



# WORTHING BOROUGH COUNCIL

30 May 2023

## Worthing Planning Committee

<b>Date:</b>	<b>7 June 2023</b>
<b>Time:</b>	<b>6.30 pm</b>
<b>Venue:</b>	<b>Gordon Room, Worthing Town Hall</b>

**Committee Membership:** Councillors Andy Whight (Chair), Ödül Bozkurt (Vice-Chair), Helen Abrahams, Noel Atkins, Russ Cochran, Dan Coxhill, Sophie Cox and Samuel Theodoridi

**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 **midday** on **Tuesday 6 June 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 2 June 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 2 June 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 **Wednesday 19 April 2023**, 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 - 114)

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

## Part B - Not for publication - Exempt Information Reports

None

#### 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  
COUNCIL

Planning Committee  
7 June 2023

Agenda Item 7

Ward: ALL

Key Decision: Yes / No

## Report by the Director for Economy

### Planning Applications

**1**

**Application Number:** AWDM/1624/22      **Recommendation – APPROVE** subject to a planning obligation and the receipt of remaining comments from Consultees

**Site:** The Montague Centre, Liverpool Road, Worthing

**Proposal:** Full planning permission for a maximum of three additional floors above the Montague Quarter Shopping centre to provide 42 No. residential units.

**2**

**Application Number:** AWDM/1906/22      **Recommendation – To APPROVE** subject to satisfactory comments of the Highway Authority and HSE and completion of Unilateral Undertaking

**Site:** Development Site At Former Debenhams Store 14 To 20 South Street And Iceland Car Park, Marine Place, Worthing

**Proposal:** Redevelopment of the former Debenhams Building (including site over existing Iceland Car Park) to comprise a mixed use development including commercial floor space (Use Class E) at ground, part first and part second floor level, and 79 residential 1-2 bedroom flats from first floor to upper levels including the addition of two floors above Debenhams and Iceland sites with amenity spaces including sky lounge, home-working suite, storage lockers and bike store for residents.

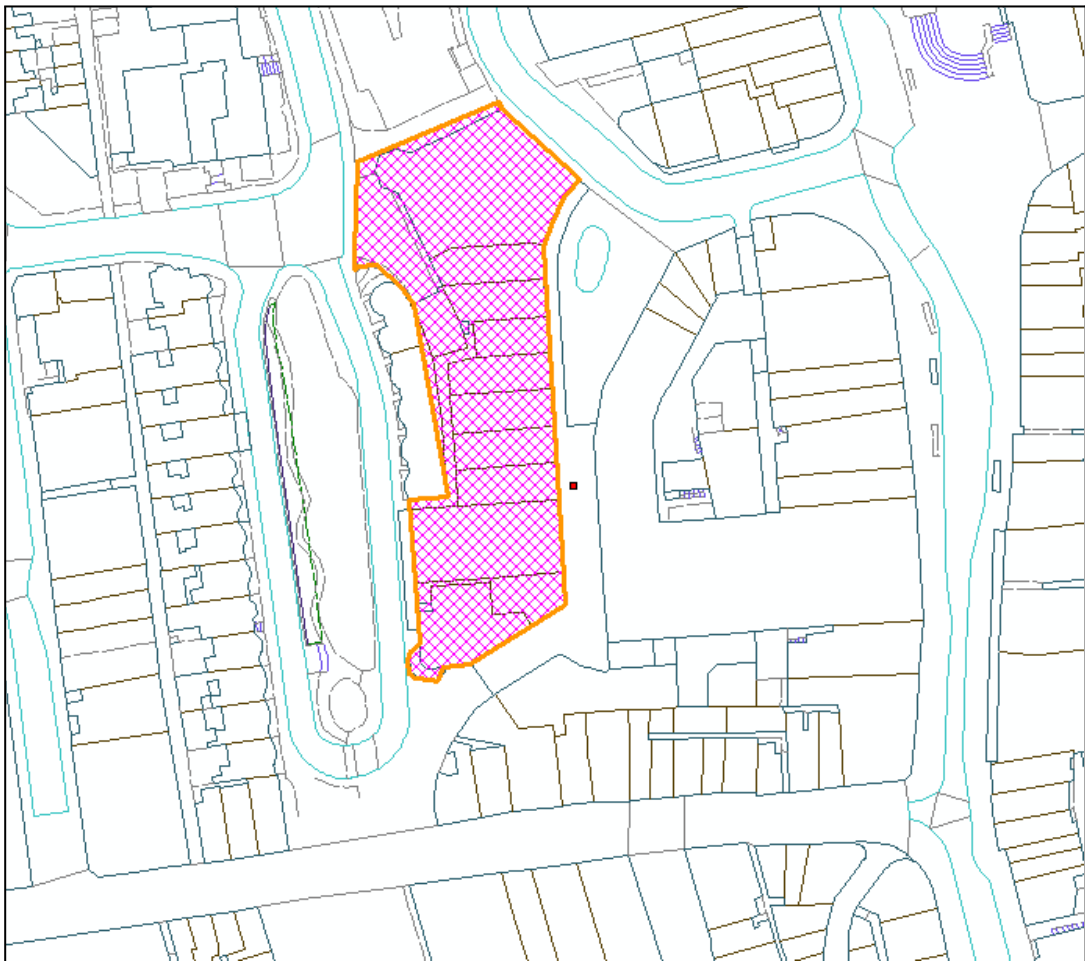
**3**

**Application Number: AWDM/0273/23      Recommendation – APPROVE**

**Site:            91 Dominion Road, Worthing**

**Proposal: Part retrospective application for provision of car workshop for car servicing, MOT and tyre fitting, car wash bay, final preparation building/ car storage (south-west corner); valeting and cleaning building (south-east corner); plus sale of motor cars, together with associated offices and flat. Acoustic fence to southern boundary. Application to Vary Condition 1 to include acoustic fence details, (Condition 4 (Car Sales - Hours of Working ), 5 (Car Sales - Delivery Hours.) and 8 (Car Sales Display area), Condition 10 (cycle Parking) condition 11 (Electric vehicle charging) and removal of condition 14 (dust suppression scheme) and 15 (Land contamination) of previously approved AWDM/1018/21**

<b>Application Number:</b>	<b>AWDM/1624/22</b>	<b>Recommendation - APPROVE</b> subject to a planning obligation and the receipt of remaining comments from Consultees
<b>Site:</b>	<b>The Montague Centre, Liverpool Road, Worthing</b>	
<b>Proposal:</b>	<b>Full planning permission for a maximum of three additional floors above the Montague Quarter Shopping centre to provide 42 No. residential units.</b>	
<b>Applicant:</b>	Cayuga Developments Ltd	Ward: Central
<b>Agent:</b>	Lewis and Co Planning SE Ltd	
<b>Case Officer:</b>	Stephen Cantwell	



**Not to Scale**

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## Site and Surroundings and Proposal

This town centre site of 0.4ha comprises the two and three storey Georgian-style building which forms the western side of the retail pedestrian area and arcade at Liverpool Buildings. Its northern wall, which is part of the T K Maxx store, also forms the edge of the wide pedestrian pathway alongside the southern of the Liverpool Gardens Public Car Park, connecting to Shelley Road.

Its western edge is immediately to the rear of the Georgian style apartment building, Alexander Terrace, and comprises the vehicular access and delivery ramp that runs behind the terrace upwards to retail service entrances at roof level of the Montague Centre. The remaining western (rear) wall of the building fronts onto Liverpool Gardens, this includes the distinctive colonnade and sculpture above it; 'the Dessert Quartet' also known as the 'Frink Heads. The heads and colonnade (or loggia) are a listed structure with heritage and cultural importance. Liverpool Gardens is part of the South Street Conservation Area and adjoins that of Chapel Road.

The southern side of the building faces Montague Street and houses a recently opened Nando's restaurant, previously occupied by Laura Ashley.



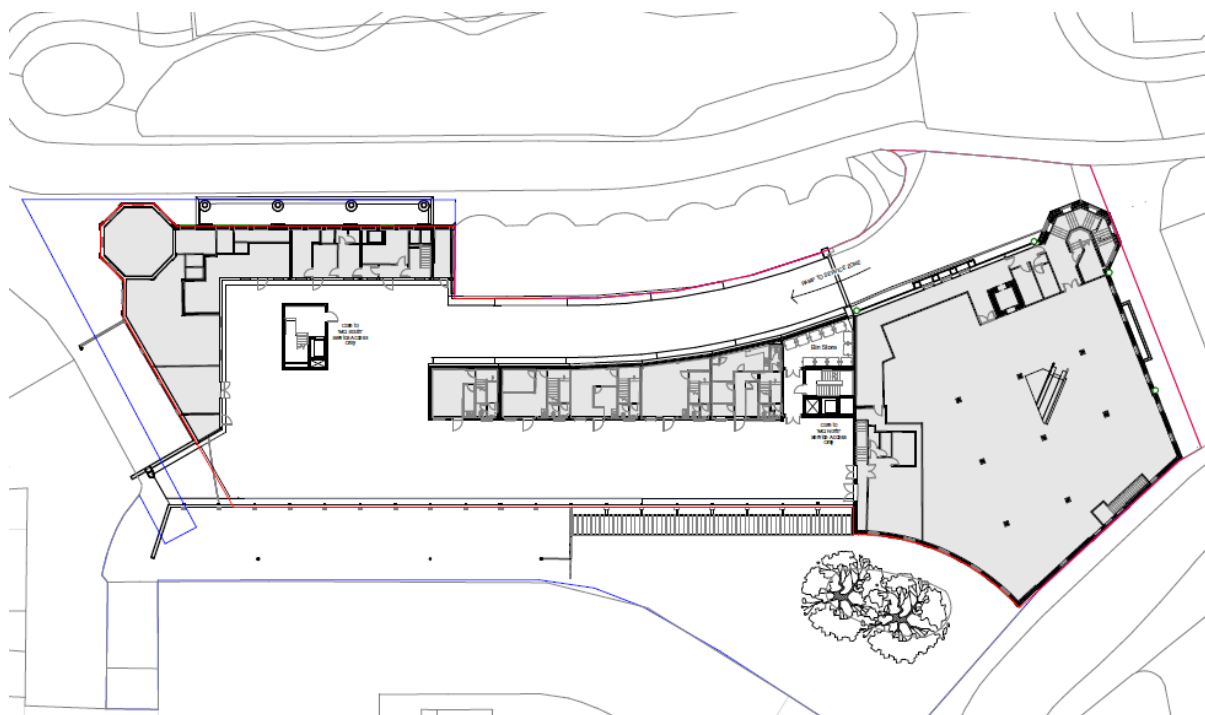
**Fig. 1: Proposed Elevations East and West.**

The building was constructed around 30 years ago, along with Alexander Terrace, in replacement for the demolished Odeon Cinema. Its architecture closely reflects the listed early C19th neo-classical/ Georgian style of Liverpool Terrace on the opposite side of the intervening gardens. A pair of matched rotunda towers are located at the northern and southern corners of the building.

Ground floor uses are a range of retail and food and drink premises, which face across a partially glazed arcade and pedestrian space, towards the shops forming the rear of the former Beales Store. The former Beales building has been remodeled following the part implementation of planning permission granted in 2019

(AWDM/1529/18), which included upward extensions, as yet unbuilt, of the two storey buildings by the addition of between one and three storeys containing new apartments, some with small balconies, opposite the Montague Centre.

The existing first floor is shown in Figure 2 below. The curved incline of the access ramp runs immediately to the rear of the Alexander Terrace apartments with their bow-fronted bays facing Liverpool Gardens and Shelley Road. Retail storage spaces are shown along the sides of the vehicular delivery deck, each with an individual access door. The large grey space to the right hand side (north) is the first floor shop area of TK Maxx and delivery passage, which is also served by a loading door to the delivery deck.



**Fig 2. Existing First Floor - showing delivery ramp and roof deck.**  
(Retail storage / spaces shown in grey)

The proposals would add three areas of upward extension to the building to create 42no. new flats, recently reduced from 50no. by the removal of one storey and lowering of the proposed roof. The amended plans in Figures 3 & 4 show two of the proposed floorplans which identify the three areas of extension coloured in shades of blue and purple. These are:

**The southern end** (light blue): would be a two-storey wing of new flats facing onto the airspace of the arcaded section of Liverpool Street. In the opposite direction it would look above the delivery deck towards Liverpool Gardens beyond the Frink Heads.

**The central section** (mid blue): would be a largely three-storey wing of new flats facing onto the pedestrianised part of Liverpool Street (north of the glazed arcade) and onto the rear of Alexander Terrace, with a small area of single storey addition.

**The northern end** (purple) is the area above the existing two storey TK Maxx premises. This would also be a three storey extension wrapped around a new internal courtyard. The roof would form the top (fifth) floor, lit by dormer windows. It would face in three directions; eastwards to the pedestrianised Liverpool Street, northwards to Liverpool Gardens Car Park and westwards towards the rear and side part of Alexander Terrace with Liverpool Gardens/Shelley Road beyond, including the 1960s apartment block Arundel House on the opposite street corner.

The three extensions would be connected together and the delivery deck would be shortened by them. The grey shaded areas shown at first floor in Figure 2 would remain in retail use, but with delivery access in the central section replaced by an internal delivery corridor. Plans of the further two floors above the southern and northern sections are not shown here, but their form and appearance can be seen in the elevation drawings in Figure 1 above. Other floorplans appear later in this report.



**Fig. 3 (upper). Proposed First Floor. | Fig. 4 (lower). Proposed Second Floor**  
Southern End (light blue); Central Section (mid blue); Northern End (purple)

## Relevant Planning History

**AWDM/1119/22** Installation of plant to rear service area including kitchen extract duct, 5no air conditioning units. Unit 1 - 2 The Montague Centre

**Approved 30/09/2022**

**AWDM/1675/22** External alterations including repainting window frames, new timber entrance door/window, timber boarding to window and new timber frame windows and single leaf door. Unit 1 - 2 The Montague Centre

**Approved 28/12/2022**

**AWDM/1676/22** Advert consent for : 1no. internally illuminated LED Nando fascia sign; 1no. internally illuminated Barci logo projecting sign; 1no. internally illuminated menu box. Unit 1 - 2 The Montague Centre

**Approved 23/01/2022**

### **Former Beales Building:**

**AWDM/1529/18** 45 new apartments through the extension and change of use of the existing buildings including 3 additional storeys to Liverpool Buildings, elevation balconies at second and third floor levels and roof terrace at fourth floor. New shopfronts and external alterations additional floor to South Street elevation with new windows at third and fourth floor. The creation of up to seven new retail units from existing retail floorspace with flexible A1/A2 use and the change of use of an existing A1 unit to flexible A1/A2/A3 use, car parking and associated works.

**Approved 17/01/2019 & Design Variation AWDM/0906/20 Approved 13/10/2020**

## Consultations

**West Sussex County Council Highways Authority** : No Objection

Highly sustainable town centre location with access to Bus, Rail, and cycle routes it is accepted that providing no car parking for the dwellings would be acceptable. Census data in 2011 revealed 61% of households in this ward didn't own a car.

**Car Parking:** Three disabled parking spaces are provided, at the base of the servicing area, in line with Manual for Streets recommendations, well located without the need to cross any roads (other than the service road). Due to location on a slight ramp these should be checked to ensure usability. Controlled parking restrictions; should a resident's circumstance change there is a parking permit scheme in place which is currently full, but a waiting list system is operational.

**Access:** Swept path diagrams show that delivery access can still be achieved. Future management arrangements are recommended to reduce risk of unauthorised resident parking

**Pedestrians:** Access to the pedestrianised area for new residents is welcomed

**Cycling:** Guidance suggests 25 cycle spaces needed

**Travel Plan:** should be provided pursuant to planning permission including vouchers

of at least £150 per dwelling for use in public transport, cycle purchase and training. Also provision of a car club membership.

Construction: A construction management plan [CEMP] should be submitted by planning condition. To include a traffic management plan due to limited space within the surrounding roads, the applicant may also require the temporary suspension of parking bays.

**West Sussex County Council Lead Local Flood Authority** : Comments

Risks of surface water and groundwater flooding are low. Sustainable Drainage Systems (SuDS) is proposed using a green roof. A technical review by the Council's Engineer is recommended and future maintenance and management of the SuDS system should be provided for approval.

**Environment Agency** No Objection

**Southern Water** Comments

The submitted surface water drainage information shows no flows greater than existing levels, proving the betterment to the surface water system which is acceptable by Southern Water. All existing drainage infrastructure should be protected during the course of construction works [distances to be observed for any groundworks or tree planting]. A separate application for drainage connection should be made to Southern Water.

**Fire & Rescue Service Water** Comments (original plans - comments on amended plans are awaited)

*Evidence is required to show that access for a fire appliance to the property can be achieved to within 45 metres of all points inside all residential units. Any areas not within this distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with British Standards.*

**Historic England:** Comments

*...We welcome the changes to the southern end of the scheme. This has resulted in development no longer being visible at ground level in views of the Desert Quartet Statues. It has also resulted in a more balanced composition in views from Montague Street.*

*[However] the changes to the northern end do not go far enough to address our previous concerns. We therefore consider that the proposal still causes some less than substantial harm to the South Street Conservation Area.*

*While the changes to the height and roof design at the northern end are an improvement, the scale of the scheme at this end is still considered to be too great. The proposal would therefore appear overly dominant and out of keeping with the prevailing Regency scale of the conservation area. We consider that a further reduction in height of the extensions at the northern end would reduce their*



*dominance as well as helping to create a more balanced form of development with that of the southern end of the Montague Centre. A reduction in height in this location would also help break up the development into smaller components (as was intended for the original design). Lowering of the height of the northern extensions and for the roof to be designed in a traditional single storey attic/Mansard form would produce a more contextual design with the surrounding Regency style buildings;*

*This change would allow the tower to be expressed clearly as a separate vertical corner element and the proposed new circular curved bays on the eastern elevation and those of Alexander Terrace to be read as the central parts of the overall composition.*

*In reaching a decision on this proposal, your Authority will need to decide whether you consider the level of harm caused by the proposal has been minimised as far as it can, and the extent to which there are public benefits, including heritage benefits before undertaking the weighing exercise as required by paragraph 202 of the NPPF.*

*If your Authority is minded to approve the scheme, we recommend that you ensure that the design is undertaken to the highest standard using high quality detailing and materials (condition).*

**Twentieth Century Society : No Objection**

*“...The Desert Quartet is an outstanding 1980s work of the very finest and most outstanding quality by a major artist, wholly successful both as a work of art and as an important townscape feature. It is a key exemplar of a late 20th -century public sculpture designed for a specific site, and also as townscape design of its period.*

*The Society has long been interested in the Dame Elisabeth Frink sculptures. We strongly opposed plans to remove the sculptures and applied to Historic England to list them back in 2007. The sculptures and associated loggia are now Grade II\* listed. While not listed, the Society considers Excell’s 1980s PostModernist shopping centre to be a building of merit in the South Street Conservation Area and worthy of Non-Designated Heritage Asset (NDHA) status.*

*The Society is pleased that the applicant has taken the exceptional heritage value of the Grade II\* listed sculptures and their setting into account. The proposal for the elevation and extension on Alexander Terrace has been much improved since its pre-application form”*

**Worthing Borough Council:**

**Technical Services (Drainage) Awaited**

**Environmental Health (Public Sector Housing)** comment that,

Each unit should meet National Space Standards but unit sizes are not readily discernible. The stacking of many units is unsympathetic with beds above living rooms and vice versa, which can result in neighbour disturbance that cannot be resolved statutorily. Natural ventilation should be provided

## **Environmental Health (Public Health Awaited**

### **Waste Services:** Comments

Vehicle access looks acceptable but the size of space for bin storage many be too small and should be checked. The location of bins involves a long walk along narrow passageway through sets of doors, with risk of damage to property. Can the bin area be at the south end outside rather than north inside?

### **Worthing Society** Objection

(Summary). Amended Plans: Although we are pleased to note that there have been some improvements to the earlier scheme e.g. the reduction in height by one floor and design changes to ensure the 'Desert Quartet' are not diminished, the revised scheme fails to address the earlier concerns and therefore, should be refused.

The 'Post-Modernist' Montague Centre, designed by Graham Excell (ARIBA), is a of significant merit within the Conservation Area, with reference to Georgian elegance and scale and, with the inclusion of Alexander Terrace, the design complements the Grade II Listed Buildings of Liverpool Terrace and Gardens

The revised scheme will still be a 'step-change' for Worthing in character, design and scale for the town centre. It will erode the unique 'sense of place'. Over dominant scale and incongruous, diminishing the prominence of proximate listed buildings. The increase in height should be no more than two storeys.

Removal of the previously dominant grey mansard roofs, is an improvement. However, the north elevation with the prominent dome element appears out of character and over dominant, diminishing the visual importance of Liverpool Terrace and Alexander Terrace, specifically designed to complement the character of the conservation area.

Design gives 'insufficient weight' to the character and architecture of the conservation area and Montague Quarter. It does not reflect the seaside character of Worthing or complement the views of Liverpool Terrace and Gardens. There is no apparent precedent for a Parisienne design and an over reliance on dormer windows with rather dark roofs

The southern elevation viewed from Montague Place appears disjointed

Loss of light in the relatively narrow shopping area. The arcade canopy feature would lose its significance.

Not all dwellings meet the National Space Standards which indicates overdevelopment and concerns that the layout will affect the well-being of future residents. The 42 dwellings will not make a significant contribution to housing needs

Nearby residents have also raised concerns about over- looking and a potential, serious impact on the parking amenity in an area already under considerable strain.

Conservation areas are the 'backbone' to the town's character and history. Policies and legislation require that development should 'enhance and better reveal' the character of the conservation area.

## **Representations**

### **Amended Plans May 2023: 5 objections (to date 24th May)**

- Design, highway access and parking, loss of general amenity, overdevelopment, privacy light and noise, trees and landscaping but support principle of retail improvements.
- Amended plans still overdominant and overbearing upon Alexander Terrace, with large and unsuitable mansard roof. It is taller than Georgian properties and will have a significant and devastating impact on the area and surrounding residents.
- Loss of light and likely overshadowing is of high importance particularly to residents of Alexander Terrace and public spaces.
- Overlooking of all three rooms of neighbour's home with six flats facing rear of Alexander Terrace 8 metres away
- Whilst supportive of improvements to the Montague Centre, additional floors are still far too high, although 3 floors are better than 4. Glass fronted apartments would affect the skyline and possibly behind the Frinke Heads (will it go any higher than the existing wall behind these?), and behind Alexander Terrace.
- Welcome reduction of height behind FrinkHeads/Desert Quartet and addition of green roof here, although proposed views of the area behind the statues are shown from ground level, residents in Liverpool Terrace and Alexander Terrace will have a view of the proposed development to the east / behind the statues.
- Views from Shelly Road will also be harmed by the considerable size of development and affect the preservation of the surrounding architecture which are part of the town's series of focal points.
- Strong objection; outlook from Liverpool Terrace will increase from 2 storeys to 5-6 storeys – outrageous and unacceptable and remains a significant point of concern. Effect of trees as a shield varies according to season and may be affected by future pruning, they should be discounted.
- Not an enhancement, proposals are cumbersome, overbearing and distract from the conservation area and listed buildings. Design, including dutch roof, out of place. Nando's signage has recently had a negative effect
- Traffic and congestion – Existing problem of delivery drivers using both terraces, to park often illegally, and wait for McDonald's and Nando's home delivery; also recent increase in taxi drop-offs following opening of Nando's. No

preventative measures have been taken by the Council to stop and divert the problem to more suitable locations

- Parking - likely that new residents will have one car per flat, and more in the case of three bedroom homes. Likely to use cars rather than bikes as there are few places to work in the town centre. There is inadequate local parking in Zone A for homes, businesses and public use in Liverpool and Alexander Terraces, many buildings have multiple flats converted without parking, where will new residents park safely and conveniently?
- Circling of cars to find parking spaces will increase noise and fumes.
- Additional traffic, noise and lighting on the access ramp will adversely impact neighbours.
- Only two landmark shops remain in the arcade since closure of Beales. Residential development is unlikely to produce significant additional footfall. Vibrancy and vitality of retail arcade would only be achieved by better quality and style of shops. Alternative options to maintain the shopping centre should be found
- Does not provide public benefits, concerns that it could become a sub-let, short term let, holiday let and or air b & b project for a few investors. Such accommodation may soon deteriorate.
- A quarter of proposed flats are below national space standards
- More suitable land should be found to meet housing needs away from congested area; motivation is for profit.

#### **Original Plans:** 25 objections

##### Conservation and Design

- Overdevelopment.
- Excessive height
- Adverse precedent due to excessive height.
- Adverse impact on setting of Grade II listed buildings and Conservation Area.
- Adverse impact on Elizabeth Frink heads and surrounding sculptures, including the Desert Quartet Sculptures.
- Concern about potential for future plant and impact on appearance of building.
- Original design of Montague Centre compromised.
- Internal atrium has no public purpose.
- Roof material is out of scale.

##### Amenity

- Noise pollution from balconies.
- Loss of privacy through proximity to existing buildings and gardens, including those on Portland Road, Alexander Terrace and Liverpool Gardens

- Loss of light and Overshadowing, including to commercial premises in the Montague Centre.
- Concern that neighbouring living room windows are incorrectly described as kitchen windows in some of the supporting documentation.
- Loss of light to surrounding residential properties, including Liverpool Terrace.
- Concern about noise from air source heat pumps.
- Concern about noise pollution from construction works and after completion of development through traffic.

