



WORTHING BOROUGH
COUNCIL

12 October 2021

Worthing Planning Committee	
Date:	20 October 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 19 October 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, 18 October 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 22 September 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 - 70)

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 -Whitebeam Woods, Whitebeam Road, Worthing (Pages 71 - 74)

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

Part B - Not for publication - Exempt Information Reports

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

Recording of this meeting

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

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk	Solomon Agutu Senior Lawyer & Deputy Monitoring Officer 01903 221045 solomon.agutu@adur-worthing.gov.uk

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

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WORTHING BOROUGH
COUNCIL

Planning Committee
20 October 2021

Agenda Item 6

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/0141/21 Recommendation – Approve

**Site: Development Site At 52 Ann Street And 1 To 7 High Street,
Worthing**

Proposal: Full planning permission for the demolition of 2-7 High Street and 52 Ann Street and creation of a mixed use development comprising 6.no residential flats with roof terrace (C3 Use Class) and a new Digital and Creative Hub consisting of office and meeting room space (Use Class E), reception areas, art studios, exhibition space (Use Class E), café facilities (Use Class E) and associated cycle parking and waste storage facilities at the site of Colonnade House.

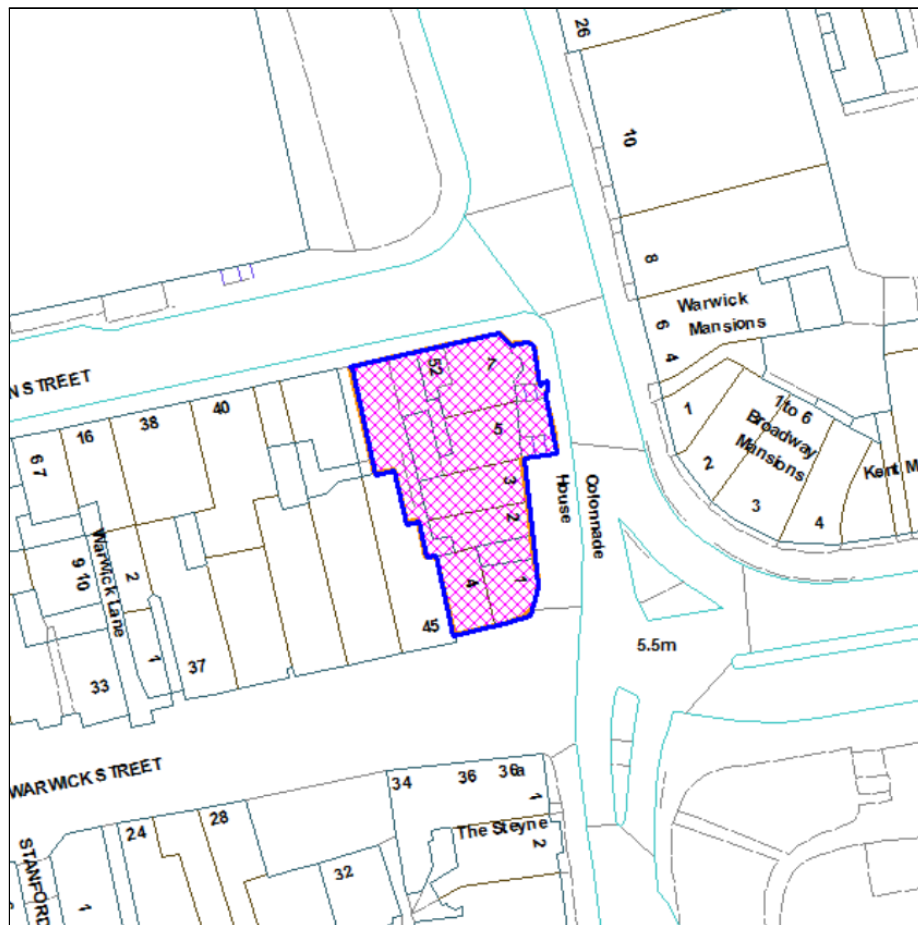
2

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.

Application Number:	AWDM/0141/21	Recommendation - Approve
Site:	Development Site At 52 Ann Street And 1 To 7 High Street, Worthing	
Proposal:	Full planning permission for the demolition of 2-7 High Street and 52 Ann Street and creation of a mixed use development comprising 6.no residential flats with roof terrace (C3 Use Class) and a new Digital and Creative Hub consisting of office and meeting room space (Use Class E), reception areas, art studios, exhibition space (Use Class E), café facilities (Use Class E) and associated cycle parking and waste storage facilities at the site of Colonnade House.	
Applicant:	Worthing Borough Council	Ward: Central
Agent:	ECE Planning	
Case Officer:	James Appleton	



Not to Scale

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At its meeting on the 21st April March 2021, Members resolved to approve the above application subject to additional conditions relating to the recording of historic features of the buildings (and a display to be provided in the creative hub and/or proposed cafe); construction to take place in accordance with National Space Standards; an archaeological watching brief to take place during construction; and details to be submitted as to the size and design of dormers on the north and east elevation and details of the string course on the replacement of 5 and 7 High Street to be approved prior to commencement of the development.

Following the meeting the applicants requested the decision not to be issued as they were re-considering the design and size of the proposed dormers. Subsequently revised plans have been submitted removing the top floor accommodation. This application, therefore, needs re-considering with regard to the revised plans. The original Committee report is attached as Appendix 1.

Revised Plans

Whilst originally the architects were keen to address Officers' concerns about the size of the proposed dormers, it quickly became apparent that the scheme needed to be reviewed to address the requirements of new Fire Regulations for developments over 11 metres in height. The applicant has submitted that,

'As set out previously, the changes to the Fire Regulations have significantly increased the build costs of any scheme with residential accommodation over 11m in height. As part of the review of the project a Fire Consultant identified a number of implications relating to the top floor apartment, some of which had become more onerous due to the change in regulations, including the requirement for sprinklers to the residential and importantly the commercial space.

We have tested a series of costed options including the retention of the apartment and sprinkler installation; the reconfiguration of commercial space to retain 6 apartments within the scheme; and the removal of the top floor 2 bedroom apartment. These were ROI assessed and the removal of the top floor apartment was agreed as the best value for money option.

Separately to the removal of the fourth floor, we have made the following amendments also;

- *change of the external material along the West Elevation from facing brickwork to render: this is in order to make the lightwell at the rear feel brighter by using a lighter coloured finish to the walls.*
- *omission of the spandrel panels to the residential staircase: as the design developed, it emerged that these solid spandrels were at eye height to occupants when stood on the half landings, and so were omitted, leaving clear glazing to the full-height of this section of curtain walling.*
- *Replacement 'like for like' of 9 no. crittall windows as marked on the image below and to the rear of the main Colonnade House building.*

The team previously tested the viability of the retention and conversion of 5 and 7, however this was not only deemed to be financially unviable but did not allow the provision of accessible ground floor accommodation and improvements to the public realm at street level. The proposal must therefore be seen holistically as a viable mixed-use form of development that will provide much needed commercial space for creative industries in

Worthing and the local area as well as invaluable residential accommodation to meet specific needs of the community.

Overall, the revised scheme is considered to maintain fully the architectural quality of the proposals, whilst providing a deliverable form of development that will enhance this part of Worthing, within the South Street Conservation Area.'

The revised plans compared to the scheme originally approved by the Committee are set out below.



North Elevation as approved - in March 2021



North Elevation as now Proposed

East Elevation as approved in March 2021



East Elevation as now proposed



Revised Plans - Computer Generated Images (CGI's)



Revised Consultation Responses

The **Worthing Society** comments that,

“Thank you for the opportunity to comment on this revised application. I have now had the opportunity to discuss the amended plans with the Committee and here are our comments:

1. HERITAGE AND LOCATION

We do appreciate that all the buildings on the site have been significantly altered over time, having lost many of their historic, architectural features. Nevertheless this locally listed group of buildings do still contribute positively to

this part of the South Street Conservation Area. They are still identifiable as part of the original Colonnade from contemporary lithographs of the period. It is most unfortunate and reprehensible that a period of neglect set in following the abandonment of road widening schemes in the late 1970s. These heritage buildings were very sadly neglected to a significant degree and left to deteriorate. No.5, an early 19th century townhouse, is in an advanced state of deterioration and No.7 also has serious problems. There is asbestos and pigeon guano throughout both buildings. The Council's report states that a viability assessment was undertaken at the pre-application stage by the applicant. This report identified that 'the conversion of Nos.5 and 7, even for residential use, would be unviable for the Council or another commercial operator'.

I wish to emphasise again that is wholly exceptional that The Worthing Society would not object to the loss of these Georgian buildings. The political will and funding is apparently not in evidence to carry out a thorough restoration. Whilst we appreciate therefore that development is likely to take place, it is imperative that the new buildings are sufficiently detailed to enhance the conservation area. The replacement buildings should be designed to the highest possible specification to reflect the heritage value of this Georgian corner of old Worthing. Our comments on these aspects are contained in the following paragraphs:

2. DESIGN

- a) *We note that the revised design has resulted in a reduction in height to the new buildings to replace Nos. 5 and 7 High Street. The loss of the rather dark, oppressive mansard roofs is considered an improvement. However, in our view, the east facing elevation of the proposed replacement buildings for Nos. 5 and 7 is rather bland and urban in style. It does not reflect the heritage of this part of the town. This elevation is facing the busy Brighton Road and will be a landmark building when visitors arrive in the town.*
- b) *In addition, we have observed that in the Design and Access Statement the architect mentions the bay windows are an important local feature but this is not reflected in the design. Either bow or bay windows would add distinction to the east elevation and would give a reference to this end of the original Colonnade. In our view, there is no reason why bow or bay windows could not be included. Adding a 'Juliet balcony' feature to the windows, perhaps in black, would again add distinction to the façade for this important element of the plans.*
- c) *The North Elevation: The curved wall feature, which is reminiscent of the original building, is welcome and the replacement building for No.52 is in character and proportion with Ann Street. A lighter colour for the window frames here would be more in keeping.*
- d) *The Link Building: Whilst we can appreciate the reasoning behind the link building for Nos. 2 & 3 High Street, the design, as stated in our previous response, seems too heavily modelled. Given the reduction in height of*

the replacement Nos. 5 & 7, this element seems more prominent and rather oppressive, detracting from the elegant Colonnade Arts Centre. A corresponding reduction in height or 'softening' of the top storey element would better suit the new scale and layout.

3. MATERIALS

If a future landmark building is to be created for Worthing, the choice of materials will be paramount.

