



WORTHING BOROUGH COUNCIL

12 December 2023

Worthing Planning Committee	
Date:	20 December 2023
Time:	6.30 pm
Venue:	Gordon Room, Worthing Town Hall

Committee Membership: Councillors Ödül Bozkurt (Chair), Noel Atkins, Russ Cochran, Samuel Theodoridi, Rosey Whorlow, Cathy Glynn-Davies, Richard Nowak and Helen Abrahams (Vice-Chair)

NOTE:

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail democratic.services@adur-worthing.gov.uk before **midday** on **Tuesday 19 December 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 15 December 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

(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 15 December 2023** to Democratic Services, 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 11 October 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 - 100)

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

8. Appeal Decisions (Pages 101 - 120)

An update on appeal decisions, attached as item 8.

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:

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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
20 December 2023

Agenda Item 7

Ward: ALL

Key Decision: Yes / No

Report by the Director for Place

Planning Applications

1

Application Number: **AWDM/0693/23**

Recommendation – APPROVE: to delegate to the Head of Planning and Development to grant planning permission subject to completion of a satisfactory section 106 Agreement, Revised Development Framework Documents and responses from the drainage consultee

Site: Land North of Beeches Avenue, Worthing

Proposal: Outline planning application for residential development of approximately 90 dwellings, associated car parking, open spaces and landscaping, with primary access from Lyons Way and approximately six of these dwellings accessed via Beeches Avenue and improved pedestrian footpath link to Charmandean Lane; also rationalisation of car parking provision at the existing football ground

2

Application Number: **AWDM/1439/23** Recommendation – **APPROVE**

Site: Multi Storey Car Park, High Street, Worthing

Proposal: Proposed two storey Energy Centre, Thermal Store, electrical sub-station, car-park rooftop plant, and riser pipework

3

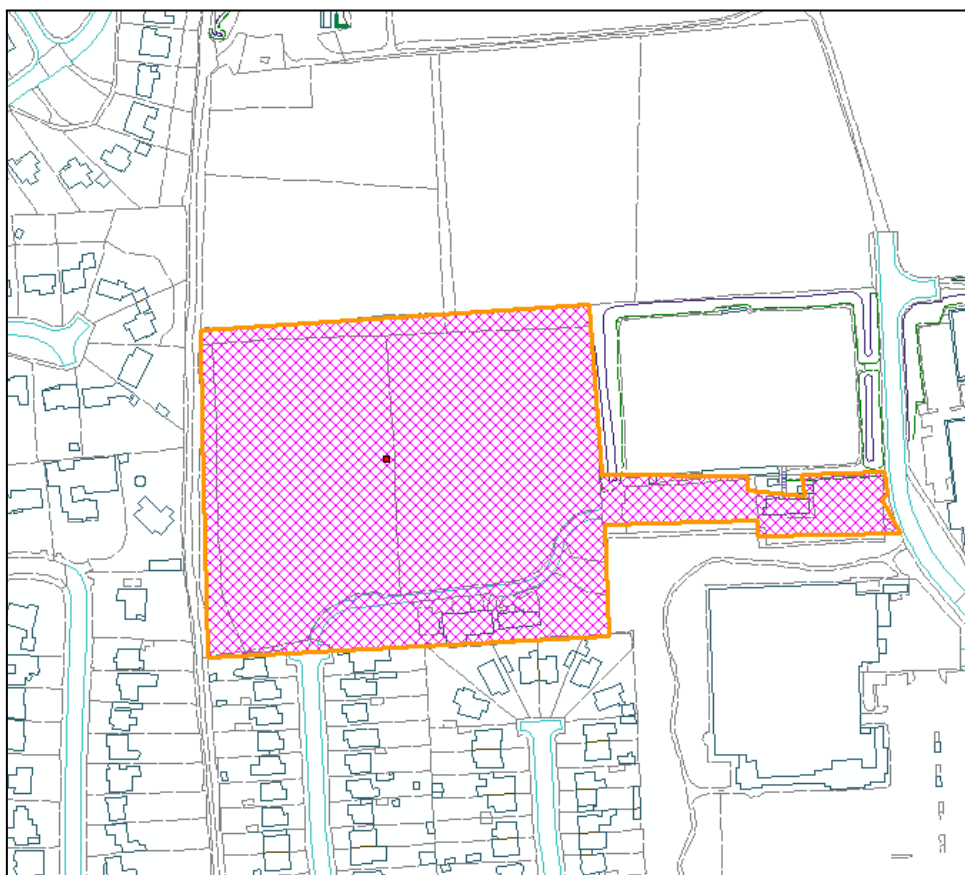
Application Number: **AWDM/1367/23** Recommendation – **APPROVE**

Site: The Place Drop In Centre, 24 Marine Place, Worthing

Proposal: Conversion and alterations of existing building to provide 5no. residential apartments with associated works including access, landscaping and associated works and 2no. parking spaces

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Application Number:	AWDM/0693/23	Recommendation - APPROVE: to delegate to the Head of Planning and Development to grant planning permission subject to completion of a satisfactory section 106 Agreement, Revised Development Framework Documents and responses from the drainage consultee
Site:	Land North of Beeches Avenue, Worthing	
Proposal:	Outline planning application for residential development of approximately 90 dwellings, associated car parking, open spaces and landscaping, with primary access from Lyons Way and approximately six of these dwellings accessed via Beeches Avenue and improved pedestrian footpath link to Charmandean Lane; also rationalisation of car parking provision at the existing football ground	
Applicant:	Hargreaves Residential Developments Ltd	Ward: Offington
Agent:	Rob Huntley Planning Consultants	
Case Officer:	Stephen Cantwell	



Not to Scale

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Proposal, Site and Surroundings

This is an outline application for development of a greenfield site, which is allocated for housing in the recently adopted Local Plan. All matters of detail are reserved for a future 'Reserved Matters' application, with only the amount of development (approximately 90 dwellings) and means of access to be determined at this outline stage.

The site is 3.14ha comprising a sloping field which is currently accessed from Beeches Avenue and partly backs onto Pines Avenue. The northern boundary comprises semi-mature double-depth hedgerow, forming the edge of the South Downs National Park.

A small part of the field contains few single storey buildings used for a car-related business and low-key storage at its southern end. There are hedges along part of the southern boundary, and mature trees and hedges along the western boundary, as seen in the photo below. These front the unmade Charmandean Lane, which is a public right of way, separating the site from dwellings in Third and Fourth Avenues.



Site Entrances: Beeches Avenue (above) Football ground / Lyons Way (below)



To the east of the field is the Worthing Football Club ground, formed by a cutting in the hillside, with grassed bunds around three sides and frontage to Lyons Way and vehicular access through to the adjoining Downland Retail Park to the south (shown in the photo above). Part of the outline application site is the car park which serves the football club along its southern side. This is currently separated from the field by a hedgerow. Trees which are subject of preservation orders (TPOs) are found at the Lyons Way frontage and south of the car park.

The proposal is for 67no. houses and 23no. apartments, although the description of the application is for a total of '*approximately* 90no'. Access would be mainly through the existing football ground car park into Lyons Way and through the retail park to the A27 junction. The remainder of the football ground car park would be re-organised as part of this application. Approximately six of the dwellings would be accessed via Beeches Avenue. Footpath connections would be formed into Charmandean Lane and another would follow alongside the new access road south of the football ground into Lyons Way.

An illustrative layout plan has been provided, which shows how the mixture of houses and flats might be arranged. Associated landscape and design material has been updated recently with further attention to the relationship of the development with its wider context, notably the National Park. Public and consultee comments have also been received in response to this.

Relevant Planning History

WB/04/00803/OUT Residential development proposed comprising a mix of sizes and types of houses totaling up to 90 dwellings. **Appeal Dismissed 4th April 2006**

In 2023, with the adoption of the Worthing Local Plan 2020-2036, the site became an allocated site for housing. The allocation is for an indicative, minimum of 90 dwellings. A more detailed summary of the Local Plan allocation and requirements is given in the Planning Assessment below, under the subheading 'Principle'

Consultations

West Sussex County Council – Highways: No objection

In accordance with the National Planning Policy Framework (paragraph 111), the proposal is not considered to have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network; there are no transport grounds to resist the proposal.

Planning conditions should require:

- Provision of site access in accordance with submitted drawings;
- New tactile paving to the footpath at the Sainsburys service access
- Provision and maintenance of visibility splays at the access onto Lyons Way;

- A construction management plan, including routing, number and frequency of deliveries / construction vehicles, and
- Vehicle parking and turning and cycle parking to be shown at reserved matters stage

S106 agreement to require:

- Travel plan and monitoring fee (£3500), and
- Car club - provision of a car club space and initial period of membership.

National Highways: Recommend Conditions

Based on our review of further technical information prepared by the applicant, we are content that the development is forecast to have limited impact on the operation of the A27. We welcome the submission of the Framework Travel Plan, however, to ensure that the adopted trip rates are achieved, we have recommended a condition that a detailed travel plan is implemented prior to occupation, to be attached to any consent granted at the site.

Additionally, we envisage the strategic road network (SRN) being a likely route for construction traffic and we have therefore recommended a condition for a Construction Environmental Management Plan (CEMP) also be attached.

West Sussex County Council Fire and Rescue: No objection

Recommends conditions for the submission and approval of fire hydrants to serve the development.

West Sussex County Council Rights of Way: Informal response

The Public Rights of Way office (PROW) have informally advised that there would be no objection to making a connection between the site and footpath FP3134 to the north-west of the Sainsbury store, provided that this does not incur costs to the PROW Authority.. The Planning Authority is encouraged to seek improvements to the part of this path to the north east of Lyons Way.

West Sussex County Lead Local Flood Authority: - Comments awaited.

Environmental Health - Public Health: No objection

No objections in principle. Some traces of contamination have been picked-up in an initial report. This should be explored in more detail and the area remediated as necessary under a planning condition

The area is generally quiet and the risk from noise is low, but given the proximity of the supermarket and industrial park. A noise survey should be provided by planning condition to confirm this and to consider the football ground and any existing plant noise, for instance at the supermarket and industrial sites, that may impact sleep.

Environmental Health - Private Sector Housing: Comment

Comments would be made when internal layouts of dwellings are provided.

Tree Officer: Comment

With adequate protection for the roots etc the proposal would be acceptable. No TPO trees should be affected and a reasonable number of trees will be retained, although additional planting would be required.

Waste Services

The proposed roads will need to be capable of taking the weight of our vehicles, inc manoeuvring, we foresee no real problems for us, although access through Lyons Farm lights, can be very time consuming. There will be 4 vehicles on the site Refuse, Recycling green waste & Food Waste in the future. The new Beeches Ave properties will need a turning area sufficient to allow our lorries to turn.

Council's Drainage Consultant: Comment

This is classed as a major application and therefore West Sussex Council will provide consultation comments.

Southern Water: No objection

The response refers to required planning conditions to protect groundwater, as the site is within a Source Protection Zone. Conditions should require: a Hydrogeological Risk Assessment; Details of proposed drainage, including any proposals to discharge water to ground and protection measures; drainage management proposals; a foundation method assessment and a construction management plan (CEMP), to minimise risks to water quality.

Sussex Police:

As this application is submitted in outline, with only access for determination, I have no detailed comments to make at this stage. I would direct the applicant or their agent to our website at www.securedbydesign.com and the SBD Homes 2023 document to adopt crime prevention measures. Section 17 of the Act places a clear duty on local authorities to have due regard to the likely effect on the prevention of crime and disorder.

South Downs National Park: Comments

Changes made to the suggested layout are welcomed, which although minor in nature will assist the development to better relate with the rural setting of the National Park. The depth of the green buffer along the northern boundary has been somewhat increased, which will assist in softening views, and a new footpath introduced in this location which will connect with footpath 3134 to the west and the National Park.

Although the density of development in the northern part of the site is still considered to be high, some buildings will now present longer elevations to the rear, onto a footpath and amenity area rather than an unused hinterland, and parked cars will be less prominent, all of which is broadly welcomed.

At the reserved matters stage it will be helpful for the layout and design to be demonstrably informed by a landscape strategy that sets out how views into the site from publicly accessible locations within the SDNP have been analysed.

In terms of decision making, the Environment Act 1995 (s.62) requires neighbouring planning authorities to have regard to National Park statutory purposes: to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. Development within the setting of the Park should be consistent with this.

The NPPF (para 176) also now includes specific reference to the *setting* of National Parks:

"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks..., which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight... any development within their setting should be sensitively located and designed to avoid or minimise adverse impacts.

The National Park Authority makes no comment on the principle of development.

Representations

During the course of the application, 60 objections were received. A summary of the responses is outlined below:

Urban Design

- Loss of green space in a Conservation Area
- Area not characterised by having flats. The proposal should be re developed with detached and semi-detached housing which are more reflective of the surrounding character
- Design does not complement the nearby georgian buildings
- Unclear of building heights

Impact on Neighbours

- Concerns with overlooking and loss of privacy
- Noise generation from traffic
- Light pollution harming neighbouring amenity
- Construction disruption, noise of construction, dust and traffic

- Loss of outlook from property along Princess Street
- Proposed restaurant in a residential area would be harmful to the amenity of local residents

Highways

- Adding 90/180 cars to get access to the A27 is going to increase the traffic problems within the area
- Local Plan should reduce traffic and not increase traffic
- No pedestrian improvement to Charmandean Lane
- High levels of traffic at Lyons Farm
- Inadequate parking for the football club
- Beeches avenue cannot accommodate HGV's and other large construction vehicle movements
- Concerns with vehicles bringing mud from the development site onto Beeches Avenue
- Highways concerns from Beeches Avenue combined with the new Lidl store
- No cycle enhancements
- Traffic intensification will affect the viability of businesses within the area
- Concerns with the proposal to improve access to Charmandean Lane, poor details of where the proposed path will go and will it result in the loss of trees
- Traffic around the existing retail park is problematic. The proposal will intensify the problems

Environment and Biodiversity

- The proposed development results in the loss of a field which is of high ecological value
- Has the proposal addressed implications on climate change? High levels of carbon dioxide will be caused by the development
- New plan has fewer trees on the Main Lane which would not be in keeping with the area
- Development on the edge of the South Down National Park. The proposed development will impact on its setting and its 'Dark Sky' status
- Loss of trees and habitats
- Will the site's natural boundary treatment of hedges and trees be retained. The loss of trees would adversely affect habitats

Other Matters

- Previous plans to develop on fields have been previously refused
- Strain on local services e.g. schools, dentists, doctors surgeries, hospitals
- Strain on resources e.g. energy, water etc

- Planning documents make reference to a 'Phase 2' which raises concerns as assumed that the adjacent green spaces are being drawn up for developments
- Council has already approved over 15000 new homes fulfilling Borough's housing need. adding an extra 90 will further increase impacts on infrastructure and congestion
- Sewage problems existing and will be further exacerbated
- Surface water flooding
- Beech Avenue floods in heavy rain
- New properties are unaffordable
- Developers have not explored other suitable locations for development in more appropriate brownfield locations
- Security concerns regarding the football site. Adequate fencing preventing the public accessing the site. FA will only allow the site to function if fully enclosed
- Adur & Worthing Council have previously refused applications on this land
- What happens if there is a financial crash
- Impact on the Norton Motorcycle and training ground due to the road running through their grounds
- Loss of 10 instructors at the adjacent Motorcycle training centre
- Loss of a green open space for the borough
- Site has presence of iron age presence found through previous archeology reports - this needs to be re-investigated
- Poor consultation of neighbouring properties

Non planning matters raised

- Impact on property prices
- Development is for profit and benefits none of the local community

A representation was also received from CBRE (Commercial Agents) in August 2023, on behalf of the freeholder of the Downlands Industrial Estate.

Objection as follows:

- Traffic and junction modelling contain discrepancies so that it is unclear whether the application has been modelled together with the Lidl development nor the football ground. Collision data should cover a longer historical period,
- A Stage 1 Road Safety Audit ("RSA") should be undertaken,
- In the event of planning approval, a Construction Management Plan (CEMP) would be needed to ensure: site hoardings do not interfere with visibility; delivery times should not impede deliveries and serving of retail park; dust and debris should be managed,

- the Design and Access Statement should be made visible as a document required for a valid application,
- Statutory consideration should be given to impacts upon the National Park and its Statutory Purposes.

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)

Design Guide 'Extending or Altering Your Home' (WBC)

Open Space, Recreation & Leisure Guidance, 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.

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 and settings of Conservation Areas and Listed Buildings. S.62 of the Environment Act 1995 also requires consideration of the purposes of the adjoining National Park and how these may be affected by the proposed development.

Planning Assessment

Principle

The field comprising the development site, is allocated for residential development by Site Allocation A1 of the adopted Worthing Local Plan 2020-2036. The indicative capacity is stated as 90 dwellings, and this is stated as a minimum in the Development Requirements notes which inform the Local Plan allocation. A delivery period of 2026 onwards is planned for.

The provision of the main access via the football ground and Lyons Way is also in accordance with the Development Requirements. This is based on Local Plan findings that the Beeches Avenue junction with the A27 could not provide suitable access for any significant number; hence the limitation to approximately 6no. to be accessed from here with all other dwellings served via Lyons Way.

Other development requirements include:

- **Improvements to Public Rights of Way (PROWS)** - into the National Park: Charmandean Lane to the west and eastward through and north of the neighbouring business park towards Lambleys Lane,
- **Air Quality** - package of sustainability measures, comprising a travel plan to improve accessibility and sustainability and live electric vehicle (EV) charging points for all dwellings,
- **National Park Setting** - to be conserved and enhanced, with suitable visual impact, lighting, landscape and ecology provisions,
- **Sustainable Drainage (SuDS)** - to be used, and with protection of groundwater,
- **Biodiversity Net Gain** - retaining existing trees and linking new green infrastructure into the wider network, where possible,
- **High Quality Design** - respecting the scale, height, massing and building lines of its context. Providing a suitable relationship with neighbours in terms of private amenity, overlooking and appropriate management of sunlight and daylight.

These requirements are considered throughout this report and in the Conclusion and Planning Balance. Other requirements are also considered such as the need (Policy DM1) for a mix and balance of housing sizes, all of which should conform to Accessible and Adaptable Homes (M4 (2) type and Nationally Described Space Standards. Family Housing should achieve a minimum net density of 35 dwellings/hectare in accordance with Policy DM2. On greenfield sites a minimum of 40 percent of new homes should be affordable housing, in accordance with Policy DM3.

The following assessment concludes that, subject to appropriate conditions and s.106 Agreement, followed by a suitable subsequent Reserved Matters application, the requirements can reasonably be met.

It is noted that the possibility of development for the football ground for future residential development was also considered in the Local Plan drafting stage. However, this would be dependent on the relocation of the Football Club and, to date the Council is not satisfied that the Club can be suitably relocated or that the resulting loss of a playing field could be justified. However, it is reasonable to require that this outline application and any future Reserved Matters application should make allowance for this possibility in terms of access and possible layouts.

If these issues can be overcome in the future the Council will consider whether an alternative use might be appropriate here. This would be considered during any review of the Local Plan

The landowner has promoted this site for residential development through the Council's Strategic Housing Land Availability Assessment. It was also proposed that this site could form part of a more comprehensive development that would include the football ground (adjacent to the east).

Sustainable Development - Policies

Policies of the adopted Local Plan 2023 include SP2 Climate Change and DM16 Sustainable Design. These require new build housing to be energy-efficient in design and future energy use, achieving a minimum 20% CO₂ reduction compared with Building Regulations (Part L) 2013. At least 10% of predicted total energy requirements should be met by renewable sources (after CO₂ reductions from energy efficiency measures). New homes should seek to achieve an A rating (with a minimum expectation of B rating) Energy Performance Certificate. Opportunities should be taken for both natural heating and ventilation. Efficient water use based on an estimated water use of no more than 110 litres per person per day.

Under Policy SP2 and DM15 Sustainable Travel, proposals should reduce reliance on the private car, prioritising active travel such as walking, cycling and public transport. They should also include air quality assessments which reduce exposure to air pollution, identifying and mitigating air quality impacts (Policy DM22 Pollution).

Other sustainability requirements under these policies include habitat protection, creation and enhancement through design and on-going management, with 10% net gain for biodiversity, Sustainable drainage and rainwater management techniques should be used. Development should minimise, reuse, and recycle waste during the construction phase and encourage greater levels of recycling over the lifetime of the development.

The recent NPPF reinforces these policies, including sustainable approaches to transport water supply and energy adapting to climate change, and the risk of overheating from rising temperatures. The location, orientation and design of new developments and the use and supply of renewable and low carbon energy can help to reduce greenhouse gas emissions. The protection and enhancement of

biodiversity and high protection of protected landscapes such as the National park and its setting are also required.

Energy

The submitted Energy and Sustainability Statement identifies the use of solar photovoltaics panels for energy production and Air Source Heat Pumps (ASHP) for heating. Solar water heating is not preferred due to the requirement to regulate water usage(to 110l/person/day), which limits the amount of water for heat storage, and consequent risk of wasted solar heat.

Energy and ventilation-efficient design is proposed as follows:

- High levels of insulation for exposed 'solid envelope elements
- High level of air-tightness;
- Maximise passive ventilation potential;
- Double-glazed windows (as a minimum)
- Reduction of thermal bridges; and
- 100% low-energy lighting throughout.

Detailed calculations (Standard Assessment Procedure = SAP) would be undertaken at the Reserved Matters stage. It is stated that Carbon emissions compared to Building Regulations compliant design will likely exceed the requirements of the existing planning policy '*with zero or low carbon emissions*'.

In consideration of these proposals, it is understood that by reason of the outline nature of this application, in which all aspects of building layouts and design are indicative only, that detailed calculations of energy and CO2 efficiency cannot be given. However, the approach could be more specific in terms of target values rather than reliance on the 2013 Building Regulations minimum, which provides little evidence of the percentage energy and CO2 reductions which could be achieved.

Although details and calculations would be given at the reserved matters stage, it is important that there is a firm and explicit commitment in this outline stage to meet the required target CO2 and renewable energy values required by policies and hopefully the degree to which these could be exceeded in this new build development. This could be assisted by an explanation of the site characteristics (such as orientation, sunlight values and air flows) , which would inform the use of the chosen renewable energy methods of Solar PVs and ASHPs.

It would also be assisted by a summary of the energy and thermal efficiencies which might be produced by building materials and glazing above the 2013 baseline, with comments upon whether these would affect building designs and layout, for instance thicker walls, window sizes and positioning, also the extent to which the amount and CO2 efficiency of roof-mounted solar panels could maximise or be limited by their location and relationship to the setting of the National Park; ASHPs too may have a visual impact depending upon their size and appearance, examples of which can also be included. An addendum has been requested, which can serve as a broad framework for the reserved matters stage. A planning condition can then refer back to this material.

Water

Mindful of the policy target of 110l/person/day, the applicant's Sustainability Statement states that a 'fittings-first' approach will be taken whereby water fittings will be specified with flow rates which better the requirements of current Building Regulations (Part G). A planning condition can refer to this rate.

The applicant confirms that a sustainable drainage system (SuDS) would be used for surface water, including climate change allowance for rainfall (+45%). This would include soakaways, permeable pavements, along underground tanks for attenuation of water flow rates and soakage. This is described in the Drainage section below.

Other Sustainability Matters

In terms of transport, the Sustainability Statement refers to the location of this allocated housing site. Whilst it is edge-of-town, it is close to bus routes in the A27 area. A travel plan to lower reliance on car-based trips, details of which are in the Accessibility and Parking section below.

Regarding waste, provision will be made for storage of recycle bins for each dwelling. The applicant states that waste produced throughout the building process will be separated into recyclable and non-recyclable materials and if not re-used on site will be taken to a registered waste transfer facility for sorting, recycling, and reuse. This could comprise part of the Construction Management Plan (CEMP), required by a planning condition

Air Quality and Biodiversity are also considered under separate headings in this assessment. The applicant states that all dwellings will have individual or shared electric vehicle charging points, exceeding the rate currently required under WSCC Guidance, 2019.

Housing, Density, Mix and Affordable Housing

In accordance with Local Plan Policy DM2, development of the existing field by 90 dwellings excluding the football club car park & access land, gives a figure of 32/dwellings /ha, which is slightly below the minimum target of 35/ha in the policy, for areas of family housing. However, this rises to 35/ha if the two areas of open space are removed, in accordance with the policy, although at the minimum.

The proposed mix of new homes is shown in Table 1 below. Beneath the numbers and percentages of homes in the proposal, the second row shows the percentage needs identified in the Local Plan Strategic Housing Market Assessment (SHMA) in 2020.

Table 1 Dwelling Sizes Compared With Needs

	1 bed	2 bed	3 bed	4 bed	Total
Proposal	12 (13%)	36 (40%)	26 (29%)	16 (18%)	90
Need	5-15%	40 -45%	35 - 40%	10-20%	-
Comparison	In Range	In Range	-6%	In Range	-

For each of the 1,2 & 4 bed homes, the proposal is in the range of assessed needs. The 3-bedroom homes are slightly below needs, partly due to the relatively high proportion of 4-bedroom homes, which are close to the upper end of the needs range. However, this reflects the need to provide homes and plots which are more spacious in character, particularly at the site edges where a transition into the wider landscape of the National Park is a consideration; this also explains the proposed density of approximately 35/ha, being at the low end of the policy DM2 requirement.

In accordance with Policy DM1, confirmation has been sought that all dwellings would be designed to achieve M4(2) sizes and designs for Accessible and Adaptable dwellings and Nationally described space standards. Furthermore, that these sizes are represented in the Illustrative Plan.

Affordable Homes

The proposal would include 40 percent of affordable homes, in accordance with the requirements of Policy DM3 for greenfield developments. An earlier suggestion in the application that a lesser amount (35 percent) might be justified given the presence of the small area of commercial use on the site (brownfield sites attract a lower percentage under), was rejected by officers.

In accordance with Policy DM3, this should be provided on site with a tenure split of 75% social/affordable rent and 25% intermediate/shared ownership. It is anticipated that the mix of sizes would be broadly in proportion to the size mix of the development, as summarised in Table 1. Subject to the securing of this proportion of affordable housing via a s.106 Agreement, the proposal is considered to meet the requirement of Policies DM2 & DM3.

Policy DM3 also requires that a minimum of 3% of affordable homes are wheelchair accessible homes M4(3). Whether a higher proportion would be required will depend upon up to date information about need at the reserved matters stage. The applicant would be encouraged to undertake pre-application discussions to ascertain this before submission.

