



WORTHING BOROUGH COUNCIL

9 April 2024

Worthing Planning Committee	
Date:	17 April 2024
Time:	6.30 pm
Venue:	Committee Rooms, 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 16 April 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 12 April 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 12 April 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 **Wednesday 20 March 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 - 46)

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

8. Appeals Update (Pages 47 - 50)

An update on appeal decisions, attached as item 8.

9. Worthing Affordable Housing Supplementary Planning Document (Pages 51 - 94)

To consider the report by the Director for Place, attached as Item 9.

10. Worthing Conservation Area Reviews (Pages 95 - 140)

To consider the report by the Director for Place, attached as Item 10.

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	David Jones Lawyer 01903 221093 david.jones@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
17 April 2024

Agenda Item 7

Ward: ALL

Key Decision: Yes / No

Report by the Director for Place

Planning Applications

1

Application Number: AWDM/0303/24 **Recommendation – Delegate for APPROVAL subject to further comments from the Highway Authority**

Site: **Worthing Football Club, Woodside Road, Worthing**

Proposal: Erection of a new covered north stand 6 metres high reducing to 5.0 metres at the rear, 90 metres long by 6 metres deep. Erection of new building in north west corner, to provide WCs and Food & Beverage bar 2.69 metres high, 11.6 metres wide by 6.87 metres deep.

2

Application Number: AWDM/0351/24 **Recommendation – APPROVE**

Site: **Worthing Football Club, Woodside Road, Worthing**

Proposal: Provision of a roof covering across the West end standing terrace. This will replace and enlarge a previous roof covering that had to be removed in March 2023 for safety reasons. The development will also include the provision of a roof covering across the North East section of the currently uncovered standing terrace. (Part retrospective application). Application to Vary Condition 1 of approved AWDM/1227/23 to amend the roof design and length of stand.

3

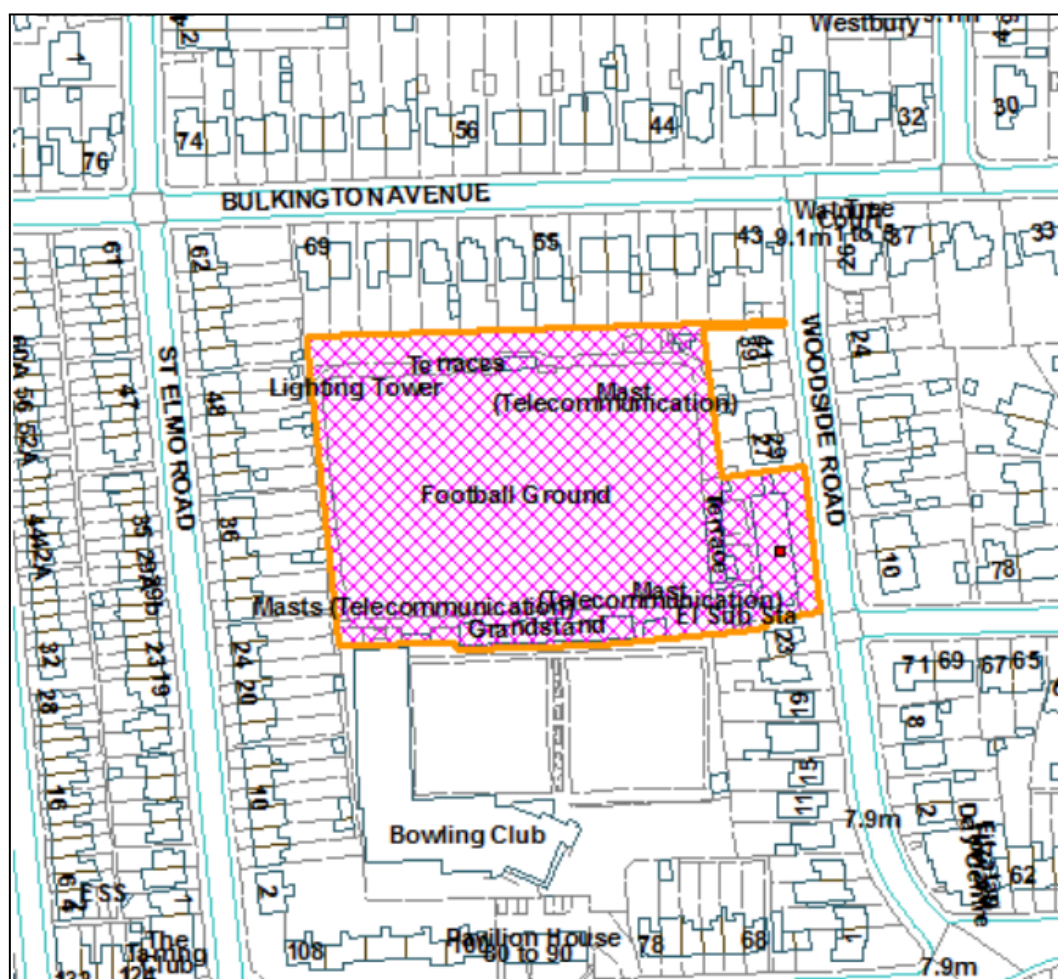
Application Number: AWDM/1483/22 **Recommendation – APPROVE**

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 terrace at first, second and third floors (13no in total).

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Application Number:	AWDM/0303/24	Recommendation - Delegate for APPROVAL subject to further comments from the Highway Authority.
Site:	Worthing Football Club, Woodside Road, Worthing	
Proposal:	Erection of a new covered north stand 6 metres high reducing to 5.0 metres at the rear, 90 metres long by 6 metres deep. Erection of new building in north west corner, to provide WCs and Food & Beverage bar 2.69 metres high, 11.6 metres wide by 6.87 metres deep.	
Applicant:	Mr Keith Mitchell	Ward: Gaisford
Agent:	Miss Debbie Marriage	
Case Officer:	Gary Peck	



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Proposal, Site and Surroundings

This application seeks full permission for the erection of a new covered north stand and a WC/food and beverage building in the north west corner of the ground.

The stand is stated to be 6 metres in height, 90 metres long by 6 metres deep, accommodating 14 rows of standing spectators. The stand will have a maximum capacity of 1,818 people which represents an increase of 878 over the existing capacity of 940 people who can be accommodated on the north side of the pitch. A gantry will be installed in the centre of the stand, below roof height, for TV crews.

It is further advised that the stand will accommodate home and away supporters, with the space in the away fans section being adjustable depending on the number of away fans expected for each game. Behind the stand will be a 1.65 metre wide walkway, of permeable material, to facilitate pedestrian movement and comply with fire and health and safety regulations. A 1.8m close boarded fence will be erected along the back edge of the walkway. Five spaces for wheelchair users will be provided at the front of the stand, bringing the total number of spaces for wheelchair spectators in the ground to twelve.

In respect of the new building in the north west corner, a single storey building is proposed which will provide male and female WCs, separate accessible toilet, and a food & beverage bar. The building is proposed to be 11.6m wide by 6.87 metres deep, and 2.69 metres high. External walls will be clad with profiled metal sheet cladding, with a flat roof over. The building would be the west of the new stand, therefore separated from it by an existing floodlight pylon (the pylons are not affected by the current proposals). A cypress tree, the westernmost of a line of such trees that stretch along the majority of the northern boundary of the site, would be removed as part of the proposal.

The football ground is surrounded on 2 ½ sides by residential dwellings. Bulkington Avenue is to the north, consisting of detached and semi-detached properties. The dwellings are largely screened by the trees mentioned above, except for number 69 in the north western corner of the site, while number 67 would become more visible as a result of the removal of the tree. At present, the covered accommodation on the northern side of the ground consists of a small shelter situated in between the manager's dugout and 3 quite shallow terraced steps with a grass bank behind. There is an existing food and beverage offering in the north eastern corner of the ground.

At the western end of the ground are properties in St Elmo Road, which are generally more visible from within the ground. A new stand has recently been constructed at this end of the ground and is the subject of a separate report elsewhere on the agenda. To the east, there is a currently part open/part covered terrace area with 2 residential buildings separated into flats clearly visible behind. The entrances to the ground are on the eastern side of the ground in Woodside Road.

The largest stand is to the south of the ground consisting of a raised seating area centrally located and extending about half the distance to each end. A bowling club

is located behind the stand.

The application site is within the built-up area and is located outside of any Controlled Parking Zone which means that parking is unrestricted in the immediate environs of the ground.

Relevant Planning History

(Relevant to the northern side of the ground)

AWDM/1303/19: Permission granted for the *Enlargement of existing kiosk and proposed single-storey extension to provide store and kit room to north-east of football club grounds and repositioned turnstile and gate and new fence to part of north boundary.*

AWDM/0134/20: Permission granted for the *Removal of three x 21m high floodlight poles and all existing floodlights from all poles, (retention of existing telecommunication mast to south-west corner) and installation of eight x 15m high floodlight poles with LED lighting (two light fittings per column) (four to the south of site and four to the north of site).*

Elsewhere on the agenda, there is an application relating to the western side of the ground (AWDM/0351/24) - *Provision of a roof covering across the West end standing terrace. This will replace and enlarge a previous roof covering that had to be removed in March 2023 for safety reasons. The development will also include the provision of a roof covering across the North East section of the currently uncovered standing terrace. (Part retrospective application). Application to Vary Condition 1 of approved AWDM/1227/23 to amend the roof design and length of stand.*

The application is an amendment to a previous approval which has not been implemented in accordance with the approved plans.

Consultations

Southern Water

No objection subject to a condition

West Sussex Highways comments that,

'The proposal is for a new stand to be built on the north side of the pitch to replace the existing stand and increase spectator capacity. It is understood that this is a requirement of the Football governing body due to the club's promotion into a higher league.

The north stand currently accommodates 940 spectators which will increase to 1818 as a result of this proposal.

It is estimated that 70-75% of the match day attendees travel to the ground by public transport and a significant proportion live in the local area and walk to the ground.

There are 2 local train stations within 1km walk of the ground and a number of bus routes with bus stops within 500 metres of the ground.

As detailed in the Transport Statement, it is likely that a large proportion of attendees will meet before a game as a social activity and to eat and drink and then walk to the game 'en masse'. However, this is expected behaviour and no details have been provided to support this. It is also anticipated that away fans, if travelling some distance, may choose to stay in the local area for the weekend and most likely walk to the ground. Away fans also commonly travel to the ground by coach.

Given the 70% predicted modal-split, it is estimated that – of the 760 home fans – 520 will travel to the ground by public transport/walking and 228 by car. There are no parking controls on the surrounding road network so those who chose to drive will find a space on the public highway on a first come first and given the additional vehicles some may have to park a considerable distance from the ground. It is agreed that over time, behaviours may change as a result of attendees deciding that it is easier to walk, however, this may take some time and lead to unsuitable parking in the meantime.

It is worth noting that the proposal will only impact the local road network on match days which will be no more than 23 per year. However, during these days, an additional 200 plus vehicles trying to find a parking place in local roads may result in localised congestion, unsafe parking and possible highway safety issues especially for pedestrians.

It is therefore recommended that the applicant provides an additional report detailing how the local highway network will be managed and policed on match days and a parking survey (taken on a match day) to determine existing capacity and possible limits of the network.'

Sport England

No objection

Council's Drainage Consultant

We have reviewed the application as the drainage consultant acting on behalf of the Council and wish to make the following comments.

The applicant is applying for the erection of new covered north stand 6 metres high reducing to 5.0 metres at the rear, 90 metres long by 6 metres deep, and the erection of new building in northwest corner, to provide WCs and Food & Beverage bar 2.69 metres high, 11.6 metres wide by 6.87 metres deep.

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

Condition 1: 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. Winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any infiltration drainage. 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, 1% AEP (1 in 100 year), and the 1% AEP (1 in 100 year) plus climate change critical storms will be required to support the viability of drainage scheme. No part of the 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 the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Adur and Worthing Council.

Condition 2: The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and Matrix House Basing View Basingstoke, Hampshire RG21 4FF Tel: +44 1256 318 800 wsp.com WSP UK Limited | Registered address: WSP House, 70 Chancery Lane, London WC2A 1AF Registered in England and Wales No. 01383511 approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- i. a timetable for its implementation.*
- ii. details of SuDS feature and connecting drainage structures and maintenance requirements for each aspect including a drawing showing where they are located.*
- iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.*

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Adur and Worthing Council.

Environmental Health comments that,

There are no environmental health objections in principle. I would extend the noise management plan condition from previous permissions to cover this new development and would recommend a CMP condition for the construction period.

Representations

22 letters of objection have been received from local residents. Half of these objections are from residents in Bulkington Avenue, and others from addresses including St Elmo Road, Woodside Road and Shermanbury Road.

The objections are on the following grounds:

- adverse impact upon highway safety
- will worsen existing parking problems which already affects residents and access by emergency vehicles
- road infrastructure is already at breaking point
- overdevelopment of the site
- club has outgrown the site and needs to look for a new one
- loss of privacy through increased use of the stadium
- increased noise and disturbance which has already increased with more spectators
- the height of the trees already causes excessive shading
- the retaining wall to St Elmo Road is in need of repair
- the height of the stand will reduce light
- proximity of the food/wc block to neighbouring properties

3 letters of support have been received on the following grounds:

- success on the pitch has put the town on the map
- benefit to businesses nearby as a result of increased trade
- improve safety in the stadium and the matchday experience for fans
- playing at the next level of the football pyramid requires an increased capacity in the stadium

Relevant Planning Policies and Guidance

Worthing Local Plan 2020-2036:

DM5 Quality of the Built Environment, DM7 Open Space, Recreation and Leisure, DM8 Planning for Sustainable Communities / Community Facilities, DM9 Delivering Infrastructure, DM12 The Visitor Economy, DM15 Sustainable Transport & Active Travel, DM16 Sustainable Design, DM18 Biodiversity, DM19 Green Infrastructure, DM20 Flood Risk and Sustainable Drainage & DM22 Pollution

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

Planning Assessment

It is considered that the main issues in the determination of the application are:

- i) the principle of development

- ii) highways safety and parking issues
- iii) the effect of the proposals upon the amenities of neighbouring residential properties and,
- iv) drainage.

Worthing Football Club has become increasingly successful in recent years and as the football season draws to a close may achieve promotion to the National League (one below the football league). If such a promotion is achieved, the club is required to improve its facilities to be able to play at National League level and hence the application has been submitted and needs to be determined in a timely manner to enable construction to take place between the football seasons i.e. during the summer. Even if promotion is not achieved this season, the Club has indicated that it wishes to improve the facilities and matchday experience in any case and the improvements will allow promotion should it be achieved in future seasons.

Your Officers are aware that, irrespective of the success of the football team itself, the use of the stadium has increased markedly on non match days since an all weather pitch was provided following a permission granted in 2014. This has led to a significant increase in community use of the site with it now being used by all ages from youths to seniors and is therefore in line with Local Plan policies. In recent years, the attendances for the matches have also increased from numbers typically in the hundreds to the current situation where attendances in four figures are normal.

Policies DM7 to DM9 of the Local Plan encourage the improvement of sporting, community and infrastructure facilities. The success of the team, with one match recently being broadcast on national television, can only be of benefit to the town and therefore also accords with the need to promote economic development in the town. The principle of development, therefore, is considered to be quite clearly acceptable.

As is the case with other policies of the Local Plan, though, this is subject to there being no adverse impact upon the character of the area or neighbouring properties and this is an important consideration in the determination of the application.

A number of objections have raised concern regarding highway safety and parking issues in the area. It seems readily apparent that any problems have increased as attendance at the ground has increased.

While located close to the railway station and walkable from the town centre, the site is outside of the Controlled Parking Zone and therefore parking is unrestricted in area. Your Officers have visited the site on a number of occasions outside of match days and note that there is already parking pressure in the area, the eastern end of Bulkington Avenue being one example. This is not an uncommon situation in roads closest to the town centre that are outside any controlled zone. Furthermore, there is also a notable lack of yellow lines in locations where otherwise they may be expected eg at the junction of Bulkington Avenue and Gaisford Road meaning that vehicles can park (both on match days and non match days) far closer to the junction than ideal.

Members will be aware that paragraph 115 of the National Planning Policy Framework (NPPF) states that,

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

While it is acknowledged that highways pressure upon the area increases significantly on a matchday (the Highways response from the County Council indicates that additional 200 plus vehicles would be looking for a parking space) the bar for refusing an application on such grounds is quite high and certainly it is arguable that any issues within the area cannot be attributed solely to the use of the football ground, especially when match days take place less than 30 times per football season. Given the location of the ground so close to alternative modes of transport, your Officers feel it would be difficult to demonstrate the impact of the development would be so severe that it could justifiably be refused under the guidance contained within the NPPF

The County Council has suggested that the applicant *provides an additional report detailing how the local highway network will be managed and policed on match days and a parking survey (taken on a match day) to determine existing capacity and possible limits of the network.* The applicant's agent has queried this part of the response and states that the Club already has Wardens monitoring parking situations on match days and responding to any complaints, and it also states that it is not within the remit of the Club to be able to 'police' the situation given they are not the responsible body for any enforcement required as a result. WSCC Highways has been asked to clarify its position and Members will be updated at the meeting.

As there is only one confirmed home match to play (after the Committee meeting) plus any that may occur subsequently in the post season play-offs (which would be at very short notice), there is no ability to arrange a parking survey by the time of the determination of the application. Nonetheless, it would seem appropriate to impose a condition requiring a parking survey to be undertaken should permission be granted which may then inform a further debate as to the necessity or otherwise to introduce any temporary parking restrictions in the area on a matchday. This is a common practice for larger stadiums albeit the net result is that it pushes parking issues further away from the stadium. It is suggested that this survey not only include examples of illegal parking but also legitimate parking, given the current lack of parking restrictions, which may be causing highway safety problems in the area.

It should be borne in mind that irrespective of the current outcome of the application, attendance and use of the ground is likely to remain at the current level and therefore imposing a condition upon the development may represent the best opportunity to secure an improvement from the current situation which is clearly causing a concern to local residents.

The next issue is the impact of the new stand and food/toilet block upon the amenities of neighbouring properties.

The main properties affected are those in Bulkington Avenue and many of the affected residents have raised concerns regarding the application. At present, the properties are screened from the site of the proposed stand by a consistent cypress screen. It has been confirmed by the Arboricultural Officer that the height of these trees exceed the 6 metre height of the stand (they are between 7 and 8 metres). He has similarly confirmed, verbally (following a site visit) at the time of writing this report, that the conclusions of the Arboricultural Report are acceptable and that the stand can be constructed without detriment to the trees. In this respect, therefore, your Officers consider that the stand will be adequately screened from existing properties to the extent that a refusal on the grounds of loss of light/amenity could not be justified. The gardens serving these properties are of a reasonable length, around 14 metres where properties have not extended to the rear).

The trees are not preserved, and their species and location within a football ground means it is unlikely they would meet the criteria for a Tree Preservation Order. As such, therefore, the Council has no control over the possible removal of the trees (not that there is any suggestion that the Club wishes to remove them) but, more relevantly, also no control over the management and future husbandry of the trees. Your Officers note that some residents consider that the trees are too high and are causing too much shade to the south facing gardens of the Burlington Avenue properties. From your Officer's site visit, there is some sympathy with this view, and it follows that if a solid structure is to be introduced along the northern side of the football ground, albeit at a distance from residential properties that is considered acceptable, then in turn it would be quite reasonable to ensure that the trees are managed in future to an agreed level, say no more than 1 metre above the height of the stand. This would then allow greater sunlight to reach the gardens of the properties affected and this would help to offset the impact of the stand. A condition can be imposed to this effect.

The issues relating to the food and toilet block are slightly different as the run of the cypress trees ends before the north western corner of the ground where the block is proposed and the very end tree needs to be removed as part of the proposal. Numbers 67 and 69 Bulkington Avenue are both affected by the proposal.

Having viewed the application site from both of these properties, your Officers expressed some concern to the applicant's agent regarding the fact that the block, albeit quite limited in height at 2.6 metres, was to be proposed tight against the boundary of the site. The applicant's agent has responded that it would be possible to reduce the size of the block by 0.7 metres to allow some hedging to be planted in between that part of the block and number 67.

Your Officers feel this is an acceptable compromise as number 67 loses the existing screening of the tree to be removed, which will mean a floodlight pole is no longer screened from the property. Some form of hedging will prevent the ability for any spectators to linger near the block and overlook the garden of the property. Number 69 is already open to view from the football ground as there are no trees on the football ground side bordering the boundary of the property at present, but there is some screening within the neighbour's own garden. A building of 2.6 metres in height in itself is not considered to have an unacceptable impact given it would be over 10 metres from the extended rear part of this property. While concern has been

expressed that supporters would linger in this part of the ground, there appears to be a limited space to do so. In light of the closer proximity to residential properties than the equivalent block in the north eastern corner, as well as other facilities within the wider ground, it would also seem reasonable to impose a condition ensuring that the block is only used on a first team matchday. While the proposal is exempt from biodiversity net gain requirements, any opportunity to provide landscaping (albeit on an enclosed football ground) should be taken and therefore will be a secondary benefit of the amendment.

