



WORTHING BOROUGH  
C O U N C I L

17 November 2020

<b>Worthing Planning Committee</b>	
<b>Date:</b>	<b>25 November 2020</b>
<b>Time:</b>	<b>6.30 pm</b>
<b>Venue:</b>	<b>Remote meeting</b>

**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 24 November 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 23 November 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 4 and 11 November 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 - 38)**

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

### **7. Referral of Motion on Notice from Worthing Borough Council (Pages 39 - 42)**

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

### **8. Proposed Deed of Variation to Section 106 Agreement relating to West Durrington Strategic Allocation (Pages 43 - 56)**

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

## **Part B - Not for publication - Exempt Information Reports**

None

#### **Recording of this meeting**

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

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer 01903 221006 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  
25 November 2020**

**Agenda Item 6**

**Ward: ALL**

**Key Decision: Yes / No**

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

### **Planning Applications**

**1**

**Application Number: AWDM/0632/20**

**Recommendation –  
Approve**

**Site: Site at Former Canteen at Northbrook College, 1 Carnegie Road**

**Proposal: Demolition and removal of the former College refectory building and construction of a two, three and four storey residential apartment block consisting of 23no. residential apartments (C3 use Class) (7 affordable) with vehicle parking, secure cycle storage, bin storage and landscaping; and the rationalisation of the existing staff parking and access arrangements at Northbrook Metropolitan College.**

**2**

**Application Number: AWDM/1334/20**

**Recommendation –  
Approve**

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

**Proposal: Application for Listed Building Consent for installation of fire sprinkler system.**

**3**

**Application Number: AWDM/1508/20**

**Recommendation – Approve**

**Site: Site of 274 Goring Road and 294 to 312 Goring Road**

**Proposal: Replacement of existing guarding to communal first-floor walkway and staircases to rear (north) with galvanised metal railings 1100mm high.**

Application Number: AWDM/0632/20

Recommendation – Approve

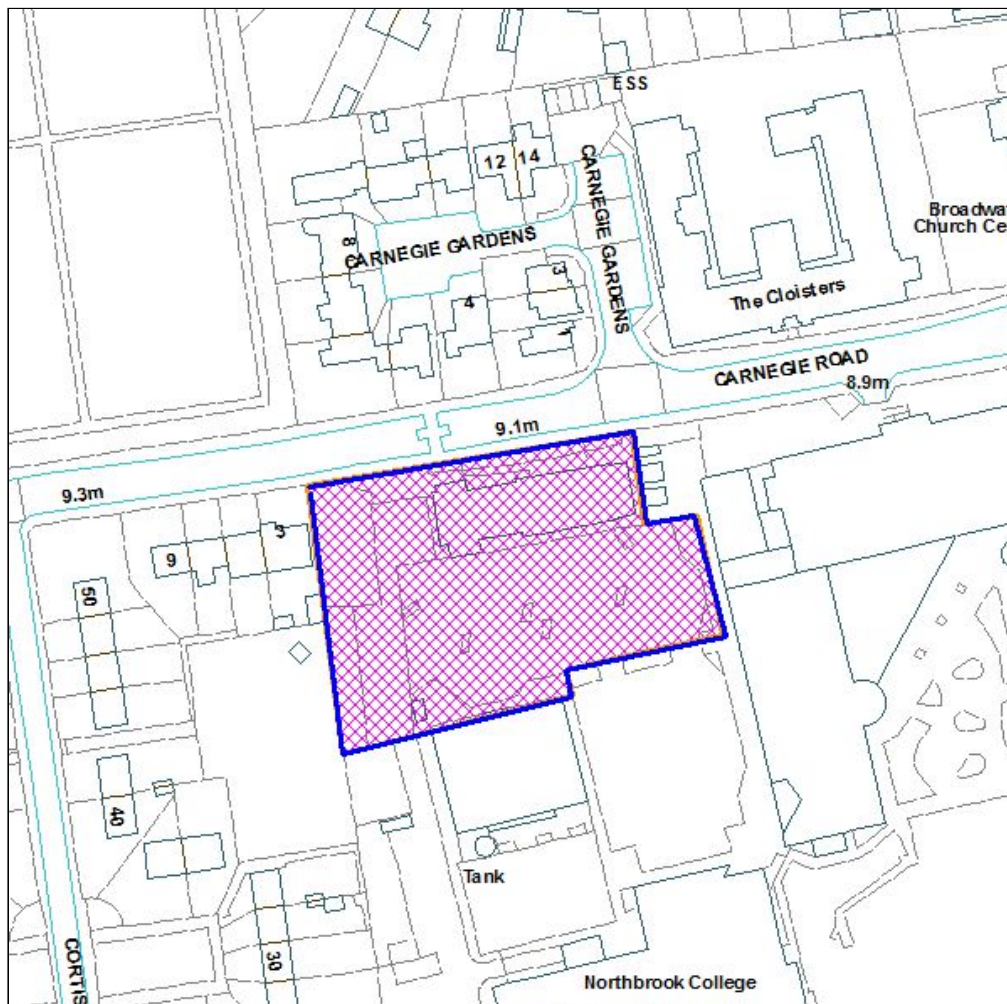
Site: Site of former canteen at Northbrook College  
1 Carnegie Road, Worthing

Proposal: Demolition and removal of the former College refectory building and construction of a two, three and four-storey residential apartment block consisting of 23no. residential apartments (C3 use Class) (7 affordable) with vehicle parking, secure cycle storage, bin storage and landscaping; and the rationalisation of the existing staff parking and access arrangements at Northbrook Metropolitan College.

Applicant: Greater Brighton Metropolitan College

Ward: Gaisford

Case Officer: Jay Singh



Not to Scale

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## Background

This application was deferred at the meeting of 26<sup>th</sup> August 2020 for the applicant to review the design and scale/massing of the proposed development.

It was also requested that where any further public re-consultation was required (on amended plans), this should include all those that have written into the Council in connection with the original scheme.

## Response to Deferral

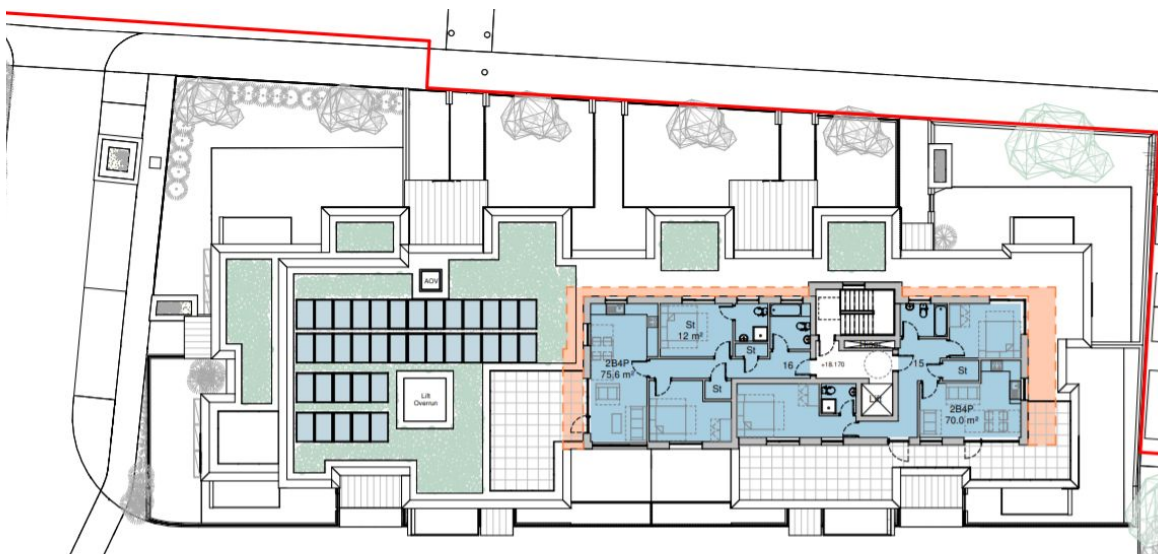
The applicant states that the scheme has been revised to take into account concerns from the Committee, in particular in connection with the size and design of the top third floor and local residents' concerns about overlooking.

The proposed changes to the scheme essentially comprise the following:

### *Reduction in size of top floor (3rd floor):*

The amended scheme, as illustrated below, shows a reduction to the overall size of the top floor resulting in a reduction to the size of units proposed. It is now proposed to deliver 2-bed apartments rather than 3-bed apartments. The top floor has been set in by a further 1.5m from the eastern side 0.9m from the western side and 0.5m from the northern frontage when compared to the previous scheme.

Proposed layout provided below with the outline of the previous top floor indicated in orange (the orange area is the reduction in the proposed top floor compared to the previous proposal):



### *Breaking up of the façade and external materials:*

To assist with breaking up the façade, the applicant has reviewed the material's palette and proposes a zinc cladding for the top floor to match the college and the material used on the entrance lobbies. This zinc cladding is now also proposed on

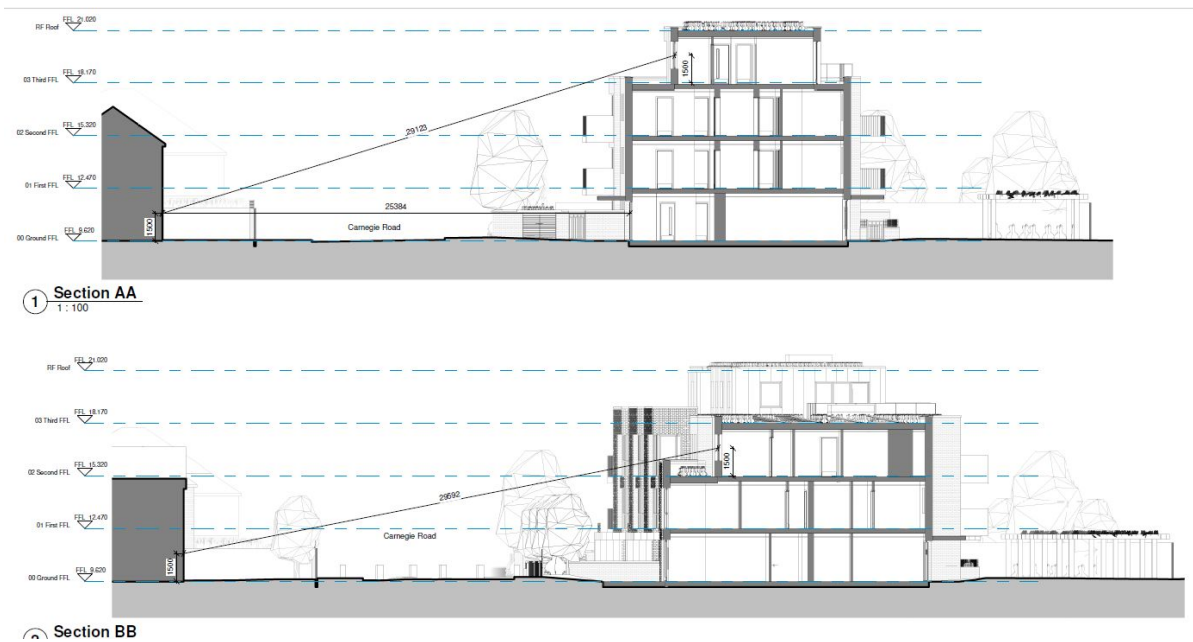
the western second floor, and would that wrap around onto the southern elevation, to integrate the material within this part of the building. This is illustrated on the additional coloured images further below.

*Additional measures to protect neighbouring privacy:*

As illustrated in the section below, the angled distance between the top floor elevation and Carnegie gardens would be approximately 29m following the setting back of the top floor.

As shown in Section B-B below, the parapet heights at second floor have been increased by 3 brick courses (225mm) to reduce direct overlooking from the 2<sup>nd</sup> floor apartments facing Carnegie Gardens (north). In addition, obscure glazing/film is to be added to projecting bays at first and second floor level facing north to a minimum height of 1.7m above the finished floor level of the respective rooms to which they relate as illustrated below.

Increased parapet height and separation distances from Carnegie Gardens shown below:



Obscure glazing/film to windows shown below





*Additional 3D Image*

To illustrate the changes to the proposal, as shown below, a detailed 3D image has been provided.



*Comparison of the Amended Proposal with Previous Proposal*

*Amended Proposal*



*Previous Proposal*



## *Community Consultation*

To ensure the local community were fully informed of the amended proposals, the applicant has undertaken a leaflet drop to local residents explaining the changes to the scheme.

## **Other updates**

### Consultations:

*West Sussex County Council Highways* - No objection subject to conditions previously advised.

*West Sussex Fire and Rescue Service* - No objection. The proposal makes suitable provision for access and supply of water for the purposes of firefighting.

*Lead Local Flood Authority* – No objection. Refer to previous comments.

*Borough Drainage Engineer* - No objection. Refer to previous comments.

*Private Sector Housing* - No objection.

*Environmental Health* – No objection. The supporting noise report is acceptable.

