



WORTHING BOROUGH
COUNCIL

18 February 2020

Worthing Planning Committee	
Date:	26 February 2020
Time:	6.30 pm
Venue:	Gordon Room, Worthing Town Hall

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

NOTE:

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail democratic.services@adur-worthing.gov.uk before noon on Tuesday 25 February 2020.

Agenda

Part A

1. Substitute Members

Any substitute members should declare their substitution.

2. Declarations of Interest

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

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

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

3. Confirmation of Minutes

To approve the minutes of the Planning Committee meetings of the Committee held on Wednesday 22 January 2020, which have been emailed to Members.

4. Items Raised Under Urgency Provisions

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

5. Planning Applications (Pages 1 - 80)

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

6. Public Question Time

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

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

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

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

7. Adoption of the West Sussex County Council Parking Guidance (Pages 81 - 110)

To consider a report by the Director for the Economy, attached as Item 7.

8. Air Quality and Emissions Mitigation Guidance for Sussex 2019 (Pages 111 - 138)

To consider a report by the Director for the Economy, attached as Item 8.

9. Public Engagement with the Planning Process (Pages 139 - 164)

To consider a report by the Monitoring Officer, attached as Item 9.

Part B - Not for publication - Exempt Information Reports

Recording of this meeting

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

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

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

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WORTHING BOROUGH
C O U N C I L

Planning Committee
26 February 2020

Agenda Item 5

Ward: ALL

Key Decision: ~~Yes~~ / No

Report by the Director for Economy

Planning Applications

1

Application Number: **AWDM/1743/19** Recommendation – Approve

Site: **Sussex Clinic, 44-48 Shelley Road, Worthing**

Proposal: **Demolition of existing building and construction of 50 bedroom care home (Class C2) with associated facilities, hard and soft landscaping including new access arrangements from Shelley Road.**

2

Application Number: **AWDM/1865/19** Recommendation – Delegate to the Planning Services Manager to Approve subject to no new issues being raised during the consultation period (expiring on the 27th February)

Site: **The Wheatsheaf, 24 Richmond Road, Worthing**

Proposal: **Demolition of Wheatsheaf Public House and construction of 5no. 1 bedroom flats and 3no. 2 bedroom flats over four floors with associated bin and cycle storage.**

3

Application Number: **AWDM/1607/19** Recommendation – Approve

Site: **89 Warren Road, Worthing**

Proposal: **Demolition of existing dwelling and construction of 3 x 3 bed terrace houses and 2 x 2 bed semi-detached houses with associated landscaping and parking. Blocking up of existing western vehicular access.**

4

Application Number: AWDM/1794/19

Recommendation – Approve

Site: Development Site at Part of First Floor, Guildbourne Centre, Worthing

Proposal: Change of Use of 1st floor premises from Class A1 (Shops/Retail) to mixed Class B1a (Office) / D1 (Non-Residential Institution) / D2 (Assembly and Leisure) use to accommodate a flexible working space, conference centre, church and general community space, run by the Jubilee Community Church charity.

5

Application Number: AWDM/1962/19

Recommendation – Approve

Site: Glaxo Smithkline, Southdownview Way, Worthing

Proposal: Variation of Conditions 23 and 24 attached to planning permission AWDM/0311/14 to extend the temporary use of the sports field and western car park for car parking and construction related activity respectively until 31 December 2020

Application Number: AWDM/1743/19

Recommendation – APPROVE

Site: Sussex Clinic 44 - 48 Shelley Road Worthing West Sussex

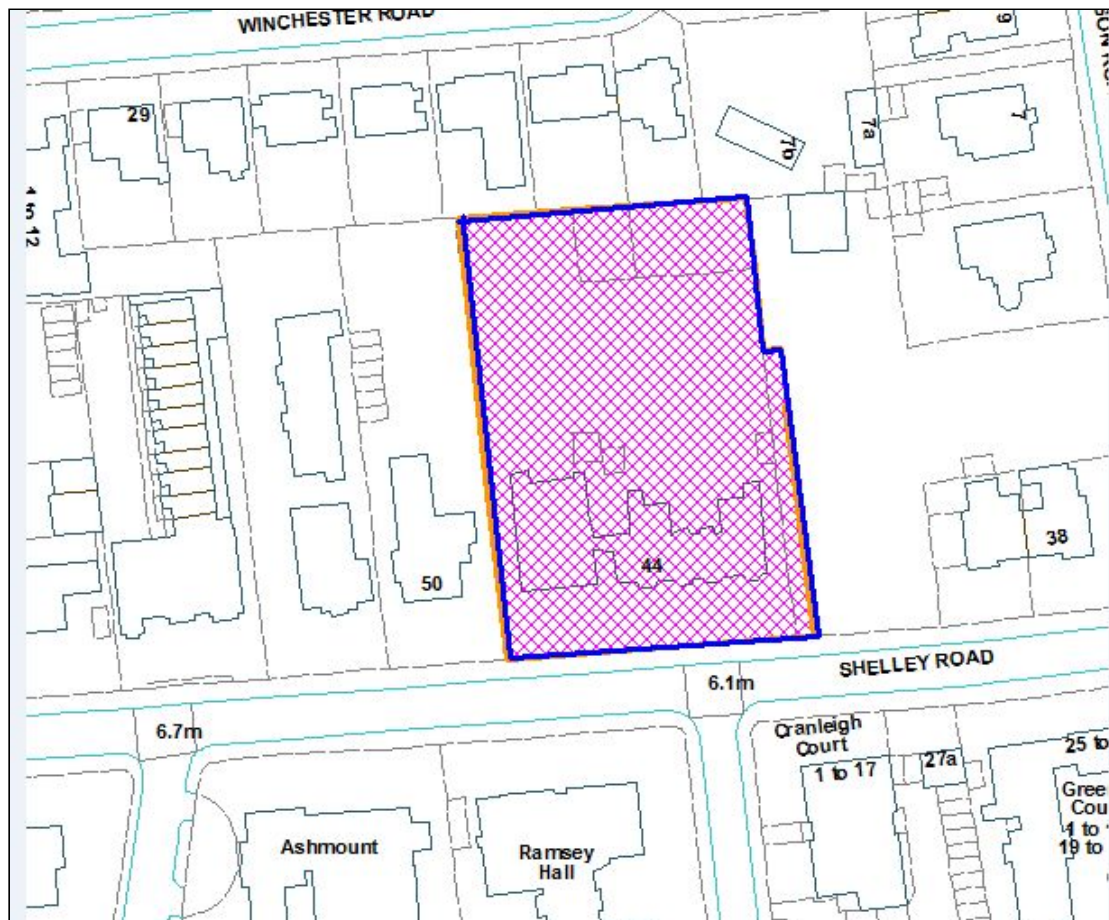
Proposal: Demolition of existing building and construction of 50 bedroom care home (Class C2) with associated facilities, hard and soft landscaping including new access arrangements from Shelley Road.

Applicant: Mrs Sarah Hazell

Ward: Heene

Case Jo Morin

Officer:



Not to Scale

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Site and Surroundings

The application site comprises a roughly rectangular-shaped plot (0.4 hectares in area) measuring approximately 77.5 metres deep and 53.5 metres wide. The site consists of the former Sussex Clinic, a 40-bed residential care home (Class C2), now vacant, consisting of 3 no. linked late Victorian/Edwardian villas fronting the north side of Shelley Road with frontage parking and large soft planted garden enclosed by mature trees. The application site area also includes part of the grounds of Berkeley Lodge, a residential care home adjoining to the east (with the

remainder of Berkeley Lodge outlined in blue on the submitted plan), and an area of land (12.6 metres deep by 9.5 metres wide) 'squaring off' the site to the north, which currently forms part of the rear garden belonging to No.19 Winchester Road.

Of the existing frontage villas, Nos.44 and 46 comprise a pair of 2-storey, stucco villas, each with double-fronted cant bay windows and hipped roofs. No.48 consists of a later brick-built, detached building with a part-hipped roof and double, square-bay windows with part-timbered gable features. The front elevation of No.48 has been painted white to match No.s 44 and 46. The buildings have been extended incrementally at the rear and are attached by a 2-storey, recessed link.

The use of No.46 as a nursing home appears to pre-date modern planning legislation. Planning permission was subsequently granted for the use of No.44 as a nursing home in conjunction with No.46 in early 1961; with permission granted for the use of No.48 as a nursing home in conjunction with 44-46 later that year. Planning permission was granted in 1972 for an operating theatre, and an 'operating theatre complex' was subsequently permitted in 1977. Planning records indicate the property was in use as a private clinic or hospital throughout the 1980s and at least until the mid-1990s. Prior to its closure, it is understood Sussex Clinic had 40 rooms and provided long and short-term care for people aged over 18 with medical and/or physical needs. An ancillary out-patient consultation service (with consulting rooms available for visiting consultants) formerly ran from the premises, but it is understood to have no longer been in operation for a number of years preceding the closure of Sussex Clinic.

The area at the front of the buildings is laid with a tarmac hard-surface providing approximately 14 car parking spaces for staff and visitors with 2 accesses providing an in/out arrangement onto Shelley Road. The frontage is enclosed by a painted masonry wall with trees interspersed behind it. Two of the trees on the site frontage (both Horse Chestnut) are subject to a Tree Preservation Order (No. 2 of 1995). A mature eucalyptus tree in the rear garden adjacent to the west side boundary, and a hawthorn in the rear garden adjacent to the east side boundary are subject to the same TPO.

The surrounding area was originally made up of similar late Victorian/early Edwardian period buildings occupying generous plots, although several have been redeveloped, including Berkeley Lodge to the east, which was redeveloped approximately 10 years ago to provide a new 65-bedroom residential care home. To the west, No.50 comprises a detached, brick-built Edwardian building with square-bay windows and part timbered gable features, which has been extended northwards and converted into 6 self-contained flats. A private access drive runs adjacent to the east side of No.50 leading to a block of six concrete garages located in the rear garden area.

The rear gardens of properties in Winchester Road adjoin to the north. Winchester Road is made up of Victorian dwellings of a more domestic scale and occupying smaller plots than those in Shelley Road. They typically retain more of their original character and are included within the Winchester Road Conservation Area.

Residential care and nursing homes (and similar uses) have typically made use of the large-scale villas and 'grand' detached houses which traditionally characterised this area. However, over the years, many of the original buildings have been

substantially altered and adapted in order to meet modern-day functional requirements, whilst others have been demolished altogether and replaced with modern low rise developments. Most recently this includes Cambridge Lodge (c.2014), a sheltered housing scheme on the opposite side of Shelley Road at its junction with Southey Road.

Proposal

The application is made by South Coast Nursing Homes Ltd, the operator of a number of care homes in the town including the neighbouring Berkeley Lodge, at No.42 Shelley Road and Nos.1-3 Tennyson Road.

Permission is sought to demolish all of the existing buildings and erect a new 50-bed residential care home. The building would have a T-shaped footprint consisting of 3 main building components comprising (i) a pair of 'replica' Victorian villas fronting Shelley Road each with 2 floors of accommodation plus rooms in the roof, (ii) a contemporary, part two, part 3-storey glazed link between the 2no. villas incorporating the main entrance, and (iii) a 2-storey, 'wing' extending northward from the rear, having a dual-ridged, shallow-pitched roof and external, covered balconies/terraces on the east and west sides at ground and first-floor (serving the residential rooms).

The proposed frontage buildings and the northern 'wing' would be attached to Berkeley Lodge by a single-storey, glazed corridor at the front and a part single, part 2-storey linking structure extending east from the rear 'wing'.

In addition to the residential rooms (all en-suite), the proposed accommodation includes a new kitchen (50sqm), residents café (99sqm), entertainment area (80sqm), salon (12sqm), library/lounge (41sqm) and lounge/dining area (79sqm) along with staff rooms, offices, nurses stations, stores etc. on the ground-floor, plus a further library (35sqm) and lounge/dining room (41sqm) on the first-floor plus nurses stations/sluice room and stores. There would be 8no. residential rooms at second-floor within the roofs of the replica villas plus a nurses station/sluice room and stores. All floors would be accessible by stairs and lift with one lift located in the frontage 'villas' and another in the rear 'wing'.

The surrounding grounds would be landscaped with soft planting, retaining existing trees where possible but also providing replacement and additional tree planting to create communal gardens made up of differing elements including a water feature, petanque court, and various other sitting out areas linked by a circuitous network of paths. A detached conservatory/orangery building is proposed in the north-west part of the garden adjacent to the rear site boundary with 19 and 21 Winchester Road.

Provision is shown for 17 car parking spaces on the site frontage served by 3no. access points from Shelley Road (involving re-siting of the existing westernmost access plus 1 no. new access).

The application is accompanied by Design & Access Statements, a Transport Statement (by Reeves Transport Planning), an Air Quality Assessment (by Syntegra Consulting), a Preliminary Bat Roost Assessment by Lizard Design and Ecology and a Drainage Strategy by Stephen Wilson Partnership Ltd.

Relevant Planning History

Planning permission was granted in 2017 (AWDM/0146/17) for the demolition of the existing care home and redevelopment to provide a new 62-bedroom residential care home (Class C2) on three levels including basement with inner courtyard area, landscaping to rear and associated parking area on frontage with Shelley Road. The permission remains extant.

Prior to that permission was granted in 2010 (WB/10/0374/FULL) for demolition of existing care home and redevelopment to provide a new medical and care facility (including long stay and short stay residential care) with associated parking and landscaping. That permission lapsed without implementation in 2015.

Consultations

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

“The site is accessed from Shelley Road, which is a ‘D’ class road subject to a 30 mph speed limit in this location. The site has a previous permission (AWDM/146/17) for the demolition of existing 40 bedroom care home and redevelopment of site with new 62-bedroom residential care home (class C2). The scheme was approved in November 2017. WSCC in its role as Local Highway Authority (LHA) raised no objections to the proposals.

The proposal seeks to redevelop the existing Sussex Clinic Care Home to provide an extension to Berkeley Lodge Care Home with a 50 bedroom care home. As previously proposed the application will have a parking and loading area that is accessed via Shelley Road.

A Transport Statement (TS) has been provided; the TS includes a Trip Rate Information Computer System (TRICS) assessment on the potential increase in traffic movements.

Access and visibility

There are some changes to the 2017 application from an access perspective. The latest application will have one new ‘central’ access point and this may result in a loss of one existing on-street parking space. Pedestrian access to the care home will be provided from both Shelley Road for the extension and Tennyson Road for the existing Berkeley Lodge. Visibility from the point of access is considered acceptable; there is a proportion of on street parking taking place along Shelley Road. Manual for Streets (MfS) allows flexibility for on-street parking in the visibility splay; the LHA would not have any concerns with visibility from the point of access. In line with MfS parameters a splay of 2.4 by 43 metres can be achieved from the access onto Shelley Road. We have checked the most recently available accident data and this would indicate that there have been no recorded accidents within the vicinity of each access. The off-site modifications for the proposed access can be delivered via a crossover licence with the LHA.

Capacity

The TS provided in support of this application does estimate potential vehicular trip generation arising from this proposal. The application at this site will provide up to 50 new patient rooms. Given that the existing and proposed site use is comparable, the TS's trip generation assessment is based on an additional 10 bedrooms. This assessment demonstrates that the proposed care home expansion will generate approximately 2 vehicle movements in the weekday AM Peak and a further 2 during the weekday PM Peak. Over a typical day the data suggests that the proposal will generate an additional 20 vehicle movements. The LHA acknowledges that the TRICS outputs are based upon sites comparable in terms of planning use class and location to that proposed, in accordance with TRICS Best Practice Guidance. As such the trip rate generated provides a realistic indication of likely trip generation from the development.

In the previous application no capacity concerns were raised by the LHA. It is recognized that this proposal would give rise to a more intensive use of the access onto Shelley Road. However, this proposal is not anticipated to result in a severe cumulative impact on the operation of the local network in accordance with paragraph 109 of the National Planning Policy Framework.

Parking, Layout and Accessibility

The proposed site layout indicates that a total of 17 vehicular parking spaces can be provided on-site with further parking available for visitors on-street along Shelley Road. It is not clear if the 2 spaces included within Shelley Road are in fact included within the permit holder tickets. A staff travel survey was undertaken at Sussex Clinic during September 2019 and the full results are attached at Appendix 6 of the TS. Based on the survey the LHA are satisfied that a Staff Travel Plan can be provided to mitigate against further development. A disabled space and an ambulance space have been provided. Turning has been demonstrated for cars and ambulances. Refuse collection will take place from Shelley Road, this is an existing arrangement. The site is well served at present with an existing footway network which includes street lighting and a cycleway directly to the south of the site.

Construction

A Construction Management Plan will be submitted as part of a TS; this should take into account the local context of the roads and provide any mitigations in place for delivery vehicles and contractor parking.

Conclusion

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

In the event that planning consent is granted, conditions are recommended including details (to be approved) of a Construction Management Plan, Travel Plan Statement and provision of visibility splays of 2.4 metres by 43 metres at the site access.

In its role as Lead Local Flood Authority, WSCC has commented as follows in relation to surface water drainage and flood risk for the development:-

"Flood Risk Summary

Current surface water flood risk based on 30year and 100year events: Moderate risk

Comments:

Current surface water mapping shows that the majority of proposed site is at low risk from surface water flooding although there are areas within the site shown to be at a higher risk. This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events. Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.

NPPF paragraph 163 states: 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.'

Modelled groundwater flood hazard classification: Moderate risk

Comments:

The area of the proposed development is shown to be at moderate risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

Ground water contamination and Source Protection Zones: The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Any Ordinary Watercourses nearby: No

Comments:

Current Ordnance Survey mapping shows no ordinary watercourse within close proximity of the site. Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans. Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Any records of any historic flooding within the site: No

Comments:

We do not have any records of historic flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

Future development - Sustainable Drainage Systems (SuDS)

No FRA/ Drainage Strategy has been included with this application. Section 11 of the application form, which asks how the site's surface water will be disposed of, states that 'soakaway' would be used.

Further information, with regards to how the site is currently drained and how it will be post-development, should be provided. Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter."

Southern Water Services:

The Council's Building Control Officers or Technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the development. The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide protection from the risk of flooding. In the event of approval a condition is recommended as follows: *"Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."*

The Applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

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

It is required that an informative is attached to any consent advising the applicant that a formal application for connection to the public sewerage system is required to service the development.

Conservation Area Advisory Committee: No objection.

Adur and Worthing Councils:

The **Council's Senior Engineer** initially raised an objection to the application commenting:-

"Flood Risk

The application is within Flood Zone 1, but is shown as being at risk from surface water flooding. The proposed development could result in displacement of water and an increase in flood risk elsewhere. To ensure this does not happen I would recommend that a levels survey is requested at this stage, along with a detailed plan of proposed levels. This should evidence that no ground-raising is proposed.

Surface Water Drainage

The application form indicates that soakaways are proposed for the disposal of surface water drainage. The proposed site layout is dense with limited space for soakaways. Soakaways must be located 5 metres away from the proposed building and should be located a minimum of 2.5 metres from property boundaries. I therefore object to the proposals at this time as no proof has been submitted

evidencing that there is sufficient space for surface water drainage. To overcome my objection the following information is required:-

- 1. A drainage strategy needs to be submitted outlining the potential size of infiltration features;*
- 2. The drainage strategy should identify that detailed design will need to be completed after the completion of winter groundwater monitoring and winter infiltration testing in accordance with BRE DG365;*
- 3. The drainage strategy must state that the hierarchy for sustainable drainage will be followed;*
- 4. Worst case design must be included within the drainage strategy that evidences there is sufficient space within the proposed layout to accommodate attenuation storage should infiltration be found to be unviable. Attenuation calculations should be based on a discharge rate of greenfield QBar or 2l/s, whichever is the greater.*

If this information is provided I will be happy to remove by objection and leave detailed surface water drainage design to be subject to pre-commencement conditions.”

The Senior Engineer has since removed her objection following the submission of a Drainage Strategy and Drainage Systems Maintenance Report, commenting further:-

“A surface water drainage strategy has been submitted that outlines two options for surface water drainage. The first is a permeable paving infiltration system, the second is an attenuation solution with controlled discharge to surface water sewer. The strategy demonstrates that there is sufficient space for surface water drainage via both options 1 and 2. It should be noted that should it be found that infiltration is not viable and that option 2 is pursued it must be demonstrated that adequate treatment of surface water occurs prior to discharge.

I therefore remove my objection to the proposed development. Should you be minded to approve this application please apply the following conditions to ensure that the development is adequately drained and does not increase flood risk now or in the future:-

- 1. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.*

- 2. Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local*

Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

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

The **Planning Policy Manager** has commented:-

"The existing site is already in Class C2 use so there is no policy objection to the principle of a residential institution. It is understood that the existing facility has ceased trading and that it was somewhat outdated. Therefore, a new nursing home at this centrally located site would replace a currently vacant building and help to meet an accepted need in Worthing. The emerging Strategic Housing Market Assessment (SHMA) concludes that:-

- On the basis of the dwelling-led projections, both Adur and Worthing are projected to see a notable increase in the older person population,*
- It is likely that the age profile will impact upon the numbers of people with a Long Term Health Problems and Disability (LTHPD), as older people tend to be more likely to have a LTHPD.*
- Given the ageing population and higher levels of disability and health problems amongst older people there is likely to be an increased requirement for specialist housing options moving forward."*

The **Environmental Health Officer (Environmental Protection)** has no objection in principle and recommends a condition to agree details of a Demolition and Construction Management Plan to cover such things as working hours, noise, dust, deliveries and waste removal and neighbor liaison, to mitigate any adverse impact that may arise during the demolition and construction phase. The Air Quality Management Report suggests dust mitigation measures that should be included in the Demolition and Construction Management Plan.

The **Council's Tree and Landscape Officer** has commented that most of the proposals concerning the trees are acceptable and with specific reference to the trees subject to TPO No.2 of 1995:-

"The Horse Chestnut trees at the front of the proposed development (two protected T1 & T2) appear to be healthy and their root systems are being contained by the existing wall. However I agree that the future of the trees is not sustainable as damage has already occurred to the boundary wall with few practical solutions for reinstating, due to the extent of the roots and main trunks, and the direct proximity of all of the trees to the wall.

The Eucalyptus tree (T4) could be retained however due to the condition and previous works to the tree a suitable replacement would be preferable.

Although the Hawthorn (T3) is not highly visible from the street this tree is a reasonable size and provides screening between properties. The plan is to fell and replace the tree as part of the new landscaping. As the tree is low in visibility and provides only limited amenity I do not see any great benefit in its retention.”

Representations

38 objections have been received from the occupiers of 19A Winchester Road, Flat 1, 19 Winchester Road; Flat 5, 50 Shelley Road and residents of Anscombe Road, Bath Road, Becket Road, Beechwood Avenue, Belsize Road, Boundary Road, Byron Road, Chandos Road, Cobden Road, Downlands Avenue, Elm Grove, The Glen, Forest Road, Haynes Road, Honeysuckle Lane, Mendip Crescent, New Parade, Northcourt Road, Princess Avenue, Queen Street, Richmond Road, Rowlands Road, Salvington Hill, Selden Road, Valencia Road, West Avenue, Wyke Avenue, and further afield including Steyning, Angmering and Horsted Keynes, raising the following concerns (which have been summarised):

- Concerned about the close proximity of the gardens rooms to my property which is currently private and screened by the large Leylandii trees which are to be removed; also concerned about loss of privacy as a result of the balcony structures;
- Will the opening in the flint boundary wall which currently provides access between the gardens be built up to match the existing;
- It is quite disgraceful to cut down so many trees in these days of environmental awareness; the design should work around the existing trees so that the absolute minimum are removed;
- Trees and landscaping; there is a lot of wildlife in the area which will be affected including birds, hedgehogs and foxes; the loss of existing habitat would be too great a change for the urban wildlife to cope with, birds cannot roost in saplings and hedgehogs cannot access wildflower roof gardens. We cannot allow any further decline in the small bird/hedgehog populations which are at dangerously low levels;
- The design should include sparrow galleries and correctly sized nesting boxes for starlings;
- I object to this application which involves the felling of 47 trees including 2 protected ones. We are in a climate emergency as the Council has accepted and this means we must reduce our carbon footprint and plant more trees to absorb carbon as well as keeping all the mature trees we have. Any development must be carbon neutral or carbon positive. It is vital that we keep all the trees we have in this country and plant hundreds of millions more. We have to start taking action now;
- The removal of 47 mature trees plus hedgerow and shrubbery to be replaced by 51 new trees does not take account of the loss of habitat for years to come until the trees reach maturity;
- These trees are vital for flood prevention, improving air quality, wildlife habitat and sequestering carbon;
- Urban trees are invaluable for providing shade, the streets of Worthing have very little shade as temperatures soar in our ever hotter Summers; there can

- be no justification for cutting down trees to provide flower beds that will need watering;
- The design for the garden appears to involve a gratuitous rearrangement and removal of established planting to replace with new planting in much narrower strips with ornamental beds and not practical replacements that will grow;
 - There is no environmental impact statement – the Lizard landscape plan designates trees as moderate or low quality and value – but the criteria for such designations are not given. With a focus on neatness and outmoded ideas of ‘well-maintained’ it is clear the ecological value of the site has not been considered; there are no Category A trees identified, not even the TPO trees; the reliance on precedence is not appropriate; a way to minimize the impact of tree removal needs to be found, slowly taking away only what is necessary and appropriately replace it before it is taken away, by phased construction and delaying phased tree removal and advance tree planting of appropriate species such as chestnut and oak to permit growth of new trees to a significant stage before removal of existing trees.
 - Chestnut trees are among declining tree species in the UK and it is unacceptable they are proposed to be removed – it is unacceptable that this application does not propose measures that would allow for the retention of this group of healthy trees rather than replace them with sycamores;
 - It is an acknowledged fact that trees are good for the health and well-being of humans as well as from a carbon sink-point point of view;
 - The Council has allowed the felling of trees in the town where other boroughs would not allow it. We need to adopt a different attitude instead of considering trees a nuisance and greater priority given to keeping them, not fussing about fallen leaves and honeydew. We need these trees for the benefit of everyone;
 - Removing trees would worsen existing surface water drainage issues as trees help remove water through their leaves; tree/hedgerow removal and replacement with a sterile ornamental garden will create issues with surface-water run-off and flooding where presently none exists;
 - Reference to the existing trees not having a significant life expectancy does not take account of the urgently needed air filtering of mature trees quite apart from the obvious amenity benefits of mature trees. The reference to damage to pavements is laughable as so many are damaged.
 - Planting of new trees is not good enough as it takes a long time to recreate the habitats that will be destroyed and some species won’t last that long. We, the Council, and Developers have to get used to doing things differently and this is an opportunity to lead the way.
 - We must not allow residents to come second to business or the quality of life in the town will deteriorate further than it has already due to the careless attitude to natural greenery, intensification of parking etc.
 - Gratuitous and wanton vandalism is how I would describe this application; we are trying to teach our children the importance and critical value that trees play to the survival of the human species and to allow this proposal would be the height of folly and negligence; the destroying of natural resources is tantamount to willful criminal damage;
 - How can Environmental Health Private Sector Housing have no comment, the whole purpose and modus operandi of that department needs to change to reflect the current environmental crisis of climate change;

- The Committee is asked to hold this application up to a new light of what is appropriate for the future, to bear in mind the gaping deficiencies of current planning standards and requirements until they can be brought up to speed with the need for immediate and sustained emergency actions, rather than being considered in relation to outdated precedents; we need to provide for the elderly but not at the expense of the younger population and environmental catastrophe;
- Before and after pictures of the pavements should be taken by the Council to evidence any damage caused by heavy construction vehicles and avoid council tax payers being billed for damage.
- The application should be amended to retain the Aesculus and camea trees along the street frontage and accommodate them within permeable paving and proper tree grates; provide a fully documented assessment of the existing vegetation and take into account its wider value, rather than an obsession with neatness; provide a list of new tree planting, including larger specimens, native to Sussex woodland and ecosystems; retain more of the existing trees; include 'wilder' less managed garden areas, a woodland area and natural ungraded levels; phased construction with delayed removal of mature trees and advance planting of new young trees to permit establishment of canopy and habitat; provide an appropriate long-term management plan for all trees, hedgerows and shrubbery to maintain canopies without lopping but rather crown-lifting where necessary;
- The borough has declared a climate emergency and is also facing a health crisis according to Public Health England with 5% of deaths locally being attributable to air pollution whilst the British Lung Foundation has found 'unsafe air quality' in Central Worthing; mature trees help to mitigate climate change and air pollution – removing mature trees should not be considered acceptable;
- Although plans for replanting might look impressive there is insufficient detail to understand whether it would provide anything like a like-for-like re-planting scheme, sounds good on paper but a probable fiction that does not bear closer scrutiny; the open space available for re-planting will be considerably less than before meaning long-term canopy size will be constrained;
- This proposal runs counter to the SustainableAW environmental programme and the July 2019 declaration of a climate emergency by Adur and Worthing Councils – these initiatives call for residents and partners to join the council in ambitious and achievable local action. Resisting and objecting to this development is surely what that declaration had in mind;
- I am concerned about the sheer scale of the building, at present the adjoining neighbours enjoy a peaceful oasis, this peace and privacy is at serious risk, a domestic extension on this scale would never be accepted;
- The balconies will completely overlook our property where at present the only view is of trees; this development will have a serious impact through added noise, disturbance, loss of light and privacy, a single- storey alternative would be more reasonable;
- The developers and architects need to re-think this, it's quite simple, trees are both physically and mentally beneficial to people;
- I will not accept to lose my privacy and see the landscape modified and will do whatever in my legal power to this this from taking place;
- I am concerned about working hours, noise and disturbance during construction and loss of privacy.

- Worthing has too many care homes for old people, jobless youths, alcoholics and ex-offenders. We don't need any more care homes. We want affordable, decent-sized family homes with actual gardens. Stop flooding this area with problematic single people, I am fed up with people being dumped here, getting crowded, while better-off areas are nice and clean and roomy.

8 further representations from local residents have been forwarded from Cllr Paul High objecting to the proposals on the following grounds:-

- Cutting down of 47 mature trees is unacceptable; the Council has accepted we are in a climate emergency and must reduce our carbon footprint by keeping the trees we have and planting more;
- The application proposals are contradictory when we are trying to teach our children to plant more trees to counter the effects of climate change; any development must be carbon neutral or positive;
- The existing trees are vital for flood prevention, improving air quality, wildlife habitat and sequestering carbon;
- What is the point of a preservation order if these trees can be cut down; this could only happen in UK;
- There should be a full environmental assessment for this application; is it really necessary to lose 47 full grown trees, could more be done to save them?
- If it is essential to demolish the existing buildings rather than refurbish them will sustainable energy solutions be incorporated into the new build?

A letter has been received from the Worthing Society commenting that they see no reason to object to the application. The building is not in a Conservation Area, is not Listed or on the local list. However, the building is a large complex and we understand that there may be an issue of a degree of overlooking from some balconies. We think it sufficient simply to suggest an 'advisory note' that where practical every effort should be made to reduce any overlooking by retaining or adding to the trees on the site in order to protect the privacy of nearby residents .

Relevant Planning Policies and Legislation

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

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

Saved Worthing Local Plan (WBC 2003): Policies H18, TR9, RES7

Worthing Core Strategy (WBC 2011): Policies 7, 8, 12, 15, 16, 17, 19

Worthing Housing Study (GL Hearn, 2015)

National Planning Policy Framework (HCLG 2019)

National Planning Practice Guidance

West Sussex County Council 'Guidance on Parking at New Developments' (WSCC 2019)

Planning Assessment

The policy context consists of the NPPF and the local development plan which comprises of the saved policies of the Worthing Local Plan, and the Worthing Core Strategy (2011). National planning policy contained in the revised NPPF post-dates the adoption of the Core Strategy. Paragraph 11 identifies at the heart of the NPPF a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

Paragraph 73 of the revised NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum 5 years' worth of housing against their housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old. The housing requirement set out in policy 7 of the Core Strategy is more than 5 years old. An assessment of local housing need has been undertaken as part of the new Worthing Local Plan, but the latter is still at a very early stage and has no formal status in the determination of planning applications.

The main issues for consideration are:-

- i) The principle of redeveloping the existing buildings to provide a replacement residential care home;
- ii) The scale, design and appearance of the building and the effect on the character and appearance of the area;
- iii) The impact on trees and ecology;
- iv) The impact on the residential amenity of neighbouring occupiers;
- v) Access and parking considerations;
- vi) Other issues.

The Principle of Proposed Redevelopment

The surrounding area comprises an attractive late Victorian/Edwardian residential suburb adjacent to the western edge of Worthing town centre. Whilst originally built as single dwelling houses the more generous scale and proportions of these older buildings has meant that over the years many have been sub-divided into smaller units and converted into other residential institutions. Increasingly the original buildings are coming forward for redevelopment, most recently this includes the redevelopment of 42 Shelley Road and 1-3 Tennyson Road to provide Berkeley Lodge (c.2010), the redevelopment of Linden Lodge Care Home, 2 Tennyson Road to provide Sonnet Court (4-storey block of 14 flats), and redevelopment of Ashmount Care Home, 10 Southey Road to provide Cambridge Lodge (comprising 29 no. sheltered apartments).

The existing buildings on the application site have lost much of their original character through incremental minor extensions and alterations over a period of many years, including replacement uPVC windows throughout, the addition of

external stairs (No.48), and 'painted-over' historical detailing as well as the 2-storey link extension between 44/46 and 48, all of which, in seeking to amalgamate the original buildings as a single facility, have weakened their original character resulting in a somewhat incoherent range.

Whilst it is noted that some nearby character buildings have been more sympathetically altered and/or converted and retain more of their original character (such as No.38/40 and No.56 Shelley Road); it is evident the traditional character of Shelley Road has been diluted and weakened over many years. None of the existing buildings on the application site has any formal status in so much that they are not Listed or located within a Conservation Area, nor are they identified as a Local Interest Buildings.

