



WORTHING BOROUGH
C O U N C I L

16 July 2019

WBC Planning Committee	
Date:	24 July 2019
Time:	6.30 pm
Venue:	Gordon Room, Worthing Town Hall

Committee Membership: Councillors Paul High (Chair), Noel Atkins (Vice-Chairman), Paul Baker, Jim Deen, Karen Harman, Martin McCabe, Helen Silman and Steve Wills

NOTE:

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail democratic.services@adur-worthing.gov.uk before noon on Tuesday 23 July 2019.

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. Confirmation of Minutes

To approve the minutes of the Planning Committee meetings of the Committee held on Wednesday 26 June 2019, which have been emailed to Members.

4. Items Raised Under Urgency Provisions

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

5. Planning Applications (Pages 1 - 30)

To consider the reports by the Director for the Economy, attached as Item 5.

6. 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

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

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

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

7. Affordable Housing and the impact of changes made to national planning guidance

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

Part B - Not for publication - Exempt Information Reports

Recording of this meeting

The Council will be voice recording the meeting, including public question time. The recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk	Edwina Adefehinti Solicitor 01903 221358 edwina.adefehinti@adur-worthing.gov.uk

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

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WORTHING BOROUGH
COUNCIL

Planning Committee
24 July 2019

Agenda Item 5

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/1923/18 &
AWDM/1925/18 LBC

Recommendation – Delegated Authority
to Head of Planning & Development

Site: Beechwood Hall, Wykeham Road, Worthing

Proposal: Single-storey extension to west elevation and external alterations including kitchen extraction duct to south roof slope. Revised access arrangements, re-modelling of car park and garden area with formation of external seating areas including paved terrace and decking, covered booth seating and enclosed pergola at north end of garden.

2

Application Number: AWDM/0934/19

Recommendation – Approve

Site: Ladydell Depot, Bruce Avenue, Worthing

Proposal: Removal of 3 no. shipping containers and construction of 2 no. Data centre cabins with ancillary air conditioning units; a meter cabin on concrete base; refurbishment of existing building and security fencing and access gate.

Application Number: AWDM/1923/18 ¹ Recommendation – Delegated Authority to Head of Planning & Development

Site: Beechwood Hall Wykeham Road Worthing

Proposal: Single-storey extension to west elevation and external alterations including kitchen extraction duct to south roof slope. Revised access arrangements, re-modelling of car park and garden area with formation of external seating areas including paved terrace and decking, covered booth seating and enclosed pergola at north end of garden.

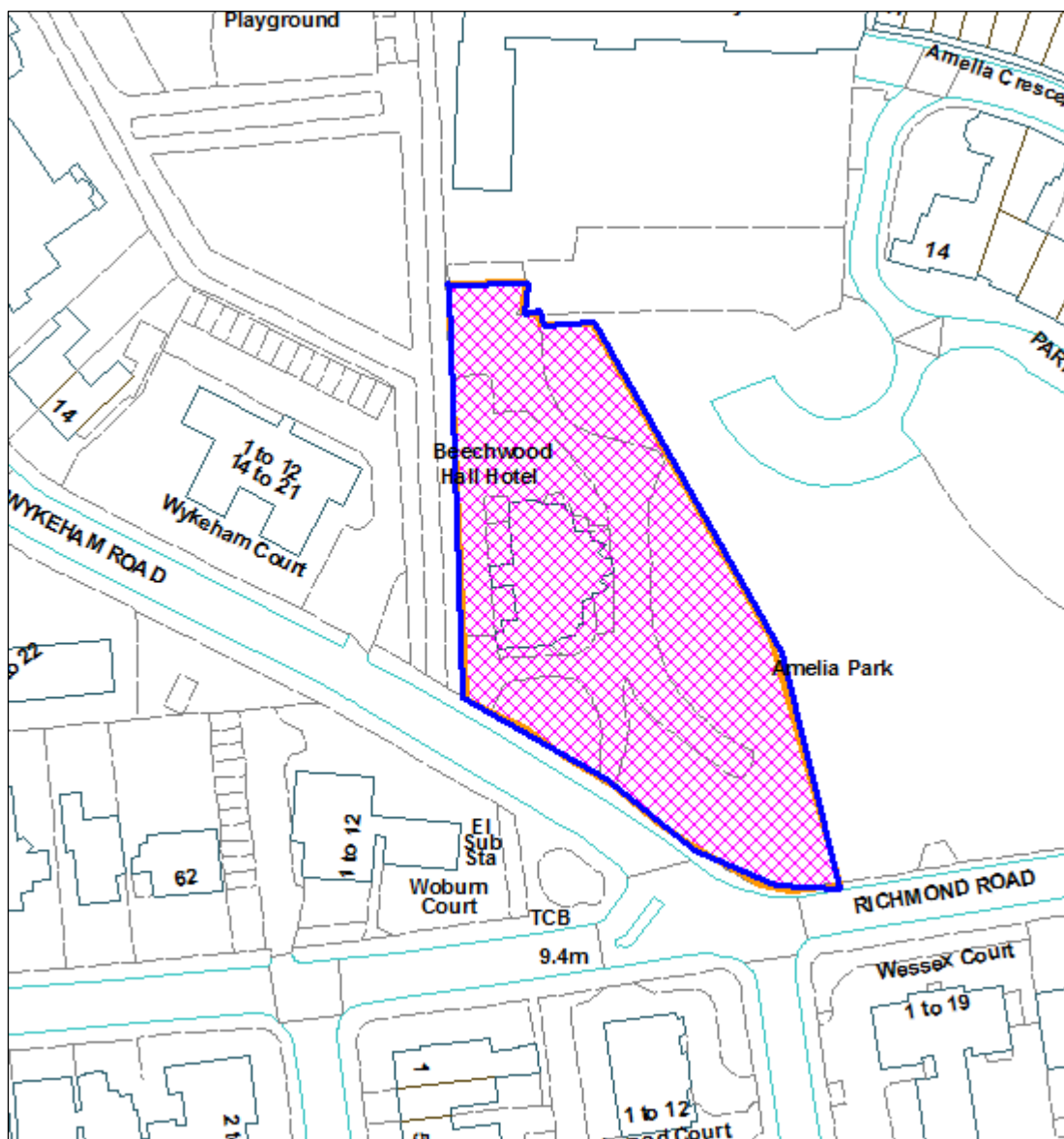
Applicant: Brewhouse And Kitchen Ward: Central
Case Officer: Jo Morin

Application Number: AWDM/1925/18 Recommendation – Delegated Authority to Head of Planning & Development

Site: Beechwood Hall Wykeham Road Worthing

Proposal: Application for Listed Building Consent for proposed extension to west elevation and associated internal and external alterations to facilitate refurbishment including kitchen extraction duct to south roof slope together with revised access arrangements, re-modelling of car park and garden area with formation of external seating areas including paved terrace and decking, covered booth seating and enclosed pergola at north end of garden.

Applicant: Brewhouse And Kitchen Ward: Central
Case Officer: Jo Morin



Not to Scale

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The application has been called-in to Committee for decision by Cllr Jim Deen.

Site and Surroundings

Beechwood Hall comprises an elaborately designed, detached, 2-storey Grade II Listed building with basement and roof accommodation set within landscaped grounds (0.35ha) located on the north side of Wykeham Road. The site is currently vacant (aside from live-in security) but was last in use as a hotel with pub restaurant on the ground-floor, plus a bar and function room in the basement with guest rooms on the upper floors plus a manager's flat.

The site adjoins Amelia Park to the east and is overlooked by Park Crescent, a classical terrace of 14 no. Regency villas (Grade II* Listed) located approximately 70 metres to the north and east. Adjoining the site to the west is a public footpath running north-south which links Wykeham Road to Victoria Park, and beyond that is Wykeham Court, a 5-storey purpose-built flat building dating from the mid-C20 set

within landscaped grounds with parking accessed from Wykeham Road leading to a garage compound to the north of the building. To the north of the site is St Mary's Catholic Primary School. A narrow, tarmac footpath links Amelia Park to Victoria Park on an irregular alignment following the northern site boundary and the fenced boundary with the School. Woburn Court, a 4-storey flat block lies to the south on the opposite side of Wykeham Road.

Beechwood Hall dates from 1823 and was originally built as a pair of semi-detached dwellings designed by the Brighton Architect Amon Wilds in a 'rustic alpine style' and known as North and South Swiss Cottages. The Swiss Cottages formed part of an architectural composition together with the terraced villas which make up Park Crescent (credited to the same Architect). Records indicate the original plan for Park Crescent was never completed having originally been planned as a classical terrace consisting of 22 units which would have continued further westward. Instead Wilds went on to build the Swiss Cottages, probably intended to be a 'discovery' on walks to the woods where the parkland setting of Park Crescent gave way to a less formal wooded landscape (now Amelia Park). The property was converted into a hotel 'Beechwood Hall' in the 1930's. It was subsequently known as 'The Prince Regent' then becoming a carvery known as 'The Gatehouse' in the 1990's, before latterly reverting to 'Beechwood Hall'.

