



WORTHING BOROUGH
C O U N C I L

17 August 2021

Worthing Planning Committee

Date:	25 August 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 24 August 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 23 August 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 21 July 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 - 62)

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

7. Planning Appeals

None.

8. Tree Preservation Order 4 of 2021 (Pages 63 - 66)

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

Part B - Not for publication - Exempt Information Reports

Recording of this meeting

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	Louise Mathie Locum Lawyer

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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C O U N C I L

Planning Committee
25 August 2021

Agenda Item 6

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/0550/21 **Recommendation – APPROVE**

Site: Garage Site South Of Heene C Of E Primary School
Norfolk Street, Worthing

Proposal: Demolition of existing storage buildings. Construction of replacement building comprising 4no. one-bedroom flats and 2no. two-bedroom flats, bin and bike storage and associated landscaping.

2

Application Number: AWDM/0941/21 **Recommendation – Delegate for APPROVAL** subject to the receipt of satisfactory amended plans in respect of the design of the building

Site: Shelter South Of West Buildings, The Promenade, Marine Parade, Worthing

Proposal: Variation of Condition 1 (approved plans) of AWDM/1303/19 (Demolition of existing public shelter and redevelopment to provide an A3 restaurant set over two floors with outdoor seating area at ground floor and a covered external first floor terrace) to create 2 units set over two floors

3

Application Number: AWDM/0593/21 **Recommendation – REFUSE**

Site: 29 Marine Parade

Proposal: Conversion of upper floors from ancillary residential accommodation to provide 2no 2-bedroom self-contained flats with associated alterations to the existing shopfront to create a separate entrance, together with replacement windows and bin and bike store to rear.

4

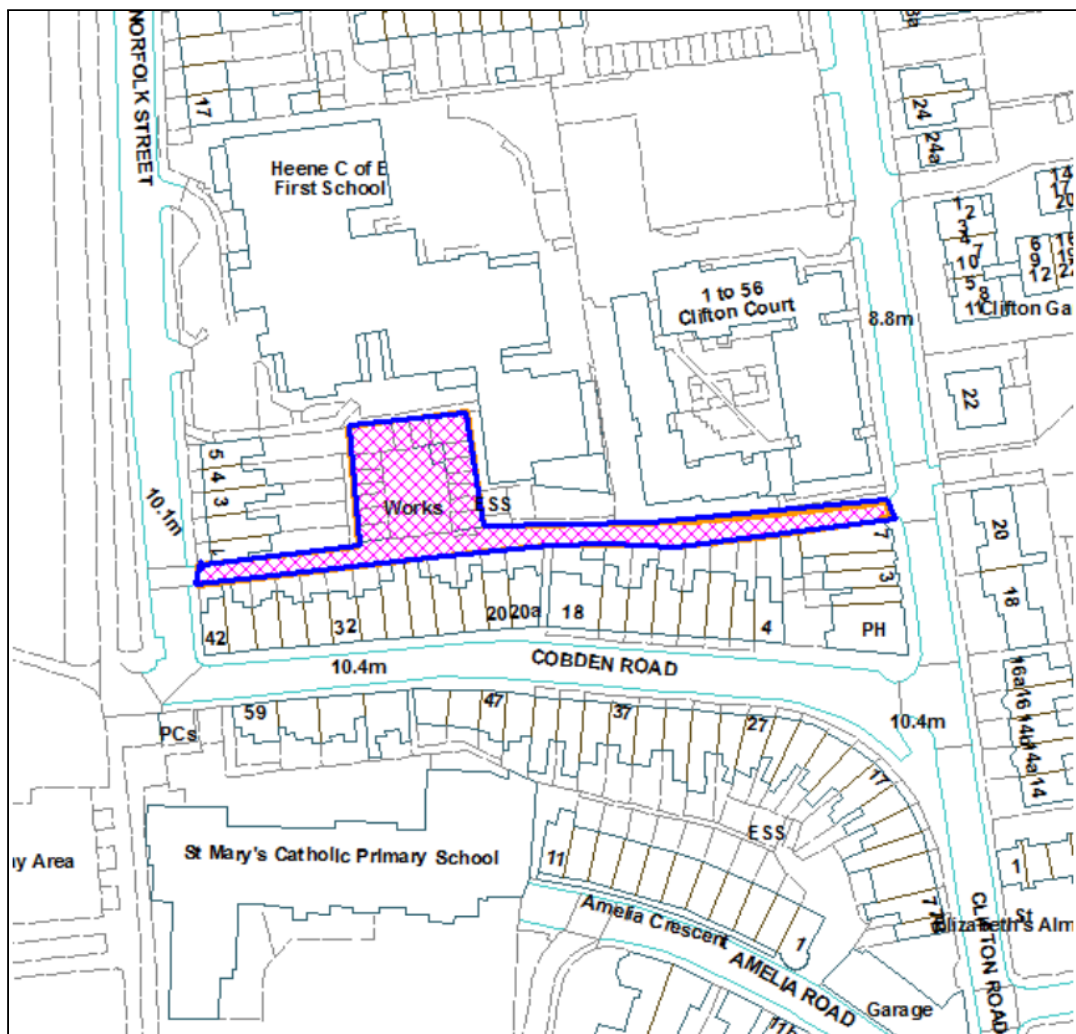
Application Number: AWDM/1207/21

Recommendation – Delegate for APPROVAL subject to the receipt of satisfactory comments from the Environmental Health Officer

Site: Broadwater Parish Rooms, 90 Broadwater Street West, Worthing

Proposal: External Air Source Heat pump and louvred timber housing and 2no. conical LED wall mounted wall lights to North West elevation

Application Number:	AWDM/0550/21	Recommendation - APPROVE
Site:	Garage Site South Of Heene C Of E Primary School Norfolk Street, Worthing	
Proposal:	Demolition of existing storage buildings. Construction of replacement building comprising 4no. one-bedroom flats and 2no. two-bedroom flats, bin and bike storage and associated landscaping.	
Applicant:	BR7 Ltd	Ward: Central
Agent:	Mr Huw James ECE Planning Ltd	
Case Officer:	Jackie Fox	



Not to Scale

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Introduction

Councillor Sally Smith has called in the application for consideration by the Committee.

Site and Surroundings

Norfolk Street Garages comprise a U-shaped group of buildings on a site located to the east of Norfolk Street, to the west of Clifton Road and north of properties off Cobden Road. To the north of the site is Heene Primary School.

The site is accessed via a private unmade road which links Norfolk Street and Clifton Road.

The buildings comprise two storey at either end of the U-shape with flat roof linked by single storey flat roof buildings. The buildings are partly rendered and partly boarded. The buildings are characterised by garage doors at ground floor facing into the site and windows at first floor. There is an external staircase to the side of the eastern two storey element giving access to part of the first floor.

Units 1, 2, 3, 4, 9 and 14 have historically been used as single lock-up garages. Units 5 -7 and 13 were used as workshops. Unit 8 as an office and unit 10, 11-12 and 15-16 were used for storage. The first floor units above 1-4 were in use as an office and store room.

The applicant's agent indicates that the buildings are in a poor state of repair.

The site is within a primarily residential area characterised by terraced housing and flats. Cobden Road immediately to the south is characterised at its western end by two and three storey terraced houses on the back edge of the pavement. The properties to the south comprise terraced houses off Cobden Road, they have relatively short rear gardens which are enclosed by fence/wall along the boundary with the access road. Some of the properties have first floor outside space

On its western boundary the existing built form abuts directly with the rear access and gardens of 1 – 5 Norfolk Street. The existing buildings present a number of original wall openings at ground floor level on the boundary facing west.

On its northern boundary the site and existing built form abuts directly with a raised area of the School Campus grounds in the form of retained ground adjacent the site and next to a lower open activity area for the school.

The existing buildings present a number of original wall openings at ground floor level on the boundary facing north

On its eastern boundary the site and existing built form abuts directly with a raised area of the School Campus grounds in the form of ground retained adjacent the site by a lower-level classroom building towards the northern end of the boundary. A higher-level electrical substation enclosure and its hardstanding access onto the service road towards the southern end of the boundary.

Victoria Park lies just to the west with a large open public amenity space and children's play facility

Proposal

The application, which has been amended since originally submitted, proposes the demolition of the existing buildings and the erection of a replacement building comprising 4 one bedroom flats and 2 two bedroom flats. The one bedroom flats would be 50sqm and the two bedroom flats 70sqm.

The replacement building uses primarily the existing footprint and proposes a new building as the existing buildings are in a poor state of repair.

In terms of materials, the proposed building would incorporate a sandfaced yellow multi coloured stock, sandfaced grey multicoloured stock with dark grey smooth detail brick.

In terms of the roof and windows, the proposed building would consist of a grey single ply high performance PVC flat roof membrane and grey aluminium faced timber composite windows.

The new building would incorporate ventilating rooflights to maximise light and provide ventilation.

The Applicant has confirmed that they would be happy to offer a full sprinkler system for each residential unit.

There is no car parking on site. The scheme provides for covered cycle parking in a separate building in the centre of the site which would be wooden clad with a sedum roof.

There would be a central courtyard which all properties would face into enclosed with railing to the access road.

The bin stores would be located on the southern elevation adjacent to the access road.

BLOCK PLAN AND INDICATIVE VIEWS

DRAWING PREPARED FOR PLANNING APPLICATION PURPOSES ONLY
 survey information not available for adjacent school grounds



AERIAL VIEW OF EXISTING BUILDING MASSING FROM SOUTH EAST - indicative only

ACCOMMODATION SCHEDULE

Responding to clients brief:
 4 X 1 BEDROOM APARTMENTS - 50 SQM
 2 X 2 BEDROOM APARTMENTS - 70 SQM

NET CAR PARKING PROVIDED
 BIKES STORAGE fronting lane
 BPO STORAGE in central location

NOTES

RESTRICTED WIDTH ACCESS proposals subject to use of existing service road access for and requirements of utility and emergency services.

DOMESTIC SPRINKLER / MISTING SYSTEMS to be considered as part of the safety and protection measures for the scheme subject to requirements of the authority and building control.

GENERAL

The site has restricted access for delivery of construction materials and plant to site and the proposed scheme would necessitate construction work on all surrounding boundaries with adjacent landowners including potential drainage works within the curtilage service road all of which will require a comprehensive and detailed safety management strategy to be adopted by the contractor.



AERIAL VIEW FROM SOUTH



Relevant Planning History

NOTICE/0007/19 - Application for permitted development for prior approval for change of use of storage units 1, 2, 3, 4, 9, 10, 11 and 12 (B 8 use class) to 2no. residential units - Prior Approval Required and Granted

NOTICE/0016/20 - Application for Prior Approval of Proposed Change of use of an Office (Use Class B1a) to form 1no, residential unit (Use Class C3) at first floor level - Prior Approval Required and Granted.

Consultations

West Sussex County Council:

Access and Visibility

No vehicular access is proposed for the replacement building. Access to the maintained highway network can be via existing accesses on Norfolk Street or Clifton Road, both unclassified roads subject to a speed restriction of 30 mph.

From inspection of local mapping, there are no apparent visibility issues with the existing points of access onto Norfolk Street or Clifton Road.

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

Servicing

The applicant should be aware that safe and suitable access for a fire appliance may need to be demonstrated in order to meet building regulations. The minimum width for sufficient access for fire appliances is 3.7m, although this can be reduced to 2.75m over short distances as long as the 3.7m can be provided within 45m of the property.

Additionally, Manual for Streets states that waste collection vehicles should be able to access within 25m of the bin storage point and that residents should not have to carry bins more than 30m where at all practical, although this is an amenity issue.

Whilst servicing arrangements are not strictly speaking a material planning consideration, the applicant is encouraged to consider servicing and emergency access arrangements at the planning stage.

Parking

The applicant proposes a nil car parking provision for this development. The WSCC Car Parking Demand Calculator indicates that a development of this size in this location would require at least six car parking spaces. Therefore, vehicular parking would have to be accommodated on-street.

Whilst on-street parking is limited in the area, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the proposed nil car parking provision would result in a severe highway safety concern. However, the LHA advises the LPA to consider the potential impacts of a small increase in on-street parking demand from an amenity point of view. Weight is given to the fact the site is situated in a sustainable location.

The applicant has demonstrated a cycle parking store, with provision for ten cycles. Cycling is a viable option in the area and the inclusion of secure and covered cycle storage will help promote the use of sustainable transport methods.

Sustainability

The site is located in a sustainable location within walking/cycle distance of schools, shops and other amenities and services. The site is also well connected by public transport. Worthing Train Station is located approximately 600m northeast of the site. Regular bus connections can be caught from nearby roads also (A259 and A2031).

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.

If the LPA are minded to approve the application, the following condition should be applied:

Cycle parking

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

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

Adur & Worthing Councils:

The ***Environmental Health*** officer

Public Health

I would recommend the precautionary contaminated land condition in case they have to break ground to lay drainage.

PSH may have something to say about the position of the first floor flat's bedrooms to the kitchen, with regards to means of escape in the event of a fire.

Private Sector Housing

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

In this case, all the bedrooms in the southern flats are inner rooms. Whilst the hazard can be mitigated on the ground floor through the use of fire escape

windows, the PSH team do not accept fire escape windows at first floor level as meeting the Housing Act2004 and the layout does not appear to meet the basic requirements to allow the use of fire suppression.

