



# WORTHING BOROUGH COUNCIL

17 January 2023

<b>Worthing Planning Committee</b>	
<b>Date:</b>	<b>25 January 2023</b>
<b>Time:</b>	<b>6.30 pm</b>
<b>Venue:</b>	<b>Gordon Room Worthing Town Hall</b>

**Committee Membership:** Councillors Jim Deen (Chair), John Turley (Vice-Chair), Noel Atkins, Russ Cochran, Dan Coxhill, Helen Silman, Emma Taylor and Andy Whight

**NOTE:**

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk) before noon on Tuesday 24 January 2023.

## **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 Friday 20 January 2023.

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

Questions should be submitted to Democratic Services – [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk)

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

### 4. Members Questions

Pre-submitted Members questions are pursuant to rule 12 of the Council & Committee Procedure Rules.

Questions should be submitted by midday on Friday 20 January 2023 to Democratic Services, [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk)

(Note: Member Question Time will operate for a maximum of 30 minutes.)

### 5. Confirmation of Minutes

To approve the minutes of the Planning Committee meetings of the Committee held on 14 December 2022, which have been emailed to Members.

### 6. Items Raised Under Urgency Provisions

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

### 7. Planning Applications (Pages 5 - 72)

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

## Part B - Not for publication - Exempt Information Reports

#### Recording of this meeting

Please note that this meeting is being audio live streamed and a recording of the meeting will be available on the Council's website. This meeting will remain 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	Caroline Perry Senior Lawyer & Deputy Monitoring Officer 01903 221081 <a href="mailto:Caroline.perry@adur-worthing.gov.uk">Caroline.perry@adur-worthing.gov.uk</a>
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**Duration of the Meeting:** Three hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

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WORTHING BOROUGH  
C O U N C I L

Planning Committee  
25 January 2023

Agenda Item 7

Ward: ALL

Key Decision: Yes / No

## Report by the Director for Economy

### Planning Applications

**1**

**Application Number: AWDM/1472/22      Recommendation – APPROVE**

**Site: Windsor House Hotel, 14 - 20 Windsor Road, Worthing, West Sussex**

**Proposal: Change of use from hotel (C1) to 44 ensuite bedroom shared living accommodation with associated kitchens, dining and living spaces (sui generis). External alterations to the building and forecourt, provision of soft landscaping and amendments to doors and windows to reinstate appearance of individual properties.**

**2**

**Application Number: AWDM/0056/22      Recommendation – Delegate to Head of Planning and Development to APPROVE subject to further comments**

**Site: Former EDF Car Park, Southdownview Road, Worthing**

**Proposal: Construction of 3no. buildings providing 11no. light industrial units (Class E(g)) with associated car parking, landscaping and acoustic fence to north side of access road.**

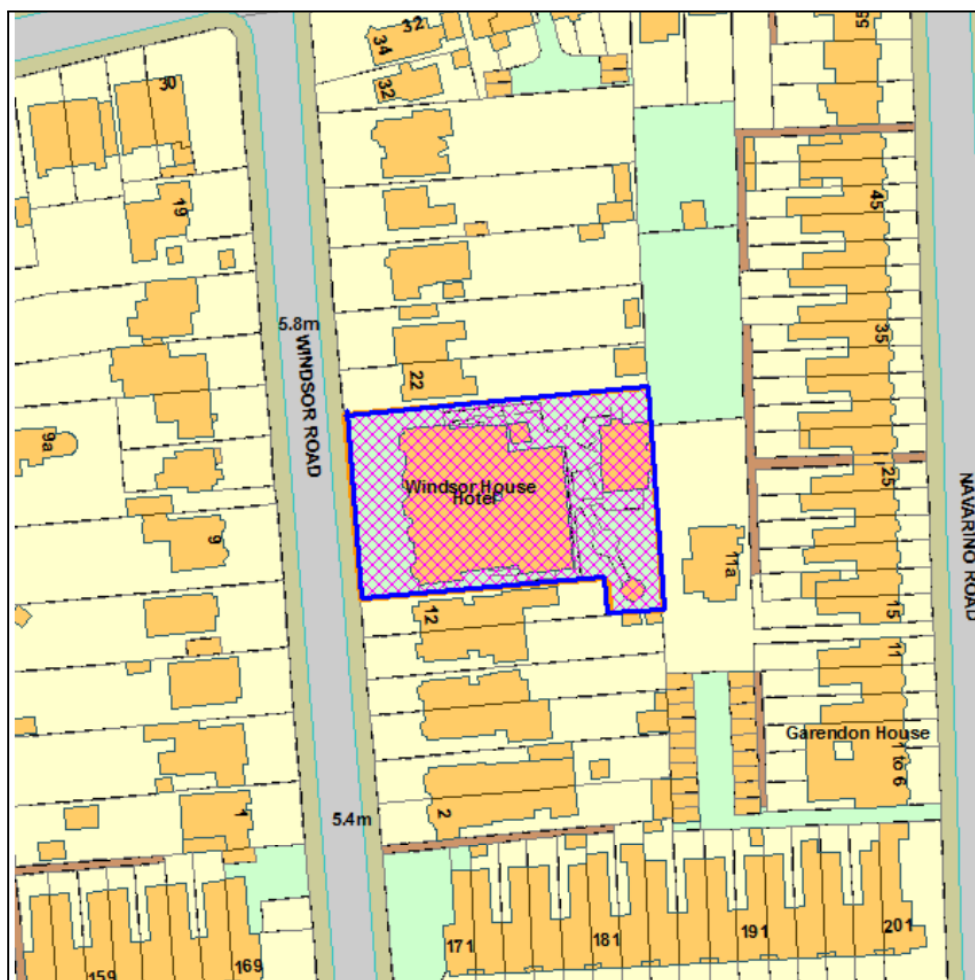
**3**

**Application Number: AWDM/1585/22      Recommendation – APPROVE**

**Site: 7 Douglas Close, Worthing**

**Proposal: Proposed single storey side extension (part retrospective amendment to AWDM/1691/19)**

Application Number:	AWDM/1472/22	Recommendation - APPROVE
Site:	Windsor House Hotel, 14 - 20 Windsor Road, Worthing, West Sussex	
Proposal:	Change of use from hotel (C1) to 44 ensuite bedroom shared living accommodation with associated kitchens, dining and living spaces (sui generis). External alterations to the building and forecourt, provision of soft landscaping and amendments to doors and windows to reinstate appearance of individual properties.	
Applicant:	Rob Crossan	Ward:Selden
Agent:	Matt Brewer Urbanspace Planning Ltd	
Case Officer:	Jackie Fox	



**Not to Scale**

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## **Introduction**

The application has been called in for consideration by the Planning Committee by the Local Ward Councillor. The application is submitted by a former employee of the Council and this has raised some concerns from local residents that there may be some undue bias in the consideration of the application. The applicant only worked for the Council for a relatively short period and as Head of Estates had limited involvement with Planning Officers. The Case Officer had no dealings with the applicant whilst working at the Council and has dealt with the application entirely on its planning merits.

## **Site and Surroundings**

The Windsor House Hotel is situated on the east side of Windsor Road. The existing hotel building was formed by converting and linking two pairs of semi detached dwellings. The properties are linked by a glass conservatory that served as the reception to the Hotel. There is a single storey extension to the rear and within the rear garden there is a separate annexe building up to the eastern boundary. The roofspace has also been converted with velux in the roof of the southern pair of semi-detached properties.

The frontage is tarmacked and laid out for parking. There is a low boundary wall along the front of Windsor Road.

Windsor Road is a residential street characterised by detached and semi-detached homes, with Fitzroy Lodge and Windsor Rest Home providing retirement and assisted living accommodation. No 6 Windsor Road is currently used to provide temporary and emergency accommodation for the Council. This property formerly known as The Castle Hotel has been the subject of a retrospective application to regularise the use. This application was withdrawn and an application for a Certificate of Lawful existing use was refused and an appeal lodged.

The hotel accommodation provides rooms, entertainment and leisure facilities, and back of house areas across ground, first and second floors within the four properties, as well as an annexe/bungalow to the rear which provided manager's accommodation. The premises included a reception, restaurant, bar, and back of house operational uses, including offices, kitchen and stores, together with external amenity area for guests, and a tarmac forecourt providing car parking across the full frontage.

No. 12, adjacent to the south of the site, formed part of the Hotel up until 2020 when permission was granted to change the use to residential, which has now been implemented.

## **Proposal**

Permission is sought for change of use from hotel accommodation to provide 44 ensuite bedrooms and associated kitchen, dining and living spaces.

The accommodation will be split into 4 distinct buildings - the north and south wings accessed from the street frontage through refurbished front doors, and the rear wing and annexe area accessed via the rear garden.

The proposals would be laid out as a series of rooms clustered together, with each cluster sharing their own kitchen and amenity facilities. Each room incorporates ensuite bathroom/WC facilities and the proposals provide for clusters of between 4 and 8 rooms with a shared kitchen associated with each cluster.

Most of the alterations to the building are internal, with some modifications to the rear elevation of the main building to provide suitable fenestration to new bedrooms.

The applicants agent indicates that:

*Shared living accommodation meets a variety of needs for private rented housing, for young professional 'house-shares' and single/two person households and provides a vital source of housing supply for people on lower incomes. For many people, co-living housing provides a practical and affordable option that meets their housing needs and is cheaper than self-contained studio or one bedroom accommodation, whilst providing both social and well-being benefits of shared amenity and facilities. It also provides necessary flexibility of duration of stay to meet individual occupier needs, which is not readily available in standard rented accommodation.*

*No individual or specific end occupier has been identified. As with all forms of residential accommodation this could meet the needs of a variety of occupiers. Whilst there has been discussions with the Council's housing team on the potential to meet requirements, the accommodation could also provide accommodation for young professionals who are seeking shared accommodation within well designed facilities and a communal setting, rather than traditional house shares providing only a single bedroom with limited communal facilities.*

The proposal reduces the hardstanding to the front of each of the properties and introduces planting and landscaping features to break up the current continuous tarmac, soften the frontage and define the boundaries of the 'houses'. Two separate areas for a total of 6 car parking spaces are shown with distinct accesses from Windsor Road.

New covered and secure bicycle storage is also shown to the rear.

The residential accommodation would be operated and managed by SDR Group (SDR).

The applicant has provided the following Management plan:

Management plan

*This accommodation will continue to be managed by on site staff 24 hours a day, 365 days a year. These staff will be directly employed, trained and DBS checked*



*staff to manage the building and ensure that tenants have an on-site point of contact to assist with their needs and queries.*

*Staff will also be available to respond to any unforeseen issues that may occur.*

*Staff will be trained in Mental Health Awareness, First Aid and other relevant qualifications to support the safe and efficient management of the premises and tenants.*

*The staff will provide a management service to tenants to help them with any queries that they may have whilst ensuring good effective management of the premises.*

*The site will benefit from:*

- Quality accommodation which will be improved through the proposed enhancement works and engender respect for the premises and encourage tenants to maintain the properties to a good standard.*
- Clear and defined tenancy rules to encourage a culture of community and respect amongst tenants and neighbours.*
- All tenants will be provided with reception contact details and encouraged to engage with staff who will get to know them. Tenants will be welcomed when they move in and given an orientation by staff who will take them through the tenancy rules.*

*Once a tenant has been welcomed to the premises, they will have their own individual access control to areas of the building as well as a dedicated front door for their use. This will also reduce tenant overlap and give tenant's a sense of ownership and belonging.*

- The tenant welcome pack will provide guidance on all things about their tenancy, including building management, waste, and recycling as well as hints and tips to live sustainably.*
- Staff will provide immediate attention to any anti-social or unreasonable behaviour including noise through positive engagement with tenants.*
- Effective engagement will be undertaken with tenants to ensure that any issues that do arise are managed at an early stage, to include noise and anti-social behaviour.*
- Regular inspection of both communal areas (daily) and tenant rooms (weekly) to ensure properties continue to meet the safe and clean standards required.*
- Regular site walks by the staff team are undertaken to ensure bins are put away, gardens/fences maintained, and other routine jobs are taken care of. A clear focus will be on management of any communal areas. There will be dedicated contracts in place for rubbish and pest control to keep the area clean.*

- *SDR Staff will be responsible for putting out and returning waste recycling bins from the dedicated bin store on the day of collection. This means that bins are not stored by the road and do not negatively impact the street scene.*
- *The accommodation will be in full compliance with all Health and Safety and statutory requirements, which will be managed by SDR Group's dedicated property manager, supported by relevant third-party experts including East Sussex Fire and Rescue Service who advise on all our properties as well as an independent Health and Safety advisor.*
- *The accommodation will include a dedicated site repairs team, reducing reliance on contractors and improving repair turnaround times.*
- *The accommodation will have controlled access to the site as well as all communal areas through a digital entrance system. Site wide CCTV will be in place across communal areas both internal and external to promote good management and security.*
- *Clear standards and expectations for use of communal spaces will be proactively managed by the on-site team.*
- *Dedicated gardens are provided for individual cluster flats, to include smoking areas away from neighbouring properties. This will avoid congregations, reduce noise and maintain amenity for neighbouring properties. These spaces will be actively managed to ensure appropriate recreation and use. Proximity to the local beach will also provide additional amenity space for tenants.*
- *No events are to be held on site, reducing the noise from parties/weddings etc. and minimising late-night disturbance. Overall, there will likely be a net reduction in noise generation from the site compared with the existing use – a benefit to the local amenity.*
- *The accommodation will target a local resident base for occupation, who know the local area.*

### **Complaints and Feedback**

*The on-site team will be available 24/7 365 days a year and will be a team of 7 full time staff on site plus additional management and head office support. The site will also have a dedicated manager who will be the site responsible person and be accountable for the day-to-day management of the site as well as responding to queries and complaints should they arise.*

*The management team has a willingness to work with local community groups to engage positively over any issues that may arise and to provide a positive contribution to the local neighbourhood.*

### **SDR Group/AST Co-Living Management Plans/Worthing**

*A contact telephone number will be provided, or dedicated email address will be set up to enable any issues arising within the local community to be reported directly.*

*Clear instructions will be given to staff likely to answer on the procedures for handling complaints politely and respectfully and the requirements and timescales for responding.*

*A timed and dated log will be kept of all complaints, including actions taken and responses given. Any other notes or email communications will be copied, and a record kept in the complaint log folder.*

*Staff will aim to respond to complaints within one working day, but certainly within a week*

*of the complaint being made, with a response/explanation, as well as any future actions or possible improvements that will be implemented to resolve the issue.*

*Staff will take a proactive approach to management, engaging with tenants and seeking to promote a positive environment for all tenants. Tenant behaviour will also be influenced by the standard and quality of their living environment, engendering respect and appropriate behaviour.*

It is submitted that these measures will be in place for the duration of the operation of the accommodation.

#### **Relevant Planning History:**

AWDM/0949/20- Change of Use from hotel accommodation to residential (C3).APPROVED

#### **Consultations:**

##### **WSCC Highways:**

***Original comments are set out below but these are being clarified with the LHA as the application does not indicate the accommodation would be used as a 'Halls of Residence'***

An updated response has now been received:

The proposed change from a hotel to shared living accommodation, up to 20 rooms, has been considered by WSCC as the County Highway Authority. No objection is raised subject to any conditions attached.

Trips associated with the new use will be much lower than that of a functioning hotel.

Shared living accommodation meets a variety of needs for private rented housing, for young professional 'house-shares' and single/two person households and provides a vital source of housing supply for people on lower incomes. It is therefore considered that most people who reside here will travel by public transport.