- a) *We noted in the previous application that a pale brick was to be used. It is essential that the colour should be as close to the original, distinctive colour of the bricks used in early 19th century Worthing. These distinctive bricks are evident in the proximate listed terrace located in the Steyne. A consultation should, in our view, take place before a choice of brick colour is made. Preferably, samples should be obtained for discussion and selection before a decision is made.*
- b) *The aluminium material suggested for the windows and doors is bland, modern and therefore out of character with the conservation area. In our view, wooden heritage windows should be included in the design to reflect the status of this development. Furthermore, aluminium window frames would not be consistent with the Conservation Area Appraisal Document (CAAD).*
- c) *We consider the aluminium shop and café fronts are also bland. An opportunity is presented here for a more characterful design to contribute to the street scene.*
- d) *It would be helpful to have an up-to-date visual representation of the colours proposed for the 'link building' together with the opportunity to examine samples of the intended materials.*

4. THE SOUTH STREET CONSERVATION AREA APPRAISAL DOCUMENT (CAAD)

The Society considers that this important document should be referenced in preparing the new design. It underscores the heritage status of the area as a whole. In particular, the CAAD refers to the 'Architectural, Historic and Townscape elements which should be preserved' and mentions the following details which are relevant to this proposal:

- *Elevations that feature bays, cornices, render or yellow brick.*
- *Timber sash windows.*
- *Co-ordinated black metal street furniture.*

5. HERITAGE INFORMATION BOARD

If the proposal is approved, we believe the Council should give a commitment for a 'Heritage Information Board' to be included within the new development.

Ideally, this would chart the history of the Colonnade buildings and their association with both Jane Austen and the architect, John Biaggio Rebecca. There are contemporary lithograph images which could be used. This part of Worthing's heritage should be remembered with a visual record for future generations.

SUMMARY

The Council needs to be aware that Government policy aims to create a better quality of design in all new developments. If the new building is to be an acceptable replacement for the heritage buildings, more attention to detail along the lines we have suggested, is required. Preferably, this proposal should be deferred to give the architect time to consider the suggested amendments.

We consider, therefore, that the application is not yet at a stage where it is ready to be presented to the Planning Committee. This is a very controversial application and the loss of the heritage buildings will be a major decision for Worthing. The additional design specifications and choice of materials should be presented as a whole design concept to the Committee and the people of Worthing. If approval is granted, these aspects should not, in our opinion, be left to be dealt with by conditions at a later stage."

Planning Assessment

In design terms your Officers consider the revised scheme, removing the top floor as well as the more cosmetic changes to materials has enhanced the overall appearance of the development and outlook for existing properties to the west of the site. As explained in the original Committee Report your Officers were concerned that the top floor dormers gave the building a slightly top heavy appearance and the removal of the top floor mansard roof has enhanced the appearance of this section of the building. Whilst, the Worthing Society has sought to repeat some of its early criticism of the design, in particular the lack of design features, such as bays, being added to the scheme, Members accepted that the overall design quality was good and the redevelopment would provide significant townscape and regeneration benefits notwithstanding the loss of heritage assets.

In viability terms the scheme has lost accommodation but has to be balanced with the additional costs associated with meeting new more stringent fire regulations. Overall the applicant is satisfied that the development would be deliverable and within the realms of the financial viability case set out in the March 2021 Joint Strategic Committee report. In this respect the project is only viable with a subsidy to help ensure the viability of the expanded creative and digital hub and the residential accommodation would only be viable if the Council has regard to offsetting its expenditure on temporary accommodation. The provision of additional temporary and emergency accommodation is a further significant benefit of the scheme given the Councils urgent need to meet its current and future affordable housing needs.

The additional conditions agreed to at the March Committee have been incorporated into the revised recommendation below.

Recommendation

It is recommended that planning permissions be granted subject to the following conditions:

1. Standard Full Permission (Time Period)
2. Approved Plans
3. Submission of materials cladding, windows, roofing and bricks (including sample panels).
4. Submission of surface water drainage scheme (as recommended by Technical Services)
5. Maintenance and management of surface water scheme (as recommended by Technical Services)
6. Details of as built scheme (as recommended by Technical Services)
7. Construction Management Plan (as recommended by WSCC Highways).
8. No demolition until a contract has been let to secure the redevelopment of the site.
9. Details of architectural features - fenestration, sills, string courses and fascia details
10. Provision of cycle storage.
11. Residential accommodation shall be provided in accordance with the Technical housing standards – nationally described space standard.
12. Prior to the demolition of the buildings hereby approved a photographic survey of the historic building survey shall be undertaken and a permanent display of key historic features and the history of the buildings shall be provided with the cafe or creative hub in accordance with details submitted to and approved in writing with the LPA.
13. Details of mechanical extraction and ventilation for the proposed cafe/restaurant including hours of opening to be submitted to and approved in writing by the LPA.

The Site and Surroundings

The site consists of Colonnade House (no. 47 Warwick Street), nos. 2-7 High Street and no. 52 Ann Street. The existing site consists of a group of buildings with varying sized plots and building heights. The site has a total area of 0.084 ha.

The site is located on the north western corner of Steyne Gardens in Worthing to the north of Warwick Street. The site is bordered by Ann Street to the north, the A259 (High Street) to the east, Warwick Street to the south and no.45 Warwick Street, a listed building to the west.

Colonnade House is a four storey building located on the corner of Warwick Street and the junction between the High Street and Brighton Road. It is used as a creative workspace building containing art galleries on the ground floor with studio offices contained on the upper floors. Nos.2 and 3 High Street consists of a two-storey building and contains flexible E use class facilities on the ground floor and first floor.

No. 5 High Street is located to the immediate north of No.3 High Street and consists of a redundant building damaged by fire. No. 7 High Street is a four storey building and incorporates a cant bay, extending across all floors on the east elevation. Both buildings incorporate semi basement areas and steps leading up to the front doors. No 7 is currently occupied by a clothing repair business. No. 52 Ann Street located to the north of the site is a single storey flat roof building containing a small shop occupied as a hairdressers.

The site is within the identified built-up area boundary of Worthing and is located within the defined Town Centre boundary. The site is also designated within the Worthing Central Shopping Area (Primary Zone B). Warwick Street is a pedestrianised street offering a range of restaurants, cafes and smaller independent shops.

The site is situated within the South Street Conservation Area and adjacent to the western border of Steyne Gardens Conservation Area. The buildings are all indicated as positive indicators to the character of the Conservation Area. The adjoining building to the west (No 45 Warwick Street) is a grade II listed building and there are other designated heritage buildings further to the west and south of the site.

The Proposal

The proposal seeks the demolition of 2 & 3 High Street, nos. 5 -7 High Street and no.52 Ann Street with the provision of new additional creative workspace facilities at Colonnade House and a new residential building comprising 6 residential apartments. The replacement building for Nos 2 & 3 The plan below shows the extent of demolition shaded grey:



Applicant's Supporting Statements

Planning Statement

The Planning Application has been prepared on behalf of Worthing Borough Council in support of the development for:

“Full planning permission for the creation of a mixed use development comprising 6.no residential flats (C3 Use Class) and a new Digital and Creative Hub consisting of office and meeting room space (Use Class E), reception areas, art studios, exhibition space (Use Class E), café facilities (Use Class E), and associated cycle parking and waste storage facilities, at the site of Colonnade House, nos. 2-7 High Street, 52 Ann Street, Worthing, BN11 3DH”.

The proposed redevelopment represents an opportunity to make best use of a historic building located on a prominent site within Worthing. It would reuse a building which has fallen in disrepair and continue to deteriorate, while creating a bespoke unified and purposefully designed space. The aim is to provide a creative space tailored to the needs of small creative businesses, where they can operate from, network, expand their potential and grow into their own independent businesses. In this regard the proposals are considered to make efficient use out of a vacant building and also making best use of existing floorspace, while creating additional employment opportunities; these are both supported by local and national planning policies.

The existing use of Colonnade House has been very successful and current occupiers have expressed their support towards the proposals, as they wish to see the space grow to better respond to local needs. The proposed use therefore seeks to support economic growth within the Borough by vastly improving employment at the site.

In relation to residential provision on site, given the limited land capacity in Worthing to provide housing, residential opportunities are considered of high value, especially within highly sustainable locations such as this. The proposed development would make a valid contribution towards Worthing's housing needs.

Residential amenity has been assessed and it can be concluded that the development would have a limited, but acceptable effect on surrounding residential properties, especially when considering the site's town centre location, neighbouring use classes and their associated opening hours.

The new design will significantly enhance the run-down appearance of the premises and will restore the buildings' image, while introducing new contemporary and creative elements, thus making an architectural statement appropriate to the site's history, proposed use and prominent location on the gateway to the Town Centre. The building is expected to increase footfall and create a link between the east and west sides of Worthing.

To conclude, in light of all the evidence as presented within this document the reuse of this currently restricted and partially vacant and dilapidated site, will tangibly enhance the vitality and viability of the immediate area and is considered to be consistent fully with the aims and objectives of the National Planning Policy Framework, the Worthing Core Strategy and the saved policies of the Worthing Local Plan.

It is therefore respectfully requested that the Council grants this application full planning permission without delay."

Heritage Significance Statement

"The overall conclusion of this assessment is that, while the building group has some notable qualities, it has been much diminished by change over time. The significant values and attributes of the building group are considered under the various (and relevant) heritage criteria. It is also acknowledged that a number of elements have historical value, which is considered at a local level of significance. The over heritage significance of the buildings group, however, has been somewhat diminished by works especially the late 19th century changes, which involved the loss of notable features such as a large section of the original colonnade or veranda, a feature that unified the buildings group aesthetically at ground level (with the remaining part of this feature removed in the 1930s). Number 3 High Street was also rebuilt as a two-storey element at this time, which compromised the architectural unity and balance of the group.

The architectural quality of the group was also further eroded following the remodelling works that occurred during the 1930s, such as the removal of the ground level to Colonnade House and the introduction of a rationalised ground level consistent with those properties on Warwick Street. The changes also involved the loss of notable features to nos. 5 and 7 High Street, such as the removal of the distinctive original oriel window bay to the principal elevation of no. 5, which was likely removed in the 1930s during the remodelling works and its replacement with enlarged flush window openings. The original entrance portico to no. 5 was also likely removed at this time. Similarly, the principal High Street elevation to no. 7

was also reconfigured in the late 19th century, with the original windows to the corner removed and the openings infilled. Additionally, a new projecting window bay was introduced between lower ground level and third floor level. The effect of these works has been to, collectively, lessen the architectural impact of the buildings group.

With the above in mind, the heritage values identified do not elevate the buildings group to a level of significance that would warrant statutory listing. While parts of the group do display some attributes that are considered significant when assessed against locally Listed Building criteria, such as the landmark qualities associated with the remodelled Colonnade House, it is considered that collectively nos. 5 and 7 High Street, in particular, have been diminished to such an extent that they do not warrant their “Local Interest Building” listing status. Number 5 has been heavily compromised and the original design intent of number 7 has also been eroded by subsequent chance.”

Design and Access Statement

The DAS sets out the options considered and why conversion was not feasible on viability grounds and the key design considerations. The Executive Summary states that,

Project Overview: The proposed commercial development will set out to deliver a clear design vision which specifically provides the following benefits: • Provide a development of the highest architectural quality. • Maintain and enhance the character of the setting of Colonnade House by proposing a contextual design, responding to the style and materiality of the area, while also providing a benchmark for all future development. • Limited impact on neighbouring properties by carefully considering scale, mass and views in and out of the site. • Providing a sustainable solution for the site that responds to the opportunities and constraints of the site.

