



WORTHING BOROUGH
C O U N C I L

18 May 2021

Worthing Planning Committee	
Date:	26 May 2021
Time:	6.30 pm
Venue:	Council Chamber, Worthing Town Hall

Committee Membership: Councillors (Chairman), Karen Harman (Vice Chairman) Ed Crouch Daniel Coxhill, Jim Deen, Martin McCabe, Helen Silman and Steve Wills

NOTE:

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail democratic.services@adur-worthing.gov.uk before noon on Tuesday 25 May 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 24 May 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 21 April 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 - 126)

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

7. Planning Appeals

None.

Part B - Not for publication - Exempt Information Reports

None.

Recording of this meeting

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

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

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

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WORTHING BOROUGH
COUNCIL

Planning Committee
26 May 2021

Agenda Item 6

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/0166/20

Recommendation – Approve subject to the completion of a s106 Agreement and receipt of further responses from drainage authorities.

Site: Land Site West of Fulbeck Avenue, Northbrook

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

2

Application Number: AWDM/0589/21

Recommendation – DELEGATE FOR APPROVAL SUBJECT TO THE RECEIPT OF AN ACCEPTABLE NOISE ASSESSMENT

Site: Grafton Multi Storey Car Park, Augusta Place, Worthing

Proposal: Application for a mixed use (3 years from the first occupation) for the siting of an open seating area, flexible events space, and relocatable buildings providing for a mix of leisure, food, and drink uses together with associated cycle storage, refuse storage, renewable energy generation, and landscaping.

3

Application Number: AWDM/0752/21

Recommendation – APPROVE

Site: Foreshore East Of Beach Inspectors Office, The Promenade, Worthing

Proposal: Erection of a Ferris Wheel (retrospective)

4

Application Number: AWDM/0339/21 Recommendation – REFUSE

Site: Broomhill, Mill Lane, Worthing

Proposal: Garage conversion to self contained two bedroom holiday let, including raising of ridge height, 1no. dormer to east and 2 no. dormers to west elevations and associated alterations.

5

Application Number: AWDM/0628/21 Recommendation – DELEGATE FOR APPROVAL SUBJECT TO RECEIPT OF THE COMMENTS OF THE ENVIRONMENTAL HEALTH OFFICER IN RESPECT OF THE SUBMITTED NOISE ASSESSMENT

Site: Connaught Theatre, Union Place, Worthing

Proposal: Installation of 2 air handling units and ductwork to roof

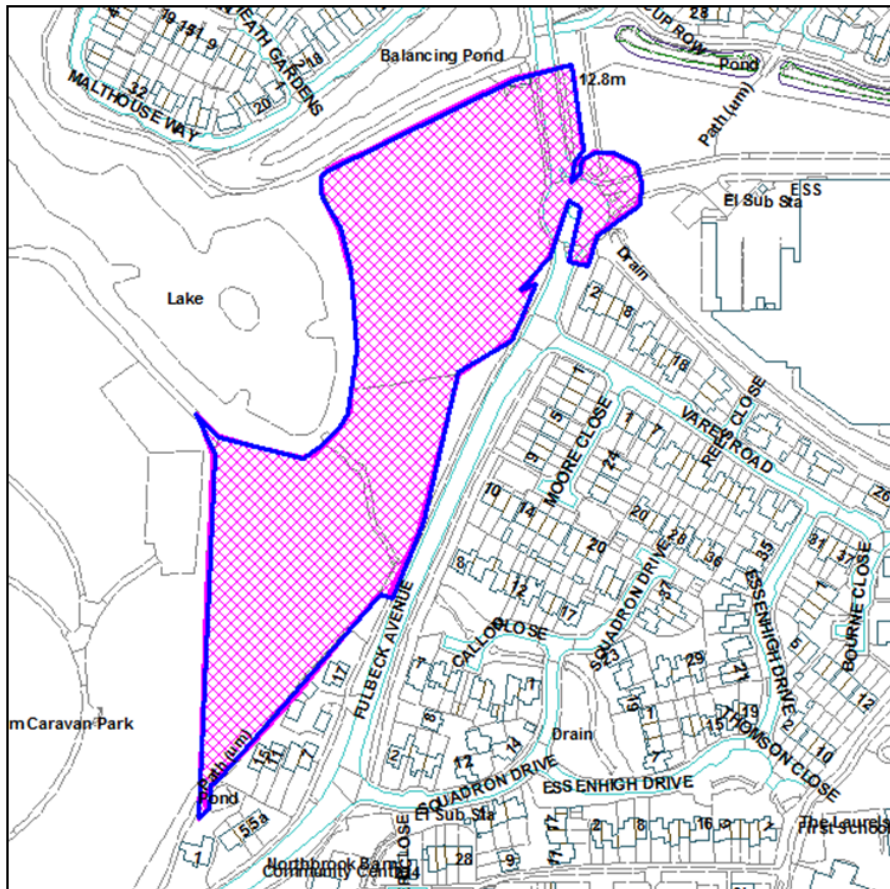
6

Application Number: AWDM/0729/21 Recommendation – APPROVE

Site: Connaught Theatre, Union Place, Worthing

Proposal: 1no Industrial 75" Inch 4k Wall-Mounted Outdoor Digital Advertising Display

Application Number:	AWDM/0166/20	Recommendation - Approve subject to the completion of a s106 Agreement and receipt of further responses from drainage authorities.
Site:	Land Site West Of Fulbeck Avenue Northbrook Worthing West Sussex	
Proposal:	Application under Regulation 4 for full planning permission for the erection of 152 apartments including 30% affordable provision, consisting of 51 no. 1-bedroom apartments and 101 no. 2-bedroom apartments, with associated car and cycle parking, open space, landscaping and new access at land to the west of Fulbeck Avenue.	
Applicant:	Boklok Housing Ltd	Ward: Northbrook
Agent:	ECE Planning Ltd	
Case Officer:	Stephen Cantwell	



Not to Scale

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At its meeting on the 21st October it was resolved to delegate the decision for this application for approval, in consultation with the Committee Chairman, subject to completing a s106 agreement and resolving outstanding drainage concerns. The Committee minute states that,

'The Chair stated he appreciated the concerns of local residents regarding flooding and noted that there were outstanding objections from the key drainage authorities. He therefore proposed that any delegation should be in consultation with him as Chair of the Planning Committee. He stressed that he would only agree to any delegated approval if no objections were received from the drainage experts, given the concerns raised about the development. Should there be any objections, the Chair would request the matter came back to the Committee accordingly.'

The Head of Planning and Development agreed to the Chairman's proposition and in the meantime, advised Officers would regularly update Members on outstanding issues.

The Committee Members voted unanimously to accept the Officer's recommendation to approve the application subject to resolving outstanding drainage issues.

Decision

That the APPROVAL of planning permission be delegated to the Head of Planning and Development, in consultation with the Chair of the Planning Committee, to resolve outstanding drainage concerns; await the completion of a Section 106 Agreement; satisfactory responses of key drainage authorities to the application proposal, and subject to the following conditions (and any further appropriate conditions raised by consultees)'

Since that time negotiations have proceeded with regard to the s106 agreement and the applicant has been seeking to address the outstanding drainage concerns. The s106 is nearing completion but it is apparent that outstanding drainage concerns have not been fully addressed and this report provides Members with an update on the latest position. A copy of the previous Committee report is appended together with the accompanying Addendum report.

Applicants Supporting Statements

In response to concerns raised in connection with the fluvial and pluvial modelling the applicants drainage Consultants have undertaken the additional modelling requested and a revised set of supporting information has been submitted which is available to view on the website. The key documents are:

- Stantec Flood Risk Assessment Addendum Rev D 14 May 2021
- Stantec Modelling Files 14 May 2021
- Stantec Site Detail and Additional Mitigation Drawing ref; 49412/4008/Figure A
- Skanska Technology Drainage Strategy Report 12 May 2021
- Stantec Technical Note – Somerset's Lake – Managing Lake Safety – TN004 Rev B

- Maintenance and Engineering Access Zones Plan ref; FBA-STL-W-XX-DR-C-XX-5714 P01

A supporting statement from the applicant's agent has also been submitted summarising the applicants response to the continuing concerns raised by the Council's Engineers, West Sussex County Council (as the Local Lead Flood Authority- LLFA) and the Environment Agency. The supporting statement is set out below:

The proposed development is considered to address fully the flood risks associated with fluvial, pluvial, groundwater and surface water within the land controlled by the applicant.

In taking a risk-based approach as identified by the Framework 'as a whole' it is considered that the proposed development, when linked to works facilitated by the proposal would clearly reduce the risk of flooding elsewhere and mitigate fully for on- site protection for future residents. If the development were not forthcoming, the proposed recommendations of the embankment stability report could not be secured or indeed funded and therefore the off-site flood risk would be greater.

Planning Policy and Guidance

The Draft Worthing Local Plan is at a latter stage in its development and has been afforded appropriate weight in respect of site allocation (A6) Fulbeck Avenue for residential development. The submission Draft Local Plan identifies the site for approximately 120 residential units and notes the following constraints and development requirements.

The draft policy in respect of flooding requires any future development proposals to; The proposals have addressed, each of these policy requirements and parts (c) and (d) relating to flood risk have been considered fully in our submissions to address this policy requirement in full.

The National Planning Policy Framework

The NPPF was adopted in 2012, and revised in February 2019 to reflect up-to-date policy changes, and at its heart is the presumption in favour of sustainable development, which should be at the heart of both plan-making and decision-making. There are three dimensions to sustainable development: social, economic and environmental.

Section 14 considers the challenge of climate change, flooding and coastal change. Paragraphs 155-161 relate to strategic policy making advice to steer new development to areas with the lowest flood risk. As set out in our submissions to date, the site should be considered to fall within Flood Zones 1 and 2. Due to the Councils lack of available land for development it was considered favourably under their sequential analysis. The site is not identified for flood storage or attenuation.

Furthermore, under the provisions of paragraph 157 (c), the existing residual risk posed by the lake to the west of the site and fluvial and pluvial issues the allocation of the site and subsequent development proposals should be considered 'an

opportunity provided by new development to reduce the causes and impacts of flooding..'

Whilst it is not possible for all development to be located in zones of the lowest flood risk, the Council have considered that the exception test is appropriate for this site, due to the significant and wider sustainable development objectives of delivering housing on this site. The allocation of this site therefore presents opportunity for formal consideration of the detailed impacts of development on flood risk in the local area.

We have therefore undertaken the relevant testing on our development in full accordance with Paragraph 163 of the Framework, to ensure that flood risk is not increased elsewhere.

In consideration of the above requirement, we have considered the effect of our development in respect of the following aspects of flood risk;

- *Flood Zoning*
- *Fluvial – from the Barleyfields Stream*
- *Pluvial – surface water runoff from upstream of the site*
- *The residual risk of flooding associated with a breach of Somerset's Lake*
- *Groundwater*
- *Surface Water management within the site*

Flood Zoning

As detailed in the Stantec Note, updated modelling identifies that the site falls within Flood Zones 1 and 2 as shown on drawing 49212-4007-001 Baseline Flood Zone Extents.

Fluvial Risk: The Stantec FRA Addendum clearly demonstrates that the proposed development will not increase flood risk elsewhere as required by Paragraph 163 of the Framework through on site mitigation. Full details of the design of the groundworks to mitigate flood risk can be secured by appropriately worded condition.

Pluvial Risk: The Stantec FRA clearly demonstrates that the proposed development will not increase flood risk elsewhere as required by Paragraph 163 of the Framework through on site mitigation. Full details of the design of the groundworks to mitigate flood risk can be secured by appropriately worded condition.

Residual Risk of flooding associated with a breach of Somerset's Lake: This element of risk is associated with the potential breach of the lake to the west of the application site, which is under third party control.

The lake is a man-made fishing lake, fed by streams flowing from the north-west. The lake is approximately 16,000m³ in volume and therefore does not fall under the Reservoir Act 1975. If the Act was amended in the future then the landowner would be responsible for ensuring the reservoir is safe, in compliance with the Act.

However, owners of reservoirs of any size have a duty of care to safely store any volume of water retained above natural ground level. The owners should be aware

that under common law, they could be held responsible for any damage or injury caused due to a sudden uncontrolled release of water from the reservoir.

An independent report on the condition of the lake and its embankments was undertaken in June 2020 on behalf of the Council, which concluded that the 'Lake is well looked after however the condition of the embankment is not ideal and will have a detrimental impact upon the risk of failure. It is understood that the condition of the embankment is influenced by the fact that it forms the boundary to the site and therefore has multiple ownership.' This report sets out the following recommendations:

These specific recommendations were made to reduce the risk of failure, however as the lake was not classified as a 'reservoir' the owners could not be forced to undertake the works.

Notwithstanding this view, our legal advice is clear that the landowners have a duty of care to maintain their defences as a failure to do so and subsequent failure of the embankment could lead to civil claims for negligence if damage to property is caused.

Furthermore, we have taken legal advice from Pinsent Masons LLP, who are clear that both Worthing Borough Council and West Sussex County Council have powers under Section 14A of the Land Drainage Act 1991 to carry out the flood risk management works as set out below;

'A Local Lead Flood Authority (LLFA) is permitted to carry out flood risk management works subject to Conditions 1 and 2 of the section. A District Council can also carry out flood risk management works subject to Conditions 1 and 3. The Conditions are listed below:

Condition 1: the authority considers the work desirable having regard to the local flood risk management strategy for its area under section 9 or 10 of the FWMA 2010;

*Condition 2: the purpose of the work is to manage a flood risk in the authority's area from:
Surface runoff; or Groundwater*

Condition 3: the purpose of the work is to manage a flood risk in the authority's area from an ordinary watercourse (NB. an ordinary watercourse includes a lake (s14A(7)).

Condition 4: the purpose of the work is to manage a flood risk in the authority's area from the sea...'

In this regard, it is clear that WSCC would be able to carry out the flood risk works as LLFA to satisfy conditions 1 and 3 above. The improvement to the embankment and the associated works would be to manage a flood risk.

Residual Risk – Flood Modelling.

Further to the ability of the LLFA to manage the residual flood risk associated with the lake, the Stantec modelling of residual risk has identified a net improvement in the number of properties affected post development as set out below In summary:

In the Northern dry day scenario – baseline 344 buildings impacted, in (Post Development) PD 342 buildings impacted and therefore net decrease in total number of buildings impacted. 3 buildings no longer impacted while 1 building becomes impacted.

In the Northern wet day scenario – baseline 1267 buildings impacted, in PD 1262 buildings impacted and therefore net decrease in total number of buildings impacted. 6 buildings no longer impacted while 1 building becomes impacted.

In the Southern dry day scenario – baseline 575 buildings impacted, in PD 575 buildings impacted and therefore net decrease in total number of buildings impacted. 4 buildings no longer impacted while 4 buildings become impacted.

In the Southern wet day scenario – baseline 1406 buildings impacted, in PD 1401 buildings impacted and therefore net decrease in total number of buildings impacted. 5 buildings no longer impacted while zero buildings become impacted.

It should be noted that there is no probability associated with a breach event; however qualitatively, the probability of a breach post-development will be lower due to regular maintenance and monitoring. Risk is a function of probability and consequence. The figures present the consequence of a breach, but it should be noted that the probability will be reduced and therefore the residual risk of a failure would also be reduced.

The property datasets provided by the Stantec report are considered entirely appropriate for the purposes of this exercise and as set out previously, use of National Receptor Database information is not available to the applicants. Stantec has used the best available, publicly available dataset to assess impacts to third parties.

The proposals present a post development scenario where less properties are affected by the potential breach of the lake embankment, resulting in a net betterment. We acknowledge that a very small number of properties will potentially be affected by small increased depths (maximum change estimated at 300mm rising to 370mm), however as set out in the Stantec report, the hazard category is unaltered by this change of depth and therefore we still consider that a net benefit will result.

These risks must also be considered as an overall package of enhancement measures to the lake embankment that can be facilitated by the development. These measures will reduce the probability of an embankment failure and therefore the residual risk of a failure would also be reduced. Boklok as applicants would be happy to facilitate the recommendations of the Council's 2020 independent embankment report, including the safeguarding of land within the development site (see attached plan) to undertake survey work and physical works if necessary, which could be detailed within the S.106 obligation to the permission. (see draft Heads of Terms at Appendix A). However, they cannot be ultimately responsible for the delivery of the required works as they do not control the land or have statutory powers to manage flood risk and this should be a responsibility of the LLFA.

In this regard, the LLFA are fully aware of the potential risk of breach of the lake embankment and have full powers to monitor and manage this risk to the benefit of existing and future residents, funded by CIL receipts as discussed further below. The proposed development will generate significant receipts (in excess of £1million) from the Community Infrastructure Levy liability and it is considered that under the provisions of the Infrastructure Delivery Plan, Worthing Borough Council can utilise such funds to facilitate strategic objectives such as the delivery of much needed housing for the Borough, which relate to other affected allocations, including the caravan club site to the south. (Site Allocation A2 – 100 units).

The provision of flood management works at Somerset Lake/Fulbeck Avenue are therefore considered to be an entirely appropriate use of CIL funds, which could be utilised to undertake the necessary review, monitoring and management of the lake embankment as set out in the JBA report recommendations. In line with such recommendations, we have further investigated the potential solutions to long term stability of the embankment and the Skanska Technology Note attached shows various options for works that do not require physical works within the application site that would not be deliverable outside of the safeguarded zones.

Overall, the strategic objectives of delivering housing on this site in-line with the emerging plan can be considered to address fully paragraph 157 (C) of the Framework in using opportunities provided by new development to reduce the causes and impacts of residual flood risk. The overall level of risk of flooding from a breach of the lake can therefore be reduced through active engagement with the statutory authorities, which can be facilitated by the proposed development coming forward.

Groundwater

The submitted information demonstrates that the proposal has been designed with full regard to existing groundwater conditions and will not increase flood risk elsewhere as required by Paragraph 163 of the Framework. Full details can be secured by appropriately worded condition.

Surface Water

The submitted information demonstrates that the proposal has been designed with full regard to existing surface water conditions and will not increase flood risk elsewhere as required by Paragraph 163 of the Framework. Full details can be secured by appropriately worded condition.

Overall Conclusion

The proposed development is considered to address fully the flood risks associated with fluvial, pluvial, groundwater and surface water within the land controlled by the applicant. The proposed development will also facilitate through the obligations of the S.106 and CIL receipts the future monitoring and management of the Somerset lake embankment, which ensures that 'any residual risk can be safely managed' and reduced.

Such works can then be managed and delivered by WBC and the LLFA to ensure site allocations A2 and A6 (subject to this application) as proposed in the Emerging local Plan are deliverable. In taking a risk-based approach to flooding as identified

by the Framework 'as a whole' it is considered that the proposed development, when linked to works facilitated by the proposal, would clearly reduce the risk of flooding elsewhere and mitigate fully for on-site protection for future residents.

If the development were not forthcoming, the proposed recommendations of the embankment stability report could not be proactively secured or indeed funded by the Local Planning Authority and therefore the off-site flood risk would be greater. In our view this clearly allows the Local Planning Authority to consider the effects of managing flood risk positively in respect of the proposed development before them as well as their strategic policy objectives of delivering housing on this site and the adjacent allocation at the caravan site, which would also be affected by a potential breach of the Somerset Lake

The applicants have also commissioned its drainage Consultants to prepare a Technical Note entitled '**Somerset's lake - Managing Lake Safety**'. This assesses the risks of a breach of the lake and possible solutions including, a sheet piled solution, re-profiling of the bank and addressing any possible scouring caused by the ditch running along the embankment of the lake. The report concludes,

The significance of these threats, the residual risk that they might have and the resulting mitigation to manage the residual risk will not be fully understood until a flood study, ground investigation and topographical survey are completed for the lake system. The topographical survey and ground investigation would allow a stability assessment to be completed for the embankment dam and hence determine what mitigation may or may not be required.

In parallel and in line with recommendation No 6 above, a flood study is recommended. This would include running an extreme magnitude rainfall event through the catchment and lake system to establish the shortfalls of the existing outlet arrangement.

If Somerset's Lake fell under the Reservoirs Act 1975 then it would be considered a Category A dam and would be required to safely pass what is known as the Probable Maximum Flood (PMF). The extreme magnitude rainfall event for the flood study would therefore be the PMF. The outputs from the flood study would include the hydraulic capacity of the existing outlet and the degree of over-topping of the embankment dam. These outputs would help to inform the scale of remedial works to safely pass the PMF flood event, which may include increasing the size of the outlet, formalising and increasing the size of the spillway, reinforcing and protecting the crest and potentially incorporating an auxiliary (additional) spillway. The findings of the flood study would also inform the stability analysis as it would determine the hydraulic loads on the embankment.

To conclude, to help identify the residual risk that Somerset's Lake may have on the downstream receptors within Worthing and to determine the priority remedial/mitigation works a flood study, ground investigation and topographical survey are recommended. In the meantime, it is also recommended that the undertaker of Somerset's Lake:

- a) *Implements a regular monitoring and inspection regime; and*

- b) *Develops and implements a vegetation management plan, which would include the removal of young saplings and re-establishing the grass cover.*

Drawing No FBA-STL-SW-XX-DR-C-XX-5714 Rev P01 "Maintenance and Engineering Access Zones" (see below) shows the corridor that is being retained for any future remediation works that may be required to the embankment dam. We understand that any such remedial works can be implemented by WBC/WSCC under the provisions of the Drainage Act, should the Lake Owner fail to fulfil their duty of care responsibilities (refer to Planning Flood Note, ECE Planning).



