



WORTHING BOROUGH
COUNCIL

10 September 2019

WBC Planning Committee	
Date:	18 September 2019
Time:	6.30 pm
Venue:	Gordon Room, Worthing Town Hall

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

NOTE:

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail democratic.services@adur-worthing.gov.uk before noon on Tuesday 17 September 2019.

Agenda

Part A

1. Substitute Members

Any substitute members should declare their substitution.

2. Declarations of Interest

Members and Officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such as interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

Members and Officers may seek advice upon any relevant interest from the Monitoring Officer prior to the meeting.

3. Confirmation of Minutes

To approve the minutes of the Planning Committee meetings of the Committee held on 21 August 2019, which have been emailed to Members.

4. Items Raised Under Urgency Provisions

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

5. Planning Applications (Pages 1 - 46)

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

6. Public Question Time

So as to provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by midday on

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

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

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

Part B - Not for publication - Exempt Information Reports

Recording of this meeting

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

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk	Mustafa Khan Lawyer 01903 221358 mustafa.khan@adur-worthing.gov.uk

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

Planning Committee
18th September 2019

Agenda Item 5

Ward: ALL

Key Decision: ~~Yes~~ / No



WORTHING BOROUGH
C O U N C I L

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/0848/19

Recommendation – Approve

Site: 151 Rowlands Road, Worthing

Proposal: Conversion of existing care home (Class C2) to provide 19 no. affordable residential units (Class C3) comprising 4 x 2 bedroom flats, 14 x 1 bedroom flats and 1 x bedsit) involving two storey extension replacing conservatory, single-storey extension, pitched roof dormer, enlarged dormer and flat roof dormer to South elevation; flat roof dormer, single-storey extension and roof light to West elevation; mechanical smoke extract outlet to roof; alterations to fenestration and internal alterations. 7no. parking spaces.

2

Application Number: AWDM/1192/18

Recommendation – Approve

Site: 14 West Avenue, Worthing

Proposal: Change of use of ground floor (14 West Avenue and Eastcourt, Mill Road) to restaurant (Class A3) with associated bar and function room. Change of use of first-floor of 14 West Avenue to visitor accommodation (Class C1) and change of use of first-floor of Eastcourt, Mill Road to 2-bedroom flat (Class C3).

3

Application Number: AWDM/1129/19

Recommendation – Approve

Site: 28 Gerald Road, Worthing

Proposal: Part two-storey and part single-storey rear extension to north elevation and rooflight to east roof elevation.

Application Number: AWDM/0848/19

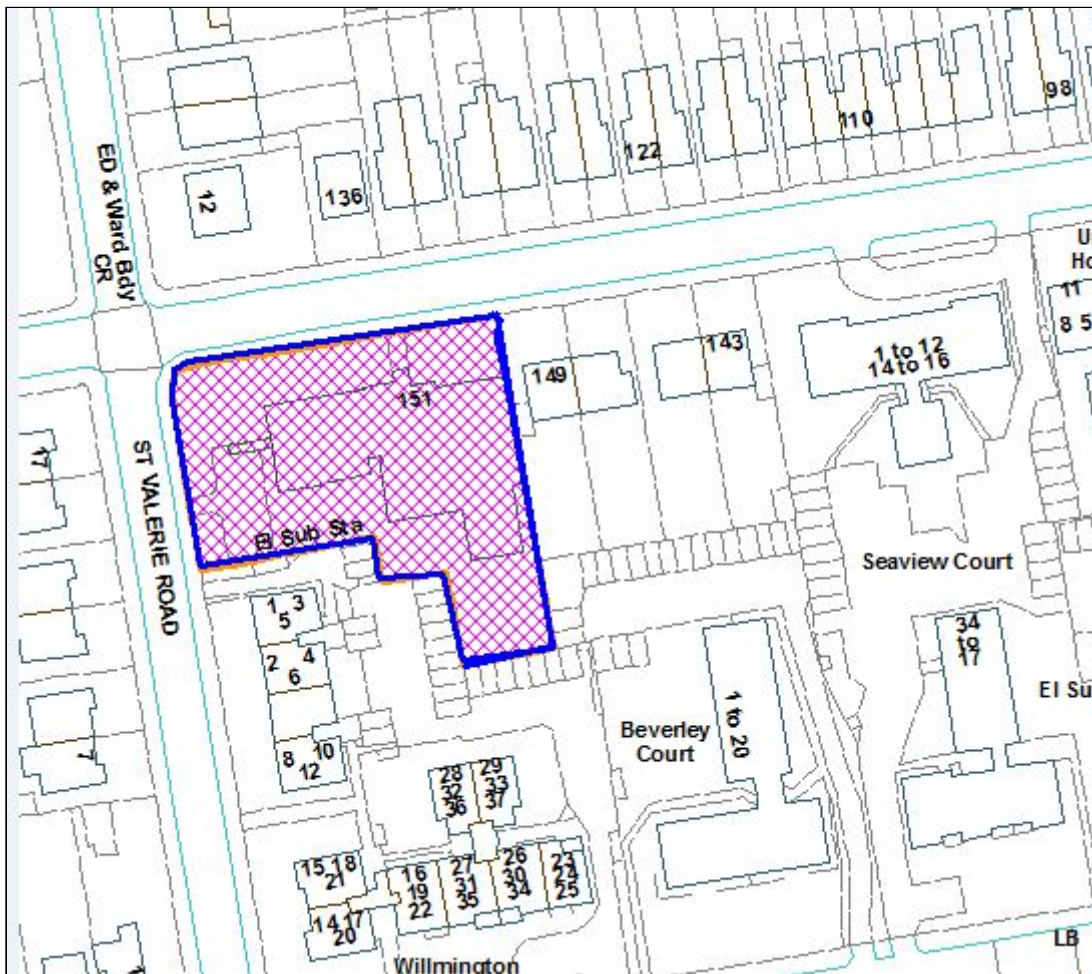
Recommendation – APPROVE

Site: 151 Rowlands Road Worthing West Sussex BN11 3LE

Proposal: Conversion of existing care home (Class C2) to provide 19 no. affordable residential units (Class C3) comprising 4 x 2 bedroom flats, 14 x 1 bedroom flats and 1 x bedsit) involving two storey extension replacing conservatory, single-storey extension, pitched roof dormer, enlarged dormer and flat roof dormer to South elevation; flat roof dormer, single-storey extension and roof light to West elevation; mechanical smoke extract outlet to roof; alterations to fenestration and internal alterations. 7no. parking spaces.

Applicant: Worthing Borough Council
Case Officer: Jo Morin

Ward: Heene



Not to Scale

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This application was deferred by Committee members at the last meeting for officers to consider the density and internal layout of the proposal to provide more 2-bedroom units, and to clarify the sustainability credentials of the proposals with particular regard to sound-proofing and thermal insulation.

There has been no change to the proposed layout since the last Committee meeting, which would provide 19 affordable dwelling units comprising the following mix:-

Number of Units	Unit Type	Unit Occupancy	Unit Size (Range)	Minimum Nationally Described Space Standard
1	Bedsit	1-person	41.5sqm	37sqm
10	1-Bedroom	1-person flat	37.1sqm to 44.5sqm	37sqm
4	1-Bedroom	2-person flat	50.5sqm to 56sqm	50sqm
2	2-Bedroom	3-person flat	62sqm to 66.5sqm	61sqm
2	2-Bedroom	4-person flat	70sqm to 72.5sqm	70sqm

These units will accommodate residents in housing need, on a temporary or 'transitional' basis, and is intended to reduce an existing reliance on meeting such need through Bed & Breakfast accommodation or out of Borough.

Further information has been received from the applicant team to support the proposals, which has been appended to this report, comprising:-

- Appendix 1 - Supporting Statement from the Head of Housing of Adur and Worthing Councils;
- Appendix 2 - Thermal (U value) and Acoustic (db) Upgrade Strategy for conversion of the building to flats (Crowther Architect Associates).

The officer report below has been updated to address comments previously set out in the Addendum Report to the last meeting.

Site and Surroundings

The application relates to a large detached Edwardian building (1906) occupying a larger than average corner plot (0.2ha in area) located on the south side of Rowlands Road on the east side of its junction with St Valerie Road. The building is currently vacant but was last used as a care home (Class C2) for Masonic ladies, with occasional lodge meetings and ceremonies ancillary to that use. It is understood the care home use was slowly run down over a period of time until there was just one resident in occupancy.

The original detached hipped-roof dwelling consists of brickwork at ground-floor with a rendered upper with decorative mock 'Tudor' boarding (now painted over) under a plain clay-tiled roof with bonnet hip tiles and finials. The character of the original dwelling has been diluted by unsympathetic roof extensions, UPVC replacement windows and an oversized 2-storey extension (with rooms in the roof) added to the

west side in the mid-1970s. However, a number of character features remain including a grand entrance porch with stained glass side lights, arched door opening and solid timber door fronting Rowlands Road, plus chimneys and exposed rafter feet at eaves level and edging the original square bay window and porch. The north and west site boundaries are enclosed by attractive traditional flint and brick walls approximately 1 metre high with taller piers and 'buttresses' framing the pedestrian entrance leading to the front door.

There are currently 2 vehicle accesses serving small parking areas, one access from Rowlands Road and the other from St Valerie Road.

The site is not located in a conservation area and the building is not statutorily or locally listed. There are a number of mature trees on the site and a Tree Preservation Order (No.19 of 2000) covers a group of ten trees (G.1) adjacent to the northern and western site boundaries and a group of 4 trees (G.2) in the south-east part of the grounds.

The surrounding area is primarily residential in character consisting of a mix of detached and semi-detached houses dating from the early to mid-20C interspersed with mid to late-20C low-rise flat blocks typically set within landscaped grounds with rear garage compounds.

Proposal

Permission is sought for the conversion and extension of the existing building to provide 19 no. residential flats (Class C3) consisting of 4 x 2-bedroom units, 14 x 1-bedroom units and 1 bedsit unit, with 7 on-site parking spaces.

The proposed dwellings will provide transitional affordable accommodation for those in need until permanent accommodation becomes available, and to reduce reliance on the use of Bed & Breakfast accommodation.

