



WORTHING BOROUGH
C O U N C I L

13 July 2021

Worthing Planning Committee	
Date:	21 July 2021
Time:	6.30 pm
Venue:	Council Chamber, Worthing Town Hall

Committee Membership: Councillors Noel Atkins (Chairman), Karen Harman (Vice-Chairman), Dan Coxhill, Edward Crouch, 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 20 July 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 19 July 2021.

Where relevant notice of a question has not been given, the person presiding may either choose to give a response at the meeting or respond by undertaking to provide a written response within three working days.

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 23 June 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 - 50)

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Part B - Not for publication - Exempt Information Reports

Recording of this meeting

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

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk	Shelley-Ann Flanagan Lawyer 01903-221095 shelley-ann.flanagan@adur-worthing.gov.uk

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

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WORTHING BOROUGH
COUNCIL

Planning Committee
21 July 2021

Agenda Item 6

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/0130/21 **Recommendation – GRANT** permission subject to the completion of a legal agreement

Site: 22 Lyndhurst Road, Worthing

Proposal: Demolition of two-storey building and erection of four-storey block of 30 apartments comprising 5no. one bedroom, 24no. two bedroom and 1no. three bedroom units, provision of undercroft access to car park to the rear, removal of trees and provision of associated landscaping. (Resubmission of AWDM/1518/17)

2

Application Number: AWDM/0895/21 and AWDM/0896/21 **Recommendation – APPROVAL** Subject to adequate justification in relation to the removal of the raised platforms in the Gordon Room and the secondary window

Site: Town Hall, Chapel Road, Worthing

Proposal: Internal refurbishment of the Town Hall, installation of secondary glazing and replacement of single glazed second floor windows

3

Application Number: AWDM/0876/21 **Recommendation – APPROVE**

Site: Allergy Therapeutics Ltd, Dominion Way, Worthing

Proposal: Construction of single storey metal clad utility plant room and waste compound building to the north of Building 21

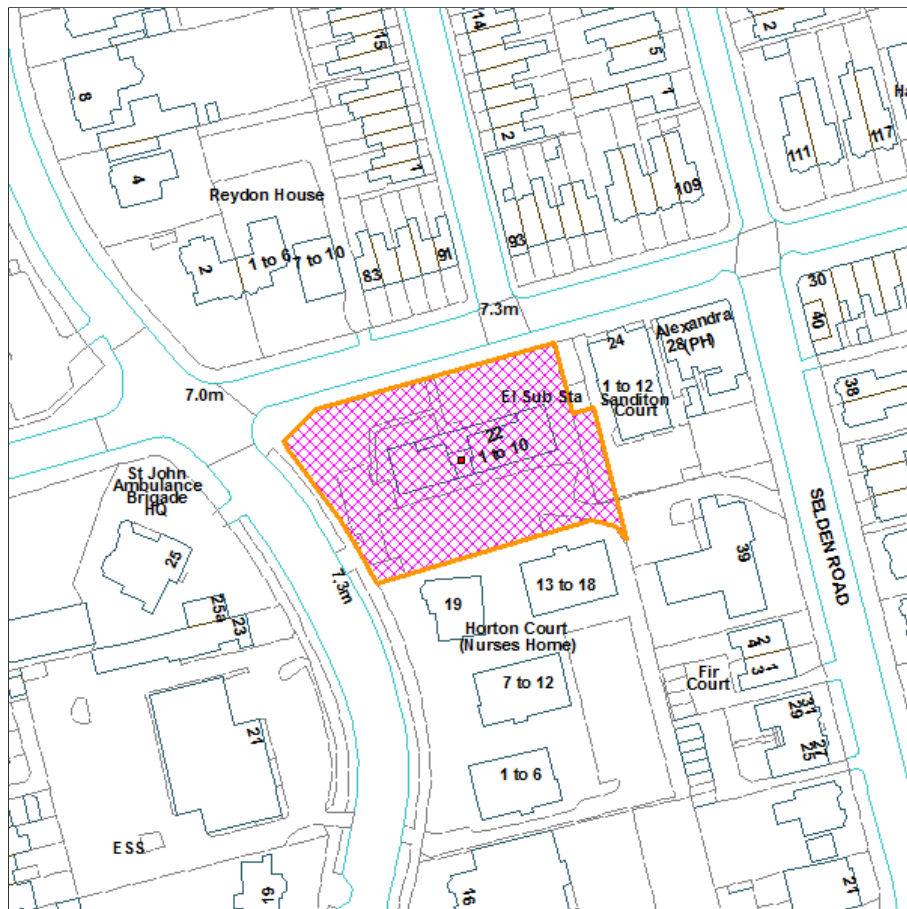
4

Application Number: AWDM/0612/21 Recommendation – APPROVE

Site: Land East Of 34 To 36 Montague Street, Worthing

Proposal: Re-siting BT Public Telephone Kiosk due to work being carried out as part of Public realm works scheme at Portland Road.

Application Number:	AWDM/0130/21	Recommendation - GRANT permission subject to the completion of a legal agreement
Site:	22 Lyndhurst Road, Worthing	
Proposal:	Demolition of two-storey building and erection of four-storey block of 30 apartments comprising 5no. one bedroom, 24no. two bedroom and 1no. three bedroom units, provision of under croft access to car park to the rear, removal of trees and provision of associated landscaping. (Resubmission of AWDM/1518/17)	
Applicant:	Roffey Homes	Ward: Selden
Agent:	Mr Chris Barker, ECE Planning	
Case Officer:	Gary Peck	



Not to Scale

Proposal

Following the refusal and subsequent dismissal at appeal of a previous scheme originally submitted in 2017, this application seeks permission for a revised application for the demolition of the existing two-storey building and its replacement with a four-storey block of 30 apartments comprising 5no. one bedroom, 24no. two bedroom and 1no. three bedroom units, provision of undercroft access to car park to the rear, removal of trees and provision of associated landscaping. The apartments will be age restricted providing appropriate accommodation for the 65+ age group.

The application has been submitted following a number of meetings between officers, the applicants and their agents to discuss whether the previous reasons for refusal could be overcome.

The Design and Access Statement submitted with the application outlines the scheme thus:

The concept behind the proposal is to understand the scheme as two blocks – a Lyndhurst Road (northern) block and a Farncombe Road (southern) block. Although there will be a common language of details between the two blocks, both in their massing and material choice the buildings will be observed as being separate structures.

The north block's main elevation fronts on Lyndhurst Road, which it runs parallel to. This northern elevation has an irregular building line with two main frontages, a 27m long frontage to the northwest set in 4m from the boundary and a setback elevation 20m in length to the northeast, set 12.5m from the boundary. The step in the building line adheres to the varietal building lines on both sides of Lyndhurst Road and allows for the Monterrey Cypress tree, protected under a TPO. The west elevation of the north block fronts onto Farncombe Road and again is set in from the boundary just under 10m at its widest point and 4.5m at its narrowest. The setback adheres to the set back within the Farncombe Road CA and extends this wide green zone around the two frontages of the block.

The south block's main elevation is on to Farncombe Road and is 10m wide, again the frontage is substantially set back from the boundary just over 10m at its widest point and 7m at its narrowest. This is reinforced by the angle of the building line to that of the road and which with appropriate planting will help to reinforce the spacious green suburban character of the street. The southern block is set back to acknowledge the Villa No. 22 to the south and to act as a transition from the north block into the conservation area. Although the south block only has one main street frontage the southern elevation will be observed obliquely by pedestrians approaching the development from the south. It is 18.5m long, This elevation is 7.8m distance at its narrowest point from the neighbouring villa No. 22 Farncombe Road, to the south and just over 10m at its widest point...

...New pedestrian entrances are created to the west midway along the site boundary on Farncombe Road and to the north, approximately two-thirds of the way along Lyndhurst Road, both connect to separate stair and lift cores. As well as the pedestrian entrance to Lyndhurst Road this is also the main vehicle entrance to the

scheme, with parking to both the front and rear sides of the scheme and an underpass connecting the two. Both cores are also accessible from the carpark to the rear. The change of vehicle access onto the site will allow the existing hard landscaped entrance from Farncombe Road to be removed and replaced with soft landscaping...

The Lyndhurst block is 26.5m away from the terraced housing to the north; 13.5m away from the flatted development to the east, (as per the existing building), whilst to the south the nearest villa is approximately 20m away (again similar in distance to the existing building). The Farncombe blocks closest neighbour Villa No.22 is approximately 7.2m at the narrowest point and just over 10m at its widest.

In terms of the proposed scale of the building, it is stated: The developments' scale, mass and form has been fully informed visually by the surrounding built-form and practically by the considerations of overlooking...The facades are three storeys, approximately equivalent in height to the typical 2 storey Victorian villa in the area, with a setback additional floor equating to the villa's pitched roof on the Lyndhurst Road block.

The internal floor areas for the proposed accommodation vary in size from 50 square metres for one of the 1 bed flats to 102 square metres for the largest 2 bed unit and 108 square metres for the 3 bed unit. 21 car parking spaces are proposed.

The proposed materials are stated as a yellow buff brick on the Lyndhurst Road frontage as the predominant façade material and a top level set back mansard roof constructed in grey single ply. For the Farncombe Road block a white brick is proposed to match in the existing rendered villas.

Site and Surroundings

The application site is given as 0.25 hectares in area and is situated on the south eastern corner of Lyndhurst Road and Farncombe Road, diagonally opposite Worthing Hospital.

The application site comprises a three storey, centrally sited 1970s long block, with extensive landscaping on both road frontages and large rear and part side, 30 space car park. Prior to the construction of the block, the plot was open land. The site features a number of mature trees, including a Monterrey Cypress on the eastern frontage which is the subject of a Tree Preservation Order. The road frontage boundary is an attractive low flint wall supplemented by a hedge along the Farncombe Road frontage and there are several street trees. Access to the car park is from Farncombe Road close to the southern boundary. There is an additional pedestrian access from Lyndhurst Road.

The existing block has a pitched roof and is faced in brick with weatherboard panelling. Its principal windows face north and south; high level flank windows only serve bathrooms and has been recently used pursuant to the permission granted under reference AWDM/1612/17 for the temporary change of use to 37-bedroom short-stay accommodation for local single homeless persons on first and second

floors and 1no. three bedroom flat and offices for use by Worthing Churches Homeless Project on the ground floor.