Whilst the proposed new use will provide some parking this will be limited to 6 spaces. It is likely that these will serve as drop off and pick up points for moving in/moving out days, and for visitors.

The actual footfall will increase as more people will travel on foot to and from the site.

Cycle storage is provided at 1 space per room. This is considered to be an acceptable number of spaces allowing each resident the opportunity to own and store a bike. This is in line with NPPF guidelines to promote sustainable travel.

An assessment of the local footways and crossing show that the site is easily connected to other areas of Worthing, and is also in close proximity to bus stops and the local train station.

Parking is also available on street on Windsor Road, for visitor parking should the spaces be occupied. In summary no objection is raised given its highly sustainable location.

### **Sussex Police**

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

The level of crime and anti-social behaviour in Worthing district is above average when compared with the rest of Sussex, so additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments.

I direct the applicant or their agent to our website at [www.securedbydesign.com](http://www.securedbydesign.com) where the SBD Homes 2019 Version 2 document can be found. The Secured by Design scheme is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures. The advice given in this guide has been proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments.

Historically there are cases where developments of multiple occupancy have given rise to instances of anti-social behaviour (ASB). To reduce the risk of this occurring there will need to be stringent management control of tenancies and I would ask that this is implemented as a condition of planning.

Whilst I have no concerns regarding the design and layout, I recommend the following security measures to be implemented within the development:

The front access door to the development will be subject to heavy and prolonged use so needs to be fit for purpose. I refer the applicant to Secured by Design Homes 2019 Version 2 Chapter 21 Paragraph 21.1 to 21.17 and 21.19 to 21.22.

From a crime prevention perspective, it will also be very important that access control is implemented into the design and layout to ensure control of entry to the development is for authorised persons only. Tradesperson or timed-release mechanisms are not advised as they have been proven to be the cause of antisocial behaviour and unlawful access to communal developments. For further information I refer the applicant to Chapter 27 of SBD Homes 2019 Version 2.

As amendments to doors and windows are also being considered - I recommend prior to any works being undertaken at the premises, that all doors and windows that are being retained are checked to ensure they are adequate and fit for purpose with appropriate locking mechanisms. Where appropriate new doors and windows conforming to a minimum standard of LPS 1175 SR or its equivalent are to be installed.

Where a corridor contains no more than 8 bedrooms, the access door to the corridor is to be controlled and is to conform to (PAS 024:2016) or its equivalent. Each bedroom door off the controlled corridor (maximum of 8 bedrooms) must be a fire rated (FD30 or higher) door with a minimum lock certificated to (BS8621) or (PAS 8621), fitted with a minimum of two hinge bolts or hinges with a similar integral facility to ensure protection in the event of a hinge failure following a criminal attack. The bedroom doors must be installed with a securely fixed robust planted stop, door chain and door viewer.

I recommend the postal arrangements for the development is through the wall, external or lobby mounted secure post boxes. I strongly urge the applicant not to consider letter apertures within the front doors of the individual rooms. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the development.

Should CCTV be a consideration the following documents will be of assistance to the applicant.

Details regarding CCTV and Data Protection can be found at the Information Commissioner's Office website at:

[https://icosearch.ico.org.uk/s/search.html?query=CCTV&collection=ico-meta&profile=\\_default](https://icosearch.ico.org.uk/s/search.html?query=CCTV&collection=ico-meta&profile=_default)

CCTV guidance for police requirements:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/378449/09-05-UK-Police-Requireme22835.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/378449/09-05-UK-Police-Requireme22835.pdf)

With regards to any proposed cycle storage throughout the development - research by the 'Design against Crime Centre' suggests that cyclists should be encouraged to lock both wheels and the crossbar to a stand rather than just the crossbar and therefore a design of cycle stand that enables this method of locking to be used is recommended. The minimum requirements for such equipment are as follows:

- Galvanised steel bar construction (minimum thickness 3mm), filled with concrete;
- Minimum foundation depth of 300mm with welded 'anchor bar'.

Given that modern cycles have numerous quick release components - to reduce the pay-off to any would-be offender it is recommended that no more than 30 cycles be stored within a communal cycle store.

With regards to landscaping - ground planting should not be higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area.

Finally, lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS5489-1:2020.

In closing - having discussed this planning application at length with the local neighbourhood policing team, Sussex Police would have no objection to the proposed development as submitted from a crime prevention perspective subject to my recommendations being given due consideration.

### ***Southern Water:***

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

To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](https://developerservices.southernwater.co.uk) and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

[southernwater.co.uk/developing-building/connection-charging-arrangements](https://southernwater.co.uk/developing-building/connection-charging-arrangements)

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

- Reuse
- Infiltration
- Watercourse

Guidance on Building Regulations is here:

[gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h](http://gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h)

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises. It should be noted that under the Water Industry Act 1991 it is an offence to throw, empty, turn or permit to be thrown or emptied or to pass into any drain or sewer connecting with a public sewer any matter likely to injure the sewer or drain or to interfere with the free flow of its contents.

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

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.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: [southernwater.co.uk](http://southernwater.co.uk) or by email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)

***Adur and Worthing Councils:***

***Planning Policy***

***Original comments:***

Key Issues / Policies

The key issues relate to the loss of Visitor Accommodation which is considered under SDWLP

Policy DM12 and the conversion to residential use under SDWLP Policy DM1. A number of other policies are also of relevance such as : DM2 : Density ; DM5 - Quality of the Built Environment;

DM15 - Sustainable Transport and active travel . A number of other issues relate to the provision of amenity space for the proposed residents, and cycle parking, refuse and recycling and clothes drying facilities and any opportunities for sustainable energy / construction /biodiversity etc.

Summary

The proposal seeks to change the use of the current hotel at 14,16,18 and 20 Windsor Road with 30 visitor rooms to shared residential accommodation (Sui

Generis Class) to provide 44 ensuite bedroom shared living accommodation with associated kitchens, dining and living spaces.

In 2020 planning permission (AWDM/0949/20) was granted to allow change of use of part of the hotel ( a physically separated annexe) to residential which resulted in the loss of 6 visitor accommodation rooms.

This application outlined the particular circumstances that the hotel found itself including , impact of the growth of airbnb (and similar platforms), competition from larger hotel chains on the market, general decline of the staycation market, Covid etc. Part of the justification was that the loss of this part of the hotel would potentially help with the retention of the remaining offer albeit not through any reinvestment as any funds from this smaller loss of visitor accommodation would need to be used to clear existing debts accumulated over Covid.

There are a number of issues that need to be considered as set out above but the two key issues relate to the loss of visitor accommodation and the introduction of shared living residential scheme.

### ***Loss of Visitor accommodation***

The SDWLP DM12 policy (sound but not yet formally adopted) essentially continues the approach set out in the Worthing Core Strategy i.e. to protect the existing stock but allows for a managed evidence based release.

Policy DM12 ( incorporating Main Modification (MM) suggested by the Local Plan Inspector in his report) states:

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

b) Existing visitor attractions, facilities and accommodation should be retained unless it is demonstrated that the use is no longer required and the site is unlikely to be reused or redeveloped for visitor purposes. To demonstrate these requirements, the Council will apply tests set out below:

i) evidence of marketing actively conducted for a reasonable period of time;

ii) that alternative visitor uses have been fully explored;

iii) an appraisal indicating that the use is no longer viable;

iv) evidence that the site has not been made deliberately unviable;

v) evidence of the suitability of the site to accommodate the alternative visitor use;  
and



vi) evidence that a reduction of floorspace or bed spaces in the case of visitor accommodation is the only way of improving the standard of the existing tourist facility.

c) The Council will have regard to changes in the market, the economy and supply of visitor accommodation at the time of assessing an application.

The supporting text of this policy makes reference to the impact of Covid on the sector. It also refers to and acknowledges the impact of platforms like Airbnb particularly on the b&b and guesthouse market. In assessing any application the principal will remain that it needs to be evidence based and that evidence should be proportionate - part of the evidence/justification will be the impact that Covid has had on business.

In this case a pragmatic approach was taken in respect of the 2020 planning permission (AWDM/0949/20). Permission was granted for the loss of some rooms/space ( in the annexe) even though this would not result in an upgrade /reinvestment in remaining rooms/space due to the financial situation of the owners, however it was hoped that allowing this loss would assist with the viability and continued provision of the remaining use.

The Sustainable Economy Supplementary Document (SPD)( which will be updated to fully align with the new DM12 policy) does not set policy but rather it sets out the information the Council will require to assess such applications and the reasons why such information is sought. It also helps prospective applicants establish whether they have a reasonable case for the loss of the business land and premises or visitor accommodation.

The Council will assess all applications for the loss of visitor accommodation on their individual merits. However, the Council's starting point is to protect existing stock for which there is a viable future. Where it can be demonstrated that the existing use is no longer viable consideration will be expected to be given to suitable alternative leisure/visitor uses before a non-tourism use would be accepted.

The two key tests for determining applications involving the potential loss of visitor accommodation are:

**- Proof of marketing for sale**

**- Evidence of non-viability**

Para 3.12 of the SPD sets out the evidence the Council would expect to see to demonstrate that DM12 criterion i) has been met. Paras 3.13 - 3.16 (viability) and 3.17 (alternative tourism uses) set out the evidence needed to comply with criteria ii) to vi) of the policy. The Council expect applicants to have satisfactorily demonstrated that it is no longer viable for the current use to continue and that all reasonable options have been explored for alternative tourism uses before the loss to non-tourism uses will be accepted.

The supporting text to the policy states ' Evidence required to support proposals that would not accord with the policies in this Plan will need to be proportionate to the proposal in question. '

The evidence submitted in connection with this current application, some two years after the permission granted for AWDM/0949/20, indicates that despite government support and the end of lockdowns the business is still struggling. The supporting statement to this application at Paras 5.2 -

5.27 suggests that the business is no longer viable and had been declining over a number of years despite best efforts. It also states that marketing has been undertaken and that no interest has been shown in terms of taking the business on as visitor accommodation. However, no actual evidence has been provided in line with the expectation set out in the SPD:

### ***Proof of Marketing***

3.12 Applicants will need to demonstrate that there have been realistic attempts to sell the business over a reasonable period of time:

- The business should normally have been marketed for sale as a going concern for a minimum period of 2 years in a strong market and 3 years in a downturned market. In exceptional circumstances a shorter marketing period may be acceptable if justification for this can be given and then accepted by the Council.
- Details of the agents used will be required. Reputable local or specialist hotel property and or/business sales agents will need to be used.
- Evidence will be needed that a variety of marketing mediums have been used such as brochures, advertisements in relevant publications, and web-sites etc.
- Marketing at a realistic asking price taking account of current trading performance and condition. This could be determined through monitoring of local hotel and guesthouse sales and /or through an independent valuation /independent advice from specialist hotel and guesthouse property agents. There may be circumstances where it is necessary for the Council to commission such a valuation and require the costs to be met by the applicants.
- In addition, evidence will be required indicating records of response, interest shown and offers received with reason as to why potential purchasers did not pursue the sale or why offers were rejected. The Council reserves the right to contact any person listed on the record of response should the need arise.

In terms of viability the SPD states:

3.13 In order to give adequate consideration to a proposal that involves the loss of visitor accommodation the Council will seek evidence from the applicant to demonstrate that the premises are firstly not economically viable in their current use and secondly that they are incapable of being made viable as visitor

accommodation. The potential of an establishment to be run as a viable operation will be a key test. Current trading performance is no guide to potential.

The 'viability test' will be sought by the council in order that proper consideration can be given to the proposal. Applicants will therefore be expected to submit this information as part of the supporting evidence for the planning application.

Whilst the supporting evidence does make reference to these issues very little evidence has been submitted and the Council would like to see more detailed information especially regarding the marketing and the responses to the marketing exercise. In addition there should be evidence that demonstrates that other tourism options have been considered and explored for the property before the consideration of residential use.

Finally and as stated in the SPD :

'It is not the intention of the council to retain accommodation for which there is no market need. The council will be flexible in its approach and have regard to all material considerations at the time of the application including being responsive to the changes in the market, the economy, the accommodation supply and Worthing as a tourist destination.

The key objective is to support the tourism sector by ensuring that there is a sufficient range of types and quality of visitor accommodation to meet the needs of Worthing's visitors.'

Introduction of shared living residential scheme

If the loss of the visitor accommodation is accepted then the appropriateness of residential on the site needs to be considered and the most appropriate type and mix.

SDWLP DM1 Housing Mix states (including any modifications put forward by the Local Plan Inspector) at Paras 5.3-5.4 that

'Delivering housing is far more than just a 'numbers game'. New housing must support the needs of the community as a whole by including affordable and market homes of the type, size and tenure needed by residents. However, housing mix can have implications, both for development feasibility and viability as well as for local character. Therefore, whilst it is important to manage the mix of housing provided on new developments, this should not be a formulaic exercise and a practical balance must be struck.

In terms of shared accommodation the supporting text at states:

'Shared accommodation , including well designed Houses in Multiple Occupation (HMOs), play an important role in providing housing for people on low incomes, those on benefit payments and young professionals. They are often the only choice of housing for people who would otherwise be homeless.'

The policy recognises the value HMO's can make to the housing stock and housing choice. However, it is important to ensure that conversions provide a high standard of accommodation.

Para 5.21 of the supporting text to the policy states:

'When considering proposals for conversion the Council will consider the impact on the mix of dwellings locally, the character of the area and on the amenity of adjoining dwellings.'

The supporting text goes on to state:

5.22 To balance the loss of and demand for family accommodation, conversions should provide for at least one unit suitable for family occupation. To ensure the quality of any new accommodation is high and that it supports a good quality of life it is important that proposals are consistent with the space standards set out in Policy DM2 (Density) for both internal and external space.

For HMOs,

applications will need to demonstrate compliance with minimum bedroom sizes and that the communal living space and cooking and bathroom facilities provided are of an appropriate size to meet the needs of the expected number of occupants.

5.23 The Council will continue to monitor the provision of HMO accommodation throughout the period of the Plan and, if necessary, further guidance will be published.

Criterion f of the policy sets out how applications to convert to smaller units of self-contained accommodation and more specifically f iv) refers to the need for sui generis HMO's to demonstrate

'that the communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants.'

Policy DM5 Quality of the built environment

This policy recognises that : ' The quality of new design plays an important part in creating successful developments – well-designed developments relate well to existing buildings and spaces around them, are pleasant to use and take account of local distinctiveness without necessarily replicating what is already there. Good design is a key aspect of sustainable development. It encompasses architectural design, form, height, scale, siting, layout, density, orientation, lighting, materials, parking, street design, connectivity and green infrastructure / open space. Green infrastructure and biodiversity features can enhance the built environment helping to achieve well designed, high quality places which in turn can attract businesses and inward investment as well as providing positive benefits for health & well-being and climate change adaptation.'

## Conclusions

It is clear that the Council accepted the impact of Covid on the business when assessing the 2020 applications and took a pragmatic approach in allowing the loss of some rooms with the hope that this may help them to retain the remainder of the provision. However, according to the supporting statements this is not the case for a number of reasons .

Whilst the supporting statement does provide a summary indicating that marketing has been carried in accordance with the SPD and indeed that the business accounts demonstrate the non viability of the current use the detailed information has not been submitted. The applicants should provide this evidence so that the Council can be satisfied that the requirements of the SPD have been met.