#### Highway Access and Parking

- Insufficient parking. Will also result in loss of visitor and residents' parking
- Inaccuracies in supporting documentation regarding traffic flow around Liverpool Terrace/Alexander Terrace
- Likely impacts through congestion arising from car ownership.
- Likely noise from traffic movements.
- Impact of additional food delivery vehicles.
- Impact of additional traffic on the service road adjacent to Alexander Terrace.

#### Ecology and Trees

- Concern about ecological impacts - that Bats are considered and assessed and other wildlife related issues
- Concerns about impact on trees and landscaping - including through overshadowing from the building.

#### Other Issues

- Concern about whether correct consultation processes have been carried out.

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

#### Worthing Local Plan 2020-2036:

DM1 Housing Mix; DM2 Density; DM3 Affordable Housing  
 DM5 Quality of the Built Environment; DM6 Public Realm  
 DM7 Open Space, Recreation and Leisure; DM8 Delivering Infrastructure  
 DM13 Retail & Town Centre Uses; DM15 Sustainable Transport & Active Travel  
 DM16 Sustainable Design; DM17 Energy; DM18 Biodiversity; DM19 Green Infrastructure  
 DM20 Flood Risk and Sustainable Drainage; DM21 Sustainable Water Use & Quality; DM22 Pollution  
 DM23 Strategic Approach To The Historic Environment; DM24 The Historic Environment

Supplementary Planning Document 'Space Standards' (WBC 2012)  
 Supplementary Planning Document 'Sustainable Economy' (WBC 2012)  
 'Infrastructure Delivery Plan' (WBC 2010)  
 Open Space, Recreation & Leisure - Guidance Note (WBC, 2021)

## **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.

In respect of heritage Sections 16, 66 and 72 & 73A of the Act and also Section 72 of the Planning (Listed Building & Conservation Areas) Act 1990 require the Local Planning Authority (LPA) to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest they possess, and to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

## **Planning Assessment**

### ***Principles***

#### **Town Centre Uses**

The site is located in the primary part of the town centre, which is subject of Local Plan Policy DM13 with its principal focus upon retail activity, with other uses which support this function. Investment into the fabric of the existing building with its series of varied levels and roofs, towers, glazed arcade and load-bearing access ramp & roof servicing is considered to be consistent with this focus. The viability assessment provided with this application (referred to below), describes the reduced rental income of recent years as retail trends have changed, and the desire to produce rental incomes through the proposed development, as a means of funding on-going maintenance.

The proposals make localised differences to the retail provisions in the form of reorganised delivery routes, as described in the Accessibility section below but space for storage of goods and staff facilities remains largely similar to the existing.

More notably one existing vacant shop facing the Liverpool Road pedestrian space would be redeployed as a new residential entrance lobby and stairwell to new upper apartments. Policy DM13 requires consideration of whether this change would be harmful to the retail character of the street.

In consideration of this, it is noted that the lost retail frontage would be approximately 7m wide among a wider retail frontage of approx 120m. The lost unit is close to the TK Maxx store, which as the the largest unit and longest individual frontage, creates a strong retail presence, such that this relatively small neighbouring loss, is likely to have only a small effect on retail character. This consideration, along with the

improved further maintenance prospects for the Montague Centre are considered to have positive weight under policy DM13.

#### Town Centre Housing and Mix of Sizes

Policy DM13 also allows for other uses of upper floors, subject to consideration of their impact upon retail activities. In this case matters such as noise insulation between floors and party walls between different uses are subject of the awaited review by the Environmental Health Officer. Comment is also needed upon the relationship with air extractors and risk of fumes of ground floor food and drink uses, although in the case of the recently opened Nando's restaurant, this has been subject of scrutiny in the recent planning approval (AWDM/1119/22).

Policy DM1 allows for high density residential developments as part of mixed uses in the town centre, with densities in excess of 100 dwellings/ha. The proposal, which equates to 105/ha accords with this.

The housing mix is summarised in Table 1 below. The proposals are predominantly for one and two bedroom homes, with the greater emphasis on two bedrooms. The need column uses percentages taken from the Council's Strategic Housing Market Assessment (SHMA) of 2020. The difference between need and the proposal is largely due to the small number of proposed three bedroom homes; these are less easily accommodated in high density central locations, and would tend to require greater amounts of outdoor space.

**Table 1: Proposed Size Mix and Need**

Size	Proposed	Need	Difference
1 bed	12 (29%)	5-15%	+14% / +24%
2 Bed	26 (62%)	40 - 45%	+17% / +22%
3 Bed	9 (9%)	35 - 40%	-24% / -31%

The raised proportion of two bedroom homes by comparison with need suggests that there might be scope for a different mix, using more one-bedroom units. However, one risk of this approach would be an increase in the number of single aspect homes due to the linear nature of the site, especially its southern and central sections. It would increase demand for outdoor spaces such as balconies and terraces which would have implications for the carefully amended architectural design. In light of these considerations and the overall density achieved in accordance with policy, the proposed mix is considered acceptable here.

#### *Affordable Homes and Viability*

Policy DM3 requires the provision of twenty percent of new flats to be provided as affordable homes, comprising a mix of tenures i.e 75% affordable-social rented and 25% shared ownership. This should be provided on-site. In cases where

development costs are exceptional, an exemption may be made to this requirement, subject to a robust financial assessment with evidence, which in turn is independently assessed by the Council's consultant.

In the current proposals the applicant has submitted a viability assessment, which compares the development costs against returns, in accordance with National guidance (the latest planning practice guidance on viability and the NPPF), using the 'residual value' method. This assessment includes construction costs and estimated sales values for the proposed flats based on local examples. The financial contribution of £97,000 for open space, in accordance with Council policy, is also included. The assessment also assumes a developer profit of 17.5% in line with national guidance and other factors such as finance costs and professional fees.

Calculations do not include the reductions in rental income from redeployed retail and storage space, nor the costs of the Community Infrastructure Levy (CIL), which is chargeable at £25/sqm, a total upwards of £76,000 to which a figure for internal circulation space will also be added.

The applicant's assessor concludes a negative residual value of - £1.8m, which according to the residual method, means that the development could not afford to sustain additional planning contributions beyond the open space contribution, without moving into further deficit. In real terms this outcome also means that real profit would be below the target 17.5% on Gross Development Value.

The Council's consultant accepts that most of the values and assumptions used in the assessment are reasonable, with the exception of development finance of 7.75%, which is regarded as high by a value of 0.25%. The consultant has therefore applied this lower rate, and has used sensitivity testing to examine the effect of improved assumed sales values by +5% and reduced construction costs of -5%.

This review reduces the negative value to around - £726,000 or around 11.9% profitability, which is then corrected to 11.66%, due to a slight discrepancy in the number of flats tested in the applicant's original assessment.

The Council's consultant concludes based on an assessment of the scheme with nil affordable housing:

*"Although it has been possible to explore and show, in our view, how the viability position might be better than submitted, the improvement scope has not been found sufficient to alter the presented outcome materially. Therefore, overall, we agree with the position put forward with Oakley which is that the scheme does not reach what would typically be considered a suitable return for risk. The applicant presumably has their own criteria for assessing the proceedability of the development which may include being willing to accept a sub-optimal profit on the basis that funds are generated to subsidise the works to the shopping centre, with a view to maximising the return from their wider shopping centre investment; and/or intends to find efficiencies within the scheme costs as well as achieving positive sales values – through the usual "value engineering" type processes. (DSP Review May 2023 para 4.1.11)*



The consultant also notes that their review is optimistic, for instance, it sets aside renovation costs to the existing shopping centre of approximately £415,000 which the applicant sees as necessary to enable and promote the sale of the proposed flats (refurbishment of glass arcade to pedestrian area; cleaning of Frink Heads sculpture; new lighting; fire doors & sprinkler system and complete redecoration); these works overlap with the retail function of the building.

Furthermore, neither the applicant's assessment nor the Council's review include the CIL charge or the costs of retail rental reductions that might result from facilitating access to the proposed rooftop development.

In summary, the review provides sufficient evidence to demonstrate that the development is unlikely to support the provision of affordable housing. The Consultant has indicated that a future review of this position is an option and that a mechanism for review could be included in the terms of a planning permission via s.106 Agreement. Furthermore, the applicant has offered a contribution of £50,000 towards the provision of affordable housing in the Borough, which would form a baseline above which any positive outcome of a future review, could add further funds.

### ***Sustainability***

Policies DM16 and DM17 deal with Sustainable Design and Energy. These require that CO2 emissions for new housing should be 20% below the Building Regulations baseline dated 2013 and should minimise risk of summer overheating. Development should also incorporate renewable energy technologies to provide at least 10% of its predicted total energy requirements, with a preference for communal systems or district heating connections.

Under Policy DM21 efficient water use of 110 litres per person per day should be achieved by the design of efficient water systems and fittings, and surface water drainage should be designed according to sustainable principles (SUDS), in which the rate of run-off from a site is regulated. Policy DM18 requires at least a 10% gain in biodiversity, where possible on site.

This section describes the energy and CO2 aspects of the proposals and efficient water usage. Drainage and biodiversity are covered in later sections of this report.

The applicant's sustainability consultant has modeled the future energy demand and the CO2 output of the proposed development, in accordance with the Standard Assessment Procedure (SAP) used for Building Regulations (B.Reg) assessments. This compares the effect of insulation values to be used in the fabric of the building, and energy sources and ventilation, against the B. Regs baseline. Water usage has also been modeled.

The following efficient design elements are proposed:

- Building fabric - insulation values for walls, roofs and windows using 2021 B Regs targets, which exceed the 2013 baseline

- Low gain glazing and fitting of blinds to minimise summer overheating
- Low energy mechanical ventilation to support passive ventilation (openable windows),
- LED lighting
- A water performance level of 109.3l/person, via efficient water system and fixtures.

Renewable energy would be provided by the use of a centralised Air Source Heat Pump, with hot water distribution loop throughout the building. This centralised heating approach, (which includes a ground floor plant space as well as the roof levels Heat Pump plant space), will also ensure that the development is capable of future connection to the Worthing District Heat Network.

The route of this future network includes a connection point in Chapel Road 60m to the east; the network is due to be provided in the next few years, which is likely to coincide with the construction of the proposed development if approved. A s106 Agreement can require liaison with the Council and its provider to achieve a connection as far as practicable. If achieved the Air Source Heat Pump may not be needed or may be retained in parallel.

It is noted that roof space for solar panels would be limited due the narrowness of the proposed roof edges and by the presence of parapets and other elements of the building which would overshadow these. Hence no solar panels are proposed and the Air Source Heat Pump option has been incorporated.

The combined effect of these building efficiencies and heating proposals is a predicted CO2 saving of approximately 58% - 66% compared with 2013 B. Regs baseline. Thirty-one percent of this is due to the increased B. Regs targets for CO2 reductions since 2013, but the applicant's figures show an improvement well beyond even these and is clearly well in advance of the 20% target in Policy DM16. Through the use of Air Source Heat Pumps or future connection to the District Heat Network, the proposals also meet Policy DM17 targets for the incorporation of renewable energy.

A planning condition would be used to verify the attainment of these policy requirements at the development completion stage.

### ***Design, Size and Appearance***

Policy DM5 requires a high standard of architectural design, which respects the character of the site and the prevailing character of the locality. Particular regard is had to matters including form, height, scale and streetscene. The location of the site within the South Street Conservation Area, close to listed buildings, including the former Lloyds Bank, Liverpool Terrace and the listed component of the site itself (the Desert Quartet-Frink Heads and colonnade), also engages heritage policies DM23 & 24, which also refer to the need for high quality and respectful development. These latter policies are considered in more detail in the Heritage section, but there is an overlap and common aim regarding high quality development and its relationship to context.

The position of the site is of particular interest. It has two long ground floor frontages, one along the pedestrianised Liverpool Buildings, the other comprising two sections of the frontage of Liverpool Gardens, separated by Alexander Terrace, along whose rear boundary it also falls. These contexts are quite different both in terms of function, (retail in Liverpool Buildings, largely residential and open space in Liverpool Gardens), and in form.

The form of development in Liverpool Buildings and Liverpool Road is varied in terms of architectural style and era. Heights are also varied, with rises and falls between two and three storeys, occasionally four storeys further eastward in South Street. A part implemented extant planning permission for the former Beales building allows for the addition of between two and three storeys, creating a high point of a recessed 5- storey element to the east of the glazed arcade; (see the Appendix).

To the west, the character is of a far more consistent Georgian Neo-Classical style, comprising the Listed four storey Liverpool Terrace, which is mirrored by the faithful architectural scale and style of Alexander Terrace, built around 30 years ago as part of the Montague Centre development. Arundel House adds a modern high point.

In both contexts, are buildings of greater than the existing Montague Centre, as such the principle of upward extension is considered acceptable, as is the use of the neo-classical style of the proposal. Consideration should therefore turn to the particular height and form of the proposal. Figure 4 shows its amended elevations (in colour) with those of the original submission in black and white at Figure 5

Comparison between the eastern elevations show the large barrel-type roof of the northern end in the original plans, with its somewhat alien (in this context) rounded edges and double rows of recessed inverted dormers, has been removed in favour of a lower mansard-type pitched roof lit by much smaller and symmetrical dormers. The top floors are recessed to create a sense of tapering, which also divides the vertical face of the building, along with the distinctive horizontal parapet and colondes below it.



① Proposed East  
1:200



② Proposed West  
1:200



③ Proposed North  
1:200



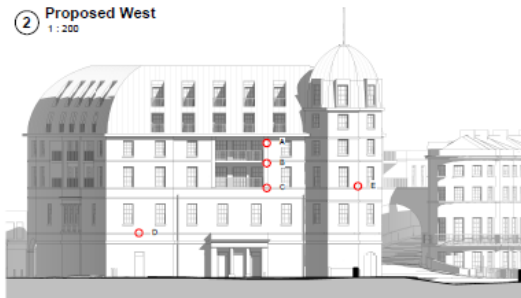
④ Proposed South  
1:200



① Proposed East  
1:200



② Proposed West  
1:200



③ Proposed North  
1:200



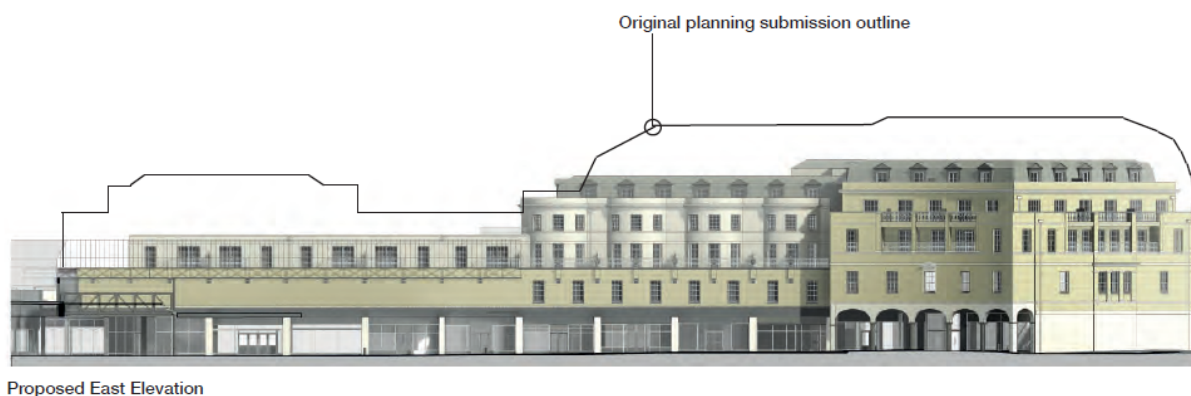
④ Proposed South  
1:200



**Fig. 4 (upper). Amended Proposal. | Fig. 5 (lower). Original Submission**

The roof of the central section has also been lowered, and the introduction of the bow front design to the three storey extension serves to strengthen the neo-classical character of the building, borrowed from Liverpool Terrace. The contrast between its rendered upper storeys and the brickwork parapet below, also divides and softens the vertical mass. Insertion of windows into this lower parapet adds further interest and animation to the frontage of the central section.

The height reduction between the amended and original plans is shown by the overlay line in figure 6 below. It is notable that the southern extension has also been reduced down to a two storey addition (part is concealed behind the parapet wall above the existing arcade). This follows the advice of Historic England, to minimise its visibility within the backdrop to the listed Desert Quartet sculpture when viewed from Liverpool Gardens,



**Fig 6. Height Comparison Between Amended and Original Submission**

From the east the redesigned proposals are considered successful in reconciling the height of the proposed extension with the architectural form of the building. Whilst the fifth floor would become a local high spot, in urban design terms there is some justification, given its location in the spacious intersection of three streets where there are middle distance views of the site from the town centre and around its edges.

The three images in Figure 7 below are of the pre-application scheme, which was considered by the Regional Design Panel early last year. Each part of the current proposal has been significantly altered in scale and design during both pre-application discussions and since submission.







**Fig. 7: Pre-application Drawings considered by Design Panel March 2022**

Turning to the northern and western sides of the proposed development, the amended plans have sought to address previous concerns regarding overall size, especially of the roof of the northern end and the vertical sheerness of its walls. The combination of the recessed top floors and the reconfiguration of windows, which decrease in size in upper floors, and the use of colonnade-type balconies, provide horizontal division within the mass, which is considered to meet the high quality design requirements of policy DM5.

Further consideration of design overlaps into the consideration of its heritage impacts, which are subject of Policies DM23 & 24, together with National guidance and legislation. This is continued in the next section.

### *Heritage*

The Local Plan policies require that development should take into account information about the local heritage, which includes the Council's South Street Conservation Area Appraisal. As already mentioned, development affecting any designated or undesignated heritage asset must be of a high quality, respecting its context and demonstrating a strong sense of place. This reflects the statutory duties summarised in the legislation section of this report to give special attention to the desirability of preserving or enhancing the character and appearance of the conservation area and special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

Local Plan policies mirror the advice of the National Planning Policy Framework (NPPF21, paras 194-206). This attaches great weight to the conservation of designated heritage assets and their significance, such as listed buildings and conservation areas. Any harm to these arising from development proposals should require clear and convincing justification. In terms of degree of harm, substantial harm to an asset should be refused unless it is necessary to achieve a substantial public benefit, which outweighs the harm.

Where a proposal will have a less-than-substantial degree of harm to a heritage asset or its setting this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Where non-designated heritage, for instance a building which is on the Council's local list of interest is affected by development, this should also be taken into account. A balanced judgment is required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Council's South Street Conservation Area Appraisal, 2001 pre-dates the listing of the Desert Quartet but considers the importance of the Montague Centre in the Conservation Area. Its design, including Alexander Terrace is said to reflect the buildings in Liverpool Terrace 'creates a harmonious street scene' together with the shopfronts on its eastern side which reflect those of the former Beales building, Its glazed canopy is seen as an important gateway. The building is said to demonstrate high quality workmanship and materials, its brickwork and curved colonnade at ground floor should be preserved.

To the east, the appraisal describes the variety of building styles in South Street with buildings which are three to four storeys high with period detailing and which should be preserved. To the west in Liverpool Terrace and Gardens the Gardens are described as a tranquil space enclosed by Regency terraces on its east and west sides, with the Rotunda to the south. The front elevations of Liverpool Terrace and the Montague Centre offices (now Alexander Terrace apartments) and the sculpture terrace (the Desert Quartet), should be preserved.

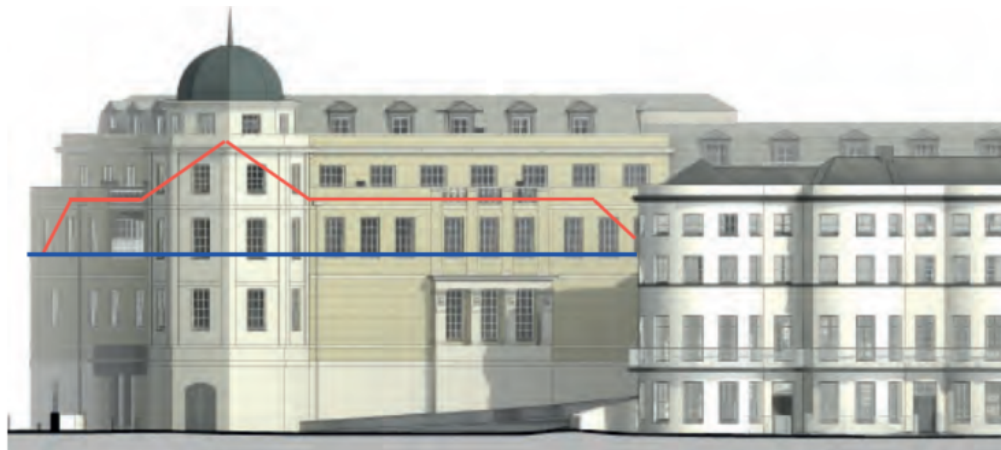
The Chapel Road conservation area lies immediately to the north, including Liverpool Road and the car park environs with converted Victorian Houses further north. The Council's Conservation Area appraisal also dated 2001 refers to the 'Montague Quarter end' where development should provide a strong sense of enclosure of the Montague Quarter car park open space. It states that the combination of the attractive detached Victorian villas and of certain recent and potential further new development means that there is significant scope for further environmental enhancement in this area in the future'.

The applicant's heritage consultant assessment, which accompanies the current application, refers first to the listed Desert Quartet sculpture and supporting structure, with reference to its statutory listing. The Grade ii\* listed heads are the culmination of Elisabeth Frink's work in this theme, each head with subtle variations of expression. The neoclassical loggia and plain austere backdrop wall allows the works to take centre stage.

The relationship between the sculpture and building has been preserved in the amended plans, which have reduced the height of the southern extension to two storeys now relocated to the far (east) side of the building. It is agreed that any view of the extension against the skyline backdrop is limited, for instance to the upper floors of Liverpool Terrace. This is unlikely to affect the setting of the listed sculpture and building. It has also removed the previously proposed additional doors and bin store access beneath the colonnade. English Heritage is satisfied with this amended

proposal, and this is not considered to harm the listed sculpture-building or its setting.

The wider consideration of heritage impacts includes Shelley Road to the west; the north end of Liverpool Gardens and Liverpool Road and east, from the junction of South Street, Liverpool Road and from the west in Chapel Road/South Street/Warwick Street. Views are shown in the four images at Figure 8 below.







**Fig. 8. Proposals From Four Locations: Shelley Road & Liverpool Gardens, Liverpool Road and Chapel Road/South Street**

In each case the heritage assessment observes the use of the set-back upper floors, along with a traditional pitch to soften the profile of the mansard roof. In the views of the extended and remodeled corner turret the set-back upper section also helps in softening and graduating its form. The assessment considers the increase in height of the northern end to be modest and proportionate in design terms that it

emphasises the functional importance of the site as a retail focus when seen from Liverpool Road and South Street, to the north and east. As a backdrop to the Grade-II listed Lloyd's Bank, Nos. 41 and 43 South Street, the increase in the height is not considered to impact on its immediate setting, which is mainly appreciated as a corner building in the context of South Street and Chapel Road.

From the North and west, in Shelley Road/Liverpool Road and Liverpool Gardens, the height also provides a counterpoint to the eight storey Arundel House on the corner of Shelley Road. The turret is considered to provide a much stronger corner feature than the existing, with architectural / visual interest in longer distance views over the town centre, from both the South Street and Chapel Road Conservation Areas.

Although the northern extension is taller than Alexander Terrace in the foreground of Liverpool Gardens, the spatial separation provided by the intervening ramp, (around 8-10m) and the set-back corner position of the northern extension, helps to preserve the distinctiveness and the prominence of Alexander Terrace in the foreground of Liverpool Gardens.

The central section is largely to the rear of Alexander Terrace, where its visual impact is upon the outlook from its residents and from the pedestrianised area of Liverpool Buildings

These observations are considered largely reasonable, although there are some reservations concerning the additional mass of the western side of the building against the backdrop of Alexander Terrace, where the dominance of the terrace from Shelley Road and the northern end of the Gardens, will be diluted.

The remodelled northern turret will also disrupt the symmetry of the pair of similar turrets which bookend the building (the other is at its southern end). However, given the distance between the two, this is unlikely to be readily observed or jarring. The recessed dome of the remodeled design is considered faithful to the neo-classical style, avoiding the more elaborate neo-Victorian form of the original submission, shown below (Figure 9). Whilst Historic England questions the limited extent to which it rises proud from the proposed northern roof, this is considered a minor criticism.



Existing Building



Planning Submission Nov '22



Final Committee Submission Apr '23

**Fig 9 Northern Turret.**

In summary, the proposals will change the evident scale and prominence of the building. This is considered unlikely to be harmful to the character of the town centre and conservation areas to the north and east, where the heritage value is found in the breadth of different styles and forms. Its added height and tapering upper floors are considered to be reasonably comfortable with the spacious setting of the building when seen from the east and north.

The architectural form is sympathetic to the original design and the added bow-fronted terrace of the central section, with added windows in the existing parapet, will increase the distinctiveness and animation of the facade. Its set back avoids a risk of appearing overbearing upon this pedestrianised space, even if the approved upward extension of the Beales building opposite, is carried out in the future.

