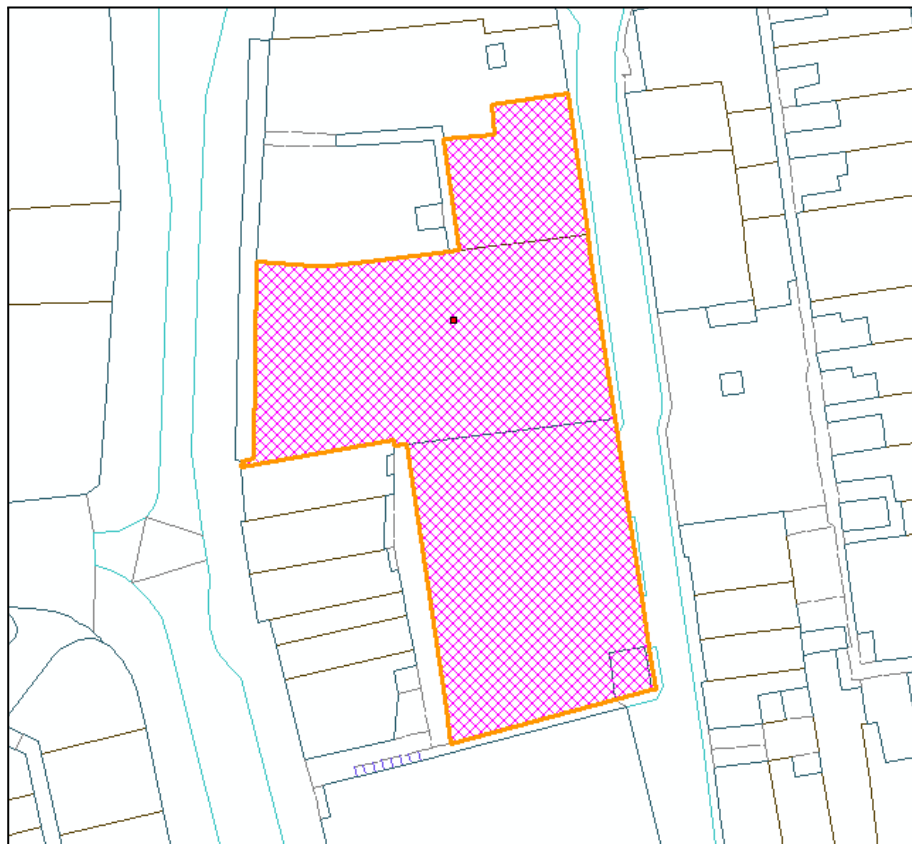


<b>Application Number:</b>	<b>AWDM/1906/22</b>	<b>Recommendation - To APPROVE subject to completion of a planning obligation</b>
<b>Site:</b>	<b>Development Site At Former Debenhams Store 14 To 20 South Street And Iceland Car Park, Marine Place, Worthing</b>	
<b>Proposal:</b>	<b>Redevelopment of the former Debenhams Building (including site over existing Iceland Car Park) to comprise a mixed use development including commercial floor space (Use Class E) at ground, part first and part second floor level, and 80 residential 1-2 bedroom flats from first floor to upper levels including the addition of two floors above Debenhams and Iceland sites with amenity spaces including sky lounge, home-working suite, storage lockers and bike store for residents.</b>	
<b>Applicant:</b>	<b>Craig Developments Ltd</b>	<b>Ward: Central</b>
<b>Agent:</b>	<b>ECE Planning Limited</b>	
<b>Case Officer:</b>	<b>James Appleton</b>	



**Not to Scale**

This application was deferred from the June Planning Committee with the Committee Minutes stating that:

*“The Head of Planning presented the report clarifying details of the affordable housing contribution and the proposed travel plan.*

*Members had questions for the Officer regarding -*

- *Retail space.*
- *Fire safety details.*
- *Viability review.*

*There was one registered speaker who gave a representation in objection to the application. She addressed issues including -*

- *Design quality.*
- *Overdevelopment.*
- *Fire risks.*
- *Road safety.*
- *Parking.*
- *Disabled access and parking.*
- *Lack of affordable housing.*

*There were two registered speakers who gave representations in support of the application. They clarified that the proposed development presented a high financial risk but that they had confidence in it and would use their own money when appropriate.*

*During debate Members agreed that the proposed development was favourable but they required more in depth Fire Safety information before they would be able to make a decision.*

*It was proposed to defer the application to allow time for the applicant to provide this information. This proposal was seconded and voted on with an outcome of an unanimously in favour vote.*

***Decision - DEFERRED, to resolve outstanding Fire safety issues with the proposed layout of flats.”***

A copy of the previous report and the Addendum is attached.

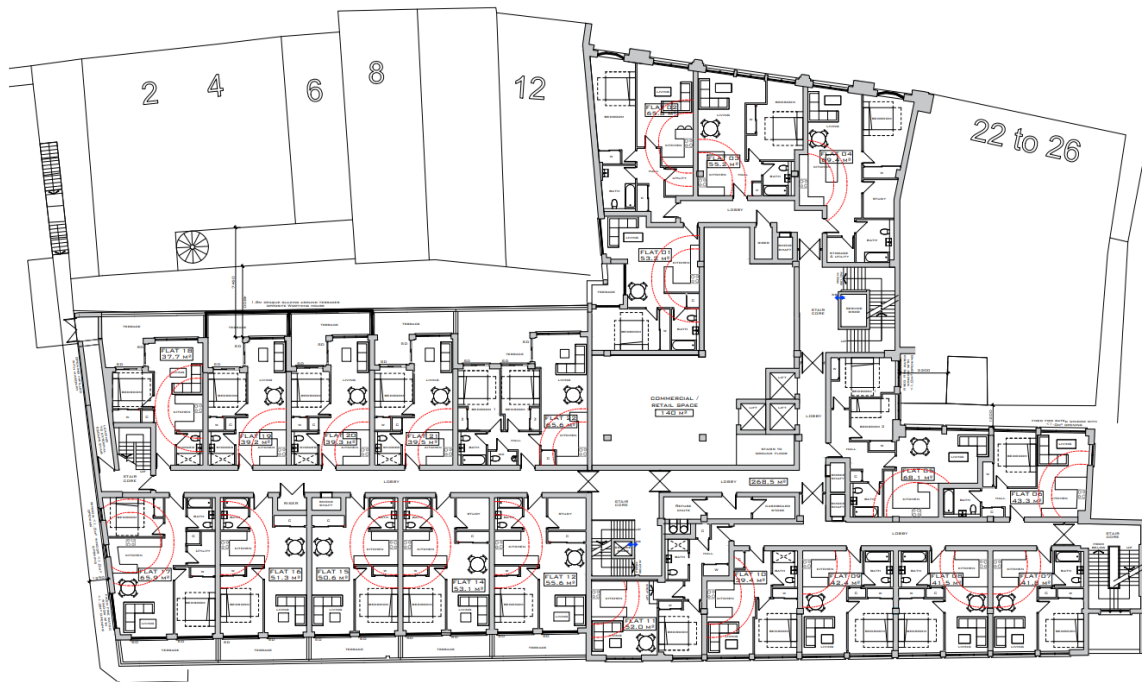
### **Amended Plans**

The formal response of the HSE was received after the June Planning Committee and concerns were raised in connection with the lack of a staircase to the top floor (see Consultation section below). To address this issue the applicants have submitted revised plans and an updated Fire Statement.

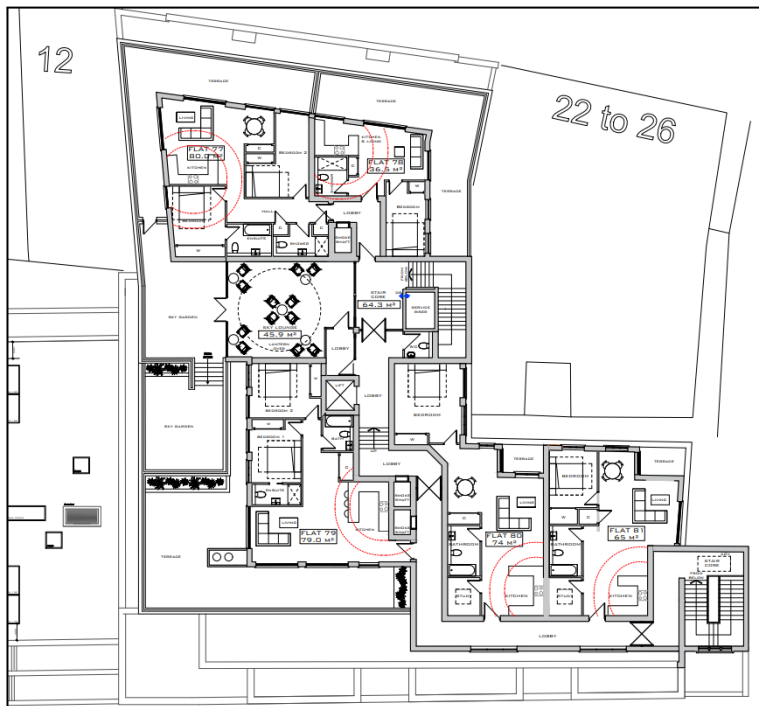
The amended plans include the following amendments:

- Stair Core 2 (Entrance 3 to accommodation off of Marine Place) has been extended to serve all floors of the building.
- The work from home space on the first floor has been omitted and the space has been allocated back to the commercial area
- Footprint revised on 5th floor to allow for alternative direction of escape from flats, this has resulted in previous Flat 79 being divided into two units to incorporate the additional floor area.

The key amendments are shown in the extracts from the submitted plans below:



First Floor indicating commercial/retail space replacing the previous home/work space



Top floor amended to provide additional fire escape route and subdivision of large flat to two.

*Revised Fire Statement*

The revised Fire Statement now states that:

*'1.7 – Staircase 2 has been extended to serve the 5th Floor. The Home Working Suite has been removed from the design. All floors are now served by two staircases and no single means.*

*1.11 – The access to the Sky Lounge has been redesigned. While it does technically connect with Staircases 1, as the Sky Lounge will be sprinklered; the lobby separating the lounge from the corridor will be ventilated; the corridor leading to the staircase will be ventilated; and there will be three self-closing FD30(S) fire doors between the Sky Lounge and Stair 1, this is considered to provide adequate robustness, and redundancy to prevent any realistic likelihood of the stair being impacted by a fire in the Sky Lounge. At least 5 fire safety systems would have to fail – the sprinklers in the Sky Lounge; the smoke control in the Sky Lounge Lobby; smoke control in the corridor, which will be a completely separate system to the one in the lobby, with separate power supplies; and 3 fire doors. This is not considered to be a realistic scenario.*

*2.2 – The arrangements for the bike store are noted and will be considered as part of the design development, but with the extension of Stair 2 to the 5th Floor, no stair is now the only escape option from the upper floors.'*

## **Consultation Responses**

**The Health and Safety Executive (HSE) comments that:**

### ***'Scope of consultation***

*1.1. The above consultation relates to the redevelopment of the former 5 storey (G and 4) Debenhams building to comprise a mixed use development, including 80 residential 1-2 bedroom flats from first floor to upper floor levels and maintaining ground and part of the first and second floors as commercial use, that will be separated from the residential use.*

*1.2. The proposal is to increase the footprint of the 4th floor and extend the building vertically by one additional floor, resulting in 6 storeys (G and 5) with a height of 21m to the finished floor level. 1.3. It is noted that the building is proposed to be provided with four staircases, including:*

*Staircase 1 (G to 5) - fire-fighting stair*

*Staircase 2 (G to 5) - protected stair*

*Staircase 3 (G to 3) - protected stair with dry riser*

*Staircase 4 (G to 2) - protected stair*

*1.4. The new 6th residential storey is served by two staircases (staircase 1 and 2). The 5th residential storey is served by two staircases (staircase 1 and 2). The 4th residential storey is served by three staircases (staircase 1, 2 and 3), staircase 3 serving as a single staircase from this storey level. The 3rd and 2nd residential storeys are served by four staircases (staircase 1, 2, 3 and 4), staircase 3 proceeds to an external escape stair from the 2nd residential storey. There is access to the residential accommodation via three entry points leading to staircases 1, 2 and 4 on the 1st storey.*

1.5. It is understood that the adopted fire safety design standard used for the residential elements of the development is BS 9991, with Approved Document B as supporting guidance. BS 9999 will be utilised for the commercial areas. HSE has assessed the development accordingly. Previous consultation 1.6. HSE issued a substantive response (concern) dated 18/07/2023, under the reference pgo-3473 in relation to a consultation received on 23/06/2023.

### **Current consultation**

1.7. A subsequent email was received from the LPA on 09/08/2023 requesting further consultation, providing a 'Planning Fire Safety Strategy Response (new report)', dated 11/08/2023 and revised drawings, available on the planning register. For the avoidance of doubt, this substantive response is in relation to the information received with the consultation of 09/08/2023.

1.8. Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations.

### **2. Supplementary information**

The following information does not contribute to HSE's substantive response and should not be used for the purposes of decision making by the local planning authority.