Character, Appearance and Layout

As this is an outline application in which only the amount of development and access to it are to be determined, the following section considers the importance of providing a design framework as part of a planning approval. Within this framework details of layout, landscaping, building scales and appearance would be drawn up for a Reserved Matters application.

This section describes the assessment made of the site and its context at the urban/rural edge, including views between the National Park and between neighbouring areas including Beeches Avenue, Pines Avenue, and more limited views from Charmandean Lane and Fourth Avenue. The assessment leads to a series of Design Principles and Design Elements, which in turn inform a framework of Parameter Plans and a Design Guide. An Illustrative Plan (Figure 7) is one example of how a detailed design based on this framework might appear.

Assessment

In this process accordance with the Environment Act 1995 (s.62) and the NPPF Para 176, great weight attached to the purposes of the National Park i.e. *To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks and To promote opportunities for the public understanding and enjoyment of the special qualities of the Parks.*

This requires careful consideration of the relationship between the site and the National Park, how proposed development might affect its setting and therefore what design characteristics should be employed in the development in order to conserve and enhance its setting, including biodiversity. Furthermore, the development should promote suitable access for public enjoyment of the park both in terms of physical routes into it but also in terms of visual connection, with views into and out of the Park.

Accordingly the applicant has provided a summary of the analysis made of the relationship between the site, the National Park, its landscape and the existing urban edge and neighbours. The submitted summary document describes how this translates into design requirements for the development. Two extracts are appended to this report.

The document identifies views of the site from the National Park, with particular note of the public views from higher ground in the east/north east including Lambleys Lane. From here the site is seen partly among boundary vegetation and the backdrop of trees to the west; to the south is the roofscape of Worthing. The vista from Beeches Avenue towards the dense semi-mature double-hedgerow at the northern, National Park edge of the site is also identified and more limited sight from Pines Avenue. Views from Charmandean Lane and Third & Fourth Avenue are more limited due to dense vegetation. Views are greater during winter.

Assessment Outcomes

It is acknowledged that development will change the appearance of the site and the urban/rural edge but some important design considerations emerge in achieving a successful transition between urban and rural, including the importance of:

- boundary vegetation in framing and the site to the north and west and the need for new planting along the eastern boundary
- retaining a sufficient vista between Beeches Avenue and the northern boundary and views from public spaces in the development towards the Park
- the new roofscape should be broken-up and varied, avoiding long rooflines, and repetition
- the use of building and roof shapes which avoid repetition but with careful occasional height accents in the overall group
- lower building heights towards upper slopes, use cutting-in ground levels and lower ridges and eaves
- a softer, less densely developed form of development to the east/north east and the location of open space here
- avoiding rear gardens facing east/north east
- materials and colours which blend with and are sympathetic to the landscape.

Appeal 2006 These outcomes echo comments made by the appeal Inspector in 2006. Although this predates the allocation of the site for housing by several years and formal designation of the National Park, her reference to the importance of views from the (now) National Park remains relevant. A hard urban edge would need to be avoided. The appeal observed the large expanse of roofs formed by the nearby business and retail parks and the importance of avoiding this in the proposed development. This underpins the need for variation and space within the new built form and screening and filtering by vegetation

The summary document and the recently amended illustrative plan (Figure 7) have been welcomed by the National Park Authority, who reiterate the importance of green boundaries avoiding excessively built up northern part of the site and visibility of parked cars as far as possible.

Officers note that the summary document underlines the fundamental importance of green infrastructure both in terms of landscape and amenity and in terms of biodiversity, (see the Biodiversity section later in this report). From the document, existing trees and hedges should be substantially retained and strengthened but avoiding excessively linear forms of new planting. The eastern boundary vegetation in particular requires considerable strengthening; the location of the open space here should use key cluster planting, including positions close to the new roadside, to break up and filter the façade effect of new buildings and their roofs.

Officers also note that the eastern open space also allows for a more comprehensive, larger open space to be formed in the future if there is development of the football ground. In that scenario it would be desirable to locate a footpath through this space to take pedestrians more directly towards the PROW footpath (FP3134) at the north east of Lyons Way. In the longer term this would provide a route of greater amenity and recreational value than the roadside footway which is necessarily proposed to the south of the football ground in the current application.

All of these considerations are directed towards the creation of a form of development which is spaced and fragmented, particularly towards its eastern and northern parts, with filtered views through and among vegetation. This would provide a suitable transition between the urban area and National Park edge, avoiding a congealed and solid overall appearance.

The appendix contains extracts of the summary document which expresses these considerations as a series of Design Principles and Design Elements ranging from the approximate location of the two areas of open space to more detailed matters such as using tapered roof forms, avoiding prominent gable ends in key views (other than if these add occasional interest) and use of chimneys and appropriate fencing – estate fencing, rails and picket-types.

These Principles and Elements have been used to inform a series of Parameter Plans, Character Areas and a Design Guide. These are components of a Design Framework for the layout, scale, appearance and landscaping of the Reserved Matters stage in the event of planning approval. Each of these is considered below along with the Illustrative Plan which is an example of how these might be executed. Also of importance, these describe relationships between the development and existing neighbours.

Development Framework: (Parameter Plans, Illustrative Plan & Design Guide)

1) Parameter Plan - Green Infrastructure

The proposed Green Infrastructure Parameter Plan indicates new and existing vegetation around the perimeters with enhanced planting. An expanded note can be added to ensure that new planting at the eastern includes informal clusters, the effect of which will filter and punctuate the view of buildings and roofs to the west of the space. A note is to be added to ensure that the hedgerow at the western boundary is also retained, as part of the relationship to Charmandean Lane and neighbours in Fourth Avenue.

Protected trees at the football club frontage and its southern boundary are retained and planning conditions would manage construction methods to safeguard these.

The two open spaces are broadly located on this plan. Their views into the National Park are indicated; another eastward view can be added. It is important to quantify these spaces in the Parameter Plan to ensure that they are adequately sized in the future Reserved Matters layout.

The Illustrative Plan at Figure 7 indicates that all houses would be provided with gardens; areas of soft landscaping would surround the blocks of flats.

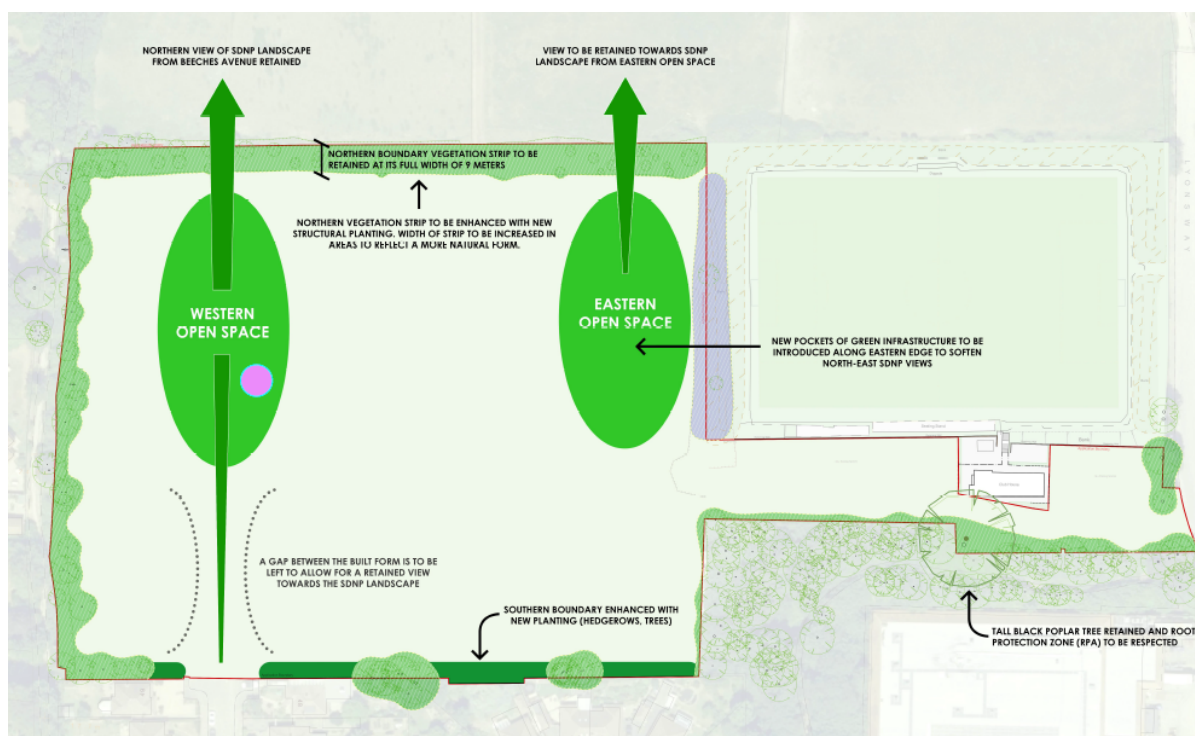


Figure 1: Green Infrastructure

2) Parameter Plans - Density and Character Areas (5no.)

The application site is divided into five broad character areas as shown in the Parameter Plan below. Each of these has a particular density, the site wide density equates to 35 dwellings/ha, subject to checking the size of the open spaces, which may increase this figure.

These character areas comprise:

- the 'Entrance Avenue' through the football ground car park;
- the 'Rural Edge' character area to the north and east;
- two 'Courts and Side Streets' character areas to the south and west and
- the 'Gateway & Main Streets' character area to the centre.
- A 'Beeches Avenue' cul-de-sac area is to the south.

One observation is that an adjustment is needed to the Character Area Parameter Plan in order to incorporate open space areas of the Green Infrastructure Plan. A similar change is needed to the Density and Height Parameter plans, which appear at the end of this section.

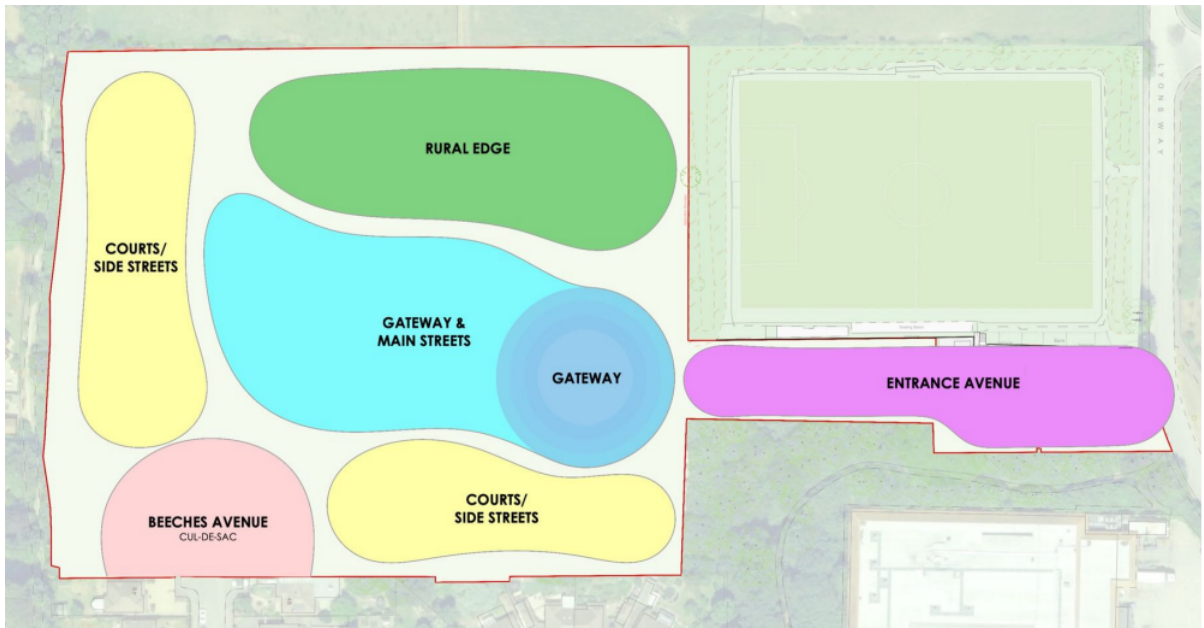


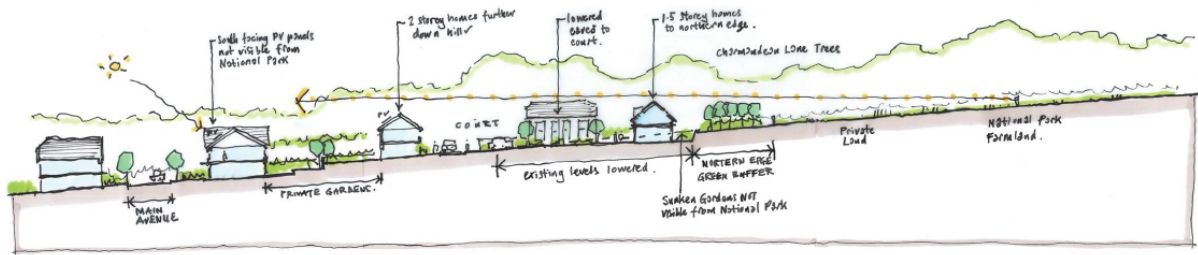
Figure 2: Character Areas

The 'Rural Edge' Character Area at the National Park northern edge, and in Park views from the east, is characterised by having a lower residential density with approximately 30 dwellings/ha. To the north of this the semi-mature double hedgerow would be retained and enhanced.



The proposed dwelling types would be 1.5 to 2 storey detached houses with hipped pitched roofs typically laid out within an irregular pattern so as to ensure an organic arrangement with interspersed vegetation and trees.

This produces a spacious and varied arrangement. Details which are described include materials, roofs with areas of low eaves and window sizes, in order to blend with the rural edge. The image below, which accompanies the Height Parameter Plan shows cutting-in of levels within the slope to assist with massing.



Illustrative sketch section

The 'Gateway and Main Streets' Character Area is located in the centre of the site comprising the built core of the development, following towards (but not reaching) the north west corner. Houses are two-storey semi-detached and detached as indicated in the image below with a density of around 45/ha. However, importantly the eastern-most central point may include taller flatted development (2.5 -3 storeys) at the apex corner and possibly on the southern side of the street at a higher density, approx 70/ha. This would produce a strong built frontage and distinctive design, which would face the access road from the football ground.

This arrangement is important in creating a distinctive gateway focal-arrival point. It would help to counterbalance the visually weaker character of the entrance avenue (shown further below) where only landscaping and fencing, such as estate fencing, can help to alleviate the view of the re-planned football club car park and club building. Great care would be needed to ensure that the mass and design of the gateway building (s) do not create a canyon appearance, nor adversely affect the softer, spacious character of the adjoining rural edge.



The *Eastern Avenue* Character Area is illustrated below. As mentioned above, this includes new landscaping and fencing, also a range of surfacings. It is also hoped to provide unified signage, so far as can be achieved under and highway adoption requirements of the County Highway Authority, if the road is offered for adoption by the developer.



Two 'Courts and Side Streets' Character Areas are shown as medium and some density areas 35/ha and 45/ha. These are more intimately spaced streets as shown below. They are generally characterised by mixes of semi-detached, terraced and detached two storey dwellings, although the southern-most of these areas may contain some flats. Car parking would be in courtyard areas.



The western of these two areas also contains verges on the western green space, which provides a linear vista towards the National Park from Beeches Avenue. The rear boundary with Charmandean Lane will need to retain substantial vegetation as part of the rural footpath character and a visual filter to Third & Fourth Avenue residents.

The 'Beeches Avenue Cul-de-Sac' Character area (below) is also of medium density 35/ha, containing approximately six dwellings. In terms of scale, new dwellings would include areas of 1.5 storey roof heights towards the southern boundary. This

is in order to achieve a sensitive transition to the character of Beeches Avenue and outlook of neighbours, where the closest existing homes are bungalows.



A substantial visual gap would maintain the National Park vista, a footpath is indicated through this gap. At the southern boundary an informal footpath link is shown, replacing a narrow earthen route through vegetation into the unmade Charmandean Lane Public Footpath, leading to the National Park network. Detailed positioning of this connecting path will be important in striking a balance between accessibility and the privacy of the existing neighbour, it may necessitate planting to contribute to this.

3) Parameter Plan - Heights

The general topography of the site results in land levels increasing northwards within the site. Land levels naturally increase by 12m from south to north.

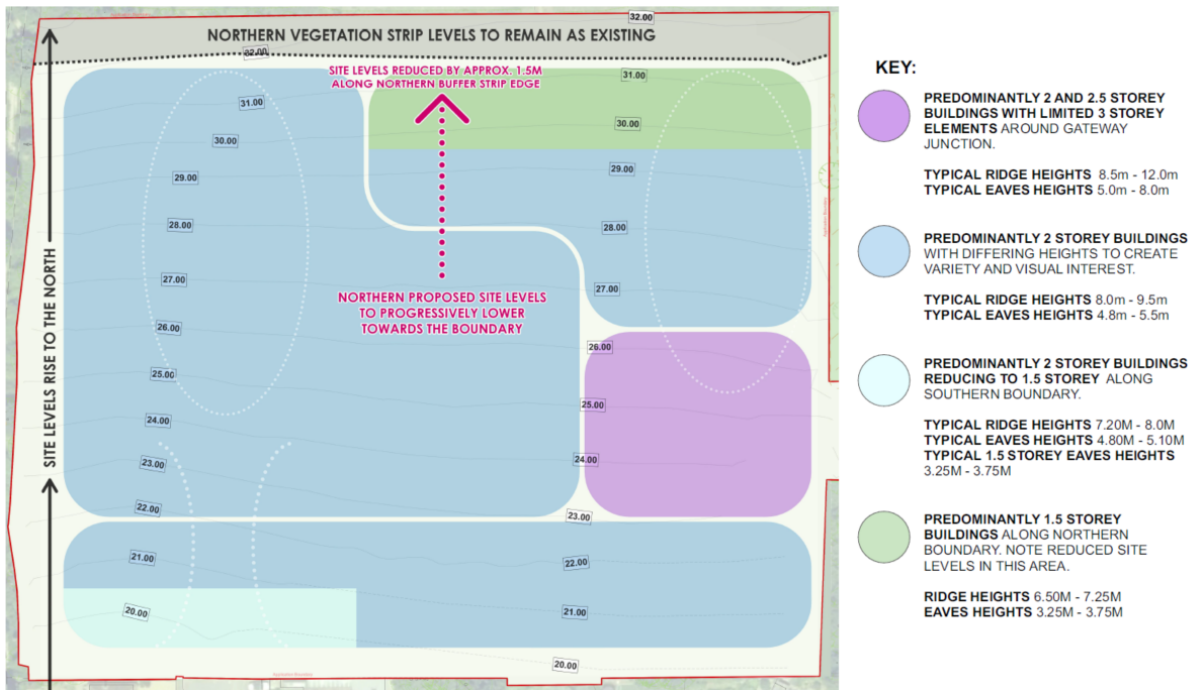


Figure 3: Heights

The Height Parameter Plan (Figure 3) indicates that site levels will be reduced by approximately 1.5m along the northern buffer strip but ensuring that this does not impinge on the double-hedgerow.

4) Parameter Plan - Density

The density plan below shows the arrangement of low densities at the south and east/north-east and medium- higher densities in the core, which will inform the location of dwelling types and plot sizes, with flats being in the highest density area verging into lower density to the south.

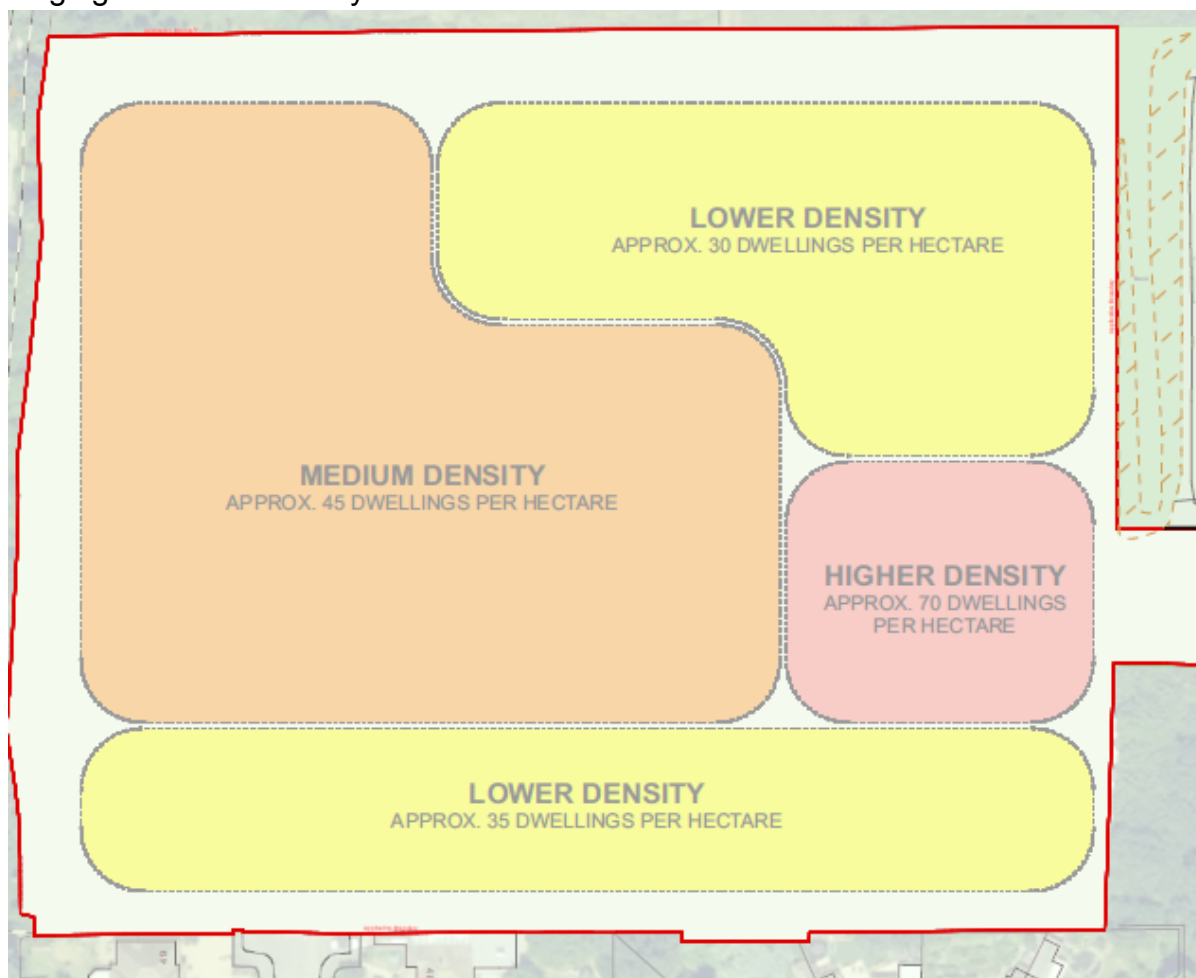


Figure 4: Densities

In the anticipated revision of these Parameter Plans to accommodate open spaces, it is probable that the average net density will increase when open spaces are deducted from the developable areas. Policy DM2, which states a minimum 35/ha net density, is sufficiently flexible as to allow for this.

It is also important that confirmation is provided that the resulting change in density can still deliver a layout of buildings, spaces and masses which broadly accord with the illustrative plan. This is necessary in ensuring that the landscape and neighbouring relationships are realistic and can be delivered at the Reserved Matters stage.

Illustrative Plan

The illustrative plan (Figure 7 below) shows a possible layout of 90 dwellings comprising 67no. houses and 23no. apartments. The apartments are clustered in the gateway and southern court area. In this layout two storey apartments in the southern court area are 11m from the boundary with bungalows in Pines Avenue, giving an overall separation of 19m between buildings. Whilst some ground lowering and buffer planting is indicated, the distance is less than desirable and the relationship should be carefully planned at the reserved matters stage.

The central gateway building is weak in terms of form, positioning/alignment and in the location of its rear parking area, which creates a gap in the road frontage to the main route behind it. A bespoke approach would be needed, using a building with a strong and distinctive corner presence and a frontage which returns westward along the main route. By concentrating higher density here and a greater number of units, it may lessen the pressure on space to the rear of Pines Avenue. It would be recommended that buildsigns to the south of the apex, (on the south side of the road) would need to be co-designed with the apex building, to create a unified and distinctive gateway.

Buildings facing the eastern green are well spaced, although there is a risk that variation will be limited to the use of a range of different standard house types and material variations, rather than a series of designs and orientation which give a sense of design unity with plots that create a distinctive streetscene at this rural edge. Numerous spaces shown along the edge of the eastern open space are out of step with the aim to conceal parking at the site edge and are not encouraged.

Gardens sizes and separations between buildings are good in many cases, providing 21m between rears and notably at the western boundary, 12m gardens and the western hedgerow retained beyond this in a 4-5m buffer. This gives a good overall distance to Fourth Avenue and Longlands Spinney properties.

It is important that the reserved matters layout provides physical space for adequate maintenance access for this buffer and along the northern boundary, and management arrangements are put in place which prevent slow decline and fragmentation.

Some gardens and separations elsewhere are less than desired, for instance 17m rear to rear separations instead of 20-21m in parts of the main streets area. One solution may be to reduce the overall number of buildings by using a greater proportion of apartments in the development mix. This also indicates that it may be difficult to achieve a higher number of dwellings than the 90.no shown here without placing greater pressure on areas such as open space and upon the question of parking provision.

At Beeches Avenue, buildings are well spaced and show a balance of green space (front gardens) with in-curtilage parking. Although there is a greater presence of parking than in the existing street, the gap between buildings which maintains the vista to the National Park edge, is well spaced. At the reserved Matters stage, care will be needed to ensure that its value is not eroded.

As already mentioned, care will also be needed in the placing of the footpath link to Charmandean lane, and its associated landscaping, in order to balance the accessibility benefits with the amenities of the existing neighbour.

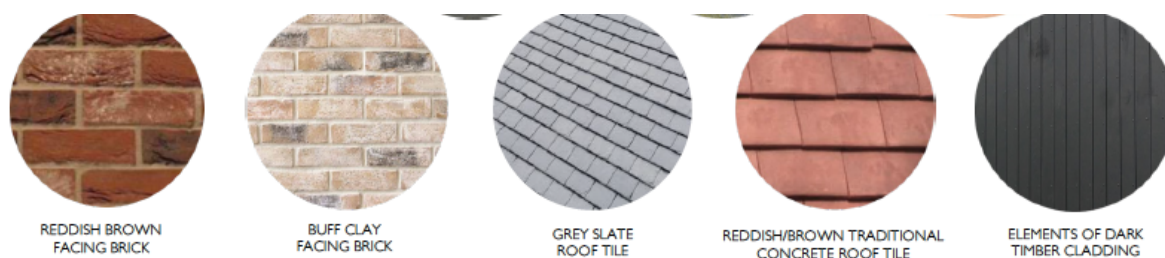
Window positions in buildings nearest to existing neighbours, will require particularly careful consideration at the Reserved Matters stage, in order to minimise risk of overlooking.