From the west, the unique Regency environment of the Liverpool Gardens area has a greater susceptibility to change. As mentioned, the proposed relationship with Alexander Terrace incurs a degree of likely harm. Historic England's conclusion that there is harm due to its dominance, albeit of a less than substantial degree, has relevance here along with other representations received which suggest a lesser height.

In weighing this less-than-substantial degree of harm with the merits of the application, policies and NPPF require that this should be weighed against any public benefits of the proposal including, where appropriate, securing optimum viable use of the site. Furthermore, any harm should have clear and convincing justification.

This weighing of impact and benefit involves qualitative judgments about the amount of harm caused, alongside the value of the benefits to the public. Consideration of the extent to which development would secure the optimum viable use of the site is among the factors which may be considered.

The heritage harm is considered to relate to the effect of the northern extension upon its relationship with Alexander Terrace and part of Liverpool Gardens. The views which are affected are concentrated around the northern end of the Gardens and from Shelley Road. It is debatable as to whether there is harm along the northern edge of the site, where the additional height would also be fully visible from the footpath and Liverpool Road and car park, but the sensitivity to change here is a degree less significant than in the Regency environment of the Gardens / Alexander Terrace area.

The benefits of the development include the provision of a modest number of new homes to meet needs in a sustainable location away from greenfield sites. New residents will also add some degree of activity and vitality into the town centre. Both of these factors may be regarded as generally beneficial to the public. Other merits such as contributions for open space, affordable housing and renewable energy are specific to the development, although biodiversity improvements (see Biodiversity section), will benefit more widely.

A key part of the applicant's reason for undertaking this development is to adapt the building and its financial health to the challenges posed by reduced retail rental



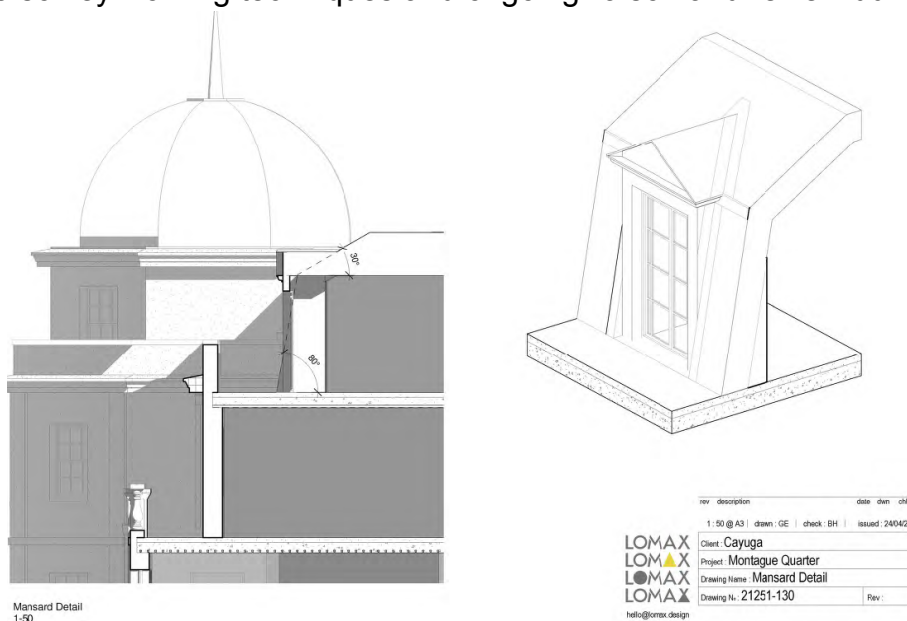
values and vacancies as shopping patterns have changed. Maintenance costs remain unchanged and are expected to increase as the building ages. This includes maintenance of the listed sculpture and colonnade, which in itself generates no revenue. In the recent amendments the applicant has sought to achieve a balance between concerns expressed regarding size and design and the aim to generate future income through unit numbers.

Given the occurrence of vacancies in the Montague Centre in recent years the indirect reference to the income and expenditure, which is made in the applicant's affordable housing viability assessment, is undisputed by the Council's Consultant. It seems reasonable that investment which broadens future income is likely to have a stabilising effect on the maintenance of the building. Its location, striding the retail centre and Regency area and the harmonious effect it contributes to these, (as referred to in the Council's Conservation Area Appraisal), it might also be regarded as an undesignated heritage asset, despite its relatively recent (1989) construction. As such its maintenance is in the wider interests of the Conservation Area.

In light of the contribution which this justification makes to arguments in favour of the scheme, it would be reasonable that a future management agreement for maintenance of the building would be secured through a legal agreement, in the event of planning approval.

In summary, the localised heritage harm arising from the height of the building is less than substantial and when set alongside the benefits of new housing, viability and improved maintenance prospects, is not considered of sufficient weight as to warrant refusal.

However as indicated by Historic England, it would be vital to ensure that all work undertaken to the highest standard, replicating the high quality workmanship of the existing building and using high quality detailing and materials. For this purpose a planning conditions would be needed, requiring not only the approval of materials but also key working techniques and ongoing liaison and review during implementation.



**Figure 10. Example Large Scale Detailing**

Detailed drawings at large scale will also be needed under planning conditions. Some are illustrated in Figure 10 above. Among the details to be provided is that of the new residential entrance, the design of which should be such as to complement the distinctiveness of the building with visual interest and carefully considered styling. The initial image at Figure 11 below locates this entrance although a very different design may emerge through further discussion.



**Figure 11. Location of Proposed Residential Entrance**

### ***Accessibility and Parking***

Policy DM15 requires the assessment of traffic implications for developments of this size by the submission of Transport Statements. It also requires that development should have good access to schools, shops, services and public transport, and that priority is given to the needs of pedestrians and cyclists over motorists. Appropriate levels of cycle, car and electric vehicle charging should be provided which reduce the need to travel by car.

The transport consultant's statement accompanying this application has calculated that a development of 50 flats would generate 96 vehicle movements per day if car parking is provided, or 17no without parking. These values would be proportionately reduced in the case of 42 dwellings. County Parking standards indicate a maximum of 45 car parking spaces and 25 cycle spaces for this mix of dwelling sizes.

### ***Sustainable Transport***

The Highway Authority comments that this is a highly sustainable town centre location where a high proportion of existing homes (61%) do not own a car according to census data. Accordingly it recommends that a no (private) car

development is acceptable here, subject to initiatives which promote non-car ownership.

These initiatives are set out in a proposed travel plan, which promotes the use of other transport modes, including a paid voucher scheme and monitoring, which would be secured by legal agreement. This would also provide space for a car club vehicle, with paid car club membership for two years and a £50 drive-time credit. This vehicle would also be available to other residents, which may help in serving existing needs.

Electric vehicle charging facilities would also be incorporated, which assists in offsetting air quality impacts. Two parking spaces would be provided for Blue Badge holders, at the base of the existing access ramp (which currently has three parking spaces). Secure cycle parking is proposed at ground floor level, for 25 cycles.

These measures are considered to be in accordance with the policy and can be secured through planning conditions and legal agreement.

### *Deliveries*

At first floor level, the vehicle delivery and turning space is shortened by the proposed flats in the central section. The amended plans have shortened it further by relocating some of the second floor flats which were previously proposed behind the Desert Quartet, down onto the first floor at the other 'arcade' side of the loading deck.

The effect of these changes is that the maximum-size commercial vehicle which can access and turn upon the shortened deck is a sprinter/transit long wheel base type. up to 6.9m length. This is illustrated in the upper panel of Figure 12 below.

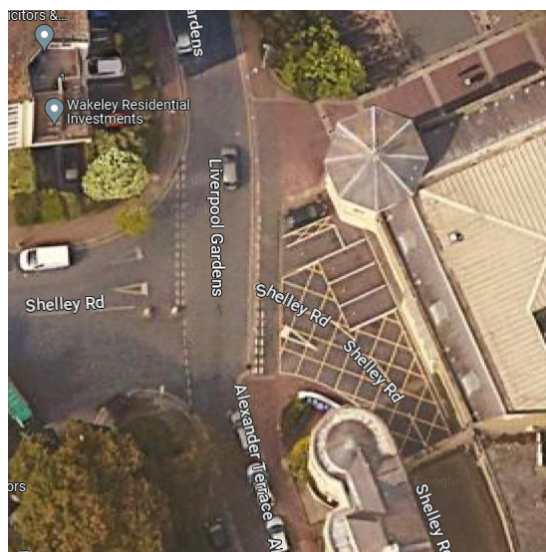




**Figure 12. Access for Deliveries**

In the future, longer vehicles would need to unload either at the base of the ramp and manoeuvre on-street to the north, or reverse up or down the ramp for deliveries to the roof, as shown in the lower panel of Figure 12. Goods for TK Maxx would be unloaded at the bottom of the ramp and walked-round to its existing side access door on the northern wall of the building, via the pathway which connects Shelley Road and Liverpool Road.

The Highway Authority is satisfied with this arrangement but has recommended that a management plan be put in place to avoid the risk of unauthorised parking on the ramp or roof. The existing three car-parking spaces at the base of the ramp, which are shown in the aerial view (below) would be reorganised and re-deployed as two disability spaces and one car club space. As requested by the Highway Authority, the applicant has been asked to check that this arrangement is suitable for wheel-chair user parking and access, mindful of the angle / camber of the ramp and the need for a safe route. An update will be given.



At first floor level, delivery access to individual ground floor shops and their first floor store rooms, would become an enclosed, long corridor. This would be accessed by a shared door to the roof delivery area. The delivery access to TK Maxx would be closed off, in favour of the aforementioned existing ground floor access. The bin store is at the far end of this new corridor.

An implication of the proposed bin store location is that waste collections will also need to be via the ramp and roof delivery area. The applicant acknowledges that Council waste services may be unwilling to access the ramp. The Waste Services officer comments that vehicle access appears to be acceptable but the size of space for bin storage may be too small and should be checked. The long and narrow corridor is also less than ideal, with risk of damage as bins are pulled through. He also questions the adequacy of the storage space and whether this could be relocated to the outdoor service space.

The applicant has been asked to consider these recommendations and a response will be given. Site management would include a Delivery and Servicing Management Plan (DSMP), which would set out details of a private waste collection methodology that will be controlled by the building management team. This could be required by a planning condition, with ongoing responsibility included as a legal agreement obligation.

In terms of commercial occupiers, the applicant comments upon the effect of the proposed delivery changes as follows:

*The change to a smaller size delivery vehicle would not have any effect on our current tenants and we can't think of any tenant that would do, including high sales volume retailers.*

- *We have a variety of different tenant types, each has agreements that are unspecific on vehicle delivery size.*
- *Only TK Maxx use a vehicle larger than a sprinter and have no objections to the proposals*
- *As an example, other business types, such as a Metro style supermarket with numerous deliveries are frequently are restricted to sprinters / 7.5t vans in urban locations, which we can be accommodated by the proposed development*
- *In the event a possible tenant does need larger deliveries, we have shown this can be accommodated by reversing up the ramp the transport assessment submitted with the application has shown that any size of lorry can reverse on the bottom of the ramp. Once they've reversed on to the ramp than can carry on and loading/unloading at the top. A Banksman to help guide vehicles.*

It seems reasonable that in town centre location, deliveries are often by vans rather than lorries. In the event that these larger deliveries were needed in the future the final scenario of lorry deliveries described by the applicants, is acceptable to the



Highway Authority. To assist in this matter, the comments of the Council's Economic development team upon these arrangements have been requested and will be reported as an update.

A further consideration is the effect of these delivery arrangements upon neighbours, particularly at Alexander Terrace, which has some bedroom windows on its rear wall facing the ramp and some kitchen/sitting room windows facing the base of the ramp (the latter are in dual aspect rooms).

The applicant's transport assessment acknowledges this relationship and comments as follows, with reference to the use of a management plan:

*“Under current conditions there are no limits on how often and at what time of the day, or night, deliveries can be made. To minimise the impacts on the amenity of residents and help maintain the free flow of traffic a Delivery and Servicing Management Plan (DSMP) will be provided, which can be controlled by planning condition or obligation. The DSMP can set out details of the delivery arrangements for each of the retail units, including frequencies. These can be limited to outside peak hours and be required to avoid night time and weekends.”*

The use of such a condition would need to strike a balance between residential amenities and commercial needs. The fact that there is currently no limitation upon deliveries indicates that any limitation should be targeted to the changes which flow from the current proposals. This appears to be chiefly the potential that lorry deliveries will need to use the ramp for unloading or reversing, rather than the existing first floor deck.

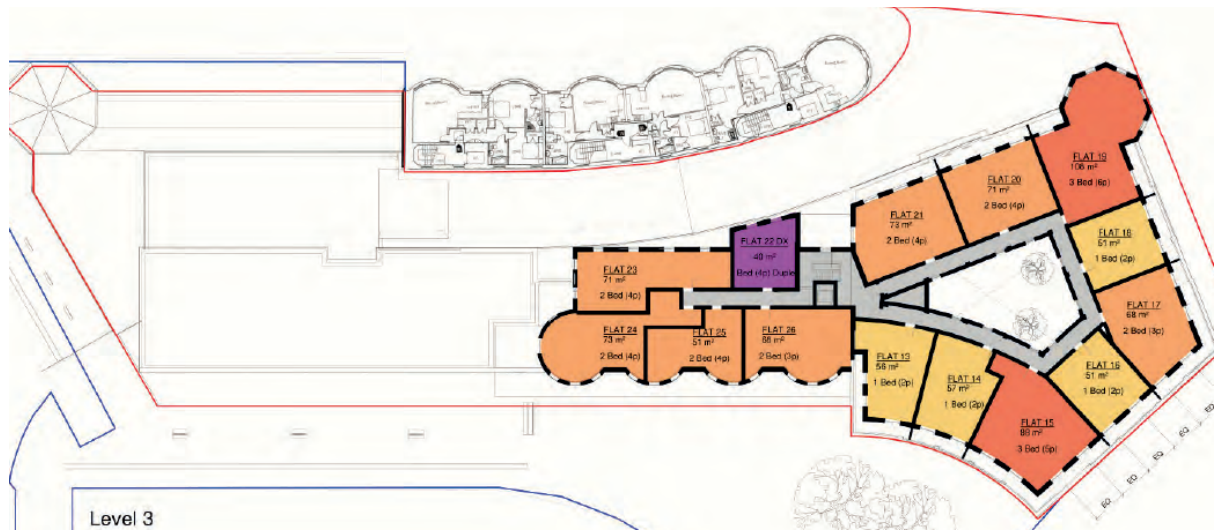
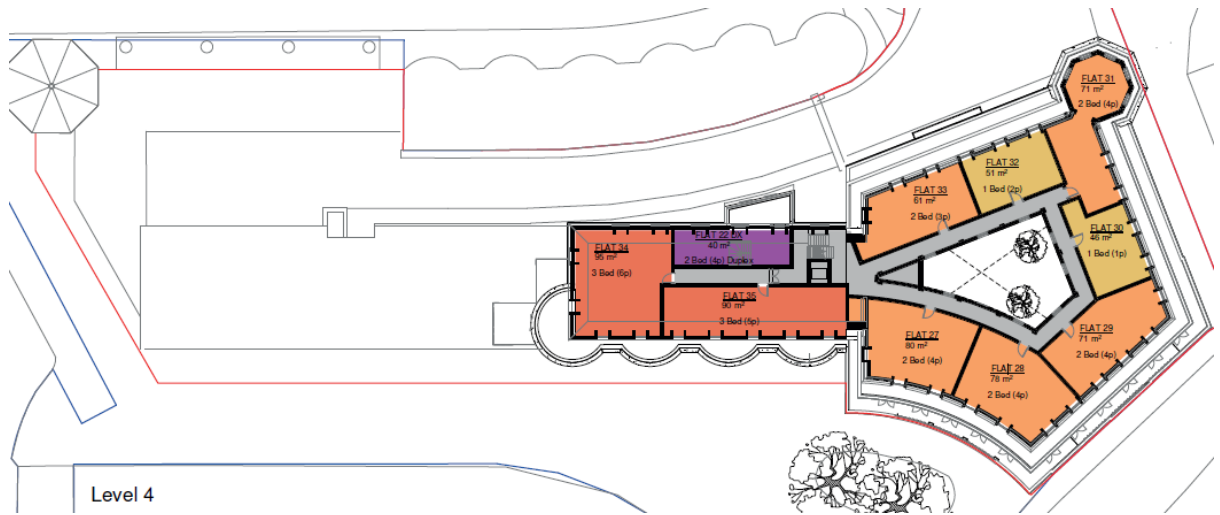
A possible consequence of this is a greater perception of delivery activities to neighbours, and the sound of vehicle reversing and manoeuvring on the ramp. As such it seems reasonable that vehicles of this size (greater than 7.5tonnes) should be limited, for instance, to weekdays Mon-Fri 07:30 - 18:00 hours and not outside these times or at weekends. A banksman arrangement could form part of this management plan, although this would be difficult to enforce and would rely more upon the site management entity, whose wider management of the site would be required under a legal agreement, in the event of planning approval.

### ***Residential Amenity – proposed dwellings***

#### **Internal Space**

Policy DM1 requires dwelling sizes which meet space standards, in particular those for Accessible and Adaptable Homes Building Regulations M4 (2). The applicant has been asked to confirm this and the extent to which any units may exceed this by providing space suitable for wheelchair user adaptations; it is noted that a lift and level thresholds are provided along with two wheelchair user parking spaces.

In almost all cases, flat sizes comply with Nationally Described Space Standards, following recent drawing corrections, upper levels are shown in Figure 13 below. One 2-bedroom flat (25) appears to be below this and remains to be checked. However the stated size would be suitable for a one bedroom home.





- Ancillary/Common, ● Retail, ● 1 Bed, ● 2 Bed, ● 2 Bed Duplex ● 3 Bed

**Figure 13. Floor Plans (Ground to 5th Floor in ascending order)**

Policy DM5 requires new development to include a layout and design which take account of potential users of the site. The habitable rooms generally have a good standard of natural light and outlook, although some of the lower level bedrooms in the duplex units would face on to an enclosed courtyard thus having a slightly constrained outlook. On balance this situation is considered to be acceptable, given that the primary purpose of these particular rooms is for sleeping.

In terms of outlook 24 out of 42 units would be single-aspect. This is largely a consequence of the awkward shape of the site, and the need to maximise the quantum of development. Of these 24 single aspect units, 3 would be north-facing. It is acknowledged that this is not ideal, but the relatively open outlook and unconstrained outlook to these north facing units would help to compensate for the more limited light they would receive.

The layout necessarily places some new flats above commercial spaces and some bedrooms over living rooms. Therefore it will be important to include suitably robust standards of insulation between floors and walls. Windows may also require acoustic glazing, where they are close to noise sources, such as the access ramps and main thoroughfares. The comments of the Environmental Health officer are awaited and a planning condition for approval of noise insulation is included at the end of this report.

Overall, it is considered that the accommodation has been laid out in such a way that makes good use of the site and responds to the constraints posed by the town centre location, whilst providing a satisfactory standard of living accommodation for future occupants of the development. Subject to confirmation of the Accessible and Adaptable Homes requirements and the query concerning the size of one flat, the proposal is considered reasonable in terms of policy DM5.

### *Outdoor space*

In terms of external amenity space, the development has an internal enclosed courtyard, open to the sky, which would be accessible to residents and provide safe, enclosed outdoor space for sitting out and communal activities. In addition, 17 out of 42 flats have balconies, in each case providing useable private external amenity space.

In accordance with the Council's Open Space, Recreation & Leisure - Guidance of 2021, the proposals would generate a required financial contribution of £94,000 towards recreation and open space facilities. This would be secured through a legal agreement.

### ***Neighbouring Amenity***

The closest residential neighbours are in Alexander Terrace to the west of the proposed extensions at the northern end and central parts of the site.

At Alexander Terrace there are 12no. east facing windows opposite the location of the proposed extensions. These include four bedroom windows and two which serve kitchen areas, the other five are bathrooms and communal stair-hallways. At the rounded-bay northern end of Alexander Terrace are two north-east facing windows on each of its four floors. Each of these serve an open-plan sitting room with kitchen area on each floor, in which each room has four other windows facing west and southwards towards Liverpool Gardens.

Relative to Alexander Terrace, the proposed extensions, approximately 8m - 10m to the east, would add between one and three floors which, taking into account the presence of the intervening ascending ramp and wall in between, would give the appearance of between 2.5 – 5.5 storeys.

In terms of sunlight and daylight, British Research Establishment (BRE) Guidance, referred to in National Policy (the NPPF), recommends that these relative heights and distances necessitate a sunlight and daylight assessment of the amended proposals.

These tests are applied to the windows of habitable rooms, which includes bedrooms, kitchens and living rooms but excludes circulation areas, such as the stairs and halls, and bathrooms. The tests examine the extent to which the additional height and mass would reduce existing light reaching these windows. In broad terms impacts will be noticeable if the amount of light reaching a room is reduced below 0.8 of its existing value, or by 20% or more within the room or 27% at the window (also referred to as the Vertical Sky Component – VSC). Factors such as whether rooms are single or multi aspect are also taken into account.

The findings are that four kitchen-living room windows will experience noticeable reduction of light, however, the light from the several other windows in the affected rooms is such that internal light remains within acceptable levels.

Four bedroom windows are also affected, with reductions of 30-59%, which are well beyond the target 20%. However, three of these windows are only 1.2% - 9.3% below their target VSC guide figure of 27%, which the lighting assessment report considers to be a good outcome for an urban environment. This conclusion is mindful of the advice in the BRE Guide and NPPF, that flexibility can apply to densely developed or historic areas, where obstructions may be unavoidable:

*“when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards) (NPPF, 2021. Para 125 c) “*

BRE guidance also recommends that light for bedrooms has lesser importance than for other habitable rooms. In this context, consideration of the first floor bedroom window at Alexander Terrace which would experience the greatest degree of impact, (16% below the VSC 27% guide), may have regard to the west-facing aspect of the multiple windows in the remainder of this one-bedroom flat. This part of the living space is unaffected by the proposals so that the impact upon its living standards are limited and localised.

In terms of privacy the proposals include windows facing east and west which are within 8-10 m of existing neighbours in Alexander Terrace and the rear of the former Beales building, where previously approved upper flats might be built in future.

In the case of the former Beales building much of the intervening space is occupied by the roof of the arcade, where the supporting metal structure and complex of glazing would interrupt and filter lines of sight.

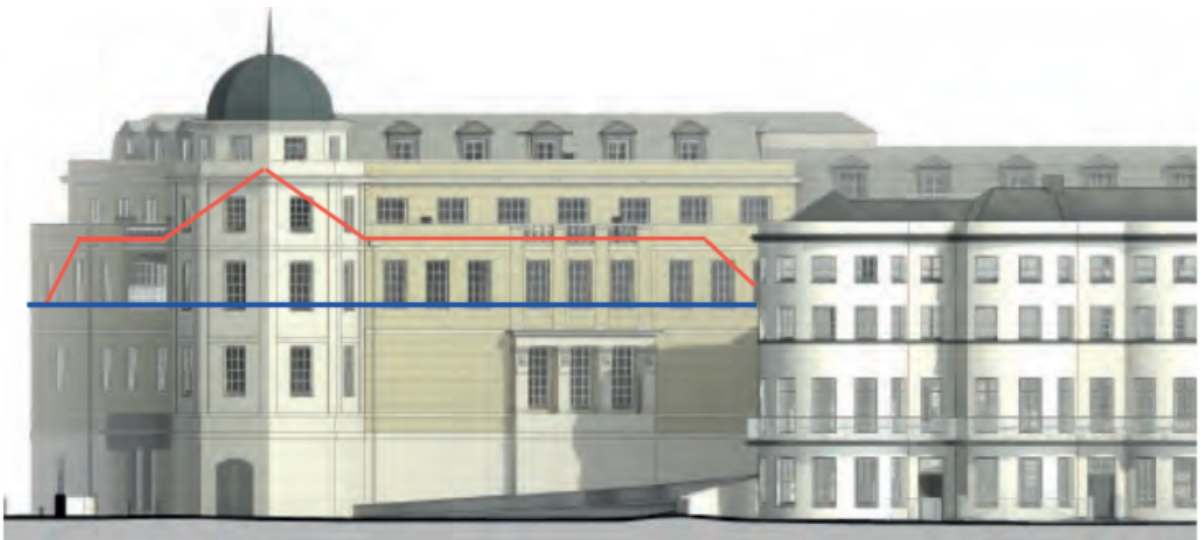
To the west the proposed windows of the central section of the proposed extension would face the rear wall of the neighbouring Alexander Terrace also approximately 8m away (Figure 14). Neighbour' windows here serve hallways, bathrooms and four bedrooms.

Further to the north, opposite the proposed northern extension (Figure 15), existing windows serve the neighbour's dual aspect living room/kitchen areas, although the distances between proposed and existing windows slightly increases towards

approximately 10-11m here. Not shown in the image is the eight storey Arundel House, on the opposite corner of Shelly Road



**Figure 14. Central Extension in Relation to Alexander Terrace**



**Figure 15. Northern Extension in Relation to Alexander Terrace)**

In consideration of these relationships, the proposed residential windows at the upper two floors (which includes the dormer windows), would be set back from the facade, and the fourth floor would be set behind a parapet, which would serve to limit lines of sight towards Alexander Terrace. The slightly angled relationship towards the street for many of the windows also provides an outlook which is in part towards the street rather than the neighbouring building. At the floor below, the new windows would be into the retail storage area and could be obscure glazed, although several of these also look towards the street and Arundel House, which is further away.