Design Approach: The design approach aims to respect the site’s setting adjacent to the boundaries of two conservation areas within Worthing drawing upon the architectural vernacular and materials used in both the neighbouring properties and elsewhere in the surrounding area. The close proximity to the coast has also influenced the overall design, helping to inform mass, scale, design and material choice. These influences have been utilised in an interesting and creative way to provide an individual and dynamic commercial development of the highest architectural quality.

Scheme Summary: The site is currently occupied by a collection of buildings of varying condition, use and scale. The proposed development comprises a single unifying form (informed by the existing established building lines) with a new Digital Creative Hub, Cafe and a total of six residential units. In addition to the building the site has provision for a service bay, cycle storage and on-site refuse storage facilities within a central location

Daylight for Neighbouring Properties

The results demonstrate that the proposed development will have a relatively low impact on the light receivable by its neighbouring properties. Non-compliance with the BRE recommendations is limited to the daylight test in respect of window 89 at 45 Warwick Street. In our opinion, taking into account the overall high level of compliance with the BRE recommendations, and the mitigating factors set out in section 4, the proposed development is acceptable in terms of daylight and sunlight.

Transport Statement

The site is located in a well established residential and retail area and has excellent links to public transport infrastructure as well as cyclist and pedestrian facilities. There are numerous amenities within walking distance of the site and the location is highly sustainable for residential development.

A replacement access for delivery vehicles is proposed. Visibility will remain as per the existing vehicle crossover point.

Given the highly accessible location of the site no further on-site car parking is proposed. Cycle parking will be provided in accordance with the minimum requirements for residential use as set out in West Sussex County Council's current parking standards.

Consultations

West Sussex County Council Highways Authority comments that,

"The proposal above has been considered by WSCC as the County Highway Authority, more information is required regarding the effective width of the proposed future shared cycle/footway on High Street.

The site is located at Colonnade House, a corner plot situated between Warwick Street to the south, High Street to the east, and Ann Street to the north. Since 2014 the site has been used as a creative workspace hub, and this application seeks to expand its offer by re-developing the adjacent land into additional digital and creative space, and 6 residential flats.

The development will be car free, other than 1 off road parking space, designed into the building for deliveries. Cycle storage will be provided in line with the latest WSCC guidance. Given the site is centrally located WSCC do not consider the lack of parking to be an issue. The site is in proximity of a multi-storey car park, open 24 hrs and on-street parking is available for residents although they will require a permit. (It is important to note that on-street parking may not be guaranteed via the controlled parking permit scheme and it has been brought to our attention that the waiting list for zone z is extensive.)

Nevertheless, the site is highly sustainable within proximity to local bus stops and Worthing Train Station. The national cycle route 2 is also located close by on Marine Parade, and the High Street has been identified as a secondary cycle route within

the adopted Adur and Worthing Local Cycling and Infrastructure Plan. Whilst not yet adopted, WSCC has been considering proposals for a shared use pedestrian/cycle route on High Street, adjacent to Colonnade House, which would link into this.

It is noted that street furniture in the form of chairs and tables, and a planter are proposed to be located within the footway. It should also be noted a licence will be required for tables and chairs, planters, and cycle storage in the public footway. Tactile paving will also be required where the footway meets the Junction of Ann Street on either side.

The location of street furniture could also cause narrowing of the footway, affecting the proposals for the shared use cycle path. To fully understand the effective width, can the applicant provide dimensions on a drawing please also showing how these relate to the existing highway boundary.

The residential part of the building will be accessible on foot via an entrance from Ann Street, which also provides access to 5 additional cycle storage spaces. These will be secure and covered and meet current guidance. The re-development of this area will move the existing parking space to the west of the current dropped kerb access, requiring a new dropped crossover, and reinstatement of the existing dropped kerb to full height. This can be progressed as part of a s278 agreement.

We have consulted the Parking Team at WSCC regarding the relocation of 1 parking space to accommodate the new dropped kerb. This will require the developer to absorb any costs associated with these works and any changes required to the existing TRO. Lastly a S38 agreement will be required for the adoption of the footway on the High Street which were created to replace the basement areas.

In summary, whilst the redevelopment proposals are generally accepted, more information regarding the effective width of the proposed future shared cycle/footway on High Street are required. Should narrowing occur the applicant will need to provide proposed solutions.

Residents Parking Permits in Controlled Parking Zones (CPZs)

The applicant and potential future occupiers of the development are advised that future tenants/homeowners may not be entitled to purchase Resident or Visitor Permits that entitle users to park on-street in the roads around the development site. Alternatively, Non-Resident permits may be available in some roads where capacity allows or some tenants/homeowners may have to join a waiting list before permits are issued. Eligibility for permits will be in accordance with existing WSCC parking policy and procedures. Tenants/homeowners are advised to contact the local District/Borough Parking Services Team for further clarification. Further information and key questions and answers about how Controlled Parking Zones work can be found here:

<https://www.westsussex.gov.uk/roads-and-travel/parking/residents-parking-schemes/how-parkingschemes-work/>

Construction Management Plan

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

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

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

Works within the Highway – Implementation Team

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

Adur & Worthing Councils:

The **Environmental Health** Officer, Private Sector Housing, comments that,

“No objections in principle, but:

Flats 2 & 4 are labelled as 1bed/2 person, but fall below the 50 sq.m minimum floorspace standard under the national space standards (although Flat 2 meets the 1b/1p standard and Flat 4 meets the Worthing SPD standard for a studio flat).

The headspace above the lift and the associated M & E utility cupboard can only be accessed through Flat 6 - this will hinder access in an emergency.”

The **Technical Services** Officer comments that,

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

Flood risk - The application is within flood zone 1, the site is shown to be at risk from surface water flooding. We would recommend consideration of raising of FFLs to ensure the development is safe from surface water flooding throughout its lifetime. We Would recommend a condition is applied to ensure that sleeping accommodation is never provided below predicted flood elevations.

Surface water drainage - A short surface water drainage statement has been provided as part of this application. The application states that it is proposed to attenuate surface water prior to discharge to surface water sewer. The application does not go into detail on what storage may be required and where connections to the sewer are proposed. The statement appears to imply that storage beneath the building is being considered, we wish to state that this is not appropriate due to a number of factors including unacceptable loadings, and difficulties with future maintenance. The use of blue/ green roofs and walls should be considered. Any external hard surfaces must also be drained in a sustainable manner, including the treatment of surface water prior to discharge. We Would recommend that the use of permeable surfaces is considered. We also wish to confirm that discharge must be restricted to as close to greenfield QBar as possible for all events up to and including the 1 in 100 year plus 40% climate change event. ACCTV survey of existing drainage arrangements should be completed prior to demolition.

If you are minded to approve this application please apply the following conditions to ensure the proposal is adequately drained and does not increase flood risk:

“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.”

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

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”

The **Council for British Archaeology** comments that,

“Summary

The CBA supports the principle of redeveloping the application site, however we strongly object to the proposed scheme, specifically the demolition of 5 and 7 High Street. In its current form this application is contrary to the multiple requirements of section 16 of the NPPF, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as national and local commitments to sustainability in the built environment.

Significance

The application site is in the South Street Conservation Area and adjacent to the western border of Steyne Gardens Conservation Area. The South Street conservation area is characterised by the late 18th, early 19th century development of Worthing as a fashionable genteel seaside resort. 5 and 7 High Street form a group with Colonnade House and are locally listed buildings that represent the historic development of Worthing and express identified qualities noted in the character appraisal of the South Street Conservation Area. As such they contribute to the character and appearance of the conservation area. They are identified as ‘Local Interest Buildings’ in Appendix 8 of the Worthing Local Plan, 2003. Their dilapidated state means there is opportunity to better reveal their significance and contribution to the character and appearance of the conservation area, as set out in paragraph 185 of the NPPF.

The heritage interest of 5 and 7 High Street stems from their group value with Colonnade House. The curved corner of No. 7 holds symmetry with that of Colonnade House at the other end of the block and is prominent as a corner plot within the conservation area. These buildings contribute to the 19th century character of the South Street Conservation Area in illustrating the development of Worthing in this period as a fashionable seaside resort, which is an important

aspect of Worthing's cultural heritage and identity. In their period character the application site also contributes to the setting of a number of designated and undesignated heritage assets within the immediate vicinity, that share these character attributes. These include; No.45 Warwick Street (Grade II), No.34,36,36a Warwick Street (Grade II), No.30,32,32a Warwick Street (Grade II), No.28 Warwick Street (Grade II), No.24 and 26 Warwick Street (Grade II), Chatsworth Hotel Steyne Hotel (Grade II), Building at rear of No.35 Warwick Street (Grade II) and No.8 Ann Street (GII).

Comments

The CBA are broadly supportive towards the redevelopment of the application site. We note the historical alterations to the entire block, which relate to historical events, including a fire, as well as changes in taste, building design and technologies. The 1930s façade to Colonnade House leads the way in expressing the group's evolution and the potential for further remodelling of these historic buildings.

However, the CBA objects to the quantity of demolition proposed by the current scheme, specifically the total demolition of 5 and 7 High Street. We note the options appraisal within the Design and Access statement and question the criteria by which option C has been selected as the preferred option. The Viability Report referenced on p.35 does not appear on the Planning Portal. The CBA would support a scheme that involved substantial remodelling of No.s 2 and 3 (which do not make such a contribution to the streetscape and are not locally listed), but retained No.s 5 and 7 High Street.

Demolition of 5 and 7 High Street is based on the premise that their significant values and attributes have diminished over time. The CBA recognises their rundown condition and that the historical alterations to the principal elevations has impacted on their aesthetic values. However, the CBA disagree that the late 19th century bay windows detract from the significance of number 7, as they express the building's evolution as a continued part of Worthing's Victorian heyday, and such bays are noted as a characteristic of the conservation area. The loss of significant fabric, including the colonnade that unified this block of buildings at ground level until the 1930s is regrettable, however their reduced aesthetic appearance, which is likely to explain why these buildings are not designated, opens up more possibilities and potential for altering the buildings in order to better reveal, without harming, their significance. The CBA strongly believes that adding a contemporary phase of development as a continuation of the block's legible evolution can be best achieved by retaining and refurbishing 5 and 7 High Street, avoiding causing substantial harm to this historic block through the total loss of these buildings.

5 and 7 High Street exhibit a number of design qualities that characterise the South Street Conservation Area, including:

- Individual properties built on narrow plots.
- Elevations which feature bays, dormers, cornices and render or yellow brick.
- Mansard or pitched roofs in slate.
- Timber sliding sash windows which provide a vertical emphasis to the street.
- Co-ordinated black metal street furniture.

In comparison, the principal elevation of their proposed replacement would not only lose a number of these period characteristics but also blend the 2 narrow plots into 1, eroding the historic grain of the site. The innocuous design is reminiscent of residential blocks that the CBA sees proposed in cities across the country. It says nothing of the place identity, character or qualities that make Worthing special or reveal its heritage and significance. As a corner plot it would be highly visible within the conservation area without making a positive contribution to its character and appearance.

In terms of sustainable development, the adaptive reuse of standing buildings far outweighs their demolition and rebuilding. The mindset that old buildings are inefficient in terms of energy usage focuses on the daily emissions created by heating and powering a building, overlooking the carbon embodied within the building and the carbon lost through demolition. 5 and 7 High Street already embody significant CO2 emissions in their materials. The fact they have been standing for over 200 years supports the truism ‘The greenest building is one that’s already built’. New buildings are a major source of resource use and waste production. A key tenant of a sustainable built environment is effectively extending the useful life of existing buildings by improving them because the CO2 emissions already embodied within existing buildings would not be lost through demolition. There are also many ways to reduce the daily emissions in historic building stock through retrofitting.

Compelling research into the embodied carbon in pre-1919 building stock, commissioned by Historic England, demonstrates the imperative of not wasting the embodied carbon in standing buildings if the UK is to reach its legally binding commitment to be carbon neutral by 2050. Recent Historic England research has found that “Compared to refurbishing a traditional Victorian terrace, a new building of the same size produces up to thirteen times more embodied carbon. This equates to around 16.4 tonnes of CO2, which is the equivalent of the emissions released by driving 60,000km, or 300 times round the M25, in a large petrol car.”

The CBA fully supports the proposed contemporary design of the replacement structure at 2 and 3 High Street, which would add an interesting 21st century component to the streetscape. We would also support the introduction of a mansard roof to 5 and 7, which is noted as a characteristic within the conservation area, if it would support the viability of the scheme.

Recommendation

The CBA objects to this application, specifically the proposed demolition of 5 and 7 High Street, two locally listed buildings which exhibit positive characteristics of the South Street Conservation Area and form a historic group with Colonnade House. Their demolition would be contrary to section 72 of the Planning (Listed Building and Conservation Areas) Act, 1990 and paragraphs 184, 185, 192, 197 and 200 of the NPPF.

The CBA questions the criteria behind the options appraisal which favours the demolition of 5 and 7 High Street. Not only would their demolition cause harm to the historic environment, but it would also be contrary to national and local climate change commitments including the sustainability commitment of Worthing Council.”

Southern Water comment as follows,

“The applicant has not stated details of means of disposal of foul drainage from the site.

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.

To make an application visit: southernwater.co.uk/developing and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/connection-charging-arrangements

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse / Infiltration / Watercourse / Storm sewer / Combined Sewer

Guidance on Building Regulations is here:

gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

We would like to engage with you on the design for disposal of surface water for this development at the earliest opportunity and we recommend that civil engineers and landscape architects work together with Southern Water. In many cases this may negate or reduce the need for network reinforcement and allow earlier completion of the development.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”

The **Worthing Society** comments that,

“Although The Worthing Society is broadly supportive of the proposed Digital and Creative Hub, there are a number of issues on which we wish to comment. We wish to emphasise at the outset that our decision not to lodge an overall objection to the proposal is wholly exceptional in a case where the historic fabric of Georgian Worthing is to be lost. The submitted Design & Access Statement (DAS) contains much useful historical information, which illustrates, in our view, the important heritage value that the existing buildings have in the context of the development of

Worthing and as one of the last remaining groups of buildings in the old High Street. We therefore take issue with the comment in the DAS that Nos 5 & 7 have a "lack of heritage significance". They are the most unaltered remaining fabric of the original Colonnade and are still identifiable in contemporary 19th century lithograph prints. We consider that insufficient weight has been given to this, in order to help justify redevelopment.

However, we do appreciate that all the existing buildings on the site have either been significantly altered or left to deteriorate since they were affected by the road widening line shown on the Worthing Town Map of 1958 and, shamefully, were left to deteriorate further after the abandonment of the road widening schemes in the late 1970s.

It remains our view that, if the will were there, a better scheme could be devised that would allow retention and refurbishment of more of the original fabric of these buildings, which are prominently situated and important to the early history of Worthing. There seems not to be the will for this within the Council. However, in accepting that development is likely to take place, it is of the utmost importance to get the details right.

Turning to that matter, we consider that the scale and proportions of the proposed new buildings are generally appropriate. We note that the block to replace Nos 5 & 7 High Street would have classical proportions insofar as the windows are concerned and we are pleased to see that the existing curved corner into Ann Street would be replicated in the newbuilding.

There are, however, a number of points to make:

1) Although the proportions of the proposed elevations are acceptable, we consider it is too plain and lacks the typical detailing that would be found on an early 19th century Worthing building.

2) The DAS mentions that bay windows are a local characteristic, but this has apparently been ignored in the proposed design. There seems no reason why bow or bay windows typical of Worthing could not be included on the High Street elevations and we urge that this should be considered as an amendment to the submitted design.

3) We also consider that there should be bolder brick or stone detailing to the High Street and Ann Street elevations. It is good to see that a pale brick is to be used but it is essential that this should be as close as possible in colour and texture to the typical Worthing Yellow brick, which is prevalent in this location (eg The Steyne and The Hollies) and which existed on the facade of No 5 until it was recently vandalised by being painted over. We would ask that samples of potentially suitable bricks should be sourced and made available for consultation before a decision is made.

4) We have reservations about the dark grey metal cladding proposed for the fifth floor roof. A dark colour could well appear oppressive and, in our experience, there could be problems with weathering in this marine environment. Careful thought must be given to the type and colour of material to be used and, again, it would be helpful if samples could be made available for consultation before a final decision is made.

5) More thought also needs to be given to the proposed link building to replace No 3. We do not disagree with the reasoning behind having a different facing material to provide a link between Nos 5 & 7 and the corner block on Warwick Street, but the proposed design seems too heavily modelled, clunky and poorly detailed and the window proportions seem wrong, with insufficient vertical emphasis.

Because of these outstanding points, we do not believe that this application is yet at a stage when it should be presented to the planning committee. Nevertheless, the above points are matters of detail that could be addressed by planning conditions preserving those matters for future consideration, if it is decided that planning permission should be granted.

Alternatively, and preferably, consideration of the proposal should be deferred so that the architect can be given an opportunity to consider our suggestions and to make any necessary amendments.

We should all be aware of the thrust of Government policy to achieve a better quality of design in all new developments. With attention to the above details, we believe that the proposal could meet this requirement and the new building could become an acceptable replacement for The Colonnade, which was an important and prominent building in the early history of Worthing.”

Historic England: *No response received.*

Representations

Nine letters of objection have been received on the grounds that:

- I. The buildings to be demolished have been on site for over 200 years and are part of the town's historic heritage and the buildings should be renovated putting back features such as sash windows and the previous bow fronted bays.
- II. The Council has a long tradition of wanting to demolish old buildings such as Beach House and much of Ann Street has already been lost to the terrible Guildbourne Centre redevelopment.
- III. The Council should place far greater importance on capitalising on what is left of Georgian Worthing.
- IV. Thanks to Pizza Express the town was able to save Stamford Cottage off Warwick Street where Jane Austin stayed and she would have undoubtedly visited the library at Colonnade House, passed the original buildings in the High Street and known Ann Street where the original Theatre was later built.
- V. I have campaigned to improve No5 previously owned by WSCC and the fact that this was boarded up for such a long time is a scandal in itself. Now is the time to renovate the original building and not build a new structure of little architectural merit.
- VI. It is submitted that it would not be viable to convert Nos 5 and 7, but this is a false premise and the Council should find an architect/developer who has past experience of converting old buildings as can be seen at Horsham and Chichester.

- VII. A revised approach should be pursued by the Council to re-purpose the original buildings and give them a new lease of life, the current scheme will do nothing to enhance the area and in time will be commonplace.
- VIII. The plan does not acknowledge that there are already independent businesses trading in the area.
- IX. There is insufficient parking in the immediate area and already heavy traffic flow in the area, there has been little notice to submit objections.
- X. There is little parking available for residents in Ann Street and these spaces are often taken by builders/workmen or by other local businesses and the proposal would cause chaos in the area during demolition and construction being located on a major thoroughfare through the town.
- XI. The development would result in a loss of amenity and be an overdevelopment of the site.
- XII. There are 3 current tenants trading in the property and we are not mentioned in the application. Although the idea behind the proposal would be great for the community it should not be at the expense of the existing creative businesses on the site.
- XIII. Is there any need for more flats in the centre of the town and surely there is a better site for the proposed development.
- XIV. More should be done to safeguard these valuable heritage assets. It was understood that the level of asbestos within the buildings was why they had to be demolished but now understand that this is not now the case?
- XV. The Colonnade group of buildings with their simple graceful design are a considerable asset to Worthing particularly as they occupy such a key and central crossroads position in the town.
- XVI. The results from the public consultation were never made known, there is no space for the existing businesses in the plans and the design is extremely ugly for a Conservation Area.

Relevant Planning History

- AWDM/1351/15 - Replacement shop front at land at Colonnade House. Permitted October 2015.
- 01/01108/CCR3 - Application under Regulation 3 for the use of the premises as an information shop for young people at land at 3-4 Colonnade House. Permitted 17 December 2001.
- 91/05378/FULL – Change of use of ground floor from retail shop to a restaurant with takeaway facilities on land at Colonnade House. Refused 13 May 1991 3.8.1. No.7 High Street.
- 07/0742/FULL - Change of use of basement to a care agency office (Class A2) at land at Shop Basement 7 High Street Worthing West Sussex BN11 1NY. Permitted on 29 August 2007.
- 07/0382/WBR3 - Application under Regulation 3 for continued use of premises as a retail shop, (Class A1), permanent permission sought at land at Basement 7 High Street Worthing West Sussex BN11 1NY. Permitted on 4 May 2007.
- 99/00372/FULL First Floor 7 High Street Worthing West Sussex BN11 1NY. Continued use of the first floor as a tailors (renewal of temporary planning permission WB/96/0207 dated 29th April 1996) Permitted on 25 July 2000.
- 03/00948/FULL First Floor 7 High Street Worthing West Sussex BN11 1NY Continued use of first floor as a tailors - renewal of temporary planning permission WB/00/00503/FULL.

- 02/01363/WBR3 Basement 7 High Street Worthing West Sussex BN11 1NY Application under Regulation 3 for continued use of premises as a retail shop (Class A1).
- 00/00503/FULL First Floor 7 High Street Worthing West Sussex Continued use of first floor as a tailors (Renewal of temporary planning permission WB/99/00372/Full dated 7th June 1999).
- 98/00698/FULL Basement 7 High Street Worthing West Sussex Continued use of premises as a retail shop (Class A1).
- 96/05366/FULL First Floor 7 High Street Worthing West Sussex Continued use of first floor as tailors (renewal of temporary permission WB/92/0007 dated 17 February 1992).
- 96/00563/WBR47 (Ground Floor) 7 High Street Worthing West Sussex Application under regulation 4 for change of use to retail (Use Class A1).
- 93/05330/FULL Basement 7 High Street Worthing West Sussex Change of use to a retail shop.
- 92/05313/FULL First Floor 7 High Street Worthing West Sussex Continued use of first floor tailors (renewal of temporary permission WB/1347/88 dated 30TH DECEMBER 1988) 3.8.2. No.52 Ann Street.
- 00/00140/FULL 52 Ann Street Worthing West Sussex Continued use of premises as a hairdressers.
- 97/05018/WBR4 52 Ann Street Worthing West Sussex Application under regulation 4 for change of use to retail (Use Class A1).
- 97/05019/WBR4 52 Ann Street Worthing West Sussex Application under Regulation 4 change of use to office (use class A2)

Relevant Planning Policies and Guidance

Worthing Core Strategy (2011):

Policy 3 Providing for a Diverse and Sustainable Economy.

Policy 4 Protecting Employment Opportunities

Policy 5 The Visitor Economy

Policy 6 Retail

Policy 7 Meeting Housing Need

Policy 8 Getting the Right Mix of Homes Policy

9 Existing Housing Stock

Policy 10 Affordable Housing

Policy 11 Protecting and Enhancing Recreation and Community Uses

Policy 12 New Infrastructure

Policy 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

Worthing Local Plan (WBC 2003) - List of Locally Listed Buildings.

Supplementary Planning Document 'Space Standards' (WBC 2012)

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)

'Infrastructure Delivery Plan' (WBC 2010)

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

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

The Planning (Listed Building and Conservation Areas) Act 1990 sets out broad policies and obligations relevant to the protection of Listed Buildings and Conservation Areas and their settings. Section 66(1) states: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority.....shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

Section 69 of the Act requires local authorities to define as conservation areas any areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance and Section 72 gives local authorities a general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area in exercising their planning functions.

Planning Assessment

The main planning issues in this case are:

- The principle of development - including the proposed uses and the loss of heritage assets;
- Design and impact of the development on the setting of the Conservation Area and adjoining heritage assets;
- Whether the public benefits of the scheme outweigh any harm to heritage assets
- Residential amenity (existing and proposed residential dwellings)
- Sustainability
- Transport and Accessibility

Principle of Development

In principle there is no objection to the uses proposed for the site. The application site is a very prominent corner site and on the eastern edge of the defined town centre. The principle of active ground floor uses is supported as well as the expansion of the creative workshops in Colonnade House. Although some concerns have been raised about the loss of existing businesses, the application proposes an increase in commercial floorspace and therefore there is no loss of employment floorspace. The Council's Estates Section is dealing with the current

leases in accordance with its duties under the Landlord and Tenant Act and is therefore not relevant in planning terms (albeit the concerns of existing businesses are understood). If existing businesses are required to relocate under the terms of their existing leases your Officers are aware of other vacant floorspace within the town centre which is currently available for these existing businesses. The provision of 6 residential flats would be welcomed in this town centre location particularly given that the Council cannot currently demonstrate a 5 year supply of housing.

The Consultee response from the Council for British Architecture (CBA) and the Worthing Society highlight the policy considerations involving the loss of heritage assets and the sustainability benefits of retaining and renovating existing buildings. The application site is located in the north-eastern section of the South Street Conservation Area. The proposal involves the demolition of the central and northern part of the application site, Nos 2, 3, 5 and & 7 High Street and 52 Ann Street. These buildings are local interest buildings and are positive contributors to the character of the Conservation Area and as such, there is a policy presumption in favour of retaining these heritage assets.

This is the key issue with this application and the applicant has sought to demonstrate that the loss of these buildings can be justified having regard to the viability issues of converting the existing buildings, the diminished significance of the heritage assets (as a result of subsequent alterations) and the public benefits of the overall development.

During pre-application discussions, the applicant was requested to investigate the scope to retain and renovate the existing buildings. Following the purchase of No 5 High Street from the County Council a structural survey was undertaken of the building which revealed the extent of fire damage and the presence of asbestos. A viability assessment was also undertaken that identified that the conversion of Nos 5 and 7, even for the optimum residential use (in terms of financial return) would not be viable. An extract from the financial appraisal is attached as Appendix 1 and shows that overall the project would result in a shortfall of over £90,000. As a result the proposed residential would not provide any financial assistance towards the Council's objective of expanding the successful creative workshops occupying Colonnade House.

The proposed residential use of the existing buildings would also not address the problems of different floor levels across the site and meet the applicants desire for a vibrant and active frontage with the ground floor providing enhanced meeting and creative space fronting the High Street.

The extremely poor condition of No 5 High Street, in particular and the significant conversion costs make this unviable as an option for the Council or any other commercial developer. It is also highly relevant that the current application is also not viable without significant financial investment by the Council as set out in the report to the Joint Strategic Committee (JSC) last month. The project is only viable if the Council seeks to use the residential accommodation for temporary and emergency accommodation (this helps offset the current revenue strain on the Council in providing temporary bed and breakfast accommodation) and by investing both capital and revenue funding for the first 10 years of the project. The extract from the JSC report sets out the financial costs to the Council:

“7.3 The most financially viable option provides commercial workspace opportunities managed by a Trust and the provision of 6 residential units for use as temporary/emergency accommodation. This scheme proposal has a capital cost of £4.050m and an average revenue cost of £7,800 per annum over the first 10 years of operation. The capital and revenue costs are broken down further in the following sections:

7.4 Capital

	2021/22	2022/23	Total
	£	£	£
<i>Estimated Construction costs</i>	1,027,923	2,015,845	3,043,768
<i>Allowance for Optimism Bias</i>	253,647	507,293	760,940
<i>Right to Light</i>	50,000	0	50,000
<i>Overage</i>	33,333	66,667	100,000
<i>Capitalised interest</i>	15,950	79,580	92,440
<i>Total capital costs</i>	1,380,852	2,669,386	4,050,238”

Whilst, there is a viability argument which has influenced the preferred option to demolish the locally listed buildings, given the presumption in favour of retaining heritage assets there is also a need to assess the significance of these heritage assets and the impact of the new development on the setting of the Conservation Area and adjoining heritage buildings. The key test in NPPF paragraphs 193-196 is whether a proposed development will result in *substantial harm* or *less than substantial harm*. The following paragraphs of the NPPF are particularly important in determining whether the loss of these heritage assets can be justified.

Paragraph 193 states: *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

Paragraph 194 states: *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*

The applicant commissioned a Conservation Consultant to prepare a detailed Heritage Statement and Heritage Significance report. The report identifies the significant changes to the buildings and the loss of architectural features and concludes that they do not warrant their ‘*local Interest building*’ status. The Heritage Statement provides a very detailed historical breakdown of the various changes to

the building and includes a photo circa 1888 which shows the significant fire damage to the 3/4 storey building subsequently replaced by the two storey element (Nos 2 and 3) as well as the subsequently removed verandah or raised colonnade which gave the building its name.



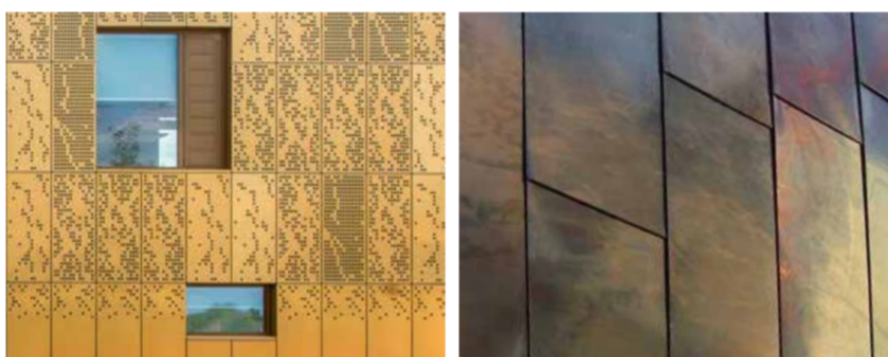
Although the Heritage Statement submitted with the application is very thorough it does rather over concentrate on the architectural merits of the individual buildings but does not, in the opinion of your Officers, have sufficient regard to the wider significance of the buildings.

As defined by NPPF, significance may be archaeological, architectural, artistic or historic interest and of course the Council designated Nos 5 and 7 local interest buildings after the alterations to the buildings had been carried out. The buildings were also identified as positive indicators to the Conservation Area. The Heritage Statement sets out the historical significance of the buildings and the link with Jane Austin gives the buildings added historical and community interest. As indicated by the CBA the alterations to No 7 with the addition of the Victorian cant bay shows the architectural evolution of the building and is a typical feature of the town and in this respect is an attractive addition in its own right.

Nonetheless, the condition of No 5 is significantly worse than expected following the purchase of the building by the Council and the difficulties of finding an economically viable use of the building are recognised and are a material planning consideration. The buildings are not statutorily listed and your Officers agree that their much altered form means that they are not worthy of formal designation. Whilst there are some elements of the Heritage Significance report that your Officers disagree with overall, your Officers agree with the overall assessment that the harm caused by the loss of the buildings on the site is less than substantial in NPPF terms. As indicated by the Worthing Society these buildings have in some respect been blighted by the proposed road widening scheme which the County Council eventually withdrew. This road widening scheme prevented any investment in the buildings for a number of years and explains why some of the uses in No 7 such as the Tailors business were only initially granted temporary planning permission.

Design, appearance and impact of the development on the setting of the Conservation Area and adjoining heritage assets;

At the pre-application stage amendments were made to the scheme to address certain detailed points including ensuring that the scale of development deferred to the lower scale of Ann Street. The principle of a more contemporary approach to the replacement of Nos 2 & 3 was supported and encouraged as an appropriate transition between architectural styles, and to emphasise the new entrance to the creative and digital workshops. The modernist (cubist) and overtly contemporary style is considered to be appropriate being reflective of the use of the building as an art/creative studio space. The gold metal cladding set at different angles would create different shadows and colours as illustrated in the DAS images below:



The CBA comments set out in the Consultation section do not raise any objection to the replacement of Nos 2 and 3 with the above contemporary section. However, the Worthing Society has raised some detailed concerns about the design of this element in terms of its fenestration and heavily modelled form. In response to these concerns your Officers comment that its bold form is deliberately designed to act as a contrast and transition to the replacement buildings for Nos 5 and 7. However, the architect has been asked to consider a slightly more balanced pattern to fenestration at second floor level.

The Worthing Society has also commented that thought should be given to the use of bay windows (cant or bow fronted) on the replacement for Nos 5 and 7 to reflect local vernacular. The design approach of a more simple contemporary replacement is supported and the traditional fenestration proportions would reflect some of the more simpler terrace forms of Steyne Gardens. Your Officers, however, agree with the Worthing Society about the need for care about brick choice, detailing and the colour for cladding for the top mansard roof. As the photomontage images below

illustrate, a light stock brick is proposed and a brick that reflects the older yellow stock brick used in the town would be appropriate in this location.



Your Officers main concern with the design has been the mansard roof and trying to reduce its apparent scale and mass. A light grey would assist to avoid the mansard appearing too heavy and ideally a further set back from the parapet would assist but this would compromise accommodation within this top floor. The large dormer windows appear oversized and increase the apparent bulk of the mansard roof. The architect has been asked to reconsider the size and to see whether smaller dormers aligned with the fenestration below help to relate more sympathetically with the classical proportions of the elevations. The replacement building for 5 & 7 High Street, would start to dominate the retained Colonnade building, due mainly to its larger massing and height and therefore, this does need to be treated sensitively in terms of detailing and cladding colours. Other details such as sills for windows, cornice and plinth detailing have also been raised with the architect as well as concerns about the proposed roller shutter door on the Ann Street frontage. Members will be updated at the meeting but it is considered that these matters can be dealt with by way of planning condition, if not resolved before the meeting.

In terms of the impact of the development on adjoining statutorily designated listed buildings your Officers agree with the applicants Heritage Consultant assessment that that the proposal would have little overall effect on the setting of these

buildings. The principal south elevation of No 45 Warwick Street immediately adjacent to the site would not be affected by the proposals as Colonnade House is retained. Whilst the greater height and bulk of the replacement buildings would restrict some views of the rear of No 45 Warwick Street, this would only represent some minor visual harm given the rear elevation is secondary in nature and the current views to the rear service yard is a less than attractive setting for the building. The setting of listed buildings on the south side of Warwick Street will have some limited impact in that the larger scale of the replacement buildings but the separation distances are such that any harm is minor in nature.

In terms of the wider Conservation Area your Officers also agree with the Heritage Statement which concludes that,

Overall, given the design approach to the new elements including their restrained scale and responsive materials palette, it is considered there will be very limited impact associated with the proposal on the character and appearance of the Conservation Area. While the marginal increase in height will result in some very minor harm to the designation (the retained part of Colonnade House, in particular), this is considered to be at the lower end of the less than substantial harm scale. The identified harm would also be outweighed by the public benefits associated with the proposal.

Whether the public benefits of the scheme outweigh any harm to heritage assets

As set out above the loss of heritage buildings on the site and the scale of the replacement buildings would cause some harm to the South Street Conservation Area and adjoining listed buildings but it is considered that overall this is less than substantial. Paragraph 196 of the NPPF outlines that where a proposed development results in less than substantial harm to the significance of a heritage asset, the harm arising should be weighed against the public benefits accruing from the proposed development. The National Planning Policy Guidance (NPPG) outlines what is meant by public benefits and this includes anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

In this case it is considered that there are clear and convincing public benefits of this development that would outweigh the harm identified to heritage assets.

Expanding the Creative and Digital Workshops: The expansion of Colonnade House is a key cross-cutting commitment in the Councils Platforms for Our Places 2020-22 that aims to develop the creative and digital sectors and skills base. In addition, the scheme is also identified to support the delivery of ultrafast broadband and the wider ambitions around the digital economy (1.4.3). The proposal also supports the Council's 'And Then' ambitions to develop the Councils capabilities to support our micro start ups and micro entrepreneurs in response to the Coronavirus pandemic.

Since the inception of Colonnade House as a cultural hub in 2016, the workshops have been established as a key creative component of the town centre. In partnership with the Adur & Worthing Trust, Colonnade House has maintained high occupancy levels with the gallery spaces near 100% capacity. Whilst the pandemic has restricted trading, the operation has seen 85% of the tenants retained and the gallery spaces still in demand, in readiness for the easing of restrictions. The expansion of Colonnade House will create new jobs and training opportunities and provide economic stimulus in a time of increased economic uncertainty.

Based on the additional floorspace it is anticipated that a further 39 jobs will be created as a direct result of the project, when all studio/workshop spaces are occupied. The majority of these jobs will be created through the upgraded and new studio spaces, whilst the ground floor cafe is predicted to generate 4 new full time equivalent jobs. The existing Colonnade House has supported over 100 creative industry professionals, therefore the expansion also has the ability to support indirect job opportunities.

The Creative Industries currently have a disproportionate number of micro-businesses compared with other sectors. This gives the sector a distinctiveness in terms of commercial floorspace and other business support requirements. Despite this, micro businesses in the sector are considered 20% more productive in terms of GVA per worker and they are more important in terms of net job creation than similarly sized businesses in other sectors of the economy.

Whilst, the concerns about the loss of heritage assets is recognised the replacement buildings with level access will address mobility issues with the existing structures and create an active frontage enhancing the entrance to the town centre. The redevelopment of this tired site in need of investment would help to diversify and reinvent the town centre with its proposed mix of studio, workshop and gallery space. With the connection of ultrafast broadband and the inclusion of Citizens Wifi, the Council intends for the expanded Colonnade House to become a central point for digital innovation and experimentation. It is hoped that this will provide a focus for creative networks and learning providers (including local universities and colleges).

The proposed 6 flats are intended to be used to provide much needed temporary and emergency accommodation to meet local housing needs. Given the level of unmet housing needs within the town the provision of 6 flats in a highly sustainable town centre location is an important consideration.

Overall it is considered that the development would provide significant public benefits to outweigh concerns about the loss of heritage buildings which although historically significant lack architectural merit, there are viability concerns about renovation to other uses and the current run down appearance of this prominent site.

The residential development would generate a CIL payment of approximately £52,500 (depending on when the scheme is implemented) to help deliver infrastructure improvements in the Borough.

Residential amenity (existing and proposed residential dwellings)

The proposed development would provide well designed apartments meeting the national space standards and providing a good standard of daylight to all flats. As noted by the Private Sector Housing team this would be based on slightly lower occupation levels than indicated on the submitted plans.

The submitted Daylight and Sunlight report assesses the impact of the development on the light received by neighbouring properties. The report concludes that the development will have a relatively low impact on the light received by neighbouring properties. However, the increased bulk and height of the replacement buildings would have some adverse impact on daylight levels to a window in an adjoining residential flat Flat No 45 Warwick Street when assessed against the Building Research Establishment (BRE) guidelines.. This window in the rear north elevation at first floor level falls slightly short of the BRE target of 0.8 in terms of the change to daylight levels post development (scoring 0.71).

The Daylight and Sunlight report however comments that, - *the BRE guide gives numerical guidelines, it states that these should be interpreted flexibly, since natural lighting is only one of many factors in site layout design.* Given that this is a high density town centre location it is not considered that this slight shortfall in daylight levels to this one window would result in any significant loss of amenity to justify a refusal of permission.

The development would not have any impact on gardens or open spaces as there are none to the north of the application site.

Transport and Accessibility

Whilst the development does not provide any parking, given its highly sustainable location it is not considered a problem. Nearby streets are within the Controlled Parking Zone. Secure cycle storage will be provided for the Colonnade House and the Hub users in the shared, dedicated storage area located within the service yard. Residential cycles will be stored within the secure entry lobby of the main residential stair core. Additional visitor spaces will be also provided in accordance with West Sussex cycle standards.. As a result the County Council as Highway Authority has raised no objection

A concern has been raised by the Highway Authority about the possible use of the highway by tables and chairs and a potential impact on a segregated cyclepath proposed along the western side of the High Street. As this would require separate consent for the siting of such tables and chairs this is not considered to be an issue. However, the County Council has been requested to provide further information on this matter to clarify its concerns.

Sustainability

The current Local Plan does not include specific guidelines for meeting BREEAM sustainability requirements, however, the emerging Plan which has just been out to consultation does require new development to meet a more exacting environmental standards in line with the United Nations sustainability goals. For non residential

development of at least 1,000 sqm floorspace and residential or mixed use development consisting of more than 200 residential units should achieve BREEAM New Construction or BREEAM Communities 'Very Good' as a minimum rating based on the latest BREEAM scheme.

This development falls below the 1,000 sqm threshold, however, the Council (as applicant) has stated that they are committed to delivering a scheme which applies best sustainable practices. The aspiration is to design a high quality, exemplary, highly sustainable, energy efficient and where possible, green solution. In this respect the new building will be designed to thermal standards in excess of current Building Regulation requirements which will aid high levels of thermal performance, and reduce the need for mechanical heating and cooling. The development is based on a fabric first approach, which will ensure that energy demand and CO2 emissions arising from space heating will be minimised, with a combination of low u-values and airtightness to minimise and avoid excessive heat loss from the building.

The submitted sustainability strategy has been designed to respond to the Adur and Worthing Councils Carbon Neutral Plan, working towards the 2030 target. Whilst the initial aim was to develop a solution for the commercial element of the building which would achieve a BREEAM 'Excellent' certification to respond to emerging council zero carbon policies. However, the constraints of the proposed location, the poor thermal and air leakage performance of the existing Colonnade House, and the limited opportunities for introducing a wide range of renewable energy solutions on the site result in the possibility of achieving such a certification unlikely.

Nevertheless the applicant has indicated a commitment to achieve high levels of energy performance and water consumption in order to target the levels of performance required to achieve the status of 'Excellent'. The range of sustainability measures adopted within the design include;

- Where possible, roofs have been designed to allow solar technology to be utilised if suitable.
- Large areas of glazing to work areas and habitable rooms and circulation spaces to allow for lower use of artificial lighting.
- Envelope thermal performance in excess of current Building Regulation requirements • Use of low carbon heating systems (heat pumps and heat networks)
- Mechanical Ventilation with Heat Recovery (MVHR) systems to the residential units
- Sub-metering of end-use categories
- Install energy metering systems
- Meter the energy consumption in buildings
- Sub-metering of high energy load and tenancy areas
- High air leakage performance
- Air source heat pumps
- Replacement of the existing windows to improve thermal performance and air leakage
- Water consumption in all units minimised through the use of practical and hygienic water-saving measures such as flow restrictors, reduced bath volumes, water-efficient white goods and dual flush toilets

- The orientation of buildings and aspect of the main spaces allows for good levels of daylight, with natural ventilation to all spaces provided by openable windows
- Sustainable drainage techniques will be used where practical to fully disperse surface water (SUDS)
- High-quality materials are proposed and will require the minimum of maintenance
- Materials will be specified where possible to minimise their travel distance to the site, ensuring where relevant materials are specified from recognised sustainable sources with the appropriate certification.

Other issues

Air Quality

An Air Quality Assessment has been submitted in support of the application, which demonstrates that subject to the implementation of mitigation measures the proposed development is considered acceptable in air quality terms. The mitigation relates to low carbon heating systems and encouragement for sustainable means of travel to and from the site. As the proposed development is not set to introduce receptors to an area of poor air quality, nor should it have a significant impact on air quality in the local area, it is accepted that there is no requirement for site specific air quality mitigation.

Drainage

As indicated by the Councils Drainage Engineer and Southern Water early engagement with the drainage bodies is encouraged to assess the scope for reuse and filtration to restrict the rate of surface water run off from the site, particularly as underground storage may be an issue on this site.

Conclusion

The site has been blighted by a road widening scheme that has affected investment in the existing buildings on the site. The fire damage to No 5 is significant and this property is in an extremely poor condition and it would not be viable to convert or renovate either No 5 or No 7 to residential use. The proposed redevelopment would also not be viable without additional capital and revenue investment by the Council as set out in the recent report to the Joint Strategic Committee.

Overall the site is in a very poor condition and seriously detracts from the current appearance of the Conservation Area and approach to the town centre. Whilst, retention of historic buildings is always preferable in this instance the loss can be justified given the significant public benefits that the development would bring in terms of new jobs, housing and activating this key and prominent town centre site. The development proposes sustainable development that will develop and expand the creative and digital sectors which are vital for the economic wellbeing of the town.

