



WORTHING BOROUGH  
COUNCIL

16 November 2021

**Worthing Planning Committee**

<b>Date:</b>	<b>24 November 2021</b>
<b>Time:</b>	<b>6.30 pm</b>
<b>Venue:</b>	<b>Council Chamber, Worthing Town Hall</b>

**Committee Membership:** Councillors Noel Atkins (Chairman), Karen Harman (Vice-Chairman), Dan Coxhill, Jim Deen, Martin McCabe, Helen Silman, John Turley 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](mailto:democratic.services@adur-worthing.gov.uk) before noon on Tuesday 23 November 2021.

**Agenda**

**Part A**

**1. Substitute Members**

Any substitute members should declare their substitution.

**2. Declarations of Interest**

Members and Officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such as interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

Members and Officers may seek advice upon any relevant interest from the Monitoring Officer prior to the meeting.

### 3. Public Question Time

So as to provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by midday on Monday 22 November 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](mailto: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 20 October 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 - 108)

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

### 7. Planning Appeals

None

## Part B - Not for publication - Exempt Information Reports

None

#### Recording of this meeting

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

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Katy McMullan Democratic Services Officer 01903 221006 <a href="mailto:katy.mcmullan@adur-worthing.gov.uk">katy.mcmullan@adur-worthing.gov.uk</a>	Solomon Agutu Senior Lawyer & Deputy Monitoring Officer 01903 221045 <a href="mailto:solomon.agutu@adur-worthing.gov.uk">solomon.agutu@adur-worthing.gov.uk</a>

**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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Planning Committee  
24 November 2021

Agenda Item 6

Ward: ALL

Key Decision: Yes / No

WORTHING BOROUGH  
COUNCIL

## Report by the Director for Economy

### Planning Applications

**1**

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

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

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

**2**

**Application Number : AWDM/1875/21                      Recommendation - REFUSE**

**Site:    Kingswood Home, 140 Heene Road Worthing**

**Proposal:                                      Conversion of existing care home to provide 7no.  
residential apartments involving demolition of attached  
conservatory; development of a detached 2-bedroom  
bungalow to south side and adaptation and enlargement  
of original coach house to provide a 3-bedroom dwelling  
(9no. dwellings in total) plus 7no. parking spaces  
(resubmission of planning application AWDM/0601/21).**

**3**

**Application Number : AWDM/1102/21                      Recommendation - APPROVE**

**Site:    Land Between Station Car Park and Footbridge, Tarring Road, Worthing**

**Proposal:                                        Proposed detached 2-storey 3-bedroom flat-roofed house with south-facing first-floor balcony, parking, driveway and landscaping**

**4**

**Application Number : AWDM/1591/21                      Recommendation - APPROVE**

**Site:    42 Alfriston Road, Worthing**

**Proposal:                                        Construction of rear Workshop / Store Outbuilding (part retrospective).**

**5**

**Application Number : AWDM/1422/21                      Recommendation - Temporary Approval - 12 months**

**Site:    24 Vale Drive, Worthing**

**Proposal:                                        Use of part of front driveway/hardstanding to station a non-static vehicle for the sale of refreshments (specification not exceeding 4m in length, 2m width and 2.5m high).**

**6**

**Application Number : AWDM/1746/21                      Recommendation - APPROVE**

**Site:    Central Pavilion, Beach House Park, Lyndhurst Road, Worthing**

**Proposal:                                        Change of use from clubhouse to restaurant/cafe (Use Class A3) on the ground floor with associated function space at first floor (application to Vary Condition 4 of previously approved AWDM/0624/15 to allow occasional wedding ceremonies).**

**7**

**Application Number : AWDM/1843/21                      Recommendation - APPROVE**

**Site:    Brooklands Pleasure Park, Brighton Road, Worthing**

**Proposal:                                      Demolition of existing toilet block and proposed new cafe and public toilets, plant and refuse room, accessible play area, with associated landscaping and bike storage (application to vary condition No. 1 of previous approval AWDM/0266/20 - amending the approved plans relating to the design and size of the approved cafe and toilet building).**

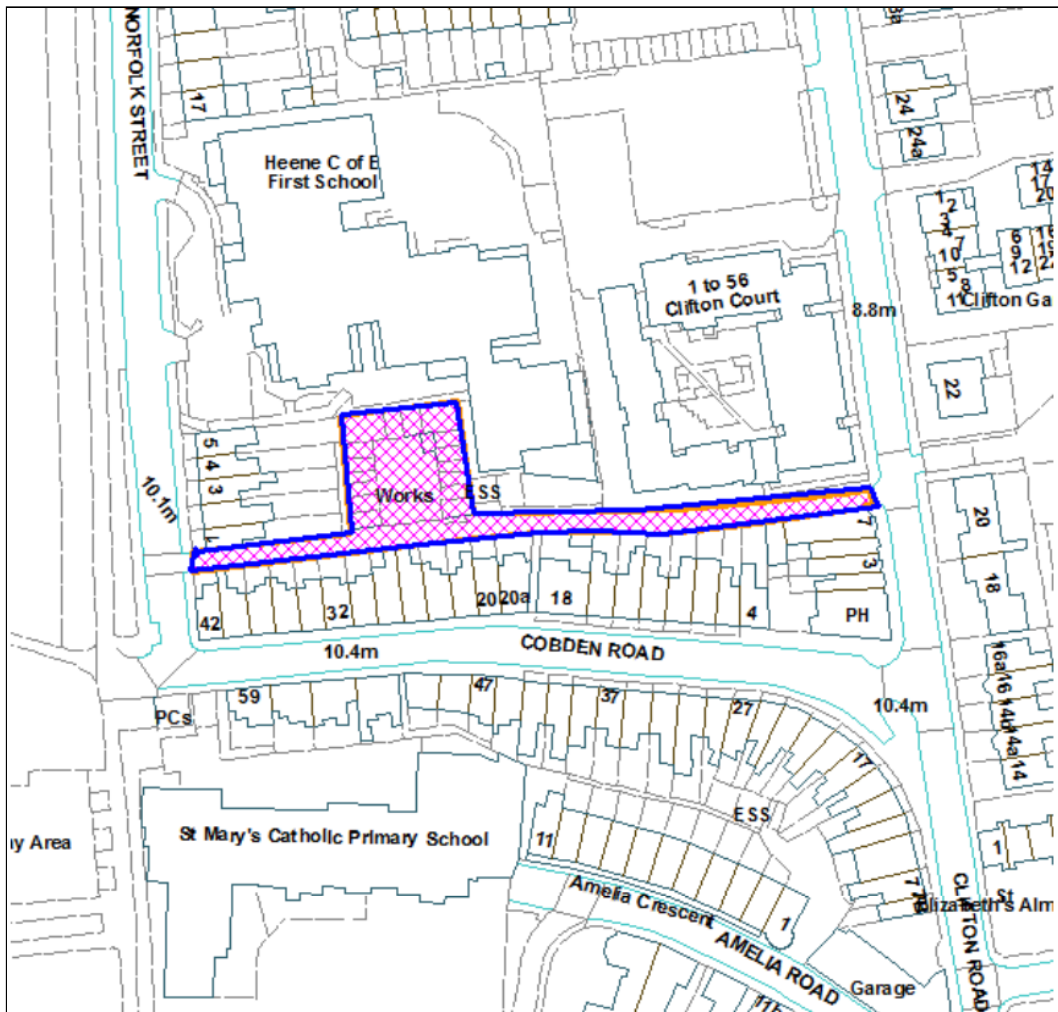
**8**

**Application Number : AWDM/1806/21                      Recommendation - APPROVE**

**Site:    Portland House, 44 Richmond Road, Worthing**

**Proposal:                                      Replacement of white UPVC windows and doors to composite white polyester powder coated aluminium/timber framed triple glazed windows and doors.**

<b>Application Number:</b>	<b>AWDM/0550/21</b>	<b>Recommendation - APPROVE</b>
<b>Site:</b>	<b>Garage Site South Of Heene C Of E Primary School Norfolk Street, Worthing</b>	
<b>Proposal:</b>	<b>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.</b>	
<b>Applicant:</b>	<b>BR7 Ltd</b>	<b>Ward: Central</b>
<b>Agent:</b>	<b>Mr Huw James ECE Planning Ltd</b>	
<b>Case Officer:</b>	<b>Jackie Fox</b>	



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## **Background**

This application was deferred at the last Planning Committee meeting, specifically to enable further discussions between the applicant and objectors to the development in relation to the scope of any improvement works to the unadopted access track serving the site.

Your Officers facilitated a meeting between the adjoining residents and the developers on the 28th October 2021. The meeting considered the concerns of local residents about the lack of turning facilities for larger vehicles (which currently use the existing site) and improvements to the unadopted road that would lead to increased vehicular traffic. Related matters included concerns about the safety of pedestrians using the access (particularly at night), ongoing maintenance responsibilities and refuse arrangements previously agreed with the Council.

At the meeting it was agreed that the developers would consider the residents concerns and committed to:

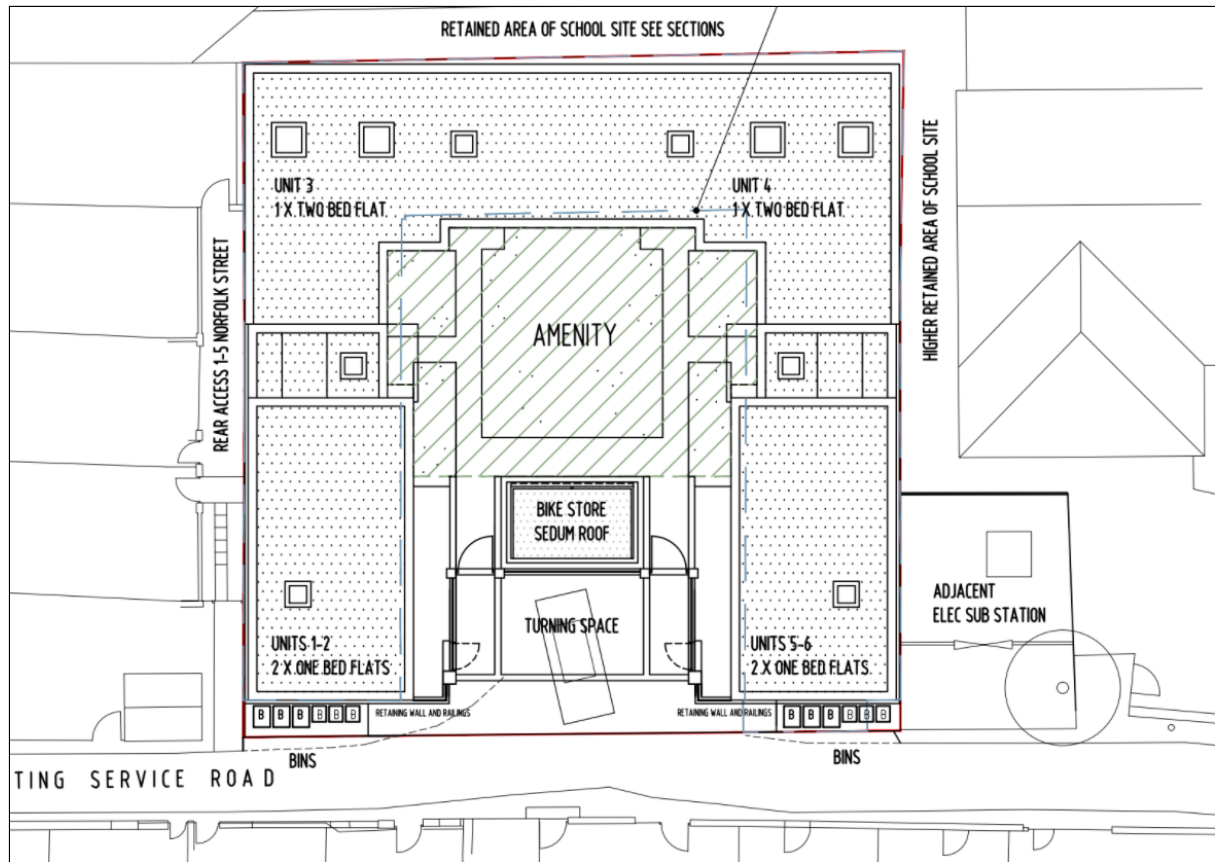
- i) Investigate the scope to amend the current scheme to incorporate a turning space for users of the Lane so that larger vehicles could access onto Clifton Road (which has greater width and better visibility).
- ii) Make provision for residents' bins along the frontage of the site.
- iii) Consider the scope for more minor improvements for surfacing and consider the scope for new residents of the development contributing to a maintenance fund for future repairs.
- iv) Investigate the scope for signage and possibly some bollards to give the impression of restricted width to discourage vehicles using the access as a cut through to Norfolk Street.
- v) Aim to have a joint statement prepared by the Developer and the residents to be presented to the Planning Committee.

The previous Committee report is attached for Members information.

## **Current Position**

The meeting was positive with representatives of the local residents although it is fair to say that many felt that the continued commercial use of the site would be preferable and there were considerable concerns that the development would have an adverse impact on their properties with greater vehicular traffic than there is currently. However, it was also acknowledged that there are only a few units occupied at the present time and if retained and fully let for commercial use the traffic could increase significantly.

The residents have been sent a suggested amended plan which is set out below suggesting a turning space could be incorporated and a revised bin arrangement to accommodate existing bins stored along the site frontage (see below):



### Additional Representations

The applicants are still discussing a possible joint statement but having considered the above amended plan and had further discussions with the wider residents association the following statement has been sent to the applicants by the Cobden Road and Norfolk Street Residents Association setting out its continued concerns with the development:

- 1) *Disappointment that no alternative to the block of flats can be considered; ie: the smaller residential layout, 2 x 2 bed flats and 1x 2 bed house, with electric car spaces and turning area which would have alleviated the need for improving the access roadway at all.*
- 2) *The outlined plan you submitted showing the proposed space for a car 'turn point', unfortunately does not solve the problem of turning for 'transit' type vehicles, as the space indicated is far too small. It is not cars that can't get out of both ends, it's the 'transit' type vehicles. Also this would still require an improvement to the roadway.*
- 3) *The placement of an 'Aco type' centre path along the roadway was discussed, it was agreed that to implement this type of product would entail a large amount of preparation work to the roadway before laying it, which many felt would not be possible. It was also considered that the roadway could well be worse off with*

*vehicle wheels carving deep furrows each side, making it much more uneven and more prone to puddling on a regular basis, this would involve increasing maintenance frequency and costs, which nobody was in agreement with.*

*Some said we would just be paying maintenance for something that would be of no benefit to us and would likely make our roadway worse anyway. Removing trees, cutting what little is left of the roadways greenery has also been rejected by the majority of residents.*

*The idea of forming an official residents maintenance fund was discussed, residents agreed that it would be ineffectual, as it would be impossible to enforce without legal commitment. This led to concerns being voiced regarding legal costs of having everyone's deeds updated with new schedules outlining the commitments of burden, that would be necessary if everyone agreed in the first place, which in fact they did not agree. Also a number of residents were asking if these flats were going to be sold as freehold or leasehold.*

- 4) Incorporating our existing bin storage within your new bin area (as detailed on your application plans) which (according to our surveyor) will be an encroachment on the 12 foot width roadway, as measured from the north boundary walls of the Cobden Road residents. Which is stated on the most up to date deeds available. So this proposal for the incorporation of the bins, has not been accepted by the residents concerned.*

#### **CONCLUSION:**

*After discussing the proposals and suggestions that you emailed, the residents have been unable to agree on a satisfactory way forward. It is impossible to find a solution that will be right for everyone's individual needs and impossible to force everyone to agree on a compromise. As the roadway is now and has been for the past 30 years, a greenish type corridor, it serves its purpose as access for all those who have access rights onto it at this time. It was originally never meant to be the only pedestrian/cycle access route for a residential site. The roadways NEW USE, as an adequate and safe pedestrian access route to residential homes was never investigated or thought about in the beginning, it was just one bad assumption after another, the logistics and implications were never considered before the plans went ahead, after all what do they say 'never assume' and 'the devil is in the details'.*

*Even though this has nothing directly to do with the planning application itself, the majority of residents have continued to express their great concern over any demolition or construction work happening on this site. Also the land contamination by oil and maybe sewerage. Noise, dust, access, all of these are going to be very contentious issues.*

*Upgrading the roadway in any way is not something the residents are willing to accept or compromise on. So that seems to leave the following options, all of which require no improvement to the roadway:*

- 1 New plans incorporating a smaller development, including car spaces and turning facility.*
- 2 Converting the existing site as a permitted development.*
- 3 Keeping it as it is now, a light commercial site and upgrading it in some way.*

*On a positive note, all these discussions and extra meetings have made us aware of important concerns, from not only the Clifton Road Residents, who have front doors opening onto the roadway, but also at the Norfolk Street end and in general about the weight, width and speed restrictions on the roadway as a whole. We are already preparing for appropriate signage etc. to alleviate these concerns.*

## **Planning Assessment**

At the last Planning Committee Members considered that the development was acceptable in principle but determination should be delayed to enable residents to discuss their concerns with the developer about the proposed improvements to the unadopted track serving the site. It is clear from this meeting that residents are extremely worried about any significant improvements to the track as it may encourage greater use.

The revised plan does not incorporate some limited turn on site facilities, although as pointed out for the residents this is primarily for cars not delivery vehicles. Whilst it would incorporate turning for small commercial vehicles, larger vehicles such as supermarket delivery lorries would need a larger area and would compromise amenity space for residents.

Having reviewed the surfacing of the unadopted track and having had regard to the representations of the residents, your Officers have some sympathy with the local residents particularly those that have pedestrian access to the track. The track is well compacted and generally flat and easy to walk over. The provision of a tarmacked surface would encourage greater use which potentially affects pedestrian safety use of the access as a cut through to Norfolk Street. Given that the fallback position is a conversion scheme under permitted development for 3 dwellings with continued commercial use, on balance, your Officers feel that the development is acceptable without further improvements to the access other than repairs to any damage undertaken during construction work. It would be important to ensure that the turning area is retained for such purpose to support the intention for a car free development.

The discussion with the residents has been beneficial albeit no agreement reached, the amended plan has at least provided some limited turn on site facilities and agreement has been reached to provide an area for existing bins. The commitment to offer new residents to contribute to any future maintenance of the track has been made by the applicants but this would need to be covered in future leases and would have to be an agreement outside the planning process.