In the eastern green, a detailed landscaping plan would be needed to ensure the provision of new vegetation as an important component of landscape integration and in filtering views of buildings and roofs. Management arrangements, which it is recommended should be required by s.106 agreement, should include a requirement to link this space to any additional space in the event of development of the football ground, and to accommodate footpath changes which will give a more direct route the Public Right of Way FP3134 in Lyons Way.

Design Guide

Another component of the Design Framework is the recently compiled Design Guide. Its stated purpose is to provide a benchmark for quality and co-ordination for the development. It is said to augment the previously submitted Design and Access Statement. However, the Guide is more recent and more focused in its design content, it also repeats the Parameter Plans and Character Areas.

As such it is considered that any planning approval should refer to this document, the parameter plans and illustrative plan only, and not to the wide ranging, older and more general Design and Access Statement.



The document contains many overarching and detailed matters, ranging from the need to ensure that the roofscape is broken up rather than continuous; the importance of vegetation in providing a visual filter & outward views to the Park and visual concealment of car parking and use of sensitive lighting, down to the range of materials (see above); positioning of dormers and integration of utility boxes, to avoid later 'bolting on' or surface mounted pipework (some illustrations below)

BUILDING DETAILS TO AVOID



Visible roof penetrations from public realm areas



Surface mounted services



Visible service boxes



Visible service boxes



Surface mounted services



Poorly positioned solar panels



Pastiche building components

The combined Design Framework documents are considered to provide a good basis for a reserved matters application in the future. Some changes and refinements to its component parts, the Parameter Plans, the Character Areas and Design Guide are needed, including points described in this section. Officers are still reviewing finer points of detail in these documents and other refinements may also be needed. In the event of a resolution to approve this outline application, these could be obtained before the issuing of approval.

Management

Management of existing and proposed vegetation and open spaces will be needed for visual and biodiversity benefit. The detailed layout will need to provide a physical relationship between development and vegetation, such as the existing boundaries and new spaces such that each of these can be physically maintained as an entity, not fragmented nor neglected.

A management plan and arrangements for its ongoing management by a management entity. This should also make provision for appropriate changes and transitions which would be needed in the event of a future development of the football club site, to create a comprehensive arrangement of these spaces and vegetation and coherent access to and within them. This can be made subject of a s.106 obligation.

Lighting

The Design Guide recognises the vital need to minimise impact on the adjacent South Downs International Dark Skies Reserve. Accordingly external street lighting to be designed to avoid light spill into the National Park and also neighbouring residential properties. High efficiency LED lamps with a 'zero degrees tilt from the

horizontal' would be used to minimise risk of unwanted light-spill and low level bollard lighting will be used if light is needed at site edges. A planning condition can require a detailed submission for approval in liaison with the National Park Authority.

Heritage.

The site is not considered to be close to any listed buildings or Conservation Area; the nearest are 750m to the south in Upper Brighton Road. These are separated physically and visually by intervening buildings, including the buildings at Downlands Retail Park, and the A27. Neither are there any non-designated heritage assets within the setting of the site but it adjoins an archaeological notification area. As such, subject to an archaeological investigation under planning condition, it is not considered that development would have any evident impact on heritage.

Accessibility and Parking

The main access for the site would be via the existing football ground gateway in Lyons Way, as shown by the solid red line and circle on the right of the Access & Movement Plan in Figure 8 below. This would serve all except approximately 6 dwellings, which would be served via the short extension to Beeches Avenue. These access points and short sections of the road leading from the main access are the only layout details to be fixed by this outline application.

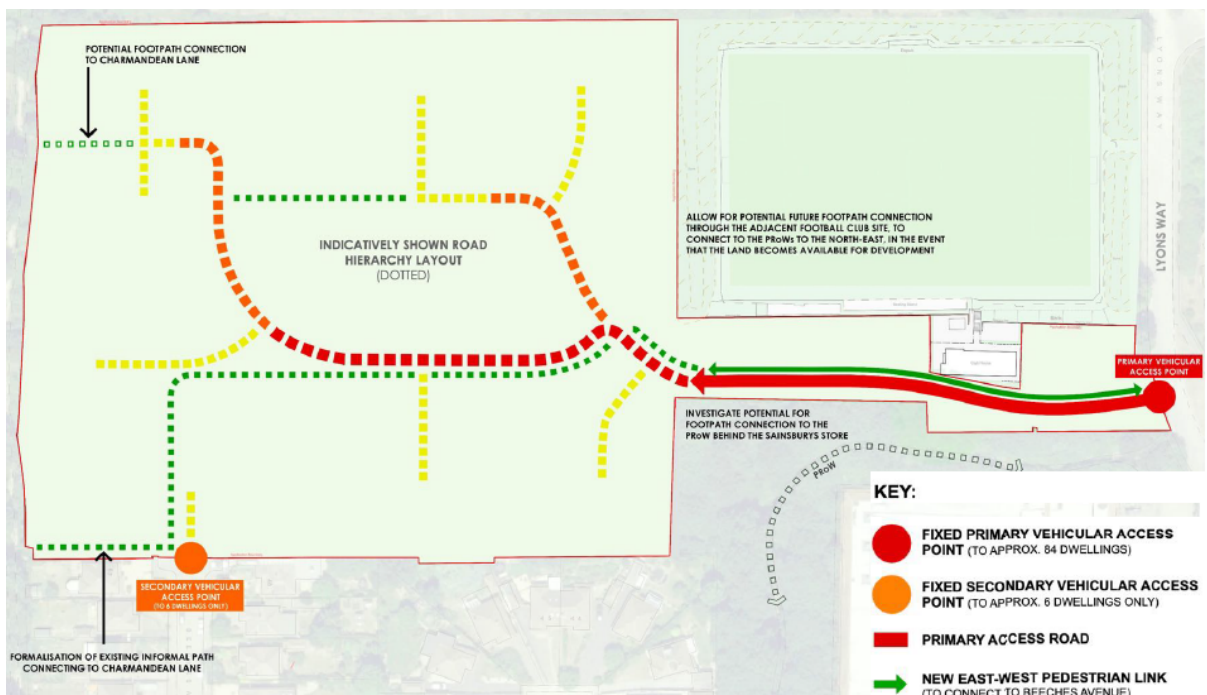


Figure 8: Access & Movement

Within the site the indicative routes are shown by dotted lines (red = primary, orange = secondary and yellow = tertiary). Roadside footways would run alongside the primary and tertiary roads. Tertiary side streets and courtyards would include shared surfaces and parking courtyards.

Pedestrian only routes are shown in green. The dotted lines in the bottom left-hand corner of the Movement Plan reflects the proposal to formalise the existing informal link here to the Public Right of Way (PROW) in Charmandean Lane. This would link to Lyons Way through new footways across the application site. The other PROW (FP3134) at the northern end of Lyons Way, can be reached via these new pedestrian routes.

Another, indicative pedestrian route is shown connecting to Charmandean Lane to the top left (north), which, if achieved, could link to another indicative footpath along the northern edge of the site, which is indicated in the illustrative plan but not shown in Figure 8.

Traffic

Predicted traffic generation for the development gives 405 traffic vehicle movements per day. This includes 45 movements during each of the morning and evening peak hours, two thirds of these leaving the site in the morning and two thirds returning in the evening; the remaining third moving in the opposite direction.

Pro-rata, this means that approximately 42no. additional vehicles would use Lyons Way during the peak hours. In Beeches Avenue it would be approximately 3no, which compares with 2-7no. existing, as surveyed there. Both the Highway Authority and National Highways are satisfied with these predictions. A planning condition would be required to ensure that there is no vehicular connection between these two access points within the site.

Modelling and Impact

In terms of impacts on junctions, further modelling has been undertaken during recent months as a requirement of National Highways and County Highways. This examines the flow of this additional traffic and its impact on junction capacity up to the year 2036 at the Lyons Way/A27 traffic light junction.

Modelling takes into account traffic from the recently approved Lidl store to the east of the Lyons Way mini roundabout within the retail park. It examines the number of vehicles using Lyons Way during peak hours. The section of Lyons Way between the roundabout and A27 comprises one inward-(north)-bound lane and three out-ward-(south)-bound, one of which splits at its southern end filtering eastward onto the A27. Two lanes filter westwards and one is straight ahead towards Upper Brighton Road and Sompting (see Aerial View below).

The results for each lane are shown in Table 2 below. These show that the greatest number of vehicles are those heading eastwards via the easternmost filter, but the proposal makes almost negligible differences in either morning or afternoon peaks, with even a slight reduction in the morning peak (341no becomes 340no.); this change being due to an increasing of green-phase traffic lights on some arms of the junction by National Highways in the future year .

The impact of the lane towards Upper Brighton Road is also negligible, with evening peaks unchanged at 114 vehicles.



Aerial View of Lyons Way. The Direction towards Application Site is shown by red arrow, the approved Lidl store is also shown.

Table 2: Comparative Predicted Peak Flows at Lyons Way/A27 Junction 2036

	Without Development		With Development	
	AM	PM	AM	PM
Lyons Way to A27 W - RH Lane	130	146	130	162
Lyons Way to A27 W - LH Lane	61	145	129	161
Lyons Way to Upper Brighton Road	68	114	63	114
Lyons Way to A27 E	341	309	340	315

The greatest differences are for the two west-bound filter lanes with traffic in the left hand of these lanes more than doubling from 61no. to 129no. in the morning peak, although the evening peak is only 11% greater (rising from 145no. to 161no.), and a similar amount of increase in the right hand lane in the evening.

National Highways are satisfied with these results and conclude that it will have limited impact on the operation of the A27. The County Highway Authority also notes that this is the main traffic impact, and that other junctions within the retail park, whilst nearing full capacity, are not increased by a substantial margin.

It is noted that these results assume that the efficiency of the Lyons Way/A27 junction will have been optimised by increasing green phase traffic lights on some arms. This would ultimately be up to National Highways to decide whether and when appropriate to implement this.

Within the retail park, the contribution for £75,000 which was secured as part of the recent planning permission for the new Lidl store has been provided towards junction and pedestrian improvements (extra southbound lane on Lyons Way and/or zebra crossing over Sainsburys access or Lyons Way). These are intended to improve vehicle flow and ease movements on foot between retail outlets, with some consequent reduction of internal traffic movements.

The County Highway Authority (CHA) therefore comments that this is likely to increase capacity within filter lanes and at internal junctions beyond the worst-case scenario used in recent modelling.

A recent Road Safety Audit has been undertaken and agreed by CHA. This identified two issues: the need to cut back overgrown vegetation in Lyons Way, also the need for a larger area of tactile paving across the new access. These can be required by planning condition.

Site Access

In consideration of the site access, which would be shared with the football ground, the CHA comments that, although limited information has been provided regarding existing on vehicle trips associated with the football ground, the times at which it is used are unlikely to overlap with morning peak hour traffic generated by the proposed development. In the evening peak regular training sessions/evening matches may overlap with new residential traffic adding 15 vehicles to the new residential peak hour total.

The CHA is satisfied that this is within the design capacity of the access. It also observes that, due to the cul-de-sac nature of this part of Lyons Way, any queuing here would be into the site rather than onto Lyons Way. For the same reason, and due to the small number of other premises served by this part of the road traffic exiting onto Lyons Way would rarely be required to give way to large numbers of traffic from the employment park and agricultural land to the north.

Visibility splays at the site access are clear of the adjoining TPO preserved Lombardy poplar trees. Detailed design of the access has been amended by a revised plan, which has been tested ('tracked') for accessibility by service and emergency vehicles and is agreed by the Highway Authority.

Finally, it is also noted that the existing gate across this northern part of Lyons Way, which was installed in response to anti-social behaviour (ASB), such as fly tipping,

would be removed to enable the proposed development. The applicant's transport assessment refers to alternative future management which would address this ASB risk. Details of this management have been sought from the CHA, which is responsible for this road. A traffic road order (Section 278) order is needed.

In Beeches Avenue, as already mentioned, the traffic impact of approximately 6 new dwellings is slight and a planning condition would be required to ensure that vehicular access is limited to these homes and that there can be no vehicular through route to Lyons Way. This can also be achieved by a site layout at the reserved matters stage.

Sustainable Transport

In accordance with Policy DM15, and the NPPF (paras 110-113) and as required by both National Highways and CHA, measures to reduce reliance on private car use and ownership would be required. The proposals include the following:

Travel Plan: The application includes a recently revised Travel Plan Framework. This has been updated to include a residents pack with public transport timetables, walking and cycling routes and reference to the WSCC car sharing website. Also sustainable travel vouchers of up to £200, which may be used for public transport season tickets, cycle purchase & training).

It also includes targets to reduce single vehicle occupancy and actual trip reduction, which would be monitored in liaison with the CHA over a 5-year period. If targets are not met additional travel vouchers, travel awareness campaigns, and personalised travel planning meetings and events such as walk to school day may be promoted. A Travel Plan would be required as part of a planning approval, including a monitoring fee of £3500 via s.106 agreement.

Car Club: An on-site car club space would be provided. Car Club membership would be paid for a period of 12 months, although it is recommended that this be increased to 2 years, in step with other recent planning permissions for major developments, and a £50 drive time incentive added for each household, Clarification has been sought as to whether this is part of or separate from the Travel Plan voucher provision.

Footway: A 2m wide pedestrian footway would be constructed between the site access junction (at the Football ground entrance), running along the northern side of the new access road past the football ground and its retained car park area. This would link to the existing footway southwards along Lyons Way. At the point where this crosses the Sainsbury's delivery/servicing access, an area of overgrown vegetation would be cleared back and tactile paving added.

It is noted that this route, whilst an essential requirement for pedestrians, is also somewhat indirect for new residents who might wish to access local shopping facilities in the retail park. A shorter, more direct route could be achieved by the creation of a short section of path at the south-eastern corner of the main part of the application site. This could link to the existing Public Right of Way (Footpath 3134), which runs around the western and northern perimeter of the Sainsbury's store and car park, southwards to the A27.

The County Rights of Way (PROW) officer has expressed support for this addition, although funds would need to be provided by the applicant in agreement with the landowner of the Sainsbury's site.

The applicant has contacted Sainsburys on more than one occasion to engage in discussion. Currently this is yet to progress further. However, the applicant notes that the likely physical works to achieve the connection are modest and their consultant advises that this could be covered by a sum of around £2000 with a further non-returnable sum of £3000 towards administrative costs of dealing with Rights of Way and Landowner approvals.

This offer is a helpful step towards the provision of a link and the applicant is continuing to seek agreement with the landowner. The financial contributions could be secured by s.106 obligation, however, greater confidence could be afforded to this sustainable trout connection if there is an indication of willingness from the landowner. An update will be given.

To the east, the applicant is also willing to contribute to improvements to the PROW footpath 3134, which leads from Lyons Way to Lambleys Lane. As yet no specific improvement works have been identified, although it is acknowledged that the footway routes through the site, will assist in connectivity between this footpath and the PROW Charmandean Lane. This will be strengthened by use of a s.106 obligation to allow for replanning of a route through the proposed eastern open space in the event of development of the football ground, thereby creating a more direct and greener route.

Construction

The applicant envisages a 2-3 year build period for this development. A Construction Environment Management Plan (CEMP) would be required by planning condition as set out in the list of conditions at the end of this report. This would require management of matters such as routing of development traffic as required by National Highways; storage areas, wheel washing, noise and other matters such as dust and air quality, which are mentioned in other sections of this report.

Parking

The application states that the number of parking spaces for both the residential and leisure sections of the site will be confirmed at the reserved matters stage but will be in accordance with prevailing standards. The Illustrative plan states 175 residential spaces and 56 for the football club.

Residential: In consideration of the applicant's proposal, the current West Sussex Parking Guidance identifies the site as within Parking Behaviour Zone no.2 (PBZ2). The Guidance identifies parking demand in this zone according to a series of rates, ranging from 1.4 spaces/dwelling for a 1 bed home and 2.7/dwelling for 4 beds. Applying these rates to the proposed mix of dwelling size gives a total of 182 spaces (rounded up), as shown in Table 3 below.

Table 3: Parking Demand based on Dwelling Sizes

	1 bed	2 bed	3 bed	4 bed	Total
Proposal	12	36	26	16	90
PBZ2 Rates	1.4	1.7	2.1	2.7	-
Spaces	22.4	61.2	54.6	43.2	181.4

It is noted that the difference between the Illustrative layout and Parking Demand is a slight shortfall of 5 or 6 spaces. It may be possible to deal with this at the Reserved Matters stage, for instance by using a proportion of unassigned spaces, shared between apartments and/or small dwellings. It also points to the spatial implications of the proposed mix of development; parking on the eastern open space is less than ideal in terms of landscape and use of the space, a further increase may add to this pressure.

Part of a balanced approach may be to increase the proportion of apartments at the Reserved Matters stage and slightly reduce houses. This may reduce parking demand and provide a greater degree of space to accommodate it away from open spaces and without over-dominance in other areas than is shown in the Illustrative Plan.

In terms of parking locations, the application states that these will be either in-curtilage, with Electric Vehicle (EV) charging in each case, or in parking courts with shared EV charging points. Care is needed to avoid overdominance of garden frontages by parking.

In the more sensitive north-eastern part of the site the Design Guide states that the majority of allocated parking should be concealed from external views and located along the side flanks of buildings. In other places landscaping would also be used to screen and soften spaces, in some cases using reduced levels to conceal it. In all cases, care is needed regarding the impact on areas within views from the National Park.

The provision of EV charging would be, in excess of the 41% - 45% required by County Guidance for permissions issued in 2023/24.

Cycle parking would comply with County Guidance with private cycle parking in a secure, covered and lockable location and visitor cycle parking in cycle stands within overlooked public realm areas (this is likely to be applicable in apartment areas, open space and the football club car park.

Football Club: The application identifies that existing parking for the Football Club currently operates across unmarked hardstanding areas. Part of this will be used for the proposed site access.

The illustrative masterplan shows a new layout, which comprises 52 spaces in the retained and re-organised hardstanding area to the north of the access road. Four

roadside spaces bring the total to 56no. spaces are shown as roadside parking to the access road. Whilst no existing parking capacity or survey/count information is evident it is stated that this is a slight increase of the number of vehicles which can be parked compared with the existing situation.

The County Highway Authority raises no object to this arrangement.

Noise

Due to its location the site is largely regarded as at low risk from noise and other than during the construction phase, it is unlikely to have noise impacts on its surrounding more so than would be normal in a residential area.

The Environmental Health officer has agreed that a noise assessment can be undertaken at the Reserved Matters stage. This should include data for any plant and equipment associated with the nearby business and retail units and the football ground. The results will inform detailed layout considerations and acoustic insulation where needed, including glazing and ventilation. A planning condition can require this information as part of the Reserved Matters application.

Residential Amenity - proposed dwellings

Given the outline nature of the application there is a limited amount of information which would enable a full assessment of the residential amenity for the proposed dwellings. It is required that the interior of all dwellings should accord with the Nationally Described Space Standards

The Worthing Borough Council Space Standards SPD 2012 provides minimum space standards for rear gardens for houses. To provide for residential amenity it would be expected that each dwelling would achieve reasonably sized private gardens. Two and Three bedroomed terraced dwellings are expected to achieve a minimum garden size of 50 and 65 SQM respectively and Small Semis or Small Detached dwellings should measure at least 85 SQM, with 100 SQM for larger semi or detached dwellings

With regards to flatted blocks, 20 SQM of outdoor space should be provided per flat within communal areas. The guidance states that in larger and taller blocks, there is an increasing desire for private outdoor amenity space. The standard requires that balconies should be of a sufficient size to accommodate a small table and sufficient chairs for each occupant. Balconies should measure at least 3 SQM for a 1-2 person, with more space in the case of larger units. A minimum depth of 1.5m is recommended. Whether or how these are used will be a Reserved Matter consideration, with care to consider any impact on neighbouring privacy.

Open Space Contribution

In accordance with the Council's Open Space, Recreation & Leisure Guidance, 2021, a Reserved Matters application should be accompanied by an open space assessment, which will identify types of open space and recreation needs (such as

allotments and pitches) which would need to be provided by means of a s.106 contribution.

Residential Amenity - neighbouring properties

Policy DM5 of the Worthing Local Plan states that amongst other things developments should not have an unacceptable impact on the occupiers of adjacent neighbours, particularly residential dwellings including unacceptable loss of privacy, daylight/sunlight, outlook or an unacceptable increase in noise giving rise in significant adverse impacts or the loss of an important public open space of public value. The following considers these relationships.

Nos 48 & 49 Beeches Avenue

The short extension of Beeches Avenue would serve approximately six properties. on rising ground levels than these neighbours in Beeches Avenue. According to the Design Guide and Illustrative Plan, these would be spaced away from the boundary and have areas of 1.5m towards the neighbours , which would assist in terms of bulk, massing and minimising any impact on light. The positioning of windows would require care at the Reserved Matter stage, to minimise risk of overlooking; primary are expect to be east/west facing.

As stated earlier, care would need to be taken in the location and layout of the footpath and associated planting, to balance neighbouring privacy with public access to Charmandean Lane.

Nos 41, 43, 45, 44 and 42 Pines Avenue

As described in the Illustrative plan section of this report a two storey apartment block is indicated 11m from the boundary with bungalows in Pines Avenue, giving an overall separation of approx. 19m between buildings. The building may have a pitched-hipped roof, which assists with mass and bulk as seen from existing neighbours. However, ideally a Reserved Matters application should use a greater overall distance between buildings to assist with size and privacy, combined with lowering of ground levels to account for the upslope nature of any new building.

The proposed development seeks to retain and increase vegetation along the southern boundary of the site. These neighbours all share their rear boundaries with the development site. Care would be needed to provide a visual filter without necessarily creating a green wall effect.

32, 36 and 36A Third & Fourth Avenue

Third Avenue runs to the west of the site merging into Fourth Avenue.. With regards to neighbouring amenity Nos 32, 36 and 36A the proposal is considered to have an acceptable impact. Whilst the proposed development would affect the outlook from rear windows, indicative distances (approx. 25 -40m) and separation by Charmandean Lane are considered sufficient such as not to impact daylight, sunlight or privacy. The intervening boundary vegetation would need to be largely retained in the Reserved Matters application.

Longlands Spinney

The application site shares its rear boundary with No.9 Longlands Spinney. This neighbour is set over 40 metres away from the indicative rear elevations of the proposed development. It would also be separated by Charmandean Lane. Given the proposed scale and mass and separation distances of the proposed development is not considered to be harmful

Drainage

The site is in an area of low flood risk and the proposal is satisfactory in flood risk terms. In respect of other drainage Policy DM20 requires the use of sustainable methods (SuDS), whereby the rate of surface flow off of the development site, is no greater than its current greenfield rate.

The proposal is for a series of deep-bore soakaways in the southern part of the site; grassed swales along the edge of open spaces and shallow semi damp areas of lowered ground which would receive swale water and convey it to underground storage tanks, some of which would flow into the deep-bore soakaways.

Care would be needed in the design of this system to minimise risk of pollutants, such as oils, entering the system, for instance by use of oil-interceptor gullies and a regular maintenance arrangements, as recommended by Southern Water under conditions and s.106 Agreement. Where above ground features such as swales and shallows are used, these should be designed to be consistent with use of open space (not steep sided, nor over-engineered). These details would be required as part of a Reserved Matters application. Comments of the drainage consultant are awaited and an update will be given.

Foul drainage would be to the public sewer, Southern Water has confirmed no objection to this.

Contaminated Land

The applicant's ground conditions report identifies only localised contamination risks from the existing ground. These are likely to be associated with the commercial use of a small part of the site. The Environmental Health officer has agreed that standard conditions would be used to require further investigation and agreement of a remediation strategy for any areas where this is needed.

Southern water has asked for a condition to deal with any risks associated with ground boring, such as is proposed for drainage and may be needed for foundations. In accordance with Policy 22 this would safeguard groundwater from any residual risks associated with contaminated land.

Biodiversity

Policy DM18, the Environment Act 2021 and NPPF, 2023 and require at least 10% biodiversity gain. The policy encourages 20% where achievable. In accordance with policies, an Ecological Assessment has been submitted.

The Assessment the nearest statutory and non-statutory biodiversity sites of Nature Conservation Importance, the closest being the Local Nature Reserve at Barn Golf Course 0.4km to the north. It concludes that the development is unlikely to affect these. The site is largely 'neutral grassland', with fringes of scrub and hedgerow vegetation. It is of local importance for reptiles, invertebrates, hedgehogs and low importance for foraging bats.

The application involves the retention of most areas of hedgerows and the provision of new shrub, tree and mixed grassland areas in the new open spaces. This is an improvement upon the existing measured habitat value of 25.45 units, although the amount of improvement is not quantified and has been sought to ensure accordance with the policy percentage.

Up to nine scattered small trees, including lawson cypress and some varieties of polar would be removed, but approximately 102 new native and ornamental trees would compensate for these and TPO trees are retained. Other elements of the Ecological Strategy would include insect hibernacula in open spaces; bat and bird boxes, a lighting strategy; working methods to protect reptiles and hedgehogs and to relocate reptiles to a translocation site.

A 30 year management plan would also be put in place (by s.106 Agreement), to ensure ongoing management via a Landscape Environmental Management Plan (LEMP). Details would be required by a planning condition, including protection during development.

Air Quality

The A27 and Lyons Way are part of an Air Quality Management Area (AQMA). An air quality assessment indicates that background pollutant concentrations across the development site is likely to be well below UK Air Quality standard requirements (which is a positive outcome).

Modelling of the likely impact on the AQMA arising from the development, using predicted traffic data indicates that operation of the proposed development is unlikely to make a significant impact on air quality: results for Nitrogen gases and particulate matter (PM10 & PM2.5) are both negligible. In accordance with the Sussex Mitigation Assessment method, a sum of £30,157 is identified. The Environmental Health officer is satisfied with this assessment.

The applicant proposes that physical mitigation could take the form of a greater amount of electric vehicle charging, which would be provided that the 41% - 45% required under current County Parking Guidance, 2019, for developments approved in 2023/24. Furthermore the proposed use of ASHP heating and sustainable

transport/travel plan measures, described in the Sustainable Transport section of this report.