Compliance with Building Regulations will not necessarily address the hazards identified and you should contact the Private Sector Housing team to confirm that the layout of the property is acceptable prior to commencing the development in order to avoid the need for any formal intervention or the requirement of retrospective works

The **Waste Services** Officer (provided as a response to the agent)

After having seen the proposed plans and assessed the area along with the fact that each property will be issued their own set of bins this plan is acceptable to the waste and cleansing department.

Please note: The space allocated to housing/storing the bins may need to be enlarged slightly so as to fit the required number and size of bins per property.

Each flat will be issued: 1 x 140 litre refuse bin (1054mm H, 480mm W, 560mm D) & 1 x 240 litre recycling bin (1070mm H, 580mm W, 740mm D) so long as space allows the size of bins indicated this should be fine.

Also the residents will not be required to present the bins for collection, our crews will access and service the bins via Norfolk street. This is a change to the previous instruction. This is due to the limited space located at the entrance to the service road and would result in either blocking the service road with bins on collection day or has

the potential to upset existing residents in the location, having many bins out at one point for collection in front or near their property.

The Drainage Engineer

Original comments:

Flood risk- the proposed site lies within flood zone 1, and is not shown to be at risk from surface water flooding. We therefore have no objections to the proposals on flood risk grounds.

Surface water drainage- the application form indicates that it is proposed to discharge surface water to sewer. Infiltration must first be fully investigated. There are no surface water sewers in the immediate vicinity of this site, discharge to foul sewer is not acceptable. Given the relatively dense development proposals we wish to raise a holding objection. It must be evidenced that there is room for surface water drainage within the proposed layout. If this information is not provided prior to determination it is likely that the layout proposals will unduly bias the design of surface water drainage and could result in flooding being increased elsewhere. We therefore wish to raise a holding objection.

Following discussion and submission of further information the following conditions and informative are suggested.

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.”

“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.”

and the accompanying informative:

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

Southern Water:

Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer

Representations

- ❖ Cobden Road North Residents (15 signatures)
 - Loss of the courtyard turning point causing a safety impact on residents and general public
 - The private road is not suitable for development off of it
- ❖ Petition of 35 signatures stating that they object to the development on the grounds that it will impact detrimentally on an already overburdened parking and access situation.
- ❖ Heene Church Of England Primary School
 - Do not object but raise concerns about pupil safeguarding and potential disruption during construction to two classrooms and would wish to discuss this with the developer.
- ❖ 6 Cobden Road
 - The foundations and construction of the private road was not built for the weight or traffic existing or proposed.
 - Inadequate drainage
 - It is a private road/footpath for residents and service vehicles access only
 - The development would have no access or parking
 - The development would cause damage to the access road
 - Impact to residents during construction.
- ❖ 10 Cobden Road
 - Poor access to the proposed site, unlit and uneven
 - The refuse storage is over 40m from the main road contrary to the manual for street recommendations
 - overlooking of properties in Cobden Road
 - Lack of drainage connection
 - contamination
 - No access for fire engines
 - No provision for electric vehicles or charging
 - Encroachment of the alleyway
 - Loss of use of the alleyway, the alley is jointly owned by the freeholders on the north side of Cobden Road. The construction will disrupt residents.
 - The alley is unsuitable for large vehicles and damage will occur
 - Contrary to the NPPF para 127
- ❖ 12 Cobden Road
 - The access road is not suitable for heavy vehicles for demolition, construction, emergency vehicles and household waste vehicles
 - Impact on services under the track
 - The development would overlook a school and near neighbours

- ❖ No address and Cobden Road resident
 - The road is too narrow and old to take the traffic from the development
 - Fire hazard
 - contamination on the site
 - Create parking problems

- ❖ 20A Cobden Road
 - Impact on aging water, drainage and soil pipes
 - Health and safety issues including asbestos, contaminated land and how emergency vehicles will access the site.
 - Inadequate parking in the area.
 - Increased traffic
 - Loss of privacy
 - Increased noise
 - More suitable for commercial premises

- ❖ 24 Cobden Road
 - overlooking of first floor windows
 - increased noise on amenity space
 - Asbestos on site
 - flooding
 - contamination
 - public safety
 - Loss of the turning circle
 - poor access
 - Overdevelopment
 - No official right of way for the public
 - Asbestos on the site
 - The site floods
 - Overlooking of the school

- ❖ 26 Cobden Road
 - Inadequate parking
 - The access not suitable for removal lorries, delivery vans etc
 - Loss of important garages and storage units important to local residents and businesses
 - The private road is not safe or adequate for the development with residential
 - High level windows will impinge on privacy
 - Encroachment onto a private road
 - Increased noise from the 'u' shaped building
 - Loss of privacy
 - The private access road is not suitable for safe pedestrian access, cycle use or wheelchairs
 - Inadequate refuse collection
 - Inadequate for emergency vehicles particularly fire engines
 - Contaminated land

- ❖ 28 Cobden Road
 - Inadequate access particularly for large vehicles
 - private road which would get blocked
 - Overlooking
 - overdevelopment
 - Local infrastructure is insufficient
- ❖ 32 Cobden Road
 - Damage to boundary wall from vehicles required for the demolition and construction of the development
 - The alley is too narrow for large vehicles and fire engines
 - Potential for fire hazard
 - Inadequate parking
 - Noise, dust and inconvenience
 - Need for small commercial units, that this site could provide
- ❖ 34 Cobden Road
 - Lack of rainwater drainage
 - Lack of parking
 - Lack of easy access and turning for emergency vehicles
 - Lack of privacy
 - Damage to heritage walls
 - Inadequate lighting
 - Overstretched facilities
- ❖ 38 Cobden Road
 - The lack of rainwater drainage,
 - lack of available parking,
 - Lack of easy access and turning for emergency vehicles and privacy and light for those properties that would be opposite
 - sustainable infrastructure would mean that they would be better used for storage, garages and workshops
- ❖ 57 Cobden Road
 - Insufficient parking for existing residents
 - Pressure on parking
- ❖ 4 Norfolk Street
 - Inadequate parking, particularly with the local schools
 - Poor access
 - Inadequate access for emergency vehicles
 - The access is not suitable for large vehicles
 - The access is in constant use as a right of access and should not be blocked
 - No lighting along the access
 - Loss of light from the first floor extension to 4-5 Norfolk Street

- The proposed building is not in keeping
- Overdeveloped poor quality housing

- ❖ 5a Clifton Road

- Narrow road, poor access
- Potential damage to property on the access road
- impact on the safety of residents
- Inadequate lighting leading to poor unsafe access for future residents
- How will the buildings be demolished and constructed without impact on residents
- Inadequate parking in the area

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): 3, 4, 7, 8, 16, 19

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

Guide to Residential development SPD

Space Standards SPD

Worthing Community Infrastructure Levy (CIL)

National Planning Policy Framework (HCLG 2021)

National Planning Policy Guidance

Submission Draft Worthing Local Plan 2020-2036

SP1 (Presumption in Favour of Sustainable Development)

SP2 (Climate Change)

SP3 (Healthy Communities)

DM1 (Housing Mix)

DM2 (Density)

DM5 (Quality of the Built Environment)

DM16 (Sustainable 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

Policy context

The policy context comprises the NPPF and the local development plan which consists of the saved policies of the Worthing Local Plan, Worthing Core Strategy and accompanying SPDs as well as the emerging submission draft Worthing Local Plan.

Policy CS8 seeks to deliver a wide choice of high quality homes to address the needs of the community with higher density housing (including homes suitable for family occupation) in and around the town centre with new development outside of the town centre predominantly consisting of family housing.

National planning policy contained in the NPPF post-dates the adoption of the Core Strategy. Paragraph 10/11 identifies at the heart of the NPPF a presumption in favour of sustainable development. For decision making this means making plans which positively seek opportunities for objectively assessed housing needs, approving development proposals that accords with an up-to-date development plan without delay and where there are no relevant policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the framework that protect areas or assets of particular importance provides a clear reason for refusing the proposal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

It is acknowledged that in response to the requirements of the Framework and informed by local evidence, a 5 year supply of housing in relation to Objectively Assessed Needs (OAN) cannot currently be demonstrated. A housing study has been undertaken to address this requirement and to inform the forthcoming Worthing Local Plan.

Within this context the proposed dwellings would make a contribution – albeit very small – to meeting housing need in the Borough.

The 'Guide for Residential Development' (SPD) indicates that all new development will be expected to demonstrate good quality architectural and landscape design and use of materials. In particular, new development should display a good quality of architectural composition and detailing as well as responding positively to the important aspects of local character, exploiting all reason opportunities for enhancement. Where appropriate, innovative and contemporary design solutions will be encouraged.

The key considerations are the loss of the commercial site, effects on the character visual amenity of the area, the suitability of the dwellings, residential amenities for existing and proposed residents, access and car parking

Loss of the commercial site

Policy 4 of the Worthing Core Strategy (WCS) seeks to protect employment opportunities and seeks to resist the conversion or redevelopment of land currently

in use or last used for employment purpose unless it can be satisfactorily demonstrated that the site, or part of the site, is genuinely redundant and is unlikely to be re-used for industrial or commercial use within the Plan period.

The applicant's agent has indicated that there is no employment use on the site. The units are partly vacant, used informally and temporarily as lock-up storage units. The use of the units helps to ensure that the site is secure from crime and vandalism. The units are not used as employment or commercial floorspace.

The principle of residential development has already been established and considered acceptable under NOTICE/0007/19 and NOTICE/0016/20. These applications established the principle for 3no. residential units across Units 1-4 (on the ground and first floors) and Units 9-12. The remaining floorspace of approximately 169.7sqm is currently occupied by Units 5-8, Unit 13 (currently vacant) and Units 15-16 which are all used as storage units or vacant.

The applicant's agent has indicated that the units are in a poor state of repair and poor, dilapidated condition and refurbishing or redeveloping the site for employment use would be greater than the return that could be anticipated (in line with Policy 4 of the WCS). The site in its current state would not be capable of accommodating an acceptable employment development.

It is agreed that these units are in a poor state of disrepair and have generally only been used for storage in recent years, the principle has been established for residential use on the site. A more intensive commercial use of the site would be inappropriate with regards to location, access and residential amenity. Furthermore the site would provide for much needed housing. It is not therefore considered that the application could be refused on the loss of an employment site.

Density, character and appearance

The NPPF and policies within the Worthing Core Strategy attach great weight to sustainable development and that good design is a key aspect of sustainable development.

The 'Guide for Residential Development' (SPD) indicates that all new development will be expected to demonstrate good quality architectural and landscape design and use of materials. In particular, new development should display a good quality of architectural composition and detailing as well as responding positively to the important aspects of local character, exploiting all reason opportunities for enhancement. Where appropriate, innovative and contemporary design solutions will be encouraged.

The design is contemporary and seeks to reflect the former commercial use, footprint and scale of the existing buildings. The building is utilitarian with parapeted form with layered facing brick and detail providing a mews development with a central inward facing courtyard. The site is enclosed by railing to the access road and a covered cycle store sits centrally at the front. A private communal amenity space is provided in the courtyard.

The proposal is of a similar shape and form to the existing development and sits comfortably on the site with a similar relationship to the neighbouring uses. Although concerns were raised by officers in relation to the cycle store which is relatively dominant on the frontage this has been amended and the use of materials and green roof would soften the form.

The existing gross internal area of the building equals 374.9sqm and the proposed building equals 381.04sqm. The net additional floorspace to be provided by the development is therefore 6.14sqm. The provision of 6 dwellings on a net site area of 0.0536 Ha provides a density of approximately 112 dwellings per hectare comparable with the density of the existing terraced housing and flats to the east of the site.

The proposed form and design of the development is considered appropriate for the location and the density is considered to be appropriate and the proposal would not be an overdevelopment of the site.

Residential amenity

Core Strategy policies 16 Built Environment and Design and Policy 8 Mix of Homes. Paragraph 7.13 refers to the adaptability enabled by Lifetime Homes and to the internal size and layout of homes which are both essential factors to consider if new homes are to be built to a standard which enables people to have a reasonable standard of living accommodation.

Future occupant amenity

The proposal involves partly two storey and partly single storey single aspect development it is therefore very important that the arrangement of development does not cause detrimental inter-looking between the properties and they have an acceptable level of privacy, light, safety and space.

The proposal involves one bedroom flats at 50sqm and two bedroom flats at 70sqm. The size complies with the National Space Standards. The minimum distance between the front of the properties is approx 11m, which is not dissimilar and greater than the distance between properties in Cobden Road. The development is 'u' shaped with the open aspect to the front south elevation. The development will provide a degree of natural light for all properties.

The layout indicates that all habitable rooms would have external windows looking over an amenity space. The Environmental Health officers have raised concerns that the bedrooms in the southern flats are inner rooms and that for escape purposes the layout does not appear to meet the requirements to allow the use of fire suppression particularly at first floor.

The concern of fire services reaching the site has also been raised by a number of residents in response to the neighbour consultation.