The application site is within the Farncombe Road Conservation Area the eastern and northern boundaries of which follow the application site but the Conservation Area includes the whole of Farncombe Road. There are no statutorily listed buildings close to the application site. The site is also in a Controlled Parking Zone. There are parking bays along the Lyndhurst Road frontage and part of the Farncombe Road frontage beyond the double yellow lines of the road junction. Double yellow lines run along the north side of Lyndhurst Road. Street trees feature prominently along Farncombe Road, including outside the site.

Directly to the north are mainly, short terraces of turn of the twentieth century (two storey) houses mostly faced in render (but with some flint), some converted to flats and a few shops, with more inner suburban housing behind. They are set back from the road.

To the east, No 21 Lyndhurst Road is a modern two storey small block of flats in Victorian style with accommodation in a mansard style roof and set forward. Parking is behind and separated partly by its vehicular access and an electricity sub-station. The boundary is marked by tall walls and fence, and, for much of the length, tall shrubs. Beyond this, fronting Lyndhurst Rd is a pub and a short parade of shops.

To the south, fronting Farncombe Road, is Horton Court, a group of four buildings set in landscaped grounds. The closest is an original two storey Victorian detached villa, characteristic of the villas that prevail to the south in Farncombe Road, designed in Classical style, with shallow hipped slated roof, stucco walls, canted bays, eaves cornice, string courses, sash windows and porch and set back from the road. Originally two other villas stood to the south and the southernmost survived until 1991 when a later extension to No. 22 was demolished and the broader site was redeveloped to provide three, larger, blocks designed in simplified period style as villas with three floors of accommodation. These sit to the south and east of No. 22. The nearest properties to the south are very close to the boundary with the application site which is formed by a medium height fence.

To the west, across Farncombe Road and angled to face the crossroads, is the two and three storey St Johns Ambulance centre (No. 25), an attractive detached building in gothic style with turret, gables and banded brickwork. It is set back from the corner in a spacious plot. An early Victorian flint cottage (No. 23) is to the south of this building beyond which is a five storey block of 1970s offices to the south (No. 21).

The general character of Farncombe Road is notable for the set-back building line and broad verges, generous spacing between the villas, low street boundary walls and large street trees.

The Hospital begins just to the west of Homefield Road at the crossroads with Lyndhurst Road and Farncombe Road. The closest building is a large two storey building, well set back from the road and featuring several large trees close to the street boundaries.

To the south east in Selden Road is a newly converted and extended three storey block of flats and its rear car park which is bounded at this point by a tall wall.

Relevant Planning History

AWDM/1518/17 - Demolition of existing building and erection of three to four-storey block of 30 flats comprising 4no. one-bedroom, 24no. two-bedroom and 2no. three-bedroom units all with balconies with provision of bin and cycle storage and undercroft access to car parking area, new vehicular access onto Lyndhurst Road and removal of trees and associated landscaping. Application refused and appeal dismissed

Replacement and new windows and doors, blocking up of covered walkways on north and south elevations and part shiplap cladding to all elevations Approved January 2018

Consultations

Conservation Architect

The previous proposal for this site to accommodate the erection of a three to four storey block of 30 flats comprising 4no. one-bedroom, 24no. two-bedroom and 2no. three-bedroom units (AWDM/1518/17) was refused permission on 10 August 2018. Subsequently this decision was appealed and on 17 September this appeal was dismissed by the Planning Inspectorate. The Planning Inspector's independent considerations and findings are an important material consideration and formed the basis for further discussions between the applicants and the Council. However it should be noted that any negotiations were limited due to the applicant's concerns that any reductions in the number of apartments or substantial changes to the overall volume of the scheme would result in the scheme becoming unviable (Note - the inspector's thoughts on viability are also set out in the appeal decision). The current amended proposal is still for the erection of 30 apartments, but now consisting of 5no. one-bedroom, 24no. two-bedroom and 1no. three-bedroom units (AWDM/0130/21).

Relevant quotes from the Planning Inspector's decision are reproduced in the Planning Assessment below..

The Planning inspector considered the main issues to be the effect of the proposal on the character and appearance of the area, particular regard to i) the Farncombe Road CA, and ii) Lyndhurst Road.

As this site lies within the Farncombe Road Conservation Area, the Council has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of this CA. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification.

As a designated historic asset an understanding of the significance of the Farncombe Road Conservation Area enables the LPA to come to a judgment about the level of impact on that significance and therefore on the merits of any proposal.

The amended scheme remains markedly larger and wider than the villas within the CA. The applicant's architects have broken up the parapet line by raising certain sections, and introduced more variation into its openings. The significant three storey bay has also been removed. A lower scale, differing architectural detailing and colouring have been introduced at the southern end of the Farncombe Road frontage, together with a small recess into the building, to divert attention from the building's comparatively large scale.

The form of the roof has been revised with a steep angled flat topped detail replacing the previous vertical face. The living accommodation at this level will, due to the limitations on the reduction of accommodation, still be visible from public areas, although in the current scheme it is not as conspicuous as in the previous scheme. As such the perception of the building will still be that it breaks from the spacious, suburban grain and collectively proportioned buildings which characterise the CA.

The relationship between No 22 Farncombe Road and the proposal has been improved by setting the closest element of the amended scheme further back into the site. This redistribution of the mass of the building does noticeably improve the form of the proposal especially when viewed from further south along Farncombe Road.

The amended scheme has taken account of the Inspector's concerns about the prominence of the previously proposed corner building and proposes a different architectural treatment to this corner. The previously expressed taller corner feature has been removed leaving the two street elevations of the building to wrap around the corner. The material finish has also changed from brick to a sheet cladding; although this is not a notable material found elsewhere in the CA on principal elevations.

In my opinion the amended proposal would still harmfully divert from the spacious and suburban character which defines the significance of the CA. The scheme revisions have helped to mitigate some of the harm to the CA, which remains less than substantial. It is important to note that less than substantial harm covers a wide range from almost substantial harm down to almost no harm.

Notwithstanding the harm the inspector found to be caused to the significance of the CA, he found the appeal scheme to be acceptable in regard to its effect on the character and appearance of Lyndhurst Road for the reasons set out below. There have been a number of amendments to this elevation but in my opinion they do not substantially change the appearance of the building and are generally enhancements.

Whilst considering the viability of the appeal scheme the inspector concluded that it should not weigh towards allowing development which would unacceptably harm the CA.

Having identified that this scheme will result in less than substantial harm, Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any

potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 196 of the NPPF goes on to explain 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.

Environmental Health

As discussed in the Geo Environmental report there is a probability that further made ground may be found during development and therefore it is worth adding the precautionary contaminated land condition to any permission in case they come across anything during development.

The AQ report is ok and they have committed to the mitigation proposals. No noise issues affecting the development.

I would recommend a CMP condition to cover the demolition and construction phase of the development.

West Sussex County Council Highways

1st response:

Although the application appears to be a re-submission of that previously considered under planning application reference AWDM/1518/17, some of the information provided requires updating in-light of new technical documents and because of the time that has passed since the previous application was submitted. Furthermore, some additional information about Traffic Regulation Orders (TROs) is required. Therefore, the following should be provided:

1. Stage 1 Road Safety Audit - This should be undertaken in accordance with GG119 (+ Road Safety Audit Log (Designer's Response)). Applicant to provide in WORD format.
2. Further Personal Injury Accident (PIA) reports - These should include the most recent records available for a five-year period. The current submission does not appear to include records from 2020 or 2021. Applicant to provide.
3. TROs – Reference is made in the application particulars to engagement with the County Council to do with changes to the on-street car parking falling within the Controlled Parking Zone (CPZ) on both Lyndhurst and Farncombe Roads. However, no information is provided to establish the extent of this engagement. Applicant to provide.

2nd response:

This is the second WSCC Highways (CHA) response to the planning application seeking demolition of two-storey building and erection of four-storey block of 30 apartments comprising 5no. one bedroom, 24no. two bedroom and 1no. three bedroom units, provision of under croft access to car park to the rear, removal of trees and provision of associated landscaping - (Resubmission of AWDM/1518/17).

This response should be read in conjunction with the CHA's previous response dated 17th February 2021.

CHA response.

Although the application appears to be a re-submission of that previously considered under planning application reference AWDM/1518/17, some of the information provided required updating in-light of new technical documents and because of the time that has passed since the previous application was submitted. This has now been provided and is considered acceptable to the CHA.

West Sussex Lead Local Flood Authority

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

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

Flood Risk Summary

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

Low risk

Comments:

Current surface water mapping shows that the majority of the proposed site is at low risk from surface water flooding.

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.

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

Modelled groundwater flood hazard classification

High risk

Comments:

The area of the proposed development is shown to be at high risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

Groundwater contamination and Source Protection Zones.

The potential for groundwater contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered a risk.

Watercourses nearby? No

Comments:

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

Records of any surface water flooding within the site?

No

Comments:

We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that the site itself has never suffered from flooding, only that it has never been reported to the LLFA.

Future development - Sustainable Drainage Systems (SuDS)

The FRA for this application proposes that sustainable drainage techniques (infiltration) would be used to control the surface water from this development. Should this not be appropriate, permeable paving with a restricted discharge to the main sewer would be used.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles. The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

Southern Water

Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

Technical Services

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

Flood risk- The application is within flood zone 1, the site is not shown to be at risk from surface water flooding. We have no objections to the proposals from a flood risk perspective.

Surface water drainage- A flood risk assessment has been submitted as part of this application. This identifies that infiltration will be used if possible, and also identifies how an attenuation solution can be achieved if it is found that infiltration is not possible. We agree with the flood risk assessment, it is hoped that infiltration will be able to be utilised here but winter infiltration testing and winter groundwater monitoring will be required to establish if it is possible. It should be noted that diffuser units should be located 5m from buildings and highways. It does not appear that the location of the tree root protection area has been accounted for in preliminary surface water drainage design. Permeable paving extents, pipelines and flow control devices will have to be reviewed against root protection areas at detailed design stage. We also note that the landscape general arrangement plan conflicts with the drainage strategy. Permeable Paving should be provided to all surfaces. We wish to highlight this to the case officer.

Worthing Society

Thank you very much indeed for the opportunity to comment on the above-mentioned planning application which is a re-submission of AWDM/1518/17. This former application was refused on 10.8.2018 and the subsequent Appeal was dismissed on 19.11.2019.

