



WORTHING BOROUGH COUNCIL

12 March 2024

Worthing Planning Committee	
Date:	20 March 2024
Time:	6.30 pm
Venue:	Gordon Room, Worthing Town Hall

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

NOTE:

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail democratic.services@adur-worthing.gov.uk before **midday on Tuesday 19 March 2024**.

Agenda

Part A

1. Substitute Members

Any substitute members should declare their substitution.

2. Declarations of Interest

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

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

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

3. **Public Question Time**

So as to provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by **midday** on **Friday 15 March 2024**.

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

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

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

4. **Members Questions**

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

Questions should be submitted by **midday** on **Friday 15 March 2024** to Democratic Services, democratic.services@adur-worthing.gov.uk

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

5. **Confirmation of Minutes**

To approve the minutes of the Planning Committee meetings of the Committee held on **28 February 2024**, which have been emailed to Members.

6. **Items Raised Under Urgency Provisions**

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

7. **Planning Applications** (Pages 5 - 124)

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

Part B - Not for publication - Exempt Information Reports

None.

Recording of this meeting

Please note that this meeting is being audio live streamed and a recording of the meeting will be available on the Council's website. This meeting will remain on our website for one year and will be deleted after that period. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Katy McMullan Democratic Services Officer 01903 221006 katy.mcmullan@adur-worthing.gov.uk	Caroline Perry Senior Lawyer & Deputy Monitoring Officer 01903 221081 Caroline.perry@adur-worthing.gov.uk

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

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WORTHING BOROUGH
C O U N C I L

Planning Committee
20 March 2024

Agenda Item 7

Ward: ALL

Key Decision: Yes / No

Report by the Director for Place

Planning Applications

1

Application Number: AWDM/0083/24 **Recommendation – APPROVE** subject to a Deed of Variation to the original planning obligation and the receipt of satisfactory comments from WSCC Highways and Environmental Health

Site: Land At Former Gas Works Site, Park Road, Worthing

Proposal: Application to vary Conditions including: Condition 1 (Approved Plans); Conditions 17 & 20 (Foul & Surface Water Drainage); Condition 21 (Energy Strategy); Condition 22 (Landscape); Condition 25 (Balcony Screens); and Conditions 31 & 33 (Noise).

ORIGINAL DESCRIPTION AWDM/1459/21 (as amended by AWDM/1446/23): Full Planning Application for the demolition of existing structures, partial removal of boundary walls and the construction of a residential development spread across 5 blocks with associated access, parking, open space and landscaping.

2

Application Number: AWDM/1586/23 **Recommendation – APPROVE**

Site: 331 Brighton Road, Worthing

Proposal: Extension of existing sales building to accommodate a new 'food-to-go' including drive-thru, removal of car wash, provision of two jet washes and relocated car care bay, reconfiguration of car parking, new bin store and associated works.

3

Application Number: AWDM/1483/22 Recommendation – APPROVE

Site: 45A Chapel Road, Worthing, BN11 1EG

Proposal: Change of use of the first and second floors from restaurant and HMO to 11 no. residential units and construction of a third floor with 2no. residential units with terraces at first, second and third floors (13no in total).

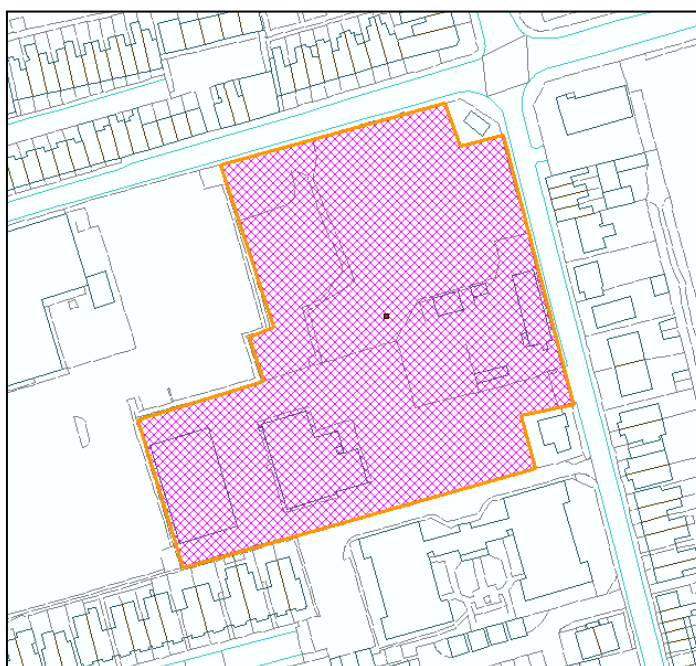
4

Application Number: AWDM/1110/23 Recommendation – APPROVE

Site: 24 Ethelwulf Road, Worthing

Proposal: Proposed development consisting of one new dwelling at Land Adjacent to 24 Ethelwulf Road and relocation of dropped kerb access for 2no. new parking bays on site of existing property.

Application Number:	AWDM/0083/24	Recommendation - APPROVE subject to a Deed of Variation to the original planning obligation and the receipt of satisfactory comments from WSCC Highways and Environmental Health.
Site:	Land At Former Gas Works Site, Park Road, Worthing	
Proposal:	<p>Application to vary Conditions including: Condition 1 (Approved Plans); Conditions 17 & 20 (Foul & Surface Water Drainage); Condition 21 (Energy Strategy); Condition 22 (Landscape); Condition 25 (Balcony Screens); and Conditions 31 & 33 (Noise).</p> <p>ORIGINAL DESCRIPTION AWDM/1459/21 (as amended by AWDM/1446/23): Full Planning Application for the demolition of existing structures, partial removal of boundary walls and the construction of a residential development spread across 5 blocks with associated access, parking, open space and landscaping</p>	
Applicant:	St William Homes LLP and Berkeley Homes (Southern) Ltd	Ward: Central
Agent:	ECE Planning	
Case Officer:	James Appleton	



Not to Scale

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Proposal, Site & Surroundings

This application proposes amendments to the planning permission AWDM/1459/21 granted in October 2022 after the Planning Committee of December 2021, for redevelopment of the site by the construction of a series of five apartment blocks (Blocks A-D).

The proposed amendments involve the following changes:

- i)* An additional (eighth) storey to Block B broadly within the approved massing envelope
- ii)* Reduce building heights (by between 0.3 metres and 1.3 metres)
- iii)* Provide an additional 19 apartments (giving a new total of 228 dwellings)
- iv)* Reconfigure the internal floor plan layouts
- v)* Additional internal staircase to Block B for added fire safety
- vi)* Amended Energy Strategy for connection to the District Heat Network,
- vii)* Amend external arrangements of Block C and D, move entrance lobby wings 3 metres northwards
- viii)* Two additional parking spaces (new total 112)

For planning purposes, this application would therefore amend conditions of the original permission including Conditions:- 1 (approved plans), 21 (Energy Strategy) and condition 35 of AWDM/1446/23 (number of dwellings 209 units and maximum 7 storeys in height).

The site is located on the corner of Lyndhurst Road and Park Road, which is within the edge of the Town Centre as defined in the Worthing Local Plan 2020-2036. It comprises approximately 1.1ha and is bounded by high walls along its road frontage, with the existing vehicular access in Park Road. Most of the gas works buildings, including the large storage tower, were demolished between 2012 & 2018.

Two large commercial buildings are located adjacent to the southern boundary of the site and were previously occupied by local charities. A smaller building adjacent to the entrance is used as a store & depot for Southern Gas Networks (SGN). The site has an irregular boundary with Waitrose car park to the west with high palisade fencing dividing the two sites.

The surrounding area is mixed, comprising the Waitrose food store and car park to the west, with views towards Union Place. Immediately to the north and east are small-scale 19th century terrace houses in Lyndhurst Road and Park Road is of a similar scale with generally two storey housing. To the south is Kings Hall, a three storey residential retirement block with a pitched roof. A similar 3 storey block fronts Park Road to the north of Lyndhurst Road.

Warwick Gardens and Steyne Gardens Conservation Areas lie to the south of the site (but excludes Kings Hall). To the east of Park Road is Beach House Park (an ornamental garden and bowling green) and Worthing Hospital. Little High Street and Francombe Road Conservation Areas are further north and west of the site and Steyne Gardens Conservation Area is located to the south of the Warwick Gardens Conservation Area.

There are listed buildings approximately 100 metres to the south west of the site, Nos 40-44 High Street (Grade II) and 135 metres to the south in Warwick Place (also Grade II). Further away the former St Paul's Church (Grade II) is visible in the distance, along Union Place.

Relevant Planning History

AWDM/1459/21: Full Planning Permission for the demolition of existing structures, partial removal of boundary walls and the construction of 209 residential apartments spread across 5 blocks ranging in height from 3-7 storeys, associated access, parking, open space and landscaping.

Consultations. **Approved 4th October 2022 (with s.106 Agreement)**

AWDM/1446/23: Non Material Amendment to approved AWDM/1459/21 to amend description to: 'Full Planning Permission for the demolition of existing structures, partial removal of boundary walls and the construction of a residential development spread across 5 blocks ranging in height from 3-7 storeys, associated access, parking, open space and landscaping.' **Approved 7th December 2023**

[Note: This 2023 Non Material Amendment approval had the effect of removing the words '*209 residential apartments*' from the description of development but moved this into a new planning condition, which reads:

'Condition 35: The development hereby permitted shall not exceed 209 units and 7 storeys in height'. It made no changes to the approved development.]

EIA OPINION/0006/20 - Land At Former Gasworks Site Park Road Worthing West Sussex - Environmental Impact Assessment (EIA) Screening Opinion in relation to residential development at the former Gasworks Site for up to 250 residential units (potentially including a building of up to 10 storeys): **EIA not required, 18th December 2020.**

Prior to 2018 are two permissions **WDM/1949/16 & AWDM/1013/12**, which allowed for the demolition of Gas Work's buildings

Consultations

West Sussex County Council Highways: Comments / Further Information

Impact: This application seeks to increase the total development by 19 units. The additional units would generate five two-way vehicle trips during morning and evening peak hours. This would still be a reduction in the overall morning peak

period compared to the previous usage of the site and a small increase in evening peak trips. As such the development would not have a severe impact on the highway network and in light of the minor change and limited trips a revised Road Safety Audit is not required.

Access: The access onto Park Road would remain the same as the approved scheme. The Lyndhurst Road access would be moved 0.75m to the west, revised visibility splay drawings have been requested to visibility splays here, also details of a small area within the turning area inside the Lyndhurst area, to ensure that this does not impact on manoeuvring by refuse & fire tenders and service vehicles.

Car and Cycle Parking: The proposed car parking spaces at a ratio of 0.49 is considered acceptable given the sustainable location of the application site and restrictions placed on future owners in applying for an on road permit for the Controlled Parking Zone. Given the reduced car parking ratio and reduced amount of cycle parking (205 to 192) and that more of the spaces are not within the core of the building, additional cycle parking should be incorporated.

Travel Plan: A travel plan and car park management strategy are secured via the existing permission have been supplied with the application,

Contributions. Within the signed agreement a £100k contribution was secured based upon the viability of the application. Given the increase in units, it is assumed the viability of the site is being reinvestigated and as such a higher figure would be expected to be secured.

West Sussex County Council Fire and Rescue: No Objection.

Recommends conditions to water supply for firefighting by storage or hydrants. [See condition 34 below]

West Sussex County Council - Lead Local Flood Authority: No Objection

The proposal has no impact on surface water flood risk or drainage, as the updated Flood Risk Assessment and Drainage Strategy (Flood Risk Assessment & Drainage Strategy, prepared by GTA Civils & Transport Limited, January 2024, Rev.06) adheres to the previously agreed principles. If the Council decides to grant planning permission, we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

Environmental Health Officer: No further comments

Southern Water No Objection,

The Flood Risk Assessment indicates surface water flows no greater than existing levels being connected into the public system proving betterment of the surface water flows which would be satisfactory to Southern Water. We have no objection to the variation of conditions 17 & 20 relating to Foul & Surface Water Drainage.

Historic England comments,

Historic England does not wish to comment . We suggest that you seek the views of your specialist conservation and archaeological advisers.

Health and Safety Executive: No Objection,

The application proposes an additional floor and an increase in 19 apartments. Block B 8-storeys with a height of 21.15 exceeds 18m is a relevant building and therefore will be provided with a firefighting shaft in accordance with BS 9991 and a second stair. This is welcomed by HSE. The other blocks are located within the curtilage of a relevant building, and HSE has included them as part of this assessment.

Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description. It is noted the fire statement was helpfully detailed and informative.

Further advice is given regarding the validation of smoke venting as part of the separate fire safety certification process.

Sussex Police: No Objection

I have had the opportunity to examine the detail as contained within this revised planning application and have no concerns or further comments to make from a crime prevention perspective.

Active Travel: Comments

Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application. Our standing advice can be found here:

<https://www.gov.uk/government/publications/active-travel-englandsustainable-development-advice-notes>

ATE would like to be notified of the outcome of the application through the receipt of a copy of the decision notice, in addition to being notified of committee dates for this application.”

National Highways: No Objection

Representations: Three responses

- i) The development will block light and reduce privacy to my home to the extent that I may longer be able to stay here.
- ii) It is questioned how the original development was allowed as the eyesore will directly overlook the properties in the adjoining Conservation Area

- iii) The increase in traffic and inadequate parking will increase the already inadequate parking in the town centre.
- iv) It is stated that the developers will limit car usage and parking and this is absolutely preposterous.
- v) If occupiers of the new flats are discouraged from parking on the development they will find elsewhere to park. Parking is already at a premium and allowing more flats with less parking will be a further compromise.
- vi) The low parking ratio of 0.75 will reduce to 0.5 per flat and cannot be justified in any area where there is no spare capacity on surrounding roads.
- vi) The increase in traffic will add to highway safety problems in the area.
- vii) The increase in noise, disturbance and smells not only during the construction period but once occupied will be catastrophic and there is no need to add additional dwellings to an existing permission.
- viii) The development will cause overlooking of properties in Warwick Gardens and the planting of trees will have no impact on reducing the loss of privacy. In 10 years time the trees will probably just reduce available parking.

Relevant Planning Policies and Guidance

Worthing Local Plan 2020-2036, includes:

DM1 Housing Mix; DM2 Density; DM3 Affordable Housing

DM5 Quality of the Built Environment; DM6 Public Realm

DM7 Open Space, Recreation and Leisure;

DM8 Delivering Infrastructure

DM13 Retail & Town Centre Uses; DM15 Sustainable Transport & Active Travel

DM16 Sustainable Design: DM17 Energy:

DM18 Biodiversity: DM19 Green Infrastructure

DM20 Flood Risk and Sustainable Drainage: DM21 Sustainable Water Use & Quality: DM22 Pollution

DM23 Strategic Approach To The Historic Environment: DM24 The Historic Environment

Site Allocation - A9 Lyndhurst Road (*Indicative Capacity 150 dwellings*)

Development Requirements - any future development proposals should:

- a) *deliver a residential scheme comprising of a minimum 150 dwellings;*
- b) *ensure that contaminated land is appropriately assessed and where necessary appropriate remediation takes place. Consider the implications of this to ensure appropriate sustainable drainage systems are provided;*
- c) *undertake an assessment of the archaeological remains and ensure that any archaeological assessment requirements are implemented;*

- d) *development proposals should ensure the protection and enhancement of existing biodiversity assets in line with Policy DM18, including the provision of biodiversity net gain. Existing high-quality trees should be retained where possible and new green infrastructure delivered that provides opportunities to link to the Borough-wide green infrastructure network;*
- e) *address provision for suitable access/egress on Park Road and Lyndhurst Road;*
- f) *enhance permeability and provide an attractive and accessible pedestrian link from the site to the High Street and town centre – this should include consideration of an improved footway / cycleway along the northern boundary;*
- g) *protect nearby heritage assets and ensure no unacceptable harm is caused to them or their settings;*
- h) *seek to ensure the most vulnerable uses are located in the areas at lowest risk of flooding;*
- i) *a site specific Flood Risk Assessment should consider all sources of flooding and the impacts of climate change over the lifetime of the development. It must demonstrate that any residual risk can be safely managed, development will not increase flood risk elsewhere and where possible will reduce the overall level of flood risk;*
- j) *provide a high quality design with particular attention to height and massing. Ensure the scale of development, particularly on the boundaries of the site, respects the scale and established building line of adjoining properties. Ensure that development has a suitable relationship with and does not have an unacceptable impact on neighbouring residents in terms of private amenity, overlooking and that daylight and sunlight implications are appropriately managed.*

National Planning Policy Framework, December 2023 ('NPPF')

National Planning Policy Guidance (NPPG)

Supplementary Planning Document 'Space Standards' (WBC 2012)

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)

'Infrastructure Delivery Plan' (WBC 2010)

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

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

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

Planning Assessment

The principle of development has been established by the original permission and subsequent allocation in the adopted Local Plan. The site is in a highly sustainable town centre location close to all amenities and good public transport links.

The amendments to the scheme have come about following a review of the energy strategy for the site and a need to ensure that the scheme meets latest fire regulations. The original application proposed a communal heating solution with air source heat pumps on the highest apartment block and a backup gas boiler. As the Council was working to develop heat networks across the town, the emerging Local Plan sought to require new developments to connect to District Heat Networks if they are available.

The s106 agreement signed in connection with the original application required a heating options strategy to be submitted once an operator of the District Heat Network had been appointed. This study concluded that there was a viable case to connect to the District Heat Network and the current amendments seek to make use of the redundant space originally allocated for the on-site communal heating solution. In addition, the revised scheme seeks to accommodate two stair cores to the high risk building on the site to comply with latest requirements of the Building Safety Act which comes into force on the 6th April 2024.

The most significant changes to the approved scheme are set out below:

- i) Provide an additional 19 apartments (giving a new total of 228 dwellings)
- ii) An additional (eighth) storey to Block B broadly within the approved massing envelope
- ii) Reduce building heights (by between 0.3 metres and 1.3 metres)
- iii) Reconfigure the internal floor plan layouts
- v) Additional internal staircase to Block B for added fire safety
- vi) Amended Energy Strategy for connection to the District Heat Network,
- vii) Amend external arrangements of Block C and D, move entrance lobby wings 3 metres
- viii) Two additional parking spaces (new total 112)

The main issues for determination in this case are therefore whether the amendments materially affect:

- i) the overall sustainability of the project (including energy, transport and accessibility);
- ii) site density and the overall design quality of the original scheme and its impact on the character of the area (in particular nearby heritage assets);
- iii) the amenities of adjoining residents;
- iv) the overall viability of the scheme and the package of planning benefits necessary to mitigate the impact of the development on local infrastructure (including affordable housing).

Sustainable Development (Including transport)

The Energy Strategy for the amended scheme reflects the progress made since 2021 upon the Worthing Town Centre District Heat Network as part of the Council's Carbon Neutral Plan. The new strategy is to connect the development into the network to provide for space heating and hot water. This strategy, in combination with thermally efficient fabric and LED lighting is designed to achieve a carbon reduction of 56% compared to current Building Regulations (Part L, 2021).

The amended proposal meets the higher energy and carbon targets of the new Worthing Local Plan, in which policies DM16 & 17 require a target 31% reduction in CO2 reductions and at least 10% of energy to be supplied by renewable, low carbon sources.

This strategy removes the previous need for roof-mounted air source heat pumps and plant rooms at ground floor, although a new sub-station is proposed in the south west corner of the site and an emergency generator in a new housing to the north east frontage in Park Road. The removal of pumps and plant rooms contributes to the slightly reduced heights of the amended buildings by comparison with the approved. Compliance with these energy and carbon efficiencies would be verified by the requirements of condition 21 of the permission, which is repeated at the end of this report. (update cond wording)

In terms of sustainable transport the proposals would slightly increase the amount of peak-hour trips by five vehicles per hour by comparison with the approved scheme. The Highway Authority is satisfied that this is within road and junction capacity. Subject to confirmation of visibility splays at the slightly amended Lyndhurst Road access, the amended site layout provides for safe manoeuvring (including service and emergency vehicles), and visibility.

Car parking would be increased very slightly from 110no. spaces as approved, to 112no. This would give a rate of 0.49 spaces per dwelling, which is a reduction from the rate of 0.53 / dwelling in the approved scheme; the difference in rate being largely due to the 19no. additional apartments added by the amended scheme.

Whilst this rate is lower than the recommended rates of 0.6 to 1.1 spaces per dwelling in current County Parking Guidance, the difference between this and the approved scheme is not considered significant by the Highway Authority, mindful of the proximity of the site to the Town Centre and public transport links. Planning policies DM15 and NPPF support lower parking rates in accessible locations alongside measures to promote sustainable transport both for reasons of traffic management and air quality.

Whilst proposed cycle parking is 13 spaces fewer than the approval, it remains well in excess of (+78 spaces greater than) County Guidance and as such is considered acceptable in quantum. Secure cycle stores are located in accessible locations throughout the development.

As with the approved development, the applicant proposes the following sustainable transport measures. In the amended application these are augmented by a

commitment that all parking spaces will be provided with electric vehicle ('EV') charging facilities, instead of the 40 percent in 2021:

1. Car club spaces for two cars
2. Secure bike stores for 192 cycles i.e. 78 more than County guidance
3. Travel Plan measures, including promotion of public transport and walking routes
4. Wider pavements in Lyndhurst Road and Park Road, (including agreement by the applicant to use reasonable endeavours to secure additional pavement land from the adjoining gas governor site)
5. Lease restriction on future residents against on-street parking permits as a disincentive to car-reliance
6. Optional dedication of further land for a possible future cycle path in Lyndhurst Road

As with the approved scheme, the proposal would set back the new frontage boundary along Lyndhurst Road by approximately 0.8m to provide a wider public footpath of 1.8m (the existing boundary wall would be demolished). Beyond this initial widening, the option is also retained to set back the Lyndhurst Road frontage by a further 1.8m, in the event that land is needed to form a future cyclepath. There is a pinch point at the junction of Lyndhurst and Park Road and the original s106 required the developer to use best endeavours to negotiate with the owner SGN to widen this pinch point. The applicant has indicated that SGN has been approached and that Berkeley Homes is still committed to secure this improvement along both road frontages.

The greatly-increased (100%) EV charging proposal is considered to offset the air quality impact of the increased trip rate of the amended proposal. Five percent of parking spaces are suitable for wheelchair users.

Biodiversity net gain ('BNG') is provided in a similar manner as for the approved scheme. This comprises several areas of soft landscaping to contain trees, hedges, climbing plants, shingle beds and ornamental planting.

Areas of flat roof 'blue-green' roofs are proposed, with sedum planting for biodiversity value and water absorption. These replace the original intention to use 'brown roofs', which are typically a mixture of soil and wild-seeded granular material. One of the eight proposed trees at the southern boundary with Warwick Gardens is also removed to accommodate the sub-station building but bird and bat boxes and bricks remain as approved, along with sensitive external lighting.

These proposals provide a BNG value of 587% which, although a reduction from the 726% of the approved scheme, is still far in excess of both Local Plan policy DM18 (which requires 10%), and recently introduced National BNG requirements with similar targets. As such the proposal remains fully acceptable in biodiversity terms.

In overall sustainability terms, the energy, transport-accessibility, air and biodiversity aspects of the amended proposal are all considered acceptable, in accordance with planning policies.



Landscape strategy for the site

Density and Housing Mix

The proposed amendment would increase the number of dwellings by 19 no. to a new total of 228. This increases density from 187 dwellings/ha ('dph') to 204 dph. This is consistent with Policy DM2 which supports densities in excess of 100 dph in the town centre. Densities in excess of 200 dph have been approved at some other sites such as 201 dph at Bayside and 209 dph at 17-19 Crescent Road. The recent approval of the Union Place development was also at a density of 200 dph (AWDM/1618/23).

As previously, the proposal is for a range of studio, 1, 2, and 3 bed apartments. The following table shows the proposed size-mix and their percentages; the values of the approved scheme are shown in square brackets.

Accommodation	Type Number of Units	% of Total Provision
Studio Apartment	30 [10]	13% [5%]
1 Bed Apartment	57 [50]	25% [24%]
2 Bed Apartment	136 [141]	60% [67%]
3 Bed Apartment	5 [8]	2% [4%]

The proposal represents a slight shift towards a greater proportion of smaller units; one bedroom and studio apartments, most notably there are twenty more studios.

This change is achieved by reappportioning space from eight of the approved 2-3 bed units also by adding in space which was previously used for heating plant, plus a small redeployment of cycle parking space (although cycle parking remains well in excess of County standards).

This new mix moves the development a little further from the need profile identified in the 2020 Borough Strategic Housing Market Assessment (SHMA) for instance:

38% studio & one bed units proposed by comparison with SHMA 5-15%, and
25% two-bed units proposed by comparison with SHMA 40-45%

However, as Local Plan Policy DM1 (a) acknowledges, the precise mix is also dependent on the location of the site, with smaller properties focused on high density flatted schemes as stated in para 5.8 of the supporting policy text. Accordingly, the move towards smaller units in the amended proposal is considered acceptable in principle.

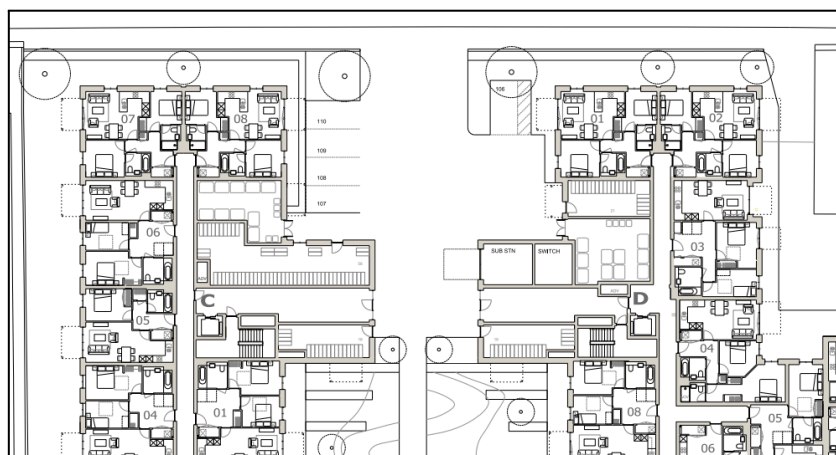
Each dwelling accords with current space standards and all will meet the requirement for accessible and adaptable designs under the Building Regulations standard M4(2), which is required under Policy DM1 (c). Each home has a balcony or small patio or garden space.

As previously there is no on site affordable housing proposed and a viability assessment is included with this application which is assessed later in the report.

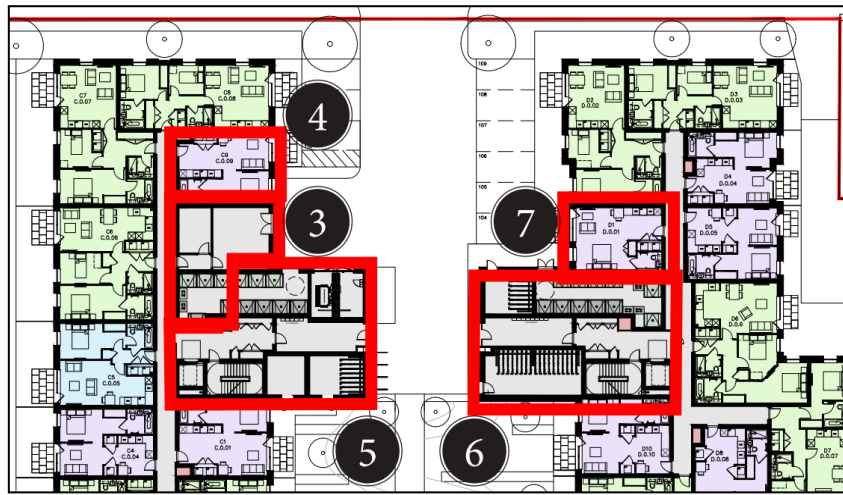
Character, Appearance, Townscape and Heritage

The applicant has been keen to keep within the overall footprint and approved heights for the site but has still been able to increase the number of dwellings though more efficient space utilisation and by replacing the proposed air source heat pumps on Block B.

In footprint terms the main changes relate to the alterations to Blocks C and D. These entrance lobbies are now shown 3 metres southwards. The change has an impact on the central amenity space but has little impact on the streetscene other than slightly recessing the lobby wings further from Lyndhurst Road. The amendment can be seen below with the approved and amended scheme:



Approved

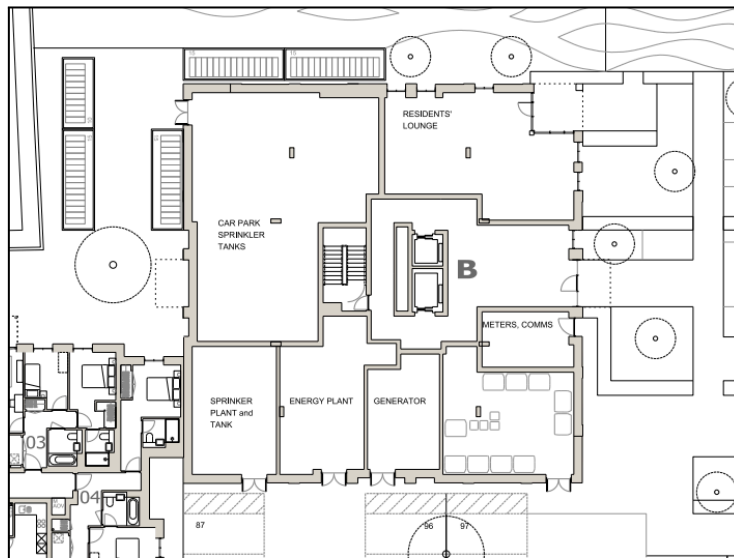


Proposed

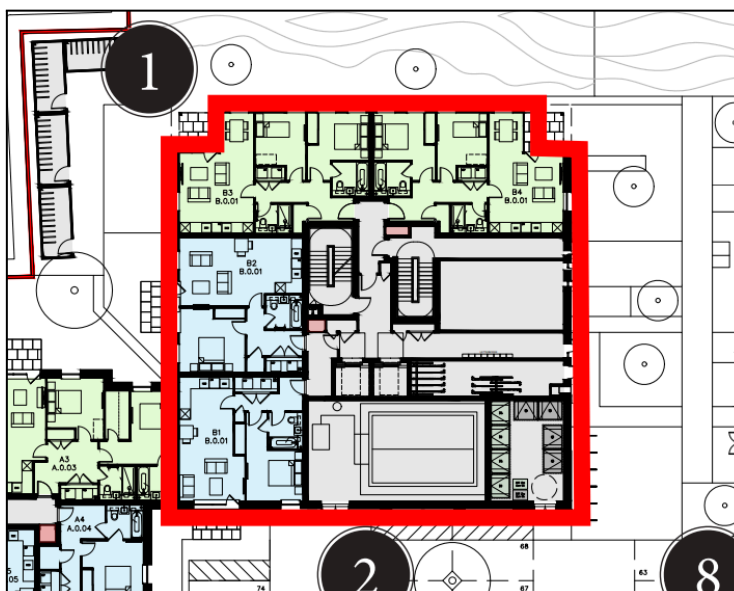
The alterations allow for an additional apartment at ground level in both blocks C and D (shown as Note 4 and 7 above) and larger apartments on the floors above.

The amount of plant space set aside for an on-site communal facility is illustrated by the image below showing the approved ground floor and the proposed amendment indicates how an additional 4 flats have been created on this floor.

Approved

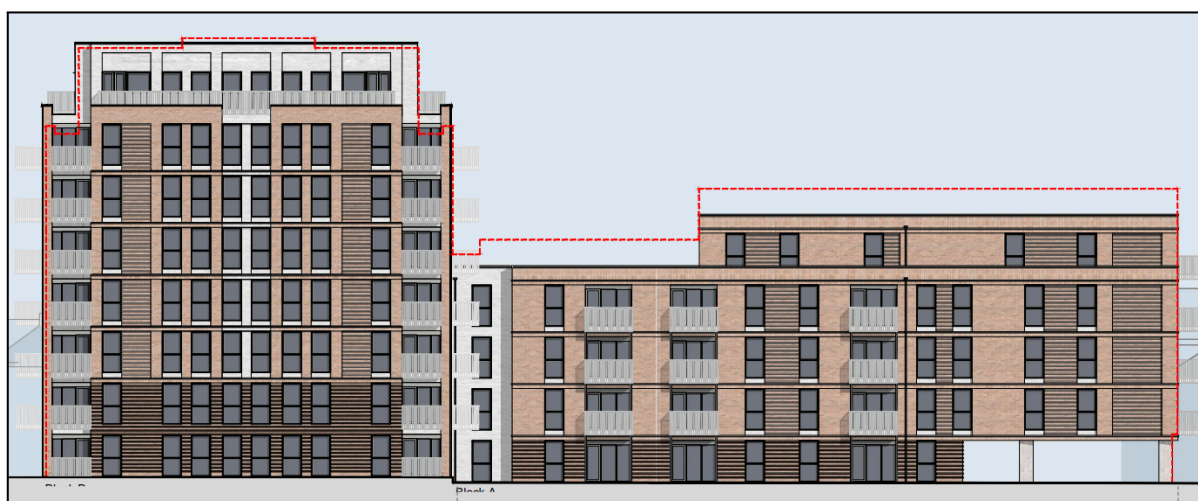


Proposed



Other changes relate to an additional apartment being added to block E and the southern block on the Park Road frontage has been handed to improve pedestrian access (via the landscaped frontage onto Park Road rather than off the main vehicular access road). A sub station is also now proposed in the south west corner of the site.

The main change to the scheme is the additional floor onto Block B, although the overall height of this block is not increased due to a combination of reducing ceiling heights and removing the air source heat pumps. There is an increase in the shoulder height of this block and this increases the overall mass but the proportions of this block are retained as well as the design approach of a set back top floor (white brick) and a red stock outer walling (supported by the Design Panel at the time of the original application). In terms of the overall height of this block, the Regional Design Panel felt that the site could accommodate additional height but in view of local residents concerns the height of this tallest element of the scheme was kept at a relatively low height. The comparison of heights is shown below with the original scheme outlined in a red line. The elevation also shows some of the corresponding reductions in heights for adjoining apartment blocks due to the reduction in ceiling heights.



The main concern in heritage terms was the impact on the Warwick Gardens Conservation Area immediately to the south of the site. This is assessed in the follow section which has been taken from the original Committee report:

'The main concern regarding the impact of any development has been on the setting of the Warwick Gardens CA immediately to the south of the application site. The majority of the development would not be visible, however, the top floors of Block B would be evident above the ridgeline of the three-storey terrace in Charlote Road when looking north from Warwick Gardens. Your Officers agree with the assessment of the Heritage Statement that this aspect of the proposal will cause some harm to the setting of the Conservation Area. It is also agreed that this harm is less than substantial (as defined by NPPF) and is at the lower end of the 'harm' scale.

During the pre-application discussions the form of the taller element was amended to provide a lighter and diminishing scale to the top floor and this has helped to reduce the visual impact of the taller element rising above the terraced properties

adjacent to the southern boundary of the site. The image below shows the backdrop from the key view set well within the Conservation Area and during the winter months. The existence of street trees would filter this view during summer months. The harm identified is minor in the context of the overall setting of the Conservation Area.'

It is not considered that this assessment changes with the revised scheme, albeit it was previously accepted that there would be some harm to this Conservation Area and other heritage assets in the vicinity of the site. The updated Heritage Report submitted with this revised application states that,

'While the majority of the proposed development will not be evident in views from within the designation, the upper storey to Block B will be visually evident above the ridgeline to the three-storey Charlecote Road terrace group (Plate 30). This aspect of the proposal will cause some harm to the setting of the Conservation Area (deemed to be at the lower end of the less than substantial harm scale). It is considered, however, that the lightness of the facing material to the top storey will lessen its visual prominence in views from within the designation, thereby lessening the degree of harm. Warwick Gardens also benefits a number of trees which line either side of the road, which has the benefit of impeding longer views of the Charlecote Road terrace group noted, although it is acknowledged that the top storey to Block B is likely to be evident during the winter months, in particular. The minor level of harm identified must also be weighed against the potential public benefits associated with the proposal which include utilising a previously developed, brownfield site to provide much needed housing within Worthing with enhanced landscaping and biodiversity benefits.'



View from Warwick Gardens Conservation Area looking north

It was previously assessed that the scheme would have no harm to the Steyne Gardens Conservation Area and in this respect there are no significant changes to the Park Road frontage (closest to the Conservation Area). Further to the east there are more open views from Beach House grounds and whilst Block B will be as prominent as before, the slightly lower heights of the surrounding blocks will reduce the wider townscape impacts of the development.

As before, key views of the development from nearby heritage assets are considered in the updated Townscape and Visual Impact Assessment (TVIA). To the west of the site there are a number of heritage assets, listed buildings in the High Street, Elm Lawn House and former Conservative Club building in Union Place. The following is an extract from the submitted TVIA,

'The Proposed Development would provide a backdrop to the Waitrose car park and Block B punctuates the view, Blocks A and C framing it on either side. The Block A has been stepped back to ensure Block B is the prominent feature within the view. The gap between Blocks B and C provide a view into the central communal courtyard of the Proposed Development.'

The façade material and approach to architectural treatment would respond to the existing buildings within the view and the emerging proposal of Union Place. The blocks provide visual interest to the view.'



In scale and massing terms it is not considered that the proposed amendments have any material effect on the surrounding heritage assets or wider townscape and the reduction in some of the blocks surrounding the tallest element are lower in height to reduce their overall impact.

Elevational Treatment and Design Quality

During pre-application discussions the developer expressed some concern about the buildability of the approved scheme and local architects ECE were requested to review elevational treatments and in some cases simplify the extent of brick detailing and variety of brick shades. The extent of changes proposed has concerned your Officers that some of the high quality displayed in the original approval may be lost.

The applicant has responded positively to some of these concerns and the revised drawings now received ensure that the same quality of design is carried through into this revised scheme. Some of key changes include:

Block B

- corner balconies to be reduced in scale to better reveal the brick edge facade as per the approved approach.
- reintroduction of the red brickwork to extend higher than white brickwork at parapet level.
- panels above windows at top floor level have been removed and replaced with a brick treatment to the top of the window.

Blocks E and C

- dentil course brick detail has been reintroduced as requested.
- reintroduction of different brick tone at upper floor level, distinguishing from lower floor material colouring.
- Block C west elevation – bay detailing has been amended to better reflect the approved drawings.

The re-introduction of rusticated brickwork, brick dentil course and a contrasting brick colour have all helped to provide the necessary design quality for this prominent town centre site. The elevations below show the changes negotiated since the application was submitted. **Appendix I** includes some updated computer generated images (CGI's) of the development.



Residential Amenity

In consideration of existing neighbours and policy DM5 (viii - Impact on Neighbours), the current application is accompanied by an updated sunlight and daylight assessment, in accordance with recently revised national guidance from the Building Research Establishment (BRE, 2022).

In 2021, assessment of the approved scheme found some daylight /sunlight reductions at two houses in Lyndhurst Road, four in Park Road, three in Warwick Gardens and to some of the Kings Hall flats to the south. In each case the effects were marginal or minor. In the current proposal, the new assessment considers the slight reductions in the height of the proposed buildings. This produces an improvement in the levels of light impact.

In respect of privacy, distances between windows and balconies of the proposed buildings are similar to those of the approved. This is with the exception of the inset entrance lobby wings (including upper floors thereof) of the northern pair of blocks C & D; these have been moved approximately 3m southwards, away from neighbours in Lyndhurst Road. Accordingly, their impacts are less than previously.

On the southern elevation an additional window has been added to the four approved windows at the fourth floor of Block A. This is unlikely to significantly impact the outlook or privacy at neighbouring buildings approximately 26m to the south in Warwick Gardens. However, an additional south-facing first floor window at the south east corner of Block E, facing towards the house and garden at no 83 Park Road, just under 12m away, is considered to be more significant in terms of overlooking. As this is a secondary bedroom window, it is recommended that this be deleted.

Balcony screens would continue to be required by planning condition 25 to parts of Blocks A & E. These would minimise risk of overlooking existing houses and flats to the south. New trees along this boundary will also assist in part-filtering views, although one at the south-west corner has been removed to accommodate the new substation building.

In terms of noise, the impacts of the development are likely to be largely unchanged by the proposals, the difference being chiefly the increased activity associated with a greater number of new residents. However, further information has been sought regarding the new substation at the south west corner, to minimise any risk from this source.

For residents of the proposed development, as aforementioned the proposals conform to space standards, including accessible and adaptable designs throughout. A consequence of the proposed internal re-planning to create additional flats is that there is a slight increase in single aspect homes, most notably in the area adjacent to the relocated entrance lobby wings at Blocks C & D.

Nevertheless, the updated assessment of light to the proposed reconfigured internal layout has identified only a one percent reduction in the number of proposed rooms receiving recommended light levels (now 97%), and that the small number of

reductions are partly due to the need to include projecting balconies, which slightly affect windows of the apartments below them.

In outdoor areas there is a one percent increase in daylight reaching amenity spaces (now 63%). Overall these results indicate little change from the approved light levels throughout the proposed development.

The impact of existing noise upon future residents has also been updated. This found that the existing noise climate is slightly improved following the introduction of electric vehicles at the adjoining Waitrose distribution and delivery facility to the west. Acoustic glazing would be used across the site with associated mechanical ventilation for some apartments, as previously accepted and dealt with under conditions 31-33 below.

In summary, subject to satisfactory acoustic information regarding the new substation, the impacts of the proposals upon neighbours and new residents are considered acceptable in accordance with Policy DM5.

Viability and Infrastructure Contributions

The applicant remains committed to meet the original development contributions set out in **Appendix II** attached to this report (updated to reflect the proposed Deed of Variation). However, as with the first application, the applicant maintains that the scheme cannot afford to deliver on-site affordable housing. An updated viability appraisal once again demonstrates the viability challenges in bringing forward development on this former gas works site notwithstanding the fact that these amendments propose an additional 19 flats.

To robustly test the viability position your Officers instructed the Dixon Searle Partnership (DSP) to review the submitted appraisal and its response is attached as **Appendix III**. In summary, whilst not all the assumptions are agreed by the Councils Consultants even with various adjustments DSP conclude that,

'Having applied a fairly positive set of assumptions in our base appraisal (for 100% market housing) the results indicate a significant deficit against the target level of profit. Although we do not necessarily agree with the target level of 20.0% profit, our base appraisal indicates a 13.24% profit which is below the 15 to 20% range suggested by the PPG and therefore indicates that the scheme does not show scope for a contribution to affordable housing.'

We have also sensitivity tested an optimistic development value assumption of £575/ft² (including parking) which in our view would require an improvement in values from the current market position as well as a significant uplift due to 'placemaking' as hoped for by the applicant.

Contrary to the submitted position which suggests that there would be very little profit at all from the scheme, our appraisals demonstrate that the scheme is deliverable, and our sensitivity test position above is likely representative of the position that Berkeley hope to reach if market conditions become more favourable.

However, stepping back and viewing the viability as a whole, we agree that based on present day costs and values the scheme will not support a contribution to affordable housing. This is principally due to the high build cost needed to support the assumed values, alongside site remediation costs.'

This is an important town centre site and the delivery of this site would make a significant contribution to meeting the Council's 5 year supply of housing. Whilst, Planning Committee was previously concerned about the lack of affordable housing it also recognised the regeneration benefits of delivering this town centre site. Notwithstanding the viability position the applicants offered s106 contributions with Members agreeing that the majority of any off site contribution should go towards affordable housing (£400k).

The applicant is keen to proceed with the site and avoid any additional delays that might further affect scheme viability. To this end the applicant has offered a further financial contribution (based on a pro rata increase in dwellings on the site:

'Whilst the viability review has confirmed that the scheme cannot viably support affordable housing (AH) I can confirm that Berkeley is willing to increase its Section 106 financial contribution for Worthing Gasworks on a pro-rata basis to reflect the additional 19 units in the revised scheme, as follows.

The total agreed contribution in the signed Section 106 is £563,200, which equates to £2,695 per unit for the consented 209 unit scheme.

Applying the £2,695 per unit to 228 units results in an increased total offer of £614,460, which is an increase of £51,260 to the total Section 106 contributions.

We understand that Members may wish to reallocate the total s106 'pot' as they see fit, based on their priorities.

We make this offer on the basis that the Deed of Variation to the Section 106 is drafted between WBC and Berkeley as soon as possible.'

In line with previous priorities it is recommended that this figure be added to the £400 k previously negotiated for affordable housing. Members may be aware that the Highway Authority was also keen to see an uplift in the contributions previously agreed and any further comments received from the Highway Authority will be reported verbally at the meeting.

Remediation, Drainage and Flood Risk

The status of the site, within an area of low flood risk (Zone 1), remains unchanged since 2021. The current proposal slightly improves the sustainable approach to surface water drainage, by changing to the use of blue-green roofs. These help to store and dissipate rainwater in addition to the below ground storage tanks of the approved development.

The remediation of contaminated land is proposed by the same sequence of investigation, formulation of a remediation strategy as previously. The associated

management of odours together with a communications strategy to inform and update neighbours also remains a part of this; the Environmental Health Officer has recently received and is satisfied with these and as such conditions 11 and 12 below can be updated.

Further survey works have identified that a small area of the north east part of the site, the location of some of the proposed piling work occupies an area of lesser risks to groundwater than originally assumed. As such lesser remediation requirements should apply to these 12 piles but should remain in place for the others (200+ piles.) The Environmental Health Officer is satisfied and Condition 13 below can be amended to make this distinction.

Other Matters

Fire Safety improvements contained in the amended proposal are the provision of a second internal staircase and fire service shaft in the eight storey block B. The Health and Safety Executive has confirmed that it is content with the amended scheme. The County Fire Service has repeated its requirement for the provision of adequate fire hydrants and/or water storage for fire fighting, as already required by planning condition 34. This is repeated below.

Taking into account the limited changes to the scheme; that it is no taller than previously, that the associated additional traffic along with its air quality impact are small and CO2 saving is well above the 31% policy target; furthermore that site remediation requirements remain in place, it is considered that the overall environmental impacts of the scheme are little changed by the proposal.

Conclusion and Planning Balance

Following design improvements to the submitted scheme your Officers are satisfied that the proposed amendments do not materially affect the overall design quality of the scheme. The additional 19 flats on a sustainable town centre site within the overall scale and massing envelope of the original scheme is to be welcomed given the housing need within the town. The failure to meet the last Housing Delivery test means that the Council is a presumption authority and the tilted balance in favour of housing delivery adds weight in support of development in this sustainable location.

Whilst local residents are concerned about lack of parking facilities in the area, the applicant is committed to implementing a robust Travel Plan with various measures to encourage new residents to travel sustainably. The scheme includes a car club and the success of the Council's own car club in the High Street multi-storey car club demonstrates the ability of car clubs to encourage more sustainable travel. The Travel Plan ensures that all new residents will be given a two year membership, a drive time voucher and a welcome pack highlighting the public transport links available close to the site.

As before it is considered that the proposed development would have some harm to the setting of Warwick Gardens Conservation Area. However, this is at the lower end of the 'less than substantial harm' set out in the NPPF and is outweighed by the public benefits of the scheme. These public benefits include redeveloping a site that

detracts from the character and appearance of the area, remediating a contaminated site and delivering much needed housing in a sustainable town centre site. Despite the viability challenges the scheme provides an off site contribution of circa £450k towards the delivery of affordable housing, open space contribution and transport contributions to mitigate the impact of the development on the local highway network. The scheme will also improve the width of the footway along the frontage of the site.

The design of the scheme has sought to avoid harm to other nearby heritage assets including a number of listed buildings. This has been achieved by using a series of stepped building heights, lower at the site edge and increasing in stages towards the centre. This provides a sense of transition with the two storey and occasional three storey buildings around the site and nearby. The use of a varied architecture and materials ensures that there is distinction between the individual blocks, providing a terraced cottage style of the site frontage onto Park Road and a more formal and modern style deeper into the site and onto Lyndhurst Road.

These elements are harmonised by the widespread use of traditional proportions in details such as windows and doors, together with areas of simple or elaborate decorative brickwork. As such the development is both locally referenced but contemporary. It would be visible in views from surrounding streets, including the conservation area and setting of listed buildings, presenting a new high point on the local skyline but not in an abrupt or architecturally intrusive manner. Therefore it is considered to largely avoid harm in terms of the town's heritage but it is considered to add new and visually complementary elements to the wider townscape.

Recommendation

To APPROVE subject to completion of a Deed of Variation to the original agreement updating the District Heat Network clauses, seeking the additional development contribution (£51k) and awaiting the further satisfactory comments of the Highway Authority and Environmental Health and subject to the following planning conditions:

1. Approved Plans [*to be inserted*]
2. Time Limit - The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
3. Materials and Detailing

Prior to commencement of any works above slab level the following shall be submitted to and approved in writing by the Local Planning Authority:

- i) details and samples of all materials to be used on all external faces of the buildings hereby approved, including windows and doors and roofs, colours and finishes,
- ii) large scale drawings (typically 1:20 scale) and cross sections where necessary of details including windows and doors, balconies and

balustrades / rails, roof intersections, soffits and eaves, rainwater goods and decorative brickwork and features.

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

4. Access

Unless otherwise approved in writing by the Local Planning Authority no individual dwelling shall be occupied until all vehicular and pedestrian site accesses, (including visibility splays at the vehicular access), and all roads, footpaths and turning areas serving it, have been completed in accordance with the approved plans and any parking phasing plan which shall have first been approved in writing by the Local Planning Authority. The visibility splays shall be kept permanently free of obstructions to visibility above 0.6m height.

5. Parking

Unless otherwise approved in writing by the Local Planning Authority no individual dwelling shall be occupied until the car parking and associated turning space serving it has been provided and marked out in accordance with a parking and manoeuvring phasing plan, including details of marking out of spaces for wheelchair users and car club vehicles, which shall have first been submitted to and approved in writing by the Local Planning Authority. The approved spaces shall thereafter be permanently retained for their identified purposes.

6. Electric Vehicle Charging

Parking spaces (provided under condition 5 above), shall include charging points for electric vehicles for all car parking spaces in accordance with details including, location, power rating, charge rate and cabling, which shall first be submitted to and approved in writing by the Local Planning Authority. All other parking spaces shall make provision for 'passive' charging - provided with ducting to allow for these spaces to be upgraded in the future.

7. Cycle Parking

Unless otherwise approved in writing by the Local Planning Authority no dwelling shall be occupied until secure cycle parking stores and bin stores has been provided in accordance with the details, including plans, elevations and materials details, including plans, elevations and materials, which shall first be submitted to and approved in writing by the Local Planning Authority. The approved cycle stores and bin stores shall thereafter be provided in accordance with the details thereby approved and retained at all times for their designated purpose.

8. Travel Plan (to be updated)

Unless otherwise approved in writing by the Local Planning Authority no part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document, unless otherwise agreed in writing by the Local Planning Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

9. Remediation (to be updated)

No development shall take place, including any works of demolition, (unless otherwise agreed in writing by the Local Planning Authority) until the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency:

- i) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on (i) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal, a detailed Remediation Method Statement (RMS) giving full details of the remediation measures required and a Remediation Implementation Plan (RIP). The RIP shall detail how the RMS will be implemented and incorporate strategies detailed within the approved Odour Management Plan. A Materials Management Plan (MMP) written in accordance with the CL:aire DoWCoP should also be provided.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented in accordance with the approved details i)-iv) unless otherwise agreed in writing by the Local Planning Authority.

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

10. Remediations - Precaution

If during development, contamination not previously identified is found to be present at the site, (for example, asbestos containing material, grossly impacted soils or highly odorous materials, underground tanks or associated pipework), then no further development within that localised area of the site that the contaminated material in question is discovered in shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority as part of the verification reporting associated with Condition 9.

11. Remediation - Odour Management (to be updated)

No development shall take place, including any works of demolition, until an Odour Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Odour Management Plan shall include the following:

- i) A risk assessment to identify potential sources of vapours and odour and how it may be released;
- ii) Identification of the most sensitive receptors, both residential and commercial, where assessment and monitoring of vapours and odours will be undertaken by an independent consultant before commencement of works (to establish baseline conditions) and as work progresses;
- iii) A suitable and efficient means of monitoring and suppressing vapours and odours, including where necessary the use of

suppressants, deodorising agents and adequate containment including the use of a fully enclosed system where appropriate and/or other best practice techniques so as to prevent nuisance.

The Plan shall have regard to the Environment Agency H4 Odour Management (2011) and the IAQM Guidance on the assessment of odour for planning 2018. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period.

12. Communications Strategy (approved)

Prior to the removal of structures from the site, demolition, remediation or commencement of development, a Communications Strategy shall be submitted to and approved in writing by the Local Authority. This shall include measures for communication with people in the local area, to be undertaken by a communications specialist during the site clearance, remediation and construction phases of the development. The Communications Strategy shall thereafter be fully implemented and adhered to for the full duration of the site clearance, remediation and construction phases of the development.

13. Piling

Piling or deep foundation using penetrative methods shall only be carried out in accordance with a foundation works & groundwater risk assessment which shall first be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved.

14. Boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

15. Construction Management Plan

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

- a) the anticipated number, frequency and types of vehicles used during construction - HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's.
- b) the method of access and routing of vehicles during construction,
- c) the parking of vehicles by site operatives and visitors,
- d) the loading and unloading of plant, materials and waste, including use of a banksman as appropriate,
- e) the location of any site compound, office, welfare facilities
- f) the location of storage of plant and materials used in construction of the development,
- g) the erection and maintenance of security hoarding and gates, which shall include out-of-hours contact information for site management and images of the approved development,
- h) site lighting, including measures to minimise light nuisance,
- i) a commitment to no burning on site,
- j) the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- k) details of public engagement both prior to and during construction works to advise residents and workers of neighbouring land of works and possible emissions and noise from the scheme during remediation work,
- l) a register of complaints received and response/action taken should be maintained and the Construction Management Plan reviewed and updated if necessary,
- m) methods to control dust and fumes from the site, including from engines,
- n) methods to manage the impact or noisy activities,
- o) construction waste management strategy,
- p) best practical means in accordance with British Standard Code of Practice BS5228:2009+A1:2014 to be employed at all times to minimise the emission of noise and dust from the site.
- q) details of how vehicles transporting contaminated waste that leave the site (including wheel washing and covering of loads) will be managed to prevent any contaminants from entering the environment.

16. Hours of Work

Unless otherwise agreed in writing by the Local Planning Authority, no construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 08.00 and 18.00 on Mondays to Friday and between the hours of 09.00 and 13.00 on Saturday and not at any time on Sundays or Public Holidays.

17. Drainage - Surface Water

With the exception of any demolition and clearance works and remediation development shall not commence, other than works of site

survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should be in accordance with the surface water drainage element of the drainage layout in Appendix D of the Flood Risk Assessment (June 2021) prepared by GTA Civils submitted in support of the planning application unless agreed otherwise with the Local Planning Authority. No apartment building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity. The scheme shall be implemented as approved and in accordance with any timetable/phasing agreed as part of the approved scheme.

18. Drainage - Maintenance

The development shall not be occupied until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

19. Drainage - As-Built Record

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

20. Foul Drainage

No development (excluding site clearance works) shall take place until details of foul drainage, which shall be in broad accordance with the Flood Risk and Drainage Strategy by GTA Civils, dated January 2024, have been submitted to and approved in writing by the local planning authority in liaison with Southern Water. No dwelling associated shall be occupied until the drainage works have been carried out in accordance with the approved details.

21. Energy & Water Efficiency

The development hereby approved shall (unless alternatives are agreed in writing by the Local Planning Authority), incorporate the following sustainable energy and heat management measures, in accordance with the details in the submitted Energy Assessment (Revision V1.4 - dated 17th January 2024).

Written confirmation, including independent professional verification, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that these measures have achieved the target of 32 percent CO2 reduction below the baseline model including renewable energy, as identified in the submitted Energy Assessment and confirming the installation of water goods and fixtures to achieve a target of <105L/Person usage/day.

Unless otherwise approved in writing by the Local Planning Authority the verification document shall include proposed and timetabled remedial measures if these targets have not been met and, the remedial measures thereby approved shall be implemented in accordance with that timetable.

22. Landscaping

With the exception of any demolition works or works up to slab level, no development shall take place until a detailed timetabled scheme of landscaping in broad accordance with the submitted Landscape Masterplan Lan DWG-010 Rev 02 and Landscape Design Strategy Lan-REP-001 Rev 02, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- i) landscape planting, including species, size and number or planting densities,
- ii) detailed measures for the enhancement of biodiversity, including brown roofs,
- iii) ground surfacing materials: type, colour, texture and finish,
- iv) a maintenance plan to ensure establishment of this detailed scheme of landscaping.

These details and timetable shall be adhered to throughout the course of development works unless otherwise agreed in writing by the Local Planning Authority. All planting, seeding, turfing, biodiversity enhancement measures and ground surfacing comprised in the approved details of landscaping, shall be carried out in accordance with the timetable thereby approved and any vegetation or biodiversity measures or surfacing which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased

shall be replaced in the next planting season with others of similar type, size & species.

23. Means Of Enclosure - Details

No block shall be occupied until all boundaries, external enclosures and gates related to that block have been completed in full accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. Details of gates shall include provision of access for people with disabilities and details of the southern boundary shall include provisions to manage surface water flow.

24. Means Of Enclosure - Limitation

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order revoking or re-enacting that order). No additional means of enclosure shall be erected forward of any part of any façade of the buildings hereby approved facing a public highway, other than those which are shown on the plans hereby approved.

25. Balcony Screens

Blocks A and E shall not be occupied until balcony screens of not less than 1.7m in height have been fitted to the southern face of balconies to apartment nos. 02 and 03 on the first and second floors of Block A and apartment nos. 02 and 03 on the first, second and third floors of Block E. This will be in accordance with details, including design and degree of obscuration (which shall not be less than Pilkington Level 4 or similar index of obscuration) which have been submitted to and approved in writing by the Local Planning Authority so as to minimise risk of overlooking of neighbours to the south. The screens shall be permanently retained and maintained in accordance with the details thereby approved unless otherwise agreed in writing with the Local Planning Authority.

26. Roofs - Usage

No part of any roof to blocks A or E shall be used at any time for the purposes of a terrace or balcony without the prior written approval of the Local Planning Authority.

27. Lighting

No block shall be occupied until all external lighting related to that block (where applicable) has been installed and is operational in accordance with details, including measures to minimise light-pollution, which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the external lighting shall be provided and maintained in accordance with the approved scheme. No additional external lighting shall be installed in areas which are visible from outside

the site without the prior approval in writing of the Local Planning Authority.

28. Security

Details of secure entrances to buildings, lighting within the site and security for cycle and bin stores shall be submitted to and approved in writing by the Local Planning Authority before the fit out stage of each phase of development. The details thereby approved shall be implemented and fully adhered to in the completion of the relevant phase.

29. Accessibility

With the exception of any demolition works, site excavations and remediation, no other development shall commence until a survey and plan of existing and proposed site and slab levels, including provision of access for people with disabilities has been submitted to and approved in writing by the Local Planning Authority. Development shall accord with the details thereby approved and thereafter no other raising of levels shall be carried without the prior written approval of the Local Planning Authority.

30. Aerials and Antennae

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

31. Noise Insulation

Prior to the commencement of development above slab level, details of noise and vibration mitigation, including acoustic glazing and mechanical ventilation and heat recovery systems shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority these details shall accord with the Noise Assessment dated 17th January 2024 (reference: 12586B (NV) V1), submitted with the current application, and shall include any necessary measures to minimise risks of noise and vibration from any lifts or other plant provided as part of the development.

32. Noise Insulation - Verification

Unless otherwise approved in writing by the Local Planning Authority no phase of development shall be occupied until all noise mitigation and ventilation approved under condition [31] above has been completed and details of the post implementation independent verification for that phase have been submitted to and approved in writing by the Local Planning

Authority to demonstrate that the mitigation and ventilation measures undertaken are effective and protect noise sensitive development from noise & vibration. Any remedial actions arising from this verification testing which are then required by the Local Planning Authority shall also be implemented prior to the occupation of that phase and permanently retained and maintained thereafter.

33. Plant & Noise (to be updated)

No external fixed plant, or mechanical vent or duct shall be installed until details have first been submitted to and approved in writing by the Local Planning Authority. Details should demonstrate the rating level of any new plant or machinery will not exceed the Plant Noise Criteria specified in Section 4 of the Acoustic Assessment (Ref: 9675.RP01.EBF.3 Dated 11th May 2020) and should include any necessary anti-vibration mountings. All plant shall be maintained in accordance with manufacturer's guidance to ensure the levels contained in the aforementioned Acoustic Assessment are not exceeded and any future plant shall also meet the specified levels within the approved scheme.

34. Fire Hydrants & Water Supply

In the event that the need for additional fire hydrants or stored water supply are required as part of the Building Regulations Approval process, the following details shall be submitted,

1. Unless otherwise approved in writing by the Local Planning Authority, prior to the commencement of the development (excluding demolition works, site excavations and remediation), or other such time as may be agreed by the Local Planning Authority, details showing the proposed location and timetable for installation of fire hydrants or stored water supply and their connections to a water feed supply (which is appropriate in terms of both pressure and volume for the purposes of firefighting), shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.
2. Unless otherwise approved in writing by the Local Planning Authority, prior to the first occupation of any dwelling forming part of the development the applicant shall install the fire hydrants / water storage and supply approved under a) above in the approved location (s) to BS 750 standards.

35. Development Limitation - The development hereby permitted shall not exceed 209 units and 8 storeys in height.







APPENDIX II

**Table: Heads of Terms for Deed of Variation
(amendments to original s106 in bold)**

	Issue	Terms
	Accessibility and Parking	
1	Car club spaces for two cars	<ul style="list-style-type: none"> • Space for two cars • Procurement of a supplier to provide 2 cars • Paid membership per household for 2 years • £50 drive time per household
2	On-street parking permit restriction	<ul style="list-style-type: none"> • Applicant agrees that no future residents will be able to apply • Parallel restriction to apply in all leases/deeds.
3	Car Parks	<ul style="list-style-type: none"> • Management: to ensure most effective practical uptake and minimise risk of locking-up spaces. • Include visitor parking, Car Club Spaces, EV charging points and ducting.
4	Travel Plan	<ul style="list-style-type: none"> • Appointment of Travel plan coordinator for five years • Liaison with County Council • Fees for County Council liaison (£3,500)
5	Wider Pavements in Lyndhurst Road and Park Road	<ul style="list-style-type: none"> • Provision of wider footpaths (1.8m). • Reasonable endeavours clause to secure additional land from the adjoining gas governor site
6	Cycle Path land in Lyndhurst Road	<ul style="list-style-type: none"> • Ten years optional provision of further land (1.8m) • Dedication of land for highway use if required • No unauthorised development on this land
7	Footpath connection to Waitrose land	<ul style="list-style-type: none"> • Ten year option • Provision of unobstructed public access if required • No unauthorised development on this land

8	District Heating Connection	<ul style="list-style-type: none"> ● Ensure connection to the District Heat Network ● Remove previous requirements for a Heat Options Study and future connection to District Heat Network
Contributions		
9	Open Space and Recreation	<ul style="list-style-type: none"> ● £65k towards improved open space provision at either Homefield Park or Beach House Park.
10	Air Quality Mitigation	<ul style="list-style-type: none"> ● Sum to be confirmed (by applicant), which may be discounted (subject to EHO comment)
11	Affordable Housing	<ul style="list-style-type: none"> ● £400k towards off site affordable housing provision ● Additional £51k secured through this current application
12	Transport	<ul style="list-style-type: none"> ● £100k Travel Plan commitments and sustainable travel improvements
13	Contamination	<ul style="list-style-type: none"> ● Contribution towards the cost of Independent Consultant to assist with discharge and monitoring of remediation strategy.
14	Viability Review	<ul style="list-style-type: none"> ● Pre-start viability review ● Development to commence within the next 12 months
Site Management		
14	General Management	<ul style="list-style-type: none"> ● Secure cycle stores to be maintained ● Implementation of Travel Plan ● All common areas to be maintained, including car parks. ● Sustainable drainage, including arrangements for maintenance and end-of-life replacement. ● Brown roofs to be maintained for biodiversity value
15	Local Procurement and Skills	<ul style="list-style-type: none"> ● minimum targets for apprenticeships ● local procurement of materials and contractors (Greater Brighton area).

Attached - Viability Review by Dixon Searle Partnership dated March 2024

**For: Worthing Borough Council
Pre-Commencement Viability Review**

**Former Gasworks Site
Lyndhurst Road
Worthing
BN11 2AN**

March 2024
(DSP23407AC)

Dixon Searle Partnership

Ash House, Tanshire Park, Shackleford Road
Elstead, Surrey, GU8 6LB
www.dixonsearle.co.uk

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1. Notes and Limitations

- 1.1.1. The following does not provide formal valuation advice. This review and its findings are intended purely for the purposes of providing our client Worthing Borough Council (WBC) with an independent check of, and opinion on, the planning applicant's viability information and stated position in this case. In the preparation of this review Dixon Searle Partnership has acted with objectivity, impartiality, without interference and with reference to appropriate available sources of information.
- 1.1.2. This document has been prepared for this specific reason and should not be used for any other purpose without the prior written authority of Dixon Searle Partnership (DSP); we accept no responsibility or liability for the consequences of this document being used for a purpose other than for which it was commissioned. To the extent that the document is based on information supplied by others, Dixon Searle Partnership accepts no liability for any loss or damage suffered by the client.
- 1.1.3. We have undertaken this as a desk-top exercise as is appropriate for this stage and level of review. For general familiarisation we have considered the site context from the information supplied by the Council and using available web-based material.
- 1.1.4. The information supplied to DSP to inform and support this review process has not been described by the prospective / current planning applicant on a confidential basis. However, potentially some of the information may be regarded as commercially sensitive. Therefore, we suggest that the Council and prospective / current or subsequent planning applicant may wish to consider this aspect together. DSP confirms that we are content for our review information, as contained within this report, to be used as may be considered appropriate by the Council (we assume with the applicant's agreement if necessary). In looking at 'Accountability', since July 2018 (para. 021 revised in May 2019), the published national Planning Practice Guidance (PPG) on viability says on this: '*Any viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances.*'



- 1.1.5. Dixon Searle Partnership conducts its work only for Local Authorities and selected other public organisations. We do not act on behalf of any development interests. We have been and are involved in the review of other planning stage proposals and strategic level (development plan/planning policy) projects within the Worthing BC area.

- 1.1.6. In any event we can confirm that no conflict of interests exists, nor is likely to arise given our approach and client base. This is kept under review. Our fees are all quoted in advance and agreed with clients on a fixed or capped basis, with no element whatsoever of incentive/performance related payment.

2. Introduction/Background

2.1.1 Dixon Searle Partnership (DSP) has been commissioned by Worthing Borough Council (WBC) to carry out an independent review of the 'Viability Appraisal Summary' (VAS) dated January 2024 and supplied to the Council by the planning applicant, Berkeley Homes. This is in relation to the proposed redevelopment of the former gasworks at Lyndhurst Road, Worthing, BN11 2AN. An application has been submitted, reference AWDM/0083/24, described as follows:

'AWDM/0083/24 | ORIGINAL DESCRIPTION AWDM/1459/21 (as amended by AWDM/1446/23): FULL PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING STRUCTURES, PARTIAL REMOVAL OF BOUNDARY WALLS AND THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT SPREAD ACROSS 5 BLOCKS WITH ASSOCIATED ACCESS, PARKING, OPEN SPACE AND LANDSCAPING Application to vary Conditions including: Condition 1 (Approved Plans); Conditions 17 & 20 (Foul & Surface Water Drainage); Condition 21 (Energy Strategy); Condition 22 (Landscape); Condition 25 (Balcony Screens); and Conditions 31 & 33 (Noise). The changes include an additional (eighth) storey to Block B but broadly within the approved massing envelope and including a reduction of building heights, accommodating an additional 19 dwellings. | Land At Former Gas Works Site Park Road Worthing West Sussex'

2.1.2 DSP carried out an independent review of a viability report related to a similar application on this site dated December 2020. Our report (ref DSP 23407T) and appraisals indicated that the proposed scheme of 209 units (with nil affordable housing provision) was not viable by usual measures and that affordable housing would not be supported by the scheme based on the available information at the time. The Council then granted planning approval with nil affordable housing but included provisions for viability to be reviewed at suitable stages to test whether the viability position had improved to the point that a contribution could be made.

2.1.3 DSP also reviewed the viability of the 209 unit scheme at 'pre-commencement' stage in March 2023 (report reference 23407AC), noting that both values and costs had significantly increased since the original viability review but concluding that the net result was that whilst there had been an improvement in the overall position, the scheme indicated a profit of 13.58% of GDV which is below the range suggested by the PPG and

which in our view did not demonstrate sufficient surplus for the scheme to make any additional planning contributions.

- 2.1.4 The applicant has now submitted a new application for an amended scheme, proposing an increased number of units (228 units, increased from 209) as described above. This is stated to be in response to the introduction of new fire regulations which require the inclusion of an additional staircase in buildings over 18 metres in height. The Government has not yet provided the detailed specifications relating to the requirement for second staircases, however Berkeley Homes have updated their fire safety standards in preparation for the coming requirement and as such have amended the plans to include a second staircase in one of the five proposed blocks (Block B), also adding one storey to the building and adjusting building heights of the other blocks and providing some additional parking spaces.
- 2.1.5 The applicant has referred to previous viability assessments and reviews within the VAS.
- 2.1.6 The submitted appraisal has been carried out on a residual profit basis, which includes the Benchmark Land Value (assumed at £2.744 million) as a fixed cost and indicates the profit after allowing for this and all development costs. The appraisal, as presented, indicates a profit of only £631,899 (0.83% on GDV) therefore as presented the scheme would not be proceedable by accepted norms. The VAS does not provide comment on this outcome other than to note that the scheme's overall viability remains extremely challenging. The report states that *'the proposed scheme amendments attempt to overcome the cost, floorspace and design impacts associated with introducing a second staircase into Block B'* and concludes that *'no affordable housing can be provided, although the previously agreed contribution is maintained'*.
- 2.1.7 It can be assumed that the applicant intends to find efficiencies within the development costs as well as hoping for an improvement in the market leading to higher sales values (also driven by 'placemaking') in order for the scheme to reach an acceptable level of profit.

3. Review of Submitted Viability Assumptions

3.1 Overview of Approach

3.1.1 The following commentary reviews the applicant's submitted viability appraisal assumptions as explained within the VAS and accompanying development appraisals.

3.1.2 Primarily the review process takes into account the fact that the collective impact of the various elements of the cost and value assumptions is of greatest importance, rather than necessarily the individual detailed inputs in isolation. We have considered those figures provided, as below, and reviewed the impact of trial changes to particular submitted assumptions where considered relevant to this review advice for DC.

3.1.3 In this case, we have also referred to previous viability reviews for the site and assumptions agreed at the time of those reviews.

3.1.4 This type of audit / check is carried out so that we can give the Council a feel for whether or not the presented outcome is approximately as may be expected – i.e. informed by a reasonable set of assumptions and appraisal approach.

3.1.5 As a general point, should there be other changes sought to the scheme proposals this would obviously impact on the appraisal outputs.

3.2 Benchmark Land Value (BLV)

3.2.1 In all appraisals of this type, the base value (value of the site or premises – e.g. in existing use) is one of the key ingredients of scheme viability. A view needs to be taken on land value so that it is sufficient to secure the release of the site for the scheme (sale by the landowner) but is not assumed at such a level that restricts the financial capacity of the scheme to deliver suitable profits (for risk reward), cover all development costs (including any abnormals) and provide for planning obligations as a part of creating sustainable development. This can be a difficult balance to reach, both in terms of developers' dealings with landowners, and Councils' assessments of what a scheme has the capacity to bear.

3.2.2 BLV was discussed in detail in DSP's original viability review of the site in 2021 (and subsequently in 2023) and a BLV of £2.8 million was agreed with the applicant on the basis

of the existing use value of the site, including a car park (plus landowner premium), office/storage buildings, the SGN Depot and the area of the former gas holder which was valued as storage land, as follows:

	Rent	Yield	Capitalised value	Purchaser's costs	EUV	Premium	BLV
Car Park	£115,000	8.00%	£1,437,500	6.80%	£1,339,750	20.00%	£1,607,700
Office/Storage Buildings	£22,000	10.00%	£220,000	6.80%	£205,040	0.00%	£246,048
SGN Depot	£45,000	10.00%	£450,000	6.80%	£419,400	0.00%	£503,280
Gas holder (AUV as storage)	£40,000	10.00%	£400,000	6.80%	£372,800	0.00%	£447,360
TOTAL BLV							£2,804,388

3.2.3 We consider that the assumed BLV of £2.8 million (equating to c. £2.5 million per hectare) remains suitable and have tested our appraisal results against this same BLV.

3.3 Acquisition Costs

3.3.1 Acquisitions costs of £192,500 have been included in the submitted appraisal as follows:

Acquisition Costs			
Stamp Duty			129,500
Effective Stamp Duty Rate		4.63%	
Legal Fee		0.75%	21,000
Agents' fees		1.50%	42,000
			192,500

3.3.2 Overall the amounts included do not exceed typical parameters and are therefore considered appropriate.

3.4 GDV (residential market sale)

3.4.1 The development consists of 228 dwellings with 222 apartments across five blocks (A to E), and 6 maisonettes now included on the edge of Blocks D and E. The proposed mix is as follows:

Proposed Accommodation - 222 x flats and 6 x houses						
Type	Block A	Block B	Block C	Block D	Block E	TOTAL
Studio			13	17		30
1-bed flat	24	14	5	1	13	57
2-bed flat	20	30	29	28	27	134
3-bed flat				1	0	1
2-bed maisonette				1	1	2
3-bed maisonette				2	2	4
TOTAL						228

3.4.2 The total sales revenue is £73,885,000 which is stated to be based on sales advice from Savills (not provided) and equates to £487/ft² average across all units based on the stated NIA of 151,670/ft².

3.4.3 An additional £2.28 million has been included in the submitted appraisal for car parking (114 units including EV charging spaces therefore an average capital value of £20,000 per space), taking the overall assumed GDV to £502/ft².

3.4.4 We note that previous viability submissions/discussions included the following assumptions on sales values (based on 209 flats):

Berkeley 2021	£441/ft ² (based on a pricing schedule from Savills)
DSP 2021	£463/ft ²
Berkeley (and DSP) March 2023	£482/ft ² , although sensitivity testing a more optimistic £507/ft ² .

3.4.5 There has been very little change in the price of flats generally in Worthing since the previous review. Adjusting the March 2023 figures by HPI in flats for Worthing indicates a value of £483/ft² (with the sensitivity test figure increasing to £509/ft²) for flats.

3.4.6 We note that house prices generally in Worthing fluctuated slightly in 2023 and have increased on the two most recent months on record, although being slightly below their 2022 peak at present (based on sales recorded by Land Registry).

3.4.7 We have reviewed sold prices for new build flats recorded by the Land Registry, and as with previous reviews we note that values of £500/ft² to £650/ft² (and in the case of one particular flat as high as £782/ft²) are being achieved for waterfront locations; some of which have parking, however new flats sold further inland have an average sales value of £412/ft² (with most of these sales taking place in 2022 when the market was at its peak). The submitted values are 17.5% above this average which is as expected for ‘the Berkeley product’, as it is described, being aimed at the higher/luxury end of the market.

3.4.8 Although the proposed development is not directly on the seafront, it is within easy reach of the seafront and some of the properties will benefit from sea views (including some of

the flats added in this latest scheme iteration), therefore it is reasonable to expect some increase to the average values on this basis.

- 3.4.9 We have also reviewed the resale price of flats over the most recent 6 months on record which was £361/ft² average. The submitted values are 35% above this level – again as expected reflecting the premium attached to new build and ‘the Berkeley product’.
- 3.4.10 As a further check we have also reviewed all new build flats offered for sale within 5 miles of the site. The number of examples is limited therefore we give limited weight to this dataset but the advertised prices suggest values of £350 to £450/ft² for any flats that are not in a waterfront location once a discount from the advertised price is taken into account.
- 3.4.11 Overall the submitted values appear to be reasonably placed although potentially cautious taking into account that based on previous discussions we understand that Berkeley expect the development to benefit from ‘placemaking’, with higher values also being driven by a high specification (which it should be noted will be reflected in the construction cost).
- 3.4.12 In order to fully ‘stress-test’ the viability position, we have adopted a base position on sales values of £509/ft² and have also sensitivity-tested values of £560/m² (plus the assumed £20,000 per space for car parking), noting that the average sales values are unlikely to exceed this point (£575/ft² average including car parking) due to competition from new build and resale apartments at waterfront developments.

3.5 Ground rents

- 3.5.1 The Leasehold reform (Ground rent) Bill came into force on 30 June 2022. It restricts ground rents on the grant of new leases to a peppercorn. On this basis, we consider that it is acceptable not to include a capital contribution from ground rents within the appraisal.

3.6 Build costs

- 3.6.1 The build costs applied in the submitted appraisal are based on a Stage 2 Cost Plan from Fulkers Bailey Russell Quantity Surveyors (FBR). The total cost set out by FBR (including contingency) is £56,277,000 which based on the stated GIA of 195,251/ft² equates to £286.76/ft².
- 3.6.2 The net:gross ratio of the proposed flats/maisonettes is 77.3%. This indicates a higher-than-average level of non-saleable/communal space however the plans include a second stairwell, communal space and two lifts in Block B, as well as cycle storage/bin storage for each of the five blocks.
- 3.6.3 The submitted cost plan has been separately reviewed by ERM Quantity Surveyors, whose report is attached as Appendix 1.
- 3.6.4 In summary, ERM conclude that the submitted cost is overestimated and have provided their own estimate which is £1,762,000 below FBR's.
- 3.6.5 ERM note however that the overall cost of building the scheme is high, partly due to the cost of remediating the site due to its former use as a gas works. ERM have benchmarked their costs against BCIS and note that their estimated scheme build costs are at the Upper Quartile level. As noted above this is consistent with the relatively high values put forward here (and with the upper-end values being sensitivity-tested in our appraisals).
- 3.6.6 ERM's estimate differs from FBR's by only 3.1% and some level of variance would be expected from different surveyors when assessing a scheme of this size. Nonetheless to fully test the viability position we have applied ERM's lower figure of £54,515,000 including contingency within our appraisal (equating to £277.78/ft²).

3.7 Professional Fees

- 3.7.1 The VAS appraisal includes 7.0% in professional fees (equating to circa 7.4% of build costs excluding contingency). This assumption does not exceed typical parameters and we have applied the same in our appraisal.

3.8 Sales and Marketing costs

- 3.8.1 The VAS assumes 4.0% of GDV for sales and marketing. This results in an allowance of £3,046,600 in total which equates to £13,362 per unit. Whilst we accept that a product

aimed at the upper end of the market might require additional marketing costs (e.g. multiple show homes) this still appears excessive, and we note that the plans indicate repetition of unit types which suggests that a limited number of show homes could adequately demonstrate the majority of apartment types. It is also reasonable to assume that agent fees and marketing fees on a per unit basis will be reduced due to the bulk scale here (228 units). We consider the submitted sales/marketing/legal costs to be set too high, and in the absence of a detailed/itemised justification of the submitted costs, we have assumed a total of 3.0% GDV resulting in a cost of £2,284,950 or £10,021 per unit.

3.9 The VAS appraisal also allows £750/unit for legal fees relating to disposal of the dwellings, which does not exceed typical parameters. We have not adjusted this in our appraisal.

3.10 Finance costs

3.10.1 The VAS appraisal assumes 100% debt finance with an interest rate of 8.0% which includes all fees. This is at the upper end of assumptions typically seen at this time and we have tested a rate of 7.5%, noting that following a sharp increase in borrowing costs, rates are now easing to some extent. We note also that the credit rate on positive balances within the appraisal is set at 0.0%. If applying a higher interest rate on debt it would also be appropriate to apply a suitable credit rate of circa 5.0% at the current time, therefore we consider our application of a lower rate of 7.5% overall to be suitable.

3.11 CIL/S06 costs

3.11.1 The VAS appraisal includes £442,525 for CIL. We note that the 2024 indexed rate for flats is stated on the Council's website to be £28.60/m² therefore we have applied this rate in our appraisal, leading to an increased CIL allowance of £521,444.

3.11.2 The appraisal also assumes £627,000 in S106 costs (£2,750 per unit), and a further £20,000 contribution to a car club. These amounts are stated to have been agreed as part of the previous application.

3.11.3 The Council will need to confirm the above costs or offer an alternative that can be tested in our appraisal. For the time being we have maintained the submitted assumptions totaling £647,000.

3.12 Profit (Developer's Return)

- 3.12.1 The VAS appraisal has been carried out on a residual profit basis, with a stated target of 20.0% GDV. The appraisal indicates a profit of only 0.83% on GDV (after allowing for Benchmark Land Value).
- 3.12.2 The Planning Practice Guidance (PPG) on Viability states: *'Potential risk is accounted for in the assumed return for developers at the plan making stage. It is the role of developers, not plan makers or decision makers, to mitigate these risks. The cost of fully complying with policy requirements should be accounted for in benchmark land value. Under no circumstances will the price paid for land be relevant justification for failing to accord with relevant policies in the plan'*. It goes on to state: *'For the purpose of plan making an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies. Plan makers may choose to apply alternative figures where there is evidence to support this according to the type, scale and risk profile of planned development. A lower figure may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a known value and reduces risk. Alternative figures may also be appropriate for different development types.'*
- 3.12.3 The PPG, as above, although silent in terms of decision making, does set out a range of between 15% and 20% on GDV for market housing; lower for affordable housing in relation to plan making. Given that the NPPF and PPG expect planning applications to be consistent with the plan making stage, it is therefore also appropriate to assume that the range 15% - 20% on GDV (lower for affordable housing) may be considered application at the decision taking stage.
- 3.12.4 We do not necessarily agree with the assumed 20.0% profit target in this case, particularly as the various ground condition/remediation reports and the cost plan suggest that the site risks have already been mitigated. As noted above the presented position is that the scheme will produce less than 1.0% profit, and that the developer is reliant on an improvement in the viability position between the point of assessment and sale of the dwellings. We will consider the residual profit indicated by our appraisal as part of our viability overview.

3.13 Scheme timings

- 3.13.1 The submitted scheme timings include an 8-month period between site purchase/project start and construction start, followed by a pre-construction period of 9 months and a 49-month construction period (with construction assumed to start at the beginning of the 'pre-construction period' and works costs spread in an S-curve from the start of the pre-construction period until the end of the construction period).
- 3.13.2 Sales completions are assumed to take place over a period 22 months ahead of the end of construction, with 14% of completions (32 units) in the first four months of the sales period and the remaining sales revenue spread evenly across a 27-month period (therefore with the final sale taking place 2 months after the final construction completion). The overall sales rate is circa 7 units per month which aligns with assumptions seen for schemes of a similar size and type.
- 3.13.3 Marketing is assumed to begin alongside construction, with costs applied spread evenly across the marketing period which lasts until the end of construction.
- 3.13.4 In addition, we have consulted the BCIS duration calculator for schemes of a similar nature which suggests an overall construction period of 27 months. Based on a '90% confidence level' BCIS indicates a range of 23 to 30 months which suggests that the submitted 49-month build period is potentially excessive.
- 3.13.5 However, it is likely in this case that the five blocks will be completed in sequence, with some of the construction running concurrently, therefore allowing some sales in the earlier blocks whilst the remainder are constructed. Based on our experience of similar schemes, a single block of c. 50 units will take 15 to 18 months to construct therefore we have assumed 5 stages of 15 months each, with sales beginning 6 months after completion of the first block, and continuing until 5 months after completion of the final block, as follows:

Assume 5 blocks with staggered completions				
	Project Month			
BLOCK	Construction Start	Construction End	Sales completions Start	Sales Completions End
Block 1	9	24	30	38
Block 2	18	33	33	41
Block 3	27	42	42	50
Block 4	36	51	51	59
Block 5	45	60	60	68

3.13.6 We have therefore adjusted the appraisal timings as follows resulting in a total construction period of 51 months, which is similar to the overall period within the submitted appraisal:

Stage	Start month	End month	Duration
Purchase	1	1	1
Pre-construction	1	9	8
Construction	9	60	51
Marketing period	9	68	59
Sales exchanges	22	66	44
Sales revenue	30	68	38

3.13.7 Within our appraisal, applying the above timings, we have assumed that sales revenue and construction costs are spread evenly across the relevant periods.

3.13.8 Making the above adjustments in isolation (i.e. without varying any of the applicant's other assumptions) results in an improvement to the profit position of c. £600,000. However when tested alongside other DSP assumptions noted above, this results in a reduction in the profit position of over £1 million. This illustrates the sensitivity of appraisal outcomes to changes in assumptions when applied to a scheme of this size.

3.13.9 Overall, having tested alternative timing assumptions we consider that the submitted assumptions are a reasonable proxy for what will occur with the scheme. Having considered the likely spread of costs over the duration of the scheme it would not be reasonable to reduce the assumed construction period in line with the duration suggested by BCIS without making adjustments to other assumptions such as the spread of construction costs and sales revenue timings.

3.13.10 Therefore within our trial appraisals we have not adjusted the submitted timings. We will however carry out sensitivity testing on costs and values to illustrate the potential variation in the viability position over time.

4. Summary - Overview

4.1.1 We consider the submitted overall approach to assessing the viability of the proposed development to be appropriate in terms of general principles and approach to the development appraisal.

4.1.2 We also consider the majority of the submitted assumptions to be suitable. However, there are some aspects where we have tested alternative assumptions, as follows:

- Sales values (see 3.4, above) – whilst these appear to be within the expected range, the comparable evidence is limited and we note that the assumed values appear fairly cautious. Many of the units in the scheme will benefit from sea views and the assumed build cost is at an Upper Quartile level which can be expected to include a specification which will drive above-average values. We have tested a base position of £509/ft² (average) across the scheme and have also sensitivity tested £560/ft² reflecting the ‘Berkeley product’ and the aim for ‘placemaking’ to contribute to improved sales values, and consistent with the stated high specification of the build. Combined with the assumed revenue for parking spaces this higher sensitivity test equates to £575/ft². We consider that values are unlikely to exceed this level due to competition from other developments (new build and resale) in waterfront locations.
- Build Costs – (see 3.6). These have been reviewed by ERM surveyors who although broadly in agreement with the majority of the submitted costs, estimate the overall cost including contingency to be c. £1.7 million lower than the applicant’s QS. In order to fully test the viability position we have applied ERM’s lower estimate of £54,515,000 in our appraisal.
- Marketing costs (see 3.8). The submitted costs appear excessive and in the absence of a detailed/itemised justification of the submitted costs, we have assumed a total of £2,284,950 or £10,021 per unit.
- Finance (see 3.9) – the submitted appraisal assumes a rate of 8.0% interest (based on 100% debt finance including all fees). This is at the upper end of assumptions currently seen. We have tested an interest rate of 7.5%.

- The VAS appraisal includes £442,525 for CIL (see 3.10). We note that the 2024 indexed rate for flats is stated on the Council’s website to be £28.60/m² therefore we have applied this rate in our appraisal, leading to an increased CIL allowance of £521,444.
- S106 costs (see also 3.10). The appraisal also assumes £627,000 in S106 costs (£2,750 per unit), and a further £20,000 contribution to a car club. These amounts are stated to have been agreed as part of the previous application. We have not adjusted these amounts in our appraisal - the Council will need to confirm the above costs or offer an alternative that can be tested in our appraisal.
- Profit (see 3.11) – the assumed return for risk is at the upper end of the range suggested by the PPG. We will consider the outcome of our appraisals in terms of a suitable profit target.
- Scheme timings (see.3.12) – We have tested alternative scheme timings/spread of revenues/costs. Overall, these do not alter the viability outcome and results vary according to the scenario tested and the other assumptions applied. We have not altered the submitted assumptions, however we note the potential for alternative timings to move the profit position depending on the scenario tested. This is part of the uncertainty that exists when assessing a scheme of this size, and we will carry out sensitivity testing of our appraisal assumptions (generally) to assist with the view taken of overall scheme viability.

4.1.3 When making our suggested adjustments as noted above, the proposed scheme produces the following results:

DSP appraisal results (profit after allowing fixed cost of BLV at £2.8 million)							
	GDV (£/ft ²) flats	Total GDV (£) including car parking spaces	Total GDV (£/psf inc car parking spaces)	Residual Profit	Profit (% GDV)	Submitted target profit (20.0% GDV)	Surplus/deficit against submitted target profit of 20.0% GDV
DSP base position	£509	£79,480,030	£524	£10,521,028	13.24%	£15,896,006	-£5,374,978
Sensitivity test higher values (likely maximum average value)	£560	£87,215,200	£575	£18,539,595	21.26%	£17,443,040	£1,096,555

- 4.1.4 Having applied a fairly positive set of assumptions in our base appraisal (for 100% market housing) the results indicate a significant deficit against the target level of profit. Although we do not necessarily agree with the target level of 20.0% profit, our base appraisal indicates a 13.24% profit which is below the 15 to 20% range suggested by the PPG and therefore indicates that the scheme does not show scope for a contribution to affordable housing.
- 4.1.5 We have also sensitivity tested an optimistic development value assumption of £575/ft² (including parking) which in our view would require an improvement in values from the current market position as well as a significant uplift due to ‘placemaking’ as hoped for by the applicant.
- 4.1.6 Contrary to the submitted position which suggests that there would be very little profit at all from the scheme, our appraisals demonstrate that the scheme is deliverable, and our sensitivity test position above is likely representative of the position that Berkeley hope to reach if market conditions become more favourable.
- 4.1.7 However, stepping back and viewing the viability as a whole, we agree that based on present day costs and values the scheme will not support a contribution to affordable housing. This is principally due to the high build cost needed to support the assumed values, alongside site remediation costs.
- 4.1.8 As noted above there is uncertainty in estimating costs and values for a scheme of this size, as well as scheme timings which can have a significant effect on profit outcomes. Therefore, for the Council’s information we have used the sensitivity testing function in Argus developer to assess the impact of changes up and down in construction costs and sales values, with results as follows:

Sensitivity Test showing Profit (£, and % GDV) with changes +/- up to 5.0% in sales values and build costs from DSP base position					
Construction: Gross Cost	Sales: Gross Sales				
	-5.000%	-2.500%	0.000%	2.500%	5.000%
	73,340,029	75,270,029	77,200,030	79,130,031	81,060,032
-5.000%	9,832,184	11,844,995	13,847,888	15,843,761	17,835,005
51,789,250	13.002%	15.274%	17.423%	19.462%	21.400%
-2.500%	8,156,955	10,176,606	12,189,086	14,191,980	16,187,878
53,152,125	10.787%	13.123%	15.336%	17.433%	19.424%
0.000%	6,475,215	8,502,069	10,521,028	12,533,178	14,536,071
54,515,000	8.563%	10.963%	13.237%	15.395%	17.442%
2.500%	4,785,310	6,821,384	8,847,184	10,865,450	12,877,269
55,877,875	6.328%	8.796%	11.131%	13.347%	15.451%
5.000%	3,085,995	5,131,480	7,167,554	9,192,299	11,209,871
57,240,750	4.081%	6.617%	9.018%	11.291%	13.451%

4.1.9 The above table demonstrates that to reach the applicant’s stated 20.0% profit target, the situation would have to improve from DSP’s assessment of present day value/costs via a close to 5.0% increase in sales values alongside a 5.0% decrease in build costs; or some equivalent combination. Again, this most likely shows the position that the applicant is hoping to reach having taken the risk of investing in the scheme, relying on strong values derived from ‘the Berkeley product’ and an element of ‘placemaking’ but supports our conclusion (having robustly scrutinised the submitted figures) that there is not sufficient scope for an affordable housing contribution in this case.

4.1.10 Of course, no viability report or assessment can accurately reflect costs and values until a scheme is built and sold – this is the nature of the viability process and the reason for local authorities needing to also consider later stage review mechanisms when significant developments fall short of policy provision. In this sense, the applicant and their advisors are in a similar position to us in estimating positions at this stage – it is not an exact science by any means, and we find that opinions can vary.

4.1.11 As regards the wider context including the challenging economic situation, in accordance with the relevant viability guidance our review is based on current day costs and values – a current view is appropriate for this purpose. The very latest indications are of decreasing

house prices; thought likely to continue over the coming year or more although balancing this to some degree, trends are also pointing to a potential slowdown in construction cost inflation as demand appears to be falling for residential projects, with the most recent rates indicated by BCIS showing some lower rates than previous months; however, it is not yet known whether these indications will be developing into longer-term trends.

4.1.12 The RICS Professional Standard notes that 'Development risk' reflects: *'The risk associated with carrying out, implementing and completing a development, including site assembly, planning, construction, post-construction letting and sales'* and that *'The return for the risk is included in the developer return and the PPG makes it clear that it is the developer's job to mitigate this risk, not plan makers and decision takers'*. This is all part of the usual development process. Furthermore, in reflecting the PPG the RICS Professional Standard notes: *'PPG paragraphs 007 and 009 reflect on the impact of market cyclicality during the life of the plan. Paragraph 007 gives market downturns as one example of the justification for a site-specific FVA, but it is restricted to "a recession or similar significant economic change". This implies the exclusion of normal market cyclicality, which is embedded in the level of developer return'*.

4.1.13 DSP will be happy to advise further as required.

**Review report ends
March 2024**



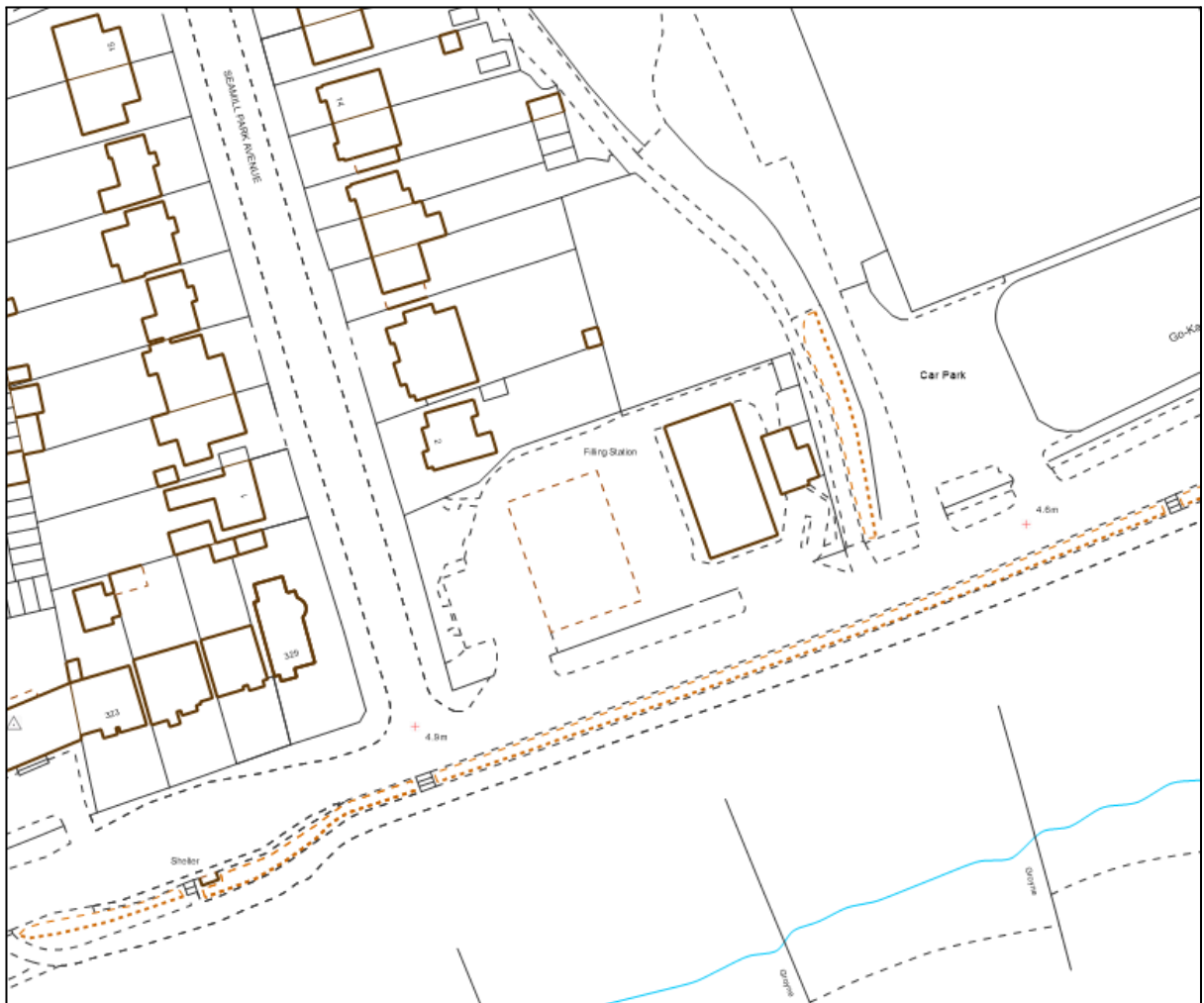
Appendix 1 – Cost report (ERMC Quantity Surveyors)

Appendix 2 – DSP version of applicant appraisal – base appraisal - Summary

Appendix 3 – DSP appraisal summary – sensitivity test max values

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Application Number:	AWDM/1586/23	Recommendation - APPROVE
Site:	331 Brighton Road, Worthing	
Proposal:	Extension of existing sales building to accommodate a new 'food-to-go' including drive-thru, removal of car wash, provision of two jet washes and relocated car care bay, reconfiguration of car parking, new bin store and associated works.	
Applicant:	Motor Fuel Limited	Ward:Selden
Agent:	JMS Planning & Development Ltd	
Case Officer:	Jacqueline Fox	



Not to Scale

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Introduction

Cllr Carl Walker has requested that the application go before committee

Site and Surroundings

The application relates to a petrol filling station and associated shop on the north side of Brighton Road (the seafront), with Brooklands Pleasure Grounds to the east and residential development to the north and west.

The sales building is situated at the eastern end of the site, with a car wash building beyond this. The petrol pumps and canopy are located towards the western part of the site, with customer car parking on either side of this, including 5 spaces on the western side of the site close to the main vehicular entrance.

The site is a 6 pump / 12 bay petrol filling station at 331 Brighton Road. In addition to fuelling facilities the site includes a 300.7m² shop facility which includes a sales area, coffee shop and customer toilet. There is currently an automatic “drive through” car wash located to the east of the sales building as well as an air/water facility in a dedicated bay in the west part of the site. The underground fuel tank fill point and associated vents are located towards the north west corner of the site and would not be affected by the proposals.

To the north of these customer car parking spaces is the air and water machine. The west boundary with Seamill Park Avenue is marked with a brick wall, with shrubs planted on the inside of the wall.

Large acoustic timber fences bound the north and east boundaries of the petrol station, with the northern fence separating the existing site from the residential properties to the north, and a grassed area to the east of their rear gardens, which belongs to the applicant, but does not currently form part of the petrol station site.

This grassed area of land is accessed via a separate grassed vehicular access from Brighton Road directly to the east of the site, which leads northwards towards garages at the bottom of the rear gardens of the houses further north in Seamill Park Avenue, and provides access to these garages and to the garden gates of these properties. This access track passes the open grassed area of land before reaching the garages. The land includes various shrubs and trees as well as a grassed area, and is understood to be maintained by the residents of Seamill Park Avenue for the purposes of nature conservation and for occasional recreational use by the local community.

There is a Tree Preservation Order which applies to the group of trees in the northern part of the grassed area, and also alongside the vehicle access which runs past the eastern edge of the site.

Proposal

The proposals involve the following:

- Removal of the existing automatic car wash (and associated plant room), and replacement with two jet wash bays.

- 115.4m² extension to existing retail building to provide customer seating and servery area (27.8m²), plus kitchen and back of house area (79.2m²) and drive through window and servery (8.4m²).
- Repurposing and redevelopment of car wash access and route to form a drive through lane for customer use.

The sales building's footprint will remain as existing with an extension of 115 sqm to the rear utilising the space currently occupied by the car wash and plant, to accommodate a 'food-to-go' unit and drive-thru. In addition, the car wash will be removed and two new jet washes and a car care bay are proposed to the west of the site in the location of existing parking . Parking across the site is to be reconfigured, providing six spaces to the front of the sales building, with two additional spaces to the northern boundary.

The coffee shop operator within the existing retail unit is to change under the development proposals, however, the part of the building they occupy is not materially altering.

The operating hours are 6:00hrs to 23:00hrs

The trip rates have been calculated per filling bay, as opposed to total site area; the resulting TRICS data shows the trip rates for one filling bay, as well as the calculation for twelve bays.

Existing

AM peak: 108-116 arrivals, and 105-112 departures

PM peak: 125-134 arrivals, and 126-133 departures

Proposed

As shown, the proposed drive through element at the site could be expected to generate 6- 12 new arrivals during the peak hours.

The proposals form an additional facility at an existing petrol filling station. The applicant's agent has indicated that while they could attract new customers by car into the site, it is expected that during the peak hours especially, around 50% of users of the proposals could be linked with an existing fuel or convenience shopping trip associated with the existing operation of the site.

In addition to this, some existing coffee shop customers could also opt to use the new facility at the site.

Relevant Planning History

The petrol station appears to date back to the early 1990s or possibly earlier.

The provision of an 'additional floodlit jet wash bay' was approved in 1994 (94/05069/FULL).

Redevelopment of the site was permitted in 2003 (reference 03/00817/FULL - *Demolition of existing structures / buildings and removal of existing underground tanks. Redevelopment to provide new forecourt, (canopy, pumps, underground tanks), Class A1 sales building, ATM, car-wash, car care facilities, car parking, landscaping and revised access. (Re-submission of previously refused application WB/02/01304/Full).*

The *'installation of various internally illuminated signs'* was permitted in 2003 (03/01297/ADV refers).

Permission was granted in January 2019 for *'Relocation of ATM to west elevation of building for Brooklands Service Station and installation of full-height glazing to south and west elevations to facilitate new internal cafe area with seating'* (AWDM/1758/18).

Permission was granted in May 2019 for *'Installation of replacement of 4 no. internally illuminated fascia signs, 1 no. updated internally illuminated Totem sign'* (AWDM/0515/19).

An application was submitted in November 2020 for *'Installation of 8no. new electric vehicle chargers with canopy and associated infrastructure. New 2.4m high timber compound to be installed'*. This application was withdrawn in March 2021 (AWDM/1825/20) due to concerns regarding the proposed location of the development on undeveloped land to the north of the petrol station compound and its impact on the residential amenity of nearby houses.

AWDM/1342/20- Installation of 2No. Jet Wash Machines and associated works- Approved

AWDM/0678/21-Installation of 8no. new electric vehicle chargers with canopy and associated infrastructure. New 2.4m high timber compound to be installed-Refused:

The proposed development on land to the rear of properties in Seamill Park Avenue would constitute an unneighbourly form of development and result in a loss of residential amenity. In particular, the commercial use of this undeveloped land by virtue of vehicle movements, lighting and general activity would be detrimental to the amenities of residents of Nos. 2-6 Seamill Park Avenue. As such, the proposal is contrary to Saved Local Plan Policies H18 and RES7, National Planning Policy Framework paragraph 127, and Submission Draft Worthing Local Plan Policy DM5.

Consultations

West Sussex County Council Highways:

Background

WSCC in its role as Local Highway Authority (LHA) has been consulted on the above proposals for highway safety, capacity and accessibility considerations. The proposals are as described above. Brooklands Service Station is an existing Petrol Filling Station (PFS) in a mixed area, including residential, fronting the sea. The

proposal seeks the removal of the car wash and proposes a sales building extension to facilitate a food to go/hot food takeaway offer with drive-thru facility.

The LHA provided an initial consultation response on the 19th December 2023 and requested further information from the applicant on the likely number of trips the proposed development would generate. It was advised that this should use the TRICS (Trip Rate Information Computer System) TRICS database. We are in receipt of a Transport Note (TN) which provides additional information as requested.

Comments

The site will utilise an existing vehicular access arrangement onto the A259. Whilst no visibility splays from the existing points of access have been provided, an inspection of the plans does suggest that adequate visibility is present in both directions from the existing point of access.

As requested the traffic flow generation is based upon the use of TRICS. TRICS is a database containing surveys of other completed and occupied developments. The database can be refined to use comparably located site uses to forecast potential traffic generation. TRICS is an accepted means of determining traffic generation. The TN has assessed similar PFS facilities in comparable locations to give an estimate of the likely changes in traffic generation. Using this data the analysis has shown that the proposed extension could result in a small increase in traffic generation, in the order of 6 and 12 vehicles in the AM and PM peak hours respectively. As the TN suggests the figure could reduce if any of these customers were existing PFS customers (whether fuel, retail or switching from the other food offering at the site).

Accounting for the above, it's apparent that trips generated by the site quickly disperse across the nearby road network. The assessments clearly demonstrate that the site access would work well within theoretical capacity.

Conclusion

Having regard for the current usage at the site and the additional information submitted the LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 115), and that there are no transport grounds to resist the proposal.

Adur & Worthing Councils:

The ***Environmental Health*** officer

The noise report is fine and I have no issues here. It's just any potential odour from kitchen extracts and what plant and abatement is necessary. If it is not known yet this could be conditioned.

I have had a look at the site and walked along the boundary with 2 Seamill Park Avenue, there is a large and robust fence between the garage and residential property and I noted wafts of petroleum from the forecourt as I walked the perimeter.

Noise from the nearby A259 was the dominant noise source in the area. The same perimeter route is used for the existing car wash and I don't think an argument regarding fumes from queueing traffic will stand, given the existing petroleum forecourt.

The current opening hours of the garage are 6am until 11pm You could alter the food to go operating hours until 7am to keep the use within daytime hours.

I note that the acoustic report estimates that the food to go could process up to 48 cars an hour, I don't know how this compares with the Highways data. I note that vehicles manoeuvring into and out of the jet wash booths will cross the food to go route, and the filling point for the tanker is again on this food to go route so there will be obstructions at times to food to go customers that could cause backups on the main highway. I must point out though that this is not my area of expertise and these questions should be put to WSCC Highways.

As previously stated we will need a condition for the kitchen extraction for the food to go premises which should cover noise and odour abatement. This should be provided and agreed with the LPA before installation.

As previously stated there will be no EH objections to the application.

Drainage Consultants

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

Condition 1: Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of source control Sustainable Drainage Systems (SuDS) in consideration of the NonStatutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability including supporting calculations for the 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year), 3.33% AEP (1 in 30 year) plus climate change, the 1% AEP (1 in 100 year) and the 1% AEP (1 in 100) plus climate change critical storms. The drainage scheme will demonstrate the site's discharge rates to be as close as reasonably practicable to that of greenfield. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

Environment Agency:

Environment Agency position

We have no objection to the proposal provided that the following conditions be attached to any planning permission granted, and that the details in relation to these

conditions be submitted and approved by the Local Planning Authority.

Condition 1 – Remediation strategy

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

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed
1. assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority.

The scheme shall be implemented as approved.

Reasons for condition 1

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

The use of the proposed development site as a fuel station presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Principal aquifer.

The submitted 'Planning Statement, Brooklands Service Station 311 Brighton Road (A259), Worthing, West Sussex, BN11 2HP, JMS Planning and Development,

November 2023' demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 2 - Verification report

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reasons for condition 2

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 3 - Previously unidentified contamination

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

The remediation strategy shall be implemented as approved.

Reasons for condition 3

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition 4 - SuDS Infiltration of surface water into ground

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters.

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

Reasons for condition 4

The use of the proposed development site as fuel station presents a high risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Principal aquifer.

In light of the above, we do not believe that the use of infiltration SuDS is appropriate in this location. We therefore request that the above planning condition is included as part of any permission granted. Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution. Please notify us immediately if you are unable to apply our suggested conditions to allow further consideration and advice.

Advice to the Applicant

Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- Excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution.
- Treated materials can be transferred between sites as part of a hub and cluster project.
- Some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- The position statement on the Definition of Waste: Development Industry Code of Practice.
- The waste management page on GOV.UK.

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

Southern Water:

In determining the application, we ask that the Planning Authority take into account the provisions of Paragraphs 180, 182 and 183 of the National Planning Policy Framework (NPPF) regarding the proposed location of development in relation to existing uses that may be a source of pollution (in terms of odour). We apply a precautionary buffer zone for any development located within 500 metres of the boundary of a WWTW. The proposed development is located approximately 450 metres from the East Worthing Wastewater Treatment Works, and as such we have applied this requirement to our planning consultation response. Please contact Southern Water to discuss and agree the Scope of the odour assessment.

Due to the potential odour nuisance from a WasteWater Treatment Works, no sensitive development should be located within the 1.5 OdU odour contour of the WWTW. An Odour Assessment will need to be carried out by a specialist consultant employed by the developer to a specification that will need to be agreed in advance with Southern Water to identify and agree the 1.5 OdU contour. The service we provide to review the assessment and/or complete a site survey is chargeable, more information regarding our fees can be found on our website; Connection charging arrangements (southernwater.co.uk).

Please see the attached extract from Southern Water records showing the approximate position of our existing public foul rising main within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 100 mm diameter rising main requires a minimum clearance of 3 metres on either side of the rising main to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public rising main without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public rising mains or water mains.
- All existing infrastructure should be protected during the course of construction works.

please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

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

southernwater.co.uk/developing-building/connection-charging-arrangements

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

- Reuse
- Infiltration
- Watercourse
- Storm sewer
- Combined Sewer

Guidance on Building Regulations is here:

gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

Areas used for vehicle washing should only be connected to the public foul sewer upon receipt of a trade effluent discharge licence.

The Trade Effluent application process for non-household (NHH) customers has changed since April 2017. This was a government decision to open the Market to competition. In order to apply for a consent, you will need to engage a Retailer and submit the application through them.

Southern Water (SWS) is still the owner of assets (Wholesaler), but all administrative or billing matters are conducted by the Retailer of your choice.

Attached is a link to the Open Water website that lists Retailers available. Please note that not all Retailers will provide a Trade Effluent service. open-water.org.uk/for-customers/find-a-retailer/suppliers/english-water-and-wastewater-retailers

Once we have received an application via your appointed water retailer, we have 2 months to issue a consent or refuse the application. Any requirement to discharge directly to the environment will require a permit/consent from the Environment Agency.

Should the Local Planning Authority be minded to grant planning permission for this development we request that the following condition is attached to the consent:

The applicant should ensure that the Trade Effluent discharge licence has been obtained, before the connection to the public sewerage network can be approved.

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

Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk

and please read our New Connections Charging Arrangements documents which are available to read on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

National Highways

No objection

Representations

Petition from residents of Seamill Park Estate with 77 signatures

Object strongly to the proposal to develop a fast food facility, together with the installation of two jet wash booths. We consider this is to overcrowded development of the petrol station not in any way to the benefit of the Seamill Park Estate:

Other concerns are:

Highway safety, both inside and outside the site, petrol fumes and idling vehicles, noise disturbance, generation of litter.

2 Seamill Park Avenue

- The application will do nothing to benefit the surrounding community
- The lane to the east of the site not a public footpath but a private right of way serving properties along the east side of Seamill Park Avenue
- The area to the north of the site until it was enclosed was recently maintained by local residents. Rights of access to local residents have now been blocked.
- Added conjunction on the A259
- Overdevelopment of the site with inadequate parking
- The development will create additional rubbish which will end up in surrounding development and Brooklands park
- Increased noise and fumes as cars queue with their engines running
- Increased hours for the food to go is unacceptable.
- impact on health from fast food restaurants

12 Seamill Park Avenue

- Inadequate notification in the area of the proposal
- The new refuse enclosure is outside the current boundary, there are covenants on the land that restrict development.
- The development does not contribute to the health, social and cultural wellbeing of the population.
- The proposal does not comply with para 8 or 115 of the NPPF
- The proposal does not comply with policy DM5 of the WLP increasing noise, air pollution and increased vehicle movements including idling cars waiting for food service
- Increased traffic and conjunction on the A259 and local roads
- Inadequate parking on site
- The proposal does not promote any of the objectives of policy DM8 and litter is a real problem
- The development would be contrary to DM16 increasing carbon emissions and produce more waste
- There is no need for fast food in this location
- The proposal will increase noise from the jet wash and idling cars
- Refuse from the site has been a constant problem, with inadequate bins and storage. Litter is often cleared by local residents and a fast food outlet will add to this litter issue.

14 Seamill Park Avenue

- Increased traffic
- Congestion causes a rat run through Seamill Way, Seamill Park Crescent and Seamill Park Avenue, the development will make conjunction worse for local residents
- Impact on on road parking in Seamill Park Crescent and Seamill Park Ave impacting residents and visitors
- Noise pollution
- Harmful emission from idling engines
- Increased litter
- Increased vermin and health and safety concerns
- Impact on the Brooklands Open space

16 Seamill Park Avenue

- Concerns about litter collecting on private property and surrounding land
- Increased traffic and congestion
- Increased noise and disturbance from the 'food to go'
- smells from the 'food to go'

327 Brighton Road

- Increased litter
- Increased air pollution from exhausts and odours
- Increased traffic and noise
- Inadequate on site parking
- The plan will have a detrimental effect to the well being of the users of Brookland Park which is contrary to the Council Master Plan for this site

85 Wembley Avenue Lancing

- Impact on the busy road network
- Increase rubbish
- There are too many fast food outlets
- The scheme does not promote healthy lifestyles

Tim Loughton MP

- Increased congestion on the busy A259
- Constrained site inadequate space for further development
- The opening hours are far in excess of the the current opening to the detriment of local residents
- Increased air pollution from congestion
- Local residents are concerned about litter which is already a problem
- The development will change the character of the area

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations 18 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 Local Plan 2020-2036:

DM5 Quality of the Built Environment;

DM6 Public Realm

DM7 Open Space, Recreation and Leisure;

DM8 Delivering Infrastructure

DM13 Retail & Town Centre Uses;

DM15 Sustainable Transport & Active Travel

DM16 Sustainable Design:

DM17 Energy:

DM18 Biodiversity:

DM19 Green Infrastructure

DM20 Flood Risk and Sustainable Drainage:

DM21 Sustainable Water Use & Quality:

DM22 Pollution

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)

'Infrastructure Delivery Plan' (WBC 2010)

Planning Assessment

Principle

The site is an existing petrol filling station with a car wash, a retail element and a cafe.

The application proposes a sui generis use for 'food to go' extending the building by approx 115 sqm. The retail and cafe will remain at a similar size. The jet wash and proposed bin stores would extend the commercial site area marginally into a green space to the north.

In terms of the additional retail development, the National Planning Policy Framework (NPPF) indicates that Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

The NPPF also requires an impact assessment for developments involving an additional 2,500 sqm gross or more floorspace. The Worthing Local Plan (WLP) sets a threshold of 500 sqm. The proposal in this case therefore falls below these thresholds as it provides a net increase of approx 115 sqm over the existing sales building floorspace. As such an impact assessment is not required.

The proposed use is part of an established petrol filling station which the applicant indicates will support the wider use of the site, meeting the needs of motorists and also people visiting and living in the local area.

A review of the sequential sites has been undertaken taking into account the site, the role it services and the fact that this proposal is focused on improving services for motorists the focus of sequentially preferable sites has been focused on the location around A259.

Their assessment of potentially sequentially preferable sites seeks a site of circa 0.25 ha, which could accommodate the whole development in its entirety, i.e. the petrol station and its extension. Given the size of the site and the requirement to be situated on or immediately adjacent to the A259, this therefore significantly restricts the number of development sites that can be considered.

Accordingly, in undertaking this assessment of sequentially preferable sites, they have been unable to find any obvious suitable sites which would be sequentially preferable and meet the 'Dundee' principle.

Given the existing uses on the site, the scale of development and its location it is not considered that there will be any significant diversion of trade from any centre. On this basis it is considered that the proposal accords with the relevant national policy in this regard and Policy DM13.

The NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. This is followed through into local policy within policy DM10 the development has potential for the creation of additional employment.

Impact on the character and appearance of the area

The site is an existing service station with an automated car wash facility. The application proposes an extension of approx 115 sqm to the east of the existing sales building. The proposed extension is a similar site and height to the existing car wash and as such it is not considered that it would have a detrimental impact on the visual amenity of the area.

The proposed jet wash facility would be on the western part of the site on primarily the site of existing parking spaces. The landscaping to the north and west will be retained and although relatively low it does provide some softening to the site. Although more prominent in the area, in view of existing development it is not

considered that would have a detrimental impact on the character of the site or surrounding area. Furthermore Planning permission has already been granted for jet wash facilities in a similar position in 2020.

The scheme will involve a more intensive form of development for the site, with the 'food to go' element increasing the number of traffic movements to the site and an enhanced overall service station facility. However in view of its siting on the A259 on the edge of residential development and Brooklands Park it is not considered that the intensity of the use would be such as to refuse the application.

Residential amenity

The application proposes an extension to the east side of the existing sales building. The building itself is largely screened from the nearest residential properties in Seamill Park Avenue. However the drive thru element does route to the north of the site adjacent to particularly No 2 Seamill Park Avenue.

The Environmental Health Officer has visited the site and analysed the noise report. It is noted that there is a robust fence to the south side of No 2 Seamill Park Avenue and the property is set off the boundary. Although the route for the 'food to go' element will pass close to this boundary fence in view of other uses on the site and the fact that the route is currently for the existing car wash it is not considered that the proposed use and potential for idling of cars waiting in line for 'fast food' will cause an increase in noise or air quality on this boundary so as to refuse the application.

The application also proposes two jet wash areas to the west of the site. These are however set well off the north boundary with No 2 and a similar facility was approved in 2020.

The Environmental Health Officer is satisfied with the noise report but has suggested that the 'food to go' may be more appropriate to start at 7am to keep it within the daytime.

Accessibility and parking

The site will utilise an existing vehicular access arrangement onto the A259. The vehicles to the new drive thru facility will use a similar route to the existing car wash facility. The scheme would involve the removal of 5 parking spaces primarily to make way for the jet wash facility (previously approved in a similar format)

The traffic flow generation is based upon the use of TRICS, an accepted means of determining traffic generation. The data has assessed similar facilities in comparable locations to give an estimate of the likely changes in traffic generation. Using this data the analysis has shown that the proposed extension could result in a small increase in traffic generation, in the order of 6 and 12 vehicles in the AM and PM peak hours respectively, some movement may also be joint movements. On this basis the LHA considers that trips generated by the site will quickly disperse across the nearby road network. The LHA considers that the assessments clearly demonstrate that the site access would work well within theoretical capacity.

Local Residents have raised concerns that the proposal will cause congestion on the A259, it will create a further rat run through Seamill Way, Seamill Park Crescent and Seamill Park Avenue, and will impact on road parking along Seamill Park Crescent and Seamill Park Avenue impacting residents and visitors. As indicated above, although there are concerns regarding congestion on the A259, the Highway Authority has not raised concerns and as such unless further advice comes forward there would not be a basis to refuse the application on highway impact grounds. The surrounding roads are heavily parked partly due to the location close to the seafront front. The 'food to go' element will be a drive through facility and although there may be circumstances of additional parking on the surrounding network it is not considered to be so detrimental that a refusal of planning permission could be justified. Members are aware of the advice in the NPPF that any refusal on highway grounds would need to demonstrate that there would be a 'severe' impact on the local highway network.

Sustainability

Policy DM16 (sustainable design) seeks to ensure all development meets the relevant minimum standards as set out in the policy.

The applicant's agent has indicated that MFG are committed to meeting the latest Building Regulations requirements and will exceed these where possible. As the proposal includes an extension to an existing building this makes best use of what is currently on site adapting and expanding to meet operational needs in a sustainable manner. The building extension will be designed with energy efficient appliances and LED lighting. Recycling storage is designed into the refuse area and the contractor will also recycle/reuse as much as possible during the construction phase.

Landscaping, Ecology and biodiversity

The site is primarily hard surfaced with a strip of landscaping to the western side which is grassed with low but maturing hedging and trees.

The applicant's agent has indicated that the site is an existing operational petrol station with its associated paraphernalia and activity and is therefore unlikely to support much biodiversity. The area to the rear of the site closest Brooklands Pleasure Park is mainly existing hard standing or built form, including an operational car wash, with minimal landscaping so there is no meaningful biodiversity in this area, according the changes to this area will have no impact on biodiversity. The new jet washes are proposed primarily on an existing car parking area but extend, very marginally, into an ornamentally planted area which is heavily managed. They indicate that there remains scope for enhanced planting of the existing landscaped area if deemed appropriate and happy for this to be dealt with by condition.

Policy DM18 part h) indicates:

New developments (excluding change of use and householder) should provide a minimum of 10% net gain for biodiversity - where possible this should be onsite.

Where it is required/necessary to deliver biodiversity net gain offsite this should be part of a strategic ecological network having regard to Green Infrastructure and Local Nature Recovery strategies. Where it is achievable, a 20%+ onsite net gain is encouraged and is required for development on previously developed sites. Major developments will be expected to demonstrate this at the planning application stage using biodiversity metrics. This should be accompanied by a long term management plan.

As indicated by the agent the bulk of the proposal is being carried out on an already developed area with only a very small amount of landscaping being removed by the new Jet wash bays. Given the site is an operational petrol station this is not the most inviting environment for biodiversity and the agent has indicated that their client would not want to commit to long term landscaping of thirty years plus (due to the evolving nature of petrol filling stations as new fuel and technology advances). They are happy to look at potential off-setting scheme to ensure more meaningful biodiversity enhancement is provided in a more suitable location.

Other issues

Local residents have raised concerns about litter from the current operations of the site and consider that this will potentially get worse from a further 'food to go' operation.

The site includes a new area at the north east corner of the site within a currently grassed area for waste storage. The current enclosure is not roofed but the applicant's agent has advised that they will consider a roofed enclosure if required. They indicate that there are multiple bins around the site for customers to use which are routinely emptied and this would be part of the ongoing management of the site. They have indicated that they would agree to a litter management plan which could be conditioned.

Conclusion

The application proposes a 'food to go' element on an existing service station site which currently includes an element of retail and a cafe use. The application and supporting information indicates that the proposal would not have an impact on the highway or cause a noise nuisance. The site is on the edge of a residential area and there is not considered to be a direct impact on the amenity of local residents or the character of the area.

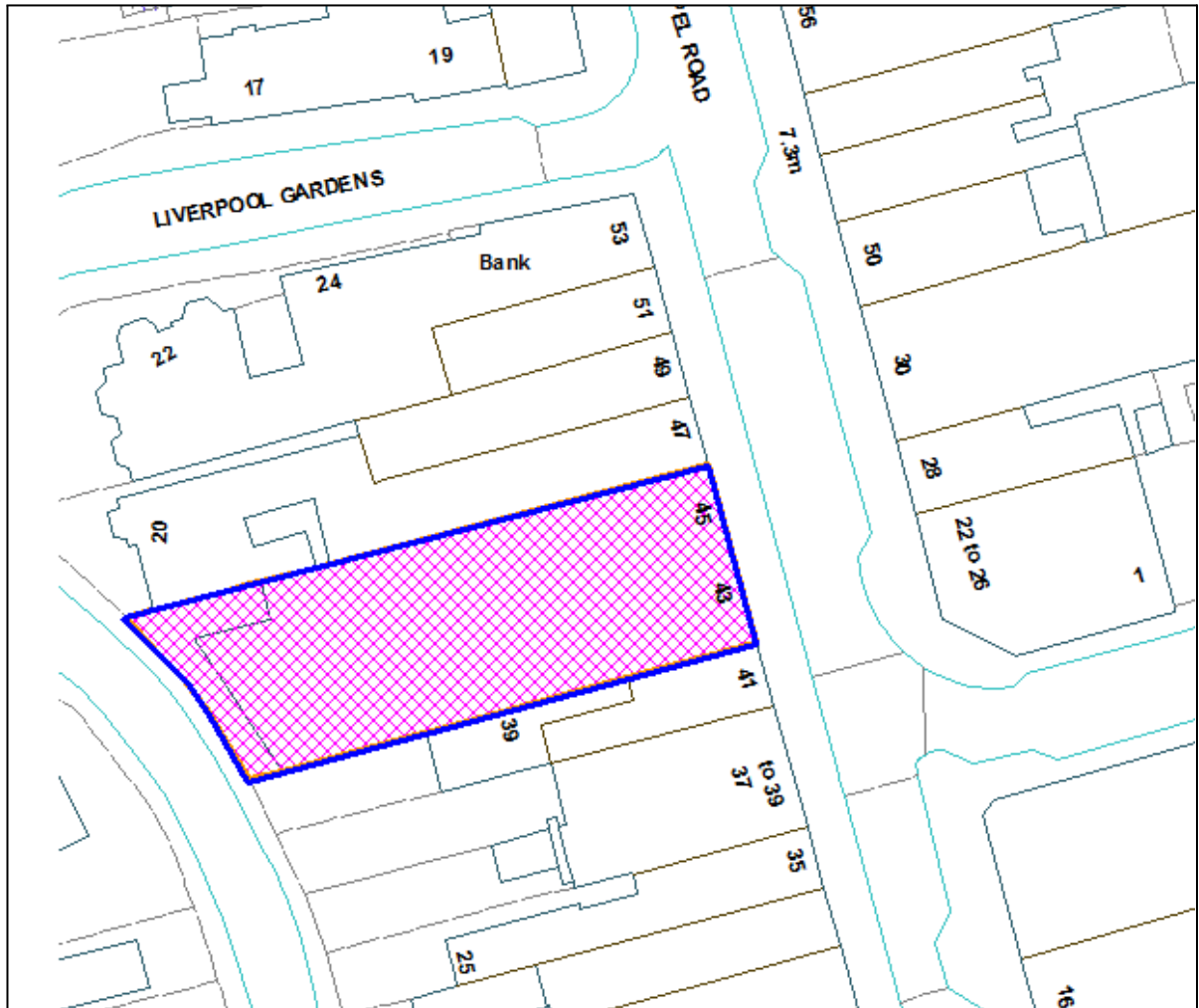
It is acknowledged that there has been considerable concern from local residents over the impacts of the development, however, in view of the comments of the LHA and the Environmental Health Officer together with supporting comments from the applicant's agent to deal with concerns on litter there is no objection to the proposal.

Recommendation

APPROVE - to delegate to the Head of Planning and Development to grant planning permission subject to the receipt of satisfactory amended plans to provide a roof to the waste storage area and to the following conditions:-

1. Approved Plans
2. Hours of construction
3. Waste management plan
4. Details of materials
5. Submission of a Landscaping plan
6. Off-site Biodiversity measures to be agreed
7. The applicant should ensure that the Trade Effluent discharge licence has been obtained, before the connection to the public sewerage network can be approved.
8. Remediation strategy to be submitted
9. Verification Report
10. Previously unidentified contamination
11. No infiltration of surface water into ground
12. Surface water drainage scheme
13. Details of kitchen extraction for the food to go premises which should cover noise and odour abatement
14. Hours of 'food to go' 7:00am to 23.00pm
15. Details of lighting and signage
16. Details of marking of the forecourt for 'food to go' operation

Application Number:	AWDM/1483/22	Recommendation - APPROVE
Site:	45A Chapel Road, Worthing, BN11 1EG	
Proposal:	Change of use of the first and second floors from restaurant and HMO to 11 no. residential units and construction of a third floor with 2no. residential units with terraces at first, second and third floors (13no in total).	
Applicant:	Mr Victor Hang	Ward: Central
Agent:	Saville Jones Architects	
Case Officer:	Jo Morin	



Not to Scale

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Background

This application was reported to the Planning Committee on 22.03.2023 where it was resolved to grant conditional planning permission subject to the prior completion of a S106 legal agreement to secure a 20% affordable housing contribution in accordance with the Council's 'Developer Contributions' SPD (2015).

As set out in that report the Applicant initially agreed to make the affordable housing contribution.

The Applicant has subsequently instructed consultants (Adams Integra) to advise on the viability of the proposed development scheme. The submitted Financial Viability Assessment (FVA) considers sales values, build costs, professional fees and other costs (including CIL, marketing and finance) with a profit level of 20% (on Gross Development Value for the open market units).

The FVA has been carried out with 100% open market units. When the EUV (Existing Use Value) of £700,000 is input with all of the other assumptions, the appraisal results in a negative development value of minus £3,639,592.00. It is therefore argued that the scheme is not viable and would not be able to provide any affordable housing either on site or as a financial contribution.

An appraisal of the FVA by Adams Integra has been carried out by the Council's consultant, Dixon Searle Partnership (Extract - Summary Findings - Appendix A).

Whilst DSP have found the assumptions within the submitted FVA to be within the normal expected range, a number of adjustments have been made where assumptions have been queried or there is a difference of opinion. In particular, these relate to:-

- Benchmark Land Value: the scheme has been tested against a reduced BLV of £655,000.
- Development timings: the pre-construction period has been reduced from 15 months to 6 months.
- Gross Development Value: The GDV assumption has been increased by £815,000 to £4,285,000.
- Construction costs: Following checking by Quantity Surveyors MMA, build costs have been adjusted downward to the lower second opinion estimate.
- Sales and Marketing Costs: An assumption of 2.5% has been tested (reduced from 3%).
- Developer's Profit: A developer's profit of 17.5% on GDV has been tested (compared to 20%).

When the deficit of -£3,639,592 presented in the FVA is deducted from the target profit (20% of GDV), DSP has calculated that the scheme produces an actual loss of - £2,945,592. Applying the adjusted assumptions set out above to the submitted FVA (100% market housing) DSP has calculated reduces the deficit to -£2,662,066 and the loss to £1,912,191. Even so, DSP has concluded that there is no available surplus from which to provide affordable housing.

In seeking clarification from the Applicant's Agent on the reasoning for proceeding with a scheme that will make a net loss, and explanation as to why the submitted costs are so much higher than expected values, the Agent has commented:

“Due to the reductions in apartments from the originally submitted scheme and requirements of more expensive cladding solutions within the conservation area the already marginal scheme is now not viable. The [submitted FVA] report clearly shows that the added encumbrance of an affordable housing contribution makes it impossible to finance, our client is awaiting the outcome of the revised proposal before moving forward.”

An application by the Applicant for alternative development scheme at the site (AWDM/1647/23) comprising change of use of part of the second-floor restaurant and offices to create 8 no residential units (i.e. retaining the first-floor restaurant and with no roof extensions) was granted conditional planning permission on 25.01.2024 (under the Officer scheme of delegation).

That aside, and irrespective that it has been concluded the proposed development would make a loss, the Applicant is seeking re-determination of the application.

Consultations

West Sussex County Council: The Local Highway Authority (LHA) has raised no objection, commenting:

“Site Context and History

The access onto the application site is located on Chapel Road, an adopted public maintained highway. The LHA would view said road to be set within an urban setting. The said highway is subject to a 20-mph speed limit. No current speed survey data is located within a reasonable distance of the access that would state otherwise. In terms of design parameters, the LHA consider the parameters of Manual for Streets (MfS) as guidance.

Parking and Sustainability

The application has been supported with a NIL parking provision. The LHA appreciates that highstreet scenes, similar to this one historically receive little to no benefit of vehicle parking and have operated in such a way with little to no hindrance of the operations of the Public Highway, utilising both public transport and public car parks. The application site is no different, with public transport within close proximity and a range of shops and public amenities, the LHA believes that current or future occupiers of the development would not be reliant on the use of the private motorised vehicles. The LHA also notes that the existing restaurant and HMO use under WSCC parking guidance has the potential to generate the need of 224 spaces whilst the proposal would only generate the need for up to 25 spaces

With the above considered and the applicant not clearly stating their intentions regarding sustainable travel to include cycle parking [sic], the LHA would advise that if the LPA deem necessary, cycle parking should be provided in conjunction with MfS

and WSCC sustainable travel guidance. Details of which can be secured with a suitably worded condition found below.

Conclusion

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

In the event of approval the LHA recommends the following condition:

Cycle Parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

WSCC Fire and Rescue Service: Having viewed the plans for the planning application no. CR/2022/0449/CND for the change of use of the first and second floors from restaurant and HMO to 11 no. residential units and construction of a third floor with 3no. residential units with terraces at first, second and third floors; evidence is required to show that all parts inside all flats are within 45 metres of a fire appliance as identified in Approved Document – B (AD-B) Volume 1 2019 edition: B5 section 13. This is to be measured along the hose lay route and not in a direct line or arc measurement. Any areas not within this distance will need to be mitigated by the installation of domestic sprinkler or water mist system installed to BS9251 or BS8458 standard. This will either extinguish a fire or suppress a fire long enough for the Fire Service to prepare the additional equipment required to reach the property.

Lead Local Flood Authority: WSCC in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water flood risk. A proportionate Flood Risk Assessment and Drainage Strategy should be submitted on the basis that surface water risk is modelled as low-moderate and groundwater as low. Please consult the District [Borough] Drainage Engineer.

Southern Water:

The existing building lies over an existing public foul sewer. If the works to be carried out will alter the existing foundation line or depth or the structural load applied on the sewer it will be necessary for the applicant to contact Southern Water. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

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

- Reuse
- Infiltration
- Watercourse
- Storm sewer
- Combined Sewer.

Adur & Worthing Councils:

The Environmental Health Officer has no objection in principle, commenting:-

“The main areas of concern is the Chapel Road facade, where there are big areas of glazing overlooking the road and close to nearby licensed premises and Bedroom 2 of Flat 12 that has a bank of Air Source Heat Pumps (ASHPs) a couple of metres from the bedroom window.

The acoustic report leaves the ventilation strategy open to the developer as this has not been finalised yet but leaves three options open for consideration. System 1, background ventilation with intermittent mechanical ventilation. System 3, continuous mechanical ventilation with trickle ventilation and System 4, mechanical ventilation with heat recovery. It also suggests that separate overheating advice should be sought for those properties that require windows to be kept closed.

For the more exposed residential units facing Chapel Road I would recommend the MVHR system. This will provide the residents with more protection against noise and would negate the need to open windows at sensitive times. Systems 1, 3 or 4 would suffice for the other residential properties.

With regards to bedroom 2 of Flat 12, I think they are going to struggle to meet the maximum plant noise criteria set out in the acoustic report of 40dB(A). You have the combined noise of the three units plus reflected sound of hard surfaces in close proximity to this noise sensitive room. I suspect that this can be overcome by installing fixed glazing on this facade as this room can be ventilated naturally on the western facade. I would need to see the noise data for these ASHPs but I do not anticipate these to be of concern to any nearby residential property.

Noise can be managed but glazing, ventilation and the overheating assessment needs to be agreed once finalised. This can be conditioned.

The sound insulation between the commercial and the new residential property is satisfactory and there is scope to improve this insulation depending on what the final use of the ground floor property is.”

The Private Sector Housing team has no objection.

The Conservation and Design Architect comments:

“The terrace along the eastern side of Chapel Road was originally built as residential bay fronted buildings, post 1840. The current building was erected sometime between 1932 and 1943, where previously 3 of the terraced houses had stood. This building therefore has a bigger footprint than its neighbours and extends deeply into its site in contrast to its neighbours to the south. This new building was being used as the John Perring furniture shop in 1949.

This building is situated within the Chapel Road Conservation Area, where the Chapel Road elevation is identified as a positive contributor, whilst the tail end of the building facing onto Liverpool Road is identified as a negative contributor to the character and appearance of the area.

The current application includes alterations to the rear south facing elevation and a new recessed top floor. Due to the scale and current massing of the rear section of the building, it is currently out of character with its neighbouring buildings. The poor fenestration of the southern elevation adds to its utilitarian appearance. The proposed scheme would enliven this elevation, whilst the new top floor would only marginally increase the visible mass. In the circumstances, the proposals would preserve the current character of this particular building.”

Technical Services:

Flood risk: The application is within flood zone 1, and is shown to be at low risk from surface water flooding. We therefore have no objection on flood risk grounds.

Surface water drainage: The application does not include an increase to the impermeable area. We have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

The Worthing Society:

‘We do not object to the principle of residential development on the upper floors of this building, or to its limited extension at roof level. However, the roof extension proposed would be very large and prominent in the street scene in Liverpool Road and Liverpool Gardens. Its prominence would be emphasised by the proposed zinc cladding, even though this would eventually weather down to a light grey colour. We consider that the proposed extension needs to be set back much further from the edges of the building, in order to reduce its visual impact, and that an alternative cladding material should be considered. We also object to the proposed angled photovoltaic panels that would be affixed to the roof. These would be seen in long views and would increase the visual harm that the extension would cause. If photovoltaics are considered necessary, we consider that the panels should be

positioned horizontally, reducing their prominence with no great loss to their generating capacity. Overall, we consider that the proposal would amount to overdevelopment and that it would cause significant harm to the street scene and to the Conservation Area.'

Representations

1 representation in support of the application has been received from local residents commenting that Worthing needs new homes and these look like large, quality new homes with cycle storage. We particularly like the replacing of the existing ugly, industrial, corrugated roof with a smart, more tasteful roof which we will see from street level as we live in the vicinity. The change may reduce noise and traffic pollution to the existing restaurant. All in all, it looks like this project will provide a positive contribution to Liverpool Road.

Relevant Planning Policies and Guidance

Worthing Local Plan (2023): Policies SP1, SP2, SS1, SS3, DM1, DM2, DM3, DM5, DM13, DM15, DM16, DM17, DM22, DM24
Supplementary Planning Document (WBC 2012): Space Standards
Supplementary Planning Document (WBC 2015): Developer Contributions
National Planning Policy Framework (HCLG 2023)
National Planning Practice Guidance
West Sussex County Council 'Guidance on Parking at New Developments' (WSCC 2020)

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

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

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

Planning Assessment

Principle

Since the application was last reported to Committee in March 2023, the former local development plan comprising the saved policies of the Worthing Local Plan (2003), and the Worthing Core Strategy (2011) has been superseded by the adopted Worthing Local Plan (March 2023). [At that time the modified version of the Submission Worthing Local Plan was a material consideration of substantial weight and reported as such in the previous Committee report.]

Policy SS1 sets out the Housing supply over the period 2020-2036 and gives a total figure of 3672 (an annual target of 230 dwellings per annum).

Paragraph 76 of the NPPF states that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision-making purposes where:

- a) The adopted plan is less than 5 years old; and
- b) That adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.

Paragraph 77 goes on to state that where there has been a significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the Plan period).

The most recent housing trajectory and 5 year housing land supply for Worthing can be found in the Annual Monitoring Report 2022-23. Table 9 indicates the Five Year Supply measured against the adopted WLP annual target of 230 dwellings plus a 20% buffer, and demonstrates a 7 year supply of deliverable sites.

To maintain the supply of housing paragraph 79 of the NPPF requires local planning authorities to monitor progress in building out sites with planning permission. Where the Housing Delivery test indicates delivery has fallen below 75% of the local planning authorities housing requirement over the previous three years, the presumption in favour of sustainable development applies, in addition to the requirement for an Action plan and 20% buffer.

The latest Housing Delivery Test was published in January 2022, and covers the period from 2018/19 - 2020/21 (prior to adoption of the Local Plan). Worthing Borough Council scored 35%. Therefore the presumption in favour of sustainable development applies as the delivery of housing was less than 75% of the housing requirement over the previous three years.

The site is located within the secondary shopping frontage of the Town Centre Primary Shopping Area and the Chapel Road South Character Area. LP policy DM13 seeks to protect and enhance the successful functioning, vitality and viability of the town centre by maintaining a strong retail role and continuity of active frontages. Within this context a wider range of uses are typically supported in the secondary

frontage (compared to the primary frontage) providing these are active uses with active shopfronts. The ground-floor entrance to the existing restaurant from Chapel Road consists of a pair of recessed, glazed, double-leaf doors (2.7m wide) opening into a lobby with stairs and lift to the upper floor. Fascia signage, including on the external wall face, advertises the presence of the restaurant on the floors above. This narrow section of active frontage would be lost to create a residential entrance to the proposed flats. However, given its narrow width, and the existence of other entrance doors in Chapel Road serving residential uses above ground-floor, its loss would not undermine or detract from the vitality or retail function of this part of the town centre.

There are no planning records relating to the existing HMO accommodation on the second-floor of the building (although it is understood to be licenced). The floor area in question was approved as ancillary staff accommodation by the planning permission granted under WB/03/0784/FULL and it is unclear when the change to HMO accommodation took place, or whether it has since become lawful in planning terms through the passage of time. Policy DM1 in the new Local Plan seeks to resist the loss of existing (Class C3) residential use. It goes on to state that applications involving the conversion of HMO accommodation will be considered on their merits.

As before, there is no objection in principle to a residential development of this town centre site involving the loss of the existing restaurant and HMO on the upper floors to provide a mix of 1, 2 and 3-bedroom self-contained residential dwellings (Class C3). The key considerations raised by the application are the effects of the development on the character and appearance of the area, including the historic environment; the living conditions and residential amenities of future and neighbouring residential occupiers; affordable housing; sustainability; and transport and highway safety matters, which are considered below.

Visual Amenity and Effect on the Conservation Area

Policy DM2 of the adopted Local Plan states that proposals must make the most efficient use of land, which will usually mean developing at densities above those of the surrounding area with the optimum density of a development resulting from a design-led approach to determine the capacity of the site. It states that particular consideration should be given to the site context and character of the surrounding area, including heritage assets; accessibility by walking, cycling and public transport; the need to achieve high quality design and the need to minimise environmental impacts, including harm to the amenities of adjoining occupiers.

Although of a different architectural period to its immediate neighbours in Chapel Road, the front facade of the application building assimilates well within its context and makes a positive contribution to the character and appearance of the Chapel Road Conservation Area. On the other hand, the large scale, footprint, 'bulk' and massing of the rear part of the building is anomalous in relation to the more modest scale and traditional form and layout of its Victorian neighbours and dominates views of Liverpool Road. Although the fenestration and detailing of the rear (west) elevation of the building is not in itself unattractive, the somewhat oppressively utilitarian form and 'bulk' of the building is particularly exposed to views from the south in Liverpool Road owing to the lack of adjoining frontage development on this side. The shallow

pitched roof second-floor component of the building is visible to the north from Liverpool Gardens, above the frontage buildings at Nos 22-24.

The front (east) of the proposed roof extension would be set well back from the Chapel Road elevation by some 8.5m and would not be visible in view at street level.

Concerns were previously raised by officers and also the Worthing Society that the additional mass of the roof extension, albeit set-in from the outer walls, would further emphasise the anomalous scale and 'bulk' of the building and its discordant appearance in the context of both Liverpool Road and Liverpool Gardens; its visual dominance and somewhat 'heavy' appearance accentuated by the use of zinc cladding.

The Applicant responded to these concerns by amending the proposals to slightly reducing the footprint of the roof extension (also reducing the number of proposed units from 14 to 13), increasing the gap between the western and southern edges of the building by approximately 0.5m, to 2.8m and 1.8m respectively, and setting-in the lift shaft by a further 0.15m from the northern edge. The roof height of the extension was reduced by 0.4m and the initial design of the roof 'overhang' replaced with a more lightweight 'brise soleil'. In response to concerns about the zinc cladding and in order to help achieve a more 'light and airy' appearance, the external cladding was replaced with glass rainscreen cladding which could be a 'milky' white or light blue to merge with the skyline. The angle of the solar PVs on top of the roof was lowered to minimise their visual impact.

This scheme, so amended, was presented to the Planning Committee at the meeting in March 2023.

Officers considered the glass balustrading enclosing the roof-top terraces would need to be 'frameless' in design to ensure a complementary lightweight appearance.

The formation of larger window openings and recessed balconies into the south flank of the building would 'enliven' exposed views of this side of building. The perforated brick screens partially enclosing the face of the recessed balconies initially introduced in response to concerns about overlooking would also be an attractive detail that would add visual interest. It was considered the treatment of this elevation would enhance the exterior of the building, compared to its existing stark and incohesive 'back end of building' appearance.



View from South - CGI

On the whole it was considered the amendments to the scheme satisfactorily addressed concerns about the visual impact of the additional mass of the roof extension and the Council's Conservation Architect was satisfied that the development would preserve the character of this building and would not be harmful to the character or appearance of the Chapel Road Conservation Area.



View from West - CGI

Residential amenity – for proposed dwellings

As amended, the proposed accommodation would consist of 2no 1-bedroom units and 1no 2-bedroom unit on the first-floor; 4no 2-bed and 1no 1-bedroom duplex units over the first and second floor; 2no 1-bedroom units and 1no 2-bedroom unit on the second-floor and 2no 3-bedroom units on the third floor.

The Gross Internal Area (GIA) of all the apartments either meets or exceeds the minimum floorspace standards set out in the Government's so-called National Described Space Standards as required by policy DM2. In all but one case (Unit 7) the relevant minimum space standard would be exceeded by between 7-26 sqm.

Flat 2 (first-floor) and Flat 10 (second-floor) would have a solely south-facing aspect. Flat 7 (first-floor), Flat 11 (second-floor) and Duplex 8 would have a solely east-facing aspect towards Chapel Road. All of the other apartments would have either a dual, or in the case of Flat 13, a triple aspect.

Eight of the proposed apartments would be provided with an area of private external amenity space utilising the existing first-floor terrace fronting Chapel Road (for Unit 7 and Duplex 8), plus forming 8no recessed, enclosed balconies (over the first and second-floor) for Duplexes 3, 4, 5, and 6 and the creation of generous roof terraces for the roof-top units (Flats 12 and 13).

The application is supported by a Noise Impact Assessment based on a noise survey undertaken on the site over a 5-day period, and provides guidance on mitigation measures necessary to provide an acceptable internal and external noise environment for future occupiers taking account of noise from nearby roads and commercial premises, including the impact of noise from patrons and amplified music from nearby bars and pubs and the ground-floor retail unit.

The Report identifies that the external building fabric should be sufficient to control external noise ingress to habitable spaces providing the glazing meets the sound insulation performance specified. This performance value varies according to the ventilation strategy that will be adopted, and which is yet to be finalised. Alternative ventilation strategies are considered in the report, based on either background ventilation with intermittent mechanical ventilation (System 1), continuous mechanical ventilation with trickle ventilation (System 3) or mechanical ventilation with heat recovery (System 4). The Council's EHO recommends that for the more exposed units fronting Chapel Road (7, 11 and Duplex 8) MVHR (System 4) should be used in order to effectively protect the occupiers from noise and to negate the need to open windows at sensitive times (i.e. Summer evenings and night-time before pub closing times). The Council's EHO is satisfied that ventilation systems 1, 3 or 4 would suffice for the other units although it is noted that paragraph 6.13 of the Planning, Heritage and Design Statement confirms that *all* units will be provided with MVHR (System 4).

A bank of ASHPs is proposed on the roof adjacent to the lift/service component on the north side of the roof extension and adjacent to the north elevation of Flat 12. The EHO has questioned whether the noise plant criteria set out in the report will be met for Bedroom 2 (now Bedroom 3) of this unit owing to proximity of the plant to this

north-facing bedroom window. However, the EHO considers this could be overcome by installing fixed glazing to the north-facing window bearing in mind this noise-sensitive room could be ventilated naturally by window and door openings shown on the west elevation.

In conclusion, it was considered external noise impacts could be managed to achieve a satisfactory living environment, but glazing, ventilation and an overheating assessment would need to be agreed as a condition of planning permission.

An assessment of the external private amenity spaces within the report identifies that noise levels on the eastern terraces fronting Chapel Road will be above the upper limit recommended by BS:8233. However, given the town centre location of the site where provision of external private amenity space is typically limited it was considered the benefits of access to outside space would outweigh the slight exceedance of exposed noise levels in this case. Noise levels for the other external amenity areas are expected to meet the recommended criteria.

With regard to the ground-floor commercial unit(s); it should be noted that these lie outside of the application site and that the range of permissible uses within Class E (retail, commercial and business uses) could include a broad range of potential future uses, including restaurants. The report considers 2 alternative options for the floor construction between the ground-floor and proposed first-floor flats, but given that potential future uses could include background music, or noisier activities than those currently also extending into the evening, it is considered the higher performance specification stipulated would be appropriate in this instance and can be secured as a condition of planning permission..

Residential amenity – effect on existing dwellings

The immediate surrounding context has not significantly changed since the application was last reported to the Planning Committee in March 2023. The most affected residential properties are those on the upper floors of the neighbouring buildings to either side.

Flat 2, 35 Liverpool Road

Planning records for the maisonette above No.41 show windows serving habitable rooms within the front and rear elevations of the main frontage component. The dwelling is accessed at first-floor through the deep rear extension and external stairs onto Liverpool Road (shared with the offices). A series of rooflight windows positioned on the north slope of the rear extension are split between the office accommodation and the entrance corridor leading to the maisonette. 3 no. narrow windows in the north elevation of the original rear off-shoot are shown to serve a shower room. Windows in the deep recess on the west elevation serve a kitchen/dining area on the first-floor and bedroom above. The living room at the front of the building on the first-floor adjoins the existing restaurant terrace.

Owing to the very close proximity, concerns were initially raised by Officers about the effects of overlooking on the amenities of this occupier from the nearest recessed/enclosed balconies at first and second-floor level, serving Duplex 6. [There

are currently window openings at first and second floor within the south flank of No.45A adjacent to this neighbour but they are blocked up internally]. Perforated brick screens have been proposed as a device to curtail the angle of view eastwards (towards the rear windows of the maisonette) when standing on the terrace, and to screen direct views of the above-mentioned shower room windows. Bearing in mind the windows and doors of the main habitable accommodation of Duplex 6 (and the other Duplexes) are recessed into the enclosed balconies by some 1.5m, it is considered the effects of overlooking from within the rooms and standing on the recessed terraces will not be so seriously intrusive as to warrant refusal on this ground.

Planning permission for the formation of the existing first-floor restaurant terrace fronting Chapel Road dates from 2010 (WB/10/0507/FULL), before permission was granted for the maisonette above No.41 in 2013. A condition of the planning permission prevents access onto the terrace between 11pm and 8am the following day. There is a glazed screen on the southern end of the terrace, but it does not appear to be obscured. Although road traffic and other noise on Chapel Road will not necessarily make this terrace particularly attractive as an amenity space, it can reasonably be anticipated that it will be used more intensively by future occupiers than at present. It is important that obscured privacy screening to a minimum height of 1.7m is erected on the south side of the existing terrace to prevent unneighbourly overlooking of the first-floor bay window serving the living room of the maisonette. This can be secured as a condition of planning permission.

47-49 Chapel Road (Angel Apartments)

Planning records (AWDM/1409/17) show 3 residential flats on the first-floor at 47-49 (2 no with the main frontage building and 1 at the rear), and 2 on the second-floor within the main building. There are a number of window and door openings at first-floor on the south elevation of a flat-roofed infill extension facing towards the north flank wall of No.45A at a distance of approximately only 1.5m. Records indicate that these are the sole source of daylight and outlook to 2no bedrooms. Windows in the deep recessed main rear (west) elevation of the front building serve a bathroom at first-floor, and a bedroom on the second-floor.

The alterations to the central second floor of the building will raise the eaves height of this component by approximately 0.4m on the north side. The third floor roof extension is set-in some 3.6m from the northern edge of the building at this point with a shallow pitched-roof fall to the eaves. Given the very narrow separation gap it is unlikely this marginal increase in eaves height or additional mass of the set-in roof extension would have any significant impact on the receipt of light to, or outlook from the adjacent first-floor windows of Angel Apartments. The cill height of the proposed second-floor windows in the north-facing elevation (serving bedrooms in the Duplexes) have been raised and their width reduced in response to concerns about possible overlooking of the above-mentioned south and west-facing windows in Angel Apartments. Given the very narrow angle of view downward it is considered that overlooking would not result in any serious loss of privacy. The easternmost window (second-floor, north elevation) has been re-positioned further west, away from the adjacent west-facing bedroom window in the rear of Angel Apartments. The

combination of the raised window cill height and direction of view (at 90 degrees to the affected window) is considered adequate to prevent unneighbourly overlooking.

As above, It is important that obscured privacy screening to a minimum height of 1.7m is erected on the north side of the existing terrace fronting Chapel Road to prevent unneighbourly overlooking of the first-floor bay window serving the main habitable living area of the nearest residential flat within Angel Apartments.

The proposed ASHPs are shown located in 2 separate banks on the existing rooftop towards the north side of the building. The Council's EHO does not anticipate noise emissions from the ASHPs to be a concern for neighbouring residential properties but will require details to be agreed as a condition of planning permission.

Accessibility and parking

The site is sustainably located within the town with excellent access to a broad range of services and facilities, and within easy walking distance of bus stops in Chapel Road and South Street, and Worthing rail station.

There is currently no on-site parking provision and none is proposed. The Local Highway Authority has not raised any highway safety objection on this basis, noting that the parking demand generated by the existing restaurant and HMO use will be higher than for the proposed residential flats.

Two internal cycle stores are proposed on the first-floor, adjacent to the 2 no lifts, providing 15 no cycle spaces which exceeds the WSCC minimum guidance.

Affordable housing

An appraisal of the FVA submitted by the Applicant by the Council's consultant concurs that no affordable housing can be achieved and that the development scheme as a whole is not financially viable.

Sustainability

The proposed involves the reuse and refurbishment of an existing building which is innately sustainable in reducing pressure for development of greenfield sites and loss of habitat.

The Planning, Heritage and Design Statement outlines the sustainability credentials of the proposal through implementation of the following measures:

- Exceeding the minimum fabric requirements of Approved Document L1A of the Building Regulations;
- Heating supplied to each apartment by ASHPs to low temperature radiators and underfloor heating;
- Thermal mass of existing concrete frame and masonry structure flattening peak demand for energy;
- All apartments provided with MVHR;
- Installation of latest optimised solar PV array on new flat roof;

- Recessed balconies and brise soleil to provide solar shading;
- All dwellings provided with 100% low energy lighting.

The proposal would meet the policy objectives for sustainable design and renewable/low carbon energy production set out in policies DM16 and DM17.

Other issues

The development is CIL chargeable.

Conclusion

The Planning Committee has previously resolved to grant planning permission for the proposed development subject to the prior completion of a legal agreement to secure a financial contribution in accordance with the Council's 'Developer Contributions' SPD (2015) in lieu of 20% affordable housing.

A Viability Assessment submitted by the applicant has concluded that an affordable housing contribution cannot be made in this instance and that the development as a whole is not financially viable. This has been accepted by the Council's viability consultant. The Applicant's Agent has not provided any detailed explanation of how the development could be brought forward and consequently it is considered unlikely that planning permission, if granted, would be implemented. The Applicant's Agent has indicated that the amendments sought by Officers during the consideration of the application have affected development value and current high build costs and have had a negative impact on viability. It is considered the amendments negotiated by Officers were reasonable and necessary to achieve compliance with the relevant development plan policies relating to design quality, safeguarding local character and preserving the character and appearance of the Conservation Area.

Considered on its merits in relation to the NPPF and the relevant policies of the adopted Local Plan, it is considered that planning permission should now be granted without a requirement for an off-site affordable housing contribution (albeit it now seems unlikely that the development will come forward).

Recommendation

APPROVE Subject to the following conditions:-

1. Approved Plans
2. Standard time limit
3. Agree and implement external materials and finishes.
4. Agree and implement architectural details including all windows/doors, balcony balustrading, perforated brick screens, brise soleil etc.
5. Agree and implement sound insulation scheme and associated ventilation and overheating strategy to protect future occupiers from external noise impacts
6. Agree and implement sound insulation scheme to protect future occupiers from internal noise impacts from ground-floor commercial premises
7. Agree noise mitigation measures for all fixed plant and equipment (inc. ASHPs)
8. Bedroom window on north side of Flat 12 to be fixed shut

9. Agree and implement obscure-glazed privacy screens not less than 1.7m high to north and south sides of existing first-floor terrace fronting Chapel Road
10. Implement cycle storage
11. Agree and implement bin storage
12. Agree and implement Construction Management Plan
13. Hours of Working
14. Agree and implement sustainability measures (inc. solar PVs) prior to occupation

4. Findings Summary

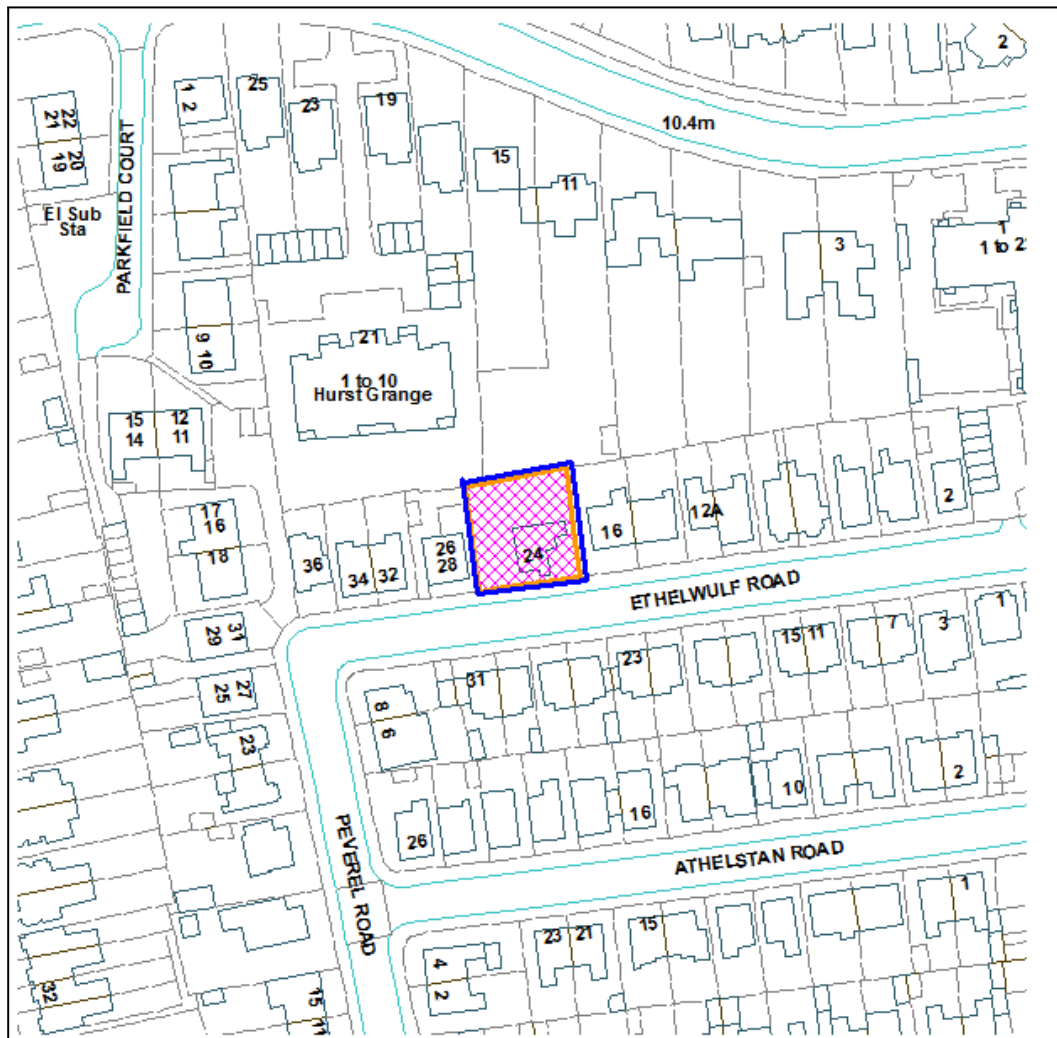
- 4.1.1 The overall approach to assessing the viability of the proposed development is considered appropriate in our opinion.
- 4.1.2 Consistent with this, we consider a number of the submitted assumptions to be within the range we would expect. However, there are several assumptions within the AHVR that we have queried or where a difference of opinion exists. Reviewing the commentary in Section 3 above, these are as follows:
- Benchmark Land Value (see discussion at 3.2 above) — we have tested the scheme against a reduced BLV of £655,000.
 - Development timings (paragraph 3.4) — we have reduced the pre-construction period from 15 months to 6 months.
 - Gross Development Value (paragraph 3.5) — we have increased the overall GDV assumption by £815,000 to £4,285,000.
 - Construction costs (paragraph 3.6) — the submitted cost plan has been reviewed by MMA as part of this checking process undertaken by AWC. We have adjusted the build cost in our trial appraisal according to their lower second opinion estimate.
 - Sales and marketing costs (paragraph 3.9) — we have tested an assumption of 2.5%, reduced from 3%.
 - Developer's Profit (paragraph 3.10) — we have tested a developer's profit of 17.5% on GDV, compared to the submitted target of 20% on GDV.
- 4.1.3 The scheme as presented produces a deficit of -£3,639,592. DSP has calculated that when the presented deficit is deducted from the target profit, the scheme produces an actual loss of -£2,945,592.
- 4.1.4 Applying the above noted assumptions to the applicant's submitted appraisal (100% market housing) as a base reduces the deficit to -£2,662,066 and the loss to -£1,912,191
- 4.1.5 These results indicate that even if the BLV were reduced to nil, the proposed scheme is not viable. The AHVR does not explain the applicant's reasoning for proceeding with a scheme that by their own calculations will make a net loss. Although there may be other commercial factors at play that we are not aware of, as noted above, we have significant concerns about the relationship between the submitted costs and values. We are not aware that proof of positive viability is a criterion for acceptable development under current national policy; however, we suggest that the Council may wish to consider seeking a detailed explanation from the applicant as to the reason why the submitted costs are so much higher than the expected values.

- 4.1.6 In conclusion, appraised appropriately for this purpose, we consider that there is no available surplus from which to provide affordable housing. The deficit shown through our appraisal indicates that the scheme would not support further planning contributions.
- 4.1.7 We need to be clear our review is based on current day costs and values assumptions as described within our review based on the current scheme as submitted. A different scheme may of course be more or less viable — we are only able to review the information provided.
- 4.1.8 Of course, no viability or review can accurately reflect costs and values until a scheme is built and sold — this is the nature of the viability review process. In this sense, the applicant and their agents are in a similar position to us in estimating positions — it is not an exact science by any means, and we find that opinion can vary.
- 4.1.9 As regards the wider context including the challenging economic situation, in accordance with the relevant viability guidance our review is based on current day costs and values — a current view is appropriate for this purpose. The very latest indications are of decreasing house prices; thought likely to continue over the coming year or more although balancing this to some degree, trends are also pointing to a potential slowdown in construction cost inflation as demand appears to be falling for residential projects, with the most recent rates indicated by BCIS showing some lower rates than previous months; however, it is not yet known whether these indications will be developing into longer-term trends.
- 4.1.10 The RICS Professional Standard notes that *'Development risk'* reflects: *'The risk associated with carrying out, implementing and completing a development, including site assembly, planning, construction, post-construction letting and sales'* and that *'The return for the risk is included in the developer return and the PPG makes it clear that it is the developer's job to mitigate this risk, not plan makers and decision takers.'* This is all part of the usual development process. Furthermore, in reflecting the PPG the RICS professional Standard notes: *'PPG paragraphs 007 and 009 reflect on the impact of market cyclicity during the life of the plan. Paragraph 007 gives market downturns as one example of the justification for a site-specific FVA, but it is restricted to "a recession or similar significant economic change". This implies the exclusion of normal market cyclicity, which is embedded in the level of developer return'*.
- 4.1.1 DSP will be happy to advise further as required.

Review report ends
January 2024

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Application Number:	AWDM/1110/23	Recommendation - APPROVE
Site:	24 Ethelwulf Road, Worthing	
Proposal:	Proposed development consisting of one new dwelling at Land Adjacent to 24 Ethelwulf Road and relocation of dropped kerb access for 2no. new parking bays on site of existing property.	
Applicant:	Ms Izzie Lovering	Ward:Tarring
Agent:	Mark Folkes	
Case Officer:	Amanda Haslett	



Not to Scale

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This application has been brought to the Planning Committee at the request of Councillor Rita Garner and Councillor Hazel Thorpe.

Proposal, Site and Surroundings

The site is located to the north side of Ethelwulf Road within a predominantly residential area of West Worthing. The application site is directly to the west of the existing dwelling at 24 Ethelwulf Road and forms part of the garden curtilage for this property. The existing dwelling on site (to be retained) comprises a two storey, detached house with brick to the lower elevations and white render to the upper elevations, with a two storey front bay and pitched roof porch to the front. The property sits within a double width plot, of approximately 21m deep x 20m wide with an overall area of 420m². There is a single detached garage and garden area to the west side and a large garden space to the rear. The site is enclosed by a low brick wall to the front boundary and dropped kerb providing access to the garage. The site is not within a conservation area, is not a listed building and there are no protected trees on site.

Planning permission is sought to demolish the garage to the west of the existing house, subdivide the plot and erect a new two storey dwelling, to form a semi-detached building with the existing house. The plot as subdivided would provide a new plot for the proposed dwelling of approximately 8.1m wide, having a total area of approximately 170.1m². The new dwelling would measure approximately 6.25m wide x 8.9m deep with an eaves height of 5.1m and ridge height of 8m. The dwelling would have an asymmetric gable to the front and hipped roof to the rear. The depth, eaves and ridge height of the proposed dwelling would all match those of the existing dwelling at No.24, the width would be marginally narrower. The bay window, brick lower elevations, rendered upper elevations and clay tiles of the existing building would be repeated on the proposed dwelling. A canopy porch would be added to the front elevation. There would be a bay window to the bedroom and a bathroom window at first floor to the front elevation, a single window to the west side at first floor serving the stairs and two bedroom windows at first floor to the rear.

The development would provide a three bedroom (4 person) house with kitchen/dining room, living room and cloakroom at ground floor and 3 bedrooms, bathroom and ensuite at first floor. The Gross Internal Floor Area would be 96m².

External space of approximately 115m² would be utilised as amenity space for the new dwelling and would include a rear garden, patio areas to the rear and side, areas of planting to the front and a path to the front door. Five new trees would be planted across the site including four to the new plot and one to the existing site. A separate cycle store consisting of a timber shed would be located within the rear garden. Bins storage is proposed to the side of the house, behind a fence.

The garage to the existing dwelling at No.24 would be demolished to accommodate the new dwelling. Two new parking spaces are proposed to the side of the existing dwelling at the front of the site. The existing brick wall to the front boundary would be removed and a new dropped kerb and vehicle crossover installed. New planting will be added to the side of the parking area. The existing access and dropped kerb

to the garage would be stopped up and the wall reinstated.

The application has been significantly amended since its original submission in terms of design and appearance and the contemporary window design and vertical cladding have been omitted in favour of more traditional materials.

Relevant Planning History

None relevant

Consultations

West Sussex County Council: *The LHA commented that, 'the WSCC Car Parking Demand Calculator indicates that the proposed dwelling should provide two car parking spaces. Therefore, vehicular parking for the proposed dwelling would have to be accommodated on-street. The LHA does not anticipate that the proposed nil parking provision would lead to a highway safety concern or capacity issue, but the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.'*

The site is situated in a sustainable location within walking/cycle distance of local services and amenities. Cycling is a viable option in the area. The site is also well connected by public transport, with regular bus services available from nearby South Street. West Worthing Railway Station is located approximately 500m south of the site.

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

No objection from a transport/highways aspect subject to conditions requiring car and cycle parking to be provided, a Construction Management Plan to be submitted and agreed and an Informative regarding the requirement for a Vehicle Crossover Licence for the dropped kerb and stopping up of the existing access.

Southern Water: Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

Adur & Worthing Councils:

The **Environmental Health** officer recommends a condition restricting the hours of construction (Monday to Saturday). No objections from Private Sector Housing.

The **Engineer** at **WSP** commented '*Following a review of the submitted information, we would recommend the approval of the application with the following conditions attached:*

Condition 1: Construction shall not begin until a detailed surface water drainage

scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of source control Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability including supporting calculations for the 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year), 3.33% AEP (1 in 30 year) plus climate change, the 1% AEP (1 in 100 year) and the 1% AEP (1 in 100) plus climate change critical storms. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

Condition 2: No Phase of the Development shall commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure adequate surface water drainage is provided to serve the development.'

Representations

A total of 12 objections were received from neighbours in relation to the original plans and a further 2 objectors reiterated their objections in relation to the amended plans, following re-consultation on the amended scheme.

The representations received are summarised as follows:

Noise and Pollution - Constant building work, dust and heavy machinery will cause excessive noise for an extended period of time, having an impact on local resident's quality of life, unbearable, incessant noise will affect well being and mental health. Noise and dust would have to be monitored so as to minimise disruption to the residents surrounding the work site.

Deliveries, Construction, Trade Vehicles - Construction of the new house will require multiple delivery vehicles to access the site via a road narrowed by on street parking. There is insufficient parking for builders' vans, tradespeople and deliveries of building materials. Parking of trade/construction/delivery vehicles will severely impact all residents. No room for storage on site so potential storage of materials, waste, skips etc. will be on the road, making the problem even worse. Deliveries of materials will cause chaos for as long as construction takes. Lorries will have to park

in the street, blocking the road. Should this plan be granted, work should be halted at weekends when residents try to relax after the working week.

Highway Safety, Traffic and Parking - Ethelwulf Road is not a wide road and parking is already at a premium with multiple cars and vans and is insufficient for current residents. Due to the lack of parking there is dangerous parking on corners and yellow lines. Safety concerns over this have already been raised with the Council. Adding building vehicles into the mix, will exacerbate the issues and seriously impact parking and safety causing noise and general disruption. The proposed development will also cause similar problems and major disruption to surrounding roads and prevent access for the fire brigade.

According to the council's residential parking demand table 2, this property should have 1.8 parking spaces but no provision for off road parking has been made, WSCC - Highways Authority Consultation Response makes no reference to a Parking Capacity Survey having been undertaken. The proposed double width dropped kerb providing parking for the existing house will reduce the number of on road parking spaces available for other residents. There is not enough parking for the development in relation to the additional house. These plans add unreasonable pressure on parking in this location and should either be rejected or redesigned on this basis.

Trees - The Trees and Hedges section of the Application form has been wrongly completed and needs to be corrected. A perfectly healthy oak tree was felled before the application was submitted which was home to wildlife such as bats and squirrels. The remaining trees and shrubs are *"important as part of the local landscape character."* Any further removal will clearly adversely affect privacy, noise and character for the adjacent properties. The development has an environmental impact due to the removal of trees and hedgerows that have been well cared for. The development would mean compromising trees and any form of greenery outside. There are no TPOs in place, what will happen to new trees?

Privacy and Light - The gap between properties (No.26 and 24) currently allows plenty of natural light into the hall, bathroom and kitchen, the new build will significantly decrease natural light into this flat. The new house will reduce natural light to adjacent properties and impact on privacy and cause overlooking to property opposite. The removal of trees, shrubs and hedges would affect privacy to flats at rear.

Appearance - There is a particular style of house along Ethelwulf road, houses that fit one another and compliment each other. Cladding is out of keeping (now removed from proposal). Building will be completely out of character with the uniformity of all the other houses in Ethelwulf Road. If permission is given this will set a precedent for other property owners in Ethelwulf Road applying for planning permission to infill the gaps alongside their houses. Unnecessary development

Overdevelopment - The plot is too small and the addition of a new property will look cramped, and squeezed in, space is not adequate for a 3 bed house. The proposed new development takes advantage of a small area of space to the west of the existing dwelling and will look cramped and out of place. The planning application

amounts to overdevelopment in an already congested area. Cramming 1 additional house into a small space in a narrow road does not benefit anyone other than the developer. The new dwelling also contains an insufficiently small rear garden, which is a poor quality amenity space and is not something the council should support or encourage. Insufficient room to create a new dwelling of any reasonable standard, which would provide an adequate quality of life to someone. The new development is quite simply far too large for the surrounding area. It is virtually the same size as the existing property and will engulf the surrounding area just by its very size. Unnecessary urban infill and overdevelopment.

Flooding - Recently, within the last few years, we have seen more excess water in the Tarring area and this can be substantiated by the existence of the Tarring Flood Action Group. We are having far more heavy rain through climate change, and the road cannot deal with the excess water leading to accumulations at the end of Ethelwulf Road/South Street which frequently occurs, causing flooding. The proposed property will be built on what is currently a garden, which is porous. Construction of a dwelling on that plot has the potential to exacerbate flooding issues. A further question is whether our already antiquated drainage system can cope with the addition of another property in the road, which it was not built for. Confirm consultation with Southern Water regarding the increased output of effluents and water into the local sewerage pipes and take into consideration that a large area of garden will be concreted over thereby diverting annual rainfall into the sewerage system instead of being absorbed by the garden.

Climate Change - The construction will damage the environment and add to Global Warming. The Adur-Worthing Council statement declares that there is a Climate Emergency in July 2019 and that the Council is committed to working towards carbon neutrality by 2030. Hopefully, by not approving this Planning Application then this will help the Council in its endeavours towards gaining Carbon Neutrality by 2030.

Asbestos - Potential for asbestos in the garage to be demolished.

Housing Need - Appreciate that Worthing is in need of housing however there are clearly more appropriate sites to build on than this small plot, this is a garden, not a brownfield site.

Relevant Planning Policies and Guidance

Worthing Local Plan 2020-2036:

SP1 Presumption in Favour of Sustainable Development

SP2 Climate Change

SP3 Healthy Communities

SS1 Spatial Strategy

DM1 Housing Mix

DM2 Density

DM5 Quality of the Built Environment

DM15 Sustainable Transport & Active Travel

DM16 Sustainable Design

DM17 Energy

DM18 Biodiversity
DM19 Green Infrastructure
DM20 Flood Risk and Sustainable Drainage
DM21 Sustainable Water Use & Quality
DM22 Pollution

Technical Housing Standards – Nationally Described Space Standard (DCLG 2015)
Supplementary Planning Document ‘A Guide to Residential Development (WBC 2013)
Revised National Planning Policy Framework (HCLG 2023)
National Planning Practice Guidance (CLG)

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

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

Planning Assessment

Principle of Development

The Worthing Local Plan was adopted on 28th March 2023. Policy SS1 sets out the Housing supply over the period 2020-2036 and gives a total figure of 3672 (an annual target of 230 dwellings per annum).

Paragraph 76 of the NPPF states that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision-making purposes where:

- a) The adopted plan is less than 5 years old; and
- b) That adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.

Paragraph 77 goes on to state that where there has been a significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the Plan period).

The most recent housing trajectory and 5 year housing land supply for Worthing can be found in the Annual Monitoring Report 2022-23. Table 9 indicates the Five Year Supply measured against the adopted WLP annual target of 230 dwellings plus a

20% buffer, and demonstrates a 7 year supply of deliverable sites.

To maintain the supply of housing paragraph 79 of the NPPF requires local planning authorities to monitor progress in building out sites with planning permission. Where the Housing Delivery test indicates delivery has fallen below 75% of the local planning authorities housing requirement over the previous three years, the presumption in favour of sustainable development applies, in addition to the requirement for an Action plan and 20% buffer.

The latest Housing Delivery Test was published in January 2022, and covers the period from 2018/19 - 2020/21 (prior to adoption of the Local Plan). Worthing Borough Council scored 35%. Therefore the presumption in favour of sustainable development applies as the delivery of housing was less than 75% of the housing requirement over the previous three years.

As part of the Council's commitment to plan positively to meet housing needs it is anticipated that smaller sites (under 10 dwellings) will play a greater role in housing delivery. Policy SS1 specifically states that the Local Plan will seek to increase the rate of housing delivery from small sites.

The Council's SPD 'A Guide to Residential Development' describes infill development as development that fills a restricted gap in the continuity of existing buildings where the site has existing building curtilages adjoining on at least two sides. It states that infill development requires sensitive design and good landscaping if new buildings are to be fitted successfully into small sites in established residential areas, and that "*insensitive infilling that will negatively impact on areas character or amenity will be resisted*" (paragraph 4.33). Infill development should contribute to the character of the existing locality. In broad terms, a proposal that fails to complement the local area in terms of design, density and layout will be refused.

The site lies within the built up area boundary on former garden land. The preamble to adopted policy DM5 states:

'Private residential gardens within the built up area are now excluded from the definition of previously developed land. Inappropriate development of residential gardens will be resisted but their development in some circumstances may be acceptable. Applications for development of private residential gardens will be considered carefully and each case will be determined on its own merits. A range of issues, including the size and shape of the garden, impact on neighbouring dwellings, biodiversity, density, and the character of the area, will all be taken into account.'

The site is within a sustainable location, within walking/cycle distance of local services and amenities and well connected by public transport, with regular bus services from nearby South Street and West Worthing Railway Station located approximately 500m south of the site.

There is no objection in principle to the subdivision of the existing plot to provide a semi-detached dwelling house. The key considerations are the effects on visual amenity and local character, the amenities of existing and future occupiers, access

and highway safety matters, biodiversity and flooding.

Visual amenity

The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It requires decision-making to ensure that developments are (amongst other things) visually attractive as a result of good architecture, layout and appropriate and effective landscaping; sympathetic to local character, including the surrounding built environment and landscape setting; function well and add to the overall quality of an area; and establish or maintain a strong sense of place (paragraph 135).

Ethelwulf Road has a traditional character mainly consisting of semi-detached, two storey houses with tile hung bays to the front finished in bricks and render. The plots to the south side of the road have a consistent width, depth and spacing to the sides. The properties to the north side are more varied in width with several detached dwellings, semi-detached buildings and flats. The density and layout for each dwelling remains reasonably consistent throughout the street scene with the application site being slightly wider overall together with the neighbouring site to the east. The application site (as a whole) is the only property in the road that occupies a double width plot with a single dwelling house and therefore similar development could not be carried out at other plots within the road as there is not enough space to do so.

The proposed dwelling would be consistent with the overall pattern of development in the area forming a semi-detached pair with the host dwelling. The proposed dwelling would reflect the design, asymmetric roof form and materials of the existing building. The window design, size and placement would closely replicate those of the host dwelling, complementing the existing building. The spacing to the side of the new dwelling would be consistent with the layout of development in the street scene that is characteristic of the area. The plot size retained for the host dwelling and as proposed for the new dwelling would be similar (slightly larger) than surrounding plots and would not appear cramped or overdeveloped on the site or disrupt the density, rhythm or layout of development in the locality. The amendments made to the design and appearance of the dwelling ensure that the proposal would respect the prevailing character of the streetscene and make a positive contribution to the distinctiveness of the area.

Part of the front garden for the host dwelling would be replaced with hardstanding to provide 2 parking spaces for No.24. This would involve the removal of a section of wall to the front boundary and the installation of a dropped kerb. The existing driveway serving the garage would be stopped up and the front boundary wall reinstated. The majority of parking in the road is accommodated on street, however there are a number of hardstandings to the frontage similar to that proposed at other properties in the area, most noticeably at No.12, 14, 16 and 31. This type of development is not uncommon in the area and would not detract from the character of the street scene. Replacement of the current hardstanding with a new boundary wall and areas of planting and the addition of planting to the side of the proposed hardstanding would enhance the appearance of the site.

The proposed dwelling would respect the established character of the surrounding street scene and complement the local area in terms of design, form, scale, height, materials, siting, density and layout. The proposal is considered to make a positive contribution to the sense of place, local character and distinctiveness of the area and there would be no adverse impact on the visual amenities of the locality.

Residential amenity – Future Occupiers

Internally the new dwelling would provide a kitchen/dining room, living room, cloakroom and hallway at ground floor with stairs leading up to 3 bedrooms, a family bathroom and ensuite at first floor. The Gross Internal Area of 96m² exceeds the minimum GIA of 84m² (for a 3-bedroom, 4-person dwelling over 2 floors) as set out in the Government's Technical Housing Standards - Nationally Described Space Standard.

The dwelling is orientated south to north with windows serving principal rooms facing south across the road and north across the rear garden. A single window is proposed to the west side serving the stairs. Outlook from the main habitable rooms would be consistent with the outlook of all other dwellings in the street and openings would provide a good standard of natural light without obstruction.

Sufficient private outdoor amenity space would be provided by the rear gardens for both the host and new dwelling. Additional amenity space would be provided to the side of the new dwelling (patio) and to the front (garden).

Provision for bin storage is to the west side of the house behind a fence and gate. Secure covered cycle storage is to be accommodated within the rear garden through the provision of a shed.

A good standard of living accommodation and outdoor amenity space would be provided for the proposed dwelling and retained for the host dwelling.

Residential amenity – effect on existing dwellings

The most affected neighbours are those to the sides at the flats at No.16 and No.26 and 28, the properties directly opposite at No.25, 27 and 29 Ethelwulf Road and to the rear at No.11 Parkfield Road and the flats at Hurst Grange.

No.26 and 28 is a two storey building occupied as two flats (one at ground floor and one at first floor) located to the west side of the application site and of the same alignment to the front and rear. Two windows to the ground floor side elevation serve a bathroom and kitchen with an inset entrance door. Four windows to the first floor side elevation serve the kitchen and bathroom. A distance of approximately 3.3m would be retained between the side wall of No.26/28 and the side wall of the proposed dwelling bringing the two storey element 6.25m closer than the existing dwelling. This is likely to increase overshadowing, particularly to the ground floor windows of No.26, however, as the openings to the east side of the neighbour's building serve only non-habitable rooms (bathroom and kitchen) and include dual aspect rooms (kitchen) with openings to the rear, the effect on receipt of light to these windows is not considered to be severely diminished or unacceptably harmful

and outlook would not be oppressive or overbearing. It is also noted that the resulting spacing between dwellings would be similar (in many cases larger) than the spacing between most other dwellings in the street. The only window proposed to the side of the new dwelling would serve the stairs and would not compromise the privacy of the adjacent occupiers.

The flats at No.16 are located to the east side of the application site and would not be directly affected by the proposed dwelling to the west side other than for the creation of a hardstanding to the side/front of No.24. The proposed hardstanding would be adjacent to the hardstanding at No.16 and would not result in any harm to the amenities of these occupiers. The fence to the side of the site would be retained and new planting would be provided to the side of the parking area maintaining the current level of screening to the site.

No.25, 27 and 29 are located opposite the site to the south and separated by the road. No.29 is positioned directly opposite the proposed new dwelling and whilst outlook from this property would change with a two storey building occupying the space where there was previously a garage, this would be identical to the situation for every other building in the street, as the application site is the only property with a gap to the side. There would be no overshadowing to these properties and no harmful increase in overlooking or loss of privacy over and above that typical for an urban location such as this.

The rear garden to No.11 Parkfield Road adjoins the rear boundary of the application site however there is a gap of over 55m from the rear elevation of the proposed dwelling and the rear elevation of No.11. At this distance there would be no harm to amenity.

The flats at Hurst Grange located to the north of the site are over 20m from the proposed dwelling and would not suffer any unacceptable loss of privacy or overlooking at this distance. New tree planting is proposed to the west side of the site within the rear garden which would provide additional privacy to residents.

There would be no significant adverse impact on the residential amenities of neighbouring properties arising from this development.

Trees

Prior to submission of the application it is understood that a mature oak tree on site was felled. This tree along with others within the residential curtilage are not protected trees and the loss could not have been prevented at that time.

Local Plan Policy DM19 - Green Infrastructure, requires that, *'In all new developments there should be no net loss of trees and any trees removed should, where practical and appropriate, be replaced on a greater than 1:1 basis to support levels of canopy cover and contribute to biodiversity net gain'*. The proposed plans include the provision of five new trees, far exceeding the above ratio and meeting the requirements of the policy and helping to increase the biodiversity of the site. Although the loss of a mature tree can not be instantly compensated for through the provision of young trees, in time this will provide a similar habitat and this impact is

mitigated by providing more trees than were previously lost. The planting of native trees can be secured by condition.

Access and Highways

A significant number of representations have been received concerning the additional demand for on-street parking in an already congested street resulting from the proposed development.

The application would result in the loss of one garage space for the host dwelling but proposes two off street parking spaces for the host dwelling, thereby increasing provision for the host dwelling by one additional space. The WSCC Car Parking Demand Calculator indicates that the proposed dwelling should provide two car parking spaces. A nil parking provision is proposed for the new dwelling and therefore parking for this property will need to be accommodated on-street. The LHA has assessed the proposal as having nil on-site parking provision but has not raised any objection on highway safety grounds. There are no apparent visibility concerns with the proposed point of access on to Ethelwulf Road and the proposed development is not anticipated to give rise to a significant material intensification of movements to or from the site. Given the limited material increase in vehicles associated with this development the additional demand for parking is considered to be low and any associated impact resulting from this would not outweigh the benefits of providing a new dwelling to help meet housing needs.

Secure covered cycle parking is to be provided within the rear garden to encourage sustainable means of transport and to accord with WSCC Parking Guidance.

The site is within a sustainable location, within walking/cycle distance of local services and amenities and well connected by public transport, with regular bus services from nearby South Street and West Worthing Railway Station located approximately 500m south of the site.

There would be no unacceptable impact on highway safety or the operation of the highway network resulting from this proposal and there are no transport grounds to resist the application.

Flood risk

The site is identified as being within an area of Ground Water Vulnerability and the Sustainable Water Management Officer was consulted accordingly. Their advice was a recommendation to approve the application subject to pre-commencement conditions requiring the submission of a detailed surface water drainage scheme to demonstrate no increase in flood risk as a result of the proposed development and to ensure that the complete surface water drainage system serving the property is implemented in accordance with the agreed details.

Sustainability

Policy DM16 states that all new housing should seek to achieve an A rating (with a

minimum expectation of B rating) Energy Performance Certificate.

Policy DM17 requires all development resulting in new housing to incorporate renewable and low carbon energy production equipment to meet at least 10% of the predicted total energy requirements (after CO2 reductions from energy efficiency measures).

The application is accompanied by a Sustainability Statement which proposes the following measures to meet the standards set out in the above policies:

Ventilation & Airtightness: *Ventilation is critical in maintaining indoor air quality and to maximise the health of the occupants. Ventilation is to be provided within the dwelling via background trickle vents to the high performance door and window systems, but also by the opening apertures within each room. The airtightness of the building is important to prevent heat escaping through the superstructure of the building, and in fact contributes to the comfort levels within the building by allowing the occupants control over the temperature and airflow via opening/closing windows.*

Renewable technology: *In order to future proof the development, the dwelling's hot water and heating demands are to be met via high efficiency Air Source Heat Pump.*

Appliances, lighting and use: *The specification and installation of efficient white goods and light fittings throughout the dwelling reduces the energy demand for the dwelling but also has the added benefit of reducing the running costs of the dwelling for the occupants.*

An EPC minimum B rating could be secured by condition to ensure the requirements of Policy DM16 are met. The proposal includes the use of an ASHP to provide heating and hot water for the development which could be ensured by condition to meet the requirements of Policy DM17. Subject to these conditions the application is considered to meet the requirements for sustainability.

Ecology and biodiversity

Policy DM18 requires new development (excluding change of use and householder) to provide a minimum 10% net gain for biodiversity.

The application is accompanied by an Ecological Assessment Summary following a Scoping Survey carried out by JWK Wildlife Surveys which identified the following points, as summarised below:

Background

The proposed development site is dominated by managed amenity habitats with two main onsite structures, including detached dwelling and a garage, lawn, ornamental planting and associated paved and hardstanding areas. The northern, western and eastern margins are bounded by residential properties with similar habitats south, beyond Ethelwulf Road that bounds the southern site extent. Residential land extends for at least 1.5km in all directions dominating the wider landscape. Interspersed discrete areas of open greenspace were noted, the closest 260m north.

Protected Species

No protected species or secondary signs of protected species were identified at the time of the survey.

The site is dominated by common and widespread habitats of poor ecological value and of limited size within a predominantly urban location with no connection to any offsite areas of natural habitat. It is considered based on habitats present that the potential for all protected species groups, excluding breeding birds, to utilise onsite habitats is negligible.

Recommendations

Due to the discrete nature of the proposed works and limited size of the site dominated by common and widespread amenity habitats of low ecological value it is not considered that any significant negative ecological impacts are likely. However, the potential for some areas of onsite shrub and trees to be utilised by low numbers of breeding birds can not be ruled out and therefore precautionary working methods in relation to vegetation clearance should be followed.

Further to the precautionary approach above it is recommended that to mitigate for the loss of any trees that are removed to facilitate the proposals these are replaced by native species in retained areas of the site on a ratio of 1:2, so for every tree that is to be lost, two native species are planted to replace them.

Enhancements

Government planning policy (National Planning Policy Framework) now explicitly requires local authorities to seek wildlife gains through the planning process and not just offset losses. Therefore, development projects should aim to create ecological enhancements and improve the biodiversity value of sites above and beyond mitigation/compensation requirements. A range of enhancement measures have been recommended below to contribute towards meeting these aims.

The landscaping scheme should include a significant proportion of native species-rich planting of local provenance including a range of native trees, shrubs and wildflowers in order to increase the ecological value of the site for wildlife. It is recommended that the non-native dominating species within the hedgerow in the south-eastern corner of the site are replaced with native species.

The proposed development presents an opportunity to enhance the site for bats. It is recommended that two bat boxes should be integrated within the proposed structure.

It is recommended that two bird boxes should be installed on suitable trees within the site or incorporated on to onsite buildings.

A range of insect nesting boxes' could be attached to onsite trees/shrubs within the wider site to encourage insect biodiversity at the site.

Conclusion

It is considered that based on the results of the completed survey in regard to onsite

biodiversity the above details are appropriate to ensure proposed works result in an overall gain in biodiversity value at the site and minimise any negative impacts.

The existing site is identified as having a low biodiversity value. Small-scale measures, as identified and recommended in the Ecological Assessment such as the provision of bird/bat/insect boxes and native planting of trees/shrubs and hedges could be incorporated which would make a small contribution to promoting biodiversity and could be secured by condition.

The Local Plan policy does not specifically require the 'Biodiversity Metric' to be completed for small sites such as this, and this is not yet a mandatory requirement by government. Nevertheless, the Local Plan does seek 10% and a number of the above measures would contribute to biodiversity enhancement albeit not as required by the Environment Act on schemes submitted after the 1st April. At the present time it is considered that a requirement for 10% would place an unreasonable and disproportionate burden on the developer when weighed against the emphasis on maximising the delivery of new housing on suitable small windfall sites such as this.

CIL

The proposed dwelling is CIL liable. The estimated CIL charge is £10,635 (plus indexation). Applying the 2024 index rate gives a CIL charge of £12,156.

Recommendation

The Committee is recommended to grant planning permission subject to the following conditions:

Subject to Conditions:-

1. Approved Plans
2. Standard Time Limit
3. Materials to match host dwelling No.24
4. Car parking spaces provided
5. Cycle parking provided
6. Construction management plan to be submitted
7. Hours of construction
8. Surface Water Drainage Scheme to be submitted
9. Works carried out in accordance with approved Surface Water Drainage Scheme
10. Details of new boundary treatments
11. Recommendations of Ecological Assessment to be implemented.
12. Nesting bird protection
13. Tree planting and landscaping scheme

Informatives

1. Application approved following revisions
2. Vehicle crossover licence
3. Stopping up existing access

4. Southern Water Sewer connection
5. New address
6. CIL liable

20 March 2024

**Local Government Act 1972
Background Papers:**

As referred to in individual application reports

Contact Officers:

James Appleton
Head of Planning & Development
Town Hall
01903 221333
james.appleton@adur-worthing.gov.uk

Jackie Fox
Senior Planning Officer (Development Management)
Town Hall
01903 221312
jacqueline.fox@adur-worthing.gov.uk

Jo Morin
Principal Planning Officer (Development Management)
Town Hall
01903 221350
jo.morin@adur-worthing.gov.uk

Amanda Haslett
Senior Planning Officer (Development Management)
Town Hall
01903 221195
amanda.haslett@adur-worthing.gov.uk

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.