In terms of the appropriateness of the proposed type of residential accommodation the Council needs to be satisfied as per the policy that this will help deliver 'sustainable, mixed and balanced communities,' to achieve this ' the Council will expect all applications for new housing to consider the most up to-date evidence of housing needs and demands.' In this regard the views of the housing department will be of relevance.

It is important to understand how a provision of this size will operate and how it will be managed.

Finally if sufficient evidence is submitted that confirms the points raised in the 'Planning & Design Statement' then no objection would be raised in respect of the loss of visitor accommodation in accordance with the policy.

In terms of the residential use the Council need to be satisfied that the accommodation is of a high standard and provides internal and external amenity space.

Following considerable discussion and additional information requested between the applicant and the policy officer, the applicant provided additional details of the marketing of the property, the length of time that the property was marketed for, the numbers of interests in the property, the offers received and an assessment of potential alternative leisure users.

Following re-consultation with the planning policy officer, they indicate:

*"I think we have gone as far as we can. I think we finally have sufficient information that in the main meets the requirements of the policy/SPD. I think they have demonstrated that the existing use is no longer a viable option and there is unlikely to be any alternative visitor type use that would be interested in the property".*

### **Environmental Health (Private Sector Housing)**

The proposed development would create 3 HMOs. These would each be subject to the provisions of the Management of Houses In Multiple Occupation (England)

Regulations 2006. HMOs with 5 or more occupants will also be subject to mandatory licensing requirements.

Rooms 1-11 in the southernmost HMO are shown as sharing a single kitchen. Whilst it may be possible to create a shared kitchen sufficient for this number of occupants it may not be possible to include adequate space within it to eat food or otherwise rest away from the individual rooms. It would be preferable to create an additional kitchen/living space, or provide direct access to the other shared facilities.

The ratio of kitchens to rooms in the rest of the property appears to be higher.

If planning permission is granted then the Private Sector Housing team should be consulted directly to ensure that all HMO requirements will be met.

Due to the roof construction to the shared internal amenity space, this area will need to be managed carefully to avoid nuisance to surrounding neighbours, both from noise and light. Consideration should be given to replacing the roof with a more suitable structure to counter these potential issues.

### **Environmental Health (Public Health)**

1. 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

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

Reason: To safeguard the amenities of the occupiers of neighbouring properties.

2. 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

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction.

### **Head of Housing**

In May 2020, Adur and Worthing Councils jointly commissioned a Strategic Housing Market Assessment (SHMA) to support the emerging Worthing Local Plan and a future review of policies within the Adur Local Plan; as well as to inform development management activities including the housing mix sought through planning applications. The SHMA estimates that by 2036, single person households are expected to increase by 27% for under 65's and 45.6% for over 65's. In order to meet the housing needs of this demographic there will need to be sufficient supply of single person accommodation available for purchase and rent for a range of socio-economic groups, including affordable self-contained and shared accommodation for those on lower incomes.

People on low to average incomes are often unable to secure private rented accommodation due to the strict referencing criteria set by letting agents that excludes people who do not meet certain income thresholds and those without a suitable guarantor. Renting in the private sector has also become unaffordable to more people in recent years. Data collected in Nov 2022 from [Home.co.uk](https://www.home.co.uk) shows that the median rent of 36 one bed properties advertised to let in Worthing is £900pcm, which is £275pcm higher than the current one bed Local Housing Allowance (LHA) rate of £625pcm. Shared accommodation has therefore become the only affordable housing option for many single people.

The housing needs service is experiencing considerable year-on-year rises in the number of single people presenting as homeless, including increasing numbers of economically active individuals who are suffering financial hardship and loss of their accommodation as a consequence of the current economic climate. Almost a third of homeless applicants are employed but unable to secure private sector accommodation. Higher rents, rising property prices, increases in mortgage interest rates and high energy bills has left many people struggling to keep up with their rent and mortgage repayments or find affordable properties to rent or buy. In addition, changes to tax regulations and the forthcoming removal of the Section 21 notice is leading to increasing numbers of landlords selling their properties with them being 'lost' to the private sector market as they are bought as homes and not to let.

The number of single person households residing in temporary accommodation in Worthing has risen from 56 in October 2019, to 191 in October 2022 - a rise of 341% over a 3-year period - and single person households now represent a majority of 60% of the total temporary accommodation placements compared with 46% three years ago. We are yet to see the full extent of homelessness caused by interest rate rises, but we anticipate that this is likely to materialise within the next twelve months and generate further demand on the housing needs service by both families and single person households with some of the latter requiring shared accommodation to meet their housing needs.

It is also worth noting that the annual expenditure for temporary accommodation in Worthing has risen by 224% from £1.82m in the year 2019/20 to £4.09m in 2022/23, which is largely due to the 341% increase in single person placements with the need being met in more expensive nightly booked accommodation.

In summary, this data shows a continual rise in the trend of housing needs for single people and there is a clear need for more affordable and suitable housing options, including shared accommodation, to keep up with demand.

### **Representations:**

**134** Objections have been raised from local residents in surrounding roads and a further 17 letters from properties further afield. In addition an open objection letter to the applicant containing 25 local residents signatures has been submitted along with a letter from the local MP Tim Loughton.

The comments have been summarised below:

Tim Loughton MP

- Limited nature of consultation
- Limited consideration has been given to the impact on the neighbourhood as a whole and the activities of people living there.
- Disproportionate number of applications for HMOs, temporary homeless accommodation and drug facilities in East Worthing and in particular in Selden ward.
- The proposal will double the amount of temporary accommodation available in Windsor Road
- Reduce family accommodation for local people.
- Council has a duty to ensure that the town retains sufficient stock of hotel space to attract and accommodate visitors.
- Increased crime and anti-social behaviour linked to the large scale establishments

### **Objections received on the following grounds (summarised)**

- Inadequate publicity of the proposal
- Inadequate information about the tenant or end users
- Loss of visitor accommodation contrary to policy
- Need for visitor accommodation as we come out of the pandemic
- The property is not vacant and has been well used and occupied by the hotel



- Inadequate marketing to leisure operators
- The applicant is a commercial business
- The proposal will provide hostel like accommodation
- The number of proposed occupants would be an overdevelopment of the site and overcrowding
- Over concentration of temporary emergency accommodation and other support accommodation in the area
- Primary schools will be impacted by the potential end users
- Impact on local amenities
- There has already been the closure of local facilities due to antisocial behaviour
- Accommodation could be used for clients outside the borough
- Can the numbers be controlled
- Additional parking, reduced parking on site
- Additional traffic
- Inaccurate LHA consultation response indicating it is a halls of residence.
- Additional noise and smell
- Additional litter and waste
- Increased anti social behaviour
- Increased crime and the fear of crime and residents safety
- The use needs to be tailored to the client group
- The scheme does not improve the character of the building
- The use would not maintain the balance of the community
- Impact on the character of the area
- Overlooking of neighbouring buildings
- Impact on the quality of life of neighbouring properties
- Proliferation of temporary accommodation in the area causing pressure on the community
- The management plan will not help the surrounding area and anti social behaviour
- Concentration of HMO accommodation in the area, Selden Ward
- The scheme should be providing permanent affordable homes
- HMO accommodation is not something that people want to live in.
- The management statement highlights the issues and residents who might use the facility
- The site would be more suited to a care home
- The applicant has not declared that he was formally an employee of the council.
- The applicants are unwilling to meet with local residents and lack commitment.
- The property could be better used for permanent flats
- Contrary to the council homeless strategy

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant

conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

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

### **Relevant Planning Policies**

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

Worthing Core Strategy (WBC 2011): Policies 5, 6, 7, 8, 9, 16

National Planning Policy Framework (CLG 2021)

Planning Practice Guidance (CLG)

Sustainable Economy SPD (WBC) 2012

Guide for Residential Development SPD 2013

Submission Draft Worthing Local plan (with Main Modifications recommended by the Local Plan Inspector):

DM1 HOUSING MIX

DM2 - DENSITY

DM5 - QUALITY OF THE BUILT ENVIRONMENT

DM12 - THE VISITOR ECONOMY

DM15 - SUSTAINABLE TRANSPORT & ACTIVE TRAVEL

DM16 - SUSTAINABLE DESIGN

The Core Strategy, including the saved policies of the Worthing Local Plan, comprises the Development Plan here but the Government has accorded the National Planning Policy Framework (NPPF) considerable status as a material consideration which can outweigh the Development Plan's provisions where there are no relevant development plan policies or the policies which are most important for determining the application are out of date. In such circumstances paragraph 11 of the revised NPPF states that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would demonstrably outweighs the benefits, when assessed against the policies of the NPPF taken as a whole.

### **Planning Assessment**

The main issues are:

- Principle of the change of use
- Housing policy and the Impacts on the local area
- The effects of the development on the residential amenities of existing and future occupiers;
- Highway safety and parking considerations.
- Sustainability

## **Principle of the change of use**

The policy context comprises the NPPF and the local development plan which consists of the saved policies of the Worthing Local Plan, Worthing Core Strategy and accompanying SPDs as well as the emerging Submission Draft Worthing Local Plan (as modified) (SDWLP) which has been found sound by an Independent Inspector.

Policy 5 of the Core Strategy and policy DM12 of the SDWLP are relevant and are set out within the policy Officer's consultation response. The SDWLP policy DM12 essentially continues the approach set out in the Worthing Core Strategy i.e. to protect the existing stock but allows for a managed evidence based release.

The Council will assess all applications for the loss of visitor accommodation on their individual merits. However, the Council's starting point is to protect existing stock for which there is a viable future. Where it can be demonstrated that the existing use is no longer viable consideration will be expected to be given to suitable alternative leisure/visitor uses before a non-tourism use would be accepted.

The two key tests for determining applications involving the potential loss of visitor accommodation are evidence of non viability and proof of marketing.

Background work undertaken for DM12 was undertaken through a Visitor Accommodation Report in 2013, and updated in 2016. It is acknowledged that there have been significant changes to the accommodation market in terms of supply, as well as demand, since the completion of these reports. DM12 also acknowledges the impact of the pandemic and the implications on this sector are likely to be significant and lasting, which has already been seen in terms of the effects to date and forecast trends.

The SDWLP notes since the last update to that study, the Borough has seen a new Premier Inn open, some investment in existing stock and more recently proposals for new hotels as part of the mixed use redevelopments of both Teville Gate and Union Place sites. However, the Council now owns both these sites and it is not certain that either site will incorporate a hotel due to viability issues and an apparent lack of demand.

The applicants indicate that there are 447 rooms of hotel accommodation currently available (excluding guest houses with 10 or fewer rooms) within Worthing. Including guest houses that they are aware of; this takes the total room availability to 504 rooms. The Union Place and Teville Gate hotels, if built, would take the total number of hotel rooms to approx 677. Windsor House therefore makes up just 4% of the total potential room stock against this baseline and considered together with the recently granted hotel rooms in the town.

There has also been a number of hotel and guest house closures and a significant growth in private room and entire home lettings through Airbnb and other online booking platforms. Whilst this new model of provision adds to the variety of accommodation available to visitors it can negatively impact on the viability of existing accommodation providers, more specifically guesthouses and B&Bs, as unlike Airbnb type accommodation they are subject to more stringent regulations and

additional costs. The policy recognises this particular challenge and will consider the individual circumstance of each proposal at the time when an application is submitted.

The SDWLP supporting text also identifies the significant growth in the short term letting of private properties to visitors and tourists within the town. This provision in supply of visitor accommodation has further rapidly increased since the 2016 update to the study was completed. According to the applicants data visitor accommodation available on AirBnB ([www.airbnb.co.uk](http://www.airbnb.co.uk)) alone is currently in excess of 500 properties available within Worthing. This has increased from 36 in 2016 (HVA Study 2016) (HVA Study 2016) and represents a 14 fold increase over just 5 years. This does not include other providers and platforms for this form of visitor accommodation (such as Welcome, Sykes, Hoseasons, Vrbo etc.).

The applicant indicates that the current hotel has encountered operational and viability issues for some time. This led to the previous application to convert an element of the hotel (No. 12 Windsor Road) back to residential use in order to assist in paying off operational debts associated with the ongoing hotel use.

The issues surrounding the use of the property have not, according to the applicant, improved with limited opening as a result of the pandemic, significantly reduced business travel and the strong and increasing supply of alternative premises within more central, seafront, limited-service operations, or private rental accommodation providing more attractive destinations for visitors. Despite COVID restrictions easing the inherent structural issues remain for the hotel industry, particularly the increased competing demand from other hotels and private lets in more central locations of the town.

This added to the viability issues of the Hotel, in your Officers opinion, provides justification for the loss of the Hotel. The viability evidence indicates that the hotel revenue had fallen by £350,000, a real term reduction of £630,000 per annum (i.e., 50%). There are some wider reasons for this significant reduction. As mentioned previously the unprecedented impact of Covid-19 on the retail and leisure industries, but also the removal and sale of part of the small annexe, No. 12 Windsor Road.

The removal of this accommodation from hotel use was intended to improve financial viability but simply shored up short term finances and did not improve trading performance. The hotel has also continued to decline in trade since this point and there has been no reinvestment of the capital receipt from the sale of this site as expected at the time.

Management information for the hotel from 2016 – 2022 shows a declining position in relation to both revenue and profit. Whilst there was a small rebound post COVID in 2022, trading outlook is poor. Even in the most recent accounts, the site is still in receipt of government grants and other reduced operating costs (rates reliefs) which distort the long term trading position. During 2016 and 2017 revenue was at its peak at circa £1million. Following this, revenue has fallen significantly to circa £790k, a fall of over 20% in three years. Even post covid in 2022 with the 'staycation summer' revenues peaked at circa £660k for the year, resulting in an overall reduction in revenue of 35% for the period 2017-2022.

As a result of this significant decline in income, the applicants indicate that overall pre-tax profitability has reduced considerably from £187k in 2016 to £34k in 2020 – an 82% reduction. Profit as a % of turnover has fallen from a peak of 22% (2017) to only 4% in 2020. This data ignores the impact of 2021 where the hotel was mainly closed due to COVID, even following the return to trading in 2022, profit before property costs was only 13% of turnover. This return is below a viable level (even before property costs). After allowing property costs, the profits fell to £41k in 2016. As a result, it is apparent that the business did not return a positive profit level for the years 2018 – 2022.

The applicants indicate that issues with the hotel, its operation and long term viability demonstrates why the marketing of the premises for hotel use was unsuccessful for over 24 months. The hotel has been marketed by a recognised hotel specialist, Christie and Co, since November 2020. During this period no proceedable offers were received and the property remained unsold. Since the application was submitted a further letter has been received from Christie and Co to confirm this and that the only offer able to proceed was from the current applicant.

Christie and Co have confirmed that the property has been widely marketed to local, regional and national operators and investors through various methods and media. Details of the property have been issued to agents locally and nationally, with the property marketed online via the agent's website and through property search databases and websites. Details have also been circulated to existing hotel operators, franchisees and investors with known interests in the area. It is clear that any potential purchaser for use as a hotel operation would have been identified through this extensive process. In total 12,818 emails were sent, and they received 9,269 internet 'hits'. Despite this only 10 offers were received and the only proceedable offer that was able to fund the acquisition of the property in the end was from SDR Group.

The applicants indicate that the agents have advised that feedback from national and regional operators has been that the premises does not provide the critical mass of rooms which they require to drive value through centralised costs, with responses being that they are seeking a minimum of at least 70 rooms to provide viable and effective operations. In addition, it is not considered that the site has significant redevelopment potential to double the number of rooms given the scale, character and nature of the road and its surroundings.