Policy CS8 seeks to deliver a wide choice of high quality homes to address the needs of the community. The supporting text (paragraph 7.13) makes clear that it is important that accessible and adaptable accommodation is provided for everyone including older people, and people with a temporary or permanent physical impairment. The Worthing Housing Study (2015) identified that the number of people living in registered care (i.e. nursing and residential care homes) was expected to increase by 859 people (43 net per annum) between 2013 and 2033. The Planning Policy Manager advises that the emerging Strategic Housing Market Assessment (SHMA) undertaken since then in support of the new Worthing Local Plan reaffirms there is likely to be an increased requirement for specialist housing options moving forward, taking account of the ageing population and higher levels of disability and health problems amongst older people.

As such, there is no in-principle objection to the redevelopment of the existing redundant buildings to provide a modern residential care home facility.

The scale, design and appearance of the building and the effect on the character and appearance of the area

The proposed building has an overall width of 43 metres and an overall depth of 51 metres, The architectural composition is of a pair of 'replica' villas on the street frontage with a subservient modern link between and an attached, centrally positioned 2-storey 'wing' projecting rearward (north) deep into the site. The replica villas are similar in scale, form and detailed design to those of Berkeley Lodge, 42 Shelley Road (c.2010), adjoining to the east. Each double-fronted villa consists of 2 floors of accommodation with rooms in a part pitched, part flat roof the roof served by pitched-roof dormers. The rendered villas are articulated by traditional features including canted bays, traditional vertically proportioned windows with expressed, profiled frames and cills, profiled string courses and bracketed eaves, with slate roofs and replica chimneys. The replica villas would be set back marginally deeper on the site frontage than the existing buildings, a minimum 12.5 metres from the back edge of the pavement, and roughly aligning with the front of 50 Shelley Road to the west, and slightly back (north) from the front of Berkeley Lodge, reflecting the gradual stagger in the existing building line to the east. The frontage buildings are attached to Berkeley Lodge by a 6 metre wide, single-storey glazed link.

The central element is intended to be a subtle, modern building component, stepped back from the front of the replica villas in order to achieve a visually subservient link over 3 floors. This element incorporates the main entrance and has

been designed to include a generous lobby to create a sense of arrival. As initially proposed it consisted of a part flat, part pitched-roof structure with a 2-storey, rendered, parapet flat-roofed element at the front and with the second-floor stepped further back, consisting of frameless glazing to the façade within a zinc-framed roof, linking into the pitched-roof of the replica villas.

The rear-projecting component has a span of 23 metres and is of a modern design with dual, ridged and shallow-pitched roofs linked together centrally and to the main frontage buildings by a narrow 2-storey, flat-roof link. The east and west elevations are articulated by a series of regular bays corresponding with the internal layout of resident rooms, with each bay framed by a timber balcony system recessed within the overhanging roof structure to provide the individual rooms with sheltered balconies. The east part is linked to Berkeley Lodge roughly midway along its length by a part two, part single-storey element attaching to an existing 2-storey projection forming part of Berkeley Lodge.

The scale, form and massing of the proposed replica villas largely follows the substance of pre-application discussions with the applicant and in closely harmonising with the design and appearance of the frontage building of Berkeley Lodge, it is considered would successfully assimilate with the primarily traditional character of its context. However, it was considered the rendered treatment of the central link and zinc-framed roof resulted in a heavy appearance that did not successfully achieve the subservient visual relationship intended. Following discussions with the Council's Design Architect, the treatment of this element has been revised to achieve a more refined appearance, with the entire façade now consisting of seamless glazing with the roofs at first and second-floor detailed to create a more slender, light-weight edge. It is considered the amendments successfully achieve the understated subtlety intended for this visually subservient link between the replica villas.

Notwithstanding its relatively large footprint, there will only be limited glimpsed views from the street of the 2-storey, rear-projecting wing, through the gap between the proposed western replica villa and 50 Shelley Road to the west, and above the single-storey glazed-link between the eastern replica villa and Berkeley Lodge to the east.

The detached 2-storey buildings in Winchester Road which bound the site are more compactly spaced and would allow for very limited public views, if any, of the proposed shallow pitched-roof 2-storey rear component. It would not have any harmful effect on the setting of the Winchester Road Conservation Area.

The impact on existing trees

There is a line of seven chestnut trees along the front boundary of which 2 no. are subject to the TPO. As originally submitted, all were shown as being removed with the applicant's arboriculturalist advising that they have been planted in a very unsympathetic environment within the tarmac car park and owing to their close proximity, the trees are having an adverse impact on the existing front boundary wall. As originally submitted it was proposed to replace them with 7 no. new trees of a different species better able to thrive in such a constrained environment (in conjunction with re-surfacing the frontage using permeable paving).

It is worth pointing out that the redevelopment scheme approved under AWDM/0146/17 also proposed the removal of these trees on the site frontage (including the 2 no. TPO specimens) with the Council's Tree and Landscape Officer agreeing that the longevity of these trees is limited owing to their proximity to the existing boundary wall.

In addition, the proposals involve extensive remodelling and re-landscaping of the existing rear garden area to integrate with the proposed accommodation and create variety and interest within the garden areas to cater for the needs of the future residents, including provision of a centrally positioned secure dementia garden. Overall the landscape proposals as originally submitted involved the loss of 47 no. existing trees, but propose planting 51 new trees to mitigate the loss. A supporting statement submitted in response to the considerable number of objections received from local residents concerned about the tree loss, states:-

“Unlike the current trees on the site there will be a far greater range of native, ornamental, large and small trees to contribute substantially to the visual amenity, perception of verdance and softening of the proposed building whilst ensuring a sense of airiness within the gardens. It is appreciated that it will take some time before the new trees reach the same height and volume of the existing specimens. Whilst we could plant more substantial mature specimens, this often proves to be a ‘false start’ since the more mature nursery stock is more sensitive to transplantation and establishes more slowly than younger and more vigorous trees. The latter often outpace the more mature stock.

Our approach has been to develop a proposal that creates a better variety of trees that leave a legacy for the future use of the building. Whilst there is an upfront loss of trees, the proposals will create a better environment in the medium to long term.”

The majority of the tree loss in the rear garden is necessary to physically accommodate the proposed new building. However, it should be pointed out that this is not dissimilar to the earlier approved redevelopment scheme (AWDM/0146/17) that involved the loss of 41 no. existing trees. The application is accompanied by a Tree Retention and Protection Plan which categorises each of the trees on the site in accordance with the standard criteria for assessing tree quality set out in BS5837:2012 'Trees in relation to design, demolition and construction'. The vast majority of trees on the site are identified as 'category C' trees, that is, trees of low quality with an estimated remaining life expectancy of a least 10 years (or young trees with a stem diameter of below 150mm). Two 'category B' trees (trees of moderate quality with an estimated remaining life expectancy of 20 years) in the centre of the garden would be removed to accommodate the building (also shown to be removed as part of the earlier approved scheme). There are 3 no. 'category U' trees in the rear garden (trees unsuitable for retention or in such a condition they cannot realistically be retained in the current context for longer than 10 years). This includes the mature Eucalytus tree adjacent to the western side boundary, which is the subject of the TPO.

Following a site visit, the Council's Tree and Landscape Officer does not disagree with the assessment of the existing trees on the site. They have not been well maintained in recent years and the garden is dominated by a row of tall Leylandii trees in the north-west part of the site which have an oppressive effect on the amenity value of the garden, making it a dark and not particularly attractive space at

present.

Nevertheless, in response to the strength of objection on this one issue, the applicant has sought to re-evaluate the scope to retain those existing trees on the site which are compatible with the development proposals. This includes the above-mentioned TPO Eucalyptus tree (T.4). The Council's Tree and Landscape Officer remains of the opinion that in view of its poor shape and condition there would benefit in securing a replacement as part of the development proposals (as in AWDM/0146/17). Although largely screened in views from the street the existing tree nevertheless contributes to the verdant setting of the existing buildings. Whilst a case could clearly be made for the removal of this Category U tree, it is considered there would be some merit in retaining it, not least for its value in 'softening' and filtering views of the proposed new buildings from the adjoining buildings to the west, at least until such time as the wider replacement tree planting on the site has had an opportunity to develop.

It is also now proposed to retain 5 no. of the existing trees on the Shelley Road frontage, plus replacing the 2 that would be lost with higher quality specimens within a deeper planting bed adjacent to a replacement front wall. The latter will be provided with lintels where needed to 'bridge' the roots of the trees and allow them to grow. In addition, the proposed parking layout has been revised to include 2 new planting beds, with box hedging introduced between the parking bays and scope to plant 2 no. additional trees. Breaking up the existing large expanse of tarmac on the site frontage will result in a positive enhancement to the setting of the proposed buildings within the street scene.

It is also now proposed 2 additional trees within the small linear group along the eastern boundary (with Berkeley Lodge).

It is considered the applicant has made an appropriate response to the concerns raised by third parties, which enables more existing trees on the site to be retained. Whilst it is accepted that the existing trees have a greater environmental value than their aesthetics, and provide an important habitat for small mammals and birds, it should also be borne in mind that it is envisaged the rear garden, in particular, will have an important role in providing an amenity space for future residents, using different planting schemes, surfacing treatments, water features and accessible routes to create different areas interest and diversity that will encourage and maximise use of the communal gardens. It is considered the amended proposals will strike a reasonable balance between retaining those trees which can be kept, providing suitable mitigation for those lost in the form of a re-planting scheme, and provide a well-thought-out, varied and usable amenity area for the future care home residents to enjoy. To this end, details of a comprehensive, high quality hard and soft landscaping scheme can be secured as a condition of planning permission.

The application is accompanied by a Preliminary Bat Report Assessment by Lizard Landscape Design and Ecology. Following inspection carried out in October 2019, no evidence of bat roost features were found and the buildings considered to have 'negligible' suitability for roosting bat species. The landscape surrounding the building was considered to be 'poor' both in terms of bat foraging potential and habitat cover. The Report concludes that given the low existing biodiversity within the site, any ecological enhancements provided would result in the proposed scheme having a positive increase on biodiversity in the long term.

Recommendations for ecological enhancements include the use of night-scented species and flowers to increase bat foraging, incorporation of bat brick/tiles and bat lofts in the new buildings and use of sympathetic lighting with lighting angled down and away from surrounding trees and hedges. The conclusions of the report are consistent with the earlier Bat Report submitted to support AWD/0146/17 in that no evidence of bat roosts was found. Details of ecological enhancements to improve biodiversity can be dealt with as a condition of planning permission.

The impact on the residential amenity of neighbouring occupiers

The properties most affected by the proposal are Berkeley Lodge adjoining to the east (with the applicant's ownership), the residential flats at 50 Shelley Road to the west, and the residential properties adjoining to the rear (north) in Winchester Road.

The adjoining property to the west, No.50 Shelley Road comprises an older style dwelling, enlarged and converted into 6 self-contained flats in the mid-1950s. A concrete garage block was erected in the rear garden at the same time, served by an access drive running along the east side of the building. There are various windows at ground-floor in the main east side elevation of No.50 plus a partially glazed door at first-floor which appears to open onto a single-storey flat-roofed element towards the rear on this side. The rear outlier of the original Edwardian building has been extended at the rear by a 2-storey addition. The east elevation of the outlier and extension is approximately 9.5 metres from the site boundary and there are east-facing windows at ground and first-floor in this part. The common boundary between the buildings is defined by a 2 metre high brick wall.

The proposed westernmost 'replica' villa on the site frontage would be sited a minimum 4.5 metres from the side boundary with No.50. The main 'bulk' of this element would extend northward to roughly the same depth as the main 2-storey rear of No.50 (excluding the outlier), with a single-storey element extending a further 3.8 metres in the form of grey aluminium glazed extension with a flat (green) roof. The layout plans show this part comprising of the residents 'café' with the entire rear elevation consisting of bi-fold glazing opening onto a surface terrace with scope to place tables and chairs. Given the nature of the wider use it is not anticipated the residents 'café' or outside seating area would generate a significant degree of noise. It is considered the existing tall boundary wall would provide an effective visual and acoustic barrier in any event.

Doors and windows at ground and first-floor in the west side of the 'replica' villa are shown as serving circulation spaces and can reasonably be required to be fitted with obscure-glazing to safeguard against the effects of overlooking windows in the side No.50. There is one roof light window at proposed second-floor on the west side serving a bedroom which is also shown as having a dormer window in the north elevation serving the same room. It is not clear from the section drawing whether the bottom edge of the rooflight would be less than 1.7 metres from the floor of the room in question. There would be no harm in requiring this secondary rooflight window (and another shown lighting the stairwell) to be obscure glazed.

The proposed 2-storey rear-projecting component would be sited a minimum 15 metres from the west side boundary. A resident of No.50 has raised concern about the potential for overlooking from the proposed balconies resulting in a loss of privacy. The main 'body' of this building component lies to the north of the

accommodation of No.50, with the covered balconies on the west side facing towards the garages and rear parking area of the latter. However, that southernmost part would be sited opposite east-facing windows in the rear outlier to No.50, but with a separation distance of over 25 metres it is considered would not give rise to such severity of overlooking as to warrant refusal on this ground. Inter-visibility between the buildings would be partially screened by the retention of the mature Eucalyptus tree (T.4) and a mature evergreen tree within the grounds of No.50.

To the north, the main properties affected will be No, 17, 19 and 21 Winchester Road. The proposed 2-storey rear-projecting building component would be sited opposite the rear (to the south) of No.17 and 19 at a minimum 12.9 metres from the common site boundary (encompassing the infill formerly part of the garden of No.19 Winchester Road).

No.17 Winchester Road comprises a detached 2-storey building enlarged by rear extensions and a large rear dormer, and converted into 6 self-contained flats in the late 1980's.

No.19 Winchester Road consists of a detached 2-storey building enlarged by a single-storey rear extension, and recently converted into 4no. flats (AWDM/1505/17 refers). A condition of that planning permission requires the rear part of the garden (now forming part of the current application site) to be retained as garden for the first-floor flats. [An application made to remove the requirements of that condition was invalid on receipt and has since been returned at the request of the applicant as not proceeded with.] Although compliance of this condition will need to be followed-up, there is no objection in principle to amalgamating this garden land as part of the current application site since 'squaring-off' the boundary will enable a more effective use of the rear part of the site. The residual garden depth retained for No.19 is similar to that of its immediate neighbours on either side.

No.21 Winchester Road is a detached 2-storey building in use as a large HMO made up of 11 units comprising a mix of bedsits with shared facilities and self-contained flat units. It has been substantially enlarged, including by a 2-storey rear addition (added in the 1970s) extending relatively deep into the rear garden, with a conservatory attached to the rear (south) of the latter.

There would be a distance of approximately 26 metres between the nearest rear (north) elevation of the proposed rear-projecting component and the rear (south) elevations of 17 and 19 Winchester Road. Views of the former Sussex Clinic from these properties is largely screened at present by the mature trees growing in the north part of the garden, although it can be expected that the dense row of Leylandii also have a notable shadowing effect. Nevertheless, the proposals will result in a considerable change to the rear outlook of these properties with the removal of trees opening up views of the site (until such time as the proposed replacement planting has developed). Concerns about the scale and massing of this element on the outlook of the properties to the north was raised by officers at pre-application stage leading to the introduction of hipped roofs, and a change in the proposed external finish to render (instead of brickwork), in order to lessen the potentially oppressive impacts of this element on the amenities of neighbouring occupiers. Following further discussions, the overall ridge (and eaves) height of the rear-projecting element has been reduced by 0.55 metres (to 7.6 metres and 5.7

metres respectively) to further relieve the potentially overbearing impacts of this element. Ground and first-floor north-facing windows in this element are secondary in nature consisting of narrow, vertically proportioned floor-to-ceiling openings with the main aspect to the bedrooms in question either east or west-facing; plus the fully glazed (slightly recessed) end wall to the circulation corridors.

The proposed building would be sited to the south and east of the 2-storey rear of No.21 with a slightly shallower separation distance of 20 metres. Although the proposed building will be prominently conspicuous in oblique views from the rear windows of this property it will not be oppressive in its effect (certainly no more than the existing Leylandii trees). The proposed covered balconies are shown as open-ended and although privacy screens could be added to restrict views northward it would be difficult to argue they are a necessary requirement to safeguard privacy given the separation distances.

The submitted drawings show a detached conservatory/orangery building (8.5 metres wide by 5.8 metres deep) located in the north-west part of the garden. It would have a parapet flat roof 2.95 metres high with a roof lantern and would be finished in render with bi-folding opening doors on the south and west elevations. The internal layout includes a seating area with the intention of encouraging residents (and visitors) to take advantage of the gardens whilst providing some shelter. It also includes garden stores and an accessible WC. The building would be sited a minimum 2.9 metres from the northern site boundary and 11.6 metres from the western site boundary. The conservatory attached to the rear of No.21 Winchester Road is sited a similar distance from the common boundary. The proposed conservatory building would not be unneighbourly in terms of its physical impact given its limited height and with the gap to the boundary allowing for the introduction of some (suitable) tree screen planting. Noise from voices may be discernible when the bi-fold doors are fully opened, but would unlikely to be disturbing. It is however, considered reasonable given the proximity of the building to the boundary to impose a condition stipulating there should be no music played or TV equipment installed in this building.

No details of the proposed shepherd's hut (and associated ramped/stepped access) initially indicated on the site layout plan have been provided, and this has since been omitted from the current proposals.

The 2-storey rear-projecting element of Berkeley Lodge lies to the east and extends northward as far as the northern site boundary with a conservatory on the west side facing onto a garden (which 'dog-legs' around the north-east part of the former Sussex Clinic garden). Although the existing boundary wall(s) separating the respective garden areas are shown removed to create shared communal grounds, and the proposed new building will be physically attached in part to Berkeley Lodge, it is understood the care homes will operate as separate entities catering for different needs. There will be a distance of over 20 metres between the existing west-facing windows serving rooms at Berkeley Lodge and the east-facing covered balconies in the proposed building.

In conclusion, subject to the suggested conditions outlined above it is considered the proposed building(s) would not adversely impact on the amenities of neighbouring occupiers. Details of any external roof plant, kitchen extraction and associated attenuation measures should also be the subject of planning conditions.

Access and parking considerations

The site is sustainably located a short distance west of the town centre and is located within Zone B of the Controlled Parking Zone (CPZ) where there is controlled parking including some Pay & Display bays.

The existing buildings on the site were last in use as a 40-bed nursing home with 2 vehicular access points from Shelley Road serving approximately 14 parking spaces on the tarmac frontage.

The proposed replacement building will provide up to 50 residential care rooms with improved ancillary facilities. The site frontage will provide 17 car parking spaces (including accessible spaces) with an additional access point created from Shelley Road.

The application is accompanied by a Transport Statement. TRICS data has been used to assess the likely increase in traffic resulting from the development compared to the former use of the existing buildings by Sussex Clinic. Over a typical day the TRICS data suggests the proposal will result in an additional 20 vehicle movements (with no change to staffing and delivery numbers). The increase in the morning peak is equivalent to one traffic movement every 30 minutes and is not considered to represent a significant impact on the surrounding road network.

The parking demand associated with the proposed care home has been calculated in relation to the West Sussex County Council Revised parking Standards for Other Residential Developments at 18.75 spaces, which is marginally greater than the proposed 17 spaces. The applicant is willing to provide a workplace 'Travel Plan' that will set travel plan objectives and targets to reduce single occupancy car use and strategies to promote walking, cycling and public transport use by staff such as subsidised/discounted bus travel; bike share options, cycle training and free/subsidised cycling equipment. A minimum of 5 no. safe, covered and secure cycle spaces are proposed, to be located conveniently close to the building access points.

The conclusions of the Transport Statement have been accepted by the Highway Authority and no objection has been raised subject to conditions to secure a Travel Plan, visibility splays at the new site access and approval of a Construction Management Plan to operate during the demolition/construction phases.

Other issues

The application is accompanied by an air quality report covering the construction and operational phases of the development. This concludes that construction phase impacts are 'not significant' as per guidance in the Institute of Air Quality Management (IAQM) 'Guidance on the assessment of dust from demolition and construction' providing the mitigation measures recommended in the report are adhered to. The latter includes a list of best practice measures and controls that can be secured as part of a Construction Management Statement to be agreed (as outlined above).

The significance of air quality impacts from additional traffic generated from the proposed development are also anticipated to be negligible as none of the IAQM criteria are triggered. Dispersion modelling to indicate concentrations of NO₂ (nitrogen dioxide) and PM₁₀ (particulate matter) are anticipated to be below the relevant long and short term Air Quality Strategy objectives for the locality. The report concludes the development is acceptable from an air quality perspective and this has not been disputed by the Council's Environmental Health Officer.

With regard to sustainability, the submitted drawings show an array of photo-voltaic panels to be sited on the shallow 'inner' pitched-roofs of the rear-projecting 'wing'. The possibility of heat source pumps to heat the building is being investigated but has not been finalised.

The submitted drawings show provision of 6no. 'active' EV charging points within the frontage parking area and this can be secured as a condition of planning permission.

Your Officers have considered whether the development should contribute towards informal recreation space off site given the density of development proposed in line with policies of the Core Strategy. However, the previous permission for a larger care home did not secure any requirements off site provision and therefore in the circumstances it is not considered reasonable to make a request. In addition there are some opportunities to provide enhanced recreational areas for residents around the replacement building and this would help provide for future needs.

Conclusion

The proposed building would provide a modern residential care home on this site which has had a long history of similar use. The architectural composition of the proposed building has been strongly influenced by the similar concept adopted for the redevelopment of the neighbouring Berkeley Lodge, and it is considered provides a coherent design response and sense of continuity in the street scene that is sensitive to the remaining late Victorian/Edwardian character of this part of Shelley Road. The application has been amended following discussions to respond to the concerns raised by third parties concerning the loss of existing trees on the site and to further relieve the impacts of the rear-projecting element on the amenities of residents to the rear in Winchester Road. It should be borne in mind that the extant permission under AWD/0146/17 for the redevelopment of the site to provide a 62-bedroom replacement residential care home (on a smaller site area) is a material consideration of some weight in the determination of this application and with this in mind it is considered there would be no substantive grounds to justify refusal.

Recommendation

APPROVE subject to conditions:-

1. Standard 3 year time limit
2. Approved Plans
3. Agree sample materials and finishes of external walls, roofs, windows and doors

4. Agree architectural details (including all windows/rooflights, architectural details of replica villa, balconies, green roofs, 'seamless' glazing and roof details of glazed links etc.)
5. Permeable car park surface details to be agreed
6. Parking and access to be provided prior to first occupation
7. Agree and implement secure, covered cycle parking
8. Provide visibility at new site access
9. Agree and implement Construction Management Plan
10. Hours of Construction
11. Agree details of all roof plant, including air handling, kitchen extraction and ventilation. Attenuation measures to have regard to the principles of BS4142: 2014 and achieve a difference between the rating level and background noise level of - 10dB.
12. No additional roof plant
13. Agree/provide hard and soft landscaping scheme to include comprehensive scheme of replacement tree planting.
14. Existing trees to be protected during construction in accordance with an agreed Tree Protection Plan
15. Siting and design of refuse/recycling stores to be agreed and implemented
16. Details of all external lighting to be approved
17. Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to and approved in writing by the LPA in consultation with Southern Water.
18. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.
19. Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
20. Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was

built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

21. Any visibility contaminated or odorous material not previously identified found to be present to be investigated and planning authority informed of the nature and degree of contamination, plus Method Statement detailing remediation.
22. Six (or more) active EV charging points to be agreed and implemented
23. Details of solar PVs to be agreed and implemented
24. No music/TV etc. to be played in the conservatory/orangery building.
25. Windows/rooflights in west elevation/roofslope of western 'replica' villa to be obscurely glazed
26. Agree finished floor and site levels in relation to existing ground levels
27. Agree and implement biodiversity enhancements (bat/bird bricks/boxes etc.).
28. Agree and implement boundary walls/fences including replacement front boundary wall

Application Number: AWDM/1865/19

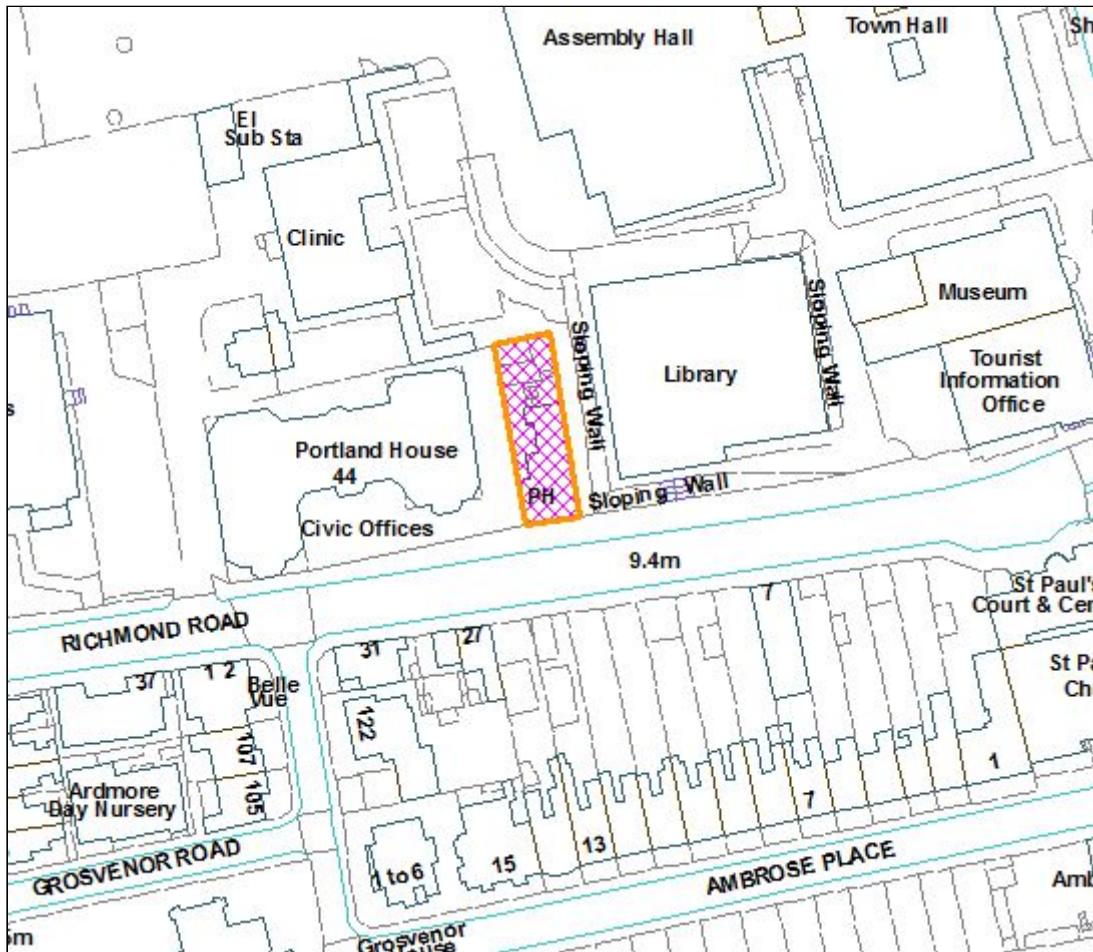
Recommendation – Delegate to the Planning Services Manager to Approve subject to no new issues being raised during the consultation period (expiring on the 27 February)

Site: The Wheatsheaf, Richmond Road, Worthing

Proposal: Demolition of Wheatsheaf Public House and construction of 5no. 1 bedroom flats and 3no. 2 bedroom flats over four floors with associated bin and cycle storage.

Applicant: Ms. E. Taylor-Moore
Case: Stephen Cantwell
Officer:

Ward: Central



Not to Scale

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Site and Surroundings

The Wheatsheaf Public House is a two storey, bay-fronted and pitched roof building which stands on a plot of approximately 0.3ha. It fronts onto Richmond Road to the south, its side and rear boundaries are alongside footpaths which lead from Richmond Road to the Town Hall car and NHS clinic to the north. Within the site to the rear (north) of the building is the pub garden, accessed through a side gate through the tall boundary walls of brick and flint which surround the garden and partly conceal views of single storey rear extensions at the rear of the building. The garden is partly overhung by a large oak tree which grows in the footpath outside the rear boundary and which is subject of a tree preservation order (TPO).

Internally, the Wheatsheaf comprises public bars, kitchens, toilets and stores on the ground floor, with a small service basement below. A three-bedroom flat occupies the first floor and attic levels. The building has been vacant since 2017

To the east of the site is the two storey public library and to the west is Portland House, the Council's three storey offices. The main facade of the Wheatsheaf (not including the projected ground floor bays) is set 7m forward of the library and 2m forward of Portland House. On the south side of Richmond Road are the rear gardens and listed houses and flats in Ambrose Place, including a few single-storey retail units which front onto Richmond Road.

The site is within the town centre as defined in the Worthing Borough Core Strategy (2011). It adjoins the Chapel Road conservation area to the south and east and faces the rear of the listed Ambrose Place buildings.

The Wheatsheaf has a domestic scale and appearance, with a rendered and half-timber-effect frontage by contrast to the taller modernist concrete library building and three storey brick-faced Portland House, which dates from the early 1990s. Several ground floor windows front onto the footpath to the east with others at first floor and attic level; at the Richmond Road frontage are windows at ground and first floor.

Proposal

Permission is sought for demolition of the existing building and the construction of a block of eight flats comprising: 2 studios; 3 x 1-bedroom; 2 x 2-bedroom and 1 x 3-bedroom apartments. The building would have four storeys and a height of approximately 11.3m, (with lift housing rising 0.9m taller). This would compare with the 10m height of the main part of the library and approximately 14m height of Portland House.

The proposed building would have a deeper footprint (20m) compared with the existing building (which varies between 7.5m -18m in depth). Its frontage would be moved 1m back from the position of the existing main façade. The third floor would also be set back further from the proposed façade; in the amended plans the amount of third-floor set-back has been increased from 1.1 to 2.2m. The side walls of the third floor are also inset by 1m on each side in the amended plans (with the exception of a recessed stairwell on its western side) and the depth of the ground floor rear has been extended northwards by 1m. The architectural design and the

arrangement of windows have also changed markedly and simplified in the amendment as explained in the Design, Appearance and Heritage section below.

The site has no existing car parking and none is proposed. Richmond Road is part of a controlled parking zone for permit holders and limited-duration public parking. The proposal includes two cycle sheds in the rear garden for a total of eight bicycles. The proposed rear garden would remain enclosed by a mixture of existing walls and new railings. This would be for communal use access by a side gate; two proposed ground floor studio apartments would have direct access to the garden, all other flats would have balconies.

The current application follows a previous refusal in 2018 of a four storey development of eight flats with commercial floorspace at part-ground floor. The reasons for refusal are stated in the Relevant Planning History below.

Relevant Planning History

00/00775/FULL – Alterations at rear, formation of beer garden with ancillary works.
STATUS: APP 26th September 2000

01/00103/FULL – Demolition of existing garage block / store area and erection of a covered area to beer garden together with new boundary wall
STATUS: REF 5th March 2001

00/00775/FULL – Alterations at rear, formation of beer garden with ancillary works.
STATUS: APP 26th September 2000

AWDM/0444/18 - Demolition of existing public house and redevelopment to provide 3-storey building plus mansard roof consisting of commercial use (Class A1, A2, A3 or A4) on ground floor and partial basement and 8no. residential flats (1 x studio, 3 x 1-bedroom, and 4 x 2 bedroom units), all with private amenity terrace on upper floors above.

STATUS: REF 6th June 2108 (by Planning Committee 30th May 2018)

Reasons AWDM/0444/18:

01. *The proposed building, by reason of its combined height, mass, design (by virtue of factors including its complex series of rooflines, intersections; the range of window/opening sizes, proportions and their placings; the uneven series of tiers; the steeply pitched 'crown-top' roof and large areas of brickwork) and prominent location well forward of neighbouring buildings and on a much narrower site than its neighbours, would appear cramped and harmful to the character and spaciousness of the street and public footways. This is also harmful to the setting of the conservation area, which adjoins the site and includes listed buildings and buildings of local interest. It is therefore an overdevelopment of the site, contrary to policy 16 of the Worthing Borough Core Strategy 2011, and paragraphs 56 and 135 of the NPPF 2012.*

02. *The proposal is not considered to provide for a reasonable standard of amenity for proposed occupiers. Proposed balconies and windows to habitable rooms are variously separated from windows of the*

neighbouring office building and public library and from the large protected tree to the rear, by short intervening distances. This leads to a significant degree of overlooking and poor light penetration. The proposed small rear terrace is also likely to be overshadowed by the proposed and existing buildings, boundary walls and the protected tree and is only directly accessible to one flat. Furthermore on the basis of available information, there is risk that external air moving ducts and plant, if needed, may lead to risk of noise and vibration. Accordingly the proposal is contrary to paragraphs 17 and 120 of the NPPF 2012 and the Worthing Borough Space Standards Supplementary Planning Document, February 2012.

03. *The proposal would require substantial crown reduction to the large oak tree which is close to the northern boundary of the site and which is subject of a tree preservation order. The tree is prominent and important within the surrounding public realm and adjoins the conservation area. Pruning and future pressure for further pruning would lead to a heavily unbalanced appearance and involve cutting back to large boughs, giving a misshapen appearance, possibly also reducing overall longevity. On the basis of the submitted information and constrained nature of the site, there is also concern about the practicality and effectiveness of proposed tree protection and that the construction and groundwork would lead to damage, including to its roots. Accordingly the proposal is contrary to policy 16 of the Worthing Borough Core Strategy 2011, and paragraph 118 of the NPPF 2012.*
04. *In the absence of provision for a suitable financial contribution towards the delivery of affordable housing, proposal is contrary to policy 10 of the Worthing Borough Core Strategy 2011, and paragraph 50 of the NPPF 2012.*
05. *The proposal, due to its height and location of large windows and balconies serving habitable rooms at upper levels, would introduce an increased degree of overlooking to the rear of neighbouring homes and gardens in Ambrose Place. This is contrary to saved policy H18 of the Worthing Borough Local Plan 2003.*

Consultations

All comments are in respect of original plans; any comments on amended plans will be reported as an update.

West Sussex County Council Highways: No objection

- Notes 30MPH speed limit and Controlled Parking Zone (CPZ)
- Current guidance would require 7no. parking spaces but no objection due to accessible location close to services, public transport and on-street parking controls.
- Cycle parking requirement is 0.5 spaces/flat
- Trips: An increase of 1 trip in AM peak and 1 fewer in PM peak and 6 trips fewer over 12 hour period by comparison existing pub use.

- Travel Plan can be secured via planning condition
- Recommends Construction Management Plan in recognition of highway constraints and lack of vehicular access; this should manage pedestrian safety and deliveries.

Environmental Health Officer (Public Health): No objection

Recommends conditions for:

- Noise: submission of a scheme to protect against elevated road traffic noise levels and internal noise from proposed lift mechanism; also a strategy to prevent consequent overheating of flats from noise insulation.
- Construction Management Plan: including measures to minimise air quality impacts of construction works, such as dust suppression, provision for deliveries and storage of materials.
- Hours of Work: Monday - Friday 08:00 - 18:00 Hours; Saturday 09:00 - 13:00 Hours; Sundays and Bank Holidays no work permitted
- Land Contamination: Not within area of known risk but a watching brief is recommended.

Environmental Health Officer (public health): Comment

We would note that, as users of the first floor east block, there would be an unacceptable degree of overlooking and a loss of daylight adversely affecting working conditions due to the increase in height of the proposed development.

Arboricultural Officer: No objection

The distance from the trees canopy and the tree protection proposals are acceptable.

Borough Engineer: No objection

Not within an area of floodrisk. Site constraints limit possibilities for sustainable drainage but a blue/green roof and small area of permeable surfacing and storage tank are proposed outside of tree root protection area.

Recommends conditions:

- Final details of surface water drainage & calculations, verification of completed works and details of future management.

Southern Water Services: No objection

Recommends condition for approval of foul and surface water drainage in consultation with Southern Water; also informatives regarding survey for water mains.

County Archaeologist: No objection

Site is within a sensitive archaeological notification area; probable fringes of Roman settlement. Existing building is one of earlier surviving in Worthing, originally an end-of-terrace thought to date from 1835 and a public house since 1839, much altered in the 1930s. Building is not well understood and should be recorded before

demolition and site excavation & recording following this. Planning condition recommended for this purpose.

Worthing Conservation Advisory Committee: Objection.

Bland design and inappropriate scale; Overdevelopment of site which and will adversely affect setting of conservation area. Top floor should be removed and the frontage further-recessed.

Representations

All comments are in respect of original plans. Notifications of amended plans were issued on 13th February. Comments received on amended plans will be reported as an update.

Worthing Society: Object

- Does not make a positive contribution to local character & distinctiveness, as emphasised in NPPF
- Some improvement since previous refusal but bland design
- Cramped with too little space between adjoining buildings
- Harmful to setting of listed buildings, St Paul's (Grade ii*) and Ambrose Place
- Overlooking to residents in Ambrose place
- Loss of light
- Proposed balconies exposed to poor air quality
- Unsuitable use in relation to civic buildings
- Additional parking pressure
- Building of 1835 and extended later, may have a flint inner-core.
- Building could be retained and re-used.

Worthing Archaeological Society: Comment

Suggest extensive investigation as the site is within the area of probable site of Roman settlement.

Residents: 9 letters of objection have been received and one letter of comment.

Six letters are from residents in Ambrose Place, one from Worthing Library. Others are from residents in Worthing and Goring. Points include the following:

- Overdevelopment of small site, excessive scale, squeezed with little outdoor space or regard for surroundings and conservation area.
- Flat roof, square/rectangular block out of keeping. Unimaginative, unsympathetic solution.
- Metal cladding clashes and appears cheap.
- Acknowledges diligent preparation following previous refusal but proposal unsuitable.

- Overlooking of Ambrose Place neighbours and gardens due to height and balconies.
- Design is an improvement but library should not be overlooked, especially upper floor where registration area for births and deaths will soon be located.
- Loss of light to library is also a consideration.
- Increased on-street parking pressure and congestion e.g. potential 16 cars in addition to plans for new health centre.
- Cycle provision inadequate and impinges upon amenity space.
- Loss of historic building and materials including flint. It has been a pub since 1835. It should be included in local list, this is an oversight.
- Building could be retained and converted into attractive low-rise flats.
- Inappropriate site for residential development, area is otherwise civic purposes, Borough or County Council should acquire site for civic purpose such as health, tourist centre, museum/library annexe.
- Likely domestic noise and odours.
- Current condition of site has led to nuisance
- Not designed for climate emergency e.g. through-ventilation.
- Bin store close to prominent entrance could cause odour and neglect.
- Encroachment of planting onto pavement at frontage.
- Council should be more ambitious, there is opportunity for something spacious.
- Construction noise would need to be kept to a minimum.

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policies 7, 8, 10, 11, 16, 17 & 19
 Worthing Local Plan (WBC 2003) (saved policies): RES7, H18
 SPD 'Space Standards' (WBC 2012)
 Community Infrastructure Levy Charging Schedule (WBC 2015)
 Guidance on Parking Standards at New Development (WSCC 2019)
 National Planning Policy Framework (2019)
 National Planning Practice Guidance
 Chapel Road Conservation Area Appraisal (WBC 2001)

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

Paragraph 73 of the revised NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum 5 years' worth of housing against their housing requirement set out in

adopted strategic policies, or against local housing need where the strategic policies are more than five years old. The Council has acknowledged that it cannot currently demonstrate a 5 year supply of housing based on objectively assessed housing need. As such the proposal should principally be assessed in relation to the presumption in favour of sustainable development as set out in paragraph 11 of the revised NPPF and informed by saved Worthing Local Plan policies H18, TR9, and RES7, Core Strategy policies 7, 8, 10, 11, 16, 17 & 19 the policies set out in National Planning Policy Framework and allied Practice Guidance.

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) states: indicates In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Planning Assessment

The main issues raised by this proposal include:-

- Principle of Development and Use
- Design, Appearance and Heritage
- Amenities – Neighbours and Future Residents
- Access and Highways
- Impact on Protected Tree (TPO)
- Sustainability

Principle of development

The principle of residential development in the town centre is accepted by Core Strategy Policy 8. This allows for increased residential densities, such as the proposal, which would increase from 3.3 dwellings/ha to 26.7 dwellings/ha. The policy also allows for some inclusion of homes suitable for family occupation, and three of the proposed eight flats are suitable for 3-4 person household. Relevant space standards are considered in the Design section below.

In consideration of the loss of the public house, para 7.47 of the Core Strategy acknowledges that pubs, along with cafes and restaurants are an important ingredient in the overall mix of a shopping centre, although the site is outside the primary or secondary shopping zones. Policy 6 seeks to safeguard the retail character and function of the centre by resisting development which would detract from its vitality and viability. As such consideration should be given as to the extent to which the current pub use supports the wider town centre.

Policy 11 also protects cultural and community facilities, which according to the NPPF, includes pubs. Development of pub sites is only acceptable if one of the following requirements are met, *inter alia*; the premises or land are no longer suitable for the use; or replacement facilities are provided; or it has been demonstrated that there is no longer a need. The policy and associated text does not prescribe the means by which suitability and need are tested.

In the current application the applicant suggests that there is no demand for the use, as evidenced by the series of ownership and management changes which preceded closure in 2017. Since July 2018 the site has been marketed discretely by the Michael Jones, commercial agency to a range of a dozen of developer clients, with interest from only two of these and lack of agreement as to purchase price. There is no evidence of formal marketing nor a justification of the owners expected sale price, but the poor reputation of the establishment is referred to and the turnover of tenancies at this prominent site has been observable in recent years.

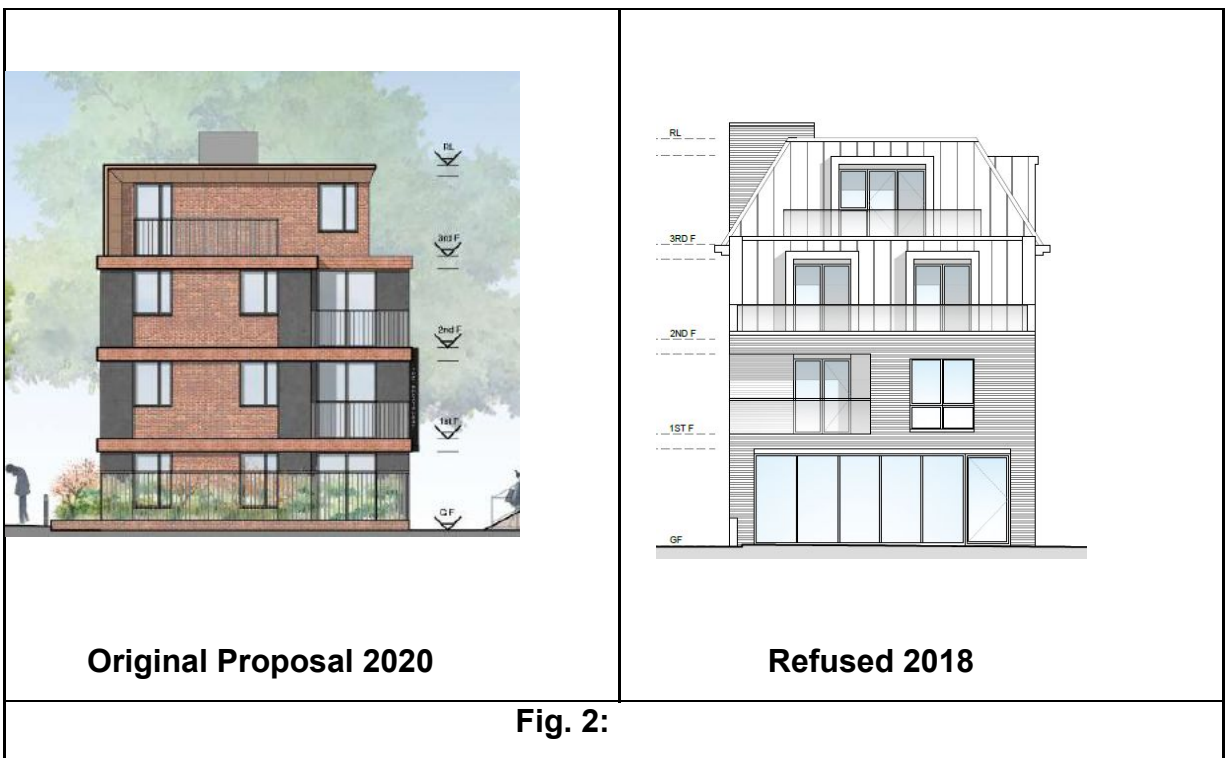
The applicant's agent also refers to a 2019 appeal decision in Berkshire, in which the availability of numerous other premises within walking distance of a site was a factor in the granting of planning permission for loss of a public house. He notes that there are nine other public houses within a 400m radius and accordingly there are alternatives to meet any need.

In consideration of this information, there are arguments both for and against the proposed loss of the existing use. It falls to the planning balance at the end of this report, to consider and weigh these among the other relevant merits of the application.

One final matter of principle is the matter of affordable housing. With the revision of the NPPF in 2019, the previous Policy 10 requirement for a contribution to affordable homes is no longer afforded weight for schemes of less than 10 units. Accordingly reason 4 of the previous refusal would no longer apply.

Design, Appearance and Heritage

The image at figure 1 below shows the front elevation of the current amended proposal and below at figure 2 is the original submission together with the refused scheme of 2018.



The amended design comprises a rendered ground floor and simplified fenestration of traditional shape and proportions; balconies are recessed from the main façade and have simple metal railings. Light yellow/cream brickwork is proposed for the main upper floors, drawing its influence from the Montague Centre in Worthing town centre. The wrap-around zinc-clad recessed third floor is shown in bronze/brown colouring, borrows from the recent Splashpoint development; its angled projected roof edge provides a contemporary design element and assists with internal shading.

Other details include the projected band at the top of the rendered ground floor and recessed soldier course and capping at the second floor parapet. The third floor is

recessed by 2.2m from the front and by 1m from each side, except for the western stairwell which is largely concealed well back from the façade. The lift housing on top of the third floor is also deeply recessed and largely concealed from street level views.

By comparison with the refused scheme, the proposal is 1.2m lower and approximately 2m further north, (as can be seen in the comparative layout plans below), retaining a greater sense of space. The recessed balconies and third floor also create a sense of tapering. These combined differences and the simplified design approach of the amended plans are considered to overcome the likelihood of a cramped appearance, which was among the reasons for refusal in 2018, and to address concerns about design complexity which applied in 2018 and in the original 2020 proposals.

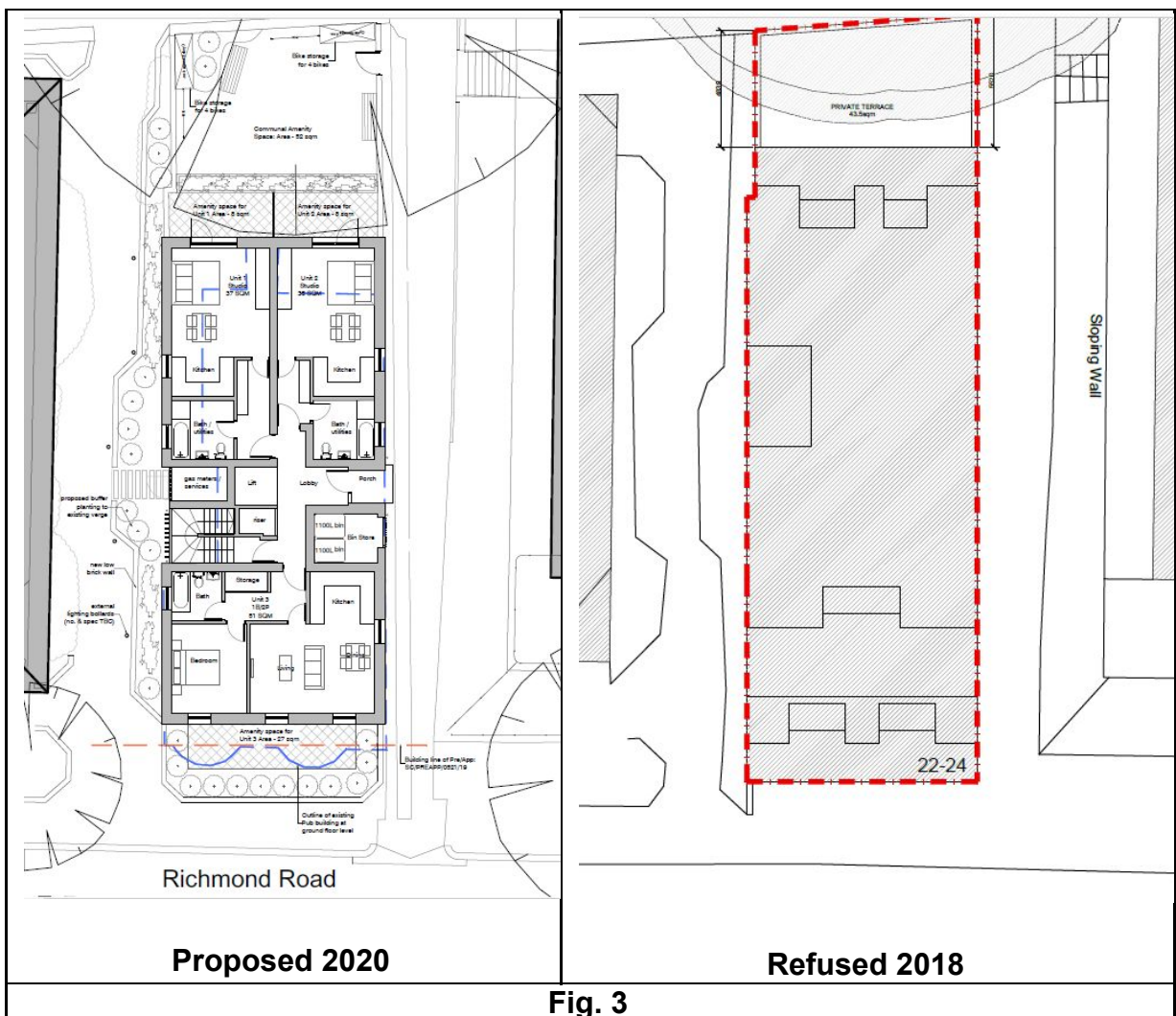


Fig. 3

The layout comparisons above at figure 3 also show the longer rear garden currently proposed, which, subject to some modest pruning of the TPO tree, provides sufficient space for development works to be carried out without harm to the tree and for its future coexistence with future residents.

At the front of the site, the proposed garden arrangement allows for widening of the public pavement by 30cm and chamfered corners, to provide for easier movement of pedestrians.

Side and rear elevations which are shown below illustrate the tapering effect as would be seen from the footpaths along each side of the building, and from views along Richmond Road to the east. The simple arrangement of windows and other detailing is continued around the building, including 'false' recesses on the west elevation, to maintain the pattern of fenestration and visual interest. Rainwater pipes have been positioned in a balanced way on either side of the western stairwell. The entrance doorway on the east elevation serves as a focal point, visible across the wide library forecourt in Richmond Road.



Fig. 4: Eastern Elevation



Fig. 5: Western Elevation



Fig. 6: Northern (rear) Elevation

Each of the four elevations is seen as part of the setting of the adjoining Conservation Area or the listed buildings at Ambrose Place and less directly, St

Paul's Church and Worthing Town Hall. The use of traditional proportions, materials and detailing is considered to be harmonious with this context. According to the Council's Conservation Area Appraisal, the character of the Conservation Area is distinctive for its landmark civic/public buildings on large plots with associated spaces and planting. The proposal would produce a more built-up appearance than the existing Wheatsheaf building, but its tapering profile and set back from the street, the wider public pavement in Richmond Road and planted front garden would provide some counter-balance to this. The design detailing, which references traditional forms but adds a contemporary roof shape, is considered to meet the requirement to preserve and enhance the Conservation Area and setting of listed buildings.

Considering the loss of the existing building, it is noted that this is a surviving remnant of an earlier terrace of cottages, built around 1835/1840. The Wheatsheaf was heavily altered around the early C20th to the appearance it has today and the remainder of the terrace was demolished by the 1970s. It is currently unlisted, either locally or statutorily, nor is it listed as an Asset of Community Value under the Localism Act. Whilst, it may be worthy of inclusion in the local list, this would not convey protection and arguments against its loss would be weak. However, as recommended by the County Archaeologist and Archaeology Society, it is reasonable in accordance with NPPF and Policy 16 that any planning permission should include a requirement to record the building and to carry out archaeological investigation of the site as part of a redevelopment.

Amenities – Neighbours and Future Residents

i) Neighbours

Among the neighbour representations, several in Ambrose Place refer to concerns for privacy and the outlook from their homes and gardens. Saved policy H18 requires that intensification of development should not lead to unacceptable reduction in neighbouring amenity. The existing situation is that gardens in Ambrose Place are separated from the front of the two storey Wheatsheaf building by varying distances of between 15m – 24m and the houses are some 40m away. Gardens are overlooked by neighbouring windows in Ambrose Place and by upper windows at Portland House, although screened by trees at Portland House in summer). The line of sight from the existing pub is much less and in some cases barely discernible from these neighbours.

The 2018 proposal was refused partly due to the greater prominence of and more direct line of sight from new second and third floor windows to kitchen/living rooms and a bedroom and two large (15sqm) balconies. These had potential to overlook Ambrose Place and bring a greater perception of being overlooked.

In terms of degree the amount of glazing now proposed for the upper two floors is broadly similar to the 2018 proposal, although it is differently divided between the proposed flats but still including habitable rooms in each case. The balconies are both smaller, (3.4sqm and 12sqm) and at second floor they are 1m further away than in 2018. These last two changes assist slightly in lessening the degree of impact, although there is likely to be line of sight between the proposed windows, balconies and the neighbouring windows and gardens of Ambrose Place.

In consideration of Worthing Library, each of the proposed first and second floors would have a kitchen window (and obscure glazed bathroom) facing towards the side of the library and with other habitable windows facing eastward along Richmond Road. Views towards the upper windows of the Library, which are mainly found in the rear half of its side wall, would be at an angle across a distance of 7-8m. The proposed future use of the first floor of the library is noted but in terms of policy H18 it is not considered that the degree of impact would be unreasonable.

On the western elevation a bedroom window at each upper floor of the western elevation and obscured-glazed bathroom windows would be only 5m from the side wall of office windows at Portland House. This has greater potential for inter-visibility but the effect is likely to be of greater significance for prospective occupiers of the proposed building than for Portland House and the weight which could be attached to this under policy H18 is limited.

The application includes a sunlight and daylight assessment in respect of its relationship to windows at Portland House. This concludes that half of the side windows to Portland House at ground and first floor, would have a reduction of greater than the Building Research Establishment Guideline 20% of their existing light from visible sky. However, taking into account the open plan layout of these offices, the distribution of daylight is assessed to still be good. A brief addendum following the recent amended plans comments that the reduced mass of the building resulting from the inset top floor will improve the outcome. It is noted that NPPF recommends flexibility in the use of such assessments; given the findings in this case, it is not considered that the impact would be sufficient to form a reason for refusal.

A similar assessment has not been undertaken in respect of the library. Mindful of the greater distance between the Library and the application site, and that much of the library is set well back from the proposed building; it is not considered that this is necessary.

The request from the Library to minimise noise during any redevelopment work can be partly met by the use of the Construction Management Plan recommended by the Environmental Health officer, but with an added clause concerning measures to minimise noise & vibration, such as by switching off plant and machinery when idle, perhaps using baffling against particular noise-generating activities and in any event undertaking contact and liaison with neighbours on each side.

ii) Future Residents

Seven of the proposed flats comply with national space standards. One ground floor studio flat is slightly below (-2sqm) and is under discussion to ascertain how this may be addressed.

In terms of external space, the proposal includes a greater amount of outdoor space than the refused scheme as it now includes a small front garden space and a longer retained rear garden of 8.7m in length by contrast with 4.8m in the refused scheme. Allowing for private patios for the ground floor units, the communal rear garden space is also slightly larger than previously and partly outside the spread of the overhanging tree but is still approximately 40sqm less than desired under the

Council's Space Standards SPD. All upper floors have balconies of 3.4sqm - 4sqm, and a roof terrace of 12sqm for the largest flat, which complies with the private space aspect of the SPD; in a few locations balcony side screens would be needed to provide privacy.

In terms of light penetration, all proposed flats are dual aspect; some are triple aspect and are considered likely to enjoy a good degree of light. It is noted that at ground floor three kitchen windows and one bathroom, immediately adjoin the external paths used by the public. This will affect the privacy of those residents, but it has not proven possible to eliminate. As these paths are owned by the Council, discussions with the Council Estates Team are exploring whether a portion of the existing planting along the western side boundary, can be retained as a buffer to the western side of the proposed building and its windows, if the path is to be re-designed as part of the future redevelopment of the clinic site to the month. An update will be given at the meeting.

In terms of noise, conditions can be used as recommended by the Environmental Health Officer to prevent noise and vibration from the proposed internal lift and for for a noise management scheme. This would include acoustic glazing and possibly the need for controlled ventilation and associated management of overheating risk. A condition to require site management would also be reasonable in order to ensure that communal areas, bin stores and surface water drainage are maintained.

Access and Highways

The site currently offers no car parking space or vehicular access. Due to the constrained nature of the site, none are proposed. According to current County Guidance (2019), the existing use carries a shortfall of approximately 7 spaces and the proposal has a shortfall of 6.8 spaces.

The site is within Zone F of the town Centre car permit area. This extends from Richmond Road to Teville Gate. Residential parking permits are currently fully subscribed here. Waiting list times for the issuing new permits fluctuate but were last found to be around six months. It is noted that around ten spaces at the Teville Gate access road were closed to allow for demolition, which may impact future waiting times in the zone.

Given the inherent parking shortfall of the existing use and the accessibility of the location to public transport, the Highway Authority raises no objection provided that the eight cycle parking shed spaces and travel plan are provided, to promote use of sustainable transport and to ensure a choice of travel modes, as recommended in the NPPF, for instance; public transport packs for new occupiers. The applicant has also been asked to include a period of membership of a car club as part of the overall package.

The wider public pavement and chamfered corners shown on the plan at figure 3 are also considered to contribute to the accessibility package of the proposal, and brings a wider benefit to pedestrians, including those with disabilities, in reducing an existing pinch point. The County Council does not currently propose to relocate the overhead road sign and poles from this corner, which would enhance this improvement but it is hoped that implementation of the proposed development might stimulate closer consideration of this.

Impact on Protected Tree (TPO)

Reason 3 of the 2018 refusal reflected concerns at the proximity of then proposed building to this highly prominent and important tree. This distance has increased by 4m in the current application. An Arboricultural Assessment and Method Statement has been submitted, which confirm that demolition and construction works will safeguard the root protection area and crown. The Council's Tree Officer is now satisfied that the tree would not be adversely affected with conditions imposed to protect the tree during construction. Further advice has been sought as to the extent of tree pruning which would be advisable as part of the development. Given the position of the proposed building this is no longer considered to risk affecting or unbalancing the visual appearance of the tree.

Sustainability

The development is considered to make a reasonable use of an accessible site, close to public transport and numerous services. The inclusion of a travel package, including cycle storage, a potential period of car club membership and public transport information will assist in widening transport options in line with the Council's declared climate emergency and planning policies.

The proposal includes elements of sustainable drainage, a blue/green roof and on-site surface water storage, which can be covered by planning condition. Whilst outside planning control the applicant also states that they will endeavour to use low impact, locally sourced and renewable materials as far as possible.

Summary and Conclusion

The amended proposal is considered to be a building of size, height, shape and mass which would not appear cramped on this site. Its architectural design is locally referenced, using a much simpler and well composed series of elements than before and with some modern styling to produce visual interest on all sides. It is considered to meet the requirements to preserve and enhance the setting of the Conservation Area and listed buildings. This overcomes the first of the 2018 reasons for refusal.

The proposed layout allows sufficient distance for the coexistence of development and the TPO-protected oak tree and there is no longer a requirement to provide an affordable housing contribution. These points address two of the other reasons.

In respect of the amenities of future residents, the proposal meets requirements for private external space and is only slightly below internal space standards for one flat; a matter which may be addressed through further discussion and minor internal amendment. The improvement made to external communal space is important and it is unlikely that the remaining deficiency of 40sqm could be provided without the loss of at least one flat.

In terms of neighbouring amenities, there is some but quite limited change in terms of windows and balconies facing towards the rear of Ambrose Close compared with the 2018 refusal, the distance of the man façade is slightly increased but the lines of sight remain.

In terms of non-residential neighbours, there is also inter-visibility between existing and proposed windows. In the case of Portland House the effect is likely to be more significant upon proposed residents than office occupiers. Daylight penetration to Portland House is affected but the assessment does not consider this excessive. At the library inter-visibility is at an angle and more limited.

Another factor in the determination of the current application is the loss of the existing public house and whether the proposal has fulfilled the requirement to demonstrate lack of need and available alternative under Policy 11. Market demand has been partially tested by the Estate Agent since 2018 but there has been neither formal market advertising nor an explanation of the market price sought by the owner. However, the Estate Agent's observation regarding the decline of the site and the failure of previous tenants which has been apparent at this prominent site, are consistent with reducing demand. This, together with the availability of several other public houses nearby, suggests that a reason for refusal on this basis would be vulnerable in the event of an appeal.

The proposal would produce a range of town centre homes close to facilities, largely compliant with national space standards and with a reasonable degree of private external space. The design is considered to preserve and enhance the setting of the conservation area and listed buildings and fit well into the streetscene. A travel plan and planning conditions can promote non-car based transport and there is no highway-based objection.

Alongside these benefits, the proposed impact on neighbours are important but in terms of overall planning balance, they are not considered so weighty as to justify refusal of the proposal, mindful of the intervening distances between the site and Ambrose Place. It is considered that the application is acceptable and is recommended for approval, subject to the satisfactory resolution of the slight under provision of internal space in one studio flat.

In determining this application Members are advised that notification of neighbours and other interested parties of the amended plans will expire on 27th February. An update will be given to the Committee covering comments received. If Members are satisfied with the proposals, Officers would recommend that delegated authority be granted to allow for the consideration of any remaining comments which are received in the remaining day of the notification period after the Committee meeting.

Recommendation

That the application be delegated to the Planning Services Manager to approve subject to no new issues being raised during the consultation period (expiring on the 27th February) and the receipt of satisfactory amended plans ensuring that all flats meet the required internal space standards and subject to the following conditions:

1. List of Approved Plans
2. Time
3. Materials
4. 1:20 scale details, including important intersections and other details; also rainwater goods

5. Obscure glazing – WCs/Bathrooms
6. Balcony screens – details, implementation and retention
7. Details of boundaries
8. Noise & vibration: a scheme to protect against external noise & lift mechanism and control of overheating
9. Travel plan – submission and implementation
10. Car club – arrangements for the provision of access to a car-club or other means of sustainable transport, including the period and terms of the provision.
11. Pavement widening for public use in conjunction with Highway Authority and no subsequent enclosure
12. Tree Protection and adherence to
13. Details of cycle sheds and base to avoid damage to tree or roots
14. Site levels – details and adherence to
15. Foul and sustainable (SUDS) surface water drainage – details and implementation
16. Sustainable drainage verification
17. Sustainable drainage management
18. Site Management – communal areas and bin stores
19. Archaeological recording of building and site survey work.
20. Land Contamination: Watching brief
21. Construction Management Plan
22. Hours of development works

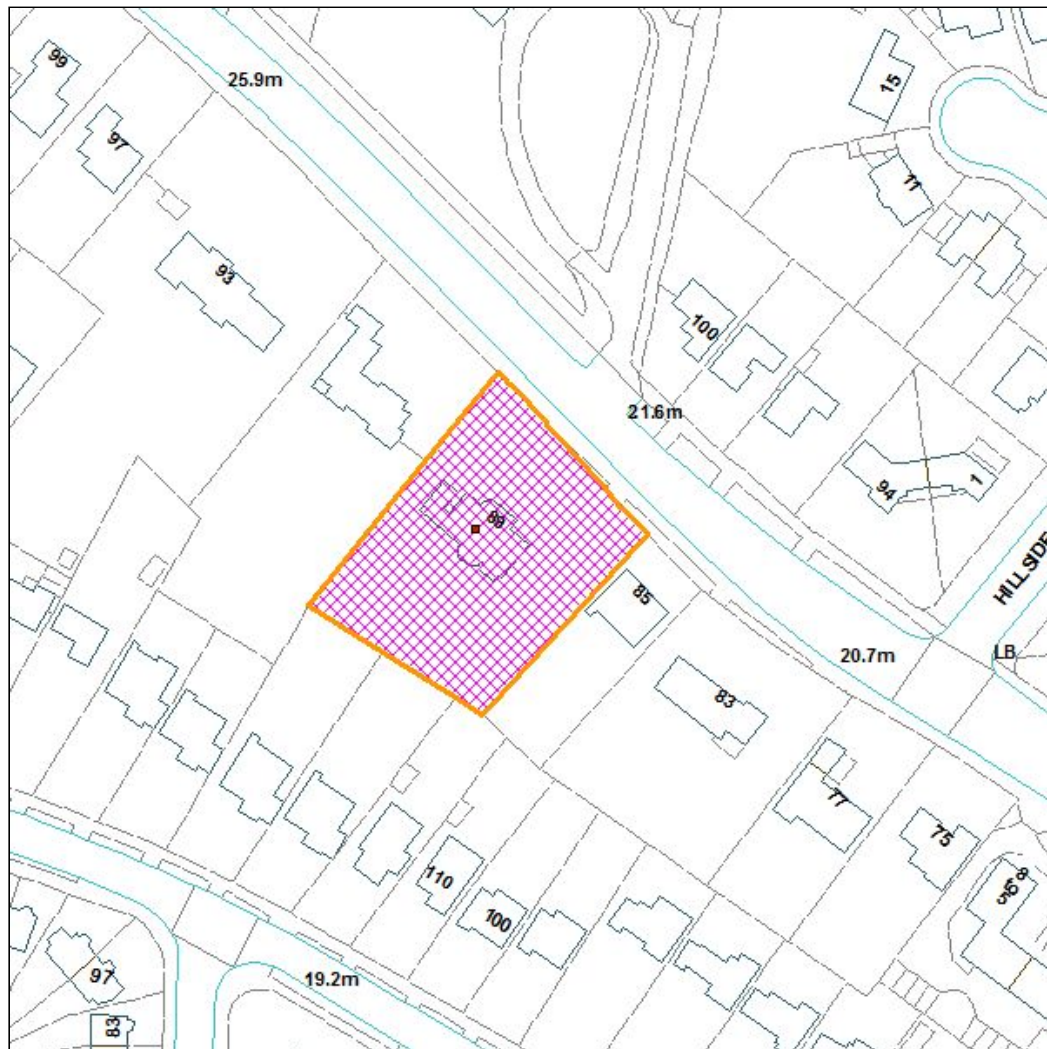
Application Number: AWDM/1607/19 Recommendation – APPROVE

Site: 89 Warren Road, Worthing

Proposal: Demolition of existing dwelling and construction of 3 x 3 bed terrace houses and 2 x 2 bed semi-detached houses with associated landscaping and parking. Blocking up of existing western vehicular access.

**Applicant: Mr Augunas
Case Gary Peck
Officer:**

Ward: Offington



Not to Scale

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Proposal, Site and Surroundings

This application seeks full permission for the demolition of the existing dwelling at 89 Warren Road and its replacement with the construction of 3 x 3 bed terrace

houses and 2 x 2 bed semi-detached houses with associated landscaping. 8 parking spaces would be provided to the front of the properties.

The proposal incorporates 5 dwellings that are described as 2.5 storeys in height. The houses have accommodation partly in the roof (at first floor only) and include dormers to the rear. The block of 3 terraces would be to the western side of the site and the pair of houses, set slightly further forward, to the eastern side. The pair of 2 bed smaller houses is slightly smaller in scale than the terrace of 3 dwellings. All of the proposed dwellings would have rear gardens with a depth of at least 23 metres.

The supporting information states that the primary material proposed is red brick which is said to have been influenced by the surrounding context. A blue engineering brick is introduced to add interest to the soldier courses and the string course at first floor level. Reconstituted stone sills and copings are used to enhance the facades through their contrasting colour. The window frames, dormers and bay window lids have a dark grey metal finish. Red clay roof tiles are used on the roof and reflect the roof tiles in properties found in close proximity to the site.

The application is accompanied by various technical reports consisting of an Arboricultural Impact Assessment, Design and Access Statement, Ground Investigation Report, Noise Report, Planning Statement, Preliminary Ecological Assessment and Bat Survey, Transport Statement and Surface Water Drainage Report. The supporting information notes that planning permission was granted in 2018 for the demolition of an existing dwelling and its replacement with a terrace of 5 dwellings. Although the existing house was demolished, the new dwellings have not been constructed as yet.

The application site is within the built-up area as defined by the Core Strategy. The area of the application site is given as 0.2 hectares and is located on the south western side of the A27 (Warren Road). At present the site is occupied by a detached two and a half storey, five bedroom house with parking on its frontage that is accessed by an 'in and out' driveway from the A27 which would be replaced by a single access point with a turning area on the application site itself. Enhanced landscaping would be provided in place of the removed driveway. The existing dwelling sits to the western side of the plot, quite close to the western boundary, with a gap to the eastern boundary (indeed in 1990, an application was submitted for an additional dwelling on this part of the garden although it was refused). The proposed dwellings would be further away from the western boundary, therefore, but closer to the eastern boundary.

The site is the subject of a Tree Preservation Order confirmed in 2007 and which relates to seven individual trees and a small group of trees at the northern apex of the site.

To the east of the site is 85 Warren Road, a chalet bungalow well screened from the road with a reasonably steeply pitched roof while to the west is 91 Warren Road, a more prominent 2.5 storey dwelling. The road rises slightly from east to west.

To the rear to the south are properties in Offington Drive, generally comprising of chalet bungalows, these properties having similarly long rear gardens to those in Warren Road of over 20 metres.

Relevant Planning History

An outline planning application for the erection of a new dwelling was refused in 1990 (90/00877/OUT). No other history relevant to the determination of the application.

Consultations

Environmental Health

Original comments:

With reference to the above application Public Health and Regulation have the following comments.

Contaminated Land

A desktop study (Project No. 5010357 dated 30th August 2019) has been submitted as part of this application. This study identified a historic pond approximately 10m from the site boundary.

As this excavation has potentially been infilled with unknown material the risk of potential migration of ground gas leading to inhalation has been identified as a potential pathway. The risk level has been identified as low due to the age of the potential infilling. I agree that the level of risk is likely to be low but as this site lies in a radon area where between 5-10% of properties are above the Action Level I believe it would be prudent to install the radon barrier to provide extra reassurance against gas ingress into the properties.

I agree that a discovery strategy should be in place during the works. I would suggest a condition is added to the planning application.

Noise

A Noise Survey (Report No. 3280/70/19 dated 4th August 2019) has been carried out at the site due to its proximity to the A27.

Noise monitoring was undertaken between 23:00hrs and 07:00hrs and between 14:00hrs and 17:00hrs. However, the noise levels provided in the report do not appear to show all the levels between these times; the levels at the end of the monitoring periods appear to be missing (between 16:00hrs - 17:00hrs and between 06:00hrs - 07:00hrs). Please could the full noise data be provided. I do not feel the noise level of the road during the busiest time of day has been monitored. The road noise between 07:00hrs - 09:00hrs and between 17:00hrs - 19:00hrs should have been monitored.

I appreciate that the proposed layout of the development was not known when this noise survey was undertaken. Now that this is known I would expect noise

modelling to be carried out so the noise level of the different facades are known so appropriate glazing and ventilation can be specified.

Based on the limited noise monitoring, the proposed glazing in the report does not appear to provide sufficient attenuation in the living rooms during the daytime or to protect against the LAmax in the bedrooms at night, although further analysis of the noise data should be provided concerning the LAmax.

Acoustically treated trickle vents have been proposed to ventilate the properties as the opening of a window would result exceedances of internal noise levels. However trickle vents are not considered to be sufficient to provide thermal comfort for future occupiers.

In addition, Defra road maps indicate night time noise levels to the rear of the properties could reach 55dB, the recommendation of standard trickle vents on the rear facade may not be sufficient, but this can be confirmed with further noise monitoring and modelling.

I would recommend that an appropriate noise condition is imposed.

Air Quality

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

Consultation with Public Health & Regulation is advised at an early stage.”

The potential impact on the Shoreham and Worthing AQMA's must be considered. The assessment should also include a cumulative impact assessment - a list of relevant developments that should be included in a cumulative assessment can be supplied.

We expect an emissions mitigation assessment to be completed, the purpose of which is to assess the local emissions from a development and determine the appropriate level of mitigation required to help reduce/offset the potential effect on health and the local environment. The emissions mitigation assessment must use the most up to date emission factors (available at <http://laqm.defra.gov.uk/review-and-assessment/tools/emissions.html>).

Mitigation shall include the promotion of cycling and walking, public transport, car clubs, low emission vehicles and associated infrastructure, etc. Reference should be had to the Worthing Air Quality Action Plan (available at <https://www.adur-worthing.gov.uk/environmental-health/pollution/air-quality-and-pollution/local-air-quality-management/#air-quality-action-plans>). A development such

as this can have a major influence on public behaviour. For example by providing electric vehicle charge points and an electricity connection rated at least 32A and capable of taking at least a 7kW charge point in parking spaces/garages, residents and visitors can be assisted to switch to low emission vehicles. Additionally charge points are much cheaper and easier to install during the construction phase rather than as a retrofit. Consultation with Public Health & Regulation is advised at an early stage.

(following the submission of a further noise assessment)

With reference to the Noise Assessment (ref: H2993 v1 dated 10th Dec 2019) submitted in support for the above application, I am pleased to see a ProPG assessment has been undertaken. This assessment has identified the site to be a 'high risk' site under the Pro-PG and mitigation would be necessary for internal levels to achieve the noise levels specified in BS8233.

I do have a couple of queries concerning this report.

Table 6.2 provides the minimum Rw for the windows in the living room and bedroom. These figures are based on BS8233 rigorous calculation method for determining the internal noise levels, please could applicant provide the calculations for the different rooms types for daytime and night time levels. These should demonstrate sufficient attenuation at the lower frequencies specific to road traffic noise.

Table 6.2 provides a summary of the BS8233 calculations, the internal LAeq for the bedroom during night-time hours appears high, is this correct?

I agree with the recommendations provided within the Noise Assessment concerning the noise level of the ventilation system itself.

Once the ventilation system has been decided upon details should be provided. We normally recommend an MVHR system with summer bypass.

(following agent response in respect of the above comments)

[The agent] has kindly responded to my queries and has provided an amended report.

I would agree to the proposal of increasing the proposed glazing specification to Rw33 to provide a buffer for the low frequency noise caused by traffic. Any vents should also meet this specification.

As mentioned in my previous email, once the ventilation system has been decided upon details should be provided. We normally recommend an MVHR system with summer bypass.

Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

(to applicant following submission of Air Quality Assessment)

Thank you for providing the Air Quality Assessment (H2993 v 1 dated 23 Dec 2019) for the above site, I have the following comments.

Section 4.3 of the report advises an air quality assessment looking at the impacts of the development on the local area is not required (following the IAQM/EPUK guidance). However, we would expect the screening checklist within *The Air quality and emissions mitigation guidance for Sussex (2019)* to be followed for this determination. As the front of this site lies within an AQMA we would expect an air quality impact assessment as well as an emission mitigation assessment to be submitted. The air quality assessment should include the impacts of the development on the local environment.

Section 9 of the assessment provides the emissions mitigation assessment however no mitigation measures have been proposed. Please provide details of your proposed mitigation measures for this site.

Please note, the new WSCC Parking Standards Guidance (https://www.westsussex.gov.uk/media/1847/guidance_parking_res_dev.pdf).

Appendix B of the WSCC Guidance document details WSCC's expected delivery of 'active' Electric Vehicle Charge points per unit delivered (for both residential and non-residential). This starts at 24% provision of active EVCPs in 2019 rising ~ 4% every year thereafter.

As stated on page 16 of the Air quality and emissions mitigation guidance for Sussex (2019), *The costs associated with Travel Plans and EV charging points recommended by existing parking standards are required in addition to the mitigation options identified and costed in an air quality mitigation statement.*

So the provision of the 24% active EVCPs should be considered separate to other mitigation options.

All charge points should be a minimum of 7kWh.

(Note: the applicant's agent has agreed to provide electric charging points to 4 of the spaces)

Highways England

Having examined this application, we are satisfied that the development proposals can be achieved, subject to certain conditions, without detriment to the safe and efficient operation of the Strategic Road Network. Highways England's formal recommendation is that we recommend that conditions should be attached to any planning permission that may be granted.

West Sussex Highways

I refer to your consultation in respect of the above planning application and would provide the following comments.

This proposal is for demolition of the existing dwelling, closing off the western access, construction of 3 x 3 bedroom dwellings and 2 x 2 bedroom dwellings. The

site is located and accessed via Warren Road which is an A-classified road subject to 40mph in this location.

Highways England maintains Warren Road (A27), therefore comments in relation to the access arrangements and capacity should be requested from them.

The application has been supported by a Transport Statement provided by YES Engineering. The Transport Statement refers to the provision of 8 parking spaces in accordance with WSCC Guidance for Parking at new Residential Developments (2010). This guidance has since been superseded by the WSCC Parking Guidance (August 2019). The revised WSCC Parking Guidance indicates that a minimum of 10 parking spaces would be required for a development of this size and location. The LPA is advised to consult with Highways England as to whether the potential overspill associated with this proposal would result in a highway safety concern.

The closest bus stop that provides services to Worthing and Crawley is approximately 1-2 min walk southeast of the site. Local shops and amenities in Worthing are approximately 13min cycle/40min walk. The closest train station is Worthing which is approximately 32min walk/11min cycle. The proposed plans indicate that secure and covered cycle storage will be provided for each dwelling to encourage sustainable transport methods.

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 109), and that there are no transport grounds to resist the proposal. If the Local Planning Authority are minded to approve this application, a condition securing cycle provision should be applied.

Worthing Society

I am writing on behalf of the Worthing Society to object to the above mentioned planning application to demolish this substantial 1930's house.

This detached building has group value together with a series of large architect designed houses. These properties have a distinctive layout and building line. They form the west side of Warren Road and mark a stage in Worthing's development. Although not listed or within a conservation area these houses provide an attractive route in to Worthing, giving a sense of place. The society considers the houses have important heritage value with the potential to be included on the Local Interest List.

These properties are complemented by large, landscaped gardens. Several trees have Tree Preservation Orders (TPO's). If the development goes ahead two of these trees: a Leyland Cypress tree and magnolia will be lost, together with another tree.

The construction of a terrace of three bedroom houses and two further semi-detached houses on this site would in our view represent over development

combined with a regrettable loss of trees. There would also be the possibility of a loss of privacy, light and noise nuisance to nearby residents.

The Warren Road area is already under considerable pressure from heavy traffic and an additional number of dwellings will add to this significant problem. We are also very concerned that due to the heavy traffic and emissions the site is within an AQMA area where the air quality is poor.

The Society considers therefore that it would not be desirable to introduce more residents into this area. There could well be a negative impact on health and well-being.

Whilst we appreciate the need to meet Worthing's housing requirements we consider the loss of Offington House would be detrimental to the character of the area and there are serious environmental issues which make this proposal unacceptable.

In conclusion we submit that this application should not be approved.

Tree Officer

I have read the Arb Report and last visited the site in 2017. I consider that the removal of the large False Acacia T1 would be given consent for felling if applied for, and that the overall contribution made by the Lawson Cypress T6 is not significant enough to insist on its retention. Therefore I have no objection regarding trees for this proposal. However I would suggest that the landscaping includes some large / instant trees.

Southern Water

No objection subject to an informative.

Technical Services

Thank you for the opportunity to comment upon this application. I have the following comments on flood risk and surface water drainage.

Flood risk- The application is within flood zone 1 and is at low risk of surface water flooding. I therefore have no objections to the proposed development on flood risk grounds.

Surface water drainage- the application form indicates that it is proposed to dispose of surface water via a sustainable drainage system. This is acceptable in principle. If you are minded to approve this application please apply a condition to ensure that the development is adequately drained and does not increase flood risk elsewhere:

Representations

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

- Existing property is one of the most beautiful in the road
- Additional traffic will have a negative impact upon the area

- The development could not possibly be in keeping with the rest of the road
- Citizens of Worthing have been victims of appalling planning decisions for decades
- Swamped with social housing developments that adversely affect the community and devalue surrounding housing
- If this application is allowed, others will surely follow changing the character of one of the few nice places left to live in Worthing
- Increased noise
- Roof heights should be reduced
- There should be no further development in back gardens if approved
- Building works should be completed in a reasonable time

1 letter raising no objection in principle as the scheme will increase the provision of suitable housing for the town but subject to the following:

- Sale of the properties should be on a freehold basis rather than leasehold
- Houses should be constructed to Passivhaus standards
- Full consideration should be given to use of PV panels
- Basements should be included
- Electric vehicle charging points should be included
- Hours of construction to be limited
- Maximum reuse of materials from existing dwelling

Relevant Planning Policies and Guidance

Worthing Core Strategy (WBC 2011):

Relevant policies include:

7 Meeting Housing Need, 8 Getting the Right Mix of Homes, 13 The Natural Environment and Landscape Character, 15 Flood Risk and Sustainable Water Management, 16 Built Environment and Design, 17 Sustainable Construction, 18 Sustainable Energy Policy and 19 Sustainable Travel.

National Planning Policy Framework (CLG 2019)

Planning Practice Guidance (CLG 2014)

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

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

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

Planning Assessment

The main issues in the determination of the application are the effect of the proposal upon the character and appearance of the area and the amenities of neighbouring properties and parking and highway safety.

The application is within the built-up area as defined by the Core Strategy and therefore there is no objection in principle to the proposal. Government policy is to significantly increase the supply of new homes which is also part of the Council's Housing Strategy (2017). The Draft Local Plan has identified the provision of new housing as a priority and at present is setting a housing delivery rate 25% higher than in the Core Strategy, yet even such an increased delivery would only meet 33% of the District's housing needs (the Submission Draft of the Plan is likely to indicate that the identified housing need is in fact even higher).

Given that the application site is outside of any Conservation Area and represents a redevelopment opportunity to provide existing housing, in the light of the above context, there needs to be a convincing justification to resist the proposal.

Notwithstanding the above, though, there remains a necessity to meet development needs while protecting the environment and character of the Borough. In this respect, the representations received, including that from the Worthing Society are noted. Warren Road has a varied character and many of the buildings in the road are of attractive appearance, the application site included. Unlike a number of other buildings in the road, it has a low wall fronting the highway hence the existing property is quite easily visible from the public viewpoint.

Part of the varied character of Warren Road is created by the variation in plot sizes, the application site being one of the largest in the area whereas the neighbouring plot to the east, number 85, is significantly smaller. The general pattern of development varies too in that there is no consistent building line, the aforementioned number 85 is much nearer the road than the subject property and in general most of the other buildings in the vicinity are set closer to the road. Although the general character of the area is recognized, neither the application site, or any of those in the vicinity, were included in the list of local interest buildings identified in the previous Local Plan nor the later list set out in the Worthing Local Interest Study.

While it can be argued that the retention of one of the larger plots in the vicinity would help maintain the character of the area (as well as allowing the retention of the existing dwelling), equally the mixed pattern of surrounding development means it would be difficult to demonstrate that the sub division of the plot would be out of

keeping with the character of the area, especially given, for example, the denser development to the south in Offington Drive which nonetheless has garden sizes very similar to those proposed under this application.

In design terms the development is acceptable albeit not of significant design quality. The development has sought to keep the eaves line low and incorporate traditional design features and use materials to match those of the locality.

Highways matters are dealt with later in the report, but in visual terms, the use of a single access point, rather than the in-out arrangement that currently exists, means that there is an opportunity to further landscape the frontage of the plot. It is noted that within the site, there is the loss of some trees (the site being subject to a Tree Preservation Order) but the Tree Officer comments that were an application be made to fell the large Acacia on the site, even without any redevelopment proposals, permission would be granted because of its condition and that the overall contribution made by the Cypress is not significant enough to insist on its retention. He does suggest that the replacement landscaping includes some 'large / instant trees' which can be secured by condition and thus should not result in any visual detriment to the area on the grounds of loss of trees.

The dwellings will be set back from the road by a minimum of 12 metres on a similar line to the existing dwelling and therefore it is not considered that there would be any visual harm caused by their siting.

The argument is balanced, because of the nature and character of the existing property but your Officers conclude that in the absence of a qualified objection, the need for additional housing in the town must be taken into account and accordingly there is no reason to refuse the application on visual amenity or character grounds alone.

With regard to the impact upon neighbouring properties, the garden widths to the rear will be in excess of 21 metres and as the garden lengths of the properties in Offington Drive are of similar length, it follows that the overlooking distance between the proposed and existing dwellings is comfortably exceeded. While there is an increase in built form across the site, primarily on the eastern side, the distance of over 40 metres to the properties to the south means that this will also have very little impact and in any case there is a good landscaping screen on the southern boundary which can be retained as part of the landscaping condition.

With regard to the neighbouring properties on Warren Road, there will be a greater distance to the boundary to the west (about 2.5 metres) with the neighbouring property since the existing garage is almost adjacent to the boundary. The neighbouring property is 6 metres from the mutual boundary as well with intervening screening on the boundary. There are no windows proposed in the side elevation, which can be secured by condition, and accordingly it is not considered there would be any material impact upon the amenities of this property.

The new dwellings will be much nearer to the dwelling to the east (85) as there is currently a gap of around 14 metres between the existing dwelling and this mutual boundary (perhaps further emphasizing the suitability of the plot for redevelopment) and this distance will reduce to 2.97 metres at its nearest point. Number 85 is also less than 2 metres away from mutual boundary, the plot itself being one of the

smallest in the vicinity. Again, there are no windows proposed in the side elevation of the proposed dwellings, which comprise the smaller semi-detached pair of the development, which is important in this instance as 2 dormer windows in the side of 85 directly face the application site. The submitted plans show that the new dwellings will not protrude beyond a 45 degree angle from the rear corner of the neighbouring dwelling, and this angle would be greater if the distance were taken from the nearest existing window which in any case is largely screened by existing vegetation on the side boundary which is shown as retained as part of the proposal. Accordingly, it is not considered that there would be any adverse impact upon the amenities of this property.

The remaining issue is in respect of highway considerations given that the redevelopment of the site will result in more vehicles accessing the A27. As an A road, the main highway safety considerations fall to Highway England who have raised no objection to the proposals subject to conditions and separate compliance with the Highways Act. Simply put, therefore, in the absence of any objection there is no justification to resist the application on highway safety grounds.

West Sussex County Council's role as Highways Authority in this matter is therefore primarily associated with parking and it is noted that they state the revised parking guidance indicates that a minimum of 10 parking spaces would be required for a development of this size and location but only 8 parking spaces are proposed. WSCC therefore advised that Highways England be consulted as to whether the potential overspill associated with this proposal would result in a highway safety concern. As can be seen by their comments, no objection is raised. Your Officers have investigated whether there is any potential to provide further parking spaces, but this would be likely to affect existing trees or greatly affect the strengthened landscaping mentioned earlier in the report. In light of the guidance in the National Planning Policy Framework, in the absence of any objection from the relevant authorities, there are no grounds to resist the proposal on highways grounds.

The Environmental Health Officer has sought conditions to address issues such as noise and air quality impacts and the applicant has agreed for these matters to be covered by planning condition (see condition Nos 5 and 7).

With regard to infrastructure, the proposal would attract a CIL contribution of just over £39,000 subject to indexation. As the proposal seeks permission for less than 10 dwellings it is not possible to secure s106 contributions given the advice of the NPPF.

Conclusion

While it is recognized that the existing house is attractively designed, it has no formal or informal protection. The new dwellings are considered to be attractively designed and will sit comfortably on the plot. It must be recognised that the town faces a significant housing shortage and accordingly the redevelopment of sites must be viewed positively. In the absence of any adverse impact upon neighbouring properties or highway objection, the application is considered to be acceptable.

Recommendation

To GRANT permission

Subject to Conditions:-

1. Approved Plans
2. Full Permission
3. Cycle parking - No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved 'Ground Floor Plan Proposed' numbered D2100 Rev 1.

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

4. If during development, any visible contaminated or odorous material,(for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure adequate investigation of any potential contamination is undertaken

5. Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from external noise has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. The scheme should include full details of glazing and a strategy to prevent overheating. The noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and all duct work should be fitted on anti-vibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

Reason: In the interests of the amenities of future residents of the buildings

6. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:-
- the anticipated number, frequency and types of vehicles used during construction - HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's.
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - a commitment to no burning on site,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.
 - Methods to control dust from the site

Reason: In the interests of highway safety and amenity

7. Prior to the first residential occupation of the development hereby approved, a scheme shall be submitted to and approved by the Local Planning Authority demonstrate how the required level of air quality mitigation shall be achieved on site through the provision of EV Charging points and other sustainable travel measures. Thereafter, the development shall be undertaken in accordance with the agreed details.

Reason: To ensure adequate air quality mitigation

8. No works shall commence on the development hereby permitted until a scheme of highway works for the proposed revised access arrangements are submitted to and approved by the Local Planning Authority (who shall consult with Highways England). The scheme of works shall be in accordance with requirements of the Design Manual for Roads and Bridges.

Reason: To ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

9. Prior to the occupancy of any dwelling on the development hereby permitted the approved scheme of highway works for the revised access arrangements to the development subject to Condition (1) above shall be constructed and opened to public traffic. The scheme of works shall be in accordance with requirements of the Design Manual for Roads and Bridges.

Reason: To ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section

10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

10. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure the development is satisfactorily drained.

11. No works or development shall take place, other than works of site survey and investigation, until full details of all hard and soft landscaping works and the proposed times of planting have been approved in writing by the Local Planning Authority and all soft landscape works shall be carried out in accordance with those details and at those times. Any plants which within a period of five years from the time of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and the environment and to comply with policy 16 of the Worthing Core Strategy.

12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), no windows or other openings shall be formed in the any side wall of the buildings hereby approved.

Reason: To prevent overlooking and to comply with saved policy H18 of the Worthing Local Plan.

13. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls (including windows and doors) and roofs of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.

Reason: In the interests of visual amenity and to comply with policy 16 of the Worthing Core Strategy.

14. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Public Holidays. On all other days such work shall only be undertaken between the hours of 8am and 6pm.

Reason: To safeguard the amenities of the occupiers of neighbouring properties having regard to saved policy RES7 of the Worthing Local Plan

15. Prior to the commencement of development, details of the floor level of the proposed building and any alterations to the ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in strict accordance with such details as approved.

Reason: In the interests of amenity and the environment and to comply with policy 16 of the Worthing Core Strategy.

16. No development shall take place until details of all boundary walls and/or fences have been submitted to and approved in writing by the Local Planning Authority and the building shall not be occupied until such walls and/or fences have been erected and they shall thereafter be retained permanently.

Reason: In the interests of amenity and to comply with policy 16 of the Worthing Core Strategy

Informatives

1. Section 175(b) of the Highways Act 1980 (as inserted via The Infrastructure Act 2015) requires those proposing works affecting the public highway to enter into an agreement with the Strategic Highway Authority (Highways England).

This development involves work to the public highway that can only be undertaken within the scope of a legal Agreement between the applicant and Highways England. Planning permission in itself does not permit these works.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Spatial Planning Team, Highways England, Bridge House, 1 Walnut Tree Close Guildford, Surrey GU1 4LZ. Highways England switchboard Tel 0300 470 1370 Email planningse@highwaysengland.co.uk

2. Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and

the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements is available in the attached supplementary requirements document. A surface water drainage checklist is also provided, this clearly sets out our requirements for avoiding pre-commencement conditions, or in order to discharge conditions at a later stage.

3. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

Application Number: AWDM/1794/19

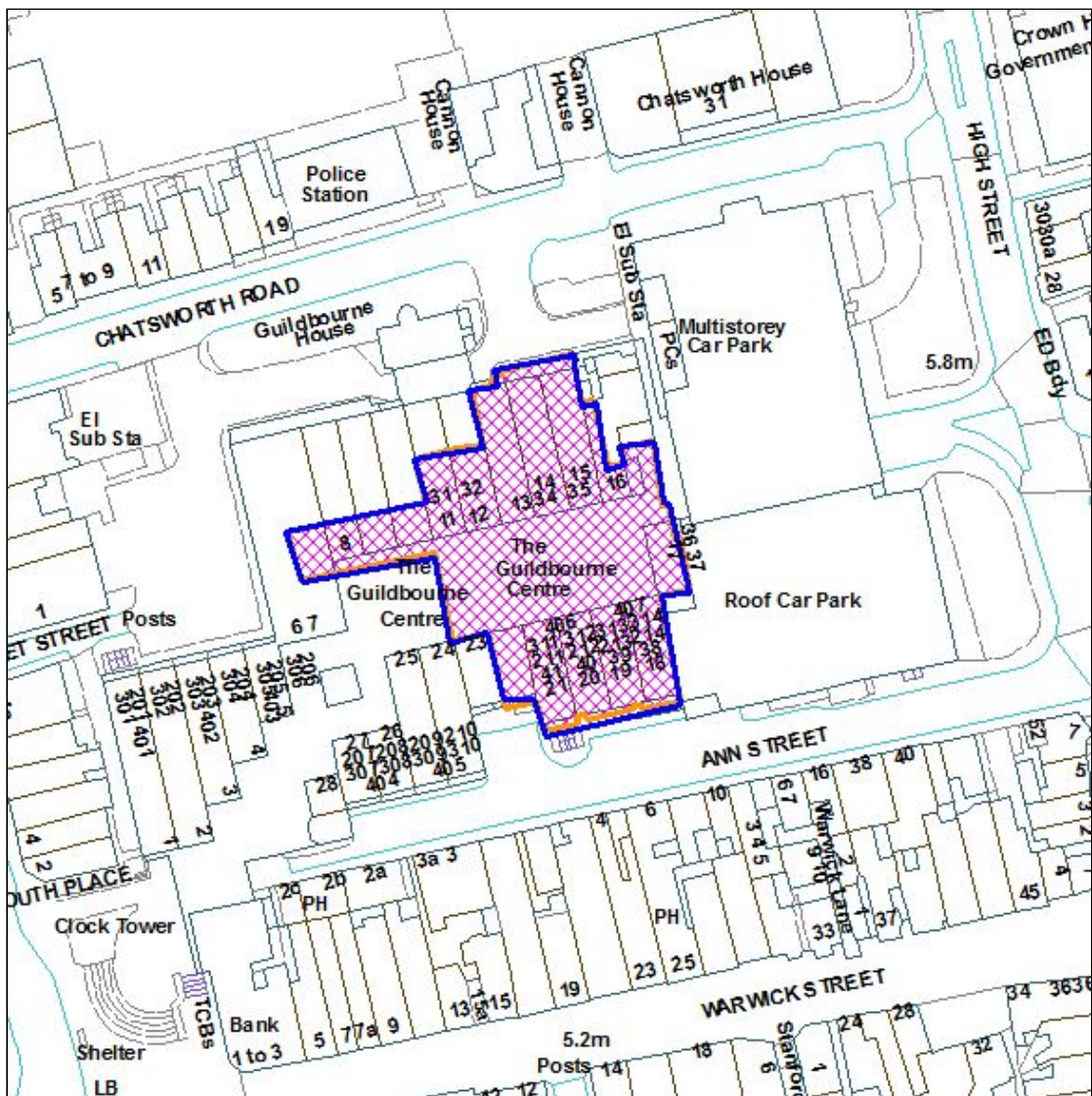
Recommendation – APPROVE

Site: Development Site At Part Of First Floor Guildbourne Centre
Worthing West Sussex

Proposal: Change of Use of 1st floor premises from Class A1 (Shops/Retail) to mixed Class B1a (Office) / D1 (Non-Residential Institution) / D2 (Assembly and Leisure) use to accommodate a flexible working space, conference centre, church and general community space, run by the Jubilee Community Church charity.

Applicant: Jubilee Community Church
Case: Jo Morin
Officer:

Ward: Central



Not to Scale

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Site and Surroundings

This application relates to an area on the first floor of the Guildbourne Centre (1,451sqm floor area), which has been vacant since 2001.

The Guildbourne Centre was built in the 1970s as a large, medium rise, mixed use development comprising covered shopping malls at ground floor and first floor level; plus offices and ancillary storage; together with 35 no. flats (Guildbourne Court) on the second, third and fourth floors to the south and west; offices (Guildbourne House) on the second to sixth floors to the north, accessed from Chatsworth Road, with an attached multi-storey car park to the east, accessed from High Street. The main entrance to the ground-floor shopping mall is from the pedestrianised plaza adjacent to the clock tower at the southern end of Chapel Road and from South Place; plus there is a separate access from Chatsworth Road (adjacent to the public toilets with lift access to the multi-storey car park), and a further secondary pedestrian access from Ann Street to the south. The various commercial uses are serviced from Chatsworth Road to the north and Ann Street to the south.

Although the Guildbourne Shopping Centre has struggled over many years, the majority of ground-floor units are currently occupied and the Centre is anchored by Wilko and the Gym Hub (located within the former Somerfield retail unit). The south-west corner of the first-floor is in use as a dental practice (Brighton Implant Clinic).

The site is located within Primary Zone B of the Central Shopping Area, and the Chatsworth Road Office Area. It adjoins Ann Street to the south which is located within South Street Conservation Area.

The Council owns the freehold of the Guildbourne Centre.

Proposal

Permission is sought on behalf of Jubilee Church for a change of use from retail (Use Class A1) to a mixed use comprising a church, conference centre, flexible workspace and general community space (Class B1a office/ Class D1 non-residential institution and Class D2 assembly and leisure), to be run by the Jubilee Community Church Charity.

The Planning Statement submitted in support of the application further describes the proposed use as follows:-

“For the past 15 years the Jubilee Church has been looking for property in Worthing which could accommodate their offices and essential functions, such as their Sunday meeting, mid-week events and serve as a base for their involvement in the Worthing community.

They have been helping local parents through their tots group (parent and toddler mornings) and have been looking for a space which would allow them to continue

their service several times in a week, in addition to running a foodbank. Part of their project aims to offer hireable office space for local businesses looking for desk-hire and meeting space, in addition to using the auditorium as a conference centre for local companies to use.”

The proposed use would require 5 full-time employees and 7 part-time employees.

There are no external alterations proposed.

Relevant Planning History

Planning permission was granted in 2016 for change of use of the former Somerfield supermarket unit within the Guildbourne Centre to a health club and gym (Class D2) with alterations to the entrance to allow out of hours access from the north (Chatsworth Road)(AWDM/1434/16 refers).

Planning permission was granted in 2011 for the change of use of part of the first-floor from offices (Class B1) to a dental clinic (Class D1)(AWDM/0395/11 refers).

Planning permission was refused in 2009 for the change of use from office and shop storage on the first floor to advice and counselling centre with associated offices for drug and alcohol services (WB/09/0193/FULL refers).

Consultations

West Sussex County Council: No objection has been raised by the Local Highway Authority commenting:-

“The proposal is to convert 1451 (GIA) sqm of office/retail space to and Community Church and Community use facility. It is proposed for the Community Church to use the space for church associated activities for some days of the week including Sunday mornings and for the remainder of the week to use the area for offices and a conference facility. This conference and church facility (D1) area will cover 702sqm and will have the capacity for approximately 300 people. The proposed mixed office space (B1a)/assembly and leisure use (D2) would cover 672sqm - the office space to be hired out to local business. Low key leisure uses such as yoga, dance etc. could also be accommodated.

The Guildbourne Centre is located within Worthing Town Centre close to Bus links and within walking distance from the train station. There are several public car-parks in the vicinity of the site including the High Street multi-storey which is adjacent to the centre. In addition the NCP - Worthing Union Place and the Montague Quarter car parks are within walking distance. No dedicated on-site parking is associated with the site or this proposal. Whilst the proposed uses could generate an increase in traffic demand, given the town centre location, availability of public car parks and parking controls in the area the lack of on-site parking would not be a cause for concern in relation to highway safety.

However, the site is constrained due to pedestrian only areas and therefore careful consideration will be needed to make the area safe during the construction/re-fitting period.

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

A pre-commencement condition is recommended to approve details of the site set-up during the internal fitting-out/construction phase.

Adur & Worthing Councils:

The **Head of Place and Economy** supports the application commenting:-

"As you will be aware the focus within the Town Centre is changing away from a predominantly retail office into one which embraces multiple use. In order to support Worthing as thriving town we welcome the change of classification to accommodate this more creative approach to what has been a previously underused space."

The **Environmental Health Team Leader** has commented as follows:-

"The application raises concerns for us, mainly in relation to the potential for unreasonable noise to affect residential amenity. Of particular concern is:

- Use of the flat roof as a play area for a children's nursery;*
- Use of the flat roof by people attending services and events within the first floor centre;*
- Use of the mixed use space for activities other than office space.*

Residential units overlook the terrace and there are also residential units immediately above the area proposed for office use and other activities. Therefore, in order to protect residential amenity I recommend the following are attached as conditions to any permission granted:-

No use of the external flat roofed area outlined in red on the submitted plan shall take place except between the hours of 09.00 and 18.00 on Monday to Saturday and between 10.00 and 17.00 hrs on Sundays, Bank or Public Holidays.

No use of the external flat roofed area outlined in red on the submitted plan as an outdoor play area in connection with the Toddler Group (or any other children's nursery use) shall take place until a noise management plan has been submitted to and approved in writing by the local planning authority. The plan shall include restrictions on the numbers of children and hours of use in both the morning and afternoon periods and shall thereafter be adhered to at all times.

The door to access the external flat roofed area shall be kept closed at all times when the area outlined in blue on the submitted plan is in use for church services.

No music is permitted to be played in the external flat roofed area at any time.

No music shall be played within the flexible space outlined in yellow on the submitted plan unless and until a scheme for protecting the residential units above has been submitted to and approved in writing by the local planning authority. All

works which form part of the approved scheme shall be completed before any use involving the playing of music within the area outlined in yellow commences.”

Southern Water Services: Comment that as the existing development lies over water distribution mains if the works to be carried out will alter the foundation line or depth or the structural load applied on the water main it will be necessary for the application to seek Southern Water approval.

Initial investigations indicate Southern Water can provide foul and surface water sewerage disposal to service the proposed development. The applicant will need to make a formal application for connection to the public foul and surface water sewer.

Representations

15 representations in support of the application have been received from residents of Bramley Road, Cortis Avenue, Durrington Lane, Elm Grove, Grove Road, Ham Road, Salvington Hill, St Valerie Road, Stone Lane, Wallace Avenue, Westbourne Avenue and from Ferring, making the following comments (which have been summarised):-

- This is an exciting opportunity to develop this space for the community to use. I am an active member and seeing what the Church does already for the town is great and this building will mean that more can be done; an amazing journey that we can all be part of;
- The first-floor hasn't been used for a long time and this will increase footfall and business for the shop owners; a fantastic opportunity for the Centre and the community; it has the potential to make a base for a number of events, especially at Christmas, and help revive the town centre; I am sure all the cafes and restaurants are buzzing with the news, let's get behind it; the plans could see the Guildbourne Centre becoming a centre of vibrant new footfall attracting visitors from outside the town; the Guildbourne Centre will be transformed by this proposal;
- The projects and initiatives run by the Church will benefit the whole community; the toddler group has an amazing reputation already as being friendly and welcoming, reducing feelings of isolation for parents;
- This will help regenerate this part of town which has been redundant for a long time; there is no reason this would not be positive for the town, reviving the few remaining shops and strengthening the people-heart of our precious community;
- I have never known the first-floor of the Guildbourne Centre be used and having a vibrant community area, business space and conference facility sounds like an ideal use and will maybe help the Guildbourne Centre flourish;
- So excited to hear something being done with the Guildbourne Centre after hearing people complaining about it for so long;
- This proposed use is completely in line with new visions for high street renewal through providing community and leisure space; a chance to rejuvenate a sadly neglected area; what a great move to finally get some life in that tired, old centre which has been empty for so many years;
- The proposals are a good opportunity for community cohesion and good for existing businesses which will get more custom; at last something is opening in the town rather than closing down.

A petition with 103 signatures has also been received in support of the application.

Relevant Legislation Planning Policies and Guidance

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

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

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 6, 11, 16, Area of Change 4 (Union Place South)

Worthing Local Plan (WBC 2003) (saved policies): RES7, H18, TR9, S8

National Planning Policy Framework (HCLG 2019)

National Planning Practice Guidance

WSCC Guidance on parking at new Developments (2019)

Worthing Retail & Main Town Centre Uses Study (GVA, 2017)

Planning Assessment

The Principle of the Development

The policy context consists of the NPPF and the local development plan which comprises of the saved policies of the Worthing Local Plan, and the Worthing Core Strategy (2011). National planning policy contained in the revised NPPF post-dates the adoption of the Core Strategy. Paragraph 11 identifies at the heart of the NPPF a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

Paragraph 85 of the NPPF states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth and adaptation. Planning policies should define a hierarchy of town centres and promote their long term vitality and viability by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allow a suitable mix of uses (including housing) and reflect their distinctive characteristics.

Policy 3 of the Core Strategy seeks to provide for a diverse and sustainable economy by identifying sufficient sites in sustainable locations to provide for a range of employment space to meet current and future business needs including the delivery of new town centre office space through major new mixed-use developments.

Policy 6 of the Core Strategy seeks to protect and enhance the hierarchy of centres in the borough and requires that the scale and function of the retail offer is appropriate to each centre within its level of the hierarchy with new retail, leisure and office development directed to the town centre and development resisted that detracts from its vitality and viability.

Saved Local Plan policy S8 deals with Primary Zone B of the Central Shopping Area, but only covers ground-floor uses. It is worth noting, however, that the former Policy S9 (which was not saved) specifically related to the Guildbourne Centre and allowed for the change of use of units on the upper floor to community and leisure uses which would contribute to the vitality and viability of the Guildbourne Centre and have no significant adverse effects.

The GVA Worthing Retail & Main Town Centre Uses Study has been undertaken as part of the evidence base to support the preparation of the new Worthing Local Plan and in response to the rapidly changing role of retailing in town centres as well as changing consumer trends and technological advances. The Study finds Worthing is performing adequately but with substantial opportunity identified to transform the town centre into taking a step change upwards in terms of centre attraction and competitiveness with the key challenge identified as bringing forward the main development sites (Grafton/Union Place South/Stagecoach) to enhance mainstream/higher end/quality comparison retail provision whilst enhancing further the specialist/niche retail offer and café culture and achieving stronger linkages with and usage of the seafront.

The Guildbourne Centre is included within Area of Change 4 (along with Union Place) within the Core Strategy. A comprehensive approach involving the redevelopment of the Guildbourne Centre is identified as the preferred option in creating a unique opportunity in conjunction with the development of Union Place to provide a modern retail 'heart' including the potential for cultural, leisure and offices uses to secure the regeneration of an underutilized part of the town centre and promote linkages with adjoining retail areas and the wider street network. The emerging Local Plan now excludes the Guildbourne Centre from this development site, focusing instead on Union Place.

As such, there is no policy objection to the flexible mixed use of the first-floor of the Guildbourne Centre for community and leisure uses; and the inclusion of B1 office use would further complement the range of Church-related activities planned by Jubilee Church Community Charity. Bringing back into active use this long redundant part of the Guildbourne Centre will increase footfall through the ground-floor shopping centre helping to reinvigorate and increase its relative attraction and improving the vitality and viability of the town centre.

The key consideration is the effect of the proposed range of uses on the amenities of nearby residential occupiers together with accessibility and parking considerations.

Residential amenity

The first-floor area the subject of the application is accessed from the ground-floor shopping centre via the main central staircase (currently blocked off). The main auditorium area to be used for conferences and church services (Class D1)

comprises 702sqm and lies to the north of the central staircase, having capacity for approximately 300 people. The submitted floor plan shows the larger part of this area laid out with rows of seating in a semi-circle facing a stage. A small kitchen with counter/bar and breakout seating/cafe area with tables and chairs is located to the rear (west) of this area. A door opens from the breakout area onto an area of flat roof measuring approximately 9 metres by 24 metres (208sqm) shown as an external terrace area to be used as an outside space ancillary to the main mixed uses. [It is intended to make a separate planning application for the external alterations necessary to make safe the external terrace.] Three floors of residential flats forming part of Guildbourne Court and laid out in 2 linear blocks and linked by external walkways are sited to the south and east of this area with their open deck access walkways and windows and doors facing north towards the external terrace at distances varying between 12 and 27 metres.

The proposed mixed office space (Class B1a) and assembly and leisure (Class D2) comprises 672sqm of floorspace to the south and west of the central staircase, and would include the Church offices, offices available for hire to local businesses and rooms available for leisure uses such as yoga, pilates and dance classes. Flats within Guildbourne Court lie directly above this part.

It is proposed to install WCs/washrooms including accessible WCs/baby-change area/ showers and lockers within the narrower area (149sqm) to the east of the central staircase.

Access to the proposed mixed-use space would be from the main central staircase when the Guildbourne Centre is open (between 08.00 and 18.00hrs Monday to Saturday and between 10.00 and 16.00 hrs on Sundays). Alternative access when the shopping centre is closed would be from an existing door leading from the adjoining 24hr multi-storey car park (and associated lift access), and from an existing fire escape stairwell leading to an external door at ground-floor onto Chatsworth Road.

Concerns have been raised by the Environmental Health Officer in relation to the potential for noise arising from the various activities associated with the mixed uses to disturb the occupiers of Guildbourne Court. These concerns primarily relate to the use of the external terrace, and the risk of disturbance from music played in connection with Church services and any leisure activities undertaken to music (e.g. dance classes, yoga etc.) particularly (but not solely) during the evening.

Jubilee Church has subsequently confirmed that the planned hours of use of the various uses proposed would be between 08.00 to 23.00hrs on Monday to Saturday and between 08.00 and 22.00hrs on Sundays. The main Sunday service for the church would take place on Sunday between 10.30 and 12.00hrs.

It is intended that the external terrace would be available during Monday to Saturday for people using the mixed-use space to have a comfort break and get some fresh air and would be available on Sundays between 10.00 and 12:30hrs for people to use before, during and after the church service.

The applicant has confirmed that the external terrace would be used by the toddler group, but for no more than 30 minutes at a time during any session. There will be no play equipment left outside and the terrace area will not be an integral part of the

nursery/group. The toddler group currently only meets one morning a week for two hours although this may be increased in due course.

It is considered concerns about noise leakage during the weekly church services can be straightforwardly addressed by requiring the external door leading onto the external terrace to be kept shut during services. There is no residential accommodation directly above the auditorium. There are, however, residential flats above that area intended for office (Class B1a) and/or leisure use (Class D2). Although it is not expected the proposed office use would generate a significant degree of noise, there is the potential for noise transference associated with the leisure use, particularly those which might involve music. In the absence of a noise report the EHO has recommended a condition requiring that that this space is not let out or used for activities involving music until a scheme for protecting the residential units above has been submitted and approved.

The use of the external terrace is potentially more problematic as windows and doors in Guildbourne Court face directly onto this area. Whilst fencing enclosing the terrace may screen people using it from overlooking (and will be required in any event for safety purposes) such fencing would have little value as an acoustic barrier due to the elevated position of the residential flats in relation to the terrace. The EHO has recommended that use of the external terrace is curtailed to between 09.00 and 18.00hrs on Monday to Saturday, and to between 10.00 and 17.00hrs on Sundays, Bank or Public Holidays in order safeguard residential amenity. The applicant has since responded to state that the scope to use the external terrace up to 20.00hrs Monday to Saturday would be preferred, particularly during the summer months. However, it is considered such use extending even only into the earlier evening could be intrusive for existing residents given the potential for noise to reverberate around this environment and bearing in mind the nearest residential unit in Guildbourne Court is located only 12 metres from the western edge of the proposed external terrace.

Moreover, this would not address specific concerns relating to its use by the toddler group. Even where carefully supervised by adults/play leaders, normal noise associated with young children at play has the potential to be disturbing. The Church has indicated that the toddler group currently only operates for 1no. 2hr session a week, but may increase in the future. The Class D1 element of the proposed mixed-use could allow for a children's nursery to operate from the premises at any time without restriction. The toddler group is clearly a popular and well-used facility and its expansion and development is likely to be of considerable benefit to the local community. It is considered the risk of noise from the use of the external terrace by the toddler group (or any subsequent day nursery use) adversely affecting the amenities of Guildbourne Court could be satisfactorily addressed by means of a Noise Management Plan to be secured by condition and submitted for approval, setting out controls over the timing and number of children using the terrace on any one time. It is considered this would strike a reasonable balance between allowing some use of the terrace for short periods of outdoor play during toddler sessions and safeguarding residential amenity.

Accessibility and parking

The application is accompanied by a Transport Statement which calculates the parking demand for the proposed development having regard to the WSCC

Guidance on Parking at New Developments. On this basis the parking demand for the office (Class B1a) and leisure (Class D2) floor area is calculated at between 23 to 31 parking spaces. There is no specific parking standard for Class D1 non-residential institutions and the parking requirements for such a use are subject to a site specific assessment based on need.

There is no dedicated parking provision to serve the proposed use. However, the site is located within the heart of the town centre and adjoins the 24hr multi-storey car park in High Street (which includes the Chargemaster EV charging station) and surface level parking provision nearby in Union Place. There are a number of bus stops close to the Guildbourne Centre in South Street and also High Street. Worthing rail station is within approximately 20 minutes walking distance. There are Sheffield-type cycle racks close to the northern entrance to the Guildbourne Centre in Chatsworth Road and also adjoining the plaza at the southern end of Chapel Road (in front of Greggs bakery).

The Transport Statement concludes that the site is within a highly sustainable location and can be easily accessed by walking, cycling and public transport. There is a wide range of car parking options nearby. Consequently, it is considered the proposed flexible mixed (Class D1/B1a/D2) use would not have any harmful impact on the capacity of the local highway network and the existing broad scope for using sustainable transport options as an alternative the private car would not warrant a requirement for a travel plan. It should also be borne in mind that the proposals do not involve creating new floor space but will utilize existing vacant floor space.

The conclusions of the Transport Statement have been accepted by the local Highway Authority and no objection is raised.

Recommendation

APPROVE Subject to Conditions:-

1. Approved plans
2. Standard time limit
3. Agree Construction Management Statement
4. Use restricted to flexible mixed use (Class D1, B1a, D2) only
5. No use of the external flat roofed area (outlined in red on the submitted plan) shall take place except between the hours of 09.00 and 18.00 on Monday to Saturday and between 10.00 and 17.00 hrs on Sundays, Bank or Public Holidays.
6. No use of the external flat roofed area (outlined in red on the submitted plan) as an outdoor play area in connection with the toddler group (or any other children's nursery use on the premises) shall take place until a Noise Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include restrictions on the times and numbers of children using the external area for outdoor play throughout the day and shall be adhered to at all times.
7. The door to access the external flat roofed area (outlined in red on the submitted plan) shall be kept closed at all times when the auditorium area (outlined in blue on the submitted plan) is in use for church services.
8. No music shall be played on the external flat roofed area (outlined in red on the submitted plan) at any time.

9. No music shall be played within the flexible Class B1a/D2 space (outlined in yellow on the submitted plan) unless and until a scheme for protecting the residential units above has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before any use involving the playing of music within the area outlined in yellow commences.
10. No external roof plant/equipment unless agreed.

Application Number: AWDM/1962/19

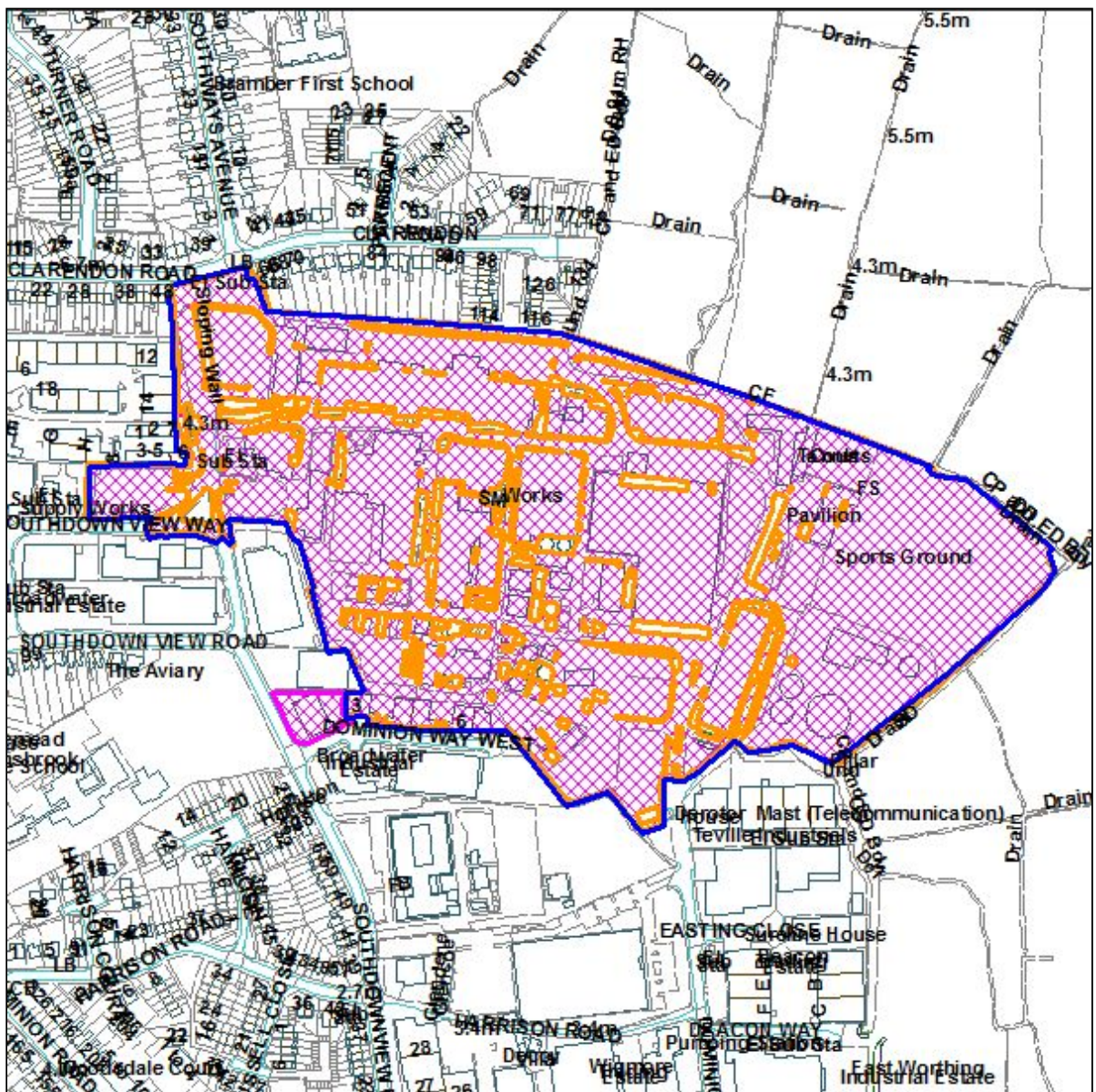
Recommendation – APPROVE

Site: Glaxo Smithkline, Southdownview Way, Worthing

Proposal: Variation of Conditions 23 and 24 attached to planning permission AWDM/0311/14 to extend the temporary use of the sportsfield and western car park for car parking and construction related activity respectively until 31 December 2020

Applicant: Glaxo Smithkline
Case: Gary Peck
Officer:

Ward: Broadwater



Not to Scale

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Proposal, Site and Surroundings

This application seeks permission to vary condition 24 attached to planning permission AWD/0311/14 to extend the temporary use of the sports field and western car park for car parking and construction related activity respectively until 31 December 2020.

The permission granted under reference AWD/0311/14 was for the construction of the pharmaceutical building at the western end of the site. The construction activities associated with the development were located in the existing car park in that location and therefore it was necessary to relocate car parking onto a temporary car park sited on an area previously used as a sports field. Condition 24 of the permission stated:

The use of the existing western car park and entrance area for purposes in association with the construction of the pharmaceutical production building hereby permitted, including contractor's parking, offices and storage areas shall be discontinued and the land restored to its former condition on or before 2 years of the date of this permission in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

Because of delays in the construction process, the condition has twice been extended, most recently under reference AWD/1146/17:

The use of the sports field as a temporary car park hereby permitted shall be discontinued and the land restored to its former condition on or before 30 June 2018 in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

The condition has therefore been breached for some time, albeit the applicant has been in discussion with your Officers regarding the site as a whole and hence it was not felt necessary to commence enforcement proceedings while such discussions were progressing. The current application has now been submitted to regularise the situation for another year. The supporting information states that the western car park has still not been decommissioned for the construction activities but the remaining temporary units on the site should be cleared this year. In the meantime, a scheme has also been submitted (as a condition discharge application) for the restoration of the sports field back to recreational use which is currently under consideration.

The sports field sits to the east of the GSK complex and is bordered by other buildings and uses within GSK ownership and open countryside.

Relevant Planning History

AWD/0311/14 - Construction of new pharmaceutical production building incorporating 3 manufacturing modules, utility and other associated engineering operations. In addition to the proposed temporary use of existing staff car parks to the west of the site for support facilities for construction workers and use of existing football pitch on east side of site as a temporary staff car park. Temporary access road from Dominion Way West for the use of HGVs in connection with construction works - permission granted in June 2014.

AWDM/0633/16 - Application for variation of conditions 23 and 24 of approved AWDM/0311/14; condition 23 sports field used as car parking and condition 24 western car park and entrance area for construction parking, storage and offices, to be extended for one year to June 2017 - approved

AWDM/1146/17 - Variation of conditions 23 and 24 of AWDM/0311/14 to extend the requirement for restoration of the sports field and western car park and entrance area, which are temporarily used for car parking, storage and offices during construction, until June 2018.

Consultations

Sport England: No objection

West Sussex Highways: No objection

Representations

None received

Relevant Planning Policies and Guidance

Worthing Core Strategy (WBC 2011):

Policy 4 Protecting Employment Opportunities, Policy 11 Protecting and Enhancing Recreation and Community Uses, Policy 16 Built Environment and Design

National Planning Policy Framework (CLG 2019)

Planning Practice Guidance (CLG 2014)

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

Relevant Legislation

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

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

Planning Assessment

The main issue in the determination of this application is whether the variation of the condition would adversely affect the character of the area and the amenities of neighbouring properties.

The 2014 permission has been implemented but due to the complexity of the project slipped behind its original construction schedule. Your Officers have been kept informed about its progress at all times and therefore were aware that the timescales envisaged by the condition were unlikely to be met, especially as the operational circumstances of the wider site have altered in the interim.

The Company has confirmed that they are willing to restore the sports field area and to that end, a scheme has been submitted to the Council for consideration. It is an unusual situation in that the location of the field is not easily accessible to the public and is primarily to meet the needs of GSK's own staff. The Company has not yet decided if the restored sports field will be let to local groups to use.

While the retention of the car park would be unacceptable as a permanent measure, it is not considered that there is any objection to the extended time limit given the clear intention to restore the sports field, as evidenced by the conditions discharge submission.

It is also noted that there have not been any complaints reported to the department as a result of the previous car park for construction related activities, nor have there been any representations received in respect of the current application. Accordingly, therefore, it can be considered that the temporary use is continuing to operate without undue detriment to neighbouring properties and hence there is no objection to the proposal to vary the condition. It is therefore recommended that permission is granted.

Recommendation

To GRANT permission

Subject to Conditions:-

1. Approved Plans
2. The use of the sports field as a temporary car park hereby permitted shall be discontinued and the land restored to its former condition on or before 31 December 2020 in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

Reason: *To ensure satisfactory remediation and as the use of the sports field as a car park is only acceptable as a temporary measure with regard to the wider development of the site.*

3. The use of the existing western car park and entrance area for purposes in association with the construction of the pharmaceutical production building hereby permitted, including contractor's parking, offices and storage areas shall be discontinued and the land restored to its former condition on or before 31 December 2020 in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

Reason: *The permanent use of the land for the purposes above would be to the detriment of the amenities of neighbouring properties.*

Local Government Act 1972

Background Papers:

As referred to in individual application reports

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Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

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

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

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

14.0 Financial implications

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

Worthing Planning Committee

26 February 2020

Agenda Item no. 7



WORTHING BOROUGH
COUNCIL

Ward: All

Adoption of the West Sussex County Council Parking Guidance

Report by the Director for the Economy

1.0 Summary & Background

- 1.1 In August 2019, West Sussex County Council (WSSCC) produced a guidance note '*Guidance on Parking at New Developments*' outlining their approach to parking at new developments (both residential and non-residential). WSSCC states that the guidance '*is needed to help determine the County Council's response to consultations on planning applications and the preparation of planning policies*'. It goes on to say that it is WSSCC's 'ambition' to ensure that sufficient parking is provided at new developments to meet the needs of the development while maintaining highway network operations, protecting surrounding communities and pursuing opportunities to encourage sustainable modes of transport, but also that '*this ambition is not intended to replace relevant national and local planning policy on this issue*'.
- 1.2 The guidance replaces the County Council's previous guidance: 'Standards and Transport Contributions Methodology' (2003) and 'Guidance for Parking in New Residential Developments' (2010).
- 1.3 The note states that '*Each LPA will decide how to take forward parking policies. Some authorities are expected to use the County Council's new guidance, while others will prepare their own supplementary planning documents based on the County Council's guidance or similar evidence. In cases where LPA's have their own parking standards, these will also be referred to, but the County Council would only consider objecting to development on parking grounds where the proposed parking arrangements do not comply with WSSCC guidance as this could result in a highway safety or capacity issue*'.

1.4 National guidance is set out within the National Planning Policy Framework (NPPF). At paragraph 106 it states *‘Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport’*. At paragraph 109, it is stated: *‘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’*.

1.5 Policy 28 of the adopted Adur Local Plan 2017 states:

In order to secure significant improvements to transport and mobility in Adur, new development should... incorporate levels of car and cycle parking having regard to West Sussex County Council guidance, taking into consideration the impact of development upon on-street parking.

1.6 The emerging Worthing Local Plan will reflect the need to ensure that developments reflect the WSCC parking standards.

1.7 Both Adur and Worthing Councils adopted the previous guidance as a material consideration in 2012. It is similarly proposed, therefore, that this updated guidance is approved for use by Adur & Worthing Councils as a material consideration to inform decision making.

2.0 Structure of the Guidance

2.1 The County Council’s approach to parking at new developments is detailed in a set of Guiding Principles and Overarching Guidance.

2.2 Principle A relates to ‘Accommodating Parking Demand’ stating *‘Parking provision should be sufficient to accommodate parking demand while exploiting the potential for sustainable travel, minimising adverse effects on road safety, and avoiding increased on-street parking demand’*. If parking is expected to take place on existing streets then a parking capacity survey should be undertaken to demonstrate there is sufficient capacity to accommodate the demand from the development.

2.3 Principle B relates to Electric Vehicle Charging Infrastructure and notes that *‘Active’ charging points for electric vehicles should be provided at a minimum of 20% of all parking spaces with ducting provided at all remaining spaces where appropriate to provide ‘passive’ provision for these spaces to be*

upgraded in future. The likelihood of needing to update this guidance further as vehicle manufacturing and sales progress is also acknowledged.

- 2.4 Principle C relates to Sustainable Transport and states that in some locations, limiting parking provision should form part of a strategy to exploit the potential for sustainable transport. In order to '*realistically*' promote lower levels of car ownership it would be necessary to make available or provide:
- ❑ *travel plan measures, targeted at reducing vehicle ownership levels such as car clubs;*
 - ❑ *high levels of accessibility to non-car modes of travel and to local amenities and facilities; and*
 - ❑ *comprehensive parking controls; i.e. Controlled Parking Zone.*
- 2.5 Principle D explores the use of Traffic Regulation Orders (TRO) where it may be necessary to regulate on street parking to mitigate the impact of development. It may be necessary to prevent residents of new developments qualifying for permits in Controlled Parking Zones (CPZ).
- 2.6 Principle E is entitled 'Design Considerations' stating that '*Good parking design is as important as providing the appropriate number of spaces. Therefore, developers will be expected to provide balanced, mixed, and flexible parking provision and ensure that all spaces are usable without creating highway safety issues such as vehicles overhanging footways*'. Detailed consideration should be given to design features such as sufficiently sized garaging, adequate visitor parking, provision of electric vehicle charging points, likely cycle ownership, disability space provision (should be at least 5% or a minimum of 1 space), motorcycle parking and storage bin provision.
- 2.7 The last principle relates to Sustainable Drainage requiring parking areas to adopt sustainable drainage systems (SuDS).
- 2.8 The parking standards are based on Parking Behaviour Zones (PBZ), using Census data and projected future growth, zoned 1-5 where parking requirements are highest in Zone 1 (typically serving more outlying areas) and lowest in Zone 5 (the most central locations). For example, a typical 3 bed property would be expected to provide an equivalent of 2.1 spaces in Zone 2 and 1.6 spaces in Zone 5. A 1 bed unit would be expected to provide 1.4 spaces in Zone 2 and 0.6 in Zone 5.
- 2.9 In Adur, Peverel ward is in Zone 1, Cokeham, Manor, Buckingham and Hillside in Zone 2, Churchill, Widewater, Mash Barn, Marine, Southlands,

Southwick Green and Eastbrook in Zone 3 and St Nicolas and St Mary's in Zone 4.

- 2.10 In Worthing, Northbrook, Salvington and Offington wards are in Zone 2, Goring, Tarring and Selden in Zone 3, Castle, Durrington and Broadwater in Zone 4 and Gaisford, Marine, Heene and Central in Zone 5.
- 2.11 There is some flexibility in the guidance in respect of applying an increase or decrease in the target parking provision on a site by site basis. The guidance states that consideration may be given to varying the expected parking demand by 10% above or below the standards. In such cases the applicant will need to provide evidence to justify a variation. Consideration can also be given to reducing the level of parking demand by 10% where sustainable travel choices are available.
- 2.12 In respect of non residential uses, the guidance acknowledges that *The land use will mean that the amount of commercial vehicle parking will vary greatly between one site and another* and therefore bases parking requirements upon the land use, predicted trip rate and the user group of staff/visitors on the site in question.

3.0 Assessment and Application of new Parking Standards

- 3.1 Members of both Planning Committees will have been aware of the many applications which attract objections from local residents in respect of inadequate parking provision. Members will also be aware that national guidance as set out in the NPPF gives little scope for such objections to be supported without a very robust evidence to justify such concerns. The adoption of the new guidance, therefore, is important in updating the evidence base for parking provision as well as setting out necessary guidance in particular for the provision of Electric Vehicle Charging Infrastructure which will clearly be critical in the provision of ultra low emission vehicle (the guidance references the governments 'Road to Zero Strategy' which sets out an ambition for at least 50% of new car sales to be ultra-low emission by 2030)
- 3.2 Members will also be aware that a refusal of an application on parking grounds is very difficult to justify without WSCC support. The WSCC statement in the guidance that *'the County Council would only consider objecting to development on parking grounds where the proposed parking arrangements do not comply with WSCC guidance as this could result in a highway safety or capacity issue'* also exemplifies the importance of adopting such guidance.

- 3.3 Although adopted last year, the guidance is still in its early stages and it remains to be seen whether it can be used sufficiently against national policy to achieve the 'ambition' set out within it. Your Officers are concerned that set against the challenges of climate change the guidance still places too much emphasis on car parking provision and car ownership. In this respect it is considered that parking standards are too high both in very urban locations and on greenfield sites.
- 3.4 Often brownfield redevelopments already have limited parking provision and it is not possible to meet the new parking standards and there is a need for greater reliance on providing sustainable alternatives in terms of car clubs, cycle provision and other Travel Plan initiatives. In practise the County Council has accepted a reduction of more than 10% below its standards. This is particularly important across Adur and Worthing where there are significant concerns regarding air quality.
- 3.5 The standard for greenfield sites (2.1 and 2.7 spaces for 3 and 4 bed houses) may be acceptable for very rural locations but the more sustainable albeit limited greenfield sites in Adur and Worthing should be seeking lower provision to encourage less car ownership and more sustainable modes of transport.
- 3.6 The guidance relating to EV charging points has also been overtaken in many respects following the consultation on changes to the Building Regulations with the consultation last year seeking all new dwellings to provide EV charging points. If this measure is introduced it would replace the current WSCC suggest of 20% of parking spaces to install EV charging points.
- 3.7 Whilst, there are concerns about the new standards it does at least provide an up to date evidence background against which to assess planning applications and still provides flexibility in the application of the standards across Adur and Worthing. In practise WSCC has been willing to accept lower parking standards than suggested where the applicant has demonstrated the implementation of other measures to promote more sustainable modes of transport.

5.0 Legal

5.1 None identified

6.0 Financial implications

6.1 There are no additional resource implications associated with adopting or using the revised standards.

7.0 Recommendation

7.1 It is recommended that members of the Planning Committee forward any comments to the Executive Member for Regeneration.

Local Government Act 1972

Background Papers:

Guidance on Parking at New Developments, West Sussex County Council, August 2019.

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Schedule of Other Matters

1.0 Council Priority

- 1.1 Platforms for Our Places - Our Financial Economies - Establish an up-to-date framework to guide future developments and ensure the provision of appropriate supporting infrastructure.

2.0 Specific Action Plans

- 2.1 Our Financial Economies - Establish an up-to-date framework to guide future developments and ensure the provision of appropriate supporting infrastructure. In addition, the National Planning Policy Framework (NPPF 2019) highlights the need to consider transport in plan-making and in the determination of planning applications.

3.0 Sustainability Issues

- 3.1 The Standards address the issue of electric vehicle charging points in new developments.

4.0 Equality Issues

- 4.1 No issues identified

5.0 Community Safety Issues (Section 17)

- 5.1 No issues identified

6.0 Human Rights Issues

- 6.1 No issues identified.

7.0 Reputation

- 7.1 No issues identified

8.0 Consultations

- 8.1 The standards have been subject to consultations with planning officers in local authorities in West Sussex.

9.0 Risk Assessment

9.1 These revised standards have already been agreed for use by West Sussex County Council in their comments on planning applications.

10.0 Health & Safety Issues

10.1 No issues identified.

11.0 Procurement Strategy

11.1 No issues identified.

12.0 Partnership Working

12.1 The Standards seek to achieve a consistent approach to parking standards across West Sussex.

West Sussex County Council Guidance on Parking at New Developments August 2019



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1. Introduction

- 1.1 The County Council, in its role as the local highway authority, is a statutory consultee on planning applications that affect the highway. The parking guidance is needed to help determine the County Council's response to consultations on planning applications and the preparation of planning policies. The County Council provides advice to Local Planning Authorities (LPA) on the transport implications of developments to inform their decision-making. The County Council is also consulted during the preparation of local and neighbourhood plans and may provide advice on the soundness of policies that relate to parking in new developments.
- 1.2 The County Council's overall ambition for parking at new developments is to ensure that sufficient parking is provided to meet the needs of the development while maintaining highway network operations, protecting surrounding communities and pursuing opportunities to encourage use of sustainable modes of transport. This ambition is not intended to replace relevant national and local planning policy on this issue.
- 1.3 This guidance note outlines the County Council's approach to parking at new developments (both residential and non-residential). It should be used to help determine the level of parking at new developments and provides the basis for the County Council's advice to the LPAs in West Sussex on planning applications and the soundness of policies relating to parking at new developments.
- 1.4 It replaces the County Council's previous guidance: 'Standards and Transport Contributions Methodology' (2003) and 'Guidance for Parking in New Residential Developments' (2010).
- 1.5 This guidance has been produced in consultation with the Local Planning Authorities in West Sussex, following a review of the County Council's previous guidance. This guidance was approved by the Cabinet Member for Highways and Infrastructure for use from the 22 July 2019¹.
- 1.6 It should be noted that a number of the LPAs have adopted or draft local plans that set out their approach to parking. Similarly draft or 'made' neighbourhood (or town) plans outline local conditions and, in some cases, propose local parking standards. Each LPA will decide how to take forward parking policies. Some authorities are expected to use the County Council's new guidance, while others will prepare their own supplementary planning documents based on the County Council's guidance or similar evidence. In cases where LPA's have their own parking standards, these will also be referred to, but the County Council would only consider objecting to development on parking grounds where the proposed parking arrangements do not comply with WSCC guidance as this could result in a highway safety or capacity issue.

2. Background

National Context

¹ <https://westsussexintranet.moderngov.co.uk/ieDecisionDetails.aspx?id=651&LLL=0>

- 2.1 Section 9 of the National Planning Policy Framework 2019 (NPPF) highlights the need to consider transport in plan-making and in the determination of planning applications. Paragraph 105 of the NPPF states that if LPAs set parking standards, they should take account of the following:
- a) the accessibility of the development;
 - b) the type, mix and use of development;
 - c) the availability of and opportunities for public transport;
 - d) local car ownership levels; and
 - e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
- 2.2 Paragraph 106 of the NPPF places the onus on LPAs to justify the use of maximum parking standards, stating that “*Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport*”.

Local Context

- 2.3 West Sussex is a large county with significant variation in local characteristics from dense urban hubs and large coastal towns to small rural hamlets of three or four dwellings. This variation contributes to wide-ranging demographics, economic situations, and consequently car ownership and parking behaviours amongst West Sussex residents.

3. Structure of the Guidance

- 3.1 The County Council’s approach to parking at new developments is detailed in a set of Guiding Principles and Overarching Guidance in section 4 together with either Guidance on Parking at New Residential Developments in section 5 or Guidance on Parking at New Non-Residential Developments in section 6.

4. Guiding Principles and Overarching Guidance

- 4.1 The following principles set out the County Council’s recommended approach to parking in new residential and non-residential developments and should be used to inform the design of new developments and decision-makers’ consideration of proposals for new development. Unless clearly specified, the Guiding Principles apply to both residential and non-residential developments.

Principle A: Accommodating Parking Demand

- 4.2 Parking provision should be sufficient to accommodate parking demand while exploiting the potential for sustainable travel, minimising adverse effects on road safety, and avoiding increased on-street parking demand.
- 4.3 If parking could reasonably be expected to take place in existing streets, then it

will be necessary to demonstrate through a parking capacity survey (see Section 7) that there is sufficient capacity to accommodate the expected parking demand.

- 4.4 Expected levels of parking demand in residential developments should be determined, where appropriate taking account of; location (parking behaviour zone), dwelling size (rooms), parking provision (allocated or unallocated), and arrangements for control/enforcement (charges, etc). Calculation of expected levels of parking demand should normally be based on local or comparable data taking account of forecast changes in demand for the local plan period. Table 2 (Residential Parking Demand) should be used to calculate the parking demand for each development.
- 4.5 Calculation of demand for parking at non-residential developments should normally be based on the land-use; the trip rate associated with the development (including base and forecast mode share); and, the user group of staff/visitors of the site (including shift patterns).
- 4.6 In some areas of the County, parking of commercial vehicles (e.g. Light Goods Vehicles) that are not for private use, can lead to an increase in parking demand. The evidence-base used for calculating parking demand is Census 2011 data which only includes vehicles that are for private use so other commercial vehicles will not be represented in the calculation. Therefore, where relevant, the calculation of parking demand should include an allowance for commercial vehicles that are not for private use but are expected to require parking spaces. Where relevant, the allowance will be based on location-specific evidence provided by the developer.

Principle B: Electric Vehicle Charging Infrastructure

- 4.7 'Active' charging points for electric vehicles should be provided at a minimum of 20% of all parking spaces with ducting provided at all remaining spaces where appropriate to provide 'passive' provision for these spaces to be upgraded in future.
- 4.8 Due to the unprecedented scale of change in vehicle manufacturing and sales, the guidance of electric vehicle car parking places should be reassessed when local plans and supplementary planning documents are reviewed to take account of any recent developments in this technology.

Principle C: Sustainable Transport

- 4.9 In some locations, limiting parking provision should form part of a strategy to exploit the potential for sustainable transport. In order to realistically promote lower levels of car ownership and use whilst avoiding unacceptable consequences, all of the following should be available or provided:
- travel plan measures, targeted at reducing vehicle ownership levels such as car clubs;
 - high levels of accessibility to non-car modes of travel and to local amenities and facilities; and
 - comprehensive parking controls; i.e. Controlled Parking Zone.

Principle D: Traffic Regulation Orders

- 4.10 In some circumstances, it may be necessary to regulate on-street parking to manage or mitigate the impact of development. If Traffic Regulation Orders (TRO) are required, developers will be expected to fund administration and works costs. In some circumstances, it may be necessary to undertake consultation on TROs to establish the principle of any changes before this can be relied upon.
- 4.11 It may be necessary to prevent residents of new development within Controlled Parking Zones from qualifying for residents and visitors parking permits. Residents could qualify for permits, provided spare on-street capacity exists and the issue of permits will not undermine planning policies and travel plan measures.

Principle E: Design Considerations

- 4.12 Good parking design is as important as providing the appropriate number of spaces. Therefore, developers will be expected to provide balanced, mixed, and flexible parking provision and ensure that all spaces are useable without creating highway safety issues such as vehicles overhanging footways. This should reflect best practice as set out in national guidance and best practise, such as 'Manual for Streets', and 'Car Parking: What Works Where', to ensure high quality design of parking provision.
- 4.13 The layout of on-street parking must also comply with 'Traffic Signs Regulations and General Directions (2016)' and, where reasonably practicable, accommodate changes for accessible lifestyle changes.
- 4.14 To ensure that developments function efficiently and as intended, detailed consideration needs to be given to the following at the design stage:
- Providing garages of sufficient size at new residential developments - If garages are provided they should be at least 6m x 3m internally. If garages meet this requirement, they will be regarded as an allocated parking space of 0.5 and calculations of parking demand will take this into account.
 - Providing adequate visitor parking at new residential developments - Adequate visitor parking is required and this will be influenced by the level of unallocated parking. Table 2 (Residential Parking Demand) should be used to ensure sufficient visitor parking is provided.
 - Where 'active' electric vehicle charging points are provided, if these spaces are dedicated to electric vehicles only, they should be included in the 'total demand' as allocated spaces (see Principle B).
 - Likely cycle ownership and storage – Although good cycle storage facilities are important, requirements should take account of dwelling size and type, and have regard to existing levels of cycle ownership. The minimum levels of cycle provision are set out in Table 1. The distinction has been made for cyclists on the basis of space requirements, availability of secure communal storage facilities, and the anticipated occupants of flats.

Table 1: Minimum levels of cycle provision		
Type	Dwelling Size	Cycle Provision (per unit)
Houses	Up to 4 rooms (1 & 2 bed)	1 space
Houses	5+ rooms (3+ bed)	2 spaces
Flats	Up to 3 rooms (1 & 2 bed)	0.5 space (if communal storage otherwise same as 1 & 2 bed house)
Flats	4+ rooms (3+ bed)	1 space

- (e) Spaces for people with disabilities – Provision should be consistent with guidance in 'Manual for Streets'.
- (f) Motorcycle parking - Provision should be consistent with guidance in 'Manual for Streets'.
- (g) Space for storage bins at new residential developments – Part H of the Building Regulations suggests storage areas dimensions which are suitable for refuse and recycling bin storage. Development may be required to demonstrate suitable storage to ensure parking provision is available at all times.

Principle F: Sustainable Drainage

- 4.15 Parking areas should adopt sustainable drainage systems (SuDS) to minimise the risk of flooding in the County, as part of a drainage strategy for the development. This should conform to the SuDS Hierarchy, as follows:
- discharge into the ground (infiltration);
 - controlled discharge to a surface water body;
 - controlled discharge to a surface water sewer.

Disabled Persons Parking Overarching Guidance

- 4.16 Disabled persons parking spaces should be provided at a minimum of 5% of the total number of parking spaces being provided on the site. For sites with no or low parking provision due to site constraints, justification of exclusion of disabled person parking places should be clearly set out in planning applications. However, it is advisable that a minimum of one disabled parking space is provided.
- 4.17 Where specific facilities are likely to attract a higher level of disabled visitors, this should be identified during the planning application process and detailed in transport assessments or access statements. Disabled persons parking should be suitably designed and located to cater for the needs of disabled people. The location of suitable drop-off points should also be specified in transport assessments or access statement to demonstrate how the needs of disabled people have been addressed and to inform planning decisions.

Electric Vehicle Charging Overarching Guidance

- 4.18 The changing nature of car sales and usage has seen a rise in the sales of vehicles that require electric plug in charging. Although the sales of Electric Vehicles (EVs) in West Sussex in 2018 was 1,593 (depending on source data), which equates to overall vehicle sales of 1% of the overall vehicle fleet (dependent on source data), this is expected to change over time. Actual sales are expected to remain on the same trajectory as the DfT published in 2008; the increasing popularity of these vehicle types has seen the DfT forecast that plug in vehicles will make up between 3% and 7% of all new car sales in 2020.
- 4.19 In order to respond to changing needs, it is important that developers consider the likely demand for electric charging points within new developments, and how this is likely to change over time. Developers should identify ways to cater for this demand within the design of new developments as part of the overall provision of parking facilities. This could include; for example, a mix of spaces with active charging facilities and passive provision, i.e. ducting to allow facilities to be brought into use at a later stage.
- 4.20 The values in Table 2 include provision of EV spaces at new residential developments. To allow for increased sales in EVs over time and an increasing proportion of the overall vehicle fleet, it is proposed that current base levels of EV car sales in West Sussex be used as an index to base levels of active provision for EVs at new developments as set out in Principle B.
- 4.21 The Governments 'Road to Zero Strategy' sets out an ambition for at least 50% — and as many as 70% — of new car sales to be ultra-low emission by 2030, alongside up to 40% of new vans. Taking a starting percentage of 20% active EV provision and using a linear growth between 2018 and 2030, produces a set of yearly EV provision indexes as set out in Appendix B. These values should be used as a guide to the level of 'active' EV spaces to be provided in the year of construction.
- 4.22 As the demand for electric vehicle charging points is expected to change rapidly over time, any standard for electric vehicle charging points is likely to become quickly out of date. Therefore, there is no specific standard for electric vehicle charging points but developers should consider the Guiding Principles when designing parking provision. This guidance will be subject to review in line with the development of technology and relevant legislation.
- 4.23 Developers should ensure that any EV strategy documents at local authority level have been consulted when applying level of EV spaces, for example, Arun District Council's Vehicle Infrastructure Study, January 2018.

5. Guidance for New Residential Developments

- 5.1 In order to take account of expected future growth in the demand for parking, growth factors have been identified using the Department for Transport's (DfT) National Trip End Model dataset (i.e. TEMPro) for a forecast year of 2033, as this broadly aligns with the end of current local plan periods. The growth factors were applied to 2011 census data to provide expected levels of parking

demand in 2033 for different sizes of dwelling in each Parking Behaviour Zone PBZ - see Appendix A).

- 5.2 Accordingly, the expected parking demand per dwelling in Table 2 should be used to calculate the number of parking spaces that should be provided in the design of new residential developments. In general, the choice of PBZ should correspond to the location of the development. However, if the location is not regarded as typical of the PBZ; for example, sites near transport hubs, then consideration can be given to using a different PBZ that more closely relates to the location of the development.

Number of bedrooms	Number of habitable rooms	Parking Behaviour Zone				
		1	2	3	4	5
1	1 to 3	1.5	1.4	0.9	0.9	0.6
2	4	1.7	1.7	1.3	1.1	1.1
3	5 to 6	2.2	2.1	1.8	1.7	1.6
4+	7 or more	2.7	2.7	2.5	2.2	2.2

- 5.3 To accommodate potential variations in parking demand within a single ward, consideration may be given to varying the expected parking demand by 10% above or below, which is based on the average variation in demand between PBZs. In order to determine whether or not this is acceptable, the applicant will need to provide justification through, for example, the provision of parking beat surveys.
- 5.4 To meet with current and emerging guidance on the promotion of sustainable travel modes and choices, consideration could also be given to reducing the expected level of parking demand by 10%. This is based on the Department for Transport's 'Smarter Choices' research that shows reductions in traffic movements can be achieved by up to 10 to 30% where a range of travel choices are available through provision of travel plans, public transport contributions, and other sustainable travel initiatives.
- 5.5 As part of their planning application, applicants will be expected to provide a schedule of parking provision, detailing the number of allocated and unallocated spaces, including garages and EV charging facilities (active and passive). The planning application should include an explanation of how the provision of parking will meet the needs of the development including how these needs are expected to change in the future.

- 5.6 The likely occurrence of parking space obstructions, such as caravans and refuse skips, around 2% (taken from the parking beat surveys), has been taken into account in Table 2.
- 5.7 The evidence collected to inform the guidance on parking in new residential developments is based on levels of car ownership. Parking beat surveys did not seek to distinguish between resident and visitor vehicles. Demand for visitors to residential dwellings is likely to peak during evenings and weekends so demand should be met at these times. Where parking is unallocated this demand for visitor spaces can be met from spaces that are available due to some residents being away during these times and spaces that are unused as some dwellings will not own vehicles.
- 5.8 Developers should take an approach that is consistent with national research which suggests; *“that no special provision should be made for visitors where at least half of the parking provision associated with the development is unallocated. In all other circumstances it may be appropriate to allow for additional demand for Visitor parking of 0.2/spaces per dwelling”*².

6. Guidance for Non-Residential Development

- 6.1 Under the Companies Act 2006, businesses are obliged to minimise their effect on the environment. In support of this obligation and in line with the West Sussex Transport Plan, businesses should promote sustainable travel behaviour by encouraging employees to travel by non-car modes and reducing the number of single occupancy car journeys. To support sustainable travel measures the availability of car parking or cost of use should be carefully controlled.
- 6.2 Since the publication of the previous standards in 2003, there has been a shift in Government policy and more flexible working practices have been established. The move to a new planning system during 2006 further shifted the responsibility for determining parking standards to individual LPAs and indicates that local circumstances should be taken into account when setting such standards, including the accessibility of the site, the likely demand for parking, and the viability of the site.
- 6.3 Therefore, although new guidance has been prepared, it should only be used as an initial guide for developers, who should undertake a site-specific assessment and seek to balance operational needs, space requirements, efficient use of land and cost attributed to providing parking and where relevant, attracting/retaining staff.
- 6.4 Table 3 sets out initial guidance on vehicular and cycle parking demand by land-use class.

Table 3: Non-Residential Parking Demand		
Use Class	Vehicular	Cycle

² DCLG, 2007, Residential Car Parking Research

A1 Shops	1 space per 14sqm	1 space per 100sqm for staff and 1 space per 100sqm for customers
A2 Financial and Professional Services	1 space per 30sqm	1 space per 100sqm for staff and 1 space per 200sqm for customers
A3 Restaurant and Café	1 space per 5sqm of public area and 2 spaces per bar (or 5m length of bar for large bars) for staff parking to be clearly designated	1 space per 4 staff and 1 space per 25sqm for customers
A4 Drinking Establishments	As A3	As A3
A5 Hot Food Takeaways	As A3	As A3
B1 Business	1 space per 30sqm, up to threshold of 500sqm in less accessible areas	1 space per 150sqm for staff and 1 space per 500sqm for visitors
B2 General Industrial	1 space per 40sqm	1 space per 200sqm for staff and 1 space per 500sqm for visitors
B8 Storage	1 space per 100sqm	1 space per 500sqm for staff and 1 space per 1000sqm for visitors
D1 Non-Residential Institutions	Site specific assessment based on travel plan and needs	Site specific assessment based on travel plan and needs
D2 Assembly & Leisure	1 space per 22sqm. For large scale places of assembly serving more than a local catchment, 1 space per 15sqm.	1 space per 4 staff plus visitor / customer cycle parking

- 6.5 The land use will mean that the amount of commercial vehicle parking will vary greatly between one site and another. The amount of parking should be based on:
- the developments land-use,
 - trip rate associated with the development (including base and forecast mode share) and
 - the user group of staff/visitors of the site (including shift patterns).
- 6.6 The number of spaces for LGV/HGVs may also be derived using a similar methodology or compared to vehicle operating licences for similar buildings/operations.
- 6.7 In designing provision for EV charging infrastructure at non-residential developments, there is a need to take account of likely parking behaviour (e.g. expected duration of stays) which could affect the number of 'active' spaces.

- 6.8 In designing provision for disabled persons parking at non-residential developments with over 200 parking spaces, consideration may be given to reducing the percentage of spaces for disabled persons below the minimum level specified in paragraph 4.15 to avoid overprovision of spaces.
- 6.9 It is the responsibility of the developer to prove that adequate facilities are provided on site for the proposed use, including cycle parking, changing and storage facilities. This may include providing details of the proposed operation of the site once in use such as whether the site will need to store vehicles not in use or on layover periods, the frequency of vehicles visiting the site for deliveries, or the type and size of vehicles using the site.
- 6.10 It should be considered that the staff and visitor ratio of each land use is likely to be distinct to their appropriate class and may change over the life of the building, particularly when occupied by another business. For example, land uses such as retail uses (class A1 - A5), health centres / leisure uses (class D1 - D2) and hospitals (class C2) will generally have two user groups accessing those types of developments, staff/employees and customers/patients. Conversely, land-use types (such as employment uses, class B1 - B8) will generally only be accessed by staff/employees with occasional visitors. Due regard should be paid to the unique characteristics of each land-use.
- 6.11 In addition to land-use class, the following characteristics should also be taken into account when determining parking arrangements:
- survey or business data to ascertain the peak parking periods and demand;
 - the geographical location of the site along with the levels of accessibility for non-car mode users; and
 - local data such as Census travel to work data about mode share and information detailed in supporting travel plans.

7. Parking Capacity Surveys

- 7.1 This guidance is to assist developers and their consultants when considering the parking implications of new development and when preparing transport statements and assessments. The guidance seeks to ensure that parking capacity surveys are robust and that information is of a consistent standard, thereby providing a reliable basis for decision-making.
- 7.2 Parking capacity surveys should seek to satisfy the criteria outlined in this guidance and should be agreed with the County Council at the scoping stage for transport statements and assessments. In line with Principle A, surveys are expected to be carried out only when it is reasonably expected that parking will take place on existing streets, and should follow calculation of the expected levels of vehicle ownership and consideration of how this parking can be provided. Surveys are expected to be reported in the form of a short summary report which may form part of a transport statement or assessment.
- 7.3 The geographical area that should be surveyed (the 'survey area') should be proportionate to the impact of the development – determined as the number of

vehicles that are expected to park on-street in the surrounding area. The survey area should include sufficient available space to accommodate the number of vehicles expected to be owned by residents of the site and their visitors - see Table 2 (Residential Parking Demand).

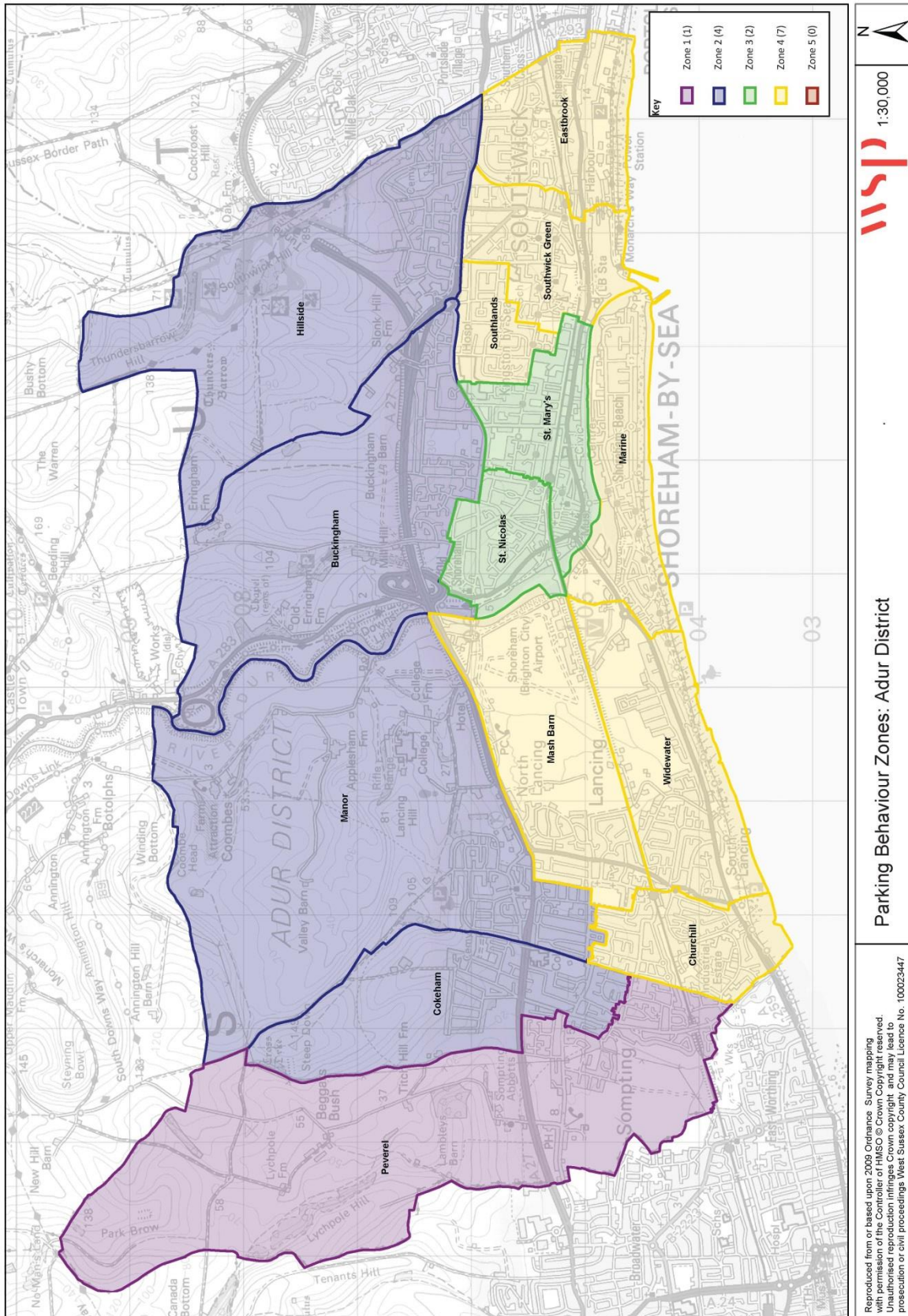
- 7.4 The survey area is expected to centre on the development site and should include areas most likely to be used for parking by those living in, or visiting the site and will, therefore, need to have regard to site access arrangements.
- 7.5 Parking capacity surveys should be carried out when usage of available parking space is at its greatest (i.e. peak time) in the survey area. This may include early morning surveys to assess the amount of overnight parking in the area. The duration of the survey will be dependent on the likely impact of the development and whether or not there are existing pressures on parking space in the area. A development that is likely to have a large impact on on-street parking in an area where available space is already well-used or insufficient to meet existing demands, would be expected to carry out an extensive survey throughout the day.
- 7.6 A parking capacity survey should take the form of a beat survey (or similar alternative) where an enumerator walks a planned route at regular intervals recording registration plate details of the parked vehicles. The enumerator should record sufficient information to provide the following information in a summary report (see Table 4 below):
- the rate of turnover of vehicles on each street expressed as a number of vehicles leaving/arriving per hour;
 - the number of vehicles parked on each street; and
 - an estimate of the parking capacity of each street and a brief explanation of how this was calculated.
- 7.7 If the development is located within a Controlled Parking Zone, the summary report should also provide details of the existing resident permit take-up and/or any waiting lists. This information can be obtained from the West Sussex County Council Parking Strategy Team on 01243 642105.
- 7.8 A summary report of parking capacity surveys should be accompanied by:
- a map displaying the geographical area surveyed at a suitable scale for interpretation
 - details of the dates and times of day when survey(s) were undertaken
 - details of parking restrictions (Traffic Regulation Orders) that apply in the survey area which are available by using the following link or copying the URL into an internet browser: <http://www.westsussex.gov.uk/apps/tro/>

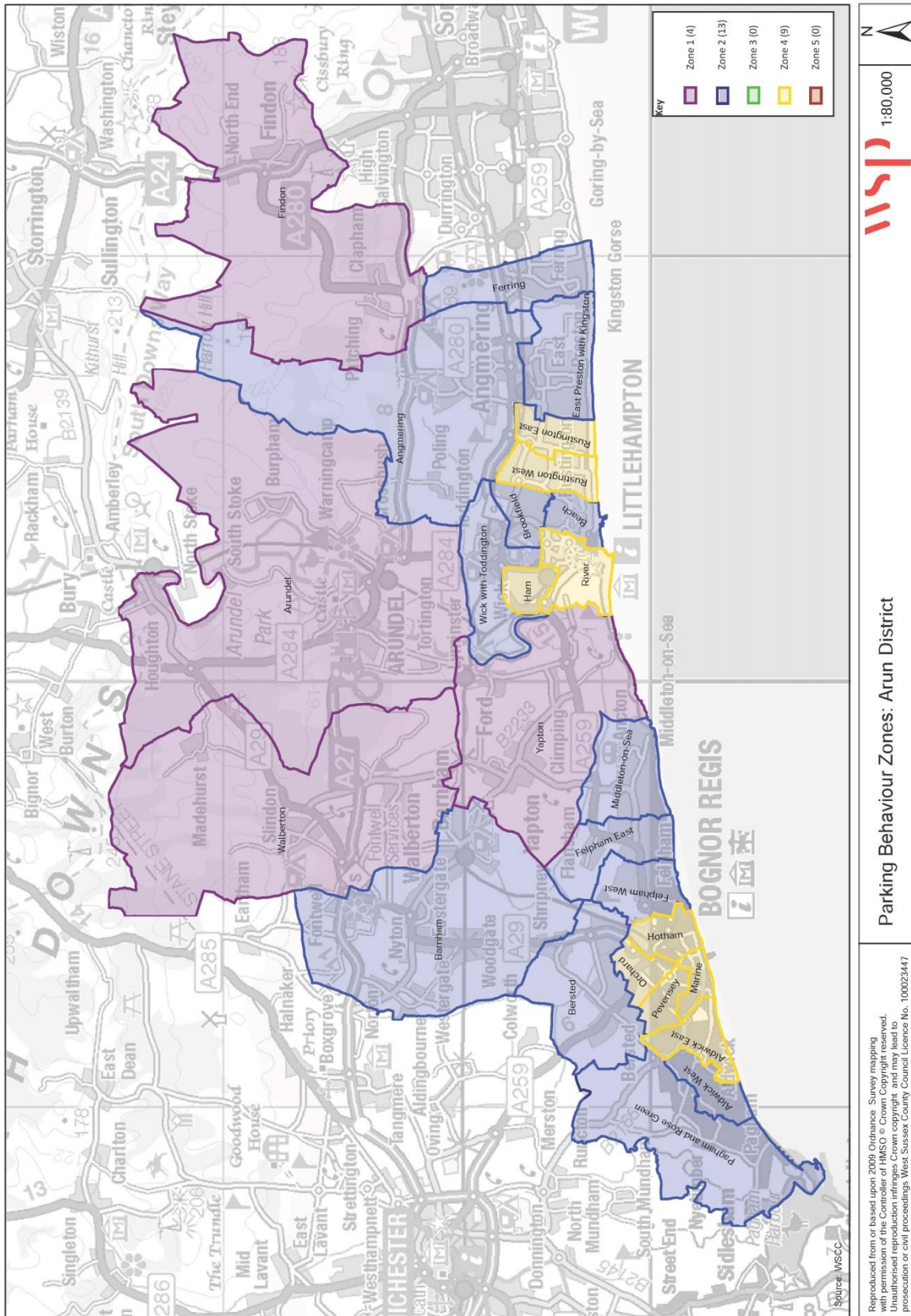
Table 4: Example Car Parking Capacity Survey – Summary Report

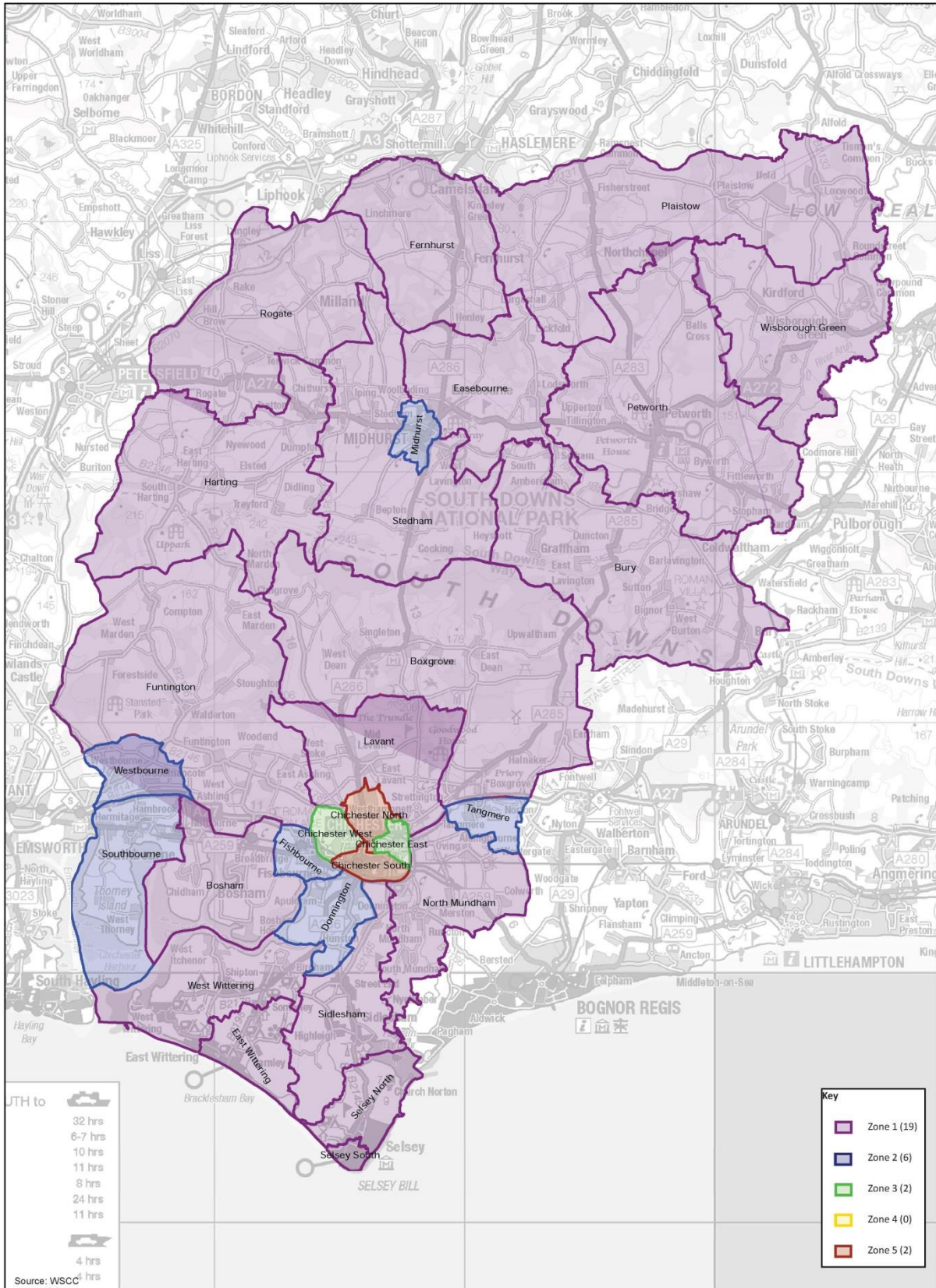
Date	9th August 2017
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Location (street name)	Start time of survey	Rate of turnover of vehicles (veh/hr)	Number of vehicles parked on street	Estimated parking capacity of street (details of calculation provided below)	Details of existing parking restrictions (TROs)
Astreet Close	07:00	1	5	5	Link to website
Astreet Close	07:30	1	5	5	Link to website
Astreet Close	08:00	3	3	5	Link to website
Astreet Close	08:30	2	4	5	Link to website
Astreet Close	09:00	1	3	5	Link to website
Astreet Close	09:30	1	3	5	Link to website
Details of parking capacity calculation: Length of available parking area (24m) / Length of vehicle (4.8m) = 5 vehicles					

Appendix A: Parking Behaviour Zones by District





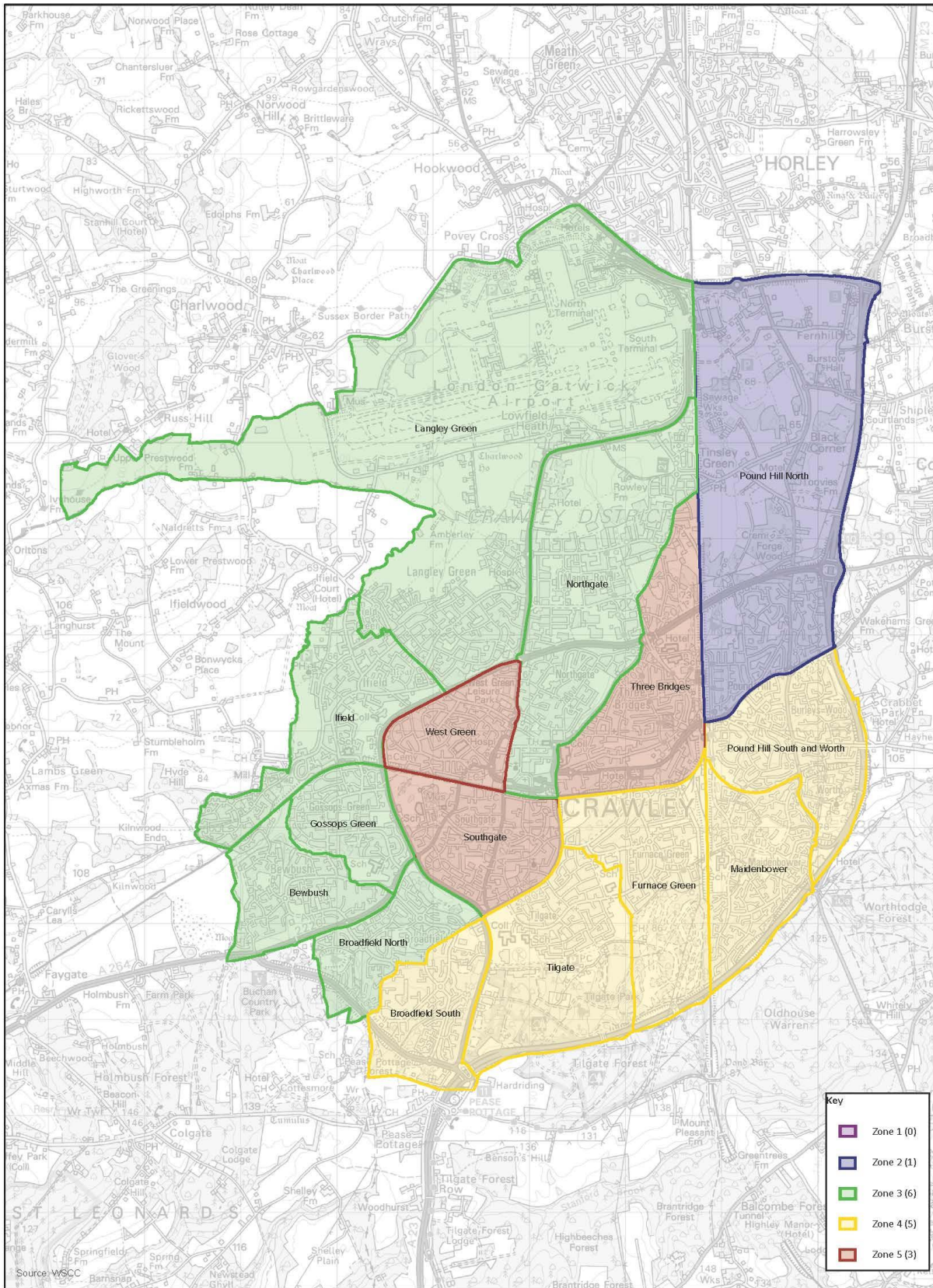


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Parking Behaviour Zones:
Chichester District

wsp 1:135,000



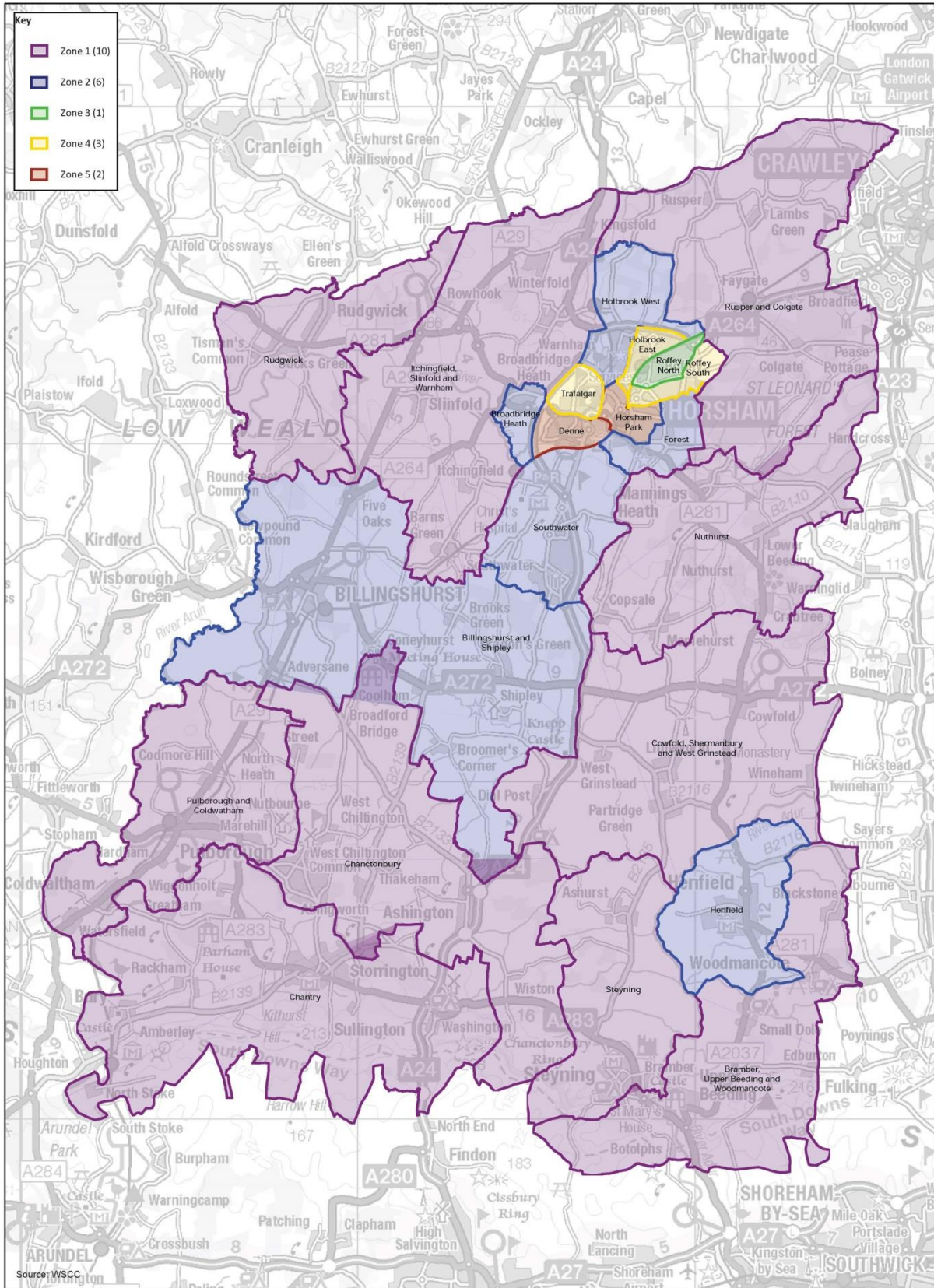


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Parking Behaviour Zones:
Crawley Borough

wsp 1:35,000



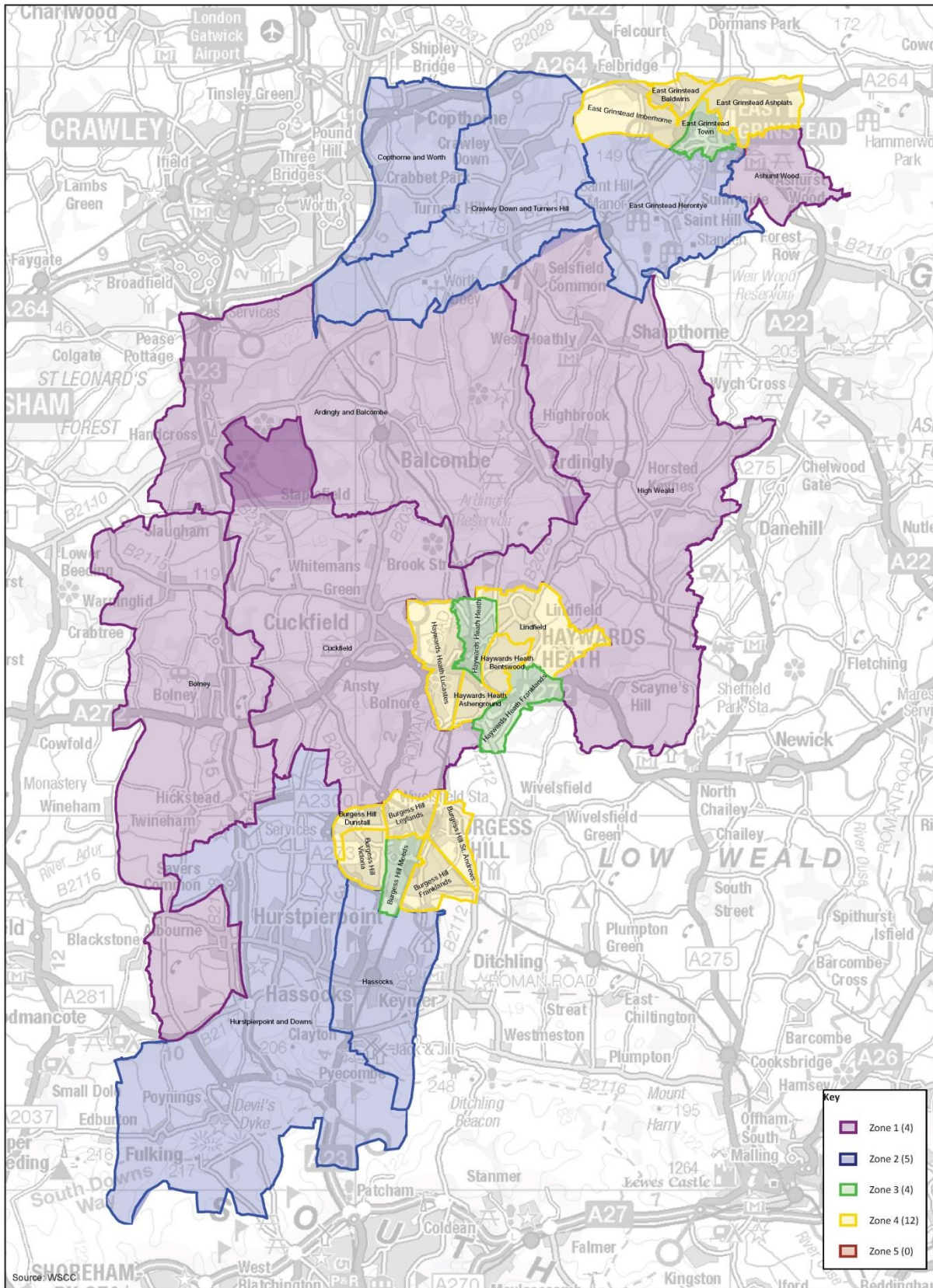


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Parking Behaviour Zones:
Horsham District

wsp 1:100,000



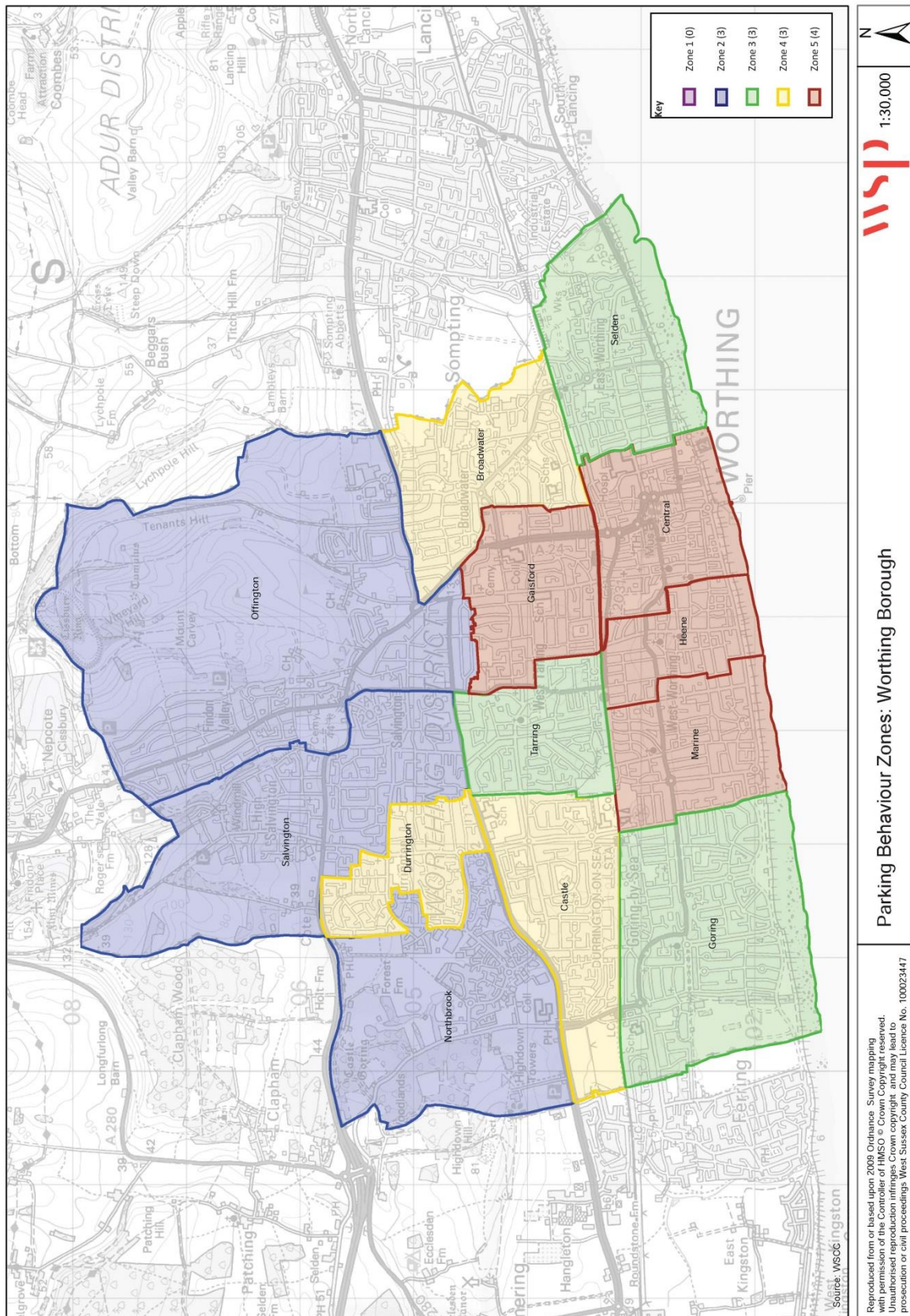


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Parking Behaviour Zones:
Mid Sussex District

WSP 1:90,000





Appendix B: Electric Vehicle Space Allocations

Year	% Growth Index	% Spaces for active EV charging facilities
2018	0	20
2019	4	24
2020	8	28
2021	13	33
2022	17	37
2023	21	41
2024	25	45
2025	29	49
2026	33	53
2027	38	58
2028	42	62
2029	46	66
2030	50	70



Adoption of the Air Quality and Emissions Mitigation Guidance for Sussex

Report by the Director for the Economy

1.0 Summary

- 1.1 Sussex-Air, which is an Air Quality partnership of all the Sussex local authorities, has recently published a revised version of their 'Air Quality and Emissions Mitigation Guidance for Sussex - Jan 2020' (attached as Appendix A). This updates previous versions published in 2013 and 2019. Air quality is a material consideration in determining a planning application and, as such, the overarching aim of the guidance is to provide a consistent approach to assessing air quality impacts from development proposals.
- 1.2 It is recommended that this guidance is approved for use by Adur & Worthing Councils as a material consideration to inform decision making.

2.0 Background

- 2.1 Sussex Air is a partnership of local authorities in Sussex, including both Adur District and Worthing Borough Councils. The purpose of the partnership is to:
- Help Local Authorities to meet their statutory obligations to assess and report on local air quality.
 - Provide information to the public on air quality in their area.
 - Develop and deliver projects to improve local air quality and to reduce people's exposure to poor air quality.
- 2.2 Previous Air Quality Guidance devised by Sussex-air and published in 2013, has been used by the Councils when considering applications that could have an impact on air quality. However, to provide a more robust and up-to-date assessment framework the guidance has been revised and it is hoped, will

now be adopted so that it can be used as a material consideration when future applications are considered.

- 2.3 Officers specialising in air quality from Adur & Worthing, Chichester, Mid Sussex and East Sussex County were involved in devising and amending the guidance. The West Sussex Planning Policy Officers Group were also consulted for their views as part of the latest revision. The revised guidance was then presented to air quality, planning and highways officers across Sussex and their views taken into account before the final version was published.

3.0 Proposals

- 3.1 The purpose of the new guidance is to respond to the requirements of the National Planning Policy Framework to provide a clear and consistent approach for assessing air quality impacts from development. More specifically the document:
- helps to inform relevant Local Plan policies
 - provides advice for developers on how to assess and mitigate the impact that new developments may have on local air quality
 - promotes optimum scheme design to help avoid unnecessary delays in the planning process.
- 3.2 Supported by a helpful checklist, the guidance explains the steps that should be taken to assess and mitigate the impact that new development may have on air quality. It then provides an emissions calculator which helps to calculate the additional transport emissions associated with development. Finally, the guidance provides examples of mitigation measures that can be used / required to minimise and/or off-set the impact on air quality.
- 3.3 This process is considered to be very positive as it provides planning officers and the respective Planning Committees with the tools by which the air-quality impacts from development can be understood and then, in appropriate circumstances, be offset / mitigated. Major developments will be required to submit an air quality impact assessment.
- 3.4 The emerging Worthing Local Plan will be revised to reflect and support this guidance. The adopted Adur Local Plan 2017 refers to the 2013 version; this will be updated when the Local Plan is next reviewed.

4.0 Legal

4.1 Air quality is a material consideration in determining a planning application. Paragraphs 110, 170E, 180 and 181 of the National Planning Policy Framework provide clear support for local guidance that would help to support the consideration and mitigation of air quality impacts arising from new development.

5.0 Financial implications

5.1 There are no additional resource implications to the Councils associated with adopting or using the guidance.

6.0 Recommendation

6.1 It is recommended that members of the Planning Committee forward any comments to the Executive Member for Regeneration before he is asked to approve the Air Quality and Emissions Guidance for Sussex (January 2020) to be used as a material consideration when determining any relevant planning applications.

Local Government Act 1972

Background Papers:

Appendix A - Air Quality Emissions Mitigation Guidance for Sussex (Jan 2020)

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Schedule of Other Matters

1.0 Council Priority

- 1.1 Platforms for Our Places - Stewarding our Natural Resources - seeks to reduce emissions and use innovation, planning and design to future proof what we build.

2.0 Specific Action Plans

- 2.1 Stewarding our Natural Resources: -
- Ensure delivery of environmental sustainability through planning processes, developing innovative approaches to delivering more sustainable development while balancing the imperative to build.
 - Help deliver the West Sussex Air Quality Action Plan agreed in June 2018 by promoting active travel, cleaner fuels, cleaner fleets.

3.0 Sustainability Issues

- 3.1 The guidance will help to ensure that the air quality impacts arising from major developments are mitigated / offset.

4.0 Equality Issues

- 4.1 No issues identified

5.0 Community Safety Issues (Section 17)

- 5.1 No issues identified

6.0 Human Rights Issues

- 6.1 No issues identified.

7.0 Reputation

- 7.1 No issues identified

8.0 Consultations

8.1 The guidance published by Sussex Air has been subject to consultation with Environmental Health officers and Planning Policy officers in local authorities in West Sussex.

9.0 Risk Assessment

9.1 If this guidance is not approved as a material consideration when considering planning applications it will make it more difficult for Adur & Worthing Councils to mitigate the impact that new developments may have on local air quality.

10.0 Health & Safety Issues

10.1 No issues identified.

11.0 Procurement Strategy

11.1 No issues identified.

12.0 Partnership Working

12.1 The use of this guidance will help to achieve a consistent approach across West Sussex to the consideration and assessment of air quality impacts arising from planning proposals.

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Air quality and emissions mitigation guidance for Sussex (2020)



This guidance is available to download at: <http://www.sussex-air.net/ImprovingAQ/GuidancePlanning.aspx>

Version: 1	(January 2020)
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Participating members of the Sussex-air partnership:



ADUR DISTRICT
COUNCIL



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Glossary

AADT	Annual Average Daily Traffic flow
AQ	Air Quality
AQAP	Air Quality Action Plan
AQMA	Air Quality Management Area
AQO	Air Quality Objectives
Candidate AQMA	Area where a pollutant is within 10% of the AQO
DEFRA	Department for Environment, Food and Rural Affairs
DfT	Department for Transport
EIA	Environmental Impact Assessment
EV	Electric Vehicle
EVCP	Electric Vehicle Charge Point
IAQM	Institute of Air Quality Management
LPA	Local Planning Authority
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SSSI	Site of Special Scientific Interest
ULEV	Ultra Low Emission Vehicle

Purpose of this guidance

This guidance deals with the pollutants from transport which are regulated under the Local Air Quality Management (LAQM) regime, and the assessment and control of dust during demolition and construction.

Air quality is a material consideration in deciding a planning application. The purpose of this document is to:

- 1) provide clarity to how authorities intend interpreting relevant Local Plan policies.
- 2) provide advice for developers and their consultants on how to assess and mitigate the impact that new developments may have on local air quality.
- 3) detail a consistent approach by developers and Local Planning Authorities (LPAs) to:
 - address impacts on local air quality
 - ensure optimum scheme design to reduce emissions and/or exposure and
 - avoid unnecessary delays in the planning process.

For help on how to assess the air quality impacts on designated nature conservation sites please see guidance from the Institute of Air Quality Management (IAQM) at: <https://iaqm.co.uk/guidance/>

For help on how to assess the air quality impacts from biomass boilers please see guidance from Environmental Protection UK at: https://www.environmental-protection.org.uk/wp-content/uploads/2013/07/Biomass_and_Air_Quality_Guidance.pdf

For help on how to assess odour please see guidance from the Institute of Air Quality Management at: <https://iaqm.co.uk/guidance/>

Developers or their air quality consultants are strongly encouraged to enter into pre-application discussion with their LPA, including the air quality officer, as early as possible to avoid unnecessary delays and to discuss site-specific considerations.

The National Planning Policy Framework and air quality

In line with the National Planning Policy Framework (NPPF) published in June 2019 and the National Planning Practice Guidance (NPPG) published in November 2019, this guidance seeks to provide a consistent approach to assessing air quality impacts from planning proposals.

See Appendix 1: National Planning Policy Framework for more information (page 17).

Section 1: How to use this guidance

This section explains the steps required to assess and mitigate the impact that new developments may have on local air quality.

Step 1: pre-application

Pre-application discussions with the LPA will highlight where a development is:

- planned in, near to, or will have an impact on an Air Quality Management Area (AQMA); or,
- is a Major Development; or,
- will impact on a 'candidate' AQMA (please see screening checklist, page 6).

Step 2: screening checklist

The screening checklist on page 6 identifies which proposed developments require either:

- 1) No further action to address air quality, because they are considered unlikely to have an impact on local air quality. A statement to this effect should be included in the planning application;
- 2) An emissions mitigation assessment to avoid, minimise and off-set the impact on local air quality;
- 3) An air quality assessment and an emissions mitigation assessment. The assessment should be carried out by a developer, their agent or consultant.

If you need any help in using the checklist, please contact the LPA's Air Quality Officer.

Step 3: emissions mitigation assessment

The purpose of this assessment is to quantify the monetised health damage value associated with transport emissions from the proposed development. Guidance on how to carry out emissions mitigation assessments is contained in Section 2.

Step 4: air quality assessment

Where indicated by the screening checklist (page 6), applicants are expected to complete an air quality assessment in accordance with the IAQM Planning Guidance see:

<http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>. The purpose of this air quality assessment is to determine the significance of the impact of a development on local air quality and/or the significance of the impact of local air quality on a development. The significance of the impact, in accordance with IAQM Guidance, will enable the air quality officer to make appropriate recommendations to the LPA in relation to the determination of the planning application.

The assessment should be carried out by a developer's air quality consultant.

Screening checklist

Questions to be answered by the developer:	Action required dependant on the answer(s):
<p>Is the proposed development:</p> <ul style="list-style-type: none"> ▪ a MAJOR development, as defined by Town and Country Planning (Development Management Procedure) Order (England) 2015 ¹. ▪ within an Air Quality Management Area. Look this up at: https://uk-air.defra.gov.uk/aqma/maps or contact the relevant Local Authority Air Quality Officer; ▪ in relevant proximity to an Air Quality Management Area. Contact the relevant Local Authority Air Quality Officer; ▪ in an area close to exceeding the Air Quality Objectives. Contact the relevant Local Authority Air Quality Officer; ▪ B8 storage and distribution use class with a floorspace of 500m² or more. This is included due to the transport-related movements usually associated with this Use Class. 	<ul style="list-style-type: none"> ▪ if NO to all, then advise LPA. No further action is required. ▪ if YES to ANY, then the following are required, <u>unless agreed in writing with the Air Quality Officer:</u> <ol style="list-style-type: none"> 1) an air quality assessment and 2) an emissions mitigation assessment. <p>See Sections 2 and 3 for guidance.</p>

¹ <http://www.legislation.gov.uk/ukxi/2015/595/article/2/made>

Section 2: Emissions mitigation assessments

The purpose of an emissions mitigation assessment is to:

- 1) calculate the additional transport emissions associated with a development;
- 2) determine the appropriate level of mitigation required to help avoid, minimise and/or off-set the impact on air quality;
- 3) enable an evidence-based and proportionate approach.

Where mitigation is not integrated into a proposed development, the LPA may require this through relevant planning conditions or Section 106 agreement.

Calculating the required mitigation for developments

The emissions calculator on page 8 provides a method for determining the estimated monetary value of damage from a proposed development caused by the pollutants PM and NO_x (example on page 11). This is the minimum sum of money that must be spent on practical mitigation measures. The developer will implement the measures following agreement with the LPA.

Please contact the local authority air quality officer for further advice.

Emissions calculator

The calculation uses the DEFRA Emissions Factor Toolkit to estimate the transport emissions from a proposed development, which is then used to estimate the associated health damage cost.

The emissions assessment and corresponding mitigation calculation follows this process:

1. identify the trips/annum generated by the proposed development (this information will be available in the Transport Assessment, Transport Statement or TRICS database);
2. assume an average distance travelled of 10km/trip;
3. calculate the emissions of NO_x and PM_{2.5} (tonnes/annum) using the Emissions Factor Toolkit, and an assumption of an average speed of 50Km/h (Ref: DEFRA Emissions Factor Toolkit: <http://laqm.defra.gov.uk/review-and-assessment/tools/emissions.html>);
4. look-up the latest HM Treasury and Defra IGCB damage costs and multiply the outputs from 3. above to provide a value of the emissions health damage, for each pollutant. This can be found here: <https://www.gov.uk/guidance/air-quality-economic-analysis#damage-costs-approach> ;
5. multiply the calculated emissions health damage values by 5, to quantify emissions over a five-year period; and
6. sum the NO_x and PM_{2.5} costs to provide a total health damage value.

Table 1: Example emissions calculation

The following simple example for road transport emissions demonstrates the calculation based on a development with 10 domestic properties.

STEP 1: Quantify change in emissions for NO_x and PM_{2.5} (in tonnes per annum) for 5 years of scheme operation:

EFT* input

10 Household (urban not London) (2021-2025) (NO_x and PM_{2.5})

X 27 (trip/traffic ratio for 10 houses)

X cars only (0% HGV)

X 50 kph (avg. speed)

X 10km (NTS** UK avg.)

EFT* Output (tonne/annum)

	2021	2022	2023	2024	2025
NO _x	0.0260	0.0238	0.0219	0.0201	0.0185
PM _{2.5}	0.0017	0.0017	0.0017	0.0017	0.0017

STEP 2: Calculate damage costs for NO_x and PM_{2.5} for 5 years of scheme operation:

Damage Cost Appraisal Toolkit*** input

Start Year: 2021
 End Year: 2025
 Price Base Year****: 2019
 Number of pollutants: 2
 Source: Road Transport

Output from Damage Cost Appraisal Toolkit*** (£)

	2021	2022	2023	2024	2025
Central Value NO _x	321	289	263	239	216
Central Value PM _{2.5}	408	403	375	369	364

Total Cost (Central Present Value) NO_x = £1,329

Total Cost (Central Present Value) PM_{2.5} = £1,919

Total = £3,247

Notes:

- *Trip rates can be sourced from transport assessment or local authority/transport authority.*
- *Trip length uses the National Travel Survey (NTS)** UK average = 6.8miles/10km*
- *The IGCB*** damage costs used for Sussex are the IGCB Air Quality Damage Costs per tonne.*

** DEFRA Emissions Factor Toolkit (See reference section)*

*** Department for Transport National Travel Survey (See reference section)*

**** DEFRA IGCB Air Quality Damage Cost Appraisal Toolkit (See reference section)*

***** Baseline year for the policy/project appraisal*

Requirements for mitigation measures

Mitigation must be agreed with the local authority in the form of a mitigation statement. Mitigation of emissions should be designed in to new development from the outset (see Good Design section below).

Table 2: Mitigation measures (page 14) lists some of the mitigation options to be considered. The list is not exhaustive and further options may be suggested where local authorities feel it is appropriate, depending on the scale of development and air quality issues within an area. As a minimum, the total cost of mitigation measures should be equal to the health damage cost.

Where possible, the likely emission reduction(s) resulting from the mitigation proposed should also be quantified; for example, the reduction in emissions from the fleet (bus, taxi, haulage, etc.).

The mitigation options selected should be relevant and appropriate to:

- Local policies²
- The local authority's Air Quality Action Plan
- The type, size and location of the development.

These will determine the mitigation priorities that the LPA wishes to be incorporated within a particular development proposal.

It is important to note that the costs associated with Travel Plans and the provision of EV charging points recommended by existing parking standards are in addition to the mitigation options identified and costed in an air quality mitigation statement.

Good Design

In terms of air quality impacts a good basic design will reduce the level of additional mitigation. A basic design is expected to deliver:

1. No additional exposure to increased air pollution for existing or future occupants
2. A location that maximises the use of sustainable transport, that:
 - reduces the number and distance of trips;
 - shifts the journeys to alternative, less polluting modes, and;
 - provides for improved technology and efficiencies.
3. Greenspace and people priority wherever practicable.

To reduce potential exposure of new occupiers to poor air quality, mitigation included in the

² For example, planning policies, Highway Authority policies

design should consider:

- moving occupied buildings back from the roadside
- reducing opening windows/doors facing the roadside
- re-organising main habitable rooms away from facing the roadside.

As a last resort, including non-opening windows and/or mechanical ventilation (with heat recovery) into the building, with the air intake away from the road.

Standard mitigation

The following mitigation is required for all developments that answer 'yes' to the Screening Checklist (page 6):

1. Commercial/Retail/Industrial

- Meet the following relevant guidance on electric vehicle charging points and travel plans:

In Brighton and Hove:

- <https://www.brighton-hove.gov.uk/content/planning/planning-policy/spd14-parking-standards>
- <https://www.brighton-hove.gov.uk/content/parking-and-travel/travel-transport-and-road-safety/workplace-sustainable-travel>

In East Sussex:

- <https://www.eastsussex.gov.uk/search/search.aspx?q=parking+standards>
- https://www.eastsussex.gov.uk/media/1764/travel_plan_guidance.pdf

In West Sussex:

- https://www.westsussex.gov.uk/media/1847/guidance_parking_res_dev.pdf
- <https://www.westsussex.gov.uk/roads-and-travel/travel-and-public-transport/travelwise-sustainable-transport/travel-plans/travel-plan-resources/>

2. Residential

- all gas-fired boilers to meet a minimum standard of <40mgNO_x/kWh. Consideration should be given to renewable sources of energy, e.g. air source heat pumps.
- meet the electric vehicle charging point guidance set out above under 'commercial/retail/industrial'.

3. Demolition/Construction

- mitigation in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction.

Table 2: Mitigation measures (page 14) lists additional mitigation measures to be considered in the emissions mitigation assessment and statement.

Table 2: Mitigation measures

The following measures are not an exhaustive list nor in order of preference.

RESIDENTIAL
Invest in EV charging infrastructure within the development over and above the current recommended standards
Provide vouchers for alternatives to private car use
Set up a car club within the development or contribute to the cost of a local car club
Set up or join an existing car sharing scheme for residents
Designate parking spaces for car club/car sharing vehicles
Designate parking spaces for low emission vehicles
Provide electric bikes
Improve cycle paths to link to the existing local cycle network
Provide secure cycle storage
Invest in additional evergreen infrastructure to reduce particulates and other pollutants
COMMERCIAL/INDUSTRIAL (as above – plus)
Set up differential parking charges to favour cleaner vehicles
Provide public transport subsidy for employees
Ensure all new commercial vehicles comply with the latest European Emission Standards
Implement a fleet strategy that reduces emissions
Use ultra-low emission service vehicles
Invest in local walking and cycling initiatives
Contribute to the cost of on-street EV recharging
Contribute to unfunded measures identified in air quality action plans
Implement a low emission strategy
ADDITIONAL MITIGATION
Contribute to local low or zero emission vehicle refuelling/recharging infrastructure
Contribute to low emission bus service provision or waste collection services
Contribute to local bike/e-bike hire schemes
Contribute to renewable fuel and energy generation projects
Fund incentives for the take-up of low emission technologies and fuels

Emissions mitigation statement

The statement must include:

- i. The development traffic input data used in the mitigation calculation and quote the source of the data.
- ii. Emissions calculation and total calculated value of emissions' health damage cost.
- iii. Itemised costing for each proposed mitigation option and total value of all proposed emissions' mitigation. This should be equal to the value from ii. above. (appropriate to the type and size of development and local policy requirements) (See Table 3 below).
- iv. Statement of proposals to minimise dust emissions in accordance with the IAQM Guidance on the Assessment of Dust from Demolition and Construction.

Table 3:

Mitigation Type	Mitigation Target = £ (this is the emissions mitigation assessment value)		
	Mitigation		
	£/unit:	No.:	Value (£):
eV Charge points	W	10	Wx10
Car Club spaces	Y	2	Yx2
Low Emission Bus	Z	1	Zx1
Etc			
	Total Value		SUM of above

Section 3: Air quality assessment

Major developments identified from the screening checklist, will require an air quality impact assessment. The purpose of an air quality impact assessment is to determine the significance of the predicted impact of a development on local air quality. The assessment should be carried out by a developer's air quality consultant.