The main issue in respect of the revised application is the effect of the new proposal on the character and appearance of the Farncombe Road Conservation Area and whether the revisions in design adequately address the Planning Inspector's reasons for refusal of the earlier scheme. This is a sensitive site and the challenge is to ensure that a balanced design is achieved which enhances this much valued conservation area.

I have now had the opportunity to discuss the proposal with our Listed Buildings and Conservation Areas Sub-Committee (LCAS). Whilst we appreciate the site is 'ripe for redevelopment' we do have some serious concerns in respect of this new application and whether it has adequately addressed the observations made by the Planning Inspector in the appeal decision.

Here are our detailed comments:-

1) THE SITE

The development building is situated in a predominantly low rise area at the northern end of the Farncombe Road Conservation Area (CA). The flint boundary wall curving round from Farncombe Road along Lyndhurst Road marks the boundary of the conservation area (CA).

a) The present building is set back and the preserved trees soften the frontage. Although this 1970's building is unremarkable and offers a development opportunity, in terms of width, footprint, height and landscaping, it complements the scale and setting of the Victorian villas leading through to the south section of the CA.

b) The proposed new building particularly at the north elevation and the Homefield corner, which is the 'entrance' to the conservation area would, in our view, be an unwelcome step-change in terms of scale and mass and would not sit easily with the established 'street scene'.

c) It is worth noting that the relatively recent developments of Horton Court, to the south of the development site, and Sanditon Court at the eastern boundary, better reflect the style, character and scale of the conservation area thus complementing the immediate environs.

2) CONSERVATION AREA APPRAISAL DOCUMENT (CAAD)

The CA is defined within the CAAD as a sinuous street with elegantly proportioned villas, generally 2-3 storeys in height. An important feature is that the villas are set back from the pavements with landscaped gardens in a uniform building line. Mature trees are mentioned as a significant characteristic of the CA forming a tree lined public highway.

The Farncombe Road Conservation Area is rather unusual in that its tranquil character, landscaping and suburban style contrasts with the busy urban roads to the north and south. This point was noted by the Planning Inspector in setting out his Appeal Decision. In our view this renders the CA particularly sensitive to change. As a designated heritage asset, redevelopment schemes need to be

carefully managed and balanced to enhance the character of the CA for this and future generations

The CAAD also lists opportunities to enhance the CA. In particular, it states that demolition of the large HSBC building (formerly Griffin House) would be permitted. This indicates a strong intention to ensure new development should be relatively low rise and in character with the CA.

3) SEPARATED THREE-STOREY BLOCK - FARNCOMBE ROAD

The proposal shows a visual separation in design and colour between the larger block facing west from Farncombe Road and situated on the north section of the CA in Lyndhurst Road, and the separated block in the southern section of the development site.

a) We consider it would be desirable if the design theme and colour palette of this separated three storey lower block, which is set back, could be followed through to the building on the Lyndhurst Road side.

b) Although not a Victorian villa, in terms of size, style and landscaping, this block better complements the overall character of the conservation area and sits more easily with its 'heritage neighbours'.

c) The separated block follows more closely the established building line of the CA and setting of the Victorian villas.

4) NORTH FACING ELEVATION

a) The apparent bulk, width and mass of this building facing Lyndhurst Road will overwhelm the proximate buildings. Although there are some varying roof heights, overall the area is predominantly 'low rise and moderate in scale'. The adjacent Sanditon Court and the Alexandra Public House (Circa 1832 and locally listed) reflect the established scale of this part of Lyndhurst Road.

b) Selborne Cottages, directly opposite the site form a locally listed Victorian terrace. Residents are seriously concerned about overlooking, loss of privacy and what would be the oppressive appearance of the new building.

c) Although facing Lyndhurst Road, this elevation is still within the conservation area, forming the northern boundary. In our view the width and mass should be reviewed and reduced. A lighter colour palette would reduce the perception of 'over-dominance'

d) The proposed building appears to 'push up' to the boundaries and would benefit from being further set back from the boundary and softened with appropriate landscaping. This would form a visual link with the proximate three-storey block and the overall theme of the CA. It would also give a 'softer' aspect to nearby residents, reducing the effect of overlooking.

e) The 'under-croft' element does provide a break in the elevation but is not, in our view, sufficient to offset the rather over-dominant appearance of the proposed new building.

f) The proposed main building would benefit from a reduction in units and the removal of the upper floor which, although recessed, remains a strong feature.

5) WEST FACING ELEVATION AND THE HOMEFIELD CORNER

a) Although some breaks in the parapet line and decorative detail are welcome, in our view they do not mitigate the overbearing effect of the proposed new building when viewed from this aspect.

b) The bays and balcony elements still appear heavy in design and somewhat overbearing, particularly the feature at the corner element which in our view projects rather awkwardly.

c) We consider these balcony features do not adequately complement the style of the CA or the historic villas to mitigate the rather overwhelming effect of the new build as it would appear when viewed from Homefield Corner.

d) This elevation, even with the recessed upper floor, would still be out of scale with the proximate St John's Ambulance building which is set back from the corner. This distinctive Victorian building is included on the Local Interest List. The scale of the new building will detract from this heritage asset

which is an important element at the entrance to the CA on the west corner.

e) The west facing element of the new building will be at the 'entrance' to the conservation area. In our view it will be over-dominant and will not fit in with the street scene, or character setting of the conservation area. It appears rather oppressive given that the buildings on the other three corners of this junction are low rise.

6) THE SOUTHERN ELEVATION

a) The southern elevation at the rear of the main block facing the detached block appears rather bland in character and does not display features which would complement the CA. We consider it does not relate well to the separated block.

7) LOSS OF TREES

a) Whilst we appreciate the Monterey Cypress tree, which is the subject of a Tree Preservation Order (TPO) would remain, the loss of other trees to facilitate the scheme would be most regrettable. In particular, the loss of the large Caucasian Lime Tree at the northern entrance to the CA would be most unfortunate. This tree is important as it marks the beginning of the tree-lined highway leading to the Victorian villas and sets the theme for the CA. The applicant intends to plant bushes if the tree is removed but these will not, in our view, be a sufficient replacement.

b) The tall and striking Holly tree adjacent to the Monterey Cypress has a TPO but is, nevertheless, earmarked for removal if the plans go ahead.

c) The CAAD highlights the importance the trees play to the overall setting of the CA and in our view this should be respected. Continuing the landscaping and setting back the new development is still relevant to the north facing part of the CA.

d) The applicant is intending to plant some replacement trees and bushes but these will take time to mature and will not compensate for the loss of the distinctive mature trees.

8) PLANNING POLICIES.

The National Planning Policy Framework 2019 Section 16:-

a) The Framework includes policies for the Historic Environment (HE) which are material planning considerations and are also relevant to demolition within a conservation area. The Framework aims to protect and enhance our valuable conservation areas.

b) In addition, the Framework states that when considering the impact of a proposed development on a designated heritage asset, great weight should be given to the asset's conservation.

c) In our view, the revised proposal would still cause harm to the CA which is not consistent with the policies within the Framework, the Planning (Listed Buildings and Conservation Areas) Act 1990 or the local policy Core Strategy Policy 16.

d) On balance, we consider that the public benefits of the scheme do not outweigh the harm which would be caused to CA. The design footprint is over-ambitious given the character and available site area.

9) CONCLUSION

In conclusion, and for the reasons stated, we register an objection to the new proposal. Although the architects have made some improvements to the design elements, following the observations in the Appeal Decision, we consider the revisions do not go far enough. In our view the scale and overall design will have a negative impact on the setting of the conservation area. Our heritage assets are an irreplaceable resource and, whilst we accept the need for new housing, we consider the subsequent harm caused to this area will not be justifiable. This is a relatively compact site in a low rise area and the apparent maximisation of the available area gives an unfortunate appearance of overdevelopment. In our view, conservation areas do not, by their nature, provide the same scope for development sites which do not have this designation.

There are always challenges where heritage assets are involved. Conservation Areas are, in our view, exceptional. As designated heritage assets they require additional sensitivity in terms of design and a limited approach to the scale of the potential redevelopment. Given the close proximity to the town centre and seafront, a design more reflective of the unique character of this unusual CA could command a premium price in the housing market.

Representations

Goring and Ilex Conservation Group

Although outside our Goring area, due to the proximity of the proposal to both the hospital, the town centre and the Splashpoint leisure facility, our members will be familiar with the Farncombe Road Conservation Area.

Viewing the proposals, we would add our support to the comments in The Worthing Society's objection dated 3rd March 2021. We believe from earlier schemes developed by Roffey in the Worthing area that they have the ability, if not the will, to produce a far more harmonious scheme that will not detract from the conservation area.

Extension of the commencement period from 3 to 5 years would lead to further deterioration of the existing building to the detriment of the conservation area and adversely affect the timing of housing provision in Worthing. In addition, we believe that the temporary usage which is proposed to be reintroduced for a 5 year period has previously been of concern to the local residents.

Finally, we are surprised that the proposals to house possibly over 100 persons does not incur a financial contribution towards the infrastructure that the occupants will be likely to access in increasing amounts.

Cllr Barrett

We have had concerns raised by local residents re.the new application for 22 Lyndhurst Rd., and must admit we agree with them, this new application doesn't seem much different to the original application that was refused and also refused on appeal.

This site is in a conservation area and the submitted design doesn't seem to fit in any way. This area apart from the HSBC building is predominately low rise and this design would not sit easily with the surrounding buildings.

The bulky design seems to have made maximum use of the area of the site with consequent loss of trees, some of which as I understand it have tree preservation orders. Farncombe Rd.Conservation Area is unique with its brick pavements ,flint walls and mature tree lines.

While we agree that this site needs developing, we do not think that this design would add anything to the conservation area ,the architects had a unique opportunity to build something special on this site we don't think this design does it.

Cllr Walker

I'd like this letter to be taken as an objection to the proposed development AWDM/0130/21 on Lyndhurst Road. Given the conservation area on Farncombe Road, there is no way that it can be argued that this design fits with the character of this area or the surrounding houses. It would clearly stick out like a sore thumb. If a developer wants to develop this site they really have to be mindful of this conservation area.

I appreciate the need for new residential premises but this design is not substantively different from the previous proposal which was roundly rejected by the Council. Any proposed design should enhance and protect this conservation area rather than constitute a rectangular, off the shelf mass set right next to the road. From the numerous conversations I've had with local residents, I believe that there is a very strong feeling against this proposal.