#### *Amendments to floor plans*

2.1. Section 4 of the fire safety statement identify design changes to floor plans for the relevant building and state:

*"1.7 – Staircase 2 has been extended to serve the 5th Floor. The Home Working Suite has been removed from the design. All floors are now served by two staircases and no single means. 1.11 – The access to the Sky Lounge has been redesigned. While it does technically connect with Staircases 1, as the Sky Lounge will be sprinklered; the lobby separating the lounge from the corridor will be ventilated; the corridor leading to the staircase will be ventilated; and there will be three self-closing FD30(S) fire doors between the Sky Lounge and Stair 1, this is considered to provide adequate robustness, and redundancy to prevent any realistic likelihood of the stair being impacted by a fire in the Sky Lounge. At least 5 fire safety systems would have to fail – the sprinklers in the Sky Lounge; the smoke control in the Sky Lounge Lobby; smoke control in the corridor, which will be a completely separate system to the one in the lobby, with separate power supplies; and 3 fire doors. This is not considered to be a realistic scenario. 2.2 – The arrangements for the bike store are noted and will be considered as part of the design development, but with the extension of Stair 2 to the 5th Floor, no stair is now the only escape option from the upper floors".*

2.2. This is noted and it will be for the applicant to demonstrate compliance at later regulatory stages.

**Adur & Worthing Councils: Building Control Manager** states that,

*'The proposals regarding the open plan layout of the flats have been prepared by a qualified fire engineer. This part and the fire safety of the building as a whole will be reviewed at the Building regulations stage.'*

**West Sussex County Council Highways (second consultation response):** supports the Travel Plan measures which reflect its guidance and states that,

*As the development is under 80 x residential units we would look to apply our travel plan statement guidance which states:*

*We would expect to see some sort of travel voucher offered to the initial occupants of the residential units. Vouchers should be worth at least £150 per dwelling and could be exchanged for one of the following:*

- a. a season ticket for the local bus service*
- b. a rail season ticket or network card*
- c. a contribution towards the purchase of a new bicycle and/or equipment*
- d. Bikeability training up to 4 members of the household (further details and course costs are available at [www.westsussex.gov.uk/roadsafety](http://www.westsussex.gov.uk/roadsafety))*
- e. 12 months free membership to any local Car Club (including joining fee).*

*Requesting the developer join a car club as a separate requirement to this would be more appropriate for schemes over 80 units, however, considering the scheme is very close to this at 79 units you may wish to push for this.*

**Environment Agency comments that:**

*We have no objection to the proposal provided that the following condition be attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.*

*Condition – Flood risk*

*The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref: HLEF83653 Prepared by RPS – October 2022) and the following mitigation measures it details:*

- Finished floor levels for all sleeping accommodation shall be set no lower than 9.604m above Ordnance Datum (AOD).*
- These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.*
- The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.*

**Councils Viability Consultants (DSP)** concludes that,

*'We consider the submitted assumptions to be fair at this stage too, with the exception of the following, however:*

- *Benchmark Land Value (BLV). See 3.2, above. We consider the £2.85 million BLV to be overestimated and have tested a BLV of £1.8 million.*
- *Profit. See 3.10, above. We have tested the viability when assuming a profit of 17.5% on residential market sales (in place of the submitted 20% GDV) with the other profit assumptions unchanged.*
- *AWC will need to confirm the S106 and CIL allowances (assumptions made, which DSP has note adjusted - see 3.7, above).*

*As presented, the proposed scheme indicates a deficit of -£1,571,624 after allowing for a 20.0% GDV profit on residential, a 15.0% profit on commercial, and the assumed BLV of £2.85 million. Therefore an 'actual profit' is envisaged, i.e. after taking into account the stated deficit, of 12.8% GDV (blended) – well below the stated target profit level.*

*Our trial appraisal indicates a surplus of £344,672 after allowing for a 17.5% GDV profit on residential (as per 3.10 above), a 15.0% profit on commercial and our assumed lower BLV of £1.8 million (see para 3.2.19 onwards). Taking into account this surplus, the profit indicated by our appraisal equates to 18.9% GDV (residential) and 15.0% (commercial), or 18.6% (blended).*

*This is all as appraised with no AH included, in order to test the base viability – however does include the applicant's stated £150,000 'without prejudice' S106 contribution as well as the stated CIL cost assumption (again note for AWC checking). Therefore, we consider that at present day costs/values whilst the viability is marginal, the suggested £150,000 contribution should be regarded as a minimum contribution in this case. Depending on the view taken on profit, further scope is shown for any necessary contributions.'*

**[Note:** The above viability review relates to the original scheme for 79 flats].

## **Representations**

Two letters of representation have been received (including one from the Seaspray Residents Association raising the following areas of concern:

- i) Rather than addressing the concerns of the Committee the revised application has increased the density of development.
- ii) The Fire Strategy relies on sprinklers but these only work with regular maintenance - what guarantees are that appropriate maintenance measures are put in place for the future.
- iii) The Fire Strategy states that it does not represent a detailed fire safety strategy and therefore it is questioned what the point of the report is then.

- iv) Many of the flats are over a semi-public car park which is one of the highest risk uses in fire safety terms and the car park suffers from frequent anti-social behaviour.
- v) The Fire Strategy relies on using the Seaspray outside fire escape staircase, however, this is outside the applicants control and therefore the fire strategy is invalid.
- vi) Access for a fire vehicle would be via Marine Place and Bedford Row where people often park on double yellow lines and in loading areas which would make it difficult for an appliance to get through.
- vii) The lack of parking for the flats would just increase illegal parking in the area.
- viii) The scheme is of a poor design, causing loss of light and overlooking and overshadowing. The provision of ventilation and extraction would affect the private terrace for Seaspray residents.
- ix) The scheme would not provide any affordable housing and paltry s106 contributions

The applicant has responded to the latest letter of objection from Seaspray residents and this is attached to this report.

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

Worthing Local Plan 2020-2036:

DM1 Housing Mix; DM2 Density; DM3 Affordable Housing; DM5 Quality of the Built Environment; DM6 Public Realm; DM7 Open Space, Recreation and Leisure; DM8 Delivering Infrastructure; DM13 Retail & Town Centre Uses; DM15 Sustainable Transport & Active Travel; DM16 Sustainable Design; DM17 Energy; DM18 Biodiversity; DM19 Green Infrastructure; DM20 Flood Risk and Sustainable Drainage; DM21 Sustainable Water Use & Quality; DM22 Pollution, DM23 Strategic Approach To The Historic Environment and DM24 The Historic Environment.

Supplementary Planning Document 'Space Standards' (WBC 2012)

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)

'Infrastructure Delivery Plan' (WBC 2010)

Design Guide 'Extending or Altering Your Home' (WBC)

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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



### *For Listed Buildings and Conservation Areas*

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

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

### **Planning Assessment**

This application was deferred to address fire safety concerns in relation to the layout of the proposed flats. This assessment will, therefore, concentrate on these issues but the original report is attached which sets out the wider planning considerations of this scheme. This assessment will also address the increase in the number of flats, the revised layout and viability issues.

In terms of fire safety the HSE is now satisfied with the fire strategy for communal areas and access to the flats to the extent it affects land use planning considerations. The revised layout has resolved the HSE initial concerns about fire escape for the top floor flats. As the Council's Building Control Manager states there would still be a requirement to satisfy the building regulations and therefore it is not considered that there are any planning grounds to resist the development on fire safety grounds.

The applicant is satisfied that there are legal rights to use the fire escape access into the ground floor Iceland car park (which also serves Seaspray) and this would have to form part of a detailed fire safety strategy approved under the Building Regulations. The changes to Building Control under the Fire Safety Act will mean that any application for a High Risk building from the 1st October would be dealt with by the HSE and the new role it will have as the Building Safety Regulator.

The Resident Association for Seaspray has raised a number of concerns about building above the car park but the applicant is proposing a sprinkler system within the existing car park which would be an improvement with regards to fire safety. Concerns about maintenance of sprinkler systems are understandable but are beyond the remit of the planning system. However, there are controls in place to ensure that appropriate management systems are put in place and these would be covered in management agreements between leasehold and freehold owners which are covered by other legislation.

Members will recall some concerns about inner rooms and the Private Sector Housing team has expressed concern that these might increase the fire risks to occupants. The applicant's Fire Consultant is satisfied that the layouts would comply with the approved British Standards (as well as emerging guidance) and latest Building Regulations and again this would have to be demonstrated at the building regulation stage. As indicated previously it is not considered that there are any planning reasons to resist this development and other legislation would ensure appropriate safeguards regarding fire safety for occupants.

## *Amended Plans*

In terms of the amended plans the main layout changes necessary to address fire safety concerns relate to the first and fifth floor. The loss of the home working suite reduces the additional space available for residents but will probably help the commercial viability of the remaining commercial space on the ground floor with ancillary storage and office space. Whilst the additional flat does increase the overall density of development the amount of new residential floorspace is actually reduced and therefore it is not considered significant in terms of density or car parking impacts. The development relies on its town centre location and a travel plan that includes the provision of car club spaces. Whilst, WSCC comments relate to the original plans for 79 dwellings the trigger of 80 requires the developer to join a car club, however, this is already offered by the applicant and would be captured in the planning obligation.

## *Viability*

DSP, the Councils viability Consultants considered that the development would only generate less than a commercial return without delivering any affordable housing but that the offer of £150k was at the lower end of what the scheme could afford. In response to this the applicants Consultants responded by stating that the offer was all that the scheme could afford and the Addendum considered at the June Committee raised the following points:

*'The applicant has responded to the Councils Viability Consultants arguing that the BLV they have used is based on actual rental values secured in Worthing (average being £10.86 psf) and that DSP have assumed a rental of £4 psf without any comparable evidence. Nevertheless, the applicant's Consultant's have indicated that to progress negotiations they are prepared to reduce rental income to £5 psf which would reduce the BLV to £2.235 (reduction of £600).*

*In terms of profit margin the applicant's Consultants argue that using 20% profit is in line with the viability report prepared to support the Worthing Local PPlan and is therefore entirely consistent with national planning policy (PPG). PPG advice states that profit is a reflection of development risk. This is impacted by a multitude of different elements including the wider economic outlook, the housing market, construction costs, access to materials and labour, interest rates, inflation etc.*

*The applicants' Consultant points to a number of factors that have created additional development risk since the initial appraisal was undertaken. Firstly finance rates have increased to 8% adding an additional development cost of £260k, build costs have increased 3.23% adding £514k construction costs and sales values have decreased by 3.4%. As a result the applicant's viability Consultant considers that the applicant's offer of £150k represents the maximum that can be offered.'*

This conclusion was agreed at the June Committee particularly as the applicant had agreed to a viability review which could capture additional planning gain if the

scheme delivered was more profitable than envisaged.

On the basis that the revised scheme now incorporates an additional flat it could be considered that the scheme would now be more profitable than before and the offer of £150k could be increased. However, the applicant has pointed out that floorspace is actually reduced in the revised scheme and any additional sales value would be negated by additional construction costs. The applicant is to provide additional supporting information to demonstrate that the viability position has not changed with an additional flat and indeed has worsened as a result of rising borrowing costs. The opportunity to 'claw back' any additional profit, as mentioned above, should also give Members some comfort.

Members will be updated at the meeting in connection with any additional information the applicant submits. It is worth pointing out that the applicants are concerned about the overall viability of the project and are very keen to get permission before any CIL charges increase later this year.

The planning obligation is being drafted and negotiations are continuing with WSCC and the applicants about the costs associated with a robust Travel Plan. At the June meeting it was indicated that the Travel Plan costs would be up to £60k allowing the remaining £90 for affordable housing. Now that the number of units has increased to the 80 threshold (referred to in the WSCC consultation response) your Officers are seeking WSCC further comments on whether £60k would be sufficient (including car club costs). The planning obligation matters currently envisaged are set out in the following table:

<b>Issue</b>	<b>Obligation</b>
<b>Transport</b>	Travel Plan voucher of £150 per flat to be used on public transport season ticket, bike purchase or drive time vouchers for car club. Two year Membership of Car Club for all residents. Implementation and Monitoring of Travel Plan with auditing / monitoring payment (£1,500) to WSCC. Up to value of £60k (awaiting confirmation from WSCC that this will be sufficient).
<b>Affordable Housing</b>	£90 Any remaining funds following implementation of the Travel Plan to be made available for affordable housing.
<b>Viability Review</b>	Future Review Mechanism to be funded by developer
<b>Site Management</b>	To include: Car Parking/Access Areas; Surface water Drainage; Amenity Spaces; Green Roof; Plant and Noise Insulation; Monitoring of Travel Plan and Building maintenance.

## Recommendation

Subject to additional viability evidence and the completion of a satisfactory planning obligation (s106) as set out above it is recommended that planning permission be **GRANTED** subject to the following conditions:-

1. Development in accordance with the approved plans
2. Development in 3 years
3. Use Restriction Class E
4. Detailed drawings, including sections, of windows to be submitted
5. Specification of Materials
6. Detailed design of certain elements (to be identified)
7. Sectional drawings of new window reveals
8. Opaque glass and screening to be installed prior to occupation and retained for the lifetime of the development.
9. Hours of Building Work.
10. Site Waste Management Plan in line with Waste Mitigation strategy set out in sustainability report.
11. Construction Management Plan (including dust management - as per air quality assessment and resident engagement).
12. Flood Resilience measures
13. SUDS design and implementation
14. SUDS maintainence
15. Provision of waste storage prior to occupation
16. Provision of cycle storage prior to occupation
17. Details of renewable energy measures and subsequent implementation
18. Noise conditions in accordance with noise report
19. Travel Plan (including implementation of sustainable transport strategy as set out at para 4.4 of Transport Assessment). Note: only added if not fully covered in the planning obligation.
20. Details of mechanical ventilation prior to construction
21. No cafe or restaurant shall operate from the commercial floorspace without first submitting to and obtaining approval in writing from the LPA details of cooking extraction equipment and associated noise control measures. Once approved the extraction and noise control measures shall be operated and maintained in accordance with the manufacturers guidelines.