The Design and Access Statement refers to a Noise Management Plan relating to the west stand. The Environmental Health Officer has requested that the Management Plan condition is reimposed on this application. Given the greater length and capacity of this stand, it is felt that the Noise Management Plan should be reviewed and updated as necessary. This can be controlled by condition.

With regard to drainage, the Council's consultant initially indicated that winter infiltration testing would be necessary to comply with the suggested condition. To wait until winter for such testing is incompatible with the proposed timescale for the development. As a result, therefore, a consulting engineer has undertaken a further test and deepened a proposed soakaway accordingly. The results of this exercise appear to demonstrate that a pre commencement condition is not necessary in this instance but the information has been sent to the Council's drainage consultant and any further update will be provided at the meeting.

In conclusion, the progress of the Football Club both on and off the pitch is something to be admired and is improving the sporting reputation of the town. The desire of the football club to improve its facilities is similarly to be applauded. It has to be borne in mind, though, that the football ground is very close to residential properties and accordingly the development can only be considered acceptable if the mitigation outlined in the report can be achieved. It is considered that the use of planning conditions can acceptably mitigate the impacts of the scheme, as set out in national policy, and accordingly it is recommended that permission be granted subject to the further comments of the Highway Authority.

Recommendation

It is recommended that planning permission be granted subject to the satisfactory comments of the Highway Authority and subject to the following planning conditions:-

1. Approved Plans
2. The development shall proceed in accordance with the proposed means of foul sewerage and surface water disposal submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.
3. The development shall proceed in accordance with the proposed surface water drainage scheme that has been submitted to the Local Planning Authority. No part of the 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 the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Adur and Worthing Council.*

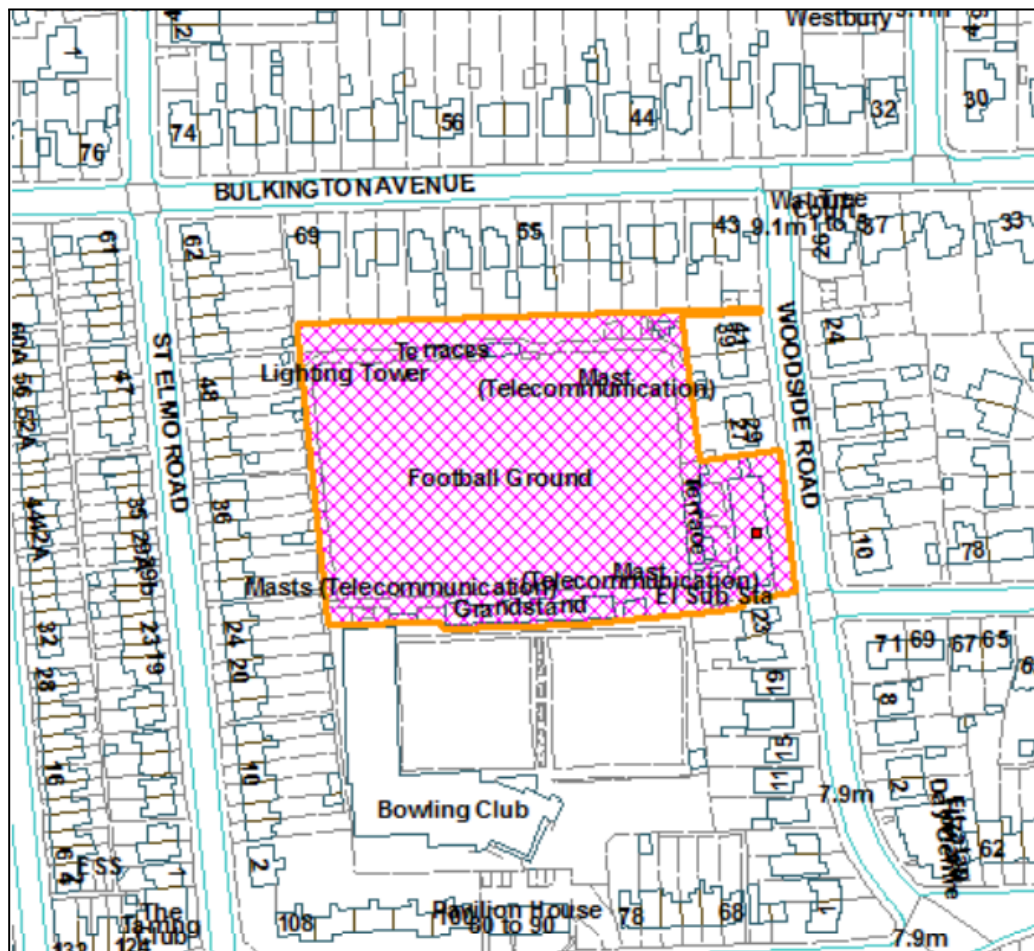
4. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
 - i. a timetable for its implementation.
 - ii. details of SuDS feature and connecting drainage structures and maintenance requirements for each aspect including a drawing showing where they are located.
 - iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: *To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Adur and Worthing Council.*

5. Prior to the commencement of the 2024/25 football season, an updated noise management plan shall be submitted to and approved in writing by the Local Planning Authority.
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6. Parking survey to be undertaken within two months of the commencement of the 2024/25 season in accordance with details first submitted to and approved in writing by the Local Planning Authority.
7. Trees on the northern side to be maintained, and not exceed, a height to be agreed in writing with the Local Planning Authority.
8. Materials in accordance with approved plans.
9. NW block to be used on a first team matchday only.
10. Details of additional landscaping to be provided prior to first use of the NW block.

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Application Number:	AWDM/0351/24	Recommendation - APPROVE
Site:	Worthing Football Club, Woodside Road, Worthing	
Proposal:	Provision of a roof covering across the West end standing terrace. This will replace and enlarge a previous roof covering that had to be removed in March 2023 for safety reasons. The development will also include the provision of a roof covering across the North East section of the currently uncovered standing terrace. Application to Vary Condition 1 of approved AWDM/1227/23 to amend the roof design and length of stand (part retrospective application).	
Applicant:	Mr Keith Mitchell	Ward: Gaisford
Agent:	Miss Debbie Marriage	
Case Officer:	Gary Peck	



Not to Scale

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Proposal, Site and Surroundings

Planning permission was granted in 2023 for a roof covering over the western end of the ground. A roof covering was subsequently constructed but not in accordance with the approved plans. The agent states:

'The approved plans show the west stand being 70 metres long, 3.45 metres high at the rear and 3.2 metres high at the front. The roof had a very shallow slope downwards from back to front. The stand has been built slightly differently to the approved plans. It is 50 metres long, 3.2 metres high at the rear and 3.475 metres high at the front. The stand is essentially the same height as shown on the approved plans, the difference being that the roof slopes front to back, instead of back to front. Precipitation falling on the roof will be collected in a horizontal gutter running the whole length of the stand, which will route into three downpipes (shown on the west elevation on KD.1527_A.200) and then into a soakaway in the south-west corner. This roof design is superior to that shown on the plans, both for the club and nearby neighbouring properties. It routes rain and snow directly into the surface water drainage system instead of onto the pitch. The height of the back of the stand, nearest to the neighbours, is 250mm lower than as shown on the plans. The front of the stand is 275mm higher than shown on the approved plans.'

The stand backs onto properties in St Elmos Road which are clearly visible from within the football ground. A wall is located behind the stand with residential properties beyond. Previously, a smaller stand in length roughly extending to the edge of the 6 yard box in each penalty area stood at this end. The stand as built extends just beyond the penalty area on each side.

The entrances to the ground are on the eastern side of the ground in Woodside Road and the largest stand is to the south of the ground consisting of a raised seating area centrally located and extending about half the distance to each end. A bowling club is located behind the stand. A report regarding a new north stand appears elsewhere on the agenda.

The application site is within the built-up area and is located outside of any Controlled Parking Zone which means that parking is unrestricted in the immediate environs of the ground.

Relevant Planning History

(Relevant to the western side of the ground)

AWDM/1227/23: Provision of a roof covering across the West end standing terrace. This will replace and enlarge a previous roof covering that had to be removed in March 2023 for safety reasons. The development will also include the provision of a roof covering across the North East section of the currently uncovered standing terrace. (Part retrospective application). Approved, but not implemented in accordance with the approved plans.

A smaller roof serving the western end of the ground was granted permission in 2000.

Consultations

No comments received

Representations

3 letters of objection have been received on the following grounds:

- the stand is unsightly and out of keeping with the character of the area
- loss of light
- the wall to the back of the stand is unsafe
- the structure has been built with disregard to the previous permission
- the design will require balls to be collected from the roof rather than bouncing back onto the pitch

Relevant Planning Policies and Guidance

Worthing Local Plan 2020-2036:

DM5 Quality of the Built Environment, DM7 Open Space, Recreation and Leisure, DM8 Planning for Sustainable Communities / Community Facilities, DM9 Delivering Infrastructure, DM12 The Visitor Economy, DM15 Sustainable Transport & Active Travel, DM16 Sustainable Design, DM18 Biodiversity, DM19 Green Infrastructure, DM20 Flood Risk and Sustainable Drainage & DM22 Pollution

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

Planning Assessment

The principle of development has already been established by the previous permission and therefore the key issue in the determination of this application is whether the development as constructed is material harmful, when compared to the previous permission, to justify a different conclusion.

The previous Officer report noted that, *'The proposed design reflects the design of existing covered stands on the east and north sides. They are purely functional in their design but acceptable contextually.'*

Given that the design was indeed similar to 2 of the existing stand designs at the football ground, it would have been difficult to reach any other conclusion than as

described above. In visual terms from within the ground, though, it is difficult to come to any other view than that the new stand is more visually appealing than the stands referred to on both the northern and eastern sides of the ground. The stand on the northern side will be removed if permission is granted for the scheme which appears elsewhere on the agenda, while the stand at the eastern end with a low roof and a number of supporting poles obscuring the view of the pitch appears quite dated in comparison to some of the more modern facilities that have been provided elsewhere in the ground.

The previous proposal had the roof sloping towards the pitch whereas the scheme, as built, has the roof sloping away from it. The low roof at the existing eastern stand again seems to impair supporters' view of the game and therefore it does seem beneficial for the roof to slope upwards. This also means that the lowest part of the stand is at the rear towards neighbouring properties.

It is noted that a representation raises concern that balls landing on the roof of the stand would now fall back towards neighbouring properties but it is noted that the protective netting is located to the front of the stand and therefore would prevent this occurrence.

The key issue is therefore the impact of the building upon neighbouring properties in St Elmo Road. Since the stand when viewed from the rear is essentially the same height as previously approved and that the gardens serving these properties are reasonably long at around 18 metres, your Officers do not consider that the revised design of the stand has any greater impact on the amenities of adjoining residents. The pitch of the roof is very shallow and accordingly its increase in height to its front is barely discernible when viewed from those residential properties. The slightly lower roof at the rear immediately adjoining the properties can be seen as a slight improvement.

While, as previously, concerns have been raised regarding noise, in essence the enclosure of the ground, rather than it being predominantly open as was previously the case, would seem to assist in preventing noise spill from the ground overall. Some concern was raised about noise being caused to the back wall of the stand (caused by fans backing on the metal cladding).

A noise management plan was submitted as part of the previous application and included the following provisions:

- 1. Drums and other musical instruments will be prohibited at all night games. This will be enforced by carrying out bag searches at the turnstiles before entry into the football ground.*
- 2. The Club will install new signage in the proposed west stand and around the ground stating as follows: 'Please be mindful of our respected neighbours when you are in the stadium and when you are leaving the ground'.*
- 3. During every game, announcements will be made on the PA system reminding fans to refrain from inappropriate behaviour.*
- 4. The Club will continue to implement their policy and procedures for addressing abusive language and swearing. Stewards are briefed on this before every game.*

It was not evident from your Officer's site visit that the 2nd point had yet been implemented and in light of points raised, it is considered that the management plan should be updated to reflect the altered circumstances of the new stand. Subject to the above, it is considered that the application is acceptable and retrospective permission for the stand, as built, be granted.

Recommendation

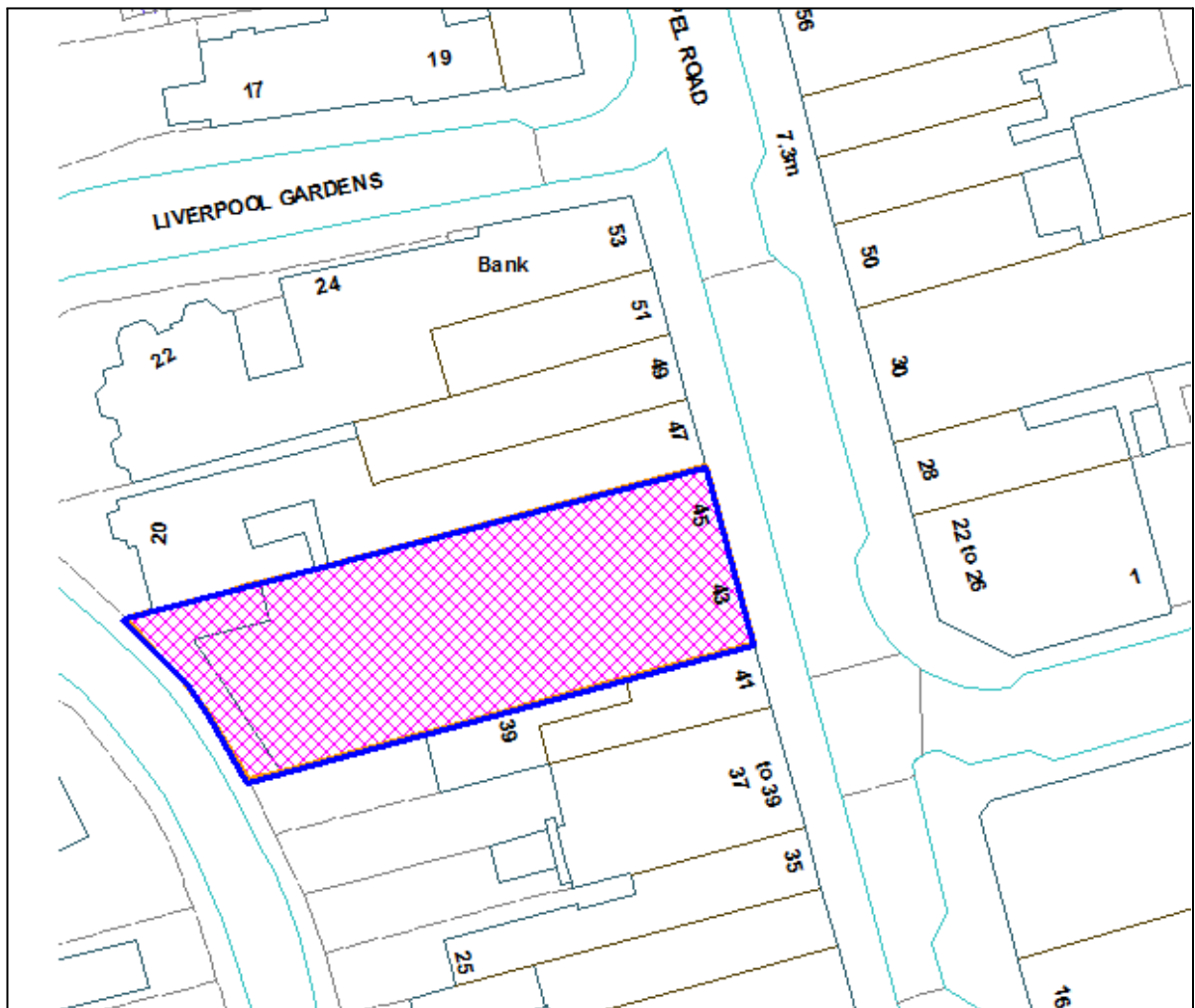
APPROVE

Subject to Conditions:-

1. Approved Plans.
2. Prior to the commencement of the 2024/25 football season, an updated Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

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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 terrace 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 terrace 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

**Local Government Act 1972
Background Papers:**

As referred to in individual application reports

Contact Officers:

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Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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

Appeal Decision

Site visit made on 25 March 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2024

Appeal Ref: APP/M3835/W/23/3330500

Land to the rear of 131 Brighton Road, Worthing BN11 2EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Kennedy against the decision of Worthing Borough Council.
 - The application Ref is AWDM/0477/23.
 - The development proposed is the change of use, and extension to, external building to C3 residential use.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address and description of development in the above banner heading are taken directly from the original planning application form.

Main Issue

3. The main issue is whether the proposal would provide acceptable living conditions for future residents, in terms of the provision of internal living space and external amenity space.

Reasons

4. The proposal would involve the conversion of a redundant garage building to a single storey dwelling that would have a gross internal floor area of approximately 37sqm. The proposed floorplan demonstrates that the dwelling would be arranged as studio accommodation comprising an open plan kitchen, living and bedspace, with a separate shower room.
5. Policy DM2 of the Worthing Borough Council Local Plan 2020 – 2036 (adopted 2023) (the Local Plan), amongst other matters, sets out an expectation that new dwellings will meet, as a minimum, the national described space standards (NDSS)¹ for internal floor areas and storage space. The Council also has an adopted Space Standards SPD (adopted 2012) (the SPD), however, this is guidance only and in terms of internal space standards has been superseded by Policy DM2 of the recently adopted Local Plan. Policy DM2 still refers to the SPD in regard to local standards for external space.
6. The appellant contends that the proposal meets the minimum gross internal floor area for a single storey, 1 bedroom, 1 person dwelling with a shower

¹ As detailed within the 'Technical housing standards – nationally described space standard' March 2015 (as amended 2016)

- room, as set out in the NDSS (i.e. 37sqm). However, from the evidence before me, the proposed dwelling would be capable of accommodating sufficient bedspace for two persons, it should therefore be considered against the relevant minimum standards for a single storey, 1 bedroom, two-person dwelling. Accordingly, the proposal falls well below the relevant minimum standard of 50sqm set out by the NDSS and would provide cramped and insufficient space for potential future occupiers. In reaching this view, it is recognised that the proposed dwelling may only be occupied by a single person, however, this cannot be ensured.
7. Turning to the provision of outdoor amenity space, the appellant indicates that approximately 25sqm of external amenity area would be provided, which is suggested as exceeding the minimum external space standards for a dwelling of this size. However, no reference has been given to specific external space standards that the scheme would comply with. Having regard to the Council's SPD, there is not a specified minimum external space standard for 1-bedroom dwellinghouses. In any case, consideration needs to be given to whether the size and quality of the external space would provide suitable private amenity space for future residents.
 8. The appeal site is a small plot and only a very narrow area of external space to the rear of the proposed dwelling would be provided, which would be used for a bike store. Consequently, the useable outdoor space would predominantly be located to the side and front of the proposed dwelling. This is limited in size and would be shared with vehicle parking and bins stores, whilst also being highly visible from the streetscene along St. George's Road. Given the size and layout arrangements, the outdoor garden area is unlikely to be particularly private in nature, nor is it likely to be an enticing space to spend time within or be of significant practical use.
 9. Although the proposed development may be sited close to public open spaces, including Worthing seafront, it remains that the proposal would be served by inadequate private outdoor space.
 10. Overall, I find that the proposed dwelling would be served by insufficient internal living space and inadequate outdoor amenity space, which would result in unacceptable living conditions for potential future occupiers. The appeal scheme therefore fails to comply with Local Plan Policies DM2, DM5 as well as the aims of the SPD. Together these policies and guidance seek to ensure that development is of a suitable design quality that takes account of potential users of the site, including through the provision of suitable internal and external space.
 11. Likewise, the proposal conflicts with the aims of the National Planning Policy Framework in respect of promoting development that incorporates a high standard of amenity for future users.

Other Matters

12. My attention has been drawn to two nearby developments on Seldon Lane, whereby the Council approved new dwellings with limited curtilages. However, I have no specific details of the context of those schemes, including the relevant sites' planning histories, the precise planning policy context at the time of the decisions, or whether the developments met the NDSS. As such, my decision does not turn on the presence of these nearby developments.

13. A lack of harm to the character and appearance of the area and to the living conditions of other neighbouring residents is to be expected of new development and therefore does not weigh in favour of the appeal scheme. Likewise, compliance with other requirements of local and national policy is also to be expected.
14. Similarly, a lack of objections to the application from statutory consultees or other third parties is not grounds to allow unacceptable development.
15. Given that the proposal would result in inadequate living conditions for future occupiers, I do not consider that it would make efficient use of the land. Nonetheless, it would still provide some socio-economic benefits through the delivery of a new dwelling, whilst it would also utilise previously developed land in a sustainable location. However, given its overall scale and nature, the scheme's benefits would be limited and do not overcome my above concerns.
16. The owner's personal circumstances are also noted, however, these are not sufficient to justify the appeal scheme, particularly as the proposed development is likely to remain long after the personal circumstances of the owner cease to be material.

Conclusion

17. For the reasons outlined above and having regard to the development plan as a whole, and all other material considerations, the appeal is dismissed.

Lewis Condé

INSPECTOR

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WORTHING BOROUGH
COUNCIL

Planning Committee
17 April 2024
Item 9

Key Decision No]

Ward(s) Affected:All

Draft Worthing Affordable Housing Supplementary Planning Document (SPD)

Report by the Director for Place

Executive Summary

1. Purpose

- 1.1 This report presents a Draft Worthing Affordable Housing Supplementary Planning Document (SPD) for consultation.

2. Recommendations

- 2.1 Members are asked to comment on the draft SPD prior to public consultation. Any comments will be passed to the Executive Member for Regeneration to inform their decisions to authorise for public consultation purposes.

3. Context

- 3.1 On the 28th March 2023 the Worthing Local Plan (WLP) was adopted. Policy DM3 of the new plan now sets out the approach to the delivery of affordable housing in the Borough. This proposed Supplementary Planning Document (SPD) will, once adopted, set out the mechanism for securing affordable housing on major residential development sites and the exceptional circumstances when financial contributions for affordable

housing to be secured off-site may be acceptable and how these would be calculated.

- 3.2 The **National Planning Policy Framework (NPPF)** states: ‘Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure ... Such policies should not undermine the deliverability of the plan’(paragraph 34).The Council and developers have a responsibility, through the planning process, to manage the impact of growth and ensure that any potential harm caused by new development is mitigated. The Council therefore expects new development to contribute to site related and other infrastructure needs.
- 3.3 The **Planning Practice Guidance (PPG)** on ‘Viability’, published alongside the updated NPPF in July 2018 and most recently updated on 1st September 2019, provides more comprehensive information on considering viability in plan making.
- 3.4 The current mechanism for securing affordable housing in Worthing is set out in the Developer Contributions Supplementary Planning Document (SPD) adopted in July 2015. This brings together the Council’s approach to seeking contributions from new development for a range of infrastructure types to address the cumulative impacts on infrastructure and to secure affordable housing (section 5 of the SPD). It summarises the different mechanisms which are used and the relationship between them.
- 3.5 An update of this SPD is required to ensure that guidance is in line with the newly adopted Worthing Local Plan and ensure that it reflects the latest S106 / Community Infrastructure Levy (CIL) position. The proposed new Affordable Housing SPD will provide an update, and supersede section 5 of the adopted SPD 2015. It has been developed using best practice and recent guidance on SPD’s and liaison with officers across the Council.
- 3.6 As part of the local plan review process and in line with government guidance referred to above, the Council commissioned consultants to undertake a Whole Plan Viability Assessment (January 2021).The purpose of that assessment was to assess the viability of the proposals and policies proposed as part of the emerging new Worthing Local Plan (WLP). ‘Viability’ in the sense of this study refers to the financial “health” of development. This means that the study looked at the likely strength of the relationship between development values and costs, across a range of proposed development types.

3.7 As such Policy DM3 of the Worthing Local Plan reflects this viability work and sets out the Council's approach to delivering much needed affordable homes across the Borough. The policy states:

3.8 Worthing Local Plan policy DM3 reflects the findings of this review

DM3 AFFORDABLE HOUSING

- a) New residential development (including conversions and changes of use) with the capacity to provide 10 or more self-contained units will be expected to provide an appropriate mix of affordable housing according to the following site size thresholds:
 - i) Sites on previously developed land involving the development of flats there will be a requirement for 20% affordable housing;
 - ii) For all housing schemes on previously developed land there would be a requirement for 30%;
 - iii) For all development on greenfield sites there would be a requirement for 40%.
- b) Affordable housing should be delivered on-site. In exceptional circumstances a financial contribution may be accepted by the Council in order to provide affordable housing off-site where the other sites may be more appropriate to provide affordable housing than the site of the proposed development.
- c) Affordable housing should incorporate a mix of tenures and sizes prioritising rented affordable homes at social rent levels. To most effectively meet the borough's housing needs the Council will require the following mix of tenure as a minimum: 10% of homes to be available for affordable home ownership (as defined in the NPPF) as part of the overall affordable housing contribution. Exceptions to this will only be considered in accordance with national policy. Remaining affordable housing should be split as 75% social / affordable rented housing and 25% intermediate housing. The exact tenure split and size of units on each site will be a matter for negotiation, taking account of up-to-date assessments and the characteristics of the area.
- d) A minimum of 3% of affordable homes (for which the Council is responsible for allocating or nominating a person(s) to live in that

dwelling) constructed should be built to Building Regulation Standard M4(3) Category 3: Wheelchair Accessible Standards, taking account of the suitability and viability of the site.

- e) Affordable housing should be appropriately distributed throughout a new development and should be designed to a high quality, with the same or a consistent external appearance as for market housing.
- f) Where a developer states that exceptional development costs mean it is not possible to meet the full requirements for the delivery of affordable housing the onus will be on them to demonstrate this to the Council and this must be supported by robust financial viability evidence (through an open book approach).

3.9 The aim of this new SPD is to provide advice on this affordable housing policy (DM3) and how it should be interpreted and implemented. A key aim of DM3 is to increase the amount of affordable housing delivered through the planning system. The SPD will provide advice for landowners, developers, agents and affordable housing providers and will be used to inform pre-application proposals and planning applications. The SPD will set out the mechanism for securing affordable housing on major residential development sites and the exceptional circumstances when financial contributions for affordable housing to be secured off-site may be acceptable. The rates for off-site contributions which are based on viability advice and the methodology for making calculations will replace and supersede the rates that currently form part of the existing Developer Contributions SPD. The increase in off site contributions will also assist in ensuring more affordable homes can be delivered in the Borough.

4. Issues for consideration

4.1 The draft SPD presents clear guidance on how applicants can comply with policy and submit information to the planning authority in a way which can easily be assessed by development management. The SPD sets out the national and local policy background, and the principles for meeting policy requirements on affordable housing. It covers guidance on the following aspects of affordable housing that applicants will need to consider;

- **Section 3. What is Affordable Housing** - definition of affordable housing as set out in national policy.

- **Section 4. Housing Need in Worthing** - sets the context for the policy approach.
- **Section 5. Local Policy** - sets out the local policy but also provides additional clarity on a number of more detailed points.
- **Section 6. When On-site Provision Cannot Be Achieved** - clarifies the circumstances where the Council may consider off - site provision and the evidence required.
- **Section 7. Development Viability** - clarifies when a viability assessment is required and what it should include.
- **Section 8. Vacant Building Credit** - explains the application of Vacant Building Credit and the evidence that an applicant needs to provide.
- **Section 9. Design and Layout** - ensuring well designed and accessible dwellings.
- **Section 10. Provision of Serviced Plots** - this section explains the circumstances where the Council would require the affordable housing obligation to be satisfied on-site through the transfer of an appropriate number of serviced plots of land.
- **Section 11. Delivery and Management** - clarifies requirements for Affordable Housing Providers and issues around nominations and local connections.
- **Section 12. Monitoring**- sets how the financial contributions will be spent and monitored.
- **Appendix A** - sets out the method for calculating affordable housing financial contribution and provides a number of worked examples.
- **Appendix B** - sets out the calculation for Vacant Building Credit.
- **Appendix C** - sets out a checklist for viability assessments.

4.2 The SPD clearly states that any proposals for new residential development that may trigger the Council's affordable housing policies should be discussed with the Council's Housing and Development Management Teams as early as possible. The Council works with affordable housing providers and is best placed to provide advice on the affordable housing requirements that best meet local needs. The Council offers a formal pre-application advice service.

4.3 Applicants are encouraged to prepare and submit an Affordable Housing Statement, having regard to the contents of the Worthing Local Plan and this SPD. The statement should address: the number of dwellings; types and sizes of dwelling; tenure split; design standards; the timing of affordable housing delivery; and the location & distribution of affordable dwellings. Since the evidence base for the Local Plan was prepared the

Country has been affected by the covid epidemic and the cost of living crisis has increased the housing need across the Borough. The increase in the number of homeless and those seeking emergency and temporary accommodation is reflection of the ever increasing housing need.

- 4.4 The Local Plan correctly identifies that the greatest need is for rented accommodation but it also has to be at a rent that meets the needs of those in greatest housing need. As a result, affordable rent, as defined by central Government at 80% of market rent, is of little benefit locally being out of reach of anyone on the housing waiting list. The SPD therefore encourages applicants to deliver social rent or at least rent set at Local Housing Allowance (LHA) level and the majority of developers have agreed to deliver rent at a level that will help to meet local housing needs.
- 4.5 Policy DM3 (b) and the SPD clearly states that affordable housing should be provided on site and that only ***'In exceptional circumstances a financial contribution may be accepted by the Council in order to provide affordable housing off-site where the other sites may be more appropriate to provide affordable housing than the site of the proposed development.'***
- 4.6 The SPD in section 6 addresses situations where on site provision cannot be achieved. It clarifies that the Council aims to achieve mixed, balanced and sustainable communities and consequently expects affordable housing to be provided on site and landowners and developers need to make provision for this requirement. It does however acknowledge that there may be exceptional circumstances in which the Council seeks a broadly equivalent financial contribution in lieu of on-site provision. The reasons that could prevent the delivery of on-site provision that the Council may consider include:
- Where the objectives of achieving a mixed and balanced community could be better met in an alternative more sustainable location (however, this is unlikely within a relatively condensed urban area). For example, where the appropriate form of affordable housing cannot be provided within a scheme.
 - Where providing a small number of units affordable housing is not deliverable because an Affordable Housing Provider cannot be secured.

- Where on-site provision is not viable, but an equivalent or lesser financial contribution can be made for off-site provision (see Section 7).
- 4.7 It should be noted that a developer's preference for a commuted sum, without clear justification, would not be an acceptable reason for a commuted payment in lieu of on-site provision. Section 7 of the SPD sets out what the Council will expect an applicant to address and again reiterates the importance of very early discussions with Officers where a proposal triggers a requirement for affordable housing under the policy. Appendix A of the SPD sets out the method for calculating Affordable Housing Financial Contributions (AHFC). The contributions sought have been agreed following a viability review and more accurately address the costs of delivering off site affordable housing. The calculation includes a 10% additional element which would cover the necessary feasibility work to bring forward an affordable housing site.
- 4.8 Members are, therefore, asked to approve the SPD for the purposes of wider public consultation to provide interested parties the opportunity to consider the content of the SPD and comment.

5. Engagement and Communication

- 5.1 Before an SPD can be adopted by the Council it must be subject to a process of consultation. Internal consultation with key Council departments has been undertaken on the draft SPD. This report gives Members an opportunity to discuss the key issues and suggest any amendments before it is subjected to wider public and stakeholder consultation.
- 5.2 The Council will undertake a level of consultation appropriate to this document in line with any legislative requirements and as set out in the Council's Statement of Community Involvement (SCI). This consultation will include the Council's website together with all key stakeholders and interested parties notified either via email or a letter. The consultation will be undertaken over a period of 4 weeks which is consistent with the Council's Statement of Community Involvement.

6. Financial Implications

- 6.1 The document was part of the Planning Policy team's general work programme. Any expenditure that has been incurred to date has been contained within existing budget resources.

6.2 Adoption of the SPD will facilitate generation of offsite financial contributions where it is not considered to be achievable on site after a robust assessment.

7. Legal Implications

7.1 The content of the Draft SPD reflects the following legislation: The Town and Country Planning (Local Planning)(England) Regulations 2012, Planning and Compulsory Purchase Act 2004, National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG).

7.2 The NPPF confirms that SPDs should only be used where justified and where they can help applicants make successful applications. Part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 sets out statutory requirements for the preparation of SPDs, which includes an obligation to consult.

Background Papers

Developer Contributions SPD 2015

Worthing Local Plan 2023

Draft Affordable Housing SPD

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Sustainability & Risk Assessment

1. Economic

This SPD seeks to ensure the delivery of much needed affordable homes across the Borough.

2. Social

2.1 Social Value

Assisting with the delivery of much needed affordable homes for our local community.

2.2 Equality Issues

Delivery of much needed Affordable Homes will meet an identified need within the local community.

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified

2.4 Human Rights Issues

Matter considered and no issues identified.

3. Environmental

Matter considered and no issues identified.

4. Governance

Matter considered and no issues identified.

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WORTHING BOROUGH COUNCIL
FINAL DRAFT AFFORDABLE HOUSING SPD

February 2024

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1. Introduction

The need for subsidised housing provision has long been recognised. The cost of private sector housing, compared with average income levels, means that significant numbers of households lack the resources to obtain private sector housing. Without subsidised housing many households remain in substandard accommodation and in significant housing need.

Whilst it is acknowledged that there are many areas of the country with high levels of affordable housing need, the available evidence demonstrates that this situation is acute in Worthing. As a result, one of the biggest issues that the town faces is ensuring that there is sufficient access to decent and affordable housing to meet current and future needs.

The Council is committed to deliver high quality affordable housing for people who are unable to access or afford market housing as well as helping people make the step from social or affordable-rented housing to home ownership. To achieve this aim the Council will continue to work with public bodies and Registered Providers to maximise the delivery of affordable housing on appropriate sites.

Scope of this document

The purpose of this Supplementary Planning Document (SPD) is to provide advice on the Council's affordable housing policy, as set out in Worthing Local Plan Policy (DM3) and how it should be interpreted and implemented. It does not introduce new policies but supplements and supports existing policies in the Council's adopted Plan.

A key aim of Policy DM3 is to increase the amount of affordable housing delivered through the planning system. This document provides advice for landowners, developers, agents and affordable housing providers. It should be used to inform pre-application proposals and planning applications to ensure high quality and successful applications are made which deliver affordable housing reflecting local needs.

The SPD sets out the mechanism for securing affordable housing on major residential development sites (including mixed use sites) and financial contributions for affordable housing to be secured off-site where required. Section 5 sets out the Affordable Housing policy (DM3) in full and goes on to summarise elements of other related policies. Affordable housing requirements will need to be met in full and there will be a strong expectation that this requirement is embedded into the related land values. However, in exceptional circumstances, and subject to robust viability evidence, the Council may consider a reduced percentage or an off-site contribution and this SPD explains the process involved.

Status and Use of this Document

This SPD has been prepared in accordance with relevant legislation (The Town and Country Planning (Local Planning)(England) Regulations 2012), and is a material consideration in the determination of planning applications. It should be taken into account during the preparation of proposals for residential development from the inception stages and therefore when negotiating site acquisitions and undertaking development feasibility.

2. Legislative and Policy Context

The National Planning Policy Framework (NPPF) 2021 provides the overarching national planning policy with which local planning documents must conform. Affordable Housing is defined as: *'Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with set definitions'* (see section 3).

The NPPF seeks to significantly boost the supply of housing and to achieve healthy, inclusive and safe places. Specifically, paragraph 63 of the NPPF requires local planning authorities to identify where affordable housing is needed and set policies for meeting this need on site (unless off-site provision or a financial contribution can be robustly justified and leads to creating mixed and sustainable communities).

Adur and Worthing Council Housing Strategy

Local authorities must comply with statutory duties to provide housing for households in local housing need and to prevent and relieve homelessness. The Council's Housing Strategy ([Adur and Worthing Council Housing Strategy 2020-2023](#)) includes 'improving the levels of Affordable Housing supply' as one of its key priorities.

To help meet this objective, and in recognition of the increasing need for affordable homes and the issues faced in their delivery, the Councils are creating a Development Strategy to help increase the number of affordable homes across Adur and Worthing through self-delivery and by working closely with developers and development partners.

Worthing Local Plan

The Worthing Local Plan includes Strategic Objectives to:

- deliver high quality accessible and sustainable new homes that best reflect the identified needs within the Borough (in terms of size, type and tenure).
- ensure that developments provide an appropriate level of affordable housing to help those in housing need.

To help achieve these aims the Local Plan includes a specific policy relating to Affordable Housing (DM3) which reflects the Council's commitment to increase and maximise the delivery of affordable housing to help meet significant local needs. The Local Plan also includes a number of other relevant policies such as:

- DM1 - Housing mix
- DM2 - Density
- DM5 - Quality of the Built Environment
- DM16 - Sustainable Design

Section 5 of this document sets out the Local Policy in more detail and explains in detail how policies related to affordable housing (particularly DM3) will be interpreted and delivered.

3. What is Affordable Housing

The most commonly referred to definition of affordable housing is set out in NPPF Annex 2 and this is used by local planning authorities when making provision within their areas to meet local demand/need for affordable housing. At the time of writing, the NPPF (2021) defines a number of different types of affordable housing including Affordable Housing for Rent, Starter Homes, Discount Market Sales and other routes to home ownership such as Shared Ownership homes. The different forms of tenure are explained below.

The NPPF says where major development includes the provision of housing, at least 10% of the housing provided should be for affordable home ownership, subject to some exceptions. There is no minimum level of provision of affordable rented housing – this is for local planning authorities to determine.

The government may introduce new affordable home ownership initiatives and products that may be considered when determining planning applications and which may differ from those specified in this document. New initiatives will be given due consideration subject to the existence of detailed planning guidance and subject to the product being genuinely affordable to those with a local housing need.

Affordable Rented and Social Rented Homes

Affordable and Social Rented housing relates to housing let by Affordable Housing Providers to eligible households via the Council's Housing Register. The Council accepts both Social Rented and Affordable Rented homes owned and managed by Affordable Housing Providers as meeting local need, albeit rents under the Affordable Rent regime must be affordable for those on the Housing Register in order for them to meet need.

Affordable Rented and Social Rented housing, which should be made available in perpetuity, remains the Council's preference for meeting the needs of households seeking rented housing as this provides long term assured tenancies and the administration and management arrangements are transparent and subject to national government regulations.

Social Rented housing is owned and managed by Affordable Housing Providers and is for eligible households whose needs are not met by the market, for which guideline target rents are determined through the national rent regime.

Affordable rented housing is let by local authorities or Registered Social Landlords to households who are eligible for social rented housing. Affordable rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable) and affordable rents must be set at this level or the level of the prevailing Local Housing Allowance for the size of unit, whichever is the lower.

Starter homes

A Starter Home is expected to be well designed and suitable for young first time buyers and is not expected to be priced after the discount significantly more than the average price paid by a first time buyer. It should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

Discounted Market Sales housing

Discount Market Sales housing is a route to affordable home ownership where the property is discounted by at least 20% below local market levels. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households and the Council will seek to ensure that the homes are not purchased by buy-to-let investors, or sublet at any future point. To ensure Discount Market Sales homes are affordable and remain so, a restriction on the disposal price to an amount not exceeding a specified percentage of the market value will be imposed, together with an obligation requiring any subsequent purchaser to enter into a similar restriction. This is achieved through a Section 106 (S106) agreement.

First Homes

First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes. First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. Specifically, First Homes are discounted market sale units which:

- a) must be discounted by a minimum of 30% against the market value;
- b) are sold to a person or persons meeting the First Homes eligibility criteria;
- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
- d) after the discount has been applied, the first sale must be at a price no higher than £250,000.

This requirement does not currently apply because the Worthing Local Plan was formally submitted to the Secretary of State on 11 June 2021 for independent examination. The Written Ministerial Statement on First Homes (published 24 May 2021) says that local plans submitted for examination before 28 June 2021 are not required to reflect the First Homes policy requirements. Where local plans are adopted under the transitional arrangements, the First Homes requirements will also not need to be applied when considering planning applications in the plan area until such time as the requirements are introduced through a subsequent update to the plan. It was for the Planning Inspector to consider through the

examination whether a requirement for an early update of the local plan is appropriate. The Inspector in his report into the Worthing Local Plan did not require an early update of the local plan.

Other affordable routes to home ownership

This includes housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. This is often referred to as 'intermediate housing' and as summarised below, it includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). The NPPF makes it clear that where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to the relevant authority specified in the funding agreement.

- **Shared Ownership** - the purchaser buys a proportion of the value of the home and the remaining share is kept by the freeholder (usually a registered provider). A subsidised rent is paid for the remainder of the equity. The initial equity share must be between 25% and 75%. Shared Ownership homes must be genuinely affordable based on local incomes and secured through S106 agreements.
- **Shared Equity** - the purchaser acquires the whole of the property through a conventional mortgage but effectively only pays a proportion of the value; the remaining value is secured by an equity loan but without any rental obligation. The Affordable Housing Provider retains a mortgage or charge on the property for the remaining equity and there is no rent or interest charged on this share. Purchasers are able to staircase to 100% ownership. Upon resale, if the purchaser has not staircased to 100% ownership, the equity loan is paid to the new purchaser in relation to the percentage share retained. With a shared equity scheme the purchaser owns all of the property (albeit with a loan on a part of the deposit) - whereas with a shared ownership scheme the purchaser owns a portion of the home with the chance to buy back more from the housing association when they can.
- **Rent to Buy** - can be provided by private sector housing or by Affordable Housing Providers and made available in a form which is equivalent to Affordable Rented homes provided by Affordable Housing Providers in terms of affordability. The monthly rent is capped at 80% of market rents or the Local Housing Allowance, whichever is the lowest. Households must earn less than £80,000 a year and an affordability check will be carried out to ensure that the applicant can afford the rent from the start and can realistically purchase a share in the property in the future.
- **Intermediate rent** – housing available at a rent above social rent but below market rent levels. Generally intermediate rented properties are reserved for specific groups of tenants and short term tenancies. The Council requires that rents are no more than 80% of the local market rents.

- **Build to Rent (BTR)** - Defined as a distinct housing category in the NPPF and the Government has published Planning Practice Guidance covering the delivery and management of this type of accommodation. The NPPF defines BTR as: *'Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development scheme comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.'* The Council will expect that BTR schemes also provide affordable housing in line with national guidance. The NPPF and PPG currently indicate that affordable housing in build to rent schemes should normally be provided in the form of 'affordable private rent' with the rents set at a level that is at least 20% less than the private market rent (inclusive of service charges) for the same or equivalent property.

4. Housing Need in Worthing

Worthing has a total stock of over 52,000 homes. The majority (90%) of the stock is in private sector ownership, which is slightly above the Coastal West Sussex average. The remaining 10% of the stock is owned by Registered Providers. There is no local authority owned stock.

House prices in Worthing have continued to rise, with median house prices reaching £360,000¹. Notably, entry-level house prices are now more than 12 times the average earnings of younger households in Worthing, pointing to significant barriers to households being able to buy a home. This has put home ownership beyond the reach of many households. The growth in rental values across all property sizes has been strong, particularly for three and four bedroom homes.

Government guidance on Strategic Housing Market Assessments sets out a model for assessing housing need. A definition of housing need is given as the number of households who lack their own housing or who live in unsuitable housing and who cannot afford to meet their housing needs in the market (through home ownership or affordable market rents). This model was used within the [Worthing Strategic Housing Market Assessment \(2020\)](#) which calculated an affordable housing need of 490 dwellings per annum up until 2039. This high level of affordable housing need is further evidenced with the number of households on the Worthing Housing Register (1747 households in December 2022).

To help address this, the Council is committed to taking all opportunities to deliver high quality affordable housing for people who are unable to access or afford market housing. The Council will achieve this by continuing to work with public bodies and Registered Providers to maximise the development of affordable housing on appropriate sites. Private house builders will also have a crucial role to play in ensuring affordable homes are delivered alongside market homes as the majority of affordable homes in the Borough are delivered by developers of private sites through S106 Agreements (see Section 5 - Local Policy).

¹ Source ONS HPSSA dataset9 released 20/09/23 median price paid for residential properties by property type and admin geographies - Annual data - Table 2a- March 23 - £360,000
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/medianhousepriceforationalandsubnationalgeographiesquarterlyrollingyearhpssadataset09/current>

5. Local Policy

The aim of Local Plan policy DM3: Affordable Housing (set out below) is to provide a proportion of affordable housing on major (10+ dwellings gross) residential and mixed-use development sites to address the needs of residents who cannot afford to buy their own home or afford private market rents. Informed by evidence of development viability, the percentage of affordable housing to be delivered on site differs according to the type and location of development.

Local Plan Policy DM3 - Affordable Housing

- a) New residential development (including conversions and changes of use) with the capacity to provide 10 or more self-contained units will be expected to provide an appropriate mix of affordable housing according to the following site size thresholds:
 - i) Sites on previously developed land involving the development of flats there will be a requirement for 20% affordable housing
 - ii) For all housing schemes on previously developed land there would be a requirement for 30%
 - iii) For all development on greenfield sites there would be a requirement for 40%
- b) Affordable housing should be delivered on-site. In exceptional circumstances a financial contribution may be accepted by the Council in order to provide affordable housing off-site where the other sites may be more appropriate to provide affordable housing than the site of the proposed development.
- c) Affordable housing should incorporate a mix of tenures and sizes prioritising rented affordable homes at social rent levels. To most effectively meet the borough's housing needs the Council will require the following mix of tenure as a minimum: 10% of homes to be available for affordable home ownership (as defined in the NPPF) as part of the overall affordable housing contribution. Exceptions to this will only be considered in accordance with national policy. Remaining affordable housing should be split as 75% social / affordable rented housing and 25% intermediate housing. The exact tenure split and size of units on each site will be a matter for negotiation, taking account of up-to-date assessments and the characteristics of the area.
- d) A minimum of 3% of affordable homes (for which the Council is responsible for allocating or nominating a person(s) to live in that dwelling) constructed should be built to Building Regulation Standard M4(3) Category 3: Wheelchair Accessible Standards, taking account of the suitability and viability of the site.
- e) Affordable housing should be appropriately distributed throughout a new development and should be designed to a high quality, with the same or a consistent external appearance as for market housing.
- f) Where a developer states that exceptional development costs mean it is not possible to meet the full requirements for the delivery of affordable housing the onus will be on them to demonstrate this to the Council and this must be supported by robust financial viability evidence (through an open book approach).

The Local Plan policy and supporting text clearly establish the Council's expectations. However, some additional clarity on a number of points is set out below:

- Affordable housing secured through a planning obligation will ensure the provision of the necessary units as part of the overall scheme generally through 'developer built homes'. This involves the developer building the affordable housing in accordance with the design standards and requirements of the nominated Registered Provider and then transferring the ownership and management of the housing to the Registered Provider at a price that reflects nil land value and nil public subsidy.
- Where the percentage of affordable housing to be delivered on site does not equate to a whole dwelling the Council will use the Affordable Housing Financial Contribution calculation (see Appendix A) to calculate the appropriate contribution for a 'part dwelling' (to be paid in addition to the dwellings delivered on-site).
- The policy requirements apply to all types of residential development falling within Use Class C3, including the conversion or change of use to residential use, sheltered and Extra Care Housing. The policy requirements will also apply to mixed use housing incorporating live/work units.
- In line with policy requirements, the Council will seek to maximise the amount and quality of affordable housing provided on site. However, as set out in criterion b), there may be exceptional circumstances where the Council may accept a reduced percentage or may agree to a financial contribution to secure off-site provision. These processes are explained in detail within Sections 6 & 7.
- The proposed development should be of an appropriate form of development that makes efficient use of its potential to deliver additional housing. Advice relating to design, integration, phasing and accessibility are addressed in Section 9.
- Where existing affordable housing, or sites previously used for affordable housing, are to be redeveloped the Council will expect, as a minimum, the same number of affordable units to be replaced.
- In terms of tenure split the policy sets out that the Council will require the following mix of tenure as a minimum: 10% of homes to be available for affordable home ownership (as defined in the NPPF) as part of the overall affordable housing contribution. The remaining affordable housing tenure split should be 25% Intermediate Housing and 75% Social/Affordable Rent. The NPPF does allow for non compliance with the 10% homeownership requirement where Councils can demonstrate that it would undermine housing that best meets local needs. Given that the greatest housing need in Worthing is for rented accommodation where this delivery would be undermined by seeking to deliver the 10% homeownership the Councils preference would be to not deliver the 10% homeownership.
- Ultimately the precise scale, type and size of affordable housing will be a matter for negotiation. The precise mix and tenure of provision should be agreed with Council

as the scheme is being prepared. This normal tenure split would only be varied if there are specific needs to be addressed, which could include for instance a requirement for provision of specialist or older persons' accommodation. Such requirements will be secured in a planning obligation.

Prior Consultation

Any proposals for new residential development that may trigger the Council's affordable housing policies should be discussed with the Council's Housing and Development Management Teams as early as possible, although advice can be given at all stages of the planning process. The Council works with Affordable Housing Providers and is best placed to provide advice on the affordable housing requirements that best meet local needs. The Council offers a formal pre-application advice service. Details of this service are set out on the Council's website:

- <https://www.adur-worthing.gov.uk/media/Media,141883.smxx.pdf>

Applicants are encouraged to prepare and submit an Affordable Housing Statement, having regard to the contents of the Worthing Local Plan and this SPD. The statement should address: the number of dwellings; types and sizes of dwelling; tenure split; design standards; the timing of affordable housing delivery; and the location & distribution of affordable dwellings.

6. When On-site Provision Cannot Be Achieved

The Council aims to achieve mixed, balanced and sustainable communities and consequently expects affordable housing to be provided on site and landowners and developers need to make provision for this requirement. There may, however, be some exceptional circumstances in which the Council seeks a broadly equivalent financial contribution in lieu of on-site provision. The reasons that could prevent the delivery of on-site provision that the Council may consider include:

- Where the objectives of achieving a mixed and balanced community could be better met in an alternative more sustainable location (however, this is unlikely within a relatively condensed urban area). For example, where the appropriate form of affordable housing cannot be provided within a scheme.
- Where providing a small number of units affordable housing is not deliverable because an Affordable Housing Provider cannot be secured.
- Where on-site provision is not viable, but an equivalent or lesser financial contribution can be made for off-site provision (see Section 7).

It should be noted that a developer's preference for a commuted sum, without clear justification, would not be an acceptable reason for a commuted payment in lieu of on-site provision.

Where the Council considers that on site provision would not be the most appropriate or viable provision, a financial contribution in lieu will be sought. The scale of financial contribution will be calculated using the figures and methodology outlined in Appendix A, which is designed to be broadly equivalent to the cost of on-site affordable housing provision.

The value of the off-site financial contribution will be specified in the planning obligation, and index linked at the point in time where payment is due. The planning obligation will also include a trigger for timing of the payment of the financial contribution.

7. Development Viability

A Council priority is to increase the number of affordable homes within the Borough and for major housing developments to provide the number and mix of affordable homes in line with Local Plan Policy DM3. The Council expects that the full quota of affordable housing will be provided on the development site where the provision could reasonably be made without making the development unviable. Developments that meet all policy requirements and deliver the requisite number of affordable homes would not require a viability assessment.

With the Council's expectation in mind, the Local Plan policy requirements should be fully considered as part of the development costs embedded into the relevant land values. As such, land negotiations should be conducted with full account being taken of the affordable housing policy requirements which will inform the value of the land being purchased. As set out in national guidance, the price paid for the land is not a relevant justification for failing to accord with relevant policies in the plan (all of which were tested within a Whole Plan Viability Assessment as the final version of the Local Plan was being prepared). Furthermore, developers should make themselves aware of any abnormal costs prior to purchasing a site so this can be taken into account in the purchase price agreed.

When a Viability Assessment is required

It is acknowledged that, for a number of reasons, some brownfield sites present exceptional viability challenges. Whilst the Council will continue to seek to maximise the delivery of affordable housing this must be balanced against ensuring that the policy requirements do not render development unviable. Therefore, to provide a degree of flexibility, in exceptional circumstances, the Council will consider negotiating a lower provision of affordable housing (either delivered on-site or through a financial contribution) but only if it can be clearly demonstrated and evidenced that the requirement cannot be met in full.

Where viability challenges are faced the Council encourages applicants to discuss this at the earliest possible stage (see 'prior consultation' in section 5). Council Officers are happy to discuss viability concerns at the pre-application stage with the aim of achieving a viable and policy compliant scheme, while acknowledging the expectations of the landowner and developer for a reasonable and competitive return (subject to specific site considerations at the time of the application).

As set out in Local Plan policy DM3, where a developer states that exceptional development costs mean it is not possible to meet the full requirements for the delivery of affordable housing (in number and/or tenure split) the onus will be on them to demonstrate this to the Council and this must be supported by robust financial viability evidence (through an open book approach). Where appropriate, and at the cost of the developer, the Council will engage the services of an independent viability specialist to assess the submitted evidence to determine whether the cost assumptions and conclusions reached reflect prevailing market conditions and industry practice.

What a Viability Assessment should include

As set out in the NPPF, all viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available. When considering viability, the Council uses the Residual Land Value methodology to determine the underlying land value. This is important as it forms the basis on which a developer should be able to agree a price for the land once the costs of the development, including the developer's profit, have been deducted from the gross development value. As set out in Planning Practice Guidance 'Viability' the Council then expects that the benchmark land value will then be established on the basis of the Existing Use Value of the land plus a premium for the landowner. A checklist for viability assessments is included as Appendix C.

Negotiation

Where a scheme is demonstrated to be unviable with the policy-compliant level of affordable housing, the Council will consider a range of alternative options in negotiation with the applicants to secure the maximum level of affordable housing. These options will vary depending on site specific circumstances and constraints, but will include:

- accepting a reduced percentage of affordable housing delivered on site;
- amending the schemes in terms of the mix of dwelling sizes, types and tenures – for example increasing the proportion of Intermediate Housing can improve viability;
- flexibility on the phasing of affordable housing provision – early delivery of some open market homes can improve cash flow early on;
- the use of public subsidy (see 'Grant Funding' section below);
- accepting serviced plots in lieu of dwellings (see Section 11); or
- accepting an off-site financial contribution (see Sections 6 & 7 and Appendix A)

Where a reduced percentage of affordable dwellings or a financial contribution below the full policy equivalent may be accepted, the Council will consider using a number of mechanisms to reappraise viability and, where appropriate, enable 'clawback' at a later stage. This will ensure that a review will be applied to the scheme to ensure that any uplift in values are captured to enable the delivery of the maximum amount of affordable housing or additional financial contributions later or at the end of the development process. The viability review will assess actual build costs and sales values to determine any additional development value over that originally envisaged. If surplus profit is generated additional affordable housing or financial contributions will be required up to the policy compliant requirement.

Grant Funding

In circumstances where a developer is unable to meet the full policy requirements for affordable housing due to viability, reasonable endeavours must be taken to see whether a higher level of provision can be achieved. This should include requests for grant funding either to meet abnormal development costs or to deliver the affordable housing required.

The starting point for delivery of affordable housing should be on a nil subsidy basis. The Homes England Affordable Housing Programme can, however, provide grant funding to

Affordable Housing Providers to develop affordable homes in certain circumstances. The programme seeks to:

- Increase the supply of new affordable housing – for Affordable Rent, Social Rent, and affordable home ownership (Shared Ownership).
- Maximise the number of new affordable homes delivered with the available grant funding, supplemented by bidders' own contributions.
- Build homes that address the demographic challenges facing social housing, including the need for more one and two bedroom homes that match the needs of smaller households.
- Maximise delivery within the programme period.

Guidance for the type of properties and criterion required are set out in the Homes England Capital Funding Guidance. Developers must have regard to this to ensure the affordable homes developed comply and are eligible for grant funding.

8. Vacant Building Credit

To encourage re-use of brownfield land, any affordable housing contribution may be off-set by the amount of existing gross floor space, provided that vacant buildings are being reused or redeveloped. Vacant Building Credit offers developers a financial credit based on the existing gross internal floor area of any vacant building on the development site. However, this will not apply to a building that has been deemed abandoned.

In order to apply for the Vacant Building Credit (VBC) seeking a reduced affordable housing contribution, the following information will need to be provided by the applicant to demonstrate that the building is genuinely vacant:

- evidence that the building is currently vacant and has not been in continuous use for any 6 month period within the preceding 3 years from the day the planning application is validated
- the whole building must be vacant at the time of the application to apply for the VBC; and
- evidence that any building within the red line application boundary is not an 'abandoned building' or artificially made vacant solely for the purpose of redevelopment (consideration of factors such as physical condition of the building; the length of time the building has not been used; whether it has been used for any other purposes and the owners intentions).
- VBC would not apply if the building is covered by an extant or recently expired planning permission for the same development.

The Council will determine on a case by case basis whether a building is vacant or abandoned. Outline planning applications may present challenges in quantifying whether the vacant building credit will be applicable as the actual number of dwelling or size of dwellings may be determined during Reserved Matters applications. The Council will scrutinise planning applications to ensure that sites are not artificially subdivided to avoid the site size thresholds in Policy DM3.

If the VBC is applicable to the proposed site, the amount of vacant floor space will inform the level of reduction in affordable housing contributions. The methodology used to calculate the contribution, along with a worked example, is set out in Appendix B

Interaction with the Community Infrastructure Levy (CIL)

Applicants need to be careful about the interaction of CIL credit for 'in use buildings'. Existing 'in-use buildings' act as a credit on the 'chargeable development' CIL charge. Each square metre of existing building on the site, reduces the CIL by one square metre, providing it meets the 'lawful use' definition. The CIL regulations define the credit as applying to 'in-use buildings' and buildings meet this definition if the buildings are:

- present on the day that planning permission first permits the development; and

- contain a part that has been in lawful use for a continuous period of at least six months within the period of three years ending before the planning permission first permits the chargeable development.

The day planning permission first permits the chargeable development is the day the last reserved matter is approved (unless the applicant and LPA agree to defer until pre commencement conditions are discharged).

This approach will ensure that development cannot benefit from CIL relief on the basis that a building is in use, whilst simultaneously benefiting from VBC on the basis that the building is vacant. Applicants will need to consider both credits carefully and plan their development accordingly.

9. Design and Layout

Development proposals that include affordable housing are expected to address all relevant requirements, particularly the Council's policies on good quality development, including Local Plan Policy DM5 (Quality of the Built Environment).

Density

In line with Local Plan Policy DM2: Density, all housing proposals will be expected to make efficient use of land. Any proposal that appears to have an artificially low density in order to avoid the required thresholds for affordable housing will be scrutinised and may be refused planning permission. The same applies to any site that appears to have been deliberately sub-divided as a possible measure to avoid the required affordable housing threshold.

New dwellings across all tenures will be expected to meet as a minimum, the nationally described space standards (or any subsequent Government update) for internal floor areas and storage space. The policy clearly states that the Council will only consider any variation to these standards 'in exceptional circumstances'. The Council's local standards continue to apply for external space.

Integration

The Council recognises that grouping together a number of affordable homes is practical from a construction and management perspective yet it is vital that affordable housing is dispersed throughout a development to a certain extent to ensure that new communities are both mixed and sustainable. Affordable housing should therefore be fully integrated into a development and provided in clusters of no more than 10 dwellings (unless in high density flatted schemes where clusters of more than 10 units may be allowed). Consideration of the grouping of affordable housing in the overall scheme will include how the provision relates to other phases of the same development including where there is a degree of separation provided by roads, open space or landscape features.

Phasing

The delivery of affordable housing must keep pace with that of market housing. On larger schemes, the Council will control phasing in the planning obligation. The Council will not support the phasing of a development which sees the affordable housing being delivered in the later stages of the site's development taking into account site specific viability.

Design Quality

Affordable housing units must be 'tenure blind' so that affordable and private homes are indistinguishable from one another in terms of design, build quality, amenity areas, appearance, materials and site location. This will help to avoid visual separation between private and affordable housing and would not artificially constrain provision by a design approach based on the separation of market and affordable units when additional affordable housing would otherwise be viably achieved.

Developers must be able to demonstrate that completed units meet any relevant design and amenity standards prevailing at the time, and any additional requirements of the partnering Affordable Housing Providers.

Accessibility

Development of adaptable / adapted homes contributes to the aims of the Council's Housing Strategy and will be encouraged in light of up to date evidence of need on the Housing Register. In line with Local Plan Policy DM1 c) housing developments should provide flexible, socially inclusive and adaptable accommodation to help meet the diverse needs of occupants over time. The Council will expect all new build dwellings (including affordable housing) to meet the optional higher Building Regulations Standard M4(2) for Accessible and Adaptable dwellings unless it can be demonstrated that this would be unachievable, impractical or unviable.

Occupants of affordable housing may also have particular accessibility requirements and account should be taken of Local Plan policy DM3 which requires a minimum of 3% of affordable homes (for which the Council is responsible for allocating or nominating a person(s) to live in that dwelling) constructed should be built to Building Regulation Standard M4(3) Category 3: Wheelchair Accessible Standards, taking account of the suitability and viability of the site. The requirement for wheelchair provision will be secured through a planning condition.

In order to properly accommodate these requirements developers will need to allow additional space when designing wheelchair user dwellings, over and above that which is required by Nationally Described Space Standards. This should be approximately 20% of the Gross Internal Area in the case of flats and 30% of the Gross Internal Area in the case of houses.

Appropriate provision should be made for car parking for the affordable housing units, in line with that for open market housing. Parking for dwellings designed for wheelchair users should be conveniently located with clear access to the property entrance and must comply with the relevant standards.

10. Provision of Serviced Plots

In accordance with Local Plan policy DM3 the Council expects completed affordable dwellings to be delivered on site as part of the wider development. However, in some circumstances, and at its discretion, the Council reserves the right to require the affordable housing obligation to be satisfied onsite through the transfer of an appropriate number of serviced plots of land. These are to be transferred to an approved Affordable Housing Provider at nominal value and free from any encumbrances. This may be an option that could assist or resolve viability challenges but this would need to be fully evidenced and negotiated in accordance with Section 7 of this document.

‘Serviced Plots’ are defined as ‘shovel ready’ sites with planning permission, where plots or parcels are laid out and the land is ready for construction. They should be freehold cleared, remediated land with all services and connections and infrastructure (e.g. footpaths and roads to an adoptable standard etc.) necessary for development right up to the boundary of the land. There must be no legal, physical or financial barriers to the servicing of the land by the developer constructing the affordable housing or ongoing commuted payments for the off-site maintenance of infrastructure.

The applicant would be required to identify the plots or provide areas of land sufficient to accommodate the Council’s preferred housing mix. For full or reserved matters applications, developers will be expected to provide details of specific location of the serviced plots within the site. The Council will usually expect the plots to be clustered and the appropriateness of proposed locations for affordable housing will be determined by the Council as part of the planning process.

11. Delivery and Management

The Council generally welcomes new Affordable Housing Providers working in the area provided that they meet the Council's criteria as set out below, including signing up to any Partnership Agreement that may be operated by the Council at the time.

Should a new Affordable Housing Provider wish to work in Worthing Borough, the Council will expect them to fulfil the following requirements:

- be an Affordable Housing Provider with Homes England (or its successor) and approved by the Regulator of Social Housing.
- be eligible to bid for and receive housing subsidy.
- have experience and a good track record of managing the same or similar tenure type.
- where an Affordable Housing Provider does not have an existing local management presence, they should be able to demonstrate how an effective local housing management and maintenance service will be provided.
- be willing to enter into nomination arrangements or let their homes in accordance with the Council's Allocations Scheme to ensure homes are provided for the benefit of the local community.
- be willing to enter into a Partnership Agreement with the Council, which may include the requirement to pay enabling fees.

For these reasons, where appropriate, planning obligations will include a mechanism for the Council to approve an Affordable Housing Provider against the above criteria.

Nominations and Local Connections

The Council maintains the Housing Register for the Borough, and receives applications for housing accommodation, processes and prioritises them, and nominates households from the Housing Register to rented housing association homes in the area. The Housing Register is administered in accordance with the Council's Allocations Scheme.

In addition to the Housing Register, households looking to access subsidised home ownership can make an application to the Help to Buy Agent who advertise Intermediate Affordable Housing products on behalf of developers and Affordable Housing Providers. Both the Council and the Help to Buy Agent assess the eligibility of households and ensure that applications are from people who qualify to join the respective waiting lists.

Occupancy of affordable housing is restricted to eligible households in housing need and affordable/ social rented housing is allocated in accordance with Worthing Borough Council's Scheme of Allocation. Intermediate housing, such as shared ownership, shared equity and discount market schemes are allocated through the Help to Buy Agent in accordance with the eligibility criteria.

12. Monitoring

How Financial Contributions Will Be Spent

Typically the financial contributions will be defined in the Section 106 (S106) agreements as being sought to assist in the delivery of affordable housing in Worthing. The financial contributions are held in the Capital Programme specifically to deliver affordable housing in Worthing.

The Council will actively monitor the provision and delivery of affordable housing to ensure that the procedures for implementing affordable housing are up to date and meeting the Council's targets. Market conditions and levels of affordability will also be kept under review.

The Council will monitor the performance of Affordable Housing Providers to ensure high standards of service delivery. In particular, the Council will require annually from the Affordable Housing Providers information relating to:

- Social and affordable rents
- Rent increases
- Staircasing and other sales receipts
- Management standards

Monitoring this SPD and the delivery of Affordable Housing

This SPD will be monitored, and reviewed and updated, if required, to ensure that it remains relevant and in accordance with the Worthing Local Plan and national guidance / legislation.. It will be monitored via the Annual Monitoring Report (AMR) which the council prepares each year covering a wide range of planning matters. Annual Monitoring Reports can be found on the Council's website:

- <https://www.adur-worthing.gov.uk/worthing-ldf/annual-monitoring-report/>.

The Council includes information about its performance on affordable housing provision as part of its annual reporting process. This relates to the number of new affordable units permitted and built in Worthing as well as the delivery of financial contributions. These will be reported on in the annual Infrastructure Funding Statement (IFS), which can be found on the council's website at:

- <https://www.adur-worthing.gov.uk/planning-policy/worthing/worthing-developer-contributions/developer-contributions-data-worthing/>

13. Contacts

To discuss affordable housing policies and affordable housing development opportunities, please contact the Council's Housing Services:

- Email: housing-accommodation@adur-worthing.gov.uk
- Telephone: 01903 221063

To discuss development proposals for specific sites, contact the Council's Development Management Team:

- Email: planning@adur-worthing.gov.uk
- Telephone: 01903 221065

To discuss planning policies and their influence on development proposals for specific sites, contact the Council's Planning Policy Team:

- Email: planning.policy@adur-worthing.gov.uk
- Telephone: 01273 263000

GLOSSARY

Please note that, for a full definition of some of the items below, there will be a need to refer to the relevant legislation, which may change over the lifetime of this SPD.

Affordable housing - Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the definitions in Annex 2 of the NPPF.

Affordable Housing Statement - A statement submitted as part of a planning application to cover the matters set out in this document.

Affordable private rent - An affordable housing product specific to build to rent schemes, offered for rent by the private landlord of the build to rent development at up to 80% of market rates.

Affordable rent - An affordable housing product offered for rent by a Registered Provider at up to 80% of market rates.

Alternative use value - The value of land for uses other than its existing use. These uses should be limited to uses that comply with relevant development plan policies in full.

Benchmark land value - For the purposes of viability assessment, benchmark land value is in most circumstances the existing use value (EUV) of a site plus a minimum premium at which a reasonable landowner would be willing to sell their land. Alternative use value will be considered where it can be demonstrated these are fully compliant with relevant Council policies, there is evidenced demand for the uses and a full explanation provided as to why this use is not being pursued.

Build to rent - Purpose built housing that is typically 100% rented out. Schemes will usually offer longer tenancy agreements of 3 years or more, and will typically be professionally managed stock in single ownership and management control.

Community Infrastructure Levy - A charge which local authorities can charge on most new types of development in their area, to be spent on infrastructure to support the development of the area. CIL was introduced in Worthing in 2015.

Consumer Prices Index (CPI) - The official measure of inflation in consumer prices.

Deferred contribution - Financial contribution by a developer based on a reassessment of scheme viability either prior to implementation or at a late stage in the development and subject to an upper limit in potential contributions equal to the shortfall on policy compliance

Existing Use Value (EUV) - The value of a site in its existing use.

First Homes - An affordable housing product proposed by the government that would be homes for sale to first-time buyers at a minimum 70% discount.

Gross Development Value (GDV) - The market value of a development assuming that the development is complete as at the date of valuation in the market conditions prevailing at that date.

Housing association - A non-profit organisation which provides affordable housing to those in housing need.

Index linking - A method of ensuring that financial sums are linked to an index of prices (such as the Retail Prices Index) to ensure that they take account of inflation and the changing cost of living.

Intermediate housing - Affordable housing provided for sale or rent at levels above social rent but below market levels, and which includes shared ownership.

Local Housing Allowance (LHA) - The rates used by the Valuation Office Agency used to calculate housing benefit for those who are private renting. These vary according to area and dwelling size.

Registered provider - Landlords of affordable housing, including local housing authorities and housing associations, which are registered with the Regulator of Social Housing.

Residual land value - The sum left over after deducting all development costs including benchmark land value and developer profit from anticipated scheme gross development value (GDV).

Retail Prices Index - A measure of inflation published on a monthly basis by the Office for National Statistics (ONS).

Section 106 agreement - A legally binding agreement or obligation entered into by the local authority and a land developer over an issue related to a planning application, under Section 106 of the Town and Country Planning Act 1990.

Shared ownership - An affordable housing product where a proportion of the property is purchased and the remainder rented from the Registered Provider.

Social rent - A rental level set by Central government according to a formula (also known as formula rent).

Starter homes - A dwelling available to purchase only by first time buyers between 23 and 39 years old, to be sold for 80% of market value, up to a set price cap.

Supported accommodation - Accommodation where housing, support and sometimes care services are provided together.

APPENDIX A

METHOD FOR CALCULATING AFFORDABLE HOUSING FINANCIAL CONTRIBUTIONS (AHFCs)

In April 2021, the Council commissioned viability consultants Dixon Searle Partnership (DSP) to undertake a study to inform a review of the method of calculating off-site contributions/payments in lieu of on-site affordable housing provision, known as Affordable Housing Financial Contributions (AHFCs). The aim of the study was to identify a relatively simple means of calculating contributions that met current guidance and best practice, resulting in AHFCs that represent a broadly equivalent level of value / subsidy to the usual on-site Affordable Housing provision. A briefing note was published as part of the Local Plan consultation.

At the end of 2022, and following receipt of the Local Plan Inspector's Report, the Council asked DSP to review the 2021 findings to ensure that they remain appropriate, are consistent with the Local Plan and reflect current conditions as far as possible. The 2021 review informs the figures set out below:

Financial contribution per unit of Affordable Housing that would otherwise be provided on site	
Development of flats only	£55,000
Houses or mixed developments	£100,000

For clarity - "mixed developments" refers to the residential element of a scheme that includes a mix of flats and houses.

Indexation

In order to maintain the contributions at appropriate levels the rates above will be index-linked. The index figure to be applied will be the most recently published Land Registry HPI figure, this will be used in calculating the overall HPI change from Jan '21 in the borough. The value of the off-site financial contribution will be specified in the planning obligation and will be index linked at the point in time where payment is triggered.

Councils "on costs"

The Council's preferred position is for affordable homes to be provided on site and only in exceptional circumstances will an offsite financial contribution be considered. There will be Council time and costs involved in finding an appropriate site and undertaking necessary feasibility work and site assessments. Therefore, the Council will apply a 10% enabling / on-cost to the indexed sum to cover the costs involved in ensuring that the monies are used

to provide much needed affordable homes or fund other projects that assist the delivery of them.

Financial contribution per unit of Affordable Housing that would otherwise be provided on site	
Development of flats only	£74,778
Houses or mixed developments	£135,960

Note: The above 2021 figures have the appropriate indexation to the latest land Registry House Price Index (HPI) figure (Feb 2023) added together with a 10% increase to cover the costs of finding and delivering a site for off site provision ("on costs").

WORKED EXAMPLES OF AFFORDABLE HOUSING FINANCIAL CONTRIBUTIONS (AHFCs)

Scenario 1 - Development of 12 flats (6 x 1 bed / 6 x 2 bed)
Affordable Housing requirement - Local Plan Policy DM3 a) i) - Sites on previously developed land involving the development of flats there will be a requirement for 20% affordable housing.
20% of 12 flats = 2.4
2.4 x £74,778
Total = £179.467

*Nb **

Scenario 2 - Development of 30 flats (10 x 1 bed /10 x 2 bed / 10 x 3 bed)

Affordable Housing requirement - Local Plan Policy DM3 a) i) - Sites on previously developed land involving the development of flats there will be a requirement for 20% affordable housing.

20% of 30 flats = 6

6 x £74,778

Total = £448,668

*Nb**

Scenario 3 - Development of 12 x 2 bed houses (PDL)

Affordable Housing requirement - Local Plan Policy DM3 a) ii) - For all housing schemes on previously developed land there would be a requirement for 30%;

30% of 12 houses = 3.6

3.6 x £135,960

Total = £489,456

*Nb**

**Scenario 4 - Development of 100 houses (40 x 2 bed / 40 x 3 bed / 20 x 4 bed)
Greenfield**

Affordable Housing requirement - Local Plan Policy DM3 a) iii) For all development on greenfield sites there would be a requirement for 40%.

40% of 100 houses = 40

40 x £135,960 =

Total = £5,438.400

*Nb**

**Note: The above 2021 figures have the appropriate indexation to the latest land Registry House Price Index (HPI) figure (Feb 2023) added together with a 10% increase to cover the costs of finding and delivering a site for off site provision ('on costs').*

APPENDIX B

VACANT BUILDING CREDIT

Methodology

1. Calculate the required affordable housing contribution on a given site – i.e. the percentage of the total number of dwellings proposed in line with Worthing Local Plan Policy DM3 (Affordable Housing).
2. Calculate, as a proportion, the extent of existing floorspace compared against the proposed floorspace. Such calculations should be based on the Gross Internal Area.
3. Make a deduction to the number of affordable dwellings to be provided based on the proportion identified at Step 2

This is calculated as follows:

$$RAH = AH - ((AH \times EFS) / PFS)$$

- RAH = Revised number of affordable housing units to be provided
- AH = Expected number of affordable housing units to be provided prior to application of vacant building credit (% of total number of dwellings proposed)
- EFS = Existing floorspace to be demolished
- PFS = Proposed floorspace to be created

Note - All measurements will be taken to mean Gross Internal Area as defined by the RICS in its Code of Measuring Practice. Available at:

- <https://www.rics.org/uk/upholding-professional-standards/sector-standards/real-estate/code-of-measuring-practice/>

Worked Example

A development of 50 dwellings creating 5,000 square metres of new floorspace in total, on a site that has a vacant building of 1,000 square metres gross internal area, which is proposed to be demolished as part of the scheme and where it is agreed that VBC can be applied

- ❖ Without VBC the affordable housing contribution would be 15 units (30% of 50)
- ❖ Revised contribution is: 15 units – ((15 units x 1,000m²) / 5,000m²) = 15 units – 3 units = 12 units

Note - the number of affordable housing units is rounded to the nearest whole number. Any rounding takes place at the end of the calculation only.

APPENDIX C

CHECKLIST FOR VIABILITY ASSESSMENTS

Basic Information	
Information required	Comments
Site plan	To include building footprints at a scale of 1:500
Gross and net site areas	In hectares (Ha)
Schedule of existing floorspace	Areas measured and provided in accordance with the RICS Code of Measuring Practice, specifying both NIA and GIA.
Schedule of unit numbers and sizes	Including the number of bedrooms and other habitable rooms.
Summary	Short summary (using bullet points where appropriate) why provision of a policy-compliant level of affordable housing can't be provided

Viability Factors	
Information required	Comments
Development Value	
Value of private sale units	Estimated achieved values, for scheme and individual dwellings. Two independent valuations supported by analysed relevant market sales evidence of comparable properties.
Value of private rental units (for build to rent developments)	Estimated capitalised net rental income. This should be supported by relevant evidence of market lettings of comparable properties and analysed comparable market sale of rental investments.
Value of the affordable housing provision, where relevant, together with tenure assumptions and calculation of any commuted sum	Assumptions as to the proposed unit types, tenures and values of providing the affordable housing or the financial contribution proposed including details of tenure assumptions and evidence or estimates of RP offers where appropriate. Detailed assumptions adopted in computing the value of the affordable units should also be provided including rents, yields, discount period, allowances and deductions sufficient to reproduce the valuation.
Details of any grants/non developer financing towards AH provision	e.g. Homes England or local authority grants, charitable funding, direct and indirect funding from the partner registered housing provider.
Other values generated by the scheme	e.g. the value of any non-residential uses, any ground rents, car parking, temporary income, etc.
Gross development value	The total of items above.

Viability Factors	
Information required	Comments
Marketing and sale	Estimated fees for property agents, marketing, legal fees etc.
Net development value	GDV minus marketing and sales costs.
Development Costs	
Estimated construction costs	BCIS costs or, if higher, supported by Tender costs or QS schedule. should be accompanied by a full cost plan. Include contract related fees and itemised/defined 'abnormals'. Include any costs of complying with policy, e.g. sustainability standards, SuDS etc.
Itemised preliminary costs	Site specific costs e.g. demolition, and other works arising from ecological, geotechnical, archaeological and other site investigations, decontamination, stabilisation, land forming/raising, infrastructure and servicing, site set up and contractor/ contract preparation. These would be expected to be reflected within the purchase price. Should be verified by independent cost consultants
Contingency	A development contingency allowance to cover unforeseen costs.
Professional fees	All related professional fees including architects, planners, engineering, QS, ecologists, arboriculturalists, project manager, CDM etc individually listed and costed.
Planning costs	Policy compliant costs under Section 106 agreements and CIL unless otherwise advised.
Financing details	Following valuation convention it is expected the scheme appraisal will reflect an assumption of 100% debt finance reflecting a single overall interest rate.
Estimated profit	It is expected that profit will be expressed in terms of a percentage return on GDV and where more than one use is in the proposal it is expected relevant rates will be applied to each element to reflect the different levels of risk involved including affordable housing.
Residual Land Value	
Residual Land Value (RLV)	The RLV, i.e. the gross development value minus the development costs set out above. There should be a detailed scheme appraisal showing the computation which generates the residual value.
Current / Existing User Value	Value of site in its current use, prior to the deduction of land related costs, supported by an independent valuation, including fully justified assumptions, copy leases etc where appropriate and a fully reasoned justification for the land owner premium proposed.
Land costs	Including legal and agent's fees, site promotion, taxes and duties, together with any exemptions or tax-efficient delivery vehicles. These should be based on the land value benchmark not price paid for the site.

Viability Factors	
Information required	Comments
Premium	Assessed premium to landowners for retaining site in current use. This will vary by site but will generally be within 10% to a maximum of 30%. The premium will be lower where the existing use is to be retained on site. Items such as relocation costs will be excluded.
Benchmark Land Value	The current use value less costs and profit. This should in most circumstances be based on an EUV plus approach. AUV approach will only be accepted where these can be supported by a relevant planning consent, or can demonstrate to the satisfaction of the Council that the proposed use is fully compliant with prevailing policies, where the use is capable of being implemented and demand for the use can be evidenced, and where detailed reasons are provided why the applicant has chosen not to pursue this use.
Other Contextual Information	
Land acquisition price	Including evidence of price paid.
Details of purchase	Details of process e.g. private treaty, open market bid, auction etc.
Basis of purchase	Details of purchase, e.g. outright purchase, option, contract etc.
Terms of acquisition	Details of any terms of acquisition, e.g. subject to planning, soils, ground conditions survey, etc.
Construction timescales, programme and phasing	Should include any proposed phasing, particularly where it would result in phased CIL payments.
Detailed cashflow for the development	Showing the proposed phasing amounts and timings of all the income and expenditure forecasts and payments.

Summary Information	
Information required	Comments
Residual value summary - policy compliant	Summary of calculation of residual value including policy compliant affordable housing contribution.
Residual value summary - as proposed	Summary of calculation of residual value including proposed affordable housing contribution
Evidence of sensitivity testing	Evidence of sensitivity testing being undertaken to verify soundness of the viability judgements e.g. different profit assumptions, comparisons with the sale price of land for similar development, etc.
Comparison of residual valuation with benchmark site values	Site Value should equate to the market value providing that the value has regard to development plan policies and all other material planning considerations.

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Worthing Planning Committee
17 April 2024
Item 10

WORTHING BOROUGH COUNCIL

Key Decision: No

Ward(s) Affected: Central, Goring & Marine

Worthing Conservation Area Reviews - Public Consultation Responses and Proposed Conservation Area Designation

Report by the Director for Place

Executive Summary

1. Purpose

- This report updates the Planning Committee on public consultation carried out of the following documents:
 1. Goring Hall Conservation Area Character Appraisal
 2. Marine Gardens Proposed Conservation Area designation and Character Appraisal
 3. Steyne Gardens Conservation Area proposed boundary changes and Character Appraisal
- A summary of the representations received during consultation, together with Officer responses and recommendations is included as Appendix 1 to this report.

2. Recommendations

2.1 The Planning Committee is asked to note these representations and responses. Any comments will be passed to Adur and Worthing Executive Members for Regeneration to inform their decisions on:

- Adoption of the character appraisals for each conservation area

- Adoption of Marine Gardens Conservation Area
- Adoption of boundary extension to Steyne Gardens Conservation Area
- Adoption of an updated Worthing Policies Map to reflect a new Conservation Area at Marine Gardens and revised boundary of Steyne Gardens Conservation Area.

3. Background

3.1 On 20 September 2023, the Planning Committee agreed the Executive Member for Regeneration could authorise:

- Public consultation on the revised draft character appraisal for Goring Hall Conservation Area;
- Public consultation on the proposed boundary changes of Steyne Gardens Conservation Area and accompanying draft character area appraisal; and
- Public consultation on the proposed designation of Marine Gardens Conservation Area and accompanying draft character area appraisal.

3.2 Public consultation was held in accordance with the Council's Statement of Community Involvement, and the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended).

3.3 The character appraisals were made available on the Council's website for a period of 6 weeks. Physical copies for reference purposes were also available at Worthing Town Hall, Goring Library and Worthing Library.

3.4 The Secretary of State, Historic England and West Sussex County Council were notified of public consultation on the draft character appraisals for the conservation areas. All addresses within the conservation areas were sent letters notifying them of the consultations as well as inviting them to attend a public meeting that was held on 16th October 2023 at Worthing Town Hall to learn more about the proposals.

3.5 In addition to the statutory consultation processes set out above, the Council consulted The Worthing Society, Goring and Ilex Conservation Group, Goring Residents Association, Ferring Conservation Group, Friends of Marine Gardens and Friends of Denton Gardens to ensure that the proposals reached a wide audience.

- 3.6 The Council placed site notices in all three areas as well as issuing a press release online. The Council also advertised the consultations on its social media accounts and notified subscribers on the Worthing Planning Policy Consultee Database.
- 3.7 The Council received the following representations:
- Goring Hall Conservation Area Character Appraisal - 15 representations
 - Steyne Gardens Conservation Area Character Appraisal - 12 representations
 - Proposed conservation area at Marine Gardens - 10 representations
- 3.8 A summary of the representations and Officer responses to these comments is provided as Appendix 1 to this report.

4.0 Goring Hall Conservation Area

- 4.1 A number of comments were received suggesting that the proposed Conservation Area boundary needs to be amended to include the Goring-Ferring Gap to protect the Gap from future development. Comments were also received regarding the need to consider wildlife, ecological emergency and flood mitigation and adaptation as special characteristics of the Conservation Area. These comments are noted and Adur & Worthing Councils have declared a climate emergency. However, it needs to be clarified that the principal purpose of a conservation area is to protect the identified special architectural and historic interest of a place. Any development proposals that will come forward within the Goring-Ferring gap will need to be assessed against policies in the Worthing Local Plan (2023) such as Policy SP2: Climate Change, Policy DM18: Biodiversity and Policy DM20: Flood Risk & Sustainable Drainage.
- 4.2 Historic England (HE) supports the Council's approach not to include the Goring-Ferring Gap within the Conservation Area boundary given that a conservation area designation is rarely appropriate for protecting a wider landscape. HE agrees that the Character Appraisal has correctly identified the importance of this gap as forming part of the setting to the Conservation Area and contributing to its significance but there are no relevant architectural or historic reasons to include this area within the boundaries of the conservation area. However, HE suggests that instead of identifying this as a landscape buffer, it may be more appropriate to identify this as land that positively contributes to the setting of the conservation area. This suggestion has been taken into account and the character appraisal has been amended accordingly.

4.3 In addition, a number of comments were raised regarding the management and maintenance of trees and vegetation on Ilex Way. These comments are acknowledged and have been passed to the Council's Parks Team for their consideration.

5.0 Proposed Conservation Area at Marine Gardens

5.1 No objections were received regarding the proposed Conservation Area designation at Marine Gardens.

5.2 Historic England support the proposed conservation area at Marine Gardens and the tightly drawn boundary.

5.3 A comment was raised questioning why the properties to the West of Marine Gardens as far as George Vth Avenue haven't been included within the proposed conservation area boundary. The heritage consultant has looked into this and it is considered that these properties do not warrant inclusion within the boundary. These buildings, while of a comparable age to those within the conservation area are quite altered, and were not considered to meet the threshold of intactness for inclusion in the CA. A note has been added to the Conservation Area Character Appraisal (see paragraph 2.22) to explain the reasons for excluding properties in the wider area originally proposed by the Worthing Society.

5.4 A representation was received regarding the redundant electricity box (covered by a yellow tarpaulin cover) located on the outside of the wall to the North West of the gardens. The Council recognises that this is an unsightly feature and if the conservation area is designated, then the infrastructure provider will be informed.

5.5 A number of comments have been raised regarding access improvements to Marine Gardens as well as allocating funding for garden improvements. These comments are acknowledged and have been forwarded to the Council's Parks Team.

5.6 In addition, a comment was raised regarding the need to restore Worthing Lido. This comment has been forwarded to the Assistant Director of Place & Economy to take into consideration given that a refresh of the Seafront Investment Plan is to commence within the next twelve months.

6.0 Steyne Gardens Conservation Area

- 6.1 No objections were received regarding the proposed extension to Steyne Gardens Conservation Area.
- 6.2 Historic England supports the identification of the two distinct character areas for this conservation area as the special interest of these areas is clearly different. They also considered that the rationale for the boundary changes are clear. They recommended that those buildings identified as positive contributors be included on the Local List. In addition, Historic England suggested that given the open spaces make such an important contribution to the special interest of this conservation area, identification of measures to enhance their character and appearance may be a useful addition in the management plan section.
- 6.3 The Character Appraisal has been amended to provide clarity that Splash Memorial Garden is included within the proposed Conservation Area boundary. A number of representations (this issue was also raised at the public meeting) were received regarding the areas marked as 'brick paving' on Steyne Gardens map. There was some confusion that these areas would become pedestrianised. This has been clarified by revising Steyne Gardens map which now indicates that the hatching is 'area with historic brick paving.'
- 6.4 A number of comments were made regarding public realm improvements particularly the need for improved street furniture and seating. Whilst not relevant to the scope of the conservation area reviews, these comments are acknowledged and have been passed on to the Assistant Director of Place & Economy to be considered as part of the Councils aspiration to deliver public realm improvements within the town.

7.0 Financial Implications

- 7.1 The document was part of the Planning Policy team's general work programme. Any expenditure that has been incurred to date has been contained within existing budget resources.

8. Legal Implications

- 8.1 Under Section 69(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 (the 1990 Act) the Council, as local planning authority, is required from time to time to determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and to designate those areas as conservation areas.

- 8.2 Section 69(2) of the 1990 Act imposes a duty from time to time to review the past exercise of functions to designate areas as conservation areas and to determine whether any parts or any further parts of their area should be designated as conservation areas; and, if so, to designate those parts. There is no requirement for the review to take place at particular intervals.
- 8.3 The Authority is under a further duty under Section 71(1) of the 1990 Act from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas.

Background Papers

- Worthing Planning Committee Report - 20th September (WBC-PC/39/23-24)
- Worthing Local Plan 2023
- Worthing Conservation Area - Interim Report (June 2023)
- Goring Hall Conservation Area Character Appraisal & Map (January 2024)
- Steyne Gardens Conservation Area Character Appraisal & Map (January 2024)
- Marine Gardens Conservation Area Character Appraisal & Map (January 2024)

Officer Contact Details:-

Jennifer Ryan

Senior Planning Policy Officer

jennifer.ryan@adur-worthing.gov.uk

Sustainability & Risk Assessment

- 1. Economic**
 - Matter considered and no issues identified.

- 2. Social**
 - 2.1 Social Value**
 - Matter considered and no issues identified.

 - 2.2 Equality Issues**
 - Matter considered and no issues identified.

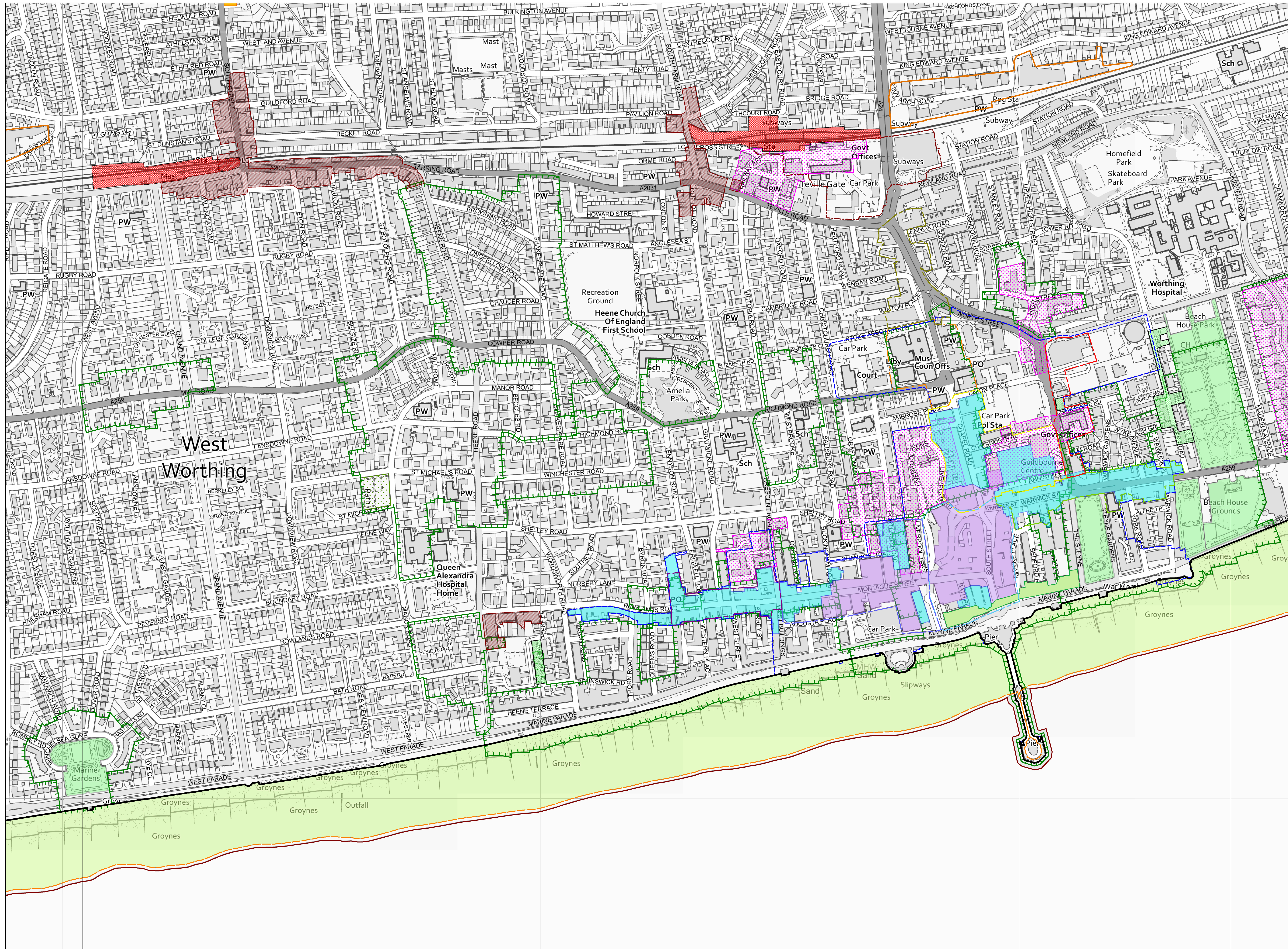
 - 2.3 Community Safety Issues (Section 17)**
 - Matter considered and no issues identified.

 - 2.4 Human Rights Issues**
 - Matter considered and no issues identified.

- 3. Environmental**
 - Adopting Marine Gardens Conservation Area and the adoption of the boundary changes to Steyne Gardens Conservation Area along with adopting the Character Appraisals for each area will ensure that the special architectural and historic characteristics of the conservation areas as protected and enhanced.

- 4. Governance**
 - Matter considered and no issues identified.

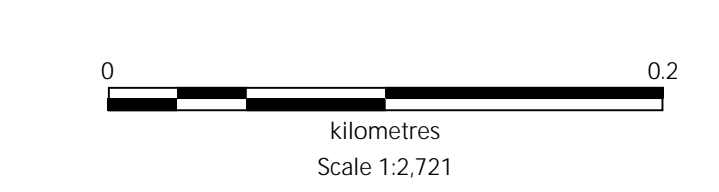
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- Local Plan Area
 - Worthing Borough
 - Built Up Area Boundary
 - Town Centre Boundary
 - Village Greens
 - Local Green Gaps
 - Town Centre Seafront Area
 - Secondary Shopping Frontage
 - Primary Shopping Frontage
 - Medium Scale Local Centre
 - Local Shopping Parades
 - Site of Special Scientific Interest
 - Railway Stations
 - Key Office Locations
 - Key Industrial Estates and Business Parks
 - Highdown Gardens
 - Environmental Areas of Special Character
 - Scheduled Ancient Monuments
 - Conservation Areas
 - Town Greens
 - Local Wildlife Sites
 - South Downs National Park
 - Parks Gardens
 - Goring Ferring LGSD
 - Chatsmore Farm LGSD
 - Brooklands LGSD
 - Country and Coast
-
- Town Centre Character Areas**
 - Warwick Street/Brighton Road
 - Chapel Road Cultural & Civic Quarter
 - Chapel Road South
 - High Street
 - South Street
 - Teville Gate
 - Chapel Road North
 - Montague Street
 - Rowlands Road

Worthing Local Plan 2023

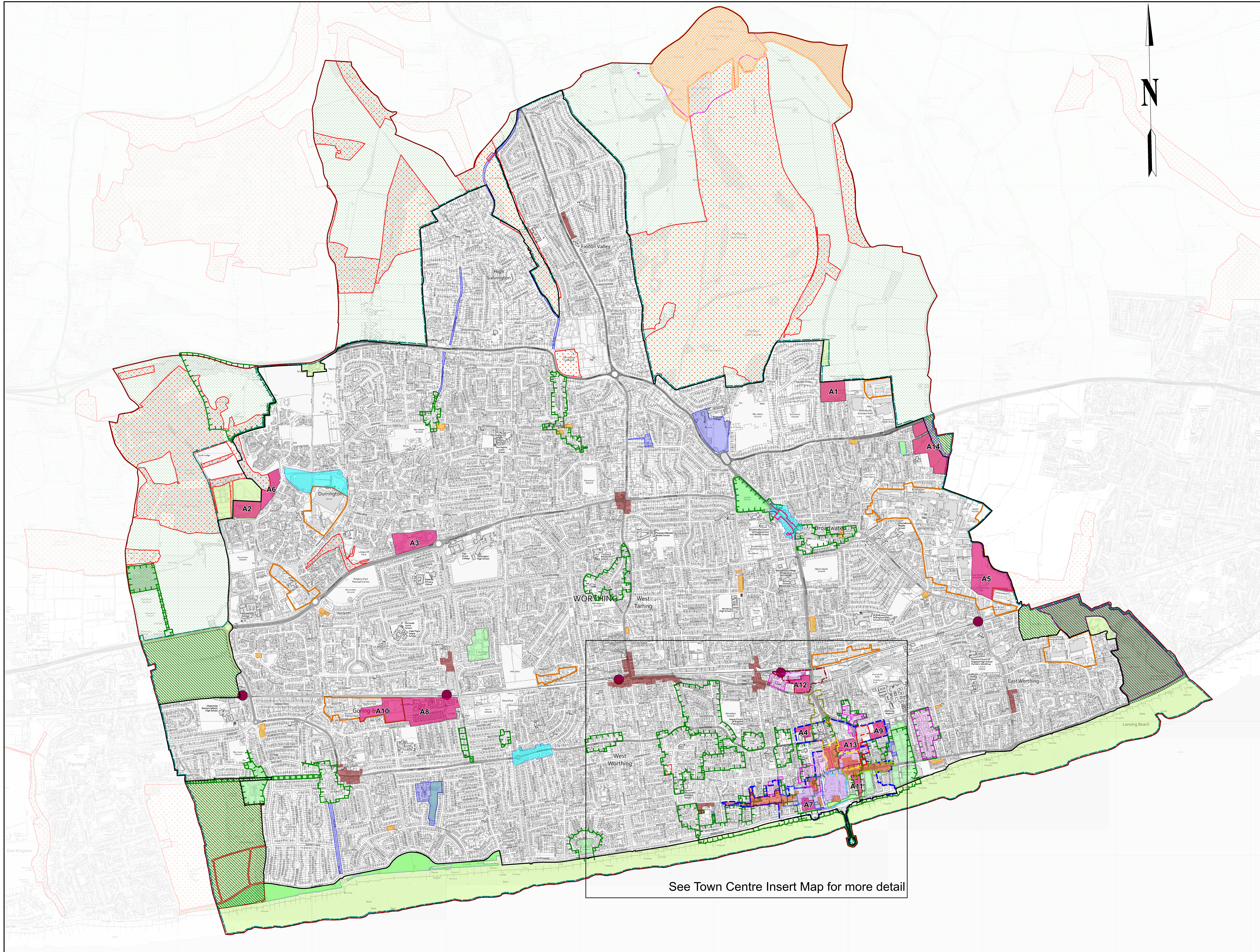
Town Centre Insert Map



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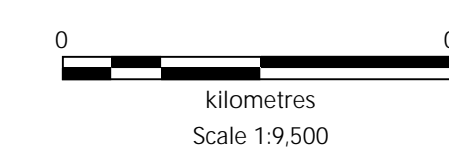
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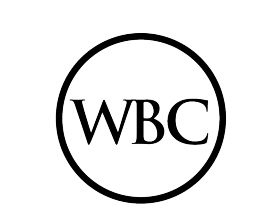
- Allocation
- Local Plan Area
- Worthing Borough Boundary
- Built Up Area Boundary
- Town Centre Boundary
- Registered Town and Village Greens
- Local Green Gaps
- Town Centre Seafront Area
- Primary Shopping Frontage
- Town Centre Secondary Frontage
- District Centre
- Secondary Frontage
- Medium Scale Local Centre
- Local Shopping Parades
- Site of Special Scientific Interest
- Key Office Locations
- Key Industrial Estates and Business Parks
- Highdown Gardens
- Environmental Areas of Special Character
- Scheduled Ancient Monuments
- Conservation Areas
- Local Wildlife Sites
- South Downs National Park
- Parks and Gardens
- Brooklands LGSD
- Country and Coast
- Easement Strip Rampion Windfarm
- Railway Stations

- Town Centre Character Areas**
- Warwick Street/Brighton Road
 - Chapel Road Cultural & Civic Quarter
 - Chapel Road South
 - High Street
 - South Street
 - Teville Gate
 - Chapel Road North
 - Montague Street
 - Rowlands Road

Worthing Local Plan 2023



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WORTHING BOROUGH
COUNCIL



See Town Centre Insert Map for more detail

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Steyne Gardens Conservation Area



Important View



Steyne Gardens Conservation Area



Area Which Includes Historic Brick Paving



Park and Garden of Local Historic Interest



Locally Listed Building



Listed Building



Positive Contributor



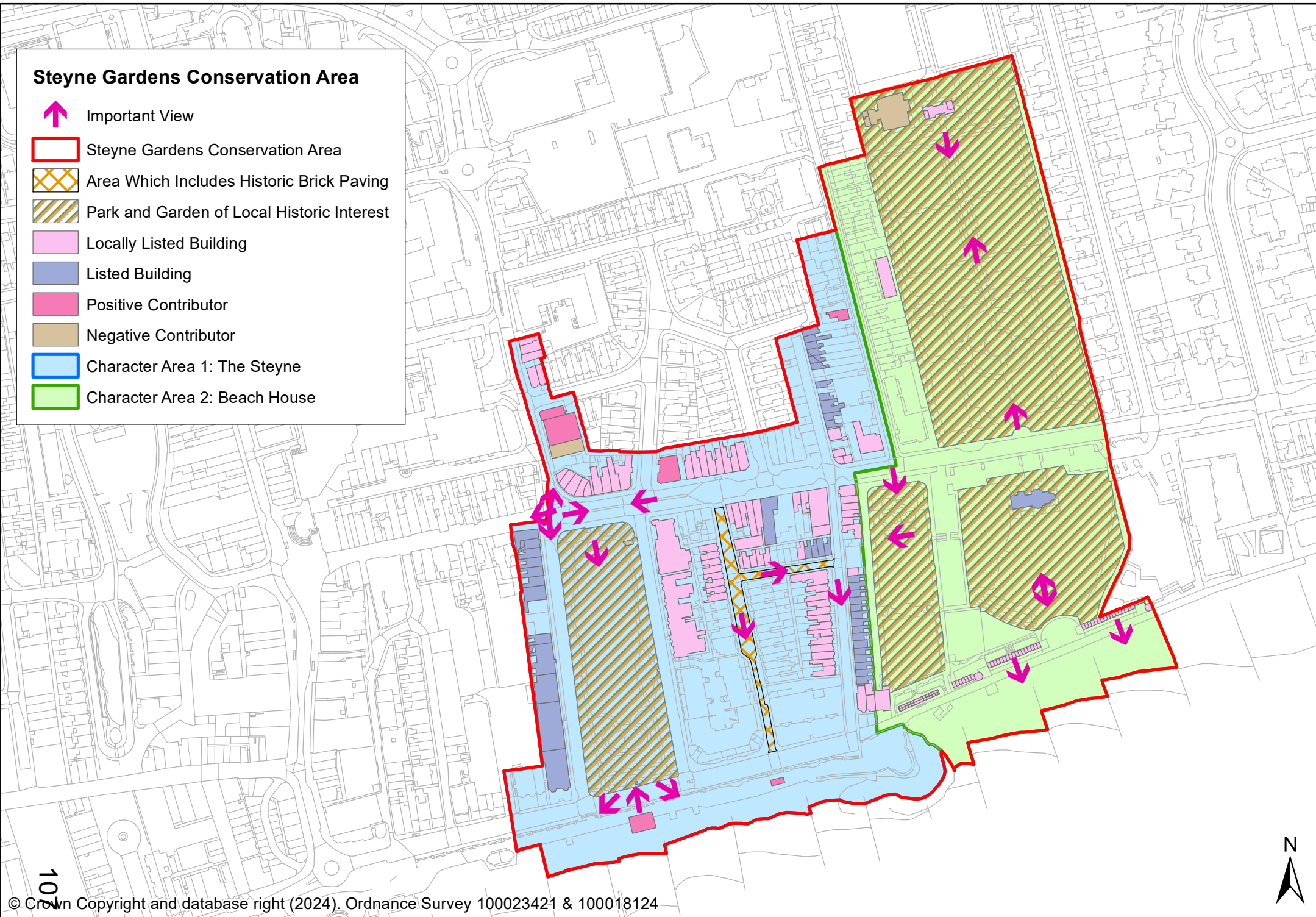
Negative Contributor



Character Area 1: The Steyne



Character Area 2: Beach House



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Consultation Summary

Steyne Gardens

As part of the review of Conservation Areas in Worthing, the Council consulted on the following document:

<https://www.adur-worthing.gov.uk/media/Media.170531.smx.pdf>

This report summarises the representations received and the Officers' responses.

Proposed Steyne Gardens Conservation Area

The Council received **12** representations (11 reps submitted via the online consultation form). These included:

- **1** written representation from Historic England (statutory consultee)
- **2** written representation from Friends of Denton Gardens
- **9** representations from local residents

The issues raised in these representations are presented below, along with Officers' responses to these comments.

Historic England

Issue	Response
<p>We support the identification of the two distinct character areas for this conservation areas as the special interest of these areas is clearly different. We also consider the rationale for the boundary changes are clear.</p>	<p>The Council welcomes the response from Historic England and notes that Historic England supports the proposed extension to Steyne Gardens Conservation Area.</p>
<p>It may be appropriate for those buildings identified as positive contributors to be included on the Local List.</p>	<p>This action will be reviewed in due course.</p>
<p>In addition, as the open spaces make such an important contribution to the special interest of this conservation area, identification of measures to enhance their character and appearance may be a useful addition in the management plan section. In line with this, we are aware from the Worthing Society that there may be</p>	<p>See recommendation at 7.12 of the Conservation Area Character Appraisal.</p>

forthcoming development proposals for Denton Gardens and its Art Deco Shelter.	
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Special architectural and historic interest

Question 1:

In general has the draft Character Appraisal adequately identified the Conservation Area's special architectural or historical interest?

- Yes - 11 representations
- No - 0 representations
- Not answered - 0 representations

Any additional comments?

No responses received.

Question 2:

Do you think the Conservation Area has any other aspects of special interest which should be included in the appraisal?

- Yes - 2 representations
- No - 9 representations
- Not answered - 0 representations

Any additional comments?

No responses received.

Character and appearance

Question 3

In general, has the Appraisal adequately identified the good and the harmful features of the Conservation Areas?

- Yes - 11 representations
- No - 0 representations
- Not answered - 0 representations

Any additional comments?

No responses received.

Question 4

Do you think the Conservation Areas have any additional good features which should be identified in the Appraisal?

- Yes - 2 representations
- No - 9 representations
- Not answered - 0 representations

Any additional comments?

Issues raised and officer response:

Issue	Response
Is the Splash Point Memorial Garden included?	Splash Point Memorial Garden is included in the proposed extension to Steyne Gardens Conservation Area. The memorial falls within the southern part of Character Area 2.
Essential maintenance and extension of flower beds to support pollinators.	Management recommendation at paragraph 7.12 of the Conservation Area Character Appraisal has been added. This comment has been forwarded to the Councils' Parks Service for their consideration.

Boundary of the Conservation Area

Question 5

Do you agree with the proposed boundary for the conservation area?

- Yes - 10 representations
- No - 1 representations
- Not answered - 0 representations

Any additional comments?

Issues raised and officer response:

Issue	Response
Can you clarify what "brick paving" means as showing in York road and Alfred place? Will these roads become pedestrian only?	This refers to the historic red brick pavements that exist in parts of the conservation area, including along York Road and Alfred Place. This paving contributes positively to the conservation area and should be retained. There is no known proposal to pedestrianise these streets. The Map will be updated to clarify the description of the pavements.
I support the extension of the conservation area to protect Denton Gardens and the other areas.	Support is noted.

Conservation Area Management

Question 6

Do you agree with the management proposals set out in the draft Character Appraisal?

- Yes - 11 representations
- No - 0 representations
- Not answered - 0 representations

Any additional comments?

No responses received.

Question 7

Are there any other actions that you consider are needed to preserve or enhance the conservation area?

- Yes - 4 representations
- No - 7 representations
- Not answered - 0 representations

Any additional comments?

Issues raised and officer response:

Issue	Response
<p>Sympathetic street furniture within the boundaries of the conservation area. Removal of street clutter and unnecessary signage within the conservation area.</p>	<p>Noted. This has been addressed at paragraph 7.3 of the Conservation Area Character Appraisal.</p> <p>The Council will notify West Sussex County Council of the amended boundary to Steyne Gardens conservation area.</p>
<p>Steyne Gardens has a lack of public seating. It provides a pleasant area to sit away from the immediate seafront in shaded areas but has few benches. Many older people prefer sitting in the shade which is not possible on the seafront so Steyne Gardens is ideal. Rectifying this maybe with sponsored benches as in other areas would be of great benefit to the gardens.</p>	<p>A note has been added at paragraph 7.12 of the Conservation Area Character Appraisal.</p> <p>This comment has been forwarded to the Council's Place & Economy Team to be considered as part of the Council's commitment to caring for our open spaces within the town.</p>
<p>Adequate funding from WBC to maintain green spaces to a good standard.</p>	<p>This comment has been forwarded to the Councils' Parks Service for their consideration.</p>
<p>Turn the old gas works site on Lyndhurst Road into parkland.</p>	<p>The former gas holder site has been allocated (Policy A9) for residential development (150 residential units) within the Worthing Local Plan (adopted in 2023).</p>

Further Comments

Issues raised and officer response:

Issue	Response
<p>A long cherished ambition of Friends of Denton Gardens has been to protect for posterity these historic and treasured gardens for the people of Worthing to enjoy. Extending Steyne Gardens Conservation Area to include the Gardens will do this. Well done.</p>	<p>Support is noted.</p>
<p>Wholly support the inclusion of Denton Gardens, Beach House Grounds and Beach House Park. These are important historical sites having served the town for the last century. They are much loved and used green spaces by residents and visitors in the heart of our town. Their inclusion will help protect them from inappropriate development into the next century, when their value can only increase with growing urbanisation.</p>	<p>Support is noted.</p>
<p>Repair and reinstatement of the original red block street paving within the conservation areas would be distinctive and visually impactful in this important area as would be the installation of heritage street name signage.</p>	<p>Noted. Refer to paragraph 4.88 of the Conservation Area Character Appraisal. This is a matter to be referred to West Sussex County Council.</p>
<p>Good documentation and detail</p>	<p>Noted.</p>

Consultation Summary

Marine Gardens

As part of the review of Conservation Areas in Worthing, the Council consulted on the following document:

<https://www.adur-worthing.gov.uk/media/Media.170533.smx.pdf>

This report summarises the representations received and the Officers' responses.

Proposed Marine Gardens Conservation Area

The Council received **10** representations (9 reps submitted via the online consultation form). These included:

- **1** written representation from Historic England (statutory consultee)
- **1** written representation from Friends of Marine Gardens
- **7** representations from local residents
- **1** representation from Romney Court Management Company Ltd

The issues raised in these representations are presented below, along with Officers' responses to these comments.

Historic England

Issue	Response
<p>We welcome the research that has been carried out to support the designation of this conservation area including a review of the 20th Century Society's themes and draft criteria for the consideration of 20th century conservation areas. We agree that the area around Marine Gardens resonates with some of these themes and criteria.</p> <p>We support the tightly drawn boundary for this conservation area as the NPPF, paragraph 191, makes it clear that 'local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.'</p>	<p>The Council welcomes the response from Historic England and notes that Historic England supports the conservation area boundary designation at Marine Gardens.</p>

Special architectural and historic interest

Question 1:

In general has the draft Character Appraisal adequately identified the Conservation Area's special architectural or historical interest?

- Yes - 9 representations
- No - 0 representations
- Not answered - 0 representations

Any additional comments?

No responses received

Question 2:

Do you think the Conservation Area has any other aspects of special interest which should be included in the appraisal?

- Yes - 1 representations
- No - 8 representations
- Not answered - 0 representations

Any additional comments?

Issues raised and officer response:

Issue	Response
<p>Surprised that you have not included the property to the West of Marine Gardens as far as George Vth Avenue. There are buildings here of the same era and constructed by the same company plus an expanse of green which needs to be kept free of modern development. I am not sure but I gather that parts of Burlington Court are listed but I cannot see the reasoning which excludes these properties.</p> <p>NB - This comment has also been submitted in response to Q4 & Q7.</p>	<p>These buildings, while of a comparable age to those within the conservation area are quite altered, and were not considered to meet the threshold of intactness for inclusion in the CA. A note has been added to the Conservation Area Character Appraisal (see paragraph 2.22) to explain the reasons for excluding properties in the wider area originally proposed by the Worthing Society.</p>

Character and appearance

Question 3

In general, has the Appraisal adequately identified the good and the harmful features of the Conservation Areas?

- Yes - 8 representations
- No - 1 representations
- Not answered - 0 representations

Any additional comments?

Issues raised and officer response:

Issue	Response
The appraisal does not show the ugly electricity box under a bright yellow waterproof cover. This is located on the outside of the wall to the North West of the gardens. It is shown in figure 41 of the appraisal.	We are aware and if the conservation area is designated the infrastructure provider will be informed.

Question 4

Do you think the Conservation Areas have any additional good features which should be identified in the Appraisal?

- Yes - 2 representations
- No - 7 representations
- Not answered - 0 representations

Any additional comments?

No responses received

Boundary of the Conservation Area

Question 5

Do you agree with the proposed boundary for the conservation area?

- Yes - 8 representations
- No - 1 representations
- Not answered - 0 representations

Any additional comments?

No responses received

Conservation Area Management

Question 6

Do you agree with the management proposals set out in the draft Character Appraisal?

- Yes - 9 representations
- No - 0 representations
- Not answered - 0 representations

Any additional comments?

No responses received

Question 7

Are there any other actions that you consider are needed to preserve or enhance the conservation area?

- Yes - 5 representations
- No - 4 representations
- Not answered - 0 representations

Any additional comments?

Issues raised and officer response:

Issue	Response
Allocate funding for garden improvement	This comment has been forwarded to the Councils' Parks Service for their consideration.
Disabled access to sunken rose garden	This comment has been forwarded to the Councils' Parks Service for their consideration.
Removal of unsightly disused electricity box covered in yellow tarpaulin mentioned earlier in my response and shown in figure 41	We are aware and if the conservation area is designated the infrastructure provider will be informed.
The wording of the conservation review stresses the criteria being "Special Architectural or historic interest" there is no mention of the value of open spaces. Does this mean the planning department would approve the development of the gardens, such as building houses or flats in Marine Gardens as long as its design is in keeping with the local area. Can open spaces not be included as "valuable"?	<p>Marine Gardens are on the Local Interest List. An exception at Marine Gardens might include redevelopment of the cafe building as it approaches the end of its life. This would be subject to a full planning application, and should designation go ahead, further controls would be levied to ensure good design in the CA.</p> <p>The Worthing Local Plan (2023) contains Policy DM7: Open Space which seeks to safeguard existing open spaces. The new conservation area at Marine Gardens will add an additional level of protection for the open space.</p>

Further Comments

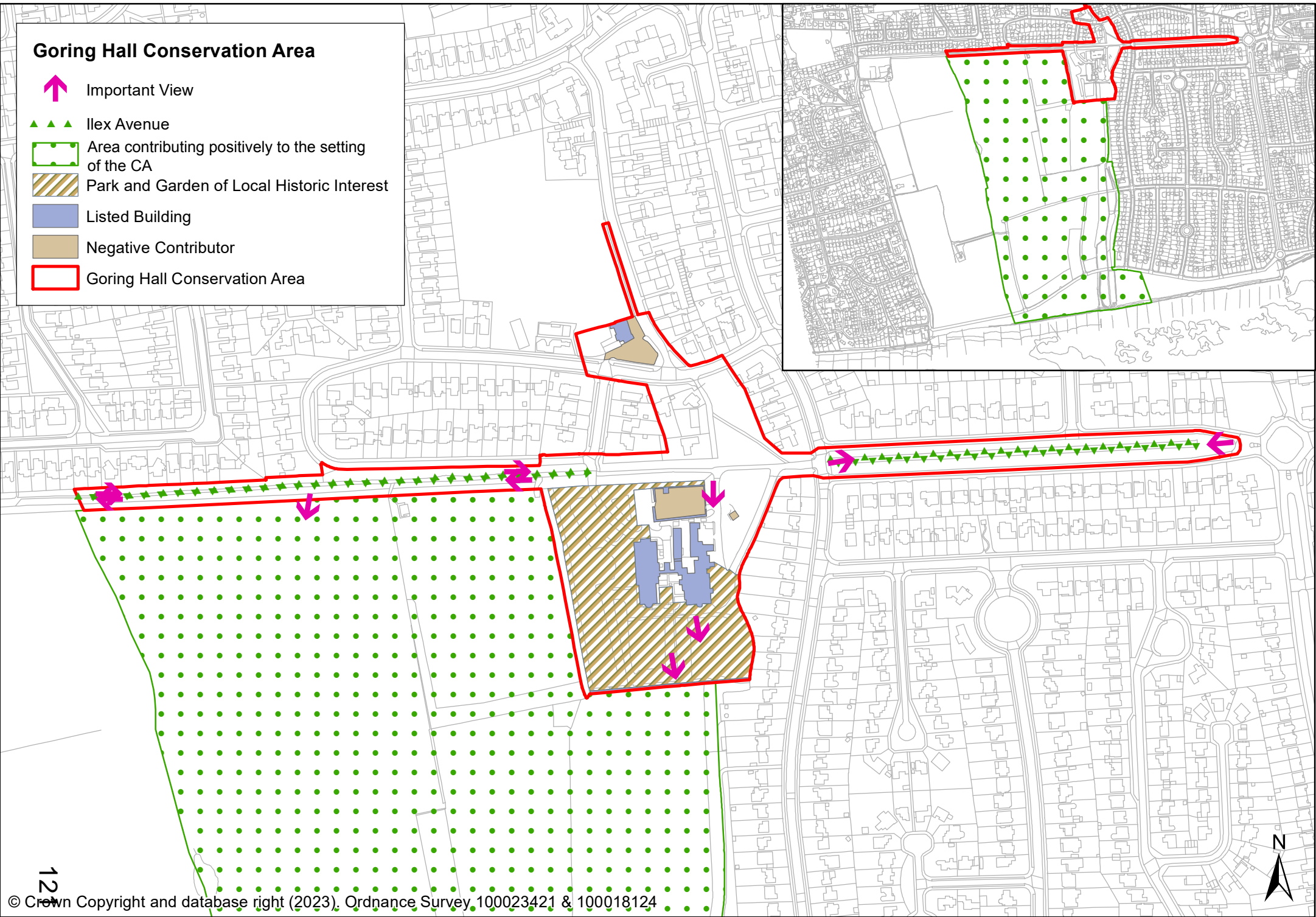
Issues raised and officer response:

Issue	Response
It is generally a positive proposal, I am glad the buildings will achieve listed status.	Noted.
I very much hope the Marine Gardens Conservation Area goes ahead as this is an important part of Worthing heritage. Please also consider restoring the Lido, which is another very important part of Worthing	This comment has been forwarded to the Council's Place & Economy Team for their consideration.

<p>heritage, and much missed by those who remember it. Other towns have managed to restore their lidos. I am sad and disappointed that Worthing has not. The facilities the lido currently houses are, in my opinion, detrimental to the town. The restoration of the lido would significantly enhance that part of the seafront and bring visitors to the town, as well as providing a much needed leisure facility to aid the health and well-being of residents. Along with the pier and other attractions, it would be a jewel in our crown.</p>	
<p>If there is strong local opposition to this consultation and it is decided not to proceed, could we propose that the area be reconsidered to just include Marine Gardens and its surrounding walls.</p>	<p>Marine Gardens and the walls already benefit from some protection as they are on the Local List.</p>
<p>I support the proposal to designate this area as a conservation area to preserve the buildings and character.</p>	<p>Noted.</p>

Goring Hall Conservation Area

- ↑ Important View
- ▲▲▲ Ilex Avenue
- ▭ Area contributing positively to the setting of the CA
- ▨ Park and Garden of Local Historic Interest
- ▭ Listed Building
- ▭ Negative Contributor
- ▭ Goring Hall Conservation Area



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Consultation Summary

Goring Hall

As part of the review of Conservation Areas in Worthing, the Council consulted on the following document:

<https://www.adur-worthing.gov.uk/media/Media.170529.smx.pdf>

This report summarises the representations received and the Officers' responses.

Goring Hall Conservation Area

The Council received **15** representations. These included:

- **1** written representation from Historic England (statutory consultee)
- **1** written representation from Goring and Ilex Conservation Group
- **13** representations from local residents

The issues raised in these representations are presented below, along with Officers' responses to these comments.

Historic England

Issue	Response
Historic England's has recently published a research paper on 'A Delicious Retreat: The Marine Villa and its Setting in England, C. 1760 to C. 1840. A Contextual Study. You may find useful information in this in respect to further understanding the significance of this conservation area and the important features associated with it.	The Council welcomes the response from Historic England. Noted.
We note that it is not proposed to include the Goring- Ferring Gap within the conservation boundary and we support the justification for this as conservation area designation is rarely appropriate for protecting a wider landscape.	Support is noted.
We agree though that it is important to identify the importance of this gap as forming part of the setting to the conservation area and contributing to its significance. Our only comment is that instead of identifying this as a landscape buffer, it may be better to identify this as land that positively	Noted, amendment to be made to Map.

contributes to the setting of the conservation area.	
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Special architectural and historic interest

Question 1:

Do you support the designation of Goring Hall Conservation Area?

- Yes - 13 representations
- No - 2 representations
- Not answered - 0 representations

Any additional comments?

Issue	Response
This is an important Conservation Area largely because of its green character which has been emphasised in the appraisal and which is of especial importance in the ecological emergency we are in and which includes the impressive and unique Ilex Avenue. Even though it seems a case can't be made for including the Goring-Ferring Gap in the area, it helps to have it appraised as an important buffer.	Comments noted. Historic England (statutory consultee) has confirmed that it supports the Council's approach to not include the Goring-Ferring Gap within the conservation area boundary.
The existing area should be expanded to cover the whole of the former Goring Hall grounds, to protect the pre and between the wars houses of interest and reduce the risk of over development on green spaces or demolition and erection of new builds that are not in keeping with the area.	Having due regard to Historic England Advice Note 1, it is not considered appropriate to extend the conservation area boundary to incorporate the interwar housing on land formerly associated with Goring Hall.

Special architectural and historic interest

Question 2:

In general has the draft Character Appraisal adequately identified the Conservation Area's special architectural or historical interest?