Hotels of this size are unable to take coach markets (unlike larger hotels) meaning midweek trade reliance is on business travellers, significantly reduced as a result of 'home working' and the move to online meetings. The hotel had largely become reliant on business travellers to provide a sustainable level of trade on a consistent basis throughout the year to maintain a viable trading basis.

The loss of larger employers from Worthing and its decline as a corporate business centre has led to a reduction in trade and demand, impacting viability. The hotel is also located in a secondary position and not within the prime seafront or town centre/station location. The investment and use of online meeting platforms, such as Google Meet, Zoom and MS Teams has expanded exponentially and replaced the trips traditionally undertaken and which accounted for a significant proportion and

occupation of the accommodation. The decline of the business traveller market has also been further impacted by loss of larger employers and decreases in staffing levels within employers within the town.

The applicants also indicate that the hotel is dated and requires refurbishment, however, current revenue and future trading forecasts do not demonstrate sufficient profitability to secure the required financial support to deliver such works, which would not address the issues of competition, location or scale of the accommodation that currently restrict its operation, attractiveness and viability as an ongoing hotel operation. The location of the site does not lend itself to an alternative tourism use as located in a secondary location, away from the station or town centre, set back away from the sea front and not within an area of existing leisure or cultural facilities which is characterised by residential properties. The applicant has also provided a feasibility list of alternative leisure users which discounts uses such as casino, cinema, play centre and concert discounting the uses due to scale or format of the building, car parking and impact on neighbouring residential units.

Whilst the loss of the hotel is regrettable, not the least because the premises was long established with good reviews, your Officers, accept the arguments about the changing face of the hospitality industry nationally with AirB&B's catering for changing visitor tastes and budgets and have in many cases provided stiff competition for the traditional B&Bs, small hotels and guest houses.

For all the reasons set out above it is considered that the applicants have demonstrated that the hotel is not viable and has been appropriately marketed in accordance with adopted and emerging policy and the SPD.

### **Housing Policy and the impacts of the proposal on the local area**

The evidence indicates that the proposal accords with policy DM12 of the SDWLP and the SPD, the hotel has also ceased trading and as such has potential to bring the property back into beneficial use to assist in meeting housing demand.

As part of the evidence for the submission Draft Worthing Local Plan a further Housing Needs Study was undertaken. The updated local housing evidence suggests that the demand for different types of homes over the plan period will be similar to the existing profile of stock with a slight shift in demand towards smaller homes in the future given that household size is expected to fall slightly reflecting the ageing population. The emerging policy recognises that there needs to be flexibility to respond to the characteristics of the available sites.

The supporting text to the emerging policy indicates that sites in and around the town centre and sites close to transport hubs are more suited to delivering one and two bed dwellings. Outside of these locations new development opportunities will be more suited to meeting the needs for larger family housing. This approach continues the approach taken in the Core Strategy.

The emerging plan furthermore indicates that shared accommodation, including Houses in Multiple Occupation (HMOs), play an important role in providing housing for people on low incomes, those on benefit payments and young professionals.

They are often the only choice of housing for people who would otherwise be homeless.

It goes onto say that where planning permission is required for a new HMO, the acceptability of a proposal to convert a building will be assessed by balancing the contribution that such a conversion will make to meeting housing demand against the potential harm to the character and amenity of an area and the suitability of the property concerned. This consideration will also take into account the concentration of HMOs in close proximity to the proposal site to ensure that additional provision of this form of housing would not result in an imbalance of housing in the local community.

Policy DM1 of the SDWLP at part C indicates that 'Housing developments should provide flexible, socially inclusive and adaptable accommodation to help meet the diverse needs of the community and the changing needs of occupants over time'

The Head of Housing states that the data shows a continuing rise in the housing needs for single people and a need for more affordable and suitable housing options, including shared accommodation, to keep up with demand. The Housing team is dealing with a significant demand for emergency and temporary accommodation exacerbated by the cost of living crisis.

The current proposal provides this form of accommodation, the applicants have pointed towards the need for co-living providing housing accommodation at affordable prices with shared areas providing social and community space, together with private and individual space. They point out that purpose provided accommodation is designed and laid out to serve such groups and provides an improved standard of accommodation compared with adhoc house shares and conversions, and single room occupancies that provide limited communal facilities and community for residents. Co-living accommodation is increasingly being delivered and provided as a distinct housing product to meet this previously poorly met need and to tackle issues with the traditional rental and purchase markets. The accommodation provides a range of tenancy opportunities and has been demonstrated to provide opportunities for residents to save towards deposits, whilst many residents become long term tenants as the accommodation meets their individual needs in ways that traditional individual properties cannot. It is not intended to restrict occupation, but the nature of the accommodation does attract individuals who are based locally as either working in local employment or are currently living at home but looking for their own property but not a separate self contained single unit.

Although the applicants have provided information on the co-living accommodation proposed for the property, local residents have raised strong concerns about the unknown nature of potential occupants. They are concerned that Selden Ward already has a high concentration of this type of accommodation. Local residents have also raised concern about current anti-social behaviour from nearby sites and concern that a further large concentration of co-living accommodation would exacerbate the situation.

Although the statistics do not show all forms of accommodation. The table below shows the current licensable HMOs. The Private Sector Housing team has confirmed that Selden Ward does not have a greater concentration of licenced HMO accommodation than either Heene or Central Wards. The figures are set out below:

Selden 0.76% licenced HMOs

Heene - 0.87% licensed HMOs

Central 0.97% Licensed HMOs

These town and edge of centre Wards tend to have higher concentrations of these uses as there are larger villas and larger terraced properties and often have former care homes or guest houses. Denser forms of residential accommodation for single people also have the advantage of being close to all amenities. Whilst the proposed HMO's would increase the percentage in Selden this would not represent an unacceptably high concentration of HMOs compared to other forms of residential accommodation.

The table below shows the current addresses of registered HMOs in the near vicinity to the proposal and the maximum permitted occupancy. The highest occupancies are where there are self-contained units with double occupancy, these HMOs make up 11.5% of the total permitted HMO occupancy across Adur and Worthing (based purely on the Public Register).

Address	Maximum permitted occupancy
179-181 Brighton Road	19
185 Brighton Road	11 – Includes self-contained flats with double occupancy
187-189 Brighton Road	19
191 Brighton Road	7
14-16 Church Walk	22 – Includes self-contained flats with double occupancy
25 Church Walk	10 – Includes self-contained flat with double occupancy
15 Farncombe Road	15
157 Lyndhurst Road	6
3 Selden Road	10 – Includes self-contained flats with double occupancy
14-16 Selden Road	28
6 Windsor Road	14



The proposed accommodation would be divided into 4 'properties' each with their own front door and communal facilities but would represent an increase in HMO/co-living facilities in the vicinity. The Private Sector Housing team have not raised objections to the proposal and the changes to the floor plan have been amended to ensure that access to the kitchen is provided for all future residents within this cluster. The Council would have to licence any facility of this scale, control the numbers, ensure that there are appropriate facilities and require an appropriate management plan is in place.

Furthermore, the proposal involves improvements to the former Hotel by reducing the number of parking spaces and updating the building with a character and setting appropriate for this residential street. The development would not be out of character or an overdevelopment of the site. As set out above a management plan will be in place which would be appropriate for the end users.

Although there are existing HMOs in Windsor Road and the immediate surrounding area, the area is still mixed with a good range of house types and services on the edge of the Town Centre. The previous use as a hotel as a commercial use, would have had a high turnover of customers and could have potentially been used by a range of customers at different times of the day and night and a transient population. The hotel occupants would not be part of the existing community. The Co-living accommodation provides a much needed type of accommodation which would be likely to have occupants that would integrate into the community. A key issue is ensuring that the property is well managed and this has been provided and set out above.

Whilst the concerns of local residents are appreciated, the urgent need to provide additional and affordable accommodation is a material consideration. Members will be aware that the Council cannot meet its future housing requirements with the Local Plan Inspector accepting that the lack of land within Worthing means that it can only accommodate 26% of its future housing needs. The demand for shared accommodation for those that cannot afford to buy or rent self contained apartments is considerable and this proposal would help to meet that need. Issues of anti-social behaviour can be addressed with good on site management and the applicants have demonstrated that they have run this type of accommodation successfully elsewhere. The physical alterations to the frontage of the site will enhance the street and the proposal would be more in character with the street than the former Hotel.

### ***Future Residents of the co living facility***

The proposed configuration would deliver 44 rooms to meet demand for shared living accommodation in the area. The proposals would be laid out as a series of rooms clustered together, with each separate cluster sharing kitchen and amenity facilities. Each room incorporates ensuite bathroom/WC facilities and the proposals provide for clusters of between 4 and 8 rooms with a shared kitchen.

The proposals meet the requirements within the Standards for Houses in multiple occupation and Guide for Residential Development SPD set out in Para. 4.43. All rooms are larger than the minimum standards set out by these requirements which

requires single rooms to be at least 6.5 sq metres and double bedrooms to be at least 10 square metres. All bedrooms will be provided with natural daylight, and ventilation.

The property has a rear garden and there is storage and waste facilities in the design. The site will be operated and managed by an established operator with 24/7 on site presence. The property also has the potential for 6 parking spaces

It is considered that the accommodation provides a good standard of accommodation with adequate shared facilities within close proximity of commercial and leisure facilities on the edge of the town centre with good access to public transport.

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

The property is situated in a street of houses, flats and also some HMOs.

The proposal itself would involve largely internal works to create the 44 bedrooms with some small alterations to doors and windows. There would be no additional impact from the new doors and windows on neighbouring properties in terms of loss of light, visual impact or privacy than currently exists.

The application improves the appearance of the properties in relation to the residential character of the street back to a more domestic scale and character and removes the appearance of a large institutional use.

Concerns have been raised regarding the co living accommodation and the potential impact on noise, litter and anti-social behaviour. These have been dealt with partly above and although there is sympathy for the reported incidents from other facilities within Windsor Road and its environs there is no compelling evidence linking directly between co-living accommodation and anti-social behaviour. Problems with HMO and co-living facilities often relate to the quality of the management and are a matter more appropriately dealt with under the licensing regime.

### **Highway safety and parking**

WSCC has raised no objections, they advise that trips associated with the new use will be much lower than that of a functioning hotel and the use as shared living accommodation will mostly involve people coming to the site by public transport.

Whilst the proposed new use will provide some parking this will be limited to 6 spaces. It is likely that these will serve as drop off and pick up points for moving in/moving out days, and for visitors.

Cycle storage is provided at 1 space per room. This is considered to be an acceptable number of spaces allowing each resident the opportunity to own and store a bike. This is in line with NPPF guidelines to promote sustainable travel.

It is acknowledged that the site is sustainably located within walking distance of Worthing town centre, including a variety of shops and services, bus stops and the train Station. The sustainable location reduces the reliance upon the private car.

Cycling is a viable option within the vicinity and details of secure and covered cycle parking can be secured via condition.

## **Sustainability**

The applicant has submitted the following information on the enhancement to the sustainability of the premises.

Planned improvements include:

- Reduced hard landscaping and re-introducing front gardens will provide improved permeable surface and natural percolation of rainwater which will enhance the property from a sustainable urban drainage perspective, and also encourage the return of pollinators and other wildlife. This will result in a significant Biodiversity Net Gain at the site;

- The operation will include a focus on reducing waste and optimising recycling within the building management. Dedicated recycling bins within kitchens will encourage residents to reduce, reuse and recycle. A new dedicated bin store is to be provided incorporating separate waste and recycling storage, with consideration of refuse/recycling container locations to ensure this does not negatively impact the proposed landscaping or amenity;

- The proposed works will include sustainable design and construction principles through:

- o Installing low flow taps and showers to minimise water use;*

- o Incorporating dishwashers in kitchens to make efficient use of water;*

- o Cistern displacement devices*

- o Green rated appliances to be used throughout to minimise energy and water usage;*

- o PIR lights in all corridors and communal areas to ensure efficient use of energy;*

- o Low energy bulbs installed throughout to minimise energy use;*

- o Increasing insulation of the premises wherever possible to exceed current standards and reduce energy needs;*

- o General works to upgrade the building envelop are to include draught excluders to windows, new seals to doors and openings, whilst retaining options for natural ventilation, zoned thermostats, TRVs and other more effective heating controls to reduce energy needs and minimise use;*

- o Electrical vehicle charging point.*

## **Conclusion and Recommendation**

The proposal involves the loss of a hotel which the applicants have demonstrated has been adequately marketed and a viability assessment carried out in accordance with policy requirements.

There is a clear need for affordable housing and the proposal brings forward co-living accommodation for which there is a recognised need. The proposal will bring forward enhancements to the site and provide suitable accommodation for future

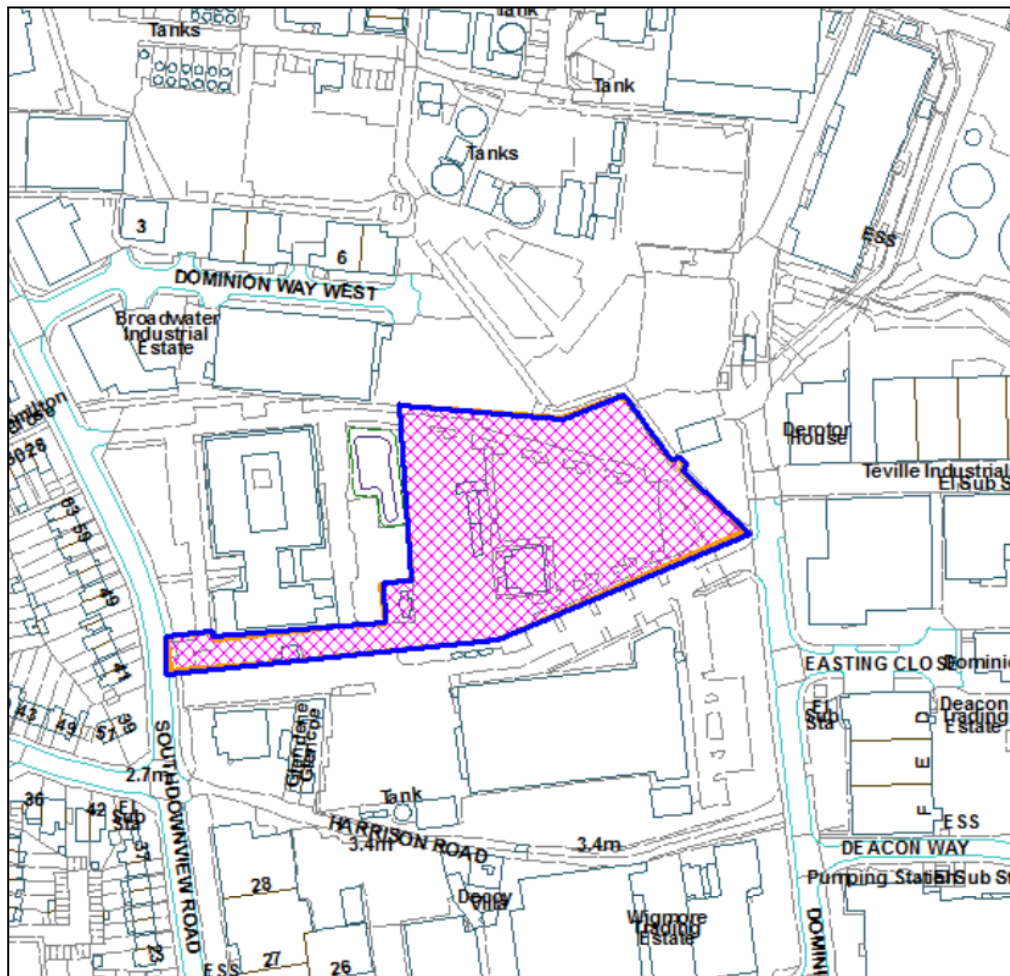
residents. This is balanced against the considerable concern that has been raised by local residents to the size and use of the building and its potential to cause anti-social behaviour. Although it is appreciated that there have been local concerns, there is no evidence that this form of accommodation per se causes anti-social behaviour, the Police and the Council's Environmental Health Officers have not raised concerns about the use or scale of development. The development will be divided into smaller units of accommodation and will be managed 24 hours a day.