As originally submitted the proposed external alterations consisted of:-

- Single-storey extension (10.7 metres wide and 2.9 metres deep) with part pitched, part flat roof attached to the north elevation fronting Rowlands Road;
- Replacement of the existing conservatory on the south (rear) elevation with 2-storey extension (6.8 metres wide x 2.9 metres deep) with parapet flat roof 6.9 metres high.
- Single-storey addition (2.6 metre wide x 4.6 metres deep) with parapet flat roof attached to west side of existing single-storey, flat-roofed rear extension.
- Single-storey flat-roofed infill extension (2.9 metres wide x 3.1 metres deep) within existing courtyard linking main building to existing outbuilding (adjacent to eastern site boundary).
- Insertion of roof light and formation of 'blind' box dormer (3.3 metres wide and 1.6 metre high) at second-floor on west side roof slope;
- Formation of door opening at ground-floor on west side elevation to new services cupboard;
- Widening of existing dormer at second-floor on south (rear) roof slope by 2.6 metres on east side;
- New box dormer at second-floor on rear (south) roof slope of original dwelling;

- New dormer pitched-roof dormer (1.7 metres wide) at second-floor on rear (south) roof slope projecting from existing ridge;
- Formation of mechanical smoke extract outlet (3.7 metres wide x 1.2 metres deep) on existing roof at the western end of the building;
- Blocking up of existing window/door openings at ground-floor on the south and west elevations and replacement of existing UPVC windows in UPVC. [The existing large timber windows facing the courtyard serving Flats 2 and 3 to be repaired and refurbished.]

Following discussion the proposed single-storey extension on the front (north) elevation has been omitted, as has the pitched-roof dormer on the south elevation and the design of the 'blind' box dormer on the west elevation altered to include windows.

The shared garden amenity space to the north, west and south will remain with the existing trees and boundary planting retained.

The main residential access into the building will be from the existing main entrance on the north side fronting Rowlands Road, with a secondary entrance on the west side of the building. A new disabled access platform ramp is proposed to the north side entrance. This will involve reconfiguring the existing external steps and removing a section of the existing feature brick wall which frames the entrance path, but will not necessitate altering the existing porch structure. A reconfigured access ramp is proposed to serve the secondary entrance.

Seven car parking spaces are proposed, 3 no. in an enlarged parking area to the north accessed from Rowlands Road (with slight adjustment of the existing access), and 4 no. spaces (including 2 no. disabled bays) in the existing parking area to the west utilising the existing access from St Valerie Road.

Refuse and re-cycling is split into 2 areas, one adjacent to the north parking area adjoining the eastern site boundary and one adjacent to the western parking area adjoining the southern site boundary.

The application is supported by a Planning Statement, a Design and Access Statement (Crowther Associates) and Arboricultural Survey and Report (Ramsey & Co).

Consultations

West Sussex County Council: The Local Highway Authority has raised no objection, commenting:-

“Access Arrangements & Parking

Vehicles and pedestrian access points will remain as existing, from the unclassified Rowlands Road and St Valerie Road, both subject to 30mph speed restriction and unrestricted on-street parking in this location. Primary access will be from Rowlands Road, where 3 x car parking spaces will be accessed, with the remaining 4 x car parking spaces accessed via the existing access to St Valerie Road.

The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There has been a recorded injury accident at the junction of Rowlands Road and St Valerie Road. From an inspection of accident data it is clear that this was not related to use of existing access points. There is no evidence to suggest that the existing site access points have been operating unsafely or that the proposed change of use would exacerbate an existing safety concern.

The LHA acknowledge resident concerns with respect to existing on-street parking. Whilst the nearby junction is not protected by double yellow lines this is considered an existing scenario. Onus is on driver to park responsibly without causing a highway safety concern - the proposals are not anticipated to detrimentally alter the existing situation and thus it is not considered that double yellow lines could be justified as reasonable and necessary/relevant to the development, as per National Planning Policy Framework (NPPF) six tests of planning conditions.

Using the proposed habitable room and social housing tenure of the 19 x flats the WSCC Car Parking Demand Calculator envisions a demand for 11 x car parking spaces total, on the basis that these are unallocated. This is a shortfall of 4 x spaces, as a total of 7 are proposed. This is not anticipated to result in a 'severe' impact to safe operation of nearby public highway, though the Local Planning Authority (LPA) may wish to assess the impact of additional on-street parking from an amenity perspective.

Accessibility

The site is served by street lit footways with bus stops within walking distance that offer routes to various nearby destinations. West Worthing Train Station is a 6 minute bicycle ride distant and bicycle storage will be provided for the flats in line with WSCC standards.

Worthing town centre is within a mile walk and some limited services and amenities, such as pharmacy is within 0.2 mile of the site.

The location of the site is considered suitable for sustainable means of transport to be used and therefore a reliance wholly on the private car is not considered necessary for all daily trips. The proposals therefore meet with paragraph 108 of the NPPF in that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.

Conclusion

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

Conditions relating to the provision of car and secure cycle parking as shown, and the approval and implementation of a construction method statement and plan are recommended.

Adur & Worthing Councils:

The **Environmental Health Officer** comments that as this is a major application, consideration must be given to air quality issues. The applicant must follow the Air Quality & Emissions Mitigation Guidance for Sussex (2019). This states that where a major sized development is proposed a number of checklists should be followed in order to determine the likely impact on air quality. The intention of the guidance is to identify air quality impacts through an impact assessment and ensure the integration of appropriate mitigation via an emissions mitigation assessment. The purpose of an emissions mitigation assessment is to assess the emissions from a development and determine the appropriate level of mitigation required to help reduce/offset the potential effect on health and the local environment.

The **Tree and Landscape Officer** comments that although pleased no trees will be lost has concerns regarding the north side of the building where the living area is being extended toward the [protected] trees beyond the original footprint. As the crowns are already close to the building the officer considers this will put future pressure onto the trees of group G1.

The **Private Sector Housing Manager** has requested an informative is attached to any permission advising that some aspects of the development may result in hazards that require action under the Housing Act 2004. In particular, F/11 has an inner room and fire escape windows at 1st floor or above are not acceptable under the Housing Act. The large 'store' for F/17 on the second floor would be too easily used as a habitable room, also creating an inner room. Compliance with Building Regulations will not necessarily address the hazards identified and the Applicant is advised to 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.

The applicant's agent has since clarified that the submitted revised plans have addressed comments in relation to Flatt 11 and this flat has been reconfigured. In respect of Flat 17, the 'store' was labelled as such because of height restrictions however this has been addressed on the revised plan through internal reconfiguration.

The **Engineer** comments that the site lies in flood zone 1 and is unaffected by modelled surface water flooding. Proposals for surface water drainage are considered to be appropriate.

Southern Water Services: No objection in principle. A condition requiring details of the proposed foul and surface water disposal to be approved is recommended.

An informative is requested advising the developer that a formal application for connection to the public sewerage system is required.

A sewer now deemed to be public could be crossing the site and the developer is advised to contact Southern Water for advice.

Representations

33 representations objecting to the proposals have been received from the occupiers of 104, 112, 120, 122, 126, 128, Ground and Top Flats 130, 132, 134, 136, 145, 149, 155, 155A Rowlands Road; Flats 1, 7 Beverley Court; 41, 45 Bath Road; 1, 11, 12, 13, 17 St Valerie Road; Flats 22, 23, 32 Wilmington Court; 6, 8 Manor Road raising the following concerns which have been summarised:

- Overdevelopment: The site has been used as a care home for 16 individuals for many years the proposed is to develop 19 residential flats which will result in many more individuals living on the site than previously, potentially up to 40 people. The site is not large enough to accommodate this number of flats/people and will put pressure on local the local area/people.
- Provision of 7 parking spaces is woefully inadequate. As the road lies outside the CPZ it is already difficult to park on-street during the day as it is used by non-residents. This development will add more pressure making it even harder for residents to park near to their homes and especially tricky for someone with a newborn baby.
- The road is used as a rat-run and cars drive at speed down the road. More cars parked on the street will add to existing dangers and accident risk. Just reversing out of the driveway is dangerous with the number of parked cars on the road and speeding traffic and has already resulted in accidents. Parking provision on the site is grossly inadequate for the number of dwellings and will obviously lead to more cars on the road and more accidents. The development should be drastically reduced in scale for simple safety reasons.
- The submitted Statement states that limited [on-site] parking is available to reflect the likely short-term tenancy arrangements for the flats. In reality, tenancies are likely to be for 2 or even 3 years.
- The Planning Statement gives a very stereotypical assumption about levels of car ownership of the future tenants but without any supporting evidence. In reality the Council will have no regard to the car-owning status of prospective tenants.
- The only feasible solution to the problem of insufficient parking provision would be to demolish the existing building and building flats with an underground car park to provide one parking space for each flat and their visitors.
- If in due course a modern block of flats is built to replace the existing building the design must be in-keeping with the surrounding Edwardian houses. The heavy period wooden front door and entrance to the existing building is of particular interest with its original stained glass in place. This should be salvaged and reused, mixing the old and new in a modern building yet retaining the character of the area.
- Understand that housing is needed for local people and would not object to a reduced number of dwelling units with more on-site parking.
- The front door and stained glass porch is of particular interest and it would be preferable to use the existing wheelchair access at the St Valerie Road entrance to the building rather than damage this period feature.
- The majority of occupiers will not be families thereby changing the whole demographic of the area which is prescribed in the land registry as a 'family area'.