The applicants have taken on board the concerns of Environmental Health Officers and neighbours and sought independent advice regarding West Sussex Fire and Rescue Services requirements. WSFRS have indicated that with a full sprinkler

system that units can be a maximum of 90m from an appliance. The applicant's agent has measured the furthest corner of the site (which is anticipated to be ground floor, Unit 4) and this equals approximately 72m when measured from the kerb of Norfolk Street. This measurement would appear to comply with the guidance and details would be secured by Building Control. The Applicant have also confirmed that they would be willing to offer a full sprinkler system for each residential unit. This could be dealt with by condition.

With regards to open space, the Space Standards SPD indicates that a minimum of 20sqm per flat should be provided. This would equate to 120sqm (6no. residential units x 20sqm). The applicant's agent has confirmed that 125sqm of communal amenity area would be provided within the central section of the site. The proposal would therefore be in accordance with The Space Standards SPD.

A number of local residents have raised concerns in relation to the access to the site along a private, unmade road with no lighting. It is acknowledged that this is not ideal for future residents; however it is a material consideration that the principle of residential development has been accepted on the site from the conversion of many of the existing storage units. It is not therefore considered that the application could be refused on the basis that the access to the site is inappropriate.

Neighbour amenity

The 'Guide to Residential Development' SPD also provides guidance on siting and relationship of proposed development on neighbouring properties.

The proposed development is on a backland site with residential development to the south and west and a school to the north and partly to the east. The access would be to the rear and between properties on Cobden Road and Norfolk Street via a private access way which local residents have indicated is for residents who have rights over it only, although it is used for passage particularly for pedestrians between Norfolk Street and Clifton Road. There are properties which have frontage onto the track although the majority of properties off Cobden Road(north) side have a rear boundary and gardens facing the access road.

The proposed development would have no vehicle parking on site with future residents accessing the site on foot or by cycle. It is acknowledged that there will however also be the need for the proposed properties to be serviced by vehicles for potential drop off, and deliveries for the flats.

The proposed dwellings are primarily single aspect facing into the site with high level windows to the southern elevation to four of the flats.

Local residents have raised a number of concerns as highlighted above, these include additional impact, noise and disturbance from the new development as well as the use of the access track, overlooking, loss of privacy, contamination, flooding, encroachment onto the road. Access, turning and parking will be dealt with in the section below.

The proposed development would introduce 6 flats onto the site however this should be weighed up against the previous prior approval for residential on this site as well as any potential impacts from the existing uses on the site.

It is appreciated that the proposal has potential for increased activity for existing residents through access to the site and the servicing of the properties but as highlighted above the use for residential has been established, the proposed use would increase the number of units previously approved from 3 to 6 but this allowed for the retention of some of the storage and workshop space.

The use of the site also needs to be weighed up against the existing commercial use of the site, although a low key operation as existing, it has potential for a more intensive use which could have greater impact on surrounding residential properties.

It is considered that the current proposal would provide a scheme which improves the existing environment for existing and future residents with an appropriately designed building for the site.

In terms of direct impact on residential amenity the proposed development predominantly faces into the courtyard with the only external facing windows on the southern side which are high level. It is not considered that the proposal would cause direct detrimental overlooking taking into account the siting and distance from neighbouring properties. The proposed building would be on a similar footprint to the existing development and of a similar height. Although there is a slight increase in footprint at first floor, this is not considered to have a detrimental impact, loss of light or visual impact on neighbouring properties in Cobden Road and Norfolk Terrace or the school to the north. There is no indication that the proposal encroaches onto the access track and notice No 1 has not been served.

There are some residences which face onto the road and concern has been raised about safety and the potential damage to the existing wall on the southern boundary of the access road. As indicated above there would be no significant increase in use than has previously been permitted, it is not envisaged that the development would impact further on residents facing the access track or be more likely to cause damage to walls or other structures along the track.

Concerns raised in relation to contamination and drainage would be dealt with by condition.

Accessibility and parking

The site would be accessed from the unmade private track which runs between Norfolk Street and Clifton Road. The development would have no parking on site and there would be no turning or drop off. The site would have a covered cycle building.

Local residents have raised concerns about the loss of turning area, the suitability of the private access track for additional vehicles and particularly large vehicles and parking.

WSCC highways department have not raised any objection to the proposal, they indicate that existing accesses are operating safely and the proposal would not exacerbate an existing safety concern.

The turning area on the application site exists due to the nature of the existing development, it is not a formal turning area and its retention could not be insisted on in connection with the application.

The access track is in a poor condition and this is acknowledged and as indicated earlier is not ideal, residential development has been agreed in principle, the use, impacts on its condition and obstruction of the private access track would be matters to be considered by the existing residents and owners who have rights over its use.

In terms of parking WSCC have not raised any concerns to the nil parking provision indicating that they can be accommodated on-street. They acknowledge that on-street parking is limited in the area but indicate that there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the proposed nil car parking provision would result in a severe highway safety concern.

The applicant has provided a cycle parking store for ten cycles. Cycling is a viable option in the area and the inclusion of secure and covered cycle storage will help promote the use of sustainable transport methods.

The site is in a sustainable location within walking distance of buses and the train station and is within close proximity of the town centre and other local facilities. It is not therefore considered that the application could be refused on lack of parking on site.

Sustainability

Policy 17 is concerned about Sustainable Construction and states that ‘all new development will contribute to making Worthing a more sustainable place to live and work by reducing its contribution to carbon emissions and ensuring that the town is resilient to the local impacts of climate change’.

In terms of residential development, Policy 17 goes on to state that “All new residential development must achieve as a minimum the national/regional/local targets and standards for sustainable construction with a particular emphasis on water efficiency.”

The applicant has indicated that sustainability has been fully considered in the preparation of the proposals.

Included in the proposal:

- Modern Methods of Construction.
- Efficient low carbon energy sources
- Insulation and air changes designed to ensure space heating load will be reduced.

- A high level of air tightness
- Good natural lighting
- Low energy lighting more than building regulation requirements
- Appliances rated A or A+ for energy and water consumption.
- The use of water efficient goods and fittings such as aerated taps and low flow showers.

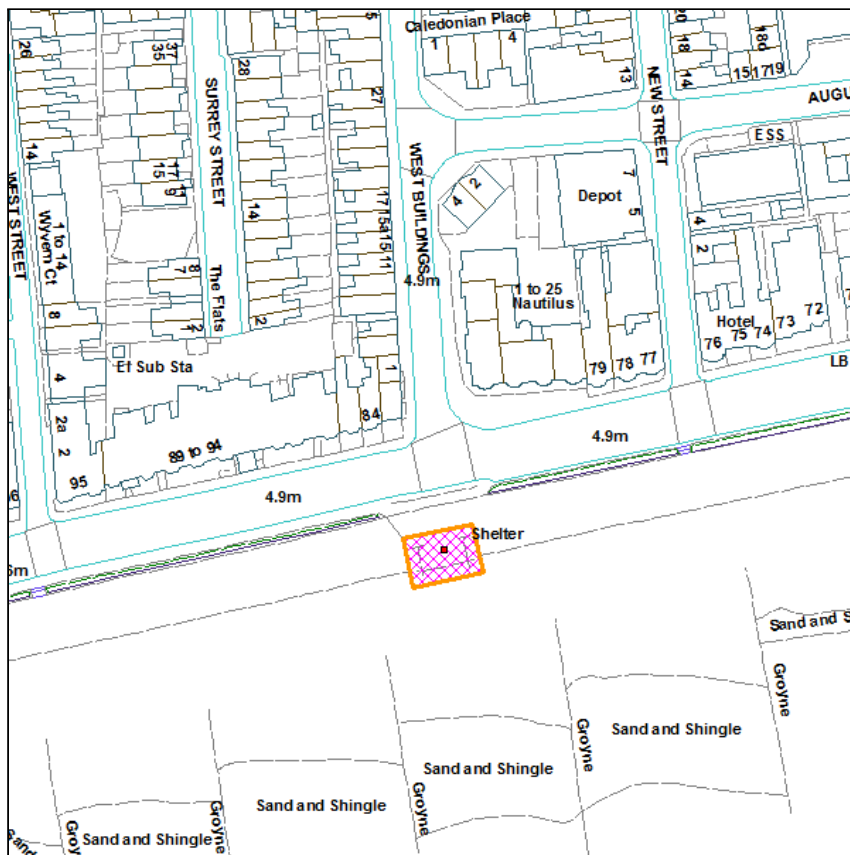
Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Full permission
3. Submission of details of materials of the building, external areas and gates
4. cycle building provided
5. Construction method statement
6. Hours of construction work
7. Sprinkler system to be provided in accordance with standards
8. Surface water drainage details submitted
9. Maintenance of surface water drainage system
10. Submission of details of risks from contaminates on site
11. Refuse and waste facilities provided in accordance with the plans
12. Details of the landscaping of the communal amenity area and the green roof on the cycle store including maintenance.

Application Number:	AWDM/0941/21	Recommendation - Delegate for APPROVAL subject to the receipt of satisfactory amended plans in respect of the design of the building
Site:	Shelter South Of West Buildings, The Promenade, Marine Parade, Worthing	
Proposal:	Variation of Condition 1 (approved plans) of AWDM/1303/19 (Demolition of existing public shelter and redevelopment to provide an A3 restaurant set over two floors with outdoor seating area at ground floor and a covered external first floor terrace) to create 2 units set over two floors	
Applicant:	Nextcolour Ltd	Ward: Central
Agent:	Miss Emily Thorne, Geraint John Planning Ltd	
Case Officer:	Gary Peck	



Not to Scale

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Proposal

This application proposes amendments to the permission granted under reference AWDM/1303/19 for a 2 floor restaurant to the south of Marine Parade, opposite West Buildings. The proposed amendments are summarised as:

- Division of the single restaurant unit into 2 units, with The Lounges occupying the ground floor internal / external area, and Hubbox occupying the first floor internal / balcony area;
- Internal amendments to the floor plans including the relocation of the bin storage enclosure, rotation of the main staircase and relocation of lift.
- Revised signage to reflect occupancy of new restaurants;
- Relocation of windows / doors on external walls;
- Inclusion of balcony area on first floor in place of the approved retractable roof;
- Proposed balustrade around balcony area on first floor;
- Increase in footprint of building (approved building footprint of 297 sqm, proposed building footprint of 397 sqm); and
- Relocation of the proposed decking area

The reason for the application is summarised by the applicant's agent as such:

The changes set out within this application seek to facilitate the division of the singular restaurant unit into 2 separate restaurant units, as a result of the impacts that the ongoing Covid-19 pandemic has had on the hospitality industry.

Prior to the approval of the planning permission at the public shelter (ref. AWDM/1303/19), Worthing Borough Council put the site out to tender in an attempt to see the shelter redeveloped. Bistro Pierre comprised the winning bidder for a long-term lease, with the site to be developed by Nextcolour.

In light of the continuing impact that Covid-19 has had on the hospitality industry and as a result of the restrictions over the last 14 months, while Nextcolour are still developing the site, the 2 units have now been reconfirmed, retained and pre-let by The Lounges and Hubbox. Both units would be looking to trade as soon as possible, with a target date set as September 2021.

As a result of the division of the unit into 2 restaurants, a number of proposed minor amendments require consideration, these relate to the internal arrangements of the building, enlargement of the building footprint, inclusion of balcony on the first floor and relocation of doors / windows on external boundaries. All minor amendments proposed are contained within the approved redline boundary.

Site and Surroundings

The application site is located immediately south of Marine Parade in Worthing, located on the Promenade. The site is situated opposite the junction of Marine Parade and West Buildings, approximately 200 metres west of the Lido, and 400 metres west of the Pier. The site is also about 400 metres east of Heene Terrace.

The site partly comprises an existing shelter (although the proposed building would extend further to the south onto the beach) which has been previously identified as a Local Interest building but at present has fallen into disrepair.

The application site is within the Conservation Area (the boundaries of which include the beach) and is almost directly opposite the listed building at 83 Marine Parade (on the corner of West Buildings). There are further listed buildings fronting the seafront to the east (73 to 79) as on the western side of West Buildings, the nearest being number 9. Development nearest the application site is typically 4 stories, some with a basement, although the listed building directly opposite is a storey lower.

Relevant Planning History

AWDM/1303/19: Demolition of existing public shelter and redevelopment to provide an A3 restaurant set over two floors with outdoor seating area at ground floor and a covered external first floor terrace - approved but not implemented.

AWDM/1925/19: Application under Regulation 4 of Town and Country Planning General Regulations 1992 to vary condition 7 of previously approved AWDM/1303/19 to be open for the public between the hours of 8:00 until 00:30 Monday to Sunday inclusive - Permission granted

Planning permission was previously granted in 2007 for the Demolition of existing public shelter and redevelopment with a single storey building to provide a restaurant (Use Class A3). The consent was also not implemented. (Application reference 07/0141/FULL).

Consultations

Worthing Society - Initial comments

I am writing on behalf of The Worthing Society to object to the proposed amendments to the plans approved under AWDM/1303/19.

The applicant has deemed these changes to be minor in nature and as such the level of detail provided with the application to support these new proposals seems to be rather limited. The drawings lack detail, there is limited explanation as to why these changes are necessary and minimal information on their impact, for example regarding the location and number of covers for each unit in comparison with the approved plans (apologies if I have missed this information).

In our view these represent a major change in the original plans and all aspects of the application need to be thoroughly reviewed again. In summary the most significant changes appear to be:-

1. The singular approved restaurant is now to be split into 2 units.
2. An increase in the size of the building footprint from 297 square metres to 397 square meters. This is a 35% increase.
3. The loss of the retractable roof.
4. The inclusion of a new balcony on the first floor of 85 square meters.