Given that since 2019, current Building Regulations have increased EV charging requirements as a baseline for many residential developments, notably for flats, it is recommended that a cautious approach be taken regarding the extent to which this can be regarded as mitigation. Likewise, alternative heating (not reliant on gas), is also increasing due to regulatory change. A planning condition to require the submission of a more detailed mitigation plan at the Reserved Matters stage would allow for consideration of this or other mitigation and whether this mitigation payment, or any part of it, should be paid.

During construction works, a Construction Management Plan would require measures to minimise dust fumes from the site, by measures such as managing spoil heaps and dust-generation, such as damping-down in warm, dry conditions, also wheel washing and management of plant, such as minimising idling engines.

Infrastructure & s.106

Local Plan Policy DM9 requires that development should make provision for infrastructure required as a consequence of development. The following table sets out requirements for matters such as open space, footpaths and sustainable transport measures (travel plan and car club). Other requirements are for affordable housing and site management, as described in this report.

In Worthing Borough education contributions, where required, are normally derived as part of the Community Infrastructure Levy (CIL).

Table 4: s.106 Obligations

	Obligation	Terms
1	<i>Affordable Housing</i>	<ul style="list-style-type: none"> ● 40% to be provided ● Affordable Housing Plan, showing the location, sizes and tenure of affordable housing (guideline 75% Social/Affordable Rented and 25% Intermediate), and the staging of provision to be submitted ● Nomination Agreement to be included.
2	<i>Pedestrian and Connectivity</i>	<ul style="list-style-type: none"> ● To provide a footpath connection between the development and the existing Charmandean Lane public right of way, so as to be made available for use by the public prior to the first

		occupation of any dwelling forming part of the development.
3	<i>Comprehensive Open Space and footpath</i>	<ul style="list-style-type: none"> Reasonable endeavours with any adjoining owner to ensure comprehensive (unfragmented) open space in the event of future residential development that may take place on the existing football ground land to the east of the Beeches Avenue land, including the provision of pedestrian route through it towards footpath FP3134 in Lyons Way to the north east.
4.	<i>Offsite Pedestrian enhancements</i>	<ul style="list-style-type: none"> Reasonable endeavours, to provide a footpath link for public use between the site and adjoining retail park. Prior to the commencement of the development, to pay to the Council (or WSCC if more appropriate) a contribution of £ [x] (an amount calculated to cover the construction cost of a footpath link between the development and public right of way passing to the west and north of the Sainsbury's store), together with a contribution of £ [x] towards the reasonable administrative costs to be incurred by the Council or the County Council in securing any necessary rights to enable the provision of the footpath link. The construction element of the contribution to be repaid in the event that it is not spent for its intended purpose within 10 years of the grant of the planning permission.
5	<i>Public Right of Way enhancements</i>	<ul style="list-style-type: none"> Contribution of £ [x] towards the enhancement of public rights of way in the vicinity of the development forming part of or giving access to, the network of public rights of way within the South Downs National Park.
6.	<i>Travel Plan</i>	<ul style="list-style-type: none"> Appointment of Travel plan coordinator for five years Monitoring and liaison with County Council £1,500 towards Travel Plan statement auditing

7	<i>Lyons Way - Removal of gate & future management</i>	<ul style="list-style-type: none"> ● S.278 Agreement with Highway Authority, including removal of gate any related future management of Lyons Way to minimise risk of anti-social behaviour
8.	<i>Car club</i>	<ul style="list-style-type: none"> ● Paid membership per household for 2 years ● £50 drive time per household ● Reasonable endeavours to enter into a contract with a Car Club Operator to provide one or more car club space within the development for a minimum of five years from the date of first Occupation of any part of the Development.
9.	<i>Open Space Contribution</i>	<ul style="list-style-type: none"> ● To pay to the Council the Open Space Contribution. Such sum to be calculated in accordance with the Council's Open Space Commuted Sum Calculator current at the date of the grant of Reserved Matters Approval
10.	<i>Air Quality</i>	<ul style="list-style-type: none"> ● Payment of Air Quality Contribution £30,157, unless on site mitigation is agreed equivalent to part or all of this figure.
11.	<i>Site Management</i>	<ul style="list-style-type: none"> ● All common and publicly accessible areas to be maintained, including watering and pruning; ● Secure cycle stores to be maintained ● Bin stores and litter bins, including no use of bin collection area outside 24 hours of collections. ● Implementation of Travel Plan ● Sustainable drainage, including arrangements for maintenance and end-of-life replacement. ● Nature Conservation - and 30 year Landscape, Ecology Management Plan LEMP, (including management during construction phase)

12.	<i>Local Procurement and Skills</i>	<ul style="list-style-type: none"> ● Employment & Skills Plan to be agreed pre-commencement ● To include provisions for working with local learning, skills and employment group (s) and/or colleges and/or training establishments, in order to procure local labour and arrange apprenticeship(s) and skills training during the construction phase. ● Implementation in liaison with Council's Economy & Skills Officer
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Conclusions and Planning Balance

As this outline application is for an allocated site for housing as part of the adopted Local Plan strategy for new homes, there is firm in-principle policy support for the application and the number of dwellings, approximately 90 dwellings, as allocated, including 40 percent affordable homes.

Aside from the quantum of development, the only other detail to be approved at this outline stage is access. The dual arrangement for vehicular access, using Lyons Way and to a very limited extent Beeches Avenue is acceptable to the Highway Authority subject to planning conditions to manage quantum and to ensure no connection between the two.

Space for service & emergency vehicles at the Lyons Way access has been tested and the Highway Authority confirmation is anticipated and minor off-site footway works and future management in Lyons Way can be required by a combination of planning conditions and 106 obligation.

The A27 impact is accepted by National Highways, with only one of the two west bound filter lanes showing a notable increase in vehicles, limited to the morning peak hour, and other filters with very low change values. The assumed traffic signal optimisation in the future is a matter for National Highways (NH) to implement and in terms of air quality impact, the assessed impact shows no significant change. Mitigation can be provided by either a payment (under s.106) or on-site mitigation, or a mixture of these.

National Highways and Environmental Health officers have taken account of the sustainable transport package of travel plan and car club, your Officers recommend a minimum of 2 years paid membership for the latter of these. Furthermore the package could be strengthened by a firmer commitment to a direct footpath link between the site and retail park. This is supported by the Rights of Way Officer and although the offer of some financial provision is welcomed this matter would require further exploration in the drawing up of a s.106 agreement.

The proposed Development Framework, comprising the Design Guide and Parameter Plans, has been devised and refined as a consequence of landscape review, with particular regard and input from the National Park Authority and consideration of relationship with neighbours. It provides confidence that an appropriate form of development could be produced at Reserved Matters stage, once further minor refinements have been made and notably, the size and broad location of open spaces have been reflected in each plan.

Open space is a key layout component, providing a landscaped edge to the east, with scope for a more comprehensive development if the football ground were available in future, and future provision of a more direct amenity footpath through it (subject to a s106 obligation to engage in this eventuality). The western space is an important visual connection between Beeches Avenue and the National Park edge. A financial contribution to off site open space would be required by s,106 obligation, the details and amount would be calculated at Reserved Matters.

The illustrative layout indicates how these open spaces might be arranged and how the spacious layout at the site edges might work, mindful of landscape and neighbour impacts, including building sizes. It also reveals some potential pressure points in terms of the closeness of the flatted block to Pines Avenue; some of the distances / garden sizes between homes particularly in the centre of the site and a slight underprovision of parking combined with parking spaces on the open space edge.

One Reserved Matters approach may be a small shift in the proportion of home sizes to include more apartments. There is scope for this within the range of housing mix needs in Table 1 of this report. This may alleviate pressure on space and parking, increasing distance between dwellings and neighbours. In design terms it provides opportunity for stronger built forms at the 'arrival' point at the illustrative eastern gateway area.

Great care will be needed to blend this strong gateway with the space and softer edge also needed immediately to the north, and the use of standard and modular designs is less likely to be successful along this edge and gateway, than a bespoke design approach.

There is a firm policy basis to anticipate good sustainability credentials at the reserved matters stage. The requested energy addendum will provide an enhanced critique of the site opportunities and achievable energy & CO2 efficiency targets, this will provide a more confident basis for the Reserved Matters stage in action to the stated commitment to solar and heat pump renewable energy use. Sustainable drainage appears workable and, subject to the drainage consultant's response, can be a matter for detailed planning conditions including water quality protection requirements required by Southern Water.

The Ecology Assessment also describes suitable measures to enhance biodiversity value by comparison with the existing neutral grassland condition, retaining and augmenting native trees and hedgerows, which more than compensates for the small number of tree losses. The amount of biodiversity net gain (BNG) will be

quantified now so that this can also be used to inform and measure a suitable Reserved Matters scheme.

In summary, subject to the Development Framework changes to more clearly define the open spaces, the proposal is considered to fulfil the requirements of the Local Plan allocation. If approved, it is anticipated that development would take place around 2025-2028, which falls within the delivery period of the Local Plan. The further information requested regarding energy, biodiversity net gain will ensure that an outline permission provides a firm and measurable basis for a successful future Reserved Matters application.

Accordingly the planning balance is considered to fall well in support of the application. Approval is recommended subject to the above remaining points and pending response from the drainage consultee and from the County Highway Authority regarding localised future management of the northern part of Lyons Way.

[Postscript: As this report was finalised, three amended Parameter Plans have been received. These are included below as SUPP 1. - SUPP 3, immediately following the Appendix. Officers are reviewing these and have added some explanatory text alongside each of them. Any further comments will be given as an update]

Recommendation: APPROVE - to delegate to the Head of Planning and Development to grant planning permission subject to completion of a satisfactory section 106 Agreement, Revised Development Framework Documents and responses from the drainage consultee.

Subject to Conditions:-

1. 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.

Title	Drawing Number
Site Location Plan	1968-P-001
Lyons Way Access Drawing	14047-06 D

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

Time

2. Application for the approval of Reserved Matters for the development hereby approved shall be made to the Local Planning Authority no later than 3 years from the date of this Permission. The development hereby

permitted shall not begin later than two years from the date of approval of the last of the Reserved Matters to be approved.

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.*

Reserved Matters

3. Details of the scale, appearance, layout (including internal roads, routes, turning and manoeuvring and parking areas and open spaces within the site) and landscaping, (hereinafter called "the Reserved Matters") of the development shall be submitted to and approved in writing by the Local Planning Authority before any development takes place. The development shall be carried out as approved.

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.*

Development Framework

4. The Reserved Matters' details to be submitted shall be in broad conformity with the Development Framework comprising the following:
 - i) Design Guide - Morgan Carn Architects, October 2023
 - ii) Access & Movement Parameter Plan 1978-P-015A
 - iii) Character Area Parameter Plan 1978-P-019 [*Revision Number*]
 - iv) Density Parameter Plan 1978-P-017 [*Revision Number*]
 - v) Green Infrastructure Parameter Plan 1978-P-016 [*Revision Number*]
 - vi) Height Parameter Plan 1978-P-018 [*Revision Number*]

Reason: *For the avoidance of doubt, to accord with the submitted application and to ensure a well-designed, good quality environment well related to its context, landscape, neighbouring amenities, site opportunities and constraints.*

Separate Vehicular Accesses

5. Vehicular access from Beeches Avenue shall not at any time serve more than 6 dwellings and no vehicular road link shall be formed between Beeches Avenue and Lyons Way or any other part of the application site whatsoever.

Reason: *In the interests of clarity, highway safety and neighbouring amenities and to ensure that the vehicular access from Beeches Avenue is not intensively used.*

Sustainability

6. As part of the Reserved Matters details to be submitted pursuant to this Permission, a Sustainability Plan shall also be submitted to the Local Planning Authority for approval. It shall describe measures within the development to achieve sustainable living, including but not limited to the following:
- i) a) Efficient building fabric to reduce energy demand & carbon emissions, and
b) Measures for the provision of sustainable energy and low CO₂, (including predicted energy demand and target CO₂ values) and and the percentage of energy to be provided from renewable sources,
 - ii) Building orientation and layout to maximise internal daylighting, passive solar gain and natural ventilation,
 - iii) Ventilation and any heat management / Building Energy Management Systems
 - iv) Water efficient usage and water saving,
 - v) Provision of Accessible and Adaptable dwellings and a proportion of Wheelchair User dwellings, including accessible outdoor spaces and in the public realm,
 - vi) Consideration of life cycle environmental impacts as part of materials selection.

The Sustainability Plan thereby approved shall be implemented and fully adhered to in carrying out the development.

Reason: *To ensure sustainable construction and renewable energy provision and the provision of accessible, adaptable and wheelchair homes and accessible spaces to meet local needs.*

Safe Environment

7. As part of the Reserved Matters details to be submitted pursuant to this Permission, a Safe Environments Plan shall also be submitted to Local Planning Authority for approval. It shall describe measures within the layout and detailed design of the development and buildings, to minimise the risk and fear of crime and to promote safety, including within pathways and areas of public realm. The Safe Environments Plan thereby approved shall be implemented and fully adhered to in carrying out the development.

Reason: *To ensure a well-designed, good quality and safe environment.*

Biodiversity and Trees

8. As part of the Reserved Matters details to be submitted pursuant to this Permission, the following details and timetable shall be submitted to and approved in writing by the Local Planning Authority:

- i) Details of any tree works or removal, to minimise the felling of trees,
- ii) Details of tree protection measures, to be undertaken and maintained during development works in accordance with BS 5837-2012 “Trees in Relation to Construction”,
- iii) Details of site management measures (A ‘Landscape and Ecological Management Plan or LEMP’) to minimise and manage any impact on protected species, including reptiles, as outlined in section 5 of the Tyler Grange Ecological Impact Assessment Report submitted with the application (TG Report No. 13938_R03_JW)
- iv) Within the LEMP at iii) above, a Strategy for the management and enhancement of biodiversity value of the site, as outlined in section 6 of the Tyler Grange Ecological Impact Assessment Report submitted with the application (TG Report No. 13938_R03_JW)

The development, including any demolition works, shall only be undertaken in accordance with the details and timetable thereby approved and the Strategy at iv) above shall be used in the design of the layout and landscaping details in the Reserved Matters at condition 3 of this permission.

Reason: *To safeguard and enhance the biodiversity value of the site.*

Boundaries

- 9. As part of the Reserved Matters details to be submitted pursuant to this Permission details of the positions, design, materials and types of boundary treatments to be used or erected throughout the site. The boundary treatments for individual building curtilages shall be completed prior to occupation of each respective building and retained thereafter.

Reason: *In the interests of visual amenity.*

Lighting

- 10. Prior to any above ground construction works, a detailed external lighting plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include provisions for street lighting and lighting of the public realm, including measures to minimise impacts on the South Downs International Dark Skies Reserve, and risk of crime, light pollution and impacts on wildlife as appropriate. The lighting thereby approved shall be implemented in accordance with these details and thereafter retained.

Reason: *To assist in the provision of a well-designed, good quality and safe environment, and to ensure well-designed lighting which minimises light pollution and any impacts on wildlife and the character and setting of the adjacent South Downs National Park and South Downs International Dark Skies Reserve, in consultation with the South Downs National Park Authority.*

Levels

11. As part of the Reserved Matters details to be submitted pursuant to this Permission a survey and plan of existing and proposed site and slab levels, including reduced ground levels to minimise building mass and landscape impacts and to provide access for people with disabilities, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter no other raising of levels shall be carried without the prior written approval of the Local Planning Authority.

Reason: *In the interests of clarity, to ensure access for people with disabilities and because changes in levels may materially affect the appearance and impact of the development on the landscape and neighbouring amenities.*

Access and Highways

12. i) No part of the development which is to be served by vehicular access from Lyons Way shall be first occupied until such time as the vehicular access from Lyons Way has been constructed in accordance with the details shown on the approved Lyons Way Access Drawing (drawing No 14047-06 D) and further detailed plans which are to be submitted to and approved in writing by the Local Planning Authority as part of the Reserved Matters application, or suitable alternative detailed plans if first submitted to and agreed in writing with the Local Planning Authority.

ii) No part of the development, which is to be served by vehicular access from Beeches Avenue (serving up to a maximum of six dwellings), shall be first occupied until such time as the vehicular access from Beeches Avenue has been constructed in accordance with detailed plans which are to be submitted to and approved in writing by the Local Planning Authority as part of the Reserved Matters application, or suitable alternative detailed plans if first submitted to and agreed in writing with the Local Planning Authority

Reason: *To secure satisfactory standards of access and detailed plans for each vehicular access for the proposed development.*

Visibility

13. No part of the development which is to be served by vehicular access from Lyons Way shall be first occupied until such time as visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Lyons Way in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: *In the interests of road safety.*

Access & Parking

14. No dwelling within the development shall be first occupied until the road(s), footways, and parking areas serving that dwelling have been constructed, surfaced, and drained in accordance with plans and details to be first submitted to and approved by the Local Planning Authority, these shall include engineering specifications to ensure that all streets and vehicular access areas are suitable for use by service, refuse collection and emergency vehicles.

Reason: *To secure satisfactory standards of roads, paths and parking for the development.*

Off-Site FootWay Improvement

15. No part of the development which is to be served by vehicular and pedestrian access from Lyons Way shall be first occupied until such time as dropped kerb/tactile paving works shall have been constructed as shown on the approved Lyons Way Access Drawing (drawing No 14047-06D), and at the existing Sainsburys servicing access in the position shown on DTA Drawing No 14047-09 dated 28/07/2023, in accordance with details which shall first be submitted to and approved in writing by the Planning Authority.

Reason: *To secure satisfactory standards of roads, paths and parking for the development.*

Parking

16. As part of the Reserved Matters details to be submitted pursuant to this Permission full details of car parking provision be submitted to and approved in writing by the Local Planning Authority, including:
 - i) the extent of allocated, unallocated and visitor parking spaces showing the dwelling/building to which each space is allocated or related, and
 - ii) construction specifications, including drainage and means of marking-out/identification.

No dwelling shall be occupied until the car parking space(s) serving the respective dwelling (including associated visitor/unallocated or other parking) has been constructed and provided in accordance with the approved details. Once provided, the spaces shall thereafter be permanently retained at all times for their designated purpose.

Reason: *To ensure the provision of well-located car-parking facilities and sustainable parking to serve the development.*

Electric Vehicle Charging

17. No part of the development shall be first occupied until Electric Vehicle Charging spaces ('EV spaces') and operational charging apparatus, for that part, have been provided in accordance with plans and details, (including details and charging rates for charging apparatus and on-going maintenance for active EV spaces, and details of ducting/cabling for passive EV spaces), have been submitted to and approved by the Local Planning Authority. The EV spaces and associated charging apparatus, ducting and cabling shall be permanently maintained in effective working order thereafter.

Reason: *To ensure the provision of well-located Electric Vehicle Charging spaces to serve the development.*

Cycle Parking

18. No dwelling shall be first occupied until secure cycle parking facilities and appropriate visitor cycle parking facilities, where appropriate to serve the respective dwelling (s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: *To provide alternative travel options to the use of the private car.*

Travel Plan

19. The development hereby permitted shall not be occupied unless and until a comprehensive Travel Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A27). The Travel Plan shall be generally in accordance with Framework Travel Plan 14047-06a submitted with the application and prepared in line with prevailing policy and best practice and shall include as a minimum:

- the identification of targets for trip reduction and modal shift;
- the measures to be implemented to meet these targets including an accessibility strategy to specifically address the needs of residents with limited mobility requirements;
- the timetable/ phasing of the implementation of the Travel Plan measures shall be alongside occupation of the development and its operation thereafter;
- the mechanisms for monitoring and review;
- the mechanisms for reporting;
- the remedial measures to be applied in the event that targets are not met;

- the mechanisms to secure variations to the Travel Plan following monitoring and reviews

The development shall only be occupied in accordance with the approved Travel Plan which shall remain in place for 5 years unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority in conjunction with the Highway Authority

Reason: *In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (September 2023) and paragraph 40 DfTCircular 01/2022*

Drainage - Details

20. Development shall not commence, other than works of site survey and investigation, until details of the proposed means of:

- i. foul drainage disposal, and
- ii. surface water drainage disposal,
- and
- iii. A hydrogeological assessment identifying any risks to groundwater,

have been submitted to, and approved in writing by, the Local Planning Authority. The design of surface water drainage shall 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 and shall maintain existing surface water flow paths across the site, including mitigation measures for any areas of high risk. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage as well as measures to prevent pollution to groundwater and the water environment.

No part of the development shall be occupied until the complete surface water drainage system and foul drainage serving that part has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: *To ensure adequate foul and surface water drainage, including sustainable drainage in consultation with Southern Water and to ensure that drainage is adequate for the design lifetime and does not increase flood risk elsewhere and minimises the risk of pollution.*

Drainage - Management

21. No construction of any relevant part of the development shall commence until full details of the maintenance and management of the surface water drainage system for that part, including pollution prevention and

management measures, is set out in a site-specific maintenance manual and submitted to and approved in writing by the Local Planning Authority. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system for that phase, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: *To ensure adequate foul and surface water drainage, including sustainable drainage and control of risks of pollution in consultation with Southern Water, and to ensure that drainage is adequate for the design lifetime and does not increase flood risk elsewhere.*

Drainage - As Built Details

22. Immediately following implementation of the approved surface water drainage system for the relevant part of the development, and prior to occupation of that part, the developer/applicant shall provide the Local Planning Authority with as-built drawings of the implemented drainage scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained to ensure its continued effectiveness.

Reason: *To ensure adequate foul and surface water drainage, including sustainable drainage and pollution risk control and to ensure that drainage is adequate for the design lifetime and does not increase flood risk elsewhere.*

Drainage - Infiltration and Groundwater

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

Reason: *To minimise and manage risks associated with existing site contamination to prevent harm to human health and to protect the water environment including groundwater.*

Piling and Groundwater

24. Piling and the use of penetrative construction methods shall not be carried out unless a full piling risk assessment and method statement, including consideration of contaminants, groundwater and aquifers and methods to minimise risk of contamination, has been submitted to and approved in writing by the Local Planning Authority. Piling and penetrative

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

Reason: *To minimise and manage risks associated with existing site contamination, to prevent harm to human health and to protect the water environment including groundwater.*

Ground Remediation - method

25. No development including any demolition, shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by the Local Planning Authority. This strategy will include the following components:

- i). A preliminary risk assessment which has identified:
 - a. all previous uses;
 - b. potential contaminants associated with those uses;
 - c. a conceptual model of the site indicating sources, pathways and receptors; and
 - d. potentially unacceptable risks arising from contamination at the site.
 - e. provision for further investigations following demolition of the buildings on the site,
- ii). A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- iii). The results of the site investigation and the detailed risk assessment referred to in (ii) 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.
- iv). A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented in accordance with the remediation strategy thereby approved unless the Local Planning Authority gives prior written approval for any variation.

Reason: *To minimise and manage risks associated with existing site contamination to prevent harm to human health and to protect the water environment including groundwater.*

Ground Remediation - verification

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

Reason: To minimise and manage risks associated with existing site contamination to prevent harm to human health and to protect the water environment including groundwater in accordance with paras 170, 178 - 180 of the National Planning Policy Framework 2019 and Saved Policy RES9 of the Worthing Local Plan 2003.

Ground Remediation - precaution

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

Reason: *To minimise and manage risks associated with existing site contamination, to prevent harm to human health and to protect the water environment including groundwater.*

Fire Hydrants & Water Supply

28. Prior to the commencement of the development, details of fire hydrants or stored water supply required to serve the development (including location, water pressure and volume), shall be submitted to and approved in writing by the Local Planning Authority. The hydrants or water supply serving the relevant part of the development shall be installed as approved and made available for use prior to occupation of and dwelling in that relevant part of the development.

Reason: *To ensure the provision of adequate fire-fighting facilities for the development.*

Noise

29. As part of the Reserved Matters details to be submitted pursuant to this Permission a survey of existing noise and assessment of noise exposure and risks affecting the development shall be submitted to and approved in writing by the Local Planning Authority. This shall detail any noise mitigation measures to be included within the development. The

development shall only be carried out, occupied and maintained in accordance with the details thereby approved.

Reason: *In order to minimise risks of noise and vibration to residents of the development hereby approved.*

Construction Management Plan

30. No development, including any works of demolition, shall commence until a Construction Environmental Management Plan (CEMP) 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 for the development. The Plan shall provide details as appropriate, including of the following matters:-

- a) the anticipated number, frequency and types of vehicles used during construction;
- b) the method of access and routing of vehicles during construction, with no construction traffic access to the site via Beeches Avenue;
- c) safety and timetabling provisions to minimise risks from development traffic during school drop-off and collection times;
- d) the parking of vehicles by site operatives and visitors;
- e) the loading and unloading of plant, materials and waste;
- f) the location of any site compound and site office, including details of any external lighting;
- g) the storage of plant and materials used in construction of the development;
- h) the erection and maintenance of security hoarding and gate (s),
- i) a commitment to no burning on site,
- j) a Dust Management Plan incorporating measures to control dust arising from the works;
- k) measures in place to deal with minimise risk of and respond to any accidental spillages including containment and clear-up;
- l) the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway;
- m) efficient construction waste management, re-use and recycling;
- n) details of public engagement, including with neighbouring and nearby residents, both prior to and during construction works;
- o) details of any onsite lighting required during development works;
- p) ecological protection measures
- q) details of communications to be used to keep neighbouring residents and businesses informed of the nature and duration of development works and contact details for site management,

The Construction Environment Management Plan shall include arrangements for monitoring and effective enforcement and shall contain a construction method statement which be implemented and adhered to throughout development works.

Reason: *In the interests of highway safety, to ensure in consultation with National Highways and the County Highway Authority that the A27 Trunk Road and other roads continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and DfT Circular 01/2022. and to satisfy the reasonable requirements of road safety and to manage noise and pollution and ecological protection during the construction phase.*

Working Hours

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

Monday - Friday 07:30 - 18:00 Hours

Saturday 08:00 - 13:00 Hours

On Sundays and Bank Holidays no work is permitted.

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

Reason: *To safeguard the amenity of neighbouring occupiers during the period of development works.*

Archaeology

32. i) No development or demolition works shall commence until a Written Scheme of Investigation (below-ground archaeological investigation and recording), including provision for on-site field survey and recording and the analysis reporting publishing and archiving of the results has been submitted to and approved by the Local Planning Authority.

ii) The Written Scheme of Investigation approved under i) above shall be implemented and fully adhered to during the course of development, (including any below ground works), and shall fulfil all steps of recording, analysis, reporting, publishing and archiving of the results contained within it.