Consultations

The relevant drainage authorities were re-consulted on the additional modelling work required for both fluvial and pluvial sources of flooding. This additional modelling was reviewed by Consultants JBA, who undertook the modelling for the Strategic Flood Risk Assessment for the Council. JBA identified some issues with both pluvial and fluvial modelling undertaken and as a result concerns were again raised by the Environment Agency, LLFA and our Technical Services team.

The latest set of information set out in the applicant's supporting statement seeks to address outstanding drainage concerns and has been sent to the drainage authorities. Members will be updated at the meeting regarding responses from drainage consultees.

Relevant Planning Policies

Worthing Core Strategy (2011): Relevant policies are:

Policy 1 West Durrington, Policy 2 Areas of Change, Policy 3 Providing for a Diverse and Sustainable Economy, Policy 4 Protecting Employment Opportunities,

Policy 5 The Visitor Economy, Policy 6 Retail, Policy 7 Meeting Housing Need, Policy 8 Getting the Right Mix of Homes, Policy 9 Existing Housing Stock, Policy 10 Affordable Housing, Policy 11 Protecting and Enhancing Recreation and Community Uses, Policy 12 New Infrastructure Policy, 13 The Natural Environment and Landscape Character, Policy 14 Green Infrastructure Policy, 15 Flood Risk and Sustainable Water Management, Policy 16 Built Environment and Design, Policy 17 Sustainable Construction, Policy 18 Sustainable Energy Policy and Policy 19 Sustainable Travel.

Since the last Planning Committee report the Council has been out to consultation on the Submission Draft of the new Worthing Local Plan. The Consultation has finished and it is anticipated that the Plan will be submitted in the next few weeks. Five representations were received specifically in relation to the allocation of this site and these representations will be considered by the Local Plan Inspector at the forthcoming Examination in Public. The application site is allocated for development under Policy A6 and this policy states that,

Development Requirements - any future development proposals should:

- a) *deliver net gain in biodiversity and high quality green infrastructure to include the retention of mature trees, in particular some of the deciduous woodland in the northern part of the site to provide a natural habitat between the site and the West Durrington development and to limit views to the site from the National Park to the north;*
- b) *enhance boundary vegetation;*
- c) *adopt the sequential approach so the most vulnerable uses are located in the areas at lowest risk of flooding;*
- d) *maintain a suitable buffer to the lake and demonstrate how flood risk from all sources (including a breach scenario) will be safely managed across the lifetime of the development, taking climate change into account, and not increased elsewhere;*
- e) *be informed by up to date ecological information;*
- f) *protect the stream / watercourse and incorporate within the design of the open space to be provided as part of the development;*
- g) *ensure that the design and layout of this site (along with neighbouring site - the Caravan Club) avoids any potential impacts on the Local Wildlife Site;*
- h) *ensure a suitable relationship with the site to the west in terms of private amenity and overlooking;* i) *give consideration to the continued safeguarding of the composting site located to the west, in line with the Waste Local Plan (Policy W2);*
- j) *provide a new point of access from Fulbeck Avenue.*

The affordable housing policies of the Submission Draft have changed in that it is proposed that the percentage of affordable housing on greenfield sites should increase to 40%. Objections to this policy have been raised during the consultation stage of the plan and therefore this application should continue to be assessed against adopted Development Plan requirements for 30% (as proposed by the application).

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

As highlighted in the previous report the site is subject to flood risk from a variety of sources - ground and surface water as well as flood risk from the adjoining balancing facility serving the West Durrington development and the adjoining Somerset's Lake.

The significant delay in determining this planning application has been due to the complexity of different flood risks and the considerable time taken to run models assessing the impact of fluvial and pluvial flood risk before and after the development having regard to climate change allowances.

The Council in allocating this site for development has undertaken a sequential assessment as required by the NPPF (para 157) which requires that all Local Plans take a sequential, risk based approach to the location of development (taking into account the impacts of future climate change) so as to avoid, where possible, flood risk to people and property. NPPF states that they (authorities) should do this and manage any residual risk by:

- a) applying the sequential test and then, if necessary, the exception test as set out below;
- b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
- c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and,
- d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

As Members are aware the shortage of sites and the significant housing need the Borough is facing means that both this site and the land to the south-west (the Camping and Caravan Club), are allocated for development despite the associated flood risk. The site specific FRA has demonstrated that the site is at a lower flood risk than originally indicated in the Strategic Flood Risk Assessment (SFRA). The emerging Local Plan also does not consider that the site should be safeguarded from development to address current or future flood management, although Policy A6 for the site does state the need to *'maintain a suitable buffer to the lake and demonstrate how flood risk from all sources (including a breach scenario) will be safely managed across the lifetime of the development, taking climate change into account, and not increased elsewhere....'*

Para 163 of the NPPF is also of particular importance stating that,

“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and,*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”*

Whilst, the responses from the key drainage authorities are awaited on the revised Flood Risk Assessment and additional modelling work, a recent meeting with the Councils Engineers and the LLFA has raised concerns that even if all other matters were satisfied they feel the applicant has not demonstrated that the development would not increase flood risk off-site and that it would be premature to develop the site in advance of a long term solution to address the flood risk currently posed by Somerset’s Lake. This is clearly an important matter that could affect the emerging Local Plan allocation and potentially the allocation of the Camping and Caravan Club site and there is clearly a significant difference of opinion between the applicant’s Consultants and consultees on both issues (both inter-related to a breach of Somerset’s Lake).

In terms of off-site flood risk the applicant maintains that there is a flood risk already, as the modelling work identifies that without the development a breach of the Lake in different flood event scenarios would result in a significant number of properties being at flood risk. The applicant’s drainage Consultants maintain that with the development there is a net gain as less properties are at flood risk and therefore overall there is betterment. This argument is not accepted by the drainage consultees as some properties would be at a greater flood risk (as the flood depths would be greater). As a result of this the consultees conclude that the exception test, set out in NPPF would fail as the applicant has not demonstrated that flood risk is not increased off-site.

In response to this criticism of the scheme, the applicant points to the fact that whilst there is evidence that flood depths might marginally increase off-site, the actual flood risk category to these properties does not change. More importantly the applicant argues that the flood risk is not posed by the development itself but by a

flood risk beyond its site boundaries and crucially that it is only the relevant local authorities under the Land Drainage Act that could resolve the issue by entering third party land to reduce and/or remove the flood risk caused by the defective dam at the southern end of Somerset's Lake.

Given the importance of this site and the Camping and Caravan Club site to addressing some of the Council's future housing needs (particularly the provision of affordable homes) your Officers felt it was important for the Committee to consider some of these detailed drainage arguments. The LLFA has indicated that there is little public funding to deal with flood risk issues such as Somerset's lake and the applicant argues that there is a far better chance of addressing the problem by approving development and potentially releasing Community Infrastructure Levy (CIL) from the development to pay for a long term solution to a known flood risk to downstream properties.

The applicant states that it could provide a facilitating role by allowing access over its land and safeguarding margins of the site, if required, to address the eventual flood defence solution. This could also involve implementing a maintenance and management plan of any reprofiled bank/dam.

In response to concerns that allowing development would prejudice the implementation of a flood defence solution to the existing defective dam, the applicant has stressed that any long term solution would need to be informed by a detailed flood study. Recent discussions with the owner of the Lake have also identified the need for a more detailed engineering report on the bank's stability and possible design solutions. Whilst, the detailed design work has not been undertaken the applicant has indicated some of the design solutions which could be carried out on adjoining land. The following cross sections show the existing bank gradient (top) and a possible solution for re-profiling the Lake.

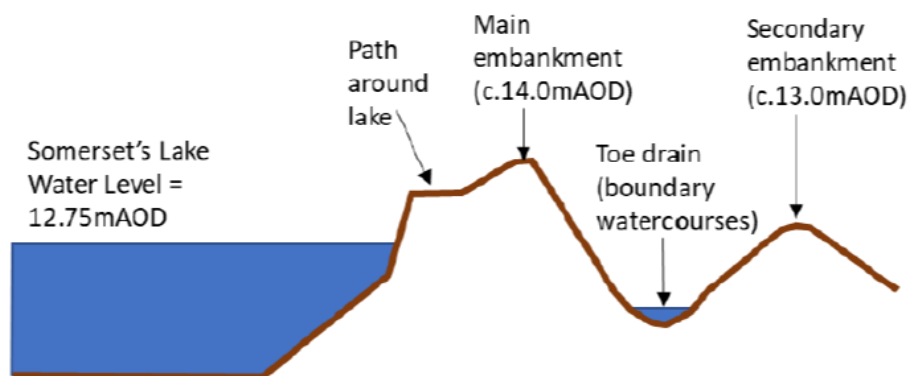
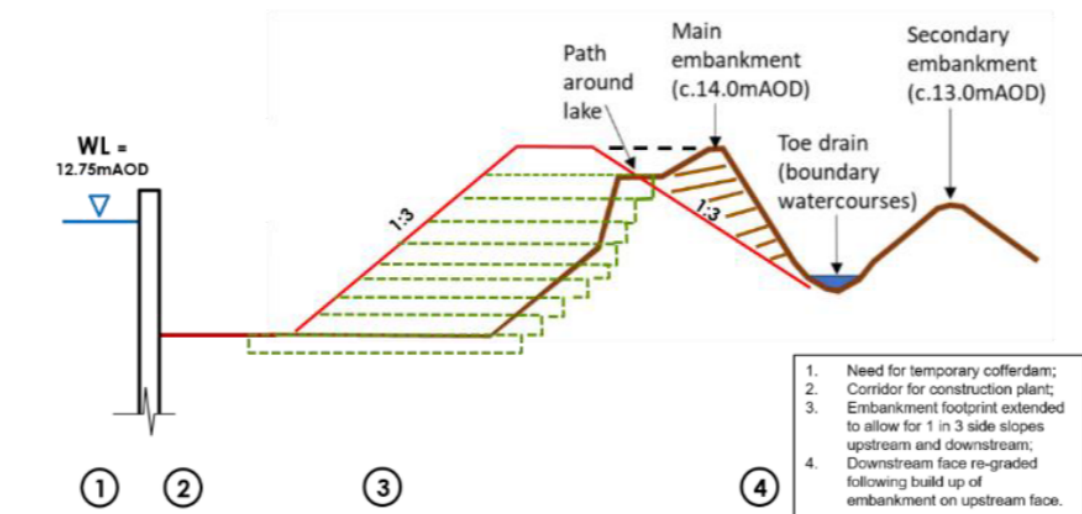


Figure 1 – Indicative section through embankment (adjacent to outlet) taken from AWC's inspection and condition report (June 2020)



The owner of the Lake recognises that re-profiling of the existing dam might be required but he is also not satisfied that it is necessarily defective having successfully contained the Lake for many years. Given that the Lake is not a Reservoir under current legislation, the owner could not be forced to undertake works and therefore the relevant authorities would need to fund any possible improvement to the current flood risk.

Given the strategic importance of resolving the current flood risk to downstream properties and the future development potential of this and other downstream sites, your Officers have raised this matter with the Joint Officer Member Board overseeing the current review of CIL priorities. The Board is meeting on the 24th May to consider whether managing flood risk should be added as one of the priorities for spend in the short term to undertake the necessary detailed survey work and ultimately to implement a flood defence solution to remove or at least dramatically reduce the current and future flood risk caused by the current condition of the lake dam. Members will be updated at the meeting on this point.

Given that the flood risk associated with Somerset's Lake cannot be addressed by the applicant, as it is on third party land, there is some sympathy for the applicant's position particularly as the solution effectively rests with the LLFA. Provided that the Council working with the County Council commits resources and funding to address the current flood risk, it is considered that the development could be supported. However, this is on the basis that the drainage authorities are satisfied that the other fluvial and pluvial flood risk issues (set out in para 163 of the NPPF) have been addressed, including that safe access and escape routes can be provided within the development site for future residents.

s106 Legal Agreement

To ensure that the development does not prejudice the implementation of improvements to the dam the s106 agreement would need to include the following measures:

1. Requirement for a phasing plan to assist with any flood risk improvement scheme to Somersets Lake being undertaken in parallel with the development. This could influence the building out of the 4 apartment blocks across the site.
2. Reserving land for possible incorporation in a flood management scheme (in accordance with the submitted plan shown on page 9 of this report).
3. A reasonable endeavours clause to help facilitate the adopted off-site flood management strategy (including allowing access for construction vehicles)
4. A reasonable endeavours clause to enter into a landscape maintenance plan for the dam with the adjoining landowner, if required, or to facilitate access for such purposes to reduce future flood risk.

Negotiations are continuing regarding the completion of the legal agreement in line with the Heads of Terms set out in the previous Committee report. The only matter not progressing is the request for a health contribution as there is insufficient policy justification for seeking contributions under the adopted Development Plan. However, your Officers are working with the CCG to ensure appropriate evidence is submitted to support the emerging Local Plan and justify future s106 contributions to deliver health improvements. It should be noted that the West Durrington development included a health contribution which was utilised to help deliver the relocation of The Strand medical centre.

Recommendation

The Planning Committee is requested to note the current position regarding negotiations to address complex flood risks associated with the development of the site. Members will be updated at the meeting regarding comments from drainage consultees with a view to delegating the decision to the Head of Planning and Development to approve subject to the completion of the s106 agreement incorporating the additional matters covered in this report.

Fulbeck Previous Committee Report

Application Number: AWDM/0166/20

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

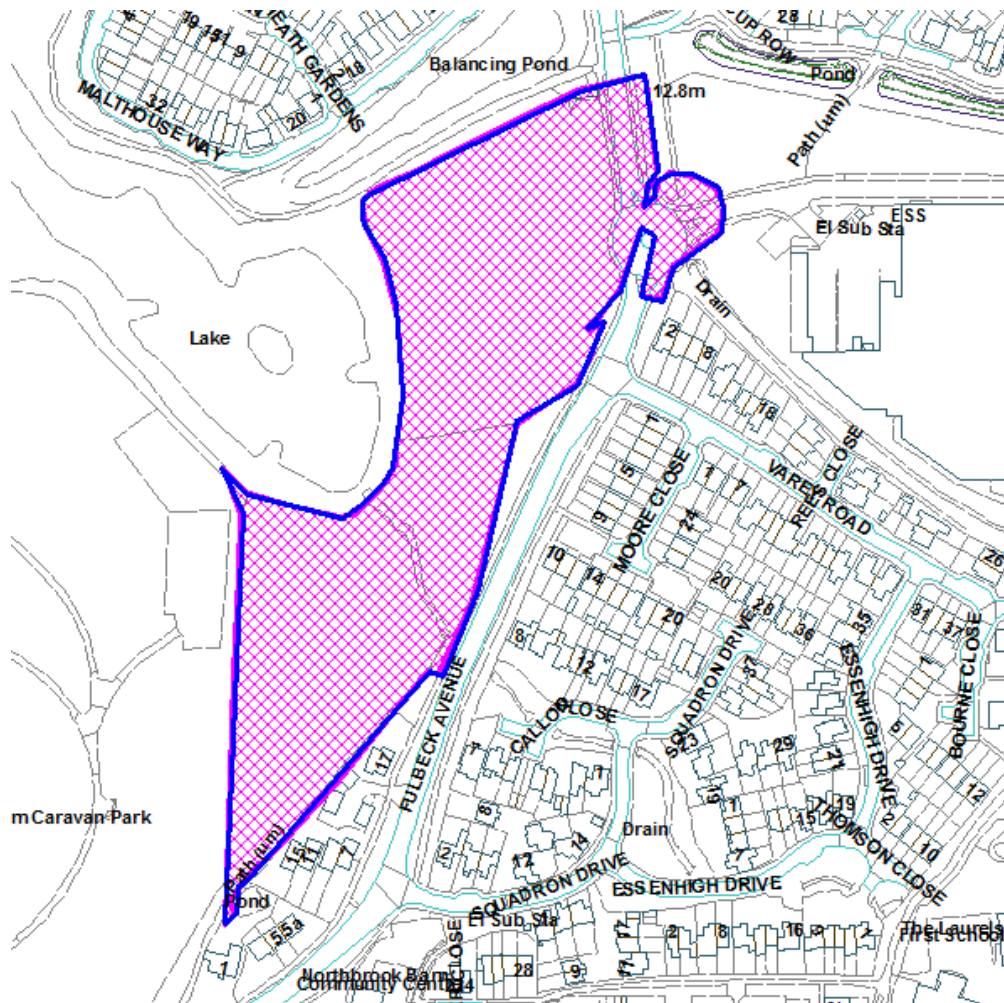
Site: Land Site West of Fulbeck Avenue, Northbrook, Worthing

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

Applicant: Boklok Housing Ltd

Ward: Northbrook

Case Officer: Stephen Cantwell



Not to Scale

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Site and Surroundings

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

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

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

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

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

The small cluster of distinctive, houses in Fulbeck Avenue, alongside the south eastern boundary of the site, are characterised by steeply pitched slate roofs and tall eaves and some with second floor roof accommodation. The timber cladding of these houses above flint-faced ground floors is also distinctive in contrast to the

red-brown brick and tiles of Squadron Drive / Varey Road area, and serves to blend with the backdrop of tall trees to the west and rustic fencing in the foreground. The neighbouring fishing lake and woodland which adjoins it to the north of the site, is designated as a Site of Local Interest for Nature (SINC).

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

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

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

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

Proposal

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

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

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

Development as shown in the proposed layout plan below, would comprise two distinct clusters; a northern cluster of three blocks (Blocks 1-3), including the

smaller block, (Block 1) which would front onto Fulbeck Avenue. Behind this would be a rear pair of the larger blocks. Approximately 75m to the south of these would be the southern cluster of two blocks (Blocks 4 & 5). The two clusters would be connected by a new internal road, which would cross the existing stream, around which land re-levelling and new planting would create one of the three main open spaces and serve as an area for floodwater storage.

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

[This area is deliberately blank]



Fig.1: Proposed Layout Plan

Relevant Planning History

None for site but note the following neighbouring histories:

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

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

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

Consultations

Highways England – No objection

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

- **Access** – Proposal includes a new arm to the existing roundabout with visibility splays of min 46m. Supporting Road Safety Audit provided, and following amendments, demonstrates safe access is achievable.
- **Traffic generation/highways capacity** – Proposal would generate 43 and 47 vehicle movements during the AM and PM periods respectively. A daily total of 391 two-way vehicle movements are expected during a typical weekday. This is an increase of 17 two-way vehicle movements above those forecast for the allocated scheme (50 houses) during both peak hours, equivalent to 1 additional vehicle movement every 3-4 minutes. The proposed increase in traffic is not considered to be significant. In addition, impact on nearby roundabouts and junctions has been assessed - the proposals would have a very limited impact on their operation.
- **Sustainable Access** – Site is well-served by existing footway connections with existing bus stop within 5min walk (Carisbrooke Road). Proposal includes new 2m wide footways into the site and upgrading of existing Right of Way (FP.3114) through the site including potential for new connections to the southern part of the site.
- Proposal supported by Travel Plan which subject to amendments to seek to reduce traffic movements by 15%, securing £150 towards travel vouchers (including commitment to provide additional vouchers and other remedial

measures if trip rates are not met) and to include references to Sussex car sharing and cycle journey planner, is acceptable. Proposal also includes 2 car club spaces and vehicles.

- **Parking Provision and layout** - Proposal includes 160 car parking spaces (including 28% with electric charging points) which subject to a satisfactory travel plan being provided is considered acceptable provision. Internal layout will be to adoptable standards and would accommodate servicing and emergency vehicle movements.

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

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

WSSC Fire & Rescue – Comment

Recommend a planning condition for details and provision of fire hydrants

Environmental Health officer: Further comments awaited

Previous comments summarised here:

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

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

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

Environmental Health (Private Sector Housing) – comments:

With regard to the Housing Act 2004 guidance provided to ensure potential hazards such as 'inner' rooms (where the only means of escape in the case of fire is through another risk room i.e. bedroom, living room, kitchen, etc.), are addressed or where

there are inadequate windows or outlook from habitable rooms, which are not necessarily addressed by Building Regulations. [**Planning officer comment:** A fire safety strategy has been submitted and is under consideration]

Waste Services Officer - Further comment awaited.

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

Technical Services - Drainage

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

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

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

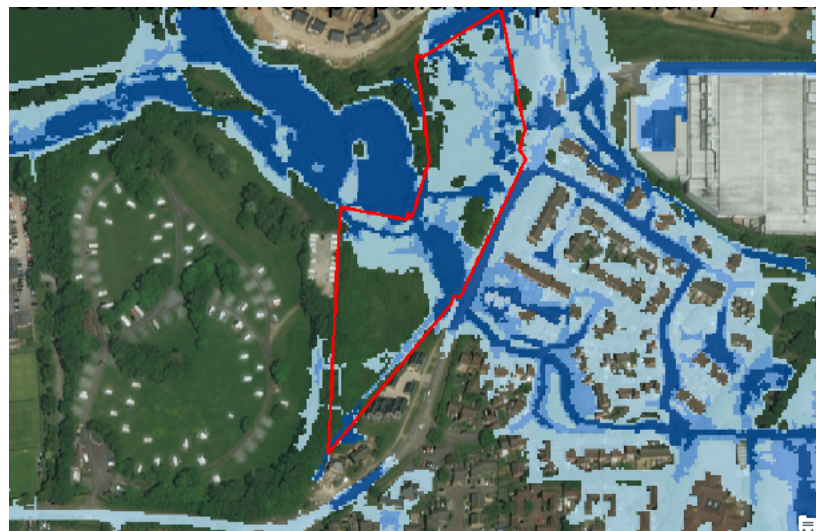
8. Provide details of how the impact of vegetation loss on flood risk has been assessed.
9. Provide calculations and drawings assuming a “worst case” lined surface water drainage system is required. Calculations and drawings must show that there is sufficient space on site to store the 1 in 100 year plus 40% climate change event without flooding off site and that the 1 in 30 year plus 40% climate change event can be stored within the surface water drainage system. Greenfield 1 year runoff rates should be used as the outflow from these calculations. Further information required.