*Natural England* - No objection. Refer to previous comments.

*Historic England* – Do not wish to offer any heritage comments. Refer to your local conservation adviser.

*Police Design Advisor* – No major concerns, measures to reduce risk of crime should be secured. Refer to previous comments.

*Worthing Society* – Comments as follows:

- To the west end there is a row of two storey terraced houses, hence the architect has stepped the new building down to two storeys which is to be welcomed.
- There are three detached houses facing opposite the site but they are well set back and are screened by trees and shrubs. Ideally the new building would only be 3 storeys in line with the other buildings which make up the site.
- If the proposed recessed fourth storey is included close attention to the design is needed to ensure a loss of light and aspect does not result for residents in the properties directly opposite.
- The rear elevation is of acceptable design.
- The lighter tone of brick should help to offset the bulk and mass.
- Close attention to sensitive landscaping and high quality materials (opaque where necessary) would help to 'soften' and integrate the new building.
- The proposal site is just outside the Broadwater Conservation Area situated on

the opposite side of Broadwater Road. In our opinion however, the new building is sited some distance away and would not have a detrimental effect on the views and setting of the conservation area.

- There are no statutorily listed buildings or locally listed buildings adjacent to or associated with the proposal site.

#### Summary

- On balance therefore we consider that overall the revised design is an improvement on the earlier scheme and a reasonable attempt has been made to address the understandable concerns of nearby residents who will be in close proximity to the proposed new building.

#### Neighbour Responses:

The following are comments received after the publication of the Officer report but were advised to the Committee on the 26 August 2020 (as part of the addendum papers and verbal updates)

#### *In respect of the proposal as presented to committee on 26 August 2020*

As referred to at the August meeting, a letter of objection was received from Tim Loughton MP (summarised further below) and 10 additional objection letters were received from addresses in Carnegie Gardens, Carnegie Road, Vale Walk (writing on behalf of the Cloisters, Carnegie Road) and Alinora Crescent (writing on behalf of a Carnegie Gardens resident) essentially re-iterating previously expressed concerns in relation to:

- Inappropriate design not responding to surrounding built form;
- Inadequate highway access and off road car parking;
- Excessive massing/scale;
- Overdevelopment of the site;
- Adverse impact on neighbouring amenity from loss of privacy, light and increased noise and disturbance;
- Lack of public consultation;
- Overshadowing;

#### Other comments

- Not against the redevelopment of the site in principle but the concerns identified must be addressed;
- There are more appropriate locations within the college site to locate new housing;
- Balconies should be removed or relocated from the northern elevation (facing Carnegie Gardens);
- Appropriate tree planting should be provided to the site frontage via planning condition;
- Appropriate access for refuse collection needs to be made;

- Recognise the proposal provides funds for re-investment in the college but this does outweigh the harm to the local environment and neighbouring residential amenity;
- Two-storey housing is appropriate on this site having regard to surrounding building heights;
- The residential amenity of the occupiers of Carnegie Gardens would be preserved if the apartment building was set further back into the application site and car parking located to the site frontage.

**Tim Loughton MP (East Worthing and Shoreham):** Objection on the following grounds:

- Insufficient public consultation for a project of this size – application should be deferred until this is undertaken;
- Loss of site/buildings to housing would reduce educational capacity on a site which is designated for educational use. Worthing is growing and we need to expand and upskill our educational offer and Northbrook is an important part of this. Since the ‘takeover’ by Brighton Met the enlarged group has got in to financial difficulties and has had to approach DfE about emergency funding. I am not aware that anyone is against any development on this site but this plan seems to be all about maximising financial gain regardless of impact on the area or the capacity of the College. Whilst existing parking is not a material planning criteria for this application itself the College will lose 30 parking spaces in what is already a crowded area for traffic;
- The 4 storey structures proposed are overbearing and out of proportion with the surroundings. They will look straight into existing dwellings in Carnegie Road in what is otherwise a quiet residential cul-de-sac. It is disingenuous for the College to take the top of the new building facing the Manor Ground as a reference point for the new buildings as that structure does not directly face any residential dwellings. It should also be remembered that the earlier applications for that building had to be revised downward as they were seen to be too tall and overbearing. Earlier still a plan by the College to develop the whole site into a DIY retail park was vehemently opposed by the local community (and me) and was fortunately abandoned. There seems to be a history of ‘overly ambitious’ planning applications on this site;

For these and a number of other reasons I hope you will reject this planning application and at the very least defer it for more detailed consideration and engagement with the local community.

*Re-consultation on Amended Plans received 19 October 2020 (please see appended Committee Report from 26<sup>th</sup> August for original responses)*

Following the receipt of amended plans received on 19 October 2020 and subsequent re-consultation, a further 8 letters of objection have been received from the occupiers of Rectory Gardens, Kingsland Road, The Cloisters (2 Carnegie Gardens) and Carnegie Road largely re-iterating previous objections and raising the following additional concerns:

- Proposed amendments are minimal, being mainly cosmetic there is no change to the size (height) or position of the intended building, the intended structure

being four stories high, twice the height of other properties in the local area, which is the major concern of local residents, with the height and size of the building being inappropriate to the context;

- These amended plans do not overcome fundamental concerns raised previously;
- Existing private car park at the Cloisters is subject to unauthorised use by students and inappropriate parking restricts access for health workers and ambulances attending the site – if the proposal is approved, private parking firm and new signage required (to the detriment of the appearance of the area) to mitigate this unauthorised parking;
- Adverse ecological impact through loss of ‘wildlife corridor’ south between the cemetery, Cortis Avenue Wildlife Garden (CAWG) and other residential gardens, as well as lack of surveys relating to butterflies and slow worms for the grassed area that will be redeveloped to create the access way - proposal fails to take into consideration, or ignores, its impact on species-dependent biodiversity, and protected species;
- Poor quality living environment for future occupiers due to lack of outdoor space which is increasingly recognised as essential to mental health and wellbeing;
- The mitigation measures e.g. obscure glazing are not sufficient to preserve neighbouring residential amenity in terms of privacy.

#### Other comments

- Support homes being built and appreciate that in Worthing there are limited sites for housing;
- There should be no sale of the land for redevelopment. The Brighton Met has been granted £1.9M by the government, they don't need to sell off the land – proposal would set a precedent for further sale and redevelopment of the remaining college land.

### **Planning Assessment of Revised Proposals**

#### *Design and Scale/Massing*

As described above, the amended scheme shows a reduction to the overall size of the top floor as a result of a reduction in the size of units proposed. This has produced a reduction in the top floor mass, when compared to the previous scheme, of 1.5m from the east, 0.9m from the west and 0.5m from the north. Whilst the proposal would still retain a 3rd floor element, by including a greater set-back from the northern frontage, together with an increase in the height of the parapet helps to reduce the physical presence of this top floor from Carnegie Road.

To assist with breaking up the façade, the applicant has reviewed the materials palette and proposes a zinc cladding to match the College contemporary buildings and the material used on the entrance lobbies; together with the introduction of zinc cladding on the western second floor that wraps around to the southern elevation, to integrate the material within this part of the building. Whilst this would be a relatively small amendment to the material palette, as illustrated on the 3D image above, it would make a meaningful amendment to the overall presence of the building along Carnegie Road. In addition, the introduction of a

lighter tone of brick would further help soften the visual impact of the scale and massing of the proposal.

#### *Neighbouring Residential Amenity*

The increase to the parapet height together with the inclusion of obscure film/glazing to key windows responds to concerns expressed in respect of overlooking, or perception of overlooking. This is considered in the context of the separation distances between the site and opposite properties at Carnegie Gardens of between 25-29m. These separation distances, taken with the obscure film/glazing described above, and the use of frosted/opaque balcony screens would preserve neighbouring privacy in accordance with the provisions of saved local plan policy H18 and the NPPF. A planning condition would be used to retain and maintain the obscure-film glazing.

#### *Community Consultation*

The applicant has undertaken a leaflet drop advising local residents of the amendments to the scheme. In addition, the Council, following the receipt of amended plans on 19 October 2020, has undertaken further public re-consultation which has included re-consulting all of those residents who had written into the Council in connection with the proposal originally. In addition, your Officers have displayed 7 site notices on Carnegie Road, including the junction with Carnegie Gardens, Cortis Avenue and Broadwater Road to advertise the receipt of amended plans.

Overall, Officers are satisfied that an appropriate and proportionate level of public consultation has been undertaken for this development proposal.

#### *Reinvestment of funds into the College*

The applicant advises that the reduction in the size of the upper floor apartments proposed would result in a diminution in overall development value which would otherwise be reinvested into the College facilities.

#### *Other matters*

All other matters are addressed within the previous Officer report to Committee (attached at Appendix 1).

### **Conclusion**

It is considered that the revised scheme has sought to address concerns raised by Members and the local community. It has introduced a package of nuanced changes which when taken as a whole would ensure the proposal would harmonise with the surroundings and preserve neighbouring residential amenity. Furthermore, Officers are satisfied that an appropriate and proportionate level of public consultation has been undertaken in connection with this application.

As previously, the application is recommended for approval, subject to the completion of a legal agreement covering matters set out below:

- 1) Affordable housing provision (30%)
- 2) Open space contributions – £39,483 and provisions for maintenance
- 3) Car club contributions – 2 vehicles with at least 2 years membership paid with a £50/flat drive time paid

### **Recommendation**

To delegate the decision to the Head of Planning and Development to **GRANT PLANNING PERMISSION** subject to the completion of a planning obligation and the following planning conditions:

1. List of approved Plans
2. 3 Year time limit
3. External materials
4. 1:20 scale details, including important intersections and other details; also rainwater goods
5. Obscure glazing/obscure glazing film to upper floor windows facing Carnegie Road
6. Notwithstanding information shown, details of upper floor balcony screens – details, implementation and retention facing Carnegie Road
7. Notwithstanding information shown, detailed design of all boundary treatment (including all vehicular gates/electric vehicular barriers)
8. Notwithstanding information shown, details are secured by design measures for crime prevention/enhance security of the future occupiers (including restriction on noise levels for any audio-visual communication systems for access control).
9. Noise & vibration: a scheme to protect against external noise & lift mechanism and control of overheating
10. Travel plan – submission and implementation
11. Notwithstanding information shown, access construction/details to Carnegie Road
12. Implement car parking layout
13. Implement cycle parking
14. Site levels – details and adherence to
15. Air quality mitigation measures
16. Foul and sustainable (SUDS) surface water drainage – details and implementation
17. Sustainable drainage verification
18. Sustainable drainage management
19. Site management – communal areas and refuse management (including provision of bins in accordance with plans)
20. Archaeological recording of building and site survey work.
21. Land contamination - further investigations (including dealing with Asbestos)
22. Construction management plan
23. Hours of development works
24. Roof area shall not be used as residential amenity space/garden

25. No demolition of the building until contract entered into for redevelopment in implementing this planning permission
26. External lighting
27. Hard and soft landscaping with maintenance
28. Vehicular gates to college car park
29. Ecological enhancement measures
30. Tree protection measures
31. Roof top plant and associated noise levels
32. Notwithstanding information shown, details and maintenance of roof top solar panels and green/blue roof infrastructure and other sustainable construction measures
33. Details of renewable energy measures