Reason: *In order to ensure that heritage assets of archaeological interest will be adequately recorded before development and subsequently will be adequately reported.*

Appendix: Landscape Summary Document - Design Elements



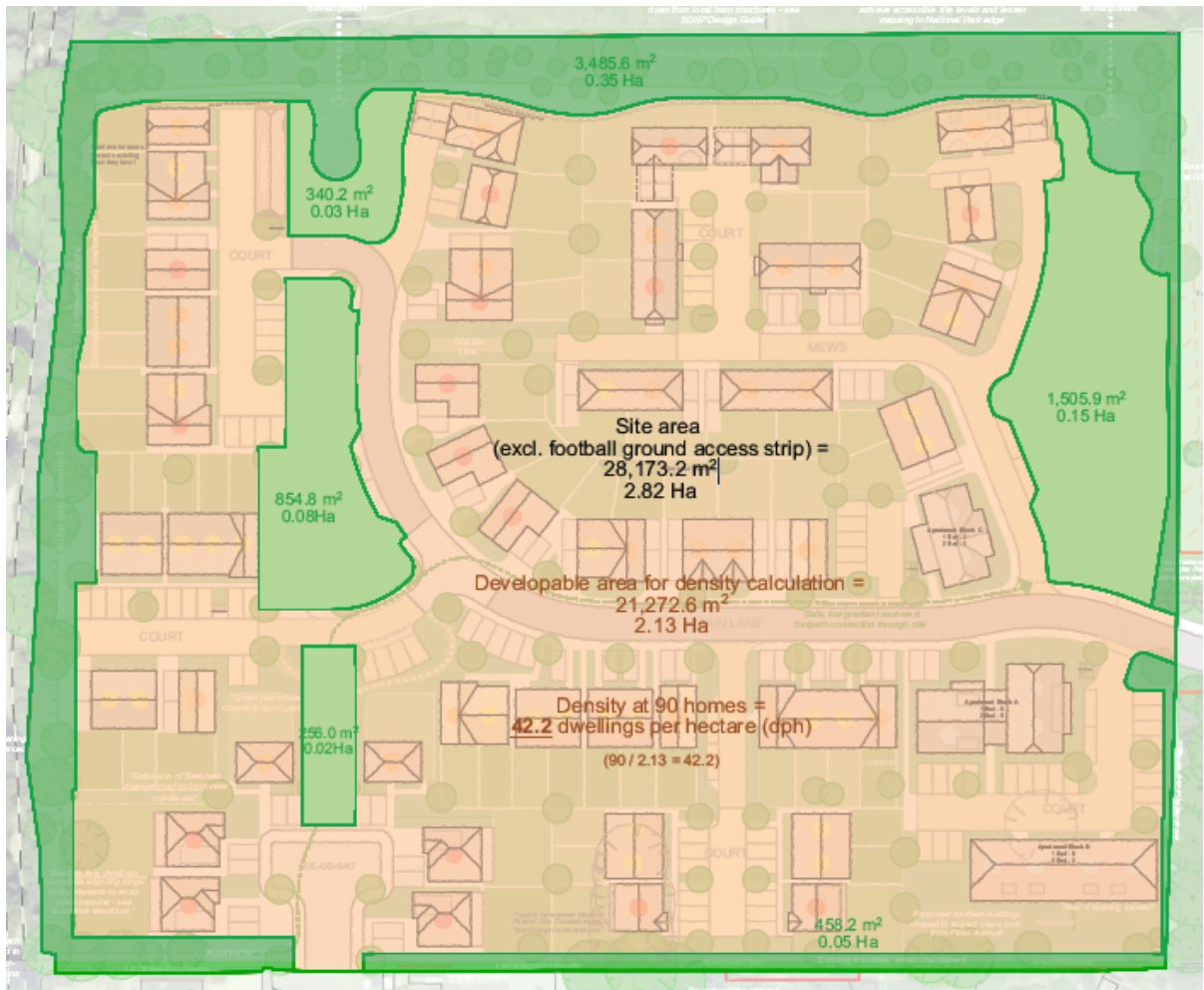
4) Landscape-led development: Design Elements

- Lower densities at eastern and northern parts of site
- Use of site slope with stepped heights to create varied roof and eaves lines. The proposed built form along the northern edge is to be recessed into the existing landform by approximately 1.6m as shown on the draft Green Infrastructure Strategy Plan.
- Implementation of gabled baskets as a retaining method and boundary feature, designed to provide both aesthetic and biodiversity benefits and eliminate the need for rear garden fencing at the interface with the SDNP.
- Varied rooflines and tapered forms with care to minimise large, prominent gable-ends (although may be deployed to add occasional visual interest).
- Public views towards Park to be safeguarded from Beeches Avenue and Pines Avenue
- Layout to allow space for significant vegetation in front of and between built forms and above rooftops
- Locally characteristic materials palette to complement natural colours and textures
- Balanced use of materials to create some variation but overall coherence.
- Avoidance of excessive glazing towards viewpoints (individual window sizes, permeability ratio for buildings)
- Use of chimneys to provide an enhanced rural character
- Parking to be concealed from site edges
- Boundary treatments designed to reinforce rural edge character. For example - estate fencing, post-rail and picket-type fencing

Postscript (AWDM/0693/23)

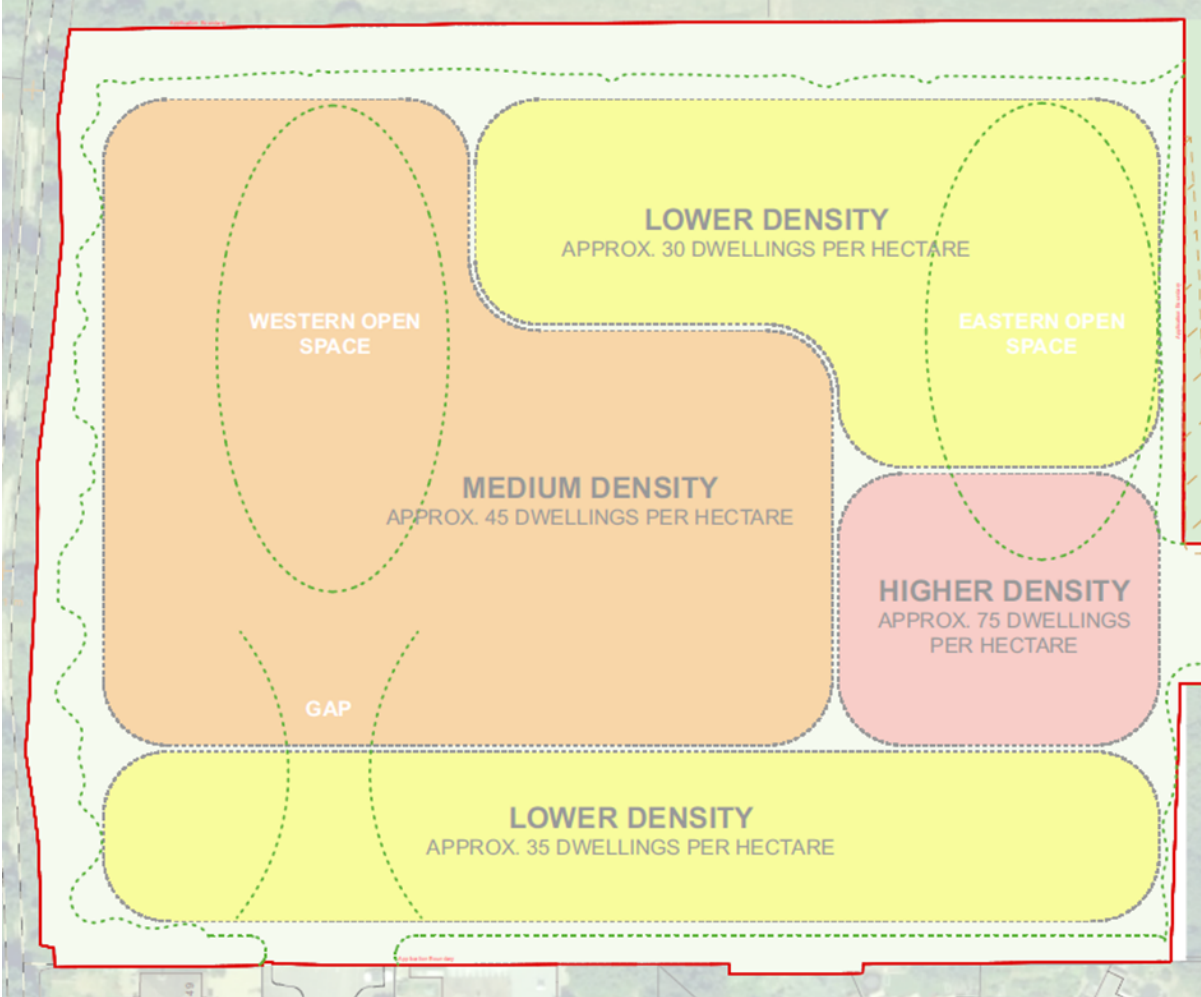
As this report was being finalised for the agenda and amended the following amended three Parameter Plans have been received as supplements to the Committee report.

The first of these (below) is based on the Illustrative Plan at Figure 7 of the report. It shows that when the amount of illustrative open spaces are deducted from the site area, the site-wide density becomes 42 dwellings/ha. This is in accordance with Policy DM2.



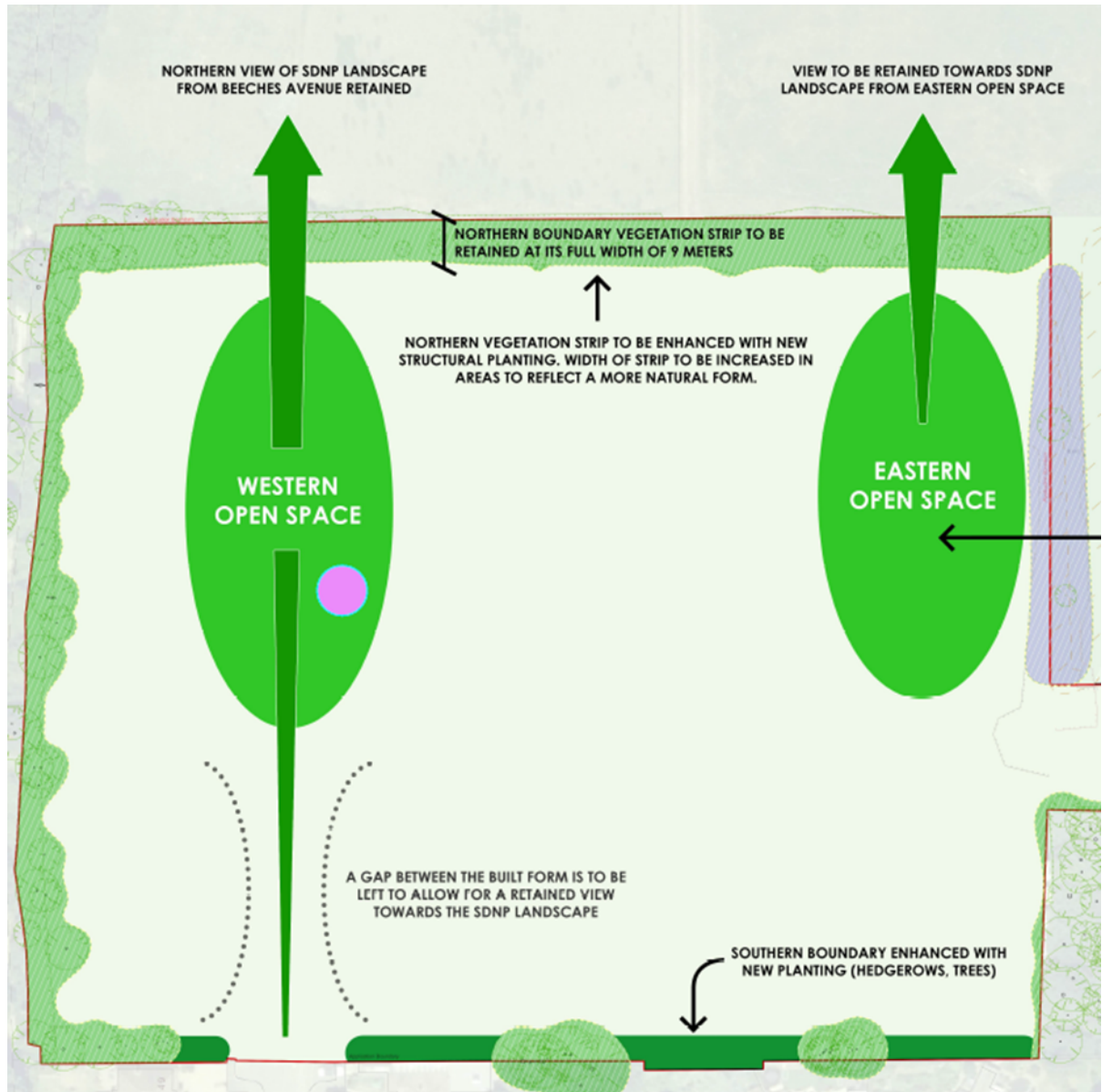
SUPP. 1 Illustrative Density Calculation (above)

The density parameter plan below, has added in indicative locations of open space at the east and west of the site. This is helpful, although it could be interpreted at the Reserved Matters stage as allowing for built forms within the broad locations where these spaces are to be located. It could be strengthened by a visible annotation which stress the importance of locating the open spaces in these locations.

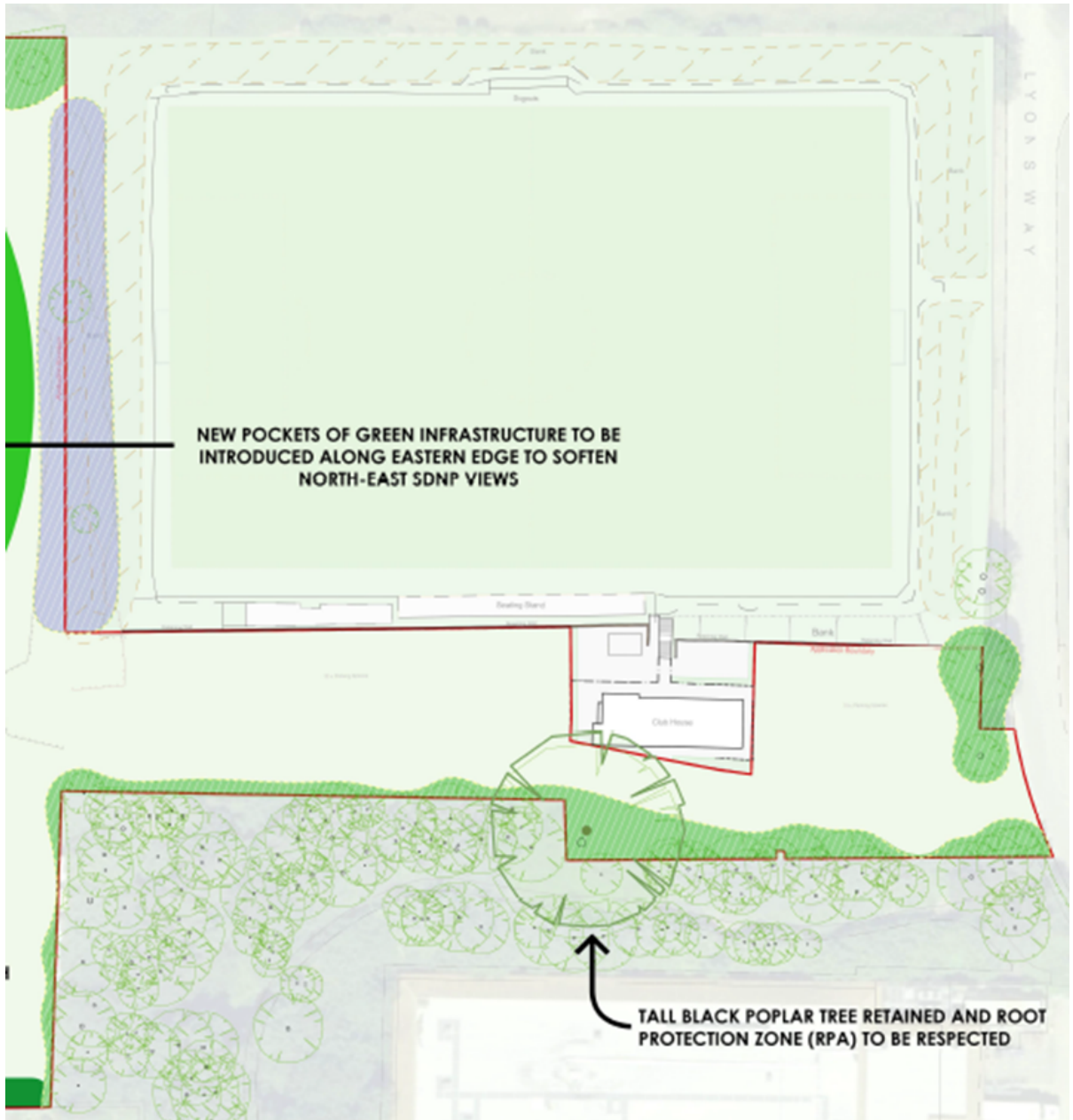


SUPP. 2 Density Parameter Plan (above)

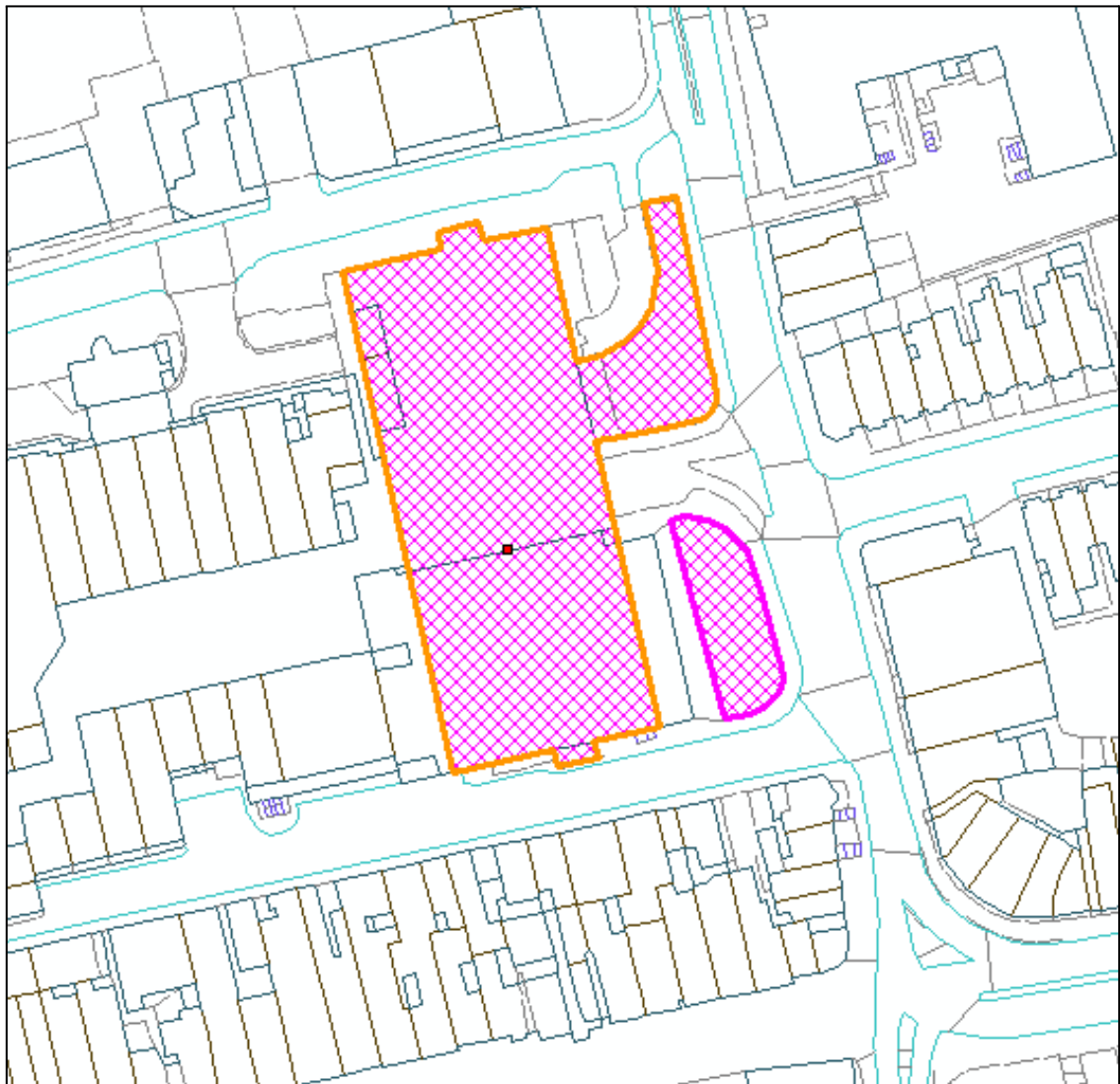
The two segments of the amended Green Infrastructure Parameter Plan below include additional annotations to make more explicit the proposal for additional planting as part of landscaping to the north and east and buffers to the south and west. It would be important at the Reserved Matters stage, that they are accessible for maintenance.



**SUPP. 3 a & b Green Infrastructure Parameter Plan
(above and below)**



Application Number:	AWDM/1439/23	Recommendation - APPROVE
Site:	Multi Storey Car Park, High Street, Worthing	
Proposal:	Proposed two storey Energy Centre, Thermal Store, electrical sub-station, car-park rooftop plant, and riser pipework	
Applicant:	Hemiko	Ward: Central
Agent:		
Case Officer:	James Appleton	



Not to Scale

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Proposal, Site and Surroundings

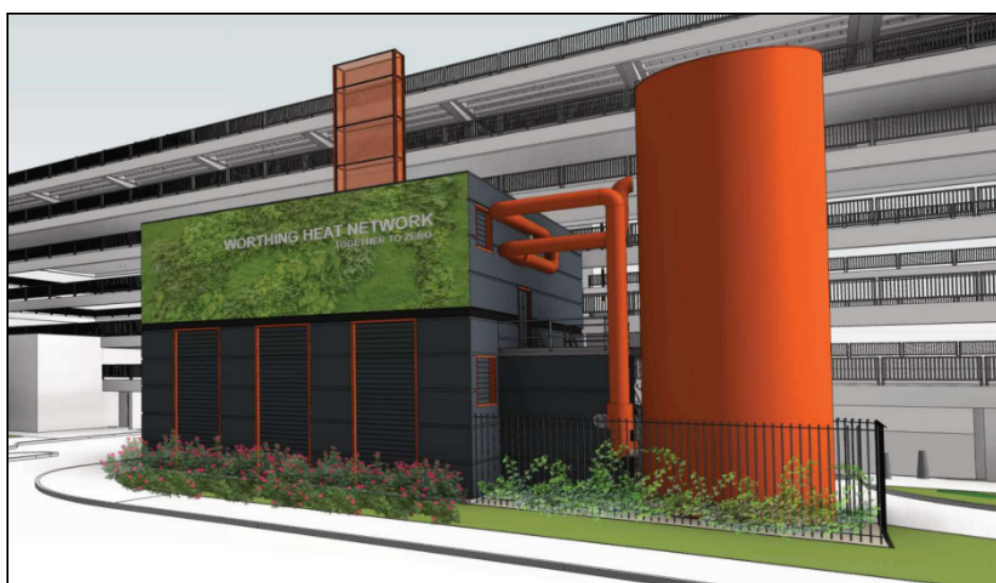
The application proposes an energy centre and a sub station on the two landscaped areas in front of the High Street Multi-Storey Car Park (MSCP) and industrial style Air Source Heat Pumps (ASHP's) located on the top floor of the MSCP. Heat for the energy centre would be generated by the ASHP's located on the top of the MSCP and a service riser running up the front elevation of the MSCP would connect the ASHPs with the energy centre.

The energy centre is effectively a plant room and is proposed to be enclosed by a simple 2 storey steel frame utilitarian structure *'designed to serve its purpose of generating low carbon and affordable heat to customers'*. As the energy centre would generate some noise it has been specifically designed to prevent noise breakout to the surrounding area. The applicant submits that this has been achieved by avoiding glazing and utilising noise attenuating louvres and panels.

The energy centre has been set back from the road to avoid a planned cyclepath along the west side of the High Street (public consultation on this route was undertaken last year). The energy centre is hemmed in by the access and egress roads to the MSCP. The energy centre measures 11.4 by 14.8 metres. Adjacent to the energy centre would be a thermal store which is an insulated tank of hot water required for the system to work. Gas boilers would provide a backup heat and top up heat required during peak demand periods.

The application has been amended since it was first submitted to increase the level of green walling to improve its appearance, enhance biodiversity and complement its green energy production. The initial design incorporated a strong accent colour (orange) for the thermal store and service riser but this has now been replaced with a more muted dark grey matching the grey clad exterior of the building (where not hidden by the green wall).

Original Design



Amended Plans



As indicated previously the application proposes 3 large ASHP's on the top deck of the HSMCP. These would be screened by dark grey louvres which would measure 3 metres in height. Initially only one ASHP would be installed but the other two would be installed as demand increases with additional developments connecting to the network.

The building will be in place for 40 years after which point alternative heat sources are expected to be incorporated into the heat network as it grows and as low carbon heat generating technology evolves.

In support of the application the applicant states that:

Hemiko Ltd is developing the Worthing Heat Network (WHN), a low-to-zero-carbon (LZC) district heating network in Worthing. The project has won £4.4m of grant funding from the Department for Business, Energy and Industrial Strategy (BEIS) to further the development of the WHN and it is planned to move into the construction phase in December 2023.

Hemiko Ltd are a specialist district heating developer who will be funding the delivery of the scheme via an Energy Services Company (ESCO) Special Purpose Vehicle (SPV) of which Worthing Borough Council hold a golden share in. Hemiko have secured funding to develop and deliver zero-carbon heat networks across the UK which will form a key contributor to the UK's decarbonization targets. In addition to provision of funding Hemiko hold in house expertise in the design, construction and operation of heat networks and will be the Principal Contractor building the Worthing Heat Network on behalf of the ESCO. Hemiko have extensive experience in building and operating heat networks in the UK.