41 letters of objection have been received on the following grounds:

- adverse impact on trees
- increased noise and pollution
- increase in parking problems
- highway safety
- adverse impact on wildlife
- inadequate infrastructure
- loss of light
- loss of outlook
- design out of keeping with the area
- previous refusal reasons have not been overcome
- conflict with Conservation Area appraisal
- development does not have to be of this scale to be viable
- lack of external amenity space

- inadequate parking provision
- poor design
- materials of out of keeping with the area
- development is too high

Relevant Planning Policies and Guidance

Worthing Core Strategy (2011):

Policy 7 Meeting Housing Need, Policy 8 Getting the Right Mix of Homes, 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 and Policy 19 Sustainable Travel

Worthing Local Plan (WBC 2003) (saved policies where relevant)

Guide to Residential Development SPD

Supplementary Planning Document 'Space Standards' (WBC 2012)

Farncombe Road Conservation Area Appraisal

Community Infrastructure Levy Charging Schedule

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

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

As outlined above, the application site has been the subject of a previously dismissed appeal which is a material consideration in the determination of the application. During the consideration of the previous appeal, the Inspector considered that the main issues were the effect of the proposal on the character

and appearance of the area, with particular regard to (i) the Farncombe Conservation Area (ii) and Lyndhurst Road.

The Inspector made various comments of relevance:

The site is within the northernmost part of the Farncombe Road Conservation Area...I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification.

In respect of the existing building on the site he stated:

The appeal building is unremarkable, shows an almost blank flank wall to the CA, and is identified negatively within the Farncombe Road Conservation Area Appraisal. Its plot coverage and placement fail to respond to its site or adjacent building lines. However, it is set back from Farncombe Road behind its treed boundary, which reduces its presence and provides a soft and open frontage consistent with this attribute of the CA. Additionally, whilst the detailed design of the building is incongruent to the CA, the width, height and roof profile of its Farncombe Road elevation displays some semblance to the corresponding attributes of the villas. As such, whilst the standing building is a negative contributor to the CA, and a candidate for redevelopment, I find that it causes only limited offense.

In respect of the previous application he stated:

I acknowledge that the detailing of the building seeks to add interest to its frontage along Farncombe Road. However, I find that its repetitive openings, lengthy parapet and significant three storey projecting bay would draw specific attention to its comparatively large scale...Its top floor would be recessed and would form its roof. However, its vertical face would be visible from public areas, as would its living accommodation within its numerous apertures. Given such, I find that the proposal would be clearly appreciable as a conspicuously large and wide, four-storey building. For these reasons, it would break harmfully from the spacious, suburban grain and collectively proportioned buildings which characterise the CA.

The building's proximity to No 22 Farncombe Road would better reflect the spacing of buildings across the CA. However, the pattern of development within the CA is defined not just by the rhythm of its separation distances, but by the collective scale of its buildings. The proposal's proximity to No 22 Farncombe Road would therefore do little to assimilate the building into the street scene. This is equally the case with regard to the building's closer conformance to the extrapolated Farncombe Road building line. Whilst the visual depth of the proposal would be comparable to other properties within the area, particularly Nos 4 and 14 Farncombe Road, these other properties are principally original villas, and, unlike the proposal, they read as such within the CA.

The large corner element of the building would effectively demark the entrance to the CA and, due to the alignment of the road, it would have a particularly prominent position. It is clear from the evidence that this feature seeks to fill a gap within the Lyndhurst Road street scene when viewed from the west, address the

unconventional geometry of the appeal site, and provide a building which turns the corner between its two street elevations. However, I find that its combined height, bold form and vertical emphasis would be incompatible with the CA's comparatively suburban scale...

...The government is seeking to significantly boost the supply of homes and the proposal would reuse an unattractive, previously developed site to provide 30 apartments in an accessible location, catering for a specific demographic with housing need in the area. The parking provision would include disabled spaces, addressing the needs of those with reduced mobility. The scheme would therefore provide social and economic public benefits. Given the housing need in the area as most recently expressed, I find that these public benefits would weigh moderately in the scheme's favour. However, they would not outweigh the harm to the designated heritage asset that I have identified.

The Inspector did not find that the impact upon the Lyndhurst Road frontage was unacceptable in the previous scheme. In respect of viability he stated:

The appellant has drawn my attention to a viability assessment which indicates that any physical reduction to the scheme would render it financially unviable, and this is undisputed by the main parties...It seems to me therefore that, whilst the unviability of further amendments to the appeal scheme is evident, this is not analogous with the undeliverability of the site in general terms.

The key points that can be drawn from the above decision is that the Lyndhurst Road frontage was considered to be acceptable by the Inspector, that there was quite clear concern regarding Farncombe Road and the impact upon the Conservation Area, that the removal of a building that does not contribute positively to the Conservation Area is not in itself a reason to grant permission for a more substantial development that itself would adversely affect the Conservation Area and the viability concerns were acknowledged, but did this did not mean that the refusal of the previous scheme would render the site unviable.

Dealing with the viability point first, it was accepted during consideration of the previous scheme that the proposal was on the margins of viability, indeed the independent viability assessment at the time considered that, if anything, the proposed profit margin of 14.20% was based on sales figures that were quite possibly greater than could be expected and such a conclusion has been reached again. An ordinary level of developer profit would be 17.5% and the applicant has agreed that should such a profit level be exceeded, a proportion would then be paid towards affordable housing costs - the normally required level of affordable housing contribution required at present would reduce the profit level to around 6%. The report on the applicant's viability assessment is attached as Appendix A. Central government guidance as contained within the National Planning Policy Framework states *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.*

Having regard to the viability aspect, therefore, your officers are satisfied that to reduce the quantum of development in itself would render the development

unviable. The considerable challenge facing the applicant, therefore, has been to devise a revised scheme which would overcome the Inspector's concerns in respect of Farncombe Road and it is quite clear from the Inspector's previous comments that, should they fail to be able to, there is no overriding reason for planning permission to be granted. The Lyndhurst Road frontage is simpler, as stated by the Conservation Architect *there have been a number of amendments to this elevation but in my opinion they do not substantially change the appearance of the building and are generally enhancements*. It is not considered therefore that this part of the proposal is unacceptable.

A number of the representations received both in respect of this and the previous application state that the building is of too large scale. It has already been noted that the quantum of the scheme by way of the number of units cannot realistically be reduced on viability grounds, but it would also appear that if the Inspector felt that the scale of the Lyndhurst Road frontage was acceptable, an objection to the remainder of the building simply on the grounds of scale as a matter of principle would be difficult to sustain in itself. The issue remains therefore whether the applicant has been able to overcome the specific concerns regarding the impact upon the Farncombe Road Conservation Area.

The applicant's agent asserts:

The four storey rectangular block, fronting onto Lyndhurst Road has been visually separated from the much smaller southern block of Farncombe road. The building on Farncombe is now significantly set back from the pavement line, in keeping with other villas of the CA and steps down to three storeys in height giving it proportions and detail more akin to villas that continue on through the CA...significant changes have been made to the scheme's Farncombe Road frontage, this in combination with the visual separation of the scheme into a northern and southern block has enabled a downward progression of scale that is appropriate to the CA. The visual separation has been reinforced with a change in brick colour and the introduction of a setback forming the western pedestrian entrance. Other details also help to break down the building scale including a variation in fenestration and framing of balcony bays bays that interrupt the parapet line. The combination of design moves brings the scheme's mass into comparative scale with its neighbour to the south.

The applicant's agent goes on to assert that the corner element has been reduced in scale and concludes:

The design addresses the points raised to deliver a project that: is no longer overly dominant at the entrance corner to the CA; reads as separate elements along the length of Farncombe Road preserving the villa character seen throughout; has a scale that diminishes to the south and closely matches neighbouring villas of Horton Court and has a facade treatment that now has variety across its two blocks differentiating them still further from one another.

While the number of units has not altered, the gross internal floor area has reduced from 3,118 square metres under the appeal scheme to 2,947 square metres proposed under this application, with the greatest reduction being at 3rd floor level (12%). Of particular importance is that there is a greater set back from Farncombe Road across the whole of the frontage and in particular between the 2 blocks. The

images below show a comparison of the proposed schemes when looking from Lyndhurst Road to the south:



Current Proposal



Original Proposal

Your officers are of the opinion that the revised proposal represents a quite significant improvement upon that originally submitted. The images above demonstrate why the Committee and the Inspector raised concerns about the previous scheme given the very limited setback of the upper floor and the over assertive corner element of the appeal scheme which would have dominated the approach into the Conservation Area.

A further comparison is provided from Farncombe Road with the current proposal being the first image:



Current Proposal



Original Proposal

Again, your Officers consider that the images demonstrate that the current proposal is an improvement upon the appeal proposal and indeed is a materially different scheme. The previous scheme, while well designed in its own right, appeared to take little account of the context of the Farncombe Road Conservation Area. The revised proposal has set the building back from the road and has sought to design an element of the scheme to appear as a detached building reflecting the design and scale of villa buildings in the Conservation Area. The applicant has slightly increased the gap between the main building and this detached element and a contrast in materials and fenestration helps step down the scale of the development and ensures that this elevation relates more sympathetically with the form and predominant character of the Conservation Area. The image below shows the relationship with the neighbouring building to the south.



Farncombe Road Elevation

The alignment of Farncombe Road which bends in a westerly direction as it meets Lyndhurst Road is also an important factor in designing an acceptable scheme. (The Inspector considered the site has ‘unconventional geometry’ in his appeal decision) The existing building is set well back from the north western corner of the site, albeit the area between the building and the road has been used for parking and bins storage and does not necessarily provide an active frontage that contributes to the street scene. The following images again show the contrast between the previous scheme and that proposed under the current application.



Current Proposal



Appeal Scheme

As indicated earlier the previous scheme would have been too assertive on this corner and have an adverse impact upon the Conservation Area with the Inspector raising particular concern about the vertical emphasis of the previous proposal. Again, it is considered that the revised proposal is materially different from that previously considered. The northern part of the building will clearly project further forward but given the aforementioned alignment of the road, this is not considered unacceptable in principle and its positioning is as much demonstrated by the far more significant setback of the building to the south.

It is acknowledged that the revised scheme would still have an impact upon the character of the Conservation Area. In this respect the Councils Conservation Architect is of the view that the 'spacious grain' of the Conservation Area will be altered by the proposal but equally of the view that the *'redistribution of the mass of the building does noticeably improve the form of the proposal especially when viewed from further south along Farncombe Road'*.