Recommendation

The Committee is recommended to **APPROVE** the application subject to the receipt of further information on the design of dormer windows, fenestration details and subject to the following conditions :-

1. Standard Full Permission (Time Period)
2. Approved Plans
3. Submission of materials cladding, windows, roofing and bricks (including sample panels).
4. Submission of surface water drainage scheme (as recommended by Technical Services)
5. Maintenance and management of surface water scheme (as recommended by Technical Services)
6. Details of as built scheme (as recommended by Technical Services)
7. Construction Management Plan ((as recommended by WSCC Highways).
8. No demolition until a contract has been let to secure the redevelopment of the site.
9. Details of architectural features - fenestration, sills, string courses and fascia details.
10. Provision of cycle storage.
11. Notwithstanding the submitted details the aluminium roller shutter door is not hereby approved. Prior to the commencement of development alternative door details shall be submitted to and approved.

21st April 2021

Cost Estimate	Option 1	Option 2
Facilitating Works	58,113	65,975
Refurbishment Works	139,300	189,100
External Works & Connections	34,500	32,000
Main Contractor's Preliminaries	27,830	34,449
Main Contractor's Overheads and Profit	23,191	28,708
BREEAM Excellent	4,244	5,253
Risk Allowance	28,293	35,023
Project Fees	28,293	35,023
Total Project Cost	343,764	425,531
Revenue and Capital Receipt		
30m2 : Studio	460,000	92,000
41m2 : Studio / 1 Bed	-	375,000
Total Capital Receipt	460,000	467,000
Current Property Valuation	110,000	140,000
Profit from Capital Receipts	6,236	-£98,531

Further Update

Members will recall that the application came before the Committee on the 22nd September where it was agreed to delegate the decision to Officers to await expiry of the consultation on the revised Certificate and notice within the newspaper.

Since the publication of the notice a number of representations have been received including details of rights of access/ownership over the access road. These are set out in the Representation Section of the report. Given the additional representations received since the report was considered by Members (during the consultation period on the revised Certificate) it has been decided to report the matter back to Committee.

The application originally came before the Committee on the 25th August. The application was deferred *'to further consider accessibility issues to the site with a view to upgrading the private track to ensure it is adequate to serve future users including wheelchair users.'*

Since the deferral the applicants through their agents have provided a further supporting statement, served certificate D and placed an advertisement in the newspaper and provided a letter of intent to carry out work.

Supporting Statement.

The full statement is attached below. It sets out that every effort to try and identify the owner of the access has been pursued and that the land would consist of private land. They will continue to try and identify the owner. They reiterate that the access road would only be used by pedestrians and cyclists associated with the development and would be car free and meets strategic objective 7 of the Core Strategy. They indicate that there are no planning requirements for wheelchair accessible housing, particularly on this scale of development. They confirm that the development would meet with building regulations M4(2) category 1 visitable dwellings standard . They point out that the access is currently well used by pedestrians and cyclists and WSCC highways have not raised any objections. Having taken legal advice they indicate that the owner of the land will ultimately be responsible for maintaining a safe route along the access road. They indicate that the applicant has already been carrying out informal maintenance to the existing access including clearing overgrown bushes. It is stated that to attach a grampian style planning condition to secure works to the access would not meet the relevant tests due the ownership of the land.

Certificate of Ownership

An amended certificate of ownership has been received (Certificate D) to indicate that the applicant does not own all the land to which the application relates and does not know the names and addresses of any of the owners. Certificate D requires the applicant to publish in a local newspaper.

The notice was published in the Worthing Herald on the 9th September. The notice expired on the 30th September.

Letter of Intent

A letter of intent that indicates that the applicants would be willing to ensure that remedial repairs required due to the development would be carried out by applicants and the road surface improved to make access easier for all.

Access Group

Following discussion with the Head of Building Control, it has been established that there is not currently an access group in existence for Worthing that can look at the access track and provide advice from a disabled user's point of view.

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 client brief:
 4 X 1 BEDROOM APARTMENTS - 50 SQM
 2 X 2 BEDROOM APARTMENTS - 70 SQM

RE CAR PARKING PROVIDED
 BIKES STORAGE front lane
 BIKES 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 corridor 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

Additional Representations relating to Ownership of the Private Roadway

Set out below is an extract from the Cobden Road & Norfolk Street (South end) Residents Group:

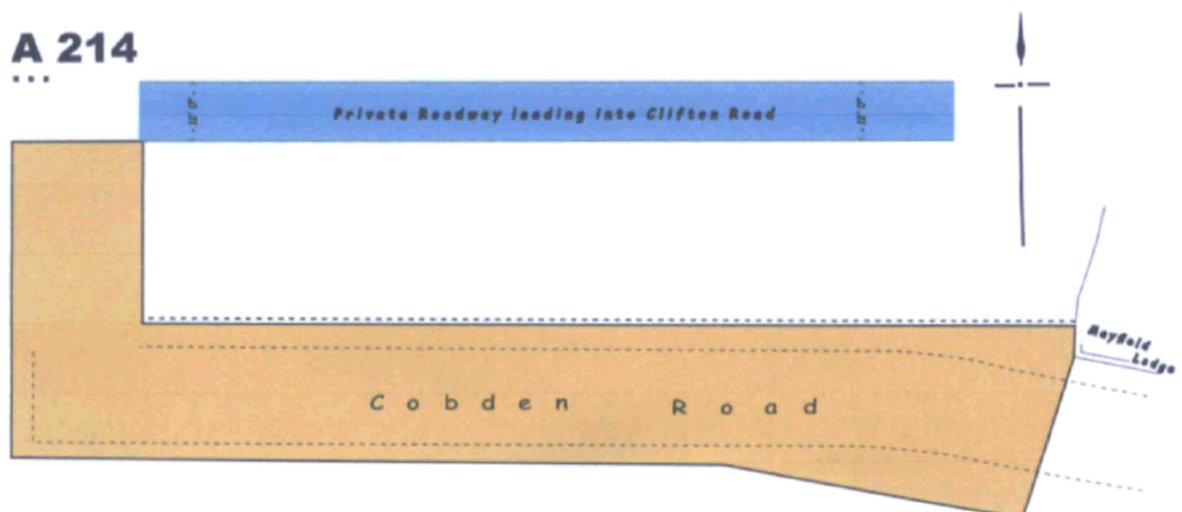
“Regarding the ownership of the Private Roadway mentioned in planning application AWDM/0550/21

The Private Roadway running West to East, from Norfolk Street to Clifton Road, is owned jointly in varying amounts by properties 1-5 Norfolk Street, Worthing and the following properties in Cobden Road, 42, 40, 38, 36, 34, 32, 30, 28, 26, 24, 22, 20, 20a, 18, 16, 14, 12, 10, 8, 6, 4, Richard Cobden Public House.

The Private Roadway, referred to as the ‘blue road’ in the properties title deeds and conveyances, in part, is delineated below and clearly shows the twelve foot width of this Private Roadway together with extracts from residents indenture which appertain to its legal use:-

Dated 10th February 1903

Conveyance of hereditament and premises in Cobden Road, Worthing, Sussex.”



“TOGETHER with the messages lately erected hereon by the Vendors and TOGETHER with a right for the purchaser his heirs and assigns owner or owners for the time being of the hereditaments hereby conveyed his and their tenants and all persons authorised by him or them to use in all respects as public roads may be used such part of Cobden Road as it is coloured brown on the said plan and also the private roadway on the North side of the hereditaments hereby conveyed and in part coloured blue on the said plan ...”

The representations received also include a number of individual property owners who have provided concerns following the notice published in the paper that due diligence has not been carried out. They indicate that they have not been contacted by the applicant/agent as owners and those that have access rights over the land. Some property owners indicate that part of the land shown within the application site is in fact used for storage and continual access rights for residents in Cobden Road which would have an impact on any redevelopment of the site and the applicants letter of intent.

They are concerned that the ‘notice of intent’ to carry out works to the access is not feasible with many residents who have access rights being potentially opposed to any works and the development as a whole due to its restricted nature and poor access.

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 needs 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 principal has been established for residential 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.

WSSC highways department has 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 to serve the proposed residential development. The applicant is reluctant to agree to a grampian style condition requiring the track to be upgraded and relies on the fact that permission has already been granted for the conversion of the buildings to residential use under permitted developments without any road improvements. Whilst, the previous prior approval for residential conversion is a material consideration access was not a relevant consideration under this process. However, this planning application does require a wider analysis and Members have expressed concern about the adequacy of the access to meet the needs of all future occupants (including those less able). In the circumstances and given that the applicant has not been able to identify the owner, a condition requiring improvements prior to occupation does seem reasonable in the circumstances.

Unfortunately the Worthing and Access Mobility Group does not currently exist and therefore it has not been possible to seek guidance. However, national guidance on inclusive mobility is clear that,

Uneven surfaces, gaps between paving slabs etc whether within or outside buildings can cause problems for people using sticks and crutches, visually impaired cane users and wheelchair users. Joints between flags and pavers should not be less than 2mm and not more than 5mm wide. For pedestrian-only footways, flags can be laid with wider joints (6-10mm) filled with compacted mortar. Maximum deviation of the footway surface under a 1 metre straight edge should not exceed 3mm. New cobbled surfaces are unlikely to be appropriate and, even in historic environments, alternatives should be sought. See guidance on the acceptability of the current proposal.

Whilst, Part M of the Building Regulations also talks about level access for the disabled it often does not apply beyond the development site. However, the general guidance does say for all approach roads to dwellings should have appropriate surfacing.

Given the above guidance it is considered reasonable to require an upgrade to the surface of the existing track and this can be secured by way of a suitably worded condition. The ownership of the Lane is in some dispute as Members heard at the last meeting and many residents have indicated that they would resist any improvements which might encourage additional vehicle movements. Your Officers have seen conveyances that suggest that all properties have a right of way over the Lane (which would normally be the case). However, the Cobden Road Residents Assoc. suggest that a number of properties actually own the road and would therefore be able to resist any improvements. The applicant has been requested to comment on these claims but at the present stage the applicants agents maintains that:

'From a review of the letters sent into the Council since the Planning Committee, as noted below we do not consider that these raise any further issues than those known about on the evening. The most recent letters from residents claim part ownership of the lane but there has been no evidence produced to substantiate this by residents. Register plans/title information shows that the resident domains fall at their rear walls and do not include any of the lane (albeit they all have access, as do the applicants and public). The 'burden' referred to is a covenant that seeks that residents pay a 'fair portion ' to the upkeep and maintenance of the road which clearly does not take place.

There could not be any rights of adverse possession granted as no one has exclusive use of the lane. Therefore, the applicants are able to repair and maintain the lane as required by the Council and have undertaken to consult with the residents before doing so. On this basis we don't see any need to report back to the Planning Committee and request that the decision notice is issued.'

In the circumstances, your Officers consider that there is a reasonable prospect that the applicant can secure some improvements to the Lane. The applicant has in this respect still committed to engage with the owners (if ownership can be proven) and given the comments of the local Residents Association an early meeting with the residents would be beneficial.

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.

As reported at the last meeting the applicant is willing to meet the new Part L Building Regulations which come into force next June and this will ensure that the improved energy efficiency and renewable energy targets set out in the Councils Sustainability Code will be met and this can be secured by condition.

