of classified C according to national classification (BS5837). These are of low quality and value or young trees with a stem diameter below 150 mm. The classification describes that these are usually not retained where they would impose a significant constraint on development.

The partial loss of better quality trees (Class B) in the central area, comprises a cluster of young oak and hawthorn, but is necessary as part of land regrading and the construction of the internal green route roadway, providing vehicular access to the southern cluster. The applicant has been asked to consider whether any of this cluster might still remain outside the road line, if new land levelling allows. A



submitted tree protection plan, including some pruning would manage tree interests, during construction works including a site meeting with the Council's tree officer on commencement.

In terms of tree replacements 149no. new trees are proposed, of which 87% are extra-heavy standard or semi mature. These would be mainly oak, hornbeam, field maple, and in the most formal open spaces, some other specimen trees. Whilst it is not possible to measure the exact number of losses in the thicket, the proposal has the advantage of providing good quality new stock at a good density for the site area, in replacement for the lesser quality of those removed. With diligent management under a planning condition or legal agreement, these should reinstate the outward green character, as they develop.

The tree officer acknowledges that ideally the retention of additional space towards the northern boundary (see Fig. 9 below) would allow more of the existing thicket edge vegetation to remain.



**Fig. 9 – Northern edge, proposed planting**

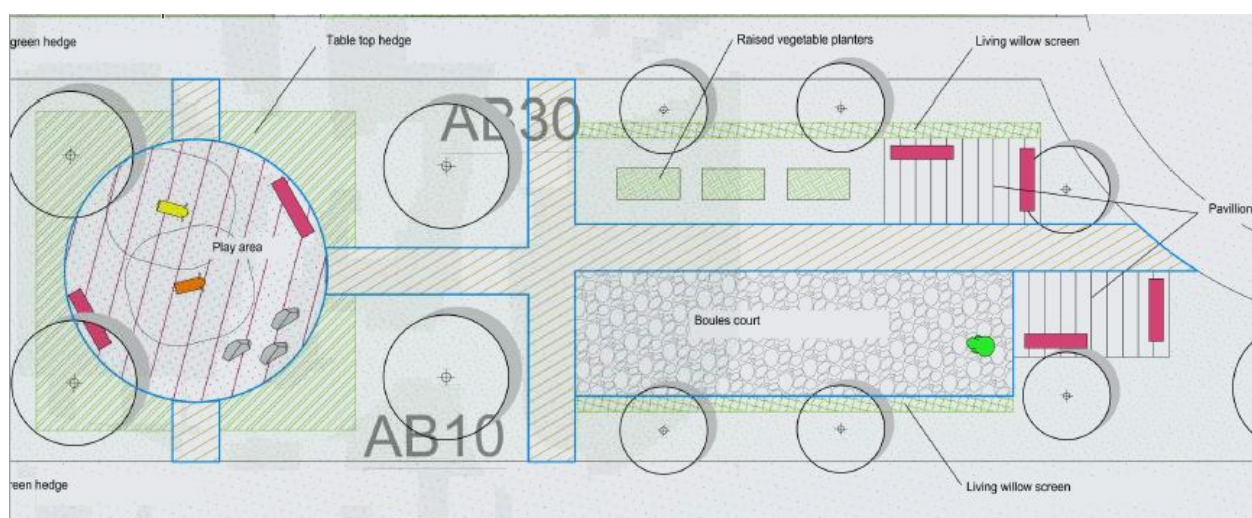
In consideration of this it is noted that the proposed layout allows for a mixture of single and double-row planting as shown along the northern boundary and north east corner of Block. There are some areas of triple-row planting and roadside trees. Whilst the initial losses would create a marked change and sense of openness here, the new planting of good quality indigenous trees to the north and probably smaller trees at the roadside, would achieve a good degree of mitigation as new development planting develops.

### Open Spaces

The three main open spaces are designed to fulfill different functions. The central open space to north of the stream and adjoining the northern blocks would be defined by a circular path around the equipped children's play space. Areas of cut grass would lead from the flats towards this space, with a mixture of semi-formal tree planting. Beyond the play area towards the stream and western boundary would be less formal tree, hedgerow and wildflower grassland planting, to create continuity of woodland glade and habitat in addition to areas of retained vegetation.



The formal open space (Figure 10 below) in the centre of the northern cluster is intended to serve as community hub, with decked areas for seating and outdoor 'grow-pod' growing spaces to be tended collectively, for growing herbs and vegetables. Living willow screens, and pine and oak tree planting and a logia 'pavilion' would provide vertical structure. A shared tool shed and barbeque pit are included to promote opportunities for outdoor maintenance and recreation. These facilities indicate the need for a communal approach to the management of outdoor spaces, to ensure that they are well maintained, in order to avoid risk of nuisance, and are equally available to all. Suitable arrangements can be subject to either a legal agreement or planning condition.



**Fig 10. Formal Open Space**

The southern space would retain its existing, informal grassland character, with areas of scrub but also adding new clusters of native shrubs such as holly and dogwood, along with field maple, to create dense areas for wildlife. Some localised areas of bare earth, earth mounds and log piles are also intended as wildlife habitat, creating an ecology-based space.

Other narrower spaces around the site, such as at the Fulbeck Road frontage and the western boundary, would be planted with trees and wildflower meadow mix, or in the case of lawn areas around the five blocks, cut-grass and ornamental hedges. The layout has been arranged to ensure none of the proposed apartments or amenity spaces lie within the shadow patterns of any retained trees, for instance the tall western boundary trees. This is in order to reduce pruning pressure by the risk of future occupiers.

In summary, the range and distribution of new and retained planting and landscaped spaces is considered complement to the proposed development in terms of appearance and the series of outdoors. Although initial removals would create an open appearance in place of the existing thicket character, the overall impact would become softer and more blended as new planting develops.

## Open Space and Recreation

The proposed central open space would include a local equipped play area (LEAP) for children up to 8 years of age and is considered reasonably accessible to all residents, provided that traffic speeds in the central green link road, are moderate. Other areas of communally accessible spaces of different types, equate to approximately 9,728sqm (0.9ha) or 64sqm/dwelling.

The recent Borough-wide Open Space Study (2019) defines the various types of open space and recreation provision required for new development according to the estimated number of residents. Table 2 below sets out these requirements based on an estimated 209 residents for the proposed development. The right hand column shows proposed provision.

**Table 2: Open Space Requirement and Provisions Within Current Proposal**

Open Space Requirement			Proposed Provision
Type	Amount (sqm) / cost (£)	On/off site	
Play space (Children)	125 sqm	On	150 sqm On-site
Allotments	418 sqm / £9,338	On	0*
Natural Green Space	2090 sqm	On	5150 sqm On-site
Amenity Green space	1254 sqm / £25,381	On	0**
Parks and recreation grounds	1672 sqm / £155,396	Off	-
Play space (youth)	125 sqm / £14,338	Off	-

*\* The formal open space include space for growing vegetables \*\*The proposal includes approximately 4360sqm of communal external amenity space e.g. lawns adjoining each block.*

Table 2 shows that the proposal contains a shortfall of four types of open space: Allotments; Amenity Green Space; Play Space for older children & youths and Parks & Recreation Grounds. However, in the Northbrook ward there is currently a good supply of Parks and Amenity Greenspace (+8.74ha & + 15.26ha respectively), also a slight positive provision of allotments (+1.38ha). Youth play facilities are however in deficit (-0.21ha).

A further consideration in the Open Space Study is whether existing facilities can be regarded as accessible and easily reached the proposed development. The nearest park is Northbrook Recreation Ground, approximately 220m to the south of the site, reached by pavements, although crossing Titnore Way. This provides sports pitches and a younger children's play area and additional allotments. Some

350m to the north east is the approved site for new pitches, play area and Multi-Use-Games Area in the West Durrington development, reached by a series of roadside paths and a few road crossings. These are geographically reasonably close and perhaps an opportunity to provide youth facilities to which the development might reasonably contribute.

In respect of the other components of the open space study, the extent to which the additional population might be expected to generate needs for which a contribution should be made is under discussion with the Parks officer. It is noted that a sum of over £200,000 would be required if all types were required.

Some of the types referred to appear superficially similar, for instance Amenity Green Space and Natural Green Space. The difference between these is one of formality. Amenity Green Space is an area predominantly of grass for 'free and spontaneous use by the public' with no identifiable entry points, for example small and larger informal grassed areas in housing estates. It is not managed for formal activities nor as natural or semi-natural habitat, although it may contain shrub and tree planting. Natural Green Space covers a variety of spaces with natural characteristics and biodiversity value. These are partly or wholly accessible for informal recreation, such as meadows, woodland, copses and river valleys.

In the current application the southern green amenity space with its emphasis on ecology, habitat and hibernating opportunities, such as log piles is regarded as an areas of Natural Green Space, together with half of the woodland glade alongside the stream. These provide twice the amount normally required, and this does not include other informal fringes to the west of the site. The generous quantum reflects the proximity of the site to the nearby SNIC and its current undeveloped status. It is also a consideration in the question of any financial contribution.

In consideration of Amenity Green Space, the site provides at least 4360sqm of open lawn and verge areas around the proposed blocks, including some new tree and shrub planting. Whilst this is a good proportion of communal and formal open space, at least 28sqm/dwelling, (which exceeds the 20sqm required by the Council's Residential Space Standards), they serve as aprons of space akin to curtilages through which the proposed blocks are accessed and within which residents may wish to sit or linger. As such they does not appear to provide for 'free and spontaneous use' by the wider public and are not regarded as Amenity Green Space for the purposes of the Open Space Study, although they are of some wider visual value to the public.

In summary, whilst not all types of outdoor space are provided, the proposal includes a significant overall amount of space, in some cases well in excess of current targets. In this light, the specific lack of Amenity Green Space is considered to be a minor shortcoming. Of the other open space components, the most notable is the lack of provision for the youth age group, and given the existing local shortfall it is considered reasonable that an off-site contribution should be made. Further discussions with the Parks Officer are exploring the question of Park and Allotment space and an update will be given.

## **Heritage**

### **Archaeology**

The site lies within an area where numerous archaeological features have been recorded in recent years, largely as the result of excavations in advance of new residential and commercial developments. Archaeological work to the south of the site uncovered evidence of intensive occupation during the Bronze Age, Iron Age and Roman periods. The site is therefore considered to have potential to contain further archaeological evidence. It also appears that the site has remained undeveloped farmland since at least the late 18th century. As a result, any below ground archaeological features which may have been present on the site are likely to have survived.

The County Archaeologist has advised that, subject to further archaeological investigations being secured via planning condition to help understand the site's archaeological value further, the impact on features of potential remaining archaeological significance would be adequately mitigated.

### **Designated and Non-designated Heritage Assets**

The site does not contain any designated heritage assets. However, there are a number of heritage assets which fall within 850m including, amongst others, Castle Goring Conservation Area approx. 350m to the north (which contains a number of Grade II Listed Buildings including the Grade I Listed Castle Goring located some 850m away) and The Grade II Listed Flint Cottage on Titnore Lane located 300m to the west.

In summary, due to the local topography, intervening features (including trees) and the distance of these heritage assets to the site, their settings will not be affected by the proposed development. The proposal would therefore preserve the setting of the nearby heritage assets and there is no overriding constraint to the development as a result of archaeology. The proposal therefore has proper regard to the requirements of Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would accord with the provisions of Core Strategy Policy 16 and the NPPF in terms of conserving the historic environment.

### **Drainage and Flood risk**

As indicated in the Consultations section of this report, the Local Lead Flood Authority (LLFA) raised concerns about the potential allocation of this site during the Consultation stage of the emerging Local Plan. These concerns have been compounded with the completion of the Strategic Flood Risk Assessment (SFRA) undertaken in connection with the emerging Local Plan.