- Why has the development been so poorly thought out that the Private Sector Housing team has raised concern.
- The mature Beech tree on the frontage requires a tree root protection radius of 9.6 metres and the Maple a tree root protection radius of 5.4 metres, yet the proposed 3 metre deep front extension requires foundations to be dug which are only 3.5 metres from these trees. The trees are under a protection order, providing a picturesque covering to the west wing and the threat to their safety and health by cutting roots is of utmost concern. The single-storey front (north) extension will damage or even kill the mature trees in front of the building.
- Concerned about future grounds maintenance with the Council looking to cut costs and save money.
- The proposed encroachment of the front building line breaches a covenant on the land dating from its sale in 1869. Whilst not considered under planning law it would not be good PR for the Council to breach a covenant. Internal reconfiguration could provide a similar number of units, but for bedsits rather than flats.
- A couple of the flat layouts do not satisfy Building Regulations for fire safety.
- Some simple internal reconfiguration to the internal west wing corridor on the first-floor and installation of means of escape windows could do away with the obtrusive zinc-covered smoke extract on the roof and would save money.
- The felling and topping of trees on the site will be detrimental to the area.
- The proposed foundation design of the north side extension is at odds with the specification given by the specialist landscape architect. The architect has specified the use of 'driven screw piles' to support the extension structure whereas the landscape architect stipulates that all excavation within the root protection areas to be undertaken manually with hand tools (or air spade) in order to protect the tree roots – no machinery to be used. Any form of pile placed within the tree root area has the potential to cut or damage roots as the piles are driven blind into the subsoil. Furthermore, the ground around the pile becomes compacted and has an additional damaging effect.
- Neighbouring properties will be overlooked and privacy compromised if existing trees are trimmed or removed.
- The Statement by ECE is fallacious in parts:
 - i) It incorrectly states the building dates from 1970s whereas the brickwork above the front door clearly shows it was constructed in 1906, as is evident by the many traditional period features of the building which contributes to the pleasurable character of the surroundings.
 - ii) It incorrectly states the building was used as a respite accommodation centre for wives and carers of members of the Masons. This is untrue. The building was never used for respite accommodation but was used as a care home and meeting place for lady masons whose families could no longer care for them. The description of the proposal should be corrected.
 - iii) It states that the proposed development will remain in scale with the surrounding built area within the existing footprint with only small extensions to the north and south. However, the proposed 'small' extension to the north extends 3 metres and breaks the housing line for the road and would be further forward than the main entrance. The development does not therefore remain in scale with the surrounding built area. Building an extension to the front of a property which strides the housing line is not a result of good architecture.

iv) The Statement states that the proposed development will incorporate an insulated external fabric but no further details are provided. Will the feature wood paneling on the front of the building be re-fitted? Will the brickwork at ground-floor remain visible?

v) 1 St Valerie Road is not the closest building to the south and is on the junction with Bath Road. Nos. 3 and 5 St Valerie Road do not exist.

- The Statement references paragraph 127 of the NPPF but does not detail how doubling the capacity of the building and changing it to temporary social rented housing, many of whom will be vulnerable individuals, will add to the overall quality of this family area.
- Given the shortage of housing it is likely that the future occupiers will live at the property for at least 2 years; more thought needs to be given to the number of units proposed in order to prevent overcrowding and ensure the well-being of residents.
- None of the units has been designed to be accessible or adaptable for people with mobility issues or disabilities.
- Changing the use from the former care home, a quiet, solitary place with few visitors to the proposed C3 residential use will inevitably impact neighbour amenity bringing disturbance and noise. Other concerns arising from overcrowding include loitering, misbehavior, agitation, difficulty parking. Noise levels and disturbance for existing residents is bound to be vastly increased with a doubling of the capacity of the building. It is very unfair on existing residents.
- Other planning applications in the vicinity have been refused on grounds of harm to residential amenity and inadequate parking/access provision.
- This high density development is out of keeping with the established character of the area. The area is already under threat from 2 other proposed flat developments at Grand Avenue and Manor Road. The combined impact of these developments will further increase densities and have a seriously detrimental effect on the character of the area.
- I fear for the air quality of the area with the increased traffic.
- The submitted Statement references an internet-based reporting system to monitor and analyse energy usage to give real time information and data. However, the use of SMART meters particularly when clustered, emit microwave pulses and their detrimental effect on health and well-being is well-researched; the negative health effects outweigh the benefits of easy access to energy reports.
- No risk assessment has been undertaken as to the impact on existing residents of additional noise, lighting, traffic movements, parking, crime and anti-social behavior.
- There will be additional strains on community services, such as schooling, healthcare, waste collection and policing. This should be taken into consideration before any decisions are made. Public services will be swamped with increased demand, longer waiting times etc.
- The development will have a detrimental effect on house prices locally.
- The Council needs to re-think and replace this proposal with a family-orientated building with sufficient parking facilities. Placing high density temporary social housing for predominantly single people and couples into a historically quiet and family-orientated area seems an odd decision when so many shops and buildings in the town centre lie empty.

- Concerned at the speed with which this building has been acquired by the Council and its change of use proposed.
- The additional lorries and parking during construction works will cause a safety hazard and increased risk of accidents on the road junction between St Valerie Road and Rowlands Road – there are no yellow lines at present and sight-lines are massively reduced. The last accident left 5 no. vehicles damaged.
- The building will need to be upgraded to comply with the thermal requirements of the Building Regulations. The Council should reinforce its green environmental credentials and insist that all elements of the building envelope are upgraded to current standards. This would ensure energy bills are reduced for those that can least afford it.
- The submitted Statement states that the thermal upgrade to the external walls will be by an external insulated fabric and the elevations do not show this cladding/fabric. Most thermal upgrading to older buildings is carried out internally to protect external details and visual appearance.
- The Council's own policy document (A Guide to Residential Development SPD) makes the case for more family housing as opposed to smaller flats. The Draft Local Plan recommends a ix of housing with only 15% one-bedroom units, preferably near transport hubs.
- The submitted Planning Statement is poorly researched and fails to take proper account of the realities surrounding the development. A new Statement should be required to be submitted.
- I have worked all my adult life for the home I have now in a quiet respectable and friendly neighbourhood of retired people or families, where I feel safe, where people appreciate the attractive architecture and ambience of the area and take pride in maintaining their homes. People parachuted in with no love or respect for the area could upset our happy cohesive community. Social housing is needed but this is not the place for it. There appears to be no provisions made for the supervision of tenants.
- There is no information on who the future residents will be, a half-way house for drug addicts? London Boroughs sending their social problems to Worthing? The short-term social housing at Princes Gate on George V Avenue resulted in stories of low-level criminality, drugs and anti-social behavior in what had previously been a congenial, friendly little community.
- Query why nearby residents did not receive notification letters, plans appear to be a fait accompli. Query why can't representations be seen online.
- The widening of the dormer window on the 2nd floor east elevation proposed reconfiguration of the first floor so that an existing stairwell window will become a bedroom window will result in a lack of privacy including looking into a bedroom window at No.149.
- I will be writing to my MP to raise my concerns.

The residents of 13, 15 and 17 St Valerie Road have been notified of the amended plans, specifically to the amended design of the west side dormer, and any additional representations received will be reported at the Committee meeting.

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

Relevant Planning Policies and Guidance

Worthing Core Strategy (WBC 2011): Policy 7, 8, 9, 10, 13, 15, 16, 17
Worthing Local Plan (WBC 2003) (saved policies): RES7, TR9, H18
Supplementary Planning Document 'Space Standards' (WBC 2012)
WSCC Guidance on Parking at New Developments (2019)
National Planning Policy Framework (2019)
National Planning Practice Guidance

Planning Assessment

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

Paragraph 73 of the revised NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum 5 years' worth of housing against their housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old. The Council has acknowledged that it cannot currently demonstrate a 5 year supply of housing based on objectively assessed housing need.

As such the proposal should principally be assessed in relation to the presumption in favour of sustainable development as set out in paragraph 11 of the revised NPPF and informed by saved Worthing Local Plan policies H18, TR9, and RES7, Core Strategy policies 7, 8, 9, 10, 13, 15 and 16; the policies set out in National Planning Policy Framework and allied Practice Guidance.

The key considerations are:-

- The principle of the proposed development for affordable housing (Class C3);

- Effect of the proposals on the character and appearance of the surrounding townscape;
- Impact on protected trees
- Residential amenity – living conditions of future occupiers
- Residential amenity – impact on amenities of neighbouring occupiers
- Parking and highway safety
- Other issues.

The Principle of Proposed Development

Policy CS8 seeks to deliver a wide choice of high quality homes to address the needs of the community. The supporting text (paragraph 7.12) makes it clear that it is important to provide an appropriate choice of housing for all age groups, including specialist and extra-care accommodation, but there is no policy which specifically seeks to safeguard existing care home (Class C2) accommodation.

The proposed conversion and enlargement of the existing building would provide a mix of affordable primarily 1-bedroom, but some 2-bedroom and bedsit flats (Class C3) to accommodate residents in housing need on a temporary or 'transitional' basis until permanent accommodation becomes available and is intended to reduce an existing reliance on meeting such need through Bed & Breakfast accommodation.

A number of studies undertaken in recent years have identified housing affordability as a major issue for many residents within the Borough, particularly for families and newly forming households. Work undertaken to support the emerging Local Plan has concluded that home ownership has become less affordable and as a consequence the number of people on the housing register has increased across all sectors. In May 2017 there were 1,277 households on the Worthing housing register and the lack of available property means that people are often housed in temporary and sometimes inappropriate accommodation. The Worthing Housing Study (2015) identified an overall need for affordable housing of 8,700 units over the 20 year plan period from 2013-2033 which equates to 435 affordable homes a year. The above-mentioned Housing Study identifies that the profile of need for affordable housing is skewed toward smaller 1-bedroom (48.3%) and 2-bedroom (29.1%) units.

The policy approach set out in Policy CS8 seeks to bring forward a range of housing types which outside of the town centre should predominantly consist of family housing but which acknowledges there remains a role for flats to play in higher density town centre locations. The site is located within an inner residential suburb which is characterized by a mix of dwellings types including detached and semi-detached houses, converted flats and low-rise flat blocks. The adaptation and extension of the existing building to provide 19 no. residential flats would not be inconsistent with this existing character and would help meet a compelling need for affordable housing in the Borough, and particularly those in most urgent need.

Effect of the proposals on the character and appearance of the surrounding townscape

As noted above, the original Edwardian house has previously been extended and enlarged over the years by a number of unsympathetic additions which have diluted,

but not destroyed its character. Overall the building and grounds make a positive contribution to local character and the street scene and this is reinforced by the traditional boundary treatment and mature trees and landscaping within the north and west site frontages which help 'soften' views of the existing large extensions.

Negotiations have resulted in improvements to the scheme, most notably with the omission of the proposed front extension. The remaining proposed extensions are located to the rear (south) of the building other than the box dormer on the west-facing roof-slope. Initially shown as a 'blind' dormer it was considered by officers to be a somewhat unsympathetic and 'bulky' addition to this roof slope which currently lacks any protrusions. The design of the dormer has been amended to introduce fenestration which has relieved its heavy appearance. Whilst the 'box' form and proportions of the dormer remain somewhat 'ungainly' given there are other larger box dormers elsewhere on the building it is considered on balance the visual impact of this element would not be so harmful to justify refusal and particularly as the nearby south-facing dormer initially proposed on the same western component of the existing building has been omitted.

