



WORTHING BOROUGH
C O U N C I L

15 March 2021

Worthing Planning Committee	
Date:	24 March 2021
Time:	6.30 pm
Venue:	Remote Meeting via Zoom

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 before noon on Tuesday 23 March 2021.

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 22 March 2021.

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

(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 10 March 2021, 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 - 12)

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

7. Appeal Performance (Pages 13 - 46)

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

8. Open Space Standards for new Developments and off site contribution Calculator

(Pages 47 - 60)

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

Part B - Not for publication - Exempt Information Reports

Recording of this meeting

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

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer 01903 221006 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 C O U N C I L

Planning Committee
24th March 2021

Agenda Item 6

Ward: ALL

Key Decision: ~~Yes~~ / No

Report by the Director for Economy

Planning Applications

1

Application Number: **AWDM/2132/20**

Recommendation – Approve

Site: **85-87 Montague Street, Worthing**

Proposal: **Change of use from Class E to flexible change of use (part) to mixed use to comprise use class E (Commercial, Business, Service) and F1 (learning and non-residential institutions) with F2 (Local community).**

2

Application Number: **AWDM/0279/21**

Recommendation – Approve

Site: **Car Park Adjacent Sea Lane Cafe, Marine Crescent, Worthing**

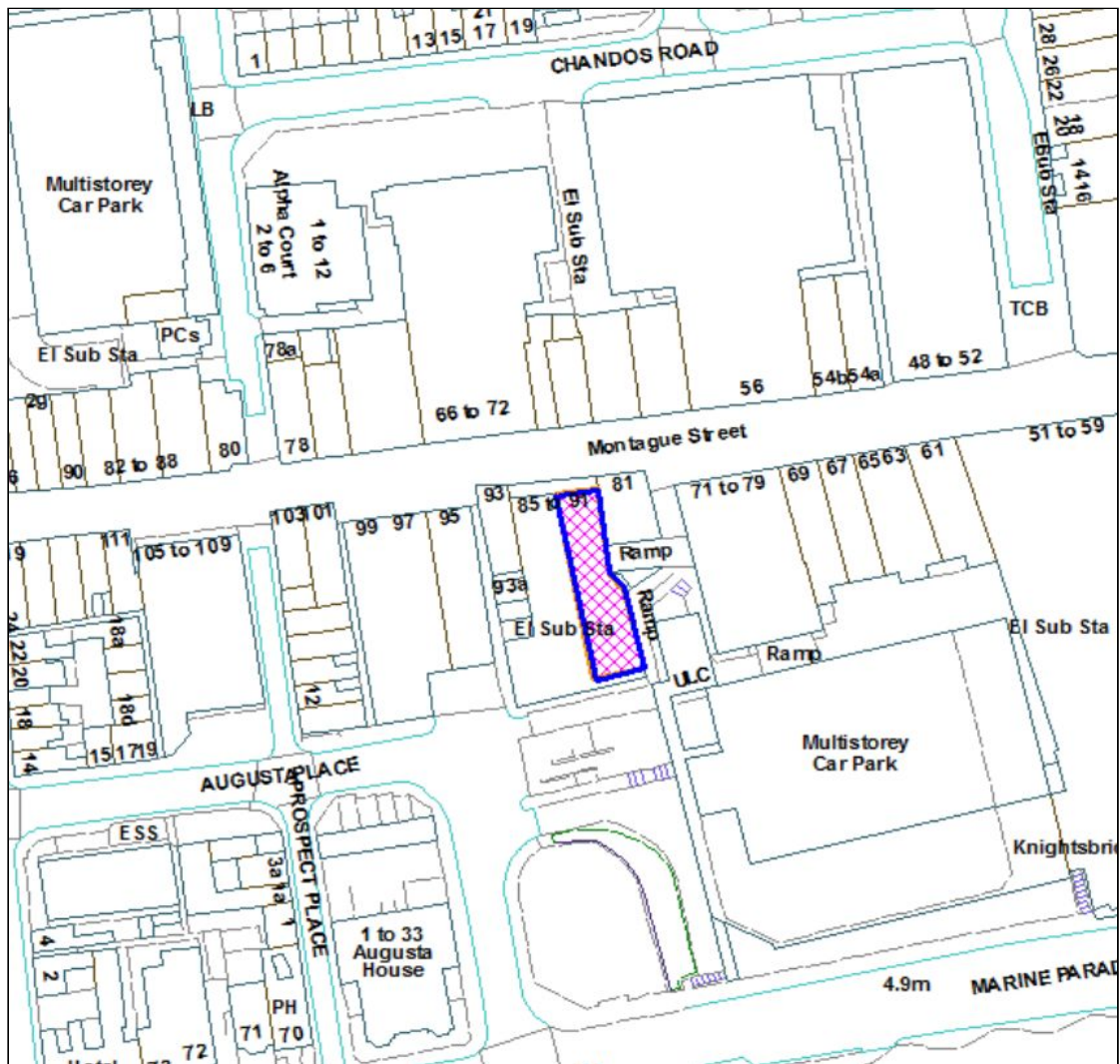
Proposal: **Temporary siting of storage container for 7 months of the year (April to October inclusive) for the storage of kayaks, paddleboards and ancillary equipment in connection with a seafront concession hiring such equipment.**

Application Number: AWDM/2132/20 **Recommendation - APPROVE**

Site: **85 - 87 Montague Street
Worthing**

Proposal: **Regulation 4 application for the Change of use from
Class E to mixed use (comprising use class E -
Commercial, Business, Service, F1 - learning and
non-residential institutions and F2 - Local community)**

Applicant: Audio Active **Ward :Central**
Agent: Mr Colm Mckee
Case Officer: Gary Peck



Not to Scale

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Proposal, Site and Surroundings

This application seeks permission for a change of use from Class E to flexible change of use (part) to mixed use to comprise use class E (Commercial, Business, Service) and F1 (learning and non-residential institutions) with F2 (Local community). The application is brought to the Committee for determination as the Council is the landowner, but does not intend to develop the land itself, hence the submission of a 'Regulation 4 application'.

The supporting information submitted with the application states that the applicants intend *'the creation of a socially engaged, music-focussed development hub on the ex-site of Dorothy Perkins on Montague Street, Worthing. Developed, managed and curated by youth music organisation AudioActive, the hub will bring together a creative density of established and new operators within Worthing's contemporary music and social innovation ecosystem including artists, record labels, community organisations, promoters, PR, videographers and social entrepreneurs to ultimately bring about better futures through and for music in Worthing. The hub will comprise a cafe, retail and events space to the ground floor, project and practice spaces to the first floor and offices and studio spaces to the second floor'*

The proposed breakdown of the proposed uses is as follows:

- Ground floor – Café / performance space (plus incidental changing rooms)
- First floor – Education / Practice space
- Second floor – Offices / practitioner spaces / recording studio.

Some of the proposed uses, such as the café, offices, and recording studio would fall under the new class E use and would therefore comprise permitted development, but the remaining elements do not benefit from permitted development or extant permission on the site.

There do not appear to be any restrictions on the site at present in respect of hours of use. The opening hours proposed under this application are 9am – 11pm - Monday - Thursday, plus Sunday, 9am - midnight - Friday and Saturday and 9am-12pm on Bank Holidays.

The application site is part of a three-storey building previously occupied by Dorothy Perkins and is situated on the southern side of Montague Street, one of the main shopping streets within Worthing town centre. The property is within the Central Shopping Area - Primary Zone A.

The total floorspace of the unit is given as 713 sqm across the three floors. The ground floor comprised retail floorspace with a stairway up to the first floor staff facilities to the rear. There is also access to a rear common way.

The first floor provides additional retail floorspace, a rear stock room and stairway up to the second floor which itself comprises ancillary office space, stock room, staff room and W.C.'s, and a plant room.

The ground floor frontage of the building contains a glazed shopfront and entrance with projecting fascia signage. The upper floors are brick faced with bay windows

and metal clad detailing to top and bottom. Above the building are two decks of the Grafton multi-storey car park.

The surrounding area is the town centre, predominantly commercial in its character.

Relevant Planning History

AWDM/0445/20: Application under Regulation 3 for temporary change of use of retail (Use Class A1) to a flexible use of retail (Use Class A1), or cafe/restaurant (Use Class A3), or assembly and leisure (Use Class D2), or office (Use Class B1(a)) for a temporary period of 3 years - Permission granted, but has not been implemented.

Consultations

Environmental Health

No comments

West Sussex Highways

The application for this change of use has been considered by WSCC as the CHA, no objection is raised subject to any conditions attached.

The site is located in a busy pedestrianized area of the town centre. Access to the site is on foot from Montague Street or to the rear of the store from Montague Place, where there is a loading/unloading bay.

The change from E class to F1/F2 will not create any significant impacts on the operation of the highway network. Access to multi-storey car parking is a short distance away on Augusta Place. Cycle parking is provided within the town centre on Montague Street, as such the site is considered to be sustainable.

No objection

Any other comments from consultees will be reported verbally at the meeting.

Representations

None received

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 2, 3, 5, 6, 16.

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

Submission Draft Local Plan: SS3, DM13

National Planning Policy Framework (March 2019)

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

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

Planning Assessment

It is considered that the main issue is the potential loss of the retail unit.

During consideration of the previous, unimplemented application it was noted that Worthing town centre is an important shopping centre having a strategic role within the coastal sub-region and that in addition to shopping, the town centre is also important for other uses including tourism, cultural and recreation uses, and businesses other than shops which contribute to the overall vitality of the town and make an important contribution to the local economy.

As explained previously, the retail strategy set out in the Worthing Core Strategy seeks to improve and strengthen the town's retail offer through safeguarding the retail character and function of its retail core area whilst having a more flexible approach to encourage a broader mix of uses, including cafes, restaurants and other commercial and leisure uses, elsewhere in the town centre. The application site is located in Primary Zone A which seeks to safeguard the retail character and function of the town centre by protecting Class A1 uses and resist development that would detract from its vitality and viability.

The consideration of the previous application took into account that there had been considerable discussion about the evolving nature of town centres and accordingly the Draft Local Plan identifies the need to improve and increase the mix of uses in the town centre.

The previous application was granted permission in June of last year and subsequently has been substantially altered by the introduction of the new Use Classes Order in September. The main driver of the new Use Classes Order is to enable a repurposing of buildings on high streets and town centres allowing a variety of uses appropriate to town centres.

The Council had already been taking a pragmatic approach to alternative uses in the town centre, as exemplified by the granting the change of use to a number of A3 uses in the Montague Centre in 2016 which at the time could have been argued to be contrary to retail protection policies. Similarly a more flexible approach was taken in respect of the application site with the granting of permission last year for

non retail uses in a Primary Shopping Area. Again, it had been accepted that A3 uses were an acceptable alternative in premises that had remained vacant.

It is perhaps telling that despite the flexibility outlined above, the permission last year has not been implemented, and indeed fewer of the units in the Montague Centre had changed to A3 use than had originally been anticipated. Added to the consequent effects of the pandemic and the change in government guidance via the Use Classes Order subsequently, it is therefore considered that the current application is one that should be encouraged.