The SFRA used latest data from the Environment Agency on Flood Risk associated with Ferring Rife and modelled the impact of climate change on surface/ground water across the site. It concluded as follows:

### *'Fluvial*

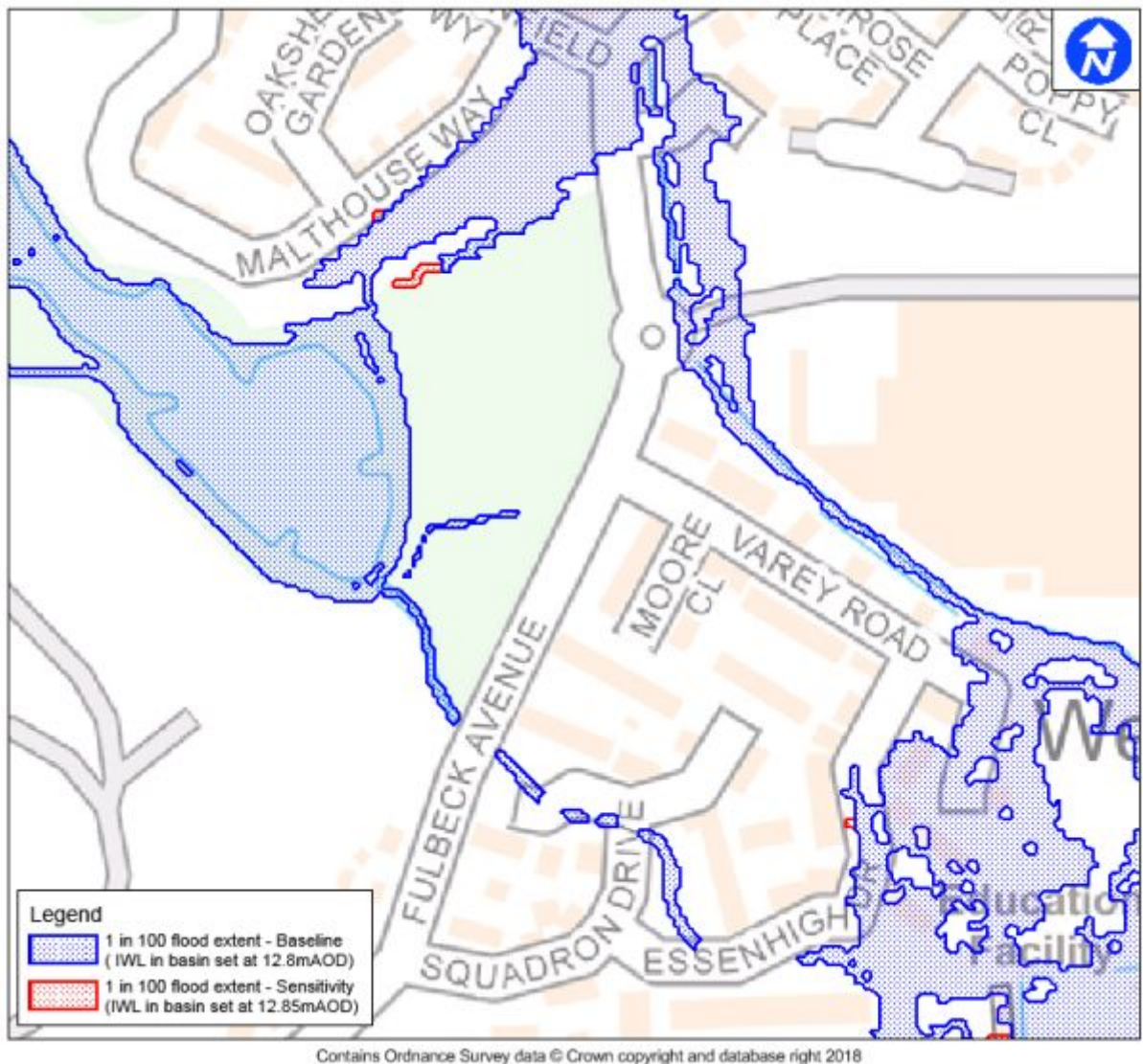
*The site is predicted to be at risk from fluvial flooding due to the proximity of Ferring Rife to the east of the site.*

- *A small section of the site in the north, and centre along the channel of the watercourse is located within Flood Zone 3b (approximately 5%)*
- *A further 20% (in the north of the site) is located within Flood Zone 3a.*
- *Finally, a further 6% of the site is located within Flood Zone 2 covering more central areas.'*

The SFRA also concluded that the site was at risk of flooding from surface water and groundwater. It also identified a risk of a breach in the bank of the neighbouring fishing lake ('Somerset's Lake'). In terms of Flood Risk land falling within 3a are defined as sites of high probability of flooding and those defined as 3b sites where water has to flow or be stored in times of flood (functional floodplains). As such land within Zone 3b should not be developed or allocated within Local Plans.

The applicant identified concerns with the conclusions of the SFRA primarily that it was based on LIDAR (Light Detection and Ranging – remote sensing of the earth's surface) rather than site topography information, also that it had not taken into account into account the sustainable drainage (SUDs) solution for the West Durrington development. It was agreed that the applicant's consultants should re-run the SFRA modelling with more accurate topographical data and details of the attenuation basin to the north of the site to better understand risks. In addition, a survey of the bank to Somerset's lake to the north-west of the site was undertaken by the Council's SFRA Consultant.

The revised FRA has been submitted following this further modelling work and the applicant submits that this identifies the site as having a lesser flood risk (Zone 2). The applicant's consultants have submitted the following to demonstrate their assessment of flood risk across the site:



**Fig 11. Flood Risk (Applicant's Assessment)**

The revised modelling has been assessed by the Council's SFRA Consultant, who has identified that part of the site had not been fully surveyed and that this may affect the above results. In response a further survey is being undertaken and an update will be given. The applicant's consultants have also responded in detail to the concerns raised by the Council's Technical Services team.

Regarding Somerset's lake, the survey of its bank, which adjoins the western boundary of the site, has revealed that the lack of maintenance increases its risk of future failure also that its construction is not at the optimum gradient. Whilst, both the bank and lake are outside of the applicant's (or Council's) control the applicant is prepared to enter into a legal agreement to use reasonable endeavours to agree a maintenance regime to reduce the risk of a future failure. It should be noted that the risk of a breach of the lake remains, whether the site is developed or not and therefore trying to ensure some future maintenance is carried out can help to reduce the future risk of a breach.

The applicant maintains that there is flood risk to properties to the east and south even if the site is not developed, however, the development would achieve



betterment by reducing the overall number of properties at future risk. On this point the applicant's consultant comments:

*'The development proposals do provide a net reduction in risk to buildings downstream (and further evidence is provided..) Without the development, the residual risk issue to the homes in West Durrington would remain as existing or increase unless the landowner of Somerset's Lake undertakes work to strengthen the embankment. The client has proposed that they will make Reasonable Endeavours alongside LLFA under the provision of a S106 to engage with the adjoining landowner to review the stability of the waterbody and bank (potentially on 6 month/yearly visual inspection). Therefore the development will also ensure remedial and maintenance works are undertaken.'*

In terms of the proposed dwellings, these are designed to be raised above any flood risk level and safe refuge to higher land would be available. Members will be advised by update, whether the key drainage authorities agree with the applicant's assessment of flood risk and whether the FRA describes an appropriate drainage solution.

### **Other Matters**

#### **Construction Process and Land Remediation**

The application is supported by the Ground Investigation Report which does not demonstrate any significant levels of contamination in the ground or groundwater and low risk from ground gas. Further clarification has been sought by the Environmental Health Officer in respect of the removal of made ground within the site and associated contamination testing, and whether any soil would be imported into the site. The applicant has advised, in respect of potential cut and fill within the site, the top spoil would be stripped and retained for re-use. In addition, the only made ground found within the site is within undeveloped area which would be retained to enhance flood storage capacity adjacent to the brook. An update will be given with the response of the Environmental Health Officer.

During the development process a construction environmental management plan (CEMP) is recommended by the Environmental Health officer, along with control of working hours to regulate and guide construction work and the control of impacts including noise, dust and fumes, external lighting, amongst other measures. These could be secured via planning condition.

Subject to satisfactory clarification being provided for the Environmental Health Officer and subject to relevant to address any outstanding technical matters, the site is capable of accommodating the proposed development while adequately managing pollution impacts in accordance with the provisions of the saved local plan policies RES7, RES9 and the NPPF.

#### **Crime prevention**

In accordance with s.17 of the Crime and Disorder Act, management of risk of crime is a relevant consideration. The Police recommendations for security such as by lighting, door-entry controls and secure cycle stores, can be subject of a planning condition for the approval and implementation of details.

## Health

The management of building works and any localised existing contamination (if present) in the made ground. Demolition and the remediation of contaminated land would be subject to planning conditions as already mentioned.

Advice is awaited from the NHS Clinical Commissioning Group regarding any other health care matter. An update will be given.

## Waste and Recycling

Recycling and refuse bin stores are positioned close to the entrance of each of the two building clusters. The use of green roofs and associated landscape planting would assist in softening their appearance. Subject to the final comments of the Council's Waste and Recycling Manager, their detailed design, including provision for security, can be required by planning condition.

### ***Planning Obligations & Community Infrastructure Levy (CIL)***

In the event of planning permission a number of provisions would be required by legal. These are summarised in the following Table 3. Alongside these provisions, development would be liable to make payment under CIL towards the provision of local infrastructure.

**Table 3: Matters for Legal Agreement**

No	Matter	Note
1	Affordable Housing	Minimum provision of 30% (70 % rented and 30% shared ownership)
2	Market Housing	i) Market-exclusivity period of 3 months for residents of Worthing & Adur. ii) An update will be given
3	Highway Provisions	iii) Any requirements for on-site parking controls, to ensure access for emergency and service vehicles iv) Any requirements arising from discussions regarding off-site connectivity for pedestrians and cyclists An update will be given
3	Foot/cyclepaths	i) Resurfacing of public right of way, ii) Temporary closure during works
4	Travel Plans	i) Appointment of Travel Plan co-ordinator to work in liaison with Highway Authority in implementation and monitoring of Travel Plans over five year period.

		ii) Financial contribution to Highway Authority to cover work in liaison and monitoring
<b>5</b>	Car club	i) Provision of two car club cars ii) Subsequent maintenance of car club cars and car club parking spaces iii) Provision of paid membership for all residents at the site for at least three years including one-off [£] drive time payment each. iv) Provision for other car club spaces to be dedicated and used for car club vehicles.
<b>6</b>	Recreation	i) Financial contribution for off-site youth ii) An update will be given
<b>7</b>	Site Management	Management & Maintenance of: i) Unadopted public realm including vegetation, signage, gardens, seating, BBQ and boule facilities and street furniture, ii) Measures to avoid nuisance from use of communal areas , including BBQ iii) Unadopted streets iv) Parking Management Plan – including car parking spaces and car club spaces and cycle stores; v) Surface water drainage – vi) Bin stores and bins, including green roofs vii) Any communal spaces, trees, including watering and pruning;
<b>8</b>	Air Quality Mitigation	If required. An update will be given

### ***Summary and Planning Balance***

The site is undeveloped land within the built up area boundary where, according to policy 13 and NPPF, the merits of the proposed development in providing housing to meet pressing needs, should be considered alongside the value and functions of the existing site.

Housing demand is such that there is currently less than half the five-year land supply needed. The emerging local plan is unlikely to identify future capacity to meet more than one third of future demand.

The functions and values of the site in its undeveloped condition include its visual character, biodiversity value and drainage characteristics. In consideration of these, the appearance of the site with its stand of young thicket and wild grassland, is informal and related more to the rural area than to the urban one of which it is part. A good degree of this open and informal appearance would be retained in the development proposal, due to the numerous spaces and associated planting which

would accompany the low proportion of built coverage made possible by the use of individual blocks with communal outdoor areas. Landscaping can create greater visual interest and diversity than currently exists and it might be argued that the new blocks in a parkland setting strengthen the sense of place and distinctiveness in Fulbeck Avenue, helping to complete the new urban form which has grown up over the past few decades.

A point of reservation is at the north-eastern part of the site, Block 1 and to a lesser extent Block 2 present a very different and prominent architectural form to the new West Durrington development and Fulbeck Avenue frontage. The applicant explains that more tapering forms are not achievable within the modular approach and that replacement planting will help in the visual transition between the development and its setting. Whilst this relationship might be regarded as a shortcoming, it is a matter for the overall planning balance to consider this alongside the considerable merits of the scheme.

The ecological assessment recognises the biodiversity value of the site and following the Council's consultant's advice, the prospect that the interests of the limited range of protected species can be safeguarded, seems to be positive. A conclusive view on this and on habitat more generally, awaits the receipt of the further information requested.

On the matter of drainage and flood risk management, the recent assessment along with the emerging local plan, identifies the degree to which the site performs a flood-water storage function, taking into account climate change. Whilst the limited amount of other land in the Borough supports the need for development with regard the national sequential test, the development may present an opportunity to provide a greater degree of floodwater management and storage, by re-levelling works and new drainage structures, the benefits of which may extend wider than the site itself. Great care is needed to ensure that this achieves a safe outcome for the residents of the proposed development, by safe construction and ongoing management and does not increase risk to others. Considerable work has been undertaken and is continuing in order to ensure that this aspect of the development and function of the site is fully addressed towards a conclusive view.

The proposed housing would achieve a relatively high density compared with its surroundings and thereby a more efficient use of scarce land in accordance with national policy. The use of the modular format is an innovation which brings benefits accelerated construction, using two-thirds less overall energy, a lesser period of disruption than conventional housing development and very low degree of waste. The fire strategy is intended to ensure safety and comments of the fire officer are awaited.

The housing mix reflects the needs for smaller homes, all of which would be adaptable and accessible. It includes at least the thirty percent of affordable homes in accordance with policies and may also provide a discounted price for market homes, with a period of locally-targeted marketing. The lack of three bedroom homes is noted but the consequence of including these and the attendant need for higher parking ratios and private garden space, would probably affect the development and its open setting quite fundamentally. New planting of good quality trees and shrubs can be seen as planting for the future, improving the longer term age quality mix in replacement for many of the shorter-lived varieties which have

grown up over recent decades. Relationships to neighbouring residents and uses are considered to be acceptable, subject to screens, obscure glazing and new boundary treatments including planting.