## *Informatives*

Southern Water, WSCC Highways and note from Emergency Planning Officer (implementation of a flood management plan).

**Ref: AWDM/1906/22 - Development Site at Former Debenhams Store, 14 to 20 South Street and Iceland Car Park, Marine Place**

This letter is prepared on behalf of Craig Developments, in relation to an objection received from the Seaspray Residents Association on 19 August 2023. This objection is attached in Appendix A.

The original comments of the email are detailed in italics with our response to each query and comment detailed in blue.

*Could the applicant please supply a written narrative of the changes introduced in this new application so that we can properly consider the impact?*

- Stair Core 2 (Entrance 3 to accommodation off of Marine Place) has been extended to serve all floors of the building.
- The work from home space on the first floor has been omitted and the space has been allocated back to the commercial area
- Footprint revised on 5th floor to allow for alternative direction of escape from flats, this has resulted in previous Flat 79 being divided into two units to incorporate the additional floor area.

*We also note that the applicant has submitted a 'Planning Fire Safety Strategy' presumably in response to concerns highlighted by Council Officers, the Committee and members of the public, and the inadequacy of the previously submitted 'Fire Safety Technical Report'.*

*The executive summary of the document actually states that it "does not represent a detailed fire safety strategy" so we wonder what the point of it is.*

The Detailed Fire Safety Strategy comes after planning permission is granted and is prepared in accordance with Building Regulations, this is then overseen and approved by a Building Control Inspector.

A building cannot be built without formal sign off by a Building Control Inspector, and so all detailed fire safety matters are dealt with after the planning stage.

The purpose of a Planning Fire Safety Strategy (which has been provided at this stage) is to ensure that the initial safety strategy and means of escape is dealt with and incorporated into the initial design stage. This came into place following the Grenfell Tower Fire and is called Planning Gateway One.

Planning Gateway One requires all buildings containing two or more dwellings, that exceed 18m in height to comply with the following requirements:

- to submit a fire statement setting out fire safety considerations specific to the development with a relevant application for planning permission for development which involves one or more relevant buildings, and

- to establish the Health and Safety Executive (HSE) as a statutory consultee for relevant planning applications

The Health and Safety Executive (HSE) has now reviewed this Planning Fire Safety Strategy and Fire Statement and has confirmed they are content with the proposed measures in place.

*The summary also states that "The project represents the re-development of an existing, 5-storey department store" without mentioning the existing car park building which many of the proposed flats would be built over. Presumably a semi-public car park is one of the highest risk uses in fire safety terms, and here residential dwellings above that use are proposed.*

Although the proposed scheme is above the Iceland car park, the car park itself does not form part of the proposed development and is therefore not mentioned in the description of the development within the Executive Summary.

However, the car park does form part of the proposal from a fire safety perspective as it is located beneath the proposed development. Therefore the carpark is referenced throughout the report (Sections 3.6 and 5.3.3) as it is relevant to the safety of the building.

*As you are aware, the car park is also used by Seaspray residents and we witness a lot of the antisocial behaviour that takes place in there. Below are some photographs showing discarded cigarette butts, alcohol bottles and flammable items which are frequently dumped in the car park.*

*What would happen in the event that someone drops a cigarette butt onto leaked petrol or a puddle of alcohol? A fire and potentially an explosion could result, particularly if electric vehicles are parked there, as it is known that EVs are more likely to explode in underground or enclosed spaces due to overheating. However this report does not address that risk.*

The report does not address this as the above does not relate to the development proposals. The report addresses fire safety and means of escape for new residents, rather than existing causes of fire.

*The report does acknowledge our car park at one point and says " The car park is existing, and meets the ventilation requirements for an open sided car park." This car park is not 'open sided' at night - it is closed up by way of roller shutter. We wonder whether the author of the report has visited the site in person.*

This refers to the 1970s open bricks, which allow ventilation at night when the roller shutter is closed. Please see screenshot below:



*In the description of the proposals the report states "There will be four stair cores serving [sic] the First and Second residential floors" One of these stair cores is located in the proposed development over our car park which the report does not appear to adequately cover, and it discharges to our rear staircase which the applicant does not have permission to use.*

The applicant has rights of access over this staircase. Appendix B is an extract from the applicant's lease of the site which details this rights of access over the staircase.

Dukeminster 80 Ltd own the existing communal fire exit and are the Freeholder for the entire area including the Seaspray Building. Craig Developments purchased a 999 year lease of the demise (pages 3 and 4) and within that are rights to continue to use the defined communal fire escape. Issues of legal rights are not material planning considerations.

*At point 3.5 the report states "The commercial elements of the development will be the subject of a separate fire strategy development for Building Regulations purposes." why is that? Why is this report not taking the proposals as a whole into account?*

Building Regulations requires separate strategies for commercial and residential use, based on the different requirements and uses of the different premises. As above, Planning Gateway One requires a Fire Statement Strategy when the development includes two or more dwellings and exceeds 18m.

The finer detail relating to commercial fire safety will come after the planning permission is granted and will then be overseen and managed by a Building Control Manager. We do not know the incoming business that will occupy the commercial space at this stage, therefore cannot anticipate how the space will be fit out and used. On this basis, the detailed commercial fire safety strategy comes after the planning stage when more detailed design and input is required.

It is important to acknowledge that the building will not be able to be occupied until each stage of the Building Regulations is approved. Further to this, as this site is classed as a high risk building (HBR) and it will not have an approved building regulations consent by 1st October, it will be subject to review by the Building Safety Regulator after building control, adding an additional layer of safety and review before any occupation and use can take place. There are many more checks a building must go through after the planning stage.

*At point 4.1 the report states "This report has been developed using information provided by the client and their architect. This report should be read in conjunction with those drawings and other supporting documents that will be provided by consultants acting on behalf of the client." As we pointed out when reviewing the 'Fire Safety Technical Report' the drawing numbers are not referenced, so no one knows which drawings the report is based on.*

The full list of proposed and existing plans in relation to the proposed development are listed in Appendix C.

*At 5.3.3 in reference to the ongoing maintenance of the proposed sprinkler system in our car park, the report states "it is understood that a legally binding contract for these matters has been arranged between all interested parties" Seaspray Residents' Association, as owner of the leasehold of the Seaspray common parts would like to have sight of that contract, it has not been shared with us.*

As stated, the proposed works would provide a sprinkler system within the existing car park. There is currently no sprinkler system in place, therefore the proposed works would be an improvement on the existing car park with regards to fire safety.

Matters relating to management are covered by legal agreements. Disputes around this fall outside of material matters to be considered within this application.

*At 7.2.4 the report shows an ariel view of the proposed development site which includes our car park with a red line around it's demise but it does not indicate that the discharge from stair core 3 is to our back staircase, which is outside the red line.*

It is noted that the red line plan in questions does not include the back staircase, of which the applicant has rights of access over. However, the proposed plans submitted with the application that are subject to approval, do include the outdoor staircase within the red line boundary. As above the applicant does have rights of access over this staircase.

*At 7.4.2 the report states that elevation openings may be 'fixed shut' so for example, does this mean that the living rooms and bedrooms to the flats shown below will have windows that are fixed shut? Even though they are shown on plan as having a 'terrace'. As noted this boundary is very close to Worthing House and presents overlooking as well as safety concerns. The report is not clear or specific about which proposed dwellings would be affected by 'fixed shut' fenestration.*

The windows to the flats questioned in the image (First-floor units over Iceland opposite Worthing House) would be openable as the facade is set back far enough



to comply with Part B of the Building Regs B4 requirements around an unprotected area.

The fire rated fixed windows are highlighted on the provided elevation drawings. These are windows that are required to be fixed shut due to their proximity to neighbouring buildings in respect to Approved Document Part B4. This will be expanded upon in greater detail in the next design stage of the project, as required in order to gain a Building Regulations approval.

There is no overlooking issue as the terraces are enclosed by a 1.8m high opaque screen and the windows are opaque glazed to 1.8m from finished floor level.

*Flats at the fifth floor on the Debenhams side of the development appear to have only one escape route and they are very close to adjoining buildings to the north and south. Would their windows also be fixed shut? How would they be rescued by fire services in a 'defend in place' scenario?*

This is correct for Flats 77 & 78 which are serviced by the main firefighting stair. This escape route does not serve any ancillary accommodation so is therefore compliant as a sole means of escape. Flats 79, 80 & 81 have 2 directions of escape due to the revised plans. The windows would not be fixed shut to these plots.

*Figure 4 shows the access route for a fire vehicle to the proposed new building. It should be noted that motorists and delivery drivers regularly and routinely park on double-yellow lines in both Bedford Row and Marine Place and they also park-up in the loading bays so it may well be difficult for fire appliances to get through in the event of an emergency. These are problems that would only be exacerbated by 80 new dwellings with potentially 200 new occupants and no associated parking provision.*

*These pictures show cars parking on double-yellow lines on the narrow, one way Bedford Row which provides access to Marine Place and a delivery van on the sharp bend in the road between Bedford Row and Marine Place, obstructing access. The transport plan says that it would 'encourage deliveries' and so this problem would worsen.*

As shown in the attached photos (Appendix A), these roads are clearly marked with double yellow lines. Therefore, cars should not be parking along these roads, and is a matter for appropriate enforcement from private or public services (West Sussex County Council etc).

*Generally we think that many of the concerns raised around this Planning Application have still not be properly addressed, particularly with the addition of another flat. Fire and road safety are just two of the issues.*

*Any statements of support submitted have come from people living miles away from the two sites.*

*We are also worried about the construction logistics which have not been clearly detailed. Recently some minor work or investigation was carried out to the car park*

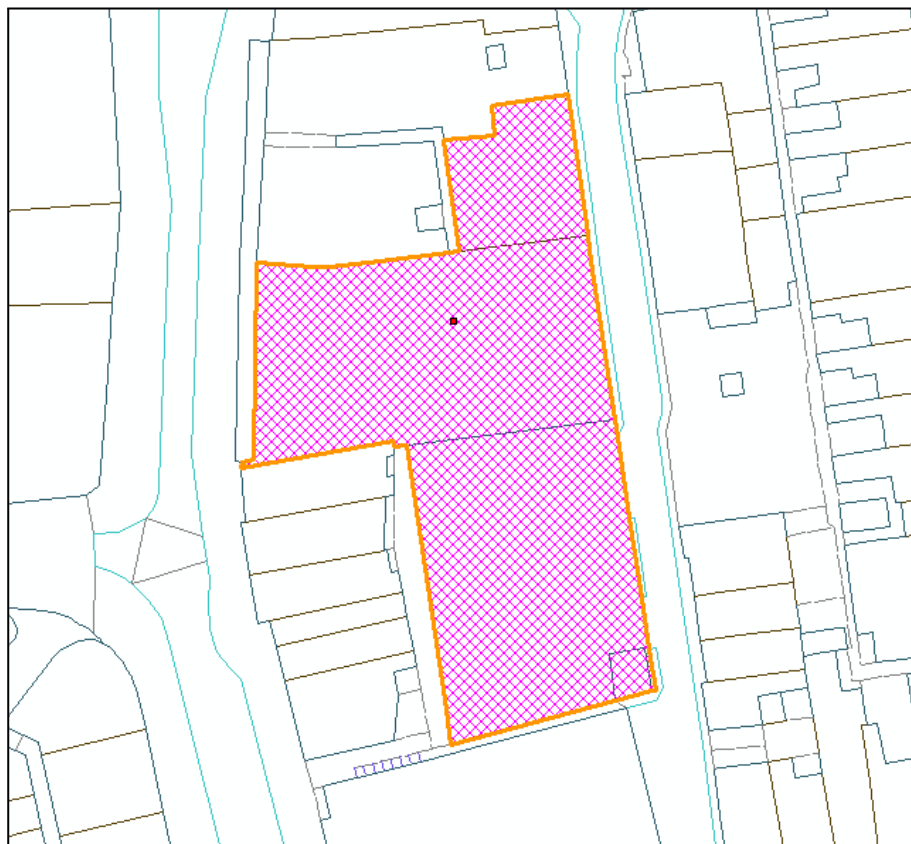
*building and this resulted in Marine Place being closed entirely. Please see the image below.*

*How does the applicant propose that the work would be carried out without closing Marine Place (and therefore egress from Bedford Row) during what would be major construction work?*

This information would be provided within a Construction Management Plan which would be a condition as part of the approved permission. The Council would need to review the Construction Management Plan and approve the proposed works ahead of any road closures etc.