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

County Lead Local Flood Authority (LLFA)

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

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



3. *The LLFA has consistently reiterated its concerns about the appropriateness of development, given a combination of the importance of the surface water flow routes and absence of evidence in terms of both the sequential and exception tests (References B-D).*

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

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

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

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

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

Previous comments are summarised as follows: As a result of the most recent flood risk modelling in this area part of the site will be located in Flood Zone 2 and 3.

Refusal would be recommended but an updated Flood Risk Assessment is needed to address the Agency's objection.

Southern Water Services – No objection

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

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

Southern Power Networks – No response received.

Southern Gas Networks – No response received.

WSSC Archaeology – No Objection

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

South Downs National Park Authority – No objection

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

Sussex Police – No objection:

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

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

NHS Clinical Commissioning Group - Awaited

Head of Housing – Comments

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

Borough Tree Officer – Comments

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

Parks Manager – Awaited

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

Arun District Council – No response received

WBC Ecological Consultant – Further information requested regarding:

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

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

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

Sussex Wildlife Trust – No response received

Neighbour Representations

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

These relate to:

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

Other comments indicate:

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

Relevant Planning Policies and Guidance

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

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

Supplementary Planning Document 'Guide to Residential Development' (WBC 2013)

Supplementary Planning Document 'Space Standards' (WBC 2012)

'Infrastructure Delivery Plan' (WBC 2010)

Tall Buildings Guidance (WBC, 2013)

Developer Contributions' (WBC 2015)

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

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

The following are also noted:

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

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended), provides that applications may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

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

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

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

Planning Assessment

Principle of Development

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

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

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

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

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

The implied National support for development on undeveloped land is however a qualified one. For instance, alongside the importance it attaches to the supply of housing land para 11 of the NPPF also requires consideration of any adverse

impact of development proposals and whether these would demonstrably outweigh the benefits. Also at para 118 there is recognition of the range of functions which undeveloped land can perform, including wildlife, recreation, flood defence and others. Consequently, the assessment of the current application for the use of undeveloped land requires consideration and weighing of the need for housing needs alongside the functions and value of the site.

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

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

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

Sustainable Development

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

The location therefore provides a range of social and economic benefits alongside the inherent benefit of contributing towards housing supply to meet needs. In accordance with polices 17-19 of the Core Strategy the applicant also proposes to

incorporate the following sustainability principles in the design and implementation of development:

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

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

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

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

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

In summary, the proposal is considered capable of providing important sustainability benefits, as envisaged in the NPPF and current polices. Subject to the updated

information on air and biodiversity, this would appear to weigh in favour of the application.

Housing

Quantity and Mix

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

Table 1: Housing Mix: (152 Flats)

	All	Market	Affordable
1 bed	51 (34%)	32 (30%)	19 (41%)
2 bed	101 (66%)	74 (70%)	27 (59%)
Total	151	106	46

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

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

Affordability

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

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

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

Modular Homes

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



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

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

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

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

Layout, Design & Appearance

Layout

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

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



Fig. 3: Northern cluster

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

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

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

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

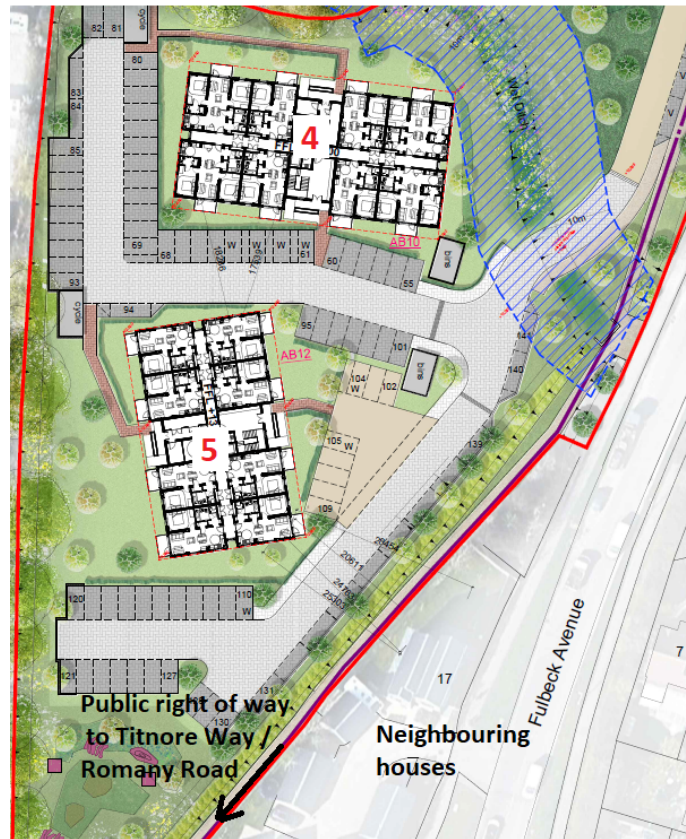


Fig. 5: southern cluster

The distance of approximately 35m to Fulbeck Avenue and intervening planting is also considered to retain a good degree of spaciousness and informality which is important in providing a setting for the scale of building proposed. The orientation of Block 4 assists by presenting its shortest side towards the site frontage, maintaining views of the tree-lined backdrop to the site, which are an important part of the boundary to the built-up-area.

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

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

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

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

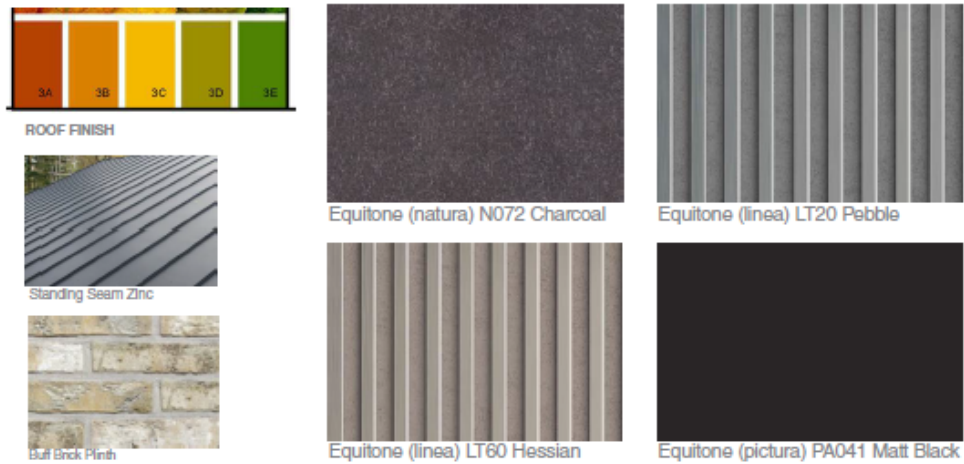
Scale, Design & Appearance

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

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



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



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

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

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

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

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



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

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

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



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

Residential Amenities

Future Occupiers

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

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

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

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

Existing Neighbours

The closest neighbours are at nos. 7-17 Fulbeck venue, adjoining the south-eastern boundary of the site. The closest relationship would be between the angled corner of Block 5 and the side boundary (rear garden) and house at no.17 Fulbeck Avenue, distances of approximately 18m and 24m respectively. Such a relationship might normally be considered acceptable in terms of relationships between two storey or possibly three storey houses, but added care is needed given the four storeys of the proposed development, to maintain reasonable privacy and avoid overbearing.

In consideration of this it is noted that the proposal includes balconies on each floor. These are angled slightly to the north east, away from the neighbour, but would provide a line of side view towards the neighbours rear garden and windows. It is considered important to include balcony screens to balconies here, and this is recommended for each of the upper three floors. Similarly side facing windows at the end of block five would face towards number 17 and its neighbour. It is

recommended that these be obscure glazed and that no part below 1.7m floor level, is openable.

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

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

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

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

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

To the west the setting of the fishing lake and neighbouring caravan site, would be the presence of new buildings and a degree of overlooking from new windows. However, this impact is unlikely to affect the function of these sites, the presence of trees and other vegetation to be retained and planted will assist in filtering views between these and the application site. External lighting could be controlled by planning condition, to minimise impacts on their nighttime setting.

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

Highways, Accessibility, Parking and PROW

Access arrangements

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

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

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

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

The development is expected to result in 43 and 47 vehicle trips in the AM and PM periods respectively, a daily total of 391 two-way vehicle movements during a typical weekday. The County Highway Authority considers to be a modest increase on the local highway network. The assessment has taken into account the cumulative impact of the residential schemes for the West Durrington Development, including the northern sector which the Committee resolved to approve in May 2020. The Highway Authority is satisfied with the immediate access proposals at the site. Wider connectivity, for instance for pedestrians and cyclists towards the south, is currently under further discussion with the Highway Authority and an update will be given.

Sustainable Access

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

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

Parking Provision and Layout

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

Public Right of Way

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

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

Biodiversity, Landscaping & Trees

Ecological Assessment

Planning policies and guidance such as NPPF para 170 are also applicable. This seeks the minimising of impacts and provision of net gains for biodiversity. The emerging Local Plan policy CP19 also seeks the net-biodiversity gain outcome, although the requirement of existing policy 13 is to respect and where applicable enhance biodiversity.

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

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

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

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

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

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

At the request of the Council's consultant ecologist, some further evaluation of overall likely effect of the development scheme on the overall biodiversity value of the site has been requested (through application of Defra's Biodiversity Metric calculator). In view of vegetation removal works that have been undertaken since submission of the application, this will be undertaken based on its pre-2020

condition to ensure effects on biodiversity is properly considered in the planning balance. (Update)

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

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

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

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

Ecology - Summary

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

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

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

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

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

Trees & Landscaping

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

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

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

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

cluster might still remain outside the road line, if new land levelling allows. A submitted tree protection plan, including some pruning would manage tree interests, during construction works including a site meeting with the Council's tree officer on commencement. (update).

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

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



Fig. 9 – Northern edge, proposed planting

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

Open Spaces

The three main open spaces are designed to fulfill different functions. The central open space to north of the steam and adjoining the northern blocks would be defined by a circular path around the equipped children's play space Areas of cut grass would lead from the flats towards this space, with a mixture of semi-formal tree planting. Beyond the play area towards the stream and western boundary

would be less formal tree, hedgerow and wildflower grassland planting, creating to create continuity of woodland glade and habitat in addition to areas of retained vegetation.

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

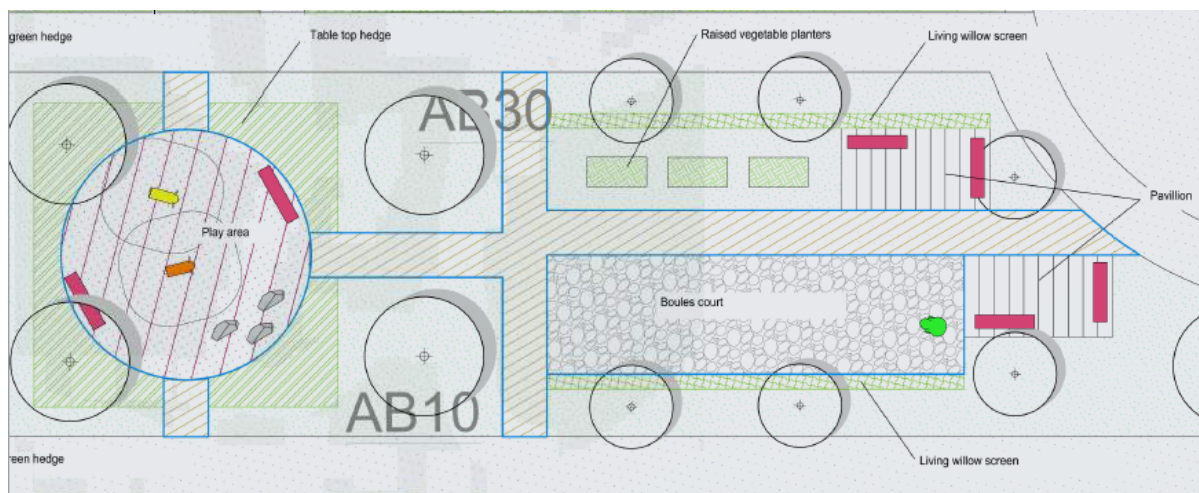


Fig 10. Formal Open Space

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

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

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

Open Space and Recreation

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

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

Table 2: Open Space Requirement and Provisions Within Current Proposal

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

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

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

A further consideration in the Open Space Study is whether existing facilities can be regarded as accessible and easily reached the proposed development. The nearest park is Northbrook Recreation Ground, approximately 220m to the south of the site, reached by pavements, although crossing Titnore Way. This provides

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

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

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

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

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

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

Heritage

Archaeology

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

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

Designated and Non-designated Heritage Assets

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

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

Drainage and Flood risk

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

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

'Fluvial

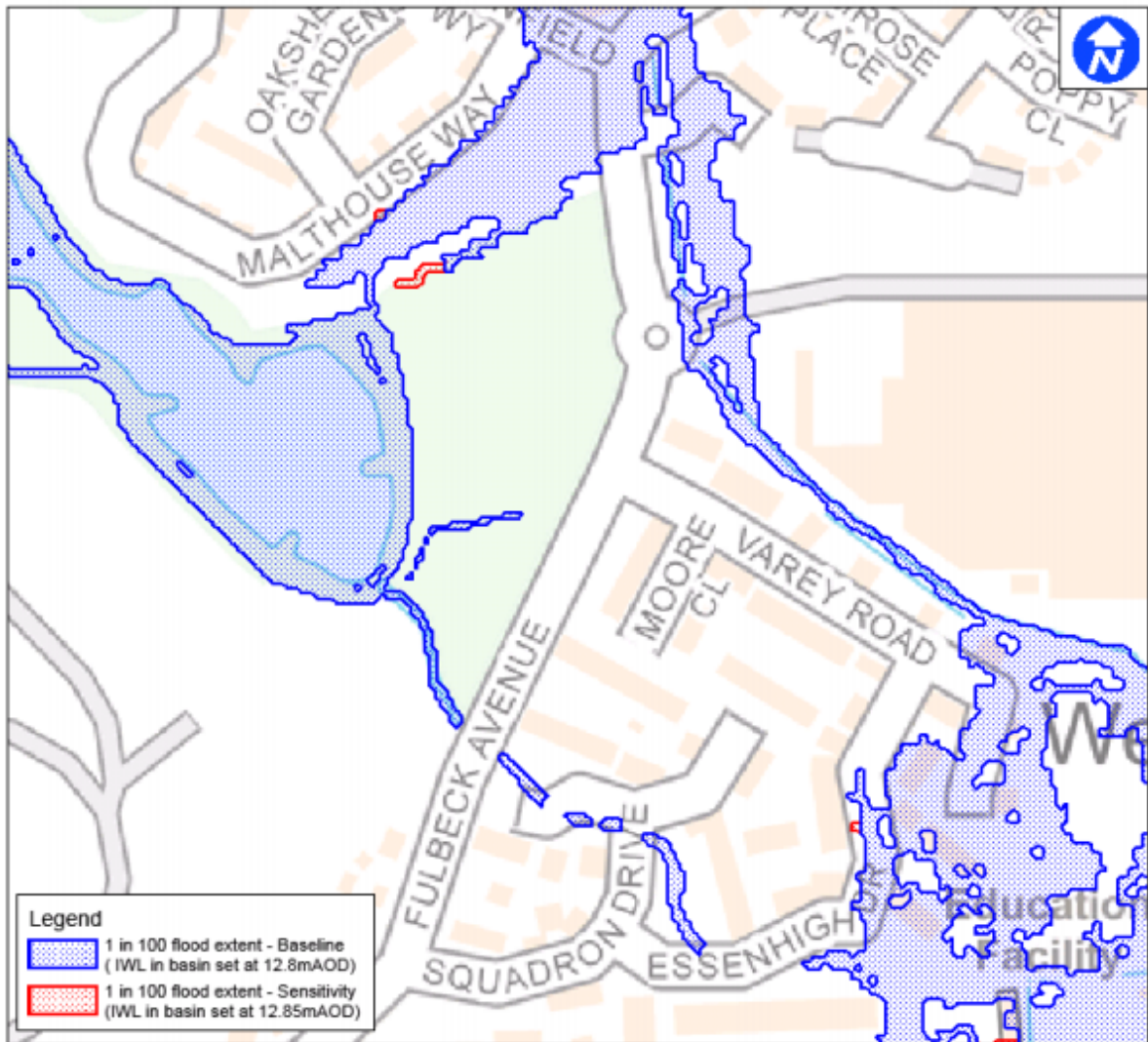
The site is predicted to be at risk from fluvial flooding due to the proximity of Ferring Rife to the east of the site.

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

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

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

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



Contains Ordnance Survey data © Crown copyright and database right 2018

Fig 11. Flood Risk (Applicant's Assessment)

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

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

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

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

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

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

Other Matters

Construction Process and Land Remediation

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

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

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

Crime prevention

In accordance with s.17 of the Crime and Disorder Act, management of risk of crime is a relevant consideration. The Police recommendations for security such as by

lighting, door-entry controls and secure cycle stores, can be subject of a planning condition for the approval and implementation of details.

Health

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

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

Waste and Recycling

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

Planning Obligations & Community Infrastructure Levy (CIL)

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

Table 3: Matters for Legal Agreement

No.	Matter	Note
1	Affordable Housing	Minimum provision of 30% (70 % rented and 30% shared ownership)
2	Market Housing	<ul style="list-style-type: none"> i) Market-exclusivity period of 3 months for residents of Worthing & Adur. ii) An update will be given
3	Highway Provisions	<ul style="list-style-type: none"> iii) Any requirements for on-site parking controls, to ensure access for emergency and service vehicles iv) Any requirements arising from discussions regarding off-site connectivity for pedestrians and cyclists <p>An update will be given</p>
3	Foot/cyclepaths	<ul style="list-style-type: none"> i) Resurfacing of public right of way, ii) Temporary closure during works

4	Travel Plans	<ul style="list-style-type: none"> i) Appointment of Travel Plan co-ordinator to work in liaison with Highway Authority in implementation and monitoring of Travel Plans over five year period. ii) Financial contribution to Highway Authority to cover work in liaison and monitoring
5	Car club	<ul style="list-style-type: none"> i) Provision of two car club cars ii) Subsequent maintenance of car club cars and car club parking spaces iii) Provision of paid membership for all residents at the site for at least three years including one-off [£] drive time payment each. iv) Provision for other car club spaces to be dedicated and used for car club vehicles.
6	Recreation	<ul style="list-style-type: none"> i) Financial contribution for off-site youth ii) An update will be given
7	Site Management	<p>Management & Maintenance of:</p> <ul style="list-style-type: none"> i) Unadopted public realm including vegetation, signage, gardens, seating, BBQ and boule facilities and street furniture, ii) Measures to avoid nuisance from use of communal areas , including BBQ iii) Unadopted streets iv) Parking Management Plan – including car parking spaces and car club spaces and cycle stores; v) Surface water drainage – vi) Bin stores and bins, including green roofs vii) Any communal spaces, trees, including watering and pruning;
8	Air Quality Mitigation	If required. An update will be given

Summary and Planning Balance

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

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

The functions and values of the site in its undeveloped condition include its visual character, biodiversity value and drainage characteristics. In consideration of these, the appearance of the site with its stand of young thicket and wild grassland, is

informal and related more to the rural area than to the urban one of which it is part. A good degree of this open and informal appearance would be retained in the development proposal, due to the numerous spaces and associated planting which would accompany the low proportion of built coverage made possible by the use of individual blocks with communal outdoor areas. Landscaping can create greater visual interest and diversity than currently exists and it might be argued that the new blocks in a parkland setting strengthen the sense of place and distinctiveness in Fulbeck Avenue, helping to complete the new urban form which has grown up over the past few decades.

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

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

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

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

The housing mix reflects the needs for smaller homes, all of which would be adaptable and accessible. It includes at least the thirty percent of affordable homes in accordance with policies and may also provide a discounted price for market homes, with a period of locally-targeted marketing. The lack of three bedroom homes is noted but the consequence of including these and the attendant need for higher parking ratios and private garden space, would probably affect the

development and its open setting quite fundamentally. New planting of good quality trees and shrubs can be seen as planting for the future, improving the longer term age quality mix in replacement for many of the shorter-lived varieties which have grown up over recent decades. Relationships to neighbouring residents and uses are considered to be acceptable, subject to screens, obscure glazing and new boundary treatments including planting.

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

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

Recommendation

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

Conditions to include:

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

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

And any other appropriate conditions

21st October 2020

ADDENDUM TO PLANNING COMMITTEE AGENDA

MEETING DATE - 21st October 2020

The following agenda items have updates to the original Committee report.