Recommendation

APPROVE

subject to the following 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.
13. Details of measures of sustainability including use of renewable energy
14. Prior to occupation of the dwellings hereby approved the access track serving the development shall be improved in accordance with details first submitted to and approved in writing with the LPA.

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Mr James Appleton
Development Management
Worthing Borough Council
Portland House
44 Richmond Road
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West Sussex
BN11 1HS

08 September 2021
Ref: RH/Let/P1684

Dear Mr Appleton,

**Garage Site South of Heene C of E Primary School, Norfolk Street, Worthing.
Application Reference AWDM/0550/21.**

We are contacting you on behalf of the Applicant, **BR7 Ltd**, with regards to the application at Norfolk Street which was heard at Planning Committee on Wednesday 25 August 2021.

As you will be aware, the application was subject to significant debate by Committee Members and was subsequently deferred for the following reason, as set out within the Planning Committee minutes:

'Application DEFERRED to further consider accessibility issues to the site with a view to upgrading the private track to ensure it is adequate to serve future users including wheelchair users.'

We have prepared this letter, ahead of the deadline of Thursday 9 September 2021, to allow the application to be heard at the next Planning Committee meeting on 22 September 2021. Please see below our response to the reason for deferral which has been separated into relevant headlines.

Ownership of Access Road

We wish to reassure Members that every effort has been made to try and identify the Owner of the access lane, **prior to submission** of the application. Unfortunately, we, including the Applicant and their Solicitors, have been unsuccessful in trying to find the Owners of the lane.

A search of West Sussex Highway's maps was undertaken prior to submission which revealed that the lane is neither adopted or non-adopted and would therefore appear to consist of private land. Refer to Figure 1 for information.

Managing Director
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Adam King RIBA
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Figure 1 - West Sussex County Council Adopted Roads Map

In this regard, a review of Land Registry had been undertaken prior to submission which revealed that the lane did not have a Title Plan or Register covering the whole extent of the lane. Refer to Figure 2 for information.



Figure 2 - Land Registry (Source: Nimbus Maps, 2021)

It was noted that a sub-station is located to the east of the site and is owned by UK Power Networks who clearly need to use the lane to access the sub-station. The Applicants contacted UK Power Network who advised that they also do not own the lane and only owned the land highlighted in green as illustrated in Figure 3.



Figure 3 - UK Power Network Land Ownership

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The application has therefore been advertised in the Worthing Herald newspaper and www.worthingtoday.co.uk.

The Applicant and Solicitor have been continuing to find out who the landowner of the private lane is and will continue to do so post determination.

Access as a Material Consideration

It is important to note that for the purposes of this planning application, the access road would only be used by pedestrians/cyclists associated with the development and would not be used by cars as the scheme is car free and does not seek to accommodate any car parking.

The concerns of Members are understood but it must be recognised that this car free development meets most of the Core Strategy **Strategic Objective 7** key outcomes in that it reduces the proportion of car journeys and increases the proportion of journeys by more sustainable modes; locates new homes in a sustainable location, providing opportunities for pedestrians and cyclists and helps to improve local air quality. It is also clearly established that the site is almost derelict and that alternative uses such as light industrial are inappropriate in this location with no vehicular access and close to many other homes, and as such the proposals are inherently sustainable, making the most efficient use of land.

Strictly speaking, there are no planning policy requirements for wheelchair accessible housing, particularly on redevelopments of this scale. The development is however designed to building regulations M4(2) category 1 visitable dwellings standard which will deliver a safe and accessible environment within the units and exterior spaces. The units are not designed to wheelchair standards (such as M4(2) accessible and adaptable dwellings or M4(3) wheelchair user) as the practicalities are that there is no parking with this development which is less suitable for and elderly or less ambulant persons. Adaptable or wheelchair user standards would also have much greater internal (and conversely external) space and layout needs which again, are not considered appropriate for a tightly constrained, high density and bespoke development. The scheme responds to the constraints of the site and surroundings and may be more appropriate for more ambulant users but as mentioned, due to its location residents would be required to walk/cycle to and from the site rather than be reliant on a car.

The applicants have sought advice from their architect, transport consultant and solicitor in order to consider the access needs of all, including those less ambulant or elderly but currently face some constraints in making significant surface improvements to the track. It should be noted that WSCC Highways have also not raised any concerns. The access road is currently well used by pedestrians and cyclists who move to and from the site on a regular basis as shown by the photograph below taken at 9.20am on Tuesday 31 August.



Figure 4 - Photograph of Existing Lane

Notwithstanding the above and as previously set out within this letter, the Applicant is willing to upgrade the access lane where possible and has/is actively seeking confirmation as to the private owner of the lane.

Having taken legal advice on the matter it is relevant that the owner of the land will be ultimately responsible for maintaining a safe route, one that could be used by people with mobility needs, ensuring that the access is Disability Discrimination Act compliant although this is not strictly a planning matter.

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Informal Maintenance of the Existing Access

It is important to highlight that the Applicant has already been carrying out informal maintenance to the existing access including regular clearing of the overgrowth of bushes and trees to protect the continued access. The Applicant will continue to do this in managing the property and is local to the site. The Applicant is keen to deliver a high quality development and will be speaking at Planning Committee to emphasise their commitment to the scheme.

Conclusion

To conclude it would not be considered appropriate for the application to be refused on grounds of access when an existing access is already achieved to and from the site, and is regularly used by pedestrians, cycles and vehicles, as set out within this letter. The Applicant has and is actively seeking confirmation as to who the owner is of the access lane and will continue to do so in order to improve the access lane, if possible. To attach a Grampian style planning condition would not meet the relevant tests due to the ownership issue. We would therefore respectfully request that an Informative is attached to a decision notice to allow these conversations to continue to take place. The Applicant would have otherwise accepted a condition but as explained to Members during the last meeting, this would not be achievable or enforceable.

It has been demonstrated that the Applicant has a clear desire to maintain the access where achievable and will continue to do so through regular maintenance.

There is an additional matter of design that the applicants wish to address as there were some concerns raised by Members on this issue also. We must emphasise that alternative layouts were presented to the Planning Authority through pre-application discussions but were dismissed with Officers heavily favouring the current arrangement. The design is in form and scale very similar to the current buildings and through the courtyard design can respond to the site's constraints, particularly amenity and overlooking. The Applicant has also agreed to design amendments where requested by Planning Officers to create a building of the highest quality. The Applicant was therefore understandably concerned to hear the conflict on design matters between Members and Officers when a significant amount of work has been undertaken to result in the current designs which have been steered by Worthing's Planning Officers.

If you have any further queries or require further information please contact me on 01903 248777.

Yours sincerely
ECE Planning



Huw James MRTPI
Director

**Local Government Act 1972
Background Papers:**

As referred to in individual application reports

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Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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

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Agenda Item 8

Agenda Item 8

Application Number: TPO 4 of 2021

Recommendation – CONFIRM
ORDER

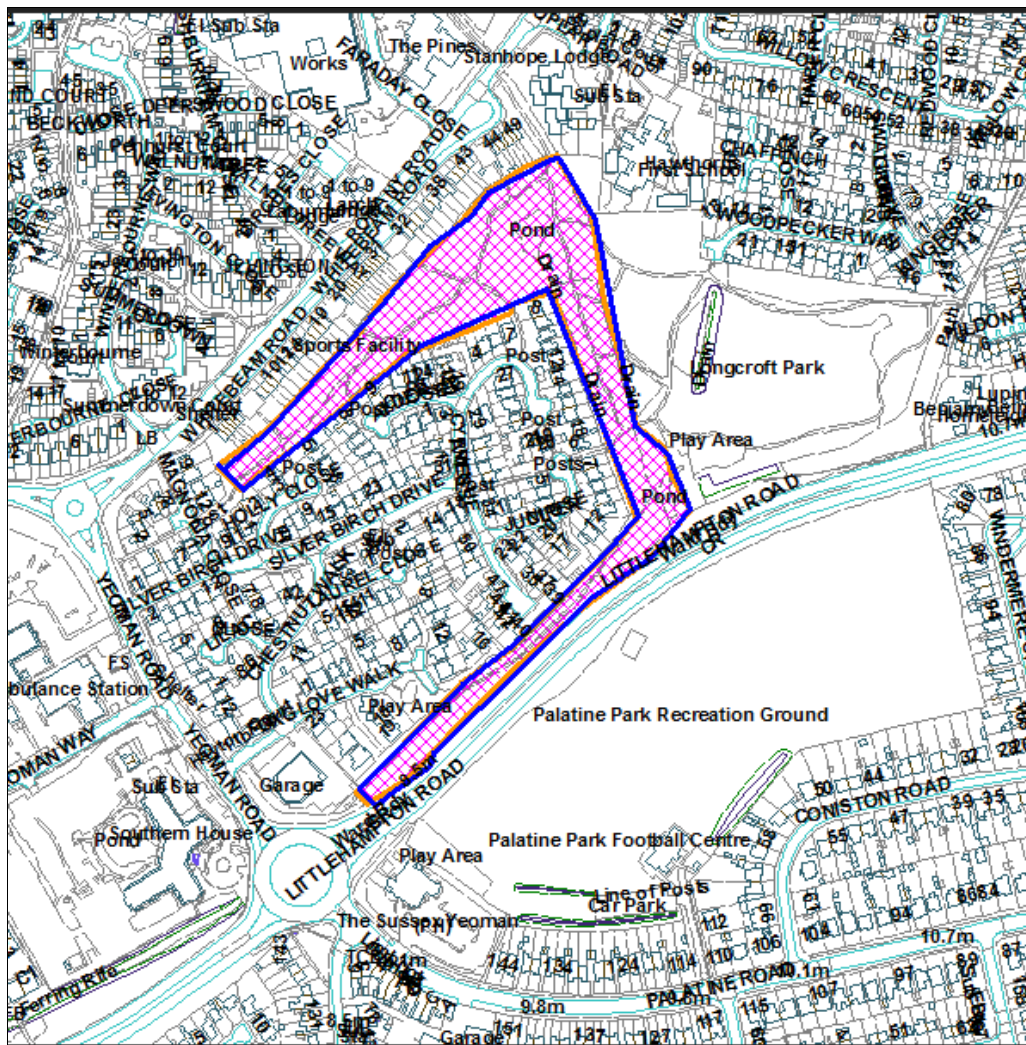
Site: Whitebeam Woods Whitebeam Road Worthing

Proposal: Confirmation of Tree Preservation Order 4 of 2021

Applicant: Worthing Borough
Council

Ward: Northbrook

Case Officer: Jeremy Sergeant



Not to Scale

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Proposal, Site and Surroundings

The Order which is the subject of the report was previously confirmed by Worthing Planning Committee on 25/08/21. Following the meeting, it was discovered that the relevant notification to neighbours, informing them that that the Tree Preservation Order was being considered, had not been carried out. All adjoining neighbours have now been notified, and therefore the Committee is asked to reconsider this TPO in conjunction with any additional representations that may be received, which will be reported at the meeting.

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 was 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, but the Order was previously considered by the Committee in August.

Consultations

None

Representations

2 objections were originally 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 remain of the view 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 Preservation 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 remains as confirmed.