As with the previous application, an A3 use would be proposed to the front of the ground floor which would maintain an active frontage to Montague Street. The proposed performance area would be to the rear of the ground floor area and would therefore be a use that would also attract visitors to the site, as it would have the potential to act as a cultural attraction.

Changes of use of the upper floor are normally less problematic in a town centre location but in this instance the proposed uses would be complementary to the activities on the ground floor, for example in terms of potentially supporting the performance space and therefore adding to the cultural offer of the premises. As such, therefore, the proposal appears to be precisely that which current government guidance now supports.

There are no changes to the shop front proposed under the current application. Any subsequent proposals to alter the shopfront or provide new signage may require a separate application.

The site is within a commercial primary shopping area and there are no residential properties within close proximity of the application site. In any case, it appears that the building is currently unrestricted in terms of any controls upon hours of use, whereas the current use proposes hours that can be controlled by condition. It is therefore considered that the application is acceptable.

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Full Permission
3. Prior to any cafe/restaurant use of the premises suitable means of extraction and ventilation shall be provided in accordance with details first submitted to and approved in writing with the LPA.
4. Details of bin and recycling storage to be submitted
5. Opening hours restricted to 9am – 11pm - Monday - Thursday, plus Sunday, 9am - midnight - Friday and Saturday and 9am-12pm on Bank Holidays.

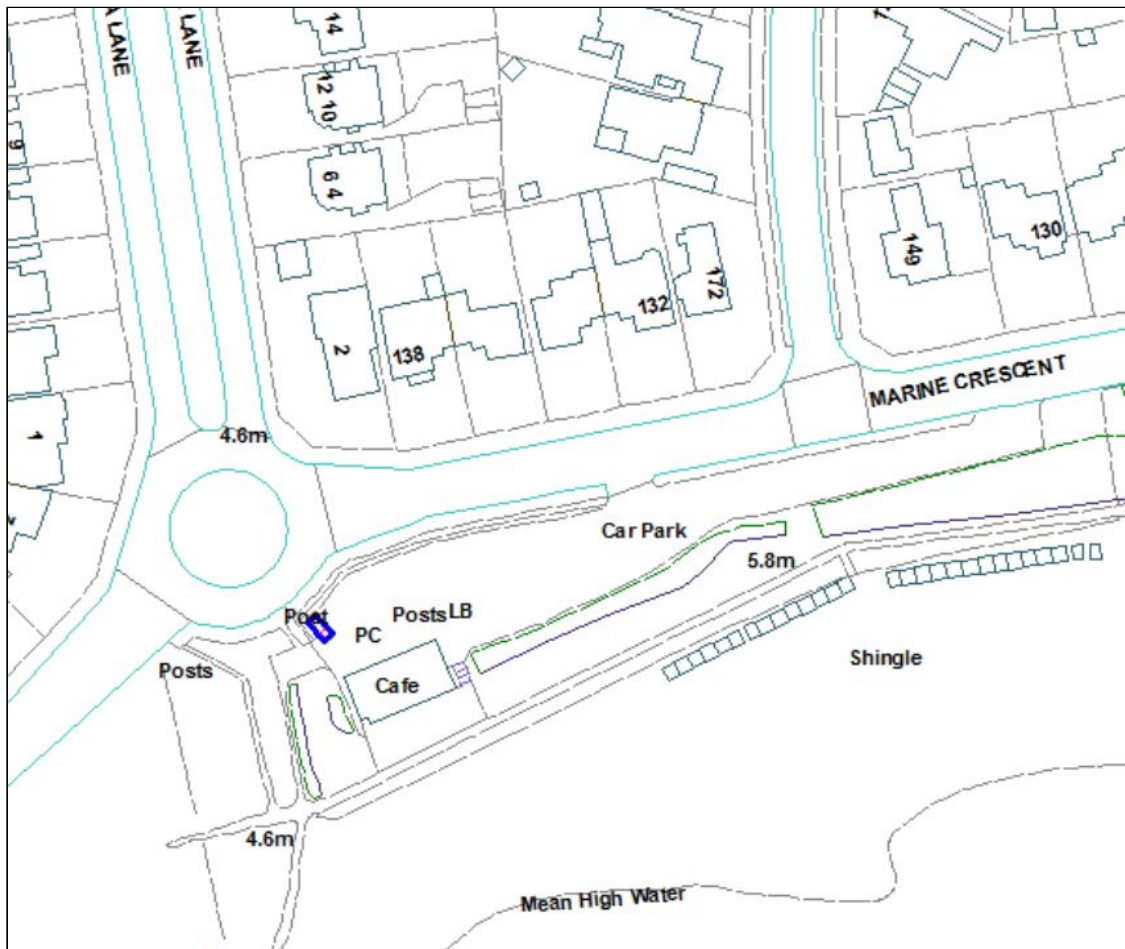
24th March 2021

Application Number: AWDM/0279/21 **Recommendation - APPROVE**

Site: Car Park Adjacent Sea Lane Cafe, Marine Crescent
Worthing

Proposal: Temporary siting of storage container for 7 months of the year (April to October inclusive) for the storage of kayaks, paddleboards and ancillary equipment in connection with a seafront concession hiring such equipment.

Applicant: Andrea Derrick **Ward:** Goring
Agent: None
Case Officer: Gary Peck



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Proposal, Site and Surroundings

This application seeks permission for the temporary siting of a storage container for 7 months of the year (April to October inclusive) for the storage of kayaks, paddleboards and ancillary equipment in connection with a seafront concession hiring such equipment.

The storage container would be approximately 9 square metres, with a height of 2.59 metres and be sited within the car park adjacent to Sea Lane cafe, taking up one of the car parking spaces. It is stated that the container would be dark green in colour. The car park is bordered by a hedge that partly obscures most of the cars parked within it. The cafe is to the south and to the north is the roundabout at the junction of Marine Crescent, Marine Drive and Sea Lane.

Relevant Planning History

None considered relevant to the determination of the application

Consultations

Environmental Health

No objection

West Sussex County Council Highways

Summary

This proposal is for the temporary siting of a storage container for storage of kayaks, paddleboards and ancillary equipment. The site is located on Marine Crescent, a C-classified road subject to a speed restriction of 30 mph. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

Content

The existing vehicular access will be utilised for this development. There are no apparent visibility issues with the existing point of access onto Marine Crescent. Given that the proposed storage container will be a replacement of an existing practice, whereby equipment is stored within a horsebox, the LHA does not anticipate that this proposal would give rise to a significant material intensification of movements to or from the site.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing arrangement is operating unsafely or that the proposal would exacerbate an existing safety concern.

The placement of the storage container will result in the loss of one parking space. However, the LHA does not anticipate that the loss of one parking space would result in a severe highway safety concern, nor result in any parking capacity issues. There are comprehensive parking restrictions on the nearby maintained highway

network prohibiting vehicles from parking in places that would be a detriment to highway safety.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Representations

1 letter of comment has been received:

Although I understand the needs of the applicant I am concerned that this is not the best location. The car park is already busy and close to the extremely popular café. Would it not be better to site elsewhere and suggest either of the following two locations. Car park between Seafield Park and Beachside Close. Second option at sea end of Plantation close to the public toilets. Both sites I am sure will give the applicant and his clients more space without conflicting with the public either parking or using Sea Lane Café. The council must condition removal of the container during the remaining five months of the year.

Relevant Planning Policies and Guidance

Worthing Core Strategy (2011): Relevant policies include 3 (Providing for a Diverse and Sustainable Economy), 5 (The Visitor Economy) and 16 (Built Environment and Design)

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

Planning Assessment

The main issue in the determination of the application is the effect upon the visual character of the area.

The applicant has a beach concession with the Council until October 2022 and their business is understood to have become more popular, although understandably affected by the pandemic in the past year. At present the applicants operate from a horse box which is parked outside of their homes and taken with a trailer to the beach at the start of each day and then removed again at the end of the day. However, as the business has become more popular, the horse box is no longer large enough to store all of the equipment. It is stated that the storage unit would

offer the business greater flexibility, as at present a decision has to be made at the start of each day whether to open up or not, whereas with a presence close to the beach, a short notice decision could be made to open up if, for example, the weather improves during the day.

Although a representation has suggested that preferable alternatives could be found for the location of the container, your officers feel that the site is well chosen due to the partial screening that will be achieved by the hedge surrounding the car park. Furthermore, with the backdrop of the cafe, it will not impede any sea views, yet be located in a relatively close position to the beach itself. The container can be removed for the remaining months of the year.

The business offers opportunities for residents and visitors to enjoy the amenities provided by the beach area and is therefore considered to be one that should be supported and accordingly the application is considered to be acceptable.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Colour of the container to be dark green
3. Siting of container to be allowed only between April 1st and October 31st inclusive each year.

24th March 2021

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

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

Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

- 9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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



WORTHING BOROUGH
C O U N C I L

Appeal Performance

Report by the Director for the Economy

1.0 Summary

- 1.1 This report updates the Planning Committee on recent appeal decisions and appeal performance.

2.0 Background

- 2.1 A number of national targets are set by the Government to ensure an effective development management service is delivered by all Local Authorities. National league tables are produced in relation to determination times for planning applications and appeal performance.
- 2.2 For appeals Adur and Worthing has a very good appeal performance and this highlights good effective decision making by Officers under delegated powers and by Planning Committees. National Planning Guidance seeks to ensure that planning applications are dealt with having regard to the Development Plan and all relevant material considerations and that planning applications should only be refused where harm can be substantiated.
- 2.3 Where local planning authorities cannot reasonably defend a decision to refuse planning permission there is a risk of costs being awarded against the authority.

3.0 Appeal Performance

- 3.1 The Planning Inspectorate (PINs) publishes annual performance for all s78 appeals, householder and enforcement appeals. The performance of the Council for 2019/2020 is set out below:

England		April 2019 to March 2020 ^P							
Local planning authority		s78 planning appeals				Householder appeals			
		number decided	number allowed	split decision	% allowed	number decided	number allowed	split decision	% allowed
Worthing		18	3	0	17%	7	1	0	14%

3.2 The above table highlights that the Council upholds 87% of its s78 appeals and 86% of householder appeals. As a result the Council is in the top quartile for local authority appeal performance in the Country. Worthing had the best performance overall in the County with Arun having a 50% success rate on appeals for 2019/2020.

3.3 Performance figures for the current financial year for appeals (and the determination of planning applications) will be released in May and a further report on overall performance will be submitted to the Committee in June.

3.4 To assist the Planning Committee in reviewing appeal decisions your Officers feel that it would be beneficial to add any decisions received to future agendas as a standing item. Since the New Year unfortunately we have received 5 appeal decisions and 4 have been allowed which will affect this year's figures. These are appended to this report.

3.5 Unfortunately, your Officers were unable to defend the decisions at the Wheatsheaf and High Salvington. The Worthing Society has been particularly concerned at the decision to grant the redevelopment of the Wheatsheaf, although this was more to do with the loss of the existing building which did not form part of the Council's refusal reason.