5. The increase in the amount of decking such that I think it now circumvents the building onto the beach and promenade.
6. A shift in the decking as a result of the increased footprint.
7. The addition of a timber feathered edged timber gate to the North East facing the promenade.
8. Re-location of the internal bin storage area, main staircase and lift.
9. Re-location of windows/doors on external walls.

In our opinion the level of alteration, particularly the increased footprint, is such that to deal with this proposal as an amendment is inappropriate and a new application should be required with a commensurate level of detailed drawings, revised visuals and commentary.

This site is in a Conservation Area and has a number of listed buildings nearby.

We have no objection to a restaurant/cafe on the beach at this location but the increased size of the proposed building with the additional balcony and other additions plus the decking is too large and not in keeping with the location. It should be kept in mind that the original application was deemed to be a re-development of the existing shelter site but in fact the original shelter was 58 square meters and the proposed site is 708 square meters. We are not in favour of a further enlargement of the building itself or further encroachment onto the beach by more decking...

...We remain concerned by the proposed colour palate for the exterior - it is too dark and out of step with the buildings in that area.

In our view the changes proposed in this application contravene Worthing Core Strategy 2011, notably Strategic Objective 6 and Policy 16 Built Environment and Design. It also seems contrary to The Town and Country Planning Act 1990 on conservation and the historic environment.

Worthing Society - Further comments following the submission of additional information:

Thank you for forwarding the additional correspondence in relation to AWDM/0941/21. The 3D visuals are very helpful and we appreciate the additional commentary from Emily Thorne. Sue Belton has asked me to forward our comments.

Taking the architects points in turn:-

1. The visuals seem to show that the built form is indeed quite a bit larger on the Western elevation. It is also no longer symmetrical in form and looks quite different without the retractable roof. It has in our view definitely impacted in a material way the view from West Buildings/Crescent Road. The architects explanation in paragraph 2 is interesting " the approved and proposed building is narrow and linear in nature, therefore any increase in form is likely to result in an elongation of the building, albeit a suitable gap is still maintained." We are not convinced that a suitable gap has been maintained. This judgement is made more difficult by a lack of information on the increase in size - how much further West is the built form extending? It is also a stretch in our view to say later in the same paragraph

“additionally it can be seen that on the first floor that as a result of the replacement roof with an outdoor balcony area on the western elevation there has been a visual reduction in the built form on this side of the building.” The roof might have gone but the space underneath it is larger and the visuals clearly show that the building is bigger.

The application for the amendments shows a 35% increase from 297 square metres to 397 square metres in the building footprint. This appears to be split between:

a) the amount that the proposed balcony to the West is bigger than the original area under the retractable roof

b) the increased decking onto the promenade and beach.

It is still not clear how much bigger the balcony is and how many extra covers are proposed. It is also not clear how much bigger the decking is and how many extra covers are proposed. This goes to the heart of the increase in size and the impact although the visual impact of the balcony is clear. If we have missed this information my apologies.

2. The architect seeks to justify the increased decking outside (now circumventing the building) by saying that lockdown has shown the need for cafe/restaurants to have significant outside space. This is a perfectly acceptable argument but the applicant has failed to advise how much bigger and how many more covers have been added, so it is difficult to understand the increase in scale and whether it is justified, particularly as there will be an impact on the promenade and beach which is amenity space. The original application provided diagrams of the internal layout and covers but as far as I can see no update has been provided.

3. The claim later in the e-mail that the amendments do not materially alter the external appearance of the building and that there is no need for any further information relating to the heritage impact of the section 73 application is in our view incorrect. The changes are material and do impact the view from West Buildings/Crescent Road and indeed from the Pier. The addition of the visuals by themselves show the impact and confirm the need to justify it.

4. There are some more minor issues around the relocation of windows and doors and change in signage that have not been addressed but maybe these are not key to the revisions.

5. It appears from the first paragraph that the applicant is now providing examples of the materials for the committee - not sure if this means it is going back to the committee?

Agent response to above comments

1. *The visuals seem to show that the built form is indeed quite a bit larger on the Western elevation.*

Agent response: This comment is misrepresentative - as it neither ‘quite a bit larger’ nor is the whole larger (the eastern elevation being reduced in scale and form). Greater details on the changes are set out below.

It is also no longer symmetrical in form and looks quite different without the retractable roof.

Agent response: The building in its original (approved) form was never intended to be perfectly symmetrical. There is no requirement for it to be either. Rather

it is the way it appears overall that is key and important. The building will be at its most visible when approached and viewed on approach from both directions along the promenade. The revised scheme will not alter this in any respect.

It has in our view definitely impacted in a material way the view from West Buildings/Crescent Road. The architects explanation in paragraph 2 is interesting “the approved and proposed building is narrow and linear in nature, therefore any increase in form is likely to result in an elongation of the building, albeit a suitable gap is still maintained.” We are not convinced that a suitable gap has been maintained.

Agent response: The gap represented and illustrated by the CGI is just one vantage point of the scheme from West Buildings/Crescent Road. At points further back along and further forward along, the buildings appearance will alter and the gap at either end will increase or decrease as a result. Moreover the CGI (framed and positioned with the previous one for consistency) is generated from a point at the centre of the road which is not representative of the actual route walked along (these being the pavements at either side of the road). The gap will be different at each end depending on which side of the road a pedestrian approaches the site...moreover it is the case of course that the building is not central to the view along West Buildings/Crescent Road.

It is also a stretch in our view to say later in the same paragraph “additionally it can be seen that on the first floor that as a result of the replacement roof with an outdoor balcony area on the western elevation there has been a visual reduction in the built form on this side of the building.” The roof might have gone but the space underneath it is larger and the visuals clearly show that the building is bigger.

Agent response:this point distorts the point we were making. It is clear and evident that the scale, mass and form of the proposed building is less at first floor level at its eastern end. The point was made to put the overall change into context and perspective. We'd suggest that an objection cannot be sustainably made on the basis of an increase in scale at one part without accepting there are reductions elsewhere.

The application for the amendments shows a 35% increase from 297 square metres to 397 square metres in the building footprint. This appears to be split between:

- a) the amount that the proposed balcony to the West is bigger than the original area under the retractable roof*
- b) the increased decking onto the promenade and beach.*

It is still not clear how much bigger the balcony is and how many extra covers are proposed. It is also not clear how much bigger the decking is and how many extra covers are proposed. This goes to the heart of the increase in size and the impact although the visual impact of the balcony is clear. If we have missed this information my apologies.

Agent response: A compare and contrast of the approved and revised scheme allows the extent of the decking area increase to be understood. The additional area proposed is confined to the southern and western sides/ends. The revised decking merely extends along the length of the building on the southern side, as opposed to approximately along half the length. The decking area on the western end is marginally increased in size to allow for greater circulation space at the point of entry and exit from the built form on the western elevation. As you will be aware the need for greater space to allow for greater social distancing - not just between customers/diners but serving staff as they wait on tables is now a requirement...there is no limitation to covers in the planning permission already obtained.

2. The architect seeks to justify the increased decking outside (now circumventing the building) by saying that lockdown has shown the need for cafe/restaurants to have significant outside space. This is a perfectly acceptable argument but the applicant has failed to advise how much bigger and how many more covers have been added, so it is difficult to understand the increase in scale and whether it is justified, particularly as there will be an impact on the promenade and beach which is amenity space. The original application provided diagrams of the internal layout and covers but as far as I can see no update has been provided.

Agent response: Addressed in above point..

3. The claim later in the e-mail that the amendments do not materially alter the external appearance of the building and that there is no need for any further information relating to the heritage impact of the section 73 application is in our view incorrect. The changes are material and do impact the view from West Buildings/Crescent Road and indeed from the Pier. The addition of the visuals by themselves show the impact and confirm the need to justify it.

Agent response: The supporting information submitted with the application summarises the changes adequately

4. There are some more minor issues around the relocation of windows and doors and change in signage that have not been addressed but maybe these are not key to the revisions.

Agent response: The changes and alterations in this respect are not key to the revisions.

5. It appears from the first paragraph that the applicant is now providing examples of the materials for the committee - not sure if this means it is going back to the committee?

Agent response: We have provided additional detail and specification as requested and to aid the determination of the application and to emphasise the quality of the scheme.

We recognise that a new cafe(s) will be built in this location and may well be beneficial to the town. But the size and design need to be appropriate to the location.

Agent response: This is noted and appreciated...asserts that the scale and design is appropriate.

We have serious misgivings over the way the application for these amendments has been made - in our view there has been a lack of clarity and depth of information which makes it difficult to comment.

Agent response: This comment is wholly without substance....despite asserting that it is difficult to comment, the society has submitted detailed comments.

The applicant should be asked to provide additional detail on the proposed increase in size of the building/number of covers so that a fair judgement can be made. The seriousness of the changes in our view warrant a new application but failing that a comprehensive update on the plans should be requested such that an informed decision can be made.

Agent response: The first of these points has been addressed above, as has the latter - in that the submissions made clearly set out the changes to the scheme and the differences...the acceptability of the proposals has of course been responded to above.

Conservation Architect

The current seafront shelter is situated mainly on the raised seaside promenade and is within the Marine Parade and Hinterland Conservation Area. This section of Worthing's seafront is particularly important, exhibiting the original 19th century Regency form of terraced development, through grand Victorian to late twentieth and early twenty first century. The wide promenade, elegant street lamps, the decoratively detailed period seafront shelter (circ. 1920s), and the adjacent shingle beach and the sea establish the seaside character of the area and the setting for this attractive frontage. The building opposite the seafront shelter on the south-west corner of West Buildings, No.83 Marine Parade is an early nineteenth century, Regency Building (Grade II listed). Nos. 77-79 Marine Parade are also Regency Buildings (Grade II listed), whilst West Buildings (originally John Street) was also laid out in the early nineteenth century with views towards the sea, and still retains a high percentage of the original buildings, a number of which are listed.

Since the current esplanade was laid out in 1821 the main built frontage of Worthing's seafront has remained set back from the shingle shore separated by Marine Parade and the wide elevated promenade. Few buildings other than seafront shelters and small toilet blocks have been erected on the promenade and along the shoreline, the major exceptions being Worthing Pier (Grade II listed) and the Lido (Grade II listed), iconic structures specific to Worthing. Worthing's seafront is one of the town's greatest assets and the promenade is a primary route for both visitors and locals.

It is this streetscape including the above-mentioned listed buildings that form part of the special architectural and historic interest of the Marine Parade and Hinterland conservation area, contributing to its character and significance.

The existing seafront shelter has been identified and included in Worthing Borough's list of Local Interest buildings. This shelter is one of an array of such building types dotted along the promenade. It was designed to encompass a large number of pedestrian benches facing in four different directions with glazed screens which act as wind breaks, whilst allowing uninterrupted views of the sea through the building. This transparency, together with the slim roof and canopy design, resulted in a building of little visible substance.

The previous approved application (AWDM/1303/19) followed lengthy negotiations to help mitigate the impact of a large building on the beach. Although some heritage concerns still remained causing harm to the conservation area (its location truncating the historic view southwards along West Buildings, the extent of impenetrable elevations to the east and north at ground floor level, and the proposed corporate dark coloured cladding), this harm was identified as less than substantial under the guidance set out in the NPPF. It is important to note that the range of harm covered by 'less than substantial' covers levels of harm starting from very slight, up to almost substantial.

The current application (AWDM/0941/21) moves the mass of the approved scheme slightly further east, whilst adding an additional single storey element onto the western end with an outside dining area located on its roof. The current switch from one restaurant to two separate restaurants has resulted in a greater footprint and a number of significant changes to the elevations. In order to understand the proposed changes to the scheme images showing the elevations of both schemes are set out below.

North Elevations



Approved Marine Parade (north) elevation



North Elevation 01

Proposed Marine Parade (north) elevation

The proposed elevation facing Marine Parade on the elevated promenade presents an even greater solid mass having lost the simple but elegant, floor to ceiling glazing along the western third of the two storey element together with the extended blank façade of the new ground floor extension. The proposed historic view towards the site from West Buildings fails to engage with the street scene and exhibits little joy in any of the details. This in turn results in a greater imposition on the setting of the adjacent buildings on the other side of Marine Parade.

South Elevations



Approved sea facing (south) elevation

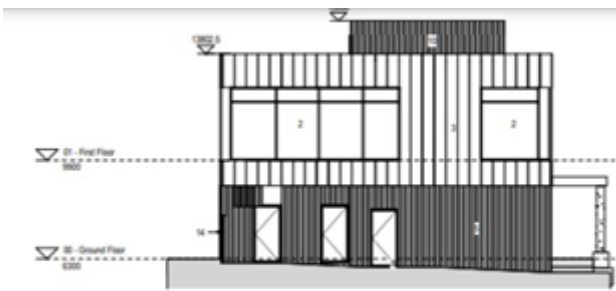


The proposed extended beach elevation has also suffered from a reduction in the percentage of glazing and the loss of balance in the façade, with the first floor fenestration relating poorly to the ground floor. The introduction of the horizontal transoms to the glazing is unfortunate due to a loss of simplicity and elegance, and the apparent lack of balustrading brings into question how the openings from the sliding windows system will be protected. The stick balustrades incorporated into the approved scheme and no longer proposed were a reflection of the local historic context.