The location of the site, close to the district centre and services, is considered a sustainable one, and although it would be desirable to reduce the proposed parking numbers proposed in favour of a degree more planting, the inclusion of car clubs will offer an alternative which will reduce the need for private cars, it is hoped. In social and economic terms, the mix of homes would benefit over 200 residents, contributing to well-being.

Pending the further information on flood risk management and ecology, it is considered that there are important benefits in the proposed development. If these remaining matters are satisfactorily settled, either before the Committee or under officer delegation, the overall planning balance would be regarded a positive one, in accordance with the presumption in favour of sustainable development.

### **Recommendation**

**It is recommended that the decision to grant planning permission be delegated to the Head of Planning and Development subject to the receipt of satisfactory additional and amended material referred to in this report and satisfactory comments of consultees including the Highway Authority, Environmental Health, Drainage Engineer, Lead Local Flood Authority and Environment Agency; the completion of a planning obligation (s106) covering the matters set out in Table 3 of this report and subject to the following conditions (and any further appropriate conditions raised by consultees):**

### **Conditions to include:**

1. Approved Plans
2. Standard 3 year time limit
3. Development phasing to be approved
4. Sustainability plan to be approved
5. Flats to be Category M4 (2) 'Accessible & Adaptable Homes'
6. External materials to be approved
7. Soft landscaping to be approved, provision to replace any which subsequently die/are removed.
8. Arboricultural method and tree protection measures to be adhered to
9. Landscape Ecological Management Plan (LEMP) Biodiversity safeguards and
10. Children's play area (LEAP) specification and maintenance to be approved.
11. Boundary treatment and means of enclosure to be approved including prevention of access to SNCI and any child-safety fencing
12. External lighting plan to mitigation to be approved
13. Provide site access, roads, paths and visibility
14. Provide parking spaces, including car club, wheelchair user and visitor space
15. Electric vehicle charging points to be approved (including power rating)
16. Provide cycle parking
17. Engineering specification for roads and bridging structures

18. Site and slab levels and ramps to be approved, no subsequent raising of levels
19. Public footpath - upgrading works and connections to Fulbeck Avenue to be approved
20. Travel Plan to be approved
21. Surface water drainage to be approved
22. Foul water drainage to be approved
23. Remediation of contaminated land
24. Safeguarding of groundwater/ approval of any piling
25. Balcony screens to be approved &
26. Obscure glazing on upper floor windows to be approved
27. Noise insulation and ventilation to be approved
28. External plant, details including noise and vibration performance, to be approved
29. Provide bin stores
30. Details and provision of fire hydrants
31. Secured by Design measures to be approved (including bin and cycle stores)
32. Archaeological investigation works and reporting to be approved
33. Construction Management Plan to be approved
34. Hours of work

And any other appropriate conditions

21st October 2020



**Application Number:** AWDM/0733/20

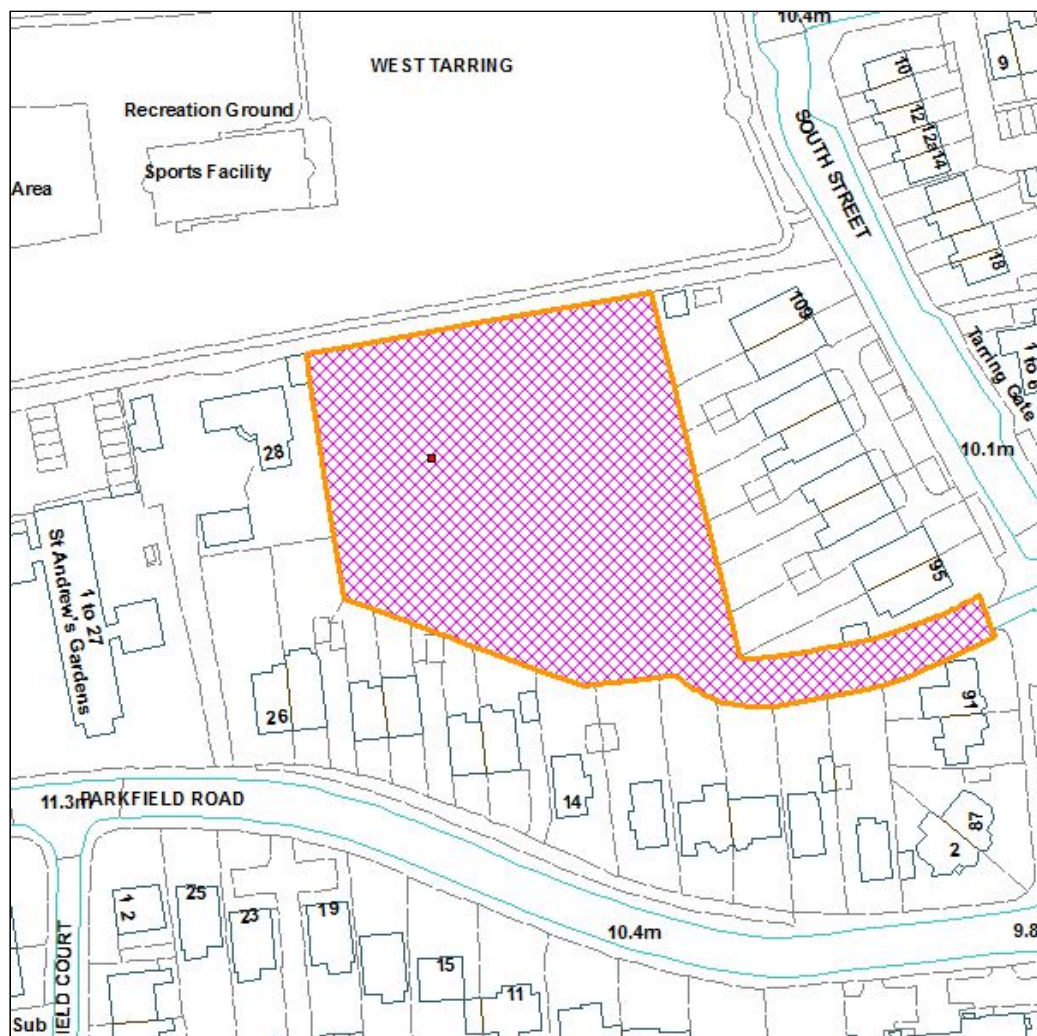
**Recommendation – APPROVE**

**Site:** Former Priory Rest Home, Land West Of 91 And 95 South Street, Tarring, Worthing

**Proposal:** Variation of Condition 1 (Approved plans) of AWDM/1114/17 to extend basement floor plan to accommodate back of house facilities and create an Orangery (The Former Priory Rest Home)

**Applicant:** Mr Paul Jeffrey  
**Case Officer:** Gary Peck

**Ward:** Tarring



**Not to Scale**

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### Proposal, Site and Surroundings

This application seeks to vary the approved plans condition of the permission granted under reference AWDM/1114/17 to extend the basement floor plan by 92

square metres to accommodate additional back of house facilities and create an orangery at ground floor level to create additional day space for residents. The orangery was reduced in size by 20 square metres during the determination of the application following comments from the Arboricultural Officer.

The approved building was a T shape, and the proposed extension to accommodate the orangery will extend the northern part of the building further to the east.

The application site is accessed via a private road to the west of South Street and is to the south of a recreation ground beyond which is the Conservation Area. Residential properties in Parkfield Road and South Street are to the west, south and east of the application site. The original 2/3 storey building had fallen into disrepair since its closure and has subsequently been removed. A number of trees are on the boundary of the site, some of which are preserved, but some other screening has been removed since the closure of the building. More centrally within the site is a preserved lime tree.

### **Relevant Planning History**

Demolition of existing care home (use class C2) and erection of a 75 bed care home (use class C2) granted permission in 2018 under reference AWDM/114/17. The consent has not been implemented. An earlier permission for the demolition of existing 41-bedroom care home and erection of new 64-bedroom care home granted permission in 2014 was also unimplemented and subsequently lapsed.

### **Consultations**

**Environmental Health Public Health** – With reference to the above application, I note a cafe is labelled within the proposed orangery. Will there be any primary cooking within this area? (*Note: the agent has confirmed there will be no primary cooking within this area*)

If external plant is proposed I would recommend the addition of the following condition:

Provide a scheme which shall be submitted to and approved by the local planning authority for attenuating all external fixed plant. The scheme shall have regard to the principles of BS 4142:2014+A1:2019 and ensure there is no detrimental impact to the nearest residential dwellings. A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant shall be maintained in accordance with manufacturers guidance and any future plant shall also meet the specified levels within the approved scheme.

Construction work shall not commence until a scheme for the protection of the existing neighbouring premises from dust has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the demolition and construction phases of the development.

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

### **Tree Officer**

Original comments: I have looked at the plans and although the proposed basement does not seem to affect the Lime tree T1 the proposed orangery to its north, is into the RPA of the tree to an unacceptable amount. The structure will also be too close to the tree and likely to create future pressure due to shading etc. I would therefore recommend refusal, as the retention of this tree was to be the main focal point of the development.

Following the receipt of amended plans, the Tree Officer further commented: I consider that the reduction in size of the Orangery make it acceptable in relation to the Lime tree T10, and have no other concerns

**West Sussex County Council Highways** - No concerns would be raised from the Local Highway Authority's (LHA) point of view on the proposed variation of Condition 1. The proposals are unlikely to result in any material increase in traffic movements over and above what was previously commented on in 2017.

### **Representations**

2 letters of objection have been received:

Objection to planning application "to extend the basement floor plan to accommodate back of house facilities and create an orangery. Ref AWDM/1114/17":

The Lime tree on the Caring Homes development site (the former Priory Rest Home) with a Tree Preservation Order (TPO) will be threatened under the latest architectural plan.

The deep foundations, necessary to support the proposed extended basement and the orangery, made up of ground floor, and the terraced (balconied) first floor, will damage the supporting roots of the protected Lime Tree on two sides (please refer to pages (00)2, (00)3, (00)4 of the architect's plan). This will endanger the life of the tree by destroying its structural foundation roots and their connecting feeding roots on the east and south facing sides of the proposed building. The result will be to affect the integrity of the tree, which will destabilize it and render it unsafe. The high winds that the site is exposed to could topple the tree if its root structure is damaged leaving the living tree weakened and off balance.

This magnificent towering Lime Tree is unique, and an important wildlife site providing sanctuary throughout the year to bats and a plethora of observed bird species including the greater woodpecker, song birds, corvids, doves, tawny owls, and sparrow hawks.

Could I remind the planning committee that "a TPO makes it a criminal offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy relevant trees, without

the local authority's prior written consent. This applies to roots as well as stems and branches. Breaching other provisions of the TPO is also an offence. The TPO also creates a duty to replant a removed tree or potentially be liable to a fine. It's an extremely useful tool to prevent harm being done and leaves room for good arboriculture practice".

Going by the plans submitted, the proposed extension of an 'Orangery' will be on two levels i.e. a ground floor and a second floor where there is a flat balcony roof extending across the whole width and length of the flat roof of the extension. This does not fit the usual definition of an orangery and to call it an orangery is misleading. One would expect a significant portion of an orangery roof to be glass, rather than a flat balcony roof extending the whole dimension of the extension. This very extensive first floor balcony will directly overlook two private properties: numbers 109 and 107 east of the planned orangery (which have nothing to do with the quoted house numbers 91 and 95 of the council warning planning letter - dated 15 May 2020).

I object to the above variation on the grounds of:-

1. The new Orangery will have a noisy cafe right at the bottom of our garden and will also have a balcony which would enable residents and guests to see straight into our house and garden.
2. The new extension to the basement floor plan is a very substantial building which will require extensive footings which will be very close to the Lime Tree and will damage the roots of the tree which as you should know is protected.

Following the receipt of amended plans, 1 further objection was received:

In the new proposed plans for a new orangery. The orangery is still encroaching on the tree, T1, which is under a preservation order. It is a very tall and majestic tree, and a beautiful landmark that should be protected for the future generations. The building encroaches upon the root protection area of this ancient tree. It is especially concerning that the new plans talk about severing the roots of this tree.

The close proximity of the proposed orangery would also jeopardise the tree itself since this very tall and large tree would invariably cause shading of the building and concerns regarding overhanging branches would lead to a pressure to cut back the boughs of this large protected tree.

Therefore, the proposed amendment to the plans to create the orangery should be rejected.

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

Saved Local Plan policies (WBC 2003): RES7,

Worthing Core Strategy (WBC 2011): Policies 16, 17 & 18

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 principle of development has been established by the previous permission and therefore the main issues are whether the proposed alterations are acceptable. As evidenced by the representations received, the main issues are the effect upon the preserved lime tree and the impact upon the amenities of neighbouring residential properties.

As originally submitted, the proposed orangery was to extend 81.5 square metres, but it was considered this would unacceptably impact upon the important preserved lime tree which was always to be retained and be a centrepiece of the landscaping of the site. The orangery has subsequently been reduced by 20 square metres, therefore, and a tree report submitted which has enabled the Arboricultural Officer to withdraw his objection. Accordingly, it is considered that the matter has been satisfactorily resolved.