It has been previously acknowledged that the proposal would provide 'less than substantial' harm to the Conservation Area. In such circumstances, there is a balance of competing objectives for the Committee to consider given that the NPPF states in such circumstances, such harm should be weighed against the public benefits of the proposal.

The need for additional housing is not in doubt, and Members will be aware that the Council does not have a 5 year supply of housing and therefore the tilted balance towards sustainable development is a public benefit of the proposal. It is unfortunate that the previous Inspector did not have regard to viability of the scheme and this is a material planning consideration.

In respect of the current scheme, your Officers do feel that the proposal has been markedly improved from that previously submitted. Given that the viability appraisal undertaken on both occasions has demonstrated that a lesser number of units

would be highly likely to render the scheme unviable, it is considered that on balance, the application can now be supported as the main areas of concern have been adequately addressed and that the benefits of the scheme now outweigh any harm to the Conservation Area.

Sustainability

It is stated that:

The building will use an extremely well insulated façade, fabric air tightness, high performance double glazed windows and supplementary energy for power that will enable the development to be highly sustainable and will have a low energy usage...Plant space is an essential part of any flatted scheme, with new part L1A changes coming into force all new scheme will need to transfer from gas boiler heating systems to a combination of ASHP & MVHR systems. The scheme looks to use a centralised heating system to all the flats with a centralised plant space at the roof level. Several options were looked at in terms of positioning for this plant, including on top of the south block and to the eastern end of the north block. However both these options were dismissed for a combination of reasons: the visual impact the plant space would have on CA to the south building and noise transfer to the immediate villa to the south and again visual and noise related impact issues to the flats to the east of the scheme on Lyndhurst Road. Thus a location centrally placed on the roof of the 3rd floor of the north block seems most appropriate.

It is good to see that the development would incorporate air source heat pumps to provide renewable energy for the development and meet emerging Local Plan policies seeking far more sustainable development. Unfortunately, this does require the addition of large plant rooms but as indicated above by the applicant there has been careful consideration of the proposed location. which would be centrally placed on the roof of the Lyndhurst Road block. Although the plant room will be visible from some viewpoints, it will be sufficiently set back from the edge of the roof not be immediately apparent from views within the Conservation Area and accordingly is considered to be acceptable.

Other matters

Although other matters have been raised during representations these have not materially changed during consideration of the application, and were not considered as reasons for dismissing the appeal by the Inspector previously. Given the lack of objection from the Highways Authority, for example, there would be no justification to withhold permission on highways grounds and similarly the impact upon trees is not considered to be materially different from the previous proposal.

As mentioned above, the developer has demonstrated to the satisfaction of the Council's independent consultants that the scheme is unviable if the quantum of development is reduced and consequently such consideration also applies to the provision of affordable housing. As was the case previously, a refusal would not be sustainable against the Core Strategy Policy 10 which expressly takes into account the economics of the provision of affordable housing in determining the appropriate amount justifiable and, above all, Government policy and guidance on the subject

which advises flexibility should be shown in such cases of proven unviability. As is usual in such cases, the principle of a clawback arrangement in the event that viability improves with completion of the scheme can be secured via a Section 106 agreement. This also applies to the provision of any open space contributions, albeit given that this is an age restricted scheme, it could be argued that the necessity for such a contribution would be reduced anyway.

Conclusion

This is a balanced case which has been the subject of detailed discussion between the applicants and officers over a number of years. It is considered that in light of the constraints of the site and the viability of the proposal, the application has been amended to an acceptable extent and therefore it is recommended that permission can be granted.

Recommendation

APPROVE subject to the completion of a Section 106 agreement securing affordable housing and open space contribution reviews and the following conditions:-

1. Approved Plans
2. Full Permission (5 years commencement)
3. No development shall commence until a Traffic Regulation Order (or revisions to existing Order/s), amending the existing on street parking bays in the vicinity of the proposed access onto Lyndhurst Road and that part of the TRO at the existing access onto Farncombe Road required to enable the development to be implemented, has been approved by the County Council and written confirmation of this approval is made available to the Local Planning Authority. The cost of the Order and the resulting works to be met in full by the applicant.

Reason: In the interests of road safety and amenity.

4. No part of the development shall be occupied until the proposed vehicular access serving the development has been constructed in accordance with the approved planning drawing, including revisions to all road markings as necessary as part of any TRO approval.

Reason: In the interests of road safety.

5. No part of the development shall be occupied until such time as the existing vehicular access onto Farncombe Road has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority after consultation with the Highway Authority.

Reason: In the interests of road safety.

6. No part of the development shall be occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

7. No part of the development shall be first occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide EVC charging points to support the use of electric vehicles in accordance with national sustainable transport policies

8. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans.

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

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

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

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

10. No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement 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: To encourage and promote sustainable transport.

11. Land Contamination - details to be reported to the Local Planning Authority

12. 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.
13. 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.
14. 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 schemes 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.
15. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water
16. Approval of Materials
17. Hours of Working to be restricted from 8 to 5 Mondays to Fridays, 9-1 on Saturdays and no working on Sundays or Bank and Public Holidays
18. Landscaping scheme (full details)
19. Finished Floor Levels
20. Accommodation restricted to over 65s

Informatives

Minor Highway Works

The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

Temporary Works Required During Construction

The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

Temporary Developer Signage

The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

Traffic Regulation Order

The applicant is advised to contact the WSCC Traffic Regulation Order team to obtain the necessary paperwork and commence the process associated with the proposed development (i.e. removal of parking bays, replacement of bays etc). The applicant would be responsible for meeting all costs associated with this process including implementation of works and infrastructure (signs, marking etc.). The applicant should note that the outcome of this process cannot be guaranteed.

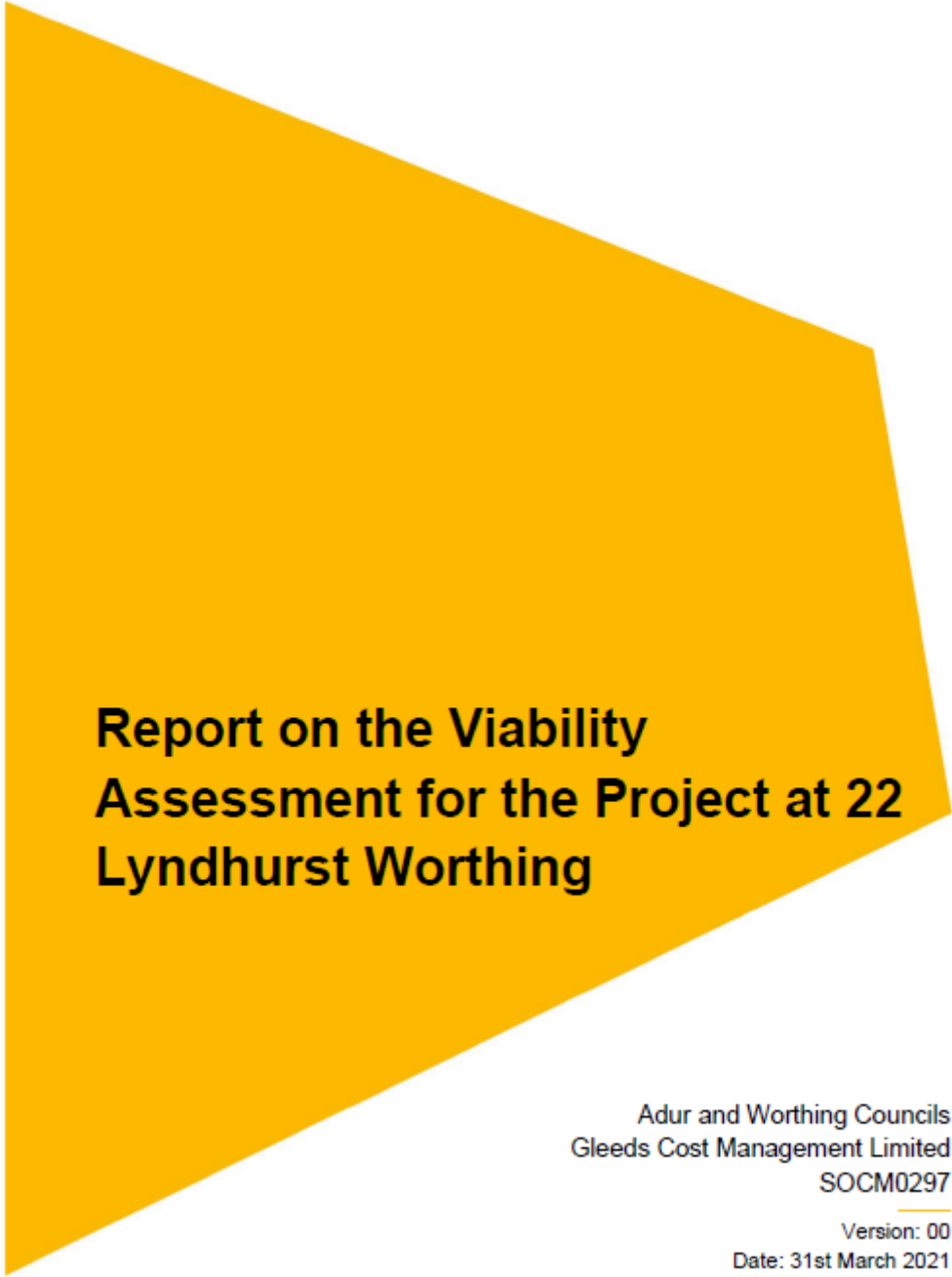
Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The Percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or similar approved method and cater for the 1 in 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 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

Appendix A - Independent Report on the Viability Assessment

gleeds



Report on the Viability Assessment for the Project at 22 Lyndhurst Worthing

Adur and Worthing Councils
Gleeds Cost Management Limited
SOCM0297

Version: 00
Date: 31st March 2021

1.0 Introduction

- 1.1 Further to an instruction from Adur & Worthing Councils, this report has been prepared to review and comment on the revised Viability Assessment dated 22nd December 2020 prepared on behalf of Roffey Homes for the construction of 30 apartments for the over 65 age group at 22 Lyndhurst Road, Worthing.
- 1.2 The costs for the construction of the apartments were prepared for Roffey Homes by Westbrooke Developments as part of the viability assessment.