East Elevations



Approved east elevation



East Elevation 02

Proposed east elevation

The view when approaching the building from the east along the promenade is also considered to result in a less elegant form of fenestration with the simple repetitive subdivision having been substituted with a more unbalanced piecemeal approach.

West Elevations



Approved west elevation



Proposed west elevation

The proposed new ground floor extension and first floor terrace are situated at the western end of the building. The use of a glass balustrade system to act as a wind break in this location is understandable, although a more elegant solution could have been achieved by avoiding the heavier looking post and exposed clamping system, and the use of a simpler frameless system.

The Geraint John Planning covering statement letter suggests that *“Within the existing permission, the first-floor terrace had a retractable roof to the west end, which opened up the space during the summer months. It is considered that the now proposed balcony area has a reduced impact in terms of visual impact, scale, and massing, and a result of the removal of a large area of the approved glazing, and as such, should be considered a welcome amendment to the proposal.”* However it should be noted that the massing of the part of the approved building that contained the first floor terrace has not altered, whilst the now proposed balcony area is part of a newly extended addition to the building which has an increased impact in terms of visual impact, scale and massing.

It is considered that the amendments to the external appearance of the development do negatively alter the relationship between the proposal and the Marine and Hinterland Conservation Area in which it is situated, as the amendments materially alter the external appearance of the building to the detriment of the approved scheme. The current scheme lacks the finesse of the approved scheme.

The NPPF (as amended) identifies three levels of harm to the significance of designated heritage assets, substantial harm, total loss, or less than substantial harm. In general terms, substantial harm is a high test, so it may not arise in many cases. In this case the harm caused is less than substantial, but is still considered to be greater than that identified in the previous approved scheme. In addition Paragraph 199 of the NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset such as a conservation area, 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. This wording reflects the statutory duty in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is a pity in this instance that the applicants did not engage with Planning and Heritage officers at WBC prior to submitting this application.

West Sussex County Council Highways

The documents appear to show that this relates to internal changes, the addition of a balcony and decking to surround the whole building now, to accommodate more outside dinners. Whilst this may attract more footfall to the site it's not expected to greatly increase traffic in the local area significantly. Parking is available locally and parking restrictions are in place to prevent unsafe and obstructive parking.

The Local Highway Authority does not consider that the 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.

Technical Services

Thank you for the opportunity to comment on this application.

Due to the siting of the structure on the shingle coastal defence and south of the defence line the applicant is fully aware of the locational risk of the development and the requirement of the whole structure to be fully self-supporting and protected from shingle and water inundation from storm events from the original planning application and pre-consultation.

Condition 16 to remain relating to protection of the building against wave overtopping, shingle erosion and inundation.

Southern Water

No comments

Historic England

Do not wish to make comment

Environmental Health

No objection

Representations

2 letters of support stating:

- I believe that this development will improve the economy of Worthing especially if supported by "destination restaurants" where people will want to travel to! The design is lovely and it should be recommended for approval.
- Please proceed with this planned development. The current structure is a liability and I would be very happy to see it developed as proposed. Thanks

2 letters of objection stating:

- I'm all for the development of Worthing and bringing more to the seafront. However I disagree that this structure should be used. This building is a historic landmark on the front and needs to be saved and utilised in the same way the shelter at the east end of the pier is. We need to keep the old along with new.
- our main objection is that the Shelter is a much used facility. Last Week when we had wind and rain more than 12 people were taking cover there including invalid scooters. There is no other shelter on the promenade. During lockdown several very good pop up caterers have arrived nearby selling coffee, tea snacks etc. They have been a godsend during social distancing and we feel their businesses will be lost, and does Worthing need yet another restaurant. Also the Shelter is at the top of a very busy T Junction which has quite a few accidents and traffic will increase with limited parking for customers and dangerous for people being dropped off or picked up from the restaurant. We also worry about noisy evenings.

Relevant Planning Policies and Guidance

Worthing Core Strategy (WBC 2011):

Policy 3 Providing for a Diverse and Sustainable Economy; Policy 5 The Visitor Economy; Policy 12 New Infrastructure; Policy 15 Flood Risk and Sustainable Water Management; Policy 16 Built Environment and Design; Policy 17 Sustainable Construction; Policy 18 Sustainable Energy; Policy 19 Sustainable Travel

Submission Draft Worthing Local Plan

DM5 Quality of the Built Environment, DM12 The Visitor Economy, DM16 Sustainable Design, DM20 Flood Risk and sustainable drainage, DM24 The Historic Environment

Worthing Seafront Investment Plan 2018

National Planning Policy Framework (CLG 2019)

Planning Practice Guidance (CLG 2014)

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

For LB/CA

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

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

Planning Assessment

It is considered that the main issues in the determination of the application are whether the principle of development is acceptable having regard to the planning history of the site and the effect of the proposal upon the character and appearance of the surrounding area including the Conservation Area and listed buildings.

In terms of the principle of development, national guidance as set out in the National Planning Policy Framework (NPPF) sets out overarching objectives of the planning system, the most relevant to the application being the economic and environmental objectives.

With regard to the economic objectives, the NPPF states that the planning system should help build a strong, responsive and competitive economy amongst other matters by encouraging innovation.

The Worthing Core Strategy provides a strategic policy context for the proposal stating that:

Tourism has long been an important part of the local economy. However, Worthing is a highly seasonal and weather dependent visitor destination and according to research it is perceived as being 'outdated' with 'little to do'. It is therefore essential that the negative perceptions of Worthing are combated and that these issues are addressed in a way that helps to overcome seasonality and provides a greater and more vibrant visitor offer... The Local Development Framework will seek to ensure that opportunities are secured for new facilities and that existing facilities which support the boroughs overall tourist offer are protected and, where needed, positive improvements are achieved. The seafront and the activities along it are important visitor attractions and together with the town centre the area provides entertainment, restaurants, bars and shopping that benefit the tourist industry. However, studies have indicated that much of this offer is not achieving its full potential and requires upgrading to play an improved role in attracting more visitors to the town. It is considered that major new cultural/mixed use attractions should take advantage of Worthing's coastal location and provide quality facilities that meet current and future aspirations.

Policy 5 of the Core Strategy states: *The retention, upgrading and enhancement of existing visitor attractions and visitor accommodation to meet changing consumer demands will be supported. The Council will support suitable new tourist and leisure facilities, with a particular focus on the town centre and seafront area. The aim is to enhance the visitor offer to support the regeneration of the town and help to reduce seasonality.*

The Seafront Investment Plan, which built on the earlier Seafront Strategy that is referred to in the Core Strategy, while not specifically referring to the current proposal does mention a necessity to invest in 'big ticket' items.

The current Submission Draft Local Plan provides a more current context, stating in the supporting text to the Tourism policy:

At the national level prior to the Covid-19 pandemic, the tourism sector had great ambitions for growth with initial forecasts for 2020 expected to set new records in terms of visitor numbers and spend. However, the impact of the Covid 19 crisis has been felt very hard in this sector as it has elsewhere in the economy.

Draft policy DM12 states:

The Local Plan supports the provision of tourism facilities, in particular those that would help to extend the tourist season; improves the quality of the visitor economy; meet the needs of visitors and the local community and are acceptable in environmental and amenity terms.

The principle of developing a restaurant on the seafront is therefore considered acceptable as evidenced by the previous permission which was granted in October 2019. Given the timing of that permission which was not implemented soon afterwards, it is not surprising that the onset of the pandemic in March 2020 not only delayed any likelihood of any implementation, but also resulted in a change in circumstances of the previous proposed occupiers, Bistrot Pierre, and a consequent change to the occupancy of the building where 2 separate occupiers are now proposed having pre-let the building.

There is no reason why the proposed change in occupation should alter the acceptability of the principle of development, indeed the pandemic can only result in greater support being given to businesses who wish to locate and provide economic activity in the town.

Notwithstanding the above though, the statutory planning framework has not altered and it remains that the application site is within the Conservation Area and close to a number of listed buildings. The existence of heritage assets close to the application site requires that they are taken into account in the decision making process, although as was the case with the previous applications, Historic England have not considered that this is a scheme they need to provide comments upon.

The effect upon the surrounding heritage assets was considered in some detail in the consideration of the previous scheme with officers and the committee concluding that the development would cause 'less than substantial harm' to surrounding designated heritage assets. It is considered that this was the correct conclusion with the proposal assessed against paragraph 196 of the National Planning Policy Framework which 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.

The siting of the building across the road and beyond the promenade from the surrounding heritage assets were considered to facilitate a replacement building being constructed without detriment to the surrounding area, and it was felt that, having regard to national guidance, there was no policy reason to object to the provision of a replacement building of a larger footprint. The previous committee report previously identified the main issues as being of *scale, specifically height, and design*.

Dealing with the scale of the building first, the previous committee report concluded that the considerations were *finely balanced* given that the setting on the beach side is framed by the Pier and the Lido and there was little precedent for the nature of the building previously proposed therefore.

It was concluded, though, that as the scale of the buildings opposite is much greater, for the most part being 4 storeys in height, but the nearby Travelodge appearing even higher that the scale of the building in terms of its height could be justified, particularly given that the building would be set back further from the road than the existing shelter. The height of the building now proposed is little different to that previously approved and accordingly it is not considered that there is an objection to that part of the proposal.

The key issue is whether the revised design is acceptable given the prominent location of the building in the Conservation Area and its relationship with heritage assets and remaining issue is therefore design, which is of even greater importance than was the case under the previous application because of the increased size of the building. Members will have noted that both the Worthing Society and the Conservation Architect have expressed concern regarding the design of the building. The previous committee report noted concern had been expressed regarding the use of dark materials on part of the building which does not reflect the much lighter character of nearby buildings.

It was previously accepted, in principle, that the use of darker materials would provide a contemporary contrast to some of the white rendered buildings in the vicinity. Nonetheless, the previous committee report stated:

Your officers are concerned, therefore, at the expanse of dark grey/black metal cladding on the northern elevation in particular. It is considered that this elevation could be broken up more successfully while still providing a contemporary feel for the building. There is an element of glazing in the northern section, most particularly at its western end, but far less so at the eastern end, just comprising effectively a single bay. The glazing at the northern and southern elevations of the proposed building means that the metal cladding is far more subservient and this is also pretty much achieved on the southern elevation of the building.

Having regard to the above comments, it is somewhat surprising that the current application, which as the Conservation Architect attests was submitted without any pre-application contact with the planning department, seeks a larger building with a significant loss of glazing within the northern elevation, which combined with darker materials provides a heavy blank elevation facing the attractive buildings to the north. There seems no obvious reason why additional glazing could not be incorporated into this elevation which would far reduce the impact of the larger

building upon the character of the surrounding area. On the single storey element of the elevation, a simple set back would create a shadow line which would also soften the elevation (the previous scheme appeared to have a far more easily defined roof and overhang).

To the southern elevation, the previous scheme provided some quite simple clean lines of glazing lining up between ground and first floor. This is demonstrably not the case with the proposed southern elevation on this occasion and again there seems no obvious reason why such an approach cannot be followed again. Similar comments could be applied to both the eastern and western elevations.

The siting of the building remains as previously approved and as the nearest residential building is about 35 metres from the front of the proposed building, the Council's overlooking standard is well exceeded. In view of the previous permission, there is no reason to resist the proposal on any loss of privacy.

As previously, in respect of parking, the site is close to existing car parks as well as other modes of travel to the town centre. In the absence of any objection from the Highways Authority it would appear unlikely that any objection could be sustained on this basis therefore. Remaining matters, such as noise, flood evacuation and the effect of the structure on the beach, can be controlled by imposing the same conditions as were imposed upon the previous permission.

In conclusion, it is not considered that the proposed building can be granted as currently submitted. Given that the policies of the Core Strategy allied to the strategic objectives of the Seafront Strategy and Seafront Investment Plan are quite clear in the need to look for opportunities to bring new investment in order to provide an improved visitor offer to the town and that the proposal would bring new investment to the town, this is not a conclusion your officers arrive at lightly. Nonetheless, the Council still has a duty to assess the harm to surrounding heritage assets as a result of any proposal and it does seem quite clear that such harm would be greater than was previously the case under the permitted application. Your officers do feel, though, that there is no reason why the concerns could not be adequately addressed by the submission of amended plans that addressed the above concerns and accordingly it is recommended that the application should be delegated for approval to the Head of Planning and Development, in consultation with the Chair, subject to the receipt of satisfactory amended plans.

Recommendation

Delegate for APPROVAL to the Head of Planning and Development in consultation with the Chairman subject to the receipt of satisfactory amended plans in respect of the design of the building.

Subject to Conditions:-

1. Development in accordance with Approved Plans

2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

3. The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

Reason: *To ensure adequate protection of the public sewers in the vicinity of the site.*

4. 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.

Reason: *To ensure adequate provision is made for foul and surface water sewerage disposal.*

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

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

6. 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,
- methods to control dust from the site

- HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's

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

7. The premises, excluding the external seating area, shall only be open for the public between the hours of 08:00hrs until 00:30 hrs, Monday to Sunday. The external seating area shall only be used between 0800 hours and 23:00hrs Mon - Sat and 0800 to 22:00hrs on Sundays and Bank and Public holidays, with external tables and chairs removed or rendered inaccessible to customers, all doors, windows closed and no drinks to be taken outside of those times).