The Worthing Heat Network is a key element in Worthing Borough Council's Carbon Neutral Plan (AECOM, 2019) which identified the scheme as the most economic and efficient way to decarbonize the Civic Quarter and other large users of heat such as the Hospital and new planned residential developments. Once the Worthing Heat

Network is built it will produce a range of benefits including:

- Delivering low carbon heat and significantly improving air quality in the town centre by offsetting gas combustion; providing a simple and more economical option for the decarbonisation of heat in individual buildings within close proximity to the heat network;
- providing a means to aggregate heat from sources not able to be accessed by single buildings such as recovering heat from waste water treatment plants;
- create a greater incentive for developers to build in Worthing as meeting carbon emission regulations and local planning conditions will be cheaper in Worthing due to the heat network, thus influencing investment into Worthing;
- speed up the decarbonisation of both Council and Privately Owned building stock, bringing substantial carbon savings earlier; and,
- providing new skills and jobs for local residents, as well as delivering additional local social value.

A Heritage Statement submitted in support of the planning application concludes that,

'It is the conclusion of this Heritage statement that the proposed development, subject to satisfied to details being provided in relation to the scholar scheme, facing materials, boundary treatment and landscaping, (all of which can be covered by condition) would have no harmful impact upon the setting or significance of any heritage assets, including listed buildings, conservation areas, and non-designated heritage assets. On the contrary, the development would reinforce the area's historic character with a complementary built form and would result in a significant improvement in the appearance of the site, which is not befitting the setting of the Warwick Gardens Conservation Area. The proposed development is considered to be compliant with all relevant heritage related policy and legislation.'

Relevant Planning History

Only include this section if there is history of direct relevance on the property or immediate vicinity.

Consultations

Do not cut and paste in non-Word format or copy verbatim or include extraneous or non-planning matters but provide a precis of their contents insofar as they relate to planning considerations, making sure to state whether they object and to cover all their main points.

West Sussex County Council: comments that,

In terms of traffic movements the proposals for the Energy Centre are unlikely to result in a large increase in vehicular activity and would not warrant any concerns from a capacity perspective. Any temporary lane or pavement suspensions may be required during the course of construction will be required from the LHA's Area Engineer and Street Works. Active travel improvements along the High Street are identified within the adopted Adur and Worthing Local Cycling and Walking Infrastructure Plan (LCWIP), and there has been recent community engagement undertaken on the principles of active travel improvements through this area earlier

this year.

Whilst the scheme has not been prioritised to be taken forward as a scheme at this time, development in this area that encroaches on the potential footprint of the scheme could compromise the delivery of future LCWIP improvements. Although the drawings suggest verge space is available between the east side of the proposed energy centre buildings and the existing footway, the GA drawings do not clarify the exact widths in this location. No detailed design exists for the potential cycle path in this at this time, but in order to protect space for a potential future segregated cycle and pedestrian path (assuming 2.5m 2-way cycle space, 2m footway and offsets for kerb height changes) a 5.3m width has been assumed for a similar cycling scheme on the A259 east of Shoreham in Adur District (ie. from the existing footway/road kerb). This 5.3m width would ideally be required to meet LTN1/20 cycle design guidance expectations for segregating pedestrians and cyclists in high footfall areas, so we would ask that more information is provided about the available width.

Adur & Worthing Councils:

The **Sustainability Team** comment that,

“Summary

Worthing Borough Council declared a climate emergency in 2019 and has set targets to be carbon neutral in its operations by 2030 to be net zero carbon town by 2045. The Worthing Local Plan is a key tenet in this ambition as it explicitly seeks to protect and enhance the valued qualities of our environment and support the move to net zero carbon.

If approved, the proposed development will deliver significant climate change mitigation benefits to the residents and businesses of Worthing through the delivery of long-lasting low carbon heat infrastructure, generating substantial immediate reductions in carbon emissions and making significant progress towards becoming a carbon neutral town.

Relevant Policies

The approval of this application is materially beneficial, either directly or indirectly, to many objectives and policies within the Local Plan, including:

SO21 - Heat Networks are explicitly mentioned in SO21 as the Local Plan seeks to facilitate affordable, clean and secure energy.

SP2 Climate Change - which notes that the Council will support and promote the creation of low carbon heating/cooling networks.

SP3 Healthy Communities - which aims to provide high quality and energy efficient homes.

DM16 Sustainable Design - requiring all new build housing will achieve a minimum 20% CO2 reduction compared to the Building Regulations Part L 2013 standard.

DM17 Energy - requiring:

- *Major developments must demonstrate that the heating and cooling systems have been selected in accordance with the heating and cooling hierarchy*
- *Major development[s] within areas identified as heat networks should demonstrate how they have considered connecting to a district heating networks*
- *The development of renewable, low carbon or decentralised energy schemes will be supported*

Comments

Heat represents almost a quarter of UK emissions and as such forms a key challenge to decarbonising buildings within the UK.

Heat Networks currently meet about 2% of overall UK demand for heating, a figure which the Committee on Climate Change estimates could reach 18% by 2050 – the date by which the Climate Change Act legally requires the UK to reduce emissions by 100% compared to 1990 levels. The recently passed Energy Act 2023 contained further indications that Heat Network Zoning will become law in due course, with a focus on urban areas such as Worthing due to the density of heat demand.

The delivery of a low carbon heat network in Worthing as part of the council's journey to be a net zero area by 2045 has been an ambition of the council for some time. Evidence presented in the council's Carbon Neutral Plan, Local Plan and subsequent Heatmapping and Masterplanning work has repeatedly demonstrated that this is the most economical way for the council to facilitate low carbon heat, both for its own buildings but also for residential and commercial sites across the town.

The proposals subsequently present a significant decarbonisation opportunity for the town. Considerable Air Source Heat Pump capacity will be installed on the rooftop of the car park. This will allow phase 1 of the heat network (5 council buildings plus Worthing Hospital) to save almost 3,000 tonnes of carbon per annum. This sum is 20% greater than the annual operational emissions from Adur District & Worthing Borough Councils combined. Emissions from heating each building will reduce by up to 80%.

In addition, the proposals are sized to allow the heat network to grow organically as new connections are made. This futureproofing is welcomed given the likelihood of Worthing being designated a Heat Network Zone by DESNZ in the near future and will make it significantly easier for future Planning Applications to meet the council's sustainability requirements, particularly DM17.

Gas and ancillary plant are to be located in two ground floor buildings external to the car park. This is vital to ensure the continued operation and flexibility of the energy centre. The removal of two trees is regrettable, however it is felt that, given the significant carbon savings the development enables, the sustainability credentials of the scheme are to be commended. The green wall is welcomed, however it is recommended that a contribution to enhancing the natural environment through S106

contributions is sought to offset the net loss of onsite biodiversity.

It is noted in the application that the building will be in place for 40 years, however it is likely that this building will remain until it is no longer required (i.e. other energy centre sites have been developed across the town). There is no guarantee that this will be within the timeframe indicated.”

The **Parking Services** team has submitted a recent survey of the car parks which reveals that there is considerable spare capacity within town centre car parks and therefore the loss of the top floor of parking would not be an issue in terms of meeting current demand. It is further stated that,

‘The analysis conducted by our parking services team shows that current car parking capacity (1537 spaces) is much higher than current usage (972). The removal of 107 spaces from High Street therefore makes no difference at present. (Even more so when just High Street is considered - which is reported as having 400 vacant spaces at present).

*The analysis from Parking Services suggests that even if/when Union Place or Grafton are closed there will still only be a slight deficit **during the busiest months**. Please note the analysis doesn't include the new MSCP being built as part of the WICC. This will add another 190-odd spaces to take us back to a position of spare capacity. It also assumes that all HMRC/NHS tickets are in constant use.’*

Environmental Health comments that,

‘The acoustician needs to check the calculations once plant models have been confirmed, but based on the information the acoustician has been provided by the applicant, the predicted noise levels at the nearest noise sensitive receptors are acceptable. It is also evident based on the initial calculations that there is plenty of head room should some of the plant be noisier so I have no worries here. Please can we see the updated report when complete so we have this information on file.’

Representations: *None received at the time of writing this report*

Relevant Planning Policies and Guidance

Worthing Local Plan 2020-2036:

DM5 Quality of the Built Environment; DM6 Public Realm; DM7 Open Space, Recreation and Leisure; DM8 Delivering Infrastructure; DM15 Sustainable Transport & Active Travel; DM16 Sustainable Design; DM17 Energy; DM18 Biodiversity; DM19 Green Infrastructure; DM20 Flood Risk and Sustainable Drainage; DM22 Pollution; DM23 Strategic Approach To The Historic Environment; DM24 The Historic Environment

Supplementary Planning Document ‘Sustainable Economy’ (WBC 2012)
‘Infrastructure Delivery Plan’ (WBC 2010)

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

For Listed Buildings (and their setting) and Conservation Areas

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

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

Planning Assessment

Principle

The provision of a District Heat Network (DHN) for the Borough is central to the Council's objective of being carbon neutral by 2030 and 100% clean energy by 2050. To meet these targets all energy use must be delivered through zero carbon sources by that date.

To help meet this objective the Local Plan refers to the Council's plan to facilitate the delivery of a District Heat Network for the town centre (and other cluster locations through the Borough) and to require all developments in these clusters to connect to the Network. The Plan states that the '*development of renewable, low carbon, or decentralised energy schemes will be supported and community initiatives encouraged where proposals are for appropriate locations.*' Policy BM17 requires that,

Applicants for major development within areas identified as heat network opportunity clusters should demonstrate how they have considered connecting to district heating networks where:

- i) they exist at the time of permission being granted;*
- ii) the heat network route lies adjacent to the site; and,*
- iii) Otherwise it is feasible and viable to do so. Alternatively, where a heat network route is planned but has not been delivered, sites adjacent to the planned heat network routes should consider being heat network ready to enable a future connection.*

The provision of the town centre DHN is dependent on the current application being progressed, at some pace, to ensure that two major developments closeby can be connected (Union Place and the Gas Works site). The developers for both sites

have been in detailed discussion with the applicants and to commit to connecting to the DHN both schemes need certainty that the DHN will be operational at the point that these two developments are completed.

In addition, the DHN will provide an alternative green energy supply to the Town Hall and Worthing Hospital ensuring that reliance on large gas boilers will no longer be required. The first phase connections would save 3,000 tonnes of carbon per annum and make a significant first step towards the Council's green commitments. In addition the removal of gas boilers would improve air quality for the town centre.

It is considered, therefore, that there is no objection in principle to the development. The key considerations relate to:

- The design of the development and its impact on the streetscene
- Its impact on heritage assets and nearby Conservation Areas
- Access and Loss of Car Parking
- Impact on the amenities of local residents and,
- Delivery of Biodiversity Net Gain.

Design and Layout

A number of pre-application discussions took place with the applicant and the design has evolved since the original scheme was put forward. As it is effectively a plant room and in some respects a temporary structure (potentially 40 years) the applicant has been keen to resist a more permanent building relying on more simple cladding options. The initial design concept based on an energy centre in London proposed a timber clad structure and was proposed to be single storey (see below). However, the requirement to set back the building from the High Street (to leave space for a future cyclepath) meant that the building has had to fit onto a smaller site area between the access and egress to the MSCP. This has resulted in a requirement for a two storey building and a need to separate the sub-station onto the southern landscaped area.

Initial timber clad design option



Whilst, other timber clad options were considered (including taking references from the towns beach huts) your Officers felt that the timber clad approach would be visually too harsh in such a prominent location. A green wall to help screen the plant room was suggested as it would help to compensate for the loss of the landscaped

area in front of the site (and the loss of semi-mature trees). Since the original submission various options have been considered with varying amounts of green walling. The finalised design has sought to reduce the overall height of the structure, by not seeking to fully enclose the thermal store and by providing a visual break between the building and external plant. The use of a more muted dark grey helps to reduce the visual presence of the structure.



The connecting pipework running up the side of the car park is also finished in a dark grey. This could match the blue of the car park railings to blend in with the car park structure and Members' views will be sought at the meeting. In any event a condition would require samples and precise details of external cladding materials.

The principle of a green wall is supported. It is used in various locations around the country and can help to enliven blank facades. A copy of examples are shown below. The key to the success of any green walling will be ensuring high quality maintenance and effective watering systems and replacement of dead and dying plants are key to ensure that the initial effect is retained.



Hanningtons Estate, Brighton



Fenchurch Street London

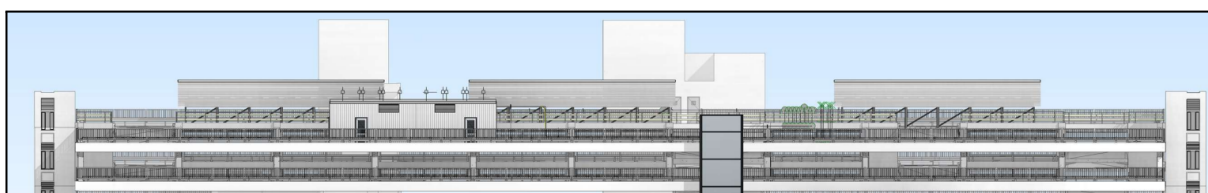
The necessity for the substation to be located as a separate building is disappointing and its design is very functional, being enclosed in dark grey metal cladding. The

option of relocating this within the MSCP was explored but the ceiling heights are too low to accommodate the structure. Access to the structure is also required at all times. An option of a green roof was explored but the size of the roof is small and it is not considered that there would be any great visual benefit in adding to the roof. Of greater effect would be landscaping around the structure and this can be covered by a planning condition.

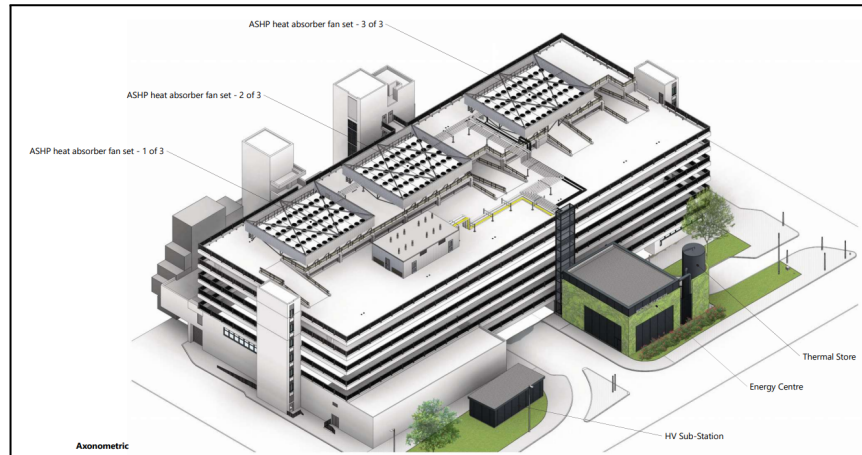
Both structures would be prominent in the High Street but the set back from the road and proposed landscaping as well as the revised design incorporating significant areas of green walling would ensure that the overall effect on the streetscene would be reduced. The green wall itself will create visual interest on the road frontage that is dominated currently by the large MSCP and hopefully will encourage the use of green walls in other town centre locations and elsewhere.

It will be important that the purpose of the energy centre is explained to the local community. The use of advertising on the building, together with either a display window or panel providing information on the carbon savings that the heat network brings to the town centre would be essential to help publicise the wider benefits of the project.

The air source heat pumps would be set back some 16.5 metres away from the front of the car park and therefore would not be readily apparent at street level. However, at a total height of 3 metres the ASHP's and the acoustic screens will be visible from adjoining streets and this is addressed in more detail in the Heritage section below. The acoustic enclosures would be effective in screening the heat pumps and a lighter colour is proposed to help reduce the visual impact against the skyline. Members will be aware that the use of black painted louvres to screen roof top planting can look rather stark against the sky (an example of this is the new HMRC building next to the railway station). As the image indicates below the roof of the car park already has brick lift overruns and staircases which extend the height of the structure and the ASHPs would be significantly lower than these elements of the existing structure.



The following image from the DAS illustrates how far back the ASHP's would be from the east elevation. However, there is a lack of detail about the precise design of the acoustic screens and a condition is proposed to require additional details prior to work commencing on site.



Heritage Assets and adjoining Conservations Areas

As identified by the Heritage Statement submitted with the planning application, there are listed buildings in close proximity to the site and a number of Conservation Areas. There are a group of listed buildings, 40 - 46 High Street to the north east of the site and 4 Conservations Areas lie to the east, south and west of the site.

As Members are aware the NPF states that in determining applications that could have an impact on heritage assets local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution these assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 197).

Paragraphs 199 to 203 of the NPPF set out how the potential impacts should be considered in determining planning applications. This guidance is reflected in adopted Local Plan policies.

In this case the setting of the Conservation Areas and designated and non designated heritage assets have been affected by post war developments notably the provision of the MSCP. Its set back from the road, its design and scale has affected the historic pattern of development along the High Street with the listed buildings (Nos 40 - 46) providing a glimpse of its former appearance. The current application for the redevelopment of Union Place seeks to 'repair' some of the High Street frontage by replacing the car park with frontage development and in principle lower scale frontage development in front of the MSCP is welcomed to provide some relief to the overall scale of the large car park and provide some enclosure.

The energy centre with its revised design will have some harm due to its design and appearance which is out of context with the local vernacular. This is inevitable as the proposed design reflects the functional requirements of the building - enclosing the plant with a fire retardant and acoustic enclosure. However the green wall provides visual interest and any harm caused is considered to be less than substantial.

In terms of the ASHP's as indicated previously, they are located some distance from the front and side elevations of the building and therefore whilst increasing the mass of the structure the increased height would not materially impact on the setting of surrounding Conservation Areas. A number of views have been assessed including the view from within Warwick Gardens Conservation Area further to the east of the site. Whilst, the image below shows that the ASHPs' would be visible (set forward of the brick stair cores) they would not be particularly prominent given the extent of set back. From this viewpoint there would be some impact but at the lower end of the '*less than substantial*' scale.



There are more restricted views of the MSCP from the south and west in view of the scale of intervening developments.

As set out in the NPPF (para 202) where proposals would result in less than substantial harm, the harm should be weighed against the *public benefits of the proposal*. In this case the public benefits of the proposal are significant in that this is the start of a heat network that would generate green energy for the town centre. The benefits in terms of reducing carbon and tackling the threat of global warming would outweigh any residual impact on heritage assets.

Access and Loss of Car Parking

As stated by the Highway Authority the access for the energy centre will be very intermittent and not impact on the safe operation of the High Street. The applicant is satisfied that the building has been set back far enough not to impede any future cyclepath but has been requested to demonstrate this to the Highway Authority with a measured plan. Members will be updated at the meeting on this matter.

The main issue is the loss of 107 parking spaces on the top floor of the MSCP. As indicated by the Parking Services team the loss of these spaces is not considered significant given the spare capacity across the town centre car parks (over 550). Whilst, demand fluctuates during the year it is not considered that the loss of these spaces is significant given the capacity within both town centre car parks and on street parking availability. The provision of car club spaces in the MSCP and elsewhere in the town, together with improving provision for cyclists should help to reduce parking demand moving forward and reducing car parking provision should

be seen as part of this modal shift away from use of the private car. The Highway Authority has not commented on the loss of these spaces and any further comments received will be reported at the meeting.

Impact on Residential Amenity

There are few residents immediately adjacent to the MSCP and this reflects the fact that no representations have been received. Nevertheless the applicant has been keen to demonstrate that the development would not cause any noise nuisance to residents in the locality. At the pre-application stage the applicant was advised about the outline permission for flats on the Union Place development and that generally more and more vacant floorspace above commercial units are being converted into flats.

With the increased density of residential use in the future, the energy centre and acoustic screens have been designed to prevent any noise break out from the plant room and ASHP's. The acoustic report identifies that noise surveys were undertaken and based on the intended plant proposed by the applicant that, *noise emissions from the proposed plant units assessed in this report would not have an adverse impact on the nearest residential receivers*. Environmental Health are satisfied with this conclusion but have requested a further report once the precise plant and equipment has been identified and this can be secured by a planning condition.

Ecology and biodiversity

The application does result in the loss of two trees which is regrettable and in line with policies of the adopted Plan should be replaced on the site if possible. This loss of biodiversity on the site and the limited land available to secure (at least) a 10% net gain required by the adopted Plan would require some off site enhancement and has also helped to encourage the applicant to pursue the option of a biodiverse green wall as part of the scheme to maximise on site provision as far as possible.

The difficulty has been preparing the biodiversity assessment as the scheme has evolved since submission. The applicant has been, however, committed to deliver a minimum of 10% net gain (on and off site) and has agreed to a condition that would require both the assessment of on site provision (and the extent of any off site enhancement) as well as an implementation plan for delivery.

Conclusion and Recommendation

This application represents the first step in the roll out of district heat networks across the Borough. The town centre with a number of existing high energy users and large brownfield sites provides the ideal location to start the network and meet the Council's aspiration for the Borough to be carbon neutral by 2030 and for 100% clean energy use by 2050. The applicant has worked hard with Officers to try and 'dress' the functional appearance of the energy centre with a living green wall and any residual concerns about its visual impact and or impact on heritage assets is offset by the significant wider benefits of tackling the climate emergency facing us all.

It is therefore recommended that this application be APPROVED subject to the satisfactory comments of the Highway Authority and subject to the following conditions:

1. Approved Plans
2. Before the development is commenced, a Biodiversity Net Gain assessment shall be submitted to and approved in writing to the LPA in accordance with the Environment Act and a scheme for the offsetting of biodiversity impacts at the site to secure a minimum of 10% gain (combined on and off site contributions). Authority. This should be supported by a biodiversity metric for the site, costings and appropriate legal agreements to guarantee third party delivery of ongoing habitat management requirements within Sussex. The Offsetting scheme shall include:
 - i. Identification of receptor site or sites, which accord to the requirements of the Sussex Nature Recovery Network Evidence Base.
 - ii. Details of the offsetting requirements of the development in accordance with current Defra biodiversity metric;
 - iii. The provision of evidence of arrangements to secure the delivery of offsetting measures, including a timetable of delivery; and
 - iv. A management and monitoring plan, to include for the provision and maintenance of the offsetting measures for a period of not less than 30 years from the commencement of the scheme. The management and monitoring plan is to include:
 - a. Description of all habitat(s) (which must accord to the current Lichfield District Nature Recovery Network Mapping) to be created/restored/enhanced within the scheme including expected management condition and total area;
 - b. Review of Ecological constraints;
 - c. Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulfur);
 - d. Detailed design and working methods (management prescriptions) to achieve proposed habitats and management conditions, including extent and location or proposed works;
 - e. Type and source of materials to be used, including species list for all proposed planting and abundance of species within any proposed seed mix;
 - f. Identification of persons responsible for implementing the works;
 - g. A timetable of ecological monitoring to assess the success of all habitat creation/enhancement. Ecological monitoring reports should be submitted to the LPA every 5 years.
 - h. The inclusion of a feedback mechanism to LDC, allowing for the alteration of working methods/management prescriptions, should the monitoring deem it necessary.

The arrangement necessary to secure the delivery of the offsetting measures shall be executed prior to written approval by the Local Planning Authority. The offsetting scheme shall thereafter be implemented in accordance with the requirements of the approved scheme.

Reason: *To ensure adequate biodiversity net gain in accordance with policy DM18 of the Worthing Local Plan.*

3. Prior to commencement of development, details of the green wall including a landscaping scheme for the wall and methods for attaching to the building as well as its future maintenance shall be submitted to and approved in writing by the LPA. Thereafter the development shall proceed in accordance with the approved details and maintained for the lifetime of the development in accordance with the agreed maintenance plan.

Reason: *To control the development in detail and to ensure appropriate future maintenance in the interests of visual amenity.*

4. No plant or equipment shall be used on site unless it has been provided with the acoustic screens in accordance with the recommendations of the submitted acoustic report. Thereafter the plant and equipment shall be maintained in accordance with the manufacturer's instructions to ensure compliance with the maximum noise levels set out in the submitted acoustic report.

Reason: *To protect the amenities of local residents.*

5. No development shall take place until tree protection measures have been installed around the trees to be retained on the site in accordance with details first submitted to and approved in writing with the LPA.

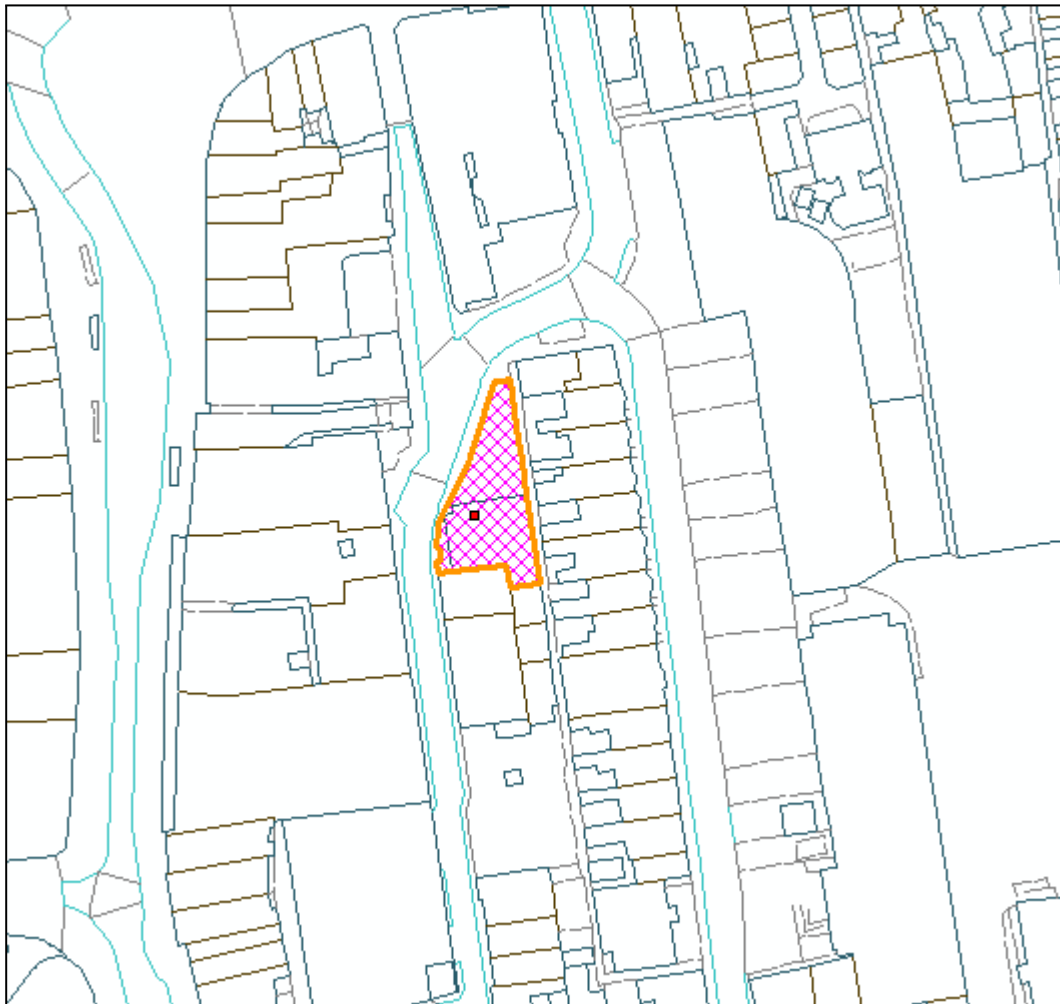
Reason: *To control the development in detail and to retain existing landscape features on the site.*

6. Landscaping scheme for the site.

7. Prior to commencement of development precise details of the acoustic screens including details of the colour have been submitted to and approved in writing with the LPA.