2.0 Viability Assessment

2.1 Proposal

- 2.1.1 The proposed development is for the demolition of the existing building (comprising ground floor offices and apartments on the upper floors) and erection of a four-storey block of 30 flats comprising 5no. one-bedroom, 24no. two-bedroom and 1no. three-bedroom units. We have not been provided with the drawn proposals but based upon the previous information provided we have assumed that the proposals are similar, which comprised; balconies to all units, with provision of bin and cycle storage and undercroft access to car parking area, new vehicular access onto Famcombe Road and removal of trees and associated landscaping.

2.2 Information Provided for Review

- 2.2.1 We have received the following information;

- Viability Assessment
- Development Appraisal v2 dated 22/12/20
- Westbrooke Developments Ltd construction costs estimate dated December 2020
- Open market values prepared by Michael Jones & Company

- 2.2.2 We also have a copy of the Existing Use Valuation prepared by Michael Jones & Company which was provided as part of the previous viability assessment undertaken in 2017. An updated assessment has not been provided.

- 2.2.3 Within Appendix A are copies of the information received.

2.3 Viability Assessment / Development Appraisal

2.3.1 Sales Values;

We have reviewed a sample of similar properties sold and currently marketed within ¼ mile of the locality of this development within the last 12 months. From this review we have concluded that the indicative sales values prepared by Michael Jones & Company, are in line with the expectations for open market properties within this location for 2 and 3 bed properties but seem to be above the market value for 1 bed properties.

However, Roffey Homes proposals are to sell as over 65 age restricted properties. The indicative sales values prepared by Michael Jones & Company are significantly higher than the age restricted properties currently on the market for sale within ¼ mile of the proposed development. When the search area is increased to within 20 miles of the development site, the value of age restricted properties increases more in line with the indicative sales values. However, we are unsure whether the area of the proposed development would achieve these figures.

Should the indicative sales values not be achieved then this would significantly reduce the profit on this development.

The indicative sales values have been prepared by a local estate agent, we would generally expect the sales value to be assessed by a commercial agent.

The indicative values prepared by Michael Jones & Company (are assumed as being current at December 2020) do not reflect any potential increase in sales price, however this is common practice in development appraisals. Consideration could be given to the inclusion of overage in the development agreement by reference to recorded income on the land registry less movement in costs linked to appropriate BCIS.

2.3.2 Site Purchase Costs;

The costs used within the viability assessment has been based upon the operational EUV prepared by Michael Jones & Company on behalf of Roffey Homes dated 26th September 2017. Michael Jones & Company have assessed the open market value to be £1.8million.

We had previously undertaken a desktop review of the appraisal undertaken by Michael Jones & Company and conclude that we consider the appraisal to be on a conservative basis but is within an acceptable range of values for a project of this type. We therefore consider that a valuation at £1.8 million is a reasonable estimate.

We have also verified via the HM land registry site that the actual site purchase price was £1,775,000 on 30th June 2017 which is in line with the proposed EUV.

The allowance of £80,000 included for stamp duty is marginally higher than the sum of £78,250 calculated via the HM Revenue & Customs site (assessed November 2017), using a purchase cost of £1,775,000. However, we consider the allowance to be reasonable.

We consider the allowance of £10,000 for legal costs to be on the conservative side.

2.3.3 Construction Costs;

We have received a copy of the budget estimate prepared by Westbrooke Developments dated December 2020 which equates to an all-in build rate of c. £1,770/m² (including demolition and external works) based upon a total floor area of 3,264m².

The budget estimate has not been prepared in accordance with the RICS New Rules of Measurement Order of Cost Estimating and Cost Planning but has been produced using a mix of elemental quantities, unit quantities and composite rates.

We have not checked the quantities used within the estimate. We have undertaken a review of the composite rates used and these would appear reasonable for the described works.

We have benchmarked the build cost against the BCIS and our own internal cost data;

- BCIS cost studies exclude demolition and external works, therefore the comparable build rate for the proposed development would be c. £1,882/m²
 - BCIS £/m² study for 3-5 storey flats rebased to 4Q2020 and location of Worthing shows a mean cost of £1,839/m² with a lower quartile of £1,381/m² and an upper quartile of £1,862/m² and a lowest cost of £825/m² and a highest cost of £3,480/m².
 - The build rate of £1,882/m² is not unrealistic being comparable to the BCIS mean cost.
- Gleeds cost data includes facilitating works and external works, therefore the comparable build rate would be c. £1,770/m²
 - Gleeds cost data rebased to 4Q2020 and location of Worthing shows a mean cost of £2,040/m² with a lowest cost of £1,452/m² and a highest cost of £3,007/m². The build rate of £1,770/m² is within the overall cost range but below the mean costs of the comparable schemes.

2.3.4 Professional Fees;

With the exception of Quantity Surveying and Project Management which have been excluded from the list of professional services, the list of services contained are considered appropriate for a project of this nature.

The overall level of fees equates to 5.22% compared to 7.05% in the previous development appraisal. This is as a result of the architect's fees being reduced by £85,000. The fees are on the low side for a project of this type, which in part are a direct result of the reduced Architects fee and the omission of Quantity Surveying and Project Management Services.

2.3.5 Other Fees;

The allowances for Insurance, NHBC, Building Control, Planning and legal cost are reasonable.

The CIL charge has been noted as not payable as the proposed project is within the Seldon Ward. We have not verified this and recommend that the authority satisfy themselves that this is correct.

The affordable housing contribution which was previously calculated by ECE Planning at £492,536 (which has had a vacant building credit applied) has been excluded from the viability assessment.

2.3.6 VAT;

Non-recoverable VAT has been noted as being included within the construction costs. We have not been provided with any information evidencing that the proposed build rates include for non-recoverable VAT.

We do not believe that VAT can be fully recovered on fees unless some of the fees are associated with a project that is procured via a design and build route. The VAT element on fees could be in the order of £78,000.

2.3.7 Marketing Costs;

We would expect agent's fees to be in the range of 0.75-3.0% we therefore consider the allowance of 1.2% to be reasonable. It should be noted that the calculation of fees is incorrect at £114,552, it should be £115,440 (£9,620,000 x 1.2%).

We consider the allowances for marketing and show apartment to be reasonable.

2.3.8 Legal Costs on Sales and Lettings

The allowance for legal costs on sales equates to c. £1,300 per flat which seem to be on the high side but within an acceptable range of value.

2.3.9 Finance Costs;

Evidence has not been provided on the level of financing that Roffey Homes has secured for this project, as such we cannot comment on the exact cost of financing. We would comment however that the percentage rate of 4% is appropriate for this type of project.

The construction costs used on the finance calculation are incorrect, as they do not reflect the construction costs noted. Also the cost of finance on 50% of the construction costs do not equate to £81,540 but £173,402. This may be due to it being discounted due to the finance only being drawn upon as the works progress. This needs to be clarified.

2.3.10 Developer Profit;

We consider the expected level of developer profit at 20% not to be unreasonable for a project of this type.

The viability assessment has calculated the profit level at 12% which has been based upon the return as a percentage of total revenue. We would expect the profit level to be calculated as a percentage of the total development costs, which would equate to 14.20%.

3.0 Conclusion

- 3.1 From the information provided we consider the residential sales costs of £9,620,000 could be high for age restricted properties in the proposed development area. However it should be noted that if the indicative sales values are not achieved then this would significantly reduce the profit on this development.
- 3.2 The figures used for the development costs are reasonable, however it should be noted that the affordable housing contribution has been omitted in its entirety and there appears to be an omission from the assessment for VAT obligations.
- 3.3 Following our review of the development costs, the table below indicates the level of profit that Roffey Homes could expect if various adjustments were made;

			Profit On Costs	Profit On GDV
Residential Sales		9,620,000		
Total Development Costs as included within the viability assessment	8,424,153	-8,424,153		
		1,195,847	14.20%	12.43% A
VAT on professional fees	78,000	- 78,000		
	8,502,153			
		1,117,847	13.15%	11.62% B
Affordable housing contribution (incl vacant building credit)	492,536	- 492,536		
	8,994,689			
		625,311	6.95%	6.50% C
Uplift for full affordable housing contribution (excl vacant building credit)	248,120	- 248,120		
	9,242,809			
		377,191	4.08%	3.92% D

A : the level of profit at 14.20% (calculated as a percentage of development costs) within the current viability assessment. This is slightly lower than a developer would expect for a project of this type.

B : the level of profit would be at 13.15% if the VAT on professional fees is included within the viability assessment. This would be slightly lower than a developer would expect for a project of this type.

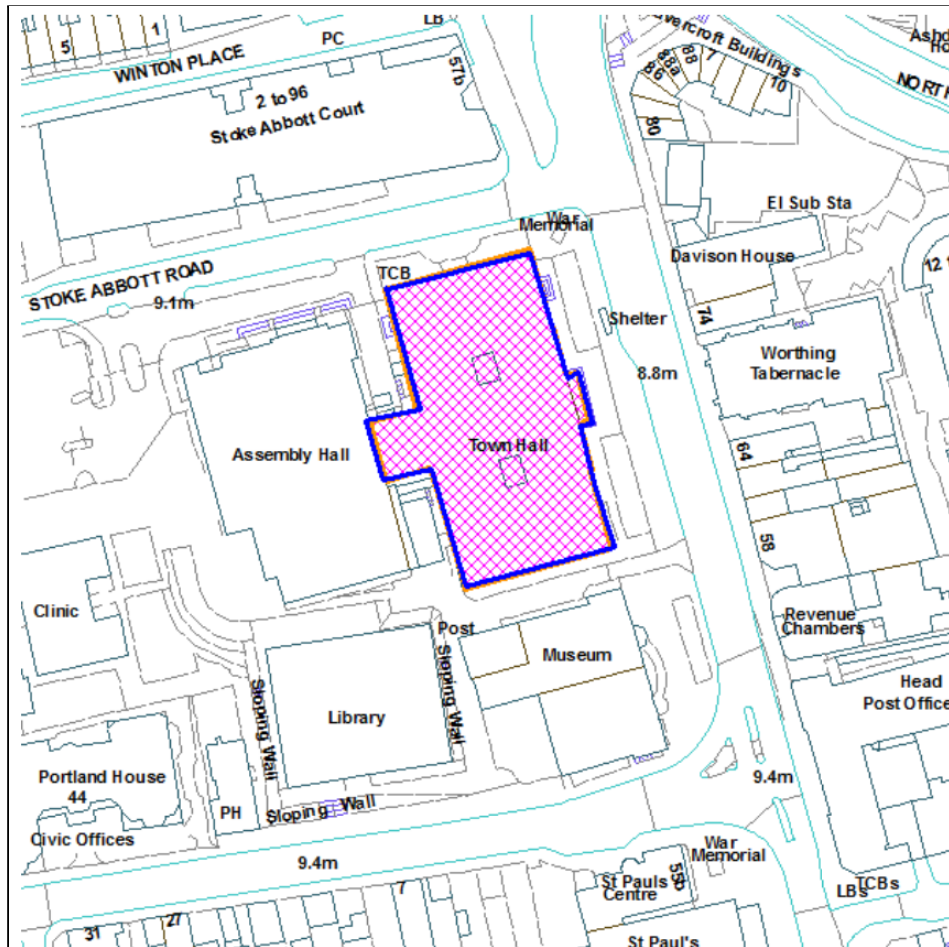
C : the level of profit would be 6.95% if the sum for affordable housing contribution (less vacant building credit) and the actual VAT on professional fees were included within the viability assessment. This would be significantly lower than a developer would expect for a project of this type.