On balance it is considered that the proposal would provide accommodation which would be well suited to the size and location of property without a detrimental impact on the character of the area, future or existing residents. It is within a sustainable location without a detrimental impact on the highway.

It is therefore recommended that the application be **APPROVED** subject to Conditions:-

1. Approved plans
2. Standard time limit
3. Matching materials
4. In accordance with the submitted management plan
5. Details cycle storage
6. Details of refuse and recycling
7. Hours of operation during construction
8. Details of landscaping
9. Submission of a Construction Management Plan

Application Number:	AWDM/0056/22	Recommendation - Delegate to Head of Planning and Development to APPROVE subject to further comments
Site:	Former EDF Car Park, Southdownview Road, Worthing	
Proposal:	Construction of 3no. buildings providing 11no. light industrial units (Class E(g)) with associated car parking, landscaping and acoustic fence to north side of access road.	
Applicant:	Worthing Borough Council	Ward: Broadwater
Agent:	ECE Planning Ltd	
Case Officer:	Jo Morin	



**Not to Scale**

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## **Site and Surroundings**

The application relates to a backland site (0.96ha in area) comprising the former EDF car park behind Broadwater Apartments on the east side of Southdownview Road.

Broadwater Apartments consist of 78 self-contained flats within the former EDF office buildings converted in 2020 following the grant of Prior Approval under the provisions of the Town and Country Planning (General Permitted Development) Order (NOTICE/0001/19 refers).

The application site is roughly rectangular in shape served by an access road located to the south side of Broadwater Apartments. The surfaced former car park narrows towards the rear (east) part of the site. There is a group of mature trees in the far north-eastern corner on top of an embankment. At the bottom of the embankment is a ditch forming the rear site boundary. To the west the site boundary borders the rear car park of Broadwater Apartments with a dog-leg at its southernmost end.

There is a small parking area in front of Broadwater Apartments as well as the larger parking area to the rear, both served by an access road off Southdownview Road and running parallel to the north side of the apartment block.

Adjoining the site to the north is the car park belonging to Bookers Cash Wholesale, accessed from Dominion Way West, a short cul-de-sac off Southdownview Road. To the north east (on the other side of the ditch) the site adjoins part of the GSK complex and a small light industrial unit, both accessed from Dominion Way. To the south is Rayner Intraocular Lenses, a large high tech business premises surrounded by open parking accessed from Dominion Way.

The site is included within East Worthing Industrial Estate and Broadwater Business Park, as are the neighbouring business and commercial premises described above.

There are residential dwellings on the west side of Southdownview Road opposite the site access.

## **Proposal**

As initially submitted full planning permission was sought by the Council (under Regulation 3) for the construction of 11 no. flexible industrial buildings (3,303sqm Gross Internal Area) on the site for light industrial (Class E(g)) and/or storage and distribution (Class B8) use, with associated car parking (82 spaces) and landscaping. The proposed units would be accessed using the existing site access and access road off Southdownview Road.

Following discussions with officers the description of the application has been amended to omit the flexibility to include Use Class B8 (warehousing and distribution), so that the proposed use of the development would be solely for light industrial purposes under Class E(g).

The proposed site layout would consist of:-

i) A block of 4no units (Nos 1-4) each with ground-floor GIA of 253 sqm plus 76 sqm mezzanine (total GIA 329 sqm) backing onto the western site boundary (with Broadwater Apartments) facing eastward into the site. The block would have a mono-pitched roof having a maximum height of 8.9m at the rear (west) sloping down to an eaves height of 7.4 metres at the front. Each unit would have a loading door (4.6m high) with an 8m deep loading bay and either 5 or 6 car parking spaces on an open forecourt in front of the block.

ii) A block of 5 no units (Nos 5-9) each with a ground-floor GIA of 207 sqm plus 52 sqm mezzanine (total 259 sqm GIA) backing onto the southern site boundary (with Rayner) and facing north into the site. As above, the block would have a mono-pitched roof having a maximum height of 8.9m at the rear (south) sloping down to an eaves height of 7.4 metres at the front (north). Each unit would have a loading door (4.6m high) with an 8m deep loading bay plus 4 or 5 car parking spaces on an open forecourt in front of the block (or in the case of Unit 9 split between the forecourt and a short row of 3 space on the opposite side of the access road).

iii) Units 10 and 11 comprise an attached pair within a detached building located roughly in the centre of the site. The larger unit (Unit 10) would have a deeper footprint comprising a ground-floor GIA of 309 sqm plus 52 sqm mezzanine (total 361 sqm GIA). Unit 11 attached to the east side would have a shallower but wider footprint comprising 239 sqm GIA at ground-floor plus 52 sqm mezzanine (total 291 sqm GIA). The building would have a dual pitched roof with a north-south ridge 8.9m high sloping down on the east and west side to an eaves height of 7.4m. Unit 10 would have twin loading doors (4.6m high) on the west side of the building each with 8m deep loading bays in front. This unit would have 9 car parking spaces wrapping round the south and west sides of the building. Unit 11 would have a single loading door (4.6m high) on the south side with an 8m deep loading bay in front and 6no car parking spaces on an open forecourt on the south side.

The proposed layout shows 9no visitor car parking spaces interspersed throughout the site of which all but one are shown to be active EV charging spaces. A total of 20 active EV charging spaces are shown throughout the scheme. Three separate bin and bike storage areas are shown to the west side of Unit 5, the north side of Unit 10 and the east side of Unit 11, plus a new brick-built substation (south-west of Unit 5 adjacent to the southern site boundary).

The proposed buildings would be clad in composite micro-rib horizontal wall cladding in Graphite (RAL 9023) with Metallic Silver (RAL 9006) feature panels, PPC aluminium windows, curtain walling and entrance doors in Anthracite Grey (RAL 7016) and Dahlia Yellow (RAL 1033) highlights.

The existing site access would be adapted and the access drive reconfigured to provide 2-way access and egress serving the proposed development including removal of the existing substation buildings and a new pedestrian footpath formed on the south side of the access road (adjoining the southern site boundary).

An acoustic fence is shown on the north side of the access road alongside the site boundary with Broadwater Apartments (roughly 80 metres in length) extending eastwards before wrapping round to extend a further 20 metres northward (to the rear of Unit 4).

The application is supported by a Planning Statement, Transport Statement, Travel Plan, Noise Impact Assessment, Arboricultural Report and Impact Assessment, Air Quality Assessment, Phase I & II Geo-Environmental Assessment, Surface Water Drainage Design Summary & Calculations (plus Supplementary Groundwater Level Monitoring, SUDS Drainage Maintenance Schedule, BREEAM Pre-Assessment Report and Statement of Community Involvement.

### **Relevant Planning History**

AWDM/1008/19 Construction of 5 no. buildings providing 22no. light industrial units (Class B1c) with associated car parking and landscaping. Planning permission granted April 2020.

#### Broadwater Apartments (Former EDF Offices)

NOTICE/0001/19 Application for permitted development for prior approval for change of use from offices (Use Class B1a) to 78no. flats consisting of 51no. one-bedroom, 25no. two-bedroom and 2no. studio flats (Use Class C3) with 75 car parking spaces. Prior Approval Required and Granted.

AWDM/0645/20 Application for non-material amendment to approved application NOTICE/0001/19 for change of room mix from 2no. to 4no. studios, 51no. to 44no. one-bedroom flats and 25no. to 30no. two-bedroom flats. Approved.

AWDM/0554/20 Proposed revision to car parking layout approved under NOTICE/0001/19 (from 75no spaces to 76no spaces) and provision of 2no refuse stores.) Permitted.

AWDM/1168/19 Approval of Details Reserved by Conditions 2 (cycle parking), 3 (measures to prevent use of rear car park), 4 (foul and surface water drainage) and 5 (acoustic insulation scheme) of Application number NOTICE/0001/19. Approved.

AWDM/0654/19 Replacement grey UPVC windows/doors to all elevations including new Juliet balconies (east and west elevations) and new facade treatments to all elevations. Permitted.

### **Consultations**

#### **West Sussex County Council:**

The **Local Highway Authority** has raised no objection in principle, commenting:-

*'The application site is a former EDF offices site located along the eastern side of Southdownview Road in Worthing. The former office building at the front of the site is currently being converted to residential use by the name of 'Broadwater Apartments'*



following the granting of prior approval application NOTICE/0001/19. The former EDF car park now has an extant planning permission, under application no. AWDM/1008/19, to redevelop the site to construct 22 light industrial units (B1(C) land use class) with a total commercial floor area of 2,608.5sqm. The current proposal seeks to redevelop the former car park site to construct 11 flexible industrial units comprising light industrial use (Class E(g)) and storage and distribution (Class B8) with an increase in overall commercial floorspace to 3,303sqm.

#### Access and Visibility

The northern access of the site will be solely utilised by the proposed residential development and the southern access will provide access only to the proposed commercial development at the rear of the site. The current proposals would utilise the approved access arrangements through planning application AWDM/1008/19, which is considered appropriate to serve the increased commercial floor space on the site. The proposed access arrangement is shown on drawing 2020/5676/001, attached within the submitted Transport Statement. In accordance with Manual for Streets standards for a posted speed of 30mph speed limit, visibility splays of 2.4 x 43m are achievable along both sides of Southdownview Road. The Road Safety Audit carried out under planning application AWDM/1008/19 identified a problem with parked cars restricting the side road visibility for drivers emerging from the access.

The applicant responded to this by offering to extend the existing double yellow road markings through part of the visibility splays on the eastern side of Southdownview Road to ensure that the splays are maintained in perpetuity. The extent of the markings is shown on drawing 2020/5676/001. Swept path assessments shown on drawing 2020/5676/002 demonstrates that the proposed access arrangements would prove a suitable width for all cars and typical goods vehicles to pass simultaneously at the entrance. Drawing 2020/5676/003 demonstrates that, if required, an articulated vehicle could also turn within the site and exit in forward gear. Personal Injury Accident (PIA) Data An inspection of data supplied to WSCC by Sussex Police over a period of last five years reveals that there have been no incidents reported near to the site access. This indicates that the site access has been operating in a safe manner.

#### Trip Generation and Highway Impact

Using TRICS, the approved development traffic flows under permitted application AWDM/1008/19 estimated that a 2,608.5sqm floorspace of commercial units would generate around 49 two-way vehicle movements in the AM peak hour, 43 two-way vehicle movements in the PM peak hour and a total of 363 two-way vehicle movements amounting to an Annual Average Daily Traffic (AADT) level of 259 vehicle movements. Using the same trip rates, it was estimated that a 3,303sqm floorspace of commercial units would generate 62 two-way vehicle movements in the AM peak hour, 55 two-way vehicle movements in the PM peak hour and a total of 460 two-way vehicle movements amounting to an AADT level of 329 vehicle movements. WSCC had requested a further assessment of the total traffic impact of the changes of the site including the consented change of use of the main building from office (6,159sqm floor area) to 78 units residential dwelling granted through NOTICE/0001/19. The change of use from office to residential development resulted in 112-113 fewer vehicle movements during each of the peak hours. The proposed

*development forecast to generate 62 and 55 two-way vehicle movements in the AM and PM peak hours respectively would therefore continue to offer a considerable net reduction in vehicle traffic when compared to the site's historic office use. Therefore, the LHA do not consider the proposed development trips would cause a severe impact on the local highway network.*

### Parking

*A total of 82 vehicle parking spaces are provided for the proposed development. This is based on the WSCC Guidance on Parking at New Developments (September 2020) guidance for under Class E Commercial Business and Service – Business (office, research and development and light industrial process) which would require 1 space per 30sqm. Also, it has been considered that the application site is located within Zone 4 which is considered to be an accessible location. A parking accumulation exercise demonstrates that the proposed vehicle parking capacity of 82 spaces would be appropriate to cater for the operations of the site with suitable space capacity to accommodate any sporadic peaks in demand. In accordance with WSCC Standards, a total of 5 spaces would be designed and designated for disabled (blue badge) parking. A total of 20 EV charging points across the site, including a single EV charging point for each individual commercial unit and 7 additional EV spaces for visitors (including disabled bays). This would amount to 26% of all space. The revised Building Regs (Approved Document S which comes into effect from 15th June 2022 requires all the parking spaces to be provided with 'Active' charging points.*

*In accordance with WSCC's parking guidance, a total of 22 cycle parking spaces for staff are provided within secure and sheltered locations across the site. For visitors, a single short-stay cycle parking space would be provided at the front of each commercial unit. Delivery and Servicing The proposal would include the provision of a dedicated loading / unloading bay for each individual unit on the site. These bays would be 8 x 4 metres to accommodate all necessary vehicles. Refuse Storage and Collection Collection of waste and recycling would be organised by Worthing Borough Council through a private contractor, who would service all commercial units 1-2 times per week.*

### Sustainability

Through planning application AWDM/1008/19, it has been established that the site is in a sustainable location with proximity to town centre which provides convenient accessibility to shops, services and retail opportunities.

### Conclusion

The Local Highway Authority (LHA) does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

If the Local Planning Authority (LPA) mind to approve the application, the following conditions should be applied:

## Conditions

Access: No part of the development shall be occupied until such time as the vehicular access serving the development has been constructed in accordance with the details approved by the LPA.

Reason: In the interests of road safety.

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

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

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 LPA.

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

EVC Parking Spaces: No part of the development shall be first occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details submitted to and approved by the LPA.

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

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. The approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide the following details as a minimum:

- 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.

***The WSCC Fire & Rescue Service*** comments:-

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

1. Prior to the commencement of the development details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

2. Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service.

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented Reason: In the interests of amenity and in accordance with policy AG3 of the Adur Local Plan 1996 or policy P29 and P30 of the Adur Local Plan 2014 and in accordance with The Fire & Rescue Service Act 2004.

**WSCC Lead Local Flood Authority (LLFA) comments:-**

#### Flood Risk Summary

*Current surface water flood risk based on 30 year and 100 year events: Low Risk*

Comment: Current surface water mapping shows that the proposed site is at low risk from surface water flooding. This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events. Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk. Reason: NPPF paragraph 163 states that 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.'

*Modelled groundwater flood hazard classification: Moderate Risk*

Comment: The area of the proposed development is shown to be at moderate 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.

Ground water contamination and Source Protection Zones: The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk

*Ordinary Watercourses nearby? Yes*

Comment: Current mapping shows an ordinary watercourse adjacent to the eastern boundary site. Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans. Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

*Records of any historic flooding within the site? No*

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

Future development - Sustainable Drainage Systems (SuDS)

The Surface Water Drainage Design Summary and Calculations included with this application state that permeable paving and below ground attenuation, with a restricted discharge to the watercourse would be used to control the surface water runoff from the site. This application should be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed, including the suitability of infiltration of the site.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority.