The building principally faces east with treed gardens to the north and east and a tarmac car park to the south and south-east served by 2 no. access points off Wykeham Road.

The site is located within the Park Crescent Conservation Area and a number of the trees within the grounds subject to Tree Preservation Order No.14 of 1997.

Proposal

It is proposed to refurbish the existing building which will remain as a hotel with upgraded bar and restaurant facilities.

The only additional floor area proposed will consist of a single-storey extension (88sqm) attached to the rear (west) elevation to provide enlarged restaurant/bar facilities. The proposed extension would be 16.4 metres in length and extend 3.5 metres from the rear with a central component (9.1 metres wide) extending a further 3.4 metres westward. The central component would have a rendered exterior with a parapet flat roof 3.2 metres high, whilst the elements on either side would be fully glazed, having a lower flat roof 2.2 metres in height.

The other alterations to the building are primarily internal and relate to all floors. At first and second-floor the alterations will facilitate creation of 10 guest rooms (currently 8-10), plus a 1-bedroom manager's flat on the second-floor.

At ground-floor the internal works are intended to facilitate a more modern, open-plan restaurant/bar layout and involve the removal and cutting back of existing partitions and walls; removal of the existing bar and back fittings and insertion a new bar counter; formation of disabled access ramp to the main restaurant entrance; plus insertion of new wall partitions to form 'brew pad', plus disabled WC and store. (The 'brewpad' is a feature of Brewhouse and Kitchen pubs and is a unique selling point

that is part of the Brewhouse and Kitchen model that contributes to the 'offer' and sets it apart from its competitors.)

In the basement, the proposals involve removal and cutting back of existing walls and partitions to open up the function room area, together with a replacement bar, alterations to the toilet layouts (ladies and gents) and removal of walls and a partition in the cellar and creation of a new opening to provide access from the existing rear yard.

The refurbishment proposals also involve reconfiguring and formalising the existing car park layout to provide marked-out parking bays and includes modification of the western vehicle access to form a pedestrian-only access; replacement boundary treatments; and a new bin store.

The proposals have been amended following discussions with officers, with adjustments to the proposed internal alterations, further refinement of the details of the proposed rear extension and alterations to the car park layout and surfacing. Notably the amended proposals now also include details of a new kitchen extract system with duct located on the south side roof slope and proposals for an expanded trade garden with formal outdoor seating/dining areas with a paved terrace, decking, covered seating booths and an enclosed pergola at the north end of the garden.

The supporting statement sets out that whilst the use of the property will not change, the Brewhouse and Kitchen model can add to the town's tourism offer by providing a different type of accommodation from the existing hotel stock with a unique public restaurant and bar concept that forms an important part of the tourism product offer.

This report covers the applications for planning permission (AWDM/1923/18) and Listed Building Consent (AWDM/1925/18).

The applications are accompanied by a Heritage Impact Assessment by Dr Mark Graham, a Design and Access Statement and a Tree Constraints Report by BJ Unwin Forestry Consultancy.

Relevant Planning History

The ground-floor restaurant bar area has previously been enlarged by a glazed 'conservatory' addition to the north-west corner and a kitchen extension to the south-west corner (the latter c.1996).

There have been no planning or Listed Building Consent applications relating to the premises during the last 20 years.

Consultations

West Sussex County Council: The Highway Authority has raised no objection from a highway safety aspect, commenting:-

“This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

This proposal is for extension to the ground floor, internal and external alterations and revised access and car parking arrangements for the existing public house, restaurant and hotel. The site is located on Wykeham Road, an A-classified road subject to a speed limit of 30mph.

Access and visibility

The site is currently served by two existing vehicular accesses onto Wykeham Road. The proposed plans indicate that the western access is proposed to be closed off to provide a pedestrian only access. This access closure has not been demonstrated on the plan - details of this can be secured via condition, and a licence would be required for the access closure. The proposed retained access is 5m in width, which is wide enough to enable two vehicles to pass in opposing directions at slow speed. No alterations to the existing access width are proposed.

Visibility at the proposed retained access appears sufficient for the anticipated road speeds in this location. Furthermore, an inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site. Therefore there is no evidence to suggest that the existing access is operating unsafely or that this proposal would exacerbate an existing safety concern.

The proposed extension and internal and external alterations are not anticipated to result in a material increase in vehicular movements to or from the site over the existing arrangement.

Parking and turning

The current parking arrangement is informal within the existing parking area. The proposed plans demonstrate that 32 formal parking spaces will be set out for the use. Under WSCC Parking Standards, 1 space per 5m² of public area may be provided for the pub and restaurant (A3) use and 1 space per bedroom for the hotel use, plus staff parking. These are maximum standards and as such, 32 parking spaces are anticipated to be sufficient for the use. In addition, the site is sustainably located within walking distance of Worthing town centre, local bus stops and Worthing Train Station which provide alternatives to the private car.

Each parking space meets minimum specifications of 2.4 x 4.8m as set out in Manual for Streets (MfS) and there is sufficient space for vehicles to manoeuvre out of each space, although some spaces may require vehicles to undertake a multi-point manoeuvre due to limited space. However, this is not anticipated to result in a highway safety concern. The proposed site layout encourages a one-way route through the site, to enable vehicles to exit onto the publically maintained highway in a forward gear.

Conclusion

The Local Highway Authority does not consider that this proposal would have ‘severe’ impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.”

If the Local Planning Authority are minded to approve the application, conditions are recommended to secure closure of the existing western access and construction of the parking spaces.

The Georgian Group: The Georgian Group has objected to the application on the grounds that it fails to meet the statutory tests outlined in the NPPF, commenting:-

“The application is associated with a number of harmful changes. Of particular concern is the proposed demolition of a number of internal sub-divisions on the ground and second-floors. At ground level this includes opening up part of the original external wall on the north [sic] side, removal of the last parts of what appear to be the stair hall corridor on the east side and the removal of the remaining wall nibs flanking the large chimney breast which once formed the boundary between the two cottages. These alterations would not change the essential circulation within the building, but would merely serve to open out its layout and create a more modern arrangement at odds with the host building. Beyond the loss of historic fabric, these changes would further reduce the legibility of the building’s historic plan form, largely concealing its first and most significant phase as a pair of attached cottages. The proposed removal of sub-divisions at second-floor level would have a similar effect, further eroding the building’s plan form and creating new spaces with incongruous features and proportions such as the living area and kitchen on the south east side which would be left with an off-centre chimney breast.

Although a Heritage Statement accompanies the application it provides a limited assessment of the impact of the proposed works on the significance of the listed building, giving little regard to the value of the building’s plan form. The assessment appears to have been prepared for an earlier more harmful scheme in which the demolition of one of the cottage’s stairs, and the chimney breast between the cottages, was proposed. The latter assessment and drawings within the heritage statement do not match the revised application drawings. Given the relative complexity of the building’s chronology a fine-grained assessment of the surviving fabric of the building in the form of a colour-coded plan would be very useful. This would allow your Authority – and other interested parties – to assess the impact of the proposals on the building’s significance as required by paragraphs 197 and 199 of the NPPF.

In its present form the application would cause a less-than-substantial degree of harm to the significance of the listed building through the loss of historic fabric and through harm to the building’s plan form, notably the legibility of its earliest and most significant phase. As per paragraph 196 of the NPPF to be policy compliant this harm must be balanced against the public benefits arising from the scheme. In this case, the benefits do not include heritage benefits (of which none are proposed) and are predicated purely on the viability and business case of the proposed use. The harm is not outweighed by the proposed benefits, and lacks the “clear and convincing justification” required of paragraph 194 of the NPPF i.e. the specific changes proposed are not justified in terms of achieving the stated public benefits of the scheme, As noted in paragraph 193 of the NPPF, “great weight” must be given to the heritage asset’s conservation, regardless of the level of harm (in this case less than substantial). The proposed scheme does not meet this test.”

CAAC: Objection. More of the existing structure should be retained and much of the proposed removal of walls and features appears unnecessary. Extension to the existing parking area appears excessive and a simple tarmac finish will not enhance the area.

Concerns are raised over possible vehicle congestion, the loss of soft landscape and the effect on the existing trees.

Further details of the extension link to the main building are needed; more glazing would allow reference to the existing building.