**APPENDIX II**

<b>Application Number:</b>	<b>AWDM/1906/22</b>	<b>Recommendation - To APPROVE subject to satisfactory comments of the Highway Authority and HSE and completion of a Unilateral Undertaking.</b>
<b>Site:</b>	<b>Development Site At Former Debenhams Store 14 To 20 South Street And Iceland Car Park, Marine Place, Worthing</b>	
<b>Proposal:</b>	<b>Redevelopment of the former Debenhams Building (including site over existing Iceland Car Park) to comprise a mixed use development including commercial floor space (Use Class E) at ground, part first and part second floor level, and 79 residential 1-2 bedroom flats from first floor to upper levels including the addition of two floors above Debenhams and Iceland sites with amenity spaces including sky lounge, home-working suite, storage lockers and bike store for residents.</b>	
<b>Applicant:</b>	<b>Craig Developments Ltd</b>	<b>Ward: Central</b>
<b>Agent:</b>	<b>ECE Planning Limited</b>	
<b>Case Officer:</b>	<b>James Appleton</b>	



**Not to Scale**

## **Site and Surroundings**

The application site comprises the former Debenhams building: an art-deco style former department store; and the airspace above a building housing an existing car park associated with the Iceland supermarket, located along Marine Place. It falls within the Town Centre boundary of Worthing, within the Worthing Central Shopping Area and the South Street Conservation Area. The surrounding area comprises a mix of largely commercial frontages at ground floor level with residential units above.

South Street is located immediately north of the seafront looking and leads down towards Worthing Pier, and forms one of the primary shopping streets of Worthing. The area to the rear of the site comprises Marine Place, a one way service road housing a range of commercial uses and housing. Further to the east there is a row of Grade II listed buildings at 8-14 Bedford Row, a terrace of grand 4 storey buildings of particularly high architectural quality with distinctive curved bay windows that help to define its special character and appearance.

The character of the South Street Conservation Area is derived from the rapid expansion of the centre of Worthing in the late 18th century and the first decade of the 19<sup>th</sup> century when Worthing gained a reputation as a fashionable genteel seaside resort. South Street in particular is characterised by interesting and attractive buildings individually and in townscape terms with a variety of original architectural detailing, of which the former Debenhams building is a positive example.

## **The Proposal**

The proposal seeks to retain the existing facade that fronts South Street, with a proposed two storey upward extension, stepped back from the main facade. The current vacant first, second and third floors would be converted and with the additional two floors above the Iceland car park a total of 79 new residential apartments would be created. On the ground floor of the former department store 659 sqm of commercial floorspace (use class E) would be provided, with additional commercial areas provided at first and second floor level in the centre of the building.

The unit mix of the apartments is as follows:

- 1 bedroom, 1 person - 35 (44%)
- 2 bedroom, 2 person - 25 (32%)
- 2 bedroom, 3 person - 12 (15%)
- 2 bedroom, 4 person - 7 (9%)

The apartments are accessed via three central lifts within the main Debenhams block and three separate staircase cores across both the Debenhams block and Iceland car park space. Common areas identified as a home working area would be provided at first floor level, in addition to a sky lounge and roof garden at fifth floor level. Lockers and storage facilities are provided at ground floor level.

The application is supported by the following documents:

- Planning Application Form, Notices and CIL Form
- Planning Statement including Affordable Housing Statement
- Location and Block Plan
- Existing Site Location Plan
- Proposed Floor Plans, Elevations and Street scenes
- 3-D Modelling Design and Access Statement including landscaping details
- Heritage Statement and HER Viability Assessment
- Air Quality Assessment
- Sunlight and Daylight Assessment
- Energy and Sustainability Assessment
- Noise Assessment
- Statement of Community Involvement
- Transport Assessment including Travel Plan
- Fire Statement
- Flood Risk Assessment and Drainage Strategy

Amended plans were submitted in April 2023 following feedback received in the initial phase of public consultation. The changes primarily relate to the part of the development that is situated on the Iceland car park and move the western elevation away from Worthing House, as well as alterations to improve the relationship with the neighbouring property Seaspray to the south. Other alterations include the introduction of glazed panels and obscure glass to avoid overlooking and improve privacy conditions for the occupants of neighbouring residential properties. An addendum to the Transport Statement was also provided at this stage.

### **Relevant Planning History**

00/00876/ADV Installation of internally illuminated projecting sign at Debenhams 14-20 South Street Worthing West Sussex BN11 3AA. Application Approved 17 October 2000.

98/05509/FULL Installation of air conditioning units to the roof of building (retrospective) at Debenhams 14-20 South Street Worthing West Sussex BN11 3AA. Application Approved 17 June 1998.

94/05697/ADV Installation of one internally illuminated fascia sign over the entrance doors to the proposed shopfront granted planning consent on 19 October 1994 under application WB/94/0632. Application Approved 01 December 1994.

94/05696/FULL Removal of existing shop front and reinstatement with new glazing/entrance doors at Debenhams 14-20 South Street Worthing West Sussex BN11 3AA. Application Approved 19 October 1994.

### **Surrounding Area**

**AWDM/1624/22** - Application for full planning permission for a maximum of 4 additional floors to the Montague Quarter Shopping Centre to provide 50 No. residential units (to be considered elsewhere on the agenda).

**AWDM/1884/22** - Demolition of existing commercial storage buildings, erection of new 3-storey building containing 9 apartments, with additional studio/ office space at lower ground floor level. To include on-site secure bicycle and refuse storage, and the relocation of an existing electrical substation at 10 - 20 Marine Place. Resolution to grant planning permission subject to a legal agreement by the Planning Committee at its meeting in February 2023.

## Consultations

### **West Sussex County Council Lead Local Flood Authority**

*“The following are the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, recommendations, and advice.*

### **Flood Risk Summary**

<i>Assessed Surface Water Flood Risk</i>	<i>Low risk</i>
<p><i>Comments: Current surface water risk shows that the proposed site is at low risk from surface water flooding, although the surrounding road network has low, medium and high risk.</i></p> <p><i>This risk is based on an assessment of best available surface water data and information to which the LLFA currently has access. This includes but is not limited to; current mapping and/or modelling; site specific monitoring and any historic data. This however should not be taken as meaning that the site will/will not flood.</i></p> <p><i>Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas of increased risk.</i></p> <p><i>Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</i></p>	

<i>Assessed Groundwater Flood Risk</i>	<i>Moderate risk</i>
<p><i>Comments: The area of the proposed development is shown to be at moderate risk from groundwater flooding. This risk is based on an assessment of best available groundwater data and information to which the LLFA currently has access. This includes but is not limited to; current mapping and/or modelling; site specific monitoring and any historic data. This however should not be taken as meaning that the site will not suffer from groundwater flooding.</i></p> <p><i>Groundwater contamination and Source Protection Zones. The potential for groundwater contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered a risk.</i></p>	

<i>Watercourses nearby?</i>	<i>No</i>
<p><i>Comments: Current Ordnance Survey mapping shows no watercourses running close to/across the site.</i></p> <p><i>Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.</i></p> <p><i>Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.</i></p>	

<i>Records of any surface water flooding within the site?</i>	<i>No</i>
<p><i>Comments: We do not have any records of historic surface water flooding within the confines of the proposed site, although historic floods were mentioned in the FRA. This should not be taken that the site itself has never suffered from flooding, only that it has never been reported to the LLFA.</i></p>	

*Based on the Flood Risk Assessment and Conceptual Surface Water Drainage Strategy and Proposed Ground Floor and Basement Plans, the LLFA recommend considering appropriate flood resilience and resistance measures for these two floors, considering climate change allowances and the known flood risk for the site and surrounding area.*

### ***Sustainable Drainage Systems (SuDS)***

*The Flood Risk Assessment and Conceptual Surface Water Drainage Strategy for this application proposes that sustainable drainage techniques (green roofs and water harvesting) would be used to control the surface water from this development.*

*In the spirit of SuDS implementation, and in line with policy within the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water, betterment for surface water systems on the new developments should be sought. This could include retention at source through rain gardens, permeable paving, swales or bioretention systems. SuDS landscaping significantly improves the local green infrastructure provision and biodiversity impact of the developments whilst also having surface water benefits.*

*This application may be subject to review by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.*

*All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.*

*The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.*

*Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.”*

**West Sussex County Council Highways Authority** comment that,

*“West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been consulted on proposals for mixed used development comprising commercial use on ground floor and part upper levels and 79 x 1 and 2-bedroom flats on upper levels including above existing Iceland car park. The existing Iceland car parking spaces will be unaffected by the proposals although no dedicated spaces will be provided for the development which would essentially be 'car free'.*

*It is noted that the floor plans show 80 x flats and the 1/2 bedroom mix appears to differ from that stated on the Application Form. The applicant should clarify how many 1 and 2 bedroom flats are to be provided so that the car and bicycle parking requirements can be fully assessed.*

### **Site Context & Sustainable Transport**

*The site is in Worthing town centre and bound by South Street to the west and Marine Place to the east. South Street is pedestrians / bus / servicing only for the majority of day between Mon-Sat. Marine Place to the rear of the site is one-way with an existing loading bay.*

*The surrounding area is predominantly retail/ cafe/ restaurants with a range of services within walking distance along street lit wide footways and pedestrianised areas with low kerbs for crossing of restricted traffic areas. To the south Marine Parade can be crossed via signalised pedestrian crossing. Manual for Streets identifies that 800m (10 min) distant walk can be accessed "comfortably on foot" (para. 4.4.1). Within 800m is South Street bus stops with regular services to various destinations, various retail, leisure and health facilities, schools and employment opportunities. Worthing Train Station is slightly further (up to 15 minute walk/ 6 minute cycle) and features cycle parking.*

*Traffic calming and pedestrian/cycle only zones make the area inviting for on-carriageway cycling with many facilities reached within acceptable cycling distances. NCR 2 can be reached to the south via Marine Parade. WSCC Guidance on Parking at New Developments requires that for 659sqm of retail 7 staff and 7 visitor cycle spaces should be provided. It is noted that a residential communal bicycle parking is provided however it is unclear where the retail staff/visitor cycle parking is to be provided. Please provide further details on both retail and residential cycle parking provision and how this meets requirements set out in WSCC Guidance on Parking at New Developments.*



## **Servicing**

Access to bin storage is to be provided from Marine Place, as per servicing arrangements for existing properties. The existing loading bay on Marine Place may also be used as well as loading areas fronting the site (South Street).

## **Travel Plan Statement (TPS)**

The TPS is provided for the residential element only as the retail element is a reduction in existing permitted use and under the sqm area required for a travel plan. Whilst it is good practice to set modal shift targets, it is not a requirement for Travel Plan Statements to provide these. Furthermore, as the development is car free it is anticipated that the majority of residents will utilise active/public transport modes and/or work from home.

The TPS includes the following:

- Existing site conditions including walking, public transport and cycling accessibility credentials.
- Residents welcome packs to include public transport timetables, national awareness weeks, promotion of home deliveries, car sharing including info on west sussex car share scheme.
- The travel plan coordinator will explore membership options for nearby car club.
- £150 travel voucher per new household for public transport or cycle equipment/training or toward car club membership.
- Travel audit - voluntary questionnaire for residents to understand how they travel to/from site - will inform information provided in future welcome packs.

Further information/amendments to the TPS are required:

- The TPS refers to 79 x units. As per comments above, if the floor plans are correct in that 80 x units are proposed, the TPS should be amended accordingly.
- As the floor plans also show communal home working areas, the TPS (welcome packs) could include promotion of this.
- Please remove reference to multi-modal journey planner as this is no longer in use.
- Residential sites should also create links with local school(s), which will almost certainly have a Travel Plan in operation.

A monitoring fee of £1500 is required for the TPS to be secured through s106 or Unilateral Undertaking legal agreement.

## **Trip Generation**

The LHA are awaiting comments from the Parking team regards the ability for new residents to apply for parking in the CPZ. It is appreciated the development will be designed as 'car free'. Nonetheless, some residents could decide to park outside the

CPZ (approx. 0.7 mile west of the site). Therefore there may be some additional car movements in the local area as a result of the development.

It would be beneficial to support the application if a more detailed trip assessment was undertaken. The LHA advise that TRICs trips from the existing floor area retail use is compared against the proposed reduction in retail floor area and 80 x flats. The town centre location is noted and comparable sites from TRICs along with justifications could be set out.

### **Contributions**

In addition to these comments on behalf of West Sussex County Council (WSSCC) as Highway Authority a separate consultation response shall be sent from WSSCC detailing all of the S106 contributions that the authority is seeking as a result of this planning application. This may include a S106 financial contribution towards transport infrastructure to mitigate any severe or unacceptable impacts of this development as required by paragraph 111 of the NPPF. This consultation shall set out the Total Access Demand (TAD) which is the methodology that has been adopted to calculate the necessary transport contribution. Further details of this methodology can be found here

<https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/section-1-06-planning-obligations/#services-requiring-contributions>.

### **Conclusion**

Please ask the applicant for the clarifications/amendments above and summarised below:

- Clarify amount of residential units and 1/2 bedroom mix.
- More detail of retail and residential cycle parking and how this meets WSSCC standards.
- Update TPS.
- More detailed vehicle trip assessment.”

**West Sussex County Council Fire and Rescue Services** comment that,

“Having viewed the plans for the planning application no. AWDM/1906/22 for the Construction of one additional storey to create 3 No. new dwelling units - 3 x two bedroom flats with associated refuse, storage and cycle parking Redevelopment of the former Debenhams Building (including site over existing Iceland Car Park) to comprise a mixed use development including commercial floor space (Use Class E) at ground, part first and part second floor level, and 79 residential 1-2 bedroom flats from first floor to upper levels including the addition of two floors above Debenhams and Iceland sites with amenity spaces including sky lounge, homeworking suite, storage lockers and bike store for residents, evidence is required to show that all points inside all apartments are within 45 metres of a fire appliance in accordance with Approved Document B Volume 1 2019 Edition B5 section 13. This is to be measured along the hose lay route, not in a direct line or arc measurement. Any areas not within the 45 metre distance will need to be mitigated by the installation of

domestic sprinkler or water mist systems complying with BS9251 or BS8458 standard.”

**[Note: The applicant has provided a plan to demonstrate compliance with the 45 metre requirement].**

**Adur & Worthing Councils:**

The **Operational Waste Services Officer** comments that,

*“Having viewed the application from a waste services point of view, the current designed bin store is inadequate in size.*

*For the 79 flats planned there is a need to provide a total of 9 x 1100 litre refuse bins in addition to 9 x 1100 litre recycling bins. The latter being open to house additional recycling bins should the need arise.*

*It is my recommendation that the plans and design of the build are subject to the bin storage provisions being reworked in order to provide a larger store to house a total of 18+ 1100 litre bins.*

*Another recommendation would be to have multiple bin storage areas to share bins across the entire building.*

*As it currently stands it is my recommendation to reject the current set of plans under this planning application.”*

**[Note: the applicant has amended the scheme to provide the larger bins and provided details of bin rotation for all waste disposal].**

**Environmental Health Private Sector Housing** comment that,

*“Please could the following informative be placed on any planning permission that may be granted.*

*The Private Sector Housing team of Adur & Worthing Councils have identified that some aspects of the development may result in hazards that require action under the Housing Act 2004. Typical hazards can include ‘inner’ rooms (where the only means of escape in the case of fire is through another risk room i.e. bedroom, living room, kitchen, etc.) or where there are inadequate windows or outlook from habitable rooms.*

*In this case, the vast majority of the proposed flats (and especially the one-bed units) have an incredibly poor layout, with bedrooms only accessed through high risk kitchen areas and so creating inner rooms.*

*A number of the flats have designated rooms as ‘study’, which are still habitable rooms, and have no natural light or ventilation and are inner rooms.*

*Compliance with Building Regulations will not necessarily address the hazards identified and you should contact the Private Sector Housing team to confirm that the layout of the property is acceptable prior to commencing the development in order to avoid the need for any formal intervention or the requirement of retrospective works.*

*For the current layout, enforcement action would be indicated under the Housing Act 2004.”*

**The applicant has responded to these concerns and indicated that they would comply with BS 9991 and all flats would have sprinkler systems installed.**

In response the Private Sector Housing teams comments that,

*‘BS 9991:2015 states that for open plan flats (which is how these are marketed) with floor areas greater than 8 x 4 m (32 sq.m), kitchens must be enclosed - none of the kitchens are enclosed. I have found that developers are mix-and-matching elements of different British Standards, but they do not work this way - if you are relying on compliance with a BS to address fire safety, it must address all of the requirements. Having looked at the floor layouts, I am really concerned about how badly designed they are and do not believe that the problems can be engineered out with sprinklers.’*

**Environment Agency:** *no response received.*

**Southern Water** comments that,

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

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

*[southernwater.co.uk/developing-building/connection-charging-arrangements](http://southernwater.co.uk/developing-building/connection-charging-arrangements)*

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

- *Reuse*
- *Infiltration*
- *Watercourse*
- *Storm Sewer*
- *Combined Sewer*

*Guidance on Building Regulations is here:*

*[gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h](http://gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h)*

*Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors. We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.*

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

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

*To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk) and please read our New Connections Charging Arrangements documents which are available to read on our website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](http://southernwater.co.uk/developing-building/connection-charging-arrangements)"*

The **Emergency Planning Officer** comments that,

*"The area covered by the planning application is subject to a multi agency flood response plan which sets out the activation, roles and responsibilities for responders to a flooding incident. Occupiers in buildings must ensure that they have a suitable and sufficient response flood plan in place and where relevant, consider business continuity arrangements in the event of a flood. Any flood warnings are delivered by the Environment Agency and the occupier is recommended to remain opted into receiving flood warnings. Adur and Worthing Councils do not supply sandbags for flood protection to businesses as priority is given to vulnerable residents and to protect critical infrastructure where resources permit. It will be the responsibility of the occupier to put in place protective measures and as the point of design consider flood resilient measures to mitigate the effect of flooding to the property."*

**The Worthing Society** comments that,

*"Thank you for the opportunity of commenting on the above application which I have discussed with our Planning Consultant and our Heritage Team. We are broadly supportive of the plans to regenerate the former Debenhams department store which is a landmark building in the South Street Conservation Area (CA). We also welcome the fact that this will be a mixed-use development combining some retail outlets together with residential accommodation. This concept should help to revitalise the High Street and stimulate the town centre economy. Our high streets play a vital role in preserving local heritage and character.*

*Representatives from the Worthing Society were invited to visit the building at the pre-application stage and submitted a positive 'Advisory Statement' to the Case*

*Officer with our initial observations. Our Heritage Team has noted that the Applicant has included our suggestions highlighted in this earlier Advisory Report, in particular the removal of the block element on the north facing elevation which formed the original lift shaft. We also welcome the fact that the design has retained the original 'Art Deco' character of this distinctive building and this includes the retention of the unique glass dome element, which will be refurbished and preserved. It is, in our view, desirable to ensure a uniform white render and black fenestration throughout the whole building, including the additional extensions. This colour palette will protect the building's Art Deco character. Furthermore, this building could be said to have 'group value' with the proximate Pier Pavilion and Lido which show a 'layer' of Art Deco design important to Worthing's development.*

*Although our main concerns relate to the effect of the design on the townscape and conservation area which are, in our view, satisfactory, we do have two further observations on the submitted plans. These relate to technical issues which are somewhat outside our remit. Nevertheless, we consider they may require further consideration at the Consultation stage. In particular, we have noted the comments regarding the residential accommodation from the Private Sector Housing Team for Adur and Worthing who state:-*

- a) "In this case, the vast majority of the proposed flats (and especially the one-bed units) have an incredibly poor layout, with bedrooms only accessed through high risk kitchen areas and so creating inner rooms".*
- b) Secondly, we have noted the concerns of some residents of Grade II Listed Bedford Row. These properties are situated to the east of the development site. Due to the configuration of these listed buildings, several residents have living rooms at basement level so their daylight is already compromised. Some have reported there will be an additional loss of valuable light due to the increased height of the former Debenhams building.*

*In conclusion, however, we consider that the scheme is generally well conceived and hopefully the points we have made can be suitably addressed. The regeneration of this landmark Art Deco building will enhance the Conservation Area and the residential accommodation will contribute to revitalising the local economy of the town centre."*

## **Representations**

10 letters of objection received including one letter sent on behalf of 11 residents, raising the following concerns.

### *Principle of development.*

- Lack of comprehensive area strategy for redevelopment of this part of Worthing, including the bus station, and lack of consideration given to regeneration of other sites.
- Part of site oversailing Iceland car park should not be regarded as available development land.

- Concern about the loss of commercial space with the replacement commercial space being unuseable due to its small size. It is considered that this would not provide employment and also has poor natural light/ventillation.
- Concerns about the viability of the development - suggestion that a lower density scheme could be more viable.
- Concern about build to rent tenure and possibility of future neglect regarding development.
- Concern that the density of development is excessive given the number of residential units being proposed. It will represent overdevelopment, particularly when considered in combination with other proposals coming forward in the surrounding area.

#### *Conservation and Design*

- Concern that the building is of excessive height and would be too large when considered in relation to the surrounding area, particularly the narrow roads to the rear of the site.
- Concern about harm to the Conservation Area through additional noise and traffic congestion being generated by the additional housing, in addition to perceived overcrowding arising from the development
- Concern about impact on setting of Grade II listed buildings on Bedford Row

#### *Residential Amenity (existing residents)*

- Concern about loss of amenity to nearby residential properties, including Marine Place, Seaspray, those on Bedford Row and Worthing House, and those on South Street. This includes, overlooking/loss of privacy, sense of enclosure, and loss of light. Concern that technical assessments provided by the applicant in relation to this issue are insufficient.
- Opaque glass and louvered panels are insufficient to address residential amenity issues through overlooking to the rear of the site.
- Loss of light to Worthing House and other existing nearby residential properties, including those on Bedford Row.
- noise in a) construction phase; b) through life of development and c) wind noise arising from additional built form.
- Loss of privacy to both existing windows of residential properties and external amenity space, including roof garden in association with the property known as "Seaspray".

#### *Amenity (future residents)*

- Concern that the building would be overcrowded.
- Concern about the layout of the units and the living conditions they will provide, and their lack of compliance with Nationally Described Space Standards.
- Concern that the future building users will not be able to enjoy 'safe and quiet occupation'.
- Poor unit layout, some units are long and narrow, some one bedroom flats are only 39 sqm.
- Concern that occupation will be higher than Nationally Described Space Standards

- Concern about proximity of habitable rooms to communal stairwells.
- Home working space has no natural light or ventilation.
- Does not comply with M41 building regulation standards or M42, so cannot comply with policy DM1.

#### Building safety concerns

- Rooms with no windows could be used as bedrooms for small children or babies - an unsafe arrangement.
- Concern about fire safety.
- Concern that Children may be housed in the development which is seen as unsuitable for this purpose.

#### Accessibility

- Concern that the proposal is not compliant with M4(2) accessibility rules, due to reliance on stepped access and the condition of the surfaces around the site.

#### Affordable housing

- Concern about the lack of affordable housing being provided within the development.

#### *Highways and Parking Pressure*

- Concern about impact of proposal on highway safety.
- Concern about parking pressure arising from the development.
- Proposals will detract from, not add to, the access on Marine Parade.
- No parking or EV charging facilities in contravention of County Council guidance 'parking for new developments' (2020)
- Insufficient public transport for zero parking development.
- Insufficient information about car club provision as relied on in Transport Assessment.
- Concern about the impact of waste storage arrangements along Marine Place.

#### Other Issues

- Concern about the accuracy of the plans.
- Concern about construction logistics - particularly noise from construction logistics and how this will impact on residents of west facing flats on Bedford Row, also impact on parking and general access arrangements for residents of Seaspray in the construction phase. Impact of scaffolding blocking the road, affecting loading and deliveries.
- Concerns about accessibility to the development.
- Concerns about lack of consultation at the pre app phase, particularly given the site area has increased.
- Lack of public consultation on other projects in the surrounding area.
- concerns about wind noise, particularly along Marine Row.



- concern about arrangements for loading in the development, emergency access, reliance on cycling and lack of disabled parking.
- Lack of structural survey demonstrating that development is structurally viable, particularly in relation to the Iceland building.
- Concern about relationship between proposal and existing uses, including an existing hostel on Marine Place.
- Need for a coherent waste management strategy for Marine Place.
- concern about security and residential amenity issues to 'seaspray' arising from proposed fire escape arrangements.
- Loss of views
- Concerns about consultation taking place over Christmas with limited time to make comments.
- Concern about noise in the early morning, when deliveries are most intense.
- Application does not take full account of the interrelationship with Seaspray, including the shared use of the Iceland Car park.

10 Letters of support received, raising the following issues:

- Proposal will assist with the regeneration of the town centre by bringing people into the area, representing a sustainable form of development that supports local businesses.
- Proposal will represent an improvement over the existing situation where building is unused and detracts from the centre.
- Concern about what will happen if the proposal does not go ahead - creates an opportunity to keep the building which is a prominent feature in the Conservation Area.
- Design is appropriate and retail units have the potential to complement the town centre.
- Support for additional housing, particularly given the context of current demand and under supply.

### ***Amended Plans consultation***

Two additional letters of objection:

- Amenity concerns relating to overlooking, loss of light, increased vehicle movements and highway safety have not been addressed.
- continued concern about deliveries by online retailers, supermarkets and takeaways in a narrow one way street.
- continued concern about lack of affordable housing.

A response received on behalf of Seaspray residents suggests the relocation of the fire escape at first floor level which would have the benefit of increasing the size of one of the flats and would avoid impacting on the existing Seaspray fire escape. *(This suggestion has been passed to the applicant to consider).*

One further letter of support has been received commenting that,

- *I am all for the town of Worthing and the regeneration of it. In order for a town to thrive, it needs people. In-town development encourages people to live*

*more local, but also invites visitors of those living in the town, to the area creating more revenue. Overall I think this will be a great project and be great for the town.*

## **Relevant Planning Policies and Guidance**

Worthing Local Plan 2023

SP1 - Presumption in favour of sustainable development

SP2 - Climate change

SP3 - Healthy communities

SS1 - Spatial strategy

SS3 - Town Centre

DM1 - Housing mix

DM2 - Density

DM3 - Affordable housing

DM5 - Quality of the built environment

DM6 - Public realm

DM7 - Open space, recreation & leisure

DM8 - Planning for sustainable communities / community facilities

DM10 - Economic Growth and Skills

DM12 - The visitor economy

DM13 - Retail and town centre uses

DM15 - Sustainable transport and active travel

DM16 - Sustainable design

DM17 - Energy

DM18 - Biodiversity

DM19 - Green infrastructure

DM21 - Water quality and sustainable water use

DM22 - Pollution

DM23 - Strategic Approach to the historic environment

DM24 - The Historic Environment

Supplementary Planning Guidance and Documents

Supplementary Planning Document 'Space Standards' (WBC 2012)

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)

'Infrastructure Delivery Plan' (WBC 2010)

Worthing Open Space Strategy and Off Site Calculator

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant

conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area. Section 66 of the same Act requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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 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***

Policy SS1 of the Adopted Local plan requires high quality development that provides for the needs of local communities. It states that development will be permitted within the built up area boundary, subject to compliance with other policies in the Local Plan. Development should make efficient use of previously developed land but the density of development should be appropriate for its proposed use and also relate well to the surrounding uses and the character of the area. Policy SS3 deals with development in Worthing Town Centre, seeking to direct retail leisure and office use to the Town Centre, improving and increasing the mix of uses in the Town Centre, particularly retail, employment and residential uses through making efficient use of existing sites. Policy DM13 requires the Council to support the vitality and viability of Worthing's town centres, with changes of use and redevelopments within town centres being carefully controlled to ensure that they support the successful functioning of the centres and their ability to meet local needs.

The decline of department stores nationally is well documented due to changing consumer behaviour. This has led to a diversification of town centres away from very large, multiple storey retail units. Members will recall that a similar situation has arisen at Beales albeit this has provided a more mixed use solution with a larger proportion of leisure commercial use at first floor level but nevertheless a considerable number of flats within the existing building and approval for additional floors to provide further apartments (see planning history section of the report).

The current proposal retains commercial space at ground floor level with associated ancillary space at first and second floor level. This space would occupy a large floor plate at ground level with a frontage on to the main shopping road so would clearly represent a viable and useable space for a wide range of potential future occupants, helping to bring this attractive building back to life at ground floor level. In this

respect the proposal is consistent with the Adopted Plan and will ensure that an active commercial frontage contributes to the vitality of the retail centre.

The significant quantum of residential accommodation being provided as part of the scheme would help diversify and regenerate the town centre, in accordance with policy SS1, SS3 and DM13 of the Adopted Local Plan. The intended 'build to rent' model is a well established method of providing housing, providing high quality purpose built accommodation in a highly sustainable location for the private rented sector.

Whilst concerns have been raised about building density and the overall number of units being provided, it is considered that the site is amongst the most suitable in Worthing for intensive development; being extremely well located in relation to shops, services and public transport links. Being adjacent to the seafront it would also be a highly desirable place to live. The constrained location, together with current build costs and the need to retain the existing facade, means that the viability of the development as submitted is marginal, as demonstrated in the supporting documentation.

Overall, the proposal would provide a good use of a vacant and underutilised site. The increase in residential occupancy of this area would provide well needed housing, and would complement the aims and aspirations for Worthing Town Centre as set out in the Local Plan, as well as other proposals coming forward for similar development, including at the Montagu Centre. It is therefore considered that the development accords with the strategic policy aims of the adopted local plan insofar as they relate to development in Worthing Town Centre, and the proposal is acceptable in principle.

### ***Sustainability***

Policy SP2 of the Local Plan requires development to reduce the amount of energy used in construction and operation of buildings and improve energy efficiency, including retrofitting existing properties, to contribute to achieving zero carbon emissions, also to prioritise active travel such as walking, cycling and public transport to reduce reliance on the private car and facilitate car free lifestyles.

Policy DM16 requires that all new build housing will achieve a minimum 20% CO<sub>2</sub> reduction compared to the Building Regulations Part L 2013 standard through energy efficiency measures, unless superseded by national policy or Building Regulations. Developers will be expected to provide evidence of the level of carbon reduction achieved in the dwellings through submission of SAP calculation reports at the design and built stages.

The application is accompanied by an energy and sustainability statement. This demonstrates that the building will have a thermally efficient building fabric reducing envelope u-values significantly below what is required under Part L 2021 compliance. It is also proposed that heating will be delivered through a communal energy centre, utilising air source heat pumps. It also identifies the possibility of installing Photovoltaic panels on the flat roofed parts of the scheme. The combined

effect of the measures would result in annual CO2 emissions for the new build areas of 69.4% below the established Part L 2013 baseline.

The sustainability strategy included with the application draws attention, amongst other things, to the partial retention and reuse of the existing building thus being preferable to demolition and rebuild in terms of embodied carbon. The location of the development in a town centre, within walking distance to most necessary shops, services, facilities and public transport links further enhances the sustainability credentials of the proposed development.

Members will be aware that the Council is pursuing the implementation of a District Heat Network for Worthing Town Centre. The energy hub would be located in the High Street close to the site and it would be appropriate to include a requirement for a future connection once the network is in place. This would be in line with policies in the adopted Local Plan. The applicant has been requested to consider what implications there might be for any future connection and to discuss the matter with the nominated Operator.

Overall the proposal is considered to represent a highly sustainable form of development, achieving and exceeding the relevant local plan policy requirements, in this respect. This is a consideration that weighs in favour of granting approval for the proposed development.

#### ***Visual Amenity/Design, including Heritage.***

Policy DM5 of the adopted Local Plan requires that all new development should be of a high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area. Policy DM2 of the Local Plan supports higher densities, in excess of 100 dwellings per hectare in mixed use developments, flatted developments and developments located in the town centre and in areas close to public transport interchanges and services.

Policy DM23 of the Local Plan requires the Council to conserve and enhance the historic environment and character of Worthing, which includes historic areas, buildings, features, archaeological assets and their settings, important views and relationships between settlements and landscapes/seascapes. Policy DM24 of the Local Plan states that Development should not adversely affect heritage assets or its setting (including important views that contribute to its setting).

The pre-application discussions with the applicant explored the scope for 4 additional floors on the building. However, this was considered unacceptable to your Officers on the basis that the building would be unduly prominent in the streetscene and overly dominant on the historic scale of development in the Conservation Area. The building when viewed from the north is already a large structure and its rather austere blank north elevation does little to contribute to the appearance of the Conservation Area.

The proposal would restore and adapt the existing art deco facade, which is currently in a deteriorated state. The proposal would involve very little change to the pattern of window openings and fenestration but would bring the windows back into use,

representing a significant improvement to the main frontage of the building, along South Street and enhancing the South Street Conservation Area, in this respect.

The additional height associated with the building, when visible from the main South Street Frontage, would be heavily recessed and would not detract from the overall appearance of the building or the prominence of its retained facade. The existing building already has elements of a fifth floor with circulation and lift overruns. When viewed from the north of the site this elevation would be enlivened with new fenestration and the top (sixth) floor would be set back a considerable distance from the front facade.



**Figure I. View of proposed frontage of the building.**

Considering the area to the rear, Marine Place currently acts as a service road, with delivery areas associated with the building and other surrounding commercial buildings. At present, many of the windows associated with the host building are boarded up, detracting from the appearance of the building and presenting an incongruous arrangement that detracts from the character and appearance of the Conservation Area. The proposal would create a more active frontage at this level above ground floor level, with large picture windows and balconies facing onto the road, providing natural surveillance, reducing the risk of anti-social behaviour. Whilst concerns about the narrow width of the pavement and limited window to window distances are noted, this is an existing characteristic of this area which has prevailed for many years, and is not regarded as a reasonable constraint to the type of development proposed.

The Planning Committee's recent decision to grant planning permission opposite the site in Marine Place will, together with this scheme (if permitted) significantly change the character of this road from an essential service road to a mixed residential street.

Given this change in character a further environmental enhancement could be secured if the road was turned into more of a shared use road to encourage lower speeds and a cobbled street approach could enhance the Conservation Area. This would have to be funded through CIL funds but could be a future public realm enhancement project for the Council and WSCC to consider.

In other respects, the broad design of the retained and new parts of the building follows the preserved Art Deco form found on the South Street elevation. This reconstructed facade would enhance the character and appearance of the South Street Conservation Area.



***Figure II - view of the proposed rear of the building, to Marine Place***

The Heritage statement submitted with the planning application identified four groups of listed buildings in close proximity to the site where the development could potentially impact on their significance. These are:

- Bedford Hall - A grade II listed building dating back to 1839, evidenced by its Greek Revival styling and distinctive window detailing, originating as a Wesleyan Chapel by architect Charles Hide.
- 8-14 Bedford Row - A group of grade II listed buildings dating back to the 19th Century of Regency Styling evidenced by bow fronts that are largely stuccoed, being high status dwellings.
- 3-6 Bedford Row - A group of grade II listed buildings dating back to the 19th Century of Regency Styling with cornicing and round-arched doorways, being high status dwellings.
- Bedford Cottage - A grade II listed structure comprising coursed rubble stone with yellow and red brick dressings and a Welsh slate roof, considered to be evidence of more vernacular, lower status approaches to development in the early 19th Century.

These buildings largely are located to the east of the site on Bedford Row, with other existing buildings located in the intervening space. In each case, the recessed nature of the additional bulk, in combination with the significant separation distance means that there would be no harm to the setting of any of these designated heritage assets, or any other listed buildings in the wider surrounding area.

Regarding the objections on heritage grounds relating to noise, it is considered in response that any increase in noise and activity would be entirely consistent with what is reasonably expected to take place in a longstanding town centre location such as this and consequently there would be no harm to the Conservation Area or the setting of listed buildings.

The new building would stand in close proximity to other unlisted buildings. However, the relationships with these buildings, including Worthing House and Seaspray, is considered to be typical of densely built up town centre development. In all cases there would be sufficient visual separation between the new buildings and any existing facades with active frontages.

The increased height of the building would make the overall structure more dominant on its neighbours and the wider townscape. To the south and north there are listed buildings and the impact on the setting of these buildings is also assessed in the Heritage Statement supporting the planning application. Given the greater scale of what is already quite a dominant art deco structure, it could be considered that the proposed development would have some adverse impact on heritage assets and the Conservation Area. However, the Heritage Statement considers that the impact is negative and is balanced by the positive improvement to the current appearance of the building. Certainly as indicated previously the north elevation of the building whilst of a greater mass will have greater articulation and interest. Similarly the view of the existing roof structure from the seafront is unattractive with the various guard rails and service elements of the building visible. The additional height would not be apparent from street level to the east of the Dome Cinema and therefore would not affect the skyline around this important listed building on the seafront.

Overall it is considered that the design of the proposed development is appropriate given the immediate and wider context. It complies with the relevant Local Plan policies concerning density of development, character and appearance, design and the impact of new development on heritage assets.

### ***Housing Mix***

Policy DM1 of the Local Plan requires that, in order to deliver sustainable, mixed and balanced communities, the Council will expect all applications for new housing to consider the most up-to-date evidence of housing needs and demands to help determine the most appropriate housing mix based on the character and location of the individual site.

The proposal is characterised by 1 and 2 bed units and therefore provides limited scope for family sized accommodation. Given that this is a flatted development on a highly constrained town centre site with limited opportunities to provide playspace or



other forms of amenity space within the development, this arrangement is considered exceptionally to be on balance acceptable. As such there is no significant conflict with policy DM1 of the Local Plan, in this respect.

### ***Affordable housing***

Policy DM3 of the Local Plan states that new residential development on previously developed land involving the development of 10 or more flats will lead to a requirement for 20% affordable housing. However, where a developer states that exceptional development costs mean it is not possible to meet the full requirements for the delivery of affordable housing the onus will be on them to demonstrate this to the Council and this must be supported by robust financial viability evidence (through an open book approach).

A viability assessment was submitted by the applicant which demonstrates that the proposal is considered to be 'non-viable' even with no affordable housing. Nevertheless, the applicant has offered £150,000 towards s106 development contributions. The applicant is content for the Council to agree how best to use these funds to deliver off site affordable housing, open space or public realm enhancements.

The Council has appointed the Dixon Searle Partnership (DSP) to review the viability assessment and whilst its final report is awaited the Consultants have issued an interim statement which supports the applicants overall view of viability:

The submitted build costs are above average but these have been reviewed by ERM surveyors whose cost estimate is very similar to the applicant's.

*'I haven't done detailed analysis on the values yet, but having just reviewed the Montague Centre development which is nearby, the values submitted for Debenhams look to be as expected taking into account the differences between the schemes and assuming a reasonably high spec consistent with the higher build costs.*

*The main query is with the BLV which is potentially overestimated and needs some discussion here because I'm not sure what the demand really is for a whole department store of space in the current climate. And the profit assumption which is at the upper end of the range. But even applying a lower profit assumption and reducing the BLV from £2.8 million to £2 million based on lower rents or on only part of the building being let only gets the viability to roughly break-even with nil AH.*

*So I think they're probably right that it is not viable even as 100% market housing. If our appraisal does end up showing any scope it is likely to be a fairly small surplus.'*

Given the above it is considered that the development cannot deliver on-site affordable housing or provide a significant contribution towards the provision of off-site affordable housing. The applicant has offered £150,000 as a development contribution and in light of the affordable housing need in the Borough it is considered that the majority of this contribution should go towards off site provision. Your Officers consider that £120,000 should go to affordable housing and the



recommendations of the BRE in relation to sunlight are bedrooms, which are typically less used in the daytime. This still leaves 10 rooms below the normal standards.

### *Size and Internal Layout (and Fire Safety)*

Policy DM2 of the Local Plan states that new dwellings across all tenures will be expected to meet as a minimum, the nationally described space standards (or any subsequent Government update) for internal floor areas and storage space. The Local Plan policy states that these standards will apply to all open market dwellings and affordable housing, including those created through subdivision and conversion.

All the flats comply with the Governments Nationally Described Space Standards exceeding the minimum 37 square metres. However, a number of the one bed apartments do not meet the higher Worthing Space Standards of 51 sqm. Nevertheless, as argued by the applicant all apartments would exceed the minimum studio space set out in the Worthing Space Standards and it would be preferable to have a separate bedroom area from living space. In addition, the overall development does provide additional communal space for residents with the provision of designated lockers, a home working suite, sky lounge and roof garden (shown below). Objection letters have referred to the fact that the level of occupancy of the proposed flats may exceed the number allowed for within the Nationally Described Space Standards. However, this is a risk with any development and it is not considered that a planning condition restricting occupancy would be reasonable as enforcing such a condition would be impractical.

There has been some disagreement between the applicant and the Private Sector Housing team about the acceptability of the accommodation provided in particular in relation to what are described as 'inner rooms'. The applicant argues that the layout complies with BS 9991 (2015 version) with each apartment incorporating a sprinkler system alongside fire alarms and detection systems. In addition the cooking appliance would be located a minimum distance of 1.8 metres away from fire escape routes. The agent has also provided confirmation that all apartments would be within the 45 metre requirement set out by the Fire Brigade.

In response to this the Private Sector Housing team continues to raise concern about the adequacy of fire safety measures and the reliance on sprinkler systems (see consultation response). There is clearly some disagreement about the interpretation of the BS (British Standard) and the Councils Fire Safety and Building Control Manager has been asked to comment on the adequacy of the layout and Members will be updated at the meeting. The comments of the Health and Safety Executive are also awaited (as the building will exceed 18 metres in height with the additional floors). The Private Sector Housing team has asked that an informative be added to any permission advising that the layout may conflict with the requirements of the Housing Act.

Whilst, inner rooms are not ideal they are a reflection of the difficulties of converting this former department store as indicated previously. If confirmation is received from the relevant Fire Safety authorities that the layout is safe and meets relevant advice it is not considered that a refusal of planning permission could be justified. It should

be noted that the 2015 BS 9991 is due to be updated and the development would need to meet relevant building control and fire safety requirements at the point of conversion and this may require subsequent amendments to the layout.

### Outlook and Overlooking

A number of the proposed apartments have a fairly poor outlook particularly those that face Worthing House and 22 to 26 South Street. This reflects the fact that the existing windows in the upper floor of the former Department store (above Iceland car park) face directly onto adjoining properties in close proximity. This is not unusual in a tight town centre location, however, the redevelopment of Worthing House has compounded the situation by providing rear-facing living space very close to the former Department store with significant overlooking between facing windows. This is graphically illustrated in the photograph below (taken from within the application site).



**Figure IV - view of the rear of Worthing House**

The applicant has sought to address this issue by setting back the building (see Impact on Existing Residents below) but the addition of high privacy screens for the proposed balconies does provide a poor single aspect outlook for future residents.

### Private Amenity Space

The applicant has attempted wherever possible to provide balconies for residents but the nature of the conversion (and number of units created) means that a number would not have any access to outdoor space. However, the provision of a roof garden and residents 'sky' lounge are welcome additions and would provide some amenity space for future residents. The location of the premises very close to the Beach and large Parks does help offset the lack of outdoor space being provided.

### Noise and ventilation

A noise report was submitted with the planning application. This recommends a number of noise insulation and ventilation measures to provide a satisfactory living environment for future residents of the building. These can be secured by way of planning conditions.

### Open Space.

Policy DM7 of the Local Plan requires that schemes of 10+ dwellings will be required to provide open space on-site in accordance with the Council's adopted standards as set out in Tables 1, 2 and 3 (applying occupancy levels based on the size of dwellings proposed). Where provision is off-site, contributions will be sought to provide or improve open space off-site within the ward or nearby ward to which the development is located unless surplus provision exists locally.

The Council's Open Space and Recreation Strategy requires development contributions where outdoor amenity space cannot be provided. In this case the off site cost multiplier would normally require a contribution of £564,000 (excluding maintenance costs) towards various open space typologies (formal/informal open space and allotments). However, as stated previously the viability case has been demonstrated in this case and only a limited s106 development contribution can be secured. As the majority of this contribution should go towards affordable housing your Officers feel that £30,000 towards open space or public realm improvements in the vicinity of the site would be reasonable in the circumstances.

To conclude there are some challenging aspects to the proposal in terms of the quality of accommodation provided for future residents. However, it is important to understand the challenges of seeking to convert this building and some compromises are considered necessary. The alternative would be to consider a redevelopment of the site but the loss of the building would be regrettable in heritage terms and from a sustainability point of view a conversion has significant benefits. NPPF encourages higher density development and overall the provision of additional residents facilities including the sky lounge, storage and roof garden will ensure an appropriate quality of accommodation is provided in a highly sustainable location.

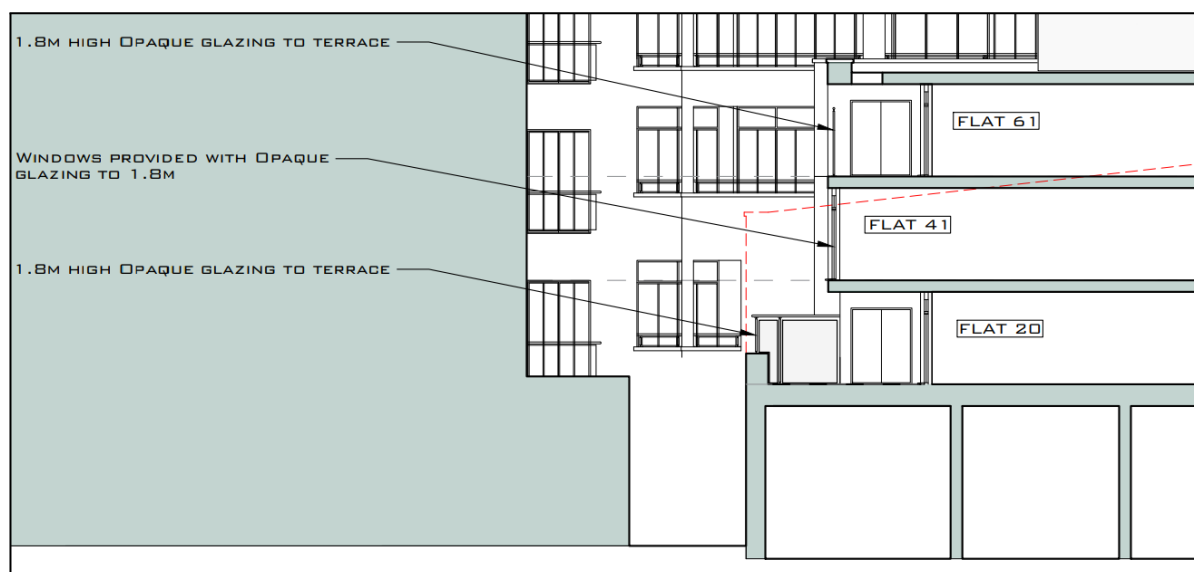
### ***Residential amenity (existing occupants)***

Policy DM5 of the Local Plan requires that development must not have an unacceptable impact on the occupiers of adjacent properties, particularly of residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook, an unacceptable increase in noise giving rise in significant adverse impacts

### Privacy and Outlook (overbearing impact)

The proposed conversion and additional floors will increase overlooking but not to an unacceptable degree. In terms of Worthing House the applicant has sought to avoid overlooking with obscure glazed windows and louvered windows facing west. Whilst the windows are only 7.4 metres away from the proposed development the applicant has also incorporated high obscure glazed screens to the first floor balcony areas.

The setting back of the existing building here would also improved the current outlook of flats in Worthing House as indicated in the cross section below:



**Figure V - Cross Section showing relationship with Worthing House**

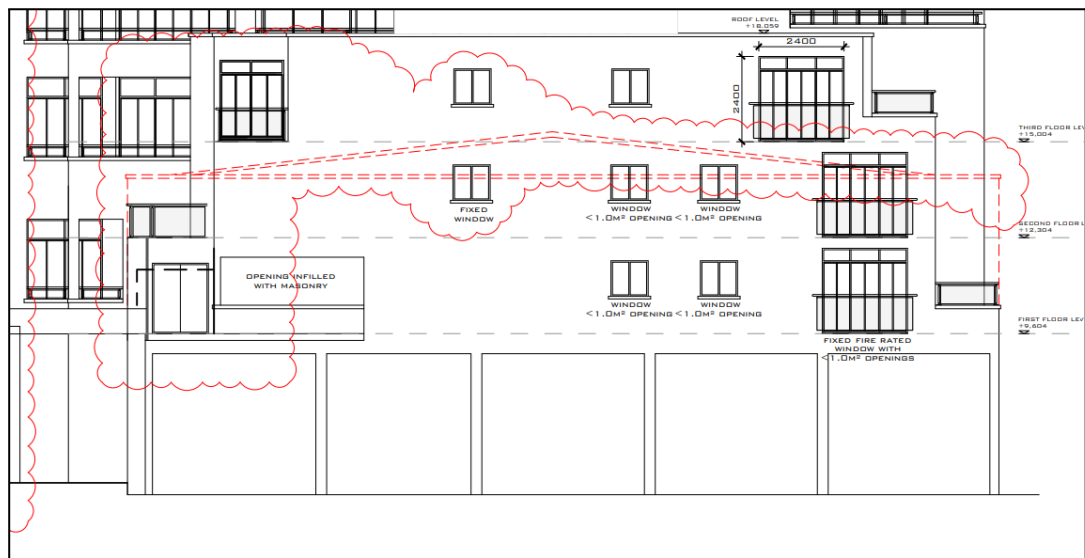
Members will recall when considering the development on the east side of Marine Place, the Committee was satisfied that the distance between that development and the existing windows in the former Department store (some 8 metres away) would be acceptable on the basis that both developments fronted a public road. The current applicant objected at the time but Members felt the relationship was acceptable in a town centre location. The proposed development will increase the scale of development onto Marine Place and the number of windows but it is not considered that any undue overlooking would result to properties on the east side of Marine Place.

In terms of Bedford Row these properties vary in distance but are located some 28 - 30 metres away. This exceeds the normal overlooking distances considered reasonable in an urban setting. The redevelopment of the site to the east of Marine Place would also restrict overlooking from the new development to the rear of Bedford Row.

Residents of Seaspray House have expressed a number of concerns about the development. In terms of overlooking there will be additional windows facing south in the main part of the development but these are some 50 metres away from the rear windows of Seaspray House. In terms of the additional floors above the Iceland Car Park there are various windows looking south but these either have obscure glazing and or privacy screens to the rear balconies which would avoid any undue overlooking.

The residents of Seaspray enjoy a terrace at first floor level but it is not considered that the proposed development would have any material impact on the enjoyment of this terrace. The proposed development is to the north of the terrace and is not significantly higher than the existing structure as indicated below. A small section of

the north elevation has been set back to create a small balcony area to further reduce any overbearing impact.

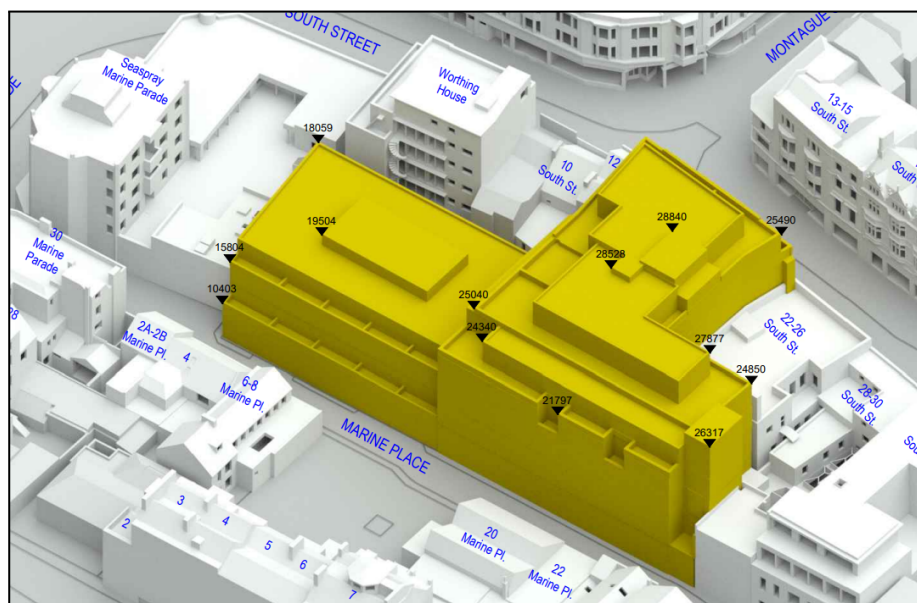


**Figure VI - North Elevation showing proposed windows and outline of existing building (edged red)**

### Daylight and Sunlight

A number of objections were received relating to concern about loss of amenity to nearby residential properties, including Marine Place, Seaspray, those on Bedford Row and Worthing House, and those on South Street.

A daylight and sunlight report assesses the impact of the proposal on daylight and sunlight conditions in surrounding properties. In relation to Sunlight, all the 129 rooms assessed adhere to the BRE guidelines for annual and winter sunlight.



**Figure VII - Extract from Daylight and Sunlight Report**

Regarding Daylight, of the total 295 windows assessed around the Site using the Vertical Sky Component (“VSC”) test, 272 (92%) adhere to the strict application of the BRE Guidelines. Of the total 194 rooms assessed around the site using the Daylight Distribution (“DD”) test, 171 (88%) adhere to the BRE guidelines.

The Daylight and Sunlight report concludes that where strict BRE compliance has not been possible, this occurs to an isolated number of neighbouring properties where there are mitigating factors that should be taken into account. The main departure from standard relates to Worthing House where the proximity and location of the habitable rooms within this adjoining development are such that the Daylight and Sunlight Consultants have undertaken a supplementary ‘mirror-massing’ assessment to establish whether the Proposed Development would match the height and extent of this key neighbouring development, in accordance with Appendix F of the BRE Guidelines. The subsequent testing demonstrates that the relationship between the buildings would be commensurate with regards to daylight amenity.

In addition to Worthing House, there are impacts on windows at 22 - 26 South Street facing into the narrow lightwell which means that any departure from the existing site building is likely to trigger disproportionate changes in percentage terms. Despite this, the results contained within the Daylight and Sunlight report show that any recorded alterations will represent small changes in absolute terms such that they are not likely to change the pattern of use and this conclusion is accepted by your Officers.

Overall, given the tight urban setting of the proposed development it is considered that the layout of the proposed development follows the BRE Guidelines and will not significantly reduce sunlight or daylight to existing surrounding properties. In this respect the supporting Daylight and Sunlight report does demonstrate that the majority of neighbouring properties fully adhering to the BRE Guidelines.

### Noise and wind

As a department store in a busy town centre the existing building is a source of noise. It is considered that the relative increase in the bulk and scale of the building, together with the addition of residential accommodation, would not be likely to lead to a material increase in noise. Furthermore the increase in the bulk of the building would not be to such a degree that it would result in material harm to the local environmental conditions through wind shear. The set back of upper floors helps to reduce any negative impacts.

Overall it is not considered that this development would have an adverse impact on the amenities of adjoining residents. Any adverse impacts in terms of overlooking have been addressed through building design/orientation or the addition of obscure glazing and/or screens where necessary to avoid undue overlooking of neighbouring properties. These matters can be dealt with by the imposition of appropriate planning conditions.



## ***Accessibility***

Policy DM1 of the Local Plan requires that housing developments should provide flexible, socially inclusive and adaptable accommodation to help meet the diverse needs of the community and the changing needs of occupants over time. The Council will expect all new build dwellings to meet the optional higher Building Regulations Standard M4(2) for Accessible and Adaptable dwellings unless it can be demonstrated that this would be impractical, unachievable or unviable.

The applicant advises that the majority of proposed units comply with M4(2) Buildings Regs, six units do not meet this standard but do comply with M4(1) Building Regs. Whilst every effort has been taken to meet M4(2) standard, the nature of conversion means that this is not possible with certain units. Given that this application relates to the conversion and extension of an existing heritage asset it is considered that the development is acceptable notwithstanding that not all units meet the accessibility requirement (albeit this relates to new build).

Many of the objectors have referred to the poor condition and width of the Marine Place. This is due to be improved as part of the development proposal on the east side of Marine Place and your Officers have indicated previously to the Highway Authority the scope to improve Marine Place given the number of residential developments happening along this narrow service road.

## ***Highway Safety, Travel and and parking***

Policy DM15 of the Local Plan states that Worthing Borough Council will promote and support development that prioritises active travel by walking, cycling, Non-Motorised User routes and public transport, and reduces the proportion of journeys made by car. This will help to achieve a rebalancing of transport in favour of sustainable modes.

The Transport statement states that the development is to be car-free, with the existing car parking spaces within the development site being retained for use by Iceland. It concludes that shifts in vehicle ownership patterns mean that any car use associated with the development will be limited and insignificant. The site is well located in relation to services in the town centre and public transport links which mean that car ownership is not necessary. The experience in similar flatted developments in central locations is that the difficulties in owning a private vehicle in a location such as this would be likely in practice to deter future occupation of the development by car users.

The applicant has amended the submitted Travel Plan in line with suggestions from WSCC. The applicant has agreed for each resident to be provided with a £150 Travel Voucher to be used for season tickets for bus or rail, drive time for a car club and or purchase of a bike.

The transport plan also includes a commitment to explore the introduction of a car club in close proximity to the site, to provide an alternative to ownership for car users within the development. It would be important to pursue this either seeking an additional car club space at the High Street multi-storey car park or providing an on

street space close to the site which would also benefit other town centre residents. The Travel Plan suggests providing Car Club Membership for one year but to be consistent with other schemes it is considered that two year Membership should be offered to new residents.

50 cycle parking spaces would be provided for the residential element of the development, together with an e-bike charging system; and 8 spaces for the commercial element. This would provide cycle parking in accordance with local standards.

The applicant has responded with further information to address the concerns of the Highway Authority. Regarding cycle parking the WSCC standard would require 40 stands but 50 are provided in a double height racking system (similar to the store at Worthing Station). In addition 8 spaces are provided for the retail element of the scheme. In addition the applicant has provided information on trip rates to the site which indicates that development would generate 10 two way morning movements and 17 in the evening which is significantly less than the recognised 30 movements considered to have an impact on the highway network and this takes no account of any comparison with trips with any alternative commercial/retail use of the floorspace. The Highway Authority has indicated that it will provide a further response in time for the Planning Committee.

Waste Storage and servicing to both the residential and commercial elements would take place from the rear of the site, along Marine Place. The applicant has confirmed in the revised plans that 18 x 1100 litre bins would be provided, addressing the comments made by the Waste Officer. Details of management of the servicing and waste disposal operation can be covered in a Management Plan.

When considered against the existing position, given the historic scale of the Debenhams operation, it is considered that servicing and deliveries would be of a scale that has a limited impact on the highway network.

Overall the proposal is considered to be acceptable in terms of its impact on highway safety, travel and parking. The proposal is considered to accord with policy DM15 of the Local Plan.

### ***Flood Risk***

Policy DM20 of the adopted Local Plan deals with flood risk and sustainable drainage. It states that the Council will work with relevant bodies to ensure that flood risk in Worthing is managed and reduced. A Flood Risk Assessment (FRA) must be submitted for all new development (including minor development and change of use) in Flood Zones 2 and 3.

The site is predominantly located in Flood Zone 3, associated with tidal flooding. A FRA was provided with the application which states that, as a sequential approach has been adopted at the site, all residential dwellings are located at the first floor and above, which is above the maximum predicted flood level during a tidal flood event. The site also holds one record of sewer flooding and has basement levels within

groundwater depths. This is not located at the change of use/extension. No other flood risks were identified.

The development will not result in alterations to the building footprint or drainage system and there will be no off-site increase in flood risk as a result of the proposed works. However green roofs and water harvesting features are recommended to be incorporated in the development which will achieve a betterment to the existing discharge rate.

The FRA concludes that the development meets the Sequential and Exception Tests imposed under the NPPF, and that the development would be safe, without increasing flood risk elsewhere. This is accepted given that the development does not increase the footprint of the development. However, as the site is in a flood risk area the Emergency Planning Officer has recommended an informative to ensure that the applicant signs up to the Flood Response Plan so that residents are warned of any overtopping event and flood protective measures are put in place for ground floor areas.

### ***Air Quality***

An Air Quality Impact Assessment was provided in support of the planning application. This states that during the construction phase of the development there is the potential for air quality impacts. However, assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by demolition, earthworks, construction and trackout was predicted to be not significant. Traffic movements associated with the development were concluded to be not significant, and future occupants would not be likely to be exposed to harmful levels of pollution. The report concludes that air quality factors should not be considered to be a constraint to planning permission for the development. This conclusion is accepted and a Construction Management Plan condition can ensure appropriate mitigation measures are implemented during construction.

### ***Contaminated land***

The proposals involve the reuse of an existing building on an existing built footprint. The applicant states that the land is not known to be contaminated.

### ***Ecology and biodiversity***

The proposal involves the reuse of an existing building on a built footprint. Works including the potential green roof have the potential to enhance ecology and biodiversity. There is some limited biodiversity net gain but it is accepted that any significant improvement is very difficult given the 100% site coverage of the existing building.

## ***Other issues***

The submitted plans are considered to be accurate such that a determination can be made. Concerns about construction logistics can be dealt with by way of a Construction Management Plan submitted in response to a planning condition.

The consultation carried out on the proposal meets the legal requirements necessary prior to any determination. Wider public consultation, including at pre app phase, is discretionary on the part of the applicant. In this case there was public consultation detailed in the submitted statement of community involvement, but this did not include the proposals above Iceland Car Park. The applicant states that this was because the additional site had not been secured at that point.

Matters relating to the retained structure of the building will need to be considered as part of the building control approval process.

The impact of the proposal on Marine Place has been assessed and found to be acceptable, including issues relating to waste management. Any deliveries associated with the development in its operational phase will be consistent with the prevailing character of this road as a servicing area.

The impact of the proposal on outlook has been considered in this report. The impact on perceived loss of views would not comprise a material planning consideration of sufficient weight to justify the refusal of planning permission.

Residents of Seaspray House consider that the proposed use of the fire escape between the site and their raised terrace would have an adverse impact on their amenities and that the applicant does not have the legal right to access this fire escape. The residents have suggested an alternative arrangement which would lead into the Iceland Car Park below. The agent has commented on this matter and states that,

*"We have reviewed this option and discussed with the Fire Consultant and architects, however the applicant has advised that this option is not feasible as they do not own the ground floor of the car park.*

*The client owns a 999 year lease of the first floor and above, and within that lease are the rights to use the existing fire exit and staircase.*

*In order to provide an alternative fire escape this would involve approaching the freeholder, and even if they agreed there is a seven-year lease remaining with Iceland on the store and car park and they would have to agree also. Ultimately, the client has advised that this option is not realistic or financially viable to go back and renegotiate the lease.'*

## ***Conclusion***

The proposal would provide a good use of a vacant and underutilised site. The provision of refurbished commercial floorspace and a significant number of flats in this highly sustainable location would assist the vitality and vibrancy of the town centre. There are challenges with converting this large retail floorspace and in places

this has compromised internal layouts. In addition, the viability of the project means that it is unable to deliver the on-site affordable housing normally required for a development of this scale. However, overall the scheme provides for a good quality of accommodation with additional residents' communal areas helping to enhance the overall offer to future residents. It is therefore considered that the development accords with the strategic policy aims of the adopted Local Plan insofar as they relate to development in Worthing town centre, and the proposal is considered acceptable.

The table below sets out the various matters to be covered in a planning obligation including contributions towards off site provision of affordable housing and open space/public realm enhancements.

Issue	Obligation
<b>Affordable Housing</b>	Contribution of £120,000 towards off-site provision
	Future Review Mechanism to be funded by developer
<b>Transport</b>	Travel Plan voucher of £150 per flat to be used on public transport season ticket, bike purchase or drive time vouchers for car club. Two year Membership of Car Club for all residents. Implementation and Monitoring of Travel Plan with auditing / monitoring payment (£1,500) to WSCC.
<b>Open Space</b>	Contribution of £30,000 towards off site open space/public realm improvements.
<b>District Heating Connection</b>	Liaison with Local Authority to achieve connection in event of future district heating scheme. Provide routes, space and system for connection.
<b>Site Management</b>	To include: Car Parking and Access Areas; Surface water Drainage; Amenity Spaces; Green Roof; Plant and Noise Insulation; Monitoring of Travel Plan. Building Maintenance Plan - maintaining the existing and extended parts of the building and associated land.

### Recommendation

**To APPROVE** - subject to the satisfactory comments from the Highway Authority and HSE and completion of a s106 planning obligation to secure the development contribution.

### Subject to Conditions:-

1. Development in accordance with the approved Plans...
2. Development in 3 years.

3. Use Restriction Class E.
4. Detailed drawings, including sections, of windows to be submitted.
5. Specification of Materials.
6. Detailed design of certain elements (to be identified).
7. Sectional drawings of new window reveals.
8. Opaque glass and screening to be installed prior to occupation and retained for the lifetime of the development.
9. Hours of Building Work
10. Site Waste Management Plan in line with Waste Mitigation strategy set out in sustainability report.
11. Construction Management Plan (including dust management - as per air quality assessment).
12. Flood Resilience measures.
13. SUDS design and implementation.
14. SUDS maintainence.
15. Provision of waste storage prior to occupation.
16. Provision of cycle storage prior to occupation.
17. Implementation of energy efficiency measures.
18. Details of renewable energy measures.
19. Proposals to be 'network ready' for connection to a future communal heating network.
20. Noise conditions in accordance with noise report.
21. Travel Plan (including implementation of sustainable transport strategy as set out at para 4.4 of Transport Assessment)

*Informatives*

Southern Water, WSCC Highways and note from Emergency Planning Officer