The scheme shall subsequently be implemented in accordance with the approved designs. Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

***Southern Water***

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

Southern Water has undertaken a desktop study of the impact of the proposed development on the existing public surface water network. The results of this assessment indicate that with a connection at the “practical point of connection”, as defined in the New Connections Services implemented from 1st April 2018, there is an increased risk of flooding if the proposed surface water runoff rates are to be discharged at proposed connection points. Alternatively, if this is a brownfield site redevelopment, the developer can discharge surface water flow no greater than existing levels if proven to already be connected and it is ensured that there is no overall increase in flows into the surface water system. The developer will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

Southern Water request that should this application receive planning approval, the following condition is attached to the consent: *“Construction of the development shall not commence until details of the proposed means of surface water runoff disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority, in consultation with Southern Water.”*

The supporting documents make 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. The Council’s technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd.

A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

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

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.

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.

Southern Water has reviewed this planning application and feel that it does not go far enough to consider potential impacts to groundwater. The site is located within the EA SPZ1 and SPZ2 for Southern Water’s East Worthing public water supply groundwater abstraction. Any construction or operational related contamination of the groundwater has the potential to impact our abstraction source within 50 days. The geo-environmental report states that local groundwater flow can be away from the groundwater abstraction. Southern Water would strongly contest this when the site is located within the EA SPZ1 and zone of influence of our East Worthing abstraction. If the groundwater flow understanding that the conceptual model is based upon is flawed, then this will require revision. Clarity is required between the superficial alluvium aquifer and the principal Chalk bedrock aquifer.

Piled foundations are currently proposed. The risks these features will have to the groundwater environment have not been assessed in the provided documentation. Cross contamination has also not been considered.

Southern Water notes that the groundwater quality suite included in the Phase 1 and 2 geoenvironmental report is not comprehensive for the site’s historical land-use and thus cannot be relied upon to inform upon actual drinking water risks. The Generic Quantitative Risk Assessment is therefore likely to be missing a number of determinants that could pose risks to drinking water quality. This should be updated given the proximity of the site to the Southern Water East Worthing abstraction source.

Southern Water notes that the current drainage strategy is to discharge surface water to a drain to the east of the site. Southern Water will require review of the drainage design.

At present based on the information provided we believe the development poses a high risk to our East Worthing groundwater abstraction as the impacts from site construction and operation have not been considered in full. We require hydrogeological assessment(s) to ensure that risks to groundwater are identified and appropriately mitigated. Southern Water would also like to review and approve the proposed piling risk assessment. At present Southern Water OBJECT to this application and seek further reassurances that our groundwater abstraction source will not be impacted by the proposed development.

In response to comments from the Applicant's Agent that potential impacts of the foundation construction, including piling and other construction activities on the groundwater abstraction source can be dealt with by condition at the detailed design stage, Southern Water has further commented:

*"The applicant's consultant has requested the outstanding and unaddressed groundwater/hydrogeological issues be resolved in the design phase as part of a planning condition for this planning application. Ground works are a fundamental aspect to construction projects and this location is hydro geologically sensitive, with the development posing a high risk to our abstraction source (as outlined in our original objection). However, Southern Water do not object to this planning application on the following conditions:*

- *A Hydrogeological Risk Assessment to be completed and this information instilled within all required design reports and CEMP. This should not be a contaminated land report.*
- *Foundation Assessment and/or Piling Risk Assessment to address cross contamination, contamination, and turbidity issues.*
- *Piling is not permitted until turbidity water quality issues are fully mitigated. The adopted piling methodology requires approval from Southern Water.*
- *All other construction will take place at least 5 m above the water table. Note this will need to account for seasonal groundwater level fluctuation and winter peaks. The only method to accurately collect this data is continuously. At least one winter season should be monitored and this is defined as October to March of any given year.*
- *CEMP to address turbidity impacts to the Chalk and contamination safeguarding. All mitigation and management plans should be included in this document.*
- *Southern Water will require review and acceptance of the above listed and associated documents/assessments/reports to satisfy the risk to the Chalk aquifer has been appropriately mitigated."*

All other comments in the earlier Southern Water response remain unchanged and valid

**Environment Agency:** No comments received.



**Sussex Police:** No major concerns with these proposals, however, a series of additional detailed measures from a Secured By Design (SBD) perspective are recommended by the Designing Out Crime Officer to mitigate against any identified local crime trends and site specific requirements. This includes advice on security measures for commercial developments, considerations relating to installation of CCTV and intruder alarms, securing of cycles within the development and advice on bin stores.

It is advised that the applicant may wish to consider applying for Parkmark accreditation for the car parking areas within the development which is aimed at reducing both crime and the fear of crime in parking facilities.

With regards to landscaping and boundary treatments it is recommended that ground planting should not be higher than 1 metre with tree canopies no lower than 2 metres to provide a window of observation through the area.

Lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS5489-1:2020.

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

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

#### Contaminated Land

A Phase I & II Geo-Environmental Assessment (UK20.5034 Date Issued: 24 th August 2020) has been submitted with this application. The preliminary conceptual model does not specify the risk category of each linkage that has been identified. The ground gas sampling does not appear to have followed the frequency/period of monitoring guidance contained within Ciria C665. What is the generation potential of the site? Even if it is considered to be very low there should have been 4 readings over a period of 1 month with at least two of these at low and falling pressure. The report advises that shallow soils are unsuitable for use in the proposed marginal soft landscaped areas and it recommends the addition of 300mm clean cover. A high visible membrane should be laid at the base of this cover system.

#### Noise

A Noise Impact Assessment Report (Report Ref: P4547-R1-V2 Issue Date: 19th December 2021) has been submitted with this application. This report includes an assessment based on BS 4142:2014+A1:2019 and identifies the impact of noise from the access road and forklift truck activities would have the greatest impact on nearest noise sensitive dwellings, with the rating level exceeding the background noise level at all monitoring points.

However, it is noted that the nearest noise sensitive dwellings have incorporated acoustic glazing and MVHR on the external facades to mitigate against external noise and minimise the need to open windows for ventilation. With the acoustic glazing which has been installed within these dwellings, the predicted noise levels from the proposed use should not result in elevated internal noise levels.

The modelling of facade noise levels at Broadwater Apartments within Table 2 includes the mitigation provided by the acoustic barrier on the north side of the access road. However, this Noise Impact Assessment advises against the provision of this acoustic barrier but it does not include noise modelling without this mitigation in place. Please could an updated model be provided?

Noise mitigation has been provided at Broadwater Apartments, however it is noted that there are two properties to the south of the access road on Harrison Rd (named Glencoe and Glendean), what are the predicted noise levels affecting these properties?

Section 4 of the report provides an outline Noise Management Plan, I have the following comments concerning this:-

Section 4.3.19: It is generally recommended that appropriate assessment should be undertaken in accordance with BS4142:2014+A1+:2019 and that an acceptable rated noise level at the façade of the nearest noise sensitive receptor should not exceed +5 dB above the prevailing background sound level for the time the activity operation would typically active for. As the proposed use of this area will result in an increase in background noise levels we want to avoid any further noise creep. We would expect the rating level not to exceed the prevailing background sound level at the nearest noise sensitive facade

#### Air Quality

An Air Quality Assessment Report (ref. P4548-R1-V1 dated July 2021) has been submitted with this application. This assessment was undertaken in line with the Institute of Air Quality Management (IAQM) guidance. Section 5.3.15. details mitigation measures to be implemented as part of the proposals in order to minimise air quality impacts associated with road traffic emissions. Within the Emission Mitigation Statement, please could the applicant provide costings for each proposed mitigation option.

The EHO left the Council in Summer 2022 and the following further comments have been provided by a different Officer follows:-

*My biggest concern is the traffic in and off the site, particularly heavy goods vehicles, because of the proximity of some of the residential units to the site access road. Approximately 2m from the edge of the road to the facade. Looking at the acoustic scheme for the residential units, it is evident what has been installed is not what was recommended in the acoustic report for Notice/0019/19.*

*Acoustic vents for the rooms are missing, which in turn will mean windows need to be opened for ventilation and as a result you will lose the noise protection. I am surprised the applicant's acoustician has not picked this up as he has done the reports for both developments. Given this omission, I would also like to see the evidence that the correct window specification has been installed, as the acoustician refers to this in his latest report for application AWDM/0056/22. This needs addressing as the acoustician is factoring this in for this latest application.*

*The acoustic report for this development AWDM/0056/22, refers to an existing acoustic fence to the east and part of the south sides of the apartments. This featherboard fence is pretty flimsy and contains gaps by the fence posts; you can see daylight between the panels and the post, so this fence will provide limited acoustic robustness. That said, I am satisfied that noise from activity within the proposed units and the immediate surroundings of these units can be adequately managed, it is the effect of traffic to and from the site along the access road that needs more work.*

*The proposal is to erect an acoustic fence in front of the ground floor units, but this is likely to be oppressive as it will reduce natural light and remove any view to these apartments. We should also note that the first floor overhangs this space so it will mean these apartments only get a small opening of natural daylight if an acoustic fence is erected here. Furthermore, any vehicle noise will go over the top of the acoustic fence and will reflect off the overhang and could possibly cause an echo chamber between the acoustic fence and the apartment facade. Finally, some of these apartments are already occupied, and consideration should be given to what the tenants may have to say if a 2m fence is erected outside their windows. The acoustic fence could make things!*

*I am of the view that the previous approved planning application for light industrial is likely to generate fewer traffic movements than warehousing and distribution and I would have expected to see more detail in this new application on expected increase in traffic flow numbers and the impact of this traffic on these apartments facing the access road. It would be preferable that any new permission does not increase traffic movements along the access road. Additionally, the suitability and effectiveness of the acoustic barrier in front of these apartments needs to be considered in more detail. Furthermore, I would recommend that a 10mph speed limit is put in place along this access road and that the road is maintained to prevent potholes that may cause vehicles to clank. Finally, I would ensure that the access road is gated to prevent access outside business hours.*

Following amendment of the application to omit the Class B8 (Warehousing & Distribution) element the EHO has commented:-

*“The conditions for the existing permission are OK to control noise from the light industrial development and I have no concerns here. My main concern is the acoustic fence along the access road as this will impact the residents' outlook from their homes. I am not convinced this will be very effective as traffic noise will be reflected back down by the first floor overhang. We should recognise that the height of the noise source, the engine in 7.5 tonne lorry will be set over a metre from the ground so the barrier will only be 60 to 80 cm above the source. My own view is that a tightly controlled speed limit, 10 mph, along the road would be the most appropriate way to minimise vehicle noise. Controlled via a digital speed indicator sign.”*

The **Engineer** has commented as follows:-

Flood risk: The application is within flood zone 1, the site is not shown as being at risk from surface water flooding.

Surface water drainage: The surface water drainage strategy submitted allows for restricted discharge at 4.9l/s to watercourse. This is acceptable in principle. The connections from the watercourse must be established to show that water will be able to efficiently drain from site without increasing flood risk, currently no inlet or outlet to the watercourse is visible. Improvements to the watercourse will be required. Winter groundwater monitoring and winter infiltration testing results will need to be supplied at discharge of conditions stage.

If you are minded to approve this application please ensure that the drainage documents and drawings supplied are NOT listed as approved. And please apply the following conditions to ensure that the development is adequately drained and does not increase flood risk elsewhere:-

*“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 shall be brought into use until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.”*

*“Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.” “The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.”*

And the accompanying informatives:-

*“Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the*

*structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further details regarding our requirements are available on the following webpage <https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms>. A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions"*

And:-

“Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.”

**The Tree and Landscape Officer comments:**

*I consider that the proposed landscaping and tree protection plans are acceptable. The loss of the large Willow trees will have an effect on the area, but is reasonable considering the species and the area will be compensated by the provision of more suitable new trees.*

## **Representations**

None received.

## **Relevant Planning Policies and Guidance**

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

Worthing Core Strategy (WBC 2011): Policies 3, 4, 12, 15, 16, 17, 19

National Planning Policy Framework (HCLG 2021)

National Planning Practice Guidance

West Sussex County Council 'Guidance on Parking at New Developments' (WSCC 2020)

Submission Draft Worthing Local Plan (as Modified): SP1, SP2, SP3, DM5, DM10, DM11, DM15, DM16, DM17, DM20, DM22

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

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

## **Planning Assessment**

### ***Principle***

The policy context consists of the NPPF and the local development plan which comprises the saved policies of the Worthing Local Plan (2003), and the Worthing Core Strategy (2011). The modified version of the new Worthing Local Plan currently carries substantial weight in the determination of planning applications having been found to be 'sound' by the Inspector following independent examination.

The extant planning permission (AWDM/1008/19) for the construction of 2,431 sqm of light industrial floorspace within 22no units (former User Class B1(c)) on the site is also a material consideration of substantial weight.

National planning policy contained in the revised NPPF post-dates the adoption of the Core Strategy. Paragraph 11 identifies at the heart of the NPPF that there is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole (paragraph 11(d)(ii)).

Paragraph 81 of the NPPF requires that significant weight be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The approach set out in the adopted Core Strategy is one which seeks to ensure that the right amount and range of business premises and sites are delivered in sustainable locations to meet the needs of the local economy. CS Policy 3 seeks to ensure the right conditions are created for delivering sustainable economic growth by (amongst other things) promoting key employment areas for reinvestment, intensification and redevelopment to bring about upgraded and additional employment floor space area and making more efficient use of existing underused and accessible employment sites.

To ensure that an adequate supply of employment space is retained CS Policy 4 seeks to protect and retain existing employment generating sites and premises for employment use.

A similar approach is taken by Policy DM11 in the new modified Local Plan informed by evidence from Worthing Economic Research and Employment Land Review (2016 and update 2020) which found that employment space in Worthing is in high demand and under threat from other uses and supports the approach that existing employment land should be retained to ensure future economic growth.

The study found that demand for industrial space in Worthing remains strong with low levels of vacancy reflecting a limited supply of industrial space in the market, particularly modern, good quality space. Development of new industrial space has been limited in recent years with much of the Borough's existing stock relatively dated and in need of refurbishment. This, coupled with a shortage of availability means that existing firms within Worthing struggle to accommodate any expansion and relocation plans in the Borough, particularly those with medium to large spatial requirements. The limited availability of industrial supply locally has made it difficult to encourage new businesses to relocate in the Borough. The study found that demand for industrial space in Worthing comes from a mix of industrial sectors (particularly warehousing and small-scale logistics) with most premises requirements up to 10,000 sq ft (930 sqm), but also some demand for larger industrial units. Overall, the market is in need of new, modern stock that offers a good range of small to medium industrial and warehousing units.

The extant permission AWDM/1008/19 provides 22no mostly smaller sized units between 97-104 sqm GIA, with only one slightly larger unit of 196 sqm. In contrast, the current application proposes a smaller number of slightly larger units with floor areas ranging between 259-361 sqm GIA (including mezzanines).

The development site is located within the designed East Worthing Industrial Estate and the proposed development to provide 3,303 sqm of light industrial floor space (Class E9(g)) can be supported in principle in accordance with Core Strategy policy 4 and policy DM9 of the modified Submission Draft Worthing Local Plan, as providing a more intensive redevelopment of the former EDF car park for much-needed employment use.

The key considerations are the effects of the proposed development on the residential occupiers of nearby Broadwater Apartments, visual amenity and highway safety considerations.