AWDM/0166/20: Land West of Fulbeck Avenue, Worthing

Consultation Responses (summaries)

Environmental Health Officer:

Land remediation: Once the final extent of releveling is identified a ground sampling strategy should be agreed, of the extent of made and any topsoil to be re-used. Validation of any required remediation should include post-placement testing of any re-used soils in garden and soft landscaped areas. Planning conditions are recommended.

Noise: Noise levels for facades facing/closest to the road will exceed recommended noise levels when windows are opened. This may be accepted by residents for daytime ventilation but there is risk of night-time noise from Tesco delivery area opposite, particularly to upper floors which are not screened by delivery compound walls, leading to risk of nuisance complaints. A ventilation system is likely to be needed to allow night-time ventilation of bedrooms with windows closed, under a planning condition.

Also recommends conditions to regulate maximum plant noise, working houses and use of construction management plan.

Air Quality: Requests and Air Emissions Mitigation Assessment

[Planning Officer comments: Planning conditions 23 & 24 are recommended to manage land remediation. Conditions 28 & 29 are recommended for noise. The applicants are undertaking review of the submitted information for these matters, which may lead to amendment of conditions 23 & 28 below.

A subsequent Air Emissions Mitigation Assessment, indicates a financial 'cost' of £57,895. The mitigation value of measures within the proposed development, including car clubs, is under consideration. Agreement of a final figure and, if required any residual measures, can be agreed by an appropriate use of planning conditions and/or legal agreement under delegated authority.]

Council's Ecological Consultant

Satisfied with the badger survey. The development is highly unlikely to affect Badgers. The survey should be updated if more than 12 months elapse prior to the commencement of development, Reasonable Avoidance Measures for dormice and great crested newts are satisfactory and include recently updated dormice surveys. Final ground clearance of potential dormouse habitat should not be carried out

before early May and use limited machinery tracking / established routes where possible.

Although reptile translocation work to date had a short-term, likely negative impact on the local reptile population it is likely that the overall long-term effect on reptiles will be negligible at a local level. This is due to the proposed enhancements at the reptile receptor site including long-term management and monitoring and enhancements at the site itself.

The layout of the development in tandem with the overall loss of semi-natural habitat from the site is unlikely to impact or have a minor impact on the SNCI, including the neighbouring lake in accordance with National Planning Policy (NPPF). Protection measures during development should be subject of a management plan (LEMP or CEMP), secured by planning condition.

[Planning Officer comment: Requirements for protection, site clearance methods and timetable and if necessary, further survey works are recommended as part of the Landscape Environment Management Plan under condition 9.

Offsite reptile habitat enhancement and management can be secured through the proposed legal agreement. Assessment of the more general overall biodiversity value of the site (pg. 33) is in progress. The outcome of this can be dealt with under delegated authority. Condition 9 would secure the provision of any on-site mitigation. If off-site mitigation is also required, this could also form part of the s106 Agreement.]

WSSC Highways

No objection to amended plans. In terms of wider connectivity there may be merit in securing a contribution from the proposed development but it is noted that the extended bus route in Fulbeck Avenue is to be delivered by the recent West Durrington to the north.

[Planning Officer comment: The question of any off-site contribution will require further discussion with the applicant. The matter of parking controls on the site can be required through s106 agreement if privately managed. If any part of the access is to be adopted by the Highway Authority, this can be addressed through negotiation of the legal agreement.]

NHS Clinical Care Commissioning Group

Requests an estimated £165,000 towards health facilities in Worthing.

Further Information Received

Parking and Landscaping (pgs. 24 & 26)

The applicants have considered your Officers suggestion of segmenting the ranks of car parking spaces with additional planting spaces. They comment that this would entail reducing the number of parking spaces overall. The current proposal is for 10% fewer spaces than the amount recommended in County parking standards for

suburban areas. Whilst this is permissible due to the weighting given to sustainable transport measures (car club, travel plan and cycle stores) a further reduction would risk overspill parking in Fulbeck Avenue, which is a point of concern raised by residents. The applicant considers that the proposal is an appropriate balance of these considerations.

[Planning Officer comment. The proposed parking ratio is acceptable to the Highway Authority. The long ranks of spaces are unfortunate but the wider amount of landscaping helps to off-set their localised impact.

Obscure glazing to Block 5 (pgs. 29-30)

The applicant disagrees that obscure glazing is needed for windows on the southern side of Block 5, noting that these are over 20m distance from existing neighbouring windows.

[Planning Officer comment. The proposed windows in question are to each of upper floor (3no.) flats at the south east corner of Block 5. Each flat includes a secondary lounge window and primary kitchen-area window. These would face towards the rear of garages at 7-17 Fulbeck Avenue, but with oblique lines of sight towards the rear garden of no. 17 approximately 18- 20m away and its side windows to dual-aspect rooms approximately 24m away.

Mindful that the kitchen windows are further away than the lounge window, and are principal windows, it is considered that these could be accepted as clear glazed, openable windows. It is accepted that the proposed use of fixed & obscure glazing is therefore just targeted to the secondary lounge windows for these three flats.

Trees (pgs. 35-36)

The applicant has considered whether trees at the southern side of the proposed central space, could be retained. However, land releveling as part of flood risk management will require their removal, together with two small clusters to the south and west. Importantly this retains the large prominent oak tree which will be augmented by the proposed new planting.

Open Space & Recreation (pgs. 38-39)

The Parks and Landscape officer is considering the possibilities for off-site provisions and it is hoped that a further view will be available for verbal update at the meeting. This may involve enhanced youth provision for Northbrook Recreation Ground.

Levels (pgs. 31 & 43)

Although level drawings are still being finalised as part of the flood risk management assessment the ground floor levels of the proposed blocks appear to be approximately 25cm – 50cm above existing ground level for Blocks 1, & 2; 80cm above for Blocks 3 & 4 and slightly below (-10cm) at Block 5.

The ground re-levelling would reduce the central / stream area of the site by approximately 15cm – 35cm. The final extent and depth of this work is subject of further adjustment through the flood risk assessment work and is covered by proposed condition 18, which allows for any final changes.

Drainage and Flood risk (pgs.40 – 43)

Further detailed survey work has been undertaken and is under review. At present the revised modelling of fluvial flood risk suggests that the site is at less flood risk (Zone 2) than indicated with the Strategic Flood Risk Assessment (SFRA) which indicated parts of the site in flood zones 3a and 3b. Additional topographical survey work is still required along with assessing pluvial flood risk which will require remodelling. This will be subject of further review by the relevant consultees and this further work will also identify the final land reduction levels and floor levels for the proposed buildings. The applicant’s consultant speculates that this may make minor difference to build levels and kerbs.

The impact of any breach of the bank to the adjoining fishing lake is also under further review, including the extent to which development may affect the storage or dispersal of water and any risks to the east of the site. As referred to at page 42, the proposal to require reasonable endeavours to improve future management and maintenance of the banks is a potential benefit which would be secured through legal agreement. At present the lack of management of the bank poses a risk to existing residents of a future breach.

A significant amount of work has been undertaken to assess the appropriate flood risk for the site and design an appropriate drainage solution for the site and to mitigate future flood risk. Whilst, it is disappointing that some questions still remain which requires further modelling work, the applicants Consultants are agreeing the scope of additional work with Technical Services. It is recommended that the application be delegated to Officers to resolve these outstanding drainage concerns.

Recommendation: As stated on page 47 of the Committee report.

Conditions to include:

General

1. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

Reference/Drawing Number	Version	Date Rec
Insert numbers [Xx	xxxxxxxxxxxxxxxxxxxx	xx.xx.20xx]

2. Standard 3 year time limit

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with section 92 of the Town and Country Planning Act 1990.

3. Sustainable Design and Energy

The development hereby approved shall incorporate the following sustainable energy and heat management measures, in accordance with the details in the Energy & Sustainability Statement dated January 2020 (Reference: UL-HYD00-ZZ-RP-ME-0001) submitted with the current application:

- Energy efficient building fabric,
- LED internal & external lighting,
- Community boiler / Air-source heat pump boiler system to achieve a 19% improvement on Part L 2013 Building Regulations (or other such system incorporating renewable energy to achieve a similar outcome as shall first be approved in writing by the Local Planning Authority),
- Operational waste management,
- Efficient water goods and fixtures to achieve <105L/Person usage/day.

Written confirmation shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that these measures have been achieved including any proposed remedial measures if they have not, in which event the remedial measures thereby approved shall then be implemented.

Reason: To ensure sustainable construction and renewable energy provision and the provision of accessible, adaptable and wheelchair homes and accessible spaces to meet local needs in accordance with policies 17 & 18 of the Worthing Borough Council Core Strategy 2011 and paras 150-154 of the NPPF, 2019.

4. Accessible & Adaptable Homes

All dwellings hereby approved shall be constructed as Accessible & Adaptable Homes in accordance with Category M4 (2) of the Building Regulations Approved Document Part M.

Reason: To accord with the current application and ensure that dwellings are sufficiently accessible and adaptable to meet housing needs in accordance with policies 8 & 10 of the Worthing Borough Council Core Strategy 2011 and para 61 of the NPPF, 2019.

5. External materials to be approved

Prior to commencement of any works above slab level details and samples of all materials to be used on all external faces of the buildings hereby approved, including windows and doors and roofs, colours and finishes, shall be

submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only in accordance with the details thereby approved.

Reason: In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policy 16 of the Worthing Borough Council Core Strategy 2011 and paras 124 - 131 of the NPPF, 2019.

Landscape & Biodiversity

6. Soft landscaping to be approved, provision to replace any which subsequently die/are removed.
 - i) Prior to commencement of any works above slab level details and samples of all hard and soft landscaping and a timetable of landscaping works and aftercare has been submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - a) landscape planting, including species, size and number or planting densities,
 - b) planting medium/backfilling material,
 - c) ground surfacing materials: type, colour, texture and finish,
 - d) details of any pavilions/loggia or similar structures, seating, boule area, and raised beds,
 - e) a maintenance plan to ensure establishment and aftercare of this detailed scheme of landscaping.
 - ii) The details and timetable at i) above shall be adhered to throughout the course of development works. All planting, seeding, turfing and ground surfacing comprised in the approved details of landscaping, shall be carried out in accordance with the timetable thereby approved and any vegetation or surfacing which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar type, size & species.

Reason: To safeguard and enhance the character and appearance of the site and its biodiversity value in accordance with policies 13 & 16 of the Worthing Borough Council Core Strategy 2011.

8. Arboricultural method and tree protection measures to be adhered to
 - i) All tree protection works shall be fully implemented in accordance with BS 5837:2012 Trees In Relation To Design, Demolition and Construction and the Arboricultural Implications Report by SJA Arboricultural Consultants, dated [interest amended version] including the Protection Measures at Appendix 1 and Tree Protection Plan at Appendix 3. Pruning works to retained trees shall, only be undertaken in accordance with section 5.1 of the Report, unless otherwise approved in writing by the Local Planning Authority.

- ii) At least seven days advance written notice shall be provided by the applicant and received by the Local Planning Authority and Council Tree Officer, of the intended commencement of development, works, and
- iii) A pre-development site meeting between the Council Tree Officer and the applicants Tree Consultant and Building Contractor, shall take place before the commencement of development works.

All tree protection works and procedures, including regular supervision and monitoring shall be undertaken and maintained during the duration of the development works hereby approved.

Reason. To safeguard retained trees throughout the period of development works. In the interests of the appearance and character of the site and its surrounding, public and neighbouring amenities and biodiversity, in accordance with policies 13,14 & 16 of the Worthing Borough Council Core Strategy 2011.

9. Landscape Ecological Management Plan (LEMP)

Prior to the commencement of development, including site clearance (s) a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how any areas of habitat or features of biodiversity importance are to be maintained and new biodiversity enhancement measures are to be provided in the development hereby approved. The content of the LEMP should include the following provisions:

- i) Description and evaluation of features to be managed.
- ii) Provisions for site clearance works, including a timetable for these works,
- iii) Provisions for protection measures for the neighbouring Site Of Nature Conservation Interest (Titnore and Goring Woods)
- iv) Measures for biodiversity enhancement
- v) Ecological trends and constraints on site that might influence management.
- vi) Aims and objectives of management.
- vii) Appropriate management options for achieving aims and objectives.
- viii) Prescriptions for management actions.
- ix) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- x) Details of the body or organization responsible for implementation of the plan.
- xi) Provisions for further survey works in the event that development, or any phase of development is not implemented before 15th October 2021
- xii) On-going monitoring and remedial measures.

The provisions of the LEMP shall thereafter be fully implemented and adhered to.

Reason. In the interests of biodiversity in accordance with policy 13 of the Worthing Borough Council Core Strategy 2011 and paras 170 & 175 of the NPPF, 2019

10. Children's play area

Prior to the provision of the Central Open Space (immediately to the south of Block 3), details of play equipment, including measures for safe play, shall be submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall thereafter be fully implemented and permanently maintained

Reason. To ensure appropriate on-site provision for play and its future maintenance, in accordance with policies 11 & 12 of the Worthing Borough Council Core Strategy 2011 and paras 92 & 96 of the NPPF, 2019.

11. Boundary treatments / means of enclosure, child-safety fencing and prevention of access to SNCI.

No dwelling shall be occupied until details of all boundary walls and/or screen fences have been submitted to and approved in writing by the Local Planning Authority. This shall include: i) safety fencing associated with children's play areas and watercourses; exclusion fencing, to prevent access from the site into the neighbouring land to the north and west (a Site of Nature Conservation Interest) and iii) all other means of enclosure. No dwelling shall be occupied until all such walls and/or fences thereby agreed at i) – iii) above have been erected and shall thereafter be permanently maintained.

Reason: To ensure a good quality environment, management of crime risk and careful consideration of the landscape character and setting of the nearby conservation area, listed buildings and National Park in accordance with policies 2, 13 & 16 of the Worthing Borough Core Strategy, 2011.

12. External lighting

No external or street lighting shall be erected or installed without the prior approval in writing by the Local Planning Authority of a lighting scheme, including measures to minimise light-pollution. Thereafter the lighting shall be provided and maintained in accordance with the approved scheme.

Reason: In order to balance lighting needs with the interests of the character of the area and wider landscape, including the nearby South Downs National Park, which is a designated International Dark Skies Reserve, and nature conservation in accordance with Policies 13 & 16 of the Worthing Core Strategy 2011 and NPPF, 2019 para 180.

Highways & Access

13 Provide site access and visibility

No dwelling shall be occupied until all vehicular and pedestrian site accesses, (including visibility splays at the vehicular access), and all roads, footpaths and turning areas within the site, have been completed in accordance with the approved plans including 2019/4938/003 Rev C. The visibility splays shall be kept permanently free of obstructions to visibility above 0.6m height.

Reason: In the interests of road safety and amenity and to ensure the provision of associated infrastructure and in accordance with policy 12 of the Worthing Core Strategy 2011 and para 108 of the NPPF, 2019.

14. Provide parking spaces - including car club, wheelchair user and visitor space

No dwelling shall be occupied until the car parking for that dwelling and associated turning space has been provided in accordance with the approved plans, including identified spaces for wheelchair users, car club vehicles and visitors, which shall be marked out and identified on site in accordance with details of marking out which shall be first submitted to and approved by the Local Planning Authority. The approved spaces shall thereafter be permanently retained for their identified purposes.

Reason: In the interests of road safety and amenity and to ensure the provision of associated infrastructure and adequate parking, including provisions for wheelchair users and for sustainable transport in accordance with policies 12 & 19 of the Worthing Core Strategy 2011, saved policy TR9 of the Worthing Local Plan 2003 and paras 106 & 110 of the NPPF, 2019.

15. Electric vehicle charging points to be approved (including power rating)

Live charging points for electric vehicles shall be provided prior to the occupation of any dwelling in accordance with details including number, location, power rating and charge rate, which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable transport and air quality, in accordance with NPPF Paras 102 - 105, 170 & 181 and policy 19 of the Worthing Core Strategy 2011 and Saved policy RES7 of the Worthing Local Plan 2003.

16. Provide cycle parking

No dwelling shall be occupied until secure cycle parking stores for that dwelling have been provided in accordance with the approved plans. The approved stores shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of sustainable transport and amenity in accordance with policies 12 & 19 of the Worthing Core Strategy 2011 and saved policy TR9 of the Worthing Local Plan 2003.

17. Engineering specification for roads and bridging structures

No dwelling shall be occupied until construction details of the vehicular access and manoeuvring, any bridging structures (s) and parking areas within the site and surface water drainage for roads and parking areas (including provision to prevent surface water draining onto the public highway), and including engineering cross-sections and specifications, have been submitted to and approved in writing by the Local Planning Authority in consultation with WSCC as Highway Authority. Development shall be carried out in accordance with the details thereby approved and permanently maintained and retained.

Reason: In the interests of highway safety, to ensure provision of robust and drained access, parking and manoeuvring areas, and bridging suitable for servicing, refuse and emergency vehicles, in accordance with policy 12 of the Worthing Borough Core Strategy, 2011.

18. Site and slab levels and ramps to be approved, no subsequent raising of levels.

Prior to the commencement of development, with the exception of site clearance works, a survey and plan of existing and proposed site and slab levels, including provision of access for people with disabilities, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the details thereby approved and thereafter no other raising of levels shall be carried without the prior written approval of the Local Planning Authority. This condition shall apply notwithstanding any information contained in the current application.

Reason: In the interests of clarity and acknowledgement of raised floor levels for flood risk and because further changes in levels may materially affect the appearance and impact of the development, in accordance with policies 15 & 16 of the Worthing Borough Council Core Strategy 2011 and the NPPF, 2019

19. Public footpath - upgrading works and connections to Fulbeck Avenue to be approved

No development above slab level shall take place until a scheme setting out a programme of improvement works for the surface of Public Right of Way FP3114 which runs along the eastern boundary has been submitted to and approved in writing by the Local Planning Authority. Improvement works shall be carried out in accordance with the approved programme of works. No dwelling shall be occupied until the programme of improvement works have been implemented.

Reason: In the interests of sustainable transport and maintaining the value of the public right of way in accordance with policies 12 & 19 of the Worthing Core Strategy 2011 and saved policy TR9 of the Worthing Local Plan 2003 and the NPPF, 2019.

20. Travel Plan

No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: In the interests of sustainable transport and amenity in accordance with policies 12 & 19 of the Worthing Core Strategy 2011 and saved policy TR9 of the Worthing Local Plan 2003 and the NPPF, 2019.

Drainage

21. Surface water drainage

No development other than site clearance shall take place until details of surface water drainage and its means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until the drainage works have been fully completed in accordance with the approved details. The details shall include a timetable for implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and/or any other arrangements to secure the operation of the scheme throughout its lifetime. Thereafter, the drainage works shall be managed and maintained in accordance with the approved details for the lifetime of the development.

Reason: To ensure appropriate drainage, including sustainable drainage principles, in accordance with policies 12 & 15 of the Worthing Borough Core Strategy, 2011 and policy RES7 of the Worthing Local Plan, 2003.

22. Foul water drainage

No development other than site clearance shall take place until details of the foul drainage have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the drainage works have been carried out in accordance with the approved details.

Reason: To ensure appropriate foul drainage, in accordance with policy 12 of the Worthing Borough Core Strategy, 2011.

23. Remediation of contaminated land

1. Prior to the commencement of development, with the exception of site clearance works, an investigation and risk assessment shall be undertaken to establish whether topsoil and made ground at the site is contaminated and to determine the potential for pollution in accordance with the requirements of Environment Agency's 'Land Contamination: Risk Management (LCRM, 2020), or any updated version of those documents.
2. Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and to the natural and historical environment must be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
3. Following completion of measures identified in the approved remediation scheme at ii) above a verification report must be submitted to and approved in writing of the Local Planning Authority.

Reason: To minimise and manage any risks associated with any historic land contamination, and protection of groundwater, in accordance with saved policy

RES9 of the Worthing Local Plan 2003 and in accordance with NPPF, 2019 paras 179 & 180.

24. If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To minimise and manage any risks associated with any historic land contamination, and protection of groundwater, in accordance with saved policy RES9 of the Worthing Local Plan 2003 and in accordance with NPPF, 2019 paras 179 & 180.

25. Safeguarding of groundwater/ approval of piling No piling work shall be undertaken unless details of measures to be undertaken to protect groundwater have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water Thereafter the development shall only be carried out in accordance with such approved measures.

Reason: To safeguard water resources, including groundwater due to the location of the within Source Protection Zone 1 and in the vicinity of a Public Water Supply Abstraction point, in accordance with policy RES7 of the Worthing Local Plan, 2003.

Neighbouring Amenity

26. Balcony screens to be approved

No development above slab level shall take place until details of balcony screens to be used at first floor level and above at Block 5, to minimise risk of overlooking to existing neighbouring properties, have first been submitted to and approved in writing by the Local Planning Authority screens shall be fully implemented prior to the occupation of Block 5 and permanently maintained thereafter

Reason: To safeguard the residential amenities of the area in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policies RES7 & H18 of the Worthing Local Plan 2003.

27. Obscure glazing on upper floor windows to be approved

- i) All lounge windows at or above first floor level in the south-easternmost flats in the southern end elevation of Block 5, shall be permanently fixed and unopenable up to 1.7m above internal floor levels and permanently glazed with uncoloured obscured glass) also up to 1.7m above internal

floor level (obscuration equivalent to or greater than Pilkington Obscure Glass 4)

Reason: To safeguard the residential amenities of the area in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policies RES7 & H18 of the Worthing Local Plan 2003.