## **Recommendation**

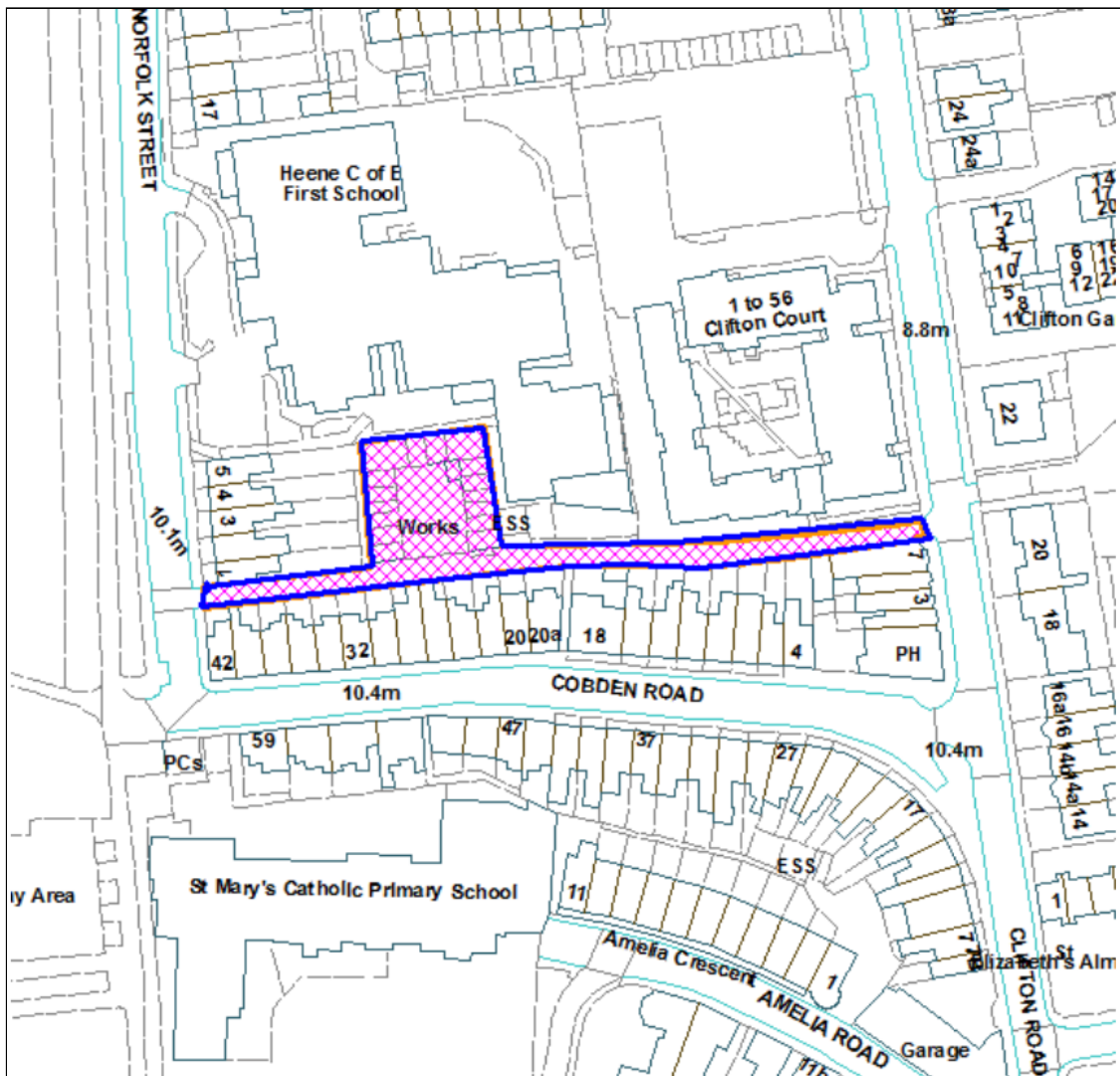
### **APPROVE**

#### **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 contaminants 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. A condition survey of the access road serving the site shall be undertaken and prior to occupation of the dwellings hereby approved any damage undertaken to the track during construction shall be undertaken in accordance with a schedule submitted to and approved in writing with the LPA.
15. The turning head indicated on the submitted plans shall be retained at all times and this area shall not be used for the parking of vehicles.

**Appendix - Report from 20 October 2021**

Application Number:	AWDM/0550/21	Recommendation - APPROVE
Site:	Garage Site South Of Heene C Of E Primary School Norfolk Street, Worthing	
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## **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

**ACCOMMODATION SCHEDULE**

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

NIL CAR PARKING PROVIDED  
 BIN STORAGE (existing lane)  
 BIN 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 compound service road all of which will require a comprehensive and detailed safety management strategy to be adopted by the contractor



AERIAL VIEW FROM SOUTH



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



**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 Act 2004 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:

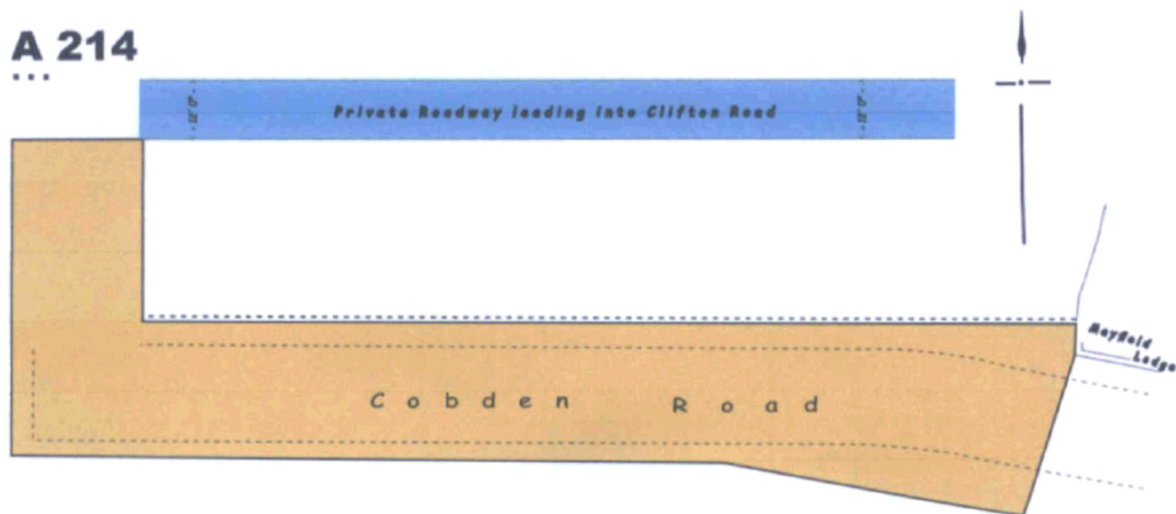
*“Regarding the ownership of the Private Roadway mentioned in planning application AWDM/0550/21*

*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 reasonable opportunities for enhancement. Where appropriate, innovative and contemporary design solutions will be encouraged.

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

### **Loss of the commercial site**

Policy 4 of the Worthing Core Strategy (WCS) seeks to protect employment opportunities and seeks to resist the conversion or redevelopment of land currently in use or last used for employment purpose unless it can be satisfactorily demonstrated that the site, or part of the site, is genuinely redundant and is unlikely to be re-used for industrial or commercial use within the Plan period.

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

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

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

It is agreed that these units are in a poor state of disrepair and have generally only been used for storage in recent years, the principle has been established for residential 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 reasonable opportunities for enhancement. Where appropriate, innovative and contemporary design solutions will be encouraged.

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

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

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

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

### **Residential amenity**

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

#### *Future occupant amenity*

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

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

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

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

The applicants have taken on board the concerns of Environmental Health Officers and neighbours and sought independent advice regarding West Sussex Fire and Rescue Services requirements. WSFRS have indicated that with a full sprinkler system that units can be a maximum of 90m from an appliance. The applicant's agent has measured the furthest corner of the site (which is anticipated to be ground floor, Unit 4) and this equals approximately 72m when measured from the kerb of Norfolk Street. This measurement would appear to comply with the guidance and details would be secured by Building Control. The Applicant have also confirmed that they would be willing to offer a full sprinkler system for each residential unit. This could be dealt with by condition.

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

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

### **Neighbour amenity**

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

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

The proposed development would have no vehicle parking on site with future residents accessing the site on foot or by cycle. It is acknowledged that there will

however also be the need for the proposed properties to be serviced by vehicles for potential drop off, and deliveries for the flats.

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

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

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

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

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

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

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

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

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



## Accessibility and parking

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

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

WSCC highways department 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.

## ECE Planning

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

08 September 2021 Dear Mr Appleton,  
Ref: RH/Let/P1684

**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  
Chris Barker MATP MRTPI  
Directors  
Huw James MRTPI  
Adam King RIBA  
Adam Staniforth FCCA

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## ECE Planning



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.

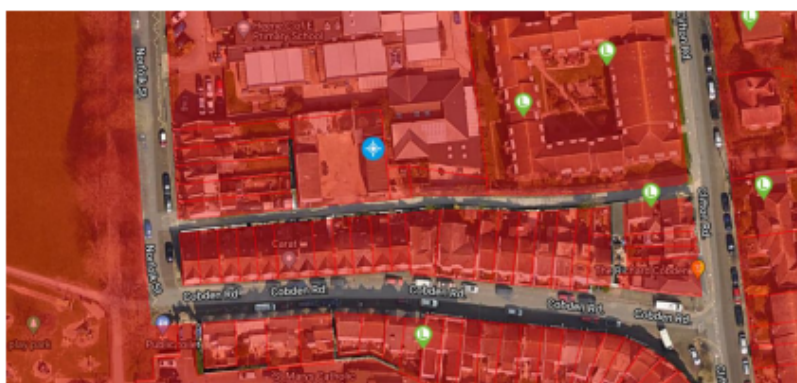


Figure 2 - Land Registry (Source: Nimbus Maps, 2021)

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.

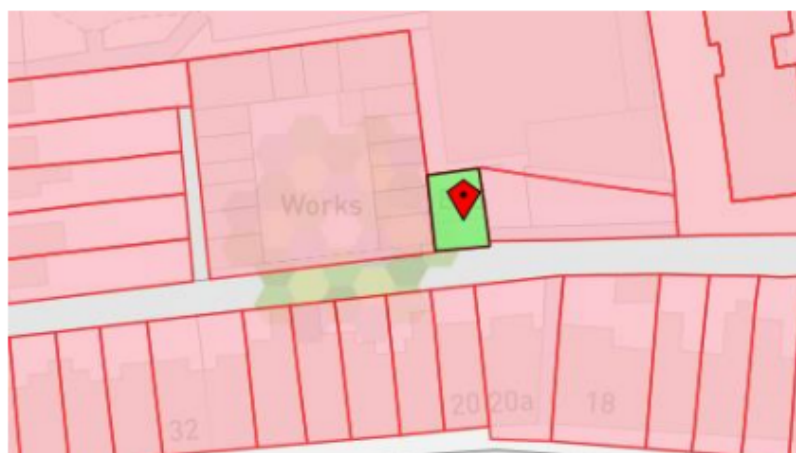


Figure 3 - UK Power Network Land Ownership

## ECE Planning

The application has therefore been advertised in the Worthing Herald newspaper and [www.worthingtoday.co.uk](http://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.



## ECE Planning

### 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 emphasis 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 Gramplan 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

A large black rectangular redaction box covering the signature area.

Huw James MRTPI  
Director

**Local Government Act 1972  
Background Papers:**

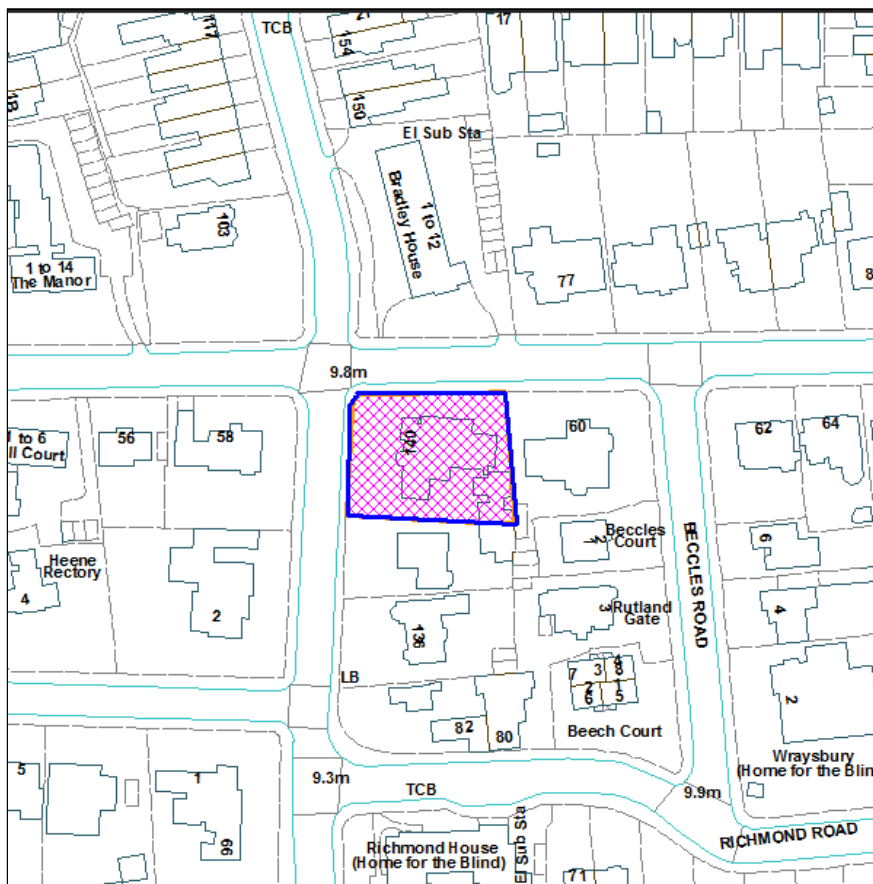
As referred to in individual application reports

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<b>Application Number:</b>	<b>AWDM/1875/21</b>	<b>Recommendation - REFUSE</b>
<b>Site:</b>	<b>Kingswood Home, 140 Heene Road Worthing</b>	
<b>Proposal:</b>	<b>Conversion of existing care home to provide 7no. residential apartments involving demolition of attached conservatory; development of a detached 2-bedroom bungalow to south side and adaptation and enlargement of original coach house to provide a 3-bedroom dwelling (9no. dwellings in total) plus 7no. parking spaces (resubmission of planning application AWDM/0601/21).</b>	
<b>Applicant:</b>	<b>Mr Mika Ramful</b>	<b>Ward: Heene</b>
<b>Agent:</b>	<b>James Breckell Architects</b>	
<b>Case Officer:</b>	<b>Ms Jo Morin</b>	



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## **Site and Surroundings**

The application relates to a grand Edwardian villa occupying a corner plot on the south east side of the junction of Heene Road with Manor Road. The property consists of accommodation over 3 floors including rooms in the roof. It has been enlarged by a 2-storey rear extension and large UPVC conservatory on the south side. An original 'coach house' (or garage building) on the east side boundary has been enlarged incrementally by single-storey additions and is now linked to the rear corner of the main villa and also a former outbuilding in the far southeast corner of the grounds. The latter is also attached to an outbuilding within the neighbouring property to the south (No.138 Heene Road).

The application property is currently vacant but had previously been used as a residential care home (Class C2) since 1990. Prior to 1990 the property was a hotel. The property is identified as a 'Local Interest Building' and makes a positive contribution to the character and appearance of the Heene Conservation Area in which it is located. The building exhibits a wealth of character features, constructed in red/orange brick with tile-hung and part-timbered feature panels, a plain clay-tiled roof with finials, chimneys and open-rafter feet. It incorporates a mix of bay, oriel and 'jettied' windows on the roadside elevation and represents a fine example of grand Edwardian domestic architecture.

An L-shaped area of tarmac hardstanding on the north side of the building is served by vehicle accesses off Heene Road and Manor Road. The northern site boundary is defined by a distinctive flint and brick-dressed wall which is a characteristic feature of the Conservation Area. The wall fronting Heene Road is not flint-faced but is characterful nonetheless having imposing 'rusticated' piers. Hedging and mature soft planting within the garden to the south and south-west of the building and around the site perimeter also contributes positively to the setting of the building and the attractive character of the Conservation Area.

Adjoining to the south, No.138 comprises a detached, 2-storey early to mid 20th Century house with garaging at the rear attached to the above-mentioned outbuilding within the application site.

Adjoining to the east lies a detached Edwardian villa of a similar grand scale and architectural style as the application property, currently in use as Holiday Flatlets (Torrington Residential Houses & Flats, 60 Manor Road).

## **Proposal**

The application seeks full permission to convert and alter the existing villa to provide 7no residential flats; adapt, alter and enlarge the former 'coach house' or garage building to create a detached 3-bedroom dwelling; and erect a detached 2-bedroom bungalow to the south side of the villa.

The converted main villa building would consist of 3no flats on the ground-floor involving the removal of an existing large UPVC conservatory attached to the south side, and a single-storey addition currently linking the villa to the 'coach house' building. It is also proposed to remove the existing external stairs located towards the rear on the south side of the villa which currently provide fire escape from the

accommodation on the second-floor. The first-floor would consist of a further 3no flats plus 1no flat formed on the second-floor within the roof. The latter would involve the formation of an additional pitched-roof dormer window on the southern roof slope.

Although described on the application form as a proposed conversion of the existing 'coach house', the submitted drawings indicate that little would remain of the original building which has already been extensively altered by a series of incremental additions and alterations. In essence it is proposed to remodel the existing building with an altered footprint and a new raised roof to create a detached 3-bedroom 'coach house' style dwelling over 2 floors with the first-floor accommodation contained within the roof. The southernmost part of the existing building which currently adjoins the garage at No.138 Heene Road would be demolished to provide the new dwelling with a small private garden on its south side.

In addition it is proposed to erect a detached 2-bedroom bungalow to the south side of the main villa building, partly in place of the removed UPVC conservatory, and extending rearwards (east) towards the adapted and enlarged 'coach house' dwelling.

Alterations to the external area involve enlarging the existing hard-surfaced areas in front (west) and north side of the main villa to provide 4 car parking spaces on the frontage with a further 3 car parking spaces formed alongside the inside of the north boundary wall. The existing tarmac areas to the rear (east) of the main villa would largely be replaced with soft landscaping other than a narrow pedestrian access path running parallel to the eastern site boundary leading to the front of the 'coach house' dwelling.

The proposed conversion of the main villa to provide 7no dwelling units, the alterations and enlargements to create the 'coach house' dwelling with its small private garden and access path, and the layout and arrangement of the proposed parking spaces are as approved under AWDM/0601/21. The main difference relating to the current application is the proposed development of the detached, 2-bedroom bungalow on the south side of the villa within an area shown on the layout approved under AWDM/0601/21 as comprising a communal garden.

### **Relevant Planning History**

WB/92/0510/FULL & WB/92/0511/CAC Conservation Area Consent to demolish garage and outbuildings and erection of 2-storey extension. Refused and Appeal Dismissed.

WB/94/0204/FULL Alterations and Extensions to South and East Elevations Permitted 28.03.1994. Implemented.

AWDM/1241/14 Replacement porch and associated access ramp to north elevation and conservatory to south elevation Permitted 31.10.2014. Not implemented.

AWDM/0280/15 Proposed ground floor single storey extension in south east corner with alterations to second floor including new dormer window to south elevation. Permitted 27.04.2015. Partially implemented - except the dormer.

AWDM/0984/15 Resubmission of AWDM/1241/14 for revisions to replacement porch and ramp. Permitted 27.08.2015. Not implemented.

AWDM/1675/15 Retention of replacement uPVC windows to north and west elevations. Refused 29.02.2016. Unauthorised UPVC windows to north and west elevations were replaced in timber in accordance with the requirements of an Enforcement Notice served Jan 2017 (AWEN/0194/15).

AWDM/0601/21 Conversion and alteration of existing care home to create 8no residential units (including alterations to original coach house create a detached two storey 3no. bedroom dwelling) with provision of 7no car parking spaces. Permitted 30.07.2021.

## Consultations

**West Sussex County Council:** The Local Highway Authority (LHA) has raised no objection on highway safety grounds commenting:-

*“The site benefits from planning permission granted by the LPA on 30th July 2021 for 8 residential units and 7 parking spaces. This revised application is for an additional bungalow on the site taking the number of residential units to 9. There are no other changes to access or parking. As such, the LHA comments remain as stated in our response to the previous planning application. The extra bungalow will not alter trip generation to/from the site to any level that may be unacceptable..*

*As previously mentioned, in terms of parking the site is located in the Heene ward of Worthing, this ward relates to parking behaviour zone 5 under the WSCC Guidance on Parking at New Developments (2020). The following parking standard for this ward apply:-*

*1 bed units (0.6.per unit) = 2 = 1.2 spaces  
2 bed units (1.1 per unit) = 6 = 6.6 spaces  
3-bed units (1.6 per unit) = 1 - 1.6 spaces  
TOTAL residential only demand = 9.4 spaces*

*Guidance in the Parking Standards also needs to be considered with reference to visitor parking, disabled parking and cycle parking. It is understood that electric vehicle charging will be provided for each of the proposed parking spaces on the site.*

*There is no reference to visitor parking or parking for any unit with more than one vehicle. Although the site is in a sustainable location so there are other methods of travel available. There is also unrestricted parking available on Manor Road and Heene Road with the junction protected by double yellow lines, so any overspill parking is not expected to cause a highway safety issue, the LPA may wish to consider overspill parking from an amenity issue.*

*The LHA does not consider the proposal would have an unacceptable impact on highway safety or result in ‘severe’ cumulative impacts on the operation of the*

highway network, therefore is not contrary to the NPPF (paragraph 111) and that there are no transport grounds to resist the proposal.”

**Adur & Worthing Councils:**

The **Conservation and Design Architect** comments as follows:-

*“The statutory definition of a conservation area is “an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”. When considering any application, the Council has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification.*

*This application site occupies a prominent site at the junction of Heene Road and Manor Road within the Heene Road Conservation Area. The area was laid out with grand Victorian and Edwardian houses in spacious plots behind brick and flint boundary walls, the majority of which are still in existence. This distinctly spacious suburban character is an important characteristic of the significance of this heritage asset, and reflects an important stage of growth in the expanding town.*

*140 Heene Road, constructed in 1906, has been designated by the Council as a Local Interest Building and a positive contributor to the character of the Conservation Area. The building was in use as a hotel prior to a change of use, circa 1990, to a care home. 138 & 136 Heene Road were built during the first half of the twentieth century, to the south on land likely to have been a garden to 140. The coach house building set back in the south-eastern corner of the site is contemporaneous with the main house, although later extended to the rear. Street views of the coach house are limited due to a large extension added to the eastern end of the main building in the early 1990s.*

*The characterless, modern sunroom [attached to the south side] would be expensive to upgrade and would be demolished as part of this application.*

*The application site is one of the three original residential buildings on the Heene Road/Manor Road junction that survive, each still set within their own fairly spacious plot.*

*Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.*

*The current proposals include the construction of a 2 bedroom, detached bungalow inserted between the southern flank of 140 Heene Road and the adjoining property to the south. This bungalow would occupy a deep footprint into the site, whilst the main street facing wall would project forward of the adjacent main wall of the existing building. This forward projection together with a notably taller roof height than the current sunroom, would draw undue attention to this new building.*

*Add to this the close proximity of the proposed bungalow to the existing building shoe-horned into the site, and as a result not only would the setting of the heritage asset be harmed, but the character and appearance of the Heene Conservation Area would also be harmed.*

*The National Planning Policy Framework (the Framework) sets out policy for 'conserving and enhancing the historic environment'. It advises that great weight should be given to an asset's conservation and the more important the asset the greater the weight should be. It further states that such assets are irreplaceable and any harm or loss should require clear and convincing justification. In my opinion, the case forwarded to support the new bungalow fails to offer any clear or convincing justification to mitigate the harm caused to setting.*

*The overarching duty imposed by S66 and S72 applies even where the harm to a heritage asset is found to be 'less than substantial'. This was set out in the Court of Appeal decision - Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG [2014] EWCA Civ 137 (paragraph 29 of the judgment makes that clear). It stated that the decision maker must be careful not to equate 'less than substantial harm' with a less than substantial planning objection. The need, if harm is identified, to give considerable weight to the presumption that preservation is desirable should be expressly acknowledged in carrying out the balancing exercise.*

*The Council's in-house Conservation Architects have managed to preserve and enhance the character and appearance of Heene Conservation Area since it was first designated in the 1980s. The approval of this application or a similar one would put this particular spacious conservation area at potential risk where other similar sites would become more difficult to defend from development proposals."*

The **Environmental Health Officer** has no adverse comment.

The **Engineer** has raised a holding objection, commenting:-

*"Flood Risk: The site is within Flood Zone 1, the site is not shown to be at risk from surface water flooding.*

*Surface Water Drainage: The submitted form indicates it is proposed to discharge surface water to soakaway. This is acceptable in principle but it does not appear there is sufficient space for this within the proposals. Infiltrating features must be located 5m from buildings and 2.5m from property boundaries. It is essential to establish if there is adequate space for surface water drainage prior to agreement of the site layout. Drainage should be a fundamental consideration in design. Failure to secure a robustly evidenced implementable drainage strategy at this stage will likely unduly prejudice the drainage design and result in proposals failing to meet policy objectives. To overcome this objection the applicant should submit:*

- 1. A rough plan indicating the locations for the proposed soakaways taking account of required clearance from buildings, highways and boundaries;*
- 2. Details of how the existing dwelling is drained;*
- 3. An alternative attenuated discharge solution with discharge restricted to 2l/s and discharge to the surface water sewer;*



4. *gbit is queried whether it will be possible in practice given the limited space on the site.*

*If this information is satisfactorily submitted detailed drainage design can be left to a pre commencement condition.”*

The **Private Sector Housing** team has referred to the comments made under the previous application as follows:-

*“The Private Sector Housing team has identified that some aspects of the development may result in hazards that require action under the Housing Act 2004. Typical hazards can include ‘inner’ rooms (where the only means of escape in the case of fire is through another risk room (i.e. bedroom, living room, kitchen etc.) or where there are inadequate windows or outlook from habitable rooms. In this case it is noted that the Applicant recognises Units 4 and 6 fall below the national technical space standards for new dwellings. The Private Sector Housing team comments that this is no mitigation for the occupant of a flat that is too small to know that the neighbouring flats exceed the space standards.*

*Although Units 8 and 9 will meet the 3-bed/4 person space standard, they do not meet the 3-bed/5 person standard even though the plans clearly show 2 double beds and a single bed in each unit.*

*The first-floor bedroom of Unit 8 can only be accessed through the high risk kitchen /living room and so is an inner room. Fire escape windows from the first floor are not acceptable under the Housing Act 2004.*

*Compliance with Building Regulations may not necessarily address the hazards identified and the Applicant is advised to contact the Private Sector Housing team to confirm that the layout of the property is acceptable prior to commencing development in order to avoid the need for any formal intervention or the requirement of respective works.”*

**Southern Water:** Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

The Council’s Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed 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.

**Worthing Conservation Area Advisory Committee:** Not convening at present.

## **Representations**

One representation has been received from the occupier of the adjoining dwelling to the south (No.138) commenting as follows:-

- My family have lived in this property since 1996 and have been involved in previous planning applications;
- Generally we think that the development is in keeping with the character of the property and situation in a conservation area with thought gone into refurbishing the building in a sympathetic manner and style. Our main reservation is the building of a new separate dwelling in the garden as this represents a significant extension of the current building footprint and additional height with the new roof. You may recall we thought there was a previous application to increase the building height about 10 years ago which was turned down by the secretary of State, but you may wish to check your records.
- The new bungalow, although sympathetically designed and an improvement on the last plan, is still very close to our property and has the potential to impact on us with regards to noise, some loss of light and privacy.
- We have no objection to the alterations to our existing garage which will in effect make it detached once the works are completed, we of course require right of access to maintain the new structure and the existing shared boundary fence which was recently jointly replaced.
- There is a small section of the western boundary wall which runs into our property in Heene Road, the top is quite damaged and needs attention once any work is started. It makes sense for this to be repaired as part of the refurbishment of the boundary wall and we would be happy to contribute to the cost to ensure continuity rather than doing ad hoc repairs.
- The new rose garden in the SW corner is a welcome feature.
- We seek reassurance about overall compliance with the necessary regulations and planning controls once any plans are agreed.
- We were grateful to have had the opportunity for a constructive meeting with the architect James Breckell to discuss in more detail the potential implications and impact of the original plans.

### **Relevant Planning Policies and Guidance**

Worthing Core Strategy (2011):

Policy 7 Meeting Housing Need

Policy 8 Getting the Right Mix of Homes

Policy 13 The Natural Environment and Landscape Character

Policy 15 Flood Risk and Sustainable Water Management

Policy 16 Built Environment and Design

Policy 17 Sustainable Construction

Policy 19 Sustainable Travel

Worthing Local Plan (WBC 2003) (saved policies H18, RES7, TR9t)

Supplementary Planning Document 'Space Standards' (WBC 2012)

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

Community Infrastructure Levy Revised Charging Schedule (WBC 2021)

WSCC Guidance on Parking at New Developments (WSCC 2020)

Revised National Planning Policy Framework (HCLG 2021)

National Planning Practice Guidance (HCLG)

Submission Draft Worthing Local Plan (2021):  
Policy SP1 Presumption in Favour of Sustainable Development  
Policy DM1 Housing Mix  
Policy DM2 Density  
Policy DM5 Quality of the Built Environment  
Policy DM6 Public Realm  
Policy DM15 Sustainable Travel and Active Travel  
Policy DM16 Sustainable Design  
Policy DM20 Flood Risk and Sustainable Drainage  
Policy DM24 The Historic Environment

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

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

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

## **Planning Assessment**

### ***Policy Background and Principle***

The policy context comprises the National Planning Policy Framework (NPPF) and the local development plan which consists of the saved policies of the Worthing Local Plan, Worthing Core Strategy and accompanying Supplementary Planning Documents (SPDs).

The NPPF has considerable status as a material consideration which can outweigh development plan provisions if policies are out of date or silent on a relevant matter. In such circumstances paragraph 11 of the NPPF states that development should be approved unless it would cause adverse impacts which significantly and demonstrably outweigh benefits when assessed against the NPPF policies overall, or if the NPPF affords particular protection to assets or areas of importance.

Worthing Core Strategy Policy 7 aims to ensure that the right mix and type of housing is delivered in the right places to meet identified demand and that appropriate infrastructure is delivered.

Worthing Core Strategy Policy 8 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 and within suburban areas outside of the town, only limited infilling which will predominantly consist of family housing. The approach is one that seeks to increase the stock of family homes through new development and to protect the existing stock.

A key objective of the Core Strategy is to ensure that the right mix and type of homes are delivered in the right places to meet the identified local need. Good design is vital to ensure that Worthing's built environment is not compromised. The 'Guide for residential Development' SPD October 2013 seeks to outline the key elements for achieving these objectives when considering all new residential developments in Worthing. The aim of this SPD is to interpret policy as well as to provide design-led good practice guidance.

A new Local Plan, the Submission Draft Worthing Local Plan (SDWLP) has been submitted to the Secretary of State for Housing Communities and Local Government and is currently undergoing examination. The relevant policies set out above have some materiality in the determination of planning applications.

Paragraph 74 of the revised NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum 5 years' worth of housing against their housing requirement set out in adopted strategic policies, or against objectively assessed local housing need where the strategic policies are more than five years old. It is acknowledged that a 5 year supply of housing in relation to such need cannot currently be demonstrated, but this has been addressed within the new Local Plan by a robust assessment of all potential opportunities to deliver new homes.

With regards Para 11(d) of the NPPF and the so-called 'tilted balance', the recent Court of Appeal case (*Gladman Developments Limited v Secretary of State for Housing, Communities and Local Government & Ors. Case Number: C1/2020/0542/QBACF*) found that the NPPF presumption is "*policy, not statute*" and "*does not change the status of the development plan as the starting point for decision making*".

There are no specific Core Strategy, or SDWLP policies which seek to safeguard care home accommodation above other types of residential use. The site is sustainably located within an established residential area within the designated built up area and within walking distance of local schools, shops and services and is accessible by different modes of public transport. There is no objection in principle to a Class C3 residential development that would make a more efficient use of existing buildings and land.

Having regard to the recently approved development under AWDM/0601/21 the key consideration here is the effect of the additional infill dwelling on visual amenity and on the character and appearance of the Heene Road Conservation Area, the effect on the residential amenities neighbouring occupiers and the living conditions of future occupiers, and parking and highway safety matters, which are considered below.

## ***Visual Amenity and Effect on Historic Character and Appearance***

Chapter 12 of the revised NPPF sets out the policies to achieve well-designed buildings and places. Paragraph 130 (b) requires that developments (amongst other things) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, (d) establish or maintain a strong sense of place creating attractive, welcoming and distinctive places to live, and (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Worthing Core Strategy Policy 16 requires that all new development should demonstrate good quality architectural and landscape design and use of materials that take account of local physical, historical and environmental characteristics of the area and should respond positively to the important aspects of local character. The settlement structure, landscape features and buildings which represent the historic character of Worthing should be maintained; preserving and enhancing existing assets.

Policy DM5 of the SDWLP requires all new development to (amongst other things) be of a high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area; enhance the local environment by way of its appearance and character with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping, impact on street scene and the layout of the development; and make a positive contribution to the sense of place, local character and distinctiveness of an area.

The Council's Supplementary Planning Document 'A Guide to Residential Development' expands upon the policy approach for new residential development. Para 3.3 states 'A key element to the achievement of good design is an appreciation of the context in which it is situated. During the design process of any new development consideration will need to be given to its local setting, the surrounding densities, local building heights and other local features.' Para 4.33 goes on to state that infill development requires sensitive design and good landscaping if new buildings are to be fitted successfully into small sites in established residential areas. It states that insensitive infilling that will negatively impact on an area character or amenity will be resisted.

National planning policy within the NPPF recognises that heritage assets, including buildings of local historic value, as in this case, are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

It requires that any harm or loss of significance of a designated heritage asset from its alteration or destruction or from development within its setting should require clear and convincing justification (paragraph 200).

Policy DM24 within the SDWLP requires that development affecting any designated or undesignated heritage asset must be of a high quality, respecting its context and

demonstrating a strong sense of place. Development within Conservation Areas will be required to be of a high standard of design and materials so as to respect, preserve and enhance the character and appearance of that area, and preserve important features. It states that the importance to the local area of Buildings of Local Interest within Conservation Areas will be a material consideration in assessing an application of their demolition or development.

The character of this part of the Conservation Area is derived from large villas, each with its own individuality, and the clearly defined gaps which separate them and provide their setting.

The existing main villa building retains much of its original traditional character and historic architectural interest. An earlier 2-storey rear extension to the east elevation is sympathetic to this character with its dual-ridged, gabled roof and use of traditional materials and detailing. The large, somewhat ungainly conservatory attached to the south side is less sympathetic, both in terms of its proportions and modern UPVC framing. However, it does not project forward of the main front wall of the villa and the large areas of glazing and lightweight polycarbonate roof help it to appear as a subsidiary addition, subordinate in scale and appearance to the villa. The introduction of replacement UPVC windows in the south side and east elevations has similarly detracted from the traditional character of the villa. These windows were installed without the benefit of planning permission along with UPVC windows inserted in the north and west-facing elevations. The latter were replaced with timber reinstatements detailed to match the originals as closely as possible following enforcement action involving the serving of an Enforcement Notice (and a subsequently dismissed appeal). However, given that public views of the south and west elevations are less prominent it was not considered expedient at the time to pursue enforcement action in relation to the UPVC windows installed in the south and east elevations of the villa (which have since assumed immunity from enforcement action through the passage of time).

The historic character and architectural integrity of the villa would clearly be enhanced by the removal of the large UPVC conservatory on the south side and the external fire escape. The submitted Design and Access Statement confirms that the existing brickwork on the villa will be repaired and restored and windows where replaced will be carried out in timber. The residential conversion works involve the insertion of new window openings on the south elevation of the later rear off-shoot and adaptation of some existing openings on the east elevation (including the existing door leading onto the fire escape) but there is no intention to replace the majority of existing UPVC windows on the south and east elevations in timber. Chimneys are to be repaired and made safe.

The proposed bungalow building would be 13 metres deep and a maximum 7.75 metres wide, sited a minimum 1.2 metres from the expressed chimney breast on the south side of the villa and 1.05 metres from the site boundary with No.138 to the south. The main front wall of the bungalow would project slightly forward of the main front elevation of the villa, but not forward of the large bay window in the front of the villa. It would have a hipped and ridged roof with its main ridge 5.6 metres high running parallel to the main roof ridge of the villa for a depth of 6.2 metres. A hip-roofed projection on the north side of the bungalow would sit slightly lower than the main roof ridge at 4.8 metres high. The composition is traditional in style

consisting of brickwork elevations above a shallow rendered plinth and plain clay-tiled roof. Whilst the front elevation is articulated by a squared bay window, with glazing running up into a gabled roof, the remainder of the elevations are relatively plain, including the window design, lacking the detail and decorative features characteristic of the villa. The drawings show the creation of a small private garden to the rear (east) of the bungalow (between the bungalow and the 'coach house' dwelling) plus a fenced/walled irregular-shaped area between the north side of the bungalow and the south side of the villa, as a private amenity space for one of the units on the ground-floor of the converted villa. The soft landscaped area in front of the bungalow up to the boundary wall fronting Heene Road is shown as a communal space with a rose garden.

The existing conservatory is 4.1 metres high and 6.2 metres wide, slightly raised off the ground to allow a level threshold with the ground-floor of the villa (bearing in mind its former care home use). It has an almost pyramidal roof with a very short east-west ridge (not accurately shown on the submitted drawing). There is a gap of almost 5 metres to the south side boundary.

Despite its single-storey scale, the proposed bungalow would have a visibly greater prominence than the existing conservatory owing to its greater height, footprint, massing and solid construction. It would appear as a separate dwelling and clearly different to the subsidiary character of the existing conservatory, an ancillary addition to the former care home. It's more assertive physical presence would be compounded by its siting in relation to the villa, infilling the important space between its south side and the south site boundary. It would in consequence appear crowded both in relation to the larger scale of the villa and the backdrop of the enlarged 'coach house' dwelling to the east which would also be raised in height compared to the existing 'coach house' building.

The siting, scale, massing and design of the proposed infill bungalow would not only appear cramped and intrusive within the street scene, the erosion of the existing space would irrevocably damage the setting of the villa and seriously detract from the important historic character of the Heene Conservation Area.

### ***Residential amenity – for proposed dwellings***

The Gross Internal Area (GIA) of the proposed accommodation would consist of:-

Unit 1: 2-bedroom flat	GIA 63sqm
Unit 2: 2-bedroom flat	GIA 61sqm
Unit 3: 1-bedroom flat	GIA 50sqm
Unit 4: 2-bedroom flat	GIA 55.5sqm
Unit 5: 1-bedroom flat	GIA 48sqm
Unit 6: 2-bedroom flat	GIA 60sqm
Unit 7: 2-bedroom flat	GIA 80sqm
Unit 8: 3-bed house	GIA 87sqm
Unit 9: 2-bed bungalow	GIA 70sqm

The GIA of Units 4, 5 and 6 is below the Government's so-called nationally described minimum space standards, although Unit 6 only marginally so (by 1sqm). The

comments of the Private Sector Housing team regarding the size of Units 4 and 5 were taken into account in determining AWD/0601/21 which are respectively 5.1sqm and 2sqm below standard. Unit 5 would have regular-shaped rooms and good standards of daylight and outlook to all the habitable rooms. The main issue with regard to Unit 4 relates to bedroom 2 which is below standard for a single bedroom and would have an outlook partially obstructed by the enlarged roof of the proposed 'coach house' dwelling (Unit 8). It was suggested to the Applicant's Architect as part of that application that Unit 4 should be reduced to a 1-bedroom unit in order to overcome these concerns. However, the Applicant was unwilling at that time to do so citing concerns about the viability of the proposals. As with any re-use of a building, the proposed layout of the accommodation is largely dictated by the configuration of the existing floor plan. On balance it was determined that whilst the sub-standard unit sizes and layouts incorporating 'inner rooms' were not ideal the quality of the proposed residential dwellings would not be so unsatisfactory as to justify refusal on this ground particularly when weighed in relation to the sensitivity in general of the proposed conversion works to the historic character of the villa.

The GIA of the proposed bungalow (Unit 9) meets the Government's nationally described minimum space standard for a 2-bedroom, 4-person dwelling (at 1 storey). It would have a small private garden of 56sqm which is below the Council's minimum external space standard of 85sqm, but larger than the small private garden approved for the 'coach house' dwelling under AWD/0601/21. However, the siting and layout of the proposed bungalow would severely curtail the amount of communal garden available for the converted flats within the villa. In essence the communal garden would be limited to the area directly in front (west) of the glazed bay window of the bungalow, raising concerns about the practicality of its use as a communal amenity space without severely impacting on the privacy of the future occupiers of the bungalow.

The close siting of the bungalow (at a distance of between 1 and 2.2 metres) would also severely impact on the outlook from and receipt of daylight to the southern aspect of the living/dining/kitchen area of Unit 3 on the ground-floor of the converted villa. Although seemingly compensated for by the creation of a small private garden for this unit, this would be of a narrow, irregular shape, in shadow for much of the day and not a particularly pleasant space.

### ***Residential amenity – effect on existing dwellings***

The most affected properties are those to the south, No.138 Heene Road, and No.60 Manor Road to the east.

The proposed bungalow would be well-separated from No.60 Manor Road, a large Edwardian villa apparently in use as holiday accommodation. The current proposals raise no additional impacts than were previously considered acceptable under AWD/0601/21, namely in relation to the raised and elongated ridge of the adapted and enlarged 'coach house' dwelling.

No.138 Heene Road consists of a single dwellinghouse. A drive accessed from Heene Road runs along the north side of the house serving a garage building in the northeast corner which is conjoined with the building linked to the existing 'coach house' at the application site.



The proposed bungalow would lie between the villa and the site boundary roughly adjacent to the north elevation of No.138. There are a number of windows on the north elevation of No.138. Those on the upper floor appear to serve a bathroom and WC. Those on the ground-floor are largely screened from view from the garden area to the side of the villa by a close-boarded fence on the common boundary. Given its orientation to the north and single-storey scale with pitched roof sleeping away from the common boundary, the scale and massing of the bungalow would not have any significantly adverse impacts on the amenities of No.138 in terms of light and outlook. The number of openings on the south side of the bungalow are limited to a secondary window (to the main living area) and a door leading from the kitchen area to the garden and would not give rise to any serious loss of privacy.

The proposed 'coach house' dwelling (Unit 8) would be sited to the north and east of No.138 and was determined under AWDM/0601/21 not to have any serious impact on the amenities of No.138 having been designed to deliberately minimise the size and number of openings in the most sensitive south-facing elevation facing this property.

### ***Accessibility and parking***

The amended proposals would result in the provision of 7 parking spaces equating to less than 1 space per unit. The parking layout would utilise the existing vehicle accesses with a separate 'in' and 'out' arrangement.

The local Highway Authority (LHA) has not raised any objection either to the shortfall in the amount of parking provision in relation to the WSCC parking demand calculator, or to the parking layout.

The parking layout has not changed from that previously approved under AWDM/0601/21. The shortfall in onsite provision will increase from 1.3 spaces to 2.4 spaces. Although the LHA has not raised any objection on highway safety grounds given the sustainable location and capacity for on-street parking on nearby residential roads, the amount of on-site provision at less than 1 space per dwelling unit is not ideal. The creation of additional parking spaces would be at the expense of further eroding the soft landscaped areas around the main villa building, further impacting upon its historic setting and the amount of communal garden area.

### ***Sustainability***

The scope for including sustainability features is limited in relation to the reuse of existing buildings and where sensitivities exist around ensuring new development is sensitive to its historic context. However, the proposals do include EV charging points to all 7no proposed parking spaces.

On the other hand, the Engineer has raised a holding objection in relation to the scope to utilise sustainable surface water drainage measures as suggested as part of the submission, since the constraints of the site, not least the siting of the proposed bungalow itself, will severely inhibit opportunities for infiltration and the siting of soakaways.

A number of new trees are proposed to be planted adjacent to the site perimeter in Heene Road and Manor Road, although it is understood a bay tree growing close to the southern site boundary with No.138 has already been removed (albeit not considered worthy of a TPO).

### **CIL**

The proposals would result in a net increase of Gross Internal Floorspace on the site which would be chargeable under the new CIL rates.

### **Conclusion**

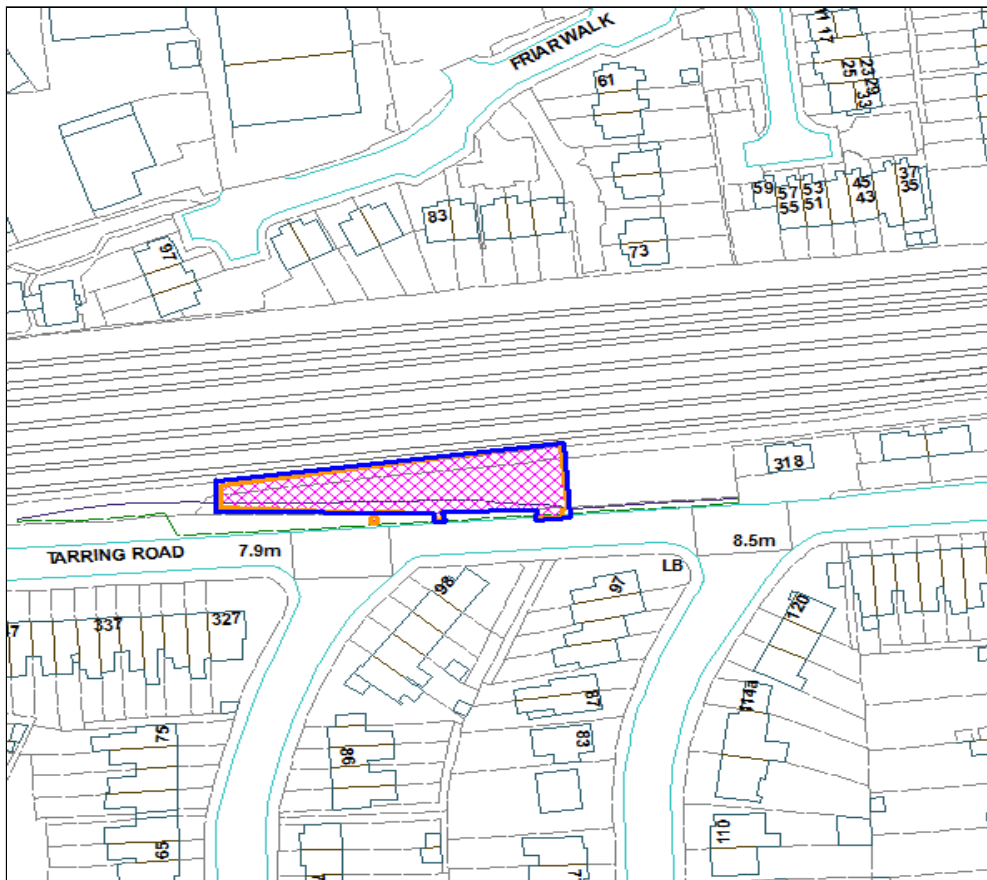
It is considered the approved scheme under AWDM/0601/21 struck a reasonable balance between the competing demands of making a viable reuse of the existing vacant building without unacceptably impacting its historic significance or the character and appearance of the Heene Conservation Area. Whilst, it is recognised the inclusion of an additional 2-bedroom dwelling as part of this latest proposal would make a valuable contribution to the housing stock, this does not outweigh the unacceptable harm that would result to visual amenity and to the character of the Heene Conservation Area. Moreover, the resulting congested layout would result in a less than satisfactory standard of amenity for the future occupiers of Unit 3 on the ground-floor of the converted villa, and with limited usable external amenity space for the occupiers of the converted flat units in general.

### **Recommendation**

To delegate to the Head of Planning & Development to **REFUSE** following the expiry of the publicity period and subject to no additional issues being raised in any representation received, for the reason(s):-

1. By reason of its siting, scale, layout, massing and design the proposed detached 2-bedroom infill bungalow (Unit 9) would appear 'crammed' and intrusive within the street scene, and together with the erosion of the existing space to the south side of the existing grand Edwardian villa would irrevocably damage its setting and seriously detract from the historic character and appearance of the Heene Conservation Area. The proposed development would therefore conflict with policy 16 of the adopted Worthing Core Strategy, policies DM5 and DM24 of the Submission Draft Worthing Local Plan and the relevant paragraphs of the NPPF.
2. Due to the scale, layout and massing of the proposed detached, 2-bedroom infill bungalow, the proposed development would provide an unacceptably poor standard of accommodation for the future occupiers of the converted ground-floor flat (Unit 3) and for the occupiers of the converted flats in general (Units 1-7) owing to the lack of usable, external amenity space. The proposed development is therefore contrary to policy 8 of the Worthing Core Strategy, policies DM1 and DM2 of the Submission Draft Worthing Local Plan and the relevant paragraphs of the NPPF.2

<b>Application Number:</b>	<b>AWDM/1102/21</b>	<b>Recommendation - APPROVE</b>
<b>Site:</b>	<b>Land Between Station Car Park and Footbridge, Tarring Road, Worthing</b>	
<b>Proposal:</b>	<b>Proposed detached 2-storey 3-bedroom flat-roofed house with south-facing first-floor balcony, parking, driveway and landscaping</b>	
<b>Applicant:</b>	Clarke Developments (Tarring Rd) Ltd	Ward: Marine
<b>Agent:</b>	ECE Architecture Ltd	
<b>Case Officer:</b>	Ms Jo Morin	



**Not to Scale**

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## Site and Surroundings

The application relates to a tapering piece of unused land sandwiched between the Brighton-Southampton railway line to the north and highway land adjoining the carriageway of Tarring Road to the south. The site is 66.5 metres wide and varies in depth between 4.3 metres at the far western end and 10.4 metres at the eastern end. The adjoining highway land is approximately 2 metres deep at the eastern end of the site widening to 5 metres deep at the western end. There is no footpath on the north side of the carriageway of Tarring Road. The site is roughly opposite the junction of Tarring Road with Ripley Road.

To the east, the site adjoins a vacant piece of land for which there is an extant planning permission for a pair of semi-detached 3-bedroom houses granted under AWDM/0072/19 (and a subsequent Non Material Amendment AWDM/1632/20). Beyond that further to the east are 5 new houses Nos: 310 to 318 Tarring Road. To the west the site adjoins the road margin informally landscaped with self-sown trees and hedgerow. Development on the opposite side of Tarring Road is primarily residential in character, consisting of short terraced blocks dating from the early to mid 20th Century.

There are no trees on the site. There are 4no trees growing within the highway land adjoining the site to the south. Of these, 1no (T01 Elm) is included within Area TPO 53 of 1997, and the other 3no (T02 Elm, T03 Sycamore and T04 Sycamore) are included within Area TPO 13 of 1987. A Horse Chestnut tree (T05 on the submitted plan) is sited within the adjoining development site to the east.

## Proposal

Permission is sought for the construction of 1no detached 2-storey 3-bedroom house on the site.

The proposed dwelling would be sited toward the centre on the wider eastern part of this narrowing, linear plot each with 2 parking spaces served by new 5.5m wide accesses formed from Tarring Road at the far eastern end of the site. The dwelling would have a largely rectangular footprint 15.3 metres wide by 4.7 metres deep positioned 0.8 metres from the northern site boundary with the adjoining railway land shown to be on higher ground.

Notwithstanding the tapering shape of the site itself, the proposed dwelling would be sited roughly parallel with the road carriage a minimum 5.9 metres from the back edge of the carriageway and the front projecting elements (comprising the entrance porch feature and bay window and balcony above) sited a minimum 5.2 metres from the back edge of the carriageway.

The architectural language is contemporary with a parapet flat roof 6.0 metres high. The front wall of the first-floor element is shown to be chamfered or angled in the style of a 'mansard roof' with framed dormer windows and a central 2-storey projecting element comprising an entrance feature. Other features include a 'squared' bay window at ground-floor with frameless glass balcony above. The dwelling would be constructed in brick with zinc cladding to the chamfered first-floor and 2-storey entrance feature. The parapeted flat roof would include a 'meadow

roof. Windows would be in Anthracite grey UPVC with a timber composite front door and aluminium rainwater goods.

Amenity space areas would be provided to the east and west sides of the dwelling.

The proposed dwelling and side gardens are proposed to be excavated into the embankment. The 4no trees within the highway land to the south are shown as retained.

As initially submitted the application was accompanied by a Design & Access Statement, an Acoustic Statement and an Arboricultural Impact Assessment (including a Schedule of Trees and Tree Constraints Plan), plus a Drainage Plan.

Following discussion the supporting information has been supplemented by an updated Transportation Noise Report, an Addendum to the Arboricultural Impact Assessment plus Tree Protection and Retention Plan, a Technical Transport Note, updated Drainage Plan and details of proposed Root Barriers.

### **Relevant Planning History**

Planning permission for 2no 2-storey 3-bedroom houses with south-facing first-floor balconies, parking, driveways and landscaping was refused under AWDM/0106/21 in March this year on the following grounds:-

*1. Having regard to the significant constraints of this small site the siting, layout, massing and design of the proposals would represent a cramped overdevelopment that would be out of keeping with the pattern and character of existing development and harmful to the streetscene contrary to policy 16 of the Worthing Core Strategy and the NPPF.*

*2. The Local Planning Authority is not satisfied that the siting and layout of the proposed development on this tightly constrained site, carried out in a piecemeal fashion in isolation to development of the adjoining vacant land to the east, is compatible with the future well-being and retention of nearby trees on the adjoining highway land, or the replacement tree planting necessary to mitigate the removal of trees on the wider development site and a requirement of the planning permissions granted under AWDM/0728/18 and AWDM/0072/19. As a result the proposed development would be harmful to local character and the environment contrary to policies 13 and 16 of the Worthing Core Strategy.*

*3. The submitted layout fails to demonstrate that satisfactory visibility at the proposed easternmost vehicle access to/from Tarring Road can be achieved and would potentially represent a hazard to the safe operation of the public highway contrary to the NPPF.*

Planning permission was refused under AWDM/1149/19 and an appeal subsequently dismissed for a pair of three storey, three bedroom semi-detached dwellings on the site with one parking space and garden per dwelling with access from Tarring Road on the grounds:-

1. *The prominent siting of the proposed dwellings on this shallow tapering plot would give rise to an unduly dominant and visually assertive form of development that would be out of keeping with and harmful to the surrounding townscape and local character. Moreover, the cumulative effects of the restricted size and shape of the plot and its relationship to adjacent transport corridors would result in an unsatisfactory layout and poor quality living environment for future residents. The proposed development is therefore contrary to policy 16 of the Worthing Core Strategy and fails to meet the high standards of design and amenity required by paragraph 127 of the NPPF.*
2. *The layout of the proposed development would be incompatible with tree planting of the number and stature of specimens shown on the submitted Landscaping Plan necessary to effectively mitigate the loss of the former protected trees on this site and the adjoining land under the Applicant's control as required by the consent for tree works granted under AWDM/1358/17 and the subsequent planning permissions granted under AWDM/0728/18 and AWDM/0072/19, and owing to the proposed site access arrangements and close proximity of the proposed westernmost dwelling unit would likely result in the loss of additional trees within the adjoining highway land. The proposed development would be therefore harmful to local character and the environment contrary to policy 16 of the Core Strategy and paragraph 127 of the NPPF.*

Planning permission was granted in 2018 under AWDM/0667/17 for a detached three-storey, 3-bedroom house and two car parking spaces on a wider site area comprising the current application site AND the adjoining development site to the east. Permission was subsequently refused under AWDM/0728/18 for the erection of a pair of semi-detached three-storey 2-bedroom houses and 2 car parking spaces (1 each) on the same site, but was subsequently allowed on appeal. Permission was granted under AWDM/0072/19 for a pair of semi-detached three-storey dwellings with a similar siting and detailed design, each with garden and 1no parking space, but with the application site area comprising only the eastern portion of the wider site area. In that case, the remainder of the land (i.e. the current application site) was identified as being under the Applicant's control and outlined in 'blue' on the approved site location plan. The permission granted under AWDM/0072/19 has not been implemented (although an application is currently pending consideration for the approval of details reserved by conditions).

## **Consultations**

**West Sussex County Council:** The Local Highway Authority (LHA) commented as follows on the initially submitted plans:-

*"This application is for the erection of 1 x 3-bedroom dwelling. The site is located on Tarring Road, a C-classified road subject to a speed limit of 30mph. The LHA was consulted on an application at this site for 2 dwellings under AWDM/0106/21 and prior to that, AWDM/1149/19. The LHA requested amendment of the proposed footways within the publicly maintained highway land. The LPA refused both applications on separate grounds and AWDM/1149/19 was subsequently dismissed at appeal. The proposed plans demonstrate a single dwelling, with vehicular crossover (VCO) to the east. The plans do not demonstrate visibility at the proposed*

*access onto Tarring Road, however from an inspection of the plans, visibility appears sufficient in this location.*

*The proposed plans demonstrate that two individual footways will be provided from the dwelling, leading to the carriageway edge to provide crossing points to the footway on the southern side of Tarring Road. The LHA would have concerns with the westernmost crossing point, this does not provide a safe crossing to the footway on the opposing side of Tarring Road and pedestrians would be crossing into the junction of Ripley Road. The applicant is advised to modify the plans to remove the westernmost crossing point. The LHA would also request that the proposed central crossing point be provided with tactile paving on both sides of Tarring Road. The internal pathway leading to this crossing point from the proposed dwelling should also be orientated in such a way that pedestrians exiting the site approach the crossing point on Tarring Road facing oncoming traffic. This is to give a greater sense of awareness of the crossing point.*

*The plans indicate that two parking spaces would be provided. The WSCC parking demand calculator would anticipate a minimum of 3 parking spaces would be required for a dwelling of this size and location. However, the LHA acknowledges that the third parking space would be primarily visitor parking provision, which could be accommodated on-street in this location. The Local Planning Authority may wish to consider the potential impacts of on-street parking from an amenity point of view.*

*Please request the above modification from the applicant and re-consult.”*

Following re-consultation on the Amended Plans and Transport Note the LHA has commented further:-

*“The LHA has been re-consulted on this application following submission of revised plans and a Transport Statement by Reeves Transport Planning.*

*This application is for the erection of 1 x 3-bedroom dwelling. The site is located on Tarring Road, a C-classified road subject to a speed limit of 30mph.*

*The proposed plans demonstrate a single dwelling with vehicular crossover (VCO) to the east. The plans do not demonstrate visibility at the proposed access onto Tarring Road, however from an inspection of the plans and WSCC mapping visibility appears sufficient in this location, exceeding the minimum required for a 30mph road. Tarring Road has good forward visibility in the location meaning that vehicles travelling along Tarring Road will be able to see a vehicle waiting to emerge from the access.*

*The revised plans demonstrate that now only one footway will be provided from the dwelling, leading to the carriageway edge to provide a crossing point to the footway on the southern side of Tarring Road. The plans demonstrate tactile paving at the proposed crossing point and also proposed tactile paving on the southern side of Tarring Road, should this be required at Detailed Design Stage.*

*The plans indicate that 2 parking spaces would be provided. The WSCC Parking Demand Calculator would anticipate a minimum of 3 parking spaces would be*

*required for a dwelling of this size and location. However, the LHA acknowledges that the third parking space would be primarily visitor parking provision which could be accommodated on the street in this location. The LPA may wish to consider the potential impacts of on-street parking from an amenity point of view.*

*The plans demonstrate that a shed will be provided in the rear garden to provide secure and covered cycle storage to promote sustainable transport options. The LHA also notes the proximity of the site to bus stops and West Worthing Train Station.*

*In the interests of sustainability and as a result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with the current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments). Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition.*

#### 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 NPPF (paragraph 111) and that there are no transport grounds to resist the proposal."*

**Network Rail:** Network Rail (NR) is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway.

Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail requests the applicant/developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow the ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

The applicant/developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. The applicant/developer must also follow the NR Asset Protection informatives which are issued to all proposals within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

**Southern Water:** Southern Water records show the approximate position of an existing surface water sewer in the immediate vicinity of the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water. It is advised that the 1050 mm surface water sewer will require a clearance of 5 metres on either side of the public sewer to



protect it from construction works and to allow for future maintenance access. No development or tree planting should be carried out within 5 metres of the external edge of the public sewer without consent from Southern Water. No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable sewers. All existing infrastructure should be protected during the course of construction works. The Applicant is advised that the impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus.