For guidance on how to carry out an air quality assessment and the significance criteria to be used, please refer to the Institute of Air Quality Management (IAQM) Guidance available at: <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

Key points:

- applicants intending to undertake an air quality assessment should always seek the latest information available on local air quality from the relevant local authority. For more information visit the Sussex-air website: <http://www.sussex-air.net/>
- applicants are advised to contact the local planning authority, to ascertain extant planning permissions in the area, to assist with cumulative impact assessment.

Appendix 1: National Planning Policy Framework

Key paragraphs in the NPPF (see link in References, page 20) that relate to air quality include:

Page 32. Paragraph 110:

Applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Page 49. Paragraph 170):

- e) “Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.”

Page 52. Paragraph 180:

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.”

Page 52. Paragraph 181:

“Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.”

Paragraphs 102-111 relating to sustainable transport are also relevant.

Appendix 2: List of main changes made for version 1 of 2020 Guidance

- P3 Glossary updates
- P6a Previous version Quick Reference Guide removed
- P4 Links added on air quality assessments on designated nature conservation sites and biomass boilers
- P4 Reference to NPPG added
- P4 NPPF text removed and added as an Appendix with updates
- P6 Screening Checklist simplified – checklist one removed and consolidated into a single checklist; Addition of a B8 floorspace threshold of 500m²
- P11 Good Design section added
- P11 Addition of a sentence requesting the chosen mitigation options also include an attempt to quantify the expected likely emission reduction
- P12 Addition of consideration of renewable energy sources after the sentence on low NOx boilers
- P12 Links to relevant EV parking standards and Travel Plan guidance added to section on Standard mitigation
- P14 Minor changes to existing wording, addition of reference to car clubs
- P20 Updated reference for Town and Country Planning (Development Management Procedure) (England) Order 2015 added.

References

Air Quality (England) Regulations 2000 as amended www.legislation.gov.uk

COMEAP (Committee on the Medical Effects of Air Pollutants)
www.comeap.org.uk

COMEAP Long-term exposure to air pollution: effect on mortality (updated 2018) www.gov.uk/government/publications/comeap-long-term-exposure-to-air-pollution-effect-on-mortality

COMEAP Nitrogen dioxide: effects on mortality (2018)
www.gov.uk/government/publications/nitrogen-dioxide-effects-on-mortality

DEFRA Air quality damage cost guidance (2019)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770576/air-quality-damage-cost-guidance.pdf

DEFRA Air Quality Strategy (2019) www.gov.uk/government/publications/clean-air-strategy-2019

DEFRA Emissions Factor Toolkit
<https://laqm.defra.gov.uk/review-and-assessment/tools/emissions.html>

DEFRA Local Air Quality Management Technical Guidance (TG 16) (2018)
<https://laqm.defra.gov.uk/technical-guidance/>

Department for Transport, National Travel Survey
<https://www.gov.uk/transport-statistics-notes-and-guidance-national-travel-survey>

EU (European Union) Air Quality Standards (2008)
<http://ec.europa.eu/environment/air/quality/standards.htm>

EU (European Union) Environmental Impact Assessment Directive (1985)
<http://ec.europa.eu/environment/eia/eia-legalcontext.htm>

Institute of Air Quality Management, Guidance on the assessment of dust from demolition and construction (2014) <https://iaqm.co.uk/text/guidance/construction-dust-2014.pdf>

Institute of Air Quality Management, Land-Use Planning & Development Control: Planning for Air Quality (January 2017) <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

Ministry of Housing, Communities & Local Government, National Planning Policy

Framework (NPPF) (February 2019)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779771/NPPF_Feb_2019_print.pdf

Ministry of Housing, Communities & Local Government, National Planning Policy Guidance (NPPG)

<https://www.gov.uk/guidance/air-quality--3>

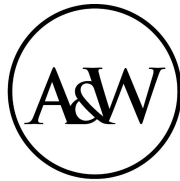
Sussex Air Quality Partnership

www.sussex-air.net

Town and Country Planning (Development Management Procedure) (England) Order 2015

http://www.legislation.gov.uk/uksi/2015/595/pdfs/uksi_20150595_en.pdf

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ADUR & WORTHING
COUNCILS

Worthing Borough Council Planning
Committee
26th February 2020
Agenda Item 9

Adur District Council Planning Committee
9th March 2020
Agenda Item ?

Joint Governance Committee
24th March 2020
Agenda Item [...]

Key Decision: No

Ward(s) Affected: All

Public Engagement with the Planning Process

Report by the Monitoring Officer

Executive Summary

1.0 Purpose

- 1.1 It is important that the public has the opportunity to engage with both Councils when exercising their statutory functions relating to being a Local Planning Authority.
- 1.2 This report seeks to update and amend the Council's existing arrangements in respect of public speaking at Planning Committees to ensure appropriate opportunity for public speaking, fairness in the procedure and compliance with the principles of natural justice.
- 1.3 Members are asked to approve the revised Public Speaking Protocols which form part of each Council's Constitution and recommend their adoption to each full Council.

2.0 Recommendations

- 2.1 Worthing Borough Council Planning Committee are asked to consider the report and make any comments to the Joint Governance Committee on 24th March 2020.
- 2.2 Adur District Council Planning Committee are asked to consider the report and make any comments to the Joint Governance Committee on 24th March 2020.
- 2.3 The Joint Governance Committee is asked to take into consideration the comments of the Planning Committee and consider the proposed revised Worthing Borough Council Protocol on Public Speaking and recommend its adoption as part of the Constitution to Worthing Borough Council.
- 2.4 The Joint Governance Committee is asked to take into consideration the comments of the Planning Committee and consider the proposed revised Adur District Council Protocol on Public Speaking and recommend its adoption as part of the Constitution to Adur District Council.
- 2.5 Consider the proposed recommendations for changes to the Scheme of Officer Delegations set out at paragraph 4.3 of the report and recommend their adoption to both Councils.

3.0 Context

- 3.1 It is important that the public have the opportunity to engage with the Council's statutory functions relating to planning, and the Councils encourage such engagement and participation in the process.
- 3.2 The Planning Committees, when considering planning applications, act as the Councils' Regulatory Committees, undertaking a quasi-judicial function. As such it is important that they act in the public interest, in accordance with human rights and equalities legislation and uphold the principles of natural justice and fairness.

To this end, when considering applications for planning permission, it is imperative that the Committee takes account of all relevant factors, and no irrelevant factors, that they come to the decision with an open mind and without bias or predetermination, and that they give equal opportunity to both applicants and their supporters, and to objectors.

3.3 To ensure compliance with such principles the Councils have each adopted a 'Protocol on Public Speaking at Planning Committees'. Each Protocol forms part of each Council's Constitution and has been formally adopted by the Councils.

3.4 As part of the ongoing regular review of our practices and procedures, the Protocols on Public Speaking have been reviewed by Officers and revised versions are proposed.

4.0 Issues for consideration

4.1 Adur District Council - Protocol on Public Speaking at Planning Committee

4.1.1 The proposed amended Protocol is attached to this report as Appendix 1, and with tracked changes for ease of reference at Appendix 2.

4.1.2 The current Protocol is silent about what issues the public may speak upon and it is proposed to be clear in the protocol that they may only speak on matters which are relevant to planning issues. Such provision will assist Members of the Committee in upholding the decision making principle of not taking account of irrelevant matters, as none should be presented to them.

4.1.3 The current Protocol allows objections from the objector, but only from the applicant in certain circumstances. This does not uphold the principles of fairness and it is proposed that public speaking opportunity should be allowed equally to the objector and to the supporters, including the applicant. The current arrangements also cause an inefficiency in the system on some occasions. For example if a planning application is recommended for approval by an Officer and Members are minded to refuse the application the applicant then has a right to speak, but having expected the application to be approved may not be in attendance and/or be prepared to make representation, so currently the Committee defer the application in such circumstances to enable the applicant to speak on the next occasion. This produces a delay and inefficiency in the decision making process and potential duplication of work

as the matter is considered twice. It is proposed that to eliminate this inefficiency and to uphold fairness, public speaking is allowed in all circumstances by both objectors and supports to an application.

4.1.4 Currently the arrangements for objectors to an application to speak are that generally only one is able to speak, on behalf of all objectors, and they must agree between themselves who will speak and collectively represent their views. The objector has a maximum of 3 minutes to make such representations. This presents some practical difficulties as usually the objectors are not known to each other, and often not keen to allow someone else, unknown to them, to speak on their behalf with no confidence that their own views will be properly represented; there is no opportunity for them to exchange views and prepare a collective representation. The current arrangement does not appear to uphold the principles of natural justice as it provides very limited opportunity for public engagement and it is therefore proposed that public speaking rights be extended to enable a maximum of 3 objectors to speak on any application with a maximum of 3 minutes each to make their representations to the Committee.

4.1.5 In addition to the public having a right to speak the current arrangements enable up to a maximum of 2 Ward Councillors to speak, subject to a maximum of one speaking for the application and one speaking against the application; they have up to 3 minutes each to address the Committee. It is proposed that this arrangement be retained. The current protocol also allows, in exceptional circumstances, for the Chairman to allow another Member to speak, if a Ward Councillor does not wish to, again subject to a maximum of one Councillor speaking for the application and one against. It is proposed that the need for exceptional circumstances be removed to allow the Chairman of the Planning Committee more flexibility and discretion to enable another District Councillor to speak in place of the relevant Ward Councillor.

4.1.6 It is proposed that the Protocol be amended to enable the supporters, and applicant, to a planning application, the same public speaking rights as the objectors. Any other arrangement could be seen as unfair and an indication of bias on the part of the Committee.

4.2 Worthing Borough Council - Protocol on Public Speaking at Planning Committee

4.2.1 The proposed amended Protocol is attached to this report as Appendix 3, and with tracked changes for ease of reference at Appendix 4.

- 4.2.2 The current Worthing Borough Council Protocol on Public Speaking at Planning Committee enables two Ward Councillors to speak, or one Ward Councillor and one Councillor from the adjacent Ward, or in exceptional circumstances another Borough Councillor. It is proposed that in the interests of efficiency this is amended to a maximum of two Councillors being able to speak, subject to one speaking for the application and one against, and that it is two Ward Councillors who are able to speak, or any other Councillor in the Ward Councillors place, with the Chairman's permission. Such an arrangement will give greater flexibility to Councillors as to who is best placed to make appropriate representations in respect of a particular application and retain sufficient discretion for the Chairman.
- 4.2.3 The Protocol provides for the length of a Councillor's speech to be at the Chairman's discretion but it is proposed for consistency that each speech is for a maximum of 3 minutes, as is the speech of an objector or supporter; but the Chairman retains overall discretion to allow speeches to be longer where relevant, appropriate and justifiable in the circumstances.
- 4.2.4 It is proposed to also incorporate a clause in the Protocol to enable the Chairperson to waive the Protocol, after consulting with the Committee Members and Legal Advisor, in appropriate circumstances. This would enable the Chairperson to tailor a more suitable public speaking arrangement, for example where an application was exceptionally complex, controversial or attracted high levels of public interest.

4.3 The Joint Officer Scheme of Delegations

- 4.3.1 Paragraph 3.6.5 of the Officer Scheme of Delegations provides the Head of Planning and Development with the authority to determine applications for planning permission. However the delegation shall not be exercised in the following circumstances:
- Applications requiring the Secretary of State to be notified under the Town and Country (Development Plans and Consultations) (Departures) Direction 2009;
 - Applications for development requiring an environmental impact assessment but excluding applications for a screening or scoping opinion in connection with an environmental impact assessment;
 - Applications comprising 'major' development within the meaning of the Town and Country Planning (General Permitted Development) Order;

- Applications for development which conflicts materially with the development plan;
- Applications materially affecting ancient monuments, and sites of special scientific interest;
- Applications made by, on behalf of, jointly with, or promoted by the Council, a Parish Council, West Sussex County Council, or any other Local Authority;
- Where the application has been made by a Member or an Officer;
- Where a Member of the Council not more than 28 days after validation of an application requests otherwise.

4.3.2 It is considered by Officers that 3 of these provisions do not facilitate good, agile, prudent decision making and that efficiency could be gained by making amendments whilst retaining sufficient balance and control.

- It is therefore proposed that the provision of: “Applications comprising ‘major’ development within the meaning of the Town and Country Planning (General Permitted Development) Order”, be amended to, “Applications comprising ‘major’ development within the meaning of the Town and Country Planning (General Permitted Development) Order, other than those where the proposed amendment is minor or non material”.
- It is further proposed that the provision of: “Where the application has been made by a Member or an Officer” is amended to “Where the application has been made by a Member of Adur District Council or Worthing Borough Council, or an Officer of either Council who is either The Chief Executive, a Chief Officer, Deputy Chief Officer, Planning Services Manager or Planning Policy Manager” or work within the Planning and Development Section.
- It is further proposed that the provision of: “Where a Member of the Council, not more than 28 days after validation of an application, requests otherwise” be amended to “Where a Member of the Council not more than 28 days after validation of an application, request otherwise, providing valid planning reasons”.

4.3.3 It is anticipated that these amendments would enable agile, streamlined decision making, whilst still ensuring independence and fairness in the Council's procedures and processes.

5.0 **Engagement and Communication**

5.1 Engagement and Communication has taken place with both the Adur District Council Planning Committee and the Worthing Borough Council Planning Committee. Both Committees have received and considered this report and have been invited to make comments, by way of consultation, to the Joint Governance Committee. The Joint Governance Committee are recommended to take into account any comments from the Planning Committees before determining this matter.

5.2 Engagement and Communication has taken place with the Head of Planning and Development, Democratic Services Officers and Planning lawyers.

6.0 **Financial Implications**

6.1 There are no direct financial implications arising from this proposal.

7.0 **Legal Implications**

7.1 The Council's governance arrangements are set out in their Constitutions; the Protocols on Public Speaking at Planning Committee and the Scheme of Officer Delegations form part of the Constitution. The authority of the Councils is sought to amend the Constitutions, other than in respect of minor or consequential amendments.

Background Papers

- Adur District Council Constitution
- Worthing Borough Council Constitution

Officer Contact Details:-

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Sustainability & Risk Assessment

1. Economic

Matter considered and no issues identified.

2. Social

2.1 Social Value

It is important that the public have the right to make representations to the Planning Committee when carrying out their quasi-judicial function considering planning applications. It ensures that all relevant factors are presented to the Committee, that the Committee engages with the public in making its decision and enhances public confidence in the democratic process.

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

Providing the public with the opportunity to make representations to this quasi-judicial Committee, when determining planning applications, upholds the principles of the Human Rights Act.

3. Environmental

Matter considered and no issues identified.

4. Governance

Having a Public Speaking Protocol, formally adopted by both Councils, and forming part of their Constitutions, upholds the principles of robust governance arrangements.

PROTOCOL FOR PUBLIC SPEAKING AT PLANNING COMMITTEE ADUR DISTRICT COUNCIL

1.0 INTRODUCTION

Public speaking to object to or support planning applications at Adur District Council's Planning Committee is an established part of the Council's procedure.

2.0 AGENDA ITEM

A Planning Officer will introduce the planning application and display any plans as well as bringing any new matters that have arisen since the agenda was prepared. Members may ask questions of the Planning Officer.

3.0 PUBLIC SPEAKING

3.1 Public speaking at meetings of the Adur District Council Planning Committee shall be allowed in respect of planning applications, including Conservation Area, Listed Building, Tree Preservation Order confirmation and Advertisement Consent Applications.

3.2 Questions, statements and comments made by the public to the Planning Committee must be relevant to planning issues.

3.2.1 Examples of relevant planning issues include:-

- external design, appearance and layout of the development,
- impact on trees and nature conservation or overshadowing and privacy,
- Highway safety,
- Planning Policy and Government Guidance.

3.2.2 Examples of non-relevant planning issues may include:-

- boundary disputes or other property rights,
- loss of property value or loss of a view,
- matters covered by other legislation,
- the applicants' motives, character or reputation.

3.3 Relevant representations will be accepted from Objector(s), Parish Councillor, Ward Councillor(s) and the Applicant or their representative and Supporters.

3.4 Advance notice of the intention to make representations must be provided to Democratic Services Officers, by email at democratic.services@adur-worthing.gov.uk, by noon on the working day prior to the date of the meeting. If

a decision on the application is deferred to a future meeting, the individual having given appropriate notice, will be able to speak when the application is considered by the Committee again, without the need to give further notice of their intention to speak.

If more than the maximum number of speakers give notice of their intention to make representations, those permitted will be taken in order in which their notice was received.

3.5 The order, and time allowed, for speaking at Adur District Council Planning Committee meetings will be as follows:-

		Total time allowed
Objector(s)	Limited to a maximum of three speakers	Limited to 3 minutes per speaker
Parish Councillor	A maximum of one Parish Councillor from the relevant Parish Council	Limited to 3 minutes
Ward Councillor(s)	Subject to a maximum of one Councillor speaking in support of the application and a maximum of one Councillor speaking against the application, limited to: <ul style="list-style-type: none"> • Up to two Ward Councillors, or • With the agreement of the Chairperson, and subject to a maximum of one Ward Councillor wishing to speak, one Ward Councillor and an adjacent Ward Councillor, or • with the agreement of the Chairperson, and subject to no Ward Councillors wishing to speak, a maximum of two Adur District Councillors. 	3 minutes each
Applicant or representative and Supporters	Limited to a maximum of three speakers	Limited to 3 minutes per speaker

There is no right for anyone to speak at a Planning Committee meeting, otherwise than in accordance with the above table. An individual may not speak a second time at a Planning Committee meeting, on the same application.

- 3.6 Speakers may address the Planning Committee Chairperson, but are not permitted to ask questions of other speakers, Officers or Members. Members and Officers can question speakers for clarification purposes only.

4.0 DETERMINATION OF APPLICATION

- 4.1 Following public speaking, Members of the Planning Committee will debate the planning application, involving professional Officers as necessary and appropriate. The debate should be governed by the Rules of Debate within the Council's Procedure Rules.
- 4.2 Members of the Planning Committee may receive legal and other professional advice as required during the Committee meeting.

5.0 MISCELLANEOUS

- 5.1 The Chairperson has the discretion to waive any of the requirements of this Protocol if satisfied on legal and professional advice that it is fair, reasonable and appropriate to do so in the circumstances.
- 5.2 This Protocol is formally adopted by Worthing Borough Council as part of its Constitution. It is to be reviewed at least once every 3 years.

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PROTOCOL FOR PUBLIC SPEAKING AT PLANNING COMMITTEE ADUR DISTRICT COUNCIL

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1.0 INTRODUCTION

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Public speaking to object to or support planning applications at Adur District Council's Planning Committee is an established part of the Council's procedure.

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The following procedure shall be followed at the Planning Committee meetings for the purpose of enabling members of the public to make representations on planning applications. This Protocol supplements the Council Procedure Rules and the two should be read together

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2.0 AGENDA ITEM

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A Planning Officer will introduce the planning application and display any plans as well as bringing any new matters that have arisen since the agenda was prepared. Members may ask questions of the Planning Officer.

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3.0 PUBLIC SPEAKING

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Public speaking at meetings of the Adur District Council Planning Committee shall be allowed in respect of planning applications, including Conservation Area, Listed Building, Tree Preservation Order confirmation and Advertisement Consent Applications.

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Questions, statements and comments made by the public to the Planning Committee must be relevant to planning issues, including external design, appearance and layout of the development, impact on trees and nature conservation or overshadowing and privacy, Highway safety, Planning Policy and Government Guidance. Non relevant planning issues may include boundary disputes or other property rights, loss of property value or loss of a view, matters covered by other legislation, the applicants' motives, character or reputation.

4.0—Relevant representations will be accepted from Objector(s), Parish Councillor(s), Ward Councillor(s) or the Applicant or their representative and Supporters. The right to speak on planning applications is available to objectors, applicants and/or their agents and supporters, Parish Councils and Ward Councillors.

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The applicant (or their representative) has an opportunity to make representations in support of the application, but only if:

- the Officer's recommendation is to refuse; or
- there are Ward Councillors speaking against the application; or

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- ~~there are objectors speaking against the application; or~~
- ~~the Committee are minded to go against the Officer's recommendation for approval.~~

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~~If following consideration of the report and/or any objectors who were allowed to make comments without notice, the Committee is minded to overturn the Planning Officer's recommendation to approve, the application must stand adjourned to the next meeting to provide the opportunity for oral representations to be made.~~

~~Applicants will be notified of any such notice received. Speakers in support of an application may speak only in cases where one or the other parties is being heard at the meeting or where the recommendation is to refuse.~~

~~**2.0**—The rights to speak will apply to all planning applications including Conservation Area, Listed Building, Tree Preservation Order confirmation and Advertisement Consent Applications.~~

~~**3.0**—Advance notice of the intention to make representations must be provided to Democratic Services Officers, by email at democratic.services@adur-worthing.gov.uk, by noon on the working day prior to the date of the meeting. If a decision on the application is deferred to a future meeting, the individual having given appropriate notice, will be able to speak when the application is considered by the Committee again, without the need to give further notice of their intention to speak. The Director for Economy or Head of Planning shall write with details of the arrangements for public speaking to the applicant/agent, objectors and supporters, and the Parish Council who have made written representations, advising them of the date of the meeting when the application is due to be considered. However, where letters of representation are received just before the meeting there may be insufficient time to write. If necessary, in accordance with the principles in paragraph 1.0, the matter may stand adjourned.~~

~~If more than the maximum number of speakers give notice of their intention to make representations, those permitted will be taken in order in which their notice was received.~~

~~The order, and time allowed, for speaking at Adur District Council Planning Committee meetings will be as follows:-~~

~~**4.0**—A Planning Officer will introduce the planning application and display any plans as well as bringing any new matters that have arisen since the agenda was prepared. Members may ask questions of the Planning Officer.~~

~~5.0 Interested parties then have an opportunity to address Members. Objectors are to agree between themselves who addresses the meeting. At the Chairperson's discretion, more than one objector may be allowed to speak within the total permitted time for objectors, but only where new material issues are to be raised. Members of the Committee, through the Chairperson, may ask questions of the objectors only for the purpose of clarifying matters of fact already raised during the objector's presentation.~~

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~~6.0 Where both objectors and the applicant are to speak, the applicant shall follow the objectors. Members of the Committee, through the Chairperson, may ask questions of the applicant only for the purpose of clarifying matters of fact already raised during the applicant's presentation.~~

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~~7.0 Speakers will not have the right to expect other speakers, Officers or Councillors to respond directly to questions at the time they are asked (i.e. no cross-examination of other speakers).~~

~~8.0 Up to two Ward Councillors or, in exceptional circumstances with the agreement of the Chairperson, another Councillor, may address the meeting after any objectors and any Parish Council representative but before the Applicant. One Councillor may speak against the proposal and one in support of it. The Ward Councillors will be allowed a maximum time of 3 minutes each to speak.~~

~~9.0 Members of the Committee may receive legal and other professional advice as necessary during the proceedings.~~

~~10.0 In the interest of efficient despatch of business, the following rules regarding timing will apply:~~

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~~• A total time of 3 minutes shall be allowed for all objectors. Where the Chairperson permits more than one objector to speak, the time will be divided equally between the objectors (unless they come to some other arrangement between themselves).~~

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~~• A total time of 3 minutes shall be allowed for the applicant.~~

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~~• A total time of 3 minutes shall be allowed for the Parish representative.~~

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~~• A total time of 3 minutes shall be allowed for each Ward Councillor.~~

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~~• The total time allowed for public speaking shall be limited to a maximum of 6 minutes per application. In exceptional cases, these timings, and the time allowed for Parish Council and Ward Councillor representations, may be extended at the Chairperson's discretion. However, any extension for the Ward Councillor must be matched with an equal extension for the applicant. An exception may involve an abnormal weight of objections or support or particular complexity.~~

~~11.0 A person wishing to speak at a meeting of the Planning Committee must give advance notice of their intention to do so to the Head of Planning and to Democratic Services Officers. (Applicants may be given the right to speak notwithstanding that they have failed to give the required notice).~~

~~12.0 The Chairperson in consultation with the Committee may waive any of the requirements of this Protocol if satisfied on legal and professional advice that it is appropriate to do so in the circumstances, or in any event to change the order of speakers.~~

~~13.0 The order of speaking at the meetings will be:-~~

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		Total time allowed
Planning Officer: To introduce the application and update the objections, letters of support received.	Not limited	
Objector(s)	Limited to a maximum of three speakers	Limited to 3 minutes per speaker
Parish Councillors Representative	A maximum of one Parish Councillor from the relevant Parish Council	Limited to 3 minutes
Up to 2 Ward Councillors (or 1 Ward Councillor and 1 adjacent Ward Councillor) or a Councillor/Ward Councillor	Subject to a maximum of one Councillor speaking in support of the application and a maximum of one Councillor speaking against the application, limited to: Up to two Ward Councillors, or One Ward Councillor and an adjacent Ward Councillor, or with the agreement of the Chairperson, and subject to the Ward Councillors not wishing to speak, a maximum of two other Adur District Councillors.	3 minutes each
Applicant or agent representative and Supporters	Limited to a maximum of three speakers	Limited to 3 minutes per speaker

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Planning Officer- to deal with any errors of fact which have arisen.		Not limited
The Committee will discuss the planning application, involving the Officers as necessary. There will be no further right for others to speak.		Not limited

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There is no right for anyone to speak at a Planning Committee meeting, otherwise than in accordance with the above table. An individual may not speak a second time at a Planning Committee meeting, on the same application.

Speakers may address the Planning Committee Chairperson, but are not permitted to ask questions of other speakers, Officers or Members. Members and Officers can question speakers for clarification purposes only.

4.0 DETERMINATION OF APPLICATION

4.1 Following public speaking, Members of the Planning Committee will debate the planning application, involving professional Officers as necessary and appropriate. The debate should be governed by the Rules of Debate within the Council's Procedure Rules.

4.2 Members of the Planning Committee may receive legal and other professional advice as required during the Committee meeting.

5.0 MISCELLANEOUS

5.1 The Chairperson has the discretion to waive any of the requirements of this Protocol if satisfied on legal and professional advice that it is fair, reasonable and appropriate to do so in the circumstances.

5.2 This Protocol is formally adopted by Worthing Borough Council as part of its Constitution. It is to be reviewed at least once every 3 years.

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PROTOCOL FOR PUBLIC SPEAKING AT PLANNING COMMITTEE WORTHING BOROUGH COUNCIL

1.0 INTRODUCTION

Public speaking to object to or support planning applications at Worthing Borough Council's Planning Committee is an established part of the Council's procedure.

2.0 AGENDA ITEM

A Planning Officer will introduce the planning application and display any plans as well as bringing any new matters that have arisen since the agenda was prepared. Members may ask questions of the Planning Officer.

3.0 PUBLIC SPEAKING

3.1 Public speaking at meetings of the Worthing Borough Council Planning Committee shall be allowed in respect of planning applications, including Conservation Area, Listed Building, Tree Preservation Order confirmation and Advertisement Consent Applications.

3.2 Questions, statements and comments made by the public to the Planning Committee must be relevant to planning issues.

3.2.1 Examples of relevant planning issues include:-

- External design, appearance and layout of the development;
- Impact on trees and nature conservation or overshadowing and privacy;
- Highway safety;
- Planning Policy and Government Guidance.

3.2.2 Examples of non-relevant planning issues may include:-

- Boundary disputes or other property rights;
- Loss of property value or loss of a view;
- Matters covered by other legislation;
- The applicants' motives, character or reputation.

3.3 Relevant representations will be accepted from Objector(s), Ward Councillor(s) and the Applicant or their representative and Supporters.

3.4 Advance notice of the intention to make representations must be provided to Democratic Services Officers, by email at democratic.services@adur-worthing.gov.uk, by noon on the working day prior to the date of the meeting.

If a decision on the application is deferred to a future meeting, the individual having given appropriate notice, will be able to speak when the application is considered by the Committee again, without the need to give further notice of their intention to speak.

If more than the maximum number of speakers give notice of their intention to make representations, those permitted will be taken in order in which their notice was received.

3.5 The order, and time allowed, for speaking at Worthing Borough Council Planning Committee meetings will be as follows:-

		Time Allowed
Objectors	Limited to a maximum of three speakers	Limited to 3 minutes per speaker
Ward Councillors	<p>Subject to a maximum of one Councillor speaking in support of the application and a maximum of one Councillor speaking against the application, limited to:</p> <ul style="list-style-type: none"> • up to two Ward Councillors, or • with the agreement of the Chairperson, and subject to a maximum of one Ward Councillor wishing to speak, one Ward Councillor and an adjacent Ward Councillor, or • with the agreement of the Chairperson, and subject to no Ward Councillors wishing to speak, a maximum of two Worthing Borough Councillors. 	Limited to 3 minutes per speaker.
Applicant or representative and Supporters	Limited to a maximum of three speakers	Limited to 3 minutes per speaker

There is no right for anyone to speak at a Planning Committee meeting, otherwise than in accordance with the above table. An individual may not speak a second time at a Planning Committee meeting, on the same application.

- 3.6 Speakers may address the Planning Committee Chairman, but are not permitted to ask questions of other speakers, Officers or Members. Members and Officers can question speakers for clarification purposes only.

4.0 DETERMINATION OF APPLICATION

- 4.1 Following public speaking, Members of the Planning Committee will debate the planning application, involving professional Officers as necessary and appropriate. The debate should be governed by the Rules of Debate within the Council's Procedure Rules.
- 4.2 Members of the Planning Committee may receive legal and other professional advice as required during the Committee meeting.

5.0 MISCELLANEOUS

- 5.1 The Chairperson has the discretion to waive any of the requirements of this Protocol if satisfied on legal and professional advice that it is fair, reasonable and appropriate to do so in the circumstances.
- 5.2 This Protocol is formally adopted by Worthing Borough Council as part of its Constitution. It is to be reviewed at least once every 3 years.

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PROTOCOL FOR PUBLIC SPEAKING AT PLANNING COMMITTEE
WORTHING BOROUGH COUNCIL

1.0 INTRODUCTION

Public speaking to object to or support planning applications at Worthing Borough Council's Planning Committee is an established part of the Council's procedure.

2.0 AGENDA ITEM

A Planning Officer will introduce the planning application and display any plans as well as bringing any new matters that have arisen since the agenda was prepared. Members may ask questions of the Planning Officer.

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2.03.0 PUBLIC SPEAKING

3.12.4 Public speaking at meetings of the Worthing Borough Council Planning Committee shall be allowed in respect of planning applications, including Conservation Area, Listed Building, Tree Preservation Order confirmation and Advertisement Consent Applications.

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3.2 Questions, statements and comments made by the public to the Planning Committee must be relevant to planning issues.

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23.2.1 Examples of relevant planning issues include:-

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- External design, appearance and layout of the development;
- Impact on trees and nature conservation or overshadowing and privacy;
- Highway safety;
- Planning Policy and Government Guidance.

32.2.23 Examples of non-relevant planning issues may include:-

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- Boundary disputes or other property rights;
- Loss of property value or loss of a view;
- Matters covered by other legislation;
- The applicants' motives, character or reputation.

3.32.4 Relevant representations will be accepted from an objector(s), a Ward Councillor(s) or the Applicant or their representative and Supporters.

3.4 Advance notice of the intention to make representations must be provided to Democratic Services Officers, by email at democratic.services@adur-worthing.gov.uk, by noon on the working day prior to the date of the meeting. If a decision on the application is deferred to a future meeting, the individual having given appropriate notice, will be able to speak when the application is

considered by the Committee again, without the need to give further notice of their intention to speak.

If more than the maximum number of speakers give notice of their intention to make representations, those permitted will be taken in order in which their notice was received.

32.5 The order, and time allowed, for speaking at Worthing Borough Council Planning Committee meetings will be as follows:-

		Time Allowed
Objectors	Limited to a maximum of three speakers	<u>Limited to 32</u> minutes per speaker
Ward Councillors	<p><u>Subject to a maximum of one Councillor speaking in support of the application and a maximum of one Councillor speaking against the application. It is limited to:</u></p> <ul style="list-style-type: none"> • up to two Ward Councillors, or • <u>with the agreement of the Chairperson, and subject to a maximum of one Ward Councillor wishing to speak,</u> one Ward Councillor and an adjacent Ward Councillor (or, • <u>with the agreement of the Chairperson, and subject to no Ward Councillors wishing to speak, a maximum of two Worthing Borough Councillors in exceptional circumstances it is allowed that one or more of these may be a Ward Councillor, and with the agreement of the Chairperson, another Worthing Borough Councillor)</u> 	<u>Limited to 3 minutes per speaker. At the Committee Chairman's discretion</u>
Applicant or representative and Supporters	Limited to a maximum of three speakers	Limited to <u>32</u> minutes per persons speaker
Committee Members	<u>To discuss the planning application, involving the Officers as necessary</u>	<u>No time limit</u>

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There is no right for anyone to speak at a Planning Committee meeting, otherwise than in accordance with the above table. An individual may not speak a second time at a Planning Committee meeting, on the same application.

- 23.6 Speakers may address the Planning Committee Chairman, but are not permitted to ask questions of other speakers, Officers or Members. Members and Officers can question speakers for clarification purposes only.

4.0 DETERMINATION OF APPLICATION

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- 4.1 Following public speaking, Members of the Planning Committee will debate the planning application, involving professional Officers as necessary and appropriate. The debate should be governed by the Rules of Debate within the Council's Procedure Rules.

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- 4.2 Members of the Planning Committee may receive legal and other professional advice as required during the Committee meeting.

5.0 MISCELLANEOUS

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- 5.1 The Chairperson has the discretion to waive any of the requirements of this Protocol if satisfied on legal and professional advice that it is fair, reasonable and appropriate to do so in the circumstances.

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- 5.2 This Protocol is formally adopted by Worthing Borough Council as part of its Constitution. It is to be reviewed at least once every 3 years.

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