3.6 The award of costs in relation to the appeal at High Salvington is disappointing and is the first award against the Council for many years.

4.0 Recommendation

4.1 To note the report and the attached appeal decisions.

Local Government Act 1972

Background Papers:

Appeal Performance Tables:

www.gov.uk/government/publications/planning-inspectorate-statistics

Contact Officer: James Appleton

Head of Planning and Development

Portland House,

Worthing

01903 221333

james.appleton@adur-worthing.gov.uk

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Appeal Decisions

Site visit made on 24 October 2020

by **N Holdsworth MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2021

Appeal A Ref: APP/M3835/W/20/3249414

The Wheatsheaf, 24 Richmond Road, Worthing, BN11 1PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Emma Taylor-Moore against the decision of Worthing Borough Council.
 - The application Ref AWDM/1865/19, dated 26 November 2019, was refused by notice dated 2 March 2020.
 - The development proposed was originally described as demolition of the former Wheatsheaf Public house and erection of eight apartments across four floors.
-

Appeal B Ref: APP/M3835/W/20/3251832

The Wheatsheaf, 24 Richmond Road, Worthing, BN11 1PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Emma Taylor-Moore against the decision of Worthing Borough Council.
 - The application Ref AWDM/0427/20, dated 5 March 2020, was refused by notice dated 24 April 2020.
 - The development proposed was originally described as demolition of the former Wheatsheaf Public house and erection of seven apartments across three floors.
-

Decisions

1. **Appeal A:** The appeal is allowed and planning permission is granted for demolition of Wheatsheaf Public house and construction of 5No.1 Bedroom flats and 2No.2 bedroom flats and 1No. 3 bedroom flat over four floors with associated bin and cycle storage at The Wheatsheaf, 24 Richmond Road, Worthing, BN11 1PP in accordance with application Ref AWDM/1865/19, dated 26 November 2019, but subject to the attached schedule of conditions.
2. **Appeal B:** The appeal is allowed and planning permission is granted for demolition of Wheatsheaf Public house and construction of 7 No. Flats set over three floors with associated bin and cycle storage at the Wheatsheaf, 24 Richmond Road, Worthing, BN11 1PP in accordance with application Ref AWDM/0427/20, dated 5 March 2020, but subject to the attached schedule of conditions.

Application for costs

3. An application for costs was made by Ms Emma Taylor-Moore against Worthing Borough Council in relation to both Appeal A and Appeal B. These applications are the subject of separate Decisions.

Procedural Matter

4. In both cases the description of development used on the formal decision is taken from the Council's decision notice. This was also the description of development used by the appellant on the appeal forms.

Main Issues

5. The effect on the character and appearance of the area, with particular regard to the setting of the Chapel Road Conservation Area and the various listed buildings around the site.

Reasons

6. Both appeals involve the creation of a new apartment building that would replace the existing building on the site. The main difference is that the proposal in Appeal A is four storeys in height, whereas the proposal in Appeal B is three storeys. In other respects, the schemes are very similar to each other.

Character and Appearance

7. The site comprises a vacant pub in Worthing town centre, which would appear to date back to the early 19th Century. It sits within a row of public buildings including a library, court building and Council offices. The size and stature of these buildings, in combination with their set back from the road, means that this side of Richmond Road exhibits a grand and spacious character.
8. Beyond the eastern boundary of the site is the Chapel Road Conservation Area, which also encompasses the area due south of Richmond Road. The special character and significance of this area is primarily derived from the high architectural quality of the buildings within it and their collective role in the historic development of Worthing. The adjacent library is a modernist building of particularly high quality and has been identified as being locally listed. It sits in a raised position above the road, surrounded by a sloping tile ramp. It forms part of a block with other buildings of similar stature, collectively forming a sub area of civic buildings within the Conservation Area.
9. In both cases, the total height of this apartment building would be within a similar range to the library and the neighbouring Council offices. The building line at both front and rear would be broadly follow that set by the adjacent wing of the Council offices. The height of the proposed building, and the consequent density of development, is therefore appropriate for this location.
10. There is existing residential development visible in the area around the site, and the proposal would reflect this. The contemporary design approach would complement the predominantly modern appearance of the buildings on this side of the road. Whilst the new building covers most of the site, it would still be set well away from the library and sloping tile ramp that surrounds it. The public footpath on each side would be sufficiently wide to maintain the spacious character that currently exists around the site. Consequently, the proposal would not appear cramped. It would have an appropriate visual relationship with the library and would not harm its setting.
11. At street level facing Richmond Road, each scheme has been carefully detailed at ground level to follow the prevailing boundary treatment associated with the

- neighbouring Council offices. It would be set a sufficient distance away from trees to preserve the important function they have in the built environment.
12. The early nineteenth century buildings facing Ambrose Place fall within the Conservation Area and are Grade II listed. These are acknowledged to be amongst the finest buildings in Worthing¹, and their significance is primarily derived from their architectural detailing particularly apparent on the front facades of these buildings, including ornate railings and wooden balconies. The long rear gardens provide a spacious setting for these buildings, enhancing their status. In both cases, the proposed building would be set significantly beyond these gardens, rising to a similar height to the existing neighbouring buildings. Consequently, it would blend in with its surroundings, providing an appropriate backdrop to these heritage assets in any long views. There would be no harm to the setting of these listed buildings, or this part of the Conservation Area.
 13. The Worthing Town Hall including assembly hall and Worthing room are also Grade II listed. This is an early twentieth century collection of civic buildings of high architectural quality. The proposal would be visible in the longer setting of these buildings when viewed from the west along Richmond Road and from the parking area to the rear of the site. However, in terms of bulk, scale and mass the new building would follow the surrounding pattern of development. In these views it would therefore appear as an appropriate addition to the townscape, and there would be no harm to the setting of these listed buildings. Because of the separation distances involved, the proposal would not affect the setting of any other listed buildings in the surrounding area, including those identified by interested parties.
 14. Overall, the proposals would preserve the setting of both the Chapel Road Conservation Area, and the relevant listed buildings around the site. The appearance of the development would be appropriate in relation to its surroundings. There would be no harm to the character and appearance of the area. Both proposals comply with policy 16 of the Worthing Core Strategy 2011 which seeks, amongst other things, to achieve good quality architectural design that preserves the historic character of Worthing. The proposals also comply with the relevant parts of the National Planning Policy Framework (the Framework), which shares similar objectives.

Other Matters

15. Concerns are raised about the standard of accommodation, particularly at ground floor level. Some flats would be overlooked from the road and other public buildings. However, they are all well sized and would all receive adequate natural light. External amenity space is also provided within the development, which is a positive element of the scheme. There is also a very good range of services and facilities within easy walking distance of the site, including public open space and the beach. This would compensate for any perceived limitations associated with the quality of the proposed residential accommodation. The living conditions of future residents would be acceptable.
16. The Council cite supplementary planning guidance which sets out an indicative density range for new development, which this proposal would exceed. However, the design of the proposal is acceptable, and the development

¹ As set out in the Conservation Area Appraisal, provided by the Council.

responds well to its context. Furthermore, other examples are cited where planning permission has been granted for town centre development in excess of this density range. An exception to these guidelines is therefore appropriate, on this occasion.

17. The proposal involves the loss of a pub, which is of some historic interest. However, it has fallen in to disuse and there are a large number of alternative pubs within the town centre. On balance, the benefits of the proposal, including the provision of housing in this accessible location, outweigh any concerns about the loss of this building and use.
18. Concerns are also raised regarding overlooking and loss of light to existing development. In terms of the library and Council office, these are both public buildings. Any overlooking or loss of light to them would not result in significant harm such that would justify the refusal of planning permission. Regarding the houses on Ambrose Place, the proposal would sit within an existing urban environment, a significant distance beyond the rear boundary of these houses and their gardens. In this context, there would be no significant additional overlooking or loss of light. The proposal is acceptable in terms of its effect on the living conditions of the occupants of existing buildings, in all respects.
19. I have had regard to all of the other issues raised by interested parties, including concerns about a recent fire at the building; highway and parking issues; concerns about the environmental performance of the building in light of the climate emergency declared by the Council; concerns about the cumulative impact of other possible development around the site; concerns about noise and disturbance and concerns about the Council's decision making processes, along with other issues. However, none of these would justify the dismissal of the appeal.
20. The Council cannot demonstrate a 5-year housing land supply. However, on this occasion I have found that there would be no harm in relation to the main issue identified by the Council, so this matter is ultimately of little relevance to the outcome of the appeal. The proposals accord with both the development plan, when it is considered as a whole, and the National Planning Policy Framework. There are no other considerations that outweigh this finding. Planning permission should be granted in accordance with the presumption in favour of sustainable development.

Conditions

21. The Council suggested 28 conditions to be imposed if the appeals are successful, largely reflecting consultation responses from internal and external consultees. However, planning conditions should be kept to a minimum. They must meet, amongst other things, the tests of being reasonable and necessary. I have had regard to all the suggested conditions and associated requirements, but only imposed conditions that meet the policy on the use of conditions as set out in the Framework and Planning Practice Guidance. Most of the suggested conditions have been consolidated, and some unnecessary, disproportionate and irrelevant detail and prescription has been removed in the interests of reasonableness.
22. In both cases this would be a relatively small residential development. Requirements to carry out works to the footpaths around the building, provide for a car club, a travel plan, a management strategy for communal areas and

sustainable construction measures would be disproportionate to the scale and impact of the development. The evidence before me does not demonstrate a significant risk of contamination, so it is not necessary to impose further controls on the construction process in this respect. The loss of the existing building would not result in such a harmful gap in the townscape that it is necessary to place additional controls on its demolition through planning conditions. There are no exceptional circumstances such that would justify the removal of permitted development rights.

23. On this occasion three pre commencement conditions are essential to make the development acceptable in planning terms. Firstly, to provide for appropriate recording and archaeological investigation of the existing building which must be agreed prior to demolition. Secondly, to ensure that appropriate consideration is given to future drainage before intrusive ground works take place. Finally, given the town centre location of the site a condition requiring a construction management plan is justified, to ensure that the proposal does not result in harm to the amenity of the area in the course of construction works. The appellant has agreed to these conditions.
24. Other conditions are necessary to provide certainty for all parties and to reflect the statutory timeframes relating to commencement of development; to ensure drainage arrangements are maintained to avoid the risk of future surface water flooding; to make appropriate protection for trees; to ensure that no loud building works occur outside of normal working hours to protect the living conditions of nearby residents; and finally to ensure a satisfactory overall standard of development that preserves and enhances the setting of the adjacent Conservation Area and this part of the town centre more generally, and also to provide satisfactory living conditions for existing and future occupants in all respects, particularly given the higher than average levels of noise and activity around the site and the proximity of the site to existing neighbouring residential properties.

Conclusion

25. Both appeals should succeed.

Neil Holdsworth

INSPECTOR

Schedule of Conditions: Appeal A

- 1) The development hereby approved shall begin within 3 years of the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans: 0297-P001 rev B; 0297-P010 rev B, 0297-P011 rev C; 0297-P012 rev C; 0297-P013 rev C; 0297-P014 rev B; 0297-P015 rev A; 0297-P016 rev A; 0297-P017 rev B; 0297-P018 rev A; 0297-P019 rev A; 0297-P020 rev A; 0297-P021 rev A; 0297-P022 rev A; 19-943-TPP (Tree Protection Plan).

Pre-Commencement Conditions

- 3) No development or demolition works shall commence within the site until a written scheme of investigation (historic building recording and below-ground archaeological investigation and reporting) which should include provision for on-site field survey and recording and the analysis reporting publishing and archiving of the results has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall occur until details of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The development shall not be occupied until details demonstrating the drainage system is operational in accordance with its intended design have been submitted to and approved in writing by the local planning authority.
- 5) No development shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Other Conditions

- 6) No part of the development hereby approved shall be occupied until a maintenance and management plan for the foul and surface water drainage scheme approved under condition 4 has been submitted to and approved in writing by the local planning authority. The development shall be maintained in accordance with these details for the lifetime of the development.
- 7) The construction process associated with the development hereby approved shall be carried out in accordance with the tree protection measures set out in the document entitled 'The Wheatsheaf, 22-24 Richmond Road, Worthing: Arboricultural Impact Assessment and Method Statement (November 2019)' by Canopy Consultancy, and the associated tree protection plan.
- 8) No works associated with the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08:00 to 18:00 Monday to Friday and between 08:00 and 13:00 on Saturday. No development shall take place on Sundays or Bank Holidays.

9) No development shall take place above ground level until the following details have been submitted to and approved in writing by the local planning authority:

- All external facing materials used in the construction of the development and finishes;
- Boundary walls;
- The proposed windows (including cills and reveals);
- Entrance door;
- Profiled banding or string courses;
- Roof trim and over-sailing eaves detail;
- Balcony soffits;
- External lighting;
- Rainwater goods.

The development shall be carried out in accordance with the approved details.

10) No development shall take place above ground level until details of balustrading and balcony screens to be installed within the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. These screens shall be installed prior to the occupation of the development, and once installed they shall be retained for the lifetime of the development.

11) Each individual residential unit shall not be first occupied until the windows to their respective WCs/Bathrooms have been fitted with obscured glazing and thereafter the obscure glazing shall be retained at all times.

12) No development shall take place above ground floor level until details of hard and soft landscaping and a programme for its implementation and maintenance have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping works shall be completed prior to the first occupation of the development, unless agreed otherwise in the implementation programme. Any trees which within a period of 5 years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced the following planting season with others of similar size and species.

13) No development above ground floor level shall be carried out until detailed drawings have been submitted to and approved in writing by the local planning authority showing the relationship between the development and the adjacent land including the highway and relevant public footpaths. This shall include detailed drawings, including levels, showing how the doors and boundary features will relate to the adjacent land. The development shall be carried out in accordance with the approved details.

14) The development hereby approved shall not be occupied until details of noise insulation measures associated with the approved residential accommodation have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, and the noise insulation measures shall be installed prior to occupation of the development.

- 15) Notwithstanding the details shown on the approved plans, the development hereby approved shall not be occupied until details of waste storage and cycle parking have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the waste storage and cycle parking areas shall be provided prior to occupation of the development, and then retained for their intended purpose for the lifetime of the development.
- 16) The roof of the building shall not be used as a residential amenity space or garden at any time.
- 17) No roof plant or other externally-sited plant or machinery shall be installed on the building or within its curtilage other than as shown on the approved plans.

End of Schedule: Appeal A

Schedule of Conditions: Appeal B

- 1) The development hereby approved shall begin within 3 years of the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans: 0297-P-01, 0297-P-02; 0297-P-03; 0297-P-04; 0297-P-05; 0297-P-06; 0297-P-07; 0297-P-08; 0297-P-09; 0297-P-010; 0297-P-011; 0297-P-012; 0297-P-013; 19-943-TPP (Tree Protection Plan).

Pre-Commencement Conditions

- 3) No development or demolition works shall commence within the site until a written scheme of investigation (historic building recording and below-ground archaeological investigation and reporting) which should include provision for on-site field survey and recording and the analysis reporting publishing and archiving of the results has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall occur until details of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The development shall not be occupied until details demonstrating the drainage system is operational in accordance with its intended design have been submitted to and approved in writing by the local planning authority.
- 5) No development shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Other Conditions

- 6) No part of the development hereby approved shall be occupied until a maintenance and management plan for the foul and surface water drainage

scheme approved under condition 4 has been submitted to and approved in writing by the local planning authority. The development shall be maintained in accordance with these details for the lifetime of the development.

- 7) The construction process associated with the development hereby approved shall be carried out in accordance with the tree protection measures set out in the document entitled 'The Wheatsheaf, 22-24 Richmond Road, Worthing: Arboricultural Impact Assessment and Method Statement (November 2019)' by Canopy Consultancy, and the associated tree protection plan.
- 8) No works associated with the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08:00 to 18:00 Monday to Friday and between 08:00 and 13:00 on Saturday. No development shall take place on Sundays or Bank Holidays.
- 9) No development shall take place above ground level until the following details have been submitted to and approved in writing by the local planning authority:
 - All external facing materials used in the construction of the development and finishes;
 - Boundary walls;
 - The proposed windows (including cills and reveals);
 - Entrance door;
 - Profiled banding or string courses;
 - Roof trim and over-sailing eaves detail;
 - Balcony soffits;
 - External lighting;
 - Rainwater goods.

The development shall be carried out in accordance with the approved details.

- 10) No development shall take place above ground level until details of balustrading and balcony screens to be installed within the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. These screens shall be installed prior to the occupation of the development, and once installed they shall be retained for the lifetime of the development.
- 11) Each individual residential unit shall not be first occupied until the windows to their respective WCs/Bathrooms have been fitted with obscured glazing and thereafter the obscure glazing shall be retained at all times.
- 12) No development shall take place above ground floor level until details of hard and soft landscaping and a programme for its implementation and maintenance have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping works shall be completed prior to the first occupation of the development, unless agreed otherwise in the implementation programme. Any trees which within a period of 5 years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced the following planting season with others of similar size and species.

- 13) No development above ground floor level shall be carried out until detailed drawings have been submitted to and approved in writing by the local planning authority showing the relationship between the development and the adjacent land including the highway and relevant public footpaths. This shall include detailed drawings, including levels, showing how the doors and boundary features will relate to the adjacent land. The development shall be carried out in accordance with the approved details.
- 14) The development hereby approved shall not be occupied until details of noise insulation measures associated with the approved residential accommodation have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, and the noise insulation measures shall be installed prior to occupation of the development.
- 15) Notwithstanding the details shown on the approved plans, the development hereby approved shall not be occupied until details of waste storage and cycle parking have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the waste storage and cycle parking areas shall be provided prior to occupation of the development, and then retained for their intended purpose for the lifetime of the development.
- 16) The roof of the building shall not be used as a residential amenity space or garden at any time.
- 17) No roof plant or other externally-sited plant or machinery shall be installed on the building or within its curtilage other than as shown on the approved plans.

End of Schedule: Appeal B.



Costs Decisions

Site visit made on 24 October 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2021

Costs application A – Appeal Ref: APP/M3835/W/20/3249414 The Wheatsheaf, 24 Richmond Road, Worthing, BN11 1PP

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Ms Emma Taylor-Moore for a full award of costs against Worthing Borough Council.
 - The appeal was against the refusal of planning permission for a proposal originally described as demolition of the former Wheatsheaf Public house and erection of eight apartments across four floors.
-

Costs application B - Appeal Ref: APP/M3835/W/20/3251832 The Wheatsheaf, 24 Richmond Road, Worthing, BN11 1PP

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Ms Emma Taylor-Moore for a full award of costs against Worthing Borough Council.
 - The appeal was against the refusal of planning permission for a proposal originally described as demolition of the former Wheatsheaf Public house and erection of seven apartments across three floors.
-

Decision

1. Costs applications A and B are both refused.

Reasons

2. Planning Practice Guidance advises that parties in planning appeals and other planning proceedings normally meet their own expenses. However, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Both planning appeals were recommended for approval by officers, but Councillors reached a different view and refused planning permission at planning committee. In each case a detailed reason for refusal was provided, raising concerns about the effect of the proposal on the character and appearance of the area, including the setting of various heritage assets around the site. Whilst it is suggested that this was not reflected in the discussion at the committee meeting, the reasons for refusal, amplified by the Council's statement of case, were clear.
4. On both occasions the Council's concern was fundamentally about size and design. The cited development plan policy in both reasons for refusal, Core

Strategy policy 16, relates to design. The references to site coverage and density were descriptive, and advanced in this context.

5. It is argued that the proposal technically meets or exceeds other policies relating to density. Various other statements of support for taller buildings in the town centre are cited. However, it is clear from the reason for refusal and subsequent submissions at appeal that on this occasion the Council placed greater weight to the perceived harm to the character and appearance of the area, in the circumstances of this case. On the material planning issues, the Council fully substantiated its position in both appeals. It did not act unreasonably.
6. With regard to the housing land supply position, this was acknowledged by the Council throughout the planning application and appeal. The degree of weight that should be given to it is a matter of judgement for the decision maker. The appeal statement makes clear that the Council considered the harm to the setting of neighbouring heritage assets would not be outweighed by the public benefits of the proposal, including the additional housing being provided. This is broadly consistent with the approach set out in the National Planning Policy Framework. It did not act unreasonably, in this respect.
7. Whilst both planning appeals were allowed, they raised complex planning issues. The appellant disagreed with the Council's position on character and visual impact, but these are matters of planning judgement. The Council clearly explained its position in both appeals. It did not refuse permission that should clearly be permitted. It acted reasonably in how it handled both planning applications that led to this appeal.

Conclusion

8. In conclusion, I cannot agree that the Council has acted unreasonably in any aspect of these cases. The Applicant was not put to unnecessary or wasted expense in pursuing either appeal. An award of costs is not justified.

Neil Holdsworth

INSPECTOR



Appeal Decision

Site visit made on 17 November 2020

by **J Ayres BA Hons, Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 21st January 2021

Appeal Ref: **W/4001471**

88 Salvington Hill, High Salvington, Worthing BN13 3BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs S Simpson against the decision of Worthing Borough Council.
 - The application Ref AWDM/0256/20, dated 12 February 2020, was refused by notice dated 6 July 2020.
 - The development proposed is erection of two bedroom chalet bungalow and provision of new vehicular crossover.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of two bedroom chalet bungalow and provision of new vehicular crossover at 88 Salvington Hill, High Salvington, Worthing BN13 3BD in accordance with the terms of the application, Ref AWDM/0256/20, dated 12 February 2020, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mrs S Simpson against Worthing Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the site on biodiversity and the local environment.

Reasons

4. The appeal site is located within a residential area, to the rear of a large detached dwelling facing towards Salvington Hill. The properties along Firsdow Road, which is to the side of No 88 Salvington Hill, are relatively modest, with gardens well manicured to the front and predominantly open to the public highway. Those along Salvington Hill are generally larger in scale, and there are a number of mature trees located along the road side.
5. At present there is a Leyland Cypress hedgerow along the side boundary of No 88 Salvington Hill, part of which has been previously removed and replaced with a laurel hedge. I have no evidence before me to confirm that the remaining hedge currently functions as a habitat for any particular species of animal, or that there is a reason for it to be protected.

6. In order to accommodate the proposal it would be necessary to remove the remainder of the Leyland cypress hedge. At present the hedge is overgrown, and forms an oppressive and dominant element of the boundary, and whilst the removal of it would change the character of the boundary for the immediate future, the proposed landscaping for the boundaries of the property could include a suitable species of planting that would retain the green character of the existing boundary, provide a suitable habitat for wildlife, and sit comfortably within the residential context.
7. I am satisfied that the removal of the existing hedgerow would not have an unacceptable impact on the local environment. It would be appropriate to include a condition to ensure that a suitable landscaping scheme could be implemented which would create a suitable habitat for wildlife, and enhance the character of the area.
8. There are a number of trees on the northern boundary that are subject to tree preservation orders, including group orders. The order was made in 1978 and some trees have been lost in the intervening years although the retained trees still provide a significant presence. The trees on the northern boundary would be retained and the plans submitted with the application indicate a root protection zone which indicates that the proposed dwelling would be outside this zone.
9. As such, I find no conflict with Policy 13 of the Worthing Core Strategy which requires that development respects the biodiversity and natural environment that surrounds it. It would comply with Policy 16 of the Worthing Core Strategy which requires new development to demonstrate good architectural and landscape design.

Other Matters

10. The proposal would sit to the rear of No 88 Salvington Road and would be orientated to face Firsdow Road. As a chalet style bungalow its scale and design would reflect properties within the immediate area, including its neighbour within Firsdow Road and the property directly opposite.
11. The proposal would introduce a building into the space adjacent to Sunrise, a bungalow that is located on the corner of Firsdow Road and Firsdow Close. Having regard to the modest height of the proposal, and the respective distances of the proposed dwelling and its nearest neighbour from their respective plot boundaries I am satisfied that the proposal would not be detrimental to the living conditions of those occupying Sunrise. The distances between the proposed property and those in the immediate vicinity, including Nos 22 and 23 Firsdow Road, are adequate such to ensure that the use of the dwelling would not result in a detrimental level of overlooking or loss of privacy to surrounding occupiers or future occupiers.
12. One off-street parking space would be provided for the property. Whilst this is slightly below the required level of parking the public highway is not subject to restrictions on parking and I have no evidence to suggest that a very minor increase in parking would be detrimental to highway safety. The access would be on a very slight bend in the road. In a residential area with some parking on street, vehicles would be travelling at a lower speed generally and I am satisfied that the proposed driveway would allow for safe access and egress of the site. The access would be some distance from the junction with Salvington

Hill, and I have no evidence to suggest that this junction is currently unsafe, or that the proposal would result in an intensification in use that warrant a refusal on the grounds of highway safety.

Conclusion and Conditions

13. I have found that the proposal would comply with the development plan when taken as a whole and therefore the appeal should succeed.
14. I have considered the suggested conditions set out in the officer report, and the appellant's comments.
15. It is necessary to specify the plans for certainty. A condition restricting windows is necessary to protect the privacy and living conditions of neighbouring occupiers and future occupiers. I have included a condition specifying hours of construction to protect the living conditions of surrounding occupiers during construction. I have included a condition requiring a landscaping scheme to ensure that the proposal sits comfortably within the character of the area and makes a positive contribution to biodiversity. A condition securing protection for trees on the northern boundary is necessary to secure the longevity of those trees which actively contribute to the character of the area. It is necessary to condition the parking provision and access to ensure the proposal does not have an adverse impact on highway safety. A condition relating to surface water drainage is necessary to ensure that the proposal does not result in flooding elsewhere. I have included a condition relating to the provision of refuse bins to ensure that these are provided in a way that does not harm the character of the area. I have specified that detail of finished floor levels should be provided to protect the living conditions of neighbouring properties.
16. A condition specifying submission of materials is not necessary as these are specified in the plans, and within the application form. Permitted development rights should only be restricted in exceptional circumstances. Whilst I consider that restricting windows on the side elevations would be reasonable and necessary to preserve the privacy of neighbouring occupiers, I do not consider that the restriction of any additional built form would be necessary. The area is residential, the plot is modest as are others in the surrounding area, and it has not been put to me that there is a specific justification to restrict these rights. As such suggested condition 4 does not meet the test of necessity. I have not included a condition requiring a Construction Method Statement as one was submitted as part of the application. I have not included condition 9 as elements relating to boundary landscaping can be dealt with via a landscaping condition, which I have amended to adequately reflect this. Having regard to the size of the development I do not consider that a condition requiring bicycle storage is necessary in respect of the relevant tests.
17. For the reasons above I conclude that the appeal is allowed.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 575/01; 575/01C; 575/02; 575/02A.
- 3) No work other than site survey and investigation shall be carried out until details of the proposed finished floor level of the dwelling in relation to existing ground levels, and details of any proposed earthworks including the excavation, levelling or mounding of land either across the site or adjacent to the site boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and constructed in accordance with the details approved under this condition.
- 4) No work other than site survey and investigation shall be carried out until details of the proposed surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority and the dwelling shall not be occupied until all surface water drainage works have been carried out in accordance with such details as approved by the Local Planning Authority.
- 5) No work other than site survey and investigation shall be carried out until;
 - (i) details of the species of shrubs and plants to be planted along the southern and western boundaries as shown on Plan 575/01C shall be submitted to and approved in writing by the Council. The shrubs and plants to be planted along the southern and western boundaries shall thereafter be planted in accordance with the approved details.
 - (ii) All planting seeding or turfing composed in the landscaping scheme shall be carried out in the first planting and seeding seasons following occupation of the dwelling or completion of the development whichever is sooner and any plants which within a period of 5 years die are removed or become seriously diseased shall be replaced in the next planting season with others of similar size and species;
 - (iii) The details of the hard landscaping shown on Plan 575/01C shall be completed prior to occupation of the dwelling.
- 6) The trees shown on plan 575/02A shall be protected by strong fencing to be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 7) No work for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08.00 and 18.00 on Monday to Friday and between 08.00 and 13.00 hours on

Saturday. No development shall take place on Sundays or on Bank or Public Holidays.

- 8) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), no windows or other openings (other than as hereby approved) shall be formed in the north or south side walls of the dwelling.
- 9) The dwelling shall not be occupied until the parking provision including EV charging point shown on the submitted plan has been provided and the areas of land so provided shall not thereafter be used for any purpose other than parking incidental to the use of the proposed dwelling.
- 10) No part of the development shall be first occupied until vehicular access serving the development has been provided in accordance with the approved site plan and such access shall be retained in perpetuity.
- 11) The dwelling hereby approved shall not be occupied unless and until domestic waste/recycling storage facilities to serve the development have been provided in accordance with the approved plans. Such facilities as provided shall thereafter be retained for their designated purpose.

END OF SCHEDULE

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Costs Decision

Site visit made on 17 November 2020

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 21st January 2021

Costs application in relation to Appeal Ref: W/40001471 88 Salvington Hill, High Salvington, Worthing BN13 3BD

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs S Simpson for a full award of costs against Worthing Borough Council.
 - The appeal was against the refusal of planning permission for two bedroom chalet bungalow and provision of new vehicular crossover.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The National Planning Practice Guidance (PPG) advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense.
3. The PPG makes it clear that a local planning authority is at risk of an award for costs if it prevents or delays development which should be permitted having regard to its accordance with the development plan; fails to produce evidence to substantiate its reasons for refusal on appeal; or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. While the Council is not duty bound to follow the advice of its professional officers, if a different decision is reached the Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning. The reason for refusal asserts that the proposal would have an unacceptable impact on the local environment and biodiversity to the detriment of the character and visual amenities of the area.
5. Whilst the effect of a proposal on the character of an area is, to some degree, subjective, the effect on biodiversity should be assessed through the proper evaluation of relevant evidence. In this case the Council officers advised that the proposal would provide a suitable environment for local wildlife, and that these matters could be adequately addressed by way of condition. Very little evidence was put forward to establish that the site currently provides a habitat for local wildlife, that the removal of the leylandii cypress hedge, which is not subject to a Tree Preservation Order, would result in a loss of habitat, or that the proposed new planting would fail to provide an adequate habitat for wildlife.

6. The evidence demonstrates that assertions were made in relation to the Council's Planning and Climate Change Interim Checklist. However at the time of consideration of the proposal the Planning and Climate Change Interim Checklist was in draft form and no evidence has been put to me that it formed part of the adopted development plan such to be attached any particular weight in determining the proposal.
7. In the planning judgement, it appears to me that having regard to the provisions of the development plan, national planning policy, and other material considerations, the development proposed should reasonably have been permitted. The refusal of planning permission therefore constitutes unreasonable behaviour contrary to the basic guidance in the National Planning Policy Framework and the PPG and the appellant has been faced with the unnecessary expense of lodging the appeal.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that an award of costs is justified.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Worthing Borough Council shall pay to Mrs S Simpson, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to Worthing Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

J Ayres

INSPECTOR



Appeal Decision

Site visit made on 26 November 2020

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 January 2021.

Appeal Ref: APP/M3835/W/20/3255921

Rear of 1 and 2 Elm Cottages, Pond Lane, Durrington, Worthing, BN13 2RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Jay against the decision of Worthing Borough Council.
 - The application Ref AWDM/1801/19, dated the 18 November 2019, was refused by notice dated the 30 January 2020.
 - The development proposed is demolition of garage and construction of bungalow.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (a) the effect of the proposed development on the character and appearance of the area; and (b) the effect of the proposed development on the living conditions of neighbouring occupiers.

Reasons

Character and appearance

3. The appeal site is located at the rear of 1 and 2 Elm Cottages. The latter form part of a traditional row of terraced cottages that are accessed down a narrow tree lined lane. The site comprises part of the rear garden to 1 Elm Cottages which extends behind the rear garden of 2 Elm Cottages.
4. The surrounding area comprises a mixture of two storey houses, which vary in terms of their design, age and size. To the rear of the appeal site, on Elm Mews, are more modern properties, with further modern properties to be found on Taw Close, which backs onto the Mews.
5. Whilst the appeal site includes a flat roofed double garage, which would be demolished to accommodate the proposed bungalow, it is low key and not that visible from surrounding viewpoints. Similarly, the outbuildings within the rear gardens of the remaining Elm Cottages and in the rear gardens of the Taw Close properties are also low key. Combined with the appeal site, they contribute to the general sense of openness in this location, as well as providing relief to what is otherwise a quite intensely developed area of two storey houses.
6. The built character of Pond Lane and Elm Mews comprises of houses with gardens or hardstanding areas to the front and reasonably sized rear gardens. The properties in Taw Close are similarly set back from Elm Mews.

7. Within this context, the proposed bungalow would be sited close to the edge of Elm Mews, fronting directly onto the lane. Whilst it would be single storey, with its eaves extending to some 2.4 metres in height and its gable ended ridge extending to some 5.1 metres (these figures were included in the Council's Delegated Report and have not been challenged by the Appellant) the building would be highly visible within the streetscene. The appeal proposal would introduce, therefore, a significant mass of building close to the edge of Elm Mews, the scale of which would be accentuated by the narrowness of the lane itself. As a consequence, the proposal would be out of keeping with the prevailing pattern of built development and would harm the sense of openness that exists in this location.
8. The proposed plot is physically constrained, in terms of its overall size and relationship to adjoining properties, including the host property. As a result, the proposed bungalow has been shoehorned into the southern part of the site. The close proximity of the proposed building to the southern, eastern and western boundaries of the appeal site would also result in a cramped layout and a contrived form of development that would be out of character with its surrounds.
9. The design of the proposed bungalow is also, in my view, poor. There is nothing innovative or contemporary to the proposed design. Similarly, the submitted plans do not include any detail of proposed boundary screening or landscaping. These factors further support my findings that the proposal would fail to positively contribute to the character and appearance of the area.
10. Whilst the proposed bungalow would have a lesser height and bulk, with more back-to-back separation with Elm Cottages, compared with the proposal subject to the dismissed appeal in May 2019 (ref. APP/M3835/W/18/3218854), I consider that the proposed development, for the reasons given above, would not sit comfortably within this small plot and would look out of place in the streetscene. I therefore consider that the proposed bungalow has not overcome the concerns raised in this respect that led to the dismissal of the previous appeal.
11. All the surrounding properties are set within reasonably spacious plots. The properties on Elm Mews are set back from the lane. In comparison to this, the proposed bungalow would appear incongruous in the streetscene due to its gable ended front elevation sited tight to the edge of the lane, where it would fail to integrate with the streetscene.
12. The Council, in support of its refusal, has referred to paragraphs 3.1 and 3.3 of the Guide to Residential Development Supplementary Planning Document (SPD). These paragraphs emphasise the importance of new development being designed to respond positively to their surroundings, and that a key element of good design is an appreciation of the context and the need to have regard to local setting, existing buildings and local features. The SPD's advice is consistent with paragraph 127 and 130 of the National Planning Policy Framework (February 2019) (Framework), which states that developments of poor design or developments that fail to add to the overall quality of the area and are unsympathetic to local character, should be resisted. As I have found, the appeal proposal would result in a cramped development that would be harmful to the character and appearance of the area.

13. For the reasons given above, I conclude that the appeal proposal would be visually harmful to the streetscene and would cause unacceptable harm to the character and appearance of the area contrary to saved Policy 18 of the Worthing Local Plan, Policy 16 of the Worthing Core Strategy, the Guide to Residential Development SPD and paragraphs 127 and 130 of the Framework.

Living conditions - neighbours

14. Whilst the proposed bungalow would only be single storey, the high and extensive ridge to the building would be very visible to the occupiers of the host property, 2 and 3 Elm Cottages and 2 Elm Mews. Whereas views from those properties currently comprise the existing low profile flat roofed garage and boundary fencing, this would be replaced, in the appeal proposal, with views of a large expanse of roof.
15. Given this and the short distances that separate the proposed building from the gardens to 1 - 3 Elm Cottages and 2 Elm Mews, the proposal would, in my judgement, appear overbearing and would result in harm to the outlook from those properties and their gardens.
16. The rear garden to 2 Elm Cottages is already enclosed by a high timber fence that would preclude any issues of overlooking from the proposed ground floor living room and bedroom. Whilst no similar fencing is shown on the boundary with the retained rear garden for 1 Elm Cottages, appropriate screening could be secured by condition if the appeal proposal were otherwise acceptable. This would again preclude any issues of overlooking with the host property.
17. The Council have raised concerns in relation to the impact on the living conditions of properties in Taw Close. However, I am not convinced, given the separation involved, existing fencing, the single storey nature of the proposed building and its orientation, that any significant harm would arise in this respect.
18. Whilst I appreciate that the appellant has sought to limit the impact of the proposed development on the living conditions of neighbouring properties in response to the Inspectors findings in the May 2019 appeal, I consider that the appeal development, for the reasons given above, would result in a loss of outlook and would appear overbearing to neighbouring occupiers. I, therefore, consider that the current proposal has not overcome the concerns that the previous Inspector raised in this respect in dismissing the previous appeal.
19. Accordingly, I find that the proposed bungalow would appear overbearing and would represent an unneighbourly form of development that would result in harm to the living conditions of the occupiers of the host property and neighbouring properties contrary to saved Policy H18 of the Worthing Local Plan, Policy 16 of the Worthing Core Strategy and paragraph 127 f) of the Framework. These seek to ensure that new development does not cause unacceptable harm to the living conditions of existing and future occupiers.
20. Whilst the Council also refers to the Guide to Residential Development SPD, in their second reason for refusal, my attention has not been drawn to any specific guidance in this SPD concerning the impact on neighbours living conditions. I have, therefore, not been able to identify any conflict with this SPD insofar as this issue is concerned.

Other Matters

21. Concerns have been raised over the lack of on-site parking for the new bungalow, overspill parking on the lane and additional noise and disturbance. There is no detailed evidence before me to suggest that any of these concerns would result in material harm. I am satisfied, therefore, that none of these issues would give rise to any significant harm.

Planning balance and conclusions

22. The Council acknowledge that they are unable to identify a 5-year supply of housing land and that the relevant housing policies of the development plan are out of date. In these circumstances, paragraph 11 d) ii of the Framework requires planning permission to be granted 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.”*
23. The appeal proposal would boost housing supply in a sustainable location and make more effective use of the appeal site. However, the proposal is only for one new dwelling and therefore its contribution to future housing provision would be very small.
24. The adverse impact of the appeal proposal on the character and appearance of the area and on neighbouring occupiers living conditions, would, on the other hand, be significant. In my view, the harm I have identified would significantly and demonstrably outweigh the limited benefits of the appeal scheme, when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development envisaged in the Framework does not apply in this instance. The Framework is not a material consideration in this instance that indicates a decision other than in accordance with the development plan.
25. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR



Appeal Decision

Site visit made on 22 January 2021

by A Thompson BSc BTP MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 10 February 2021.

Appeal Ref: W/4001637

54 Henty Road, Gaisford, Worthing, BN14 7HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Glen Peters (Start to Finish Limited) against the decision of Worthing Borough Council.
 - The application Ref AWDM/0956/20, dated 24 June 2020, was refused by notice dated 18 August 2020.
 - The development proposed is erection of a detached single storey two bedroom bungalow.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached single storey two bedroom bungalow at No. 54 Henty Road, Gaisford, Worthing, BN14 7HF in accordance with the terms of the application, Ref AWDM/0956/20, dated 24 June 2020, subject to the conditions set out in Annex A.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, in particular Henty Close.

Reasons

Character and Appearance

3. The appeal site is located at the western end of Henty Road, a residential street comprising a mix of two storey houses and bungalows. Immediately to the west of the appeal site is Henty Close a short cul-de-sac of bungalows of similar design to the properties fronting Henty Road at this point.
4. It appears from the submitted location plan that the bungalows fronting Henty Close form the northern two thirds of an oval shaped development of bungalows, that straddles Henty Road. The southern third of the oval is formed by two pairs of bungalows that front a shallow semi-circular parking area on the south side of Henty Road. The proposed development in what is currently land to the side of No.54 would extend forward of the building line of the oval of the bungalows, as originally laid out, and into the predominantly open area within the oval.

5. When viewed on plan, it is evident that the proposed development would be built forward of the building line on the east side of the oval and would reduce the openness of the land around which the bungalows are located.
6. But the oval form of bungalows is far less clearly evident when viewed at street level. Whether the group of bungalows was originally conceived as an open plan estate or not, the character and appearance of the group of bungalows at the western end of Henty Road and Henty Close reads quite differently now.
7. Although the appeal site is open, it does not frame the group of bungalows fronting Henty Close or provide a spacious or distinctive entrance to Henty Close. The appellant suggests the appeal site had been left unkempt in the past and advises that no objections have been raised to the development of this land by local residents or local ward councillors. The gable roof end of No.54 relates poorly to the roofscape of the bungalows behind, and more significantly the properties fronting Henty Close are set back some distance from the Henty Road frontage and form a discrete cluster of buildings, that appear private and enclosed, fronting the end of the cul de sac. Furthermore, a close boarded 1.8 metre high boundary fence on the western and northern boundaries of the appeal site largely shields the low profile bungalows fronting Henty Close beyond.
8. In addition, the bungalow immediately to the west of Henty Close (No.76), that also fronts Henty Road has been extended substantially to the side towards Henty Close. This extension projects well beyond the frontage of the bungalows to the north that front the western side of Henty Close. A single flat roof garage has also been erected in the side garden. These built structures and mature boundary landscaping along the eastern boundary of No.76 mean that the properties on the western side of Henty Close cannot be readily viewed from Henty Road.
9. In contrast to the limited relationship of the site to the properties in Henty Close, the appeal site directly fronts Henty Road and is clearly visible from it. As the Council acknowledge the architectural design and external materials of the proposed development largely follows that of the existing dwelling (No.54). The hipped roof at the western end of the proposed development, not only creates a more balanced row of three bungalows to the east, but better matches the hipped roof on the eastern end of No.76 – the bungalow on the western side of Henty Close, than the gable end of No.54. In short, the proposed development would integrate well with the street scene along this part of Henty Road.
10. In terms of the impact of the development on the setting of Henty Close, the provision of a near 4 metre wide side garden, which extends the full depth of the site adjacent to Henty Close and a requirement that any fencing or other means of enclosure of this side garden cannot exceed 1.2 metres in height would provide an open and attractive setting for Henty Close. It would be a marked improvement over the 1.8metre high close boarded fence directly adjacent to the boundary of the site with Henty Close currently in place and I have imposed planning conditions to require these improvements are delivered and maintained.
11. To the extent that the proposed development would be visible from the bungalows at the end of Henty Close, its impact on the outlook would be limited due to the development's low overall height, hipped roof and its

distance from those buildings. Furthermore, with a landscaped garden area and low form of enclosure along the full length of the appeal site adjacent to the road, the character and appearance of this part of Henty Close would be improved.

12. Drawing these findings together, I find that the proposed development would lead to some reduction in the openness of the area and result in new development beyond the building line of the original layout of this part of Henty Road/Henty Close. These factors weigh against the proposal, although for the reasons set out above the extent of harm resulting from these changes would be limited and it would not result in a cramped form of development.
13. On the other hand, the proposed development would enhance the street scene on Henty Road, through the redevelopment of an underused area of land to provide a building that displays a good quality of architectural composition and detailing. The development would also materially improve the setting of Henty Close and the link between the properties in the Close and Henty Road by ensuring the provision of a 3.9m deep landscaped garden area, with low means of enclosure, along the full length of the western boundary of the appeal site. In my view these advantages outweigh the harm I have identified.
14. I conclude on this main issue that the proposal would, on balance, enhance the character and appearance of the area, in particular Henty Close. As a consequence, the proposed development would accord with Policy 16 of the Worthing Core Strategy 2011 (local plan), the Guide to Residential Development Supplementary Planning Document 2013 (Design SPD) and the National Planning Policy Framework. All three documents seek, amongst other things, to encourage good quality architectural and landscape design that takes into account the local characteristics of the area and responds positively to them.

Conclusion

15. For the reasons set out above and having considered all other matters raised, I conclude the appeal should be allowed.

Conditions

16. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty. I have imposed conditions securing the laying out and retention of a side garden and restricting the height of any means of enclosure of that side garden (along specified boundaries) to secure an enhancement of the setting of Henty Close. I have imposed a condition requiring the submission and approval of details of materials and finishes to safeguard visual amenity. I have imposed conditions which remove permitted development rights for the extension or alteration of the building to be erected, the provision of incidental buildings beyond a prescribed limit or the provision of new windows or openings within that building to ensure the amenity of the occupiers of the proposed dwelling and occupants of neighbouring properties is protected. I have imposed a condition in relation to surface water drainage works to prevent the pollution of controlled waters and ensure the proposed development is adequately drained. I have imposed conditions requiring the submission of details for all hard and soft landscaping works, permeable parking area and all boundary treatment to ensure the protection of visual amenity and the environment. I have imposed

conditions requiring the provision of covered and secure cycle and electric vehicle charging spaces to provide alternative and more sustainable travel options. I have imposed conditions to require the provision of a vehicular access and car parking spaces in the interests of road safety and provision of car parking space. Finally, I have imposed a condition restricting the hours/days of construction activity to safeguard the amenity of occupiers of adjoining properties.

Anthony Thompson

INSPECTOR

ANNEX A – Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed site layout plan, proposed roof plan, proposed street scene elevation, block plan & location plan - Plan Ref: 1192020/01 & Proposed ground floor plan, elevations and proposed cross sections A-A & B-B – Plan Ref: 1192020/02.
- 3) None of the building operations hereby permitted shall be carried out on that part of the application site notated as garden area to the side of the proposed development on Plan Ref: 1192020/01 and that land shall not thereafter be used for any purpose other than as garden land. For the avoidance of doubt this side garden area is identified on the plan as having a width of 3.9metres and extends the full depth of the plot.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, that exceed a height of 1.2 metres above ground level, shall be erected on the curtilage of the side garden area identified in Condition 3, that is adjacent to Henty Road, Henty Close or No 56. Henty Close.
- 5) No development shall be carried out unless and until a schedule and samples of materials and finishes to be used for the external walls (including windows and doors) and roofs of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.
- 6) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the proposed dwelling shall not be extended or altered externally or any incidental building over 5 cubic metres in volume erected within its curtilage.
- 7) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), no windows or other openings (other than as hereby approved) shall be formed in the dwelling.

- 8) No development shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. These drainage works, which shall include on site infiltration testing to be undertaken to confirm the viability of the proposals, shall be completed in accordance with the details and timetable approved by the Local Planning Authority.
- 9) No development shall take place until full details of all hard and soft landscaping works (including the proposed times of planting) and a permeable parking area have been submitted to and approved in writing by the Local Planning Authority and all landscape works shall be carried out in accordance with those details and at those times. Any plants which within a period of five years from the time of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
- 10) Prior to commencement of any above ground construction details of all boundary treatment shall have been submitted to and approved in writing by the local planning authority. The boundary treatment shall be provided in accordance with the approved details prior to occupation of the building.
- 11) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plan ref: 1192020/01.
- 12) The use of the access shall not commence until such time as the vehicular access serving the development has been constructed in accordance with the details shown on approved plan ref 1192020/01.
- 13) No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved plan ref: 1192020/01. These spaces shall thereafter be retained at all times for their designated purpose.
- 14) No part of the development shall be first occupied until the electric vehicle charging spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.
- 15) No work for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08.00 and 18.00 on Monday to Friday and between 08.00 and 13.00 hrs on Saturday. No works shall take place on Sundays or on Bank or Public Holidays.

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WORTHING BOROUGH
COUNCIL

Worthing Planning Committee
24 March 2021
Agenda Item no. 8

Ward: All

Open Space Standards for new Developments and off site contribution Calculator

Report by the Director for the Economy

1.0 Summary

1.1 To assess current provision and identify specific needs (in terms of quality and quantity) in order to accommodate the demands arising from future development growth, Adur & Worthing Councils commissioned a Joint Sport, Leisure and Open Space Study (2019) which comprises of three components:

- [Open Space Study](#)
- [Playing Pitch Strategy](#)
- [Indoor / Built Sports Facility Needs Assessment Report](#)

1.2 This report focuses upon the open space component and to consider adopting the recommended open space standards (minimum provision) for different open space typologies in Adur and Worthing. All reports are key evidence to support the emerging Worthing Local Plan and review of the Adur Local Plan and are available to view on the website:

[\(www.adur-worthing.gov.uk/planning-policy/worthing/worthing-background-studies-and-info/biodiversity-environment/\)](http://www.adur-worthing.gov.uk/planning-policy/worthing/worthing-background-studies-and-info/biodiversity-environment/)

1.3 A calculator tool (attached at appendix I) has been provided to assess open space needs arising from development proposals and to assist calculating the extent of off site contributions where it is not possible to provide as part of the development. The report explains how this calculator works, and how it will be used as part of the planning process.

1.4 At the same time the Council commissioned an Activity Strategy with the purpose of providing a blueprint for raising levels of physical activity particularly for those inactive within our communities. The Strategy seeks to

maximise the benefits that physical activity can add to health and wellbeing, individual development, nature, community cohesion, education and the local economy. It is intended to report this Strategy and the Sport, Leisure and Open Space Study to a forthcoming Joint Strategic Committee to establish how best to take forward the various recommendations to secure enhanced provision and active lifestyles for the local communities.

2.0 Background

- 2.1 High quality open spaces and opportunities for informal and formal sport and recreation make a valuable contribution to the health and well-being of communities and are also important for climate change resilience, wildlife and biodiversity. Easy, safe and improved access for all residents and visitors to high quality open and natural space is therefore important.

Policy Context

National Policy

- 2.2 The National Planning Policy Framework (NPPF) recognises the importance of supporting healthy communities as part of the social dimension of sustainable development (see paragraph 8b). Section 8 of the NPPF gives more detailed consideration to the role of open space, sport and recreation provision.
- 2.3 Paragraph 92 a) sets out the need to plan positively for provision and use of community facilities (including sports venues and open space) and to guard against their unnecessary loss. Paragraph 96 highlights the importance that planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Paragraph 97 of the NPPF gives more specific consideration to access to and retention of open space, recreation and sports facilities as well as setting out the framework for the exceptional circumstances when such provisions may be lost.
- 2.4 The National Planning Practice Guidance includes a section on open space, sports and recreation facilities. This recognises the variety of forms of open space, from formal sports pitches to country parks. The multiple benefits of open spaces are recognised, including in terms of health, ecology, landscape character and the setting of built development. It is set out that it is for local planning authorities to assess the need for open space and regard should be had to the duty to cooperate where open spaces serve a wider area.

Local Planning Policy Context

2.5 Adur & Worthing Councils previously commissioned a Joint Open Space Study in 2014. The standards identified in this study informed Policy 32: Open Space, Recreation and Leisure of the adopted Adur Local Plan (2017). In recognition of the legal requirement that Local Plans have to be reviewed every 5 years from the date of adoption, Adur District Council will be commencing a review later this year. In order to comply with paragraph 96 of the NPPF (see paragraph 2.3 of this report), it was considered necessary to commission a new up-to-date assessment to inform the review of the Adur Local Plan. Furthermore, Worthing Borough Council is progressing a new Local Plan and therefore it was a timely opportunity to undertake a joint assessment.

Open Space Standards

2.6 The Open Space Study sets minimum provision standards for different open space typologies in Adur and Worthing. It must be noted that these standards only cover those parts of Adur and Worthing that lie outside of the South Downs National Park; and that these are the areas covered by our Local Plans. In terms of quantity and access, the local standards are as follows (all quantities are hectares per 1,000 population):

Table 1: Summary of open space quantity and access standards

Typology	Quantity standards for existing provision and new provision (ha/1000 population)	Access standard
Allotments	0.20	720 metres or 15 minutes' walk-time
Amenity Green Space (sites >0.15 ha)	0.60	480 metres or 10 minutes' walk-time
Park and Recreation Grounds (public and private combined)	0.80	720 metres or 15 minutes' walk-time
Play Space (Children)	0.06	480 metres or 10 minutes' walk-time
Play Space (Youth)	0.06	720 metres or 15 minutes' walk-time

Accessible Natural Green Space	1.0 (for new provision only)	960 metres or 20 minutes' walk-time and ANGst Standards for accessible natural green space above 20ha
Total for new provision	2.72 ha / 1000	

2.7 It should be noted that a key issue for the area is limited land available for new development, given the South Downs National Park to the north, and the English Channel to the south. Therefore, it will be a challenge to achieve these standards everywhere, and the enhancement of existing facilities (including improving access to facilities) will be key to meeting unmet demand.

Current supply against the standards

2.8 The tables below show the existing supply of open space for each typology at the study area, local authority, and ward levels. The supply is calculated using the population figures (ONS mid-year 2017 estimates) for each of the geographies and the quantity of open space compared to what the requirements for open space are against the recommended standards. Positive figures show where the study area / local authority area / wards meet the quantity standard for the open space typology, and negative figures (red text) show where there is a shortfall in supply against the quantity standard.

2.9 Although these figures highlight where there are shortfalls in supply against the quantity standards and therefore where new provision should be sought, new provision may not be achievable (unless, for example, through new development). These figures can help inform decisions about the form of new open spaces and improvements to existing open spaces, rather than it being imperative that every ward must achieve a '+' number.

Table 2: Open space supply at the study area level (Adur District and Worthing Borough) against the quantity standards

Typology	Existing (ha)	Existing (ha / 1000)	Required Provision (ha)	Standard / Required Provision (ha / 1000)	Supply (ha)	Supply (ha / 1000)
Allotments	31.21	0.18	34.67	0.2	-3.46	-0.02
Amenity Greenspace (>0.15ha)	88.22	0.51	104.01	0.6	-15.79	-0.09
Parks & Recreation Ground	138.99	0.8	138.68	0.8	0.31	0.00
Play (Child)	5.36	0.03	10.4	0.06	-5.04	-0.03
Play (Youth)	1.13	0.01	10.4	0.06	-9.27	-0.05

Table 3: Open space supply at the Worthing Borough level against the quantity standards

Typology	Existing (ha)	Existing (ha/1000)	Required Provision (ha)	Standard/ Required Provision (ha/1000)	Supply (ha)	Supply (ha/1000)
Allotments	15.89	0.14	21.93	0.2	-6.04	-0.06
Amenity Greenspace (>0.15ha)	43.95	0.4	65.78	0.6	-21.83	-0.20
Parks and Recreation Grounds	90.05	0.82	87.71	0.8	2.34	0.02
Play (Child)	2.91	0.03	6.58	0.06	-3.67	-0.03
Play (Youth)	0.51	0	6.58	0.06	-6.07	-0.06

Table 4: Open space supply (ha) at Ward level against the quantity standards

Ward	Allotments	Amenity Greenspace	Parks and Recreation Grounds	Play (Child)	Play (Youth)
Worthing	-6.04	-21.83	2.34	-3.67	-6.07
Broadwater	-1.26	-5.34	-6.25	-0.35	-0.54
Castle	-1.57	-2.44	-1.11	-0.29	-0.51
Central	-2.18	-5.33	4.05	-0.25	-0.52
Durrington	-1.16	-3.1	-0.54	-0.16	-0.31
Gaisford	-1.96	-5.88	-3.36	-0.47	-0.59
Goring	-1.62	11.34	1.02	-0.44	-0.49
Heene	-1.67	-4.76	-6.69	-0.5	-0.5
Marine	-1.29	-3.91	-4.3	-0.3	-0.48
Northbrook	1.38	15.26	8.74	0.6	-0.21
Offington	-1.26	-2.73	7.01	-0.44	-0.47
Salvington	-1.79	-5.03	2.18	-0.35	-0.48
Selden	3.49	-4.7	6.99	-0.37	-0.51
Tarring	4.86	-5.22	-5.4	-0.36	-0.47

- 2.10 Table 4 shows that open space provision varies across wards and typologies, with some meeting the standards and some falling below e.g. for youth play space there are shortfalls in provision in every Ward within the Study Area. This will be an important consideration when determining the need for on-site open space as part of new development.
- 2.11 It is important that the supply figures are not considered in isolation, as the access and quality results are equally important. Just because a typology is in sufficient supply, this does not mean it is 'surplus' to requirements, as the access and quantity standards also need to be considered alongside the quantity requirements. There may also be other factors such as a sites nature conservation, historic or cultural value, or its contribution to the Green Infrastructure network which mean it should be protected.

Future Need for Open Space

- 2.12 The figures for open space requirements are for indicative purposes - the calculations are based on all open space being provided on site (which will not be the reality in some cases, as consideration of the individual development size and proximity to existing open spaces needs to be taken into account).

	A	B	C	D
	Assumed Household Size	Housing Numbers (2018-2036)	Predicted Population Increase (A*B)	Open space requirements against quantity standards (C* quantity standards – See Table 6.6).
Adur	2.27	3,130	7,105	Allotments: 1.42 ha Amenity Greenspace: 4.26 ha Parks & Recreation: 5.68 ha Play (Child): 0.43 ha Play (Youth): 0.43 ha Accessible Natural Greenspace: 7.10 ha
Worthing	2.17	3,764	8,168	Allotments: 1.63 ha Amenity Greenspace: 4.90 ha Parks & Recreation: 6.53 ha Play (Child): 0.49 ha Play (Youth): 0.49 ha Accessible Natural Greenspace: 8.17 ha
Overall Study Area			15,273	Allotments: 3.05 ha Amenity Greenspace: 9.16 ha Parks & Recreation: 12.22 ha Play (Child): 0.92 ha Play (Youth): 0.92 ha Accessible Natural Greenspace: 15.27 ha

Table 5: Open space requirements resulting from housing allocations

Developer Contributions

- 2.13 Schemes of ten plus dwellings will be required to provide on-site open space in accordance with the standards (using the calculator tool). The exceptions to this approach will be where the site or development is not of sufficient size in itself to make the appropriate provision feasible, or where it is preferable to seek contributions to provide or improve open space off-site within the ward or nearby ward to which the development is located. The potential to make off-site provision will be considered on a case by case basis.
- 2.14 Where a development is unable to provide sufficient on-site provision of open space to mitigate the impact of that development, contributions towards the provision or improvement of offsite open space are set out in the Open Space Study and calculated using the capital cost of provision using the assumption of an average household size of 2.2 persons/household.

- 2.15 A cost calculator has been provided to the Councils (in the form of an excel spreadsheet) so that the on and off-site requirements for open space can be calculated for different sized developments. It provides an example of how costs might be calculated, but site circumstances will also need to be taken into account e.g. topography.

The cost calculator is based on the following assumptions:

- Average household size (2.2 persons/household).
 - The open space quantity standards (see Table 6.6 - Open Space report)
 - The cost of open space per m² (see Table 8.2, page 97 - Open Space report)
 - Thresholds for on-site provision (see Table 8.5, page 101 - Open Space report)
- 2.16 The cost calculator factors in the number of bedrooms per dwelling. Where the number of bedrooms are not known, the total number of units can be inputted. The same charges apply to both provision of new facilities and the upgrading/improvement of existing facilities (where related to new development), which will normally include at least a net increase in new provision. The Open Space study report provides a screenshot of the cost calculator and a worked example of how to use the cost calculator - see page 98 of the Study.
- 2.17 If it is not feasible to deliver open space on site due to exceptional circumstances e.g. viability or land availability, then the potential to make off site provision will be considered on a case by case basis. The assessment of on site provision and whether it is appropriate to seek off site contributions would be undertaken by the Parks Manager in consultation with Development Management Officers.
- 2.18 It is recognised that there are limited resources within the Parks team to provide this level of assistance during the consideration of planning applications and this has been raised as an issue corporately to resolve to ensure that developments provide the appropriate level of open space provision. Historically both Councils have missed opportunities to secure development contributions to enhance open space provision and sports facilities and your Officers are keen to avoid this happening in the future.

Maintenance Contributions

- 2.19 Where new open space is provided, the developer would be expected to provide the open space and either maintain the open space through a management company, or if the site is to be adopted by either Adur or Worthing then maintenance fees secured by a commuted sum of at least 20 years will be included in the Section 106 legal agreement.
- 2.20 Ideally open space should be adopted by the Councils rather than left to management companies. There are numerous examples of problems with maintenance of open space when left to private management companies and members of the public will still expect to resolve issues in the future or presume that private land is maintained by the relevant local authority.
- 2.21 Whilst, the Council cannot insist on the adoption of these areas, the national volume house builders have now accepted that adoption by the local authority is more appropriate in the long term. In Worthing the second phase of the West Durrington development is to offer all open space to the Council which reflects the different approach now taken by developers. In the event that the open space is adopted by the Council a commuted sum would be required as indicated earlier.
- 2.22 It is important that in designing new play areas consideration is given to meet the needs of all users including the disabled and looking at more imaginative designs for play areas particularly in urban areas. In securing a commuted sum a replacement cost for play equipment can also be secured.

3.0 Open Space Standards

- 3.1 It is proposed that the recommended open space standards are adopted to address the identified need for open space provision as informed by the up-to-date open space study. Failure to adopt the recommended standards would result in future development not securing open space provision that meets identified needs.

4.0 Legal

- 4.1 S1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation.

4.2 The legal tests for when you can use a s106 agreement are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. The tests are that the contributions should be:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

5.0 Financial implications

5.1 There are longer term cost implications of taking on additional areas of open space and play equipment. The commuted sum period can assist in the medium term but there would need to be additional resources secured within the Parks team to deal with additional maintenance requirements and additional costs beyond the initial 20 year period. Additional s106 contributions can help to fund enhancements of existing provision.

6.0 Recommendation

6.1 **That the Committee note the recommended open space standards, and forward any comments to the Executive Member for Regeneration to consider prior to formally adopting the standards.**

6.2 **That the cost calculator attached at Appendix I be agreed and adopted for use in calculating needs arising from development proposals; and that the calculator be published on the Councils' website.**

Local Government Act 1972

Background Papers:

Adur and Worthing Open Space Study (2019)

Adopted Core Strategy 2011

Emerging Worthing Local Plan 2021

Contact Officer:

Jennifer Ryan

Senior Planning Policy Officer

01273 263000

jennifer.ryan@adur-worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

1.1 2.4.6 Live Well - Active People and Places- Leisure & Activity Strategy:

a) Develop and Implement an Open Spaces, Sport and Recreation Strategy building on the outcomes of the consultancy report due by end 2010 and result from our facilities condition survey

Action a) of 2.4.6 has been addressed via the completion and publication of the Joint Sport, Leisure and Open Space Study (2019). The Open Space report forms one part of this element. The open space report also feeds into the emerging Activities Strategy which is an identified priority in the Platforms for Our Places: Going Further 2020 - 2022:

b) Launch and implement our community led Activities Strategy

2.0 Specific Action Plans

2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

3.1 Open space and GI protection, provision and enhancement will play an important part in helping to tackle the climate crisis, with well designed, connected and multifunctional open space providing important functions such as surface water management/flood alleviation, reducing air pollution, reducing heat stress and providing wildlife habitat.

3.2 Adur and Worthing Councils will be approaching the management of their open space to provide multifunctional spaces in order to maximise ecosystem services, adapt to climate change and contribute to the Councils' becoming zero carbon by 2030.

4.0 Equality Issues

4.1 The Open Space Report feeds into the emerging Activities Strategy which seeks to encourage inactive people to become physically active which in turn facilitates thriving and connected communities.

5.0 Community Safety Issues (Section 17)

5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

6.1 Matter considered and no issues identified.

7.0 Reputation

7.1 Matter considered and no issues identified.

8.0 Consultations

8.1 The Joint Sport, Leisure and Open Space study has been informed by the Community and Stakeholder Report (2019) where a consultation engagement exercise was conducted at the start of the study to ascertain local stakeholder views about the quality and quantity of existing sport, leisure and open space facilities in Adur and Worthing.

8.2 The preparation of the Joint Sport Leisure and Open Space study has been supported by an internal working group of colleagues from Planning Policy, Parks and Communities.

9.0 Risk Assessment

9.1 Matter considered and no issues identified.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 The Joint Open Space Study was commissioned by Adur District Council and Worthing Borough Council to ensure a consistent approach in undertaking evidence to inform the preparation of Local Plans.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1	Number of dwellings	Enter number	Equivalent people	Open Space requirement	Required msq per person	Cost per msq	Total requirement (msq)	Cost of provision (£)	On site required?	Required quantity on site (msq)	Enter actual provision on site (msq)	Value of provision	Contribution required	Commuted sum required	Annual commuted sum
2	1 bed		0	Allotments	2	22.34	418.00	£9,338	0	None	0	0	£9,338	0	0
3	2 bed		0	Amenity Green Space	6	20.24	1,254.00	£25,381	Y	1,254	1254	25,381	£0	Y	965.58
4	3 bed		0	Parks & Recreation Grounds	8	92.94	1,672.00	£155,396	0	None	0	0	£155,396	0	0
5	4 bed		0	Play Space (Children)	0.6	168.76	125.40	£21,163	0	None	0	0	£21,163	0	0
6	5 bed		0	Play Space (Youth)	0.6	114.34	125.40	£14,338	0	None	0	0	£14,338	0	0
7	Elderley 1 bed		0	Natural Green Space	10	20.24	2,090.00	£42,302	0	None	0	0	£42,302	0	0
8	Elderley 2 bed		0												
9															
10	TOTAL	95	209		27.20		5,685	£267,917		1,254		25,381	£242,536		965.58
11															
12															

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