The relationship between the proposed windows of the central section towards the rear of Alexander Terrace is such that whilst existing windows, including four



bedroom windows, would experience some reduced privacy, the main aspect of these apartments towards Liverpool Gardens, is unaffected and the relationship in this town centre context is on balance acceptable.

### ***Drainage and Flood risk***

Policy DM20 of the Worthing Local Plan states that development should be directed away from areas of highest risk of flooding from any source and opportunities should be taken to reduce flooding through sustainable drainage systems.

In terms of flood risk, the site falls within zone 1, which is the lowest probability of flooding. The submitted documentation indicates that there are no records of sewer or surface water flooding in the immediate proximity of the site. Risks of Groundwater flooding is considered to be moderate but it is considered that lower lying road areas around the site would convey flood water away from the site. Flood risks associated with the site are not a constraint that would justify the refusal of planning. The County Lead Flood Authority and Environment Agency are satisfied.

Surface water drainage is currently conveyed via rainwater downpipes from the roof to the surrounding public surface water sewers via on-site private drainage, and discharged at an unrestricted rate.

In the proposals surface water will continue to drain into the existing surface water sewers, however the proposed green roof system (divided into three sections) will provide some attenuation. This is predicted to result in improvements to peak rate, quantity and quality of runoff from the development. A SUDS maintenance plan has been prepared, in relation to the Green Roof element, and compliance with this could be secured by way of planning conditions. The arrangement avoids the use of combined sewers and will represent an improvement over the existing position, so is considered to be acceptable and broadly compliant with the aims of policy DM20.

An increase in foul water flow to the public sewer will be generated by the new flats, which should be calculated at the detailed design phase to assist with discussions and applications with Southern Water. Approval for a connection to the public sewer would be sought through an application with the statutory sewerage undertaker post decision.

### ***Biodiversity***

Policy DM18 (Biodiversity) requires the provision of a minimum of 10% net gain for biodiversity - where possible this should be onsite. The policy is supported nationally by the NPPF, biodiversity is a consideration that weighs in favour of the proposed development. Where it is achievable a 20%+ onsite net gain is encouraged and is required for development on previously developed sites. Major developments will be expected to demonstrate this at the planning application stage using biodiversity metrics.

The site is currently occupied by developed land (sealed surface) habitat, with street trees of limited habitat value. The development will incorporate a range of biodiversity enhancements comprising: a green roof of 407 sqm, bird boxes and ornamental planting. The information supplied by the applicant demonstrates that

this would comprise a net gain of '0.2 habitat units' which is a 100% net gain in terms of biodiversity. The submitted biodiversity Enhancement Plan, which would be an approved plan, also includes provision for maintenance of these biodiversity enhancements as part of the wider site management to be secured by s.106 Agreement. The proposal therefore complies with policy DM18.

### ***Other issues***

**Fire Safety :** An amended fire safety report is in preparation which will be subject of consultation with fire safety advisors and could be dealt with under offer delegated authority.

**Air quality:** An air quality report has been provided, which examines the impact of the development. This is under consideration by the Environmental Health officer and will either be updated to the Committee or can be dealt with under delegated authority, including any financial contribution, if required, as part of a legal agreement.

### ***Infrastructure and Management***

Policy DM9 requires that development should make provision for the relevant infrastructure needed to serve it. The development would be subject to the Community Infrastructure Levy, which would be paid to the Council for use in future infrastructure delivery. Other elements such as open space and transport would be secured through a legal agreement, along with affordable housing, district heating and site management obligations. A summary is set out in Table 2 below.

**Table 2: Legal Agreement - Draft Heads of Terms**

<b>Issue</b>	<b>Obligation</b>
<b>Affordable Housing</b>	Contribution of £50,000 towards off-site provision
	Future Review Mechanism to be funded by developer
<b>Transport</b>	Car Club. Provision of at least 1 vehicle with 2 yrs paid membership and a £50 drive credit per household  Implementation and Monitoring of Travel Plan with auditing / monitoring payment (£1,500) to County Highway Authority.
<b>Open Space</b>	Contribution of £97,000 for open space and recreation facilities in the ward or adjoining wards
<b>District Heating Connection</b>	Liaison with Local Authority to achieve connection in event of future district heating scheme
	Provide routes, space and system for connection



<p><b>Site Management</b></p>	<p>To include: Car Parking and Access Areas; Surface Water Drainage; Amenity Spaces; Green Roof; Plant and Noise Insulation; Monitoring of Travel Plan.</p> <p>Building Maintenance Plan - maintaining the existing and extended parts of the building and associated land, including the glazed canopy.</p> <p>Delivery and Servicing Management Plan - ongoing responsibility for adherence to this.</p>
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**Summary**

This amended proposal achieves a mixed use of a town centre site, with high density housing in accordance with policy DM2, which is well located for access to services and transport with low dependence on private cars mirrored in the use of sustainable transport initiatives including car club provisions, a travel plan and secure space for cyclists.

The plans indicate that this can co-exist with the primary retail function of the site as required under policy DM13, to the satisfaction of the Highway Authority, subject to comments sought from the Economic Development Team. The proposals also represent an adaptation of the site to address the decline in retail rents and seek financial certainty and ongoing maintenance of this functionally and visually important part of the town centre.

The site has very considerable heritage importance due to the presence of the listed Grade ii\* Desert Quartet sculpture, its relationship to the unique Regency character of Liverpool Gardens and its contribution to the wider conservation areas.; it might be regarded as a building of undesignated heritage value due to its contribution.

As such, the amended proposal has taken care to use faithful architectural design to replicate and augment its existing form. Whilst it raises the height of the building, this new localised high spot benefits from a relatively spacious setting and wider views. Historic England has acknowledged that harm is less than substantial, and according to the NPPF and Local Policies DM23 & 24, the weighting of impacts and benefits examined in this report, concludes that the balance can support approval, subject to a robust approach to the implementation of works, with ongoing liaison to ensure a high quality outcome.

The relationship with neighbours has shaped the reduction of the building height from its original submission, to the lower, tapering form now proposed. Although some effects upon neighbouring light and lines of sight remain, these do not affect the main outlook and spaces of Alexander Terrace, which are concentrated to the west. The future management of delivery lorries using the ramps, will limit times of day, mindful of neighbouring amenities.

Whilst the provision of affordable housing is not met, due to evidenced and tested viability reasons, a financial contribution and review mechanism make provisions in

pursuance of policy DM3. Other infrastructure provisions would be secured through legal agreement. Ongoing management of new sustainable drainage and the proposed green roof will offer biodiversity and water management benefits under policies DM 18 & DM20 together with a high degree of CO2 reduction, beyond that of current policies DM16 & DM17, and the prospect of district heating connection built into the design.

In conclusion, the benefits of the proposals are considered to outweigh its impacts and the planning balance is considered to fall in favour of approval.

## **Recommendation**

**It is recommended that planning permission be granted subject to a s.106 Agreement, as summarised in the Draft Heads of Terms table in this report, and subject to consideration by the Head of Planning under delegated authority of responses awaited from consultees and subject to the following conditions:**

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

#### 1. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

[to be inserted]

**Reason:** *For the avoidance of doubt and in the interests of proper planning.*

#### 2. Standard 3 year time limit

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

**Reason:** *To enable the Local Planning Authority to control the development in detail and to comply with section 92 of the Town and Country Planning Act 1990.*

#### 3. High Standard of Works with Ongoing Liaison

Prior to commencement of any works (including any works of dismantling of external fabric), a programme and timetable of development works shall be submitted to and approved in writing by the Local Planning Authority. This shall describe key stages of the implementation of development directed towards the attainment of a high standard of implementation and workmanship, including:

- i) Any dismantling of existing external fabric and construction of new fabric,
- ii) Arrangements for ongoing liaison with the Local Planning Authority for the

prior agreement of external materials, design details and working techniques during key stages,

- iii) Arrangements for early stage review of works as they are implemented and provision to remove such works if they are deemed by the Local planning Authority to be of an unsatisfactory standard)

The development shall only be carried out in accordance with the details thereby approved.

**Reason:** *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policies DM5 & DM24 of the Worthing Local Plan 2020 - 2036 and paras 126 - 135 of the NPPF, 2021*

#### 4. Design Details

The following external details shall not be implemented until large scale drawings (typically 1:20 scale or larger) and cross sections where necessary of the following have been submitted to an approved in writing by the Local Planning Authority in accordance with condition 3 ii) of this permission.

- a) windows and doors,
- b) balconies and balustrades / rails,
- c) roof intersections, soffits and eaves,
- d) rainwater goods
- e) decorative stonework and cappings
- f) brickwork and brickwork features
- g) Pedestrian entrance to the new dwellings in the former ground floor retail unit
- h) balcony screen for flat 1

[ *any others to be added* ].

**Reason:** *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policies DM5 & DM24 of the Worthing Local Plan 2020 - 2036 and paras 126 - 135 of the NPPF, 2021.*

#### 5. External Materials

External materials shall only be used on external faces of the development hereby approved (including any to be used on the external faces of the existing building), subject to their approval in writing first by the Local Planning Authority in accordance with condition 3 ii) of this permission, following the submission of details and samples where required by the Authority, (which may include sample panels on-site)

**Reason:** *In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policies DM5 & DM24 of the Worthing Local Plan 2020 - 2036 and paras 126 - 135 of the NPPF, 2021*

6. Vehicular Access and Delivery Areas

No dwelling shall be occupied until all vehicle access, delivery areas and parking have been completed in accordance with the approved plans and shall be retained and kept free for that purpose.

**Reason:** *In the interests of road safety and amenity and to ensure the retention of delivery and service access for vehicles in accordance with policy DM15 of the Worthing Local Plan 2020 - 2036 and paras 92 & 110 of the NPPF, 2021*

7. Delivery and Servicing Management Plan

Prior to occupation of the dwellings hereby approved, a Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall describe the management of deliveries and waste management, including arrangements for the collection of waste, commercial delivery times and management of delivery accesses and spaces.

**Reason:** *In the interests of road safety and amenity and to ensure the retention of delivery and service access for vehicles in accordance with policy DM15 of the Worthing Local Plan 2020 - 2036 and paras 92 & 110 of the NPPF, 2021*

8. Cycle Stores and Bin Stores

No dwelling shall be occupied until secure cycle parking stores and bin stores have been provided in accordance with the approved plans, These shall be then kept permanently available and maintained for these purposes.

**Reason:** *In the interests of sustainable transport and amenity in accordance with DM9 of the Worthing Local Plan 2020 - 2036*

9. Travel Plan

No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

**Reason:** *In the interests of sustainable transport and amenity in accordance with DM9 of the Worthing Local Plan 2020 - 2036*

10. Sustainable Surface Water Drainage

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/ No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity. Details shall be supported by an assessment of the risks to controlled waters. The scheme shall be implemented as approved and in accordance with any timetable/phasing agreed as part of the approved scheme.

**Reason:** *To ensure adequate surface water drainage, including sustainable drainage and to ensure that drainage is adequate for the design lifetime and does not increase flood risk elsewhere in accordance with policy DM20 of the Worthing Local Plan 2020 - 2036 and paras 167, 169 & 174 of the NPPF 2021.*

#### 11. Drainage Maintenance

No dwelling shall not be occupied 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. 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.

**Reason:** *To ensure adequate surface water drainage, including sustainable drainage and its maintenance, is adequate for the design lifetime and does not increase flood risk elsewhere, in accordance with policy DM20 of the Worthing Local Plan 2020 - 2036 and paras 167, 169 & 174 of the NPPF 2021.*

#### 12. Drainage Verification

Immediately following implementation of the approved surface water drainage system and prior to occupation of any dwelling, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by an appropriate qualified engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

**Reason:** *To ensure an accurate record of drainage in accordance with policy DM20 of the Worthing Local Plan 2020 - 2036 & NPPF paras 167, 169 & 174.*

#### 13. Foul water drainage

No development shall take place until details of foul drainage have been submitted to and approved in writing by the local planning authority in liaison with Southern Water. No dwelling associated shall be occupied until the drainage works have been carried out in accordance with the approved details.

**Reason:** *To ensure appropriate foul drainage, in accordance with policy DM9 of the Worthing Local Plan 2020 - 2036*

#### 14. Sustainable Construction & Energy

- i) The development hereby approved shall (unless alternatives are agreed in writing by the Local Planning Authority), incorporate the following sustainable energy and heat management measures, in accordance with the details in the Energy and Sustainability Report by Phlorum [ref] submitted with the current application:
  - i) Energy efficient building fabric and mechanical ventilation
  - ii) Air-source heat pump boiler system (or other such system incorporating renewable energy to achieve a similar outcome as shall first be approved in writing by the Local Planning Authority),
  - iii) LED internal & external lighting,
  - iv) Efficient water goods and fixtures to achieve <110L/Person usage/day.
  - v) Operational waste management,
- ii) Written confirmation, including independent professional verification, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that these measures have achieved the target CO2 reduction contained in the Phlorum Report below the baseline model including renewable energy, and confirming the installation of water goods and fixtures to achieve a target of <110L/Person usage/day.

The verification document shall include any proposed and timetabled remedial measures if these targets have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

**Reason:** *To ensure CO2 reduction through sustainable construction, renewable energy and to ensure water efficiency provision in accordance with policies 17 & 18 of the Worthing Borough Council Core Strategy 2011 and paras 152-158 of the NPPF, 2021.*

#### 15. District Heating

With the exception of any dismantling works, no development shall take place until a strategy to facilitate connection of the development to a future district heating network, have been submitted to and approved in writing by the Local Planning Authority. This shall:

- i) identify potential routes for connecting pipework
- ii) Identify an internal distribution system
- iii) identify plant room space for the future installation of heat interface

- iv) Include a strategy to facilitate the connection of the network to the development and adaptation / transition to the supply of heat from the network

The development shall be carried out in accordance with the details approved under this condition.

**Reason:** *To provide for connection to a potential future district heating network in the interests of CO2 reduction through energy efficiency in accordance with in accordance with policies DM16 & DM17 of the Worthing Local Plan 2020 - 2036*

#### 16. Amenity and Biodiversity

All planting and biodiversity provisions contained in the [document reference] shall be implemented during or before the next planting season following the occupation of the development hereby approved and shall be permanently maintained thereafter. Any vegetation or biodiversity measures or surfacing which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar type, size & species.

**Reason:** *To enhance the character and appearance and biodiversity value of the site in accordance with policy DM18 of the Worthing Local Plan 2020 - 2036 and paras 126-135 & 174 of the NPPF, 2021.*

#### 17. External Lighting – Provision and Limitation

No external lighting which is visible from outside the site, shall be installed unless details, including design, position and luminance, have first been submitted to and approved in wiring by the Local Planning Authority.

**Reason:** *In order to provide lighting as part of safe, safe accessible development and to balance lighting needs with the interests of the wider townscape, conservation area, neighbouring and amenities in accordance with policies DM5 & DM22 of the Worthing Local Plan 2020 - 2036 para 174 of the NPPF, 2021.*

#### 18. Aerials

Any external aerial/antenna and / or satellite dish (if any) for that building, shall first be submitted to and approved by the Local Planning Authority. Thereafter no other external aerial/antenna or satellite dish shall be installed on any building in areas which are visible from outside the site, unless details have first been submitted to and approved by the Local Planning Authority.

**Reason:** *To avoid multiple aerial / antenna and / or satellite dishes, in order to safeguard the appearance of the development and conservation area with policy DM5 & DM23 & DM24 of the Worthing Local Plan 2020 - 2036*



19. Sound Insulation Between Floors and Spaces and Acoustic Glazing

Prior to commencement of any works, other than any than any dismantling I details of construction and insulation to minimise risk of noise and vibration between floors, walls and adjoining spaces within the development and of any acoustic glazing and ventiation shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented and permanently retained.

**Reason:** *To safeguard neighbouring amenities in accordance with policies DM5 and DM22 of the Worthing Local Plan 2020-2036.*

20. Noise Mitigation and Ventilation - Verification

No development shall be occupied until all noise mitigation and ventilation approved under condition [above] above has been completed and details of the post implementation independent verification have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the mitigation and ventilation measures undertaken are effective and protect noise sensitive development from noise & vibration. Any remedial actions arising from this verification testing which are then required by the Local Planning Authority shall also be implemented and permanently retained and maintained thereafter.

**Reason:** *To safeguard neighbouring amenities in accordance with policies DM5 and DM22 of the Worthing Local Plan 2020-2036.*

21. External plant

No external fixed plant, or mechanical vent or duct shall be installed until details including acoustic performance and where relevant, odour management, have been first been submitted to and approved in writing by the Local Planning Authority All plant shall be maintained in accordance with manufacturer's guidance to ensure the levels contained in the aforementioned Acoustic Assessment are not exceeded and any future plant shall also meet the specified levels within the approved scheme.

**Reason:** *To safeguard neighbouring amenities in accordance with policies DM5 and DM22 of the Worthing Local Plan 2020-2036.*

22. Changes of Use

No existing commercial premises at ground or first floor of the building or associated ground orr first floor associated commercial, shall be used for any residential purposes whatsoever (other than the single existing commercial unit which is hereby converted for residential access and cycle storage purposes in accordance with the approved plans), without the prior written approval of the Local Planning Authority. This condition shall apply notwithstanding the provisions of the Town and Country Planning Use Classes Order 1987, as amended or the Town and Country Planning (General Permitted Development) Order 2015, as amended, or any Order revoking or re-enacting these Orders.

**Reason:** *To safeguard the retail function of the premises in the primary retail area of the town centre in accordance with policy DM13 of the Worthing Local Plan 2020 - 2036*

23. Balcony Screen and Obscure Glazing

Flats 1 & 13 not be occupied until details of a balcony screen for the southern side of flat 1 and partial obscure glazing to southern windows in flats 1 & 13, have been installed in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority so as to minimise risk of overlooking of neighbours to the south. The screen and obscure glazing shall be permanently retained and maintained in accordance with the details thereby approved.

**Reason:** *To safeguard neighbouring amenities and privacy in accordance with policy DM5 of the Worthing Local Plan 2020 - 2036.*

24. Precautionary Approach

If during development, contamination not previously identified is found to be present at the site, (for example, asbestos containing material, grossly impacted or odourous material), then no further development within that localised area of the site that the contaminated material in question is discovered in shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority as part of the verification reporting.

**Reason:** *To minimise and manage and residual risks in accordance with paras 183 - 185 of the NPPF, 2021 and policy DM22 of the Worthing Local Plan 2020-2036.*

25. Construction Management Plan

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,

- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

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

26. Hours of Work

No construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 08.00 and 18.00 on Mondays to Friday and between the hours of 08.30 and 13.00 on Saturday and not at any time on Sundays or Public Holidays.

**Reason:** *In the interests of highway safety and the amenities of the area and a balance between the protection of local and residential amenities and times of development work in accordance with policy 16 of the Worthing Core Strategy 2011 and saved policies RES7 & H18 of the Worthing Local Plan 2003.*

27. Safeguarding of groundwater/ approval of piling

Piling or deep foundation using penetrative methods, if used shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

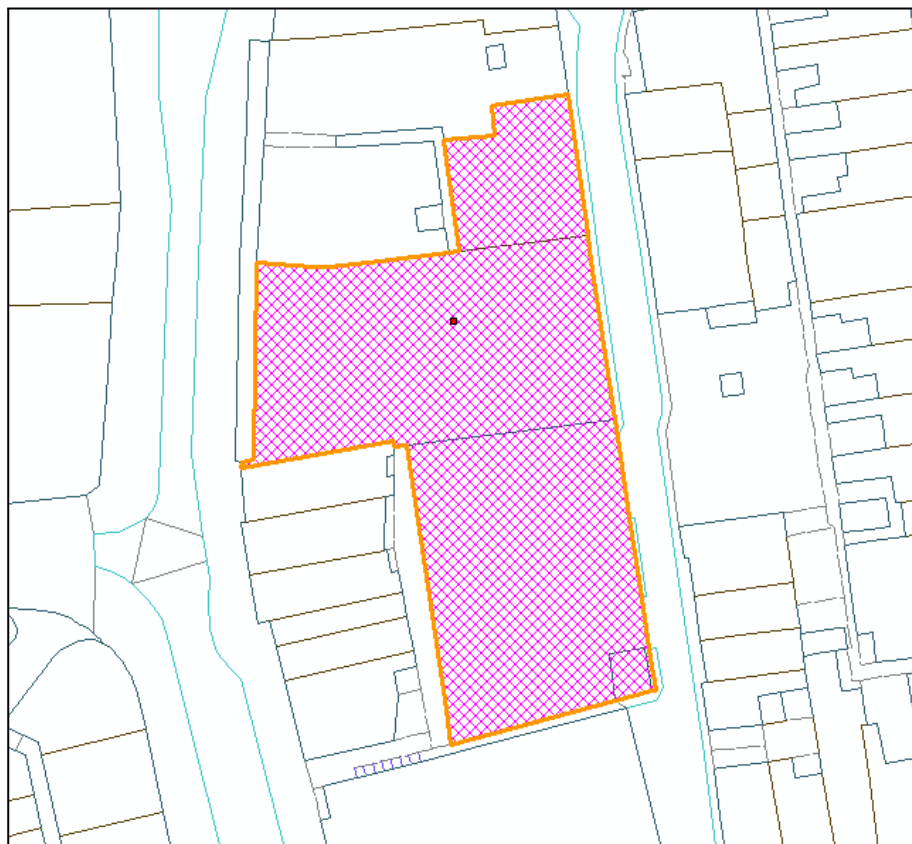
**Reason:** *Piling or deep foundation using penetrative methods has the potential to mobilise contamination which could impact on groundwater resources beneath the site, controlled waters in accordance with policy DM22 of the Worthing Local Plan 2020-2036 and paras 174 & 183 - 185 of the NPPF, 2021.*

28. Any other appropriate conditions.

## Appendix : Approved Plans for Former Beales, Liverpool Buildings



<b>Application Number:</b>	<b>AWDM/1906/22</b>	<b>Recommendation - To APPROVE subject to satisfactory comments of the Highway Authority and HSE and completion of a Unilateral Undertaking.</b>
<b>Site:</b>	<b>Development Site At Former Debenhams Store 14 To 20 South Street And Iceland Car Park, Marine Place, Worthing</b>	
<b>Proposal:</b>	<b>Redevelopment of the former Debenhams Building (including site over existing Iceland Car Park) to comprise a mixed use development including commercial floor space (Use Class E) at ground, part first and part second floor level, and 79 residential 1-2 bedroom flats from first floor to upper levels including the addition of two floors above Debenhams and Iceland sites with amenity spaces including sky lounge, home-working suite, storage lockers and bike store for residents.</b>	
<b>Applicant:</b>	<b>Craig Developments Ltd</b>	<b>Ward: Central</b>
<b>Agent:</b>	<b>ECE Planning Limited</b>	
<b>Case Officer:</b>	<b>James Appleton</b>	



**Not to Scale**

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## **Site and Surroundings**

The application site comprises the former Debenhams building: an art-deco style former department store; and the airspace above a building housing an existing car park associated with the Iceland supermarket, located along Marine Place. It falls within the Town Centre boundary of Worthing, within the Worthing Central Shopping Area and the South Street Conservation Area. The surrounding area comprises a mix of largely commercial frontages at ground floor level with residential units above.

South Street is located immediately north of the seafront looking and leads down towards Worthing Pier, and forms one of the primary shopping streets of Worthing. The area to the rear of the site comprises Marine Place, a one way service road housing a range of commercial uses and housing. Further to the east there is a row of Grade II listed buildings at 8-14 Bedford Row, a terrace of grand 4 storey buildings of particularly high architectural quality with distinctive curved bay windows that help to define its special character and appearance.

The character of the South Street Conservation Area is derived from the rapid expansion of the centre of Worthing in the late 18th century and the first decade of the 19<sup>th</sup> century when Worthing gained a reputation as a fashionable genteel seaside resort. South Street in particular is characterised by interesting and attractive buildings individually and in townscape terms with a variety of original architectural detailing, of which the former Debenhams building is a positive example.

## **The Proposal**

The proposal seeks to retain the existing facade that fronts South Street, with a proposed two storey upward extension, stepped back from the main facade. The current vacant first, second and third floors would be converted and with the additional two floors above the Iceland car park a total of 79 new residential apartments would be created. On the ground floor of the former department store 659 sqm of commercial floorspace (use class E) would be provided, with additional commercial areas provided at first and second floor level in the centre of the building.

The unit mix of the apartments is as follows:

- 1 bedroom, 1 person - 35 (44%)
- 2 bedroom, 2 person - 25 (32%)
- 2 bedroom, 3 person - 12 (15%)
- 2 bedroom, 4 person - 7 (9%)

The apartments are accessed via three central lifts within the main Debenhams block and three separate staircase cores across both the Debenhams block and Iceland car park space. Common areas identified as a home working area would be provided at first floor level, in addition to a sky lounge and roof garden at fifth floor level. Lockers and storage facilities are provided at ground floor level.