**Appendix 1 – Officer Report to Planning Committee 26 August 2020**

1

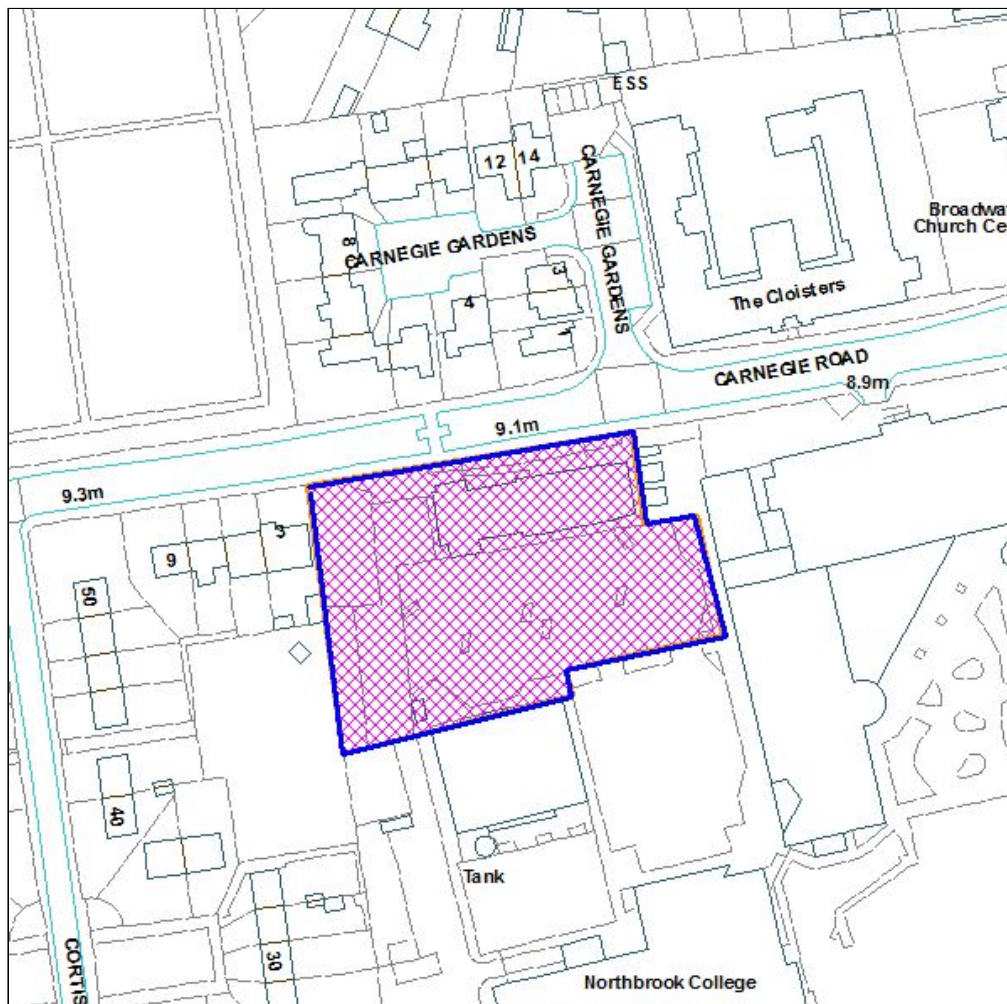
**Application Number: AWDM/0632/20**

**Recommendation – Approve**

**Site: Site of former canteen at Northbrook College  
1 Carnegie Road, Worthing**

**Proposal: Demolition and removal of the former College refectory building and construction of a two, three and four-storey residential apartment block consisting of 23no. residential apartments (C3 use Class) (7 affordable) with vehicle parking, secure cycle storage, bin storage and landscaping; and the rationalisation of the existing staff parking and access arrangements at Northbrook Metropolitan College.**

**Applicant: Greater Brighton Metropolitan College**      **Ward: Gaisford**  
**Case Officer: Jay Singh**



## **Not to Scale**

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### **Proposal Summary**

This is an application on behalf of the Greater Brighton Metropolitan College which seeks full planning permission for the demolition and removal of a former College refectory building at Northbrook Metropolitan College and replacement with a two, three and four storey residential apartment block consisting of 23no. residential apartments (C3 use Class) (7 affordable) with vehicle parking, secure cycle storage, bin storage and landscaping. Other elements of the scheme include reconfiguration of the existing staff parking and revised access arrangements to Carnegie Road.

### **Site and Surroundings**

The site covers some 0.35 HA and forms part of the wider Northbrook Metropolitan Broadwater Campus which contains a range of college buildings and associated facilities. The wider Campus site occupies 3.7 hectares which is bounded by Broadwater Road along its eastern boundary and Carnegie Road to the north. It is one of three primary campus locations, the others being at West Durrington and Shoreham Airport.

As discussed further below, The College site is identified as an Area of Change within the Worthing Core Strategy 2011, and has previously undergone significant redevelopment (in 2013) as part of the College Masterplan redevelopment. The previous redevelopment proposals sought to provide upgraded educational facilities including a new cafeteria space, which is now located within the main college building to the east of the site.

The components of the application site include a former refectory building (D1 use), which became surplus to requirements when the new cafeteria was constructed in 2013, an area of informal landscaping and part of the existing college park comprising 55 spaces. The existing refectory building is of broadly rectangular shape and covers some 400m<sup>2</sup> with a max height of approx. 6.5m and width to the Carnegie road frontage of approx. 39m. The building frontage is setback from the footpath to Carnegie Road by between 4m (western end) to 5.5m (eastern end).

The site has existing pedestrian and vehicular access to Carnegie Road. This part of Carnegie Road is subject to restrictions which means vehicular traffic can only travel west along Carnegie Road. The surrounding uses and built form include college buildings to the east, with a recent modern extension to the college building located adjacent to the eastern site boundary, and further college buildings to the south, 2-storey housing to the west and on the opposite side of the road at Carnegie Gardens. It is noted that that wider college Campus contains buildings of significant scale and massing fronting the A24.



Aerial View of the site, looking south west

The surrounding built form includes housing constructed with facing brick with features such as hanging tiles and white render to the elevations. To the east of the site is a contemporary extension to the college building finished in white render with grey cladding (visible in the above photograph).

In respect of heritage assets, the site is located with an area of potential archaeological significance, a conservation area is located approximately 115m to the east of the site beyond the A24, a Grade II listed Chapel is located approx. 300m to the north-west and Grade II Listed South Farm Cottages on South Farm Road are located approx. 260m to the west.

The site is recognised to be within an accessible location, with a range of facilities and services being available within the locality including public open space, schools, public transport, Worthing Train Station (1km away) and the Worthing Town Centre (2km away).

## **Proposal**

### *Apartment Building*

The proposal would replace the redundant refectory building with a part two, three and four storey residential apartment block to provide 23no apartments comprising 16 open market units (4x1 bed, 10x2 bed and 2x3 bed) and 7 affordable units (2x1 bed, 3x2 bed and 2x3bed). The apartment sizes would vary from 52sq.m to 82 sq.m area. The block would be broadly rectangular in shape with a recessed 4<sup>th</sup> floor and at the western shoulder dropping down to 2-storey. The approx. dimensions of the building include a 48m width to Carnegie Road, depth of 15m (with set back from footway of approx. 5.5m at eastern end to 7m at western end) and max height of 11.5m.

As discussed further below, a contemporary design approach is proposed using facing brick with projecting bays. The recessed 4 floor would be a brown 'bronze effect' metal cladding. The plans show associated facilities including 20 internal cycle spaces, patio areas, balconies (of which 3 face Carnegie Gardens), recycling/bin storage, soft landscaping and gas enclosure. A package of sustainable measures would also be secured including measures such as solar PV panels, green roofs, electric car charging points, amongst other elements as discussed further below.

#### *Rationalisation of the existing staff parking*

As indicated above, part of the site includes part of the existing college car park. This would be reconfigured to provide a 23 car park dedicated to serving the proposed apartments with the college car park effectively being reduced from 132 spaces down to 100 spaces.

#### *Proposed access arrangements*

As part of the rationalisation of the college car park, the existing access into the site from Carnegie Road would be realigned moving it approx. 6m further west. The access width would be 5m with a landscaping strip to its west, 2 car club parking bays, gas enclosure and pedestrian footpath to its east.

A full suite of supporting information and technical reports can be found on the council's website comprising:

- Application Forms and Notices
- Suite of Drawings
- Design and Access Statement
- Preliminary Ecology Appraisal
- Bat Emergence Survey
- Flood Risk and Drainage Assessment
- Statement of Community Involvement
- Transport Statement
- Framework Travel Plan
- Phase 1 Contaminated Assessment
- Air Quality Assessment
- Noise Assessment
- Archaeology Assessment

#### **Relevant Planning History**

- AWDM/0145/14 - Demolition of existing accommodation comprising 1610 sq. metres and replacement with a new single storey building comprising new classrooms, workshops and staff room comprising 360 sq metres plus the upgrading of the remaining E block with a new canopy, windows, doors, rooflights and associated hard and soft landscaping.

Approved on 07 May 14.

- AWDM/0527/12 - The demolition of 3911m2 GIA poor quality single storey timber Nissan-type hut college buildings and the construction of a 2 storey building which includes a double height refectory, with an internal bridge link to the existing College building (R Block), general teaching classrooms, exam suites, employment zone, an LLDD facility for students with learning difficulties, new staff accommodation and associated external hard and soft landscaping works, signage and associated ancillary accommodation.

Approved on 13 October 12.

- 10/0826/FULL. Demolition of four single storey mobile hut college buildings, garage and greenhouse (approximately 370m2), and construction of a single storey building of 516m2 Links College teaching facility for out of school learning for 40-60 challenging pupils for use by WSCC, with associated external hard and soft landscaping works including south facing external social space, play area, water tank storage area and signage.

Approved on 1 December 2010

- 07/1041/FULL. Demolition of all existing college buildings and erection of new build development consisting of 3 storey building(s) with 6 storey "tower" as new Further, Higher & Adult Education college on existing college site, inclusive of associated on site car parking and hard & soft landscaping.

Approved on 18 August 2009

### **Procedural Matters**

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

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

### **Consultations**

Re-notification of neighbours and re-consultation of amended plans runs until 21 August 2020 and further updates will be provided.

Below is a summary of the responses available at the time of writing this report.

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

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

**West Sussex County Council Highways:** Final comments on the amended scheme awaited and shall be reported in late committee update papers but

previously advised no objection in principle to the scheme with the following comments:

- Access - the site has an existing access onto Carnegie Road that serves 132 car parking spaces for the college. Proposal seeks a new access located a short distance further west again onto Carnegie Road. Road safety audit not required. There are no in principle concerns with the proposed access subject to details.
- Trips: During the peak hours when the network is at its busiest, the development is expected to result in 8 two way trips in the AM and PM peaks respectively - very modest increase in trips by all modes on the local highway network.
- Sustainable Access - location offers residents good opportunities to travel by sustainable modes. Travel Plan should be secured for the proposal and existing college.
- Car parking – Provision in accordance with WSCC standards. Level of car parking is being reduced for the college from 132 to 100 spaces. The loss of spaces could be accommodated within the existing car park through spaces that are presently unused or on-street. 2 Car club spaces also provided
- Recommended potential planning conditions in relation to detailed access design, car parking provision, cycle parking, construction management plan, car club and travel plan.

**West Sussex Fire and Rescue Service:** No objection

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

Recommends conditions for:

- Noise: implementation of a scheme to protect against elevated external noise levels
- Construction Management Plan: including measures to minimise air quality impacts of construction works, such as dust suppression, provision for deliveries and storage of materials.
- Land Contamination: Further investigations are required to be secured via planning condition.

**Environmental Health Officer (Air Quality):** No objection

- The development would have not have an adverse impact on local air quality subject to air quality mitigation, equivalent to £10,391, being secured (such as contributions towards car club and electric vehicle charging points) and measures within a construction management plan to reduce air quality impacts on local receptors during the construction process.

**Private Sector Housing:** No objection.

**Lead Local Flood Authority:** No objection

Proposed site at low risk of surface water and groundwater flooding with no historical flooding recorded within the site. The SUDS strategy includes green roof and permeable paving. Infiltration testing needs to be undertaken. Discharging surface water into the sewer is not supported. Details of surface water drainage, calculations, verification of completed works and details of future management to be agreed with the LPA.

**Borough Drainage Engineer:** No objection

Not within an area at risk of flooding. Sustainable drainage to be secured through green roofs, permeable surfacing and other ground infiltration techniques subject to further ground investigations.

Recommends conditions:

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

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

**Historic England** – Do not wish to offer any heritage comments. Refer to your local conservation adviser.

**County Archaeologist:** No objection – The site is located within an Archaeological Notification Area, centered on the recorded location of early prehistoric refuse pits of the period 6300 – 6600 years Before Present (Early Neolithic period), rare in West Sussex, and the sites of former World War 2 air raid shelters for school children. Further remains of prehistoric and wartime occupation may exist within the site. Archaeological mitigation measures involving a programme of investigation and recording should be secured via planning condition.

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

**Worthing Society:** Broadly supportive. However, there are concerns that the darker coloured brick elevations of the bays, particularly as shown on the north facing elevation could appear over dominant. These elements could appear somewhat oppressive when viewed from the residential properties directly opposite. Whilst we appreciate a colour contrast may add definition to the design, we consider a somewhat lighter colour palette would be desirable for this element and would still produce a pleasing contrast.

**Worthing Archaeological Society:** No comments received at the time of the writing this report

**Natural England:** No objection

**Police Design Advisor:** Comments

No major concerns with the proposals. However, additional measures to mitigate against any identified local crime trends and site specific requirements based on Secured by Design principles should be considered such as visitor door entry systems, access control systems with audio-visual communication between the occupant and the visitor.

Comments made regarding the permeability surrounding the site. The access into the site is going to be shared with the college. Privacy of the residents could be affected. It is important that the boundary between public space and private areas is clearly indicated. Consideration should be given to limiting access into the residential site to only those who reside there.

### **Public representations**

At the time of writing this report, a total of 11 neighbour representations have been received on behalf of the occupiers of Carnegie Gardens, all of which object to the proposal on the following grounds (Re-notification of neighbours of amended plans runs until 21 August 2020 and further updates will be provided).