D : the level of profit would be 4.08% if the full sum for affordable housing contribution and the actual VAT on professional fees were included within the viability assessment. This would be significantly lower than a developer would expect for a project of this type.

- 3.4 If the Viability Assessment prepared was adjusted to reflect the above, this would result in the profit returns being at a level that is lower than a developer would expect to receive for a project of this type and could make the project unviable.
- 3.5 On the developers premise that sales values will outperform construction inflation, Roffey Homes have offered, on an open book basis, to put any profit over 20% towards the affordable housing contributions which are currently excluded from the assessment.

If the authority is to consider this, we would recommend that any profit over 14.20% (calculated as a percentage of development costs) is put towards the affordable housing contribution, as this is the level in which Roffey Homes are currently willing to proceed upon.

Application Number:	AWDM/0895/21 and AWDM/0896/21	Recommendation - APPROVAL Subject to adequate justification in relation to the removal of the raised platforms in the Gordon Room and the secondary window
Site:	Town Hall, Chapel Road, Worthing	
Proposal:	Internal refurbishment of the Town Hall, installation of secondary glazing and replacement of single glazed second floor windows	
Applicant:	Adur and Worthing Councils	Ward: Central
Agent:	Gary Kelly, ECE Architecture Limited	
Case Officer:	Jacqueline Fox	



Not to Scale

Site and Surroundings

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

Proposal

The application is for internal and external alterations to the building to enhance the thermal performance, upgrade the building and provide for more efficient use of space.

The internal elements include:

- Removal of the concrete platforms in the Gordon Room
- Remove the existing front desk and its replacement with a new centrally located desk
- Removal of some non original walls and partitions where appropriate
- Removal of some non original acoustic panels
- Some doors will be screwed shut and ironmongery removed
- The works include where necessary, new and renovated floor coverings, new and refurbished lighting, new and replacement ceilings
- Internal fittings for kitchens, shower rooms, signage, partitions and cabinets.

The application proposes new secondary glazing to all original windows with different types depending on the size of the window. The secondary windows will be a light bronze RAL colour in rooms such as the Committee and Gordon Room. The secondary glazing will be white throughout the remaining ground, first and second floor rooms to match the existing white timber sash windows

The application also proposed replacement double glazed aluminium windows to the second floor windows looking internally into the courtyard

Relevant Planning History

AWDM/1007/20-Installation of 3no. horizontal galvanised security mesh panels to rear-APPROVED

Consultations

Conservation Architect

The Conservation Architect has raised that the removal of the raised platforms in the Gordon Room has not been justified in the Heritage Statement and requires further

clarification. He has also raised that the secondary glazing may be visible externally and consideration should be given to reduce or eliminate the frames.

The agent has been requested to provide further information and clarification

Representations

None

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 16
National Planning Policy Framework (HCLG 2019)
National Planning Practice Guidance

Submission Draft Worthing Local Plan

DM5 - QUALITY OF THE BUILT ENVIRONMENT
DM16 - SUSTAINABLE DESIGN
DM24 - THE HISTORIC ENVIRONMENT

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

Principle

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

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

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

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

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

Visual amenity, Conservation Area and Listed Building

The application can be assessed in three elements:

Internal alteration and refurbishment

Secondary glazing

Replacement windows

Internal Alterations

The internal alterations are set out above and involve a number of changes and additions to modernise and make the building more efficient.

The majority of the changes are not significant and would not impact on the historic layout, function and detail of the building.

The Council's Conservation and Design officer has however raised the justification for the removal of the concrete platforms within the Gordon Room, a former courtroom. This has been raised with the agents to provide further justification and will be reported verbally.

Secondary glazing

The proposed secondary glazing will be set back from the main window and will reflect the size and detailing of the existing windows. A light bronze RAL colour will be used in rooms such as the Committee and Gordon Room, to suit the existing timber panelling and bronze window features. The secondary glazing will be white throughout the remaining ground, first and second floor rooms to match the existing white timber sash windows.

The principle of secondary glazing is accepted however the Conservation Office has requested that further detail be provided to ensure that it is not visible externally. This has been raised with the agents to provide further information and amended plans as necessary and will be reported verbally.

Replacement double glazed windows

The non original single glazed windows on the second floor facing into the internal courtyard are proposed to be replaced with aluminium double-glazed windows. The

windows are in a relatively poor state of repair. The current windows are of no particular significance, they are not visible from the road set below the pitch roof on the more modern internal structure. As such, it is not considered that there would be any harm to the character or appearance of the Listed Building or Conservation Area and therefore the heritage asset would be sufficiently conserved in accordance with the National Planning Policy Framework.

Residential amenity

There are no residential properties near enough to the proposed alterations to be significantly impacted. Therefore there would be no harm to residential amenity.

AWDM/0895/21

Recommendation

Subject to adequate justification in relation to the removal of the raised platforms in the Gordon Room and the secondary window detail to the satisfaction of the Conservation Officer that the applications be APPROVED or delegated to officers at the appropriate time.

Subject to Conditions:-

1. Drawing Numbers
2. Standard 3 year time limit

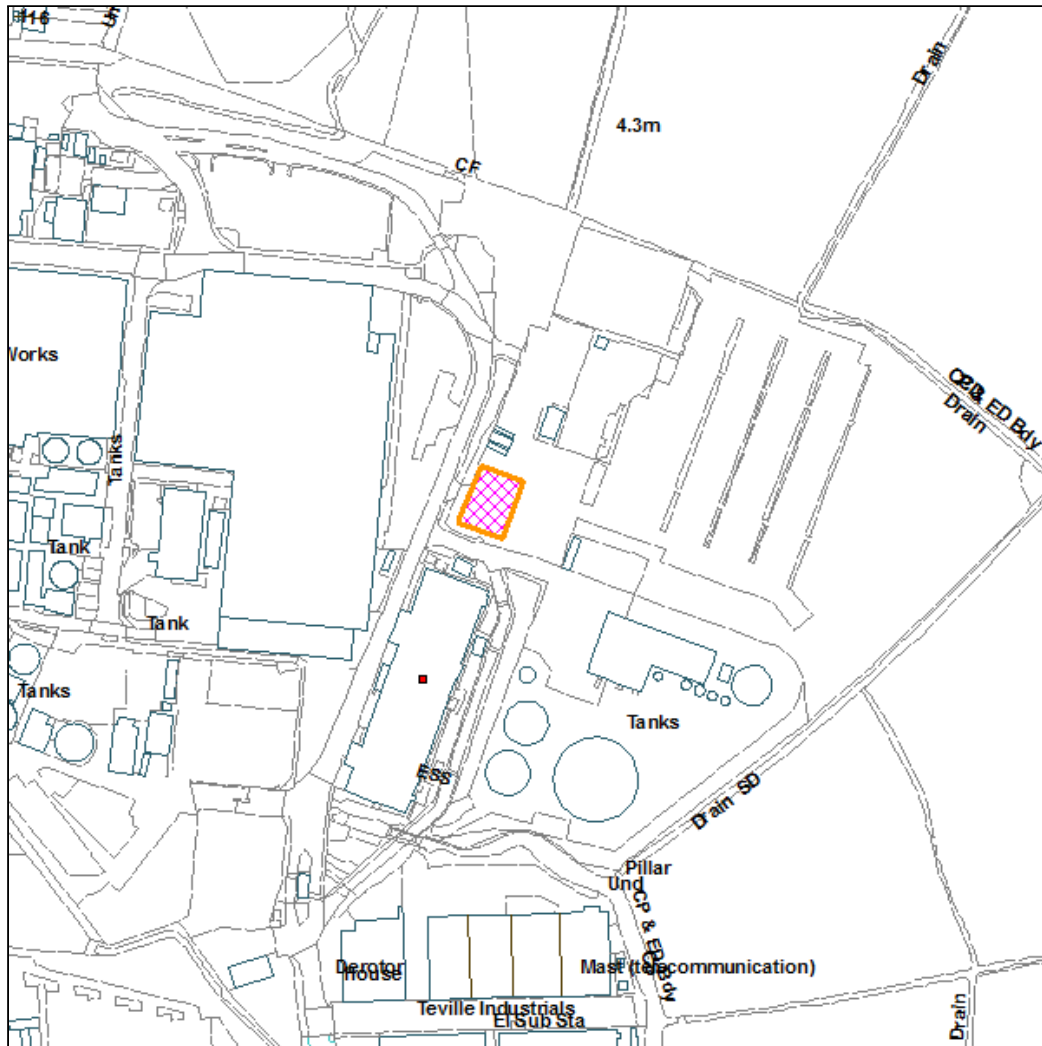
AWDM/0896/21

To APPROVE

Subject to Conditions:-

1. Approved plans
2. Listed building time
3. Protect Listed Building during works

Application Number:	AWDM/0876/21	Recommendation - APPROVE
Site:	Allergy Therapeutics Ltd, Dominion Way, Worthing	
Proposal:	Construction of single storey metal clad utility plant room and waste compound building to the north of Building 21	
Applicant:	Allergy Therapeutics	Ward: Broadwater
Agent:	Mr Patrick Faulkner	
Case Officer:	Gary Peck	



Not to Scale

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Proposal, Site and Surroundings

This application seeks full permission for the erection of a utility plant room for sole use for Allergy Therapeutics whose main production facility is situated a short distance to the south in a building known as Building 21 on the wider GSK site. It is understood that the GSK are planning to downsize their existing utility plant which will reduce supplies to the applicants who are based on the same site.