The Applicant is advised that SW has restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting.

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.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. From the submitted drainage plan (012) it appears that surface water is being connected into a public foul sewer which would not be acceptable to Southern Water. The surface water drainage for the site should be designed based on the preferred order of hierarchy for surface water disposal as defined in Part H3 of the Building Regulations. No surface water should be permitted to be discharged to the foul sewerage system, in order to protect properties downstream from flooding. In situations where surface water is being considered for discharge to the SW network, the hierarchy for surface water in part H3 of the Building Regulations should be followed. Whilst re-use does not strictly form part of this hierarchy, Southern Water would encourage the consideration of re-use for new developments.

The design of drainage should ensure that no groundwater or land drainage is to enter public sewers. 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.

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

***Adur & Worthing Councils:***

The ***Environmental Health*** Officer initially commented:-

The Transportation Noise Assessment (Residential Development) (Date: 18th December 2020 – Issue 1 Project: J3076) has been submitted in support of this application together with a response to comments previously made in relation to a previous application on the same site. This noise assessment is specific to the

previous development, the assessment does not appear to have considered whether the distance of the property to the road or rail has increased/decreased. This needs to be considered as changes in distances from these noise sources could impact the mitigation required by the glazing.

The plans appear to show a weld mesh fence along the northern boundary. Section 7.6 of the Acoustic Report specifies that an acoustic fence is required around the gardens and amenity areas to reduce external noises in these areas to within guidelines levels.

I still have concerns about the LA<sub>max</sub> levels at this site. Table 7 within the Noise Assessment indicates external facade LA<sub>max</sub>, with the external facade level of 84dB (typical) 89dBdB (max) on the East/West facade. The proposed glazing on these facades will provide a sound reduction of 29dB (Section 7.3.3). This will result in LA<sub>max</sub> exceedings guideline levels on these facades. Clarification is required.

With reference to ventilation (Section 7.5) the proposed attenuated ventilators fitted through external walls together with a mechanical extraction system in habitable rooms would be an acceptable option. The mechanical extract ventilation should have a boost function and internal noise levels of the system when in operation should not exceed guidelines levels specified in BS8233:2014. The applicant should provide a plan showing the location of the ventilators and details of the mechanical extraction ventilation once this has been confirmed. We would require a test to demonstrate compliance with the approved scheme once we are satisfied that the proposed scheme will protect amenity.

As with the previous schemes, as this site is situated adjacent to a railway line there is potential for contaminated land, so we would require the following condition:

#### Contaminated Land

Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

- (1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
- (2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and

arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Given the proximity of this proposed development to existing dwellings I would also recommend the following conditions:

#### Hours of construction

Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times: Monday - Friday 08:00 - 18:00 Hours; Saturdays 09:00 - 13:00 Hours; No work permitted on Sundays and Bank Holidays. Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

#### Dust

Construction work shall not commence until a scheme for the protection of the existing neighbouring premises from dust has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the demolition and construction phases of the development.

The Environmental Health Officer was subsequently re-consulted on the Transportation Noise Assessment (Residential Development) (Date: 16 August 2021 – Issue 2 Project: J3076) along with the further explanatory comments (dated 18.08.2021) from the Applicant's Acoustic Consultant. and has commented that these documents have addressed her concerns and are considered acceptable.

The following additional conditions are recommended:

#### Acoustic Attenuation

The development hereby permitted shall be carried out in full accordance with the recommendations of the Transportation Noise Assessment (Residential Development) (Date: 16 August 2021 – Issue 2 Project: J3076) and all works which form part of the approved scheme shall be completed before the permitted dwelling is occupied. Following completion of the scheme, a test shall be undertaken to

demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

No dwelling shall be occupied unless and until the acoustic fence specified in section 7.6 of Transportation Noise Assessment (Residential Development) (Date: 16 August 2021 – Issue 2 Project: J3076) is erected around the gardens and amenity area of the proposed development.

Construction work shall not commence until details (including a location plan of ductwork and ventilators) of the mechanical extract ventilation system and attenuated through wall ventilators have been submitted and approved. The mechanical extract ventilation should have a boost function, ductwork should be fitted on anti-vibration mounts and internal noise levels of the system when in operation should not exceed guidelines levels specified in BS8233:2014.

The **Engineer** initially commented:

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

Surface water drainage: The application form indicates it is proposed to discharge surface water via infiltration. Network rail has strict controls over permitting infiltration within certain distances of their assets. Network rail may also wish to comment on the proposal for construction so close to its asset. We would recommend that they are consulted. Given the site size we believe it is unlikely that infiltration will be allowed. There is a surface water sewer in Tarring Road. Attenuated discharge to surface water sewer may be required. Given the tree root protection areas there may be significant conflict on site. The applicant has submitted a plan showing the indicative potential location of attenuation, although they have not submitted any calculations or details of levels.

In the event of approval the following condition is recommended to ensure it is adequately drained: *“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.”*

The **Tree and Landscape Officer** initially raised an objection commenting that the proposed change in ground levels would be damaging to the existing trees.

Following the submission of an Addendum to the Arboricultural Impact Assessment and Tree Protection and Retention Plan from the Applicant's Landscape Consultant, the Tree and Landscape Officer is now satisfied with the details regarding the levels and existing trees, and also the proposed tree planting.

The **Private Sector Housing** team has no objection.

## Representations

An objection to the initial submission was received from a resident of nearby Ripley Road commenting:-

We strongly object to this latest planning application as outlined below:-

1. The previous decisions were based on the replanting of the illegally felled TPO trees. This has not taken place to date. By the selling on and subsequent splitting of this land to this new developer seems to have allowed the original developer to relinquish responsibility for the replanting of the TPO trees (16) and landscaping, as already agreed in planning application AWDM 0072/19, which shows it now in the front garden area of the new development, so where are these 16 new trees and landscaping being incorporated? The new developer surely cannot ignore his responsibilities for the previously agreed tree works granted under AWDM/1358/17, by stating "...he was not party to the consent for the tree works...". His ignorance is not an excuse. Furthermore, consent was granted on safety grounds in November 2017 to fell nine horse chestnut trees. This consent required the replacement tree to be planted within two years of the date of consent for each felled tree. This still has not taken place by July 2021. Again showing total disregard for the law and Worthing Planning Department.
2. Regular speeding vehicles already makes this a dangerous road for pulling out of side streets, due to parking of vehicles on pavement kerb sides and corners of the local roads, therefore not giving any visibility splay. With the proposed development it shows two footpaths leading directly on to Tarring Road with a tree in between, stopping safe passage to cross the road. Also the driveway is obscured by TPO trees both ways.
3. Will be overlooked and loss of privacy by this proposed development.
4. This was a lovely tree-lined road which has been progressively destroyed by the numerous developers, who flout the law, illegally felling TPO trees and not replanting them.
5. Please refer to the whole Minutes of the Meeting dated 17 October 2018 at 18:30 hours, as a refresher to this ongoing planning application, and especially the last paragraph on page 7, where due to the illegal felling of TPO trees, the officer stated that "*...an extra condition to enforce planting of the trees before further development takes place, would be a positive step and could be overseen by the Tree and Landscape Officer*". This has clearly not taken place.

Following notification of amended plans a further objection has been received from the resident reiterating all of the above concerns, plus:-

6. As the Forestry Minister Lord Goldsmith said ".....We are going to have to break down the barriers to planting trees outside of woodlands if we are to deliver our ambitious tree planting commitments. Trees are the backbone of our urban and rural

environments, and increasing planting is an effective way both to tackle climate change and stem the appalling collapse of biodiversity.”

### **Relevant Planning Policies and Guidance**

Worthing Core Strategy (2011):

Policy 7 Meeting Housing Need

Policy 8 Getting the Right Mix of Homes

Policy 13 The Natural Environment and Landscape Character

Policy 15 Flood Risk and Sustainable Water Management

Policy 16 Built Environment and Design

Policy 17 Sustainable Construction

Policy 19 Sustainable Travel

Worthing Local Plan (WBC 2003) (saved policies H18, RES7, TR9t)

Supplementary Planning Document ‘Space Standards’ (WBC 2012)

Supplementary Planning Document ‘A Guide to Residential Development’ (WBC, 2013)

Community Infrastructure Levy Revised Charging Schedule (WBC 2021)

WSCC Guidance on Parking in New Development (WSCC 2019)

Revised National Planning Policy Framework (HCLG 2021)

National Planning Practice Guidance (HCLG)

Submission Draft Worthing Local Plan (2021):

Policy SP1 Presumption in Favour of Sustainable Development

Policy DM1 Housing Mix

Policy DM2 Density

Policy DM5 Quality of the Built Environment

Policy DM6 Public Realm

Policy DM15 Sustainable Travel and Active Travel

Policy DM16 Sustainable Design

Policy DM20 Flood Risk and Sustainable Drainage

### **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

And

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

## **Planning Assessment**

### ***Policy Background and Principle***

The policy context comprises the National Planning Policy Framework (NPPF) and the local development plan which consists of the saved policies of the Worthing Local Plan, Worthing Core Strategy and accompanying Supplementary Planning Documents (SPDs).

The NPPF has considerable status as a material consideration which can outweigh development plan provisions if policies are out of date or silent on a relevant matter. In such circumstances paragraph 11 of the NPPF states that development should be approved unless it would cause adverse impacts which significantly and demonstrably outweigh benefits when assessed against the NPPF policies overall, or if the NPPF affords particular protection to assets or areas of importance.

Worthing Core Strategy Policy 7 aims to ensure that the right mix and type of housing is delivered in the right places to meet identified demand and that appropriate infrastructure is delivered.

Worthing Core Strategy Policy 8 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 and within suburban areas outside of the town, only limited infilling which will predominantly consist of family housing. The approach is one that seeks to increase the stock of family homes through new development and to protect the existing stock.

A key objective of the Core Strategy is to ensure that the right mix and type of homes are delivered in the right places to meet the identified local need. Good design is vital to ensure that Worthing's built environment is not compromised. The 'Guide for residential Development' SPD October 2013 seeks to outline the key elements for achieving these objectives when considering all new residential developments in Worthing. The aim of this SPD is to interpret policy as well as to provide design-led good practice guidance.

A new Local Plan, the Submission Draft Worthing Local Plan (SDWLP) has been submitted to the Secretary of State for Housing Communities and Local Government and is currently undergoing for examination. The relevant policies set out above have some materiality in the determination of planning applications.

Paragraph 74 of the revised NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum 5 years' worth of housing against their housing requirement set out in adopted strategic policies, or against objectively assessed local housing need where the strategic policies are more than five years old. It is acknowledged that a 5 year supply of housing in relation to such need cannot currently be demonstrated, but this has been addressed within the new Local Plan by a robust assessment of all potential opportunities to deliver new homes.

With regards Para 11(d) of the NPPF and the so-called 'tilted balance', the recent Court of Appeal case (*Gladman Developments Limited v Secretary of State for*

*Housing, Communities and Local Government & Ors. Case Number: C1/2020/0542/QBACF*) found that the NPPF presumption is “policy, not statute” and “does not change the status of the development plan as the starting point for decision making”.

The proposed site is sustainably located within an established residential area within the designated built up area and within walking distance of local schools, shops and services and is accessible by public transport. There is no objection in principle to a residential infill development that makes a more efficient use of land subject to there being no adverse impacts on the character and appearance of the area, the residential amenities of future and neighbouring occupiers, and parking and highway safety matters, which are considered below.

### **Character and Appearance**

The proposed dwelling would be of a similar contemporary architectural style to the recently built dwellings further to the east on this side of the road (and approved on the adjoining vacant site under AWDM/0072/19), but would be smaller in scale at 2-storeys. The existing (and approved) dwellings to the east are not all identical in appearance but have a clear identity and coherence which derives from their part pitched part flat roof forms, squared bays, distinctive fenestration style and external finishes. The ‘treed’ setting fronting Tarring Road also contributes to the distinctive character of these houses (although less so the westernmost detached dwelling, No.318).

The elongated form and layout of the proposed dwelling is primarily influenced by the constraints of this narrow linear site. It is not unattractive in itself and has been deliberately designed ‘with a nod’ to the design of the existing houses on this side of the road, incorporating some similar features including the squared bay window, generously proportioned windows to the front elevation and the chamfered treatment of the first-floor front elevation, which picks up on the sloping roof detail on the rear of the existing houses. The dwelling would be constructed using a palette of similar external materials and finishes.

In dismissing the earlier appeal in relation to refusal of a semi-detached pair of 3-bedroom houses over 3 storeys, the Inspector commented: *“The erection of a pair of dwellings at this location, which would be two storey in height and of a significant scale and mass, would involve physically cramming the built development into the site and would disrupt the general sense of unforced development that has thus far been established within this modest ribbon of land. The coherent, rather regimented pattern of development that has so far been erected along the length of this side of the road has in itself established an interesting and novel character. Due to the layout and siting of the proposed built form, sitting forward of the general building line in a dominant and aggressive manner the scheme would be significantly harmful to the immediate street scene and would not conform to, enhance or respect this recent offer of development. Nor would it reflect the wider character of the area.”*

The provision of only one dwelling compared to the 2no previously proposed under AWDM/0106/21 and AWDM/1149/19 goes some way to relieving concerns about the overly cramped layout of the development. The proposed dwelling would be sited on the same angle of alignment, but with its main front wall be positioned some 2



metres behind the front building line of the pair of houses on the adjoining development site approved under AWDM/0072/19.

The chamfered or angled form and contrasting zinc-clad finish of the first-floor element helps to break-up the massing and alleviate the assertiveness of the built form within the street scene.

All in all, the reduction in the amount of the development on this narrow site combined with the reduced scale and massing of the built form of the proposed dwelling, plus a more dynamic elevation treatment, is considered to satisfactorily address the appeal Inspector's previous concerns, and would not appear 'crammed' or unduly dominant and would integrate sympathetically within the context of the established pattern of recent development on this side of the road.

### ***Impact on Trees***

There was previously a line of mature horse chestnut trees growing along the frontage of this part of the application site and the adjoining development site to the east. The trees, which were subject to TPOs, made a positive contribution to visual amenity, screening the railway line and the rear of buildings on its opposite side. Consent was granted on safety grounds in November 2017 under AWDM/1358/17 to fell 9 horse chestnut trees and to undertake reduction works to 4 other trees. The consent required a replacement tree to be planted within 2 years of the date of consent for each felled tree. The tree felling was subsequently carried out but, as noted in the comments of the third party, no replacements have been planted.

A further 2 horse chestnut trees were subsequently felled without consent and 1 other tree damaged apparently without the knowledge or consent of the then landowner. Given the circumstances it was not considered expedient to pursue enforcement action in respect of the unauthorised works. However, the tree loss was subsequently addressed in the development scheme allowed in March 2019 on appeal under AWDM/0728/18 which included the current application site within its 'red lined' site area. Condition 3 of that extant planning permission requires a landscaping scheme to be agreed and implemented including the planting of 16 trees on the site. A similar condition (condition 7) was attached to the subsequent permission for a pair of semi-detached houses granted under AWDM/0072/19 which included the current application site as land in the applicant's control (i.e. land outlined in 'blue' rather than red). The landscaping strategy approved under AWDM/0072/19 shows new tree-planting to be carried out on the 'red lined' development site area *and* the current application site. The respective pieces of land making up the 'red' and 'blue' lined land under AWDM/00728/19 are now in 2 different ownerships. However, as part of the current application, the initiative has been taken by the applicant to liaise with the developer of the adjoining development site to formulate a unified strategy to the proposed replacement tree planting required by condition 7 of AWDM/0072/19 and to mitigate the tree removal initially agreed under AWDM/1358/17. The submitted Tree Plan shows 12no trees planted within the current application site (and 4no within the adjoining development site).

The Council's Engineer has questioned the compatibility of the proposed tree planting with drainage infrastructure and the easement zone required by Network Rail. An updated plan has been provided showing the proposed tree planting within

the context of the 'easement' zones required by Network Rail (to the north) and Southern Water (to the South) where restrictions over tree planting will apply. The 12no proposed trees within the application site consist of a mix of *Crataegus laevigata* 'Plena' (Hawthorn), *Prunus Padus* (Bird Cherry), *Malus Sylvestris* (Crab Apple), *Sorbus Aria* 'Lutescens' (Whitebeam) and *Malus Domestica* M26 (dwarf apple tree). All are native small to medium trees varying in height between 4.5 - 6.0 metres, except the *Malus Domestica* M26 which would grow to a maximum height of approximately 3.0 metres. A Statement and Root Barrier Plan provided by the applicant's landscape consultant explains that the *Malus Domestica* M26 shown along the site frontage has a limited root stock which could be suitably contained by a properly installed root barrier without detriment to the health of the trees. Although the proposed replacements would not have the stature of the former horse chestnut trees on the site, they would contribute toward biodiversity, providing a source of pollen and nectar for insects and food and shelter for a range of birds/wildlife. The Council's Tree and Landscape Officer has raised no objection to the proposed replacement tree planting. However, it is considered important that the area of land at the far western end of the site is retained as an informal soft landscaped area, separate from amenity gardens to maximise the biodiversity benefits.

Although located within the adjoining highway land to the south, the 4no existing TPO trees have root protection areas (RPAs) and canopy encroaching the site. The submitted Arboricultural Impact Assessment identifies the trees immediately to the south of the proposed dwelling (T03 Sycamore and T04 Sycamore) as potentially being affected by the development through disturbance to RPAs during construction or post development pressure to prune or remove. Whilst the extent of incursion into the RPAs in no case exceeds the 20% RPA limit of existing unmade land specified in BS5837:2012 for individual trees, the Assessment makes clear that excavation of the foundations and construction of the footpath within the RPA of T03 and T04 will need to be executed with care using manual methods and handheld tools under arboricultural supervision, and utilising a no-dig construction method for the footpath, to minimise impacts. The Assessment concludes that provided protection measures are implemented no significant impacts upon the trees are anticipated.

The extent of works to the existing trees necessary to facilitate the development would be limited to removal of a broken branch (T02), removal of deadwood (T03) and removal of a dead stem (T04) although the frequency of tree works required in the future would likely increase as a result of the development.

The Council's Tree and Landscape Officer initially raised concerns about the effect of excavations on the existing trees, with ground levels lowered across the site. The latest Tree Retention and Protection Plan shows the base of the existing tree T04 at 8.17AOD with a 1:60 gradient applied from this position to the edge of the ground-floor of the proposed dwelling shown as having a finished floor level of 8.46AOD. The Council's Tree and Landscape Officer has since removed his objection on the basis of this further information and subject to the development being implemented in accordance with the measures shown on the Tree Retention and Protection Plan and described in the Arboricultural Method Statement set out in the Arboricultural Impact Assessment.

## ***Residential amenity – for proposed dwelling***

### Noise

The development is close to the railway track and potential exists for noise and vibration to affect the amenities of future occupiers. A Transportation Noise Assessment submitted with the application assesses the impact of rail noise and also considers noise levels from Tarring Road. The assessment is based on reworked rail noise data from an earlier acoustic survey carried out in 2010 (to support the applications for development of the existing houses on this side of Tarring Road) together with supplementary noise surveys undertaken in 2020 and 2021 of road traffic and train pass-by events at the site.

Calculations show that on all facades (North, East/West and South) daytime and night time sound levels (dBA) will considerably exceed the internal ambient noise level criteria of BS8233 for daytime (35dB) and night time (30dB) periods. However, the report goes on to conclude that planning permission can be granted for the residential development on noise grounds subject to implementation of recommended noise mitigation measures including:-

- Glazing specifications with sound reduction performance appropriate to each of the facades (North, East/West and South);
- Ceilings to top floor rooms particularly bedrooms lined with 2 x 12.5mm soundbloc board in order to ensure that sound transferring from outside via the roof/ceiling is attenuated to provide satisfactory internal levels;
- Acoustic trickle ventilators which are rated at least DnEW=38dB are fitted to the worst affected windows (or an attenuated ventilator fitted through the external wall DnEW also to be at least 38dB). This could be combined with the use of a mechanical extract system serving the habitable rooms with the make-up air being drawn through the attenuated ventilators so that background ventilation could be provided without allowing the ingress of excessive transportation noise levels. An open window would allow for pure ventilation at the discretion of the occupant (with knowledge that the sound levels would increase beyond the guideline criteria).

The World Health Organisation (WHO) states with regard to outdoor amenity areas that to protect the majority of people from being 'seriously annoyed' during the daytime, the outdoor sound level from steady, continuous noise should not exceed 55dB(A) on balconies, terraces and in outdoor living areas; and to protect the majority of people from being 'moderately annoyed' should not exceed 50dB(A). Without a noise fence the data shows the rail noise level in the gardens will be up to Leq,16hrs 61dB(A) for the daytime period, but noise levels will be reduced by 5-10dB if a 2 metre high noise fence is built close to the noise source and receiver.

The Council's EHO made a number of detailed comments on the methodology of the assessment and conclusions within the submitted report to which the Applicant's acoustician has responded. Specifically, the acoustician has responded to state that although the assessment was carried out during the COVID pandemic the number of trains was no longer limited at this time because of Key Worker travel. The number of trains exceeded those in the timetable used for the 2018 transport assessment in relation to the adjoining development site and reported sound levels to be equivalent

(and 3dB higher at the façade of the proposed new development). It is argued that noise modelling is not normally required for small and simple sites where data can be easily calculated using basic acoustic principles of distance attenuation and angle or view correction, plus summing of sound sources from road and rail. It is stated that this site is 'practically the same' as the adjacent site which received planning permission and where no noise modelling was needed. Further justification is provided for the use of the Shortened-Form measurement of road traffic noise (CRTN) as it supplements other data provided for adjacent sites.

The applicant's acoustician remains of the view that MVHR is not required commenting that acoustic trickle vents have improved dramatically in recent years and that this type of natural ventilation, or the alternative of attenuated through-wall ventilators, also a form of natural ventilation, is appropriate for this site.

The Council's EHO has accepted the further explanation and comments of applicant's acoustician and has raised no objection to the proposals, subject to conditions requiring the recommendations of the Transport Noise Report being implemented and details of the mechanical extract ventilation system and attenuated through-wall ventilators being submitted for approval. The wording of the recommended conditions also requires that a test be carried out following completion to demonstrate that the attenuation measures are effective in protecting the new dwelling from noise.

#### Internal and External Space Standards

The dwelling would have a gross internal floor area of 115sqm which exceeds the Council's adopted minimum standard of 93sqm for a 3-bedroom house.

The submitted drawings show the proposed dwelling with garden areas to the east (approximately 12 metres long by 4.7 metres wide) and west (21 metres long by 4.5 metres wide) totaling 146sqm (not including the westernmost area retained for informal landscaping) which exceeds the Council's minimum standard of 100sqm for a detached 3-bedroom dwelling. However, an acoustic fence built around the gardens as specified in the Transport Noise report will be essential to ensure satisfactory standard of amenity within the garden areas.

#### ***Residential amenity – effect on existing dwellings***

The most affected neighbour is 98 Ripley Road, an end-of-terrace infill dwelling dating from c.2010 occupying a corner plot on the opposite (south) side of Tarring Road. The dwelling is sited at an angle to Tarring Road with its main front elevation facing north-west. Ground and first-floor windows (and the balcony) on the main south elevation of the proposed dwelling would face toward the front and side elevations of No.98 at a minimum distance of 15 metres across Tarring Road. Planning records indicate the ground-floor of No.98 consists of an integral garage with living/kitchen area on the first-floor and bedroom accommodation within the roofspace. The main living room window faces northwest onto Ripley Road with secondary windows in the first-floor side elevation (north-east). Taking account of the angled siting of No.98 in relation to the front of the proposed dwelling it considered the impact on the amenities of the occupier in terms of overlooking would not be unacceptably intrusive.

## **Accessibility and parking**

The plans show the provision of a new 5.5m wide vehicle access at the eastern end of the site, with 2 open parking bays. A pedestrian access from Tarring Road aligns with the main front entrance with a further pathway running parallel to the front of the house linking the parking spaces and side gardens. A new section of tactile paving is shown in front of the pedestrian access within the highway land on both sides of Tarring Road.

Although the parking demand calculator indicates provision for 3 on-site parking spaces to serve the proposed 3-bedroom dwellings no objection to the shortfall has been raised by the LHA on highway safety grounds. There is capacity for visitors to park on-street in nearby residential roads.

The site is within a highly sustainable location within walking distance of West Worthing rail station and bus routes further east along Tarring Road and South Street, and is accessible to a range of shops and local facilities/services within Tarring Road Neighbourhood shopping centre.

Provision for secure, covered cycle storage is shown within the eastern side garden.

Although the latest plans still do not show the visibility splay at the new vehicle site access the LHA has not raised any objection, commenting that Tarring Road has good visibility in both directions that would allow oncoming drivers in both directions to see a vehicle waiting to exit the driveway. On the specific issue of whether the position of the existing trees T03 and T04 within the highway land would impact visibility at the access, the Highway Officer does not consider the trees would need to be removed, commenting: "...the trees do fall within the splay, but it does appear that a driver would be able to see both behind and between the two trees. Manual for Streets paragraph 7.8.6 states that *'The impact of other obstacles, such as street trees and street lighting columns, should be assessed in terms of their impact on the overall envelope of visibility. In general, occasional obstacles to visibility that are not large enough to fully obscure a whole vehicle or a pedestrian, including a child or wheelchair user, will not have a significant impact on road safety'*."

## **Sustainability**

The main sustainability features include a planted green 'meadow roof' to the primary roof to assist with rainwater run-off rates and also to encourage biodiversity. Other biodiversity measures (in addition to the tree planting described above) to include provision of bat and bird boxes/bricks can be secured as a condition of planning permission.

The Design & Access Statement states that the dwelling will have a condensing combination boiler together with 'high insulation standards'. As no details have been provided it can be assumed that this would not be to a higher specification than is required by current building regulations. It is stated that dual flush toilets and flow restrictor taps would be provided to bathroom areas.

The Applicant has agreed to provide an EV charger positioned centrally between the 2 parking bays which would enable them both to be active EV spaces. The precise details can be secured as a condition of planning permission.

### **CIL**

The proposed development is eligible for CIL in accordance with the revised charging rate.

### **Conclusion**

It is considered that these revised proposals involving a reduction in the overall amount of development on this site, together with revisions to the form, massing and detailed design of the proposed dwelling, and a comprehensive assessment of the impacts of the proposals on existing trees and the feasibility of replacement tree planting on this site (and the neighbouring development site to the east) necessary to mitigate the previous tree removal; has satisfactorily addressed the reasons for refusing the earlier proposals for 2no dwellings on this site (under AWDM/0106/21 and AWDM/1149/19) and would make a welcome addition to the supply of family housing.

### **Recommendation**

It is recommended that planning permission be **APPROVED**, subject to the following conditions:-

1. Approved plans
2. Standard 3yr time limit
3. Agree material schedule and samples (including windows and doors)
4. Agree hard surfacing details.
5. Implement tree protection measures in accordance with the Arboriculture Method Statement within the submitted Arboricultural Impact Assessment Report LLD2181-ARB-REP-001 Rev 01) and shown on Tree Retention and Protection Plan LLD2473-ARB-DWG-002 Rev 01 with Arboricultural Supervision of the site excavations.
6. Agree and implement a soft landscaping scheme to include new tree planting within the site shown on the Tree Layout Plan LLD2473-LAN-SKE-001 and the westernmost part of site to be retained as an informally landscaped area.
7. Construction of the development shall not commence until details of the proposed means of foul water sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.
8. Development works 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 in consultation with Southern Water. 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

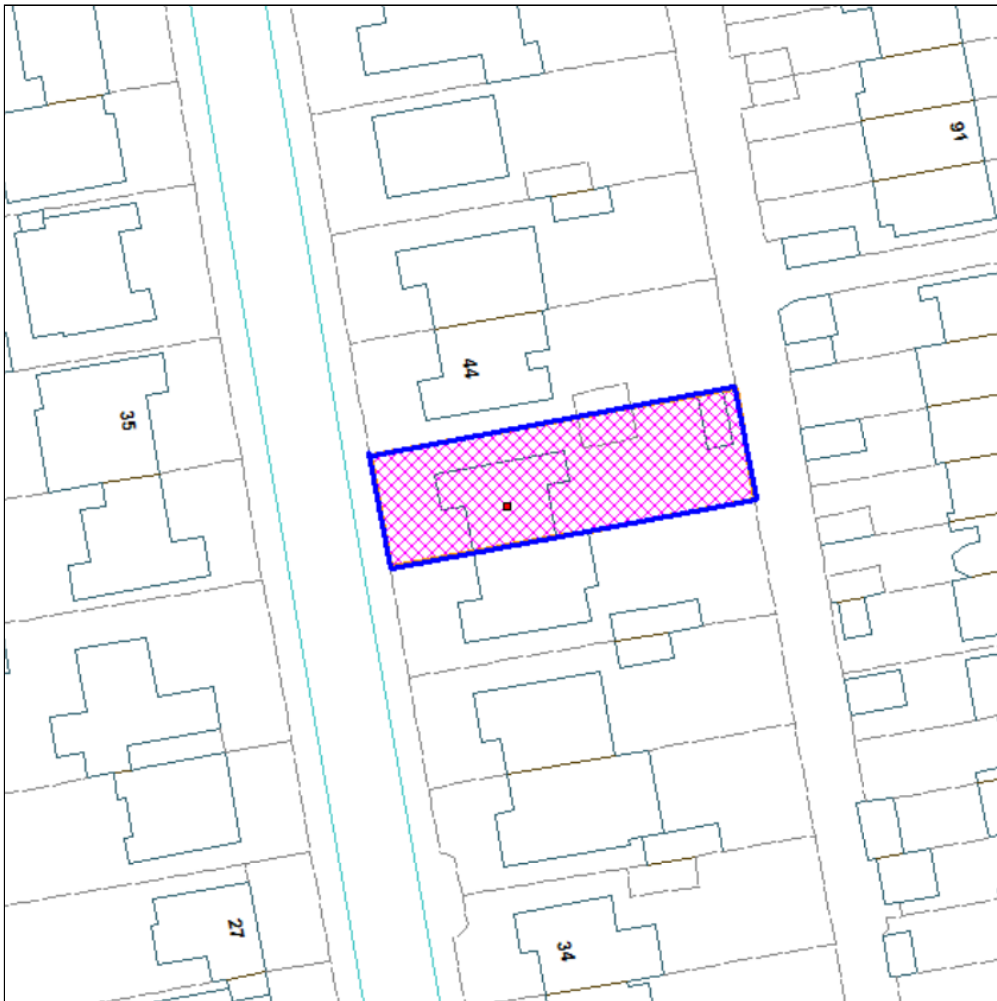
winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

9. The development hereby permitted shall be carried out in full accordance with the recommendations of the Transportation Noise Assessment (Residential Development) (Date: 16 August 2021 – Issue 2 Project: J3076) and all works which form part of the approved scheme shall be completed before the permitted dwelling is occupied. Following completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.
10. No dwelling shall be occupied unless and until the acoustic fence specified in section 7.6 of Transportation Noise Assessment (Residential Development) (Date: 16 August 2021 – Issue 2 Project: J3076) has been erected around the gardens and amenity area of the proposed development in accordance with details of its siting to be submitted and agreed in writing by the Local Planning Authority.
11. Construction work shall not commence until details (including a location plan of ductwork and ventilators) of the mechanical extract ventilation system and attenuated through wall ventilators have been submitted and approved. The mechanical extract ventilation should have a boost function, ductwork should be fitted on anti-vibration mounts and internal noise levels of the system when in operation should not exceed guidelines levels specified in BS8233:2014.
12. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plan.
13. No part of the development shall be first occupied until such time as the vehicular and pedestrian accesses serving the development have been constructed in accordance with the details shown on the drawing titled Site Plan and Location Plan numbered 010 Rev B.
14. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved Site Plan. These spaces shall thereafter be retained at all times for their designated purpose.
15. Development works shall not commence unless and until a Construction Method Statement and Plan (including dust protection measures) has been agreed and implemented
16. Development works shall not commence unless and until potential site contamination has been investigated and remediated.
17. Control hours of construction Monday - Friday 08:00 - 18:00 Hours; Saturdays 09:00 - 13:00 Hours; No work permitted on Sundays, Public or Bank Holidays.
18. No part of the development shall be first occupied until the Electric Vehicle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the local planning authority.
19. Development works shall not commence unless and until construction design details of the proposed parapet walls, 'meadow roof', balcony balustrade and fixings, dormer windows, cantilevered porch, brick soldier course, window reveals and rainwater goods have been submitted and agreed
20. Glazing within windows on North elevation fixed shut

21. Agree and implement boundary treatment (other than acoustic fence referred to in Condition 10 of this permission)
22. Remove 'permitted development' entitlements for external alteration, extensions and enlargements, incidental outbuildings larger than 5 cubic metres and walls, fences and other means of enclosure forward of the front elevation of the dwelling.
23. Agree and implement biodiversity enhancements



<b>Application Number:</b>	<b>AWDM/1591/21</b>	<b>Recommendation - Approve</b>
<b>Site:</b>	<b>42 Alfriston Road, Worthing</b>	
<b>Proposal:</b>	<b>Construction of rear Workshop / Store Outbuilding (part retrospective).</b>	
<b>Applicant:</b>	<b>Mr &amp; Mrs Sharp</b>	<b>Ward: Gaisford</b>
<b>Agent:</b>	<b>Mr Kenny Foxwell</b>	
<b>Case Officer:</b>	<b>Rebekah Hincke</b>	



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**This application has been brought to the Planning Committee at the request of Councillor John Turley.**

### **Proposal, Site and Surroundings**

The application site relates to a semi-detached bungalow located on the east side of Alfriston Road within a residential suburb of Worthing. The bungalow is set back from the road with a garden and driveway to its frontage. Its design and form is similar to other bungalows on this side of the street with a T-shaped footprint and hipped roof front and rear projection, mirrored by the attached neighbour. It has an enclosed rear garden where several structures, including a detached garage building, have recently been removed. To the east of the site, is an unadopted lane providing access to the rear of the terraced housing that lies to the east in Cranleigh Road, where several of which have garage structures sited along the edge of the lane. The property is not within a conservation area nor is it listed and there are no protected trees on site.

Permission is sought for the construction of a rear workshop/store building sited adjacent to the rear (east) and side (north) boundaries. Works have commenced and the building has been partially constructed up to eaves level at the time of the site visit. The building has an 'L'-shaped form that would measure approximately 7.7 metres in depth along the northern side wall and 7.7 metres in width along its east rear wall. The application proposes a 3.8 metre high pitched roof to the rear (7.7m by 3.7m) section of the building, with an eaves height of approximately 2.4 metres. This rear section would form the workshop area. The western storage section of the building would have a flat roof up to 2.6 metres in height. The applicant proposes to finish the building using fibre cement weatherboard cladding and with concrete roof tiles. The eastern rear wall of the building would form the boundary enclosure to this part fronting the rear lane, and with 2 metre high close-boarded timber fencing proposed to infill between the south-east corner of the building and the southern boundary.

### **Relevant Planning History**

AWDM/1341/20 Single storey rear extension. Removal of existing shed and workshop, construction of replacement workshop building. Approved 28.10.2020

### **Consultations**

None relevant

### **Representations**

Eighteen representations have been received from residents/owners in Cranleigh Road following the original consultation (five of which follow consultation on revised plans that include corrections to the window positions and delete the entrance gates on the boundary) objecting to the proposals on the following grounds:

- Rear access gates - rear access is owned/maintained by Cranleigh Road property owners for access, no access allowed from Alfriston Road,

unnecessary access gates proposed, may set precedent for others in Alfriston Road, hazard to children playing in lane.

- Close proximity to rear boundary and encroachment with roof/drainage/guttering
- Inaccuracies in forms
- Unnecessarily large building
- Querying use of building
- Loss of light

Five further representations have been received following consultation on revised plans, that include corrections to the window positions and delete the entrance gates on the boundary with a fence now proposed.

The further comments reiterate objections and the original concerns raised in relation to a potential access onto the private rear lane including issues of encroachment, safety in the lane, requesting a boundary wall be replaced, ensuring that the proposed fence is a permanent fixture, and raising concerns over the accuracy of the drawings and the visual impact of the proposed pitched roof.

### **Relevant Planning Policies and Guidance**

Worthing Core Strategy (2011): Policy 16 Built Environment and Design

Worthing Local Plan (WBC 2003): Saved policies H16 and H18

National Planning Policy Framework (HCLG 2021)

National Planning Practice Guidance (CLG)

Submission Draft Worthing Local Plan 2020-2036: SP1, DM5

SPG 'Extending or Altering Your Home' (WBC)

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

### **Planning Assessment**

There is no objection in principle to extensions and alterations to residential dwellings within the built-up area. The key issues are the effect on the residential and visual amenities of the locality.

### ***Visual amenity***

This application needs to be considered in the context of the previous decision that allowed a replacement pitched roof workshop building adjacent to the eastern boundary of the site as part of the application AWDM/1341/20. The approved workshop, if built, would measure 3.4 metres in depth and 6.3 metres in width.

Whilst the proposed workshop and store would be larger than previously proposed, the workshop element at the rear where it would be visible from the rear lane would be approximately 1.4 metres wider than previously approved. However, the alignment of the building as now proposed has been brought closer to the boundary with the rear lane as opposed to the previous approval that set the structure in from the boundary.

Having regard to the positioning at the rear of the bungalow, where it would not be readily visible in the street frontage, the full scale of the building with the added store structure would not be apparent. Although the former garage door is being reused on the west elevation of the store, there are no proposals to extend the existing driveway to this point for any vehicular access with no alterations to the Alfriston Road frontage. Views from the rear would only be possible from the private rear lane which itself has a number of garage/store buildings sited similarly to the proposals and of varying design and with some variation in boundary treatments with a mix of walls and fences of varied heights.

Although the structure proposed at No.42 would be larger than most others fronting the lane, due to its orientation and pitched roof design, the proposals represent a relatively modest increase in width and proximity to the rear boundary when compared with the approved scheme. Having regard to the character of the lane, and that permitted development allowances would allow a building of similar footprint and alignment but with a flat/lower roof, it is considered that a refusal on visual amenity grounds would not be justified. It is considered that the use of weatherboard cladding would give a satisfactory appearance for a storage building/workshop and a condition is recommended for the roof tiles to match the existing bungalow.

### ***Residential amenity***

The main impact as a result of the structure would be to the immediate neighbouring occupiers to the north and south of the application site at no. 44 and No.40 Alfriston Road. In terms of the effect on occupiers in Cranleigh Road to the east, the separation to the rear of more than 15 metres to neighbouring dwelling in Cranleigh Road and the intervening lane would ensure that no significant impact to amenity would be caused by the building.

The points raised in the representations are noted in relation to the access onto/use of the lane and possible encroachment, and whilst this is a private legal matter, the applicant has since sought to demonstrate a 190-200mm setback from the rear boundary to allow for the roof/drainage etc and has provided amended plans that delete the entrance gates that were originally included in the application, and instead a close boarded fence is now proposed. A signed Certificate A ownership certificate has been provided certifying that the development is within the applicants' land. Boundary disputes are not a planning consideration. The suggestion in the representations of a replacement boundary wall is noted but this would only be considered if there were significant visual/amenity issues to rectify and given the variety in the appearance of boundary treatments in the rear lane this would not be justified in this instance.

To the north, the building would be sited close to the boundary with No.44 but its position is set to the rear of the the neighbours' own rear garage, and with the height of the building proposed at 2.6 metres to its western section and stepped in, it is considered that there would be no significant threat to the amenities of No. 44. To the south side, there would also be sufficient separation to the boundary and neighbouring dwelling to ensure no significant loss of light or outlook. Amended plans propose a side window to the south side wall, but given the position of the building at the rear of the site, the separation and existence of boundary fencing and vegetation forming a screen, there would be no significant loss of privacy.

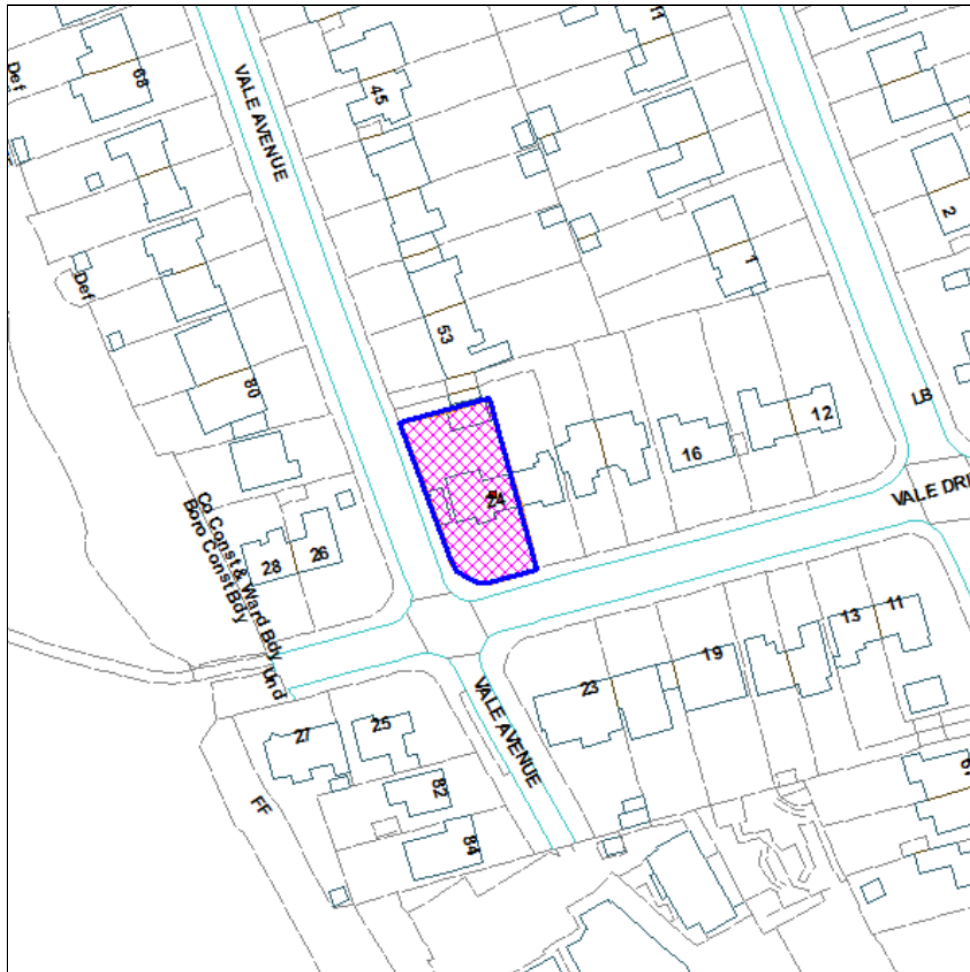
The applicant's agent has confirmed that the use of the building would be for the occupier's own personal use for hobbies and storage purposes with examples of woodwork, crafts and DIY given and storage of household items. A condition is recommended to ensure that the use would remain incidental to the use of the dwelling in the interests of protecting residential amenity, as well as a condition removing permitted development rights for any alterations to form additional windows or doors.

### **Recommendation**

It is recommended that planning permission be **APPROVED**, subject to the following conditions:-

1. Approved Plans
2. Materials as indicated and matching roof tiles.
3. Use of building for incidental purposes only
4. Removal of permitted development rights for further windows or doors

<b>Application Number:</b>	<b>AWDM/1422/21</b>	<b>Recommendation - Temporary Approval - 12 months</b>
<b>Site:</b>	<b>24 Vale Drive, Worthing</b>	
<b>Proposal:</b>	<b>Use of part of front driveway/hardstanding to station a non-static vehicle for the sale of refreshments (specification not exceeding 4m in length, 2m width and 2.5m high).</b>	
<b>Applicant:</b>	<b>Wayne Prangnell</b>	<b>Ward:Offington</b>
<b>Agent:</b>		
<b>Case Officer:</b>	<b>Rebekah Hincke</b>	



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## Site and Surroundings

The site relates to a semi-detached bungalow on the north side of Vale Drive, on the corner at its junction with Vale Avenue. No.24 is setback from the street frontage with a relatively large area of hardstanding for parking within its front garden with vehicular access from the south side in Vale Drive. The bungalow has been extended to its west side with a hipped roof addition. A low brick wall forms the boundary surrounding the front garden and hardstanding with separate pedestrian and vehicular access points. The rear garden is enclosed with close-boarded timber fencing and there are gates providing access to a rear garage/store building sited at the north end of the rear garden.

This is a predominantly residential area with other similarly designed detached and semi-detached bungalows in the vicinity. On the opposite side of the road, Vale Avenue continues to the south with access to Vale School, the primary school located to the south of the site. Further to the west, at the end of Vale Drive, there is pedestrian access to The Gallops open space and recreation area which is within the South Down National Park. Vale Avenue is a non-classified road with a 30mph speed limit. There are double yellow line restrictions at the crossroads junction with Vale Avenue and with on-street parking available elsewhere.

## Proposal

The application proposes the siting of a non-static vehicle for the sale of refreshments to be located on the existing hardstanding within the front garden of No.24. Although the specific vehicle has not been given, its size would be up to 4 metres in length, 2 metres in width and 2.5 metres in height, to be sited towards the north west corner of the site frontage.

No cooking or preparation of hot food would take place in the vehicle or dwelling, with pre-packaged confectionery, ice cream and hot and cold drinks offered for sale. Bins would be provided on site for waste and recycling.

As originally proposed, hours of operation have been indicated to between 07:00 and 17:00 on Monday to Friday and between 09:00 and 16:00 on Saturdays and Sundays. However the applicant has since clarified the intention to close trading between peak hours (closing between 10am and 1.30pm) on Mondays to Fridays and that it is their intention to open on occasional weekends only to coincide with events at the school or The Gallops.

The applicant would be operating the business from home, but states that they may employ a nearby resident who has shown interest.

The vehicle would be electrically powered directly from the main supply at the applicants property at No.24 with no generator or vehicle engine required.

## Consultations

**West Sussex County Council:** The **Highway Authority** has raised no objections and comments as follows:

## Summary

This proposal is for the stationing of a trailer for the selling of refreshments. The site is located on Vale Drive, an unclassified road subject to a speed restriction of 30 mph in this location. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

## Content

The applicant proposes to station a trailer on existing hardstanding, for the selling of hot drinks and ice cream. Whilst the proposal may bring some additional movements to the site, the LHA does not anticipate that this would give rise to a significant highway safety concern. It is anticipated that due to the local nature of the proposal, a number of visitors to the proposed use would be associated with existing trips to the nearby school or park, classed as 'pass by' trips.

Vehicular parking would have to be accommodated on-street. There are comprehensive parking restrictions in place on Vale Drive, preventing vehicles from parking in places that would be a detriment to highway safety. Whilst the LHA does not anticipate that parking on-street would give rise to a highway safety concern, the LPA is advised to consider the potential impacts on on-street parking from an amenity point of view.

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

## 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 111), and that there are no transport grounds to resist the proposal.

## ***Adur & Worthing Councils:***

The **Environmental Health** officer has requested additional information on what consumables are intended for sale with any hot food or drinks, what means of power for any equipment or lighting, and how waste and littering would be managed.

The applicant has since provided a supporting statement to address these points and the Environmental Health Officer has commented that the responses regarding odour, noise and litter impacts appear satisfactory with conditions recommended to limit the operation practices of the business as stated by the applicant with no hot food preparation, power supplied by mains electricity, and a 'keep waste' operating system with bins provided for customer use.



## **Representations**

Eighteen representations have been received from nearby residents objecting to the proposals on the following grounds:

- Inappropriate commercial use/appearance in residential road/front garden
- Visual impact/out of character
- Impact on parking and traffic/highway safety - school already causes congestion on weekdays, and parking for The Gallops. Proposal would add further congestion 7 days per week. Sometimes an ice cream van parks at school gate and causes congestion where cars stay longer. Danger/highway safety issues, adequacy of parking/turning/loading, access for emergency vehicles, adds to degradation of road surface
- Impact to neighbours - noise, weekends can be quiet and use would cause disturbance in early hours/weekends, odours/food smells/pollution, concern that the use may expand further/longer, loitering, overlooking/loss of privacy, loss of light
- No need for proposals. Already cafes and refreshments available nearby in Findon Road, potential loss of trade to other businesses
- Increase in litter
- Contrary to planning policies

One representation received from Councillor Louise Murphy stating that whilst she supports the ambition to start a small business, the location is inappropriate, and objects to the proposal on the grounds of it exacerbating issues of congestion and air quality surrounding the Vale School, impact on the the peace and quiet enjoyment of residents homes, and that commercial activity should be concentrated in population centres or commercial locations and would not be in keeping in the local residential area.

## **Relevant Planning Policies and Guidance**

Saved Local Plan policies (WBC 2003): H16, H18, TR9, RES7

Worthing Core Strategy (WBC 2011): Policy 3, 6, 16, 17, 18 and 19

Submission Draft Worthing Local Plan 2020-2036: DM5, DM13

National Planning Policy Framework (HCLG 2021)

National Planning Practice Guidance (CLG)

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

## **Planning Assessment**

The determining issues in this case relate to: the principle of the use of part of the site for a refreshments vehicle; the suitability of the site and visual amenity; impact on the amenities of residential occupiers; access and parking.

### ***Principle***

The National Planning Policy Framework supports economic development, and seeks to ensure the vitality of town centres, emphasising that planning policies and decisions should support the role that town centres play at the heart of the community. Local planning authorities should pursue policies to define a network and hierarchy of town centres and promote their long-term vitality and viability allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries.

Policy 6 of the Worthing Core Strategy identifies a hierarchy of vital and viable town, district and local centres and this is echoed in the SDWLP. Whilst the application site is situated outside any recognised centre, the nearest local shops being on Findon Road, the proposal is unique in its scale and location and as such would not detract from the vitality and viability of the town or local centres, and attracting much of its trade from existing visitors to the vicinity due to its location close to the school and The Gallops. The proposal would provide a local facility primarily for these existing visitors.

Members may recall similar proposals have come forward over recent years at Homefield Park and at The Manor Ground where existing residential properties have been used to provide refreshments. However, both these cases fronted access points/roads into large parks.

### ***The suitability of the site and visual amenity***

The proposed use is unusual in a residential setting but in terms of the siting of the vehicle itself, it is acknowledged that the existing driveway could accommodate a similarly sized vehicle/s for parking without requiring planning permission, and in this regard a refusal on visual amenity grounds is not considered justified.

Other elements of the proposal would be relatively low key in terms of their visual impact. The applicant has indicated that two 'A' boards would be used to advertise the facility to be displayed within the the applicants driveway when trading and no tables or chairs are to be provided, with takeaway refreshments only, which would assist in limiting its presence. The applicant has also indicated that at the end of trading hours and overnight, the vehicle would be stored within the gated driveway at the rear of the site which would be less prominent than at the frontage.

If approved, suitable planning controls could be imposed in this case with conditions to ensure that the use is limited as described with out of hours storage in the rear gated driveway and no tables and chairs provided.

### ***Impact on residential amenity***

The siting of the vehicle towards the north/west corner of the site frontage, set back and away from the adjoining dwelling would help minimise its physical impact on the immediate neighbours, sited away from any boundaries with neighbouring dwellings.

The points raised in the representations concerning the level of activity, congestion, residential setting, and additional noise and disturbance are acknowledged.

The applicant proposes to trade primarily during school drop-off and pick up times when parents/carers of children attending the school will already be in the vicinity, and has further clarified that he intends that the business would be closed between 10am and 1.30pm. In this respect and given the nature of the use, it is considered that it is unlikely to attract a significant number of customers from elsewhere with the majority of customers being from 'passing trade' from either the school or users of The Gallops that would already be present.

The applicant has provided further clarification on the nature of the use with food limited to pre-packaged confectionery and ice lollies, soft serve ice cream that requires loose ingredients to be mixed in a machine, and hot and cold drinks. No hot food preparation is required. The Environmental Health Officer is satisfied that there would be no significant impact in terms of odour, noise or litter subject to limiting the use to the operational practices as stated by the applicant, namely no hot food, power to be supplied by mains electricity, and a 'keep waste' operating system with bins provided on site for customer use.

In the absence of any objection from the Environmental Health Officer, in the specific circumstances of this site it is considered that the intensity of the use is unlikely to cause any significant detrimental impact to neighbouring residents in the context of the level of activity already associated with the school during these times and from visitors to The Gallops. However, given residents' objections and that the proposed morning trading from 7am is considered to be at a time when residents would otherwise reasonably expect quiet and when activity from the school is limited, it would be appropriate to restrict hours to between 8.30am and 10am and between 1.30pm to 4.30 pm on Mondays to Fridays. Outside of these hours some weekend use is proposed but it is not anticipated that the use would attract a level of activity that would cause any significant noise or disturbance to neighbouring occupiers. Hours of operation can be limited to between 9.00am and 4pm on Saturdays and Sundays.

A temporary permission would allow these factors to be monitored and reviewed in the interests of protecting residential amenity and it is proposed that a period of 12 months would be appropriate. Conditions preventing customer seating areas, and no customer parking to be provided on site are also recommended in the interests of limiting the level of activity on site.

### **Parking and Access**

The proposed use is relatively modest in scale, with customers anticipated to be primarily from the passing trade generated by existing users of the school and The

Gallops. Given the nature of the use it is unlikely to attract a significant level of further trade from the wider area, with this demand already catered for in businesses in Findon Road. Parking and access issues are unlikely to be materially worsened by the proposal. Residential parking for the occupiers of No.24 would remain on the frontage or on the rear driveway. The Highway Authority has raised no objection to the proposal.

### **Sustainability**

The use would primarily provide a facility for existing school visitors and children, and for users of The Gallops already visiting the site. The proposal would allow the applicant to work from home.

### **Conclusion**

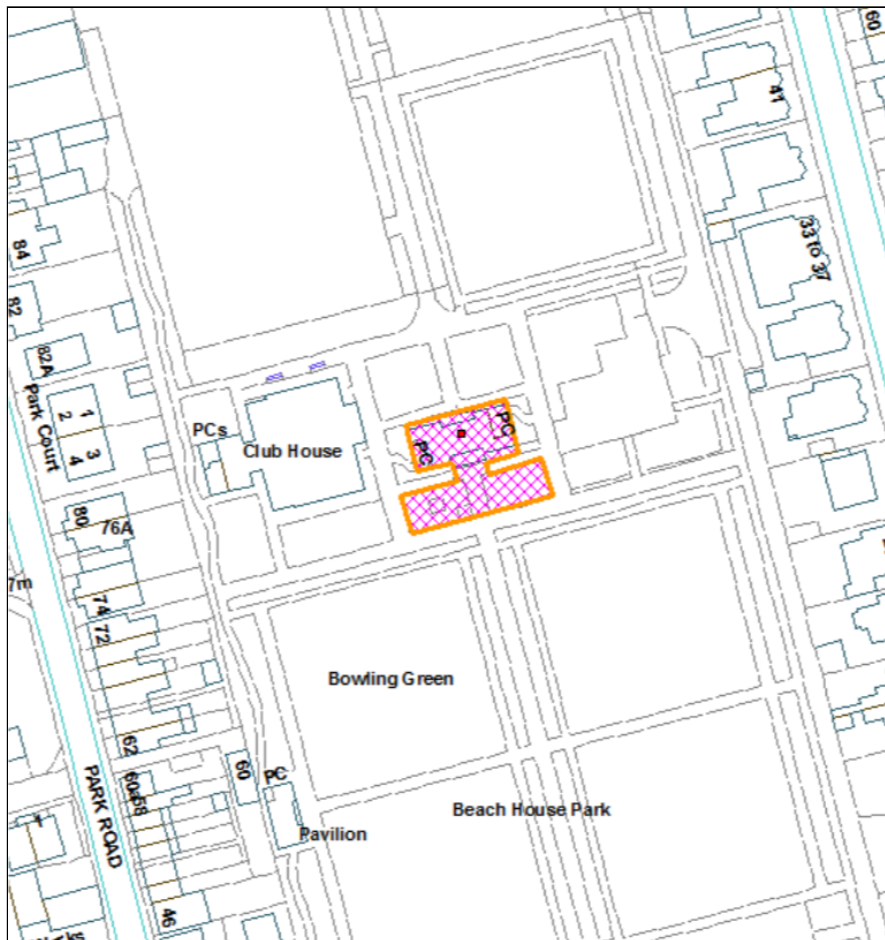
The application is an entrepreneurial attempt to provide takeaway drinks and refreshments primarily for existing visitors to the school and The Gallops and although it is unusual in its circumstances and residential setting, in the specific circumstances of this proposal and the site it is unlikely to cause any detrimental impact on the amenity of local residents or the area generally subject to appropriate conditions and, on balance, can be supported on a temporary basis to allow its use to be monitored.

### **Recommendation**

It is recommended that planning permission be **APPROVED**, subject to the following conditions:-

1. Approved Plans
2. Temporary permission - 12 months
3. Trading hours from 8.30am to 10.00am and 1.30pm to 4.30pm Monday to Friday and 9.00am to 4.00pm on Saturdays and Sundays.
4. No hot food preparation on or sales from the premises
5. No customer seating (tables/chairs) to be provided at the site
6. Power supply by mains electricity supply only
7. Storage of vehicle on rear gated driveway at the end of trading and overnight each day
8. 'Keep waste' policy to implemented with details of customer litter bins to be agreed, and provided on site when use is in operation
9. No customer parking is permitted within the residential curtilage of the site.

<b>Application Number:</b>	<b>AWDM/1746/21</b>	<b>Recommendation - APPROVE</b>
<b>Site:</b>	<b>Central Pavilion, Beach House Park, Lyndhurst Road, Worthing</b>	
<b>Proposal:</b>	<b>Change of use from clubhouse to restaurant/cafe (Use Class A3) on the ground floor with associated function space at first floor (application to Vary Condition 4 of previously approved AWDM/0624/15 to allow occasional wedding ceremonies).</b>	
<b>Applicant:</b>	<b>Mr Seamus Kirk</b>	<b>Ward: Central</b>
<b>Agent:</b>	<b>N/A</b>	
<b>Case Officer:</b>	<b>Gary Peck</b>	



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## **Proposal, Site and Surroundings**

This application is brought before the Committee as the Council is the landowner.

This application seeks permission to vary condition 4 of the permission granted under reference AWDM/0624/15. The previous permission granted a *Change of use from clubhouse to restaurant/cafe (Use Class A3) on the ground floor with associated function space at first floor* and condition 4 stated:

*The building shall be used only as a cafe/restaurant (Use Class A3) with associated function room and for no other purpose.*

This application seeks to vary the condition to allow the occasional use of the building for wedding ceremonies.

The application site comprises the pavilion in Beach House Park which was originally constructed in 1925 as a clubhouse for the Bowling Club. It has previously been used by the Council's Parks section as a base for the Park Attendant and as an occasional venue for meetings prior to the implementation of the planning permission granted in 2015.

The site is centrally positioned within the park between the bowling greens to the north and south. It is equidistant between properties in Madeira Avenue to the east and Park Road to the west. The building has two floors. Although not listed or within the Conservation Area, the building has been identified formally as a Building of Local Interest.

### **Relevant Planning History**

AWDM/0624/15: Change of use from clubhouse to restaurant/cafe (Use Class A3) on the ground floor with associated function space at first floor. New raised decking for use as an external seating area to front. - Approved

Subsequent permissions were granted in 2019 for changes to the doors and windows of the building.

### **Consultations**

#### **West Sussex Highways:**

No letter or planning statement has been supplied with the application indicating any idea of the number of events per year or the level of numbers each event will cater for.

However, from the Local Highway Authority's point of view the property is not large and there would be no concerns with access from the highway into the car park. There is a large public car park to the front also which could be used for parking, as the site itself appears to have no private parking.

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

### **Environmental Health**

Original comment: With reference to the above application to vary condition 4 to allow occasional wedding ceremonies. Please could the applicant provide more detail about exactly what is being proposed? Is it just the wedding ceremony or is it both the ceremony and wedding reception that the applicant is proposing at this site?

The applicant responded: we already cater for wedding receptions. It's the application for the palm court to be licensed to carry civil partnerships in the first floor room.

Further comment: Thank you for providing clarification concerning this application. I can confirm that I have no adverse comments.

### **Representations**

None received

### **Relevant Planning Policies and Guidance**

Worthing Core Strategy (2011):

Policy 3 Providing for a Diverse and Sustainable Economy, Policy 5 The Visitor Economy, Policy 11 Protecting and Enhancing Recreation and Community Uses and Policy 16 Built Environment and Design

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

### **Planning Assessment**

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

The building already has a function room which is permitted under the 2015 consent. This allows for wedding receptions and it is understood that the room is used for

such purposes. The applicant is seeking a license to hold the wedding ceremony itself and as such would require a variation of the condition. Given that there is an existing function room, your officers consider that the ability to hold a wedding ceremony within it would have little effect on the wider character of the area. The site is sufficiently distant from the nearest residential properties and it is considered that the use of the building would have little material impact upon the amenities of those properties.

The proposal is therefore considered to be acceptable.

### **Recommendation**

It is recommended that planning permission be **APPROVED**, subject to the following conditions:-

1. Approved Plans
2. The building shall be used only as a cafe/restaurant (Use Class A3) with associated function room (including use for wedding ceremonies) and for no other purpose.

**Reason:** *In the interests of amenity having regard to saved policy H18 of the Worthing Local Plan.*

3. The premises shall not be open for trade, business or private functions other than between the hours of 8am and 11pm Monday-Sunday and there shall be no outside activities or use of the terrace before 8am or after 10pm on any day. All activity associated with the restaurant shall cease within 30 minutes of closing time (i.e. by 11.30pm Monday-Sunday).

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

4. The level of music played at the premises shall not exceed a level of 55dB LAeq, measured at a height of 1.5m at any position on the boundary of Beach House Park, Lyndhurst Road. No music shall be played outside of the pavilion or relayed to the outside from the pavilion.

**Reason:** *To safeguard the amenities of nearby properties having regard to saved policies RES7 and H18 of the Worthing Local Plan.*

5. No deliveries to or collections from the premises shall take place other than between 07:30 to 20:00 hours Monday to Saturday and 10:00 to 18:00 hours on Sundays and Public Holidays

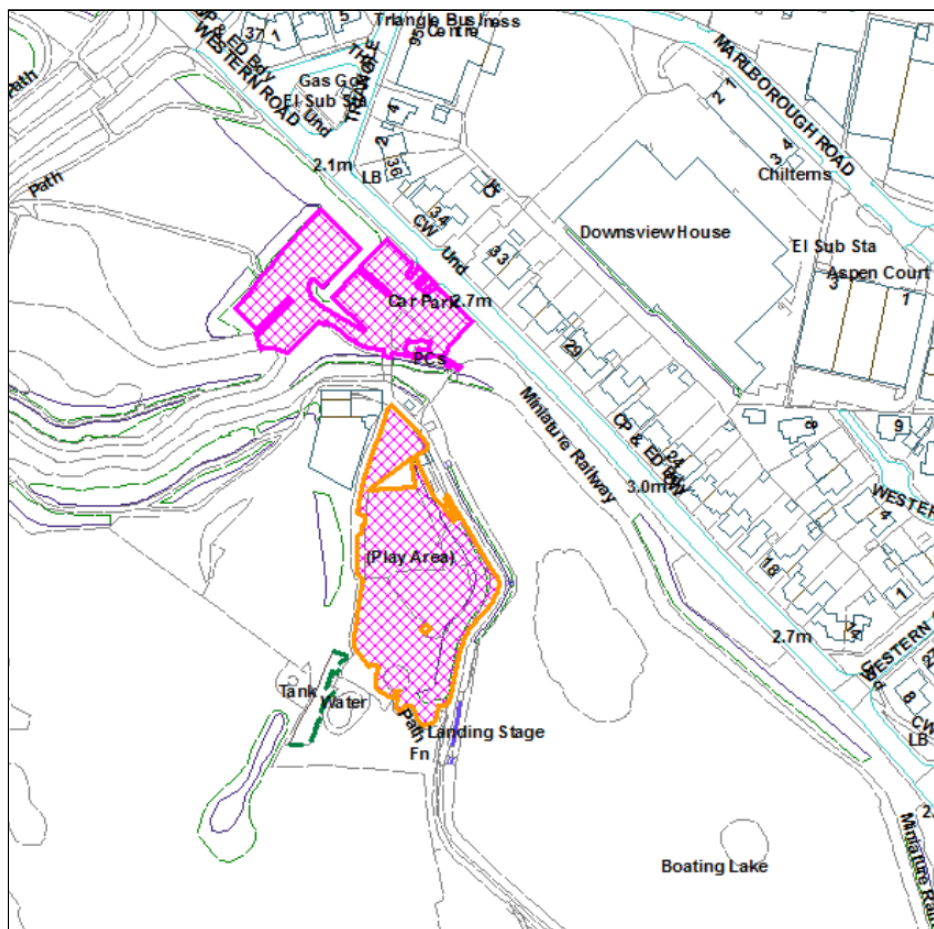
**Reason:** *To safeguard the amenities of nearby properties having regard to saved policies RES7 and H18 of the Worthing Local Plan.*

6. No bottles shall be placed into any outside receptacles after 22:00 hours or before 07:30 hours on any day.



**Reason:** *To safeguard the amenities of nearby properties having regard to saved policies RES7 and H18 of the Worthing Local Plan.*

<b>Application Number:</b>	<b>AWDM/1843/21</b>	<b>Recommendation - APPROVE</b>
<b>Site:</b>	<b>Brooklands Pleasure Park, Brighton Road, Worthing</b>	
<b>Proposal:</b>	<b>Demolition of existing toilet block and proposed new cafe and public toilets, plant and refuse room, accessible play area, with associated landscaping and bike storage (application to vary condition No. 1 of previous approval AWDM/0266/20 - amending the approved plans relating to the design and size of the approved cafe and toilet building).</b>	
<b>Applicant:</b>	Ruth Miller, Worthing Borough Council	Ward: Selden
<b>Agent:</b>	Mr Johnathan Puplett, Whaleback Planning and Design	
<b>Case Officer:</b>	Gary Peck	



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## **Proposal, Site and Surroundings**

This application seeks a variation of a permission granted last year for the demolition of a toilet block, erection of cafe and new toilets, play area and bike storage. The revised design of the cafe building comprises a flat roofed timber clad building, with grey framed glazed doors and a pergola sheltered external timber deck seating area and would contain three public toilets (one fully accessible), a main space for café seating, and a kitchen and store.

As per the previous approval, the three trees alongside the existing toilet block are required to be removed to facilitate the development with mitigation to be provided by a significant level of new tree planting around the proposed café building and to the wider car park area.

The café building is smaller than that previously approved (reduced by just over 50 square metres from the original size of 365 square metres). The previous scheme was described as a long building with curved ends, split centrally to delineate the division between the public toilets and the café. The design now proposed is a flat roofed timber clad building, with grey framed glazed doors and a pergola sheltered external timber deck seating area. The play area works previously approved are unaffected.

The application site is owned by the Council and measures approximately 22ha in total. The site area is given as 0.57 hectares and is situated within the north eastern corner of the park bounded by Western Road to the east. The site is also covered by parkland/grassed areas and mature trees.

## **Relevant Planning History**

Planning permission was granted in May 2020 for the Demolition of existing toilet block and proposed new cafe and public toilets, plant and refuse room, accessible play area, with associated landscaping and bike storage (AWDM/0266/20).

## **Consultations**

### **Arboricultural Officer**

Tree protection plans are considered to be acceptable.

### **Environmental Health**

No objection

### **Southern Water**

Comments for previous application still apply (no objection subject to conditions)

## **Technical Services**

The drainage conditions imposed under the previous permission will need to be discharged again.

## **West Sussex Highways**

This proposal seeks the variation of Condition 1 of previously approved application AWDM/0266/20, to allow for amendments to the approved café/toilet building.

The site is located off Western Road, a C-classified road subject to a speed restriction of 30 mph. WSCC in its role as Local Highway Authority (LHA) provided consultation advice for this site for application AWDM/0266/20, raising no highway safety concerns.

For the current application, from inspection of the plans, the amended design represents a café that is not too dissimilar in scale than that of the approved design. No objections would be raised to the proposed amendments. The Planning Statement states that the proposals now include the provision of 12 Sheffield cycle stands, providing 24 cycle parking spaces. This is an increase from the previously approved 16 cycle parking spaces, providing increased opportunities for sustainable travel to and from the site.

In 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 111), and that there are no transport grounds to resist the proposal.

## **Representations**

None received

## **Relevant Planning Policies and Guidance**

Saved policy LR4 of the Worthing Local Plan 2003 relates specifically to Brooklands and sets out criteria for where development within the Park will be acceptable stating development will not be permitted unless it is for "recreational and/or landscape enhancement purposes."

Worthing Core Strategy (WBC 2011):

Policy 5 The Visitor Economy, 11 Protecting and Enhancing Recreation and Community Uses, Policy 12 New Infrastructure, Policy 13 The Natural Environment and Landscape Character, Policy 15 Flood Risk and Sustainable Management, Policy 16 Built Environment and Design and Policy 17 Sustainable Construction.

National Planning Policy Framework (CLG 2019).

Planning Practice Guidance (CLG 2014).

## Relevant Legislation

The Committee should consider the planning application in accordance with:

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

## Planning Assessment

As the principle of development has been established by the previous permission, which is still extant, the main issue in the determination of the application is the effect of the proposed alterations upon the character and appearance of the area.

The previous committee report outlined that the cafe was a key part of the Brooklands Masterplan developed last year and that the proposal offered the ability to provide a far more attractive gateway to the western entrance to the park. The previous permission comprised a larger timber building clad in dark timber with the building effectively divided into 3 parts, a central covered walkway linking the component parts of the building.

This revised proposal would be smaller and more low key due to its scale and natural timber finish. Your Officers consider that this would remain appropriate to the park setting, but would still attract users into the park and it is noted that a large outdoor seating area remains which allow all round use of the building. Given its smaller size, therefore it is not considered that the proposal would have a material effect upon the character of the area when compared to the previous permission.

During the previous application, detailed consideration was given to matters relating to flood risk, tree protection, sustainability and parking and highways issues. These matters were all resolved during the determination of the previous application with appropriate conditions imposed where required. Since the revised application relates to design changes to the main buildings, it is considered sufficient for the conditions to be reimposed as part of this permission.

The application is therefore considered to be acceptable.

## Recommendation

It is recommended that planning permission be **APPROVED**, subject to the following conditions:-

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

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

3. 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 principles set out in 3568-BROO-ICS-XX-RP-C-07.001\_Rev A\_Brooklands Park - FRA. Adequate pollution mitigation shall be provided in design to mitigate pollution hazard indices associated with medium pollution hazard areas, in accordance with Chapter 26 of the SuDS manual. No 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.

**Reason:** *To ensure the provision of an acceptable surface water drainage system*

4. 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 maintenance manual provided within 3568-BROO-ICS-XX-RP-C-07.001\_Rev A\_Brooklands Park - FRA shall be used as the basis for the final maintenance manual, and shall be updated to appropriately address any changes to design. Upon completed construction of the surface water drainage system, the owner shall strictly adhere to and implement the recommendations contained within the manual.

**Reason:** *To ensure suitable maintenance and management of the surface water drainage system*

5. 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.

**Reason:** *To ensure compliance with the approved details*

6. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

**Reason:** *To provide car-parking space for the use*

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

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

8. If, during development, any visibly contaminated or odorous material (for example asbestos-containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified is found to be present at the site, then, unless otherwise agreed in writing with the Local Planning Authority, no further development shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination is proposed to be dealt with shall be submitted to and approved in writing by the Local Planning Authority and shall then be implemented as approved within an approved time period contained in the method statement.

**Reason:** *To prevent pollution of groundwater and in the interests of environmental protection and public health and safety, in compliance with the National Planning Policy Framework and saved policy RES9 of the Worthing Local Plan.*

9. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

**Reason:** *To ensure a satisfactory means of foul and surface water sewerage disposal*

10. Prior to the first occupation of the cafe hereby approved, details of a scheme to provide 12 active and 46 passive EV parking spaces shall be submitted to and approved by the Local Planning Authority and the approved details maintained thereafter unless otherwise subsequently agreed in writing.

**Reason:** *To ensure adequate provision of EV charging points*

11. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls (including windows and doors) and roof of the proposed cafe building has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.

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

12. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority

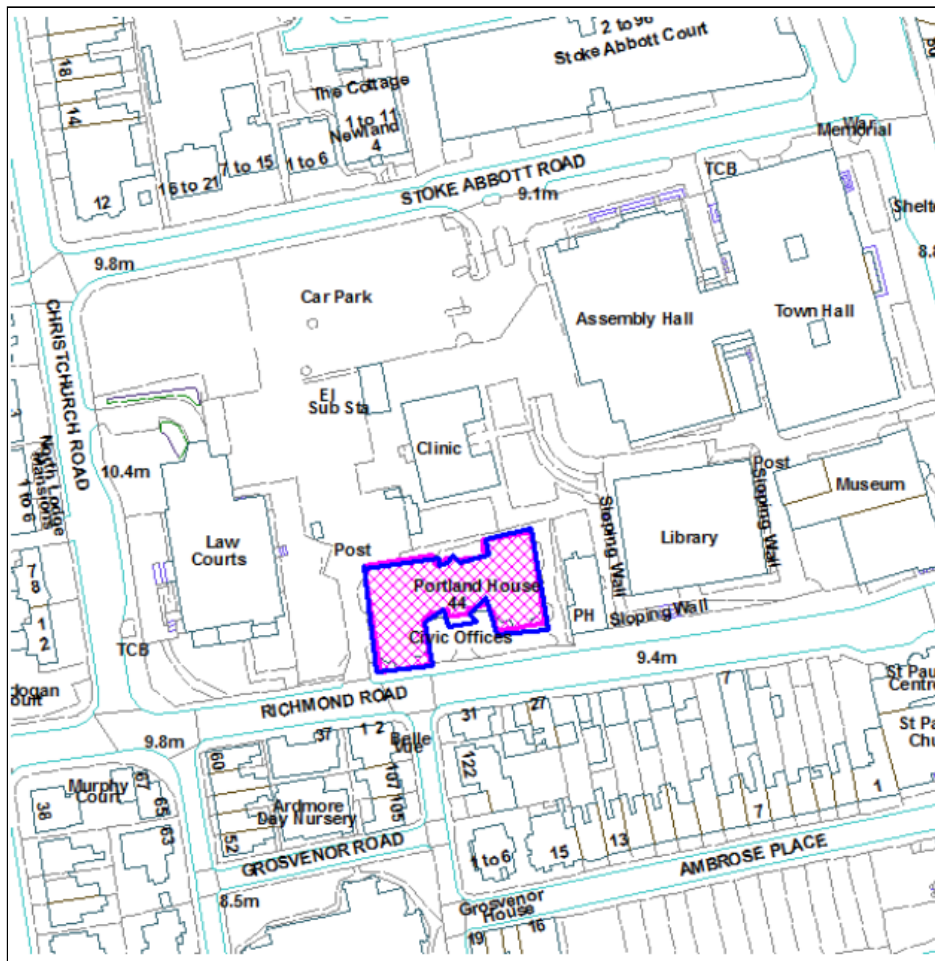
Soft landscape works shall include detailed proposals for the planting of 4 new trees between the new cafe building and Western Road, taking into account any proposals for a new cycleway and for the remainder of the site, planting plans; written specifications; schedules of plants stating species, sizes and

numbers/densities; and the implementation programme. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be completed before any part of the development is occupied or in accordance with the implementation programme approved in writing by the Local Planning Authority.

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



Application Number:	AWDM/1806/21	Recommendation -APPROVE
Site:	Portland House, 44 Richmond Road, Worthing	
Proposal:	Replacement of white UPVC windows and doors to composite white polyester powder coated aluminium/timber framed triple glazed windows and doors.	
Applicant:	Worthing Borough Council	Ward:Central
Agent:	Mr Tavis Russell	
Case Officer:	Jacqueline Fox	



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## **Site and Surroundings**

Portland House comprises a three storey early 1990s office building on the northside of Richmond Road. The building is u shaped with a central doorway set back behind a partly enclosed concrete forecourt.

The building is constructed in a red multi facing brick with feature balconies to the forward projecting corners. It has deep white framed windows and doors, some of which have white infill panel surrounds.

The building is currently occupied by Adur and Worthing Council.

The site lies within Worthing Town Centre surrounded by commercial and community uses. The site lies adjacent to the Chapel Road Conservation Area.

## **Proposal**

Planning permission is sought to remove the existing white uPVC framed double-glazed windows and external doors and replace them with new white polyester powder-coated aluminium / timber composite framed triple-glazed windows and external doors.

The proposal is to change the existing uPVC frames to composite frames with powder-coated aluminium externally and timber finish internally.

The frame size and external colour will be to match the existing as closely as possible.

The proposals will match the existing structural opening sizes with just three windows changing their appearance to suit the current internal layout arrangements.

The two large windows in the main reception foyer will be changed to have a cill height matching the adjacent windows with the low-level section featuring insulated infill panels with a white finish.

The large sliding door to the right of the main entrance will also be changed to a window as the door is no longer used for access or egress. The new windows will aim to match adjacent windows, with the low-level section featuring infill panels.

## **Relevant Planning History**

None relevant

## **Consultations**

The Councils Conservation Design Architect has not raised any concerns

## **Representations**

None received

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy (WBC 2011): Policy 16  
National Planning Policy Framework (HCLG 2021)  
National Planning Practice Guidance

Submission Draft Worthing Local plan

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

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

For Listed Building / Conservation Area

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

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

## **Planning Assessment**

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

The building comprises a 1990s office building. The proposed replacement windows will largely be to match the existing windows, so as to minimise impact and the proposed manufacturer has been chosen to provide a contemporary low maintenance frame whilst maintaining the overall character of the existing building.

The only changes from the existing building are at ground floor level to existing windows close to the main front entrance and to replace an existing door with similar windows. The new windows would not be prominent and would be in character with existing replacement windows

The change in materials to the proposed replacement windows would not impact on the character of the building or the area in general which abuts the Chapel Road Conservation Area.

### ***Sustainability***

The proposed works are intended to improve the thermal efficiency of the building and reduce energy consumption to meet the Council's environmental targets and to make the existing offices more comfortable for both building occupants and visitors.

### **Recommendation**

It is recommended that planning permission be **APPROVED**, subject to the following conditions:-

1. Approved Plans
2. Standard 3 year time limit

**Local Government Act 1972  
Background Papers:**

As referred to in individual application reports

**Contact Officers:**

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## **Schedule of other matters**

### **1.0 Council Priority**

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

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

### **5.0 Community Safety Issues (Section 17)**

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

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

### **7.0 Reputation**

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

## **8.0 Consultations**

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

## **9.0 Risk Assessment**

9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

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

## **14.0 Financial implications**

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

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