With regard to the impact upon neighbouring properties, it is stated that a balcony over the orangery, albeit now reduced in size, would adversely affect neighbouring properties. Given in the previously approved scheme there are already a number of windows in the eastern elevation of the building facing the residential properties to the east, it is not considered that there is any increase in overlooking to a material extent that could warrant a refusal of this revised proposal. While much smaller, there was an external balcony area proposed under the previous permission as well. Furthermore, the distance from the balcony to the rear of the neighbouring properties well exceeds the standard overlooking distance of 21 metres (the lime tree is around 30 metres from the rear of the nearest property with the proposed balcony beyond). In light of the approved use as a care home, it is not considered that the balcony will be used for activities that, at the distance specified and given

the previous permission, would result in a material increase in harm that could justify a refusal of planning permission.

In conclusion, the proposal is considered to represent a minor addition to the previous approval which will further improve the facilities provided by the new care home. It is therefore considered the application is acceptable.

### **Recommendation**

To GRANT permission

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

- 01     Approved Plans
- 02     The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 03     Prior to the commencement of development, a scheme shall be provided for attenuating all external fixed plant which shall have regard to the principles of BS4142 and achieve a difference between the rating level and background noise level of at least -5dB. A test to demonstrate compliance with the scheme shall be undertaken within 1 month of the scheme being approved in writing by the Local Planning Authority.

Reason:    In the interests of the amenities of neighbouring properties in accordance with policy 16 of the Worthing Core Strategy.

- 04     No development of any kind shall take place unless and until a scheme for the suppression of dust during demolition/site clearance and construction has been submitted to and agreed in writing by the Local Planning Authority. The scheme as agreed shall be implemented throughout the entire course of demolition/site clearance and construction.

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

- 05     No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Public Holidays. Monday to Saturday such work shall only be undertaken between the hours of 7.30 am and 6.30pm, except as agreed in writing by the Local Planning Authority.

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

- 06     No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason:    To provide car-parking space for the use.



07 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:-

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

08 Upon the first occupation/commencement of use, the Applicant shall implement the measures incorporated within the approved travel plan. The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport.

09 The development hereby approved shall not be occupied unless and until samples and schedule of the external walls and roof of the buildings in the development hereby permitted have been submitted to and approved by the Local Planning Authority (in consultation with the Chair of the Planning Committee and local ward member) and the buildings shall not be built other than in accordance with any such approval.

Reason: In the interests of visual amenity and to comply with policy 16 of the Worthing Core Strategy.

10 No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft and hard landscaping, which shall include indications of all existing trees and hedgerows on the land and details of those to be retained, together with measures for their protection in the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The approved details of hard landscaping shall be completed prior to occupation of the building(s).

Reason: In the interests of visual amenity and the environment and to comply with policy 16 of the Worthing Core Strategy.

21<sup>st</sup> October 2020

**Application Numbers: AWD/1240/20 & Recommendation – APPROVE  
AWDM/1383/20**

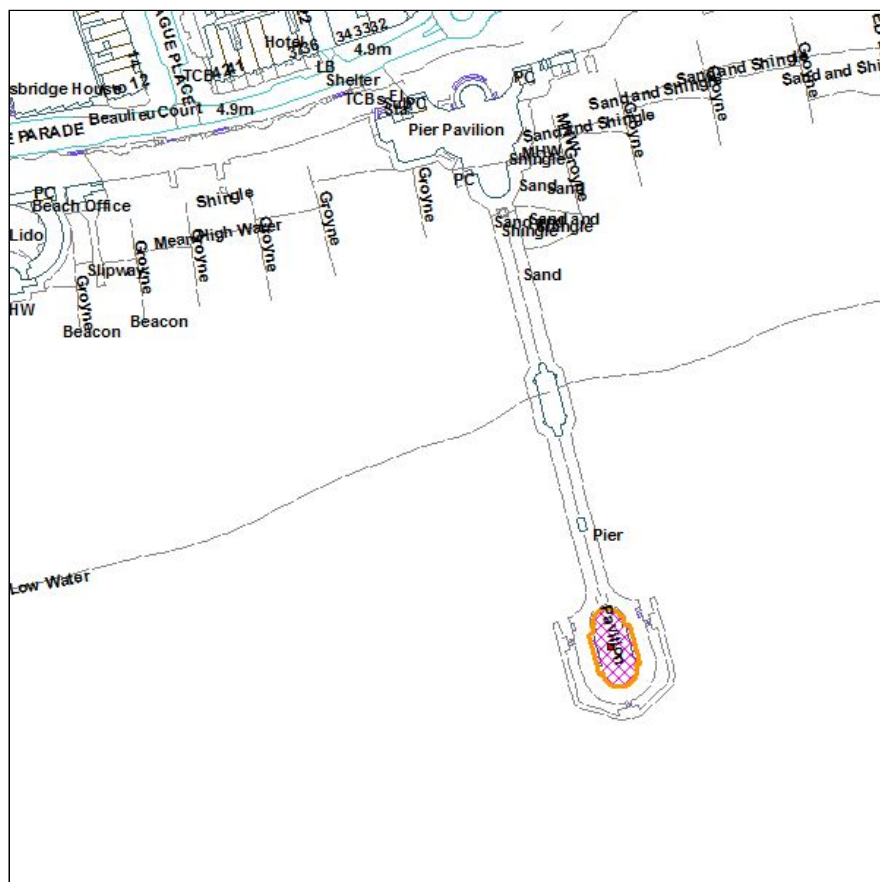
**Site: Southern Pavilion, Worthing Pier, The Promenade, Worthing**

**Proposal: Application for Listed Building Consent for refurbishment and internal alterations to the Southern Pavilion incorporating new kitchen extracts to open air, new internally illuminated fascia sign and flags (AWDM/1240/20)**

**Refurbishment and internal alterations to the Southern Pavilion on Worthing Pier incorporating new kitchen extracts to open air (AWDM/1383/20)**

**Applicant: Mr Alex Hole  
Case: Gary Peck  
Officer:**

**Ward: Central**



**Not to Scale**

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### **Proposal, Site and Surroundings**

This application seeks planning permission and listed building consent for works to the Southern Pavilion on the Pier, which is currently vacant. The main aspects of

the application, as set out on the schedule accompanying the application are set out below:

### **Entrance Lobby & Foyer**

- 6x doors from foyer & lobby into the WC and kitchen spaces removed. Access to these relocated to within the restaurant area and foyer decorated as part of the overall venue refurbishment.
- New office door added, less frequently used.

### **WC Areas & Cellar - Ground Floor**

- New corridor to W. Cs to separate them from dining & waiting areas.
- New doors and decorative finishes.
- New location of unisex, DDA compliant W.C to keep facilities in one area.
- Existing cellar wall removed and new partition constructed - 1.2m further forward into main floor space - to allow for reconfigured W.C's and increased cellar storage

### **Kitchen**

- Kitchen area extended into floorspace and designed as theatre style with low plinth wall and heat lamps above
- Openings required in ceiling for new hoist up to first floor & extract riser

### **Bars:**

- Existing bars – 2 on ground floor and 1 on first floor to be removed
- New bars constructed in locations more suited to restaurant environment- 1 ground and 1 first floor with timber carcass, clad finish, with stainless steel shelving and equipment
- Back bar shelving with clear back panel not to obstruct interior views

### **Stairs & Balustrading**

- Existing spiral stairs up to first floor balconies removed and replaced with wider, straighter public stair
- Spiral service stair added between bar areas
- New balustrading to stairs and balconies to comply to current building regulations- with open uprights

### **Customer Seating- First Floor**

- Addition of booths to balconies- with low backs to suit window level.
- Dividing walls to separate north side omitted
- Back of house & W.C areas formed with studwork in centre of space to avoid window elevations
- Office partitions to south side stripped out and opened as seating

The Pier is a grade II listed building and was constructed in the 19<sup>th</sup> century. The current Southern Pavilion replaced an earlier version which was destroyed in a fire and was constructed in the 1930s.

The Heritage Statement describes the building as:

*'It is a handsome and largely unaltered example of the Nautical Style. The shape is a rectangle with rounded ends, with terraces wrapped around a small hall. It is frame construction clad in metal faced Plymax, using almost continuous glazing of*

*the Crittal type. It has asphalt terraces and roofing. There is a four bay hall with simple Proscenium arch surrounded by radiating design. From the outside the main effect is strongly horizontal, created by the projecting decks and cornices. This Pavilion has had a chequered use history from the small Music Hall, to a Nightclub and more recently a multipurpose venue.*

### **Relevant Planning History**

There is no recent planning history directly relevant to the determination of the applications, however it is noted that in 2005, planning permission and listed building consent was refused for the installation of 6 no. outdoor condensing units on flat roofed raised section of the Southern Pavilion.

### **Consultations**

The Councils **Design and Conservation Architect** comments that,

*I expressed some concern at the pre-application stage at the size of the new kitchen, toilets, cellar and corridor space which pushes out into the large open ground floor area. The building currently has an internal symmetry which would be lost with the proposed alterations. The proposed layout will affect the internal character of the building and views through the building. Whilst, these changes might be desirable to help ensure a sustainable new use for the building, there is a lack of justification for these internal alterations.*

*The new staircase and bar area were from the start expected to be new features in the main open hall and as such it was recognised that they should express themselves as set pieces in the new re-modelled space. However, the overall extent of enclosure for the ground floor limits the effect of these new internal features.*

*The extract system on the roof would be clearly visible and there is a lack of information about its finish and how it could be screened. At the present time it appears as a large alien feature which disrupts the current lines and symmetry of the building from more distant views and would detract from the appearance of the building. Whilst the need for appropriate extraction facilities for a larger restaurant facility is accepted, it is not known whether a smaller extraction system could be provided given the absence of neighbours. It is requested that the applicant provides further supporting justification for the proposed alterations to the building. The removal of later partitions at the southern end of the building are welcomed.*

**Environmental Health:** No comments

### **Representations**

### **Worthing Society**

AWDM/1383/20 - Southern Pavilion, Worthing Pier

*'Whilst we are pleased to see the Southern Pavilion being renovated and brought back into use, and we are happy to leave scrutiny of the internal details to the Council's Conservation Officer, we wish to object to the large extraction duct that is*

*intended to be sited on the flat roof. The position chosen for the duct is a very prominent one and it would be evident from many viewpoints on the pier and from the promenade and beach as an incongruous feature on this symmetrical art deco building. If the duct cannot be re-sited to a more suitable position it must be concealed in some way by a sympathetic alteration to the roof that would not compromise the appearance of the building.'*

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy (WBC 2011):

Policy 3 Providing for a Diverse and Sustainable Economy, Policy 5 The Visitor Economy and Policy 16 Built Environment and Design

Worthing Seafront Investment Plan 2018

National Planning Policy Framework (CLG 2019)

Planning (Listed Buildings and Conservation Areas) Act 1990

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.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) states: indicates In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

## **Planning Assessment**

The main issues in the determination of the applications are the effect of the proposals upon the character of the Grade II listed building.

In terms of principle, the re-use of the Southern Pavilion is clearly acceptable. The pavilion provides an important destination at the end of the Pier and its current vacancy can only be said to detract from the visitor experience. The one way system at the end of the Pier, which has been in force during the pandemic, has exemplified this with visitors to the Pier effectively walking around an empty building at its sea end. The applicant's successful venture at The Perch has demonstrated how a successful seafront café/restaurant can draw visitors to an area and increase its vibrancy. Since the policies of the Core Strategy and aims of the Seafront Investment Plan are supportive of a proposal such as this, it is therefore a proposal that is clearly acceptable in principle.