The application is supported by the following documents:

- Planning Application Form, Notices and CIL Form
- Planning Statement including Affordable Housing Statement
- Location and Block Plan
- Existing Site Location Plan
- Proposed Floor Plans, Elevations and Street scenes
- 3-D Modelling Design and Access Statement including landscaping details
- Heritage Statement and HER Viability Assessment
- Air Quality Assessment
- Sunlight and Daylight Assessment
- Energy and Sustainability Assessment
- Noise Assessment
- Statement of Community Involvement
- Transport Assessment including Travel Plan
- Fire Statement
- Flood Risk Assessment and Drainage Strategy

Amended plans were submitted in April 2023 following feedback received in the initial phase of public consultation. The changes primarily relate to the part of the development that is situated on the Iceland car park and move the western elevation away from Worthing House, as well as alterations to improve the relationship with the neighbouring property Seaspray to the south. Other alterations include the introduction of glazed panels and obscure glass to avoid overlooking and improve privacy conditions for the occupants of neighbouring residential properties. An addendum to the Transport Statement was also provided at this stage.

### **Relevant Planning History**

00/00876/ADV Installation of internally illuminated projecting sign at Debenhams 14-20 South Street Worthing West Sussex BN11 3AA. Application Approved 17 October 2000.

98/05509/FULL Installation of air conditioning units to the roof of building (retrospective) at Debenhams 14-20 South Street Worthing West Sussex BN11 3AA. Application Approved 17 June 1998.

94/05697/ADV Installation of one internally illuminated fascia sign over the entrance doors to the proposed shopfront granted planning consent on 19 October 1994 under application WB/94/0632. Application Approved 01 December 1994.

94/05696/FULL Removal of existing shop front and reinstatement with new glazing/entrance doors at Debenhams 14-20 South Street Worthing West Sussex BN11 3AA. Application Approved 19 October 1994.

### **Surrounding Area**

**AWDM/1624/22** - Application for full planning permission for a maximum of 4 additional floors to the Montague Quarter Shopping Centre to provide 50 No. residential units (to be considered elsewhere on the agenda).



**AWDM/1884/22** - Demolition of existing commercial storage buildings, erection of new 3-storey building containing 9 apartments, with additional studio/ office space at lower ground floor level. To include on-site secure bicycle and refuse storage, and the relocation of an existing electrical substation at 10 - 20 Marine Place. Resolution to grant planning permission subject to a legal agreement by the Planning Committee at its meeting in February 2023.

## Consultations

### **West Sussex County Council Lead Local Flood Authority**

*“The following are the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, recommendations, and advice.*

### **Flood Risk Summary**

<i>Assessed Surface Water Flood Risk</i>	<i>Low risk</i>
<p><i>Comments: Current surface water risk shows that the proposed site is at low risk from surface water flooding, although the surrounding road network has low, medium and high risk.</i></p> <p><i>This risk is based on an assessment of best available surface water data and information to which the LLFA currently has access. This includes but is not limited to; current mapping and/or modelling; site specific monitoring and any historic data. This however should not be taken as meaning that the site will/will not flood.</i></p> <p><i>Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas of increased risk.</i></p> <p><i>Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</i></p>	

<i>Assessed Groundwater Flood Risk</i>	<i>Moderate risk</i>
<p><i>Comments: The area of the proposed development is shown to be at moderate risk from groundwater flooding. This risk is based on an assessment of best available groundwater data and information to which the LLFA currently has access. This includes but is not limited to; current mapping and/or modelling; site specific monitoring and any historic data. This however should not be taken as meaning that the site will not suffer from groundwater flooding.</i></p> <p><i>Groundwater contamination and Source Protection Zones. The potential for groundwater contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered a risk.</i></p>	

<i>Watercourses nearby?</i>	<i>No</i>
<p><i>Comments: Current Ordnance Survey mapping shows no watercourses running close to/across the site.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	

<i>Records of any surface water flooding within the site?</i>	<i>No</i>
<p><i>Comments: We do not have any records of historic surface water flooding within the confines of the proposed site, although historic floods were mentioned in the FRA. This should not be taken that the site itself has never suffered from flooding, only that it has never been reported to the LLFA.</i></p>	

*Based on the Flood Risk Assessment and Conceptual Surface Water Drainage Strategy and Proposed Ground Floor and Basement Plans, the LLFA recommend considering appropriate flood resilience and resistance measures for these two floors, considering climate change allowances and the known flood risk for the site and surrounding area.*

### ***Sustainable Drainage Systems (SuDS)***

*The Flood Risk Assessment and Conceptual Surface Water Drainage Strategy for this application proposes that sustainable drainage techniques (green roofs and water harvesting) would be used to control the surface water from this development.*

*In the spirit of SuDS implementation, and in line with policy within the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water, betterment for surface water systems on the new developments should be sought. This could include retention at source through rain gardens, permeable paving, swales or bioretention systems. SuDS landscaping significantly improves the local green infrastructure provision and biodiversity impact of the developments whilst also having surface water benefits.*

*This application may be subject to review 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.*

*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.”*

**West Sussex County Council Highways Authority** comment that,

*“West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been consulted on proposals for mixed used development comprising commercial use on ground floor and part upper levels and 79 x 1 and 2-bedroom flats on upper levels including above existing Iceland car park. The existing Iceland car parking spaces will be unaffected by the proposals although no dedicated spaces will be provided for the development which would essentially be 'car free'.*

*It is noted that the floor plans show 80 x flats and the 1/2 bedroom mix appears to differ from that stated on the Application Form. The applicant should clarify how many 1 and 2 bedroom flats are to be provided so that the car and bicycle parking requirements can be fully assessed.*

### **Site Context & Sustainable Transport**

*The site is in Worthing town centre and bound by South Street to the west and Marine Place to the east. South Street is pedestrians / bus / servicing only for the majority of day between Mon-Sat. Marine Place to the rear of the site is one-way with an existing loading bay.*

*The surrounding area is predominantly retail/ cafe/ restaurants with a range of services within walking distance along street lit wide footways and pedestrianised areas with low kerbs for crossing of restricted traffic areas. To the south Marine Parade can be crossed via signalised pedestrian crossing. Manual for Streets identifies that 800m (10 min) distant walk can be accessed "comfortably on foot" (para. 4.4.1). Within 800m is South Street bus stops with regular services to various destinations, various retail, leisure and health facilities, schools and employment opportunities. Worthing Train Station is slightly further (up to 15 minute walk/ 6 minute cycle) and features cycle parking.*

*Traffic calming and pedestrian/cycle only zones make the area inviting for on-carriageway cycling with many facilities reached within acceptable cycling distances. NCR 2 can be reached to the south via Marine Parade. WSCC Guidance on Parking at New Developments requires that for 659sqm of retail 7 staff and 7 visitor cycle spaces should be provided. It is noted that a residential communal bicycle parking is provided however it is unclear where the retail staff/visitor cycle parking is to be provided. Please provide further details on both retail and residential cycle parking provision and how this meets requirements set out in WSCC Guidance on Parking at New Developments.*

## **Servicing**

*Access to bin storage is to be provided from Marine Place, as per servicing arrangements for existing properties. The existing loading bay on Marine Place may also be used as well as loading areas fronting the site (South Street).*

## **Travel Plan Statement (TPS)**

*The TPS is provided for the residential element only as the retail element is a reduction in existing permitted use and under the sqm area required for a travel plan. Whilst it is good practice to set modal shift targets, it is not a requirement for Travel Plan Statements to provide these. Furthermore, as the development is car free it is anticipated that the majority of residents will utilise active/public transport modes and/or work from home.*

*The TPS includes the following:*

- *Existing site conditions including walking, public transport and cycling accessibility credentials.*
- *Residents welcome packs to include public transport timetables, national awareness weeks, promotion of home deliveries, car sharing including info on west sussex car share scheme.*
- *The travel plan coordinator will explore membership options for nearby car club.*
- *£150 travel voucher per new household for public transport or cycle equipment/training or toward car club membership.*
- *Travel audit - voluntary questionnaire for residents to understand how they travel to/from site - will inform information provided in future welcome packs.*

*Further information/amendments to the TPS are required:*

- *The TPS refers to 79 x units. As per comments above, if the floor plans are correct in that 80 x units are proposed, the TPS should be amended accordingly.*
- *As the floor plans also show communal home working areas, the TPS (welcome packs) could include promotion of this.*
- *Please remove reference to multi-modal journey planner as this is no longer in use.*
- *Residential sites should also create links with local school(s), which will almost certainly have a Travel Plan in operation.*

*A monitoring fee of £1500 is required for the TPS to be secured through s106 or Unilateral Undertaking legal agreement.*

## **Trip Generation**

*The LHA are awaiting comments from the Parking team regards the ability for new residents to apply for parking in the CPZ. It is appreciated the development will be designed as 'car free'. Nonetheless, some residents could decide to park outside the*

CPZ (approx. 0.7 mile west of the site). Therefore there may be some additional car movements in the local area as a result of the development.

It would be beneficial to support the application if a more detailed trip assessment was undertaken. The LHA advise that TRICs trips from the existing floor area retail use is compared against the proposed reduction in retail floor area and 80 x flats. The town centre location is noted and comparable sites from TRICs along with justifications could be set out.

### **Contributions**

In addition to these comments on behalf of West Sussex County Council (WSSCC) as Highway Authority a separate consultation response shall be sent from WSSCC detailing all of the S106 contributions that the authority is seeking as a result of this planning application. This may include a S106 financial contribution towards transport infrastructure to mitigate any severe or unacceptable impacts of this development as required by paragraph 111 of the NPPF. This consultation shall set out the Total Access Demand (TAD) which is the methodology that has been adopted to calculate the necessary transport contribution. Further details of this methodology can be found here

<https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/section-1-06-planning-obligations/#services-requiring-contributions>.

### **Conclusion**

Please ask the applicant for the clarifications/amendments above and summarised below:

- Clarify amount of residential units and 1/2 bedroom mix.
- More detail of retail and residential cycle parking and how this meets WSSCC standards.
- Update TPS.
- More detailed vehicle trip assessment.”

**West Sussex County Council Fire and Rescue Services** comment that,

“Having viewed the plans for the planning application no. AWDM/1906/22 for the Construction of one additional storey to create 3 No. new dwelling units - 3 x two bedroom flats with associated refuse, storage and cycle parking Redevelopment of the former Debenhams Building (including site over existing Iceland Car Park) to comprise a mixed use development including commercial floor space (Use Class E) at ground, part first and part second floor level, and 79 residential 1-2 bedroom flats from first floor to upper levels including the addition of two floors above Debenhams and Iceland sites with amenity spaces including sky lounge, homeworking suite, storage lockers and bike store for residents, evidence is required to show that all points inside all apartments are within 45 metres of a fire appliance in accordance with Approved Document B Volume 1 2019 Edition B5 section 13. This is to be measured along the hose lay route, not in a direct line or arc measurement. Any areas not within the 45 metre distance will need to be mitigated by the installation of

domestic sprinkler or water mist systems complying with BS9251 or BS8458 standard.”

**[Note: The applicant has provided a plan to demonstrate compliance with the 45 metre requirement].**

**Adur & Worthing Councils:**

The **Operational Waste Services Officer** comments that,

*“Having viewed the application from a waste services point of view, the current designed bin store is inadequate in size.*

*For the 79 flats planned there is a need to provide a total of 9 x 1100 litre refuse bins in addition to 9 x 1100 litre recycling bins. The latter being open to house additional recycling bins should the need arise.*

*It is my recommendation that the plans and design of the build are subject to the bin storage provisions being reworked in order to provide a larger store to house a total of 18+ 1100 litre bins.*

*Another recommendation would be to have multiple bin storage areas to share bins across the entire building.*

*As it currently stands it is my recommendation to reject the current set of plans under this planning application.”*

**[Note: the applicant has amended the scheme to provide the larger bins and provided details of bin rotation for all waste disposal].**

**Environmental Health Private Sector Housing** comment that,

*“Please could the following informative be placed on any planning permission that may be granted.*

*The Private Sector Housing team of Adur & Worthing Councils have identified that some aspects of the development may result in hazards that require action under the Housing Act 2004. Typical hazards can include ‘inner’ rooms (where the only means of escape in the case of fire is through another risk room i.e. bedroom, living room, kitchen, etc.) or where there are inadequate windows or outlook from habitable rooms.*

*In this case, the vast majority of the proposed flats (and especially the one-bed units) have an incredibly poor layout, with bedrooms only accessed through high risk kitchen areas and so creating inner rooms.*

*A number of the flats have designated rooms as ‘study’, which are still habitable rooms, and have no natural light or ventilation and are inner rooms.*

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

*For the current layout, enforcement action would be indicated under the Housing Act 2004.”*

**The applicant has responded to these concerns and indicated that they would comply with BS 9991 and all flats would have sprinkler systems installed.**

In response the Private Sector Housing teams comments that,

*‘BS 9991:2015 states that for open plan flats (which is how these are marketed) with floor areas greater than 8 x 4 m (32 sq.m), kitchens must be enclosed - none of the kitchens are enclosed. I have found that developers are mix-and-matching elements of different British Standards, but they do not work this way - if you are relying on compliance with a BS to address fire safety, it must address all of the requirements. Having looked at the floor layouts, I am really concerned about how badly designed they are and do not believe that the problems can be engineered out with sprinklers.’*

**Environment Agency:** *no response received.*

**Southern Water** comments that,

*“Our 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*

*To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](http://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](http://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*
- *Storm Sewer*
- *Combined Sewer*

*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)*



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

*Our 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.*

*To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk) and please read our New Connections Charging Arrangements documents which are available to read on our website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](http://southernwater.co.uk/developing-building/connection-charging-arrangements)"*

The **Emergency Planning Officer** comments that,

*"The area covered by the planning application is subject to a multi agency flood response plan which sets out the activation, roles and responsibilities for responders to a flooding incident. Occupiers in buildings must ensure that they have a suitable and sufficient response flood plan in place and where relevant, consider business continuity arrangements in the event of a flood. Any flood warnings are delivered by the Environment Agency and the occupier is recommended to remain opted into receiving flood warnings. Adur and Worthing Councils do not supply sandbags for flood protection to businesses as priority is given to vulnerable residents and to protect critical infrastructure where resources permit. It will be the responsibility of the occupier to put in place protective measures and as the point of design consider flood resilient measures to mitigate the effect of flooding to the property."*

**The Worthing Society** comments that,

*"Thank you for the opportunity of commenting on the above application which I have discussed with our Planning Consultant and our Heritage Team. We are broadly supportive of the plans to regenerate the former Debenhams department store which is a landmark building in the South Street Conservation Area (CA). We also welcome the fact that this will be a mixed-use development combining some retail outlets together with residential accommodation. This concept should help to revitalise the High Street and stimulate the town centre economy. Our high streets play a vital role in preserving local heritage and character.*

*Representatives from the Worthing Society were invited to visit the building at the pre-application stage and submitted a positive 'Advisory Statement' to the Case*

*Officer with our initial observations. Our Heritage Team has noted that the Applicant has included our suggestions highlighted in this earlier Advisory Report, in particular the removal of the block element on the north facing elevation which formed the original lift shaft. We also welcome the fact that the design has retained the original 'Art Deco' character of this distinctive building and this includes the retention of the unique glass dome element, which will be refurbished and preserved. It is, in our view, desirable to ensure a uniform white render and black fenestration throughout the whole building, including the additional extensions. This colour palette will protect the building's Art Deco character. Furthermore, this building could be said to have 'group value' with the proximate Pier Pavilion and Lido which show a 'layer' of Art Deco design important to Worthing's development.*

*Although our main concerns relate to the effect of the design on the townscape and conservation area which are, in our view, satisfactory, we do have two further observations on the submitted plans. These relate to technical issues which are somewhat outside our remit. Nevertheless, we consider they may require further consideration at the Consultation stage. In particular, we have noted the comments regarding the residential accommodation from the Private Sector Housing Team for Adur and Worthing who state:-*

- a) "In this case, the vast majority of the proposed flats (and especially the one-bed units) have an incredibly poor layout, with bedrooms only accessed through high risk kitchen areas and so creating inner rooms".*
- b) Secondly, we have noted the concerns of some residents of Grade II Listed Bedford Row. These properties are situated to the east of the development site. Due to the configuration of these listed buildings, several residents have living rooms at basement level so their daylight is already compromised. Some have reported there will be an additional loss of valuable light due to the increased height of the former Debenhams building.*

*In conclusion, however, we consider that the scheme is generally well conceived and hopefully the points we have made can be suitably addressed. The regeneration of this landmark Art Deco building will enhance the Conservation Area and the residential accommodation will contribute to revitalising the local economy of the town centre."*

## **Representations**

10 letters of objection received including one letter sent on behalf of 11 residents, raising the following concerns.

### *Principle of development.*

- Lack of comprehensive area strategy for redevelopment of this part of Worthing, including the bus station, and lack of consideration given to regeneration of other sites.
- Part of site oversailing Iceland car park should not be regarded as available development land.

- Concern about the loss of commercial space with the replacement commercial space being unuseable due to its small size. It is considered that this would not provide employment and also has poor natural light/ventillation.
- Concerns about the viability of the development - suggestion that a lower density scheme could be more viable.
- Concern about build to rent tenure and possibility of future neglect regarding development.
- Concern that the density of development is excessive given the number of residential units being proposed. It will represent overdevelopment, particularly when considered in combination with other proposals coming forward in the surrounding area.

#### *Conservation and Design*

- Concern that the building is of excessive height and would be too large when considered in relation to the surrounding area, particularly the narrow roads to the rear of the site.
- Concern about harm to the Conservation Area through additional noise and traffic congestion being generated by the additional housing, in addition to perceived overcrowding arising from the development
- Concern about impact on setting of Grade II listed buildings on Bedford Row

#### *Residential Amenity (existing residents)*

- Concern about loss of amenity to nearby residential properties, including Marine Place, Seaspray, those on Bedford Row and Worthing House, and those on South Street. This includes, overlooking/loss of privacy, sense of enclosure, and loss of light. Concern that technical assessments provided by the applicant in relation to this issue are insufficient.
- Opaque glass and louvered panels are insufficient to address residential amenity issues through overlooking to the rear of the site.
- Loss of light to Worthing House and other existing nearby residential properties, including those on Bedford Row.
- noise in a) construction phase; b) through life of development and c) wind noise arising from additional built form.
- Loss of privacy to both existing windows of residential properties and external amenity space, including roof garden in association with the property known as "Seaspray".

#### *Amenity (future residents)*

- Concern that the building would be overcrowded.
- Concern about the layout of the units and the living conditions they will provide, and their lack of compliance with Nationally Described Space Standards.
- Concern that the future building users will not be able to enjoy 'safe and quiet occupation'.
- Poor unit layout, some units are long and narrow, some one bedroom flats are only 39 sqm.
- Concern that occupation will be higher than Nationally Described Space Standards

- Concern about proximity of habitable rooms to communal stairwells.
- Home working space has no natural light or ventilation.
- Does not comply with M41 building regulation standards or M42, so cannot comply with policy DM1.

#### Building safety concerns

- Rooms with no windows could be used as bedrooms for small children or babies - an unsafe arrangement.
- Concern about fire safety.
- Concern that Children may be housed in the development which is seen as unsuitable for this purpose.

#### Accessibility

- Concern that the proposal is not compliant with M4(2) accessibility rules, due to reliance on stepped access and the condition of the surfaces around the site.

#### Affordable housing

- Concern about the lack of affordable housing being provided within the development.

#### *Highways and Parking Pressure*

- Concern about impact of proposal on highway safety.
- Concern about parking pressure arising from the development.
- Proposals will detract from, not add to, the access on Marine Parade.
- No parking or EV charging facilities in contravention of County Council guidance 'parking for new developments' (2020)
- Insufficient public transport for zero parking development.
- Insufficient information about car club provision as relied on in Transport Assessment.
- Concern about the impact of waste storage arrangements along Marine Place.

#### Other Issues

- Concern about the accuracy of the plans.
- Concern about construction logistics - particularly noise from construction logistics and how this will impact on residents of west facing flats on Bedford Row, also impact on parking and general access arrangements for residents of Seaspray in the construction phase. Impact of scaffolding blocking the road, affecting loading and deliveries.
- Concerns about accessibility to the development.
- Concerns about lack of consultation at the pre app phase, particularly given the site area has increased.
- Lack of public consultation on other projects in the surrounding area.
- concerns about wind noise, particularly along Marine Row.

- concern about arrangements for loading in the development, emergency access, reliance on cycling and lack of disabled parking.
- Lack of structural survey demonstrating that development is structurally viable, particularly in relation to the Iceland building.
- Concern about relationship between proposal and existing uses, including an existing hostel on Marine Place.
- Need for a coherent waste management strategy for Marine Place.
- concern about security and residential amenity issues to 'seaspray' arising from proposed fire escape arrangements.
- Loss of views
- Concerns about consultation taking place over Christmas with limited time to make comments.
- Concern about noise in the early morning, when deliveries are most intense.
- Application does not take full account of the interrelationship with Seaspray, including the shared use of the Iceland Car park.

10 Letters of support received, raising the following issues:

- Proposal will assist with the regeneration of the town centre by bringing people into the area, representing a sustainable form of development that supports local businesses.
- Proposal will represent an improvement over the existing situation where building is unused and detracts from the centre.
- Concern about what will happen if the proposal does not go ahead - creates an opportunity to keep the building which is a prominent feature in the Conservation Area.
- Design is appropriate and retail units have the potential to complement the town centre.
- Support for additional housing, particularly given the context of current demand and under supply.

### ***Amended Plans consultation***

Two additional letters of objection:

- Amenity concerns relating to overlooking, loss of light, increased vehicle movements and highway safety have not been addressed.
- continued concern about deliveries by online retailers, supermarkets and takeaways in a narrow one way street.
- continued concern about lack of affordable housing.

A response received on behalf of Seaspray residents suggests the relocation of the fire escape at first floor level which would have the benefit of increasing the size of one of the flats and would avoid impacting on the existing Seaspray fire escape. *(This suggestion has been passed to the applicant to consider).*

One further letter of support has been received commenting that,

- *I am all for the town of Worthing and the regeneration of it. In order for a town to thrive, it needs people. In-town development encourages people to live*

*more local, but also invites visitors of those living in the town, to the area creating more revenue. Overall I think this will be a great project and be great for the town.*

## **Relevant Planning Policies and Guidance**

Worthing Local Plan 2023

SP1 - Presumption in favour of sustainable development  
SP2 - Climate change  
SP3 - Healthy communities  
SS1 - Spatial strategy  
SS3 - Town Centre  
DM1 - Housing mix  
DM2 - Density  
DM3 - Affordable housing  
DM5 - Quality of the built environment  
DM6 - Public realm  
DM7 - Open space, recreation & leisure  
DM8 - Planning for sustainable communities / community facilities  
DM10 - Economic Growth and Skills  
DM12 - The visitor economy  
DM13 - Retail and town centre uses  
DM15 - Sustainable transport and active travel  
DM16 - Sustainable design  
DM17 - Energy  
DM18 - Biodiversity  
DM19 - Green infrastructure  
DM21 - Water quality and sustainable water use  
DM22 - Pollution  
DM23 - Strategic Approach to the historic environment  
DM24 - The Historic Environment

Supplementary Planning Guidance and Documents  
Supplementary Planning Document 'Space Standards' (WBC 2012)  
Supplementary Planning Document 'Sustainable Economy' (WBC 2012)  
'Infrastructure Delivery Plan' (WBC 2010)  
Worthing Open Space Strategy and Off Site Calculator

## **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 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area. Section 66 of the same Act requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 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***

Policy SS1 of the Adopted Local plan requires high quality development that provides for the needs of local communities. It states that development will be permitted within the built up area boundary, subject to compliance with other policies in the Local Plan. Development should make efficient use of previously developed land but the density of development should be appropriate for its proposed use and also relate well to the surrounding uses and the character of the area. Policy SS3 deals with development in Worthing Town Centre, seeking to direct retail leisure and office use to the Town Centre, improving and increasing the mix of uses in the Town Centre, particularly retail, employment and residential uses through making efficient use of existing sites. Policy DM13 requires the Council to support the vitality and viability of Worthing's town centres, with changes of use and redevelopments within town centres being carefully controlled to ensure that they support the successful functioning of the centres and their ability to meet local needs.

The decline of department stores nationally is well documented due to changing consumer behaviour. This has led to a diversification of town centres away from very large, multiple storey retail units. Members will recall that a similar situation has arisen at Beales albeit this has provided a more mixed use solution with a larger proportion of leisure commercial use at first floor level but nevertheless a considerable number of flats within the existing building and approval for additional floors to provide further apartments (see planning history section of the report).

The current proposal retains commercial space at ground floor level with associated ancillary space at first and second floor level. This space would occupy a large floor plate at ground level with a frontage on to the main shopping road so would clearly represent a viable and useable space for a wide range of potential future occupants, helping to bring this attractive building back to life at ground floor level. In this



respect the proposal is consistent with the Adopted Plan and will ensure that an active commercial frontage contributes to the vitality of the retail centre.

The significant quantum of residential accommodation being provided as part of the scheme would help diversify and regenerate the town centre, in accordance with policy SS1, SS3 and DM13 of the Adopted Local Plan. The intended 'build to rent' model is a well established method of providing housing, providing high quality purpose built accommodation in a highly sustainable location for the private rented sector.