Reason: *In the interests of visual amenity.*

Application Number:	AWDM/1367/23	Recommendation - APPROVE
Site:	The Place Drop In Centre, 24 Marine Place, Worthing	
Proposal:	Conversion and alterations of existing building to provide 5no. residential apartments with associated works including access, landscaping and associated works and 2no. parking spaces	
Applicant:	Worthing Borough Council	Ward: Central
Agent:	Robinson Escott Planning	
Case Officer:	James Appleton	

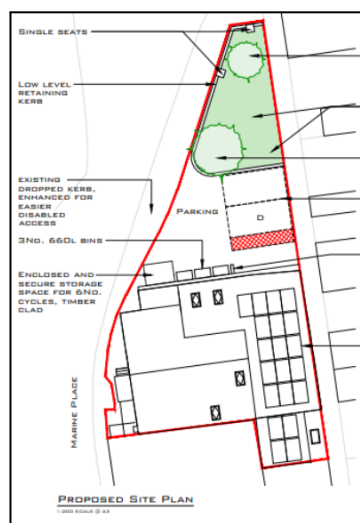


Not to Scale

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Proposal, Site and Surroundings

The proposal will deliver 5 one bed flats and studios to provide affordable rented accommodation. All units will be accessed off the existing entrance into the building off Marine Place. The ground floor will provide 2 flats with the first floor providing the further 3 flats. In order to convert the building, minor changes are proposed to the external facades of the building.



The proposal will provide 2 parking spaces and associated cycle and refuse storage on the northern section of land as well as landscaping to improve the appearance of the area.

The application site comprises an end of terrace building which has been extended rather unsympathetically in the past. The front façade has flint, render and brick detailing with arched windows. The gabled roof has been disrupted by a series of flat roof additions on the northern and eastern side of the building. There is a small parking area on the northern parcel of the site which is also used for the storage of larger communal bins to serve the local area.

To the north lies Warwick Street, to the east Bedford Row (a terrace of grade II listed buildings) and to the west the rear elevations of shops fronting South Street. The site lies within the South Street Conservation Area.

As the building is owned by Worthing Borough Council and the Council is the applicant for this development, this application has to be considered by Planning Committee rather than be determined under delegated powers.

Applicants Supporting Statement

The applicant has submitted various supporting statements. The Planning Statement and Design and Access Statements conclude that the conversion of the existing building makes the most efficient use of land in line with adopted policies and government guidance. The Planning Statement concludes that,

'There will be a loss of an existing community facility as a result of the development. However, this statement has outlined that the building has been vacant for some time and there are accessible and alternative community facilities in close proximity to the site. Due to the demonstrable need for this type of housing within the Borough, the proposed conversion of the site is assessed as being acceptable in this instance. On this basis the development is in accordance with Policy DM8 Worthing Local Plan 2023.

The proposed conversion will appear harmoniously within the context of the site and will result in a positive addition to the area creating a high quality design which will enhance the character of the area and preserve the setting of the Conservation Area.

The dwellings will provide a good standard of accommodation for future occupiers for the proposed typology.

In terms of residential amenity, the development will preserve the privacy, outlook and light of neighbouring properties.

The site is situated within the PBZ5 area as identified by the West Sussex Guidance on Parking. This requires units with 1-3 habitable rooms to provide 0.6 spaces per dwelling. The development should therefore provide 3no. spaces. Although the proposal will provide 2no. parking spaces on the site, given the proposed tenure of the development and highly sustainable location, the proposed parking provision is acceptable in this instance.

Through the preparation of technical reports, it has been outlined that the proposal is acceptable in terms of heritage and flood risk and drainage.

In view of the above, it is concluded that the development proposed in this application is consistent with the aims and detailed requirements of the National Planning Policy Framework and the Development Plan and as such, should be given planning permission.'

An Energy Statement in support of the application concludes that,

'It has been demonstrated that it is technically feasible for the proposed flats at Marine Place to achieve an EPC rating, and carbon reduction performance that exceeds the Worthing Local Plan requirements and the fabric performance achieved exceeds the Part L requirements for a "change of use".

PV provides a valuable contribution to the energy needs of the properties and meeting the requirement for 10% contribution appears to be feasible despite the limited accessible flat roof space.'

Relevant Planning History

Planning permission granted in 1996 under Regulation 3 to convert the property to a youth drop in and information centre (96/05489/WBR3).

Consultations

West Sussex County Council Highways Authority comment that,

"This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals.

Summary

This application seeks the conversion and alteration of existing D1 Use building to provide five residential apartments with associated works. The site is located on Marine Place, an unclassified road subject to a speed restriction of 30 mph. Following an inspection of the submitted application documents, WSCC in its role as

Local Highway Authority (LHA) raises no highway safety concerns for this application.

Access and Visibility

The application site will make use of the existing dropped kerb access point, of which will be enhanced for easier disabled access. It is unclear if this means works will be taking place within the maintained highway – clarification should be provided if this is the case. The applicant should be aware that any works within the highway will be subject to a licence obtained through the local Highway Area Office.

From inspection of WSCC mapping, there are no apparent visibility concerns with the existing access point on Marine Place. In addition, the proposed development is not anticipated to give rise to a material intensification of movements to or from the site.

Parking and Turning

The plans demonstrate off-street parking for two cars. On-site turning does not appear achievable, so cars may have to exit in a reverse gear – however, this is not anticipated to give rise to an adverse highway safety impact, owing to suitable visibility afforded by the access point.

The WSCC Car Parking Demand Calculator indicates that a development of this size and location would require three car parking spaces. Therefore, any overspill parking would have to be accommodated on-street.

Whilst on-street parking is limited in the area, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the shortfall of one car parking space would give rise to a highway safety concern or parking capacity issue, but the LPA may wish to consider the potential amenity impacts. Weight is given to the fact the site is situated in a sustainable location whereby residents need not rely on the private car.

Regarding cycles, the plans demonstrate secure cycle parking provision for six cycles in accordance with WSCC Parking Standards.

Sustainability

The site is situated in a sustainable town centre location within walking/cycle distance of local services and amenities. Cycling is a viable option in the area. The site is also well connected by public transport, with regular bus services available from nearby South Street and Marine Parade. Worthing Railway Station is located approximately 1km north of the site.

Conclusion

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

If the LPA are minded to approve the application, the following conditions and informative should be applied:

Conditions

Car parking space (details approved)

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

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Informative

Vehicle Crossover – Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted.”

Adur & Worthing Councils:

The **Environmental Health Private Sector Housing** comments 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, lobbies and fire doors have been placed in the first floor flats for no reason reducing the options available for better layouts. It is not clear whether the walls separating the bedrooms from the rest of the flat in Flats 3 & 5 are dwarf walls for spatial delineation only, but it effectively makes the bedroom in Flat 3 an inner room and provides no window to the bedroom of Flat 4. The bedroom in Flat 5 has no outlook at all with only rooflights for natural light, but ineffective at providing ventilation. The outlook from the ground floor flats is poor looking only onto a narrow back alleyway, compounded by obscured glass.

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.”

Southern Water comment that,

“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 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

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

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.”

West Sussex as the Local Lead Flood Authority (LLFA) comments that,

“The applicant is applying for the conversion and alterations of an existing building to provide 5 residential apartments with associated works including access, landscaping and 2 parking spaces.

Following a review of the submitted information, we would recommend the approval of the application with the following conditions attached:

Condition 1: *Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of source control Sustainable Drainage Systems (SuDS) in consideration of the NonStatutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability including supporting calculations for the 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year), 3.33% AEP (1 in 30 year) plus climate change, the 1% AEP (1 in 100 year) and the 1% AEP (1 in 100) plus climate change critical*

storms. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Adur and Worthing Council.

Condition 2: *Prior to the first use of the development a Flood Evacuation Plan shall be submitted to and approved in writing to the Local Planning Authority.*

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of Adur & Worthing Council.”

The **Worthing Society** comment that,

“This Regency building, circa 1827, and originally a ‘Providence Methodist Chapel’, is located within the South Street Conservation Area (CA). It occupies an important corner site at the apex of Bedford Row and Marine Place.

I have now had the opportunity to discuss the plans with our Heritage Team and we are broadly supportive of the change of use to residential accommodation. We are also pleased to note that the proposed design will retain the historic flint façade and character of the original chapel which is a significant element. Some further detail to the upper storey windows (preferably in a timber frame) to reflect the building’s history would be a welcome consideration.

There is an adjacent parking area and rough ground which has become very run down. The proposed landscaping and new parking bay for this site will be an improvement to this part of the CA and will, in our opinion, help to restore the ‘street scene’. The landscaping design will complement the recent residential developments in Marine Place. For some time the northern end of Marine Place has become rather dilapidated and unappealing. The landscaping will be a welcome element and will also improve the ‘setting’ of the Listed Buildings at the rear of Bedford Row.

Overall the proposal looks to be a beneficial way forward for both the future use of the building and this part of the CA. However, we do note the concerns of the Environmental Public Health Sector in their Consultation response regarding the layout of the accommodation. Although this is somewhat outside our remit, we consider these aspects will need to be sufficiently addressed as the plans move forward.”

Representations

One letter of objection has been submitted raising the following concerns:

- **Highway Access and Parking:** However I am querying the redevelopment of the parking area. It would be beneficial to keep more than 2 spaces rather than taking them away and make these spaces part of Zone A, it gets harder to find a space. I saw that Zone Z round Steyne Gardens which used to be Zone A previously is now going to Zone C? There is planning for new residential

housing further down the road which will not include any parking at all being for in town living with bicycle sheds surely that would follow suit with these flats too?

- Loss of General Amenity: The other question is what will happen to the rubbish bins with the redevelopment? The ones in Bedford Row have already been moved there (for a rather random NCP car park of 3 spaces) and we now have less actual bins in total and potentially more people using them. Has this been considered? As it looked like a garden area was being located in that spot on the plans?
- Comment on the amended plans: The only change I noticed was that rather than just two bins initially there will now be one more bin making three in total. My question: are these bins just for the revamped building or the existing bin area being relocated? It doesn't seem to specify? We already have three bins at the moment where the 'garden area' is planned to go. Plus two recycling bins and ideally we really need either another large recycling or a third smaller one. I can't see where those bins are going? As it is when the bins are full and overflowing the seagulls are a nightmare tearing bags apart with rubbish everywhere and this is not very healthy or environmentally friendly so we definitely do not want any less than we currently have and requires consideration.

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)

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

For Listed Buildings and Conservation Areas

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

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

Planning Assessment

The main issues in this case are:

- the loss of a community facility;
- whether the conversion provides an acceptable form of accommodation for new residents and does not have an unacceptable impact on adjoining residents;
- Impact on the setting of heritage assets and the Conservation Area;
- Access and Car parking;
- Sustainability and,
- Biodiversity.

Loss of Community Use

Regarding the loss of a community facility the supporting statement indicates that the building was leased to West Sussex County Council (WSSCC) who used the building for many years but ended their tenancy on 13 July 2021. WSSCC had been using the building as a “Find-it-out” youth information service as a result of a costing cutting exercise this service was moved to the newly renovated Worthing Library. Adur and Worthing Councils used the venue for a Youth employment hub (18-24 yrs) from August 2021 - April 2022 but when funding was cut for this service it also closed down. The building has had no formal use since and is currently vacant.

Normally the Council would require some degree of marketing of the premises to ascertain whether the building could continue to provide a community use. However, in this instance the Council has assessed that there are few alternative community uses suitable for the building (particularly given the need to undertake repairs and essential maintenance. Furthermore it is recognised that the provision of affordable housing would offset any loss of any potential community use of the building given the significant housing need that exists for affordable housing. The Housing team has confirmed that these flats would directly benefit those on the Councils waiting lists and would provide much needed rented accommodation.

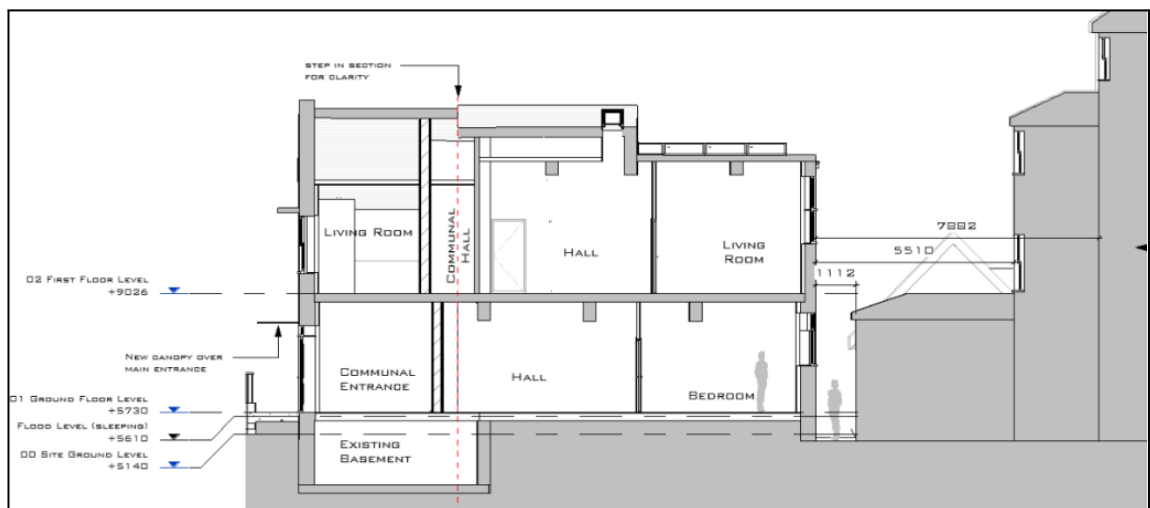
In the circumstances there is considered to be sufficient justification for the loss of this community facility.

Residential Amenity

It is considered that the building provides a reasonable level of accommodation given the difficulties of converting an existing building and its close proximity to

properties to the east in Bedford Row. All flats meet Nationally Described Space Standards with appropriately proportioned rooms for future occupiers. All rooms are either served by facing windows, or where this has not been possible, roof lights have been added, to ensure adequate levels of light and outlook for residents.

In response to some concerns about the internal layout from the Private Sector Housing team, the applicant has agreed various amendments to improve outlook from flats and addressed issues regarding height of partition walls and fire lobbies. The Private Sector Housing team are now happy with the latest amendments. A new south facing window is proposed at first floor level to provide light to a bedroom and obscure glazing removed at ground floor level. Although the removal of obscure glazing raises the potential for overlooking from Bedford Row and the footpath immediately to the east, the difference in levels means that this is not an issue and these windows already exist along this boundary. This is illustrated by the cross section shown below:



The Housing team has also indicated that should overlooking become an issue for any of the properties to the east they could always install obscure glazing at a later date. Although gardens are not proposed for any of the flats this is not an issue in this town centre location. However, the scheme does provide landscaping part of the existing car park which would enhance this rather unattractive corner site. The computer generated image submitted in support of the application illustrates what is proposed.



It is considered that the amended plans provide a reasonable standard of accommodation given the constraints of the site and would not have an adverse impact on the amenities of residents nearby. There has been some concern about the loss of communal bins for Bedford Row properties and the Councils Waste Services Manager has been asked to comment on where these bins would be relocated.

Impact on the setting of heritage assets and the Conservation Area

As only minimum alterations are proposed to the building to facilitate the conversion it is not considered that the scheme has any impact on the setting of adjoining listed buildings or the Conservation Area. The scheme would overall enhance the appearance of the building with improvements to windows and the ramped access into the property. Furthermore, the reduction in hard surfacing and proposed landscaping of part of the existing car park would be a significant improvement to the Conservation Area and setting of Bedford Row.

The Conservation Area appraisal makes particular mention of the surface car parks affecting the setting of the listed buildings and Conservation Area generally and the proposed scheme is to be applauded. This area of the town is being greatly improved with a number of schemes approved over the last 3 years providing additional residential accommodation fronting onto Marine Place.

Access and Car parking

The Highway Authority has no objection to the scheme. Although the proposal would reduce the number of parking spaces, car parking ownership is low in the town centre particularly for affordable housing and Officers were keen to encourage soft landscaping rather than additional parking spaces. Town Centre car clubs and proximity to public transport would provide viable alternatives and covered cycle parking is provided in accordance with WSCC standards.

Sustainability

The re-use of the existing building rather than demolition is welcomed here given the carbon that is captured in existing buildings. In addition, the applicant has confirmed that the Local Plan requirements will be met and exceeded in relation to thermal efficiency and generating 10% of future energy needs through the use of photovoltaic panels.

Biodiversity

Given that the existing site lacks any biodiversity the landscaped pocket 'garden' will help to ensure that the 10% net gain can be achieved. This can be secured by a planning condition.

Recommendation

It is recommended that planning permission be **GRANTED** subject to the satisfactory comments of the Waste Services Manager and subject to the following conditions:

1. Approved Plans
2. Car parking space (details approved) - No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.
3. Cycle parking - No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.
4. Landscaping scheme to be submitted and approved.
5. Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of source control Sustainable Drainage Systems (SuDS) in consideration of the NonStatutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability including supporting calculations for the 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year), 3.33% AEP (1 in 30 year) plus climate change, the 1% AEP (1 in 100 year) and the 1% AEP (1 in 100) plus climate change critical storms. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
6. Prior to the first use of the development a Flood Evacuation Plan shall be submitted to and approved in writing to the Local Planning Authority.
7. Prior to the commencement of development precise details of replacement windows shall be submitted to and approved in writing by the LPA.
8. Provision of parking and covered cycle spaces in accordance with the approved plans and retained for the use of occupants of the development.
9. Provision and management of landscaped area to deliver the 10% biodiversity net gain.
10. Sustainable design features to be incorporated into the development in accordance with the submitted Energy Statement prior to occupation of the development.

Informatives

WSSC (Vehicle Crossover – Minor Highway Works)

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted.”

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.

20 December 2023

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

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Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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

Appeal Decision

Site visit made on 27 November 2023

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 5th December 2023

Appeal Ref: APP/M3835/W/23/3317409

1-3 South Street, Tarring, Worthing, West Sussex BN14 7LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Ross Kingston against the decision of Worthing Borough Council.
- The application Ref AWDM/1753/22, dated 25 October 2022, was refused by notice dated 31 January 2023.
- The development proposed is a car free development consisting of 2no. 2 storey 1 bedroom 2-person new low carbon dwellings.

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect that the proposed development would have on:
 - the character and appearance of the surrounding area, and
 - the living conditions of the future occupiers, regarding outlook and access.

Reasons

Character and appearance

3. The appeal site is situated on the roughly west side of South Street just north of the level crossing. The site includes the existing mostly 2 storey building at 1 - 3 South Street, a pedestrian alley between the existing building and the development at 5 South Street, and land at the back of the building, which tapers towards its far end. The alley gives access to one of the business premises and the flats in the existing building. The north platform of the adjoining West Worthing railway station, with its tall lights, security fence, shelters, and related passenger comings and goings, lies roughly south. The nearby platform, which can be reached from South Street, is a little above the level of the site. A vegetated strip of land lies roughly west, and the back gardens of the terraced dwellings at 1 to 7 (odd numbers) St Dunstan's Road and the mixed use development at 5 South Street lie to roughly north.
4. The nearby development is mainly characterised by dwellings sited close to the streets with long narrow back gardens and mixed development by or near the frontages of similar plots in South Street. The land at the back of the existing building includes a hedge by part of the boundary with the railway, shrubs, a patio, lawn, and a couple of sheds, and whilst its far end is rather overgrown, it has the character and appearance of a back garden. In association with the adjoining back gardens, and the land to roughly west, the land contributes

positively to the green corridor along the north side of the railway lines, which is important to biodiversity, and to the sense of place.

5. The proposal includes a shared garden for the occupiers of the flats in the existing building, and the 2 dwellings, which would face one another and their modest L-plan private gardens, beyond it. The dwellings would be reached solely by a footpath by the north boundary from the alley.
6. However, the dwellings would take up much of the width of the site, and they would be enclosed by tall boundary treatments, including a 3 m high acoustic screen by the railway. The scale and bulk of the 2 storey gable roofed dwellings would contrast starkly with the low-key outbuildings by the ends of the nearby back gardens. Because the dwellings would be squeezed in between the sides and backs of the adjoining back gardens and the railway infrastructure in the far end of the site, they would be poorly related to the nearby streets. So, the proposal would be at odds with the local development pattern, and it would be incongruous in views from the level crossing, nearby parts of Tarring Road, and the station platforms. Moreover, due to the proposal's built up character and appearance, it would unacceptably erode the openness and greenery by the railway lines, which are important to the sense of place.
7. The well-spaced dwellings at 310 to 318 (even numbers) Tarring Road are sited well away from the station and its platforms, and as their fronts face the road over their gardens and drives, they harmonise with the street scene there. So, this nearby development provides little support for this damaging scheme.
8. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to Policy DM2 of the Worthing Borough Council Local Plan 2020-2036 (LP) which aims to achieve the optimum density of development having regard to the site context and the character of the surrounding area, LP Policy DM5 which seeks high quality design and respect for context, guidance in the Worthing Borough Council Guide to Residential Development Supplementary Planning Document (SPD), and the National Planning Policy Framework (Framework) which seeks to achieve well-designed places, and sympathy for local character.

Living conditions

9. Due to their tight knit siting on modest plots, the tall fencing between the dwellings, the tall fences and walls in the adjoining back gardens, and the tall acoustic fence by the railway, the outlook from the dwellings' main ground floor living spaces would be harmfully oppressive.
10. The appellant's environmental noise impact assessment explains that with measures including whole house mechanical ventilation with heat recovery systems, closed triple glazed windows without trickle vents, and a 3 m tall acoustic screen by the boundary with the railway, the future occupiers' living conditions would be acceptable in their homes and gardens during the day and at night. It also appears that, as the dwellings would have enclosed protected external spaces, opened ground floor living room windows and patio doors would still achieve good to reasonable internal noise levels during the day. Even so, the occupiers, who could include shift workers, would need to keep their windows and any rooflights shut at any time when using the bedrooms. Whilst future occupiers finding these constraints unacceptable could choose not to occupy the dwellings, they weigh against the inclusivity of the scheme.

11. Due to its distance from the access in the busy and sometimes congested South Street, the proposal would include a dry riser and sprinkler systems in the dwellings in case of fire. However, even if the fire resistance of the existing building's openings onto the alley were to be acceptable, the pinch point in the narrow alley would be less than the minimum width sought by the Building Regulations. So, the only access to the dwellings would be substandard. As there would be no other means of escape from dwellings 1 and 2 and their gardens if an incident were to occur in the alley, the future occupiers could fear being trapped in their homes. Moreover, as the front doors of their homes would be barely visible from, and poorly related to, South Street and St Dunstan's Road, their occupiers would be likely to feel isolated from their neighbours to the detriment of community cohesion and their well-being.
12. Because the path to the dwellings would cross the shared back garden, the comings and goings of the future occupiers and their visitors would erode the privacy of the occupiers of the flats in their outdoor space. Tall boundary treatment between that back garden and the path's south side could protect the existing occupiers' privacy, but due to its relationships with the alley, dwelling 1 and its fence, and the existing boundary treatments in the adjoining development by the path's north side, the oppressive sense of enclosure in the only route to and from the dwellings would be unacceptably unwelcoming.
13. Thus, I consider that the proposal would harm the living conditions of the future occupiers, regarding outlook and access. It would be contrary to Policy SP3 which aims to achieve healthy, inclusive and safe places, LP Policy DM1 which seeks flexible, socially inclusive and adaptable housing, LP Policy DM5 which also seeks safe conditions for access and egress, and the Framework which aims to achieve places that are safe, inclusive and accessible and which promote well-being, with a high standard of amenity for future users.

Other matters

14. The imposition of conditions to control matters including external materials, noise attenuation measures and for a construction management plan would not overcome the harm identified in the main issues.
15. The most recent Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years, so Framework paragraph 11 d) is relevant. The proposal aims to make effective use of the site within an accessible area, and its other benefits would include 2 welcome new homes and jobs during construction. However, as the harm identified in my main issues would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, planning permission should not be granted.

Conclusion

16. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
17. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR

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Appeal Decision

Site visit made on 16 October 2023

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 27 October 2023

Appeal Ref: APP/M3835/W/23/3322164

2 Furze Close, Salvington, Worthing, West Sussex BN13 3BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Simon Mashford against the decision of Worthing Borough Council.
 - The application Ref AWDM/0033/23, dated 10 January 2023, was refused by notice dated 12 April 2023.
 - The development proposed is "Rear garden 2 bedroom bungalow development."
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. The application for outline planning permission was submitted with all matters for consideration at this stage, that is, access, appearance, landscaping, layout and scale.

Main issues

3. The main issues are the effect that the proposed development would have on:
 - the character and appearance of the surrounding area, and
 - the living conditions of the occupiers of 1 and 2 Furze Close and 42 and 44 Furze Road, regarding privacy, outlook, and noise and disturbance.

Reasons

Character and appearance

4. The appeal site includes the far end of the back garden of the existing chalet style dwelling at 2 Furze Close, and a strip of land by the boundary with 4 Furze Close to provide access from the roughly west side of the road. The existing dwelling and the rest of the plot would be under the control of the appellant. The existing dwelling would share the access, and its parking space would be included within its front garden. The site adjoins the gardens of the dwellings at 4 Furze Close to roughly north, 42 and 44 Furze Road to roughly south, and the existing dwelling and its proposed grounds to roughly east and south. The far end of the site adjoins the well-used Honeysuckle Lane/The Sanctuary field (open space), which is within the South Downs National Park. The local landform slopes down from roughly north east to roughly south west.
5. The local area is mainly characterised by detached dwellings in a range of sizes and styles sited in spacious plots of varying sizes in an informal frontage

development pattern, where most dwellings face the roads over their front gardens and/or drives. The openness and mature planting in most plots and the partly verge edged roads mitigate the transition between the built-up area and the mostly open countryside within the National Park, which has the highest status of protection in relation to landscape and scenic beauty. The openness and greenery within the area, the good levels of privacy and tranquillity in most back gardens, and its setting by the countryside contribute positively to the local suburban character, and to the sense of place.