### ***Layout, Character and Appearance***

The proposed buildings are laid out to make the most efficient use of the available land based on a V-shaped internal road layout compared to the previously approved 'loop' (AWDM/1008/19). The 2 larger perimeter blocks (1-4 and 5-9) are linear in form and sited to face inward into the site with the larger pair of units (10-11) forming an 'island' roughly in the centre of the site.

The buildings, now designed to include optional mezzanines, are some 2m taller in height compared to the previously approved light industrial units. Nevertheless, all

would be lower in overall height than Broadwater Apartments (the former EDF office building) fronting Southdownview Road, and in view of the 'backland' location of the development, they would have a relatively limited impact in public views from Southdownview Road or Dominion Way to the rear.

The scale, form, massing, design and external materials and finishes of the proposed buildings are appropriate to a commercial environment within the designated industrial estate and would have a cohesive, contemporary aesthetic.

The altered layout and size of the proposed units compared to the previous scheme will result in the loss of additional trees and vegetation alongside the northern and eastern site perimeters, as well as hedging along the southern boundary. None of the existing trees are subject to a Tree Preservation Order.

The submitted Arboricultural Impact Assessment identifies a total of 23 individual trees on the site, 9 tree groups and 2 hedges with the key arboriculture features comprising 6 willow trees (T.2, T.3, T.6, T.7, T.8 and T.9) growing adjacent to the northern site boundary, and 2 field maples (T.11 and T.19), a walnut (T.12) and red oak (T.14) growing within the soft landscaped alongside the north and eastern site boundaries.

Of these, nine individual trees, six groups, part of one other group and one hedge would need to be removed. Of the nine individual trees to be removed, 5no are identified as 'crack willow' and Category 'B' (i.e. Trees of moderate condition, with minor defects or sub-optimal form but still of modest arboricultural, landscape or conservation value with a minimum potential lifespan of 20 years). The others, comprising 1no Elder and 3no Alder trees are identified as Category 'C' or 'U' trees. (Category C - Unremarkable trees of poor condition or form with limited arboricultural, landscape or conservation value, Category U - Trees of such impaired condition they cannot realistically be retained as living trees in the context of the current land use for more than 10 years).

The main justification for tree and vegetation removal is to allow space for the construction of new building footprints, car parking and circulation spaces, but also to allow space for high quality replacement landscaping. With specific reference to the crack willows the submitted report identifies: *"As a species these trees have broad crowns and although they are already mature they do have further growth potential. As this species matures, it propagates through dropping limbs which then set seed. Therefore the proposed Units 10 and 11 as well as the proposed footpath and seating area are too close to these trees to allow a positive relationship within the proposals going forward."*

Whilst a total of 5no existing trees were identified for removal as part of the previously approved scheme, the submitted report notes that AWDM/1008/19 was not supported by arboricultural reports and did not identify the safety issues of retaining the existing crack willow trees in proximity to buildings, parking and circulation spaces.

The submitted Arboricultural Report recommends planting of 5no heavy standard Elm trees 'Ulmus x columella' (developed to be completely resistant to Dutch Elm disease) within the soft landscaped area to the north of the site to mitigate the loss of



the crack willow trees. The Council's Tree and Landscape Officer has raised no objection to the current proposals on this basis, noting that the proposed replacements would be more suitable. The application is not accompanied by a detailed planting schedule. It is noted the submitted site plan, albeit indicative, only appears to show 4no heavy standard replacements although there would seem to be adequate space within the existing landscaping area adjoining the northern and eastern boundaries to accommodate additional suitable tree planting, as well as some other opportunities for smaller tree and hedge planting on 'leftover' spaces within the site and along its edges, as well as either side of the access road. It is important that the 9no individual trees to be removed are replaced on a 1-to-1 basis, and this can be secured as part of a specifically worded planning condition.

### ***Neighbour amenity***

The most affected neighbours are the occupiers of the 78 residential flats within Broadwater Apartments (a residential conversion of the former EDF office buildings). The building consists of 2 main components comprising a larger 3-storey element on the north side and smaller 2-storey building to the south joined by a narrow 2-storey link. The change of use from offices to residential was carried out under the provisions for permitted development set out within the Town & Country Planning (General Permitted Development) Order via an application for Prior Approval initially granted under NOTICE/0001/19 with associated external alterations to the building granted planning permission under AWDM/0654/19.

The application is supported by a noise impact assessment which is based on site-specific background data that was also submitted to support the previous approved scheme AWDM/1008/19. The assessment has been undertaken with reference to BS4142:2014 which provides methods for assessing noise of an industrial/commercial nature. The report identifies the main sources of noise emissions to be from commercial vehicles entering and leaving, and moving around the site, and Forklift trucks loading and unloading goods.

The report identifies the closest noise sensitive receptors (NSR) as Broadwater Apartments. It notes that the conditions of the Prior Approval granted under NOTICE/0001/19 required implementation of an acoustic insulation scheme in order to provide a satisfactory internal living environment for the future occupiers due to potential noise breakout from the commercial and industrial uses located to the north, east and south of the site. The approved scheme (AWDM/1168/19) included the fitting of acoustic glazing to all units and MVHR (mechanical ventilation with heat recovery) to all the external facing units in order to provide occupants with acceptable internal noise levels with windows closed and also appropriate ventilation.

The report refers to a reduction in the number of industrial units compared to the extant scheme, but not the increased amount of overall total floor space nor inclusion of Class B8 (storage & distribution) uses as initially proposed.

It references the existence of a 3m high close-boarded fence along the eastern, and part of the southern site boundary of Broadwater Apartment, although in fact the fence in situ is of a far more flimsy construction and not as described.

The report explains that the design, layout and orientation of the proposed buildings on the site would have a significant screening effect that would adequately protect the residents of Broadwater Apartments from noise associated with vehicle movements (including forklift truck and offloading activities) within the site.

The report identifies the key issue as the proximity of the access road to the southern facade of Broadwater Apartments with elevated noise levels likely to be existent at this location on a sporadic basis. There are windows in this elevation at ground and first-floor level serving habitable rooms, with some residential units having a sole south-facing aspect toward the access road. However, the report goes on to conclude that with the acoustic attenuation measures implemented at Broadwater Apartment and with delivery vehicle movements managed through the implementation of an overarching noise management plan, that there would be no adverse noise impacts for these residents with the worst-affected apartment on the southern facade likely to be exposed to a worst case scenario break-in level of 23 dB(A). Details of a noise management plan outlined in the submitted report include controls over hours of operation with no working, trade or business (including the arrival, reception or despatch of deliveries) except between the hours of 0700 and 1900 Monday to Friday and between 0800 and 1400 hours on Saturdays; implementation of an acoustic barrier to the north boundary of the development site; and a restriction on vehicles entering the site to no greater than 7.5 tonnes.

The extant scheme AWDM/1008/19 includes the provision of an acoustic barrier up to 2m in height along the north side of the proposed access road running adjacent to the southern facade of Broadwater Apartments and this is also required as a condition of that permission. The current scheme also shows the provision of an acoustic fence in this location notwithstanding that the submitted noise report suggests that the resulting detriment to light and aesthetics, especially for the residents of the ground-floor apartments, would likely outweigh the acoustic attenuation benefit of this feature.

In visiting the site the Council's EHO has identified that the acoustic attenuation measures required as a condition of NOTICE/0001/19 in relation to Broadwater Apartments appear not to have been implemented as approved by AWDM/1168/19 and hence the assumptions to this effect contained within the submitted report are likely to be flawed. This is a potential breach of planning control that will require further investigation.

That aside, the EHO is largely satisfied that noise from activity within the proposed industrial units and the immediate surroundings of the proposed units *can* be managed and would not give rise to unacceptable noise and disturbance for the occupiers of Broadwater Apartments.

The EHO's key concern relates to traffic movements, particularly heavy goods vehicles, along the access road sited only 2m from the southern facade of Broadwater Apartments, stating: *"I am of the view that the previous approved planning application for light industrial is likely to generate fewer traffic movements than warehousing and distribution and I would have expected to see more detail in*

*this new application on expected increase in traffic flow numbers and the impact of this traffic on these apartments facing the access road.”*

Officers have also questioned the suitability of some of the proposed noise control measures outlined in the submitted noise report for Class B8 (storage and distribution) uses; not least the suggested restriction on vehicle sizes up to 7.5 tonnes, and proposed day-time only business hours. The risk is that subsequent pressures to weaken or dilute these controls in order to meet the normal business requirements of prospective warehouse operators would further impact on the amenities of the occupiers of Broadwater Apartments. Furthermore, the practicalities of enforcing a weight limit on vehicles visiting the site makes such a condition unenforceable.

Following discussions the flexibility to include Class B8 (storage and distribution) uses has been omitted from the current scheme, with the proposed use now limited to Class E(g) light industrial use only.

The EHO has also questioned the effectiveness of the proposed acoustic fence included as part of the proposals, noting that the original design of the southern part of the former EDF offices involves the first-floor overhanging the recessed ground-floor (with a series of distinctive external ‘ribs’ along the southern edge of the facade). The EHO has identified a risk that in the absence of modelling an acoustic fence could actually worsen noise impacts of the occupiers of the ground-floor flats on the south side of Broadwater Apartments by reflecting off the underside of the first-floor overhang. The EHO considers that a restriction on traffic speeds on the access road up to 10 mph would be more effective in controlling vehicle and traffic noise. The effectiveness of such a measure is also questioned from an enforcement point of view since the access road would not be adopted, but the Noise Management Plan could include a requirement for a digital speed indicator sign on the access road which would act in an advisory measure to drivers.

Given the concerns about the likely effectiveness of an acoustic fence together with its impact on the receipt of light to, and outlook from, the ground-floor windows to flats on the south side of Broadwater Apartments on balance it is considered it should be omitted from the current proposals (at least where it would run parallel to the southern facade of Broadwater Apartments). On the other hand, there would be some merit in providing a lower fence with hedging on the north side of the access road which would at least provide a more attractive ‘softer’ boundary for residents facing onto it, as well as some visual separation from traffic on the access road.

A Noise Management Plan amended on this basis which identifies the main sources of noise and measures controlling them could be secured as a condition of planning permission (as for AWDM/1008/19).

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

The site is within a sustainable location within the built-up area to the east of the town. The nearest bus stops are on Dominion Road some 400 metres distant being a 5 minute walk - Compass Route 16 serving South Lancing, Worthing/Tarring and

Connect 7 serving Lancing/Worthing/High Salvington). The rail station at East Worthing is within a walkable distance some 850 metres to the south.

The proposed development will utilise the existing site entrance on Southdownview Road to be adapted for 2-way traffic as approved by AWDM/1008/19, and with the access road altered to provide a 6 metre wide carriageway allowing two-way vehicle movements along its length.

The current application is supported by a Transport Statement (TS) prepared to summarise the key transport impacts arising from the proposed increase in floorspace compared AWDM/1008/19 (but not the broadened range of uses to include Class B8 as initially proposed).

Indeed, paragraph 3.1.3 of the TS notes that due to the modest size of the units and the nature of the 'light' commercial activities proposed, there would be little requirement for larger articulated vehicles to enter or exit the site. Nevertheless, drawings demonstrate that if required an articulated vehicle could turn within the internal space and leave in a forward gear.

The proposed access arrangement would include a 1.8m wide footway along the southern side of the access road extending from Southdownview Road to the proposed commercial units and would be fully segregated from vehicle traffic.

The proposed site access layout would provide visibility splays of 2.4m x 43m in accordance with the 30 mph speed limit along Southdownview Road and in accordance with the Local Highway Authority's previous requirements under AWDM/1008/19. The proposed arrangement also includes an extension to existing double yellow line road markings on the eastern side of Southdownview Road to address a problem with parked cars affecting sightlines identified through the previous Road Safety Audit.

In terms of additional traffic movements and capacity on the local highway network, the Transport Statement submitted with the application states that the proposed development will result in a maximum of 62 two-way vehicle movements during AM peak hour and 55 two-way vehicle movements during the PM peak hours. This would amount to an increase of 13 and 12 additional two-way vehicle movements during the AM and PM peak compared to the extant scheme AWDM/10008/19, amounting to an additional vehicle movement every 4-5 minutes.

Overall the proposal would generate around 460 two-way vehicle movements on a daily basis, amounting to an Average Annual Daily Traffic (AADT) of 329 vehicle movements. The proposed development would generate a total of 14 daily OGV (Ordinary Goods Vehicle) movements (a mixture of light goods and heavy goods) to 10 vehicle movements AADT. This is equivalent to an increase of 3 vehicle OGV movements (two-way) per day compared to the extant scheme.

In assessing the earlier development scheme AWDM/1008/19 the local Highway Authority requested that the trip generation for the residential conversion of the former EDF offices (now Broadwater Apartments) be combined with the trip generation for the commercial development to provide a full overview of the

anticipated trip rate generation compared to the former use of the site. The submitted TS demonstrates that compared to the historic office use of the wider site, the combined residential and current proposed commercial development will continue to offer a net reduction in vehicle traffic equivalent to 50 and 58 fewer movements during the AM and PM peak hours respectively.

The proposed development, together with Broadwater Apartments, would generate a total AADT flow of 588 vehicle movements amounting to a reduction in AADT by 94 vehicle movements compared to the former office use and resulting in a 'betterment' to the local highway network. The local Highway Authority has not challenged this conclusion.

The submitted layout shows provision for 82no. car parking spaces on the site including 11 spaces for larger vehicles (1 per unit) in front of the loading doors.

The WSCC Guidance on Parking at New Developments requires 1 car parking space per 30sqm which would equate to 110 spaces (albeit it expressed as maximum guidance). A reduction from the maximum is justified on the basis that the site is within WSCC accessibility Zone 4 - an accessible area where it would be appropriate to encourage travel by non-car modes. The application is supported by a Travel Plan which includes a number of measures and incentives for users of the site (principally staff) to encourage non-car use, including up-to-date travel/timetable information; introduction of flexible working policies and practices to allow travel outside peak times, discounts sought for bus and rail travel by staff; discount purchase scheme for bikes and cycle equipment and the setting up of a car share database with incentives/rewards for staff that car share.

A total of 22 cycle parking spaces are proposed in accordance with the WSCC guidance at a ratio of 1 space per 150 sqm floor space.

The proposed layout includes a total of 20 EV charging points across the site, including a single EV charging point for each individual commercial unit and 7 additional EV spaces for visitors (including disabled bays).

The local Highway Authority has raised no objection subject to the recommended conditions. Having regard to the provisions set out in paragraph 110-113 of the National Planning Policy Framework it is considered there are no justifiable highway grounds to resist the proposals.

### ***Sustainability***

The application is accompanied by a pre-assessment report to assess the potential BREEAM score and rating for the proposed development which identifies the development could potentially achieve a maximum BREEAM 'Very Good' rating of 65.05%. This would accord with Policy DM16(f) which requires non-residential development of at least 1,000 sqm to achieve BREEAM 'Very Good' as the minimum rating based on the latest BREEAM scheme.

With regards to the promotion of renewable and low carbon energy development, the applicant is willing to accept a condition requiring at least 10% of predicted total energy requirements to be met from renewable and low carbon energy production in

accordance with policy DM17 of the modified SDWLP. This could be in the form of solar PV roof panels and/or air source heat pumps.

### ***Other issues***

An Air Quality Assessment has been carried out to provide consideration of air quality impacts associated with the current proposal and to identify mitigation measures to reduce the effects to an acceptable level. Undertaken in accordance with IAQM methodology a damage cost calculation determines that the development should include mitigation measures equal to £15,109.