Reason: *In the interests of the amenities of nearby residential properties.*

8. The use hereby permitted shall not be carried out unless and until a Noise Management Plan identifying the main sources of noise and methods of controlling them has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Noise Management Plan shall be adhered to at all times the premises is open for business.

The Noise Management Plan should include:

- Details of Signage
- Monitoring with intervention when necessary
- Any noise complaints to be investigated and the Management Plan reviewed if necessary.
- Only unobtrusive background music shall be played in the internal seating area of the premises up to 22:30 hrs Monday to Saturday and 22:00 hrs on Sundays and Bank Holidays. For this purpose the music noise level shall not exceed 75dB (LAeq15min) anywhere within the premises. No music permitted outside the premises.
- Bottles to be disposed of between 08:00 hrs - 19:00 hrs only, and waste collection of bottles should be arranged for day time hours.

Reason: *To ensure the adequate control of noise from the site in the interests of the amenities of neighbouring properties.*

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

Reason: *To ensure there is no detrimental impact to the nearest residential properties from any external fixed plant.*

10. The use hereby permitted shall not be carried on unless and until details of a suitable system for the extraction and disposal of cooking odours (including details of the extract fans, filters, fan units and ducting together with method of noise abatement, as well as details of grease traps and extraction hoods) has been submitted to and approved in writing by the Local Planning Authority. The equipment approved under this condition shall be installed before the use hereby permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions.

Reason: *To ensure the installation of a suitable extraction system.*

11. All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times. Monday - Friday 08:00 -18:00 Hours Saturday 09:00 - 13:00 Hours Sundays and Bank Holidays no work permitted.

Reason: *In the interests of amenity.*

12. Prior to the commencement of development, details of the floor level of the proposed building and any alterations to the ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in strict accordance with such details as approved.

Reason: *In the interests of amenity and the environment having regard to policy 16 of the Worthing Core Strategy.*

13. Prior to the commencement of development, a Flood Evacuation Plan shall be submitted to and approved by the Local Planning Authority and the approved details maintained thereafter.

Reason: *To ensure adequate means of evacuation in the event of a flooding incident.*

14. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls (including windows and doors) and roof (to include provision of a green roof) of the proposed building has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule. The schedule shall include provision of a quality plan to ensure good quality low maintenance materials.

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

15. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only for purposes within Use Class A3 as defined in the Town and Country Planning (Use Classes) Order 1987 or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

Reason: *In the interest of amenity having regard to policy 16 of the Worthing Core Strategy.*

16. Prior to the commencement of the development, structural and coastal flooding and erosion prevention details shall be submitted to and agreed by the Local Planning Authority in consultation with its Technical Services section. Such details shall include the demonstration of adequate prevention of the building hereby permitted against wave overtopping, shingle erosion within the vicinity of the building, undermining of the building, washed up shingle against the floor slab of the building, details of any repositioned shingle and the method of support of the proposed decked area. The approved details shall be maintained thereafter unless otherwise agreed by way of application to the Local Planning Authority.

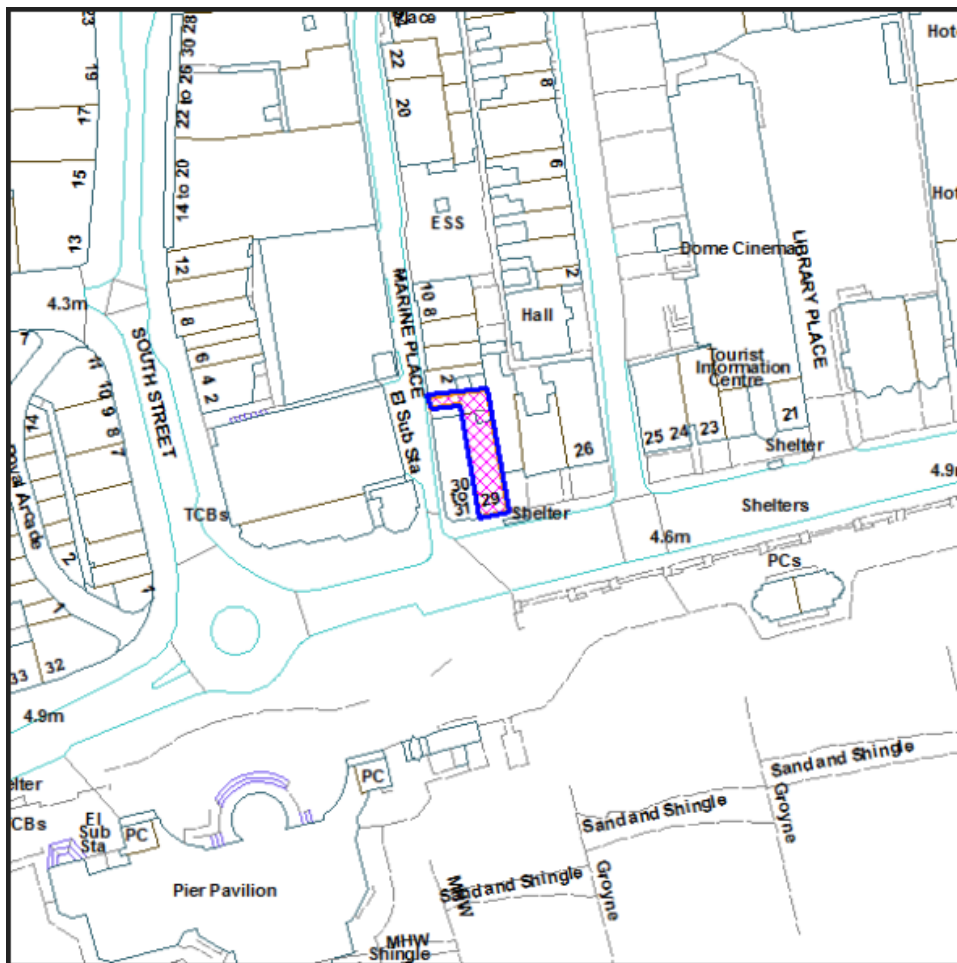
Reason: *To ensure that the building is suitably mitigated against any risk of flooding by its method of construction.*

Informatives / Notes to Applicant

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The applicant is requested to have regard to the Adur and Worthing Councils Minimum standards of Customer WC provision in restaurants guidance and is invited to contact the Council's Food Safety team for further information.
3. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

4. A formal application for connection to the water supply is required in order to service this development. For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), www.southernwater.co.uk or by email at developerservices@southernwater.co.uk

Application Number:	AWDM/0593/21	Recommendation - REFUSE
Site:	29 Marine Parade	
Proposal:	Conversion of upper floors from ancillary residential accommodation to provide 2no 2-bedroom self-contained flats with associated alterations to the existing shopfront to create a separate entrance, together with replacement windows and bin and bike store to rear.	
Applicant:	Mr Mark Sharp	Ward: Central
Agent:	Mr Dave Collins	
Case Officer:	Linda Park	



Not to Scale

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Proposal, Site and Surroundings

The application property is a three-storey period property of classical design located on Marine Parade, within the heart of the town centre seafront area, as identified in the Draft Submission Worthing Local Plan (2020-2036). The building projects forwards of its neighbours and has a traditionally styled timber shop front on the ground floor which houses a former restaurant ('Hitchcock's) which has been closed for the last 17 years. The upper two floors comprise single-occupancy residential accommodation (with five bedrooms) lived in by the owner and their family. The building has fallen into a state of disrepair over the years.

The building displays various decorative period features externally including original elegant timber sliding sash windows positioned beneath projecting pediments, and decorative mouldings to the front elevation, as well as large, prominent chimneys and a traditional slate roof. It is identified as a Local Interest Building in the Worthing Local Plan (2003) and sits in a very prominent seafront location within the South Street Conservation Area.

The application seeks permission to retain and reconfigure the restaurant on the ground floor and to convert the existing residential accommodation on the upper two floors into two self-contained flats (both having two bedrooms). It is proposed to provide a new, separate entrance to the flats from Marine Parade, by inserting a new timber doorway and lobby within the western part of the shop front (adjacent to the existing central entrance into the restaurant) with a new staircase leading to the upper floors.

It is also proposed to replace all existing timber windows to the upper floors (on the front, east [side] and rear elevations) with UPVC replacements, as well as replacing three timber windows to the ground floor at the rear (one with new double doors leading to the courtyard). One ground floor timber sash window would be retained serving the main restaurant area on the east (side) elevation. The application includes elevation plans showing the proposed changes to the front elevation, but does not include elevation plans showing the proposed changes to the windows on the side or rear.

It is proposed to reconfigure the restaurant layout, including a reduction in area at the front as a result of the new stairs leading to the upper floor flats, relocating the kitchen further back into the existing storage area at the rear of the building, and utilising the existing restaurant kitchen as additional restaurant seating which would lead directly onto the rear courtyard. New male and female WCs would be provided where the existing stairs are located (which would be removed).

A separate area, accessed from Marine Place via gates which adjoin the pavement, would be used for bin and bike storage for both the restaurant and the flats, with wall-mounted cycle racks attached to the south wall of No.2 Marine Place (although the agent has indicated that a bike storage shed could be provided as an alternative).

Relevant Planning History

A change of use from newsagents and tobacconist into a restaurant was granted permission in 1989 (1085/89). The installation of a new shop front was granted permission in 1990 (1208/89).

During the course of the current application, concerns regarding the proposed replacement UPVC windows and changes to the shopfront have been raised with the agent/applicant, including an explanation of the importance of the historic character and features of this Local Interest building and why the Council is therefore not in a position to support the current proposals. It has been suggested that any replacement windows, where absolutely necessary, should be timber and as close to the original windows in terms of their proportions and appearance as possible, and it has been suggested that the entrance to the proposed self-contained flats should be created to the rear so as to avoid dividing up the existing shop frontage.

The response from the agent has been phone calls and e-mails stating that the shop front has historically been subdivided (attaching historic photographs) and stating that there are various examples of UPVC replacement windows on nearby Local Interest Buildings.

The agent sent a further e-mail stating the following:-

“As a record of our telephone conversation the following observations/comments were made by myself on behalf of the applicants.

That they both felt that there was strong opposition to their application and that there was little support from the planning department.

Number 29 Marine Parade has laid redundant for some 20 years falling into a bad state of repair. They are investing in excess of a million pounds in purchasing the Freehold and a further £ 500,000 in refurbishment and improvements. The property already has planning consent for mixed development for a Restaurant on the ground floor and residential accommodation on the first and second floors.

They are already constructing a state of the art kitchen and dining area, together with an Invalid toilet and unisex wc, which was not there before. They are providing a segregated access to the upper floor flats, and retaining the existing restaurant access. The new straight flight stairs serving the flats needs to have a 1 hour enclosure to meet Building Control standards together with smoke extract to meet Fire regulations. Access to this building has always been from the frontage to Marine Parade for both the residential and restaurant (evidence will be provided).

This property will provide both additional accommodation by way of two self contained apartments, and Employment to the immediate area for between 16 to 20 persons, which is sorely needed by Adur and Worthing Community.

Marine Parade is littered with Listed Buildings and buildings of local interest as all of its immediate neighbouring buildings, 32/31, 28/27, 26/25, and 24. Evidence has been given to show that all of these buildings have had their existing timber sash

windows replaced with UPVC vertical sash windows. The Adur and Worthing planning portal also verify that this is the case.

Their view is that their application for replacement windows have no valid reason for refusal. Building Control - Document "L" support UPVC replacement for the retention of heat/Energy and the omission of sound transmission. Photographic evidence has been provided and more will follow.

It was mentioned that there were concerns regarding the standard of amenity for the future occupiers as there was no window to bedroom 2 of Flat 1. I confirmed that there will now be a window with opening vent (900mm high x 600mm wide) and two sun roof tube lights of 300mm dia placed through the flat roof over. There were also concerns about the proposed bike racks being attached to the neighbouring building. The applicants are willing to provide a suitable bike storage shed in lieu."

The applicant was later asked to confirm whether a commercial tenant has been lined up to take occupation of the refurbished/reconfigured restaurant, and if not whether any marketing has been undertaken to secure an interest. The agent responded as follows:-

"I can confirm that the Applicants are already the proprietors of a very successful Restaurant/Cafe in Worthing Town Centre, and would be employing both the Restaurant and Kitchen staffing from the local community, amounting to some 20 personal."

Consultations

The Highway Authority makes the following comments:-

"This proposal is for conversion of upper floors from ancillary residential accommodation to provide 2no 2-bedroom self-contained flats with associated alterations to the existing shopfront to create a separate entrance, together with replacement windows and bin and bike store to rear. The site is located on Marine Parade which is a C-classified road subject to 30mph speed limit.

No vehicular access or parking is associated with this proposal, and this seems to be the existing arrangement. However the LHA appreciate the sustainable location of the site, within a short walking distance to car parking, bus stops and Worthing train station.

As such, the LHA consider that there are viable options for sustainable modes of transport to reduce the reliance upon the private car. Furthermore, existing staff and visitors to the shop would be by foot and considering that no parking is possible for the use, the LHA anticipate that the level of traffic generated would be of a similar nature.