The proposed building would be steel framed with green metal profiled cladding, rectangular in shape. The maximum ridge height would be 7.5 metres, and the floor area of the building would be just over 350 square metres.

The application site consists of an area most recently used for car parking, although this was a temporary arrangement during construction of the pharmaceutical building to the west which was granted permission in 2014 during which the main car park was used for construction buildings which have now been removed and the original parking restored. There is no further requirement for the parking spaces therefore and indeed a further area of parking to the east has already been restored to its previous use as a sports field, as required by a condition of the 2014 permission. There are no further parking requirements as a result of the proposal since the building relates to an adjoining existing facility.

The application site sits within a complex of industrial buildings most particularly to the east and west and is part of the East Worthing Industrial Estate, which is a protected industrial area in the Core Strategy and the emerging Local Plan

Relevant Planning History

There is no planning history directly relevant to the application although as stated above, the site has recently been used as a temporary parking area.

Consultations

West Sussex County Council Highways:

Comment following the receipt of additional information submitted by the applicant:

I refer to your consultation in respect of the above planning application and would provide the following comments.

The LHA has been re-consulted on this application following submission of additional information regarding the loss of parking for the site.

There are no proposed alterations to the existing access at the adjoining point with the publicly maintained Dominion Way. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents at the access point with Dominion Way. Therefore, there is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Given the nature of the proposal, it is not anticipated that it will result in material intensification of use onto Dominion Way or the wider road network.

The proposed plant room would not generate the requirement of many parking spaces in terms of staffing. The existing and proposed plan demonstrates loss of approximately 25 parking spaces as a result of the proposal. However, the additional information indicates that temporary buildings were operating on site until recently. They have now been demolished and the area reinstated for parking.

The parking for the entire site has significantly increased since 2012 as demonstrated on the aerial view photos. The applicant has confirmed that staffing levels on this site have been considerably reduced over the last couple of years and there is currently an excess of parking.

Given the above, the LHA are satisfied that the loss of parking is unlikely to result in a highways safety issue in this location.

Conclusion

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

Environmental Health: No comment

Representations

No comments received

Relevant Planning Policies and Guidance

Worthing Core Strategy (2011):

Relevant policies include: Policy 3 Providing for a Diverse and Sustainable Economy, Policy 4 Protecting Employment Opportunities Policy 16 Built Environment and Design

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

The main issues in the determination of the application is the principle of the proposal and its effect upon the character and appearance of the surrounding area.

There have been a number of operational changes in recent years on the wider site and one of these has been some of the supplies provided by GSK to the applicant will be terminated resulting in a need for the applicants, Allergy Therapeutics, to install their own utility plant to service their own business. The plant room will house new equipment to provide Cooling Water, Plant Steam and Instrument Air to the adjacent building by means of a raised steel pipe bridge linking the buildings. 2 cooling towers will be provided to the western side of the building and it is likely that ducts will need to be provided through the roof in due course as shown indicatively on the submitted plans, the details of which are subject to a separate permit application.

Given that the building will support an existing established business, it is not considered that there is any objection to the development in principle and its location close to other industrial buildings in an established employment location similarly means that proposal would have little visual impact upon the surrounding area.

The loss of parking has been examined by the County Highways section but given the parking involved replaced parking lost elsewhere on the site for a temporary period, the site as a whole is not used as intensively as it was previously, and there is no additional parking requirements as a result of the proposed building effectively being a replacement ancillary facility, it is not considered that any objection on this basis could be justified.

In conclusion, therefore, the proposal represents an opportunity to support an existing business established in the town and therefore is considered acceptable.

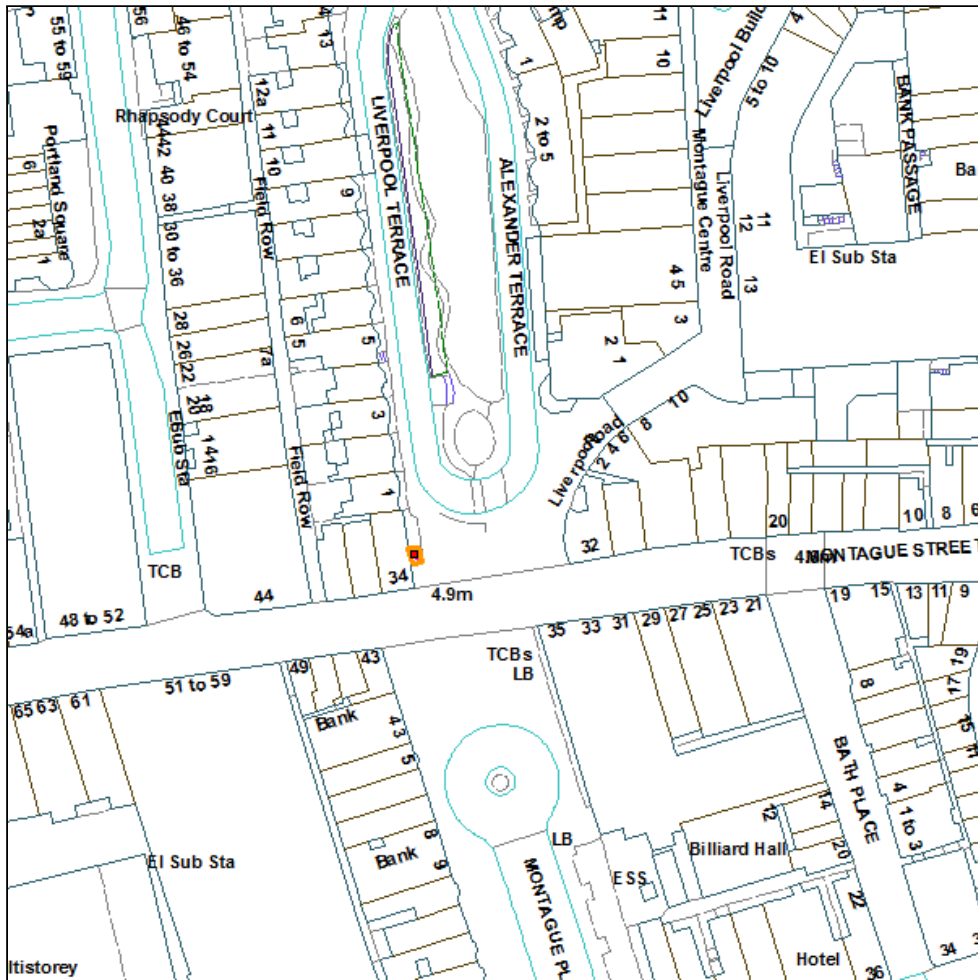
Recommendation

GRANT permission

Subject to Conditions:

1. Approved Plans
2. Full Permission
3. Approval of Materials and Ducting to be submitted for prior approval
4. Restrict use as ancillary to Allergy Therapeutics only

Application Number:	AWDM/0612/21	Recommendation - APPROVE
Site:	Land East Of 34 To 36 Montague Street, Worthing	
Proposal:	Re-siting BT Public Telephone Kiosk due to work being carried out as part of Public realm works scheme at Portland Road.	
Applicant:	Mrs Linda Kennedy, BT Payphones	Ward: Central
Agent:	N/A	
Case Officer:	Gary Peck	



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Proposal, Site and Surroundings

This application seeks the re-siting of a telephone kiosk from its current location within the area of Portland Road to an area adjacent to the eastern wall of 34 Montague Street, currently occupied by Monsoon, and immediately to the south of Montague Terrace.

The application site is within the Conservation Area and while 34 Montague Street is not listed, Montague Terrace immediately to the north of the application site comprises a number of listed buildings.

The previous location for the telephone kiosk was adjacent to the eastern wall of Boots and therefore outside of the Conservation Area.

The application is brought to Committee as notice has been served on the Council as an interested landowner.

Relevant Planning History

None relevant

Consultations

The proposal seeks the re-siting of a BT public telephone kiosk due to work being carried out as part of Public realm works scheme at Portland Road / Land East Of 34 To 36 Montague Street Worthing.

The new siting of the BT public telephone kiosk is not in a location that will obstruct the free flow of pedestrian movements in this area.

The applicant would be advised to contact WSCC Highways prior to implementing the works in order to gain the required licence approvals for works within the public highway.

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.

Representations

None received

Relevant Planning Policies and Guidance

Worthing Core Strategy (2011):

Policy 16 Built Environment and Design

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

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

The main issues in the determination of the application are the effect of the proposal upon the character and appearance of the surrounding Conservation Area and listed buildings.

The Portland Road public realm scheme has commenced and has been a long held aspiration for the southern part of the road. The telephone kiosk, while relatively unobtrusive, would affect the ability to provide public realm improvements and therefore its relocation was considered necessary.

The previous location was outside of the Conservation Area while the proposed location is within it and much closer to listed buildings. However, the proposed location comprises the side wall of a commercial premises where a small refuse bin was previously located and larger waste storage buildings, presumably in connection with the nearby shops, are sited on the pavement immediately to the north. It would likely that the kiosk will partly obscure the bins and therefore it is unlikely that any visual detriment will occur as a result of the revised siting.

A number of the kiosks around the town have been removed in recent years through lack of use and it is considered a further point in favour of the scheme that the applicant considers there still a need for such a facility in the town centre.

The proposal is therefore considered to be acceptable.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Full Permission

Informative

Works within the Highway – Area Office Team

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover approved works. The applicant is requested to contact the Area Highway Manager (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

21st July 2021

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

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

Jackie Fox
Senior Planning Officer (Development Management)
Portland House
01903 221312
jacqueline.fox@adur-worthing.gov.uk

Schedule of other matters

1.0 Council Priority

1.1 As referred to in individual application reports, the priorities being:-

- to protect front line services
- to promote a clean, green and sustainable environment
- to support and improve the local economy
- to work in partnerships to promote health and wellbeing in our communities
- to ensure value for money and low Council Tax

2.0 Specific Action Plans

2.1 As referred to in individual application reports.

3.0 Sustainability Issues

3.1 As referred to in individual application reports.

4.0 Equality Issues

4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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

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