- Amended plans received 7 August do not address the fundamental issues with this scheme of 23 flats with 2,3 and 4 storey height in terms of its being out of keeping with surrounding properties, overdevelopment, noise and disturbance, overshadowing, overbearing, loss of privacy through overlooking with neighbours, highways impact
- None of the amended plans show the front elevation, i.e. from Carnegie Road.
- Excessive scale, height, massing and overly dominant in relation to surrounding 2-storey development including existing college buildings and housing on Carnegie Road and Carnegie Gardens.
- Overdevelopment of the site.
- Adverse impact on the occupiers of Carnegie Gardens by way of loss of light and privacy (from proposed windows and balconies) and through increased noise and disturbance from the comings and goings of future occupiers.
- Taking into account the loss of college car parking provision, insufficient off road car parking being proposed to meet the needs of future occupiers, average car ownership levels and taking into account cumulative impacts, the proposal would result in an adverse impact on on-street parking demand to the detriment of highway safety.
- Inappropriate use of the site which should be reserved for educational, recreational, community uses or commercial uses.
- More appropriate sites for the college to dispose of that are better suited for housing development.
- Adverse impact on highway safety through increased traffic generation on Carnegie Road, inappropriate access arrangements/design and lack of on-road turning areas.

### **Other comments**

- Proposal should be reduced to 2-storey development and set back further into the site



- Removal of car parking in line with the colleges green travel plan but in reality students will still drive to the college site creating on-street parking demand.
- The former canteen contains asbestos which needs to be removed appropriately and mitigation to protect neighbours should be put in place.
- Potential restrictive covenant on the application site which restricts the use of land to educational use only.
- Construction materials - some of the proposal illustrations indicate dark brickwork elements for the north elevation while others suggest a consistent light coloured brick being used throughout this undulating façade, can it be stipulated that this largely shaded element of the building be constructed from light materials only.
- Landscaping - the proposal illustrates mature landscaping along the full extent of the Carnegie Road elevation, can a similar mature planting of trees and shrubs be a condition of any approved scheme, thus adding an established character to this new development.
- Shading during winter months - the proposals illustrate shadows cast by the proposed building midway between the shortest and longest days of the year, can illustrations of the mid-winter shadow cast towards the properties in Carnegie Gardens be investigated, as this may impact these properties detrimentally.
- Construction traffic – to be routed via Western/South Farm Road end of Carnegie Road including relevant signage at Broadwater Road traffic lights to advertise this.
- Car park – can spaces be provided for visitor parking, service and home deliveries to reduce impact on Carnegie Road and Carnegie Gardens.
- Police recommendations relating to crime prevention and good neighbour policies - can all of these, especially the regular maintenance of planting and constant lighting, be made conditions of any approval.
- Principle of residential redevelopment is acceptable but concerns must be addressed.

## **Relevant Planning Policies and Guidance**

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

- Worthing Core Strategy 2006-2026 (WBC 2011): Policies 2, 3, 11, 12, 13, 14, 15, 16, 17, 18, 19 and Area of Change 11
- Worthing Local Plan (WBC 2003) (saved policies): RES7, RES9, TR9 and H18

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Guidance on Parking Standards at New Development (WSCC 2019)
- SPD 'Residential Development' (WBC 2013)
- SPD 'Sustainable Economy' (2012)
- SPD 'Space Standards' (WBC 2012)

- National Prescribed Space Standards (2015)
- Community Infrastructure Levy Charging Schedule (WBC 2015)
- Adur and Worthing Open Space Study (2019)

### **Approach to decision making**

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

Paragraph 73 of the revised NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum 5 years' worth of housing against their housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old. The Council has acknowledged that it cannot currently demonstrate a 5 year supply of housing based on objectively assessed housing need. As such the proposal should principally be assessed in relation to the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF and informed by saved Worthing Local Plan policies H18, TR9, RES7, RES9 and Core Strategy policies 2, 8, 10, 11, 12, 13, 14, 15, 16, 17, 19, Area of Change 11 and the policies set out in National Planning Policy Framework and allied Practice Guidance.

### **Relevant Legislation**

Planning law in section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved without delay, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF indicates where policies which are the most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In respect of Listed Buildings and Conservation areas:

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

case may be, the Secretary of State the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) states: indicates In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

## **Planning Assessment**

The main issues raised by this proposal include:-

- Principle of Development;
- Sustainability;
- Design and Form
- Housing Mix and Affordability;
- Residential Amenity – Neighbours and Future Residents;
- Land Contamination and Air Quality
- Access and Highways;
- Flood risk and Drainage;
- Ecology;
- Heritage and Archaeology.

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

Core Strategy Policy 11 seeks to protect community facilities and indicates development will not be permitted which would lead to the loss of for community purposes unless, amongst other criteria, adequate alternative accommodation is available locally that is as accessible and at least equivalent in terms of quality replacement facilities are proposed.

As explained above, the wider College has been subject to redevelopment in recent years through which new upgraded college facilities, including a new cafeteria, have been provided within the main College building to the east of the site. As a better quality alternative facility has been provided within the Campus as part of the wider college masterplan, the application site is no longer required for D1 refectory or educational purposes, and currently lies underutilised.

The NPPF at para 117 supports the effective use of brownfield land and at para 118 further goes to say planning decisions should support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained.

The proposal would therefore not result in the loss of any community facilities (education facilities in this case) in accordance with policy 11 and would provide housing on redundant brownfield land in accordance with paragraphs 117 and 118 of NPPF.

The application site is located within an Area of Change where Core Strategy 2 indicates development proposals will be supported if they contribute towards

delivering the Core Strategy vision and strategic objectives. The Worthing Core Strategy (2011) states in its vision for Worthing in 2026 that there will be an adequate supply of housing that will meet the needs of all residents. A range of dwellings (mix, type and affordability) will be supplied that seeks to match the income and locational needs of residents. This is also supported by Core Strategy 8 which seeks a wide choice of homes to address the needs of the community and para 59 of NPPF which seeks to significantly boost the supply of housing.

The proposal through the provision of 23 homes which comprises a mixture of house types including family accommodation would accord with the aims of Core Strategy 2, Area of Change 11 and para 59 NPPF.

Policy 2(11) refers to Northbrook College, and in respect of the Broadwater site indicates it is bordered on three sides by residential development and is close to existing shopping and community facilities. The policy indicates this lends itself to a predominantly residential development, again addressing the need for family accommodation. The policy indicates the main objective is to ensure that any development delivers the required investment in educational facilities.

It is recognised the proposal would generate additional revenue (through the sale of housing land) that would be re-invested in the college to help secure longer term investment for the future of the College in order to help maintain high quality educational facilities in accordance with Policy 2(11)

Taking into account the above, and recognising that the provision of education has been improved by recent consolidation within the campus site, the application site is considered to be a sustainable location for new housing which is within a predominantly residential area where new housing would harmonise in terms of adjoining land uses.

### ***Sustainability***

The supporting information indicates that the proposal would incorporate a package of measures that would be secured via planning condition including solar PV panels which could potentially facilitate between 10-20% renewable energy provision on-site, Mechanical Ventilation with Heat Recovery (MVHR) to ensure heat is recovered from exhausted air, electric vehicle charging points provided to 8 car parking spaces (including disabled and Car Club bays) with 4No. charging posts with twin charging cables, and with infrastructure to be installed to allow for future EVCP's to be installed to all parking spaces. The proposal would also incorporate sustainable drainage measures including green roofs and ground infiltration.

Whilst other elements would be considered under the building regulations, the proposal would follow a fabric first strategy that provides an enhanced thermal performance of the building which allows for improved U-values and airtightness that minimises heat loss. Other elements include the incorporation of high efficiency condensing boiler systems for each dwelling and internal specification to reduce internal potable water use through dual flush toilets and flow restrictor taps and showers to all dwellings. Whilst outside planning control the applicant also states

that they will endeavour to use low impact, locally sourced and renewable materials as far as possible.

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

### *Conclusion on principle of development*

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

### ***Design and Form (Scale, Appearance Layout and Landscaping)***

Core Strategy Policy 16 seeks to ensure high quality design that is responsive to its environment. Paragraph 127 of the NPPF indicates that planning decisions should ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. The Council's SPD 'Residential Development' provides detailed design guidance on residential development.

### *Scale and Massing*



As set out above, the site occupies a prominent position on the south side of Carnegie Road with the existing canteen building being close to the pavement edge. Development of this part of the road is in linear form with existing buildings set back from Carnegie Road.

To the east of the site is an existing, tall 2-storey modern extension to the college, to the west at 3 Carnegie Road is a two-storey house with further 2-storey housing on the opposite side of road at Carnegie Gardens. It is noted that wider college Campus contains buildings of significant scale.

As illustrated above, the key elements of the proposed approach to scale and massing of the scheme are recessed 4<sup>th</sup> floor, with the majority of the building comprising mainly 3-storey massing, projecting northern bays and stepped massing down to 2-storey to the west. This approach has sought to ensure elements articulate the building form and break up the overall mass of the building in seeking to respond to the surrounding built form.



As shown above, the height of adjoining buildings; to the east a tall 2 storey college building, and to the west No.3 Carnegie Road, a detached 2 storey dwelling. The proposed western shoulder steps down from 3 to 2 stories and the eastern shoulder is 3 stories. These heights are commensurate with the height of the adjacent college building and residential dwelling respectively. This approach allows a stepping in scale as you move east responding sensitively to the neighbouring residential dwellings. This would create a transition from the college buildings on the east of the site, down to the residential properties to the west of the site.

The above approach would assist in breaking up the scale of the building and the provision of new frontage tree planting, discussed further below, would help soften how this scale would be experienced at street level once landscaping matures. However, even taking the above into consideration, there is still some reservation that the 4<sup>th</sup> floor element is taller than existing development in Carnegie Road generally and the siting of a building of this scale some 5.5 - 7m from the edge of the footway on Carnegie Road would increase its prominence.

It is also noted the existing housing on the opposite side of road at Carnegie Gardens (elevation to elevation) would be some 25-29m from the apartment block and 3 Carnegie Road adjacent to the 2-storey shoulder (side to side elevation) would be some 14 metres away; this relationship is considered further below under 'Residential Amenity'.

Taking into account the above, as well as acknowledging the wider variation in the scale of built form within the wider college campus, on balance, the scale is considered acceptable in relation to the character of the area.

### *Appearance*

It is noted that existing development along the northern side of Carnegie Road is largely characterised by two-storey dwellings. Existing dwellings include variety in design but typical of this suburban residential context. Features include dormer windows, projecting gables, hipped roofs as well as a range of external materials from different brick types, render and tile hanging.

On the southern side of Carnegie Road, adjacent to the west is a modern extension to the college building finished in white render and metal cladding. To the east is a 2-storey dwelling constructed in facing brick with hipped roof at 3 Carnegie Road.



Looking West on Carnegie Road

The development proposes a modern flat-roofed form for residential design constructed in facing brick. It has been designed to reflect the adjacent college buildings style incorporating a flat roof contemporary design structure and is in contrast to the pitched roof two-storey houses in Carnegie Road. The elevations would have projected bays in response to the repeating forms of the existing adjacent college and residential buildings. Large windows which reflect the windows to the College building to the east of the site, that also provide high levels of natural light with the dwellings. The provisions of balconies would provide further visual interest as well as external amenity space.

As set out above, the proposal would have variation of 2, 3 and 4 storey scale and massing with proposed 4<sup>th</sup> floor façade being metal standing seam cladding - brown 'bronze effect' colour, which adds a new element into the street scene

The frontage of the site would include a variety of soft and hard landscaping including to Carnegie Road frontage which would enhance the overall appearance of the scheme.

#### Brick Texture

Providing rhythm, scale and expression to add visual interest, the projecting bays are formed by using brickwork with a projecting bond or textured using cut bricks within the walls.

#### Light Brick

Drawing inspiration from the modern contemporary buildings, a light brick is proposed.

#### Grey Windows and Ironwork

Dark grey windows reflect those of the adjacent College building and feature metal balcony ironwork in a matching colour.

#### Balcony Privacy

Solid end walls have been incorporated where screening is required from the adjacent College.



Brick Texture



Light Brick



Grey Windows and Ironwork



Balcony Privacy

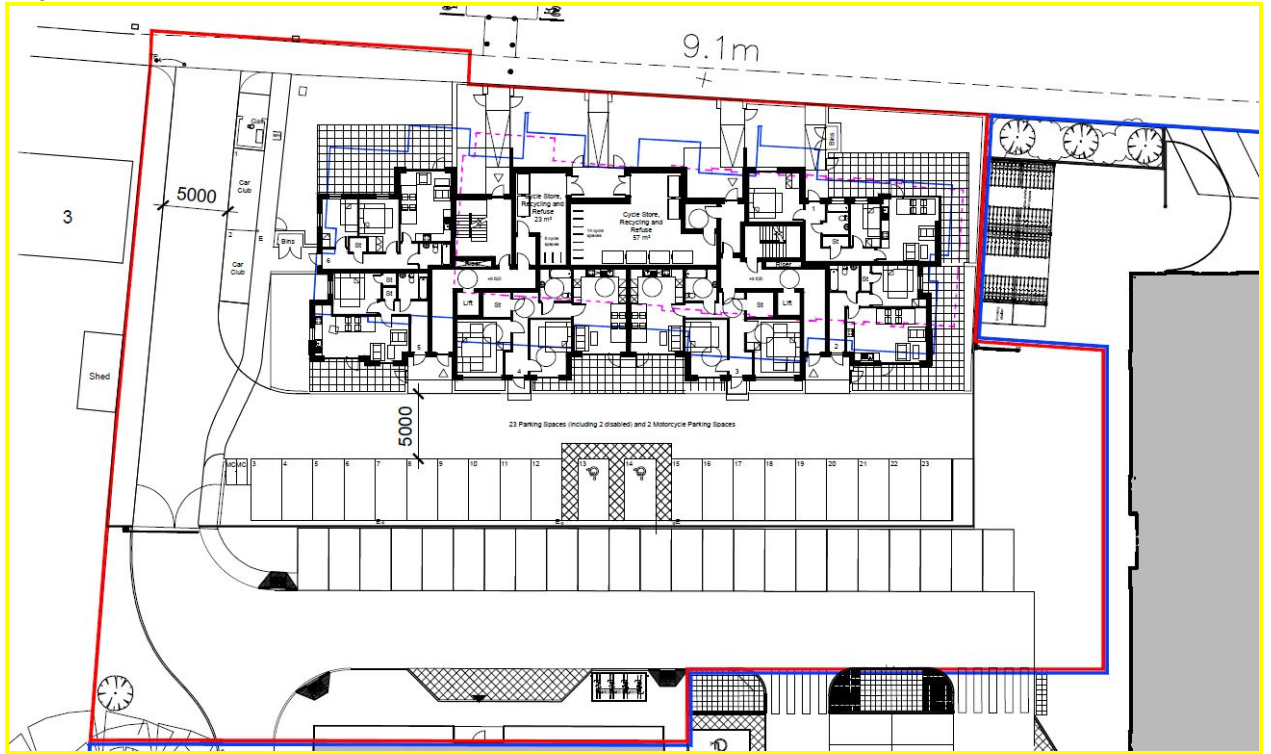
A contemporary materials palette is adopted and applied throughout the elevations, with a light coloured brick with areas of projecting/textured brick detailing. In this regard, the Worthing Society indicate they are broadly supportive of the proposal but comment the darker coloured brick elevations of the projecting bays, particularly as shown on the north facing elevation could appear over dominant and oppressive when viewed from the residential properties directly opposite. They go on to say, whilst we appreciate a colour contrast may add definition to the design, we consider a somewhat lighter colour palette would be desirable for this element and would still produce a pleasing contrast.

To address this concern, planning conditions can be imposed that the brick samples (as well other facing materials) are submitted to and approved in writing by the Local Planning Authority to the high quality appearance of the scheme.

For the above reasons, the proposal is considered to have a high quality appearance which would create visual interest within the street scene of Carnegie Road enhancing the character and appearance of the area.



## Layout

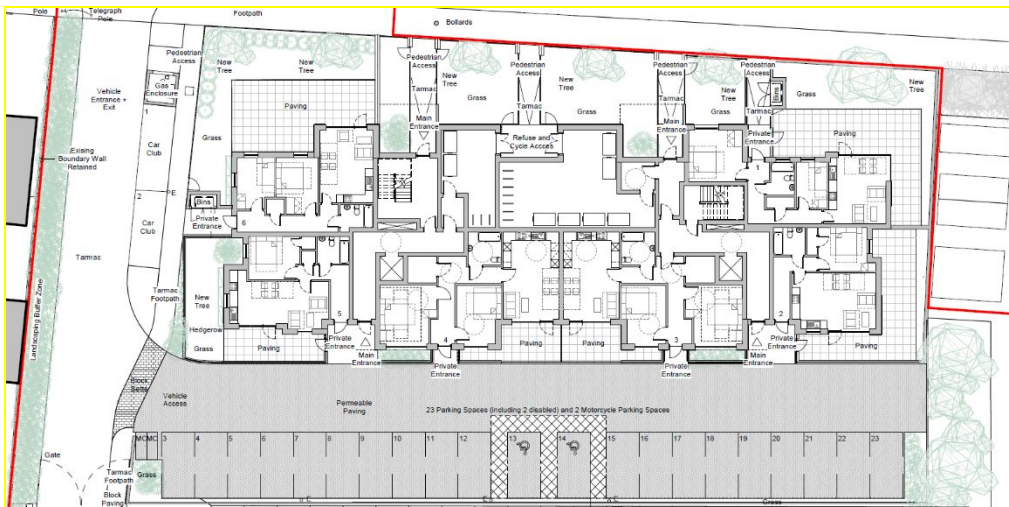


The proposed external layout of the scheme responds to the constraints of the site including residential properties to the north and west of the site, the existing college car park to the south and existing college buildings through the retention of reasonable separation distances to the residential properties, the reconfiguration of the college park and realignment of the new access whilst meeting relevant highways parking standards and ensuring satisfactory space is retained for new landscaping on the eastern boundary to ensure an appropriate interface with the college buildings to the east.

The layout of the apartment block further responds to the prominent site frontage location by being set back and angled slightly to reflect the positioning of adjacent college buildings (although still being relatively close at 5.5m – 7m from the Carnegie Road footway). The layout around the apartment block makes efficient use of space to accommodate the external amenity space, patio areas, pedestrian footways, entrances and bin stores. The internal layout makes efficient use of the floorplate to provide a satisfactory living space for future occupiers with associated internal facilities.

For these reasons, the proposed layout is considered acceptable.

## Landscaping



As illustrated above, the proposed landscape strategy allows for new soft landscaping including new species-rich hedging to the site boundaries, new trees located to the northern site boundary to provide privacy to the apartments and to form a green corridor along Carnegie Road, new trees to the eastern site boundary acting a buffer to the adjacent college and creation of a landscape buffer along the western boundary of the site adjacent to 3 Carnegie Road. The soft landscaping would be incorporated into the communal and private amenity space along Carnegie Road providing enhancing the uses of these areas to future occupiers. This approach would facilitate substantial new tree planting with the site resulting in a net gain in the site overall.

The hard landscaping plans show a mixture of tarmac, block paving, granite paviors (of varying colours), granite setts which would ensure the creation of a good quality landscaped environment.

Overall, the proposed landscaping is considered acceptable.

For the above reasons, whilst the matter relating to proposed scale is more balanced, it is considered that the proposal, overall, would be an enhancement to the character and appearance of area in terms of design and form in accordance with the provisions of Core Strategy Policy 16, SPD Residential Development and the NPPF.

### ***Housing Mix and Affordable Housing***

#### *Housing mix*

The proposal would provide a mix of one, two and three bedroom units, with 2 units at ground floor being wheelchair accessible, and 4 family sized units being

provided. The proposal would therefore accord with the provisions of Core Strategy Policy 8.

### *Affordable Housing*

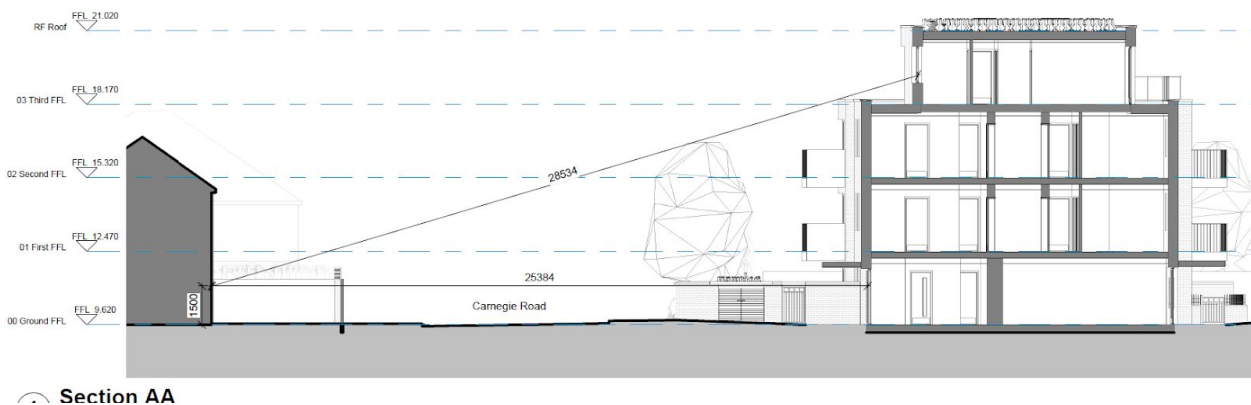
The proposal would provide 30% of the total number of units as affordable housing consisting of a mix of one, two and three bedroom units in accordance with the requirements of Core Strategy Policy 10. This would be secured via s106 legal agreement which would confirm the final tenure mix but potentially could be 75% affordable rented accommodation and 25% Intermediate.

### *Residential Amenity*

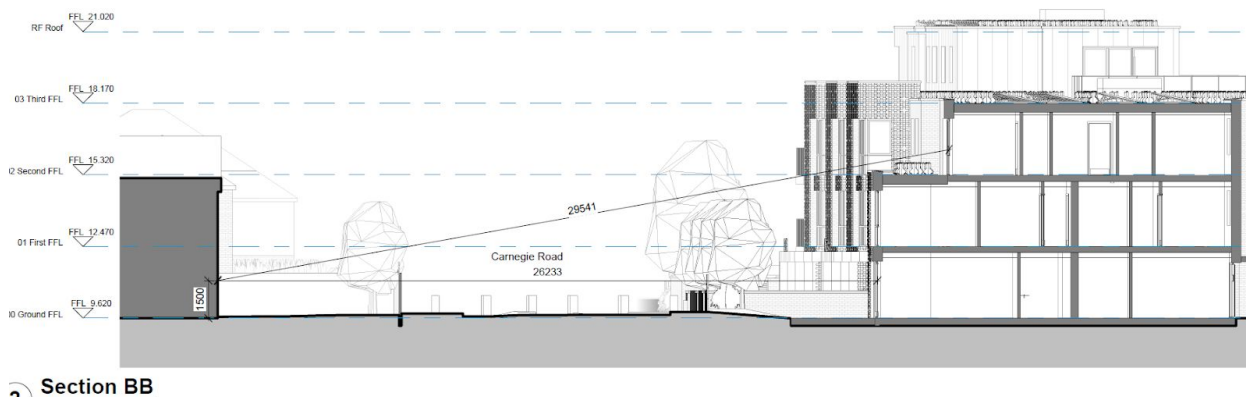
#### *Neighbours*

Amongst the neighbour representations, occupiers of Carnegie Gardens refer to concerns for privacy, overshadowing and the outlook from their homes and gardens. Saved policy H18 requires that intensification of development should not lead to unacceptable reduction in neighbouring amenity.

Amended plans have subsequently been provided that rotates the apartment building by 3 degrees with a further 0.9m setback into the site. The proposed fourth floor northern and east facades have been set in from the parapet edge by 0.5m south and west respectively. This has resulted in an increase in the separation distance from the proposed apartment block to the rear elevations of Carnegie Gardens to between 25m at ground to third floor and 29m at the top floor as illustrated below.



**Separation distances at eastern of block with Carnegies Gardens (cross section AA)**



**Separation distances at eastern of block with Carnegies Gardens (cross section BB)**

These revised separation distances coupled with the use of frosted or opaque balcony screens up to 1.2m height would limit a line of sight from seating positions in the rooms and balconies. Whilst this would still allow for lines of sight from standing positions, the combined effect of these and distance is, on balance, considered to maintain a reasonable degree of privacy for the occupiers of Carnegie Gardens.

In respect of existing property at 3 Carnegie Road beyond the western boundary of the site, this end of the apartment block reduces to a 2-storey shoulder and would have a side to side relationship with this property with approx. intervening separation distances of 14m at two-storey level. Taking into account this is a side-on relationship and the use of balcony screens and obscure glazing, the separation distance is considered sufficient to ensure privacy is preserved.

In terms of loss of outlook/overbearing impact, it is recognised that the occupiers of Carnegie Gardens and 3 Carnegie Road would experience change to their outlooks as a result of the proposal. However, taking into account the 4-storey element would be partially recessed, part of the building would be 2-storey and the increased separation distances of 25-29m (to Carnegie Gardens) and 14m to 3 Carnegie Road, and further recognising the apartment block would be seen within the context of the college buildings, the degree of change, whilst important, is not considered to be material harmful to their living conditions

As regards to overshadowing, an assessment has been provided which demonstrates there would not be a unreasonable degree of overshadowing to the occupiers of Carnegie Gardens or other properties in accordance with the guidance set out within BRE guidance "Site layout planning for daylight and sunlight: a guide to good practice (BR209).

In terms of noise and disturbance associated with the proposed housing, the proposal would result in a modest increase in traffic within the context of the noise and amenity impacts associated with the use of the existing college Campus, as such the proposal would not result in any significant increase in noise and disturbance to the occupiers of neighbouring properties. However, additional landscaping and boundary treatment would be secured along the western boundary, adjacent to the proposed re-aligned access way, which would assist but

the degree of impact is not considered so significant as to be harmful to the occupiers of 3 Carnegie Road.

To address any concerns associated with the construction process, a Construction Management Plan can be imposed via planning condition. This could also include measures to minimise noise & vibration, such as by switching off plant and machinery when idle, using baffling against particular noise-generating activities.

### *Future Occupiers*

The proposed apartments would meet national space standards in terms of internal living space and would be provided with 570 sq.m of external amenity space through a combination of individual balconies/patios and 102 sq.m communal space at ground floor which accord with Council's external space standards set out with the SPD. Access to public open space is also available within walking distance of the site. However, it is recognised that there is a deficiency in open space provision within the locality relating to allotments, amenity green space, parks & recreation grounds, play space (youth and adult and natural green space as identified in the recent district-wide Open Space Study (2019) and therefore the proposal would generate a requirement for off-site financial contributions towards the improvement of local facilities. Further updates will be provided in the late committee papers.

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

### *Crime and Disorder*

The Police Crime and Design Officer has advised, taking into account permeability around the site and an access that will be shared with the college, further measures should be secured to ensure the privacy of future occupiers. To address these concerns appropriate boundary treatment (which may also include a gated access into the 23 space car park) can be secured via planning conditions to ensure public and private space is clearly indicated. In addition, further 'secured by design' measures such as visitor door entry systems/access control systems with audio-visual communications between the occupant and the visitors can be secured via planning conditions to ensure access is limited to those who reside there.

For these reasons, the proposal would preserve neighbouring residential amenity and ensure the creation of a satisfactory living environment for future occupiers in accordance with saved local plan policy H18.

## ***Land Contamination and Air Quality***

### ***Land Contamination***

The application is supported by Geo-Environmental Study which indicates that the further investigations should be undertaken to address any contamination within the site (including the presence of Asbestos) associated with its historical uses. The Council's Environmental Officer has carefully considered the supporting information and advises subject to the imposition of planning conditions to secure further investigations and remediation (where appropriate) the risk to human health can be adequately mitigated.

For these reasons, the proposal is capable of addressing any contamination within the site in accordance with the provisions of saved local plan policy RES9.

### ***Air Quality***

The application is supported by an air quality assessment which indicates that overall, increases in pollution concentrations as a result of proposals generated by traffic are not expected to have a significant impact on local air quality as the vehicle trip generation is below the harmful threshold.

In order to offset potential damage costs arising from the development, mitigation measures will be incorporated into the development including the following, 2 car club vehicle spaces and secure cycle storage.

For these reasons, the proposal is therefore considered acceptable in terms of its impact on air quality in accordance with the provisions of Core Strategy Policy 17.

### ***Access and Highways***

Final comments are currently awaited from WSCC Highways on the amended plans and further updates shall be provided in the late committee update papers. However, WSCC Highways have previously advised no objection in principle to the proposed development for the following reasons:

#### ***Access arrangements:***

The site has an existing access onto Carnegie Road that serves 132 car parking spaces for the college. This proposal seeks a new access located a short distance further west again onto Carnegie Road. The access would be 5m wide with adjacent footpath. There are no in principle concerns with the proposed access subject to details.

#### ***Trip Generation:***

During the peak hours when the network is at its busiest, the development is expected to result in 8 two way trips in the AM and PM peaks respectively which is considered to be a very modest increase in trips by all modes on the local highway network.

### *Sustainable Access:*

The location offers residents good opportunities to travel by sustainable modes. A Travel Plan should be secured for the proposal and the use of the existing college.

### *Car parking provision:*

The proposed scheme would comply with WSCC parking standards. Whilst the level of car parking is being reduced for the college from 132 to 100 spaces, the loss of spaces could be accommodated within the existing car park through spaces that are presently unused or on-street. 2 Car club spaces and funding for 2 vehicles with at least 2 years membership paid with a £50/flat drive time paid would also be provided which is a benefit of the scheme and addresses sustainable transport policies. The level of the overall parking provision for the proposal and that retained for the college is considered acceptable in principle.

For the above reasons, taking into account any cumulative impacts, and subject to the imposition of relevant planning conditions relating to detailed access design, car parking provision, cycle parking, construction management plan, car club and travel plan, the application site appears capable of accommodating the proposed development whilst ensuring no material impact on the local highways infrastructure in accordance with saved local plan policy TR9 and Core Strategy Policy CS19.

### ***Flood risk and Drainage***

The site is located in Flood Risk Zone 1 where there is a low risk of flooding which is considered to be sequentially preferable in terms of locating new housing.

A Flood risk and Drainage Assessment has been provided in support of the proposal which provides information on the proposed surface and foul drainage strategy for the site. In terms of surface water drainage, in order to attenuate surface water from the site permeable paving is proposed to allow rainwater to infiltrate through the surface and into underlying layers subject to further soakaway tests. The surface water would then be temporarily stored before infiltration to the ground. A Green roof is also proposed to collect rainwater thus reducing the volume of runoff and attenuating peak flows. In terms of foul water infrastructure, the proposal would utilise the same foul water connection into the site, subject to confirmation from Southern Water, which will connect into the existing public manhole.

For these reasons, the proposal would not have an adverse impact on flooding with the site or locality in accordance with Core Strategy Policy 15.

### ***Ecology***

The application is supported by Ecological Assessments that demonstrate the proposal would not harm any biodiversity within the site (including any protected species). In addition, a number of biodiversity enhancements are proposed to be incorporated into the site to provide a net gain in biodiversity within the site through

the provision of a number of measures including the provision of new green roofs, planting and nesting boxes within proposed planting.

The proposal would therefore not harm any biodiversity within the site and would allow for a net gain in the longer term in accordance with Core Strategy Policy CS13 and the NPPF.

### ***Heritage and Archaeology***

#### *Archaeology:*

The County Archaeologist advises the site is located within an Archaeological Notification Area, centred on the recorded location of early prehistoric refuse pits of the period 6300 – 6600 years Before Present (Early Neolithic period), rare in West Sussex, and the sites of former World War 2 air raid shelters for school children. Further remains of prehistoric and wartime occupation may exist within the site. Archaeological mitigation measures involving a programme of investigation and recording should be secured via planning condition.

#### *Heritage:*

A conservation area is located approximately 115m to the east of the site beyond the college buildings and A24, a Grade II listed Chapel is located approx. 300m to the north-west beyond a cemetery and existing tree screening and Grade II Listed South Farm Cottages on South Farm Road are located approx. 260m to the west beyond existing housing. Taking into account intervening features and built form as well as the identified separation distances, the settings of these heritage assets would be preserved overall.

The proposal would therefore accord with the provisions of Core Strategy Policy CS16 in terms of impact on any features of archaeological and heritage value.

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

Having regard to social, economic and environmental considerations there are demonstrable benefits associated with proposal including:

- provision of 23 new homes to assist with under-supply of housing within the District which must afforded significant weight;
- provision of 30% affordable homes
- the positive and efficient re-use of redundant brownfield land within an accessible location which benefits from local services and sustainable transport;
- the improvement to the character and appearance of the area through the redevelopment of a building which is in poor condition with good quality architecture;
- the provision of financial subsidy (from housing land sale) that would recycled back into the college to help fund its long term future;



- Additional tree planting and soft planting that would enhance the biodiversity in the long term with the site;
- the social and economic benefits of increasing the number of people living and being economically active within the town;
- The package of sustainable construction and renewable energy measures that would facilitate an energy efficient form of development that is responsive to the climate emergency;

The dis-benefits relating to:

- Permanent loss of education land;
- Increased prominence and some lines of sight to neighbouring residents

Other matters are considered to be neutral.

When weighing these matters overall, it is considered the harm identified would not outweigh the benefits; the loss of education land is a consequence of a masterplan led development which has updated and improved provision on the campus overall; the lines of sight towards neighbours can be partially mitigated by a combination of balcony screens and obscure glass to some windows. On the balance of all factors taken together the proposal is considered an acceptable form of sustainable development.

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

### **Full Recommendation**

To **GRANT PLANNING PERMISSION** subject to the following Planning obligations and planning conditions, and to defer and delegate the resolution of all outstanding technical matters:

#### **i) Planning Obligations**

1. Affordable housing provision (30%)
2. Open space contributions – amount tbc
3. Car club contributions – 2 vehicles with at least 2 years membership paid with a £50/flat drive time paid

#### **ii) Planning Conditions**

1. List of approved Plans
2. 3 Year time limit
3. External materials
4. 1:20 scale details, including important intersections and other details; also rainwater goods
5. Obscure glazing – upper floor windows facing Carnegie Road

6. Notwithstanding information shown, details of upper floor balcony screens – details, implementation and retention facing Carnegie Road
7. Notwithstanding information shown, detailed design of all boundary treatment (including all vehicular gates/electric vehicular barriers)
8. Notwithstanding information shown, details of secured by design measures for crime prevention/enhance security of the future occupiers (including restriction on noise levels for any audio-visual communication systems for access control).
9. Noise & vibration: a scheme to protect against external noise & lift mechanism and control of overheating
10. Travel plan – submission and implementation
11. Notwithstanding information shown, access construction/details to Carnegie Road
12. Implement car parking layout
13. Implement cycle parking
14. Site levels – details and adherence to
15. Air quality mitigation measures
16. Foul and sustainable (SUDS) surface water drainage – details and implementation
17. Sustainable drainage verification
18. Sustainable drainage management
19. Site management – communal areas and refuse management (including provision of bins in accordance with plans)
20. Archaeological recording of building and site survey work.
21. Land contamination - further investigations (including dealing with Asbestos)
22. Construction management plan –
23. Hours of development works
24. Roof area shall not be used as residential amenity space/garden
25. No demolition of the building until contract entered into for redevelopment in implementing this planning permission
26. External lighting
27. Hard and soft landscaping with maintenance
28. Vehicular gates to college car park
29. Ecological enhancement measures
30. Tree protection measures
31. Roof top plant and associated noise levels
32. Notwithstanding information shown, details and maintenance of roof top solar panels and green/blue roof infrastructure and other sustainable construction measures
33. Details of renewable energy measures

26<sup>th</sup> August 2020

**Application Number: AWDM/1334/20      Recommendation – APPROVE**

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

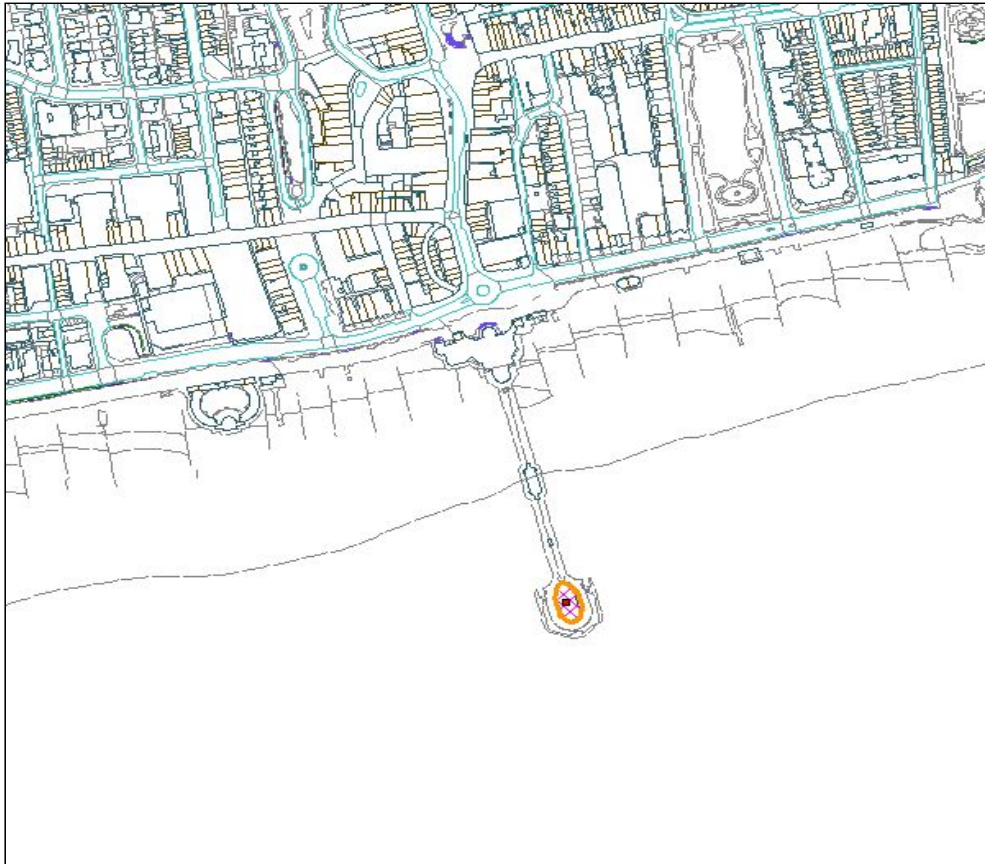
**Proposal:    Application for Listed Building Consent for installation of fire  
sprinkler system**

**Applicant:    Mr Martin Randall, WBC**

**Ward:            Central**

**Case            Gary Peck**

**Officer:**



**Not to Scale**

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

Members will recall that planning permission and listed building consent was granted last month for the refurbishment of the Southern Pavilion incorporating new bars and a restaurant.

This is a completely separate application, submitted by the Council, for a fire sprinkler system, the original background to which is that the Council was required, in 2015, to prepare a fire strategy to protect the pier buildings from fire damage. The

dry fire main running under the pier decking was replaced in 2019 and the second part of the strategy is the current proposal which is described as a wet pipe system to be installed in the North Pavilion, with a linked mains pre-action system (dry pipe system) installed in the Central and Southern Pavilions. This application comprises the installation of 132 sprinkler heads and rising service pipework to provide a robust fire safety solution for the Southern Pavilion.

While a separate proposal, the recent permissions for the wider refurbishment of the Southern Pavilion has accelerated the necessity for the completion of the fire sprinkler system for when the building is brought back into public use.

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 Pier is owned by the Council and a lease has been granted for the Southern Pavilion.

### **Relevant Planning History**

Planning permission and listed building consent were granted at the October meeting of the Committee for the refurbishment and internal alterations to the Southern Pavilion incorporating new kitchen extracts to open air, new internally illuminated fascia sign and flags.

### **Consultations**

#### **Conservation Architect**

Timber pier structures and their potentially isolated buildings have been shown to be at high risk of severe damage in the event of a fire. This application proposes to minimise that risk by the introduction of a fire suppression system using a concealed head sprinkler system. The harm to the ceilings of the building by introducing the required 132 sprinkler heads needs to be balanced by the risk of serious damage in the event of a fire. In the circumstances, the method statement outlined for the installation would appear to minimise any harm to the internal finishes of the Listed Building.

### **Representations**

No comments received at the time of writing the report, any comments will be reported verbally at the meeting.

### **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 issue in the determination of the application is the effect of the proposal upon the character of the listed building.

In order to install a fire sprinkler system it will be unavoidable that the internal fabric of the building will be disturbed, albeit it is quite clear that many of the ceilings have been previously removed and reinstated.

The supporting information states that prior to undertaking any works the existing details will be photographed, measured and scheduled so that the ceiling can be reinstated sympathetically. Any disruption to the ceiling and decorative details will be minimised, as far as is practicable, to allow the necessary installation. It is also proposed that a low vibration cutting tool is utilised to confine any damage to localised areas and to facilitate removal of the timber laths over the joists. Following the installation, experienced lime plaster contractors will be engaged to replace the timber laths from the disturbed areas and to build up the lime plaster to a smooth and consistent finish with the surrounding ceiling areas. Surface preparation prior to decoration will be undertaken to mitigate the risk of scarring resulting from the works. Any disruption to the cornice and coving details will be repaired using the photographic schedule and measurements taken prior, using methods and materials sympathetic to the existing.

A number of the sprinkler heads, including those in the main hall will operate by having a cover plate that detaches at a lesser temperature than it requires to operate the sprinkler function. These cover plates will be coloured white to match the surrounding ceilings which will act to minimise the visual impact on the ceiling as a whole. The Design and Conservation Architect was involved in pre-application discussions and has encouraged this design of sprinkler head which is concealed within the roof space. The supporting Heritage Statement provides further justification for the number of sprinkler heads required in this instance.

The rising service pipe is to run surface mounted in the corner of the toilet. Metal pipework will be sympathetic to the age of the building and can be decorated to suit the existing theme to minimise the visual impact. The supply pipework is proposed to be concealed within the building fabric, rather than surface mounted, so as to minimise the visual impact of the system on the open plan space internally.

Having regard to the above, it is not considered that the proposed sprinkler installation will detrimentally affect the character of the listed building. There are no external impacts of the works on the visual character of the building. Given that the necessity of a fire strategy to protect the Pier has long been established, there is a wider public benefit in protecting the Pier from fire damage given that many other piers including Brighton West Pier, Bognor, Eastbourne, Hastings, Weston super Mare and Southend all suffered significant fires in recent decades.

The proposal is therefore considered acceptable.

### **Recommendation**

To GRANT listed building consent subject to the following conditions:

- 01 Approved Plans
- 02 Full Permission
- 03 Approval of pipework details to be agreed prior to installation
- 04 Upon completion of the work for which listed building consent is hereby granted, any damage caused to the fabric of the building shall be made good in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** *To preserve the building having regard to the National Planning Policy Framework and policy 16 of the Worthing Core Strategy.*





## **Site and Surroundings and Proposal**

The site is located to the north side of Goring Road and within The Mulberry Core Neighbourhood Shopping Centre Area. The property subject of this application comprises a three storey brick built building with commercial shops and businesses at ground floor and residential flats above. There is a terrace to the rear of the building at first floor level which runs the full width of the building and forms outdoor amenity space for the flats. There are timber guarding rails to the front edge of the communal walkway and to the stairs leading down to ground floor at the rear and side of the building.

The site is not within a conservation area and is not a listed building.

Planning permission is sought to replace the defective timber guarding to the communal walkway and stairs with galvanised railings of 12mm square profiles and 40mm box posts. The railings would be a minimum of 1.1m high with a convex top rail.

This application is presented to the Committee as it has been submitted by the Private Sector Housing Manager for Worthing Borough Council to carry out works in default of an enforcement notice in relation to the defective guarding. The affected area is owned by multiple freeholders and leaseholders and there is no one party or managing agent that can authorize or instigate the required works. The Council therefore needs to arrange the works to remove the dangerous guarding and handrails and will recover the costs from the individual owners afterwards.

## **Consultations**

***Adur & Worthing Councils:***

***Environmental Health:*** No Comment

## **Representations**

No representations received

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 16  
Worthing Local Plan (WBC 2003) (saved policies): H16 and H18  
National Planning Policy Framework (HCLG 2019)  
National Planning Practice Guidance

## **Relevant Legislation**

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

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

## **Planning Assessment**

### ***Principle***

The relevant issues are the effects on the amenities of the occupiers of the residential flats and neighbouring residential occupiers and the effect on the character and appearance of the building and its surroundings.

### ***Visual amenity***

The guarding is located to the rear of the building and is therefore not prominent in the street scene. Wider views are available from the access road and car parks to the rear. The existing timber guarding is in a bad state of repair and defective in many places. The replacement guarding would be galvanized steel railings in the same position as existing. The guarding of the type and design proposed would lead to an enhancement of the building and improvement to the visual amenities of the surrounding area.

There would be no adverse impact on the visual amenities of the locality resulting from this proposal.

### ***Residential amenity***

The existing guarding is defective and therefore its replacement with galvanized steel railings will significantly improve safety and therefore the amenities of the occupiers of the flats to the rear of the building.

There would be no adverse impact on the residential amenities of adjacent occupiers resulting from this proposal.

## **Recommendation**

That planning permission be APPROVED, subject to the following conditions:-

1. Approved Plans
2. Standard 3 year time limit

## **Local Government Act 1972**

### **Background Papers:**

As referred to in individual application reports

### **Contact Officers:**

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## **Schedule of other matters**

### **1.0 Council Priority**

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

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

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

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

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

### **7.0 Reputation**

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

### **8.0 Consultations**

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

## **9.0 Risk Assessment**

9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

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

## **14.0 Financial implications**

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

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WORTHING BOROUGH  
COUNCIL

Planning Committee  
25 November 2020  
Agenda Item 7

Ward(s) Affected: All Worthing

## Referral of Motion on Notice from Worthing Borough Council

### Report by the Director for Communities

#### 1. Purpose

- 1.1. This report sets out a motion (attached as Appendix 1) referred from the meeting of Worthing Borough Council on the 20 October 2020.
- 1.2. Members of the Planning Committee are asked to consider and determine the Motion.
- 1.3. Members can either support the motion, and ask for further work to be carried out in this regard, or Members can reject the motion.

#### 2. Recommendations

- 2.1. That the Planning Committee support the motion and determine how further work is carried out; or,
- 2.2. That the Planning Committee reject the motion.

#### 3. Context

- 3.1 At its meeting on the 20 October 2020, Worthing Borough Council received a motion from Councillor Bob Smytherman, seconded by Councillor Martin McCabe, details of which can be found at Appendix 1.

3.2 The motion submitted to Council contained subject matter that is within the remit of the Planning Committee, as defined in para 14.4.2 of the Council's Procedure Rules. Therefore, it was moved and seconded, immediately noted by the Council and referred without debate to the Planning Committee for consideration and determination.

3.3 Where a motion has been referred by Full Council to the Planning Committee, the mover, or the seconder in the absence of the mover, shall be entitled to attend the relevant meeting of the Executive and explain the motion. Councillor Bob Smytherman has been made aware that the motion has been referred to this Committee.

#### **4. Issues for consideration**

4.1 The Planning Committee can either support or reject the motion.

4.2 Should the Planning Committee support the motion, then the Committee should ask Officers to prepare a further report on the substantive issues to be presented at a future meeting of the Committee.

#### **5. Financial Implications**

5.1 There may be direct financial implications in future depending on the course of action the Planning Committee wishes to take.

#### **6. Legal Implications**

6.1 Rules concerning motions are set out in the Council's Constitution under paragraph 14 of the Council's Procedure Rules.

### **Background Papers**

Motion to Worthing Borough Council on 20 October 2020



**Officer Contact Details:-**

Neil Terry

Democratic Services Lead

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**Motion from Cllr Smytherman regarding Planning Reforms**

**Motion to Council - Planning Reform**

In light of the proposed planning reforms detailed in the white paper 'Planning for the Future', this motion asks the Council to send the following letter to the Secretary of State for Communities and Local Government:

To the Right Hon Robert Jenrick, Secretary of State for Communities and Local Government:

Worthing Borough Council brings to your attention the proposed planning reforms detailed in the white paper 'Planning for the Future'.

We acknowledge the need for reform of the planning system in order to build the homes we desperately need.

However, we are concerned that if these reforms go ahead, they could harm the quality of new local housing developments in Worthing.

We are concerned about the 'Planning for the Future' recommendations on extending Permitted Development Rights (PDRs). Many PDRs fail to meet national space standards, lacking amenity space and suffering from low quality design and poor locations. We fear this could have wide ranging impacts on our local transport and community facilities, without sufficient Section 106 agreements or Community Infrastructure Levy contributions to offset the costs associated with provision of community infrastructure.

We are concerned that these proposals risk jeopardising the public's trust by creating poor-quality accommodation as standard. We urge the government to avoid drifting into a planning policy regime that could produce misery and tragedy for occupants.

**Proposed by Cllr Bob Smytherman**  
**Seconded by Cllr Martin McCabe**



WORTHING BOROUGH  
C O U N C I L

## Proposed Deed of Variation to s106 Agreement - West Durrington

### Report by the Director for the Economy

#### 1.0 Summary

1.1 This report provides an update on negotiations to vary the original s106 agreement signed in connection with the West Durrington development (reference WB/11/0275/OUT). A number of the original triggers for payment or for the carrying out of works have been missed by the original signatories of the agreement (the Consortium, the County Council and Borough Council). The report sets out the key variations discussed over several months with the Consortium and seeks the Planning Committee's agreement to the Heads of Terms appended to the report (**Appendix I**).

#### 2.0 Background

2.1 Planning permission was granted under reference WB/11/0275/OUT for the erection of 700 dwellings at West Durrington subject to the grant of a s106 Agreement securing various development contributions, highway works and community facilities. Attached to this report is an extract from the s106 agreement showing the main community facilities to be delivered adjacent to the proposed school and an extract from the original Masterplan for the site (**Appendix II**).

2.2 In accordance with the terms of the agreement the Consortium submitted an application for reserved matters for the Community Centre and this was approved under reference AWDM/1465/17. The Community Centre layout included changing facilities for the football pitch located to the north-east.

- 2.3 Following the grant of various reserved matters applications, the 700 dwellings are nearing completion, albeit there are still works outstanding including highway works to Titnore Lane, the construction of the school, community centre and other recreational/leisure facilities.
- 2.4 Outline planning permission was granted in 2019 for a further 240 dwellings (phase II) on land to the north of the site (reference AWDM/1882/16). Planning Committee resolved to grant reserved matters for these dwellings earlier this year, subject to a Deed of Variation to the s106 agreement signed in connection with the outline permission.

### **3.0 Proposed Amendments to the s106 Agreement**

- 3.1 The original agreement has been complied with in many respects with the delivery of affordable housing, payment of highway contributions and provision of buffer planting and the construction of some of the approved play areas and areas of open space. However, there have also been a number of triggers missed for various reasons within the original agreement, requiring either various highway works to be undertaken, provision of the community centre and recreational facilities as well as requests for land or contributions.
- 3.2 As a result your Officers have been negotiating amendments to the original agreement with the Consortium and the Committee is requested to support the various amendments as set out below and summarised in the attached Heads of Terms as Appendix II.