6. The appeal site is subject to The Borough Council of Worthing Tree Protection Order No. 98 of 2001 Grassed verge, west side of the junction of Kinfauns Drive and Furze Road Nos. 1, 2, 3, 4, 5 and 8 Kinfauns Drive, Nos. 26, 28, 34, 38, 40 and 42 Furze Road and Nos. 1, 2, 4, 6, 9, 12 and 14 Furze Close, High Salvington Worthing (TPO), which took effect provisionally on 5 December 2001. The TPO includes individual tree T22 (Sweet Gum) in the east part of the site, and Group of 4 trees G8 (one Silver Birch, one Deodar, one Walnut, one English Oak) near the west end of its north boundary and partly within the adjoining garden at 4 Furze Close. Whilst there are some stumps, little remains above ground of individual tree T22 and the Group G8 trees within the existing gardens of the dwelling at 2 Furze Close, which includes the site. However, it would appear that the G8 Walnut, which has the characteristic lop-sided canopy associated with a tree that has been part of a group for most of its life, has endured in the garden next door. The G8 Walnut and other local trees subject to the TPO are important to the character and appearance of the area.
7. The proposal includes a low pitched hipped roofed 2 bedroom bungalow in the west part of the site, which would be sited at an angle to the boundaries, so its back would face roughly south west across the open space and towards the coast. The access route would lead to the turning area and flat roofed single garage, which would be sited between the appeal dwelling and the existing dwelling's proposed back garden. The appeal dwelling would be partly cut into the ground, so it would include a lower patio and a raised terrace at the back, and steps down into its irregular shaped back garden.
8. Although the main part of the site lacks the leafiness in many nearby gardens, it has some potential biodiversity value, and its open character and verdant appearance have some scenic value within the setting of the National Park. However, due to its scale and siting, the proposed dwelling would be unacceptably squeezed in, and it would be uncomfortably close to the open space. The footprint of the dwelling and its garage, and the extensive areas of hard surfaces, including the turning area, access route, terrace and patio, would leave little room for planting and almost no space for appropriate trees to grow in its shallow tapering back and side gardens. So, the built-up character of the proposal would be unacceptably damaging to its surroundings. Moreover, because the dwelling would be sited towards the back of its site, it would be poorly related to the road, and so, the proposal would be harmfully at odds with the local development pattern.
9. Whilst the scrub-like vegetation in the open space by the back of the site would have a partial screening effect in nearby views, the incongruous form of the dwelling and its terrace rising out of the sloping landform would be harmfully intrusive in the longer largely uninterrupted roughly north eastward public views across the open space. So, the proposal within its setting would fail to conserve and enhance the landscape and scenic beauty of the National Park.

10. The dwellings at 42 and 44 Furze Road have frontages to Furze Road, so they are not tandem development, and the present dwelling at 7 Furze Close replaced a previously existing dwelling. So, these nearby dwellings provide little support for this harmful proposal.
11. Therefore, I consider that the proposal would harm the character and appearance of the surrounding area. It would be contrary to Policy DM5 of the Worthing Borough Council Local Plan 2020-2036 (LP) which seeks high quality design and respect for context, LP Policy DM18 which aims to protect, conserve, and enhance biodiversity, LP Policy DM19 which aims to protect, conserve, enhance and deliver green infrastructure, and guidance in the Worthing Borough Council Guide to Residential Development Supplementary Planning Document (SPD). It would also be contrary to the National Planning Policy Framework (Framework) which aims to achieve well-designed places, and sympathy for local character, to protect and enhance biodiversity, and to take opportunities to incorporate trees.

Living conditions

12. I have had regard to the siting of the proposal and its grounds, and the nearby dwellings and their private gardens at 1 and 2 Furze Close and at 42 and 44 Furze Road, the lie of the land, the distances and relationships between them, and the orientation. Subject to the imposition of conditions to control boundary treatment and the finished ground floor level of the proposed dwelling, the proposal would not cause a harmful loss of privacy, and it would not be so overbearing or so oppressive that it would harm the outlook from the nearby dwellings and their private gardens. The activity associated with the proposal would include the comings and goings of the occupiers' and their visitors' vehicles, and it would be likely to be more noticeable than the existing activity in the back garden. However, as the site is within a mainly residential area, the proposal would not be likely to cause noise and disturbance that would harm the nearby occupiers' living conditions. The increased activity and other effects including the perception of being overlooked would be out of keeping with the local character, but these effects have been considered in my first main issue.
13. Thus, I consider that, subject to the imposition of conditions to control boundary treatment and the finished ground floor level of the proposed dwelling if the proposal were to be otherwise acceptable, the proposal would not harm the living conditions of the occupiers of 1 and 2 Furze Close and 42 and 44 Furze Road, regarding privacy, outlook, and noise and disturbance. It would satisfy LP Policy DM5 which aims for development to not have an unacceptable impact on the occupiers of adjacent properties, guidance in the SPD, and the Framework which seeks a high standard of amenity for existing and future users. So, this issue attracts neutral weight in the planning balance.

Other matters

14. As the proposal could be occupied by a small family from another area, a local family dwelling might not become available. The appellant's concerns about the Council's handling of the application are not relevant to my findings.
15. The most recent Housing Delivery Test indicates that the delivery of housing within the Borough was substantially below (less than 75% of) the housing requirement over the previous 3 years, so Framework paragraph 11 d) is relevant. The proposal aims to make better use of the site, which is within a

reasonably accessible area, and its other benefits would include a new home. Even so, as the harm identified in my first main issue would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, planning permission should not be granted.

Conclusion

16. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
17. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR



Appeal Decision

Site visit made on 16 October 2023

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 1st November 2023

Appeal Ref: APP/M3835/W/23/3320148

Carnegie House, Littlehampton Road, Worthing, Sussex BN13 1NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Bradburn of Canaveral Ltd against the decision of Worthing Borough Council.
 - The application Ref NOTICE/0019/22, dated 12 August 2022, was refused by notice dated 19 December 2022.
 - The development is proposed single storey upward extension to form 15 apartments, not exceeding the footprint of the floor below [uppermost floor] or exceeding the floor to ceiling height of lower floor levels, proposed finish to be dark grey cladding and window fenestration to match existing.
-

Decision

1. The appeal is dismissed.

Preliminary matter and main issues

2. Under GPDO Article 3(1) and Schedule 2, Part 20, Class A, planning permission is granted for up to 2 storeys of new dwellinghouses on a building which is a purpose-built detached block of flats subject to conditions, limitations and restrictions including the requirement to submit an application to the Council for prior approval. The Council is content that the proposal would satisfy all matters other than those relating to the external appearance of the building, impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light, and the highways impacts of the development. I see no reason to disagree.
3. The main issues are the effect that the proposed development would have on:
 - the character and appearance of the surrounding area,
 - the living conditions of the nearby occupiers, regarding privacy, daylight and sunlight, outlook, and noise and disturbance, and
 - highway safety in the nearby roads.

Reasons

Character and appearance

4. Carnegie House (the appeal building) includes two 3 storey flat roofed flats buildings sited well back from Littlehampton Road in mainly open landscaped grounds, with shallow side lawns, and a vehicle route between the buildings to a parking court including garages at the back. The appeal building is mainly

characterised by the rhythm in its projecting vertical brick finned balcony bays, glazed balustrades, alternate horizontal bands of cladding and glazing, partly recessed circulation spaces, and its flat roofed form. The 2 buildings differ in width, but the rhythm in their fronts and backs, and their entrances in the front of one building and the back of the other, unify their striking and harmonious composition. So, although the appeal building could benefit from some maintenance, it makes a positive contribution to the street scene in Littlehampton Road, and to the local character.

5. Opposite, the nearby mostly detached pitched roofed 2 storey dwellings, and the part flat roofed 2 storey part 3 storey 'mansard' style Chapman Court to roughly south west, are set back a little less from Littlehampton Road. The mostly hipped roofed 2 storey plus attic Butler Court buildings lie roughly west, and at the back lie the pitched roofed bungalows in Cuckfield Crescent, some of which include rooms in their roof spaces. The narrow arc roofed single storey supermarket with a 2 storey section at the back lies beyond its open car park to roughly east, and beyond that and similarly set well back, is a lengthy row of pitched roofed mainly 2 storey terraced dwellings facing Littlehampton Road. So, whilst the ages, forms and styles of the buildings differ, their scale and siting, and the openness and greenery on both sides of Littlehampton Road, contribute positively to the local suburban character, and to the sense of place.
6. The proposed 'mansard type' extension would include a single storey flat roofed upper floor over most of both buildings (excluding the balconies). Its finishes would include mostly floor to ceiling height grey framed glazed openings and grey cladding.
7. Because the bland and bulky box-like proposal would fail to respect the scale, form, character and features of the appeal building, including the rhythm in the finned bays in its principal elevation, it would be an unacceptably discordant addition. Moreover, due to its substantial scale, height and bulk, the proposal would harmfully erode the appeal building's characteristic skyline, which can be appreciated in most views from ground level. The dissonant proportions and poor alignment of the openings in the front and back of the proposal would disrupt the rhythm in the appeal building's well-ordered composition. So, the proposal would harm the character and appearance of the appeal building.
8. Whilst the appeal building is about as tall as the taller part of the nearby Chapman Court on the opposite side of the road, its scale is moderated by its flat roofed form, so it harmonises with its surroundings. Because the proposal would be much taller than the nearby buildings, it would be unacceptably incongruous, and particularly so, in westward views along Littlehampton Road. Due to its height, bulk and scale, the proposal would harmfully dominate the longer southward views along the east part of Cuckfield Crescent. Moreover, because the proposal's form would contrast starkly with the character and appearance of the appeal building, it would diminish its positive contribution to the local character. So, whilst an upper floor extension might be acceptable where there are other similarly tall or taller buildings nearby, the proposal would be unacceptably damaging to the sense of place.
9. The design of the narrower Carlton House differs from the proposal, and it would be sited next door to a 3 storey plus attic building, by the edge of a local centre, where the local character differs. I have also had regard to my colleague's appeal decisions ref APP/M3835/W/21/3269452 and

APP/M3835/W/21/3269455. However, the design of the building before my colleague differs from that of the appeal building, and his decision predates current case law. So, the circumstances of these other schemes differ from those of the proposal before me.

10. Therefore, I consider that the proposal would harm the character and appearance of the surrounding area. It would be contrary to the National Planning Policy Framework (Framework) which seeks the creation of high quality, beautiful and sustainable buildings and places, and sympathy for local character.
11. Thus, the proposal would not be acceptable in respect of paragraph A.2 (1)(e) of GPDO Schedule 2, Part 20, Class A.

Living conditions

12. The nearby occupiers most likely to be affected by the proposal would include the occupiers of the nearby dwellings in Cuckfield Crescent, and the appeal building. Some of the nearby back gardens in Cuckfield Crescent include tall vegetation near the common boundary, but for reasons including that it is not statutorily protected, that planting could not be relied upon to partly screen the proposal in the long term. Even so, some degree of mutual overlooking would reasonably be expected within the built-up area. Due to the distances and relationships between the nearby dwellings in Cuckfield Crescent and the proposal, and as the proposal would include broad blocks of floor to ceiling glazing, the overlooking that could occur from the proposed flats would be likely to cause a harmful loss of privacy for the occupiers of those dwellings. However, that harm could be overcome by the imposition of a condition for the lower parts of the rear facing windows to be solid or obscure glazed if the proposal were to be otherwise acceptable.
13. Having regard to the distances and relationships between the proposal and the nearby dwellings in Cuckfield Crescent and their back gardens, and their orientation, the proposal would not be likely to cause an unacceptable loss of daylight or sunlight. For similar reasons, the proposal would not be so overbearing or so oppressive in the outlook from the back gardens and the backs of the nearby dwellings in Cuckfield Crescent that it would harm the occupiers' living conditions. Moreover, as the appeal building and the proposal would be in the same use, and there would be little change to the present parking layout, the activity related to the proposed flats, including the comings and goings of the future occupiers and their visitors, would not be likely to cause noise and disturbance that would harm the living conditions of the appeal building's occupiers.
14. Thus, I consider that, subject to the imposition of a condition to control the finishes and cill heights of the rear facing openings, the proposal would not harm the living conditions of the occupiers of the nearby dwellings in Cuckfield Crescent, regarding privacy, daylight and sunlight, and outlook, and that it would not harm the living conditions of the occupiers of the appeal building, regarding noise and disturbance. It would satisfy the Framework which seeks a high standard of amenity for existing and future users.
15. So, subject to the imposition of a condition to control the finishes and cill heights of the rear facing openings, the proposal would be acceptable in respect of paragraph A.2 (1)(g) of GPDO Schedule 2, Part 20, Class A.

Highway safety

16. There are 48 flats within the appeal building and roughly 50 on-site parking spaces, which include roughly 20 spaces provided in allocated garages and roughly 30 unallocated spaces, so there is roughly one parking space for each flat. No on-site parking spaces would be provided for the proposed flats. If the future occupiers were to use the unallocated parking spaces, there would be roughly 0.7 parking spaces for each existing or proposed flat without an allocated garage space, so the proposal could reduce the on-site parking available to the existing occupiers.
17. However, the site is in a reasonably accessible location, with a supermarket next door, and within reasonable walking distance along well-lit pavements on both sides of the road to the local shops and services in the local centre by the Thomas a Becket crossroads. There are good public transport links including 4 nearby bus routes to other parts of the town and further afield, and the proposed 15 secure and covered cycle parking spaces would promote the future occupiers' use of sustainable transport modes. So, the future occupiers would not need to drive a car to meet most of their travel needs.
18. Vehicles already park in the on-site vehicle route at times, and as most drivers unable to park in an on-site space would be unlikely to park dangerously close to the access or in the relatively busy Littlehampton Road, they would be likely to park in other nearby streets. Even so, there is almost no technical evidence before me to show that there is unacceptable parking stress in other nearby streets, or that on-street parking could lead to hazardous starting, stopping, reversing and turning manoeuvres in the nearby streets caused by drivers hunting for spaces, which would be likely to endanger highway safety. Moreover, the developments at Carlton House and 12 Littlehampton Road, roughly one fifth of a mile away, would have or have similar or less on-site parking, and were found acceptable by the Council. The highway authority has not raised concerns about on-site parking, and I see no reason to disagree.
19. Thus, I consider that the proposal would not be likely to endanger highway safety in the nearby roads. It would satisfy the Framework which aims to promote walking, cycling and public transport use, and to only prevent development on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
20. So, the proposal would satisfy paragraph A.2 (1)(a) of GPDO Schedule 2, Part 20, Class A.

Conclusion

21. In conclusion, the proposal would not be acceptable in respect of paragraph A.2 (1)(e) of GPDO Schedule 2, Part 20, Class A.
22. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR



Appeal Decision

Site visit made on 9 October 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2023

Appeal Ref: APP/M3835/W/23/3321108

**Land west of 70 Parham Road, Offington, Worthing, West Sussex
BN14 0BN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Neal Roberts against the decision of Worthing Borough Council.
 - The application Ref AWD/1952/22, dated 8 December 2022, was refused by notice dated 2 February 2023.
 - The development proposed is the erection of a contemporary 1 1/2 storey 2 bedroom eco-house (suitable for 4 people), with access and parking off Parham Road.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 28 March 2023 the Council adopted the Worthing Local Plan 2020-2036 (the WLP). This has resulted in some of the policies referred to in the Council's decision being replaced by the newly adopted policies. I have determined the appeal on the basis of the most up-to-date development plan. The appellant has had an opportunity to comment on the implications of this change and I have taken their comments into account in coming to my decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupants of No 70 Parham Road (No 70), with regard to outlook, noise and disturbance.

Reasons

Character and appearance

4. The appeal site is located to the rear of No 70, the last in a row of dwellings fronting Parham Road. The dwellings on this side of Parham Road are typically single-storey and set back from the road contributing to the spacious character of the area. The land slopes significantly up from Parham Road towards Mill Lane, elevating the position of dwellings fronting Parham Road. Development to the rear of the dwellings is limited, although the dwellings at Mill Lane are visible on higher ground further to the rear.

5. Although the land rises significantly to the side of No 70 where the access and garden area is proposed, the dwelling would be positioned on levelled land. The part one-and-a-half storey part single-storey dwelling would be on land significantly higher than the dwelling at No 70. The elevated position of the dwelling means that it would be visible from both Parham Road and Durrington Cemetery.
6. The proposal, by virtue of its position to the rear of No 70, would relate poorly to the surrounding development and the street scene. Whilst the design and layout of the proposal has sought to take into account the conditions of the site, the constrained size and irregular shape of the site would result in a cramped development that would not relate to the context of the area.
7. My attention is drawn to development at 11A Parham Road, which is discreet and screened in views from the street, and development at Wayback, which is a historic backland plot. Whilst I note that Wayback is to the rear of development along Parham Road, the dwelling (and the two newer dwellings beyond it) are on a lower land level where the visual effect on the surroundings is reduced. Conversely, whilst the proposal would be relatively small in scale, it would have a greater and disproportionate visual impact as a result of its raised position and relative height.
8. I conclude that the proposal would harm the character and appearance of the area. On this basis, that the development would conflict with WLP policies DM1, DM2, and DM5 and the National Planning Policy Framework (the Framework), which requires proposals to be of a high quality design sensitive to the characteristics of the local area.

Living conditions

9. The site comprises an L-shape adjacent to the side and rear boundary of No 70. The dwelling would extend across the majority of the width of No 70. The single-storey element would be partially visible above the boundary, however the larger part would be prominent in views from No 70. The height of the main part of the dwelling, combined with the raised land level at the site and the proximity to No 70, would dominate the outlook of the occupants of No 70 within the dwelling and from the garden. Furthermore, whilst the lack of openings at first floor level would preserve the privacy of the occupants of No 70 and would not result in a perception of overlooking, the blank façade would be unneighbourly, adding to the harm in respect of outlook.
10. The site access and parking area serving the development would be immediately adjacent to the side of No 70. Although there would be an increase in noise and disturbance as a result of the comings and goings at the site, the harm would be limited due to the small scale of the development. The provision of an enhanced boundary treatment, secured by condition, could remove the limited harm that this would cause.
11. I conclude that the proposal would harm the outlook of the occupants of No 70. The harm in respect of noise and disturbance could be mitigated subject to an appropriate condition. On this basis, the proposal conflicts with WLP policy DM5 and the Framework, which requires new development to not have an unacceptable impact on the outlook of occupiers of adjacent properties and provide a high standard of amenity for existing and future users.

Other Matters

12. The proposal would make a positive contribution to housing supply within walking distance of services and facilities with associated social and economic benefits during the period of construction and once the dwelling is occupied. However, whilst I acknowledge the commitments of the Worthing Action Plan document, the contribution of a single self-build dwelling to meeting housing need in Worthing through a more efficient use of land in an urban area and the associated benefits are limited by the scale of development proposed.
13. The scheme would deliver an environmentally sensitive building, which would incorporate energy and water efficiency measures, and would be accessible and adaptable. In addition, the proposal would provide an opportunity to deliver biodiversity enhancements in accordance with WLP Policy DM18. Furthermore, the dwelling would provide internal space in excess of that required within the Space Standards SPD. Nevertheless, I note that these elements are minimum requirements of planning policy and are therefore neutral in the planning balance.
14. The development would improve security and would tidy up a relatively unkempt site. There is nothing before me to indicate that the site is a focus for anti-social behaviour, whilst the current appearance of the site is largely contained, with only the access point being readily visible within the surroundings.
15. I note the reference to processing of applications and other correspondence relating to this site. However, this is not relevant to my consideration of the planning issues arising from consideration of the appeal scheme.

Planning Balance

16. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the WLP, with the associated conflict reflecting harm to character and appearance of the area and to the living conditions of occupants of adjacent properties. The development conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
17. The most recent Housing Delivery Test indicates that the delivery of housing within the Borough was substantially below (less than 75% of) the housing requirement over the previous 3 years. The Council's statement concedes that the delivery of housing stands at 35%.
18. Paragraph 11 d) of the Framework states that in these circumstances the policies which are most important for determining the application are out-of-date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. In the particular circumstances of this case, I have concluded that the effect on the character and appearance of the area and to the living conditions of occupants of adjacent properties conflict with policies of the Framework. The adverse impacts would therefore significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

Conclusion

20. The proposal conflicts with the development plan when considered as a whole. The material considerations in this case do not indicate that the application for planning permission should be determined otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR



Appeal Decision

Site visit made on 9 October 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2023

Appeal Ref: APP/M3835/W/23/3321394

The Drive, Mill Lane, Worthing, West Sussex BN13 3DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ryan Flippance of Harlington Homes against the decision of Worthing Borough Council.
 - The application Ref AWD/0448/22, dated 11 March 2022, was refused by notice dated 23 March 2023.
 - The development proposed is the erection of 4no. 3-bedroom semi-detached houses on Plots 1 and 2.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 28 March 2023 the Council adopted the Worthing Local Plan 2020-2036 (the WLP). This has resulted in some of the policies referred to in the Council's decision being replaced by the newly adopted policies. I have determined the appeal on the basis of the most up-to-date development plan. The appellant has had an opportunity to comment on the implications of this change.
3. The description of development within the application form stated that the proposal was for 4 No 4-bedroom semi-detached houses. However, the plans show that the houses would comprises 3-bedroom dwellings and there was agreement between the parties in respect of the change of description. I have therefore used that revised description.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - the effect on the living conditions of neighbouring properties with regard to outlook, daylight/sunlight, privacy and noise and disturbance.

Reasons

Character and appearance

5. The appeal site is part of a small development of detached two-storey dwellings, some of which are under construction. The dwellings have a traditional character and appropriate material finishes. The site, accessed via a narrow track from Mill Lane, has a secluded feel being located to the rear of

dwellings fronting Mill Lane, High View and Hayling Gardens. Development abutting the site at Mill Lane and High View typically consists of detached bungalows and chalet-style dwellings and has a spacious feel allowing views through properties towards the site.

6. The proposed buildings would broadly occupy the footprints of two detached dwellings approved under an earlier planning permission¹. The proposed dwellings would be significantly larger, as a result of their greater depth, but particularly above first floor level where accommodation would be provided within the roofspace. The substantial mass of the buildings would be discordant with the smaller, well-proportioned size of the surrounding development, eroding the harmonious character of the small group of dwellings.
7. The buildings, with their significant height and bulk above first floor level, would dominate the surrounding development at Mill Lane and High View. The development would appear particularly prominent above the bungalows fronting Mill Lane, and would be disproportionate and detrimental to the character of the area. Whilst a scheme of landscaping may soften the effect of the proposal, this would not mitigate the harm resulting from the scale and bulk of the development.
8. I conclude that the proposal would harm the character and appearance of the area. On this basis, the development would conflict with WLP policies DM1, DM2, and DM5 and the National Planning Policy Framework (the Framework), which requires proposals to be of a high quality design sensitive to the characteristics of the local area.

Living conditions

9. The proposed dwellings would be positioned to the rear of No 1 High View (No 1) and No 2 High View (No2) and opposite Raddison House and Plot 4. The dwellings would be closer to the boundary than the approved scheme. The scheme would include first floor windows and rooflights in the rear elevation, facing towards No 1 and No 2. The first-floor windows would serve bedrooms, whilst the rooflights would serve en-suite bathrooms and dressing areas.
10. The first-floor windows would allow for overlooking towards the properties to the rear, in particular No 1. Although mutual overlooking between properties is more prevalent in urban areas such as this, the proximity of the proposed dwellings would result in a significant loss of privacy, which would unacceptably impact upon its enjoyment by occupants of No 1. Whilst the windows and balconies on the front elevation would face towards Raddison House and Plot 4, the separation distance and the intervening public realm would mean that there would not be an increase in the amount of overlooking towards the windows on the front elevations of these properties.
11. Although the buildings would have a significant height, the supplemental planting on the rear boundary of the development alongside the drop in land levels would limit the visual effect on the occupants of No 1 and No 2. However, Raddison House and Plot 4 sit at a lower level than the proposed buildings, and the excessive height would therefore make the development appear overly dominant and would harm the outlook from these properties.

¹ AWDM/0615/13

Furthermore, the dwellings would appear overbearing to the occupants of Plot 3B by virtue of its proximity to the dwellings and the scale and bulk.

12. The orientation, separation distance and difference in land levels would ensure that there would be no loss of daylight or sunlight to No 1 and No 2. In addition, the orientation of the dwellings relative to Raddison House, Plot 3B and Plot 4 would preserve the amount of daylight and sunlight for these properties.
13. I acknowledge that the increase in the number of dwellings at the site would generate more comings and goings. However, any effect would be limited due to the small scale of the development. In addition, the site is within a residential area and the addition of two properties would not demonstrably increase in noise and disturbance.
14. I conclude that whilst the proposed development would cause harm in respect of privacy and outlook. On this basis, the proposal conflicts with WLP policy DM5 and the Framework, which requires new development to not have an unacceptable impact on the outlook of occupiers of adjacent properties and provide a high standard of amenity for existing and future users.

Planning Balance

15. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the WLP, with the associated conflict reflecting harm to character and appearance of the area and to the living conditions of occupants of adjacent properties. The development conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
16. The most recent Housing Delivery Test indicates that the delivery of housing within the Borough was substantially below (less than 75% of) the housing requirement over the previous 3 years. The Council concedes that the delivery of housing stands at 35% of the housing requirement.
17. Paragraph 11 d) of the Framework explains that in these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. The proposal would make a positive contribution to housing supply within walking distance of services and facilities with associated social and economic benefits during the period of construction and once the dwellings are occupied. However, the contribution of two additional dwellings to meeting housing need in Worthing through a more efficient use of land in an urban area and the associated benefits are limited by the scale of development proposed.
19. In the particular circumstances of this case, I have concluded that the effect on the character and appearance of the area and to the living conditions of occupants of adjacent properties conflict with policies of the Framework. The adverse impacts would therefore significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

Conclusion

20. The proposal conflicts with the development plan when considered as a whole. The material considerations in this case do not indicate that the application for planning permission should be determined otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR