



**WORTHING BOROUGH  
COUNCIL**

**Planning Committee  
16 October 2019**

**Agenda Item 5**

**Ward: ALL**

**Key Decision: Yes / No**

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/1303/19 Recommendation – APPROVE**

**Site: Shelter South Of West Buildings, The Promenade, Marine Parade, Worthing**

**Proposal: Demolition of existing public shelter and redevelopment to provide an A3 restaurant set over two floors with outdoor seating area at ground floor and a covered external first floor terrace.**

**2**

**Application Number: AWDM/1323/19 Recommendation – APPROVE**

**Site: Foreshore Between Esplanade Court And Clarence Court, The Esplanade, Worthing**

**Proposal: Construction of 2 groups of 4 rental beach huts (8 in total)**

**3**

**Application Number: AWDM/1325/19 Recommendation – APPROVE**

**Site: Foreshore East Of Shelter Opposite Seaview Road, The Promenade, Worthing**

**Proposal: Construction of 1 group of 3 rental beach huts**

**4**

**Application Number: AWDM/1326/19 Recommendation – APPROVE**

**Site: Foreshore South Of Public Conveniences, The Promenade, Worthing**

**Proposal: Construction of 4 rental beach huts**

5

**Application Number: AWDM/1341/19**

**Recommendation – APPROVE**

**Site: Foreshore East Of Shelter And South Of Bernard Road, The Promenade, Worthing**

**Proposal: Construction of 4no. rental beach huts**

6

**Application Number: AWDM/0607/19**

**Recommendation – APPROVE  
Conditionally subject to  
S106  
(Deed of Variation)**

**Site: Aquarena, Brighton Road Worthing**

**Proposal: An application submitted under Section 73 of the Town and Country Planning Act 1990 to allow for the variation of Condition 1 in connection with planning permission AWDM/1633/16 dated 10.03.2017 for the:**

**Demolition of the former Worthing Aquarena and car park. Erection of 141 residential apartments within blocks ranging from 4-15 storeys in height, including affordable housing, a 641sq.m (unspecified use class) commercial unit, a 138sq.m Pavilion/Café, public and private open space, 172 resident's parking spaces and 51 public car parking spaces, with associated landscaping and access arrangements**

7

**Application Number: AWDM/1374/19**

**Recommendation – APPROVE**

**Site: 61 Southdownview Road Worthing**

**Proposal: Construction of ramp with handrail to front east elevation**

8

**Application Number: AWDM/1356/19**

**Recommendation – APPROVE**

**Site: 44 Twitten Way Worthing**

**Proposal: Construction of front access ramp and handrails to front entrance west elevation**

9

**Application Number: AWDM/1391/19**

**Recommendation – APPROVE**

**Site: 20 Coronation Homelets Brougham Road Worthing**

**Proposal: Ramp and steps with handrails to front (north) elevation**

Application Number: AWDM/1303/19

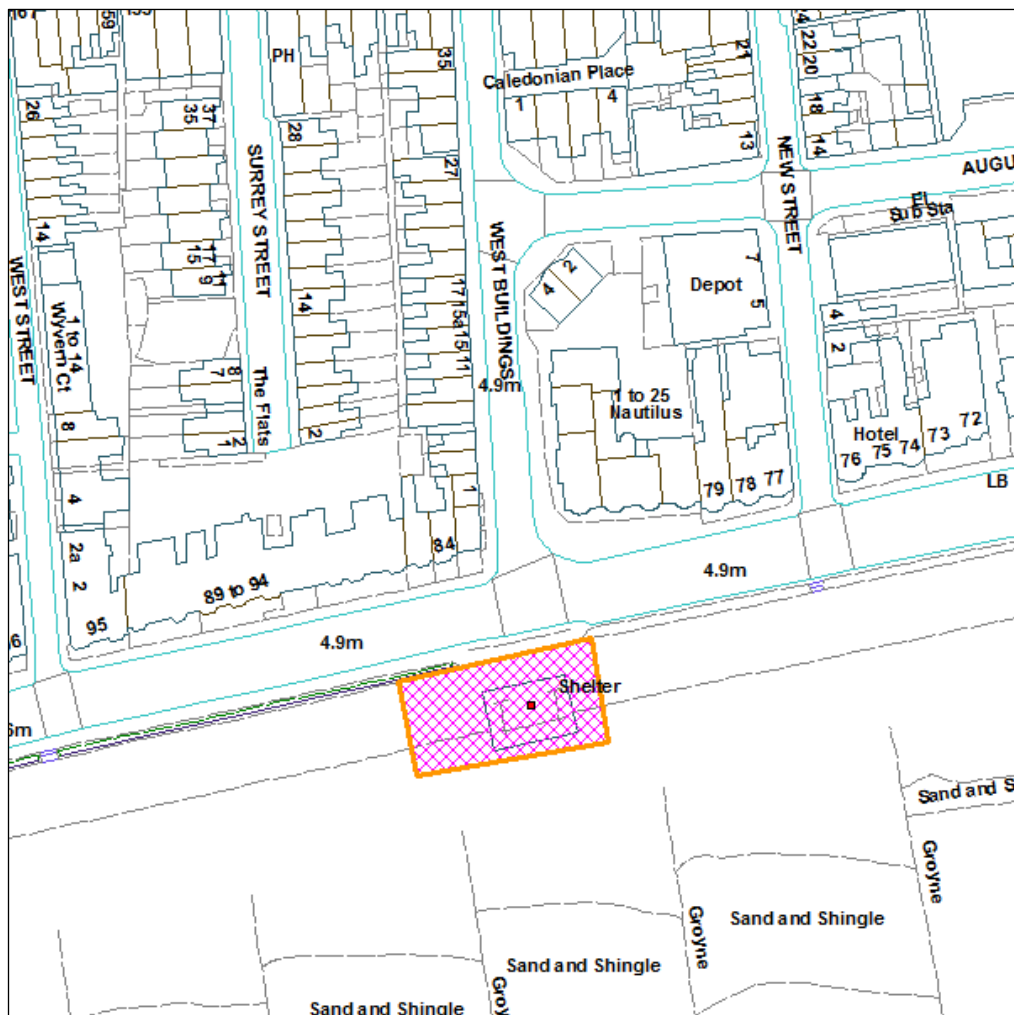
Recommendation – APPROVE

Site: Shelter South Of West Buildings, The Promenade, Marine Parade, Worthing

Proposal: Demolition of existing public shelter and redevelopment to provide an A3 restaurant set over two floors with outdoor seating area at ground floor and a covered external first floor terrace.

Applicant: Nextcolour Ltd  
Case: Gary Peck  
Officer:

Ward: Central



Not to Scale

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Proposal

This application seeks full permission to demolish an existing seafront shelter in order to provide an A3 restaurant set over two floors with outdoor seating area at ground floor level and a covered external first floor terrace. While not specifically mentioned on the application form, restaurant operator Bistro Pierre was the winning bidder for a long-term lease when the site was put out for tender by the Council.

It is stated in the supporting information that:

*The proposed unit will comprise a two-storey building which fronts on to the beach. This primary (southern) elevation of the structure will be largely glazed in order to maximise the views which diners experience from the restaurant. In order to further take advantage of the location of the site, an outdoor seating area is proposed at the ground floor level, with an outdoor balcony area also proposed at the first-floor level.*

*The proposed unit will comprise a two-storey building which fronts on to the beach. This primary (southern) elevation of the structure will be largely glazed in order to maximise the views which diners experience from the restaurant. In order to further take advantage of the location of the site, an outdoor seating area is proposed at the ground floor level, with an outdoor balcony area also proposed at the first-floor level.*

*In terms of layout, the bar area on the ground floor provides seating for 45 covers, which space for a further 68 covers available in the form of outdoor seating at this level. Meanwhile, the main restaurant space – which is located on the first floor – has the capacity to seat up to 110 people, with the terrace holding an additional 60 people.*

*The first-floor terrace has a retractable roof to the west end of the proposal, opening up the space during the summer months. Light spill from the development onto the promenade shall be limited due to the position of the lighting elements within the façade and its lack of outward directionality.*

*In terms of landscaping, long, planted beds are proposed to be sited along the southern and northern façades of the unit, allowing the building to sit more easily onto the beach and along the promenade, with elements of natural timber also incorporated into the scheme which are considered to be sympathetic to its setting.*

*Plant equipment and extraction units are proposed to be situated in a mesh enclosure on the rooftop.*

The site itself would not provide any parking with reliance on nearby car parks and on street parking where available.

As a retail development, the Community Infrastructure Levy would be payable on the development. At an indexed rate £192.85 per square metre, the creation of 567 square metres would therefore attract a payment of £109,345.95

The following further supporting information has also been submitted with the application:

Design and Access Statement

Executive summary:

The key elements of this Full Planning Application for the replacement of an existing walker's shelter can be summarised as follows:

- Demolition of existing shelter. Replacement with a two-storey building containing bar, restaurant + stepped external seating area with access onto beach.
- The new building aims to enliven movement and activity along the promenade whilst offering Worthing a modern destination restaurant with spectacular views and a landmark pavilion.
- The proposals aim to boldly sit against the beach and promenade, elevating the appearance and liveliness of the stretch of coastline beyond the pier.
- The building is accessed through its north elevation from the promenade with parking along Marine Parade and in nearby car parks

### Planning and Heritage Statement

In summary, on the basis of a comprehensive review of both the policy and physical context of the application site, it is considered that the overall benefits of the scheme to the town, the seafront and to the local community, both socially and economically far outweigh the less than substantial harm resulting from the redevelopment of a site of local historical interest. The proposed scheme should be viewed favourably for the following reasons:

- The proposals accord fully with National and Local Policy – which supports the redevelopment and enhancement of underutilised facilities of this type;
- The design of the proposed development is considered to be appropriate to the Conservation Area within which the site is located, while the redevelopment would provide betterment by improving the visual amenities along the promenade;
- The site is situated in a highly accessible location, which will encourage the use of sustainable transport modes;
- The scheme would result in significant economic benefits to Worthing and its seafront in particular, as recognised by the Worthing Seafront Investment Plan;
- The proposed development is at low risk of flooding and will be set on raised structural supports above the existing shingle defences; and
- The Sequential site search determined that there were no more suitable sites for the proposed development within the Worthing Seafront area. 8.4 Having regard to the above key considerations, it is considered that the proposed development is fundamentally sound in principle and represents an appropriate and policy compliant scheme, which seeks to deliver a high-quality improvement to the existing facilities along Marine Parade and at Worthing's seafront in general.

### Flood Risk Assessment

Summarised: Mitigation measures and conclusion:

#### 6.1 Proposed Site levels and Development Level

Current Environment Agency guidance recommends that the minimum ground floor levels of commercial developments are set at a minimum of 300mm above the 0.5% annual probability (1 in 200 year) flood level including an additional allowance for climate change.

The 'design' flood level for the site should therefore be the 0.5% annual probability event with allowance for climate change plus an allowance for freeboard.

This and the 0.1% annual probability (1 in 1000-year) are below the lowest existing ground level measured on site by approximately 1.2m.

The modelled wave height is currently modelled at 5.689m. This is approximately 0.27m below the promenade height. Over the lifetime of the development the still water level is predicted to increase by 0.1m. Using the predicted increase in tidal level as a guide the wave top height this would still be lower than the promenade level.

Based upon this and the difficulties in accurately predicting the wave height the finished floor levels (FFL) should be set at a minimum height of 300mm above the Flood

Defence crest height of 5.97m AOD. No further mitigation measures are therefore recommended for the design life of the property.

The designer should consider the potential for wave borne debris that may be thrown against the structure and its supports.

## 6.2 Safe Access

Safe and dry pedestrian access for the predicted still water levels over the lifetime of the development is available via the promenade at 5.97m AOD and Marine Parade 4.9m AOD for the lifetime of the development for the predicted still water levels.

However, as the flooding in the area will be influenced by potential wave overtopping along the promenade where the defences are lower or wave heights higher. Therefore; during the lifetime of the development this may lead to some flooding along Marine Parade that may restrict access. Any vehicular access would be within the Tidal Flood Zone 3; therefore, a formal evacuation plan may be required.

## 6.3 Flood Resistance and Resilience

The development proposed may be subject to flooding at more extreme events than those considered. Flood resilience measures should be included into ground floor construction to aid recovery after any event. If utilised, typical measures would include solid floors, use of suitable materials and services fed from upper floors with outlets at high level.

The development proposed may be subject to tidal groundwater entering excavations for foundations and services due to the potentially shallow water table. Dewatering may be required for excavations and means of limiting flows in service trench bedding be incorporated. The need can be discussed and agreed with building control officers during detailed design.

## 6.4 Residual Risks

It is impossible to completely guard against flooding since extreme events greater than the design standard event are always possible. However, the 0.5% annual probability flood event with an allowance for climate change is significantly below the lowest site levels. It is likely that the relatively elevated position of the development will safeguard it from significant tidal flooding during extreme events for the assumed lifetime of this development. However, by setting the ground floor levels above existing levels of the promenade this will provide an additional freeboard above the predicted exceptional conditions.

## 6.5 Other observations

Onshore winds often accompany extreme events and consideration should also be given to the effects of any onshore winds. For example, the removal of loose external furniture to a sheltered location

## Conclusions

The site is shown on published mapping to be located within the Environment Agency's Flood Zone 3. Comparison of topographical data with the EA modelled flood level data indicates that the proposed building is above the estimated flood levels for the lifetime of the development. The wave height studies show the proposed development is above the 0.5% event wave levels. The development is considered to be at a Low risk of Tidal Flooding.

Negligible to Low risks of flooding from all sources have been identified from information provided by the EA and the LLFA.

An assessment of these risks in conjunction with the development proposals have resulted in the following recommendations for the safe development of the site:

- The recommended minimum finished floor level is a minimum of 6.27m AOD. This is 300mm above the sea defence levels, and is raised above the promenade.
- Pedestrian access to and from the site is achievable via the promenade for tidal flood and wave action. Marine Parade is behind the Promenade and is lower than the development.
- Wave modelling indicates that a limited flow may occur along lower areas of the defences and may reach the road. There is potential for flood water to flow along Marine Parade restricting vehicle access.
- The provision of a formal evacuation plan should be considered following discussions with the LPA.
- Registration with any available flood warning service is recommended in order to allow the management to assess operation of the business during an extreme event and to apply any protective measures that may be incorporated into the design to aid recovery.

Further details on the proposed mitigation measures are provided in Section 6. All proposed measures should be agreed with the Local Authority prior to commencement of the development.



## **Site and Surroundings**

The application site is located immediately south of Marine Parade in Worthing, located on the Promenade. The site is situated opposite the junction of Marine Parade and West Buildings, approximately 200 metres west of the Lido, and 400 metres west of the Pier. The site is also about 400 metres east of Heene Terrace.

The site partly comprises an existing shelter (although the proposed building would extend further to the south onto the beach) which has been previously identified as a Local Interest building but at present has fallen into disrepair.

The application site is within the Conservation Area (the boundaries of which include the beach) and is almost directly opposite the listed building at 83 Marine Parade (on the corner of West Buildings). There are further listed buildings fronting the seafront to the east (73 to 79) as on the western side of West Buildings, the nearest being number 9. Development nearest the application site is typically 4 stories, some with a basement, although the listed building directly opposite is a storey lower.

## **Relevant Planning History**

Planning permission was granted in 2007 for the Demolition of existing public shelter and redevelopment with a single storey building to provide a restaurant (Use Class A3). The consent was not implemented. (Application reference 07/0141/FULL).

## **Consultations**

### **Conservation Architect**

The current seafront shelter is situated mainly on the raised seaside promenade and is within the Marine Parade and Hinterland Conservation Area. This section of Worthing's seafront is particularly important, exhibiting the original 19<sup>th</sup> century Regency form of terraced development, through grand Victorian to late twentieth and early twenty first century. The wide promenade, elegant street lamps, the decoratively detailed period seafront shelter (circ. 1920s), and the adjacent shingle beach and the sea establish the seaside character of the area and the setting for this attractive frontage. The building opposite the seafront shelter on the south-west corner of West Buildings, No.83 Marine Parade is an early nineteenth century, Regency Building (Grade II listed). Nos. 77-79 Marine Parade are also Regency Buildings (Grade II listed), whilst West Buildings (originally John Street) was also laid out in the early nineteenth century with views towards the sea, and still retains a high percentage of the original buildings, a number of which are listed.

Since the current esplanade was laid out in 1821 the main built frontage of Worthing's seafront has remained set back from the shingle shore separated by Marine Parade and the wide elevated promenade. Few buildings other than seafront shelters and small toilet blocks have been erected on the promenade and along the shoreline, the major exceptions being Worthing Pier (Grade II listed) and the Lido (Grade II listed). Worthing's seafront is one of the town's greatest assets and is a primary focus for attracting visitors. The Worthing Observation Wheel was added to the visitor attractions this year and will operate between March and November, until 2021.

It is this streetscape including the above mentioned listed buildings that form part of the special architectural and historic interest of the Marine Parade and Hinterland conservation area, contributing to its character and significance.

The existing seafront shelter has been identified and included in Worthing Borough's list of Local Interest buildings. This shelter is one of an array of such building types dotted along the promenade. It was designed to encompass a large number of pedestrian benches facing in four different directions with glazed screens which act as wind breaks, whilst allowing uninterrupted views of the sea through the building. This transparency, together with the slim roof and canopy design, resulted in a building of little visible substance. Unfortunately in recent years, this Council owned structure has suffered following the antisocial activities of rough sleepers, the central section being boarded up allowing its appearance to deteriorate.

As part of these proposals, the existing shelter would be removed along with the issues associated with it. Once removed, a new two storey building would be situated entirely on the beach, containing a bar, restaurant and associated external seating areas. (As the new building is proposed on the beach and is not a transformation of the existing building, its location, blocking the historic view at the end of West buildings, should in my opinion, have been subject to a considered exploration of alternative sites).

This new rectangular building would sit on a concrete base raising it 0.5m above the existing promenade, with the outside sitting areas to the west, stepping back down to the promenade level. The main roof level would be 7.75m above the promenade with the plant and extract area another 1.45m above this. The existing promenade is 0.9m above the adjacent street level, so the new building will therefore be slightly taller than the parapet of the three storey listed building opposite.

Although the proposed building is a rectangular box, the mass has been broken down to some extent by the use of large aluminium framed windows, and two contrasting cladding materials, natural timber and a very dark, standing seam metal cladding - the corporate colour of Bistrot Pierre. An entrance canopy which reuses some of the decorative columns from the seafront shelter sits along the promenade face of the building. The building incorporates a sliding window system with external metal railings where windows can fully open. A retractable roofing system allows the roof to be removed over part of the western end of the building. Despite quite large areas of glazing, the building still presents particularly impenetrable faces to the east and north at ground floor level and due to the internal arrangement creates a much less transparent building, especially when approaching from the north.

The setting of the pier affects a very wide stretch of the foreshore, as the building currently dominates the seafront views from both the east and the west. The lido has a smaller setting, its distinctive single storey form being visible for some distant but only on the west side of the pier. Both these buildings have interesting curved forms that respond to their open landscape settings. The previously approved, single storey café on the site of the existing shelter also adopted a curved approach to the design.

If approved this will be a large building on the beach, so the two storey approach still needs to be questioned. The business model adopted by Bistrot Pierre and previously used at the Mumbles, Swansea, separates the bar area from the restaurant area and their preference in Worthing is to have a two storey building which could also exploit the 180 degree views along the seafront. However, this approach

when combined with the proposed dark coloured cladding, will create a building that is a very alien and dominant, landmark on the seafront. This building will cause harm to the setting of the existing buildings along Marine Parade, although that harm would be less than substantial under the guidance set out in the NPPF.

Several court cases have clarified the approach which a local planning authority should take when it considers the effect of heritage issues in determining applications for planning permission. They cover the effect of the statutory presumptions in sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the policy guidance in paragraphs 132 and 134 of the National Planning Policy Framework (NPPF).

Section 66(1) states that when considering whether to grant planning permission for development which affects a listed building or its setting, the authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Section 72 contains similar requirements with respect to buildings or land in a conservation area. In this context 'preserving' means doing no harm.

Paragraph 132 of the NPPF, in the section dealing with the conservation and enhancement of the historic environment, states:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification..."

The policy guidance in paragraph 134 of the NPPF states that where a proposal will lead to *less than substantial harm* to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal, including its optimum viable use. It is not obvious at first glance that paragraph 134 should be read in conjunction with the first part of paragraph 132, which states that when considering the impact of a proposal on the significance of a designated heritage asset, "great weight" should be given to the asset's conservation. This wording reflects the statutory duty in sections 66(1) and 72(1).

Paragraph 129 of the NPPF additionally highlights the need to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. The NPPF goes on to define the setting of a heritage asset as being the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.

### **Conservation Area Advisory Committee**

Objection. The proposed building is considered far too large and a poor precedent for a building on the beach. Any proposal should be smaller and more transparent. The proposed structure is not on the site of the existing shelter which is considered sympathetic to its surroundings ie single storey.

The proposed building is basically three storey and considered over ambitious. The design is inappropriate for a seafront location with materials that are too dark. The proposed facility will bring people away from the town centre.

## **Environment Agency**

We have reviewed the information as submitted and have the following comments.

### *Environment Agency Position*

We have *no objection* to proposed development as submitted.

### *Advice to LPA/applicant*

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. The following documents may also be useful:

*Department for Communities and Local Government: Preparing for floods*  
<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

*Department for Communities and Local Government: Improving the flood performance of new buildings:* <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

## **Environmental Health – Food Safety**

I have looked at the application and have the following to comment:

The current proposal for sanitary accommodation provision is inadequate. Ground Floor - total of 113 covers, only 2 WCs. There is no designation of which are male and which are female.

The minimum A&W Standard for 100-149 covers is for males: 1WC, 2 urinals and 2 WHBs and for females: 2 WCs & 1WHB. First Floor - total of 168 covers, only 3 WCS. There is no designation of which are male and which are female.

The minimum A&W Standard for 150-199 covers is for males: 1 WC & 3 urinals, 2 WHBs and for females: 2 WCs & 1WHB.

There are no standards for >200 covers in the A&W, therefore, I have split the requirements as there are a lot of covers per floor and these are minimum standards. In addition, there are no staff toilets. A business this size will require 2 WCS (Workplace (Health, Safety & Welfare) Regs 1992: 1WC: 1-5 employees, 2WCS 6-25 employees). The staff number per busiest shift should be included onto the number of covers, if the staff are to 2 share WCS with the public (staff should have separate WCs).

There is no indication that any of these WCs are disabled. They may wish to install baby changing facilities in at least one of the WC, although not a legal requirement. I have attached the Adur & Worthing WC guide and the WC Provision in Food Premises, which lists the BS which is helpful for numbers over 200 covers. If you half the total covers for men and women for entire the building, WC requirement for Males (2 WCS and 1 urinal & 2 WHB) and Women (4WCs). Then, 2 WCS to add for staff. (Short of 3 WCs & 1 urinal, plus one of which is designated as disabled).

I would accept these total to the first set of numbers that I have mentioned. Can you confirm if on the Ground Floor, 1110L are the bins?

### **Environmental Health – Public Health**

This development is intended to provide a restaurant on Worthing Promenade. I do not anticipate that this use would have any detrimental noise impact on the surrounding community so I have no objection to the application in principle subject to the following conditions being attached to any permission.

**Opening Hours** The premises shall only be open for the public between the hours of 07:00hrs until 22:30 hrs, Monday to Saturday and 07:00hrs to 22:00 hrs on Sundays and Bank Holidays.

**Noise management Plan** The use hereby permitted shall not be carried out unless and until a Noise Management Plan identifying the main sources of noise and methods of controlling them has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Noise Management Plan shall be adhered to at all times the premises is open for business. The Noise Management Plan should include: - Details of Signage - Monitoring with intervention when necessary - Any noise complaints to be investigated and the Management Plan reviewed if necessary. - Only unobtrusive background music shall be played in the internal seating area of the premises up to 23:00 hrs Monday to Saturday and 22:00 hrs on Sundays and Bank Holidays. For this purpose the music noise level shall not exceed 75dB (LAeq15min) anywhere within the premises. No music permitted outside the premises. - Bottles to be disposed of between 08:00 hrs - 19:00 hrs only, and waste collection of bottles should be arranged for day time hours.

**External Plant** Provide a scheme which shall be submitted to and approved by the local planning authority for attenuating all external fixed plant. The scheme shall have regard to the principles of BS4142: 2014 and ensure there is no detrimental impact to the nearest residential dwellings. A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant shall be maintained in accordance with manufacturers guidance and any future plant shall also meet the specified levels within the approved scheme.

**Kitchen Extraction** The use hereby permitted shall not be carried on unless and until details of a suitable system for the extraction and disposal of cooking odours (including details of the extract fans, filters, fan units and ducting together with method of noise abatement, as well as details of grease traps and extraction hoods) has been submitted to and approved in writing by the Local Planning Authority. The equipment approved under this condition shall be installed before the use hereby permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions.

Demolition/Construction All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times. Monday - Friday 08:00 -18:00 Hours Saturday 09:00 - 13:00 Hours Sundays and Bank Holidays no work permitted.

Construction Management Plan 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.

### **Historic England**

Do not wish to comment on the application

### **Southern Water**

The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- The 1500 mm foul sewer requires a clearance of 5 metres on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance. No development or new tree planting should be located within 5 metres on either side of the external edge of the public sewer.
- All existing infrastructure should be protected during the course of construction works.
- No new soakaways should be located within 5 metres of a public sewer.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and Sewers for Adoption with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers and rising mains and water mains. Planning Services Adur and Worthing Councils Portland House Richmond Road Worthing West Sussex BN11 1LF Your ref AWDM/1303/19 Our ref PLAN-029516 Date 16/09/2019 Contact

Tel 0330 303 0119 Southern Water Developer Services, Sparrowgrove House, Sparrowgrove, Otterbourne, Winchester, Hampshire, SO21 2SW

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example, "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development."

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

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

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>

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

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.

We request that should this application receive planning approval, the following condition is attached to the consent: "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."

Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent: A formal application for connection to the water supply is required in order to service this development. For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW.

## **Technical Services**

Comments awaited.

## **West Sussex Highways**

West Sussex County Council (WSSCC) as the Local Highway Authority (LHA) has been consulted on the above application in relation to any highway safety or capacity concerns.

The application is to demolish the public shelter and build a two storey restaurant with outdoor seating area. No changes are proposed to access from the highway, nor is any parking proposed. The proposal is for a floor area of 567sq.

#### Vehicle Trips

No trip rate information has been provided. However on inspection of the TRICS database for a restaurant of this size it is expected to attract around 29 two way vehicular movements in the evening peak hours 7-9pm. Given the location of the restaurant it is expected that a number of customers will walk or car share, public transport is also available to use. It is also considered that a high number of trips will be linked/combined trips from Customers/visitors already visiting Worthing or local residents, it's unlikely that the majority of trips will be new trips on the network solely going to Worthing to the restaurant.

#### Parking

No parking is proposed. There are parking restrictions in place locally. Mainly between

9-6 Mon - Sat with a maximum stay of 2 hours pay and display on street. There are also parking restrictions in place to restrict parking on the highway that could cause a safety issue. Public car parks are also available. No parking is not ideal, although given the location this is not unusual. The content of the representation letters are noted, however given that most trips will be linked/combined trips with people already visiting Worthing or local residents it is not expected to give rise to a level that could be considered severe. From a safety perspective measures are in place to stop unsafe parking, although if parking is considered to be an amenity issue by the Local Planning Authority then they may wish to ask the applicant to carry out a parking capacity survey along with further information to support the application.

Cycle parking needs to be provided.

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.

#### **Worthing Society**

I am writing on behalf of The Worthing Society to object to the above mentioned planning application. Whilst the Society is keen to see Worthing move forward to stimulate the town centre economy we consider the proposed building would be far too large for the available site. The design, incorporating dark materials, would be out of context with the beachside location and seafront 'colour palette.'

Although the existing beach shelter is due for demolition the new restaurant would be predominantly situated on the beach itself. The height and design of the present



proposal together with the large 'footprint' would set a poor precedent for building on the beach.

Another important consideration is that the site is located within the Marine Parade and Hinterland Conservation Area. The Conservation Area Appraisal Document confirms the significance of the historic character of the area. Any future development should be 'in context' and enhance the architectural quality of the street scene and seafront.

The height and style of the new build, which together with the additional roof feature, is effectively three storeys, will have a negative impact on the appreciation of the nearby heritage assets: in particular Pier Pavilion and Lido, both Grade II listed buildings. These historic buildings contribute substantially to the traditional seaside character of Worthing. The new restaurant would also be in stark contrast to the listed buildings in Marine Parade and the impressive Regency style Nautilus Court. The overall result would be an adverse effect on the 'setting' of the Conservation Area which in our view would be contrary to the Planning (Listed Buildings and Conservation Areas Act) 1990.

The present buildings on the Promenade are single storey so the proposed restaurant would introduce an entirely new element into this important promenade area. It will be a very prominent feature when viewed from all angles along the seafront and surrounding streetscape. The definition of a Conservation Area as defined in the 1990 Act is:

'an area of special architectural interest, the character or appearance of which it is desirable to preserve.'

Managing change within the setting of a conservation area is we understand a challenge but all new design as referred to in the National Planning Policy Framework should aim for an appropriate balance with its 'heritage neighbours.' We consider the present proposal does not achieve this.

Furthermore the recent report from the 'Intergovernmental Panel on Climate Change' (IPPC) indicates that sea levels are set to probably rise by more than one metre by the end of the century if carbon emissions are not curbed. The most important message from the IPPC is that the sea levels are actually rising faster than expected due to the current conditions. The restaurant may not be planned to last for another 80 years but the beach is likely to become a more challenging environment over time. This forecast presents another serious consideration as to whether this is an appropriate development site for the long term. Several members of the Society have raised concerns about this issue.

Some of our members have also expressed concerns that a restaurant of this size could draw customers away from smaller town centre businesses which are already competing for trade. The new restaurant would have 110 covers with capacity for an additional 60 diners.

In conclusion, and for the reasons stated, we therefore submit that this application should be refused. Any future proposal should in our view be a smaller single storey building with materials chosen to give a degree of transparency to reflect the sea views. The design should also aim to complement the Conservation Area and enhance the heritage buildings which contribute significantly to Worthing's traditional and much valued seafront.

*The applicant's agent has made the following response the consultation responses outlined above:*

### Design / Conservation Area Comments

As you are aware, we have received consultation responses relating to the design of the scheme and its impact on the Conservation Area and nearby Listed buildings from a number of consultees, including the Conservation Officer for the Local Planning Authority, the Worthing Society and the Conservation Area Advisory Committee (CAAC). Further to this, a number of public responses have also been received, providing both support and objecting to the application.

The key concerns raised within the consultation responses received relate to the scale / massing of the proposed unit; the impact of the development on the Conservation Area and nearby Listed buildings; and the proposed colour palette used.

### *Scale / Massing*

Both the Worthing Society and the CAAC have raised concerns with the scale of the proposed unit, noting its increased footprint as compared to the existing shelter on the site, and the height of the building, which they claim to be 'effectively three storeys' with the 'additional roof feature'. It is important to note that the roof is to be used for plant / extraction equipment only and as such the proposal comprises a two-storey building, albeit due to the raised level of the promenade above the adjacent highway it could be argued that the building may seem almost three-storeys in height in this location.

Regardless of its perceived height, the existing built form on Marine Parade – particularly in the immediate vicinity of the proposed development site – are largely four and five storey buildings, while Augusta House, a seven-storey building, is as little as 150m to the east of the site. Given this, the proposed unit will not have an overbearing or imposing impact on the street scene and will remain subservient to the majority of the existing buildings along Marine Parade. In addition, the building is a singular building along the promenade, so the absence of adjoining buildings means that there is no defined building height on this side of the highway and the building height would not appear out of context or visually harmful, due to this.

In terms of the scale of the proposed unit, the Councils Conservation Officer concedes that the mass of the building has been broken down by the use of the contrasting cladding materials, the use of large, aluminium framed windows and the decorative columns to be reused from the existing seafront shelter, which sit along the promenade face of the building.

The layout is in line with the requirements of the end user and the unit has been designed to this scale in order to ensure that the scheme is viable, which is a key factor given the importance of the site for the regeneration plans for Marine Parade. It is considered that significant efforts have been made to break up the mass of the building, which have been recognised by the Conservation Officer, while the unit would be of a smaller scale than nearby buildings along Marine Parade.

### *Impact on Conservation Area and Listed Buildings*

As outlined above, concerns have been raised with regards to the impact of the development on the setting of the Conservation Area, as well as of nearby heritage assets, namely the Pier Pavilion and the Lido, as well as the Listed buildings on the opposite side of Marine Parade.

We note that the Council's Conservation Officer has not objected to the proposals. In their response they reference the old framework, so the test has changed slightly in Paragraph 197 of the NPPF2, which states:

*"197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

Whilst the Policy test has changed slightly in the revised NPPF, the same conclusions can be drawn. The existing shelter has fallen into disrepair in recent years, with its use by rough sleepers and associated antisocial activities widely reported. Further to this, the central section of the shelter has been boarded up, allowing its appearance to further deteriorate. As such, the shelter in its current state is impacting upon the setting of the heritage assets within the area. It is considered that the redevelopment of this site in line with the proposed plans provides betterment when compared to the existing use of the site and as such would enhance the Conservation Area within which it is set.

With regards to the impact of the development on Listed buildings along Marine Parade, the application site might be within the setting of these buildings, but the setting of the buildings is not directly relevant to the significance of these adjoining heritage assets. It is considered that the proposed unit is set an appropriate distance from the nearest heritage assets in order to ensure that any potential impact will not be detrimental to the significance of the Listed Buildings.

### *Colour / Material Palette*

The Conservation Officer notes within their response that, among other things, the adjacent shingle beach and the sea help to establish the seaside character of the area. Timber cladding has intentionally been incorporated into the design in order to reflect the natural setting within which the proposed unit sits, particularly when viewed from the north. The use of timber also subtly replicates the wooden groynes which line the beach.

Further to this, some comments received have made reference to the dark colour palette proposed to be used on the unit. The dark coloured cladding has been chosen in order to reflect the contrast of the black Regency balconies with the white render of the properties on Marine Parade. It is considered that replicating the design and colour palette of the prominent buildings along Marine Parade would not respect the character of the Conservation Area, but rather would mimic it. The proposed unit has been designed so as not to compete with the existing architecture in the Conservation Area, but rather to complement it in a contemporary style.

### Kitchen Extraction and Ventilation

Historically, the majority of planning applications we deal with allow the extraction equipment to be dealt by way of a suitably worded condition. While we appreciate in some circumstances that LPA's want the details of the extraction systems up front, in order to ensure that odour / noise disturbance doesn't occur to neighbouring occupiers, we'd suggest that in this application the building would be separated by a busy road to the nearest building, so there isn't any realistic chance of this forming an issue. As such, we consider this could be dealt with by way of a suitably worded condition and the application can be determined without this information accordingly.

In this instance the applicant is the developer of the building and not the end tenant. As such, it will be down to the tenant to determine the extraction equipment which the building will require and we aren't in a position at this stage to confirm what this will consist of.

I confirm receipt of the Kitchen Extraction and Ventilation Information and Guidance informative attached to the consultation response, which will be shared with the end user to ensure that the proposed extraction equipment at the development will be compliant with the Council's requirements.

#### Sanitary Accommodation Provision

We note the comments received from the Council's Food Safety Team with regards to the number of WCs provided within the development. Initially, I wish to clarify that disabled toilet provision is included as part of those provided within the plans. Further to this, it is considered that the number of toilets provided are adequate. Both the applicant and end user have developed and managed a number of similar schemes throughout the country, with a similar level of sanitary provision for the number of covers catered for. As such, we would respectfully suggest that the WC provision is adequate and does not require improving. We would also suggest that this wouldn't form a material planning consideration, as the alteration of the number of toilets within a building would not form development (as defined by s55 of the TCPA) and couldn't be controlled by any planning approval.

#### **Representations**

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

- Loss of unbroken views along the seafront by the mass of the building
- Lack of parking
- Description is confusing as not a redevelopment of the existing shelter
- Will destroy the amenities of the beach
- 2 storeys are too high
- Does not take account of the surrounding area
- The previous permission on the site was far more respectful of the surrounding area
- Loss of privacy
- There are already too many restaurants
- Light pollution
- The operator should be local not a chain
- Unappealing facade

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

- Will be a wonderful addition to the seafront
- Will increase visitors to the seafront
- Excellent site
- Will create new jobs
- Development is in keeping with the area

2 further letters received expressing general support for the principle of the development but expressing concern that the design will not be in keeping with the surrounds.

### **Relevant Planning Policies and Guidance**

Worthing Core Strategy (WBC 2011):

Policy 3 Providing for a Diverse and Sustainable Economy; Policy 5 The Visitor Economy; Policy 12 New Infrastructure; Policy 15 Flood Risk and Sustainable Water Management; Policy 16 Built Environment and Design; Policy 17 Sustainable Construction; Policy 18 Sustainable Energy; Policy 19 Sustainable Travel

Worthing Seafront Investment Plan 2018

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

It is considered that the main issues in the determination of the application are whether the principle of development is acceptable and the effect of the proposal upon the character and appearance of the surrounding area including the Conservation Area and listed buildings.

In terms of the principle of development, national guidance as set out in the National Planning Policy Framework (NPPF) sets out overarching objectives of the planning system, the most relevant to the application being the economic and environmental objectives.

With regard to the economic objectives, the NPPF states that the planning system should help build a strong, responsive and competitive economy amongst other matters by encouraging innovation.

The Worthing Core Strategy provides a strategic policy context for the proposal stating that:

*Tourism has long been an important part of the local economy. However, Worthing is a highly seasonal and weather dependent visitor destination and according to research it is perceived as being 'outdated' with 'little to do'. It is therefore essential that the negative perceptions of Worthing are combated and that these issues are addressed in a way that helps to overcome seasonality and provides a greater and more vibrant visitor offer... The Local Development Framework will seek to ensure that opportunities are secured for new facilities and that existing facilities which support the boroughs overall tourist offer are protected and, where needed, positive improvements are achieved. The seafront and the activities along it are important visitor attractions and together with the town centre the area provides entertainment, restaurants, bars and shopping that benefit the tourist industry. However, studies have indicated that much of this offer is not achieving its full potential and requires upgrading to play an improved role in attracting more visitors to the town. It is considered that major new cultural/mixed use attractions should take advantage of Worthing's coastal location and provide quality facilities that meet current and future aspirations.*

Policy 5 of the Core Strategy states: *The retention, upgrading and enhancement of existing visitor attractions and visitor accommodation to meet changing consumer demands will be supported. The Council will support suitable new tourist and leisure facilities, with a particular focus on the town centre and seafront area. The aim is to enhance the visitor offer to support the regeneration of the town and help to reduce seasonality.*

The Seafront Investment Plan, which built on the earlier Seafront Strategy that is referred to in the Core Strategy, while not specifically referring to the current proposal does mention a necessity to invest in 'big ticket' items.

In this strategic policy context, therefore, it is considered that the principle of developing a restaurant on the seafront is acceptable. The Core Strategy emphasizes the importance of tourism to the town, as well as the necessity to improve the offer, which is an objective the restaurant can be assumed to fulfill. Additionally, while

predating current policy guidance, planning permission was granted in 2007 to replace the shelter with a restaurant (albeit somewhat smaller than is proposed here) which reaffirms the acceptability of the principle of development.

While the principle of development is acceptable, the detail of the proposal is a key issue in the determination of the application. It is noted that a number of representations have been received both in favour and opposition to the proposal, but even few of the latter comments object to the principle of the proposal, with a number of the concerns expressed relating to the scale and design of the proposal.

The application site is within the Conservation Area and close to a number of listed buildings and the proposal undoubtedly will have some impact on both. The existence of heritage assets close by, defined in the NPPF as *A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)* requires that they are taken into account in the decision making process.

Starting with shelter itself, it is noted that shelter has become rather rundown. National guidance is quite clear that this itself is not a justification for granting permission but referring again to the 2007 permission, when the shelter was in a more attractive visual state (the central section not being boarded up as is the case now for example), the principle of replacing the shelter has been accepted.

Historic England were consulted twice on the application but on both occasions indicated that they did not wish to comment. The Council's Conservation Architect's comments are set out above and he concludes that the development would cause 'less than substantial harm' to surrounding designated heritage assets. It is considered that this is the correct conclusion in which case the proposal falls to be assessed against paragraph 196 of the NPPF which states:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

Your officers are not wholly convinced by the applicant's assertion that the existing shelter detracts from existing heritage assets, but this is partly because the shelter is located across the road from those assets and therefore its impact could be considered as indirect. As such its removal would not be justification in itself for granting permission. Equally, though, its siting across the road would seem to facilitate a replacement building being constructed without detriment to the surrounding area, nor would it seem to prevent a replacement building of a larger footprint.

The main issues are therefore scale, specifically height, and design.

Dealing with the scale of the building first, the considerations are finely balanced and could be argued either way, as has been the case in the representations received. In terms of the seafront side, the site is an open area, shelter aside, and as the Conservation Architect contends, the setting on the beach side is framed by the Pier

and the Lido, quite different buildings to that proposed here. There is little precedent for the nature of the building proposed therefore.

However, the scale of the buildings is opposite is much greater, for the most part being 4 storeys in height, but the nearby Travelodge appearing even higher because of its slightly raised setting from the road. The 7/8 storey Augusta House, is also in relatively close proximity to the application site – the Lido is a greater distance from the application site. The lowest building nearby is the listed 83 opposite to the application site, and as the Conservation Architect states, the new structure would be just higher than its parapet level.

When viewed from the east, number 83 appears materially lower than the buildings surrounding it, and even these views can only partly be achieved because of its position on the corner of the road while from the west, it is naturally obscured by the taller buildings that are next to it. This suggests that the proposed building, reaching just above the parapet level of the smallest building in the vicinity, would not be of a scale that would detract sufficiently from the surrounding area to warrant a refusal simply because of its height.

In addition, the proposed building would be set back further on the beach itself rather than the promenade. The existing shelter impinges on the promenade far more than the lido for example and is also somewhat larger than the other shelters to the west which are generally smaller, set back further and/or allow circulation space around either side of the structure on the promenade which is not the case with the subject shelter. The setting back of the new building would, therefore, partly offset the increase in height over the existing shelter.

While it could also be suggested that to allow a building of this height would then set a precedent for development elsewhere on the promenade, it is a fundamental principle of the planning system that each application must be dealt with on its own individual merits.

Moving onto the design, concern has been expressed in particular regarding the use of dark materials on part of the building which does not reflect the much lighter character of nearby buildings nor does it make the proposed building fully transparent. Comment has been made by the applicant that the existing seafront shelter detracts from the visual character of the area, but this in part seems to be because of the boarding up of the central section of the shelter which has affected its own transparency, the shelter previously being a rather more attractive building when the sea could be viewed through the central section.

The applicant's agent was asked to respond to the concerns about the materials palette and, as outlined above, responded:

*Timber cladding has intentionally been incorporated into the design in order to reflect the natural setting within which the proposed unit sits, particularly when viewed from the north. The use of timber also subtly replicates the wooden groynes which line the beach.*

*Further to this, some comments received have made reference to the dark colour palette proposed to be used on the unit. The dark coloured cladding has been chosen in order to reflect the contrast of the black Regency balconies with the white render*



*of the properties on Marine Parade. It is considered that replicating the design and colour palette of the prominent buildings along Marine Parade would not respect the character of the Conservation Area, but rather would mimic it. The proposed unit has been designed so as not to compete with the existing architecture in the Conservation Area, but rather to complement it in a contemporary style.*

As a new building, the point about a contemporary style can be accepted and as a stand alone new building, if it is accepted that it can be sited without adversely affecting heritage assets and the general character of the surrounding area, then it is not felt that essential that it must completely reflect surrounding buildings in terms of colour and style. However, the argument for example that the dark colour has been chosen to reflect the contrast of the black Regency balconies with the white render of the buildings on Marine Parade is difficult to accept completely. The black balconies and railings on nearby buildings most certainly add to their visual character (the Travelodge building could be said to be not as attractive for not having them) but they are quite subservient to the overall white render character of the nearby buildings. Your officers are concerned, therefore, at the expanse of dark grey/black metal cladding on the northern elevation in particular. It is considered that this elevation could be broken up more successfully while still providing a contemporary feel for the building. There is an element of glazing in the northern section, most particularly at its western end, but far less so at the eastern end, just comprising effectively of a single bay. The glazing at the northern and southern elevations of the proposed building means that the metal cladding is far more subservient and this is also pretty much achieved on the southern elevation of the building.

The internal layout of the building shows that the WC's are located on the northern side of the first floor but there is also a glass wash, office and stairwell and it would not appear necessary that the latter elements are completely obscured by metal cladding given that the northern elevation is the building will be the most prominent in terms of its impact upon the surrounding character of the area. The effect of the dark cladding is also important because of the location of the building opposite West Buildings as it will frame the vista when travelling south along the road.

It is noted that the Conservation Architect suggested that other sites may have been considered but this application must be determined on its own merits. Where a sequential test for site selection does occur is in relation to the siting of retail related developments with a preference for their siting in the town centre. This is a slightly unusual situation in that the existing shelter is within the defined town centre boundary whereas the beach itself is not, The town centre boundary is drawn to include existing structures on the beach, such as the Lido and the Pier and so it can be assumed that had this building already been in situ, the boundary would have been similarly drawn. Your officers do not consider, therefore, that the proposal fails any test of siting.

A representation has been received regarding loss of privacy, but the nearest residential building is about 35 metres from the front of the proposed building, so the Council's overlooking standard is well exceeded. In any case, few of the covers face directly to the north, especially at first floor level.

Representations have been received with regard to parking provision. The site is close to existing car parks as well as other modes of travel to the town centre. In the absence of any objection from the Highways Authority it would appear unlikely that any objection could be sustained on this basis therefore.

The comments from the Environmental Health section, most particularly in respect of sanitary accommodation, were conveyed to the applicant whose response is outlined earlier in the report. Any further response from the Environmental Health section will be reported verbally at the meeting.

The comments of the Technical Services section are also awaited in respect of the impact of the development upon the beach and any potential flooding issues (noting that the Environment Agency and Southern Water do not raise any objection, although responsibility for the beach section falls upon the Council itself). As with the recent planning application for the Worthing Observation Wheel, this is likely to be a technical exercise that can be adequately controlled by condition with the required information submitted to the Council prior to the commencement of any development and appropriate monitoring taking place thereafter. Again, members will be updated at the meeting if any further comments have been received.

In conclusion, it does seem appropriate to refer back to paragraph 196 of the National Planning Policy Framework which requires that where there is less than substantial harm to a heritage asset, it should be weighed against the public benefits of the proposal. The policies of the Core Strategy allied to the strategic objectives of the Seafront Strategy and Seafront Investment Plan are quite clear in the need to look for opportunities to bring new investment in order to provide an improved visitor offer to the town. It would appear that the proposed development is fully in line with such objectives and, as such, provides an exciting opportunity to bring a new restaurant user to the town. This must be balanced against the provision of a building of larger footprint and increased height compared to an existing, albeit rundown, structure which is located in the Conservation Area and close to a number of listed buildings. However, it is not considered that there is a principled reason to resist the proposal on such basis and subject to some further improvements to the design of the building, most particularly its materials on the front of the building, it is considered that the application can be supported.

### **Recommendation**

To delegate the application, with a view to **APPROVAL**, to the Head of Planning & Development, in consultation with the chair of the Committee, to secure amendments to the visual appearance of the building with particular regard to the use of the materials and to resolve any outstanding consultation responses from the Environmental Health Officer and Technical Services Officer, and subject to the following conditions:-

- 01 Approved Plans
- 02 Full Permission
- 03 The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development
- 04 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

05 Cycle parking

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

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

06 Construction Management Plan

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,
- 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,
  - 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
  - HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's

**Reason:** In the interests of highway safety and the amenities of the area.

07 Opening Hours The premises shall only be open for the public between the hours of 07:00hrs until 22:30 hrs, Monday to Saturday and 07:00hrs to 22:00 hrs on Sundays and Bank Holidays.

08 Noise management Plan The use hereby permitted shall not be carried out unless and until a Noise Management Plan identifying the main sources of noise and methods of controlling them has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Noise Management Plan shall be adhered to at all times the premises is open for business. The Noise Management Plan should include: - Details of Signage - Monitoring with intervention when necessary - Any noise complaints to be investigated and the Management Plan reviewed if necessary. - Only unobtrusive background music shall be played in the internal seating area of the premises up to 23:00 hrs Monday to Saturday and 22:00 hrs on Sundays and Bank Holidays. For this purpose the music noise level shall not exceed 75dB (LAeq15min) anywhere within the premises. No music permitted outside the premises. - Bottles to be disposed of between 08:00 hrs - 19:00 hrs only, and waste collection of bottles should be arranged for day time hours.

- 09 External Plant Provide a scheme which shall be submitted to and approved by the local planning authority for attenuating all external fixed plant. The scheme shall have regard to the principles of BS4142: 2014 and ensure there is no detrimental impact to the nearest residential dwellings. A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant shall be maintained in accordance with manufacturers guidance and any future plant shall also meet the specified levels within the approved scheme.
- 10 Kitchen Extraction The use hereby permitted shall not be carried on unless and until details of a suitable system for the extraction and disposal of cooking odours (including details of the extract fans, filters, fan units and ducting together with method of noise abatement, as well as details of grease traps and extraction hoods) has been submitted to and approved in writing by the Local Planning Authority. The equipment approved under this condition shall be installed before the use hereby permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions.
- 11 Demolition/Construction All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times. Monday - Friday 08:00 -18:00 Hours Saturday 09:00 - 13:00 Hours Sundays and Bank Holidays no work permitted.
- 12 Finished Floor Levels
- 13 Submission of Flood Evacuation Plan prior to the commencement of development
- 14 Approval of Materials
- 15 Use Restriction Class A3

Together with any further conditions suggested by consultees.

### **Informatives**

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>

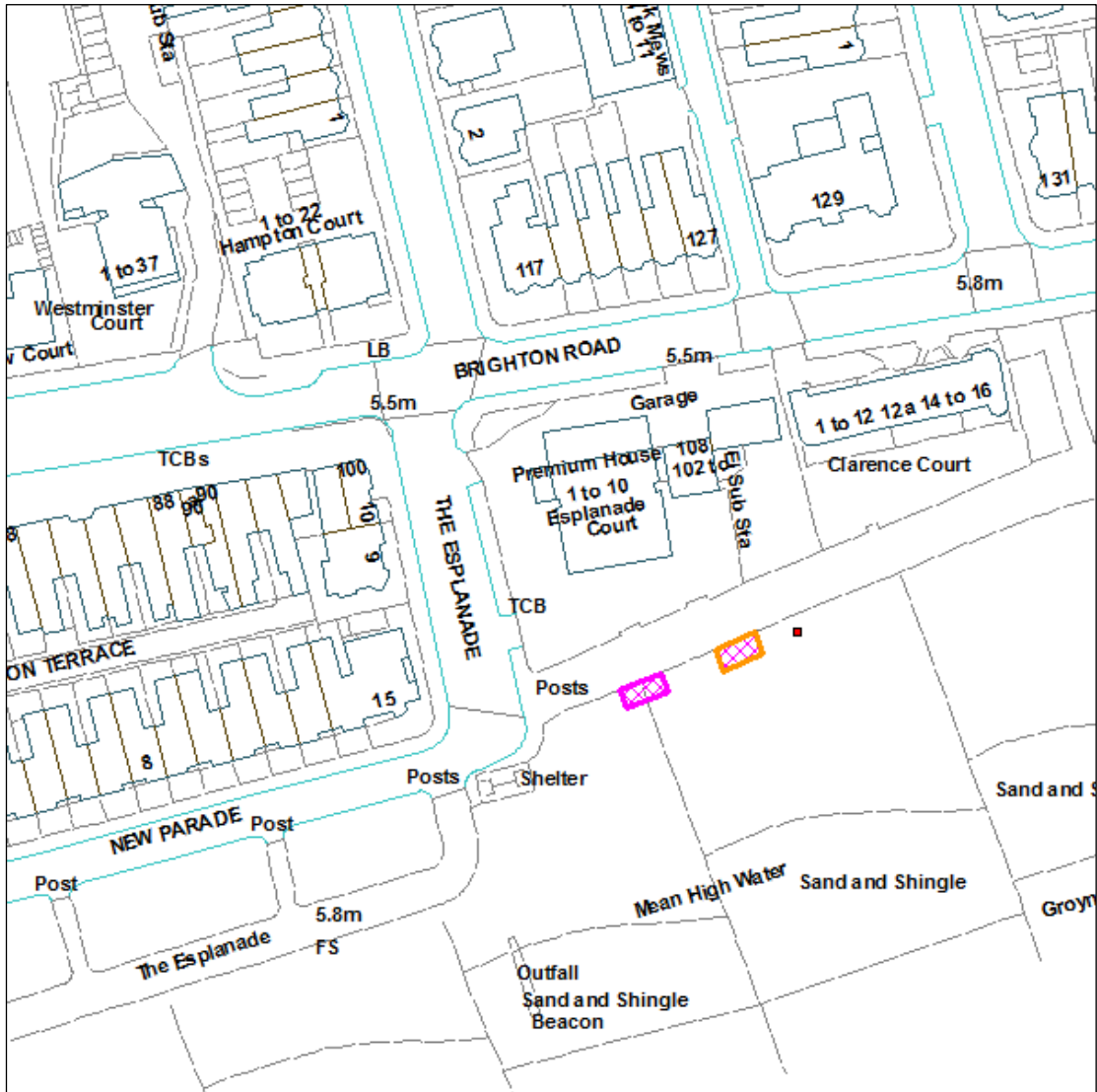
A formal application for connection to the water supply is required in order to service this development. For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), [www.southernwater.co.uk](http://www.southernwater.co.uk) or by email at [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk)

**Application Number: AWDM/1323/19      Recommendation – APPROVE**

**Site:            Foreshore Between Esplanade Court And Clarence Court,  
The Esplanade, Worthing**

**Proposal:      Construction of 2 groups of 4 rental beach huts (8 in total).**

**Applicant:      Worthing Borough Council      Ward:      Selden**  
**Case              Gary Peck**  
**Officer:**



**Not to Scale**

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## Proposal, Site and Surroundings

This application seeks full permission for 8 beach huts, in 2 groups of 4. The dimensions of the beach huts will be as per other beach huts in the town with a height of 2.77 metres, 1.84 metres in width and 2.45 metres in depth. There would also be a concrete hardstanding of 1.84 metres squared in front of each hut at a depth of 150mm. The huts will be clad with a white painted composite shiplap cladding or equivalent and unlike many other beach huts in the town include pitched roofs.

The proposed huts would be located in 2 groups of 4. The westernmost group would be directly to the south of Esplanade Court, a residential block of flats with garaging on its ground floor. The easternmost group would be to the south of a single storey building attached to Esplanade Court that consists of a brick façade with high level windows. Beyond this building, further to the east, is Clarence Court, another residential block of flats, 2 storeys lower than Esplanade Court but with accommodation on its ground floor.

## Relevant Planning History

Earlier this year, an application for 4 groups of 8 beach huts (32 in total) was withdrawn (reference AWDM/0553/19).

Planning permission was granted in 2013 (AWDM/0460/13) for the erection of a group of 5 beach huts on a site slightly to the west of that proposed under the current application but the consent was not implemented and has now lapsed.

## **Consultations**

### **Environmental Health**

No objection

### **Goring and Ilex Conservation Group**

Object on the grounds of loss of amenity and overdevelopment. The addition of the huts will make little difference to the waiting list. The harm to the Promenade and the Esplanade through the loss of amenity, danger to children from cyclists and undesirables and increased opportunity for vandalism does not justify the slight benefit obtained by a few people.

### **West Sussex Highways**

This is a re-submission of the same planning application with amendments.

The proposal is a reduction from 4 blocks of 8 (32 beach huts) to 2 blocks of 4 (8 beach huts).

WSSCC raise no objection to the proposal provided a robust construction management plan is submitted to the LPA and approved prior to any commencement of building works.

### **Worthing Society**

The application does not comply with saved policy CT3 of the Local Plan or policy 16 of the Core Strategy as it does not have regard to existing sea views. There is also a health and safety concern as the huts back onto the cycle lane and there are no toilet facilities nearby. The Society therefore objects to the application.

## **Representations**

### **Cllr Walker**

As the elected representative for the Selden ward, I would like to register an objection to the application. The huts will have a significantly deleterious impact on the beach environment in terms of its utility for residents, visitors and passers-by. It will benefit a very small number of people and negatively impact a great many more. I support residents regarding their concern about the impact of unnecessary beach huts.

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

- The proposed huts would mask a pleasant stroll by the sea masking the view
- The claim that people are waiting over 7 years for a beach hut is overstated
- Overdevelopment of the sea front
- Would cause a precedent for additional beach huts
- Existing huts are not well used
- Loss of amenity to the public outweighs the benefits for the owners of the huts
- This area is set back from the road so is quieter and less polluted
- Lack of parking
- Increase in noise from barbecues and parties
- Restricted access to the beach for emergency services
- If these huts were to be needed to replace those lost in the storm why have they not been replaced previously
- Inadequate protection against flooding

### **Relevant Planning Policies and Guidance**

Worthing Core Strategy 2011 – relevant policies include:

Policy 5 The Visitor Economy

Policy 11 Protecting and Enhancing Recreation and Community Uses

Policy 13 The Natural Environment and Landscape Character

Policy 16 Built Environment and Design

Worthing Local Plan 2007 – saved policy CT3 Seafront environment, sea views, density, scale, massing

Worthing Seafront Investment Plan 2018

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 outweigh 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**

### ***Principle***

While various planning policies and guidance strategies relate to the seafront, the planning policies do not give specific guidance relating to beach huts, while the strategies do not specifically cover the application site. The key requirements are therefore perhaps best summarised in saved Local Plan policy CT3 which states that development within the seafront area will be permitted provided that it enhances the appearance and character of the seafront environment, has regard to existing sea views and is appropriate to its location in terms of density, scale, height, massing, appearance, orientation, layout and siting, both in itself and in relation to adjoining buildings, spaces and views to the sea. Policy 5 of the Core Strategy seeks to support suitable new tourist and leisure facilities with the aim of enhancing the visitor offer in order to support the regeneration of the town.

Having regard to the above, therefore, it is not considered that there is an objection in principle to the erection of beach huts.

### ***Need***

It is stated in the supporting information that there are 676 people on the waiting list to rent a beach hut and that the average waiting to rent a hut is over 7 years. These figures have been disputed by residents, who also question the economic sustainability of the proposals. It is arguable whether the question of need is a material consideration, especially in light of the economic sustainability or otherwise of the proposals. In the wider policy context, as outlined above, new tourist and leisure facilities are supported in principle in policy terms and so it would not be necessary to demonstrate a need, or lack of it, to either justify or oppose the proposals.

### ***Previous Planning History***

The supporting statement suggests that there were previously huts in the general location of the application site, prior to the 1987 storm but such is the time that has elapsed since, your officers do not feel that this alone could be a material justification for granting permission. Of more relevance is that permission was granted in 2013 for the erection of 5 huts close to the west of the existing site which did therefore accept the principle of erecting huts in the location, albeit the consent was not implemented and has now lapsed.

The more recent application for 32 huts was withdrawn. While no decision was made on the application, had it proceeded to determination, it is unlikely that a favourable recommendation could have been made due to the number of huts proposed. The current application for 8 huts is clearly more akin in number to the previously permitted number of huts.

### ***Visual and neighbourhood amenity***

The main issue in the determination of the application is considered to be the effect of the proposal on the character of the area and the amenities of neighbouring properties.

The application site is presently open in character both in terms of the lack of nearby structures on the beach itself, the nearest being the fisherman's huts to the east, and also because of the width of the Esplanade where it runs north-south from Brighton Road which gives a visual break to the more intensive development to the west at New Parade and the emerging Bayside development beyond.

Having regard to the existing situation, therefore, it is acknowledged that the proposed beach huts will have some visual impact. Certainly, the 32 huts proposed under the previous withdrawn application would have resulted in a considerable impact, but the current proposal is much reduced, now only for 8 huts. (Some residents have raised the issue of precedent, citing that the previous application will be resubmitted incrementally if this application is granted. However, each application must be judged on its own individual merits, taking into account previous proposals).

As there are no existing beach huts in the area there could be justification for resisting the current proposal on the grounds of the open character of the area but equally it could also be argued that there is more than sufficient space to locate a limited group of beach huts without a material impact upon the character of the area, given that beach huts are not an unnatural addition to the coastal vista. The latter argument was accepted by the Committee when granting permission for 5 huts just to the west.

The previous permission located the proposed huts close to the point where the shared footpath/cycle way has a double bend. The current proposal locates the huts a short distance to the east where the shared route straightens up again. As in 2013, your officers consider that this alignment means the beach huts would be less prominent in this location than if the path were more linear. When viewed from the east, the beach hut site is effectively on the same alignment as New Parade and therefore at present the vista is of a road with parked cars while when viewed from the west, beyond the double bend, the beach huts will be set back sufficiently far so that there is no impact upon the views to the east of the wider coast.

The previous approval gave permission for the more common flat roofed type of beach hut found across the town, but the current proposal is for more traditional pitched roof style of hut, of which there are some examples in Goring at present. In light of the visual assessment above, it is not considered that the pitched roofs would increase the prominence of the buildings to an extent that would adversely affect the character of the area but instead would provide the opportunity for a more traditional design of building.

A number of concerns have been raised in respect of residential amenity, but it is also noted that objections have been received on the grounds that the huts are rarely used. The very nature of a beach hut would suggest that for the most part they will not be occupied and certainly not to the extent that could cause sufficient detriment to the amenities of neighbouring properties. The beach is a public area in any case,

so it would appear difficult to justify a refusal of the application on noise and disturbance caused by the huts themselves.

The westernmost group of the proposed beach huts would be located just over 21 metres to the south of Esplanade Court (therefore in excess of the Council's normal overlooking standard). Your officers consider that it is important that there are no residential properties on the ground floor of Esplanade Court which means that the beach huts will not be in direct line of any residential property therefore. The eastern group of huts will be a greater distance in front of a single storey brick building to the east of Esplanade Court which only has windows at a high level. Clarence Court, to the east, and the residential properties in New Road to the west are at a sufficiently oblique angle that a refusal could not be justified in respect of the impact upon those properties.

### ***Other issues***

Concerns have been raised in respect of lack of parking but given the potential nature of the use of 8 beach huts, it would appear difficult to resist the application solely on that basis, particularly as the Highways Authority do not raise an objection to the proposal.

On balance, therefore, and having regard to the limited scale of the proposal it is recommended that permission be granted.

### **Recommendation**

To GRANT permission

### **Subject to Conditions:-**

1. Approved Plans
2. Full Permission
3. Approval of Materials
4. Construction Management Plan

Application Number: AWDM/1325/19

Recommendation – APPROVE

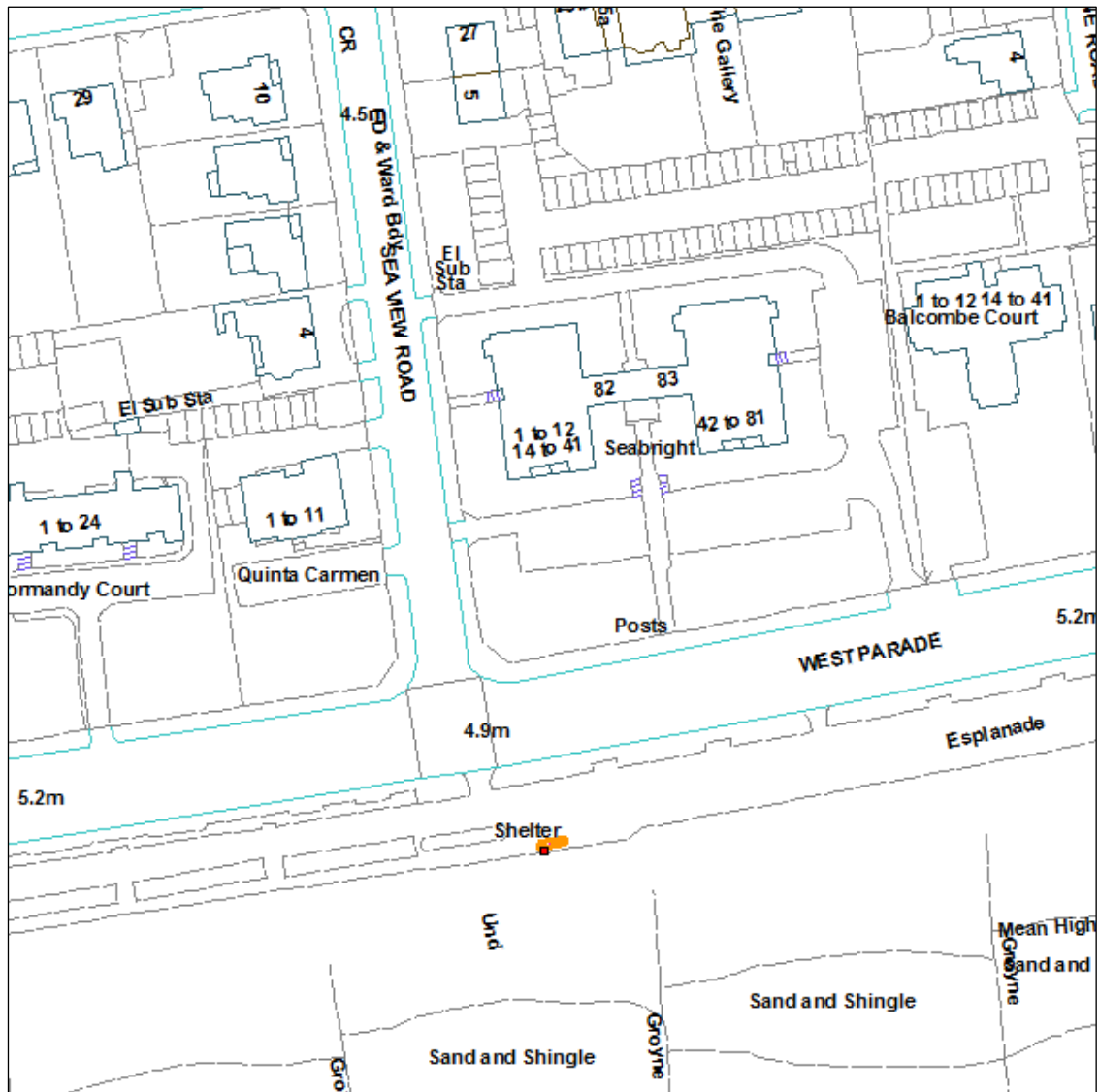
Site: Foreshore East Of Shelter Opposite Seaview Road, The Promenade, Worthing

Proposal: Construction of 1 group of 3 rental beach huts

Applicant: Worthing Borough Council  
Case: Gary Peck

Ward: Heene

Officer:



**Not to Scale**

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### Proposal, Site and Surroundings

This application seeks permission for a group of 3 rental beach huts. The huts will be the same dimensions as other huts nearby with a height of 2.36 metres, width of 1.84 metres and depth of 2.45 metres. The concrete hardstanding will measure 1.84 metres squared with a depth of 150mm.

The huts will be located at the western end of a long run of beach huts which currently extend for about 240 metres from a position on the Promenade opposite to the end of Heene Road to the application site. At present, there are 2 sets of small cycle hoop stands on the application site, immediately beyond which to the west is a seafront shelter. The next run of beach huts is another 250 metres distant to the west, opposite the end of Grand Avenue, either side of the Canadian War Memorial.

### **Relevant Planning History**

None relevant to the determination of the application.

### **Consultations**

### **Environmental Health**

No comment

### **West Sussex County Council**

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

#### Proposal Summary

The proposal is for the construction of 3 beach huts. The site is located on and accessed via West Parade which is a C classified road subject to a 30 mph Speed limit.

#### Access

The beach huts will need to be accessed via existing pedestrian access routes.

#### Vehicle Parking

A Nil parking provision has been demonstrated. Occupants of the beach huts will need to park on-street, where in an area this is the existing practice for other beach hut and beach users. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking.

#### 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.

### **Worthing Society**

This application is not commensurate with the Draft Local Plan Objective 16 which states that the Local Plan will 'seek to protect and enhance the natural environment.' Neither does this application accord with Core Strategy Policy CT3 which states 'Development will only be permitted if it respects and enhances the appearance and character of the area and has regard to the existing views'.

As stated in a previous application, walking along the seafront whilst enjoying the sea views brings pleasure to many residents and is also an attraction to visitors (with the knock-on effect of boosting the town's economy). Interrupting sea views with beach huts would not accord with these aspirations.

### **Goring and Ilex Conservation Group**

Object on the grounds of loss of amenity and overdevelopment. The addition of the huts will make little difference to the waiting list. The harm to the Promenade and the Esplanade through the loss of amenity, danger to children from cyclists and undesirables and increased opportunity for vandalism does not justify the slight benefit obtained by a few people.

### **Representations**

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

- There are few gaps between Heene Road and Sea Lane café where huts do not obstruct the view
- The proposed huts would mask a pleasant stroll by the sea masking the view
- The claim that people are waiting over 7 years for a beach hut is overstated
- A list of Council Tax payers who do not want extra beach huts would be far greater than the waiting list of those who want one
- Overdevelopment of the sea front
- Would cause a precedent for additional beach huts
- There is already a plentiful supply of beach huts in the vicinity
- Increased traffic
- Increased smells from beach barbecues
- A small open space was deliberately left to provide a view from nearby benches
- The placing of beach huts towards Thorn Road would have less impact
- Building beach huts in East Worthing would stimulate trade for local businesses
- The proposals are not good value for money, make little contribution to the waiting list and the financial benefit to the Council is negligible.

### **Relevant Planning Policies and Guidance**

Worthing Core Strategy 2011 – relevant policies include:

Policy 5 The Visitor Economy

Policy 11 Protecting and Enhancing Recreation and Community Uses

Policy 13 The Natural Environment and Landscape Character

Policy 16 Built Environment and Design

Worthing Local Plan 2007 – saved policy CT3 Seafront environment, sea views, density, scale, massing

Worthing Seafront Investment Plan 2018

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 key policy requirements in respect of this application are best summarised in saved Local Plan policy CT3 which states that development within the seafront area will be permitted provided that it enhances the appearance and character of the seafront environment, has regard to existing sea views and is appropriate to its location in terms of density, scale, height, massing, appearance, orientation, layout and siting, both in itself and in relation to adjoining buildings, spaces and views to the sea. Policy 5 of the Core Strategy seeks to support suitable new tourist and leisure facilities with the aim of enhancing the visitor offer in order to support the regeneration of the town, while policy 16 requires that new development should display a good quality of architectural composition and detailing as well as respond positively to the important aspects of local character, exploiting all reasonable opportunities for enhancement.

It is noted that a number of the representations received in respect of this proposal are general in nature having regard to the fact that the Council is currently considering 6 separate applications for beach huts at various locations in the town. Some of these

general points have been considered in more detail in the committee report relating to AWDM/1323/19 which appears elsewhere on the agenda.

In respect of this particular application, it is considered that the proposal for a group of 3 beach huts will have little material impact upon the character of the area.

The huts would be located at the western end of a long run of beach huts that already extend for about 240 metres. There is a seafront shelter to the west of the proposed site meaning that the huts could not continue any further to the west beyond those proposed under this application. There is then an open area for around 250 metres before the next run of huts starts opposite the end of Grand Avenue.

It is not considered, therefore, that this proposal has a material impact upon sea views as set out by policy CT3. Although one representation has stated the site has been left open to provide a view from existing benches, there are not any benches opposite the application site, only the hedge that screens the promenade from the main road in this location. In any case, there are a number of benches within the neighbouring shelter whose view of the sea would be unimpeded by this proposal.

While concerns regarding the proliferation of beach huts are respected, in this particular instance the application represents a very minor extension to an established line of existing huts and it is not considered there are any grounds to resist the proposal.

### **Recommendation**

To GRANT permission

### **Subject to Conditions:-**

1. Standard 3 year time limit
2. Materials to be agreed
3. Permission granted in accordance with approved plans

16<sup>th</sup> October 2019

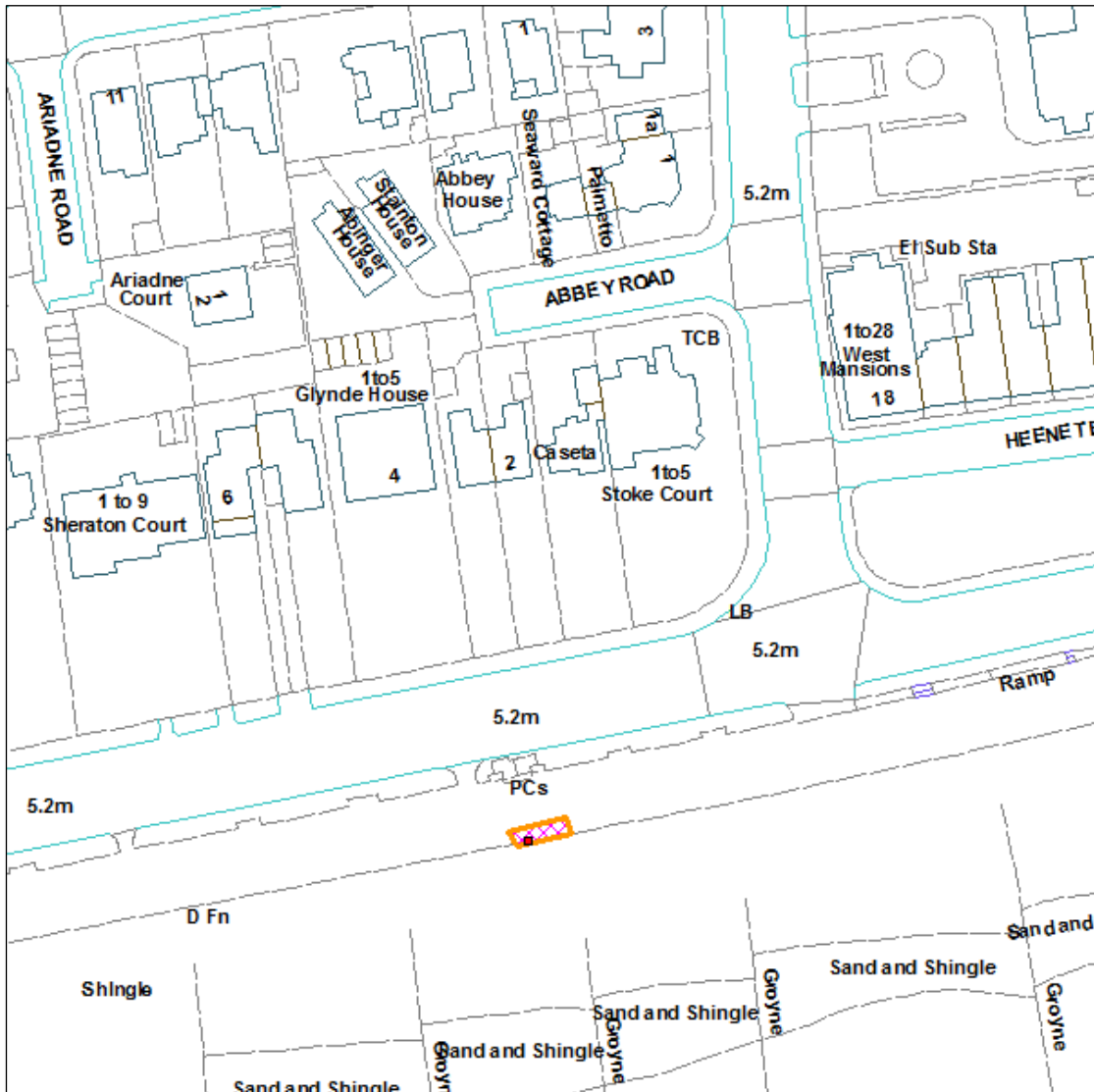
**Application Number: AWDM/1326/19                      Recommendation – APPROVE**

**Site:                      Foreshore South Of Public Conveniences, The Promenade,  
                                 Worthing**

**Proposal:      Construction of 4 rental beach huts**



Applicant: Worthing Borough Council      Ward: Heene  
Case: Gary Peck  
Officer:



**Not to Scale**

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## Proposal, Site and Surroundings

This application seeks permission for a group of 4 rental beach huts to the south of a public convenience block on the Promenade. The huts will be the same dimensions as other huts nearby with a height of 2.36 metres, width of 1.84 metres and depth of 2.45 metres. The concrete hardstanding will measure 1.84 metres squared with a depth of 150mm. There are 2 existing concrete bases on the application site, indicative of former beach huts on the site that were removed after being damaged.

The application site is within a part of the Promenade that is screened from the road by existing hedging. The site itself is within a long run of beach huts, most commonly in groups of 2 but some larger groups to the east. The Conservation Area is about 35 metres to the east: a number of the existing huts to the east are within the Conservation Area, but this application site is outside.

## **Relevant Planning History**

None relevant to the determination of the application: the nearby beach huts appear to have been in situ for some time.

## **Consultations**

### **Environmental Health**

No objection

### **West Sussex County Council Highways**

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

#### Proposal Summary

The proposal is for the construction of 4 beach huts. The site is located on and accessed via West Parade which is a C classified road subject to a 30 mph Speed limit.

#### Access

Pedestrian access.

#### Vehicle Parking

A Nil parking provision has been demonstrated. Occupants of the beach huts will need to park on-street, where in an area this is the existing practice for other beach hut and beach users. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking.

#### 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.

### **The Worthing Society**

Considers that the site is suitable for only 1 hut as the existing gaps between the huts and shelter would be reduced to an extent that is harmful to the openness and character of the seafront.

### **Goring and Ilex Conservation Group**

Object on the grounds of loss of amenity and overdevelopment. The addition of the huts will make little difference to the waiting list. The harm to the Promenade and the

Esplanade through the loss of amenity, danger to children from cyclists and undesirables and increased opportunity for vandalism does not justify the slight benefit obtained by a few people.

## **Representations**

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

- People come to see the sea not unused beach huts
- Loss of amenity
- Harm a pleasant stroll by the sea
- The claim that people are waiting over 7 years for a beach hut is overstated
- A list of Council Tax payers who do not want extra beach huts would be far greater than the waiting list of those who want one
- Overdevelopment of the sea front
- Would cause a precedent for additional beach huts
- There is already a plentiful supply of beach huts in the vicinity

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy 2011 – relevant policies include:

Policy 5 The Visitor Economy

Policy 11 Protecting and Enhancing Recreation and Community Uses

Policy 13 The Natural Environment and Landscape Character

Policy 16 Built Environment and Design

Worthing Local Plan 2007 – saved policy CT3 Seafront environment, sea views, density, scale, massing

Worthing Seafront Investment Plan 2018

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 key policy requirements in respect of this application are best summarised in saved Local Plan policy CT3 which states that development within the seafront area will be permitted provided that it enhances the appearance and character of the seafront environment, has regard to existing sea views and is appropriate to its location in terms of density, scale, height, massing, appearance, orientation, layout and siting, both in itself and in relation to adjoining buildings, spaces and views to the sea. Policy 5 of the Core Strategy seeks to support suitable new tourist and leisure facilities with the aim of enhancing the visitor offer in order to support the regeneration of the town, while policy 16 requires that new development should display a good quality of architectural composition and detailing as well as respond positively to the important aspects of local character, exploiting all reasonable opportunities for enhancement.

It is noted that a number of the representations received in respect of this proposal are general in nature having regard to the fact that the Council is currently considering 6 separate applications for beach huts at various locations in the town. Some of these general points have been considered in more detail in the committee report relating to AWDM/1323/19 which appears elsewhere on the agenda.

In respect of this particular application, it is considered that the addition of 4 beach huts will have little material impact upon the character of the area.

The application site sits toward the eastern end of a long run of beach huts (around 240 metres in length) and currently incorporates the widest gap between beach huts in the stretch, although there are many smaller gaps between many of the other huts in the row which are often in pairs or groups of 4. It is unclear why there is such a gap in this location given there are two concrete bases on the beach side of the site which from the Council's aerial photographs have been in situ since at least 2007. It certainly does not appear that the gap has been left for any strategic sea view purposes given it is opposite part of the toilet block on the northern part of the promenade as well as the hedge that screens it from the road. While the comments of the Worthing Society are noted, there appears to be little reason to insist that only 1 hut should be located here given that the majority of those situated nearby are in pairs or groups of 4 (two such groups are close by to the east). Given the location within a long run of existing beach huts in the area, it is not considered that it could be justified to conclude that there will be a harmful material impact upon the character of the area and accordingly it is recommended that permission is granted.

### **Recommendation**

To GRANT permission

**Subject to Conditions:-**

1. Standard 3 year time limit
2. Materials to be agreed
3. Permission granted in accordance with approved plans

16<sup>th</sup> October 2019

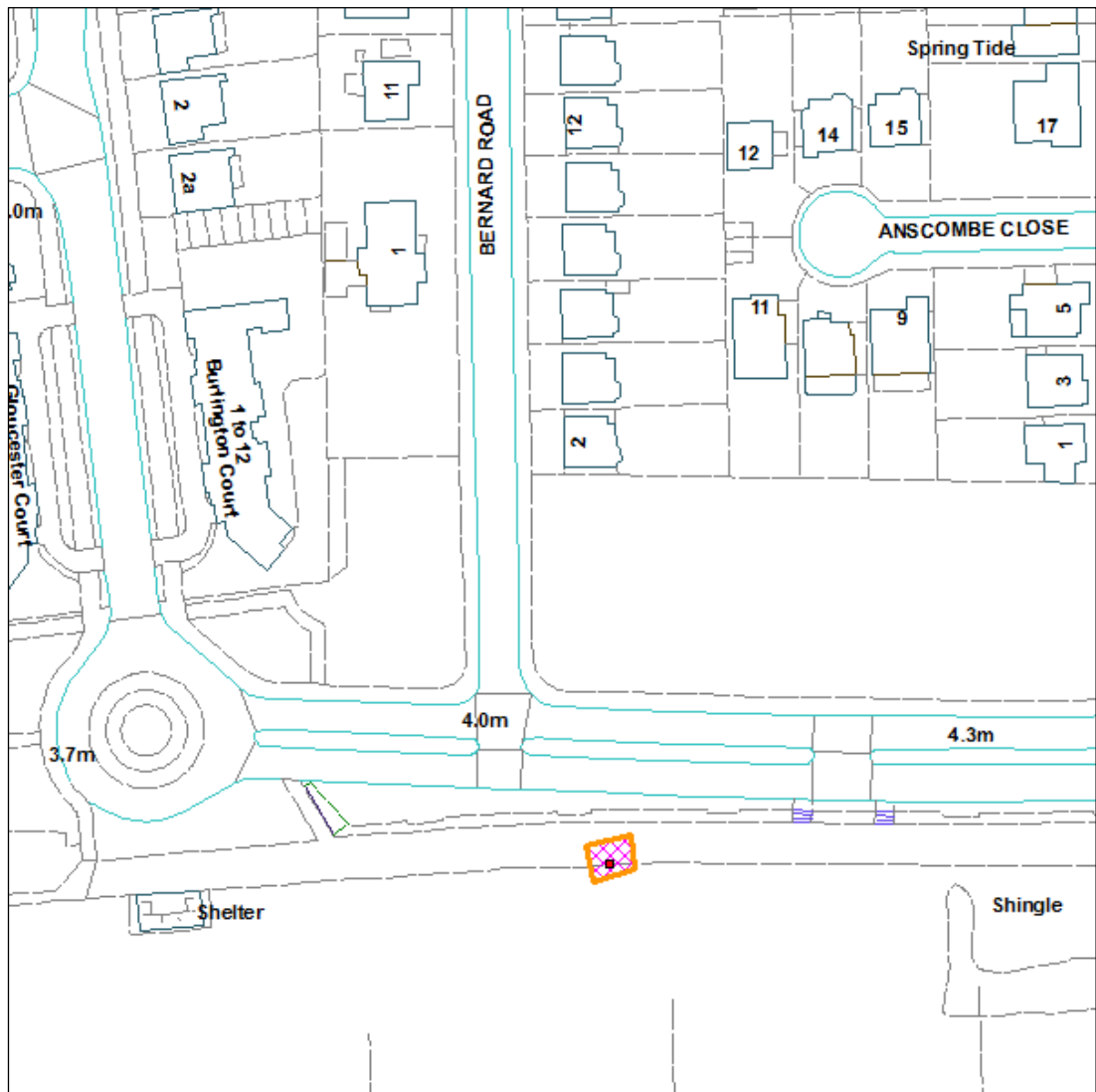
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**Application Number: AWDM/1341/19      Recommendation – APPROVE**

**Site:            Foreshore East Of Shelter And South Of Bernard Road, The Promenade, Worthing**

**Proposal:      Construction of 4no. rental beach huts**

Applicant:      Worthing Borough Council      Ward:      Marine  
Case            Gary Peck  
Officer:



**Not to Scale**

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## Proposal, Site and Surroundings

This application seeks permission for a group of 4 rental beach huts with concrete hard standings to the front of each. The huts will be the same dimensions as other huts nearby with a height of 2.36 metres, width of 1.84 metres and depth of 2.45 metres. The concrete hardstanding will measure 1.84 metres squared with a depth of 150mm. The huts will be clad with a white painted composite shiplap cladding or equivalent.

The application site would be immediately to the east of a group of 10 beach huts granted permission in 2013. Approximately 20 metres further to the east of the application site are another group of 10 beach huts which were also approved as part of the 2013 permission.

This part of the promenade is elevated above the road (West Parade) shortly before the roundabout leading to George V Avenue. There is a parking area used for coaches on the southern side of the road. Across the road to the north is an open green area with residential properties in Bernard Road, Anscombe Road and

Anscombe Close being set back behind this green. The nearest residential property is therefore in excess of 70 metres from the application site.

### **Relevant Planning History**

Erection of 4 x 5 group of beach huts granted permission in 2013 (AWDM/0466/13)

### **Consultations**

**Environment Agency:** No objection

**Environmental Health:** No objection

### **West Sussex County Highways**

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

#### Proposal Summary

The proposal is for the construction of 4 beach huts. The site is located on and accessed via West Parade which is a C classified road subject to a 30 mph Speed limit.

#### Access

Pedestrian access.

#### Vehicle Parking

A Nil parking provision has been demonstrated. Occupants of the beach huts will need to park on-street, where in an area this is the existing practice for other beach hut and beach users. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking.

#### 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.

### **Goring and Ilex Conservation Society**

Object on the grounds of loss of amenity and overdevelopment. The addition of the huts will make little difference to the waiting list. The harm to the Promenade and the Esplanade through the loss of amenity, danger to children from cyclists and undesirables and increased opportunity for vandalism does not justify the slight benefit obtained by a few people.

### **Representations**

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

- Loss of amenity through loss of view to the sea
- Squeezing more beach huts into the only available viewing spaces
- The claim that people are waiting over 7 years for a beach hut is overstated
- A list of Council Tax payers who do not want extra beach huts would be far greater than the waiting list of those who want one
- Greater hiding place for undesirables
- Overdevelopment of the sea front
- Would cause a precedent for additional beach huts
- There is already a plentiful supply of beach huts in the vicinity

### **Relevant Planning Policies and Guidance**

Worthing Core Strategy 2011 – relevant policies include:

Policy 5 The Visitor Economy

Policy 11 Protecting and Enhancing Recreation and Community Uses

Policy 13 The Natural Environment and Landscape Character

Policy 16 Built Environment and Design

Worthing Local Plan 2007 – saved policy CT3 Seafront environment, sea views, density, scale, massing

Worthing Seafront Investment Plan 2018

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 key policy requirements in respect of this application are best summarised in saved Local Plan policy CT3 which states that development within the seafront area will be permitted provided that it enhances the appearance and character of the seafront environment, has regard to existing sea views and is appropriate to its location in terms of density, scale, height, massing, appearance, orientation, layout and siting, both in itself and in relation to adjoining buildings, spaces and views to the sea. Policy 5 of the Core Strategy seeks to support suitable new tourist and leisure facilities with the aim of enhancing the visitor offer in order to support the regeneration of the town, while policy 16 requires that new development should display a good quality of architectural composition and detailing as well as respond positively to the important aspects of local character, exploiting all reasonable opportunities for enhancement.

It is noted that a number of the representations received in respect of this proposal are general in nature having regard to the fact that the Council is currently considering 6 separate applications for beach huts at various locations in the town. Some of these general points have been considered in more detail in the committee report relating to AWDM/1323/19 which appears elsewhere on the agenda.

In respect of this proposal, the general location was considered appropriate for beach huts in 2013 when the existing 20 huts were permitted. In part, this was because there was still sufficient space to the next structure to the west (the shelter at the end of George V Avenue which is about 40 metres distant) and it is about 260 metres to the next run of beach huts to the west. Furthermore, and unusually for this part of the seafront, development across the road to the north is set well back beyond a green meaning there is a general feel of spaciousness in the area.

The application site is to the south of the parking area used by coaches bringing visitors to the town and this means the application site is often at least partly obscured by such vehicles when viewed from the south.

The proposal would result in the siting of 4 beach huts adjacent to the western block of existing huts and would reduce the gap between the two blocks from 30 metres to 20 metres. Your officers feel that this is still a sufficient distance for the open character of the area to be maintained and the proposal thus only represents a small, incremental addition to the existing grouping of huts. It is therefore considered that the application is acceptable.

## **Recommendation**

To GRANT permission

### **Subject to Conditions:-**

2. Standard 3 year time limit
2. Materials to be agreed

3. Permission granted in accordance with approved plans

16<sup>th</sup> October 2019

6

**Application Number:** AWDM/0607/19      **Recommendation – APPROVE**  
**Conditionally subject to S106**  
**(Deed of Variation).**

**Site:**      **Aquarena, Brighton Road Worthing, BN11 2EN**

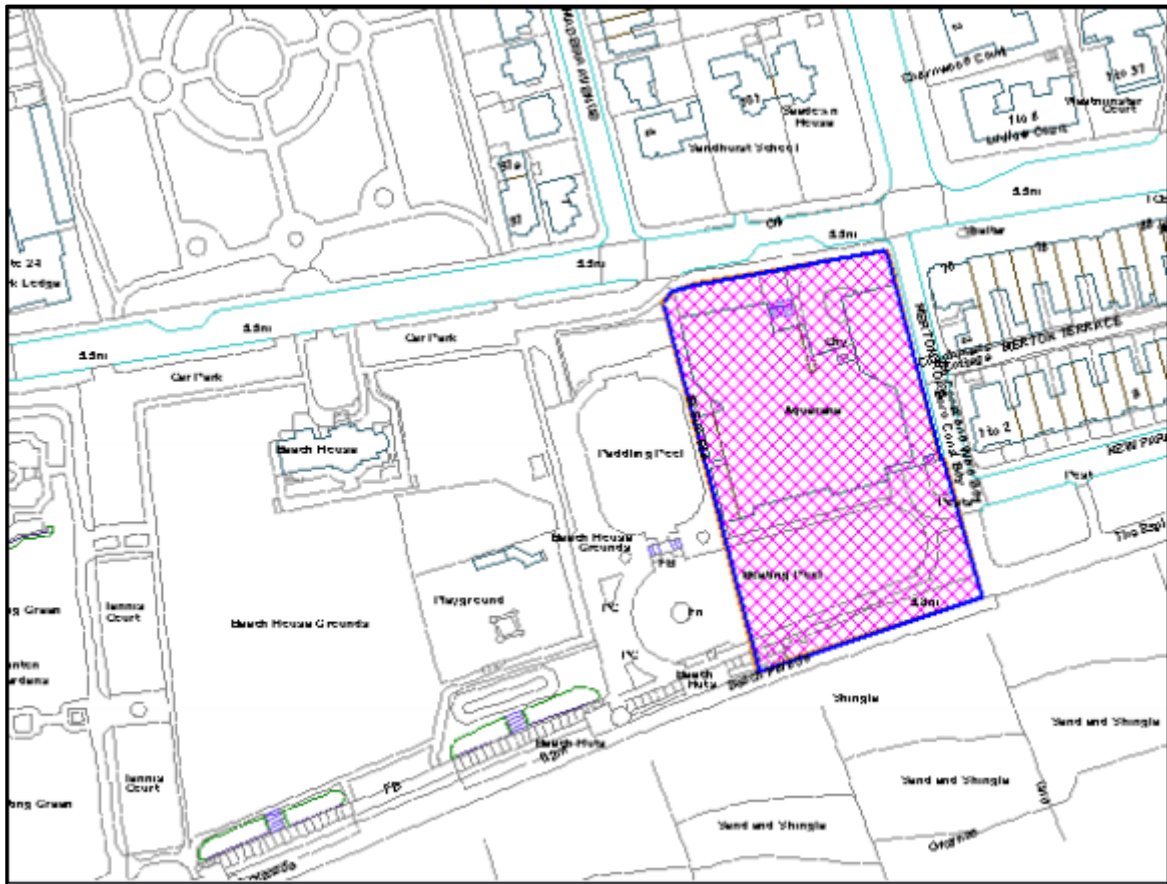
**Proposal:** **An application submitted under Section 73 of the Town and Country Planning Act 1990 to allow for the variation of Condition 1 in connection with planning permission AWDM/1633/16 dated 10.03.2017 for the:**

**Demolition of the former Worthing Aquarena and car park. Erection of 141 residential apartments within blocks ranging from 4-15 storeys in height, including affordable housing, a 641sq.m (unspecified use class) commercial unit, a 138sq.m Pavilion/Café, public and private open space, 172 resident's parking spaces and 51 public car parking spaces, with associated landscaping and access arrangements.**

**Applicant:**      **Roffey Homes**

**Ward:**      **Central**

Case Officer: James Appleton



**Not to Scale**

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**This application was deferred at the June Planning Committee as Members did not consider that the loss of the projecting bays on the north elevation and the reduction in glazing at sixth floor level were acceptable. Officers were requested to negotiate improvements to the scheme.**

### **Site and Surroundings**

The site is located between Brighton Road and the Seafront. To west is Splashpoint Leisure Centre, whilst to the east is Merton Road. The former Aquarena has been demolished on the site and the residential led re-development is well underway.

### **Proposal**

This application proposes a series of amendments to the scheme approved in 2017. The applicant' Planning Consultant has reviewed the original Environmental Statement (ES) and concludes that the changes are not significant and do not alter the conclusions of the original ES in terms of likely significant impacts in terms of heritage, townscape and visual and socio-economic effects.

In response to concerns raised by Members and Officers the Planning Consultant comments that,

*“we have made the following key changes to the submission to retain the architectural quality of the proposal, whilst addressing also the technical and end user requirements identified through the detailed design process;*

- ***The Brighton Road projecting bays have been re-introduced; same positions and number as original planning permission***
- ***Additional detail shown to projecting bays.***
- ***Openable windows and white metal balustrades re-introduced to bays as original planning permission***
- ***Level 05 (penthouse) - windows re-introduced, windows enlarged, additional white metal cladding and less grey metal cladding***
- ***Level 05 Plant Screens to North - have been significantly reduced on both east and west wings.***

*In respect of the Brighton Road elevation, the reintroduction of amended bays seeks to address fully the concerns raised by Members in respect of the Affordable housing elements of the scheme and provides for an elevation of the highest quality and materiality. The number and position of Projecting Bays on Brighton Road are now as the original Planning Application.*

*Level 05 now appears lighter in tone as a lightweight pavilion-type structure, with large areas of glazing and finely detailed white 'dormers'. Each window/dormer is formed as an 'L-shape' plane of white metal with a crisp projecting surround that provides depth in relief to the facade, as well as acting as a solar shade for the apartments behind.*

*The attached CGI specifically identifies the architectural changes from permission, through to the current proposals indicating clearly that the revised scheme will maintain fully the originally permitted quality of architecture and materiality befitting this key regeneration site.*



The original architects, Allies Morrison have submitted a Design and Access Statement which describes the proposed amendments as follows:

### ***“Basement Level***

*The basement level has been reconfigured to improve car-parking access, fire-escape strategy, and access to communal cores. Plant rooms size and positions have additionally evolved as a result of detailed M&E coordination.*

*Basement extents to the north-west, south, and eastern boundaries have adjusted to incorporate results of detailed site surveys, as well as detailed structural and waterproofing design.*

*The basement depth has been reduced in response to the updated structural solution at podium level, as well as updated M+E strategy.*

### **Ground Level**

*The ground floor has been reconfigured to improve communal areas and their relationship with the external public realm.*

- *The main-entrance gate (to the undercroft from Splashpoint Square) is set-back away from Splashpoint to the courtyard-end of the undercroft, producing a better connection between the residential entrance and the square. The primary residential entrance has moved west, closer to the square.*
- *The resident's swimming pool has rotated by 90° and now runs parallel to the sea-facing frontage. The resident's lounge has moved north to make a better relationship with the adjacent public square. The gym space has been relocated to the rear of the winter garden, in place of the cinema room which has now been removed.*
- *The gas intake room has moved from the west to east side of the plan, in response to site surveys indicating the location of existing gas mains, and in order to avoid clashing with electrical sub-station cable routes.*
- *The Pavilion stair has rotated by 90° to suit a more efficient overall layout of the space, and a secondary air-intake has been included to the rear of the pavilion as part of an improved basement smoke ventilation strategy.*

### **Residential Levels**

*The applicant submits revised drawings for all residential floors, having undertaken a full review of the apartment interior layouts with reference to current residential market demands and statutory requirements, and with further input from the consultant team and interiors suppliers.*

*Minor amendments to external terraces are proposed, primarily as a result of the facade changes detailed in Section 2 below, and in response to internal layout reconfigurations. These changes include:*

*Level 04/east terrace extents to unit 119 (unit previously named E\_04\_a on consented drawings) has reduced in response to access and maintenance requirements to the roof and adjacent facades.*

*Level 04/south-east terrace extents to unit 120 (previously E\_04\_b) is reconfigured to produce a wrap-around terrace to unit 120's living space. The terrace edge is therefore set-in from the building edge, reducing its visual prominence when viewed from the promenade.*

*Level 05/west terrace extents to unit 032 (previously B\_05\_b) is reconfigured to produce a wrap-around terrace to unit 032's living space. The terrace edge is therefore set-in from the building edge, reducing its visual prominence when viewed from the sea-front square.*

*Level 05/south-east terrace extents to unit 122 (previously E\_05\_b) is reconfigured to connect the courtyard balcony and south-facing balcony, both accessed by unit 122's living space.*

### **Roof Level Changes**

*The design of the roof has been updated in response to the developed M&E Strategy and to accommodate improved access for maintenance.*

- *Adjustments to plant enclosures at Cores B, D and E to enclose smoke ventilation equipment/emergency generator, and the removal of solar PV panels.*
- *The Emergency Generator has relocated from Core C to Core D.*
- *The openings in the projecting canopy or 'halo' (immediately above the Level 14 balcony) have been adjusted to incorporate structural input and detailed waterproofing design. The outer perimeter shape and size remain as the planning consent, as does the height.*

### **ELEVATIONS**

*The architectural design has been developed in response to practical changes made to improve both the buildability of the scheme, and more-so the overall quality of the final building.*

*The Applicant has employed Allies and Morrison to fully re-design and detail these facades to ensure nothing is lost, in terms of design-quality, by the changes set out below.*

*Minor amendments to the building frontages are proposed, primarily as a result of the detailed design work undertaken by the consultant and construction teams, but also in response to internal layout reconfigurations and in some cases where there is an opportunity to improve the architectural design.*

***The proposed minor amendments are described below in principal, specific amendments are additionally annotated on the accompanying drawings.***

### **General**

*Having gained detailed input from materials suppliers and contractors, two of the consented materials have been substituted across the scheme:*

*Zinc cladding (previously shown on the North, East and West street elevations) has been exchanged for grey aluminium sheet cladding.*

- *This is to improve longevity of the building, as well as the visual appearance on a day-to-day basis. Aluminium cladding will appear almost identical to the Zinc, the joint-type and module size remains as it would have been in zinc. Aluminium has an improved resistance to corrosion - both visual and material - meaning that these facades will better retain their colour and texture, and will remain on the building for longer without need for removal or replacement.*
- *Terracotta cladding (previously shown on all courtyard elevations) has been exchanged for white hand-laid brick with a pale mortar.*
- *This is as a direct result of detailed discussions with suppliers and contractors. Having proven difficult to procure a reliable terracotta construction, and with masonry construction being common to the locale, it was agreed that a move to brick would produce a building and finish of higher quality.*
- *Minor adjustments to window sizes and positioning, as well as metalwork shape and setting-out, have resulted from the re-setting out of the facade to suit a standard brick-dimension.*

### **North Elevation (Brighton Road)**

*A small reduction in the area of glazing and number of windows is proposed on this elevation, in response to an updated M&E Strategy and internal layout improvements.*

- *Windows to rooms/units with significant areas of glazing have adjusted to ensure the scheme meets SAP/Part L1A requirements. The effected rooms are predominantly at building corners and at rooms with projecting bays.*
- *The Applicant additionally engaged Allies and Morrison for detailed Interiors services Post-Planning. After detailed design studies for each and every unit plan, it was found that some would work better for residents with fewer windows. Consequently, windows have generally been removed or reduced at corners, where single rooms had multiple windows.*
- *To the south-east, these have been replaced with 'blind windows' - a not uncommon feature of the local Georgian and Victorian building stock - where it was felt to improve the composition of the facade.*

The applicants have now shown CGI of the north elevation with the re-designed projecting bays which seek to address the concerns of the Registered Provider regarding maintenance of glazing.





As Approved



As now proposed with revised Bays



*It is felt that the proposed amendments in no way detract from the overall composition or principal aesthetic of the facade.*

*Development of the M&E design has provided further detail of plant requirements to the roof at Core D (north-east). The extents of the Plant Screen have increased at the north-east corner to hide otherwise unsightly plant, flue projections, and other roof equipment. This element has been fully incorporated into the overall facade composition.*

*A white metal overhead panel to a single window at Level 01 (five windows in from the west) has been removed to allow for the deeper structure of the balcony above. This is as a result of the balcony structure changing from steel to in-situ poured concrete, post-planning.*

### **East Elevation (Merton Road)**

*A small reduction in the area of glazing and number of windows is proposed on this elevation, in response to an updated M&E Strategy and internal layout improvements. All as noted in section 2.2 above.*

*Level 04 terracotta cladding has been exchanged for white hand-laid brick with a pale mortar.*

*Grey metal cladding has been added in place of solid areas of the consented glazed curtain walling at Level 05. This allows the overall build-up to change which in-turn significantly improves the thermal performance of the facade. The white metal 'goal-post' profiles, previously spanning a full 6.4m bay, now span a half-bay each, allowing each individual window to be treated as a 'bay' with its own white projecting surround. These vertical and horizontal 'goal-post' profiles provide both the visual depth and solar shading previously provided by the perforated fins which have therefore now been removed.*

*At the Ground floor, a small external terrace is provided to apartment 098 (previously named E\_00\_a) in place of a small part of the consented planters. At the Ground floor, the openings for bin and bicycle stores have been rationalised to accommodate access and ventilation requirements to these areas.*

### **West Elevation (Splashpoint Square)**

*A small reduction in the area of glazing and number of windows is proposed on this elevation, in response to an updated M&E Strategy and internal layout improvements. All as noted in section 2.2 above.*

*Grey metal cladding has been added in place of solid areas of the consented glazed curtain walling at Level 05. This allows the overall build-up to change which in-turn significantly improves the thermal performance of the facade. The white metal 'goal-post' profiles, previously spanning a full 6.4m bay, now span a half-bay each, allowing each individual window to be treated as a 'bay' with its own white projecting surround.*

*These vertical and horizontal 'goal-post' profiles provide both the visual depth and solar shading previously provided by the perforated fins which have therefore now been removed.*

*At the Ground floor, the openings for bin and bicycle stores have been rationalised to accommodate access and ventilation requirements to these areas.*

### **South Elevation (Promenade & Courtyard)**

*A small reduction in the area of glazing and number of windows is proposed on this elevation, in response to an updated M&E Strategy and internal layout improvements. All as noted in section 2.2 above.*

*Terracotta cladding has been exchanged for white hand-laid brick with a pale mortar, a recessed dark-grey brick draws a stringcourse at every floor.*

*Grey metal cladding has been added in place of solid areas of the consented glazed curtain walling at Level 05. This allows the overall build-up to change which in-turn significantly improves the thermal performance of the facade. The white metal 'goal-post' profiles, previously spanning a full 6.4m bay, now span a half-bay each, allowing each individual window to be treated as a 'bay' with its own white projecting surround.*

*These vertical and horizontal 'goal-post' profiles provide both the visual depth and solar shading previously provided by the perforated fins which have therefore now been removed.*

*Balconies on the south-facing elevation at the northern-end of the courtyard have been reduce slightly in depth to 1500mm (1700mm from glazing line). This is to improve privacy from the adjacent window at Core D.*

*Privacy screens previously made up of hit-and-miss white terracotta battens are now made up of a delicate screen of white metal fins, rotated to maximise views out towards the sea.*

### **Courtyard East Elevation (Courtyard)**

*Terracotta cladding has been exchanged for white hand-laid brick with a pale mortar, a recessed dark-grey brick draws a stringcourse at every floor.*

*Grey metal cladding has been added in place of solid areas of the consented glazed curtain walling at Level 05. This allows the overall build-up to change which in-turn significantly improves the thermal performance of the facade. The white metal 'goal-post' profiles, previously spanning a full 6.4m bay, now span a half-bay each, allowing each individual window to be treated as a 'bay' with its own white projecting surround.*

*These vertical and horizontal 'goal-post' profiles provide both the visual depth and solar shading previously provided by the perforated fins which have therefore now been removed.*

*Privacy screens previously made up of hit-and-miss white terracotta battens are now made up of a delicate screen of white metal fins, rotated to maximise views out towards the sea.*

### **Courtyard West Elevation (Courtyard)**

*Terracotta cladding has been exchanged for white hand-laid brick with a pale mortar, a recessed dark-grey brick draws a stringcourse at every floor.*

*Grey metal cladding has been added in place of solid areas of the consented glazed curtain walling at Level 05. This allows the overall build-up to change which in-turn significantly improves the thermal performance of the facade. The white metal 'goal-post' profiles, previously spanning a full 6.4m bay, now span a half-bay each, allowing each individual window to be treated as a 'bay' with its own white projecting surround.*

*These vertical and horizontal 'goal-post' profiles provide both the visual depth and solar shading previously provided by the perforated fins which have therefore now been removed.*

*Privacy screens previously made up of hit-and-miss white terracotta battens are now made up of a delicate screen of white metal fins, rotated to maximise views out towards the sea.*

### **Tower (All)**

*The glass wind-breaker to the northern end of the balcony has been removed at every floor and the area of glass wind-breaker to the southern end has been reduced at every floor. The revised extents ensure that the most wind-swept and most used areas of balcony retain protection from the wind.*

*The height of the balustrade across the tower has been reduced from 1,300mm to 1,200mm.*

*Balcony dividers have been added between areas of balconies belonging to separate units. These are low (1,100mm) and made of grey metal, so as to limit their visibility from the ground and in distant views.*

### **Pavilion**

*Detailed design and co-ordination of the Pavilion building has led to a series of structural and thermal improvements. Further data was also gathered through consultation with potential future operators for the building, and recent issues of security and vandalism of the neighbouring Splashpoint Swimming Pool have been noted.*

*The structure of the building has been developed with the consultant Structural Engineers and with potential metalwork fabricators. This has enabled the projecting timber beams to stop short of the internal glazing line and for the yellow metal roof to project and cantilever under its own weight. This provides improved thermal performance due to the elimination of a series of significant cold bridges through the structure, and improved longevity of the building with a clear air and waterproofing line no longer broken by the projecting beams.*

*Similarly, the glazing line has been brought outboard of the concrete columns, which are no longer required to support the cantilevered beam, thermally enclosing all primary and secondary structural elements.*

*A hit-and-miss timber screen now surrounds the pavilion, providing both security to the otherwise fully glazed principal elevations, and equally giving the cafe a positive visual presence even when closed.*

*A sign-post has been located to the south-east of the pavilion, in order to attract custom from both the promenade and from Merton/Brighton Roads.*

## **Consultations**

None

## **Representations**

None received. A number of site notices were displayed around the site advertising the proposed amendments to the approved scheme.

## **Relevant Legislation**

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

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

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy (WBC 2011): Policy 7, 8, 11, 13, 15, 16, 17  
Worthing Local Plan (WBC 2003) (saved policies): RES7, H18, TR9  
Supplementary Planning Document 'Space Standards' (WBC 2012)  
Supplementary Planning Document 'A Guide for Residential Development' (WBC, 2013)  
Worthing Housing Study (GL Hearn 2015);  
Worthing Strategic Housing Market Assessment Up-date (GL Hearn 2012);  
Community Infrastructure Levy Charging Schedule (WBC 2015);  
SPD - 'Parking Standards and Transport Contributions' (WBC 2005)  
Revised National Planning Policy Framework (MHCLG 2019)  
National Planning Practice Guidance (MHCLG)

## **Planning Assessment**

Your Officers are generally supportive of the changes proposed as a result of the applicants detailed review of the scheme, influenced by construction consultants, availability and performance of materials and a marketing assessment of internal residential layouts, following the grant of planning permission in 2017. There are some areas of concern that are highlighted below, however, the involvement of the original architects, Allies Morrison has generally helped to ensure that the integrity of the original design remains.

Your Officers are also satisfied that the changes do not affect the conclusions of the original Environmental Statement (ES) in terms of likely significant environmental effects. In this respect, the applicants Planning Consultant has undertaken a review of the proposed changes in connection with the original ES covering Heritage effects, townscape and visual impacts and socio-economic effects. The review concludes that the proposed amendments to the permitted scheme do not affect any of the overriding impacts or conclusions of the ES.

### **Basement/Ground Floor Plan**

The internal layout changes are not significant and only have minor changes to principal elevations and are all acceptable.

### **Materials**

Some of the elevational changes are as a result of a decision to use brick rather than a glazed white ceramic tile/terracotta cladding on the inner courtyard elevations. The main reason for the change has been because of difficulties of procuring a reliable terracotta construction. As masonry construction is common to the area there is no objection, in principle, to the use of brick and the white brick sourced is an attractive brick and would still provide a high-quality finish.

The applicant has also sought to discharge the condition relating to bricks on the other elevations and a sample wall has been constructed on the temporary compound to the rear of No 22 Lyndhurst Road. The sample wall will be available for Members to view from the 20<sup>th</sup> June.

The other change to materials covered by this application is the replacement of zinc cladding (previously shown on the North, East and West street elevations) for grey aluminium sheet cladding. As indicated by the Design and Access Statement this is considered to improve longevity of the building, as well as the visual appearance on a day-to-day basis. It is accepted that aluminium cladding will appear almost identical to the zinc provided, as suggested, that the joint-type and module size remains as it would have been in zinc. It is also noted that aluminium has an improved resistance to corrosion and should therefore mean that the material will better retain its colour and texture. The replacement materials are therefore acceptable although the applicant's architect has been asked why a vertical seam rather than a horizontal seam has been chosen and Members will be updated at the meeting.

To assist with an understanding of the principal changes to the scheme, extracts from the proposed amendments below are compared with the approved plans.

### **North Elevation (Brighton Road)**

The concerns regarding the loss of two projecting bay windows on the north elevation have been addressed by the revised plans. The original rhythm of the front elevation has been retained and although a slightly more simpler and heavier appearance the revisions to this elevation are considered acceptable. The changes to the design of the bays/balconies have been followed through to the market apartments and there will be no obvious difference in appearance or design quality between affordable and

market apartments. The elevations below show as proposed and now as amended with the two bays added.



As originally proposed



As Amended

The other changes taking out certain windows to create improved living conditions and thermal efficiency are considered acceptable. The main changes are on the corner elements of the Brighton Road frontage and the loss of windows does not significantly alter the overall balance of the elevation.

### **East Elevation (Merton Road)**

On the Merton Road elevation, there is also a reduction in the amount of glazing and number of windows proposed, again in response to an updated M&E Strategy and internal layout improvements. These are not significant in terms of the overall appearance of this elevation.

On a number of the upper floors of the main courtyard there are what are described as white metal 'goal-post' profiles. These previously spanned a 6.4m bay, but are now proposed to span a half-bay each, allowing each individual window to be treated as a 'bay' with its own white projecting surround. These vertical and horizontal 'goal-post' profiles provide solar shading previously provided by the perforated fins which are now proposed to be removed. Grey metal cladding has been added in place of

solid areas of the approved glazed curtain walling at Level 05. In many respects, these changes at the top floor of the courtyard block are the most significant change to the approved elevations and your Officers were concerned at the loss of curtain wall glazing which sought to lighten the top floor of the courtyard block.

Following further discussions, the applicant has sought to make further improvements to this top floor by slightly increasing the glazing. A detailed section has been provided to illustrate the changes:



The comparison with the approved scheme is shown below. Whilst, it is not considered to be as effective in providing a lighter glazed feel to the top floor it will improve the thermal efficiency and sustainability of the development and, on balance is considered acceptable.

As approved



As proposed





### **West Elevation (Splashpoint Square)**

The changes in terms of a minor reduction in fenestration are acceptable and the revised design for the top floor on the courtyard block is followed through for each elevation.

### **South Elevation (Promenade & Courtyard)**

Minor amendments to balcony depths, and new privacy screens made of white metal fins instead of the previously proposed hit and miss terracotta battens are acceptable.

### **Plant Room**

The new plant room located on the north-east corner of the roof was to be enclosed to a height corresponding with the top floor apartments on the courtyard block. This extended the building closer to Brighton Road and looked very heavy. The applicants architect has been able to reduce the height of this plant room and this improves its overall appearance. However, it does mean that the extract flue is more prominent and the applicant has been requested to see if this can be reduced in height. The differences from what was approved, originally submitted and now revised are shown below:





## **Tower**

The changes to the main residential tower are more minor and relate primarily to the balcony areas and privacy screens between apartments. Where balcony dividers are introduced, these are low (1,100mm) and made of grey metal, so as to limit their visibility from the ground and in distant views.

## **Pavilion**

There have been a number of changes with the design of the new café. These relate to the height of the building, design of the roof and provision of additional screens/security measures.

The café/pavilion was proposed to be approximately 500 mm higher than before but the applicant has agreed to reduce the height as he is concerned about any greater impact on existing and future new occupiers of the Bayside development.

The main design change relates to the roof. Whereas the roof, as approved, was supported by projecting timber beams the roof is now self-supported. This enhances the impression of the angled roof floating above the main structure. The applicant has carefully reviewed the design and has been conscious of the vandalism issues that have faced Spalshpoint with large areas of glazing close to the Beach. A hit-and-miss timber screen now surrounds the pavilion, providing both security to the otherwise fully glazed principal elevations. These design changes are supported as they will also ensure that the building remains an attractive structure even when closed.

The increasing the height of the structure is of some slight concern as it will increase the prominence of the building when viewed from residential properties to the east but when considered in the context of the overall development this is not a significant issue.



## Photovoltaic Panels (PV)

These have now been removed from the roof. The applicant has indicated that he has concentrated on a fabric first approach to ensure a sustainable development hence a number of amendments seek to improve the thermal efficiency of the building. Whilst this is clearly the case your Officers are disappointed that the scheme will not include any renewable energy measures and the applicant has been requested to provide some further justification.

## Conclusion

Overall the revisions to the approved plans as now amended are now acceptable. The applicant, however, has been requested to provide some further information about the height of the extract flue, use of vertical seams and some further justification

for the loss of the PV panels. Subject to these remaining points being addressed it is recommended that the revisions to the approved plans are accepted.

### **Recommendation**

**APPROVE** - Subject to: the receipt of satisfactory further information and the completion of a Deed of Variation to the original s106 planning obligation ensuring that this new permission is bound by the terms of the original agreement (securing affordable housing and development contributions) and; re-imposing all planning conditions that have not yet been discharged or are required post completion of the development.

16<sup>th</sup> October 2019

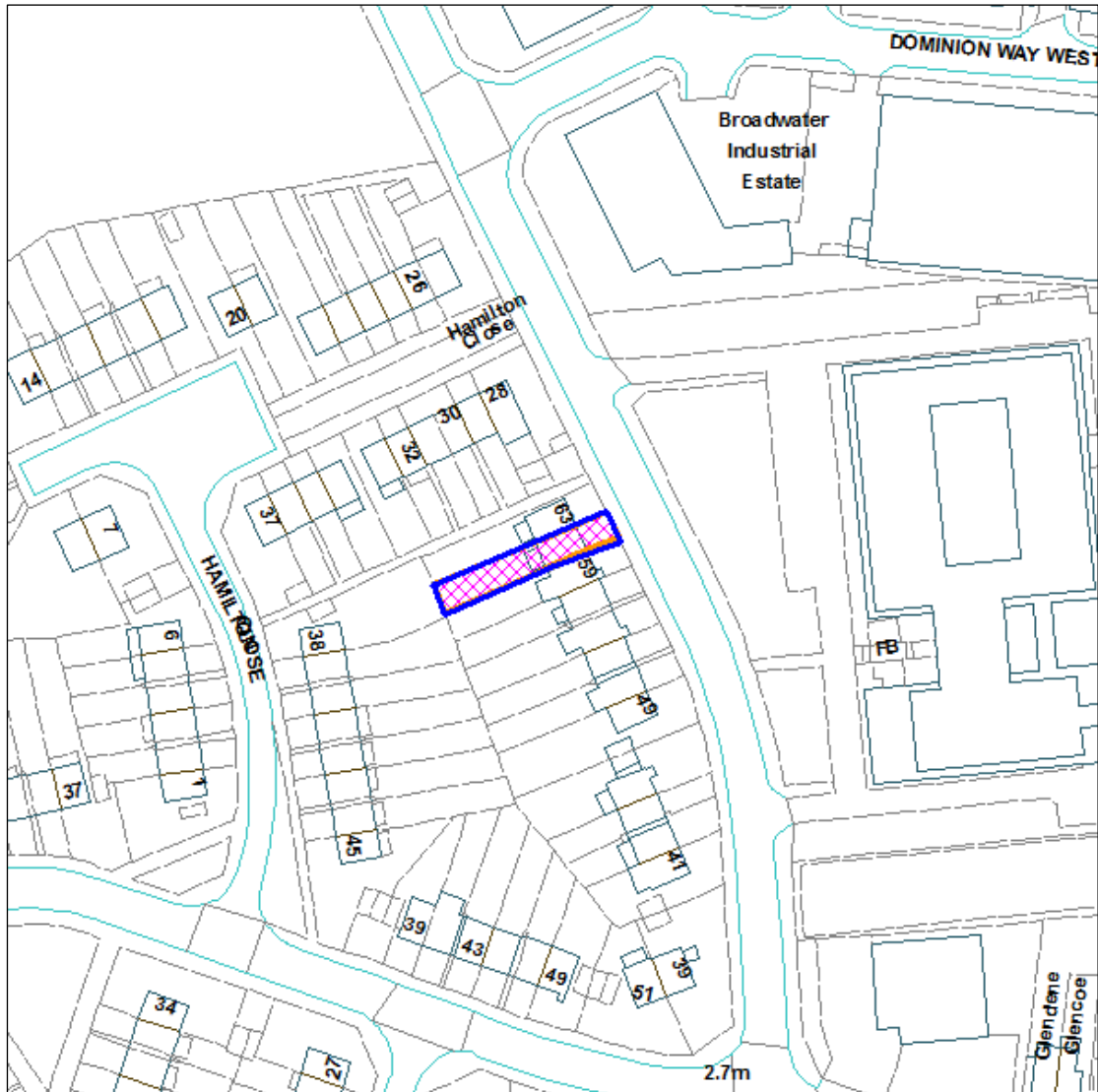
**Application Number: AWDM/1374/19                      Recommendation – APPROVE**

**Site:                      61 Southdownview Road Worthing West Sussex BN14 8NH**

**Proposal:              Construction of ramp with handrail to front east elevation.**

Applicant: Miss Patricia Golding  
Case Officer: Elaine Rousseau

Ward: Broadwater



**Not to Scale**

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This application is presented to the Committee as it has been submitted by Worthing Borough Council with regard to a Home Improvement Assistance Grant.

### **Proposal, Site and Surroundings:**

The application site relates to a mid-terrace property located on the west side of Southdownview Road opposite the development site at the former EDF Energy offices.

The proposal seeks permission to provide a ramp with a platform directly from the front door, with the ramp curving to the south to meet with the existing drive

hardstanding area. The ramp will be positioned within the confines of the existing dwelling. Railings will also be supplied on the outside edges of the ramp

The site is fronted by a brick wall and the front garden is laid with hard surfacing with some planting.

The site is not within a Conservation Area and it is not a Listed Building.

**Relevant Planning History:** None

**Consultations:** None undertaken

**Representations:** None received.

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

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

### **Relevant Planning Policies and Guidance**

Saved Local Plan policies (WBC 2003): H16, H18

Worthing Core Strategy (WBC 2011): Policy 16

National Planning Policy Framework (HCLG 2019)

National Planning Practice Guidance

SPG 'Extending or Altering Your Home' (WBC)

### **Planning Assessment**

#### ***Principle***

The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the dwelling and its surroundings.

#### ***Visual amenity***

The proposed platform (1.2 x 1.5 metres) would be sited directly outside the entrance door with a 0.9 metre wide ramp curving round onto the existing hardstanding area on the site frontage providing an incline to combat the step up to the front door, and improve ease of access for wheelchair use.

The ramp and platform together with the railings will not compromise the visual amenities of the locality.

### ***Residential amenity***

It is not considered that the access ramp, platform and railings will have any material effect on the residential amenities of neighbouring properties.

### ***Other Issues***

The paved area on the site frontage is served by a dropped kerb within the public highway. The siting of the ramp would encroach slightly into the paved area but would not prevent it from being used for parking.

### **Recommendation**

**APPROVE**

### **Subject to Conditions:-**

1. Approved Plans
2. Standard 3 year time limit

16<sup>th</sup> October 2019

8

**Application Number: AWDM/1356/19**

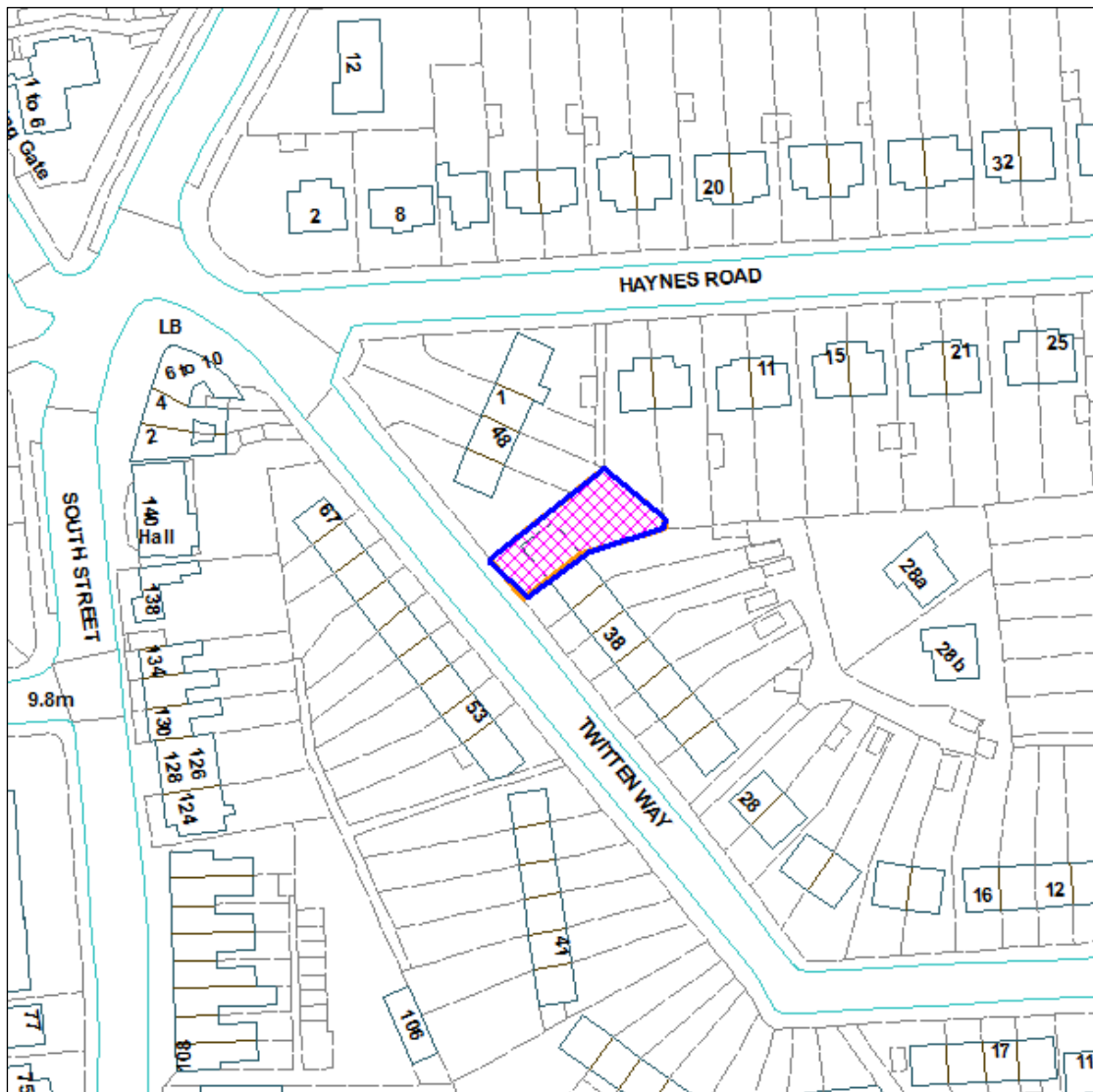
**Recommendation – APPROVE**

**Site: 44 Twitten Way Worthing West Sussex BN14 7JX**

**Proposal: Construction of front access ramp and handrails to front entrance west elevation.**

Applicant: Ms Debra Pigott  
Case Officer: Elaine Rousseau

Ward: Tarring



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This application is presented to the Committee as it has been submitted by Worthing Borough Council with regard to a Home Improvement Assistance Grant.

**Proposal, Site and Surroundings:**

The application site relates to an end-of-terrace property located on the east side of Twitten Way. The property has previously been enlarged by front and rear dormers and single-storey side and rear extensions.

The proposal seeks permission to provide a ramp with a platform directly from the front door, with the ramp extending directly forward of the south-west elevation to meet with the existing drive and hardstanding area. The ramp will be positioned within the confines of the existing dwelling. Railings will also be supplied on the outside edges of the ramp

The site is fronted by a brick wall and the front garden is laid with hard surfacing, grassed area and some planting. The northern boundary has a tall breeze block wall and the southern boundary has a low brick wall with substantial vegetation.

The site is not within a Conservation Area and it is not a Listed Building.

**Consultations:** None undertaken.

**Representations:** None received.

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

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

### **Relevant Planning Policies and Guidance**

Saved Local Plan policies (WBC 2003): H16, H18  
Worthing Core Strategy (WBC 2011): Policy 16  
National Planning Policy Framework (HCLG 2019)  
National Planning Practice Guidance  
SPG 'Extending or Altering Your Home' (WBC)

### **Planning Assessment**

#### ***Principle***

The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the dwelling and its surroundings.

#### ***Visual amenity***

The proposed ramp is contained within the site frontage totally within the existing hardstanding area. The platform will be directly outside of the front door, and the ramp is purely to provide an incline to combat the step up to the front door, and its purpose is purely for ease of access for wheelchair use.

The ramp and platform together with the railings will not compromise the visual amenities of the locality.

#### ***Residential amenity***



It is not considered that the access ramp, platform and railings will have any material effect on the residential amenities of neighbouring properties.

**Other Issues**

The existing hardstanding is served by a dropped kerb within the public highway and is currently capable of being used for vehicle parking. The ramp and platform will extend 3 metres from the porch into the drive inhibiting its future use for parking. However, unrestricted on-street parking is available in Twitten Way.

**Recommendation**

**APPROVE**

**Subject to Conditions:-**

1. Approved Plans
2. Standard 3 year time limit

16<sup>th</sup> October 2019

**Application Number: AWD/1391/19**

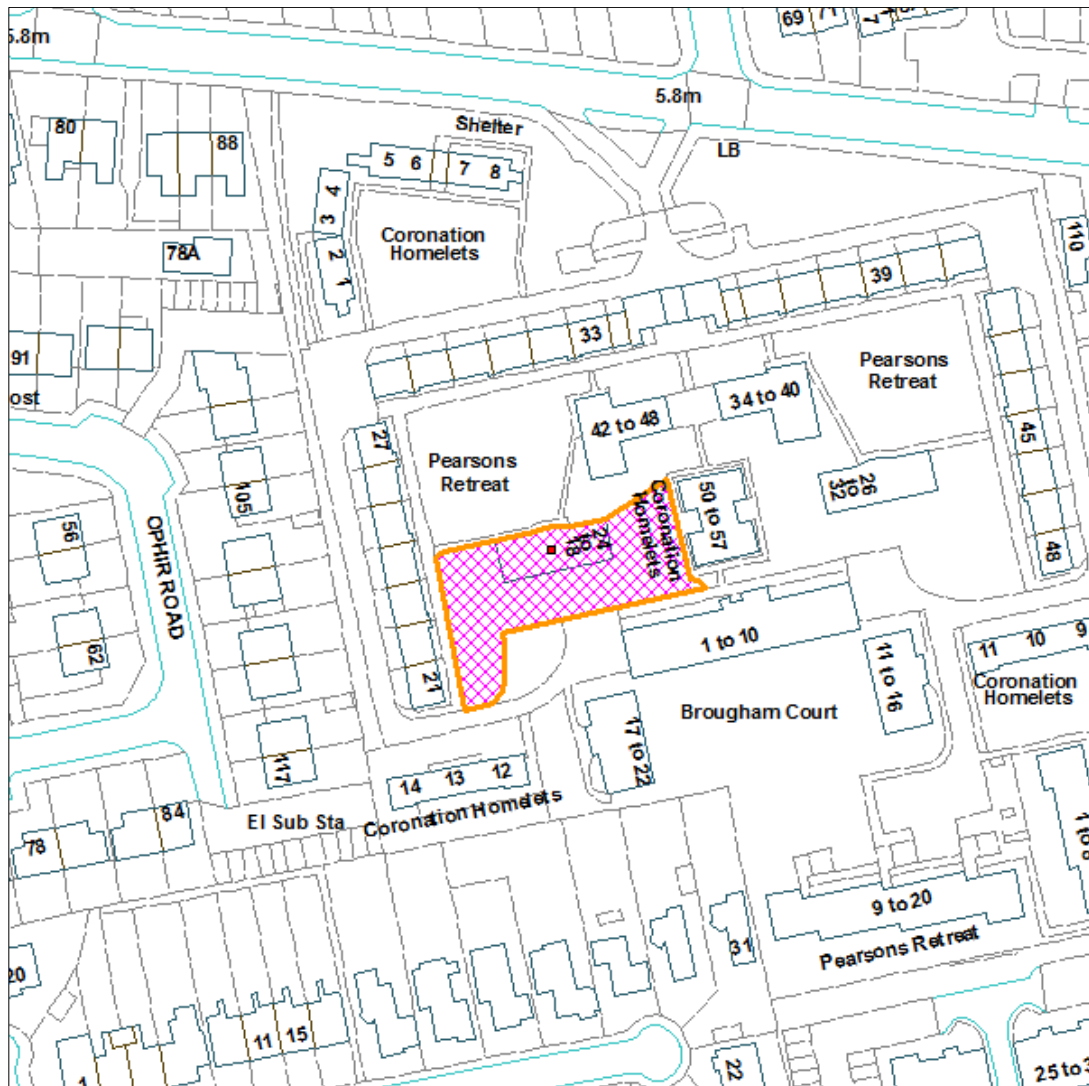
**Recommendation – APPROVE**

**Site: 20 Coronation Homelets Brougham Road Worthing West  
Sussex**

**Proposal: Ramp and steps with handrails to front (north) elevation.**

**Applicant: Ms Teresa Whiting  
Case Officer: Amanda Haslett**

**Ward: Selden**



**Not to Scale**

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This application is presented to the Committee as it has been submitted by Worthing Borough Council with regard to a Home Improvement Assistance Grant.

### **Proposal, Site and Surroundings:**

The application site relates to a ground floor flat within a block of four flats in a residential complex located to the south side of Brougham Road. The property is two storey and the north (front) of the building faces onto the communal gardens with mature trees and seating. Further to the north are single storey bungalows within the same complex.

The proposal seeks permission to provide a ramp and steps to the main entrance door to the flats. The level platform would be positioned directly in front of the existing entrance door with the ramp extending to the west side adjacent to the building and with steps down to the east side. Railings will also be supplied on the edges of the ramp and steps. The existing path would be extended around the ramp and steps.

The site is not within a Conservation Area and it is not a Listed Building.

### **Consultations:**

***Environmental Health:*** The Committee will be updated on any response received from Environmental Health at the committee meeting.

**Representations:** None received. The publicity period does not expire until 23 Oct 2019.

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

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

### **Relevant Planning Policies and Guidance**

Saved Local Plan policies (WBC 2003): H16, H18  
Worthing Core Strategy (WBC 2011): Policy 16  
National Planning Policy Framework (HCLG 2019)  
National Planning Practice Guidance  
SPG 'Extending or Altering Your Home' (WBC)

### **Planning Assessment**

#### ***Principle***

The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the dwelling and its surroundings.

#### ***Visual amenity***

The proposed ramp is not visible from outside of the complex. The ramp is positioned directly outside the existing entrance to the flats and is required to facilitate and improve ease of access to the building for wheelchair use.

The ramp, steps and platform together with the railings will not compromise the visual amenities of the locality.

***Residential amenity***

It is not considered that the access ramp, platform and railings will have any material effect on the residential amenities of neighbouring properties.

**Recommendation**

That the planning application be delegated to the Head of Planning and Development to **APPROVE**, following expiry of the consultation period subject to no adverse representations being received, and subject to the following conditions:-

1. Approved Plans
2. Standard 3 year time limit

16<sup>th</sup> October 2019

**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.