Whilst concerns have been raised about building density and the overall number of units being provided, it is considered that the site is amongst the most suitable in Worthing for intensive development; being extremely well located in relation to shops, services and public transport links. Being adjacent to the seafront it would also be a highly desirable place to live. The constrained location, together with current build costs and the need to retain the existing facade, means that the viability of the development as submitted is marginal, as demonstrated in the supporting documentation.

Overall, the proposal would provide a good use of a vacant and underutilised site. The increase in residential occupancy of this area would provide well needed housing, and would complement the aims and aspirations for Worthing Town Centre as set out in the Local Plan, as well as other proposals coming forward for similar development, including at the Montagu Centre. It is therefore considered that the development accords with the strategic policy aims of the adopted local plan insofar as they relate to development in Worthing Town Centre, and the proposal is acceptable in principle.

### ***Sustainability***

Policy SP2 of the Local Plan requires development to reduce the amount of energy used in construction and operation of buildings and improve energy efficiency, including retrofitting existing properties, to contribute to achieving zero carbon emissions, also to prioritise active travel such as walking, cycling and public transport to reduce reliance on the private car and facilitate car free lifestyles.

Policy DM16 requires that all new build housing will achieve a minimum 20% CO<sub>2</sub> reduction compared to the Building Regulations Part L 2013 standard through energy efficiency measures, unless superseded by national policy or Building Regulations. Developers will be expected to provide evidence of the level of carbon reduction achieved in the dwellings through submission of SAP calculation reports at the design and built stages.

The application is accompanied by an energy and sustainability statement. This demonstrates that the building will have a thermally efficient building fabric reducing envelope u-values significantly below what is required under Part L 2021 compliance. It is also proposed that heating will be delivered through a communal energy centre, utilising air source heat pumps. It also identifies the possibility of installing Photovoltaic panels on the flat roofed parts of the scheme. The combined

effect of the measures would result in annual CO2 emissions for the new build areas of 69.4% below the established Part L 2013 baseline.

The sustainability strategy included with the application draws attention, amongst other things, to the partial retention and reuse of the existing building thus being preferable to demolition and rebuild in terms of embodied carbon. The location of the development in a town centre, within walking distance to most necessary shops, services, facilities and public transport links further enhances the sustainability credentials of the proposed development.

Members will be aware that the Council is pursuing the implementation of a District Heat Network for Worthing Town Centre. The energy hub would be located in the High Street close to the site and it would be appropriate to include a requirement for a future connection once the network is in place. This would be in line with policies in the adopted Local Plan. The applicant has been requested to consider what implications there might be for any future connection and to discuss the matter with the nominated Operator.

Overall the proposal is considered to represent a highly sustainable form of development, achieving and exceeding the relevant local plan policy requirements, in this respect. This is a consideration that weighs in favour of granting approval for the proposed development.

#### ***Visual Amenity/Design, including Heritage.***

Policy DM5 of the adopted Local Plan requires that all new development should be of a high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area. Policy DM2 of the Local Plan supports higher densities, in excess of 100 dwellings per hectare in mixed use developments, flatted developments and developments located in the town centre and in areas close to public transport interchanges and services.

Policy DM23 of the Local Plan requires the Council to conserve and enhance the historic environment and character of Worthing, which includes historic areas, buildings, features, archaeological assets and their settings, important views and relationships between settlements and landscapes/seascapes. Policy DM24 of the Local Plan states that Development should not adversely affect heritage assets or its setting (including important views that contribute to its setting).

The pre-application discussions with the applicant explored the scope for 4 additional floors on the building. However, this was considered unacceptable to your Officers on the basis that the building would be unduly prominent in the streetscene and overly dominant on the historic scale of development in the Conservation Area. The building when viewed from the north is already a large structure and its rather austere blank north elevation does little to contribute to the appearance of the Conservation Area.

The proposal would restore and adapt the existing art deco facade, which is currently in a deteriorated state. The proposal would involve very little change to the pattern of window openings and fenestration but would bring the windows back into use,

representing a significant improvement to the main frontage of the building, along South Street and enhancing the South Street Conservation Area, in this respect.

The additional height associated with the building, when visible from the main South Street Frontage, would be heavily recessed and would not detract from the overall appearance of the building or the prominence of its retained facade. The existing building already has elements of a fifth floor with circulation and lift overruns. When viewed from the north of the site this elevation would be enlivened with new fenestration and the top (sixth) floor would be set back a considerable distance from the front facade.



**Figure I. View of proposed frontage of the building.**

Considering the area to the rear, Marine Place currently acts as a service road, with delivery areas associated with the building and other surrounding commercial buildings. At present, many of the windows associated with the host building are boarded up, detracting from the appearance of the building and presenting an incongruous arrangement that detracts from the character and appearance of the Conservation Area. The proposal would create a more active frontage at this level above ground floor level, with large picture windows and balconies facing onto the road, providing natural surveillance, reducing the risk of anti-social behaviour. Whilst concerns about the narrow width of the pavement and limited window to window distances are noted, this is an existing characteristic of this area which has prevailed for many years, and is not regarded as a reasonable constraint to the type of development proposed.

The Planning Committee's recent decision to grant planning permission opposite the site in Marine Place will, together with this scheme (if permitted) significantly change the character of this road from an essential service road to a mixed residential street.

Given this change in character a further environmental enhancement could be secured if the road was turned into more of a shared use road to encourage lower speeds and a cobbled street approach could enhance the Conservation Area. This would have to be funded through CIL funds but could be a future public realm enhancement project for the Council and WSCC to consider.

In other respects, the broad design of the retained and new parts of the building follows the preserved Art Deco form found on the South Street elevation. This reconstructed facade would enhance the character and appearance of the South Street Conservation Area.



***Figure II - view of the proposed rear of the building, to Marine Place***

The Heritage statement submitted with the planning application identified four groups of listed buildings in close proximity to the site where the development could potentially impact on their significance. These are:

- Bedford Hall - A grade II listed building dating back to 1839, evidenced by its Greek Revival styling and distinctive window detailing, originating as a Wesleyan Chapel by architect Charles Hide.
- 8-14 Bedford Row - A group of grade II listed buildings dating back to the 19th Century of Regency Styling evidenced by bow fronts that are largely stuccoed, being high status dwellings.
- 3-6 Bedford Row - A group of grade II listed buildings dating back to the 19th Century of Regency Styling with corncicing and round-arched doorways, being high status dwellings.
- Bedford Cottage - A grade II listed structure comprising coursed rubble stone with yellow and red brick dressings and a Welsh slate roof, considered to be evidence of more vernacular, lower status approaches to development in the early 19th Century.

These buildings largely are located to the east of the site on Bedford Row, with other existing buildings located in the intervening space. In each case, the recessed nature of the additional bulk, in combination with the significant separation distance means that there would be no harm to the setting of any of these designated heritage assets, or any other listed buildings in the wider surrounding area.

Regarding the objections on heritage grounds relating to noise, it is considered in response that any increase in noise and activity would be entirely consistent with what is reasonably expected to take place in a longstanding town centre location such as this and consequently there would be no harm to the Conservation Area or the setting of listed buildings.

The new building would stand in close proximity to other unlisted buildings. However, the relationships with these buildings, including Worthing House and Seaspray, is considered to be typical of densely built up town centre development. In all cases there would be sufficient visual separation between the new buildings and any existing facades with active frontages.

The increased height of the building would make the overall structure more dominant on its neighbours and the wider townscape. To the south and north there are listed buildings and the impact on the setting of these buildings is also assessed in the Heritage Statement supporting the planning application. Given the greater scale of what is already quite a dominant art deco structure, it could be considered that the proposed development would have some adverse impact on heritage assets and the Conservation Area. However, the Heritage Statement considers that the impact is negative and is balanced by the positive improvement to the current appearance of the building. Certainly as indicated previously the north elevation of the building whilst of a greater mass will have greater articulation and interest. Similarly the view of the existing roof structure from the seafront is unattractive with the various guard rails and service elements of the building visible. The additional height would not be apparent from street level to the east of the Dome Cinema and therefore would not affect the skyline around this important listed building on the seafront.

Overall it is considered that the design of the proposed development is appropriate given the immediate and wider context. It complies with the relevant Local Plan policies concerning density of development, character and appearance, design and the impact of new development on heritage assets.

### ***Housing Mix***

Policy DM1 of the Local Plan requires that, in order to deliver sustainable, mixed and balanced communities, the Council will expect all applications for new housing to consider the most up-to-date evidence of housing needs and demands to help determine the most appropriate housing mix based on the character and location of the individual site.

The proposal is characterised by 1 and 2 bed units and therefore provides limited scope for family sized accommodation. Given that this is a flatted development on a highly constrained town centre site with limited opportunities to provide playspace or

other forms of amenity space within the development, this arrangement is considered exceptionally to be on balance acceptable. As such there is no significant conflict with policy DM1 of the Local Plan, in this respect.

### ***Affordable housing***

Policy DM3 of the Local Plan states that new residential development on previously developed land involving the development of 10 or more flats will lead to a requirement for 20% affordable housing. However, where a developer states that exceptional development costs mean it is not possible to meet the full requirements for the delivery of affordable housing the onus will be on them to demonstrate this to the Council and this must be supported by robust financial viability evidence (through an open book approach).

A viability assessment was submitted by the applicant which demonstrates that the proposal is considered to be 'non-viable' even with no affordable housing. Nevertheless, the applicant has offered £150,000 towards s106 development contributions. The applicant is content for the Council to agree how best to use these funds to deliver off site affordable housing, open space or public realm enhancements.

The Council has appointed the Dixon Searle Partnership (DSP) to review the viability assessment and whilst its final report is awaited the Consultants have issued an interim statement which supports the applicants overall view of viability:

The submitted build costs are above average but these have been reviewed by ERM surveyors whose cost estimate is very similar to the applicant's.

*'I haven't done detailed analysis on the values yet, but having just reviewed the Montague Centre development which is nearby, the values submitted for Debenhams look to be as expected taking into account the differences between the schemes and assuming a reasonably high spec consistent with the higher build costs.*

*The main query is with the BLV which is potentially overestimated and needs some discussion here because I'm not sure what the demand really is for a whole department store of space in the current climate. And the profit assumption which is at the upper end of the range. But even applying a lower profit assumption and reducing the BLV from £2.8 million to £2 million based on lower rents or on only part of the building being let only gets the viability to roughly break-even with nil AH.*

*So I think they're probably right that it is not viable even as 100% market housing. If our appraisal does end up showing any scope it is likely to be a fairly small surplus.'*

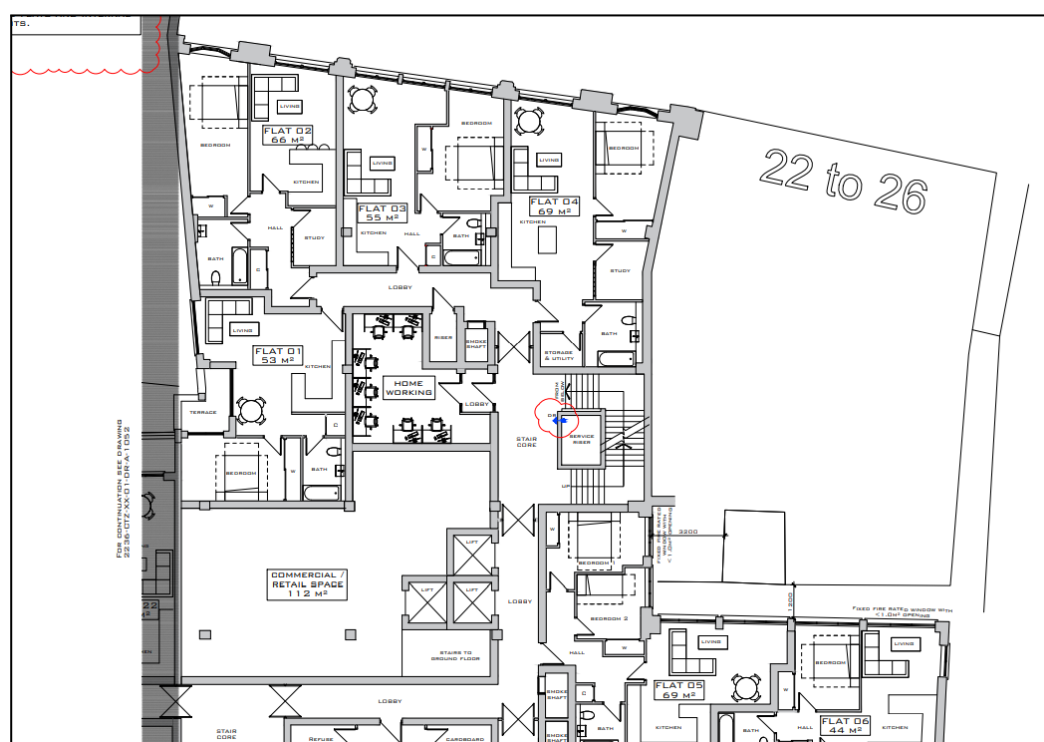
Given the above it is considered that the development cannot deliver on-site affordable housing or provide a significant contribution towards the provision of off-site affordable housing. The applicant has offered £150,000 as a development contribution and in light of the affordable housing need in the Borough it is considered that the majority of this contribution should go towards off site provision. Your Officers consider that £120,000 should go to affordable housing and the

remainder towards open space/public realm improvements (see open space section). This affordable housing contribution could be used to help deliver emergency and temporary accommodation as there is a significant need for this accommodation in the town.

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

Policy DM5 of the Local Plan requires new development to include a layout and design which take account of potential users of the site.

This is one of the most challenging aspects of the application and is a reflection of the difficulties of converting a department store with large floor plates. The residential layout is necessarily contrived and because of the problems trying to get light into the centre of the building some of the flats have limited light and outlook. As the floorplan indicates below the applicant has sought to add commercial floorspace within the centre of the building where it is not possible to create residential accommodation with suitable outlook and light.



**Figure III - First floor showing home/office suite and commercial floorspace.**

### ***Daylight and Sunlight.***

A technical report was submitted which considers the levels of daylight and sunlight within the proposed development, in relation to Building Research Establishment (BRE) guidelines. This found that, using the illuminance method of assessing daylight, 139 out of 175 rooms tested (79%) will either meet or exceed the advisory recommendations of the BRE Guidelines. The sunlight results for the rooms tested are given in the table at Appendix C. Regarding Sunlight: 130 (74%) of the rooms tested will either meet or exceed the minimum advisory level of the BRE Guidelines. It is noted however that 35 out of the 45 rooms that are not able to meet the



recommendations of the BRE in relation to sunlight are bedrooms, which are typically less used in the daytime. This still leaves 10 rooms below the normal standards.

### *Size and Internal Layout (and Fire Safety)*

Policy DM2 of the Local Plan states that new dwellings across all tenures will be expected to meet as a minimum, the nationally described space standards (or any subsequent Government update) for internal floor areas and storage space. The Local Plan policy states that these standards will apply to all open market dwellings and affordable housing, including those created through subdivision and conversion.

All the flats comply with the Governments Nationally Described Space Standards exceeding the minimum 37 square metres. However, a number of the one bed apartments do not meet the higher Worthing Space Standards of 51 sqm. Nevertheless, as argued by the applicant all apartments would exceed the minimum studio space set out in the Worthing Space Standards and it would be preferable to have a separate bedroom area from living space. In addition, the overall development does provide additional communal space for residents with the provision of designated lockers, a home working suite, sky lounge and roof garden (shown below). Objection letters have referred to the fact that the level of occupancy of the proposed flats may exceed the number allowed for within the Nationally Described Space Standards. However, this is a risk with any development and it is not considered that a planning condition restricting occupancy would be reasonable as enforcing such a condition would be impractical.

There has been some disagreement between the applicant and the Private Sector Housing team about the acceptability of the accommodation provided in particular in relation to what are described as 'inner rooms'. The applicant argues that the layout complies with BS 9991 (2015 version) with each apartment incorporating a sprinkler system alongside fire alarms and detection systems. In addition the cooking appliance would be located a minimum distance of 1.8 metres away from fire escape routes. The agent has also provided confirmation that all apartments would be within the 45 metre requirement set out by the Fire Brigade.

In response to this the Private Sector Housing team continues to raise concern about the adequacy of fire safety measures and the reliance on sprinkler systems (see consultation response). There is clearly some disagreement about the interpretation of the BS (British Standard) and the Councils Fire Safety and Building Control Manager has been asked to comment on the adequacy of the layout and Members will be updated at the meeting. The comments of the Health and Safety Executive are also awaited (as the building will exceed 18 metres in height with the additional floors). The Private Sector Housing team has asked that an informative be added to any permission advising that the layout may conflict with the requirements of the Housing Act.

Whilst, inner rooms are not ideal they are a reflection of the difficulties of converting this former department store as indicated previously. If confirmation is received from the relevant Fire Safety authorities that the layout is safe and meets relevant advice it is not considered that a refusal of planning permission could be justified. It should

be noted that the 2015 BS 9991 is due to be updated and the development would need to meet relevant building control and fire safety requirements at the point of conversion and this may require subsequent amendments to the layout.

### Outlook and Overlooking

A number of the proposed apartments have a fairly poor outlook particularly those that face Worthing House and 22 to 26 South Street. This reflects the fact that the existing windows in the upper floor of the former Department store (above Iceland car park) face directly onto adjoining properties in close proximity. This is not unusual in a tight town centre location, however, the redevelopment of Worthing House has compounded the situation by providing rear-facing living space very close to the former Department store with significant overlooking between facing windows. This is graphically illustrated in the photograph below (taken from within the application site).



**Figure IV - view of the rear of Worthing House**

The applicant has sought to address this issue by setting back the building (see Impact on Existing Residents below) but the addition of high privacy screens for the proposed balconies does provide a poor single aspect outlook for future residents.

### Private Amenity Space

The applicant has attempted wherever possible to provide balconies for residents but the nature of the conversion (and number of units created) means that a number would not have any access to outdoor space. However, the provision of a roof garden and residents 'sky' lounge are welcome additions and would provide some amenity space for future residents. The location of the premises very close to the Beach and large Parks does help offset the lack of outdoor space being provided.

### Noise and ventilation

A noise report was submitted with the planning application. This recommends a number of noise insulation and ventilation measures to provide a satisfactory living environment for future residents of the building. These can be secured by way of planning conditions.

### Open Space.

Policy DM7 of the Local Plan requires that schemes of 10+ dwellings will be required to provide open space on-site in accordance with the Council's adopted standards as set out in Tables 1, 2 and 3 (applying occupancy levels based on the size of dwellings proposed). Where provision is off-site, contributions will be sought to provide or improve open space off-site within the ward or nearby ward to which the development is located unless surplus provision exists locally.

The Council's Open Space and Recreation Strategy requires development contributions where outdoor amenity space cannot be provided. In this case the off site cost multiplier would normally require a contribution of £564,000 (excluding maintenance costs) towards various open space typologies (formal/informal open space and allotments). However, as stated previously the viability case has been demonstrated in this case and only a limited s106 development contribution can be secured. As the majority of this contribution should go towards affordable housing your Officers feel that £30,000 towards open space or public realm improvements in the vicinity of the site would be reasonable in the circumstances.

To conclude there are some challenging aspects to the proposal in terms of the quality of accommodation provided for future residents. However, it is important to understand the challenges of seeking to convert this building and some compromises are considered necessary. The alternative would be to consider a redevelopment of the site but the loss of the building would be regrettable in heritage terms and from a sustainability point of view a conversion has significant benefits. NPPF encourages higher density development and overall the provision of additional residents facilities including the sky lounge, storage and roof garden will ensure an appropriate quality of accommodation is provided in a highly sustainable location.

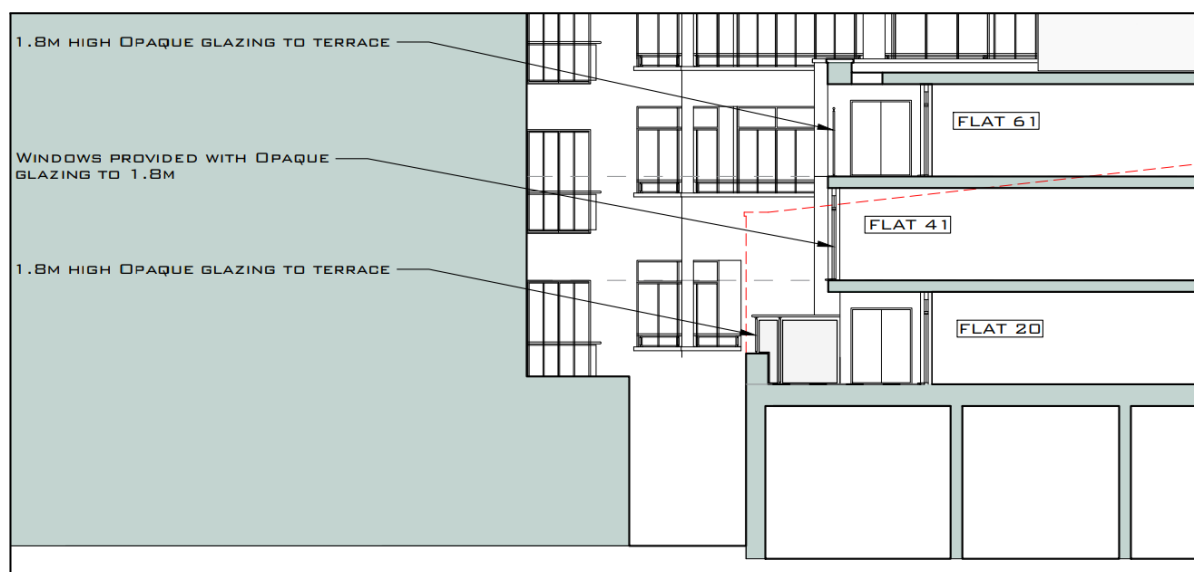
### ***Residential amenity (existing occupants)***

Policy DM5 of the Local Plan requires that development must not have an unacceptable impact on the occupiers of adjacent properties, particularly of residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook, an unacceptable increase in noise giving rise in significant adverse impacts

### Privacy and Outlook (overbearing impact)

The proposed conversion and additional floors will increase overlooking but not to an unacceptable degree. In terms of Worthing House the applicant has sought to avoid overlooking with obscure glazed windows and louvered windows facing west. Whilst the windows are only 7.4 metres away from the proposed development the applicant has also incorporated high obscure glazed screens to the first floor balcony areas.

The setting back of the existing building here would also improved the current outlook of flats in Worthing House as indicated in the cross section below:



**Figure V - Cross Section showing relationship with Worthing House**

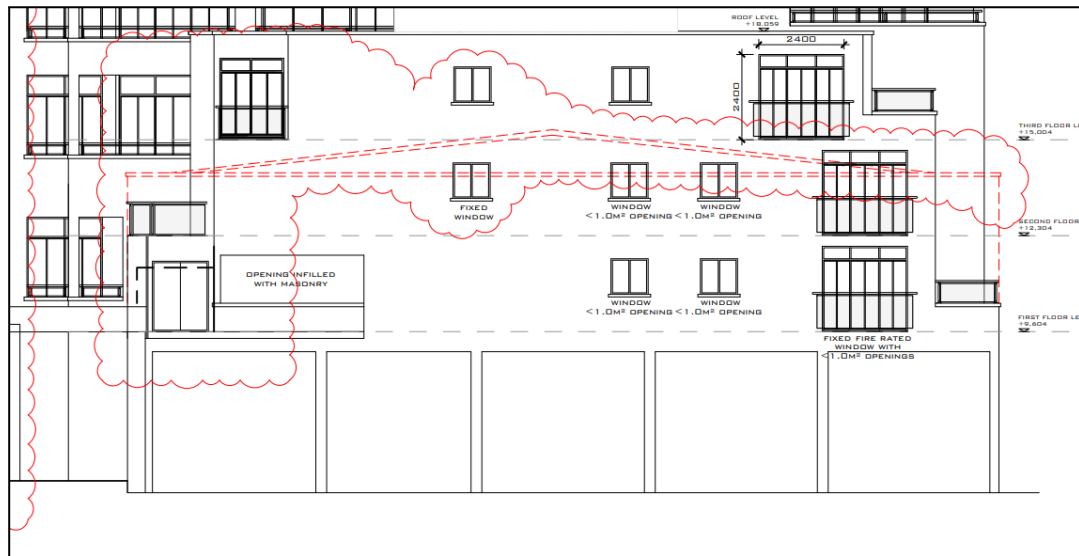
Members will recall when considering the development on the east side of Marine Place, the Committee was satisfied that the distance between that development and the existing windows in the former Department store (some 8 metres away) would be acceptable on the basis that both developments fronted a public road. The current applicant objected at the time but Members felt the relationship was acceptable in a town centre location. The proposed development will increase the scale of development onto Marine Place and the number of windows but it is not considered that any undue overlooking would result to properties on the east side of Marine Place.

In terms of Bedford Row these properties vary in distance but are located some 28 - 30 metres away. This exceeds the normal overlooking distances considered reasonable in an urban setting. The redevelopment of the site to the east of Marine Place would also restrict overlooking from the new development to the rear of Bedford Row.