It is unclear if the occupants from the flats will have access to the proposed bike shelter. The LPA may wish to clarify this detail with the applicant.

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.

Condition

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved proposed ground floor plan.

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

The **Environmental Health (Private Sector Housing)** officer initially raised no objections to the application, however, after the proposed layout of the first floor flat was drawn to their attention, they made the following comments:-

“Thank you for drawing my attention to this matter as it did escape my attention.

Although natural light could be provided by sun roof tube lights, the lack of outlook and natural ventilation would only be partially offset by a window in the east wall of bedroom 2 which would have a very poor outlook and limited potential for through ventilation.

This layout is likely to be detrimental to the amenity of any occupant of such a room.”

The **Environmental Health (Public Health)** officer recommends conditions to limit construction hours, and to require a sound insulation scheme to be submitted and approved prior to commencement of works to protect the upper floor residential units from noise.

The **Engineer** makes the following comments:-

“We have the following comments on flood risk and surface water drainage.

Flood risk- The application is within flood zone 3, and is not shown to be at risk from surface water flooding. A flood risk assessment should be submitted.

Surface water drainage- the application includes no increase in impermeable area. Dueto the scale and location of development we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.”

Following the provision of further information from the agent, the Council’s Engineer requests that a condition be included to require an emergency evacuation plan to be submitted and approved prior to occupation of the flats.

The **Environment Agency** raises no objection but provides advice regarding the applicant / occupants signing up to flood warnings.

Southern Water provides standard comments regarding the need for any new connection to the public foul sewer being made by the applicant or developer and the need for investigation of any sewers found to be crossing the development site.

The Worthing Society makes the following comments:-

“This is a building of some architectural interest in a prominent seafront position. It is important that the shopfront should remain symmetrical in design and should align with the windows above. Those windows are currently timber double-hung sashes. The Proposed uPVC replacements would, in our view, be inappropriate because of their thicker sections, which would be particularly noticeable at the meeting rails. Pending a redesign of the proposals to take account of the above details we wish to register our objection to the application.”

The Council’s Design and Conservation Architect objects to the application, stating:-

“I feel this is a stand alone building and as such I do not believe other UPVC windows elsewhere are particularly relevant. I do not support the window changes or the revised shopfront layout.”

In response to the e-mail including a number of images submitted by the agent stating that various UPVC replacement windows have been installed on nearby buildings, the Council’s Design and Conservation Architect commented-

“For your information I should point out that certain statements made by Mr Collins are factually incorrect.

Permission was granted in 2003 for replacement matching pre-coated aluminium framed windows at 30-31 Marine Parade.

Number 6. (Image 6) This image shows windows in Grosvenor House, Ambrose Place, Worthing. The only buildings on the Local Interest list in Ambrose Place are 16, 17, 18 and 19; all of these buildings form a terrace on the other side of the road. Grosvenor House was built post 1970, and the timber windows used are notably heavy looking and lack authentic period details, nothing like those in 29 Marine Parade, a building which appears to date back to at least the 1850s.

This building occupies a prominent position within the South Street Conservation Area, and when considering any alterations the Council must preserve or enhance its character or appearance.”

Relevant Planning Policies and Guidance

Worthing Core Strategy (2011)

Policies 5 The Visitor Economy, 7 Meeting Housing Need, 8 Getting the Right Mix of Homes, 9 Existing Housing Stock, 15 Flood Risk and Sustainable Water Management, 16 Built Environment and Design, 17 Sustainable Construction 18 Sustainable Energy 19 Sustainable Travel.

Worthing Local Plan (WBC 2003)

Saved Policies H16 Ancillary Development, H18 Reduction of amenity for local residents, TR9 On-site parking provision, RES7 Development which has potential to generate pollution.

Submission Draft Worthing Local Plan 2020-2036

SP1 (Presumption in Favour of Sustainable Development), SP3 (Healthy Communities), DM1 (Housing Mix), DM2 (Density), DM5 (Quality of the Built Environment), DM12 (The Visitor Economy), DM13 (Retail and town centre uses), DM15 (Sustainable travel and Active Travel), DM16 (Sustainable Design), DM20 (Flood Risk and Sustainable Drainage), DM21 (Water Quality and Sustainable Water Use), DM23 (Strategic Approach to the Historic Environment), DM24 (The Historic Environment).

Supplementary Planning Document 'Space Standards' (WBC 2012)

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)

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

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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 requires 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

There is no objection in principle to the subdivision of the five-bedroom residential unit occupying the upper floors into two smaller self-contained units, given that the existing accommodation would not meet the definition of family housing as set out in Core Strategy Policy H9 and the accompanying SPD, given the lack of private outdoor amenity space.

The proposals would provide a net increase of one residential unit, which would make a modest contribution to the Borough's housing supply and is therefore

supported in principle under Core Strategy Policy 7, Draft Submission Local Plan Policies DM1 and DM2, as well as the relevant paragraphs of the NPPF.

Furthermore, the existing restaurant use would be retained on the ground floor within the defined town centre seafront area, and the retention of commercial use in this location is therefore also supported in principle. Having said this, there are concerns regarding the proposed reduction of shop frontage as a result of the new residential entrance taking up a significant proportion of the frontage and the risk of this jeopardising the viability of the restaurant going forward by reducing its 'presence' within the street scene. The Major projects and Investment team has been consulted for their views on this aspect and their comments are awaited (any comments will be reported verbally at the Committee meeting).

The agent's response when asked whether a commercial tenant has been identified for the restaurant or whether any marketing has been undertaken to secure commercial interest for the property, was to state that the applicants already run a successful restaurant/cafe in the town centre and that they would be employing staff from the local community.

The main issues relevant to this application are the impact of the proposed external alterations on the character and appearance of the Conservation Area and Local Interest Building; the impact of the proposals on residential amenity for existing and future occupiers; accessibility and parking; flood risk, and sustainability.

Conservation Area and Local Interest Building

The existing building appears to date back to the 1850s, and retains many original features externally, including the original timber sliding sash windows. It is a particularly prominent building within the heart of the town centre seafront area, of a classical design and of significant architectural and historic value, which is recognised by its identification as a Local Interest Building. It is therefore considered to be a significant heritage asset within the town.

Paragraph 199 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. Paragraph 206 states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The proposed alterations to the shop front and replacement windows would result in noticeable changes to the building as viewed from the seafront area. The existing timber sash windows have very slimline, elegant frames and the proposed replacements in UPVC would not replicate the slim proportions and elegant appearance of the existing windows. The submitted elevation plans indicate that the proposed windows would have an identical appearance to the existing windows; the submitted cross-section plan indicates that there would be some differences in the thickness of the frames and shapes of the mouldings; however, the existing cross-section drawings do not accurately reflect the existing windows. Additionally, the elevation and cross-section drawings of the proposed windows do not accord with the submitted brochure details of the proposed 'Charisma Classic' windows,

which show that there would be a noticeable difference in the thickness of the frames, rails, Georgian glazing bars and horn details, and therefore a significant difference in the overall appearance of the proposed replacement windows.

The South Street Conservation Area Character Appraisal recommends preserving the original architectural detailing on the period properties on the seafront such as slate roofs, timber sliding sash windows and plaster mouldings, and it is considered that the proposed UPVC replacement windows would detract from the traditional elegant appearance and historic value of the building, and would therefore fail to preserve or enhance the character and appearance of the Conservation Area.

The proposed alterations to the shop front also raise various concerns, due to the loss of symmetry as well as the significant reduction in the restaurant's frontage and therefore its 'presence' within the street scene due to the proposed infilling of one side with a solid residential entrance door. The objections from both the Design and Conservation Architect and the Worthing Society underline the above concerns.

Overall the proposed external alterations would fail to preserve or enhance the character or appearance of the building or Conservation Area, and would therefore conflict with Core Strategy Policy 16, Submission Draft Local Plan Policies DM5, DM23 and DM24, as well as NPPF paragraphs 193 and 200.

Residential amenity – existing occupiers

The proposals would not be likely to adversely affect the amenities of existing adjoining residential occupiers, given the nature of the proposals which would broadly retain the existing uses, albeit with the number of flats increasing from 1 to 2 on the upper floors. However, no additional windows are proposed which might be the cause of overlooking and no extensions are proposed and as such, the increase of one residential unit itself would not be of sufficient significance to cause harm to the amenities of existing neighbouring occupiers.

The Environmental Health Officer has recommended a condition to limit construction hours which would help to safeguard the amenities of neighbouring occupiers during construction.

Residential amenity – future occupiers

The NPPF paragraph 130 includes within its core land-use planning principles that planning decisions should ensure that developments:-

'Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'.

The proposals would create two small two-bedroom flats; however, these would both be above the minimum internal space standards as set out in the local and national space standards at approximately 87 and 76 square metres (flat 1 and 2 respectively, with the recommended minimum total areas for two-bedroom flats being 66 and 61 square metres respectively).

In general the proposed layouts would be acceptable and the majority of rooms would be served by good sized windows providing plenty of natural light, with the exception of bedroom 2 within the proposed first floor flat (flat 1) which is shown with no window. This has been raised with the agent who has stated that there will now be a window with opening vent and two sun roof tube lights placed through the flat roof over; however, it is unclear how this can be achieved, as no amended plan has been provided. As such, there remain concerns regarding the standard of amenity for future occupiers of flat 1, which are strengthened by the further comments of the Private Sector Housing Officer who states that even with sun roof tube lights and a window, the amenity of any occupant of such a room would be poor. As such, the proposals would not provide a high standard of amenity for the occupiers of flat 1 and would therefore conflict with NPPF paragraph 130.

The Environmental Health Officer has recommended that a sound insulation scheme should be submitted to protect the upper floor flat from noise (from the ground floor restaurant use). This would help to prevent any potential noise disturbance between the two use types, subject to suitable details being agreed and implemented.

Accessibility and parking

The application property is situated in a sustainable town centre location with no allocated parking and this situation would remain with the proposed development. The Highway Authority has raised no objection due to the sustainable town centre location and therefore the viability of alternative methods of transport for future occupiers, and has concluded that the level of traffic generated would be likely to be of a similar nature to the existing uses.

The application includes a proposal to attach bicycle racks to the wall of 2 Marine Place for use by restaurant staff and occupiers of the proposed flats. Occupiers of the flats would have to access the bin and bike area from Marine Place via a locked gate. The practicality of the wall-mounted bike racks onto a neighbouring building has been questioned and it would be preferable to provide a covered bike storage shed to enable bikes to be stored securely and in the dry. The agent has indicated that the applicant would be willing to provide this. The provision of suitable bicycle storage could be secured by condition and would encourage occupiers of the flats and restaurant staff to use cycling as a more sustainable alternative to the car and would therefore meet the aims of the relevant policies regarding sustainable travel.

As such, there are no objections to the proposals on highway safety, accessibility or parking grounds.

Flood risk

The site lies within flood zone 3; however, the Environment Agency has raised no objection to the proposals but has recommended that the applicant / future occupiers should sign up to flood warnings. The Council's Engineer has suggested that a flood risk assessment should be submitted. When presented with the flood screening information (not a full flood risk assessment), they suggested that although this does not deal with predicted depths of flooding or how flood risk will be managed, given the lack of objection from the Environment Agency, the risk to

occupiers could be managed through the submission and approval of an emergency plan to ensure that future occupiers are aware of the risks and how to safely evacuate the building in the event of a flood.

This could be dealt through a suitable condition to require the submission and approval of this plan prior to occupation of the flats.

Sustainability

The submitted design and access statement indicates that the building would be upgraded to a high level of sustainability including insulating the existing loft space, timber partition walls, and that the proposed UPVC windows would be high performance, with low energy LED lighting and combination boilers.

The proposals would provide a sustainable form of development, utilising and upgrading an existing building, making efficient use of land through the proposed subdivision into two residential units, while providing opportunities for future occupiers to utilise sustainable modes of transport, in accordance with the relevant sustainability policies.

Conclusion

Although the proposals are broadly acceptable in principle and as stated above would present a sustainable form of development, the proposed external alterations would fail to preserve or enhance the architectural and historic character of the building and South Street Conservation Area. Additionally, there are concerns regarding the impact of the proposed reduction in width of the shop front with regard to the viability of the restaurant going forward. Further concerns regarding the current application relate to the standard of amenity for the future occupiers of flat 1, which would not be satisfactory due to the lack of outlook or ventilation for bedroom 2 as shown on the proposed layout plan.

Whilst it is acknowledged that the refurbishment of this building would bring benefits and that the addition of 1 dwelling would contribute to the Borough's overall housing supply, these benefits do not outweigh the harm identified to the building which forms a heritage asset and to the character and appearance of the South Street Conservation Area and therefore the current application should be refused.