- Yes - 13 representations

- No - 2 representations
- Not answered - 0 representations

Any additional comments?	
Issue	Response
The Ilex is frequently being used by mopeds. Increasing numbers of cars driving down the Ilex and stopping. Steps should be taken to prevent vehicles from entering. The hospital should be prevented from any further expansion. The character of Goring Hall has been irreparably changed and not for the best.	Comments noted. This falls outside of the scope of the Conservation Area Review consultation. Any highway matters should be directed to West Sussex County Council as Highway Authority.
I understand from the presentation tonight why the South Goring gap was not included in the conservation area. However it is such a unique space on the stretch of shoreline from Brighton to Bognor, that I strongly oppose any future plans to build on it .	Comments noted. Historic England (statutory consultee) has confirmed that it supports the Council's approach to not include the Goring-Ferring Gap within the conservation area boundary. The Worthing Local Plan (2023) contains Policy SS5: Local Green Gaps which seeks to protect the identity and character of Goring-Ferring Gap. Any development proposals that come forward will have to comply with this Policy.
No mention of the royal connection with the late queen mother's Bowes-Lyon family. Mentions Mr Lloyd's connections to slave trade which is currently contentious for many.	Comments noted. A heritage consultant has carried out significant research into the historical development of Goring to help inform the revised Character Appraisal The main purpose of the Character Appraisal is to document the key historical context and the characteristics of the conservation area that make it special. Whilst every effort has been undertaken to provide a detailed historical description, it is not necessary to include all historical events / relations.
The appraisal acknowledges the historical association of David Lyon with the slave trade. It's important for us to remember this. Could it also clarify exactly who owns the land and Hall now?	Noted. Please refer to paragraph 3.17 of Goring Hall Conservation Area Character Appraisal. Goring Hall is a privately owned hospital.
I think there are more buildings of architectural interest not covered	The Conservation Area Character Appraisal is not intended to describe all buildings

	within the conservation area but to recognise those which contribute positively, or otherwise to it.
--	--

Question 3:

Do you think the Conservation Area has any other aspects of special interest which should be included in the appraisal?

- Yes - 8 representations
- No - 7 representations
- Not answered - 0 representations

Any additional comments?

Issue	Response
The land to the south and the sea.	Noted. Historic England (statutory consultee) supports the approach taken not to include the Goring- Ferring Gap within the conservation boundary and they support the Council's justification as conservation area designation is rarely appropriate for protecting a wider landscape.
The area should be extended to cover all the south gap.	Noted. Historic England (statutory consultee) supports the approach taken not to include the Goring- Ferring Gap within the conservation boundary and they support the Council's justification as conservation area designation is rarely appropriate for protecting a wider landscape.
It has been featured as an area of outstanding natural beauty in various publications. No mention of the birds and other natural inhabitants. A historic and unique setting with uninterrupted views from coast to downs.	Noted. It must be clarified that this land is not designated as an Area of Outstanding Natural Beauty and there are no landscape designations. The principal purpose of a conservation area is to protect the identified special architectural and historic interest of a place. Wildlife such as birds is not classed as a special interest when considering the function of a conservation area. Any development proposals that will come forward will need to be assessed against policies in the Worthing Local Plan (2023) such as Policy DM18 Biodiversity. This

	policy seeks to safeguard notable and priority habitats or species.
Goring Gap if there is any way to protect this.	Noted. Historic England (statutory consultee) supports the approach taken not to include the Goring- Ferring Gap within the conservation boundary and they support the Council's justification as conservation area designation is rarely appropriate for protecting a wider landscape. The Worthing Local Plan (2023) contains Policy SS5: Local Green Gaps which seeks to protect the identity and character of Goring-Ferring Gap. Any development proposals that come forward will have to comply with this Policy.
The unique nature of the Ilex Way and its significance to the area should be highlighted. There are very very few paths of this type in the UK and its availability to all residents and visitors to the area is worth preserving. Indeed the entire conservation area and the unique architectural elements should be protected.	Comments noted. The Character Appraisal documents the historical significance of The Ilex Avenue and how it contributes to the special historic interest of the conservation area.
I think there are more buildings of architectural interest not covered	The Conservation Area Character Appraisal is not intended to describe all buildings within the CA but to recognise those which contribute positively, or otherwise to it.
Wildlife	Noted. The principal purpose of a conservation area is to protect the identified special architectural and historic interest of a place. Wildlife is not classed as a special interest when considering the function of a conservation area. Any development proposals that will come forward will need to be assessed against policies in the Worthing Local Plan (2023) such as Policy DM18 Biodiversity. This policy seeks to safeguard notable and priority habitats or species.

Character and appearance

Question 4

In general, has the Appraisal adequately identified the good and the harmful features of the Conservation Areas?

- Yes - 12 representations
- No - 3 representations
- Not answered - 0 representations

Any additional comments?

Issues raised and officer response:

Issue	Response
<p>The hospital has completely ignored planning consent for equipment sited in the courtyard.</p>	<p>This is outside the scope of the Character Appraisal, but the detracting nature of some of the hospital development has been recognised.</p> <p>This comment has been forwarded to the Council's Development Management Team for their consideration.</p> <p>Alleged breaches of planning control can be reported online which will be investigated by the Council's Planning Enforcement Team:</p> <p>https://adur-worthing-eforms.onmats.com/w/webpage/planning-enforcement-complaint</p>
<p>I don't think that it has been fully addressed in the Appraisal. It reads rather light on both counts and gives the impression that it's a 'nice to have' with little emphasis on how important it is to both the local community and the many visitors that it attracts.</p>	<p>Comments noted.</p>
<p>The word harm, or harmful appears only three times within the document, and no reference appears to relate to harmful features of the conservation areas, so unsure of the significance of the question.</p>	<p>Comment noted. The character appraisal identifies features which make a positive or negative contribution to the character or appearance of the conservation area, and can present recommendations, for example, identifying opportunities to make beneficial changes or to apply further planning controls to help retain the special interest of the area.</p>

Question 5

Do you think the Conservation Areas have any additional good features which should be identified in the Appraisal?

- Yes - 6 representations
- No - 9 representations
- Not answered - 0 representations

Any additional comments?

Issues raised and officer response:

Issue	Response
We live in the Lodge house which has two original gate posts with lovely old Gargoyles on them. Many people walk past and admire them.	Noted.
The area should extend to include the whole of the southern goring gap.	Noted. Historic England (statutory consultee) supports the approach taken not to include the Goring- Ferring Gap within the conservation boundary and they support the Council's justification as conservation area designation is rarely appropriate for protecting a wider landscape. The Worthing Local Plan (2023) contains Policy SS5: Local Green Gaps which seeks to protect the identity and character of Goring-Ferring Gap. Any development proposals that come forward will have to comply with this Policy.
The conservation area of Goring Hall should include the Greensward. It should also mention a link to the historic Highdown Gardens from where the Goring conservation area can be viewed.	Refer to paragraph 5.10 of the Character Appraisal.
The Adur and Worthing councils have outlined the many good reasons why the conservation areas should be protected. Whilst I recognise that there are pressures, it is heartening that the council are so supportive of preserving all the areas and architecture. It is essential to the character of the area in which we live, and the unique nature of Worthing and the surrounding areas as seaside towns within the UK. We are part of the heritage of the country, and just as important as large estates and	Comments noted.

significant towns of Oxford, Cambridge and similar. Given the overall decline of such seaside communities, it is important that features and open spaces are preserved for all, not just residents but also for visitors.	
Importance of open spaces for mental well-being	Noted. Adur & Worthing Councils has a Health and Wellbeing Strategy (2021-2024) which includes a priority to create places, spaces, and environments that promote and enable good health and wellbeing. The strategy sets out the importance of maximising the use of our green and blue spaces to support wellbeing: encourage and nudge people towards increased physical activity in these spaces.

Conservation Area Management

Question 6

Do you agree with the management proposals set out in the draft Character Appraisal?

- Yes - 14 representations
- No - 1 representations
- Not answered - 0 representations

Any additional comments?

Issue	Response
They are a bit too light	Noted. No additional information has been supplied to substantiate this comment.
I think the recommendations to resist development on green spaces within and around the Conservation Area, improve the public realm, maintenance and management of Ilex Avenue and to look for opportunities to encourage enhancement of the hospital grounds are very welcome.	Comments noted.
I am aware from talking to residents that there is debate about the existing	Refer to paragraph 7.5 of the Character Appraisal. An amendment has been made

<p>management plan for Ilex Avenue and no doubt varied opinions about any future management plan. Can the appraisal make suggestions about the scope and governance of the management plan and engagement with residents, bearing in mind that it currently involves Parks and a volunteer community group (Goring & Ilex Way Conservation Group) and inevitably questions around budget, funding and capacity. If it can't make specific suggestions could it at least refer to these as issues that need to be addressed by the council? There is one very simple change that could be made - the bench at the start of Ilex Avenue (eastern end) faces the roundabout on Sea Lane rather than looking down the Avenue!</p>	<p>to address the objective for partnership between the Council and local residents/ interest groups.</p>
<p>Recommendations need to take into account the biodiversity aims of the borough, especially in a declared ecological emergency, and also the need for flood mitigation and adaptation wherever possible.</p>	<p>Noted. The principal purpose of a conservation area is to protect the identified special architectural and historic interest of a place. Any development proposals that will come forward will need to be assessed against policies in the Worthing Local Plan (2023) such as Policy SP2: Climate Change, Policy DM18: Biodiversity and Policy DM20: Flood Risk & Sustainable Drainage.</p>
<p>It seems that extensions and alterations to the hospital in the past have mainly had a negative effect on the character of the Conservation Area and have happened despite the designation as a CA. Nearby residents are constrained themselves by the rules of the CA but are negatively impacted by works that have been done to the hospital. It seems important to stress that engagement needs to be done with the current owners to reverse if possible negative impacts, avoid future ones and restore features that would enhance biodiversity or flood avoidance eg car parks with SUDS, restoration of orchard etc.</p>	<p>Comments noted.</p>

<p>Although fully in favour of the Conservation Area appraisal and the inclusion of the value of the "Gap" outside the conservation area, we do have two areas of concern. The first is the maintenance of the Ilex trees to improve the natural light and allow views to the sea. We hope that this will be undertaken sympathetically to (as noted in the Appraisal) respect the character and appearance of the Avenue and not denigrate the arched appearance typical of the Avenue. Our other concern is in respect of the surface finish of the Avenue. The appraisal notes that opportunities to improve and maintain the existing surface finishes. We certainly endorse the maintenance of the finishes but improvement should be carefully considered. When a possible entrance along the avenue to the Goring Hall hospital was proposed, following a committee member's concern, the Attorney General, in 1992, as protector of charity, informed Worthing Borough Council that any significant alteration to the surface of the Avenue would be unlawful (we have a copy of this letter). In addition, it must be remembered that the Avenue is also a bridleway (reference to the 1930 photograph) and the surface should be suitable for horses, free from stones, especially if angular or sharp edged, ideally resilient, with some give. Regular users of the Avenue will also be familiar with the surface conditions throughout the year and will come equipped as necessary. We fully concur with any proposals to reinstate the grass verges either side of the track. We would also like to be involved in any further discussions on the surfacing.</p>	<p>Refer to paragraph 7.5 of the Character Appraisal. An amendment has been made to address the objective for partnership between the Council and local residents/ interest groups.</p>
<p>Having grown up in Ilex Way and played in the Ilex trees as a child I am strongly of the opinion that the 'dirt' surface should be maintained in its natural state. The grass verges on the edge of the trees should be maintained especially where thick</p>	<p>Noted. Comments have been passed to the Council's Parks Team for their consideration.</p>

<p>undergrowth has been allowed to develop. The trees should be maintained carefully to ensure their longevity and to ensure no more are lost in high winds. In particular the tree opposite 42/44 Ilex Way which is very tall and wide. The trees planted to replace those lost in the 1987 hurricane should be properly managed as I recall two or three were planted in every gap eg. outside no 42 where one fell in our front garden. There could be a problem when all these grow to full size.</p>	
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Question 7

Are there any other actions that you consider are needed to preserve or enhance the conservation area?

- Yes - 12 representation
- No - 3 representations
- Not answered - 0 representations

Any additional comments?

Issues raised and officer response:

Issue	Response
Prevention of vehicles driving down the ilex.	This falls outside of the scope of the Conservation Area Review consultation. Any highway matters should be directed to West Sussex County Council as Highway Authority.
I mentioned this at the meeting. The relentless expansion of Goring Hall hospital has a big impact on the traffic and parking in the conservation area. I realise there is a balance between the health needs of the local population and the desire to preserve the area. But I think it's the wrong location for a very big hospital .	Comments noted.
I am pleased to see the recommendation that a new CACA is undertaken. I have been concerned about the lack of maintenance of the whole area, in particular	Noted. Comments have been passed to the Council's Parks Team for their consideration.

<p>the trees forming the historic, unique Ilex Avenue. The Avenue has many sections which are overgrown, young trees are being “suffocated” with bramble bushes and the general character is being compromised. Basic safety maintenance is undertaken, but there is a gross lack of preservation and conservation. I have reported this to the Goring & Ilex Conservation Group and WBC.</p> <p>I request that the report is amended to emphasise the importance of the Avenue and all the trees, the area is not “only the land immediately around the house”. Indeed, the law defines a conservation area that extends beyond buildings, to include trees and paths, as per the map.</p> <p>The report calls for a Management Plan of the Ilex Avenue. This is a very important comment as the lack of a current plan in the past has resulted in ad-hoc work contrary to the conservation directives, so it is reassuring the author recognises that such a plan is needed. I suggest that there is a further recommendation as to the extent and governance of this plan as the previous Conservation Area “appraisal” (date unknown) was merely a wish list, and not implemented.</p>	<p>Opportunities will be taken to address measures via relevant planning applications - the Council will not be able to address all matters themselves.</p> <p>Refer to paragraph 7.5 of the Character Appraisal. An amendment has been made to address the objective for partnership between the Council and local residents/ interest groups.</p>
<p>The Ilex trees need proper management to preserve the avenue and the surface is so disgraced that it is impossible to use after rainfall.</p>	<p>Noted. Comments have been passed to the Council's Parks Team for their consideration.</p>
<p>Listen and work with the local community, residents and local conservation group</p>	<p>Noted.</p>
<p>Protection of Goring/Ferring Gap where possible</p>	<p>Noted. Historic England (statutory consultee) supports the approach taken not to include the Goring- Ferring Gap within the conservation boundary and they support the Council's justification as conservation area designation is rarely appropriate for protecting a wider landscape.</p>
<p>The recommendation to resist development on the surrounding fields could be strengthened to actively encourage continued use for (regenerative) agriculture (or horticulture). This would be in keeping with historical use and could help the borough develop food security, meet</p>	<p>Noted. Historic England (statutory consultee) supports the approach taken not to include the Goring- Ferring Gap within the conservation boundary and they support the Council's justification as conservation area designation is rarely appropriate for protecting a wider landscape.</p>

<p>biodiversity aims, enhance natural ecosystem solutions to flood risk etc.</p>	<p>Noted. The principal purpose of a conservation area is to protect the identified special architectural and historic interest of a place. Any development proposals that will come forward will need to be assessed against policies in the Worthing Local Plan (2023) such as Policy SP2: Climate Change, Policy DM18: Biodiversity and Policy DM20: Flood Risk & Sustainable Drainage.</p>
<p>Proper maintenance of the protected trees within the Ilex way.</p>	<p>Noted. Comments have been passed to the Council's Parks Team for their consideration.</p>
<p>The management of the trees and other bushes in the Ilex Avenue needs to be improved as they become overgrown. The walkway between trees needs management and improvements to reduce the flooding that occurs when it rains. I would support reinstating the stone walkway that has become covered in mud, if this were done using the original or replica red brick materials. Not if done with modern paving</p>	<p>Noted. Comments have been passed to the Council's Parks Team for their consideration.</p> <p>Refer to paragraph 7.5 of the Character Appraisal which notes the need for improved surfacing, subject to meeting the needs of all users.</p>
<p>Improved maintenance</p>	<p>Noted. Comments have been passed to the Council's Parks Team for their consideration.</p> <p>Refer to paragraph 7.5 of the Character Appraisal which notes the need for improved surfacing, subject to meeting the needs of all users.</p>
<p>It is recognised that for tree maintenance occasional vehicular access may be needed but attention should be given to barriers to prevent vehicular access by others and signs improved endorsing this both at the hospital crossing point and other possible access areas.</p>	<p>Comments noted. This falls outside of the scope of the Conservation Area Review consultation. Any highway matters should be directed to West Sussex County Council as Highway Authority.</p>
<p>Proactive maintenance to ensure the Ilex Avenue is retained and enjoyed for generations to come.</p>	<p>Noted. Comments have been passed to the Council's Parks Team for their consideration.</p>

Further Comments

Issues raised and officer response:

Issue	Response
Thank you for taking the time to preserve this beautiful area and historic buildings.	Noted.
I think the appraisal was an excellent piece of work, as was the public meeting to explain it, thank you to all concerned!	Noted.
Overall, the character appraisal seems comprehensive. I would welcome the opportunity to be involved should the council need or require input from local residents	Noted.
<p>I am very pleased to see progress in recognising the need for conservation and preservation of the area. The overall recommendation for a management plan highlights weaknesses in the general care and the low priority this area has received over many years. I hope WBC fully endorse the recommendations.</p> <p>As a local resident, regular user of the Avenue, and having observed a growing number of issues over the last 20 years, I offer some comments, mainly in support of the Ilex Avenue.</p> <ol style="list-style-type: none"> 1. In the Summary of Significance, Goring Hall is stated as the “predominant” reason for the CA designation. I do not fully accept this as the Ilex Avenue was of more historical interest, being “famed” in the UK and at greater risk, and still is. Later in the report the Avenue is described as a key aspect of the area’s character. Both are important and complementary. 	<p>Noted.</p> <p>Noted.</p>

<p>2. When referencing the planned development in 1934 by Heskith Estates it is worth noting that HE supported the Ilex Avenue as a valuable asset for their new “Sunshine Town”. In their sales brochure they describe the Avenue as a “feature of quite unequalled beauty”.</p> <p>3. In the History section the formation of the Ilex Avenue Conservation Group is not mentioned. I believe this is important and was a significant event, initially to stop the partial destruction of the Avenue by WBC in 1983. The founders (e.g. Mr Byron Wynn-Davies) are noteworthy in this comprehensive record.</p> <p>4. In the Heritage Assets section there is no mention of the Ilex Avenue. Neither is the Avenue listed in Appendix 1.</p> <p>5. In the Spatial Analysis it states the: “lack of maintenance has resulted in a worn track with the trees making an enclosed dark space.” The lack of maintenance of the Avenue is mentioned again in the Assessment of Condition, highlighting the lack of pruning which has altered the character, but does not fully describe the magnitude of the problem and risk. Other significant maintenance issues are: Ilex saplings covered by bramble; excessive epicormic growth; low canopy, also altering the character; dead branches. In the Detracting Elements section there is no mention of the Avenue, but if a Yellow Stone wall in Goring Hall can be a distraction, so too can bright yellow access gates and bright red notice boards down the Avenue.</p> <p>This is the crux of my comments; the lack of conservation and preservation of the Ilex Avenue. Whilst there is a strong recommendation in the Management Plan to address this lack of maintenance, I ask that the observations in the relevant sections be expanded and emphasised so that they become key requirements. A root cause of this situation is a lack of budget. Goring Hall is privately owned, but the Avenue is dependent on WBC funding, and without an agreed need, or a well defined and approved standard, there will</p>	<p>Noted.</p> <p>See new paragraph (3.17) of the Character Appraisal which addresses this comment.</p> <p>These are part of the Ilex Way local list entry.</p> <p>Paragraph 6.4 of the Character Appraisal has been amended to reflect this comment.</p> <p>Concerns regarding the maintenance are noted, and have been forwarded to the Council’s Parks Team for their consideration. The Character Appraisal cannot be a tool to allocate funding, but can signpost the requirement for improved maintenance.</p>
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never be a budget. This report is the foundation of the management plan, an authoritative assessment which cannot be ignored. The last published CAA (no date, no name) lists seven Ilex Avenue “enhancement opportunities”, and not one has been fully implemented. Without a robust case for change there is a risk, a big risk, nothing will happen.

NB: “The historic photograph from c.1930 shows the Avenue at this time with a well maintained central track, grass verges and gaps between the trees allowing natural light and views across the agricultural fields to the sea.”

6. Referring to the original context of this report, whilst the CA review did not recommend extending the area to include the Goring/Ferring Gap, I believe WBC should consider including the Plantation. It has a strong historical link, as noted in the report, and contributes to the character of the area. NB: “The Plantation, which was planted as part of the Goring Hall Estate is another distinctive part of the landscape character within the setting of the conservation area”. I believe the public, who use the Plantation for recreation, would support such a proposal. Designating the Plantation a CA would also strengthen the case against any development of the Gap, as originally intended by the Worthing Society.
7. Likewise, I believe there is an argument to extend the CA of the Ilex Avenue to Sea Lane, Ferring. Currently the conservation area stops at the arbitrary Council limit. This is illogical, Conservation Areas should not be determined by political boundaries, only responsibility for their maintenance. Again, extending this area would add more protection to the Ferring Gap.
8. The report mentions the “contiguous” Goring Conservation Area. This has many similarities (e.g. Ilex Trees along Sea Lane, Listed Buildings, Molson Gardens) and lacks a Management Plan. I believe this should be subject to a CAA as soon as possible.

The plantation is included within the landscape buffer (to be renamed to recognise the positive contribution it makes to the setting of the conservation area).

Worthing Borough Council can only act within its defined boundaries and therefore it is not possible for the conservation area to be extended to Ferring as this area falls within the responsibility of Arun District Council.

Noted.