Residents of Seaspray House have expressed a number of concerns about the development. In terms of overlooking there will be additional windows facing south in the main part of the development but these are some 50 metres away from the rear windows of Seaspray House. In terms of the additional floors above the Iceland Car Park there are various windows looking south but these either have obscure glazing and or privacy screens to the rear balconies which would avoid any undue overlooking.

The residents of Seaspray enjoy a terrace at first floor level but it is not considered that the proposed development would have any material impact on the enjoyment of this terrace. The proposed development is to the north of the terrace and is not significantly higher than the existing structure as indicated below. A small section of

the north elevation has been set back to create a small balcony area to further reduce any overbearing impact.

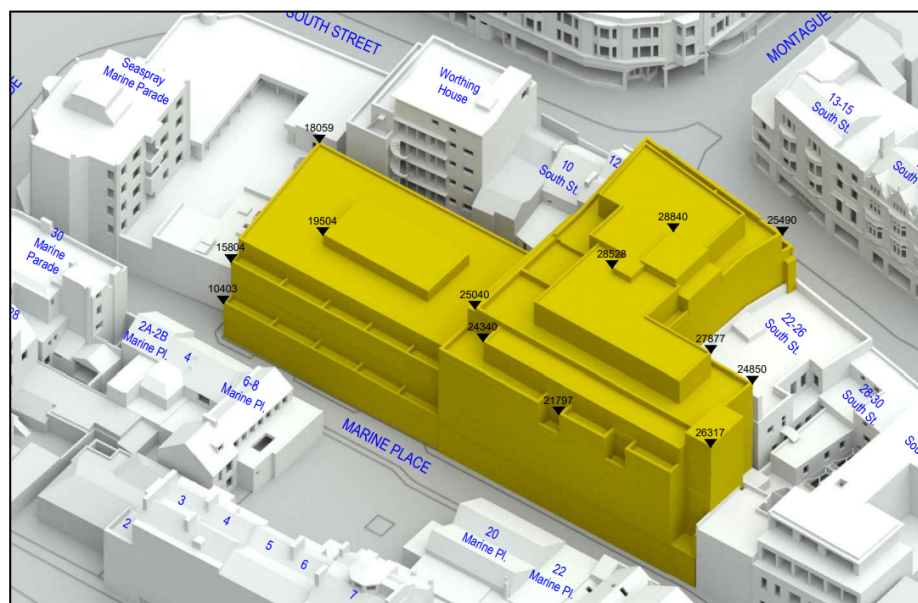


**Figure VI - North Elevation showing proposed windows and outline of existing building (edged red)**

Daylight and Sunlight

A number of objections were received relating to concern about loss of amenity to nearby residential properties, including Marine Place, Seaspray, those on Bedford Row and Worthing House, and those on South Street.

A daylight and sunlight report assesses the impact of the proposal on daylight and sunlight conditions in surrounding properties. In relation to Sunlight, all the 129 rooms assessed adhere to the BRE guidelines for annual and winter sunlight.



**Figure VII - Extract from Daylight and Sunlight Report**

Regarding Daylight, of the total 295 windows assessed around the Site using the Vertical Sky Component (“VSC”) test, 272 (92%) adhere to the strict application of the BRE Guidelines. Of the total 194 rooms assessed around the site using the Daylight Distribution (“DD”) test, 171 (88%) adhere to the BRE guidelines.

The Daylight and Sunlight report concludes that where strict BRE compliance has not been possible, this occurs to an isolated number of neighbouring properties where there are mitigating factors that should be taken into account. The main departure from standard relates to Worthing House where the proximity and location of the habitable rooms within this adjoining development are such that the Daylight and Sunlight Consultants have undertaken a supplementary ‘mirror-massing’ assessment to establish whether the Proposed Development would match the height and extent of this key neighbouring development, in accordance with Appendix F of the BRE Guidelines. The subsequent testing demonstrates that the relationship between the buildings would be commensurate with regards to daylight amenity.

In addition to Worthing House, there are impacts on windows at 22 - 26 South Street facing into the narrow lightwell which means that any departure from the existing site building is likely to trigger disproportionate changes in percentage terms. Despite this, the results contained within the Daylight and Sunlight report show that any recorded alterations will represent small changes in absolute terms such that they are not likely to change the pattern of use and this conclusion is accepted by your Officers.

Overall, given the tight urban setting of the proposed development it is considered that the layout of the proposed development follows the BRE Guidelines and will not significantly reduce sunlight or daylight to existing surrounding properties. In this respect the supporting Daylight and Sunlight report does demonstrate that the majority of neighbouring properties fully adhering to the BRE Guidelines.

#### Noise and wind

As a department store in a busy town centre the existing building is a source of noise. It is considered that the relative increase in the bulk and scale of the building, together with the addition of residential accommodation, would not be likely to lead to a material increase in noise. Furthermore the increase in the bulk of the building would not be to such a degree that it would result in material harm to the local environmental conditions through wind shear. The set back of upper floors helps to reduce any negative impacts.

Overall it is not considered that this development would have an adverse impact on the amenities of adjoining residents. Any adverse impacts in terms of overlooking have been addressed through building design/orientation or the addition of obscure glazing and/or screens where necessary to avoid undue overlooking of neighbouring properties. These matters can be dealt with by the imposition of appropriate planning conditions.

## ***Accessibility***

Policy DM1 of the Local Plan requires 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 Council will expect all new build dwellings to meet the optional higher Building Regulations Standard M4(2) for Accessible and Adaptable dwellings unless it can be demonstrated that this would be impractical, unachievable or unviable.

The applicant advises that the majority of proposed units comply with M4(2) Buildings Regs, six units do not meet this standard but do comply with M4(1) Building Regs. Whilst every effort has been taken to meet M4(2) standard, the nature of conversion means that this is not possible with certain units. Given that this application relates to the conversion and extension of an existing heritage asset it is considered that the development is acceptable notwithstanding that not all units meet the accessibility requirement (albeit this relates to new build).

Many of the objectors have referred to the poor condition and width of the Marine Place. This is due to be improved as part of the development proposal on the east side of Marine Place and your Officers have indicated previously to the Highway Authority the scope to improve Marine Place given the number of residential developments happening along this narrow service road.

## ***Highway Safety, Travel and and parking***

Policy DM15 of the Local Plan states that Worthing Borough Council will promote and support development that prioritises active travel by walking, cycling, Non-Motorised User routes and public transport, and reduces the proportion of journeys made by car. This will help to achieve a rebalancing of transport in favour of sustainable modes.

The Transport statement states that the development is to be car-free, with the existing car parking spaces within the development site being retained for use by Iceland. It concludes that shifts in vehicle ownership patterns mean that any car use associated with the development will be limited and insignificant. The site is well located in relation to services in the town centre and public transport links which mean that car ownership is not necessary. The experience in similar flatted developments in central locations is that the difficulties in owning a private vehicle in a location such as this would be likely in practice to deter future occupation of the development by car users.

The applicant has amended the submitted Travel Plan in line with suggestions from WSCC. The applicant has agreed for each resident to be provided with a £150 Travel Voucher to be used for season tickets for bus or rail, drive time for a car club and or purchase of a bike.

The transport plan also includes a commitment to explore the introduction of a car club in close proximity to the site, to provide an alternative to ownership for car users within the development. It would be important to pursue this either seeking an additional car club space at the High Street multi-storey car park or providing an on

street space close to the site which would also benefit other town centre residents. The Travel Plan suggests providing Car Club Membership for one year but to be consistent with other schemes it is considered that two year Membership should be offered to new residents.

50 cycle parking spaces would be provided for the residential element of the development, together with an e-bike charging system; and 8 spaces for the commercial element. This would provide cycle parking in accordance with local standards.

The applicant has responded with further information to address the concerns of the Highway Authority. Regarding cycle parking the WSCC standard would require 40 stands but 50 are provided in a double height racking system (similar to the store at Worthing Station). In addition 8 spaces are provided for the retail element of the scheme. In addition the applicant has provided information on trip rates to the site which indicates that development would generate 10 two way morning movements and 17 in the evening which is significantly less than the recognised 30 movements considered to have an impact on the highway network and this takes no account of any comparison with trips with any alternative commercial/retail use of the floorspace. The Highway Authority has indicated that it will provide a further response in time for the Planning Committee.

Waste Storage and servicing to both the residential and commercial elements would take place from the rear of the site, along Marine Place. The applicant has confirmed in the revised plans that 18 x 1100 litre bins would be provided, addressing the comments made by the Waste Officer. Details of management of the servicing and waste disposal operation can be covered in a Management Plan.

When considered against the existing position, given the historic scale of the Debenhams operation, it is considered that servicing and deliveries would be of a scale that has a limited impact on the highway network.

Overall the proposal is considered to be acceptable in terms of its impact on highway safety, travel and parking. The proposal is considered to accord with policy DM15 of the Local Plan.

### ***Flood Risk***

Policy DM20 of the adopted Local Plan deals with flood risk and sustainable drainage. It states that the Council will work with relevant bodies to ensure that flood risk in Worthing is managed and reduced. A Flood Risk Assessment (FRA) must be submitted for all new development (including minor development and change of use) in Flood Zones 2 and 3.

The site is predominantly located in Flood Zone 3, associated with tidal flooding. A FRA was provided with the application which states that, as a sequential approach has been adopted at the site, all residential dwellings are located at the first floor and above, which is above the maximum predicted flood level during a tidal flood event. The site also holds one record of sewer flooding and has basement levels within



groundwater depths. This is not located at the change of use/extension. No other flood risks were identified.

The development will not result in alterations to the building footprint or drainage system and there will be no off-site increase in flood risk as a result of the proposed works. However green roofs and water harvesting features are recommended to be incorporated in the development which will achieve a betterment to the existing discharge rate.

The FRA concludes that the development meets the Sequential and Exception Tests imposed under the NPPF, and that the development would be safe, without increasing flood risk elsewhere. This is accepted given that the development does not increase the footprint of the development. However, as the site is in a flood risk area the Emergency Planning Officer has recommended an informative to ensure that the applicant signs up to the Flood Response Plan so that residents are warned of any overtopping event and flood protective measures are put in place for ground floor areas.

### ***Air Quality***

An Air Quality Impact Assessment was provided in support of the planning application. This states that during the construction phase of the development there is the potential for air quality impacts. However, assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by demolition, earthworks, construction and trackout was predicted to be not significant. Traffic movements associated with the development were concluded to be not significant, and future occupants would not be likely to be exposed to harmful levels of pollution. The report concludes that air quality factors should not be considered to be a constraint to planning permission for the development. This conclusion is accepted and a Construction Management Plan condition can ensure appropriate mitigation measures are implemented during construction.

### ***Contaminated land***

The proposals involve the reuse of an existing building on an existing built footprint. The applicant states that the land is not known to be contaminated.

### ***Ecology and biodiversity***

The proposal involves the reuse of an existing building on a built footprint. Works including the potential green roof have the potential to enhance ecology and biodiversity. There is some limited biodiversity net gain but it is accepted that any significant improvement is very difficult given the 100% site coverage of the existing building.

## **Other issues**

The submitted plans are considered to be accurate such that a determination can be made. Concerns about construction logistics can be dealt with by way of a Construction Management Plan submitted in response to a planning condition.

The consultation carried out on the proposal meets the legal requirements necessary prior to any determination. Wider public consultation, including at pre app phase, is discretionary on the part of the applicant. In this case there was public consultation detailed in the submitted statement of community involvement, but this did not include the proposals above Iceland Car Park. The applicant states that this was because the additional site had not been secured at that point.

Matters relating to the retained structure of the building will need to be considered as part of the building control approval process.

The impact of the proposal on Marine Place has been assessed and found to be acceptable, including issues relating to waste management. Any deliveries associated with the development in its operational phase will be consistent with the prevailing character of this road as a servicing area.

The impact of the proposal on outlook has been considered in this report. The impact on perceived loss of views would not comprise a material planning consideration of sufficient weight to justify the refusal of planning permission.

Residents of Seaspray House consider that the proposed use of the fire escape between the site and their raised terrace would have an adverse impact on their amenities and that the applicant does not have the legal right to access this fire escape. The residents have suggested an alternative arrangement which would lead into the Iceland Car Park below. The agent has commented on this matter and states that,

*"We have reviewed this option and discussed with the Fire Consultant and architects, however the applicant has advised that this option is not feasible as they do not own the ground floor of the car park.*

*The client owns a 999 year lease of the first floor and above, and within that lease are the rights to use the existing fire exit and staircase.*

*In order to provide an alternative fire escape this would involve approaching the freeholder, and even if they agreed there is a seven-year lease remaining with Iceland on the store and car park and they would have to agree also. Ultimately, the client has advised that this option is not realistic or financially viable to go back and renegotiate the lease.'*

## **Conclusion**

The proposal would provide a good use of a vacant and underutilised site. The provision of refurbished commercial floorspace and a significant number of flats in this highly sustainable location would assist the vitality and vibrancy of the town centre. There are challenges with converting this large retail floorspace and in places

this has compromised internal layouts. In addition, the viability of the project means that it is unable to deliver the on-site affordable housing normally required for a development of this scale. However, overall the scheme provides for a good quality of accommodation with additional residents' communal areas helping to enhance the overall offer to future residents. It is therefore considered that the development accords with the strategic policy aims of the adopted Local Plan insofar as they relate to development in Worthing town centre, and the proposal is considered acceptable.

The table below sets out the various matters to be covered in a planning obligation including contributions towards off site provision of affordable housing and open space/public realm enhancements.

Issue	Obligation
<b>Affordable Housing</b>	Contribution of £120,000 towards off-site provision
	Future Review Mechanism to be funded by developer
<b>Transport</b>	Travel Plan voucher of £150 per flat to be used on public transport season ticket, bike purchase or drive time vouchers for car club. Two year Membership of Car Club for all residents. Implementation and Monitoring of Travel Plan with auditing / monitoring payment (£1,500) to WSCC.
<b>Open Space</b>	Contribution of £30,000 towards off site open space/public realm improvements.
<b>District Heating Connection</b>	Liaison with Local Authority to achieve connection in event of future district heating scheme. Provide routes, space and system for connection.
<b>Site Management</b>	To include: Car Parking and Access Areas; Surface water Drainage; Amenity Spaces; Green Roof; Plant and Noise Insulation; Monitoring of Travel Plan. Building Maintenance Plan - maintaining the existing and extended parts of the building and associated land.

### Recommendation

**To APPROVE** - subject to the satisfactory comments from the Highway Authority and HSE and completion of a s106 planning obligation to secure the development contribution.

### Subject to Conditions:-

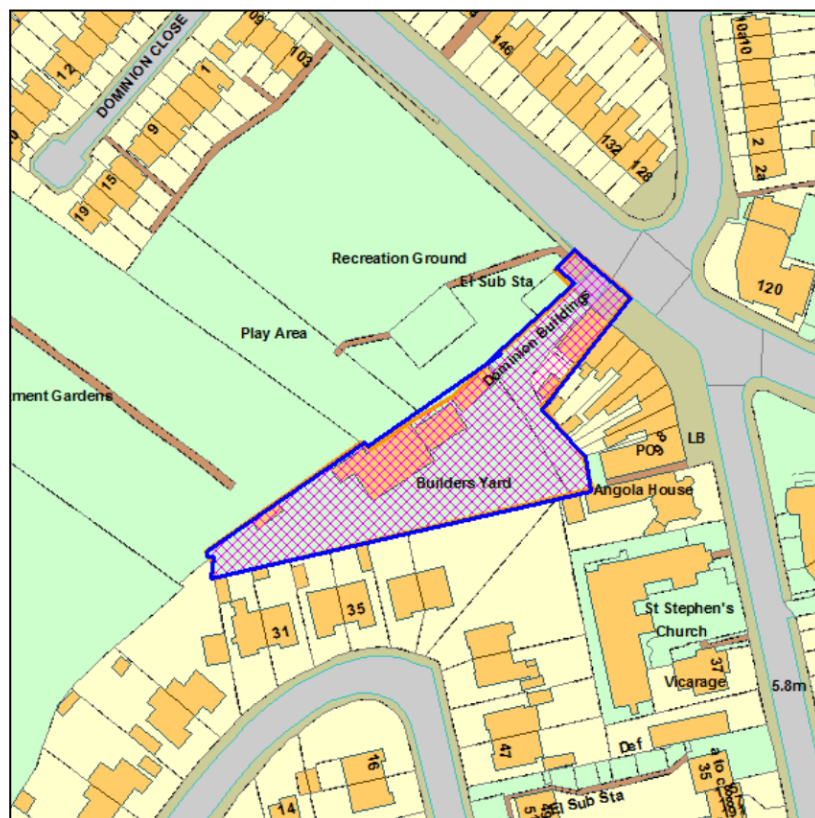
1. Development in accordance with the approved Plans...
2. Development in 3 years

3. Use Restriction Class E
4. Detailed drawings, including sections, of windows to be submitted
5. Specification of Materials
6. Detailed design of certain elements (to be identified)
7. Sectional drawings of new window reveals
8. Opaque glass and screening to be installed prior to occupation and retained for the lifetime of the development.
9. Hours of Building Work
10. Site Waste Management Plan in line with Waste Mitigation strategy set out in sustainability report.
11. Construction Management Plan (including dust management - as per air quality assessment)
12. Flood Resilience measures
13. SUDS design and implementation
14. SUDS maintainence
15. Provision of waste storage prior to occupation
16. Provision of cycle storage prior to occupation
17. Implementation of energy efficiency measures
18. Details of renewable energy measures
19. Proposals to be 'network ready' for connection to a future communal heating network.
20. Noise conditions in accordance with noise report
21. Travel Plan (including implementation of sustainable transport strategy as set out at para 4.4 of Transport Assessment)

*Informatives*

Southern Water, WSCC Highways and note from Emergency Planning Officer

Application Number:	AWDM/0273/23	Recommendation - APPROVE
Site:	91 Dominion Road, Worthing	
Proposal:	Part retrospective application for provision of car workshop for car servicing, MOT and tyre fitting, car wash bay, final preparation building/ car storage (south-west corner); valeting and cleaning building (south-east corner); plus sale of motor cars, together with associated offices and flat. Acoustic fence to southern boundary. Application to Vary Condition 1 to include acoustic fence details, (Condition 4 (Car Sales - Hours of Working ), 5 (Car Sales - Delivery Hours.) and 8 (Car Sales Display area), Condition 10 (cycle Parking) condition 11 (Electric vehicle charging) and removal of condition 14 (dust suppression scheme) and 15 (Land contamination) of previously approved AWDM/1018/21	
Applicant:	Gleam Clean Ltd	Ward:Broadwater
Agent:	Mr Richard Stubbs	
Case Officer:	Jacqueline Fox	



**Not to Scale**

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## **Introduction**

Cllr Glynn Davies has requested that the application come before committee due to the retrospective nature of the application and local opposition.

## **Site and Surroundings**

The site is situated on the south west side of Dominion Road, a busy road to the north east of the town centre. Dominion Road is a mixed street of residential and commercial properties.

The entrance to the application site is situated to the north of a parade of local shops close to the junction with Angola Road. The majority of the site is set behind the parade of shops on a triangular plot.

The site which is in operation comprises a mixed use of workshops, wash down facilities, motor car sales and a first floor flat. There is a mixture of boundary treatment with close boarded fence and walling with trellis above along the southern boundary.

To the north of the site is a recreation ground. Partly to the east are commercial shops and offices at ground floor with residential and storage above. To the south side are chalet bungalows with frontage onto Sackville Crescent situated at a slightly higher level.

## **Proposal**

In February 2022 planning permission was granted for *Part retrospective application for provision of car workshop for car servicing, MOT and tyre fitting, car wash bay, final preparation building/ car storage (south-west corner); valeting and cleaning building (south-east corner); plus sale of motor cars, together with associated offices and flat. Acoustic fence to southern boundary* under planning permission AWDM/1018/21

The application was subject to a number of conditions.

The current application seeks to provide additional information or vary some of the conditions namely conditions 1,4,5,8,11,14 and 15

Condition 1 indicates that the development should be carried out in accordance with the approved plans. The applicant following advice from officers has submitted the acoustic fence details to vary condition 1 originally requested under Condition 16.

The acoustic fence details show a 3m high fence along the southern boundary at the rear of properties 29,31,33,35,37 and 39 Sackville Road. The fence details indicates that it conforms and has been tested to BS EN 1793, 1794-1 and 1794-2.

The application also includes amendments to the valet and cleaning building and final preparation neither of which had been built in accordance with the approved plans under AWDM/1018/21.

The amendments to the valet and cleaning building involve a different shaped building closer to the southern boundary but of a similar area to the previously approved building.

The amendments to the final preparation building include an additional door on the southern elevation. The applicant's agent has indicated that this is required for emergency access.

Condition 4 is in relation to hours of working, trade or business the hours approved were between 7:30 am and 6.00 pm on Monday to Friday (inclusive) and 8.00 am and 4.00 pm on Saturday. With no working on the site on Sundays or Bank or Public Holidays.

The applicant has request an extension of the hours until 6pm on a Saturday and on Sunday and Bank Holidays between 9am and 4pm

Condition 5 is in relation to arrival, reception or dispatch of deliveries or customer vehicles to or from the site. The hours were limited between 7:30 am and 6.00 pm Monday to Friday, and 8.00 am to 5.00 pm on Saturdays.

The applicant has requested an extension to these hours until 7pm on weekdays, until 6:30pm on a Saturday and until 4:30pm on Sundays and Bank Holidays.

Condition 8 restricts the display area of vehicles for sale to the area shown on plan PL002 Rev E.

The applicant has indicated that it is essential that business should be able to display cars for sale on its own forecourt and access way to effectively confirm the car sales business. They indicate that this was expressly referred to in the submitted Policy, Design and Access Statement (under AWDM/1018/21) but is apparently removed by this condition. To re-establish this car sales area they have amended the 1;100 Layout plan of the site to show an area alongside the access way included for car sales

Condition 10 sought within 6 months that covered and secure cycle parking spaces shall be provided in accordance with plans and details to be first submitted and approved by the Local Planning Authority.

Details were not submitted and the applicant has indicated within the current application that the area under the external stairwell to the first floor flat is used to provide cycle storage on a daily basis. This area is in-part observed all day from the ground floor office and the adjoining workshop with staff on the move in this area. The area is partly covered by the access way, stairwell and buildings. This now provides an operating cycle storage area.

Condition 11 requests details of electric vehicle charging spaces within 6 months to be submitted and approved by the Local planning Authority.

Following further clarification the applicant has indicated that these will now be on the southern end of the main workshop building and on the northern end of the car display building enabling 2 cars to be charged overnight.

Condition 14 indicated that no further development shall take place unless and until a scheme for the suppression of dust during construction had been submitted to and approved in writing by the Local Planning Authority.

Details were not submitted and buildings constructed.

The applicant has indicated that none of the work are outstanding to either of these two buildings (Final Prep, or Valeting/Cleaning) will create dust to any extent that will require suppression. In particular the valeting/cleaning building with concrete floor slab has been laid direct onto the existing base and did not require disturbance of the ground below the existing concrete base. The applicants have requested that this condition be removed.

Condition 15 is in relation to land contamination it requests that no further ground works shall take place until an assessment is carried out.

Details were not submitted and buildings constructed.

The applicants in support of the condition have indicated,

*'Whilst the scheme requires a full risk assessment of the construction of buildings, all have been provided over the existing long standing concrete below in the circumstances we do not believe that any potential risks of contamination will arise given no disturbance below the buildings. The provision of the overhead doors to either building are provided above ground, with all operations being provided to operate provided just below the roof over. For completeness I would refer to the photographs provided by my client to the Environmental Health Officer in respect of works to main building previously. This may assist and clarify the existing underground position, confirming no risk of contamination.'*

### **Relevant Planning History**

The site was a former builders yard prior to 1948.

**AWDM/0780/11** - Extension to south side of existing building in connection with proposed use for vehicle repair workshop and bodyshop with offices plus single-storey building in south east corner for use as car wash and valeting and erection of 2.4 metre high palisade fence on eastern boundary. Approved. Lapsed with implementation as conditions not discharged.

**AWDM/0254/18** - Retrospective application for additional provision of new workshop; wash down area with ramp; relocation of existing storage building and provision of



one first floor flat plus provision to sell motor cars. Includes land to the rear of 1 Dominion Buildings. REFUSED on the following grounds:

1. The car sales and associated parking along the access road and frontage within close proximity of Dominion Road by reason of the amount and cluttered appearance have a detrimental impact on the character and visual amenity of this part of Dominion Road. The proposal is therefore contrary to Policy 16 of the Worthing Core and the relevant policies of the National Planning Policy Framework.
2. The use of the site for car display and sales by reason of the additional car movements, storage, other activities associated with that use including the hours of operation represent an over-intensification of the site which causes unacceptable harm to the amenity of the neighbouring residents in terms of general noise and disturbance. The use is therefore contrary to saved policies H18 and RES7 of the Worthing Local Plan, Policy 16 of the Worthing Core Strategy and the NPPF.
3. The proposed siting of the handover/final preparation building within a minimum distance of 0.3 metres and maximum of 3 metres of the boundary of 29 and 31 Sackville Crescent with its associated uses would have a detrimental impact on the amenities of these properties in terms of noise and visual impact. The proposal would therefore be contrary to saved policies H18 and RES7 of the Worthing Local Plan, Policy 16 of the Worthing Core Strategy and the NPPF.
4. The external wash bay and ramp within approximately 7 metres of the rear garden of 33 and 35 Sackville Crescent would have a detrimental unneighbourly impact on the amenities of particularly these properties, but also adjoining properties in Sackville Crescent, in terms of noise, disturbance and spray. The external wash bay and ramp would therefore be contrary to saved policies H18 and RES7 of the Worthing Local Plan, Policy 16 of the Worthing Core Strategy and the NPPF.
5. By reason of its siting within an operational commercial site and without adequate external amenity space the first floor flat does not have accommodation which would comply with local space standards. The surrounding commercial development is likely to cause unacceptable noise and disturbance which would be exacerbated by the constrained nature of the site and intensity of commercial activity. The flat therefore provides an unacceptably poor standard of accommodation for the existing/future occupier(s) contrary to policies 8 and 16 of the Worthing Core Strategy, the Council's 'Space Standards' and 'Guide for Residential Development' SPDs and the relevant policies of the National Planning Policy Framework.