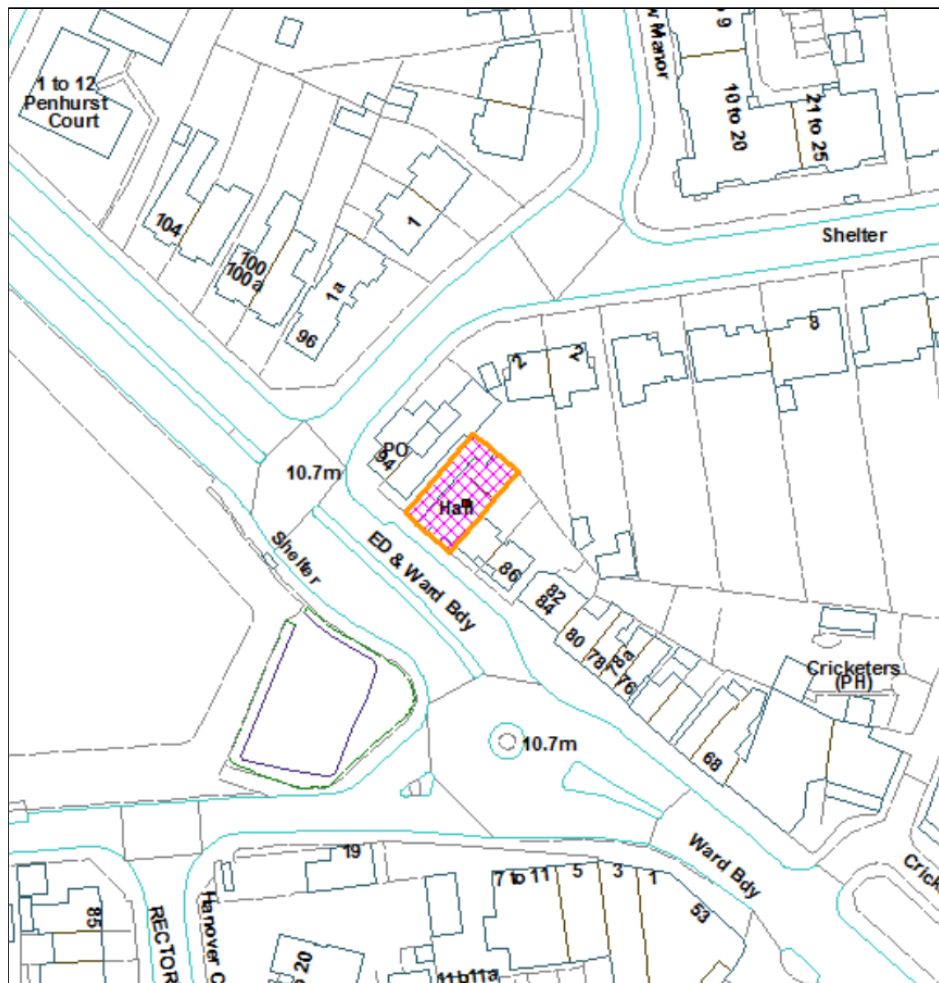
Recommendation

REFUSE for the reason(s):-

1. The loss of the existing timber sliding sash windows and their replacement with UPVC would, by reason of the material, framing proportions and detailed design, result in a loss of traditional character that would detract from the historic and architectural integrity of this Local Interest Building and have an adverse effect on the character and appearance of the South Street Conservation Area in which it is located. As such, the proposal is contrary to Core Strategy Policy 16, Submission Draft Local Plan Policies DM5, DM23 and DM24, and NPPF paragraphs 193 and 200.

2. The proposed alterations to the existing shop front by virtue of the infilling of one side of the glazed frontage would be detrimental to the character and symmetry of the Local Interest Building and would be likely to jeopardise the viability of the restaurant going forwards by reducing its presence within the street scene. As such, the proposal is contrary to Core Strategy Policy 16, Submission Draft Local Plan Policies DM5, DM12, DM13, DM23 and DM24, and NPPF paragraphs 193 and 200.
3. The proposed layout of flat 1 (first floor) would not provide an acceptable standard of amenity for future occupiers due to the lack of outlook or ventilation in proposed bedroom 2. As such, the proposal is contrary to Submission Draft Local Plan Policy DM5 and NPPF paragraph 130.

Application Number:	AWDM/1207/21	Recommendation - Delegate for APPROVAL subject to the receipt of satisfactory comments from the Environmental Health Officer
Site:	Broadwater Parish Rooms, 90 Broadwater Street West, Worthing	
Proposal:	External Air Source Heat pump and louvred timber housing and 2no. conical LED wall mounted wall lights to North West elevation	
Applicant:	Worthing BC	Ward: Broadwater
Agent:	Colin Eves, Technical Services, Worthing BC	
Case Officer:	Gary Peck	



Not to Scale

Proposal, Site and Surroundings

This application seeks full permission for the installation of an external Air Source Heat pump enclosed by louvred timber housing and 2no. conical LED wall mounted wall lights to North West elevation.

The application site is the Parish Rooms, a single storey pitched roof building on the north western side of Broadwater Street West. The building sits within a row of buildings of similar scale in residential and commercial uses, but the building to the north west extends deeper than the subject building. Residential properties in Cissbury Road sit at an angle to the rear. The application site is within the Conservation Area.

The application is brought to the Committee for consideration as it has been submitted by the Technical Services department.

Relevant Planning History

None considered relevant to the determination of the application

Consultations

Any comments from the Chief Environmental Health Officer will be reported verbally at the meeting

Representations

None received

Relevant Planning Policies and Guidance

Worthing Core Strategy (2011):

Policies 11 Protecting and Enhancing Recreation and Community Uses, 16 Built Environment and Design, 17 Sustainable Construction and Policy 18 Sustainable Energy

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.

Planning Assessment

The main issues in the determination of the application are the effect of the proposal upon the visual character of the Conservation Area and the amenities of neighbouring residential properties.

The proposed heat pumps and lighting are proposed on the north western (side) elevation of the building which is obscured from public view by the neighbouring building on its northern side. While the pumps and associated timber housing would project from the building, they would not be visible from the front either due to an existing fence that sits alongside the main building. Accordingly, the building will not have any impact upon the Conservation Area and there is no objection to the application in principle.

At the time of writing the report, comments were still awaited from the Environmental Health Officer - any comments received will be reported verbally at the meeting, but on the assumption that any impacts of the proposal can be adequately mitigated by condition, the application is considered to be acceptable.

Recommendation

Delegate for APPROVAL subject to the receipt of any satisfactory comments from Environmental Health.

Subject to Conditions:-

1. Approved Plans
2. Full Permission

together with any further conditions suggested by the Environmental Health.

25 August 2021

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

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Schedule of other matters

1.0 Council Priority

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

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

2.0 Specific Action Plans

2.1 As referred to in individual application reports.

3.0 Sustainability Issues

3.1 As referred to in individual application reports.

4.0 Equality Issues

4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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

Application Number: TPO 4 of 2021

Recommendation – CONFIRM
ORDER

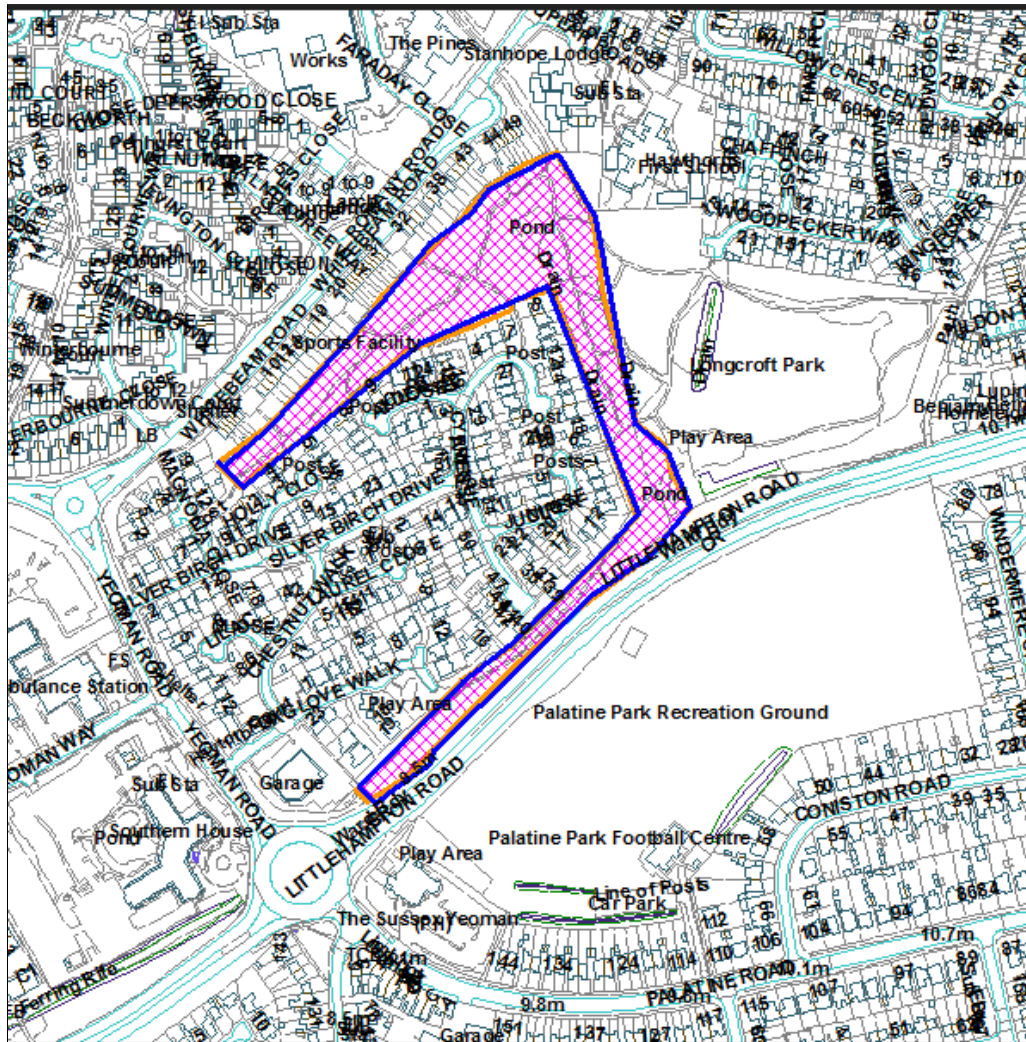
Site: Whitebeam Woods Whitebeam Road Worthing

Proposal: Confirmation of Tree Preservation Order 4 of 2021

Applicant: Worthing Borough
Council

Ward: Northbrook

Case Officer: Jeremy Sergeant



Not to Scale

Proposal, Site and Surroundings

On the 13th May 2021 a provisional Tree Preservation Order was placed on the woodland of the public open space known as Whitebeam Woods, that is adjacent to address in Whitebeam Road Magnolia Close Silver Birch Drive Holly Close Alder Close Cypress Avenue Juniper Close and Foxglove Walk Worthing.

The order refers to woodland within the open space and has been made as Worthing Parks department has had previous problems with unauthorised works and have further concerns that works might be carried out by owners of the adjacent properties or their agents or tradesmen. The woodland is a feature of the area, and is considered important to the visual amenity and character of the area that it is maintained appropriately.

Relevant Planning History

None

Consultations

None

Representations

2 objections have been received to the confirmation of the Order on the following grounds:

- Worthing Borough Council has not carried out maintenance or inspections, and that a Tree Preservation Order would affect this.
- the Woodland to the rear of Juniper Close does not have “public views”
Claim that the reference to the Woodland “enhancing wildlife” is not a valid reason for a TPO.
- TPO cannot be enforced as government guidance states that “The LPA consent is not required for cutting down or carrying out works on trees so far as may be necessary to prevent or abate a nuisance”
- Claim that the confirmation of this TPO would result in the need for additional resources and expenditure for Worthing Borough Council.
- Claims that the trees cause shade that affects the health of residents and that there is an issue of right to light.
- Reception of Internet and mobile phone signals - Claim that the trees affect the receiving of internet and mobile phone connections.

- The representation makes the claim that residents of Juniper Close have been carrying out works to the trees and that they can be considered as under good arboricultural maintenance.

1 representation of support has been received.

Relevant Planning Policies and Guidance

Worthing Core Strategy (2011)

National Planning Policy Framework

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

Planning Assessment

Your officers consider that the main reason for protecting this Woodland is that it is an established feature of the area, and that any inappropriate works would be detrimental to its character and the visual amenities of the street scene. The Woodland consists of many large mature trees in a dense natural wooded area that is not often seen in intensely built up areas. As the proposed TPO is for a woodland area, it is the collective group of trees that forms its amenity value rather than individual trees.

The Tree Prevention Order is considered necessary to ensure that any future works can be controlled by the Local Planning Authority. This is not always possible with trees that are in a public open space, as neighbours can cut back to their boundaries and carry out other works from their own land. The entire Whitebeam Woods is visible from public views as it is a Public Open space, be that view from intended paths or walkways or from any other accessible area. In addition the pavement and carriageway of Juniper Close are Public areas.

In respect of the representations received, the representations refer to the maintenance of the trees, however as mentioned the confirming of a TPO does not prevent maintenance works from being carried out, but instead requires an application to ensure they are properly undertaken.

It is not considered that there are any extra resource implications as a result of the serving of the Order given that the trees are owned by the Council.

In respect of any nuisance caused by the trees, given that some of the trees are well in excess of 50 years old a continuous receiving of light for more than 20 years is unlikely. However to alleviate light issues there are several different types of works that can be carried out, and this would be considered as part of any future application.

It is considered that the serving of the TPO will allow appropriate control of the future maintenance of the trees to be exercised and accordingly in the interests of local amenity it is recommended that the TPO is confirmed.

Recommendation

That Worthing Tree Preservation Order Number 4 of 2021 be confirmed as made.