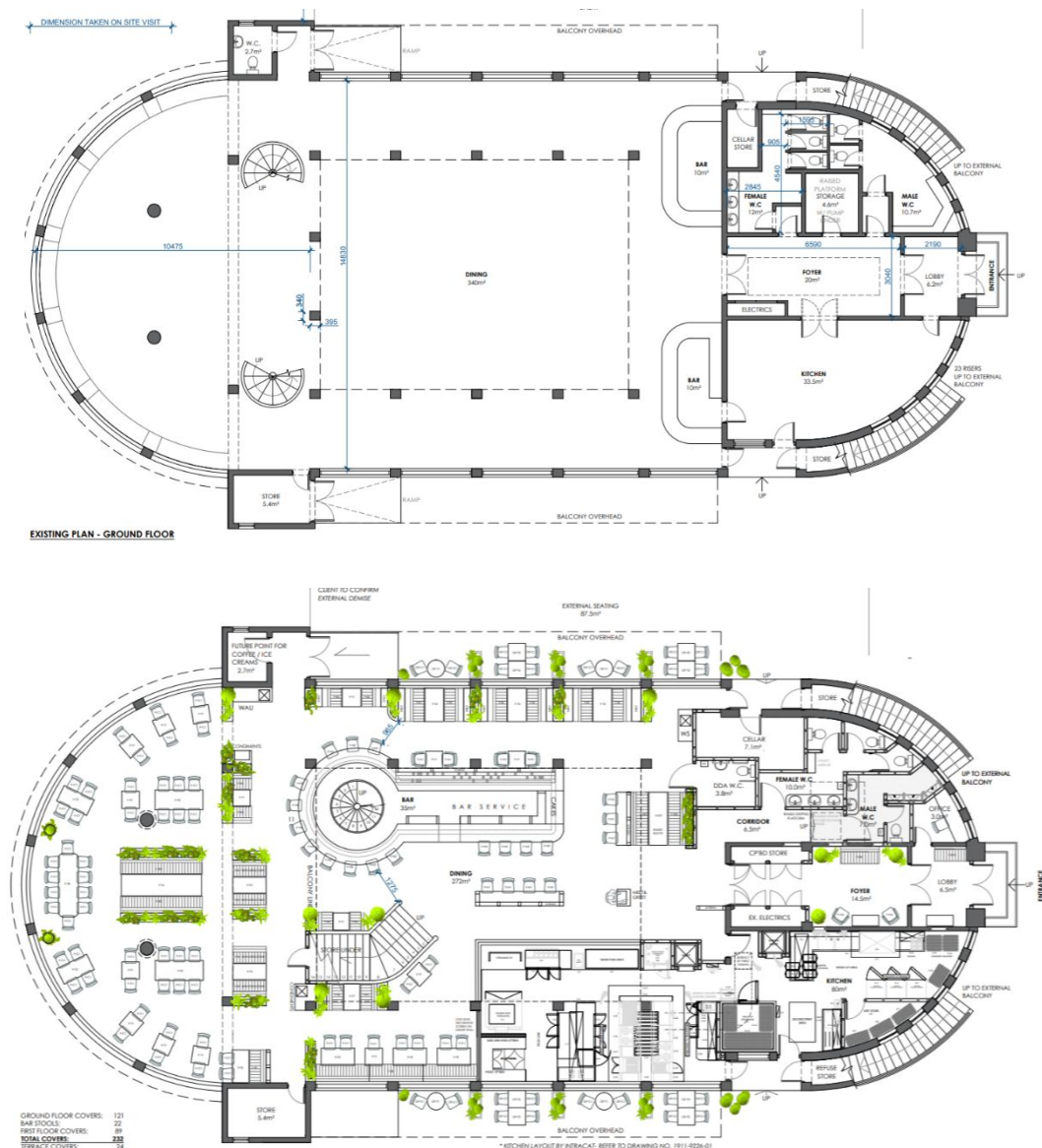
Notwithstanding the obvious desire to ensure the re-opening of the Pavilion to re-invigorate the pier and seafront, the building is an important heritage asset and therefore the Council has a duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Such regard does not mean that the building cannot be altered but rather that any changes should be sympathetic to its historic form and appropriate justification given for alterations that have any harmful effects. It is the responsibility of the applicant to demonstrate that any harm has been mitigated/justified.

The application has been the subject of pre-applications discussions with Officers and an internal inspection was subsequently made. The building internally can quite clearly be improved and there have been later additions including an unnecessary partition at the southern end which is proposed to be removed and will evidently improve the internal layout of the building.

It is accepted by your Officers that the new staircase and new bar area are necessary features in the main open hall for the proposed use and as the Conservation Architect comments, it is accepted that they should express themselves as set pieces.

The existing ground floor layout was designed with a symmetrical layout with the main enclosed area at the northern end of the building. The applicant has indicated that to turn the venue into more of a restaurant facility, to cater for a large number of covers, a much larger kitchen is required as well as additional toilets and other ancillary 'back of house' facilities. This affects the original symmetrical layout and in particular the kitchen extension, as proposed, would extend into the large double height central hall. The existing ground floor plan and proposed are shown below to illustrate this point.

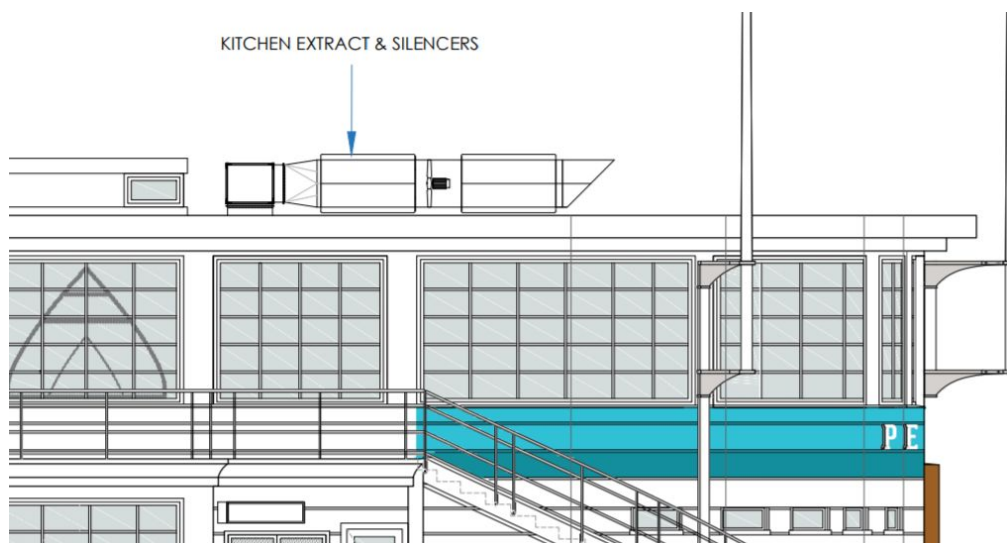




Whilst, the proposed layout may provide for the necessary larger kitchen, the alterations affect the original form and character of the building which was designed to maximize views through the building. It should be noted, however, that for many years the building operated as a night club with no daytime use or views through the building and therefore some compromise may be necessary to ensure a viable day time and evening use. Nevertheless, there has been insufficient justification for the proposed alterations in view of the harm caused and your Officers are not satisfied that a more sympathetic layout could not be found. Discussions are ongoing with the applicant as there is clearly a desire to find a solution and ensure the building can reopen and rejuvenate the pier and seafront.

On the first floor, while the removal of the aforementioned southern partitions will increase sea views from the building, which is a significant benefit, by contrast the redesigned northern end of the building extends beyond the previous bar area so reducing shore facing views. This may be acceptable in the planning balance, if other areas of concern can be addressed.

In respect of the external alterations, which are, of course, subject to the same considerations as the internal alterations, the main area of concern has been the provision of the large kitchen extract on the roof as indicated below:



The existing extraction equipment needs upgrading but there is a lack of justification for the size of extraction proposed (particularly as there are no neighbours affected by smell nuisance) and or how its visual impact could be minimised to reduce its visual impact. The applicant has indicated that this extract system could be removed from the scheme and discussions are ongoing. The clean lines of the Pavilion are an integral part of its overall architectural appeal and as submitted could not be supported.

Your Officers accept that there may need to be some compromise to ensure the successful re-purposing of the building to ensure its long term viability. In principle, the applications represent an exciting opportunity to secure the reuse of the Southern Pavilion with the consequent beneficial impact it will have on the Pier for future visitors to the town. Nonetheless, further justification and a more sympathetic approach is required to ensure that the character of the listed building and the setting of the Conservation Area is preserved and any adverse impacts can be outweighed by the overall planning benefits of the proposals.

### **Recommendations**

To GRANT planning permission and listed building consent subject to amended plans/further justification for the proposed alterations including either the removal or appropriate screening of the roof mounted kitchen extract.

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

AWDM/1240/20

- |    |                                     |
|----|-------------------------------------|
| 01 | Approved Plans                      |
| 02 | Standard Listed Building Time Limit |

- 03            Approval of Materials to be submitted and approved by the Local  
Planning Authority
- 04            Making good any damage to Listed Building
- 05            Protection of remaining part of Listed Building during construction
- 06            Use Class E(b) only
- 07            Hours of use as specified on application form – 0700 hours to 0100  
                hours only

AWDM/1383/20

- 01    Approved Plans
- 02    Full Permission
- 03    Approval of Materials to be submitted and approved by the Local Planning  
Authority

21<sup>st</sup> October 2020

Application Numbers:  
AWDM/1080/20

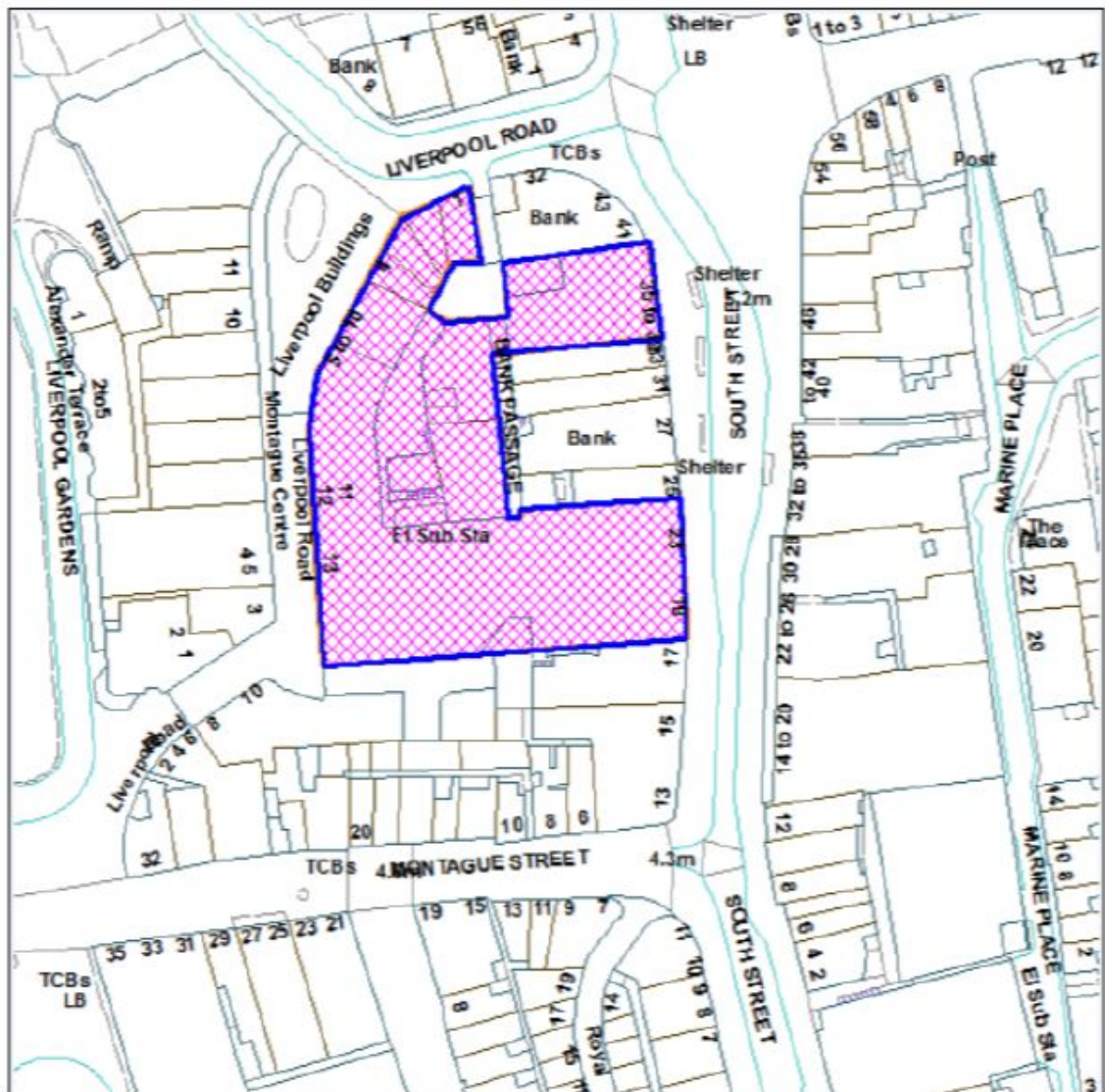
Recommendation – APPROVE

Site: 19 – 23 South Street, Worthing, West Sussex BN11 3AW

Proposals: Application for minor material amendments to vary Condition 1 of previously approved AWDM/1529/18. Amendments: First floor replacement windows, omission of proposed firewall to the south side roof and pitch line of mansard roof all relating to Block 7.