Other Matters

28. Noise insulation and ventilation

No development above slab level shall take place until details of measures for acoustic mitigation and ventilation, including the extent of dwellings to which 15 such measures are to apply, have first been submitted to and approved in writing by the Local Planning Authority and these acoustic mitigation and ventilation measures shall be implemented prior to the occupation of each applicable dwelling and permanently maintained thereafter.

Reason: To safeguard the residential amenities of the area in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policies RES7 & H18 of the Worthing Local Plan 2003 29.

External plant

No external fixed plant, or mechanical vent or duct shall be installed until a scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme should demonstrate the rating level of any new plant or machinery will not exceed the Plant Noise Criteria specified in Section 4 of the Acoustic Assessment (Ref: 9675.RP01.EBF.3 Dated 11th May 2020) and should include any necessary anti-vibration mountings. All plant shall be maintained in accordance with manufacturer's guidance and any future plant shall also meet the specified levels within the approved scheme

Reason: To safeguard the residential amenities of the area in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policies RES7 & H18 of the Worthing Local Plan 2003

30. Bin stores

Prior to the occupation of each dwelling the recycling and refuse bin store serving that dwelling shall be provided in accordance with the approved plans and shall be permanently retained and maintained thereafter.

Reason: To ensure adequate internal storage space for recycling and refuse in accordance with policies 12 & 17 of the Worthing Borough Core Strategy 2011 and the interests of highway safety and residential and neighbour amenities.

31. Fire hydrants

No development above slab level shall take place until details of fire hydrants to be installed at the site have first been submitted to and approved in writing by the Local Planning Authority and these shall be implemented prior to the occupation of each applicable dwelling and permanently maintained thereafter.

Reason: To safeguard the residential amenities of the area in accordance in accordance with policy 12 the Worthing Borough Core Strategy 2011

32. Secure by Design

No development above slab level shall take place until details of secure entrances to buildings, lighting within the site and security for cycle and bin stores have first been submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be implemented and fully adhered to in the development of the relevant phase.

Reason: To ensure a well-designed, good quality and safe environment in accordance with policies 16 & 19 of the Worthing Borough Core Strategy, 2011 and section 17 of the Crime & Disorder Act 1998 and paragraph 91 of the NPPF, 2019.

Construction process

33. Archaeological investigation works and reporting to be approved

No development shall commence within the site until:

- a) A written scheme of investigation (archaeological work) which should include on-site field survey and recording and the analysis reporting publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority;
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

Reason: To ensure appropriate investigation and recording of archaeological heritage assets on the site prior to commencement of new building works in accordance with Policy 16 of the Worthing Core Strategy 2011 and NPPF, 2019 para 189.

34. Construction Management Plan to be approved

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,

- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding, including public information to explain the development,
- a commitment to no burning on site,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.
- details of dust suppression

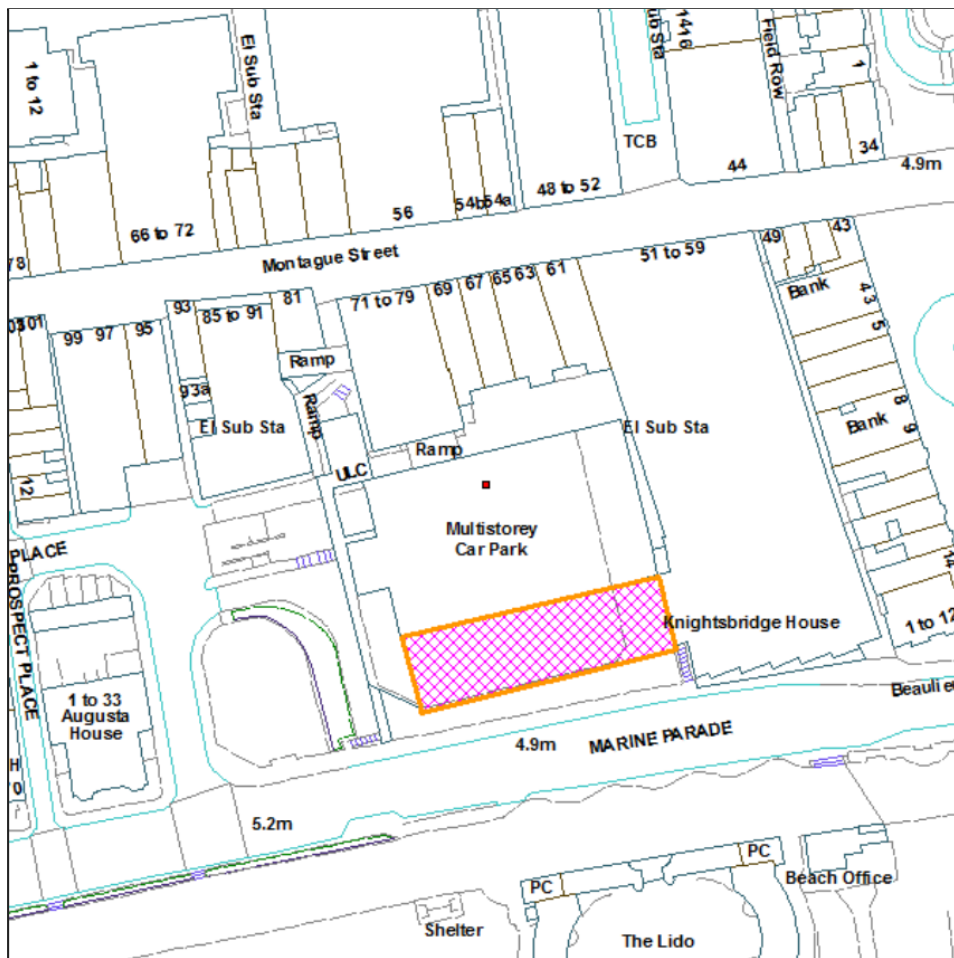
Reason: In the interests of highway safety and the amenities of the area in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policies RES7 & H18 of the Worthing Local Plan 2003.

35. Hours of work No construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 08.00 and 18.00 on Mondays to Friday and between the hours of 08.00 and 13.00 on Saturdays and not at any time on Sundays or Public Holidays.

Reason: In the interests of highway safety and the amenities of the area and a balance between the protection of local and residential amenities and times of development work in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policies RES7 & H18 of the Worthing Local Plan 2003

And any other appropriate conditions 20-10-2020

Application Number:	AWDM/0589/21	Recommendation - DELEGATE for APPROVAL - subject to the receipt of an acceptable noise assessment.
Site:	Grafton Multi Storey Car Park, Augusta Place, Worthing	
Proposal:	Application for a mixed use (3 years from the first occupation) for the siting of an open seating area, flexible events space, and relocatable buildings providing for a mix of leisure, food, and drink uses together with associated cycle storage, refuse storage, renewable energy generation, and landscaping.	
Applicant:	Mark Uren	Ward: Central
Agent:	As per applicant	
Case Officer:	Gary Peck	



Not to Scale

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Proposal, Site and Surroundings

This application seeks permission for 3 years from first occupation for the siting of an open seating area, flexible events space and relocatable buildings providing for a mix of leisure, food and drink uses together with associated cycle storage, refuse storage, renewable energy generation and landscaping on the currently disused roof space on the south side of Grafton Car Park. It is understood that the Council has awarded a temporary lease to the applicants subject to the grant of planning permission.

The Grafton Car Park is earmarked for redevelopment in due course and hence the proposal is described as a 'meanwhile' proposal for a temporary period. The proposal includes a single storey building of 150 square metres running along the northern side of the car park deck, representing about a quarter of the overall site area. The remainder of the site will comprise the outdoor courtyard space. The site would be accessed at the western end which would include a gated entrance to be locked outside of the opening hours.

The use of the site is split into 3 periods in the supporting information:

Morning 7am - 11am

In the morning Flexible Space 2 [that nearest to Knightsbridge House] will be empty of furniture and used between 7am - 11am for low-impact health and wellbeing activities such as Yoga, Tai-Chi and Pilates. These activities have been selected as they make little to no-noise. The limited equipment necessary (Yoga mats and props) will be stored in the wellbeing office.

Flexible Space 1 [that furthest from Knightsbridge House] will be set up with picnic bench seating to accommodate those visiting for coffee and breakfast from 8am.

Daytime 11am - 9pm

From 11am when the health and wellbeing activities conclude in Flexible Space 2, deck chair seating will be set up in this area for food and beverage customers to use up until 9pm.

At 9pm this area will be closed down and customers will be asked to move to the picnic bench seating in Flexible Space 1. The deck chair seating will be packed away overnight and the festoon lighting switched off.

Evening 9pm - 11pm

Flexible Space 1 is set up with picnic bench seating and used for food and beverage customers up until 11pm when the site is closed. At 11pm the festoon lighting will be switched off and the site will be secured at night.

Flexible Space 2 is closed during this time.

The closest residential properties to the site are in Knightsbridge House which adjoins the car park at its eastern end and has some properties with balconies and/or windows overlooking the application site on 3 different levels. To the west, across Augusta Place, is Augusta House which has windows and balconies visible from the application site on 8 separate floors.

The application site is close to Conservation Areas on its southern, eastern and western sides (Augusta House and Knightsbridge House are also both outside the Conservation Area)

Relevant Planning History

None relevant to the determination of the application. The most recent permission at the site was for the change of external finish from brickwork to white painted render on the south elevation, granted permission in 2018.

Consultations

Environment Agency

No objection

Environmental Health

This is a unique application making use of an existing terrace that is currently a focal point for skateboarders and others to gather, playing music etc, which is a cause of complaint to nearby residents. In this context, this temporary use application is welcome. However, we should be careful to ensure the new proposals do not replace one set of problems with another. As I understand the location will be used by different groups, and lunchtime and evening use will provide a venue for food and other licensable activity.

There are three main areas that need consideration and addressing; Toilet Provision, Noise and Odour.

Toilet Provision

The general requirement to provide an adequate number of flush lavatories connected to an effective drainage system in food premises is made under Regulation (EC) No. 852/2004 Annex II, Chap. I, Para 3. There are further requirements made under the provision of the Workplace (Health, Safety and Welfare) Regulations 1992, regulation 20, for workplaces generally. There are other requirements at any place which is normally used or is proposed to be normally used for the sale of food or drink to members of the public for consumption at the place, made under the Local Government (Miscellaneous Provisions) Act 1976, section 20. These include a requirement to provide sanitary accommodation of specified kinds and number in a specified position and a requirement to make the facilities available to the public, if required to, free of charge. The enforcement of these LGMPA requirements is discretionary.

This application depends on the use of the existing public conveniences located in the car park, for which I have no details. The professional guidance suggests public conveniences are not considered to be an acceptable alternative to the provision of customer toilets, as they do not form part of the establishment and are not likely to meet customer requirements, especially in inclement weather. However, the same guidance does allow officers the flexibility to consider such matters pragmatically based on the actual circumstances.

The Environmental Health Officer has subsequently confirmed that he will not object to toilet provision for a temporary application but suggests that the toilets are clearly signposted.

Noise

The Planning Noise Advice Document (Sussex) sets out what information is required to accompany planning applications of this nature.

The design criteria recognises that people living near to such development have a right to enjoy reasonable standards of amenity and to protect that amenity, the LPA must be satisfied that the applicant has successfully addressed the issue of noise control.

It is likely that most planning applications for these types of premises will require a noise report. The level of detail required will depend on the location (i.e. the proximity to noise sensitive premises) and the nature of the proposed use.

To satisfy the LPA that the development is acceptable, the applicant should usually be able to demonstrate that the following criteria can be achieved:

- *Where regular use of the proposed premises is planned, any amplified sound (including music and speech), should be inaudible within any nearby noise sensitive premises with one or more windows open for reasonable ventilation.*
- *Any other noise sources associated with the premises, such as patron noise, should also be inaudible inside residential properties with windows open for reasonable ventilation.*
- *If the noise report indicates that the above criteria would not be achievable, the development may still be considered but subject to restrictions on the hours of operation and/or frequency of use of the premises.*

As no acoustic report has been provided I cannot be sure what impact this development will have on local residents. Conditions restricting the levels of any amplified music and reducing the hours of use may be appropriate in this situation. I would also recommend a noise management plan.

Odour

There is no mechanical ventilation or extract system with odour abatement in place for any of the food kiosks. Given the prevailing South-westerly winds I would recommend that a common extract system be provided for the kiosks (subject to a noise assessment). Alternatively, consideration should be given to the type of food vendors that occupy these kiosks, avoiding any that may produce smoke or excessive fumes in the cooking process such as barbecues and frying, or vendors preparing and cooking pungent foods. This could be conditioned.

Subsequent comment:

I have spoken to the agent and sent him a list of acoustic consultants. He says the food outlets will supply their own kitchen extract. I have suggested that the

acousticians will not know the noise levels in advance of what the kitchen extract will be so will have to set a design noise level that any installed extraction will have to meet. I have also asked that the acoustician consider vocal noise and any music or audio from cinema or other entertainment that may be envisaged.

Sussex Police

I do have some concerns about the amenity of the local residents who may as a result of this application be disturbed early mornings and late into the night by those who will be coming to enjoy the proposed leisure facilities. This issue will need to be sensitively handled so that residents are not disturbed by any activities which could potentially disturb their rights to a private and family life as the times as indicated by the application form are to be from 7am to 11pm 7 days a week including weekends and bank holidays.

Representations

1 letter of objection has been received stating that the proposal will affect existing food and drink sector businesses of which there are many already so the proposal is unnecessary.

6 letters of support have been received on the following grounds:

- great addition to the town
- increased job opportunities
- good use of a disused space
- encourage visitors to explore Worthing
- classes to encourage health and well being are welcomed
- welcome investment in the town from a business perspective
- Worthing needs more places to enjoy the seafront from

Relevant Planning Policies and Guidance

Worthing Core Strategy (WBC 2011): Policies 3, 5, 15 & 16
Worthing Local Plan Saved Policies CT3, H18
Adur and Worthing Economic Strategy 2018-2023
Worthing Borough Council: Worthing Seafront Investment Plan
National Planning Policy Framework (CLG 2019)
Planning Practice Guidance (CLG 2014)

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or

any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

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 issues in the determination of the application are the effect of the proposal upon the character of the area and the amenities of nearby properties.

The proposal is for a temporary use of the Grafton Car Park deck, the wider site being proposed for a mixed-use redevelopment in the Submission Draft Local Plan. The proposed site allocation notes the complex access rights relating to the wider site and as a result any future redevelopment would not appear to be affected by a temporary use in the interim.

There can be few such unused areas in such a prominent location facing the seafront as the unused car park deck which currently consists of a flat surfaced area with a fine view of the sea. It is evident that the site is subject, at times, to anti-social behaviour and is often an informal gathering space for youngsters and used by skateboarders. In principle, therefore, the active use of the site seems to be quite clearly beneficial and perhaps more than ever, opportunities to provide an economic stimulus for the town following the pandemic need to be actively explored. As such, the opportunity to provide active outdoor space incorporating food and beverage and other concessions could be of benefit to existing residents as well as enhancing the vitality and viability of the town centre and seafront. In addition the development would enhance the attractiveness of the seafront for visitors to the town and the proposed uses should be actively encouraged. Given the nature of the existing building (a rather austere brutalist concrete structure), the provision of a single storey building set against its southern wall would not have an adverse visual impact nor affect the nearby Conservation Areas or listed buildings/heritage assets.

The main issue in the determination of the application, therefore, is the proximity of nearby residential properties, most particularly those in Knightsbridge House whose windows and/or balconies adjoin the raised deck area. It is noted that at the time of writing the report, no objection had been received from these properties regarding the application, perhaps demonstrating a preference for an active, controlled use of the site rather than the uses that occur at present. Indeed, the only objection received so far to the application appears to be on the ground of competition, which is not a valid planning issue that the Committee can take into account. There have been letters of support, most of which suggest this is an exciting opportunity for the town.

Notwithstanding the lack of objection from nearby residents, though, the uses cannot simply be accommodated without the appropriate safeguards most particularly in terms of noise and odour. As can be evidenced from the

Environmental Health comments further information is required on both of these aspects, but the applicant has shown a willingness to submit the required information and has already been in discussion with the relevant departments. It has been confirmed with the Environmental Health Officer that there would not be an objection to the proposal provided that this information is submitted, and it is anticipated that this will be received prior to the meeting. Members will be updated at the meeting and depending on the various assessments this will determine the extent to which controls should be imposed relating to hours of use and other matters such as maximum noise levels at the boundaries with residential properties.

Accordingly, it is recommended that subject to the receipt of an acceptable noise assessment, permission can be granted.

Recommendation

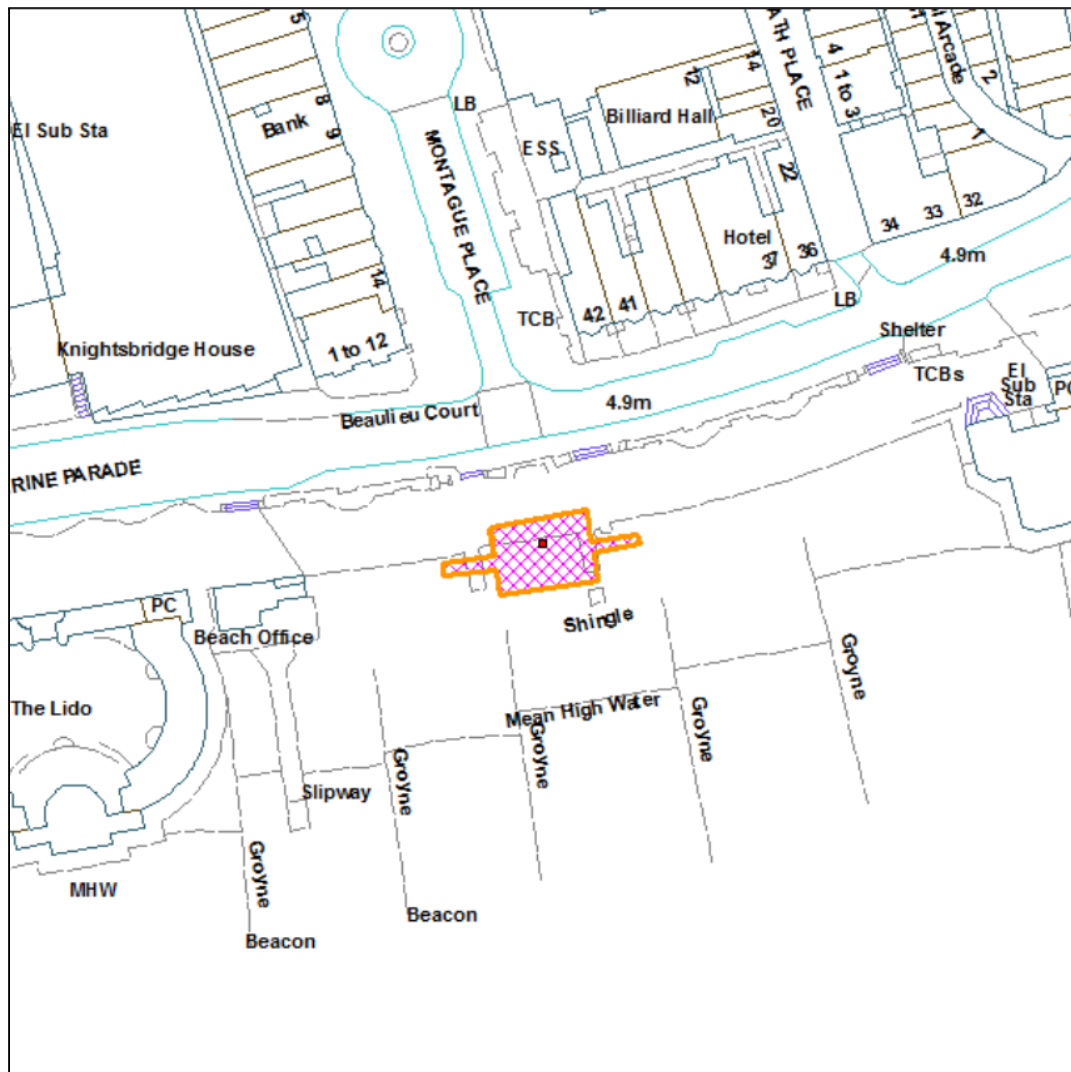
To delegate the decision to the Head of Planning and Development subject to the receipt of satisfactory comments from Environmental Health on the additional information requested (noise and odour assessments).

Subject to Conditions:-

1. Approved Plans
2. Temporary Permission...3 years...
3. Hours of use 0700-2300 hours (provided acceptable noise assessment report is received)
4. Flexible spaces and uses to be provided and used in accordance with information provided within the Design and Access Statement.

Together with any further conditions suggested by the Environmental Health Officer upon the receipt of additional information.

Application Number:	AWDM/0752/21	Recommendation - APPROVE
Site:	Foreshore East Of Beach Inspectors Office, The Promenade, Worthing	
Proposal:	Erection of a Ferris Wheel (retrospective)	
Applicant:	Mr Jan De Koning	Ward: Central
Agent:	Mr Nigel Peel	
Case Officer:	Gary Peck	



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Proposal, Site and Surroundings

This application originally sought a variation of condition 1 of the permission granted under reference AWDM/0089/19 to replace the approved plans for a 46 metre high wheel with a 33 metre high wall. However, as the original application specifically mentions the height of height of the wheel a new planning application is required and the application forms have been amended accordingly.

The original permission was granted in 2019 and was to run until November of this year.

The operator, has however, indicated that this year a smaller, 33 metre wheel would be installed at the site and accordingly this application seeks this smaller ferris wheel.

The wheel has already been constructed on the site under permitted development rules which allow temporary structures like this to be sited for 56 days without the need for planning permission (the limit used to be 28 days, but the government has extended the time period during the pandemic) which allows the wheel to be in place until late June, but since the applicant wishes the wheel to remain in place until November, permission is required to retain the wheel beyond the initial 56 day period.

The wheel is 13 metres less in height than that previously approved and contains 12 less gondolas but much of the 'on ground' plant is similar to that previously approved.

The application site is within the Conservation Area and in close proximity to a number of listed buildings including the Pier, Lido and those within Montague Place.

Relevant Planning History

Planning permission was granted in 2019 for the erection of a 46 metre high observation wheel with 36 gondolas each holding 6 persons and associated structural base, wheel platform, access ramps, payment booth, photo booth and welfare facilities to operate from March to November (and at the same time each year until 2021) between 1000 and 2200 hours (AWDM/0089/19).

Consultations

Environmental Health - There are no adverse EH comments for this variation of condition.

Historic England - No comment on the application

West Sussex County Council Highways

The decrease in size would not be anticipated to be particularly significant and would not be expected to exacerbate any existing issues, nor warrant an objection on the basis of safety or capacity. Whilst the Planning Authority will no doubt wish to consider matters of amenity for local residents, no highway objection would be raised.

Representations

1 letter has been received raising the following concerns:

The online planning submission contains limited information about the safe design, construction and operation, therefore I have made a number of observations that should be looked into before planning permission is granted.

While it is noted that planning approval is not required for a temporary structure such as a Ferris wheel, it must have been obvious that planning approval would be required due to the structure being in operation for more than 56 days. Construction and operation commenced on the Ferris Wheel without planning approval which in my view, prevented the Planning officers from carrying out their function. It is not relevant to Health & Safety Legislation that planning had been granted previously for a larger wheel, as hazards and risks change and are required to be reviewed.

More importantly the planning process introduces checks and balances and allows the Planning officers to review supporting documentation such as the design risks assessment and the proposed construction methodology before any works commence. This review plays an important part in supporting the legal requirement that the hazards and risks are reduced to As Low as is Reasonably Practicable (ALARP) during design, construction, maintenance and removal. This did not happen and unsafe working practices and issues that could have been mitigated in the design went/continue unchecked. Also issues that placed the public and construction operatives at danger during construction went unchallenged and were not corrected even when reported to Worthing Council via the Foreshore office.

Health & Safety - Design Issues

Access ramp of wheel creates a significant reduction of width of the promenade, The following issues could have been removed or significantly reduced by locating the wheel and entry ramp a few meters back on the foreshore or at another site with more room on the promenade or foreshore. The present arrangements:

Increases the likelihood of a collision between cyclists and pedestrians, in an area where the arrangements for the segregation is already unclear. The side access ramps of the wheel creates a significant trip hazard to those that are partially sighted. It is unclear what role the Duty Holders under The Construction (Design and Management) Regulations 2015 played in this. Who approved the design, allowed work to commence, inspected the structure/electrical arrangements prior to use by the public.

The representation letter also included photos of the surrounding fencing blown down in the wind and operatives working on the wheel during its construction.

Relevant Planning Policies and Guidance

Worthing Core Strategy (WBC 2011): Policies 3, 5, 15 & 16

Worthing Local Plan Saved Policies CT3, H18

Adur and Worthing Economic Strategy 2018-2023

Worthing Borough Council: Worthing Seafront Investment Plan

National Planning Policy Framework (CLG 2019)

Planning Practice Guidance (CLG 2014)

Historic Environment Good Practice Advice in Planning: Note 3 The Setting of Heritage Assets.

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

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

Planning Assessment

The main issue in the determination of the application is whether the proposed alterations to the previous permission are materially different from the previous permission sufficient to justify a different decision to that previously made.

The existence of a previous permission is a material consideration in the determination of any subsequent application. The previous permission allowed the wheel to be in situ until November of this year and therefore the previous higher wheel could be in position now with a valid planning permission. Accordingly, therefore, there can be no objection to the principle of an alternative structure being placed on the site.

One of the main issues during the consideration of the previous application was the scale of the then proposed wheel with its height of 46 metres, but the Committee considered that the dimensions of the wheel were acceptable and it subsequently operated successfully on the seafront. The wheel now in place is 13 metres smaller in height than previously approved and therefore its consequent visual impact is less than was previously the case. The impact upon neighbouring residential properties is similarly reduced in terms of the size of the structure in place and as the wheel is in the same position as previously approved, there is no other additional impact upon the nearest properties, nor indeed upon the listed buildings that sit close to the site. Given the acceptable principle of the development, therefore, there is no reason to consider the revised scale of the proposal unacceptable.

A representation has been received expressing concern that the timing of the application has not allowed pre-planning consideration of the health and safety impacts of the development. A condition was imposed upon the previous permission requiring the construction of the wheel to be carried out in accordance with the relevant British standard and advance programme of works but clearly as the wheel is already in situ, it is not possible to impose such a condition on the current application.

However, permitted development rights allow the wheel to be erected for a period of 56 days without planning permission and similarly there is no control under the permitted development regime to impose planning conditions. The construction of the wheel would have been subject to Health and Safety Regulations in any case and as such planning conditions should not duplicate other legislation, so it is arguable whether the previous condition should have been imposed, although where information is readily submitted, as was the case with the previous application, officers will can take the opportunity to secure the implementation of those works by condition if specific concerns have been raised during the application process. Since the wheel has been taken up and down previously, the need for a condition may have been less necessary.

The period for temporary installations without planning permission was 28 days prior to the pandemic which has subsequently been extended to 56 days by the government. A central reason in this extension is to allow development to take place that will assist the economic recovery. It follows that the retention of the wheel until November will similarly assist the economic recovery and attract visitors to the town and would similarly meet with central government objectives. In any case, this was an objective of the Council before the pandemic as outlined during the consideration of the previous application. Accordingly, your officers consider that this revised application is acceptable and it is recommended that planning permission be granted.

Recommendation

To GRANT planning permission subject to the following conditions:

1. Approved Plans
2. The development hereby permitted shall only operate until 30th November 2024.

Reason: Having regard to policies 5 and 16 of the Worthing Core Strategy and that permission would not be granted on a permanent basis for such development which is proposed on a temporary basis.

3. Light Intrusion into residential windows shall not exceed 10 Lux between 07:00 and 22:00 hours and 2 Lux between 22.00 and 07.00 hours, measured as Vertical illuminance (EV) normal to glazing. The Sky Glow (Upward Light Ratio) shall not exceed 5.0%

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

4. The observation wheel hereby permitted shall only be operated between the hours of 1000-2200 hours and at no other time.

Reason: In the interests of amenity having regard to saved policies RES7 and H18 of the Worthing Local Plan.

5. No public address or other sound amplification system shall be installed or used on the site at any time.

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

6. The Observation Wheel hereby permitted shall at all times be operated in accordance with the submitted Ancillary Management Plan dated March 2019 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure satisfactory management of the facility in the interests of amenity in accordance with policy 16 of the Worthing Core Strategy.

7. The foundation construction of the wheel hereby permitted shall be maintained in accordance with the details submitted to the Council's Technical Services department in February 2019 and with any further details as subsequently agreed in writing with the Council.

Reason: In the interests of visual amenity in accordance with policy 16 of the Worthing Core Strategy

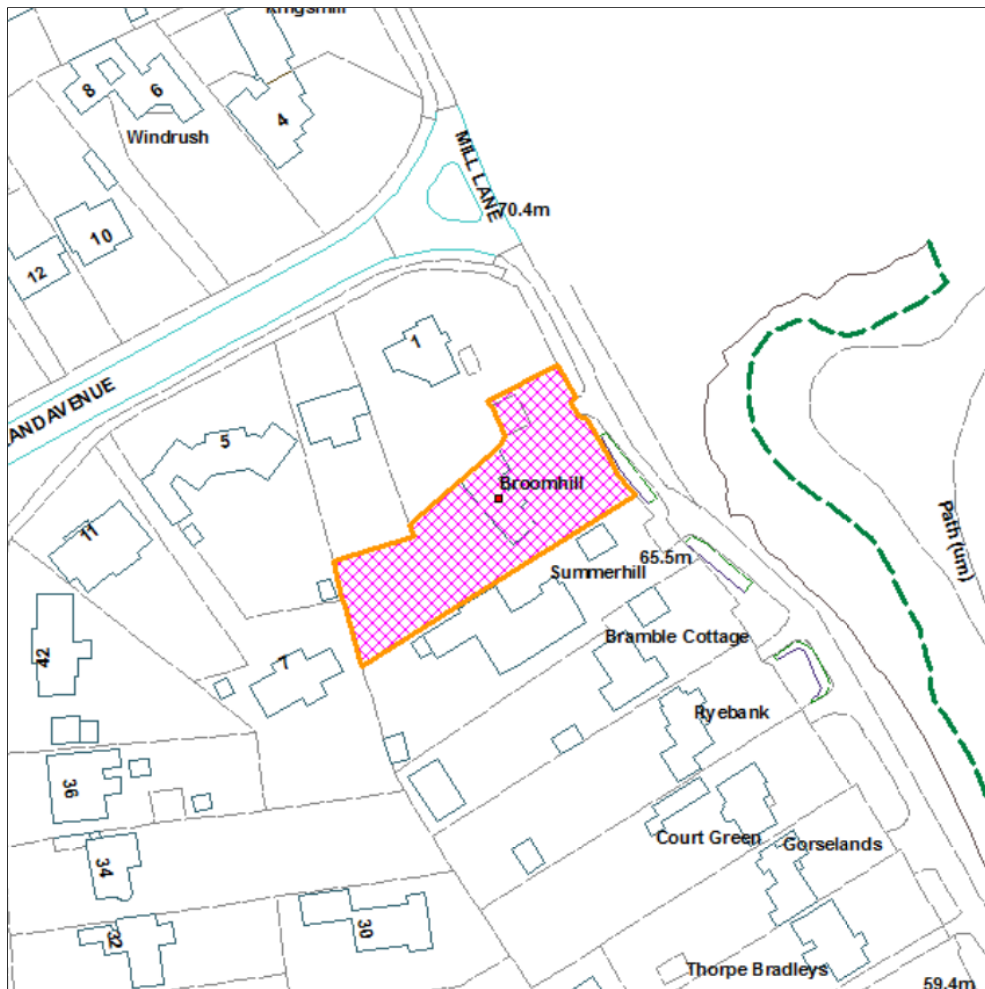
8. Not later than 3 months before the final cessation of the use hereby permitted, a scheme of work shall be submitted outlining all materials etc to be removed and details of the restoration of the promenade/beach. The approved details shall then be implemented in accordance with a timescale to be agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure the site is restored to an acceptable condition in accordance with policy 16 of the Worthing Core Strategy.

9. Noise emissions from all plant and machinery associated with the operation of the wheel shall be limited to a level not exceeding 50dB LAeq, 1 hr between 07.00 - 22.00 and 45dB LAeq, 5 mins between 23.00 - 07.00, measured at the boundary of any residential property on Marine Parade. Where extraneous ambient noise precludes direct measurement then measurement shall be taken at a point closer to the wheel and a subsequent calculation be made to determine the noise levels at any residential property on Marine Parade.

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

Application Number:	AWDM/0339/21	Recommendation - REFUSE
Site:	Broomhill, Mill Lane, Worthing	
Proposal:	Garage conversion to self contained two bedroom holiday let, including raising of ridge height, 1no. dormer to east and 2 no. dormers to west elevations and associated alterations.	
Applicant:	Mr & Mrs MacDonald	Ward: Salvington
Agent:	Carl Moore, Atterbury Moore Associates	
Case Officer:	Rebekah Hincke	



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Proposal, Site and Surroundings

This application seeks full permission for a garage conversion to form a self contained two bedroom holiday let, including raising of the ridge height of the garage, the erection 1no. dormer to east and 2 no. dormers to west elevations and associated alterations including the provision of an amenity area to serve the holiday let.

The application site is located on the western side of Mill Lane, close to its junction with Woodland Avenue. The garage, which is the subject of the application, is detached and sits forward of the host dwelling adjacent to the northern boundary with the neighbouring property. The curtilage of the neighbouring property wraps around the garage so that it is also adjacent to the western elevation of the garage. The garage is visible from Mill Lane at the site access, but because of the narrow nature of the lane and the well treed and landscaped nature of the surrounds is not so visible from a longer distance.

The site is not within a Conservation Area but a preserved tree is situated in the front garden and the boundary of the National Park is across Mill Lane to the east.

Relevant Planning History

None considered relevant to the determination of the application.

Consultations

Environmental Health

The Private Sector Housing team of Adur & Worthing Councils has identified that some aspects of the development may result in hazards that require action under the Housing Act 2004. Typical hazards can include 'inner' rooms (where the only means of escape in the case of fire is through another risk room, i.e. bedroom, living room, kitchen, etc.) or where there are inadequate windows or outlook from habitable rooms.

In this case, the bedrooms can only be accessed through the high-risk kitchen/living room and so they are inner rooms.

In addition, the technical national space standard for a 2-bed, 4-person two-storey building is 79 sq.m and, as the application states, the floor area of the development is only 58 sq.m

It is noted that the application is for a holiday let, but as a self-contained unit, it should still meet the minimum requirements for residential accommodation.

If the Council is minded to approve the development, robust conditions should be in place to prevent the dwelling being rented or sold as a separate unit of accommodation.

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

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank Holidays no work permitted

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

Reason: To safeguard the residential amenity of the area.

West Sussex County Council Highways

The proposal seeks the conversion of a garage at Broomhill Mill Lane Worthing into a self-contained two-bedroom holiday let.

Direct access to the site is achieved via an established crossover access point onto Mill Lane, which is private at this point. Access to the maintained highway network can take place either at Woodland Avenue, Foxley Lane or an adopted section of Mill Lane (circa 230 metres south of the site).

Given this stretch of Mill Lane already serves a number of residential dwellings it would not be anticipated that the increased use for a two-bed holiday let would result in a material intensification of use at the access points onto the maintained network.

The holiday let would be provided with a concrete hardstanding parking area large enough to park one vehicle. Given the scale of the holiday let (2 bedrooms) this seems to be a suitable provision for a holiday let of this size.

Using aerial photography, it is clear that a large area of hardstanding will remain to serve as parking and turning for the existing dwelling (Broomhill).

Given the existing dwelling will lose its garage facility, which could have been used for cycle parking, it would be beneficial if a replacement provision was secured. It would also be beneficial if the holiday let could be provided with a secure and covered cycle parking provision. A shared provision would also be considered acceptable.

In the interests of sustainability and as a result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments).

Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

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

If the Local Planning Authority is minded to grant planning consent the following conditions would be advised:

Electric Vehicle Charging Spaces

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

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

Cycle Parking

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

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

Representations

None received

Relevant Planning Policies and Guidance

Worthing Core Strategy (2011):

Policy 5 The Visitor Economy Policy 16 Built Environment and Design

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

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

Planning Assessment

It is considered that the main issues in the determination of the application are whether the principle of development is acceptable and the effect of the proposal upon the visual character of the area and the amenities of neighbouring properties.

In principle, the provision of holiday accommodation is acceptable and such facilities can often be found in outbuildings within the curtilage of a residential property. Local plan policies are supportive of bringing tourism to the area and this particular site is close to the boundary of the National Park and thus well placed to provide access to recreational activities.

In principle, therefore, there is no objection to the application but as with any application, a requirement of Local Plan policy is that proposals are well designed and appropriate to their context. With particular regard to holiday accommodation such context is often that the accommodation provided is of ancillary appearance to the main dwelling and does not have the appearance of a dwelling in its own right.

The garage in question sits forward of the main dwelling and is prominent when viewed from the site entrance. Any alterations to it will have some impact upon the character of the area and the necessity to increase the ridge height of the building to accommodate a 2 bedroom let will increase the visual impact when viewed from the road.

Additionally, dormers are proposed both to the front and rear of the building, which at present does not have any such roof additions and it appears as a typical domestic garage in the street scene. To the road elevation, 2 pitched roof dormers are proposed as well as a set of patio doors, in front of which would be an amenity area consisting of a brick wall with close boarded fence above it. Taken with the increase in ridge height, it is felt that the cumulative impact of these additions would result in a building that would no longer appear ancillary to the host dwelling both in its scale and function. To the rear western side of the building is a large flat roofed dormer. While its visibility from the road would be limited, its design is not of visual merit and again would not be the type of addition normally found on an ancillary building. The size of dormers proposed would give the building a top heavy appearance. A further set of windows on the southern elevation, replacing the existing garage doors, would further add to the domestic appearance of the building, giving it the appearance of a separate dwelling to the front of the property.

The applicant considers that the alterations are little different to that which could be undertaken under permitted development rights, but the fact that the ridge height is being raised means that the works are not permitted development, even if they were for domestic use purposes only. While dormers are sometimes found on bespoke garages, they are rarely of the flat roofed design proposed on the western elevation, while garaging that is being retained for domestic use would not normally require a fenced amenity area around it, nor the provision of additional windows.

While, Officers are sympathetic to the desire to provide tourist accommodation, therefore, it is felt that the proposal is excessive in size and scale and that ideally a proposal that did not require a raising of the ridge height or the number of roof additions proposed would be a far more acceptable solution that would fit in more

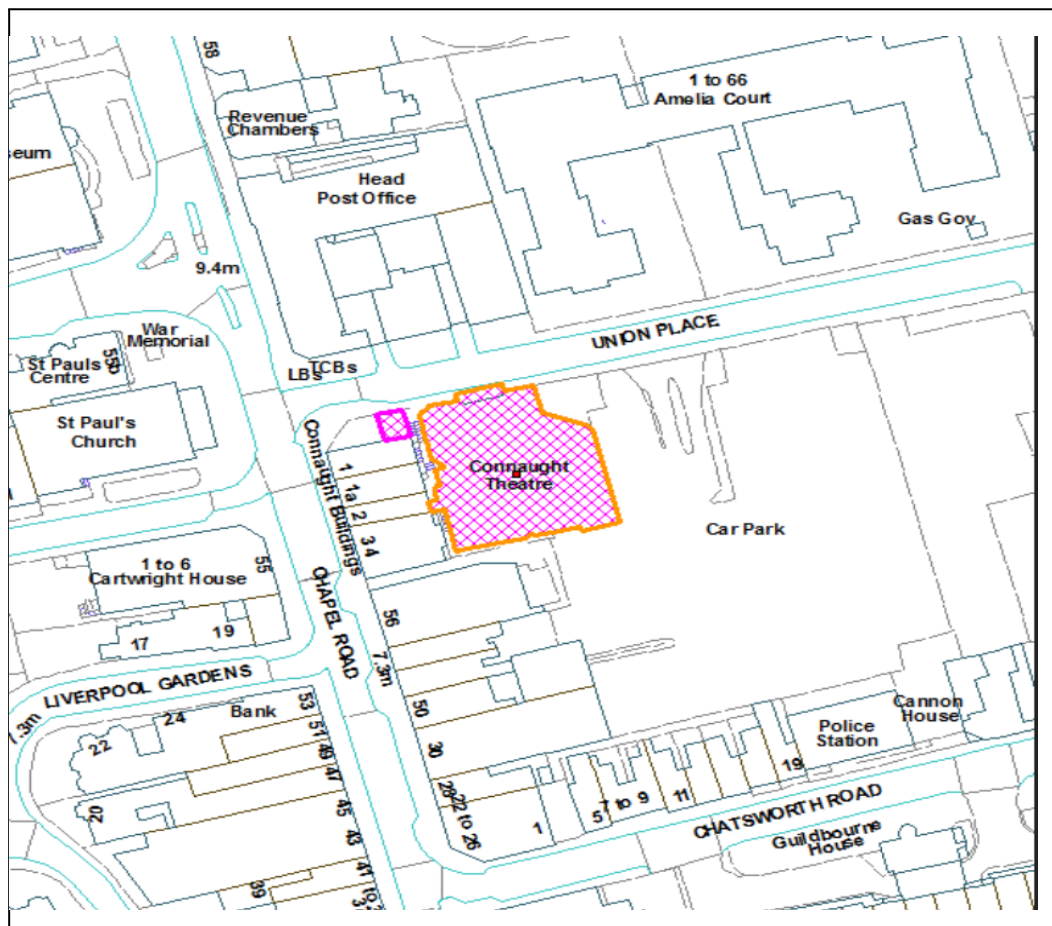
comfortably with the area. Accordingly, the application as submitted is considered to be unacceptable.

Recommendation

REFUSE permission for the following reason:

The proposed holiday accommodation by virtue of the necessity to raise the ridge height of the roof, provision of additional dormers including a poorly designed flat roofed dormer to the western elevation, and provision of an amenity area enclosed by a close boarded fence is not considered to be of good quality architectural design that reflects local character and would result in a development of a scale and design that would appear incongruous in the area. The proposal therefore fails to comply with policy 16 of the Worthing Core Strategy.

Application Number:	AWDM/0628/21	Recommendation - DELEGATE FOR APPROVAL - subject to the satisfactory comments of Environmental Health in respect of the submitted noise assessment.
Site:	Connaught Theatre, Union Place, Worthing	
Proposal:	Installation of 2 air handling units and ductwork to roof	
Applicant:	Worthing Borough Council	Ward: Central
Agent:	Miss Rebecca Dickson	
Case Officer:	Gary Peck	



Not to Scale

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Proposal, Site and Surroundings

This application seeks full permission for the installation of 2 air handling units which will be located to the rear of the building and associated ductwork to be installed on the roof nearer to the front elevation. It is stated that the proposals are necessary to provide proper ventilation throughout the Connaught Theatre and therefore allow the theatre to remain operational and provide an improved experience for customers.

The Connaught Theatre is on the south side of Union Place and located within the eastern edge of the Chapel Road Conservation Area. The single storey wing of the Connaught Buildings and Theatre is a local interest building and positive indicator to the character and appearance of the Conservation Area.

Relevant Planning History

None considered relevant to the determination of this application. A separate application appears elsewhere on the agenda for a digital advert to the western elevation.

Consultations

Environmental Health Officer: Comments on the noise assessment are awaited and will be reported verbally at the meeting.

Representations

None received

Relevant Planning Policies and Guidance

Worthing Core Strategy (2011):

Policy 5 The Visitor Economy Policy 16 Built Environment and Design

Supplementary Planning Document 'Sustainable Economy' (WBC 2012).

The Submission Draft of the Worthing Local Plan 2020 has similar draft policies seeking to enhance the built environment and protect and enhance heritage assets.

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

Section 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention

to the desirability of preserving or enhancing the appearance of the Conservation Area.

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 the main issue in the determination of the application are the impact of the proposals upon the character and appearance of the heritage asset and the Conservation Area having regard to the use of the building.

The Connaught Theatre is a building of local interest and while not a listed building is located within the Conservation Area and hence is an undesignated heritage asset. Its architectural and cultural interest therefore requires that any decisions on a submitted planning application must take into account such characteristics.

The proposed air handling units and ductwork will have some impact upon the character and appearance of the building. The main part of the units will be located to the rear of the building, however, and will be primarily viewed from the adjacent car park which itself falls outside of the Conservation Area. The adjoining site is itself subject to an application for redevelopment with the Union Place redevelopment scheme proposing a multi-storey car park adjacent to the Connaught Theatre .

The wider context of the area is defined by the high eastern wall of the Connaught building (containing the fly tower) on which are placed some large adverts and the rear elevations of properties in Chapel Road which contain many necessary service based additions such as external staircases and railings, fencing and air conditions units. It is not considered in such a context that the proposals will cause significant harm to the character of the building or Conservation Area.

The associated ductwork on the roof will be closer to the front of the building albeit set back on the flat roof section. The submitted roof plan indicates that the ductwork will be set back in line with the higher Connaught buildings immediately to the west. As a result, this will limit the visibility of the ductwork. Given the set back of the ductwork it would only be slightly visible from the northern side of Union Place. However, given this is the principal elevation of the art deco building the applicant has been advised to consider whether the ducting could be painted to reduce its visual impact. Alternatively depending on the noise assessment considerations a acoustic screen may be necessary which would also assist in terms of reducing the visual impact of the ducting.

It would be fair to conclude that while the works will have some impact upon the building and Conservation Area, this would be limited. The National Planning Policy Framework gives guidance for determining application in such circumstances stating at Paragraph 196, *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

In this instance, the application has been submitted because of the requirement to improve ventilation to the Theatre building. At the time of writing of this report, it is anticipated that the Theatre will reopen shortly and given the impact of the pandemic on all theatres it is recognised that it is important to support the Town's cultural facilities during these difficult times. The need for increased airflow and ventilation is specifically in response to the pandemic to ensure a covid safe environment for all customers. Having regard to the limited harm that the proposal would cause in visual terms and the public benefits of improving public safety for all customers the development is considered to be acceptable.

The outstanding matter is that the submitted noise assessment will need to meet the requirements of Environmental Health and demonstrate no adverse impact to the amenities of residential properties in the locality. It is anticipated that the Environmental Health Officer will provide comments prior to the meeting and it is understood that discussions have already taken place between the noise consultants engaged by the Council and the Environmental Health Officers to ensure the correct information is provided. As such, this is a largely technical issue that can be adequately controlled by condition and not unnecessarily delay the decision making process.

Recommendation

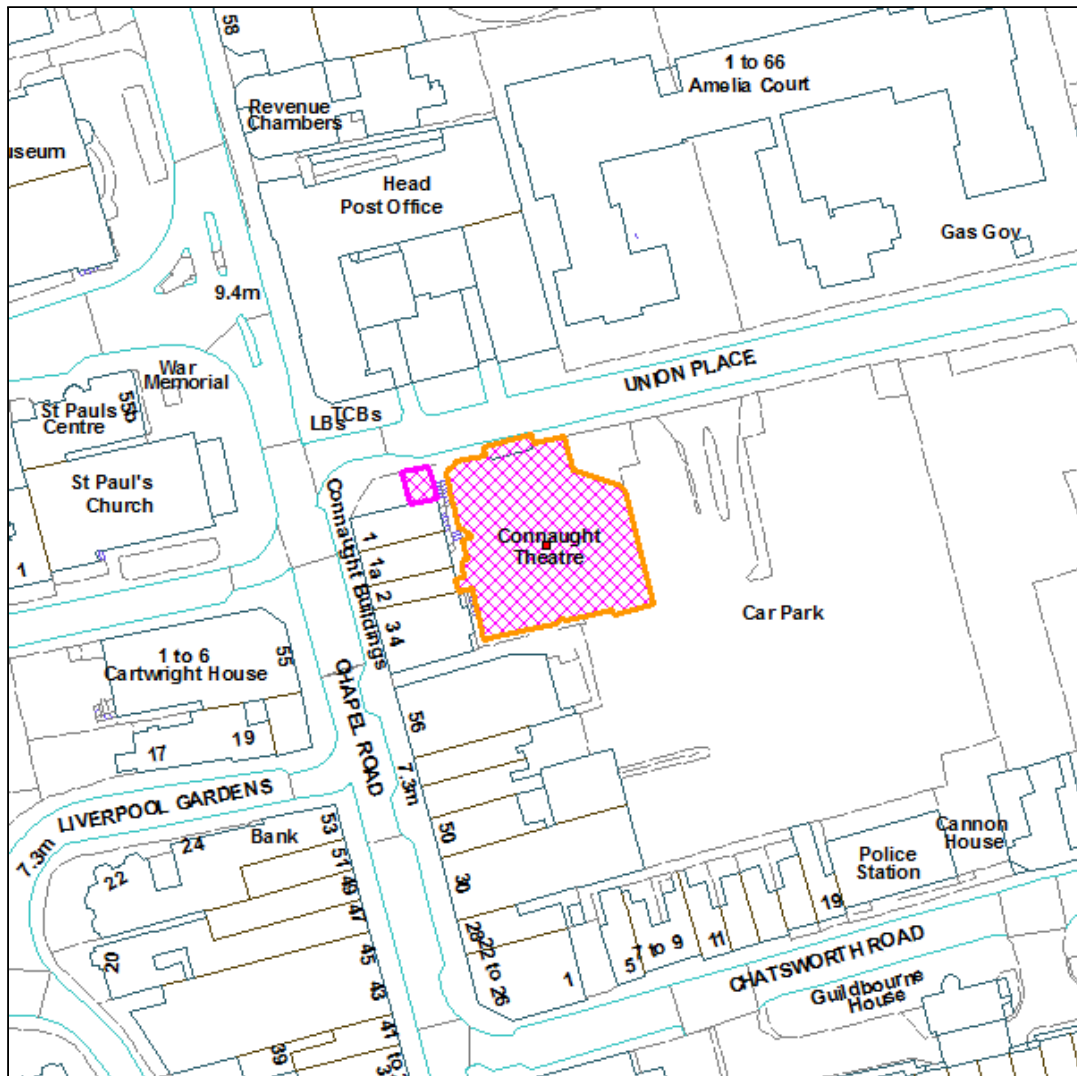
It is recommended that the decision be delegated to the Head of Planning and Development to APPROVE subject to the receipt of satisfactory comments from the Environmental Health Officer.

Subject to Conditions:-

1. Approved Plans
2. Full Permission

Together with any further conditions suggested by the Environmental Health Officer.

Application Number:	AWDM/0729/21	Recommendation - APPROVE
Site:	Connaught Theatre, Union Place, Worthing	
Proposal:	1no Industrial 75" Inch 4k Wall-Mounted Outdoor Digital Advertising Display	
Applicant:	Mr Rowland	Ward: Central
Agent:	D Carter	
Case Officer:	Gary Peck	



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Proposal, Site and Surroundings

This seeks advertisement consent for a 75 inch wall mounted outdoor digital advertising display on the western elevation of the Connaught Theatre. This part of the building is currently used for a number of poster adverts and on this particular part of the building there are usually 3 such adverts in small recessed areas, with the proposal seeking to replace the middle poster area with a digital advert.

The Connaught Theatre is on the south side of Union Place and located within the eastern edge of the Chapel Road Conservation Area. The single storey wing of the Connaught Buildings and Theatre is a local interest building.

Relevant Planning History

Advertisement consent was granted in 2017 for the display of two vinyl signs to east elevation (AWDM/0181/17)

Consultations

Any comments will be reported verbally at the meeting

Representations

Any representations will be reported verbally at the meeting

Relevant Planning Policies and Guidance

Worthing Core Strategy (2011):

Policies 5 (The Visitor Economy) and 16 (Built Environment and Design) are considered relevant to the determination of the application

The Submission Draft of the Worthing Local Plan 2020 has similar draft policies seeking to enhance the built environment and protect and enhance heritage assets.

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

Section 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

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.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) made pursuant to section 220 of the Town and Country Planning Act 1990 (as amended) provide that the Committee should consider the application having regard to: the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

Planning Assessment

It is considered that the main issues in the determination of the application is the impact upon the visual character of the Conservation Area.

The application site is currently used for the display of adverts, both on the western elevation where the digital display is proposed as well as on the northern elevation of the adjoining building. At present, it is difficult to read the adverts from any distance and passing pedestrians along Chapel Road would be unlikely to have their attention drawn by the adverts.

The necessity to assist the Theatre in recovering from the pandemic would appear obvious and would certainly be supported by current government and development plan policy. In principle, the application is therefore considered acceptable.

The site is within the Conservation Area, however, and there remains the statutory duty to ensure any development preserves and enhances the Conservation Area. Clearly, the proposed advert would be more prominent in the street scene as its purpose would be to clearly advertise events to passers by. Nevertheless the area is already used for adverts and it is not felt that the introduction of a digital display would materially detract from the character of the Conservation Area. The sign would be internally illuminated with an illuminance level of 300 candelas which is a normal level of illuminance for a display board such as this.

On balance, it is concluded that the proposed sign would assist in advertising the events at the Theatre at an important time in its recovery and that the Conservation Area would not be affected to a material degree that would warrant the refusal of advertisement consent. It is therefore recommended that permission is granted.

GRANT ADVERTISEMENT CONSENT subject to the following conditions:

1. Approved Plans
2. Illuminance level not to exceed 300 candelas

Standard advert conditions:

3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

4. No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
5. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
7. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

26th May 2021

Local Government Act 1972
Background Papers:

As referred to in individual application reports

Contact Officers:

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Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

- 9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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

ADDENDUM TO PLANNING COMMITTEE
MEETING DATE - 25th May 2021

Application Number:	AWDM/0166/20	Recommendation - Approve subject to the completion of a s106 Agreement and receipt of further responses from drainage authorities.
Site:	Land Site West Of Fulbeck Avenue Northbrook Worthing West Sussex	
Proposal:	Application under Regulation 4 for full planning permission for the erection of 152 apartments including 30% affordable provision, consisting of 51 no. 1-bedroom apartments and 101 no. 2-bedroom apartments, with associated car and cycle parking, open space, landscaping and new access at land to the west of Fulbeck Avenue.	

Consultation Responses

Following the receipt of Environment Agency has no objections subject to the

The Councils Independent Drainage Consultants, JBA has completed its review of the fluvial and pluvial modelling and is satisfied that the outstanding issues have been resolved by the applicants. The conclusion on the two modelling exercises undertaken states that,

Fluvial and Breach Modelling

The following recommendations have been made based on the review of the **fluvial, blockage and breach modelling** undertaken by Stantec on behalf of BokLok.

1. Levels along the top of the southern bank of the Malthouse Way balancing pond have been taken from construction drawings rather than as built drawings or topographic survey. In this area, the topographic survey undertaken in October 2020 indicates that there are locations along this boundary where levels fall to 12.90m AOD. It is understood that the top of bank level is due to be raised so that level accord with the approve design drawings. This feature should be considered to be a mitigation measure for the site and therefore will need to be retained and maintained for the life of the development.

2. A plan of the proposed mitigation measures has been included within Appendix D of the FRA Addendum report. This is appropriate and reflects the measured implemented into the model. It is important that any modifications and mitigation measures implemented to reduce the risk of flooding are included and clearly marked in design drawings. These features will also need to be retained and maintained in perpetuity for the lifetime of the development to ensure that the protection remains.

3. The sensitivity scenarios have highlighted the potential sensitivity and impact of development of this site on flood depths as a result of a breach occurring in the

Somerset's Lake embankment. While this is a residual risk it highlights the importance of addressing the poor condition of the embankment as an integral part of any development plan (JBA Consulting Report: Inspection of Somerset's Lake version 2 dated 26 June 20).

Pluvial Modelling

No further recommendations have been made based on the second review of the **pluvial modelling** undertaken by Stantec on behalf of BoKlok.

In response to this review of the modelling the key drainage consultants were re-consulted and the following comments have been received:

Environment Agency

The EA now raises **no objection** to the development subject to the following condition being imposed:

The development shall be carried out in accordance with the submitted Flood Risk Assessment documents (1. 'FRA Addendum Rev D', Project Ref: 49211/4007, Rev: D, dated May 2021, by Stantec; 2. Plan 'Proposed Site Detail and Additional Mitigation, Ref: 49412/4008/Figure A, dated 11.05.21; 3. 'Fluvial Model Review document v5', Reference '2d_zsh_SWPond_TOB-raise_100') and the following mitigation measures detailed therein:

- *Finished floor levels shall be set no lower than those quoted in Table 5.1 on page 22 of FRA Addendum Rev D.*
- *All mitigation measures shown in the submitted plan (Proposed Site Detail and Additional Mitigation, Ref 49412/4008/Figure A) must be implemented.*

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future occupants and to ensure flood risk is not increased elsewhere. The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change. Please notify us immediately if you are unable to apply our suggested condition, to allow further consideration and advice.

Advice to the Local Planning Authority and Applicant

*We **strongly** suggest that the southern embankment of the existing attenuation pond at the northern boundary be raised to 13.0 mAOD prior to occupation. The embankment has been set at this level in the flood model as mentioned on page 6 of Fluvial Model Review document v5,reference '2d_zsh_SWPond_TOB-raise_100'. As*

such, all modelled flood levels and depths used in the FRA are based on this embankment height.

Advice to the Local Planning Authority

Flood warning and emergency response - We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The Planning Practice Guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 163 of the NPPF and the guiding principles of the PPG.

West Sussex Lead Local Flood Authority (LLFA) continues to object to the application and raises the following comments/concerns:

- a. *Robust demonstration of no negative impact on surface water flow routes and no net increase in flood risk downstream.*

The LLFA acknowledges that the above wording is open to misinterpretation. The NPPF is clear: When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere (paragraph 163). Modelling of the breach scenarios and associated analyses undertaken by Technical Services at Adur Worthing Council (Reference B) shows that NPPF policy is not being met.

- b. *The absence of a sequential and exception test in support of the development.*

From first commenting on consideration for development of this site as part of the Draft Local Plan Regulation 18 Consultation in December 2018, the LLFA has called for evidence of the Sequential and Exception Test, required by NPPF paragraphs 157 to 161, to demonstrate the Council's decision to offer this site for development. At no point has this been received.

- c. *No structural assessment of the dam for Somerset Lake nor a clear plan as to how the recommendations made in the JBA assessment of the lake and embankment will be taken forward;*

The applicant acknowledges that the significance of threats to the stability of the embankment are not currently known (paragraphs 5.1 and 5.2 of Reference C). The zone for access to permit engineering and maintenance works to the dam (Reference D) is unrealistically small and has clearly been drawn up to safeguard the existing development layout with minimal disruption rather than to provide a sensible work zone to undertake works downstream of the dam. In the LLFA's view structural assessment of the dam and any remedial works need to precede finalisation of a development layout. As concluded by Reference B, granting of planning approval for development outside the proposed zone for access to permit engineering and maintenance works constrains any required remedial works without any effective evaluation of additional land-take downstream. It could have as yet un-assessed consequences for the cost and complexity of works involved that are potentially very considerable.

- d. *A significant number of technical issues that have been raised by the Technical Services staff at Adur-Worthing Council in relation to the evidence in support of the application that have yet to be addressed.*

Resolution of the technical issues associated with demonstrating the robustness of this development in satisfying national and local flood risk policy is compounded by the interrelatedness of the different risks affecting this site, specifically:

- *A need to address the structural concerns of the upstream dam with potential implications for the layout of the development downstream;*
- *A now identified risk from breach analysis that renders structural assessment of the dam a priority;*
- *A combination of surface water and, post SFRA, fluvial flood risk affecting the site;*
- *Ground water levels near the surface that have implications for surface water storage capacity;*

The above factors underpin the questionable suitability of this site for development, currently. The fact that the recently submitted drainage strategy (Reference E) is not compliant with West Sussex policy further delays assessment of the capacity of the site to accommodate impermeable run-off without increasing flood risk downstream.

On this basis, the fundamental position of the LLFA remains unchanged from that set out previously, namely that: the LLFA does not support development of this site until

robust evidence has been provided that complies with the NPPF and local flood risk and drainage policy. This position is consistent with that held by the other regulators for flood risk and drainage (References B and F).

Technical Services

Unfortunately, due to the lack of sufficient information at this time technical services maintain their objection to this development. The applicant has not evidenced that the development will be safe from all sources of flooding, and will not increase flood risk (from all sources of flooding) elsewhere.

We do not believe proposals meet the requirements of: Paragraphs 157, 163 and 165 of the NPPF; Worthing draft local plan policy DM20; and SuDS Policy 1, 2, 3 and 4 of West Sussex County Council Lead Local Flood Authority Policy for the Management of Surface Water.

Reasons for Objection

Failure to Meet the Requirements of National Planning Policy Framework Paragraph 163 and Local Plan Policy DM20

National Planning Policy Framework paragraph 163 states that *“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”*

This is further supported by Worthing Local Plan Policy DM20, which states: *“The Flood Risk Assessment should be proportionate to the degree of flood risk and appropriate to the scale, nature and location of development. It will need to demonstrate that:*

- i) the site has passed the sequential test and within the site the most vulnerable development is located in areas at lowest flood risk unless there are overriding reasons for not doing so;*
- ii) development will be safe for its lifetime taking into account the vulnerability of users, considering current and future flooding from all sources including in-combination and cumulative effects;*
- iii) ensure safe access and egress to and from the development, where necessary as part of an agreed flood warning and evacuation plan;*
- iv) development will not increase flood risk elsewhere, and where possible will reduce the overall level of flood risk;”*

The proposals fail to meet the requirements of National Planning Policy Framework paragraph 163 and Worthing Local Plan Policy DM20 as it has been shown that proposals increase flood risk elsewhere and that safe access and escape routes are not provided.

It has been demonstrated that proposals will increase flood risk elsewhere, specifically:

- Breach flood depths are shown to increase downstream as a result of development with flood risk to some areas increased, and additional properties at risk of flooding. For example, the southern dry and wet day scenarios increase flood depths by over 10mm on existing flood depths to 68 and 70 buildings respectively, how much greater than 10mm has not been directly stated within the FRA. Flood depth difference plots, such as that shown in Figure 1, indicate the depth increase could be significantly more than 10mm.

Increases in depth could be sufficient to cause internal flooding to buildings which previously would have remained dry. A further examination of flood depths at property nodes has been completed for the southern wet day scenario, in this scenario five additional properties are put at risk of internal flooding in the post development scenario.

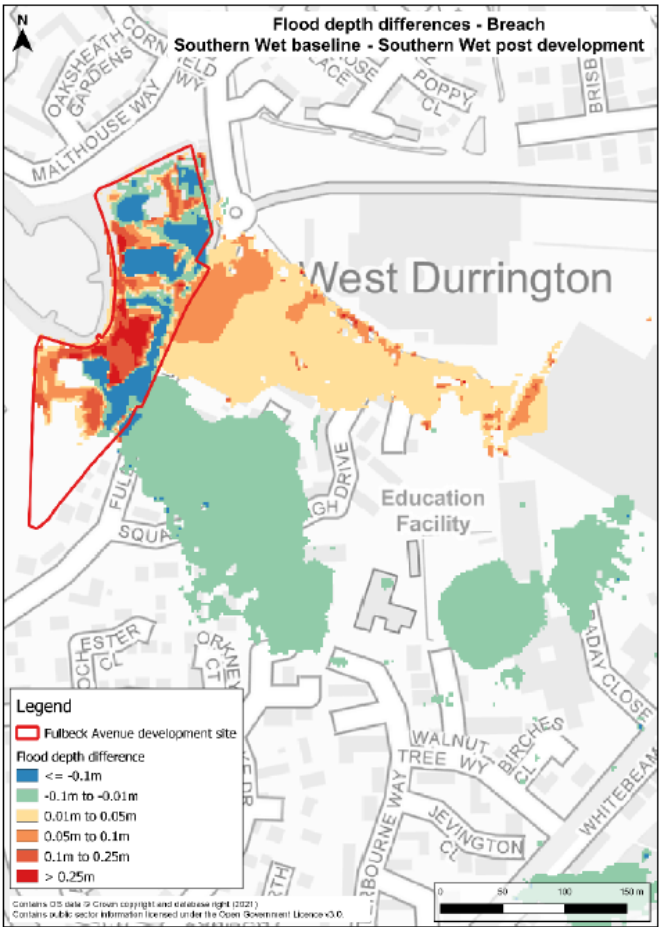


Figure 1- Flood Depth Difference- Breach Southern Wet Day

- Flood risk must not be increased anywhere as a result of development, the net benefit argument does not align with policy.
- Pluvial flood extents, depth and flow are shown to increase off site as a result of development for the 1 in 100 year plus 40% climate change event. The 40% climate change uplift must be used as the design event, as per policy requirements. Depth is shown to increase in some areas by up to 50mm as a result of development. The design does not meet policy requirements.
- Paragraph 5.1.5 of the latest FRA states "It should be noted that the development proposal drawings as part of the wider planning application have not been updated to incorporate these changes, but both the July 2020 and October 2020 proposal drawings have been superseded by this modelling. Flood management measures are proposed, as shown in 49212/4008/Figure A in Appendix D and these supersede the July and October 2020 drawings. The development proposals will incorporate these measures as detailed design progresses, and these can be secured through condition." It is unclear how a full planning application can be safely determined at this stage when the applicant acknowledges that the previously supplied layouts are now no longer valid. There is no alternative, but to base this review on the planning layouts supplied, as they would form part of an approval. A review of these plans and the mitigation measures shows that there is conflict.
- It has not been evidenced that development can be achieved without increasing flood risk elsewhere. Revised proposals must be supplied which reflect the flood risk mitigation measures. This information must be provided prior to determination as it is essential in establishing if the principle of development in this location is acceptable.
- No groundwater monitoring results have been provided at the location of the proposed lowering. With groundwater found at around 0.65m depth in other locations where existing ground levels are higher. In order for development to not further increase flood risk offsite it is required that an area in the centre of the site is lowered, and that this area provides free volume and is not full of groundwater.

The proposals fail to demonstrate that residual risk can be safely managed and there are no details of how safe access and egress are to be provided. The ADEPT guidance for Emergency Plans (EP) states that: *"An EP will need to demonstrate that:*

- *safe access and escape routes are included*
- *voluntary and free movement of people will be available during a design flood, taking climate change into account*
- *there is the potential for evacuation before a more extreme flood (a flood with an annual probability of 0.1%), taking climate change into account*
- *appropriate evacuation procedures and flood response infrastructure will be in place*
- *people will not be exposed to hazardous flooding from any source, now or in the future, including in an extreme flood event*
- *any residual risks remaining after other location and design measures have been incorporated, can be safely managed*

- *the relevant building regulations are capable of being complied with in relation to suitable on-site access for the fire service, within the constraints of any planning permission granted*

It will also need to assess whether proposals would increase the number of people living or working in areas of flood risk and whether this would increase the likely scale of any evacuation and consequently the burden on the emergency services. Also refer to the emergency plan checklist.”

An emergency plan has not been provided with the application. For access to be safe flood depths must be less than 300mm when water is slow flowing, flood depths in breach scenarios exceed 300mm over large areas for two to four hours. Therefore, safe access and escape routes have not been included in the design. It has been shown that large areas of development that are at risk from flooding have hazard classifications of posing “a danger for most”, and some areas posing “a danger for all”.

Even if proposals are for residents to seek refuge in buildings it is evident that safe access for emergency vehicles will not be possible for extended periods of time in a breach scenario.

Insufficient freeboard is provided between building finished floor levels and modelled flood levels. At least 300mm of freeboard must be provided above all design floods, including pluvial and breach. Only one building currently meets this requirement.

The pluvial modelling note claims that “finished floor levels of the proposed development blocks will be set a minimum of 300mm above the key design events modelled flood levels for the 1 in 100 year plus 20% climate change pluvial event and the 1 in 100 year plus 45% climate change fluvial event”. Guidance for climate change allowances for pluvial modelling are clear that if the lifetime of the development exceeds 50 years that a 40% uplift should be used. Therefore, using the design event as plus 20% climate change and only using the plus 40% climate change allowance as a sensitivity is unacceptable.

As detailed in **Table 1** below adequate freeboard is not being provided on four out of five blocks.

Failure to Meet the Requirements of National Planning Policy Framework Paragraph 157

Paragraph 157 of the National Planning Policy Framework states that “All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change. Except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully

addressed and the proposal has their backing.– so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by

a) applying the sequential test and then, if necessary, the exception test as set out below;

b) safeguarding land from development that is required, or likely to be required, for current or future flood management;

c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and

d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.”

The development fails to safeguard land from development that is required, or likely to be required for current or future flood management.

The council's independent consultant has assessed Somerset's Lake embankment and stated “The embankment at Somerset's Lake does not meet the conditions described above putting it at an increased risk of failure... It is worth noting that if Somerset's Lake were to come under the provisions of the Reservoirs Act 1975 that it would almost certainly be classified as a high risk reservoir and given the number of properties downstream would be subject to the design requirements of a Category A reservoir.

A high risk category A reservoir is used to describe a reservoir which would endanger life in a breach event. Breach events are sudden failures that often occur with little or no warning, flood waters are typically deep and fast flowing. The JBA assessment and that by the applicant has identified that over 1400 buildings are at risk of flooding in a breach scenario event. The issues identified with Somerset's Lake go far beyond those of poor management of vegetation of the embankment. The failings include: significant vegetation growth, lack of consistent crest of embankment, overly steep gradient of embankment, no toe drain to examine signs of seepage, scour to the embankment toe as a result of the watercourse, and a lack of capacity of the outlet structure.

Development as currently proposed will remove options for improving the embankment and outlet in order to significantly reduce flood risk to existing residents.

The applicant has provided a technical note on “Managing Lake Safety” this document outlines potential options for improving the stability of the embankment. All of the options presented are those which will require no land up take on the application site. No details have been included in the report as to the constructability of these options. An example of an option (**Figure 2**) and the questions it poses is detailed below.

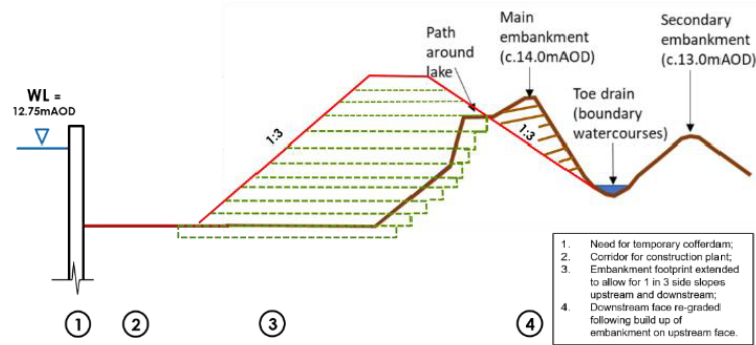


Figure 2- Example of Potential Mitigation Option Considered by Applicant's Engineer

1. Construction of cofferdam or dewatering of the entire lake will be required. Constructability and affordability of these measures have not been detailed. If the lake is drained or reduced in volume there will be less storage volume available in a flood event and flood risk will be increased downstream. Proposals will have to consider managing flood risk in the short term during construction.
2. Proposals will mean that total lake volume is reduced, this will reduce flood storage available in the long term and would result in increased flood risk from other sources (pluvial and fluvial)
3. Corridor for the construction plant is along the base of the lake. This will be very soft, temporary works will be required to facilitate safe movement of construction vehicles. Constructability and cost implications not considered in the report.
4. Consideration of how material is safely placed on the upstream face of the embankment without destabilising the embankment is not provided.
5. Required embankment crest width not detailed. Line of trees along the embankment will have to be removed.

As can be seen from the comments above the report has not assessed the constructability and cost of the options presented. Each option has also been considered on its own. The requirement for multiple measures to occur in tandem is highly likely, i.e. raising crest height, re-grading of embankment, increasing crest width, construction of toe-drain.

The report has not provided any assurance that a long term solution to Somerset's Lake will not be prejudiced by the proposed site design. Further detailed studies as to the options available for improving the stability of the embankment are required prior to determination of this application.

Suitability of Modelling and Loss of Watercourses

There are numerous watercourses currently within the site as shown within **Figure 3**. All watercourses should be retained. The loss of watercourses will likely result in increased flooding, and a loss of habitat. The proposals to remove over 200m length of watercourses are not supported. Any proposals to alter, infill, discharge to, or culvert an ordinary watercourse will require prior Land Drainage Consent.

In addition, the watercourse representation in hydraulic models is inconsistent, as detailed in **Table 2**. This will impact upon the assessment of flood risk in the baseline and proposed scenarios.

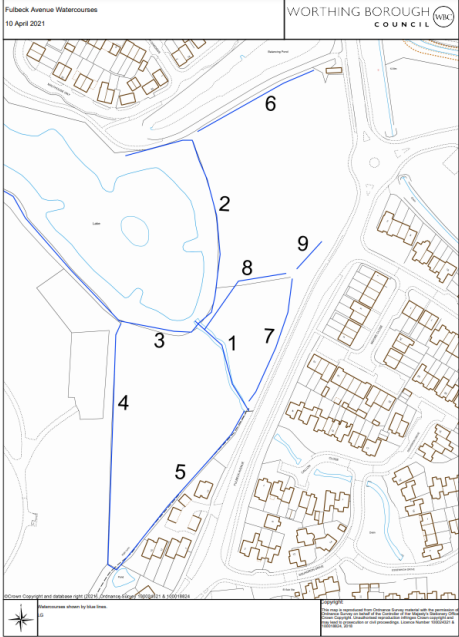


Figure 3- Map Showing Location of Watercourses at Land West of Fulbeck Avenue

The length of watercourse that is proposed to be culverted along watercourse 4 is not detailed. From an examination of model files it is taken to be approximately 45m in length. The West Sussex County Council policy on culverting states “West Sussex Local Authorities are in general opposed to the culverting of watercourses because of the potential for adverse effect on flood risk and ecology. The Competent Authority will therefore adopt a precautionary principle and only approve an application to culvert an ordinary watercourse if there is no reasonably practicable alternative or if the potential negative impact of culverting would be so minor that they would not justify a more costly alternative.” There is a reasonably practicable alternative to the proposed culverting that is site redesign. The minimum required culvert size is 450mm, the proposals also fail to meet this. Therefore an application to culvert this watercourse will likely be refused.

Watercourse 5 is assumed to be linked to the pond offsite, planning drawings show that this functioning watercourse will be infilled. The FRA and mitigation drawing claims that this will be retained, but it is clear that this is not possible with the currently proposed site layout. This watercourse must not be infilled. Furthermore, it is shown to be within Flood Zone 3b.

Watercourse 7 and 9 is currently a poorly maintained watercourse, however it does serve as an additional depression and will likely provide storage and direct water in flooding events. The proposed layout drawings show that the watercourse will be infilled and a bund will be formed here. This watercourse should not be infilled and should be improved. The watercourse has been modelled using gully shapes in the baseline pluvial model, and then is infilled to 12m AOD in the proposed pluvial model. It appears however that ground levels at the location of the watercourse will be at

least 12.3mAOD in the proposed scenario. This watercourse infilling should also be accurately represented within the fluvial and breach models.

Compliance with WSCC Policy for the Management of Surface Water

The Surface Water drainage strategy previously supplied fails to meet the requirements of SuDS Policies: 1, 2, 3, 4, 5 and 7.

- Proposals include the discharge of some surface water to the surface water sewer, this is not suitable when there are ordinary watercourses nearby.
- The details provided of the proposed surface water drainage scheme do not demonstrate that there is adequate space for surface water drainage within the layout. Discharge rates are too high, storage is under provisioned, surface water is not safely contained on site, and there is conflict with proposed trees.
- Proposals for discharge rates are greater than the greenfield QBar runoff rate for the proposed impermeable area.
- Proposals do not include means of significantly reducing flood risk.
- Proposals include culverting where there is a feasible alternative.
- Proposals do not include adequate treatment of water prior to discharge.

Detailed comments based upon the information provided are as follows:

1. Proposed discharge rates are based upon the entire site area rather than positively drained site area.
2. Discharge must be limited to greenfield QBar for all events up to and including the 1 in 100 year plus cc event.
3. Latest FEH rainfall data must be used in calculations.
4. Cv values are not compliant with policy requirements.
5. No surface flooding will be permitted for events up to and including the 1 in 100 year plus 40% cc event. This is a result of the wider flood risk issues on site. Flood risk mitigation measures do not allow for additional water created by the development. Surface water generated by the development must be contained safely on site for the 1 in 100 year plus climate change event (as per policy requirements), this will not be possible when other flood water is present.
6. It is not clear why there are land drains proposed under buildings. Groundwater must be kept out of the drainage network as it has not been accounted for in design.
7. Cap volume depths on some areas of permeable paving are not achievable in practice with current invert and cover levels.
8. Attenuation crate at 01SW24 is modelled with a depth of 1.2m, on plan 0.8m is stated.
9. Attenuation crate at 01SW24 is closely bounded by proposed trees. It is essential to design that groundwater is kept out of crates. Therefore all crates must be located outside of root potential areas. This does not appear to be possible at this location.
10. There is wider conflict between surface water drainage and proposed trees which must be addressed.
11. The southern attenuation tank has insufficient cover depth. Invert level is 11.215mAOD, 0.8m deep crate gives a top of crate level of 12.015mAOD, leaving circa 300mm of cover available. This is insufficient to protect the crate

from loading and to resist flotation. As ground level raising would result in a loss of flood storage it is unclear how sufficient storage capacity will be provided on this southern network.

12. Surcharged outfalls must be applied to design where proposed discharge is to the watercourse. Surcharged outfall level should be the coinciding flood level, i.e. 1 in 100 year plus cc event water level at nearest hydraulic modelling node.
13. The use of orifices under 50mm will have to be carefully reviewed at detailed design stage.
14. Treatment of surface water from roads is currently not proposed. All surface water must be adequately treated prior to discharge.

In summary, it has not been demonstrated that there is adequate space within the proposed layout for surface water drainage. It is essential to establish if there is adequate space for surface water drainage prior to agreement of site layout. Drainage should be a fundamental consideration in design. Failure to secure a robustly evidenced implementable drainage strategy at this stage will likely unduly prejudice the drainage design and result in proposals failing to meet policy requirements.

Requirements for Overcoming Objection

In order to overcome our objection the following information is required.

1. Evidence that flood risk from all sources is not increased anywhere as a result of development.
2. Revised site layout that accounts for mitigation measures. The current layouts conflict with the proposed flood mitigation measures.
3. Revised site layout that retains all ordinary watercourses.
4. Details on groundwater monitoring at the location of proposed lowering, or further details of how this compensatory area will be lined, drained, and resist buoyancy forces.
5. A revised design evidencing that for all flooding sources a minimum of 300mm of freeboard is provided between all building Finished Floor Levels and flood event maximum water levels for the lifetime of the development.
6. Correct the pluvial design event to be the 1 in 100 year plus 40% climate change event.
7. Update modelling to accurately depict watercourses in both the baseline and proposed development scenarios.
8. An emergency plan.
9. Further detail of how the risk of failure of the embankment will be reduced.
10. Provide a revised surface water drainage strategy which evidences that the hierarchy for sustainable development will be followed and that there is adequate room within the proposed development layout to accommodate surface water drainage.

If the above information is satisfactorily provided full surface water drainage details and culvert design can then be secured via our standard conditions (included in revised recommendation).

Planning Assessment

As the responses from the Councils Technical Services Team and West Sussex as the LLFA this is a complex site and considerable time has been taken to try and address all sources of flood risk to this site which is allocated in the emerging Local Plan. Contrary to the comments of the LLFA the Council has undertaken a sequential assessment to support the Local Plan and this is published on the Councils website. As Members are aware the lack of land is a major issue for the town and despite allocating 6 of the 9 greenfield sites within the Borough there is a shortfall in meeting our future housing needs of over 10,000 dwellings. Given the housing needs the development of this site, despite the flood risk, the site passes the sequential assessment provided it meets the exception test. There are two key issues:

1) Flood Risk from Fluvial and Pluvial flood events including an appropriate climate change allowance and,

2) The additional flood risk as a result of a breach of the dam to Somerset's Lake.

1) Fluvial and Pluvial Flood Risk.

Following a meeting between the applicant's drainage Consultants and our Technical Services team a number of the above matters have been addressed and/or there is agreement that the matters can be covered by condition. The plans are being updated to ensure that the layout plan includes the latest flood mitigation plan and that watercourses 4 and 5 are to be retained. It has also been accepted that ditches 7 and 9 could be removed if there is a net betterment by improving other watercourses. Other points being addressed by the applicant are:

- Development will be set at 300 mm above breach scenario for fluvial and pluvial flood events and 150 mm for Block 3 (to account for breach scenario)
- Emergency Plan will be covered by condition but an initial Flood Response Management Plan would be submitted (including details of access for emergency vehicles)
- Drainage Strategy to be updated to demonstrate adequate room within the development to provide a Sustainable Urban Drainage System (SUDs).

This additional information is expected later today and will address a number of the outstanding drainage concerns relating to potential fluvial and pluvial flood risks and ensuring the delivery of appropriate SUDs solution for the site. The one area of disagreement between the applicant and Technical Services relates to whether the pluvial design event should be 1 in 100 year plus 40% climate change allowance whereas the applicant has used a 20% allowance. The 40% climate change has been modelled from a sensitivity point of view and does show some marginal impacts - flooding in garden areas rather than properties but the applicant's Consultant has indicated that this could be addressed by re-running the model including the additional watercourses to be retained and this would further reduce downstream flood risk. It is important that this additional modelling is undertaken to demonstrate that the development would not increase flood risk to off-site properties and this can

be secured during the further delegation period. It should be noted, however, that the applicant disagrees that this is necessary and feels that this could be secured by planning condition.

The modelling has demonstrated that the fluvial source of flooding would not increase flood risk downstream and it is positive that the Environment Agency now raises no objection to the development subject to the scheme implementing the measures set out in the Flood Risk Assessment.

2) Breach Scenario

This has been a difficult issue to address. The report by JBA demonstrates that the existing dam is not built to modern day standards and presents a flood risk to a significant number of properties downstream. The development would improve the situation for a number of properties off site but some would experience greater flood risk (greater flood depths although the same flood risk category). On this basis the development would increase flood risk off site it would fail the exception test set out in NPPF. However, the source of the flood risk is off site and not under the control of the applicant and could only be addressed by the adjoining owner or the Council implementing a solution under its Land Drainage powers.

Both the LLFA and Councils Engineers are concerned that approving the development would prejudice the implementation of a flood risk solution for Somerset's Lake. However, the counter view is that by allowing development it would unlock CIL funding and the applicant is willing to work in partnership with the Council to facilitate a long term solution for the existing defective dam.

At the Joint Officer Member Board (overseeing CIL) on the 25th May, the Board agreed to release £50,000 to start the detailed design work on a flood defence solution for the dam and to agree to add flood management to the current CIL priorities (climate change is already a focus for the use of CIL). This would enable CIL funds from this development to be used, if necessary, to implement the agreed solution for the defective dam.

Whilst the concerns of the LLFA about prejudicing a long term solution for the dam are appreciated, your Officers have worked with the applicant to ensure that appropriate safeguards are built into the legal agreement to avoid this happening. The applicant is committed to work in partnership to help deliver a long term solution to reduce any flood risk associated with Somerset's Lake and given the significant housing need that exists in the town it is considered that subject to resolving outstanding fluvial and pluvial flood risks issues, referred to earlier, the application can be supported. The release of CIL funding to start the detailed work on a flood solution for the adjoining Lake is a positive step forward and enhances the likelihood of a solution being implemented in combination with the housing development of this site.

Recommendation

It is recommended that planning permission be delegated to the Head of Planning to resolve the outstanding drainage issues and the completion of a s106 agreement and

subject to the conditions set out in the original report and the additional drainage conditions recommended by consultees and set out below:

36 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.”

37 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.”

38 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site. “

39 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

40. The development shall be carried out in accordance with the submitted Flood Risk Assessment documents (1. 'FRA Addendum Rev D', Project Ref: 49211/4007, Rev: D, dated May 2021, by Stantec; 2. Plan 'Proposed Site Detail and Additional Mitigation, Ref: 49412/4008/Figure A, dated 11.05.21; 3. 'Fluvial Model Review document v5', Reference '2d_zsh_SWPond_TOB-raise_100') and the following mitigation measures detailed therein:

- Finished floor levels shall be set no lower than those quoted in Table 5.1 on page 22 of FRA Addendum Rev D.
- All mitigation measures shown in the submitted plan (Proposed Site Detail and Additional Mitigation, Ref 49412/4008/Figure A) must be implemented.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future occupants and to ensure flood risk is not increased elsewhere. The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change. Please notify us immediately if you are unable to apply our suggested condition, to allow further consideration and advice.

Informatives

"Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements are available on the following webpage <https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms>. A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions"

"Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse."

Worthing Borough Council

25th May 2021