### **West Sussex Infrastructure (Outstanding) Requirements**

#### *Education*

- 3.3 The original agreement required the Consortium to deliver 1.1 hectares of land for a one form entry primary school together with a financial contribution towards its construction. The agreement also allowed the County Council to request an additional 0.8 hectare to deliver a 2 form entry school if required albeit this land would need to be purchased at residential value.
- 3.4 The trigger requiring a request for the additional land was missed by WSCC, however, it was subsequently determined that all the additional land was not required and subsequent discussions with the DfE working with a nominated Trust have determined that a smaller site could still secure a 2 form entry school.

- 3.5 The Consortium has negotiated directly with the DfE and have agreed that the additional school land would be provided in lieu of the educational contribution. It is anticipated that a planning application will be submitted for the detailed design of the school later in the year. The agreement is to be amended to reflect these discussions and to require the revised school land to be transferred to the nominated Trust within 3 months of the grant of planning permission for the school.

#### *Highways*

- 3.6 The s106 agreement requires various off site improvements to a number of junctions including the implementation of the Titnore Lane Speed Management and Hazard Awareness scheme. The triggers for these works to be completed were prior to the occupation of the 251st and 351st dwelling, however, these works have not been completed. Various delays have been caused in relation to the signing of the necessary highway agreements and WSCC has agreed a revised timescale that will ensure all works to be completed within 12 months of the completion of the development.
- 3.7 The Deed of Variation will need to agree to the new trigger date for works to be completed and also amendments are required to the provision of off site bus shelters and the provision of the Tasman Way bus gate.

#### ***Borough Council (Outstanding) Infrastructure Requirements***

##### *Community Facilities*

- 3.8 As indicated in Appendix II the West Durrington development included a range of community facilities to the east of the school site, including a new community centre, a multi use games area (MUGA), allotments and a full size football pitch. The original agreement allowed for either a management company (set up by the Consortium) or the transfer of the open space to the Council for future maintenance. The Consortium elected not to transfer open space to the Council and has set up a management company to deal with future maintenance, however, the Consortium has recently agreed to transfer the land for the main community facilities and the land to be transferred is edged red on the attached plan (Appendix II). The Deed of Variation will need to set out the timeline for the transfer of this land together with a commuted sum to deal with future maintenance.
- 3.9 Following the grant of the reserved matters approval for the community centre, the Consortium sought to agree the specifications for the internal fit out of the

building. However, it was immediately apparent that it was extremely difficult to assist the Consortium architects on internal specifications without having an occupier (leaseholder) for the building. It was therefore agreed with the Consortium that work on constructing the Centre should be delayed to undertake a marketing exercise to identify a suitable tenant to occupy the building.

- 3.10 This marketing exercise was undertaken last year and the selected tenant was then involved in detailed discussions about changes to the approved plans to meet its requirements. No agreement has been reached with the Consortium as the changes would have required amending the approved plans and more importantly result in additional construction costs for the Centre.
- 3.11 The Covid pandemic has unfortunately meant that the prospective tenant has not been able to commit to a 25 year lease and the Council is left with the option of requiring the Consortium to build the Centre as approved or alternatively seeking a contribution equivalent to the cost of constructing the community centre. This alternative option would give the Council some flexibility in deciding the final design of the Centre in conjunction with the eventual occupier of the building. This approach has been agreed with the previously appointed tenant (who still may take the building depending on the pandemic) and is supported by the Parks and Communities teams.
- 3.12 This delay in construction would also allow for a review of the layout of the building in relation to the football pitch. Consultation with the Parks team has questioned whether a stand alone changing room adjacent to the football pitch might not be a more appropriate option and this will need further consideration.
- 3.13 As a number of new properties have been occupied, your Officers are conscious that the new community is likely to be concerned about the delay in delivering the community centre. However the Consortium is providing the other facilities including the MUGA, play facilities, pitch and allotments. The Residents Association has also been made aware that the Council is considering delaying the delivery of the community centre and there is an acceptance that the involvement of the eventual occupier would be beneficial.
- 3.14 The s106 also requires the Consortium to market an area of land for additional community space (originally earmarked for a Medical Centre). The Consortium has marketed this land and has had interest from a day nursery although the pandemic appears to have slowed progress and Members will be updated at the meeting.

#### *Off site Skateboard Contribution 3G Contribution*

- 3.15 The s106 required the Consortium to pay the Council £120,000 for the provision of an off site skateboard facility. It was originally intended that the facility would be provided at an early stage of the development but a site for such a facility could not be found and subsequently the Parks team felt that an alternative leisure facility would be more appropriate to serve the area. A green gym is planned for Northbrook Recreation Ground to utilise this funding.
- 3.16 The off site contribution was only due when a contract had been let for the skateboard facility and if not called for, prior to the completion of the 500th dwelling, the obligation would fall away. The Consortium has been asked to extend the trigger to enable the alternative off site leisure facility to be provided and for this contribution to be paid upon signing any Deed of Variation.

#### *Off Site 3G Contribution*

- 3.17 The s106 secured a contribution of £340,000 for an offsite 3G facility either at Palatine Park or Shaftesbury Avenue. Members will recall that planning permission has now been granted for a 3G facility at Palatine Park with additional funding being secured from the Football Foundation. The s106 requires amending as the funding is only provided once a contract has been let and reduces by 50% if not requested by the completion of the 500th dwelling. Whilst this trigger has now been missed the Consortium has agreed, in principle, to make the contribution now that planning permission has been granted for the offsite 3G facility. Ideally the payment should be made prior to any contract being let.

#### *Public Art*

- 3.18 The s106 secured £40,000 towards a public art sculpture on the central green area of open space. However, following discussions with the Residents Association the preference is for this money to be spent on enhancing the community facilities and it is proposed that the agreement be amended to allow this flexibility.

#### *Health Contribution*

- 3.19 The s06 envisaged an off site contribution as the CCG (Primary Care Trust at the time) were considering redeveloping the Durrington Medical Centre.

However, the Strand Surgery has since moved to the former Lloyds tower site and the agreement needs amending to reflect this changed provision.

### **West Durrington Consortium (outstanding) Requirements**

- 3.20 The Consortium has failed to meet a number of the triggers set out in the original agreement in terms of the delivery of off site highway works and delivery of on site facilities. The allotments, football pitch and MUGA should have been completed by the 450th dwelling. Whilst this work is ongoing the agreement needs to be reflected to provide new trigger dates.

### **4.0 Legal**

- 4.1 Section 106(1) of the Town and Country Planning Act 1990 provides that any person interested in the land in the area of a Local Planning Authority may, by agreement, enter into an obligation requiring a sum of money to be paid to the Authority. Section 106(5) provides that the obligation is enforceable by way of an injunction and section 106(11) provides that the obligation becomes a Local Land Charge.

- 4.2 S106 agreements may require that the Council uses certain contributions for specific purposes such as transport improvements. Provided the money from the Council is for transport infrastructure or is available for general infrastructure projects use of this money, subject to the Committee's approval, would be lawful.

### **5.0 Financial implications**

- 5.1 The proposed Deed of Variation is required to ensure the appropriate delivery of a range of community facilities. Failure to sign the Deed of Variation may risk some of the approved infrastructure funding being secured for the local community.

### **6.0 Recommendation**

- 6.1 It is recommended that the s106 signed in connection with the outline planning permission WB/11/0275/OUT be amended as set out above and in line with the Heads of Terms set out at Appendix I.



**Local Government Act 1972**

**Background Papers:**

Relevant planning applications referred to in the report.

S106 Agreement attached to outline permission reference number WB/11/0275/OUT

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**West Durrington Draft Heads of Terms for**

**Deed of Variation to original s106 (signed 27<sup>th</sup> April 2012)**

<u>Original s106 Provision</u>	<u>Proposed Revision and Justification</u>
<p><b>Clause 14 - Low Cost Units</b>                      *need clarification that only 9 units were provided by Bovis Homes and rest delivered as shared ownership (s106 refers to 35).</p>	<p><b>Ensure resale to residents with a restricted income that prevents accessing the housing market but does not limit to those on the housing waiting list.</b></p> <p>The provision of these low cost units has been very problematic for owners to resale as those on the Councils waiting list cannot afford to secure a mortgage.</p>
<p><b>Clause 16 – Education</b>                      Transfer of Plot A with an education contribution and the ability to secure Plot B at residential land value.</p>	<p><b>The owners covenant to transfer the education land (Plot A and part Plot B) as indicated on the attached plan to WSCC or DfE in lieu of the education contribution within 3 months of the grant of planning permission for the new primary school.</b></p> <p>This reflects discussions between the Consortium and DfE and the negotiated position whereby the additional land offsets the requirement for a separate education contribution.</p>
<p><b>Cause 17 - Highways</b></p>	<p><b>New trigger for delivery of the off-site highway improvements (within 12 months of the completion of the development). Amend timing for further surveys along Titnore Lane to reflect above amendments and amend triggers for junction improvements. Amend requirements for off-site bus stops.</b></p> <p>To reflect delays with s278 agreements and negotiations with WSCC.</p>

<p><b>Clause 18 – Transport and Highway Contributions</b></p>	<p><b>New triggers required as payments not made/delayed. Consider whether the triggers relating to Travel Plan Coordinator need amending.</b></p>
<p><b>Clause 19 - Open Space and Landscaping</b></p>	<p><b>Need to reflect only part of the open space (identified on the attached plan) is to be transferred to the Borough Council.</b></p> <p>Note: Concerns raised by Residents Association and Management Company landscaping not undertaken in accordance with approved details.</p>
<p><b>Clause 20, 21 and 22 - Leisure Facilities, Sports Pitch and Allotments.</b></p>	<p><b>Triggers need amending to reflect the build programme for Sports Pitch, Allotments and MUGA (&amp; Trim Trail and LEAP). Within 6 months of the completion of the development (700<sup>th</sup> dwelling?).</b></p> <p>To reflect delays in construction and handover.</p>
<p><b><u>Clause 23 – Transfer Dedication and Private Maintenance</u></b></p>	<p><b>Clauses need to reflect Management Company and part transfer of land to WBC and above delays in completion.</b></p>
<p><b><u>Clause 29 – Off- Site synthetic sports pitch Contribution.</u></b></p>	<p><b>Amend trigger to require payment within 6 months of the grant of planning permission for the off-site pitch.</b></p> <p>To reflect delays in securing planning permission and discussions with the Consortium. Planning Permission at Palatine Park now granted.</p>

<p><b><u>Clause 30 - Community Building and Sports Changing Facilities</u></b></p>	<p><b>Amend to require transfer of the land for the community centre with a contribution equivalent to the cost of construction at the same time as the transfer of land relating to the MUGA, Sports Pitch and Allotments.</b></p> <p>To reflect delays in construction caused by negotiations with the proposed tenant and the changed position following Covid 19 pandemic.</p> <p><i>Note: Can the Consortium provide a breakdown of its construction budget for the Community Centre and changing rooms to enable a contribution to be agreed?</i></p>
<p><b><u>Clause 32 – Off site Skateboard Contribution</u></b></p>	<p><b>Amend definition to allow for outside gym equipment at Northbrook Recreation Ground. Contribution to be paid upon completion of 700 dwelling.</b></p> <p>Reflects local demand and concerns about provision of skateboard facility.</p>
<p><b><u>Clause 34 – Sculpture Contribution</u></b></p>	<p><b>Amend definition to provide flexibility to spend sculpture contribution to be spent on the Community Park (including Community Centre and Changing Facilities). Contribution to be made to the Council upon transferring the Community Park land.</b></p> <p>Reflects the Councils desire for alterations to the approved Community Centre to meet tenant’s wishes and the future maintenance of the open space by a Management Company.</p>
<p><b><u>Clause 35 – Alternative Community Use Land</u></b></p>	<p><b>Trigger to be amended due to delays securing a purchaser. Consortium to provide an update.</b></p>

<p><b><u>Clause 39 – Primary Care Contribution</u></b></p>	<p><b>Amend to allow for contribution to be spent in adjoining Ward. S106 helped secure The Strand Medical Group move to a new site. Payment upon completion of the 700 dwelling.</b></p> <p>Reflects original intention to assist the relocation of the Strand to improved facility.</p>
<p><b><u>WSCC and WBC Covenants</u></b></p>	<p><b>Amend to reflect the above revisions.</b></p>

# Appendix II





**5. NEAP/LEAP and MUGA**  
 A combined Neighbourhood and Local Equipped Play Area, as well as a Multi-Use Games Area will be located within the recreation zone in the centre of the development. These play zones will be set within a landscaped park.

**6. Allotments**  
 New allotments will be provided adjacent to the existing allotments. The allotment site will be bounded by a new native hedgerow.  
 Raised allotments on hard paved areas will also be provided for use by disabled persons.



**7. Footpath / Cycleway and Swales**  
 The scrubby hedgerow that runs along the public footpath will be reinforced, and trees added to the hedgerow. The footpath will be accommodated in a 3m wide shared footpath and cycleway.

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