The mechanical smoke extract outlet would be sited on the roof of the existing 2-storey extension, set-in approximately 0.5 metres from the western and northern edges and projecting approximately 1 metre above the flat roof. It would be a visually prominent and utilitarian addition to the building. It is understood that the need for the roof equipment could be overcome by some reconfiguration of the internal layout in conjunction with insertion of additional means of escape windows, but this would lead to a reduction in the gross internal floor area of one or more of the ground-floor flat units, or even a reduction in the overall number of dwelling units. Although not an attractive feature, it is considered the resulting impact on the appearance of the building and the visual amenity of the surrounding area would not be so harmful as to insist on an alternative means of adhering to this aspect of Building Regulations that would potentially compromise the existing optimal layout and amount of affordable accommodation.

Impact on protected trees

The only trees affected by the development are the large, mature Beech and Maple trees (both approximately 14 metres tall) located on the northern site frontage onto Rowlands Road. Both are subject to the TPO NO.19 of 2000 and make a prominent and positive contribution to the attractively verdant character of the area. The Beech tree (T.11 within the submitted report) has a root protection area radius of 9.6 metres and the Maple tree (T.12) a root protection radius of 5.4 metres. As initially submitted the proposed single-storey front extension was shown to intrude into root protect zones of both T.11 and T12. Although the Council's Tree and Landscape Officer was satisfied that with suitably designed and hand-dug foundations the extension could be constructed without damage to these trees he was nevertheless concerned that the physical proximity of the extension to the trees would lead to future pressure to carry out more and/or heavier works to the trees in order to relieve gloomy living conditions within the nearest proposed flats.

This concern has been satisfactorily addressed by the amendment to omit the proposed single-storey, front extension.

Residential amenity – living conditions of future occupiers

The gross internal floor area of the proposed flat units would not all meet the Council's adopted minimum space standards as set out in the 'Space Standards' SPD but all except Flats 7 and 8 would meet the Government's nationally described Standards. [The latter does not distinguish between 1-bedroom flats and studio flats but sets standards based on the number of bed-spaces (persons), for example, a 1-bedroom, 1-person unit can be considered the equivalent of a 'studio' or bedsit flat.]

As amended, Flat 7 would have a gross internal floor area (GIA) of 38.2sqm and Flat 8 would have a GIA of 37.1sqm. Both are shown on the submitted plan as 1-bedroom, 2-person units and therefore fall below the Government's Nationally Described Standard of 50sqm. If Flats 7 and 8 were to become 1-bedroom 1-person units, both would then meet the Nationally Described Standard of 37sqm.

Where possible the flats have been configured to achieve a dual aspect. Only Flats 7, 8, 14 and 19 will have a sole north-facing outlook. However, the outlook from the ground-floor flats 7 and 8 has been improved by the omission of the proposed front extension in so much that the existing space is retained between the front of the building and the nearby mature trees.

Flat 2 (a 1-bedroom, 1-person unit) would have an outlook only onto internal courtyard areas which is not ideal.

A corrected plan has been received with annotation showing Flats 7 and 8 as 1-bedroom, 1-person units.

It is considered that on balance a satisfactory standard of living environment would be provided for the future occupiers.

The existing private landscaped grounds to the rear (south) would be available as communal amenity space and the enclosed area meets the Council's minimum external space standard of 20sqm per flat.

A number of third parties have made reference to the comments of the Private Sector Housing Manager, but it should be pointed out that no objection has been raised.

Residential amenity – impact on amenities of neighbouring occupiers

The site adjoins No.149 Rowlands Road to the east, one half of an attractive pair of semi-detached, hipped-roof 2-storey houses dating from the mid-C20 with plain clay-tiled roofs and decorative mock 'Tudor' boarding to the upper floor.

Adjoining to the south is Wilmington Court, a complex of 36 no. flats within landscaped grounds dating from the mid-1970s. The complex consists of 2 separate blocks, one fronting St Valerie Road and the other fronting Bath Road to the south. There is vehicle access from both roads serving a garage compound to the rear of the flats.

Opposite the site to the west are semi-detached houses in St Valerie Road (Nos. 13-17) and to the north, older-style detached and semi-detached houses in Rowlands Road. On the east side of the junction is 12 St Valerie Road, a detached house dating from the mid-C20. Although addressed in St Valerie Road its principal elevation incorporating its main architectural features fronts Rowlands Road.

In the main, the proposed extensions and alterations are well-separated from neighbouring properties. The most affected are the occupiers of the northern block of Wilmington Court. The proposed 2-storey flat-roofed extension would be sited 9.3 metres from the southern site boundary but off-set from the built-form of Wilmington Court which is sited further forward (west) closer to the edge of St Valerie Road. There are windows in the nearest north-facing elevation of Wilmington Court (one on each floor), which appear to serve habitable rooms and face toward the rear south elevation of the existing extended building at No.151. It is noted that existing ground and first-floor windows in the nearest south-facing element of the latter comprise 'high-level' windows thereby avoiding a direct overlooking relationship. It was originally proposed to construct a pitched-roof dormer at second-floor within the existing south roof-slope, and replace the high-level window at ground floor with a fixed floor-to-ceiling window and single-leaf French door. The dormer has since been omitted, which is welcomed. First-floor windows in the proposed 2-storey extension would overlook windows in the north and east elevations of Wilmington Court at a distance of less than 20- metres but at an indirect angle. Bearing in mind these windows in Wilmington Court are already overlooked from the second-floor windows in the existing south-facing dormer at No.151, it is considered the additional overlooking effects as a result of the development would not result in a serious loss of privacy for the occupiers of this nearest block.

Windows have been added following amendment to the proposed west-facing dormer facing St Valerie Road, but are sited over 30 metres from the front windows of the houses opposite (Nos. 13-17) and would not result in unacceptable loss of privacy through overlooking.

The resident of No.149 Rowlands Road has expressed concern about loss of privacy as a result of overlooking of a first-floor bedroom window from an existing window in the east side of No.151 which currently serves a little-used stairwell, but is proposed to serve a bedroom. However, there is a distance of approximately 10 metres between the windows in question which do not directly face one another, in part owing to the larger scale of the original building at No.151 compared to No.149. Whilst it is acknowledged the window in question would now serve a habitable room, it is considered the effects of overlooking from an existing window at this distance and angle in relation to No.149 would not result in a significant loss of privacy for the occupier.

As initially submitted, the majority of refuse/recycling bins were shown to be stored adjacent to the car park alongside the eastern site boundary with No.149. Whilst sited for ease of access on collection day, the resultant activity given the amount of storage was considered somewhat unneighbourly and, as amended, a greater proportion of bins will now be stored on the west side of the site adjacent to the less sensitive southern boundary (which adjoins the vehicle access leading to the parking area at Wilmington Court).

A number of third parties have expressed concern over the potential for increased noise and disturbance and possible anti-social behavior arising from the proposed intensification of use. It is worth pointing out that the former care home use was run down over a period of time and the building under-occupied. The immediate neighbours have no doubt become used to the associated lack of activity at the property. The proposed development will inevitably result in more comings and goings and associated noise but there is no reason to believe this would be to an unacceptable level. With regard to concerns about overdevelopment, the resulting density of 93.4 dwellings per hectare (dph) would be little different to the density of Wilmington Court at 91.4dph.

In planning terms both market and affordable housing fall into the same C3 use class. Internal and external space standards are met by the proposals, and the density of the development is not materially different to that of the adjoining private, purpose-built flat building. Consequently the proposals cannot realistically be considered to constitute 'overcrowding'. There are many reasons why people find themselves in housing need and it cannot be assumed that the majority of future tenants will be vulnerable or that the proposals would lead to an increased risk of anti-social behavior or criminality in the locality.

Parking and highway safety

The site is within a sustainable location, within reasonable walking distance of shops and facilities in Rowlands Road Neighbourhood shopping centre, and bus routes with stops nearby in Bath Road and Grand Avenue.

A total of 7 no. parking spaces are proposed within the 2 parking areas, compared to the calculated demand of 11 parking spaces based on the WSCC Residential Parking Demand Calculator (which takes into account the tenure of housing development). However, the local Highway Authority has not raised an objection to this level of provision taking into account the sustainable location.

The site is located outside the Controlled Parking Zone and a large number of third parties have raised concern about the limited capacity of surrounding roads to accommodate any increased demand for on-street parking and the associated highway safety risks. It is noted that surrounding roads are heavily parked with vehicles during the daytime and evening and this is no doubt partly due to the location of these roads just outside the CPZ, where in addition to parking by local residents, many visitors to and workers in the town take the opportunity to park on-street and walk into the town centre. A number of residents have noted the fact that the junction of Rowlands Road and St Valerie Road is not yellow-lined allowing vehicles to park close to the junction and restricting visibility. However, this has been specifically considered by the Highway Authority, including an assessment of recent accident records, but no objection has been raised on highway safety grounds. In the absence of any severe implications for highway safety it would therefore be difficult to substantiate refusal on grounds of insufficient parking provision.

Adequate provision is made for secure, covered cycle parking with 1 cycle locker per flat unit (19 in total).

Other issues

In terms of sustainability, the proposals involve the re-use and adaptation of an existing building. The majority of existing windows are already double-glazed (UPVC), but it is proposed to replace these with new UPVC windows. The applicant's agent has confirmed that reference to external thermal insulation was an error within the application submission. The introduction of *internal* thermal insulation would have fewer implications for the external appearance of the building, but would potentially impact internal layouts and in the circumstances would not be reasonable to insist upon.

Air quality is a material consideration in the determination of planning applications and within this context the NPPF states that planning decisions should sustain and contribute toward compliance with relevant limit values or national objective for pollutants taking account of Air Quality Management Areas (AQMA) (paragraph 181), and that development should wherever possible help improve local environmental conditions such as air quality (paragraph 170E). It goes on to state that planning decisions should ensure that new development is appropriate to its location taking into account the likely effects of pollution on health, living conditions and the natural environment. Within this context, Paragraph 110 of the NPPF states that developments should (amongst other things) give priority to pedestrian and cycle movements and – where possible – facilitate access to high quality public transport, and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Against this background a guidance document 'Air Quality and Emissions Mitigation Guidance for Sussex' (2019) has been prepared which requires developers to carry out an 'Emissions Mitigation Assessment' to quantify the health damage in monetary terms associated with transport emissions relating to a development. The Environmental Health Officer has pointed out that the assessment has not been undertaken for this 'major' development.