Applicant: Mr M Farrell  
Case Officer: James Appleton

Ward: Central

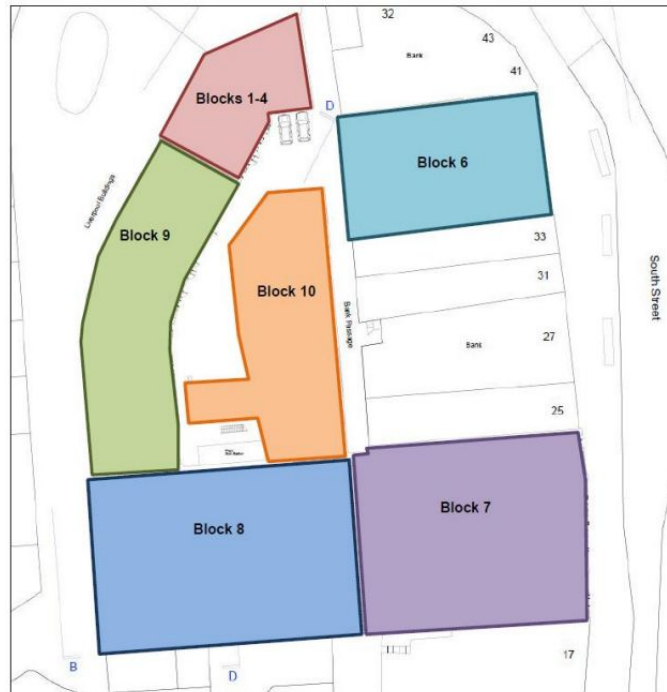


Not to Scale

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## Site and Surroundings

The above planning applications propose revisions to Block 7 which formed part of a wider permission which covered the different elements of the former Beales department store (including 19-23 South Street and 5-13 Liverpool Buildings). The original permission (AWDM/1529/18 refers) sought a total of 45 residential apartments formed by converting upper floors and adding additional floors to create new build apartments over the Beales department store. The plan below highlights the different elements of the previous application.



## Proposals

The previous approval sought to provide finance to enhance the retained but smaller department store and a new 15 year lease was signed but unfortunately despite these efforts Beales went into administration on the 20<sup>th</sup> January 2020.

Block 6 and Block 7 incorporating conversion and roof extensions are being implemented by the current applicant as a separate development to the remainder of the site. Members will recall that it was resolved to grant permission for the addition of 4 flats at Block 6 (increase from 9 to 13 units) subject to a legal agreement securing an affordable housing contribution (AWDM/1914/19).

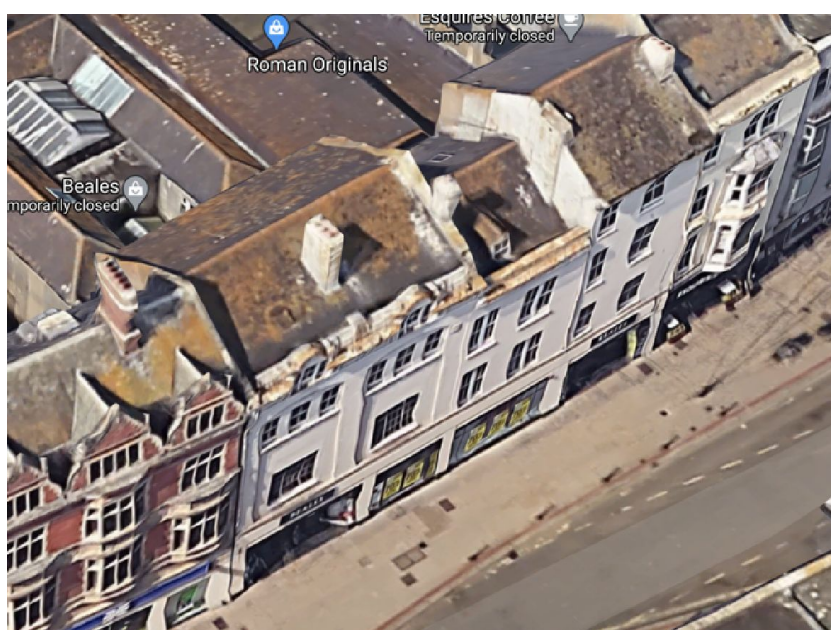
This application proposes some minor design changes to the flats to be formed in Block 6. The agent has provided a supporting letter identifying the main changes to the approved scheme as follows:

*'First Floor Replacement Windows - The southern half of block 7 features two large, steel frame windows at first floor level. These windows are not original, and the proposed scheme requires partitions to intersect the frames of these windows in a way that is not possible without replacing them with new windows with considerably larger frames. To avoid these compromises, this amendment application seeks to*



*replace these two steel frame windows with 6no. vertical sliding sash timber windows with frame profiles and detailing to match the existing sliding sash windows located across the rest of the façade. The new windows will vertically align with the existing sash windows on the second floor. The height of the replacement windows will be taller than the second-floor windows to maintain visual hierarchy between the floors.*

*Omission of Proposed Fire Wall to the South Side Roof - The second proposed amendment is to omit a proposed firewall along the centre line of the southern half of block 7. The original application drawings are misleading as both the existing and proposed drawings appear to show a fire wall separating the roof volume of the southern part of this block, however no existing firewall exists as can be seen from the below aerial image and the block appears to have been originally built as a single double frontage property.*



*We are not proposing the omission of the existing chimney in this area which will be rebuilt to match the existing although the extent to which it is visible will be reduced from the existing as the surrounding roof profile is changing with the mansard extension and therefore less of the chimney will be exposed above the roof line, this is as per the original application and we are proposing no amendments to this aspect of the scheme.*

*Pitch Line of Mansard Roof - We are seeking to make a minor amendment to the point at which the mansard roof pitch changes across the full width of the block to both the front and rear elevation. This is required as the current proposals will not allow sufficient head height in the proposed fourth floor southern flat.*

*The originally submitted application included both existing and proposed section drawings which cut through the northern half of block 7. Both the existing and proposed versions of these drawings show the depth of the building inaccurately. The depth shown on the drawings is only approximately half the depth of the building and therefore both the existing and proposed roof profiles are significantly different from what is existing and required in the new scheme.*

*Additionally, as this section cuts through the northern half of block 7 and not the southern half, it has not picked up an issue with the existing floor levels. The floor levels on the Southern half of the block are considerably higher than those in the northern half and this was not picked up by the original design team. The impact of this existing level difference is that there is insufficient head height in the fourth floor southern flat if the scheme was built to the approved drawings.*

*We have managed to make up the majority of the lost head height by lowering the existing floor structure, thereby reducing the internal ceiling height on the third floor. However, we can only lower this floor so far whilst maintaining the 2.3m ceiling height required by the Technical Housing Standards. Even with this lowering of the existing structure, there would not be sufficient head height for someone to stand in the window dormers of the fourth floor southern flat. To overcome this, we are requesting an amendment to increase the height of the point at which the mansard roof pitch changes by 300mm. We are not proposing any amendments to the overall height of the proposals from those set out on the original application.*

*Whilst the existing floor levels on the Northern side of the block do not require this amendment to achieve a minimum head height in the northern fourth floor flat, we need to make this change to both the southern and northern portions of the block for structural reasons.*

*A steel beam is required at the point at which the mansard pitch changes to support the roof structure. Due to previous changes to the structure of the existing building to form the open plan retain unit at ground floor, there are only a limited number of points at which the load of the new structure can be carried down to the ground floor. The impact of this is that the steel beams that support both the change in pitch and the ridge line of the dormers need to be at the same height and position on both the north and south sides of the block to maintain a constant load line which can then be carried down through the few remaining structural load paths.'*

## **Relevant Planning History**

**AWDM/1529/18** - The creation of 45 new residential apartments through the extension and change of use of the existing buildings including 3 additional storeys to Liverpool Buildings, elevation balconies at second and third floor levels and roof terrace at fourth floor. New shopfronts and external alterations to the elevation of Liverpool Buildings. New shopfronts and additional floor to South Street elevation with new windows at third and fourth floor. The creation of up to seven new retail units from existing retail floorspace with flexible A1/A2 use and the change of use of an existing A1 unit to flexible A1/A2/A3 use, car parking and associated works. 19-23 and 35-39 South Street and 5-13 Liverpool Buildings.

**AWDM/1914/19** - Revisions to planning permission AWDM/1529/18 comprising internal alterations to Block 6 to increase the number of flats on upper floors from 9 units (as permitted) to 13 units. **Resolution to grant permission subject to a legal agreement.**

**AWDM/0901/20** – Change of Use from Class A1 (retail) to provide two live/work units and two residential apartments, with access and associated works (Block 8). Approved.



**AWDM/0903/20** - Change of Use at first and second floors from retail (Class A1) to flexible commercial floor space (Use Classes E), provision of new windows and roof lights at second floor, provision of roof plant at second floor and associated works – Approved.

**AWDM/0905/20** - Change of Use from Class A1 (retail) to provide 8 live/work units (Sui Generis) and 6 residential apartments, minor extension at third and fourth floor, external alterations and associated works.

**AWDM/0906/20** - Application to Vary Condition 1 of previously approved AWDM/1529/18. Amendments: Removal of the previously approved fourth floor and the redistribution of the three residential units at fourth floor across the first second and third floors of Block 9.

## **Consultations**

The **Environmental Health Manager** raises no comments provided their previous conditions relating to noise and sound insulation remain.

The **Private Sector Housing Team** raises no comments on the proposal.

## **Representations**

No representations have been received in connection with this application.

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy 2011: Policies 6, 8, 15, 17, 18 & 19  
Worthing Local Plan, 2003 (saved policies): RES7, H18  
Local Plan Consultation Draft (Regulation 18) 2018  
Supplementary Planning Document 'Space Standards' (WBC 2012)  
Community Infrastructure Levy Charging Schedule (WBC 2015)  
WSCC Parking Standards (October 2019)  
National Planning Policy Framework (MHCLG - Feb 2019)  
National Planning Practice Guidance (MHCLG)  
Nationally Described Space Standards (MHCLG)  
South Street Conservation Area Appraisal (WBC 2001)

The National Planning Policy Framework (NPPF) has considerable status as a material consideration which can outweigh Development Plan provisions if policies are out of date or silent on a relevant matter. In such circumstances paragraph 11 of the NPPF, states that development should be approved unless: it would cause adverse impacts which significantly and demonstrably outweigh benefits when assessed against NPPF policies overall; or if the NPPF affords particular protection to assets or areas of importance, (recent case law indicates approval of development which is contrary to the Development Plan will be the exception).

In assessing Development Plan policies relevant to this case alongside the recently published NPPF, it is considered that those which are relevant to the current case are in conformity with it (Policy 10 – Affordable Housing has been updated to reflect latest NPPF guidance). However, as informed by local evidence it is clear that the Council cannot demonstrate a current 5-year supply of housing in respect of Objectively Assessed Needs and that all relevant policies which relate to and constrain housing delivery in the Core Strategy are out of date in respect of the

NPPF. Accordingly, the Council needs to assess its housing delivery strategy. To this end a Housing Study and Issues and Options document was published and a new Draft Local Plan was published on 31st October for consultation. The Council intends to publish its Regulation 19 Plan early in 2021.

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

- Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.
- Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- Section 72 (1) states: indicates in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

### **Planning Assessment**

This is a relatively minor design change to the previously approved scheme. These changes are largely as a result of the applicant undertaking further technical appraisals of the approved scheme and needing to make appropriate adjustments to comply with relevant legislation and to work with the existing structure of this heritage building. Whilst the building is not listed it is a heritage asset and set within the South Street Conservation Area. It is important therefore to ensure that the alterations to the approved scheme preserve the existing character of the building, whilst meeting modern day living standards and compliance with the building regulations.

The main consideration in this instance is therefore design and the applicant did engage in pre-application discussions with the Councils Design and Conservation Architect. There are no objections to the revised design of the fenestration on the South Street frontage or changes with the removal of the fire wall. The existing large metal windows above the former Beales entrance would have been affected by room partitions and the replacement windows will match the style of upper windows. Differences in floor plates mean that the windows do not align with the adjoining property, however, this is not an issue in itself given the variety of frontage plots, architectural styles and periods. The approved plans and the proposed amendments to the South Street elevation are illustrated below to assist Members consideration:

## As Approved



## As Proposed



The proposed increase in the height of the mansard roof does not increase the overall height of the roof albeit it will slightly increase the more vertical face of the steeper mansard pitch. As this recedes away from the front elevation its overall impact at street level is reduced.

The applicant has been asked to provide an additional cross section to provide some further clarity around the mansard design above the decorative dormers but in principle the change to the mansard height where it meets the low pitched roof is considered acceptable.

## **Recommendation**

It is recommended that the application be approved subject to the receipt of additional information about the design of the mansard roof and the imposition of the following conditions:

1. Development in accordance with approved plans
2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
3. Precise details of all new fenestration for the development (including dormer windows) at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
4. **All other conditions attached to planning permission reference AWDM/1529/18 which have not been discharged.**

21<sup>st</sup> October 2020

**Local Government Act 1972  
Background Papers:**

As referred to in individual application reports

**Contact Officers:**

Stephen Cantwell  
Principal Planning Officer (Major Development)  
Portland House  
01903 221274  
[stephen.cantwell@adur-worthing.gov.uk](mailto:stephen.cantwell@adur-worthing.gov.uk)

Gary Peck  
Planning Services Manager (Development Management)  
Portland House  
01903 221406  
[gary.peck@adur-worthing.gov.uk](mailto:gary.peck@adur-worthing.gov.uk)

James Appleton  
Head of Planning & Development  
Portland House  
01903 221333  
[james.appleton@adur-worthing.gov.uk](mailto:james.appleton@adur-worthing.gov.uk)

## **Schedule of other matters**

### **1.0 Council Priority**

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

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

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

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

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

### **7.0 Reputation**

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

### **8.0 Consultations**

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

## **9.0 Risk Assessment**

9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

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

## **14.0 Financial implications**

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



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Planning Committee  
21 October 2020  
Agenda Item 7

Ward: Heene

## Report by the Director for Economy

### ENFORCEMENT UPDATE REPORT

Enforcement reference: AWEN/0292/20, Planning Application reference  
AWDM/1743/19

Tree felling in advance of compliance with planning conditions at Former  
Sussex Clinic, 44-48 Shelley Road, Worthing

#### **1. BACKGROUND**

- 1.1 At the February meeting of the Committee, Members considered planning application reference AWDM/1743/19 for the *Demolition of existing building and construction of 50 bedroom care home (Class C2) with associated facilities, hard and soft landscaping including new access arrangements from Shelley Road* at the now former Sussex Clinic, 44-48 Shelley Road, Worthing.
- 1.2 The February meeting was the last meeting to be held prior to the COVID pandemic and therefore took place in the Gordon Room. The applicant and agent (as well as objectors) were present and spoke at the meeting.
- 1.3 Planning permission was resolved to be granted at the meeting, but much of the debate regarding the application concerned the proposed felling of trees and the necessity for replacement planting. As stated in the approved minutes of the meeting:

*Members were shown a number of plans, which included a tree retention plan, to assist in their consideration of the application. The Officer made reference to the Council's Tree and Landscape Officer comments within the*

*report. The Planning Services Manager concluded his presentation by showing a number of photographs and advising the recommendation was to grant permission. Members raised queries with the Officer, which were answered in turn to the Members' satisfaction. In summary, these included:- clarification as to the location of trees with TPOs; the trees to be retained and location of new trees to be planted...*

*...A Member felt the removal and replanting of trees could be phased in an effort to protect the wildlife and reduce the impact of the development...*

*...In conclusion, the majority of Members agreed with the Officer's recommendation to approve the application however, they requested a more detailed landscape condition to specify the phasing and replanting of trees and shrubbery in consultation with the Chairman and Ward Councillors.*

- 1.4 It was clearly evident from the discussion at the meeting that while it was acknowledged that a significant amount of tree felling would need to take place to facilitate the development, a phased approach to tree felling and replacement landscaping would reduce the impact upon the nearest neighbours to the development.
- 1.5 The decision notice was subsequently issued in March with the detailed landscaping condition requested by the Committee.
- 1.6 During September, it was brought to the attention of the Chair and Officers that the site had been cleared of the trees on site. This was prior to any of the pre-commencement conditions relating to the site having been discharged (not just the relevant landscaping condition). Indeed, a submitted landscaping scheme was withdrawn by the agent, prior to any determination, for reasons unknown.
- 1.7 In light of the Officer's efforts to negotiate a scheme that could be supported by the Committee and, in turn, the quite clear comments of the Committee in reasonably attempting to facilitate the development while protecting the amenities of neighbouring residents, it was considered extremely disappointing that the developer has proceeded in this manner. It was immediately agreed with the Chair, therefore, that the Officers would proceed to serve a Breach of Condition Notice (BCN).

## **2. CURRENT SITUATION**

2.1 The BCN was served on Friday 2nd October.

2.2 2 separate notices have been served regarding the failure to comply with conditions 13 and 14 respectively of the permission granted under reference AWD/1743/19. These conditions stated:

13. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft and hard landscaping.

The soft landscape scheme shall include a plan indicating all existing trees/shrubs and hedges on the site detailing which are to be retained and those which are to be removed, together with details of all proposed new and/or replacement tree/shrub/soft planting. The submitted details shall include not less than 30no. new and/or replacement trees and not less than 22no. shrubs plus written specifications and schedules of all new tree/shrub/soft planting stating their species, sizes and numbers/densities and the programme of implementation. The implementation programme shall be phased where possible to minimise the amount of time between removal of existing trees/soft planting on the site and the carrying out of the agreed new and/or replacement trees/shrubs/soft landscaping.

All soft landscape works shall be carried out in accordance with the agreed planting scheme and implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced the following planting season with others of similar size and species, unless the local planning authority gives any consent for variation.

The approved hard landscape works shall be completed prior to first occupation of the buildings.

**Reason:** *In the interests of visual amenity and the environment and to comply with policy 16 of the Worthing Core Strategy.*

14. No development, including site works of any description, shall take place on the site unless and until all the existing trees/shrubs/hedges shown on the approved plan as being retained have been protected in accordance with an arboricultural method statement and tree protection plan (to include protection measures during and after construction and any

construction exclusion zones) in accordance with BS5837:2012 which shall have been submitted to and approved in writing by the local planning authority and shall include any proposals for pruning, crown reduction or other preventative works. Within the areas so protected the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon or bonfires take place. If any excavations are required in the fenced off areas they shall be undertaken and backfilled only by hand and any tree roots encountered with a diameter of 25 mm or more shall be left unsevered.

**Reason:** *To protect the trees from damage and to comply with policy 16 of the Worthing Core Strategy.*

2.3 The BCN requires in respect of Condition 13:

Submit for approval to Worthing Borough Council a scheme of soft and hard landscaping which shall include the following:

(i) A plan indicating all existing trees, shrubs and hedges on the site detailing which are to be retained, which are to be removed and those which were removed on or around 1 September 2020.

(ii) Details of all proposed new and/or replacement trees, shrubs and soft planting. The details shall include not less than 30 no. new and/or replacement trees and not less than 22 no. shrubs plus written specifications and schedules of all new trees, shrubs and soft planting stating their species, sizes and numbers/densities.

(iii) Include an implementation programme which is phased to minimise the amount of time between the removal of trees, shrubs and soft planting which took place on or around Tuesday 1st September 2020, any further removal of the remaining trees, shrubs and soft planting and the new planting of trees, shrubs and soft planting which for the avoidance of doubt shall take place no later than by the end of the planting season in February 2021.

(2) Following the submission of a scheme of soft and hard landscaping to Worthing Borough Council in accordance with Condition 13 and the requirement numbered (1) above and if approval is subsequently provided, to Comply with the scheme.

2.4 The BCN requires in respect of Condition 14:

(1) Replace the trees/shrubs/hedges that have been removed in contravention of the approved plan Drg No PL-121 REV |.

2.5 In both cases, the BCN takes effect immediately and the compliance period is 28 days.

2.6 An application to discharge condition 13 has already been received by the department and is awaiting validation at the time of writing this report. It should be stressed that the receipt of this application does not mean the BCN is complied with, since not only does the submission need to be made, but the details have to be agreed and the approved planting implemented in accordance with the approved details.

### **3. COMMENTS FROM THE LEGAL SERVICES OFFICER**

3.1 It is a criminal offence not to comply with the requirements of a BCN. The offence is punishable on summary conviction in the Magistrates Court. The maximum penalty on conviction is a fine not exceeding level 4 on the standard scale, which is currently £2,500. Unlike an enforcement notice, there is no right of appeal against a BCN and its validity can only be challenged by way of Judicial Review.

### **4. CONCLUSION**

4.1 Officers and Members of the Committee frequently seek to achieve the difficult balance between facilitating the required development in the town with the need to protect the amenities of surrounding residents. In this case, the Committee made it quite clear that a phased landscaping approach was required in this case to achieve such a balance. It is extremely frustrating that the wishes of the Committee were ignored on this occasion and it is therefore felt important to bring this update to the Committee to demonstrate that, where necessary, action will be taken where relevant conditions are not complied with, hence the serving of the BCN on 2 October.

4.2 As this matter progresses, the Committee will be provided with further updates when necessary.

**Local Government Act 1972**

**Background Papers:**

Breach of Condition Notices, served 2 October 2020

**Contact Officer:**

Gary Peck

Planning Services Manager

01903 221406

[gary.peck@adur-worthing.gov.uk](mailto:gary.peck@adur-worthing.gov.uk)



## **Schedule of Other Matters**

### **1.0 Council Priority**

- 1.1 Compliance with planning policies as set out in the Core Strategy

### **2.0 Specific Action Plans**

- 2.1 Planning Enforcement and Policy Guidance

### **3.0 Sustainability Issues**

- 3.1 Matter considered and no issues identified

### **4.0 Equality Issues**

- 4.1 Matter considered and no issues identified

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

- 5.1 Matter considered and no issues identified

### **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 noninterference 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 who have carried out unauthorised developments as well as those affected by them and the relevant considerations which may justify interference with human rights has formed part of the assessment process in deciding whether enforcement action is expedient.

### **7.0 Reputation**

- 7.1 Residents and members would expect that planning conditions are complied with and that the Council will take action when clear breaches occur.

## **8.0 Consultations**

8.1 Consultation with Legal Services as set out in the report.

## **9.0 Risk Assessment**

9.1 Enforcement action is a discretionary activity which should only be taken here there is clear evidence to do so. The felling of trees provides clear evidence that action should be taken in this case.

## **10.0 Health & Safety Issues**

10.1 Matter considered and no issues identified

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified

**Application Number: TPO 3 of 2020**

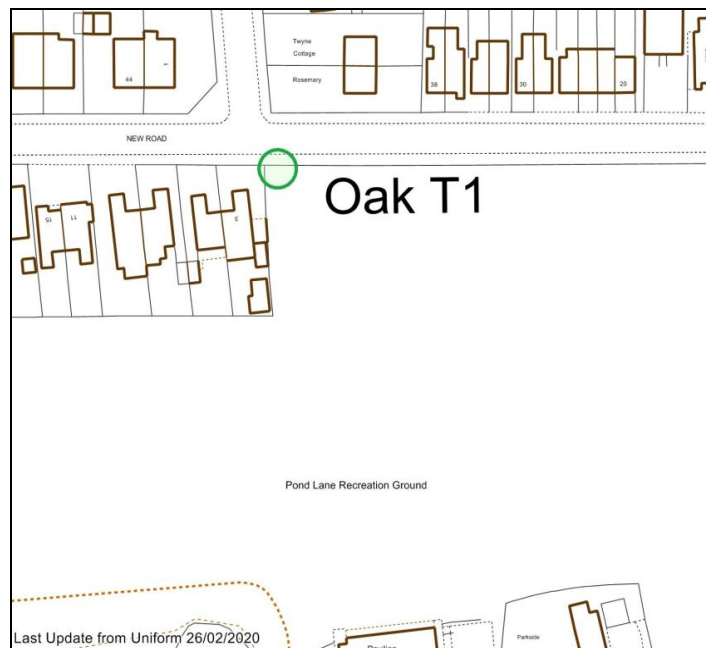
**Recommendation – Approve**

**Site: Pond Lane Recreation Ground, Pond Lane, Worthing**

**Proposal: Confirmation of Worthing TPO No. 3 of 2020 Pond Lane Recreation Ground Pond Lane**

**Case Officer:** Jeremy Sergeant

**Ward:** Durrington Ward



**Not to Scale**

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### **Proposal, Site and Surroundings**

On the 27<sup>th</sup> April 2020 a provisional Tree Preservation Order (TPO) was placed on one Oak tree in the public open space of Pond Lane Recreation Ground.

The order refers to a single Oak tree growing in the north west corner of the recreation ground, near the front garden of 3 New Road. The TPO has been made as the Parks department had concerns that works might be carried out to the tree by owners of the adjacent property or their agents or tradesmen. The tree is a feature of the area, and is considered important to the visual amenity and character of the area that it is maintained appropriately.

## **Relevant Planning History**

None

## **Representations**

One letter of objection has been received from the owner of 3 New Road. The neighbour's objection claims that the tree is damaging the nearby driveway. The objection makes no reference as to how a TPO would affect any remedy or responsibility of the tree owner. As a protected tree the normal neighbour rights of cutting back to the boundary will not apply as all works would need prior consent.

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 16

Worthing Local Plan (WBC 2003) (saved policies): H18

National Planning Policy Framework

Circular 04/07 'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000).

## **Planning Assessment**

The tree is a good specimen that meets the tests for Tree Preservation Orders: the Adur and Worthing Council Tree Preservation Order – Survey and Decision Guide, as agreed by the then Joint Planning Committee. The reason for protecting this tree is that it is an established feature of the area, and its removal or inappropriate works would be detrimental to character and visual amenities of the street scene.

The tree is a large mature growing near the northwest of the recreation ground. The tree has three main stems from 3 metres that form the main widespread crown. The main crown is a-symmetrical, with most of the weight to its eastern side.

The Tree Prevention Order is to ensure that any future works can be controlled by the Local Planning Authority. This is not always possible with trees that are in a public open space, as neighbours can cut back to their boundaries and carry out other works from their own land. Therefore in the interests of local amenity it is recommended that the TPO is confirmed.

## **Recommendation**

That Worthing Tree Preservation Order Number 3 of 2020 be confirmed as made.



WORTHING BOROUGH  
COUNCIL

Worthing Planning Committee

21 October 2020

Agenda Item no. 9

Ward: All

## Response to White Paper 'Planning For the Future'

### Report by the Director for the Economy

#### 1.0 Summary

- 1.1 In August 2020 the Government published a White Paper for consultation: 'Planning for the Future'. This proposes significant and far-reaching reforms to the planning system in England. This paper forms Adur and Worthing Councils' response to this consultation.

#### 2.0 Background

- 2.1 The Government has published a suite of changes, and proposed changes to the planning system in England. These include:

- Recent amendments to the permitted development regime, and amendments to the Use Classes Order which came into effect on 1st September 2020
- A technical consultation document 'Changes to the Planning System'. (This relates to four specific proposals - amendments to the Standard Methodology for determining each local authority's housing requirement; the introduction of 'First Homes' (discounted market price homes); the temporary increase of the affordable housing threshold to 40/50 units; and the extension of the Permission in Principle regime):  
<https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>
- A White Paper, 'Planning for the Future' which sets out longer term, fundamental changes to the role of the planning system in England:  
<https://www.gov.uk/government/consultations/planning-for-the-future>

This report relates to this last document.

- 2.2 The White Paper sets out a wide-ranging package of proposals for reform, which would potentially impact on Local Plans, Development Management and the delivery of infrastructure via s106 agreements and Community Infrastructure Levy. The

proposals are intended to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed.

### **3.0 Proposals**

3.1 There is much to be supported within the White Paper:

- Streamlining the Local Plan process, including reducing the required evidence base and updating requirements for assessment of Local Plans is welcomed.
- The use of technology to modernise the process is also supported. This would include standardising the format of Local Plans and the data they use; standardising software used by planning authorities; and supporting local authorities to use digital tools to facilitate civic engagement for plan-making and decision making.
- The development of ‘national’ development management policies within a revised National Planning Policy Framework is supported, therefore reducing the need for policies on certain subjects to be produced by every local authority.
- The increased emphasis on improvements in design is also welcomed,
- The strengthening of enforcement powers is supported.

3.2 However there are some proposals which the Councils wish to respond to in order to seek clarification, raise concerns, or indicate potential issues. These are addressed in Appendix 2, which responds to the White Paper’s questions on specific matters.

### **4.0 Legal**

4.1 The legal issues arising from the proposed changes are not yet clear. However it is understood that primary legislation will be required if the proposed changes are progressed.

### **5.0 Financial implications**

5.1 There are no financial implications associated with the consultation response. However the final reforms to the planning system may have financial implications for the Councils which will be reported to members once known.

## **6.0 Recommendation**

6.1 It is recommended that:

- 1) Members note the proposed responses given in Appendix 2
- 2) Forward any comments to the Executive Member for Regeneration

## **Local Government Act 1972**

### **Background Papers:**

White Paper: Planning for the Future (MHCLG)

Changes to the Current Planning System (MHCLG)

### **Contact Officer:**

Moira Hayes

Adur Planning Policy Manager

Portland House

[moira.hayes@adur-worthing.gov.uk](mailto:moira.hayes@adur-worthing.gov.uk)

Tel: 01273-263247

## **Schedule of Other Matters**

### **1.0 Council Priority**

- 1.1 In relation to Platforms For Our Places - Going Further - the Planning Service has a particular role in Platform 1 - Prosperous Places; Platform 2 - Thriving People and Communities and Platform 3 - Tackling Climate Change and supporting the natural environment.

### **2.0 Specific Action Plans**

- 2.1 This report forms the Council's responses to a range of Government proposals relating to the English planning system.

### **3.0 Sustainability Issues**

- 3.1 The White Paper proposed reforms to sustainability assessments which Local Plans are currently subject to.

### **4.0 Equality Issues**

- 4.1 Matter considered and none identified

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

- 5.1 Matter considered and none identified.

### **6.0 Human Rights Issues**

- 6.1 Matter considered and none identified.

### **7.0 Reputation**

- 7.1 The consultation process gives an opportunity for the Councils to respond to the Government on issues which may affect the community's ability to participate in the planning system. As such, this is a positive opportunity.

### **8.0 Consultations**

- 8.1 The White Paper consultation is open to all



## **9.0 Risk Assessment**

9.1 None identified.

## **10.0 Health & Safety Issues**

10.1 None identified

## **11.0 Procurement Strategy**

11.1 Matter considered and none identified

## **12.0 Partnership Working**

12.1 None identified.

## **Appendix 2 Response from Adur and Worthing Councils to ‘Planning For the Future’**

This response only addresses those issues which have most relevance for Adur & Worthing Councils.

### **Question 5**

**Do you agree that Local Plans should be simplified in line with our proposals (identification of three types of land).**

Although the aim of simplifying Local Plans is supported, the Councils have some concerns that the use of a three ‘zone’ approach may lack sufficient flexibility. (As such the binary model proposed as an alternative is not supported). Local definition of protected areas is welcomed, and the Councils would appreciate clarification that local designations such as Local Green Gaps and Local Green Space designations could be defined under this category.

Furthermore, the three-zone approach appears focussed on built development and does not appear to facilitate or support biodiversity or actions relating to climate change. Should this approach be maintained, a revised National Planning Policy Framework (NPPF) must make clear that planning for biodiversity must be integrated within all three zone types - and in fact, should be the starting point for planning in each area, rather than an ‘add on’.

Furthermore the social and economic issues currently addressed by Local Plans - such as planning for health - must continue to be addressed through the planning system. It is not clear that the proposed approach will address these sufficiently.

### **Question 6**

**Do you agree with our proposals for streamlining the development management content of Local Plans and setting out general development management policies nationally?**

The principle of national development management policies is supported. However the alternative options defined in paragraph 2.16 which allow for limited, locally defined policies, would seem to allow an opportunity for local authorities to address specific local circumstances, and is supported.

**Questions 7a and b: replacement of existing legal and policy tests for local plans and addressing strategic cross-boundary issues (in the absence of a formal Duty to Co-operate).**

This is supported, as long as this is not made at the cost of detrimental impact to the environment. Given the Climate Crisis (declared locally by Adur District Council and Worthing Borough Council on 9th July 2019) it is vital that a streamlined Local Plan system can truly assess and mitigate environmental impacts in a way that gives confidence to the public and others that the planning system is genuinely safeguarding and enhancing natural assets and biodiversity.

If the test of Duty to Co-operate is removed, the revised NPPF should support on-going cooperation between local authorities to address strategic needs. The creation of local statutory or non-statutory policies should be supported. Furthermore a more explicit recognition of the positive role of strategic planning would be beneficial. Strategic frameworks are necessary to ensure aligned infrastructure contributions for strategic infrastructure investment, and for providing strategic housing delivery where these offer the most sustainable solution to meeting needs.

Questions 8a

**Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?**

Adur & Worthing Councils welcome the acknowledgement of the constraints faced by local authorities in allocating land for development. The particular challenges presented by the physical constraints in our own districts (acknowledged by the Planning Inspectorate in adoption of the Adur Local Plan 2017, for example) should be a fundamental element in determining a realistic, deliverable annual housing target.

However we would welcome more detail as to: how local evidence will be considered; what involvement Districts and Boroughs will have; which constraints would be included; how the quantum of 'discount' would be ascertained; and whether this process would be undertaken at national or local level.

We consider that local level constraints (such as Local Green Gaps which serve biodiversity, landscape and anti-coalescence functions, and play a key part in defining the character and beauty of the area) should be acceptable.

We would welcome clarity as to whether the quantum of constraint reduction is to be determined nationally, or locally, and whether the approach to this will be standardised.

If the constraints are factored in at national level, we believe that local authorities should have the opportunity to comment on a draft figure, and if necessary, challenge it where they consider evidence indicates that the proposed figure would have adverse impacts.

A key concern is that once a housing requirement has been set and planned for within Local Plans there is little ability for Local Authorities to influence when planning applications are submitted and, once approved, implemented. As such, there is a risk that developers 'bank' the land and release it in stages in response to the prevailing market conditions. The Councils would like to see measures put in place to encourage / require developers to build out their permissions in an expedient manner.

**Question 8b: Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?**

AWC agrees that affordability is one important factor in determining housing needs through a Standard Methodology. However the Councils question whether affordability can be improved simply by increasing delivery - particularly in areas like Adur and Worthing where significant development constraints mean that housing needs will never be met in full. The relationship between affordability and housing supply can be influenced by many factors - for example, the ability to borrow money cheaply (or otherwise) or the rate at which developers build out their developments (which the Council has limited influence over). In attractive coastal areas such as Adur and Worthing an increase in delivery will not necessarily improve affordability for local people, particularly given the likely increase in households leaving urban areas such as London, post-Covid. (There is a danger that affordability levels will either hold steady or worsen, due to the ability of incoming households to pay higher prices). As such we consider that a more nuanced approach to affordability is required.

Having said that, the physical extent of an area (its geographic size) and the constraints within that area (see response to 8a) should form a very important element in any assessment of housing figures.

**Question 12: Do You agree with our Proposals for a 30-month statutory timescale for the production of Local Plans?**

Although AWC welcome the move to speed up and streamline the Local Plan production process, there are concerns as follows:

Firstly there are concerns that the proposed timetable does not allow sufficient time at Stage 1 to allow for the required public involvement and integrating the outcomes of this into the process.

Stage 2: 12 months may be insufficient to develop any necessary evidence and react accordingly

Stage 3: Given the increased focus on front-loading consultation within the Local Plan (and away from the Development Management process) a six-week consultation period seems insufficient.

**Question 13 Do you agree that Neighbourhood Plans should be retained in the reformed planning system?**

Neighbourhood Plans can play an important role in certain areas, particularly where there is a clear need to facilitate growth or manage change at a local level, such as particular small settlements.

However we note the suggestion in paragraph 2.56 which suggests there is scope to extend and adapt the concept so that small areas - such as individual streets- can set their own

rules for the form of development. This could lead to a huge impact on local authority resources to facilitate and advise these groups, and ensure that any outcomes are consistent with Local Plan and national policy. Rather than provide the certainty and efficiency that the White Paper proposes, this could in fact create the opposite effect. As such, the reduction of the neighbourhood plan process to this 'micro-level' is not supported.

**Question 17 Do you agree with our proposals for improving the production and use of design guides and codes.**

The principal of this is supported. However, sufficient resources will need to be made available to local authorities to prepare this work. There are also concerns that by seeking 'empirical evidence' of popularity (as referred to in the White Paper) seems to increase consultation and could potentially perpetuate 'average' design and stifle innovation.

**Question 22(a) Should the Government replace the Community Infrastructure Levy and section 106 planning obligations with a new consolidated infrastructure levy which is charged as a fixed proportion of development value above a set value?**

It will be necessary to ensure that those on-site requirements which are currently delivered via s106 can still be effectively secured and delivered. For example, not just the level of Affordable Housing provision on-site, but other contributions such as green space, travel management plans and electric vehicle charging points will still need to be secured through developments. This may mean that conditions attached to planning applications will need to cover a wider range of matters than at present.

It is important that at least the current level of contributions received by an authority under s106 and CIL would be received under a new Infrastructure Levy. Given that both s106 and CIL take into account the viability of development in the local area/the development, it is important the new Infrastructure Levy delivers at least as much infrastructure contributions, without affecting the viability of development.

However the Government will need to ensure that a national set rate would be applicable across the whole country, given the differences in development values, particularly between the North and the South of England. Currently, with CIL, the rates are set by each Local Authority to reflect the viability of development locally.

**Question 23:**

**Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?**

Yes - given that development delivered through permitted development rights, can have an impact on existing infrastructure and/or generate the need for additional resources (and the potential increase in permitted development following recent changes) AWC agrees that the new Infrastructure Levy should capture these in order to ensure these impacts are

addressed fairly. It will be important to ensure that there are no loopholes which developers will be able to exploit in order to avoid paying the 'Infrastructure Levy'.

**Question 24(a) Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site provision, as at present?**

Yes - AWC are keen to ensure that any alternative system provides at least the same, if not increased level of affordable housing to meet the assessed needs of the area. Ensuring that as much of this is made available on site is particularly important given the limited opportunities for alternative housing sites in certain areas. It is important though to consider how the affordable housing will be delivered, such as who would be responsible for the delivery of the units, when would they be delivered and whether or not they would meet the requirements of the LPA or and/ or registered provider.

AWC appreciates that the matter of affordable housing thresholds is addressed in the separate consultation document 'Changes to the Planning System'. However the Councils would like to reiterate that thresholds for seeking Affordable Housing need to acknowledge the form of development in that area. For example, Adur sites can be extremely small. It would be very unusual for a site of 40/50 dwellings to come forward outside of a Local Plan allocation. As such, raising the threshold to a higher level would eradicate many opportunities to seek affordable housing through developer contributions

**Other Matters**

The Councils support development of comprehensive resources and skills strategy for the planning sector, and use of new technologies, providing these can be sufficiently resourced.

The role of Planning Committees in a revised system is unclear; the Councils request that clarification is given as to the role of the Planning Committee in any future planning system, given the important element of democratic accountability it provides.

We note that some of the White Paper proposals, particularly those regarding local plan preparation will require primary and secondary legislation, in addition to regulatory amendment. As such, AWC would welcome advice for local authorities in the transitional period as to how best they can prepare for the new-style local plan preparation in advance of the regulatory framework being put in place.