The report indicates a number of proposed measures to minimise air quality impacts associated with road traffic emissions including the provision of 21 EV charging points and associated infrastructure at a value £127,500.

Part S of the Building Regulations (for non-residential buildings with more than 10 parking spaces) would now require provision of a minimum 11 active EV charging spaces. The cost of installing the 10 additional EV charging spaces (beyond those required under the Building Regulations) would exceed the calculated damage costs of £15,109 and can be secured by condition. Part S4 of the Building Regulations requires 20% of the remaining parking spaces to be provided with cable routes.

### ***Conclusion***

The proposed development is within a sustainable location and would provide a maximum 3,303 sqm floor area of much-needed light industrial floor space within the designated East Worthing Industrial Area and Broadwater Business Park. As before, it is recognised that the site access and its physical proximity to Broadwater Apartments does not allow for an ideal interface between commercial and residential uses. However, it is considered that as amended and subject to the recommended measures to control noise to be secured by conditions, the potential impacts on residential amenity would not be materially worse than for the extant scheme AWDM/1008/19 as to justify refusal.

### ***Recommendation***

**APPROVE** subject to the following conditions:-

1. Standard time limit
2. Approved plans
3. Unless otherwise agreed in writing by the LPA the materials and finishes of external walls and roofs (including windows and doors) of buildings shall consist of those annotated on the approved plans
4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order the use of the buildings shall be limited to light industrial use (Class E(g)) of the Town and Country Planning Use Classes Order
5. Agree tree protection plan and measures
6. Agree hard and soft landscaping scheme to include not less than 9no replacement (heavy standard) trees
7. No external lighting or floodlighting other than agreed in writing by LPA

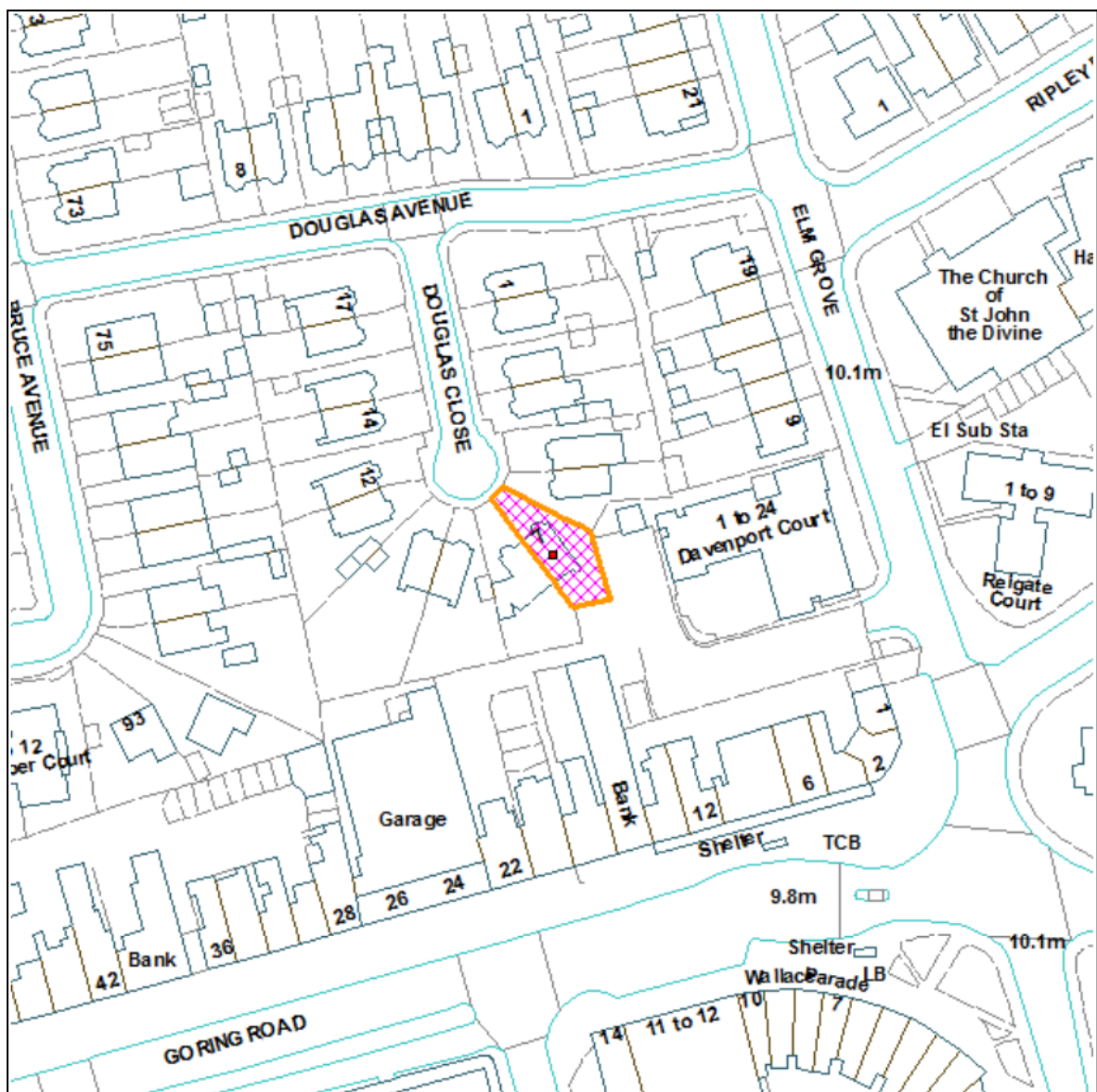
8. No external working or storage outside of buildings
9. Details of finished floor/site levels to be approved
10. Remove permitted development rights for extensions and external alterations
11. No part of the development shall be occupied until such time as the vehicular access serving the development has been constructed in accordance with the details approved by the LPA.
12. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.
13. 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 LPA
14. 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. The approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide the following details as a minimum:
  - 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.
15. Agree and Implement the Travel Plan
16. No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Southdownview Road in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.
17. No development shall be occupied until a footway from the site entrance on Southdownview Road to the eastern end of the access road has been provided in accordance with details of its alignment, design and construction which have been submitted to and approved in writing by the LPA.
18. No development shall be occupied unless and until a Noise Management Plan identifying the main sources of noise and methods of controlling them has been submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan should specifically include measures to restrict the size of delivery vehicles to 7.5 tonnes, restrict Forklift trucks used on the site to a low noise electric type, require reversing alarms on Forklift trucks to be a white / pink noise signal and a digital speed indicator sign on the access road. Thereafter the Noise Management Plan shall be adhered to at all times the light industrial units hereby permitted are in use.

19. No external fixed plant necessary for the implementation of the development hereby permitted shall be installed, fitted to any building or constructed on the site unless a noise attenuation scheme for the external fixed plant has been submitted to and approved in writing by the LPA. The scheme shall have regard to the principles of BS 4142:2014+A1:2019 and ensure there is no detrimental impact to the nearest residential dwellings. A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant shall be maintained in accordance with manufacturer's guidance. Thereafter no external fixed plant shall be installed, fitted to any building or constructed on the site other than in an application on that behalf.
20. No working, trade or business (including arrival, reception or despatch of deliveries) shall take on the premises except between 0700hrs and 1900hrs on Mon to Fri, and between 0800hrs and 1400hrs on Saturdays, with no work on Sundays or on Bank or Public Holidays.
21. Full investigation/remediation of potential contamination
22. All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to between 08:00 and 18:00hrs on Monday to Friday, between 09:00 and 13:00hrs on Saturdays and no work on Sundays or on Bank or Public Holidays.
23. 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 in consultation with Southern Water. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations as well as acceptable discharge points, rates and volumes, 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 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.
24. 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.
25. The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land



- owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.
26. 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.
  27. Agree and implement not less than 21 active EV charging spaces and associated infrastructure.
  28. Agree and implement boundary treatments to include details of fencing and hedging along the northern side of the access road adjoining the site boundary with Broadwater Apartments.
  29. Agree and implement sustainability and energy efficiency measures to achieve a BREEAM rating no lower than 'Very Good'.
  30. Not less than 10% of predicted total energy requirements of the development to be met from renewable and low carbon energy production in accordance with details to be submitted and approved in writing by the LPA
  31. No development works other than site survey and investigation shall take place unless and until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the LPA in consultation with Southern Water which shall include the following components:
    - A Hydrogeological Risk Assessment shall be completed and this information shall be instilled within all required design reports and CEMP. This should not be a contaminated land report.
    - A Foundation Assessment and/or Piling Risk Assessment to address cross contamination, contamination, and turbidity issues. A piling methodology shall be agreed in consultation with Southern Water and no piling shall be permitted until turbidity water quality issues are fully mitigated. The adopted piling methodology requires approval from Southern Water.
    - All other construction to take place at least 5 m above the water table. The Developer is advised that this will need to account for seasonal groundwater level fluctuation and winter peaks. The only method to accurately collect this data is continuously. At least one winter season should be monitored and this is defined as October to March of any given year.
    - The CEMP to address turbidity impacts to the Chalk and contamination safeguarding. All mitigation and management plans should be included in this document.

Application Number:	AWDM/1585/22	Recommendation - APPROVE
Site:	7 Douglas Close, Worthing	
Proposal:	Proposed single storey side extension (part retrospective amendment to AWDM/1691/19)	
Applicant:	Mr Shaun Tester	Ward: Marine
Agent:	Mr Ben Whitby	
Case Officer:	Gary Peck	



**Not to Scale**

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This application has been called in to the Committee for determination by Cllr Andy Whight.

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

This application seeks part retrospective permission for an amendment to a single storey extension which was granted permission in 2019, following an earlier refusal and subsequent appeal dismissal for a 2 storey extension. The main visual change is that a clear glass door, instead of an obscure glazed window, has been installed to the north eastern boundary facing the neighbouring property, number 6 Douglas Close.

The application site is located at the southern end of Douglas Close, a cul de sac accessed via Douglas Avenue. The road consists of 2 storey semi detached dwellings with a circular turning area at its southern end meaning that the properties in this part of the Close, including the subject property, are at an angle to each other. As the extension is located on the north eastern side of the property, the only affected neighbouring property is number 6 Douglas Close whose side elevation faces towards the extension.

While it is evident that a number of properties in the Close have either side extensions or garages to their side passages, it appears that neither the subject property or the adjoining property had such buildings prior to the 2019 permission.

### **Relevant Planning History**

AWDM/1691/19 - Single storey side extension to North East elevation - Approved. Included amongst the conditions attached to the permission were a requirement that that the store window serving the side elevation was to be obscure glazed and that no further windows were to be added to the extension without the submission of a planning application

AWDM/1503/18 - Single storey and two storey side extension - Refused and subsequent appeal dismissed

### **Consultations**

None undertaken

### **Representations**

1 letter of objection has been received from the occupier of the neighbouring dwelling, number 6, on the following grounds:

- The applicant has intentionally breached the original planning permission
- The previous permission stipulated an obscure glazed window with no further windows to be added. The applicant has instead installed a full length door with clear glass that results in overlooking to an adjoining patio and kitchen
- The applicant states that the door is needed in case of access for maintenance but there is no reason why the room cannot be accessed internally

- The extension has resulted in a loss of property value to the neighbouring property which will now be less attractive to prospective purchasers
- The installation of the door in turn requires security lights which will also affect the amenities of the neighbouring property
- The extension is already higher than was anticipated and looms over the neighbouring property, exacerbated by the reduction in the height of the boundary fence
- The applicant has proceeded with the build in the hope that the planning department will be reluctant to request that the breaches of the previous permission are remedied.

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

Worthing Core Strategy (2011):

Policy 16 Built Environment and Design

Submission Draft Local Plan

Policy DM5 Quality of the Built Environment

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

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

### **Planning Assessment**

The main issues in the determination of the application are the effect of the proposal upon the visual character of the area and the amenities of the neighbouring property, number 6.

It is regrettable that the conditions of the previous permission have not been adhered to by the applicant which has clearly caused considerable distress to the occupiers of the neighbouring property. In planning terms, however, this is not a reason in itself to resist any subsequent planning application which must be judged on its planning merits irrespective of whether the development has already taken place or not.

The extension is quite well set back from the road and given it is single storey compared to the main 2 storey house does not have a material effect on the street scene as was anticipated by the 2019 permission. While of different design, the

extension in terms of its scale does not appear dissimilar to the existing garage serving the adjoining property to the west (number 8) and indeed there is a further such building serving number 9. As the altered door is on the side elevation, it is not visible from the public viewpoint and hence does not impact upon the character of the area. It does appear that the extension is slightly raised off of the existing ground level (there was not a levels condition on the 2019 permission) but again its setback from the road does not cause an unacceptable impact upon the street scene itself.

The main impact is therefore upon the adjoining property who, it is noted, strongly objected to the 2019 application. As noted in the Officer report at the time, the principle of a single storey extension in terms of its impact upon this neighbour was considered acceptable given that the angle of the respective properties meant it was effectively set against the backdrop of the main 2 storey dwelling. While closer to the boundary than the main dwelling, it is not considered that the extension in itself causes harm to the neighbouring dwelling.

Nonetheless, the amenities of the neighbouring property were considered to be important in the consideration of the previous application and therefore a condition was imposed requiring the window facing the mutual boundary to be obscure glazed. This has been replaced by a clear glass door which resulted in an enforcement investigation and subsequently the submission of the current application.

It is frustrating to your Officers that the applicant did not comply with the condition, but in considering whether to proceed to take enforcement action, the Council first has to consider the degree of harm caused and whether the submission of a planning application could acceptably regularise the situation.

In this instance, your Officers noted at the site visit that it was possible to view the neighbouring property from existing external areas of the subject property (this appears to have been exacerbated by a replacement fence being erected which is lower than that which stood there previously) as well as from the side of the first floor bay window. If the extension were not in situ, therefore, it is considered that overlooking could occur in any case and thus to require enforcement action to replace the door with the previously approved window would appear disproportionate. It is noted that the slightly raised ground on which the extension has been built allows a very slightly higher line of sight into the neighbouring garden and accordingly it is considered that the glass on this door should be obscure glazed. (It is noted that the extent of any overlooking could be reduced if a standard fence of up to 2 metres were erected, which would not require planning permission, but the representation from the neighbour states that they would not consider this as adequate mitigation and consider that this would cause additional loss of light). Although the neighbour considers that the door is unnecessary as the room in question could be accessed internally from the main property, it is also considered disproportionate for the Council to insist that the internal layout of the property is arranged in such a way when the external area can still be accessed in any case.

Accordingly, it is not considered that a refusal of the application and potential subsequent enforcement can be justified and therefore it is recommended that permission be granted subject to the requirement for the new door to be obscure glazed.

## **Recommendation**

### **APPROVE**

#### **Subject to Conditions:-**

1. Within 2 months of the date of the permission hereby granted, the door to the side of the extension shall be obscure glazed in accordance with details to be submitted and approved by the Local Planning Authority and the approved details maintained thereafter.

Reason: In the interests of the amenities of the neighbouring property in accordance with policy 16 of the Worthing Core Strategy.

25 January 2023

## **Local Government Act 1972**

### **Background Papers:**

As referred to in individual application reports

#### **Contact Officers:**

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## **Schedule of other matters**

### **1.0 Council Priority**

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

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

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

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

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

### **7.0 Reputation**

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

### **8.0 Consultations**

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

## **9.0 Risk Assessment**

9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

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

## **14.0 Financial implications**

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