Following request, the applicant has declined to carry out the emissions mitigation assessment but proposes that 1 no. EV charging point can be provided within the car park. The applicant's agent comments that the site is not within or adjacent to an AQMA and that the Air Quality and Emissions Guidance is not a development plan document. Whilst the proposal is a 'major' development in terms of the standard definition the applicant's agent states that consideration must be given to the proposed use when assessed against the previous care home use. In addition to the proposed EV point, attention is drawn to the provision of cycle lockers (1 per flat unit) and that all boiler units installed will be low NOx to environmental standards. It is stated that these measures are proportionate to scale of the development and reflective of the proposed use as affordable units.

The EHO has responded to state the applicant has provided no evidence that the proposal will result in a net reduction in vehicle movements compared to the former use. The emissions mitigation assessment is designed to ensure the health impacts of emissions associated with the development are offset by appropriate mitigation.

Simply stating a charge point and 19 cycle spaces will be provided is not sufficient and demonstrates that the mitigation hasn't been properly considered.

Notwithstanding that the 'Air Quality and Emissions Mitigation Guidance for Sussex' is not a development plan document the development proposals nevertheless represent an opportunity for the Council to show leadership on this issue and to demonstrate that its own development is sustainable from an air quality perspective. Whilst not amounting to a reason for refusal it is nevertheless disappointing that the Council's own guidance on this issue has not been followed and an emissions mitigation assessment not carried out.

The additional floor area proposed is exempt from CIL on the basis that the proposed residential accommodation will be affordable housing.

Recommendation

APPROVE subject to conditions:-

1. Standard time limit
2. Approved plans
3. Materials of extensions and alterations to match and agree sample (Pre-commencement)
4. Agree design detail of parapet roof(s) to extensions (Pre-commencement)
5. Agree design of replacement windows (Pre-commencement)
6. Agree detailed design of platform lift and alterations to main entrance (Pre-commencement)
7. Agree and implement alterations to boundary wall at Rowlands Road access, including new section of wall and pier
8. Agree details of external finishes to rooftop plant
9. Agree and implement cycle storage
10. Agree and implement 1 no. EV charging point
11. Provide access and parking in accordance with details to be agreed
12. Agree and implement construction management plan (Pre-commencement)
13. Hours of construction
14. Agree and implement tree protection measures (Pre-commencement)
15. Agree landscaping/re-use of excavated material in rear garden
16. Agree and implement communal TV aerial/reception
17. Agree and implement foul and surface water disposal (Pre-commencement)
18. Implement and retain refuse storage provision

It is recommended that Condition 19 as previously proposed is omitted as this issue has been addressed by the corrected annotation on the amended plan.

18 September 2019

APPENDIX 1

Planning Committee 18th September 2019

Our Reference: AWDM/0848/19 (151 Rowlands Road, Worthing)

Supporting information from the Head of Housing

Statutory Duty

Part VII of the Housing Act 1996 (as amended) requires that where a local housing authority have reason to believe that a household may be homeless, eligible for assistance and have a priority need, they must *ensure that accommodation is available for the applicant's occupation*. Local authorities comply with this obligation by providing temporary accommodation while attempting to assist such households to *relieve their homelessness* (Homelessness Reduction Act 2017) or while they determine if a full housing duty is owed.

Section 208 of the Housing Act 1996, and paragraph 17.47 of the Homelessness Code of Guidance requires that, *so far as reasonably practicable, local authorities seek to accommodate homeless households in their respective areas*

In a landmark judgement in 2015 (*R (N) v Westminster City Council [2015]*), the Supreme Court decided that local authorities must have a *policy for procuring sufficient units of temporary accommodation to meet the anticipated demand*.

Section 210 of the 1996 Act sets out matters a housing authority must have regard to when determining whether temporary accommodation is suitable. Space, arrangement and a household's particular circumstances are key factors in determining the suitability of any accommodation. Local authorities are required to have regard to Part 10 of the Housing Act 1985 which deals with overcrowding. It is relevant to note that accommodation that may be suitable for a short period may not necessarily be suitable for a longer period. For instance, a larger household presenting homeless on the day and needing immediate placement may be accommodated in a smaller property while we seek larger accommodation. The alternative to accommodating them in smaller accommodation in the short term will be either placing them far away or advising them to make arrangement which may, sometimes put them at risk e.g. household fleeing violence.

Policy and Strategy

In October 2017, both Adur and Worthing Councils adopted the *Temporary Accommodation Procurement and Placement Policy* as required by the landmark judgement, R (N) v Westminster City Council [2015]. A link to the policy is provided below.

<https://www.adur-worthing.gov.uk/media/media.148535.en.pdf>

This policy sets out Worthing Borough Council's approach to procuring and securing temporary accommodation within or as close to the Borough as possible. Paragraph 3.1 of the Policy sets out the Council's strategy as follows

The Council will employ a variety of approaches to maintain the supply of good quality TA such as:

- *Obtaining self-contained properties in its temporary accommodation stock through short and medium term block booking arrangements with private landlords.*
- *Increase the number of leased properties in its stock by developing a private rented leasing scheme*
- *Exploring options for direct purchase of properties on the open market that will be suitable for use as temporary accommodation subject to meeting value for money criteria.*
- *Exploring options for working with lettings agencies*
- *Seeking to increase the number of private sector landlords willing to let directly to homeless households to encourage move on from temporary accommodation*

In all areas Worthing Borough Council has made good progress and the purchase and planned renovation of the property at 151 Rowland's Road, supports this strategic intent to provide suitable and appropriate temporary accommodation, within the Borough, to meet our statutory duties.

Need for this type of accommodation

The number of temporary accommodation placements varies. At the time of writing Worthing Borough Council is providing 117 households with temporary accommodation.

Of these

- 32 are families that comprise of 1 adult + 1 child or are pregnant households. Some of these are currently placed out of area
- 7 are single persons over the age of 65, of which 5 are placed out of area and
- 7 are single people with significant physical health issues, such as being wheelchair bound or in receipt of treatment for cancer. Some of whom are also placed out of area

The purchase and renovation of the property at 151 Rowlands Road as originally submitted, will allow us to meet the needs of many of these people (and others in the future like them) within the Borough, something that is not currently possible. The proposed renovation meets all required space standards and will provide dignified accommodation for those in need, at a critical time in their life.

As previously stated, households placed in Rowlands Road will be supported by officers of Housing Services' Accommodation Team to seek swift move on to more permanent placements.

As a condition of their placement in temporary accommodation, households agree to abide by rules which include avoiding activities that can be construed as antisocial behaviour (ASB).

The accommodation in 151 Rowland Road will be fitted with modern technology that will assist officers to manage the building better and deal with any potential antisocial behaviour issues. The Council is also in the process of procuring a facilities management contract to assist with day to day and routine repairs and maintenance and compliance issues.

Akin Akinyebo Head of Housing

Adur & Worthing Councils

September 2019

APPENDIX 2

151, Rowlands Road, Worthing:

Supporting document in connection with planning application ref:

Thermal (U value) and acoustic (dB) upgrade strategy for conversion of the existing building to flats

Element/upgrade treatment proposed:

Existing external or internal party wall, solid masonry wall:

Add internally: Gyproc lining channel and brackets for 25mm clear cavity; with Gyproc Thermaline laminate with VCL, (63mm total, 50mm insulation thickness), and plaster skim coat.

U value: 0.35 w/m²°C

Acoustic sound insulation performance: 50-53dB, dependent upon

thickness **New cavity external masonry wall:**

Either: brickwork outer skin or rendered blockwork outer skin, 50mm clear cavity with insulation retaining wall ties, 100mm rigid insulation, 100mm thick lightweight blockwork inner skin and plaster/skim finish internally.

U value: 0.15 w/m²°C

Acoustic sound insulation performance: not

applicable **External wall to new dormer window:**

Plaster skim finish internally over 2 x 12.5mm wallboard internal linings, vapour control layer, 140 x 50mm timber studwork with quilt insulation between studs, 9mm OSB board, Tyvek breather membrane, 50mm rigid insulation with treated softwood battens and tile hanging to match existing externally.

U value: 0.14 w/m²°C

Acoustic sound insulation performance: not

applicable **New internal party wall between flats:**

Party wall as British Gypsum Gypwall Quiet IWL system A216013, comprises: two layers of Gyproc SoundBloc board fixed to the outer faces of two, (separated), Gypframe 'I' studs, (at 600mm centres), with a cavity between studs of 50mm-100mm Isover Acoustic Partition Roll, (APR1200), in the cavity. Total cavity width between inner faces of SoundBloc board =

190mm.

U value: not applicable

Acoustic sound insulation performance: R_w ($R_w + C_{tr}$) 70(62) dB

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Internal stud partitions within flats and bathrooms:

Gypwall Classic A206228, comprises: one layer of Gyproc SoundBloc board to both sides fixed to 60 I 70mm Gypframe 'C' studs at 600mm centres. 50mm Isover Acoustic Partition Roll in the cavity.

U value: not applicable

Acoustic sound insulation performance: Rw 47dB

Floor/ceiling horizontally between flats, 1970's extension (existing concrete floors):

Remove existing screed, lay new liquid levelling screed Collecta Deckfon 37T acoustic overlay board with Collecta Yelofon HD10+ resilient layer over existing concrete floor. Suspended plasterboard ceiling under to be 2 x 12.5mm Gyproc SoundBloc boards.

U value: not applicable

Acoustic sound insulation performance: Rw + Ctr 56 dB airborne sound, Ln,w 55 dB impact sound

Floor/ceiling horizontally between flats, original buildings, (existing timber floors):

Fit 100mm thick /45 kg/sq.m mineral wool insulation between all joists (netting beneath joists to support insulation). Floor finish over joists to be JCW Acoustic Deck 37C floorboards (existing floorboards having been removed), with all perimeters sealed with acoustic tape or mastic. Ceiling beneath to be resilient bar with 2 x 15mm Gyproc SoundBloc board fixed beneath joints lapped between board layers by min. 300mm and joints filled and taped and plaster skim coat over.

U value: not applicable

Acoustic sound insulation performance: Rw + Ctr 53 dB (airborne sound), Ln,w 54 dB impact sound

Generally:

All Gyproc boards, (of whatever type), are to have joints filled and taped prior to plaster skim coat being applied over.

All junctions – wall to ceiling, wall to floor or wall to wall – are to be continuously sealed with acoustic tape or sealant.

Application Number: AWDM/1192/18 Recommendation – APPROVE

Site: 14 West Avenue Worthing West Sussex BN11 5LU

Proposal: Change of use of ground floor (14 West Avenue and Eastcourt, Mill Road) to restaurant (Class A3) with associated bar and function room. Change of use of first-floor of 14 West Avenue to visitor accommodation (Class C1) and change of use of first-floor of Eastcourt, Mill Road to 2-bedroom flat (Class C3).

Applicant: Ashraf Azimi
Case Officer: Jackie Fox

Ward: Marine Worthing



Not to Scale

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Site and Surroundings

The proposal relates to two attached Edwardian properties on the corner of West Avenue and Mill Road, formally one house. The properties are set back from the road with distinctive bays and a turret feature on the south west corner. There is a low flint wall to the frontage and mature trees to the south and west boundaries meaning that the building is glimpsed between the trees. No. 14 has two gated access points along West Avenue. Eastcourt has a vehicular access to Mill Road.

Mill Road is a busy road and bus route with commercial/community uses along it (to the east is the Quaker Meeting House), although its prevalent character is residential. West Avenue is residential, with houses and flats. To the north of the site is No. 14b West Avenue a detached house set back on the site with garage to the side closet to the joint boundary.

The site is in the Mill Road Conservation Area, and the Local List building is identified as a positive indicator. Trees on site are protected by a Tree Preservation Order.

Proposal

The proposal comprises three elements

1. Change of use of ground floor (14 West Avenue and Eastcourt, Mill Road) to restaurant (Class A3) with associated bar and function room.
2. Change of use of first-floor of 14 West Avenue to visitor accommodation (Class C1) comprising 4 bedrooms and a bathroom.
3. Change of use of first-floor of Eastcourt, Mill Road to a 2-bedroom flat (Class C3) for owner accommodation.

The application has been amended since originally submitted and includes a revised parking plan and combined supporting statement

The applicants planning statement indicates the following:

The concept of Restaurant with Rooms is a family owned, independent restaurant that provides an exclusive fine dining and extensive wine menu experience to a select number of people. (Number of covers will be 24 comprising 3x tables of 4 covers in each of the two Dining Rooms) The purpose of the rooms is to give a complete experience of hospitality to our customers who may wish to stay. The restaurant will be laid out over two dining rooms giving an intimate yet spacious feel, enhanced with a traditional country house style of decoration with wooden floors and luxury furnishings. The concept aims to capture the essence of the space and luxury of a country manor combined with the exclusivity of a private member's club where the emphasis is placed on space, luxury and privacy.

It is the intention of the owners to provide a sophisticated getaway from the busy lifestyles of our modern society; almost as though anyone entering the premises would be transported back in time to an opulent era where quality rather than quantity was the norm among the elite few. The dining areas are relatively small

and this adds an intimate charm to the experience and the house has been maintained with its original features intact, thus further enhancing an inherent class that Worthing has to offer.

The number of clientele will be limited to 24 in order for our staff to not only be able to provide a more impeccable dedicated and individual service but for us to be able to provide more space and therefore privacy to our clients where they can enjoy both the beauty of the house and the dining experience completely protected from prying eyes and ears, meaning that our clients can discuss sensitive private or business matters with the confident knowledge that their conversations will not be overheard.

With a fine sense of Britishness running through our core, we aim to work with as many local suppliers as we can and serve numerous British products. We also grow our own herbs and edible flowers in our garden, which will be for the sole use in our kitchen and will add a further point of interest to visitors with an interest in a beautiful and natural kitchen garden. This further attracts various species of wildlife such as numerous birds, butterflies and bees to our garden.

Because we feel passionately about environmentally friendly initiatives and reducing our carbon footprint and since we would be offering an exclusive dining experience, which would include an extensive wine menu, we would not expect our clients to drive to and from our venue. In fact we aim to strongly and actively encourage our clients both on our website and at the time of telephone and online bookings to opt for public transport and taxis in order to get to us. We have been in talks with a local taxi firm and a private limousine company in order to provide a pick up and drop off service to our clients at reasonable costs.

Due to the combination of limiting the number of guests and encouraging guests to follow our no-car initiative, we expect the parking demand to be below that associated with the planning approval for a not dissimilar scheme under reference AWDM/1566/15.

Furthermore it must be noted that the majority of the staff, being the owners of this venture and the properties, will continue to reside at Eastcourt thus eliminating the need for staff car parking. As regards other employees, our waiting and bar staff will be from the local catering college who will be given in-house training on service akin to a luxury 5-star premises and whom will be offered incentives to ride bicycles to work to fit in with our environmental principles.

First floor rooms - these four rooms will be available for guests who wish to stay and there will be a shared bathroom.

The flat at first floor level in Eastcourt is the host / owner's flat.

The garden areas associated with 14 West Avenue will be for the enjoyment of the guests and the hosts / owners. The garden areas at Eastcourt will be used by the hosts / owners only.

The applicant's agent has provided a transport initiative for the site and a plan showing 4 visitor spaces and cycle parking accessed off the northern access point on West Avenue and two spaces to the side of Eastcourt for the retained owners flat. The transport comments indicate:

Guests' vehicles will arrive and leave via the north access on West Avenue.

Vehicles associated with the dwelling will use the eastern Mill Road access.

The access on the corner of Mill Road and West Avenue will solely be for pedestrian use.

Guests' vehicles will enter the site in forward gear but will need to reverse out.

The scale of vehicle movements is domestic in nature. West Avenue is very wide at this point and it is contended that the limited vehicle movement is not harmful to highway safety.

There is on-street parking capacity in the area due to the wide dwelling frontages on West Avenue.

Staff will be required to use public transport as there are very frequent bus and train services locally.

Guests will be encouraged to use public transport or taxi services.

Following discussions with the applicant last week it had been agreed that the large planter to the north east of the site will be removed (but the trees retained). This will improve space for vehicles to manoeuvre to and from these parking spaces.

Relevant Planning History

87/445- Change of use of property (14) from residential to office use
Granted 30.6.87

01/00320 -Change of use from office (14) to residential dwelling
Granted 8.5.01

11/0009/FULL- Change of use of No. 14 West Avenue and East Court Mill Road to a Health Spa.- REFUSED

AWDM/0897/11-Change of use of No. 14 West Avenue to a Health Spa
Approved Conditionally 16-03-2012

Appeal of condition Nos. 3 (use limitation to certain treatments) and 4 (operating hours) Allowed 15-11-2012. Condition 3 was varied to limit use to a health spa within D1. The variation of condition 4 to allow longer operating hours was not agreed.

AWDM/1566/15- Change of Use (14) to restaurant with ancillary educational catering/dining classes and catering service (Use Class A3 with ancillary D1).Approved 31.10.17

Consultations (summarised)

Consultation following submitted detail

West Sussex County Council Highway Authority

The parking is a narrow arrangement and it is unclear whether a vehicle would have the required space to facilitate a manoeuvre to and from the spaces as shown. Consideration is given however to the fact that this is an existing access and a similar frequency of movements is anticipated to be generated as by the extant permission.

It has been noted within the most recent submitted plans that cycle parking will be available along the northern site boundary, this helps promote sustainable alternatives and alleviates the reliance on the use of a car. Details will be required prior to occupation outlining how this arrangement will be made as a secure and covered storage arrangement.

West Avenue is subject to on street parking throughout, there appear no highways safety concerns with this existing practise to flag any current highways safety concerns. From observation of data supplied by Sussex Police, there has been a collision at the junction between Mill Road and West Avenue however this has been put down to driver error and is not as a result of any of the associated accesses to the site or geometry of the highway. There are no known concerns with the existing on street parking practise along West Avenue to indicate that there would be a concern with the continued use with this proposal.

The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 109), and that there are no transport grounds to resist the proposal. They recommend a cycle parking condition.

Worthing Council

Environmental Health-Amended comments following submission of additional information:

With reference to the additional information submitted in support of this application I have the following comments.

As no further details concerning the proposed kitchen extract have been provided I would recommend a condition to provide details of extraction and disposal of cooking odours.

If any external plant is proposed they suggest a condition to provide details having regard to *the principles of BS4142: 2014 and ensure there is no detrimental impact to the nearest residential dwellings.*

The applicant has confirmed that the flat at first floor level in Eastcourt will be used by the host/owner. Could this be conditioned to ensure that flat remains in this use?

The proposed opening hours are 11:00 hrs - 23:00 hrs all days. Given the surrounding residential dwellings I would advise restricting the opening hours on Sundays and Bank Holidays to 11:00 hrs - 22:00 hrs.

The applicant has advised the garden associated with 14 West Avenue will be open to the guests and the hosts/owners. The garage areas at Eastcourt will be used by the hosts/owners only. Could the applicant provide a plan clearly showing these two separate garden areas?

No external lighting or floodlighting shall be installed except in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

To manage noise I would recommend a Noise Management Plan is submitted to include:

- *Details of Signage*
- *Monitoring with intervention when necessary*
- *No drinks outside after 21:00 hrs*
- *Any noise complaints to be investigated and the Management Plan reviewed if necessary*
- *No amplified and/or live music shall be played at any time outside of the premises*
- *Only unobtrusive background music shall be played within the premises up to 23:00 hrs. For this purpose the music noise level shall not exceed 75dB (LAeq15min) anywhere 1m from any speaker inside the premises*
- *No fruit/gaming machines or TV Broadcast*
- *Bottles to be disposed of between 08:00hrs - 18:00hrs only, and waste collection of bottles should be arranged for day time hours.*
- *No deliveries to or collections from the premises outside the hours of 08:00hrs - 18:00hrs Monday to Saturday.*

At least one disabled access toilet will be required.

Deliveries and collections (including waste collections) between 08:00 hrs - 18:00 hrs Mon - Sat.

Private Sector Housing (original comments) - I have concerns about the crossover between the residential and commercial uses. There is access between the kitchen and commercial lounge across the residential hallway, which presumably will also give commercial customers and staff access to the residential toilets. In addition, there is a doorway between the residential and commercial

hallways at first floor level. These create both a privacy and fire risk to the residential dwelling.

The design and access statement does not make it clear whether the dwelling is only for the use of staff associated with the commercial business but, in either case, the layout is not appropriate and is unlikely to meet building regulation requirements, which will at the very least require 60 minutes fire separation between the two uses

CAAC- No objection in principle but future concerns regarding traffic, flues from commercial kitchen and signage.

Representations (summarised)

Representations have been received from residents of West Avenue and West Mead Gardens.

West Avenue 7 letters of objection were received to the original consultation and 5 following resubmission of information on the following grounds:

- Detrimental increasing parking on the street
- Increased traffic from customers and deliveries
- Ventilation and cooking smells
- The proposal would be out of character and inappropriate within the residential area
- Possible damage to trees
- Set a precedent for further commercial development in this residential area
- The scheme would be overbearing
- Impact on the Conservation Area in terms of potential for loss of trees and car parking
- The Quaker meeting room is next door

West Mead Gardens 9 letters of objection were received to the original consultation and 5 following resubmission of information on the following grounds:

- The proposal would be out of character with the residential area
- There would be an increase in parking and congestion in the area
- Increased noise and disturbance
- Increased air pollution
- Potential for further development on the site
- Additional light pollution
- The outside use is unacceptable and would cause detrimental noise and disturbance.

Relevant Planning Policies and Guidance

Worthing Core Strategy Policies: 3, 4, 6, 13, 16, 19
Worthing Local Plan saved policies RES7, H18, TR9
National Planning Policy Framework (NPPF)
National Planning Practice Guidance

Relevant Legislation

The Committee should consider the planning application in accordance with Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise. The Committee should consider the application in accordance with Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Planning Assessment

Principle

The building was subdivided down the middle in the 1950s and converted into two houses. East Court, 36 Mill Road on the east side is occupied as a house and 14 West Avenue was occupied as a house between the early 1950s and late 1980s and then following a permission in 1987 was used as offices until approx. 2001. In 2001 permission was granted for it to revert back to a dwelling. It would appear that this permission was not implemented; however the current application indicates that the current use is as residential, although the applicant has confirmed that the property is not being used on a residential basis.

Notwithstanding the last know/current use, No 14 has gained permission as a health spa and more recently as a restaurant with ancillary educational catering/dining classes and catering service (Use Class A3 with ancillary D1). The latest permission is still extant. The principle of some form of commercial use has therefore been established on the site with the last use still being capable of implementation although conditions have not been discharged.

In relation to the previous permission for No 14 the scheme showed a lounge and dining room for the two ground floor front rooms with preparation to the rear with kitchen and office. At first floor the accommodation is shown for staff room, rest room and lecture rooms and so the whole of the building would have been given over to commercial use.

The current application proposes dining areas to the two front rooms with a bar area and WCs to the rear. At first floor 4 rooms and a bathroom are proposed which are indicated would be used as bedroom accommodation ancillary to the restaurant use if customers wished to stay. The proposed use is therefore potentially more intensive than the previous use with possibility of diners staying overnight although the previous scheme had rest and training rooms upstairs so the potential for activity would be likely to be greater than as bedrooms particularly during the day.

In terms of Eastcourt this would change from purely residential to commercial at ground floor with two bedrooms used as owner's accommodation at first floor.

The proposed commercial use of No 14 would in principle be acceptable due to its previous and permitted uses.

With regards to Eastcourt, this is currently a four bedroom family house. Policy 9 of the Core Strategy seeks to ensure the retention of the existing housing stock unless: the proposal results in a net increase in the family housing stock; the housing and its environment is of an unacceptable standard, which cannot be improved or the loss would facilitate the delivery of a needed community use.

The proposal would retain owner's accommodation in a two bedroom unit so although a four bedroom unit would be lost, a family unit of two bedrooms would be retained with private outdoor space. The proposal would therefore comply with policy 9.

Core Strategy Policy 5 supports the retention, upgrading and enhancement of visitor accommodation to meet the changing consumer needs. The Council supports suitable new tourist and leisure facilities with a particular focus on the town centre and seafront area. The overall aim is to enhance visitor accommodation to support the regeneration of the town and help seasonality.

There is a need to provide accommodation for a variety of visitor needs from lower budget to more 'high end' corporate requirements. The statement submitted with the application makes it clear that the proposal is for fine dining with associated accommodation should customers wish to stay. This is a niche market especially as the bedrooms do not have en-suite facilities but, nevertheless, the proposal would make a small contribution towards the visitor economy by providing bed spaces. The site is sustainably located within walking distance of local facilities and public transport connecting it to the town centre and surrounding area.

The National Planning Policy Framework supports economic development, and advises that local planning authorities should pursue policies to define a network and hierarchy of town centres and promote their long-term vitality and viability (given local expression in Policy 3 and 6).

Core Strategy Policy 6 requires a sequential approach be applied to certain uses outside of the town centre. The nearest retail district centre is Goring Road, which exhibits only limited vacancy. Given the niche format and modest scale of the proposal, the proposed restaurant use would not undermine the vitality and viability of the borough's commercial hierarchy. Accordingly, the proposal would comply with Core Strategy policies related to retail and employment by securing sustainable economic growth and encouraging efficient use of land. The loss of B1 floorspace was accepted in 2011.

In view of the history of the site, the niche restaurant and associated bedrooms the principle of the change of uses would therefore be acceptable subject to detailed consideration of the impacts on visual amenity, character and appearance of

heritage assets, amenities of neighbouring residential occupiers and parking and access

Visual amenity, character and appearance of Heritage Assets

Policy 16 of the Core Strategy indicates that all new development will be expected to demonstrate good quality architectural and landscape design and use of materials that take account of local physical, historical and environmental characteristics of the area.

No 14 West Avenue is a heritage asset identified as making a positive contribution to the Conservation Area, which is a designated heritage asset. This is reflected in its local list status. The site is identified as an enhancement opportunity in the Conservation Area appraisal to main and encourage planting (in particular, the mature trees at Nos 14 West Avenue make an important contribution to the street scene.

The NPPF indicates at para 193 when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. It goes onto say at para 196 that where a development proposal will lead to less than substantial harm the significance of a designated asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The proposal would not involve any physical external changes to the external appearance of the building at this current stage. The character of the building would therefore be retained.

A revised plan indicates a formalised layout for the parking with 4 spaces shown off the northern access point off West Avenue and two spaces on the drive of Eastcourt for the retained dwelling along the existing drive. The landscaping and trees indicated as importance features to be retained to the front would be retained. The physical changes would not therefore have an impact on street scene or the qualities of the Conservation Area. The trees to the frontage and west boundary are also subject to a tree preservation Order so cannot be removed or changed without consent.

Local residents have raised concerns that the use would be out of character with the residential area and the additional parking would be likely to lead to additional on street parking to the detriment of the area.

In relation to this, Mill Road with West Avenue is primarily residential in character although the Quaker meeting hall is next door. It should however be taken into account that 14 West Avenue has been the subject of previous applications and use for commercial activities including B1 offices, health spa, restaurant, and catering school. It is not considered that current scheme with its proposed select dining and associated accommodation would have a significant impact on the character and conservation of the area, subject to suitable conditions to restrict the activities and hours of use.

The scheme provides for parking on site on areas which are either already in hardstanding or away from established planting and TPO trees. West Avenue is a wide street with adequate on street parking for any overflow from the proposed development. The applicants have indicated that staff and visitors would be encouraged to use public transport and the property is situated in a sustainable location on a bus route. It is not therefore considered that the proposal would cause detrimental on street parking to the detriment of the character of the area.

The proposal would probably involve the installation of an extract system and potentially outside plant, the Environmental Health officer has raised this and considers that the design and siting could be dealt with by condition.

The proposal would maintain the statutory test for new development in a Conservation Area on a designated local interest building and would be compliant with the Council's Policy and the heritage policy set out in the National Planning Policy Framework.

Accessibility and parking

The site is located within walking distance to well serviced bus routes and West Worthing train station. 4 off street parking spaces are proposed off the northern access of West Avenue. There is also additional parking off the southern driveway. Two parking spaces would be maintained for owners flat with Eastcourt with access off of Mill Lane. Cycle parking is also shown on the northern boundary. The Highway Authority is satisfied with the parking provision and layout, and visibility at the point of access.

A previous application on the site included a car parking capacity survey twice a day to capture the maximum demand for residential parking (i.e. when most residents will be at home). This survey included times at midday and early evening as well as late evening and early morning, during both the working week and at weekends. The Authority was satisfied that there would be parking opportunities along West Avenue if there was a demand

Residential amenity

The surrounding neighbourhood is mostly residential in character. The Quaker Meeting Hall is directly to the east with a residential property abutting the site to the north.

Mill Road is a busy thoroughfare and the area is affected by traffic noise. However it is reasonable to surmise, as the Inspector did at appeal, that it becomes quiet late in the evening and also on Sundays and Bank Holidays.

In terms of the hours of use, the previous scheme had a condition restricting hours of operation 9pm Mon to Sat and 6pm Sundays/Bank holidays. The current scheme seeks a restaurant and proposes longer hours of 11:00 hrs - 23:00 hrs on all days. Given the surrounding residential dwellings Environmental Health have advised restricting the opening hours on Sundays and Bank Holidays to 11:00 hrs - 22:00 hrs. This is considered appropriate in the circumstances.

In relation to the use of the garden, the applicant has advised the garden associated with 14 West Avenue will be open to the guests and the hosts/owners. The garden to Eastcourt would be for the hosts/owners only. Environmental Health have raised concerns in relation to the use of the garden and have suggested that the use of the garden be restricted to 9pm with no amplified or live music played outside. They have also suggested a noise management plan to control the main sources of noise and methods of controlling them. It is considered subject to hours of operation and control of noise both within and external to the premises the scheme would not have a detrimental impact on neighbouring properties. The eastern side of the site would remain residential in nature with the main commercial element to the west.

Internally the reception desk is accessed from Mill Road and the restaurant lounges and function room being to the front and sides of the properties facing into the site or the street rather than neighbour's private gardens. At first floor the commercial bedrooms and bathroom would be as the existing this would not cause additional overlooking. The first floor in Eastcourt would be the owners flat, it would provide two bedrooms to the front, a lounge with a window facing east and a kitchen facing north. The upstairs lounge and kitchen would be new uses at first floor. The flat would however be owner accommodation and will be conditioned as such. The north facing kitchen facing towards 14b would be within 8m of the boundary and approx. 10 m from the side elevation of No 14b West Avenue. There is screening to the boundary and several mature trees. No 14b has windows in the flank elevation facing the site, there may be the potential for inter-looking however in view of the existing window arrangement and the flat would be owners accommodation it is not considered that use would cause detrimental overlooking.

In view of the above this proposal is not considered to unacceptably diminish the level of residential amenity enjoyed by neighbouring occupiers (including the Quaker Meeting House and 14B West Avenue, both of which have windows facing onto the site), and complies with saved Local Plan Policy H18 and the provisions of the National Planning Policy Framework.

Recommendation

APPROVE

Subject to the following conditions:

1. Approved Plans.
2. Standard time limit.
3. Details of extraction system for disposal of cooking odours.
4. Details of any external fixed plant.
5. The flat accommodation above Eastcourt remain ancillary to the use of the property and not used as separate residential accommodation.
6. Hours of use 11:00hrs- 23:00hrs Monday to Saturday and 11:00hrs – 22:00hrs Sundays and Bank Holidays.
7. Details of the commercial element of the garden to be submitted and approved and use restricted to 21:00hrs with no amplified or live music.
8. Submission of a Noise management Scheme to include but not limited to:

- *Details of Signage*
 - *Monitoring with intervention when necessary*
 - *No drinks outside after 21:00 hrs*
 - *Any noise complaints to be investigated and the Management Plan reviewed if necessary*
 - *No amplified and/or live music shall be played at any time outside of the premises*
 - *Only unobtrusive background music shall be played within the premises up to 23:00 hrs. For this purpose the music noise level shall not exceed 75dB (LAeq15min) anywhere 1m from any speaker inside the premises*
 - *No fruit/gaming machines or TV Broadcast*
 - *Bottles to be disposed of between 08:00hrs - 18:00hrs only, and waste collection of bottles should be arranged for day time hours.*
 - *No deliveries to or collections from the premises outside the hours of 08:00hrs - 18:00hrs Monday to Saturday.*
9. No external lighting or floodlighting shall be installed except in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
 10. No commencement of use until parking layout provided on site in accordance with approved plans. Retain thereafter.
 11. No commencement of use until cycle parking provided on site in accordance with approved plans. Retain thereafter.
 12. No arrival, reception or dispatch of deliveries except between 8am – 6pm of the same day Mon – Sat.
 13. No storage of trade good or deliveries except inside the building.
 14. Notwithstanding “pd” no external alterations/extensions to building.
 15. Notwithstanding “pd” no external plant or machinery except as approved under this permission.
 16. Notwithstanding “pd” Use Class Order premises used only as applied for.

18th September 2019

Application Number: AWDM/1129/19

Recommendation – APPROVE

Site: 28 Gerald Road Worthing West Sussex BN11 5QQ

Proposal: Part two-storey and part single-storey rear extension to north elevation and rooflight to east roof elevation.

Applicant: Mr & Mrs Foster
Case Officer: Linda Park

Ward: Marine Worthing



Not to Scale

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Proposal, Site and Surroundings

The application property is a semi-detached house on the north side of Gerald Road, in a distinctive row of gable-fronted properties with modest north-facing rear gardens.

The application seeks permission for a part two-storey and part single-storey rear extension. The two-storey element would have a gable roof set down from the main roof and would be 2 metres deep. It would be set in from the boundary with the attached neighbour (No.26) by 2 metres.

The single-storey extension would be 3 metres deep with a mono-pitched roof with three roof lights. This would 'wrap' around the two-storey element, extending across almost the full width of the existing building (retaining a gap of 40mm to the boundary with the attached neighbour).

A roof light is also proposed to the eastern roof slope of the main building, to provide light to the existing stairs.

Amended plans

The plans have been amended to reduce the depth of the single-storey extension by 0.5 metres (from 3.5 metres to 3 metres deep) following concerns regarding the impact on the residential amenity of neighbouring properties, in particular the attached neighbour (No.26 Gerald Road).

Representations

5 letters/emails have been received from residents of No's 18, 26, 30 and 32 Gerald Road and No. 46 George V Avenue, which raise objections on the following grounds:-

- The gardens are only 30 to 35 foot long and it will block the light out of No.26 – 30.
- I have lived in this road for 20 years and no-one else has had extensions along this road.
- No.26 will lose all privacy from the back garden, the top windows will afford a view directly into this garden.
- The applicant intends to build a workshop in the garden too, he will only have a few square feet of lawn left.
- The building will be overbearing and will intensify the number of buildings already around here.
- The walls will cut out any natural light during the day from falling on the garden of No.26.
- It will feel like living on an industrial estate, the building will loom over No.26 cutting my natural light off completely from midday onwards – there is little enough sunlight now without losing fifty percent more.
- The noise will intensify the disruption too, this is a quiet residential area, built of three-bedroom houses none of which have been extended.
- I believe it will deter future vendors from buying my property (No.26) as the garden will appear like a prison yard.

- The development will be to the side of No.46 George V Avenue and will overlook my property, seeing directly into the garden and lounge and bedroom of my house.
- The proposal will crowd the nearby gardens leading to a feeling of oppression.
- We don't see the need for such a large extension for 2 people.
- Valuable grass and garden habitat will be lost to wild birds and other animals.
- The noise will increase as they will be closer to my address as it has already with the applicant building is new workshop.
- The extension would be disproportionate to the size of the plot.
- The adjacent properties have relatively short north-facing gardens, as a result the plans would have a deleterious effect upon light.
- There would be a near total loss of morning light for No.30.
- In an otherwise well preserved area this could set a worrying precedent. Subsequent potential developments would irreversibly alter the character of the street and reduce natural garden light further.
- Although No.32 is two doors away, I am certain the planned height will have some effect on the light reaching parts of my garden, particularly in the mornings. The impact would not be as great as it would be for No.30 and 26, but there would still be an impact.
- This is potentially unsightly and an over-development.
- There would be considerable noise lasting weeks/months if the proposed works are allowed.
- We are at a loss as to why the owners purchased the property just a few weeks ago if they knew it would be too small for the 2 of them. Puzzling!

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 16
 Worthing Local Plan (WBC 2003) (saved policies): RES7, H16, H18
 Design Guide 'Extending or Altering Your Home' (WBC)
 National Planning Policy Framework (HCLG 2019)
 National Planning Practice Guidance

Relevant Legislation

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

Planning Assessment

There is no objection in principle to extensions and alterations to residential dwellings within the built-up area. The key considerations are the effects on the visual and residential amenities of the locality.

Visual Amenity

The proposed two-storey part of the extension would be glimpsed at an angle and distance from Gerald Road; however, due to its location to the rear of the existing building and the fact that most views would be obscured by neighbouring houses, it would not be a noticeable feature within the street scene and would therefore not be harmful to the visual amenities of the area.

The proposed single-storey part of the extension would not be visible from the street and would therefore have no effect on the visual amenities of the wider area.

The proposed roof light on the eastern roof slope of the main building would be mostly screened from view between the roofs of the application property and the attached neighbour.

Residential Amenity

The most affected properties are Nos.30 and 26 Gerald Road on either side of the application property. The proposed extension would come very close to the shared boundary with No.26 (40mm gap proposed) and within just over a metre from the shared boundary with No.30.

The concerns of neighbouring properties regarding loss of light and an overbearing impact are noted and are understandable, given the limited depth of the existing north-facing gardens and the lack of rear extensions within this group of properties at present. The detached garage on the eastern side of rear the garden at No.26 Gerald Road also has the potential to exacerbate any impacts from the proposed extension as it could make the part of the garden immediately beyond No.26 feel somewhat 'enclosed.'

The original plans showed the single-storey part of the proposed extension at 3.5m deep, and this was estimated to breach the 45 degree angle (as set out in BRE's 'Site layout planning for daylight and sunlight: a guide to good practice') from the centre of the windows/patio door at the rear of No.26, underlining the concerns that the extension at 3.5m deep would have a detrimental impact on the amenities of this property with regard to light and outlook.

The applicant was therefore asked to reduce the depth of the extension to 3m deep, to ensure that the 45 degree angle of view is maintained from No.26, and to accord with the Council's Supplementary Planning Guidance 'Extending or Altering Your Home' which suggests that the problem of impact on daylight and sunlight from extensions close to a neighbour's boundary can often be overcome in the case of single-storey extensions by ensuring that they do not project more than 3m from the rear wall of the original house.

At 3m deep, the impact of the proposed single-storey element of the extension would be reduced to an acceptable level and would not cause significant

overshadowing or an overbearing impact for the occupiers of No.26 or 30 Gerald Road on either side of the proposed extension. It is also worth noting that the applicants could carry out a single-storey extension up to 3 metres deep under their 'permitted development rights', where the Council would have no control over such an extension.

With regard to the two-storey part of the proposed extension, this has a modest depth of 2 metres, and the agent has demonstrated that the 45 degree angle of view from the closest first floor window at No.26 would also be maintained for this part of the proposed extensions. Similarly, this angle of view would be maintained for No.30 to the west; and therefore it is not anticipated that this part of the proposed extension would result in a significant degree of overshadowing or an overbearing impact which would be significantly harmful to the amenities of either No.26 or No.30.

The concerns of neighbours regarding loss of privacy from overlooking are also understandable; however, the proposed extension would have no windows on the east or west flank elevations facing Nos.26 and 30 Gerald Road and this could be ensured through a condition on any permission granted.

The concerns of No.46 George V Avenue regarding overlooking are also understandable as their rear garden runs past the rear of the application property at right angles to it. However, there is a degree of overlooking at present from the first floor windows of this row of properties in Gerald Road towards this garden, which is to be expected within a built-up residential area; and the proposed bedroom window on the rear elevation of the proposed extension would maintain a distance of just under 10 metres from the rear boundary which adjoins their garden. As such, there would not be a significant loss of privacy in comparison with the existing situation.

The proposed rooflight within the main roof would face the valley between the roofs of the application property and No.26 Gerald Road and would not result in overlooking due to its location and its height above the stairwell.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. External materials to match existing
4. No windows to be formed in west or east side walls of extension

18th September 2019

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.

**Local Government Act 1972
Background Papers:**

As referred to in individual application reports

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