The submitted Heritage report needs careful examination by the Conservation Officer to assess the impact of each proposed alteration and concern over the possible loss of character features such as doors and other timber features.

Adur & Worthing Councils:

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

“Beechwood Hall was originally constructed in 1823 as a pair of picturesque, rustic style cottages within the wooded grounds of the formal Regency crescent, Park Crescent. In the early 1930s the two cottages were remodelled and became the Beechwood Hall Hotel. In 1949 the building was Statutory Listed. The planning records show that there have since been further internal alterations especially to the ground floor layout as the demands on the building have changed. Other works have clearly been carried out on the building without the benefit of Listed Building Consent. The building has not been trading for a number of years and is currently in need of general maintenance and refurbishment.

In February 2019, the Georgian Group commented on the scheme as originally submitted. Understandably they raised concerns regarding the proposed demolition of a number of internal subdivisions which would further reduce the legibility of the building's historic plan form. They were also concerned that the Historic assessment appeared to have been prepared for an earlier, more harmful scheme, in which the demolition of one of the cottage's stairs, and the chimney breast between the cottages, was proposed. Hence the drawings within the Heritage Statement therefore did not match the revised application drawings.

A Historical Assessment (Draft) had been prepared in March 2018 by Richard Howell, as an initial attempt to justify major alterations to the building. Subsequent negotiations with Council Officers had removed the most controversial elements of these early proposals. This initial Historical Assessment only forms an agenda to the later more detailed, Heritage Impact Assessment prepared by M Arc Heritage Ltd, submitted to support this application.

Further negotiations with the applicants have resulted in some further alterations to the scheme, such as the removal of the disabled toilet to allow an original chimney breast to remain as a feature and the addition of a separate floor structure above the existing Parquet flooring within the ground floor brewing room.

The Council has only recently received the details of the kitchen extract flue required for the new kitchen facilities. The resultant 630mm diameter flue has been proposed

to vent straight up through the Listed Building and terminate above a pair of first floor dormers on the southern elevation of the building. Being in such a prominent location this would be harmful to the special importance of the Listed Building and further negotiations are required to design a more discreet installation.

Although this scheme still involves the further removal of various internal walls, which will result in some less than substantial harm, the opportunity to invest in the building's long term future needs to be factored into any decision on this application."

The **Environmental Health Officer** comments that the kitchen appears to remain unchanged, but the extension of the ground floor indicates a larger dining area and therefore a greater number of covers. Further information is sought on the proposed number of covers, the type of food to be cooked in the kitchen and details of the kitchen extract/ventilation.

The **Food Hygiene Officer** has commented that the toilet provision proposed is satisfactory for the proposed number of covers/customers. Ideally, wash hand basins should be provided behind the bar areas.

The **Tree and Landscape Officer** has some concerns regarding the treatment of the car parking areas under the existing trees. The proposal is for Tarmac driveways and parking bays. I consider that this will not be suitable for RPAs (Root Protection Areas) and instead a porous load bearing cell system should be used to distribute weight, prevent compaction and provide flexibility for any root growth.

Representations

Following a visit at the invitation of the owner, the Worthing Society (Listed Building and Conservation Areas Sub-Committee) has commented as following points:-

Basement

- We understand removal of the basement corridor wall is required to make this a lighter and more usable space for guests.
- We have been advised that there are some early wall cupboards within the rear wall of the basement, probably original to the early Swiss Cottages which should be preserved as a feature if possible.
- We welcome the retention of the original basement timber windows which appear to relate to the early form of the building.
- The kitchen wall on the RHS is earmarked for removal but has already been significantly altered. We note the beam will be retained to show the original line of the wall. Also welcomed is the retention of both kitchen ranges as features at either end of the basement area. These we feel are most indicative of the buildings early history.

Ground Floor

- We accept that the building has gone through many changes particularly during the 1930's and up to the 1990's. However, it is important to retain as much of the original layout as possible to refer back to the original form of the 2 no. Swiss Cottages. The Society is pleased to note that several of the walls identified for removal are in fact later partition walls.

- Where an original wall needs to be removed to give a more usable space we appreciated the applicant's comments that a beam could be retained to clearly show the original line of the wall.
- We welcome the fact that the two staircases – a strong indication of the buildings early form – will remain.
- Although the plans indicate two small fireplaces will be removed to give improved access we note a larger fireplace will be opened up within the bar/lounge area to deliver a more usable space.
- We understand the windows with distinctive glass features will be retained with the exception of the 'box bay'. This is unfortunate but apparently necessary to allow access to the new extension. However, in terms of design it does not match the series of windows on the rear west-facing elevation of the building.
- The survival of the original conservatory is an important element showing how Beechwood Hall has evolved. It would be desirable to retain the conservatory and the characterful Edwardian coloured tiles and would provide a pleasing space.

First and Second Floor

- There is little visual evidence in our opinion of the buildings early historic layout on these 2 floors. The plans to remove partition walls to improve bathroom facilities are positive and do not harm the layout.
- The retention of the unusual windows and some original fireplaces remaining within the rooms will add interest to the bedrooms affording a design opportunity to emphasise the buildings historic character.

Externals

- The retention of the external rustic character is important to the historic integrity of the building. We suggest this would require a suitable painted finish in a neutral heritage colour.
- Repair and retention of the distinctive roof tiles and cat-slide roof are important and we understand these works will be scheduled as part of the renovations.
- High quality timber materials are desirable together with the retention of the scalloped bargeboards.
- The Society would not object to the removal of the later porch as it intrudes into the upper balcony and may cause confusion with the new visitor access on the LHS of the building. If removed, it would be desirable to reinstate the decorative shield features and railings of the balcony above.
- The loss of existing soft landscaping and the proposed design materials for the car park have been of most concern to the Society. The Society is keen to see a permeable material used in the carpark. The trees are an important element both to the historical character of Beechwood Hall and the Conservation Area generally.
- The setting of the nearby Grade II* Listed terrace is also very important. The traditional red brick pavers are a feature of the terrace and it would be desirable to provide a visual link to the setting of Beechwood Hall.
- Retention of the heritage lamp posts would complement the setting of Beechwood Hall and 'soften' the car park area.
- Black heritage style railings would be preferable to fencing, providing pleasing views between the building and the wooded areas.

- The Society is pleased that the substantial flint wall to Wykeham Road is to be repaired.
- It is understood that one tree overhanging the pavement has damaged the wall and may be dangerous, if removed 1 or more replacements should be planted to offset the loss.

The occupier of 20 Wykeham Court expresses concern about possible noise stating that there has been a history of loud noise from the premises. It is understood a Noise Abatement Notice was served on the then proprietors in 2002. It is hoped that all necessary steps can be taken to avoid possible noise nuisance for example with restrictions on the level of noise, hours of opening and by sound-proofing areas where recorded or live music is played.

The occupier of 4 Woburn Court supports the proposals commenting that having lived opposite for nearby 11 years and been a frequent user, the place needs a breath of fresh air and doesn't deserve to be sitting around gathering dust and cracks.

A letter of support has also been received from another resident of the town commenting that the building is in long need of refurbishment but not conversion to flats or a care home. The submitted plans show the basic profile and outside appearance of the building will be largely unaltered thus retaining its unique character. Beechwood Hall has struggled for many years trying to be a viable concern but the need for investment has not been matched by income. On a prime town centre site that has ample parking and with good investment these premises could enliven an area which is becoming quite run-down. The town has few, if any, hotels that offer on-site parking and there is a dearth of decent pubs west of the town centre with The Wheatsheaf, The Farmers, The Downsview and The Clifton Arms all having closed, Beechwood Hall will fill a much-needed niche for beer connoisseurs.

Neighbours have been re-notified of the amended proposals, as has the Worthing Society, and the Committee will be up-dated of any further comments received in an Addendum report.

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

The Committee should consider the planning application in accordance with Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The Committee should consider the application for Listed Building Consent in accordance with Section 16 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 5, 6, 16
Worthing Local Plan (WBC 2003) (saved policies): H18, TR9, RES7
Supplementary Planning Document 'Sustainable Economy' (WBC 2012)
West Sussex Parking Standards and Transport Contributions Methodology (WSSC 2003)
National Planning Policy Framework (HCLG 2019)
National Planning Practice Guidance

Planning Assessment

Principle

Paragraph 80 of the NPPF states Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It states that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.

Core Strategy Policy 5 seeks to safeguard existing visitor accommodation and supports, in principle, upgrading and enhancement of the existing stock to meet changing consumer demands. This approach is further expanded upon in the 'Sustainable Economy' Supplementary Planning Document which recognizes the tourism and hospitality sector as a vital component of the town's economy and a valuable employer. Upgrading the existing offer of visitor accommodation is seen as critical to the future development and success of this sector.

Core Strategy Policy 16 requires all development to demonstrate good quality architectural and landscape design and use of materials that takes account of local physical, historical and environmental characteristics. In particular, new development should be of good architectural composition and detailing as well as responding positively to important aspects of local character. It states that innovative and contemporary design solutions will be encouraged where appropriate.

The Hotel & Visitor Accommodation Futures Study (2013) identifies a need for existing hotels in Worthing to modernise their offer to meet changing customer expectations and play an improved role in attracting visitors to the town.

The proposals to refurbish the existing hotel accommodation with expanded restaurant bar and trade garden can therefore be supported in principle. The key considerations are the impacts of the development on:-

- The visual amenity of the area;

- The historic environment, including the effect on the features of architectural and historic significance of the Listed Building, its setting and the character and appearance of the Park Crescent Conservation Area;
- Effect on trees
- The amenities of nearby residential occupiers;
- Accessibility and parking considerations.

Visual amenity

The proposed single-storey restaurant extension would be located on the rear (west) elevation and would appear as a subservient addition to the building. Its contemporary flat-roof form and external finishes consisting of smooth render to the central element with predominantly glazed elements to either side, has been deliberately designed to contrast and avoid visually competing with the decorative exterior of the listed building. It is proposed to replace the existing close-boarded fencing along the western site boundary opposite the west elevation of the new extension with wrought iron railings, in order to open up views of the rear of the listed building and create a more interesting and open aspect onto the adjacent tree-lined public footpath from within the restaurant.

Other external alterations to the building involve removing the existing gabled porch to the current entrance on the east elevation, and opening up an existing door within the boxed bay on the recessed south elevation (under the balconied gable feature) to form the new main entrance to the restaurant/bar areas.

Following discussion the alignment of the proposed new entrance ramp has been altered to sit under the recess, wrapping around the south-east corner. It would now appear as a less prominent addition, sitting more discreetly inside the existing columns, with wrought iron railings fitted on the east side of the landing and between the existing columns on the south side.

Amended drawings now show the insertion of a 630mm diameter kitchen extract flue protruding through the southern roof slope. During the course of the application Officers have highlighted the need for the applicant to give early consideration to the means of disposal of cooking odours based on the expected increase in restaurant covers arising from the expanded facilities. The existing kitchen is located within the single-storey extension on the south-west corner (added in the mid-1990s) and extraction is currently by means of a vent within the rear (north-facing) roof gable of this addition. The applicant has confirmed that the existing extraction system is not working and the planned re-design of the kitchen requires the re-location of the cooking range into an area currently comprising the cold store/fridge. Section drawings show the ductwork rising through the ceiling and into a new first-floor plant room with a 3.5 metre length of ductwork projecting through the roof between the existing dormers. The duct would be a highly conspicuous and unsightly addition on this prominent frontage elevation and is not supported.

With regard to the expanded trade garden shown on the amended plans, the proposed garden structures although not visible from the Wykeham Road would be visible in views from Park Crescent across Amelia Park. These views would be filtered by the existing tree cover when in leaf. The proposed 'pergola' structure would be 9.5m wide and 5.6m deep consisting of a timber frame with the sides partially enclosed by low-level glazed screens and a flat roof incorporating a glazed roof

lantern. It would be sited at the far north end of the garden, some 28 metres north of the main building and would accommodate 8 tables with chairs plus heating and lighting. Four timber, pitched-roof 'beach hut' style enclosed seating booths (with heaters) are shown adjacent to the west site boundary adjacent to the north-west corner of the building and facing onto a new paved terrace (roughly 10 metres area by 15 metres). The latter would be surfaced using red heritage brick setts and would accommodate a large 8-booth open seating structure and 6 freestanding tables with chairs. Additional tables and chairs are shown sited informally within the grassed areas to the north of the terrace, along with a 'tree' seating area.

On the east side of the garden path are more tables and chairs sited informally on the grassed areas, together with a more formal seating area consisting of tables and benches sited around a fire-pit on a circular paved area (also red heritage brick setts), plus an open timber deck (9.5 metres by 5.6 metres) accommodating a further 8 tables with chairs. An additional 'fire-pit table' is shown in the southern part of the garden, opposite the front of the building. The garden structures and seating are clearly intended to maximize the use and capacity of the outdoor space, incidental to the restaurant bar function.

Subject to the precise details of the design and construction materials of garden structures and surfacing, along with garden lighting, being secured by condition it is considered these elements would significantly contribute to broadening the attraction of the existing offer without resulting in significant harm to visual amenity.

Conservation Area and Listed Buildings

The statutory listing describes the building as follows:-

PARK CRESCENT 1. 5406 Beechwood Hall TQ 1402 NW 1/27 11.10.49. II GV 2. Private Hotel. This is approached from Wykeham Road but it was actually built as part of Park Crescent as North and South Swiss Cottages, presumably at the same date and by the same architect. 2 storeys, attic and basement. Faced with roughcast. Red tiled roof. The roof sweeps right down II 11- OCT1949 to the ground floor on south side and forms a veranda with square trellised wooden columns and cornice. Window with oriental shaped lights copied from the Pavilion, Brighton. Projecting porches on east front (the main centre one modern) with rustic wooden balconies above them and an outside staircase to one of them. Hipped gables with scalloped bargeboards. Dormer windows on 2nd floor probably added. One pointed turret. Chimneys with twisted or zig-zag ornamentation. Nos 1 to 14 (consec.) and the gateway and lodges form a group with Beechwood Hall.

When considering the impact of a proposed development on the significance of a designated heritage asset the NPPF (paragraph 193) requires great weight to be given to the conservation of the asset (the more important the asset, the greater the weight should be). Paragraph 194 goes on to state that any harm to, or loss of significance of a designated heritage asset should require clear and convincing justification.

Where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm (or total loss) is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Georgian Group has objected to the application for LB Consent largely on the basis of the proposed internal alterations to the basement and ground-floor intended to create a more modern, open-plan layout, but which the Georgian Group are concerned would lead to a harmful loss of historic character by the removal of features which delineate the original plan form of the pair of Swiss Cottages. Since these comments were made the application has been amended to lessen the harmful impact of the internal works. In particular, the proposed sub-division of the main front room of the original Southern cottage has now been omitted with the proposed 'brew-pad' proposed to sit on a freestanding structure with the existing parquet floor retained. Also, the loss of the wall sections in the 'snug' (within the original North cottage) has been revised to retain 'nibs' on either side to reference the original wall position. Other negotiated amendments include the omission of the insensitive works within letting room 2 on the first-floor which would have concealed the chimney breast.

The proposed rear extension would result in the opening up of the original rear wall at ground-floor with the loss of the existing 'square bay'. The other angled bays would remain as features behind the re-positioned (freestanding) bar. Externally the extension would obscure views of the existing rear of the building, although the tiled bays on this elevation are not original features and probably date from the 1930's (when the building became a hotel).

The Georgian Group is of the view that although the original proposals would result in 'less than substantial harm', the stated benefits of the scheme, which rely solely on the business case, lacks the 'clear and convincing' justification required by paragraph 194 of the NPPF and therefore the balance of considerations does not outweigh the harm caused.

On the one hand, the submitted amendments do now result in some (albeit very minor) heritage improvements in so much that the non-original gabled porch is to be removed from the east elevation (formerly the entrance to the restaurant bar), and the basement plan shows the reinstatement of a wall 'nib' which references the original dividing wall of the cottages (and helps off-set the harm arising from removal of existing walls in the basement considered necessary to create a more useable function room). It can also be argued that the Georgian Group give insufficient weight to the public interest arising from the viable re-use of the existing building which looks tired and run-down having lacked any significant investment in the last 20 years (as evidenced by the lack of recent planning history). This view is supported by the Council's Conservation Architect.

The application has also been amended to include the expanded trade garden and kitchen extract flue on the south-facing roof slope. The siting and scale of the proposed garden structures largely take into account Officer comments made during the course of the application(s) and it is considered would not impinge or otherwise detract from the setting of the listed building. The use of traditional red heritage brick setts for the terrace and resin-bonded surfacing for the garden path (in place of the existing broken-up asphalt) is sensitive to the surrounding historic context, as is the use of the porous resin-bonded surfacing within the expanded car park compared to the previously proposed tarmac.

However, the inclusion of the proposed extract flue on the prominent south-facing elevation cannot be supported. It would be an unsightly and harmful protrusion which is lacking in any reasoned justification. No details have been provided of what alternative options for extracting cooking odours have been explored nor any other explanation to substantiate the siting and design of the extraction system, or why the cooking range must be located in the position shown. The 3.5 metre length of flue protruding through the roof slope would be a highly conspicuous and unsightly addition that is wholly insensitive to the historic character and appearance of the Listed Building and the surrounding Conservation Area.

Effect on trees

There are a large number of trees on the site of which a number are subject to TPO 14 of 1997. An arboricultural survey has been undertaken which also includes a number of trees falling outside of the site in Amelia Park and within the verge lining the footpath linking Wykeham Road and Victoria Park. The tree report identifies that the site is dominated by self-sown trees, mostly sycamores within the car park and on the eastern boundary. A large Horse Chestnut (T.34) in the far south-east corner is just off-site. There are two prominent Copper Beech trees (T.24 and T.25) on the frontage, which are identified as being in good condition with well-shaped crowns. The rear garden area is dominated by a large sycamore (T.1) at the far northern end and a mature beech tree in the centre of the garden (T.8). The dense tree cover on and surrounding the site creates an attractive 'woodland copse' character which not only contributes to the visual amenity of the area, but is particularly important to the character and appearance of the conservation area and the historic setting of the Listed Building.

It is clear the trees on the site have not been well-maintained in recent years and the report recommends 10 trees for felling in the interests of good tree husbandry. This includes several dead or dying Wych elms growing alongside the west side boundary (T.3, T.12, T.13, G.21 and T.23), although 2 of the group G.21 appear to fall off-site (and therefore are outside the control of the applicant). Subject to the planting of suitable replacements in the case of the protected trees, the Council's Tree Officer is agreeable to the proposed felling in all but 2 cases where it is suggested less radical works would suffice to maintain the trees in good health. In any event it is considered the precise details of proposed tree works and felling could be dealt with as a condition in the event that planning permission is granted.

The Council's Tree and Landscape Officer initially expressed concern over the proposed use of tarmac surfacing within the Root Protection Areas of the trees within

the reconfigured car park, which it was considered would be detrimental to their health and future well-being. An amended drawing has been received showing the retention of the existing tarmac drive but with a porous resin bonded gravel surface used for the reconfigured parking spaces and manoeuvring areas on the east side of the drive which encroaches into the RPAs of the 'island' of self-seeded sycamores (identified as T.26 to T32 in the submitted report).

The further comments of the Council's Tree and Landscape Officer have been sought with regard to the siting of the proposed garden structures and surfaced seating areas shown on the amended plan and Committee will be up-dated on this at the meeting.

Since the application has been submitted the Council's Tree and Landscape Officer has agreed to the felling (since undertaken) of a large protected sycamore tree (identified as T.33 in the report) which was pushing out onto the boundary wall fronting Wykeham Road causing it to crack and resulting in the wall being identified as a dangerous structure by Building Control.

Residential amenity

The nearest residential properties are the terraced villas to the east in Park Crescent (most of which have been sub-divided into smaller units), the flats in Wykeham Court to the west and in Woburn Court to the south.

The proposed rear extension is sufficiently remote from neighbouring properties that it will have no adverse physical impact on residential amenity. The 3 large openings within the masonry element of the extension which face west toward Wykeham Court (across the public footpath) can be required to be fixed shut to prevent noise leakage from the restaurant. The fully glazed components on either side of this element have no openings.

With regard to the issue of noise disturbance raised by the third party, Beechwood Hall has operated for many years as a hotel with restaurant and bar facilities with no planning restrictions on the hours of use. The proposals will result in a more intensive use of the premises, in particular, the amended plans which show the creation of up to 250 covers within the expanded trade garden. Although there are existing wooden tables and benches in the garden at present, these are laid out somewhat informally. The latest proposals cover a larger area and include a large paved terrace, decking, firepits, covered seating booths and enclosed pergola structure along with more traditional pub garden seating. This will be a substantial change to the existing situation with many more customers using the garden and with the introduction of shelter and heating customers will be likely to stay in the garden longer than was previously the case. It is inevitable that such use will lead to an increase in noise. However, it should be borne in mind that the existing premises has been closed for a while and was not well-used for a considerable period of time prior to its closure. There is a balance to be struck between encouraging investment and supporting the local economy and safeguarding residential amenity.

The amended drawings show 2 metre high close-boarded fencing enclosing the west side of the trade garden (currently in situ) and wrapping round the far northern end and continuing 7 metres along the eastern side boundary, which would provide an

element of noise protection for the occupiers of Wykeham Court. The majority of the eastern boundary adjoining Amelia Park is shown enclosed by black wrought iron railings. The relative openness which railings allow is considered important to safeguarding the wider 'woodland' setting of the Listed Building and the historic significance of this setting to the Conservation Area.

The nearest dwelling to the east, No.14 Park Crescent, is located approximately 50 metres distant. On the whole, the occupiers of Park Crescent, which faces west across Amelia Garden towards the site, would undoubtedly be aware of increased noise and activity arising from a more intensive use of the trade garden. No details of proposed hours of operation have been provided by the applicant. However, it is considered controls could be introduced, for example, to prevent customer use of the external areas after 23.00 hrs on Monday to Saturday and after 22.00 hrs on Sundays, Bank and Public Holidays; and to prevent playing of any music in the garden area. The formal comments of the Environmental Health Officer on this element of the proposals are awaited following re-consultation.

Accessibility and parking

The site is currently accessed from two access points off Wykeham Road leading onto a (broken-up) asphalt drive which extends in a loop to the south-east and also in front (east) of the building, wrapping round the existing smaller trade garden and continuing northward almost to the northern site boundary. It is proposed to reconfigure the parking area to the south and east of the building to create 32 no. formal marked-out parking bays (including 2 disabled bays).

The proposals have been amended since the initial submission to omit the 2 no. parking bays close to the site frontage, which were intruding into the RPAs of the protected copper beech trees, and the 2 bays immediately in front (east) of the proposed bin store which when in use would have inhibited access to the bins for collection etc. The amended proposals show the northern part of the former asphalt drive would be reconfigured as a garden path (in resin-bonded gravel) roughly on its former alignment, but leading to the enclosed pergola structure.

The Highway Authority has raised no objection on highway safety grounds to the altered access arrangement or the level of parking provision taking account of the adopted maximum parking standards. Although the number of spaces has since been reduced to 28, it is not considered this would raise any additional concerns bearing in mind the sustainable location of the site within walking distance of Worthing rail station and bus routes along Wykeham Road. Surrounding roads are located within the CPZ where parking controls are in place during the day, but where capacity exists for on-street parking outside the restricted times. Nevertheless, the further comments of the Highway Authority have been sought in respect of the amended drawings showing the revised parking layout and expanded trade garden facilities.

Other Issues

The proposed development is eligible for CIL based on a net increase in floor area of 88sqm, resulting in a levy of £13,200.

Recommendation

Subject to there being no adverse comments from the Highway Authority, Council's Environmental Health Officer and Tree and Landscape Officer following re-consultation on amended plans, or any additional issues raised in responses from third parties, it is recommended that determination of the applications is delegated to the Head of Planning & Development to allow further negotiations with the Applicant to identify an acceptable solution for the kitchen extraction system that deals effectively with cooking odours and fumes, but also addresses concerns relating to the unacceptable impact of the current proposals on the important historic character and appearance of the Listed Building and the surrounding Conservation Area, with a view to:-

AWDM/1923/18

Approve subject to conditions:-

1. Standard time limit
2. Approved plans
3. Agree material samples and finishes of extension (inc. windows and roof lantern)
4. Agree architectural details of extension (inc. window design)
5. Agree details of wrought railing design
6. Agree tree protection measures (inc. all tree works)
7. Agree soft landscaping scheme (inc. replacement tree planting)
8. Agree samples of surfacing materials for external areas and ramp access
9. Agree detailed design, materials and finishes of garden structures
10. No customer use of expanded external seating/dining/garden area(s) before 9.00hrs or after 23.00hrs on Mon to Sat or before 9.00hrs or after 22.00hrs on Sundays, Bank Holidays
11. Agree and implement kitchen extraction system prior to commencement of use of expanded restaurant bar or trade garden facilities
12. Parking to be constructed in accordance with approved layout prior to commencement of use of expanded restaurant bar or trade garden facilities.
13. Closure of access onto Wykeham Road as shown on approved plan prior to commencement of use of expanded restaurant bar or trade garden
14. Agree and implement trade garden Management Plan (to inc. no music)
15. Windows in west elevation of proposed extension to be fixed shut
16. Agree external lighting in trade garden and car park
17. Ancillary flat on 2nd floor to be retained as managers/staff accommodation only
18. Agree details and finishes of ventilation flues/grilles

AWDM/1925/18

Grant Listed Building Consent subject to conditions:-

1. Standard LB Consent time limit
2. Approved plans
3. Agree details of freestanding bar and back-fitting(s)
4. Agree details of freestanding brew-pad and supporting structure

5. Agree details of all new internal beams and associated cladding
6. Exterior of building to be made good following removal of existing gabled entrance porch in accordance with details to be agreed
7. Protect building from collapse

24th July 2019

Application Number: AWDM/0934/19

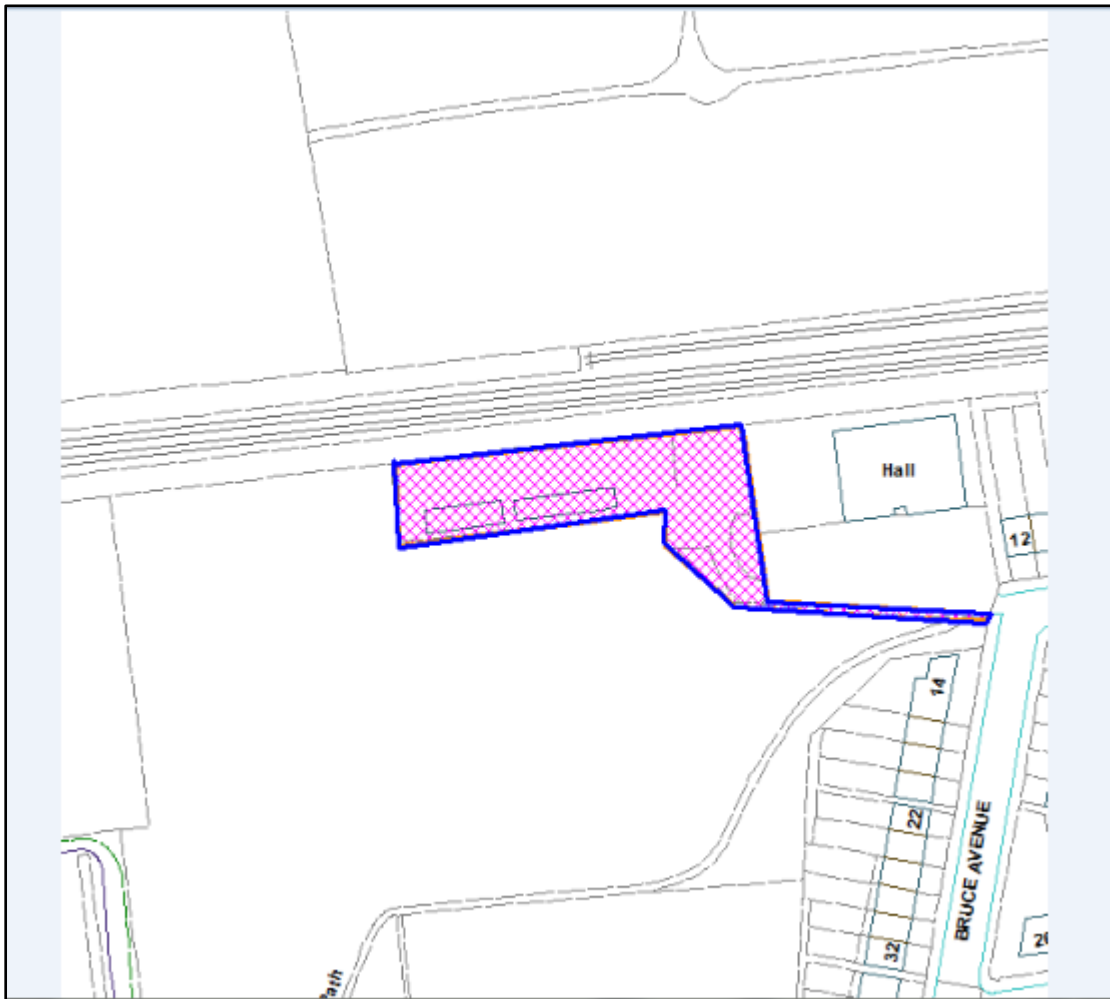
Recommendation – Approve

Site: Ladydell Depot Bruce Avenue Worthing West Sussex

Proposal: Removal of 3 no. shipping containers and construction of 2 no. Data centre cabins with ancillary air conditioning units; a meter cabin on concrete base; refurbishment of existing building and security fencing and access gate.

Applicant: CityFibre
Case Officer: Linda Park

Ward: Marine Worthing



Not to Scale

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Proposal, Site and Surroundings

The site is an existing storage compound located off the northwest corner of Bruce Avenue, with a long access drive shared with the Worthing Scout Group Hall which sits to the east of the site. The site currently houses 3 small shipping containers, various areas of hardstanding, and a larger storage building with a sloping roof to the western end of the site. The site is currently used by the Council's Parks department

as a base for the grounds maintenance service (including grass cutting, hedge cutting, line marking etc).

The site is oblong shaped with the railway line and allotments beyond to the north and with West Park recreation ground to the south. It is surrounded by tall mesh fencing topped with barbed wire, with gated access from the shared driveway. There are tall Cypress trees bordering the site which provide important screening of the site and railway line as viewed from the south. There are a number of Ilex trees along the northern boundary with the railway line.

The application seeks permission to redevelop the storage compound into a 'data centre' to host high speed internet services for 'Cityfibre' as part of a roll out of full fibre infrastructure across Worthing, with the aim of providing unlimited bandwidth and Gigabit speed connectivity to the community.

The proposals involve the removal of the 3 existing shipping containers and the erection of 2 'data centre' cabins with attached air conditioning units, a smaller meter cabin, and to refurbish the largest of the existing buildings for storage of equipment, cables and ancillary apparatus needed to run the data centre.

It is also proposed to erect a new 2.4m high security fence to enclose the development (this would be sited inside the existing mesh fencing enclosure), connecting with a 3-metre wide double access gate at the eastern entrance to the enclosure.

The data centre cabins would measure approximately 12.5m x 4.25m and 3.8m high with flat roofs (a similar size and height to the existing building to be retained and refurbished). The smaller meter cabin would measure approximately 1.2m x 2.4m and 2.3m high.

The buildings would be painted in an olive green colour.

Consultations

The **Council's Senior Tree and Landscape Officer** comments as follows:-

"I have visited this site with Liam Lord from the Parks Dept, and we discussed the effect on the surrounding trees. The tree report seems to cover all concerns and as long as its recommendations are observed I am happy with the proposals."

The **Council's Senior Environmental Health Officer** has no adverse comments on the application.

The **Highway Authority** makes the following comments:-

The Local Highways Authority has assessed the above proposal and would make the following observations.

The proposal uses an existing access point onto Bruce Avenue. This access is shared with the Scout Hall and is gated to separate the boundaries. At the point of access onto the highway visibility is considered sufficient given the positioning on the outside of a bend allowing visibility to be achieved in both directions along Bruce

Avenue.

The LHA has observed data supplied to WSCC by Sussex Police for a 5 year period. This outlines that there have been no highways collisions or personal injury claims to flag an existing concern with the use of the access point. It is therefore not anticipated that this change in use of land would exacerbate any existing issues with the access.

The proposed works including gating and fencing lie well into the site and do not interfere with the Publicly Maintained Highway. It is anticipated that the access, parking and turning associated with the development would remain the same as is currently in practice.

There is no anticipation that the proposal would result in a material increase in vehicular movements over the existing use.

There is space within the Scout group car park to allow a vehicle to turn on site to exit in a forwards gear- although it is unclear as to whether the applicant has rights to use the car park for this purpose.

In the event that vehicles are required to reverse out onto the highway, the LHA does not anticipate that this would be a severe highways safety concern given the presence of many frontage accesses along Bruce Avenue which also require a reverse manoeuvre and which have functioned with no known highways safety concerns. Bruce Avenue is also subject to good forward visibility in both directions which allows an oncoming vehicle to anticipate a car emerging from the access point.

Based upon the above observations, the LHA raise no severe highways safety concerns with the proposal.

Network Rail makes the following comments, and also give detailed advice regarding construction and maintenance of the site due to its position on the boundary of Network Rail tracks:-

The Developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- *encroach onto Network Rail land*
- *affect the safety, operation or integrity of the company's railway and its infrastructure*
- *undermine its support zone*
- *damage the company's infrastructure*
- *place additional load on cuttings*
- *adversely affect any railway land or structure*
- *over-sail or encroach upon the air-space of any Network Rail land*
- *cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future*

Representations

None received.

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policies 3, 12, 16.
Worthing Local Plan (WBC 2003) (saved policies): RES7, H18
Supplementary Planning Document 'Sustainable Economy' (WBC 2012)
'Infrastructure Delivery Plan' (WBC 2010)
National Planning Policy Framework (February 2019)

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and
Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The proposals are supported in principle in accordance with Core Strategy Policy 3 'Providing for a Diverse and Sustainable Economy' which supports the improvement of ICT infrastructure through the provision of ICT enabled sites, premises and facilities. This is also reflected in Core Strategy Policy 12 'New Infrastructure' which states that development proposals for high quality and accessible infrastructure which meet the needs of the existing community will be supported.

The National Planning Policy Framework reflects this stance by stating that planning decisions should support the expansion of electronic communications networks, including full fibre broadband connections, making the link between advanced, high quality and reliable communications infrastructure and economic growth and social well-being.

The main issues relate to the visual impact of the proposed redevelopment in the wider area with particular regard to visual amenity and the setting of the site within the West Park recreation ground, and any impacts on the existing trees surrounding the site. Further considerations include any impacts on the residential amenities of surrounding properties, and impacts on highway safety and parking.

Visual amenity

The site is relatively well screened by the mature Cypress trees bordering the southern and western boundaries as viewed from the recreation ground, so that the existing buildings are only noticeable from close-up views through the existing mesh fencing in the gaps between the trunks of the mature trees. However, given the modest scale and height and dark green or brown colouring of the existing buildings, they are not intrusive features in the landscape.

Similarly, the proposed data centre cabins would be of a modest height, and subject to a suitable colour finish which can be required by condition (olive green has been suggested by the applicant), they would recede effectively into the treed setting of the site, particularly in longer distance views from the recreation ground to the south and west.

The proposed air conditioning units would be sited on the southern side of the buildings, which is the side visible from the recreation ground. The applicant's agent has advised that the air conditioning units only come in grey and cannot be painted, and therefore has suggested a condition to require that they be surrounded with green mesh fencing. This can also be a requirement of the condition and would help to disguise the units in wider landscape views.

The proposed cabins would be contained within only a portion of the site and would be further screened by an additional proposed mesh security fence, which would help to ensure that the development blends into the treed setting of the site without causing any significant harm to visual amenity.

The Council's Senior Tree and Landscape Officer has confirmed that the proposals would not significantly harm the existing trees provided the recommendations contained within the 'Tree Survey and Recommendations' are observed, such as the erection of barriers to create a 'Construction Exclusion Zone' and adherence to the 'Arboricultural Method Statement' particularly regarding foundations, ground protection and installation of services. It is recommended that a suitable condition is included to ensure that these recommendations are followed.

Overall the scheme's limited visual impact can be reduced to an acceptable level in accordance with Core Strategy Policy 16 through suitable conditions to require a suitable colour finish for the buildings and mesh surrounds to the air conditioning units, and is substantially offset by the wider benefit it delivers to Worthing.

Residential amenity

The proposed buildings are located approximately 33 metres from the housing to the northwest (in Quicksilver Street) at the nearest point (separated by the railway line), and approximately 60 metres from the housing to the southeast (in Bruce Avenue) at the nearest point.

The proposed use is not anticipated to generate noise and disturbance from general activity, which is stated as being negligible following initial installation and fit out as stated within the covering letter accompanying the application. The applicant has been asked for further information on the likely comings and goings of staff and Members will be updated before or during the meeting.

The covering letter also states that the proposed air conditioning units would generate the equivalent noise to a typical fridge. The application includes technical information about the air conditioning units and the Environmental Health Officer has confirmed that there are no adverse comments from a noise disturbance point of view.

As such, it is concluded that the proposals would not be significantly harmful to the residential amenities of nearby properties or the use of the recreation ground by

members of the public, and therefore the application accords with Saved Local Plan Policies RES7 and H18.

Highway safety and parking

Given the likely low frequency of visits to and from the site (although this will be confirmed from the awaited additional information), the proposed use is not anticipated to generate significant amounts of traffic or demand for parking on-street. The site includes sufficient space for staff to park within the confines of the compound, and the Highway Authority has confirmed that the existing vehicular access onto Bruce Avenue has sufficient visibility and has not been highlighted as having particular safety issues or concerns.

Given the above, the proposals would not be considered to be detrimental to highway safety or parking in the area.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Buildings to be painted Olive green BS 4800 12 B 27, including green mesh fencing surrounds to air conditioning units
4. Recommendations within 'Tree Survey and Recommendations' be adhered to.

Informatives:-

1. Standard Informative
2. Network Rail comments

24th July 2019

Local Government Act 1972

Background Papers:

As referred to in individual application reports

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Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

- 9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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

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Affordable Housing and the impact of changes made to national planning guidance

Report by the Director for the Economy

1.0 Summary

1.1 In recent years the Government has been keen to incentivise house building, particularly for small sites. To help achieve this aim, national policy has been amended so that smaller scale developments would be exempt from making contributions towards affordable housing. The legal status of these changes has been somewhat confused and, as a result, a number of authorities, including Worthing Borough Council, have continued to apply a local policy position that set a lower threshold. In addition, giving the significant affordable housing need in the borough a decision was made to not apply Vacant Building Credit to applicable schemes.

1.2 However, recent changes have reaffirmed the Government's position. This report explains these recent changes and the reasons why it is now considered appropriate to clarify the local position and update the Interim Position Paper (published in February 2018) so that it conforms with national planning policy and reflects the emerging Worthing Local Plan.

2.0 Background

Affordable Housing Threshold

2.1 Worthing Core Strategy Policy 10 (affordable housing) seeks to deliver a mix of affordable housing to meet local needs on all but the smallest sites. The adopted policy requires the following:

- on all sites of 6 to 10 dwellings, 10% affordable housing will be sought via a financial contribution

- on all sites of 11 to 14 dwellings, 20% affordable housing will be sought via a financial contribution
- on all sites of 15 or more dwellings, 30% affordable housing will be sought

2.2 This stepped approach, which was informed by evidence, ensured that a disproportionate burden was not placed on smaller developments in the borough. Since the adoption of the Core Strategy the policy has been applied to all liable (and viable) sites and in many instances affordable housing has been delivered either 'on-site' or by way of a financial contribution.

2.3 However, in more recent years the Government has been keen to incentivise house building, particularly for smaller sites and local builders. One such change to national planning policy, advanced in 2014 via a ministerial statement, was a message that tariff style contributions should not be sought for sites of 10-units or less. If enforced, this would have limited the Council's ability to collect contributions from developments of 6-10 dwellings as required by Core Strategy Policy 10.

2.4 Although the Government advanced this change in 2014 a number of legal challenges and appeals meant that it only became set in national Planning Practice Guidance (PPG) in 2016. However, even when put in place at the national level a High Court judgement made it clear that it was still up to the decision maker (the local planning authority) to decide how much weight should be given to the national policy in light of local circumstances. Although it was acknowledged that the precise effect of this would be unclear the judgement confirmed that there would be cause for exception in some circumstances.

2.5 Whilst it was acknowledged that there are many areas of the country with high levels of affordable housing need, there was evidence available to demonstrate that this situation is even more acute in Worthing. As explained within a report to Worthing Planning Committee (10 January 2018) it was therefore felt that the level of affordable housing need was so great in the borough that an exception could be justified. For this reason, the January 2018 report sought agreement to continue to apply the full provisions of Core Strategy Policy 10 and to therefore continue collecting contributions for affordable housing delivery from developments of between 6-10 dwellings. This position was reiterated within a Position Statement that has been available to view on the Council's website since February 2018.

2.6 In July 2018 the Government published an update to their planning policy guidance within the revised National Planning Policy Framework (NPPF). This helped to reaffirm the Government's view that contributions should not be collected from developments of less than 10-units. Paragraph 63 of the revised

NPPF states: *‘Provision of affordable housing should not be sought for residential developments that are not major developments.....’* Major developments are defined in the Glossary to the NPPF as: *‘development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.’*

2.7 It is the view of your officers that this amendment to national guidance significantly strengthens the Government’s position on affordable housing thresholds and it is ‘formally’ now a material planning consideration. As a result of these changes the vast majority of local authorities have now decided not to pursue affordable housing contributions for less than 10 dwellings. Given that the adopted Core Strategy policy is now out of date (in that it has not been tested against the new NPPF), the Council would be very vulnerable to challenges made at appeal and, therefore, its current approach has to be reviewed.

2.8 Strong and compelling evidence would be required to justify any exception to the current published national planning advice. In this regard, despite significant affordable housing needs in Worthing it is not felt that sufficient evidence exists that would allow the Council to collect affordable housing contributions from anything other than major developments.

