



WORTHING BOROUGH
C O U N C I L

11 January 2022

Worthing Planning Committee	
Date:	19 January 2022
Time:	6.30 pm
Venue:	Gordon Room, Worthing Town Hall

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 before noon on Tuesday 18 January 2022.

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 17 January 2022.

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

Questions should be submitted to Democratic Services – democratic.services@adur-worthing.gov.uk

(Note: Public Question Time will last for a maximum of 30 minutes)

4. Confirmation of Minutes

To approve the minutes of the Planning Committee meetings of the Committee held on Wednesday 15 December 2021, which have been emailed to Members.

5. Items Raised Under Urgency Provisions

To consider any items the Chair of the meeting considers urgent.

6. Planning Applications (Pages 1 - 62)

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

7. Planning Enforcement Report (Pages 63 - 70)

To consider the report by the Director for the Economy, attached as Item 7.

8. Planning Appeals

None to report.

Part B - Not for publication - Exempt Information Reports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 katy.mcmullan@adur-worthing.gov.uk	Richard Burraston Locum Lawyer 01293 596984 Richard.Burraston@stevensdrake.com

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
19 January 2022

Agenda Item 6

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWD/0833/21 Recommendation – APPROVE Subject to S106

Site: Horton Buildings, Goring Street

Proposal: Demolition of existing buildings and construction of retirement living apartments (category ii type) (17no. 1 bed and 18no. 2 bed) over 3 and 4 storeys with communal facilities and car parking.

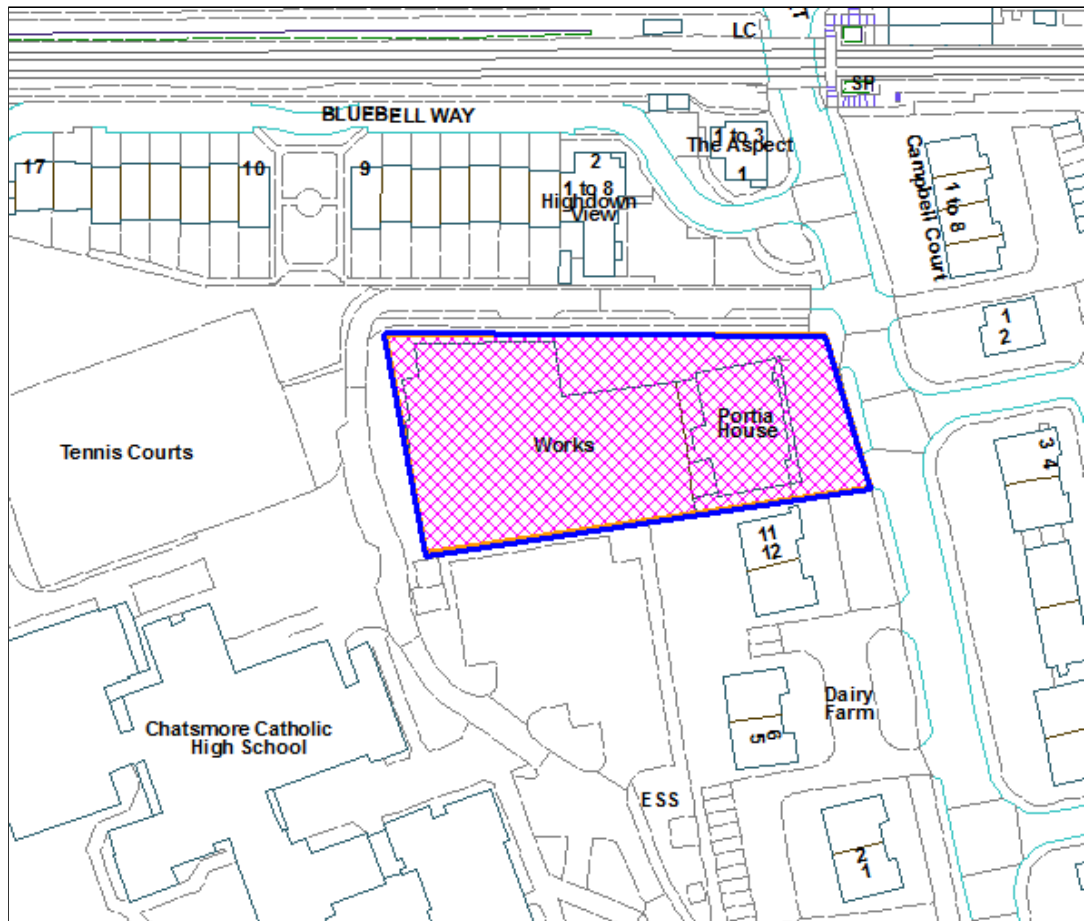
2

Application Number: AWD/1994/21 Recommendation – Refuse

Site: 2 Chatsworth Close, Worthing, BN13 3FF

Proposal: Application for consent under Worthing Tree Preservation Order No. 20 of 2000 to fell and replace Austrian Pine tree T1.

Application Number:	AWDM/0833/21	Recommendation - APPROVE Subject to S106
Site:	Horton Buildings, Goring Street	
Proposal:	Demolition of existing buildings and construction of retirement living apartments (category ii type) (17no. 1 bed and 18no. 2 bed) over 3 and 4 storeys with communal facilities and car parking.	
Applicant:	McCarthy & Stone Retirement Lifestyles Ltd	Ward: Goring
Agent:	The Planning Bureau Ltd	
Case Officer:	Jo Morin	



Not to Scale

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Site and Surroundings

The application relates to a roughly rectangular shaped site (0.28ha) located on the west side of Goring Street approximately 45 metres south of the level crossing with the main Brighton-Southampton railway line. Goring-by-Sea rail station lies immediately to the north of the level crossing, on the east side of Goring Street.

The front (East) part of the site consists of a 2-storey, pitched-roof building with brick elevations known as Southern House (formerly Portia House) consisting of an open-plan former showroom at the front on the ground-floor and cellular office accommodation to the rear, and on the first-floor above. It was most recently in use as a 'community-based wellness centre' (The Tribe Hub) and prior to that as a physiotherapy and sports injury clinic. There is a hard-surfaced, open forecourt in front of Southern House.

Attached to the rear (west) of Southern House is an L-shaped light industrial/factory building. The larger part on the south side has dual pitched and ridged roofs running at 90° to the roof of Southern House, with an attached, flat-roofed component as a later addition to the north. There is a small loading/service yard area on the north side. This rear building was in use for many years until Aug 2019 by Charles Kirk & Co, a local schoolwear manufacturer, but was recently internally split into 2 no units with the entire upper floor and part of the ground-floor in use by 'ProtexU', a local company supplying safety equipment. The remaining part of the rear factory building is vacant.

In total the existing buildings on the site provide 3,530sqm of floor space.

Vehicular access to the concrete forecourt in front of Southern House, and the light industrial building(s) to the rear, is from a single, wide vehicle access off Goring Street at the northern end of the site frontage. A former vehicle access at the southern end of the frontage has been closed off with concrete bollards.

St Oscar Romero Catholic School (formerly Chatsmore RC High School) adjoins the site to the South and West. The main School buildings are set back from the road frontage, serviced from Goring Street by a one-way road accessed to the south of the development site (between Chatsmore House and Nos 1-2 Dairy Farm Flats). The road provides access to a tarmac car park adjoining part of the southern boundary of the application site before looping round to the West and running parallel to the northern site boundary and then exiting on Goring Street immediately to the north of the site.

To the North of the above-mentioned access road is a recently completed residential development in Bluebell Way consisting of a mix of flats and townhouses undertaken in a contemporary style. The development is primarily 3-storey in scale apart from one 4-storey apartment block 'Highdown View' set back into the site from the road frontage. A 3-storey 'standalone' apartment block 'The Aspect' fronts onto Goring Street.

The frontage development adjoining the application site to the south consists of blocks of 2-storey, pitched-roof flat buildings (Dairy Farm Flats) with shared access arrangements off Bucharest Crescent and set within landscaped grounds.

Development on the opposite (East) side of Goring Street also consists of 2-storey, pitched-roof flat buildings (similar in scale and appearance to Dairy Farm Flats) accessed from Chatsmore Crescent and set behind a distinctive hedge that runs, with minimal breaks, virtually the full length of this side of Goring Street.

Proposal

Full planning permission is sought by McCarthy and Stone to demolish the existing buildings on the site and erect a part 3-storey/part 4-storey, L-shaped block of 35 no 1 and 2-bedroom, 'retirement living' apartments (category II-type sheltered housing), with occupancy restricted to those over the age of 60.

'Retirement Living' developments are designed to accommodate persons who require limited support to allow them to live a relatively independent life. It consists of individual apartments for residents, but includes communal facilities such as a resident lounge and guest suite where friends or relatives can stay when visiting a resident. The site is minimally staffed with only a house manager on duty during office hours and an alarm call system in place for residents to call for assistance in an emergency outside office hours.

The L-shaped plan form of the proposed building fronts Goring Street aligned with a notional 'building line' formed by 'The Aspect' to the north, and Nos 9-12 Dairy Farm Flats to the south of the site. The long 'tail' to the building extends westward on the north side with a communal amenity garden lying to the south and west of the main building components. The massing of the building has been designed to create a 4-storey 'landmark' feature in the northwest corner and then stepping down to 3-storeys to the south and west.

Pedestrian and vehicular access to the building would be from Goring Street. Five car parking spaces (including 1 no disabled parking bay) would be provided on the site frontage with the main car parking area providing a further 22 car parking spaces to the rear (west) of the site (27 car parking spaces in total), accessed from a narrow access drive running parallel to the northern site boundary.

An integral mobility scooter and cycle store with charging points for 6 no scooters is on the ground-floor at the front of the building adjacent to the main entrance. An integral communal refuse and recycling store is also provided at the front of the building at ground-floor.

Relevant Planning History

There are scant planning records relating either to Southern House or the rear factory building(s), both of which date from the late 1950s.

WB/08/0122/FULL Change of use of first-floor of Southern House from offices (Class B1) to fitness centre (Class D2). Planning permission granted and implemented.

WB/95/0676/FULL Retrospective application for change of use of ground-floor of Southern House from showroom (Class A1) to offices (Class B1). Planning permission granted and implemented.

Consultations

West Sussex County Council:

The Local Highway Authority has raised no objection from a transport/highways aspect subject to the conditions recommended (below) and a section 106 Obligation to secure a Traffic Regulation Order (TRO) for double yellow lines across the site frontage and south of the site access, commenting:-

Site Context

The site is located on the west side of Goring Street, 'C' classified and subject to 30mph speed restriction. The site has an open frontage with vehicle access via two points (although the southernmost is not currently in use). A short distance to the north is Goring Train Station and to the rear/south of the site is the Catholic School. Street lit footways feature both sides of Goring Street and on-street parking occurs on both sides of the carriageway. Double yellow lines on the eastern side of the carriageway in vicinity of the railway crossing and at nearby junctions, and school keep clear markings across the school entrance, exit and the northernmost site access protect from on-street parking in these locations.

The Local Highway Authority (LHA) has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There has been a recorded injury accident at the junction of Goring Street and Chatsmore Crescent. However, an inspection of accident data does not raise a concern or any relation to the site access nor the nearby road layout.

Access Arrangements

The existing northernmost access will lead to an access road alongside the new building, leading to a car parking area. There is a passing place along this access road to allow two cars to pass, and space at the entrance for two-way movement. The southernmost access will be reopened and used as a secondary access and connection between the two accesses, with a small amount of frontage parking proposed. Both accesses will be slightly modified in kerb radius and dropped kerb tactile paving points introduced, for which a S278 agreement and technical approval would be required from WSCC Implementation Team.

Visibility splays of 2.4m by 43m as required by Manual for Streets (MfS) for the 30mph limit have been demonstrated in both directions from both access points. A Stage 1 Road Safety Audit raised one issue in relation to restricted visibility due to on-street parking adjacent to the accesses, leading to collisions. It was recommended the splays should be free of obstruction and parking restrictions implemented. The Designer has responded that other accesses navigate the existing obstructions without history of collisions, nevertheless double yellow lines will be included to address the issue, the extent of which to be agreed but has been indicatively show on the site access plan. These lines would require a Traffic

Regulation Order (TRO) amendment with a fee of £7418 to be secured via s106 agreement. The TRO must be paid either on commencement of the development, or when the TRO is applied for, whichever is the sooner.

Servicing

Swept path tracking showing a refuse vehicle can enter site frontage and leave in a forward gear. Worthing, as the local waste authority should agree with these arrangements.

Trip Generation

TRICs has been used to estimate the likely trip generation for the various permitted uses at the site (fitness centre 350sqm, offices 350sqm, light industrial 1600sqm) and compared this against the anticipated trip generation. The existing trips are summarised below:-

Fitness – 5 in AM and 11 in PM peak hours (79 over day)

Office – 13 in AM and 11 in PM peak hours (86 over day)

Light Industrial – 7 in AM and 9 in PM peak hours (97 over day)

Total – 25 in AM and 31 in PM peak hours with 262 over day

The proposed 'retirement flats' development could see 6 movements in the AM and 4 movements in the PM peak hours with 70 movements over the day, from comparable TRICs sites. The applicant has also used trip rates from existing McCarthy & Stone schemes to demonstrate a lower trip rate could be applied, resulting in 2 trips in AM and 3 in PM peak hours (51 over the day). It is evident that the existing uses could produce a greater number of vehicle trips over the day and within the peak hours than the proposed and thus the LHA do not raise a road network capacity concern.

Car Parking

Research by McCarthy & Stone on parking requirements for existing retirement developments found that 0.55 spaces per resident are required. However, it is considered that as 18 x units will be 2-bed, and more than 1 resident could reside in some of the 1-bed units also, there may be more than 35 x residents.

Using WSCC Guidance for C3 residential units, the development could see a requirement for 39 x resident spaces. WSCC Guidance advises 0.2 visitor spaces per unit where resident spaces are mostly allocated. The plans show 28 x spaces, 6 of which are on site frontage (one of which has been marked up for disabled use). It is advised that the spaces remain unallocated. Considering the use, the LHA also advises that 1-2 additional disabled bays could be provided on the site frontage. Whilst the parking provision falls short of the traditional C3 dwelling requirement, the LHA are mindful of the specific use as retirement living and proximity to sustainable transport options. The shortfall is not anticipated to result in a highway safety concern though the LPA may wish to consider any impact of additional on-street parking from an amenity point of view.

Considering the sustainable location and parking shortfall, the LHA advises that a Travel Information Pack is provided and secured by condition. The Travel Information Pack could provide information for first time residents on public transport and

amenities nearby. No targets or auditing fees would be required.

Accessibility

Goring Street features street lit footway and dropped kerbs/tactile paving across nearby junctions. There is also a pelican crossing of the A259 to the east. Public Right of Way no. 2121 north of site links to Ferring Street/ Lane. Goring town centre has retail within 300m and other amenities such as pharmacy, post office within walking distance of 15m. Tesco Express is a 5-minute walk distant.

The nearest bus stop is 200m south on Goring Way, with services to Worthing, Ferring, Littlehampton, Brighton. Rail Station is 2 min walk to the north and has cycle parking spaces and direct service to Brighton and London and connections to other locations.

National Cycle Route 2 is 2.5km south-east of the site and features a shared path along the promenade. It is considered that the local roads are appropriate for on-carriageway cycling. WSCC Guidance advises 0.5 cycle parking spaces per unit for the development, in a communal facility (18 x spaces). The LHA are mindful that cycle parking demand may be less considering the use, however some may be required for residents and visitors and thus details of this should be secured via condition.

Conclusion

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

The LHA advises that more disabled parking bays and electric vehicle charging bays are introduced and that the parking is unallocated. These details can be secured via a Parking Management Plan condition. Bicycle parking, access works, construction management and Travel Information Pack can also be secured via condition.

Contributions:

£7,418 for TRO for double yellow lines across site frontage and south of site access to be secured via s106 agreement.

Suggested Conditions:

Access

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled PRELIMINARY SITE ACCESS ARRANGEMENTS and numbered 034.0134.001 Rev C.

Reason: In the interests of road safety.

Car parking space (details required)

No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with a Parking Management Plan, details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

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

Construction Management Plan (details required)

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

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

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

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 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.

Travel Information Pack (details required)

No part of the development shall be first occupied until such time as a Travel Information Pack has been submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage and promote sustainable transport.

Following the receipt of a Parking Management Plan, the LHA has further commented as follows:-

“Considering the justification they [McCarthy & Stone] have provided for similar developments I am satisfied with the proposals for a permit system for parking to manage demand and capacity and for the single disabled parking bay to remain with no additional.

The 2 x electric vehicle charging spaces are accepted given the likely car ownership at the site. Passive provision for a further 5 spaces is expected to future-proof any additional demand.

A mobility/cycle store is proposed on the ground-floor along with a Sheffield stand in front of the building for staff/visitors. I still recommend a cycle parking condition so that full detailed specifications, including the Sheffield stand can be provided later."

An amended wording of the condition relating to the provision of car parking is suggested as follows:-

"Car Parking Space

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."

WSCC in its capacity as **Lead Local Flood Authority (LLFA)** has commented as follows:-

"Current Surface Water Flood Risk based on 30yr and 100yr events: Low Risk

Current surface water mapping shows that the proposed site is at low risk from surface water flooding although higher risk exists adjacent to the site on Goring Street. This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events. Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.

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

Modelled Groundwater flood hazard risk: High Risk

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

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

Watercourses Nearby: No

Current Ordnance Survey mapping shows no watercourses in close proximity of the site.

Records of any surface water flooding within the site: No

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

Future Development - Sustainable Drainage Systems (SuDs)

The Flood Risk Assessment and Drainage Strategy Statement included with this application proposes that permeable paving, below ground attenuation, a surface water pump with a restricted discharge to the main sewer, would be used to control the surface water runoff from the site.

The Drainage Strategy proposed includes a surface water pumping station. In line with SuDS Policy 3 within the West Sussex LLFA Policy for the Management of Surface Water 'Drainage schemes should be designed to match greenfield discharge rates and follow natural drainage routes as far as possible; pumps should therefore not form part of drainage schemes' Surface water pumping stations are not considered sustainable and should only be used where there is no other practicable method of surface water drainage.

Additional information should be provided, as per the District Drainage Engineer's request.

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

Following the receipt of a revised drainage strategy the **LLFA** has confirmed that based on the information provided there is no objection to the updated drainage proposals.

Environment Agency: The EA has reviewed the information as submitted and requests the following conditions be attached to any planning permission granted and that the details in relation to these conditions be submitted to and approved by the Local Planning Authority (LPA).

Condition 1 - Development on Land Affected by Contamination

This application is for the redevelopment of a site on superficial River Terrace Deposits overlying the chalk bedrock (Lewes and New Pit Chalk) which is designated as a Principal Aquifer. The application form indicates that historical contamination is likely to be present, Therefore, the following conditions are to protect controlled waters:-

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include the following components:-

- (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 referred to in (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 the remediation strategy 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.

Reason: No information on the previous use of the site has been provided, but the submitted application form indicates that it is land where contamination is suspected for all or part of the site. This presents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Principal Aquifer.

We consider it will be possible to manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission, but respect that this is a decision for the LPA. In the light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 1778 of the NPPF. The condition is required to ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 [now Paragraph 174] of the NPPF. Without this condition we would object to the proposal in line with paragraph 170 [174] of the NPPF.

Condition 2 - Verification Report

Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the LPA. 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.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with Paragraph 170 [now Paragraph 174] of the NPPF.

Condition 3 - Previously Unidentified Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 [now Paragraph 174] of the NPPF.

Condition 4 - SuDS Infiltration of Surface Water

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Any contamination present could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. As stated previously, controlled waters are particularly sensitive in this location because the proposed development site is located upon a Principal Aquifer.

In light of the above, we do not believe that the use of infiltration SuDS is appropriate in this location. We therefore request that the above planning condition is included as part of any permission granted. Without this condition we would object to the proposal in line with Paragraph 170 [now Paragraph 174] of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 5 - Piling/boreholes

Piling and use of penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed redevelopment does not harm groundwater resources in line with Paragraph 170 [now Paragraph 174] of the NPPF and the Environment Agency's approach to groundwater protection. Piling and using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. As stated previously, the site is located upon a Principal Aquifer.

In light of the above, the proposed development will only be acceptable if a planning condition controlling disturbance of the aquifer is imposed. Without this condition we would object to the proposal in line with Paragraph 170 [174] of the NPPF because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.

Please notify us immediately if you are unable to apply our suggested conditions to allow further consideration and advice.

Southern Water: An Extract from Southern Water records showing the approximate position of a water distribution main within the development site has been supplied. Southern Water advises that the exact position of the public assets must be determined on site by the Applicant in consultation with Southern Water before the layout of the proposed development is finalised, commenting further:-

- The 6 inches water distribution main requires a clearance of 6 metres on either side of the water distribution main to protect it from construction works and to allow for future access for maintenance.
- No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water distribution main without consent from Southern Water.
- No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public water distribution main.
- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

Southern Water 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. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers", and the Sewerage Sector Guidance with regards to any landscaping proposals and our restrictions and main

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.

In order to protect water supply apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example, "*The developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect the public water supply main.*" Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. 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.

Southern Water refers to the interests of other Parties with regards to Surface Water disposal principles including the Environment Agency and Lead Local Flood Authority (LLFA). At all stages Southern Water supports the Hierarchy of H3 of Building Regulations with the preference for the use of soakaways. Alternatively, If there is an existing connection to public sewer the developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system.

The planning application form makes reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance.

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:-

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a Management and Maintenance Plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

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

The Applicant/Developer is advised that this initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

The level of contamination on site should be investigated, as this may affect the materials used for the public water mains to service the development. Details of any contamination found on site should be declared to the statutory water undertaker, as part of a water connection application, as this will influence the materials used for construction of public water mains on the site.

Adur & Worthing Councils:

The **Environmental Health Officer** comments as follows on the proposals:-

Noise

A Noise Impact Assessment has been submitted with this application (R8791-1 Rev 0 Dated 23 Oct 2020). This assessment had undertaken some environmental noise monitoring from a single monitoring position to establish existing noise levels and recommendations have been made for appropriate glazing and MVHR for all habitable rooms.

The Noise Assessment does not include any noise modelling across the site or at differing heights of the development. As we have not been provided with these modelled noise levels we are unable to confirm whether the proposed glazing will provide satisfactory attenuation across the site.

I understand balconies are proposed on a number of the apartments however, noise levels on the balconies have not been discussed and the modelling of noise levels across external amenity areas has not been provided. As one of the main sources of noise at this site is road noise can the Applicant confirm that the $Rw+C_{tr}$ has been used for the glazing calculations?

The L_{Amax} assessment is not clear. Again we would like to see modelling of L_{Amax} across the site at different heights. It is noted in the assessment the typical maximum is considered to be the 10th highest L_{Amax} , f noise level during the relevant nighttime period. Does the Applicant mean the 10th highest percentile? Is this how the 'design level' has been calculated? Further clarification and full results are required.

As transportation noise is the main noise source I would expect the Pro PG:Planning and Noise - Professional Practice Guidance on Planning and Noise - New Residential development 2017 to be followed as advised in the Planning Noise Advice Document: Sussex (March 2021).

As railway noise is also likely to be a major noise source I would also expect the use of the Calculation of Railway Noise 1995 document to be considered.

To demonstrate good acoustic design I would expect other measures such as changing the layout or reorienting the rooms to be considered, with the installation of MVHR only to be used as a last resort. For the reasons above the Noise Impact Assessment is not considered to be sufficient.

Air Quality

As this is a major application, the applicant must follow the Air Quality & Emissions Mitigation Guidance for Sussex (2020). The intention of the guidance is to ensure the integration of appropriate mitigation via an emissions mitigation assessment and, where necessary, to identify air quality impacts through an impact assessment. The emissions mitigation assessment is used to inform the level of mitigation required to help reduce/offset the potential effect on health and the local environment.

Consultation with Public Health & Regulation is advised at an early stage. The potential impact on the Worthing AQMA must be considered. The assessment should also include a cumulative impact assessment - a list of relevant developments that should be included in a cumulative assessment can be supplied.

We expect an emissions mitigation assessment to be completed, the purpose of which is to assess the local emissions from a development and determine the appropriate level of mitigation required to help reduce/offset the potential effect on health and the local environment. The emissions mitigation assessment must use the most up to date emission factors.

Mitigation shall include the promotion of cycling and walking, public transport, car clubs, low emission vehicles and associated infrastructure, etc. Reference should be made to the Adur/Worthing Air Quality Action Plan. A development such as this can have a major influence on public behaviour. For example by providing electric vehicle charge points and an electricity connection rated at least 32A and capable of taking at least a 7kW charge point in parking spaces/garages, residents and visitors can be assisted to switch to low emission vehicles. Additionally charge points are much cheaper and easier to install during the construction phase rather than as a retrofit. Consultation with Public Health & Regulation is advised at an early stage.

Contaminated Land

Having read over the Desk Study (Report No. CCL03238.CJ72 Date: 14/05/2021) produced in September 2019 in relation to the proposed development of the Horton Buildings, Goring Street, Goring-by-Sea, BN12 5AD. In regards to the Contaminated Land Reports, the initial desk study is very comprehensive and has considered the historical usage of the site along with potential pathways that are present.

As the report states, an intrusive ground investigation is vital in the progression of this development. This investigation should examine the potential presence of contaminants such as Heavy Metals and PAHs in both the soil profile along with the groundwater, as the recommendations state in the report.

The following conditions are recommended by the Environmental Health Officer:-

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.

Demolition/Construction Works

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

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank Holidays no work permitted

Construction Management Plan

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

- the anticipated number, frequency and types of vehicles used during construction - HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's.
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- a commitment to no burning on site,
- the provision of wheel washing facilities and other works required to mitigate
- the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works,
- methods to control dust from the site.

The **Environmental Health Officer** has provided the following further comments in response to the Technical Memorandum (by 24Acoustics dated 10 August 2021) submitted in response to the above-mentioned initial comments:-

Thank you for forwarding this additional Technical Memorandum (dated 10 Aug 2021) concerning the above site. This document addresses some of the concerns raised in my previous correspondence. The Modelling of the level of rail noise across the proposed development site has been submitted, although this assumes the railway line to be point source rather than a line source. Would the modelled noise levels differ at the development site if this is modelled as a line source?

The document suggests that railway noise is the source of LAmax across the site. Is this the case closer to the road? The location of the noise monitoring is over 50m from the road, no modelling has been provided to demonstrate the LAeq and LAmax across the site and at different heights from road noise. As the levels across the site have not been modelled we are unable to confirm whether the proposed glazing will provide satisfactory attenuation across the site.

I appreciate that the re-positioning of the block and the potential of re-orientating rooms within the block is limited within this development. The position of the block is allowing the building to act as a noise barrier to the external amenity area. It has been proposed to install MVHR into all habitable rooms within this development, this will provide background ventilation to the residents. Please could the applicant confirm that the MVHR will have a summer bypass? Please could the applicant provide a plan showing the ventilation plan for the development.

The internal noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and all duct work and units should be fitted on anti-vibration mounts. Following approval and 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.

In response to a further Technical Memorandum (by 24Acoustics dated 6 Oct 2021) the **Environmental Health Officer** has commented further:-

“With reference to my query concerning road noise, the applicant does not appear to be considering road noise from nearby the A259. However, using the worst case levels provided by Defra Road Noise mapping as a basis for calculating internal levels I believe the proposed glazing will provide sufficient attenuation. This will be confirmed by the noise test which will be required following construction.

I would recommend the following conditions which are specific to noise and ventilation. The addition of the other conditions listed in my initial consultation response are still recommended.”

1. The cumulative noise from all new plant associated with the development should not exceed the maximum rating noise level shown in Table 4 the Noise Impact Assessment (R8791-1 Rev 0 Date: 23rd October 2020) at the nearest noise sensitive property. A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant shall be

maintained in accordance with manufacturers guidance and any future plant shall also meet the specified levels within the approved scheme.

2. The development hereby permitted shall be carried out in full accordance with the recommendations of the Noise Impact Assessment (Technical Report: R8791-1 Rev 0, Dated 23rd October 2020) 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 in rooms closest to the main noise sources to demonstrate that the attenuation measures proposed in the scheme are effective and do not exceed the levels specified in BS8233:2014.

3. Construction work shall not commence unless and until a detailed ventilation plan for the development has been submitted to and approved by the local planning authority. The internal noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and all duct work as well as the units should be fitted on anti-vibration mounts. Following approval and 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.

The **Council's Engineer** initially raised a HOLDING OBJECTION and comments:-

Flood Risk: The application is within flood zone 1, areas adjacent are shown to be at risk from surface water flooding.

Surface Water Drainage: The application includes a surface water strategy to which the following comments apply:-

- We wish to confirm that on site testing must be completed to determine if infiltration is suitable here. This testing should be completed in the Winter in accordance with BRE DG365. We do not require 1m clearance to groundwater.
- Winter groundwater monitoring must be undertaken, this is required, even if an attenuation scheme is used, in order to demonstrate that the design adequately accounts for the risks of flotation.
- If attenuation is found to be required at this site discharge should be limited to greenfield QBar is possible for all events up to and including the 1 in 100 year plus 40% cc. A minimum of 50% betterment is required, we would be keen to see how close flows can be restricted to greenfield Qbar given the offsite flood risk.
- Design calculations should use the latest FEH data, appropriate Cv values, and apply 40% cc to both the 30 year and 100 year rainfall events.
- We note that a surface water pumping station is proposed - this is not supported by ourselves or by policy. Pumping is not sustainable, is prone to breaking, and is expensive to maintain.

Based on the above a holding objection is raised. 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 of design. Failure to secure a robustly evidenced implementable drainage strategy at this stage will likely unduly prejudice the drainage design and result in proposals failing to meet policy requirements. To overcome this holding objection please can the Applicant supply:

- A revised surface water drainage strategy that uses gravity and is based upon a 'worst case' attenuation design;
- The strategy must demonstrate that there is adequate space within the site to safely contain water below ground for the 1 in 30 year plus 40% climate change event, and safely store water on site for the 1 in 100 year plus 40% climate change event.
- A plan that shows that [tree] root potential areas do not conflict with the proposed surface water drainage strategy.

Following the receipt of a revised surface water drainage strategy the **Council's Engineer** has subsequently commented further:-

"The additional strategy information is sufficient for me to remove my holding objection. I would rather see the landscaping proposals revised at this stage too to remove conflict, but as long as the landscaping can be adjusted at later stages I am happy to proceed."

"If you are minded to approve this application please ensure that the drainage strategy is not listed as approved, and apply the recommended conditions set out below."

1. 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.

2. 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."

3. 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.

The Council's Conservation and Design Architect comments:-

"The proposal site is surrounded to the east and south by 2 storey residential properties. Bluebell Way to the north of the site, consists of 4 separate blocks of predominantly 3 storey residential buildings with a small 4th storey element to one of the blocks which is recessed into the site. These buildings are considered by the applicant to be a marked step-up in terms of massing, scale and building height to the surrounding context. The proposed building is of a singular mass, rising from 3 to 4 storeys. The large singular building form is typical of McCarthy & Stone schemes and helps to keep down building costs. The floor layout with a central corridor servicing flats on either side has resulted in single aspect flats that are north facing and far from ideal.

The applicant's assessment of the existing context as having limited architectural merit, has resulted in the proposal for a new building typology within the street scene. Externally the proposed building would be finished in brick with cement fibre panels for parts of the 4th floor.

Generous front gardens and often mature hedging are noted as being positive and common features of local townscape. However, in contrast, the existing public realm fronting Goring Street consists of an open carpark with no planting. The proposals, whilst retaining car parking between the building and the road, introduce a minimal planting strip.

Potential views from higher land to the north within the SDNP were discounted within the Urban Design and Townscape Addendum, given the screening effect of woodland and existing buildings that surround the site. However, due to the flat open nature of the land to the north of the railway line, there are currently very good views which clearly show the various blocks of the Bluebell Way development. Due to the visual gap between the two blocks closest to Goring Street and the relatively small element of this development reaching 4 storeys, the proposed building will visibly infill the gap and project above the Bluebell Way development. As the visual mass of the two developments combine, this will result in a greater continuous building mass visible from the A259, and potentially from views further north within the SDNP."

The **Planning Policy Manager** comments as follows:-

Policy Context

The starting point for the consideration of this application is the adopted policies of the Local Development Plan, comprising the Worthing Core Strategy (2011) and the saved policies of the Worthing Local Plan (2003). However, it must also be noted that aspects of this are considered to be out of date and not in accordance with national planning policy. Furthermore, the emerging Local Plan is well advanced. On June 11th Worthing BC submitted the Worthing Local Plan to the Secretary of State for Housing Communities and Local Government for independent examination.

Until the new Worthing Local Plan (2021) is formally adopted the planning policy situation is complex. Elements of the adopted Core Strategy will remain in force and will be used in determining planning applications, where relevant. However, given the

progress of the emerging Plan and the degree of consistency to the National Policy Framework it has some “weight”, alongside other material considerations, including national policy.

Therefore, it is now considered appropriate that the policy provisions of the emerging Plan (particularly those that seek to deliver sustainable outcomes) are taken into account in decision making by giving relevant policies the appropriate material weight. The supporting statements submitted in support of this application should reflect this.

It should also be recognised that the planning outcome for this proposal may be affected by the status of the emerging Plan at the time of decision and that this is likely to change over the coming months. Recognition should be given to the position as it may be when the Saved Policies of the adopted Plan (Core Strategy) fall away and the emerging Local Plan gains adoption.

Whilst the emerging Local plan should be given some consideration, it is relevant to this application that, in the context of employment land, there is very little difference between the key objectives of adopted Core Strategy Policy 4 and emerging Local Plan policy DM11. Both seek to ensure that, in principle, existing employment land is protected and, where possible, enhanced.

Protection of Employment Land - Justification

The Employment Land Review (2016) and subsequent update (2020) reassessed this policy position and concluded that there is an acute shortage of available commercial land and floor space in the Borough to meet the indigenous growth requirements of the commercial market, as well as enable the necessary level of ‘churn’ and upgrading of existing site required to sustain a functioning commercial property market.

The Employment Land Review's preferred job growth scenario which helps to inform the emerging Worthing Local Plan (WLP) reflects a realistic level of employment growth that takes the inability to fully meet housing needs into account. The approach taken in the WLP is one that seeks to balance competing demands for land in the most sustainable way - this will see the mean that viable employment land is retained with two main allocations (Decoy Farm and Martlets Way) helping to provide the bulk of the additional space required. Overall, it is considered that the emerging WLP provides the appropriate and sensible balance between housing and employment growth – but this, in part, is dependent on the retention of the vast majority of existing employment sites.

Policy Tests

The existing and emerging policy position makes it clear that the redevelopment of land and buildings currently in employment use or last used for employment purposes will be resisted unless it can be satisfactorily demonstrated that the site in question is genuinely redundant and unlikely to be re-used for employment purposes. The policies set out the factors that will be taken into consideration when making this assessment and these are further expanded upon in the Council's

'Sustainable Economy' SPD which sets out the criteria by which the Council would begin to consider any potential change of use.

For the Council to accept this proposal strong and appropriate evidence is required to demonstrate how the policy tests set out in CS Policy 4 and the SPD 'Sustainable Economy' have been met.

In this regard, it is accepted that the applicant has submitted evidence that demonstrates that many of these tests and marketing expectations set out in the SPD have been met. The key determinant is therefore whether the existing or redeveloped site is viable. I am not in a position to determine whether some of the assumptions (such as the existing use value, rental and yield assumptions, valuations etc) used within the viability appraisals are appropriate. In this regard, I would suggest commissioning an independent specialist to undertake a review of the appraisals and related assumptions.

It is also accepted that, in many regards, it has been demonstrated that the current buildings do not meet the needs of many businesses (particularly the current configuration of the buildings, servicing arrangements and its location). Having said that, the Council is aware of great demand for all types of employment land in the Borough and it is understood that the buildings in question are currently in occupation. Whilst redevelopment options have been 'scoped out' within the applicants viability appraisals it should be explained why the existing arrangements are not viable through a partial refurbishment given that there is clear and existing demand for its continued use from local firms currently occupying the units.

Affordable Housing

It is noted that the developer is offering a financial contribution in lieu of 30% affordable housing - comprising £212,618 at commencement and a further £220,933 at practical completion (but only on the basis it remains lawful to charge ground rents).

However, using the Council's Developer Contributions SPD the full off site contribution is accepted as being £543,474. This is £109,923 more than that proposed by the applicant in response to their viability appraisals. This is a further reason why an independent assessment of the applicant's assumptions is required as the Council needs to be sure that they are fit for purpose before accepting a reduced off site sum. In this regard, it should also be noted that the Council is likely to be reviewing the off-site contributions established in the SPD over the next 12 months. As such, depending on when this application is determined, it is possible the new off-site rates (which are likely to be significantly higher) will be applicable.

With regards to the split payment suggested, it is understood that the Leasehold Reform (Ground Rent) Bill (published on 13th May 2021) states that no ban will come into force for *retirement* properties before 1st April 2023. Therefore, in my view (and subject to the assessment of viability appraisals) it would be logical to seek the full off site contribution in the first instance but, depending on timing, accept that it may be appropriate to consider a split / reduced payment subject to the timing of any

relevant permission being granted and the progress (or otherwise of any relevant legislation).

Applicant's Planning Statement

It would be helpful if this was dated to understand when this was prepared and against what policy background. It does not have the feel of a document that has been prepared recently.

There is no reference made to the policies included within the emerging Local Plan. As explained above, it is now expected that applicants give consideration to emerging policies that are relevant to their application – particularly those that seek to deliver sustainable outcomes.

The Planning Statement concludes that:..... *the development contributes to the wide spectrum and much needed housing for the older population. In doing so it thereby helps to prevent new housing on greenfield land and freeing up of existing under-occupied stock.*

It is not in dispute that the housing needs in Worthing are very significant across all types and tenures of housing provision (including housing for the older population). In fact, due to significant land availability constraints the emerging Local Plan will only deliver approximately 26% of overall housing needs. It is also agreed that housing provision on this site would help to meet a small proportion of this unmet need. However, it should be clarified that the delivery of housing on this site would not prevent new housing on greenfield land in Worthing. This is because every available and sustainable greenfield site around the borough has either been allocated for development or there is strong evidence that will see it protected. There are simply no more available sites around the town to accommodate growth. Whilst this is the case for Worthing, it is acknowledged that housing need should also be considered across the wider sub-region. However, in simple terms the Council would dispute the conclusion that non-delivery of housing here will automatically result in a greenfield development elsewhere.

The applicant argues that retirement housing releases existing under-occupied housing (i.e. family houses that have become too large for small elderly households) and thereby helps make better use of the housing stock in general. This is a compelling argument but there is often a perception in Worthing that new housing of this type is occupied by older people moving into the area rather than freeing up local housing stock. Whilst the Planning Statement states that the majority of residents of retirement schemes generally originate from the "local" area (with relevant statistics provided) it is not clear when that study was undertaken and how relevant the findings are to seaside settings and Worthing in particular. Similarly, the study referred to demonstrating that the size of dwellings being vacated by new occupiers was undertaken in 2011 – it is somewhat surprising that more recent information is not available. The application would benefit from more up-to date and locally relevant evidence that helps the Council understand how much local housing stock is likely to be freed up by a development of this nature.

Summary

- In promoting an alternative use, it is accepted that most of the Policy (and SPD) tests relating to marketing have been met.
- The key determinant is therefore whether the retention of the site for employment use remains viable.
- It is understood that the site is currently occupied. Whilst it is accepted that the buildings might not meet all modern standards it needs to be explained why this arrangement cannot continue and / or whether a partial refurbishment is viable.
- The viability assumptions should be tested by an independent specialist.
- Consideration should be given to the policies set out in the emerging Local Plan.
- The application would benefit from locally specific and more recent evidence of where new occupiers are likely to originate from.

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

Representations

Representations in support of the proposals have been received from residents in Crowborough Drive and Fernhurst Drive, Goring, commenting:-

- A much needed development exclusively for the over-60s. We believe that the development will complement existing residential properties in Goring Way and greatly improve the current commercial buildings and their usage which are planned for replacement.
- This site is rather ugly and out of keeping with the mainly residential area. I think this new development will improve the appearance of the site as well as providing much welcome accommodation.

The resident of 4 Bluebell Way has commented:

- Whilst it is good to see that McCarthy and Stone have taken feedback onboard and reduced the block to 3-storey closest to Bluebell Way flats and the first block of townhouses, the block of flats appear to be very close to the current factory boundary on the North side. As a consequence I have major concerns about the impact on light, as the sun transits south of the Bluebell Way development, and privacy for those living in the Bluebell Way flats and the first block of townhouses. Most of the townhouses have their lounges on the second-floor facing south so we would potentially be facing balconies and residents of the new development. I cannot tell from the plans, but if in particular the lounges were facing north, then we would be looking directly into each other's properties and theory would be looking directly into our gardens.
- The planned development seems to recognise the need to blend the development on the south side for residents of Bucharest Crescent. However, there is no mention of landscaping on the north side which faces Bluebell Way. There is no mention of screening with trees so the blocks of flats which run east to west parallel to Bluebell Way would not be very aesthetically pleasing, with nothing to break up the lines of flats and blend the development with the newish development of Bluebell Way. If the development was moved further

slightly south then there would be space to carry out some level of landscaping on the north side.

The **Goring and Ilex Conservation Group** object to the proposals on grounds of overdevelopment and design with a resultant adverse effect on the local amenity.

“During the consultation stage we commented on the height of the proposals and the design. We are pleased to note that the amount of floor plan allocated to the 4-storey element has been reduced but are still concerned that there is a remaining area of 4-storeys and that this element is most visible at the street elevation.

The proposals are compared with the adjacent Bluebell development and show the various heights of existing buildings on the Proposed Rendered Street Scene Elevation. This is misleading, however, as it does not indicate the position or volumes of the buildings on the Bluebell development. The Bluebell development has only a small amount of four storey building and this is set back a good distance into the plot. In fact ‘the gatehouse’ building is 3-storeys, isolated from the main body of the development and is a relatively small area on plan, perhaps reflecting the Goring-by-Sea signal box of earlier times. (although on the other side of the railway tracks). These proposals, however, face the street scene with more than two-thirds of the width at 4-storeys. A set back at least of the top storey would reduce the overbearing effect proposed, but we consider in any case the fourth storey would be an unwelcome feature amongst the largely 2-storey and further away 3-storey housing in the area.

We consider the design, no doubt dictated by financial considerations, to be rather formulaic and bland. There is the opportunity here to build on the, possibly, ‘marmite’ Bluebell design with something more innovative whilst being compatible with its surroundings and enhancing the appearance of the locality. McCarthy & Stone have shown their capabilities in this respect with their Ocean House Carlyon Bay and their Poundbury developments. We feel that, if not pursued, this could be an opportunity missed to enhance and excite the area.

We question the adequacy of just 2no electric vehicle charging points in the 30-space provision. We would urge these proposals as they stand to be refused pending redesign.”

One further representation from a resident of nearby Chatsmore Crescent has been received following notification of the amended plans commenting that parking in the area needs to be addressed before this development goes ahead as it will inevitably increase the amount of cars parking in the area. It is bad enough with commuters using the area for [rail] station parking. It is strongly suggested the Council puts in permit parking in this area. As a resident I would be more than happy to pay for permit parking.

Relevant Planning Policies and Guidance

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

Worthing Core Strategy (WBC 2011): Policies 3, 4, 7, 8, 10, 15,16,17, 18, 19

National Planning Policy Framework (HCLG 2021)

National Planning Practice Guidance
Sustainable Economy SPD (WBC 2012)
Guide for Residential Development SPD (WBC 2013)
Guidance on Parking at New Developments (WSCC 2020)
CIL Schedule (WBC Aug 2020)
Interim Position Statement on Affordable Housing (Aug 2019)

Submission Draft Worthing Local Plan 2020-2036:
SP1 (Presumption in Favour of Sustainable Development)
SP2 (Climate Change)
DM1 (Housing Mix)
DM2 (Density)
DM3 (Affordable Housing)
DM5 (Quality of the Built Environment)
DM6 (Public Realm)
DM9 (Delivering Infrastructure)
DM11 (Protecting and Enhancing Employment Sites)
DM15 (Sustainable travel and Active Travel)
DM16 (Sustainable Design)
DM20 (Flood Risk and Sustainable Drainage)
DM21 (Water Quality and Sustainable Water Use)

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 Background

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, the Worthing Core Strategy and accompanying Supplementary Planning Documents (SPDs).

A new Local Plan, the Submission Draft Worthing Local Plan (SDWLP) has recently undergone an independent Examination and the Inspector's report is awaited. The relevant SDWLP policies are set out above and now have some materiality in the determination of planning applications.

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 NPPF policies overall, or if the NPPF affords particular protection to assets or areas of importance.

Paragraph 73 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 local housing needs where the strategic policies are more than five years old.

The Council recognises the Government's commitment to boost the delivery of new homes and although a robust assessment of all potential opportunities to deliver new homes has been undertaken as part of the new Local Plan, 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 cannot currently be demonstrated.

With regards to Para 11(d) of the NPPF and the so-called 'tilted balance', the Court of Appeal case (*Gladman Developments Limited v Secretary of State for Housing, Communities and Local Government & Ors*. Case Number: C1/2020/0542/QBACF, Feb 2021) 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". Sir Keith Lindblom went on to state:-

"Restricting the scope of paragraph 11(d)ii to shut out the relevant policies of the development plan, as if they were automatically alien to the assessment it required, would seem incompatible with the status and role of the NPPF. Fortunately there is no need to construe the works of paragraph 11(d)ii as having that effect, and in my view, it would be wrong to do so."

He added that other provisions of the NPPF reveal the Government's continuing commitment to the "plan-led" system:-

"If the proposal is plainly in conflict with the policies in the plan, granting permission for it might be seen as undermining the credibility of the plan, inimical to the 'plan-led' system itself, and contrary therefore to the basic policy of the NPPF.It is clear, therefore, that a complete assessment under paragraph 11(d)ii, in which 'adverse impacts' and 'benefits' are fully weighed and considered, may well be better achieved if relevant policies of the development plan are taken into account. I would therefore reject an interpretation of paragraph 11(d)ii that renders the policies of the development plan as irrelevant as a matter of law from the assessment required under that provision. What emerges on a true interpretation of paragraph 11(d)ii....is that it requires of the decision-maker an assessment of the kind described, in which the relevant policies of the development plan may be taken into account. Whether and how policies of the development plan are taken into account in the application of the policy comprising paragraph 11(d)ii will be a matter for the decision-maker's judgement, in the circumstances of the case at hand."

Principle of the Proposed Development

Notwithstanding the recent occupation of Southern House by the 'Tribe Hub', its lawful use is considered to fall within Class E (commercial, business and service) following the revisions to the Use Classes Order (2020), together with the rear factory unit(s).

The site is not located within a designated industrial estate or business park but falls to be considered in relation to Policy 4 of the adopted Core Strategy which states that outside the protected employment areas the conversion or redevelopment of land and buildings currently in employment use or last used for employment purposes will be resisted unless it can be satisfactorily demonstrated that the site (or part of the site) or premises is genuinely redundant and is unlikely to be re-used for industrial or commercial use within the Plan period.

The Council's Economic Research and Employment Land Review Study (2016 and update 2020) provides an understanding of the current economic situation in Worthing and reassesses this policy position. The study concludes that there is a continuing need to retain employment land and floorspace in the Borough to meet the indigenous growth requirements of the commercial market, as well as enable the necessary level of 'churn' and upgrading of existing sites required to sustain a functioning commercial property market.

The approach taken in the SDWLP is one that seeks to balance competing demands for land in the most sustainable way, and which reflects a realistic level of employment growth that also takes into account the inability to fully meet assessed local housing needs. This approach sees the two main allocations for employment uses (at Decoy Farm and Martlets Way) providing the bulk of additional space required but also relies on the retention of existing employment sites. The existing and emerging policy position makes it clear that the redevelopment of land and buildings currently in employment use or last used for employment purposes will be resisted unless it can be satisfactorily demonstrated that the site in question is genuinely redundant and unlikely to be reused for employment purposes. Core Strategy policy 4 (and SDWLP policy DM11) set out the factors that will be taken into consideration when making this assessment and these are further expanded upon in the Council's 'Sustainable Economy' SPD.

The application is supported by an Employment Land Report (by Alder King) which assesses the business and employment opportunities and supply of employment land and floorspace in Worthing and its environs and the viability of new employment development and the refurbishment of the existing buildings in accordance with policy 4 of the adopted Core Strategy (and DM11 of the SDWLP).

The submitted Employment Land Report considers the assessment of demand and supply balance of office, industrial and distribution floorspace and the four growth scenarios plotted in the Council's latest Employment Land Review undertaken in 2020, noting there is sufficient supply in all four growth scenarios for office uses, and industrial uses benefit from a supply surplus in 3 of the 4 growth scenarios (only the extrapolation of past take-up rates identifies a potential shortfall). However, the Employment Land Review identifies there would be insufficient capacity to

accommodate the requirements for storage and distribution in three of the four plotted growth scenarios. The submitted ELR comments that it is the experience of Alder King and local property agents such as Flude, that the primary reasons for shortfalls in the storage and distribution sector relates to the evolution of these uses and their floorspace and locational requirements, primarily driven by changing consumer habits, conglomeration of manufacturers (as experienced by the former occupier of the premises, Charles Kirk), improvements in logistic efficiencies and the mechanisation of industry.

Charles Kirk had occupied the rear factory unit for the manufacture and supply of schoolwear for over 30 years. The Report summarises their experience of operating the business from the site, and reasons for selling the business as influenced by:-

- *Access into the yard area is hard with the yard area itself small and not fit for purpose;*
- *Articulated lorries can only access the site from the south of Goring Street, driving past the factory then turning into Chatsmore Crescent and then reversing into the yard access drive. Large vehicles are not able to access from the north owing to parked vehicles on each side creating a narrowed carriageway. Waste lorries have similar issues in collecting surplus materials from the yard;*
- *Large commercial vehicles have knocked over the wall and fences on the northern site boundary of the property many times;*
- *There are no restrictions on the hours of operations. CV Charles Kirk's general hours of operation were between 6am and 119m Mon-Thurs and between 6am and 5pm on Fridays;*
- *Charles Kirk encountered various issues arising from the condition of the roof of the factory building including leaks and poor ventilation (with the skylights only available to use during school summer holidays to avoid noise disturbance). Roof too expensive to repair/replace;*
- *Amenity conflicts with surrounding residential uses, including complaints regarding Charles Kirk business operations following redevelopment of the former railway sidings site to the north (Bluebell Way);*
- *Skilled machinist staff retiring and not being replaced by younger staff (with young people not being keen to take up such roles);*
- *Larger manufacturers buying up smaller firms as they are able to operate with economies of scale and manufacture outside of the UK more cheaply or import finished product; and ability to access markets that smaller companies cannot, as well as being able to manage and produce large orders.*

Marketing

The Report sets out the details of a marketing campaign of the existing buildings undertaken by Flude, a local commercial agent. The Report states that Flude were first involved in marketing the premises in May 2017 to dispose of the property for the then owners. Following purchase of the property in 2019 by the now owners, an additional marketing campaign was initiated in January 2020. In September 2020 the marketing campaign was reviewed and aligned with the requirements of the Council's Sustainable Economy SPD.

The Report states that a guide freehold price and rent relayed to enquiring parties was informed by 2 independent valuations and a reduction in the guide price and rent was put in place in January 2021.

Flude advises that since September 2020 interest has come from parties interested in both the employment and residential use potential of the site. It is stated that all occupiers who initially enquired decided not to take their interest further. Where Flude were able to obtain feedback comments focussed on:

- *“the very awkward layoutunusable for storage and distribution use”;*
- the property *“needed far too much work and money spent to accommodate their needs”;*
- the full height of the warehouse was needed and *“it is not cost or time effective to remove the first-floor”.*

Flude has continued to actively market the property since the current application was submitted and an Interim Marketing Summary (up to Sept 2021) has been provided. Enquiries made during this period have not led to any offers. Upon further questioning of the reasons given, Alder King has stated that there are a number of reasons for the number of enquiries and limited, proceedable interest. These include:

1. The property had been in occupation by Charles Kirk for over 30 years and there were some enquiries that were made for general local interest rather than actual potential occupational interest and also some that came from residential developers.
2. As is stated in the submitted Employment Land Report (Alder King, April 2021), some enquiring parties were aware of the issues with the properties, particularly the main building to the rear; including the condition of the roof and leakages (too expensive to repair / replace, when in occupation) and ventilation provided by skylights. Also some parties were conscious of, as Charles Kirk experienced during their occupation in recent years, residential amenity conflicts including complaints regarding the operations occurring following the residential development to the south and to the north, the latter being the former car sales site and breakers yard.
3. Whilst enquiring parties would not have been aware of the exact facts and figures which informed Alder King's viability assessment which formed part of the submitted Employment Land Report, the likely works required to bring the building back into occupiable standard are mostly self-evident upon viewing the property and the order of associated costs fairly straightforward to estimate for occupiers. This was an issue for a number of parties.
4. Access to the yard in the northwest corner of the site has been highlighted as being very tight and by some parties as not fit for purpose. The turning arrangements for articulated lorries within a residential area and only from the south of Goring Street to the site was also cited. There were also concerns regarding the lack of on street parking.

Alder King has commented that whilst some parties might have been aware of the above issues, or some of them, prior to making their enquiry of viewing the property, many sought to have a look 'in-person' to check / double check whether the property was suitable and the extent of works required.

Points 2, 3 and 4 are highlighted in the Flude Marketing Reports (30.04.21 & 21.09.2021). Flude the local marketing agent concluded that:

"Our view is that the configuration and compromised nature of the property's location has meant that ultimately the unit has not proved to be attractive to traditional employment based entities or indeed developers. Our general view of the local commercial market is that occupiers are needing more new and better stock and older buildings like the subject premises are becoming redundant".

Notwithstanding that the Applicant has sought to demonstrate that continued employed use of the existing site and buildings is not viable, it was noted that at the time the current application was submitted and the case officer's subsequent site visit, that 2 of the 3 units in question were occupied by commercial/business uses.

The Applicant's Consultant has provided evidence that the units in question are not occupied on commercial terms and the tenancies in place reflect pragmatic convenience and efficient property management. That is, the landlord benefits from the mitigation of various issues and liabilities that they would face if the units were vacant (insurance, business rates, security) and the occupiers benefit from low cost floor space at a 'peppercorn' rent and flexibility to provide short notice to vacate. It is argued that the recent tenancies can in no way be seen as indicative of market and occupier interest in the property or local market conditions.

The guidance set out within the SPD states as to the approach to be taken in assessing the viability of employment land and buildings that: *"There may be instances where an applicant can demonstrate that there is no demand for an employment site in its present condition and that the site's buildings are of a state that they would be unsuitable for continued employment use. In such cases, it is important to recognise the value offered by such sites does not arise solely from the existing buildings but from the potential the site offers as a suitable location for future employment uses. The Council will therefore expect an Applicant to provide evidence that they have carefully considered how the site could be refurbished and redeveloped for employment purposes".*

Refurbishment

The submitted Employment Land Report sets out the scenario for a refurbishment based on a survey of the condition of the existing building(s) by Crowther Overton-Hart Surveyors (Jan 2021) and assessing the likely cost of repair/refurbishment to bring the property back into a commercially occupiable condition. A Mechanical and Electrical Condition Survey Report of the premises was also undertaken.

The total refurbishment costs, including works to external areas, boundaries and mechanical and electrical works total £1.354 million.

An appraisal concludes that refurbishment of the existing building(s) is not viable. Sensitivity analysis shows that for the refurbishment scheme to be viable at this location the rents would need to increase by 70% from the existing level of £10 psf market rent to £17 psf on the front building and from £5 psf on the rear buildings to £8.50 psf. It is stated that the £10 psf rent reflects a quasi-retail rent.

The Report argues that such rental growth is unrealistic in the current economic climate and confirms the stated view that refurbishment is not a viability proposition.

Redevelopment

To inform an assessment of a theoretical redevelopment of the site (for employment use) the Alder King sought advice from Flude Property Consultants and LHC Architects to assist in drawing up an indicative scheme.

Flude advised that given the site's location and the local market the best suited employment scheme would consist of 7 no light industrial/warehousing units each of 1,200 sq ft with improved access, roller shutter doors, 3 car parking spaces per unit, appropriate access for HGV deliveries, minimum 5m eaves height and 3 phase electrics.

An appraisal of this redevelopment scenario has been undertaken using adopted rental values, rent-free periods, and a yield appropriate for the use and location and concludes that redevelopment of the site for employment use is also not viable. The sensitivity analysis shows that for the redevelopment to be viable at this location the rents would need to increase by over threefold from the existing (optimistic) market rent level of £12 psf to £36 psf. It is argued that such rental growth will not be possible and therefore the redevelopment scheme is not a viable proposition.

The viability of the scenarios for refurbishment and redevelopment set out in the submitted Employment Land Report have been independently reviewed by consultants Dixon Searle Partnership (DSP) on behalf of the Council, together with a third option based on the refurbishment of the front building (Southern House) at 6,800 sq ft and redevelopment of the rear factory unit(s) to provide 3 new build units at 6,000 sq ft (i.e. refurbishment and redevelopment).

The review by DSP considers the development timings, and cost assumptions (build costs, professional fees and contingency, development finance, agents, marketing and legal fees etc.) as well as assumptions based on developer's profit. [The latter takes account of national guidance in the PPG which states that for the purpose of plan-making assumptions of 15-20% gross development value (GDV) may be considered suitable. although acknowledging the PPG is silent in terms of decision-making.]

DSP concludes that the submitted overall approach to assessing the viability of the indicative schemes is considered to be appropriate in terms of general principles and approach to the development appraisals. Likewise the majority of assumptions appear fair at this stage too. DSP goes on to state that where some assumptions have been queried, they have tested alternative assumptions (including gross development value, development timings and marketing costs). The submitted

development appraisals indicate a negative profit outcome for each scenario. Sensitivity testing based on DSPs suggested amendments continue to produce a negative profit scenario (an actual loss) as shown in the table below.

Scheme	Residual Land Value	Surplus/Deficit when compared to land value of £1m	Actual profit/loss on cost
Option 1	+£479,401	-£520,599	-£198,826
Option 2	-£416,983	-£1,416,983	-£1,292,396
Option 3	-£291,123	-£1,291,123	-£1,100,052

DSP concludes that taking an assumptions-based approach, overall, it would appear that the refurbishment and redevelopment of the site on the basis of the 3 indicative schemes does not appear to be a viable prospect. As a footnote to this conclusion, DSP notes that the redevelopment scenario (Option 2) significantly reduces the premises size from 37,800sq ft to 8,400 sq ft albeit based on advice from the commercial agent Flude and architects LHC Design. DSP goes on to note that alternative redevelopment schemes have not been considered, which may or may not produce a different outcome.

Nevertheless it is accepted that in promoting an alternative use for the redevelopment of this site, satisfactory evidence has been provided to demonstrate that the retention of the site for employment use is not viable and the policy tests set out in Policy 4 of the adopted Core Strategy and supporting SPD (and policy DM11 of the SDWLP) have been met.

Proposed Residential Use

The submitted Planning Statement sets out that the redevelopment of this site should be optimised commensurate with local and national policy guidance and that the current proposals would not only help meet a recognised housing need of an ageing population and housing stock that is ill-equipped to deal with its needs but would *“prevent new housing on greenfield land and freeing-up existing under occupied housing stock”*.

As stated by the Planning Policy Manager in his comments it is not disputed that housing needs in Worthing are very significant - and across all types and tenure of housing including housing for the older population. As identified within the SDWLP, the most significant constraining factor when considering future development is land availability owing to the constraints of the town's location and limited scope for growth. Despite taking a positive approach to development, the SDWLP acknowledges that the delivery rate for housing will fall significantly below levels of objectively assessed housing need. The SDWLP anticipates that approximately 26% of the overall housing need will be met, resulting in a shortfall in delivery over the new Plan period of 10,488 dwellings. While this is a high level of unmet need, the SDWLP is supported by robust evidence to demonstrate that all options to reduce this figure and increase the rate of development have been explored. Thus, whilst it

is acknowledged that development of this site for housing would make a small contribution toward meeting unmet need it is not accepted that this would prevent new housing being developed on greenfield land. This is because every available and sustainable greenfield site around the borough has either been allocated for development or there is strong evidence for it to be protected.

Policy 8 within the adopted Core Strategy seeks to deliver a wide choice of high quality homes to address the needs of the community. The supporting text at paragraph 7.12 states that given the demographic characteristics of Worthing it is important to provide an appropriate choice of housing for all age groups, particularly the elderly. It states this should include specialist accommodation, particularly in the form of supported and extra-care housing as an alternative to residential care.

The SDWLP makes it clear that delivering housing is more than just a 'numbers game' and new housing must meet the needs of the community as whole by including affordable and market homes of the type, size and tenure needed by residents. Paragraph 5.11 identifies that people aged over 65 represent 22.8% of the local population across Adur and Worthing and numbers are expected to grow significantly. Numbers of people aged over 65 are projected to increase by 10,700 (43%) in Worthing between 2016-36. Para 5.14 recognises that given the ageing population and higher levels of disability and health problems amongst older people there is likely to be an increased requirement for specialist housing options moving forward.

The submitted Planning Statement states that:

"The scheme provides needs-based choice for residents to downsize and move to an age-restricted form of accommodation of like-minded people. People seeking to downsize from larger houses can achieve comfort, care and security and the ability to manage independently in housing that is future-proofed as they themselves age. It enables older people to remain living in the community and out of more institution type accommodation whilst enjoying peace of mind.

.....retirement housing releases under-occupied housing (i.e. family houses that have become too large for small elderly households) and thereby helps make better use of the housing stock in general. The majority of residents of retirement schemes generally originate from the "local" area (45% of sheltered residents originate from within a 5 mile radius and approximately 72% from within 20 miles) and thus the move to retirement accommodation aids in freeing up local under-occupied housing stock. It is probable that the potential occupiers of this development will have a similar "origin" profile."

The Planning Policy Manager recognises this as a compelling argument but points out that there is often a perception in Worthing that new housing of this type is occupied by older people moving into the area rather than freeing up local housing stock.

In response, the Applicant refers to paragraph 62 of the NPPF which requires LPAs to assess housing for all groups including for older people, and to paragraph: 001 Reference ID: 63-001-20190626 Revision date June 2019 of the NPPG which states:

“The need to provide housing for older people is critical...”. Reference is also made to the Council’s Strategic Housing Market Assessment (SHMA 2020, page 7) which states that *“...analysis points to a need for 907 units of housing with support and 694 units of housing with care in Worthing Borough”*. In addition to the projections set out (above) in the SDWLP this demonstrates that there is a recognised significant need for older persons accommodation in Worthing.

The Applicant further responds that: *“The case in support of the application is not that unless the application is approved there will be pressure to erect a specific sheltered/retirement scheme on a greenfield site, but that it is recognised such provision enables existing under-occupied dwellings to be vacated. Consequently if the housing chain is ‘freed up’ within existing settlements, then the pressure for greenfield sites is reduced.”*

The Applicant has provided evidence of the origins of the occupiers of the two most recent McCarthy and Stone developments in Worthing namely Triton House (retirement living) and Neptune House (assisted living), both in Heene Road. This shows that 46% of units in Neptune House and 52% of units in Triton House are occupied by people originating from the BN11-15 postcode areas. It is also pointed out that although the entry age is set at 60 for sheltered schemes the average age on entry is early to mid-70s and further: *“This age group does not as a matter of course ‘up sticks’ and move away from family and friends just to be beside the seaside. When such moves occur it is typically to be closer to family (and of course there is a similar move the other way).”*

In conclusion it is accepted the proposed retirement living scheme would meet a recognised housing need for older people as identified in the adopted Core Strategy, and SDWLP, as supported by evidence in the latest SMHA (2020) and can therefore be supported in principle.

Density, character and appearance

The proposed development would result in a density of 124.5 dwellings per hectare.

The adopted Core Strategy does not set any specific density requirement for future residential development other than stating that higher density development, including homes suitable for family occupation will be located in and around the town centre (Policy 8 - Getting the Right Mix of Homes). Policy 16 of the adopted Core Strategy requires all new development to demonstrate good quality architectural and landscape design and use of materials that take account of local physical, historical and environmental characteristics of the area. In particular, new development should display a good quality of architectural composition and detailing as well as respond positively to the important aspects of local character, exploiting all reasonable opportunities for enhancement. It states that the settlement structure, landscape features and buildings which represent the historic character of Worthing should be maintained; preserving and enhancing existing assets. Where the quality of the existing building(s) or local character is weak, solutions need to be sought which raise overall quality.

The SDWLP aims to deliver a significant uplift in the existing average density in most parts of Worthing but makes it clear that this should not be to the detriment of the quality of the environment. Policy DM2 states that densities in excess of 100 dwellings per hectare should be achieved in most flatted developments and developments in areas close to public transport interchanges and local services. The supporting text at paragraph 5.33 sets out that a design-led approach should be adopted which considers the context and character of the site and local area, as well as the capacity of surrounding infrastructure, in order to ensure that a proposed development and its density is both suitable and appropriate.

Policy DM5 of the SDWLP requires all new development (amongst other things) to be of a high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area taking into account consideration of proportion, form, design, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping; to 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 layout of the development; and make a positive contribution to the sense of place, local character and distinctiveness of an area.

The architectural composition of the proposed scheme is contemporary in style with the submitted Design and Access Statement setting out the design strategy for the proposals based on a contextual analysis of its environs. The site is identified as a 'transition zone' between the new residential development to the north in Bluebell Way and the older, more traditional suburban development to the south. It states that contextual analysis has led to the concept of creating a 'landmark corner' on the northeast corner of the site with this feature addressing the approach from the railway station and aligned with a notional building line formed by the existing buildings on this side of the road. It goes on to state that the mass of the building has been designed to step down from the west and south creating a transition from north to south and east to west in acknowledgement of the lesser massing of existing development (Dairy Farm Flats and St Oscar Romero Catholic School) adjoining the site boundaries on these sides.

The application is supported by an independent review of the design undertaken by Terence O'Rourke (Urban Design and Townscape Addendum November 2021). It identifies a number of characteristics associated with the existing development and its context:-

- The building footprint currently occupies 71% of the site with the remaining area comprising hardstanding.
- In contrast to the majority of Goring Street, the forecourt is open, unsightly and devoid of planting. The lack of planting accentuates the prominence of the existing building and its unattractive elevations.
- The existing building is positioned close to the western and southern edges of the site creating hard, abrupt edges to these boundaries and poor boundary treatments.

- The recent Bluebell Way development that abuts the northern boundary visually contains the site and represents a marked step-up in terms of massing, scale and building heights.

The Review goes on to assess the quality of the proposed architecture and landscape proposals commenting as follows:-

Layout and connectivity:

- Residents will benefit from excellent levels of connectivity and access to local facilities and services, most notably the rail station;
- The new building footprint has been positioned to align with the adjacent residential properties to the south (Dairy Farm Flats), maintaining a generous set-back to Goring Street and affording space to incorporate planting more in keeping with the rest of the streetscene.
- The L-shaped footprint allows for a 'generous' amenity space on the southern boundary which is sensitive to neighbouring properties and will deliver benefits in terms of treescape and biodiversity;
- The building is set-back on its western boundary with extensive planting creating a more sympathetic and attractive facade to the School site.

Site coverage, scale, bulk and height:

- The building footprint reduces from 71% to 39% allowing for space around the perimeter of the site to create a more sensitive edge, especially on the south and west boundaries.
- The new building footprint whilst larger than the majority of residential dwellings is not out of step with the grain of buildings in close proximity.
- The length of the eastern elevation is similar to that of the small flat blocks along Goring Street.
- The main bulk of the building is on the east-west axis but much of this will not be perceived from the public realm - the key exception being immediately to the north when viewed from Goring Street.
- The building mass is lessened through the broken roof profile, change of materials and series of building set-backs along the northern elevation.
- The scale of the building is appropriate to the context of the Bluebell Way development.

Architectural proportions, style and materials:

- The style of the building is not the key consideration but whether the design has positively responded to its context and represents a well-defined and high quality scheme.
- A contemporary style is appropriate given the mix of buildings in the locality.
- The proposed building is well-designed with reference to elevational treatment, use of materials and design detailing and will represent 'a marked step-up in design quality'.

The Council's Conservation and Design Architect has commented on the review by Terence O'Rourke and questions whether given that only a small part of the Bluebell

Way development comprising the upper floor of Highdown View is 4-storey, together with the distinct physical breaks between the individual blocks that make up that development, whether it can truly be considered to represent a “marked step-up in terms of massing, scale and building heights”. At some 17.25m wide fronting Goring Street and extending 23m deep into the site on the northeast corner, the 4-storey component of the proposed building will be notably larger than the equivalent part of Highdown View to the north. That said, the overall depth of the proposed building at 52m (on its east-west axis) is not dissimilar to the length of the Highdown View and the first block of attached townhouses Nos 3-9 Bluebell Way. The Conservation and Design Architect also points out that scale and bulk of the proposed building will be visibly apparent across the open land to the north of the railway lines and beyond, particularly given that the tallest component aligns with the existing gap between ‘The Aspect’ and ‘Highdown View’.

It is considered the scale, density, layout, height and massing of the proposed development satisfactorily responds to its location in close proximity to a public transport interchange where higher density development is directed in both national and emerging local policies, and also to its immediate context which includes the recent contemporary-styled Bluebell Way development which has undoubtedly made a bold addition to the townscape, framing the edge of the built up area.

The plan-form of the proposed building is typical of the standard model used by sheltered housing providers, consisting of flats positioned on either side of a central corridor in a linear block. However, the visual mass of the building is broken down and articulated by the variation in height and modulation of the form with stepped components and recessing of the fourth-storey. Following discussions, the fourth storey element has also been partially set-back from the third storey on the facade onto Goring Street (as suggested by the Goring and Ilex Conservation Group) whilst retaining the pronounced framed corner feature with enclosed balconies. Further interest is created by the generously-proportioned fenestration panels/window openings and the palette of proposed external materials and finishes. The facades will primarily be masonry with a contrasting light-coloured brick to the fenestration panels and an accentuated plinth at ground-floor created by contrasting rows of the 2 different-coloured bricks to create a ‘textured’ impression. Following discussions the upper storey and recessed vertical panel fronting Goring Street would be finished in ‘Equitone’ panels (a non-combustible, fibre cement cladding) instead of the previously proposed ‘Cedral’ cladding, creating a smooth ‘lightweight’ appearance that will contrast with the more textured finish of the brickwork.

Minor adjustments have been made to the fenestration fronting Goring Street which result in a more balanced appearance to this elevation.

The building itself is tightly spaced in relation to the frontage parking and servicing area and the access road on the north side leading to the main rear car park. Despite the comments within the review by Terence O’Rourke, this, in fact, leaves relatively limited opportunity for the introduction of any significant tree planting or greening of the site. As pointed out by the Council’s Engineer, the size, amount and positioning of new trees will need to be carefully considered and will likely be influenced in due course by the siting of drainage and other essential site infrastructure.

In response to this concern, a continuous ornamental hedge feature has been introduced on the north side between the shallow patio/frontages to the ground-floor flats on this side and the kerbline of the access drive on this side. This feature which is characteristic of the local area will help 'soften' views of the building from the north in Goring Street as well as providing the occupiers of these flats with a greater degree of visual separation from the access drive. A more prominent hedge feature is also proposed to the roadside frontage on Goring Street. The 3no trees shown adjoining the back edge of the pavement have been confirmed as *Corylus columna* (Turkish Hazel) a hardy species that tolerates roadside/street tree planting and is also tolerant of drought and water logging. These trees have a symmetrical canopy and after 25yrs would be expected to be 3-4 metres wide and 6-8 metres high.

Residential amenity – for proposed dwellings

The proposed accommodation would consist of 17no 1-bedroom units and 18-2-bedroom units served by a lift and 2no staircases. Facilities include a residents' lounge and guest suite (second-floor) as well as a ground-floor management office, mobility scooter store and communal enclosed refuse/recycling store.

Fourteen of the 1-bedroom units would have a gross internal area (GIA) of more than 50sqm, exceeding the Government's so-called nationally described minimum internal space standard for a 1-bedroom, 2-person unit on 1 floor. Three of the 1-bedroom units would have a GIA of 45sqm which exceeds the Government's minimum standard of 39sqm for a 1-bedroom, 1-person unit on 1 floor (although each is shown as having a 12sqm double bedroom with walk-in wardrobe). All of the 2-bedroom units would have a GIA of 70sqm or more, meeting or exceeding the Government's minimum standard of 70sqm for a 2-bedroom, 4-person unit on 1 floor.

Nine of the proposed flats (3 each on the ground, first and second floors) would have a sole north-facing aspect, which although far from ideal would not by itself amount to a reason for refusal.

The proposed occupants would all have access to a communal garden (400sqm) on the south/west side of the building, also accessed from the residents' lounge. All but one of the ground-floor units would have direct access onto their own small patio/terrace. The upper floor units would mostly have a Juliette balcony with 6no units having their own external balcony. Although falling short of the 20 sqm per unit minimum external space standard set out in the Council's SPD, the communal garden would provide an attractive, usable space with seating areas and soft landscaping, overlooked by the south and west-facing flats units, but otherwise out of public gaze and not subject to significant overshadowing. The Applicant has commented on this matter: *"McCarthy and Stone is the market leader in the provision of this form of specialised housing and therefore in assessing the functional requirements of its purchasers/residents. Put simply, if the Company were to provide substandard accommodation in this regard then it would experience difficulty in selling the apartments and maintaining its position in the specialised field of housing."*

The Council's Open Space study indicates that contributions towards off-site provision of open space (if not incorporated as part of the development) would be applicable for older people's accommodation in particular for Parks and Recreation, Amenity Space and Natural Green Space. However, given the overall viability of the case it has not been possible to secure development contributions and your Officers have concentrated on securing the maximum affordable housing contribution (see affordable housing section below).

The application is supported by a Noise Impact Assessment (R8791-1 Rev 0 Dated 23 Oct 2020) which, following a noise survey, identifies rail and road traffic as the main sources of noise affecting the development and future occupiers. Measured noise levels showed a (Design Level) Daytime Average of 56 dB LAeq 16 hr, and a (Design Level) Night-time Average of 46 dB LAeq 8 hr (and Night-time Typical 64 dB LAmax fast), which exceeds the World Health Organisation (WHO) Guideline upper internal daytime level of 35 dB LAeq 16hr for bedrooms, living rooms and communal lounges; and the night-time upper level of 30 dB LAeq 8 hr for bedrooms (and the maximum night-time internal level of 45 dB LAmax fast for regular events).

The report recommends that mechanical ventilation (MVHR) is provided to all habitable rooms (with no trickle ventilators or passive ventilation openings in the facades of habitable rooms), which together with the installation of acoustic rating glazing to all habitable rooms, is considered would achieve an appropriate acoustic environment.

The Council's Environmental Health Officer raised a number of questions regarding the methodology of the submitted Noise Impact Assessment, including the modelling of railway noise, positioning of noise measuring equipment and specifications for the acoustic glazing and MVHR system. These detailed points have been addressed by Technical Memorandums Dated 10 Aug 2021 and 6 Oct 2021 from the applicant's acoustic consultant (24Acoustics). The proposed MVHR system to be used is a Vent Axia Lo-Carbon Sentinel model with 100% Summer bypass. It has been confirmed that the MVHR system does not require internal ducting to be fitted with AV mounts due to the low air volumes. The main MVHR box contains anti-vibration mounts. It has been agreed that the internal noise level of any ventilation unit should not exceed the target levels for habitable rooms set out in BS8233:2014. Subject to the completion of a noise test post-completion, the Council's EHO is satisfied with the noise measures proposed, subject to the recommended conditions necessary to secure their satisfactory implementation.

With regard to the effect of noise on the external areas it is acknowledged that the layout and positioning of the building in effect acts as a noise barrier protecting the communal garden from rail and road traffic noise.

Residential amenity – effect on existing dwellings

The most affected neighbouring properties are 'The Aspect', 'Highdown View' and the townhouses 3-9 Bluebell Way to the North, and the Nos 9-12 Dairy Farm Flats to the south of the site.

Bluebell Way

'The Aspect' consists of a 3-storey apartment block isolated from the remainder of the Bluebell Way development by the access road as it sweeps round to the south and west. The building sits tight within its open-plan curtilage with no formal boundary treatment. External balconies wrap around the southeast corner of the building fronting Goring Street and the entrance into Bluebell Way. The balconies and other windows on the southern elevation at ground, first and second-floor face toward the proposed development site. Although inter-visibility between the buildings would be unobstructed, at a separation distance in excess of 30 metres it is considered the impact in terms of privacy would not be unacceptable.

'Highdown View' lies further west into Bluebell Way to the southwest of the access road. It comprises a part 3, part 4-storey, L-shaped block attached to a terraced row of 7 townhouses to the west. The block fronts onto a communal parking area accessed from Bluebell Way, and faces east toward Goring Street at a distance of approximately 35 metres. Similar to 'The Aspect', the north side of the block sits tight to the back edge of the access road with no formal boundary treatment. There are 3 windows (at ground, first and second-floor) within the nearest south-facing elevation of Highdown View, and a further south-facing window in the recessed fourth storey. These are clearly secondary in nature and planning records show them as secondary kitchen windows on the ground, first and second-floor, and a secondary window to the living/dining room to the top floor flat. There would be a minimum distance of 16.5m between the southernmost elevation of Highdown View and the nearest 3-storey part of the proposed building. Given the secondary nature of the windows in the former, it is not considered the effects of overlooking would be so severe as to significantly detract from the amenity of the occupiers of Highdown View.

The most affected townhouses within the terrace attached to Highdown View, are Nos 3, 4 and 5. These dwellings have their main aspect to the front (north) and rear (south) with windows serving main habitable rooms (comprising living rooms, family rooms, kitchen/dining rooms and bedrooms) facing south over their own private gardens and toward the development site (with the fenced exit road to St Oscar Romero School inbetween). Both the north elevation of the proposed development scheme and the southern elevation of the townhouses are stepped, but there would be a minimum distance of 24.5 metres between the south-facing windows of 3 Bluebell Way and the nearest part of the proposed block. Inevitably this will result in some degree of intervisibility between principal facing windows and some degree of overlooking of gardens compared to the existing situation. However, the impact at this separation distance would not be so severe as to justify refusal on grounds of loss of privacy.

A BRE Daylight Study (Darren Evans Assessments Ltd, Feb 2021) has been submitted following concerns raised by a third party concerning the effect of the proposed block on daylighting to properties within Bluebell Way.

The Study notes that the development follows the design principles of the BRE guidelines with the main massing of the building positioned to the north east of the site and the a lower three-storey element to the west where it is closest to the

Bluebell Way development, and specifically the townhouses which have their main rear-facing aspect to the South.

Modelling of the Average Daylight Factor (ADF) in relation to the appropriate room thresholds set out in the BRE guidelines 'pass' the test for each of the assessed dwellings in the Bluebell Way Development (Highdown View and Nos 3-9).

The scale and massing of the proposed block compared to the existing building will have some additional overshadowing impacts on the nearest gardens and windows in the south-facing rear of Highdown View and 3-9 Bluebell Way, but this will be relieved after Midday and in the afternoon when the sun moves round to the west.

Dairy Farm Flats

Nos 9-12 consists of a traditional pitched-roof, 2-storey flat block fronting Goring Street but set well-back from the edge of the road behind an open, grassed area planted with a couple of trees. The building is sited at a slight angle to the northern site boundary at a distance of approximately 2m, the gap widening towards the rear. The front of the proposed block will roughly align with the forward-most part of 9-12 Dairy Farm Flats comprising the single-storey entrance lobby and first-floor balcony above. There will be a minimum distance of 4 metres between the adjacent 3-storey component of the proposed building and the north flank of 9-12 Dairy Farm Flats. The nearest component of the proposed building will extend some 8 metres further westward beyond the rear elevation of 9-12 Dairy Farm Flats at 2-storeys with a 'cut away' formed in this side of the building. It is with pointing out that the 2-storey element of the existing building (Southern House) already extends further westward than the rear elevation of 9-12 Dairy Farm Flats at a similar separation distance and includes a number of ground and first-floor windows facing onto the north flank wall of this building and the communal rear gardens. There are 4 windows in the north flank of 9-12 Dairy Farm Flats (2 each on the ground and first-floor) which all appear to be either secondary in nature or serve non-habitable rooms.

Daylight modelling undertaken within the above-mentioned BRE Study shows that the relevant Average Daylight Factor (ADF) target value is not met for the nearest ground and first-floor living rooms at Dairy Farm Flats. The affected rooms have been further assessed in relation to a second BRE test which considers ADF before and after the proposed development (i.e. comparing the proposed development to the current situation). BRE guidance advises that in order to meet the test a daylight figure should be within 0.8 times its former value following erection of a new building. The ADF value in the tested 'before' and 'after' scenarios in both instances is 1.30% and demonstrates that the proposed development will have no adverse change in the daylight than the living rooms in question currently receive.

On the other hand it is considered the proposed development would result in some positive improvement to the rear outlook from the nearest ground and first-floor flats within 9-12 Dairy Farm Flats bearing in mind the existing rear factory unit, albeit smaller in scale than the frontage building, Southern House, currently extends the full depth of northern boundary to the communal rear garden and beyond that, the full extent of the common boundary with the School car park. Also, the south elevation of the nearest building component of the proposed block would include

fewer (and narrower) window openings than currently exist within the south side of Southern House minimising both the perception and degree of actual overlooking.

The applicant has commented that the proposal would also offer some benefit to neighbours in removing an existing 'non conforming use'. However, the EHO has confirmed that no noise complaints were received by them in recent years concerning the various industrial/commercial activities taking place at the development site other than reports of a continuous-sounding alarm in 2020 (which post dated the departure of Charles Kirk from the rear factory unit). Nevertheless, it is worth pointing out that there are no planning controls in place that would curtail hours of operation and if not redeveloped another light industrial occupier could operate from the premises on a 24hr basis without restriction.

Accessibility and parking

The site fronts Goring Street, a 7.3m wide road, street-lit with pavements on either side of the carriageway and subject to a 30mph speed limit. It primarily serves residential properties and also Goring rail station beyond the level crossing gates approximately 45m to the North. There is extensive on-street parking along the length of Goring Street although this is controlled by zig zag lines associated with the School entrance and exit (extending partly across the site frontage) and double yellow lines on both sides of the road in proximity to the level crossing itself. There are two vehicle access points to the site, although one is currently closed off.

The site is sustainably located within walking distance of Goring rail station and bus stop along Goring Way (including the 700 bus route serving destinations further afield). Tesco Express on Goring Way, and the local shopping parade at the junction of Goring Way with Aldworths Avenue, are also within walking distance.

Vehicle access to the proposal development would utilise the existing site access, continuing into an access drive to the rear of the development where the majority of the car parking is proposed. It is also proposed to open up the closed-off access point to the south of the existing access creating an internal connection in-between. Pedestrian access is proposed via the existing footway with a new 2 metre wide direct footway connection to the main entrance at the front of the building.

The application is supported by a Transport Statement (Paul Basham Associates, Feb 2021) including a Stage 1 Road Safety Audit.

Car Parking

The latest West Sussex 'Guidance for Parking in New Residential Developments' (2020) does not include relevant standards for age-restricted housing such as that proposed. However, the Guidance recognises that parking demand will vary depending on accessibility.

The reduced parking demand generated by this type of development has been well-documented and accepted in the past and McCarthy and Stone have undertaken surveys to collect information on parking and trip generation at their existing retirement living developments elsewhere. The data collected shows that

0.55 spaces per apartment are required including 0.45 for residents and 0.1 for staff/visitors. For the proposed 35 unit development this equates to 20 spaces (16 for residents and 4 for staff/visitors). The proposed parking provision of 27 spaces in total represents an equivalent of 0.77 spaces per unit. Whilst this level of provision is higher than the average demand at existing developments it is considered reasonable here in the context of existing parking pressures on Goring Street.

Servicing and Refuse

Refuse collection and serving is proposed to take place from the forecourt utilising the internal link between the access points and this is supported by swept path analysis demonstrating a refuse vehicle can turn into either the north or southern access. An integral bin store is located at the front ensuring 'carry distances' comply with that recommended in Manual for Streets.

Trip Generation

Vehicular trip generation for the existing site has been calculated using TRICS data for the current lawful uses and floor areas and demonstrates the existing uses generate up to 24 trips in the AM peak and 31 trips in the PM peak with a total of 262 vehicle trips generated over a 12-hour period or 22 trips per hour. TRICS data used to calculate trip generation for the proposed use demonstrates that the development would generate up to 5 trips in the AM peak and 4 trips in the PM peak. Over a 12-hour period 70 trips would be generated or 6 trips per hour. In a 'worst case' scenario this indicates a reduction of 19 trips in the AM peak and 27 trips in the PM peak. It is argued that this provides a betterment to the safety and operation of Goring Street and the surrounding local road network.

The Local Highway Authority (LHA) has accepted these conclusions on trip generation and car parking provision on the basis that the parking spaces are unallocated. The LHA also recommended the provision of an additional 1-2 disabled parking bays.

The Applicant has responded stating that:

"Typically within McCarthy and Stone developments parking is allocated to specific plots via a permit system in order to manage demand and capacity. WSCC has specifically requested that the car parking be unallocated given that a reasonable proportion of the dwellings are 2-beds and therefore anticipate there being a higher car parking demand [generated by these units compared to 1-bedroom units]. Research undertaken by McCarthy and Stone indicates that average car ownership for 2-bedroom units is typically still less than 1 car per dwelling. Based on this information car parking will be assigned to dwellings via a permit system upon occupation as appropriate. This will allow for efficient use of space, ensuring sufficient capacity is proposed to meet demand and fits in with typical McCarthy and Stone practice."

It is argued that the use of a permit system rather than specifically allocating spaces allows for greater flexibility with research indicating that 58.9% of residents typically give up their car on moving into a McCarthy and Stone development or within the

first year of occupation. The use of a permit system discourages residents from owning a car they do not regularly use.

The LHA accepts the use of the suggested permit system as a reasonable method for managing car parking demand and capacity.

The applicant has also provided justification for the provision of only 1no disabled parking bay commenting that this level of provision is in line with typical standards of 5% of total car parking provision. It is argued that while it may seem given the nature of the development that a higher proportion of future residents would be blue badge holders, it would be pertinent to note that not all blue badge holders own a car. Moreover, bearing in mind the proportion of residents giving up their vehicle on occupation or within the first year, those that give up ownership are likely to be of poorer health or preference for other modes of transport such as buses (with concessionary passes) and therefore they are more likely to be blue badge holders. It is also pointed out that the frontage parking spaces are laid out in such a way as to offer more space than a typical parking bay whilst not formally designated as disabled bays.

The LHA has accepted these arguments based on the developer's experience of their own developments and does not insist upon the provision of additional disabled bays.

The applicant has confirmed that 2no active EV charging points will be provided. This is justified on the basis that the 33% of active EV charging spaces sought in WSCC Guidance is based on conventional residential developments and does not reflect the different circumstances of specialised housing. It is pointed out that the level of car ownership in respect of the proposed development is anticipated to be low and the total parking demand includes residents, visitors and the house manager. It is argued that the requirement for EV charging at this type of development will typically be lower than for conventional housing developments. However, in response to global targets to cut emissions it is recognised that electric vehicles will become more common over the development lifetime. Therefore passive provision is proposed at a further 5 spaces which will be capable of being converted into active EV charging spaces in the future should demand increase.

In response to the LHA comments on the need for cycle parking the applicant has referenced McCarthy and Stone research which identifies a cycle ownership ratio of 0.0289 per dwelling which equates to 1 bicycle for this development. It is pointed out that based on this level of ownership cycle storage (for residents) could be accommodated within the integral mobility buggy store at the front of the building. It is, however, proposed to include a Sheffield cycle stand close to the entrance at the front of the building in order to provide cycle parking for visitors/staff who may not have access to the mobility store.

Affordable housing

Policy 10 of the Worthing Core Strategy seeks 30% of onsite affordable housing on all sites of 15 or more dwellings. It accepts the affordable housing contribution may be secured through off-site provision. In this instance the development seeks an

off-site contribution due to the specialist nature of the retirement development proposed. It is argued:

“It is well established that affordable housing provision cannot be provided onsite within a single retirement apartment block. The management regime and high service charges that are an associated cost of retirement schemes - necessary to pay for on-site staff and services provided - render it problematic to mix tenures in a block and generally deters interest from Registered Providers (of affordable housing).”

This argument has been accepted in relation to other sheltered housing schemes in the Borough and an offsite payment in lieu of onsite provision is considered acceptable in this case. The Council's Developer Contributions SPD (2015) provides further detail on how offsite payments are calculated. The 30% contribution for a 1-bedroom flat is identified as £23,868 and £24,255 for a 2-bedroom flat. These rates apply to flats assuming the average 1-bed flat size of 51 sqm and the average 2-bed flat size of 66 sqm. The SPD states that if the size of the proposed units differs significantly from the assumed sizes then the values should be adjusted accordingly using the 'payment by sqm' figures also set out in the SPD. In this case the proposed 1-bedroom flats are 51.09 sqm on average, and thus consistent with the assumed SPD figure. However, the 2-bed flats are larger, on average at 72.55 sqm, thus the unit contribution per 2-bed flat will increase to £26,662 per unit. A full contribution in line with the SPD is:-

- 17 x 1-bedroom units = 17 x £23,868 = £405,756
 - 18 x 2-bedroom units = 18 x £26,662 = £479,916
- £885,672 Total**

However, Vacant Building Credit will reduce the required sum. The Council's Interim Position Statement on Affordable Housing (Aug 2019) sets out clarification of the Council's position on affordable housing until such time as the new Worthing Local Plan is adopted. It states that calculations for affordable housing contributions (including any Vacant Building Credit that applies) will be made in line with the NPPF and PPG. PPG on Planning Obligations states that:

“National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into lawful use, or it is demolished to be replaced by a new building, the development should be offered a financial credit equivalent to the existing gross floorspace of the relevant vacant buildings when the LPA calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.”

The proposed scheme's Gross Internal Area (GIA) is 3,067 sqm. The net increase in floor area following the deduction of the existing vacant floor space (1,185sqm) is 1,882 sqm which equates to 61.36% of the proposed scheme GIA. The required affordable housing contribution should equate to 61.36% of the full provision £885,672x 61.36% = **£543,474**.

The applicant has submitted a Financial Viability Assessment (FVA) which sets out the viability of the proposed development in relation to the required off-site affordable

housing contribution. The Assessment also considers the impact of the Government's proposed ground rent legislation which proposes to put measures in place to set ground rents on new residential development at zero. The Bill is currently going through Parliament but is expected to apply to leases of retirement properties. Transition provisions in place would mean that the legislation would not apply to those leases until 1 April 2023.

The applicant argues that ground rent is an established income for retirement housing developers (for example, for the proposed scheme the Gross Development Value (GDV) of the ground rental income stream assessed at £425pa per 1-bed flat and £495pa per 2-bed flat produces a net investment capital value of £311,256).

Viability Assessments have been undertaken for the proposed development scheme with ground rent payable (Assessment A) and without ground rent (Assessment B). With ground rents included (A) the proposed scheme produces a 'residualised amount' of £433,551 available for planning obligations. With ground rents removed (B) the proposed scheme provides a 'residualised amount' of £212,618. It is proposed that a sum of £212,618 be paid at the start of construction with a top-up payment of £220,993 paid at practical completion BUT only on the basis it remains lawful to charge ground rents at that date.

Given that the contribution offer (even with the suggested top-up payment should ground rents be allowed) falls below the applicable sum of £543,474 the applicant's Financial Viability Assessment has been independently reviewed by the Council's consultant, Dixon Searle Partnership (DSP). DSP considered the overall approach to assessing viability set out in the submitted FVA to be appropriate in terms of general principles and approach but highlighted a number of differences of opinion in terms of the assumptions made as follows:-

- **Benchmark Land Value:** DSP considered that for a commercial building of this nature which may have difficulties in attracting prospective tenants, a 10% premium may be sufficient to incentivise the landowner to release the premises for development. DSP therefore tested an alternative BLV of £1.1m (reduced from £1.2m as set out in the submitted FVA);
- **Marketing Costs:** Whilst accepting the principle of there being greater marketing costs for specialist housing DSP considered assumptions of marketing fees at 3.5% to be too high and tested a reduced rate of 3%;
- **Legal Costs:** DSP made a downward assumption on the legal costs associated with sale of the ground rent investment to 0.5%;
- **Developer's Profit:** DSP has undertaken sensitivity testing applying a profit level of 17.5% in addition to the 20% set out in the submitted FVA. DSP states that the 20% GDV should not be taken as a 'given'. As part of seeking to find a balance between the acknowledged commercial drivers and landowners positions on the one hand and the needs of the community on the other, some flexibility ought to be possible. DSP refers to the PPG on Viability which (albeit in the context of the plan-making stage) considers 15-20% GDV a suitable return for developers in order to establish viability.

When making the amendments set out above DSP identifies the development scheme producing a surplus (residualised price) of £592,756 using a 20% GDV profit

level, and a surplus of £848,935 using the alternative 17.5% GDV. Thus in both instances capable of meeting the required affordable housing contribution of £543,474.

The alternative assumptions and comments of DSP have been considered by the applicant and a revised appraisal undertaken by their consultant Alder King. It is also pointed out that given the direction of travel of the Government's Bill on ground rent, that 'Assessment A' included with the initial FVA is no longer relevant. The applicant would be willing to agree to a restriction on charging of ground rent. The revised appraisal shows an enhanced surplus of £264,257 (compared to the initial Assessment B). As no ground rents could be charged there would be no 'top-up' payment.

DSP have considered the revised viability appraisal undertaken by Alder King. The key area of dispute relates to Benchmark Land Value. DSP remains of the view that a reduction of the landowner's premium from the submitted 20% to 10% is reasonable, pointing out that the key test here is not the landowners expectations but rather a matter of judgement taking account of the particular site/premises circumstances. Taking account of the condition of the building and the Flude Interim Marketing Report which indicates that despite a number of viewings it has not been possible to secure a let of the building, maintains that a BLV of £1.1m is reasonable in this case.

However, on the matter of Developer Profit, whilst noting 20% GDV should not be treated as a universal assumption, DSP acknowledges that the matters influencing the risk profile for retirement living housing is different to a standard housing development and therefore a higher allowance is often applied more consistently for retirement schemes. It is noted that 20% GDV has been accepted elsewhere by DSP, and by other parties.

Maintaining the downward adjustment to BLV, DSP identifies the scheme as producing a surplus of **£371,057** which would be available for developer contributions. The applicant has agreed to this level of contribution toward affordable housing to be secured by a s106 Obligation.

It should be noted that the marginal viability of brownfield sites for delivering affordable housing has resulted in the emerging Local Plan indicating a 20% level of affordable housing and therefore having regard to all considerations the contribution secured is considered reasonable. Whilst, this development would also normally contribute to off site open space enhancements it is not considered that the contribution towards affordable housing should be reduced in this instance given the acute affordable housing need in the Borough.

Sustainability

The application is supported by an Energy Strategy Report (NHBC Services Ltd, Feb 2021) which considers the proposals in relation to the Council's Planning and Climate Change Checklist. The Report acknowledges that there are legislative requirements and political and economic incentives, in addition to environmental reasons to reduce both carbon emissions and energy consumption.

The most cost effective method of improving energy efficiency and reducing the long-term carbon dioxide emission of a new development is typically through improvement to the design and layout of the building and to the thermal performance of the building fabric.

The Report states that passive design methods and features have been adopted where possible but the siting, layout, form and massing of any development must also respond to the constraints of the site and its relationship to existing neighbouring development. In this respect the number of flats having a sole north-facing aspect has been identified as far from ideal.

The developer's building fabric specification achieves an area weighted Dwelling Fabric Energy Efficiency (DFEE) of 27.4, compared to TFEE (Target) of 33.4 (both kWh/m² per year) representing a 18% improvement over the target set by Part L1a2013.

Low and Zero Carbon technologies have been reviewed following on from the application of energy efficiency measures to reduce the baseline energy consumption. Of these, solar photovoltaics (PVs) are identified as the most appropriate on the basis that a suitable roof area would be available and be sufficient to achieve the required target reduction in CO₂ emissions.

In order to achieve as a minimum a 19% CO₂ reduction upon the requirements within Building Regulations Approved Document Part L (through a combination of energy efficient measures and renewable energy sources) approximately 141 sqm of solar PV would be required to be installed, mounted at 30° from horizontal and facing south (any other combination would require increased provision). The installation would need to offset 24,698kWh per year, reducing CO₂ emissions by 12.8 Tonnes per annum. When combined with energy efficient measures the total site-wide savings when compared against Part L of the building regulations would be 15.5 tonnes which would be an overall saving when compared to the national target of 19%.

The installation of EV charging, storage batteries and where appropriate diverters to domestic hot water would greatly enhance the effectiveness of solar PV installation and ensure close to 100% of the energy generated is used within the building.

The proposal would achieve a B Energy Performance Rating. It is stated that an A rating is not possible as the solar PVs would have to be connected to the direct supply of individual units, which is not possible in flat schemes. The solar PV supply would serve the common areas.

It is confirmed the proposed development will use electric boilers for domestic heating.

Scope for the use of SuDS on this site will require further investigation, taking on board the comments of the Council's Engineer and also the Environment Agency (in terms of the potential risks to controlled waters). This can be dealt with by condition(s).

Other issues

Ecology

The applicant has submitted a report (Abbas Ecology, Dec 2020) based on a survey assessment of the site to support protected species and habitats. It found no potential bat roosting features on any of the existing buildings (all to be demolished) or any evidence of bats roosting internally. The site, consisting entirely of buildings and hard surfaces, is identified as having low habitat potential for breeding birds and no other potential habitats.

The report concludes that no further ecological survey work is considered necessary on the site prior to development although the external structures of the building must be checked for nesting birds by a qualified ecologist immediately before [demolition] works start.

Suggested ecological enhancements include:-

- 3 no Schwegler brick bird nest boxes built into the external wall of the building;
- 3 no IFR Schwegler bat tubes built into the external wall of the new building;
- 2 no ISP sparrow terraces fixed onto the external wall or incorporated into the wall of the building;
- Honeysuckle/clematis planted to climb over the pergolas within the communal garden - providing an ideal nest site for thrushes, and to attract insects;
- 10 no new native trees to include a mix of large and small canopy specimens;
- A corridor of connectivity between the development site and the surrounding area for hedgehogs.

Given the extent of hard standing on the site and the above measures, the development will be able to deliver a significant net gain in biodiversity.

Contamination

The application is supported by a desk-top study appraisal of contamination of the site (Crossfield Consulting, Sept 2019). Based on the former use of the building this concludes that metal compounds, polyaromatic hydrocarbons, petroleum hydrocarbons and limited quantities of asbestos may be present within the soils near the surface. Inks and detergents may also be present although bulk storage of dyes and other liquids is understood not to have occurred at the premises. It will be necessary to undertake ground investigations. This conclusion is supported by the recommendations of the Council's EHO and the Environment Agency along with requirements for a remediation strategy.

Air Quality

An air quality assessment has not been carried out, with the applicant stating that this is unnecessary given that the proposed development will result in significantly fewer vehicle movements than the current employment use of the site. The applicant has also agreed to increase the level of EV charging points to mitigate any

air quality concerns and has confirmed that the development would incorporate 4 active charging points and all the remaining car parking spaces will have passive charge points (connection ready if and when demand increases in the future).

CIL

No CIL is payable in this case as the GIA of existing buildings to be demolished exceeds the GIA of the liable proposed development.

Conclusion

Whilst, the loss of this employment site is regrettable it is considered the relevant stringent policy tests have been met and, on balance, is acceptable. The housing and regeneration benefits of the proposal would help meet a recognised housing need in a highly sustainable location on brownfield land.

The density, scale, layout, form and massing of the proposed development is appropriate to this location and it is acceptably designed in terms of its architectural composition and proposed palette of materials, incorporating sufficient visual interest and a sense of place that is responsive to its surrounding context. The development would provide a satisfactory standard of accommodation for future occupiers whilst avoiding any unacceptable neighbour impacts.

Traffic and parking arrangements are acceptable in this sustainable location as overall traffic levels are likely to decrease.

The proposal would provide ecological enhancements and introduce some 'greening' of the site that is welcomed.

The proposal would provide a sustainable development meeting a clear demand for older people's accommodation and is therefore supported.

Recommendation

APPROVE Subject to completion of a satisfactory section 106 Obligation to secure the affordable housing contribution of £371,057 together with a clause precluding the charging of ground rents, and a highway contribution towards the necessary Traffic Regulation Order:

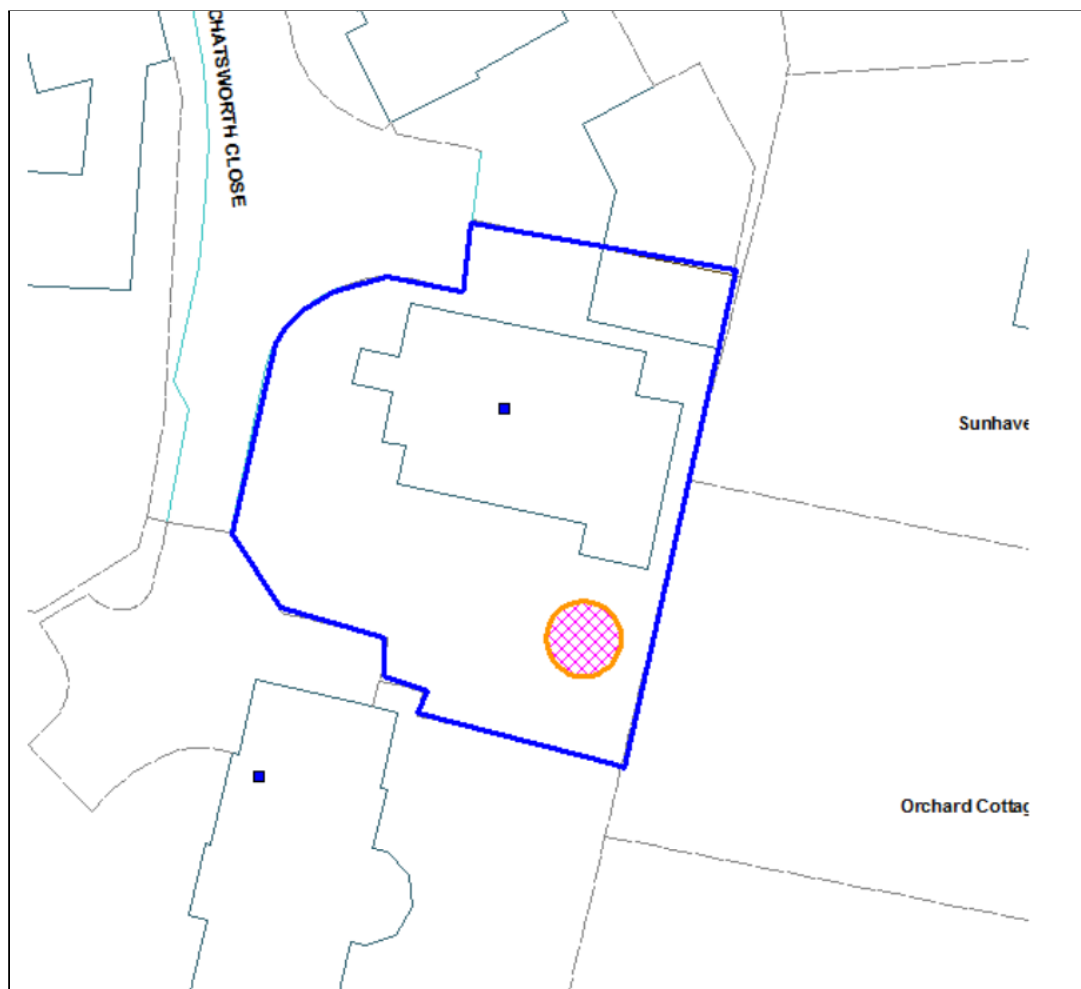
Subject to Conditions:-

1. Approved Plans
2. Standard time limit.
3. Agree a schedule and samples of external materials and finishes (including windows, doors and balconies and Juliette balconies) and hard surfaces
4. Agree architectural details (including entrance porch, balcony structure(s), window reveals
5. Agree and Implement solar PV scheme (minimum 141 sqm roof area)
6. Implement ecological enhancements in accordance with the recommendations of the submitted Report by Abbas Ecology, Dec 2020

7. Provide refuse/recycling facilities as shown on the approved plans
8. Agree and implement hard and soft landscaping scheme
9. Agree and implement boundary treatments
10. Agree external lighting details
11. The retirement living accommodation hereby approved shall not be occupied by any persons under the age of 60 years (other than spouses)
12. No development works shall be undertaken until a TRO to secure the additional yellow lining in the vicinity of the site access on Goring Street required to enable the development to be implemented have been approved by the LHA and written confirmation received by the LPA
13. Agree and implement site investigation scheme for contamination and remediation strategy
14. Agree verification report demonstrating compilation of remediation strategy and effectiveness of measures
15. Investigate any previously unidentified potential contamination
16. Any scheme for infiltration of surface water to ground to be agreed by LPA and supported by an assessment of risks to controlled waters
17. No piling or other penetrative construction methods unless agreed by LPA
18. Agree scheme for foul sewerage and surface water disposal in consultation with Southern Water
19. Agree measures to protect public water supply main in consultation with Southern Water
20. 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.
21. 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.

22. 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.
23. Agree cycle parking/storage
24. Implement site access arrangements in accordance with approved plan
25. Implement parking in accordance with approved plan
26. Agree and implement a (Sustainable) Travel Information Pack
27. Implement no less than 4 no active EV charging points and all remaining car parking spaces to have passive EV charging points.
28. Agree and implement Construction Management Plan
29. Hours of construction
30. The cumulative noise from all new plant associated with the development should not exceed the maximum rating noise level shown in Table 4 the Noise Impact Assessment (R8791-1 Rev 0 Date: 23rd October 2020) at the nearest noise sensitive property. A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant shall be maintained in accordance with manufacturers guidance and any future plant shall also meet the specified levels within the approved scheme.
31. The development hereby permitted shall be carried out in full accordance with the recommendations of the Noise Impact Assessment (Technical Report: R8791-1 Rev 0, Dated 23rd October 2020) 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 in rooms closest to the main noise sources to demonstrate that the attenuation measures proposed in the scheme are effective and do not exceed the levels specified in BS8233:2014.
32. Construction work shall not commence unless and until a detailed ventilation plan for the development has been submitted to and approved by the local planning authority. The internal noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and all duct work as well as the units should be fitted on anti-vibration mounts. Following approval and 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.
33. Agree all external/roof plant (and associated external housing)

Application Number:	AWDM/1994/21	Recommendation - Refuse
Site:	2 Chatsworth Close, Worthing, BN13 3FF	
Proposal:	Application for consent under Worthing Tree Preservation Order No. 20 of 2000 to fell and replace Austrian Pine tree T1.	
Applicant:	Mr Matt Piper	Ward: Salvington
Agent:	Mr Tony Athur AC Gardens (Sussex) Ltd	
Case Officer:	Jeremy Sergeant	



Not to Scale

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Proposal, Site and Surroundings

The application refers to a large mature Austrian Pine located near the southeast corner of the rear garden. The tree is a prominent part of the street scene and makes a significant contribution to the character and visual amenities of the area. Consent is sought to fell and replace Austrian Pine tree T1.

In support of the application the applicant comments that,

'We live in a family home with a garden that we are unable to use to its full potential as the tree is a constant health and safety risk to my young family. The lawn in the garden and the patio is always covered in bird's excrement, most days I have to hose the patio before we can use the garden. At certain times of the year the sap off the tree covers the majority of the garden including the decking, patio, lawn, conservatory and door handles, it's often so bad my children are unable to go outside until it's been washed with washing up liquid and jet washed. The sap and bird excrement is being trod into the house running the floors and carpets. The sap is also causing problems for our dog, she often has it stuck to her coat and on her paws requiring cutting out. The needles from the tree on the lawn make it unsafe to walk on and also blocked the gutters.'

The applicant also includes a letter of support from his neighbour at No 3 raising similar problems with the enjoyment of his garden.

The application has been called in for determination by the Committee by Councillor Helen Silman.

Consultations: None.

Representations:

Three representations objecting to the application have been received, including a representation from the High Salvington Residents Association on the grounds that,

- i) the tree is an important long established amenity to the area
- ii) the retention of the tree influenced the design and layout of Chatsworth Close built in 2008 after the tree had already been preserved
- iii) as an old mature tree it is still healthy with no major defects and therefore it should be retained
- iv) the tree supports a diverse amount of wildlife and,
- v) the tree is visible from a wide area due to being on the slope of a hill.

One letter of support has been received from the adjoining neighbour at No 3 Chatsworth Close commenting that,

- i) we live in a family home and are unable to use our garden due to health and safety concerns
- ii) several times cones have fallen and last summer one injured our 2 year old granddaughter

- iii) the lawn and patio are covered in bird excrement and most days have to be hosed down before the garden can be used
- iv) cones fall onto our conservatory and at any time could break the glass
- v) at certain times of the year sap covers everything in the garden and this requires washing with washing up liquid and jet washed before the garden can be used. the sap also causes problems for our dog
- vi) the needles on the lawn make it unsafe for the children to walk on and they block the gutters causing damage to the rendering and,
- vii) the problems prevent us from hanging washing on the line and we have to use a tumble dryer which is against our principles from a climate change perspective.

Relevant Planning History

2000: Worthing Tree Preservation order Number 20 of 2000 confirmed on 30/01/2001.

2011: Application for consent under Worthing Tree Preservation Order No. 20 of 2000 to remove a large limb leaning towards the house on one Pine tree (T1).

2011: Application for consent under Worthing Tree Preservation Order No. 20 of 2000 to cut back the branches leaning towards the back of the house by approximately 2 metres as very close to the building/window:- on one Pine Tree (T1) in rear/side garden (Revision of Application AWDM/0016/11).

2020: Application for consent under Worthing Tree Preservation Order No. 20 of 2000 to reduce radial by 2m, crown thin by up to 15% to one Pine Tree (T1).

Consultations - None

Planning Assessment

Chatsworth Close is a short cul-de-sac situated on the site of the former 7 Foxley Lane and consists of six modern 2 storey detached houses built in 2008. The Pine tree T1 is part of Worthing tree Preservation Order No.20 of 2000. The tree is a large mature tree growing in the rear garden where it is prominent to the area, and can be seen from many public viewpoints.

The tree has a single stem to 2 metres, where it then divides into three main stems. The central stem divides into two at 4 metres, with north and south stems mostly persisting to the top of the high crown. The southern stem is slightly more angled outward with much of its foliage over the neighbouring garden. The main crown is dense and wide spread mostly toward the north and south. Works approved and carried out in 2020 were to reduce the radial spread of the tree and crown thin, which have made the crown slightly more compact and open.

The proposed works are to fell and replace the tree. The owner claims that the tree is an obstacle to use of the rear garden, due to needles, cones, sap and birdmess. Whilst, it is recognised that the tree can be an inconvenience and affects the enjoyment of the property this has to be balanced by the wider amenity value of the

tree and its contribution to the visual amenities of the Conservation Area and biodiversity. Some of the problems stated by the owner can be partially overcome by sweeping and washing down the patio areas etc and by works of appropriate pruning of the tree.

It is not considered, therefore, that the reasons for removal of the tree justify the removal of a fully mature tree that has been present on the site for more than 60 years.

Recommendation

REFUSE for the reason:-

The Austrian Pine tree T1 is a prominent and established feature, which contributes positively to the local character and landscape of the area, and its removal would be detrimental to visual amenities and have an adverse impact on the character and appearance of the Conservation Area. Having regard to the maturity and stature of the tree and its prominence within the street scene, there is no arboricultural or other acceptable reason provided which would justify its loss.



Austrian Pine T1 photos taken in 2020



19 January 2022

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

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Senior Tree and Landscape Officer
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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.



WORTHING BOROUGH
COUNCIL

Worthing Planning Committee

19 January 2022

Agenda Item no.7

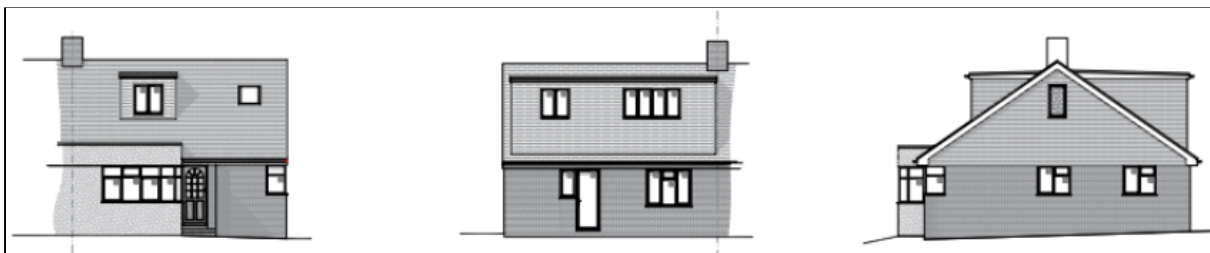
Ward: Offington

Enforcement report 68 Downside Avenue, Worthing

Report by the Director for Economy

1.0 Background

- 1.1 68 Downside Avenue is a semi detached bungalow on the north-east part of an unusually large looped shaped cul-de-sac on the west side of the road.
- 1.2 Planning permission was refused under AWDM/1479/20 for demolition of an existing conservatory and erection of a proposed ground-floor infill extension to west elevation plus a loft conversion including hip to gable enlargement with 1 no. window to north, 1 no. dormer to west and east and 1 no. rooflight to the east elevation. The refused elevations are shown below.



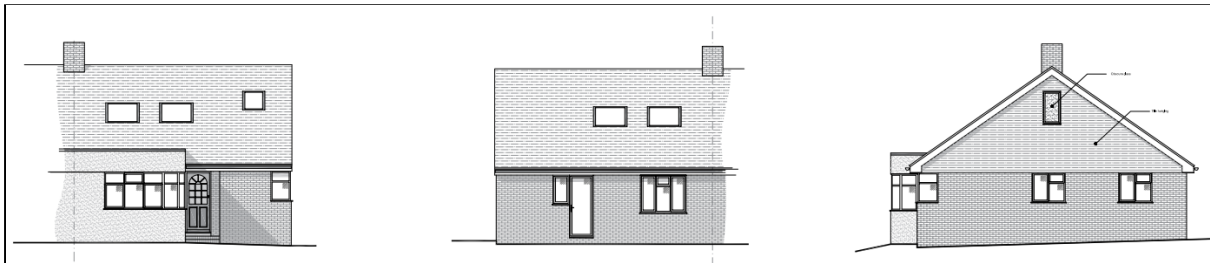
- 1.3 The refusal reasons relate solely to the front and rear dormers as follows:-

The proposed rear dormer, by reason of its size, bulk, poor design and visibility from the street, would be harmful to the character and appearance of the existing property and the visual amenities of the area. Furthermore, due to the relationship with and close proximity to the rear gardens and windows of Nos.62 and 60 Downside Avenue, the proposed rear dormer would result in an unacceptable degree of overlooking onto these properties and would be an overbearing and oppressive feature that would be harmful to the amenities and privacy of these properties. As such, the proposals conflict with National

Planning Policy Framework paragraphs 127 and 130, Core Strategy Policy 16, Saved Local Plan Policies H16 and H18 and Supplementary Planning Guidance 'Extending or Altering Your Home'.

The proposed front dormer would be an incongruous feature which would be out of keeping with the predominant character of existing development. As such, it is contrary to Saved Local Plan Policy H16, Core Strategy Policy 16 and National Planning Policy Framework paragraph 127.

- 1.4 Planning permission was subsequently granted under AWDM/1986/20 for the demolition of a conservatory and erection of proposed rear infill extension to west and loft conversion including hip to gable enlargement with 1 window to north, 3 no. rooflights to east and 2 rooflights to the west elevation. The approved elevations are shown below.

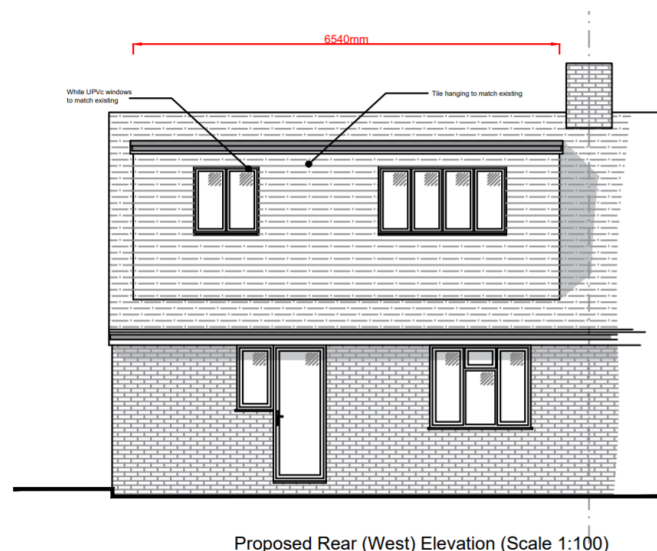


2.0 Planning (Enforcement) Assessment

- 2.1 Complaints were received from several neighbours during mid November 2021 regarding the erection of a large rear dormer. Planning Enforcement Officers visited the site and met with the applicant's agent and it was established that works had not been completed but the ground-floor infill extension had been constructed and roof structures comprising a hip-to-gable roof extension and a rear dormer had been formed. The works being undertaken related to the part implementation of planning permission AWDM/1986/20 but at the same time the implementation of a rear dormer apparently as permitted development.
- 2.2 At the time of the site visit, the applicant's agent advised that the total volume of the roof extensions exceeded the permitted development allowance of 50 cubic metres due to 'builder error' and that it was planned to reduce the size of the rear dormer so that the total roof enlargements did not exceed 50 cubic metres.
- 2.3 As the planning permission previously granted was not substantially completed before starting works on the rear dormer, the Agent was advised that a planning application would need to be submitted to retain the development as

built. In effect planning permission AWDM/1986/20 has not been implemented as the works that have been carried out constitute a single building operation for which planning permission is now required in its entirety. The Agent was also advised that any further works would be carried out at their own risk.

- 2.4 The applicant's agent contends that the work on the rear dormer did not commence until the development granted planning permission under AWDM/1986/20 was substantially complete. In this respect the hip-to-gable was felted and battened but not externally finished in roof tiles. Your Officers are firmly of the opinion that this does not constitute substantial completion and indeed the approved development incorporated rear rooflights which have not been installed.
- 2.5 The applicant's agent has suggested that if the oversized rear dormer structure were to be removed and the hip to gable roof extension finished (i.e. the planning permission AWDM/1986/20 implemented and completed) at that point the householder could utilise the remaining permitted development rights to construct a rear dormer (with the volume of the total roof enlargements not exceeding 50 cubic metre) and the Local Planning Authority would have no control over the glazing within the windows of the rear dormer.
- 2.6 An application for a Certificate of Lawfulness for a proposed rear dormer (AWDM/2044/21) was validated on 12.11.2021. The application seeks to establish what size of dormer could be erected to the rear of the property under permitted development rights. A plan for a slightly smaller dormer has been submitted with the CLUED as shown below.



- 2.7 Following legal advice it may be difficult to grant the CLUED application given that works have been undertaken and it is not possible to retrospectively alter development to ensure that it complies with the requirements of permitted

development rights. In any event there is still some doubt that what has been indicated would be below the cubic content for roof alterations and this is being discussed with the applicant's agent.

- 2.8 A recent site visit has revealed that the rear dormer has been reduced in size and the measurements are being checked to determine whether it would be permitted development (if it had been built after the planning permission had been substantially completed).

3.0 Planning Assessment

- 3.1 A number of complaints have been received from local residents about the size of the rear dormer and the resulting overlooking to adjoining gardens. In this instance the level of overlooking is greater than one would normally expect due to the relationship of the property with adjoining properties as the block plan highlights below.



- 3.2 Whilst, the development, as built, requires planning permission, this in itself does not justify enforcement action and it is important to consider the expediency of any enforcement action.
- 3.3 An important consideration in this case is the 'fall back' position for the applicant and this is an important and material planning consideration in deciding whether to take any enforcement action. In view of the public interest in this case your Officers felt that it was appropriate for the Planning Committee to consider the matter.

- 3.4 Whilst, neighbouring residents are concerned about overlooking permitted development rights do allow for rear dormers with clear glazing upto 50 cubic metres. In this instance, whilst an Enforcement Notice could require the removal of the rear dormer and the necessary works to fully implement the planning permission granted under AWDM/1986/20, the applicant could then still subsequently install a dormer under permitted development rights.
- 3.5 In these circumstances, it is considered reasonable to allow the applicant to alter the dormer to a size that would not require planning permission if the current sequence of building works had been followed (notwithstanding the concerns of adjoining residents). At the present time the Agent is seeking to clarify that the dimensions of the recently altered dormer would have represented permitted development and Members will be updated at the meeting on this point. Nevertheless, the principle of the 'fall back' position is accepted and it is recommended that enforcement action is only taken if the dormer is not altered within the next two months to fall within 'permitted development rights.'

4.0 Recommendation

- 4.1 The Committee is recommended that, provided the dormer window is altered to fall within what would have been permitted development rights within two months of this Committee, no further action should be taken in connection with this matter.**

Schedule of Other Matters

1.0 Council Priority

- 1.1 Compliance with planning policies as set out in the adopted Local Plan

2.0 Specific Action Plans

- 2.1 Planning Enforcement and Policy Guidance

3.0 Sustainability Issues

- 3.1 Matter considered and no issues identified

4.0 Equality Issues

- 4.1 Matter considered and no issues identified

5.0 Community Safety Issues (Section 17)

- 5.1 Matter considered and no issues identified

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 noninterference 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 who have carried out unauthorised developments as well as those affected by them and the relevant considerations which may justify interference with human rights has formed part of the assessment process in deciding whether enforcement action is expedient.

7.0 Reputation

- 7.1 Residents and Members would expect that effective enforcement action is taken when it is expedient to do so having regard to all material planning considerations.

8.0 Consultations

8.1 Consultation with Legal Services

9.0 Risk Assessment

9.1 Enforcement action is a discretionary activity which should only be taken where there is clear evidence to do so.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership Working

12.1 Matter considered and no issues identified

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