**AWDM/1018/21** - Part retrospective application for provision of car workshop for car servicing, MOT and tyre fitting, car wash bay, final preparation building/ car storage (south-west corner); valeting and cleaning building (south-east corner); plus sale of motor cars, together with associated offices and flat. Acoustic fence to southern boundary. (REVISED PLANS)- **APPROVED**

## **Consultations**

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

#### More Information Request

The Local Highways Authority (LHA) has viewed the submitted plans and documents. However, at this stage we would request that some additional information is submitted to allow further assessment from the highway's perspective. The LHA has provided comments below outlining the points raised. Primary Areas of Additional Information:

1. Please provide evidence for trip generation of the existing and proposed uses.

Conclusion Please raise the above with the applicant and re-consult. Until such time, the LHA are not in a position to provide final comments until we receive the requested information as stated above. The applicant and Local Planning Authority should be aware that the information provided for this request, might result in the need for further documentation upon resubmission.

The applicant has indicated that none of the changes increase any form of traffic generation beyond that which were already promoted on the first application for this site which they confirmed to be acceptable and supported the application.

Over the course of a week the number of increased movements may be up to 40 a week. The difficulty is that the number of movements per per day still remains well below the the average as to when it was a builders merchants.

The Local Highway have been reconsulted with the additional information regarding vehicle movements, cycle storage and electric charging points and comments are awaited and will be reported verbally

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

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

I have no objections to the inclusion of the acoustic fence, it will have some benefit but it should be acknowledged that noise from the site will still be audible in the neighbouring property.

I object to any variation to hours of working at the site. The planning conditions apply to the land use, not the specific business. Residents would have moved into their property with the knowledge that the commercial use was there but the hours were controlled by planning. It is a reasonable expectation for them to be able to relax and enjoy the quiet amenity of their homes during the evening and at weekends without sporadic noise from the business interrupting this pleasure. We should also recognise that any change in hours now will apply to future business on this land.

Environmental Health requested this condition for the build phase of the development. Given the building is already erected this will no longer be relevant.

The development location is on our list of sites potentially contaminated because of historic use. We have no records of what contamination if any is present on the site but we do ask for these potentially contaminated sites to be examined when developed. Obviously, if the ground is going to be broken for new concrete slabs, fence posts or drainage then a pathway is created between the potential contamination and the receptor. The receptor in this case is likely to be the construction workers breaking the ground. For this reason, it is standard practice that EH ask that any potential hazards are identified and risk assessed before work commences. I note the buildings are on existing slabs, however, the buildings do have guttering and downpipes for rainwater. Where does this go? Have soakaways been dug or new drains laid? They will also have to break ground for the acoustic fence posts. So this condition should remain. Please note, that the level of precaution here should be commensurate with the risk identified from the desk top study and the ground works required.

I have not received any information that would enable me to discharge this condition.

Environmental Health (PSH)

No comments

## **Representations**

### **3A Dominion Buildings**

We have lived here for 12 years things are getting worse for the residents with our access being more and more limited

There are cars parked everywhere including an advertising car out on main road

There is a concrete edge (that is an easy trip over) which runs across our drive and around an area which is filled with stones they are slippery and hard to walk on.

There are gates on both sides which we were told are going to be padlocked even with a key. What happens in an emergency? How do the services get in?

There is no safe passage way from our houses

There is little space to walk between a shed concrete edging and parked vehicles

When all up and running how safe will it be to walk amongst a working environment to get to and from our home.

How much noise will come from this new building.

### **21 Sackville Crescent**

The existing use already causes noise in the back garden at times. The extended hours will cause more disruption and noise in a predominantly residential area.

Also concerned about the entrance, there is no proper signage and the access is dangerous. increased traffic will cause further hazard

Additional noise from tyre fitting

## **2 Sackville Crescent**

There is ongoing noise and light pollution from this company in addition they work unsocial hours that impact us the area they park the cars on Dominion Road causes a hazard for both pedestrians and drivers trying to access this area

## **31 Sackville Crescent**

We are residents of Sackville Crescent and wish to comment on the development of the Gleam Clean site at 91 Dominion Road.

We have lived in Sackville Crescent for over 25 years and our small rear garden backs directly on to the site at the south west corner. Historically, this site has not been operational on a Sunday or a Bank Holiday and this should not be changed now, whether it be for car sales, delivery of vehicles or any other purpose.

The current permitted operational hours are not adhered to at the moment and vehicles are often moved around the site up to an hour before or after the current permitted hours causing a disturbance to the residents. The operation of this site outside the permitted hours should not set a precedent for this application being approved.

The extension of the operational hours would intensify vehicle movement in the parking area at the rear of our property. We already have to endure noise disturbance, exhaust fumes and pollution entering our garden during the week and should not have to suffer this at the weekends as well. This area is often overcrowded exceeding the capacity as proposed in this or previous applications. We also suffer with noise from the jet wash penetrating our home. The applicant requested extended operational hours in a previous application and they were refused to safeguard the amenities of the occupiers of neighbouring properties and should now be refused for the same reason.

We are concerned about the addition of a car turntable in the final preparation building and the noise disturbance it will create, not only in its operation but the extra vehicular activity associated with it that will be directly behind our property boundary. The application is proposing a pitched black felt roof over the open air section of the preparation building but this building appears to already have been completed with metal roofing.

This site has already been overdeveloped with buildings being built without planning permission. The final preparation building is too close to residential properties without leaving an adequate escape route in the event of emergency evacuation. Open chemical containers are stored directly next to our boundary wall resulting in the chemical vapours, possibly carcinogenic, being smelt in our garden. This

becomes more intense in the warmer weather. The parking area is often used as an extended open air workshop with vehicles being worked on. Engines are often left on test, running idle and even revving for long periods of time, again causing excessive toxic exhaust fumes to enter our garden.

This business, which has evolved into numerous businesses over the years of continuous retrospective applications, moved into a residential area. They should accept the limitations of operation that come with that. Unfortunately, it has been proved time and time again, that the owner of the site is not and never has been considerate to their neighbours or mindful of the conditions imposed by the Planning Officers to protect the residents of Sackville Crescent.

We strongly object to this application due to the impact it will have on our lives and the enjoyment of our property

### **33 Sackville Crescent**

I am writing this email in response to the retrospective application for gleam clean Dominion road, reference number AWDM/0273/23, in order to oppose this application. Not only has the owner of gleam clean built buildings on this site without planning approval he has continued to use the jet wash ramp and other buildings that he built without planning permission and further more he has now finished building another building at the back of the site near our boundary wall that was rejected by the planning office. If you review his past history, all his applications in the past on this site and on previous site have been made retroactively after residents nearby complain that he is building without planning permission.

This latest retrospective application will only add to the noise pollution and disruption that we as residents in Sackville Crescent, as we are adjoining wall boundaries, will have to put up with.

The building in question is dangerous as there is no safe fire exit due to the fact he has build it so close to our back garden wall.

The car wash bay is already being used and causes us daily disruption and disturbances due to the fact it is so loud and noisy and they do this continuously throughout the day. I have had to ask them to stop on numerous occasions when they are using it past their closing hours and even the past few years on Easter bank holidays. This is unacceptable and will only get worse if this application is approved.

I am truly worried that he will get away with it and make our garden unusable as we can hear this inside from the front of the house with all windows and doors closed.

I have tried to put this complaint in on the planning portal but was unable to find it and I am worried I have missed the deadline due to the fact we have been away.

## **Relevant Planning Policies and Guidance**

National Planning Policy Framework (HCLG 2021)  
National Planning Practice Guidance  
Worthing Local plan (2023)  
DM5 - Quality of the Built Environment  
DM11 - Protecting and Enhancing Employment Sites  
DM16 - Sustainable Design  
DM21 - Water Quality and Sustainable Water Use  
DM22- Pollution

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

## **Planning Assessment**

The principle of the provision of car workshop for car servicing, MOT and tyre fitting, car wash bay, final preparation building/ car storage (south-west corner); valeting and cleaning building (south-east corner); plus sale of motor cars, together with associated offices and flat and acoustic fence to southern boundary have been accepted in principle under application AWDM/1018/23.

The application was subject to a number of conditions. The current application seeks to vary a number of the conditions as set out above under S73 of the Town and Country Planning Act.

### **Variation to Condition 1 includes:**

1. Acoustic fence details
2. Amendments to the car wash building
3. Amendments to the final preparation building.

### **Assessment of amendments to condition 1**

#### **1. Acoustic Fence Details**

The acoustic fence is shown proposed on the southern boundary to the rear of 29-39 (odds) Sackville Crescent, it would be 3m in height. The boundary currently comprises a wall approx 1.8m in height with a range of trellis fencing above. The properties in Sackville Crescent are at a slightly higher level but have relatively small gardens. The fence would be on the northern boundary of these properties. The proposed acoustic fence will provide a consistent boundary treatment which with acoustic properties which would offer the properties in Sackville Crescent a degree of screening and noise protection without causing detrimental loss of light or visual

impact. The Environmental Health has raised no objections to the acoustic fencing. It is considered that acoustic fencing is acceptable.

## **2. Amendments to the car wash building**

The car wash building is situated to the east of the site with access off the access road to the rear of properties in Dominion Buildings. It was established during the officer site visit that the building had not been constructed as approved. Under approved application AWDM/1018/21 the building was shown as approx square of approx 56.25sqm. The building has been built with a longer front and shorter rear elevation and an angled wall aligned to the southern boundary with an approx floor area of 66.75. An increase of approximately 10.5sqm

The building as built is of a similar design it would not impact on the character of the site, or impact on residential amenity. It is considered that this building is acceptable in its amended form.

## **3. Amendments to the final preparation building**

The final preparation building is at the west of the site and is still under construction. It was established during the officer site visit that a door in the southern elevation had been retained which had been requested to be removed during negotiations on AWDM/1081/21. The applicants have amended the drawings as part of the current application to retain the door, citing that the door is required for safety/escape reasons.

The door is on the southern side and concern was raised that this additional door would cause additional noise and disturbance to residents in the property behind in Sackville crescent. The building already has an approved door onto a dead space at the side/rear of the building

The door is close to the boundary and although acoustic fencing is proposed to the boundary there is potential for noise and disturbance from this door if it were kept open. It is not considered that the insertion of the door alone would be a reason for refusal but a condition restricting its use to ensure it is kept shut other than in an emergency is considered appropriate.

## **Condition 4 Car Sales - Hours of Working and condition 5 (Car Sales - Delivery Hours (variation to condition)).**

The applicant has requested extending the hours of opening and deliveries to include later hours on a Saturday and during Sundays and Bank Holidays.

In 2018 an application for a retrospective application for additional provision of new workshop; wash down area with ramp; relocation of existing storage building and provision of one first floor flat plus provision to sell motor cars. Includes land to the rear of 1 Dominion Buildings was refused amongst other reasons on the following grounds relating to residential amenity

*The proposed siting of the handover/final preparation building within a minimum distance of 0.3 metres and maximum of 3 metres of the boundary of 29 and 31*

*Sackville Crescent with its associated uses would have a detrimental impact on the amenities of these properties in terms of noise and visual impact. The proposal would therefore be contrary to saved policies H18 and RES7 of the Worthing Local Plan, Policy 16 of the Worthing Core Strategy and the NPPF.*

The 2021 application (AWDM/1810/21) was submitted following negotiation to overcome the reason for refusal and improve this relationship. As part of the 2021 application the Environmental Health Officer requested a restriction on hours to ensure that the development would not impact on the amenity of neighbouring residents.

Policy DM5 of the Worthing local plan indicates that all new development (including extensions, residential annexes, alterations, ancillary development, change of use and intensification) should not have an unacceptable impact on the occupiers of adjacent properties, particularly of residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook, an unacceptable increase in noise giving rise in significant adverse impacts, or vehicular movements resulting in severe cumulative impacts on the road network, or loss of important open space of public value (unless it satisfies any of the exceptions set out under Policy DM7 – Open Space, Recreation and Leisure);

Policy DM22 of the Worthing Local Plan

- a) Development should not contribute to, be put at risk from, or be adversely affected by unacceptable levels of soil, air, water, artificial light or noise pollution or land instability. Where possible development should help to improve local environmental conditions.
- b) New development in Worthing will be located in areas most suitable to the use of that development to avoid unacceptable risks from all sources of pollution.

The increased hours as currently applied for to increase the hours of opening as indicated by the Environmental Health Officer are not acceptable. The construction of the acoustic fence will have some benefits to residents, however, it should be acknowledged that noise from the site will still be audible in the neighbouring properties.

Environmental Health Officers have indicated that it is a reasonable expectation for local residents to be able to relax and enjoy the quiet amenity of their homes during the evening and at weekends without sporadic noise from the business interrupting this pleasure.

On this basis the change in hours is not accepted as it would have a detrimental impact on the amenity of neighbouring residents contrary to policies DM5 and DM22 of the Worthing Local Plan. As such the current conditions restricting hours will remain. The applicant has been asked to withdraw this aspect of the application.

The other alternative is to consider amending the condition to allow only administrative duties on the site associated with car sales on the basis that this should not generate any noise to disturb neighbours. The Environmental Health Officer has still expressed concern about any opening on Sundays and Bank



Holidays but is happy to consider any alternative proposition put forward by the applicant. Members will be updated at the meeting.

**Condition 8 (Car Sales Display area),**

The 2018 application was refused on the following visual amenity ground:

*The car sales and associated parking along the access road and frontage within close proximity of Dominion Road by reason of the amount and cluttered appearance have a detrimental impact on the character and visual amenity of this part of Dominion Road. The proposal is therefore contrary to Policy 16 of the Worthing Core and the relevant policies of the National Planning Policy Framework*

The 2021 application on the block plan did not show parking to the frontage and a condition restricting parking on the frontage was placed on the permission to ensure that car sales parking did not clutter the access and frontage. Parking for car sales has remained on the frontage and the applicant has indicated that in their 2021 design and access statement there was a requirement for the frontage parking. The agent has since indicated that there was error on the submitted plan and he has indicated that car sales on the frontage have been undertaken for a number of years.

The main concern is the visual clutter on the frontage with Dominion Road with parking and signage, the previous reason for refusal raising concerns on the amount of uses and consequential lack of space on the remaining elements of the use, primarily parking and storage.

Policy DM5 of the Worthing Local Plan indicates that all new development (including extensions, residential annexes, alterations, ancillary development, change of use and intensification) should amongst other things be of a high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area.

Whilst concerns about the overall level of use and the congested nature of the site remain, the parking of cars on the forecourt of commercial premises along Dominion Road is a common practise and the applicant normally only has two cars for sale in front for the shop associated with the business and adjacent to the Park (in front of a substation). Given that car sales are an integral part of the applicants business it is perhaps not surprising that he is keen to encourage some limited car sales on the frontage of the site. Your Officers are also aware that car sales have taken place for some years and therefore it does appear that it would be unreasonable to resist limited car sales on the frontage as now requested. Parking along the access to the site has less impact on visual amenities and as the Highway Authority has no objection it is also considered that this use could also continue. It is therefore recommended to vary the original condition to allow 4 cars on the road frontage and car sales adjacent to the access road.

**Condition 10 (cycle Parking)**

As set out above the applicant has indicated that cycle parking would be in a secure area under a staircase no details are provided. Comments from the LHA are

awaited. However, in principle the location would be acceptable. Condition 10 will remain unchanged until acceptable details are provided.

#### **Condition 11 (Electric vehicle charging)**

It was originally requested by the applicant that this condition be removed, seeking advice where this facility would be provided, however, following advice that electric vehicles are more likely to be the main source of vehicle in the future a suggestion of an area where vehicle charging can be accommodated has been received. No actual details have been received and comments from the LHA are awaited, as such condition 11 will remain unchanged.

#### **Condition 14 (dust suppression scheme)**

The applicant has indicated that that none of the work as outstanding to either of these two buildings (Final Prep, or Valeting/Cleaning) will create dust to any extent that will require suppression. In particular the valeting/cleaning building with concrete floor slab has been laid direct onto the existing base and did not require disturbance of the ground below the existing concrete base.

The buildings have been constructed without the submission of details.

The Environmental Health Officer requested this condition for the build phase of the development. Given that the buildings are already constructed this condition will no longer be relevant. The condition will be removed.

The LPA does not condone the actions of the applicant to construct these buildings without discharging the relevant conditions

#### **Condition 15 (Land contamination)**

The applicant has indicated in support of this condition that 'Whilst the scheme requires a full risk assessment of the construction of buildings, all have been provided over the existing long standing concrete below and in the circumstances they do not believe that any potential risks of contamination will arise given no disturbance below the buildings.

Policy 22 of the Worthing Local Plan indicates at point e)

Where there is potential risk of contaminated land, proportionate investigations and assessments will be required in relation to relevant development proposals. These should assess the nature and extent of contamination and the potential risks to human health, adjacent land uses and the local environment. Where identified risks of contamination cannot be adequately mitigated, planning permission will be refused.

The site is a former builders merchants it is likely that the site would have some forms of contaminates. The applicant has provided photos and details where they have broken ground without adequate detail to satisfy the policy.

The Environmental Health Officer has indicated that the development location is on their list of sites potentially contaminated because of historic use. They have no records of what contamination if any is present on the site but do ask for these potentially contaminated sites to be examined when developed. If the ground is going to be broken for new concrete slabs, fence posts or drainage then a pathway is created between the potential contamination and the receptor. The receptor in this case is likely to be the construction workers breaking the ground. For this reason, it is standard practice that Environmental Health ask that any potential hazards are identified and risk assessed before work commences. It is noted that the buildings are on existing slabs, however, the buildings do have guttering and downpipes for rainwater. The question is where does this go and have soakaways been dug or new drains laid. They will also have to break ground for the acoustic fence posts.

Further details are therefore required and the condition cannot be discharged. As such this condition should remain unchanged.

### **Other Matters from public consultation**

Prior and during the consultation on the current application neighbouring properties particularly in Dominion Buildings have raised concerns that the access/service road to the rear of Dominion Buildings and shown as an access to the new car wash building has been gated at the rear of 1 Dominion Building and at the side access to the south of No 9 Dominion Buildings. The access is shown within the applicants red edge as within their control. There is no indication that the access cannot be used for access to the car wash building. Although it is appreciated that this has raised concerns by leaseholders and tenants within the Dominion Buildings the closing and use of this space to the rear of Dominion buildings is considered to be a civil matter between the applicant and any relevant occupants of Dominion Buildings who may have rights over this land.

The new gates to the rear of No 1 Dominion Buildings are shown within the red edge of the application site; they appear to be over 2m in height and as such will require planning permission. The applicant has been requested to submit an application to regularize the gates.

### **Conclusion**

The application seeks a variation to conditions 1, 4, 5, 8, 10, 11, 14, 15

The details submitted to regularise the application under condition 1 for acoustic fence and buildings are considered acceptable.

The extension of hours requested under conditions 4 and 5 are not considered acceptable. The conditions will remain unchanged albeit the applicant's comments on any further changes to what is being applied for will be reported at the meeting.

The extension to display vehicles for sale on the frontage is considered reasonable given the level of parking taking place in front of the shops along the parade and the fact that some car sales are an integral part of the business. The condition will be altered accordingly.

In relation to condition 10 the applicant has been requested to provide further details of the cycle parking area, the location in principle is acceptable, the condition will remain unchanged.

In relation to condition 11 the applicant has been requested to provide further details of the electric charging points, the location in principle is acceptable, the condition will remain unchanged.

Condition 14 indicated that no further development shall take place unless and until a scheme for the suppression of dust during construction had been submitted to and approved in writing by the Local Planning Authority. The applicant has carried out the work and although the Local planning Authority do not condone this work prior to the submission of details this condition is no longer needed.

In relation to Condition 15 adequate details have not been provided, the applicant has been requested to provide further details proportionate and in accordance with the condition. The condition remains unchanged

### **Recommendation**

The application is approved subject to the following conditions which have been amended as appropriate and include up to date reasons commensurate with the adopted Worthing Local Plan and the timeframes for the submission of unresolved details.

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

1. Approved plans
2. Site commenced
3. Materials submitted
4. No working, trade or business (including any vehicle repairs or valeting of vehicles or car sales) shall take place on the premises except between the hours of 7:30 am and 6.00 pm on Monday to Friday (inclusive) and 8.00 am and 4.00 pm on Saturday. There shall be no working on the site on Sundays or Bank or Public Holidays.

*Reason: To safeguard the amenities of the occupiers of neighbouring properties in accordance with policies DM5 and DM22 of the Worthing Local Plan*

5. There shall be no arrival, reception or despatch of deliveries or customer vehicles to or from the site except between the hours of 7:30 am and 6.00 pm Monday to Friday, and 8.00 am to 5.00 pm on Saturdays.

*Reason: To safeguard the amenities of the occupiers of neighbouring properties in accordance with with policies DM5and DM22 of the Worthing Local Plan*

6. No external working other than the use of the single car wash bay (within the hours specified in condition 5 above) shall take place anywhere on the premises to which this permission relates and all other working shall be confined to within the buildings with the doors shut.

*Reason: To safeguard the amenities of the occupiers of neighbouring properties in accordance with policies DM5 and DM22 of the Worthing Local Plan*

7. The final preparation building shall only be used for final preparation and presentation photography, with no mechanical work, repair, maintenance or servicing to take place within the building or covered area.

*Reason: In the interests of residential amenity having regard policies DM5 and DM22 of the Worthing Local Plan*

8. Only 4 cars for sale shall be displayed on the road frontage (two outside the shop premises associated with the business and two in front of the substation) along with parking along the access road in addition to the area defined on plan PL002 Rev E on the layout plan accompanying application AWDM/1018/21 and no cars shall be displayed for sale in any other location on the site.

*Reason: In the interests of highway safety and amenity having regard to saved policy DM5 of the Worthing Local Plan*

9. The car parking scheme shall be provided and marked out in accordance with the approved site plan PL002 Rev E.

These spaces shall thereafter be retained at all times for their designated purpose.

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

10. Within 2 months of the date of this permission covered and secure cycle parking spaces shall be provided in accordance with plans and details first submitted to and approved in writing by the Local Planning Authority.

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

11. Within 2 months of the date of this planning permission, electric vehicle charging space(s) shall be provided in accordance with Appendix B of the WSCC Guidance on parking at New Developments, plans and details of which to be submitted to and approved in writing by the Local Planning Authority.

*Reason: To provide sustainable travel options in accordance with current sustainable transport policies.*

12. No external lighting shall be installed on the premises unless and until precise details of their position and a specification or brochure detail of the proposed lamps (including their luminance) has been submitted to and approved in writing by the local planning authority. The external lighting shall be installed

only in accordance with the approved details and shall be angled so as to minimise the potential for glare affecting neighbouring residential properties.

*Reason: To safeguard the residential amenities of the occupiers of neighbouring properties having regard to policy DM5 of the Worthing Local Plan.*

13. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Public Holidays. On all other days such work shall only be undertaken between the hours of 8.00 am and 6.00 pm Monday to Friday, and between the hours of 9am and 5.00 pm on Saturdays.

*Reason: To safeguard the amenities of the occupiers of neighbouring properties having regard to policy DM5 of the Worthing Local plan.*

14. - Deleted

15. No further ground works of any kind shall take place unless and until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved in writing by the Local Planning Authority:-

- (1) A preliminary risk assessment which has identified:-

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

- (2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- (3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority.

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

*Reason: To prevent pollution of groundwater and in the interests environmental protection and public health and safety, in accordance with policies DM5,DM21 and DM22 of the Worthing Local plan*

16. Details submitted and approved under current application
17. No public address system or other sound amplification system shall be installed or used on the site (including within the buildings).

*Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with saved policies DM5 and DM22 of the Worthing Local Plan.*

18. The residential flat above the office building shall only be occupied by an owner or employee of the commercial uses approved on the site.

*Reason: Permission would not normally be granted for such a development within a commercial environment and without adequate amenity and is only permitted exceptionally having regard for policies DM1, DM2 and DM5 of the Worthing Local Plan.*

19. The proposed valeting and cleaning building shall only be used in association with the primary uses of the site for car sales and car workshop and not as a stand- alone car valeting and cleaning business.

*Reason: In the interests of amenity and highway safety and having regard to the DM5 and DM22 of the Worthing Local Plan*

20. The south side doors in the valet building shall remain shut at all times other than for emergency purposes.

*Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with saved policies DM5 and DM22 of the Worthing Local Plan.*

## **Informative**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

7 June 2023

**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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