2.9 It is also very relevant that, even before the strengthening of the Government’s position, the Adur Local Plan sought to take forward an Affordable Housing policy that would have seen financial contributions required from some minor developments. However, following consideration of the evidence submitted to the Examination (which would be similar to the information that could be provided for Worthing) the Inspector did not accept that exceptional circumstances existed that would allow for a lower threshold. As a consequence, the Affordable Housing policy within the Adopted Adur Local Plan now only requires contributions from development of more than 10 dwellings. In this regard it should be noted that Adur District Council is currently considering a minor change to their adopted policy so that contributions would be sought from developments of 10 or more dwellings (rather than ‘more than 10 dwellings’). This will ensure that it conforms to the revised NPPF. It will also reflect the policy position being advanced within the emerging Worthing Local Plan.

2.10 Councils that previously sought financial contributions from minor developments are now acknowledging that this will now be extremely challenging under the backdrop of the national policy position. To persist with the policy position that was established in the Core Strategy (2011) and reaffirmed in the Interim Position Statement would now be contrary to the revised NPPF. Without strong enough justification it is the view of officers that any refusal of a planning permission (for 6-9 dwellings) for reasons relating to a lack of financial contribution would run the risk of being overturned at appeal (with potential costs against the Council).

2.11 In response to the changing policy position at the national level, the emerging policy position in the Draft Worthing Local Plan proposes a policy that is in line with the revised NPPF and, as such, only seeks affordable housing contributions from major development. No comments to this approach (either for or against) were received when the Draft Local Plan was published for consultation at the end of 2018.

Vacant Building Credit

2.12 Vacant Building Credit (VBC) was introduced by the Government to promote and incentivise development on brownfield sites that contain vacant buildings. It allows the floorspace of existing buildings that are to be redeveloped to be offset against the calculations for Section 106 affordable housing requirements (whether financial contribution or provision). It applies to any building that has not been abandoned and is brought back into any lawful use, or is demolished to be replaced by a new building.

2.13 The report to Planning Committee 10th January 2018 provided further detail on VBC and how and when it should be applied. Much like the threshold issue (summarised above) there was previously a lack of clarity as to the status of VBC and, as a consequence, it was felt that there was clear local circumstances / justification for Worthing not to apply this credit. The rationale for this was to ensure that, subject to viability considerations, affordable housing contributions could be maximised. The Interim Position Statement (Feb 18) clarified this position.

2.14 Weight has since been added to the Government's position on VBC following the revisions made to the NPPF. Paragraph 63 states: *'To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.'* As such, the Council's position to VBC established in the Interim Position Statement is no longer considered to be appropriate and it is proposed that the statement is revised accordingly.

3.0 Proposals

3.1 For the reasons set out above it is proposed that the Interim Position Statement on housing is updated as follows so that it clarifies the thresholds for affordable housing that will be sought from relevant developments (see Appendix A).

New residential development (including conversions and changes of use with the capacity to provide 10 or more self-contained units will be expected to

provide an appropriate mix of affordable housing according to the following site size thresholds:

- i. on sites of 10-14 dwellings (gross) 20% affordable housing will be sought;*
- ii. on sites of 15 (gross) dwellings or more 30% affordable housing will be sought.*

- 3.2 Reference to the Vacant Building Credit will be removed from the Position Statement and it will be made clear that, in this regard, the national policy position will apply to all relevant developments in the Borough.
- 3.3 The work being undertaken to inform the emerging Worthing Local Plan will assess both housing needs and viability. If the up-to-date evidence can demonstrate that exceptional circumstances exist that would help to override national guidance and not prevent smaller developments coming forward, the policy position taken by the Council could then be reconsidered. Until such time, the position outlined in the updated Interim Position Statement will clarify the Council's approach ensuring that the Council is consistent with the latest NPPF.

4.0 Legal

4.1 Affordable Housing contributions are secured under Section 106 of the Town and Country Planning Act 1990 (as amended) and The Community Infrastructure Levy Regulations 2010.

4.2 The Court of Appeal in the case of *SoS v Reading and West Berkshire Councils*, backed the Government's Small Sites Affordable Housing Exemption Policy, which means that Local Authorities will have to amend their policies in line with this ruling.

4.3 A risk associated with the Council making effective the new NPPG is that of a future successful legal challenge to the government's policy guidance. The benefits however outweigh this risk even allowing for the recent history of this policy initiative. When planning policy guidance changes the new guidance becomes a material consideration in any planning decision as discussed above.

4.4 An Equalities Impact Assessment (EIA) is not required in respect of making planning policy compliant with government requirements. The EIA is considered in the making of the new national guidance.

5.0 Financial implications

5.1 The proposed change to policy will have no financial cost to the Council. The position taken (in line with national policy) will help to mitigate against the

potential loss at appeal and related costs that could be awarded against the Council.

5.2 It is accepted that the change outlined may result in a decrease in S106 / CIL contributions collected for affordable housing from a limited number of developments. This is a change that has made at the national level and that Worthing BC now needs to reflect within it's policies. There will however be an opportunity to revisit all appropriate thresholds for affordable housing as viability assessments are progressed to inform the Worthing Local Plan.

6.0 Recommendation

6.1 That, the Committee recommends to the Executive Member for Regeneration that the existing Interim Position Statement on Affordable Housing is updated. The revised Statement will clarify how the local policy position has had to be amended to reflect changes made at the national level. Contributions for affordable housing (including any Vacant Building Credit that might apply) will be sought in line with the revised National Planning Policy Framework (2018). This position also reflects the policy approach being advanced within the emerging Worthing Local Plan that only seeks financial contributions or on-site delivery of Affordable Housing from 'major developments' (10+ dwellings).

6.2 Financial contributions will therefore not be sought from developments of 6 to 9 dwellings which would have been the case under the full provisions of Core Strategy Policy 10.

Local Government Act 1972

Background Papers:

- Appendix A - Proposed Interim Position Statement (July 2019)
- Existing Interim Position Statement (Feb 2018)
- Worthing Core Strategy 2011
- Written Ministerial Statement - Brandon Lewis 2014
- DCLG - Planning Practice Guidance - 'Planning Obligations'
- National Planning Policy Framework (2018)
- Report to Worthing Planning Committee (10/01/2018)

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Schedule of Other Matters

1.0 Council Priority

1.1 'Platforms for Our Places' in particular, Our Social Economies. Although the minor change in approach at the local level may result in slightly less affordable housing units being delivered the change will ensure that the policy remains compliant with national guidance.

2.0 Specific Action Plans

2.1 The approach outlined in this report will be reflected in policy within the emerging Local Plan. In line with the requirements of the NPPF, the cumulative impacts of all policies to be included in the Plan will be tested to ensure that the scale of obligations and policy burdens would not threaten the viability and delivery of sustainable development

3.0 Sustainability Issues

3.1 The provisions of revised Core Strategy Policy 10 will continue to apply to all types of residential development. The Core Strategy has been (and the emerging Local Plan will be) the subject of a formal Sustainability Appraisal.

4.0 Equality Issues

4.1 Issues relating to race, disability, gender and equality have been considered and it is not felt that the approach outlined in this report will have an adverse impact on any social group.

5.0 Community Safety Issues (Section 17)

5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

6.1 Everyone has a fundamental human right to housing, which ensures access to a safe, secure, habitable, and affordable home. Although the minor change in approach at the local level may result in slightly less affordable housing units being delivered the change will ensure that the policy remains compliant with national guidance.

7.0 Reputation

7.1 The approach outlined within this report will ensure that local policy will continue to be in line with national guidance and that the risk of losing appeal decisions is reduced. This, in turn, will help to ensure that the Council's reputation is not damaged.

8.0 Consultations

8.1 The issue relating to the affordable housing threshold has been discussed with Members at the Local Plan Working Group and covered in a previous report to Planning Committee (10/01/18). In addition, consideration was given to the draft Affordable Housing policy (which updated the threshold in line with the revised NPPF) included within the emerging Local Plan which was published for consultation at the end of 2018.

9.0 Risk Assessment

9.1 If the approach outlined in this report was not taken there is a risk that the Council may lose appeal decisions which may, in turn, result in costs being awarded against the Council.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

Interim Position Statement
Clarification of the application of Worthing Core Strategy Policy 10
(affordable housing)

To reflect the national policy position set out in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) the Council will only seek contributions from major developments (10+ dwellings). To reflect this change, and the policy being taken forward in the emerging Worthing Local Plan, the affordable housing policy established in the Core Strategy (Policy 10) will apply to developments as follows:

New residential development (including conversions and changes of use with the capacity to provide 10 or more self-contained units will be expected to provide an appropriate mix of affordable housing according to the following site size thresholds:

i. on sites of 10-14 dwellings (gross) 20% affordable housing will be sought

ii. on sites of 15 (gross) dwellings or more 30% affordable housing will be sought

Calculations for affordable housing contributions (including any Vacant Building Credit that might apply) will be made in line with the NPPF, PPG and the above draft policy position and will be informed by the Councils Developer Contributions SPD (2015).

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